

MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 25 FEBRUARY 2020.

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

Apologies – Councillor Harry Cartmill, Peter Johnston, Cathy Muldoon

1. DECLARATIONS OF INTEREST

Agenda Item 25 – New Cedarbank School – Project Update – Councillor Peter Heggie declared an interest in this item of business in that he had a child who attended James Young High School.

2. ORDER OF BUSINESS

Following advice that Agenda Item 18 – Planning Guidance: The Vennel, Linlithgow had still a further process to go through before consideration at Council Executive and it was agreed that this item of business would be withdrawn at this time.

The Council Executive agreed, in accordance with Standing Order 8(3), that agenda items 28 (Directions from West Lothian Integration Joint Board), 29 (St John's Stakeholder Group) and 30 (Community Planning Partnership Board) were to be taken as read and their recommendations noted without further consideration.

With regard to agenda item 27 (Town Centre Fund Capital Grant 2019/20) the Chair asked for this to be discussed as there was an update from the Scottish Government that would have an impact on the projects.

3. MINUTE

The Council Executive confirmed the Minute of its meeting held on 4 February 2020 as a correct record. The Minute was thereafter signed by the Chair.

4. ENDO WARRIORS WEST LOTHIAN

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy providing details of support to Endo Warriors West Lothian and the national Endometriosis Awareness Week in March 2020, and seeking approval for Endo Warriors to discuss

the council's support at a meeting in the Scottish Parliament on 3 March 2020.

The report recommended that the Council Executive:

1. Note that officers were instructed to investigate how the local group could be supported following a motion at full Council on 19 November 2019;
2. Note that officers had arranged support as detailed in Section D.2 of the report;
3. Note that Endometriosis Awareness Week was in March and that as part of the "Light Up Yellow" campaign the lanterns in the roof of the Civic Centre would be turned yellow from 6-8 March 2020; and
4. Give approval for West Lothian Council's support to be discussed by Endo Warriors West Lothian at a meeting to be held in the Scottish Parliament on 3 March 2020.

Decision

To approve the terms of the report.

5. PROCUREMENT ARRANGEMENTS - PROVISION OF SKIP HIRE AND WASTE RECYCLING SERVICES

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 three-year contract with an option to extend up to a further 24 months in total, for the provision of skip hire and recycling services employing the methodology and criteria detailed in Section D of the report.

The report recommended that the Council Executive approves:

1. The commencement of a tendering procedure for the procurement of a three-year contract with an option to extend up to a further 24 months for the provision of skip hire and recycling services; and
2. The award criteria as set out in Section D of the report.

Decision

To approve the terms of the report.

6. PROCUREMENT ARRANGEMENTS - SUPPLY OF FIRE, COMPOSITE DOORS & ACCESSORIES

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 three-year

contract with an anticipated start date of 1 May 2020 with an option to extend for up to a further 24 months, for the supply of fire, composite and communal doors, employing the methodology and criteria detailed in Section D of the report.

The report recommended that the Council Executive approve:

1. The commencement of tendering procedures for the procurement of a three-year contract for the supply of fire and composite doors and associated products with an option to extend for up to a further 24 months; and
2. The award criteria as set out in Section D of the report.

Decision

To approve the terms of the report.

7. 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 & Risk Committee at an external training event on "The Effective Audit & Risk Committee".

The report recommended that the Council Executive authorise attendance by the Chairs of Audit Committee and Governance and Risk Committee at an external training event on "The Effective Audit & Risk Committee" on 17 March 2020 or 30 June 2020 at a cost of £295 each.

Decision

To approve the terms of the report for Councillor Horne (Chair Audit Committee and Councillor Timson (Chair Governance and Risk Committee) to attend external training on "The Effective Audit & Risk Committee"

8. SCOTTISH GOVERNMENT CONSULTATION ON HOUSING TO 2040

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services seeking approval of the council's proposed response to the Scottish Government's consultation on their draft housing vision and consultation paper "Housing to 2040 Consultation on outline policy options". The closing date for responses to the consultation was 28 February 2020.

The report recommended that the Council Executive approve the council's response as set out in Appendix 2 of the report and its submission to the Scottish Government by 28 February 2020.

Decision

To approve the terms of the report.

9. CIH SCOTLAND'S HOUSING FESTIVAL 2020

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 the appropriate elected member to attend the CIH (Chartered Institute of Housing) Scotland's Housing Festival 2020 on the 3rd and 4th March at the Edinburgh International Conference Centre.

The report recommended that the Council Executive approve the attendance of the Executive Councillor for Services for the Community at the CIH Scotland's Housing Festival on 3rd and 4th March in Edinburgh.

Decision

To approve the attendance of Councillor George Paul at the CIH Scotland's Housing Festival on 3rd and 4th March 2020 in Edinburgh.

10. LOCAL FIRE AND RESCUE PLAN REVIEW 2020.

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services providing the proposed response to the Scottish Fire and Rescue Service Questionnaire relating to the Local Fire and Rescue Plan Review.

The report recommended that Council Executive approve the response to the Scottish Fire and Rescue Service Questionnaire and its submission by the deadline of 18 March 2020.

Decision

To approve the terms of the report.

11. U27, LOGANLEA TO ADDIEWELL ROAD OVER SKOLIE BURN BRIDGE - REVOCATION OF 17 TONNE WEIGHT RESTRICTION ORDER

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval for the revocation of the existing 17 tonne weight restriction at Skolie Burn Bridge, Addiewell. The proposal was being put forward following works to replace the bridge with a new bridge which would not be subject to a weight limit.

The report recommended that the Council Executive approves the revocation of the existing order titled: "The West Lothian Council (U27,

Loganlea to Addiewell road over Skolie Burn Bridge (17 Tonne Weight Restriction) Order 1997” which came into operation on 9 May 1997.

Decision

To approve the terms of the report.

12. SCOTLAND'S LOW EMISSION ZONES - CONSULTATION ON REGULATIONS AND GUIDANCE, WEST LoTHIAN COUNCIL'S RESPONSE

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising of the Scottish Government's Consultation on Regulations and Guidance for Scotland's Low Emission Zones (LEZs) and to recommend a formal response.

The report recommended that the Council Executive notes the contents of the report and agrees Appendix 1 to the report as the council's response to the Scottish Government's consultation.

Decision

To approve the terms of the report.

13. REVIEW OF WEST LoTHIAN CITIZEN PANEL

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval on the proposal to review and refresh the Citizens Panel and carry out a Quality of Life Survey in summer 2020.

The report recommended that Council Executive approve the proposal to review the Citizens Panel and carry out a Quality of Life Survey in summer 2020.

Decision

To approve the terms of the report.

14. SESPLAN BUDGET UPDATE 2019/20 AND RATIFICATION OF OPERATIONAL BUDGET 2020/21

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing an update on the SESplan Operating Budget for 2019/20 and to advise of the need to ratify the SESplan Operating Budget for 2020/21 following its approval by the SESplan Joint Committee on 25 November 2019.

The report recommended that Council Executive:

1. Note the decision by SESplan Joint Committee on 25 November 2019 to agree the updated forecast expenditure against the approved Operating Budget for SESplan over the financial year 2019/20;
2. Approve a rebate of £5,000 per each of the six constituent Councils within the current 2019/20 financial year;
3. Ratify the updated Operating Budget for the financial year 2020/21 as agreed by SESplan Joint Committee on 25 November 2019;
4. Note that member authority contributions for financial year 2020/21 were nil; and
5. Note that Operating Budget for 2021/22 would be brought to a meeting of the SESplan Joint Committee in late 2020.

Decision

To approve the terms of the report.

15. CROSS-PARTY CLIMATE EMERGENCY WORKING GROUP

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing an update on the work of the Cross-Party Climate Emergency Working Group and to agree a timescale for reporting the findings of the group.

The report recommended that Council Executive:

1. Note the progress of the cross-party working group; and
2. Agree that the findings of the group be reported to Council at its meeting on 17 March 2020.

Decision

To approve the terms of the report.

16. PRODUCT SAFETY INCIDENT MANAGEMENT PLAN

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval of the proposed Product Safety Incident Management Plan that had been developed in line with guidance from the Office of Product Safety and Standards.

The report recommended that the Council Executive:

1. Note the content of the report and the Product Safety Incident

Management Plan; and

2. Approve the Product Safety Incident Management Plan.

Decision

To approve the terms of the report.

17. PLANNING GUIDANCE: THE VENNEL, LINLITHGOW

This item of business was withdrawn.

18. WEST Lothian Local Development Plan (LDP): Development Plan Scheme No. 12

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the proposed Development Plan Scheme (DPS No. 12) for the West Lothian Local Development Plan (LDP2).

The report recommended that the Council Executive:

1. Approve the content of the Development Plan Scheme No. 12 contained in appendix 1 to the report;
2. Note the requirement to submit the Development Plan Scheme to Scottish Government by 31 March 2020; and
3. Note that revisions to the Development Plan Scheme may be required to reflect emerging legislative requirements

Decision

To approve the terms of the report.

19. PROPOSED RESPONSE TO SCOTTISH GOVERNMENT CONSULTATION ON PLANNING PERFORMANCE AND FEES

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development advising of a Scottish Government consultation on a proposed revised fee structure for planning applications and related process and to seek approval for the proposed response to the consultation as set out as Appendix 2 to the report.

The report recommended that the Council Executive:

1. Note the Scottish Government's proposals on measuring the performance of the planning system and planning authorities;

2. Note the proposed changes to the fee structure for planning and other applications;
3. Note the proposal by the Scottish Government to employ a planning improvement co-ordinator;
4. Note the proposed introduction of additional services which could be charged for;
5. Note the suggestion concerning the ability to waive or reduce planning fees in certain circumstances; and
6. Approve the proposed response to the consultation as set out as Appendix 2.

Decision

To approve the terms of the report.

20. PLANNING GUIDANCE - PLANNING FOR NATURE: DEVELOPMENT MANAGEMENT & WILDLIFE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the outcome of a consultation on draft Planning Guidance (PG) on Planning for Nature: Development Management and Wildlife and seeking approval of the guidance.

The report recommended that the Council Executive:

1. Note the comments received on the draft guidance following consultation;
2. Approve the responses to the comments received during consultation on the draft Planning Guidance (Appendix 1 to the report) and which was cross referenced with Appendix 3, a track change version of the guidance identifying where revisions proposed by consultees had been made;
3. Approve the content of the Planning Guidance "Planning for Nature: Development Management and Wildlife" (Appendix 2); and
4. Delegate to the Head of Planning, Economic Development and Regeneration to agree and conclude a "screening determination" as to whether a SEA was required, having taken into account the views offered by the Consultation Authorities.

Decision

To approve the terms of the report.

21. SALE OF 964M² AT GREENDYKES ROAD, BROXBURN TO ALDI STORES LIMITED

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 964M² of land at Greendykes Road, Broxburn to Aldi Stores Limited.

The report recommended that the Council Executive:

1. Approve the sale of 964M² of land at Greendykes Road, Broxburn to Aldi Stores Limited for the sum of £96,400, subject to the terms set out in the report; and
2. Authorise the Head of Finance and Property Services to carry out any further negotiations with the purchaser in respect of the sale, 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.

22. ACQUISITION OF 0.14 HECTARES AT MAIN STREET, BLACKRIDGE FROM DALMARNOCK LIMITED

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for the acquisition of 0.14 hectares at Main Street, Blackridge from Dalmarnock Limited £85,000

The report recommended that the Council Executive:

1. Approve the acquisition of 0.14 hectares at Main Street, Blackridge from Dalmarnock Limited for £85,000; and
2. Authorise the Head of Finance and Property Services to agree to any changes required to the current terms in order to conclude the transaction, on the basis that any revised terms and conditions still represented best value for the council.

Decision

To approve the terms of the report.

23. PINEWOOD SCHOOL - PROJECT UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Education (Learning, Policy and Resources) and the Head of Finance and Property Services, providing an update on progress on the proposals for Pinewood School, Blackburn and seeking

approval for proposed amendments which took account of the latest circumstances.

The report recommended that the Council Executive:

1. Note the findings of consultations, technical investigations and development cost appraisals;
2. Approve the proposed amended project scope and outline design of the revised development proposed;
3. Note that, if approved, the proposed increase in investment to include within the updated Capital Programme 2020/21 to 2027/28 report that would be presented to Council for consideration;
4. Note that, if approved, applications to obtain the necessary statutory consents would be progressed;
5. Note that, if approved, the project would progress on the basis of the timescales outlined within the report; and
6. Delegate authority to the Head of Finance and Property Services to progress the project to financial close and to enter into the necessary development agreements to commence construction.

Decision

To approve the terms of the report.

24. NEW CEDARBANK SCHOOL - PROJECT UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Education (Learning, Policy and Resources) and the Head of Finance and Property Services providing an update on progress on the delivery of new Cedarbank School and changes proposed, including those as a consequence of the statutory education consultation.

The report recommended that the Council Executive:

1. Note the findings of the statutory education consultation on the proposed relocation of Cedarbank School to land adjacent to the existing James Young High School;
2. Note the impact of the statutory education consultation approved by Education Executive and changes to the project parameters as a consequence of the consultation and site constraints identified following technical appraisals;
3. Approve the proposed amended project scope and outline design of the revised development;
4. Note that, if approved, the proposed increase in investment was

included within the updated Capital Programme 2020/21 to 2027/28 report that would be presented to Council for consideration;

5. Note that, if approved, applications to obtain the necessary statutory consents would be progressed;
6. Note that, if approved, the project would progress on the basis of the timescales outlined within the report; and
7. Delegate authority to the Head of Finance and Property Services to progress the project to financial close and to enter into the necessary development agreements to commence construction.

Decision

1. To approve the terms of the report.
2. A report providing details of feedback on the project to be submitted to a meeting of the Education PDSP as required.

25. SCOTTISH DRAFT BUDGET 2020 AND LOCAL GOVERNMENT FINANCE SETTLEMENT 2020/21

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update in relation to the Scottish Draft Budget presented to the Scottish Parliament on 6 February 2020, and the local government finance settlement for 2020/21, as published in Finance Circular 1/2020 dated 6 February 2020.

The report recommended that the Council Executive:

1. Note the issue of the Scottish Draft Budget 2020/21, which included Scottish Government departmental spending plans for 2020/21;
2. Note the outcomes of the local government finance settlement in respect of revenue and capital funding for 2020/21;
3. Note that the revenue grant funding for West Lothian contained in the settlement, including assumed recurring items yet to be distributed, of £342.272 million reflects an increase of £6.404 million compared to 2019/20 recurring funding, however it included £9.9 million of revenue funding directly relating to new Scottish Government spending commitments, meaning that the council had a reduction in core revenue funding of £3.519 million in 2020/21;
4. Note the general capital grant of £15.143 million was almost £4 million less than budgeted, with £299,000 for Cycling, Walking and Safer Streets and £3.3 million in capital funding for early learning and childcare in 2020/21;

5. Note that the revenue grant funding package set out by the Scottish Government would not provide the funding required to meet unavoidable cost pressures such as pay awards, demographics and indexation and that, as a result, significant budget savings would be required in 2020/21;
6. Note the reductions in core revenue funding to the council since 2014/15 and the significant savings that had been required since 2007/8;
7. Agree that the Head of Finance and Property Services updates the 2020/21 revenue budget report taking account of the outcome of the finance settlement and latest circumstances and updated the capital programme taking account of the finance latest funding position and circumstances; and
8. Agree that the Head of Finance and Property Services should keep the position regarding Scottish Government funding under review and report to elected members of any developments.

Decision

To approve the terms of the report.

26. TOWN CENTRE FUND - CAPITAL GRANT 2019/20

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration, providing an update on the progress with the delivery of the projects supported through the £1.826 million Town Centre Fund Capital Grant for 2019/20.

It was advised that since the report was published the Scottish Government had agreed to extend the deadline for works to commence and contracts to be signed until March 2021, with a further 6 months for projects to be completed.

Recommendation 3 advised that a further update would be provided to Council Executive in March 2020, however given that the Scottish Government had agreed an extension of time it was suggested that a report could be brought back in September 2020.

The report recommended that the Council Executive:

1. Note that 109 projects were agreed;
2. Note that whilst delivery of some projects would be tight it was expected that all would be delivered or contractually committed by the 31 March 2020; and
3. Note that a further update would be provided to Council Executive in March 2020.

Decision

1. To note the contents of the report and the Scottish Government extension to the deadline to deliver or be contractually committed to the projects until March 2021.
2. To agree that a further update be brought to Council Executive in September 2020.

27. DIRECTIONS FROM WEST LOTHIAN INTEGRATION JOINT BOARD

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive (Health & Social Care Partnership) advising of the West Lothian Integration Joint Board (IJB) had agreed joint commission plans for 2019/23 for older people, mental health, learning disability and physical disability services; and had issued new Directions to the council which superseded several Directions issued on 10 May 2019.

The report recommended that the Council Executive:

1. Note that the West Lothian IJB had agreed joint commission Plans for 2019/23 for older people, mental health, learning disability and physical services;
2. Note the four new Directions issued to the council by the IJB;
3. Note that the Directions superseded Directions previously received;
4. Note the council's legal duty to comply with the Directions; and
5. Note the reporting arrangements to ensure compliance with the Directions.

Decision

To note the contents of the report.

28. ST JOHN'S HOSPITAL STAKEHOLDER GROUP

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing an update on the business and activities of St John's Hospital Stakeholder Group.

The report recommended that the Council Executive note the minutes of the meetings of St John's Hospital Stakeholder Group held on 24 April 2019, 28 August 2019, and 23 October 2019.

Decision

To note the contents of the report.

29. COMMUNITY PLANNING PARTNERSHIP BOARD

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing an update of the West Lothian Community Planning Partnership Board meetings held on 3 September 2018, 26 November 2018, 25 March 2019, 27 May 2019 and 2 September 2019.

The report recommended that the Council Executive note the minutes of the West Lothian Community Planning Partnership meetings held on 3 September 2018, 26 November 2018, 25 March 2019, 27 May 2019 and 2 September 2019.

Decision

To note the contents of the report.

30. PRIVATE SESSION

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

31. CLOSING ORDER FOR A HOUSE, WEST CALDER

Advice was requested about members' participation in this item of business when they may later at a different committee have to deal with the landlord registration issue mentioned in the report. The Governance Manager advised that in making their own personal decisions about taking part they should bear in mind that this report is about premises and not a person, that there are two separate statutory tests involved, that there are two separate legal decisions to be made, and that the decision today is not about whether the landlord is a fit and proper person to be a registered landlord.

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval to make a Closing Order on property used as a house in West Calder, to prohibit the use of the house for human habitation until it met the "Tolerable Standard". The report outlined the reasons why such action was necessary.

The recommended that the Council Executive:

1. Note the reasons why a Closing Order was necessary;
2. Approve the making of a Closing Order for the house in West

Calder as a statutory notice requiring the property to be brought up to the tolerable standard had not been complied with; and

3. Note the service recommendation that the Landlord's "Fit and Proper Person" status under the terms of the statutory Landlord Registration scheme be reviewed.

Decision

To approve the terms of the report.