



## ***Environment Policy Development and Scrutiny Panel***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

29 October 2019

A meeting of the **Environment Policy Development and Scrutiny Panel** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Tuesday 5 November 2019** at **11:00am**.

For Chief Executive

### **BUSINESS**

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

### **Public Session**

4. Confirm Draft Minute of Meeting of Environment Policy Development and Scrutiny Panel held on Tuesday 03 September 2019 (herewith)
5. Scotland's Climate Change Declaration - Annual Report 2018/19 - Report by Head of Planning, Economic Development and Regeneration (herewith).
6. Adaptation Scotland - "Scotland Adapts: A New Capability Framework for a Climate Ready Public Sector" - Report by Head of Planning, Economic Development and Regeneration (herewith).
7. Civic Government (Scotland) Act 1982 - Hire Car Licensing - Report by Head of Corporate Services (herewith).

8. Performance Report - Report by Head of Operational Services (herewith)
9. Air Quality in West Lothian - Report by Head of Planning, Economic Development and Regeneration (herewith)
10. West Calder Area: Upgrading of Two Rural Paths Using Funds from Section 75 Agreements Related to Lowland Crofting Developments - Report by Head of Planning, Economic Development and Regeneration (herewith)
11. Revenue Budget Strategy 2020/21 to 2022/23 - Potential Additional Saving Measures - Report by Head of Operational Services (herewith).
12. Scottish Government Guidance on Burial Ground - Memorial Safety - Report by Head of Operational Services (herewith)
13. Scottish Road Works Commissioner's Performance Review 2018/19 - Report by Head of Operational Services (herewith)
14. Consultation on Improving the Operational Effectiveness of the Control of Dogs (Scotland) Act 2010 - Report by Head of Planning, Economic Development and Regeneration (herewith)
15. Recycling & Waste Services - Results of Citizen Led Inspection - Report by Head of Operational Services (herewith)
16. Environment PDSP Workplan (herewith).

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NOTE      **For further information please contact Eileen Rollo on 01506 281621 or email [eileen.rollo@westlothian.gov.uk](mailto:eileen.rollo@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](mailto:julie.whitelaw@westlothian.gov.uk), James Millar, Governance Manager, 01506 281695, [james.millar@westlothian.gov.uk](mailto:james.millar@westlothian.gov.uk), Carol Johnston, Chief Solicitor, 01506 281626, [carol.johnston@westlothian.gov.uk](mailto:carol.johnston@westlothian.gov.uk), Committee Services Team, 01506 281604, 01506 281621, [committee.services@westlothian.gov.uk](mailto: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 ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 3 SEPTEMBER 2019.

Present – Councillors Cathy Muldoon, Alison Adamson, Diane Calder, Chris Horne, Dave King, George Paul, Kirsteen Sullivan (substituted for Tom Conn)

Apologies – Councillor Tom Conn (Chair)

1. DECLARATIONS OF INTEREST

Agenda Item 6 – Civic Government (Scotland) Act 1982 – Sexual Entertainment Venue Licensing – Councillor Chris Horne declared an interest in this item of business in that he was a member of the Licensing Committee.

Agenda Item 7 – Civic Government (Scotland) Act 1982 – Public Entertainment and Theatre Licensing – Councillor Chris Horne declared an interest in this item of business in that he was a member of the Licensing Committee and a council appointed member of West Lothian Leisure.

Agenda Item 8 – Low Emission Zone for the City of Edinburgh, West Lothian Council's Consultation Response – Councillor Chris Horne declared an interest in this item of business in that he was a member of Sustran.

Agenda Item 6 – Civic Government (Scotland) Act 1982 – Sexual Entertainment Venue Licensing – Councillor George Paul declared an interest in that he was a member of the Licensing Committee.

Agenda Item 7 – Civic Government (Scotland) Act 1982 – Public Entertainment and Theatre Licensing – Councillor George Paul declared an interest in that he was a member of the Licensing Committee

Agenda Item 6 – Civic Government (Scotland) Act 1982 – Sexual Entertainment Venue Licensing – Councillor Kirsteen Sullivan declared an interest in this item of business in that she was a member of the GMB which was involved in a campaign in relation to this subject.

2. MINUTE

The Panel confirmed the Minute of its meeting held on 4 June 2019 as a correct record. The Minute was thereafter signed by the Chair.

3. 2018/19 FINANCIAL PERFORMANCE - MONTH 12 MONITORING

The Panel considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the

financial performance of the Environment Policy Development and Scrutiny Panel portfolio for the General Fund Revenue Budget.

The report set out the 2018-19 general fund revenue financial performance information in respect of the Environment Policy Development and Scrutiny Panel portfolio of services. It was important to note that the council's revenue budget was operationally managed at Head of Service level and the financial position included within the report was part of the overall council draft out-turn which would be reported to Council Executive.

The budget monitoring process for 2018-19 had been undertaken in line with the council's budgetary control framework and procedures, which placed particular focus on a risk based and pro-active approach to budget monitoring. The overall outturn was reported to Council Executive on 25 June 2019.

A table in the report summarised the position in relation to service expenditure and provided an update on the draft outturn. The draft out-turn indicated an overspend for the Environment portfolio of £810.000 and a slippage of £1.020 million on the capital programme.

In terms of future budget issues and risks West Lothian Council had approved a five year strategy from 2018/19 to 2022/23 including savings measures for the three years 2018/19 to 2020/21 with a further revision to the overall level of savings required approved by Council on 19 February 2019. The total level of savings approved for the five year period was £60.550 million with £41.991 million of those savings required in the first three years. In addition there were recurring pressures of £4.047 million with mitigating actions being agreed and implemented to ensure pressures were managed on a recurring basis.

In addition severe weather events such as heavy snowfall and flooding could have a significant impact on expenditure with Roads and Transportation.

It was recommended that the Panel :-

1. Notes the financial performance of the Environment portfolio for 2018-19;
2. Notes that the Environment portfolio position for the year formed part of the overall council position reported to Council Executive on 25 June 2019; and
3. Notes any actions required to be taken by Heads of Services and budget holders to manage spend within available resources.

### Decision

To note the terms of the report

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - SEXUAL ENTERTAINMENT VENUE LICENSING

The Panel considered a report (copies of which had been circulated) by the Head of Corporate Services providing information with regards to legislation changes which would enable the council as a licensing authority to introduce a licensing scheme for sexual entertainment venues (SEVs).

The report advised that the Air Weapons and Licensing (Scotland) Act 2015 provided for changes to be made to the Civic Government (Scotland) Act 1982. The Air Weapons and Licensing (Scotland) Act 2015 (Commencement No.9 and Transitional Provisions) Order 2019 introduced the provisions giving local authorities a discretionary power to licence SEVs.

Prior to the above commencement order there was no legal requirement for SEVs to be licensing in Scotland. However premises not used for the sale of alcohol would have required a public entertainment licence for any adult entertainment taking place within premises.

In considering the new powers the council was obliged to take account of the guidance issued by the Scottish Government. The guidance stated that the new licensing regime would allow local authorities to consider local circumstances in setting the number of venues able to operate within their areas 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 would wish to control SEVs either now or in the future. If there is no resolution in place, then no licence would be required to operation a SEV.

The report went on to advise that where a local authority opted to licence SEVs the provisions at Section 45A of the 1982 Act required a licence for premises operated as a SEV where sexual entertainment was performed live, was for the direct or indirect financial benefit of the organiser and was for the sole or principle purpose of sexual stimulation of members of the audience. However premises where sexual entertainment was provided on no more than three occasions in a twelve month period were not to be treated as SEVs.

The Scottish Government indicated that local authorities were 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.

The report advised that to introduce a 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 a 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 taking into account the licensing objectives and publish that at the same time as the resolution.

The policy statement could not contain a restriction on the number of SEVs based on moral reasons alone.

The report recommended that the Panel note the new legislative power for the council as Licensing Authority to introduce a licensing scheme for SEVs and that the Council Executive would be asked to consider undertaking a consultation and evidence gathering process to establish views on the following:

1. whether SEVs in West Lothian should be licensed;
2. if licensed, what the appropriate number of SEVs for West Lothian should be; and
3. if licensed, what should be included in a SEV policy statement

#### Decision

1. To note the terms of the report.
2. To agree that the report and its recommendations be forwarded to the next appropriate meeting of the Council Executive for approval.

#### 5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - PUBLIC ENTERTAINMENT AND THEATRE LICENSING

The Panel considered a report (copies of which had been circulated) by the Head of Corporate Services advising of changes to legislation regarding theatre licensing which would impact on the public entertainment licensing scheme.

The report advised that the Air Weapons and Licensing (Scotland) Act 2015 provided for changes to be made to the Civic Government (Scotland) Act 1982. The Air Weapons and Licensing (Scotland) Act 2015 (Commencement No.9 and Transitional Provisions) Order 2019 introduced the provisions which would lead to the repeal of the Theatres Act 1968 and allow theatre licensing to be included in the council's public entertainment licensing resolution.

Theatres were currently licensed under the Theatres Act 1968 but all licences granted under that Act would come to an end on 27 January 2021. West Lothian currently had three premises permanently licensed under the 1968 Act. In addition over the years there had been a number



of applications for temporary theatre licences for particular events.

The new legislation would allow councils to consider licensing theatre premises under the public entertainment licensing provision of the 1982 Act. Due to other legislative changes the council's public entertainment resolution which set out the various types of activities would require to be amended to delete adult entertainment as a new scheme for licensing sexual entertainment venues had been introduced.

These changes would also allow the council an opportunity to fully review the terms of the current public entertainment resolution.

The report recommended that the Panel note:

1. The legislative changes to theatre licensing;
2. The requirement for the council to amend the public entertainment licensing resolution due to other new legislation; and
3. That as a result of these changes the Council Executive would be 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.

#### Decision

1. To note the contents of the report.
2. To agree that the report and its recommendations be forwarded to the next appropriate meeting of the Council Executive for approval.

#### 6. LOW EMISSION ZONE FOR THE CITY OF EDINBURGH: WEST Lothian Council's Consultation Response

The Panel considered a report (copies of which had been circulated) by the Head of Operational Services and the Head of Planning, Economic Development and Regeneration outlining the City of Edinburgh's Low Emission Zone (LEZ) proposal for the City and to recommend a formal response to the Council Executive.

The report recalled that in June 2018, the Scottish Government introduced the Transport (Scotland) Bill to the Scottish Parliament and was currently at Stage 2. The Bill set out provisions to enable the introduction of Low Emissions Zones (LEZ) in Scotland's four largest cities.

The Bill would enable the creation and civil enforcement of LEZs by local authorities, and would allow the Scottish Government to set consistent national standards for a number of key aspects including, but not limited to, vehicle emissions, penalties, certain exemptions and parameters for grace periods for LEZs. It was anticipated that the Bill and associated regulations will be finalised early in 2020.

The report went on to advise that an LEZ was a geographical area within which polluting vehicles were not permitted. Unless otherwise exempt, polluting vehicles that enter the area were subject to a penalty. Enforcement would utilise Automatic Number Plate Recognition (ANPR) cameras linked to a national vehicle licensing database, to detect vehicles entering an LEZ which did not comply with the minimum standards.

Edinburgh's proposed phasing approach was similar to that adopted in many other cities. The proposed boundaries of each zone were set out in Appendix 1 and had been informed by analysis of the baseline model produced by SEPA. Over the summer the city undertook a city wide traffic data collection survey to update and analyse the baseline air quality model.

The report went on to provide the implications for West Lothian and the consultation response.

In conclusion it was recognised that environmental and health pressures associated with petrol and diesel vehicles were increasing. The Scottish Government's desire to have the four major Scottish cities introduce Low Emission Zones by 2020 was a commitment to improving air quality in the most populated areas.

The report recommended that the Panel note the contents of the report and recommends to Council Executive that it supports the introduction of the City of Edinburgh's Low Emission Zone in principle, but requests clarification to the questions outlined within Section D4 of the report.

#### Decision

1. To note the contents of the report.
2. To agree that the report and its recommendations be forwarded to the next appropriate meeting of the Council Executive for approval.

### 7. WEST LOTHIAN PARKING STRATEGY: CONSULTANCY BRIEF

The Panel considered a report (copies of which had been circulated) by the Head of Operational Services providing a consultancy brief which would underpin the necessary preparation work for a West Lothian wide parking strategy.

The report recalled that on 5 February 2019, the Council Executive agreed that car parking charges were not to be introduced in the 5 year period ending 2022/23 and that officers should undertake a wider parking review on that basis. The report highlighted the key requirements necessary to develop a West Lothian wide strategy.

The development of a parking strategy was a significant undertaking and required a wide knowledge and skill set. Within the council's Roads & Transportation service there were insufficient staff resources to undertake this work in-house. It was therefore the intention of the service to appoint

specialist consultants.

The proposed consultancy brief was detailed in Appendix 1 and would form the work package. It was vital that the brief reflected the needs of the council and that it was agreed by Council Executive before being issued for pricing.

The report recommended that the Panel note and consider the consultancy brief for a West Lothian Parking Strategy and recommend it to the Council Executive for approval.

#### Decision

1. To note the contents of the report.
2. To agree that the report and its recommendations be forwarded to the next appropriate meeting of the Council Executive for approval.

### 8. LITTER BIN PLAN

The Panel considered a report (copies of which had been circulated) by the Head of Operational Services providing details of the proposed Litter Bin Plan that would provide criteria for the type, size and location of litter bins across the area. Appendix 1 to the report contained details of the proposed Litter Bin Plan.

The report advised that presently the installation and provision of public litter bins throughout West Lothian was provided based on a demand driven service. This led to over provision of bins in inappropriate areas that was both inefficient and ineffective in dealing with issues of littering.

A review of all existing litter bins would therefore be undertaken to ensure that the type, size and locations were correct to meet community needs and that bins meet the criteria as set out in the proposed Litter Bin Plan. It was proposed to use new technology when undertaking the review by placing electronic sensors in bins that wirelessly communicates with the services asset management software. This would enable the service to accurately monitor and evidence the usage of litter bins and would also provide trend analysis to accurately monitor and evidence the usage.

The aim of the review was to provide a more co-ordinated approach to the placement of litter bins to suit demand across the authority ensuring bins were provided in more suitable locations.

In conclusion the report advised that the adoption of the Litter Bin Plan would provide a more focused and efficient provision of litter bins in the area and would be designed to augment and support the prevention of littering.

#### Decision

1. To note the contents of the report.

2. To agree that the report and its recommendations be forwarded to the next appropriate meeting of the Council Executive for approval.

9. WORKPLAN

The Panel considered the list of items that would form the basis of the panel's work over the coming months.

Decision

To note the workplan and to agree to include an item on Climate Change.



**ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL**

**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 the Panel of West Lothian's annual Scottish Climate Change Declaration Report for 2018/19.

**B. RECOMMENDATION**

It is recommended that the Panel:

1. notes the contents of the Declaration at Appendix 1; and
2. considers and comments on the annual report prior to its submission to the Council Executive for approval and, subject to that approval, onward submission to Sustainable Scotland Network and the Scottish Government.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<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>
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.

<b>IV</b>	<b>Impact on performance and performance Indicators</b>	There are a number of performance indicators related to the council's carbon emissions and related factors.
<b>V</b>	<b>Relevance to Local Outcomes Improvement Plan</b>	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.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	None
<b>VII</b>	<b>Consideration at PDSP</b>	This is the first consideration at PDSP
<b>VIII</b>	<b>Other consultations</b>	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 to reduce 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. These targets will be reviewed and updated as part of the Council's response to the recently declared Climate Emergency, setting out the path to a net zero carbon council.

The footprint for 2018/19 has been calculated to be 42,442 tCO<sub>2</sub>e, 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.

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 annual return is in the process of being audited internally which will be complete prior to submission to Council Executive.

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 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

<http://www.keepsotlandbeautiful.org/sustainability-climate-change/sustainable-scotland-network/climate-change-reporting/>

Scottish Government's Sustainability Reporting Guidance

[www.scotland.gov.uk/Publications/2013/07/4721](http://www.scotland.gov.uk/Publications/2013/07/4721)

Sustainable Procurement and the Flexible Framework

[www.scotland.gov.uk/Topics/Government/Procurement/policy/corporate-responsibility/csr](http://www.scotland.gov.uk/Topics/Government/Procurement/policy/corporate-responsibility/csr)

Biodiversity Duty

[www.biodiversityscotland.gov.uk/duty/](http://www.biodiversityscotland.gov.uk/duty/)

Scottish Climate Change Adaptation Programme *Climate Ready Scotland*

[www.scotland.gov.uk/Publications/2014/05/4669](http://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](http://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**

**5 November 2019**



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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	<a href="https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/mid-year-population-estimates/mid-2018">https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/mid-year-population-estimates/mid-2018</a>

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 &amp; 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 &amp; 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 &amp; 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)	<a href="https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf">https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf</a>
Improving waste recycling rates across West Lothian by implementing the ScottishGovernment’s Zero Waste Strategy.	Corporate Plan 2018-2023 (P.34)	<a href="https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf">https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf</a>

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)	<a href="https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf">https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf</a>
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)	<a href="https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf">https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf</a>
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)	<a href="https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf">https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf</a>
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)	<a href="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">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</a>
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)	<a href="https://coins.westlothian.gov.uk/coins/viewDoc.asp?c=e%97%9Dg%8Fpy%88">https://coins.westlothian.gov.uk/coins/viewDoc.asp?c=e%97%9Dg%8Fpy%88</a>

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](http://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	<a href="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">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</a>	2015-2020	Adaptation Action Plan will be published in Q4 2019
Business travel	Green Transport Policy and Green Transport Procedure Note	<a href="https://intranet.westlothian.gov.uk/article/13346/Green-Transport">https://intranet.westlothian.gov.uk/article/13346/Green-Transport</a>	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	<a href="https://intranet.westlothian.gov.uk/article/13346/Green-Transport">https://intranet.westlothian.gov.uk/article/13346/Green-Transport</a> <a href="https://www.westlothian.gov.uk/activetravel">https://www.westlothian.gov.uk/activetravel</a>	2017-2023 2016-2021	
Energy efficiency	Carbon Management Plan	<a href="https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-2020/pdf/Carbon_Management_Plan_2015-2020.pdf">https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-2020/pdf/Carbon_Management_Plan_2015-2020.pdf</a>	2015-2020	
Fleet transport	Operational Services Management Plan	<a href="https://www.westlothian.gov.uk/media/21293/2018-19-Management-Plan---Operational-Services/pdf/2018-19_Management_Plan_-_Operational_Services.pdf">https://www.westlothian.gov.uk/media/21293/2018-19-Management-Plan---Operational-Services/pdf/2018-19_Management_Plan_-_Operational_Services.pdf</a>	2018-2019	
Information and communication technology				
Renewable energy	Carbon Management Plan	<a href="https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-2020/pdf/Carbon_Management_Plan_2015-2020.pdf">https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-2020/pdf/Carbon_Management_Plan_2015-2020.pdf</a>	2015-2020	
Sustainable/renewable heat	Carbon Management Plan	<a href="https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-2020/pdf/Carbon_Management_Plan_2015-2020.pdf">https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-2020/pdf/Carbon_Management_Plan_2015-2020.pdf</a>	2015-2020	

Waste management	Operational Services Management Plan	<a href="https://www.westlothian.gov.uk/media/21293/2018-19-Management-Plan---Operational-Services/pdf/2018-19_Management_Plan_-_Operational_Services.pdf">https://www.westlothian.gov.uk/media/21293/2018-19-Management-Plan---Operational-Services/pdf/2018-19_Management_Plan_-_Operational_Services.pdf</a>	2018-2019	
Water and sewerage	Carbon Management Plan	<a href="https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-20/pdf/Carbon_Management_Plan_2015-2020.pdf">https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-20/pdf/Carbon_Management_Plan_2015-2020.pdf</a>	2015-2020	
Land Use	West Lothian Local Development Plan	<a href="https://www.westlothian.gov.uk/LDP">https://www.westlothian.gov.uk/LDP</a>	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.

Begin the process of developing our new Climate Change Strategy and Carbon Management Plan which will be in place from 2020.

Ensure that all documents that sit under that (Adaptation Action Plan, LCLIP etc) gain final approval.

Work with our Community Planning Partnership colleagues to consider how best we deal with the declared Climate Emergency and achieve net zero carbon targets.

Review the remit and membership of the Climate Change & Sustainability Working Group in response to the Climate Emergency.

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.

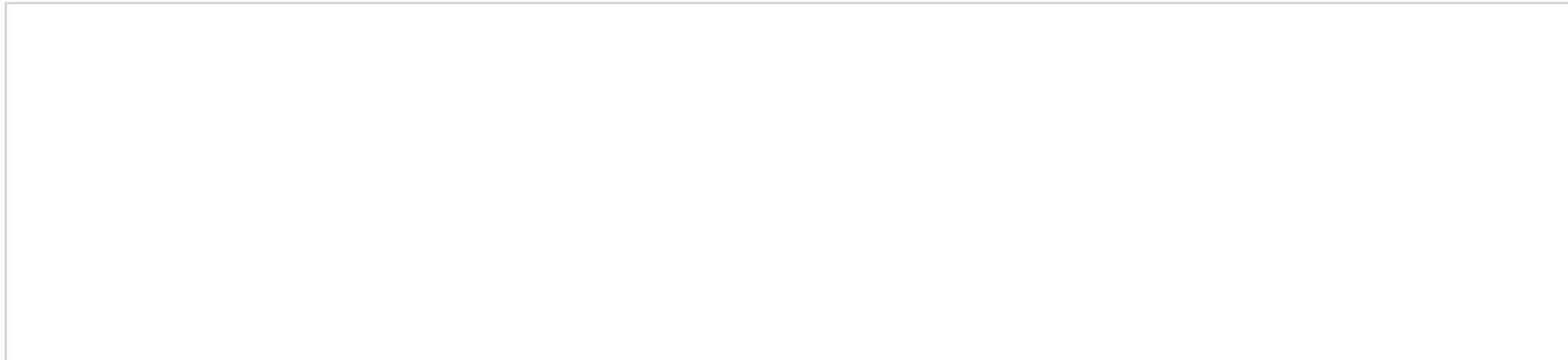
2(g) Has the body used the Climate Change Assessment Tool(a) or equivalent tool to self-assess its capability / performance?

If yes, please provide details of the key findings and resultant action taken.

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.

2(h) Supporting information and best practice

Provide any other relevant supporting information and any examples of best practice by the body in relation to governance, management and strategy.





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)		

<b>3i Estimated decrease or increase in the body's emissions attributed to factors (not reported elsewhere in this form) in the year ahead</b>					
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.					
<b>Total</b>	<b>Emissions source</b>	<b>Total estimated annual emissions (tCO2e)</b>	<b>Increase or decrease in emissions</b>	<b>Comments</b>	
-1190.00	Estate changes	100	Increase	New builds and extensions.	
	Service provision				
	Staff numbers				
	Other (specify in comments)	1290	Decrease	Electricity emissions factor change in 2019/20	

<b>3j Total carbon reduction project savings since the start of the year which the body uses as a baseline for its carbon footprint</b>	
If the body has data available, estimate the total emissions savings made from projects since the start of that year ("the baseline year").	
<b>Total</b>	<b>Comments</b>
15436	Estimated figure, taken as the sum of savings identified from 2015/16-2017/18 as 18/19 savings yet to be fully realised.

<b>3k Supporting information and best practice</b>
Provide any other relevant supporting information and any examples of best practice by the body in relation to its emissions, targets and projects.

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 &amp; 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 &amp; 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"><li>• 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.</li><li>• 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.</li><li>• We have improved performance in the inspection and clearance of headwalls and trash screens by outsourcing and more closely managing the service.</li><li>• We have continued to assess open watercourses and to survey culverted watercourses with closed-circuit television cameras, including previously unchartered systems and commit the information gathered in a spatial asset database.</li><li>• 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.</li><li>• A new spatial database of structures and revetments on our watercourses has been established, which will be developed and used to inform future investment.</li><li>• 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.</li><li>• 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.</li><li>• 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.</li><li>• 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.</li><li>• We have continued working with partners to deliver physical improvements to the water environment under the RiverLife: Almond &amp; 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.</li></ul>

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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<div><div>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.</div><div>(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.</div></div>					
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 and interim review of Forth Estuary Local Flood Risk Management Plan.	
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	Investment has been made to maintain the structural integrity and historic value of Beecraigs Reservoir	
			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?
<p>Provide a summary of the areas and activities of focus for the year ahead.</p> <p>In addition gaining approval of our Adaptation Action Plan and publishing our LCLIP we will:</p> <ul style="list-style-type: none"><li>• 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.</li><li>• 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.</li><li>• 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.</li><li>• 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.</li><li>• 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.</li></ul>
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>

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.

PART 5: PROCUREMENT

5(a) How have procurement policies contributed to compliance with climate change duties?
Provide information relating to how the procurement policies of the body have contributed to its compliance with climate changes duties.
<p>The Council's Corporate Procurement Strategy 2013-2018 refers extensively to "Sustainable Procurement. The Council's Procurement Strategy, beyond 2015, is now 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- Promoting the payment of the Living WageIn 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. The council is currently developing a new Procurement Strategy and this will be published in 2019.</p>

5(b) How has procurement activity contributed to compliance with climate change duties?
Provide information relating to how procurement activity by the body has contributed to its compliance with climate changes duties.
<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
Provide any other relevant supporting information and any examples of best practice by the body in relation to procurement.

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.

PART 6: VALIDATION AND DECLARATION

<b>6(a) Internal validation process</b>
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.

<b>6(b) Peer validation process</b>
Briefly describe the body’s peer validation process, if any, of the data or information contained within this report.
N/A

<b>6(c) External validation process</b>
Briefly describe the body’s external validation process, if any, of the data or information contained within this report.
N/A

<b>6(d) No validation process</b>
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
Craig McCorriston	Head of Planning, Economic Development & Regeneration	2019-11-12

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). NHS and West Lothian Council funding of council Health Improvement Team; 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			NHS and West Lothian Council funding of council Health Improvement Team; 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 <a href="http://www.westlothian.gov.uk/activetravel">www.westlothian.gov.uk/activetravel</a> .



										to increase awareness of smarter travel opportunities.				
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 <a href="http://www.westlothian.gov.uk/proposedplan">http://www.westlothian.gov.uk/proposedplan</a> ; other funding asand when it becomes available e.g. linked to open space, green networks.			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).

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	Development of the CPP’s new Local Outcomes Improvement Plan – partnership discussion to consider how climate change and the environment will feature in this new strategic document	Partnership working of climate change or sustainability	Lead			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. This will be taken forward through CPP engagement events in 2018.	Lead role in organising and facilitating discussions but delivering the new LOIP will be the responsibility of all community planning partners

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 with various community groups.	Lead	Improved biodiversity and species habitat.	
Biodiversity	Environmental Education - Ranger Service engaged with 1300 pupils and 635 participants from community organisations. 170 volunteers carried out 2200 hours of conservation and access projects.The Ranger Service also engaged with 1500 participants through environmental events and acitivites.	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 and Blackmoss Nature Park to improve the peatland bog and moss areas, to try to start reversing the degraded areas and increase carbon capture long term. This includes maintenance of the areas, collation of species data from annual volunteer surveys, water level monitoring, scrub removal and additional peat dams being installed at Blackmoss.	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 has co-ordinated path drainage and upgrade works on high profile access paths at various sites to address wetter condions and erosion issues.	Lead	Improve access, reduce soil erosion, increased resilience	Ranger Service lead with Volunteer Rangers support.
Biodiversity	Wildflower meadow in Rosemount Park and Beechwood Park, Linlithgow	Lead	Maintenance/improvement of species diversity.	Funded by Buglife Scotland
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	Ranger Service continues to monitor protected species within the three Country Parks - carrying out annual bat box checks, badger sett surveys and hibenacula surveys.	Lead	Maintenance/improvement of species diversity.	
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.	
Biodiversity	Riverbank, pond and woodland management has been carried out by the Ranger Service and volunteers at Almondell, Beecraigs and Polkemmet, along with habitat pile creation, bat box installation and planting/management of a butterfly bank	Lead	.Improved biodiversity value and amenity value, safeguarding habitats for future	
Water	Drainage improved in Bankton Mains Park and Bridgend South Park	Lead	Improved drainage to allow recreational use of parks	
Water	Livingston North Blue-Green Network feasibility study complete. Working through actions.	Lead	Planned long term maintenance and improvement of riverine habitat quality and management, quality and diversity of woodland and open sp	

Food & Drink	50 planters placed around Winchburgh	Participant	Improved biodiversity and community provision of edible produce	Winchburgh Commuity Growing Project
Food & Drink	Fruit trees planted in Tippetknowes park, Winchburgh	Supporting	Improved biodiversity and community provision of fresh fruit	Winchburgh Commuity Growing Project
Food & Drink	Orchard management has been carried out by Ranger Service and volunteers at sites Beecraigs and Almondell.	Lead	Improved biodiversity and community provision of fresh fruit	
Biodiversity	Work has been carried out at Almondell and Polkemmet by the Ranger Service and volunteers to control invasive species within woodland areas including rhodedendron and bracken	Lead	Improved biodiversity value, safeguarding habitats for future	

Q6) Please use the text box below to detail further climate change related activity that is not noted elsewhere within this reporting template



## **ENVIRONMENT POLICY DEVELOPMENT & SCRUTINY PANEL**

### **ADAPTATION SCOTLAND - "SCOTLAND ADAPTS: A NEW CAPABILITY FRAMEWORK FOR A CLIMATE READY PUBLIC SECTOR"**

#### **REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

##### **A. PURPOSE OF REPORT**

The purpose of this report is to advise the panel of Adaptation Scotland's new policy guidance document, "Scotland Adapts: A Capability Framework for a Climate Ready Public Sector".

##### **B. RECOMMENDATION**

It is recommended that the panel notes and considers the following recommendations which are intended to be submitted to Council Executive for approval

1. any comments from the panel should be forwarded to the Council Executive; and
2. the adaptation framework should be considered in the progression of West Lothian's Adaptation Action Plan.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	<ul style="list-style-type: none"><li>• focusing on our customers' needs;</li><li>• being honest, open and accountable;</li><li>• making best use of our resources; and</li><li>• working in partnership.</li></ul>
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>The council's Climate Change Strategy (2015) and related Carbon Management Strategy (2015) are both under review.</p> <p>Climate Change (Scotland) Act 2009 and its related annual public bodies climate change reporting duties and the Scottish Climate Change Adaptation Programme.</p> <p>There are no equality, health or risk assessment issues.</p>
<b>III Implications for scheme of delegation</b>	None.
<b>IV Impact on performance and performance indicators</b>	None.
<b>V Relevance to Single</b>	Outcome 8 - We make the most efficient and

	<b>Outcome Agreement</b>	effective use of resources by minimising our impact on the built and natural environment.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Covered by existing budgets and staffing.
<b>VII</b>	<b>Consultations at PDSP</b>	None.
<b>VIII</b>	<b>Other consultations</b>	None.

## **D. TERMS OF REPORT**

### **D1 Background**

“Adaptation Scotland” is a programme funded by the Scottish Government and delivered by SNIFFER (Scotland Northern Ireland Foundation for Educational Research), a charity based in Edinburgh. The public sector has a central role to play in enabling Scotland to adapt to the impacts of climate change. “*Scotland Adapts: A Capability Framework for a Climate Ready Public Sector*”, has practical tasks and guidance that will help organisations adapt effectively.

Adapting to climate change is not a standalone challenge – the actions taken to adapt should deliver many benefits for society including addressing inequalities, supporting sustainable economic growth and nurturing a healthy natural environment. The Framework challenges organisations to consider how adaptation can be properly integrated and support progress against wider societal outcomes.

Scotland’s climate is already changing. There is a long-term trend of warming temperatures, shifting rainfall patterns and rising sea level. Highly variable weather – hot, cold, wet and dry – has proved hugely challenging in recent years.

The consequences of climate change have been felt across society and environment: from damage to infrastructure, to disruption of vital services, and a shift in growing seasons. With the rate of change set to intensify over the coming decades, there is a need to plan adaptation now.

At the heart of Scotland’s approach to adaptation is collaboration and partnership working. This new guidance for the public sector draws upon the collective knowledge and experience of practitioners from local authorities, health boards, infrastructure providers, agencies and university estates.

Successful adaptation is not simply a case of improving understanding through analysing climate data and risk models. Effective leadership, governance arrangements, inclusive planning approaches and working beyond organisation and sectoral silos, are of equal importance for successful adaptation.

### **D2 Scotland’s changing climate**

Scotland’s 10 warmest years on record have all been since 1997. The average temperature in the last decade (2009-2018) was 0.67°C warmer than the 1961-1990 average. The warmest year on record was 2014.

In the past few decades there has been an increase in rainfall over Scotland. The annual average rainfall in the last decade (2009-2018) was 15% wetter than the 1961-1990 average, with winters 25% wetter. The wettest year on record was 2011.

### **D3 What does climate change mean for Scotland?**

Climate change will have profound impacts for all areas of life in Scotland. The public sector has a responsibility to understand potential impacts and respond. 15 Key Consequences for Scotland were highlighted in the “*Scottish Climate Change Adaptation Programme*” (2014) which are:

1. The health of our natural environment;
2. The productivity of our agriculture and forests;
3. The occurrence of pests and diseases;
4. The quality of our soils;
5. The security of our food supply;
6. The availability and quality of water;
7. The increased risk of flooding;
8. The change at our coast;
9. The health of our marine environment;
10. The resilience of our business;
11. The health and wellbeing of our people;
12. Our cultural heritage and identity;
13. The security and efficiency of our energy supply;
14. The performance of our buildings; and
15. Infrastructure – Network connectivity and interdependencies.

### **D4 Adaptation: the response to climate change**

The response to the challenges of a changing climate is ‘adaptation’ defined as “*the adjustment in economic, social or natural systems in response to actual or expected climate change, to limit harmful consequences and exploit beneficial opportunities*”.

Good adaptation can deliver both short-term benefits and progress towards long term outcomes. Adaptation takes place at all scales. From small incremental measures, like adjusting working practices for severe weather, to large-scale investments, like a new flood protection scheme.

Progressing adaptation measures can achieve a range of benefits, including:

- positive vision for the future;
- improve efficiency;
- use knowledge effectively;
- create a ‘Learning Organisation’;
- partnership and collaboration; and
- a flexible approach.

### **D5 Public sector influence**

The public sector plays a crucial role in delivering action to enable Scotland to adapt to the impacts of climate change through:

- building resilience;
- strategic planning;
- community engagement; and
- procurement.

There are good examples of adaptation being delivered in Scotland including new homes, schools and infrastructure being built to be resilient and adaptable to current and future climate; organisations completing climate change risk assessments for services, assets and locations.

There are also many cases where adaptation is being taken forward within organisations, but is not necessarily called “adaptation”. This could include flood risk management, biodiversity action planning or urban greening programmes.

## **D6 Adaptation Capability Framework (See Appendix 1)**

The Adaptation Capability Framework is designed to enable action. It aims to promote a holistic approach to adaptation. Based on local and international experience, a ‘capability-maturity’ approach draws upon the characteristics of well-adapting organisations. These are clustered into four “adaptation capabilities” for organisations,

- 1. Organisational culture and resources;**
- 2. Understanding the challenge;**
- 3. Planning and implementation; and**
- 4. Working together;**

which can be developed by completing recommended tasks, progressing through four maturity stages: 1. Starting, 2. Intermediate, 3. Advanced, and 4. Mature.

The Framework includes recommended tasks for each capability, and at each maturity stage. By completing these tasks, an organisation will be developing capabilities and delivering adaptation, which in West Lothian will be advanced through the Adaptation Action Plan (see Section D7 below).

### **1. Capability: Organisational culture and resources – key aspects include:**

- Resources;
- Governance;
- Leadership; and
- Reflection & flexibility.

### **2. Capability: Understanding the challenge - key aspects include:**

- Knowledge;
- Evidence; and
- Research & innovation.

### **3. Capability: Planning and implementation - key aspects include:**

- Strategic approach;
- Appraisal & prioritisation; and
- Take action.

### **4. Capability: Working together - key aspects include:**

- Networks;
- Partnership;
- Engagement; and
- Joint action.



## **D7 West Lothian Council Adaptation Action Plan**

The council adopted a Carbon Management Plan along with a Climate Change Strategy (CCS) in 2015. One of the actions from the CCS was to prepare an Adaptation Action Plan. SNIFFER was engaged as consultants in 2018 to undertake interviews with Heads of Service and run a workshop with Service Managers.

This had identified seven themes and over 75 adaptation actions across all services. This will be subject to a separate, detailed report to the Environment PDSP.

Additional work had also been undertaken to update both the Carbon Management Plan and Climate Change Strategy as they are due for review in 2020, alongside the preparation of a Local Climate Impact Profile and consideration of the UK Climate Change Projections data released in November 2018 and its impact on West Lothian.

## **E. CONCLUSION**

The impacts of climate change are becoming ever clearer, both in Scotland, the UK and around the world. Potentially more ambitious carbon emission reduction targets mean the council will still have to respond to climate change and its impacts and need to accelerate action on adaptation; approach challenges differently; and make decisions that take account of climate change.

Adapting to climate change will help make West Lothian and Scotland a better place to live now and for future generations. Being more climate-ready will protect jobs, enhance the economy and safeguard the unique natural environment and cultural heritage. Public sector organisations, such as the council have a key role to play in creating a more climate ready Scotland.

The council, guided by the public sector adaptation capability framework along with the adoption of the West Lothian Adaptation Action Plan will help ensure that Scotland remains a vibrant, thriving and sustainable place to live for generations to come.

## **F. BACKGROUND REFERENCES**

- Scotland Adapts: A Capability Framework for a Climate Ready Public Sector'.  
<https://www.adaptationscotland.org.uk/how-adapt/your-sector/public-sector>

Appendices/Attachments – One:

Adaptation Scotland Public Sector capability framework diagram.

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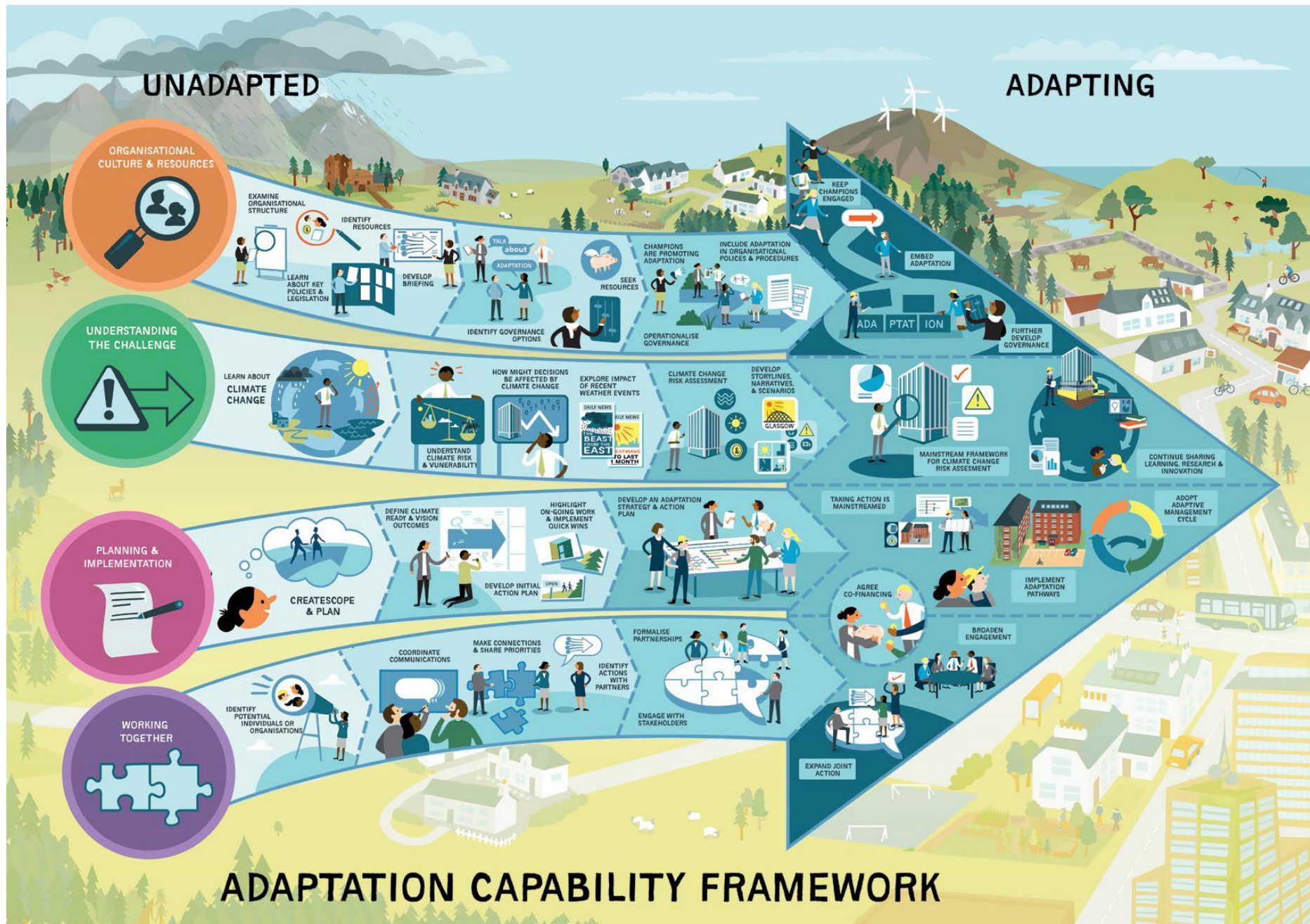
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**Craig McCorriston**

**Head of Planning, Economic Development & Regeneration**

**5 November 2019**

## APPENDIX 1: ADAPTATION CAPABILITY FRAMEWORK





**ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL**

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

**HIRE CAR LICENSING**

**REPORT BY HEAD OF CORPORATE SERVICES**

**A. PURPOSE OF REPORT**

To inform the Panel of

1. The outcome of research into how the provisions of the Equality Act 2010 affect hire car licensing;
2. A new power for the council to introduce an overprovision policy to restrict the numbers of private hire cars licensed locally;
3. A power for the council to publish a list of licensed hire car vehicles under the provisions of Section 167 of the Equality Act 2010; and
4. A number of other issues connected to hire car licensing which may be included in a review of hire car licensing
5. Proposals to set up a Hire Car Forum comprised of local hire car trade organisations and other key stakeholders
6. Proposals to undertake a review of hire car licensing involving a public and stakeholder consultation and evidence gathering process

**B. RECOMMENDATION**

It is recommended that the Panel scrutinises the terms of the report and comments on the proposals.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	<ul style="list-style-type: none"><li>• focusing on our customers' needs;</li><li>• being honest, open and accountable;</li><li>• providing equality of opportunities;</li><li>• working in partnership</li></ul>
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>Sections 10– 21 of Part II and Schedule 1 of the Civic Government (Scotland) Act 1982</p> <p>The Equality Act 2010, in particular Sections 165 -167</p> <p>There will be an Equality Impact Assessment carried out in relation to all proposed policy changes which arise out of this report.</p>

<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	These will be identified as part of the review process.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	None
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	None
<b>VII</b>	<b>Consideration at PDSP</b>	N/A
<b>VIII</b>	<b>Other consultations</b>	The three local hire car trade organisations will be sent a copy of this report once it has been approved for inclusion in the agenda.

## **D. TERMS OF REPORT**

### **D.1 Background**

At the meeting of West Lothian Council on 25 September 2018 an instruction was issued to officers to carry out research into

- Discounted fares and how they affect disabled people;
- The use of meters when disabled persons are accessing hire cars
- The implications arising from the provisions of Sections 165-167 of the Equality Act 2010 on the council's taxi accessibility policy.

In addition there have been requests received from the local hire car trade organisations that the council considers setting up a Hire Car Forum. It has been suggested that the Forum would be comprised of council officers, elected members, representatives of the hire car trade organisations, disability groups, Police Scotland and the Taxi Examination Centre and any other key stakeholders. The purpose of the Forum would be to meet from time to time to discuss hire car issues and suggested changes to the council's hire car licensing scheme.

In particular the trade organisations have identified a number of hire car conditions which they would like to see amended. The Licensing Team is also of the view that following the research referred to above the conditions require updating and they also need rewording generally to make them easier to understand. The last review of hire car licence conditions took place between 2008 and 2011.

### **D.2 Issuing of exemption certificates to taxi and private hire car drivers**

The issue raised was that disabled people wishing to travel within their wheelchairs are being refused entry to taxis and private hire cars because drivers have exemption



certificates. It was suggested that the issuing of exemption certificates to drivers appears to defeat the purpose of having wheelchair accessible vehicles as taxis.

Local authorities are obliged in terms of the Equality Act to make reasonable adjustments to their policies for persons with protected characteristics. Hire car drivers suffering from certain medical conditions which prevent them from assisting passengers are covered by that legislation. Therefore the council cannot discriminate against disabled drivers and refuse to grant them licences on the basis that because of their medical conditions they are unable to provide reasonable assistance to passengers.

The council takes a robust stance regarding the issuing of exemption certificates. A driver who applies for one must be medically assessed by the council's medical advisors who are experienced in undertaking occupational health assessments. The driver must satisfy the physician that they are fit to undertake the duties of a hire car driver in terms of the DVLA group 2 standards for professional drivers but unable to provide reasonable assistance to passengers because of a medical condition. Medical exemption certificates are reviewed regularly. At present only around 30 out of 840 licensed drivers (190 taxi and 650 private hire car drivers) currently have exemption certificates.

There are a number of reasons why passengers wishing to travel in wheelchairs may be refused entry to hire cars. In terms of the licence conditions it is the duty of a hire driver to ensure that there is a good reason why a hire is refused otherwise the hire must be fulfilled. One key reason would be if the passenger cannot be loaded or transported safely. It is accepted that not all passengers travelling within wheelchairs can be safely transported within taxi vehicles. It is the responsibility of the driver to undertake training in using restraint systems for the carrying of wheelchairs and follow the manufacturer's instructions for use of these. In particular the driver must be aware of the safe load weight of the ramps used to load wheelchair passengers and must have a discussion with passengers to assess whether he can safely transport a passenger before refusing a hire.

It is recommended that a review of the hire car conditions in this respect be undertaken to ensure that the conditions in this respect remain fit for purpose.

### **D.3 Discounted fares and how they affect disabled people**

Following officers' research into how equality legislation impacts on hire car licensing the legal position on discounted fares has now been clarified.

The issue raised was that disabled people wishing to travel within their wheelchairs and thus requiring a journey in an accessible taxi or larger private hire car rather than a saloon private hire car are not being offered discounted fares by some local booking offices as these discounted fares are only offered for particular journeys or within particular vehicle types.

Discounted fares offered by certain booking offices for particular journeys have been common locally for some time. Generally these are offered by private hire cars which have the advantage of lower running costs than taxis due to all taxis requiring to be larger accessible vehicles.

Given that the Equality Act is relatively new and complex legislation the position about discounted fares is far from clear. The Act extends the circumstances in which a person is protected against discrimination, harassment or victimisation because of a protected characteristic. The protected characteristics include disability. The booking office licence holder, the hire car licence holder and the driver (if different) are "service-providers" under the Act. By refusing to give a disabled person a discounted fare because they are in a wheelchair it is likely that they are failing in two duties under the Equality Act 2010 i.e. the duty to make "reasonable adjustments" and the duty of the service-provider not to discriminate or victimise.

In terms of the Equality Act there is a requirement on service-providers where any provision, criterion or practice puts a disabled person at a substantial disadvantage in relation to a service provided in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage. It is likely therefore that a booking office should as a reasonable adjustment, consider offering the discounted fare to the disabled person.

Although most booking offices are licensed (there is an exemption for those which only have up to 3 vehicles on their system) the conditions of booking office licences do not cover service issues such as pricing structures. However, licensed drivers driving vehicles with meters are bound by their conditions of licence not to charge more than the maximum metered fares set by the council for local journeys. There is no legislation or conditions which set minimum fares.

The responsibility of ensuring that booking offices do not infringe the requirements of the Equality Act 2010 lies with the booking offices themselves and this is enforced through the civil courts like the rest of the Equality Act. Given that the Equality Act contains specific provisions about taxis and private hire cars, Parliament could have given Licensing Authorities the power to enforce all provisions of the Equality Act which relate to hire cars. As these powers do not exist it is clear that the council has no role in investigating complaints about potential breaches of the Equality Act.

However, it is proposed that the Council make contact with booking offices and encourage them to review their discounted fare policies to ensure that they are not in breach of the Equality Act.

#### **D.4 Use of meters when disabled persons are accessing hire cars**

Following officers' research into how equality legislation impacts on hire car licensing the legal position on the use of meters has now been clarified.

The issue raised was that when disabled people wishing to travel within their wheelchairs are being loaded into taxi or private hire cars the meter should not be started until after the passenger has been loaded and secured. This is because in terms of the Equality Act, disabled persons are entitled to such mobility assistance as is reasonably required and the driver cannot make any additional charge for doing so.

The requirements for the use of meters in hire cars are set out in the council's licensing conditions. In terms of these conditions the driver is permitted to start the meter when the passengers have been alerted that the vehicle has arrived at the arranged collection point or when the taxi is engaged by hailing it, or hiring it at a rank. The driver must stop the meter when they arrive at the destination and allow the passengers to view the meter before they pay and leave the vehicle. In practice many drivers do not start the meter until the passengers are loaded and the vehicle is ready to move off.

Following the research it is clear that these conditions require to be updated in view of the provisions of the Equality Act. It is proposed that the conditions be updated to state that when a disabled person travelling in a wheelchair is a passenger, the meter must not be started until the vehicle is ready to move off. The conditions regarding stopping the meter would not change but require to be reworded to make this clear.

#### **D.5 Hire Car Forum**

A forum to discuss hire car issues with key stakeholders would be a useful way to provide an opportunity for hire car issues to be regularly discussed with a view to keeping the hire car licensing scheme up to date. The forum members could include an elected member, representatives from the hire car trade organisations, Police Scotland, the Taxi Examination Centre, organisations representing disabled persons and council officers. The forum would need to have an agreed remit and procedures. A draft remit and procedure is attached at Appendix 1 of this report.

#### **D.6 PHC overprovision**

Changes were made to the Civic Government (Scotland) Act 1982 in 2017 to give councils the power to restrict numbers of private hire cars (PHCs) operating in their areas on the grounds of overprovision. In order to do this the council would have to introduce an overprovision policy. Such a policy must be evidence based or decisions to refuse applications on the basis of the policy would be vulnerable to appeal. The Scottish Government is working on guidance to assist councils in developing overprovision policies.

This is a new power and assessing overprovision of PHCs in an area is not something which it is easy to evidence. Assessing overprovision is not as narrow a statutory test as assessing unmet demand which is the method of restricting taxi numbers. Guidance is likely to suggest that councils look at the mileage covered by PHCs, waiting times for bookings, numbers of PHCs and taxis operating on booking office systems, availability of accessible PHCs and latent demand. None of this information is readily available to the council and it is likely to be difficult to obtain. The only Scottish council which has an overprovision policy at the moment is Glasgow City Council. Glasgow's policy is based on research undertaken by external consultants at significant cost.

This council restricted the numbers of licensed taxis operating locally until 4 October 2011. As licences cannot be transferred this prevented any new licences being issued unless licences were surrendered or licence holders died.

The main reasons for derestricting taxi numbers were that the policy prevented additional accessible vehicles being licensed and created a black market in taxi licences whereby some licence holders rented their plates to others within the trade who could not obtain a licence of their own. This was not a good situation for two reasons. Firstly the council did not know who was actually operating the vehicle and that prevented the real operators being vetted. Secondly it put the plate renters in a perilous situation as they may have paid for the vehicle but the licence could easily be lost if the licence holder died.

It is recommended that consultation be undertaken regarding whether there is overprovision of PHCs within West Lothian and whether a policy could be justified.

#### **D7      Drug testing for hire car drivers**

Drug testing for hire car drivers is an issue which has arisen several times in the course of the last year. Licensing Committee members have raised the issue in the context of their consideration of applications from potential hire car drivers who have convictions for drug related offences. Members have expressed a wish to be able to send some applicants for drug testing to confirm that the applicant is not using illegal drugs.

In addition over the last few months the Licensing Team have received a number of complaints from members of the public and others within the hire car trade alleging that drivers are using drugs. In order to undertake drug testing without delay and to investigate these allegations the council's medical advisors Optima Healthcare have advised that there needs to be a policy of referring drivers for drug testing when there is reason to suspect drug use.

Other councils both within Scotland and in England and Wales have such policies in place. In particular this is very common in England and Wales. If the council introduced such a policy there would need to be a change to the hire car conditions to provide for that.

It is recommended that consultation be undertaken regarding the introduction of a drug testing policy for hire car drivers.

#### **D8      Electric/hybrid vehicles**

When the low emission zones (LEZs) are launched in Scotland's cities from late 2020 this will have an effect on the local hire car fleet as there will be areas where certain vehicles are no longer able to operate.

It is understood that there may be Government funding available both directly and through local authorities which could act as incentives for the hire car trade to licence more electric and hybrid vehicles. These opportunities could be explored through the Hire Car Forum.

#### **D9      Training**

Police Scotland and Licensing Committee members have highlighted a worrying lack of knowledge by licence holders of the conditions of their licences. This is clear from complaint investigation and committee hearings. Mandatory training for all hire car licence holders was due to have been introduced after the last hire car review but could not be taken forward due to a lack of training providers. Since then an SQA accredited course has been developed which could be offered either by the council or a local college. It is recommended that consultation be undertaken regarding the introduction of mandatory training for hire car licence holders.



## **D10 Review of conditions**

The hire car trade organisations have identified a number of hire car conditions which they would like to see amended. The Licensing Team is also of the view that following the research into equality issues several of the conditions require updating and they also need rewording generally to make them easier to understand. The last review of hire car licensing took place between 2008 and 2011. It is recommended that consultation be undertaken regarding the amendment of the hire car licence conditions.

## **D11 Sections 165 - 167 of the Equality Act 2010**

In terms of Section 167 of the Equality Act 2010 the council has power to publish a list of wheelchair accessible vehicles. We already have lists of all hire car licence holders on our webpages which are updated every 12 weeks but these do not identify which vehicles are accessible. Even if the list stated which vehicles are accessible this would not assist the public to book these vehicles as it cannot state which systems the vehicles operate on as the council does not hold that information.

The effect of the publication of a list under Section 167 is that when such a list exists the drivers of these vehicles are bound by the terms of Section 165 of the Act which imposes a number of duties on the drivers of the wheelchair accessible vehicles. If a list of accessible vehicles is not published by a council the section 165 duties (and the Section 166 exemptions from these duties) do not apply in that council's area.

The Section 165 duties are:

- (a) to carry the passenger while in the wheelchair;
- (b) not to make any additional charge for doing so;
- (c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- (d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- (e) to give the passenger such mobility assistance as is reasonably required.

However, in West Lothian our current conditions are more onerous than the duties in Section 165. Our conditions oblige all drivers to carry passengers with wheelchairs. The only caveat to that is if the driver holds an exemption certificate from assisting passengers he is only obliged to carry the passenger if they can be assisted by another person to enter the vehicle and secure the wheelchair safely. The other person would need to follow the instructions of the driver to use the ramps or lift and secure the wheelchair. All drivers of accessible vehicles are obliged to have had training in the use of restraint systems.

In contrast Section 166 allows for medical exemption certificates to be granted which exempt the driver from carrying wheelchair passengers.

So if the council introduced a Section 167 list this would have a negative impact on

- our 100% accessible taxi fleet as operators with exemption certificates would be able to successfully argue that they should not be required to licence accessible vehicles if they said they were the only driver of the taxi and they would therefore be able to licence saloon vehicles as taxis; and
- the availability of taxis to transport wheelchair passengers as drivers with exemption certificates would be entitled to refuse to carry wheelchair passengers even if the passengers could access the vehicles with assistance or by folding up their wheelchairs and placing them in the vehicles themselves.

The introduction of a Section 167 list would also be likely to lead to an increase in requests for exemption certificates.

The council must therefore make a decision as to whether a Section 167 list should be published. It is understood that the Department for Transport is aware of the shortcomings of the legislation which we have identified. It may be that once this issue has been fully considered the council would wish the Department to be contacted regarding this issue and encouraged to consider amending the provisions. It is recommended that consultation be undertaken regarding the introduction of a section 167 list.

## **E. CONCLUSION**

The Panel is asked to note the outcome of the research which has been carried out in relation to hire car accessibility issues and also that the Council Executive will be asked to consider consulting on changes to the hire car licensing conditions and providing information to booking offices as a result.

The Panel is asked to note the other issues outlined in the report and that the Council Executive will be asked to consider launching a consultation regarding a hire car licensing review to seek views on the issues which should be included in that review and which should be given priority.

The Panel should also note that the Council Executive will be asked to consider setting up a Hire Car Forum and to agree the remit and procedure for that body.

The Panel is asked to comment on the terms of this report.

## **F. BACKGROUND REFERENCES**

Guidance on taxi and private hire car licensing issued by the Scottish Government in 2012

<https://www2.gov.scot/Resource/0039/00391287.pdf>

Appendices/Attachments:

Appendix 1: Remit and Procedure for Proposed Hire Car Forum

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

Audrey.watson@westlothian.gov.uk

Julie Whitelaw, Head of Corporate Services

Date: 5 November 2019

## **DRAFT REMIT AND PROCEDURE FOR PROPOSED HIRE CAR FORUM**

### **Remit**

The Hire Car Forum will have powers to discuss

- issues related to the hire car licensing system
- proposed changes to hire car licensing policies and conditions

### **Procedures**

The following representatives can attend meetings or send someone else to represent them at meetings

- an elected member (to be nominated by the Council Executive)
- two representatives from each of the hire car trade bodies (to be nominated by each trade body)
- a representative from Police Scotland (to be nominated by that body)
- a representative from the Taxi Examination Centre (to be nominated by that body)
- two representatives from the Access Committee (to be nominated by that Committee)
- council officers (to be nominated by the elected member)

The Forum will meet every six months unless the elected member decides that the Forum will meet more frequently. Additional persons may be invited to attend the meetings at the request of the elected member.

Agendas and action notes will be produced by the Licensing Team. Action notes will include any actions to be undertaken by members following the meeting and will record any key decisions taken. No details of discussions will be formally recorded and no formal minutes will be issued. It will be a matter for all members of the Forum to take their own notes and to cascade information to the organisations which they represent.

Ideas for agenda items must be received at least 7 working days prior to the date of the meeting. Agendas will be issued by email at least 5 working days prior to the date of the meeting.

Actions will be allocated against individual Forum members as appropriate and the actions must be completed to allow the issues to be discussed further.

Legal advice must be sought by individual Forum members before issues can be fully discussed. Solicitors from the Council's Licensing Team are employed to give advice to the council and cannot provide advice to the group.

The Forum will not have decision making powers other than to approve action notes. Decisions regarding changes to hire car licensing policies and conditions will continue to be made by the Council Executive following consideration of reports by the Head of Corporate Services which would firstly have been considered at the Environment Policy Development and Scrutiny Panel.





## **ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL**

### **PERFORMANCE REPORT**

#### **REPORT BY HEAD OF OPERATIONAL SERVICES**

##### **A. PURPOSE OF REPORT**

To report the current levels of performance for all indicators which are the responsibility of the Environment Policy Development and Scrutiny Panel.

##### **B. RECOMMENDATION**

That the Panel note the performance information and determine if further action or enquiry is necessary for any of the indicators mentioned within the report.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Being honest, open and accountable.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	In compliance with the Corporate Code of Governance.
<b>III Implications for Scheme of Delegations to Officers</b>	None
<b>IV Impact on performance and performance Indicators</b>	Challenges current service performance through the evaluation of performance indicators
<b>V Relevance to Single Outcome Agreement</b>	Indicators support various outcomes in the SOA
<b>VI Resources - (Financial, Staffing and Property)</b>	Met from existing budgets
<b>VII Consideration at PDSP</b>	Performance reports will be submitted to the PDSP every other meeting.
<b>VIII Other consultations</b>	None

## **D. TERMS OF REPORT**

### Background

The council's performance management system, Pentana measures the performance of service activities through the use of key performance indicators (KPIs). These indicators have been deemed high level and are publically reported.

Pentana uses a simple traffic light system to show if progress is on target (green), in danger of falling behind target (amber), or below target (red). The trend chart commentary field provides an explanation of the ongoing trend in the performance as well as describing any shortfall in performance and what action is being taken to rectify this shortfall.

Members will note that the performance indicators linked to the Environment PDSP range across five service areas – Environmental Health, Fleet and Community Transport, NETs, Land and Countryside Services, Roads and Transportation and Waste Services.

### Performance Update

There are currently 36 High Level Key Performance Indicators under the remit of the Panel. 13 of these are quarterly indicators and are included in this quarterly report. A full annual report which also includes all annual indicators will be presented to the panel in June 2020.

The 13 performance indicators are categorised as follows:

- 10 Green
- 3 Red

Each indicator is shown in full detail in appendix 1 of this report, including latest notes and trend chart commentary to explain the current performance. Details of the red PIs are shown below.

## Red Indicators

### **P:NLCS016\_9b.2a Land Audit Management System (LAMS) result**

**Current Performance: 58**

**Target: 67**

The monthly results in 2018/19 improved from the previous year's performance with the majority of months achieving or exceeding the required target due to the summer period making it easier to complete grass cutting cycles on time.

Given the removal of high amenity sites and the removal of summer bedding within West Lothian it is unlikely that West Lothian will be able to achieve a Grade A score for many of its sites and hence significantly improve LAMS performance in the future.

This is common across many local authorities and West Lothian have now entered discussions with APSE to review performance monitoring and the methodology for calculating the index score for LAMS. The aim is to create a process benchmarking forum to identify best practice and to create national benchmarking reporting for future years.

The target is based on the national average target set by APSE of 67 and this is based on achieving an acceptable grade B standard for all grounds maintenance areas which equates to a maximum index score of 67. A grade A standard is for high amenity areas that require grass collection and edging works etc. The council removed high amenity areas as part of previous budget savings.

### **P:NLCS046\_6b.3 Total Number of NETs, Land and Countryside complaints received**

**Current Performance: 26**

**Target: 12**

The number of complaints has only exceeded the target four times in the last twelve months. All complaints are investigated and actioned where appropriate.

Complaints received cover the range of services provided by NETs, Land and Countryside. Whilst there are no specific patterns to the receipt of complaints, there is a seasonal aspect to the fluctuations that appear such as complaints in Grounds Maintenance around grass cutting in the summer months and leaf fall in the autumn months. However complaint levels across the services provided remain relatively low in comparison to the number of interactions with residents.

*The target for 2019 will be set at 12 which is the monthly average for 2018.*

### **P:WM007\_6a.7 Percentage of customers who rated the overall quality of the service provided by Waste Services as good or excellent.**

**Current Performance: 62.8%**

**Target: 85%**

The percentage of customers who rated the overall quality of our service as 'good' or 'excellent' decreased in 2018/19 to 62.8%, after having remained stable at between 82% and 86% for the previous four years.

The dip seen in 2018/19 is a combination of the issues faced by the collection service during the severe weather events at the start of the period and the perceptions of the proposed changes which were approved towards the end of the period.

We are keen to maintain our customer satisfaction levels at a high level and feedback from our customers is used to try and improve our services as much as possible and we will continue to work hard to provide a good service to the households of West Lothian.

The 2018/19 Survey was distributed to 1,297 members of the West Lothian Citizens Panel in March 2019 with only 88 responses being received. The service are exploring alternative approaches to increase survey returns for 2019/20.

The next survey will be issued to the new Citizens Panel in March 2020, and data will be available in April 2020.

*2019/20 target set at 68% to recognise the challenges of service delivery changes being implemented such as Recycling centre rule changes and charging for bulky uplifts*

## **E. CONCLUSION**

The attached performance report is intended to keep members of the Environment PDSP informed about the performance of the wide range of activities taking place to support the remit of the panel.

The summary chart at the front of Appendix 1 shows that the majority of performance indicators which are the responsibility of the Environment PDSP are categorised as green.

The information contained in Appendix 1 will allow the Panel to focus on the issues that services currently face and includes the indicators where service's performance is currently below target.

This information allows the Panel to function in accordance with the Council's Code of Corporate Governance and the principles of Best Value.

## **F. BACKGROUND REFERENCES**

Best Value and Community Planning Audit, 2006

Appendices/Attachments: One.

- 1 Environment PDSP Performance report - quarterly

Contact Person:

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[melanie.phillips@westlothian.gov.uk](mailto:melanie.phillips@westlothian.gov.uk)

**Jim Jack**  
**Head of Operational Services**

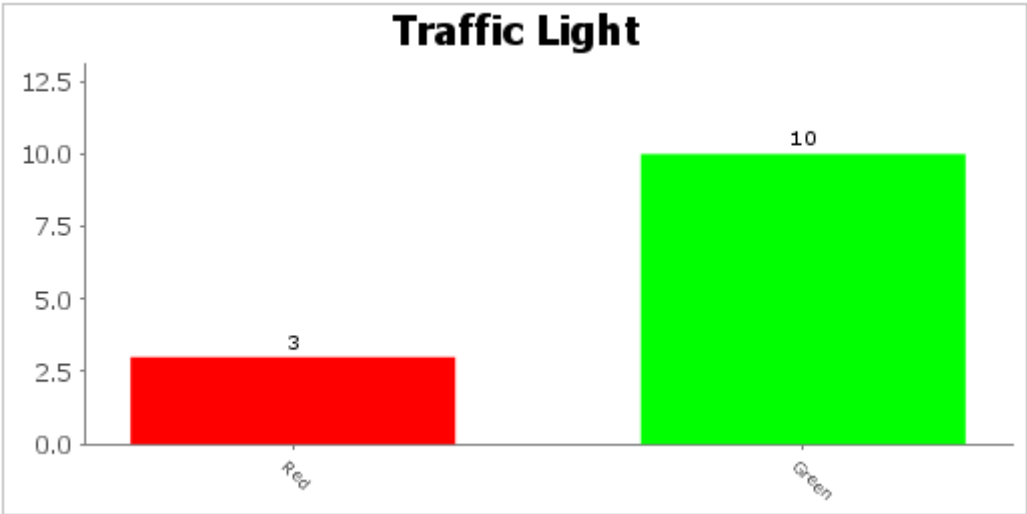
5 November 2019




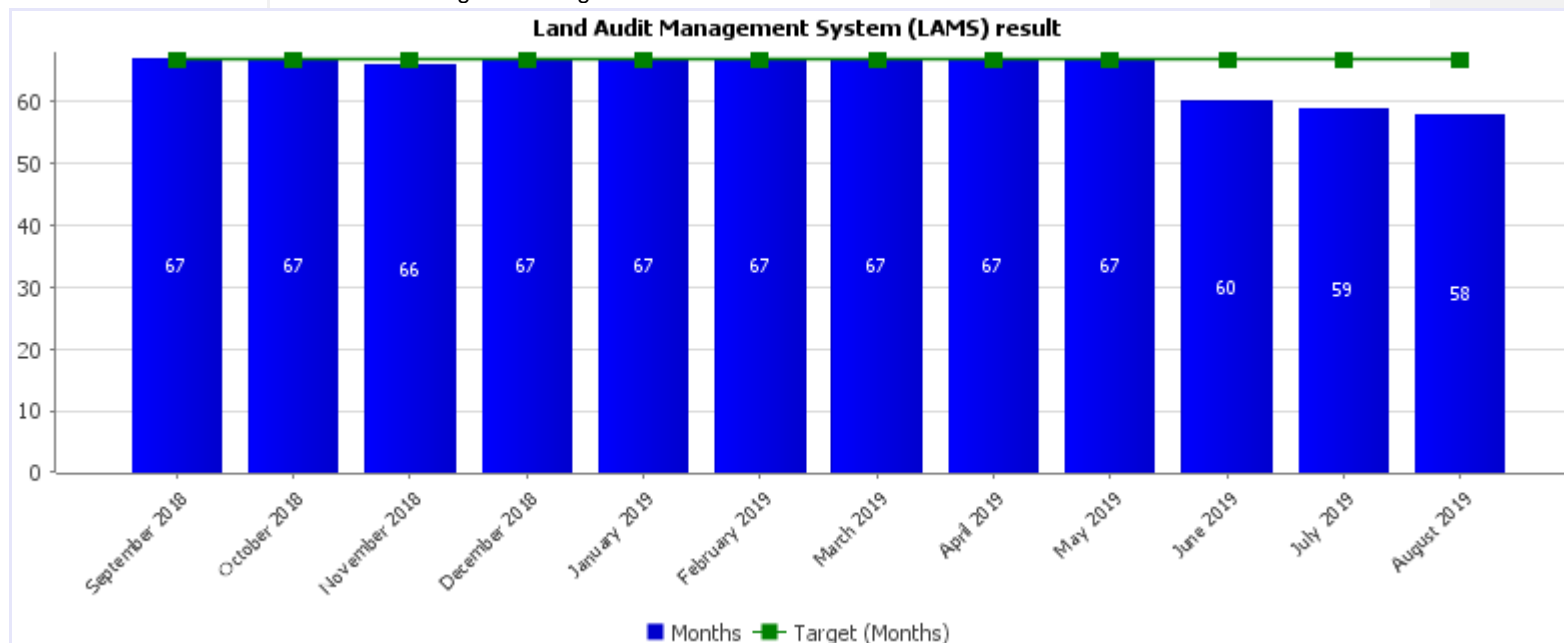
Appendix 1

Data Label : OFFICIAL

Environment PDSP Performance report – quarterly



PI Code & Short Name	P:NLCS016_9b.2a Land Audit Management System (LAMS) result	PI Owner	NETs, Land & Countryside Manager(Andy Johnston); zNLCS_PAdmin
Description	<p>This performance indicator is a measure of the standard of grounds maintenance delivered by the service across West Lothian. The Land Audit Management System has been designed to allow an internal monitoring and measuring for councils of the standard of grounds maintenance. The score for each month is made up of individual scores for the East, West and Central areas of West Lothian as well as the overall grounds maintenance service.</p> <p>The data is provided through randomly generated site inspections by Ground Maintenance staff, and based on their first visual impression of the standard of maintenance. Sites are zoned, either 1 – 3 dependent on the level of maintenance required, with the largest majority either a 2 or 3, (standard or low maintenance). War Memorials, golf courses or bowling greens are the only areas considered in Zone 1, (High Amenity standard).</p> <p>Sites are assessed against set criteria, between an excellent - poor standard and scored accordingly. The scores for each area are combined and the average used for this indicator.</p> <p>The national average target score set by APSE (Association for Public Service Excellence) is 67. The score is calculated using the average score across 3 localities and the overall service.</p>	Traffic Light Icon	
		Current Value	58
		Current Target	67



#### Trend Chart Commentary

The monthly results in 2018/19 improved from the previous year's performance with the majority of months achieving or exceeding the required target due to the summer period making it easier

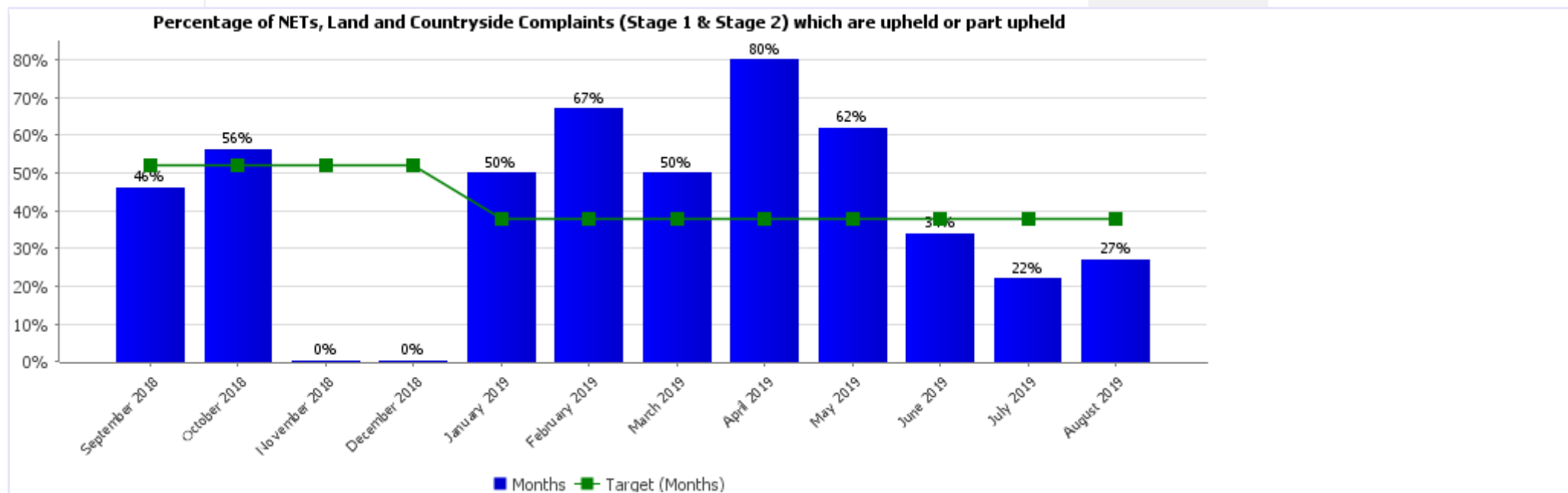
to complete grass cutting cycles on time.

Given the removal of high amenity sites and the removal of summer bedding within West Lothian it is unlikely that West Lothian will be able to achieve a Grade A score for many of its sites and hence significantly improve LAMS performance in the future.

This is common across many local authorities and West Lothian have now entered discussions with APSE to review performance monitoring and the methodology for calculating the index score for LAMS. The aim is to create a process benchmarking forum to identify best practice and to create national benchmarking reporting for future years.

The target is based on the national average target set by APSE of 67 and this is based on achieving an acceptable grade B standard for all grounds maintenance areas which equates to a maximum index score of 67. A grade A standard is for high amenity areas that require grass collection and edging works etc. The council removed high amenity areas as part of previous budget savings.

<b>PI Code &amp; Short Name</b>	<b>P:NLCS042_6b.4 Percentage of NETs, Land and Countryside Complaints (Stage 1 &amp; Stage 2) which are upheld or part upheld</b>	<b>PI Owner</b>	NETs, Land & Countryside Manager(Andy Johnston); zNLCS_PAdmin
<b>Description</b>	This performance indicator measures the overall percentage of closed complaints received by NETs, Land and Countryside Services that have been upheld or part upheld during each month. In each period, the total number of upheld and partially upheld complaints is divided by the total number of complaints closed to determine the overall percentage. The data for this performance indicator is extracted from the Confirm system, which is used to manage and monitor complaint handling procedures in Operational Services. All complaints received are analysed to identify improvements to the quality of the service and the way it is delivered to customers.	<b>Traffic Light Icon</b>	🟢
		<b>Current Value</b>	27%
		<b>Current Target</b>	38%



#### **Trend Chart Commentary:**


We aim to provide the best service possible and where this falls below customers' expectations we have a corporate policy for dealing with any complaints in as efficient and effective manner as possible. A complaint report is provided to each Action Officer monthly, and a quarterly report compiled that is provided to the Service Manager and Head of Service and this provides the information that is required to manage, monitor and report complaints.

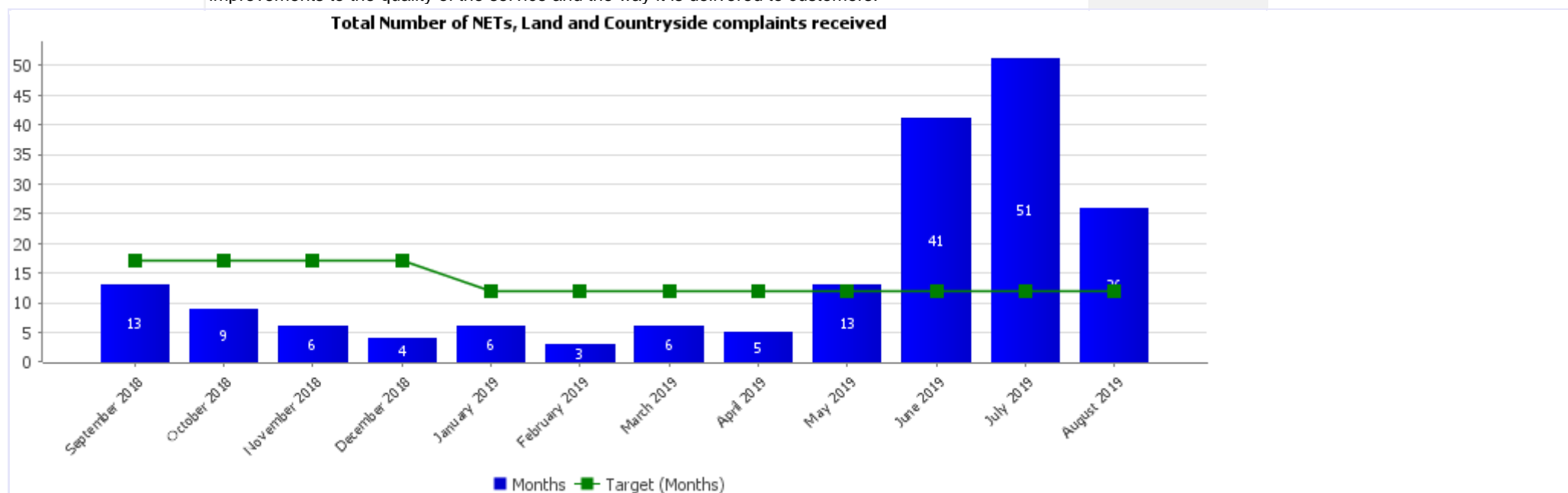
The target has been exceeded in the last twelve months on six occasions, but we have been below the target for the last three months.

No set pattern is identifiable given the range of services which feed into this target. However partially upheld complaints tend to be where the complaint may relate to multiple service areas or aspects of service.

The numbers involved on a monthly basis in the NETs, land and Countryside Service continues to be low. Only 6 complaints were received during November 2018 with none of these complaints being upheld or part upheld.

*The target for 2019/20 will be set at 2% below the monthly average for 2018 to encourage an improvement in performance.*

<b>PI Code &amp; Short Name</b>	<b>P:NLCS046_6b.3 Total Number of NETs, Land and Countryside complaints received</b>	<b>PI Owner</b>	NETs, Land & Countryside Manager(Andy Johnston); zNLCS_PAdmin
<b>Description</b>	This performance indicator measures the total number of complaints received by NETs, Land and Countryside Services each month. Performance is reviewed on a regular basis and reported quarterly to ensure that there is sufficient focus on the quality and standard of customer service. The data for this performance indicator is extracted from the Confirm system, which is used to manage and monitor complaint handling procedures in Operational Services. All complaints received are analysed to identify improvements to the quality of the service and the way it is delivered to customers.	<b>Traffic Light Icon</b>	
		<b>Current Value</b>	26
		<b>Current Target</b>	12



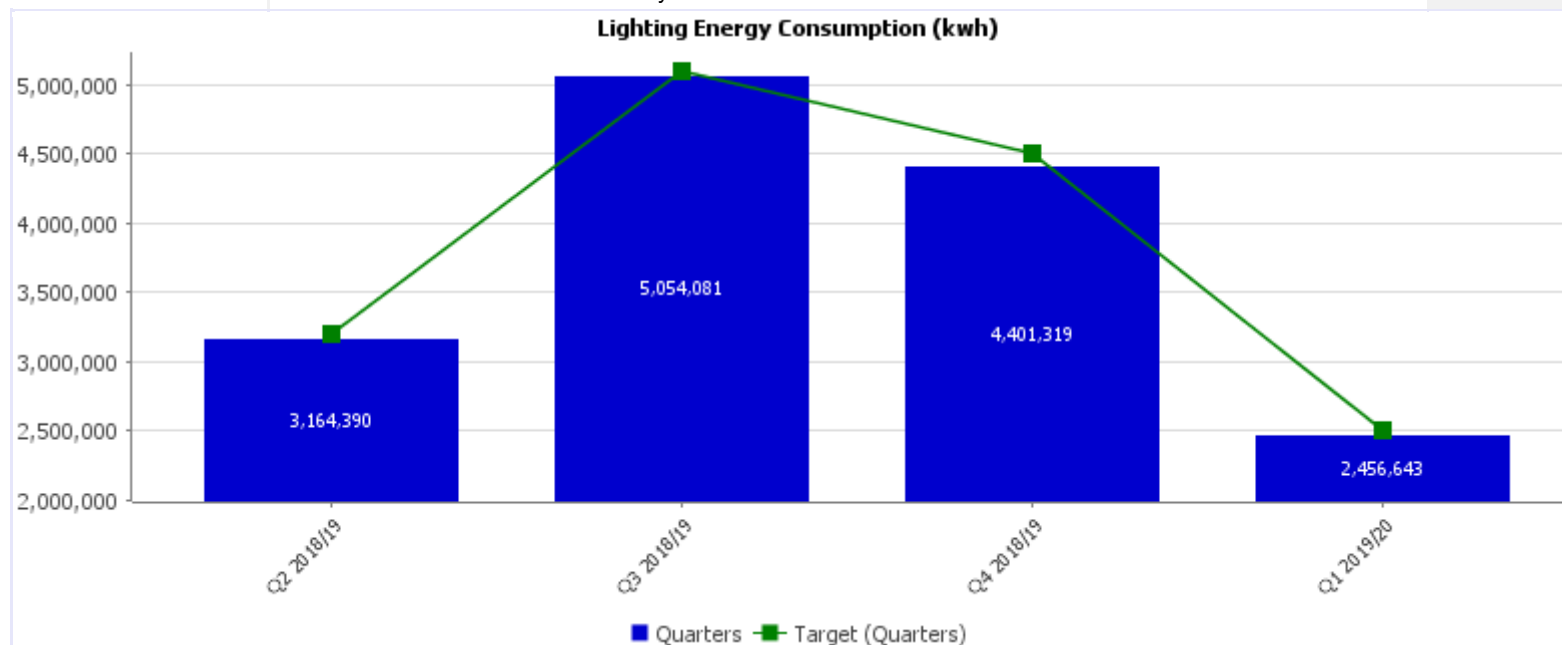
**Trend Chart Commentary:**

The number of complaints has only exceeded the target four times in the last twelve months. All complaints are investigated and actioned where appropriate.

Complaints received cover the range of services provided by NETs, Land and Countryside. Whilst there are no specific patterns to the receipt of complaints, there is a seasonal aspect to the fluctuations that appear such as complaints in Grounds Maintenance around grass cutting in the summer months and leaf fall in the autumn months. However complaint levels across the services provided remain relatively low in comparison to the number of interactions with residents.

*The target for 2019 will be set at 12 which is the monthly average for 2018.*

<b>PI Code &amp; Short Name</b>	<b>P:RTS016_9b.2b Lighting Energy Consumption (kwh)</b>	<b>PI Owner</b>	zSLS_PIAAdmin; Graeme Malcolm
<b>Description</b>	<p>This performance indicator measures the energy consumed in kilowatt hours (kWh) by all equipment maintained by the Lighting Section (unmetered supplies) which includes street lighting, signs, traffic signals, festive lighting and stair lighting.</p> <p>This indicator is part of the performance scorecard for the council's asset management strategy and will contribute to outcome 7 sustainability.</p>	<b>Traffic Light Icon</b>	🟢
		<b>Current Value</b>	2,456,643
		<b>Current Target</b>	2,500,000



**Trend Chart Commentary:**

The introduction of more energy efficient equipment is continuing to gradually reduce our energy consumption, despite asset growth, to a level which is meeting our target. This is being achieved through the LED replacement programme where existing light sources are being replaced. We will also continue to monitor illumination requirements.

*From 2018/19 our target is set in line with estimated reductions through the LED replacement programme. Targets for 2019/20 are:*

*Quarter 1 - 2,400,000*

*Quarter 2 - 2,600,000*

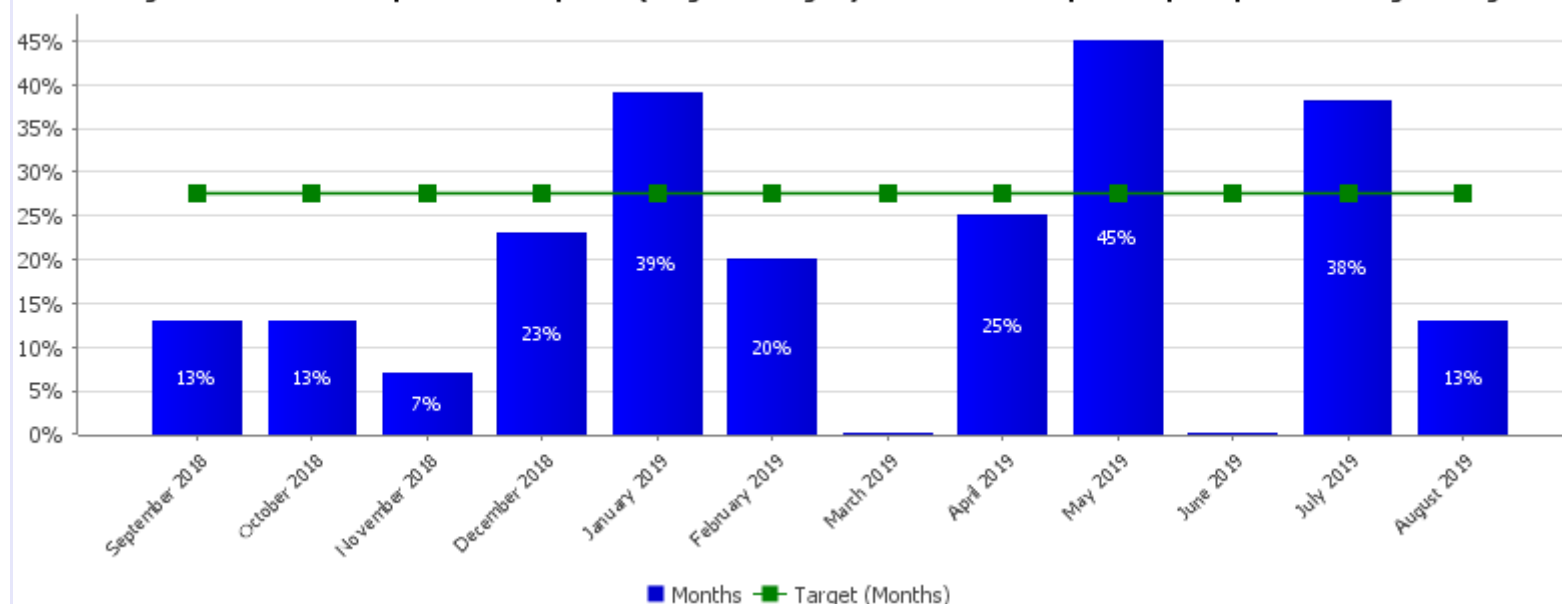
*Quarter 3 - 4,300,000*

*Quarter 4 - 3,700,000*

*2019/20 Total 13,000,00 kilowatt hours*

<b>PI Code &amp; Short Name</b>	<b>P:RTS025_6b.4 Percentage of Roads and Transportation Complaints (Stage 1 &amp; Stage 2) which are either upheld or part upheld following investigation</b>	<b>PI Owner</b>	zOPSHQ_PIAAdmin; Graeme Malcolm
<b>Description</b>	This performance indicator measures the total number of complaints received by Road and Transportation Services each month. Performance is reviewed on a regular basis and reported quarterly to ensure that there is sufficient focus on the quality and standard of customer service. The data for this performance indicator is extracted from the Confirm system, which is used to manage and monitor complaint handling procedures in Operational Services. All complaints received are analysed to identify improvements to the quality of the service and the way it is delivered to customers.	<b>Traffic Light Icon</b>	🟢
		<b>Current Value</b>	13%
		<b>Current Target</b>	27.5%

**Percentage of Roads and Transportation Complaints (Stage 1 & Stage 2) which are either upheld or part upheld following investigation**



**Trend Chart Commentary:**

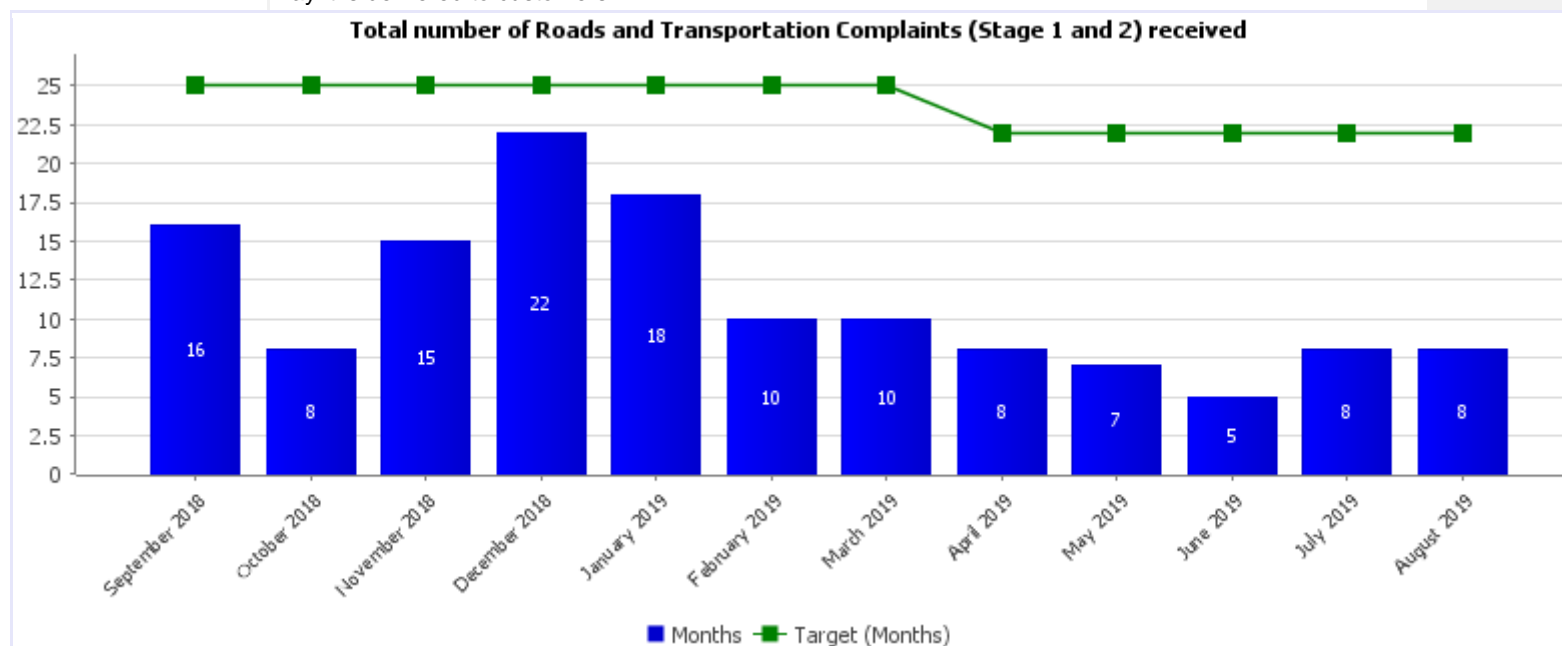
We aim to provide the best service possible and where this falls below customers' expectations we use the corporate policy for dealing with any complaints in as efficient and effective manner as possible. All complaints are analysed on a quarterly basis to look for common themes and trends and identify areas for improvement.

Due to the low number of complaints and the wide range of issues raised there tends to be a variation in the percentage of complaints upheld or part upheld. For example, the 7 upheld complaints in January 2019 were across 4 different categories making it difficult to analyse the complaints for themes. The 5 upheld / part upheld complaints in May related to road works and street lighting issues, whereas the 3 upheld complaints in July were in 3 different categories, none of which were seen in May.

*Target is set to provide a challenge to the service, and was reviewed in September 2018 and reduced to 27.5% to reflect current good performance.*



PI Code & Short Name	P:RTS031_6b.3 Total number of Roads and Transportation Complaints (Stage 1 and 2) received	PI Owner	zOPSHQ_PIAAdmin; Graeme Malcolm
Description	This performance indicator measures the total number of complaints received by Roads and Transportation Services each month. Performance is reviewed on a regular basis to ensure that there is sufficient focus on the quality and standard of customer service. The data for this performance indicator is extracted from the Confirm system, which is used to manage and monitor complaint handling procedures in Operational Services. All complaints received are analysed to identify improvements to the quality of the service and the way it is delivered to customers.	Traffic Light Icon	✓
		Current Value	8
		Current Target	22



**Trend Chart Commentary:**

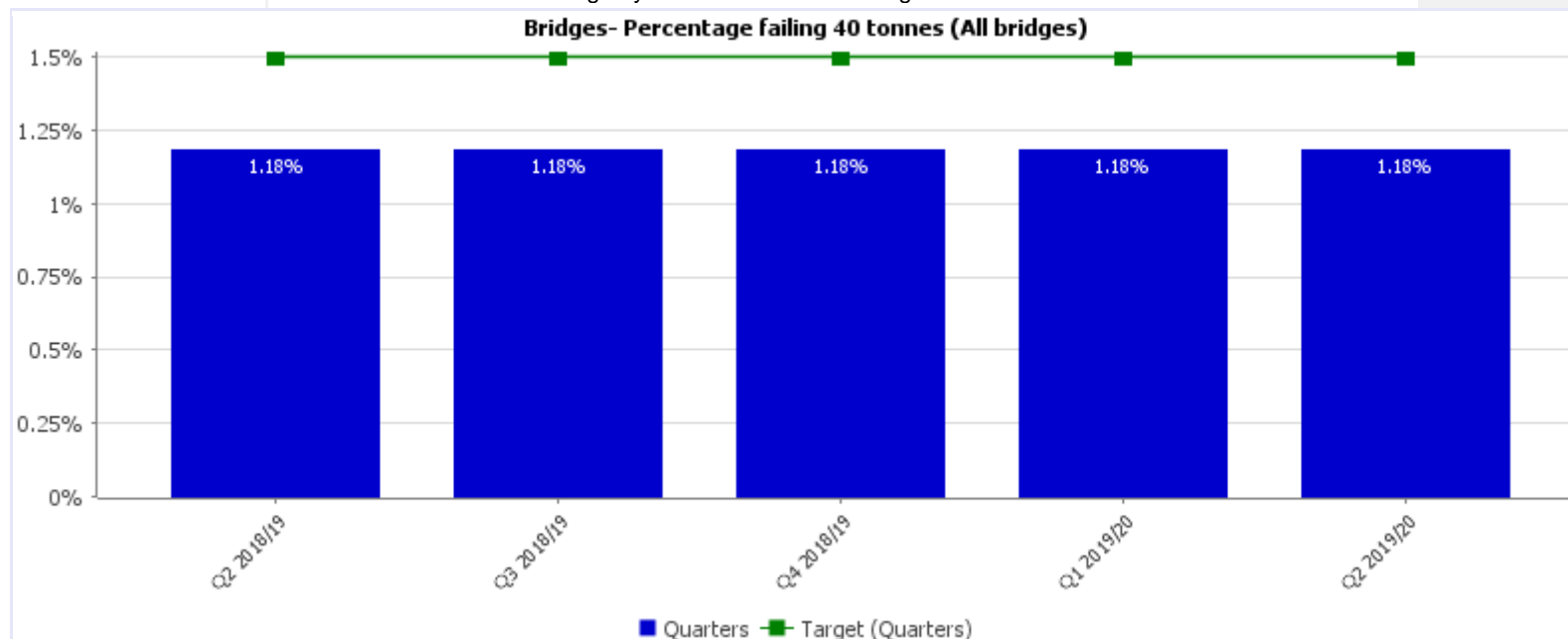
Where performance dips, this means that we have received more complaints than our target. The number of complaints which are actually upheld following investigation is very low.

We aim to provide the best service possible and where this falls below customers' expectations we use the corporate policy for dealing with any complaints in as efficient and effective manner as possible. All complaints are analysed on a quarterly basis to look for common theme, trends and identify areas for improvement.

We have been below our target figure for the last thirteen months.

*Target reviewed in April 2019 and 2019/20 target amended to 22 per month based on recent performance.*

<b>PI Code &amp; Short Name</b>	<b>P:RTS202_9b.1a Bridges- Percentage failing 40 tonnes (All bridges)</b>	<b>PI Owner</b>	zTRA_PIAAdmin; Graeme Malcolm
<b>Description</b>	This performance indicator is part of the performance scorecard for the council's asset management strategy and will contribute to outcome 3 suitability. Percentage of council and private bridges failing to meet European standard of 40 tonnes (not including those where the authority has secured a permanent satisfactory solution). This performance indicator ensures that we are monitoring any deterioration of our bridges.	<b>Traffic Light Icon</b>	🟢
		<b>Current Value</b>	1.18%
		<b>Current Target</b>	1.5%

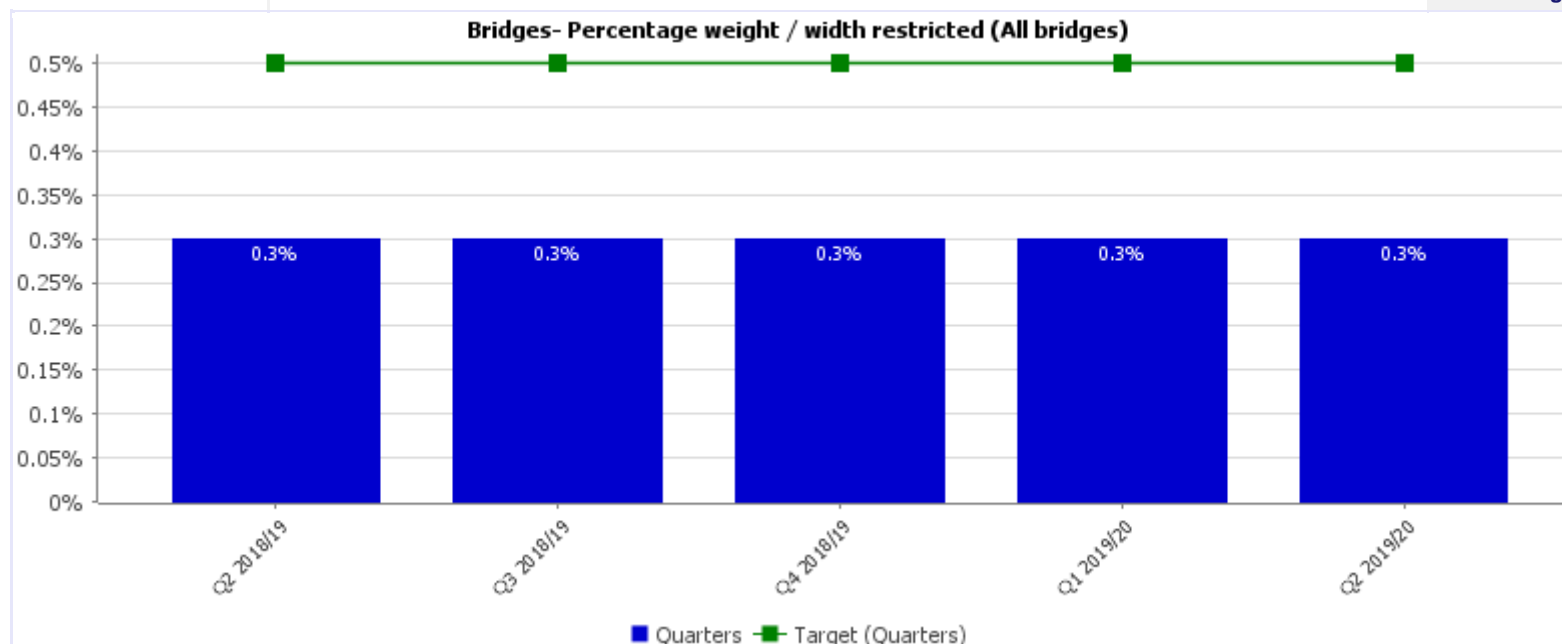


#### **Trend Chart Commentary:**

There are currently 4 of the 340 bridges (private and council owned) failing the European Standard of 40 tonnes. These bridges are: Kinnenhill Bridge (7.5 tonnes), Skolie Burn Bridge (17 tonnes), Starlaw Bridge (7.5 tonnes on west edge) and Cobbinshaw Railway Bridge (25 tonnes). The Starlaw Bridge assessment failure is on the west edge beam only and this area is protected by a vehicle restraint system and there is therefore no requirement or intention to progress strengthening works. Cobbinshaw Railway Bridge is a Network Rail owned structure. It is planned to partially replace and strengthen Kinnenhill Bridge but works have been delayed due to land ownership and access issues. Skolie Burn Bridge replacement works commenced on 27 May 2019 and are scheduled to be completed by April 2020.

*2019/20 remains at 1.5% and will be reviewed on completion of Skolie Burn Bridge replacement.*

<b>PI Code &amp; Short Name</b>	<b>P:RTS205_9b.1a Bridges- Percentage weight / width restricted (All bridges)</b>	<b>PI Owner</b>	zTRA_PIAAdmin; Graeme Malcolm
<b>Description</b>	Percentage of bridges (council and private combined) with a weight or width restriction placed on them (not including those bridges where the authority has secured a permanent satisfactory solution). This performance indicator ensures that we are monitoring any reduction in accessibility to bridges.	<b>Traffic Light Icon</b>	🟢
		<b>Current Value</b>	0.3%
		<b>Current Target</b>	0.5%




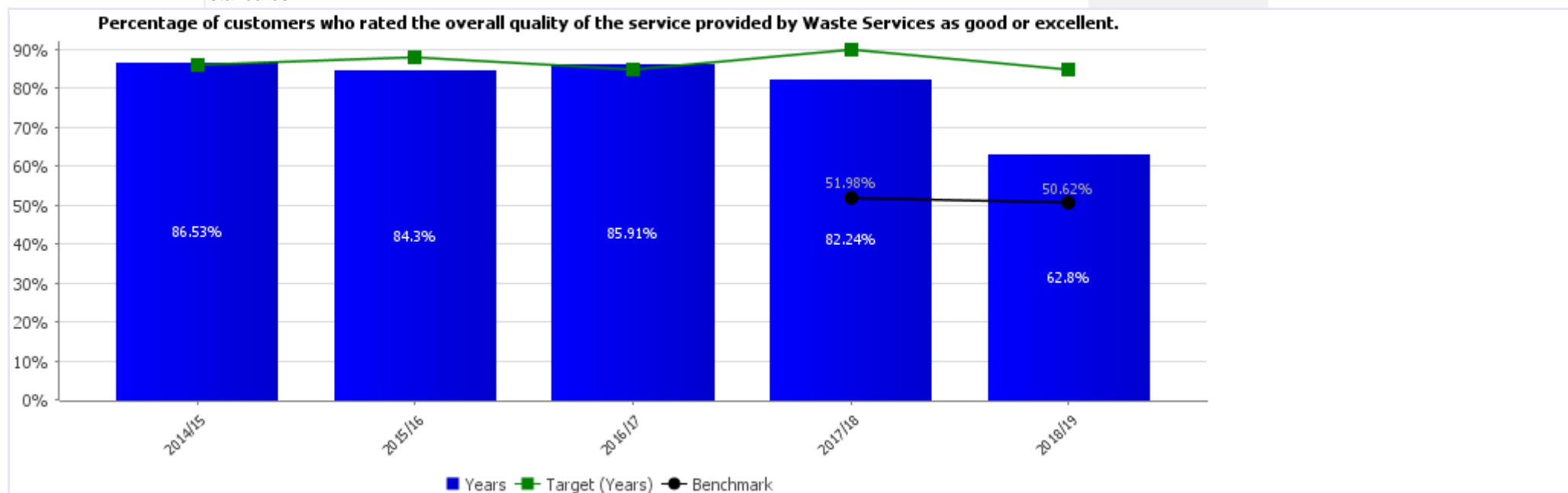
#### **Trend Chart Commentary:**

The number of bridges with weight / width restrictions has remained constant over the last 8 years, with 1 of the 340 bridges (private and council owned) having an unsatisfactory weight restriction. Note that there are three other bridges with weight restrictions but these are considered to be permanent satisfactory solutions and there are no plans to carry out strengthening or replacement works.

The restricted bridge that is considered to be unsatisfactory is Skolie Burn Bridge between Loganlea and Addiewell. This is the only access to the village, other than a narrow single track road, so strengthening or replacement was considered necessary to maintain links to the community in the medium to long term. Works commenced on the replacement of Skolie Burn Bridge on 27 May 2019 with the bridge due to be completed by April 2020.

*2019/20 target is set at 0.5% to maintain current position, and will be reviewed on completion of the Skolie Burn Bridge works.*

<b>PI Code &amp; Short Name</b>	<b>P:WM007_6a.7 Percentage of customers who rated the overall quality of the service provided by Waste Services as good or excellent.</b>	<b>PI Owner</b>	zWM_PAdmin; David Goodenough
<b>Description</b>	This performance indicator measures the number of respondents rating the overall service as good or excellent in a five point scale. The figure is taken from the Annual Customer Survey carried out by Waste Services to the West Lothian Citizens Panel. The Citizens Panel is made up of residents of West Lothian who will have varying involvement and experience of the service. The PI gives the service an indication of how customers view our complete service and allows us to monitor responses against our service standards.	<b>Traffic Light Icon</b>	
		<b>Current Value</b>	62.8%
		<b>Current Target</b>	85%



#### **Trend Chart Commentary:**

The percentage of customers who rated the overall quality of our service as 'good' or 'excellent' decreased in 2018/19 to 62.8%, after having remained stable at between 82% and 86% for the previous four years.

The dip seen in 2018/19 is a combination of the issues faced by the collection service during the severe weather events at the start of the period and the perceptions of the proposed changes which were approved towards the end of the period.

We are keen to maintain our customer satisfaction levels at a high level and feedback from our customers is used to try and improve our services as much as possible and we will continue to work hard to provide a good service to the households of West Lothian.

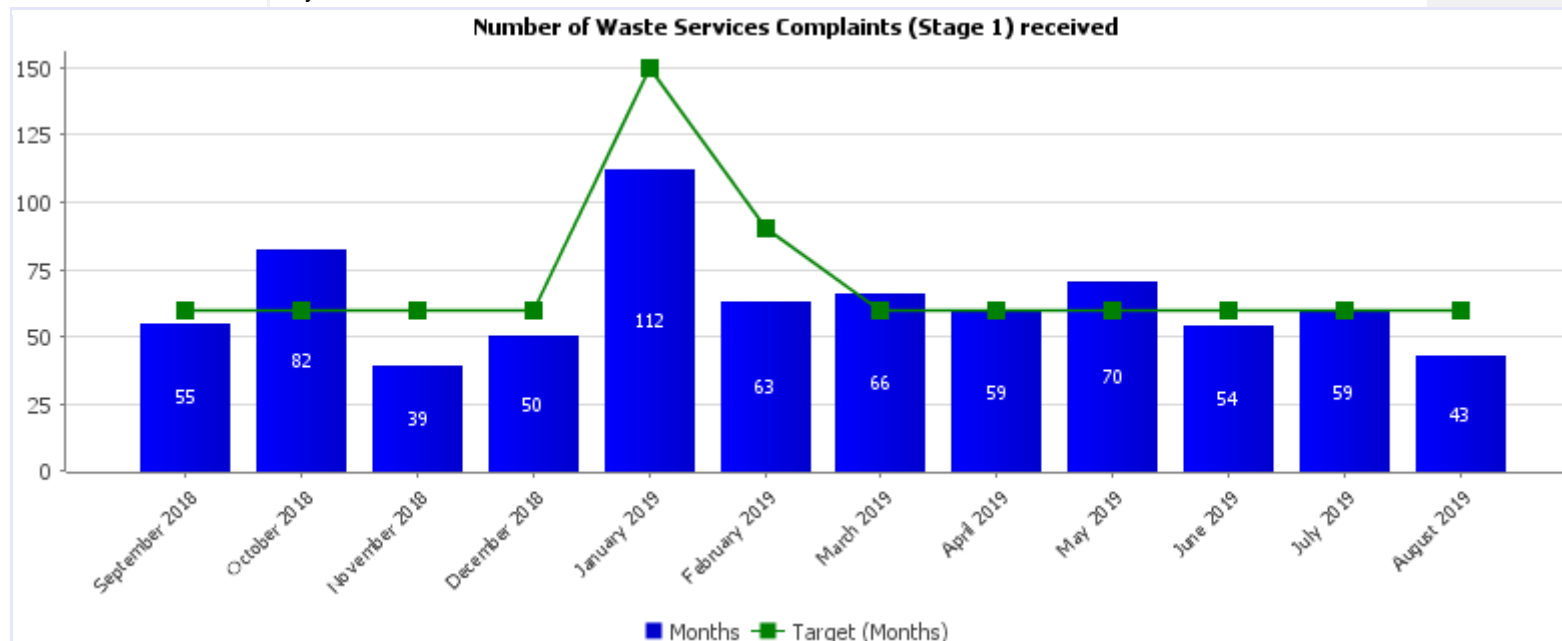
The 2018/19 Survey was distributed to 1,297 members of the West Lothian Citizens Panel in March 2019 with only 88 responses being received. The service are exploring alternative approaches to increase survey returns for 2019/20.

The next survey will be issued to the new Citizens Panel in March 2020, and data will be available in April 2020.

The black line shows Operational Services average.

*2019/20 target set at 68% to recognise the challenges of service delivery changes being implemented such as Recycling centre rule changes and charging for bulky uplifts*

<b>PI Code &amp; Short Name</b>	<b>P:WM022_6b.3 Number of Waste Services Complaints (Stage 1) received</b>	<b>PI Owner</b>	zWM_PIAAdmin; David Goodenough
<b>Description</b>	This performance indicator measures the total number of Stage 1 complaints received by Waste Services each month. Performance is reviewed on a regular basis to ensure that there is sufficient focus on the quality and standard of customer service. The data for this performance indicator is extracted from the Confirm system, which is used to manage and monitor complaint handling procedures in Operational Services. All complaints received are analysed to identify improvements to the quality of the service and the way it is delivered to customers.	<b>Traffic Light Icon</b>	🟢
		<b>Current Value</b>	43
		<b>Current Target</b>	60



#### **Trend Chart Commentary:**

We aim to deal with all Stage 1 complaints within 5 working days. Where we miss this target this is down to the nature and complexity of the complaint meaning that it requires a significant amount of investigation to ensure that the customer is given the fairest possible outcome. The number of complaints which are actually upheld following investigation is low.

Complaint numbers tend to be higher in periods of bad weather and public holidays (such as January 2019) when it is more difficult to catch up on any missed bins.

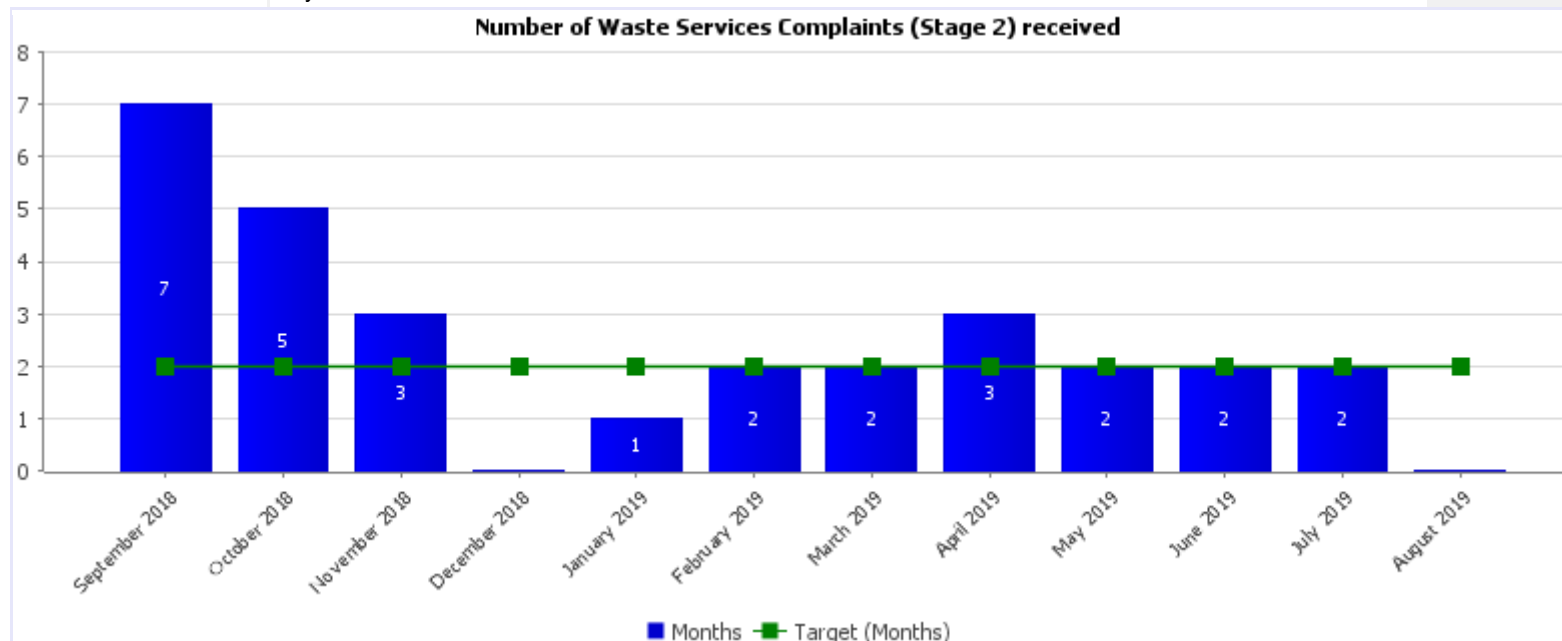
The main cause of complaints is missed bins. Each complaint is analysed as part of the investigation and also included in a quarterly report which details the improvement actions identified. Current complaint numbers (as at August 2019) are amongst the lowest they have been for the last thirteen months, and have been reducing - on average - since the peak in January 2019.

We aim to provide the best service possible and where this falls below customers' expectations we have a corporate policy for dealing with any complaints in as efficient and effective manner as

possible.

*2019/20 monthly target set at 60 complaints to represent a reasonable target to return to following the issues caused by vehicle issues and public holidays this year, with alterations included to take account of weather related issues and increases in levels of interaction during public holiday periods.*

<b>PI Code &amp; Short Name</b>	<b>P:WM023_6b.3 Number of Waste Services Complaints (Stage 2) received</b>	<b>PI Owner</b>	zWM_PIAAdmin; David Goodenough
<b>Description</b>	This performance indicator measures the total number of Stage 2 complaints received by Waste Services each month. Performance is reviewed on a regular basis to ensure that there is sufficient focus on the quality and standard of customer service. The data for this performance indicator is extracted from the Confirm system, which is used to manage and monitor complaint handling procedures in Operational Services. All complaints received are analysed to identify improvements to the quality of the service and the way it is delivered to customers.	<b>Traffic Light Icon</b>	🟢
		<b>Current Value</b>	0
		<b>Current Target</b>	2



**Trend Chart Commentary:**

We aim to deal with all Stage 2 complaints within 20 working days where we miss this target this is down to the nature and complexity of the complaint meaning that it requires a significant amount of investigation to ensure that the customer is given the fairest possible outcome. The number of complaints which are actually upheld following investigation is low.

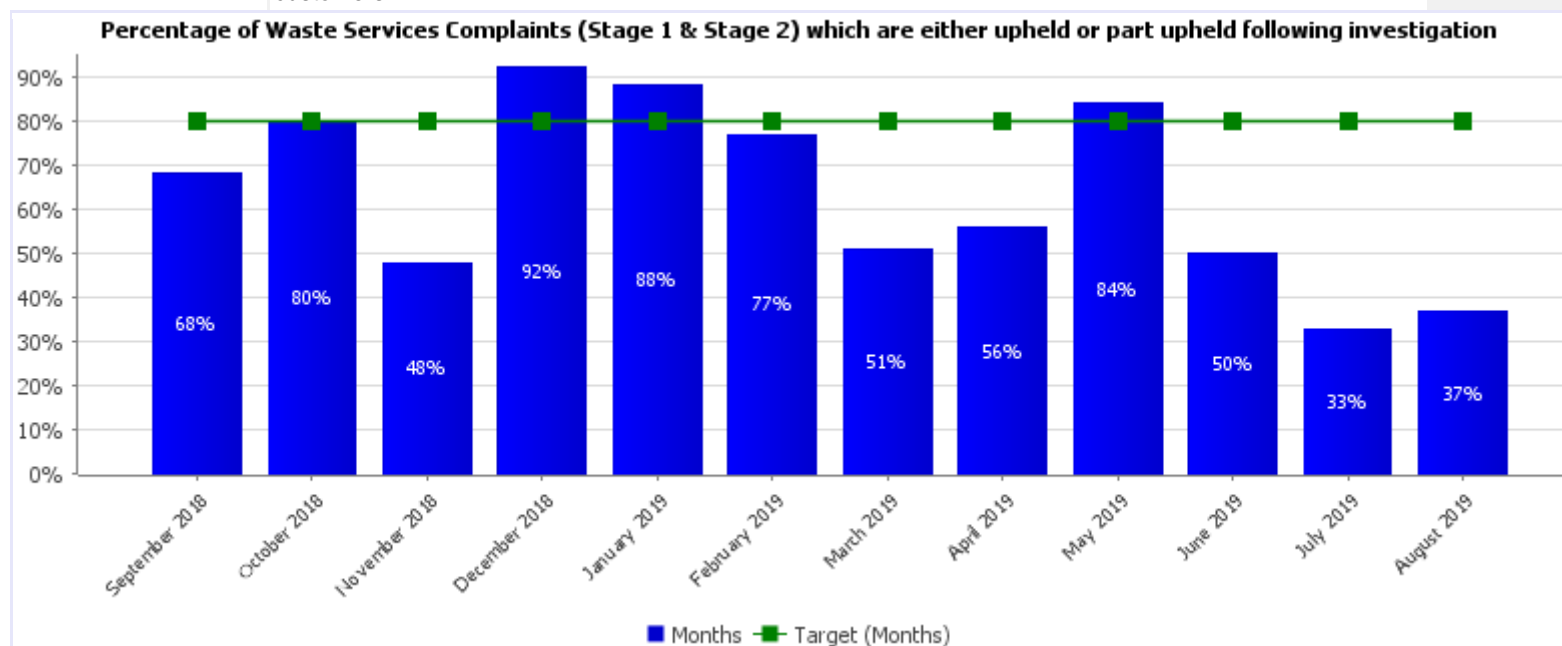
We aim to provide the best service possible and where this falls below customers' expectations we have a corporate policy for dealing with any complaints in as efficient and effective manner as possible.

The main cause of complaints is missed bins. Each complaint is analysed as part of the investigation and also included in a quarterly report which details the improvement actions identified. Current complaint numbers, since January 2019 are generally showing a reduction when compared to 2018 and have been at or below the target level since May 2019.

*2019/20 monthly target set at 2 complaints to represent a reasonable target to return to following the issues caused by severe weather and public holidays this year.*



<b>PI Code &amp; Short Name</b>	<b>P:WM024_6b.4 Percentage of Waste Services Complaints (Stage 1 &amp; Stage 2) which are either upheld or part upheld following investigation</b>	<b>PI Owner</b>	zWM_PIAAdmin; David Goodenough
<b>Description</b>	This performance indicator measures the overall percentage of closed complaints received by Waste Services that have been upheld or part upheld during each month. In each period, the total number of upheld and partially upheld complaints is divided by the total number of complaints closed to determine the overall percentage. The data for this performance indicator is extracted from the Confirm system, which is used to manage and monitor complaint handling procedures in Operational Services. All complaints received are analysed to identify improvements to the quality of the service and the way it is delivered to customers.	<b>Traffic Light Icon</b>	✓
		<b>Current Value</b>	37%
		<b>Current Target</b>	80%



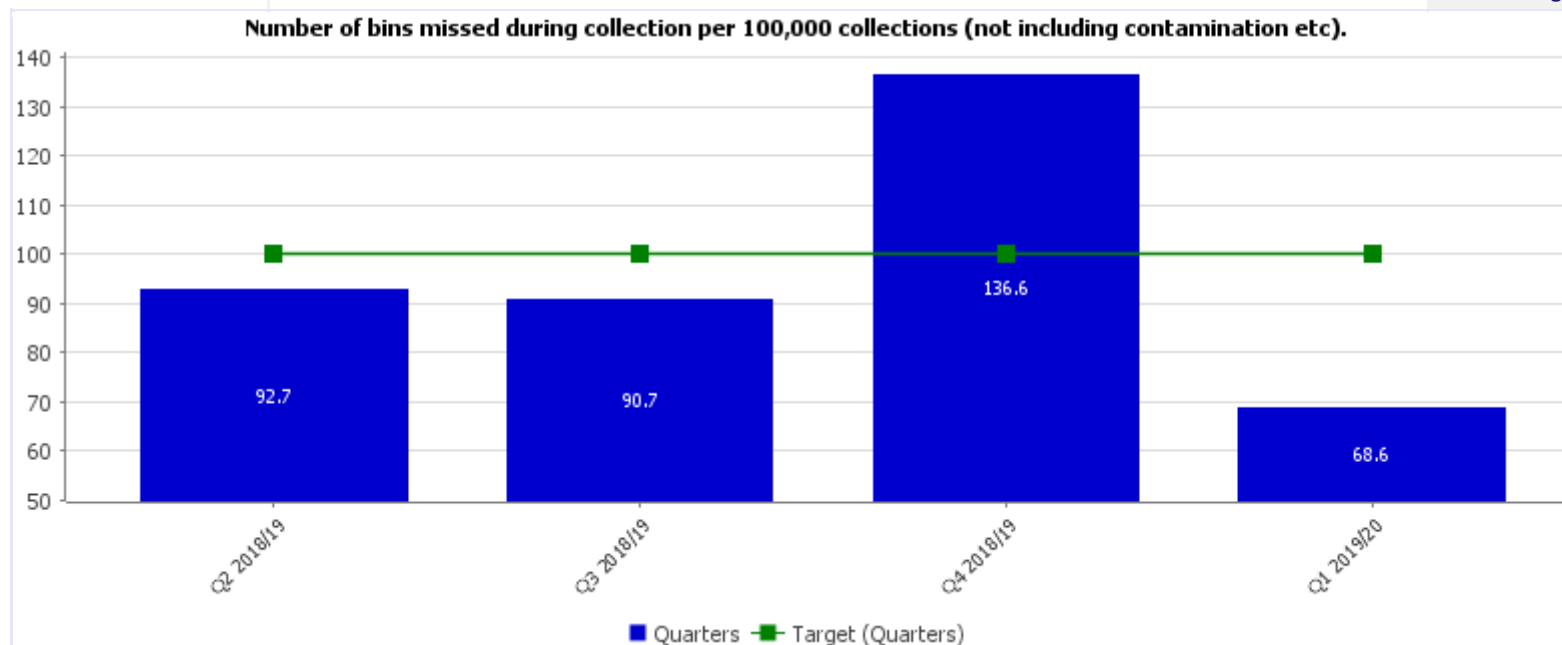
#### **Trend Chart Commentary:**

We aim to provide the best service possible and where this falls below customers' expectations we have a corporate policy for dealing with any complaints in as efficient and effective manner as possible.

The reduction in November 2018 and subsequent increase in December 2018 has been investigated by the service and it has been found that this was due to new staff coming into the role of Squad Leader within the section who were not applying the correct protocols within CONFIRM. Training has been arranged to rectify this matter. Upheld and partially upheld complaint percentages have been showing, on average, a decline since then and are currently (August 2019) at a low level. The target will be reviewed if this performance is maintained.

*2019/20 target kept at 80% to represent a reasonable target based on service interactions.*

<b>PI Code &amp; Short Name</b>	<b>P:WM089_9b.1c Number of bins missed during collection per 100,000 collections (not including contamination etc).</b>	<b>PI Owner</b>	zWM_PIAAdmin; David Goodenough
<b>Description</b>	This Performance Indicator measures number of bins which have been presented on the correct day and missed during collection (per 100,000 collections). The figure does not include bins which have not been presented, were not lifted due to contamination or their lids not being closed	<b>Traffic Light Icon</b>	🟢
		<b>Current Value</b>	68.6
		<b>Current Target</b>	100



#### **Trend Chart Commentary:**

The numbers of missed bins rises when there are issues relating to public holiday issues (Quarter 4 2018/19) or bad weather, but is steadily below the target, and decreasing, when these factors are not involved.

Quarter 1 2019/20 is lower than the same quarter in 2018/19. This is because the service had additional resources to cover the Easter period and there was no unseasonably bad weather which occurred at that time last year.

The increase in Quarter 4 2018/19 was due to the seasonal increase in missed bins reported over the festive season and rescheduled collections.

Quarters 2 and 3 2018/19 show steady good performance below the target level for this indicator.

There was a significant increase in the number of missed bins per 100,000 collections in Quarter 1 2018/19. This was mainly due to the disruptions to collections caused by several instances of severe weather and an unusually high number of bin vehicle breakdowns. This had a significant impact on the service's ability to collect all bins on schedule. Until this and the previous quarter, the number had remained relatively steady in previous quarters.

Waste services currently have approximately 2.2 million scheduled bin collections per quarter across all its customers.

*Target for 2019/20 remains at 100 per quarter as this represents a reasonable average across the year.*



## **ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL**

### **AIR QUALITY IN WEST LOTHIAN**

#### **REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

##### **A. PURPOSE OF REPORT**

The purpose of this report is to advise the panel that air quality in West Lothian met statutory objectives across the district in 2018 and that the statutory Annual Progress Report has been submitted to, and approved by, the Scottish Government.

##### **B. RECOMMENDATION**

It is recommended that the panel:

- consider the content of this report and the Annual Progress Report and comment on the issues which have been highlighted;
- note that the improvements outlined in the Annual Progress Report, submitted in relation to air quality monitoring in West Lothian, have received satisfactory feedback from both the Scottish Environment Protection Agency (SEPA) and the Scottish Government;
- note that the Annual Progress Report has been approved by the Scottish Government for publication; and
- note that the Scottish Government requires justification to be provided for any continued existence of Air Quality Management Areas.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers` needs; being honest, open and accountable; providing equality of opportunities; making best use of our resources; and working in partnership
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<a href="#">Environment Act 1995 (Part IV)</a> <a href="#">Scottish Local Air Quality Management Policy Guidance LAQM PG(S)(16)</a> <a href="#">Technical Guidance LAQM.TG(16)</a>  The terms of the report do not raise any equality or risk assessment issues and no strategic environmental assessment is required.  The Annual Progress Report is a statutory requirement.
<b>III</b>	<b>Implications for</b>	None.

## Scheme of Delegations to Officers

<b>IV</b>	<b>Impact on performance and performance Indicators</b>	EH046_9b.1a reports the levels of particulate matter per cubic metre of air measured at the Broxburn monitoring unit as a 3 year average.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	<p>We live longer, healthier lives and have reduced health inequalities.</p> <p>We make the most efficient and effective use of resources by minimising our impact on the built and natural environment</p>
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Monitoring is carried out using existing resources. External funding bids are sought from the Scottish Government for equipment, additional studies or action plans.
<b>VII</b>	<b>Consideration at PDSP</b>	This is the first report to the PDSP in 2019.
<b>VIII</b>	<b>Other consultations</b>	Annual reports on air quality are submitted to the Scottish Government and are subject to review by their appointed consultants and by the Scottish Environment Protection Agency (SEPA). Development Management. Development Planning. Transportation.

## **D. TERMS OF REPORT**

### **D1 Background**

The purpose and focus of this report is to update the panel on air quality in West Lothian. However, the report also provides some further information to allow an understanding of the impact issues in a wider context.

Prolonged exposure to poor quality air has a detrimental impact on health and has been shown to increase mortality. 2018 saw continuing improvements in public awareness and knowledge in such matters. It has also resulted in changes in public perception and the introduction of the first Low Emissions Zone in Scotland.

2018 was again notable for the number of reports and publications relating to air quality, its causes and impacts. The most notable of these are:

- the widespread acceptance that a 'climate change emergency' exists;
- the UN Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services issued a warning about the damage human beings are causing to the planet. It finds that the drivers of damage have accelerated over the past 50 years.
- The Court of Appeal upheld a planning permission refusal on air quality grounds for 330 homes in the UK, making it the first time a planning appeal has been refused due to concerns over air pollution and public health.

Particular themes emerging are that:

- Measures intended to reduce CO<sub>2</sub> emissions for climate change mitigation can have adverse effects on local air quality. Climate change mitigation and air quality improvement need to be considered together and suitability of measures may vary from one situation to another. However, the climate change emergency is likely to accelerate climate change mitigation measures;
- a similar degree of urgency is required to tackle air quality problems; and
- a 'basket' of measures and behaviour changes are required to make the difference, with no individual measures in isolation able to achieve the necessary improvements.

Further information on the emerging picture is given in Appendix 1.

## **D2 2019 Annual Progress Report – Air Quality In West Lothian**

The Air Quality (Scotland) Regulations 2000, as amended, lay down standards and objectives to be achieved by specified dates for eight priority pollutants. Previous reports have identified that only Nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) need to be monitored therefore reporting is limited to these pollutants.

The report uses a template provided by the UK Government and is highly technical in nature. In view of this, an accompanying non-technical summary has been produced, available on the council's web site at <http://www.westlothian.gov.uk/article/2216/Air-Pollution>.

The full report, along with preceding reports, is available from the same web page. It gives more detail of the standards, objectives, and measured pollution levels in West Lothian. SEPA has provided satisfactory feedback on the report, although it is noted that the status of each of AQMA is being reviewed, in line with commitments given in 2017. The Scottish Government's consultant has approved the report for publication.

The report confirms that:

- The 2018 monitoring data at all three continuous air quality monitoring stations has shown that the NO<sub>2</sub> and PM<sub>10</sub> long term average air quality objectives have been met.
- Levels of PM<sub>10</sub> in Linlithgow increased slightly in 2018 compared with 2017 while NO<sub>2</sub> decreased slightly.
- 2018 levels of PM<sub>10</sub> and NO<sub>2</sub> in Broxburn on average showed a slight decrease compared to 2017 and have met objective levels for many years.
- Newton's PM<sub>10</sub> and NO<sub>2</sub> annual average levels decreased in 2018 compared to 2017 for each pollutant.
- The short term PM<sub>10</sub> and NO<sub>2</sub> air quality objectives were all met during 2018.

None of the NO<sub>x</sub> passive diffusion tubes located throughout West Lothian have shown any exceedances in 2018.

Air quality in West Lothian in 2018 was within the relevant Air Quality Objectives (AQO) (standards). Levels of pollutants have generally continued to decline, except in Linlithgow for PM<sub>10</sub> where they have risen slightly but are still meeting air quality objectives.

Measured pollutant levels may vary depending on prevailing wind direction, ambient temperatures, traffic volume and flows and external environmental events.

The next Annual Progress Report will be submitted by the end of June 2020. The outcomes will be reported to the PDSP in autumn 2020 following receipt of feedback from SEPA and the Scottish Government.

It is expected that the report will require completion of a screening exercise under the [National Low Emissions Framework](#) (NLEF) to determine whether a Low Emissions Zone (LEZ) is an appropriate measure for any of the existing three Air Quality Management Areas (AQMAs).

### **D3 Monitoring Arrangements**

Monitoring will continue with the existing real time monitoring cabinets located in Broxburn, Linlithgow and Newton. Data from these can be viewed in near real time on [www.scottishairquality.co.uk](http://www.scottishairquality.co.uk). In addition, a network of passive diffusion tubes is used to monitor NO<sub>2</sub> levels throughout West Lothian.

In common with other local authorities and agencies carrying out air quality monitoring, measured levels of particulate matter have declined following replacement of the existing approved monitors with new approved equipment capable of measuring both PM<sub>10</sub> and PM<sub>2.5</sub>. This matter has been reviewed at a UK level, the findings of which are awaited.

### **D4 Progress with West Lothian Air Quality Management Areas (AQMA)**

#### **Broxburn AQMA**

West Lothian Council previously approved and finalised the [Broxburn Air Quality Action Plan \(AQAP\)](#).

#### **Linlithgow AQMA**

The final Linlithgow Air Quality Action Plan (AQAP) is currently paused pending the outcome of a Detailed Assessment, but will have a number of measures which aim to reduce levels of PM<sub>10</sub> and NO<sub>2</sub> in each Air Quality Management Area (AQMA). The draft AQAP was consulted on in early 2018.

#### **Newton AQMA**

The final Newton Air Quality Action Plan (AQAP) is currently paused pending the outcome of a Detailed Assessment, but will have a number of measures which aim to reduce levels of PM<sub>10</sub> and NO<sub>2</sub> in each Air Quality Management Area (AQMA). The draft AQAP was consulted on in early 2018.

### **D5 Other related work**

The actions taken in 2018 to improve air quality within West Lothian include the following:



- Securing a Bikeability Officer, who has delivered cycle training at schools throughout West Lothian. This helps promote active travel and reduce journeys by car.
- A contract has been set up to deliver the ECOstars fleet recognition scheme in West Lothian, which will be taken forward as a project through the vehicle emissions partnership this year. This is aimed at delivering less polluting fleet on our roads.
- The Air Quality Supplementary Planning Guidance was adopted as planning guidance in April 2019. The planning guidance can be found at [https://www.westlothian.gov.uk/media/33857/Air-Quality-PG/pdf/Air\\_Quality\\_-\\_Planning\\_Guidance.pdf](https://www.westlothian.gov.uk/media/33857/Air-Quality-PG/pdf/Air_Quality_-_Planning_Guidance.pdf)
- Temporary provision of electric pool cars for council staff in Linlithgow helping reduce the use of petrol vehicles.

## **D6 Review of Air Quality Management Areas**

Levels of pollution should be as low as possible. As pollutant levels within each of the AQMAs are and have been below the 'limit' air quality objectives for the last three years, 'Detailed Assessments' have been commissioned to inform whether the AQMAs should be revoked. The Detailed Assessments take into account land allocated for development and detail whether there will be any potential future exceedances of pollutants at relevant receptors. When finalised, these will provide firm evidential basis for making strategic decisions.

As the status of the Air Quality Management Areas is being reviewed, the final Air Quality Action plans for Linlithgow and Newton will not be further progressed until the outcomes of the Detailed Assessments are known.

## **E. CONCLUSION**

Air quality remains generally good throughout West Lothian. Pollutants are largely associated with vehicle traffic, although domestic solid fuel combustion plays a significant role in Newton. Measured pollutants continue, in broad terms, to decline. As pollutant levels in the three AQMAs are below the required limits, assessments are being carried out to determine whether these will be revoked or remain.

## **F. BACKGROUND REFERENCES**

Report to Environment PDSP – Air Quality in West Lothian, 4 September 2018.

Appendices/Attachments: One

Appendix1 The Emerging Air Quality Picture

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**Craig McCorrison,**

**Head of Planning, Economic Development and Regeneration**

5 November 2019

## Appendix 1: The emerging air quality picture

### 1 Significant Developments

- [UK Clean Air Strategy](#), published by DEFRA in January 2019 (which, labelled a UK Strategy, principally proposed a range of new England-wide arrangements and initiatives, new and local powers and controls and Clean Air Zones in England.) Much of what is proposed in Chapter 7 aligns with Scotland for transport and industrial issues. Proposed actions for agriculture and domestic combustion are of particular interest to the Scottish context, including permitting the dairy and beef sectors, controls on manure application, further codes of practice for “low emission farming”, ammonia management and guidance on fertiliser use. For domestic burning, new enforcement powers for local government as well as actions on Ecodesign of stoves and fuel quality controls were proposed;
- initial stages of implementation of Glasgow LEZ in December 2018, principally seeking to transform the bus fleet and enhance streetscapes;
- Modelling pilot report for Aberdeen, modelling development projects for LEZs proposed for the four cities and CAFS National Modelling Framework Report;
- Fleet changes (new Euro VI vehicles) for Scotland's private bus fleet;
- Progressive electrification of central Scotland's rail network during 2018 and 2019;
- The Scottish Parliament's [Environment, Climate Change and Land Reform Committee Inquiry on Air Quality](#) during 2017/2018;
- Following the VW/"DieselGate" incident and the US EPA's notice of violation of the US Clean Air Act against VW in September 2015, progress has been considerable. A range of consequential changes in engine management and design, data availability and actual emissions performance measurement and reporting etc. as well as a shift for passenger vehicles away from diesel engines has continued to flow from this origin;
- Reorganisation of public health bodies in Scotland towards the creation of Public Health Scotland;
- The next EU Environment Action Programme, due to run from 2020, is likely to consider progress on air pollution across Europe, including taking account of the findings of the EU Court of Auditors;
- Recent progress and announcements on climate change, notably the declaration of a “climate emergency” by the Scottish Government; and
- Uncertainties exist around the UK's exit from the EU remain at the time of writing. The Scottish Government has committed to remaining aligned with EU environmental regulation in any circumstances.

### 2 Health Effects

The international epidemiological evidence convincingly shows that ambient air pollution causes serious damage to both respiratory and cardiovascular health

worldwide, with wide-ranging effects including earlier death. There is no agreed level of the key pollutants (fine particulates (PM<sub>2.5</sub>), O<sub>3</sub> and NO<sub>2</sub>) at which adverse effects can be said with confidence, not to occur. As noted by WHO in 2013, the evidence of effects of both short-term and long-term exposure continues to grow, with the greatest public health effects being associated with long-term exposures. These findings have for many years formed the basis of air pollution control internationally, as endorsed for example by WHO, The UK Committee on Medical Effects of Air Pollutants (COMEAP) in the UK, the EU, US EPA and many other expert groups.

The evidence relating to long-term impacts associated with particulate pollution is notably strong, especially for PM<sub>2.5</sub>, for which there is no agreed threshold level at which adverse effects stop occurring for the population as a whole. Reducing ambient PM levels below international health-based standards must therefore remain a high priority, alongside efforts to reduce nitrogen oxides and other preventable pollutants.

There is some uncertainty from international studies about the scale of health effects associated with low pollutant concentrations typical of the average seen in Scotland now. The specifically Scottish literature, while small, has repeatedly demonstrated impacts of pollutants on respiratory illness that are consistent with international evidence. Studies in Scotland differ from the international evidence however, in not showing effects of pollution on cardiovascular (CV) disease outcomes for reasons that are unknown. The extent to which future policy making in Scotland is based on the international evidence and takes account of the specifically Scottish studies, has implications on the advice that can be given on what additional proportionate action is needed to further reduce the harm due to air pollution at current levels.

There is growing evidence from other countries showing associations of air pollution with other important health conditions including dementia, diabetes, and adverse pregnancy outcomes (low birth weight and prematurity). Collectively this constitutes good evidence that air pollution, even at the low concentrations found in much of Scotland, is linked to excess ill health that should be preventable by reducing pollution further.

The fundamental message, based on available evidence, is that air pollution is harmful to human health and the wider environment. Although difficult to predict or measure, further reductions in ambient manmade air pollution will be likely to bring additional public health gains, especially in terms of reduced long-term health impacts across a range of preventable adverse health outcomes.

### **3 Policy Development**

Late last year the Scottish Government decided to undertake a review of its air quality strategy 'Cleaner Air for Scotland – The Road to a Healthier Future' (CAFS) which was published in November 2015. The review was a commitment in the 2018/19 Programme for Government and was launched by the Cabinet Secretary for the Environment, Climate Change and Land Reform on 6 November 2018. A Steering Group and an independent chair were appointed and tasked with reviewing the progress of the CAFS Strategy to date, assessing the current state of Scotland's air quality and possible future trajectories, identifying evidence and activity gaps and finally, providing advice and recommendations on priorities for further action.

CAFS was described as a national cross-government strategy setting out "*how the Scottish Government, working together with partner organisations across the public*

*and private sectors, will deliver cleaner air across Scotland, in order to help create and maintain a strong, healthy and fair society that is capable of living within environmental limits.”* Its ambition was to achieve integration and coherence across government. It stated “*Scotland’s air quality will be the best in Europe*”.

A number of general recommendations arose from the Review:

1. A Precautionary Approach. The health evidence reviewed justifies adopting a precautionary public health approach to air pollution reduction. As a minimum, compliance is required with international air quality limits, including the WHO guideline standard for PM<sub>2.5</sub>, and practical efforts to reduce preventable air pollution further should continue.
2. Integrated Thematic and Organisational Strategies. Where strategies, policies and plans are being devised at national and local levels for climate change mitigation and adaptation and related purposes such as noise reduction, they should be closely co-ordinated and aligned with air quality action plans and with each other in order to maximise co-benefits. It is also clear that local government, which has major Local Air Quality Management (LAQM), transport delivery as well as planning, public health and regulatory roles must act in a more coherent manner to ensure strategies and plans fit together and cross-professional and functional effort is strongly aligned. Similar integration is needed within central government too.
3. Impacts of New Developments. To protect against future health and environmental impacts generally, consideration should be given to a presumption that any major new development (e.g. a new road or housing development) must not lead to a net increase in carbon emissions, must not worsen air quality, and must not exacerbate existing health inequalities.
4. Better Data. The quality and coverage of data available on transport, environmental emissions and conditions, as well as on health all require consideration. Continuous and detailed traffic data would allow better modelling and management arrangements and appropriate interventions. Similarly high quality, reliable, well distributed, located and managed monitoring data on emissions and air quality across Scotland, available to all and in close to real time would allow not just good public information but good modelling, reporting and interventions on important issues. Health data also require careful consideration so that Scotland-specific interpretations, plans and interventions are strengthened.
5. Behavioural Research. Research is needed to provide clear contemporary Scottish evidence drawn from population representative information on levels of knowledge, attitudes, and levels of concern related to air pollution, as well as on willingness to change air pollution related behaviours. Behavioural insights around car use in particular continue to be vital if significant reduction is to be achieved.
6. Environmental Regulation. In relation to current and future environmental regulation, the requirements of European Union (EU) legislation on industrial and other relevant emissions control which have been transposed and implemented into domestic legislation should be retained and new EU requirements should continue to be implemented to provide as high a level of protection of Scotland’s environment as possible. High levels of compliance are to be expected and should be consistently achieved. It may also be beneficial to review whether all relevant sectors are subject to regulation and at the right level and in the right way to address air pollution

pressures.

7. **Tackling Under-regulated Areas:** Domestic Burning and Agriculture are two sectors not considered in the 2015 CAFS strategy, but which this review has found, based on the evidence, to be significant contributors to air pollution in Scotland. Further developments of CAFS should include an appropriate Scotland-wide set of plans to improve the arrangements for regulating and managing domestic and agriculture sector emissions. Performance of domestic fires and stoves, appropriate fuel attributes and local authority powers to permit and control these issues as well as the management of farm fertilisers and manures, etc. have the potential to deliver significant improvements in air pollution beyond current regulatory and management approaches. Practical proposals are presented for these two areas in the recent DEFRA Clean Air strategy, which the review has concluded could provide a sound basis on which to build in Scotland.
8. **Shifting to More Sustainable Transport Modes.** It appears key to progress on transport emissions that modal shift to sustainable means is achieved. Efforts need therefore to be focussed generally on demand management, reducing personal private vehicle use as a priority. This will require strong leadership and clear understanding of demand management and behaviour change issues and the most effective interventions. It should also mean that, although not solely relying on technological solutions, we embrace new technologies, better public provision and constraints upon private use, especially in urban centres where pollution and congestion are most acute. Managing down aspects of traditional supply is necessary, as it is strongly suspected that new road building signals the acceptability of, and provides the opportunities for expanded use. Managing demand will therefore have to run alongside investment connected with safety, maintenance and modal accommodations, especially in rural areas. It is important too that existing complementary transport strategies, on cycling, walking, “Switched On Scotland”, etc. as well as plans for the freight sector are meaningfully integrated with proposals and plans for the bus and other sectors. Scottish Government and Transport Scotland should ensure appropriate leadership and an integrated approach to strategy are provided through the completion and delivery of a genuinely broad and transformative second National Transport Strategy, aligned with this review, and a set of Delivery Plans and Investment Programmes that reflect its spirit and detail into implementation.
9. **Governance, Accountability and Delivery.** Simple and effective governance arrangements and a real focus on practical joined-up delivery is imperative. The mission of further improving air quality is complex, involves many delivery and stakeholder bodies and affects all of us. With relatively scarce resources and separate delivery bodies it is essential that the final agreed implementation strategy for the next stage of CAFS makes it clear who is doing what, who is leading, who is supporting and who is ultimately responsible. Specific encouragement as well as supportive arrangements will be essential if a coherent integrated and successful strategy is to be delivered and seen to be delivered.
10. **Further Progress Review.** A review of progress on air pollution should be conducted no more than 5 years hence. This should occur prior to the end of 2024/25, in order to track and consolidate LEZ progress and general compliance in Scotland as well as allowing Scotland to keep abreast of changes in both societal attitudes, sector performance and technology. Remaining challenges and actions should be identified.

## **4 Low Emissions Zones**

In September 2017, the Scottish Government in their Programme for Government, committed to the introduction of Low Emission Zones (LEZs) into Scotland's four biggest cities (Glasgow, Edinburgh, Aberdeen and Dundee) by 2020 and into all other Air Quality Management Areas (AQMAs) by 2023 where National Low Emissions Framework appraisals advocate such mitigation.

In October 2017, it was announced that an LEZ would be introduced in Glasgow in 2018. A LEZ is a defined geographical area in which vehicle entry is restricted, based on the level of engine emissions. They are aimed at reducing levels of particulate matter and nitrogen dioxide, the latter being particularly associated with local vehicle exhaust emissions. The means by which an LEZ is typically enforced is through number plate recognition cameras which allow for fixed penalty notices to be issued for non-compliant vehicles. There are many LEZs in use across Europe, with one of the largest covering much of London (introduced in 2008).

The Glasgow LEZ is now in place, concentrating initially on ensuring only lower emissions buses enter the city centre.

## **5 Further References**

[Air Quality \(PM<sub>2.5</sub> particulate air pollution\) and Mortality in Scotland](#) (April 2014)

[Cleaner Air for Scotland, the Road to a healthier Future' \(CAFS\)](#) (November 2015), and [Annual Progress Report 2016](#) (June 2017)

[Air pollution: outdoor air quality and health](#) (NICE / CIEH, June 2017)

[UK Plan for tackling Roadside Nitrogen dioxide Concentrations](#) (July 2017)

[Ecostars fleet recognition scheme](#)

[Environment Act 1995 \(Part IV\)](#)

[Every Breath We Take](#), The Royal College of Physicians published 2016

[Local Air Quality Management Technical Guidance LAQM.TG\(16\)](#)

[Lothian Joint Health Protection Plan](#)

[Scottish Local Air Quality Management Policy Guidance LAQM PG\(S\)\(16\)](#)

[UK Clean Air Strategy](#) (DEFRA, January 2019)

[www.airqualitynews.com](http://www.airqualitynews.com)



## **ENVIRONMENT POLICY DEVELOPMENT & SCRUTINY PANEL**

### **WEST CALDER AREA: UPGRADING OF TWO RURAL PATHS USING FUNDS FROM SECTION 75 AGREEMENTS RELATED TO LOWLAND CROFTING DEVELOPMENTS**

#### **REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

##### **A. PURPOSE OF REPORT**

The purpose of this report is to advise the panel of the opportunity to upgrade two access routes to the south of West Calder, identified by two local community development trusts, using developer contributions for environmental improvements arising from two nearby lowland crofting developments.

##### **B. RECOMMENDATION**

It is recommended that the panel notes and considers the following recommendation which is intended to be submitted to Council Executive for approval:

1. approves the use of part of the funding gathered from Section 75 agreements related to two lowland crofting developments to the south west of West Calder for improvements to two access routes in the area at Broadmeadows and a missing path link to Cobbinshaw / Woolfords.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	<ul style="list-style-type: none"><li>• focusing on our customers' needs;</li><li>• being honest, open and accountable;</li><li>• making best use of our resources; and</li><li>• working in partnership.</li></ul>
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>West Lothian Local Development Plan (adopted 2018) Policy ENV 8: Green Network, supports delivery of improvements to green corridors in rural areas.</p> <p>There are no equality, health or risk assessment issues.</p>
<b>III Implications for scheme of delegation</b>	None.
<b>IV Impact on performance and performance indicators</b>	None.
<b>V Relevance to Single Outcome Agreement</b>	Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.

<b>VI Resources - (Financial, Staffing and Property)</b>	<p>Budget held by WLC from developer contributions gathered from Section 75 agreements related to two lowland crofting developments (1424/P/04 &amp; 0188/P/05) to the south west of West Calder.</p> <p>Central Scotland Green Network Trust (CSGNT) has undertaken the design and outline costing of the proposals and would oversee their tender and implementation.</p>
<b>VII Consultations at PDSP</b>	None.
<b>VIII Other consultations</b>	West Calder & Harburn Community Development Trust (WC&H CDT) and Woolfords, Auchingray & Tarbrax Improvement Foundation (WAT-IF).

## **D. TERMS OF REPORT**

### **D1 Background**

When two lowland crofting applications were approved in the late 1990s and early 2000's at West Mains Farm, south west of West Calder and also Nether Longford Farm towards Breich, planning conditions within the related Section 75 agreements required that after the sale of each house plot, the developer would provide £10,000 per plot to the council for use in undertaking "environmental improvements" in the vicinity of these rural sites.

To date c£140,000 has been gathered in from these two lowland crofting sites. Discussion has been underway for some time with West Calder & Harburn Community Development Trust (WC&H CDT) about potential rural improvements that would tie in with access improvement aspirations expressed in their recently updated Business Plan.

WC&H CDT has undertaken upgrading works on the right of way south from West Calder via West Muir Farm to the council owned Hermand Birchwood Nature Reserve which is managed by Scottish Wildlife Trust. However, to the south of the reserve, at Broadmeadows, the route is very wet and difficult to follow.

In addition, the Woolfords, Auchingray & Tarbrax Improvement Foundation (WAT-IF) have been undertaking access path creation work from Woolford's just within the South Lanarkshire administrative area towards Cobbinshaw Reservoir. However, there is a missing path link between Cobbinshaw and the quiet roads south west of West Calder near the new wind farm extension at Pearie Law.

Central Scotland Green Network Trust (CSGNT) have assessed both sites and provided outline specifications for the improvement of both these access routes. It is proposed to use the funds gathered through the Section 75 Agreements to fund these improvements. CSGNT would oversee the tender for the access works and their implementation.



As the Broadmeadows route is a right of way, maintenance is the responsibility of the council which will be aided by these developer's contributions. However, both WC&H CDT and WAT-IF have indicated they would be involved in the low level maintenance that the Cobbinshaw route would require.

**D2 Broadmeadows, south of West Calder** (See Appendix 1 - location plan)

The proposal for the Broadmeadows area comprises improvement to the existing timber board walk, creation of a new boardwalk across very wet ground and a slight re-alignment at the southern end of the route to move it away from the adjacent Broadmeadows Farm.

WC&H CDT is in negotiations with both landowners associated with this route. The outline costs for the proposed improvement works are c£13,000 with an additional £39,000 for a boardwalk over a particularly wet, boggy area.

**D3 Missing link path to Cobbinshaw / Woolfords.** (See Appendix 2 - location plan)

The proposal for the Cobbinshaw / Woolfords route involves adjustments to the gate at the entrance to the wind farm site at Pearie Law to allow better access and the creation of a new access path to link the existing wind farm access track alongside the rail line to link westwards towards Cobbinshaw Forest and existing well surfaced tracks.

The CDT is in negotiation with the wind farm operator. The outline costs are c£88,000.

**E. CONCLUSION**

Developer contribution funds, arising from two lowland crofting developments to the south west of West Calder, are available for rural environmental improvements.

West Calder & Harburn Community Development Trust and Woolfords, Auchingray & Tarbrax Improvement Foundation have proposals within their business plans to support local access improvements and link rural communities.

CSGNT has undertaken the design and outline costing of the access proposals and could oversee their implementation in early 2020, subject to negotiations with two local landowners and a wind farm operator.

**F. BACKGROUND REFERENCES**

None

Appendices/Attachments – two location plans:

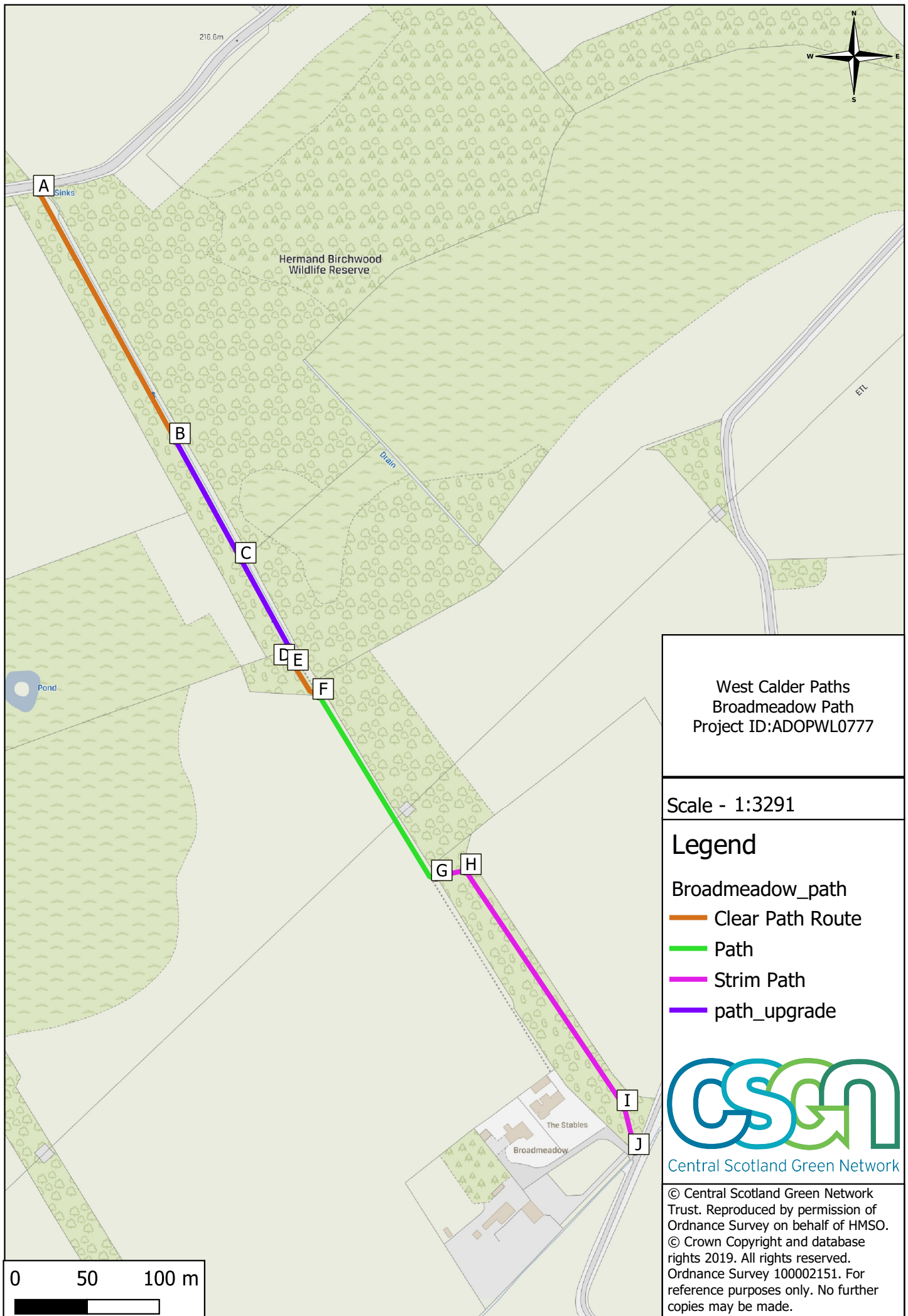
- 1) Broadmeadow path works; and
- 2) Cobbinshaw link path works.

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**Craig McCorriston**  
**Head of Planning, Economic Development & Regeneration**

**5 November 2019**











## **ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL**

### **REVENUE BUDGET STRATEGY 2020/21 TO 2022/23 – POTENTIAL ADDITIONAL SAVING MEASURES**

#### **REPORT BY HEAD OF OPERATIONAL SERVICES**

##### **A. PURPOSE OF REPORT**

This report provides the Panel with a summary of potential additional saving measures within the remit of the Panel for their scrutiny.

##### **B. RECOMMENDATION**

It is recommended that the Panel:

1. Notes the revised estimated budget gap of £6.730 million as the latest planning assumption for the three years 2020/21 to 2022/23;
2. Notes and considers the potential additional saving options identified by officers within the Environment portfolio and as set out in Appendix 1, noting that these are provided for information at this stage and could be utilised to address the remaining budget gap;
3. Notes and considers the Integrated Relevance Assessments undertaken on the potential options, as included in Appendix 1;
4. Notes that, where a full Integrated Impact Assessment (IIA) is assessed as being required, that this will be completed in advance of any of these measures being presented to the budget setting meeting and will be included in the budget report;
5. Notes that, in relation to revenue budget reduction measures, decisions by members which substantially change or delete decisions made by Council at the annual budget setting meeting each year must be made at full Council;
6. Notes that the Head of Finance and Property Services will continue to review and refine the budget model assumptions and present a three year detailed revenue budget for 2020/21 to 2022/23 to Council in February 2020 for consideration and approval.

##### **C. SUMMARY OF IMPLICATIONS**

###### **I Council Values**

Being honest, open and accountable, making the best use of resources, focusing on our customers' needs and working in partnership.

###### **II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)**

The council is required to approve a balanced revenue budget for each financial year. Audit Scotland, Accounts Commission and Chartered Institute of Public Finance and Accountancy (CIPFA) best practice guidance recommends medium term financial plans are prepared for at least five years, and detailed budgets are prepared for at least three years.

The initial equality impact of the options has been assessed in compliance with public sector duty requirements as set out in the Equality Act 2010, the Equality Act 2010 (Specific Duties) (Scotland)

Regulations 2012 and Fairer Scotland Duty, Part 1 of the Equality Act 2010.

<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	No implications at this stage.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	Ongoing restraint in relation to government grant funding inevitably has implications for the council's budget and performance.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	The revenue budget provides resources necessary to help deliver the Single Outcome Agreement, Corporate Plan priorities and council activities. Effective prioritisation of resources is essential to achieving key outcomes.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Scottish Government revenue grant funding is not sufficient to meet the increasing costs and demand for services. Based on updated budget assumptions, the council faces an estimated budget gap of £6.730 million for 2020/21 to 2022/23.
<b>VII</b>	<b>Consideration at PDSP</b>	<p>The Partnership and Resources PDSP considered the proposed approach to reviewing the ideas from the Transforming Your Council (TYC) consultation on 1 June 2018. An update on the results of the review was presented to the panel on 5 October 2018.</p> <p>Three reports on the revenue budget position, covering the updated budget gap, potential additional saving measures, potential council tax scenarios and the review of the loans, insurance and modernisation funds, were considered by the Partnership and Resources PDSP on 12 September 2019. The Panel noted that the potential savings options would be reported in more detail to relevant PDSPs.</p> <p>The Partnership and Resources PDSP considered the public conveniences measure on 4 October 2019.</p>
<b>VIII</b>	<b>Other consultations</b>	Depute Chief Executives and Heads of Service

## **D. TERMS OF REPORT**

### **D.1 Background**

On 19 February 2019, West Lothian Council agreed an updated financial plan for four years and detailed revenue budgets for the two years 2019/20 and 2020/21. This complies with best practice which states that public bodies should focus on their medium to long term sustainability.

### **D.2 Summary of Relevant Committee and Elected Member Decisions**

In June 2018, Council Executive considered a review of councillor involvement in financial planning. A number of planning principles and recommendations were agreed:

- The council should continue to have a five year revenue strategy, aligned with political administrations, and detailed three year budgets.
- Potential budget saving measures required to address the remaining budget gap to 2022/23 should be considered by the relevant PDSP before presentation to Council or Council Executive.
- Where timescales permit, all potential additional future savings measures should be considered by PDSP before approval by Council or Council Executive, with the only exceptions relating to factors out with the council's control such as late amendments to the local government finance settlement.

As noted above, the updated medium term financial plan for 2019/20 to 2022/23 was presented to Council in February 2019. When approving the updated plan Council:

- Noted that agreement of the budget reduction measures in the report left a balance of savings to be identified of £4.4 million for 2020/21 to 2022/23.
- Agreed that officers should consider options to address the remaining budget gap, including potential additional efficiency measures and use of the new council tax flexibility, whilst minimising any adverse impact on service delivery, and that options will be brought back to elected members for consideration in 2019/20.

Council agreed on 19 March 2019 that future decisions by members which substantially change or delete budget reduction measures agreed when setting the revenue budget, should be made by Council.

### D.3 Estimated Budget Gap for 2020/21 to 2022/23

The Partnership and Resources PDSP considered a budget update and potential additional saving measures report on 12 September 2019. This report included information on current assumptions regarding the council's estimated budget gap for the period 2020/21 to 2022/23.

Taking account of the anticipated changes, the revised budget gap is £6.730 million. The updated budget model gap, compared to the revised saving measures and the revised financial value for eligibility and contributions agreed savings is as follows:

*Table 1: Updated Budget Gap*

	2020/21 £'000	2021/22 £'000	2022/23 £'000	Total £'000
Updated Budget Gap	13,687	11,668	12,504	37,859
Revised Savings	(11,105)	(9,112)	(10,315)	(30,532)
Updated Eligibility & Contributions Savings	(300)	(58)	(239)	(597)
<b>Estimated Remaining Budget Gap</b>	<b>2,282</b>	<b>2,498</b>	<b>1,950</b>	<b>6,730</b>

At this stage, the updated gap is for budget planning assumptions only. It is not proposed, at this time, that agreement is sought by Council to agree and implement the changes outlined above. In line with the requirement to report items that substantially change or delete approved savings to full Council, it is proposed that the changes will be incorporated into the updated three year detailed budget to be reported to Council in February 2020. In addition, reflecting established practice, officers will continue to review the budget model in advance of the annual budget setting process in early 2020 to take account of changes in circumstances and updated forecasts.

## D.4 Potential Options to Address the Remaining Budget Gap

As noted in section D.2, officers were asked to develop potential options to address the remaining budget gap whilst minimising any adverse impact on service delivery. In addressing the remaining gap the council has a number of potential options available for consideration, including:

- A real terms increase in council tax;
- Additional budget saving measures;
- Utilisation of one off resources which, after providing additional resources for the modernisation fund, could be used over the medium to long term to support development and implementation of a sustainable financial plan.

Reports on each of these options were considered by the Partnership and Resources PDSP on 12 September 2019. This report provides further information on additional budget saving measures for the Environment PDSP.

After scrutiny of options by PDSPs, taking account of the approval by Council on 24 September 2019 of the outcome of the loans fund review, and following the publication of the local government finance settlement, officers will work to develop a balanced budget position to present to members for consideration. This will likely include a combination of potential options, reflecting elected member feedback and scrutiny, to ensure that the council meets its statutory requirement to balance the budget.

### D.4.1 Potential Additional Budget Saving Measures

Following the initial consideration of measures by the Partnership and Resources PDSP on 12 September 2019, and in line with the Council Executive decision that relevant PDSPs should consider potential savings measures within their remit, this report provides the Environment PDSP with further information on potential additional budget saving measures.

Appendix 1 expands on the initial information included in the report to the Partnership and Resources PDSP. For the Environment PDSP, four additional saving measures has been identified by officers for consideration – reduced number of grit bins (£87,000), grounds maintenance service standards and NETs reactive teams (£326,000), review of street cleaning maintenance and frequency service standards (£274,000) and closure of automated public conveniences (£338,000).

An Integrated Relevance Assessment has been undertaken for all potential additional budget saving measures. A copy of each assessment is included along with information on the options in Appendix 1. Where it has been identified that a full IIA is required, officers would undertake the assessment in advance of the budget setting meeting with the full IIAs being included as an appendix to the budget report, if they are being proposed to balance the council's budget.

## D.5 Next Steps and Key Timescales

To facilitate the provision of detailed three year revenue budgets to Council in early 2020, the following key dates should be noted:

*Table 2: Key Dates and Actions*

Action	Date
Scottish spending review and budget	Mid December 2019
2020/21 local government finance settlement	Mid December 2019
Report to Council Executive on Scottish budget and local government finance settlement	21 January 2020
Updated three year budget to West Lothian Council, including updated fees and charges for 2020/21 to 2022/23	February 2020



At this stage, it is unlikely that the council will receive a three year settlement. Developments in this area will be kept under review and reported to elected members.

## **E. CONCLUSION**

This report provides the Panel with a summary update on the development of the council's revenue financial plan for the remaining three years 2020/21 to 2022/23. As noted at the Partnership and Resources PDSP on 12 September 2019, further information on the potential additional saving measures within the remit of the Panel is provided for scrutiny and consideration. Following scrutiny by PDSPs and the local government finance settlement announcement in December 2019, the options will be considered when preparing an updated three year revenue budget to be considered by Council in February 2020.

## **F. BACKGROUND REFERENCES**

Review of Elected Member Involvement in Financial Planning – Report by Head of Finance and Property Services to Council Executive on 12 June 2018

Revenue Budget 2019/20 to 2022/23 – Report by Head of Finance and Property Services to West Lothian Council on 19 February 2019

Budgetary Decisions and Loans Fund Legislation Motions at West Lothian Council on 19 March 2019

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

### Appendices/Attachments:

Appendix 1 – Potential Additional Saving Measures for Information

Contact Person: Lynda Ferguson, Group Accountant  
Email: [lynda.ferguson@westlothian.gov.uk](mailto:lynda.ferguson@westlothian.gov.uk), Tel: 01506 281293

**Jim Jack**  
**Head of Operational Services**  
5 November 2019

## **Appendix 1 – Potential Additional Saving Measures for Information**

<b>Service</b>	Operational Services
<b>Saving Measure</b>	Removal of grit bins
<b>Prioritisation or Efficiency</b>	Efficiency
<b>Value</b>	£87,000
<b>FTE Reduction</b>	Nil
<b>Lead in Time</b>	12 months

### **Description of Measure**

Removal of approximately half of grit bins across communities following a review of existing locations against the council's grit bin policy. The current policy is that bins are only provided on sites with difficult conditions and where bins can be filled from a lorry. Bins are only replenished during, and immediately after, periods of adverse weather or upon request from the public as resources allow. There should be no provision in private areas or car parks and bins are not designated to serve a carriageway or footpath if it is designated as a primary route.

### **Impact on Council Priorities, Single Outcome Agreement or Corporate Priorities**

This option could have an indirect impact on a number of priorities and outcomes, most notably those related to the built and natural environment.

### **Potential Impact on Performance**

Although this will have no impact on roads performance indicators, customers could see this as a deterioration of service which would have an impact on satisfaction indicators.

### **Potential Impact on Public/Users**

Current provision of one bin per 32 properties would have to be reduced with an impact on availability of grit for householders. People may have to travel to secure grit or procure it at their own cost.

### **Risks and Uncertainties**

- Potential increase in insurance claims for slips and falls.
- Reputational risk especially if the trend for concentrated periods of snowfall materialises.

### **Mitigating Factors**

Potential to introduce self-help grit locations in the event of severe weather and focusing remaining bins in higher risk areas.

### **Actions Required to Deliver Measure**

- Media and communications strategy developed and implemented to ensure communities are aware of the changes and what support is available.
- Removal of selected bins throughout West Lothian.

## Integrated Relevance Assessment Form

1. Details of option			
<b>Policy Title</b>	Removal of grit bins		
<b>Service Area</b>	Operational Services		
<b>Lead Officer</b>	Jim Jack		
<b>Other Officers/Partners Involved</b>	None		
<b>Date relevance assessed</b>	12 September 2019		

2. Does the council have control over how this policy will be implemented?			
YES	X	NO	

<p><b>3. The General Duty of the Equality Act 2010 requires public authorities, in the exercise of their functions, to have due regard to the need to:</b></p> <ul style="list-style-type: none"> <li>• Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct</li> <li>• Advance equality of opportunity between those who share a protected characteristic and those who do not; and</li> <li>• Foster good relations between those who share a protected characteristic and those who do not</li> </ul> <p>NB: In this section you must also consider the Human Rights Act and the key PANEL (Participation, Accountability, Non Discrimination, Empowerment and Legality) principles of Human Rights</p> <p>Which groups of people do you think will be, or potentially could be, impacted upon by the implementation of this policy? You should consider employees, clients, customers and service users (please tick below as appropriate).</p>	
Age – older people, young people and children	
Disability – people with disabilities/long standing conditions	
Gender reassignment – trans/transgender identity – anybody who's gender identity or gender expression is different to the sex assigned to them at birth	
Marriage or civil partnership – people who are married or in a civil partnership	
Pregnancy and maternity – woman who are pregnant and/or on maternity leave	
Race – people from black, Asian and minority ethnic communities and different racial backgrounds	
Religion or belief – people with different religions and beliefs including those with no beliefs	
Sex – Gender Identify – women and men (boys and girls) and those who self-identify their gender	
Sexual Orientation – lesbian, gay, bisexual, heterosexual/straight	

<b>4. Do you have evidence or reason to believe that this policy will or may impact on socio-economic inequalities?</b> Consideration must be given particularly to children and families	
<b>Socio-economic Disadvantage</b>	<b>Impact</b> (Please Tick as Appropriate)
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	
Low and/or No Wealth – enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure and hobbies	
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	
Socio-economic Background – social class i.e. parents education, employment and income	

<b>5. Integrated impact assessment required?</b> (Two ticks above = full assessment necessary)			
YES		NO	X

<b>6. Decision rationale</b> If you have ticked no above, use this section to evidence why a full IIA is not required
<p>The Roads Scotland Act 1984 s34 requires that ‘a road authority shall take such steps as it considers reasonable to prevent snow and ice endangering the safe passage of pedestrians and vehicles over public roads’. This option would bring grit bin provision in line with existing council policy and consider the appropriate location of the remaining bins.</p> <p>At this stage, there is no evidence that these changes will reduce or increase discrimination or equality of opportunity for individuals or groups with protected characteristics.</p>

<b>Signed by Lead Officer</b>	Jim Jack
<b>Designation</b>	Head of Operational Services
<b>Date</b>	12 September 2019
<b>Counter Signature</b> (Head of Service or Depute Chief Executive responsible for the policy)	
<b>Date</b>	

<b>Service</b>	Operational Services
<b>Saving Measure</b>	Review of grounds maintenance service standards and NETs reactive teams
<b>Prioritisation or Efficiency</b>	Prioritisation
<b>Value</b>	£326,000
<b>FTE Reduction</b>	10.0
<b>Lead in Time</b>	12 months

#### **Description of Measure**

Reduction in reactive resources for open space meaning cyclical maintenance teams will have to respond to reactive requests. Reviewing the frequency and location of weed spraying, with a focus on reducing provision in some rural areas. This is an extension of implemented savings to provide grounds maintenance on a priority basis, focusing on town centres and residential areas identified in the Open Space Strategy hierarchy.

#### **Impact on Council Priorities, Single Outcome Agreement or Corporate Priorities**

Reduced weed spraying and introduction of a priority based approach to maintenance may have an adverse impact on the built and natural environment priority.

#### **Potential Impact on Performance**

Changes are likely to result in increased complaints regarding visual amenity and reduced indicators for street cleanliness. The timescales to respond to reactive maintenance requests is likely to increase.

#### **Potential Impact on Public/Users**

Reduced service will focus on areas with less public usage, however change will have an impact on how people perceive open spaces and street cleanliness.

#### **Risks and Uncertainties**

- Potential impact on availability of resources to support the winter maintenance service.
- Increases in complaints regarding visual amenity.

#### **Mitigating Factors**

Reactive requirements would continue to be addressed through cyclical teams. The introduction of West Lothian Community Choices would allow communities to make decisions regarding what areas and activities should receive grounds maintenance resources. This will give communities more ownership over changes to service delivery and should minimise the instances of complaints. Working with volunteers and community partners could minimise the impact of the changes in service standards. Consideration of use of new technology and equipment to modernise service provision and processes.

#### **Actions Required to Deliver Measure**

- Service standards to be reviewed, updated and approved.
- Discussions with community partners to investigate opportunities for volunteering.
- Introduction of community choices for grounds maintenance decisions.
- Development of media and communications strategy to inform communities of changes.
- Implement revised service standards.

## Integrated Relevance Assessment Form

1. Details of option	
<b>Policy Title</b>	Review of grounds maintenance service standards and NETs reactive teams
<b>Service Area</b>	Operational Services
<b>Lead Officer</b>	Jim Jack
<b>Other Officers/Partners Involved</b>	None
<b>Date relevance assessed</b>	12 September 2019

2. Does the council have control over how this policy will be implemented?			
YES	<b>X</b>	NO	

<p><b>3. The General Duty of the Equality Act 2010 requires public authorities, in the exercise of their functions, to have due regard to the need to:</b></p> <ul style="list-style-type: none"> <li>• Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct</li> <li>• Advance equality of opportunity between those who share a protected characteristic and those who do not; and</li> <li>• Foster good relations between those who share a protected characteristic and those who do not</li> </ul> <p>NB: In this section you must also consider the Human Rights Act and the key PANEL (Participation, Accountability, Non Discrimination, Empowerment and Legality) principles of Human Rights</p> <p>Which groups of people do you think will be, or potentially could be, impacted upon by the implementation of this policy? You should consider employees, clients, customers and service users (please tick below as appropriate).</p>	
Age – older people, young people and children	
Disability – people with disabilities/long standing conditions	
Gender reassignment – trans/transgender identity – anybody who's gender identity or gender expression is different to the sex assigned to them at birth	
Marriage or civil partnership – people who are married or in a civil partnership	
Pregnancy and maternity – woman who are pregnant and/or on maternity leave	
Race – people from black, Asian and minority ethnic communities and different racial backgrounds	
Religion or belief – people with different religions and beliefs including those with no beliefs	
Sex – Gender Identify – women and men (boys and girls) and those who self-identify their gender	
Sexual Orientation – lesbian, gay, bisexual, heterosexual/straight	

4. Do you have evidence or reason to believe that this policy will or may impact on socio-economic inequalities? Consideration must be given particularly to children and families	
Socio-economic Disadvantage	Impact (Please Tick as Appropriate)
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	
Low and/or No Wealth – enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure and hobbies	
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	
Socio-economic Background – social class i.e. parents education, employment and income	

5. Integrated impact assessment required? (Two ticks above = full assessment necessary)			
YES		NO	X

6. Decision rationale If you have ticked no above, use this section to evidence why a full IIA is not required
<p>This option would mean cyclical maintenance teams would have to respond to reactive requests and the frequency and location of weed spraying would be adjusted. It is an extension of the implemented savings to provide grounds maintenance on a priority basis, focusing on town centres and residential areas identified in the Open Space Strategy hierarchy.</p> <p>At this stage, there is no evidence that these changes will reduce or increase discrimination or equality of opportunity for individuals or groups with protected characteristics.</p>

<b>Signed by Lead Officer</b>	Jim Jack
<b>Designation</b>	Head of Operational Services
<b>Date</b>	12 September 2019
<b>Counter Signature</b> (Head of Service or Depute Chief Executive responsible for the policy)	
<b>Date</b>	

<b>Service</b>	Operational Services
<b>Saving Measure</b>	Review of street cleaning maintenance and frequency
<b>Prioritisation or Efficiency</b>	Prioritisation
<b>Value</b>	£274,000
<b>FTE Reduction</b>	10.0
<b>Lead in Time</b>	12 months

#### **Description of Measure**

Review and update current service standards for street cleaning, including frequency, to reflect reduced staffing resources. Priority/hierarchy approach to be adopted which focuses service delivery in town centres and residential areas during normal working hours only. Verges would be picked for litter every 24 weeks rather than every 12 weeks.

#### **Impact on Council Priorities, Single Outcome Agreement or Corporate Priorities**

Reduced frequency of litter picking could have an adverse impact on protecting the built and natural environment, especially if litter builds up in certain areas.

#### **Potential Impact on Performance**

Reduced frequency of litter picking will have an impact on street cleaning performance indicators. It could also have an impact on visual amenity in certain areas which may result in a reduction in customer satisfaction.

#### **Potential Impact on Public/Users**

Communities may see an increase in litter, with litter dropped after schools close waiting until the next working day to be collected. The public is likely to perceive this as deterioration in visual amenity.

#### **Risks and Uncertainties**

- Option would be subject to public consultation and perceived reduction in frequency may not be acceptable to the public.
- Cleanliness performance indicators fall to an unacceptable level compared to other local authorities.
- Impact on the Administration priority to make West Lothian the cleanest council area in Scotland.
- Implementation of revised working patterns.

#### **Mitigating Factors**

Working with communities and schools to reduce litter so there is a reduced requirement to collect dropped litter, especially around schools. Focusing resources in priority areas such as town centres to minimise the impact on visual amenity in high traffic and priority areas. Consideration of use of new technology and equipment to modernise service provision and processes.

#### **Actions Required to Deliver Measure**

- Project to identify efficiencies and prioritise front line services to priority areas.
- Introduction of revised working patterns.
- Media campaign and working with key partners to reduce instances of litter.



## Integrated Relevance Assessment Form

1. Details of option			
<b>Policy Title</b>	Review of street cleaning maintenance and frequency		
<b>Service Area</b>	Operational Services		
<b>Lead Officer</b>	Jim Jack		
<b>Other Officers/Partners Involved</b>	None		
<b>Date relevance assessed</b>	12 September 2019		

2. Does the council have control over how this policy will be implemented?			
YES	X	NO	

<p><b>3. The General Duty of the Equality Act 2010 requires public authorities, in the exercise of their functions, to have due regard to the need to:</b></p> <ul style="list-style-type: none"> <li>• Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct</li> <li>• Advance equality of opportunity between those who share a protected characteristic and those who do not; and</li> <li>• Foster good relations between those who share a protected characteristic and those who do not</li> </ul> <p>NB: In this section you must also consider the Human Rights Act and the key PANEL (Participation, Accountability, Non Discrimination, Empowerment and Legality) principles of Human Rights</p> <p>Which groups of people do you think will be, or potentially could be, impacted upon by the implementation of this policy? You should consider employees, clients, customers and service users (please tick below as appropriate).</p>	
Age – older people, young people and children	
Disability – people with disabilities/long standing conditions	
Gender reassignment – trans/transgender identity – anybody who's gender identity or gender expression is different to the sex assigned to them at birth	
Marriage or civil partnership – people who are married or in a civil partnership	
Pregnancy and maternity – woman who are pregnant and/or on maternity leave	
Race – people from black, Asian and minority ethnic communities and different racial backgrounds	
Religion or belief – people with different religions and beliefs including those with no beliefs	
Sex – Gender Identify – women and men (boys and girls) and those who self-identify their gender	
Sexual Orientation – lesbian, gay, bisexual, heterosexual/straight	

4. Do you have evidence or reason to believe that this policy will or may impact on socio-economic inequalities? Consideration must be given particularly to children and families	
Socio-economic Disadvantage	Impact (Please Tick as Appropriate)
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	
Low and/or No Wealth – enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure and hobbies	
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	
Socio-economic Background – social class i.e. parents education, employment and income	

5. Integrated impact assessment required? (Two ticks above = full assessment necessary)			
YES		NO	X

6. Decision rationale If you have ticked no above, use this section to evidence why a full IIA is not required
<p>This option would change the frequency of litter picking and will focus activity in priority areas. It is an extension of the implemented savings to NETs, Land and Countryside with activities being delivered on a priority basis, focusing on town centres and residential areas identified in the Open Space Strategy hierarchy.</p> <p>At this stage, there is no evidence that these changes will reduce or increase discrimination or equality of opportunity for individuals or groups with protected characteristics.</p>

<b>Signed by Lead Officer</b>	Jim Jack
<b>Designation</b>	Head of Operational Services
<b>Date</b>	12 September 2019
<b>Counter Signature</b> (Head of Service or Depute Chief Executive responsible for the policy)	
<b>Date</b>	

<b>Service</b>	Finance and Property Services
<b>Saving Measure</b>	Closure of automated public conveniences (APCs)
<b>Prioritisation or Efficiency</b>	Prioritisation
<b>Value</b>	£338,000
<b>FTE Reduction</b>	Nil
<b>Lead in Time</b>	12 months

#### **Description of Measure**

Removal of APCs with comfort partner payments introduced to ensure toilet provision continues to be available for the public. The comfort payment by the council would cover public use of existing toilet facilities. The notional payment would cover any costs associated with increased use of consumables. Experience in other local authorities has shown that the introduction of this model has had a beneficial impact for comfort partners, with increased footfall in local businesses. Analysis of usage figures at each APC over the past three years shows that to breakeven each APC would need to be used on average 87,200 times per annum with a payment of 30p per use. Currently the average use is 3,833 per APC each year. Notification of available facilities would be in line with legal and planning requirements and is scalable to reflect what alternative options may be available in each location, i.e. some APCs could be retained and some closed

#### **Impact on Council Priorities, Single Outcome Agreement or Corporate Strategy**

The introduction of comfort partners should mean that there is limited impact on council priorities or outcomes at locations where APCs are removed. It is recognised that at certain times, toilet provision may not be available.

#### **Potential Impact on Performance**

Largely it is anticipated that there should limited impact, although it is acknowledged that for some sites it might be difficult to secure appropriate comfort partners and that provision would not be available at certain times, however, these are likely to be at time of lower demand. Directing users to existing facilities within council buildings could improve the use of other council services. Experience in other authorities demonstrates that this model has a beneficial impact for comfort partners, with increased footfall in local businesses.

#### **Potential Impact on Public/Users**

At agreed sites APCs would no longer be available. Where APCs are removed, users could use council facilities and comfort partners which will be pleasant facilities. By considering appropriate alternative provision when identifying APCs to be removed, everyone should continue to be able to access toilet provision throughout the county during working hours.

Analysis of the usage of APCs shows that over the period 2016 to 2018 a total 23% of APC usage was via the use of keys and 77% was paid access via coins. Users who access toilets using the key functionality include people using the Royal Association for Disability and Rehabilitation (RADAR) national key scheme along with certain staff groups, for example network rail staff. Part of the review of public access to toilets will include consideration to ensure that RADAR key users continue to have access to suitable and accessible toilets through the creation of a comfort partner scheme as well as giving consideration to promoting the "Just Can't Wait" card scheme.

#### **Risks and Uncertainties**

- Difficulties in terminating the APC contract with an external supplier although initial discussions have been positive.
- Businesses and partners are not willing to engage in a comfort partner scheme.

**Mitigating Factors**

Significant community and partner engagement would be undertaken to establish the comfort partner network that meets the demand for toilet provision in local communities. Alternative toilet provision would be publicised.

**Actions Required to Deliver Measure**

- Establishment of comfort partner scheme and identification of alternative facilities.
- Discussions with potential comfort partners and community engagement on options.
- Commence contract termination process with contractor.

## Integrated Relevance Assessment Form

7. Details of option	
<b>Policy Title</b>	Closure of automated public conveniences (APCs)
<b>Service Area</b>	Finance and Property Services
<b>Lead Officer</b>	Donald Forrest
<b>Other Officers/Partners Involved</b>	None
<b>Date relevance assessed</b>	12 September 2019

8. Does the council have control over how this policy will be implemented?			
YES	X	NO	

**9. The General Duty of the Equality Act 2010 requires public authorities, in the exercise of their functions, to have due regard to the need to:**

- Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct
- Advance equality of opportunity between those who share a protected characteristic and those who do not; and
- Foster good relations between those who share a protected characteristic and those who do not

NB: In this section you must also consider the Human Rights Act and the key PANEL (Participation, Accountability, Non Discrimination, Empowerment and Legality) principles of Human Rights

Which groups of people do you think will be, or potentially could be, impacted upon by the implementation of this policy? You should consider employees, clients, customers and service users (please tick below as appropriate).

Age – older people, young people and children	X
Disability – people with disabilities/long standing conditions	X
Gender reassignment – trans/transgender identity – anybody who's gender identity or gender expression is different to the sex assigned to them at birth	
Marriage or civil partnership – people who are married or in a civil partnership	
Pregnancy and maternity – woman who are pregnant and/or on maternity leave	X
Race – people from black, Asian and minority ethnic communities and different racial backgrounds	
Religion or belief – people with different religions and beliefs including those with no beliefs	
Sex – Gender Identify – women and men (boys and girls) and those who self-identify their gender	
Sexual Orientation – lesbian, gay, bisexual, heterosexual/straight	

<b>10. Do you have evidence or reason to believe that this policy will or may impact on socio-economic inequalities?</b> Consideration must be given particularly to children and families	
<b>Socio-economic Disadvantage</b>	<b>Impact</b> (Please Tick as Appropriate)
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	
Low and/or No Wealth – enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure and hobbies	
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	
Socio-economic Background – social class i.e. parents education, employment and income	

<b>11. Integrated impact assessment required?</b> (Two ticks above = full assessment necessary)			
YES	<b>X</b>	NO	

<b>12. Decision rationale</b> If you have ticked no above, use this section to evidence why a full IIA is not required
Based on the potential impact regarding age, disability, and pregnancy, a full integrated impact assessment will be undertaken if this option is included in the revenue budget report.

<b>Signed by Lead Officer</b>	Donald Forrest
<b>Designation</b>	Head of Finance and Property Services
<b>Date</b>	12 September 2019
<b>Counter Signature</b> (Head of Service or Depute Chief Executive responsible for the policy)	
<b>Date</b>	



## **ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL REPORT**

### **SCOTTISH GOVERNMENT GUIDANCE ON BURIAL GROUND – MEMORIAL SAFETY**

#### **REPORT BY HEAD OF OPERATIONAL SERVICES**

##### **A. PURPOSE OF REPORT**

The purpose of the report is to update the Environment Policy Development and Scrutiny Panel on the Scottish Government Guidance on Burial Ground – Memorial Safety and to highlight variances with West Lothian Council current procedures.

##### **B. RECOMMENDATION**

It is recommended that the Environment Policy Development and Scrutiny Panel:

1. Note the content of the guidance.
2. Note the West Lothian Council procedure for Memorial Stabilisation.
3. Support the officer recommendation to continue with the existing procedure.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Being honest, open and accountable; providing equality of opportunities; making best use of our resources.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The Council is required to demonstrate Best Value through a structured framework for the management of its assets.
<b>III Implications for Scheme of Delegations to Officers</b>	Not applicable
<b>IV Impact on performance and performance Indicators</b>	None at present, new performance indicators to be added to track the performance procedure.
<b>V Relevance to Single Outcome Agreement</b>	<p>Outcome 12 – We value and enjoy our built and natural environment and protect it and enhance it for future generations.</p> <p>Outcome 14 – We reduce the local and global environmental impact of our consumption and production.</p>

Outcome 15 – Our public services are high quality, continually improving and efficient.

<b>VI Resources - (Financial, Staffing and Property)</b>	Approved General Services Capital Budget of £50k per annum for Memorial and Headstone Stabilisation  2 FTE – Cemeteries Squad Leaders currently undertake headstone inspection as part of their existing role.  33 Cemeteries and Churchyards containing circa 30,000 memorials and headstones
<b>VII Consideration at PDSP</b>	None
<b>VIII Other consultations</b>	Internal Stakeholders, Executive Management Team

## **D. TERMS OF REPORT**

### **D1 Background**

West Lothian Council has a legal responsibility under the Health and Safety at Work etc Act 1974 (HSWA74), the Occupiers Liability (Scotland) Act 1960 and associated regulations such as the Management of Health and Safety at Work Regulations 1999 to ensure that all memorials / headstones within cemeteries are regularly checked and that the results of such inspections are recorded.

Whilst it should be noted that the memorials are the property of the lair holder, under the terms of the legislation, the council has a Duty of Care to ensure that its cemeteries are safe. This duty is reinforced by the Scottish Government with the introduction of new guidance for burial ground management.

There are approximately 30,000 memorials and headstones in West Lothian's cemeteries. The council continues to invest significant financial resources to ensure that the cemeteries and churchyards under council control are safe, fit for purpose and remain a respectful and historic reminder of residents of the area.

Whilst the overall risk of serious injury or death in a cemetery due to the stability of a memorial is low, it is imperative that measures are taken to mitigate the risk and ensure a continuous and robust programme of inspection is in place.

### **D2 Scottish Government Guidance – Burial grounds – Memorial Safety**

The Scottish Government Guidance on Burial Grounds – Memorial Safety was issued in June 2019. The guidance is attached at Appendix 1 and covers the following areas:



- Background
- Lair Ownership
- Introduction
- Pre – Inspection
- Site zoning and Risk Assessment
- Inspection
- Recording and Communication
- Methods of making safe
- Future proofing
- Important considerations

### **D3 Current Service Provision and Guidance Comparison**

West Lothian Council currently has a robust inspection procedure and programme in place for memorials and headstones. These procedures were developed using previous guidance. The current inspection process uses a 3 phase approach of inspecting headstones, making any loose headstones temporarily safe by cordoning the lair and then a repair is carried out to the headstone by a contracted Monumental Mason, usually within a 2 week period.

The inspections are currently undertaken by the 2 Cemeteries Squad Leaders as part of their daily duties. The current programme allows for 5000 headstones to be inspected each year and the inspection process is paced against the contractors rate of repair (10 -15 headstones per week) and the annual budget of £50,000.

The existing approach is not reliant on the lair holder as repairs are funded by the council. This approach ensures that lairs are not cordoned for lengthy periods and removes the need to trench headstones.

An analysis of the council's current procedures in comparison to the guidance has been undertaken and is outlined Appendix 2.

This comparison looks at the principle requirements of the guidance, compares it with the current West Lothian model and provides a gap analysis/reasoning for the variance.

### **D4 Key Issues**

Following completion of the comparison exercise (Appendix 2) a number of variances and issues have been identified. The key issues for consideration are:

- The guidance recommends a 5 phase approach for the inspection process and assumes that all repairs will be undertaken at the lair holders cost. The approach recommended in the guidance is:
  - inspect,
  - make safe by cordoning,
  - communicate with lair holder,
  - repair at lair holders cost; and if not repaired,
  - permanent make safe (trenching or laying flat of headstone).

West Lothian Council currently funds all repairs and there is no direct communication with lair holders. To date the council has repaired approximately 4000 headstones and received only 1 complaint. Incorporating a communication stage in the inspection process will delay repairs by 12 to 24 months as the majority of lair holders are deceased and this approach will also mean lengthy periods of cordoning off sections of cemeteries or having to close them off completely. If lair holders fail to undertake repairs this could lead to large numbers of headstones being trenched as a permanent make safe and this would have a severe detrimental impact on the condition of the council's cemeteries.

- Guidance on how the inspection process is undertaken recommends that a minimum of 2 inspectors are employed to carry out inspections. This would mean that all 30,000 headstones would be inspected annually. The outcome of a 1 year inspection programme is that the number of repairs identified will exceed the contractor's resources for repair resulting in large areas of cemeteries being cordoned off or closed until repairs are carried out, which could take some time to complete. This will have a significant impact on the presentation of cemeteries whilst also restricting the maintenance of cemeteries.
- Guidance requires intervention by a Structural Engineer where memorials or headstones exceed 1.2m height or where deemed necessary by the inspector for safety reasons. Approximately 10 – 15% of the council's headstones are above 1.2m in height and it is estimated that 10 days of structural support will be required annually at an estimated cost of £5,000.
- The guidance recommends that local authorities reduce maintenance within cemeteries to help prevent further destabilising of headstones. If grounds maintenance activities are reduced within cemeteries, this would affect the overall presentation of cemeteries and would lead to a significant increase in the number of complaints received.

## **D5 Comparison with other Local Authorities**

To obtain benchmarking information and to identify the approach taken to the guidance by other local authorities, West Lothian Council issued a national query via the Scottish Burial Bereavement Group.

13 of 32 local authorities responded with all but one confirming that they have an inspection process in place. However there is a wide variety of processes and procedures being utilised. All local authorities are in the process of checking their procedures are robust and stand the test of the guidance.

West Lothian Council are the only council to report a capital spend against the repair of unstable memorials with the majority of councils opting to carry out the more permanent make safe procedures such as laying flat or trenching.

## **D6 Financial Implications**

The council's 10 year General Services Capital Budget has approved £500,000 for headstone stabilisation and the current inspection process is paced to deliver a rate of repair in line with the annual budget of £50,000.

The Scottish Government Guidance for Memorial and Headstone Stabilisation comes with no additional funding for local authorities and it is intended that local authorities will bear the cost of implementing the guidance or alternatively recover costs from lair holders.

The Scottish Government are assuming that as memorials and headstones are the property of lair holders that the council will recover repair costs from the lair holder with an overhead being added to fund the recruitment of inspectors.

Based on the assumptions of a 1 year programme in accordance with the guidance, it is estimated that 10-15% of all headstones above 1.2m in height will require to be repaired. The estimated cost of repairing these memorials is between £675,000 - £900,000 for the contractor's costs only; with a further £450,000 to £600,000 being required to repair headstones below 1.2m in height.

Therefore, the potential implication on the capital budget for the council to continue fully funding headstone stabilisation if an inspection process is implemented in accordance with the guidance is that the cost of repairs could exceed the current approved budget by up to £1 million.

In addition, the revenue implication of employing 2 permanent inspectors is approximately £84,000 per annum with the cost of providing Structural Engineers support is estimated at £5,000 per year for a five year period. Once a full inspection cycle is completed and repairs undertaken it is unlikely that a Structural Engineers would be required on a regular basis.

In summary, recruiting new inspectors and introducing a 1 year inspection programme for memorials and headstones would be unaffordable for the council within the constraints of existing revenue and capital budgets. To fund the budget gap of up to £1 million would require the council to introduce recharges to lair holders for repairs.

## **D5 Future Intentions / Recommendations**

Service recommendations are listed in column G of the appendix, however the main recommendations of the service are summarised below as follows:

1. West Lothian Council does not implement the recommended 5 phase inspection process and instead continues with the services current 3 phase inspection process for memorials and headstones.
2. No direct communication is made with lair holders as part of the inspection process.
3. An indirect communication process is introduced to advertise to cemetery users and lair holders when safety inspections will be undertaken.
4. The council continues to fund headstone repairs from within the approved 10 year General Services Capital Budget and does not seek recompense from lair holders.
5. The service does not employ dedicated inspectors, but will look to mitigate the impact of the inspections within current resources. The service continues with the current programme of inspection paced to deliver a rate of repair in line with the annual budget. Existing staff will be provided with any training requirements.

6. The service uses a framework contract to employ a Structural Engineer when required. This will be funded from within the existing Capital Budget.
7. Grounds maintenance within cemeteries remains unchanged.
8. The size of memorials is restricted to 1.2m in height going forward. This will ensure that headstone inspections can be managed internally without the need for a Structural Engineer. This recommendation will be supported by an amendment to Cemetery Management Rules to be presented to council in early 2020.

## **E. CONCLUSION**

West Lothian Council currently has a robust inspection process in place for memorial and headstone stabilisation.

The comparison with the guidance highlights areas where there is variance between the council's current inspection procedure and the guidance; however it is recommended that the council does not change its current inspection procedure and continues to fund headstone stabilisation within the parameters of the approved 10 year General Services Capital Budget.

## **F. BACKGROUND REFERENCES**

Nil

Appendices/Attachments:

1. Comparison and Recommendation table - SG Guidance v West Lothian Procedure
2. Scottish Government Guidance – Burial Grounds – Memorial Safety

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**Jim Jack, Head of Operational Services**

Date: 5 November 2019

# **Burial Ground Memorial Safety**

## **Guidance for Scotland's Local Authorities**

**June 2019**

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# Overarching Principles

1. This guidance follows the principles below as a guide to good and effective practice and these principles can be considered at every stage of any memorial inspection programme. The principles of the Health and Safety Executive's (HSE) Five Steps to Risk Assessment are:
  1. Step 1: **Identify the hazards.**
  2. Step 2: **Decide who might be harmed and how.**
  3. Step 3: **Evaluate the risks and decide on precautions.**
  4. Step 4: **Record your findings and implement them.**
  5. Step 5: **Review your assessment and update if necessary.**
2. It should be noted that this guidance does not negate or supersede any guidance or code of practice published by the HSE and has not been approved by the HSE. Further information on health and safety duties and responsibilities can be obtained from the HSE website:  
<https://www.hse.gov.uk/>.

# Background

3. The responsibility for memorial safety and implementation of a comprehensive memorial inspection programme represents a significant undertaking for any local authority. Regardless, the safety of staff and visitors in burial grounds is a statutory obligation for local authorities. This is primarily completed under both the Health and Safety at Work etc. Act 1974 (as amended) (HSWA1974) and the Occupier's Liability (Scotland) Act 1960.
4. To assist authorities meet such obligations this guidance sets out considerations and practice which local authorities may evaluate and incorporate into their memorial inspection programme. Implementing this guidance may assist local authorities to manage their burial grounds effectively, to minimise the risk of injury that unstable memorials or their components can present to visitors and their staff. This guidance was created in response to recommendations made in January 2018 following a Fatal Accident Inquiry (FAI) into the death of a child.
5. In considering the recommendations made in the FAI, the Scottish Government examined the feasibility of defining how 'large' memorials should be described and inspected. During discussions with experts involved in burial ground management, it became clear that there are many factors which contribute to the stability of a memorial including height, weight, design, lean, topography, vegetation cover, proximity to other memorials, structures, walls or paths etc. and that guidance on memorial safety should take account of a wide variety of factors.
6. The guidance therefore is not limited to the inspection and maintenance of specific types of memorials e.g. based upon height. It instead addresses the management of all types of memorials, taking into account every factor that may affect a memorial's stability. It sets out that a local authority should fully understand the extent of their burial grounds and account for every memorial within each of those grounds. It advocates an active management programme that means all memorials, regardless of size, are examined and fully inspected relevant to their individual circumstances. It places an emphasis on having in place robust recording and reporting procedures for every memorial inspection including ongoing assessment, to ensure everyone can safely visit burial grounds now and in the future.
7. The Scottish Government, as set out in this guidance, is of the view that to fully achieve the comprehensive and long lasting safety of all memorials within burial grounds, a local authority must understand and have in place the appropriate procedures and processes to achieve and maintain a safe environment for



those visiting and working in their grounds. Local authorities will be able to use this guidance to review and reassess current practices, which will facilitate a level of consistency across the local authority burial sector in relation to memorial safety.

8. All 32 Scottish local authorities are burial authorities, operating and managing numerous burial grounds. These grounds may be in-use, receiving new interments and lair purchases, or they may be at capacity, closed cemeteries. Many burial grounds under local authority control are historic and not in use grounds e.g. originally attached to a parish church.
9. Local authorities are ultimately responsible for the vast majority of burial grounds in Scotland. Information collated for the Scottish Government, with co-operation from local authority representatives, indicates that there are at least 2,240 burial grounds which are the responsibility of local authorities. National individual memorial numbers will, as a minimum, be in the hundreds of thousands. Within this number are a huge variety of memorials, presenting further challenges to any memorial management process.
10. Along with local authority burial authorities, Scotland has many other interested and relevant organisations concerned with memorial safety and the wider management of burial grounds. This includes private burial authorities of varying size and business models, statutory bodies such as Historic Environment Scotland (HES), archaeological and conservation societies, cemetery friends groups and local community interest groups.
11. The examples above highlight competing priorities that must be managed during the implementation of any memorial inspection programme. This will include subsequent local authority action to make memorials of all types safe in their burial grounds.

### **Lair Ownership**

12. Local authority burial authorities are responsible for ensuring the safety of those visiting and working in their burial grounds. This means that regular memorial inspections should be carried out to achieve this. However, inspecting and taking action to make safe does not confer ownership. This guidance notes that the responsibility for the full and complete repair of memorials remains the duty of the lair owner.

13. All authorities follow their own procedures for locating and contacting lair owners to inform them of the need for repair, and this guidance sets out suggested methods of doing so. Where a burial authority is unable to locate a lair owner, it is a decision for each authority about what repairs they may carry out on an unsafe memorial, followed by action taken to make that memorial safe.

# Introduction

## Who the Guidance applies to

14. The purpose of this document is to give guidance to local authorities about procedures to assist making memorials safe and to provide a safe environment in burial grounds. The guidance may also be of use to any private, non-local authority burial authority to assist their ongoing management of ground(s) under their control.

## Wider Scope

15. This guidance can also act as a first step towards an authority drawing together or updating a comprehensive burial ground management plan. This may include all elements of burial ground management in addition to memorials e.g. boundary walls, burial aisles, ruined structures, railings, soil conditions, roads and path infrastructure, vegetation and trees, lighting, etc.

## Application of Guidance

16. Local authorities can review and consider this document in conjunction with their local requirements. Full implementation of a comprehensive, fully recorded and robust memorial inspection programme, if not already in place, will require significant time to implement. Failure to effectively monitor and manage burial grounds, including both modern and historic memorials (and larger memorial structures) within burial grounds under local authority control presents a risk to the local authority, its employees and visitors to burial grounds.
17. The recognition of potential risks and the removal of an immediate hazard can be the overriding aim of any authority inspection programme. When planning, cataloguing or zoning areas within burial grounds to inspect all memorials, individual circumstances will contribute to any risk presented by a memorial.
18. The sections below set out a number of topics which will be relevant for any local authority inspection programme, along with suggestions of how to enhance that programme's effectiveness.
19. All information set out is not exhaustive or prescriptive, and instead may act as a reference or guide for implementing a more comprehensive memorial inspection programme.

## **Definition of a Memorial**

20. The design, construction and materials used for memorials across Scotland is very diverse. There are a number of terms used to describe various types of memorials e.g. modern lawn type, monolith, large traditional, obelisk, cross and die, full grave headstone with kerbs, ledger, tablets, etc. Memorials may also be items embedded in larger structures and buildings.
21. Of overriding importance is that every assessor involved in any memorial inspection programme possesses a common understanding of the descriptors and definitions used by their burial authority. For example, this may be achieved through the use of specific photographic examples provided during training and by consistently using agreed definitions when recording inspection results.
22. Subsequently, the actions employed for assessment, inspection and making safe are dependent on each memorial's size, stone type, its orientation (lean), its method of construction and overall condition. Any associated factors that currently or may potentially affect a memorial's stability, such as subsidence, soil erosion, tree roots, adjacent excavations etc. can also be taken into account.

# Pre-Inspection

## Public Notification

23. Bereavement is an emotive experience. Failure to suitably advise lair owners and visitors of the presence, potential impact and related corrective action of a memorial inspection programme of any scale may easily cause further distress.
24. It is acknowledged that there is no guarantee of accurate lair ownership details. For older memorials, the ability to notify lair owners of inspections may be hindered by a lack of up to date records. To mitigate this, other options can be used to make both the public and lair owners aware of any memorial inspection programme, in addition to direct contact.
25. There are many routes to raise awareness through use of digital means e.g. Twitter, Facebook, authority webpages, etc. However, notification of an inspection programme will not be solely restricted to these. Such methods of advising the public via noticeboards, free-standing-signs, local press, etc. can be considered as valid options.
26. In all methods of notification, authorities may wish to provide information about the extent of works and contact details to allow interested parties the opportunity to access more information. **Considerations for notification:**
  - Install signage, with visual warnings and contact information, in and around the burial ground advising of the inspection process and potential hazards.
  - Write directly to the last known lair owners.
  - Write to local funeral directors and memorial masons. They may hold information about current lair owners or may be contacted by them directly as a result of an inspection.
  - Provide written notification to local authority councillors to ensure they are aware of actions being taken to inspect memorials.
  - Check statutory designations. A burial ground or an individual memorial may be listed or scheduled, and consent may be required to carry out works. For listed memorials, the relevant authority is the planning authority. For scheduled memorials, Historic Environment Scotland (HES) must be contacted.
  - Contact other relevant organisations which may have an interest in the burial ground or memorial e.g. Commonwealth War Graves Commission (CWGC), community councils, city heritage trusts, friends groups etc.
  - Place a public notice in the local press advising of the programme.
  - Publish details of planned inspections on the local authority webpage.
  - Circulate a Twitter feed or use of other social media platform.

- Produce a short information video demonstrating how your local authority assesses and makes safe memorials. This might be permanently hosted on the local authority webpage and shared on social media.
27. Notification can also be considered in conjunction with the methods of making safe. For example, where a memorial is found to be unsafe it might be cordoned off and signposted and/or methods taken for its temporarily making safe for a set period of time, pending contact with the owner, before permanent action is taken to make safe.

## **Site and Zoning Risk Assessment**

28. In order to prioritise a memorial inspection programme effectively, an assessment of the area of local authority control should be carried out. To achieve this, burial authorities would complete a risk assessment of all their burial grounds and from this produce a priority list for memorial inspections.
29. During such a prioritisation process it is essential that each burial authority understands the extent and character of their burial grounds, to effectively undertake a comprehensive memorial inspection programme. These assessments then may be periodically revisited and updated. **Considerations for this assessment:**

- Catalogue all burial grounds under your control.
- The location of the burial ground. For example, is the burial ground in a rural or urban setting, on the edge of a conurbation or in the town/city centre, is the area residential or industrial?
- Condition of the burial ground e.g. the state of repair of its walls, paths, scope of vegetation coverage etc.
- Frequency of services. Are there regular interments with new ground available or is the site used infrequently, for example, are there less than five interments per year? Does the site receive infrequent maintenance compared to others?
- Historic or cultural significance. Is the burial ground, its structures or memorials within a site of historic or cultural significance? If so this may require particular management measures or consent for any works. Inclusion of a short statement of the possible historic or cultural significance for each burial ground may strengthen any site and zoning risk assessment.
- Layout and topography. The layout and topography of each burial ground will have relevance in formulating a site and zoning risk assessment. Where a burial ground is spread over undulating countryside or subject to ground slippage, soil erosion, subsidence, flooding etc. this may impact memorial stability.
- Frequency of public use. Is the site active e.g. interments which are regularly visited? Is there a regularly used thoroughfare through the site

such as a public path or are there areas of regular attendance e.g. nearby memorials or site of historical or cultural significance?

- Memorial size, design and method of construction. Is there a large variety in type and dimensions to memorials? Are memorials mostly of a smaller, modern design or are memorials of larger, generally historic e.g. pre-1900 dimensions? Are there a mixture of both size, design and construction?
- Is the site used for any amenity or other purposes which may increase pedestrian traffic or demand for more frequent maintenance or works?

# Inspection

30. Each memorial inspection can be considered a unique risk assessment. Every risk assessment should be proportionate with the potential risk presented by each memorial. An initial site and zonal risk assessment, noting the types of memorials within the area and which are of a higher risk and requiring inspection, is crucial. This will assist in preparing and implementing appropriate assessment procedures and carrying out any remedial actions necessary to remove an immediate hazard.
31. Each memorial will be subject to inspection. The dimensions (height and width) of an unstable memorial will, however, be relative to its ability to cause serious or fatal injury in the event of failure. Subsequent actions taken are dependent on these dimensions, and in some cases the historic or cultural significance of the memorial.
32. This guidance notes that it will be burial authority staff who will complete all initial memorial inspections. It is expected that such staff will have been given appropriate training and have the required local knowledge in respect of the burial ground layout and local conditions to be able to do so.
33. The information as set out below is not prescriptive and is instead intended to act as a general guide, to assist in the implementation of a wider inspection programme. Full and detailed training from appropriately qualified persons should always be provided to any authority assessors prior to completing an inspection.

## Visual Inspection

34. This represents the first stage of any memorial inspection and determines how further inspection or action progresses. Factors such as the dimensions of the memorial, its angle of lean, loose or damaged components and its overall condition will dictate continuing inspection.
35. An initial (360 degree) visual inspection of all sides of the memorial from a safe distance will act as a check of its general condition and identify any obvious signs of damage, wear and tear or lean. Before an assessor approaches the memorial a visual check may be made on any urns, pediments and other ornamentation above shoulder height, if they are present. This initial visual inspection may include an assessment of the foundation (where visible) and the surrounding area e.g. incline, dips, tree roots, vegetation cover etc.

### Considerations for visual inspection:

- Ensure assessors are aware of factors to be considered during visual inspection, and have received appropriate training.
- Procedures are in place detailing actions to be taken if a physical inspection is deemed unsafe to complete following a visual inspection.



- Procedures are in place and materials available to implement required 'make safe' precautions.
  - Appropriate methods are in place to record inspection findings and actions taken.
  - Keeping a photographic record to enhance the inspection record.
36. Where a memorial is particularly large e.g. more akin to a structure, or obviously dilapidated, an appropriately trained assessor should decide if the inspection can safely continue or if the memorial should be referred for a more detailed inspection e.g. completed by an external specialist. Appropriate steps should be taken to make the memorial safe at this point until any such further inspection is completed. This assessor may also determine if any other immediate action is required.

### **Physical Inspection**

37. Following a visual inspection where the assessor is satisfied that an inspection can be carried out safely, a physical assessment would normally be completed. For the majority of memorials of a modern construction (e.g. a lawn memorial) this will most commonly involve a hand pressure test by a trained assessor. Prior to applying any pressure test by hand, the assessor should be trained to evaluate the safety of conducting this test e.g. considering the dimensions and proportions of the memorial, its surrounding area and any other factors which may compromise safe completion of the test.
38. Generally, a hand pressure test is the application of gentle pressure in one direction (not a rocking movement) normally administered by applying hand pressure to the top of a memorial plate (the upright section of a headstone). In the case of a modern lawn memorial this would generally be at various heights up to 1200 mm. Where possible and when access and escape route is clear, the same pressure is applied to the other side of a memorial at the same height and in the same manner.
39. In the case of obviously large, very heavy memorials, or for any other reason, a hand pressure test may be of limited benefit for assessment purposes as determined by the assessor. A suitably trained assessor will be able to visually assess potential hazards based on the presentation of other indicators. This may include material damage at pressure points, an angle of lean, the state of memorial joints/foundation or obvious structural defects.
40. If any doubt remains on the state and potential risk presented by a memorial, it should be referred to an expert or specialist for further detailed inspection. The memorial would also be suitably cordoned off as soon as possible, in conjunction with any appropriate temporary measures to make safe, if this is the case.
41. Due to the potential of overestimating the risk posed by a memorial, the routine use of mechanical testing equipment is not recommended for assessing memorials and their safety.

### Considerations for physical inspection:

- Ensure assessors are aware of the factors to be considered during a physical inspection and have received appropriate training, are suitably equipped and appropriately supported.
- Ensure assessors are fully aware of maintaining their own safety and the safety of others during the entire inspection process. Ensure that assessors are trained on what to do when they discover a suspected or immediate risk.
- Consider memorial inspections being completed by a minimum of two persons, rather than a single individual. For example, an assessor and recorder, both appropriately trained in memorial inspection. This can allow quality assurance and corroboration to be built into any inspection programme.
- Does the inspection assessment fully incorporate HSE's 'five steps to risk assessment' principles?

### Recording

42. It is essential that an accurate record of the outcome of each inspection and any actions taken, including referral, are fully recorded and retained in an accessible and appropriate format. In addition, this record may define a hierarchy for the communication of results to all associated parties e.g. lair owners (where possible), other statutory authorities if relevant, management, staff, visitors etc.
43. Further information is set out in the 'Recording and Communication' section of this guidance.

### Making Safe

44. Whilst not prescriptive, the 'Methods of Making Safe' section of this guidance sets out some of the options open to burial authorities to make memorials safe.

### Re-inspection

45. The frequency of return inspections will need to be well defined. The outcome of each inspection and its assessment record will dictate future interaction with each memorial. To ensure safety of each burial ground, a set programme of re-inspections can be implemented.
46. This guidance notes it is accepted that there are usually two outcomes of any inspection 'pass' or 'fail', with a further element which sits between the two allowing an intermediate rating and flagging for earlier re-inspection.
47. This category system for inspection outcomes may be in the form of a traffic light system e.g. **red** (fail), **amber** (pass but flagged for earlier re-inspection e.g.

in two years. A date may be recommended and recorded by the assessor at the time of inspection) and **green** (pass and re-inspect as routine e.g. in five years).

48. Further to the set memorial inspection programme, a burial authority may also have in place procedures for recording concerns or actions raised during the course of completing 'day to day' activities in a burial ground, outwith dedicated memorial inspection. These may also be entered into any memorial assessment record.
49. A suggested period of when to routinely re-inspect is a maximum of five years. It is for each burial authority to decide on the appropriate schedule of re-inspections, but a maximum of five years between routine inspections is considered as best practice by this guidance.

**Considerations for re-inspection:**

- Are the frequency of re-inspections sufficient?
- How are re-inspections recorded?
- Would setting out a simple risk hierarchy or categorisation system for prioritising memorial re-inspection assist your inspection programme e.g. a traffic light system.
- Are procedures in place that allow memorials to be re-inspected as required e.g. those flagged for concern but not requiring immediate action.

# Recording and Communication

## Information to be recorded

50. To ensure that a memorial inspection programme is effectively managed, accurate recording of each element of the assessment is essential. Recording may be in paper or electronic formats.
51. Due to the requirement to consistently refer to the outcome of inspections and update the assessment record, individual records should be easily accessible once stored. This may mean an electronic record system is more appropriate. The record taken at the time of a memorial assessment **may include**:
- The name of the burial ground.
  - The section and lair number.
  - Name of assessor(s) who completed the inspection.
  - Date of inspection.
  - The location and topography e.g. next to a path, on a slope etc.
  - The name(s) and date(s) of death recorded on the memorial.
  - The type of memorial e.g. modern lawn memorial, monolith, wall mounted etc.
  - The type of memorial material(s) e.g. granite, sandstone, marble, terrazzo, etc.
  - The structural condition of the memorial e.g. visible wear and tear, damage, cracks, weathering, evidence of previous repair, state of repair etc.
  - Any lean and the degree of lean of the memorial.
  - The visibility and condition of the foundation.
  - The ground conditions e.g. conditions of structures nearby, underground vaults, soil type, drainage, vegetation etc.
  - If the memorial is designated for its historic or cultural significance (and any consents or licences that may be required for works).
  - Photographic evidence.
  - If immediate corrective action is required.
52. Taking a photograph of each memorial before the assessment is carried out, for the memorial inspection record, can be useful when completing future inspections or explaining the outcome of an assessment to lair owners. However photographs alone would not be a substitute to a documented record, as outlined above.

53. Some authority bereavement services use specific software administration packages that have modules or elements which will provide inspection recording via hand-held units. There are also readily available packages which have the assessment record, a photograph and a mapping reference stored together in the register of lairs, depending on the software package. Exploration of the feasibility of utilising these types of recording methods is encouraged as best practice.

## **Reporting and Action Taken**

54. As well as recording and dating all findings, based upon the suggested list above, it is also important that any actions taken and/or future actions required are contained within this memorial inspection record.
55. In terms of on-going safety, effective reporting of all memorial inspections that require further action is important. The actions taken are completely dependent on the outcome of an inspection. Appropriate recording should be robust enough to ensure that all the relevant tiers of management are aware of these outcomes and the record can be easily accessed. This will also include the need to contact or consult relevant parties and/or obtain consents or licences for work.
56. Further considerations for recording and reporting:
- Are paper records suitable for all conditions?
  - If appropriate, can the inspection record be directly linked to any existing burial records?
  - What information or categorisation system for inspecting memorials and their safety do assessors require?
  - How accessible is recorded data?
  - What process is followed when a memorial is flagged for immediate action to make safe by an assessor, and how is this recorded and implemented?
  - Is there a set process to 'prompt' or 'flag' for re-inspections relative to the degree of risk a memorial may present?

# Methods of Making Safe

57. A programme of memorial inspection is a permanent responsibility. As a result, any methods used to make memorials safe then become part of that programme. Not only are the memorials subject to re-inspection but the methods of making safe should also be periodically re-assessed.
58. General considerations for making safe:
- Are authority assessors fully equipped to deal with all circumstances?
  - Have all appropriate parties been consulted about or informed of the proposed action e.g. staff, management, lair owners, other agencies with a potential interest.
  - If any consents or licences are required, have these been obtained e.g. work on a listed building or scheduled monument.
  - Are the methods of making safe proportionate to the risk and have different options been explored?
  - If employing an external memorial mason or structural engineer to make a memorial safe, is that external contractor appropriately qualified or able to offer an appropriate guarantee for their work?
  - If a memorial requires immediate action to make safe after an inspection, this action may be taken before formal consultation with lair owners. However, if required, statutory consents or licences must always be obtained before direct action to a memorial is taken.
59. There are a range of options used to make memorials safe, and it is unlikely that one single approach can be universally applied even in a single burial ground. There are a variety of factors which may dictate the method of making a memorial safe and will be dependent on the outcome of each memorial inspection.
60. Any method of making a memorial safe should be done in a manner which would allow that memorial to be readily repaired or reinstalled at a future date by any suitably qualified memorial mason or structural engineer. The following represents a number of potential options for making safe. These high level examples are not exhaustive or prescriptive. Any temporary measures put in place should always be followed up by permanent action to make a memorial safe.

## Refer to an Expert

61. Input from specialist advisers may need to be considered. This might include seeking advice from local authority conservation advisors, other conservation professionals or structural engineers to assess memorial safety.
62. It is important to note that the act of referral is not strictly a method of making safe, but an important step in the process to achieving it being made safe. In

these circumstances, the memorial could be cordoned off in the first instance following referral to another source for assessment and recommendation of further action(s).

## **Repair**

63. The long term solution to address all memorials which have failed assessment is to complete a full repair. Any repairs which are carried out would be expected to be repaired to current industry standards e.g. BS8415-2018, with an appropriate level of guarantee offered by those making the repairs.
64. Local constraints, potentially imposed by the total cost for large numbers of memorials requiring repair or confirming lair ownership, may mean this is not always possible. However, repair can be the most appropriate and long term solution to ensuring memorial safety and may also be viewed as an effective way to fulfil statutory obligations for any local authority.

## **Public Notices**

65. Install highly visible dedicated public notices, with contact information, at the entrances to and within the burial ground advising of both an inspection programme and the potential risks or hazards arising from unsafe memorials. These can generally advise burial ground users of the need to stay clear of memorials.
66. This can be an effective means of drawing attention to the issue, however, it would not address the requirement to make memorials safe if an inspection identifies that action is required.

## **Individual Notices**

67. Place an individual notice on or next to a memorial which has not passed assessment, advising of the inspection programme and providing contact details for further information. This may be a more acceptable route for individual, smaller memorials which may not present a general risk to ground users. As with public notices, this method alone will not address the need to make the memorial safe. It may also be considered that as with any notice, there is a risk that it may attract attention to the memorial, so a notice should be highly visible to prevent visitors being in close proximity to a memorial identified as unsafe.

## **Cordoning**

68. Using barrier tapes or temporary fencing and attaching a notice to the cordon to prevent access to a memorial of any size which has failed an assessment. This process can address the immediate risk but may require further re-inspection and require follow up with a permanent solution i.e. repair.

69. In the case of larger memorials, sturdy temporary fencing of appropriate proportions may be the most effective means to provide immediate short term protection, pending other methods of making safe or repair. This is another method which may encourage and result in greater public attention of the memorial or the inspection programme.

### **Sinking In/Trenching**

70. Lifting the memorial off a lair then excavating a trench in front of its foundation to then insert the memorial, which is secured with the backfill material. Any trench should be of sufficient depth e.g. the lower third of a memorial, to ensure the memorial does not continue to present a hazard. Such a method can mean some inscribed text may be obscured and appropriate care is needed to ensure the memorial is not damaged as it is moved.
71. A decision will need to be taken by the authority if memorials made safe by this method require future, routine re-inspection. However, this may be considered as a low risk category. This method may remove the hazard and can provide longer term remedial action while enabling the memorial to perform its original function as a grave marker.

### **Staking and Tying**

72. Installing wooden or metal stakes at one or both sides of a memorial which has failed an assessment and then securing the memorial to these by plastic banding. This process may address the immediate concern, but as each memorial can be different, the depth in which stakes are driven into the ground, and therefore the length of the stakes, need be appropriate to the individual memorial.
73. This method may be considered temporary and require further periodic inspection of not only the memorial but also the stakes and banding. Care needs to be taken during this process not to cause damage to the memorial.

### **Laying Flat**

74. Laying flat an unsafe memorial, which has failed an assessment, in a controlled manner and with appropriate equipment. This would be so that the inscribed text is face up and the memorial preferably supported slightly off the ground with a gentle slope to allow water to run off. If and when the memorial is re-erected, this gap can allow it to be lifted more easily.
75. A memorial lying flat can have a greater negative aesthetic impact on a burial ground if a large number of memorials are in this position. Widespread use of this method may also present significant cost implications at a future date, especially where many memorials may have been laid flat and may deteriorate further as a result before a repair can be completed.



## **Closure of a Burial Ground or Sections of a Burial Ground**

76. Ultimately, a means to control risk can be to seek to remove it completely. It may be that completely restricting access to a burial ground, or a section of a ground, achieves this. In practical terms, however, the closure of burial grounds, or sections of them, is unlikely to be acceptable in regards to service delivery with visitors or lair owners and is not recommended as long term action to mitigate risk. Before such a step is taken, other options should be fully explored to more effectively address memorial safety concerns.
77. Any risk presented by unsafe memorials can remain even where a burial ground is fully closed or access is restricted.

## **Future Proofing**

78. As the nature of burial grounds and of burial change over time, the management of these sites can also change. For example, burial grounds can now offer access to valuable city 'green space' while still providing a direct link to the heritage of a village, town or city. This may mean the associated management of burial grounds considers how a variety of users and visitors with varying interests are kept safe. Ensuring memorial safety is a significant element of this safe access.

### **Preventative Maintenance**

79. Concerns or issues with memorial safety may be mitigated through the general process of routine maintenance of a burial ground.
80. A holistic approach to memorial management, one which considers not only the memorial but the site maintenance too, is encouraged. Grounds maintenance regimes may compromise memorial stability as weed killer and other herbicides can trigger stone decay and soil erosion. Contact from grass cutting equipment has the potential to cause significant damage. A less intensive approach to grass cutting and weed control may assist in preventing deterioration to any memorial and this maintenance may also include routinely cutting back ivy, tree roots, other vegetation etc.
81. Consultation with other relevant or interested parties e.g. community groups within a burial ground may also contribute to a more effective programme of general maintenance being developed and implemented.

### **Minimum Standards of Memorial Installation**

82. Setting minimum standards of memorial installation e.g. to BS8415-2018 is an option for burial authorities. For example, this may also include requiring a minimum standard of foundation for all new memorials. Ensuring memorials are constructed and installed to a set standard will build in significant protection and alleviate potentially complex repairs in the future. Professional organisations representing memorial masons may be able to advise on how to best approach this.
83. In conjunction with a minimum standards policy, the application of a memorial mason registration scheme can also be considered, by either creating a local one or joining existing national registration schemes, and will complement such a policy. This can confirm all memorial masons operating in a local authority burial ground are appropriately qualified and insured to install new memorials in accordance to an agreed standard.

### **Continual Review of Industry Standards**

84. To assist in the managing of a memorial inspection programme, a number of industry codes of practice are in place to assist with maintaining memorial

standards, which may be referred to by a burial authority. Such guidance can provide extensive detail and instruction on how memorials of varying shape, size and construction can be approached in order to be made safe.

### **Community Engagement**

85. To build ownership within the community, visitors or local groups could be encouraged to engage and become involved in supporting burial ground management through “friends of” or other community groups. At the discretion of a burial authority, volunteers may be able to generally assist in the identification of certain memorials or flag to a burial authority what appears to be sections of a ground requiring attention.
86. However, volunteers should not be used to visually or physically inspect memorials to assess their safety. This should only be undertaken by appropriately trained and qualified burial authority assessors or other specialists, such as a structural engineer.

# Important Considerations

## Historic Burial Grounds and Memorials

87. Many burial grounds contain multi-phase historical evidence in the form of historically significant memorials, buried archaeological remains of earlier structures, the upstanding remains of former churches and the evidence of the local populations which supported them. Many of these continue to retain important historical associations for local and wider communities today. Some burial grounds or memorials within them are designated as being of national importance, for example as scheduled monuments or listed buildings.

## Scheduled Monuments

88. There are numerous burial grounds included on the schedule of ancient monuments in recognition of their national importance. Information about which burial grounds are scheduled can be identified via the online search tool Pastmap <https://pastmap.org.uk/map>. It is a criminal offence to carry out unauthorised works, or to allow unauthorised works to be carried out, on a scheduled monument. This is set out in the Ancient Monuments and Archaeological Areas Act 1979.
89. Scheduled monument consent is the mechanism by which HES ensures that any changes to monuments of national importance are appropriate and sympathetic to their character. It helps to protect what is a rare and unique resource. Further information can be found here <https://www.historicenvironment.scot/advice-and-support/applying-for-consents/scheduled-monument-consent>.
90. Most works on scheduled monuments require scheduled monument consent from HES. This includes repairs and many conservation works. Works requiring consent are defined as:
- any works resulting in demolition, destruction or damage to a scheduled monument,
  - any works for the purpose of removing or repairing a scheduled monument or making alterations or additions,
  - any flooding or tipping operations in, on or under land where there is a scheduled monument.
91. Some types of works do not require scheduled monument consent as they are deemed to have consent under the terms of the Ancient Monuments (Class Consents) (Scotland) Order 1996. Works covered under class consents include some types of ploughing, emergency works and works carried out as part of a management agreement. Of particular relevance are Class V works, which are those that are urgently necessary in the interests of health or safety. Such urgent works might include:

- erecting masonry supports to prevent collapse,
  - the fencing of an area of unstable memorials,
  - other minor works where there is an immediate threat to the public.
92. Such works are covered under Class V of the Class Consents Order, provided that the works are limited to the minimum measures immediately necessary. You must notify HES of any works carried out under Class V.

### **Listed Buildings**

93. HES list buildings or man-made structures of special architectural or historic interest. Listing is the way that a building or structure of special architectural or historic interest is recognised by law through the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Listing covers both the exterior and the interior. Listing can cover structures not mentioned which are part of the curtilage of the building, such as memorials in a burial ground or the burial ground itself.
94. There are a significant number of burial grounds across Scotland which may carry a HES listing and therefore the memorials would be included in this listing. In the context of urgent works, the historic significance/heritage values of a listed memorial should, where possible, inform the options for making safe. However, there may be situations where urgent works for health and safety purposes will need to proceed immediately. The need to carry out this work may require late consent, and all actions should be recorded to ensure that they can be justified if required.
95. Local Authorities are responsible for determining whether Listed Building Consent (LBC) is required. Where LBC is required and it relates to a Category A or B Listed building the local authority is required to consult with HES prior to reaching a view.

### **Commonwealth War Graves Commission (CWGC)**

96. In Scotland, there are over 21,000 war graves and commemorations. Where there is a known burial location, war graves are marked with either the Commission's standard war pattern headstones which are easily recognisable, or with private family memorials, which vary in size, shape and design. These private family memorials are not immediately recognisable as war graves due to their varying designs, so it is important that burial authorities understand the scope of the CWGC's commitment.
97. There are over 5,200 war graves in Scotland commemorated with a private family memorial. If any burial authority is unclear whether a particular lair is a war grave, clarification from the Commission can be obtained. Where a standard pattern Commission headstone is not appropriate or there is no private family memorial, the Commission may place one of its other standard pattern markers.

98. The Commission is the lair rights owner for a number of war graves in Scotland. However, some lairs are abandoned, or are owned by the family. The Commission is still responsible for all war graves, notwithstanding lair rights.
99. The Commission regularly inspects all war graves to ensure that they adequately commemorate the war casualty. War graves commemorated with private family memorials are inspected to ensure that they provide adequate commemoration. The Commission does check the stability of its headstones as part of its inspection cycle of all war graves on a 4 to 5 yearly basis but local authority burial authorities remain responsible for ensuring the safety of their burial grounds for visitors.
100. Burial authorities may be obliged to inspect all headstones in their respective burial grounds more frequently, so inspection by the Commission does not absolve a burial authority's obligation to complete such testing of all memorials.
101. Whilst the CWGC actively ensures that standard pattern headstones are repaired and replaced as required, the Commission cannot operate such control over private family memorials, many of which are nearly 100 years old. Therefore, the Commission may engage with burial authorities to ensure the safety of private memorials and to ensure those casualties continue to be commemorated in perpetuity.

### **Bespoke or Unauthorised Memorialisation**

102. Although not strictly considered as part of a memorial inspection programme, issues may arise in regards to maintenance, health and safety considerations and, possibly, aesthetics arising from unauthorised memorialisation. This is represented by memorials where additional fences, coping stones, solar lights, etc. are placed by the lair owner or others.
103. Where such memorialisation is not permitted due to the impact upon any inspection process or other ground maintenance, due consideration must be given by lair owners to relevant burial ground regulations set by the authority. It is a burial authority's responsibility to uphold these regulations and make lair owners aware of their duty to these.

# Overview

104. The table below highlights an ‘at a glance’ description of elements which can be included in any inspection programme.

Subject	Actions	Planned Outcome
Inspection Programme	<p>Agree a policy.</p> <p>Consult the stakeholders:</p> <ul style="list-style-type: none"> <li>• lair-holders and public,</li> <li>• staff and senior management,</li> <li>• local authority architects or structural engineers,</li> <li>• other statutory bodies,</li> <li>• memorial masons,</li> <li>• funeral directors,</li> <li>• elected members of local authority,</li> <li>• relevant community groups or interest groups.</li> </ul> <p>Publish the policy and commit to review the policy.</p>	<p>This allows an authority the chance to produce a policy that considers all its elements and may create a practical and workable process of inspections.</p> <p>By publishing and subsequently reviewing the policy at a set date the authority can ensure that all elements meet with current good practice and continue to reflect stakeholder input.</p>
Training	<p>Assess the availability of specific training from organisations such as:</p> <ul style="list-style-type: none"> <li>• FBCA</li> <li>• ICCM</li> <li>• NAMM</li> <li>• independent specialist</li> </ul>	<p>There are a range of training opportunities, most of which will meet a recognised standard e.g. provided by trade representative bodies. Before deciding on which training best meets the needs of your circumstances, it may be worth providing the training agency with a copy of your inspection policy. In some circumstances the agency may assist in the preparation of a policy.</p>
Site and Zoning Risk Assessment	<p>Complete a process of prioritising the sequence of inspections across all locations e.g. identifying memorials in one burial ground as the first to be inspected, and memorials in a second burial ground as a lower risk to be inspected after, and so on.</p>	<p>Referencing criteria listed earlier in this guidance, assess all the burial grounds under your control. A score rating may be used e.g. the higher the frequency of visitors, higher the score would be. By applying this to each criteria, a total score will provide each site with a rating for categorising inspections.</p> <p>Once this zoning assessment has provided a priority of action, use the same criteria in each burial ground to provide a priority of actions in each site.</p> <p>Where relevant, specialist advice can be sought.</p> <p>Where necessary, consents or licences should be obtained.</p>
Notification	<p>Notify all relevant parties. This may include:</p> <ul style="list-style-type: none"> <li>• lair owners,</li> <li>• memorial masons,</li> <li>• funeral directors,</li> <li>• elected members of local authority,</li> <li>• relevant organisations which may have an</li> </ul>	<p>The widespread publication of the inspection programme and what it aims to achieve may ease the anticipated impact of any action. Notices, examples of which provided earlier in this guidance, can also provide contact information and explain the on-going nature of the programme.</p>

	<p>interest in the memorial e.g. local authority archaeology and conservation advisors, HES, CWGC, community councils, city heritage trusts, friends groups etc.</p>	
Inspections	<ul style="list-style-type: none"> <li>• inspect all memorials,</li> <li>• record all inspections,</li> <li>• record all actions,</li> <li>• identify when re-inspections will take place,</li> <li>• complete inspections.</li> </ul>	<p>The inspection programme may include all memorials within the burial ground. By applying a detailed risk assessment to each memorial the most suitable course of action may be identified.</p> <p>Referencing guidance earlier in the document, a record of inspections can list the factors assessed, the basis for the outcome, the action taken and also the expected time period before re-assessment.</p>
Making Safe	<ul style="list-style-type: none"> <li>• repair,</li> <li>• cordoning,</li> <li>• sinking in/trenching,</li> <li>• staking and tying,</li> <li>• laying flat,</li> <li>• ground or section closure.</li> </ul>	<p>Some or all of the listed processes earlier in this guidance for making safe may be applied within a single burial ground. Before deciding on what to use, the on-going maintenance and scale of use of each process should be evaluated. Other methods of making safe may be identified by the authority as being appropriate to undertake.</p> <p>Referring to an expert or outside specialist may however be the best way to fully ensure memorial safety in a burial ground.</p>
Reporting	<ul style="list-style-type: none"> <li>• lair owner,</li> <li>• visitors,</li> <li>• management,</li> <li>• staff,</li> <li>• scheduled monument or listed status – appropriate notification to relevant authority e.g. HES.</li> </ul>	<p>Whilst making direct contact with a lair owner of any memorial may be difficult, a record of the outcome of any inspection should be recorded against the appropriate entry in a lair register. It is also important to ensure necessary stakeholders are aware of the outcome of inspections. In addition it is important to ensure an effective process is in place to advise management (and possibly elected council members) of outcome of inspections.</p> <p>Where necessary, the need for consents or licences for proposed management measures should be identified.</p>
Review	Fully review the policy and its processes at agreed, set intervals.	As good practice, this entire memorial inspection programme will benefit from regular and scheduled review. This ensures that all elements retain appropriate effectiveness.



## **Conclusion**

- 105. The aim of this guidance is to assist local authority burial authorities to fully review, reevaluate and update their memorial inspection programmes as required.
- 106. Any inspection programme and its management will be specific to each authority. However by referencing the above sections, considerations and suggestions an authority can improve the effectiveness of their memorial inspection programme and wider programme of burial ground management.

### **Commitment to review**

- 107. This guidance will be fully reviewed by the Scottish Government once the Burial Ground (Scotland) Regulations come into force during 2019/20 (subject to parliamentary timescales), as part of the ongoing implementation of the Burial and Cremation (Scotland) Act 2016.

## Useful Contacts and Links

### **Scottish Government**

Burial, Cremation, Anatomy & Death Certification Team

Contact: [burialandcremation@gov.scot](mailto:burialandcremation@gov.scot)

### **Commonwealth War Graves Commission (CWGC)**

Email: [enquiries@cwgc.org](mailto:enquiries@cwgc.org)

Tel: 01628 634221

Search for a CWGC cemetery or memorial: <https://www.cwgc.org/find/find-cemeteries-and-memorials>

### **Federation of Burial and Cremation Authorities (FBCA)**

Email: [secretary@fbca.org.uk](mailto:secretary@fbca.org.uk)

Tel: 0292 167 9105

### **Historic Environment Scotland (HES)**

Email: enquiries and consultations: [hmconsultations@hes.scot](mailto:hmconsultations@hes.scot)

Search for a Listed Building:

<http://historicscotland.maps.arcgis.com/apps/Viewer/index.html?appid=18d2608ac1284066ba3927312710d16d>

Search for a Scheduled Monument:

<https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/scheduled-monuments/search-for-a-scheduled-monument>

Search for a Historic Environment Designation:

<https://pastmap.org.uk/map>

Guidance on how to apply for scheduled monument consent:

<https://www.historicenvironment.scot/advice-and-support/applying-for-consents/scheduled-monument-consent>

### **Institute of Cemetery and Crematorium Management (ICCM)**

Email: [iccmjulie@gmail.com](mailto:iccmjulie@gmail.com)

Tel: 020 8989 4661

### **National Association of Memorial Masons (NAMM)**

Email: [technical@namm.org.uk](mailto:technical@namm.org.uk)

Tel: 01788 542264

### **Scottish Bereavement Benchmarking Group (SBBG)**

Facilitator: Glasgow City Council

Email: [David.MacColl@glasgow.gov.uk](mailto:David.MacColl@glasgow.gov.uk)

Tel: 0141 287 3966

# Terminology

Term	Definition
Burial Authority	Defined in the Burial and Cremation (Scotland) 2016 Act as the person having responsibility for the management of a burial ground.
Burial Ground	Defined in the 2016 Act as meaning land used, or intended to be used, primarily for the burial of human remains and where a charge for burials is made. This definition also includes land that was, but is no longer, used primarily for the burial of human remains.
Burial Ground (Scotland) Regulations	Regulations made under the 2016 Act relating to burial. The relevant sections of the 2016 Act and its regulations will come into force during 2019/2020.
BS8415-2018	A non-statutory industry requirement set by The British Standards Institute and originally founded on the NAMM Code of Working Practice. Widely recognised, it is an example of industry approved guidelines which generally apply to all new and reinstated memorials.
Conservation Area	A conservation area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Demolition of unlisted buildings or other structures within these areas may require Conservational Area Consent.
Interment	The act of burying human remains in a lair. This may be either within a coffin or cremated remains within a container e.g. an urn.
Lair	A grave/ plot within a burial ground.
Lair Owner	The owner of the right of burial in a grave/ plot, usually a family member of those interred.
Listed Buildings	Buildings of special architectural or historic interest. Buildings are put into one of three listing categories according to their relative importance (A, B or C).
Memorial	All forms of headstone or grave marker, of any size or type, within a burial ground.
Memorialisation	The act of placing physical items on or around a graveside, including the memorial, by relatives or others. Most burial authorities have burial ground regulations which set out how objects may be placed and at what distance from a memorial.
Memorial Mason	An appropriately qualified and skilled individual able to produce, repair and erect memorials to the required standard.
Scheduled Monument	There are over 8000 scheduled monuments in Scotland, which are recognised as being of national importance and are legally protected to ensure they are preserved for future generations. Most works to Scheduled Monuments require Scheduled Monument Consent from Historic Environment Scotland.

## List of Contributors

This guidance has been developed with contributions from and in agreement with the following organisations:

- Commonwealth War Graves Commission (CWGC)
- Dumfries and Galloway Council
- East Ayrshire Council
- Federation of Burial and Cremation Authorities (FBCA)
- Glasgow City Council
- Highland Council
- Historic Environment Scotland (HES)
- Institute of Cemetery and Crematorium Management (ICCM)
- Inverclyde Council
- Midlothian Council
- National Association of Memorial Masons (NAMM)
- National Committee on Carved Stones in Scotland (NCCSS)
- North Ayrshire Council
- North Lanarkshire Council
- Perth and Kinross Council
- Renfrewshire Council
- Scottish Bereavement Benchmarking Group (SBBG)
- Scottish Borders Council
- South Lanarkshire Council



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Comparison and Recommendation  
SG Guidance v West Lothian Procedure

Ser	Guidance Topic	SG Guidance	West Lothian Model	Comply Yes / No	Gap Analysis / Reasoning	Recommendation
(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Lair Ownership	Recognises that whilst the local authority is responsible for safety within cemeteries:  - memorials remain in the ownership of lairholders and that they bear ultimate responsibility for "full and complete" repair.  - Whilst recognising that the local authority may inspect and take action, the local authority should have a procedure for contacting the lairholder.	Inspection programme does not rely on contact with the lair holder.	No	The principle reasons for this are:  - Expectations that excessive and lengthy cordoning, staking, lying flat or trenching of memorials in large parts of cemeteries is avoided. This is achieved through a measured inspection pace that allows for the "full and complete" repair of headstones based on criteria within the operational procedure and funded by the council. The contractor who currently repairs headstones has the capacity to repair 10-15 memorials per week.  - A large quantity of lairs in West Lothian do not have a living lair holder as current policy does not require transfer to a living lairholder at the point of use. This is especially true for lairs beyond 20years old, where the memorials are most likely to be found to be loose or a risk due to their size and location.	1. Continuation of the current "Inspect, Make Safe and Repair" procedure operated by West Lothian Council.  2. Adjustment to cemetery management rules to require the transfer of a lair to a living lair holder at the point of use. Whilst this will help in future year, it will take many years for the benefits to be realised.  3. Continuation of the funding arrangements for repairs.  4. Implementation of a memorial Mason Registration scheme that will enforce a guarantee of headstone stability at their cost for a set period following installation (10 to 15 years).
2	Pre Inspection	Guidance in relation to communication with the lairholders.  - guidance provides a raft of media and communication channels that should be used to alert the lairholder(s) to both the inspection programme but more importantly to the need to effect a repair, should an issue be found during inspection. The guidance suggests that the lairholder, or last known lairholder, is written to.  Recommendation is for a 5 Phase inspection Process:  - Inspect, - Make Safe (Medium to long term) - Communicate, - Fix (at lairholder or family cost), if no repair; - Permanent make safe (Trench or lay flat)	Inspection programme does not rely on contact with the lairholder.  West Lothian adopt a 3 phase process as follows:  - Inspect - Make Safe temporarily (cordon with tape or cordon with herras fencing) - Fix	No	In the last 16months circa 800 memorials have been repaired in West Lothian through direct intervention "Inspect, make Safe and Fix".  No contact was made with lairholders ahead of these repairs and in the majority of cases it has been a number of years since there has been any activity at these lairs. Thus far, 1 complaint has been received by a family member (not the lairholder, who was deceased) regarding a repair carried out by the council.  The reason for not communicating is to ensure the pace of inspection and repairs to inspection findings retains the condition of the cemeteries. Should the requirement to write to lairholders, and or, trace family members with rights over a lair be introduced, this will require a much more robust temporary solution (netting and staking, lying flat or trenching) to inspection findings that will have a significant impact on cemetery presentation as the ability to maintain these areas will be severely inhibited. This will also add a significant administrative burden to the service that will require additional resource.	1. No direct attemptts at communication with lairholders are incorporated into the inspection programme.  2. Indirect notification of inspection plan to be advertised widely on available West Lothian media/website.  3. Short term notification of a repair requirement placed on unsafe headstones for the period between inspection and repair to both alert cemetery visitors to the issue and alert the lairholder or family to the issue, should they visit in that period.
3	Site Zoning and Risk Assessment	Guidance recommends sites are zoned and risk assessed accoding to risk	West Lothian Inspection programme has a mix of cemeteries where there is a likliehood of finding Category 1 memorials. These have been spread across the 5 year inspection cycle to allow a paced inspection programme that can properly identify and deal with inspection findings in a timely manner.	Yes	Previous attempts at programming inspections have failed to adequately manage the process	Current West Lothian inspection plan to remain
4	Inspection	Guidance on how the inspection process should be undertaken.	Process has been developed from previous guidance issued around memorial inspection and has been broadly incorporated in to the West Lothian inspection programme.	Yes	The crux of the guidance is to prevent injury or death through ensuring that a robust inspection process is in place and that steps are taken through that process to ensure the safety of cemeteries. The West Lothian process ahceives this.	Current West Lothian Inspection process to be continued with the following points noted / implemented:  a. The guidance recommends that the inspection procedure is carried out by 2 employees. Currently there are circa 5000 memorials a year to be inspected distributed between the East and West Team Leaders. The current inspection programme requires the inspection procedure to be paced against the expected findings, the rate of repair of the contractor (10-15 memorials per week) and the annual budget. Cemetery staffing has been reduced in the last 2 years by 6 seasonal and 2 Full time employees (a 26% reduction), leaving each team consisting of a team leader and 7 staff who have responsibility for all cemetery related matters including burials, maintenance and in the case of the team leaders, memorial inspection. The requirements of the guidance in terms of the inspection process places too much demand on the team leader and the recommendation of a team of 2 is not a viable option with the available resource / inspection procedure and would require additional resource to ensure compliance. It is therefore recommended that the service undertake a review of the play inspectors role to provide support to the current team leaders.  b. Based on the findings of the year 1 programme of the new West Lothian inspection procedure, it is estimated that 10-15% of all memorials will be found to require action as a category 1 (unsafe) repair, with a further 5-10% being found in category 2. This is a total of 4500 memorials require action to either make safe or effect a "full and complete" repair. The estimated costs of repairing all of these memorials is between £675,000 and £900,000 for contractor costs only, with a further £450,000 to £600,000 to repair those found at category 2, should a repair be carried out on these. Funding through the 10 year capital programme to be reviewed at the 5 year point.  c. Guidance will require intervention by a structural Engineer where memorials exceed the inspection and repiar capabilities of the service/contractor.  c. Guidance stipulates that each memorial shall be inspected, but that the potential to cause serious or fatal injury will drive the outcome of the inspection findings. WLC inspection programme recommends that memorials below 1m are not repaired, but are noted and subjected to a more frequent follow up inspection. This allows the resources allocated to be targeted at larger and more risky memorial repairs. However, the ability of the inspector to request a repair irrespective of height is permitted by the procedure.  e. Guidance introduces the need for assessors to be "appropriately trained". At present staff have no formal training, but have been heavily involved in the development of the inspection programme and have been supported by line management as it rolls out. Scottish Burial and Bereavement Group (SBBG) are investigating the possibility of developing a SVQ in memorial inspection / a training package.
5	Recording and Communication					
6	Methods of making Safe	Guidance details the expectations in relation to actions after an inspection in relation to failed memorials. The guidance assumes a 5 stage process of inspection and a make safe whilst attempts are made to contact the lairholder with the eventual repair or permanent make safe of the memorial.  The guidance stipulates methods of making a memorial safe which range from use of barrier tape through to trenching the memorial plate, laying flat or potentially closing part of, or an entire cemetery.	All Methods of making safe are available, but the more intrusive methods of trenching or laying flat are used sparingly and only when it cannot be avoided.	Yes	West Lothian Council inspection process does not rely on the more invasive make safe options such as long term netting, trenching or laying flat. However this is only achieved through a robust and timely inspection and repair process which can only be achieved through the removal of the protracted attempts to contact the lairholder. The West Lothian inspection process is also paced to manage findings within the repair capabilities of the contractor and the resources available. As a result, the only methods of making safe used are cordoning by use of tape or where large numbers of issues are found in a particular section of a cemetery, this may require the use of herras fencing. Both these options would only be in place for a relatively short period between inspection and repair.	Continuation of the current West Lothian procedure

7	Future Proofing	<p>Guidance refers to a number of areas including the requirement for preventative maintenance and recommends a less intensive approach to grass cutting and weed killing as a way of assisting the stability of memorials over time.</p> <p>The guidance also refers to maintaining standards in relation to the erection of memorials and makes reference to British Standards and the potential to develop a memorial mason registration scheme.</p>	<p>Cemetery resources and recent TYC impacts have already seen a reduction in maintenance capability in cemeteries.</p>	NA	<p>Reduced grass cutting and weed killing will cause significant increases in complaints as has already been witnessed during the implementation of TYC proposals.</p>	<p>1. No reductions in maintenance standards are recommended.</p> <p>2. Implement a Memorial mason Registration Scheme</p>
8	Important Considerations	<p>Guidance provide additional context in terms of organisations the service should be liaising with.</p> <p>The issue of "bespoke and unauthorised memorialisation" is addressed and the guidance makes it clear that it is for the local authority to uphold their rules in this regard.</p> <p>The enforcement of cemetery rules in relation to unauthorised memorials is highly sensitive and emotive. This is evidenced in the circa 3 to 4 years taken to remove spikes from unauthorised fences.</p>	<p>Cemetery management rules already prohibit "unauthorised memorialisation"</p>	Yes	<p>The enforcement of cemetery rules in relation to unauthorised memorials is highly sensitive and emotive. This is evidenced in the circa 3 to 4 years taken to remove spikes from unauthorised fences.</p>	<p>1. Continued and robust enforcement of cemetery management rules.</p>







## **ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL REPORT**

### **SCOTTISH ROAD WORKS COMMISSIONER'S PERFORMANCE REVIEW 2018/19**

#### **REPORT BY HEAD OF OPERATIONAL SERVICES**

##### **A. PURPOSE OF REPORT**

The purpose of the report is to update the Environment Policy Development and Scrutiny Panel on the Scottish Road Works Commissioner's performance review for 2018/19.

##### **B. RECOMMENDATION**

It is recommended that the Environment Policy Development and Scrutiny Panel notes progress made by Roads and Transportation in improving performance in respect to compliance with the notification, co-ordination and planning aspects of the New Roads and Street Works Act 1991 and acknowledge the efforts of the staff involved.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Being honest, open and accountable; providing equality of opportunities; making best use of our resources.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The Council is required to demonstrate Best Value through a structured framework for the management of its assets.
<b>III Implications for Scheme of Delegations to Officers</b>	Not applicable
<b>IV Impact on performance and performance Indicators</b>	Improved performance in terms of New Roads and Street Works Act 1991.
<b>V Relevance to Single Outcome Agreement</b>	Not applicable
<b>VI Resources - (Financial, Staffing and Property)</b>	Not applicable
<b>VII Consideration at PDSP</b>	Not applicable
<b>VIII Other consultations</b>	None

## **D. TERMS OF REPORT**

### **D1 Background**

The Office of The Scottish Road Works Commissioner submitted its annual review of West Lothian on 4 September (Appendix 1).

The Scottish Road Works Commissioner is an independent public official established under section 16 of the Transport (Scotland) Act 2005 and is accountable to the Scottish Ministers and ultimately to the Scottish Parliament.

The Commissioner's aim is to improve the planning, co-ordination and quality of road works across Scotland.

The Commissioner monitors performance, promotes and encourages good practice by both utility companies and roads authorities. They also have powers to impose financial penalties on roads authorities who systematically fail in their duty to coordinate, and on utility companies who systematically fail to co-operate when undertaking road works.

### **D2 The key outcomes which the Commissioner considers are those that the public are looking for in relation to road works:**

- Shorter Works Periods;
- Better Co-ordination of Works;
- Better Traffic Management; and
- Better Reinstatements

### **D3 The Commissioner produced five key questions which any monitoring of road works should try to answer:**

- Are roads authorities co-ordinating their works?
- Are utility companies co-operating with roads authorities?
- Are works taking too long to complete?
- Is traffic management to an acceptable standard?
- Are reinstatements in roads meeting the specification?

### **D4 For each of the questions above, national indicators have been identified and developed. It should be noted that the council's performance is measured in two respects, i.e. Roads Authority and Road Works Authority. The former relates to the council's duties to maintain the road network and would generally relate to works carried out to this effect (these are highlighted in orange in page 2 of appendix 1). The latter relates to duties to coordinate road works carried out by public utilities (these are highlighted in blue in page 2 of appendix 1). It is worth noting that utility works represented 68% of total notifiable works completed in West Lothian during 2018/19.**

### **D5 As part of the 2017/18 Commissioner's review, West Lothian Council's performance was described as "mediocre" and "in need of some improvement". Following this review, a number of process changes were developed and implemented by Roads and Transportation Services in order to drive indicator level improvement.**

- D6** The Commissioner has recently completed his annual performance review for 1 April 2018 to 31 March 2019 and has observed performance to be “good” and “with significant improvements made to a number of indicators”. It was, however, observed that the council’s performance fell slightly below the required level for sample inspections of utility works. Officers have investigated the circumstances behind this and found that changes to the operating programme of Virgin Media and the arrival of a new gas utility (GTC) were broadly the reasons for this dip in performance. Accordingly, measures have been developed/implemented to ensure that all of these inspections are carried out and that the target is met going forwards.

Overall, the review represents welcome news and is down in the main to the hard work of the staff involved.

#### **E. CONCLUSION**

Process changes developed and implemented by Roads and Transportation during the period since 2017/18 have significantly improved performance indicator levels. This is a result of the on-going efforts of all the staff involved. The challenge is now with us to sustain these levels and, by applying regular training and good planning, the expectation is that this performance level will be maintained.

#### **F. BACKGROUND REFERENCES**

Nil

Appendices/Attachments:

Appendix 1 - Scottish Road Works Commissioner’s Letter of 4 September 2019

Contact Person: Jason Halliday, Public Utilities Officer, Tel: 01506 284839

Email: Jason.halliday@westlothian.gov.uk

**Jim Jack, Head of Operational Services**

Date: 5 November 2019

## Appendix 1: - Scottish Road Works Commissioner's Letter of 4 September 2019



Mr Graham Hope  
Chief Executive  
West Lothian Council  
Civic Centre  
Howden South Road  
Livingston EH54 6FF

Contact: Graham Milne  
Direct Tel: 0131 528 5518

4 September 2019

Our Ref: PER/GM/2019/WLC

Dear Mr Hope

### **Scottish Road Works Commissioner 2018/19 Road Works Performance Review**

Please find enclosed West Lothian Council's 2018/19 annual road works Performance Review in respect of the period 1 April 2018 to 31 March 2019.

My review is presented in a similar format to last year utilising data from two full business years for comparison purposes. Roads authority and utility company averages are included where appropriate.

In terms of section 118(1) of the New Roads and Street Works Act 1991 (the 1991 Act), roads authorities have a statutory duty to co-ordinate the execution of works of all kinds (including works for road purposes) in roads for which they are responsible:

- a) in the interests of safety;
- b) to minimise inconvenience to persons using the road; and
- c) to protect the structure of the road and integrity of apparatus in it.

This review considers how well you are meeting your statutory obligations.

In addition to your annual review, West Lothian Council's road works performance is routinely discussed at quarterly Area Roads Authorities and Utilities Committee meetings.

### **Management and Performance Reports**

Organisations are expected to routinely monitor their own performance utilising reports which are downloadable from the Scottish Road Works Register (SRWR). This ongoing performance review process allows your organisation to take appropriate action throughout the year to improve performance. If your performance falls at any point during the year, it is expected that an explanation will be provided to my representative at your Area RAUC meeting. Organisations can also generate reports to assist benchmarking against similar authorities.

Consistent failure to achieve the expected level of performance may result in further formal action.

E Spur, Saughion House, Broomhouse Drive, Edinburgh, EH11 3XD  
Tel: 0131 244 9936 enquiries@roadworks.scot <http://roadworks.scot>

# West Lothian Council – 2018/19 Road Works Performance – Primary Indicators

	Indicator	Performance				Notes
		West Lothian	Expected	RA Average	Utility Average	
Administrative Functions	Gazetteer Submissions	4	4			
	Noticing Failure rate (%)	5%	< 4%	6%	5%	
	Notices without correct Contact Details	0%	0			Originator and Contractors names and telephone numbers must be recorded prior to works commencing.
	Notices without Traffic Management Type	0%	0			Prior to works commencing the correct traffic management type must be recorded on all notices of 7 days or less
Operational Functions	Works requiring Early Start (%)	13%	< 15%	16%	8%	
	Works requiring Late Start (%)	0%	< 1%	1%	1%	
	Works requiring Works Extension (%)	10%	< 10%	10%	8%	
	Overrunning Works (%)	0%	< 1%	1%	3%	
	Unplanned Works (%)	2%	< 4%			Excessive use suggests poor works planning and a lack of co-ordination and co-operation.
	Works Awaiting Closure at year end	0%	0			
Works Planning and Operational Functions	Works awaiting Final Site Reinstatement Details Notice at year end	0%	< 1%			
	Works registered per 100km	117		64		This metric considers a roads authorities performance against their respective SCOTS peer group. The RA Average is shown for SCOTS Group - Semi-Urban Group.
	Category A Undertaken	87%	100%			It is expected that all roads authorities undertake all target sample inspections in each of the 3 categories.
	Category B Undertaken	94%	100%			
Sample Inspections	Category C Undertaken	95%	100%			
	Fixed Penalty Notices (FPNs) Issued	285	> 0			All roads authorities are encouraged to issue FPNs to drive improvement of utility performance. Currently 21 authorities issue FPNs.
	Attendance at Area RAUC meetings	100%	100%			Regular attendance at Area RAUC meetings demonstrates a commitment to meeting your statutory obligations to co-ordinate road works.
Miscellaneous	Vault Submissions	4	4			Whilst not a statutory requirement, organisations are encouraged to submit regular updates in the interests of safety and to assist good works planning.

I would draw your attention to page 2 which compares your organisation's performance against the expected standard.

**Specific action is required in respect of:**

- Sample Inspections Undertaken – Roads authorities are expected to undertake 100% of all agreed Category A, B & C target sample inspections. Results are used to monitor utility company road works performance. Details of inspections registered should be comprehensive, accurate and registered timeously. It is important that 100% are undertaken, demonstrating that road works sites are being properly monitored and works co-ordinated in accordance with your statutory obligations.

**Summary**

In general terms, the road works performance of West Lothian Council was good during 2018/19, with significant improvements made to a number of indicators.

**Administrative Functions**

No specific action is required.

**Works Planning and Operational Functions**

No specific action is required.

**Sample Inspections**

The number of Category A sample inspections undertaken decreased and is now below the required level. At 87% (98% in 2017/18), this suggests that live sites could be better monitored and co-ordinated.

Data and statistics relating to your road works performance is available from the Scottish Road Works Register throughout the year. It is expected that your organisation will continue to self-monitor this information and take appropriate action. In particular, it is recommended that your mid-year performance is made available to senior managers in November.

Should you wish to discuss any part of this letter please do not hesitate to contact my Performance Manager Graham Milne at: [enquires@roadworks.scot](mailto:enquires@roadworks.scot)

Yours sincerely

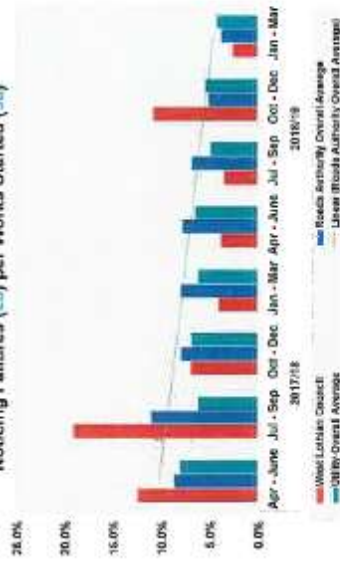


**Angus Carmichael**  
Scottish Road Works Commissioner



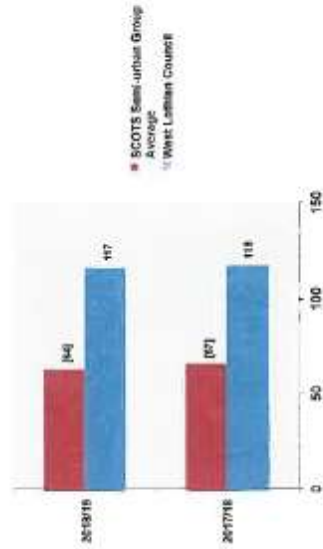
## WEST LOTHIAN COUNCIL KEY MANAGEMENT INDICATORS (April 2017 to March 2019)

### Noticing Failures (2a) per Works Started (3a)



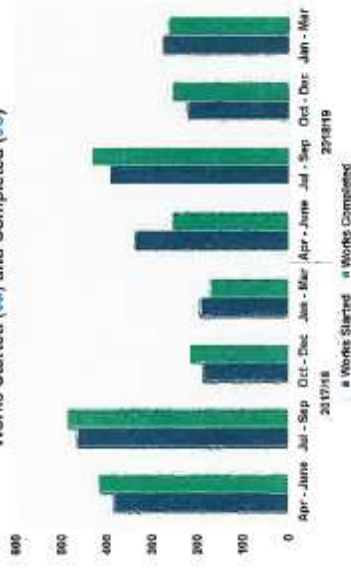
The number of noticing failures made by the roads authority as a percentage of actual starts as compared with the overall Utility and Roads Authority averages across Scotland.

### Works Started (3a) per 100 km ( Scottish Transport Statistics )



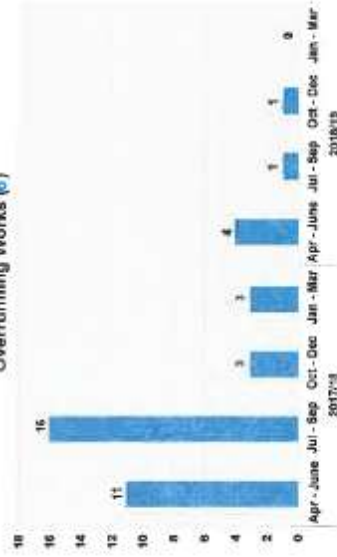
The number of works started notices entered per 100 km of road in authority area as compared to the authorities SCOTS grouping.

### Works Started (3a) and Completed (3b)

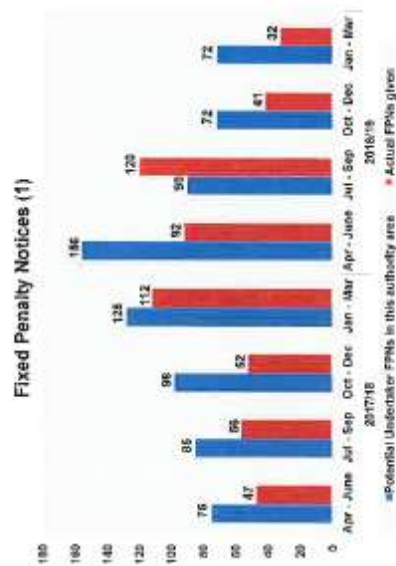


The number of works started and works completed in each quarter.

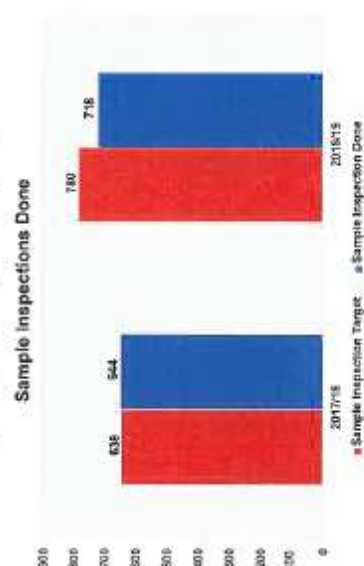
### Overrunning Works (3)



The number of roads authority overrunning works outstanding



The number of actual fixed penalty notices issued to undertakers operating in the authority area compared with the potential fixed penalty notices.



The percentage of Sample Inspections carried out by the authority shown as a percentage of those expected to be achieved.



**West Lothian Council**  
**Scottish Road Works Commissioner Annual Performance Review - (April 2017 to March 2019)**

**Notifying Activity and FPNs**

**Notifying Features**

The Commissioner wishes to monitor the accuracy of the information held on notices and that this approach is essential in being met. This report measures the number of error messages generated by the Scottish Road Works Register (SRWR) which would flag a potential fixed penalty notice offence were the data error made by a data company. The figure zero is based on a comparison with the number of Actual Start Notices which are issued.

Indicator Report 2a <b>Notifying Features per Actual Start Notice</b> (Only Overall Average)	2017/18				2018/19				2019/20			
	Apr - June	Jul - Sep	Oct - Dec	Jan - Mar	Year	Apr - June	Jul - Sep	Oct - Dec	Jan - Mar	Year	Apr - June	Jul - Sep
Number of Notifying Features	40	89	53	2	184	13	14	25	7	59	13	14
Auditing Features per Actual Start Notice	1.3%	19.1%	7.8%	0.1%	12.9%	0.3%	3.5%	10.4%	1.8%	4.7%	0.3%	3.5%
Actual Authority Overall Average	(8.7%)	(11.2%)	(8.0%)	(0.0%)	(6.9%)	(7.8%)	(7.0%)	(8.2%)	(2.8%)	(4.6%)	(8.2%)	(7.0%)
Only Overall Average	(8.1%)	(8.5%)	(7.0%)	(0.0%)	(6.9%)	(8.1%)	(6.9%)	(8.2%)	(2.8%)	(4.6%)	(8.2%)	(7.0%)

**Notifying Management Information**

The Commissioner wishes to determine if road authorities are meeting their duty to enter notices for all of their works on the SRWR. This is done by measuring the number of Actual Start Notices and Comparison Notices entered on to the SRWR. The Commissioner also wishes to help under further the designations given to works.

Indicator Report 2a <b>Notifying Features per Actual Start Notice</b> (Only Overall Average)	2017/18				2018/19				2019/20			
	Apr - June	Jul - Sep	Oct - Dec	Jan - Mar	Year	Apr - June	Jul - Sep	Oct - Dec	Jan - Mar	Year	Apr - June	Jul - Sep
Works Started	363	465	166	153	1137	337	394	221	278	1230	337	394
Works Completed	417	488	217	172	1284	356	436	256	303	1351	356	436
Permits, Consents and Works Under Licence	276	291	157	154	918	262	188	164	138	749	262	188
Emergency, Urgent or Remedial Dangerous Works	4	13	7	2	26	5	8	4	3	20	5	8
Blank, Standard, Major Works, Remedial Other and Road Restrictions	370	452	179	151	1152	332	386	217	275	1228	332	386

**Works Notices per 100km**

The Commissioner wishes to ensure that all road authorities are entering all their notices. To this end the number of notices issued by each authority has been analysed to give a figure representative of notices per 100km. This figure is being used as a benchmark to compare information for each authority from the same SCOT's grouping (urban, rural, semi-urban, urban and rural). Road Lengths are taken from Chapter 4 Table 4.2 Public Road Lengths by Council Area and Class of the Scottish Transport Statistics.

Indicator Report 2a <b>Notifying Features per Actual Start Notice</b> (Only Overall Average)	2017/18				2018/19				2019/20			
	Apr - June	Jul - Sep	Oct - Dec	Jan - Mar	Year	Apr - June	Jul - Sep	Oct - Dec	Jan - Mar	Year	Apr - June	Jul - Sep
West Lothian Council	89	90	25	37	141	118	118	118	118	464	118	118
SCOT's Group - Semi-urban Group	29	35	37	37	138	57	57	57	57	228	57	57
East Ayrshire Council	86	86	72	70	314	33	33	33	33	132	33	33
East Lothian Council	40	40	35	35	150	48	48	48	48	192	48	48
Midlothian Council	30	30	45	55	160	55	55	55	55	220	55	55
North Ayrshire Council	38	38	31	31	138	59	59	59	59	236	59	59
South Ayrshire Council	106	106	106	106	424	106	106	106	106	424	106	106
South Leithshire Council	51	51	51	51	204	51	51	51	51	204	51	51
Stirling Council	51	51	51	51	204	51	51	51	51	204	51	51
SCOT's Semi-urban Group Average	51	51	51	51	204	51	51	51	51	204	51	51

Fixed Penalty Notices												
The Commissioner is monitoring the number of roads authorities which are issuing Fixed Penalty Notices. This is included for information only as the issuing of FPNs is at the discretion of the roads authority.												
Potential Undertaker FPNs in this authority area Actual FPNs given FPNs given for Road (Scotland) Act Offences	Indicator Report 1 Indicator Report 2 Indicator Report 3	2017/18				2018/19				2019/20		
		Apr - June	Jul - Sep	Oct - Dec	Jan - Mar	Apr - June	Jul - Sep	Oct - Dec	Jan - Mar	Apr - June	Jul - Sep	
		75 47 1	85 46 0	96 52 0	128 112 2	150 92 8	90 120 8	72 41 7	72 32 4	150 92 8	90 120 8	
Conflict Details												
The Commissioner wishes to ensure that all roads authorities are issuing accurate conflict details to ensure that road closures are avoided. The Sheriff requires a warning if a notice is issued without correct details for the Originator of the notice and the Contractor carrying out the works. Data is presented as a percentage of FPNs to include work started. Only under licence works are included from RDC.												
Number of works recorded without correct conflict details Percentage of works input under this category per Actual Start Notice												
2017/18												
Apr - June												
Jul - Sep												
Oct - Dec												
Jan - Mar												
Total												
110 24.4%												
2018/19												
Apr - June												
Jul - Sep												
Oct - Dec												
Jan - Mar												
Total												
96 0.7%												
2019/20												
Apr - June												
Jul - Sep												
Oct - Dec												
Jan - Mar												
Total												
1 0.1%												
Minimising and Timing of Works												
The Commissioner wishes to review the use of RAUCS agreed procedures relating to Early Starts, Late Starts, Overrunning Works and Works Extensions. Early Starts, Late Starts and Work Extensions are presented as a percentage of all works.												
2017/18												
Apr - June												
Jul - Sep												
Oct - Dec												
Jan - Mar												
Total												
34 8.5%												
Indicator Report 10												
Percentage of Early Starts Roads Authority Early Starts Average												
2018/19												
Apr - June												
Jul - Sep												
Oct - Dec												
Jan - Mar												
Total												
3 0.8%												
Indicator Report 10												
Percentage of Late Starts Roads Authority Late Starts Average												
2019/20												
Apr - June												
Jul - Sep												
Oct - Dec												
Jan - Mar												
Total												
11 2.8%												
Indicator Report 6												
Percentage of Overrunning Works Roads Authority Overrunning Works Average												
2017/18												
Apr - June												
Jul - Sep												
Oct - Dec												
Jan - Mar												
Total												
7 1.8%												
Indicator Report 12												
Percentage of Work Extensions Roads Authority Work Extensions Average												
2018/19												
Apr - June												
Jul - Sep												
Oct - Dec												
Jan - Mar												
Total												
16 4.0%												
Indicator Report 16												
Percentage of Works with Closures Roads Authority Works with Closures Average												
2019/20												
Apr - June												
Jul - Sep												
Oct - Dec												
Jan - Mar												
Total												
0 0.0%												
Indicator Report 16												
Percentage of Works with Closures Roads Authority Works with Closures Average												
2017/18												
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Gazeteeer Updates												
The Commissioner wishes to monitor the frequency of submission of Gazeteeer updates made to the system. These submissions should be made every quarter, but on the new acquisition there are no new roads in the council area the submission can report that there is no update required.												
Submissions made	2017/18				2018/19				2019/20			
	Apr - June	Jul - Sep	Oct - Dec	Jan - Mar	Apr - June	Jul - Sep	Oct - Dec	Jan - Mar	Apr - June	Jul - Sep	Oct - Dec	Jan - Mar
	84	53	54	48	74	53	54	43	74	53	54	43
	43	51	44	43	67	52	54	36	67	52	54	36
	88.8%	76.2%	81.3%	89.6%	90.9%	84.6%	84.6%	82.7%	90.9%	84.6%	84.6%	82.7%
Sample Inspections Undertaken	2017/18				2018/19				2019/20			
	Apr - June	Jul - Sep	Oct - Dec	Jan - Mar	Apr - June	Jul - Sep	Oct - Dec	Jan - Mar	Apr - June	Jul - Sep	Oct - Dec	Jan - Mar
Category A Inspections Category A Passed Category A Pass Rate Percentage	54	53	54	48	74	53	54	43	74	53	54	43
	43	51	44	43	67	52	54	36	67	52	54	36
	88.8%	76.2%	81.3%	89.6%	90.9%	84.6%	84.6%	82.7%	90.9%	84.6%	84.6%	82.7%
	54	53	54	48	74	53	54	43	74	53	54	43
Category B Inspections Category B Passed Category B Pass Rate Percentage	42	48	43	40	54	44	41	36	54	44	41	36
	42	48	43	40	54	44	41	36	54	44	41	36
	88.2%	75.0%	79.0%	82.4%	81.3%	81.3%	82.9%	82.7%	81.3%	81.3%	82.9%	82.7%
	42	48	43	40	54	44	41	36	54	44	41	36
Category C Inspections Category C Passed Category C Pass Rate Percentage	42	48	43	40	54	44	41	36	54	44	41	36
	42	48	43	40	54	44	41	36	54	44	41	36
	88.2%	75.0%	79.0%	82.4%	81.3%	81.3%	82.9%	82.7%	81.3%	81.3%	82.9%	82.7%
	42	48	43	40	54	44	41	36	54	44	41	36
Sample Inspection Target Sample Inspection Done Percentage of Samples Done	153.7%	150.7%	150.7%	150.7%	155.5%	150.7%	150.7%	155.5%	155.5%	150.7%	150.7%	155.5%
	146	172	142	174	192	163	174	159	192	163	174	159
	91.4%	107.7%	95.1%	108.0%	94.3%	88.3%	88.3%	86.7%	94.3%	88.3%	88.3%	86.7%
	153.7%	150.7%	150.7%	150.7%	155.5%	150.7%	150.7%	155.5%	155.5%	150.7%	150.7%	155.5%
Attendance at Meetings												
The Commissioner wishes to ensure that at least 75% of Area RAUC/S meetings are being attended to ensure co-operation and co-ordination takes place.												
Area RAUC Attended SE RAUC	2017/18				2018/19				2019/20			
	Apr - June	Jul - Sep	Oct - Dec	Jan - Mar	Apr - June	Jul - Sep	Oct - Dec	Jan - Mar	Apr - June	Jul - Sep	Oct - Dec	Jan - Mar
	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%





**ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL**

**CONSULTATION ON IMPROVING THE OPERATIONAL EFFECTIVENESS OF THE  
CONTROL OF DOGS (SCOTLAND) ACT 2010**

**REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

**A. PURPOSE OF REPORT**

The purpose of this report is to advise the panel of the Scottish Government consultation on improving the operational effectiveness of the Control of Dogs (Scotland) Act 2010, and the proposed response from West Lothian Council to this consultation.

**B. RECOMMENDATION**

It is recommended that the panel notes and considers the proposed response detailed in Appendix 1 of this report which is intended to be submitted to the Council Executive for approval and submission to the Scottish Government.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; developing employees; making best use of our resources; working in partnership
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Control of Dogs (Scotland) Act 2010.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	We live in resilient, cohesive and safe communities
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	One full time equivalent post is appointed to carry out the duties of this legislation and other related dog control duties. The appointed post is currently vacant and work is being allocated across other officers within the service. The proposals in this consultation would increase



the burden and demand on the service.

- |             |                              |                                       |
|-------------|------------------------------|---------------------------------------|
| <b>VII</b>  | <b>Consideration at PDSP</b> | This is the first report to the PDSP. |
| <b>VIII</b> | <b>Other consultations</b>   | None.                                 |

## **D. TERMS OF REPORT**

### **D1 Background**

The aim of the Control of Dogs (Scotland) Act 2010 was to ensure that dogs which are out of control are brought and kept under control by tackling irresponsible dog ownership and by shifting the focus from the type of dog to the actions of the dog. The Act makes provision for local authorities to impose measures on an owner, or person in charge of a dog, who fails to keep their dog under control. These measures are set out to help prevent any future serious incidents involving the dog.

The use of the legislation has come under scrutiny since it was introduced. Most recently a report was submitted to the Council Executive on 11 September 2018 to approve a response to a Scottish Parliament scrutiny panel on matters relating to the legislation. This current consultation from the Scottish Government is seeking views on proposals to address some of the concerns which have been raised over the years.

The consultation has set out some proposals for changing the legislation and guidance which supports the interpretation and implementation of the legislation. A link to the consultation documentation is provided in Section F of this report. The proposed response to the consultation is provided in Appendix 1 of this report.

### **D2 Control of Dogs – West Lothian**

There has been a positive approach in West Lothian to addressing dog control concerns even though there have been issues within the legislation. The duties of the legislation were carried out by the Animal Welfare Officer working within the environmental health service. This post became vacant in November 2018, and the roles, responsibilities and approach to various dog control and related functions were reviewed.

The workload demands of the environmental health service are prioritised on the basis of public health and safety considerations. Dog control related issues are deemed lower priority than a number of other concerns having to be addressed by the service. The staffing and service delivery have therefore been revised to help provide resource for higher priority work and meet the budget requirements of the Transforming Your Council programme, whilst still providing a level of service within the basic provisions of the control of dogs legislation.

Whilst the consultation response reflects some positive changes which are required to the legislation it is also important to respond in the context of local authority resources, additional demands and implications the proposed changes would have. In particular there is a concern that changes proposed would remove certain dog control statutory obligations from Police Scotland to local authorities. Whilst the pressures and priorities for Police Scotland are recognised it is not appropriate to create a new demand on local authorities simply because of non-delivery by another body

## **E. CONCLUSION**

The general principle of the legislation in trying to reduce the number of serious dog attacks is supported and generally pursued by this local authority. However the proposals for change being considered have potential financial and resource impact issues on local authorities, and in particular the Environmental Health & Trading Standards service in working to meet higher priority public health and safety demands.

## **F. BACKGROUND REFERENCES**

1. [Improving the Operational Effectiveness of the Control of Dogs \(Scotland\) Act 2010 – Consultation.](#)

2. Report to Council Executive - Call for evidence from the Scottish Parliament Public Audit and Post-Legislative Scrutiny Committee on the Control of Dogs (Scotland) Act 2010, 11 September 2018.

Appendices/Attachments: One

Appendix 1 – Response to Consultation

Contact Person: Craig Smith, Environmental Health & Trading Standards Manager, 01506 282385, [craig.smith@westlothian.gov.uk](mailto:craig.smith@westlothian.gov.uk)

**Craig McCorriston**

**Head of Planning, Economic Development and Regeneration**

5 November 2019

## Appendix 1

West Lothian Council proposed response to consultation:

1 – Do you think an obstruction offence should be added into the 2010 Act? Please give reasons for your answer.

West Lothian response:

Yes. It is felt that this would be a helpful addition to the legislation. It is important to be able to get information from all parties involved in reported incidents which the local authority has to investigate. It is also particularly important in allowing the local authority to serve a dog control notice if this is required. A notice cannot be served without the details of the dog owner. It might however also be appropriate to suggest that consideration be given to obstruction including the provision of false or misleading information, not just refusal to provide information. The concept of obstruction should therefore also apply to any party, including the person making an allegation, regarding an out of control dog. It is also important to ensure that provision is made to powers of entry to officers to visit properties to seek information.

2 – Do you think a national dog control notice database should be established? Please give reasons for your answer.

West Lothian response:

This would be helpful and should be considered. It would mean that dog owner details could be checked and help deal with the problem of dog owners moving to different parts of the country. It would also be helpful to Police Scotland in pursuing dangerously out of control dog situations if they could check for any previous notices or warnings being issued.

3 – Do you consider that dog control notices can be capable of being enforced across Scotland under the 2010 Act? Please give reasons for your answer.

West Lothian response:

In principle these should be enforceable. However, there may be a number of issues which might impact on this. There would need to be clear requirements for information recording to allow identification of dogs and owners subject to notices. For example, since 2010 legislation for compulsory microchipping of dogs has been introduced. This type of information would be necessary as part of dog control notices and database information to allow appropriate enforcement.

4 – Do you think the 2010 Act should be amended to make clearer that dog control notices can be enforced outwith the local authority area they were imposed in? Please give reasons for your answer.

West Lothian response:

The legislation should be amended to provide a very clear legal basis to allow this to happen.



5 (for local authorities only) – Does your local authority seek to enforce dog control notices issued in a different local authority area?

West Lothian response:

We have not been involved in this. We would however record any information which is provided to us by another local authority.

6 – Do you think the 2010 Act should be amended so that a dog can be seized pending the court's consideration of a destruction order in relation to the dog? Please give reasons for your answer.

West Lothian response:

No. As stated in the consultation document powers already exist to seize dogs which are dangerously out of control. Police Scotland have the main powers in regards to the dangerous dogs legislation. Changing the control of dogs legislation as suggested would put this responsibility onto local authorities. If there are issues with Police Scotland not being able to apply or enforce legislation regarding dangerously out of control dogs, then making changes to put this responsibility onto local authorities is not appropriate. It would create an unnecessary and unfair burden on local authorities. The existing powers should be applied.

7 – Do you think the 2010 Act should be amended to make clearer what powers exist for local authorities to share information about dog control notices? Please give reasons for your answer.

West Lothian response:

No. It is not clear what benefit there would be in sharing with members of the public the personal data of dog owners and details of dog control notices. There has been no offence committed by a dog owner when the notice is served. It is only an offence not to comply with the terms of the notice. The legislation also states that there has to be a degree of competence to assess whether a dog is out of control. Whilst the concerns of the public are understood, it has to be the objective and professional assessment of officers which determines the appropriate course of action to take. Members of the public will always have the right to raise any concerns or report further incidents. Local authority officers will continue to respond to subsequent concerns and information in fulfilling their duties under the legislation.

8 – Do you think the 2010 Act should be amended to empower local authorities to be able to issue a fixed penalty notice in respect of breaches of a dog control notice? Please give reasons for your answer.

West Lothian response:

Yes. The intention of the act is to ensure dog owners are aware of the steps they should take to prevent further more serious incidents involving dog(s) under their control. In most cases breaches of dog control notices are for not implementing the measures specified. Reports to the Procurator Fiscal should be limited to only the most serious of breaches and incidents, i.e. dangerously out of control dogs involved in person or animal attack, and would involve Police and local authority. For any other breaches the sanction should be fixed penalty notice.

9 – How best could awareness be raised in local authority areas as to their powers under the 2010 Act. Please give reasons for your answer.

West Lothian response:

This authority has provided information online for members of the public. We have used social media appropriately to raise awareness of dog related issues. However, whilst there may be concerns regarding incidents not being reported it would be challenging for local authorities to deal with any greater demand on resources currently available.

10 – Do you think the statutory guidance for the 2010 Act should be updated? If so, please provide how you think it should be updated.

West Lothian response:

Yes, particularly if any changes proposed in this consultation are implemented. It would also be helpful to resolve issues regarding authorised officer competence. The references in the current guidance are vague and link to out of date information.

11 – Do you think that the statutory guidance in relation to information sharing should be added to the statutory guidance? If so, please provide suggested wording.

West Lothian response:

Yes, if changes are made within the legislation or as suggested in the consultation. It is not appropriate to provide suggested wording for such guidance. This should be a matter for Scottish Government and its legal advisors to resolve and provide to local authorities.

12 – Do you think the protocol should be updated? Please provide information as to how you think it should be updated.

West Lothian response:

Yes, but only in context of ensuring relevant information regarding organisations is up to date, and making the protocol a recognised and accepted part of statutory guidance for application of the legislation. This would also require agreement by local authorities and Police Scotland.



**ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL**

**RECYCLING & WASTE SERVICES – RESULTS OF CITIZEN LED INSPECTION**

**REPORT BY HEAD OF OPERATIONAL SERVICES**

**A. PURPOSE OF REPORT**

The purpose of this report is to advise the Environment PDSP of the results of the Citizens Led Inspection (CLI) into Recycling & Waste Services, and to report the improvement plan that has been developed from the inspection and the actions implemented to date.

**B. RECOMMENDATION**

The Environment PDSP is asked to note:

1. The results of the CLI.
2. The improvement plan that was developed and the progress of implementation post inspection.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	<ul style="list-style-type: none"><li>• Focusing on customer needs</li><li>• Being honest, open and accountable</li><li>• Making best use of our resources</li></ul>
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Not applicable.
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	Successful implementation of the action plan will improve service performance.
<b>V Relevance to Single Outcome Agreement</b>	SOA 8 – We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
<b>VI Resources - (Financial, Staffing and Property)</b>	The action plan will be implemented within the existing budget.

<b>VII Consideration at PDSP</b>	None
<b>VIII Other consultations</b>	The Executive Management Team has been consulted on the CLI report as well as the Performance and Improvement Service

## **D. TERMS OF REPORT**

### **D.1 INTRODUCTION**

Recycling, Waste and Fleet Services is responsible for the collection of all household waste and the environmentally responsible management of waste in line with the government's Zero Waste Plan. The service provides a weekly uplift to over 80,000 households and fortnightly uplifts of garden & food waste to the majority of households. The service also carries out around 4,000 bulky uplifts and collect commercial material from council buildings and offices. In total this amounts to more than 8 Million uplifts per year and 65.2 percent of all household waste was recycled in West Lothian last year.

The service has five Community Recycling Centres (CRCs) located throughout West Lothian where residents bring their own household waste for recycling, with over 600,000 visits per year. In addition, we have 150 glass recycling points and provide information and support to customers on how to reduce, reuse and recycle their waste.

The service is also responsible for the provision, management and maintenance of the council's fleet of approximately 1,000 vehicles. This includes commercial vehicles, buses, pool cars and items of plant equipment. With its own team of mechanics, the service operates 24 hours a day and undertakes all safety inspections as well as servicing, repairs and MoTs for the council's fleet and members of the public.

### **D.2 CITIZENS LED INSPECTION PROCESS**

The feedback report provided as Appendix 1 to this paper has been produced following an inspection of Recycling and Waste Services in West Lothian Council against the Citizen Led Inspection framework and using the framework rating system.

The inspection process took place over a number of days between September 2018 and January 2019 and included the following steps:

- Evidence review and site visit planning
- Onsite observation and interviewing
- Consensus on strengths, areas for improvement and scores by the citizen inspection team

The inspection team comprised:

- Mrs Ann Pike
- Mr Peter West

During the inspection process every effort has been made by the team to ensure that conclusions and feedback are based on fact and are the result of consensus. The team interviewed approximately 21 people individually or in groups and visited 3 locations.

### D.3 INSPECTION RESULTS

Using the evaluation methods of the Citizen Led Inspection framework the inspection team rated the service as follows:

<i>Criterion</i>		<i>Rating (✓)</i>				
		<b>E</b> (Excellent)	<b>G</b> (Good)	<b>A</b> (Adequate)	<b>W</b> (Weak)	<b>U</b> (Unsatisfactory)
1	LEADERSHIP		X			
2	SERVICE PLANNING			X		
3	PEOPLE RESOURCES				X	
4	PARTNERS & OTHER RESOURCES			X		
5	SERVICE PROCESSES			X		
6	CUSTOMER RESULTS			X		
7	KEY RESULTS		X			

#### D.3.1 Key Strengths

Recycling and Waste Services has demonstrated good practice/performance in the following areas:

- Investment in resources and systems to improve recycling rates.
- Commitment to service delivery by staff at all levels.
- A marked increase in the amount of waste being recycled
- Knowledgeable staff

#### D.3.2 Key Areas for Improvement

Recycling and Waste Services requires improvement in the following areas:

- Involvement of citizens when designing, implementing and reviewing new approaches.
- Involvement of citizens when making improvement based on citizens' feedback
- Improved approach to complaint handling overall with linkages being made across services, enabling citizen focussed resolutions that answer multiple issues,
- Improved communication across the service, and understanding of the strategic priorities in relation to the delivery of day to day work plans
- Improved approaches in understanding and dealing with staff perceptions

### D.4 SERVICE ACTION PLAN

A detailed action plan, (Appendix 2) has been created by the service to address the areas for improvement that have been highlighted. The inspectors will come back for a follow up visit in 6 to 12 months time to reflect the service position following the implementation of the sections restructuring activities through to the frontline staff. This timescale ties in with the completion and implementation of the majority of the key improvement actions identified.

## **E. CONCLUSION**

The Citizen's Led Inspection process within the council has proved itself in terms of developing services based on customer feedback. The latest tranche of inspections have resulted in positive feedback for services and helpful suggestions for areas of improvement.

The CLI for Recycling & Waste Services was undertaken at a time of transition for the service following a period of restructuring and the move into the new Whitehill Service Centre. There are clear areas of focus where improvement and further work has been identified and planned as well as the recognition for the considerable advances made in terms of recycling performance and the commitment to service delivery at all levels.

The action plan will allow the managers to focus on key areas of activity to ensure the service continues to grow and improve as well as demonstrating the progress made to date.

## **F. BACKGROUND REFERENCES**

None

Appendices/Attachments:

Appendix 1: Citizen Led Inspection Feedback Report

Appendix 2: Recycling & Waste Services Action Plan

Contact Person: David Goodenough, Waste Services Manager, 01506 284465, [david.goodenough@westlothian.gov.uk](mailto:david.goodenough@westlothian.gov.uk)

**Jim Jack**  
**Head of Operational Services**  
**5 November 2019**

# CITIZEN LED INSPECTION

FEEDBACK REPORT FOR WEST LOTHIAN COUNCIL

## Recycling and Waste Services

**January 2019**

### INSPECTION TEAM:

**Ann Pike**

**Peter West**

### REPORT SUBMITTED TO:

Jim Jack, Head of Operational Services

David Goodenough, Recycling & Waste Services Manager

## 1 INTRODUCTION TO FEEDBACK

This feedback report has been produced following an inspection of **Recycling and Waste Services** in West Lothian Council against the Citizen Led Inspection framework and using the framework rating system.

The inspection process took place over a number of days between **September 2018** and **January 2019** and included the following steps:

- Evidence review and site visit planning
- Onsite observation and interviewing
- Consensus on strengths, areas for improvement and scores by the citizen inspection team

The inspection team comprised:

- Mrs Ann Pike
- Mr Peter West

During the inspection process every effort has been made by the team to ensure that conclusions and feedback are based on fact and are the result of consensus. The team have interviewed approximately **21** people individually or in groups and visited **3** locations.

## 2 KEY STRENGTHS

Recycling and Waste Services has demonstrated good practice/performance in the following areas:

- Investment in resources and systems to improve recycling rates.
- Commitment to service delivery by staff at all levels.
- A marked increase in the amount of waste being recycled
- Knowledgeable staff

## 3 KEY AREAS FOR IMPROVEMENT

Recycling and Waste Services requires improvement in the following areas:

- Involvement of citizens when designing, implementing and reviewing new approaches.
- Involvement of citizens when making improvement based on citizens' feedback
- Improved approach to complaint handling overall with linkages being made across services, enabling citizen focussed resolutions that answer multiple issues,
- Improved communication across the service, and understanding of the strategic priorities in relation to the delivery of day to day work plans
- Improved approaches in understanding and dealing with staff perceptions



## 4 RATING

The Citizen Inspection team have rated the service as follows:

CRITERION	RATING (✓)				
	<u>E</u> (Excellent)	<u>G</u> (Good)	<u>A</u> (Adequate)	<u>W</u> (Weak)	<u>U</u> (Unsatisfactory)
1 LEADERSHIP		X			
2 SERVICE PLANNING			X		
3 PEOPLE RESOURCES				X	
4 PARTNERS & OTHER RESOURCES			X		
5 SERVICE PROCESSES			X		
6 CUSTOMER RESULTS			X		
7 KEY RESULTS		X			

## 5 OVERVIEW OF THE SERVICE

### 1 LEADERSHIP

Leaders:

- Identify a clear direction for the service
  - Set long-term outcomes
  - Are open, honest and accountable
  - Put in place scrutiny to challenge performance
- 
- Comprehensive information was provided in the Service Information Pack.
  - The overarching aim of 'reducing landfill waste' is the driving force from the R&WS Manager, though not the prime aim at different levels below this. The focus, for example at operative level, is more on their involvement in process.
  - Long term outcomes reflect a number of inputs, for example changes in legislation, changes in Council Policy, and changes in current and projected budget positions.
  - There is some limitation on the Service's ability to plan for the longer term because of Council structures/constraints (e.g. 4 year temp contracts; length of time for restructuring, first mentioned 10 years ago).
  - The R&WS Manager is knowledgeable, very open and helpful with no reason to doubt his honesty. He is accountable and currently being held to account more frequently than the usual cycle.
  - Other managers and team leaders were also open, honest and helpful.
  - All staff indicated an understanding of the service and their role(s) within it but didn't necessarily share the same overall 'vision.'
  - Overall the evaluation of service performance could be improved by key Managers having a greater understanding of the WLAM process and in particular the scoring process. This could improve the ways priority issues are managed without the need for such frequent review meetings. This could also help more effective challenge of the service at all levels and what is driving the key results.
  - The impression was given that there is some lack of awareness of discontent at operative level.
  - Communication to operatives is weak.
  - Process sharing of feedback to and from crews on a daily basis is weak, which contributes to discontent at operative level.
  - We evidenced that R&WS Manager wants to be proactive but previous circumstances (pre Whitehill) and current situations (e.g. delay in restructuring, absence rate, fleet issues) force him to be more reactive and, on occasions, 'firefighting.'
  - Absence rates within the service are improving. This has been helped by the changes in WLC absence policy. There is further scope for managers to improve how they implement this policy within the service. We noted the service intends to do this as part of the current restructuring. This should help people feel there is fairness in how absence is managed.

- The working environment in the new Whitehill depot is not conducive to effective partnership working. A lot of work went into the design of the building to make people feel equal, but the reality is this is not yet working as planned.

### **Recommendations**

- Processes for communicating up and down through the service should be reviewed for effectiveness.
- The process for managing the information from daily sheets should be reviewed for effectiveness and efficiency.
- Restructuring should be completed down to operative level.
- Consideration should be given to making the Whitehill Depot a model for partnership working and a healthier working environment.
- The Service should follow through on its plans for better absence management.
- Leaders in the council should be role models for delivering internal recycling strategies.

**Rating: Good**

## **2 SERVICE PLANNING**

The service:

- Develop clear strategies
  - Has effective annual planning that outlines the key activities
  - Uses reliable tools and methods to engage and consult with customers
  - Sets and meets targets for performance in all the key areas of activity
- 
- The Service produces strategies and plans to comply with Council priorities and National Legislation, with the aim of delivering an efficient, effective service. These plans are reviewed continuously.
  - There is a lengthy and time consuming process involved in introducing changes to plans.
  - There have been instances of confusion over short/medium term deployment of new approaches being introduced ahead of when the key resources would be in place to make these effective, e.g. introducing new routing before the Whitehill depot was in place. This had led to a spike in complaints on at least a couple of occasions.
  - Changes can sometimes be introduced without adequate information, to help explain the rationale for the change, being given to customers and to staff.
  - Plans can be overturned very rapidly by senior council officials following elected member intervention. This can have a complicated knock on effect on planning, both short and long term, and on staff morale, at all levels.
  - Individual waste management policies were discussed and it was clear there is a passion amongst the team for delivering these policies. However where it was less clear and joined up was where waste collection management aligns

to wider aspects of waste management in relation to (e.g.) improved recycling behaviours, fly-tipping, grounds maintenance.

- Consultation methods target only a small proportion of customers, or are 'reactive' to customer complaints.
- There was clear evidence of detailed planning for when disruptions to waste collection could happen (e.g. severe winter weather) with improvements being planned based on previous experiences. However this is reliant on staff good will to work on (e.g.) bank holidays at Easter, or weekends at Christmas, and when staff morale is low, plans cannot depend on good will, as evidenced over Christmas 2018/New Year 2019
- It was less clear how planning takes place for staff development needs, complaints root cause analysis, and joining up citizen consultations to inform improvements. Complaints and input from councillors appears to be the main pro-active ways citizens' views are used to inform processes and policy improvements.
- Complaints are seen as important but there was less evidence of effective root cause analysis of complaints and of complaint information reaching front line staff to help them improve their interaction with customers
- Customer handling training is being considered but we didn't see evidence that this will definitely happen as a mandatory part of staff development.
- The service should use every opportunity possible (e.g. opening of the new Whitehill Depot) to inform and involve citizens and help educate them on how to help the service meet its outcomes.
- There is a set of targets the service effectiveness is measured against. Some have been exceeded spectacularly, e.g. waste diverted from landfill. Others have targets which are not properly challenging enough.
- There was clear formal performance reporting upwards but it was less clear how performance is effectively reported downwards and the daily/end of shift meetings could be made more effective in this regard.
- Perceptions vary at different levels as to what success for the service looks like. Due to the difference of vision for the service at different levels, performance reporting will appear to some people out of line with their personal performance drivers.
- There was evidence that some targets are not being met because of issues out with the service's control.

## Recommendations

- The service should have greater involvement of both customers and employees in development of business plans and processes to meet strategic aims.
- Consideration should be given across services, e.g. Waste and NETS, to the sharing of daily information regarding waste, litter, fly-tipping, etc.
- The Council should consider how services, including waste management, collaborate to consider root cause analysis of shared issues at household level, thus optimising resources.

- The service impacts on every West Lothian household and consideration should be given to how this could be used as a resource to educate and inform citizens on a wide range of WLC policies and practices, including, but not restricted to waste management.
- Care should be taken to ensure that any changes to policy or process are fully explained to staff and tested with customers before their introduction, including the use of pilots and phased introductions, thus avoiding disproportionate negative public feedback
- Closer attention should be given to root cause analysis of complaints to inform appropriate improvement activities targeting customer satisfaction both a service level and, potentially, at Council level.

**Rating: Adequate**

### 3 PEOPLE RESOURCES

The service:

- Identifies the right people resources it needs to achieve outcomes
  - Sets out desired qualities and acceptable behaviours for staff
  - Reviews and improves individual people's performance
  - Communicates effectively with people
  - Involves people in reviewing and improving the service
- 
- The service is currently undergoing a restructure which has been discussed and planned for the last 10 years.
  - The service will be able to recognise if it has the right people resources only after the restructuring has been completed.
  - The re-structuring does not appear to be going down to operative levels therefore this will have an impact on ensuring the right skills and behaviours are being developed to work effectively within the new structure.
  - The rationale for running with lengthy and multiple temporary contracts is not clear in relation to driving staff motivation and helping deliver the councils aims of going above and beyond for its customers. The rationale and how the policy is to be used does not match to working conditions and therefore is not effective in doing what it was meant to do. (See below)
  - The recruitment of staff for some time has mainly been internal and does not enable or represent a diverse workforce or show the councils ambition to have a diverse workforce.
  - Attempts have been made to develop staff in ways that helps with absence management and disruptions to services but this has not been systematic due to the delayed plans for re-structuring.
  - The service has been somewhat restricted in arriving at the right mix of staff because of WLC recruitment policies (eg some staff has been on temporary contracts for 4 years).
  - The service sets out qualities and behaviours but does not always fully communicate these to all levels of staff in an effective manner.
  - Not all staff have individual reviews.

- Staff at all levels are not fully engaged in reviewing and improving the service on a continuous basis.
- The processes in place that staff are working with are not always focussed on customer improvement and on occasions are seen as tick box exercises.
- The service continues to have a higher absence rate than most other areas of the council. This is improving – there is a new Council absence procedure which is having some impact but needs to be monitored carefully following the re-structure to ensure the plans deliver the improvements the new structure is aiming to do.
- People know what is working and what isn't and need encouraged to play an effective part in changing things for the better. We evidenced a willingness to do this by staff.

### **Recommendations**

- Staff should be made fully aware of how the restructuring will benefit them, and how they can get the most out of the new structure.
- The service needs to reconsider its use of so many extended temporary contracts.
- The service needs to reconsider the reliance on good will of staff to maintain delivery of services at times of disruption.
- Following the restructure, the service should ensure the Council's appraisal strategy is followed.
- The service should involve staff at all levels more in creating improved practices and an improved working environment.
- There should be much more feedback to operatives on how any concerns they have raised or informed (via daily sheets for example) have been processed.
- Existing communication tools should be used more effectively to keep operatives informed.
- How service users who repeatedly do not follow recycling guidelines or perhaps do not fully understand them, reported by operatives, are dealt with should be reviewed to see if an improved approach could be more effective, with positive outcomes more obvious to staff.

**Rating: Weak**

## 4 PARTNERS & OTHER RESOURCES

The service:

- Manages partnerships to add value for the customer
  - Manages finances to deliver quality services sustainably
  - Uses information and knowledge to support and enhance service delivery
  - Uses assets (land, buildings, vehicles and equipment) to optimum effect
- 
- The service has internal and external partners.
  - From what we experienced the service works well with external partners to give 'best' value.
  - We evidenced good practice of joined up working with internal partners e.g. Corporate Comms. However from what we experienced there are still opportunities to work with internal partners in a more joined up way to add value for customers.
  - As this service is the only service to impact every citizen in West Lothian, there must be other opportunities to link up challenges from other services, and, by working together, find customer based solutions, not process based solutions. This could potentially save time and money for the council overall.
  - The external environment has a disproportionate impact on the cost of this service and therefore having strong external partnerships with others could help share the burden of this.
  - The service's plan is properly costed and meets all budget requirements. External factors, e.g. increased waste disposal costs can impact on sustainability.
  - Strategic planning and IT systems appear to be well utilised in supporting delivery. However there is an opportunity to review the systems brought in as part of Whitehill as a 'Super Depot' to ensure the benefits are being realised and utilised fully.
  - Relocation to Whitehill has improved some aspects of delivery over the Deans depot. However some facilities are still not fully commissioned, e.g. waste transfer station.
  - Possible safety issues will emerge as this process continues, e.g. waste transfer station floor.
  - Some staff do not like the management of the new depot or its facilities and 'ambience.'
  - Recycling & Waste Management staff suggested that some HWRC sites are not fit for purpose and may be unsafe. Such facilities need to be reviewed to ensure they are effective and fit for purpose to maintain a safe and usable environment for staff and the public, e.g. Linlithgow HWRC site
  - Difficulties with provision by internal partners can impact on efficiency, e.g. fleet issues mean that vehicles are not always suitable or available for use.
  - There is a great source of information being brought back from customers indirectly and directly as a result of some key resources that have been put in place i.e. daily sheets and phones. These sources of information could be used better for optimum effect.

- The move to have fleet and waste under 1 manager should bring about improved management of resources and delivery of services.
- The buildings and equipment in place as a result of operating from Whitehill could benefit for a review involving staff to improve efficiency and effectiveness of this 'super depot.'

### Recommendations

- There should be a comprehensive review of the planned benefits of the move to Whitehill.
- Given the decision to retain the 5 existing HWRC sites, health and safety issues need to be reconsidered.

**Rating: Adequate**

## 5 SERVICE PROCESSES

The service:

- Designs processes to meet the needs of customers
  - Ensures processes are efficient and effective
  - Delivers services to customers in the way they want
  - Reviews the efficiency and effectiveness of processes
  - Uses customer feedback as part of the review process
- 
- Processes are designed to improve re-cycling and meet budget reductions not but it was not always obvious how this was done with the customer in mind.
  - What the customer needs and what the customer wants are not always the same.
  - Complaints arise because the customer does not always get what the customer wants or thinks they should get.
  - There is a definite lack of customer education and awareness of their role and responsibility in waste management.
  - Perceptions of what the customer is paying for by way of council tax lags the reality of what was agreed in the consultation 'Transforming Your Council'.
  - If customers are not constantly reminded/educated about the changes that are coming up the track for waste, this will have an on-going impact on complaints and potentially overturning key decisions needed to save the necessary budget targets.
  - There are recent changes taking place to help educate the customers around 'why' things are done the way they are, and educating call handlers appears to be helping the customer experience on the phone. It is also leading to informed notifications being posted on WLC website and media communications.
  - Some evidence exists that budget restrictions limit the extent to which processes can meet the needs of all customers (e.g. vehicle size too large for some areas, but smaller vehicles would incur higher costs). This gave the impression that costs/savings often impact on customer satisfaction.



- The Service – as evidenced by employees at all levels - certainly aims to be efficient and effective.
- The main customer ‘feedback’ is complaints. The service considers these in developing or changing processes.
- Levels of customer satisfaction are measured through traditional council wide mechanisms but for this service it is based on very small samples.

### Recommendations

- The service and the wider Council needs to better manage customer expectations, particularly at a time of budget constraints.
- The service should continue to constantly review efficiency and effectiveness of processes.
- The service should consider how it can increase its customer sample size to help inform appropriate change.

**Rating: Adequate**

## 6 CUSTOMER RESULTS

The service:

- Are measuring the right thing(s) in relation to customer results and what is important to the customer
- Can show positive and sustained good performance over a period of 3 or more years
- Have set and met challenging targets
- Compare their own performance against performance leaders in other councils or organisations
- Can explain any dips in their performance or positive changes

- There remains a disconnect between what is important to many customers and what should be important to them in relation to the strategic aims of the service. This has an impact on customer results.
- Most targets and results shown were based on small samples and their statistical significance must be viewed with caution.
- Any changes made to the service as a result of current customer results may not be appropriate.
- The service deals with customer enquiries and complaints efficiently.

### Recommendations

- The service should consider ways of gathering real time customer perceptions.
- The service should consider what internal indicators should be set for managing the resolution of customer enquiries and tasks raised via daily sheets.

**Rating: Adequate**

## 7 KEY PERFORMANCE RESULTS

The service:

- Are measuring the right thing(s) in relation to the key activities and the long-term outcomes
- Can show positive and sustained good performance over a period of 3 or more years
- Have set and met challenging targets
- Compare their own performance against performance leaders in other councils or organisations
- Can explain any dips in their performance or positive changes

- Measurements of e.g. waste being recycled, waste diverted from landfill, cost per household of waste disposal, waste collection effectiveness, etc. all help inform process management.
- Recycling rates show an improving trend over the last 3 years, with the rate of 61.3% in 2017/18 exceeding the target for the first time. All year's show a favourable performance against the benchmark.
- Most key targets are being met, though not all of these are benchmarked.
- There are spikes in the target for missed bins, particularly in Q4 2017/18 and Q1 2018/19. Some reasons given for this (weather and fleet issues) were out with the service's control. Service plans for managing this were in part overruled.
- Targets should be adjusted to take account of changing circumstances, e.g. Cost of refuse collection service per household target should have been reduced to take account of the introduction of the new transfer station.

### Recommendations

- The service should consider the positive impact on key results by signing up to the Scottish Waste Charter.

**Rating: Good**

## 6 REVIEW DATE






The Citizen Inspection team will return to the service in early 2020 to review the progress in the areas identified for improvement following the completion of the restructuring activities throughout the service.



## CITIZEN LED INSPECTION - SERVICE IMPROVEMENT PLAN




Recycling & Waste Services






October 2019

STATUS KEY:  Completed  On Target  Not Started  Behind Schedule, Overdue						
ITEM	INSPECTOR RECOMMENDATION	IMPROVEMENT ACTION BY SERVICE	START DATE	COMPLETION DATE	ACTION BY	STATUS
<b>1</b>	<b>Leadership</b>					
1.1	Processes for communicating up and down through the service should be reviewed for effectiveness	<p>The process for communicating up and down through the service will be reviewed with a representative groups of staff and stakeholders to confirm the actions raised will be effective including:</p> <p>The delivery method and medium for Corporate briefings;</p> <p>Internal staff/representative consultation groups and opportunities such as the</p>	Mar-19	May-19	DMcP, GW	

ITEM	INSPECTOR RECOMMENDATION	IMPROVEMENT ACTION BY SERVICE	START DATE	COMPLETION DATE	ACTION BY	STATUS
		<p>Service Works Committee, Procurement and Project involvement;</p> <p>The use of daily updates sent to the CSC, Head of Service and Depute Chief Executive to provide day to day information on service issues and progress from the previous day's issues;</p> <p>The use of staff meetings as per the People Strategy from management level to frontline staff;</p> <p>The use and effectiveness of the debrief sessions;</p> <p>Access to IT for frontline staff to systems which are available to all other staff, such as TMS, HR21, Intranet, Corporate e-updates and newsletters;</p> <p>The use frontline IT suite on the ground floor at Whitehill Service Centre</p> <p>The potential to create a regular service update page for electronic noticeboards and issuing to outlying staff including up to date performance figures for relevant KPI's and recycling rates to provide the context to work activities along with complaints and praise received from the public.</p> <p>The utilisation of training sessions for crews and for Recycling Centre staff as</p>				





ITEM	INSPECTOR RECOMMENDATION	IMPROVEMENT ACTION BY SERVICE	START DATE	COMPLETION DATE	ACTION BY	STATUS
		<p>well as Tool Box Talks for frontline staff prior to departure on beats.</p> <p>To reinforce the initial training refreshers will be provided to explain what happens to waste and importance of collection staff for policing contamination and diverting waste from landfill, basic cost implications, so can equate to jobs etc</p> <p>Provide updates, delivered in the appropriate style and context to explain other changes, such as legislation and contracts, when relevant.</p>				
1.2	The process for managing the information from daily sheets should be reviewed for effectiveness and efficiency.	The initial review of this area of the service is complete. Further feedback on the effectiveness of this process change as it is being implemented will be gained through the review process noted in Item 1.1.	Jan-19	Feb-19	DMcP, GW	✓
		The service are in the process of allocating beats to individual crews to create ownership, a more robust debriefing process and sense of achievement for each crew with goals and targets set for performance. For example a focus on assisted take out collections and areas where access issues occur, which then enables information to be fed back to both the staff and the CSC from actions taken.	Jan-19	Mar-19	DMcP	✓
		New Squad leaders and Officers are in	Jan-19	Jan-19	DMcP, GW	



ITEM	INSPECTOR RECOMMENDATION	IMPROVEMENT ACTION BY SERVICE	START DATE	COMPLETION DATE	ACTION BY	STATUS
		place which has given a more robust daily planning and debrief process, individual Officers and Squad leaders have been allocated specific areas of responsibility to ensure that there is a direct and clear line of communication, responsibility and outcomes expected for activities undertaken in a given day.  A communications plan is being devised for the implementation of the new aspects of the agreed Customer Service Standards, which will cover Senior Manager, Elected Member, CSC, Frontline and other stakeholder engagement.	Feb-19	Apr-19	AT	  
1.3	Restructuring should be completed down to operative level.	The service have progressed the restructure as far as it is possible at this stage, with the Contracts and Resources Officers being the final posts to recruit. The operative level part of the structure is dominated by fixed term and temporary contracts which are the concern noted by staff on the frontline within the CLI report. From a service perspective having permanent full time staff provides a greater buy-in from staff and allows for planned long term development. However, it is acknowledged that this final part of the restructuring of the service cannot be completed until the full implementation of the approved TYC	Feb-19	Apr-20	DG	



ITEM	INSPECTOR RECOMMENDATION	IMPROVEMENT ACTION BY SERVICE	START DATE	COMPLETION DATE	ACTION BY	STATUS
		savings and at that stage this action can be completed through the Managing Workforce Change procedure.				
1.4	Consideration should be given to making the Whitehill Depot a model for partnership working and a healthier working environment.	Operational Services are engaged at a service and building level through joint communications and Health & Safety committees as well as through the Building User Group. Cross service working is also demonstrated through engagement in initiatives such as Health Working Lives and other corporate initiatives within Whitehill Service Centre.	Ongoing	Ongoing	JJ	
		Consideration should be given to providing more social opportunities and links to the activities that are currently offered at the Civic Centre which are relevant to the workforce at Whitehill.	Feb-19	Ongoing	JF	
1.5	The Service should follow through on its plans for better absence management.	All Management, Officers, Squad leaders have received corporate training in the delivery of the new Supporting Attendance at Work Policy and the transition arrangements.	Jan-19	Feb-19	DMcP, GW	
		The service dashboards are to be updated to separate the attendance into the individual areas of responsibility.	Feb-19	Mar-19	HP	
		Internally to the service all managers, officers and Squad Leaders have received training in the internal processes	Feb-19	Mar-19	DG	




ITEM	INSPECTOR RECOMMENDATION	IMPROVEMENT ACTION BY SERVICE	START DATE	COMPLETION DATE	ACTION BY	STATUS
		<p>for recording absence and managing the process required to complete all absences and reviews as per the advised policy time frames.</p> <p>Allocate individual employees to an officer who will be responsible for their pastoral care.</p> <p>Provide officers and staff with the monthly Sickness Stats and HR information.</p> <p>Promotion of the Employee Assistance Program to enable self-help and self-referral to be seen as another alternative to improving attendance for aspects such as anti-poverty, mental health, workplace chaplaincy, counselling.</p>	Feb-19	Feb-19	DMcP, GW	✓
			Jan-19	Ongoing	HP	✓
			Jan-19	Jan-19	Officers	✓
1.6	Leaders in the council should be role models for delivering internal recycling strategies	This doesn't stop with leaders within the council but covers all council staff. The service have, through the restructure, employed an additional Strategy Support Officer to champion internal recycling and waste minimisation activities across the council. The service have actively been rolling out systems over the last two years internally and with the centralisation of waste budgets this will continue to drive down costs and improve recycling performance. Externally this requires the support and buy in to ensure that the new Customer Service Standards are implemented and supported to deliver the	Dec-18	Ongoing	DG, AT	✓









ITEM	INSPECTOR RECOMMENDATION	IMPROVEMENT ACTION BY SERVICE	START DATE	COMPLETION DATE	ACTION BY	STATUS
		<p>desired environmental improvement.</p> <p>Further buy-in can be supported by promoting a back to the shop floor commitment. This will see members, senior managers and support staff being given the opportunity to get out with crews to see what face, how recycling centre staff manage the volumes of traffic and verbal abuse on the sites and through this gain a full understanding of the frontline experience.</p>	Jan-19	Sept-19	DMcP, GW	
<b>2</b>	<b>Service Planning</b>					
2.1	The service should have greater involvement of both customers and employees in development of business plans and processes to meet strategic aims.	<p>The service will seek the capacity and time to be provided to undertake suitable and robust consultation on the development of business plans and strategic changes</p> <p>Internally the service have a fully developed communications plan which include consultation, focus groups, ISM events, questionnaires and engagement activities directly related to the service activities.</p> <p>The use of the Citizens Panel will be reviewed as it does not currently provide a suitable level of response, in terms of rate, or specificity in terms of being directly attributable to the activities of the service. If a wider standardised approach</p>	Feb-19	Ongoing	DG	
			Feb-19	Annual	AT	
			Apr-19	Nov-19	AT	





ITEM	INSPECTOR RECOMMENDATION	IMPROVEMENT ACTION BY SERVICE	START DATE	COMPLETION DATE	ACTION BY	STATUS
		cannot be found then the methods described within the communications plan will be used to support the collection of participation information and engagement.				
2.2	Consideration should be given across services, eg Waste and NETS, to the sharing of daily information regarding waste, litter, fly-tipping, etc..	Access to CONFIRM is provided across the services to check the completion status of Bulky collections and the online update page (public) enables other services to see where issues could occur due to delays or access problems. Cross service meetings occur where there are areas of mutual interest such as flytipping, litter reporting issues and complaints. The Whitehill Service Centre also provides collaborative opportunities to work and communicate with the other services as all of the officers are within the same building and area. This is particularly relevant at Squad Leader level where the frontline officer is shared across the service areas and with the CSC Resolver Team.	Jan-19	Jan-19	DG	
2.3	The Council should consider how services, including waste management, collaborate to consider root cause analysis of shared issues at household level, thus optimising resources.	Following the roll out of the 140I project the post-delivery appraisal highlighted the need to explore other communication routes and stakeholders out with those originally thought of. Through presentations at the Leadership &	Nov-18	Ongoing	DG	




ITEM	INSPECTOR RECOMMENDATION	IMPROVEMENT ACTION BY SERVICE	START DATE	COMPLETION DATE	ACTION BY	STATUS
		<p>Development Training and meetings separately with other services new communication routes and stakeholders have been identified and this will be incorporated in to future planning and service changes to ensure as many shared issues are covered. For example: undertaking training for other relevant services on changes and new policy, e.g. contamination – problems caused, costs, why important to stop and to help answer questions at source and disseminate information, such as Housing, CSC/ CIS/ Env Health, NETS etc.</p> <p>Work is required to ensure that other services and members are aware of the roles and remit of the service, as well as how this compares to that offered by other councils and private providers. Examples of this are the interpretation that all litter and flytipping is for this service to manage and collect, where as it is either a landlord issue or potentially a NETS issue, which is where the resource is provided to manage this. This will form an integral part of the engagement plan for the new Customer Service Standards.</p>	Mar-19	May-19	AT	
2.4	The service impacts on every West Lothian household and consideration	Training staff in customer care and	Apr-19	Jan-20	DG	

ITEM	INSPECTOR RECOMMENDATION	IMPROVEMENT ACTION BY SERVICE	START DATE	COMPLETION DATE	ACTION BY	STATUS
	should be given to how this could be used as a resource to educate and inform citizens on a wide range of WLC policies and practices, including, but not restricted to waste management.	<p>situation management can help them to be ambassadors e.g. explain why we do what we do, why changes occur and know who to feed questions to when they can't answer. This applies not only to collection staff but to all frontline staff across the council.</p> <p>The service should also consider the ability to advertise other services messages through the use of panels on vehicles or hoardings on sites. Potentially the service could also provide updates and messages via packs that could be affixed to containers to reduce postage costs.</p>	Mar-19	Jun-19	Corp Comms	
2.5	Care should be taken to ensure that any changes to policy or process are fully explained to staff and tested with customers before their introduction, thus avoiding disproportionate negative public feedback.	<p>Actions to engage and communicate with staff are covered in previous actions.</p> <p>Where possible testing with customers should be undertaken in the form of pilots and trials to enable a direct West Lothian analogue to be drawn prior to implementing wide ranging changes.</p>	Jul-19	Ongoing strategic change	DG	
2.6	Closer attention should be given to root cause analysis of complaints to inform appropriate improvement activities targeting customer satisfaction both a service level and, potentially, at Council level.	The service commit to undertake root cause analysis of complaints to inform appropriate improvement activities at the service level as well as through the Corporate Complaints Board. The introduction of the new frontline structure is designed to ensure that Officers have a wider overview of patterns and repeat	Feb-19	Ongoing	DG	



ITEM	INSPECTOR RECOMMENDATION	IMPROVEMENT ACTION BY SERVICE	START DATE	COMPLETION DATE	ACTION BY	STATUS
		<p>issues which when combined with feedback from CIS/ CSC about additional CONFIRM categories which will enable more detailed breakdown of causes of enquiries/ complaints/ missed bins, so does not have to be done manually i.e. by reading the script. E.g. missed bins has large proportion of 'please select'. This would result in a longer pick list, but will help CIS/ CSC in long term if more understanding of the reasons why customers are contacting us is known.</p> <p>When patterns are noted within issues and complaints a wider understanding of the issues which can or cannot be influenced by the service needs to be understood. For example if the number of available vehicles is reduced due to weather related breakdowns then an understanding of an increase in complaints caused by missed collections should be noted and communicated to relevant groups and stakeholders.</p>	Feb-19	Ongoing	DMcP, GW	
<b>3</b>	<b>People Resources</b>					
3.1	Staff should be made fully aware of how the restructuring will benefit them, and how they can get the most out of the new structure.	<p>Throughout the restructure process there were updates provided to explain the rationale and benefits of the structure. This included briefings to all staff.</p> <p>Following the implementation of the structure a staff focus group will be</p>	Nov-18	Jan-19	DG	





ITEM	INSPECTOR RECOMMENDATION	IMPROVEMENT ACTION BY SERVICE	START DATE	COMPLETION DATE	ACTION BY	STATUS
		brought together to review the introduction of the process and whether the benefits sought have been realised, as described under Item 1.1.	Apr-19	Jun-19	DMcP, GW	
3.2	The service needs to reconsider its use of so many extended temporary contracts.	As per Item 1.3: The operative level part of the structure is dominated by fixed term and temporary contracts which are the concern noted by staff on the frontline within the CLI report. It is acknowledged that this final part of the restructuring of the service cannot be completed until the full implementation of the approved TYC savings and at that stage this action can be completed through the Managing Workforce Change procedure. The recruitment into the permanent roles has commenced in October 2019.	Feb-19	Apr-20	DG	
3.3	The service needs to reconsider the reliance on goodwill of staff to maintain delivery of services at times of disruption.	The service have engaged with HR to determine which routes are available to seek a guaranteed workforce on known days where disruption will occur (Public Holidays)	Jan-19	Apr-19	HR	
		The ability to train up and call upon other frontline staff to cover collection services is being considered within Operational Services. However, any use of this for periods of unforeseen sickness or service disruption would cause knock on effects within the services providing the staff for collection staff.	Mar-19	May-19	JJ	





ITEM	INSPECTOR RECOMMENDATION	IMPROVEMENT ACTION BY SERVICE	START DATE	COMPLETION DATE	ACTION BY	STATUS
3.4	Following the restructure, the service should ensure the Council's appraisal strategy is followed.	With the introduction of the Squad Leader staff and dedicated pools of employees the ability to tie in developmental (through the SWITCH competency framework) and performance appraisal forms a part of the engagement process with individuals and teams. This is in addition to the annual ADR's which are conducted annually. This will be monitored through the individual training records for all staff members where the ADR and SWITCH/Performance appraisals will be logged.	Mar-19	Ongoing	DMcP, GW	
3.5	The service should involve staff at all levels more in creating improved practices and an improved working environment.	As detailed under Items 1.1 & 2.1 the service communications plan includes the use of employee focus groups and ISM sessions to ensure that staff are engaged and brought in to improvement activities.	Apr-19	Ongoing	AT	
		Where specific involvement is required the service utilise frontline crews to test and develop models for service delivery, such as rerouting activities where frontline input is essential.	Historical	Ongoing	DG	
3.6	There should be much more feedback to operatives on how any concerns they have raised or informed (via daily sheets for example) have been processed.	As detailed under Items 1.1 & 2.1 the improvement in the line management structure, responsibilities and communication through the debrief process will greatly assist in the provision of feedback and opportunities to raise issues for action allowing for a robust 'you	Feb-19	Ongoing	Officers & Squad Leaders	





ITEM	INSPECTOR RECOMMENDATION	IMPROVEMENT ACTION BY SERVICE	START DATE	COMPLETION DATE	ACTION BY	STATUS
		<p>said, we did' approach to be implemented.</p> <p>Quarterly service updates are planned for individual service areas (Collection, Disposal, Recycling Centres etc) on key performance areas and service actions which help inform staff and provide feedback on issues raised and performance.</p>	Apr-19	Ongoing	KK	
3.7	Existing communication tools should be used more effectively to keep operatives informed.	<p>As a part of the actions under Item 1.1 the service will be reviewing the communication tools currently used and their effectiveness.</p> <p>This includes the utilisation of:</p> <p>Handheld devices (mobile phones) for information.</p> <p>TV screens to be utilised to educate and inform staff.</p> <p>The use of the debrief process and dedicated time for Tool Box Talks and training sessions.</p>	Mar-19	May-19	DMcP, GW	
3.8	How service users who repeatedly do not follow recycling guidelines or perhaps do not fully understand them, reported by operatives, are dealt with should be reviewed to see if an improved approach could be more effective, with positive outcomes more	For contamination - the application of the new Customer Service Standards and the more robust and interactive debrief process will enable more two way feedback from the Engagement Officers and Squad Leaders back to the crews on serial offenders.	Apr-19	Apr-20	AT	




ITEM	INSPECTOR RECOMMENDATION	IMPROVEMENT ACTION BY SERVICE	START DATE	COMPLETION DATE	ACTION BY	STATUS
	obvious to staff.	Further development of the use of CONFIRM Connect to report and log issues and actions on a property by property basis will enable operatives and crews to see the responses and resolutions put in to place.	May-19	Apr-20	DMcP, SH-A	
<b>4</b>	<b>Partners &amp; Other Resources</b>					
4.1	There should be a comprehensive review of the planned benefits of the move to Whitehill.	Operational Services will conduct a comprehensive review into the planned benefits of the move to the Whitehill Service Centre from an employee, stakeholder and business perspective. This will take place through a cross service working group chaired by the Head of Service.	May-19	Apr-20	JJ	

ITEM	INSPECTOR RECOMMENDATION	IMPROVEMENT ACTION BY SERVICE	START DATE	COMPLETION DATE	ACTION BY	STATUS
4.2	Given the decision to retain the 5 existing HWRC sites, health and safety issues need to be reconsidered.	The Recycling Centres are subject to Health & Safety checks from Operative level through to Union, Health & Safety Officer, Property related and management inspections. Where safety critical infrastructure issues arise they are dealt with through property requests to ensure the sites are maintained in a safe manner for their intended purpose. Site staff are all fully trained and have routes through line manager, Trade Union representation and through the section and service Works Committee meetings to raise any issues.	continual	ongoing	DG	
		Zero Tolerance policy on violence and aggression in place with a further staff training on how to handle abusive customers is to be included.	Apr-19	Jun-19	GW	
		Planned Maintenance programme to be supplied to Property Services and others to ensure that both proactive and reactive repairs are carried out as a matter of urgency.	Apr-19	Jun-19	GW	
		Working collaboratively with the TU Health & Safety representative and site staff to monitor and action any reactive changes required.	Historical	Ongoing	DG, GW	

ITEM	INSPECTOR RECOMMENDATION	IMPROVEMENT ACTION BY SERVICE	START DATE	COMPLETION DATE	ACTION BY	STATUS
5	<b>Service Processes</b>					
5.1	The service and the wider Council needs to better manage customer expectations, particularly at a time of budget constraints.	<p>The new Customer Service Standards clearly state what the level of service provided will be for customers.</p> <p>Standardised responses and templates should be created for senior management, elected members and other staff members responding to enquiries relating to policy changes.</p> <p>The retention of the resolver team within the Squad Leaders office enables collaborative working and cross service support to ensure that customer expectations are managed as swiftly as possible with input directly from the frontline teams. This includes the key worker link with a service champion for Waste Services within the CSC team.</p>	<p>Apr-19</p> <p>Mar-19</p> <p>Nov-18</p>	<p>Ongoing</p> <p>As required</p> <p>Ongoing</p>	<p>DG, GH</p> <p>DG, GH</p> <p>DG, CSC</p>	<p></p> <p></p> <p></p>
5.2	The service should continue to constantly review efficiency and effectiveness of processes	The service are engaging with Zero Waste Scotland to explore opportunities to improve the capture and use of information relating to the presentation of containers and their successful collection through the use of RFID technology and other emerging tech.	Jan-19	Apr-20	DG	

ITEM	INSPECTOR RECOMMENDATION	IMPROVEMENT ACTION BY SERVICE	START DATE	COMPLETION DATE	ACTION BY	STATUS
		<p>The service will be undergoing a full service review and options appraisal as a part of the transition to a Charter compliant service. This will include benchmarking efficiency to that of the datasets obtained by Zero Waste Scotland.</p> <p>Following restructuring activities the PI management and recording is to be reviewed to ensure that it fits with the new working approach and provide relevant information to enable Managers and Officers to manage their sections.</p>	Jan-19	Apr-20	DG	
			Mar-19	Apr-19	DG	
<b>6</b>	<b>Customer Results</b>					
6.1	The service should consider ways of gathering real time customer perceptions.	As per Item 2.1 Additionally corporate reviews of the usage of Facebook and Social Media analytics is to be considered to help provide real time customer perceptions.	Jan-19	Jul-19	Corp Comms	
6.2	The service should consider what internal indicators should be set for managing the resolution of customer enquiries and tasks raised via daily sheets	Complaint tracking via CONFIRM is to be explored to enable the capture and reporting of customer enquiries and their resolution or confirmation via the daily debrief process and daily tasking process.	Mar-19	Jul-19	DMcP	

ITEM	INSPECTOR RECOMMENDATION	IMPROVEMENT ACTION BY SERVICE	START DATE	COMPLETION DATE	ACTION BY	STATUS
<b>7</b>	<b>Key Performance Results</b>					
7.1	The service should consider the positive impact on key results by signing up to the Scottish Waste Charter.	Signing up to Charter advises to “provide the evidence, research, benchmarking and examples required to deliver the commitments in this Charter and the associated Code of Practice” working alongside the service to provide the evidence required to consider key results, The charter guidelines also aim to “provide support, advice and guidance to local government that allows successful implementation of changes to services”. The council agreed to the signing of the Charter on 4 <sup>th</sup> December 2018.	Dec-18	Dec-18	DG	

JJ – Jim Jack (Head of Service)

DG – David Goodenough (Service Manager – Recycling & Waste)

DMcP – (Operations Manager)

GW – Gillian Wilson (Contracts & Resources Manager)

AT – Alison Towers (Engagement 7 Awareness Team Leader)

KK – Karen King (Performance & Data Team Leader)

JF – Jamie Fisher (Service Manager – FM)

GH – Garry Heron (Corporate Communications Manager)

MK – Michael Kelly (Collection Services Officer)



## Environment Policy, Development and Scrutiny Panel

### Workplan 2019/2020

	Issue	Purpose	Lead Officer	Date	Referral to Council Executive
1.	2018/19 Financial Performance – Month 12 Monitoring Report	To provide the Panel with an update on the financial performance of the Environment portfolio for the General Fund Revenue budget and the General Services Capital Investment Strategy  Report to be submitted to the PDSP in 3 September 2019	Keith Johnstone	3 September 2019	Yes
2.	Sexual Entertainment Venue Licensing	To inform the Panel of changes to legislation enabling the council as licensing authority to introduce a licensing scheme for sexual entertainment venues (SEVs).  Report to be submitted to the PDSP in 3 September 2019	Audrey Watson	3 September 2019	Yes
3.	Public Entertainment and Theatre Licensing	To inform the Panel of changes to legislation regarding theatre licensing which will impact on the public entertainment licensing scheme  Report to be submitted to the PDSP in 3 September 2019	Audrey Watson	3 September 2019	Yes
4.	Low Emission Zone for the City Of Edinburgh: West Lothian Council's Consultation Response	The purpose of this report is to outline the City of Edinburgh's Low Emission Zone (LEZ) proposals for the City and to recommend a formal response to the Council Executive.  Report to be submitted to the PDSP in 3 September 2019	Graeme Malcolm	3 September 2019	Yes

5.	West Lothian Parking Strategy for Consultancy Brief	<p>The purpose of this report is to seek approval from the Panel for a consultancy brief for a West Lothian Parking Strategy. The consultancy brief will underpin the necessary preparation work for a West Lothian wide parking strategy; as requested by Council Executive on 5 February 2018.</p> <p>Report to be submitted to the PDSP in 3 September 2019</p>	Gordon Brown	3 September 2019	Yes
6	Litter Bin Plan	<p>The purpose of the report is to inform members of the panel of the details of the proposed Litter Bin Plan for West Lothian Council that will provide criteria for the type, size and location of litter bins across the area and to seek support for its inclusion in the council's Litter Policy.</p> <p>Report to be submitted to the PDSP in 3 September 2019</p>	Andy Johnston	3 September 2019	Yes
7.	Scotland's Climate Change Declaration – Annual Report 2018/19	<p>The purpose of this report is to inform the Panel of West Lothian's annual Scottish Climate Change Declaration Report for 2018/19.</p> <p>Report to be submitted to the PDSP in 5 November 2019</p>	Peter Rogers	5 November 2019	Yes
8.	Adaptation Scotland Capability Framework	<p>To report on the recent Adaptation Scotland Capability Framework guidance to local authorities</p> <p>Report to be submitted to the PDSP in 5 November 2019</p>	Chris Alcorn	5 November 2019	Yes
9.	Hire car licensing	<p>To inform the panel of the outcome of research into how provisions of the Equality Act 2010 affect hire car licensing</p> <p>Report to be submitted to the PDSP in 5 November 2019</p>	Audrey Watson	5 November 2019	Yes
10.	Environment PDSP Performance Report – Quarter 1	<p>To report the current levels of performance for all indicators which are the responsibility of the Environment Policy Development and Scrutiny Panel</p> <p>Report to be submitted to the PDSP in November 2019</p>	Jim Jack	5 November 2019	No



11.	Air Quality In West Lothian	<p>The purpose of this report is to advise the panel that air quality in West Lothian met statutory objectives across the district in 2018 and that the statutory Annual Progress Report has been submitted to, and accepted by, the Scottish Government.</p> <p>Report to be submitted to the PDSP in November 2019</p>	David Brewster	5 November 2019	No
12.	West Calder area: Upgrading of two access routes using funds from Section 75 agreements related to lowland crofting developments	<p>Purpose of the report is to outline two access improvement proposals to the SW of West Calder utilising developers' funds arising from two Section 75 agreements for two Lowland crofting schemes, via Central Scotland Green Network Trust, following involvement with West Calder &amp; Harburn CDT.</p> <p>Report to be submitted to the PDSP in November 2019</p>	Chris Alcorn	5 November 2019	Yes
13.	Revenue Budget Strategy 2020/21 To 2022/23 – Potential Additional Saving Measures	<p>This report provides the Panel with a summary of potential additional saving measures within the remit of the Panel for their scrutiny.</p> <p>Report to be submitted to the PDSP in November 2019</p>	Jim Jack	5 November 2019	No
14.	Scottish Government Guidance On Burial Ground – Memorial Safety	<p>The purpose of the report is to update the Environment Policy Development and Scrutiny Panel on the Scottish Government Guidance on Burial Ground – Memorial Safety and to highlight variances with West Lothian Council current procedures.</p> <p>Report to be submitted to the PDSP in November 2019</p>	Andy Johnstone/ David Cullen	5 November 2019	No
15.	Scottish Road Works Commissioner's Performance Review 2018/19	<p>The purpose of the report is to update the Environment Policy Development and Scrutiny Panel on the Scottish Road Works Commissioner's performance review for 2018/19.</p> <p>Report to be submitted to the PDSP in November 2019</p>	Graeme Malcolm	5 November 2019	No

16.	Consultation On Improving The Operational Effectiveness Of The Control Of Dogs (Scotland) Act 2010	<p>The purpose of this report is to advise the panel of the Scottish Government consultation on improving the operational effectiveness of the Control of Dogs (Scotland) Act 2010, and the proposed response from West Lothian Council to this consultation.</p> <p>Report to be submitted to the PDSP in November 2019</p>	David Brewster	5 November 2019	Yes
17.	Recycling & Waste Services – Results Of Citizen Led Inspection	<p>The purpose of this report is to advise the Environment PDSP of the results of the Citizens Led Inspection (CLI) into Recycling &amp; Waste Services, and to report the improvement plan that has been developed from the inspection and the actions implemented to date.</p> <p>Report to be submitted to the PDSP in November 2019</p>	David Goodenough	5 November 2019	No
18.	Contaminated Land Supplementary Guidance, including the Contaminated Land Inspection Strategy	<p>The purpose of this report is to advise the panel of preparation of Supplementary Guidance (SG) on contaminated land in support of the West Lothian Local Development Plan (LDP) and a contaminated land inspection strategy.</p> <p>Report to be submitted to the PDSP in 11 February 2020</p>	Fiona McBrierty	11 February 2020	Yes
19.	Strategic Litter Prevention Action Plan	Report to be submitted to the PDSP in February 2020	Andy Johnston	11 February 2020	
20.	Reservoir Safety	<p>Report to advise the Panel of the measures being taken to ensure the safety of Beecraigs Reservoir in the context of ageing infrastructure, a changing climate and recent dam failures elsewhere in the UK</p> <p>Report to be submitted to the PDSP in February 2020</p>	Graeme Hedger	11 February 2020	Yes. Info only
21.	RiverLife: Almond & Avon - Bathgate Waters Improvement Project	<p>Report to update the Panel on the progress being made delivering this project</p> <p>Report to be submitted to the PDSP in February 2020</p>	Graeme Hedger	11 February 2020	Yes

22.	Recycling and Waste Services Citizens Led Inspection Report	Report to be submitted to the PDSP in 11 February 2020	David Goodenough	11 February 2020	
23.	West Lothian Recycling Annual Report - Year End 31 December 2018	Report to be submitted to the PDSP in 11 February 2020	Keith Johnstone	11 February 2020	
24.	Financial Performance Report	Report to be submitted to the PDSP in 11 February 2020	Keith Johnstone	11 February 2020	
25.	Climate Change Strategy & Carbon Management Plan	Report to be submitted to the PDSP in 11 February 2020	Peter Rogers	11 February 2020	
26.	Local Climate Impact Profile	Report to be submitted to the PDSP in 11 February 2020	Peter Rogers	11 February 2020	
27.	UK Climate Change Profile	Report to be submitted to the PDSP in 11 February 2020	Peter Rogers	11 February 2020	
28.	WLC Adaption Action Plan	Purpose of the report is to outline the creation of an Adaptation Action Plan for WLC, with consultant input and its resultant themes and actions.  Report to be submitted to the PDSP in 11 February 2020	Chris Alcorn	11 February 2020	Yes
29.	Broxburn Flood Protection Scheme - Property Level Protection	Report to advise the Panel of the progress being made delivering property-level protection  Report to be submitted to the PDSP in March 2020	Shona Collins	31 March 2020	Yes. Info only
30.	Broxburn Flood Protection Scheme - Progress Report on Capital Works	Report to update the Panel on the progress that has been made with detailed design of flood protection measures.  Report to be submitted to the PDSP in September 2020	Richard Harlow	September 2020	Yes

31.	Open Space Strategy Refresh	The purpose of this report is to make the panel aware of the content and adoption of the Open Space Plan refresh for the period 2015-2020 and highlight to the panel the plans for the document going forward.	Andy Johnston	To be confirmed	No
32.	Newton Final Air Quality Action Plan		David Brewster	To be confirmed	

**Jim Jack**  
**Head of Operational Services**  
 5 November 2019