



Council Executive

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

28 November 2019

A meeting of the **Council Executive** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Tuesday 3 December 2019** at **10:00am**.

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest
3. Order of Business, including notice of urgent business, declarations of interest in any urgent business and consideration of reports for information.

The Chair will invite members to identify any such reports they wish to have fully considered, which failing they will be taken as read and their recommendations approved.

4. Confirm Draft Minute of Meeting of Council Executive held on Tuesday 12 November 2019 (herewith).

Public Items for Decision

5. Deputation Request by Iain Pringle in relation to the Petition on Bus Service 5a and 5b, Bathgate
6. Deputation Request by Graham Stewart Milner in relation to the Petition

on Parking at the top of Eliburn South Road

7. Petitions - Bus Service 5a and 5b, Bathgate
 - (a) Petition by Mental Health Service Advocacy Project on behalf of mental health service users at Bathgate House, 15/17 North Bridge Street, Bathgate (the full petition can be viewed by contacting Committee Services).
 - (b) Petition by Passengers in Belvedere and Easton Area (full petition can be viewed by contacting Committee Services).
8. Petition to Ban Parking at the top of Eliburn South Road submitted by Residents of Eliburn South Road - The full petition can be viewed by contacting Committee Services.
9. Petition - Craigshill Says No to Saturday Closure of the Library (the full petition can be viewed by contacting Committee Services).
10. Petition to Reinstate Public Bin (the full petition can be viewed by contacting Committee Services).
11. Transforming Your Council Review of Adult Day Care (Including Community Transport) (SJ1a) and Efficiencies in the Provision of Concessionary Learning Disability and Physical Transport (SJ1e) - Report by Head of Social Policy (herewith).
12. Civic Government (Scotland) Act 1982 - Hire Car Licensing - Report by Head of Corporate Services (herewith).
13. Consultation on Improving the Operational Effectiveness of the Control of Dogs (Scotland) Act 2010 - Report by Head of Planning, Economic Development and Regeneration (herewith).
14. National Planning Framework 4 - Regional Collaboration - Report by Head of Planning, Economic Development and Regeneration (herewith).
15. Surplus Properties - Report by Head of Finance and Property Services (herewith).
16. Land at Allison Gardens, Blackridge - Proposed Sale to Southvale Homes (Lanark) Limited - Report by Head of Finance and Property Services (herewith).
17. Annet House, 143 High Street, Linlithgow - Proposed Sale to Moray and Jane Melhuish - Report by Head of Finance and Property Services (herewith).
18. Former Caretaker's Cottage, 4 Court Square, Linlithgow - Proposed Sale to Andrew John Wallace Taylor - Report by Head of Finance and Property Services (herewith).

DATA LABEL: Public

19. Letting of Yard at 1 Clarke Square, Deans Industrial Estate, Livingston to Caledonian Technologies Ltd - Report by Head of Finance and Property Services (herewith).
20. 74 The Vennel, Linlithgow, EH49 7ET - Lease to Timpson Limited - Report by Head of Finance and Property Services (herewith).
21. Procurement Arrangements - Removal and Storage Framework Agreement - Report by Head of Corporate Services (herewith).
22. Procurement Arrangments - Tender for Early Learning and Childcare Providers and Childminders within West Lothian - Report by Head of Corporate Services (hereiwth).

NOTE **For further information please contact Eileen Rollo on 01506 281621 or email 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, James Millar, Governance Manager, 01506 281695, james.millar@westlothian.gov.uk, Carol Johnston, Chief Solicitor, 01506 281626, carol.johnston@westlothian.gov.uk, Committee Services Team, 01506 281604, 01506 281621, committee.services@westlothian.gov.uk

SUMMARY OF KEY TERMINOLOGY FROM REVISED CODE

The objective test

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

The General Exclusions

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

Particular Dispensations

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

The Specific Exclusions

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

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

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

MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 12 NOVEMBER 2019.

Present – Councillors Lawrence Fitzpatrick (Chair), Kirsteen Sullivan, Frank Anderson, Harry Cartmill, Tom Conn, David Dodds, Angela Doran (substituting for George Paul), Peter Johnston, Charles Kennedy, Cathy Muldoon and, Damian Timson

Apologies – Councillor Peter Heggie, Chris Horne and George Paul

1. DECLARATIONS OF INTEREST

- 1) Agenda Item 8 (Civic Government (Scotland) Act 1982 – Public Entertainment and Theatre Licensing) – Councillor Harry Cartmill declared an interest in that he was a council appointed member to West Lothian Leisure Board of Directors but would participate in the item of business; and
- 2) Agenda Item 8 (Civic Government (Scotland) Act 1982 – Public Entertainment and Theatre Licensing) – Councillor Angela Doran declared an interest in that she was a council appointed member to West Lothian Leisure Board of Directors but would participate in the item of business

2. MINUTE

The Council Executive approved the Minute of its meeting held on 22 October 2019. The Minute was thereafter signed by the Chair.

3. APSE PERFORMANCE NETWORKS SEMINAR 2019

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services seeking approval for the attendance of appropriate elected members to the APSE Performance Networks Seminar 2019, incorporating the APSE Network Awards, being held in Blackpool on 5 and 6 December 2019.

It was recommended that the Council Executive approves the attendance of the Executive Councillor for Services for the Community and Councillor Frank Anderson at the APSE Performance Networks Seminar 2019, with appropriate officer support from Housing, Customer and Building Services.

Decision

To approve the terms of the report

4. PROCUREMENT ARRANGEMENTS - TENDER FOR PUPIL EQUITY FUNDING AND WEST LoTHIAN REGIONAL IMPROVEMENT COLLABORATIVE EXPENDITURE

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to commence tendering procedures for a three year framework with an option to extend for one further year for the provision of goods and services for Pupil Equity Funding and West Lothian Regional Improvement Collaborative expenditure.

It was recommended that the Council Executive approves commencement of procurement for a three year framework and a possible one year extension for the provision of goods and services for Pupil Equity Funding and West Lothian Regional Improvement Collaborative expenditure using the evaluation methodology and award criteria set out in section D of the report at an annual value of £2,500,000.

Decision

To approve the terms of the report

5. MEMBERS' TRAINING - "THE EFFECTIVE AUDIT & RISK COMMITTEE"

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval for the attendance of the Chairs of Audit Committee and Governance and Risk Committee to an external training event on the "The Effective Audit and Risk on 10 December 2019.

It was recommended that Council Executive authorises attendance by the Chair of Audit Committee and Governance & Risk Committee to an external training event on "The Effective Audit & Risk Committee" on 10 December 2019 at a cost of £225 each.

Decision

To approve the terms of the report

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

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

It was recommended that Council Executive :-

1. Notes the new legislative power for the council as Licensing Authority regarding theatre licensing which will impact on the public

entertainment licensing scheme;

2. Notes that the public entertainment licensing resolution requires to be amended in light of other new legislation;
3. Considers authorising the Chief Solicitor to undertake a full review of the council's public entertainment licensing scheme including public consultation regarding proposed changes to the terms of the resolution, licensing conditions and application fees; and
4. Notes that a report containing the responses to the consultation would be referred to the Environment Policy Development and Scrutiny Panel for its comments before a report recommending changes to the public entertainment licensing scheme was considered by the Council Executive.

Decision

1. To note the contents of the report; and
2. To instruct 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.

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

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising of changes to legislation enabling the council as licensing authority to introduce a licensing scheme for sexual entertainment venues (SEV's) and to ask the Council Executive to consider undertaking a consultation regarding the licensing of SEV's in West Lothian.

It was recommended that the Council Executive notes the new legislative power for the council as Licensing Authority to introduce a licensing scheme for SEV's and that the Council Executive should consider undertaking a consultation and evidence gathering process to establish views on the following :-

1. Whether SEV's in West Lothian should be licensed;
2. If licensed, what the appropriate number of SEV's for West Lothian should be; and
3. If licensed what should be included in a SEV policy statement

Decision

1. To note the new legislative power for the council as Licensing Authority to introduce a licensing scheme for SEV's; and

2. To agree that a consultation exercise should be undertaken by officers to establish a variety of views on the introduction of such legislation.

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

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy advising of the Scottish Government's pre-legislative consultation for Financial Redress for Historical Child Abuse in Care and to seek approval of a response to the consultation.

It was recommended that Council Executive :-

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

Decision

To approve the terms of the report

9. TOWN CENTRE FUND CAPITAL GRANT 2019/20 - APPLICATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration setting out proposals for the delivery and operation of the Town Centre Fund Capital Grant 2019/20 underspend in the wards of Armadale and Blackridge, Fauldhouse and the Breich Valley and Whitburn and Blackburn totalling £18,896.98.

It was recommended that the Council Executive agrees to the distribution of the unallocated sum.

Motion

1. Council Executive notes the recommendations of this report and the value of unallocated funds in the Armadale and Blackridge, Whitburn and Blackburn and Fauldhouse and Breich Valley wards.
2. In relation to recommendation 1 of this report Council Executive agrees :-
 - To allocate the balance in Armadale and Blackridge to the Blackridge New Planting Scheme

- To allocation the balance in Whitburn and Blackburn to the Inclusive Play Project in Whitburn
 - To retain the un-allocated balance in the Fauldhouse and Breich Valley ward for eligible projects within the ward, including any new council led projects, with the Head of Planning, Economic Development and Regeneration delegated to approve funding for such projects up to the balance of the unallocated funding.
3. Council Executive also instructs the Head of Planning, Economic Development and Regeneration to provide a report on the approved projects to the next meeting of the Fauldhouse and Breich Valley Local Area Committee and Council Executive.

Decision

To unanimously approve the terms of the motion

10. TRANSIENT VISITOR LEVY - PROPOSED CONSULTATION RESPONSE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval of a response to the Scottish Government's consultation on the Principles of a Local Discretionary Transient Visitor Levy (TVL) or Tourist Tax.

It was recommended that Council Executive notes the terms of the consultation and agrees the report as the council's response to the consultation.

Motion

To approve the officer's response to questions 1-3, 5, 9 and 12-33; to agree that the response to Q4 was to be "Flat rate per person per night"; to agree that the response to both Q5 and Q6 was to be "Decided by local authorities"; to agree that the response to Q10 was to be "Some exemptions should be set at a national level, and some should be set at the local authority's discretion; and to agree that the response to Q11 should clarify that children of a certain age should refer to those under the age of 5 and those under the age of 18 and were in full time education.

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan

Amendment

To approve the officer's response to questions 1-3, 5, 9 and 12-33; to agree that the response to Q4 was to be "Flat rate per room per night"; to agree that the response to both Q5 and Q6 was to be "Decided by local authorities"; to agree that the response to Q10 was to be "Some exemptions should be set at a national level, and some should be set at

the local authority's discretion; and to agree that the response to Q11 should clarify that children of a certain age should refer to those under the age of 5 and those under the age of 18 and were in full time education.

- Moved by Councillor Damian Timson and seconded by Councillor Charles Kennedy.

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

Motion

Frank Anderson
Charles Kennedy
Damian Timson

Amendment

Harry Cartmill
Tom Conn
David Dodds
Angela Doran
Lawrence Fitzpatrick
Peter Johnston
Cathy Muldoon
Kirsteen Sullivan

Decision

Following a vote, the amendment was successful by 8 votes to 3 and it was agreed accordingly.

11. SCOTLAND'S CLIMATE CHANGE DECLARATION - ANNUAL REPORT 2018/19

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of West Lothian's annual Scottish Climate Change Declaration Report for 2018/19 and to seek approval for its submission to the Sustainable Scotland Network and Scottish Government.

It was recommended that Council Executive :-

1. Notes the contents of the Declaration at Appendix 1;
2. Notes that the council has exceeded the emission reduction target set out in its Climate Change Strategy and Carbon Management Plan; and
3. Approves the Declaration for submission to Sustainable Scotland Network and the Scottish Government.

Decision

To approve the terms of the report

12. WEST LOTHIAN COMMUNITY CHOICES

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services setting out the

council's proposals on participatory budgeting, which was being developed under the heading "West Lothian Community Choices".

It was recommended that Council Executive :-

1. Notes the one percent target for West Lothian using the Community Choices Framework;
2. Agrees that the Scheme of Delegation should be updated to include responsibility for administering West Lothian Community Choices for the Head of Finance and Property Services;
3. Agrees that Community Choices should apply to the identified budgets as set out in Sections D.3 and D.4 of the report;
4. Agrees that following the development and design of the Community Choices approach a report will be presented to the relevant PDSP for the service area to provide scrutiny and feedback on the proposed approach;
5. Agrees that an update report should be presented to the Partnership and Resources Policy Development and Scrutiny Panel (PDSP) in April 2020, with a further report presented to Council Executive in October 2020, highlighting areas of learning and best practice from the West Lothian Community Choices processes.

Decision

To approve the terms of the report

13. 2019/20 GENERAL SERVICES CAPITAL BUDGET - MONTH 6 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property providing a report on the financial position in relation to the General Services capital programme following completion of the month 6 monitoring exercise.

It was recommended that Council Executive :-

1. Notes the outcome of the month 6 monitoring exercise and the projected outturn;
2. Agrees that Asset Lead Officers and the Head of Finance and Property Services keep under review factors that impacted on delivery of the approved capital programme; and
3. Notes the progress on the delivery of the overall programme.

Decision

To approve the terms of the report.

14. 2019/20 GENERAL FUND REVENUE BUDGET - MONTH 6 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing a report on the financial position in relation to the General Fund Revenue Budget following completion of the month 6 monitoring exercise.

It was recommended that Council Executive :-

1. Notes that the outcome of the month 6 monitoring exercise was £1.388 million underspend for the General Fund revenue budget in 2019/20;
2. Notes that Council agreed on 24 September 2019 that a one-off £1.388 million underspend in 2019/20 should be retained pending the announcement of the Scottish Budget and local government settlement;
3. Agrees that the additional one-off windfall of £540,000 in relation to the appeals process for non-domestic rates (NDR) and the Business Rates Incentivisation Scheme was retained pending the announcement of the Scottish Budget and local government settlement;
4. Notes the level of recurring pressures of £1.738 million and agrees that Head of Service progress additional actions to mitigate these pressures, with further detailed updates to be provided to Council Executive as part of the month 9 monitoring exercise and that Heads of Services take all management action necessary to ensure that 2019/20 expenditure was managed within budgeted resources available; and
5. Notes the good progress in delivery of budget savings for 2019/20 to 2022/23.

Decision

To approve the terms of the report

15. 2019/20 HOUSING REVENUE ACCOUNT - MONTH 6 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing financial performance following the month 6 monitoring exercise.

It was recommended that Council Executive notes the outcome of the month 6 monitoring exercise and the projected outturn.

Decision

To approve the terms of the report

16. 2019/20 HOUSING CAPITAL REPORT - MONTH 6 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing the financial position in relation to the Housing Capital Programme following completion of the month 6 monitoring exercise.

It was recommended that Council Executive notes the outcome of the month 6 Housing Capital monitoring exercise and the projected outturn for 2019/20.

Decision

To approve the terms of the report

17. COMPLIANCE WITH DIRECTIONS FOR WEST LoTHIAN INTEGRATION JOINT BOARD - 6 MONTHLY PROGRESS REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy advising of progress made in complying with the 2019/20 Directions issued to the council by West Lothian Integration Joint Board.

It was recommended that Council Executive :-

1. Notes the Directions issued to the council by the IJB on 10 May 2019;
2. Notes the council's legal duty to comply with the Directions; and
3. Notes the progress made to date in complying with the Directions.

Decision

To note the contents of the report



Mental Health Advocacy Project
(West Lothian) scio

Mental Health Resource Centre
Strathbrock Partnership Centre
189a West Main Street
BROXBURN
West Lothian
EH52 5LH

17th October 2019

Tel: 01506 857230

Fax: 01506 852954

Email: admin@mhap.org.uk

To whom it may concern

I am writing to you on behalf of mental health service users at Bathgate House, Mental Health Resource situated at 15/17 North Bridge Street Bathgate. At a recent meeting a number of service users raised concerns over the cancellation of the evening services of the 5A and 5B Bathgate buses.

The consequences of this cancellation have impacted on the service users who attend afternoon and evening groups which run between the hours of 1430 hours and 1800 hours.

Several local service users have mobility problems due to their physical and mental health needs, and as a consequence they are vulnerable in as much as they feel at risk walking home after group times. With the onset of the winter darker nights / inclement weather the absence of the aforementioned buses severely curtails the service user's access to social and therapeutic activities in the mid afternoon and evening time.

The groups run at Bathgate House have a great positive impact on those attending, and add to their quality of life with social mental /stimulation.

Social isolation remains a problem for most attenders and Bathgate House provides activities that enhance their opportunities to meet with others out with their home environment. The withdrawal of the 5A and 5B has had a negative impact in relation to their ability to access self-travel by public transport.

In this context the service users affected respectfully ask you to reconsider the decision to limit the run times of these buses, and to reinstate the former timetable for afternoon and evening times. Service users who have been affected by the change have signed overleaf.


Yours sincerely

Iain Pringle
Project Worker

AS A RESULT OF MY
ATTENDANCE AT YOUR
MEETING, I WAS ASKED
TO PUT FORWARD THIS
PETITION FROM PASSENGERS
IN BELVEDERE AND EASTON
AREA.

ALL WE ASK IS FOR ONE
BUS TO BE REINSTATED AND
GIVE US BACK A DECENT
BUS SERVICE.

AWAITING YOUR REPLY,



WE, THE UNDERSIGNED, ARE
REGULAR PASSENGERS IN THE
SA-56 BUSES AND STRONGLY
OPPOSE YOUR CUTS ON OUR
LOCAL BUS SERVICE.




Elburn
Livingston
West Lothian
EH54 6SR

13th November 19

Committee Services
West Lothian Council
Civic Centre
Howden Road South
Livingston
EH54 6FF

Dear Ms Marshall

Please find enclosed the Petition signed by the residents of the Elburn South Road area as requested.

There is a TOTAL of 172 signatures for the households and their families who have been affected by cars being parked at top of street both on the road and on pavements. Also the Mini Market in Jackson Place collected signatures for me.

I took the Petition in to Elburn Adult Training Resource Centre, Jackson Place for signatures. Two ladies who were prepared to sign due to the fact the one lady's wing mirror had been hit and the other lady's back door of her car was scratched.

However, the receptionist told me that the Manager said they could not sign the Petition as they were employed by West Lothian Council!!! He may have other views on the matter if his car is damaged.

Double yellow lines on the street would make people feel safer if this possible.

Many thanks for help and a speedy conclusion.

Yours in anticipation


Graham Stewart Milner


Eliburn
Livingston
EH54 6SR

18th October 2019

Police Scotland
Civic Centre
Howden Road
Livingston
EH54 6

Dear Sir/Madam

I am writing on behalf of the residents of Eliburn South Road area who agree with the complaint.

The parking at the top of the road restricts cars from entering and exiting the street if there is a vehicle turning into the street due to the 12 or 13 cars parked, affecting both car drivers and pedestrians who use the pavement for walking, pushing prams and also people using motorised scooters and wheelchairs.

This will be more of a problem when the road is affected by ice and snow as it is never treated for the bad weather conditions.

For example, a lady who was going to turn into the street at the beginning of the year had to stop suddenly as there was cars on the side of the road and one of the Special Needs Buses was pulling out from Jackson Place. He looked down the road but did not check if there was anything coming into the street

Unfortunately the lady has since passed away and cannot confirm that this happened although other residents have been affected.

At the beginning of this year, the top of Eliburn Road South had traffic cones placed by the Police or the Council but after a couple of weeks they were picked up and thrown into the bushes making space for the nuisance cars, restricting entry to our homes.

Perhaps Double Yellow Lines would be appropriate and a No Parking Sign at the dangerous area.

Thank you for your help.

Yours faithfully


Graham Stewart Milner

encs

Name: [REDACTED]

Address: [REDACTED]

Craigshill Says NO to Saturday closure of our Library

I am rather annoyed to find out that the Council are considering closing Almondbank Library on Saturday morning's and I am totally opposed to this proposal. As you should be aware, Craigshill is one of the most deprived areas in West Lothian and there is virtually no Council presence in the area. By removing the Saturday service, there will be less potential access to a safe and warm environment for those who live in Craigshill. The library is free and all you need is a library card to access not only the books but free internet and the computers. In such a deprived area this is something that many may not have access to at home. The internet is the tool that allows people to socialise, seek employment or advance their education through learning or taking part in training i.e Open University or such. It is also becoming more and more the avenue for claiming/accessing Benefits. Removing the library on a Saturday when it is very clear that people use it on a Saturday to access the services seems insane to me.

I must also point out that the Library's staff, promote a very successful 'Lego club' on a Saturday, attended by around 15 children. There is also the added affect it has on the Café based in the Library, by reducing its trading capacity. It will affect its sustainability and could potentially lead to its closure, again.

I am sure that there are many other options that could be considered to 'save' the small amount of potential financial savings this would bring. I believe that the Council withdrew the option of introducing car park charges in Council car parks which would have raised far more in financial terms than this proposal and have a less detrimental effect on areas of deprivation. Proposing alternatives, which involve travel, does not appear to fit in with the Council's anti-poverty strategy.

I would be interested in seeing a copy of any impact assessment that has been carried out regarding this proposed reduction in service and its effect on our community. See attached SMID statistics for reference.

Yours [REDACTED]

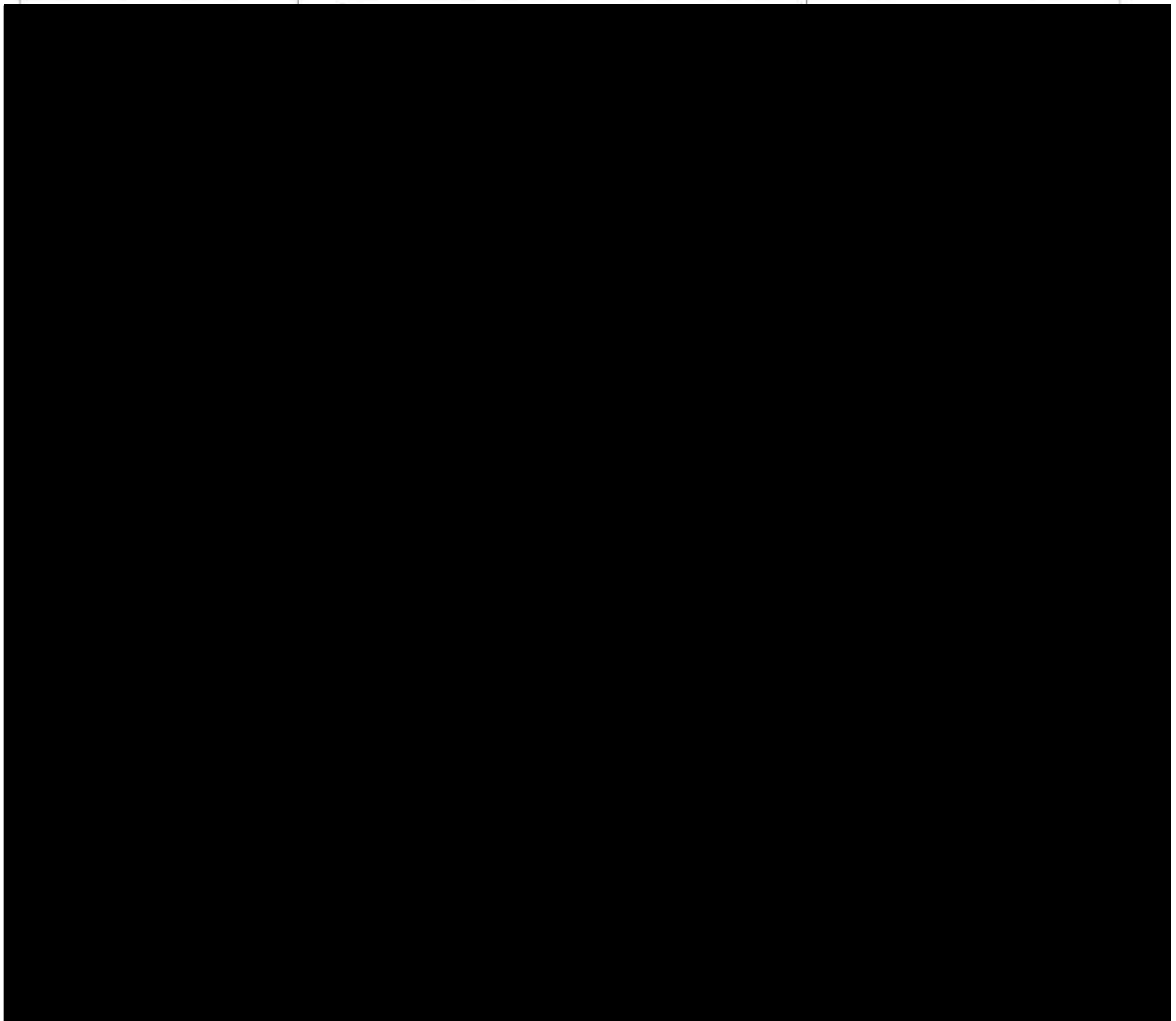
PETITION TO REINSTATE PUBLIC BIN

**THIS PETITION IS TO REINSTATE THE PUBLIC BIN THAT WAS POSITIONED OUTSIDE THE
GOTHENBURG CONVENIENCE STORE 6 YEARS AGO.**

**THE COUNCIL UPLIFTED THE BIN THIS YEAR AS IT WAS PLACED ON PRIVATE PROPERTY
BUT SINCE REMOVING THIS BIN THE AMOUNT OF LITTER HAS INCREASED IN THE
VILLAGE DUE TO THERE NOT BEING SUFFICIENT DISPOSAL BINS.**

**WE SEE NO REASON WHY THIS BIN SHOULD HAVE BEEN REMOVED DUE TO THE FACT
OTHER SHOP PREMISES IN WHITBURN MAIN STREET HAVE BINS PLACED OUTSIDE THEIR
SHOPS. SOME OF THESE INCLUDE A.C FISHERS, USAVE, KEYSTORE AND THE CO OP
AMONG OTHERS.**

PLEASE HELP US BY SIGNING BELOW





COUNCIL EXECUTIVE

TRANSFORMING YOUR COUNCIL REVIEW OF ADULT DAY CARE (INCLUDING COMMUNITY TRANSPORT) (SJ1a) and EFFICIENCIES IN THE PROVISION OF CONCESSIONARY LEARNING DISABILITY AND PHYSICAL DISABILITY TRANSPORT (SJ1e)

REPORT BY HEAD OF SOCIAL POLICY

A. PURPOSE OF REPORT

The purpose of this report is to provide the Council Executive with an update on the progress of the measures associated with the Transforming Your Council (TYC) review of adult day care and the provision of concessionary transport for adults with a disability and to request approval for the elements relating to 2020/21 savings.

B. RECOMMENDATION

It is recommended that Council Executive;

1. Notes that the Council at its budget setting meeting on 13 February 2018 agreed to a measure (SJ1a) to review adult day care services with a saving of £755,000 to be delivered in 2020/21 and further notes that the phasing was amended at the budget setting meeting on 19 February 2019
2. Notes that the Council at its budget setting meeting on 13 February 2018 agreed to a measure (SJ1e) for efficiencies in the provision of concessionary learning disability and physical disability transport with a saving of £41,000 to be delivered in 2020/21
3. Notes that the Council directed officers to present proposals for both measures to the Social Policy PDSP and Council Executive
4. Notes that following the TYC consultation in 2017 the revised model for adult day care requires to be based on the retention of the three existing day care centres
5. Notes that engagement with day care service users has been undertaken.
6. Approves the elements of the proposal relating to the 2020/21 savings
7. Notes that further development of the 2021/22 savings is in progress and will be delivered to the Social Policy PDSP early in 2020

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; making best use of our resources; working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>West Lothian Council building based day care services are registered care services with the Care Inspectorate</p> <p>The Keys to Life (Unlocking futures for people with Learning Disabilities) implementation framework and priorities 2019-21</p> <p>The IIA was updated to reflect the recent engagement and will be kept under review.</p>

III	Implications for Scheme of Delegations to Officers	None															
IV	Impact on performance and performance Indicators	<p>Percentage of Care Inspectorate Inspections undertaken within Registered Learning Disability Services graded good or above. Target 100% Actual 100%</p> <p>Percentage of customers who rated the service delivered by Learning Disability (adults) services as good or excellent. Target 95% Actual 99.4%</p> <p>Percentage of customers who rated the service delivered by Physical Disability (adults) services as good or excellent. Target 95% Actual 100%</p>															
V	Relevance to Single Outcome Agreement	<p>People most at risk are protected and supported to achieve improved life chances</p> <p>We live longer, healthier lives and have reduced health inequalities</p>															
VI	Resources - (Financial, Staffing and Property)	<p>The 2019/20 budget for adult day care (internal and external) is £4,093,000</p> <p>Approved TYC measure (SJ1a)</p> <table> <tr> <th>Year</th><th>£</th><th>FTE</th></tr> <tr> <td>2020/21</td><td>£500,000</td><td>5.9</td></tr> <tr> <td>2021/22</td><td>£255,000</td><td>0.0</td></tr> </table> <p>The 2019/20 budget for concessionary transport is £239,000</p> <p>Approved TYC measure (SJ1e)</p> <table> <tr> <th>Year</th><th>£</th><th>FTE</th></tr> <tr> <td>2020/21</td><td>£41,000</td><td>0.0</td></tr> </table>	Year	£	FTE	2020/21	£500,000	5.9	2021/22	£255,000	0.0	Year	£	FTE	2020/21	£41,000	0.0
Year	£	FTE															
2020/21	£500,000	5.9															
2021/22	£255,000	0.0															
Year	£	FTE															
2020/21	£41,000	0.0															
VII	Consideration at PDSP	<p>Feedback as part of the TYC consultation was discussed at the Health and Care PDSP on 18 December 2017 and the Social Policy PDSP on 21 December 2017.</p> <p>The proposal outlined in this paper was considered at the Social Policy PDSP on 30 August 2019.</p>															
VIII	Other consultations	<p>The rationalisation of adult day care centres formed part of the TYC consultation in 2017.</p> <p>Engagement on policy changes in adult non-residential care was undertaken with service users and families in the summer of 2018.</p> <p>A targeted engagement exercise has been undertaken to inform an update of the IIA.</p>															

D. TERMS OF REPORT

D.1 BACKGROUND

The council at its meeting of 13 February 2018 agreed the revenue budget strategy for the five years 2018/19 to 2022/23 which included a revised measure to review adult day care services, including efficiencies in community transport, external day care and the Community Inclusion Team (CIT).

Officers were directed to present a proposal detailing how this would be achieved to the Social Policy PDSP and Council Executive. Officers were also instructed to seek further approval for additional savings to be delivered from Learning Disability Transport and Physical Disability Transport.

The proposals in this paper were discussed at the Social Policy PDSP on 30 August 2019 and the panel agreed that the recommendations should be presented to the Council Executive for approval. The panel members also requested that final proposals for transport and ancillary support services be presented to PDSP prior to being submitted to Council for approval.

It should be noted that report will go to full council as part of the budget setting arrangements.

D.2 REVIEW OF ADULT DAY CARE PROVISION

The aim of the review is to be able to continue to offer a range of services and resources to meet a spectrum of need, recognising that for some people traditional centre based day activities continue to play an important part in their overall support arrangements. This is especially the case for those with more profound disabilities and their families and carers.

D.3 POLICY, ASSESSMENT AND CHOICE

Eligibility criteria approved by the Council Executive on 11 September 2018 set the threshold for adult non-residential social care at substantial. A dedicated review team was established from October 2018 to undertake a review of all adult and older people in receipt of non-residential social care services in line with the new eligibility criteria. The team focussed first on reviewing adults in receipt of day care to inform this update, and were concluded on 31 May 2019.

The second major policy change approved by the Council Executive on 11 September 2018 was the introduction of a contributions policy, based on a financial assessment and affordability to pay.

The net effect of the changes on the number of people attending day care services between September 2018 and June 2019 are summarised in the following table:

Service	Location	Description	Service users	
			Sept 2018	June 2019
Eliburn (note 1)	Livingston	To support people with profound disability, often with complex health care needs	37	32
Pathways (note 2)	Livingston	For adults with learning disabilities who require additional structure and support	93	94
Ability Centre	Livingston	Activities for adults with a physical disability focussing on enabling people to live as independently as possible	120	85
Community Inclusion Team	Livingston	Outreach model for adults with a learning disability with less complex needs	90	85
An Carina	Polbeth	Commissioned from Real Life Options for adults with complex needs associated with learning disability and challenging behaviour.	14	13
Others	Various	SDS Options for other external day care centres	12	13
Total			366	322

Note 1. The number of service users at Eliburn fluctuates based on demand, including planning for transition from special schools. Eliburn fluctuations are not directly linked to eligibility and under this review will remain staffed for 40 service users.

Note 2. Transfer from an external placement.

D.4 PROPOSAL FOR SJ1a – REVIEW OF ADULT DAY CARE

The main objective of the review has been to ensure that the services operated by West Lothian Council operate as efficiently and flexibly as possible and that the services provided align with the strategy for promoting independence.

The elements being considered under the proposal are summarised as follows.

Element	2020/21	2021/22
Day services staffing	199,296	0
Recharge to other Local Authorities	145,632	0
Contributions	54,500	0
Changes to Community Transport		186,000
Ancillary Support Services		61,507
Nursing provision at Eliburn Support Service	29,000	
Reduction In External Placements	79,065	0
Sub Total	507,493	247,507
Total		755,000

2020/21 savings

D.4.1 Day services staffing (£199,296)

The implementation of the eligibility policy has seen a reduction in people attending the Ability Centre and a reduction in the number of sessions for people attending both Pathways and Community Inclusion.

A review of staffing across the council's internal day care services indicates an opportunity to deliver a saving of £199,296 from 6.09 (FTE) vacant posts. This will require an organisational review to ensure that the remaining staff are aligned to service demands.

D.4.2 Recharges to other Local Authorities (£145,632)

The review process has highlighted cases where service user residency status is now out with the West Lothian Council area. Work has commenced to arrange for invoices to be raised to the relevant authorities for a total of £145,632.

D.4.3 Contributions (£54,500)

Service users attending day care can elect to use council arranged transport which is a chargeable service under the contributions policy. For people who elect day care with transport this contribution is collected as part of the total cost of the day care and will be attributed directly to the day care budget through an accounting entry. This is an internal transfer and has no impact on service users.

D.4.4 Nursing provision at Eliburn Support Service (£29,000)

There are currently two nurses (1.5 FTE) employed by NHS Lothian based at Eliburn Support Service. The 0.5 FTE post is funded by West Lothian Council. A review suggests that the current dedicated provision is reduced and it is therefore proposed

to withdraw the council's funding for the 0.5 FTE post. This has been discussed and agreed with NHS Lothian.

It is clear from the feedback on the engagement that the concerns raised were about the possibility of having no nursing staff at Eliburn. This is not what the proposal intends, and further discussion will be held with the families of people who attend Eliburn to further explain that nursing staff will still be on site.

D.4.5 Reduction in External Placements (£79,065)

The recent review of service users attending internal council day care services has freed up some capacity. This capacity could be used to accommodate people who have requested to attend council run day care centres in place of externally purchased day care and would realise a total saving of £79,065.

2021/22 savings in development

D.4.6 Changes to Community Transport (£186,000 – 2021/22)

Supporting people to self travel or make their own transport arrangements (where appropriate and safe to do so) is part of the social care approach to maximising independence. 74% of people who attend day care centres elect council arranged transport.

Extensive work has been undertaken to explore the most efficient way to provide the transport of service users to and from day care, and also to the use of vehicles for the activities programmes. Options being explored include the introduction of double runs, matching geographical areas to a specific day at day care and consideration of alternative transport for some service users who live in outlying areas.

Operational Services have reviewed options to remodel the community transport service within affordable limits. 181 comments were received in the targeted engagement activity in relation to the options and further engagement is required before a final proposal can be taken back to Social Policy PDSP in early 2020. Until this work is completed it is unclear what impact this will have on the council workforce.

D.4.7 Ancillary Support Services (£61,507 – 2021/22)

It is proposed to undertake a review of all ancillary support services at the adult day care centres. This will focus on catering and facilities management looking at how this can be delivered more efficiently by sharing resources across the service and learning from other parts of the council e.g. the preparation and delivery of school meals.

Until this work is completed it is unclear what impact this will have on the council workforce. 170 comments were received in relation to the proposals to centralise the food preparation in one centre. Further development is required before a final proposal can be taken to the Social Policy PDSP in early 2020.

D.5 EFFICIENCIES IN THE PROVISION OF LEARNING DISABILITY AND PHYSICAL DISABILITY TRANSPORT (SJ1e)

It is proposed to introduce a tendering process for all taxi companies delivering concessionary transport to ensure that they are offering competitive fares. Future journeys will also be planned and agreed with assistance from the council's community transport section to ensure that they are delivered in the most efficient way possible and make use of existing transport options where possible. It is considered that this will fully deliver the required savings.

In the meantime a review of all concessionary transport is being undertaken as part of ongoing care reviews. This has resulted in changes to care plans and people making different choices for how they wish transport to be arranged. All concessionary transport journeys are also now part of agreed care plans and are therefore subject to contributions.

D.6 IMPACT

D.6.1 Engagement

Day service users, their families / carers and key stakeholders were invited to provide feedback on some specific questions to help inform the review. A variety of engagement methods were used to overcome barriers to participation including an easy read version, independent facilitation, one to one support through key workers and staff briefings. The engagement activity generated 149 responses and 851 comments.

The result of the engagement has been provided in summary form directly to the day service users and key stakeholder groups and has also been published in full on the council's closed consultation section of the website. Further work will be progressed on the feedback as part of developing the elements in phase 2 of the project and reported back to PDSP.

D.6.2 Risks and mitigation

The introduction of Self-directed Support (SDS) provides supported people with choice in how have their assessed eligible needs met. The recent reviews of people attending day care has had a limited change in how people have elected to have their care needs met and therefore the fixed cost of maintaining three centres is still currently viable. If SDS is to be further developed in West Lothian the release of fixed costs will be critical to the development of options to support people make alternatives choices to traditional services.

E. CONCLUSION

Officers have reviewed all aspects of the Adult Day Care model and have developed a proposal of efficiency measures which still retains the three council day care centres. Engagement work is ongoing with service users and further development is required with regard to the Community Transport and Ancillary Support services, and the outcome of this will be reported as part of the budget setting exercise in early in 2020.

Officers are also proposing to redesign the model for concessionary transport which would require taxi companies to tender for the various routes, this would deliver the savings though reducing the cost of the journeys without impacting on the service delivered.

F. BACKGROUND REFERENCES

Revenue budget 2018/19 to 2022/23 – Report by Head of Finance and Property Services to West Lothian Council on 13 February 2018

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

Appendices/Attachments: Appendix 1 - Integrated Impact Assessment

Contact Person: Pamela Main, Senior Manager, Assessment and Care Management

Email : pamela.main@westlothian.gov.uk Tel: 01506 281936

Jo Macpherson
Head of Social Policy
3 December 2019

Integrated Relevance Assessment Form

1. Details of proposal	
Policy Title (include budget reference number if applicable)	Review of Adult Day Care Services and Associated Transport (SJ1a and SJ1e)
Service Area	Social Policy (IJB)
Lead Officer	Head of Social Policy
Other Officers/Partners Involved	Senior Management Assessment and Care Management Group Manager, Adult Services Day Services Centre Managers
Date relevance assessed	November 2019 (updated)

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

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: <ul style="list-style-type: none"> • 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 <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	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	
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	X
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	X	NO	
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6. Decision rationale

If you have ticked no above, use this section to evidence why a full IIA is not required

Adult Day Care services are commissioned to meet the needs of all adults with a disability based on assessed eligible need. A full impact assessment is required to ensure that the needs of service users continue to be met from any new models of care. The council is required to ensure that models of delivery facilitate the allocation of personal budgets, personalisation and choice to meet duties under the Self-directed Support legislation.

Signed by Lead Officer	Jo MacPherson
Designation	Head of Social Policy
Date	15 July 2019
Counter Signature (Head of Service or Depute Chief Executive responsible for the policy)	
Date	

Full Integrated Impact Assessment Form

1. Details of proposal	
Policy Title (include budget reference number if applicable)	Review of Adult Day Care Services and Associated Transport (SJ1a and SJ1e)
Details of Others Involved	Senior Management Assessment and Care Management Group Manager, Adult Services Day Services Centre Managers
Date Assessment Conducted	29 January 2019 Updated 22 August 2019 Updated November 2019

2. Set out a clear understanding of the purpose of the policy being developed or reviewed (what are the aims, objectives and intended outcomes including the context within which it will operate)
<p>The aim of the proposal is to design and deliver affordable day services with a focus on community based approaches which deliver positive and inclusive outcomes for service users. The project aims:</p> <ul style="list-style-type: none"> To evaluate the extent to which the current configuration of day care services, including external provision is coherent, effective and provides Best Value To deliver community based approaches as alternatives to buildings based care To ensure there is equity in service provision To consider the model of transport as part of the selection of day care to meet any assessed eligible needs and outcomes. This will include working with partners to create efficiencies and reduce downtime and duplication in journeys. <p>The options will take account of any proposal for a contribution towards the cost of care following introduction of the Contributions Policy for Non-Residential Social Care Services.</p>

3. Please outline any needs and/or barriers which equality groups (people with protected characteristics) may have in relation to this policy	
Age	<p>What effect/difference will the policy have on people? The policy will apply to all adults (people over the age of 18). The social care assessment is based on an individual's needs and does not discriminate between needs on the basis of any protected characteristic</p> <p>How do you know that? The same process of assessment is used for all people over the age of 18. Social Policy practice teams are organised into adults (18-64) and older people (65+) to ensure that specialist information, advice and guidance can be provided that is age appropriate.</p>
Disability	<p>What effect/difference will the policy have on people? For many people it is the provision of social care support that provides meaningful activity and the opportunity for social relationships. In addition, this provision can allow parents/carers to continue their own employment. It is not uncommon for people to only approach social care when their condition starts to deteriorate or families/carers are unable to cope however, not everyone who has a disability is known to social care and many families never receive any social care support.</p> <p>How do you know that? Local consultation highlighted that for many adults, needs in relation to running and maintaining their household, social relationships, community activities and employability/volunteering opportunities are the ones which are more difficult to</p>

	<p>have met through informal supports and/or increase as carers grow older themselves.</p> <p>Engagement activity undertaken with service users over July / August 2019 confirms that the opportunity to attend traditional building based day care remains a popular choice for people.</p> <p>The options for efficiencies in relation to transport changes attracted a lot of comments from service users and their families, with the main concerns relating to the impact any change of pick up and drop off time would have on other care arrangements or family / informal carer employment.</p>
Gender Reassignment – Trans/Transgender Identity	<p>What effect/difference will the policy have on people?</p> <p>The provision of day services is applicable to all adults who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic.</p>
	<p>How do you know that?</p> <p>No evidence was found through local consultation that there may be hidden needs relating to this protected characteristic however reports such as Stonewall Scotland and 'Your Services, Your Say' indicate that a number of individuals who identify as trans may feel uncomfortable being open about their gender identity when accessing services so any specific issues or impact may be hidden.</p>
Marriage or Civil Partnership	<p>What effect/difference will the policy have on people?</p> <p>The provision of day services is applicable to all adults who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic.</p>
	<p>How do you know that?</p> <p>No evidence was found through research or local consultation, that there may be hidden needs relating to this protected characteristic.</p>
Pregnancy and Maternity	<p>What effect/difference will the policy have on people?</p> <p>The provision of day services is applicable to all adults who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic.</p>
	<p>How do you know that?</p> <p>No evidence was found through research or local consultation, that there may be hidden needs relating to this protected characteristic.</p>
Race	<p>What effect/difference will the policy have on people?</p> <p>The provision of day services is applicable to all adults who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic.</p>
	<p>How do you know that?</p> <p>No evidence was found through research or local consultation, that there may be hidden needs relating to this protected characteristic.</p>
Religion or Belief	<p>What effect/difference will the policy have on people?</p> <p>The provision of day services applicable to all adults who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic.</p>
	<p>How do you know that?</p> <p>No evidence was found through research or local consultation, that there may be hidden needs relating to this protected characteristic.</p>
Sex – Gender Identity	<p>What effect/difference will the policy have on people?</p> <p>The provision of day services is applicable to all adults who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic.</p>
	<p>How do you know that?</p> <p>No evidence was found through research or local consultation, that there may be hidden needs relating to this protected characteristic.</p>

Sexual Orientation	What effect/difference will the policy have on people? The provision of day services is applicable to all adults who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic.
	How do you know that? No evidence was found through research or local consultation, that there may be hidden needs relating to this protected characteristic.

4. Please outline any needs and/or barriers which may affect vulnerable groups falling into poverty and disadvantage in relation to this policy.

Vulnerable groups may include the following:

- Unemployed
- Single parents and vulnerable families
- People on benefits
- Those involved in the criminal justice system
- People in the most deprived communities (bottom 20 SIMD areas)
- People who live in rural areas
- Older People
- Looked After Children
- Carers including young carers
- People misusing services
- Others e.g. veterans, students
- Single adult households
- People who have experienced the asylum system
- Those leaving the care setting including children and young people and those with illness
- Homeless people
- People with low literacy/ numeracy
- People with lower educational qualifications
- People in low paid work
- People with one or more protected characteristics

What effect/difference will the policy have on people?

In 2014 Self-Directed Support (SDS) gave people choice over how their assessed eligible needs and outcomes could be met. Audit Scotland have highlighted the need for local authorities to monitor the shift away from traditional services and to allow sufficient time to 'dis-invest', to shift resources to where they are needed in order to reduce fixed costs and meet individualised budget options.

Limited alternatives to day care opportunities are available generally and especially for people with profound and multiple disabilities and complex care needs; and following a review of the care needs of all adults in receipt of day services people in the main have chosen (through their Self-directed Support options) to continue to attend traditional day services. The council run day services at Eliburn, Ability Centre, Pathways and Community Inclusion therefore continue to play an important part in the overall support of those individuals.

With the centres required to remain open to meet the local demand, the review has considered other aspects of the provision of day services – transport, catering, FM, dedicated nursing (Eliburn only) and the expansion of the Community Inclusion programme to include other types of work / volunteering / meaningful activity.

In order to get the thoughts and opinions from the people who use the services a targeted engagement exercise has been undertaken and attracted in excess of 851 comments from 149 respondents (see section 6).

How do you know that?

The Scottish Government's 'Keys to Life' (2012) strategy for Learning Disabilities noted that whilst day care opportunities continue to play an important part in people's lives, there had been a gradual decline in the number of people attending day centres across Scotland. The strategy recommended that local authorities aim to have in place arrangements for individuals to access a comprehensive network of day services and resources that meet a spectrum of need. There should continue to be focus on making progress towards community based models of care with people currently dependent on buildings based care being supported to graduate into alternative opportunities. Locally, the indication is that people are still choosing traditional models of day provision.

5. Action Plan	
What action/s will be taken, by whom and what is the timescale for completion?	
Actioner Name: Jo Macpherson, Head of Social Policy	Action Date: August 2019
What is the issue? <p>The project team has undertaken a scoping exercise to identify the current provision and usage of day services for adults with learning and physical disabilities in West Lothian. This has shown that there is still a demand for the services.</p> <p>Engagement with service users, their families / carers and key stakeholders is now underway to get people's views and opinions on a range of options for efficiencies.</p> <p>The feedback from the engagement will be analysed and presented back to respondents to help shape the required changes in day services to ensure they remain affordable.</p>	
What action will be taken? <p>Feedback from the engagement to be analysed and reported back to respondents.</p>	
Progress against action <p>Complete</p>	
Actioner Name: Jo Macpherson, Head of Social Policy	Action Date: February 2020
What is the issue? <p>Further detail requires to be developed in relation to the 2021/22 element of the proposal – Transport, Centralised Catering and Facilities Management. This will include more detailed engagement with service users.</p>	
What action will be taken? <p>Engagement on specifics of the proposals and feedback to Social Policy PDSP for scrutiny.</p>	
Progress against action <p>TBC</p>	
6. Details of consultation and involvement	
<p>Who will be or has been involved in the consultation process?</p> <ol style="list-style-type: none"> State which groups are involved in this process and describe their involvement. Describe any planned involvement saying when this will take place and who is responsible for managing the involvement process. Describe the results of the involvement and how you have taken this into account. 	
<p>The Transforming Your Council (TYC) consultation was distributed to an extensive number of stakeholders and community and representative groups. The number of responses received by the close of the consultation period was 7,026 which generated over 45,000 comments from all respondents. A breakdown on the number of responses received from employees, individuals and organisations/groups was presented to the Social Policy and Health and Care PDSPs in December 2017.</p> <p>2,503 of the comments received related to the adult day care proposals. A large percentage of these comments were not in support of rationalising the WLC building based services. A petition by services users of the Ability Centre was also received. At the Council Executive meeting of 6 February 2018, a budget motion was agreed instructing officers to retain the three existing day care centres at the Ability Centre at Carmondean, Eliburn and Pathways, to review the proposal to rationalise day care services</p>	

for adults, and to develop an alternative proposal for inclusion in the budget report to deliver savings in adult day care.

An independently commissioned strategic needs assessment in 2015 recommended that commissioning strategies and plans in West Lothian should be reviewed in respect of daytime opportunities; “solutions for people which prevent the need for an association with a service, so enhancing at an individual level independence, values status and community presence and involvement”.

2019

A further consultation aimed directly for the staff and service users of adult day care services was launched on 10 July 2019.

In line with the West Lothian Community Planning Partnership Engaging Communities Toolkit we considered the following:

Involvement - we will identify and involve the people and organisations with an interest in the focus of the engagement

The consultation was aimed at finding out the views of those working and receiving a service in the existing day services. Posters were placed in the day centres advertising the consultation process and all Team Managers were briefed to effectively cascade the information to their staff teams.

The Learning Disability Forum were informed through their mailing list. Advocacy and Information and Advice services were provided with the opportunity to participate.

Support - we will identify and overcome barriers so everyone can take part.

Staff teams made themselves available to service users, carers and parents so that everyone could complete the survey and give their views on the suggestions in the consultation document.

The online survey was created to support those that were service users but may not have been attending services during the period of consultation (e.g. holidays, sickness). Many staff also expressed this as a preferred method of feedback.

Planning - there will be a clear purpose and plan for the engagement.

The consultation paper clearly stated some suggested changes to service and asked for views on alternatives if anyone wished to express them. The consultation had a clear timescale.

With a high response rate (851 comments) from service users, families, carers, staff and some who wish to remain anonymous the engagement has been very successful.

Methods - we will use different ways to involve people.

Paper, easy read and online versions were created for service users and staff to feedback their views. Face to face facilitated sessions and dedicated meetings were also arranged.

Working together and with others - we will work well together to achieve the aims of the engagement.

The aims of the engagement were simple, to collect views on some specific areas of how day services operate from those working in and using the day service provision in West Lothian. Staff teams worked together to ensure everyone who attends day services had the opportunity to contribute in whatever way they are able to. A working group met weekly throughout to monitor progress and amend / augment the process where required – one example of this was the decision to add an online version when this was raised as an issue.

Feedback and Sharing Information – results of the engagement will be shared with the respondents

A summary of the feedback was provided to staff groups at the end of October 2019. A copy of the summary was posted to all service users and is on display in all day care centres. The response is available in full on the council's closed consultations section of the website.

7. Data and Information

What equality data, poverty data, research, information or other evidence has been used to inform this assessment?

- a) What information or other evidence has been used in the development of the policy?
- b) What does research, consultation and other data or information tell you about the impact of the policy? (describe the information and conclusions, and state where the information can be found)
 - i. Quantitative (numbers, percentages, statistical analysis)
 - ii. Qualitative (written/spoken words, opinions, surveys)
- c) Describe any gaps in the available information, and record within section five (Action Plan), action you are taking in relation to this (e.g. new research, further analysis) and when this is planned.
- d) Give details of any existing local or national evidence which has been used to inform the development of your policy.

An independently commissioned strategic needs assessment in 2015 recommended that commissioning strategies and plans in West Lothian should be reviewed in respect of daytime opportunities; "solutions for people which prevent the need for an association with a service, so enhancing at an individual level independence, values status and community presence and involvement".

Data from the engagement will be used to inform any changes in how day services are managed.

8. Mitigating Actions

If the policy has a negative/adverse impact on a particular group/s, but is still to be implemented, please provide justification for this.

Note: If the policy is unlawfully discriminatory under the Equality Act 2010 and/or is having a negative impact on poverty and socioeconomic disadvantage under the Fairer Scotland Duty, you MUST identify, how the policy can be amended or justified so the Council acts lawfully.

- a) How could you modify the policy to eliminate discrimination or to reduce any identified negative impacts? If necessary, consider other ways in which you could meet the aims and objectives.
- b) How could you modify the policy to create or maximise the positive aspects of the proposals and to increase equality and reduce poverty and socioeconomic disadvantage.
- c) Describe any modifications which you can make without further delay (for example, easy, few resource implications).
- d) If you propose to make any of the modifications shown above, describe any potential new negative impacts on other groups in society or on the ability to achieve the aims and how you will minimise these.
- e) Please describe the resource implications of any proposed modifications taking into account financial, people and property issues.

Involvement of service users and their families and carers is critical to the approval of any change in service model.

The needs of service users are identified from the assessment of need, eligibility and risk and these will remain the dominant factors in determining any changes in provision. The nature of individual circumstances may mean that changes will affect some people and not all and to varying degrees but no change will be implemented without due consideration to the impact on each individual at an appropriate level.

9. Monitoring and Review

- a) How will the implementation and impact of the policy be monitored, including implementation of any amendments? For example, what type of monitoring will there be? How frequent?
- b) What are the practical arrangements for monitoring? For example, who will put this in place? When will it start?
- c) How will results of monitoring be used to develop future policies?
- d) When is the policy due to be reviewed?
- e) Who is responsible for ensuring this happens? Please detail below

The provision and impact of social care is monitored in a number of ways;

- Social Care Survey
- Scottish Health Survey
- Scotland's Carers Survey
- West Lothian H&SCP performance indicators
- Service user feedback during reviews
- Disability Forum
- Carers of West Lothian

10. Recommendation and Reasoning

Proposal still under review.

Reason for Recommendation

The Integrated Impact Assessment will be kept under review as part of the staged approach to developing options for the review of Adult Day Care Services.

Signed by Lead Officer	Jo MacPherson
Designation	Head of Social Policy
Date	November 2019
Counter Signature (Head of Service or Depute Chief Executive responsible for the policy)	
Date	



COUNCIL EXECUTIVE

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – HIRE CAR LICENSING

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To inform the Council Executive of

- The outcome of research into how the provisions of the Equality Act 2010 affect hire car licensing;
- A new power for the council to introduce an overprovision policy to restrict the numbers of private hire cars licensed locally;
- 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;
- Proposals to set up a Hire Car Forum comprised of local hire car trade organisations and other key stakeholders
- 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 Council Executive

1. Notes the outcome of research into equality issues affecting the hire car licensing scheme;
2. Notes the power for the council to introduce an overprovision policy to restrict the numbers of private hire cars licensed locally;
3. Notes the power for the council to publish a list of licensed hire car vehicles under the provisions of Section 167 of the Equality Act 2010;
4. Authorises the Chief Solicitor to undertake a review of the council's hire car licensing scheme involving a public and stakeholder consultation and evidence gathering process to seek views on the issues which should be included in that review and which should be given priority;
5. Agrees to setting up a Hire Car Forum comprised of local hire car trade organisations and other key stakeholders as detailed in Appendix 1 of the report and appoint the Executive Councillor for the Environment to chair the Forum and the Managing Solicitor – Licensing as Lead Officer;
6. Notes that a report containing the responses to the above consultation will be referred to the Environment PDSP for its comments before a report recommending changes to the hire car licensing scheme is considered by the Council Executive.

C. SUMMARY OF IMPLICATIONS

- | | |
|-------------------------|---|
| I Council Values | <ul style="list-style-type: none">• focusing on our customers' needs;• being honest, open and accountable; |
|-------------------------|---|

		<ul style="list-style-type: none"> • providing equality of opportunities; • working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<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>
III	Implications for Scheme of Delegations to Officers	These will be identified as part of the review process.
IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	None
VI	Resources - (Financial, Staffing and Property)	None
VII	Consideration at PDSP	Environment PDSP 5 November 2019
VIII	Other consultations	The three local hire car trade organisations were sent a link to the PDSP report and will be sent a link to 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 certificates which exempt them from assisting disabled passengers. 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. This includes a requirement to make reasonable adjustments for hire car drivers suffering from certain medical conditions which prevent them from assisting passengers. The council cannot refuse to grant a hire car driver's licence on the basis that, because of the medical condition of the applicant 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. Some wheelchairs are too large or too heavy to be safely loaded and secured within taxis. 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 order to make a judgment as to which can be safely accommodated within the vehicle. 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 they can safely transport a passenger before refusing a hire.

It is recommended that a review of the hire car conditions be undertaken to ensure that the conditions relating to the carrying of wheelchair passengers remain fit for purpose.

D.3 Discounted fares and how they affect disabled people

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.

In terms of the Equality Act there is a requirement on service-providers (which would include booking office licence holders, hire car licence holders and drivers) 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 any discounted fare to disabled persons.

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 licensing conditions 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 Council therefore has no role in investigating issues relating to discounted 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. The council has no role in investigating complaints about potential breaches of the Equality Act.

However, it is proposed that the Council contact 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

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.

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

It is recommended that a forum to discuss hire car issues with key stakeholders is established to provide an opportunity for hire car issues to be regularly discussed to keep 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, an organisation representing disabled persons and council officers. The forum would need to have an agreed remit and procedures and a draft remit and procedure is attached at Appendix 1.

D.6 Private Hire Car 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 has now issued 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. 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.

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

D.7 Drug testing for hire car drivers

Licensing Committee members have raised the issue of drug testing for hire car drivers 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 fully 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.

D.8 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.

D.9 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.

D.10 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.

D.11 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 regularly updated 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:

- To carry the passenger while in the wheelchair
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in the passenger seat, to carry the wheelchair;
- To take such steps as are necessary to ensure the passenger is carried in safety and reasonable comfort; and
- 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 required by their conditions 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 decide whether a Section 167 list should be published. It is recommended that consultation be undertaken regarding the introduction of a section 167 list.

D.12 Consideration at PDSP

A report regarding hire car issues was considered at the Environment PDSP on 5 November 2019. The PDSP had no specific comments to make and agreed that the report and its recommendations be forwarded to the next appropriate meeting of the Council Executive for consideration.

E. CONCLUSION

The Council Executive is asked to note the outcome of the research which has been carried out in relation to hire car accessibility issues. In addition, it is being asked to agree to instruct the Chief Solicitor to undertake a consultation regarding the commencement of 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 Council Executive is also asked to agree to set up a Hire Car Forum and to agree the remit, chair and procedure for that body.

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: Draft 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

3 December 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

- the Executive Councillor for the Environment will chair the Forum (to be nominated by the Council Executive)
- the Lead Officer (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 Lead Officer following consultation with the Chair)
- a representative from the Forum of Community Councils (to be nominated by that body if required)

The Lead Officer will approach the Forum of Community Councils to ascertain whether that body wishes to be represented on the Hire Car Forum.

The Hire Car Forum will meet every six months unless the Lead Officer following consultation with the Chair decides that the Forum will meet more frequently. Additional persons may be invited to attend the meetings at the request of the Lead Officer following consultation with the Chair.

Agendas and action notes will be produced by the Lead Officer in consultation with the chair. 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.

Suggestions 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.

If appropriate legal advice must be sought and research undertaken by individual Forum members before agenda 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 individual Forum members.

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.



COUNCIL EXECUTIVE

**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 Council Executive of the Scottish Government consultation on improving the operational effectiveness of the Control of Dogs (Scotland) Act 2010, and seek approval for the proposed response from West Lothian Council to this consultation.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. notes the content of the report and proposed consultation response detailed in Appendix 1 of the report; and
2. approves the proposed consultation response.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; developing employees; making best use of our resources; working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Control of Dogs (Scotland) Act 2010.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	We live in resilient, cohesive and safe communities.

VI	Resources - (Financial, Staffing and Property)	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.
VII	Consideration at PDSP	A report on the consultation was presented to the Environment PDSP on 5 November 2019. The panel was advised that the consultation response would be reported to Council Executive with a recommendation for approval. This was agreed by the panel.
VIII	Other consultations	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. The control and behaviour of a dog will always be the responsibility of the owner or person in charge of the dog. Therefore 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 Environment Policy Development and Scrutiny Panel – Consultation on improving the operational effectiveness of the Control of Dogs (Scotland) Act 2010, 5 November 2019.
3. 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

Craig McCorriston

Head of Planning, Economic Development and Regeneration

3 December 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.



COUNCIL EXECUTIVE

NATIONAL PLANNING FRAMEWORK 4 – REGIONAL COLLABORATION

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to advise the Council Executive of an invitation from Scottish Government to work collaboratively with other member authorities to develop indicative regional spatial strategies to inform National Planning Framework 4 (NPF4).

B. RECOMMENDATION

It is recommended that the Council Executive:

1. notes the content of the letter dated 31 October 2019 from the Scottish Government's Chief Planner (Appendix One);
2. agrees to work in collaboration with the City of Edinburgh Council, East Lothian Council, Fife Council, Midlothian Council, and Scottish Borders Council to progress the Edinburgh City Region partnership; and
3. agrees to accept the grant offer of up to £10,000 from Scottish Government to help fund public participation in the Edinburgh City Region Partnership and inform preparation of NPF4.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	There are no equality, health or risk assessment issues associated with the SG and there are no risk assessment issues.
III Implications for scheme of delegation	None.
IV Impact on performance and performance indicators	None.
V Relevance to Single Outcome Agreement	Outcome 3 - Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.

Outcome 4 - We live in resilient, cohesive and safe communities.

Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.

VI Resources - (Financial, Staffing and Property)

None.

VII Consultations at PDSP

There has not been opportunity to report to the Development and Transport PDSP given the scheduling of meeting dates. The Executive Councillor for Development and Transport has however been briefed.

VIII Other consultations

None.

D. TERMS OF REPORT

D1 Background

The Planning (Scotland) Act 2019 is now being implemented having received Royal Assent earlier this year. One of the key requirements set out in the Act is the preparation of National Planning Framework 4 (NPF4), a timetable for which has been announced by Scottish Government. A draft NPF4 is anticipated to be published by September 2020. In the fullness of time NPF4 will require parliamentary approval and form part of the statutory development plan.

The Scottish Government has been considering the next steps for strategic planning within the context of its programme for preparing the National Planning Framework 4 (NPF4). On 31 October 2019 the Scottish Government's Chief Planner issued a letter to all Local Authority Chief Executives inviting local authorities to work collaboratively to develop 'indicative' regional spatial strategies across Scotland as a vehicle to ensure that regional priorities can be embedded in the draft NPF4. In time, these indicative strategies could also help authorities to begin work on preparing fuller regional spatial strategies for their areas and help inform future statutory guidance. The Chief Planner's letter is attached as Appendix 1.

Workshop sessions have been held with Scottish Government to inform how NPF4 may progress. Arising from this, it has been suggested that the alignment of infrastructure and economic policies and programmes would be beneficial and Scottish Government has suggested that, as a starting point, local authorities consider establishing interim arrangements for collaborative strategic planning that broadly reflect the boundaries of city and growth deals across Scotland and which read across to the groupings now established for the second Strategic Transport Projects Review. Suggested groupings for collaborative working have been set out in Annexe A of Appendix One.

West Lothian Council is already committed to partnership working via the South East Scotland Strategic Development Planning Authority (SESplan) and City Deal. Scottish Government has suggested that in moving forward with future planning and economic growth for the Edinburgh City Region, there is potential for the City of Edinburgh Council, East Lothian Council, Fife Council, Midlothian Council, West Lothian Council, and Scottish Borders Council to work in collaboration.

To assist with this and in light of the challenging timetable to produce NPF4, the Scottish Government is willing to offer practical support to assist in this process and propose to make available a grant of up to £10,000 to each of the groupings it has set out in the letter dated 31 October 2019.

The proposed grant is to be used by each of the groupings to fund a participative 'charrette style' event to be held by mid-March to explore issues, priorities and outcomes that are relevant to future strategic planning in each of the areas covered by the proposed groupings. Following this, Scottish Government will host an event towards the end of March 2020 to explore and share learning gained from this first stage to assist the production of indicative regional spatial strategies that can be reflected in NPF4.

Scottish Government seeks confirmation by 28 November 2019 that local authorities are willing to work in a regional grouping to prepare an indicative regional spatial strategy to feed into NPF4. It has not been possible to report to the Council Executive on this matter until now and an extension has been agreed with Scottish Government.

Given that West Lothian Council is already working in partnership with the City of Edinburgh Council, East Lothian Council, Fife Council, Midlothian Council and Scottish Borders Council to progress strategic spatial planning in the area via SESplan, and more recently with the south east Scotland City Deal, it is sensible to continue with this partnership and take advantage of the grant funding on offer from Scottish Government. The Executive should note that under the Planning (Scotland) Act 2019 there is no longer a requirement to prepare strategic development plans and the future of SESplan and other Strategic Development Planning Authorities is uncertain at this time.

To continue and strengthen the partnership working which exists across the Edinburgh and South East Scotland area, it is proposed that West Lothian Council inform Scottish Government of its willingness to participate and contribute to the Edinburgh City Region collaboration. It remains to be determined who the single point of contact/champion will be for this grouping. SESplan considered this matter at a meeting of the SESplan Joint Committee on 25 November 2019 and has agreed in principle to work in collaboration within the Edinburgh City Region regional grouping.

E. CONCLUSION

Collaborative working will assist in informing a regional spatial strategy for the Edinburgh City Region area and build on the work which has already been undertaken in partnership with the SESplan member authorities and City Deal partners. The grant offer of up to £10,000 from Scottish Government to assist in developing indicative spatial strategy for the area which would in turn inform NPF4 is therefore to be welcomed.

F. BACKGROUND REFERENCES

Planning (Scotland) Act 2019

Appendices: One

Appendix One: Letter from Scottish Government Chief Planner – National Planning Framework 4 – Regional Working Groups – Next Steps

Contact Person: Fiona McBrierty, Development Planning and Environment Manager, 01506 282418

DATA LABEL: PUBLIC

Email: fiona.mcbrierty@westlothian.gov.uk

Craig McCorriston
Head of Planning, Economic Development & Regeneration

3 December 2019



T: 0131-244 0237
E: chief.planner@gov.scot

To:
All Local Authority Chief Executives

NATIONAL PLANNING FRAMEWORK 4 – REGIONAL WORKING GROUPS – NEXT STEPS

As you will be aware, on 2 October 2019 we held a very interesting and productive event on regional spatial planning at the Engine Shed in Stirling. At the event we explored the new arrangements for strategic planning that will emerge from the Planning (Scotland) Act. I am very grateful to you and your colleagues for ensuring that your areas were represented and for engaging so constructively in the discussion.

A summary report of the event that includes the presentations is [available to view](#).

We have been considering the next steps for strategic planning within the context of our programme for preparing the National Planning Framework 4 (NPF4). At the event, we explained that there is an opportunity in the coming months to work together to develop 'indicative' regional spatial strategies across Scotland as a vehicle to ensure that regional priorities can be embedded in the draft NPF4. In time, those indicative strategies could also help authorities to begin work on preparing fuller regional spatial strategies for their areas. Furthermore, the shared experience of collaborating in this work will help to inform future statutory guidance that we intend to produce ahead of this section of the Act coming into force.

It is of course for each authority to decide how they will fulfil the new duty under the Act. However, during the discussion on 2 October it became clear that alignment with wider infrastructure and economic policies and programmes would be beneficial. As a starting point, we would therefore suggest that authorities consider establishing interim arrangements for collaborative strategic planning that broadly reflect the boundaries of city and growth deals across Scotland and which read across to the groupings now established for the second Strategic Transport Projects Review. We recognise this initial proposal may change over time but, for the purposes of NPF4, Annex A sets out suggested groupings that could form the basis of this approach.

Given the challenging timescale to produce NPF4, with a draft expected in September 2020, the Scottish Government is willing to offer practical support to assist this process.

We propose to make available a grant of up to £10,000 to each of the groupings in Annex A to help fund a participative ('charrette style') event to be held by mid-March 2020 to explore issues, priorities and outcomes that are relevant to future strategic planning in these areas.

Following this we will host an event towards the end of March 2020 to explore and share learning gained from this first stage to assist the production of indicative regional spatial strategies that can be reflected in NPF4.

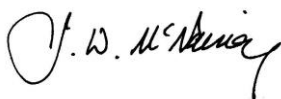
To ensure we are in a position to develop a fuller framework for collaboration and support, I would be grateful if you would please confirm whether:

- your authority is willing to work in a regional grouping to prepare an indicative regional spatial strategy to feed into NPF4;
- your authority is content to progress this in association with the regional grouping as set out in Annex A
- your regional grouping is willing to nominate a single point of contact / champion to liaise with the NPF4 team over the coming months. If so, please confirm their contact details. We will provide further details to those contacts on the grant funding.

We would be grateful if you would consider this suggestion and respond by 28 November 2019 to scotplan@gov.scot. Should you have any queries or wish to discuss this further then please contact us.

Thank you again for the positive engagement of your authority - we look forward to working with you.

Kind regards



John McNairney
Chief Planner

Annex A

Potential Regional Groupings of planning authorities for collaboration on National Planning Framework 4

- Aberdeen City Region – *Aberdeen City Council, Aberdeenshire Council*
- Ayrshire and Arran – *North Ayrshire Council, East Ayrshire Council, South Ayrshire Council*
- Edinburgh City Region – *City of Edinburgh Council, East Lothian Council, Fife Council, Midlothian Council, West Lothian Council, Scottish Borders Council*
- Glasgow City Region – *East Dunbartonshire Council, East Renfrewshire Council, Glasgow City Council, Inverclyde Council, North Lanarkshire Council, Renfrewshire Council, South Lanarkshire Council*
- Highlands and Moray – *The Highland Council, Moray Council, Cairngorms NPA*
- South of Scotland – *Dumfries and Galloway Council, Scottish Borders Council*
- Stirling / Clackmannanshire / Falkirk – *Clackmannanshire Council, Falkirk Council, Stirling Council, Loch Lomond and The Trossachs NPA*
- Tay Cities Region – *Angus Council, Dundee City Council, Perth and Kinross Council*
- Islands - *Western Isles Council, Orkney Council, Shetland Islands Council, Argyll and Bute Council*



COUNCIL EXECUTIVE

SURPLUS PROPERTIES

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To seek approval to formally declare surplus a number of properties which are no longer required for service delivery.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Approves that the properties in the report and listed in Appendix 1 are declared surplus to council requirements, and,
2. Instructs officers to demolish the assets concerned in accordance with the approved Surplus Property Procedures and as outlined in the report.

C. SUMMARY OF IMPLICATIONS

I Council Values	Being honest, open and accountable; and Making best use of our resources
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Forms part of the council's approved Asset Management Strategy and Property Asset Management Plan. Complies with legal requirement to obtain "Best Value" under the 1973 and 2003 Local Government (Scotland) Acts and also the Disposal of Land by Local Authorities (Scotland) regulations 2010 and the Community Empowerment (Scotland) Act, 2015. Complies with Community Empowerment (Scotland) Act 2015 (Part 5) relating to community asset transfer.
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	The disposal of surplus properties may contribute to performance in different areas e.g. capital receipts; revenue income from the Tenanted Non Residential Portfolio (TNRP) / Commercial Property Portfolio (CPP) or be available for community asset transfer.

V Relevance to Single Outcome Agreement	Effective management of property resources influences many key outcomes contained in the single outcome agreement.
VI Resources - (Financial, Staffing and Property)	The letting, sale, asset transfer or demolition of assets identified as surplus will allow resources used for these to be re-directed to other retained property assets. Some will produce revenue income stream and/or a capital receipt which will contribute to relevant targets.
VII Consideration at PDSP	None.
VIII Other consultations	<p>Relevant services have been consulted including Operational Services; Legal Services; Planning; Housing, Customer and Building Services.</p> <p>The local elected members for relevant wards have received a copy of this report for their information.</p>

D. TERMS OF REPORT

D1 Introduction

The report advises of a number of assets that are no longer required for the delivery of services and are proposed to be declared surplus. It is proposed that the assets will be dealt with in accordance with the Surplus Property Procedures which were approved by the Council Executive on 28 November 2017. Appendices 2 and 3 show the location of these assets.

D2 Background

The council is committed to the efficient and effective management of assets to support the delivery of services. Property assets are managed as a corporate resource and those no longer required for the delivery of services should not be retained as these represent both financial and management resource burdens. Properties that are vacant or not effectively used also represent a risk of dereliction and are an ongoing statutory compliance burden on the council.

In accordance with the council's approved Surplus Property Procedures, property assets that are no longer required for service delivery need to be formally declared surplus and then be subject to a standard process to ensure transparent and consistent decision making on their future.

This report advises on a number of assets that have been identified as no longer required for service delivery and are therefore surplus to council requirements.

D3 Surplus Property

The assets outlined in Appendix 1 have been identified as being surplus to service requirements and are no longer required by the council. Surplus assets are described as; properties that are no longer required for the delivery of services.

All of the assets meet the criteria outlined above and therefore it is appropriate that these are declared surplus to requirements and processed in accordance with the council's approved surplus property procedures.

All of the properties contained within Appendix 1 are no longer required for service delivery and, given their poor condition, it is appropriate to demolish the buildings and clear the sites thereby removing any recurring statutory compliance, maintenance, rates and potential vandalism liabilities.

E. CONCLUSION

The assets outlined in this report are no longer be required for service delivery and are therefore surplus to the Council's operational requirements. Due to their condition it is in the council's best interest to proceed with the demolition of each property.

F. BACKGROUND REFERENCES

Council Executive – 28 November 2017 – Surplus Property Procedures

Appendices/Attachments:

Appendix 1 - List of properties to be declared surplus
Appendix 2 – Plan of Surplus Properties – East Calder
Appendix 3 – Plan of Surplus Properties – Bathgate

Contact Person: Darren Stenhouse, Graduate Property Surveyor, Finance and Property Services

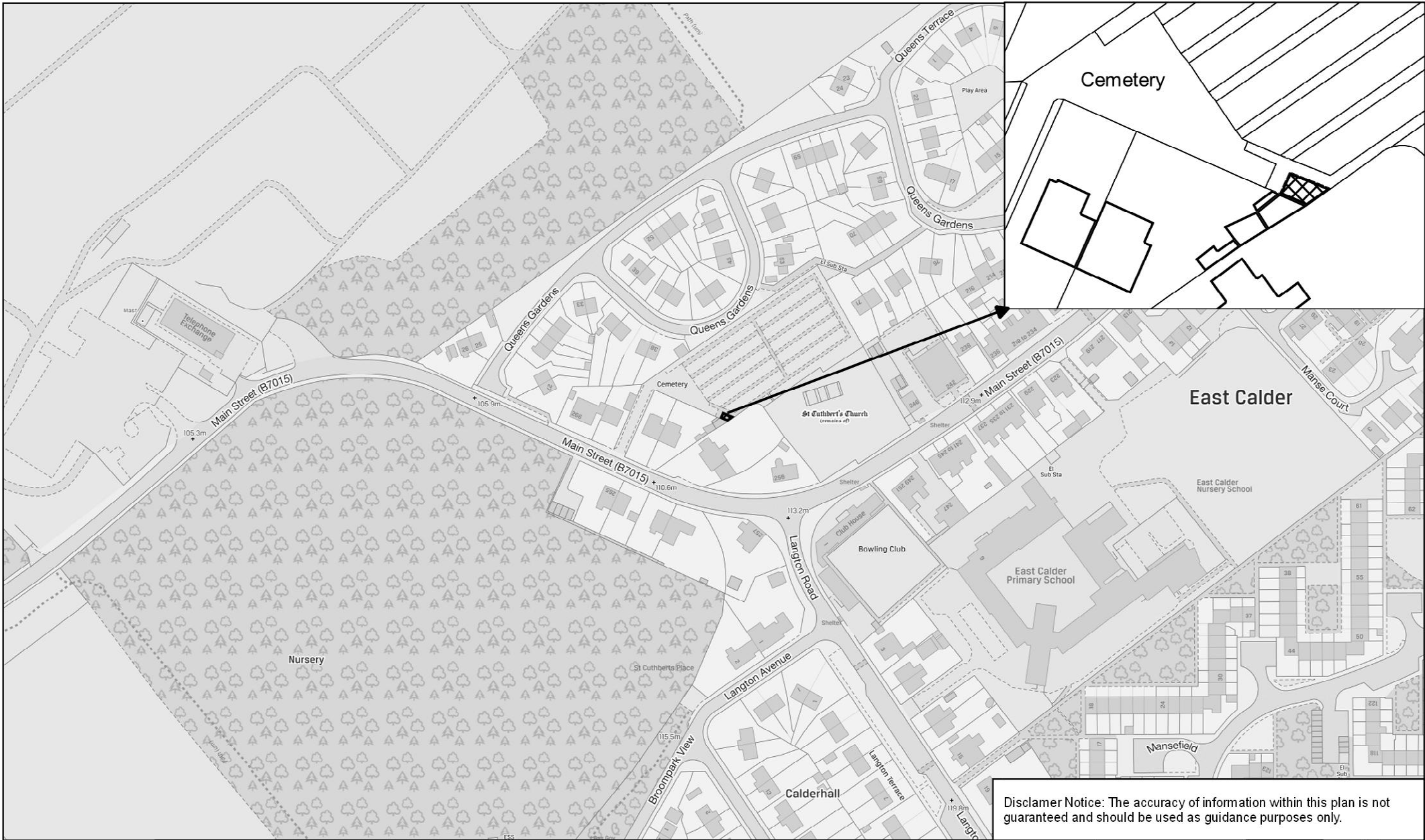
Tel: (01506) 283373 - Email: darren.stenhouse@westlothian.gov.uk,


Donald Forrest
Head of Finance and Property Services

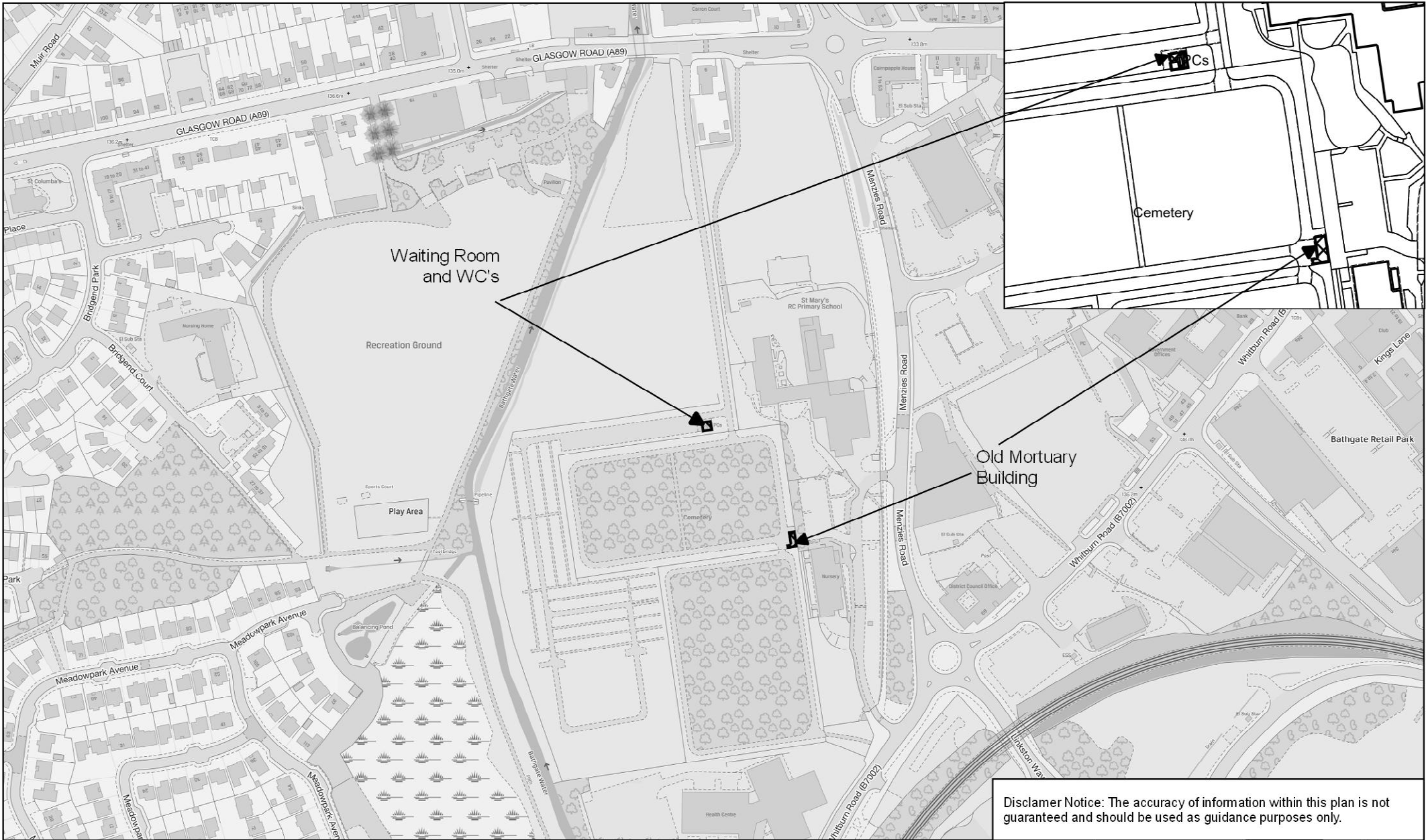
Date of meeting: 3 December 2019


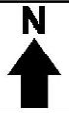
APPENDIX 1 – LIST OF SURPLUS PROPERTIES AND RECOMMENDATIONS

Property	Reason for Declaring Surplus	Current Position	Recommendation
Cemetery Waiting Room and former WC's, Glasgow Road, Bathgate	No longer required for service delivery.	Vacant	No longer required. No identifiable alternative use, or commercial value. As property is not suitable for lease or sale due to its location within the Cemetery it is proposed to demolish and clear the site.
Old Mortuary Building, Glasgow Road, Bathgate	No longer required for service delivery.	Vacant	No longer required. No identifiable alternative use, or commercial value. Proceed by demolishing and clearing site.
Old Cemetery Building, Main Street, East Calder	No longer required for service delivery.	Vacant	No longer required. No identifiable alternative use, or commercial value. Proceed by demolishing and clearing site. The water tap will be reinstated.



	<h1>Old Cemetery WCs Main Street, East Calder</h1>	<p>N.T.S</p>	<p>A4</p>	<p>N ↑</p>
<p>Property Management, West Lothian Civic Centre, Livingston, EH54 6FF</p>	<p>31/10/2019</p>	<p>Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. ©Crown copyright. All rights reserved. Licence 100037194 2019</p>		



	<h1>Old Cemetery Waiting Room/WCs and Mortuary Building, Bathgate</h1>	<p>N.T.S</p>	<p>A4</p>	
<p>Property Management, West Lothian Civic Centre, Livingston, EH54 6FF</p>	<p>31/10/2019</p>	<p>Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. ©Crown copyright. All rights reserved. Licence 100037194 2019</p>		



COUNCIL EXECUTIVE

LAND AT ALLISON GARDENS, BLACKRIDGE
PROPOSED SALE TO SOUTHVALE HOMES (LANARK) LIMITED

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval for the sale of land at Allison Gardens, Blackridge.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Approves the sale of land at Allison Gardens, Blackridge to Southvale Homes (Lanark) Limited for £150,000 (one hundred and fifty thousand pounds) on the terms set out in this report; and
2. Authorises the Head of Finance and Property Services to carry out any further negotiations in respect of the terms of sale for the property, on the basis that any revised terms and conditions still represent the achievement of best value for the council.

C. SUMMARY OF IMPLICATIONS

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

VI	Resources - (Financial, Staffing and Property)	The £150,000 capital receipt will contribute towards the Housing Revenue Account.
VII	Consideration at PDSP	Not applicable.
VIII	Other consultations	Housing, Customer and Building Services. The local elected members for the ward have received a copy of this report for information.

D. TERMS OF REPORT

D1. BACKGROUND

West Lothian Council acquired 0.72 acres land at Allison Gardens, Blackridge in 2009. It was transferred in lieu of Developer Contributions for the wider residential development site under a Section.75 planning agreement. The land is shown hatched on the location plan included in appendix 1.

Southvale Homes (Lanark) Limited approached the council to discuss a possible acquisition of the site. Following consultation with Housing Services it was confirmed that there were no plans to develop the site within the existing Council Housing new build programme. In circumstances where there are adjoining ownership interests, the council is able to enter into direct negotiations with the party concerned.

To demonstrate achievement of best value and to assist negotiations, the District Valuer was appointed in May 2019 to assess the value of the site for residential development. Their opinion of the open market value is £150,000.

The site is held on the Housing Revenue Account and therefore the Tenants Panel have been consulted and have consented to the proposed sale. In addition, Scottish Government consent has been obtained to dispose of the land. The proceeds of the sale will accrue to the Housing Revenue Account.

As the site had been transferred in lieu of developer contributions Legal Services have confirmed that the land has no burdens that prevent it being sold to Southvale Homes (Lanark) Limited.

D2. PROPOSED SALE TERMS

The council have agreed to dispose of the land on the following terms:

- Purchaser: Southvale Homes (Lanark) Limited
- Price: £150,000 (excluding VAT)
- Suspensive Conditions: Vacant possession and clear legal title. The sale is subject to all current burdens, servitude and wayleave rights across the land.
- Date of Entry: Upon conclusion of legal missives.

E. CONCLUSION

As the site is held on the Housing Revenue Account and there are no proposals for

its future development by the council, it is considered to be in the council's best interests to sell the land to Southvale Homes (Lanark) Limited on the basis of the recommendations provided in this report.

F. BACKGROUND REFERENCES

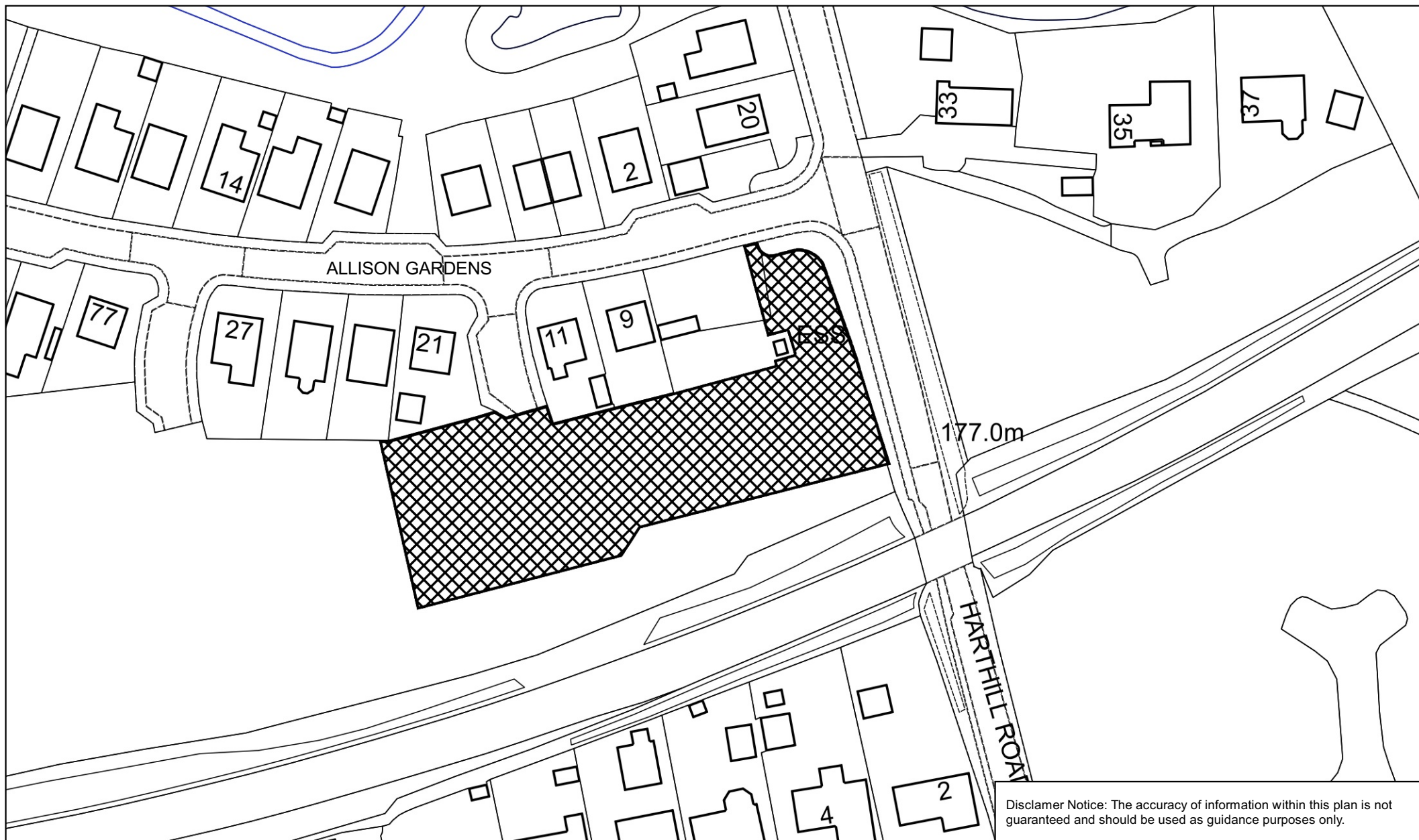
None

Appendices/Attachments: Appendix 1 - Location plan

Contact Person: Jacqueline Steven, Commercial Property Surveyor
Tel. (01506) 283405 E-mail: jacqueline.steven@westlothian.gov.uk

Donald Forrest,
Head of Finance and Property Services

Date of meeting: 3 December 2019





COUNCIL EXECUTIVE

ANNET HOUSE, 143 HIGH STREET, LINLITHGOW
PROPOSED SALE TO MORAY AND JANE MELHUIH

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval for the sale of Annet House, 143 High Street, Linlithgow to Moray and Jane Melhuish.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Approves the sale of Annet House, 143 High Street, Linlithgow to Moray and Jane Melhuish for the sum of £351,007 (Three hundred and fifty-one thousand and seven pounds) subject to the terms and conditions set out in the report;
2. Authorises the Head of Finance and Property Services to carry out any further negotiations with the purchaser in respect of the sale terms of the property, on the basis that any revised terms and conditions still represent the achievement of best value for the council.

C. SUMMARY OF IMPLICATIONS

I Council Values	Making best use of our resources. Being honest, open and accountable.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Disposal of property governed by S74 (2) of the Local Government (Scotland) Act 1973 and the Disposal of Land by Local Authorities (Scotland) Regulations 2010.
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	The sale of this property will contribute towards the council's 2019/20 approved capital receipts target and in doing so will assist the associated capital receipts performance indicator.
V Relevance to Single Outcome Agreement	We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
VI Resources - (Financial, Staffing and Property)	A capital receipt of £351,007 will be received during the 2019/20 financial year.

VII Consideration at PDSP

Not applicable.

VIII Other consultations

The local elected members for the ward have received a copy of this report for their information.

D. TERMS OF REPORT**D1 Background**

The property is located at 143 High Street, Linlithgow and is known as Annet House. It was previously home to Annet House Museum. The museum relocated to Linlithgow Partnership Centre at the end of 2018. As part of the relocation to the partnership centre the museum was rebranded Linlithgow Museum and continues to be managed by Linlithgow Heritage Trust. As part of the business case for the delivery of the Partnership Centre / Tam Dalyell House, Annet House was declared surplus by Council Executive on 27 January 2015. The property is shown hatched and outlined black on the attached plan.

The property had previously been advertised for sale on the open market in early 2019 but, despite a high level of interest, only two offers were received. As both offers were significantly less than the valuation in the home report, the decision was taken to re-market the property. Again there was a high level of interest and following several notes of interest a closing date was set for 12 November 2019 with three offers received. There were no offers received for community asset transfer.

After evaluation, officers recommend the offer from Moray and Jane Melhuish for £351,007, which was the highest financial offer received at the closing date, is accepted as it represents the best terms reasonably obtainable by the council. Mr and Mrs Melhuish intend applying for the relevant consents to turn the property into a family home, preserving and restoring many of the period features.

D2 Proposed Sale Terms

It is proposed to sell Annet House to Moray and Jane Melhuish for £351,007.

The offer is subject to the proposed purchaser obtaining planning consent and building regulation consent for change of use to residential.

In planning terms the garden is one of the few remaining Riggs off the High Street in Linlithgow. Planning Policy ENV 25 does not permit development in the Riggs off Linlithgow High Street in all but exceptional circumstances. This will be backed up with the sale containing a clawback clause to the effect that, should planning policy change in future and consent to develop the Rigg were granted then the council reserves the right to clawback the difference between garden ground value and development land value.

It is proposed that the Head of Finance and Property Services is authorised to carry out any further negotiations with the purchaser in respect of the sale conditions, on the basis that any revised terms still represent the achievement of best value for the council and are not material.

E. CONCLUSION

It is considered to be in the council's best interests to sell Annet House on the basis of the recommendation set out in this report.

F. BACKGROUND REFERENCES

Council Executive 27 January 2015 – Report by Head of Finance and Estates
Linlithgow Partnership Centre – Options appraisal.

Appendices/Attachments: Location plan attached.

Contact Person: Janet Rutherford, Commercial Property Surveyor

Tel. (01506) 281831 e-mail: janet.rutherford@westlothian.gov.uk

Donald Forrest, Head of Finance and Property Services

Date of meeting: 3 December 2019



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Annet House, High Street, Linlithgow

N.T.S



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

22/10/2019



COUNCIL EXECUTIVE

FORMER CARETAKER'S COTTAGE, 4 COURT SQUARE, LINLITHGOW. **PROPOSED SALE TO ANDREW JOHN WALLACE TAYLOR**

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval for the sale of 4 Court Square, Linlithgow to Andrew John Wallace Taylor.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Approves the sale of the Former Caretaker's Cottage, 4 Court Square, Linlithgow to Andrew John Wallace Taylor for the sum of £150,536 (One hundred and fifty thousand, five hundred and thirty-six pounds) subject to the terms and conditions set out in the report;
2. Authorises the Head of Finance and Property Services to carry out any further negotiations with the purchaser in respect of the sale of the property, on the basis that any revised terms and conditions still represent the achievement of best value for the council.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Making best use of our resources. Being honest, open and accountable.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Disposal of property governed by S74 (2) of the Local Government (Scotland) Act 1973 and the Disposal of Land by Local Authorities (Scotland) Regulations 2010.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	The sale of this property will contribute towards the council's 2019/20 approved capital receipts target and in doing so will assist the associated capital receipts performance indicator.
V	Relevance to Single Outcome Agreement	We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.

VI Resources - (Financial, Staffing and Property)	A capital receipt of £150,536 will be received during the 2019/20 financial year.
VII Consideration at PDSP	Not applicable.
VIII Other consultations	The local elected members for the ward have received a copy of this report for their information.

D. TERMS OF REPORT

D1 Background

The property is located at 4 Court Square, Linlithgow and is the site of the former Caretaker's Cottage, attached to the rear of the former County Buildings, now the Linlithgow Partnership Centre / Tam Dalyell House. The property was latterly used by the council as office space. The property has been vacant since the former County Buildings underwent refurbishment to form the Linlithgow Partnership Centre / Tam Dalyell House and was declared surplus by Council Executive on 27 January 2015. The property is shown hatched and outlined black on the attached plan.

The property has previously been marketed with Council Executive on 9 October 2018 agreeing to accept an offer of £205,000 from Mr Parvinder Khumar. Mr Khumar failed to conclude the transaction and the property was therefore re-marketed. Following notes of interest, a closing date was set for 12 November 2019. There were no community asset transfer requests or expressions of community interest for the property.

Following evaluation, officers recommend that the offer from Andrew John Wallace Taylor for £150,536 is accepted as it represents the best terms reasonable obtainable by the council.

Mr Taylor is founding director of a successful architects practice currently operating in Linlithgow and intends to re-locate the business to 4 Court Square. Currently employing three staff, the practice is looking to grow with significant opportunities on the horizon which will create further employment opportunities.

D2 Proposed Sale Terms

It is proposed to sell 4 Court Square to Andrew John Wallace Taylor for £150,536. The offer does not contain any suspensive conditions and is not subject to the proposed purchaser obtaining planning consent or other statutory consents associated with the proposed use of the property.

It is proposed that the Head of Finance and Property Services is authorised to carry out any further negotiations with the purchaser in respect of the sale conditions, on the basis that any revised terms still represent the achievement of best value for the council and are not material.

E. CONCLUSION

It is considered to be in the council's best interests to sell the property on the basis of the recommendation given in this report.

F. BACKGROUND REFERENCES

Council Executive Report dated 9 October 2018 - Former Caretakers Cottage, 4 Court Square, Linlithgow – Proposed Disposal to Parvinder Kumar

Appendices/Attachments: Location plan attached.

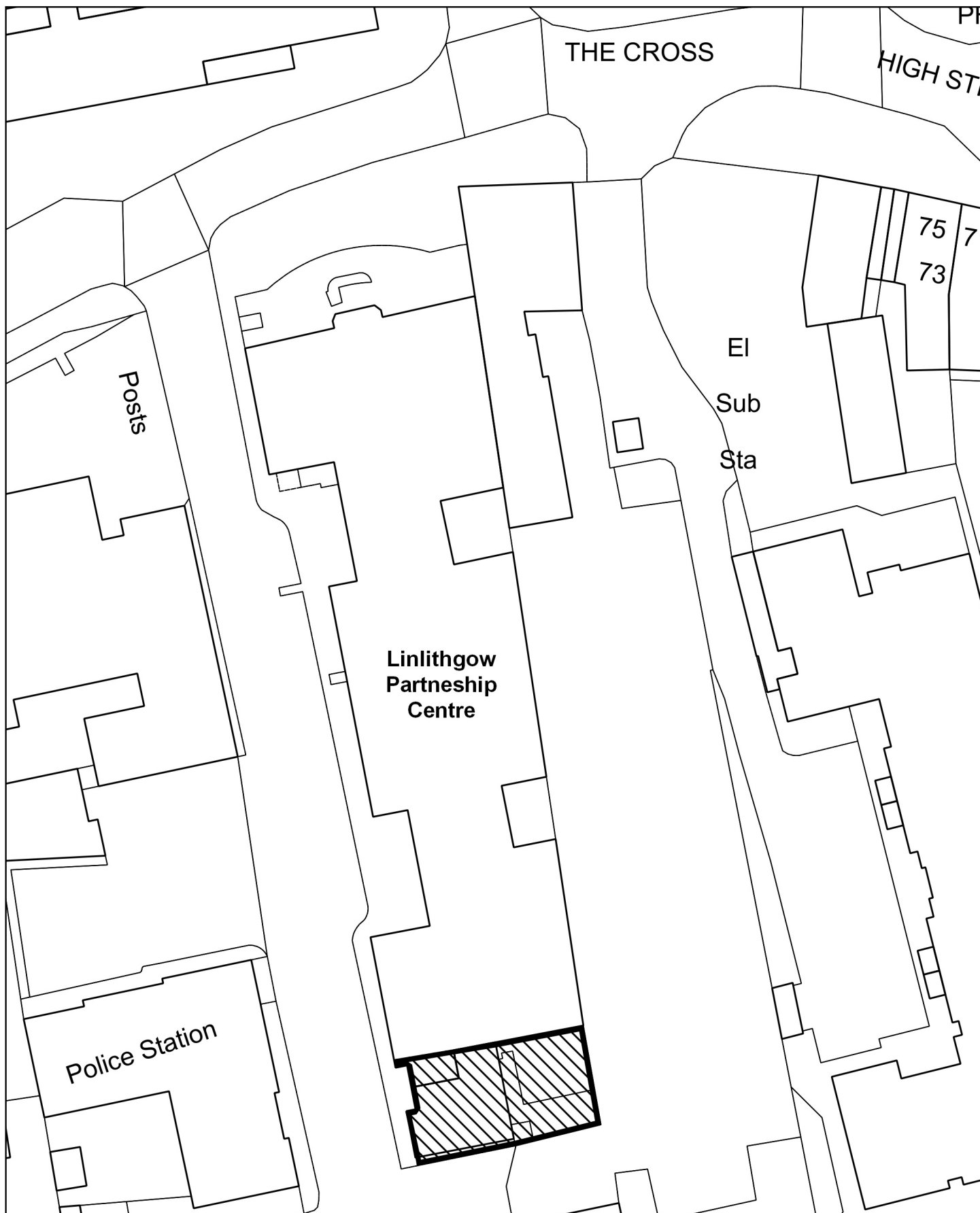
Contact Person:

Sue Riddell, Property Assistant, Property Management and Development, Finance and Property Services

Tel. (01506) 281828 e-mail: susan.riddell@westlothian.gov.uk

Donald Forrest, Head of Finance and Property Services

Date of meeting: 3 December 2019



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4 Court Square, Linlithgow

1:500



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

30/8/2018



COUNCIL EXECUTIVE

**LETTING OF YARD AT 1 CLARKE SQUARE, DEANS INDUSTRIAL ESTATE
LIVINGSTON TO CALEDONIAN TECHNOLOGIES LTD**

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval for the letting of the yard at 1 Clarke Square, Deans Industrial Estate, Livingston to Caledonian Technologies Ltd.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Approves the letting of the yard at 1 Clarke Square, Deans Industrial Estate, Livingston to Caledonian Technologies Ltd for a period of ten years at an initial rent of £45,000 per annum (subject to a rent free period) on the terms outlined in this report; and
2. Authorises the Head of Finance and Property Services to negotiate any further terms and conditions or changes to those outlined in the report on the basis that these continue to represent the achievement of best value for the council.

SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customer's needs; being honest, open and accountable and making best use of our resources.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Disposal of property governed by S74 (2) of the Local Government (Scotland) Act 1973 and the Disposal of Land by Local Authorities (Scotland) Regulations 2010.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	Rental income as set out in the report will contribute towards the councils revenue budget targets for the Commercial Property Portfolio.
V	Relevance to Single Outcome Agreement	Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.

VI	Resources - (Financial, Staffing and Property)	Rental income as set out in the report will accrue to the council's revenue budget. The lease will be managed within existing staff resources.
VII	Consideration at PDSP	None.
VIII	Other consultations	The local elected members for the ward have received a copy of this report for their information.

D. TERMS OF REPORT

D1 Background

The yard at 1 Clarke Square, Deans Industrial estate, Livingston extends to approx.3.5 acres, are partially enclosed and surfaced. A location plan of the yards is shown in the appendix.

Following vacation of the yards in May 2017, they have been vacant and subject to a high level of commercial fly tipping and theft of boundary fencing.

The proposed tenant Caledonian Technologies Ltd are currently occupying the site on a fixed term licence and are recycling and disposing of the significant amount of fly tipped material on site which include aggregates and building materials. The licence commenced on Monday 8 October 2019 for a period of nine months to enable the company to mobilise and remediate the site quickly in advance of the lease which will be the formal establishment of their business premises.

No rent is currently payable under the licence as the licensee is meeting the full cost and all legal requirements for the site clearance to enable it to be let by them over the longer term. The costs are estimated to be £100,000. Subject to providing proof of the costs the intention is to convert these to a rent free period as part of the proposed lease.

The cost to the council to clear the site and erect replacement fencing prior to seeking a tenant would have been far in excess of £100,000 or the equivalent rent free period being offered.

Caledonian Technologies Ltd are part of a group of companies including Right Aggregates Ltd, Right Construction Glasgow Ltd and Right Recycling Ltd. They propose to utilise the site for the hire of plant and machinery, labour force hire, provision of aggregates, sand and construction materials for the utilities industry, Health and Safety equipment and general building materials. In addition the business will recycle and reuse sand, soil and aggregate by way of screening for sale to utility customers.

The company have an established business operating model and are experienced in ensuring compliance with appropriate waste and recycling statutory requirements. As part of the lease agreement the company is fully responsible for ensuring compliance with all statutory obligations.

D2 Proposed Lease Terms

The main terms of the lease proposed are as follows:

Tenant – Caledonian Technologies Ltd.

Use – For the supply of aggregates, sand, plastic piping and machinery and any other use within Class 5 (General Industrial) of the Town and Country Planning (Use Classes) (Scotland) Order 1997

Date of Entry – backdated to the licence commencement start date of 8th October 2019.

Lease Duration – Ten years.

Rent - £45,000 per annum (net of VAT).

Rent free – Period of rent free equivalent to demonstrated site clearance expenditure will be granted upon conclusion of lease.

Rent Review – The rent shall be reviewed to the open market level on the fifth anniversary of the lease.

Repair - The lease is on a full repairing and insuring (tenant) basis.

Legal Expenses - Each party to meet their own legal costs.

General - There will be various other detailed terms and conditions which will be included in the legal documentation which are common in leases of this type of property.

E. CONCLUSION

It is considered to be in the council's best interest to grant the proposed lease to Caledonian Technologies Ltd in accordance with the terms and conditions set out above. The agreement will also see remediation of land subject to fly tipping.

F. BACKGROUND REFERENCES

None

Appendices/Attachments: Appendix 1 – Location Plan

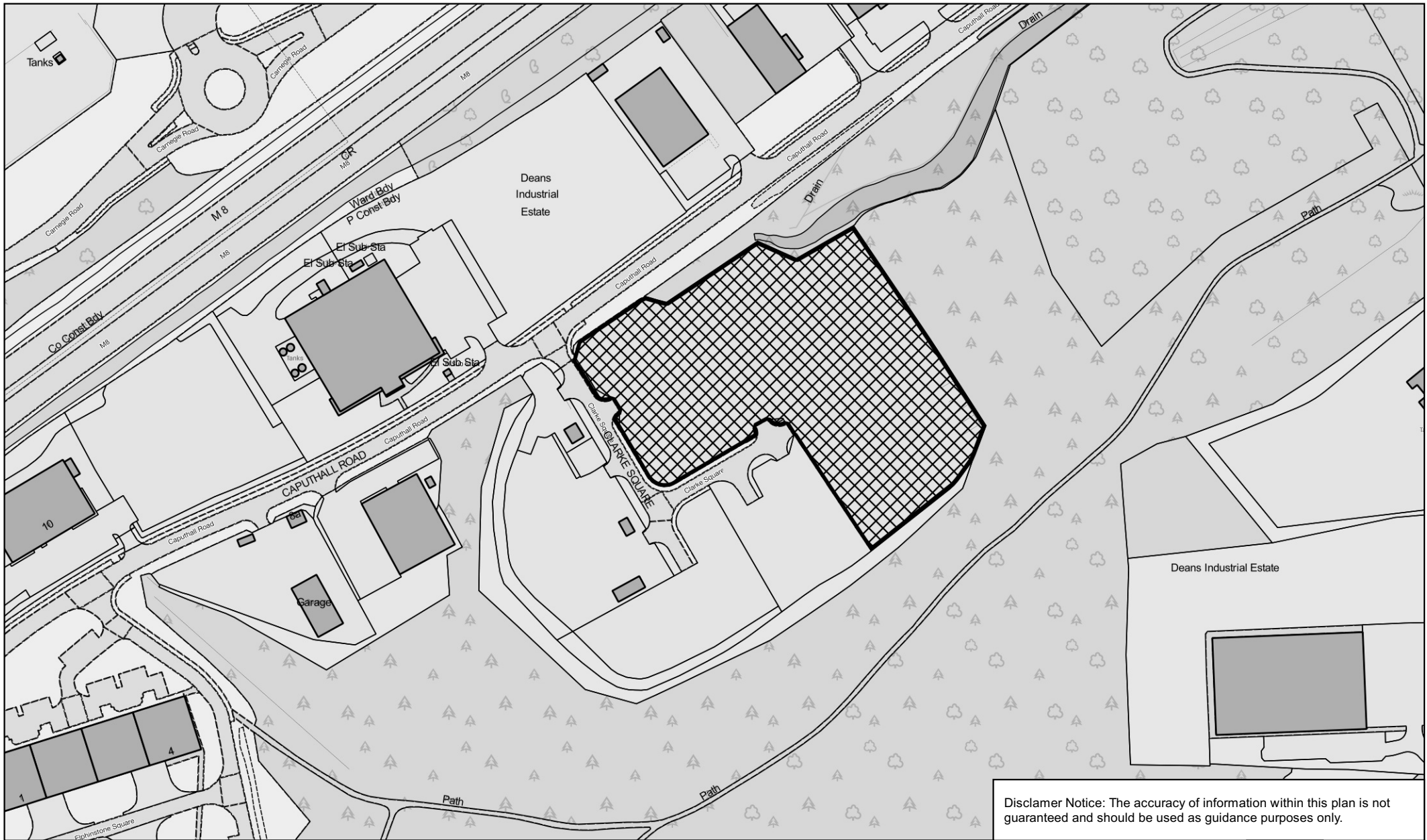
Contact Person:

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Donald Forrest, Head of Finance and Property Services

Date of meeting: 03 December 2019



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	<h2>Clarke Square, Deans Industrial Estate, Livingston</h2> <p>Property Management, West Lothian Civic Centre, Livingston, EH54 6FF</p>	<p>N.T.S</p>	<p>A4</p>	<p>N ↑</p>
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COUNCIL EXECUTIVE

74 THE VENNEL, LINLITHGOW, EH49 7ET –LEASE TO TIMPSON LIMITED

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval for a lease renewal at 74 The Vennel, Linlithgow to Timpson Limited.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Approves the lease renewal at 74 The Vennel, Linlithgow to Timpson Limited for a period of ten years at a rent of £9,740 per annum on the terms outlined in this report; and
2. Authorises the Head of Finance and Property Services to negotiate any further terms and conditions or changes to those outlined in the report on the basis that these continue to represent the achievement of best value for the council.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customer's needs; being honest, open and accountable; making best use of our resources; working in partnership.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Disposal of property governed by S74 (2) of the Local Government (Scotland) Act 1973 and the Disposal of Land by Local Authorities (Scotland) Regulations 2010.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	Rental income as set out in the report will contribute towards the councils revenue budget targets for the Commercial Property Portfolio.
V	Relevance to Single Outcome Agreement	Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.

VI	Resources - (Financial, Staffing and Property)	Rental income as set out in the report will contribute to the council's approved revenue budget targets.
VII	Consideration at PDSP	None.
VIII	Other consultations	The local elected members for the ward have received a copy of this report for their information.

D. TERMS OF REPORT

D1 Background

Timpson Ltd currently lease the retail property at 74 The Vennel, Linlithgow. The existing lease expires on 28 December 2019 and Timpson Limited has confirmed they wish to continue in occupation of the shop.

The shop forms part of a parade of retail units within Linlithgow town centre. A location plan of the subjects is shown on Appendix 1.

D2 Proposed Lease Terms

The terms of the new lease are as follows:

Subjects: 74 The Vennel, Linlithgow, EH49 7ET

Lease Term: Ten years with a tenant only option to break the lease on the third and sixth anniversary of the lease upon giving six months prior notice.

Date of Entry: 29 December 2019

Rent: £9,740 per annum payable monthly in advance.

Rent Review: Occurs on the fifth anniversary of the term commencement. Review basis to reflect market rent.

Maintenance / Repairs: Lease shall be on a full repairing and insuring (tenant) basis.

Outgoings: Each party to bear their own legal costs in connection with the lease renewal.

It is proposed that the Head of Finance and Property Services is authorised to carry out any further negotiations with the proposed tenant in respect of the lease conditions, on the basis that any revised terms still represent the achievement of best value for the council and are not material.

E. CONCLUSION

It is considered to be in the council's best interest to grant a new lease to Timpson Limited in accordance with the terms and conditions set out above.

F. BACKGROUND REFERENCES

None

Appendices/Attachments: Appendix 1 – Location Plans

Contact Person:

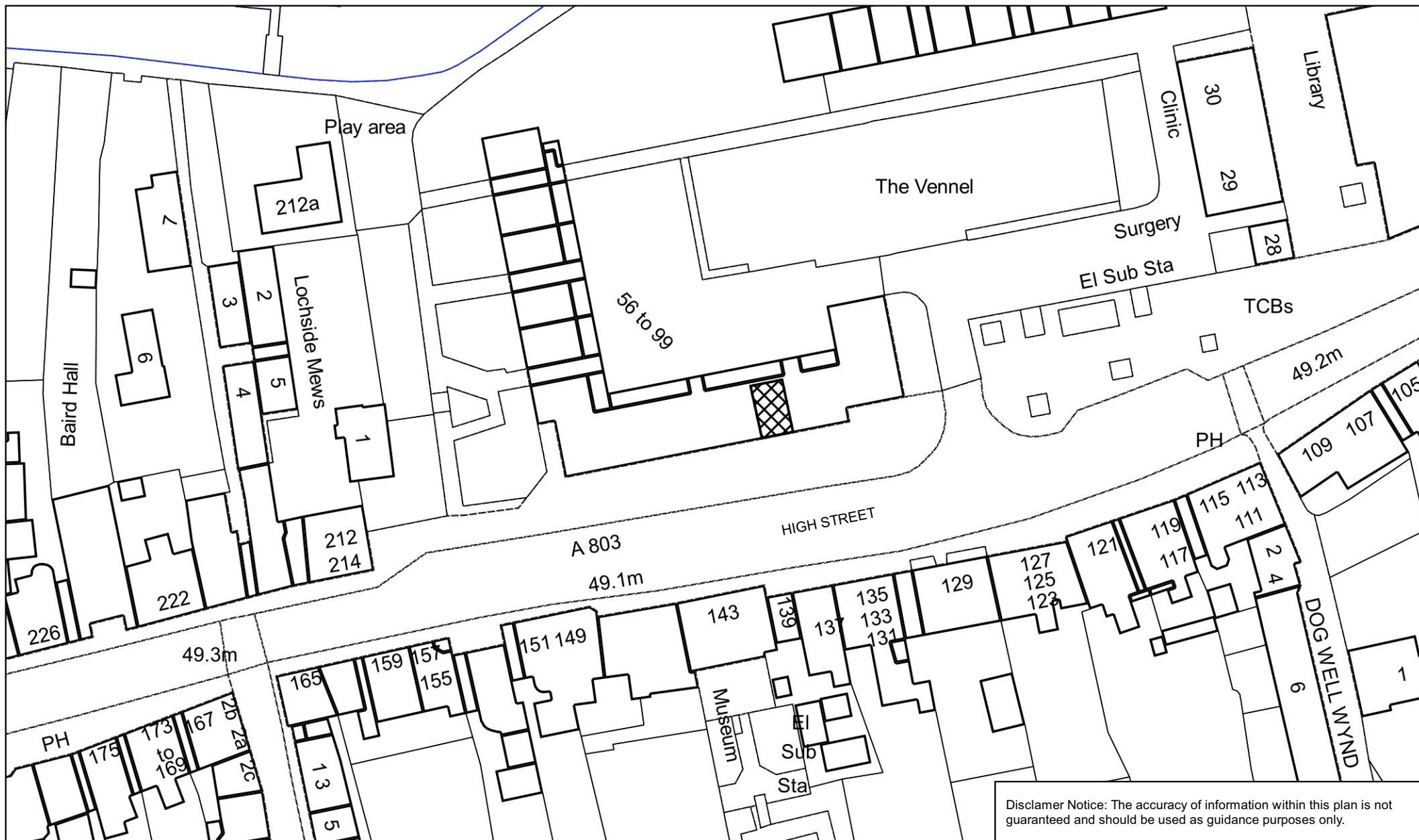
Darren Stenhouse, Graduate Property Surveyor, Property Management and Development

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Donald Forrest, Head of Finance and Property Services

Date of meeting: 3 December 2019



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74 The Vennel, Linlithgow

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

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COUNCIL EXECUTIVE

PROCUREMENT ARRANGEMENTS – REMOVALS AND STORAGE FRAMEWORK AGREEMENT

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval to commence tendering procedures for the procurement of a four year framework agreement for Removals and Storage Services.

B. RECOMMENDATION

It is recommended that the Council Executive approves commencement of procurement for a four year framework agreement for Removal and Storage Services, employing the evaluation methodology and criteria detailed below. The framework will be advertised with a total annual value of £200,000 equating to £800,000 over the full term.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources;
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Tender will be issued, received and evaluated in accordance with West Lothian Council Standing and Public Contracts (Scotland) Regulations 2015.
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	None
VI	Resources – (Financial, Staffing and Property)	There are budgeted resources in 2019/20 of £114,000 in Housing Need Service and £10,000 in HRA. Other expenditure is covered by the Discretionary Housing Payment budget and a range of different adhoc budgets within revenue.
VII	Consideration at PDSP	None
VIII	Other consultations	The specifications and evaluation criteria has been developed by Corporate Procurement Unit, Housing Services and the Scottish

D. TERMS OF REPORT

D.1 Background

At present, the council has two separate contracts in place covering the following requirements;

1. Domestic Removals with Delivery to Storage (CC7977)
2. House to House Moves and Office and School Moves including Crate Hire (CC3216)

Purdie Worldwide is the incumbent contractor for both these contracts.

Due to the nature of these requirements being similar, the proposal is to put in place a framework agreement to consolidate all requirements.

The framework will be split into 3 separate lots;

- Lot 1 – Domestic Removals with Storage
- Lot 2 – House Moves and Adhoc Moving Services
- Lot 3 – Large Office/School Moves including Crate Hire

D.2 In House Capability

Initially it was envisaged that the storage requirements for this service would be accommodated within the Lister Road development, Kirkton Service Centre. However, with the inclusion of the council's archive and storage sections into the development there was no longer suitable space to accommodate the footprint for Homeless Storage.

The next council development with storage potential was the Whitehill Service Centre. Reviews were undertaken by Housing, Customer and Building Services staff and the development project team which highlighted that the space requirement was for 200+ boxes and therefore too large for the space potentially earmarked for use.

During this review it also became clear that the operational requirements for the Homeless Storage Unit would not fit with the use of the wider operational depot. Access to the area would have been via the main heavy goods vehicle yard and have the potential to be a bottleneck within a compact and busy yard.

It was also an expectation that a combination of Building Services, Operational Services and the Community Payback Team would be undertaking the removals, storage box construction, stock rotation and return delivery. Both Operational Services and Building Services do not have the capacity within their establishments to facilitate this without bringing in additional unbudgeted resource. There is also an added complication in the requirement for specialist insurance for the removal, transportation and storage of possessions, which could be sourced but would add further to the cost of operating a service that the council internally does not currently undertake or have experience of.

Therefore in light of the full understanding of the storage requirements and operational demands that Housing, Customer and Building Services had, a decision was taken to continue outsourcing this requirement.

D.3 Procurement

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

The intention is to set up a single supplier framework, inviting tenders and awarding each individual lot under the framework to the most suitable tenderer selected on the basis of the published award criteria.

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

Price	- 75%
Quality	- 25%

The award criteria proposed was agreed following consultation with the service areas concerned.

D.4 Budget Implications

In terms of available budget, the Homeless Service and Housing Needs Service have a budget of £114,000 per annum, funded from the General Fund revenue budget. There is also an annual HRA budget of £10,000. At present all house moves arranged by the Scottish Welfare Fund are supported by the Discretionary Housing Payment budget. Large adhoc and school moves via the contract will come from a range of different budgets when services are required. There is no centralised budget for these services.

The estimated expenditure per annum for each lot is as follows:

- Lot 1 – Homeless Service and Housing Needs Services – £114,000.
- Lot 2 – Scottish Welfare Fund House Moves – £16,000, Homeless Service and Housing Needs Services £10,000, Adhoc removal services £16,000.
- Lot 3 – Large adhoc and school moves - £40,000 – This is based on previous annual expenditure for this type of service.

The framework will be advertised with a total annual value of £200,000 (£800,000 over full term). This figure factors in estimated spend for all main service areas as outlined above and also provides allowance for any project spend, price increases and ad-hoc school/office removal services in the new contract.

E. CONCLUSION

It is recommended that the Council Executive approves the application of the evaluation methodology detailed in Section D for the tendering of the framework agreement for Removal and Storage Services.

F. BACKGROUND REFERENCES

None.

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Julie Whitelaw
Head of Corporate Services
3 December 2019



COUNCIL EXECUTIVE

**PROCUREMENT ARRANGEMENTS – TENDER FOR EARLY LEARNING AND
CHILDCARE PROVIDERS AND CHILDMINDERS WITHIN WEST Lothian**

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval to commence tendering procedures for the provision of private early learning and childcare providers for a three year framework from 1 August 2020. The council will have the option to extend for a further period of 12 months.

B. RECOMMENDATION

It is recommended that the Council Executive approves commencement of procurement for a three framework agreement and a possible one year extension for a private early learning and childcare using the evaluation methodology and award criteria set out in Section D of the report.

The annual value is £3,500,000 per annum.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Tender will be issued, received and evaluated in accordance with West Lothian Council Standing and Public Contracts (Scotland) Regulations 2015.
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance indicators	None
V	Relevance to Single Outcome Agreement	Our public services are high quality, continually improving, efficient and responsive to local people's needs.
VI	Resources – (Financial, Staffing and Property)	The annual budget of £3,500,000 is part of the revenue funding provided to West Lothian Council for the Early Learning and Childcare expansion for 2020/21. The budget for a four year period is £14,000,000.
VII	Consideration at PDSP	None

VIII Other consultations

The specifications and evaluation criteria has been developed by Education Services and the Scottish Welfare Fund. The Corporate Procurement Unit has been consulted. The Corporate Finance Manager was consulted on the budget implications.

D. TERMS OF REPORT

D.1 Background

Early Learning and Childcare Expansion Plans were submitted by each Local Authority to the Scottish Government to inform the national Early Learning & Childcare Expansion Programme in Autumn 2017.

Local Authority Early Learning and Childcare expansion plans are dynamic and will continue to evolve through time. It is accepted the planning process is iterative and initial plans will be subject to change as further information and funding decisions emerge.

Local Authorities are required to address capacity challenges by making best use of existing assets, purchasing where possible, through supporting a wide range of partners including childminders and third sector partners and building additional physical capacity in locations where needed. Local authorities are to provide 1140 free hours of early learning and childcare from 2020 using the funding provided by the Scottish Government for the expansion.

D.2 National Standard

The Scottish Government published 'Funding Follows the Child' and the National Standard for Early Learning and Childcare Providers: Principles and Practice" on 18 December 2018. This joint publication with COSLA sets out the final version of the 'Funding Follows the Child' approach and the National Standard that underpins it.

The National Standard sets out the clear and consistent criteria that all providers who wish to deliver the funded entitlement will have to meet from August 2020. This will provide reassurance to parents and carers that any provider offering the funded hours can offer their child a high quality early learning and childcare experience.

'Funding Follows the Child' places choice in parents' and carers' hands, enabling them to access their child's funded entitlement from any provider that meets the new National Standard, where they have a place available and are willing to enter into a contract with the Local Authority.

This new approach is designed to be 'provider neutral'. All providers will require to meet the National Standard and have a contractual relationship and quality assurance relationship with a Local Authority.

D.3 Early Learning and Childcare Expansion in West Lothian

The Education Executive approved the second phase of the early learning and childcare expansion for West Lothian on 15 January 2019 which required officers to progress with enabling additional private Early Learning and Childcare providers to offer funded places, if they meet the new National Standard.

The Council Executive approved a tendering process on 26 February 2019 for a framework to commence from 19 August 2019 and contract awards were made following the tendering process.

This tendering opportunity replaces the two existing frameworks for the period from 1 August 2020 enabling the Council to continue to offer parents/carers more flexibility and choice of care for their children.

D.4 In House Capability

To ensure a 'Funding Follows the Child' approach, partnership with private providers is required as outlined in paragraph D2 above. This provides increased flexibility and choice as required by the Blueprint for 2020 published by the Scottish Government.

D.5 Procurement Issues

The requirement will be advertised in accordance with the European Union Directives. It is proposed that the Open Procedure is used whereby all suppliers expressing an interest in the contract will be invited to tender. The provisions offered by the Light Touch Regime will be applied to allow service providers who can meet all the quality requirements to apply to be awarded a place on the framework at defined intervals.

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

Quality - 100%

The Scottish Government have determined that the rate for funded ELC placements is to be set locally. Consultation is currently being undertaken with partner providers in relation to the rate for 2020 and once set will be stipulated within the tender documents. The revised rate will include funding to provide a free meal for all children with a funded placement and enable partner providers to pay the National Living Wage (£9.30 per hour) to staff providing direct care to children in funded placements both requirements of the National Standard. The rate for future years will be subject to annual review in line with inflation (linked to any increase to the National Living Wage).

Those providers who are able to meet the National Standards criteria and evidence and are prepared to accept the council's hourly rate will be appointed to the framework. Ability to meet the National Standards will be on a pass/fail basis.

To reflect the different application processes for Private, Voluntary and Independent Settings and Childminders, the framework will have 2 Lots as detailed below :

Lot 1 – Private, Voluntary and Independent Settings

Lot 2 – Childminders

The anticipated start date for the framework is 1 August 2020 and will end 31 July 2023 with a possible one year extension to 31 July 2024.

D.6 Sustainability Considerations

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

For this contract it is proposed to incorporate a generic, non-evaluated Community Benefits clause into the contract documentation. While this element does not form part of the Quality Scoring criteria, the council will expect the successful contractor to deliver such benefits as part of the contract, and will be monitored as such.

With many service providers expected to have an Early Learning and Childcare setting within the West Lothian area, environmental impacts will be minimised.

D.7 Budget Allocation

An Annual budget of £3,500,000 has been allocated within the revenue funding provided to West Lothian Council from the Scottish Government to support this element of the ELC Expansion for 2020 onwards. The total budget for the potential 4 year period is £14,000,000.

E. CONCLUSION

It is recommended that the Council Executive approves the application of the evaluation methodology detailed in Section D for the tendering of the framework agreement for Removal and Storage Services.

F. BACKGROUND REFERENCES

A Blueprint for 2020: The Expansion of Early Learning and Childcare in Scotland: ELC Expansion Planning Guidance for Local Authorities. Scottish Government, 23 March 2017.

<https://www.gov.scot/publications/blueprint-2020-expansion-early-learning-childcare-scotland-elc-expansion-planning/>

Funding Follows the Child and the National Standard for early learning and childcare providers: operating guidance. Scottish Government 18 December 2018

<https://www.gov.scot/publications/funding-follows-child-national-standard-early-learning-childcare-providers-operating-guidance/>

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Julie Whitelaw
Head of Corporate Services
17 December 2019