

MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 3 DECEMBER 2019.

Present – Councillors Lawrence Fitzpatrick (Chair), Kirsteen Sullivan, Tom Conn, David Dodds, Peter Heggie, Chris Horne, Peter Johnston, Charles Kennedy, George Paul, Damian Timson, Carl John (substitute for Frank Anderson), Angela Doran (substitute for Cathy Muldoon), Dave King (substitute for Harry Cartmill)

Apologies – Councillor Frank Anderson, Harry Cartmill, Cathy Muldoon

1. DECLARATIONS OF INTEREST

1. Agenda Item 12 (Civic Government (Scotland) Act 1982 – Hire Car Licensing) – Councillor Peter Heggie declared an interest in that he was Chair of the Licensing Committee but would participate in the item of business; and
2. Agenda Item 12 (Civic Government (Scotland) Act 1982 – Hire Car Licensing) – Councillor Chris Horne declared an interest in that he was a member of the Licensing Committee but would participate in the item of business.

2. ORDER OF BUSINESS

The Council Executive agreed to hear the deputations by Mrs Rey Curtis, Mr Graham Milner and Mr Charles Marshall.

The Chair ruled in terms of Standing Order 11 that the order of business would be changed to consider agenda items 5 and 7 together, items 6 and 8 together, then item 10, followed by the remainder of the agenda.

3. MINUTE

The Council Executive confirmed the Minute of its meeting held on 12 November 2019 as a correct record. The Minute was thereafter signed by the Chair.

4. DEPUTATION

The Council Executive agreed to consider this item together with agenda item 7.

5. PETITIONS - BUS SERVICE 5A AND 5B, BATHGATE

Deputation

The Council Executive heard a deputation by Mrs Rey Curtis in relation to the petition on bus service 5a and 5b. Mrs Curtis explained the effect that the cuts in this service had on passengers within the Belvedere and

Easton areas of Bathgate and requested that the council reinstate the service.

The Council Executive then asked a number of questions.

Petitions

The Council Executive considered the contents of two petitions that had been submitted by Mr Iain Pringle and Mrs Rey Curtis and as referred to in her deputation concerning the changes to the 5a and 5b bus services.

Decision

1. To note the comments and concerns of Mrs Curtis in relation to changes to the number 5a and 5b bus service.
 2. To refer the petition to a future meeting of the Development and Transport Policy Development and Scrutiny Panel.
6. DEPUTATION REQUEST BY GRAHAM STEWART MILNER IN RELATION TO THE PETITION ON PARKING AT THE TOP OF ELIBURN SOUTH ROAD

The Council Executive agreed to consider this item together with agenda item 8.

7. PETITION TO BAN PARKING AT THE TOP OF ELIBURN SOUTH ROAD SUBMITTED BY RESIDENTS OF ELIBURN SOUTH ROAD

Deputation

The Council Executive heard a deputation by Mr Stewart Milner with regard to the petition on banning parking at the top of Eliburn South Road. Mr Milner explained the issues that affect the residents and their families due to cars being parked at the top of the street both on the road and pavements.

The Council Executive then asked a number of questions.

Petition

The Council Executive considered the contents of the petition that had been submitted by Mr Graham Milner as referred to in his deputation concerning the issues with parking at the top of Eliburn South Road.

Decision

1. To note the comments and concerns of Mr Milner in relation to parking at the top of Eliburn South Road.
2. To refer the petition to a future meeting of the Environment Policy Development and Scrutiny Panel.

8. PETITION TO REINSTATE PUBLIC BIN.Deputation

The Council Executive heard a deputation by Mr Charles Marshall with regard to the petition on reinstating the public bin outside the Gothenburg Convenience Store in East Whitburn. Mr Milner explained that since the removal of the bin there was an increased amount of litter gathering and requested that the bin be reinstated.

Petition

The Council Executive considered the contents of the petition that had been submitted by Mr Charles Marshall and as referred to in his deputation concerning the issues with the bin being removed.

Decision

1. To note the deputation by Mr Marshall.
2. To instruct officers to submit a report to the next appropriate meeting of the Council Executive

9. PETITION - CRAIGSHILL SAYS NO TO SATURDAY CLOSURE OF THE LIBRARY

The Council Executive considered the contents of the petition that had been submitted concerning the Saturday closure of the Library.

Decision

To instruct officers to submit a report to the next appropriate meeting of Council Executive.

10. TRANSFORMING YOUR COUNCIL REVIEW OF ADULT DAY CARE (INCLUDING 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)

The Council Executive considered a report (copies of which had been circulated) providing 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 the approval for the elements relating to 2020/21.

The report 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 required to be based on the retention of the three existing day care centres.
5. Notes that engagement with day care service users had 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 was in progress and would be delivered to the Social Policy PDSP early in 2020.

Decision

To approve the terms of the report.

11. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - HIRE CAR LICENSING

The Council Executive considered a report (copies of which had been circulated) advising 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; and
- Proposals to undertake a review of hire car licensing involving a public and stakeholder consultation and evidence gathering process.

The report 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 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; and
6. Notes that a report containing the responses to the consultation would be referred to the Environment PDSP for its comments before a report recommending changes to the hire car licensing scheme was considered by the Council Executive.

Decision

To approve the terms of the report.

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

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval for the response to the Scottish Government consultation on improving the operational effectiveness of the Control of Dogs (Scotland) Act 2010.

The report 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.

Decision

To approve the terms of the report.

13. NATIONAL PLANNING FRAMEWORK 4 - REGIONAL

COLLABORATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of an invitation from the Scottish Government to work collaboratively with other member authorities to develop indicative regional spatial strategies to inform National Planning Framework 4 (NPF4).

The report recommended that the Council Executive:

1. Note 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.

Decision

To approve the terms of the report.

14. SURPLUS PROPERTIES

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval to formally declare a number of properties which are no longer required for service delivery.

The report recommended that the 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.

Decision

To approve the terms of the report.

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

The Council Executive considered a report seeking approval for the sale

of land at Allison Gardens, Blackridge.

The report recommended that the 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 the 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 property, on the basis that any revised terms and conditions still represented the achievement of best value.

Decision

To approve the terms of the report.

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

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for the sale of Annet House, 143 High Street, Linlithgow to Moray and Jane Melhuish.

The report recommended that the 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.

Decision

To approve the terms of the report.

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

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for the sale of 4 Court Square, Linlithgow to Andrew John Wallace Taylor.

The report 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; and
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 represented the achievement of best value for the council.

Decision

To approve the terms of the report.

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

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for the letting of the yard at 1 Clarke Square, Deans Industrial Estate, Livingston to Caledonian Technologies Ltd.

The report recommended that the 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 the 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.

Decision

To approve the terms of the report.

19. 74 THE VENNEL, LINLITHGOW, EH49 7ET - LEASE TO TIMPSON LIMITED

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for a lease renewal at 74 The Vennel, Linlithgow to Timpson Limited.

The report 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 the 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.

Decision

To approve the terms of the report.

20 PROCUREMENT ARRANGEMENTS - REMOVALS AND STORAGE FRAMEWORK AGREEMENT

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 the procurement of a four year framework agreement for Removals and Storage Services.

The report 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 in the report. The framework would be advertised with a total annual value of £200,000 equating to £800,000 over the full term.

Decision

To approve the terms of the report.

21 PROCUREMENT ARRANGMENTS - TENDER FOR EARLY LEARNING AND CHILDCARE PROVIDERS AND CHILDMINDERS WITHIN WEST LOTHIAN

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 the provision of private early learning and childcare providers for a three-year framework from 1 August 2020. The council would have the option to extend for a further 12 months.

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

Decision

To approve the terms of the report.

