



Council Executive

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

7 November 2019

A meeting of the **Council Executive** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Tuesday 12 November 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 Minutes of Meeting of Council Executive held on Tuesday 22 October 2019 (herewith)

Public Items for Decision

5. APSE Performance Networks Seminar 2019 - Report by Head of Housing, Customer and Building Services (herewith)
6. Procurement Arrangements - Tender for Pupil Equity Funding and West Lothian Regional Improvement Collaborative Expenditure - Report by Head of Corporate Services (herewith)
7. Members' Training - "The Effective Audit & Risk Committee" - Report by Head of Corporate Services (herewith)

8. Civic Government (Scotland) Act 1982 - Public Entertainment and Theatre Licensing - Report by Head of Corporate Services (herewith)
9. Civic Government (Scotland) Act 1982 - Sexual Entertainment Venue Licensing - Report by Head of Corporate Services (herewith)
10. Scottish Government's Pre-Legislative Public Consultation on Financial Redress for Historical Child Abuse in Care - Report by Head of Social Policy (herewith)
11. Town Centre Fund Capital Grant 2019/20 - Application - Report by Head of Planning, Economic Development and Regeneration (herewith)
12. Transient Visitor Levy - Proposed Consultation Response - Report by Head of Planning, Economic Development and Regeneration (herewith)
13. Scotland's Climate Change Declaration - Annual Report 2018/19 - Report by Head of Planning, Economic Development and Regeneration (herewith)
14. West Lothian Community Choices - Report by Head of Finance and Property Services (herewith)
15. 2019/20 General Services Capital Budget - Month 6 Monitoring Report - Report by Head of Finance and Property Services (herewith)
16. 2019/20 General Fund Revenue Budget - Month 6 Monitoring Report - Report by Head of Finance and Property Services (herewith)
17. 2019/20 Housing Revenue Account - Month 6 Monitoring Report - Report by Deputy Chief Executive (herewith)
18. 2019/20 Housing Capital Report - Month 6 Monitoring Report - Report by Deputy Chief Executive (herewith)

Public Items for Information

19. Compliance with Directions for West Lothian Integration Joint Board - 6 Monthly Progress Report - Report by Head of Social Policy (herewith)

NOTE **For further information please contact Val Johnston, Tel No.01506 281604 or email val.johnston@westlothian.gov.uk**

CODE OF CONDUCT AND DECLARATIONS OF INTEREST

This form is to help members. It is not a substitute for declaring interests at the meeting.

Members should look at every item and consider if they have an interest. If members have an interest they must consider if they have to declare it. If members declare an interest they must consider if they have to withdraw.

NAME	MEETING	DATE

AGENDA ITEM NO.	FINANCIAL (F) OR NON- FINANCIAL INTEREST (NF)	DETAIL ON THE REASON FOR YOUR DECLARATION (e.g. I am Chairperson of the Association)	REMAIN OR WITHDRAW

The objective test is whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor.

Other key terminology appears on the reverse.

If you require assistance, please ask as early as possible. Contact Julie Whitelaw, Monitoring Officer, 01506 281626, julie.whitelaw@westlothian.gov.uk, James Millar, Governance Manager, 01506 281695, james.millar@westlothian.gov.uk, Carol Johnston, Chief Solicitor, 01506 281626, carol.johnston@westlothian.gov.uk, Committee Services Team, 01506 281604, 01506 281621, committee.services@westlothian.gov.uk

SUMMARY OF KEY TERMINOLOGY FROM REVISED CODE

The objective test

“...whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor”

The General Exclusions

- As a council tax payer or rate payer or in relation to the council's public services which are offered to the public generally, as a recipient or non-recipient of those services
- In relation to setting the council tax.
- In relation to matters affecting councillors' remuneration, allowances, expenses, support services and pension.
- As a council house tenant, unless the matter is solely or mainly about your own tenancy, or you are in arrears of rent.

Particular Dispensations

- As a member of an outside body, either appointed by the council or later approved by the council
- Specific dispensation granted by Standards Commission
- Applies to positions on certain other public bodies (IJB, SEStran, City Region Deal)
- Allows participation, usually requires declaration but not always
- Does not apply to quasi-judicial or regulatory business

The Specific Exclusions

- As a member of an outside body, either appointed by the council or later approved by the council
- The position must be registered by you
- Not all outside bodies are covered and you should take advice if you are in any doubt.
- Allows participation, always requires declaration
- Does not apply to quasi-judicial or regulatory business

Categories of “other persons” for financial and non-financial interests of other people

- Spouse, a civil partner or a cohabitee
- Close relative, close friend or close associate
- Employer or a partner in a firm
- A body (or subsidiary or parent of a body) in which you are a remunerated member or director
- Someone from whom you have received a registrable gift or registrable hospitality
- Someone from whom you have received registrable election expenses

MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 22 OCTOBER 2019.

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

Apologies – Councillor Harry Cartmill, Chris Horne

1. DECLARATIONS OF INTEREST

Agenda Item 7 – West Lothian Strategic Housing Investment Plan 2020 – 2025 – Councillor Andrew McGuire declared an interest in that he was a Housing Officer with Dunedin Canmore Housing Association and would therefore take no part in the consideration of this item of business.

Agenda Item 14 – Town Centre Fund Capital Grant 2019/20 – Linlithgow Ward – Councillor Tom Conn declared an interest in that he was Chair of the Peace Garden Steering Group and would not take part in the consideration of this item of business.

Agenda Item 12 – Town Centre Fund Capital Grant 2019/20 – Bathgate Ward – Councillor Charles Kennedy declared an interest in that he was a Board Member of Enterprising Bathgate and a Member of Bathgate Town Centre Management Group and would take no part in the consideration of this item of business or Agenda Item 13, Town Centre Fund Capital Grant 2019/20 – Livingston North Ward and Agenda Item 14, Town Centre Fund Capital Grant 2019/20 – Linlithgow Ward.

2. MINUTE

The Council Executive confirmed the Minute of its meeting held on 8 October 2019 as a correct record subject to amending minute item 1 to reflect the Councillor Angela Horne should be Councillor Angela Doran.

The Minute was there after signed by the Chair.

3. PROPOSED COMPLEX CARE HOUSING DEVELOPMENT

The Chair ruled in terms of Standing Order 28 that this item of business could be considered within six months as there had been a material change in circumstances. The Chair advised that the reason for the ruling was explained in part D3 of the report.

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy seeking approval of the change of layout of the proposed new Complex Care Housing Development,

Cawburn Road, Pumpherston.

On 25 June 2019 Council Executive approved the preferred site of Cawburn Road, Pumpherston for the location of a new Complex Care Housing Development and approved the submissions of applications for the necessary consents. In addition, the report outlined the requirement for the project to support modernisation of services. The report also provided an indicative layout and set out the proposed project delivery timescales.

Following development of the initial design engagement with potential service delivery partners a review of facilities considered by leaders in the field of Complex Care Housing identified more modern approaches to the design of facilities for vulnerable people with complex needs. This included engagement with Cornerstone, The Richmond Fellowship and Cygnet Health Care, who were all considered leaders in the provision of this type of care. Additionally, officers spoke to their counterparts at Mid Lothian and West Dunbartonshire Council who had facilities providing similar care.

This process of engagement had led officers to reconsider the approach to supporting people with complex needs and how housing was provided for them.

Therefore, a new approach to the layout of the facility was being proposed and would make that the development more visually appealing due to the layout being similar to regular community housing. This would also provide a more integrated neighbourhood/community approach to the development with distinct terraces of housing units.

The revised timescale of the delivery of the project was outlined in the report noting that the redesign had only impacted on the statutory consent process by approximately 4 weeks.

It was recommended that Council Executive :-

1. Approves the new layout and design of the proposed Complex Care Housing Development as set out in the report; and
2. Notes the proposed delivery timescales and project milestones including those relating to the obtaining of statutory consents and approvals.

Decision

To approve the terms of the report

4. REVIEW OF DECISION-MAKING ARRANGEMENTS

The Council Executive considered a report (copies of which had been circulated) by the Governance Manager proposing a new approach to the preparation of minutes of council, committee and PDSP meetings.

The report recalled that part of the council's decision on the revenue budget report on 13 February 2018 was "*to review the economy, efficiency and effectiveness of its present decision-making arrangements and to report to the Partnership and Resources PDSP for consideration of possible changes*". Reports covering a wide range of issues were considered at several PDSP meetings with Council Executive on 20 August 2019 deciding how officers should proceed. One of those issues was the approach to the style of minutes.

The report summarised the legal requirements of the content of minutes along with details of the requirements of the council's own Standing Orders.

Minutes of meetings had followed the same format for many years and pre-dated the extensive use of the internet for publishing and accessing meeting papers. They included a narrative drawn from the report as well as critical information such as recommendations, motions, amendments, voting and decisions.

It was proposed that the style of the minutes was changed to reduce the size, length and work involved in producing them whilst still meeting legal and good practice requirement. In short this would involve the omission of the narrative based on the report. The approach was set out in more detail in Appendix 1 attached to the report. Appendix 2 provided a sample of the proposed new format.

The Governance Manager also advised the members that subject to approval the new style of minutes would be introduced from 1 November 2019.

It was recommended that Council Executive :-

1. Notes that Council Executive on 20 August 2019 instructed officers to bring forward proposals through the Partnership and Resources Policy Development and Scrutiny Panel in relation to a new approach to the preparation of minutes of meetings; and
2. Agrees the new approach, with effect from 1 November 2019, outlined in Appendix 2 whereby minutes would be shorter and easier to read resulting in a reduction in the resources required for their production.

Decision

To approve the terms of the report

5. WEST LOTHIAN STRATEGIC HOUSING INVESTMENT PLAN 2020-2025

Having previously declared an interest Councillor Andrew McGuire withdrew from the meeting during consideration of this item of business.

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services advising of the main points of West Lothian Council's Strategic Housing Investment Plan (SHIP) 2020-2025.

The Head of Housing, Customer and Building Services advised that the Scottish Government had requested that all local authorities submit a 5-year Strategic Housing Investment Plan (SHIP) which would augment their current Local Housing Strategies. This was done annually.

The SHIP demonstrated the manner in which West Lothian Council's affordable housing priorities would be developed in practice. Consultation had taken place with a number of organisations involved in the development of affordable housing in West Lothian, notable WLC Planning and the Registered Social Landlord (RSL) community.

The report continued by providing a summary of progress of the SHIP for 2018-2023 and the main priorities identified for the SHIP going forward. It was noted that through the SHIP there was an opportunity to identify housing projects that could benefit from the Scottish Government Housing Infrastructure Fund. This fund was intended to support housing projects that had stalled or had not started due to infrastructure constraints.

The council had consulted with housing associations and private sector development in drawing up a list of potential bids for infrastructure funding. The Scottish Government was currently considering an application for loan funding for the Heartlands development in order that the road network could be extended. Projects at the CDA in Winchburgh and Deans South, Livingston were also being considered for infrastructure grant funding.

It was recommended that Council Executive:-

1. Approves the Strategic Housing Plan (SHIP) attached at Appendix 1;
2. Notes that over a 10 year period from 2012 to 2022, the aim would be to deliver 3,000 affordable homes with the majority being council houses. The establishment of a Homes for West Lothian Partnership with housing associations in the area would assist with the delivery of this scale of housing;
3. Notes that the level of grant funding for affordable housing delivery for the period 2019-2022 had increased from previous years and that this would facilitate new affordable housing by a variety of providers;
4. Notes the infrastructure projects identified for future consideration by Scottish Government for grant and loan funding; and
5. Notes that the SHIP required to be submitted to the More Homes Division of the Scottish Government following consideration by Council Executive.

Decision

To approve the terms of the report

4. 2018/19 ANNUAL RETURN ON THE CHARTER – ANNUAL ASSURANCE STATEMENT

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services seeking approval to submit the Housing, Customer and Building Service's Annual Assurance Statement which was supplementary to the Annual Return on the Charter completed in May 2019.

The statement was confirming compliance with all regulatory requirements as set out in Chapter 3 of the Scottish Housing Regulator's framework and provided assurances that the Head of Housing, Customer and Building Services had considered the submission and evidence submitted in May 2019 and was assured that this was accurate in confirming compliance with regulatory requirements.

It was recommended that Council Executive note the content of the annual assurance statement to the Scottish Housing Regulator and approve the submission by the required date of 31 October 2019.

Decision

To approve the terms of the report

7. RENT STRATEGY CONSULTATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services seeking approval for the proposed engagement process on the continued implementation of the current rent strategy of Housing, Customer and Building Services for year 2020/21.

The council's Tenant Participation Strategy and best practice placed an obligation on the council as a local authority landlord to consult with tenants on rent setting. The Tenant Participation Strategy also provided that the minimum period of consultation was two months.

At the council meeting on 13 February 2018, the council agreed a 5-year rent strategy based on an annual rent increase of 3% for the remainder of the agreed strategy period to 2022/23.

Considering these requirements, consultation with tenants would take place over 3 months and would include presentations to Housing Networks, Tenants News, the financial scrutiny meeting of the Tenants Panel and use of social media channels.

It was recommended that the Council Executive notes and approves the

service plans to commence the annual engagement with tenants on the continued implementation of the approved rent strategy.

Decision

To approve the terms of the report.

8. SCOTTISH AWARDS FOR QUALITY IN PLANNING

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval for the appropriate elected member attendance at the Scottish Awards for Quality in Planning in Edinburgh on the evening of 20 November 2019.

The Council had been shortlisted for three awards; these being Partnership Centres; Planning on Air Quality; and Unlocking Key Development Sites. The report provided a brief overview of each of these programmes of work.

The organisers of the awards had extended an invitation to elected members from each of the shortlisted authorities to attend the ceremony.

Motion

To approve the terms of the report and agree that Councillor Cathy Muldoon, Executive Councillor for Development and Transport attend the Scottish Quality in Planning Awards in Edinburgh.

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

Amendment

To agree the terms of the report and that Councillor Cathy Muldoon and Councillor Charles Kennedy attends the Scottish Quality Planning Awards in Edinburgh.

- Moved by Councillor Damian Timson and seconded by Councillor Peter Heggie.

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

Motion	Amendment
Tom Conn	Frank Anderson
David Dodds	Peter Heggie
Lawrence Fitzpatrick	Peter Johnston
Andrew McGuire	Charles Kennedy
Cathy Muldoon	Damian Timson

George Paul

Kirsteen Sullivan

Decision

Following a roll call vote the motion was successful by 7 votes to 5 and it was agreed accordingly.

9. CROSS-PARTY CLIMATE EMERGENCY WORKING GROUP

The Council Executive considered a report (copies of which had been circulated) by Head of Planning, Economic Development and Regeneration to agree the arrangements for the short-term cross-party working group on the climate emergency established by Council on 24 September 2019.

At its meeting on 24 September 2019 council declared a climate emergency. Amongst other actions agreed, it decided that a short-term cross-party member working group should be established.

The remit of the group was to formulate a way forward which involved the wider public, business and other public bodies. It was expected that the working group would report back to Council in 3 months.

There was work already ongoing in the council, through officers and the Environment PDSP and in the Community Planning Partnership. Duplication of the work being undertaken there should be avoided and the group's work should complement what was being done there. It was to be noted that working groups had no decision-making powers and could not instruct officers or direct council resources and that the full complement of Standing Orders did not apply to them and how they operated.

It was recommended that Council Executive:-

1. Notes Council's decision of 24 September 2019 in relation to the declaration of a climate emergency (Appendix 1 to the report), subject to it being confirmed as part of the approved Minute of the next meeting;
2. Notes the provisions of Standing Order 52 in relation to working groups involving members (Appendix 2 to the report);
3. Agrees that the working group was called the Cross-Party Climate Emergency Working Group;
4. Appoints two Labour councillors, two SNP councillors and two Conservative councillors to be members of the Working Group and to note that substitutes may attend meetings if required;
5. Appoints the Chair and Vice-Chair of the Working Group from those six councillors;

6. Agrees that the Head of Planning, Economic Development and Regeneration will be the Lead Officer for the Working Group;
7. Notes the remit of the Working Group as set out in the Council's decision;
8. Agrees that the Working Group should meet for the first time at the earliest opportunity; and
9. Agrees that the Working Group should co-operate with and co-ordinate its work with the Community Planning Partnership and the Environment Policy Development and Scrutiny Panel and should avoid, where possible, any duplication of work and resources.

The following members were nominated as members of the working group - Councillors Tom Conn, Kirsteen Sullivan (Labour), Frank Anderson, Diane Calder (SNP), Chris Horne and Tom Kerr (Conservative)

Motion

- To approve the terms of the report.
- To agree to appoint the 6 members nominated
- To appoint Councillor Tom Conn as Chair and Councillor Kirsteen Sullivan as Vice Chair

Moved by Councillor Lawrence Fitzpatrick and seconded by Councillor Kirsteen Sullivan

Amendment

- To approve the terms of the report.
- To agree to appoint the 6 members nominated.
- To appoint Councillor Chris Horne as Chair and Councillor Frank Anderson as Vice Chair.
- Moved by Councillor Frank Anderson and seconded by Councillor Damian Timson.

A vote was taken which resulted as follows, 7 votes for the motion and 5 votes for the amendment.

Decision

The motion was successful by 7 votes to 5 and was agreed accordingly.

10. TOWN CENTRE FUND CAPITAL GRANT 2019/20 – BATHGATE WARD

Having previously declared an interest Councillor Charles Kennedy withdrew from the meeting taking no part in the consideration of this item

of business.

The Council Executive considered a report (copies of which had been circulated) by the Lead Officer for the Bathgate Local Area Committee seeking determination of applications to the Town Centre Fund Capital Grant 2019/20 for the Bathgate ward area.

It was noted that the Bathgate Local Area Committee, at its meeting on 8 October 2019, had been unable to determine the applications due to members having declared a number of interests and therefore having to withdraw from the meeting. This had in turn deemed the meeting inquorate.

The local area committee report summarising the applications along with copies of the applications was attached to the report as a series of appendices.

Therefore, Council Executive was asked:-

1. To note that the Bathgate Local Area Committee on 8 October 2019 was inquorate when it came to dealing with the report on applications to the Town Centre Fund Capital Grant 2019/20;
2. To note the terms of the report including the applications and the officers' recommendations, attached to the report as a series of appendices; and
3. To consider and determine the recommendations in that report in accordance with procedures agreed at Council Executive on 11 June 2019.

Motion

To approve recommendations 1, 2 of the report and, in relation to recommendation 3, to approve the recommendations made by officers in the report to the Local Area Committee.

- Moved by Councillor Fitzpatrick and seconded by Councillor Kirsteen Sullivan

Amendment

To agree recommendations 1 and 2, and in relation to recommendation 3, to refer the report back to a Special Meeting of the Local Area Committee and for the applications to be listed separately to allow local members to take part in the decision-making.

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

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

Motion

Amendment

Tom Conn

Frank Anderson

David Dodds

Peter Johnston

Lawrence Fitzpatrick

Peter Heggie

Andrew McGuire

Cathy Muldoon

George Paul

Kirsteen Sullivan

Damian Timson

Decision

Following a roll call vote the motion was successful by 9 votes to 2 and it was agreed accordingly.

11. TOWN CENTRE FUND CAPITAL GRANT 2019/20 – LIVINGSTON NORTH WARD

Councillor Charles Kennedy did not take part in this item of business as previously advised.

The Council Executive considered a report (copies of which had been circulated) by the Lead Officer for the Livingston North Local Area Committee seeking determination of applications to the Town Centre Fund Capital Grant 2019/20 for the Livingston North ward area.

It was noted that the Livingston North Local Area Committee, at its meeting on 8 October 2019, had been unable to determine the applications due to members having declared a number of interests and therefore having to withdraw from the meeting. This had in turn deemed the meeting inquorate.

The local area committee report summarising the applications along with copies of the applications was attached to the report as a series of appendices.

Therefore, Council Executive was asked:-

1. To note that the Livingston North Local Area Committee on 8 October 2019 was inquorate when it came to dealing with the report on applications to the Town Centre Fund Capital Grant 2019/20;
2. To note the terms of the report including the applications and the officers' recommendations, attached to the report as a series of

appendices; and

3. To consider and determine the recommendations in that report in accordance with procedures agreed at Council Executive on 11 June 2019.

Decision

To approve the terms of the report and approve the applications to the Town Centre Fund Capital Grant for the Livingston North ward area in accordance with the recommendations made in the report to the Local Area Committee.

12. TOWN CENTRE FUND CAPITAL GRANT 2019/20 – LINLITHGOW WARD

Having previously declared an interest Councillor Tom Conn left the meeting taking no part in the consideration of this item of business.

Councillor Charles Kennedy did not take part in this item of business as previously advised.

The Council Executive considered a report (copies of which had been circulated) by the Lead Officer for the Linlithgow Local Area Committee seeking determination of applications to the Town Centre Fund Capital Grant 2019/20 for the Linlithgow ward area.

It was noted that the Linlithgow Local Area Committee, at its meeting on 8 October 2019, had been unable to determine the applications due to members having declared a number of interests and therefore having to withdraw from the meeting. This had in turn deemed the meeting inquorate.

The local area committee report summarising the applications along with copies of the applications was attached to the report as a series of appendices.

Therefore, Council Executive was asked:-

1. To note that the Linlithgow Local Area Committee on 8 October 2019 was inquorate when it came to dealing with the report on applications to the Town Centre Fund Capital Grant 2019/20;
2. To note the terms of the report including the applications and the officers' recommendations, attached to the report as a series of appendices; and
3. To consider and determine the recommendations in that report in accordance with procedures agreed at Council Executive on 11 June 2019.

The Chair ruled under Standing Order 28 that there had been a material change of circumstances since the process determining applications to

the fund had been determined in relation to the withdrawal of committee members resulting in the meeting being inquorate and unable to determine the applications, and the under-subscription of applications which may result in funds available to the ward not being allocated to the ward.

Motion

1. Council Executive notes recommendations 1 and 2 of this report, including the applications and officers' recommendations in this report and in the report to the Local Area Committee in the appendix.
 2. In relation to recommendation 3 of this report:
 - Council Executive notes recommendations 1, 2, 4 and 8 of the report to the Local Area Committee
 - In relation to recommendation 3 of the report to the Local Area Committee, Council Executive agrees to award funding as set out in that report
 - In relation to recommendation 5 of the report to the Local Area Committee and the unallocated balance of £50,663, Council Executive agrees to allocate £40,000 to the Linlithgow Burgh Trust for the phase 2 element of Application (LIN07) for the delivery of tree planting and associated landscaping and street furniture
 - In relation to recommendation 6 of the report to the Local Area Committee, Council Executive agrees to allocate the remaining balance of £10,663 to promote Linlithgow as a visitor destination and instructs the Head of Planning, Economic Development and Regeneration to consult with Visit West Lothian and Linlithgow Bridge Community Council, and to develop and implement complementary activities to promote Linlithgow as a visitor destination
 - Council Executive agrees recommendation 7 of the report to the Local Area Committee
 3. Council Executive also instructs the Head of Planning, Economic Development and Regeneration to provide a report on the activities that will be undertaken to the next meeting of the Linlithgow Local Area Committee.
- Moved by Councillor Lawrence Fitzpatrick and seconded by Councillor Kirsteen Sullivan.

Decision

To unanimously approve the terms of motion

13. ELECTRIC VEHICLE CHARGING - EXPANSION

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising of proposals to deliver additional Electric Vehicle (EV) Charging Points and to seek approval for the proposed locations.

The report recalled that the council secured funding of £320,000 from Transport Scotland through its Local Authority Installation Programme (LAIP) for the expansion of the EV charging infrastructure in West Lothian. A brief summary of the proposals was included in the General Service Capital Budget Month 4 Monitoring Report presented to Council Executive on 8 October 2019.

The funding allocated to the council was designed to help fill gaps in the existing network, provide further “rapid” charge locations in key areas and install “destination” charge points at visitor attractions. Criteria for suitable installation points was outlined in the report.

Appendix 1 attached to the report identified existing EV charging points and Appendix 2 attached to the report identified proposed charging points.

It was noted that should any of the proposed locations outlined in the report not be technically viable for delivery alternatives would be reported to Council Executive for consideration.

Funding and project delivery times were also outlined in the report along with future opportunities for increasing the council's actions in relation to climate change.

It was recommended that Council Executive:-

1. Approves the proposed RV charging locations outlined in the report; and
2. Notes that a future report on the wider strategy for EV charging would be presented early in 2020 to the appropriate Policy Development and Scrutiny Panel for consideration.

Motion

To approve the terms of the report.

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

Amendment

To refer the report to the Cross-Party Climate Emergency Working Group for consideration.

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

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

MotionAmendment

Tom Conn

Frank Anderson

David Dodds

Peter Heggie

Lawrence Fitzpatrick

Peter Johnston

Andrew McGuire

Charles Kennedy

Cathy Muldoon

Damian Timson

George Paul

Kirsteen Sullivan

Decision

Following a roll call vote the motion was successful by 7 votes to 5 and was agreed accordingly.

14. SCOTTISH WELFARE FUND REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the funding arrangements for the Scottish Welfare Fund, the increasing pressures on the fund and proposed steps to help mitigate the challenges faced.

The Scottish Welfare Fund (SWF) had been administered by local authorities from April 2013 on behalf of the Scottish Government. The Welfare Fund (Scotland) Act 2015 placed a statutory duty on local authorities to maintain the fund.

It was noted that the SWF was under pressure due to welfare reforms and in particular the introduction of Universal Credit (UC) and funding to administer the SWF had not been increased to reflect the additional resource required to manage the increase in workload. In West Lothian there had been an 85% increase in the number of applications received since the start of the fund in 2013 to 2018/19.

The administration of the fund had been under constant review to address the increasing demand and there was a continued commitment to further improve the service provided to individuals. Mitigating actions to manage the SWF were outlined in the report along with further developments that would be implemented.

With regards to additional funding the Head of Finance and Property Services advised that in February 2017, as part of the budget setting process, Council Executive agreed to one-off funding to be allocated to the Discretionary Housing Payment (DHP) budget. To date, funding received from the Scottish Government had fully mitigated the costs of the

bedroom tax and other DHP funding had been sufficient to meet demand. Given the number coming forward for both crises and community care grants it was proposed to transfer £80,000 from the DHP budget to the SWF to help alleviate the pressure and to mitigate the potential overspend on crises and community care grants in 2019/20.

It was recommended that the Council Executive:-

1. Notes the pressure placed on the Scottish Welfare Fund budget; the increasing numbers applying for both crisis and community care grants and that the criteria for both grants had been set as “high” since March 2016; and
2. Approves one-off funding of £80,000 to mitigate the potential overspend in the Scottish Welfare Fund in 2019/20.

Decision

To approve the terms of the report

15. MURRAYFIELD PARK SPORTS PAVILION AND 3G PITCH, ASH GROVE, BLACKBURN – LEASE TO BLACKBURN UNITED COMMUNITY SPORTS CLUB

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for the granting of a twenty-five-year lease of the sports pavilion, 3G synthetic pitch and ancillary land at Murrayfield Park in Blackburn to Blackburn United Community Sports Club (BUCSC).

The Head of Finance and Property Services advised that as the BUCSC, who had leased the facility since 2013, continued to grow they now had a team that had SFA Senior club status. As a result, the existing lease arrangement was insufficient to sustain the club’s status going forward and was also a barrier to them accessing potential sources of external funding.

It was recommended that Council Executive approves a twenty-five-year lease of the sports pavilion, 3G synthetic pitch and ancillary land at Murrayfield Park, Ash Grove, Blackburn to Blackburn United Community Sports Club at a rental of £2,000 per annum under the provisions of a community benefit lease, subject to the terms and conditions set out in the report.

Decision

To approve the terms of the report

16. ACCESSIBLE FACILITIES FOR PEOPLE WITH DISABILITIES IN OPERATIONAL PROPERTIES

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

circulated) by the Head of Finance and Property Services advising of the current number of properties considered accessible for people with disabilities and to seek approval of proposed amendments to the current approach.

The Equalities Act 2010 placed a duty on service providers to deliver services in a way that did not discriminate in terms of age, disability, gender assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender and sexual orientation.

West Lothian Council records the accessibility of operational properties to deliver a service to the public on an annual basis based on seven criteria as outlined in the report.

In 2018/19 the total number of properties used to deliver services was 127 of which 97 met the criteria (76.7%). Thirty properties were deemed not to meet the seven criteria, details of which were contained in Appendix 1. Of these 11 were football pavilions and it was proposed that these were considered in relation to the accessibility of the facilities adjacent to them on a case by case basis.

Recent benchmarking with other Scottish local authorities indicated that most had updated the criteria used to measure accessibility. As a result, it was proposed that three additional criteria be added to reflect best practice; these were summarised in the report and would be adopted from 2020/21 onwards.

In terms of funding for accessibility works a Strategic Outline Business Case was submitted as part of the council's capital investment programme 2018/19 to 2027/28 detailing a range of options for funding accessibility improvement works. The report continued by providing details of the accessibility audits undertaken, the proposed range of activity that would be undertaken; and details of who would undertake the range of work.

The report also provided information relating to induction loop provision along with the consultation that had been undertaken with Disability West Lothian on the proposals contained in the report.

It was recommended that the Council Executive: -

1. Notes the 2018/19 performance in relation to accessible properties indicated 97 out of 127 properties used for service delivery were considered accessible (76.7%);
2. Approves the proposed amendments to the method for measuring accessibility, moving from seven criteria to ten criteria from 2020/21 onwards;
3. Approves the categories for prioritising any recommended accessibility improvement works and the proposed allocation of the capital budget as set out in the report; and
4. Approves the proposed standard for provision of induction loops in

council properties.

Decision

To approve the terms of the report

17. ANNUAL PROCUREMENT REPORT – 1 APRIL 2018 TO 31 MARCH 2019

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services presenting a copy of the Annual Procurement Report for the period 1 April 2018 to 31 March 2019, a copy of which was attached to the report at Appendix 1.

The Head of Corporate Services advised that this was the second annual report and that the report summarised the council's regulated procurement activities and detailed how regulated procurements had supported the council Priorities and Strategy Outcomes outlined in West Lothian Council's Procurement Strategy and the council's Corporate Plan.

The report also confirmed that all regulated procurement activity across the council was undertaken in accordance with Standing Orders for the Regulation of Contracts, the Corporate Procurement Procedures and relevant legislation.

It was recommended that the Council Executive notes the Annual Procurement Report 2018/19.

Decision

To note the contents of the report

18. EARLY RETIRAL AND VOLUNTARY SEVERANCE – 1 APRIL TO 30 SEPTEMBER 2019

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising of the number of employees who were granted early retiral/voluntary severance or flexible retiral from the council during the 6-month period from 1 April to 30 September 2019.

The Head of Corporate Services recalled that the council's policy on Early Retiral and Voluntary Severance required that reports on the application of the policy were submitted regularly to Council Executive. In accordance with that policy, all cases approved during the period of 1 April 2019 to 30 September 2019 were dependent on the establishment of a business case which ensured that the costs of releasing the employee were recovered within the stipulated timescales.

Details of all the cases were provided in Appendix 1 attached to the report and it was reported that all 23 approved cases in the reporting period fell within the 3-year payback period with 18 cases paid back within a year; 3

cases being paid back within 2 years and 2 cases being paid back within 3 years.

The Council Executive was asked to note the content of the report which had been prepared in accordance with the reporting requirements of the council's policy on Early Retirement and Voluntary Severance.

Decision

To note the contents of the report.

19. PRIVATE SESSION

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

20. THE MILL CENTRE, BLACKBURN - UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the present position of negotiations with The Associated Trustees of G Dunbar & Sons (Builders) Limited Small Self-Administered Retirement and Death Benefit Scheme on the future of the shopping centre and redevelopment proposals when the existing head-lease for the Mill Centre expired in February 2020.

It was recommended that Council Executive note and agree the recommendations of the report.

Motion

Council Executive agrees the recommendations as outlined in the report and notes that the wider regeneration approach advocated by the council will remain available for discussion with the Pension Trustees.

Council Executive also instructs the Chief Executive to write to Pension Trustees to seek clarification on the timescales for the extension of leases for existing tenants in order to provide a level of assurance and clarity.

- Moved by Councillor Fitzpatrick and seconded by Councillor Sullivan.

Decision

To unanimously approve the terms of the motion.



COUNCIL EXECUTIVE

APSE PERFORMANCE NETWORKS SEMINAR 2019

REPORT BY HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES

A. PURPOSE OF REPORT

The purpose of the report is to seek approval from the Council Executive for the attendance of appropriate elected member's attendance at the APSE Performance Networks Seminar 2019 incorporating the APSE Network Awards which this year is being held in Blackpool on the 5 & 6 December 2019.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Approves the attendance of the Executive Councillor for Services for the Community and Councillor Anderson at the APSE Performance Networks Seminar 2019, with appropriate officer support from Housing Customer & Building Services.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; developing employees; working in partnership.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	None.
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 cost for individual attendance at the seminar for APSE members is £230 excluding travel.
VII	Consideration at PDSP	None.

D. TERMS OF REPORT**D1 Background**

The Council are members of APSE and the Executive Councillor for Services for the Community is also the Chair of the APSE Scotland Housing and Building Advisory Group and Councillor Anderson is member of APSE's National Council and also Chair of the Scottish Roads & Highways Advisory Group.

The APSE Performance Networks Seminar 2019 is an essential part of the performance networks timetable and is an excellent shared learning opportunity. The seminar will include the 2018/19 data collection results as well as issues affecting service performance. The workshop sessions will feature a range of topics including what the data is telling us about managing reduced budgets, generating income, how to use performance data effectively, best practice case studies and problem solving surgeries. There will be an opportunity in each workshop to discuss issues of local concern and develop solutions with colleagues through problem solving surgeries.

The evening Performance Network Awards is a prestigious high-profile occasion where both the best performing authorities and the most improved are awarded for their achievements. There are dedicated awards for each service area and finalists are selected based on those authorities who have participated in performance networks.

This year's APSE Performance Networks Seminar 2019 is being held in Blackpool on 5 & 6 December 2019, a copy of the programme is attached as Appendix 1.

E. Conclusion

It is proposed that the Council Executive approve the attendance of the Executive Councillor for Services for the Community and Councillor Anderson attendance at the APSE Performance Networks Seminar to be held in Blackpool on 5 & 6 December 2019.

F. Background References

Appendices/Attachments: Seminar Programme

Contact Person: AnnMarie Carr - 01506 281355

Annmarie.carr@westlothian.gov.uk

AnnMarie Carr

Head of Housing, Customer and Building Services

12 November 2019

The Measure of Tomorrow

20 Years of Benchmarking



5 and 6 December 2019

Grand Hotel, Blackpool, FY1 2JQ (formerly The Hilton Hotel)

Thursday 5 December

9:00 Delegate registration

10:30 Session 1: **Performance and opinions**

Chair: Councillor Mark Pengelly, APSE National Chair

Performance management in America

- Data-driven decision making
- Process and continuous improvement work
- Fostering a culture of innovation

Bertha Johnson, City of Durham Budget and Management Services Director, North Carolina, United States of America

Benchmarking the performance of councils in France

- How does this work and what are the priorities?
- Clean objective indicators
- Using the data for service improvement

Hervé Guillaume, Co-ordinator, Association Des Villes Pour La Propreté Urbaine

How are front line services in the UK performing?

- 20 years of data: how are we performing?
- What's the latest on performance networks?
- Your opinions on future developments

Debbie Johns, Head of Performance Networks, APSE

Latest opinion polls on local government front line services

- Climate Emergency - how the public view the role of Councils
- Priorities for spending
- How they view the performance of services

Paul Smith, Director for Government & Public Sector, Survation

12:00 Tea and coffee

12:15 **Thematic Forums**

Forum 1: Insourcing – the importance of benchmarking data to prove the case

- Halton's insourcing journey
- Using data and performance analysis for transformation
- Measuring the impact

Paul Wright, Open Space Services – Divisional Manager, Halton Borough Council and Mo Baines, Head of Communication and Co-ordination, APSE

Forum 2: Collaboration on Facilities Management

- Catering/menu bank
- Cleaning and FM
- Marketing
- Measuring success through performance

Jayne F Jones, Commercial Manager, Facility Services, Argyll and Bute Council and Louise Melville, Principal Advisor, APSE

Forum 3: Developments in performance networks

- Improvements with the LAMS App including the randomiser
- How this could be applied to inspecting building cleaning
- How is the corporate services module progressing?

Debbie Johns, Head of APSE performance networks and Ian Jones, APSE Associate

Forum 4: Award winning innovative approaches to service improvement

- Use of IT to transform grounds maintenance
- A 25% increase in productivity
- How this has improved service delivery elsewhere in the council

Paul Palmer, Project Manager – Environmental Operations, East Riding of Yorkshire Council and Paul O'Brien, Chief Executive, APSE

Forum 5: Commercialism and performance

- Retaining 100% of school contracts
- Developing a new customer base: Academies, Community Groups, Leisure Providers, Businesses and Residents in the North East
- Increasing external contracts from 52 to 267
- Developing Compliance Services; opportunities for new sources of income

Paul Burr, Building and Facilities Manager, Durham County Council and Andy Mudd, Head of APSE Solutions

Forum 6: The new code of practice and an asset management approach

- The emerging plan and progress to date
- Risk and performance measures
- Improving operational efficiency

Kully Boden, Highways Asset Team Leader, Derby City Council and Phil Brennan, Head of APSE Energy

13:00 Lunch

14:00 **Workshops**

Workshop A: Building cleaning

- Delivering an effective cleaning service
- Seeking new business opportunities
- Green cleaning
- Workforce management and managing absence
- Selling services to schools

John Feeney, East Renfrewshire Council, James Holmes, Knowsley MBC and John Bedwell, APSE Associate

Workshop B: Building maintenance (housing and non-housing)

- Improving the quality of data collection
- Technology information and skills
- Retrofitting in response to climate change emergency
- Sustainable procurement of building materials
- Building regulation compliance

Ross Grieve, Fife Council, David Whittam, Berneslai Homes, Paul Smythe, Caerphilly County Borough Council, Phil Brennan, Head of APSE Energy and Colin McInnes, APSE Associate

Workshop C: Catering

- Marketing and branding
- Healthy living
- Increasing and sustaining school meal uptakes
- Reducing food waste
- Delivering an effective catering service
- Successfully competing in a commercial market

Peter Gurney and Keally George, Rochdale Council, Michael Lamb, Gateshead Council, Mark Hunter, East Ayrshire Council and Vickie Hacking, APSE Principal Advisor

Workshop D: Cemetery and crematorium services

- Using data in service improvement
- Memorial safety
- Meeting the needs of multicultural funerals
- Income generation
- Delivering an effective cemetery service

Alan Sheldon, Liverpool City Council, Peter Campbell, Sefton Metropolitan Borough Council, David MacColl, Secretary of National Advisory Group, Glasgow City Council, Andy Mudd, Head of APSE solutions and Peter Linsell, APSE Associate

Workshop E: Corporate services

- What is included in Corporate Services benchmarking?
- How to get value from Corporate Services benchmarking
- Engaging services areas in benchmarking - case study examples
- Future developments

Adrian Carlton, Knowsley MBC and Maria Kelly, APSE Associate

Workshop F: Environmental health and Trading standards

- Using data for service improvement
- Public health and environmental nuisance
- Product integrity and counterfeits
- Noise and anti-social behaviour
- Food hygiene and food standards
- Delivering an effective environmental health service

Craig Sharp, Preston City Council, John Hardwick, Wirral Council, Paul Lambert, Leeds City Council and Wayne Priestley, APSE Principal Advisor

Workshop G: Parks

- Involving the community in green spaces
- Use of technology in improving service delivery
- Glyphosate – what are local authorities doing?
- Preserving the future of green spaces
- Optimising volunteering opportunities

Mark Latham, Telford and Wrekin Council, Louise Melville, APSE Principal Advisor and Ian Jones, APSE Associate

Workshop H: Refuse collection

- Increasing recycling rates by reducing residual waste collections
- Reducing contamination levels in recycling
- Resource and waste strategy implications
- Impact of Brexit
- Working with partners and reuse and recycling
- Collecting waste in a more sustainable manner

Dela Moreland, Kettering Borough Council, Andrew Kendall, Eastleigh Borough Council, Ben Parsons, Senior Consultant, APSE, Mo Baines, Head of Communication and Co-ordination, APSE and Peter Kirkbride, APSE Associate

Workshop I: Roads/highways, winter maintenance and street lighting

- Asset management under 'well managed highways infrastructure'
- Cost of street-lighting in an LED age
- Interpreting public satisfaction
- Innovation for winter/climate change

Keith Benson, Wigan Council, Dorothy Reid, Falkirk Council and Abi Ademiluyi, APSE Principal Advisor

Workshop J: Sports and leisure

- Increasing facility utilisation through wellness activity
- How should facilities look in 10 years' time?
- Has the budget gym bubble burst?
- Recruitment of staff and instructors – what works?

Simon Cheyette, Lancaster City Council, Dave Clark, East Riding of Yorkshire Council and Sue Finnigan, APSE Associate

Workshop K: Street cleansing

- Involving volunteering groups
- Use of technology in improving service delivery
- Development of prevention measures
- Binrastructure
- Delivering an effective street cleansing service

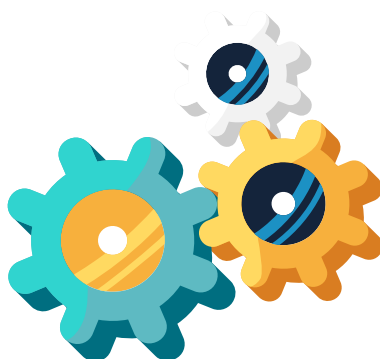
Dave Wesson, Dudley MBC, Phil Bates, Stafford Borough Council, Paul Naylor, Eastleigh Borough Council and Dave Henrys, APSE Associate

Workshop L: Transport

- Making electric vehicle usage mainstream
- Maximising depot efficiency
- Reigning in the grey fleet
- Skilling an evolving workforce

Carl Gillyon, East Riding of Yorkshire Council, Tom Henderson, Fife Council and Rob Bailey, APSE Principal Advisor

17:15 Seminar close



Evening Programme

The prestigious performance networks awards are a high profile occasion where both the best performing authorities and the most improved are awarded for their achievements. There are dedicated awards for most service areas and finalists are selected based on those authorities who have participated in performance networks.

19:00 Pre-dinner drinks

19:30 Performance networks dinner

21:30 Performance networks awards

APSE is proud to once again be supporting Parkinson's UK as our event charity this year and hopes to add to the many thousands raised at our awards in recent years for this vital charity.

Friday 6 December

Chair: Paul O'Brien, APSE Chief Executive

10:00 **Climate change emergency and funding the gap**

- What is the current situation?
- How are front line services responding?
- What performance measures are needed?

Dr Peter Kenway, Director, New Policy Institute

10:30 **Panel discussion – How can front line services respond to climate emergency?**

Panel members:

- Anita Brown, Service Manager, Stockton-on-Tees Council
- Glynn Humphries, Service Director, Wakefield Council
- Owen Jenkins, Director of Community Operations, Oxfordshire County Council
- Dela Moreland, Waste Collection and Recycling Manager, Kettering Borough Council

11:30 Close and lunch

Contact details

Contact name Authority

Address

Postcode

Email Telephone

Please detail any special dietary or access requirements for the delegates listed below (including vegetarian/vegan)

Delegate Packages Exclusive of VAT

What's included?

The delegate fee covers attendance on both days, delegate documentation, lunches, light refreshments, dinner and attendance at the performance networks award ceremony. Accommodation for Thursday 5 December is also included.

Performance networks corporate/service members: **£230+VAT**

Other performance networks member delegates: **£280+VAT**

Non performance networks member delegates: **£389+VAT**

Private/non Local Government delegates: **£520+VAT**

Accommodation Bookings allocated on 'first come' basis

Accommodation for the night of Thursday 5 December is included in the delegate fee.

Please note that all hotel bookings at this event must be reserved via APSE as the hotel will not accept any direct bookings.

Delegates wishing to book accommodation on any night other than 5 December must contact the hotel directly to do this. All accommodation at the conference venue is allocated on a first come first served basis

Payment details

☐ Please find enclosed cheque made payable to APSE

☐ Please invoice me
(if required please include purchase order number)

VAT registration number 519 286 915

For group bookings of 5 or more delegates attending the whole seminar, a 10% discount will be deducted from your invoice

Delegate details

Please circle

Delegate name	Position	Email	Forum choice 1-6	Workshop choice A-L	Accommodation required
					Y / N
					Y / N
					Y / N
					Y / N

☐ **Please confirm that you are happy for APSE to retain your details so that we can send you information relevant to your area of interest. Your data will be used for sign in sheets, delegate lists and hotel lists (where relevant). If you are making a booking on behalf of other delegates please confirm that you have their permission to be included on our database. Our GDPR policy is available on our website: www.apse.org.uk.**

CANCELLATION & REFUND POLICY: Reservation is a contract. Substitution of delegates is acceptable any time in writing by post or email to vstarmar@apse.org.uk. Cancellations must be made in writing at least 10 working days before the event, and will incur a 20% administration fee. No refunds can be given for cancellations received less than 10 working days before the event or for non-attendance. In the unlikely event of cancellation by the organisers, liability will be restricted to the refund of fees paid. The organisers reserve the right to make changes to the programme, speakers or venue should this become necessary.

Register for the seminar:

1

Online form:
www.apse.org.uk

2

Email this form to:
vstarmar@apse.org.uk



COUNCIL EXECUTIVE

PROCUREMENT ARRANGEMENTS – TENDER FOR PUPIL EQUITY FUNDING AND WEST LOTHIAN REGIONAL IMPROVEMENT COLLABORATIVE EXPENDITURE

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval to commence tendering procedures for a three year framework with an option to extend for one further year for the provision of goods and services for Pupil Equity Funding & West Lothian Regional Improvement Collaborative expenditure.

B. RECOMMENDATIONS

It is recommended that the Council Executive approves commencement of procurement for a three year framework and a possible one year extension for the provision of goods and services for Pupil Equity Funding & West Lothian Regional Improvement Collaborative expenditure using the evaluation methodology and award criteria set out in Section D of the report.

The annual value is £2,500,000 per annum.

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)	Tenders will be issued, received and analysed 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.
VI Resources - (Financial, Staffing and Property)	The budget for the first year of the framework is £2,500,000 and the total anticipated cost for 4 years is £10,000,000.

VII	Consideration at PDSP / Executive Committee	None
VIII	Other consultations	The specification and evaluation criteria have been developed by Education Services. The Corporate Procurement Unit have been consulted and the Corporate Finance Manager was consulted on budget implications.

D TERMS OF REPORT

D.1 Background

The Proposed Framework will cover Pupil Equity Funding and West Lothian Regional Collaborative procurement. These allocations are additional funding and must be used to implement creative new initiatives to tackle the attainment gap in schools. As a result West Lothian Council's existing education contracts do not cover the types of services schools require to procure using these funding sources. Schools have experienced issues to date in procuring services as they do not have the necessary resources or expertise to fulfill the procurement procedures. This framework will provide schools with a framework of Pupil Equity Fund and Regional Improvement Collaborative related services to help alleviate the procurement administration placed on schools and to ensure compliance with procurement procedures.

Regional Improvement Collaboratives

Six Regional Improvement Collaboratives were established by the Scottish Government in 2018. Regional Improvement Collaboratives will bring together a range of professionals with a relentless focus on supporting teachers and other school staff working with children and young people to improve their wellbeing, attainment and outcomes. The Collaboratives will include sector and curriculum area support including additional support for learning and will provide targeted advice and support in order to drive improvement, making use of all available evidence and data. The Collaboratives will help teachers to access the practical improvement support they need, when they need it.

The Collaboratives will bring a collective focus to driving continuous and systematic improvement, particularly in relation to closing the attainment gap. They will demonstrate, strengthen and support collaborative working, innovation and the sharing of best practice between schools and across our education system.

West Lothian Council is part of the Forth Valley and West Lothian Regional Improvement Collaborative which also covers Falkirk, Stirling and Clackmannanshire.

Headteachers should work in partnership with each other and their local authority, to agree the use of the funding. Schools must take account of the statutory responsibilities of the authority to deliver educational improvement, secure Best Value, and the authority's role as employer. Headteachers can work at an individual school and local community level or collegiately in a wider school cluster and beyond at local authority and regional improvement collaborative level to address common interests.

To achieve these outcomes the council will purchase products and services from third parties and the aim is to have a legally compliant procurement arrangement in place which all council customers will be able to access.

Pupil Equity Funding

The Scottish Government has committed to providing additional funding in the form of Pupil Equity Funding to schools as part of the Scottish Attainment Challenge programme. This funding is allocated directly to schools and is aimed at closing the poverty related attainment gap. West Lothian Council will receive additional Pupil Equity Funding from the Scottish Government on an annual basis until June 2021. The council will be advised regarding the amount of the remaining one-year funding prior to the start of next financial year.

The Council is committing expenditure in line with the government guidance issued. Key principles of Pupil Equity Funding guidance issued by the government include:

- Headteachers must have access to the full amount of the allocated Pupil Equity Funding;
- The Pupil Equity Funding must enable schools to deliver activities, interventions or resources which are clearly additional to those which were already planned.

D.2 In House Capability

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

D.3 Procurement Issues

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 framework will be invited to tender.

The following award criteria will be applied at the tender stage:

Quality – 70%

Price - 30%

It is proposed that a framework divided into Lots is established whereby those providers who score in excess of 50% will be appointed to the appropriate Lot. The lotting structure is detailed :

- Lot 1 – Activity Based Learning ;
- Lot 2 – Counselling, Therapy, Support and Advice Services ;
- Lot 3 – Creative Engagement ;
- Lot 4 – External Experts ;
- Lot 5 – Pupil Workshops ;
- Lot 6 – Staff Training Courses ;
- Lot 7 – Literacy Interventions ;
- Lot 8 - Numeracy Interventions ;
- Lot 9 – Vocational Training.

D.4 Sustainability Considerations

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 framework period.

For this framework it is proposed to incorporate a generic, non-evaluated Community Benefits clause into the contract documentation. While this element does not form part of the

Quality Scoring criteria, the council will expect the successful service provider to deliver such benefits as part of the framework, and will be monitored as such. The simplified procurement process and lotting structure will assist SME's to bid and as this procurement may be of interest to local organisations there is the potential to reduce travel, transportation and environmental impacts.

D.5 Budget Allocation

£2,500,000 per annum is available from the Pupil Equity Funding and Regional Improvement Collaborative government funding.

The council was allocated £5,191,400 Pupil Equity Funding in 2019/20 and this amount is reviewed based on census returns on an annual basis. Forth Valley and West Lothian Regional Improvement Collaborative were allocated £899,270 in 2018/19 and the 2019/20 allocation is currently being reviewed but it is expected to be equal to this amount. Based on previous Pupil Equity Funding and Regional Improvement Collaborative expenditure the amount allocated to procurement ranges from 30% - 40% of the total budget with the remainder allocated to staffing costs. The £2,500,000 is based on the top end of this range.

E. CONCLUSION

It is recommended that the Council Executive approves the application of the evaluation methodology detailed in Section D for the tendering of the framework for Pupil Equity Funding & West Lothian Regional Improvement Collaborative expenditure.

F. BACKGROUND REFERENCES

Appendices/Attachments: None

Contact Person: Tom Henderson, Category Manager

E mail : tom.henderson@westlothian.gov.uk

Julie Whitelaw

Head of Corporate Services

Date of meeting: 12 November 2019



COUNCIL EXECUTIVE

MEMBERS' TRAINING - THE EFFECTIVE AUDIT & RISK COMMITTEE

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To approve the attendance of the Chairs of Audit Committee and Governance & Risk Committee at an external training event on "The Effective Audit & Risk Committee" on 10 December 2019.

B. RECOMMENDATIONS

To authorise attendance by the Chairs of Audit Committee and Governance & Risk Committee at an external training event on "The Effective Audit & Risk Committee" on 10 December 2019 at a cost of £225 each.

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)	Local Government (Scotland) Act 1973; Local Government (Allowances and Expenses) (Scotland) Regulations 2007; Scheme of Elected Members' Remuneration, Allowances And Reimbursement of Expenses 2017/18
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	None
V Relevance to Single Outcome Agreement	N/A
VI Resources - (Financial, Staffing and Property)	Within existing budgets
VII Consideration at PDSP	Not required
VIII Other consultations	HR Services, Audit Risk & Counter Fraud Manager, Governance Manager

D. TERMS OF REPORT

Attendance by elected members at external training events where a fee is involved requires approval by council or committee. That authorises payment of the fee. It means the members are carrying out official council duties. It brings their attendance within the list of approved duties in the council's Scheme of Elected Members' Allowances and Expenses. It allows them to reclaim expenses within the terms of the legislation.

A training event is being held in Stirling on 10 December 2019. It is being delivered by an external training provider called "Onboard". It is entitled "The Effective Audit & Risk Committee". The cost is £225 per person. The course content is relevant to the council's Audit Committee and Governance & Risk Committee. A link to the course content is in Part F.

The course will have a Scottish perspective on public bodies and accountability. Its proposed use of case studies is an effective approach. Giving members real-life examples of things going wrong and the scrutiny process for making improvements should make it a more accessible and informative course. There is far less scope for accessing case studies for training purposes if training is delivered in-house. Acquiring knowledge of cases from elsewhere is problematic. Sharing experience with representatives from other councils and other public bodies will add to members' awareness of issues and good practice.

The recommendation is that the Chairs of Audit Committee and Governance & Risk Committee be authorised to attend. The council's Audit Risk & Counter Fraud Manager intends to attend. Lessons from the course will be passed on to other members of these two committees. Standing Orders allow members who have been authorised to attend an external event or meeting to appoint a substitute to attend in their place if they are unable to attend themselves.

E. CONCLUSION

Authorising attendance at these training sessions will ensure members may lawfully recover their expenses and will assist the members concerned and the two committees in their scrutiny roles.

F. BACKGROUND REFERENCES

- 1 Scheme of Elected Members' Remuneration, Allowances And Reimbursement of Expenses 2019/20 - <https://www.westlothian.gov.uk/media/1861/Scheme-of-Elected-Members-Allowances--Expenses/pdf/SchemeElectedMembersRevised2017-18.pdf>
- 2 Course content - https://www.onboard-training.co.uk/uploads/files/AUDIT_COMMITTEE_PROGRAMME_-_public_version.pdf

Appendices/Attachments: None

Contact Person: James Millar, Governance Manager, 01506 281613, james.millar@westlothian.gov.uk

Julie Whitelaw, Head of Corporate Services

Date of meeting: 12 November 2019



COUNCIL EXECUTIVE

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

PUBLIC ENTERTAINMENT AND THEATRE LICENSING

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To inform the Council Executive of changes to legislation regarding theatre licensing which will impact on the public entertainment licensing scheme.

B. RECOMMENDATION

It is recommended that the Council Executive

1. Notes the new legislative power for the council as Licensing Authority regarding theatre licensing which will impact on the public entertainment licensing scheme;
2. Notes that the public entertainment licensing resolution requires to be amended in light of other new legislation;
3. Considers authorising the Chief Solicitor to undertake a full review of the council's public entertainment licensing scheme including public consultation regarding proposed changes to the terms of the resolution, licensing conditions and application fees; and
4. Notes that a report containing the responses to the consultation will be referred to the Environment PDSP for its comments before a report recommending changes to the public entertainment licensing scheme is considered by the Council Executive.

C. SUMMARY OF IMPLICATIONS

I	Council Values	<ul style="list-style-type: none">• focusing on our customers' needs;
		<ul style="list-style-type: none">• being honest, open and accountable;• providing equality of opportunities;• working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<ul style="list-style-type: none">• Theatres Act 1968• Section 41 of Part II and Schedule 1 of the Civic Government (Scotland) Act 1982
III	Implications for Scheme of Delegations	None

to Officers

IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	None
VI	Resources - (Financial, Staffing and Property)	None
VII	Consideration at PDSP	Environment PDSP – 3 September 2019
VIII	Other consultations	None

D. TERMS OF REPORT

D.1 Background

The Air Weapons and Licensing (Scotland) Act 2015 (“2015 Act”) provided for changes to be made to the Civic Government (Scotland) Act 1982 (“1982 Act”). Not all of the provisions detailed in the 2015 Act were brought into force immediately. Recently, the Scottish Government passed The Air Weapons and Licensing (Scotland) Act 2015 (Commencement No.9 and Transitional Provisions) Order 2019 which as from 26 April 2019 introduced provisions which will lead to the repeal of the Theatres Act 1968 and allow theatre licensing to be included in the council’s public entertainment licensing resolution. The government has published guidance in relation to these changes which is referred to at section F of the report.

D.2 Current Position in relation to licensing of Theatres

Theatres are currently licensed under the Theatres Act 1968 but all licences granted under that Act will come to an end on 27 January 2021. West Lothian currently has three premises permanently licensed under the 1968 Act. In addition, over the years there have been a number of applications for temporary theatre licences for particular events.

The new legislation allows councils to consider licensing theatre premises under the public entertainment licensing provisions of the 1982 Act. Due to other legislative changes the Council’s public entertainment resolution which sets out the various types of activities which require to be licensed locally, requires to be amended to delete adult entertainment, as a new scheme for licensing sexual entertainment venues has been introduced. These changes would also allow the council an opportunity to fully review the terms of the current public entertainment resolution. The resolution was last amended in 2012 and it is important for public safety reasons that it is regularly reviewed. The revised resolution was approved at the Council Executive on 12 March 2012. In addition, this would be an opportunity to review conditions and fees which were not reviewed in 2012. A link to the report and minutes is contained in section F of this report.

The council is asked to consider if theatres should be included in the public entertainment licensing resolution and if so whether a full review of public entertainment licensing should be undertaken including public consultation regarding proposed changes to the terms of the resolution, licensing conditions and application fees. A copy of the current resolution is attached at Appendix 1. This lists the activities which require to be licensed as public entertainment.

D.3 Consideration at Environment PDSP

A report regarding the changes to legislation regarding theatre licensing which will impact on the public entertainment licensing scheme was considered at the Environment PDSP on 3 September 2019. The PDSP had no comments to make and agreed that the report and its recommendations be forwarded to the next appropriate meeting of the Council Executive for consideration.

E. CONCLUSION

New legislation has recently been brought into effect which will lead to the repeal of the Theatres Act 1968 on 27 January 2021 and allow the council as licensing authority to incorporate theatre licensing into its public entertainment licensing scheme.

The Council Executive is asked to consider whether theatres should be included in the public entertainment licensing resolution and note that the resolution requires to be amended in light of other new legislation.

As a result of these changes the Council Executive is asked to consider authorising the Chief Solicitor to undertake a full review of the council's public entertainment licensing scheme including public consultation regarding proposed changes to the terms of the resolution, licensing conditions and application fees. The results of that consultation will be considered by the Environment PDSP and Council Executive prior to the Executive considering changes to the council's public entertainment licensing scheme.

F. BACKGROUND REFERENCES

Report to Council Executive on 20 March 2012 regarding last review of Public Entertainment Licensing

<https://coins.westlothian.gov.uk/coins/viewDoc.asp?c=e%97%9Dc%90k%81%8C>

Minute from Council Executive meeting on 20 March 2012 approving the revised resolution

<https://coins.westlothian.gov.uk/coins/viewDoc.asp?c=e%97%9Dc%90m%81%8D>

Guidance on the Provisions for Licensing of Sexual Entertainment Venues and Changes to Licensing of Theatres issued by the Scottish Government in March 2019

<https://www.gov.scot/publications/guidance-provisions-licensing-sexual-entertainment-venues-changes-licensing-theatres/pages/7/>

Appendix 1: current public entertainment licensing resolution approved on 20 March 2012

Contact Person: Audrey Watson, Managing Solicitor – Licensing, Legal Services (01506) 281624

Audrey.watson@westlothian.gov.uk

Julie Whitelaw, Head of Corporate Services

Date: 12 November 2019

**CURRENT PUBLIC ENTERTAINMENT LICENSING RESOLUTION APPROVED BY THE
COUNCIL EXECUTIVE ON 20 MARCH 2012**

West Lothian Council resolved on 20 March 2012 that public entertainment licences are required for the use of premises or land within West Lothian where members of the public are admitted or may use any facilities for the purposes or entertainment or recreation of the following kinds:

- Public dance halls including disco dancing establishments
- Premises with mechanical rides or simulators intended for entertainment or amusement unless the rides are for the exclusive use of children under the age of five whilst supervised by an adult
- Circuses
- Exhibition of persons or performing animals
- Fun fairs, including merry-go-rounds, roundabouts, swings, switchback railways, skittle alleys, coconut shies, hooplas, shooting galleries, mechanical riding, driving or boating apparatus, or anything similar to any of the foregoing
- Indoor or open air music concerts or other events involving the erection of temporary raised structures
- Open air music concerts where in excess of 250 persons are present
- Clay pigeon shooting
- Paintball
- Sports or activities involving the transportation or propulsion of persons whether by mechanical or other means including gravity
- Any exhibition to which the Hypnotism Act 1952 applies
- Any activity involving inflatable structures
- Any activity involving shooting
- Archery
- Indoor play areas for children
- Wrestling
- Cage fighting
- Mechanical bowling alleys
- Premises used for laser displays or laser games
- Firework displays or bonfires
- Adult entertainment - defined as "any form of entertainment which involves a person performing an act of an erotic or sexually explicit nature, and is provided wholly or mainly for the sexual gratification or titillation of the audience"



COUNCIL EXECUTIVE

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

SEXUAL ENTERTAINMENT VENUE LICENSING

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To inform the Council Executive of changes to legislation enabling the council as licensing authority to introduce a licensing scheme for sexual entertainment venues (SEVs) and to ask the Council Executive to consider undertaking a public consultation regarding the licensing of SEVs in West Lothian.

B. RECOMMENDATION

It is recommended that the Council Executive

1. Notes the new legislative power for the council as Licensing Authority to introduce a licensing scheme for SEVs;
2. Considers undertaking a public consultation and evidence gathering process to establish views on the following:
 - Whether SEVs in West Lothian should be licensed;
 - If licensed, what the appropriate number of SEVs for West Lothian should be; and
 - If licensed, what should be included in a SEV policy statement
3. Notes that a report containing the responses to the consultation and all evidence gathered will be referred to the Environment PDSP for its comments before the Council Executive considers whether an SEV licensing scheme should be introduced.

C. SUMMARY OF IMPLICATIONS

I Council Values

- focusing on our customers' needs;
- being honest, open and accountable;
- providing equality of opportunities;
- working in partnership

II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Sections 45A – 45F of Part III and Schedule 2 of the Civic Government (Scotland) Act 1982
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)	None
VII	Consideration at PDSP	Environment PDSP – 3 September 2019
VIII	Other consultations	None

D. TERMS OF REPORT

D.1 Background

The Air Weapons and Licensing (Scotland) Act 2015 (“2015 Act”) provided for changes to be made to the Civic Government (Scotland) Act 1982 (“1982 Act”). Not all of the provisions detailed in the 2015 Act were brought into force immediately. Recently, the Scottish Government passed The Air Weapons and Licensing (Scotland) Act 2015 (Commencement No.9 and Transitional Provisions) Order 2019 which as from 26 April 2019 introduced the provisions giving local authorities a discretionary power to licence SEVs.

SEVs are defined in the legislation as any premises at which sexual entertainment is provided before a live audience for (or with a view to) the financial gain of the organiser and where it is for the sole or principal purpose of sexual stimulation of members of the audience. It should be noted that if sexual entertainment has not been provided at a premises on more than three occasions within a 12 month period then the premises cannot be treated as a SEV.

D.2 Current Position in relation to licensing of Sexual Entertainment Venues

Previously in relation to premises licensed for the sale of alcohol, adult entertainment could only take place if this was listed as an activity on the approved operating plan. At present there are only three premises licensed for the sale of alcohol in West Lothian which have adult entertainment included as an activity in the operating plan for their premises. Of these one would need to apply for a variation of their licence if they wanted to operate as a sexual entertainment venue as the licence does not permit the type of adult entertainment which falls within the new definition of sexual entertainment. There would not appear to be any activities falling within the definition of sexual entertainment currently taking place within

licensed premises within West Lothian.

Case law under the 2005 Act has made it clear that the liquor licensing legislation is limited to the regulation of the sale of alcohol only and cannot extend to matters not linked to the sale of alcohol. In view of this the new licensing scheme has been introduced by the Scottish Government to regulate SEVs in Scotland.

D.3 Guidance in relation to licensing of Sexual Entertainment Venues

In considering the new powers the council is obliged to take account of the guidance issued by the Scottish Government referred to in section in F of this report. That guidance states that the new licensing regime will allow local authorities to consider local circumstances in setting the number of venues able to operate within their areas (this could be nil) and to exercise appropriate control and regulation of these venues.

Therefore, in considering whether to pass a resolution to licence SEVs in West Lothian the council should consider whether it will wish to control SEVs either now or in the future. If there is no resolution in place, then no licence is required to operate an SEV. If the council does not adopt this discretionary power then SEVs could operate without any direct control from the council.

The main purpose of regulating this type of activity is the preservation of public safety and order and the prevention of crime. The introduction of the legislation is aimed at giving local authorities powers to improve standards in the industry, ensuring the safety of performers and customers, regulating the impact on the locality, improving local accountability and control.

The guidance states that the purpose of a published sexual entertainment policy statement is to provide local communities with a clear indication of the local authority's policy and examples of licensing conditions, along with enforcement details. The policy should also demonstrate how the council intends to help protect the safety and wellbeing of performers, customers and the wider public.

Where a local authority opts to licence SEVs, the provisions at section 45A of the 1982 Act require a licence for premises operated as a SEV where the sexual entertainment is performed live, is for the direct or indirect financial benefit of the organiser and is for the sole or principal purpose of sexual stimulation of members of the audience. However, premises where sexual entertainment is provided on no more than three occasions in a twelve-month period are not to be treated as SEVs. Further detail on the full statutory definition of a SEV is detailed at Appendix 1 to this report.

The Scottish Government has indicated that local authorities are best placed to reflect the views of the communities they serve and to determine whether sexual entertainment establishments should be licensed within their areas, and if so, under what conditions.

A local authority which resolves to licence SEVs will have to publish a SEV policy statement, developed in consultation with relevant interest groups (including violence against women partnerships and similar groups) which will provide local communities with a clear indication of the local authority's policy.

D.4 What the council must do to introduce an SEV licensing scheme

To introduce an SEV licensing scheme the council must pass a resolution. In order

to pass a resolution the council must

- consider the impact of licensing of SEVs in West Lothian having regard in particular to the licensing objectives of preventing public nuisance and crime and disorder, securing public safety, protecting children and young people from harm and reducing violence against women
- consult such persons or bodies as they consider appropriate
- determine the appropriate number of SEVs for West Lothian
- prepare a SEV policy statement which takes account of the above licensing objectives and publish that at the same time as the resolution

The policy statement must be based on sound licensing reasons which relate to the objectives listed above. The policy statement cannot contain a restriction on the number of SEVs based on moral reasons alone.

D.5 Consultation

The Council Executive is asked to consider if a public consultation and evidence gathering process should be launched to seek views on this new legislative power prior to the council making a decision as to whether it should introduce a licensing scheme for SEVs.

D.6 Consideration at Environment PDSP

A report regarding the introduction of a licensing scheme for SEVs was considered at the Environment PDSP on 3 September 2019. There was a lengthy discussion regarding the issues raised in the report and PDSP members felt strongly that in considering the licensing of SEVs the safety of women should be paramount. The PDSP agreed that the report and its recommendations be forwarded to the next appropriate meeting of the Council Executive for consideration.

E. CONCLUSION

New legislation has recently been brought into effect to allow the council as licensing authority to introduce a licensing scheme for SEVs. The Executive is asked to note that legislation and is asked to consider whether a public consultation and evidence gathering process should be undertaken.

The results of that consultation will be considered by the Environment PDSP and Council Executive prior to the Executive considering whether the council should introduce a licensing scheme for SEVs.

F. BACKGROUND REFERENCES

Guidance on the provisions for licensing of sexual entertainment venues and changes to licensing of theatres issued by the Scottish Government in March 2019

<https://www.gov.scot/publications/guidance-provisions-licensing-sexual-entertainment-venues-changes-licensing-theatres/pages/7/>

Appendices/Attachments:

Appendix 1: Definition of SEV

Contact Person: Audrey Watson, Managing Solicitor – Licensing, Legal Services (01506) 281624
Audrey.watson@westlothian.gov.uk

Julie Whitelaw, Head of Corporate Services

Date: 12 November 2019

DEFINITION OF SEXUAL ENTERTAINMENT VENUE

“Sexual entertainment venue” means any premises at which sexual entertainment is provided before a live audience for (or with a view to) the financial gain of the organiser.

For the purposes of that definition —

“audience” includes an audience of one,

“financial gain” includes financial gain arising directly or indirectly from the provision of the sexual entertainment,

“organiser” , in relation to the provision of sexual entertainment in premises, means—

(a) the person (“A”) who is responsible for—

(i) the management of the premises, or

(ii) the organisation or management of the sexual entertainment, or

(b) where A exercises that responsibility on behalf of another person (whether by virtue of a contract of employment or otherwise), that other person,

“premises” includes any vehicle, vessel or stall but does not include any private dwelling to which the public is not admitted

“sexual entertainment” means—

(a) any live performance, or

(b) any live display of nudity,

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

For the purposes of the definition of “sexual entertainment”, “display of nudity” means —

(a) in the case of a woman, the showing of (to any extent and by any means) her nipples, pubic area, genitals or anus,

(b) in the case of a man, the showing of (to any extent and by any means) his pubic area, genitals or anus.



COUNCIL EXECUTIVE

SCOTTISH GOVERNMENT'S PRE-LEGISLATIVE PUBLIC CONSULTATION ON FINANCIAL REDRESS FOR HISTORICAL CHILD ABUSE IN CARE

REPORT BY HEAD OF SOCIAL POLICY

A. PURPOSE OF REPORT

The purpose of the report is to inform the Council Executive of the Scottish Government's pre-legislative consultation on Financial Redress for Historical Child Abuse in Care.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. notes and considers the proposed response to the Scottish Government's pre-legislative consultation on Financial Redress for Historical Child Abuse in Care, and
2. approves the proposed response and agrees to its submission to the Scottish Government.

C. SUMMARY OF IMPLICATIONS

- | | |
|---|---|
| I Council Values | <ul style="list-style-type: none">– Focusing on our customers' needs– Being honest, open and accountable– Providing equality of opportunity– Making best use of resources |
| II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | <ul style="list-style-type: none">- Adoption and Children (Scotland) Act 2007- Children's Hearings (Scotland) Act 2012- Children and Young People (Scotland) Act 2014- Mental Health (Scotland) Act 2015 |
| III Implications for Scheme of Delegations to Officers | N/A |
| IV Impact on performance and performance Indicators | N/A |
| V Relevance to Single Outcome Agreement | <ul style="list-style-type: none">• Making our communities safer |

VI	Resources - (Financial, Staffing and Property)	N/A
VII	Consideration at PDSP	The report was considered by the Social Policy PDSP on 1 st November. Panel members agreed with the proposed response highlighted that any Financial Redress Scheme would need to be flexible enough to take account of the individual needs of people accessing the scheme.

VIII Other consultations

D. TERMS OF REPORT

Background

On 1st December 2004 the First Minister made a public apology to those that have suffered emotional, sexual and physical abuse in Scottish Residential Care institutions. The FM also stated that the potential for abuse had led to alterations to the statutory and regulatory structure in which establishments operate.

In October 2018, the Deputy First Minister made a commitment to introduce a statutory redress scheme, following the receipt of recommendations from a consultation with survivors which was carried out in 2017. Those recommendations form the starting point for this consultation and are referenced throughout the attached report (Appendix 1).

The consultation seeks views on the detailed design of a statutory financial redress scheme in Scotland, scheme administration issues, and views on financial redress as part of a package of wider reparations for survivors of historical child abuse in care. The deadline for the submission of responses to this consultation is the 25th November 2019 and it is intended that the draft response will be submitted to the Council Executive on 12th November for approval.

The areas asked for comment within the report are as follows:

- PART 1 - Design of the redress Scheme including; Principals, Eligibility, Payment structure, evidence and Assessment, Managing the application and Financial Contributions
- PART 2 – Scheme Administration and Wider Reparations, Public Body, Wider Reparations, Acknowledgement & Apology and Support.

The response has been collated involving input from officers in Social Policy, Finance, Legal Services and the Insurance Team. The proposed consultation response states that the council is generally supportive of the development of the scheme and the principals behind it. It should however, be noted that West Lothian Council would expect that this scheme would be fully funded by the Scottish Government as any contribution to this scheme would have an impact on the delivery of Council's core services.

This consultation is a necessary part of the pre-legislative process for the Scottish Parliament to consider and approve draft legislation. It seeks further detail on the key findings from the 2017 consultation, covers a wider range of issues, and provides an opportunity for all interested parties to express their views now there is a firm commitment to introduce a financial redress scheme in Scotland.

E. CONCLUSION

West Lothian council has drafted a response to the Pre-Legislative Public Consultation on Financial Redress for Historical Child Abuse in Care hosted by the Scottish Government. This draft response was shared with the Social Policy PDSP on 1st November for views and comment. It is recognised that people who have been subject to child abuse in care will be impacted by that abuse in a variety of ways the council would expect that the scheme would be flexible and tailored to meet these needs on a personal and one-to-one basis.

F. BACKGROUND REFERENCES

Appendices/Attachments: Appendix 1 - Proposed West Lothian Response to the Pre-Legislative Public Consultation on Financial Redress for Historical Child Abuse in Care

Appendix 2 – Consultation documentation

Contact Person: Tim Ward
Senior Manager,

Tel: 01506 281235

Email: Tim Ward@westlothian.gov.uk

Jo MacPherson, Head of Social Policy

Date of Meeting: 12/11/2019

Pre-Legislative Public Consultation on Financial Redress for Historical Child Abuse in Care

RESPONDENT INFORMATION FORM

Where possible, we prefer that you take part using the Scottish Government's online consultation platform, Citizen Space. Citizen Space can be found at: <https://consult.gov.scot/>. If you are responding by post or email, please use this form to share your views. You can choose if you want to answer some or all of the questions. If you prefer you can write to us with your own comments.

Please note we would appreciate that you complete all of the 'About You' section and return this with your response.

To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/>

About You

Are you responding as an individual or an organisation?

- ☐ Individual
- ☒ Organisation

Full name or organisation's name

West Lothian Council

If responding on behalf of an organisation, please indicate which category best describes your organisation. Please tick all that apply.

- | | |
|--|--|
| <input checked="" type="checkbox"/> Local Authority | <input type="checkbox"/> Other Public Sector |
| <input type="checkbox"/> Current Care Provider | <input type="checkbox"/> Academia/Education |
| <input type="checkbox"/> Previous Care Provider | <input type="checkbox"/> Private Sector |
| <input type="checkbox"/> Third Sector or Community Group | <input type="checkbox"/> Legal Sector |
| <input type="checkbox"/> Survivor Organisations | <input type="checkbox"/> Other |

If other, please specify.

If responding as an individual do you identify as a survivor of abuse in care?

- ☐ Yes
- ☐ No
- ☐ Prefer not to say

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- ☐ Publish response with name
- ☐ Publish response only (without name)
- ☒ Do not publish response

Information for organisations only

The option 'Publish response only (without name)' is available for individual respondents only. An organisation's name will still be published even if this option is selected.

If you choose the option 'Do not publish response', your organisation's name may still be listed as having responded to the consultation in, for example, the analysis report.

If you have identified as a survivor of abuse in care, the Scottish Government will not publish your name unless you confirm that you are happy for that to happen. Please tick this box if you are.

☐

Where respondents have given permission for their response to be made public, we will still check that the response does not contain any sensitive information of a personal nature, any potentially defamatory or offensive materials, or where publication would be contrary to copyright or data protection laws. All such information will be redacted.

If you provide information regarding a perpetrator of abuse, we will pass this information and your details to Police Scotland in order that an assessment can be made of any current risk posed by the perpetrator.

We may wish to contact you again in the future, but we require your permission. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

☒ Yes

☐ No

If you would like to join our mailing list for any further updates on the financial redress scheme, you will need to sign and return a form (privacy notice). Please tick a box below if you would like to join our mailing list (if you do we will send you a privacy notice by email or post).

☒ E-mail

☐ Post

Questionnaire

Please refer to the full consultation paper or the summary version for further detail.

PART 1 Design of the Redress Scheme

This part includes questions about the detailed design of the statutory financial redress scheme. It includes key issues from the 2017 consultation which were identified as requiring further detailed consideration.

Part 1.1: Purpose and Principles of the Financial Redress Scheme

Purpose

Q1. We are considering the following wording to describe the purpose of financial redress: “to acknowledge and respond to the harm that was done to children who were abused in care in the past in residential settings in Scotland where institutions and bodies had long-term responsibility for the care of the child in place of the parent”.

What are your thoughts on this? Do you agree?

☐ Yes ☒ No

If no, what are your thoughts on purpose?

The wording could be improved as the financial redress scheme is more aligned with payment to victims rather than just acknowledging and responding it is proactively focused on monetary redress, which should be reflected in the purpose of the scheme.

Principles

It is our intention that the financial redress scheme should be underpinned by guiding principles.

Q2. We are considering the following as guiding principles:

- To ensure that redress is delivered with honesty, decency, trust and integrity;
- To make the scheme as accessible as possible;
- To treat applicants with fairness and respect and to offer them choice wherever possible;
- To ensure that the assessment and award process is robust and credible;
- To make every effort to minimise the potential for further harm through the process of applying for redress.

Do you agree with these guiding principles?

☐ Yes ☐ No ☒ Unsure

Would you suggest any additions or amendments to the proposed principles?

There should also be recognition and acknowledgement that the scheme will need to work with other bodies to ensure victims receive full redress, and that they may choose to use other routes to seek redress, or in addition to this scheme.

The guiding principles uses synonyms when they could be stated more positively and clearly for victims, for example the redress scheme will be delivered with honesty, decency....

A principle about the scheme having a clear process and being easy for applicants to understand may be helpful.

A principle about supporting people through the process and making an application, being sensitive to their needs/vulnerabilities and working with support groups etc as required to provide them with support.

Part 1.2: Eligibility for the Financial Redress Scheme

Defining 'in care'

We intend that 'in care' for this redress scheme is based on two criteria. First, where an institution or body had long-term responsibility in place of the applicant's parent, and secondly that the applicant was within an eligible residential setting.

Q3. Do you agree with the proposed approach in relation to institutions and bodies having long term responsibility for the child in place of the parent?

☒ Yes ☐ No ☐ Unsure

Please explain your answer.

There needs to be a clear remit for the scheme, and how it will define "in care". At what stage does it become clear a survivor was "in care" and no longer a parent's responsibility or that their ability to make decisions for the child had ended on a day to day basis. This will be especially important for children who may have been placed in residential establishments, but for different purposes e.g. education than others, who may have resided there, or short/medium term hospitalisation. It will be important to be clear about this for both redress levels, but maybe more so for stage 2, where it is more likely to be examined before accepting any claim.

Q4. Subject to the institution or body having long term responsibility for the child, do you agree that the list of residential settings should be the same as used in the Scottish Child Abuse Inquiry's Terms of Reference?

☒ Yes ☐ No ☐ Unsure

Please explain your answer.

There does not appear to be any reason to change this.

Q5. Where parents chose to send children to a fee paying boarding school for the primary purpose of education, the institution did not have long-term responsibility in place of the parent. Given the purpose of this redress scheme, applicants who were abused in such circumstances would not be eligible to apply to this scheme.

Do you agree?

☐ Yes ☐ No ☒ Unsure

Please explain your answer.

The Scottish Ministers wish to offer an apology to survivors of historical child abuse, who were in care. This does mean other children who suffered abuse in care are not to receive redress by way of an apology and to use alternative forums to seek redress.

A decision should be taken to consider addressing all historical child abuse, whether in care or not or whether the scheme simply provides a Stage 1 redress payment, by way of an apology and unless the organisation no longer exists or cannot be found should the redress scheme consider extending the offer of larger financial payments to survivors. All survivors could be supported to seek redress through existing forums e.g. a civil claim.

As an alternative it could be that parties agree to remit the claim to the public body for them to consider it, as an alternative to the courts. This would be akin to an alternative dispute resolution mechanism that might offer a more streamlined approach suitable to the type of claim being made.

Q6. Where children spent time in hospital primarily for the purpose of medical or surgical treatment, parents retained the long-term responsibility for them. Given the purpose of this redress scheme, applicants who were abused in such circumstances would not be eligible to apply to this scheme.

Do you agree?

☐ Yes ☐ No ☒ Unsure

Please explain your answer.

It seems inequitable that the Scottish Ministers wish to apologise and redress some survivors of historical child abuse and not others that may arguably have been subjected to the same levels of abuse just over a shorter period of time? An explanation of this approach should be provided to survivors and consideration given to whether even a short term stay in hospital should be excluded, albeit they were not in care parents were not capable nor responsible for their care during that time, even if it was only a short visit.

Defining 'abuse'

Q7. We intend to use the same definition of abuse as the Limitation (Childhood Abuse) (Scotland) Act 2017 for the purpose of the financial redress scheme. This includes sexual abuse, physical abuse, emotional abuse and abuse that takes the form of neglect.

Do you agree?

☒ Yes ☐ No ☐ Unsure

Please explain your answer.

To ensure consistency the same definition should be applied.

Defining 'historical' abuse

Q8. In our view 1 December 2004 represents an appropriate date to define 'historical' abuse for this financial redress scheme.

Do you agree?

☒ Yes ☐ No ☐ Unsure

Please explain your answer.

As this is the date the Scottish Government issued their apology we believe this is a reasonable date to use for the redress scheme.

Child migrants

Q9. Do you have any comments you would like to make in relation to child migrants who also meet the eligibility requirements of this redress scheme?

No comment.

Those with a criminal conviction

Q10. Do you have any comments about the eligibility of those with a criminal conviction?

A criminal conviction should not determine whether someone is eligible or not to submit a claim to the redress scheme. It should be open to everyone.

Other

Q11. Do you have any other comments on eligibility for the financial redress scheme?

Consideration should be given to the possibility of a referral to the scheme, by parties or organisations to ensure consistency in redress and providing victims with an easier/more supportive route by which they can obtain redress. It should work in line with current models of redress e.g. criminal injuries, civil actions and appreciate that whilst if stage 2 redress was to be introduced this should only be done with an organisations agreement to contribute at an appropriate level to any financial redress. The stage 1 redress should continue to be funded by Scottish Government, as it is this payment which is seen as redress by way of an apology and is a standard amount to redress survivors. For stage 2 payments each case will be different and each person's circumstances to be examined for determining the amount or type of redress they should be entitled to. Each organisation being held accountable or responsible needs to be able to bring its insurers into that action, with the possibility that the case then needs to be remitted to the civil courts. If setting up a redress scheme which will determine the amount due to a survivor there should be a right of appeal from that to the civil court, possibly Court of Session.

Part 1.3: Payment Structure, Evidence and Assessment

In line with the views expressed in the 2017 survivor consultation, we intend to design a redress scheme with a combination payment approach which would have two possible stages (please see full consultation or the summary version for further details).

Evidence Requirements

Q12. What options might be available for someone who has been unable to obtain a supporting document which shows they spent time in care in Scotland?

The question suggests this is only in relation to stage 1 payments. However, evidence of an oral nature should be acceptable, or a statement from a witness/other survivor or family member.

It is assumed that support that is already in place for the Advance Payment Scheme will continue and assistance is provided for people who are unable to obtain their documentation on their own. It is not seen as necessary that for example legal representation should be necessary, and if anything discouraged for stage 1 payments.

Advocacy services may be used to support those that require it for either stage 1 or stage 2. Consideration must be given to those that have additional support needs and a clear statement about how they access information, seek support etc. Scottish Government provide that just for the Advance Payment Scheme, and are likely to offer their knowledge and expertise to the new Public Body. However, much is to be learnt from the civil courts and criminal courts in how they support people to claim financial redress.

A template letter to confirm in care status can be signed off by Chief Social Work Officers in Local Authorities to confirm in care status for stage 1 payments and this exists for the Advance Payment Scheme.

Q13. Do you think the redress scheme should have the power, subject to certain criteria, to require that bodies or organisations holding documentation which would support an application are required to make that available?

☒ Yes ☐ No

Please explain your answer.

If they are considering the merits of a redress claim, and the organisation is unwilling to comply with a reasonable request. However, it is understood that an applicant can make a subject access request initially and would be supported to do so. Where this is not possible then yes, an order from the Public Body for them to produce documentation may be appropriate.

Q14. For Stage One, what evidence do you think should be required about the abuse suffered?

A signed declaration by the applicant that they suffered abuse, but no other supporting evidence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
A short written description of the abuse and its impact	<input type="checkbox"/> Yes X <input type="checkbox"/> No
Any existing written statement from another source which details the abuse in care	<input type="checkbox"/> Yes X <input type="checkbox"/> No

Q15. Do you have any additional comments on evidence requirements for a Stage One payment?

This should be consistent with the advance payment scheme. The Scottish Government has already provided payments on the basis of a simple signed declaration. The payment will not change and should not require a higher evidential bar.

Q16. For Stage Two, what additional evidence of the abuse, and of its impact, should be required for the individual assessment?

Any existing written statement from another source which details the abuse	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Oral testimony of abuse and its impact	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Short written description of the abuse and its impact	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Detailed written description of abuse suffered and its impact	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Documentary evidence of impact of the abuse				
- Existing medical and/or psychological records	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
- New medical and/or psychological assessment	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Supporting evidence of the abuse/impact from a third party	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No

Q17. Do you have any comments on evidence requirements for a Stage Two payment?

All evidence should be considered as viable and the same rules as apply in the civil courts taken into account in determining what might be suitable in the way of evidence. It is assumed that the Body would consider all evidence, and take a view as to whether they require more information/documentation etc and would guide an applicant as to what that might, or require an organisation to provide it. There is also the question of how that evidence will be shared with responding parties, verified and obtained even in the first instance to support an applicant. If the Public Body's remit is to be extended widely to support applicant's then all of this will need to be considered at the outset and implications for local authorities in providing information through subject access requests

Provision for oral testimony

Q18. Do you think applicants should be able to give oral evidence to support their application?

☒ Yes ☐ No

If yes, under what circumstances might it be available?

Some survivors may not be legally represented, wish external support or be unable to offer evidence in writing.

Stage Two Assessment

Q19. Do you have any views on whether the length of time in care should be factored into the Stage Two assessment?

☒ Yes ☐ No

If so how?

See question 18 around the decision to limit in care to a period of time, and how this might be decided.

Q20. Do you have any views on the balance the assessment should give to different types of abuse (physical, emotional, sexual, neglect)?

No form of abuse should be given priority over another.

Q21. What are your views on which factors in relation to the abuse and its impact might lead to higher levels of payment?

This should be decided on a case by case basis and dependent on circumstances, evidence and trauma to the victim.

Q22. Do you think:

• the redress payment is primarily for the abuse suffered	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
• the redress payment is primarily for the impact the abuse has had	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
• both the abuse suffered and the impact it has had should be treated equally	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Please explain your answer.

In determining any claim consideration should be given to the abuse and the trauma suffered by the survivor. Stage 1 payments are to be made on the basis of having suffered abuse and being in care. Stage 2, if introduced would need to reflect a civil claims approach in considering the balance of harm done and relationship to any award.

Q23. How do you think the scheme should ensure all parties are treated fairly and that the assessment and award process is sufficiently robust?

By reflecting current practice in Tribunals and courts to support survivors, training for judges/decision makers etc and offering guidance and help where necessary.

The scheme should operate with a structured and consistent approach with all parties engaged in communication at the earliest opportunity.

Stage 2 should be operated in a similar fashion to the Diffuse Mesothelioma Payment Scheme (DMPS) as a measure of last resort. Where successor organisations/authorities exist, civil action is considered more appropriate and in a significant number of cases legal liability insurance policies exist mitigating the public financing required for the scheme. Redress is paid appropriately to those who suffered abuse and the associated legal costs of the action covered. Should redress be issued through the Stage 2 process, the current position would be that authorities would be unable to recover these costs from insurers.

Supporting evidence/documentation required for any successful Stage 2 applications should be consistent with the evidence required to establish liability in any civil proceeding.

Consideration of other payments

Q24. Do you agree that anyone who has received a payment from another source for the abuse they suffered in care in Scotland should still be eligible to apply to the redress scheme?

☐ Yes ☒ No

Please explain your answer.

If a survivor has successfully obtained payment to redress them for their abuse then there is arguably no basis on which they should receive further payment. Stage 1 payments are however viewed as an apology by Scottish Government, and unlikely to be taken into account in determining what someone should receive in civil courts.

Q25. Do you agree that any previous payments received by an applicant should be taken into account in assessing the amount of the redress payment from this scheme?

☒ Yes ☐ No

Please explain your answer.

Not for stage 1. Stage 2 redress should not be open for a claim if they have already pursued their case and a decision made by the civil courts or extra judicially.

Choosing between accepting a redress payment and seeking a payment from another source

Q26. Do you agree applicants should choose between accepting a redress payment or pursuing a civil court action?

☒ Yes ☐ No

Please explain your answer.

We agree that stage 2 redress should not be open for a claim if they have already pursued their case and a decision made by the civil courts or extra judicially.

Part 1.4: Making an Application

Time period for making an application

Q27. We are proposing that the redress scheme will be open for applications for a period of five years. Do you agree this is a reasonable timescale?

☐ Yes ☒ No

Please explain your answer.

There is concern that if this is set for a fixed period, those out with the set period will simply revert to civil action once the scheme is closed.
Initial timescales with a review in 3-5 years.

Practical help making an application

Q28. Should provision be made by the redress scheme administrators to assist survivors obtain documentary records required for the application process?

☒ Yes ☐ No

Please explain your answer.

Survivors may need assistance to access the required documentation

Legal advice

Q29. In your view, which parts of the redress process might require independent legal advice? Please tick all that apply.

- | | |
|---|-------------------------------------|
| • In making the decision to apply | <input type="checkbox"/> |
| • During the application process | <input type="checkbox"/> |
| • At the point of accepting a redress payment and signing a waiver? | <input checked="" type="checkbox"/> |

Q30. How do you think the costs of independent legal advice could best be managed?

This is not for a local authority to comment on.

Part 1.5: Next-of-Kin

We intend that surviving spouses and children of those who meet all the eligibility criteria, including that they were abused in an eligible residential setting in Scotland, prior to 1 December 2004, should be able to apply to the financial redress scheme for a “next-of-kin payment”.

Q31. What are your views on our proposed approach to allow surviving spouses and children to apply for a next-of-kin payment?

There should be some demonstration by the next of kin as a secondary victim that they have suffered trauma as a result of the abuse suffered by their next of kin.

Q32. We are considering three options for the cut-off date for next-of-kin applications (meaning that a survivor would have had to have died *after* that date in order for a next-of-kin application to be made). Our proposal is to use 17 November 2016.

• 17 December 2014 - the announcement of the Scottish Child Abuse Inquiry	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
• 17 November 2016 – the announcement of the earlier consultation and engagement work on the potential provision of financial redress	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
• 23 October 2018 – the announcement that there would be a statutory financial redress scheme in Scotland	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

What are your views on which date would be the most appropriate?

Unsure.

Q33. We propose that to apply for a next-of-kin payment, surviving spouses or children would have to provide supporting documentation to show that their family member met all the eligibility criteria. What forms of evidence of abuse should next-of-kin be able to submit to support their application?

Verbal evidence, documentation or whatever is available for stage 1 payments. No next of kin payment would be open in stage 2 unless can demonstrate they were a secondary victim.

Q34. What are your views on the proportion of the next-of-kin payment in relation to the level at which the redress Stage One payment will be set in due course?

- 25% ☐
- 50% ☐
- 75% ☐
- 100% ☒

Please explain your answer.

Unsure why it would be different, if take view they are entitled to a payment.

Part 1.6: Financial Contributions

Contributions to the redress scheme

Q35. We think those bearing responsibility for the abuse should be expected to provide financial contributions to the costs of redress. Do you agree?

☐ Yes ☒ No

Please explain your answer.

The Scottish Government must provide clear guidance on which exactly 'those bearing responsibility' are. , is it the individual care homes or foster carers or the Local Authority who placed the child?

With regard to Local Government there is no specific funding available to provide a contribution towards this scheme

Q36. Please tell us about how you think contributions by those responsible should work. Should those responsible make:

• an upfront contribution to the scheme	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
• a contribution based on the number of applicants who come forward from their institution or service	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
• another approach to making a financial contribution to the redress scheme costs?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

Please explain your answer.

If contributions are sought from individual care homes then it is likely that this will be at a level that will financially jeopardise their position as a sustainable business. This could mean that a number of these organisations go out of business leading to a shortage of care placements.

It would seem unfair to seek funding directly from Local Authorities as these placements were made in good faith and were subject to the scrutiny and rigour that was in place at the time.

It is our opinion that as this is a Scottish Government proposal we would expect the cost of the scheme to be fully funded.

Any other comments?

No

Q37. Are there any barriers to providing contributions and if so how these might be overcome?

Yes, there is no specific funding available to Local Authorities to provide a contribution. If this is required and not funded it will impact on ability to provide current services. Local authorities will also be required to make provision for individuals who decide against seeking payment from the financial redress scheme and decide instead to pursue action directly against the authority.

While we are also unable to comment on the financial position of individual organisations it is difficult to see how they can provide a meaningful contribution without jeopardising the ongoing viability of their business.

Q38. Should the impact of making financial contributions on current services be taken into account and if so how?

☒ Yes ☐ No

Please explain your answer.

Council budgets and in particular budgets for social care are under extreme pressure. A requirement to make a contribution without full funding will impact on the level of services that can be provided to current service users

Q39. What other impacts might there be and how could those be addressed?

It is highly likely that a requirement to make contributions will impact on the availability and quality of current and future care placements. This can best be addressed by providing central funding

Q40. How should circumstances where a responsible organisation no longer exists in the form it did at the time of the abuse, or where an organisation has no assets, be treated?

Funding would have to be available from a central resource

Q41. What is a fair and meaningful financial contribution from those bearing responsibility for the abuse?

We do not consider that a financial contribution should be made by those bearing responsibility due to the concerns outlined above

Q42. What would be the most effective way of encouraging those responsible to make fair and meaningful contributions to the scheme?

We do not consider that a financial contribution should be made by those bearing responsibility due to the concerns outlined above

Q43. Should there be consequences for those responsible who do not make a fair and meaningful financial contribution?

☐ Yes ☒ No

If yes, what might these be?

We do not consider that a financial contribution should be made by those bearing responsibility due to the concerns outlined above

Contributions to wider reparations

In some other countries, the care provider representatives have funded support services, separate from any contribution to financial redress.

Q44. In addition to their financial contributions to the redress scheme, what other contributions should those responsible for abuse make to wider reparations?

As is the case with contributions towards the financial redress scheme there is no funding available to make a contribution towards wider reparations. A requirement to make a contribution would impact on funding available to provide current care services.

PART 2: Scheme Administration and Wider Reparations

This part includes questions related to the implementation of the statutory financial redress scheme and the opportunity to bring together related elements of a package of reparations, including acknowledgment, apology and support.

Part 2.1: Decision-Making Panel for Redress

The financial redress scheme will be administered and governed independently of the Scottish Government. This will ensure that decisions on assessment of applications to the scheme will not be made by the Scottish Government.

Q45. Do you agree that the decision making panel should consist of three members?

☐ Yes ☐ No

Please explain your answer.

No view

Q46. Do you agree that the key skills and knowledge for panel members should be an understanding of human rights, legal knowledge, and knowledge of complex trauma and its impact?

☒ Yes ☐ No

Are there other specific professional backgrounds or skills you feel are essential for the decision making panel?

Panel members should have an understanding of the legal complexities and evidential requirements for claims.

Q47. We propose that a Survivor Panel be established to advise and inform the redress scheme governance and administration, ensuring survivor experience of the application process is considered as part of a culture of continuous improvement.

Do you agree?

☐ Yes ☒ No

Please explain your answer.

Unsure if this is a necessary step, and whether ongoing consultation and customer feedback may be sufficient.

How do you think survivors should be recruited and selected for this panel?

Unsure if there should be a survivor panel.

Part 2.2: Public Body

We propose that the financial redress scheme will be administered and governed by a new public body which, although accountable to Scottish Ministers, will be operationally independent of them in particular in regards to the decision making panel and process.

Q48. Do you agree that the financial redress scheme administration should be located in a new public body?

☐ Yes ☒ No

Please explain your answer.

Unclear what justifies a different approach for these cases than others, where people have suffered harm. The civil courts could be used, with new court process or procedures to support survivors. Stage 1 payment scheme would remain with Scottish Government.

Q49. Do you have any views as to where the public body should be located and what it should be called?

No.

What factors should be taken into account when deciding where the public body should be?

None.

Q50. How can survivors be involved in the recruitment process for these posts?

None.

How should survivors be selected to take part in this process?

None.

Part 2.3: Wider Reparations

Learning from other countries has highlighted the unique circumstances of individual survivors and that, whilst not every survivor will want or need any wider reparation, choice and access to a broad range of remedies is important. These remedies often include acknowledgment, apology and support.

Q51. What are your views on bringing together the administration of other elements of a reparation package such as support and acknowledgement with financial redress?

Yes, this would give people a holistic support mechanism.

What would be the advantages?

An effective one stop shop for survivors

Would there be any disadvantages, and if so, how might these be addressed?

Unless the package is all encompassing and individuals agree to limit claims within this forum then it could lead to forum shopping for reparation

Q52. Do you agree that it would be beneficial if the administration of these elements were located in the same physical building?

No view

What would be the advantages?

No view

Would there be any disadvantages, and if so, how might these be addressed?

No view

Q53. Should wider reparation be available to everyone who meets the eligibility criteria for the financial redress scheme?

☒ Yes ☐ No

Please explain your answer.

Emotional support should be provided to those who require it.

Q54. Should there be priority access to wider reparation for certain groups, for example elderly and ill?

☒ Yes ☐ No

Please explain your answer.

Those that have significant challenges with managing their mental health could be prioritised. As mentioned before those that are older or terminally ill may also be given priority.

Clear guidance should be provided to explain who are priority groups and this should be made clear and easily accessible.

Q55. If a person is eligible for redress, should they have the same or comparable access to other elements of reparation whether they live in Scotland or elsewhere?

☐ Yes ☐ No

Please explain your answer.

It is considered that the documentation does not provide sufficient information to form a Yes or No response to this question. More information would be required to form a view on this matter.

Acknowledgement and apology

Q56. To allow us more flexibility in considering how acknowledgment is delivered in the future, we intend to include provision in the redress legislation to repeal the

sections of the Victims and Witnesses (Scotland) Act 2014 which established the National Confidential Forum.

Do you have any views on this?

No view

Q57. Do you have any views on how acknowledgment should be provided in the future?

No view

Q58. Do you think a personal apology should be given alongside a redress payment?

☐ Yes ☐ No

Please explain your answer.

As this is the Scottish Government's Scheme, it would be expected that this decision would be a decision for them to take and is therefore not appropriate for the Council to provide a yes or no answer to this question.

If so, who should give the apology?

Support

Q59. Do you think there is a need for a dedicated support service for in care survivors once the financial redress scheme is in place?

☒ Yes ☐ No

Please explain your answer.

Those applying to the scheme may require support throughout the process. It would be hoped that they would not have to go on waiting lists to access other services. This would ensure a constant approach across the whole of Scotland.

Q60. Do you have any initial views on how support for in care survivors might be delivered in Scotland, alongside a redress scheme?

No views

Thank you for taking the time to participate in this consultation.

Pre-Legislative Public Consultation on Financial Redress for Historical Child Abuse in Care

September 2019

Contents Page

MINISTERIAL FOREWORD

INTRODUCTION

This consultation	3
Recent progress on financial redress	4
Overview of wider reparations	6
How to respond to this consultation	6

PART 1: DESIGN OF THE REDRESS SCHEME

Purpose and principles of the financial redress scheme	8
Eligibility for the financial redress scheme	10
Payment structure, evidence and assessment	15
Making an application	21
Next-of-kin	23
Financial contributions	25

PART 2: SCHEME ADMINISTRATION AND WIDER REPARATIONS

Decision-making panel for financial redress	28
Public body	30
Wider reparations	31

MINISTERIAL FOREWORD

Survivors have told me that financial redress is an important part of acknowledging what happened to them in the past as children in care in Scotland. I have listened to those views and have committed to establishing a financial redress scheme. This will require legislation to be passed by the Scottish Parliament.

Getting the design of a financial redress scheme right is of the utmost importance if it is to give survivors the acknowledgement they need and deserve, and if it is to do so with compassion and sensitivity.

We heard the views of many survivors to an earlier consultation in 2017 on the potential provision of financial redress. Those views provide the starting point for this consultation. We now need to build on those with the level of detail required for scheme design and implementation.

This consultation asks questions about scheme design and also includes wider issues, including how those responsible should contribute to the scheme, the establishment of a public body to administer the scheme, and the potential alignment of financial redress with other elements of a reparation package for survivors of historical abuse in care.

The responses to this consultation will help shape the legislation which will be introduced to the Scottish Parliament during 2020.

I encourage survivors and other interested parties to take part in this consultation and look forward to hearing your views.

JOHN SWINNEY
Deputy First Minister and
Cabinet Secretary for Education and Skills

INTRODUCTION

This consultation

This consultation seeks your views on the detailed design of a statutory financial redress scheme in Scotland, scheme administration issues, and high level views on financial redress as part of a package of wider reparations for survivors of historical child abuse in care.

The Deputy First Minister committed to introducing a statutory financial redress scheme in October 2018, following the receipt of recommendations from a consultation with survivors which was carried out in 2017. Those recommendations form the starting point for this consultation and are referenced throughout this document.

The consultation paper is in two parts. Part 1 includes questions about the detailed design of the statutory financial redress scheme. Many of the recommendations from the 2017 survivor consultation highlighted that further consideration of the detail would be required. Part 2 includes wider questions related to the implementation of the statutory scheme and elements of a package of reparation, including acknowledgement, apology and support.

This consultation is a necessary part of the pre-legislative process for the Scottish Parliament to consider and approve draft legislation. It seeks further detail on the key findings from the 2017 consultation, covers a wider range of issues, and provides an opportunity for all interested parties to express their views now that there is a firm commitment to introduce a financial redress scheme in Scotland.

The consultation will run for 12 weeks and will close on 25 November 2019. Please see paragraph 17 for details about how to respond to this consultation. You do not need to answer every question in the consultation. Your responses will still be valid if you only answer some of the questions.

Once the consultation has closed, the results will be analysed independently by an external analyst, and a report published. The consultation findings will help shape the content of the draft legislation, which will be introduced to the Scottish Parliament during 2020. It is expected to be one of the final pieces of legislation considered before the end of this Parliamentary term in March 2021.

It should be noted that the Scottish Child Abuse Inquiry is independent of government and any other organisation and does not therefore form any part of this consultation.

Recent progress on financial redress

In November 2016, the Deputy First Minister made a statement to Parliament in which he acknowledged that, while elements of reparation were in place in Scotland, he wished to explore the specific matter of financial redress. He defined this as follows: *“By redress in this context I mean monetary payment to provide tangible recognition of the harm done, as part of a wider package of reparations which this Government is already delivering... I am therefore committing to a formal process of consultation and engagement on this specific issue with survivors and other relevant parties, to fully explore the issues and gather a wider range of views.”*

This was taken forward in partnership with the SHRC InterAction Action Plan Review Group and the Centre for Excellence for Looked After Children in Scotland (CELCIS). The Review Group monitors the implementation of the SHRC Action Plan on Justice for Historic Abuse of Victims of Children in Care. It is a national group that includes survivor representatives, representation from care providers, Social Work Scotland, the Scottish Human Rights Commission, the Scottish Government and CELCIS.

The consultation and engagement on redress involved three main activities which took place over the course of 2016-18. There was a survivor consultation in 2017, which received just over 180 responses, an engagement exercise to gather initial views from residential and foster care providers and other relevant professional groups, and a review of available information about financial redress schemes in other countries.

A set of recommendations were drawn from this work, in particular the information gained from the consultation with survivors. The recommendations were submitted to the Deputy First Minister in September 2018 and are summarised in Box A. The reports from each of these activities, along with the full recommendations, are available at <https://www.celcis.org/our-work/key-areas/historical-abuse/financial-redress/>.

Box A: Recommendations based on the 2017 survivor consultation

- A financial compensation/redress scheme for victims/survivors of abuse in care should be established.
- Approval of a financial compensation/redress scheme for victims/survivors of abuse in care should take place as soon as possible following detailed scheme design.
- The preferred approach to financial compensation/redress is a combination payment.
- Next-of-kin of deceased victims/survivors of historic abuse should be eligible to apply to a scheme.
- There should be arrangements for interim payments which would allow priority groups of victims/survivors to access payments prior to full payment.

- A range of written and verbal information, where available, should be used to assess individual applications.
- A range of support and guidance should be put in place for applicants to assist them through the process of the scheme.
- Victims/survivors should be represented in the administration and governance of a full financial compensation/redress scheme.
- A range of knowledge and understanding should be represented in any panel or board which will have a decision making role in the scheme.
- All those responsible should contribute to a financial compensation/redress scheme.
- Scheme design should take account of a number of key principles to ensure the integrity and effectiveness of a scheme.
- It is essential that any potential negative consequences are considered during scheme design.
- The Scottish Government should discuss next steps with the Review Group and other victims/survivors, particularly the process to take forward detailed scheme design and implementation.
- An 'advanced payment scheme' for the elderly and ill should be progressed as soon as possible and before the main financial compensation/redress scheme is established in statute.

In response to these recommendations, in October 2018, the Deputy First Minister committed to establish a statutory financial redress scheme for survivors of abuse in care. He also offered an unreserved and heartfelt apology on behalf of the Scottish Government to all those who were abused as children while in care. His statement to the Scottish Parliament can be accessed at

<https://www.gov.scot/publications/response-to-recommendations-on-financial-redress-for-survivors-of-child-abuse-in-care/>.

He also committed to make advance payments as soon as possible to survivors who may not live long enough to apply to the statutory scheme. The Advance Payment Scheme opened for applications six months later in April 2019. Advance Payments are being made on a discretionary basis to those who have a terminal illness, or who are age 70 or over. Further information and guidance on eligibility and how to apply for an Advance Payment can be found at <https://www.gov.scot/publications/financial-redress-for-survivors-of-child-abuse-in-care-advance-payment-scheme/>. The intention is that the Advance Payment Scheme will remain open until the statutory redress scheme is operational.

Overview of wider reparations

The Scottish Government has made good progress in taking forward a package of reparations for survivors of abuse in care in the context of the Action Plan on Justice for Victims of Historic Child Abuse (2014) and the SHRC Human Rights Framework for Justice and Remedies for Historic Child Abuse (2010).

A statutory financial redress scheme will form part of a wider package of measures identified in the Action Plan and already in place. These include:

- the Limitation (Childhood Abuse) Scotland Act 2017, which removes the three year time limit for bringing civil action for child abuse;
- the introduction of the Apologies (Scotland) Act 2016;
- the apology on behalf of the Scottish people made by the then First Minister on 1 December 2004, and the apology on behalf of the Scottish Government made by the Deputy First Minister on 23 October 2018
- the establishment of the Scottish Child Abuse Inquiry in 2015;
- the National Confidential Forum, which provides an acknowledgement function for survivors of abuse in care;
- Future Pathways, which provides personal outcomes focussed support to survivors of abuse in care.

One element of the Action Plan which has not yet received attention is the issue of commemoration. Some survivors have expressed the view that this should be turned to once the other key elements are in place.

How to respond to this consultation

We are inviting responses to this consultation by 25 November 2019.

Where possible, our preference is for responses to this consultation to be submitted using the Scottish Government's online consultation platform, Citizen Space. Citizen Space can be found at: <https://consult.gov.scot/redress-survivor-relations/financial-redress-historical-child-abuse-in-care>. You can save as you go along and return to the questions as many times as you wish. Please remember to submit your response before the closing date. You will receive a copy of your response by email if you submit it via Citizen Space.

If you would prefer to respond by post or email, you should download the Respondent Information Form which includes the list of consultation questions. If you wish, we can send you a hard copy by post for you to fill in. You can request this by contacting us by e-mail or post at the details shown. Please email the completed form to redress@gov.scot or send to:

*Redress and Survivor Relations Division
Scottish Government
2A South
Victoria Quay
Edinburgh*

EH6 6QQ

Whether you respond by Citizen Space or by post or email, you will need to indicate whether you are content for your response to be published online. This is normal practice for public consultations. Once the consultation has closed, individual responses from those who gave their consent, are published online at <https://consult.gov.scot/>. Citizen Space will ask for your permission to publish your response before you submit it. For postal/email responses, the Respondent Information Form will ask you about this.

If you ask for your response not to be published, we will regard it as confidential, and will treat it accordingly. All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Where respondents have given permission for their response to be made public, we will still check that the response does not contain any sensitive information of a personal nature, any potentially defamatory or offensive materials, or where publication would be contrary to copyright or data protection laws. Sensitive information will be redacted.

To find out more about how we handle your personal data, please see the Scottish Government privacy policy at <https://www.gov.scot/privacy/>.

If you have any comments or complaints about how this consultation exercise has been conducted, please send them by e-mail or post to the address at the bottom of page 6.

Please be aware that responses to a public consultation cannot be used as a way to address individual concerns and comments about your own circumstances.

If thinking about redress and this consultation is causing immediate distress Breathing Space and the Samaritans can provide help.

Breathing space: Call free of charge on 0800 83 85 87, Monday to Thursday from 6pm to 2am, weekend from Friday at 6pm to Monday morning at 6am.
<https://breathingspace.scot/>.

Samaritans: Call free of charge on 116 123 from the UK, any time of the day or night. <https://www.samaritans.org/scotland/samaritans-in-scotland/>.

PART 1: DESIGN OF THE REDRESS SCHEME

This part includes questions about the detailed design of the statutory financial redress scheme. It includes key issues from the 2017 consultation which were identified as requiring further detailed consideration.

Part 1.1 Purpose and Principles of the Financial Redress Scheme

Purpose

The introduction to this consultation paper (at pages 3 to 7) sets out the recent background to financial redress in Scotland, tracing its development from the *Action Plan on Justice for Victims of Historic Abuse of Children in Care* in 2014 to the statement in Parliament on 25 April this year launching the Advance Payment Scheme for survivors of abuse in care who are age 70 years or over or have a terminal illness.

It is clear that systemic failings existed in the past and the Deputy First Minister has made clear that the Scottish Government wholeheartedly accepts the need to provide acknowledgement and tangible recognition of the harm that was done to children in the past who were abused in care in Scotland, acknowledging at the same time that such recognition cannot in any way take away the pain that individuals have suffered.

Question 1

We are considering the following wording to describe the purpose of financial redress: “to acknowledge and respond to the harm that was done to children who were abused in care in the past in residential settings in Scotland where institutions and bodies had long-term responsibility for the care of the child in place of the parent”.

What are your thoughts on this? Do you agree?

Yes No

If no, what are your thoughts on purpose?

Principles

Views from the 2017 survivor consultation

- **Scheme design should take account of a number of key principles to ensure the integrity and effectiveness of a scheme.** Victims/survivors who answered this question noted that the scheme will need to address important principles of choice, fairness, respect, integrity and individual experience, needs and wishes. The integrity of the scheme is crucial and it must be robust and credible; the evidence required, and the scrutiny of it, must create a balance which will deter fraudulent claims, without putting off applicants or refusing genuine applications because of lack of evidence.

It is our intention that the financial redress scheme should be underpinned by guiding principles which respect these views. Expectations of the scheme will vary, as will the broad range of needs and interests sought by those applying. It will, nevertheless, be important to ensure that principles which reflect survivors' views are embedded within the scheme. The design of the scheme will also comply with our wider legal obligations, including those which arise from the European Convention on Human Rights.

We are considering the following as guiding principles:

- To ensure that redress is delivered with honesty, decency, trust and integrity;
- To make the scheme as accessible as possible;
- To treat applicants with fairness and respect and to offer them choice wherever possible;
- To ensure that the assessment and award process is robust and credible;
- To make every effort to minimise the potential for further harm through the process of applying for redress.

Question 2

Do you agree with these guiding principles?

Yes No Unsure

Would you suggest any additions or amendments to the proposed principles?

Part 1.2 Eligibility for the Financial Redress Scheme

The financial redress scheme is for survivors of historical child abuse in care in residential settings in Scotland where institutions and bodies had long term responsibility for the care of the child in place of the parent.

Defining 'in care'

We intend that 'in care' for this redress scheme is based on two criteria. First, where an institution or body had long-term responsibility in place of the applicant's parent, and secondly that the applicant was within an eligible residential setting.

By 'long-term responsibility in place of the parent' we mean where institutions/bodies took decisions about the child's care and upbringing and were morally responsible for their physical, social and emotional needs in place of parents.

We know from survivors that the ways in which children found themselves in residential settings were many and varied in the past. Examples might include situations where families were unable to provide sufficient care for their children at a point in time, often because of the death or serious illness of one or both parents, or because a court order or other legal process placed the child in a setting.

As regards the second part (eligible residential setting) we propose using the Terms of Reference of the Scottish Child Abuse Inquiry which define 'children in care' as *'children in institutional residential care such as children's homes (including residential care provided by faith based groups); secure care units including List D schools; borstals; Young Offenders' Institutions; places provided for Boarded Out children in the Highlands and Islands; state, private and independent boarding schools, including state funded school hostels; healthcare establishments providing long term care; and any similar establishments intended to provide children with long term residential care. The term also includes children in foster care.'*

As this financial redress scheme is for those in the circumstances set out above, not all those who are covered by the terms of reference of the Inquiry would be eligible for this scheme. For example, children who attended fee paying boarding schools, and who were sent there by their parents for the primary purpose of education, were not the long-term responsibility of the institution in place of the parent, and therefore would not be eligible under this financial redress scheme.

Similarly, those in hospital care primarily for the purposes of medical or surgical treatment, where parents retained the long-term responsibility, would not be eligible.

We recognise that abuse may have taken place in these settings and that other routes to justice and support are available to these groups.

We will ensure that eligibility for the scheme is consistent with its purpose as set out above, including through careful analysis of the rights of potential applicants under the European Convention on Human Rights.

Question 3

Do you agree with the proposed approach in relation to institutions and bodies having long term responsibility for the child in place of the parent?

Yes No Unsure

Please explain your answer.

Question 4

Subject to the institution or body having long term responsibility for the child, do you agree that the list of residential settings should be the same as used in the Scottish Child Abuse Inquiry's Terms of Reference?

Yes No Unsure

Please explain your answer.

Question 5

Where parents chose to send children to a fee paying boarding school for the primary purpose of education, the institution did not have long-term responsibility in place of the parent. Given the purpose of this redress scheme, applicants who were abused in such circumstances would not be eligible to apply to this scheme.

Do you agree?

Yes No Unsure

Please explain your answer.

Question 6

Where children spent time in hospital primarily for the purpose of medical or surgical treatment, parents retained the long-term responsibility for them. Given the purpose of this redress scheme, applicants who were abused in such circumstances would not be eligible to apply to this scheme.

Do you agree?

Yes No Unsure

Please explain your answer.

Defining ‘abuse’

We have considered two options for the definition of abuse for the purpose of this financial redress scheme. The Limitation (Childhood Abuse) (Scotland) Act 2017, which defines abuse as *‘sexual abuse, physical abuse, emotional abuse and abuse that takes the form of neglect’* and the Terms of Reference of the Scottish Child Abuse Inquiry which defines abuse as *‘primarily physical abuse and sexual abuse, with associated psychological and emotional abuse’*.

The Limitation (Childhood Abuse) (Scotland) Act 2017 changed the rules around the time limits within which a claim for compensation can be made in the civil courts. This change meant that there is no longer a time bar on childhood abuse claims in the civil courts (although cases cannot be pursued through the civil courts where the only incidents of abuse took place prior to 26 September 1964). In our view the definition in the Limitation Act 2017 is broader as it specifically includes neglect, and it also includes emotional abuse whether or not physical or sexual abuse also occurred.

Question 7

We intend to use the same definition of abuse as the Limitation (Childhood Abuse) (Scotland) Act 2017 for the purpose of the financial redress scheme. This includes sexual abuse, physical abuse, emotional abuse and abuse that takes the form of neglect. Do you agree?

Yes No

Please explain your answer.

A more detailed description of what constitutes emotional, physical and sexual abuse and neglect can be found in the National Guidance for Child Protection in Scotland (2014) <https://www.gov.scot/publications/national-guidance-child-protection-scotland/>.

Defining ‘historical’ abuse

Similar to financial redress schemes in some other countries, we need to define what we mean by ‘historical’ abuse.

On 1 December 2004 the then First Minister Jack McConnell made a public apology endorsed by the Scottish Parliament as a whole and Scotland began to face up to the harm done to children in care in the past. In his apology he said that Scotland would ensure that inspection, regulation and standards would be in place to prevent, detect and deal with abuse.

We propose therefore that this redress scheme defines ‘historical’ abuse as that which took place prior to 1 December 2004.

Rapid and substantial change in relation to the monitoring and regulation of the care system and its staffing in Scotland took place in the period immediately following the creation of the Scottish Parliament. This included legislative, policy, supervisory and regulatory change.

These changes included the Regulation of Care (Scotland) Act 2001, with the key aim of improving standards of care services, leading to the establishment of the Care Commission and the Scottish Social Services Council. Also in 2001, the Scottish Social Services Council was established for the mandatory registration and regulation of care services and social workers. In 2002, the Care Commission was established, with responsibility for the inspection of adult and children services, as was Disclosure Scotland, to provide criminal records disclosure services for employers and voluntary sector organisations.

As a result the regulation, inspection and child protection guidance and standards now in place are radically different to the past.

Question 8

In our view 1 December 2004 represents an appropriate date to define 'historical' abuse for this financial redress scheme. Do you agree?

Yes No Unsure

Please explain your answer.

Other eligibility issues

Child migrants

Survivors who suffered abuse in Scotland, meet all the eligibility criteria of the redress scheme, and who were also part of the UK Child Migration Programmes would be eligible to apply. In our view this would be the case even if they have already received a payment under the UK Government's payment scheme for former British child migrants, or are planning to apply to that scheme. The UK Government's scheme for British child migrants is for a different purpose and does not require the applicant to have suffered abuse.

Question 9

Do you have any comments you would like to make in relation to child migrants who also meet the eligibility requirements of this redress scheme?

Abuse in care that occurred in other countries

This redress scheme is for abuse that took place in Scotland. For abuse that occurred in any other country, it would be the responsibility of the other jurisdiction to provide redress for abuse that occurred there. Child migrants or others who meet the eligibility of this redress scheme would be eligible to apply even if they have already received a payment for any abuse they also suffered in another country.

(The position of individuals who have already received a payment for historical abuse that occurred in care in Scotland is provided at page 19).

Those with a criminal conviction

Redress schemes in other countries have taken different approaches to the eligibility of those with a criminal conviction. In our view, someone with a criminal conviction should not be excluded from applying for redress if they meet the eligibility requirements of the scheme.

Question 10

Do you have any comments about the eligibility of those with a criminal conviction?
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Other

Question 11

Do you have any other comments on eligibility for the financial redress scheme?
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Part 1.3 Payment Structure, Evidence and Assessment

Views from the 2017 survivor consultation

- **The preferred approach to financial compensation/redress is a combination payment.** The majority of victims/survivors who answered this question felt that the preferred approach is a combination payment which involves a flat-rate standard payment along with an individual experience payment which takes account of a range of factors such as: the nature of abuse; the severity of abuse; the period of abuse; and the life-long consequences of the abuse. The operational design and detail will need further consideration.
- **A range of written and verbal information, where available, should be used to assess individual applications.** Victims/survivors who answered this question considered that, where available, a range of written and verbal information should be used to assess applications, and this included: information about placement details; nature and severity of abuse experienced; information on impact of the abuse; testimony from a third party; police records of alleged or convicted perpetrators of abuse; previous or ongoing civil/criminal action; and, material prepared for another purpose. Challenges in the availability and securing of information, the impact on individuals through the process and the importance of choice were also noted.

Payment structure

In line with the views expressed in the 2017 survivor consultation, we intend to design a redress scheme with a combination payment approach which would have two possible stages.

Stage One would not attempt to assess individual experience of abuse or its impact. This stage may be viewed as more straightforward for applicants. Applicants could choose to apply for an additional payment over and above Stage One. This would assess their individual experience of abuse and the impact it has had on their life. By its nature, this Stage Two payment would require more information and supporting evidence than Stage One.

An assessment for a Stage Two payment, for those who chose to do so, would take account of a number of factors in a fair, consistent and transparent way.

Evidence Requirements

Supporting documentation which confirms in care status and in relation to abuse

To apply for a payment from this financial redress scheme we consider that documentary evidence of having been in care in Scotland will be required. Some form of verification of the documents submitted would be required.

Question 12

What options might be available for someone who has been unable to obtain a supporting document which shows they spent time in care in Scotland?

Many institutions and bodies have committed considerable resource to helping survivors to obtain access to historical records. Drawing on the approach to redress in Ireland, we are however considering whether there should be a power set out in legislation which requires bodies or organisations, subject to certain criteria, to release any documents they hold which relate to an applicant's identity, placement details, abuse or injury suffered as a consequence of that abuse.

Question 13

Do you think the redress scheme should have the power, subject to certain criteria, to require that bodies or organisations holding documentation which would support an application are required to make that available?

Yes No

Please explain your answer.

Question 14

For Stage One, what evidence do you think should be required about the abuse suffered?

	Yes	No
A signed declaration by the applicant that they suffered abuse, but no other supporting evidence	<input type="checkbox"/>	<input type="checkbox"/>
A short written description of the abuse and its impact	<input type="checkbox"/>	<input type="checkbox"/>
Any existing written statement from another source which details the abuse in care	<input type="checkbox"/>	<input type="checkbox"/>

Question 15

Do you have any additional comments on evidence requirements for a Stage One payment?

Question 16

For Stage Two, what additional evidence of the abuse, and of its impact, should be required for the individual assessment?

	Yes	No
Any existing written statement from another source which details the abuse	<input type="checkbox"/>	<input type="checkbox"/>
Oral testimony of abuse and its impact	<input type="checkbox"/>	<input type="checkbox"/>
Short written description of the abuse and its impact	<input type="checkbox"/>	<input type="checkbox"/>
Detailed written description of abuse suffered and its impact	<input type="checkbox"/>	<input type="checkbox"/>
Documentary evidence of impact of the abuse	<input type="checkbox"/>	<input type="checkbox"/>
– Existing medical and/or psychological records	<input type="checkbox"/>	<input type="checkbox"/>
– New medical and/or psychological assessment	<input type="checkbox"/>	<input type="checkbox"/>
Supporting evidence of the abuse/impact from a third party	<input type="checkbox"/>	<input type="checkbox"/>

Question 17

Do you have any comments on evidence requirements for a Stage Two payment?

Provision for oral testimony

The majority view from the survivor consultation in 2017 was that an applicant should be able to give oral testimony of abuse and its impact if they are unable to provide documentary evidence. In some redress schemes in other countries, oral hearings have only been used in some circumstances, for example when a case was complex and could not be resolved based on documentary evidence or when a payment offer was rejected by the applicant.

Question 18

Do you think applicants should be able to give oral evidence to support their application?

Yes No

If yes, under what circumstances might it be available?

Stage Two Assessment

As described above, the additional Stage Two payment would require an assessment of an individual's experience of abuse and the impact it has had. It is inherently difficult to assess this given that individuals can have very different responses to similar abuse experiences and the impact of the abuse on their life can manifest in very different ways. We will therefore take account of a range of factors in a consistent, fair and transparent way.

From the survivor consultation in 2017, the types of factors considered relevant for an individual assessment were length of time in care, the type of abuse, the frequency and severity of abuse, the impact of abuse, and loss of opportunity as a result of the abuse and its impact.

Question 19

Do you have any views on whether the length of time in care should be factored into the Stage Two assessment?

Yes No

If so how?

Question 20

Do you have any views on the balance the assessment should give to different types of abuse (physical, emotional, sexual, neglect)?

Question 21

What are your views on which factors in relation to the abuse and its impact might lead to higher levels of payment?

Question 22

Do you think:

- **the redress payment is primarily for the abuse suffered** yes/no
- **the redress payment is primarily for the impact the abuse has had** yes/no
- **both the abuse suffered and the impact it has had should be treated equally** yes/no

Please explain your answer.

Question 23

How do you think the scheme should ensure all parties are treated fairly and that the assessment and award process is sufficiently robust?

Consideration of other payments

Where an applicant has already received some form of compensation in respect of their abuse (for example a court award following a civil court action, or an out of court settlement) most redress schemes in other countries have dealt with this by deducting an appropriate amount from the redress payment. The principle underlying this is that a person should not be compensated twice for the same matter.

Some other schemes have taken a different approach, and have excluded people who have already received damages or settlements in respect of the same abuse from applying to their redress scheme.

We intend that those who have received a payment from another source should still be eligible to apply for redress, but that the corresponding amount should be deducted from the redress payment. Consideration would need to be given to how to adjust any previous payment to take account of inflation and any other relevant factors.

Question 24

Do you agree that anyone who has received a payment from another source for the abuse they suffered in care in Scotland should still be eligible to apply to the redress scheme?

Yes No

Please explain your answer.

Question 25

Do you agree that any previous payments received by an applicant should be taken into account in assessing the amount of the redress payment from this scheme?

Yes No

Please explain your answer.

Choosing between accepting a redress payment and seeking a payment from another source

Many redress schemes in other countries have required applicants to choose between accepting a redress payment and pursuing remedies in the civil courts. We are proposing to take the same approach. In other words, an applicant should find out how much they would receive by way of a redress payment and take legal advice before deciding whether to accept it, or reject it and pursue an award in the civil courts instead. This will commonly require the signing of a waiver at the point of accepting a redress payment, which means the applicant would give up their right to raise an action in court in respect of their experience in care.

Question 26

Do you agree applicants should choose between accepting a redress payment or pursuing a civil court action?

Yes No

Please explain your answer.

Part 1.4 Making an Application

Time period for making an application

Question 27

We are proposing that the redress scheme will be open for applications for a period of five years. Do you agree this is a reasonable timescale?

Yes No

Please explain your answer.

Practical help making an application

The 2017 survivor consultation highlighted that different types of help might be required during the application process. For example practical support might include help filling out the application form, or with obtaining records.

Question 28

Should provision be made by the redress scheme administrators to assist survivors obtain documentary records required for the application process?

Yes No

Please explain your answer.

Legal advice

We are considering whether the redress scheme should address the cost of legal advice or representation in some form. We intend to explore all options for delivering this including Legal Aid. We propose at a minimum that independent legal advice should be provided at the point of accepting a redress payment if this were to require the signing of a waiver.

Question 29

In your view, which parts of the redress process might require independent legal advice? Please tick all that apply.

In making the decision to apply ☐

During the application process ☐

At the point of accepting a redress payment and signing a waiver? ☐

In redress schemes in some other countries the cost of providing legal advice has been significant and has been criticised by survivors. Possibilities for managing the costs of independent legal advice could include a set payment per application or a payment to take into account the time spent on an application capped at a certain level, including through Legal Aid.

Question 30

<p>How do you think the costs of independent legal advice could best be managed?</p>

Part 1.5 Next-of-Kin

Views from the 2017 survivor consultation

- **Next-of-kin of deceased victims/survivors of historic abuse should be eligible to apply to a scheme.** The majority of victims/survivors who answered this question indicate support that the next-of-kin of deceased victims/survivors should be eligible for compensation/redress. However, there were a number of cautions about the eligibility of next-of-kin, in terms of the definition of next-of-kin, personal relationships with the deceased victims/survivors while they were living, and practical operational issues. These matters require further consideration.

We intend that surviving spouses and children of those who meet all the eligibility criteria, including that they were abused in an eligible residential setting in Scotland, prior to 1 December 2004, should be able to apply to the financial redress scheme for a “next-of-kin payment”. The purpose of the next-of-kin payment is to acknowledge the fact that the survivor passed away before the financial redress scheme was in place. It may not always be straightforward to assess potential applications by surviving spouses and children, particularly where family circumstances were complex.

Question 31

What are your views on our proposed approach to allow surviving spouses and children to apply for a next-of-kin payment?

Some schemes in other countries have provided for next-of-kin applications. Where this is the case they have set a “cut-off” date to determine next-of-kin eligibility. This is the date **after** which a survivor must have died. For example, in the Republic of Ireland’s scheme a survivor had to have died after 12 May 1999 for their next-of-kin to be eligible. This was the date of the announcement of the inquiry in Ireland which led to the establishment of their redress scheme.

It may be appropriate for Scotland to take a similar approach and to use 17 December 2014, the date of the announcement of the Scottish Child Abuse Inquiry, as the cut-off date. It may also be appropriate to use 23 October 2018 as that was the date that the Deputy First Minister confirmed there would be a redress scheme for Scotland and that there would be some form of provision of next-of-kin. Our intended approach is to provide a cut-off date of 17 November 2016, the date on which the Deputy First Minister announced that he wanted to hear wider views on the potential provision of financial redress. That consultation led to the recommendation that next-of-kin of deceased victims/survivors should be eligible for redress.

Question 32

We are considering three options for the cut-off date for next-of-kin applications (meaning that a survivor would have had to have died *after* that date in order for a next-of-kin application to be made). Our proposal is to use 17 November 2016.

- **17 December 2014 - the announcement of the Scottish Child Abuse Inquiry** yes/no
- **17 November 2016 – the announcement of the earlier consultation and engagement work on the potential provision of financial redress** yes/no
- **23 October 2018 – the announcement that there would be a statutory financial redress scheme in Scotland** yes/no

What are your views on which date would be the most appropriate?

Given the next-of-kin payment makes no attempt to assess the individual experience of the deceased survivor, it will be a flat-rate payment. It is not an attempt to assess the impact of the deceased survivor's abuse experience on surviving family members. Instead it is intended to recognise and acknowledge the harm done to the deceased survivor while they were in care in Scotland.

Question 33

We propose that to apply for a next-of-kin payment, surviving spouses or children would have to provide supporting documentation to show that their family member met all the eligibility criteria.

What forms of evidence of abuse should next-of-kin be able to submit to support their application?

Question 34

What are your views on the proportion of the next-of-kin payment in relation to the level at which the redress Stage One payment will be set in due course?

- **25%** ☐
- **50%** ☐
- **75%** ☐
- **100%** ☐

Please explain your answer.

Part 1.6 Financial Contributions

Views from the 2017 survivor consultation

- **All those responsible should contribute to a financial compensation/redress scheme.** Victims/survivors who answered this question consider that all those responsible should contribute, including: Scottish Government, residential and foster care providers, local authorities which placed children in care and those which provided care placements, and religious bodies responsible for care services. The SHRC Framework also makes clear that institutions should contribute to reparation packages in a manner proportionate to the extent to which they are accountable.

Contributions to the redress scheme

In the previous survivor consultation, most respondents felt the particular provider/institution should contribute. The Scottish Human Rights Commission notes that, in line with international good practice, providers/institutions should contribute to reparations packages to the extent to which they are accountable. We expect all those responsible to make a meaningful contribution to the costs of delivering a financial redress scheme in Scotland. To ensure that this is done fairly we are building on existing information to understand the status of organisations and institutions over time as well as their relative roles and responsibilities.

In developing our scheme, we will learn from examples of funding models applied in redress schemes in other countries. Two examples are provided below which illustrate different approaches.

In Ireland, a funding arrangement was agreed at the outset based on a 50/50 split between the state and an umbrella organisation representing religious congregations. This was based on a forecast of costs for their redress scheme, a forecast which turned out to be greatly under-estimated. There were significant difficulties in obtaining the funds and property assets which were to have met these organisations' share of the costs.

The Australian National Redress Scheme follows the 'responsible entity pays' principle. The Australian Government bears the cost initially, and is then reimbursed by a funding contribution from participating institutions. Under the Australian scheme rules, applications for redress can only be processed from survivors whose institution has joined the scheme (it is not our intention to take this approach in Scotland).

In Scotland, earlier engagement with providers and other professional groups carried out by CELCIS suggested that the creation of a structured national financial redress scheme could achieve greater consistency of processes and outcomes for survivors. Providers also felt that there may be advantages to a national redress scheme rather than the existing legal process. A paper summarising the views expressed, including possible opportunities and barriers, is available at https://www.celcis.org/index.php/download_file/view/2854/1326/.

Question 35

We think those bearing responsibility for the abuse should be expected to provide financial contributions to the costs of redress. Do you agree?

Yes No

Please explain your answer.

Question 36

Please tell us about how you think contributions by those responsible should work. Should those responsible make:

- **an upfront contribution to the scheme** Yes/No
- **a contribution based on the number of applicants who come forward from their institution or service** Yes/No
- **Another approach to making a financial contribution to the redress scheme costs?** Please explain

Other comments?

Question 37

Are there any barriers to providing contributions, and if so how might these be overcome?

Question 38

Should the impact of making financial contributions on current services be taken into account and if so how?

Yes No

Please explain your answer.

Question 39

What other impacts might there be and how could those be addressed?

Question 40

How should circumstances where a responsible organisation no longer exists in the form it did at the time of the abuse, or where an organisation has no assets, be treated?

Question 41

What is a fair and meaningful financial contribution from those bearing responsibility for the abuse?

Question 42

What would be the most effective way of encouraging those responsible to make fair and meaningful contributions to the scheme?

Question 43

Should there be consequences for those responsible who do not make a fair and meaningful financial contribution?

Yes No

If yes, what might these be?

Contributions to wider reparations

In some other countries, the care provider representatives have funded support services, separate from any contribution to financial redress. In Ireland, a national counselling and support service is funded by the Catholic Church. The service aims to meet the support needs of survivors of religious, institutional and clerical abuse and their families. In Queensland, religious organisations contributed along with the Government to a trust fund to support former residents rebuild their lives.

Residential service providers and other professional groups in Scotland previously indicated that financial redress should be viewed in the context of a broader reparation package and outlined opportunities where they have or could contribute. This includes:

- Enabling supportive access to records;
- Financial support for counselling sessions;
- Signposting people to a range of relevant supports;
- Tracing and unifying families;
- Offering after-care support;
- Individual sessions to promote reconciliation;
- Individual apology;
- Ensuring that previous residents are aware of the scrutiny by current registration and inspection regimes.

Question 44

In addition to their financial contributions to the redress scheme, what other contributions should those responsible for abuse make to wider reparations?

PART 2: SCHEME ADMINISTRATION AND WIDER REPARATIONS

This part includes questions related to the implementation of the statutory financial redress scheme and the opportunity to bring together related elements of a package of reparations, including acknowledgment, apology and support.

Part 2.1: Decision-Making Panel for Redress

The financial redress scheme will be administered and governed independently of the Scottish Government. This will ensure that decisions on assessment of applications to the scheme will not be made by the Scottish Government.

Views from the 2017 survivor consultation

- **Victims/survivors should be represented in the administration and governance of a full financial compensation/redress scheme.** The value and insight offered by victim/survivor representation was highlighted by the consultation participants. Similar to the types of support, victims/survivors suggested a broad range of ways by which victim/survivors could be represented, either through the development and administration of the scheme or the individual application process. These views accord with a human rights based approach where participation is a recognised key component. Representation and participation should be significant and meaningful, involving appropriate information available in accessible formats, and the provision of necessary support and guidance.
- **A range of knowledge and understanding should be represented in any panel or board which will have a decision making role in the scheme.** Victims/survivors who answered this question noted a number of suggested professional backgrounds and specified services, and highlighted the value of lived experience. Key areas of knowledge and understanding included: advocacy, finance, health, human rights law, social care, and trauma.

We propose that decisions are made by a panel of three people drawn from a group of suitably qualified people appointed for this purpose. Panel members could come from a variety of backgrounds. We think the skills and knowledge appropriate for panel members to have include an understanding of human rights, legal knowledge, and knowledge of complex trauma and its impact.

We believe that service development is best informed by the individuals that will use it. However, in line with some of the concerns raised by survivors in the 2017 consultation regarding matters of confidentiality and potential impact or harm, we do not think it would be appropriate for survivors to form part of the decision-making panel itself. That panel will be considering individual redress applications, based on an objective set of criteria, and the evidence provided in support. Instead, we propose a survivor panel should be established to ensure survivors have a voice in the development and administration of the redress scheme.

Question 45

Do you agree that the decision making panel should consist of three members?

Yes No

Please explain your answer.

Question 46

Do you agree that the key skills and knowledge for panel members should be an understanding of human rights, legal knowledge, and knowledge of complex trauma and its impact?

Yes No

Are there other specific professional backgrounds or skills you feel are essential for the decision making panel?

Question 47

We propose that a Survivor Panel be established to advise and inform the redress scheme governance and administration, ensuring survivor experience of the application process is considered as part of a culture of continuous improvement.

Do you agree?

Yes No

Please explain your answer.

How do you think survivors should be recruited and selected for this panel?

Part 2.2 Public Body

We propose that the financial redress scheme will be administered and governed by a new public body which, although accountable to Scottish Ministers, will be operationally independent of them in particular in regards to the decision making panel and process.

Question 48

Do you agree that the financial redress scheme administration should be located in a new public body?

Yes No

Please explain your answer.

Question 49

Do you have any views as to where the public body should be located and what it should be called?

What factors should be taken into account when deciding where the public body should be?

The Chair and Chief Executive of the public body will be appointed through the public appointments process.

Question 50

How can survivors be involved in the recruitment process for these posts?

How should survivors be selected to take part in this process?

Part 2.3 Wider Reparations

Learning from other countries has highlighted the unique circumstances of individual survivors and that, whilst not every survivor will want or need any wider reparation, choice and access to a broad range of remedies is important. These remedies often include acknowledgment, apology and support.

The establishment of a new independent public body provides an opportunity to consider whether other elements of a reparation package could be provided in a more joined-up way. This may make it easier for survivors to access the support and information that they need, and may benefit services in relation to efficiencies in delivery, promotion and communication.

For background, we have outlined below the current provision in Scotland in relation to acknowledgement, apology and support.

Acknowledgment

The Scottish Government established the National Confidential Forum (NCF) through the Victims and Witnesses (Scotland) Act 2014 to listen to and acknowledge people's childhood experiences of institutional care in Scotland. There is no need for applicants to provide verification of their placement details and all the information gathered is anonymised. Unlike the Scottish Child Abuse Inquiry, the NCF does not investigate any abuse disclosed by the survivor. Instead the purpose is to receive and listen to testimony.

Apology

The Apologies (Scotland) Act 2016 gives legal protection to an apology, in certain circumstances. It provides that an apology (as defined in terms of the Act) is inadmissible in certain civil proceedings as evidence of anything relevant to the determination of liability, and cannot otherwise be used to the prejudice of the person making the apology (or on whose behalf it is made). The Act has the broader purpose of encouraging a cultural and social change in attitudes towards apologising.

For the purpose of the Act, an apology is defined as a statement (which could be written or oral) made either by the person who is apologising (whether a natural person, or a legal person such as a company), or by someone else on their behalf. The core element is an indication that the person is sorry about, or regrets, an act, omission or outcome.

On 1 December 2004 then First Minister Jack McConnell made an apology on behalf of the people of Scotland to victims of child abuse in Scotland. On 23 October 2018 Deputy First Minister John Swinney issued an apology on behalf of the Scottish Government and announced the establishment of a financial redress scheme.

Support

The Scottish Government currently provides funding to a number of organisations to deliver support services for survivors. Future Pathways was set up by the Scottish Government in 2016 and is governed by an alliance of organisations. Future Pathways works with individual survivors to identify personal outcomes and then signpost or commission services on the person's behalf. Examples of the support accessed through Future Pathways include assistance with tracing records, help accessing work and education opportunities, arranging housing and benefits advice, and arranging access to counselling and specialist psychological therapies.

Bringing services together

There may be an opportunity to bring together the administration of other services for survivors with financial redress. We think this could benefit survivors by providing a single entry point for the financial redress scheme and wider reparation. In terms of service provision it could provide integration, efficiency and effectiveness. Some survivors have expressed a view that there would be benefits to bringing together all these elements of reparation into the same physical location.

Question 51

What are your views on bringing together the administration of other elements of a reparation package such as support and acknowledgement with financial redress?

What would be the advantages?

Would there be any disadvantages, and if so, how might these be addressed?

Question 52

Do you agree that it would be beneficial if the administration of these elements were located in the same physical building?

What would be the advantages?

Would there be any disadvantages, and if so, how might these be addressed?

Question 53

Should wider reparation be available to everyone who meets the eligibility criteria for the financial redress scheme?

Yes No

Please explain your answer.

Question 54

Should there be priority access to wider reparation for certain groups, for example elderly and ill?

Yes No

Please explain your answer.

Question 55

If a person is eligible for redress, should they have the same or comparable access to other elements of reparation whether they live in Scotland or elsewhere?

Yes No

Please explain your answer.

Acknowledgment and Apology

Acknowledgment and apology have been identified as key components of reparation. In other countries this sometimes includes a face to face apology or letter of apology from different representatives, for example the Government, care provider or other organisations. Some have developed a framework for a direct personal response that also allows for other actions, including acknowledgment of regret and/or an opportunity to meet a senior official within the relevant institution.

When the NCF was established in Scotland in 2014, it was the only acknowledgment forum available to survivors. That position has changed. We now have the Scottish Child Abuse Inquiry and the Independent Care Review examining people's experiences in care. We will have a financial redress scheme to acknowledge and respond to the harm done to survivors of abuse in care. We want to look again at how survivors access acknowledgment and apology in Scotland.

Question 56

To allow us more flexibility in considering how acknowledgment is delivered in the future, we intend to include provision in the redress legislation to repeal the sections of the Victims and Witnesses (Scotland) Act 2014 which established the National Confidential Forum.

Do you have any views on this?

Question 57

Do you have any views on how acknowledgment should be provided in the future?

Question 58

Do you think a personal apology should be given alongside a redress payment?

Yes No

Please explain your answer.

If so, who should give the apology?

Support

Support is a key element of a wider reparation package and can typically include the following:

- emotional or psychological health and wellbeing;
- work and education;
- housing, benefits and financial advice;
- physical health and wellbeing;
- access to records – finding out about time in care;
- befriending.

Some countries have established a national counselling service or advocacy service rather than a wider support coordination service.

The creation of a statutory financial redress scheme provides the opportunity to look at how support for survivors might be delivered in the future. This will require further extensive engagement to consider current provision and consider other models.

Question 59

Do you think there is a need for a dedicated support service for in care survivors once the financial redress scheme is in place?

Yes No

Please explain your answer.

Question 60

Do you have any initial views on how support for in care survivors might be delivered in Scotland, alongside a redress scheme?



Pre-Legislative Public Consultation on Financial Redress for Historical Child Abuse in Care

RESPONDENT INFORMATION FORM

Where possible, we prefer that you take part using the Scottish Government's online consultation platform, Citizen Space. Citizen Space can be found at: <https://consult.gov.scot/>. If you are responding by post or email, please use this form to share your views. You can choose if you want to answer some or all of the questions. If you prefer you can write to us with your own comments.

Please Note we would appreciate that you complete all of the 'About you' section and return this with your response.

To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/>

About You

Are you responding as an individual or an organisation?

- ☐ Individual
☐ Organisation

Full name or organisation's name

If responding on behalf of an organisation, please indicate which category best describes your organisation. Please tick all that apply.

- | | |
|--|--|
| <input type="checkbox"/> Local Authority | <input type="checkbox"/> Other Public Sector |
| <input type="checkbox"/> Current Care Provider | <input type="checkbox"/> Academia/Education |
| <input type="checkbox"/> Previous Care Provider | <input type="checkbox"/> Private Sector |
| <input type="checkbox"/> Third Sector or Community Group | <input type="checkbox"/> Legal Sector |
| <input type="checkbox"/> Survivor Organisations | <input type="checkbox"/> Other |

If other, please specify.

If responding as an individual do you identify as a survivor of abuse in care?

- ☐ Yes
- ☐ No
- ☐ Prefer not to say

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- ☐ Publish response with name
- ☐ Publish response only (without name)
- ☐ Do not publish response

Information for organisations only:

The option 'Publish response only (without name)' is available for individual respondents only. An organisation's name will still be published even if this option is selected.

If you choose the option 'Do not publish response', your organisation's name may still be listed as having responded to the consultation in, for example, the analysis report.

If you have identified as a survivor of abuse in care, the Scottish Government will not publish your name unless you confirm that you are happy for that to happen. Please tick this box if you are.

☐

Where respondents have given permission for their response to be made public, we will still check that the response does not contain any sensitive information of a personal nature, any potentially defamatory or offensive materials, or where publication would be contrary to copyright or data protection laws. All such information will be redacted.

If you provide information regarding a perpetrator of abuse, we will pass this information and your details to Police Scotland in order that an assessment can be made of any current risk posed by the perpetrator.

We may wish to contact you again in the future, but we require your permission. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

☐ Yes

☐ No

If you would like to join our mailing list for any further updates on the financial redress scheme, you will need to sign and return a form (privacy notice). Please tick the box below if you would like to join our mailing list (if you do we will send you a privacy notice by email or post).

☐ E-mail

☐ Post



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COUNCIL EXECUTIVE

TOWN CENTRE FUND CAPITAL GRANT 2019/20 - APPLICATIONS

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 underspend in the wards of Armadale and Blackridge, Fauldhouse and Breich Valley and the Whitburn and Blackburn wards totalling £18,896.98. The funding is part of the Town Centre Capital Grant Fund which has been allocated to the council.

B. RECOMMENDATION

It is recommended that Council Executive:

1. agrees on the distribution of the unallocated sum to be used for projects in any settlement in the ward.

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 Scheme of Delegations to Officers	None.
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

Council Executive; Capital Asset Management Board; Local Area Committees

D. TERMS OF THE REPORT

D1 Background

In February 2019 the Scottish Government announced, as part of its budget, a new Town Centre Fund. The fund is a ring fenced capital allocation of £50 million for 2019/20. The fund is 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 allocation for West Lothian is £1.826 million.

The means of inviting application and disbursing funds to projects was agreed by Council Executive at its meeting on 12 June. That agreement set out a three stage process as follows.

It was agreed that Local Area Committees would 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 were to be presented to the relevant Local Area Committee for consideration.

After the initial round of allocations within each settlement, any balance remaining was to be allocated to applications in other settlements in the ward which had not been funded, partly or fully, at the first allocation. Where a balance remaining after the second stage it was agreed that it was for Council Executive to decide how and where all remaining balances should be spent across the whole council area.

Applications across the 23 towns have now been considered by Local Area Committees considered at the appropriate Local Area Committee and a balance of £18,896.98 is available for allocation to projects. A breakdown of the unallocated funding on a ward basis is set out in the following table.

Ward	Underspend
Armada and Blackridge	£344.21
Whitburn and Blackburn	£4,139.75
Fauldhouse and Breich Valley	£14,413.02
Total Underspend	£18,896.98

D2 Proposal for Underspend in Town Centre Capital Grant 2019/20 Fund

As per the decision of Council Executive on 12 June it is for Council Executive to allocate this funding to projects.

E. CONCLUSION

There is an unallocated amount of £18,896.98 of Town Centre Capital Grant Fund 2019/20 across three wards. Council Executive is asked to agree for the unallocated underspend of the Town Centre – Capital Fund 2019/20.

F. BACKGROUND REFERENCES

Armada and Blackridge Local Area Committee (1 October 2019)
Fauldhouse and the Breich Valley Local Area Committee (1 October 2019)
Whitburn and Blackburn Local Area Committee (3 October 2019)
Council Executive, 11 June 2019
<https://coins.westlothian.gov.uk/coins/submissiondocuments>.

Appendices/Attachments: One: List of unfunded projects

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Craig McCorriston
Head of Planning, Economic Development and Regeneration

12 November 2019

Appendix 1 Unsupported/Not Fully Funded TCF 2019/20

Town	Code	Application Name	Amount Applied For	Amount Awarded	Difference (+/-)
Addiewell	ADD01	Town Improvements	£47157.94	£47,073.98	-£83.96
Stoneyburn	STB01	Stoneyburn and Bents Heritage Trail Signage	£26,950	£20,000	-£6,950
Polbeth	POL03	Our History our Future	£17,017	£14,744	-£2,273
Polbeth	POL04	Enterprising Community	£21,573	£19,874	-£1,699
Armadale	ARM03	Street Tree Replacement	£28,000	£0	-£28,000
Armadale	ARM04	Provost Lamp	£5,000	£0	-£5,000
Armadale	ARM07	Armadale Seating	£3,000	£0	-£3,000
Armadale	ARM09	Facility Upgrades	£4,250	£0	-£4,250
Blackridge	BLR02	Beechbrae Labyrinth	£18,000.00	£0	-£18,000
Blackridge	BRO01	New Planting Scheme	£53,720.00	£36,656	-£17,064
Broxburn	BRO02	Leaflet Racks	£295	£0	-£295
Broxburn	BRO03	Extension to Lounge Bar	£28,000	£0	-£28,000
Broxburn	BRO06	Port Buchan	£60,000	£20,000	-£40,000
Uphall	UPH02	Local Park	£51,775.00	£42,298.50	-£9,476.50
Uphall	UPH03	Planting Scheme	£35,465.10	£23,089.50	-£12,375.60
Broxburn/Uphall	BRO05/UPH04	3G Replacement	£80,000	£65,000	-£15,000
East Calder	ECA01	Green Gym	£51,800	£0	-£51,800
East Calder	ECA02	Gala Centenary	£9,938.75	£4,442.75	-£5,496
Mid Calder	MCA02	Car Park	£7,500	£0	-£7,500
Mid Calder	MCA03	Accessible Toilets	£8,300	£0	-£8,300
Mid Calder	MCA04	Wi-Fi	£270	£0	-£270
Mid Calder	MCA06	Feasibility	£50,000	£5,398.75	-£44,601.25
Pumpherstoun	PUM01	The Hutch	£48,605.99	£42,803.49	-£5,802.50
Linlithgow	LIN06	Provision of an Information Centre in Burgh Halls	£8,000	£0	-£8,000
Linlithgow	LIN08	Renovation of Linlithgow Rose Garden	£23,000	£0	-£23,000
Elburn	ELI02	Inclusive Playpark	£45,000	£18,432	-£26,568

Town	Code	Application Name	Amount Applied For	Amount Awarded	Difference (+/-)
Livingston Wide	MA001 (Multiple settlements in Livingston)	Local Centre Refurb	£203,000	£56,757	-£146,243
Knightsridge	KN102	Inclusive Playground	£46,219.20	£13,344.60	-£32,874.60
Knightsridge	KN103	Interior Regeneration	£7,168.36	£6,599.80	-£568.56
Dedridge	DED01	Upgrade Room	£25,000	£12,578	-£12,422
Dedridge	DED02	Nigel Rise Path	£36,951.50	£26,073	-£10,878.50
Livingston Wide	MA02	Milestone Project	£14,000	£13,500	-£500
Murieston	MUR03	Community Garden	£38,326	£29,470	-£17,697
Ladywell	LAD01	Community Garden	£22,932.35	£20,629	-£2,303.35
Bellsquarry	BEL01	Village Hall Upgrade	£5,000	£2,513	-£2,487
Bellsquarry	BEL03	Larder Kitchen	£8,000	£2,500	-£5,500
Whitburn	WH101	Leaflet Racks	£550	£383.14	-£166.86
Whitburn	WH102	Community	£37,014.89	£25,785.56	-£11,229.29
Whitburn	WH103	Ground Improvements	£39,875	£27,778	-£12,097
Whitburn	WH104	Deep Clean	£6,000	£0	-£6,000
Whitburn	WH105	Reception Modifications	£62,500	£43,539.16	-£18,960.84
Whitburn	WH106	Community Museum	£5,000	£3,483.13	-£1,516.87
Seafield	SEA06	Football Pitch Ramp	£1572	£0	-£1,572
Seafield	SEA07	Football Pitch Steps	£4656	£0	-£4,656
Greenrigg	GRE02	Play Area Extension	£9,250.80	£7,709	-£1,541.80
Greenrigg	GRE04	Nature Area	£7,740	£6,450	-£1,290
East Whitburn	EW02*	Inclusive Play	£40,266.94	£40,199.84	-£67.10

* The LAC agreed to note that Application EHW02 could only proceed if more funding in the region of £30,000 was found and to strongly recommend to the Council Executive that the underspend for town centre funding within the ward of £4,139.75 should be awarded to that application towards the shortfall of funds required to allow that project to proceed.

Council Wide Projects not considered at Local Area Committees

Project	Location	Cost
Bin Sensors (50)	Various Locations	£19,250
Glutton Collect Waste vacuum Cleaners (x3)	West Lothian Wide – Town Centre	£47,985
Solar Compactor Bins (20)	West Lothian Wide – Town Centre	£106,000



COUNCIL EXECUTIVE

TRANSIENT VISITOR LEVY - PROPOSED CONSULTATION RESPONSE

REPORT BY HEAD OF PLANNING ECONOMIC DEVELOPMENT & REGNERATION

A. PURPOSE OF REPORT

The purpose of this report is to advise Council Executive of the Scottish Government's Consultation on the Principles of a Local Discretionary Transient Visitor Levy (TVL) or Tourist Tax.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes the terms of the consultation; and
2. Agrees this report as the council's response to the consultation

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)	Policy: As part of the 2019-20 Draft Budget, the Scottish Government committed to consult on the principles of TVL. Legal: May have implications going forward
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	Linked to council's own SOA
VI	Resources - (Financial, Staffing and Property)	There could be significant financial implications in terms of TVL liability, billing and collection.
VII	Consideration at PDSP	Development & Transport PDSP 5 November 2019 – comments incorporated in report.

VIII Other consultations

Finance. Visit West Lothian has been encouraged to respond.

D. TERMS OF REPORT

D.1 Background

The Scottish Government published its Consultation on the Principles of a Local Discretionary Transient Visitor Levy or Tourist Tax on 9 September 2019. The consultation seeks answers to a set of 33 questions by the closing date of 2 December 2019.

The consultation comprises six chapters plus appendices:

Chapter 1 Introduction & background
Chapter 2 The policy context
Chapter 3 The balance between local autonomy and national consistency
Chapter 4 What activity should a visitor levy apply to?
Chapter 5 Local decision making
Chapter 6 Further considerations

A short overview of each chapter is given below.

D.2 Chapter 1 Introduction & Background

Kate Forbes MSP, Minister for Public Finance and Digital Economy highlights the importance of tourism to the Scottish economy noting that over 200,000 people are employed in the sector, and affirming the Scottish Governments commitment to maintaining and enhancing the tourism sector's economic, social and environmental contributions

The chapter states that in 2018, there were over 15.3 million overnight visits to Scotland consisting of 11.8 million domestic visitors (from within UK) and over 3.5 million overseas visitors as well as just under 138 million day visits.

The chapter notes the pressures that these visitor numbers have created in some areas of Scotland, the calls from COSLA for the powers to create a local tourist tax and the significant opposition from representatives of the tourism sector.

In West Lothian there were 344,680 overnight visitors, with 142,500 staying in fee paying accommodation and 202,200 staying with friends or relatives. (Source; 2017 STEAM report). This represents an opportunity to examine the proposed Visitor Levy from a West Lothian context.

D.3 Chapter 2 The Policy Context

The chapter develops the three key elements of policy context that drive the Government's thinking around the development of a visitor levy. These are:

- Support the sustainable growth of the tourism sector across Scotland, particularly in cities and regions which have experienced high visitor numbers in recent years.

- Strengthen local democracy through increased local decision making and more empowered communities.
- Create a new local tax power which is consistent with the Government's overall approach to taxation.

The implementation of a Visitor Levy in West Lothian has the potential to raise approximately £250,000 per annum (Source; 2017 STEAM report overnight visitor numbers, £2 per room per night) that could be invested to support and attract tourism and pay for additional tourism-related costs. Consideration would need to be given to how the levy is calculated, collected and invested.

At Development & Transport PDSP, some members sought clarification as to whether any revenue raised from the levy would be additional, not subsequently deducted from Scottish Government grant funding.

D.4 Chapter 3 The Balance between Local Autonomy and National

This chapter recognises that tourism benefits and challenges vary across the country, due to factors such as population, demography and rurality. It therefore suggests that the appropriate body to levy a tourist tax would be local authorities.

It is stressed that local authorities would be under no obligation to implement a visitor levy and that the initial position of the Scottish Government would be that there are some overarching design principles set out in national legislation which must be followed by all local authorities that opt to introduce a visitor levy.

West Lothian is well placed geographically to benefit from Edinburgh as a tourist destination. 'Over tourism' in the capital has led to visitors looking for accommodation further out from the city itself and West Lothian has excellent transport links to/from Edinburgh.

D.5 Chapter 4 What Activity Should A Visitor Levy Apply To?

This chapter notes that overnight stays in commercially let accommodation would be liable for the levy in the Bill. It is noted that whilst the Scottish Government is not currently minded to expand the visitor levy beyond overnight stays, it does express a wish to explore both the desirability and feasibility of applying a visitor levy other than in relation to overnight stays before making a final decision. Other visitor activities that are suggested are day visitors to a local authority area; cruise ship visitors who disembark for a day; and wild or rough camping, including motorhomes or caravans parked and occupied overnight in places that are not formal campsites or parking places.

The chapter notes that there are a number of different ways that a tourism tax could be applied; these include a flat rate per person per night; a flat rate per room per night; a percentage of accommodation charge; and a flat rate per night dependent on the quality of accommodation.

The Consultation makes no decision on the application of the tax and invites views from all perspectives, on each basis of charging described above. Views are also sought on whether the basis of the charge should be determined nationally, or for a local authority to decide. At PDSP, some members sought clarification on the rationale for recommending a national levy rate rather than a locally-decided rate.

The implications of VAT on the tourism tax are highlighted, noting that all but one of the EU member states that operate a tourist tax applied lower rates of VAT on accommodation compared to the UK. The consultation states that it is likely that VAT would be payable on the base price plus levy amount.

The Consultation does make it clear that there are groups that the Scottish Government considers it would be unacceptable for a local authority to impose a visitor levy on under any circumstances. These include the following: Homeless people, Asylum seekers/refugees, Victims of domestic abuse and people who have been rehoused temporarily as a result of fire/flood etc. Other exemptions could include locum medical staff, visiting clergy, hostel providers and those responding to emergency incidents of scale.

A range of other groups that have been suggested for exemption are: Disabled people and registered blind/deaf and their carers, Those travelling outwith their local authority area for medical care, and their carers or next of kin, Children and young people under a certain age, Students, Long stay guests (e.g. people staying for more than 14 days), Business travellers, Local residents (paying for overnight accommodation within the area in which they reside permanently).

West Lothian attracts 800,000 day visitors per annum (Source; 2017 STEAM report) and consideration should be given to whether this group should be included in a version of a Visitor Levy.

D.6 Chapter 5 Local Decision Making

The chapter asks what requirements a local authority should have in place before it can decide to implement a visitor levy. These measures could include; Produce an initial statement of intention to consider introducing a visitor levy, a timeframe for introduction of at least one financial year following conclusion of consultation and engagement activities.

Other requirements may include:

- Hold a consultation in their local area to gather views from all those who will be affected by the visitor levy;
- Conduct required impact assessments;
- Assess the administrative burden on businesses and taken steps to minimise this;
- Should the legislation allow the rate to be set locally, the local authority has demonstrated why the chosen rate of the visitor levy is optimal for that area;
- Having appropriate mechanisms in place to allow visitor levies collected to be remitted to the local authority;
- Make information about the visitor levy, and how to pay it, available and in the public domain for both business and visitors.
- Ensuring the approach to collaborative decision making on revenue spending is set out in the public domain;
- Establish an approach to monitoring and publically reporting revenues raised and their expenditure on an annual basis;
- Monitor and report on the impact of the visitor levy on an annual basis;
- Establish an approach to evaluating and publically reporting the impact of the visitor levy, within a reasonable period after introduction.

The Consultation raises the question of what extreme circumstances would be appropriate for the Scottish Government to prevent a local authority from applying a visitor levy, whilst acknowledging the commitment to enhance local decision making.

It is proposed that any receipts raised must fund local authority expenditure and should be spent on tourism related activities including responding to tourism pressures and costs.

The Consultation states that the Scottish Government is of the view that, where local tourism strategies exist, local authorities should allocate revenues from visitor levies towards delivering the priorities articulated within these strategies.

D.7 Chapter 6 Further Considerations

The concluding chapter questions whether the term 'visitor levy' is appropriate for the new powers in the consultation documents, if it avoids negative or incorrect inference.

The importance of the visitor being aware of the levy, how and when they will pay it is highlighted.

It is noted that the power to implement the levy would not be available to local authorities until Summer 2021 at the earliest and the prospective transitional measures that would need to be put in place for bookings paid for in advance would need to be discussed.

The impact assessments that are required are:

- Business and Regulatory Impact Assessment (BRIA)
- Equality Impact Assessment (EQIA)
- Data Protection Impact Assessment (DPIA)

A partial BRIA already completed indicates that the main groups that will be affected by a visitor levy are: Visitors (both domestic and international), Tourism accommodation providers and their employees, Other tourism businesses and wider economy, Local residents and general public, Local Authorities.

The key types of impact on these groups which have been identified include: Visitor behaviour (spend less, stay less time, go elsewhere), Business behaviour (reaction to levy and reaction to change in visitor behaviour), Reduced visitor spend and knock on economic impacts more widely, Improved environment for local community, Improved perceptions of tourism held by public, Increase in revenue available for investment by local authorities, reputation of Scotland as a welcoming place.

From a West Lothian perspective, consideration should be given to both the positive and negative impacts of a Visitor Levy.

- Without financial support, Visit West Lothian will not be able to continue its work in promoting West Lothian as a tourism destination.

- Visitor Levy is generally considered in areas of 'over-tourism', it would be difficult to argue that this applies in West Lothian.
- The price an accommodation provider charges is subject to market rate. In order to remain competitive a business cannot increase above this rate and still offer the same product without losing custom. It is therefore likely that the business would choose to absorb the TVL cost as opposed to passing it on the consumer.
- There are no major issues around visitor infrastructure that currently need addressed.
- Should the Visitor Levy be applied in other local authority areas, would West Lothian fall behind in terms of support for the sector.

E. CONCLUSION

The Consultation on the Principles of a Local Discretionary Transient Visitor Levy or Tourist Tax details the consideration required ahead of the decision whether to implement a Visitor Levy in West Lothian.

F. BACKGROUND REFERENCES

<https://www.gov.scot/publications/consultation-principles-local-discretionary-transient-visitor-levy-tourist-tax/pages/5/>

2017 STEAM Report – available via Committee Services

Appendices/Attachments:

Appendix 1 Consultation Response

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Craig McCorriston,
Head of Planning, Economic Development and Regeneration.

12 November 2019

Appendix 1: TRANSIENT VISITOR LEVY - PROPOSED CONSULTATION REPONSE

(Council response highlighted)

Q1. Do you think that the design of a visitor levy should be set out:

a) wholly in a national framework

b) mostly at a national level with some local discretion

c) mostly at local level with some overarching national principles.

Please provide a reason (or reasons) for your answer:

Scottish Government is committed to legislating to provide local authorities with the power to apply a discretionary visitor levy.

Q2: Is an overnight stay in commercially let accommodation an appropriate basis for applying a levy on visitors?

Yes

No

Don't know

Please provide a reason (or reasons) for your answer:

This is consistent with similar schemes in other countries.

Q3: Which of the following activities do you think a visitor levy could be robustly applied to and enforced, and how?

Tick all boxes that apply and provide reasons where possible

Day visitors not staying overnight

Please explain how a visitor levy could be applied and enforced on day visitors:

Cruise ship passengers who disembark for a day before re-joining the vessel

Please explain how a visitor levy could be applied and enforced on cruise ship passengers:

Wild or rough camping, including in motorhomes and camper vans

Please explain how a visitor levy could be applied and enforced on rough camping, including motorhomes and camper vans:

None of the above

Q4: The consultation paper sets out four options for the basis of the charge (section 5.1).

Please tick which one you think would work best in Scotland? (Tick one box below)

Flat rate per person per night

Flat rate per room per night

A percentage of total accommodation charge

Flat rate per night dependent on the quality of accommodation

This is consistent with similar schemes in other countries.

Q5: In addition, for each option in Q4 what are: the considerations for accommodation users, accommodation providers and local authorities.

Flat rate per person per night

Implications for accommodation users: transparent scheme

Implications for accommodation providers: potential administration burden

Implications for local authorities: additional income to support local tourism but additional billing, collection and enforcement challenges

Flat rate per room

Implications for accommodation users:

Implications for accommodation providers:

Implications for local authorities:

A percentage of total accommodation charge

Implications for accommodation users:

Implications for accommodation providers:

Implications for local authorities:

Flat rate per night dependent on the quality of accommodation

Implications for accommodation users:

Implications for accommodation providers:

Implications for local authorities:

Q6: Do you think that the basis of the charge should be set out in a national framework, or be for a local authority to decide?

Set out in a national framework

Decided by local authorities

Don't know

Consistent across Scotland, easy for visitors to understand.

Q7: Do you think that the rate of the visitor levy should be set out in a national framework or should it be for the local authority to decide?

Tick one box:

Set out at national level

Decided by local authorities

Don't know

Consistent across Scotland, easy for visitors to understand.

Q8: What factors should be considered to ensure the rate of the visitor levy is appropriate?

Consider what is charged in other countries e.g. France, Spain.

Levy should not be a disincentive to tourism

Q9: If the rate of the visitor levy were to be set by individual local authorities, should an upper limit or cap be set at a national level?

Tick one box

Set out at a national level

Decided by local authorities

Don't know

Consistent with local democracy.

The Scottish Government is of the opinion that there are some groups that it would be unacceptable to impose a visitor levy on under any circumstances. These include:

- Homeless people
- Asylum seekers/refugees
- Travelling communities (such as Gypsy travellers and other traveller communities)
- Victims of domestic abuse placed temporarily in refuges or short term accommodation because their normal home is unsafe for them to stay in
- Those placed temporarily in refuges or short term accommodation because their normal home is unsafe for them to stay in.

Beyond these groups, other groups could be included for exemption either at the national or local level.

Q10: Do you think that all exemptions should be the same across Scotland and therefore set out in the national legislation, or should local authorities have scope to select some exemptions?

Tick one box below:

All exemptions should be the same across Scotland and local authorities should not have any discretion.

Some exemptions should be set at national level, and some should be at the local authority's discretion

Q11: Which additional exemptions from the list below do you think should be applied to a visitor levy?

Tick all that apply

Disabled people and registered blind/deaf and their carers

Those travelling out with their local authority area for medical care, and their carers or next of kin

Children and young people under a certain age

Students

Long stay guests (e.g. people staying for more than 14 days)

Business travellers

Local resident (paying for overnight accommodation within the local authority in which they reside permanently)

Q12: Are there any other exemptions that you think should apply?

No, not at this stage.

Q13: What is your view of the proposal that accommodation providers should be ultimately responsible for the collection and remittance to the appropriate local authority, even if the tax is collected by a third party booking agent or platform

Tick one

Agree

Disagree

Consistent with broad principles of tax collection.

Q14: If accommodation providers were required to remit visitor levies after the overnight stays to which they relate (even if the payment was made well in advance) how frequently should the levies collected be required to be remitted to the levying local authority?

Tick one box

Ongoing basis (e.g. each night)

Monthly

Quarterly

Annually

A quarterly collection basis would put less of a burden on providers.

It will be necessary for accommodation providers to collect information from visitors to apply the visitor levy correctly and retain records to demonstrate compliance. This information may vary depending on the basis of the charge. It will be essential that local authorities and accommodation providers comply with General Data Protection Regulation (GDPR) in handling personal data.

Q15: What information should an accommodation provider be required to collect and retain to ensure compliance?

Please list below and explain why you think that information is needed for the four different scenarios below:

If the basis of the charge is on a:

- a) flat rate per person per night**
- b) flat rate per room per night**
- c) percentage of total accommodation charge**
- d) flat rate per night dependent on the quality of accommodation**

This will require careful consideration and guidance to ensure compliance with GDPR.

Q16: How can a local authority choosing to apply a visitor levy ensure it has a comprehensive list of all those providing overnight accommodation on a commercial basis in their local authority area?

A number of sources including but not limited to Non-domestic rates (NDR) records; local knowledge; planning and licensing records.

Q17: What enforcement powers should a local authority have to ensure compliance and prevent avoidance and evasion by accommodation providers?

Similar to Non-domestic rates powers.

Q18: Should non-compliance by an accommodation provider be subject to a civil penalty (i.e a fine) and if so, what would be the appropriate level be?

Tick one:

Yes

No

Don't Know

Please state level of civil penalty (fine) (in £ pounds sterling) that you think is appropriate? Requires guidance from Legal colleagues.

Q19: A list of requirements that local authorities could be expected to meet before being able to introduce a visitor levy is summarised below.

Do you agree or disagree with these options. (please tick the appropriate box)

If you have any other suggestion for requirements then please add these in the box below together with your reasons

	Agree	Disagree
Produce an initial statement of intention to consider introducing a visitor levy	√	
A timeframe for introduction of at least one financial year following conclusion of consultation and engagement activities	√	
Have held a consultation in their local area to gather views from all those who will be affected by the visitor levy	√	
Have conducted required impact assessments	√	
Have assessed the administrative burden on businesses and taken steps to minimise this	√	
If the legislation allows the rate to be set locally the local authority has demonstrated why the chosen rate of the visitor levy is optimal for that area	√	
Have appropriate mechanisms in place to allow visitor levies collected to be remitted to the local authority	√	
Have made information about the visitor levy and how to pay it available and in the public domain, for both business and visitors	√	
The approach to collaborative decision making on revenue spending is set out in the public domain	√	

Establish an approach to monitoring and publically reporting revenues raised and their expenditure on an annual basis	√	
The approach to monitoring and reporting on the impact of the visitor levy on an annual basis, is clearly set out in the public domain	√	
Establish an approach to evaluating and publically reporting, the impact of the visitor levy, within a reasonable period after introduction	√	
<p>Please add any other comments on the requirements listed above</p> <p>Please list any other requirements you think might be necessary, together with reasons below:</p>		

Q20: Should Scottish Government be able to prevent a local authority from applying a visitor levy?

Yes

No

Don't Know

Q21: Under what circumstances should Scottish Government be able to do this?

Nil response

Q22: What requirements might be placed on local authorities to engage with local stakeholders to determine how revenues are spent?

West Lothian Council would do this without being required to do so.

Q23: How might this engagement be best achieved?

A partnership approach consistent with existing good practice.

Q24: Should revenues from a visitor levy be allocated to priorities articulated through local tourism strategies, where they exist?

Yes

No

Don't Know

Q25: What reporting arrangements might be required of local authorities to account for the expenditure of receipts from a visitor levy?

Similar arrangements to those that already exist. It could be included in annual accounts.

Q26: If a local authority was to impose a visitor levy on a specific area within the authority, should any revenue raised have to be spent only in that area?

Yes

No

Don't Know

West Lothian would not impose a visitor levy in a specific area

Q27: Is the name 'visitor levy' appropriate for the new powers proposed in the consultation document?

Yes

No

Don't Know

Tourist tax is more transparent.

Q28: If not, what do you consider to be a better alternative and why?

Please provide a reason (or reasons) for your answer:

As Q27 above

Under existing law accommodation providers already must clearly display the price of their accommodation and any VAT which applies to their prices.

Q29: What requirements should apply to ensure accommodation prices transparently display a visitor levy?

We can learn from existing practice in other countries.

Q30: What, if any, transition arrangements should apply when accommodation is reserved and paid for in advance of a local authority choosing to impose, or subsequently vary, a visitor levy for the period the accommodation is let?

This will need more consideration and guidance from Legal and Finance colleagues.

Q31. Should these transition arrangements be set out in a national framework or be decided by local authorities?

Tick one box:

Set out in a national framework

Decided by local authorities

Don't know

Our partial BRIA indicates that the main groups that will be affected by a visitor levy are:

- Visitors (both domestic and international)
- Tourism accommodation providers and their employees
- Other tourism businesses and wider economy
- Local residents and general public
- Local Authorities

Q32: In addition to what is set out in our draft BRIA are you aware of any additional impacts the visitor levy will have for any of these groups?

Not at this time

Q33: Are there any other groups not listed here that should be given attention in the impact assessments?

Not at this time



COUNCIL EXECUTIVE

SCOTLAND'S CLIMATE CHANGE DECLARATION – ANNUAL REPORT 2018/19

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to inform Council Executive of West Lothian's annual Scottish Climate Change Declaration Report for 2018/19 and seek approval for its submission to the Sustainable Scotland Network and Scottish Government.

B. RECOMMENDATION

It is recommended that Council Executive:

1. notes the contents of the Declaration at Appendix 1;
2. notes that the council has exceeded the emission reduction target set out in its Climate Change Strategy and Carbon Management Plan; and,
3. approves the Declaration for submission to Sustainable Scotland Network and the Scottish Government.

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)	<p>The council is legally bound to comply with duties for public sector bodies within the Climate Change (Scotland) Act 2009. The duties require that the council must, in exercising its functions, act:</p> <p>(a) in the way best calculated to contribute to the delivery of the targets set in or under Part 1 of the Act;</p> <p>(b) in the way best calculated to help deliver any programme laid before the Scottish Parliament under section 53;</p> <p>(c) in a way that it considers is most sustainable.</p> <p>The response does not raise any equality issues. SEA not required</p>
III	Implications for Scheme of Delegations	None.

to Officers

IV	Impact on performance and performance Indicators	There are a number of performance indicators related to the council's carbon emissions and related factors.
V	Relevance to Local Outcomes Improvement Plan	Outcome 7 - We live longer, healthier lives and have reduced health inequalities, and; Outcome 8 - 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)	None
VII	Consideration at PDSP	The report was considered at Environment PDSP on 5 November where a question was raised regarding Edinburgh Airport emissions. As these are not in scope, a separate report will be prepared for the panel.
VIII	Other consultations	Climate Change and Sustainability Working Group members. Relevant staff from other services.

D. TERMS OF REPORT

D.1 Background

The council has a number of obligations under the Public Bodies Duties of the Climate Change (Scotland) Act 2009 (the Act) and has been reporting on Climate Change since becoming a signatory to Scotland's Climate Change Declaration in 2007. Reporting has been mandatory since the 2015/16 reporting year and must be submitted to the Sustainable Scotland Network (SSN) by 30 November each year.

D.2 Summary of the Declaration for West Lothian Council

The Declaration is split into two sections. There is a "Required" section which must be completed and a "Recommended" section which is optional.

The first part of the required section provides key information about the organisation and the reporting year covered.

Part two includes information on how the council provides effective governance, leadership and management of climate change. There is a particular emphasis on the role of senior staff and elected members in climate change initiatives and groups and in promoting awareness and action on climate change.

Part three addresses the council's corporate greenhouse gas emissions including targets, performance and actions to reduce emissions. The council's current target of reducing emissions by 20% from our baseline year of 2013/14 is set out in the Climate Change Strategy (CCS) and Carbon Management Plan (CMP) which were approved in November 2015. The footprint for 2018/19 has been calculated to be 42,442 tCO₂e, a significant decrease of 8,389 tonnes (16.5%) on the 2017/18 footprint and 18,619 tonnes (30.49%) reduction from our baseline year of 2013/14. The council's targets will be reviewed and updated as part of our response to the recently declared Climate Emergency, setting out the path to a net zero carbon council.

Section four relates to the council's approaches to dealing with the already changing climate in Scotland. This includes assessing risks, physical works such as flood prevention and the development of local and national action plans.

Sustainable procurement is covered in section five, with information on how the council's policies and activities contribute to compliance with the climate change duties.

The final section of the required reporting area is for the council to outline how the reporting document and the information contained within it has been validated, and a declaration to confirm that it is correct. The accuracy of the data within the annual return has been verified by Internal Audit.

The "Recommended" section of the report outlines the council's wider impact, including partnership working, awareness raising campaigns and behavioural change programmes. We have also included a wide range of activities related to biodiversity, resource use and local food production.

E. CONCLUSION

The council's Climate Change Declaration Report for 2018/19 highlights the excellent work that has been done to date in reducing our emissions and adapting to Climate Change with the council exceeding its 2020/21 target 2 years ahead of schedule. The Declaration, if approved by Council Executive, will be submitted to the Sustainable Scotland Network and the Scottish Government for publication.

F. BACKGROUND REFERENCES

Climate Change (Scotland) Act 2009

<http://www.gov.scot/Topics/Environment/climatechange/scotlands-action/climatechangeact>

Climate Change Act – Public Bodies Duties

<http://www.gov.scot/Topics/Environment/climatechange/howyoucanhelp/publicbodies/publicsector>

Climate Change Reporting Information

<https://sustainablesotlandnetwork.org/reports>

Scottish Government's Sustainability Reporting Guidance

www.scotland.gov.uk/Publications/2013/07/4721

Sustainable Procurement and the Flexible Framework

<https://www.gov.scot/policies/public-sector-procurement/sustainable-procurement-duty/>

Biodiversity Duty

<https://www.nature.scot/scotlands-biodiversity/biodiversity-duty>

Scottish Climate Change Adaptation Programme *Climate Ready Scotland*

www.scotland.gov.uk/Publications/2014/05/4669

Public Bodies Climate Change Duties: Putting Them Into Practice

Guidance Required By Part 4 Of The Climate Change (Scotland) Act 2009

www.scotland.gov.uk/publications/2011/02/04093254/0

Appendices/Attachments: One

Appendix 1 – Climate Change Report 2018/19

Contact Person: Peter Rogers, Energy & Climate Change Manager, 01506 281107,
peter.rogers@westlothian.gov.uk

Craig McCorriston

Head of Planning, Economic Development and Regeneration

12 November 2019

TABLE OF CONTENTS

Required

- PART 1: PROFILE OF REPORTING BODY
- PART 2: GOVERNANCE, MANAGEMENT AND STRATEGY
- PART 3: EMISSIONS, TARGETS AND PROJECTS

- PART 4: ADAPTATION
- PART 5: PROCUREMENT
- PART 6: VALIDATION AND DECLARATION

Recommended Reporting: Reporting on Wider Influence

- RECOMMENDED – WIDER INFLUENCE
- OTHER NOTABLE REPORTABLE ACTIVITY

PART 1: PROFILE OF REPORTING BODY

1(a) Name of reporting body
West Lothian Council

1(b) Type of body
Local Government

1(c) Highest number of full-time equivalent staff in the body during the report year
6679

1(d) Metrics used by the body			
Specify the metrics that the body uses to assess its performance in relation to climate change and sustainability.			
Metric	Unit	Value	Comments
Population size served	population	182140	https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/mid-year-population-estimates/mid-2018

1(e) Overall budget of the body	
Specify approximate £/annum for the report year.	
Budget	Budget Comments
482067000	Total revenue budget taken from annual accounts.

1(f) Report year	
Specify the report year.	
Report Year	Report Year Comments
Financial (April to March)	

1(g) Context
Provide a summary of the body’s nature and functions that are relevant to climate change reporting.
As a local authority in an area with an expanding population of over 180,000, West Lothian Council provides services such as Education, Social Services, Planning, Housing, Economic Development, Highways, Street Lighting and Cleansing. It also works closely with other public bodies such as police, fire and health through its Community Planning Partnership. There are, however, four main areas where the nature and functions of the organisation make a significant contribution to greenhouse gas emissions and are therefore relevant. These are: the operation of over 250 buildings including offices, partnership centres, schools, sheltered housing and depots; street lighting and other road furniture (signage etc); operation of the council's fleet of vehicles; and waste collection and disposal throughout the area. In addition, the council's Planning function shapes future policy to ensure that mitigation and adaptation to the impacts of climate change are considered in the Local Development Plan and associated planning guidance.

PART 2: GOVERNANCE, MANAGEMENT AND STRATEGY

2(a) How is climate change governed in the body?
<p>Provide a summary of the roles performed by the body's governance bodies and members in relation to climate change. If any of the body's activities in relation to climate change sit outside its own governance arrangements (in relation to, for example, land use, adaptation, transport, business travel, waste, information and communication technology, procurement or behaviour change), identify these activities and the governance arrangements.</p> <p>Climate change and sustainability is embedded within the governance structure of West Lothian Council as outlined in the simplified diagram attached. Council Executive has overall responsibility for ensuring the council's compliance with the Climate Change (Scotland) Act 2009 and is responsible for the approval of all climate change strategies, policies, action plans and monitoring reports.The Environment Policy Development and Scrutiny Panel (PDSP) is comprised of elected members who develop new policies for the council and review existing policies to identify where changes are required. The panel does not make decisions, but it makes recommendations to the Council Executive. The Environment PDSP has responsibility for consideration of the Climate Change Strategy and associated Action Plans and climate change reports, including the annual Climate Change Duties report and regularly reviews Performance Indicators relating to climate change. The Community Planning Partnership (CPP) Steering Group has responsibility for monitoring performance against the Environment outcome of the Local Outcomes Improvement Plan 2013-2023 (LOIP) including targets for climate change and sustainability. The chair of the CCSWG reports quarterly to the Steering Group. The minutes of the CCSWG / Environment Forum are submitted to the Steering Group for scrutiny and minutes from the Steering Group circulated to CCSWG members.</p>

2(b) How is climate change action managed and embedded by the body?
<p>Provide a summary of how decision-making in relation to climate change action by the body is managed and how responsibility is allocated to the body's senior staff, departmental heads etc. If any such decision-making sits outside the body's own governance arrangements (in relation to, for example, land use, adaptation, transport, business travel, waste, information and communication technology, procurement or behaviour change), identify how this is managed and how responsibility is allocated outside the body (JPEG, PNG, PDF, DOC)</p> <p>The council's principal corporate decision making body is its Executive Committee which is chaired by the Leader of the council. The attached table summarises the council's internal management structures relating to climate change. The Head of Planning, Economic Development & Regeneration has direct responsibility for climate change, is the council's nominated Sustainable Procurement Champion and chairs the Climate Change and Sustainability Working Group (CCSWG). In support of the Head of Planning, Economic Development & Regeneration's role, each Head of Service is a lead officer for climate change with responsibility for climate change actions and targets within their service area. Heads of Service may delegate their responsibility to a direct report to ensure that day to day management responsibilities are clear and that delegated decision making is undertaken at the appropriate level. All activities relating to climate change are set out in the council's Climate Change Strategy and associated Action Plans, and are coordinated by the Energy & Climate Change Manager through the CCSWG. Lead officers for specific actions provide quarterly progress reports through the council's performance management system (Pentana).The Emergency Planning Service is located in the Chief Executive Office. The service is responsible for ensuring that the council has emergency response arrangements in place to enable it to respond effectively in times of crisis. The impact of climate change has also been identified in the council's Corporate Risk Register and progress against actions to address climate risk is monitored by senior management through the appropriate service management team. Climate Change is also embedded throughout the organisation in a number of ways:- Corporate Induction includes a section on energy and climate change awareness;- When new projects or plans are being developed, the Strategic Outline Business Case includes a section on Sustainability which must be considered and completed in all cases;- The council's Corporate Procurement Strategy sets out the vision to "achieve superior procurement performance through advanced sustainable procurement practices for the benefit of the council and its stakeholders" and a number of Performance Indicators have been developed which are regularly monitored and reported on. One of our key LOIP outcomes is that "We make the most efficient and effective use of resources by minimising our impact on the built and natural environment".</p>

2(c) Does the body have specific climate change mitigation and adaptation objectives in its corporate plan or similar document?		
Provide a brief summary of objectives if they exist.		
Objective	Doc Name	Doc Link
The council aims to develop a strong, inclusive and sustainable West Lothian. We want to build communities and services that are well designed and protect the built and natural environment for current residents and future generations.	Corporate Plan 2018-2023 (P.33)	https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf
Improving waste recycling rates across West Lothian by implementing the ScottishGovernment's Zero Waste Strategy.	Corporate Plan 2018-2023 (P.34)	https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf

Protecting the environment through a range of regulatory and enforcement activities that will protect the health, wellbeing and safety of local people.	Corporate Plan 2018-2023 (P.34)	https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf
Engaging with the community and commercial operators to deliver a cost effective public transport network and active travel options.	Corporate Plan 2018-2023 (P.34)	https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf
Continue to maintain and protect the local environment for residents, visitors and future generations by maintaining public spaces, gardens and provision of country parks and encouraging community to play a more active role in looking after their local environment.	Corporate Plan 2018-2023 (P.34)	https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf
The council is committed to working with its partners on mitigating and adapting to climate change and promoting sustainable development. This will be achieved through a range of activities relating to:- -Waste - minimising the amount of waste that is sent to landfill and increasing recycling; -Transport - promoting sustainable and active modes of transport and increasing access to sustainable transport; -Sustainable use of resources - reducing energy use through the introduction of renewable technology and energy efficiency measures in buildings and encouraging behavioural change to reduce energy consumption; and, -Measures to adapt to both current and future changes in the climate. Further action is identified in the council's Climate Change Strategy for West Lothian.	Local Outcomes Improvement Plan 2013-2023 (P.48)	https://www.westlothian.gov.uk/media/17003/West-Lothian-Local-Outcomes-Improvement-Plan-2013-2023/pdf/West_Lothian_Local_Outcomes_Improvement_Plan_2013-2023.pdf
The council's assets will be managed to ensure that their useful operational life meets expected life expectancy, as well as minimising the potential adverse impact on the environment. Sustainability should make sure that council assets are available to support ongoing service delivery in the long term.	Corporate Asset Management Strategy (Outcome 7) 2018-2028 (P.13)	https://coins.westlothian.gov.uk/coins/viewDoc.asp?c=e%97%9Dg%8Fpy%88

2(d) Does the body have a climate change plan or strategy?
If yes, provide the name of any such document and details of where a copy of the document may be obtained or accessed.
West Lothian Council approved its Climate Change Strategy 2015-2020 and Carbon Management Plan in November 2015. These can be found at: www.westlothian.gov.uk/article/2211/Climate-change---what-are-we-doing

2(e) Does the body have any plans or strategies covering the following areas that include climate change?				
Provide the name of any such document and the timeframe covered.				
Topic area	Name of document	Link	Time period covered	Comments
Adaptation	Climate Change Strategy	https://www.westlothian.gov.uk/media/10479/West-Lothian-Council-Climate-Change-Strategy-2015-2020/pdf/West_Lothian_Council_Climate_Change_Strategy_2015-2020.pdf	2015-2020	Adaptation Action Plan will be published in Q4 2019
Business travel	Green Transport Policy and Green Transport Procedure Note	https://intranet.westlothian.gov.uk/article/13346/Green-Transport	2017-2023	The policy and procedure notes were developed to assist employees meet the objectives of an internal transport review project and set out employee responsibilities and the procedures that should be followed in relation to how they approach business travel.
Staff Travel	Green Transport Policy and Green Transport Procedure NoteActive Travel Plan	https://intranet.westlothian.gov.uk/article/13346/Green-Transport https://www.westlothian.gov.uk/activetravel	2017-2023 2016-2021	

Energy efficiency	Carbon Management Plan	https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-2020/pdf/Carbon_Management_Plan_2015-2020.pdf	2015-2020	
Fleet transport	Operational Services Management Plan	https://www.westlothian.gov.uk/media/21293/2018-19-Management-Plan---Operational-Services/pdf/2018-19_Management_Plan_-_Operational_Services.pdf	2018-2019	
Information and communication technology				
Renewable energy	Carbon Management Plan	https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-2020/pdf/Carbon_Management_Plan_2015-2020.pdf	2015-2020	
Sustainable/renewable heat	Carbon Management Plan	https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-2020/pdf/Carbon_Management_Plan_2015-2020.pdf	2015-2020	
Waste management	Operational Services Management Plan	https://www.westlothian.gov.uk/media/21293/2018-19-Management-Plan---Operational-Services/pdf/2018-19_Management_Plan_-_Operational_Services.pdf	2018-2019	
Water and sewerage	Carbon Management Plan	https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-2020/pdf/Carbon_Management_Plan_2015-2020.pdf	2015-2020	
Land Use	West Lothian Local Development Plan	https://www.westlothian.gov.uk/LDP	2014-2024	The council's Local Development Plan sets out in its aims that it will "Help achieve climate change objectives by minimising the area's carbon footprint through promoting development in sustainable locations and supporting mitigation and adaptation measures."
Other (state topic area covered in comments)				

2(f) What are the body's top 5 priorities for climate change governance, management and strategy for the year ahead?
Provide a brief summary of the body's areas and activities of focus for the year ahead.
<p>Begin the process of developing our new Climate Change Strategy and Carbon Management Plan which will be in place from 2020.</p> <p>Ensure that all documents that sit under that (Adaptation Action Plan, LCLIP etc) gain final approval.</p> <p>Work with our Community Planning Partnership colleagues to consider how best we deal with the declared Climate Emergency and achieve net zero carbon targets.</p> <p>Review the remit and membership of the Climate Change & Sustainability Working Group in response to the Climate Emergency.</p> <p>West Lothian signed the national “Household Recycling Charter” at the beginning of 2019 and is working with Zero Waste Scotland to progress the aims of the associated Code of Practice.</p>

2(g) Has the body used the Climate Change Assessment Tool(a) or equivalent tool to self-assess its capability / performance?
If yes, please provide details of the key findings and resultant action taken.
<p>The Climate Change & Sustainability Working Group carried out a comprehensive review using the CCAT tool in December 2017. The results of this process have identified a number of areas for improvement including climate change adaptation and sustainable procurement. We will consider using the CCAT tool again in 2019 as part of our assessment of progress to date.</p>

PART 3: EMISSIONS, TARGETS AND PROJECTS

3a Emissions from start of the year which the body uses as a baseline (for its carbon footprint) to the end of the report year							
Complete the following table using the greenhouse gas emissions total for the body calculated on the same basis as for its annual carbon footprint /management reporting or, where applicable, its sustainability reporting. Include greenhouse gas emissions from the body's estate and operations (a) (measured and reported in accordance with Scopes 1 & 2 and, to the extent applicable, selected Scope 3 of the Greenhouse Gas Protocol (b)). If data is not available for any year from the start of the year which is used as a baseline to the end of the report year, provide an explanation in the comments column. (a) No information is required on the effect of the body on emissions which are not from its estate and operations.							
Reference Year	Year	Scope1	Scope2	Scope3	Total	Units	Comments
Baseline carbon footprint	2013/14				61061	tCO2e	
Year 1 carbon footprint	2014/15	17954	28003	15162	61119	tCO2e	
Year 2 carbon footprint	2015/16	13264	24883	22979	61126	tCO2e	
Year 3 carbon footprint	2016/17	16352	20494	19985	56831	tCO2e	
Year 4 carbon footprint	2017/18	17290	17153	16388	50831	tCO2e	
Year 5 carbon footprint	2018/19	15888	12782	13772	42442	tCO2e	

3b Breakdown of emission sources									
Complete the following table with the breakdown of emission sources from the body's most recent carbon footprint (greenhouse gas inventory); this should correspond to the last entry in the table in 3(a) above. Use the 'Comments' column to explain what is included within each category of emission source entered in the first column. If, for any such category of emission source, it is not possible to provide a simple emission factor(a) leave the field for the emission factor blank and provide the total emissions for that category of emission source in the 'Emissions' column.									
Total	Comments – reason for difference between Q3a & 3b.	Emission source	Scope	Consumption data	Units	Emission factor	Units	Emissions (tCO2e)	Comments
42442.3		Grid Electricity (generation)	Scope 2	45155358	kWh	0.28307	kg CO2e/kWh	12782.1	Total includes EV Charging
		Grid Electricity (transmission & distribution losses)	Scope 3	45155358	kWh	0.02413	kg CO2e/kWh	1089.6	
		Natural Gas	Scope 1	61433187	kWh	0.18396	kg CO2e/kWh	11301.3	
		Biomass (Wood Chips)	Scope 1	2954300	kWh	0.01506	kg CO2e/kWh	44.5	Metered heat kWh
		Biomass (Wood Pellets)	Scope 1	5622320	kWh	0.01506	kg CO2e/kWh	84.7	Metered heat kWh
		Water - Supply	Scope 3	373882	m3	0.344	kg CO2e/m3	128.6	
		Water - Treatment	Scope 3	345759	m3	0.708	kg CO2e/m3	244.8	
		Refuse Municipal to Landfill	Scope 3	18127	tonnes	586.5313	kg CO2e/tonne	10632.1	
		Refuse Commercial & Industrial to Landfill	Scope 3	6638	tonnes	99.7729	kg CO2e/tonne	662.3	
		Organic Food & Drink Composting	Scope 3	4565	tonnes	10.2586	kg CO2e/tonne	46.8	
		Organic Garden Waste Composting	Scope 3	11267	tonnes	10.2586	kg CO2e/tonne	115.6	
		Paper & Board (Mixed) Recycling	Scope 3	10964	tonnes	21.3842	kg CO2e/tonne	234.5	
		WEEE (Mixed) Recycling	Scope 3	1038.39	tonnes	21.3842	kg CO2e/tonne	22.2	

		Glass Recycling	Scope 3	2534	tonnes	21.3842	kg CO2e/tonne	54.2	
		Plastics (Average) Recycling	Scope 3	4293	tonnes	21.3842	kg CO2e/tonne	91.8	
		Metal Cans (Mixed) & Metal Scrap Recycling	Scope 3	4172	tonnes	21.3842	kg CO2e/tonne	89.2	
		Refuse Municipal /Commercial /Industrial to Combustion	Scope 3	9349	tonnes	21.3842	kg CO2e/tonne	199.9	
		Construction (Average) Recycling	Scope 3	18546.7	tonnes	1.37	kg CO2e/tonne	25.4	
		Diesel (average biofuel blend)	Scope 1	1601339	litres	2.62694	kg CO2e/litre	4206.6	
		Petrol (average biofuel blend)	Scope 1	114132	litres	2.20307	kg CO2e/litre	251.4	
		Car - diesel (average - unknown engine size)	Scope 3	758732	km	0.17753	kg CO2e/km	134.7	

3c Generation, consumption and export of renewable energy					
Provide a summary of the body's annual renewable generation (if any), and whether it is used or exported by the body.					
	Renewable Electricity		Renewable Heat		
Technology	Total consumed by the organisation (kWh)	Total exported (kWh)	Total consumed by the organisation (kWh)	Total exported (kWh)	Comments
Solar PV	232950	25884			Assumed 90% consumption of on-site generated electricity.
Biomass			8576620	0	Actual metered data for amount of biomass heat consumed by WLC in the reporting period.

3d Targets										
List all of the body's targets of relevance to its climate change duties. Where applicable, overall carbon targets and any separate land use, energy efficiency, waste, water, information and communication technology, transport, travel and heat targets should be included.										
Name of Target	Type of Target	Target	Units	Boundary/scope of Target	Progress against target	Year used as baseline	Baseline figure	Units of baseline	Target completion year	Comments
Reduction in emissions from the council's activities and services (from non-domestic buildings, transport, external lighting, waste and Reduction in emissions from the council's activities and services (from non-domestic buildings, transport, external lighting, waste and water. water.	absolute	47959	tCO2e reduction	All emissions	42442	2013/14	61061	tCO2e	2020/21	New target will be set as part of Carbon Management Plan review.
Carbon emissions from energy used in buildings (annual)	absolute	27540	tCO2e reduction	Energy use in buildings	20050	2013/14	30808	tCO2e	2020/21	New target will be set as part of Carbon Management Plan review.
Electricity Cosumption (kWh/m2)	absolute	67	kWh/m2 reduction	Energy use in buildings	65.22	2013/14	71.6	Other (specify in comments)	2020/21	Baseline unit kWh/m2
Gas Consumption (kWh/m2)	absolute	155	kWh/m2 reduction	Energy use in buildings	154.74	2013/14	190	Other (specify in comments)	2020/21	Baseline unit kWh/m2
Tonnes of CO2 emissions per capita for the West Lothian district	absolute		tCO2e reduction	All emissions	6	2011/12	7.3	tCO2e	2023/24	Target to be below national average (currently 5.4%)
Energy generated as a result of installation of renewables and low carbon technology. MWh of heat produced	absolute	14400	Other (specify in comments)	Energy use in buildings	8931	2013/14	354.7	MWh	2023/24	Target to increase amount of heat - measured in MWh

Energy generated as a result of the installation of renewables and low carbon technology. kWh of electricity produced	absolute	390000	Other (specify in comments)	Energy use in buildings	258834	2013/14	21221	kWh	2023/24	Target to increase amount of electricity generated from low carbon and renewable sources - measured in kWh
Percentage of household waste recycled.	percentage	50	% increase	Waste	65.2	2011/12	42.5	Other (specify in comments)	2018/19	Target to increase percentage of waste recycled.
Percentage of West Lothian Council housing stock compliant with Energy Efficiency Standard for Social Housing	percentage	100	Other (specify in comments)	Energy use in buildings	87.8	2015/16	42.4	Other (specify in comments)	2020/21	Target is for 100% of properties to be compliant by 2020

3e Estimated total annual carbon savings from all projects implemented by the body in the report year				
Total		Emissions Source	Total estimated annual carbon savings (tCO2e)	Comments
3438.00	Electricity		1004	LED lighting upgrades (street lighting and buildings)
	Natural gas		322	Boiler replacements and improved controls.
	Other heating fuels		0	
	Waste		2026	Reductions in waste to landfill and increased recycling.
	Water and sewerage		0	
	Business Travel		0	
	Fleet transport		86	Reduction in fleet miles in petrol and diesel vehicles. Reduced number of pool vehicles available. Rationalisation of depots reducing mileages.
	Other (specify in comments)		0	

3f Detail the top 10 carbon reduction projects to be carried out by the body in the report year											
Provide details of the 10 projects which are estimated to achieve the highest carbon savings during report year.											
Project name	Funding source	First full year of CO2e savings	Are these savings figures estimated or actual?	Capital cost (£)	Operational cost (£/annum)	Project lifetime (years)	Primary fuel/emission source saved	Estimated carbon savings per year (tCO2e/annum)	Estimated costs savings (£/annum)	Behaviour Change	Comments

LED Street Lighting	Capital	2019/20	Estimated				Grid Electricity	657			
Energy Efficiency in buildings	Capital	2019/20	Estimated				Grid Electricity	347			
Reduction in waste to landfill and increased recycling		2018/19	Estimated				Refuse Municipal to Landfill	2026			
Energy Efficiency in buildings	Capital	2019/20	Estimated				Natural Gas	322			

3g Estimated decrease or increase in the body's emissions attributed to factors (not reported elsewhere in this form) in the report year					
If the emissions increased or decreased due to any such factor in the report year, provide an estimate of the amount and direction.					
Total	Emissions source	Total estimated annual emissions (tCO2e)	Increase or decrease in emissions	Comments	
-4890.00	Estate changes				
	Service provision				
	Staff numbers				
	Other (specify in comments)	3767	Decrease	Changes in emissions factor for electricity	
	Other (specify in comments)	1123	Decrease	Reduction in emissions due to lower degree days in 2018/19 of approx 10%	

3h Anticipated annual carbon savings from all projects implemented by the body in the year ahead			
Total	Source	Saving	Comments
1050.00	Electricity	650	LED lighting replacements and efficiencies
	Natural gas	300	Improved controls and boiler replacements
	Other heating fuels		
	Waste		

	Water and sewerage		
	Business Travel		
	Fleet transport	100	Rationalisation of fleet and reduction in business mileage
	Other (specify in comments)		

3i Estimated decrease or increase in the body's emissions attributed to factors (not reported elsewhere in this form) in the year ahead				
If the emissions are likely to increase or decrease due to any such factor in the year ahead, provide an estimate of the amount and direction.				
Total	Emissions source	Total estimated annual emissions (tCO2e)	Increase or decrease in emissions	Comments
-160.00	Estate changes	100	Increase	New builds and extensions.
	Service provision			
	Staff numbers			
	Other (specify in comments)	260	Decrease	Emissions factor change in 2019/20

3j Total carbon reduction project savings since the start of the year which the body uses as a baseline for its carbon footprint	
If the body has data available, estimate the total emissions savings made from projects since the start of that year ("the baseline year").	
Total	Comments
15436	Estimated figure, taken as the sum of savings identified from 2015/16-2017/18 as 18/19 savings yet to be fully realised.

PART 4: ADAPTATION

4(a) Has the body assessed current and future climate-related risks?
If yes, provide a reference or link to any such risk assessment(s).
<p>The council completed a Local Climate Impact Profile (LCLIP) in early 2015 as part of a process to assess our exposure to weather events. The LCLIP looked at historical events and the potential for future disruption to local communities and is currently being refreshed to take into account more recent events. This will be presented to PDSP in 2019/20.</p> <p>The council continues to deliver its obligations under the Forth Estuary Local Flood Risk Management Plan, a six-year plan of action. This is largely focused on the collection of data and commissioning of studies.In addition to the above, the council has worked with SNIFFER in the development of an Adaptation Action Plan which is due to be published in 2019/20.</p>

4(b) What arrangements does the body have in place to manage climate-related risks?
Provide details of any climate change adaptation strategies, action plans and risk management procedures, and any climate change adaptation policies which apply across the body.
<p>The council's Climate Change Strategy sets out key objectives with regards to managing adaptation, including the development of a number of strategies and action plans. The Climate Change & Sustainability Working Group (CCSWG) monitors and reports progress of adaptation activities. Reports on adaptation related work are reviewed by Environment and Development and Transport Policy Development & Scrutiny Panels as appropriate. The council's Corporate Risk Register includes a risk that the council does not meet its obligations with regards to Climate Change. This is regularly monitored and updated and is reported to the appropriate service management team.One of the key priorities is to develop an Adaptation Action Plan and work began on this with SNIFFER in 2017/18, with publication due in 2019/20. A specific Adaptation Sub-group to the CCSWG has been set up and one of their tasks is to take this forward. A Severe Weather Plan is already in place which sets out the council's response to weather events and the way these are managed.Progress delivering actions under the Surface Water Action Plan also continues. The Integrated Catchment Studies, a joint action with Scottish Water are progressing well. As set out in the Tree and Woodland Safety and Management Action Plan, the Council's trees within areas where they may cause a hazard to the public will be pro-actively inspected on a cyclical basis. There is ongoing monitoring of tree diseases such as Chalara (Ash Dieback) and Phytophthora Ramorum on Larch.</p> <p>The Council has a series of planned actions to deal with the effects of heavy, short-duration and prolonged rainfall detailed in the Forth Estuary Local Flood Risk Management Plan, its Surface Water Management Plans, its Plan to reduce flood risk and increase the resilience of its social housing and its Severe Weather Plan, which sets out the council's response to weather events and the way these are managed.</p>

4(c) What action has the body taken to adapt to climate change?
Include details of work to increase awareness of the need to adapt to climate change and build the capacity of staff and stakeholders to assess risk and implement action.
<ul style="list-style-type: none">• The council has continued to invest in improvements to headwalls and trash screens to improve the safe access and operation of screens aimed at reducing flood risk.• There has been continued investment in our network of level sensors and rain gauges to improve response before, during, and in the aftermath of flood events and to evaluate the severity of events.• We have improved performance in the inspection and clearance of headwalls and trash screens by outsourcing and more closely managing the service.• We have continued to assess open watercourses and to survey culverted watercourses with closed-circuit television cameras, including previously uncharted systems and commit the information gathered in a spatial asset database.• There has been continued investment to maintain and restore structural integrity and optimise flow within culverted watercourses through a programme of internal patching and lining to culverts in Broxburn, Uphall and Broxburn.• A new spatial database of structures and revetments on our watercourses has been established, which will be developed and used to inform future investment.• Following up to date modelling and a study into property-level protection, authority has been given to proceed with the design and construction of the final component of the Broxburn Flood Protection Scheme reducing the risk of flooding to properties from out of bank flows from the Liggat Syke, augment the existing scheme in the vicinity of West Main Street and offer property-level protection to susceptible homes at New Holygate and Parkwood Gardens.• We have continued to invest to maintain the structural integrity and historic value of Beecraigs Reservoir dam and have installed equipment to facilitate the remote monitoring of both rainfall and water levels.• To reduce the risk of runoff from public open space we have refurbished existing surface water drainage within Howden Park, Livingston, installed drainage to public open space in Croftmalloch and have• To reduce the risk of flooding to the council's social housing stock we have installed a surface water drainage scheme at Knightsridge, Livingston, an overland flow path at Ladywell, Livingston and a flow diversion swale in Blackburn East.• We have continued working with partners to deliver physical improvements to the water environment under the RiverLife: Almond & Avon programme. Key projects under the programme include the Almond Barriers project, improving the opportunity for migrating fish species to navigate physical barriers across the river allowing them to take advantage of quality upstream habitat. A second project aims to improve water quality and the physical condition of the Bog Burn and Boghead Burns in Bathgate, which are currently in poor condition.

4(d) Where applicable, what progress has the body made in delivering the policies and proposals referenced N1, N2, N3, B1, B2, B3, S1, S2 and S3 in the Scottish Climate Change Adaptation Programme(a) ("the Programme")?	
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<p>If the body is listed in the Programme as a body responsible for the delivery of one or more policies and proposals under the objectives N1, N2, N3, B1,B2, B3, S1, S2 and S3, provide details of the progress made by the body in delivering each policy or proposal in the report year. If it is not responsible for delivering any policy or proposal under a particular objective enter “N/A” in the ‘Delivery progress made’ column for that objective.</p> <p>(a) This refers to the programme for adaptation to climate change laid before the Scottish Parliament under section 53(2) of the Climate Change (Scotland) Act 2009 (asp 12) which currently has effect. The most recent one is entitled “Climate Ready Scotland: Scottish Climate Change Adaptation Programme” dated May 2014.</p>					
Objective	Objective reference	Theme	Policy / Proposal reference	Delivery progress made	Comments
Understand the effects of climate change and their impacts on the natural environment.	N1	Natural Environment	N1-10	Data has been provided to the council which has been used to develop plans. Updated guidance provided by SEPA is used to improve the information provided by developers as part of the Development Planning process.	
Support a healthy and diverse natural environment with capacity to adapt.	N2	Natural Environment	N2-2	Supports CSGN and Lothian & Fife Green Network Partnership. New supplementary guidance part of Local Development Plan (LDP). This includes protection of Local Biodiversity Sites as well as Local Geodiversity Sites. Park audits have been revised to include scoring criteria on adaptability, the different ecosystem services and green networks. Open Space capital programme continues to deliver projects to protect and enhance green spaces and blue/green networks. Council adoption of ecosystems approach to land management noted at Environment PDSP	
			N2-11	Planning guidance as part of Local Development Plan. Involvement in CSGN Habitat Network Workstream West Lothian Council Forestry and Woodland Strategy Action Plan Participation in CSGN Habitat Network Workstream	
			N2-17	Part of Forth River Basin management area.	
			N2-18	Local Flood Risk Management Plan approved June 2016	

Sustain and enhance the benefits, goods and services that the natural environment provides.	N3	Natural Environment	N3-7	Management Plan for Trees and Woodland on West Lothian Council Owned Land published in 2017.	
Understand the effects of climate change and their impacts on buildings and infrastructure networks.	B1	Buildings and infrastructure networks	B1-13	Local Flood Risk Management Plan approved June 2016	
Provide the knowledge, skills and tools to manage climate change impacts on buildings and infrastructure.	B2	Buildings and infrastructure networks		N/A	
Increase the resilience of buildings and infrastructure networks to sustain and enhance the benefits and services provided.	B3	Buildings and infrastructure networks	B3-2	Relevant PAN's incorporated into Supplementary Planning Guidance as part of adopted LDP	
			B3-3	West Lothian Local Development Plan policy NRG-1 - Climate Change & Sustainability	
			B3-6	Continued involvement in the HEEPS/ABS scheme, mainly focused on External Wall Insulation and hard to treat properties. Investment has been made to maintain the structural integrity and historic value of Beecraigs Reservoir	
			B3-7	Work to ensure compliance with EESSH standards by 2020 is continuing.	
			B3-8	SHQS requirements achieved	

Understand the effects of climate change and their impacts on people, homes and communities.	S1	Society		N/A	
Increase the awareness of the impacts of climate change to enable people to adapt to future extreme weather events.	S2	Society		N/A	
Support our health services and emergency responders to enable them to respond effectively to the increased pressures associated with a changing climate.	S3	Society		Work has been done to increase the effectiveness of the council's response to flooding and to support Category 1 responders. Our response to specific flood events is also reviewed in the aftermath to identify future improvements.	

4(e) What arrangements does the body have in place to review current and future climate risks?

Provide details of arrangements to review current and future climate risks, for example, what timescales are in place to review the climate change risk assessments referred to in Question 4(a) and adaptation strategies, action plans, procedures and policies in Question 4(b).

The Adaptation sub-Group of the CCSWG is developing the Adaptation Action Plan which will set out detailed actions including consideration of whether further assessment of climate risks is required. This will be published in 2019/20.

The council is legally obliged to reduce overall flood risk and there are systems in place to ensure a systematic approach is taken to review current and future risks from flooding and have plans in place which will deliver mitigation and increase resilience. Where new guidance is provided by other public bodies, our strategies, plans and the council's own guidance will be updated to include reference to the most up to date advice.

4(f) What arrangements does the body have in place to monitor and evaluate the impact of the adaptation actions?

Please provide details of monitoring and evaluation criteria and adaptation indicators used to assess the effectiveness of actions detailed under Question 4(c) and Question 4(d).

Where investment has been made in physical works, the council will monitor the performance of the measures in response to weather conditions to ensure that it remains effective - enhanced by the remote monitoring improvements outlined in 4c. In the event that frailties or failures are identified, it will then be reviewed and the need for further work identified. Greater incidents of tree pests and diseases including Ash Dieback (Chalara) are already affecting West Lothian and this is being informally monitored on WLC land.

4(g) What are the body’s top 5 priorities for the year ahead in relation to climate change adaptation?

Provide a summary of the areas and activities of focus for the year ahead.

In addition gaining approval of our Adaptation Action Plan and publishing our LCLIP we will:

- We will undertake the detailed design of flood protection measures to reduce the risk of flooding to properties from the Liggat Syke in Broxburn, will augment the existing flood protection scheme at West Main Street and will plan and arrange to roll-out of property-level protection to owners of susceptible property at New Holygate and Parkwood Gardens, Broxburn.
- We will sign-off the two completed Integrated Catchment Management studies for Bathgate and Linlithgow and will work with Scottish Water to prioritise actions and plan investment arising from the findings of studies.
- We will work with Scottish Water to ensure the vesting of sustainable drainage schemes (SUDS), including legacy SUDS and will make arrangements to share in the maintenance of vested aboveground systems.
- We will advise local people of the findings of our flood studies at Whitburn and Linlithgow Bridge will sign-off the flood protection study for Blackridge and will commence the Bathgate study, subject to the availability of funding.
- We will seek to improve the outlook for fish species under threat, will enhance biodiversity in river corridors and will engage more people with their rivers by adapting barriers on the River Almond and developing a project to improve the Bog Burn, and Boghead Burns in Bathgate.

4(h) Supporting information and best practice
<p>Provide any other relevant supporting information and any examples of best practice by the body in relation to adaptation.</p> <p>We are now delivering a programme of measures in liaison with the Council's Housing Service to reduce the number of council owned social housing at risk of flooding, lessening potential damages and disruption to tenants' lives. The programme has been prioritised, taking into account the most vulnerable in our communities.</p>

PART 5: PROCUREMENT

5(a) How have procurement policies contributed to compliance with climate change duties?
<p>Provide information relating to how the procurement policies of the body have contributed to its compliance with climate changes duties.</p> <p>The Council's Corporate Procurement Strategy 2019-2023 refers extensively to Sustainable Procurement. The Council's Procurement Strategy is subject to statutory guidance in line with the Procurement Reform (Scotland) Act 2015. The main activities that are undertaken to achieve this priority outcome are:- Considering sustainable procurement for spend equating to £50,000 and above; Implementing an appropriate training and awareness programme; Achieving Level 4 within the Scottish Government's Sustainability Framework Assessment, and; Promoting the payment of the Living Wage. In addition, the Council has developed a Community Benefits in Procurement Procedure to guide procurement activity. This has been in place and used in contracting activity since June 2013 and applies to all contract spend above the value of £50,000. More specific sustainability policies include Sustainable Building Standards for Council Controlled Buildings, Sustainable Timber and Sustainable Printing policies. Working with service areas, part of the strategy highlights sustainable working:- Operational Services - delivering transport and contracts that support and sustain economic and population growth help in minimising traffic congestion and environmental deterioration.- Waste management contract provision helps West Lothian to improve its waste recycling rates as prescribed in the Scottish Government's Zero Waste Strategy.- Corporate - through the provision of contracts for low carbon and renewable energy solutions to support the delivery of council services which have a reduced environmental impact and help to meet the challenging targets for reduced energy consumption and carbon emissions. These overarching strategies and policies reinforce the Council's commitment to climate change and provide practical guidance at all stages of the tender process, including identification of need, specification development, selection and award and contract management phases in order to reduce their carbon footprint and greenhouse gas emissions.</p>

5(b) How has procurement activity contributed to compliance with climate change duties?
<p>Provide information relating to how procurement activity by the body has contributed to its compliance with climate changes duties.</p> <p>As Strategic procurement is long term planning to ensure timely supply of goods, services and works that are critical to the ability to meet core business objectives, strategic procurement covers the whole procurement cycle and considers analysis of expenditure, looking across services and partnerships to identify synergies and opportunities for improving economy, efficiency and effectiveness. Prior to commencing any procurement exercise, the Officer responsible must, in accordance with Corporate Procurement Procedures, complete a contract strategy to appraise the procurement in a manner commensurate with its complexity and value. Information contained in the strategy template includes:- Contract objective;- Funding arrangements;- Current contract status;- Historical spend information;- Market analysis;- Collaboration considerations;- Sustainability considerations;- Option Appraisal for Procurement procedure to be followed;- Proposed contract benefits;- Recommendation of procurement route. Sustainability is included in the risk segmentation which is used to identify the level of Contract and Supplier Management required for each contract. Examples of procurement activities carried out that contribute to the three areas stated within the climate change duties are included in 5a above.</p>

5(c) Supporting information and best practice
<p>Provide any other relevant supporting information and any examples of best practice by the body in relation to procurement.</p> <p>The council has a specific performance indicator which monitors the number of contract strategies incorporating sustainable procurement elements. CPU041_9b.1a is an indicator to review the number of contract strategies incorporating sustainable procurement elements. The target for this indicator is 100% and this has been consistently achieved since the target was introduced.</p>

PART 6: VALIDATION AND DECLARATION

6(a) Internal validation process
Briefly describe the body’s internal validation process, if any, of the data or information contained within this report.
The Energy & Climate Change Manager is responsible for coordinating and compiling the report. Access to the portal is restricted to appropriate officers. Supporting data is held within the council electronic records management system. An internal audit has been carried out on mandatory sections of the report, with the objective of conducting a high level review of the content of the Climate Change Report, and to obtain evidence to support key emissions, targets and project data reported within the Declaration.Energy consumption data has been validated internally as part of our annual Carbon Reduction Commitment audit process. Waste figures are audited annually by SEPA. Head of Service for Planning, Economic Development & Regeneration reviews and agrees the report following completion of audit.

6(b) Peer validation process
Briefly describe the body’s peer validation process, if any, of the data or information contained within this report.
N/A

6(c) External validation process
Briefly describe the body’s external validation process, if any, of the data or information contained within this report.
N/A

6(d) No validation process
If any information provided in this report has not been validated, identify the information in question and explain why it has not been validated.
N/A

6e - Declaration		
I confirm that the information in this report is accurate and provides a fair representation of the body’s performance in relation to climate change.		
Name	Role in the body	Date

RECOMMENDED – WIDER INFLUENCE

Q1 Historic Emissions (Local Authorities only)

Please indicate emission amounts and unit of measurement (e.g. tCO2e) and years. Please provide information on the following components using data from the links provided below. Please use (1) as the default unless targets and actions relate to (2).
(1) UK local and regional CO2 emissions: **subset dataset** (emissions within the scope of influence of local authorities):
(2) UK local and regional CO2 emissions: **full dataset**:

Select the default target dataset

Full

Table 1a - Subset													
Sector	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Units	Comments
Total Emissions	1220.62	1092.87	1191.95	1068.91	1132.60	1083.75	935.59	892.13	878.7	0	0	ktCO2	
Industry and Commercial	542.90	467.54	542.22	471.11	513.12	473.06	382.65	347.18	342.7	0	0	ktCO2	
Domestic	433.14	386.69	412.24	364.55	391.35	385.30	322.61	312.76	297.9	0	0	ktCO2	
Transport total	244.58	238.64	237.49	233.24	228.14	225.38	230.33	232.20	238.1	0	0	ktCO2	
Per Capita	7.12	6.32	6.85	6.10	6.43	6.15	5.28	5.00	4.9	0	0	tCO2	
Waste												tCO2e	
LULUCF Net Emissions												ktCO2	
Other (specify in 'Comments')													

Table 1b - Full													
Sector	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Units	Comments
Total Emissions	1431.92	1296.74	1393.41	1265.80	1329.14	1277.97	1120.04	1083.64	1072.1	1096.2		ktCO2	
Industry and Commercial	550.88	475.57	549.85	479.12	520.08	481.76	385.52	349.62	345.7	348.6		ktCO2	
Domestic	433.14	386.69	412.24	364.55	391.35	385.30	322.61	312.76	297.9	291.6		ktCO2	
Transport total	410.43	398.94	396.58	388.77	384.18	382.43	385.83	395.58	400.7	420.2		ktCO2	
Per Capita	8.36	7.49	8.00	7.22	7.55	7.25	6.32	6.2	6	6		tCO2	
Waste												tCO2e	
LULUCF Net Emissions	37.47	35.54	34.74	33.36	33.54	28.47	26.09	25.69	10.4	35.8		ktCO2	
Other (specify in 'Comments')													

Q2a – Targets									
Please detail your wider influence targets									
Sector	Description	Type of Target (units)	Baseline value	Start year	Target saving	Target / End Year	Saving in latest year measured	Latest Year Measured	Comments
	Tonnes of CO2 emissions per capita for the West Lothian District	Per capita (TCO2/per)	8	2010	2	2020	2	2017	Target to be on or below Scottish average (currently 5.3)

Q2b) Does the Organisation have an overall mission statement, strategies, plans or policies outlining ambition to influence emissions beyond your corporate boundaries? If so, please detail this in the box below.

The council's vision for tackling climate change, set out within our Climate Change Strategy, is:- "A resource efficient, low carbon council working in partnership with and supporting the West Lothian community to mitigate the worst effects of climate change and create a resilient and more sustainable future." Outcome 2 of the Climate Change Strategy is "A Resource Wide West Lothian". The council's aim is to continue to monitor emissions across West Lothian, and work with partners and local communities to implement a range of measures which promote the efficient use of energy and water and waste minimisation.

Q3) Policies and Actions to Reduce Emissions														
Sector	Start year for policy / action imple - mentation	Year that the policy / action will be fully imple - mented	Annual CO2 saving once fully imple - mented (tCO2)	Latest Year measured	Saving in latest year measured (tCO2)	Status	Metric / indicators for monitoring progress	Delivery Role	During project / policy design and implementation, has ISM or an equivalent behaviour change tool been used?	Please give further details of this behaviour change activity	Value of Investment (£)	Ongoing Costs (£/ year)	Primary Funding Source for Implementation of Policy / Action	Comments
Transport	2017	2022				In Implementation	Number of schools with a school travel plan in place. Number of cycle friendly schools. Aiming for 100% uptake in Bikeability Levels 1 and 2 at primary school level.	Enabling	Yes-ISM	West Lothian Active Travel Plan 2016-21 contains an action to promote adoption of school travel plans by all schools in West Lothian. Related actions to encourage schools (primary and secondary) to become Cycle Friendly Schools - baseline 0 early 2015, 6 in early 2016. Increase number of children receiving Bikeability Level 2 training.			Only staff time required to develop travel plans - actions within them may require budget which is sourced as and when possible (e.g.Sustrans and council funding for new cycle or scooter parking). Transport Scotland funding of Smarter Choices Smarter Places programme; Cycling Scotland funding for cycle friendly community and school work.	
Transport	2016	2022					Qualitative - progress recorded on an annual basis	Direct	Yes-ISM	Modal shift - Private Vehicle to Active Travel (Cycling/Walking). Actions include: Provide cycle training to adults; providing bike lending libraries within communities to overcome barrier of no access to a bike; improve information on sustainable travel; build community capacity on community mapping to increase awareness of smarter travel opportunities.			Transport Scotland funding of Smarter Choices Smarter Places programme; Cycling Scotland funding for cycle friendly community and school work.	Engagement using ISM approach recorded in Active Travel Plan at www.westlothian.gov.uk/activetravel .
Transport	2016	2021				In Implementation	Delivery of strategic and local walking and cycling infrastructure as per prioritisation framework within Active travel Plan	Direct	Yes-ISM	Delivery of Active Travel Plan for West Lothian, 2016-21 - approved and adopted by West Lothian Council Executive in April 2016. Planning guidance associated with the council's Proposed Local Development Plan http://www.westlothian.gov.uk/proposedplan ; other funding as and when it becomes			Cycling Walking Safer Streets grant allocation from Transport Scotland to West Lothian Council; Transport Scotland's Community Links programme;	ISM work with a high school group of pupils and teachers was carried out in the development of the West Lothian Active Travel Plan and linked to a broader project on behaviour change (Green Impact).

										available e.g. linked to open space, green networks.				
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Please provide any detail on data sources or limitations relating to the information provided in Table 3

Q4) Partnership Working, Communication and Capacity Building. Please detail your Climate Change Partnership, Communication or Capacity Building Initiatives below.									
Key Action Type	Description	Action	Organisation's project role	Lead Organisation (if not reporting organisation)	Private Partners	Public Partners	3rd Sector Partners	Outputs	Comments
Partnership Working	Food For Life Scotland presented to the CPP Board on the work that they do to ensure good food is the easy choice for everyone. 'Good food' is food that is good for your health, for the environment and for the economy. The purpose of the presentation was to ask partners to consider whether they could adopt Food for Life Served Here standards in their catering for staff and service users and to think about how the CPP could work with Food for Life Scotland to increase the amount of local food purchased by the public sector to support local economic development. A CPP session is now to be held in 2018 (facilitated by West Lothian Council) to help work towards all partners becoming Food For life Served Here certified, with a specific view to increasing the amount of food sourced from West Lothian.	Awareness Raising	Supporting	Food For Life Scotland		The 18 public sector partners of the CPP (including NHS Lothian, Police, Fire, DWP, council)	Voluntary Sector Gateway West Lothian	Increased awareness of the benefits of locally produced, fresh food across the partnership. Discussion/ consideration around how partners can adopt FFLS standards to deliver social, economic and environmental benefits and increase the amount of local food purchased by the public sector.	
Communications	Earth Hour	Partnership working of climate change or sustainability	Lead			CPP Partners		All CPP Partners were informed of Earth Hour and encouraged to participate.	CPP team continue to help promote Earth Hour with partners
Partnership Working	Development of Partnership Centres	Partnership working of climate change or sustainability	Participant			Various partners		Reduced emissions through property rationalisation, modernisation and the use of shared buildings.	

OTHER NOTABLE REPORTABLE ACTIVITY

Q5) Please detail key actions relating to Food and Drink, Biodiversity, Water, Procurement and Resource Use in the table below.				
Key Action Type	Key Action Description	Organisation's Project Role	Impacts	Comments
Biodiversity	Ranger Service ran clean ups and habitat management sessions at Little Boghead Nature Park	Lead	Maintenance/improvement of species diversity	Funding from land trust
Biodiversity	Environmental education - Ranger Service engaged with 2150 pupils, 1760 participants from community organisations, worked with work placements who carried out over 120 hours of management work and volunteers carried out 1750 hours of conservation and access projects in 2017/18	Lead	Improved knowledge and understanding of our local habitats, the pressures they are under and ways we can help them adapt and ultimately become more resilient and sustainable.	
Biodiversity	Ranger Service continues to manage Easter Inch Moss (LNR) to improve the peatland bog and moss areas, to try to start reversing the degraded areas and increase carbon capture longterm. Includes collation of species data from annual volunteer surveys for site monitoring. Water levels are also monitored through dataloggers to monitor success of rewetting of areas.	Lead	Maintenance/improvement of species diversity/improve longterm carbon capture abilities of moss	Supported by SNH
Biodiversity	Ranger Service continues to manage Blackmoss Nature Park to improve the peatland bog and moss areas, to try to start reversing the degraded areas and increase carbon capture longterm. Water levels are also monitored through dataloggers to monitor success of rewetting of areas.	Participant	Maintenance/improvement of species diversity/improve longterm carbon capture abilities of moss	Partnership with SNH and Butterfly Conservation 'Bog Squad'
Biodiversity	Ranger Service have co-ordinated path drainage and upgrade works on high profile access paths within Beecraigs Country Park to address wetter conditions and erosion issues.	Lead	Improve access, reduce soil erosion, increased resilience	Ranger Service lead with Volunteer Rangers support.
Biodiversity	Supplementary wildflower planting and management at Little Boghead Nature Park	Lead	Maintenance/improvement of species diversity.	Supported by Friends of Little Boghead. Grant funding from Tesco Bags of Help
Biodiversity	Continued management of meadows at Almondell & Calderwood Country Park, Beecraigs Country Park and Polkemmet Country Park including annual monitoring	Lead	Maintenance/improvement of species diversity.	
Biodiversity	Parks & Woodland continue to maintain and improve fen and pond habitats at Calderwood (SSSI)	Lead	Maintenance/improvement of species diversity.	Supported by Friends of Almondell & Calderwood, in agreement with SNH. Small equipment grant from SNH
Biodiversity	Parks & Woodland Team planted approximately 200m new hedge on the Animal Attraction and new Visitor Centre at Beecraigs Country Park.	Lead	Improved habitat	Grant funding from SRDP
Resource Use	Management of woods at Beecraigs Country Park under continuous cover regime where this is possible. 40ha of woodland selectively thinned.	Lead	Increases resilience to severe weather incidents. Increases habitat diversity and maintains woodland flora particularly in the areas of Long Established Woodland of Plantation Origin.	
Biodiversity	Replanting of woods with a more diverse range of species including native broadleaves matched to the site.	Lead	Allows woodland to adapt to climate change and have greater resilience to tree pests and diseases. Increase in types of woodland habitat. Choice of species guided by Forest Research's Ecological Site Classification including its modelling for climate change.	
Resource Use	11,000 tonnes of UK Woodland Assurance Scheme certified sawlogs and small roundwood produced as a result of woodland management at Beecraigs.	Lead	Sustainable timber sawn for fencing and building products and small roundwood for the manufacture of chipboard and MDF - all low energy and recyclable.	Work undertaken and timber marketed by Scottish Woodlands Ltd
Water	£20k from CSGN Development Fund used to produce Livingston North Blue Green Network feasibility study / action plan	Lead	Planned long term maintenance and improvement of water quality and management, quality and diversity of woodland and open space.	
Water	New planting at Almond Park ponds	Lead	Improved filtration of run-off water from nearby housing before release into River Almond. Also enhanced biodiversity.	
Biodiversity	3 new wildflower meadows created in urban parks (Balbardie, Eliburn, Almondvale)	Lead	Improvement of species and habitat diversity.	

Water	Drainage swales created in Sutherland Way and Fells Rigg urban parks	Lead	Improvement of sustainable urban drainage and enhanced biodiversity	
Water	SUDS basins created in Lanthorn Park	Participant	Sustainable urban drainage solution to ponding in the park and enhanced biodiversity	
Water	Glebe Park (Uphall) and Marchwood Crescent (Bathgate) path upgrades and tree planting to address erosion by water	Lead	Sustainable water management to enhance recreational use of land and reduce soil erosion	
Food & Drink	Fruit trees planted in Lanthorn Park	Participant	Enhanced biodiversity and provision of fresh produce	
Food & Drink	Inventory of all public food growing sites (Community gardens and allotments) in West Lothian, in preparation for Food Growing Strategy	Lead	Planning long term provision and enhancement of food growing opportunities	Grant funding from SRDP. Central Scotland Green Network Trust (CSGNT) partner.

Q6) Please use the text box below to detail further climate change related activity that is not noted elsewhere within this reporting template



COUNCIL EXECUTIVE

WEST LOTHIAN COMMUNITY CHOICES

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To set out for Council Executive proposals on participatory budgeting, which is being developed under the heading West Lothian Community Choices.

B. RECOMMENDATIONS

It is recommended that Council Executive:

1. Notes the one percent target for West Lothian using the Community Choices Framework;
2. Agrees that the Scheme of Delegation should be updated to include responsibility for administering West Lothian Community Choices within the delegation for the Head of Finance and Property Services
3. Agrees that Community Choices should apply to the identified budgets as set out in sections D.3 and D.4 of the report;
4. Agrees that, following the development and design of the Community Choices approach, a report will be presented to the relevant PDSP for the service area to provide scrutiny and feedback on the proposed approach;
5. Agrees that an update report should be presented to the Partnership and Resources Policy Development and Scrutiny Panel (PDSP) in April 2020, with a further report presented to Council Executive in October 2020, highlighting areas of learning and best practice from the West Lothian Community Choices processes;

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on customers' needs, being honest, open and accountable, providing equality of opportunity, developing employees, making the best use of our resources, working with other organisations.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment.	The council is required to have transparent planning and governance. COSLA and the Scottish Government have agreed a Community Choices Framework, with targets that councils are required to meet.
III	Implications for Scheme of Delegations to Officers	It is proposed to update the scheme of Delegation to include administration of Community Choices within the delegations for the Head of Finance and Property Services.
IV	Impact on performance and performance indicators	None at this stage.
V	Relevance to Single Outcome Agreement	Effective planning and prioritisation of resources will be essential to identify and achieve outcomes.

VI	Resources (Financial, Staffing and Property)	Potential budgets for West Lothian Community Choices have been identified and set out in sections D.3 and D.4.
VII	Consideration at PDSP	Community Choices options were considered by Partnership and Resources PDSP on 19 January 2018
VIII	Other consultations	Meetings were held with Heads of Service to help identify potential budgets / services for community choices. An officer Community Choices working group has been established and has service representatives from across the council to review and develop the approach to Community Choices.

D. TERMS OF REPORT

D.1 Background

Participatory Budgeting (PB) is usually referred to as 'Community Choices' in Scotland, and is a democratic process which empowers communities to have more say on how resources in their area are used. It is based on the view that communities (which can be a community of interest, a community of identity or community based on place) are best placed to be involved in or make decisions around their own needs. A report was presented to Partnership and Resources PDSP in January 2018 providing information on the joint COSLA / Scottish Government Community Choices Framework to deliver a target of having at least 1% of council budgets being subject to Community Choices by 2020/21. The report also covered West Lothian Community Choices and provided an outline for an approach in West Lothian. Following feedback from PDSP, West Lothian Community Choices was included within the general fund revenue and capital budget reports and the HRA capital budget report presented to Council in February 2018. Approval was given for a number of budget areas to be reviewed and for an update report to be presented to Council Executive in due course.

COSLA and the Scottish Government agreed a Community Choices framework, including the calculation and application of a 1% target. The framework was approved by COSLA Leaders in October 2017 and provides local authorities with discretion on how to achieve the 1% target. The framework allows each local authority to decide what is allocated to the local decision making process, capital or revenue budgets, the services and the budget themes. The 1% target is calculated as follows:

1% target = total estimated expenditure for revenue* - assumed council tax intake

*as per the local government finance circular

Whilst this is the basis of calculating individual targets, the Community Choices target is not about identifying separate and/or additional resources. It is about involving communities in decisions on allocation of current resources. The 1% target is to be achieved by the end of March 2021 with reporting to the Scottish Government being similar to the approach undertaken for the annual efficiency statements. The detailed framework is attached to this report in appendix 1 for information. A Charter for Participatory Budgeting in Scotland was launched in August 2019. The charter sets out seven key features demonstrating a fair and quality PB process, these are:

- Fair and inclusive
- Participatory
- Deliberative
- Empowering
- Creative and flexible
- Transparent
- Part of our democracy

The charter was developed in partnership by local authorities, COSLA the Scottish Government and the Community Development Centre. The charter is to assist in the development of PB processes and will be utilised in the development of Community Choices approaches in West Lothian.

D.3 Mainstream Community Choices in West Lothian

As a base for the calculation of the 1% target for West Lothian, the 2019/20 local government finance settlement has been used. Based on the calculation shown above, the West Lothian 1% target is:

$$1\% \text{ target} = £389.703\text{m} - £63.745\text{m} * 1\% = £3.260 \text{ million}$$

It is therefore assumed that the target to be achieved is £3.3 million. Proposals to achieve the target are set out for consideration below.

West Lothian Council already undertakes a number of consultation and engagement exercises with communities in West Lothian, this includes budget consultations, Place Based approaches to the implementation of Open Space capital projects, engaging with communities on the development of regeneration plans and liaising with housing tenants on approach to the rent strategy. The processes and practices that are already in place will help in the development of the approach to Community Choices in West Lothian, as the Community Choices process can be seen as enhancing existing practices and deepening and expanding existing conversations with communities.

A co-ordinated approach to developing Community Choices in West Lothian will link in with other strategic developments, to allow resources to be efficiently utilised. The aim is to maximise the positive impact on communities and service providers.

A Community Choices working group chaired by the Head of Finance and Property Services has reviewed service budgets and considered potential Community Choices approaches, as well as the timing of the process.

The service representatives are the Community Choices champion for their service area. Following approval for their particular service budget to be subject to Community Choices, the champion will then create a sub group with relevant staff, third sector representatives, service users and stakeholders as appropriate to develop the approach, consider application criteria and the engagement and voting processes. Following the development and design of the approach it is proposed that this is presented to the relevant PDSP for the service area to allow elected members to provide scrutiny and feedback on the proposed process.

The Community Choices working group will support the Community Choices service representative and sub-groups, providing advice on the National Standards for Community Engagement and ensuring that the process aligns with the principles of Following the Public Pound. The support provided to the sub-groups will ensure that the community representatives, service users and stakeholders involved in the sub-groups are fully aware of the relevant standards and principles and will ensure that value for money is achieved. The working group will undertake research and liaise with other local authorities to gain further learning and knowledge on Community Choices processes to ensure that the best and most practicable approaches are undertaken.

It is proposed that the budgets set out in sections D.3 and D.4 are approved for Community Choices in West Lothian and that officers develop detailed approaches for each budget which will be reported to relevant PDSPs for consideration.

D.3.1 Community Choices Proposals for the General Fund Revenue Budgets

Education – Pupil Equity Funding (PEF) - £167,000

The PEF national guidance for 2019 sets out information on how PB can be used as an innovative and effective mechanism to engage with parents and pupils, in particular those who face barriers to participation. With the national guidance encouraging the use of Community Choices as part of the process for the allocation of PEF monies. In 2018/19 five schools piloted Community Choices methods to allocate a total of £25,000. In 2019/20 all schools are being supported to allocate at least 3% of their PEF budget via Community Choices processes, with £167,268 being identified and allocated to Community Choices methods in 2019/20.

The test of change process was developed during 2018/19 and this has been provided to all schools to support the development of Community Choices. Schools can follow this or design their own process, however the test of change process is outlined below:

1. Schools host an Assembly to introduce Community Choices to the pupils involved – Bathgate Academy produced a ten minute video for schools to show pupils at the launch of the hidden Cost of the School day. The pupils would then be asked to look at the reflective questions and calculate costs linked to the different groupings. Then in groups they would put together an idea on how to spend the monies allocated to help alleviate these costs.
2. Schools host an event with pupils and parents where the pupils present their ideas to families and they vote on the idea they like best. They could host this at a parents evening. They could have a stall with the different ideas or the pupils could present them to the parents. They would need a system i.e. counters to collect the votes.
3. Some ideas may not have a cost it may mean removing existing costs i.e. entry to school events or looking at alternatives i.e. high school panto instead of using an external company. Some ideas will be linked to changing the culture of the school.
4. The school implement the ideas with the most votes using PEF monies to purchase resources.
5. Communicate the outcome with the rest of the school staff and the parent council.

At this time, it is assumed that PEF monies will continue to be provided by the Scottish Government and that Community Choices will continue to form part of the allocation process. Feedback from the 2019/20 process will be considered and a 2020/21 PB allocation will be discussed with all schools, for the basis of discussion a 3% allocation has been assumed.

Head Teachers have the authority to decide on the allocation of PEF monies for their school, with Head Teachers confirming that £167,268 of PEF in 2019/20 has been allocated to Community Choices. The process of Community Choices will continue to be undertaken individually by each school.

Social Policy – Children and Families £878,000

New models of accommodation and support for service users post 16 years of age have been identified as a suitable for Community Choices. A public social partnership approach has started within Social Policy with the appropriate voluntary sector organisations and council officers, with feedback being received from the voluntary sector to include service users from the start of the design process to support young people coming out of the looked after children process. The aim is to increase engagement with service users in designing suitable accommodation and support models empowering service users in participating in and developing new models for accommodation and support post 16 years of age or when ready to leave local authority care.

The Community Choices approach would be through engagement with a community of interest, which will be made up from current and previous service users as well as young people who are currently in care and may benefit from new models of delivery.

The young people will be involved in the full process including idea generation, designing the Community Choices process as well as being part of the bidding process. Consideration will be given to the type of engagement and voting process to ensure that the process is fair and inclusive, and could therefore be a mix of digital and face to face engagement, deliberation and decision making. The Community Choices process would commence during 2019/20 and would be undertaken every three years are part of the contractual process.

The award of Social Policy contracts is delegated to the Head of Social Policy who seeks advice from the Social Policy Contracts Advisory Group (CAG); therefore the design and award of contracts, following the Community Choices process, would require formal approval from the Head of Social Policy via the CAG.

Operational Services – Grounds Maintenance - £1.593 million

The council introduced new service standards for grounds maintenance on 1 April 2019 and the council has set out its priorities within these services standards. There is an opportunity to engage with stakeholders going forward, to enable members of the community to influence the service. The NETs, Land and Countryside budget totals £6.353 million in 2019/20, and it has been identified that there would be benefit in engaging with the public regarding the allocation of resources for an element of this budget for activities related to parks and woodland management and parks and open spaces. A key message and part of the Community Choices process will be to manage expectations by being open and transparent that there is a fixed level of budget but that, by listening to communities, the service could be potentially delivered with different priorities and outcomes. For example localities could decide to reduce grounds maintenance in certain underutilised park areas and redirect resources to the maintenance of entrance corridors (grass verges) into the locality.

As set out in appendix 2, this approach has been undertaken in North Ayrshire and has incorporated green health initiatives. Feedback from COSLA suggests that a number of local authorities are looking to use the grounds maintenance budget for mainstream Community Choices. A potential benefit of the Community Choices process could be to raise the number of volunteers involved in grounds maintenance and green health initiatives by raising public awareness and increasing community engagement in local areas.

The process would commence early in 2020 and would be undertaken on a phased ward by ward basis, which will allow for more detailed conversations to be held with communities to better meet the priorities of each ward and to direct resources to ensure that community needs were being achieved. Carrying out the process on a phased ward by ward basis would also acknowledge the different priorities and diversity of the wards to better meet the needs of the local area, with the potential that the wards could identify slightly different priorities and changes to the grounds maintenance needs in the ward area.

An internal working group would be established to ensure that all staff are engaged in the process. The budget would be allocated on a locality/ward basis and it would be proposed to hold a number of open sessions in community buildings at different times of the day to engage with local communities face to face. Staff would also attend Community council meetings and a digital questionnaire/engagement platform will be developed to engage with the wider community. The outcome of the Community Choices determinative process would be reported to Council Executive for formal approval.

Operational Services – Litter Bins - £300,000

The litter bin budget of £300,000 is for provision and servicing of litter bins. Presently the installation and provision of public litter bins throughout West Lothian is based on a demand driven service. This has led to a provision of bins that may not always be the most effective in dealing with the issue of littering. It is proposed that a review of all existing litter bins is undertaken to ensure that the type, size and location of our existing litter bins meets community needs and bins meet the criteria set out in the proposed Litter Bin Plan that will be presented to the Council Executive for approval in February 2020. All communities will be consulted on the review of litter bins.

Similar to the grounds maintenance approach, an internal steering group would be established and it would be proposed to hold a number of open sessions in community buildings at different times of the day to engage with local communities face to face. Staff would also attend Community council meetings and a digital questionnaire/engagement platform will be developed to engage with the wider community. The outcome of the Community Choices determinative process would be reported to Council Executive for formal approval. This process would be one-off until there was a requirement to review the Litter Bin Plan.

Planning, Economic Development and Regeneration - Voluntary Organisations Grants Budget £150,000

As part of the approval of the 2019/20 voluntary organisation budget by the Council Executive in October 2018, it was agreed that a pilot of £75,000 would be disbursed via Community Choices.

In addition to this a £200,000 time limited fund has been approved by Council Executive in September 2019 to support voluntary organisations to modernise their operations and support capacity building.

It is proposed that an additional £75,000 pilot is undertaken in 2020/21. The two £75,000 Community Choices pilots will be developed with Voluntary Organisations to test outcomes and engagement methods, with the second pilot being developed based on the learning from 2019/20. It should be noted that an officer potential savings option for a £75,000 budget saving for the voluntary organisation grants budget, which was reported to PDSP in September 2019, relates to 2021/22 and would have no impact on the proposals set out in this paper.

The outcome, evaluation and learning from the 2019/20 pilot will be reported to the Voluntary Organisations PDSP and Council Executive during 2020 to assist in developing the 2020/21 pilot. The two pilots will be used to maximise the potential learning for the use of Community Choices in the context of Voluntary Organisation grants, as well as facilitating the learning for all of the Community Choices processes proposed within the paper and the ongoing development of Community Choices processes.

As set out in the section above, it is proposed that two pilots are undertaken to build on learning within the council and to assist voluntary organisations in learning from Community Choices processes. The third sector have been involved in the design of the first pilot with the £75,000 being split into two activity streams:

- Health and Wellbeing (£50,000) – it is proposed that this will be carried out in two regeneration areas of similar population size and socio-economic characteristics: Blackburn and Craigshill, with the budget being split equally between the two localities. The scope of this stream of activity is around improving the health and wellbeing of the local community. More detailed criteria will be set based on local engagement findings carried out through the regeneration planning process. This will ensure that the money will be allocated to projects that address the needs of the community. Publicity and marketing for the community choices process will be carried out through social media, and more targeted activity at a local level; using local groups and services to help advertise the voting events. It is proposed that slightly different processes are carried out in each area to test out which methodology works best allowing future processes to gain effective learning.

- Equalities (£25,000) – it is proposed that the second activity stream will be undertaken on a West Lothian wide basis. The aim of the stream of activity will be to promote equalities in West Lothian, inviting projects that help empower local communities to promote inclusion and have a positive impact on equalities. Projects should demonstrate that they have a particular focus on groups defined by the Equality Act 2010; For example, age, disability, gender, sexual orientation, race, religion and belief. Groups and organisations will be invited to apply according to set criteria. Marketing and advertising will be carried out online, using the council and partner's websites and social media platforms to encourage involvement across the county. Targeted marketing will be carried out through equality groups, and third sector groups with an equalities focus. This pilot will be a digital only voting approach with no voting event. It is anticipated that this would be an opportunity to pilot the online platform CONSUL currently being rolled out by COSLA and the Scottish Government, and is considered in section D.9 of this report.

D.3.2 Community Choices Proposals for the General Fund Capital Budget

Open Space Related Assets

Open Space - Play Areas £266,000 in 2020/21

Based on learning from other local authorities and other PB processes internationally, it is recognised that it is suitable to utilise tangible budgets for community choices to allow the public to recognise and understand the process. Currently the planning and upgrading of play areas across West Lothian is done using a place making consultation tool. There is an opportunity to enhance this to include a more deliberative stage and therefore be allocated via community choices, without having to completely change processes or officer involvement. It is proposed that the future planned investment in play areas is undertaken using community choices. The play areas budget was approved by Council in February 2019 and is approximately £225,000 per annum and is reviewed each year as part of the budget roll forward process. The Community Choices process would be undertaken as part of the planning process for the allocation of the capital budget in line with the review of play area assets.

The operational implementation of the play areas budget is delegated to the Open Space Asset Lead Officer and the outcome of the Community Choices process would be approved by the lead officer.

Open Space – Public Art £55,000 average per annum

Currently place making and public engagement is undertaken to design and award the installation of public art, which is funded via developer contributions and grants. Similar to play areas it is proposed that this process is enhanced and expanded, incorporating community involvement and community choices processes including branding for future planned works within the capital programme. The public art programme budget as approved by Council in February 2019 is approximately £55,000 per annum from 2020/21.

The implementation of the public art budget is delegated to the Open Space Asset Lead Officer and the outcome of the Community Choices process would be approved by the lead officer.

Open Space Planned Improvements £480,000 average per annum

The place making tool is currently used by officers to engage/consult with communities on planned improvement projects. This process could be enhanced to include greater deliberation and decision making and it is therefore proposed that this budget is allocated via Community Choices. As approved by Council in February 2019 the planned improvement budget is approximately £480,000 per annum, and is reviewed each year as part of the budget roll forward process.

The implementation of the open space planned improvement budget is delegated to the Open Space Asset Lead Officer and the outcome of the Community Choices process would be approved by the lead officer.

D.3.3 Community Choices Proposals for Housing Revenue Account – Capital Budget

Tenants Environmental Improvement Project £150,000

HRA currently engage residents for ideas for projects that will improve areas within council housing estates. Initial discussions have been held with the Tenants Panel with encouraging feedback received.

The budget is an annual capital budget and was approved by Council in February 2019 as being £150,000 per annum for the period 2019/20 to 2022/23. This is updated via the roll-forward process to take into account slippage and overspend. The current process and uptake can vary year on year and depends on the communities and officers involved. It is recommended that the process is expanded to incorporate the community choices approach, using the existing project criteria, as below:

- Must be on land owned by Housing, Building and Customer Services
- Must improve the environment and/or security in the proposed area
- Must be for the benefit of council tenants
- Must have agreement of other council services or external agencies where maintenance is or will be their responsibility at the end of the project.

The outcome of the Community Choices process would be approved by the Depute Chief Executive.

D.4 Summary of Proposed Budgets for Community Choices

The following table provides information on the budget value, based on the current 2019/20 budget, from the proposals:

Budget Area	2019/20 Budget Value £'000
Recurring Budget	
Education – Pupil Equity Funding (PEF)	167
Social Policy – Children and Families	878
Operational Services – Grounds Maintenance	1,593
Operational Services – Litter Bins	300
Open Space - Play Areas	266
Open Space – Public Art	55
Open Space Planned Improvements	480
Tenants Environmental Improvement Project	150
Total Recurring Budget	3,889
Pilot Budget	
Voluntary Organisation Two Pilots	150
Total Pilot Budget	150
TOTAL COMMUNITY CHOICES BUDGET	4,039

The proposed approach in West Lothian will assist in the allocation of resources to meet local needs. It is proposed that the approach to Community Choices is developed by community capacity building to enable informed decisions to be made on the mainstream budgets. Based on the budgets identified in section D.4, and taking into account the complexity of some of the areas a structured approach will be adopted.

It is proposed that reports are presented to Partnership and Resources PDSP and Council Executive during 2020 providing an update on the Community Choices processes, highlighting areas of learning and best practice.

D.5 Developing Community Choices Approaches

The approach to Community Choices will be a continuous process of development, building on learning from other local authorities, evaluating the processes within West Lothian Council as well as reviewing best practice and innovative technology. The experience and learning from Community Choices will be reflected upon to ensure that West Lothian utilises best practice to enhance its relationships with communities while also focussing on using Community Choices to reduce and remove barriers to participation and equality issues.

Officers will reflect on the experience and learning from the Community Choices processes, including the voluntary organisation pilots, and consider potential future areas for Community Choices and the potential scope for the Voluntary Organisations budget. This will be done in liaison with the third sector to identify priority outcomes to be achieved and identify the relevant communities, as it could be a mix of locality and community of interest depending on the approach undertaken as well as giving consideration to the potential for budget allocation on a longer term basis (two or three year award) could be considered.

D.5.1 Digital Platform

Digital tools are a significant element to any participatory budgeting process; allowing people to submit ideas for funding; host discussion and deliberation of ideas; allocate budgets to projects or areas; and vote for ideas and projects to receive funding.

Digital tools in participatory budgeting will;

- Involve more local people in decision making;
- Publicly demonstrate collaboration and partnership work;
- Enable all areas of a community to participate by overcoming barriers of place and time;
- Help to gather evidence and data about engagement work;
- Facilitate learning of new digital skills.

A digital pilot is currently being established by COSLA using the open source platform CONSUL created by Madrid City Council. The CONSUL tool has now been proactively used with seven local authorities to trial the voting element of the site with eighteen councils testing the site to see if it meets their needs. As part of this process COSLA is also working with international partners to trial the platform to develop coding that will enable future iterations of the site to be more responsive to local needs. Madrid City Council has used the tool extensively and utilised the deliberative element of CONSUL to actively involve communities in developing and designing projects. COSLA provided a demonstration of the CONSUL platform to service representatives from across the council in September 2019. The demonstration included the full functionality of the platform, not only the PB tool but also the deliberative and consultation and engagement tools. The platform will be provided to West Lothian Council free of charge to allow the council to develop the site to investigate options to use the platform for future West Lothian Community Choices processes with initial consideration given to piloting the platform as part of the digital only Community Choices process for equalities, set out in section D.6.1 of this report.

Currently the platform has a function limitation of not being able to restrict access based on ward/locality at the same time as council geographic area. However COSLA are working with the Improvement Service to develop the functionality to utilise data/login access via my account, it is felt that if this functionality was to be developed the platform could potentially help further facilitate Community Choices in West Lothian as well as a potential standard platform for consultation and engagement. Therefore by piloting the platform the council will be working in partnership with COSLA and other local authorities as part of the discussions and development of the platform to shape it to help meet the future needs of the council.

D.5.2 Crowd Funding

Crowdfunder' operate the UK's largest rewards crowdfunding platform and have supported over 80,000 individuals, charities, businesses and community projects to raise over £60 million for projects. They operate a digital portal that supports crowdfunding campaigns and they deliver support to organisations to assist them to run campaigns.

With the support of funding in November 2018 from nine Scottish LEADER areas (Forth Valley and Lomond, Fife, Scottish Borders, Rural Perth and Kinross, Tyne Esk, West Lothian, Kelvin Valley and Falkirk, Greater Renfrewshire and Inverclyde and Lanarkshire) Crowdfunder established the Crowdfund Scotland programme. The Crowdfund Scotland programme is funded until November 2020 to provide a digital portal and online advice and support for any Scottish based crowdfunding campaigns. The Crowdfunding Scotland portal can be used by any organisation from the private, public and third sectors.

In addition to the general portal and online support which is available to any organisation in Scotland, they also provide more intensive one to one coaching, workshops and specialist support for projects based in the nine participating LEADER areas. Crowdfund Scotland is based in Stirling, however West Lothian has a designated adviser in their team to support any West Lothian based projects.

Crowdfunder have been working in partnership with local authorities across England for a number of years to support fundraising for a range of community/cultural/environmental projects, businesses, charities and social enterprises. which is match funded using public funds. With the establishment of Crowdfund Scotland they are now working with a number of local authorities in Scotland including Aberdeen, Angus, Stirling, Falkirk and Fife, to establish local crowdfunding portals which are being used to support local projects.

Crowdfunder has approached West Lothian Council with a proposal to establish a Crowdfund West Lothian portal that could be used to support local fundraising and distribute public match funding, which could in addition contribute to participatory budgeting targets. Early investigatory work has commenced with Crowdfund to establish the potential approaches for West Lothian and the outcome of this will be reported to Council Executive once an approach has been established.

D.6 Community Choices Examples and Learning Events

Examples of Community Choices

Community Choices events are now being held all over Scotland. The PB Scotland Network website indicates that most local authorities are engaging in Community Choices, as well as the Church of Scotland, Community Development Trusts, Community Councils and other organisations. The processes to date have been mainly small grant focussed, however some councils are now piloting mainstream budget processes. Examples of some of the innovative processes being undertaken by local authorities are provided in appendix 2.

Developing Participatory Budgeting in Scotland

A number of information sharing and learning events have been attended by officers to gain knowledge and expertise from other local authorities, other organisations and from PB process contributors. A Developing Participatory Budgeting in Scotland event, scrutinised lessons learnt from previous PB experiences in Scotland, as well as considering the key priorities for mainstreaming and scaling up of PB initiatives. This included the role of PB in the context of wider policies, for example local government reform, the national performance framework and community empowerment.

The event provided information on Community Choices initiatives, insight into links with wider and national policies, insight into the Scottish Government vision and the support that COSLA is making available. Key areas of learning and feedback are:

- Co-production of Community Choices should be the aim and will allow the process to work better by “doing PB with communities not to communities”.
- Consider equality and that a community does not only mean geographic, consider communities of interest and communities of place.
- A sustainable and appropriately resourced approach to PB is vital. PB has often been based on staff, community and volunteer goodwill instead of being an integral part of the delivery.
- The process of ‘voting’ is significant and provides a link between representative and democratic democracy.
- A key part of the PB process is the deliberation stage and this has to be robust to allow for informed and considered decisions.
- PB can be used as a tool to change thinking and approaches to existing services.
- Community Empowerment and PB need to have political support to enable the process to happen effectively.
- The small grants model of Community Choices is the key building block to developing mainstream Community Choice, both for the local authority and the community.
- More deliberative processes are required and would help tackle inequalities.

E. CONCLUSION

This report seeks Council Executive approval for a number of budget areas to be developed for Community Choices to improve outcomes and ensure that the Community Choices target is achieved.

F. BACKGROUND REFERENCES

West Lothian Community Choices – report to Partnership and Resources PDSP January 2018

General Fund Revenue Budget Report – report to West Lothian Council February 2018

General Fund Capital Budget Report – report to West Lothian Council February 2018

Housing Revenue Account Capital Budget Report – report to West Lothian Council February 2018

Planning, Economic Development and Regeneration (PED&R) Revenue Grants Budget - 2019/20 – report to Council Executive October 2018

Participatory Budgeting Charter for Scotland – Making Good PB Happen:

<https://pbscotland.scot/charter>

Appendices/Attachments: Appendix 1: COSLA Community Choices Framework Agreement
Appendix 2: Examples of Community Choices

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Head of Finance and Property Services
12 November 2019

Community Choices 1% Framework agreement

COSLA and Scottish Government have worked together to develop and agree a framework that at least 1% of local government budgets will be subject to participatory budgeting by the end of 2021.

The framework defines Community Choices as the term used in Scotland for Participatory Budgeting and sets PB as the enabler for active participation of citizens in local decision making. It establishes a shared expectation that elected members, senior officers, civil society and local communities will use PB to go beyond the current arrangements for consultation and engagement. The framework sets out that, done well, and using key principles, the longer term strategic aim of public sector reform can be achieved by applying spend to the greatest areas of need, where social cohesion can be developed or maintained.

It is recognised that actively involving local people can make them less passive consumers of public services and more supportive of new models of delivery. It is clear that how councils approach mainstreaming PB is for them to decide at a local level.

Community Choices Budgeting
Framework for the operation of the 1% target for Local Authorities

1. Introduction

The Scottish Government and Local Government have a shared vision for communities to have greater participation in decision making. One way in which to do this is to involve people and communities in funding decisions which should ultimately achieve better outcomes. Included in the 2016/17 programme for government was a commitment from Scottish Government to work in partnership with local government, to have at least 1% of local authority budgets subject to Community Choices budgeting.

Community Choices budgeting, better known worldwide as participatory budgeting, is recognised internationally as a way for local people to have a direct say in how public funds can be used to address local needs. It is one method which can be used alongside other models of community engagement and empowerment as part of a wider strategic approach to advancing participatory democracy.

This Framework Document has been drawn up collaboratively by the Scottish Government and COSLA to provide a high level guidance for local authorities on how to deliver the target set out in the programme for government.

2. Definition of Community Choices Budgeting

Community Choices budgeting is the term used in Scotland for participatory budgeting which enables the active participation of community voices in local financial decision making. Community Choices is defined as:

‘Community Choices budgeting supports a democratic and engaged citizenship by enabling local people to have a direct say in how a defined public budget can be used to address their priorities. It is one method of community engagement that can be used alongside other models of empowerment as part of a wider approach to advancing participatory democracy.’

3. What is Community Choices Budgeting?

Successful Community Choices budgeting requires political will, buy-in from senior management, interest from civil society and the local community, a defined budget, clarity of purpose and a clear definition of the rules. It goes beyond traditional consultation or including community representation on a decision making panel. The essence is about community cohesion, raising awareness, making connections and having a participative role in financial decision making that is deliberative and binding. As a consequence, its impact can be significantly greater and in particular if it is linked strategically to local action plans. As Community Choices budgeting can take many shapes and forms and covers a range of mechanisms, different Community Choices budgeting models exist. Therefore flexibility of approach is left to individual local authorities. As a starting point two Guides are recommended for further reference.

The first is the *Grant Making through Participatory Budgeting – A ‘How to’ Guide for Community Led Organisations and community engagement workers* (September 2016). It provides a step by step guide and a number of supporting templates to run a small projects process. The Guide is available at: [Grant Making - How to Guide](#)

The second is the *Mainstreaming Participatory Budgeting - Ideas for Delivering Participatory Budgeting at Scale* (October 2016). The Guide is designed to help better understand the issues of mainstreaming and to develop Community Choices models that work within each unique context. It includes an indication of the commissioning cycle, a budget matrix, the advantages and challenges of a number of approaches, a key set of principles and useful links to further information. The Guide is available at: [Mainstreaming Ideas Guide](#)

4. Budget

The Community Choices budgeting target is not necessarily about local authorities identifying a separate and/or additional resource. It is principally about involving communities in decisions regarding existing resources. The 1% is the minimum target set and can be made up of revenue and capital expenditure. It is for local authorities to decide how to take forward Community Choices budgeting at a local level to reach

the target. To ensure a shared understanding of the 1% target, this is defined as 'total estimated expenditure for revenue, as per the local government finance circular, less assumed council tax intake. It is considered reasonable to exclude council tax as it is a local tax and therefore already directly and locally accountable.

5. Costs

There are financial costs associated with running meaningful and sustainable Community Choices budgeting but these vary from initiative to initiative. As a guide, costs could include staff, venue, promotion and evaluation. Local government is well placed to support this with its network of facilities and communication channels. There is also the possibility of increased costs associated with the outcome chosen by Communities for the benefit of the community. For example without clear parameters on available resources, a Community may design a more complicated contract or other aspect that requires additional on-going officer support from the council. With clear parameters, communities can help in the redesign and specification of services within available resources.

There are also a number of wider benefits to local democracy associated with running Community Choices budgeting. It can help improve the democratic process by widening participation and re-invigorating the role of local authorities, local councillors and civil society. It can contribute to the effectiveness of public spending by improving the way money is invested by increasing the knowledge available to the local authority when undertaking service planning. It also has the potential to strengthen the community and voluntary sectors by increasing the number of people taking part in local democratic processes. More information about the benefits of Community Choices budgeting can be found on the PB Scotland website www.pbscotland.scot.

6. Timescale

The 2016/17 Programme for Government commitment does not set a timescale. The expectation from the Scottish Government is that the target of having at least 1% of local authority budgets subject to Community Choices budgeting should be reached by the end of this session of the Scottish Parliament, that is the end of the financial year 2020/21. While it is recognised that many councils are already engaged in

Community Choices budgeting, the planning and design of how councils will meet the target should be started at the earliest opportunity.

7. Reporting

For appropriate monitoring local authorities will complete a high-level pro-forma and return it to COSLA on an annual basis. COSLA will collate the information and report a global figure for local government to the Scottish Government on an annual basis.

Appendix 2 – Examples of Community Choices in Scotland, including West Lothian

West Lothian Council – Let's Get it Right for Autism

Let's Get it Right for Autism was the first Community Choices project in West Lothian and aimed to improve the quality of life of individuals with Autism living in West Lothian through supporting and encouraging greater participation in social activities and opportunities. The project was led by Social Policy and the Community Planning Team, with input from staff across the council and from third sector organisations. The project was allocated a £10,000 budget from the Autism Strategy, to allow members of the public to decide on which projects or proposals they think will make the most difference to people with Autism in West Lothian. The project was promoted via the council's Facebook page and website, by third sector organisations and was emailed to all Community planning partners.

The evaluation of Let's Get it Right for Autism involved assessing the impact of the successful projects on service users, ensuring they meet the objectives set out, and identifying learning to help shape future PB processes in West Lothian. More generally, the evaluation was carried out to determine if participatory budgeting is an effective way of engaging local people and allocating resources; and whether participatory budgeting increases the extent to which local people feel they can influence decisions.

A number of evaluation themes were identified, along with key recommendations that will be taken into account when planning future PB activity;

- The project was jointly led by Community Planning and Social Policy. This proved very beneficial to the running of the project; bringing together expertise from the social policy child disability team, and community planning who are leading on the development of PB.
- The establishment of the planning group was an important element in ensuring the effective development of the project bringing together a number of services and organisations with a responsibility for or interest in individuals with Autism. This brought together a range of skills and knowledge with access to a vast range of contacts and networks.
- Consultation carried out prior to the project helped shape the scope and aims, ensuring that the project was fit for purpose and based on the needs of this particular community. The high level of response to the survey demonstrated that this was a subject that mattered to people.
- A range of bids were received which related to individuals of all ages with Autism.
- Online voting was another vital element in ensuring that we increased voting numbers and made the project as inclusive as possible. Filming of the presentations allowed them to be shown online so those who couldn't attend could base their votes on exactly the same information.

North Ayrshire Council

North Ayrshire Council has undertaken a number of PB events, this has included a PB process for grounds maintenance which has now been rolled out to all localities in the authority area as well as a number of green health initiatives. North Ayrshire is seen as a front runner in their approach to PB and utilising the CONSUL platform for consultation, engagement and PB.

Mid Lothian Council

Mid Lothian Council have undertaken a cost of the school day PB initiative involving seven Primary Schools. This approach was then developed and undertaken by five schools in West Lothian in 2018/19. Examples of the solutions parents and pupils generated included:

- Provision of iron on badges for school jumpers
- Access to laundered PE kits
- Subsidised homework club
- Healthy breakfast club
- Free Fruit
- Subsidised school camp, theatre, school trips

East Ayrshire Council

East Ayrshire Council has undertaken 18 Community Choices events across the authority area, this has initially been based on a small grants model.

Glasgow City Council

Glasgow City Council has undertaken 44 Community Choices events across the council area, and in partnership with PB Scotland Network, North Ayrshire Council and third sector partners a short video has been prepared titled Moving Toward the Mainstream: Participatory Budgeting in Scotland.

As part of Glasgow City Council Participatory Budgeting Programme, in April 2019 a Community Development Trust, called SWAMP, successfully hosted an event which was attended by around 3,000 young people from the Greater Pollock area to vote on how £200,000 should be spent locally. A Greater Pollock Youth Forum has now been developed to give a greater voice to young people in the area, with many of those involved empowered to become more active members of their community.

Dundee City Council

Dundee Decides was a £1.2 million Community Choices initiative using capital expenditure budget for expenditure in 2018/19. It was based on previously gathered information from Dundee City Councils Regeneration Planning process and the Engage Dundee consultation. The data provided the foundation for the process, ensuring that the process linked to local priorities and needs; however it did not include the initial ideas generation stage of the Community Choices process.

Dundee City Council secured funding from the Scottish Government and purchased I-Pads and voting/engagement software, which helped facilitate their initial Community Choices process but will also be used for future processes. Council officers used the previously gathered data to develop project proposals which were worth £30,000 to £50,000 each. They used a purely digital approach to the engagement and voting (no paper voting). Events were still held with staff engaging with the public across the city (for example in shopping centres, sheltered housing and schools).

Dundee City Council have embraced the Community Choices process with each service area now required to deliver Community Choices and increasing community engagement. However there is acknowledgment that they need to consider how to further involve the third sector, partner organisations and consider how to involve the public in the ideas generation stage.

Fife Council

Fife Council is moving beyond small grants to explore opportunities for greater participation in decisions relating to mainstream investment. The first service area for mainstream PB is subsidised passenger transport services. The Let's Talk process aims to build a greater understanding of the Council's £22 million investment in School Transport, Subsidised Bus Services, Demand Responsive Transport and Concessionary Travel. To engage the public in dialogue about what is working well, and what might be needed in the future. Deliberation

will be built into a later stage of the engagement process to design the services that are needed in Fife, before putting design options to a public vote.

The initial stages of the public engagement process will be supported through the Debates functionality of the CONSUL participation platform. Dialogue will also take place through existing groups and networks. Design Workshops will provide space for deliberation from which a set of options will be developed. Online voting through CONSUL will be used to identify preferred options / policy choices.



COUNCIL EXECUTIVE

2019/20 GENERAL SERVICES CAPITAL BUDGET – MONTH 6 MONITORING REPORT

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To provide the Council Executive with a report on the financial position in relation to the General Services capital programme following the completion of the month 6 monitoring exercise.

B. RECOMMENDATIONS

It is recommended that Council Executive:

1. Notes the outcome of the month 6 monitoring exercise and the projected outturn;
2. Agrees that Asset Lead Officers and the Head of Finance and Property Services keep under review factors that impact on delivery of the approved capital programme;
3. Notes the progress on the delivery of the overall programme;

C. SUMMARY OF IMPLICATIONS

I. Council Values	Focusing on customers' needs, being honest, open and accountable, making best use of our resources, working in partnership.
II. Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The council's General Services capital programme is managed within the stringent requirements set out in the Prudential Code.
III. Implications for Scheme of Delegations to Officers	None.
IV. Impact on performance and performance indicators	Effective capital implementation is vital to service performance.
V. Relevance to Single Outcome Agreement	None.
VI. Resources (Financial, Staffing and Property)	Capital expenditure of £35.097 million is projected in 2019/20.
VII. Consideration at PDSP	None.
VIII. Other consultations	The capital monitoring exercise has involved consultation with Depute Chief Executives, Heads of Service, Asset Lead Officers and capital project managers.

D. TERMS OF REPORT

D.1 Background

The report provides Council Executive with an update on the 2019/20 General Services capital programme based on the results of a comprehensive monitoring exercise. The approved 2019/20 budget is £34.051 million, which assumes £4 million of overprogramming.

D.2 Summary of Month 6 Financial Information

The summarised committed and projected asset expenditure at month 6 is shown below:

Asset Type	2019/20 Approved Budget £'000	Committed Expenditure at Month 6 £'000	2019/20 Projected Outturn £'000	2019/20 Projected Variance £'000
Property	18,392	15,860	20,560	2,168
Roads	11,828	5,767	11,493	(335)
Open Space	3,480	1,579	2,964	(516)
ICT	4,351	1,530	4,080	(271)
	38,051	24,736	39,097	1,046
Remaining Overprogramming	(4,000)	N/A	(4,000)	0
TOTAL	34,051	24,736	35,097	1,046

Good progress is being made on a number of projects with the committed expenditure as a percentage of projected outturn at 70%. In overall terms, the monitoring exercise indicates projected outturn is £35.097 million, assuming there is slippage of £4 million between now and the year end. This represents accelerated spend of £1.046 million compared to budget. If the programme progresses with no further slippage, the outturn will be £39.097 million and the additional accelerated spend will be funded by accelerated use of agreed capital resources.

D.3 Summary of Forecasts and Pressures

A forecast is provided below for each asset type, including details of identified material movements and pressures.

Property

In overall terms the monitoring exercise indicates that projected outturn in 2019/20 is £20.560 million with £15.860 million of expenditure committed to date, representing 77% of the projected outturn. A number of projects are progressing more quickly than anticipated, resulting in accelerated spend, a number of projects have also identified budget pressures which are expanded upon in the following sections.

School Planned Improvements

The roof replacement at St Kentigern's Academy that was reporting slippage at month 4 will now be undertaken this financial year. More works are required than originally anticipated resulting in a projected overspend of £67,000. Officers will continue to closely monitor the project to ensure no further costs are incurred and the cost pressure will be managed within the overall property programme.

Operational Buildings Planned Improvements

Roof works to the court house at the Civic Centre will be undertaken over the winter months and should take approximately 12 weeks to complete.

Operational Buildings Projects

Work has been progressing well on site as part of the development of a new partnership centre for Whitburn. However, as previously reported, it has been recently established that an existing high voltage (HV) cable on the site will require to be diverted to enable construction of the foundations and subsequent structure for the new extension to the back of the existing Burgh Halls building.

Due to the proximity of the cable to the proposed building, this has resulted in an estimated delay to the overall programme of five months with the anticipated completion date for the building now mid-January 2021. The work to divert the HV cable is now progressing on site and a revised detailed programme to completion is being prepared by the contractor. Officers are liaising daily with Scottish Power, the contractor and the project design team to attempt to reduce the overall delay by re-programming elements of the work and utilising off-site construction where appropriate without compromising on the quality of the finished building.

Slippage of £50,000 is being reported for the Single Person Homeless Accommodation. This is due to further consideration being required on the scope of the project, as a result of changes in government strategy which have had an impact on the approach adopted by the council. A review of the business case is being undertaken and a further update will be provided in due course.

Roads and Other Related Assets

Projected outturn expenditure in 2019/20 is £11.493 million, resulting in projected slippage of £335,000. In terms of actual spending, £5.767 million of expenditure has been incurred at period 6, representing 50% of the 2019/20 projected outturn.

Roads and Footways

Commitment to date is currently 42% of the forecast outturn, which is less than expected at month 6. Within this category A Class, B Class roads and Adopted Footways have committed spend of 21%, 22% and 14% of projected outturn respectively, which is below the anticipated level of actual spend at this stage of the year. The Asset Lead Officer and project managers are taking actions to ensure that the forecast outturn will be achieved.

Total slippage of £713,000 has been identified at month 6 in Roads and Footways. Following on from the slippage of £298,000 identified at month 4 for the A801 Roundabout at junction 4 of the M8, further slippage is now forecast for roads and footways. The projects accounting for this slippage are Station Road in Addiewell and Cycling, Walking and Safer Streets. However it should be noted that this has been partly offset by accelerated spend in structures which has helped to reduce the overall roads and related assets slippage.

Surfacing works at Station Road, Addiewell cannot be completed this year and slippage of £176,000 is being reported. This is as a result of planned works that will be carried out on Station Road by Network Rail in November. Furthermore, Scottish Gas Networks require to carry out works renewing the gas main with these taking approximately three months to complete. These works are scheduled to be carried out from January to March 2020.

Cycling, Walking and Safer Streets projects are forecasting slippage of £239,000 due to the funding for the construction of the B8084 Whitburn to Armadale Railway Station Cycle path and the A706/B7066 Whitdale Roundabout Connection not being forthcoming under the Places for Everyone funding. This has delayed the project from commencing in the summer, as originally programmed. Following presentations to the Places for Everyone Infrastructure Steering Group and ongoing discussions with Sustrans, the council has been successful in securing match funding for the Whitburn to Armadale Railway Station Cycle path. Contract documents are now being prepared with the intention to commence works in March 2020.

Two carriageway surfacing projects have been identified to accelerate spend to offset the reported Cycling, Walking and Safer Streets slippage. These projects are A89 between Dechmont and Kilpunt, £213,000, and Mayfield Drive, Armadale Carriageway, £249,000, and officers are now developing options to progress these projects.

2019/20 Town Centre Fund

Reports detailing applications submitted for this funding were presented at meetings of all nine Local Area Committees (LACs) that took place at the beginning of October. Six of the LACs approved projects to be undertaken with the allocated funding at these meetings, with the projects for the remaining three LACs, Bathgate, Linlithgow and Livingston North, approved by Council Executive on 22 October 2019.

Open Space

The monitoring exercise indicates that projected outturn expenditure in 2019/20 is £2.964 million with £1.579 million of expenditure incurred to date. This represents 53% of the 2019/20 projected outturn. Net slippage of £516,000 has been forecast at month 6.

East Calder 3G Pitch

Slippage of £482,000 is forecast for this project as a result of prolonged discussions taking place regarding the positioning of the pitch, prior to agreement being reached. The planning process is expected to be complete by the end of 2019 and the work will commence by the end of this financial year, continuing into 2020/21.

Kirknewton Primary School MUGA

To avoid disruption to the school throughout term time this project has been scheduled to be undertaken during the summer holidays in 2020.

Kettilstoun Mains

Slippage of the council's full contribution of £307,000 has been highlighted at month 6 as a result of the proposed change of approach to the project. The revised business case has been reviewed by officers and the Linlithgow Community Development Trust has been requested to provide further clarity on a number of points, including confirmation that all external funders are committed to the project. A meeting will be arranged in the coming weeks between council officers, the development trust, Scottish Cycling and Sport Scotland to further discuss the revised business plan in more detail and to agree how the project is to be progressed going forward.

ICT

Projected outturn expenditure in 2019/20 is £4.080 million. In terms of actual spending to date, £1.530 million of expenditure, representing 38% of the 2019/20 projected outturn, has been incurred at period 6. The level of expenditure is less than anticipated at this point in the financial year, however the asset lead officer has confirmed there are projects, including the corporate and education Antivirus/Malware projects in which expenditure is due to be processed imminently thereby improving the overall committed expenditure position.

D.4 Risks

The month 6 forecast represents all current information held on the projects being undertaken in 2019/20. There are a number of risks which can be summarised as follows:

Property Assets

There is a risk that overspends in current year projects will have an impact on the ability to deliver future agreed projects. The Asset Lead officer is responsible for ensuring that projects are closely monitored and value engineering is carried out wherever necessary to try and make sure projects can be delivered within budget.

Roads and Other Related Assets

Works at Guildiehaugh Railway Bridge are scheduled to be carried out over the festive period to maximise the railway line possession, which works out at 36 hours for one shift compared to three hours per week out with this period. However, if weather conditions are adverse and temperatures drop too low then the works will not be able to be completed. There is an option to employ heaters to try and alleviate the low temperatures but the impact is limited and may

be not sufficient depending on how low the temperatures get. There is a further risk that Network Rail could have emergency works to perform on their line and could cancel the line possession at any time. If the possession does go ahead, and the weather is favourable then all the works should be completed this financial year and the 2020/21 budget allocation of £129,000 will be accelerated.

Open Space Assets

Furthermore to the risks highlighted for Open Space at month 4 a risk has been identified with regards to the 3G pitch at Watson Park. There is a possibility that the tender returns for the project could exceed the total agreed budget. If the tenders do come back over budget, any overspend will be managed within the overall open space programme.

ICT Assets

There is a general risk of deliverability within agreed timescales throughout the ICT programme. IT Services continue to monitor progress to ensure that vital business systems are not unnecessarily delayed.

D.5 Resources

Resources are closely monitored over the financial year to ensure projected spend is matched by available capital resources and that funding represents the best value for money option available. The 2019/20 capital programme is funded from a variety of sources:

Funding Source	£'000
Capital Grants	24,071
Other Grants and Contributions (Developer Contributions & Capital Fund)	9,026
Capital Receipts	2,000
Total Resources	35,097

In overall terms, officers have assessed that the resource projections are achievable, although there are various risks that require ongoing monitoring.

D.6 Developer Contribution Update

During the first six months of 2019/20, developer contribution income of £4.555 million has been received. Further details on the income received and the balances held are included in Appendix 2. The balance in the developer contributions accounts at the end of month six is £25.344 million, however the approved ten year capital investment programme includes developer funded projects totalling over £118.936 million.

D.7 Other Strategic Issues

The Prudential Code requires the council to take into account a number of factors when agreeing capital spending plans. These factors are summarised as follows:

Risk Management and Uncertainty

The budget monitoring process focuses attention on risks to the performance of the approved capital investment programme.

Long Term Affordability, Prudence and Sustainability

In overall terms, I would assess that the current capital programme remains affordable. Resource assumptions are achievable, although there are various risks that require careful management including the ability to deliver an ambitious asset disposal programme, Scottish Government grant funding, delays in receipt of contributions creating cash flow implications and movements in interest rates. The treasury forecasts are at the absolute maximum levels of affordability, with additional revenue resources potentially required in the latter years of the programme to ensure ongoing affordability. Officers continue to refine treasury planning assumptions to help ensure that the programme remains affordable and sustainable over the longer term.

Stewardship of Assets

The council's strategic approach to capital planning involves integration with asset management planning. Progress against each area of the Corporate Asset Management Plan is reported annually to elected members.

Value for Money and Best Value

All aspects of the programme are geared towards securing Best Value and are undertaken in accordance with the council's Best Value Framework.

E. CONCLUSION

Following the month 6 monitoring process, the 2019/20 outturn forecast is £35.097 million. Good progress is being made on delivery of the programme and, at the end of month 6, committed expenditure to date accounts for 70% of the projected forecast spend for the year. A number of key risks in relation to the delivery of the General Services capital programme have also been identified and will continue to be managed by asset lead officers and monitored by the Council Executive.

F. BACKGROUND REFERENCES

General Services Capital Investment Strategy 2019/20 to 2027/28 Update – Report by Head of Finance and Property Services to Council Executive 25 June 2019

Appendices/Attachments:

Appendix 1 – General Services Capital Period 6 Monitoring

Appendix 2 – Developer Contributions Period 6 Monitoring

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Donald Forrest

Head of Finance and Property Services

12 November 2019

APPENDIX 1**2019/20 GENERAL SERVICES CAPITAL BUDGET - PERIOD 6****PROPERTY ASSETS****Planned Improvements and Statutory Compliance**

	Annual Budget 2019/20 £'000	Total known commitment to year end £'000	P12 forecast 2019/20 £'000	P12 variance 2019/20 £'000	Variance Analysis	Project Status
Nursery Schools	20	0	20	0	On Budget	On Schedule
Primary Schools	591	980	794	203	Accelerated/Overspend	On Schedule
Secondary Schools	575	669	945	370	Accelerated	On Schedule
Special Schools	10	0	10	0	On Budget	On Schedule
Our Lady of Lourdes PS Blackburn - School Toilet Improvements	120	384	170	50	Overspend	On Schedule
Springfield PS Linlithgow - School Toilet Improvements	160	186	180	20	Accelerated	On Schedule
St Ninian's Primary School Livingston - Roof Replacement	310	294	310	0	On Budget	On Schedule
Winchburgh Primary School - Roof Replacement	199	40	370	171	Overspend	On Schedule
St Kentigern's Academy - Roof Replacement	133	74	200	67	Accelerated	On Schedule
Stoneyburn Primary School - Cladding Replacement	100	0	100	0	On Budget	On Schedule
Other School Estate Wide Planned Improvements	1,135	617	1,699	564	Accelerated/Overspend	On Schedule
Social Policy	359	170	406	47	Accelerated	On Schedule
Community Centres and Halls	30	8	31	1	Overspend	On Schedule
Partnership Centres	224	208	366	142	Accelerated/Overspend	On Schedule
Miscellaneous	40	20	40	0	On Budget	On Schedule
Tenanted Non Residential Properties	198	381	416	218	Accelerated	On Schedule
General Statutory Compliance	2,450	2,711	2,760	310	Accelerated/Overspend	On Schedule
Total Planned Improvements	6,654	6,741	8,817	2,163		
Property Projects						
Schools General Projects						
ASN Strategy - Ogilvie School	1,500	747	1,000	(500)	Slippage	On Schedule
ASN Strategy - New Cedarbank School	200	27	200	0	On Budget	On Schedule
ELC Blackridge - New Build	800	1,000	800	0	On Budget	On Schedule
ELC St Mary's PS - New Build	654	800	800	146	Accelerated	On Schedule
ELC Polkemmet PS/ St Joseph's PS Refurb	200	395	395	195	Accelerated	On Schedule
ELC Simpson PS - New Kitchen	200	0	260	60	Accelerated	On Schedule
Other School Projects	2,290	2,986	3,226	936	Accelerated/Overspend	On Schedule
	5,844	5,955	6,681	837		
Schools Projects - Developer Funded						
New Secondary in Winchburgh	600	662	650	50	Accelerated	On Schedule
New Denominational Secondary in Winchburgh	400	500	500	100	Accelerated	On Schedule
New Non-Denominational PS (Single Stream/Pre-School) - Calderwood	750	278	750	0	On Budget	On Schedule
New Holy Family PS	369	250	400	31	Accelerated	On Schedule
Various Projects	182	12	197	15	Overspend/Slippage	On Schedule
	2,301	1,702	2,497	196		
Operational Buildings						
Ability Centre - Partnership Centre Livingston	294	68	250	(44)	Slippage	On Schedule
Single Person Homeless Accommodation (Emergency Homeless Assessment Centre)	100	12	50	(50)	Slippage	Behind Schedule
Blackburn Partnership Centre - WLC Costs	150	54	150	0	On Budget	On Schedule
Maintenance for West Lothian Council Buildings operated by West Lothian Leisure	220	220	220	0	On Budget	On Schedule
Whitburn Partnership Centre	1,900	1,000	1,000	(900)	Slippage	Behind Schedule
Other Operational Buildings	414	93	375	(39)	Slippage	On Schedule
	3,078	1,447	2,045	(1,033)		
Miscellaneous Projects	515	15	520	5	Accelerated	On Schedule
Total Property Projects	11,738	9,118	11,743	5		
TOTAL PROPERTY ASSETS	18,392	15,860	20,560	2,168		

APPENDIX 1**2019/20 GENERAL SERVICES CAPITAL BUDGET - PERIOD 6****ROADS AND RELATED ASSETS****Roads and Footways**

	Annual Budget 2019/20 £'000	Total known commitment to year end £'000	P12 forecast 2019/20 £'000	P12 variance 2019/20 £'000	Variance Analysis	Project Status
A Class Roads	861	144	678	(183)	Slippage/Saving	Behind Schedule
B Class Roads	535	120	556	21	Overspend	On Schedule
C Class Roads	333	232	397	64	Overspend	On Schedule
U Class Roads	948	560	634	(314)	Slippage/Saving	Behind Schedule
Non Adopted Roads & Footways	158	65	133	(25)	Saving	On Schedule
Adopted Footways	271	30	218	(53)	Saving	On Schedule
Cycling, Walking and Safer Streets/ Active and Sustainable Travel	500	61	261	(239)	Slippage	Behind Schedule
Road Casualty Reduction Schemes	80	16	80	0	On Budget	On Schedule
Bus Passenger Infrastructure	38	1	38	0	On Budget	On Schedule
Disabled Parking Act Implementation	20	17	20	0	On Budget	On Schedule
General Roads Projects	218	129	225	7	Accelerated/ Saving	On Schedule
	3,962	1,374	3,240	(722)		

Flood Prevention and Drainage

Almond Barriers	841	445	500	(341)	Slippage	Behind Schedule
Bathgate Watercourse Restoration	70	104	104	34	Accelerated	On Schedule
Broxburn Flood Prevention Scheme	85	75	85	0	On Budget	On Schedule
Riverlife Heiritage Lottery Fund	465	161	465	0	On Budget	On Schedule
	1,461	785	1,154	(307)		

Road Lighting

	3,115	1,445	3,093	(22)	Slippage/Overspend	On Schedule
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Structures

Adopted and Non Adopted Bridges - Backlog and Lifecycle Investment	2,834	2,042	3,431	597	Overspend/Accelerated	On Schedule
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Town Centres and Villages Improvement Fund

	456	120	575	119	Accelerated	On Schedule
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TOTAL ROADS ASSET

	11,828	5,767	11,493	(335)		
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Open Space Assets

Kettilstoun Mains, Linlithgow	307	0	0	(307)	Slippage	Behind Schedule
Management and Regeneration of Woodlands	343	127	343	0	On Budget	On Schedule
Other Open Space and Sports Facility Projects	644	253	596	(48)	Slippage/Overspend	On Schedule
Open Space and Sports Facility Planned Improvements	592	355	666	74	Accelerated/Overspend	On Schedule
Children's Play Areas	209	183	210	1	Accelerated	On Schedule
East Calder 3G Pitch	582	11	100	(482)	Slippage	Behind Schedule
Other Synthetic Turf Pitches	520	428	763	243	Accelerated/Overspend	On Schedule
Cemeteries	186	106	186	0	On Budget	On Schedule
Land Decontamination	97	116	100	3	Overspend	On Schedule
TOTAL OPEN SPACE ASSET	3,480	1,579	2,964	(516)		

ICT Assets

Corporate and Modernisation	3,379	1,268	3,108	(271)	Slippage	On Schedule
School Specific Spend	972	262	972	0	On Budget	On Schedule
TOTAL ICT ASSET	4,351	1,530	4,080	(271)		

TOTAL	38,051	24,736	39,097	1,046		
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Overprogramming	(4,000)	0	(4,000)	0		
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TOTAL - ALL ASSETS	34,051	24,736	35,097	1,046		
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APPENDIX 2 - 2019/20 DEVELOPER CONTRIBUTIONS - MONTH 6 MONITORING

A breakdown of contributions by policy is set out below.

Policy	Opening Balance 01/04/19	Income 2019/20	Draw downs 2019/20	Balance at 30/09/19	Details of Committed Funds
	£	£	£	£	
Affordable Housing	198,571			198,571	Resource for council house building
Armada Academy	164			164	Committed to the General Services Capital programme
Denominational Secondary School Infrastructure	2,366,729	2,144,885		4,511,614	Will be used to extend/build provision for denominational secondary sector
Travel Co-ordinator	47,165			47,165	Will be used to fund travel co-ordinator post
A801 Dualling	106,560			106,560	Committed to dualling of A801
Cemetery Provision	118,028	24,333		142,362	Committed to fund costs of extending cemeteries in West Lothian to support development
Public Art	345,889	32,141		378,030	Committed to provision of public art
St Nicholas PS, Broxburn	1,449	2,305		3,754	Will be used to fund extension to St. Nicholas Primary School.
St Paul's PS, East Calder	724,209	5,880		730,089	Will be used to fund extension to St. Paul's Primary School
Denominational Primary Winchburgh	131,855			131,855	Will be used to build provision for denominational primary school in Winchburgh
Play Areas	547,880	228,599		776,479	Committed to providing/improving play areas at the sites for which contribution was received
St Mary's PS, Polbeth	221,178	12,270		233,448	Will be used to fund extension of St Mary's Primary School
Pumphreston & Uphall PS	287,816			287,816	Will be used to fund the extension of Pumphreston & Uphall Primary School
A71 Developer Contributions	60,089			60,089	Committed to A71 Works
Parkhead PS Extension	534,860	41,465		576,324	Will be used to fund the extension of Parkhead Primary School
Linlithgow Academy	208,688	3,610		212,298	Fund for extension of Linlithgow Academy
Bathgate Academy	529,569			529,569	Will be used to fund Bathgate Academy extension
Whitburn Academy	590,958			590,958	Will be used to fund Whitburn Academy extension
Kirknewton PS	39,814			39,814	Will be used to fund extension of Kirknewton
A71 Wilkie Bypass	123,990			123,990	Committed to A71 Works
Almondell & Calderwood Country Park	34,591	114,070		148,661	Committed to improving Almondell & Calderwood Country Park
East Calder Park	273,352	760,465		1,033,817	Committed to improving East Calder Park
East Calder Public Car Park	6,919	115,000		121,919	Committed to improving East Calder Public Car Park
Public Transport	377,322	187,194		564,515	Will be used to fund Public Transportation works.
St Paul's Primary School Footpath	33,499			33,499	St Paul's Primary School Footpath
East Calder Primary School	720,514	765,000		1,485,514	East Calder Primary School. Mis-coded entry applied in March 2018, this was reversed in May 2018.
Town & Village Centre Policy	408,293	107,566		515,859	Town & Village Centre Policy.
Park & Ride, West Calder	77,618			77,618	West Calder Park and Ride
A71 Bus Priority Measures	15,881			15,881	Committed to A71 Bus Priority works
St Anthony's Primary School Armadale	192			192	Will be used to fund the second phase of the extension at St Anthony's Primary School
Armadale Primary School	439			439	Armadale Primary School
Wester Inch, Bathgate	494,953			494,953	Comprises contributions for education, play areas & transportation. Is being used to extend Simpson Primary School, develop play areas, support bus route
Off site environmental works, West Mains	166,894	10,000		176,894	Will be used to fund off site works
Non-denominational Primary, Bathgate	3,294			3,294	Will be used to fund education infrastructure in Bathgate
Livingston Town Centre Variable Messaging System	92,001			92,001	Will be used to upgrade the Livingston Town Centre Variable Messaging System
Calders Non Denominational Secondary School	7,048,132			7,048,132	Calders Non Denominational Secondary School
Winchburgh Secondary	1,426,632			1,426,632	Will be used towards funding a new secondary school in Winchburgh
Murrayfield PS	321,583			321,583	Contributions to be used towards infrastructure costs for Redhouse Non-denominational Primary School
Our Lady of Lourdes	21,454			21,454	Contributions to be used towards infrastructure costs for Redhouse Denominational Primary School
Greendykes Junction, Broxburn	40,045			40,045	Contributions to be used towards works at Greendykes Junction, Broxburn.
Non-denominational Primary, Broxburn	30,485			30,485	Contributions to be used towards infrastructure costs for Broxburn Non-denominational Primary School
Calderwood Non Denominational Primary School	922,274			922,274	Will be used towards funding a new primary school in East Calder
Mill Roundabout, Elburn	92,673			92,673	Will be used to fund improvements at the roundabout
Open Space Cont S69	383,461			383,461	Will be used to fund Open Space projects in various sites
Livingston Village PS S75	559,501			559,501	Will be used to fund an extension to Livingston Village Primary School
Kirknewton Park & Ride	52,128			52,128	Kirknewton Park & Ride
TOTAL	20,789,589	4,554,783	0	25,344,372	



COUNCIL EXECUTIVE

2019/20 GENERAL FUND REVENUE BUDGET – MONTH 6 MONITORING REPORT

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To provide the Council Executive with a report on the financial position in relation to the General Fund Revenue Budget, following completion of the month 6 monitoring exercise.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes that the outcome of the month 6 monitoring exercise is a £1.388 million underspend for the General Fund revenue budget in 2019/20;
2. Notes that Council agreed on 24 September 2019 that the one-off £1.388 million underspend in 2019/20 should be retained, pending the announcement of the Scottish Budget and local government settlement;
3. Agrees that the additional one-off windfall of £540,000 in relation to the appeals process for non-domestic rates (NDR) and the Business Rates Incentivisation Scheme is retained pending the announcement of the Scottish Budget and local government settlement;
4. Agrees that Heads of Service progress additional actions to mitigate the recurring pressures of £1.738 million, with further detailed updates to be provided to Council Executive as part of the month 9 monitoring exercise;
5. Agrees that Heads of Service take all management action necessary to ensure that 2019/20 expenditure is managed within budgeted resources available;
6. Notes the good progress in delivery of budget savings for 2019/20 to 2022/23.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on customers' needs, being honest, open and accountable, making best use of resources, working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Local Government (Scotland) Act 1973, Section 95; Local Government in Scotland Act 2003, section 1-14.
III Implications for Scheme of Delegations to Officers	Effective budget management is an essential element of service performance. Additional financial reporting provides elected members with information to allow for proper scrutiny of performance of services.
IV Impact on performance and performance indicators	The revenue and capital budgets provides resources necessary to help deliver the Single Outcome Agreement. Effective prioritisation of resources is essential to achieving key outcomes.

V	Relevance to Single Outcome Agreement	None.
VI	Resources – (Financial, Staffing and Property)	The outcome of the monitoring exercise at month 6 is a forecast underspend of £1.388 million and a one-off windfall of £540,000.
VII	Consideration at PDSP	Regular reporting of Financial Performance is reported to PDSPs twice a year.
VIII	Other Consultations	Depute Chief Executives and Heads of Service.

D. TERMS OF REPORT

D.1 Introduction

This report sets out the overall financial performance of the General Fund Revenue Budget for the period to 30 September 2019 and provides a year-end financial forecast which takes account of relevant issues identified in individual service budgetary control returns. The report also considers the position regarding the delivery of approved budget reduction measures. The risk based budget monitoring process is undertaken in line with the council's budgetary control framework and procedures and helps contribute to spend being managed within available budget resources and approved savings being fully delivered.

D.2 Month 6 Summary Financial Information for 2019/20

The table below summarises the position in relation to service expenditure and provides a forecast outturn. Council, on 24 September 2019, agreed that the projected underspend of £1.388 million should be retained until the announcement of the local government finance settlement.

Service	2019/20 Budget £'000	Commitment at Month 6 £'000	Forecast Outturn £'000	Projected Variance Over / (Under) £'000
Education, Planning, Econ Dev & Regen				
Education	171,587	159,616	170,199	(1,388)
Planning, Econ Development & Regeneration	4,121	5,048	4,121	0
Education, Planning, Econ Dev & Regen - Total	175,708	164,664	174,320	(1,388)
Social Policy				
IJB – Adult and Elderly Services	75,168	104,485	75,168	0
Non IJB – Children's Services	35,541	38,907	34,602	(939)
Social Policy - Total	110,709	143,392	109,770	(939)
Corporate, Operational and Housing				
Operational Services	55,021	45,397	55,869	848
Housing, Customer and Building Services	8,209	18,101	8,422	213
Corporate Services	11,133	11,950	11,133	0
Corporate, Operational and Housing - Total	74,363	75,448	75,424	1,061
Chief Executive, Finance and Property	23,870	26,925	23,870	0
Joint Valuation Board	1,154	587	1,154	0
Service Expenditure - Total	385,804	411,016	384,538	(1,266)
Non-Service Expenditure	41,564	3,117	41,392	(172)
TOTAL EXPENDITURE	427,368	414,133	425,930	(1,438)

Service	2019/20 Budget £'000	Commitment at Month 6 £'000	Forecast Outturn £'000	Projected Variance Over / (Under) £'000
Funding				
AEF	(259,433)	(259,433)	(259,433)	0
Non Domestic Rates	(85,327)	(85,327)	(85,327)	0
Council Tax Funding	(82,608)	(82,558)	(82,558)	50
TOTAL FUNDING	(427,368)	(427,318)	(427,318)	50
TOTAL NET EXPENDITURE	0	(13,185)	(1,388)	(1,388)
Council agreement – transfer to General Fund Balance	0	0	1,388	1,388
TOTAL NET POSITION	0	(13,185)	0	0

D.3 Update on Recurring Pressures

A number of recurring pressures have previously been reported to Council Executive and the quarterly monitoring reports will continue to cover the recurring pressures, how these are being managed, and action required to address the pressures. An update from relevant Heads of Service on the progress against agreed actions is contained within appendix one of this report.

The month 6 monitoring exercise has confirmed that the level of recurring pressures is £1.738 million, an increase of £268,000 from the position reported at month 4, with the increase largely attributable to staffing costs within Operational Services. As previously reported, these pressures mainly relate to homelessness provision within Housing, Customer and Building Services and school transportation and employee costs within Operational Services. Although there is a recurring pressure of £1.738 million, additional one-off resource to assist in mitigating the pressures in the current year and the effect of other measures are reducing the pressure. Therefore, it is expected that these pressure areas will overspend by £665,000 in 2019/20 and this is reflected in the forecast position outlined in this report. The provision of one-off budget in 2019/20 does not eliminate the pressure on a recurring basis and it is therefore essential that previously agreed actions are implemented as planned to ensure current and future year spend in these areas is managed within available resources.

D.4 Summary of Main Issues in Service Expenditure Budgets

D.4.1 Education & Planning, Economic Development & Community Regeneration

Education

The revenue budget for Education is currently forecast to underspend by £1.388 million in 2019/20. Resources for schools have been allocated in line with the approved scheme of Devolved School Management (DSM), which is based on projected pupil numbers for academic year 2019/20. The school census has recently been undertaken and budgets will be revised to reflect actual pupil rolls as outlined in the scheme. DSM forecasts have been provided by schools which form part of the budget monitoring exercise for period 6. In addition, it is anticipated the Scottish Attainment Challenge funding, which includes Pupil Equity funding of £5.191 million, will be fully utilised during the course of the forthcoming academic year, in line with the conditions of grant. Plans continue to be developed to fully roll out initiatives including the increase in Early, Learning and Childcare provision to 1,140 hours per annum for all eligible two, three and four year olds by August 2020 and a school counselling service covering P6 and P7 and the secondary sector.

Within Culture and Sports, there is a projected overspend mainly due to staff costs being over budget within Arts. Workforce planning measures continue to be implemented to bring costs in line with available resources following implementation of the new staffing structure. Other risk areas include income generation at Burgh Halls and instrumental music tuition. Both areas will be

closely monitored over the course of the year. The overspends noted above are being offset against staff savings identified within Adult Learning and Psychological Services which have arisen from vacant posts and approved savings measures delivered earlier than anticipated.

West Lothian Leisure (WLL) is currently forecasting an overspend of £197,000 in 2019/20, mainly attributable to the timing of implementation of their modernisation programme. Membership income has been growing steadily during 2019 and is higher than budgeted at this point in the financial year. The general reserve balance, as at 31 March 2019, is £441,000. WLL have undertaken a review of their cash position and report no short term cash concerns at this time. WLL continue to implement their three year financial plan for 2019/20 to 2021/22 with regular updates being provided to the WLL Advisory Committee.

Planning, Economic Development & Regeneration

A break-even position is forecast for the year. It is anticipated income from planning applications and building warrants will be in line with budget. The service is awaiting an update from the Scottish Government around the current suspension of the reimbursement of European funding to local authorities.

Economic Growth Fund spend to date for the current financial year is £210,000. Total remaining funding is £4 million, of which £3.2 million has been committed, with £781,000 of this commitment now older than 18 months. Further work is being undertaken to determine how the uncommitted funding of £800,000 is to be spent.

D.4.2 Social Policy

The forecast position for the IJB area is a breakeven position, and the forecast position for Non-IJB is an underspend of £939,000. There are however a number of pressure areas in IJB, including the older people care home budget where additional costs are incurred to cover for staff absence and internal care at home services where costs are being incurred to cover for a shortfall in the external market. These pressures are being offset by early delivery of future year savings and an underspend in the forecast cost of externally purchased care at home due to the capacity issues mentioned above.

For Non-IJB areas, the underspend is due to reduced costs in Foster and Kinship Care of £798,000, which includes £200,000 in early delivery of future savings, and External Placements for Children, of which £422,000 is early delivery of savings in Day Placements.

D.4.3 Corporate, Operational and Housing Services

Corporate Services

A break-even position is forecast. Early delivery of 2020/21 approved savings within IT is offsetting pressures elsewhere within the service, in particular, occupational health costs. It is anticipated that with the new Managing Attendance at Work policy, expenditure within this area may reduce in the coming months.

Operational Services

An overspend of £848,000 is forecast. Pressures within Facilities Management are largely due to staffing levels as a result of levels of sickness absence. In addition, due to the pressure, it is impacting on the service's ability to meet its staffing performance factor. The month 6 monitoring exercise indicates that staffing costs have started to reduce. However, there is a risk that overtime working to cover periods of absence to meet minimum staffing ratios may increase in the autumn and winter months. Mitigating actions have been identified and an action plan is being prepared, however, the pressure at this stage is not anticipated to be eliminated in full.

Pressures on overtime costs within Recycling and Waste Services are mainly as a result of a delay in implementing the new disposal section structure and filling the part time roles at the new

recycling centre and have reduced over recent months. The service has seen a levelling off of sickness absence which will allow for a balancing of overtime costs. New vehicles are now in service which has seen a reduction in the need for catching up on collections that were missed due to technical issues with the older fleet. The restructure within Recycling and Waste Management is also being progressed and it is anticipated that this will be implemented by December 2019.

Overall, Public Transport expenditure for the current financial year is anticipated to be within budgeted resources, taking account of one-off resources to mitigate recurring pressures. An in-year over spend of £108,000 is forecast for Mainstream Schools Transport, however, an underlying recurring pressure of £431,000 still remains. A break-even position is currently forecast for ASN transport in 2019/20 and on a recurring basis and expenditure for this area will be monitored closely for the remainder of the year. Cancellation notices recently served on local bus contracts may adversely impact on the overall position.

Housing, Customer & Building Services (General Fund Revenue)

An overspend of £213,000 is forecast across the service area, a reduction of £94,000 from the position reported at month 4, mainly as a result of staffing vacancies and turnover. The pressure is primarily in Homelessness as a result of the ongoing demand for temporary accommodation. The average number of clients per night accommodated in B&B has reduced from 99 during 2018/19 to 76 for the period from April to September 2019. This reduction, as well as additional one-off budget of £550,000, is mitigating the pressure in B&B spend but pressures elsewhere in the budget i.e. staffing, repairs, and void rent loss are main factors in the overspend. Homelessness transport costs have reduced following a process review and removal of long standing cases; however a recurring pressure of £83,000 remains to be addressed.

Funding for Rapid Rehousing Transition Plans (RRTPs) for 2019/20 has been confirmed by the Scottish Government with £302,000 allocated for West Lothian. Funding for 2020/21 and 2021/22 is yet to be confirmed. If this is of a similar value to that received in 2019/20, it will be significantly less than the £3 million applied for in the council's submission to the Scottish Government. The RRTP is a multi-year plan to reduce the numbers of people presenting as homeless, as well as rehousing people who are homeless quicker and reducing the length of stay in temporary accommodation and B&B accommodation. Following confirmation of the funding, priority areas have been identified and agreed with the recruitment process underway.

The council's approved Housing Capital programme includes provision for additional housing stock through the new build projects, open market acquisitions and the mortgage to rent scheme, all of which are intended to mitigate some of the pressures on the homelessness budget as more housing stock becomes available to be let. In addition, the General Services Capital Programme includes funding for a new homeless unit which is anticipated to alleviate some of the pressure. However, further actions will also be required to reduce expenditure on a recurring basis and fully mitigate the budget pressure, including increasing the number of private sector lets and increasing the number of available properties via registered social landlords and a change in the allocations policy.

The forecast overspend for Homelessness is partly offset by underspends in the Community Safety Unit and Customer Service Centre. Customer and Community Services is now also forecast to underspend in 2019/20 with a staffing underspend offsetting the pressure in registration income.

D.4.4 Chief Executive, Finance & Property Services

The revenue budget for Chief Executive, Finance and Property Services is currently forecast to break-even. There are emerging pressures within property costs which are being managed. Energy budgets are an ongoing challenge and there are a number of projects being undertaken to reduce the pressure with close monitoring being undertaken on a monthly basis. Property maintenance expenditure continues to be a risk, the new Concerto system has allowed for more transparency and better reporting opportunities.

D.4.5 Staffing Performance Factor

A staffing performance factor saving of £2.334 million is included in the 2019/20 budget and is an annual savings target to be met within service budgets each year. Based on the position at month 6, the majority of service areas are forecasting that the staff performance factor saving will be achieved through staffing underspends although this will be closely monitored for the remainder of the financial year. Within Operational Services, the monitoring exercise has highlighted pressures within staffing costs and further action as noted within this report.

D.4.6 Joint Valuation Board

A break-even position is forecast.

D.5 Non-Service Expenditure

The Council Tax Reduction Scheme (CTR) is currently forecast to underspend by £172,000. There is ongoing pro-active work by officers on maximising take up, but, the roll-out of Universal Credit has resulted in a small reduction in the level of applications for CTR. An Improvement Group is regularly reviewing the processes, to ensure Council Tax collection is not adversely impacted.

Following the completion of the appeals process for non-domestic rates (NDR) for a number of council properties, a net one off refund of approximately £400,000 has been identified relating to NDR payments made by the council in previous years. In addition, the Scottish Government has confirmed that the council will receive a one off payment in the current year of £140,000 under the Business Rates Incentivisation Scheme (BRIS) due to the council exceeding BRIS income targets in 2017/18. Reflecting the decision of Council on 24 September 2019 regarding available one off additional resources, it is proposed that, taking into account high levels of uncertainty in the economy, Brexit and the level of public sector funding, the additional one off resources of £540,000 should be retained in the general fund balance until the outcome of the Scottish Budget and local government settlement is announced. The timing of this announcement is not clear due to the General Election on 12 December 2019.

D.6 Modernisation Fund

A vital element in the council's approach to proactive workforce planning is the availability of the Modernisation Fund to cover the costs associated with employee exit arrangements. To date, the Modernisation Fund has largely been used to support early retirement / voluntary severance (ERVS) costs, however the fund is also available to help manage wider changes. Taking account of the requirement for anticipated one-off costs in future years, Council agreed on 24 September 2019 to the allocation of additional one-off funding of £1.282 million in 2019/20 for the Modernisation Fund.

Taking account of ERVS approved at month 6, ERVS expenditure totals £1.187 million, including £783,000 for WLL as agreed by Council Executive. The remaining balance of the Modernisation Fund in 2019/20 is £1.181 million.

D.7 Funding in 2019/20

The council's revenue grant is forecast to be on budget. Any additional grant funding for 2019/20 announced during the year will be reported in future monitoring reports.

Council Tax income is forecast to under recover by £50,000 and this is mainly due to the level of exemptions and discounts compared to budget assumptions. For example, exemptions and discounts in relation to empty properties and single person's discounts have increased year on year.

Revenue grant funding and council tax income is supplemented by non-recurring funding of some activities such as employability, some local bus services and fixed term staff, and it is important

that service spend commitments attached to this funding take account of the duration of funding available.

D.8 Approved Budget Reduction Measures

The Partnership and Resources PDSP considered updated financial planning assumptions for the three years 2020/21 to 2022/23 on 12 September 2019. It is proposed that any changes to the budget model and approved budget savings will be reported for consideration at the Council budget setting meeting in February 2020. In addition, as noted in the PDSP report, officers will continue to review and refine the budget model assumptions in line with established practice in advance of presenting an updated three year detailed revenue budget to Council in February 2020.

As reported to the Partnership and Resources PDSP on 12 September 2019, the balance of savings still to be identified after taking account of an update to the financial model has increased to £6.730 million.

Modelling of the potential impact of the Scottish Government's Deposit Return Scheme is ongoing, including any impact on approved savings from the introduction of a twin stream recycling collection service and the impact this may have on council funding and expenditure.

In line with the council's agreed budgetary control framework and procedures, a review of the delivery of budget reductions for the period 2019/20 to 2022/23 was completed by Heads of Service and has demonstrated that good progress is being made. Based on the exercise carried out for the four year period to 2022/23, 40% of reductions are categorised as green which indicates that Heads of Service consider that the saving is achieved or achievable. The remaining 60% of reductions are categorised as amber meaning that an achievable plan is still to be agreed or existing/emerging issues require additional actions to be undertaken. In some cases, further Committee approval is required to progress these reductions. No reductions are considered unachievable. A number of projects will require further development where policy changes are required and will be considered by Policy Development and Scrutiny Panels and Council Executive. Specifically for 2019/20, 100% of savings are categorised as achieved or achievable, demonstrating that good progress is being made in the delivery of approved savings.

D.9 Summarised Budget Position for 2019/20

The outcome of the month 6 monitoring exercise is an underspend of £1.388 million. Council has agreed to retain £1.388 million until the announcement of the Scottish Budget and local government settlement. In addition, it is recommended that an additional one-off windfall of £540,000 in relation to appeals process for NDR and the Business Rates Incentivisation Scheme is also retained pending the announcement of the Scottish Budget and local government settlement.

Recurring overspends remain and are largely offset by one-off resource in the current year. There has been a positive reduction in the recurring pressures within these areas and this is anticipated to continue.

Good progress is being made in delivery of budget savings with 100% of savings in 2019/20 categorised as green.

E. CONCLUSION

An underspend of £1.388 million is forecast for 2019/20. Recurring overspends remain and are largely offset by one-off resource in the current year. Good progress is being made in delivery of budget savings.

F. BACKGROUND REFERENCES

Revenue Budget 2019/20 - 2022/23 - Report by Head of Finance and Property Services to West Lothian Council on 19 February 2019

2019/20 General Fund Revenue Budget – Month 4 Monitoring Report – Report by Head of Finance and Property Services to Council Executive on 8 October 2019

Update on Revenue Budget Strategy 2020/21 to 2022/23 – Budget Update and Potential Additional Saving Measures - Report by Head of Finance and Property Services to Partnership and Resources PDSP on 12 September 2019

Update on Review of the Loans Fund, Insurance Fund and Modernisation Fund - Report by Head of Finance and Property Services to West Lothian Council on 24 September 2019

Appendices/Attachments: Appendix 1 - Update on Recurring Pressures

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Donald Forrest

Head of Finance and Property Services

Date of meeting: 12 November 2019

DATA LABEL: PUBLIC

Appendix 1 - Update on Recurring Pressures

Housing, Customer and Building Services – Homelessness				
2019/20 Forecast Variance at Month 6 £'000	Recurring Pressure at Month 6 £'000	Action agreed at Council Executive 11 September 2018	Update on agreed actions since Month 4 update to Council Executive in October 2019	Update on actions to be taken during the remainder of 2019/20
10	560	Income from charging for bed and breakfast accommodation has been agreed and monitoring continues. A range of other policy and operational measures are being considered to help address pressures in this area.	<p>Agreement has been reached with the four main RSL partners on target for percentage of social lets to homeless and is being monitored.</p> <p>The council has been advised by the Scottish Government of the RRTP funding allocation for 2019/20 of £302,000. This is significantly less than the funding bid. Priority areas have been identified and agreed with the recruitment process underway.</p>	The RRTP is multi-year and additional one-off budget of £550,000 is agreed for 2019/20. The recurring pressure has reduced from £606,000 reported at month 4 to £560,000. Average homeless numbers per night in 2019/20 are 76 for the year to 29 September. This compares to the full year average of 99 in 2018/19. The additional one-off resource is not anticipated to mitigate the pressure in full and close monitoring will be required throughout 2019/20.

Housing, Customer and Building Services - Homelessness Transport				
2019/20 Forecast Variance at Month 6 £'000	Recurring Pressure at Month 6 £'000	Action agreed at Council Executive 11 September 2018	Update on agreed actions since Month 4 update to Council Executive in October 2019	Update on actions to be taken during the remainder of 2019/20
(117)	83	Officers were considering an amended policy for pupil transport. Since the meeting, expenditure has reduced it is proposed that mitigation of the budget pressure will be achieved through delivery of actions from the RRTP.	The proposal to change the Homelessness Transport policy will no longer be taken forward. The recurring pressure has reduced since the start of 2019/20 as a result of a process review and removal of long standing cases.	<p>It is proposed that there is no policy change at this stage but mitigation of the budget pressure will be achieved through delivery of actions from the RRTP.</p> <p>Additional, one-off budget of £200,000 is agreed for 2019/20. The additional one-off resource is expected to mitigate the pressure in full in 2019/20 but, at this point, a recurring pressure of £83,000 is forecast beyond that, compared to £88,000 reported at month 4.</p>

Operational Services - Additional Support Needs Transport				
2019/20 Forecast Variance at Month 6 £'000	Recurring Pressure at Month 6 £'000	Action agreed at Council Executive 11 September 2018	Update on agreed actions since Month 4 update to Council Executive in October 2019	Update on actions to be taken during the remainder of 2019/20
0	0	Pressure due to individual timetabling and requests for individual transport. Officers were developing a service level agreement between Operational Services and Education, to be agreed and implemented by October 2018. Since the meeting, expenditure has reduced.	The outcome of the recent procurement exercise has seen a positive reduction in expenditure and at this stage, it is expected that the recurring expenditure will be in line with the recurring budget available. As in previous years, with the start of the new academic year, there have been some changes to contracts which have been implemented following consultation with Education Services. It is anticipated that it will take a few weeks to ascertain a steady service provision and related expenditure	At this stage, expenditure is anticipated to be within budgeted resources. Spend for this area can fluctuate due to demand and requires regular monitoring of expenditure. Further analysis and confirmation is required on expenditure for the current year and on a recurring basis. With this area now within budgeted levels on a recurring basis, this area will be removed from the recurring pressures update.

Operational Services - Mainstream School Transport				
2019/20 Forecast Variance at Month 6 £'000	Recurring Pressure at Month 6 £'000	Action agreed at Council Executive 11 September 2018	Update on agreed actions since Month 4 update to Council Executive in October 2019	Update on actions to be taken during the remainder of 2019/20
108	431	Officers are currently reviewing provision to identify opportunities to reduce costs. Any changes would have to be implemented by Easter 2019 to reduce the cost pressure for 2019/20.	An underlying recurring pressure still remains; however, one-off resources of £323,000 are partly offsetting the pressure in the current year.	Officers are in ongoing discussions regarding the recurring pressure, which remains at £431,000, in mainstream school transport.

Operational Services – Overtime				
2019/20 Forecast Variance at Month 6 £'000	Recurring Pressure at Month 6 £'000	Action agreed at Council Executive 11 September 2018	Update on agreed actions since Month 4 update to Council Executive in October 2019	Update on actions to be taken during the remainder of 2019/20
147	147	Council Executive noted the approved budget reductions for Waste Management and that revised service standards were due to be considered by Council Executive in December 2018 for implementation in 2019/20. These changes would address the pressure.	The service has seen a levelling off of sickness levels which will allow for a balancing of overtime costs and the forecast has reduced from the position at month 4. New vehicles are now in service which has seen a reduction in the need for catching up on collections that were missed due to mechanical issues with the older fleet. The Recycling Centre and Transfer Station continues to require overtime working as a result of the delay in implementing the new section structure and filling of the part time roles at the Recycling Centre.	<p>Continue to monitor sickness absence rates and related expenditure on overtime.</p> <p>The recruitment into the part time roles within the Recycling Centres has been completed with start dates to be confirmed. The restructuring of the remainder of the section will follow and it is anticipated this will be complete by December 2019.</p> <p>The recurring overspend will be updated following the implementation of the part time roles within the Recycling Centre to balance the current covering from overtime and to map the remaining trend for overtime costs during 2019/20.</p>

Operational Services – Facilities Management Staffing Costs				
2019/20 Forecast Variance at Month 6 £'000	Recurring Pressure at Month 6 £'000	Action agreed at Council Executive 11 September 2018	Update on agreed actions since Month 4 update to Council Executive in October 2019	Update on actions to be taken during the remainder of 2019/20
517	517	This is a new recurring pressure from 2019/20 and has not previously been reported to Council Executive	This is an emerging pressure area and it is forecast that there will be a pressure of £517,000. This is largely due to the levels of sickness absence and a limited contingency to cover for absences. Measures are in place to mitigate the value of pressure and these include priority cleans only where there is staff absences and early delivery of a 2020/21 saving whereby new fixed term contracts are being issued for 38 weeks per year instead of 40 weeks within cleaning.	<p>The month 6 monitoring has indicated that expenditure has started to reduce and this could be due to a reduction in sickness absence levels over the summer months. However, overtime working, which is used to cover absence, is paid once month in arrears. There is a risk that overtime working to cover periods of absence to meet minimum staffing ratios may increase in the autumn and winter months and this area continues to be monitored closely on a monthly basis.</p> <p>Mitigating actions have been identified and these include:</p> <ul style="list-style-type: none"> • New fixed term contracts are being issued for 38 weeks per year instead of 40 weeks within cleaning; • Early delivery of 2020/21 food and catering supplies savings; • Delay in the replacement of certain equipment. <p>Further work is being carried out to agree an action plan, however, the pressure at this stage is not anticipated to mitigated in full.</p>



COUNCIL EXECUTIVE

2019/20 HOUSING REVENUE ACCOUNT – MONTH 6 MONITORING REPORT

REPORT BY DEPUTE CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To provide the Council Executive with a report on financial performance following the month 6 monitoring exercise.

B. RECOMMENDATION

It is recommended that Council Executive notes the outcome of the month 6 monitoring exercise and the projected outturn.

C. SUMMARY OF IMPLICATIONS

I. Council Values	Focusing on customers' needs, being honest, open and accountable, making best use of resources, working in partnership.
II. Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	None.
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)	A breakeven position is predicted at this stage.
VII. Consideration at PDSP	Not applicable.
VIII. Other consultations	Head of Finance & Property Services.

D. TERMS OF REPORT

D.1 Introduction

The council approved a £50.724 million Housing Revenue Account (HRA) budget on 19 February 2019. This report provides information on the financial position in relation to the HRA as at 30 September 2019 and provides a projection to the year end.

D.2 Summary of Month 6 Financial Information

The table below summarises the position for the main expenditure headings and provides a projected outturn:

	2019/20 Budget £'000	Committed Expenditure to 30 Sept £'000	2019/20 Projected Outturn £'000	2019/20 Projected Variance £'000
Employee Costs	4,746	4,590	4,551	(195)
Premises Costs	16,546	8,873	16,546	0
Transport Costs	135	114	135	0
Supplies & Services	3,294	2,867	3,114	(180)
Third Party Payments	110	126	116	6
Transfer Payments	1,386	865	1,731	345
Support Services	2,552	1,276	2,552	0
Capital Financing	15,760	7,140	14,280	(1,480)
CFCR	6,195	4,333	8,666	2,471
Total Expenditure	50,724	30,184	51,691	967
Income	(50,724)	(28,228)	(51,691)	(967)
Net Expenditure	0	1,956	0	0

Employee Costs

Employee costs are forecast to underspend by £195,000, mainly as a result of vacant posts and staff turnover. There are a number of staff within the HRA currently on secondment and backfill arrangements have been determined based on operational and business need, which has resulted in some short term savings within the area. There have also been a number of vacancies due to staff turnover, which have resulted in one off savings during the recruitment period to fill these posts.

Premises Costs

Based on current information, premises costs are anticipated to breakeven. Expenditure on repairs is a key risk area as it is demand led and reactive to customer requirements, and any adverse weather can also materially impact on expenditure. This will require the budget to be closely monitored during the remainder of 2019/20.

Supplies & Services

Supplies and Services are forecast to underspend by £180,000 due to a combination of savings across a number of budget headings, including IT, legal and consultancy costs.

Transfer Payments

Transfer payments comprise void losses, irrecoverable rents and bad debt provision for rents. The forecast overspend of £345,000 is principally due to void losses. Increased void losses are partly as a consequence of additions to council housing stock through new build and open market acquisitions and the secondary lets generated.

Capital Financing & Capital Funded from Current Revenue (CFCR)

Capital financing costs incurred by the HRA consist mainly of loans fund principal repayments and interest charges on outstanding debt. The Local Authority (Capital Finance and Accounting) (Scotland) Regulations 2016 stipulate that local authorities must operate a loans fund, which is a way for the council to recognise the amount of capital expenditure that is being financed by borrowing each year and also the amount of this borrowing that is being repaid each year and charged to the revenue account.

All borrowing undertaken to fund the capital programme must be repaid through the loans fund on a prudent basis. A prudent repayment of a loans fund advance is one which is reasonably commensurate with the period and pattern of benefits provided to the community from the capital expenditure funded by the borrowing.

Following the introduction of the new regulations, a review of both the general fund and HRA loans fund advance repayments was carried out, and discussions held with the council's treasury advisors, Link Asset Services. The review was undertaken in order to ensure that the council continues to make a prudent provision each year for the repayment of loans fund advances.

Changes to the way that current and future loans fund advances are calculated were approved by Council as part of the Annual Treasury Management Plan on 19 February 2019. On 24 September 2019, Council further approved changes to the method of repaying historic loans fund advances meaning that they will also be repaid over a longer period of time, to ensure that the payments can be assessed as prudent and to ensure that the repayments reasonably reflect the period over which the community receives the economic benefit of assets that are now lasting longer than originally assumed. This ensures consistency of approach in that all loans fund advances, both historic and future advances, will be repaid over the same period and at the same rate, and means that loans fund repayments have effectively been over provided for in prior years and therefore an under provision will be made in future repayments to offset previous over provision.

The debt repayments on prior year loans fund advances have been recalculated following the decision of Council on 24 September 2019, resulting in a forecast underspend of £1.480 million in loans fund principal repayments in 2019/20. It is proposed that the level of CFCR is increased by the same amount to reflect this updated forecast.

The CFCR is the amount of income raised through the housing revenue account that is not spent directly on revenue costs, but is earmarked to fund capital works, mainly consisting of refurbishment and upgrade programmes to maintain and improve the housing stock. The mix between borrowing and CFCR is largely dependent on the required level of borrowing and associated capital financing charges as well as the level of CFCR affordable to the HRA.

The level of CFCR is also subject to confirmation dependant on other movements within the HRA revenue account, principally in relation to expenditure on reactive repairs and levels of housing rent. At this stage, it is proposed that the CFCR contribution be increased from £7.020 million, reported at month 4, to £8.666 million due to revised income and expenditure forecasts, including the revised capital financing charges outlined above.

Income

Income budgets for 2019/20 relate to the estimated level of rent and other miscellaneous charges due to the HRA. Forecast income has been projected based on the latest information relating to housing stock, taking account of new build completions. Based on the 2018/19 rental income outturn, and factoring in stock changes during 2019/20, achievable income is forecast to be £967,000 over budget.

The change to the benefits system means that those tenants who are entitled to housing benefit now receive the housing cost element of their entitlement directly as part of their lump sum Universal Credit payment rather than this being paid directly to the council, which has resulted in uncertainty in relation to rent payments. It is possible to partly mitigate this through tenants applying for Managed Payments or Scottish Flexibilities, however the council has no control over these as ongoing financial arrangements and the tenant can cancel the arrangements at any time.

The change to the system has also meant that the council is no longer involved in benefit claim processing for tenants claiming Universal Credit, meaning that there is no knowledge of new claims until tenants begin to accumulate arrears. Staff had previously assisted with the claim process, and ensured that the housing cost elements of the claim were correct, verified and evidenced. This change has had the effect of delaying early advice and support for tenants struggling to manage their finances, with the service continuing to reshape processes to enable these interventions as early as possible where arrears occur.

Both of these factors directly caused by the implementation of Universal Credit have impacted on rent collection rates and the level of current tenant arrears.

The value of current tenant arrears at the end of September 2019 was £3.384 million (6,548 cases), with the equivalent position in 2018/19 of £2.395 million (5,998 cases). Arrears and their impact on the financial position of the HRA will continue to be closely monitored.

The committed income noted above at month 6 includes house rent, garage rent, insurance recoveries, factoring income and other general recoverable charges, and is an assessment of the total income due to 30 September 2019. The £26.366 million in rental income collected in cash to date exceeds the £25.861 million of rental income collected in cash at the same stage in 2018/19 and equates to a cash collection rate of 95% at month 6.

E. CONCLUSION

A breakeven position is forecast on the basis of the information available.

Appendices/Attachments: None

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Graeme Struthers
Depute Chief Executive
12 November 2019



COUNCIL EXECUTIVE

2019/20 HOUSING CAPITAL REPORT – MONTH 6 MONITORING REPORT

REPORT BY DEPUTE CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To provide the Council Executive with a report on the financial position in relation to the Housing Capital Programme following the completion of the month 6 monitoring exercise.

B. RECOMMENDATION

It is recommended that Council Executive note the outcome of the month 6 Housing capital monitoring exercise and the projected outturn for 2019/20.

C. SUMMARY OF IMPLICATIONS

I. Council Values	Focusing on customers' needs, being honest, open and accountable, making best use of our resources, working in partnership.
II. Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The council's Housing Capital Programme is managed within the stringent requirements set out in the Prudential Code.
III. Implications for Scheme of Delegations to Officers	None.
IV. Impact on performance and performance Indicators	None.
V. Relevance to Single Outcome Agreement	"Outcome 10 – We live in well designed, sustainable places where we are able to access the services we need."
VI. Resources - (Financial, Staffing and Property)	Council Executive approved a revised four year capital programme of £118.771 million for 2019/20 to 2022/23 on 25 June 2019. The 2019/20 revised budget is £36.398 million.
VII. Consideration at PDSP	Not applicable.
VIII. Other consultations	Consultation has taken place with Housing Customer and Building Services, tenants and Finance & Property Services.

D. TERMS OF REPORT

D.1 Introduction

The council approved a four year programme for Housing capital investment in February 2019. An updated 2019/20 Housing capital investment programme of £36.398 million was approved by Council Executive on 25 June 2019, taking account of the 2018/19 outturn and updated phasing profiles. This report contains detail of expenditure to date in the Housing capital programme and provides a projected outturn for the financial year.

D.2 Summary of Month 6 Financial Information

The summarised position for actual and projected expenditure is shown below. The table shows actual investment of £14.088 million in the housing stock to 30 September 2019. The forecast expenditure for the year is £34.967 million. The investment programme comprises the creation of new build social housing and refurbishment of existing stock, which includes large scale housing projects, energy efficiency works and planned programmes, much of which is undertaken by Building Services.

Table 1	2019/20 Revised Budget £'000	Actual Expenditure at Month 6 £'000	2019/20 Projected Outturn £'000	2019/20 Projected Variance £'000
New Housing Supply	16,489	6,290	15,968	(521)
Major Refurbishment	1,815	510	1,375	(440)
Major Elemental Upgrades	3,724	1,823	3,553	(171)
Planned Programmes	3,247	1,164	3,246	(1)
Environmental Upgrading	829	303	726	(103)
Compliance Works	9,957	3,719	9,800	(157)
Miscellaneous	337	279	399	62
Total	36,398	14,088	35,067	(1,331)

New Housing Supply

Significant resources continue to be invested in the creation and acquisition of new homes, with budgeted resources of £16.489 million in 2019/20. New housing supply includes increasing the existing council housing stock through new builds, open market acquisitions and mortgage to rent properties. Good progress is being made, with many of the new build projects on site and progressing, and projected spend for 2019/20 is £15.968 million. To date in 2019/20, 229 new build council houses have been completed. The council has also acquired 14 houses through the Open Market Acquisitions scheme.

A number of the new build sites were completed during 2018/19, and further sites have now been completed in 2019/20 at Deans South in Livingston, Drumshoreland in Pumpherston and Kirkhill in Broxburn. The sites at Almondvale Stadium, Livingston and Wester Inch, Bathgate have handed over approximately half of their complement and are anticipated to complete by the end of 2019. Two additional developments, at the former Vion site in Broxburn and at Brucefield in Livingston, are well underway. The former Vion development will be complete by the end of 2019 and the Brucefield development is programmed for initial handovers in summer 2020.

A contractor has now been appointed to commence works at the Standhill site in Bathgate. A delay in the contractor starting on site, principally due to issues in securing sub-contractors for the project, has resulted in slippage of £600,000 being expected in this project for 2019/20.

Major Refurbishments

Major refurbishment works include planned works on streets, beyond traditional roof and render renewal works. Expenditure of £1.375 million is expected on these projects during 2019/20. A saving of £440,000 is now anticipated at Bathville Flats, due to a redesign of the project to remove the new build element and due to design changes in phase three and phase four of the project.

Major Elemental Upgrades

Planned expenditure of £3.553 million is expected on major elemental upgrades in 2019/20. Projects largely include roof and roughcasting work undertaken, or managed, by Building Services.

Works to properties in the Lanrigg area of Fauldhouse are progressing well, and major works in the Glebe Road and Jubilee Road area of Whitburn have progressed ahead of schedule and are now complete. Potential savings have been identified in the projects in Balbardie Avenue and Race Road in Bathgate, due to a reduction in the number of owner occupiers participating in upgrading works and therefore reducing the overall programme of works required. An overspend is now forecast for the works in the Lanrigg area of Fauldhouse, due to additional properties being added to the project, with the overspend being offset by the identified underspends in other major elemental upgrade projects.

Planned Programmes

Planned programmes maintain the safety of houses and components, with expenditure of £3.246 million expected across the programme during 2019/20. This includes new kitchens and bathrooms, window and door refurbishments and renewals, stair upgrades, fencing programmes and high value repairs. The programme consists of approximately: 150 kitchens and bathrooms, external painting and internal decoration to a combined total of 1,918 properties, rhone cleaning and upgrading to 1,618 properties and various common stair upgrades such as painting and new security entrance doors in 24 blocks.

Based on current levels of demand, an overspend is anticipated at month 6 in planned reactive projects due to the volume of works that have been identified. This overspend will be offset by forecast underspends in other demand led projects where levels of demand have been lower than previously expected, mainly kitchens and bathrooms and fencing works.

Environmental / External Upgrading

Forecast expenditure of £726,000 is anticipated on environmental programmes and external upgrading in 2019/20. These works encompass a range of environmental, street improvement and drainage projects, planned in conjunction with tenants and other council services, and works are progressing well at various sites throughout West Lothian. Forecast slippage in tenant environmental works has reduced from the position reported at month 4 due to an increase in the number of projects that have been identified for delivery during 2019/20.

Compliance Works

Compliance works to housing stock include asbestos management works, legionella upgrades, periodic testing and electrical upgrades and a number of energy efficiency projects aimed at meeting the requirements of Scotland's Energy Efficiency Standard for Social Housing (EESH) regulations by the end of December 2020.

These works include central heating upgrades, enhanced investment in external wall insulation and PV panels. The programme consists of approximately: 803 central heating replacements, periodic testing of 2,460 houses and the installation of hard wired smoke detectors in 6,740 properties.

As an integral part of the council's Energy Efficiency Standard for Social Housing Programme (EESH), an air source heat pump project is to be undertaken in all none gas areas to improve energy efficiency, which will include over 100 properties being fitted with new air source heat pump heating systems. PV Panel installations will continue in Westfield, in conjunction with programmed roof and render repair works.

External Wall Insulation (EWI) is being progressed in 220 council houses in the Knightsbridge area of Livingston, with works being carried out in conjunction with the HEEPS:ABS programme.

The month 6 monitoring exercise has identified accelerated spend in the ongoing projects to install hard wired smoke detectors and to carry out periodic testing and electric upgrades, with some the works now being aligned to the gas servicing contact to facilitate access to properties.

Miscellaneous

Works are ongoing in various miscellaneous projects throughout West Lothian, which includes feasibility studies, the home safety service and home security for older council tenants, with anticipated spend of £399,000 in 2019/20.

D.3 Capital Resources

The table below shows the capital resources available to fund the housing capital programme in 2019/20. It should be noted that the investment programme is largely funded through a mix of borrowing and Capital Funded from Current Revenue (CFCR), with additional funding sources from government grants, developer contributions and council tax on second homes.

The CFCR is the amount of income raised through the housing revenue account that is not spent directly on revenue costs, but is earmarked to fund capital works, mainly consisting of refurbishment and upgrade programmes to maintain and improve the housing stock. The mix between CFCR and Borrowing is largely dependent on the required level of borrowing and associated capital financing charges as well as the level of CFCR affordable to the Housing Revenue Account, and is subject to confirmation at the end of the financial year.

Table 2	2019/20 Revised Budget £'000	2019/20 Income to Month 6 £'000	2019/20 Projected Outturn £'000	2019/20 Projected Variance £'000
CFCR	6,195	4,333	8,666	2,471
Borrowing	28,108	12,153	24,305	(3,803)
Government Grants	1,760	1,011	1,760	0
Developer Contributions	250	0	250	0
Council Tax (Second Homes)	85	86	86	1
Total Income	36,398	17,583	35,067	(1,331)

CFCR

At this stage, the contribution of Capital Funded from Current Revenue (CFCR) is anticipated to be £8.666 million. This is due to an increased forecast level of rental income within the Housing Revenue Account, based on latest estimates of stock changes, and also due to revised capital financing charges resulting from a review of loans fund operations. Following the introduction of new capital finance and accounting regulations, a review of both the general fund and HRA loans fund advance repayments was carried out, and discussions held with the council's treasury advisors. Changes to the way that current and future loans fund advances are calculated were approved by Council as part of the Annual Treasury Management Plan on 19 February 2019. On 24 September 2019, Council further approved changes to the method of repaying historic loans fund advances meaning that they will also be repaid over a longer period of time.

The debt repayments on prior year loans fund advances have been recalculated following the Council's decision, resulting in a forecast underspend of £1.480 million in loans fund principal repayments in 2019/20. It is proposed that the level of CFCR is increased by the same amount to reflect this updated forecast. This underspend, generated from the recalculation of loans fund principal repayments, will be retained within the approved four year capital budget and, as approved by Council on 24 September 2019, proposals to utilise this saving will be developed through the normal HRA budget governance route. As such, proposals will be brought to the Services for the Community Policy Development and Scrutiny Panel for discussion before being presented to full Council for approval.

It should be noted the final contribution can be subject to capital borrowing requirements and related costs, as well as affordability within the Housing Revenue Account, subject to pressures such as rent arrears and reactive repair costs, and the anticipated CFCR contribution will continue to be reviewed throughout the year.

Borrowing

The programme approved in June 2019 outlined anticipated borrowing requirements of £28.108 million. At this stage it is anticipated that £24.305 million of borrowing will be required to meet projected 2019/20 expenditure levels, taking into account the forecast increase in CFCR noted above.

E. CONCLUSION

Progress is being made in the 2019/20 Housing capital programme. Within the new housing supply projects, there have been a number of completions and construction work is progressing well on a number of sites.

Significant investment is also being made in the housing stock to both improve the overall standard of the stock, meet energy efficiency standards and to increase the number of available houses for West Lothian residents. Much of the focus of this work in 2019/20 continues to be on work undertaken, where possible and within the terms of the Best Value framework, by Building Services. All project budgets will continue to be closely monitored and the position managed by appropriate lead officers.

Appendices/Attachments: One

Contact Person: pamela.bell@westlothian.gov.uk – Tel No: 01506 281282

Graeme Struthers
Depute Chief Executive
12 November 2019

West Lothian Council
Housing Capital Programme Month 6 Monitoring
Council Executive

APPENDIX 1

EXPENDITURE	Annual Budget 2019/20	Actual to Date 2019/20	Projected Outturn 2019/20	Projected Variance 2019/20	Variance Analysis
NEW HOUSING SUPPLY					
New Build (1,000 Houses)	4,803	3,307	4,839	36	Accelerated spend
New Build (250 units)	6,945	1,337	6,388	(557)	Slippage
Open Market Acquisition Scheme	4,591	1,614	4,591	0	On budget
Mortgage to Rent	150	32	150	0	On budget
NEW SUPPLY TOTAL	16,489	6,290	15,968	(521)	
REFURBISHMENT AND INVESTMENT					
Major Refurbishment					
Bathville Flats, Armadale	1,300	501	860	(440)	Saving
Harrison Houses - Loch Scheme, Whitburn	515	9	515	0	On budget
	1,815	510	1,375	(440)	
Major Elemental Upgrades					
57-117 Lower Bathville	30	41	41	11	Overspend
Auldhill Crescent, Bridgend	28	34	32	4	Overspend
Balbordie Av & Cres, Bathgate	700	318	620	(80)	Saving
Bedlormie/Ogilface, Blackridge	810	352	760	(50)	Saving
Dedridge Area, Livingston	700	95	700	0	On budget
Glebe Rd, Union Rd & Dr, Armadale Rd, Jubilee Rd, Whitburn	600	560	630	30	Overspend
Lanrigg Area, Fauldhouse - Ogilvy Crescent & Scott Place	400	309	463	63	Overspend
Race Road & Glasgow Road, Bathgate	300	7	151	(149)	Saving
Strathlogie, Westfield	156	107	156	0	On budget
	3,724	1,823	3,553	(171)	
Planned Programmes					
Assisted Decoration & Internal Upgrade Scheme	350	41	350	0	On budget
Common Access Door Upgrades	136	2	136	0	On budget
Common Stair Upgrades	100	16	100	0	On budget
Fencing	100	19	40	(60)	Saving
Kitchens and Bathrooms	807	250	620	(187)	Saving
Painting	180	123	180	0	On budget
Planned Reactive / HIO Investment	974	372	1,220	246	Overspend
Rainwater Goods Testing & Upgrading	200	96	200	0	On budget
Windows & Doors Refurbishment / Renewal	400	245	400	0	On budget
	3,247	1,164	3,246	(1)	
Environmental / External Upgrading					
Aerial Upgrades	50	17	50	0	On budget
Almondell, Broxburn	72	80	85	13	Overspend
Bin Store Improvements	79	0	79	0	On budget
Play Areas	83	36	83	0	On budget
Programmed Drainage	150	22	155	5	Overspend
Tenant Environmental Projects	395	148	274	(121)	Slippage
	829	303	726	(103)	
Compliance Works					
Aids and Adaptations - Building Services	428	150	330	(98)	Saving
Aids and Adaptations - Occupational Therapists	250	93	250	0	On budget
Asbestos Management	690	352	690	0	On budget
Central Heating	2,350	1,198	2,350	0	On budget
Energy Efficiency/PV Panels	1,449	203	1,449	0	On budget
Energy Performance Certificates	310	10	51	(259)	Slippage
External Wall Insulation	2,336	613	2,336	0	On budget
Firewalls	43	30	43	0	On budget
Hard wired smoke detectors	800	574	1,250	450	Accelerated spend
Legionella Upgrades	20	1	1	(19)	Saving
Orlit Remedial Upgrades	200	0	50	(150)	Slippage
Periodic testing and electrical upgrades	762	379	876	114	Accelerated spend
Renewal of walls and footpaths	119	116	119	0	On budget
The Vennel Remedial Works	200	0	5	(195)	Slippage
	9,957	3,719	9,800	(157)	
Miscellaneous					
Deans South, Livingston	50	28	50	0	On budget
Feasibility Surveys	20	13	20	0	On budget
Home Safety Service	178	170	170	(8)	Saving
Home Security for Senior People	20	15	20	0	On budget
IT	69	53	139	70	Overspend
	337	279	399	62	
REFURBISHMENT & INVESTMENT TOTAL	19,909	7,798	19,099	(810)	
TOTAL HOUSING CAPITAL INVESTMENT PROGRAMME	36,398	14,088	35,067	(1,331)	

On Budget	15,017	5,094	15,017	0
Slippage	8,050	1,495	6,768	(1,282)
Accelerated Spend	6,365	4,260	6,965	600
Saving	4,643	1,768	3,552	(1,091)
Overspend	2,323	1,471	2,765	442
	36,398	14,088	35,067	(1,331)



COUNCIL EXECUTIVE

COMPLIANCE WITH DIRECTIONS FROM WEST LOTHIAN INTEGRATION JOINT BOARD – 6 MONTHLY PROGRESS REPORT

REPORT BY HEAD OF SOCIAL POLICY

A. PURPOSE OF REPORT

The purpose of the report is to inform the Executive of progress made in complying with the 2019/20 Directions issued to the council by West Lothian Integration Joint Board.

B. RECOMMENDATIONS

1. To note the Directions issued to the council by the IJB on 10 May 2019
2. To note the council's legal duty to comply with the Directions
3. To note the progress made to date in complying with the Directions

C. SUMMARY OF IMPLICATIONS

I	Council Values	Being honest, open and accountable; making best use of our resources; working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Public Bodies (Joint Working) (Scotland) Act 2014 West Lothian IJB Strategic Plan
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	Performance Indicators will be reviewed following the development of refreshed Commissioning Plans
V	Relevance to Local Outcomes Improvement Plan	N/A
VI	Resources - (Financial,	No implications

Staffing and Property)

VII	Consideration at PDSP	Not required
VIII	Other consultations	None

D. TERMS OF REPORT

1 Background

- 1.1 The Public Bodies (Joint Working) Scotland Act 2014 imposed statutory duties on councils and health boards to integrate specified health and social care services. That was to be achieved by formal delegation through an integration scheme of statutory duties by council and health board to an integration authority. The integration authority then has responsibility for making a strategic plan, receiving budget payments from council and health board and directing councils and health boards how to deliver the delegated functions and with what resources.

2 Directions from West Lothian Integration Joint Board

- 2.1 The council received a suite of Directions from West Lothian IJB on 10 May 2019 2019/20 following confirmation of partner allocations, with financial resources attached to functions partners are to operationally deliver. These are attached to this report as Appendix 1.
- 2.2 The Directions were reported to the Executive on 21 May 2019, where it was agreed that a six-monthly report be submitted to Council Executive to assure Members, the public and the IJB that the council is on track to complying or has complied with the Directions.
- 2.3 The council is required under the Public Bodies (Joint Working) (Scotland) Act 2014 to comply with the Directions received and where joint direction is given to both the council and health board, they must carry out the function jointly or only in so far as is specified in the direction. The Direction may also require each person to do particular things in relation to the function.

3 Compliance and Reporting

- 3.1 The council should satisfy itself that it is complying with Directions issued by the IJB and ensure that appropriate monitoring and reporting arrangements are in place.
- 3.2 The council will be represented at a senior management level on the Planning and Commissioning Boards, part of the new IJB strategic planning structure, whose role it will be to monitor progress against the Commissioning Plans.
- 3.3 The refreshed commissioning plans will inform whether any new performance indicators are required.
- 3.4 This report summarises the steps taken to comply with the Directions. When the commissioning plans are finalised, progress will be reported against each of the plans.

4 Progress against Directions

- 4.1 For social care functions operationally delivered by West Lothian Council, the total budget resources associated with IJB Directions were equivalent to the approved

2019/20 council contribution to the IJB of £75.539 million.

- 4.2 Based on the latest monitoring of financial performance against resources delegated via Directions it is forecast that the council will deliver IJB functions within the delegated budget resources. An overall breakeven position is currently forecast against 2019/20 social care IJB budget resources.
- 4.3 The ongoing development of the strategic commissioning plans has a clear focus on meeting the Directions issued by the IJB on all identified care groups. The development of person centred models of care that are both new and sustainable have been highlighted throughout the early engagement work carried out by the commissioning plan strategic leads.
- 4.4 Alongside this is an underlying principal of shifting the balance of care from the hospital to a community setting. This has influenced the development of the plans so far and will continue to going forward, recognising that those requiring hospital care will be able to access it and be discharged in a timely manner.
- 4.5 All of the commissioning plans will detail the Health and Social Care Partnership's commitment to the use of assistive technology to ensure that those receiving services in West Lothian are supported to maximise their independent and live well.
- 4.6 Significant steps have been taken to ensure that West Lothian residents living out with West Lothian in out-of-area placements are supported to move back to West Lothian, if they wish, in line with the themes of the Scottish Governments 'Coming Home' Report. Strengthening the relationship between the Partnership and the voluntary sector will be key to being able to offer those moving back into West Lothian a choice of housing options that move away from traditional institutional services.
- 4.7 Finally, a focus on helping those in the identified care groups to effectively access information and advice, including clearer pathways to care will allow service users, families and carers to have greater control over their services they use.

E. CONCLUSION

- 1 The IJB has issued strategic Directions to the council and the council has a legal duty to comply. The council should satisfy itself that it is complying with the IJB's Directions and will have a key role on the new Planning and Commissioning Boards who will develop and monitor the Commissioning Plans informed by the Board's Strategic Plan and Directions. This report is the first six-monthly progress update to be submitted to the Executive to assure Members, the public and the IJB of compliance with Directions.

F. BACKGROUND REFERENCES

- 1 West Lothian Integration Joint Board Strategic Plan
- 2 Public Bodies (Joint Working) (Scotland) Act 2014
- 3 Council Executive meeting of 21 May 2019

Appendices: 1. Directions to West Lothian Council from West Lothian Integration Joint Board

Contact Person: Lorna Kemp, Project Officer - IJB, lorna.kemp@westlothian.gov.uk, 01506 283519

Jo MacPherson, Head of Social Policy

Date of meeting: 12 November 2019

West Lothian Integration Joint Board – Direction to West Lothian Council

1.	Implementation date	1 st April 2019
2.	Reference number	WLIJB/WLC/D02-2019
3.	Integration Joint Board (IJB) authorisation date	12th March 2019
4.	Direction to	West Lothian Council
5.	Purpose and strategic intent	<p>In accordance with the IJB Strategic Plan, to provide effective services to all service users and carers within West Lothian Council area, promoting the highest standards of practice in accordance with statutory obligations, policies and procedures.</p> <p>To provide services to all service users and carers within the geographical boundaries of West Lothian which promote health, wellbeing and quality of life.</p> <p>To provide services to all service users and carers within the geographical boundaries of West Lothian which:</p> <ul style="list-style-type: none"> – Maximise independent living – Provide specific interventions according to the needs of the service user – Provide an ongoing service that is regularly reviewed and modified according to need – Provide a clear care pathway – Contribute to preventing unnecessary hospital admission – Support timely hospital discharge – Prevent unnecessary admission to residential or institutional care

		<ul style="list-style-type: none"> – Are personalised and self-directed, putting control in the hands of the service user and their carers
6.	Does this direction supersede or amend or cancel a previous Direction?	This Direction supersedes the 2018/19 Direction issued to West Lothian Council for adult social care services. This Direction requires West Lothian Council to reflect the IJB's decision that the eligibility threshold for direct care provision should be set at Substantial and above.
7.	Type of function	Integrated function (West Lothian Adult Social Care Services)
8.	Function(s) concerned	<p>All services planned and delivered by West Lothian IJB which are delivered within the geographical boundaries of the West Lothian Health and Social Care Partnership as they relate to adult social care services and defined by the Public Bodies (Joint Working) (Scotland) Act 2014. This includes additional functions West Lothian Council has chosen to delegate to the IJB as defined in West Lothian Integration Joint Board's Integration Scheme.</p> <p>All Adult social care services:</p> <ul style="list-style-type: none"> – Learning Disabilities – Physical Disabilities – Mental Health – Older People Assessment & Care – Care Homes & Housing With Care – Contracts & Commissioning Support – Other Adult social care services <p>The IJB Director will be the lead operational director for these services which are to be delivered through the Director's Joint Management Team and in cooperation and partnership with NHS Lothian.</p>

9.	Required Actions / Directions	<p>West Lothian IJB directs West Lothian Council to provide adult social care services for the population of West Lothian as set out in the West Lothian Integration Scheme and as per the IJB's approval that the eligibility threshold for direct care provision should be set at Substantial and above.</p> <p>Over the course of the financial year 2019-2020, West Lothian IJB directs West Lothian Council to work with the IJB Chief Officer and officers supporting the IJB to progress and implement the care group commissioning plans below:</p> <ul style="list-style-type: none"> – Older People – Adults with Learning Disabilities – Adults with Physical Disabilities – Adults with Mental Health problems – Adults with Alcohol and Drug problems <p>These commissioning plans provide details of:</p> <ul style="list-style-type: none"> – Specific needs of the relevant client group based on a detailed needs assessment, including stakeholder engagement – Specific outcomes to be addressed consistent with the IJB Strategic Plan – How compliance and performance will be measured and reported on (performance indicators, delivery outcomes, targets etc.) – How specific needs of localities will be addressed <p>Transformational change and further integration of health and social care service delivery will be key to achieving IJB outcomes. This will require a joined up approach to strategic and financial planning to prioritise financial resources while maximising performance against strategic outcomes.</p> <p><u>West Lothian Health and Social Care Delivery Plan</u></p> <p>The West Lothian Health and Social Care Delivery Plan sets out the key operational and transformational changes progressing and proposed to meet national health and social care outcomes.</p> <p>West Lothian IJB directs West Lothian Council to work in partnership with West Lothian IJB to deliver the West Lothian Health and Social Care Plan, which sets out the IJB's vision on transforming</p>
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		<p>service delivery to meet national health and social care outcomes at a West Lothian level.</p> <p><u>Medium Term Financial Strategy</u></p> <p>An informed approach to future service delivery over the medium term is crucial and must take account of assumptions around available resources.</p> <p>West Lothian IJB directs West Lothian Council to work with the West Lothian IJB Chief Officer and Chief Finance Officer to develop a financial strategy over a minimum three year period from 2019/20.</p> <p>A robust approach to both aspects above, which take account of the revised Strategic Plan and Strategic Commissioning Plans will be essential in meeting future health and social care needs for the population of West Lothian.</p>	
10.	2019/20 Resources	<p><u>2019/20 Payment to IJB</u></p> <p><u>(£'000)</u></p> <p>Learning Disabilities 17,934</p> <p>Physical Disabilities 7,713</p> <p>Mental Health 4,201</p> <p>Older People Assess & Care 34,166</p> <p>Care Homes & HWC 8,516</p> <p>Contracts & Commissioning Support 2,564</p> <p>Other Social Care Services 445</p> <p>Total Adult Social Care Services 75,539</p>	

11.	Principles	<p>As a fundamental principle, any material changes to 2019/20 budget or expenditure plans for delegated functions should be subject to full discussion and agreement by West Lothian IJB.</p> <p>West Lothian IJB expects that the principles of Best Value (to secure continuous improvement in performance whilst maintaining an appropriate balance between quality and cost, maintaining regard to economy, efficiency, effectiveness) are adhered to in carrying out this direction.</p>
12.	Aligned National Health and Wellbeing Outcomes	<p>To support the following national outcome measures:</p> <ol style="list-style-type: none"> 1. People are able to look after and improve their own health and wellbeing and live in good health for longer 2. People, including those with disabilities or long term conditions, or who are frail, are able to live, as far as reasonably practicable, independently and at home or in a homely setting in their community 3. People who use health and social care services have positive experiences of those services, and have their dignity respected 4. Health and social care services are centred on helping to maintain or improve the quality of life of people who use those services 5. Health and social care services contribute to reducing health inequalities 6. People who provide unpaid care are supported to look after their own health and wellbeing, including to reduce any negative impact of their caring role on their own health and well-being 7. People using health and social care services are safe from harm 8. People who work in health and social care services feel engaged with the work they do and are supported to continuously improve the information, support, care and treatment they provide 9. Resources are used effectively and efficiently in the provision of health and social care services

13.	Aligned priorities, strategies, outcomes	This direction relates to and will be monitored through the detailed performance framework within West Lothian IJB's Strategic Plan and Health and Social Care Delivery Plan.
14.	Compliance and performance monitoring	<ol style="list-style-type: none"> 1. In order to ensure West Lothian IJB fulfils its key strategic planning and scrutiny functions, and further develops and coordinates the implementation of its Strategic Plan, monitoring our own and our partners' performance is imperative. The primary responsibility for performance management in respect of delivery of integration outcomes will rest with the IJB and West Lothian Council will provide performance information so that the IJB can continue to develop a comprehensive performance management system. 2. In addition to the specific commitments set out in West Lothian IJB's Integration Scheme and the obligations regarding provision of information under the Act, West Lothian Council will provide the IJB with any information which the IJB may require from time to time to support its responsibilities regarding strategic planning, performance management, and public accountability. 3. Details of how compliance and performance will be measured and reported on (performance indicators, delivery outcomes, targets etc.) will be provided in the appropriate care group commissioning plan in accordance with the detailed performance framework within West Lothian IJB's Strategic Plan. 4. The IJB, through management supporting the IJB, will meet on a regular basis to discuss social care cost, quality and performance matters linked to the Strategic Plan and local Health and Social Care Delivery Plan. This will be incorporated into regular updates to the IJB on performance against key strategic outcomes. 5. The IJB directs West Lothian Council, through its officers supporting the IJB, to provide an annual report in the final quarter of financial year 2019-20 on how it: <ul style="list-style-type: none"> – assesses the quality of services it provides on behalf of the IJB – ensures the regular evaluation of those services as part of an integrated cycle of service improvement 6. The IJB directs West Lothian Council, through its officers supporting the IJB, to provide financial analysis, budgetary control and monitoring reports as and when requested by the IJB. The reports will set out the financial position and outturn forecast against the payments

		by the IJB to West Lothian Council in respect of the carrying out of integration functions. These reports will present the actual and forecast positions of expenditure compared to Operational Budgets for delegated functions and highlight action being taken to manage financial risks and areas where further action is required to manage budget pressures.
15.	Relevance to or impact on other Lothian IJBs and/or other adjoining IJBs	N/A

West Lothian Integration Joint Board

Direction – WLIJB6

1.	Implementation date	1 April 2019
2.	Reference number	WJIJB6
3.	Integration Joint Board (IJB) authorisation date	23 April 2019
4.	Direction to	NHS Lothian and West Lothian Council
5.	Purpose and strategic intent	<p>Acute Set Aside Services</p> <p>To give Direction to NHS Lothian to:</p> <p>To deliver the vision set out by the Scottish Government to shift the balance care from hospital to community settings, and to individual homes when it is the best thing to do. Reduce the level of unscheduled care in hospitals through availability of good quality community care and ensure people admitted stay only for as long as they need to and for specific treatment.</p> <p>Future investment must be focused on shifting resources into community provision by reducing inappropriate use of hospital care and redesigning the shape of services across hospital, care home and community settings.</p> <p>Focus will be on prevention, anticipation and supported self-management throughout the healthcare system and when hospital treatment is required, and cannot be provided in a community setting, day case treatment will be the norm.</p>
6.	Does it supersede or amend or cancel a previous Direction?	No
7.	Type of function	Hospital Set Aside
8.	Function(s) concerned	<p>Hospital based services operating from St John's Hospital:</p> <ul style="list-style-type: none"> • Accident and Emergency: • Cardiology • Diabetes

		<ul style="list-style-type: none"> • Endocrinology • Gastroenterology • General Medicine • Geriatric Medicine • Infectious Disease • Junior Medical • Rehabilitation Medicine • Respiratory Medicine • Therapies/ Management • Outpatients • Other
9.	Required Actions/Directions	<p>Develop clear plans for whole system transformational change which focus on prevention of hospital admission and supported, co-ordinated and integrated hospital discharge.</p> <p>Deliver the programme of change set out in the 4 work streams of the Frailty Programme: Optimising Flow, Integrated Discharge Hub, Intermediate Care, Home First to review and explore more effective ways of working across community and hospital services.</p> <p>Ensure service redesign of the St John's Emergency Department is developed in discussion with the West Lothian Integration Joint Board and that models of care align with the future vision for delivery of care and support across the whole health and care system.</p> <p>Any further investment in unscheduled care should not be progressed without discussion with the West Lothian Integration Joint Board to ensure delivery of a whole system approach to managing hospital and community services within existing financial resources.</p> <p>The IJB requires that a strategic commissioning plan is developed for unscheduled care services which is monitored through a governance structure approved by the IJB.</p>
10.	Budget 2019/20	See summary of budgets for Strategic Directions.

		Budget availability will be determined based on agreed IJB annual budgets for relevant functions. The IJB Chief Finance officer should be consulted on the financial implications arising from proposals on shifting the balance of care and investment options.
11.	Principles	<p>Are integrated from the point of view of service-users</p> <p>Improves the quality of service</p> <p>Are planned and led locally in a way which is engaged with the community(including in particular service-users, those who look after service-users and those who are involved in the provision of health or social care)</p> <p>Makes the best use of the available facilities, people and other resources</p>
12.	Aligned National Health and Wellbeing Outcomes	<p>People, including those with disabilities or long term conditions, or who are frail, are able to live, as far as reasonably practicable, independently and at home or in a homely setting in their community</p> <p>People who use health and social care services have positive experiences of those services, and have their dignity respected</p> <p>Resources are used effectively and efficiently in the provision of health and social care services</p>
13.	Aligned priorities, strategies, outcomes	<p>Integrated and co-ordinated care</p> <p>Managing our resources effectively</p>
14.	Compliance and performance reporting	<p>Compliance with the Direction will be monitored through the Directions Tracker</p> <p>Performance monitoring will include scrutiny of:</p> <ul style="list-style-type: none"> • MSG indicators <p>Review of hospital functions will be reported to the Strategic Planning Group and any future strategic plans developed will be reported to the IJB. An unscheduled care planning group to be established.</p>
15.	Relevance to or impact on other Lothian IJBs and/or other adjoining IJBs	Any changes to hospital based services will need to be planned in a way which minimises impact on services planned by other IJBs.

West Lothian Integration Joint Board

Direction – WLIJB8

1.	Implementation date	1 April 2019
2.	Reference number	WJIJB8
3.	Integration Joint Board (IJB) authorisation date	23 April 2019
4.	Direction to	NHS Lothian and West Lothian Council
5.	Purpose and strategic intent	<p>Older People, Care Homes and Housing with Care</p> <p>In order to shift the balance of care, there is a need to develop community based services for older people which offer different types of provision which reflect the needs and preferences of people and deliver the capacity required both now and in the future.</p>
6.	Does it supersede or amend or cancel a previous Direction?	No
7.	Type of function	Integrated function
8.	Function(s) concerned	<p>Social Work (Scotland) Act 1968</p> <p>Social Care (Self-directed Support) (Scotland) Act 2013</p> <p>Intermediate Care</p>
9.	Required Actions/Directions	<p>A strategic commissioning plan should be developed setting out commissioning intentions in relation to intermediate care services, care at home services, care homes and housing with care for older people, including those with dementia. It should also identify the ways in which relationships with the voluntary sector can be strengthened to enhance capacity in communities.</p> <p>West Lothian Council and NHS Lothian should progress the Intermediate Care work stream of the Frailty Programme to identify an appropriate model of intermediate care for West Lothian</p>

		<p>West Lothian Council should implement the discharge to assess model associated with the Home First work stream of the Frailty Programme by developing the Reablement Service in line with review recommendations. The service should ensure that the majority of people being discharged from hospital have access to reablement to maximise independence and reduce unnecessary dependence on health and social care services.</p> <p>West Lothian Council and NHS Lothian should proceed to review pathways of care and support to develop approaches which support avoidance of hospital admission.</p> <p>West Lothian Council should proceed to commission care at home services through a new contract which should focus on improving supply in the community and reducing hospital delays.</p> <p>A review of housing provision to be completed in conjunction with housing services to ensure accommodation requirements for older people are reflected in local housing plans and aligned to evolving care and support models.</p>
10.	Budget 2019/20	<p>See summary of budgets for Strategic Directions.</p> <p>Budget availability will be determined based on agreed IJB annual budgets for relevant functions. The IJB Chief Finance Officer should be consulted on financial implications associated with developing community based services.</p>
11.	Principles	<p>Are integrated from the point of view of service-users</p> <p>Takes account of the particular needs of different service users</p> <p>Takes account of the particular characteristics and circumstances of different service-users</p> <p>Improves the quality of service</p> <p>Are planned and led locally in a way which is engaged with the community(including in particular service-users, those who look after service-users and those who are involved in the provision of health or social care)</p>

		<p>Best anticipates needs and prevents them arising</p> <p>Makes the best use of the available facilities, people and other resources</p>
12.	Aligned National Health and Wellbeing Outcomes	<p>People, including those with disabilities or long term conditions, or who are frail, are able to live, as far as reasonably practicable, independently and at home or in a homely setting in their community</p> <p>Health and social care services are centred on helping to maintain or improve the quality of life of people who use those services</p> <p>Resources are used effectively and efficiently in the provision of health and social care services</p> <p>Health and social care services are centred on helping to maintain or improve the quality of life of people who use those services</p> <p>People who provide unpaid care are supported to look after their own health and wellbeing including reducing any negative impact of their caring role on their own health and wellbeing</p>
13.	Aligned priorities, strategies, outcomes	<p>Integrated and co-ordinated care</p> <p>Prevention and early intervention</p> <p>Managing our resources effectively</p>
14.	Compliance and performance reporting	<p>Compliance with the Direction will be monitored through the Directions Tracker</p> <p>Performance reporting will be managed via the Older People's Planning and Commissioning Board and the Frailty Programme Board.</p>
15.	Relevance to or impact on other Lothian IJBs and/or other adjoining IJBs	<p>Any changes in services will need to be planned to ensure stability during transition phases.</p>

West Lothian Integration Joint Board

Direction – WLIJB10

1.	Implementation date	1 April 2019
2.	Reference number	WJIJB10
3.	Integration Joint Board (IJB) authorisation date	23 April 2019
4.	Direction to	NHS Lothian and West Lothian Council
5.	Purpose and strategic intent	<p>Learning Disability Services</p> <p>NHS Lothian and West Lothian Council are asked to provide effective and high quality health services to all service users and carers in West Lothian. Services should be provided in accordance with the objectives and priorities outlined in the West Lothian Integration Joint Board's Strategic Plan.</p>
6.	Does it supersede or amend or cancel a previous Direction?	No
7.	Type of function	Integrated function
8.	Function(s) concerned	NHS learning disability services and West Lothian Council's social care services for adults with learning disabilities
9.	Required Actions/Directions	<p>A fully integrated West Lothian Learning Disability Services should operate to ensure effective partnership working across a range of services to plan and co-ordinate care delivery. Focus should be on designing and implementing person centred models of care which are as far as possible locally based. Services should make effective use of assistive technology to maximise independence and should work closely with providers of support serviced to develop new and sustainable models of care.</p> <p>A review of day services for adults with learning disabilities should be completed by West Lothian Council to inform future models of day provision and alternatives.</p>

		<p>West Lothian Council and NHS Lothian should build on existing work to further develop pathways and the range of housing and care options available to meet individual needs and outcomes. The review of residential care should be used to determine future need, to inform the development of local alternatives to residential care and to reduce reliance on high cost out of area placements.</p> <p>West Lothian requires access to an appropriate number of beds in the NHS Lothian assessment and treatment services based at the Royal Edinburgh Hospital to reflect population needs.</p> <p>West Lothian Council should continue to develop a resource for 16 people with learning disability and complex care and support needs. West Lothian Council should also conclude the plan to resettle remaining patients in learning disability hospital care in the community.</p> <p>West Lothian IJB directs NHS Lothian should maintain a pan Lothian forensic team, epilepsy team and acute hospital liaison team.</p> <p>West Lothian should receive a share of the NHS Lothian challenging behaviour resource to enable local positive behavioural support services to be further developed.</p> <p>A clear and transparent mechanism requires to be in place for the transfer of resources from decommissioned hospital based services.</p> <p>NHS Lothian and West Lothian Council are directed to develop a strategic commissioning plan for learning disability services.</p>
10.	Budget 2019/20	<p>See summary of budgets for Strategic Directions.</p> <p>Budget availability will be determined based on agreed IJB annual budgets for relevant functions. The IJB Chief Finance Officer should be consulted on budget availability and financial implications, including resource transfer, associated with the development of Learning Disability services.</p>
11.	Principles	<p>Are integrated from the point of view of service-users</p> <p>Take account of the particular needs of different service users</p>

		<p>Improves the quality of service</p> <p>Makes the best use of the available facilities, people and other resources</p> <p>Takes account of the participation by service-users in the community in which service users live</p> <p>Are planned and led locally in a way which is engaged with the community (including in particular service-users, those who look after service-users and those who are involved in the provision of health or social care)</p>
12.	Aligned National Health and Wellbeing Outcomes	<p>People including those with disabilities or long term conditions, or who are frail, are able to live, as far as reasonably practicable, independently and at home or in a homely setting in their community</p> <p>People are able to look after and improve their own health and wellbeing and live in good health for longer</p> <p>Resources are used effectively and efficiently in the provision of health and social care services</p> <p>Health and social care services are centred on helping to maintain or improve the quality of life of people who use those services</p>
13.	Aligned priorities, strategies, outcomes	<p>Tackling inequalities</p> <p>Prevention and early intervention</p> <p>Integrated and co-ordinated care</p> <p>Managing our resources effectively</p> <p>West Lothian IJB Strategic Plan and Learning Disability Commissioning Plan</p>
14.	Compliance and performance reporting	<p>Compliance with the Direction will be monitored through the Directions Tracker</p> <p>Performance reporting will be to the Adults with a Disability Planning and Commissioning Board and to the Strategic Planning Group.</p>
15.	Relevance to or impact on other Lothian IJBs and/or other adjoining IJBs	<p>Use of NHS Lothian assessment and treatment beds will require co-operative working across the 4 Lothian IJB areas.</p>

West Lothian Integration Joint Board

Direction – WLIJB11

1.	Implementation date	1 April 2019
2.	Reference number	WJIJB11
3.	Integration Joint Board (IJB) authorisation date	23 April 2019
4.	Direction to	NHS Lothian and West Lothian Council
5.	Purpose and strategic intent	<p>Physical Disability Services</p> <p>To deliver local services for people with physical disabilities which is based on the principle that people have opportunities to live independently within local communities with a range of supports developed which enable people and their families to achieve rehabilitation goals.</p>
6.	Does it supersede or amend or cancel a previous Direction?	No
7.	Type of function	Integrated function
8.	Function(s) concerned	<p>CRABIS</p> <p>Social Work (Scotland) Act 1968</p> <p>Rehabilitation teams</p>
9.	Required Actions/Directions	<p>NHS Lothian and West Lothian Council are directed to progress the programme of change for people with disabilities which involves shifting the balance of care from hospital to community settings and the development of local services to allow people to access care, support and treatment within the West Lothian Health and Social Care Partnership where possible.</p> <p>West Lothian requires access to an appropriate number of in patient beds from NHS Lothian for assessment and specialist rehabilitation for neurology and for amputees to reflect the needs of the West Lothian population.</p> <p>The model of care developed should ensure that people feel included in their</p>

		<p>communities, are able to live at home or in a homely setting, locally wherever possible and have access to appropriate care and support.</p> <p>Rehabilitation services should be developed which ensure access to a range of rehabilitation services – community, specialist and intensive and complex specialist acute provision.</p> <p>West Lothian Council is directed to review provision of accommodation and residential care options for adults with physical disabilities to progress the vision for people to live locally and to reduce the length of time people can be delayed in hospital.</p> <p>A strategic commissioning plan for adults with physical disabilities should be developed.</p>
10.	Budget 2019/20	<p>See summary of budgets for Strategic Directions.</p> <p>Budget availability will be determined based on agreed IJB annual budgets for relevant functions. The IJB Chief Finance Officer should be consulted on budget availability and financial implications, including resource transfer, associated with the development of Physical Disability services.</p>
11.	Principles	<p>Are integrated from the point of view of service-users</p> <p>Improves the quality of service</p> <p>Makes the best use of the available facilities, people and other resources</p> <p>Are planned and led locally in a way which is engaged with the community (including in particular service-users, those who look after service-users and those who are involved in the provision of health or social care)</p>
12.	Aligned National Health and Wellbeing Outcomes	<p>People as far as possible including those with disabilities or long term conditions, or who are frail, are able to live as independently and at home or in a homely setting in their community</p> <p>People are able to look after and improve their own health and wellbeing and live in good health for longer</p> <p>Resources are used effectively and efficiently in the provision of health and social care services</p> <p>Health and social care services are centred on helping to maintain or</p>

		improve the quality of life of people who use those services
13.	Aligned priorities, strategies, outcomes	Prevention and early intervention Integrated and co-ordinated care Managing our resources effectively
14.	Compliance and performance reporting	Compliance with the Direction will be monitored through the Directions Tracker Performance will be reported to the Strategic Planning Group via the Adults with a Disability Planning and Commissioning Board.
15.	Relevance to or impact on other Lothian IJBs and/or other adjoining IJBs	Use of NHS Lothian assessment and treatment beds will require co-operative working across the 4 Lothian IJB areas.

West Lothian Integration Joint Board

Direction – WLIJB12 Mental Health Services

1.	Implementation date	1 April 2019
2.	Reference number	WLIJB12
3.	Integration Joint Board (IJB) authorisation date	23 April 2019
4.	Direction to	NHS Lothian and West Lothian Council
5.	Purpose and strategic intent	<p>Mental Health Services</p> <p>The main objective for improving mental health services is to strengthen access to treatment and a wide range of supports with emphasis on early intervention and prevention.</p> <p>West Lothian has 21 per cent of the Lothian population. There are 104 acute mental health beds across Lothian: 80 in the Royal Edinburgh Hospital and 24 in St John's Hospital. These are for adults under the age of 65. Old age beds are not included in this figure.</p> <p>Inpatient and community mental health services come under significant and sustained pressure at times as a result of patients from other areas of Lothian boarding in mental health wards within St John's Hospital. This means that there can be limited capacity for West Lothian patients to be admitted locally. Further impact is felt in the community with unsustainable impact on home treatment provided by the Acute Care and Support Team for people who may otherwise be treated in hospital.</p> <p>West Lothian will continue, where possible, to support patients from out with West Lothian who would ordinarily be admitted to the Royal Edinburgh Hospital but provision requires to be made to ensure that acute inpatient beds are available to serve the needs of the population in West Lothian.</p>
6.	Does it supersede or amend or cancel a previous Direction?	No

7.	Type of function	Integrated
8.	Function(s) concerned	<p>Functions required to fulfil statutory duties under the Mental Health (Care and Treatment) (Scotland) Act 2003, Adults with Incapacity (Scotland) Act 2000 and Mental Health (Scotland) Act 2015</p> <p>Social Work (Scotland) Act 1968</p> <p>Acute inpatient mental health wards for adults and older people, mental health rehabilitation and community mental health services</p>
9.	Required Actions/Directions	<p>NHS Lothian Health Board is directed to review the placement of patients from out with West Lothian in St John's Hospital to ensure that beds are available locally to West Lothian patients when they need them. Changes to arrangements for the admission to acute mental health beds should be subject to full discussion and agreement by West Lothian IJB.</p> <p>To develop a more robust approach to responding to people in crisis, particularly out of hours.</p> <p>To implement mental health hubs based in two localities working in conjunction with primary care services and the third sector to develop the model of early intervention and prevention and ensure the availability of appropriate supports for people with moderate needs.</p> <p>To develop a community mental health team for people requiring a multidisciplinary team approach to severe and complex issues related to significant mental health difficulties</p> <p>To improve access for people requiring psychological therapies in line with the A12 HEAT Target.</p> <p>To develop a streamlined pathway for dementia care in West Lothian.</p> <p>Availability of suitable housing and residential care for people with mental health problems remains a challenge. West Lothian Council is directed to review provision and develop a plan which meets the needs of the population. Focus should be on people living as close to home as possible and reduction on reliance on out of area placements.</p> <p>Mental health provision in West Lothian is a key strategic priority in the IJB's Strategic Plan and a strategic commissioning plan should be developed</p>

		setting out the strategic direction for mental health services and how they will be delivered.
10.	Budget 2019/20	<p>See summary of budgets for Strategic Directions.</p> <p>Budget availability will be determined based on agreed IJB annual budgets for relevant functions. The IJB Chief Finance Officer should be consulted on financial implications arising from the implementation of this Directions and the ongoing delivery of Substance Misuse priorities.</p>
11.	Principles	<p>Are integrated at the point of view of service users</p> <p>Take account of the particular needs of different service users</p> <p>Protects and improves the safety of service users</p> <p>Improves the quality of service</p> <p>Are planned and led locally in a way which is engaged with the community (including in particular service users and those involved in the provision of health or social care)</p>
12.	Aligned National Health and Wellbeing Outcomes	<p>People including those with disabilities or long term conditions, or who are frail, are able to live, as far as reasonably practicable, independently and at home or in a homely setting in their community</p> <p>People are able to look after and improve their own health and wellbeing and live in good health for longer</p> <p>Resources are used effectively and efficiently in the provision of health and social care services</p> <p>Health and social care services are centred on helping to maintain or improve the quality of life of people who use those services</p>
13.	Aligned priorities, strategies, outcomes	<p>Tackling inequalities</p> <p>Prevention and early intervention</p> <p>Integrated and co-ordinated care</p> <p>Managing our resources effectively</p> <p>West Lothian IJB Strategic Plan and Mental Health Commissioning Plan</p>

14.	Compliance and performance reporting	Performance reports to be submitted to the IJB. Details of the ways in which compliance and performance are measured and reported as set out in the Mental Health Commissioning Plan.
15.	Relevance to or impact on other Lothian IJBs and/or other adjoining IJBs	Changes to inpatient services need to be planned taking account of impact on service planning in other IJB areas.

West Lothian Integration Joint Board

Direction – WLIJB13 Substance Misuse Services

1.	Implementation date	1 April 2019
2.	Reference number	WLIJB13
3.	Integration Joint Board (IJB) authorisation date	23 April 2019
4.	Direction to	NHS Lothian and West Lothian Council
5.	Purpose and strategic intent	Substance Misuse Services To deliver high quality, locally managed services which are focussed on recovery and partnership working across health, social care and the third sector
6.	Does it supersede or amend or cancel a previous Direction?	No
7.	Type of function	Integrated
8.	Function(s) concerned	Substance Misuse Services directed by the West Lothian Alcohol and Drug Partnership
9.	Required Actions/Directions	NHS Lothian and West Lothian Council are directed to deliver services which comply with Scottish Government priorities in the following areas: <ul style="list-style-type: none"> • Preparing Local Systems to Comply with the new Drug & Alcohol Information System (DAISy) • Tackling drug and alcohol related deaths (DRD & ARD)/risks in the local ADP area. Includes - Increasing the reach and coverage of the national naloxone programme for people at risk of opiate overdose, including those on release from prison and continued development of a whole population approach which targets harder to reach groups and focuses on communities where deprivation is greatest.

		<ul style="list-style-type: none"> • Ensuring a proactive and planned approach to responding to the needs of prisoners affected by problem drug and alcohol use and their associated through care arrangements, including women • Continued implementation of improvement activity at a local level, based on the individualised recommendations within the Care Inspectorate Report, which examined local implementation of the <i>Quality Principles</i>. <p>To deliver priorities associated with additional investment</p> <ul style="list-style-type: none"> • Increased involvement of those with lived experience of addiction and recovery in the evaluation, design and delivery of services • Reduce waiting times for treatment and support services. Particularly waits for opioid substitution therapy (OST) including where these are reported as secondary waits under the LDP Standard; • Improved retention in treatment particularly those detoxed from alcohol and those accessing OS; • Development of advocacy services • Improved access to drug/alcohol treatment services amongst those accessing inpatient hospital services • Whole family approaches to supporting those affected by problem drug/alcohol use • Continued development of recovery communities.
10.	Budget 2019/20	<p>See summary of budgets for Strategic Directions.</p> <p>Budget availability will be determined based on agreed IJB annual budgets for relevant functions. The IJB Chief Finance Officer should be consulted on financial implications arising from the implementation of this Directions and the ongoing delivery of Substance Misuse priorities.</p>
11.	Principles	<p>Are integrated from the point of view of service users</p> <p>Take account of the particular needs of different service users</p> <p>Take account of the participation by service users in the community in which service live</p> <p>Improves the quality of the service</p>

		Are planned and led locally in a way which is engaged with the community (including in particular service users, those who look after service users and those who are involved in the provision of health or social care.
12.	Aligned National Health and Wellbeing Outcomes	<p>People including those with disabilities or long term conditions, or who are frail, are able to live, as far as reasonably practicable, independently and at home or in a homely setting in their community</p> <p>People are able to look after and improve their own health and wellbeing and live in good health for longer</p> <p>Resources are used effectively and efficiently in the provision of health and social care services</p> <p>Health and social care services are centred on helping to maintain or improve the quality of life of people who use those services</p>
13.	Aligned priorities, strategies, outcomes	West Lothian IJB Strategic Plan and Alcohol and Drug Partnership Commissioning Plan.
14.	Compliance and performance reporting	Performance reports to be submitted to the IJB. Details of the ways in which compliance and performance are measured and reported as set out in the Alcohol and Drug Partnership Commissioning Plan.
15.	Relevance to or impact on other Lothian IJBs and/or other adjoining IJBs	No impact anticipated.

West Lothian Integration Joint Board

Direction – WLIJB15

1.	Implementation date	1 April 2019
2.	Reference number	WJIJB15
3.	Integration Joint Board (IJB) authorisation date	23 April 2019
4.	Direction to	West Lothian Council
5.	Purpose and strategic intent	Adult Social Care Services West Lothian Council should provide or commission effective and high quality social care services for people and their carers who are eligible for services.
6.	Does it supersede or amend or cancel a previous Direction?	No
7.	Type of function	Integrated function
8.	Function(s) concerned	The functions outlined under the West Lothian Integration Scheme – Appendix 2 <ul style="list-style-type: none"> • Social work services for adults and older people • Services and support for adults with physical disabilities, learning disabilities • Mental health services • Drug and alcohol services • Adult protection and domestic abuse • Carers support services • Community care assessment teams • Support services • Care home services • Adult placement services

		<ul style="list-style-type: none"> • Health improvement services • Housing support services, aids and adaptations • Day services • Local area co-ordination • Respite provision • Occupational therapy services • Re-ablement services, equipment and telecare
9.	Required Actions/Directions	<p>High quality social care services should be delivered with focus on encouraging independence, reablement and community integration.</p> <p>Commissioning approaches should support choice, control and achievement of personal outcomes.</p>
10.	Budget 2019/20	<p>See summary of budgets for Strategic Directions.</p> <p>Budget availability will be determined based on agreed IJB annual budgets for relevant functions. The IJB Chief Finance officer should be consulted on budget resources available for the commissioning of adult social care services in line with implementing this Direction.</p>
11.	Principles	All Integration Delivery Principles refer.
12.	Aligned National Health and Wellbeing Outcomes	All National Health and Wellbeing Outcomes refer.
13.	Aligned priorities, strategies, outcomes	<p>Social Work (Scotland) Act 1968</p> <p>Carers (Scotland) Act 2016</p> <p>Social Care (Self-directed Support) (Scotland) Act 2013</p> <p>Tackling inequalities</p> <p>Prevention and early intervention</p> <p>Integrated and co-ordinated care</p> <p>Managing our resources effectively</p>
14.	Compliance and performance reporting	Compliance with the Direction will be monitored through the Directions Tracker

		Performance reporting will be to the Strategic Planning Group and through planning and commissioning boards.
15.	Relevance to or impact on other Lothian IJBs and/or other adjoining IJBs	No impact anticipated.