



Council Executive

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

21 May 2020

A meeting of the **Council Executive** of West Lothian Council will be held within the **Webex Virtual Meeting Room** on **Tuesday 26 May 2020** at **10:00am**.

For Chief Executive

BUSINESS

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

Public Items for Decision

4. COVID-19: Use of Emergency Decision-Making Powers - Report by Chief Executive (herewith)
5. COVID 19 - Update on Financial Impact on the Council - Report by Head of Finance and Property Services (herewith)
6. COVID-19: Meeting Arrangements till 31 July 2020 - Report by Governance Manager (herewith)
7. Tenanted Non-Residential Property Portfolio - Support for Business Tenants Impacted by the COVID 19 Pandemic - Report by Head of Finance and Property Services (herewith)

8. Police Scotland Local Police Plan 2020-2023 - Report by Head of Housing, Customer and Building Services (herewith)
9. Procurement Arrangements - Direct Award to SVL Solutions Ltd - Report by Head of Corporate Services (herewith)
10. Procurement Arrangements - Direct Award to the Wildlife Information Centre - Report by Head of Corporate Services (herewith)
11. Integration Joint Board - Appointment of Members - Report by Chief Executive (herewith)

Public Items for Information

12. Publication of Elected Members Remuneration, Expenses and Allowance Information - Report by Head of Corporate Services (herewith)
13. For Information all reports approved under Standing Order 31 since 24 March 2020
 - (a) COVID-19 Potential Financial Implications and Issues - Report by Head of Finance and Property Services (herewith)
 - (b) COVID-19: Calendar of Meetings until 31 July 2019 - Report by Chief Executive (herewith)
 - (c) Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses - Report by Head of Corporate Services (herewith)
 - (d) Riverlife: Almond & Avon - Almond Barriers Project - Mid Calder Weir - Report by Head of Corporate Services (herewith)
 - (e) Data Centre, Caird Street, Hamilton - New Licence for use by IT Services for Disaster Recovery - Report by Head of Finance and Property Services (herewith)
 - (f) West Lothian Leisure 2020/21 Funding Agreement - Report by Head of Finance and Property Services (herewith)
 - (g) COVID-19: Delegation of Powers and Duties - Report by Governance Manager (herewith)
 - (h) COVID -19 Hire Car Medical Assessments - Civic Government (Scotland) Act 1982 - Report by Head of Corporate Services (herewith)
 - (i) COVID-19: Integration Scheme Review - Report by Depute Chief Executive (Health & Social Care Partnership) (herewith)

- (j) COVID-19: One Linlithgow Business Improvement District - Request for Resilience Funding Support - Report by Head of Planning, Economic Development and Regeneration (herewith)
- (k) Procurement Arrangements - Direct Award to Frontier Software PLC - Report by Head of Corporate Services (herewith)
- (l) National Planning Framework 4 (NPF4) - Informal Consultation by Scottish Government and Ratification of Edinburgh and South East Scotland City Deal Response to NPF4 - Report by Head of Planning, Economic Development and Regeneration (herewith)
- (m) COVID-19 Food Fund - Report by Depute Chief Executive (herewith)
- (n) Edinburgh Choices for City Plan 2030 - Consultation Response - Report by Head of Planning, Economic Development and Regeneration (herewith)
- (o) COVID-19: West Lothian Leisure - Implications of COVID 19 - Report by Head of Finance and Property Services (herewith)
- (p) COVID-19: Enterprising Bathgate BID Request for Resilience Fund Support - Report by Head of Planning, Economic Development and Regeneration (herewith)
- (q) COVID-19: Public Inspection of Documents - Suspension of Duties - Report by Governance Manager (herewith)
- (r) Scottish Government Energy Efficient Scotland Area Based Schemes (ABS): Allocation of Funding 2019/20 and 2020/21 - Report by Head of Housing, Customer and Building Services (herewith)

Private Items for Information

- (s) The Mill Centre - Report by Head of Finance and Property Services

NOTE **For further information please contact Val Johnston or Eileen Rollo at committeeservices@westlothian.gov.uk**

LF/mm

13th May 2020

Mr Graham Hope
Chief Executive
West Lothian Council
Civic Centre
Howden South Road
Livingston
West Lothian
Eh54 6FF

**Councillor Lawrence Fitzpatrick ACIS
Livingston South Ward
Leader of the Council**

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Dear Graham

Now that arrangements are in place for remote participation in meetings, under Standing Order 5 I hereby call a special meeting of Council Executive to deal with the following items of business: -

- Report on use of delegated powers due to COVID-19
- Financial impact on the council of COVID-19
- Calendar of meetings till 31 July 2020
- TNRP Portfolio – Support for business tenants impacted by COVID-19
- Police Scotland, Local Police Plan 2020/2023
- Procurement - Direct award to SVL Solutions for CSC voice recording system
- Procurement - Extension of contract with the Wildlife Information Centre
- Integration Joint Board – Appointment of three councillor members at end of the appointment period
- For information, all reports approved under Standing Order 31 since 24 March 2020
- Publication of Elected Members Remuneration, Expenses and Allowance Information 2019/20

As we have discussed, I confirm that the meeting should be held at 10 am on Tuesday 26 May 2020 by remote access participation. As required by the Local Government in Scotland Act 2003, I also confirm my agreement and direction as Chair to members participating in the meeting remotely.

Yours sincerely



**Councillor Lawrence Fitzpatrick
Leader of the Council**

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

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

COVID-19: USE OF EMERGENCY DECISION-MAKING POWERS

REPORT BY CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To report on the use of emergency and other delegated powers in tackling the impact of the coronavirus emergency

B. RECOMMENDATIONS

1. To note the use made of delegated powers in tackling the coronavirus emergency
2. To note that a debrief exercise will be carried out when possible and to agree that the outcome of that should be reported to Partnership & Resources Policy Development & Scrutiny Panel for consideration

C. SUMMARY OF IMPLICATIONS

I Council Values	Being honest, open and accountable; making the best use of our resources
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Local Government (Scotland) Act 1973; Local Government in Scotland Act 2003; Coronavirus (Scotland) Act 2020; Standing Orders for the Regulation of Meetings; Scheme of Delegation
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	N/a
V Relevance to Single Outcome Agreement	N/a
VI Resources - (Financial, Staffing and Property)	N/a
VII Consideration at PDSP	None
VIII Other consultations	Corporate Management Team; Governance Manager

D. TERMS OF REPORT

1 Background

1.1 In response to newly-issued government guidance on restrictions on movement and gatherings in public, on the evening of 23 March 2020 a decision was taken under delegated powers to cancel the meetings of Council Executive and Education Executive scheduled for 24 March 2020. On 25 March 2020 a further decision was made in relation to scheduled council, committee and Policy Development & Scrutiny Panel (PDSP) meetings, as follows:-

1. In light of the rapidly escalating threat posed by COVID-19 and the constantly evolving legislation, guidance and direction from UK and Scottish Parliaments and Governments, to agree that meetings of all the bodies in the Scheme of Administration scheduled to take place between today's date and 31 July 2020 be cancelled
2. To note the powers already delegated to officers to allow the council's business to continue, as described in Part D.4 of this report
3. To delegate authority to the Chief Solicitor to determine all pending and new licensing and other applications that would normally require to be determined by Licensing Committee
4. To agree that hearings required by the exercise of the statutory right of appeal against refusal of placing requests be deferred until at least August 2020
5. To note that officers are investigating the potential acquisition of a platform that may be utilised in exceptional circumstances for remote access by members to meetings

1.2 The decision was made in the knowledge and context of the existing and longstanding provisions in Standing Orders and the Scheme of Delegations to allow urgent and emergency decisions and actions to be taken and for them to be reported for scrutiny.

2 Delegated powers

2.1 There are longstanding formal arrangements in place to define the circumstances in which officers may make decisions in carrying out the day-to-day functions of the council, and also in emergencies to deal with business that would normally be referred to committee. They are found in Standing Orders for the Regulation of Meetings and in the Scheme of Delegations to Officers.

2.2 Those powers are as follows:-

- The Scheme of Delegations gives authority in specific areas and a general delegation to Corporate Management Team members to run their directorates and service areas on a day-to-day basis. That power covers normal operations and is available during emergencies as well. They may delegate those functions to officers within their service area. There are constraints on the use of these powers. For example, they must comply with law and council policy, they are not used if there is political controversy, they will not be used to make or amend council policy (Scheme of Delegations 4.2)

- For the avoidance of doubt, that general delegation includes the power to do anything incidental to or which facilitates the use of more specific powers (Scheme of Delegations 7.2)
- Standing Order 31 gives a delegated power to the Chief Executive to deal with business that would normally be presented to committee but which cannot wait until the next scheduled committee meeting. Prior consultation with appropriate elected members is required. A written record is kept. Any such action is reported to the next available meeting of the committee concerned. That power can be delegated by the Chief Executive to other officers. That power is not normally used where there is political controversy or to make or amend policy or to incur expenditure not otherwise authorised by elected members through the budget-setting process (SO31)
- The Scheme of Delegations gives an over-arching power to the Chief Executive to take emergency action on behalf of the council, including the incurring of expenditure. The Chief Executive must report such action to the council at the earliest opportunity. That power is very seldom used. The decision to cancel the two committee meetings scheduled for 24 March 2020 is an example of its use. The action taken will be reported to committee in due course (Scheme of Delegations 9.2.2)

3 Reporting their use

- 3.1 There may be specific requirements to report to members in relation to particular delegations such as administering council policies and procedures (e.g., supporting attendance at work, complaints), and implementing statutory schemes (e.g., participation requests and disabled parking spaces provision). However, the use of the general and day-to-day delegated powers does not require to be reported to members.
- 3.2 SO31 requires its use to be reported to the next available appropriate meeting for the information of committee members and the public. The reports on which the use of SO31 powers was based for Council Executive business are elsewhere on the agenda. Those in the remit of Education Executive will be reported to that committee. Committee members have been informed periodically by email since 25 March 2020 of the use of this power and copies of reports have been sent to them. Latterly, that information has been shared with all council members and reports made available to them through Objective.
- 3.3 Use of the emergency power delegated to the Chief Executive must be reported to the next appropriate meeting. The appendix in this report is a running record kept of decisions made and actions authorised under this provision. It also includes reference to SO31 decisions and the use of delegated powers found elsewhere in the Scheme of Delegation. The use of the emergency power is a power of last resort when reacting to a true emergency situation or where other decision-making arrangements are not available or appropriate.

4 Further reporting

- 4.1 As happens with other business continuity events, such as severe weather incidents, a debrief exercise will be carried out after the emergency period. It is proposed that the outcome of that review and any recommendations arising are reported to Partnership & Resources PDSP for consideration by members. If decisions are called for then decisions can be made by committee or council as appropriate.

- 4.2 A similar report to this one will be brought to the next meeting of Education Executive since some of the information is relevant to that committee.

E. CONCLUSION

- 1 The provision of the information in this report will comply with rules in Standing Orders and help the scrutiny of and ensure accountability for decisions made.

F. BACKGROUND REFERENCES

- 1 Council Executive, 25 March 2020 (decision under Standing Order 31)
- 2 Standing Orders
https://www.westlothian.gov.uk/media/14551/Standing-Orders-for-the-Regulation-of-Meetings/pdf/Standing_Orders_for_Meetings_20191119.pdf?m=637097771770370000
- 3 Scheme of Delegations to Officers - https://www.westlothian.gov.uk/media/14553/Scheme-of-Delegation-to-Officers/pdf/Scheme_of_Delegations_20191231.pdf?m=637139074930630000

Appendices/Attachments: Record of use of delegated powers

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james.millar@westlothian.gov.uk

Graham Hope, Chief Executive

Date of meeting: 26 May 2020

APPENDIX

COVID-19: EMERGENCY POWERS AND URGENT ACTIONS LOG		
DATE (2020)	DECISION	BASIS
9 March	Allow procurement of supplies in short supply required urgently (e.g., soap, sanitisers, paper towels and toilet rolls) from any source	Contracts Standing Order 2
10 March	Derogation from application of Managing Attendance at Work Policy and Procedure for staff self-isolating or absent due to COVID-19	Scheme of Delegations, 5.5.2
13 March	Close care homes to visitors except in critical circumstances, implementing guidance from Health Protection Scotland	Scheme of Delegations 9.2.2
16 March	If school closures were required, closure to apply to after-school clubs	Scheme of Delegations 9.2.2
18 March	If school closures were required, schools staff to report to workplaces as usual until otherwise instructed	Scheme of Delegations, 5.5.2
18 March	Closure of older people day centres with immediate effect	Scheme of Delegations 9.2.2
18 March	Social policy staff allowed to use own vehicles rather than pool cars to provide outreach services for service users affected by closure of older people day centres	Scheme of Delegations 9.2.2
18 March	Extending contractual sick pay to employees with less than 26 weeks service	Scheme of Delegations, 5.5.2
18 March	Building Services withdrawing from capital programme works to concentrate on emergency/general repairs	Scheme of Delegations 9.2.2
19 March	Closure of day care facilities, family centre and respite provision with effect from 23 March	Scheme of Delegations 9.2.2
19 March	Closure of libraries and community centres with effect from 23 March	Scheme of Delegations 9.2.2
19 March	Standing down of administration of community work orders with immediate effect	Scheme of Delegations 9.2.2
19 March	Closure of schools and pre-school establishments with effect from Monday 23 March, in accordance with Scottish Government guidance	Scheme of Delegations 9.2.2
19 March	Provision of free meals during school closures,	Scheme of

COVID-19: EMERGENCY POWERS AND URGENT ACTIONS LOG		
DATE (2020)	DECISION	BASIS
	including provision of hot meals at hubs for children of key workers	Delegations 9.2.2
20 March	Refinement of approach to school closures including approach to “key workers” and identification of vulnerable children	Scheme of Delegations 9.2.2
20 March	By approval of FAQs for staff, discretion to refund lost holiday costs for staff for whom agreed annual leave provision could no longer be sustained	Scheme of Delegations 5.5.2
20 March	Inclusion of review/appeal right in decisions about eligibility for key worker children provision, but not for allocation of hub	Scheme of Delegations 9.2.2
23 March	Further refinement of approach to “key workers”, identification of vulnerable children and provision of meals	Scheme of Delegations 9.2.2
23 March	Staff to be allowed, subject to adequate insurance cover being in place, to use personal vehicles rather than pool cars	Scheme of Delegations 9.2.2
23 March	Relaxation of recruitment policy and for procedure in relation to references and PVG checks	Scheme of Delegations 9.2.2
23 March	Cancellation of Education Executive and Council Executive scheduled for 24 March 2020	Scheme of Delegations 9.2.2
24 March	Further refinement of approach to “key workers”, identification of vulnerable children, provision of meals and transport provision	Scheme of Delegations 9.2.2
24 March	Closure of Bathgate Social Work Centre to the public	Scheme of Delegations 9.2.2
24 March	Closure of CRCs with immediate effect	Scheme of Delegations 9.2.2
24 March	Closure of partnership centres, subject to exceptions agreed for each	Scheme of Delegations 9.2.2
24 March	Closure of play areas, keeping parks open with appropriate signage about groups/gatherings	Scheme of Delegations 9.2.2
24 March	Reduction in provision of NETS, Lands and Countryside and Roads services to concentrate resources on meals and waste collection and disposal	Scheme of Delegations 9.2.2
24 March	Stopped further bulky uplift arrangements,	Scheme of

COVID-19: EMERGENCY POWERS AND URGENT ACTIONS LOG		
DATE (2020)	DECISION	BASIS
	honouring requests already placed, due to unmanageable service demand	Delegations 9.2.2
24 March	Cessation of pest control services due to staff absences	Scheme of Delegations 9.2.2
25 March	Further refinement of approach to “key workers” to implement new national guidance	Scheme of Delegations 9.2.2
25 March	Paying PVG fees otherwise payable personally for new or redeployed social policy staff	Scheme of Delegations 9.2.2
25 March	Covid-19: Potential Financial Implications and Issues (amended version of report to Council Executive on 24 March)	SO31
25 March	Covid-19: Calendar of Meetings until 31 July 2020 (amended version of report to Council Executive on 24 March)	SO31
25 March	Scheme of Elected Members Remuneration, etc. (per report to Council Executive on 24 March)	SO31
25 March	Riverlife: Almond & Avon - Mid Calder Weir (per report to Council Executive on 24 March)	SO31
25 March	Data Centre, Caird Street, Hamilton - New Licence (per report to Council Executive on 24 March)	SO31
25 March	West Lothian Leisure 2020/21 Funding Agreement (per report to Council Executive on 24 March)	SO31
25 March	New Denominational Secondary School at Winchburgh and Associated Proposals (per report to Education Executive on 24 March)	SO31
26 March	Closure of unneeded and non-essential sports pavilions	Scheme of Delegations 9.2.2
26 March	Departure from existing policy and procedure on redeployment of staff	Scheme of Delegations 9.2.2
31 March	In relation to shielding, arrangements to supplement the basic Scottish government package and not charging in the meantime for extra food and other goods requested and provided	Scheme of Delegations 9.2.2
31 March	COVID-19: Delegation of Powers and Duties	SO31

COVID-19: EMERGENCY POWERS AND URGENT ACTIONS LOG		
DATE (2020)	DECISION	BASIS
	arising from coronavirus legislation	
1 April	Extending provision of meals in schools and hubs over the Easter holiday period	Scheme of Delegations 9.2.2
1 April	Provision of activities but not earning in schools and hubs over the Easter holiday period	Scheme of Delegations 9.2.2
1 April	Closure of Civic Centre café due to low income and shortage of staff	Scheme of Delegations 9.2.2
1 April	Negotiations with contractors over level of payment and provision of services during the emergency period, through individual Heads of Services and controlled by Head of Corporate Services under Contracts Standing Orders	Contracts Standing Order 9
2 April	Allocation to Head of Planning Economic Development & Regeneration Services of enforcement powers in relation to closure and restricted operations of businesses and designation of officers authorised to carry out those powers	SO31 and Scheme of Delegations 4.2 and 7.2
3 April	Annual leave arrangements for all staff	Scheme of Delegations 4.2 and 7.2
7 April	Allocation and use of £1.687mn of funding from Scottish Government	Under SO31 approval of 25 March 2020
9 April	Civic licensing – relaxation of requirement for medical certificates for certain applications	SO31
22 April	Further refinement of approach to child care for children of key workers by addition of extra hub at Whitdale PS, with effect from 27 April	Scheme of Delegations 9.2.2
22 April	Approval under SO31 of recommendation to abandon review of Integration Scheme and return to it in autumn 2020	SO31
22 April	ONE Linlithgow – agreement under SO31 of application to Scottish Government BID Resilience Fund	SO31
24 April	Procurement: Direct Award to Frontier Software plc (council payroll system), approved under SO31	SO31
24 April	National Planning Framework 4 (NPF4) – Informal Consultation by Scottish Government and	SO31

COVID-19: EMERGENCY POWERS AND URGENT ACTIONS LOG		
DATE (2020)	DECISION	BASIS
	Ratification of Edinburgh and South East Scotland City Deal Response to NPF4 (amended version of report to Council Executive on 24 March)	
27 April	Arrangements for COVID-19 testing for council staff to be dealt with by DCE (CH&OS)	Scheme of Delegations 5.6.1 8.3 and Appendix 3, Part A
28 April	The Mill Centre, Blackburn (PRIVATE REPORT) (amended version of report to Council Executive on 24 March)	SO31
28 April	COVID-19: Food Fund	SO31
29 April	Edinburgh Choices For City Plan 2030 - Consultation Response (amended version of report to Council Executive on 24 March)	SO31
29 April	COVID-19: West Lothian Leisure - Implications Of COVID-19	SO31
01 May	Restarting maintenance of roads, parks and open spaces on a restricted asset-driven basis	Scheme of Delegations 4.2 and 7.2
06 May	Commencement of cash payments as an options amongst provision of meals for vulnerable children and children of key workers	Scheme of Delegations 9.2.2
12 May	Suspension of duties to make certain documents available for physical public inspection and copying	SO31
12 May	Enterprising Bathgate – agreement under SO31 of application to Scottish Government BID Resilience Fund	SO31
14 May	Scottish Government Energy Efficient Scotland Area Based Schemes (ABS): Allocation Of Funding 2019/20 and 2020/21 – report by Head of Housing, Customer and Building Service	SO31

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

COVID 19 UPDATE ON THE ESTIMATED FINANCIAL IMPACT ON THE COUNCIL

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

This report provides Council Executive with an update on the financial impact of Covid-19, including an initial estimate of the net additional costs on the council's 2020/21 General Fund revenue budget and General Services capital programme. It also provides an update on the additional support the council is delivering to communities and businesses across West Lothian to help alleviate the impact of the pandemic.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes that the council has invested considerable expenditure to deliver additional urgent support to communities and businesses across West Lothian;
2. Notes that the anticipated additional net cost in 2020/21 as a result of the implications of Covid-19 is £13.472 million for the general fund revenue budget, with an underlying increase in costs of £5.125 million for the general services capital programme;
3. Notes that COSLA leaders agreed on 15 May 2020 that additional government funding of £155 million should be distributed to individual councils using the normal local government distribution formula and that funding of £1.629 million is being provided via the health budget for West Lothian to assist with the health and social care response;
4. Notes that even after the anticipated additional funding is accounted for, there is an estimated revenue pressure of approximately £6.9 million in 2020/21;
5. Agrees that officers should continue to monitor the financial impact of Covid-19, including identification of potential options to manage the financial pressures outlined in this report, which would include possible use of balances to mitigate pressures;
6. Agrees that further updates should be provided to Council Executive around the financial impact of Covid-19 on the council, the first of which will be the month three budget monitoring exercise to be reported to Council Executive after the summer recess;
7. Agrees that officers should continue to engage with Scottish Government and COSLA around further government funding for the council to fund the significant additional costs being incurred by the council.

C. SUMMARY OF IMPLICATIONS

- | | |
|---|---|
| I Council Values | Focusing on customers' needs, being honest, open and accountable, making best use of resources, working in partnership. |
| II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | None. |

III	Implications for Scheme of Delegations to Officers	No implications at this stage.
IV	Impact on performance and performance Indicators	The financial and operational impact of Covid-19 will have implications for performance during 2020/21.
V	Relevance to Single Outcome Agreement	None.
VI	Resources - (Financial, Staffing and Property)	As a result of Covid-19, additional net costs of £13.472 million are anticipated on the General Fund revenue budget for 2020/21, with a further £5.125 million underlying increase in costs for the General Services capital programme. The allocation to the council from funding of £155 million is still to be confirmed. After accounting for the anticipated West Lothian share of this, and the funding via the Health and Social Care Mobilisation Plan, there will still be a significant remaining net revenue pressure of around £6.9 million in 2020/21.
VII	Consideration at PDSP	A financial performance report will be presented to PDSPs twice yearly on an ongoing basis.
VIII	Other consultations	Depute Chief Executives and Heads of Service

D. TERMS OF REPORT

D.1 Background

Covid-19 represents an unprecedented challenge for delivery of council services and, as part of this, it is evident that there will be material financial implications for many council services and activities. An initial report on the financial implications and issues arising from Covid-19 was due to be considered at Council Executive on 24 March 2020. This meeting was cancelled as a result of the Covid-19 situation and the report was approved under Standing Order 31. As agreed in that report, officers have undertaken an exercise to identify the initial financial implications of Covid-19 and have actively liaised with COSLA and the Scottish Government on relevant financial issues, including the cost collection exercise co-ordinated by COSLA.

An assessment of the financial implications to the council has been undertaken so that an initial estimate of the net additional 2020/21 General Fund revenue budget costs and the additional costs for the General Services capital programme can be identified.

The general assumption used in estimating the financial implications is that the current lockdown restrictions will be largely in place until the 30 June. It should be noted that this is an initial exercise to produce a high-level estimate of the 2020/21 financial implications for the council. Events continue to be fluid, and ongoing detailed review and monitoring will be required over the coming weeks and months.

The report also provides an update on the support that the council has delivered to communities and businesses across West Lothian to help alleviate the impact of the pandemic.

Further updates will be provided to Council Executive to allow consideration of the latest position and any actions required to manage the financial impacts of the virus.

D.2 Financial Implications at Scottish Level

Covid-19 continues to present financial challenges for local government that are changing and emerging every day. As well as directly dealing with the impact of the virus and protecting communities, councils must continue to deliver a wide range of services which are all being impacted by the current situation.

COSLA and all 32 local authorities in Scotland have been working together on coordinating cost templates from councils to understand the scale of the pressures faced. At this stage, the Scotland wide cost estimates have been established up to the end of June.

After reduced costs of £40 million and Scottish Government financial support of £80 million are accounted for, the additional cost for local government in Scotland is estimated to be in the region of £0.25 billion.

The most significant area is loss of income. In addition, Council tax will continue to be monitored closely, particularly collection rates but also the impact of a reduction in housebuilding.

The Cabinet Secretary for Finance announced on 4 May 2020 that £155 million consequentials for Scotland would be passed to councils to provide support during the coronavirus pandemic. COSLA leaders agreed on 15 May 2020 that the £155 million should be distributed to councils based on the percentage share generated by using the standard distribution formula, and confirmation is awaited of the final allocation to councils. On 12 May 2020 initial funding of £50 million was announced for the health and social care response intended to support the immediate challenges in the social care sector, as identified in Health and Social Care Mobilisation Plans submitted to the Scottish Government. Distribution is based on the National Resource Allocation Committee formula which is similar to GAE. The amount for West Lothian is £1.629 million. Councils will also receive £600,00 of funding for providing a death registration service seven days per week, though the allocation to each authority is still to be confirmed.

In terms of short, medium, and longer-term strategy, given the impact of the pandemic, the Scottish Government intends to present a Summer Budget Bill revision which will be laid in the Scottish Parliament in the final week of May, with the following stages of the Bill in June. The Bill will include allocation of all consequentials and will result in a finance order that will allow additional commitments to be paid to local authorities. Only the social security and council tax reduction scheme funding of £50 million will remain unallocated at that time. It is understood by COSLA that no material changes will be proposed within the Bill, but the Scottish Government has stated that the financial commitments made rely on full consequentials being passed from UK Government, and that commitments made to date go beyond consequentials. This presents a potential risk across the public sector as to how any shortfall might be addressed over the medium term.

The major challenge over how to address any current in-year budget pressures will be a key priority for all councils, as will funding any additional Covid-19 related costs not covered by the Scottish Government. Longer term financial strategies will also require attention. The Scottish Government is currently establishing its recovery priorities, which will in turn impact on local government priorities. This must all be set against a backdrop of sustainable funding to allow local government to focus and play its key part in longer term recovery

The separate cost collection exercise for all local authorities in Scotland will continue to fully understand the total additional costs to local government. Initial information on this has and will continue to be shared with the Scottish Government to facilitate discussions on funding for the overall additional costs faced by Scottish councils

D.3 Financial Implications for the council

D.3.1 Summary Position

The council agreed a balanced three-year revenue budget for 2020/21 to 2022/23 on 28 February 2020. This included allocation of £7.8 million of one-off resources over the three years for investment in priority areas. Much of the core revenue budget and the additional spending has and will be of direct benefit in responding pro-actively to the challenges presented by the Covid-19 situation, including the extra budgets for school holiday provision and the jobs task force. It is undoubtedly the case though that the current situation will have a major impact on the council's approved budgets.

To begin to assess this impact, an initial exercise has been undertaken to determine the anticipated financial implications of Covid-19 on the 2020/21 general fund revenue budget and general services capital budget. For the revenue budget this includes an early assessment of additional spend, any areas where costs may be reduced, and the impact on income generation as a result of changes to service provision during this unprecedented period. The anticipated net cost pressure for the council resulting from the impact of Covid-19 is estimated to be around £13.472 million for the 2020/21 General Fund revenue budget. After accounting for the anticipated funding from the consequential and social care, there remains an estimated cost pressure of around £6.9 million for the full year in 2020/21.

In terms of the capital programme, an underlying cost pressure of over £5 million is anticipated as a result of the enforced delay in delivering the projects within the approved capital budget.

It should be noted that the additional revenue costs identified takes account of the Hardship Fund and the Food Fund. In West Lothian, all of this funding has been utilised to deliver additional expenditure on support packages to individuals, families, businesses and third sector partners. In addition, it has been assumed that HRA will continue to meet costs that were budgeted for during the period where services cannot be delivered such as building maintenance.

D.3.2 Financial Implications on the 2020/21 General Fund Revenue Budget

The anticipated net cost pressure for the council resulting from the impact of Covid-19 is estimated to be around £6.9 million. The table below shows how the net anticipated costs have been calculated:

	£'000
Additional Staff and Non-Staffing costs:	7,679
Loss of income	7,812
Reduced Costs	(2,019)
Anticipated additional net costs	13,472
Further anticipated funding	(6,600)
Net cost pressure in 2020/21	6,872

The following section of the report provides for each service a summary of the areas with net additional costs as well as other relevant factors. In many cases, council services have acted to support communities, families, individuals and businesses in West Lothian.

Education

- Partner providers for Early Learning & Childcare continue to be paid for funded places to ensure they remain financially sustainable;
- Provision of Early Learning & Childcare to children of key workers;
- The closure of West Lothian Leisure facilities has significantly reduced income, and the council has agreed a £801,000 support package with West Lothian Leisure to mitigate the impact of this pressure via reprofiling management fee in 2020/21;
- Loss of net income from Burgh halls, school lets and sports income

Planning, Economic Development and Regeneration

- Reduction in pest control income;
- Reduction in planning fee and building warrant income;
- Economic Growth fund available to support local businesses

Social Policy

- Additional social care costs;
- Reduced income from contributions for non-residential care and reduced resident recoveries income for residential care;
- Increased care and respite costs for community-based care;
- Additional care home provision costs;
- Additional spend on section payments;
- Potential increase in cost of Child Disability service due to additional support and inability to deliver approved budget reduction measure;
- Increased residential costs for Looked After Children for additional places or delayed leavers;
- Additional costs on external foster placements to cover sickness;
- Reduced ability of Occupational Therapy team to assess and have equipment installed with social distancing measures will result in lower expenditure

Chief Executive, Finance and Property Services

- An anticipated increase in awards for Council Tax Reduction Scheme where significant additional expenditure is being incurred to support council tax payers experiencing financial hardship;
- The impact of house building on Council Tax income, as the budget assumes that 900 new houses will be built in West Lothian in 2020/21;
- Reduction in overpayments from Housing Benefits as DWP and HMRC not prioritising processing requests for deductions to benefits or overpayments during this period;
- Deferred rental income from commercial tenants;
- Increase in Scottish Welfare Fund crisis care grants and Education benefits including clothing grants and Education Maintenance Allowance;
- Likely reduction in spend on non-essential property maintenance

Operational Services

- Reduced staffing levels and variable costs, including fuel within NETS, land and countryside services;
- Reduced income from visitors at country park;
- Increased demand for Cemetery Services;
- Net cost implications from changes to the school meals service, including additional payments to support children and families;
- Impact of changes to school transport;
- Saving in concessionary travel costs;
- Additional staff costs from reduced capital allocations for Roads and Transport partially offsets savings in variable spend, including fuel;
- Reduction in roads and transport income from permits and inspections;
- Increased staff costs required to continue waste collection of and lost income from bulky uplifts and metal collection at CRC sites

Housing, Customer and Building Services

- Additional staff costs to provide Registration services seven days a week;
- Reduced income from marriages and civil partnerships;
- Loss of income at Fauldhouse Partnership Centre from the pitch and swimming pool;

- Potential for additional overtime costs at Customer Service Centre to cover increased demand;
- Possible adverse effect on homeless budget due to reduction in secondary lets to homeless;
- Saving of estimated Homeless transport costs during school closure period

Corporate Services

- Impact on rebates from suppliers;
- Reduction in licencing income for one off events;
- Savings from printing costs which mainly relate to schools;
- Additional IT costs

D.3.3 Financial Implications on the General Services Capital Budget

The anticipated net cost pressure for the council resulting from the impact of Covid-19 is estimated to be around £5.125 million for the General Services capital programme and this includes additional costs relating to project contract inflation due to delay, additional insurance and contingencies that may be factored in by bidders, and the cost of the impact on current contractors invoking insurance clauses and seeking delay payments.

This will be an underlying pressure to be managed next year as the overall spend on the capital programme will be reduced in 2020/21 as a result of slippage after the enforced closure of construction sites.

D.3.4 Funding Required to Fund Significant Additional Pressures

The council has provided details of the initial estimate of the anticipated financial implications of Covid-19 to COSLA who have been in discussions with the Scottish Government to outline both the significance of the cost pressures being faced by councils as a result of this pandemic and to present the case for additional financial support for councils to fully fund them.

This will require ongoing review as the current exercise has identified only the impact of the emergency response to the current situation but there will inevitably be additional cost implications over the subsequent period after the current lockdown is eased.

A separate ongoing exercise is being undertaken by West Lothian Health and Social Care partnership, to identify the additional social care costs which are delegated to them, using Local Mobilisation Plans. Costs relevant to council revenue budgets have been included within the figures contained within this report.

The council, in liaising with COSLA, will continue to lobby the Scottish Government to provide additional resources to the council to ensure that the financial implications of Covid-19 are fully funded, both in relation to the initial costs being incurred during the lockdown period, and over the coming months when current restrictions are relaxed.

D.3.5 Further Cost Implications Following Lockdown Period

In addition to the various costs being incurred by the council currently, there is a high risk that further significant costs will continue to be incurred during financial year 2020/21 and this will need to be closely monitored to ensure costs are fully identified. This will inform discussions with the Scottish Government over funding for the increased level of costs.

Officers will review and develop plans to allow services to be delivered in line with Government recommendations around preventative measures, such as social distancing, and it is anticipated that this will likely result in further costs being incurred across the council. These areas will include school transportation, social care provision and homelessness.

D.4 Additional Support being provided

The council has made good progress in providing a number of support packages to communities and businesses across West Lothian to help alleviate the impact of the pandemic, particularly those most vulnerable. The table below outlines funding to assist in the delivery of support to the community.

Fund	£'000	Purpose
Hardship funding	1,687	Allocated to local authorities to tackle hardship within communities
Food fund	1,045	To address food insecurity including children entitled to free school meals, vulnerable groups and investment in the third sector.
Scottish Welfare Fund	712	Additional Scottish Welfare Funding to ensure availability of funds to meet needs of vulnerable individuals
Self Employed Crisis Grants	674	Support for self-employed or other small businesses not covered by other support measures
Small Business Grants	23,032	Support for small businesses to assist with cashflow and other additional cost pressures

An update is provided in Appendix 1 on the progress to date for the hardship fund.

Food Fund

In terms of the food fund, the council is providing support to the shielded group of persons deemed to be a highest clinical risk, and is the local point of contact for co-ordination and delivery of all other food requirements, medication and other support. This includes a dedicated contact number for anyone within the shielded group to contact the council for support.

The council is also delivering a service for key workers who have no alternative childcare, with a hot lunch provided each day Monday to Friday. At the same time, the council has continued to provide all children entitled to a free school meal with the choice of a packed lunch or a takeaway hot meal and a breakfast bar / cereal. Where required, third sector partners provide home delivery.

For non-shielding households, including people with Covid-19 symptoms, vulnerable people, financially at risk households, and marginalised households, the council is providing further support. All eligible households are receiving a £10 per week per child payment directly into bank accounts and £150,000 of funding has been agreed with a consortium of third sector community food groups to provide a wide range of food support to the relevant non-shielding households.

Scottish Welfare Fund

There has been a significant increase in applications for crisis grants since the start of the Covid-19 situation. These are being processed within required times and customers can now access payments at Pay Point facilities throughout West Lothian. The additional budget agreed by the council in February will assist with the other sources of funding to ensure people in crisis in West Lothian will be supported throughout the financial year.

Self employed and business support

As at 19 May 2020, 1,845 business support grants totalling £20.960 million had been paid to business in West Lothian, consisting of 1,667 small business grants of £16.547 million and 178 retail, hospitality and leisure grants of £4.413 million. Additionally, 101 payments totalling £202,000 have been made for the self-employed hardship fund.

E. CONCLUSION

The anticipated net cost pressure for the council resulting from the impact of Covid-19 is estimated to be around £6.9 million for the 2020/21 General Fund revenue budget. If further funding is not received from the Scottish Government, there will be a significant pressure to be funded.

Despite the financial and operational challenges, the council continues to provide support to communities and businesses across West Lothian to help alleviate the impact of the pandemic.

Updates will be provided to Council Executive allow further consideration of the latest position and any actions required to manage the financial impacts of the virus.

F. BACKGROUND REFERENCES

Revenue Budget 2019/20 - 2022/23 - Report by Head of Finance and Property Services to West Lothian Council on 28 February 2020

Covid-19 Potential Financial Implications and Issues – Report by Head of Finance and Property Services approved under Standing Order 31

Appendices/Attachments: Appendix 1 – Hardship Fund

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Donald Forrest
Head of Finance and Property Services
26 May 2020

APPENDIX 1 - HARDSHIP FUND – UPDATE ON PROGRESS

The table below shows the allocation of the £1.687 million hardship fund over nine programmes and provides an update on action taken.

The programmes will be monitored regularly, and the funding will be reallocated where appropriate to tackle any evolving needs. The programmes have been categorised into the following:

- A. Assistance to individuals and families
- B. Assistance to the Third Sector / Community Groups / Community Councils

Ref	Description	Support Provided	Target Group	Value £	Action taken	Update on Spending
A1	Purchase of educational and play materials for identified vulnerable families to support 1,000 families through provision of play materials or, where this is not practical £30 vouchers	This will help vulnerable families to engage, educate and entertain children for long periods of time, via the purchase of materials to help facilitate this.	Kinship carers and other identified vulnerable families	30,000	415 packs for children aged 0-16 years have been provided. This fully utilised online supplier education providers and Pecos suppliers and remaining budget has been used to purchase vouchers for relevant families.	30,000
A2	Increase section payments, under the Social Work Scotland Act 1968.	To meet increased demand for section payments from vulnerable families and individuals over a 24-week period. Section Payments covers a range of needs including food and fuel.	Various families and individuals via the section payment criteria	120,000	This supplements the existing section payments budget to meet increased demand over coming months as people face the economic impact.	Will be fully spent in 2020/21.
A3	Increased self-directed support payments for families with children with complex disability	Increasing self-directed support would enable families to engage with existing personal carers to increase provision.	Families identified to the Child Disability Service	110,000	Support is being provided for families with disabled children, including additional support for 40 families requiring critical additional support, and lower level support for groups unable to operate normally just now.	Will be fully spent in 2020/21.

Ref	Description	Support Provided	Target Group	Value £	Action taken	Update on Spending
A4	Increase Scottish Welfare Fund - General	A further increase to the Scottish Welfare Fund with a view to reducing the qualifying threshold to allow support to be provided to a wider group of people in West Lothian who require crisis support due to Covid-19.	Individuals and families in crisis – to assist the larger number of people in this category	400,000	This has been added to the existing budgets to help meet higher demand, with an increase of 113% in grant applications, with this trend anticipated to continue throughout 2020/21.	Will be fully spent in 2020/21.
A5	Increase Scottish Welfare Fund – Additional Home Items	This will provide a wider range of items, which will assist individuals and families.	Individuals and families in crisis	50,000	This element of the fund will be used for families in financial hardship. These items are currently being purchased from the main Scottish Welfare Fund under current legislation.	Will be fully spent in 2020/21
A6	Additional school clothing grant funding to all families receiving council tax reduction support	Additional support to more families in West Lothian, at a time of need. This will allow families to purchase suitable clothing for undertaking home schooling as well as appropriate clothing for the most vulnerable families in need.	All those families where council tax reduction is being claimed	200,000	The payment of clothing grants has been brought forward to May. Work is being undertaken to identify the extended group of people who would qualify as a result of the extension of the eligibility so that the payment can be made.	200,000
A7	Increase Discretionary Housing Payments	Increase the support provided via DHP Hardship Funding.	Council, RSL and private tenants in receipt of housing benefit or the housing cost element of UC.	300,000	The hardship element is being supported through this additional funding.	Will be fully spent in 2020/21
Sub-Total Individuals and Families				1,210,000		

Ref	Description	Support Provided	Target Group	Value £	Action taken	Update on Spending
B1	Community Food Grant	Provide an initial grant of £5,000 to 15 groups related to community food provision. This will assist in covering increased costs incurred over the next three months. There is potential for a secondary allocation or to vary the grant value depending on the length of the lockdown and the communities the organisations are serving.	Third Sector and Community Groups	327,000	£150,000 has been paid to 28 local groups. £177,000 has been allocated to support a third sector consortium of community food providers.	327,000
B2	Third Sector Hardship Fund to enable the sector to support vulnerable individual and families	This will enable third sector organisations to provide additional support to vulnerable groups, including the elderly and people with disabilities.	Third Sector and Community Groups	150,000	£94,000 has been allocated to local groups, mainly working with elderly people and people with disabilities. A further £56,000 is retained to support further applications for this purpose.	94,000
Sub-Total Third Sector / Community Groups				477,000		

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

COVID-19: MEETING ARRANGEMENTS TILL 31 JULY 2020

REPORT BY GOVERNANCE MANAGER

A. PURPOSE OF REPORT

To agree a timetable of meetings till 31 July 2020 for bodies in the Scheme of Administration

B. RECOMMENDATIONS

1. To agree the meeting arrangements till 31 July 2020, as set out in D.3, with meetings to take place by remote access
2. To agree that a timetable of meetings for the period from 1 August 2020 till 31 July 2021 should be brought to the next available meeting of Council Executive

C. SUMMARY OF IMPLICATIONS

I Council Values	Being honest, open and accountable; making the best use of our resources
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Local Government (Scotland) Act 1973; Local Government in Scotland Act 2003; Coronavirus (Scotland) Act 2020; Standing Orders for the Regulation of Meetings; Scheme of Administration
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	N/a
V Relevance to Single Outcome Agreement	N/a
VI Resources - (Financial, Staffing and Property)	N/a
VII Consideration at PDSP	None
VIII Other consultations	Legal Services; Committee Services; relevant committee chairs

D. TERMS OF REPORT

1 Background

1.1 On 24 March 2020 a decision was made in relation to council, committee and Policy Development & Scrutiny Panel (PDSP) meetings, as follows:-

1. In light of the rapidly escalating threat posed by COVID-19 and the constantly evolving legislation, guidance and direction from UK and Scottish Parliaments and Governments, to agree that meetings of all the bodies in the Scheme of Administration scheduled to take place between today's date and 31 July 2020 be cancelled
2. To note the powers already delegated to officers to allow the council's business to continue, as described in Part D.4 of this report
3. To delegate authority to the Chief Solicitor to determine all pending and new licensing and other applications that would normally require to be determined by Licensing Committee
4. To agree that hearings required by the exercise of the statutory right of appeal against refusal of placing requests be deferred until at least August 2020
5. To note that officers are investigating the potential acquisition of a platform that may be utilised in exceptional circumstances for remote access by members to meetings

1.2 The decision was taken through the use of delegated powers in Standing Order 31. The report through which that was effected is reported for information elsewhere on the agenda as is required by that Standing Order.

1.3 Circumstances have changed since then in relation to the coronavirus risks and in relation to legislation and guidance concerning leaving home, gathering in public, the operation of business and other premises and the conduct of council and committee meetings. Officers have also procured and have installed and tested a system to allow meetings to take place by remote access. The Chair has therefore called a special meeting of Council Executive under Standing Order 5 with a view to resuming meetings again.

2 Remote access meetings

2.1 Scottish legislation has allowed for remote access participation in council, committee and sub-committee meetings since 2003. "Participation" covers all the familiar parts of a meeting, including voting. A member of the body concerned who is participating by remote access is counted as being present. The Chair of the meeting must consent to remote participation. That consent can be given before the meeting takes place.

2.2 The enabling legislation was passed at a time when it was envisaged that physical attendance at meetings would be the norm. Remote participation was anticipated in small numbers of exceptional cases, such as geographical distance or travel problems. It is an option that has never been used or felt to be required in West Lothian.

2.3 The legislation is worded in a way that allows for all participants to be present remotely. Modern conferencing platforms enable a meeting to be held without there being a physical "place" at all. In the current pandemic law and technology together provide the means by which meetings can take place without the risk of transmission or contagion.

- 2.4 Although not specifically written with remote participation in mind the council's Standing Orders allow meetings to be convened and conducted in this way.
- 2.5 One concern with remote access meetings is the issue of public access and attendance. The default position in law is that business should be done in public with items taken in private only where there is a valid legal reason to do so. Members of the public have a right not to be otherwise excluded. There are two factors which combine to overcome that problem. Firstly, emergency coronavirus legislation simply provides that members of the public may not be present at a meeting during the emergency period. Secondly, webcasting and recording the meeting can secure access to the meeting by simultaneous or later listening and/or viewing. That is a solution that will be taken forward in the longer-term, once there is confidence in the technology and members are familiar with its use.

3 The proposals

- 3.1 It is recommended that a limited schedule of meetings is put in place for the period till 31 July 2020. The technology is new to members and officers and is untried in West Lothian. The available platforms are not specifically designed for council business. Dealing with things normal for councils, such as submitting motions and amendments, will be problematic. It is felt that arranging a restricted timetable initially will allow members and officers to become familiar and adept with the technology. There are also still additional strains on council resources as a result of tackling the pandemic and maintaining council services as far as practicable.

- 3.2 The proposed arrangements are as follows:-

- A further meeting of Council Executive before the summer break, on 23 June 2020 at 11 am, or as soon after Education Executive as possible
- A meeting of Education Executive for that same date, at 10 am
- One meeting of Development Management Committee, on 17 June 2020 at 10 am. A second meeting may be required to deal with the backlog of business timeously. Committee is asked to delegate authority to the Clerk to arrange that meeting on a date to be confirmed, in consultation with the Chair. Arrangements will be made to allow objectors and applicants as far as practicable the usual opportunity to participate remotely and speak
- One scheduled meeting of Licensing Committee, for 19 June 2020 at 9.30 am. Additional meetings may be needed to meet legal requirements and those can be arranged through existing powers in the Scheme of Administration. Arrangements will be made to have hearings take place as required by law with remote participation by the parties as well as members
- One meeting of each of Audit Committee and Governance & Risk Committee should be arranged. It is proposed to hold them consecutively on the afternoon of 22 June 2020. Governance & Risk Committee would meet first, at 2 pm, followed by Audit Committee

- 3.3 It is not proposed that PDSP meetings should start again until after the summer break. However, where an item of business would normally go to PDSP arrangements will be made for PDSP members and community organisation representatives to be consulted off-line with comments passed on to the committee. Neither is it proposed that the other bodies in the Scheme of Administration, including full council and Local Area Committees, should meet before the summer break.

- 3.4 Fixing dates for placing in schools appeals will be done at a later date. Emergency coronavirus legislation extended the normal statutory deadlines and hearings are expected to be required in August at the earliest.
- 3.5 A report will be brought to the next available Council Executive meeting to have a calendar of meetings agreed from 1 August 2020 till 31 July 2021.
- 3.6 A programme of testing, awareness-raising and education for officers and members has been put in place and will be extended to members as their attendance at meetings is required. Guidance and protocols have been written to try to help make remote access meetings a success. They will be circulated to members when the agenda and reports are made available.

E. CONCLUSION

- 1 Agreeing a restricted calendar of meetings by remote access will allow meetings to resume in a measured way and will enable members, officers and members of the public to become more accustomed to the technology used.

F. BACKGROUND REFERENCES

- 1 Council Executive, 24 March 2020 (decision under Standing Order 31)

Appendices/Attachments: None

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Graham Hope, Chief Executive

Date of meeting: 26 May 2020

DATA LABEL: Public



TENANTED NON-RESIDENTIAL PROPERTY PORTFOLIO
SUPPORT FOR BUSINESS TENANTS IMPACTED BY THE COVID-19 PANDEMIC

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval to defer rents for eligible business tenants of the council's Tenanted Non-Residential Property (TNRP) portfolio, who apply and can demonstrate hardship, in order to aid business recovery and mitigate against the negative financial impact of the Covid-19 pandemic.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Approves the proposals set out in the report to provide the deferment of rents charged by the council to eligible TNRP business tenants who apply and can demonstrate hardship as a consequence of the Covid-19 lockdown and the associated restrictions;
2. Agrees that the deferment will be considered on a case by case basis, subject to the criteria outlined in this report;
3. Notes that proposals set out in the report are compatible with Scottish Government and COSLA advice;
4. Agrees that, should funding support for commercial property landlords or tenants be forthcoming from the Scottish and / or UK Government, officers will assess on a case by case basis if this shall replace or in part replace the proposed support outlined in this report;
5. Delegates authority to the Head of Finance and Property Services to determine applications as set out in this report;
6. Agrees that the proposals set out in this report should be kept under review and that Council Executive will be provided with an update later in 2020/21 following implementation of any approved measures.

C. SUMMARY OF IMPLICATIONS

- | | |
|---|--|
| I Council Values | Being honest, open and accountable; focusing on our customer's needs; and making best use of our resources. |
| II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | An Integrated Impact Relevance Assessment has been prepared and is included at Appendix 4. A Data Protection Impact Assessment is included within Appendix 5 as tenant information will be obtained and may be shared. |

- | | |
|---|--|
| III Implications for Scheme of Delegations to Officers | Recommendation 4 of this report seeks to increase delegated authority for the Head of Finance and Property Services to determine applications for rent deferment. |
| IV Impact on performance and performance Indicators | The proposed support measure will impact on the performance indicator for income received in financial years 2019/20 and 2020/21. The wider impact of the COVID-19 pandemic and associated restrictions will have a significant, detrimental impact on the performance of the TNRP portfolio. |
| V Relevance to Single Outcome Agreement | <p>Outcome 3: Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.</p> <p>Outcome 8: We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p> |
| VI Resources - (Financial, Staffing and Property) | <p>It is estimated that the proposed support measures set out the report could reduce TNRP rental income by up to £250,000 for the financial year 2020/21. This will be recovered during 2021/22.</p> <p>Due to the level of wider economic uncertainty, negative impacts on the rental income and occupancy levels for the portfolio are likely to extend into 2021/22 and potentially through to 2022/23 as a consequence of higher levels of business failures, rent arrears, reduced new lettings and the lack of rental growth.</p> |
| VII Consideration at PDSP | Due to the unavailability of the Partnership and Resources PDSP, it has not been possible for the proposals contained in this report to be considered at a meeting. The report was circulated to PDSP members for comment in accordance with approved arrangements. |
| VIII Other consultations | Corporate Finance Manager, Revenues Manager, Chief Solicitor, and Economic Development Manager. |

D. TERMS OF REPORT

D1 Introduction

The purpose of the TNRP portfolio is to enable the council to support the local economy and encourage economic activity in West Lothian through the provision of suitable business space. The TNRP also indirectly supports corporate and community planning objectives by providing accommodation to the third sector.

Importantly, the TNRP provides a significant annual revenue income stream that supports the delivery of key council services. Revenue income received from the TNRP in 2019/20 was approximately £4.5 million.

The TNRP portfolio contains 720 properties, primarily comprising retail, office and industrial premises. The portfolio currently has occupancy levels of 94.17% of retail units, 91.67% for office properties and 91.07% for industrial premises, producing a monthly rent roll in excess of £375,000. In the financial year 2019/20, the TNRP portfolio collected 99.63% of all rents raised. A summary of the portfolio's current performance is provided at Appendix 1 of this report.

A pandemic was declared by the World Health Organisation on 11 March 2020 as a consequence of the COVID-19 virus. The UK and Scottish Governments subsequently announced a national "lockdown" on 23 March 2020 that meant many businesses were no longer able to trade. There were also restrictions on certain persons with health conditions that meant they were considered vulnerable and unable to attend work.

As a result of the lockdown measures, businesses across the country are experiencing acute financial pressures. Many of the council's TNRP tenants are included in that number and officers have received requests for assistance from business tenants who are currently unable to make rent payments as they fall due.

The purpose of this report is to establish an approved, consistent and effective approach to the charging and recovery of rent from the council's TNRP tenants in light of the ongoing Covid-19 emergency.

Currently, commercial leases can be terminated for non-payment of rent. The exact mechanism will depend on the lease but the legislation requires the landlord to issue a warning letter to the tenant. If payment is not made, the landlord can terminate the lease. Under the Coronavirus (Scotland) Act 2020, the minimum period for any warning letter is extended to fourteen weeks. This measure provides tenants with comfort knowing that their landlord is not able to terminate their lease where the financial difficulties may be, and currently probably are, outside of the tenant's control. The council has traditionally worked with tenants who have financial difficulties and has previously utilised rent deferment; payment plans and mutual terminations in accordance with good commercial estate management principles. As such, the provisions of the Coronavirus (Scotland) Act 2020 are not a material change to existing arrangements.

D2 Business categories impacted by lockdown

The following is list of business categories that were instructed to close as a result of the Covid-19 national lockdown.

- All general retail uses (with notable exceptions) for example clothing and electronics stores; hair and beauty salons; outdoor and indoor markets; bookmakers and travel agents. Food retailers including supermarkets, post offices, bakers and butchers were excluded.
- Restaurants and cafes (excluding home delivery)
- Indoor and outdoor leisure facilities such as gyms, swimming pools, bowling alleys, arcades and soft play facilities.
- Theatres, cinemas and concert venues.

- Hotels, hostels, bed and breakfasts, campsites and caravan parks excluding those where there are permanent residents, key workers and those providing emergency accommodation, for example for the homeless.
- Factories and industrial processes not producing or contributing to efforts to fight COVID19 (excluding vehicle maintenance garages).
- Churches and places of worship, except for funerals attended by immediate family only.
- Libraries, community and youth centres.
- Communal places within parks, such as playgrounds, sports courts and outdoor gyms

This list is not exhaustive and it should be noted that many more businesses are likely to have been indirectly affected as a result of reduced income.

The nature of the TNRP portfolio means that a large number of the council's business tenants have been unable to trade or have had to considerably reduce business activity during the lockdown period. This could be due directly to restrictions or as a consequence of staff vulnerabilities. These businesses have seen their revenue incomes greatly reduced or disappear altogether whilst still needing to meet their ongoing financial obligations.

D3 General Business Support (COVID-19)

The UK and Scottish Governments have announced a wide range of fiscal support packages to support the economy, protect jobs and prevent where possible business closure. Support has been directed at those unable to work or trade due to the lockdown. For employees (via the Furlough Scheme) and for the self-employed (via the Self-employed Income Support Scheme) up to 80% of monthly wage or profits are being funded up to a maximum of £2,500 per month.

For businesses, including those where the council is landlord, the following are some of the key funds that have been established to support businesses:

Small Business Grant Fund (SBGF)

The SBGF is available to ratepayers of businesses located in a non-domestic property that on 17 March 2020 are; in receipt of the Small Business Bonus Scheme; in receipt of Rural Relief; or eligible for SBBS but in receipt of Nursery Relief, Disabled Relief, Fresh Start, Business Growth Accelerator, Enterprise Areas Relief, Discretionary Sports Relief or Charitable Relief.

Under this fund, which is administered by local authorities, eligible businesses can apply to receive a one-off small business support grant of £10,000 for their first property. Businesses who occupy more than one property can submit applications for each property, with each subsequent property over the first one receiving a grant of £7,500. The scheme is currently open to applicants and local authorities have committed to processing grant applications within ten days of a fully completed application being received. Applications to the scheme will close on 31 March 2021.

Retail, Hospitality and Leisure Grant Fund (RHLGF)

Under this scheme, (which is administered by local authorities), eligible businesses in the retail, hospitality and leisure sectors who occupy premises with a Ratable Value between £18,000 and £51,000 can apply for a one-off grant of £25,000 for their first property. Businesses who occupy more than one property can submit applications for each property with each subsequent property over the first one receiving a grant of £18,750. The scheme is currently open to applicants and local authorities have committed to processing grant applications within ten days of a fully completed application being received. Applications to the scheme will close on 31 March 2021.

Non-Domestic Business Rates Relief

All non-domestic properties in Scotland are eligible for 1.6% relief on the rates they pay from 1 April 2020 to 31 March 2021. This effectively reverses the increase in the rate poundage that had been approved for 2020/21. In addition, all specified retail, hospitality and leisure businesses are eligible for 100% relief on their 2020/21 non-domestic rates. Specific aviation and fueling / handling reliefs of 100% are also available. These reliefs have been automatically applied with no applications required.

Officers recognise the package of financial support that is available at a national level and acknowledge that this will aid many local businesses across West Lothian. It is clear however that there are a significant number of TNRP tenants who are seeking additional support and flexibility from the council in its capacity as landlord in order to remain financially viable in the short to medium term.

In addition to the main support packages that are outlined above, there are interest free loans available to most businesses, the self-employed, sector specific support and concessions being offered by utility suppliers on payment terms. A summary of the support that is currently available to Scottish businesses in response to the Covid-19 emergency is provided at Appendix 2 of this report.

D4 TNRP Tenant Enquiries / Requests for Support

As at 30 April 2020, a total of 117 enquiries or requests for support had been received by officers from TNRP tenants. These have included requests for rent free periods, rental deferrals or rent reductions. Direct debits established for the payment of rents, whilst reducing from 351 for March / April 2020 to 310 for April / May 2020, still represent over 89.3% of those already paying by mandate continuing.

Officers recognise the challenges currently facing some businesses during these unprecedented times and understand the context in which the requests have been received. It is essential however that any support provided is legally competent, transparent, consistent and proportionate.

With the majority of the council's TNRP tenants comprising small to medium sized enterprises, there is uncertainty for some of the businesses involved. A large proportion of TNRP tenants are on rolling month-to-month leases, which is a key element of the portfolio's success, with consistently high levels of occupancy and tenant satisfaction recorded. In the current climate however, this does represent a risk of increased voids, reduced rental income, lower levels of economic activity and increased unemployment levels, all of which could potentially adversely impact a wide range of other council services.

D5 Commercial Property / Landlord Support: National Position

The council has engaged with the Scottish Government, other local authorities and professional bodies to determine if there was a consistent, national approach to supporting the commercial property sector, in particular local authority portfolios where the commercial income generated is used to support the delivery of vital local services.

The general approach being adopted by the majority of local authorities and advocated by COSLA and the Scottish Government is the provision of rental deferments for businesses affected by the pandemic and lockdown. The consideration of deferments on a case by case basis will ensure a better degree of consistency across the public sector, which is important for businesses that have operations in more than one local authority area.

Should a different approach or alternative guidance be issued by the Scottish Government in respect of business rents or support for landlords, this will be considered and a further report presented to the Council Executive.

D6 Commercial Property - Statutory Position

The council has no legal requirement to hold commercial property, however the TNRP portfolio was developed to support regeneration and economic development and encourage business growth through the provision of suitable local business space. The TNRP also provides a vital source of revenue income in support of wider service delivery across the council

How the council manages the portfolio is governed by a number of key statutory instruments, which include the following:

Section 74(2A) (a) of the Local Government (Scotland) Act 1973, which reflects the principles of the Local Government (Scotland) Act 1972 and sets out and reinforces the statutory requirement for local authorities to always demonstrate Best Value.

The Disposal of Land by Local Authorities (Scotland) Regulations 2010 apply to every disposal of an interest in land, including but not limited to sales and leases. They establish the threshold whereby local authorities can use their discretion, which is set at £10,000 or 25% of the best consideration that can reasonably be obtained.

Whilst neither the Act or the regulations are specific to the dealing of rental deferments, they reinforce the principles of good public sector estate management and ensure decision making is transparent.

Officers are of the view that as a consequence of the COVID-19 pandemic and the wider adoption of rent deferments by other local authorities as advocated by COSLA and the Scottish Government, that it is reasonable for the council to support affected and eligible businesses through deferrals. These are also being offered in the wider commercial property market in order to secure tenants and sustain portfolio and investment performance and are therefore at present considered market activities.

D7 Scheme of Delegation and Financial Regulations

Whilst the majority of requests and the sums involved can be agreed under delegated authority, there are likely to be a number of cases whereby a temporary increase in delegated authority is required to ensure the expedient processing and awarding of support to TNRP tenants.

Under the existing Standing Orders Scheme of Delegation to Officers, the Head of Finance and Property Services is delegated to write off miscellaneous arrears subject to Standing Orders Financial Regulations. Under the Financial Regulations, rent arrears of up to £3,000 can be written off by the Head of Finance and Property Services.

It is proposed that increased delegated authority is provided to the Head of Finance and Property Services to consider applications for commercial property rent deferrals for 2020/21 as outlined in the report up to the value of £10,000.

D8 Proposed Council Commercial Tenant Support

The strategic remit of the TNRP portfolio is to support local economic development diversity and business space capacity objectives. Whilst the council also manages the portfolio as a commercial property landlord to generate valuable revenue income and is required under statute to ensure that market rents and lease terms are achieved, its role in the local economy should not be underestimated. A larger proportion of business tenants are local businesses who employ local people within their communities.

Officers consider that the council in its capacity as a commercial landlord, should seek to mitigate the impacts of the COVID-19 pandemic on our local economy and businesses by working with and supporting those TNRP tenants who are currently unable to pay their rent as it falls due. This will not only support our communities, but also support the performance and long-term sustainability of the TNRP portfolio.

Despite current circumstances, many TNRP tenants are able to meet their rental obligations and continue to make payments as they fall due. This is due to the wide package of financial support that is now available to businesses. The council will therefore continue to charge and collect rents in the normal manner whilst guaranteeing that officers will fully engage with and provide support to any TNRP tenant who confirms they are experiencing financial hardship as a consequence of COVID-19.

It should be noted that under the provisions of the Coronavirus (Scotland) Act 2020, commercial tenants must now be given a minimum of fourteen weeks to settle rent arrears before eviction proceedings can be instigated by the landlord. The previous requirement was fourteen days.

The support that officers propose the council offers in line with other local authorities and private sector landlords is via a rent deferment. This will involve the deferment of rent payable for the period 1 April 2020 until 30 June 2020. Rent due during this period will be repaid in full by the tenant via equal monthly instalments by direct debit over a period of twelve months commencing in October 2020. There shall be no interest payable on any deferred rents.

This support will enable businesses to manage the repayment of the deferred rent over a period of time as trading positions recover. It will also ensure the council secures all monies that are owed.

The proposed rent deferment will be available upon application by any eligible TNRP tenant who demonstrates that their business was required to close and/or the tenant's immediate trading position was significantly impacted as a direct consequence of the COVID-19 pandemic or the associated "lockdown". Tenants applying will also require to demonstrate that they have exhausted all other nationally promoted support that is available.

The maximum deferment amount will be 25% of the annual rent payable under the lease agreement up to a maximum of £10,000. Applications for deferments of rent will be processed by officers within ten working days from receipt of the tenant's completed application form.

It should be noted that the proposed deferment of rent is the only direct funding support being provided specifically for local businesses for property rents. Other support available as part of national schemes relate to wider business costs. This contrasts with housing, where discretionary housing payments, universal credit (housing costs) and council tax reduction can help support rent costs.

D9 Eligibility and Support Conditions

In addition to the criteria set out in D9 above, to ensure transparency and to focus support on those businesses detrimentally affected by the COVID-19 pandemic, the following eligibility criteria and funding conditions are proposed to be applied.

Eligibility Criteria

Business applicants that are eligible to apply for support must meet the following criteria:

1. Been a tenant of the council's TNRP portfolio on or before 23 March 2020. Concessionary, community benefit and charity leases are ineligible;
2. Not been subject to a breach of lease on 23 March 2020;
3. The business use must have been instructed to close as a consequence of the COVID-19 pandemic and / or provide business accounts including the provision of supporting evidence (i.e. bank statements) detailing immediate and significant trading decline.
4. Must be able to demonstrate they have exhausted all other national support available including subject to appropriateness the Coronavirus Job Retention Scheme, Statutory Sick Pay Rebates, VAT deferment, Self-Employment Income Support Scheme and Coronavirus Business Interruption Loan Scheme etc; and
5. Must be a small to medium size enterprise (less than 250 employees and £50m turnover).

Support / Concession Conditions

Successful applicants will be required to agree to the *following* conditions:

1. Tenant continues to fulfil all lease obligations;
2. A direct debit repayment plan must be entered into;
3. The tenant shall agree that the council may share any information provided in their application form with other council services and with other public authorities to undertake fraud checks. The appropriate privacy notice as required as outlined in the Data Protection Impact Assessment will be agreed and is contained in Appendix 4.

4. Where the council considers it necessary to do so, the tenant must authorise officers to undertake a credit check and any other financial vetting. The appropriate privacy notice as required as outlined in the Data Protection Impact Assessment will be agreed.

D10 Special Eligibility Criteria

In some exceptional instances, particularly for sole-traders, there may be special circumstances that in accordance with government guidance prevent the business from operating (i.e. health conditions). In these circumstances it is proposed that appropriate officers evaluate the specific circumstances and present their findings to the Head of Finance and Property Services with recommendations on support that can be provided. In some instances, it may be necessary for officers to require personal information to evidence requests.

D11 Application and Evaluation Process

The proposed concessions and support are not intended to be a cover-all for all businesses and therefore an application and evaluation process has been developed to ensure transparency of decision making.

The process will consist of the following stages:

Stage 1 – An application is made by the TNRP tenant. A copy of the application form is included at Appendix 3.

Stage 2 – Subject to satisfying eligibility criteria, the application form will be evaluated by officers from Property Management and Development, with support from colleagues in Economic Development as necessary. At this stage, any further information or clarification will be sought from the applicant. A recommendation will then be made by officers to the Head of Finance and Property Services for consideration.

Stage 3 – The application will be determined by the Head of Finance and Property Services and a decision issued to the applicant. Officers will aim to issue a decision within ten working days of all the necessary information being received.

Stage 4a. - If the application is successful, a rent reconciliation agreement and any other appropriate documentation is agreed, endorsed by the tenant and the council and implemented immediately.

Stage 4b. – If the application is unsuccessful, the applicant can ask the Depute Chief Executive to review the decision, but only on the basis that new information is available or that the original application was misinterpreted by officers. Following review, the applicant will be advised of the outcome. The decision of the Depute Chief Executive at this stage will be final, with no further recourse of appeals other than through the formal complaints procedures. Officers will aim to issue a review decision within ten working days of all the necessary information being received.

D12 Financial Implications

The monthly rent roll for the TNRP portfolio is £451,438. As at 30 April 2020, officers had received requests for assistance from a total of 117 TNRP tenants. If all of those tenants successfully applied for a three-month deferment period linked to the lockdown, the cost to the council in deferred revenue income would be approximately £250,000 during 2020/21. This would be fully recovered during 2020/21/22.

E. CONCLUSION

The council is committed to supporting businesses through the challenging economic climate resulting from the COVID19 pandemic and the associated lockdown. In addition, the council recognises the valuable contribution the TNRP portfolio makes in providing revenue income that supports the delivery of essential local services and the importance of preserving the performance of the portfolio.

It is noted that the proposals reflect the advice provided by the Scottish Government and COSLA to support businesses and are proposed to be adopted for commercial properties owned by the council.

The proposed process will ensure that open and transparent governance arrangements are in place and that a range of support options are made available to eligible businesses.

F. BACKGROUND REFERENCES

None

Appendices/Attachments:

Appendix 1 – Summary of Commercial Property Performance

Appendix 2 – Summary of COVID-19 Business Support Available

Appendix 3 – Application Form & Guidance

Appendix 4 – Integrated Impact Relevance Assessment

Appendix 5 – Draft Data Protection Impact Assessment

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Donald Forrest, Head of Finance and Property Services

Date of meeting: 26 May 2020

Data Label: Public

Appendix 1 - Current TNRP Performance

Figures correct as of 01/03/2020 (pre-lockdown)

March 2020 Performance

Percentage of Property Let (Occupancy Level) – Industrial	91.07% (KPI Target – 90%)
Percentage of Property Let (Occupancy Level) – Office	91.67% (KPI Target 90%)
Percentage of Property Let (Occupancy Level) – Retail	94.17% (KPI Target- 94%)
Percentage of rent outstanding March 2020 (Current Debt) - 3.51%	(KPI Target - 4%)
Percentage of rent outstanding March 2020 (Historic Debt) - 2.5%	(KPI Target - 1.5%)

April Performance to be included (when available)

DATA LABEL: PUBLIC

APPENDIX 2: Summary of COVID-19 Business Support Available



Name of Scheme	What Does It Do?	Who and What is Eligible?
Small Business Grant Fund	Direct grant support to specific businesses	<p>A grant of £10,000 available to small businesses who get Small Business Bonus Scheme Relief or Rural Relief</p> <p>Businesses can get this grant if they receive Nursery Relief, Business Growth Accelerator, Disabled Relief, Fresh Start Relief, Discretionary Sports Relief, Enterprise Areas Relief or Charitable Relief but are eligible for the Small Business Bonus Scheme.</p> <p>Business ratepayers meeting the eligibility criteria can apply for a one-off grant of £10,000 for their first or only qualifying non-domestic property and a £7,500 grant for each subsequent qualifying non-domestic property</p>
Retail, Hospitality and Leisure Grant Fund	Direct grant support to specific businesses	<p>A grant of £25,000 for hospitality, leisure and retail businesses with properties with a rateable value between £18,001 and up to and including £50,999.</p> <p>Business ratepayers meeting the eligibility criteria can apply for a one-off grant of £25,000 for their first or only qualifying non-domestic property and a £18,750 grant for each subsequent qualifying non-domestic property.</p>
Covid-19 Job Retention Scheme (Furlough)	All UK employers are able to access support to continue paying part of their employees' salary for those employees that would otherwise have been laid off during this crisis.	All businesses are eligible.
Self-employment Income Support Scheme	Supports self-employed individuals (including members of partnerships) whose income	<p>In order qualify, applicants must satisfy all the following criteria:</p> <ul style="list-style-type: none"> • Be self-employed or a member of partnership.

	has been negatively impacted by COVID-19.	<ul style="list-style-type: none"> • Have lost trading/partnership trading profits due to COVID-19 • File a tax return for 2018-19 as self-employed or a member of a trading partnership. • Have traded in 2019-20; be currently trading at the point of application (or would be except for COVID 19) and intend to continue to trade in the tax year 2020 to 2021 • Have trading profits of less than £50,000 and more than half of their total income come from self-employment.
Business Rates Relief (All Sectors)	Rates Relief	All non-domestic properties in Scotland will get a 1.6% relief. This relief effectively reverses the increase in poundage rate for 2020-21.
Business Rates Relief (Specific Sectors)	Rates Relief for 2020/21 tax year	<p>Specific retail, hospitality and leisure businesses will get 100% rates relief.</p> <p>To get this relief, a property has to be occupied. Properties that have closed temporarily due to the government's COVID-19 advice will be treated as occupied.</p>
Newly Self-employed Hardship Fund	A direct grant of £2,000 to the newly self-employed who are facing hardship.	<p>Applicants must satisfy the following criteria:</p> <ul style="list-style-type: none"> • Became self-employed on/after 6 April 2019. • Over 50% of income is from self-employment. • Trading profits were below £50,000 in financial year 2019-20. • Have lost business due to coronavirus and are suffering financial hardship as a result. • Are ineligible for other COVID-19 related business support. • Do not receive working age benefit payments • Trade as self-employed, not as a limited company or partnership • Taken steps to limit costs and expenditure (including through schemes such as VAT deferral and seeking a mortgage payment holiday) • Do not have access to sufficient savings or other sources of income to meet basic needs
Bounce Back Loans for Small Businesses	Loans for small and medium sized businesses.	Small and medium-sized businesses affected by COVID-19 can apply for a loan of up to £50,000 which will be guaranteed by the UK Government.

Business Interruption Loan Scheme	This temporary Loan Scheme will support small and medium (SME) sized businesses with access to loans, overdrafts, invoice finance and asset finance of up to £5 million for up to 6 years.	<ul style="list-style-type: none"> • Supports loans of up to £5 million available on repayment terms of up to six years. • UK Government will provide lenders with a partial guarantee of 80% on each loan (subject to an overall cap per lender). • No guarantee fee for SMEs to access the scheme – lenders will pay a fee to access the scheme. • Interest and fees paid by UK Government for 12 months – this means no upfront costs and lower initial repayments for SMEs. • For overdrafts and invoice finance facilities, term will be up to three years. • Businesses must be UK based with turnover of no more than £45 million per year. • Businesses must meet the other British Business Bank eligibility criteria
Pivotal Enterprises Resilience Fund	A fund which will provide additional support for vulnerable small and medium sized firms who are vital to the local or national economic foundations of Scotland.	<p>This fund is for businesses that will make an impact on the Scottish economy. This fund will be managed by the Enterprise Agencies.</p> <p>Businesses must be involved in or meet the following conditions:</p> <ul style="list-style-type: none"> • Can drive economic prosperity through wages, employment, exports, supply chain etc. • Be a supplier or potential supplier to NHS or other COVID-19 vital services. • A supplier to other essential businesses. • Can scale up or diversify due to COVID-19 opportunities. • Have a plan to continue to trade in the coming months, taking account of any hibernation or reduced operations as a result of COVID-19. • Can use the grant for working capital to help meet a cash flow gap or can be used to augment other funding from Government and other sources. • Can use the grant to contribute to cashflow items e.g. rent, wages, Directors salaries, heat, light and power, materials, transport, financing costs VAT/HMRC, creditor payment.

Creative, Tourism and Hospitality Enterprises Hardship Fund	Grant funding of up to £25,000 for tourism, creative industries and hospitality sectors.	The fund aims to support companies in tourism, creative industries and hospitality that are experiencing hardship, because they are ineligible for other COVID-19 Government grant support. The focus is to help companies manage cashflow commitments for the next three months and eligible companies can apply for funding up to £25,000.
Future Loans for Innovation	Loan funding of between £125,000 to £5 million.	The Future Fund will issue convertible loans between £125,000 to £5 million to innovative companies which are facing financing difficulties due to the coronavirus outbreak. The scheme will be delivered in partnership with the British Business Bank.
VAT Deferral	Deferral of Valued Added Tax (VAT) payments for 3 months.	For VAT, the deferral will apply from 20 March 2020 until 30 June 2020. All businesses are eligible.
Income Tax Payments Deferral	Deferral of Income Tax Payments for self-employed.	Income Tax payments due by the self-employed on 31 July 2020 under the Self-Assessment system may be deferred until 31 January 2021. Those who are self-employed are eligible.
Statutory Sick Pay (SSP) Relief Package	Allows small and medium-sized businesses and employers to reclaim Statutory Sick Pay (SSP) paid for sickness absence due to COVID-19.	<p>This refund will cover up to 2 weeks' SSP per eligible employee who has been off work because of COVID-19.</p> <p>Employers with fewer than 250 employees will be eligible - the size of an employer will be determined by the number of people they employed as of 28 February 2020.</p> <p>Employers are able to reclaim expenditure for any employee who has claimed SSP as a result of COVID-19.</p>
Support for Water Bills	Suspension of pre-payment charges	Scottish Water has agreed to suspend pre-payment charges for licensed providers for two months, beginning with the April payment. This means providers – who provide water to businesses – can be flexible with their customers at this time.
HMRC Time to Pay Service	Tax relief	Businesses and self-employed people in financial distress, and with outstanding tax liabilities, may be eligible to receive support with their tax affairs.

Scottish Government Wellbeing Fund	£50 million fund across Scotland to support at-risk people affected by Covid-19, including homeless people and those experiencing fuel poverty.	For charities and others who require additional capacity to work with target groups.
Scottish Government Supporting Communities Fund	£40 million fund to support the growth of community efforts at a local level.	Funds for organisations who support people at risk because of age, isolation, carers, homeless people and asylum seekers and signposting people to sources of help, such as applying for benefits.
Scottish Government Third Sector Resilience Fund	£20 million to ensure health and continued viability of third sector organisations	<p>£20 million emergency fund provides grants between £5,000 - £100,000.</p> <p>There will be an additional £5 million available in fully flexible, 0% interest loans starting at £50,000.</p> <p>The fund will be complemented by specialist business advice from Just Enterprise to help grant recipients maximise the impact of the financial support.</p> <ul style="list-style-type: none"> • To be eligible, organisations must be: • a charity, social enterprise or voluntary organisation based in Scotland and/or primarily delivering services/activities in Scottish communities. • already delivering those products or services prior to March 2020. • needing funding to stabilise cashflows directly as a result of the impact of COVID-19, as opposed to pre-existing financial difficulties.

Key Website Pages specific to Covid-19 Business Support:

- UK Government: <https://www.gov.uk/government/publications/guidance-to-employers-and-businesses-about-covid-19>
- Scottish Government: <https://findbusinesssupport.gov.scot/coronavirus-advice>
- Business Gateway National: <https://www.bgateway.com/resources/coronavirus-support>
- Business Gateway Local Offices: <https://www.bgateway.com/local-offices>
- Federation of Small Businesses: COVID-19: Advice and guidance for small businesses and the self-employed
- Scottish Chambers of Commerce: Business Advice & Guidance: Covid-19
- ACAS - The Advisory, Conciliation and Arbitration Service: Advice for employers and employees

DATA LABEL: PUBLIC

APPENDIX 3



COVID-19 EMERGENCY SUPPORT FOR BUSINESS TENANTS **APPLICATION FOR RENT DEFERMENT**

GUIDANCE

1. WEST LOTHIAN COUNCIL'S SUPPORT FOR OUR BUSINESS TENANTS

West Lothian Council understands the serious challenges that many businesses are currently facing as a result of the Covid-19 emergency and in our capacity as a commercial landlord we are committed to supporting our business tenants and the local economy where it is possible for us to do so.

On 26 May 2020, the Council Executive agreed to provide support by offering eligible tenants of our commercial property portfolio the option of deferring rental payments that were due for the period 1 April to 30 June 2020 on the following terms:

- The total amount of the deferred rent cannot exceed £10,000 or 25% of the annual rent.
- The deferred rent must be repaid in full by equal monthly instalments by no later than 31 October 2021.
- The first monthly repayment must be made on 1 October 2020.

2. WHO IS ELIGIBLE TO APPLY FOR A RENT DEFERMENT?

In order to qualify for a rent deferment, you must satisfy all of the following criteria:

- You must have been a council business tenant on or before 23 March 2020.
- Your business must have been required to close due to the COVID-19 emergency or you must be able to demonstrate a significant decline in your trading position.
- You must be able to demonstrate that you have exhausted other means of emergency financial support that is currently available nationally.
- You must not have been in breach of your lease terms as at 23 March 2020.
- You must be a small to medium size enterprise with less than 250 employees and an annual turnover of less than £50 million.

3. HOW TO APPLY

Business tenants wishing to apply for a rent deferral should complete the following application form in full and email the completed form to PropertyManagement@westlothian.gov.uk.

Officers will endeavour to process completed application forms within ten working days.



SECTION 1: TENANT DETAILS

Business Name: _____

Contact Name: _____

Position (e.g. Owner / Director): _____

Contact Telephone No: _____

Contact Email Address: _____

Please provide details here of
your business activities
(e.g. joinery business): _____

What is the legal status of your business?

• Sole Proprietor

☐

• Partnership

☐

• Company

☐

• Non-profit making body

☐

• Other

☐

If Other, please provide details: _____

How many people did your
business employ as at 23 March 2020
(the date upon which the national lockdown was announced)? _____

What was the stated net annual turnover of your business in
Your most recently completed annual accounts? _____

SECTION 2: BUSINESS PREMISES

Please confirm the address of the business premises that you lease from West Lothian Council:

Address: _____

Please confirm what you use
these premises for (e.g. retail
premises, workshop, storage): _____

SECTION 3: IMPACT OF THE COVID-19 EMERGENCY ON YOUR BUSINESS

Was your business required to close as a result of the national lockdown that was announced by the Scottish Government on 23 March 2020?

YES	NO

If yes, please confirm the date upon which your business ceased trading: _____

Were you able to continue trading in an alternative or reduced capacity despite the lockdown (e.g. via online activities)?

YES	NO

If yes, please provide details:

Has your business subsequently reopened?

YES	NO

If yes, please confirm the date it reopened: _____

Please provide details here of how the Covid-19 emergency has impacted upon your business. Your answer should include information on the following:

- Details of how your business has been affected to date.
- A comparison of income generated during the period 1 April 2019 – 30 June 2019 against income generated during the period 1 April 2020 – 30 June 2020.
- Details of any fixed costs that you remain liable for despite any reduction in income.
- A brief summary of your anticipated trading position over the next 18 months, including any projected cashflow difficulties.



SECTION 4: OTHER SOURCES OF FINANCIAL SUPPORT

Have you applied for support to any of the following national emergency business support funds?

- Small Business Grant Fund
- Retail Hospitality and Leisure Grant Fund
- Business Rates Relief Scheme
- VAT Deferment Provision
- Covid-19 Business Interruption Loans

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

If you answered yes to any of the above, please provide details of all the financial support you have received to date through these funds:

If you are self-employed, have you been granted financial support via the Self-Employed Income Support Scheme?

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

If you employ staff, have you been granted financial support via the Covid-19 Job Retention Scheme (Furlough)?

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

Please provide details of any other emergency financial support you have secured that has not already been mentioned:

SECTION 5: RENT DEFERMENT PERIOD

- The Council Executive has agreed that eligible tenants can apply for rent deferrals for any or all of their rent that was due for the period 1 April to 30 June 2020.
- The total amount of the deferred rent cannot exceed £10,000 or 25% of the annual rent.
- The deferred rent must be repaid in full by via equal monthly instalments by no later than 31 October 2021.
- The first repayment must be made on 1 October 2020.

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

- I confirm that I am authorised to make this application on behalf the business named in Section 1 of this form.
- If requested to do so, I agree to provide West Lothian Council with any additional information and/or documentation necessary to validate or support this application.
- I declare that the information provided in this application is true and accurate and I understand that any information that is subsequently shown to be knowingly false or fraudulent will result in this application being rejected and may result in criminal proceedings being taken.
- I understand that any of the information contained in this application form or subsequently obtained in connection with this application may be shared with other service areas within West Lothian Council, with other local authorities and / or other public bodies and that in signing this application form I give consent for that information to be shared.
- West Lothian Council is committed to the prevention and detection of crime. Any information you provide on this application form may be shared with the Police Service of Scotland for the purposes of the prevention or detection of crime, in accordance with the provisions of the Data Protection Act 1998, section 29.

Date: _____

- 56 -



Data Label: Public

APPENDIX 4 – Tenant Non-Residential Property Portfolio (Rent Deferment) Integrated Relevance Assessment Form

1. Details of option	
Policy Title	Tenant Non-Residential Portfolio – Rent Deferments (COVID19)
Service Area	Finance & Property Services
Lead Officer	Paul Kettrick
Other Officers/Partners Involved	Colin Arnott; Scott Hughes; Donald Forrest
Date relevance assessed	11 May 2020

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

<p>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:</p> <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	
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	
<p>Comment:</p> <p>The proposed rent deferment will be available to all persons who lease commercial property from the council and who's business is eligible based on COVID19 requirements to close or has been demonstrably affected by the pandemic. The support is available based on business criteria not on Age, Disability, Gender reassignment, Marriage or civil partnership status, pregnancy and maternity, race or other equalities consideration.</p>	

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	N/A
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	N/A
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	N/A
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	N/A
Socio-economic Background – social class i.e. parents education, employment and income	N/A

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

6. Decision rationale If you have ticked no above, use this section to evidence why a full IIA is not required
The relevance assessment has been undertaken to highlight potential areas of impact, which given that the proposals are to defer commercial property rents for businesses who lease from the council and criteria is based on impact of COVID19 there are no integrated impacts identified that would require a full assessment

Signed by Lead Officer	Paul Kettrick
Designation	Corporate Estates Manager
Date	11 May 2020
Counter Signature (Head of Service or Depute Chief Executive responsible for the policy)	
Date	



Privacy Notice: Corporate Property Management

Information held about you

Property Management & Development will hold the following personal information about any tenants that submits a completed Covid-19 assistance questionnaire.

- Details about you; Name, Address, Postcode, Phone number, email address.
- Accounts and information relating to your business submitted as answers to the questions contained in the questionnaire.

Who is processing my information?

All personal information is held and processed by West Lothian Council, in accordance with data protection law.

How will we use information we hold about you?

Personal information held by West Lothian Council on members of the public that have a corporate lease in place will be used for the correct management and billing of the corporate property in line the signed Tenancy agreement and Local Government Scotland Act 1994.

Who we will share your information with?

We will only share information with another organisation where it is necessary, either to comply with a legal obligation or to fulfil its landlord duties. For example billing information will be shared with (C Series BottomLine) for the processing of BACS payments and Direct Debts.

How long do we keep your records?

The council will only keep your information for as long as necessary but no longer than for the duration of the tenancy plus 20 years. External service providers will be under obligation to destroy all record of personal information at the end of any works to which those records relate.

Your rights

You have a number of rights under data protection law, including the right to request your information and to request that the information be amended or, in some circumstances, erased if incorrect.

To request a copy of your records, please contact us at:

Email: dpo@westlothian.gov.uk

Address: Data Protection Officer, West Lothian Civic Centre, Howden South Rd, Livingston EH54 6FF

You also have a right to make a complaint about our handling of your personal information to:

The Information Commissioner's Office (<https://ico.org.uk/>)

Data Label: Public

APPENDIX 5 – DATA PROTECTION IMPACT SCREENING ASSESSMENT

Service:	Property Management	
Project Name:	Tenanted Non-Residential Property Portfolio – COVID19 Support	
Description of Project:	Applications will be processed for tenants applying for rent deferments due to impact of COVID19.	
Contact Details:	Colin Arnott, Group Property Surveyor Ext: 283827	
Please state if this is a new project/ process/ system/arrangement or a change or upgrade to an existing system?		New Process / Projects
Yes	No	Question
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will the project process personal data about people on a large scale (see definition below)?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will the project involve the collection of new information about individuals?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will the information collected about individuals be used for a different purpose than it is currently use for?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will the project use profiling or automated decision making to make decisions about people?
<input type="checkbox"/>	<input type="checkbox"/>	Will the project process any of the following types of special category (sensitive) data:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Criminal offence/convictions;
<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Religion or beliefs;
<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Race or ethnic origin;
<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Political opinions;
<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Trade-union membership;
<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Biometric or genetics;
<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Health;
<input type="checkbox"/>	<input checked="" type="checkbox"/>	• Sex life;
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will the project monitor a publicly accessible place?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will the project process personal data about people and involve new technologies?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will the project combine, compare or match personal data from multiple sources?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will the project process personal data without providing a privacy notice directly to the individual?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will the project process personal data in a way which involves tracking individuals' online or offline location or behaviour?
<input type="checkbox"/>	<input type="checkbox"/>	Will the project process children's personal data for:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	• profiling or automated decision-making;

Yes	No	Question
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> for marketing purposes;
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> offering online services directly to them.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will the project process personal data which could result in a risk of physical harm in the event of a security breach?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will the project process data concerning vulnerable people?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will the project result in you making decisions or taking action against individuals in ways which could have a significant impact on them?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will the processing of personal data prevent people from exercising their rights or using a service or contract?

As a number of the foregoing questions were “yes” responses a full Data Protection Impact Assessment is required.

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

LOCAL POLICE PLAN 2020-2023

REPORT BY HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES

A. PURPOSE OF REPORT

To inform Council Executive of the Draft Local Police Plan for the period 2020-2023 for West Lothian.

B. RECOMMENDATION

Council Executive

1. To note the request from the Council to include the amendments to the Plan in respect of the following priorities - Protecting the most vulnerable people; Reducing violence & anti social behaviour; and Tackling serious and organised crime
2. To approve the Local Police Plan 2020-2023 subject to the inclusions as outlined in point 1.
3. To inform Police Scotland of the Council's recommendation.

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 Providing equality of opportunity
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The Police and Fire Reform (Scotland) Act 2012
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	Police Scotland Strategic Performance Indicators

V	Relevance to Single Outcome Agreement	This report will have a positive impact on the following SOA indicators; SOA10 – We live in well designed, sustainable places where we are able to access the services we need SOA11 – We have strong resilient and supportive communities, where people take responsibility for their actions and how they affect
VI	Resources - (Financial, Staffing and Property)	None
VII	Consideration at PDSP	Report and Draft Plan circulated to panel members for information and comment
VIII	Other consultations	None.

D. TERMS OF REPORT

D.1 Background

Section 47 of the Police & Fire Reform (Scotland) Act 2012 specifies a framework to be developed in the form of a Local Police Plan that requires to be approved by the respective Local Authority. The Act recognises that policing alone cannot achieve this objective and places a responsibility on a collaborative approach with communities, key planning partners and the wider voluntary sector to improve safety and wellbeing.

D.2 Draft Local Police Plan 2020-2023

During November and December 2019, a nationwide public survey on the policing issues concerning people, businesses and other organisations in local communities was undertaken. Results were broken down to local authority areas, which has allowed local communities to influence local policing priorities. These priorities sit within the framework set by Police Scotland's National Policing Priorities.

The draft Local Police Plan 2020-2023 (Appendix 1) aims to set out Police Scotland's objectives to tackle the priorities for the Lothian and Scottish Borders Division. The format of the plan is set out to demonstrate generic policing approach whilst putting context to the local activity for each local authority within the Division (pages 9-13). The plan is a "living document" and will be amended in line with the merging trends and issues at national, regional and local levels.

There are five key priorities in the draft plan:-

- Protecting the most vulnerable people
- Reducing violence and antisocial behaviour
- Reducing acquisitive crime
- Improving Road Safety
- Tackling serious and organised crime

For each priority there is a high-level overview of the key actions Police Scotland will undertake across the Lothian and Scottish Borders Division, alongside more specific activities and initiatives that will be undertaken within each local authority area. However, there are amendments to the plan that the Council is requesting Police Scotland make.

- **Protecting the most vulnerable people (Page 9)**

The initiative known as the Herbert Protocol, which is a new information gathering tool, which aims to assist Police to find a person living with dementia, who goes missing, as quickly as possible. It is noted this initiative is being progressed in East Lothian and Mid Lothian local authorities. West Lothian Council requests that the Herbert Protocol activity is considered and taken forward in West Lothian during the life time of this plan.

- **Reducing Violence & Anti Social Behaviour (Page 10)**

West Lothian Council is asking that there is a stronger reference within the plan to the longstanding partnership arrangement between Police Scotland and West Lothian Council's Safer Neighbourhood Team as part of the Community Safety Unit in West Lothian.

- **Tackling serious and organised crime (Page 13)**

The serious issue of illegal drug cultivation and drug use is noted to be a priority across J Division. West Lothian Council is asking that there is a consistent approach across the Lothian and Scottish Borders division. Therefore the Council asks that the activity identification of vulnerable person being exploited by organised criminals is referenced and also the extent of the close partnership working in respect of tackling serious and organised crime is emphasised in this section of the plan.

E. CONCLUSION

The draft Local Police Plan 2020-2023 aligns with the Council's Corporate Plan and Community Safety Plan 2019-2022 and the agreed Community Planning Partnership priorities and themes; which are evidence based, written in collaboration with all community safety partners, linking with communities and the third sector. The amendments would further enhance the plan and consistency in approach across Lothian and Scottish Borders J Division

F. BACKGROUND REFERENCES

Previous West Lothian response to the Police Scotland Strategy Consultation.

Appendices/Attachments:

Appendix 1- Draft Policing Plan 2020-2023

Contact Person: Alison Smith;
Housing Management & Community Safety Manager,
Housing, Customer and Building Services.
Tel: 01506 281367
Alison.Smith@westlothian.gcsx.gov.uk

AnnMarie Carr
Head of Housing, Customer and Building Services

Date of meeting: 26th May 2020

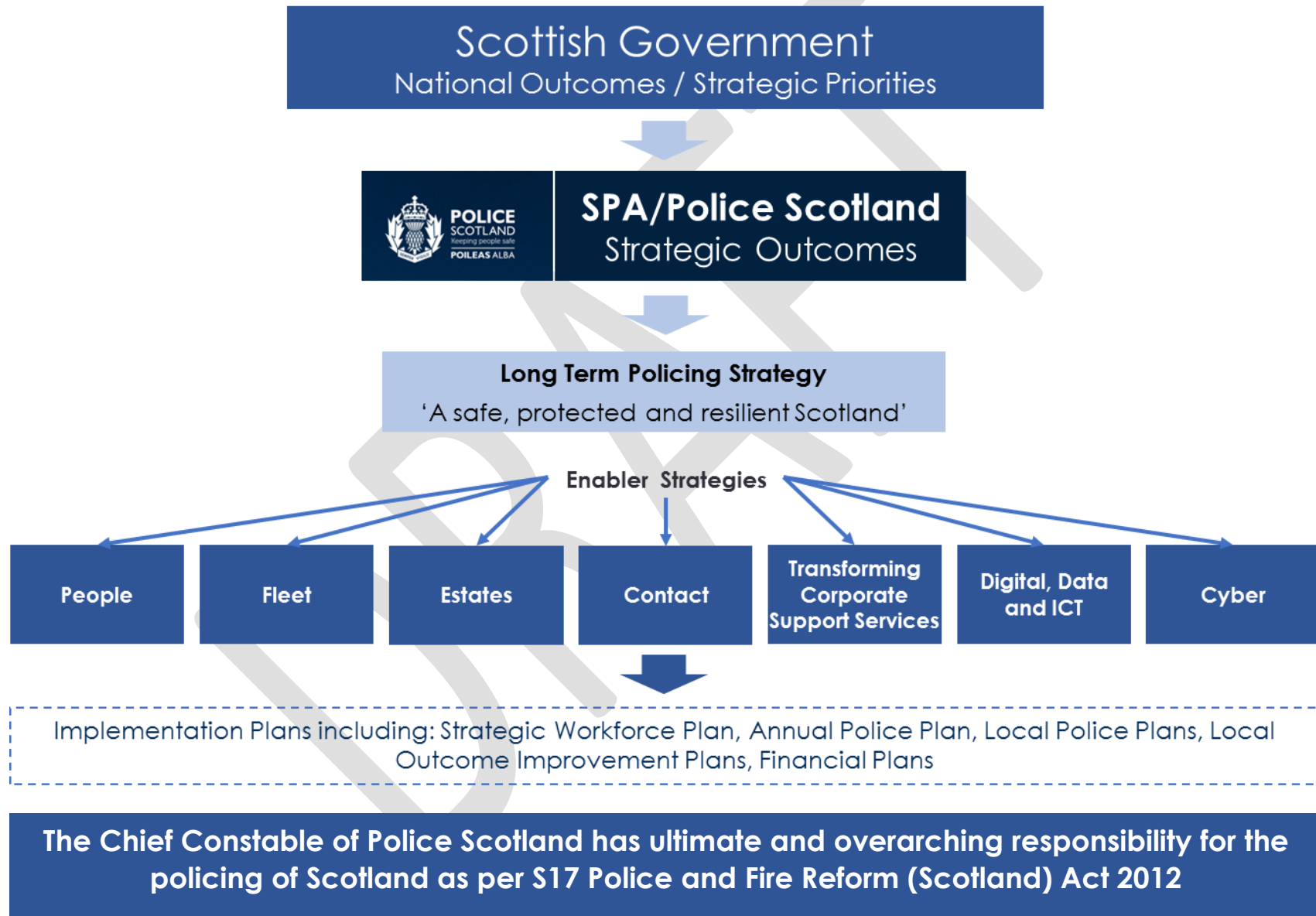
Local Police Plan 2020 - 23



Our commitment to the safety and wellbeing of the people and communities of the Lothians and Scottish Borders

The Lothians and Scottish Borders

Planning framework



Contents Page

<i>Foreword</i>	<i>3</i>
<i>The Lothians & Scottish Borders Divisional Context</i>	<i>4</i>
<i>How we Identified the Police Plan Priorities</i>	<i>6</i>
<i>Policing on a Page: The Lothians & Scottish Borders</i>	<i>8</i>
<i>Priority: Protecting the Most Vulnerable People</i>	<i>9</i>
<i>Priority: Reducing Violence & Anti-Social Behaviour</i>	<i>10</i>
<i>Priority: Reducing Acquisitive Crime</i>	<i>11</i>
<i>Priority: Improving Road Safety</i>	<i>12</i>
<i>Priority: Tackling Serious & Organised Crime</i>	<i>13</i>
<i>Performance and Accountability</i>	<i>14</i>
<i>Equality, Diversity and Ethics</i>	<i>15</i>
<i>Local Contact Details</i>	<i>16</i>

Foreword

As Divisional Commander, I am pleased to present the 2020 - 2023 Local Police Plan for the Lothians & Scottish Borders Policing Division.

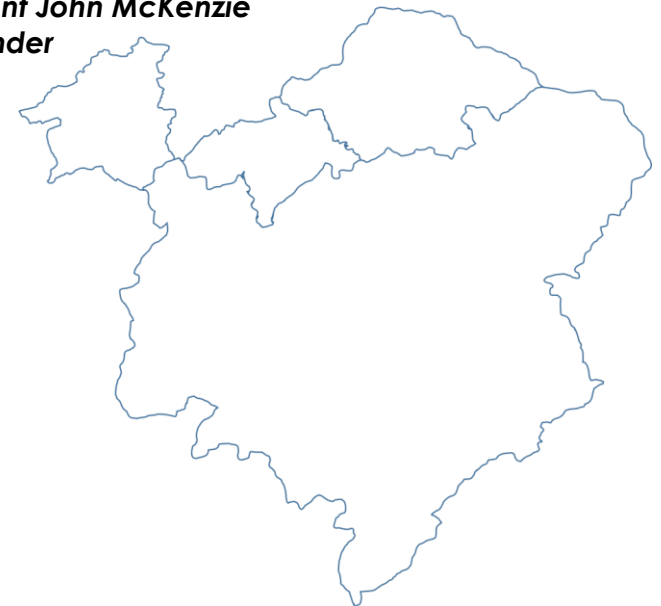
The Police and Fire Reform (Scotland) Act 2012 sets out the statutory framework for Police Scotland, with the mission of policing being to improve the safety and well-being of persons, localities and communities in Scotland. The Act recognises that policing alone cannot achieve this objective and places a responsibility on a collaborative approach with communities, key planning partners and the wider voluntary sector to improve safety and wellbeing.

Through the lens of collaboration, the Local Police Plan aims to outline priorities shaped through engagement with individuals, communities, and partners across the Division's four local authority areas as well as taking cognisance of both national and local strategic analysis. This ensures that the divisional policing team work collectively to address current and emerging trends with the aim to reduce crime through a preventative and collaborative model of policing.

In pursuit of this aim, the shared outcomes documented within Local Outcome Improvement Plans (LOIPs), as per the requirement under the terms of the Community Empowerment (Scotland) Act 2015, are reflected in this document and outline our commitment to a collaborative approach with communities, partners and stakeholders.

Police Scotland and by extension the policing team of the Lothians and Scottish Borders is committed to providing the highest possible service to East Lothian, Midlothian, Scottish Borders and West Lothian by ensuring local teams, supported by national resource, work to meet the locally identified priorities of our communities. This plan covers the period 2020 – 2023, however it remains a 'live document' and will be subject to review, ensuring the plan is updated to reflect the changing needs of local communities.

Chief Superintendent John McKenzie
Divisional Commander



The Lothians & Scottish Borders Divisional Context

The Lothians & Scottish Borders Division serves around 462,080 people over 2,393 square miles, stretching from Blackridge in West Lothian to Newcastleton in the Scottish Borders, as well as many other towns and villages, located across a diverse mix of urban and rural landscapes.

Your Division

- **2,393mi²**
- **4 Local Authorities**
- **462,080 Residents**
- **904 Police Officers**
- **69 Police Staff**
- **35 Special Constables**

The Division has four territorial command areas aligned to their respective local authorities, namely East Lothian, Midlothian, Scottish Borders and West Lothian. Each area has a dedicated Local Area Commander who is responsible for daily operational policing functions. Each area command is served by community policing teams whose activities are built around the needs of the local community. They are responsible for responding to local incidents and working with partners to develop sustainable preventative solutions to key issues.

Some of the local authorities within the division are amongst the fastest growing in Scotland, a trend that is predicted to continue, with the overall population set to significantly increase by 2035. The number of households is projected to increase by up to 30% in some areas, a figure significantly higher than the

national average of 23%. The predicted increases in population and housing will add to the demands placed on public services across the Lothians & Scottish Borders Division.

The face of policing in Scotland will respond to the new challenges brought about by changing demographics. An example of this challenge is illustrated through the growth of cyber enabled crime and the disproportionate impact on vulnerable persons.

While there are areas of growth and prosperity, it should be noted that significant disparities still exist in some parts of the Division, for example, in some locations up to 13% of the population experience income deprivation. Current research suggests that people affected by social inequality are more likely to have poorer physical and mental health. Police Scotland and partners will therefore continue to work collaboratively to tackle inequalities as part of our focus on improving the wellbeing of people, localities and communities.

It is also recognised that the mission of policing has evolved, resulting in a far wider range of activities undertaken by members of the divisional policing team. This includes the continual growth of incidents relating to missing persons, mental health and concerns associated with vulnerability.

With finite resource, which we continually align to the evolving needs and expectations of our communities, we must work creatively with partners in the spirit engendered by the Community Empowerment (Scotland) Act 2015 to ensure our communities across the Lothians & Scottish Borders Division receive the service they need and deserve.

- HEALTH AND WELLBEING
- ECONOMIC
- SAFER COMMUNITIES
- ENVIRONMENT

2026 Projected Population:

191,979
6.6% growth

In WEST **LOTHIAN**

LOIP: West Lothian Community Planning Partnership Themes

2026 Projected Population:

113,048
8.6% growth

In EAST **LOTHIAN**

LOIP: East Lothian Plan Themes

Meeting Date: 26 May 2020
Agenda Item 8

- PROGRESS
- FAIR
- COMMUNITY MINDED

THE LOTHIANS & SCOTTISH BORDERS

LOIP: Single Midlothian Plan Themes

- GETTING IT RIGHT FOR EVERY MIDLOTHIAN CHILD
- IMPROVING OPPORTUNITIES
- COMMUNITY SAFETY
- SUSTAINABLE GROWTH
- ADULT HEALTH AND CARE

In MID **LOTHIAN**

2026 Projected Population:

100,410
13.3% growth

In **SCOTTISH BORDERS**

2026 Projected Population:

116,777
2.0% growth

LOIP: Scottish Borders Community Plan Themes

- OUR ECONOMY, SKILLS AND LEARNING
- OUR HEALTH, CARE AND WELLBEING
- OUR QUALITY OF LIFE
- OUR PLACE

How we identified the Local Police Plan priorities

The Lothians & Scottish Borders Policing Division aims to deliver on its purpose of:

‘Working in partnership for the safety and wellbeing of communities in the Lothians & Scottish Borders’

In pursuit of our purpose, the voice of communities, elected representatives, key planning partners and wider voluntary sector is essential to understand the policing needs of the Lothians & Scottish Borders.

During November and December 2019, a nationwide public survey on the policing issues concerning people, businesses and other organisations in local communities was undertaken. Results were broken down to local authority areas, which has allowed local communities to influence local policing priorities. These priorities sit within the framework set by Police Scotland's National Policing Priorities, namely:

- **Protecting vulnerable people:** Supporting people considered vulnerable and working with partners to reduce harm.

- **Tackling crime in the digital age:** Building capacity and capability to address the threat from online and cyber related crime.
- **Working with communities:** Engaging with key stakeholders, public and communities to understand needs, build resilience and deliver a collaborative approach.
- **Support for operational policing:** Delivering change that enables our people to deliver an effective and sustainable service.

As well as the on-line survey, face-to-face engagement was undertaken during our regular cycles of community meetings, including interaction with community councils, elected members, local businesses, local schools, local authorities, statutory and third sector partners. The aim was to ensure a wide-ranging and diverse demographic had the opportunity to engage and represent the voice of the local community.

The Lothians & Scottish Borders received the largest number of public responses of any policing division in Scotland which evidences the strong relationship we have with our communities and the success of the engagement process.

In addition to the public consultation, which identified the needs and priorities of communities across the Lothians & Scottish Borders, further assessment and analysis has been considered to inform this Local Police Plan.

This included:

- The Joint Strategy for Policing (2020), *Policing for a safe, resilient and protected Scotland*
- Lothians & Scottish Borders Strategic Assessment (2020/23)
- Local Outcome Improvement Plans
- Locality Improvement Plans

It is of note that the concerns raised by communities across East Lothian, Midlothian, Scottish Borders and West Lothian were similar in nature resulting in a consistent set of priorities across the four local authority areas. The Local Police Plan for the Lothians & Scottish Borders has identified the following five key priorities:

- 1. Protecting the most vulnerable people.**
- 2. Reducing violence & anti-social behaviour.**
- 3. Reducing acquisitive crime.**
- 4. Improving road safety.**
- 5. Tackling serious & organised crime.**

Although consistent priorities have been identified, this does not automatically equate to the same policing response and activity being adopted in each local area.

Pages 9 to 13 will highlight both the divisional and local policing activity planned in pursuance of each Local Policing Priority, whilst aligning them to the [Scottish Government Strategic Policing Priorities](#) and [Police Scotland's Strategic Outcomes](#).

The content marked as 'Divisional Activity', shows the consistent action taken across all local policing areas, whilst the local policing sections demonstrate bespoke actions relevant to the specific local authority areas. This approach represents localism, whilst promoting both internal and external discussion with regards to how different areas may be tackling similar problems, thus allowing for the sharing of best practice and learning.

It is important to recognise that this plan is a 'living document' and will be amended in line with the merging trends and issues at national, regional and local levels.

Finally, Police Scotland's overarching strategic outcomes are inclusive of your local policing priorities, which describe the difference we aim to make in the lives of people across Scotland. This helps us to show how we will make a positive impact through what we are doing across the Lothians and Scottish Borders.



Plan on a Page: The Lothians and Scottish Borders

Your local policing priorities

Protecting the most vulnerable people

Reducing violence & anti-social behaviour

Reducing acquisitive crime

Improving road safety

Tackling serious & organised crime

Our vision

Policing for a safe, protected and resilient Scotland

Our purpose

Working in partnership for the safety and wellbeing of communities in the Lothians & Scottish Borders

Our values

Fairness, Integrity, Respect, Human Rights

Police Scotland Strategic outcomes

Threats to public safety and wellbeing are resolved by a proactive and responsive police service

The needs of local communities are addressed through effective service delivery

Public, communities and partners are engaged, involved and have confidence in policing

Our people are supported through a positive working environment, enabling them to serve the public

Police Scotland is sustainable, adaptable and prepared for future challenges

Across THE LoTHIANS AND SCOTTISH BORDERS we will:

- Protect people considered vulnerable and prevent all forms of abuse, neglect and exploitation including domestic abuse, child sexual abuse and exploitation, rape and sexual crime, human trafficking and online abuse;
- Implement the Violence Against Women and Girls Prevention Model across the four local authority areas;
- Implement the National Missing Persons Framework for Scotland across the four local authority areas, with a particular focus on maximising the safety of children missing from local authority care;
- Proactively identify and target offenders utilising an intelligence-led approach to prevent offending, including bail checks and execution of warrants relating to violent and domestic abuse offenders;
- Develop partnership approaches, including third party reporting systems, to engage and involve our vulnerable communities to ensure they have the confidence to report incidents of harm and abuse.

In EAST LoTHIAN:

- Work with partners to ensure the 'Herbert Protocol' is implemented across East Lothian.
- Work with Mid and East Lothian Drug and Alcohol Partnership (MELDAP) and other partners to educate young people about substance abuse.
- Promote and deliver 'Bystander Training' to prevent offences of a sexual nature and hate crimes.

In MID LoTHIAN:

- Work with partners to ensure the 'Herbert Protocol' is implemented across Midlothian.
- Work with Mid and East Lothian Drug and Alcohol Partnership (MELDAP) and other partners to educate young people about substance abuse.
- Support 'Choices for Life' programme engaging with children to educate young people on online safety and dealing with peer pressure.

In the SCOTTISH BORDERS:

- With partners, deliver a 'Safe Space' pilot to provide safety for those in distress, whether through a mental health crisis or intoxication.
- Continue to work with Scottish Borders Alcohol and Drug Partnership to ensure effective and appropriate prescribing practices.
- Deliver, in partnership with the Scottish Government, NHS, SAS, Penumbra and Support in Mind, Distress Brief Intervention (DBI), which provides problem solving contact with an individual in distress.

In WEST LoTHIAN:

- With partners, deliver a 'Safe Space' pilot to provide safety for those in distress, whether through a mental health crisis or intoxication.
- Continue to promote the 'Keep Safe' initiative by training staff within local businesses and local authority and to make their premises safe venues and refuges for people who have been victims of crime or find themselves in distress.
- Promote and deliver 'Bystander Training' to prevent offences of a sexual nature and hate crimes.

Partnership Themes:

Community Minded and Fair

Single Midlothian Plan Themes:

Community Safety, Getting It Right for Every Midlothian Child and Adult Health and Care

Community Plan Theme:

Our Quality of Life

Community Planning Partnership Theme:

Safer Communities

Priority: Reducing violence & anti-social behaviour

Across THE LoTHIANS AND SCOTTISH BORDERS we will:

- Work collaboratively to identify and target violent offenders, utilising all appropriate tactical options to prevent offending, including pro-active bail checks and executing warrants relating to violent offenders;
- Engage, support and work with partners and community groups to increase awareness regarding the impact of violence and antisocial behaviour;
- Through a partnership approach, understand the relationship between violence and alcohol in both private and domestic environments to ultimately implement plans to reduce alcohol related criminality;
- Collaborate with NHS Lothian and NHS Borders to capture under reporting of violence and explore preventative approaches such as the 'Navigator' programme;
- Work closely with licensed premises to develop night time economy plans and promote participation in 'Best Bar None'.

In EAST LoTHIAN:

- Targeted use of the funded East Lothian Community Action Team to hotspot areas, as identified through partnership meetings and analysis of information.
- Promote preventative programmes in schools including 'No Knives, Better Lives' and 'Fearless'.
- Promote Pub Watch schemes to enhance the current footprint across East Lothian.
- Continue to work with partners using Anti-Social Behaviour Orders (ASBOs) and Parental Advisory Letters (PAL).

In MID LoTHIAN:

- Targeted use of the funded Midlothian Community Action Teams to hotspot areas, as identified through partnership meetings and analysis of information.
- Promote preventative programmes in schools including 'No Knives, Better Lives' and 'Fearless'.
- Introduce the 'Junior Cop' programme within schools building positive relationships with children.

In the SCOTTISH BORDERS:

- Targeted use of the funded Scottish Borders Community Action Teams to hotspot areas, as identified through partnership meetings and analysis of information.
- Support Live Borders in the delivery of 'Borders Blue Zone' with the aim of providing youths with health beneficial and peer engagement activities.
- Work with Scottish Borders Council Anti-Social Behaviour Unit to identify those involved in ASB and work collaboratively to implement preventative measures.

In WEST LoTHIAN:

- Work with partners to minimise disorder associated with seasonal activities, e.g. bonfire/fireworks season.
- Use of funded school campus officers to promote preventative programmes within schools.
- Work with West Lothian council youth justice social work, EEI, and West Lothian youth action project to implement a multi-agency approach to identify individuals involved in ASB with the aim of providing focused preventative activity.

Partnership Themes:

Community Minded and Fair

Single Midlothian Plan Theme:

Community Safety

Community Plan Themes:

Our Quality of Life and Our Place

Community Planning Partnership Theme:

Safer Communities

Priority: Reducing acquisitive crime

Across THE LoTHIANS AND SCOTTISH BORDERS we will:

- Focus on domestic housebreaking and consider appropriate tactical options with regards to prevention, intelligence and enforcement;
- Collaborate with partners, communities and wide-ranging media outlets to raise awareness of current crime trends and effective prevention tactics;
- Enhance intelligence, utilise national specialist resources and work closely with neighbouring police forces to identify emerging acquisitive crime patterns to identify and target prolific offenders;
- Ensure best practice is shared and utilised to prevent and investigate domestic housebreaking, doorstep crime, cyber enabled crime and other acquisitive crime;
- Work in partnership to support victims of domestic housebreaking, doorstep crime, cyber enabled crime and other acquisitive crime;
- Work in partnership with the Scottish Partnership Against Rural Crime (SPARC) to tackle all forms of rural crime;
- Use of Police Scotland Youth Volunteers to deliver crime prevention packs/literature/advice to areas/groups being targeted by those committing acquisitive crime.

In EAST LoTHIAN:

- Identify and engage with repeat offenders through East Lothian based projects to reduce reoffending such as the 'Transform' and 'Connect' programmes.
- Continue to promote 'Neighbourhood Watch', 'Rural Watch' and associated public alert systems.
- Continue to support 'secured by design' initiative, encouraging developers and architects to work alongside our 'designing out crime' officers to create sustainable and safe places to live.

In MID LoTHIAN:

- With partners, explore options for diversionary programmes for recidivist offenders.
- Continue to promote 'Neighbourhood Watch', 'Rural Watch' and associated public alert systems.
- Promote and continue "Shut out Scammers" initiative across Midlothian.

In the SCOTTISH BORDERS:

- Through the acquisitive crime board, understand and tackle the prevalence of cross-border offenders.
- Promote and increase subscribers to the 'SB Alert System', raise awareness and inform borders residents of ongoing acquisitive crimes.
- In partnership with Scottish Borders Council support vulnerable victims of bogus caller crime through the provision of follow up visits and phone call blockers.

In WEST LoTHIAN:

- Promote the awareness of theft of private and commercial vehicles through briefings, media, local engagement and regular tasking of crime car and specialist resources.
- Continue to work with relevant partners within the financial harm group in a joint approach to educate the public in raising awareness of bogus workmen, rogue traders and cybercrime.
- Work in collaboration with roads policing, partner agencies and specialist divisions to provide a multi-agency approach to metal theft.

Partnership Themes:

Community Minded and Prosperous

Single Midlothian Plan Themes:

Community Safety and Sustainable Growth

Community Plan Themes:

Our Quality of Life and Our Place

Community Planning Partnership Theme:

Safer Communities

Priority: Improving road safety

Across THE LoTHIANS AND SCOTTISH BORDERS we will:

- Collaborate with partners on the engineering of the roads through our communities, particularly to identify prominent crash locations and support improvements in road safety;
- Work with communities to detect those who disregard road traffic legislation and endanger the safety of others;
- Support the partnership driver education programmes which raise awareness of associated risks and support good driving behaviour, particularly for young people;
- Raise awareness across our communities of the potentially fatal consequences of inappropriate speeding, not wearing a seat belt, driving under the influence of drink or drugs and using a mobile phone while driving.

In EAST LoTHIAN:

- Continue to deliver road safety inputs to nursery to P5 children in all our schools and support the annual 'Tomorrow's Drivers' event in Musselburgh aimed at high school pupils learning to drive or newly passed their test'.
- Work with partners to assist with the development of a strategy for severe weather issues, particularly wind, on the A1.
- Undertake speeding initiatives to support community concerns in relation to road safety.

In MID LoTHIAN:

- Deliver education through the introduction of 'Tomorrow's Drivers' and continuation of 'Young Drivers' programmes.
- Continue 'Close Pass' initiative targeting and educating motorists and cyclists due to increased use on roads.
- Undertake speeding initiatives to support community concerns in relation to road safety.

In the SCOTTISH BORDERS:

- Work in partnership with the 'Drivewise' programme to improve driving standards in key vulnerable groups.
- Work with partners to assist develop a strategy for severe weather issues, particularly wind, on the A1.
- Through licensing partners, media messaging and enforcement, target disproportionate number of drink-drivers in the Scottish Borders.
- Engage with motorcycle organisations to promote road safety.

In WEST LoTHIAN:

- Continue to deliver 'Westdrive', educating young drivers.
- Through multi-agency partnership checks, target road safety and criminal use of the road network by utilising speeding initiatives, school awareness campaigns and intelligence led road checks.
- Undertake speeding initiatives to support community concerns in relation to road safety.

Partnership Theme:
Community Minded

Single Midlothian Plan Theme:
Community Safety

Community Plan Theme:
Our Quality of Life

Community Planning Partnership Theme:
Safer Communities

Priority: Tackling serious & organised crime

Across THE LoTHIANS AND SCOTTISH BORDERS we will:

- Work in partnership (schools, colleges, prisons) to divert people/local communities from becoming involved in serious and organised crime and using its products (drugs, counterfeit goods, etc);
- Work with partners and effectively use social media to educate people about human trafficking, its impacts and how it can manifest in our communities through provision of cheap goods, services and labour;
- Enhance intelligence-led approach to identify, detect and prosecute those involved in serious organised crime, including online, 'cuckooing' and 'county lines';
- Improve information sharing and use of legislation to maximise disruption of serious organised crime groups;
- Target those involved in the production, cultivation and supply of illegal drugs.

In EAST LoTHIAN:

- Continue to identify vulnerable persons exploited by organised-criminals making use of cuckooing and county lines and utilising legislation and enforcement to detect offenders.
- Tackle rural crimes commonly associated with organised crime groups, such as hare coursing, fly tipping, rural theft, off-road bikes and poaching through the East Lothian Partnership Against Rural Crime.
- Continue to work closely with partner agencies to identify and protect vulnerable and exploited workers from organised crime groups, ensuring all legislative opportunities are explored.

In MID LoTHIAN:

- Continue to identify vulnerable persons exploited by organised-criminals making use of cuckooing and county lines and utilising legislation and enforcement to detect offenders.
- Tackle rural crimes commonly associated with organised crime groups, such as hare coursing, fly tipping, rural theft, off-road bikes and poaching through the Midlothian Partnership Against Rural Crime.
- Continue to work closely with partner agencies to identify and protect vulnerable and exploited workers from organised crime groups, ensuring all legislative opportunities are explored.

In the SCOTTISH BORDERS:

- Deliver cuckooing and county lines awareness sessions to partner agencies, to educate, and encourage information sharing.
- Increase intelligence gathering through direct links to neighbouring force's (Cumbria/Northumbria) partnership boards and to target those committing crime in the Scottish Borders.
- Continue to work closely with partner agencies to identify and protect vulnerable and exploited workers from organised crime groups, ensuring all legislative opportunities are explored.

In WEST LoTHIAN:

- Work in partnership with HMP Addiewell, to reduce reoffending on release from custody.
- Use funded school campus officers to deliver 'Divert' inputs to identified school groups.
- Work closely with partner agencies to identify and protect vulnerable and exploited workers and utilise legislation to prevent offenders establishing businesses offering cheap goods/services.

Partnership Themes:

Community Minded and Fair

Single Midlothian Plan Themes:

Community Safety, Sustainable Growth, Getting It Right for Every Midlothian Child, Adult Health and Care

Community Plan Themes:

Our Quality of Life and Our Health, Care and Wellbeing

Community Planning Partnership Themes:

Safer Communities and Health and Wellbeing

Performance and Accountability

The Police Scotland Performance Framework links to both local and national police plans, enabling monitoring and measurement of progress on our priorities for policing and strategic outcomes.

Key to delivering excellence in service provision is working collaboratively to support Community Planning Partnerships and upholding the principles of the Community Empowerment (Scotland) Act 2015.

Our Local Police Plan reflect the priorities that local communities, businesses and organisations have told us matter most to them. We will continue to work with our communities and partners to listen to concerns and ensure we respond effectively to emerging issues.

An overview of local and divisional performance against our strategic outcomes and local priorities is provided by the Divisional Commander and Local Area Commanders at the relevant Scrutiny Board meetings as per the terms of Section 45 of the Police and Fire Reform (Scotland) Act 2012.

Local Area Commanders regularly liaise with and provide updates to the community and elected representatives at various fora and, to complement this, Community Policing Officers provide local policing ward updates to community councils and residents' groups.

East Lothian:

- Police, Fire and Community Safety Scrutiny Committee (twice yearly)

Midlothian:

- Police and Fire & Rescue Board (quarterly)

Scottish Borders:

- Police, Fire & Rescue and Safer Communities Board (quarterly)

West Lothian:

- Policy Development and Scrutiny Panel (quarterly)

Equality, Diversity and Ethics

Our work is underpinned by our commitment to equality and diversity, both in our dealings with the public we serve and our own staff. We promote the core policing values of human rights, integrity, fairness, and respect within our organisation and the communities we police.

We recognise that effective consent-based policing must reflect the needs and expectations of the individuals and local communities we serve.

Our aim is to ensure that our service is fair, consistent and transparent and that we focus on our key objective of protecting the most vulnerable in our society.

The Code of Ethics for policing in Scotland sets out the standards of behaviour expected of all staff. It encapsulates Police Scotland's core values and statutory obligations under the Police and Fire Reform (Scotland) Act 2012. The Code sets out both what the public can expect from us and what we should expect from each other.

The [Scottish Police Authority \(SPA\) Equality Outcomes \(2017/21\)](#) sets out their commitment to not only comply with equality legislation, but to ensure that the implementation of their equality actions positively contributes to a fairer society through advancing equality and good relations in all that we do.

Dial 999 for an emergency that requires urgent police attention.

For non-emergencies contact the 24-hour non-emergency contact centre on 101.

If you have information about a crime in your area and wish to provide it anonymously, call Crimestoppers charity on 0800 555 111 or visit <https://crimestoppers-uk.org>.

If you have any concerns or issues you wish to discuss, you can contact your local Community Policing Team by phoning 101.

For more detailed information about your local community policing team and other services that Police Scotland provides, please refer to the force website at www.scotland.police.uk

If you would like this information in an alternative format or language, please phone us on 101 to discuss your needs.

Service users who are deaf or have a hearing impairment can contact Police Scotland via Next Generation Text (NGT) on 18001, 101 for non-emergency, or 18000 in an emergency. Further contact details are shown on page 15.

We are here to help.

Local Contact Details

East Lothian

Haddington Police Station
39-41 Court Street
Haddington
EH41 3AE

Midlothian

Divisional Headquarters
Dalkeith Police Station
Newbattle Road
Dalkeith
EH22 3AX

West Lothian

Livingston Police Station
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

Scottish Borders

Galashiels Police Station
3-4 Bridge Street
Galashiels
TD1 1SP

You can also follow us on the following social media sites:



<https://twitter.com/LothBordPolice>



<https://twitter.com/EastLothPolice>



<https://twitter.com/MidLothPolice>



<https://twitter.com/WestLothPolice>



<https://twitter.com/BordersPolice>



<https://www.facebook.com/LothiansScottishBordersPoliceDivision>



<https://www.facebook.com/East-Lothian-Police/>



<https://www.facebook.com/Midlothian-Police/>



<https://www.facebook.com/scottishborderspolice/>



<https://www.facebook.com/westlothianpolice/>

DATA LABEL: OFFICIAL



COUNCIL EXECUTIVE

PROCUREMENT ARRANGEMENTS – DIRECT AWARD TO SVL SOLUTIONS LTD

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

This report seeks Council Executive approval to directly award a contract for the continued provision of support and maintenance of the Customer Service Centres voice recording system, to SVL Solutions Ltd, for a period of 6 months with the option to extend on a monthly basis for a maximum period of 6 months.

B. RECOMMENDATION

It is recommended that the Council Executive approves the direct award of a contract for the continued provision of support and maintenance of the Customer Services Centres voice recording system, to SVL Solutions Ltd, for a period of 6 months with the option to extend on a monthly basis for a maximum period of 6 months. The total value of the contract over the initial 6 month period will not exceed £4,481, with the option to extend on a monthly basis at a cost of £749.00 per month for a maximum period of 6 months.

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)	Direct awards will be made in accordance with Standing Orders of West Lothian Council, The Public Contracts (Scotland) Regulations 2015 and The Procurement (Scotland) Regulations 2016
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance indicators	None
V	Relevance to Single Outcome Agreement	None
VI	Resources – (Financial, Staffing and Property)	The contract extension shall run for a period of 6 months from 1 May 2020 at a cost not exceeding £4,481, with the option to extend on a monthly basis at a cost of £749 per month, for a maximum period of 6 months to 30 April

2020. These costs shall be met by Housing Customer & Building Service budget.

VII	Consideration at PDSP	None
VIII	Other consultations	The Corporate Procurement Manager and Corporate Finance Manager.

D. TERMS OF REPORT

D.1 Background

As West Lothian Council adopt a decisively customer-centred approach for doing business, we have to look to embrace numerous methods to provide customers with better service. These methods include customer service platforms that extend beyond traditional phone services to include e-mail, Web chat and other multimedia platforms. With these new technologies it is not only voice interactions that should be recorded, but also the agents' screen actions and mouse clicks during customer interactions.

The Customer Service Centre (CSC) records all inbound and outbound calls to both the contact centre and Careline control room. There are 4 main purposes for this – dealing with complaints from customers; evidence for Police on domestic abuse; threatening behaviours; quality performance, training and coaching of all agents within CSC, including Careline and both satellite offices.

The CSC is based around different areas of business; CSC Generic, Repairs, Revenues & Benefits and Careline, all with their own specialised tasks. In addition, the service also deals with the customer service generic emails.

Over the last twelve months, a staffing resource of 65 full time equivalent within the full service has received more than 345,000 calls in relation to council enquiries and a further 204,992 from the emergency response team, Careline.

The current system from SVL Solutions is running with no support and maintenance cover and with the escalated calls, in particular in domestic abuse, and a rise in customers threatening staff, the risk is felt to be higher than previously anticipated should this system fail.

D.2 Nice Engage Voice Recording Solution

The SVL Nice Engage Voice Recording System was implemented and rolled out across the Customer Service Centre in September 2014.

D.3 Support and Maintenance

The support and maintenance contract sets out service levels against which the service provider will address any failure and/or reduction in the performance of the Call Recording system. This ensures business continuity and that vital maintenance works are undertaken by the supplier.

D.4 Procurement Issues

The Procurement (Scotland) Regulations 2016 make provision for circumstances in which a contract can be awarded without competition under Clause 6 (1) (b) (ii). In this instance competition is absent for technical reasons as NICE call recording is a propriety system

of SVL Solutions Ltd and as such they are the only supplier able to provide licensing and support and maintenance services.

D.5 Budget Implications

The cost for the continued provision of support and maintenance of the voice recording system for a period of 6 months will not exceed £4,481, with the option to extend on a monthly basis at a cost of £749 per month, for a maximum period of 6 months. These costs shall be met by Housing Customer & Building Service budget.

E. CONCLUSION

It is recommended that the Council Executive approves the direct award for the continued provision of support and maintenance of the Customer Service Centres voice recording system for a period of 6 months at a cost not exceeding £4,481, with the option to extend on a monthly basis at a cost of £749 per month, for a maximum period of 6 months.

F. BACKGROUND REFERENCES

None.

Contact Person: Hayleigh Valentine, Procurement Specialist
Email: hayleigh.valentine@westlothian.gov.uk
Tel: 01506 283296

Julie Whitelaw
Head of Corporate Services

26 May 2020

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

PROCUREMENT ARRANGEMENTS – DIRECT AWARD TO THE WILDLIFE INFORMATION CENTRE

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval to make a direct award to the Wildlife Information Centre for the assessment of planning applications and to undertake a local biodiversity site assessment process for development planning.

B. RECOMMENDATION

It is recommended that Council Executive approves a direct award of technical consultancy work to The Wildlife Information Centre for the provision of advice on protected species issues in relation to submitted planning applications and progressing the local biodiversity sites process for a period from 1 June 2020 – 31 May 2023. The anticipated contract value is £31,130.

C. SUMMARY OF IMPLICATIONS

I Council Values	Making best use of our resources; focusing on our customers' needs; being honest, open and accountable; working in partnership
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Supports policies in the adopted West Lothian Local Plan (September 2018) - ENV 20: Species protection and enhancement and related environmental policies ENV 17, 18 and 19. Wildlife information will assist in Strategic Environmental Assessment. There are no Equality, Health or Risk Assessments issues.
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 our resources by minimising our impact on the built environment.
VI Resources - (Financial,	The technical consultancy cost can be met from

Staffing and Property)	the existing Development Planning & Environment budget.
VII Consideration at PDSP	Due to current circumstances it has not been possible to report to PDSP.
VIII Other consultations	Planning Services and the Corporate Finance Manager has been consulted on budget implications.

D. TERMS OF REPORT

D1 Background

The council has contracted with The Wildlife Information Centre (TWIC) since 2006 to provide a number of ecological and biodiversity services. The most recent contract provided for two services:

1. Screening planning applications for ecological issues; and
2. Administering the West Lothian Local Biodiversity Sites (LBS) Steering Group – while Planning Services Chair this group, TWIC provide the ecological data and Geographic Information Services and ecological expertise to be able to assess these potential LBS as TWIC hold a comprehensive amount of West Lothian species records and habitat data.

As a direct award is sought and with the aggregate expenditure value exceeding the level whereby the Head of Corporate Services is permitted to authorise, Council Executive is required to consider the terms of this Report.

D2 In House Capability and Business Exemption

The council has not provided a dedicated in-house ecological advice service since the retirement of the Environment Manager in 2007, although some specialist advice is available from officers in Operational Services.

To cover that situation, a contract was instigated in 2006 with The Wildlife Information Centre, a small environmental charity based in Midlothian but part of the National Biodiversity Network. TWIC currently provide similar ecological advice for seven local authorities in east central Scotland.

There are no other suppliers of the protected species and habitat data who could be asked to tender for this specific service. The LBS process is undertaken using TWIC methodology and also ecological data specifically held by TWIC on West Lothian. If another supplier wanted to undertake this work, they would need access to TWIC's West Lothian ecological information and have to pay TWIC for access to this data thereby adding to the costs of planning application screening and advancing the Local Biodiversity Sites which are part of the adopted West Lothian Local Development Plan planning policy.

The previous three-year contract was granted for TWIC in 2016/17 and it expired in March 2020. Consequently, another three-year contract is required for TWIC to continue providing these ecological services.

The contract value would be £10,065.00 for 2020/21 and there will be an option to extend for another 2 years. This is similar to the agreements that TWIC have with another four local authorities.

Costs for this contract with TWIC are as follows:

Year 1 (2020/21)	= £10,065
Year 2 (2021/22)	= £10,065
Year 3 (2022/23)	= <u>£11,000</u>
Total	£31,130

Whilst this additional consultancy cost of £31,130 is within delegated approval thresholds, the total aggregated value would exceed that delegation and Council Executive approval is therefore required.

D3 Budgetary Considerations

The cost of £31,130 can be met from the existing Development Planning & Environment budget which is funded primarily from income received from planning and other statutory applications.

E. CONCLUSION

It is recommended that the Council Executive approves a direct award for a three year period to The Wildlife Information Centre for the provision of specialist ecological services and to assist with the Development Management function of the council to assess planning applications for protected species issues as well as progressing the local biodiversity sites process supported by the adopted West Lothian Local Development Plan, for the period 1 June 2020 to 31 May 2023.

F. BACKGROUND REFERENCES

None

Appendices/Attachments: None

Contact Person: Tom Henderson, Category Manager
e-mail: tom.henderson@westlothian.gov.uk

Julie Whitelaw
Head of Corporate Services

26 May 2020

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

INTEGRATION JOINT BOARD – APPOINTMENT OF MEMBERS

REPORT BY CHIEF EXECUTIVE

A. PURPOSE OF REPORT

As a result of the expiry of their statutory term of appointment, to appoint three members to the West Lothian Integration Joint Board

B. RECOMMENDATIONS

1. To note that the statutory three-year appointment period to the Integration Joint Board for Councillors Cartmill, Paul and Timson ends on 7 June 2020
2. To re-appoint those members or to appoint other members to the Board in their place
3. As a result of the expiry of the appointment of the councillor designated to be Chair or Vice-Chair, to designate one of the resulting four appointed members to take those roles as determined by the Integration Scheme
4. To note that the appointment period of those members will expire at the next local government elections in May 2022

C. SUMMARY OF IMPLICATIONS

I Council Values	Being honest, open and accountable; making the best use of our resources
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Local Government (Scotland) Act 1973; Public Bodies (Joint Working) (Scotland) Act 2014 and related subsidiary legislation; Standing Orders for the Regulation of Meetings
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	N/a
V Relevance to Single Outcome Agreement	N/a
VI Resources - (Financial, Staffing and Property)	N/a
VII Consideration at PDSP	None

VIII Other consultations

None

D. TERMS OF REPORT

- 1 The council is required to appoint four councillors as voting members of the West Lothian Integration Joint Board. The statutory term of appointment is three years. Councillors Cartmill, Paul and Timson were appointed on 7 June 2017. Their term of appointment will come to an end on 7 June 2020. Legislation allows them to be re-appointed. Councillor Dom McGuire was appointed on a later date in place of Councillor Dave King.
- 2 The Integration Scheme states that the offices of Chair and Vice-Chair should switch between a council member and a health board member every two years. Councillor Cartmill is currently Chair, having been appointed by the council to hold those positions on 7 June 2017. The positions are next due to switch in September 2021.
- 3 Committee is invited to re-appoint Councillors Cartmill, Paul and Timson or alternatively to appoint different members. Councillor Cartmill is currently designated to hold the positions of Chair or Vice-Chair. Since his term of appointment has expired, committee is also invited to designate one of the four councillor members to be Chair and Vice-Chair. If he is re-appointed as a member then he may also be designated again to hold those positions.
- 4 The chair of a council meeting has no casting vote in decisions about appointment of members. Tied votes are resolved by lot. The method used to make a decision by lot is determined by the Clerk (Chief Executive). The voting procedure for these positions is set out in Standing Order 3, as follows:-
 - A mover and a seconder are required for each candidate
 - Any vote takes place amongst all candidates at the same time
 - Where one candidate has an absolute majority of the votes cast that candidate is appointed
 - If no candidate has an absolute majority the candidate with the fewest votes is eliminated and another vote is taken amongst the remaining candidates. If required, that is repeated until one candidate has an absolute majority of the votes cast
 - Where there is a tie between the candidates with fewest votes, there is an extra vote to decide which to eliminate. If that vote is tied then the elimination is decided by lot
 - A tie between the last two candidates remaining is decided by lot
- 5 The provisions in Standing Order 16 and in the Scheme of Administration requiring roll call votes at certain meetings do not apply to the appointment of members under Standing Order 3. There are no issues in relation to declaration of interests in relation to appointments and remuneration. Councillors may vote for themselves to be appointed.

E CONCLUSION

Appointing members to the Integration Joint Board will fulfil the council's duty under

the Integration Scheme and enable the partnership working between council and health board through the Integration Joint Board to continue.

F. BACKGROUND REFERENCES

- 1 Integration Scheme
https://westlothianhscp.org.uk/media/9964/West-Lothian-Integration-Scheme/pdf/Integration_Scheme_between_West_Lothian_Council_and_NHS_Lothian.pdf?m=637140804108030000
- 2 Standing Orders
https://www.westlothian.gov.uk/media/14551/Standing-Orders-for-the-Regulation-of-Meetings/pdf/Standing_Orders_for_Meetings_20191119.pdf?m=637097771770370000
- 3 West Lothian Council, 11 May, 25 May and 7 June, all 2017

Appendices/Attachments: None

Contact Person: James Millar, Governance Manager, Chief Executive Office, West Lothian Civic Centre, Howden Road South, Livingston, EH54 6FF, 01506 281613
james.millar@westlothian.gov.uk

Graham Hope, Chief Executive

Date of meeting: 26 May 2020

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

PUBLICATION OF ELECTED MEMBERS REMUNERATION, EXPENSES AND ALLOWANCE INFORMATION 2019/20

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To inform the Council Executive of the levels of Elected Members Remuneration, Allowances and Expenses paid from 1 April 2019 to 31 March 2020 and to provide details of training undertaken during this period.

B. RECOMMENDATION

To note the terms of the report and to display the attached schedules as per the Appendices on the Council's website.

C. SUMMARY OF IMPLICATIONS

I Council Values	Being honest, open and accountable.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The Council has a legal obligation to publish payments made to individual members by 1 June each year.
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	None
V Relevance to Single Outcome Agreement	None
VI Resources - (Financial, Staffing and Property)	None
VII Consideration at PDSP	None
VIII Other consultations	In accordance with the Council's Financial Regulations, the Head of Finance and Property Services has been consulted.

D. TERMS OF REPORT

In accordance with the Local Government (Allowances and Expenses) (Scotland) Amendment Regulations 2007, as amended, Councils are required to record and publish details of the payments made to Elected Members in the previous year from 1 April to 31 March, no later than 1 June each year.

A copy of the records of payments made in accordance with the Regulations from 1 April 2019 to 31 March 2020 is set out in Appendix 1. All amounts are stated gross before any deductions for Income Tax and National Insurance.

While the levels of salary are fixed depending on the designation, the amounts of travel, subsistence and expenses claimed vary between Elected Members depending on their activities and duties throughout the year.

The analysis includes "other expenses" which must be disclosed under the scheme. This relates to receipted expenditure incurred by the Provost or Depute Provost on civic duties and the costs of conferences and seminars which are paid for directly by the council.

In addition to the levels of payments made, the regulations also require the council to publish details of training undertaken during the reporting period. Attendance at learning events is reported in Appendix 2.

E. CONCLUSION

The Council will discharge its legal obligations by publishing the schedules contained in the Appendices.

F. BACKGROUND REFERENCES

The Local Government (Allowances and Expenses) (Scotland) Amendment Regulations 2007, as amended.

Appendices/Attachments: 2

1. Elected member remuneration
2. Attendance at Learning Events

Contact Person: Katrina Daly, HR Operations Manager
Email: katrina.daly@westlothian.gov.uk
Tel: (01506) 281402

Julie Whitelaw
Head of Corporate Services
26 May 2020

Elected Members Remuneration 2019-2020

NAME		POSITION HELD	COMMITTEE RESPONSIBILITIES	SALARY	CIVIC HEAD EXPENSES	CAR AND VAN MILEAGE EXPENSES	COST OF USING A POOL CAR	OTHER TRAVEL	SUBSISTENCE EXPENSES ACCOMMODATION	SUBSISTENCE EXPENSES MEALS	TELEPHONE & INFORMATION COMMUNICATION TECHNOLOGY (ICT) EXPENSES	OTHER ALLOWANCES AND EXPENSES	COST OF TRAINING CONFERENCES & SEMINARS	TOTAL EXPENSES	SALARY & EXPENSES TOTAL
Alison	Adamson	Councillor		17,469.96	0.00	0.00	0.00	0.00	0.00	0.00	4.19	0.00	0.00	4.19	17,474.15
Frank	Anderson	Councillor		17,469.96	0.00	306.90	0.00	196.86	269.00	15.90	63.71	3,029.18	1,383.00	5,264.55	22,734.51
Stuart	Borrowman	Councillor		17,469.96	0.00	1,815.75	0.00	0.00	0.00	0.00	281.97	0.00	0.00	2,097.72	19,567.68
Willie	Boyle	Councillor		17,469.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17,469.96
Diane	Calder	Councillor		17,469.96	0.00	1,133.55	0.00	0.00	0.00	0.00	0.62	0.00	0.00	1,134.17	18,604.13
Janet	Campbell	Councillor		17,469.96	0.00	833.85	0.00	0.00	0.00	0.00	6.17	40.00	0.00	880.02	18,349.98
Harry	Cartmill	Senior Councillor	Executive Councillor - Health & Social Care	25,478.88	0.00	621.00	0.00	0.00	0.00	0.00	304.64	0.00	0.00	925.64	26,404.52
Pauline	Clarke	Councillor		17,469.96	0.00	349.65	0.00	0.00	0.00	0.00	0.00	0.00	0.00	349.65	17,819.61
Tom	Conn	Senior Councillor	Executive Councillor - Environment	25,478.88	0.00	0.00	0.00	67.40	170.00	0.00	6.20	0.00	295.00	538.60	26,017.48
Robert	DeBold	Councillor		17,469.96	0.00	0.00	0.00	0.00	0.00	0.00	366.42	0.00	0.00	366.42	17,836.38
Jim	Dickson	Councillor		17,469.96	0.00	1,694.70	0.00	0.00	0.00	0.00	15.10	0.00	0.00	1,709.80	19,179.76
David	Dodds	Senior Councillor	Executive Councillor - Education	25,478.88	0.00	1,290.15	0.00	46.80	0.00	0.00	0.90	0.00	0.00	1,337.85	26,816.73
Angela	Doran	Senior Councillor	Executive Councillor - Social Policy	25,478.88	0.00	0.00	0.00	0.00	0.00	0.00	108.61	0.00	0.00	108.61	25,587.49
Bruce	Fairbairn	Councillor		17,469.96	0.00	409.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	409.05	17,879.01
Lawrence	Fitzpatrick	Leader of the Council		34,944.00	0.00	1,023.15	0.00	202.15	73.50	8.80	23.71	0.00	399.00	1,730.31	36,674.31
Peter	Heggie	Senior Councillor	Chair of Licensing Committee	25,478.88	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25,478.88
Chris	Horne	Senior Councillor	Chair of Audit Committee	25,478.88	0.00	2,586.60	0.00	20.40	0.00	0.00	0.00	0.00	0.00	2,607.00	28,085.88
Carl	John	Councillor		17,469.96	0.00	1,223.55	0.00	0.00	0.00	0.00	0.75	40.00	0.00	1,264.30	18,734.26
Peter	Johnston	Councillor		17,469.96	0.00	753.30	0.00	76.40	0.00	0.00	12.65	35.90	399.00	1,277.25	18,747.21
Charles	Kennedy	Senior Councillor	Chair of Development Management Committee	25,478.88	0.00	2,532.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,532.15	28,011.03
Tom	Kerr	Provost	Civic Head	26,208.00	845.88	2,726.55	0.00	1,965.48	0.00	0.00	75.79	0.00	0.00	5,613.70	31,821.70
Dave	King	Senior Councillor (Depute Provost)	Executive Councillor - Culture & Leisure	25,478.88	91.67	673.20	0.00	206.66	0.00	0.00	0.00	0.00	0.00	971.53	26,450.41
Sarah	King	Councillor		17,469.96	0.00	567.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	567.80	18,037.76
John	McGinty	Councillor		17,469.96	0.00	1,015.65	0.00	174.60	0.00	0.00	0.12	0.00	0.00	1,190.37	18,660.33
Andrew	McGuire	Councillor	Lothian Valuation Joint Board	17,469.96	0.00	0.00	0.00	0.00	0.00	0.00	0.53	3,229.00	0.00	3,229.53	20,699.49
Dominic	McGuire	Councillor		17,469.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17,469.96
Andrew	Miller	Councillor		17,469.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17,469.96
Cathy	Muldoon	Senior Councillor	Executive Councillor - Development & Transport	25,478.88	0.00	0.00	0.00	0.00	0.00	0.00	51.91	0.00	0.00	51.91	25,530.79
George	Paul	Senior Councillor	Executive Councillor - Services for the Community	25,478.88	0.00	1,530.00	0.00	101.47	364.00	0.00	858.19	2,975.00	984.00	6,812.66	32,291.54
Moir	Shemilt	Councillor		17,469.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17,469.96
Kirsteen	Sullivan	Senior Councillor	Executive Councillor - Voluntary Organisations	25,478.88	0.00	0.00	0.00	61.25	0.00	0.00	0.00	40.00	399.00	500.25	25,979.13
David	Tait	Councillor		17,469.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17,469.96
Damian	Timson	Senior Councillor	Chair of Governance & Risk	25,478.88	0.00	653.87	0.00	8.00	0.00	0.00	1.03	0.00	798.00	1,460.90	26,939.78
				698,827.80	937.55	23,740.42	0.00	3,127.47	876.50	24.70	2,183.21	9,389.08	4,657.00	44,935.93	743,763.73

Learning Events Attended by Elected Members from April 2019 to March 2020

The list includes Core Training and Ongoing Personal Development.

Members attended topics relevant to their role and individual learning requirements.

Learning Event	Attendees
Cyber Security	5
Musculoskeletal Physio Pathway	6
Planning	14
Whole Family Support Service	6
Support for Enterprising 3 rd Sector	5
PEF	6
Conferences/Seminars	13
Career Long Professional Learning	6
Rent Penalty Notice	7
Anticipatory Care Planning	7
Archaeology & Planning	7
Community Participation	12
Mental Health Services WL	7
Scotland's New Planning ACT	2
Educational Attainment	15
Curriculum for Excellence	16

Appendix 2

Financial Harm	4
Community Development Trust	7
Alcohol & Drug Partnership	7
Corporate Parenting	7
Planning Enforcement	12
Social Media – Problems & Pitfalls	9
Women 50:50 Campaign	29
Contact Assessment Model	6
Climate Emergency	4
Be Herd	5
WLAM process	5
Code of Conduct	16
Mental Health Awareness	10
Lone Worker Device	4
Participatory Budgeting	1
Procurement Awareness	9

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

COVID-19 POTENTIAL FINANCIAL IMPLICATIONS AND ISSUES

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To provide an update on Council Executive on potential financial implications from the coronavirus (COVID-19) including financial announcements by the UK and Scottish Governments, and to outline proposed work to be undertaken by officers to identify and monitor financial risks to the council arising from the coronavirus situation.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes the financial support packages announced by the UK and Scottish Governments, including the £1.687 million which the council will receive from the COVID-19 hardship fund which will be funded by Scottish Government;
2. Agrees the £1.687 million COVID-19 hardship fund should be delegated to the Chief Executive to utilise in accordance with the funding conditions and in relation to the urgent action required to address the consequences of COVID-19;
3. Agrees that officers should undertake an exercise to identify the potential financial consequences of COVID-19 for the council in the immediate term and in 2020/21;
4. Agrees that officers should identify proactive options to mitigate the impact of any potential financial risks to ensure the ongoing financial sustainability of the council;
5. Agrees that officers should continue to liaise with COSLA and the Scottish Government regarding announcements and actions relating to the financial implications of COVID-19;
6. Agrees that the Head of Finance and Property Services will provide future updates on the financial implications of COVID-19 both in specific reports but also as part of the council's established quarterly budget monitoring reports.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs, being honest, open and accountable, making best use of our resources and working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The Local Government (Scotland) Act 1973 requires councils to make arrangements for the proper administration of its financial affairs. The financial regulations provide the framework for managing the council's financial affairs ensuring that the use of council resources is legal, properly authorised and provides value for money.
III Implications for Scheme of Delegations to Officers	Should the delegated power last for more than six months the Scheme of Delegations will be amended accordingly.

IV Impact on performance and performance Indicators	Unforeseen and unmanaged financial risks could have an impact on the resources available to support service delivery and performance.
V Relevance to Single Outcome Agreement	The revenue and capital budgets provide resources necessary to help deliver the Single Outcome Agreement. Effective prioritisation of resources is essential to achieving key outcomes.
VI Resources - (Financial, Staffing and Property)	The council's uncommitted General Fund Balance is £2 million. The approved general services revenue budget, including time limited spend for 2020/21 is £444 million. The approved general services capital budget for 2020/21 is £69 million.
VII Consideration at PDSP	None.
VIII Other consultations	Governance Manager.

D. TERMS OF REPORT

D.1 Background

Following the announcement by the World Health Organisation (WHO) on 11 March 2020 that COVID-19 is a pandemic, there have been announcements by the UK and Scottish governments regarding the implications of the virus including action plans and support available for businesses. This report provides an update on the proposed work to be undertaken by officers in relation to the financial implications of COVID-19.

This report is an amended and updated version of a report published for Council Executive on 24 March 2020 to take account of the details of the additional funding of £1.687 million announced after the report was published.

D.2 UK and Scottish Government Announcements

UK Government

On 11 March 2020, the 2020 Budget was announced by the Chancellor of the Exchequer in Westminster. The Budget included a number of announcements in relation to the coronavirus. The Office for Budget Responsibility has confirmed that their estimates do not take account of the potential impact of the coronavirus and that this is likely to have a significant impact on the economy and public finances.

In addition to reducing forecast growth for the UK economy, specific measures included:

- Everyone advised to self-isolate, even if they do not present symptoms, will be entitled to statutory sick pay. Self employed workers will be able to claim contributory Employment Support Allowance and this will be available from the first day rather than the current seven days.
- Businesses with fewer than 250 employees will be refunded for sick pay payments for two weeks.
- Small firms will be able to access business interruptions loans of up to £1.2 million through banks.
- £5 billion emergency response fund to support the NHS and other public services.
- A hardship fund for councils to help the most vulnerable.
- Suspending business rates for firms in the retail, leisure and hospitality with rateable values of £51,000 or less for England.

- Plans to make it quicker for those on zero hours contracts to access benefits.
- Benefit claimants who have been advised to stay at home no longer having to physically attend job centres.

Although the specific measures outlined above mainly relate to England, Scotland received an additional £640 million in the 2020 Budget, of which £320 million relates to the non domestic rates Barnett consequentials. The Scottish Government should receive Barnett consequentials related to the £5 billion COVID-19 response fund. As this is a contingency fund at the current time, the Scottish Finance Secretary has sought clarification on what funding Scotland would receive from this source.

On 17 March 2020 the Chancellor made a further announcement outlining financial measures to support the UK economy through the coronavirus pandemic. The measures include:

- Mortgage holidays for individuals in financial difficulty.
- £330 billion in government backed loans or credit on attractive terms, equivalent to 15% of GDP, to be available to all businesses from next week to help pay for supplies, stock, rent and staff salaries.
- £20 billion in other aid to protect small businesses facing losses as a result of the virus through grants of between £10,000 and £25,000.
- Extending business rates holiday relief to all firms in the hospitality sector.

The announcement did not include measures in relation to housing tenants however the UK Government have committed to announcing measures for rent payers and it is anticipated that this will be confirmed in the coming days. A verbal update on any additional announcements will be provided at Council Executive. If more emergency funds are created by the UK Government this would result in additional Barnett consequentials for Scotland.

Scottish Government

Following the UK Budget, the Scottish Finance Secretary announced a £320 million package for businesses on 14 March 2020 to help support them through the COVID-19 outbreak. This package of measures was further updated on 18 March 2020. The following support will be available to businesses during 2020/21:

- 100% business rates relief for retail, hospitality and leisure sectors from 1 April 2020.
- 1.6% business rates relief for all properties across Scotland, effectively reversing the planned uplift in poundage from 1 April 2020.
- A new local government finance order to approve a reduction in the NDR estimate by £1 billion with a corresponding increase in the general revenue grant.
- £10,000 grant for all businesses qualifying for small business bonus scheme or eligible for rural or nurseries relief from April.
- £25,000 grant for businesses in the hospitality sector with rateable values between £18,000 and £51,000 from April.
- £350 million package of measures to support communities including:
 - £50 million hardship fund for local government with full flexibility, of which West Lothian will receive £1.687 million.
 - £45 million additional funding for Scottish Welfare Fund administered through community care and crisis grants.
 - £50 million for increased eligibility for social security benefits and the increased cost of the council tax reduction scheme (CTRS).
 - £70 million food fund for organisations to address food insecurity to be delivered through councils.
 - £50 million wellbeing fund for third sector partners, provided directly to the sector.
 - £40 million supporting communities fund to address social isolation, distancing

- etc to be provided to community groups.
- £20 million for a third sector resilience fund to address the business health of third sector organisations.
- £25 million reserve held by the Scottish Government.

In addition, the Scottish Government intimated that the Finance Secretary will be writing to councils urging them to respond positively to requests from rate payers to defer payment of business rates for a fixed period, although it should be noted that business rates are not subject to recovery actions until after September each year.

The reliefs and grants will be funded by the Scottish Government, however there will be some operational costs for councils as a result of administering reliefs, rebilling etc. For example, although further detail is awaited on the measures, councils will administer the grants to businesses. COSLA has committed to working with councils to identify these costs and liaising with the Scottish Government to ensure appropriate funding is provided. COSLA is also liaising with the Scottish Government regarding the detail and implementation of the measures announced on 18 March 2020.

Although the Scottish Government has made these announcements, detail is not yet available on how these support measures will be deployed, for example the sectors to benefit from the small business grants have yet to be determined. The Scottish Government is discussing with COSLA how these measures will be practically implemented, however it should be noted that the measures above relate to non domestic rates only.

Bank of England

In addition to the announcements from the UK and Scottish governments, the Bank of England announced an emergency reduction in the bank base rate to support the economy during the coronavirus outbreak on 11 March 2020. The bank base rate reduced from 0.75% to 0.25%. Further to this the Bank of England reduced the base rate to 0.1% on 19 March 2020. The Bank of England has also announced that it would release £190 billion to help banks support firms through additional borrowing and would increase its holdings of UK government bonds.

Further Announcement by the Chancellor of the Exchequer

Since the writing was written, a further announcement has been made by the Chancellor of the Exchequer on 20 March 2020 to provide further support including the following measures:

- Coronavirus job retention scheme to offer all employers (private companies, not-for-profit organisations and charities) access to a grant covering up to 80% of the average wage, worth up to £2,500 a month.
- VAT deferral meaning no business will pay VAT until the end of June, deferring tax payments for a quarter and companies will not need to pay what VAT is owed until the end of the year.
- Self-assessment income tax payments for July 2020 will be deferred for six months.
- The coronavirus business interruption scheme will be interest-free for 12 months, instead of the initially proposed six months.
- Universal credit standard allowance will be increased by £1,000 (£20 a week). Tax credit allowance will also be increased benefiting 4 million low-income families with other measures to boost benefit payments costing £7 billion.
- Measures for those self-employed, previously denied payments if they are off work sick, will be able to access sickness benefit of £94.25 each week.
- Rent support of £1 billion will be provided for rent payers following an increase in the housing benefit element of universal credit. This top-up will be received to match the mortgage subsidies announced in the Chancellor's last package of support

measures.

In relation to the hardship fund referenced in section D2 announced by the Scottish Finance Secretary on 18 March 2020, Scottish Government has confirmed that councils will be able to use this money to directly address their local needs in the best way they see fit. It is therefore recommended that this funding should be delegated to the Chief Executive to utilise in accordance with the funding conditions and in relation to the urgent action required to address the consequences of COVID-19. The money could be used to support families and individuals, voluntary and community groups, to allow the council purchase supplies such as food for vulnerable groups or alternatively the council can assist organisations using their procurement procedures to provide support.

D.3 Potential Financial Implications and Ongoing Financial Sustainability

The council has robust budget monitoring and reporting processes, however in these unprecedented times additional action is required to identify the potential financial risks and implications arising from COVID-19. It is proposed that officers undertake an exercise to determine potential financial consequences of the pandemic for the immediate term and 2020/21. This will include consideration of potential areas where spend may increase or income levels may reduce. Although there will be areas of financial pressure, there may also be areas where there is a reduction in spend which could be used to potentially offset any emerging pressures. The review of potential financial consequences would include consideration of both elements.

In addition to identifying the potential consequences, officers will also seek to identify potential mitigating actions to help manage emerging financial pressures. This could include areas of reduced spend, as noted above, but also could include potential proactive options to reduce non urgent expenditure. Officers will also continue to seek to identify for additional sources of funding, whether that be through external sources such as the Scottish Government, or through redirected existing council resources through reducing, deferring or cancelling existing projects and initiatives.

As outlined in previous external audit reports, although the council has one of the lowest general fund balances, it does have extensive earmarked reserves. In the event of a severe financial crisis, the use of these reserves could be reviewed with funds being potentially redirected as necessary.

The COVID-19 position is extremely fluid with regular announcements and changes to circumstances. From the publication of this report to the meeting, there may be changes to the financial outlook and situation and these will be provided verbally at the meeting. Officers will continue to monitor announcements and what they could mean for the council's financial position. In addition, officers will continue to liaise with COSLA, professional bodies such as CIPFA and Directors of Finance and the Scottish Government regarding the potential financial implications of COVID-19.

E. CONCLUSION

This report provides Council Executive with an update on recent government announcements in relation to financial support for COVID-19, including the COVID-19 hardship fund for councils. It also outlines the work proposed by officers to review the potential financial implications from the pandemic. Further updates on the potential financial implications, and mitigating actions to address them, will be provided in due course.

F. BACKGROUND REFERENCES

None

Appendices/Attachments: None

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Donald Forrest
Head of Finance and Property Services
24 March 2020

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

COVID-19: CALENDAR OF MEETINGS UNTIL 31 JULY 2019

REPORT BY CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To make changes to the calendar of council, committee and PDSP meetings until 31 July 2020 to take account of the risks posed by and consequences of COVID-19.

B. RECOMMENDATIONS

1. In light of the rapidly escalating threat posed by COVID-19 and the constantly evolving legislation, guidance and direction from UK and Scottish Parliaments and Governments, to agree that meetings of all the bodies in the Scheme of Administration scheduled to take place between today's date and 31 July 2020 be cancelled
2. To note the powers already delegated to officers to allow the council's business to continue, as described in Part D.4 of this report
3. To delegate authority to the Chief Solicitor to determine all pending and new licensing and other applications that would normally require to be determined by Licensing Committee
4. To agree that hearings required by the exercise of the statutory right of appeal against refusal of placing requests be deferred until at least August 2020
5. To note that officers are investigating the potential acquisition of a platform that may be utilised in exceptional circumstances for remote access by members to meetings

C. SUMMARY OF IMPLICATIONS

I Council Values	Being honest, open and accountable; making the best use of our resources
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Local Government (Scotland) Act 1973; Standing Orders, Scheme of Administration, Scheme of Delegations to Officers
III Implications for Scheme of Delegations to Officers	Should the delegated power referred to in Recommendation 4 last for more than 6 months the Scheme of Delegations will be amended accordingly

IV	Impact on performance and performance Indicators	N/a
V	Relevance to Single Outcome Agreement	N/a
VI	Resources - (Financial, Staffing and Property)	N/a
VII	Consideration at PDSP	None
VIII	Other consultations	Corporate Management Team; Legal Services; Committee Services

D. TERMS OF REPORT

1 Background

- 1.1 The council is required to agree a timetable of meetings for the council, its committees and working groups that meet according to a regular timetable. On 26 March 2019 Council Executive approved that timetable for the period until July 2020. This report sets out proposals to modify that timetable from the date of this meeting until 31 July 2020 to reflect the risks and consequences of the COVID-19 pandemic.
- 1.2 The Scheme of Administration contains rules for each of the bodies in the council's decision-making structure regarding arranging, postponing and cancelling scheduled meetings. The calendar of meetings approved each year takes those into account. Once the calendar is approved, changes can only be made by council, by Council Executive or as permitted by the Scheme of Administration. Meetings cannot be cancelled on the basis of political expediency.
- 1.3 This is an updated version of a report published for Council Executive on 24 March 2020. After publication there was a material change of circumstances in relation to directions and guidance issued by the Prime Minister and the First Minister centring in staying at home, working at home and minimising travel and gatherings of people in public. The recommendations in Part B have been replaced for this version and the narrative in Parts D.3 and D.4 has been amended.

2 Risks

- 2.1 The health risks associated with COVID-19 are well-publicised and advice is issued regularly by and on behalf of the UK and Scottish Governments. The advice is subject to change on a frequent basis. The risks associated with holding meetings of council, committees, PDSPs and other working groups arise from:-
 - Attendance by members of the public as applicants, objectors, witnesses or committee or panel members and related social contact
 - Assembly of elected members and related social contact amongst themselves and with others
 - Gathering of officers and related social contact amongst themselves and with others
 - Officers returning to their workplace after meetings

- Members of the public and elected members returning to their homes or places of work
- Travel to and from meetings by those not otherwise attending the civic centre

2.2 Those risks have to be set against:-

- The continuation of the delivery of vital public services to West Lothian and the need to make the decisions required to do so
- The regulatory decisions that have to be made, often within statutory deadlines and with consequences if those are missed
- The balance between decision-making by officers and decision-making by elected members
- The need to be agile and responsive in the face of constantly changing advice and circumstances

3 Proposals

3.1 It is recommended that all meetings of the bodies in the Scheme of Administration are cancelled from 25 March 2020 until 31 July 2020. This new recommendation follows from the near "lockdown" in place after announcements on 23 March 2020. The meetings of Council Executive and Education Executive scheduled for 24 March 2020 were cancelled as a reaction to that.

3.2 Some business requires additional decisions to be made to safeguard the council's position and try to still meet regulatory duties imposed on the council:-

- The Scheme of Delegations gives the Chief Solicitor wide delegated powers to determine civic licensing and similar applications. However, defined types of civic licensing cases are presently referred to committee for determination. There are statutory deadlines for determination and for many of those the application is deemed to have been granted if not timeously determined. To avoid that happening it is recommended that the Chief Solicitor's delegated powers are extended to enable any applications nearing the deadline to be determined. When normal business is resumed that power will be removed to restore the *status quo*. There is no such requirement for planning application since missing the statutory deadline results in a non-determination and a right of appeal
- Education legislation allows placing requests to be made to ask for a child to be educated at a specified school. Decisions have to be taken and intimated to applicants by 30 April each year. Anyone aggrieved can appeal. Appeals must be lodged and hearings must take place within statutory timescales. In practice, most appeal hearings take place during the months of May and June. It is recommended that appeal hearings are deferred until August at least, to a time when the health risks and restrictions on movement may have eased. Anyone who does not wish to wait till then can appeal to the Sheriff Court against what would be a deemed refusal when the deadline passes. Regardless, every child will have a place allocated at a West Lothian school for the new academic year

- 3.3 There are provisions in Standing Orders to allow for additional or urgent meetings to be called if required. Chairs have the power to call special meetings for council and committees. One quarter or more of the members of council or a committee (other than Local Area Committees) can call a special meeting. PDSP meetings can be arranged by the Clerk in consultation with the Chair and Lead Officer. Regulatory committees have rules allowing additional meetings to be fixed by the Clerk in consultation with the Chair if business requires it.
- 3.4 Officers are investigating the scope to acquire a conference platform which might in some circumstances allow committee meetings to take place by remote participation. Such an arrangement is not ideal and would present problems in its effective use if introduced remotely. It may however be possible to use this technology in exceptional circumstances.

4 Delegated powers

- 4.1 There are longstanding formal arrangements in place to define the circumstances in which officers may make decisions in carrying out the day-to-day functions of the council, and also in emergencies to deal with business that would normally be referred to committee. They are found in Standing Orders for the Regulation of Meetings and in the Scheme of Delegations to Officers.
- 4.2 The powers on which officers rely and will rely in dealing with COVID-19 are as follows:-
- The Scheme of Delegations gives a general delegation to Corporate Management Team members to run their directorates and service areas on a day-to-day basis. That power covers normal operations and is available during emergencies as well. They may delegate those functions to officers within their service area. There are constraints on the use of these powers. For example, they must comply with law and council policy, they are not used if there is political controversy, they will not be used to make or amend council policy
 - For the avoidance of doubt, that general delegation includes the power to do anything incidental to or which facilitates the use of more specific powers
 - Standing Order 31 gives a delegated power to the Chief Executive to deal with business that would normally be presented to committee but which cannot wait until the next scheduled committee meeting. Prior consultation with appropriate elected members is required. A written record is kept. Any such action is reported to the next available meeting of the committee concerned. That power can be delegated by the Chief Executive to other officers. That power is not normally used where there is political controversy or to make or amend policy or to incur expenditure not otherwise authorised by elected members through the budget-setting process. A small number of the items of business scheduled for 24 March 2020 were progressed in that way and the action taken will be reported to committee in due course
 - The Scheme of Delegations gives an over-arching power to the Chief Executive to take emergency action on behalf of the council, including the incurring of expenditure. The Chief Executive must report such action to the council at the earliest opportunity. That power is very seldom used. The decision to cancel the two committee meetings scheduled for 24 March 2020 is an example of its use. The action taken will be reported to committee in due course

- 4.3 It is inevitable in dealing with the COVID-19 contagion that officers will have to rely more extensively than usual on delegated powers, and that in particular emergency powers will have to be used. Their use will be kept to the minimum possible and will be reported to elected members as required by Standing Orders.

5 Post-recess meetings

- 5.1 It is normal practice for the calendar of meetings for the 12 months ahead to be determined by committee in March each year. However, due to the current uncertainty the report seeking approval of that timetable has been held back and will be brought to a future meeting of Council Executive.

E. CONCLUSION

- 1 Amending meeting arrangements until and over the summer recess will help address the risks posed by COVID-19 whilst ensuring the continued delivery of vital public services in West Lothian.

F. BACKGROUND REFERENCES

- 1 Local Government (Scotland) Act 1973
- 2 Council's Standing Orders - <http://intranet.westlothian.gov.uk/article/6941/Councils-Standing-Orders-and-Corporate-Governance>

Appendices/Attachments: None

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james.millar@westlothian.gov.uk

Graham Hope, Chief Executive

Date of meeting: 24 March 2020

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

SCHEME OF ELECTED MEMBERS REMUNERATION, ALLOWANCES AND REIMBURSEMENT OF EXPENSES

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To allow the adoption of a Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses for 2020/21.

B. RECOMMENDATION

1. To approve the revised Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses for 2020/21 as set out in Appendix 1.
2. To note that the Scheme may require to be amended as a result of the council's consideration of a protocol to give effect to CoSLA guidance on family leave provisions for elected members.

C. SUMMARY OF IMPLICATIONS

I Council Values	Being honest, open and accountable
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The council's Code of Corporate Governance requires the Scheme to be reviewed annually by Committee; Local Governance (Scotland) Act 2004 and related statutory regulations.
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)	Elected Members remuneration, allowances and expenses will be resourced from within the 2020/21 Revenue Budget.
VII Consideration at PDSP	None
VIII Other consultations	In accordance with the Council's Financial Regulations, the Head of Finance and Estates has been consulted.

D. TERMS OF REPORT

D.1 Background

The Council's Code of Corporate Governance requires the Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses (the Scheme) to be reviewed annually by Committee.

The Scheme is based on the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 and the Local Government (Allowances and Expenses) (Scotland) Regulations 2007, both as amended.

D.2 2020/21 Pay Levels

Elected members remuneration is set by the Scottish Government. The Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2020 (the 2020 Regulations), were laid before the Scottish Parliament on 13th February 2019 and are due to come into force on 1st April 2020. They substitute increased annual amounts of local authority remuneration to members. The changes will come into effect from 1 April 2020 and are set out below:

Post	2019/20 Salary (£)	2020/21 Salary (£)	Increase (£)
Leader of the Council	34,944	35,713	769
Civic Head (Provost)	26,208	26,785	577
Senior Councillors	25,478	26,039	561
Councillors of Joint Boards			
- Convenors	21,840	22,320	480
- Vice Convenors	20,748	21,204	456
Councillors	17,470	17,854	384

D.3 2020/21 Scheme

The council's Code of Corporate Governance requires the Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses (the Scheme) to be reviewed annually.

The following amendments have been made to the scheme for 2020/21:

- Salary payments have been amended in Section 2.3 to reflect the change in salary for Joint Boards and Community Justice Authorities.
- Weblinks have been updated as required.

D.4 Family Leave Provisions for Elected Members

In addition to the increases in remuneration the 2020 Regulations make changes to the rules about remuneration for Provost, Leader and Senior Councillors.

They are designed to make it easier for councillors to take family leave, particularly women, new fathers or parents adopting a child. They enable the higher levels of remuneration to be paid during leave of absence to the councillor on leave and to any councillor performing their duties during that absence. That flexibility depends on the council agreeing to that leave of absence.

Officers presented an initial report about the CoSLA guidance on that issue to Partnership & Resources PDSP on 7 February 2020. A further report with a draft Protocol to give effect to these family leave provisions will be brought to a future meeting of the PDSP for consideration before proceeding to committee or council for approval. The Scheme may require to be revisited and amended as a result.

D.5 Control of Expenses Claims

With the introduction of the new HR and Payroll system (iTrent), Elected Members expenses and mileage claims will be processed electronically. The new system will include a disclaimer which highlights the requirement for elected members to travel by the shortest route and to provide details of the reason for the journey/ expense, along with evidence of the expenses occurred (e.g. fuel receipt; train ticket). The new measures will also include links for elected members to the council's Travel and Subsistence Policy and Schedule of Mileages.

F. BACKGROUND REFERENCES

The Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 and the Local Government (Allowances and Expenses) (Scotland) Regulations 2007, both as amended.

Family Leave Provisions for Elected Members - Partnership & Resources PDSP, 7 February 2020

Family Leave Guidance for Councils – COSLA

Appendices/Attachments: 1: Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses 2020/21.

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Tel: 01506 281402

Julie Whitelaw
Head of Corporate Services
24 March 2020

WEST LoTHIAN COUNCIL

SCHEME OF ELECTED MEMBERS REMUNERATION, ALLOWANCES AND REIMBURSEMENT OF EXPENSES 2020/21

CONTENTS

1	INTRODUCTION.....	2
2	ELECTED MEMBER POSITIONS AND REMUNERATION ARRANGEMENTS	2
2.1	Positions.....	2
2.2	West Lothian Council – Levels of Remuneration	2
2.3	Joint Boards and Community Justice Authorities.....	3
2.4	Renouncing all or part of a salary	3
3	CLAIMING ALLOWANCES & EXPENDITURE.....	3
3.1	West Lothian Council Business.....	3
3.2	Joint Board Business	3
3.3	Submission and Publication	3
4	TRAVEL ALLOWANCES	4
4.1	Private Car, Van, Motorcycle or Bicycle.....	4
4.2	Public Transport	5
5	SUBSISTENCE	5
5.1	Meals.....	5
5.2	Overnight Subsistence	5
5.3	Overseas Accommodation	6
6	CIVIC HEAD ALLOWANCE	6
7	TELEPHONES, COMPUTERS AND OTHER EQUIPMENT	6
8	PAYMENT ARRANGEMENTS	6
9	TAXATION	6
10	CHECKS AND CONTROLS.....	6
11	PUBLICATION	7

APPENDIX 1 - APPROVED DUTIES

APPENDIX 2 - ELECTED MEMBER TELEPHONE, COMPUTER AND OTHER
EQUIPMENT ALLOWANCES

APPENDIX 3 - TEMPLATE FOR PUBLICISING ELECTED MEMBERS
REMUNERATION, ALLOWANCES AND EXPENSES

WEST LoTHIAN COUNCIL

SCHEME OF ELECTED MEMBERS REMUNERATION, ALLOWANCES AND REIMBURSEMENT OF EXPENSES

1 INTRODUCTION

The scheme is based on the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 and Amendment Regulations 2019, and the Local Government (Allowances and Expenses) (Scotland) Regulations 2007 as amended.

2 ELECTED MEMBER POSITIONS AND REMUNERATION ARRANGEMENTS

2.1 Positions

Remuneration levels for Elected Members are dependent on the responsibilities held. With the exception of the position of basic Councillor, levels of payment are determined by a banding system. For remuneration purposes West Lothian Council is placed in Band B.

Leader of the Council – Each local authority will have one Council Leader post.

Civic Head – Each local authority will have one Civic Head post and has scope to determine the level of salary paid up to a maximum of 75% of the remuneration paid to the Council Leader.

Senior Councillor – Individual authorities have the flexibility to determine which positions should be considered Senior Councillor meriting a higher level of remuneration. In doing so, the restrictions set out in the regulations that should be considered are:

- the limit on the number of posts that each council may have (West Lothian Council limit of 14);
- the total budget available for paying Senior Councillors;
- that payment cannot be more than 75% of the remuneration paid to the Leader.

Councillors - Elected Members who do not hold the position, for remuneration purposes, of Leader, Civic Head or Senior Councillor will receive remuneration set at the basic level.

2.2 West Lothian Council – Levels of Remuneration

The scope for determining levels of remuneration for Elected Members is set out in the regulations. The Council's Code of Corporate Governance requires the Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses to be reviewed annually by committee. Any increases notified by the Scottish Government within the annual reporting cycle will be applied administratively.

2.3 Joint Boards and Community Justice Authorities

Conveners of joint boards and community justice authorities shall be paid a total yearly amount of £22,320 (this includes the salary they receive as a councillor). The vice-convenor will be paid a total yearly amount of £21,204 (this includes the salary they receive as a councillor). If the convener or vice-convenor receives greater remuneration as a Senior Councillor, the greater amount will be payable.

2.4 Renouncing all or part of a salary

Any Elected Member, regardless of level of payment, will be able to renounce receipt of all or any part of his/her salary if he/she wishes to do so. If an Elected Member chooses to renounce all or part of the payment due they should advise the Head of Corporate Services in writing.

3 CLAIMING ALLOWANCES & EXPENDITURE

3.1 West Lothian Council Business

Elected Members are required to complete the standard claims form, or electronical on new HR and Payroll system, for reimbursement of travel, subsistence and expenses costs. Claim forms are available from the Member Services Administration team or can be downloaded from <http://www.westlothian.gov.uk/media/1856/Elected-Members-Claim-Form/excel/claimformelectedmember.xlsx>

Completed forms should clearly indicate the approved duty undertaken. For ease of administration the reference letters allocated in Appendix 1 can be used. It is only necessary to detail times if a claim for subsistence is made.

Claims should be completed and submitted on a monthly basis. Dates for submitting forms for payment will be provided to the Member Services Administration team and are published on <https://www.westlothian.gov.uk/media/1323/Payroll-Pay-Dates/pdf/PayDates2019-2020-Mytoolkit1.pdf?m=636936264773270000>

3.2 Joint Board Business

For councillors who are also members of joint boards, there is a requirement to report expenses relating to this business separately. The standard claim form for reimbursement of travel, subsistence and expenses costs for joint board business is available from the Member Services Administration team or can be downloaded from <http://www.westlothian.gov.uk/media/1859/Joint-Board-Travel-and-Subsistence-Claim-Form/excel/claimformjointboard.xlsx>

3.3 Submission and Publication

It is the responsibility of each individual Elected Member to complete forms accurately and duly sign the declaration. Completed forms should be passed to Corporate Services for processing.

As the Council is required to publish information on Elected Members' salaries, allowances and expenses by 1 June each year, expenses claims for that year must be submitted no later than 5 April. Expenses claims submitted after this date will only be

reimbursed in exceptional circumstances to be determined by the Head of Corporate Services.

4 TRAVEL ALLOWANCES

Elected Members are expected to adopt the most cost-effective method of travel.

Payment of travel allowances will be paid to Elected Members in accordance with the Local Government (Allowances and Expenses) (Scotland) Regulations 2007 and Amendment Regulations 2010.

Travel allowances will be paid at the rates set by the regulations for journeys necessarily incurred for the purpose of performing approved duties. The list of approved duties is set out in Appendix 1.

4.1 Private Car, Van, Motorcycle or Bicycle

Work Travel

Where the method of travel is by private car, van, motorcycle or bicycle the mileage claimed should commence from the point of departure on Council business and should be on the basis of excess mileage incurred on approved duties.

Rates of mileage allowance are set in the Regulations and are as follows:

Mode of Transport	Amount Per Mile
Car or Van	45p
Motorcycle	24p
Bicycle	20p
Additional passenger rate (per passenger)	5p

HM Revenue and Customs have set the maximum statutory tax-free rate of mileage allowance at 45p per mile. PAYE will not be payable on mileage allowance claims.

In addition to mileage, the following associated costs will be reimbursed:

- Parking charges – receipted costs of expenditure incurred
- Road and bridge tolls
- Road pricing/congestion charges – receipted costs of expenditure incurred
- Ferry fares for car, motorcycle or bicycle - receipted cost of expenditure incurred

Home to Work Travel

Home to work mileage claims for Elected Members who live more than 20 miles outside the council's boundary will be the subject of taxation.

Mileages incurred should be so detailed to provide a suitable trail for audit purposes. In this respect, details of each port of call must be entered on the claim form.

Elected Members have an obligation to claim the shortest route for each journey undertaken irrespective of the miles actually travelled.

4.2 Public Transport

Where the method of travel is by public transport, the following expenses may be claimed:

- Buses and trams – expenses incurred, including season ticket/passes where this is considered more cost effective.
- Taxis, trains, air travel, ferry travel – receipted cost of fare.

Travel by taxi should only be in cases of urgency or when no public service is reasonably available. If an Elected Member requires to travel by taxi on a regular basis, the principle of this should be agreed beforehand with the Head of Corporate Services.

It is expected that travel by public transport should be by standard or economy class.

5 SUBSISTENCE

5.1 Meals

Where an Elected Member is required to carry out Council business out with his or her own ward, or out with council premises in the local authority area of which they are a member, actual receipted cost of reasonable expenses may be reimbursed up to the levels detailed below:

Breakfast*	£8
Lunch	£12
Dinner	£25

*Reimbursement of breakfast costs cannot be claimed in addition to overnight subsistence and are only payable when there is a requirement to travel some distance.

5.2 Overnight Subsistence

In the case of an absence overnight from the usual place of residence the maximum rates of receipted reimbursement are:

Standard	£110
London	£131

This reimbursement covers the cost of bed and breakfast whether accommodation is booked on a "room only" or "bed and breakfast" basis.

Friends or Family	£25
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Where overnight accommodation away from home is taken with friends or family a rate of £25 per night is payable. Any claim relating to this allowance must include the accommodation address and the name(s) of the friends or family with whom the Elected Member stayed. In the circumstances where a claim of this kind is made, no other overnight allowance is payable.

Where the Council itself purchases places for Elected Members at a residential conference or other event, no overnight subsistence will be payable.

5.3 Overseas Accommodation

Where travel overseas is required, the maximum level of receipted reimbursement will generally be equivalent to the London rate.

Overseas	£131
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6 CIVIC HEAD ALLOWANCE

The Civic Head, or persons deputising for the Civic Head, may be reimbursed actual and receipted expenditure incurred in carrying out civic duties up to a maximum of £3,000 in a 12-month period running from the date of election.

7 TELEPHONES, COMPUTERS AND OTHER EQUIPMENT

Guidance on the provisions available in relation to telephone, computers and other equipment and the costs that will be reimbursed and the arrangements for doing so is set out in Appendix 2.

8 PAYMENT ARRANGEMENTS

The payment of travel and subsistence allowances and Civic Head expenses will be paid monthly on the last Thursday of the month. Payments will be made directly to the Elected Member's bank account.

9 TAXATION

Any Elected Member wishing information on the tax implications of specific allowances should seek advice from the HR Operations Section of Corporate Services.

10 CHECKS AND CONTROLS

Elected Members should annually submit a valid driving licence and car insurance certificate for inspection at the start of each financial year to Corporate Services. The car insurance should cover Council business use.

Total claims for subsistence and mileage will be reported to the Leader of the Council on a 3-monthly basis. Elected Members will also be provided with details of their own cumulative claim totals.

Corporate Services staff will ensure the arithmetical accuracy of the form and will vouch travel allowances claimed for Committee attendance.

Corporate Services staff will ensure that all claims submitted adhere to the details contained in this Scheme otherwise the claim will be returned to the Elected Member.

11 PUBLICATION

Information on Elected Members salaries, allowances and expenses will be published on the Council's website by 1 June each year. This information will include any ICT related costs and costs for transport, subsistence and attendance at conferences paid for directly by the Council on behalf of Elected Members. This information will also be available for inspection at council offices when requested in writing by a member of the public. Appendix 3 sets out the template for publicising Elected Members Remuneration, Allowances and Expenses.

CORPORATE SERVICES
POINTS OF CONTACT

Name	Designation	Telephone	Location
Katrina Daly	HR Operations Manager	01506 281402	Civic Centre
Margaret Mullen	Acting Team Leader - Payroll	01506 281436	Civic Centre

WEST LoTHIAN COUNCIL

APPROVED DUTIES

Allowances are payable for the purpose of an approved duty, the Local Government (Scotland) Act 1973 defines an approved duty as:

- Attendance at meeting of the body or any of its committees or sub-committees, and
- The doing of any other thing approved by the body, or anything of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the body or of any of its committees or sub-committees.

The term body used above includes the Convention of Scottish Local Authorities, West Lothian Council and Joint Boards of which the council is a participant.

The “approved duties” approved by the council in terms of section 46 of the Local Government (Scotland) Act 1973 are listed hereunder, viz:

REFERENCE	APPROVED DUTY
a)	Attendance at a duly constituted meeting of the Council and Committees or Sub – Committees thereof, Policy Development & Scrutiny Panels and Local Committees.
b)	Attendance in the capacity as a member of the Council at meetings, functions or ceremonies at the invitation of non-party political organisations.
c)	Attendance by Chair of Committee or Sub-Committee of the council, or an Executive Elected Member (portfolio holder), as the Council’s representative at any event, function or visit whose matter is closely related to the function of that committee or Sub-Committee or Portfolio.
d)	Attendance at scheduled surgeries.
e)	Attendance at surgeries out with a member’s own ward, where necessary.
f)	Attendance by an Elected Member at specified place and at a pre-arranged time for the purpose of being available for consultation by constituents on problems arising in connection with the discharge of the functions of the council or any of its committees or sub-committees. Attendance for consultation with constituents at a place within the area of West Lothian Council other than at fixed or specified locations.
g)	Attendance at meetings of other bodies as a duly appointed delegate of the council.

REFERENCE	APPROVED DUTY
h)	Attendance at a conference or course as a duly appointed delegate of the Council.
i)	Attendance by a Chair of a Committee or Sub-Committee of the Council, or an Executive Elected Member (portfolio holder), or their nominees at meetings which have to be arranged on occasions with officials of the Council.
j)	Attendance by the Provost, Deputy Provost and Leader of the Council at his or her office to undertake official duties.
k)	Attendance at any other function or ceremony with prior approval of the Council or appropriate Committee or Sub-Committee.
l)	Attendance of a local member of the Council at a meeting called by the Provost or Chair of Committee or Sub-Committee of the Council, or an Executive Elected Member (portfolio holder), and/or an officer of the council to discuss business of a competent nature.
m)	Undertaking a duty in connection with the Council's functions, provided it has been approved in advance by the appropriate Committee or Sub-Committee, with the proviso that when a duty of an emergency nature arises which cannot be dealt with by telephone or correspondence, that emergency duty will be reported to the next meeting of that Committee or Sub-Committee for consideration as an "approved duty".
n)	Attendance at duly notified meetings of Elected Members of the political group.
o)	Attendance of Elected Members of the Council at area offices following a surgery in pursuance of any enquiry made to the local member by a constituent at the surgery.
p)	Attendance of Elected Members of the Council at properly constituted meetings of Community Councils and Parent Councils established within their ward.
q)	Attendance at Council premises for the purpose of carrying out clerical research and correspondence duties in relation to matters raised with Elected Members by constituents. Such duties will occur as required, but shall constitute "approved duties" on not more than one occasion in each working day.
r)	Attendance of political group officers, namely, Leader, Deputy Leader, Secretary and Whip to carry out work on behalf of the group on the basis of not more than five occasions in a calendar month.
s)	Attendance at training offered free of charge by bodies, such as the Improvement Service; or Audit Scotland, without the prior approval of the Council or appropriate Committee or Sub-Committee.

WEST LOTHIAN COUNCIL

ELECTED MEMBER TELEPHONE, COMPUTER AND OTHER EQUIPMENT ALLOWANCES

CLAIMS PROCEDURE AND GUIDANCE NOTE

This guidance note sets out the provision available in relation to the costs that will be reimbursed and the arrangements for doing so.

1. Computers

Each Elected Member will be provided with a desktop PC or laptop computer for business use.

2. Home Telephones

Elected Members may choose to have either:

- A secondary (business) home telephone line installed and administered by the Council; or
- 50% of receipted line rental and itemised billing charges reimbursed for a home telephone which is used for both business and personal use.

Where a telephone package involves payment of line rental and a fixed sum in relation to call charges, reimbursement will be for 50% of the line rental charges plus any identified business call costs only.

3. Mobile Telephone and iPad

The Council will provide a mobile telephone and an iPad to Elected Members from a supplier of the Council's choice. The Council will be responsible for the following costs:

- Telephone equipment
- Line rental/charge
- The actual cost of business

The use of mobile telephones and iPads is restricted to Council business only. On receipt of these devices Elected Members will be required to provide a written undertaking regarding restrictions of use. In exceptional circumstances, an Elected Member may use the mobile telephone for a private call. In such cases he or she will be required to repay the full cost of the call to the Council.

As international roaming is not included in the contract for iPads, if an Elected Member requires to use their iPad whilst abroad, this must only be done in areas where free

Wi-Fi is available. Elected Members must contact IT Services prior to taking the iPad abroad in order to get the international bar lifted. This bar must be reinstated on return.

4. Broadband Internet Services

Broadband internet services will be made available to Elected Members based on business need to be determined in conjunction with the Head of Corporate Services.

When requesting installation Elected Members will be required to provide an written undertaking regarding restrictions of use.

5. Remote Secure Access (RSA) Tokens

RSA Tokens will be made available to Elected Members based on business need in circumstances where an Elected Member requires secure remote access to network drives. Business need shall be determined in conjunction with the Head of Corporate Services.

6. Payment of Accounts

- Home Telephones for Business and Personal Use

The Elected Member will be responsible for paying accounts for home telephones used for business and personal use to the provider of the service.

- Secondary Phone Line for Business Use

The Council will administer the payment of secondary phone lines installed for business use only.

- Mobile Telephones and iPad

The Council will administer the payment of mobile telephone and iPad accounts.

- Broadband Internet Services

Where broadband internet services are provided via a home telephone package the Elected Member will be responsible for paying accounts for the broadband internet service. The Council will administer the payment of broadband internet services installed for business use only.

7. Reimbursement of Costs

Elected Members must submit a receipted telephone account and/or broadband internet service account to Corporate Services, before any reimbursement of costs can be made. Where an Elected Member has opted to use one phone line for business and personal use, then receipted accounts must be accompanied by a statement of business calls being claimed.

Elected Members paying telephone and/or broadband internet service accounts by direct debit or budget account must submit the payment invoice received from the provider of the service.

Reimbursement will be made through the payroll system.

8. Taxation

- **PAYE**

- **Home Telephones**

Reimbursements of home telephone rentals are subject to tax under PAYE. Tax is calculated at the time of payment and is deducted at source from the rental cost. Business telephone calls are not liable to tax. This however is subject to appropriate controls being in place.

Elected Members are required to keep records of private and business calls and they have a responsibility to keep itemised call billing statements and any other supporting evidence where reimbursement is being sought for business calls.

- **Mobile Telephones**

No tax charge arises from the use of mobile telephones. The Council will retain copies of mobile telephone accounts and itemised call billing statements for inspection purposes.

- **Broadband Internet Services**

No tax charge arises for the reimbursement of broadband internet service accounts which are provided for business purposes. The council will retain copies of billing statements for inspection purposes.

- **VAT**

Elected Members will be reimbursed for the VAT component of rental and business calls subject to provision of a receipted telephone account and/or broadband internet service account. The actual receipted account must be submitted, as copies are not sufficient for the Council to reclaim the VAT element. Where Elected Members pay telephone accounts and/or broadband internet service accounts by direct debit or budget account, the actual payment invoice received from the provider of the service must be submitted.

9. Other Matters

Elected members may wish to have home telephone features that are additional to the basic services listed above. Where this is the case, Elected Members will be responsible for meeting the full cost of these features with no reimbursement being provided by the Council.

Additional mobile telephones purchased for private use will be the responsibility of Elected Members, with no reimbursement of any aspect of the cost being made, even where occasional business use is incurred.

[illegible]

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

RIVERLIFE: ALMOND & AVON – ALMOND BARRIERS PROJECT – MID CALDER WEIR

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to provide an update on progress, outline the issues that have arisen in development of the project to adapt Mid Calder Weir and afford Council Executive the opportunity to review its previous decision in favour of a partial rock ramp.

B. RECOMMENDATION

The Council Executive is recommended to:

1. Note the progress being made to adapt the weir at Mid Calder and the issues that have arisen;
2. Consider and approve a proposal to proceed with detailed design, procurement and construction of a Larinier-type technical fish pass on riparian land owned by the Council; and
3. authorise officers to commission work to determine the optimum location and technical design of the Larinier-type technical fish pass.

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; and working in partnership.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>Policy: The Scottish Biodiversity Strategy identifies the role of local authorities in meeting national species and habitat priorities.</p> <p>Legal: The Water Environment & Water Services (Scotland) Act 2003 requires local authorities to carry out their statutory functions and duties in a way, which adheres to the principles of the European Water Framework Directive.</p> <p>The Nature Conservation (Scotland) Act 2004 places a duty on officials and public bodies to further biodiversity.</p>

III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	Across Scotland river quality has improved significantly over the last 25-years and just under half of our rivers are now of good status. Ambitious targets have been set for rivers, with an objective for 87% to be at good or high-status by 2027. SOA1308-11 (% of water bodies achieving high or good status).
V	Relevance to Single Outcome Agreement	<p>SOA 3.Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business;</p> <p>SOA 8.We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>
VI	Resources - (Financial, Staffing and Property)	<p>Financial: Funding for RiverLife projects derives from the Scottish Government's Water Environment Fund (WEF) and National Lottery Heritage Fund (NLHF).</p> <p>Staffing: The Council is represented by officers on individual project groups and the RiverLife Project Board. The National Lottery Heritage Fund and Scottish Government provide additional resources to support the project through a number of pre-agreed activities discharged by River Forth Fisheries Trust.</p> <p>Property: The Council has riparian ownership, of the right (south) bank to the middle of the river.</p>
VII	Consideration at PDSP	This report was considered by the Environment Policy Development & Scrutiny Panel on 10 March 2020. The Panel 91) Noted the content of the report; and 2) Agreed that the report and its recommendations be forwarded to the next appropriate meeting of the Council Executive for approval subject to addressing the inaccurate statement in paragraph 3.2 and including comments submitted by Mid Calder Community Council. These amendments have been made.
VIII	Other consultations	The following organisations and individuals have been consulted in work leading to preparation of

this report:

WLC Legal Services, Forth Rivers Trust (FRT),
Forth District Salmon Fishery Board (FDSFB),
Householders with left bank riparian ownership,
Mid Calder Community Council (MCCC), Mid
Calder Weir Project Group, RiverLife: Almond &
Avon Project Board and the Scottish
Environment Protection Agency (SEPA).

D. TERMS OF REPORT

1.0 Introduction

1.1 **RiverLife: Almond & Avon** - Members have previously heard about the RiverLife: Almond & Avon programme and within it, the Almond Barriers Project.

1.2 **Almond Barriers Project** - There are seven large weirs on the River Almond significantly impacting fish passage and being addressed under the project. It is critical for success that all of these barriers are adapted. West Lothian Council owns, part-owns and holds licenses under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 for five out of seven of the weirs. Adaptation has been successfully completed on three of these at Kirkton, Craigshill and Howden. Work will commence shortly at Limefield, Polbeth. The City of Edinburgh Council has adapted its weir at Fair-a-Far, Cramond and currently has a project in development to adapt Dowies Mill Weir, Cramond.

2.0 Mid Calder Weir

2.1 **Facts** - The weir at Mid Calder is a large structure, some 65 metres long and 2.5 metres high of concrete and cobble construction. Although it already has a two-flight box fish pass, this is not effective. The weir is considered the uppermost point for salmon and sea trout migration on the Almond, so successful adaptation would open-up considerably more spawning grounds for these species, to the upper main stem of the river and its tributaries.

2.2 **Ownership** - Property titles are silent regarding the weir, which was understood to have been constructed to provide a take-off to power the mill, originally located on land currently occupied by East Calder Wastewater Treatment Works. Legal advice suggests that the weir belongs to those that have riparian ownership. This view is accepted by officers, SEPA, and FRT and is one widely-held across the United Kingdom. The Council's riparian ownership extends from the right (south) bank into the bed of the river to its middle point (*usque ad medium filum aquae*), a rule in law when a boundary is formed by a non-tidal stream and the title extends to an imaginary line along the middle of the stream. The position regarding ownership and responsibility for the weir, however, it is not necessarily agreed by those householders, whose riparian boundaries from the left (north) bank extend to include parts of it.



Green – 3 Powies Path
Brown – 4 Powies Path
Blue & Red – West Lothian Council

(For those reading black and white version of report
colours work from left (green) to right (red))

Fig. 01 – Extract from the Certificate of Title Showing Approximate Ownership

3.0 Adaptation proposals

- 3.1 **Current proposal** - In October 2016, the Council Executive approved a proposal to construct a partial rock-ramp across that part of the river at Mid Calder owned by the Council in order to provide a shallow incline to the top of Mid Calder Weir, which is to be retained. This would have been a similar solution to that recently completed at Howden, Livingston where a full-width rock-ramp was recently constructed. The decision favouring a partial rock-ramp was recommended by officers at the time, in the context of advice from independent consultants, dialogue with project partners and funders and followed an earlier decision favouring a Larinier (that study had considered options for full weir removal, partial removal or installation of a Larinier).
- 3.2 **Local concern** - The proposal for a partial rock ramp caused concern when presented to householders with left (north) bank riparian boundaries, which extend to include parts of the weir. Their principle concerns are based on mitigation of flood risk to their properties, which significant changes to the river may bring, the redirection of river flow, wildlife habitat and the industrial heritage of the village, all of which may be affected by the introduction of particular measures to provide fish passage. Their concerns had been exacerbated by an unintentional hiatus in communication; following handover of the project from RAFTS to the Council, which resulted in householders not having been kept informed that the original decision favouring a Larinier had been overturned.
- 3.3 **Consultation** - At a meeting in December 2018 attended by one set of householders, office-bearers from Mid Calder Community Council and a representative from Forth Rivers Trust, it was agreed to re-run the consultation events originally facilitated by RAFTS back in May 2015 on the basis that these did not include the proposal for a partial rock-ramp. Two drop-in sessions were arranged in February 2019, in Mid and East Calder. In the run-up to these events, Mid Calder Community Council (MCCC) issued leaflets, which encouraged local people to attend the drop-in sessions and respond to a separate Community Council online survey.
- 3.4 **Feedback** - Both drop-in sessions, staffed by representatives from WLC, FDSFB, FRT and SEPA, were well-attended. Written and verbal feedback from both events was overwhelmingly in support of the partial rock ramp. A number of specific technical issues were reiterated by householders with riparian ownership. Mid Calder Community Council later provided a summary of its own survey, which it claimed favoured a Larinier (61%) over a rock-ramp (39%).

- 3.5 **Critique** - There was criticism by householders of both the drop-in sessions and the Community Council's survey because they had been expecting consultation based on two possible options (partial rock-ramp and Larinier) and found only an exhibition based around a partial rock-ramp, which they claimed made it difficult to make an informed choice.
- 3.6 **Review of feedback** – following the events and survey, a meeting of project partners was arranged to review feedback. It was agreed that there were a number of specific actions, which required investigation in order to analyse and competently respond to the specific technical concerns raised by householders with riparian ownership. These related to ownership; to better understand how the proposal might affect the assets owned by others; a topographical survey in order that detailed design accurately represented current in-channel conditions; an understanding of the effect of proposals on flood risk, geomorphology and ecology.
- 3.7 **Further analysis** - an independent firm of consultants was commissioned to undertake the technical work necessary to inform analysis. A meeting was later arranged between officers, consultants and householders to discuss concerns and provide answers based on preliminary findings. As a result, the consultants' commission was extended to include objective review and analysis of potential alternatives to the partial rock ramp. The resulting draft reports were shared at an early stage with householders and feedback from all parties was taken into consideration before they were finalised.
- 3.8 **Findings** - The report 'Option Appraisal of Fish Passes at Mid Calder Weir' (Appendix 1) was completed in January 2020 and, in summary, came out in favour of a Larinier super-active baffled fish pass as a better adaptation option at Mid Calder Weir, taking into account the various site-specific constraints.
- 4.0 **Deliberations**
- 4.1 **Forth Rivers Trust's view** - Project partner, Forth Rivers Trust, supports the findings from the option appraisal but considers a partial rock-ramp a better option from an ecological and sustainability perspective. Larinier-type solutions are considered less effective at getting fish past obstructions than more nature-like structures. The Trust added that a technical fish pass may also be more difficult to manage from an operational perspective and may require additional resources from Forth District Salmon Fishery Board and Police Scotland should the structure become a target for wildlife crime.
- 4.2 The Trust added that if the Council intends to change its preference from a partial rock-ramp it should not at this stage opt for either of the two suggestions in the option appraisal without further integration of location, type of technical pass and possible solutions for other species. This is an once-in-a-lifetime chance to get the best solution. Further compromise is not considered acceptable. If it is to be a technical fish pass it has to be the best possible one. The Trust concludes that it doesn't wish to delay progress further and whilst it believes a technical solution such as a Larinier, sub-optimal, the project must move forward and find the best possible technical solution.

- 4.3 **SEPA's view** - The consultant was asked to balance a number of factors to refine the choice of option, essentially between partial rock ramp and a Larinier pass. The report's conclusion was that a Larinier (along with eel/lamprey channels) would meet the project requirements of passage for all target species over a range of flows. Any form of technical fish pass presents compromises. However, given that removal is not an option at Mid-Calder, SEPA accepts the report's findings and is content to progress on this basis.

Reflecting on Forth Rivers Trust's comments, SEPA would like the detailed design stage to work out the best choices of location and design for the Larinier and eel/lamprey passes for ensuring:

- Suitable passage for all target species
- Depth and velocities in the pass appropriate for passage at a range of river flows
- Suitable attraction flows at the Larinier mouth
- Minimisation of the potential for fish to miss the pass entrance

- 4.4 **Council officer's view** - Officers have an obligation to deliver a solution in a timeframe limited by the funding agreement with the National Heritage Lottery Fund (NHLF). Whilst a partial rock-ramp is considered more ecologically effective and aesthetically pleasing, it would be significantly less easy to deliver in the context of local opposition, particularly in conditions where impacts on the assets and amenity of others would be difficult to avoid.

- 4.5 **Householder's view** - in response to the consultant's option appraisal, the householders with riparian ownership have provided the following statement:

"After a considerable number of years of uncertainty and concern over the potential serious impact of options proposed previously for the weir at Mid Calder, the residents on the left bank of the river are delighted that the AECOM report recognises and upholds our concerns. As such, we are happy to support the proposal for a Larinier fish pass on the right hand bank of the river as this option will also cause less harm to the local habitat whilst achieving the aims of the project."

- 4.6 **Mid Calder Community Council's view** – Mid Calder Community Council has provided the following statement:

"We, as representing the residents of the village, we are delighted to note from your report that our concerns along with the concerns of those living beside the River Almond have been listened to and taken into consideration".

"We are happy to support the proposed Larinier fish pass on the right-hand bank of the river as this option seems the best for the local habitat whilst still achieving the aims of the project".

E. CONCLUSION

RiverLife: Almond & Avon is an ambitious programme of work helping restore the natural heritage of our local rivers supported by community engagement activities.

The Almond Barriers project is the largest project within the programme aimed at adapting barriers across the Almond allowing migrating fish and other aquatic species to move freely from the sea to the upper tributaries.

Mid Calder Weir is currently considered the uppermost point for salmon and sea

trout migration and requires adaptation to allow fish to reach the upper tributaries of the river. The council is funded to deliver this project, which has been delayed by local concern, brought about by potential impacts and discontinuous communication.

Time and effort have been invested to investigate the specific technical concerns of householders and reappraise options based on technical criteria. The outcome of that process supports a Larinier-type technical fish pass at Mid Calder Weir.

This solution has the support of project partners subject to further consideration of its location and design. Householders and Mid Calder Community Council support the proposal subject to it being on, or close to, the right (south) bank of the river.

F. BACKGROUND REFERENCES

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http://www.sepa.org.uk/water/river_basin_planning/scotland.aspx

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the Environment Policy Development & Scrutiny Panel – 30 October 2018

RiverLife: Almond & Avon Programme – Report by Head of Operational Services to the Council Executive – 13 November 2018

RiverLife: Almond & Avon – Almond Barriers Project – Mid Calder Weir – Report by Head of Operational Services to the Environment Policy Development & Scrutiny Panel – 10 March 2020.

Appendices/Attachments: Appendix 1 - 'Option Appraisal of Fish Passes at Mid Calder Weir'

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Date of meeting: 24 March 2020

Option Appraisal of Fish Passes at Mid Calder Weir

West Lothian Council

January 2020

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Revision history

Revision	Revision date	Details	Authorized	Name	Position
1 Original	19-11-2019	Memo	OS	Omar Sholi	Associate
2	27-11-2019	Memo	OS	Omar Sholi	Associate
3	29-11-2019	Memo	OS	Omar Sholi	Associate
4	03-01-2020	Report	OS	Omar Sholi	Associate
5	10-01-2020	Report	OS	Omar Sholi	Associate

Prepared for:

West Lothian Council

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1. TABLE OF CONTENTS

1.	TABLE OF CONTENTS	
2.	INTRODUCTION.....	1
2.1	Project Timeline	1
2.2	Option Re-Appraisal.....	2
2.3	Report Structure	3
3.	OPTIONS.....	4
3.1	Overview	4
3.2	Partial Rock Ramp with Low Flow Channel (Option 1).....	4
3.2.1	Design Summary	4
3.2.2	In-built Mitigation.....	5
3.2.3	Further Development	5
3.3	Larinier Fish Pass (Central) (Option 2)	6
3.3.1	Design Summary	6
3.3.2	In-built Mitigation.....	8
3.3.3	Further Development	8
3.4	Larinier Fish Pass (Right Bank) (Option 3)	8
3.4.1	Design Summary	8
3.4.2	In-built Mitigation.....	10
3.4.3	Further Development	10
3.5	Canalised Fish Pass (Option 4).....	10
3.5.1	Design Summary	10
3.5.2	In-built Mitigation.....	11
3.5.3	Further Development	12
4.	METHODOLOGY	13
4.1	Overview	13
4.2	Supporting Analyses and Appraisal Tools	13
4.2.1	Appraisal Tools	13
4.2.2	Other Supporting Analyses.....	13
4.3	Option Appraisal	13
4.3.1	Approach	13
4.3.2	Stage 1: Pass / Fail assessment	13
4.3.3	Stage 2: Option Appraisal: Key Project Criteria.....	14
4.3.4	Stage 3: Option Appraisal: Other Criteria.....	14
5.	SUPPORTING ANALYSES.....	15
5.1	Hydrological Analyses	15
5.1.1	Overview	15
5.1.2	Scenarios	15
5.1.3	Hydrological Analysis Results.....	15
5.2	Hydraulic Review Including Flood Risk and Hydromorphology	20
5.2.1	Overview	20

5.2.2	Flood Flows	20
5.2.3	Typical Flows	24
5.2.4	Hydraulic Modelling Results Summary	25
5.3	Fish Passage	28
5.3.1	Overview and Passage Requirements	28
5.3.2	Review	28
5.3.3	Results	29
5.4	Other Ecology	29
5.5	Design and Construction Costs	30
5.5.1	Overview	30
5.5.2	Evidence Base	31
5.5.3	Construction Cost Estimates	32
5.6	Maintenance Considerations	33
5.6.1	Overview	33
5.6.2	Debris Accumulation	33
5.6.3	Adjustment to Fish Pass	34
5.6.4	Structural Maintenance / Asset Replacement	34
5.6.5	Maintenance Summary	35
5.7	Health and Safety	35
6.	OPTION APPRAISAL STAGE 1: PASS/ FAIL ASSESSMENT	37
6.1	Overview	37
6.2	Flood Risk to Buildings	37
6.3	Health and Safety	37
6.4	Channel Stability	37
6.5	Stage 1 Summary	37
7.	OPTION APPRAISAL STAGE 2: KEY PROJECT CRITERIA	38
7.1	Overview	38
7.2	Fish Passage	38
7.3	Costs	38
7.3.1	Construction	38
7.3.2	Operational	39
7.4	Stage 2 Summary	39
8.	OPTION APPRAISAL STAGE 3: OTHER CRITERIA	40
8.1	Overview	40
8.2	Other Ecology	40
8.3	Flood Risk to Land and Powie's Path	40
8.4	Hydromorphology	41
8.5	Land Ownership	41
8.6	Aesthetics	41
8.7	Buildability and Risk	42
8.8	Health and Safety	43
8.9	Poaching	43
8.10	Stage 3 Summary	44

9. OPTION APPRAISAL SUMMARY45

9.1 Appraisal Summary.....45

9.2 Conclusions and Recommendations46

Appendix A – Relevant Experience from Other Fish Passes47

A.1 Kirkton Weir47

A.2 Fair-a-Far Weir49

A.3 Hoghton Bottoms Weir50

Appendix B – Recent Updates to the Hydrological Analysis Tool.....52

2. INTRODUCTION

2.1 Project Timeline

The Almond Barriers project is a catchment scale fish passage restoration project and a partnership between SEPA, the Forth Rivers Trust (formerly the River Forth Fisheries Trust) and relevant local authorities (West Lothian Council (WLC) and the City of Edinburgh Council). The project aims to re-establish fish migration through a >200 km length of the Almond catchment by improving fish passage at seven redundant weirs including Mid Calder weir. The project has involved a number of stages over a decade. These steps are discussed further in Table 2.1 below.

Table 2.1 River Almond Fish Passes Timeline

Stage	Date	Description
Conception and Cost Benefit	2010	The initial stage involved the River Forth Fisheries Trust undertaking a high level review of the effect of barriers at 25 structures along the river. SEPA reviewed this work in light of the River Basin Management Plan objectives for Scotland and the River Forth. There are multiple barriers on the main stem of the river, so improving fish passage at these barriers of the Almond would open up a large catchment (potentially >200km river and tributary length) to migratory fish. Around 12 RBMP waterbodies would improve in classification as part of the project (accessibility for fish would move from the current Poor Status, to Good Status). Value for money was considered during prioritisation to identify where WEF funding could apply (assessing the costs against the environmental gains).
Options Appraisal	2014 - 2015	High level options and constraints were assessed at the most significant barriers. This led to 8 barriers (Seafield, Kirkton, Howden Bridge, Mid Calder, Rugby Club, Limefield Falls, Dowie's Mill and Fair a Far weirs) being identified by SEPA for further action. More detailed option appraisal of at each of the 8 barriers was undertaken before a preferred option was established (two were identified at Mid Calder; weir removal or Larinier fish pass). Analyses were supported by survey works including topography/ bathymetry and structural surveys. Option appraisal was undertaken by Atkins while surveys were arranged by Mott MacDonald.
Outline or Detailed Design	2015-2016	Outline designs were completed by AECOM at 4 of the weirs (Kirkton, Rugby Club, Howden Bridge and Mid Calder weirs), with detailed designs prepared by JBA at 2 of the weirs (Dowie's Mill and Fair-a-Far weirs). The Mid Calder outline design project was delivered on behalf of the River and Fisheries Trust for Scotland, while SEPA and the FRT were part of the Project Steering Group. Following a detailed hydromorphological review the weir removal option was not considered appropriate (outlined further in Section 3.2) and was replaced by a partial rock ramp option. Through the outline design for Mid Calder, some differences between the two options were identified in terms of fish passage for different species and sizes, although it was concluded that both solutions should facilitate the passage of native species (notably salmonids). Subsequent design improvements, such as inclusion of a low flow channel through detailed design, would improve fish passage performance of a partial rock ramp. The conclusions also indicated that a partial rock ramp at Mid Calder Weir would provide a more natural solution (with it being designed to mimic the natural rapid/pool sequences of the River Almond), require less maintenance and would encourage less poaching ¹ than the alternative Larinier solution.

¹ For the purposes of this report, poaching refers to the illegal taking of fish. This includes the taking of fish without a licence / permission, using illegal methods (e.g. nets) or outside of the allowable times of year. These acts are a wildlife crime under various clauses of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 (as amended). The offences range across a number areas which either directly or indirectly impact on the salmon and seat trout (all life stages) and are there to protect the populations of migratory and resident freshwater fish species.

Stage	Date	Description
Detailed design and construction	2017 - ongoing	Construction of the fish passes began in 2017 and is ongoing. Fish passage was delivered at Kirkton weir (single flight Larinier) and Fair a Far weir (renovated double back/ dual flight Larinier) in 2018. Fish passage was delivered at Howden Bridge weir (rock ramp) and Rugby Club weir (bypass channel).
Stakeholder events for Mid Calder	2019	WLC arranged two stakeholder consultation events (in East and Mid Calder) for local residents to learn more about the proposed partial rock ramp, which WLC intended to deliver to enable fish passage at Mid Calder weir. Locals were able to discuss the plans with representatives of FRT, AECOM, SEPA and WLC.
Detailed design of a partial rock ramp at Mid Calder	2019	AECOM was commissioned by WLC to further explore the design of a partial rock ramp. The initial draft results of this work were summarised in the "Mid Calder Rock Ramp – Initial Analyses Working Document", dated 23rd August 2019. This was released to the residents of Powie's Path and WLC and AECOM subsequently met with a number of the residents on the 19th September 2019. Some residents who live on the left-hand bank / north side of the river have raised concerns with the rock ramp and these were considered in the design note issued in November 2019.
Option (re-) appraisal at Mid Calder	2019 – 2020	This is the focus of this report and is described further in Section 2.2 below.

2.2 Option Re-Appraisal

Table 2.1 indicates the level of effort that has gone into developing a fish passage scheme at Mid Calder weir.

To enable a decision to be made regarding the way forward, WLC commissioned AECOM to review a shortlist of potentially viable options and compare the relative technical benefits and disbenefits of the options. The options considered within this appraisal are as follows:

- A partial rock ramp, as developed in recent work;
- A Larinier fish pass towards the middle of the river channel, as developed in 2016 to outline design level, but including further considerations as described in this report;
- A Larinier fish pass adjacent to the right-hand bank, similar to that installed at Fair-a-Far weir in Cramond, Edinburgh. A concept design was developed for this report to allow the option to be appraised; and
- A canalised fish pass along the right-hand bank. A concept design was developed for this report to allow the option to be appraised and informed by a similar fish pass at Hoghton Bottoms weir (Ribble Rivers Trust).

The purpose of this appraisal is to provide WLC with a technical review of the above fish pass options, considering a number of important differentiating factors.

It is important to note that AECOM was commissioned to provide an assessment of the options based on available information without undertaking significant additional design work. For example, designs for a partial rock ramp and central fish pass were relatively well developed, whereas designs for the canalised fish pass and bankside Larinier options can only be considered conceptual. It was therefore necessary to exercise judgement in the appraisal of some criteria. This is described in each of the sections of this report where relevant. The outputs of this assessment should therefore be considered comparative and high-level in nature.

2.3 Report Structure

This remainder of this document is as follows:

- Description of options being considered;
- Methodology (supporting analyses/ appraisal tools and options appraisal);
- Supporting analyses results;
- Option appraisal (Stages 1 to 3); and
- Option appraisal summary, conclusions and recommendations.

3. OPTIONS

3.1 Overview

The four different options are described in this section. Each of the options was developed and clarified based on AECOM's understanding of the site, previous analyses (e.g. results from the outline design), understanding of the types of fish passes themselves (e.g. hydraulic requirements, their passage efficacy at other sites) and technical literature (e.g. Environment Agency Fish Pass Manual, BFPP Supplement on Fishways, FAO Fish Passes).

3.2 Partial Rock Ramp with Low Flow Channel (Option 1)

3.2.1 Design Summary

The partial rock ramp and its design are presented in the "Mid Calder Partial Rock Ramp - Design Note" (produced by AECOM in November 2019). The design is currently at outline stage; a similar level of detail to the central Larinier fish pass (option 2). A full rock ramp option, which would normally be preferred over a partial rock ramp, has not been developed for the site. This is because, when the rock ramp option was first suggested for the site during AECOM's outline design work for RAFTS², one of the design requirements was to avoid substantive works in the left hand (secondary) channel due to land ownership constraints.

A schematic of the design is indicated in Figure 3.1 below (*note the final design would have a more natural appearance and not the regular forms shown*). The following features are expected to be included:

- Rock ramp constructed using similar materials as at Howden Bridge weir – a dense fill material, overlaid with boulders set in concrete. The aim would be to create a more natural appearance, however, where possible.
- A simple 1m wide low flow channel was included for this initial appraisal and in order to ensure fish passage would be achieved for the full flow range where passage is desired (i.e. Q95 to Q10 / low to high flows). Should this option be further developed, it is considered likely that the form of the rock ramp would be different to that at Howden Bridge to soften the visual appearance of the low flow channel, however AECOM has not developed the rock ramp option in such detail at this stage.
- The weir crest would be notched / adjusted to match the low flow channel. If feasible, it may be preferable to replace the weir crest with embedded rocks. The existing fish pass would be filled in.
- Measures would be included to reduce the risk of fish entering the side channel. This would include boulder placement to direct fish towards the main channel / right-hand bank and / or adjustments to the river bed (smoothing out) to make the secondary channel less attractive to fish.
- Three resting pools would be required to keep the length of each "rapid" section within the burst swimming capability of the fish. The resting pools would span the width of the channel to ensure energy dissipation is sufficient at elevated flows. As with the low flow channel the form of these could be altered from Howden to soften their visual appearance.

² AECOM (2016). West Lothian Weirs Outline Design

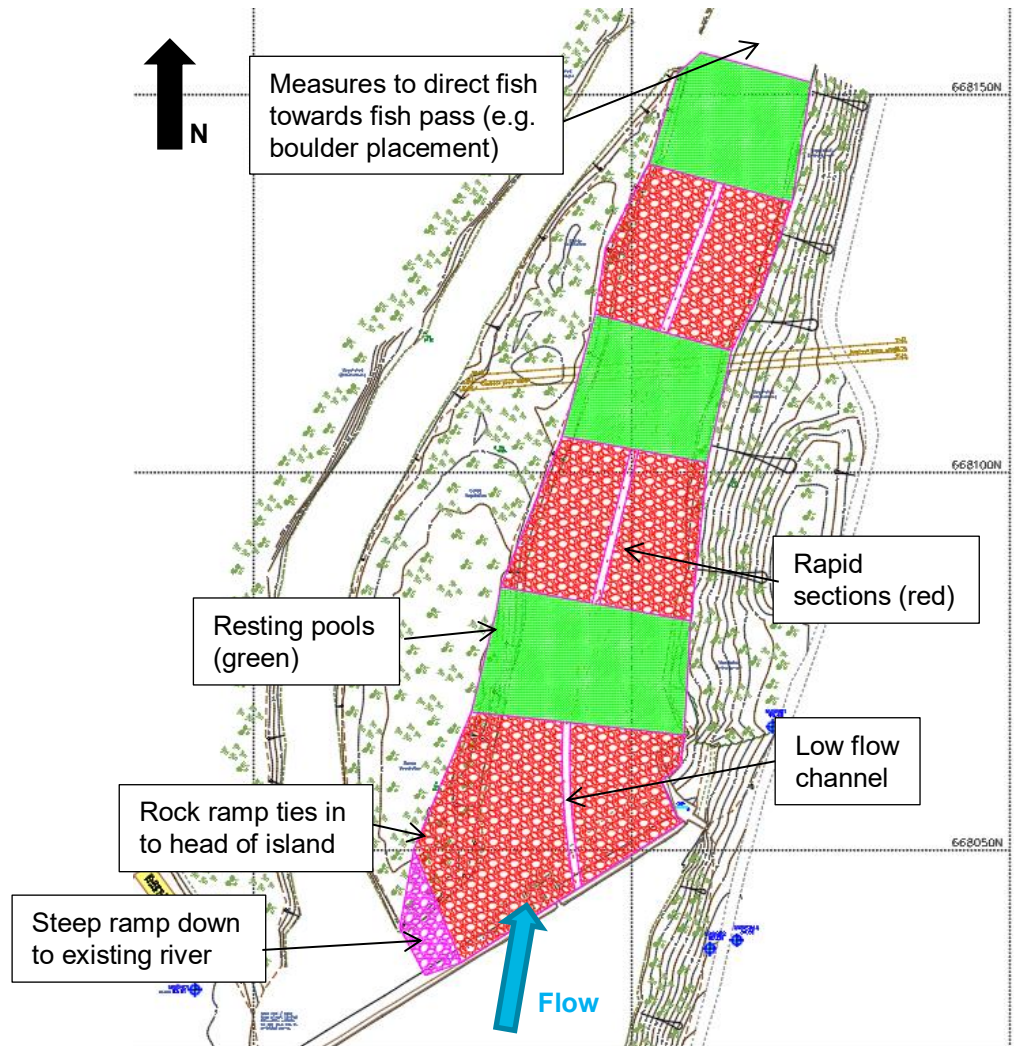


Figure 3.1 Indicative partial rock ramp with low flow channel

3.2.2 In-built Mitigation

The option described above includes mitigation for a range of issues that have been considered for the option. Designs for some of these have not been developed but it is assumed that these would be included should this option be further developed. Examples of such mitigation are as follows:

- Minimised low flow channel geometry to reduce impacts on distribution of flows (especially during low flows). This is to minimise ecological impacts and to help address landowner concerns;
- Rock ramp width at weir face set to maintain the same flow proportion as present during flood flows. This is to reduce the risk of scour in the left hand channel;
- Measures to reduce the likelihood of fish entering the secondary channel, as this would be a dead end for migrating fish. This would include maximising attraction flow on the fish pass by focussing flows, boulder placement to direct fish and reducing the attractiveness of the secondary channel by smoothing out the river bed; and
- Changes to the rock ramp form compared with Howden Bridge weir fish pass to soften / naturalise the appearance of the rock ramp and better distribute flows across the ramp.

3.2.3 Further Development

Further development of this option should consider the following (to highlight potential changes that could be made to the option presented):

- The exact low flow arrangement (invert level and geometry of low flow channel) to confirm the flow distribution at low flows. This will need to be a balance of maximising fish passage and attraction at low flows versus managing ecological impacts in the secondary channel and other concerns;

- Refinement of the rock ramp geometry to minimise impacts on flood flows; and
- Some measures may be required to protect the existing island and left channel from scour (refer to Section 5.2). If required, it is expected that this could be achieved using natural methods e.g. riprap placement, vegetation etc. The nature and extent of such measures would require to be determined should this option be progressed. These measures have not been included in this appraisal due to expected land ownership constraints.

3.3 Larinier Fish Pass (Central) (Option 2)

3.3.1 Design Summary

An outline design of a Larinier fish pass was produced by AECOM in 2016 and is shown in Figure 3.2 below. Results of this were presented in detail in the associated report³. The design is currently at outline stage, similar to the partial rock ramp.

Experiences from the Kirkton Weir Larinier fish pass are described in Appendix A.1. These are relevant to the appraisal of this option.

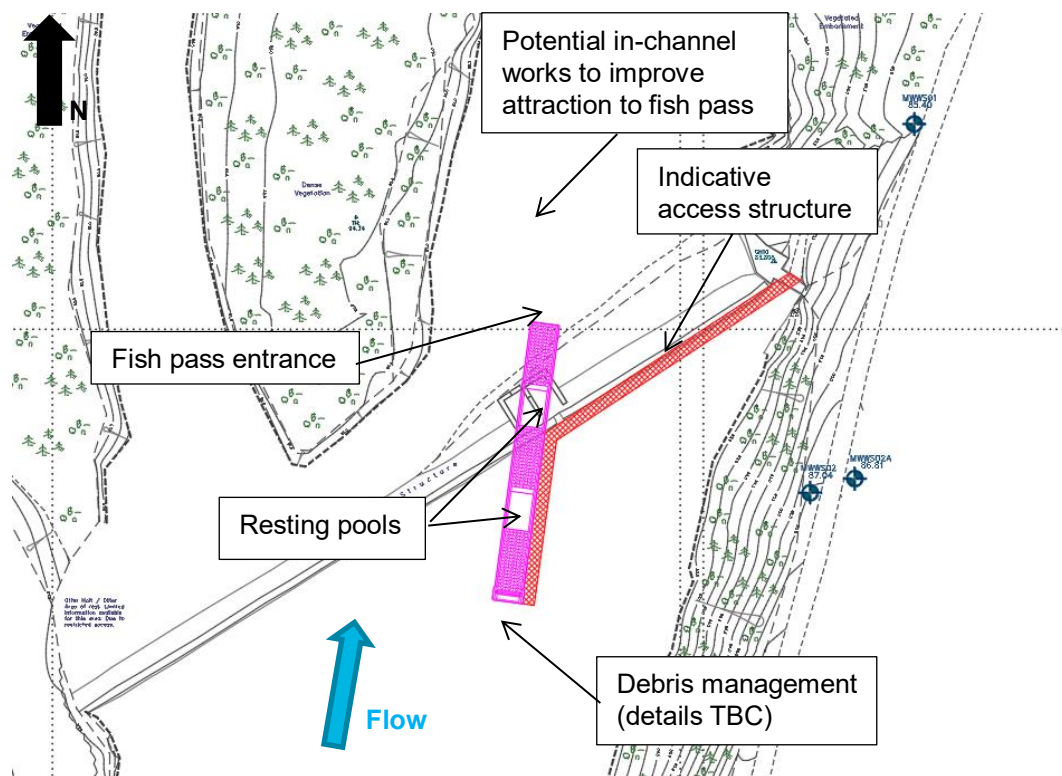


Figure 3.2 Proposed Larinier fish pass (central) location along with further details

Two locations were considered during the outline design for the location of the Larinier pass: against the right bank, or towards the middle of the right channel. The left channel was not further considered due to the limited flows in this channel and the potential for sediment build up on the inside of this bend in the river. It was agreed with the client and project group that the central location was preferred and developed to outline design. The primary driver for selecting the mid-channel location at the time was to minimise the risk of poaching. This would be aligned with natural attraction flow in the river and, due to the angle of the weir, the entrance would be further upstream than a fish pass next to the right bank. It was thought that the central location would also be away from both areas of sediment deposition on the left bank and the likely primary route for sediment transport near the right bank. Anecdotal evidence from local residents suggests that the primary route for floating debris is in the centre of the river, although it is not clear whether this is linked to the presence of the existing fish pass. Further consideration regarding debris would be required at detailed design.

Table 3.1 below summarises the final outline design parameters and comments on their selection.

³ AECOM (2016) West Lothian Weirs Outline Design

Table 3.1 Summary of Larinier Fish Pass (Central)

Parameter	Value	Comment
Entrance	n/a	Downstream entrance to fish pass would be located at edge of concrete apron i.e. as far upstream as possible.
Gradient	15%	Gradient typically 10-15%. 15% was selected to minimise pass length
Baffle height	100 mm	Typical heights 100-150mm. A greater height would be used where there is significant variation in upstream head. This is not the case at the Mid Calder Weir and 100mm was therefore used as the less costly option.
Width	1.8 m	In terms of fish passage performance, there is not significant sensitivity to the width of the Larinier; the main difference is the proportion of flow that goes through the pass compared with over the weir. A width of 1.8m, selected at outline design, ensures a high proportion of flow goes through the pass whilst maintaining some flow over the weir even at very low flows (Q_{90}). To reduce the potential for adverse effects due to changes in the flow balance the Larinier fish pass could be narrowed to 1.2 m. A 1.2 m width was therefore used in the hydrological analyses (Section 5.1)
Invert level	200 mm below weir level	The invert level was selected to provide a balance between flow depth and velocity, in addition to maintaining flow over the weir at very low flows (Q_{90}). Narrowing the fish pass would maintain flow over the weir at even lower flows. The existing fish pass would be filled in.
Sidewall height	300 mm above Q_{10} water level	The sidewall level was set to reduce the risk of water spilling over the sides into the pass, which could otherwise disrupt flow patterns.
Resting pools	2 within the fish pass, with potential deepening of the river at the downstream entrance if required	Due to the length of the pass, a minimum of one resting pool would be required for the pass to be effective for most species. To improve passability, particularly for salmon parr and cyprinids, an additional resting pool was added to the design. The number of resting pools should be reviewed should this option be further developed.
Stop logs	n/a	A slot was added at the upstream end of the pass to allow the pass to be kept dry for maintenance works
Monitoring equipment	n/a	An additional slot was added downstream of the stop logs to allow monitoring equipment to be added without impeding the in-channel flow.
Debris deflector	n/a	Discussions were held with a Larinier baffle manufacturer (Aquatic Control Engineering) regarding blockages. It was noted that Larinier fish passes are generally less prone to blockage than other technical fish passes (EA Fish Pass Manual). For the purposes of this report, it was assumed that measures to deflect debris would be included. The detail of this would require confirmation should this option be progressed.
Covers (optional)	n/a	Covers would reduce the risk of people falling into the fish pass, debris entering the pass from above and poaching and predation. There would also be a risk of people being drawn into the fish pass by the strength of the current. The addition of covers would prevent safe escape in such an eventuality, so any covers would need to be combined with a security screen. The River Forth Fisheries Trust (now the Forth Rivers Trust) advised against the use of covers due to potential ongoing maintenance requirements. For the purposes of this report, it was assumed that no covers or screens would be fitted.
Eel passage	n/a	Two eel passes would be included – one at each river bank.
Maintenance access	n/a	Compared with Kirkton, a Larinier fish pass at Mid Calder would be less likely to trap debris due to the river channel being wider. With the proposed debris deflectors in place, the likelihood of needing maintenance intervention to remove debris should be much lower. Further consideration regarding maintenance access is required in discussion with WLC. For the purpose of this report, it was assumed that an access structure (gantry) would be required to ensure safe maintenance. This could be of a similar form to that at Kirkton weir.

3.3.2 *In-built Mitigation*

The option described above includes mitigation for a range of issues that have been considered for the option. Designs for some of these have not been developed but it is assumed that these would be included should this option be further developed. Examples of such mitigation are as follows:

- Separate eel, and potentially lamprey, passes near both the left and right river banks.
- Access structure to facilitate maintenance
- Measures to deflect debris away from the upstream end of the fish pass
- Larinier baffles would be stainless steel to reduce likelihood of them needing to be replaced during fish pass design life

3.3.3 *Further Development*

Further development of this option should consider the following (to highlight potential changes that could be made to the option presented):

- The exact low flow arrangement (fish pass width and / or inlet invert level) to confirm the flow distribution at low flows. This will need to be a balance of maximising attraction at low flows versus managing ecological impacts in the secondary channel and addressing landowner preferences.
- Whether the need for an access structure can be removed, or whether alternative access arrangements can be made such as a floating structure that can be rotated into position to reduce the visual impact.
- Whether there is a need for covers.
- Whether there is a need for in-channel works to facilitate fish finding the fish pass entrance, such as boulder placement.
- Alternative Larinier baffle materials to reduce construction costs.

3.4 **Larinier Fish Pass (Right Bank) (Option 3)**

3.4.1 *Design Summary*

The right bank location was re-introduced as an option for this option appraisal as it offers an alternative over the central option (refer to Section 3.3).

To allow appraisals to be carried out, an indicative concept design of a right bank Larinier fish pass was prepared. This arrangement would be similar in layout to that used at Fair-a-Far fish pass in Cramond, Edinburgh. There have been some post-construction issues at the Fair-a-Far Larinier fish pass; these are noted in Appendix A.2 along with commentary regarding potential solutions / whether the issues are relevant to Mid Calder.

Figure 3.3 below shows a sketch of a possible arrangement. There are several details that would require further consideration as noted in Table 3.2 below.

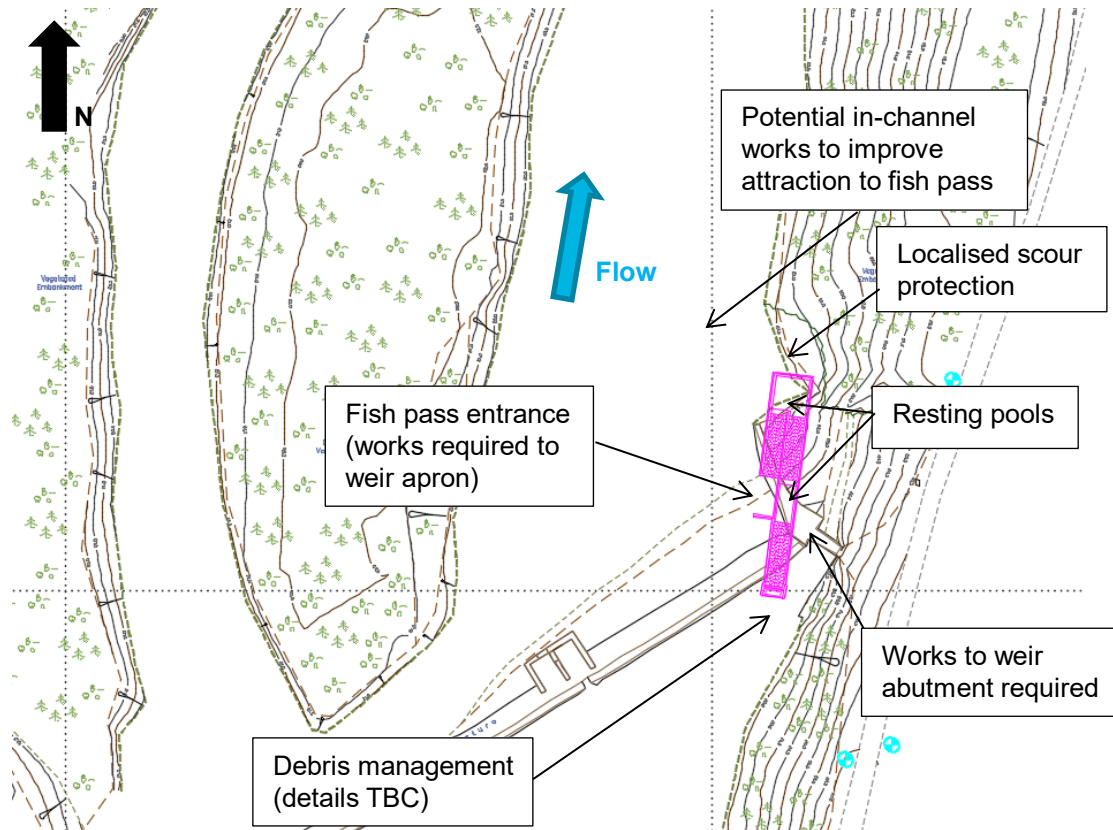


Figure 3.3 Potential right-bank Larinier fish pass arrangement

Table 3.2 below summarises the indicative design parameters and comments on their selection. A bankside location would address construction and maintenance challenges associated with the central location. Anecdotal evidence suggests that the floating debris load on the right river bank would be low, however consideration would be required as to whether the introduction of a fish pass would alter flow dynamics and the movement of debris. A river bank location is typically where fish would migrate to (EA Fish Pass Manual), although in the case of Mid Calder there is currently also strong attraction flow in the centre of the river. Fish are known to jump at the weir at this location (it is not known whether they also attempt to jump the weir at other locations).

Table 3.2 Summary of Larinier fish pass (Right Bank) option

Parameter	Value	Comment
Gradient	15%	As per central option
Baffle height	100 mm	As per central option
Width	1.2 m	Reduced to 1.2 m for reasons outlined in Table 3.1.
Invert level	200 mm below weir level	As per central option
Sidewall height	300 mm above Q ₁₀ water level	As per central option
Resting pools	2 in total	As per central option. In the case of this arrangement, having a longer upper flight is well-suited to the weir geometry.
Stop logs	n/a	As per central option
Monitoring equipment	n/a	As per central option
Debris deflectors	n/a	As per central option
Covers (optional)	n/a	As per central option. With a river bank location, it may be that covers offer a solution to the potentially increased risk of poaching. Further consideration would be required should this option be developed.
Channel works	n/a	Depending on the final arrangement, it may be that some in-channel works (e.g. boulder placement) would be included to maximise attraction of the fish pass. For the purposes of this report, it is assumed that such measures will be included.
Weir abutment	n/a	If the final arrangement is in the position of the current weir abutment, some works would be required to incorporate the fish pass into the weir and river bank.
Eel passage	n/a	Two eel passes would be included – one at each river bank.
Fencing	n/a	River bank waist-height fencing would be included for safety reasons.

3.4.2 *In-built Mitigation*

The option described above includes mitigation for a range of issues that have been considered for the option. Designs for some of these have not been developed but it is assumed that these would be included should this option be further developed. Examples of such mitigation are as follows:

- Separate eel, and potentially lamprey, passes near both the left and right river banks;
- Fencing to deter poachers;
- Measures to deflect debris away from the upstream end of the fish pass; and
- Larinier baffles would be stainless steel to reduce likelihood of them needing to be replaced during fish pass design life.
- Localised scour protection on the river bank downstream of the fish pass (e.g. riprap / geotextile / resilient vegetation)

3.4.3 *Further Development*

Further development of this option should consider the following (to highlight potential changes that could be made to the option presented):

- The exact low flow arrangement (fish pass width and / or inlet invert level) to confirm the flow distribution at low flows. This will need to be a balance of maximising attraction at low flows versus managing ecological impacts in the secondary channel and addressing landowner preferences;
- Whether there is a need for covers or other measures to reduce poaching;
- Whether there is a need for in-channel works to facilitate fish finding the fish pass entrance, such as boulder placement;
- Alternative Larinier baffle materials to reduce construction costs; and
- Details of works to the weir abutment – it may be necessary to move the fish pass so that it is adjacent to, rather than replacing, the existing weir abutment structure.

3.5 **Canalised Fish Pass (Option 4)**

3.5.1 *Design Summary*

The idea of a canalised fish pass option came about when trying to combine the benefits of a rock ramp (multi-species passage and natural appearance) with those of a Larinier fish pass (small footprint and impact on flow conditions). Such a structure was recently installed at Hoghton Bottoms Weir on the River Darwen in Lancashire – further described in Appendix A.3. Taking account of the findings of the review of the Hoghton Bottoms Weir site and available design guidance, an indicative concept design of a canalised fish pass at Mid Calder weir (see Figure 3.4) was developed and includes the following:

- Pass includes 3m wide ramps and pools (to provide an opportunity for fish to rest) of same length and slope as those designed for the partial rock ramp (Option 1) to maximise the likelihood of fish passage
- Rather than a formal low flow channel with notch, the whole channel would act as a low flow channel with a diversity of flow conditions provided using a variety of rock sizes.
- A notch would be cut into the weir (and the existing fish pass filled in) to provide fish passage at low flows. The notch would be over the full width of the fish pass to avoid the creation of a high-velocity jet of water at the top of the fish pass.
- A reinforced concrete retaining wall would divide the canalised fish pass from the rest of the river channel.
- To manage the risk of scour in the river channel resulting from water overtopping the dividing wall during a flood, some riprap may need to be installed in the river channel adjacent to the wall. For the purposes of this report, it is assumed that such works would be included, pending any investigation into scour risk should the option be further progressed.

- To manage the risk of fish missing the entrance to the fish pass, boulders would be placed in the river channel to direct fish towards the entrance. Nevertheless, it is expected to be difficult to manage this issue, particularly at high flows, due to the small proportion of overall flows within the fish pass.
- Similar to the Larinier fish passes, the narrow nature of the canalised fish pass means some debris management will be required. For the purposes of this report, it was assumed that debris deflectors would be included upstream.
- Whilst the canalised fish pass should provide passage for eels, an additional eel pass would be installed adjacent to the left bank to accommodate any eels that miss the fish pass entrance.

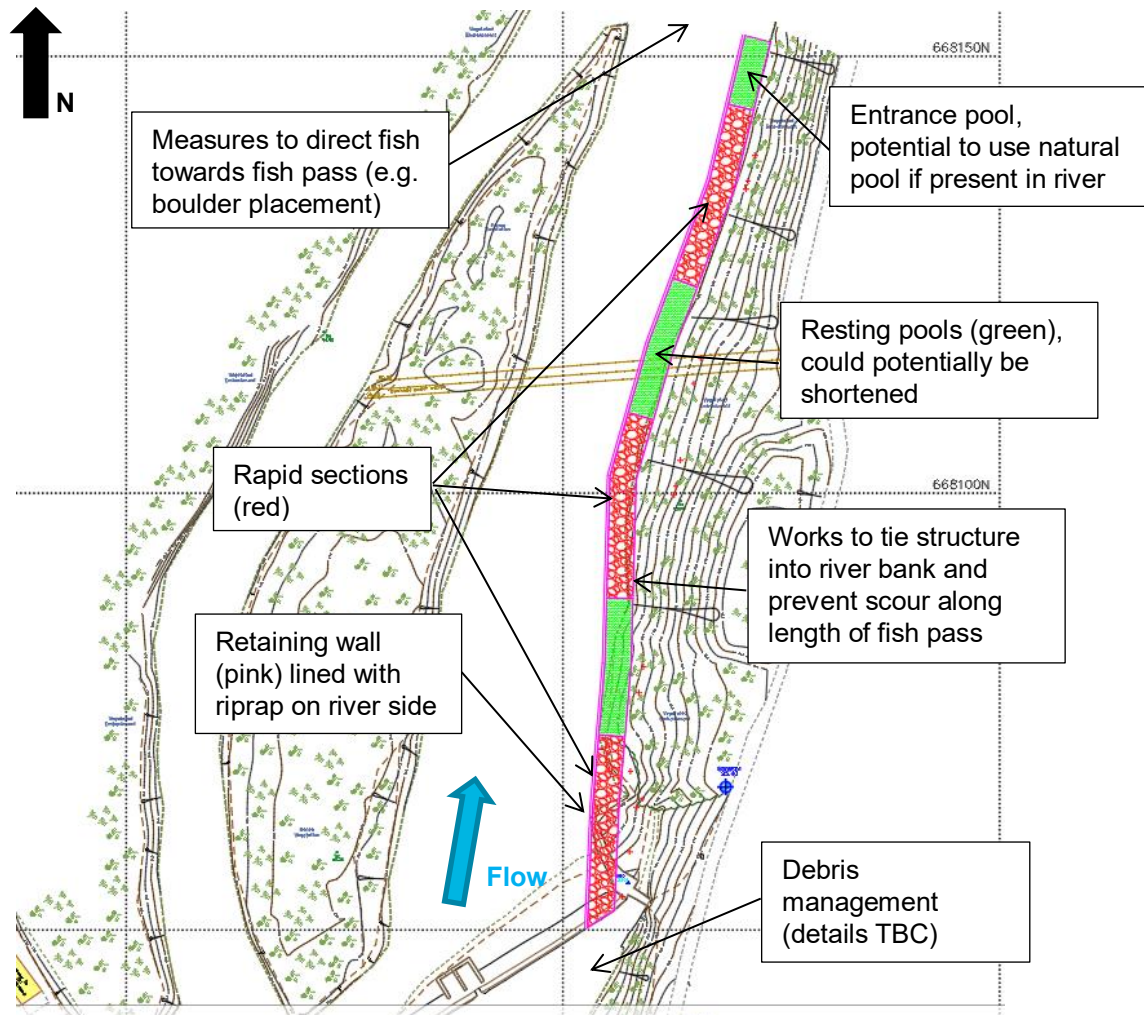


Figure 3.4 Plan of the Canalised Fish Pass initial design option

3.5.2 In-built Mitigation

The option described above includes mitigation for a range of issues that have been considered for the option. Designs for some of these have not been developed but it is assumed that these would be included should this option be further developed. Examples of such mitigation are as follows:

- Scour protection to river banks and channel to make the river resilient to changes resulting from the introduction of a rock ramp.
- Measures to reduce the likelihood of fish failing to enter the fish pass, as this would be a dead end for migrating fish. This would include maximising attraction flow on the fish pass by focussing flows, boulder placement to direct fish and reducing the attractiveness of the secondary channel by smoothing out the river bed.
- Eel and potentially lamprey passes at the left side of the weir.

3.5.3 *Further Development*

Further development of this option should consider the following (to highlight potential changes that could be made to the option presented):

- The exact low flow arrangement (invert level and geometry of entrance, including boulder placement within entrance) to confirm the flow distribution at low flows. This will need to be a balance of maximising fish passage and attraction at low flows versus managing ecological impacts in the secondary channel and addressing landowner preferences.
- The exact position of the structure at the upstream end i.e. how it interfaces with the existing weir abutment.
- Details of any required scour protection.

An alternative option involving a canalised rock ramp in a similar arrangement to Option 3 has not been considered. This would reduce the consequences of fish missing the entrance although collectively it is considered that such an option would unlikely not offer any significant benefits over Option 3 (while the passage type is unproven in the United Kingdom).

4. METHODOLOGY

4.1 Overview

The study has included two main aspects, discussed further below:

- Supporting analyses (to inform the option appraisal); and
- The option appraisal (split into stages).

4.2 Supporting Analyses and Appraisal Tools

4.2.1 Appraisal Tools

Two tools were developed during the initial analyses to reflect on the potential effect of the partial rock ramp on these matters. These were: a hydrological spreadsheet tool, to allow changes in flow balance to be appraised for varying design options, and a hydraulic model, which allows effects on flood risk and channel hydraulics/ hydromorphology to be appraised. The build of these is described further in the revised partial rock ramp design note (entitled “Mid Calder Partial Rock Ramp Design Note”). Both tools have been used as part of the appraisal of the four options presented here.

Current model results are considered appropriate to undertake a relative assessment between options although modelling should be iterated as the project advances, e.g. through detailed design. At this stage, the indicative modelling results should be treated with caution; further refinement was not considered to be warranted for this relative appraisal of options.

4.2.2 Other Supporting Analyses

In addition a number of other studies were undertaken to inform the option appraisal and overall decision making. This included collation of a cost evidence base to inform potential costs of the various options.

4.3 Option Appraisal

4.3.1 Approach

The appraisal of the options was carried out in three stages as set out below. The decision as to which criteria were covered under each stage was based on feedback from WLC, FRT, SEPA and local resident comments.

4.3.2 Stage 1: Pass / Fail assessment

Criteria

Stage 1 of the appraisal examined whether the options would result in any of the following:

- Increased flood risk to buildings that cannot be mitigated;
- Unacceptable health and safety risks that cannot be mitigated; and
- Unacceptable change to channel stability (e.g. channel planform could vary which could compromise structures or surrounding infrastructure).

Assessment

If an option resulted in a “yes” to any of the above it failed Stage 1. Options that passed progressed to Stage 2.

4.3.3 Stage 2: Option Appraisal: Key Project Criteria

Criteria

Options that progressed to Stage 2 were examined with regard to key project criteria (essentially that the scheme would result in successful fish passage while considering costs), these being:

- Fish passage: ability for multiple species to use the pass – is the depth and velocity of flooding suitable for the target species over the required range of flows?
- Fish passage: issues linked to multiple passage routes – how significant is the likelihood that fish do not find the entrance of the fish pass, and what are the consequences?
- Construction cost
- Maintenance burden (operational costs)

Assessment

The options were compared against one another to enable them to be ranked in terms of fish passage performance. Indicative construction costs and consideration of maintenance costs also allowed the options to be ranked in terms of lower cost to higher cost. Both cost and fish passage performance are key project criteria and collectively the fish passage performance and costs ranking and review were considered to determine which option would be more favourable at the end of Stage 2.

4.3.4 Stage 3: Option Appraisal: Other Criteria

Criteria

- Other ecological effects – do the options have any impacts (positive or negative) on ecology other than fish
- Flood risk to land and Powie's Path – do the options alter the risk of flooding?
- Hydromorphological effects – do the options alter the hydromorphology of the river?
- Land ownership – do the options require construction on land not owned by WLC?
- Aesthetic effects – do the options result in visual changes that may be attractive or unappealing?
- Buildability and risk – how easily can the fish passes be constructed and what are the risks that could increase construction costs?
- Health and safety – what are the safety considerations during construction, maintenance and operation?
- Risk of poaching – how does the risk of poaching compare between the options?

Assessment

Scoring for each topic was made as follows:

- +3 major beneficial effect
- +2 moderate beneficial effect
- +1 minor beneficial effect
- 0 neutral effect
- -1 minor adverse effect or complications
- -2 moderate adverse effect or complications
- -3 major adverse effect or significant complications

Particular criteria for each topic are discussed further during the appraisal of each topic, e.g. what would be considered as a significant benefit or disbenefit.

Cumulative scores for each option were not totalled as it is recognised that certain factors may be of greater importance than others (e.g. flood risk and fish passage performance would outweigh maintenance costs).

5. SUPPORTING ANALYSES

5.1 Hydrological Analyses

5.1.1 Overview

Any change to the river channel has the potential to affect flow patterns. In an ideal case, such changes would be minimal and inconsequential. The fish pass options being considered at Mid Calder have the potential to dry out sections of the weir and channel at times of low flow and affect the distribution of flows between the channels during all flows. This could have ecological, hydromorphological and aesthetic implications. From that perspective, it would therefore be beneficial to minimise effects on flow patterns. It is worth noting that changes in flows could have beneficial effects from a fish passage perspective e.g. increasing flow to improve attraction.

The hydrological baseline for the River Almond at Mid Calder weir is presented in the “Mid Calder Weir Partial Rock Ramp Design Report” (dated November 2019). Flow statistics presented included the Q_{95} (low flow), Q_{50} (moderate flow), and Q_{10} (high flow) for the River Almond at the Almondell gauging station (which lies approximately 500m downstream of Mid Calder Weir. Between these flows, fish passage would be expected to occur naturally. Channel changes, such as significant hydromorphological reworking or activity including erosion and subsequent deposition would generally not occur until larger flows (e.g. the 2 year flood or larger)⁴.

5.1.2 Scenarios

The options were compared against one another using the hydrological analysis spreadsheet. The key differences between the options are the size of the notch in the weir. In all cases the existing fish pass would be filled in. Note that raising of the right-hand bank side for the rock ramp scenario was not undertaken for this assessment, refining the design slightly from that presented in the Design Note. The notch sizes assessed are as follows:

- Baseline: 0.13m deep x 0.5m wide;
- Option 1 – Partial rock ramp: 0.4m deep x 1m wide;
- Option 2 – Larinier fish pass towards middle of river: 0.2m deep x 1.2m wide (reduced from 1.8m shown in the outline design in anticipation of the requirement to reduce low flow impacts);
- Option 3 – Larinier fish pass adjacent to right river bank: 0.2m deep x 1.2m wide; and
- Option 4 – Canalised fish pass: 0.25m deep x 3m wide (modelled here as a clear opening; however in reality flow into the fish pass would be reduced by the presence of boulders).

5.1.3 Hydrological Analysis Results

Results of the analysis are presented in Figures 5.1 to 5.3.

⁴ “Day-to-day” flows are typically described by the percentage of time that they are exceeded. E.g. a Q_{50} flow would be exceeded 50% of the time, or a total of 183 days in a typical year. Flood flows are the peak flows that typically occur less than once per year. They are typically described by their average frequency of occurrence. E.g. a 1 in 2 year flow would be exceeded on average once every two years, noting that it could be exceeded 10 years in a row and then not exceeded for the next 10 years. It is also referred to as having a 2 year return period or a 50% annual exceedance probability.

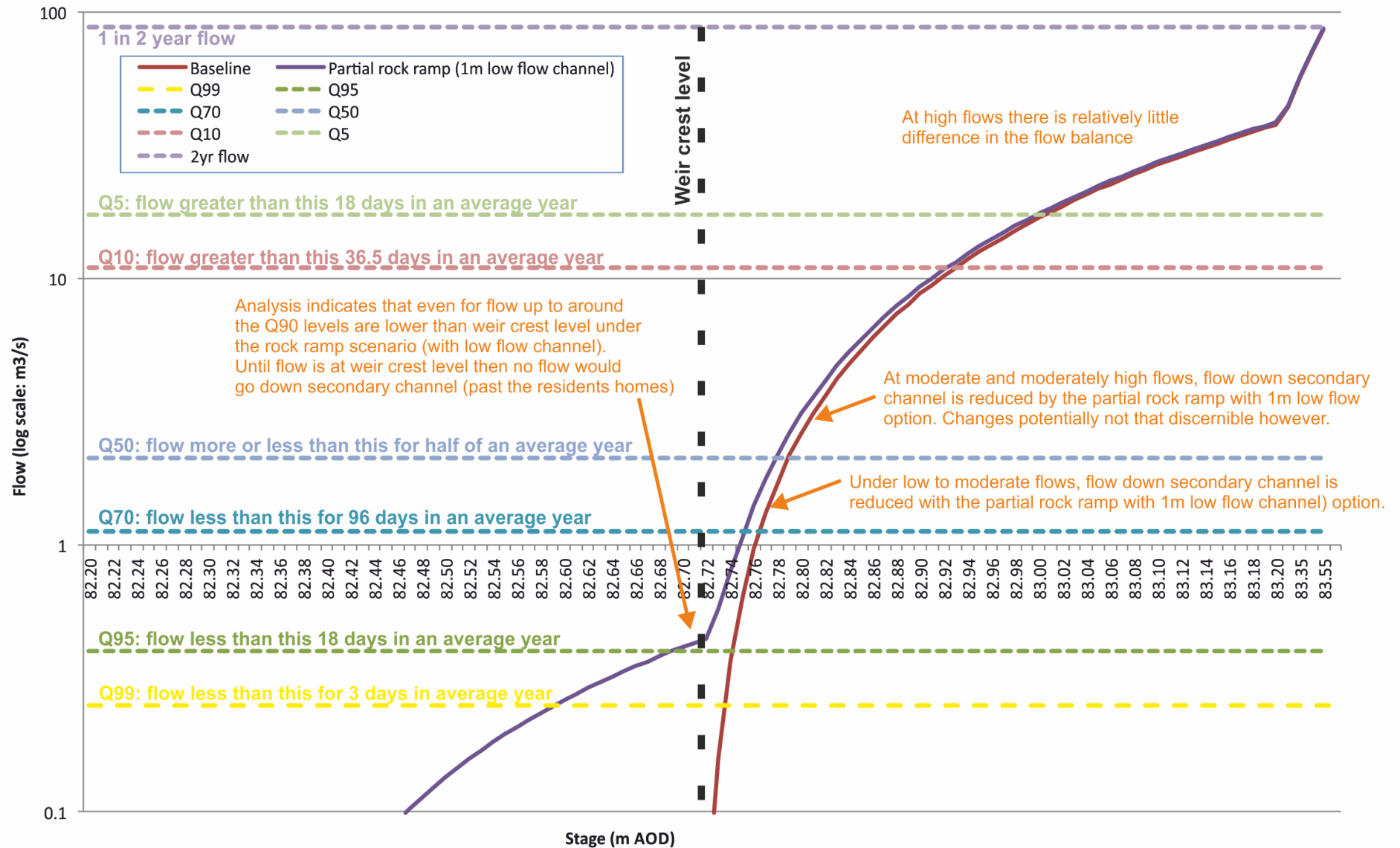


Figure 5.1 Comparison of hydrological effects of a partial rock ramp with 1 m low flow channel (Option 1) compared to the baseline

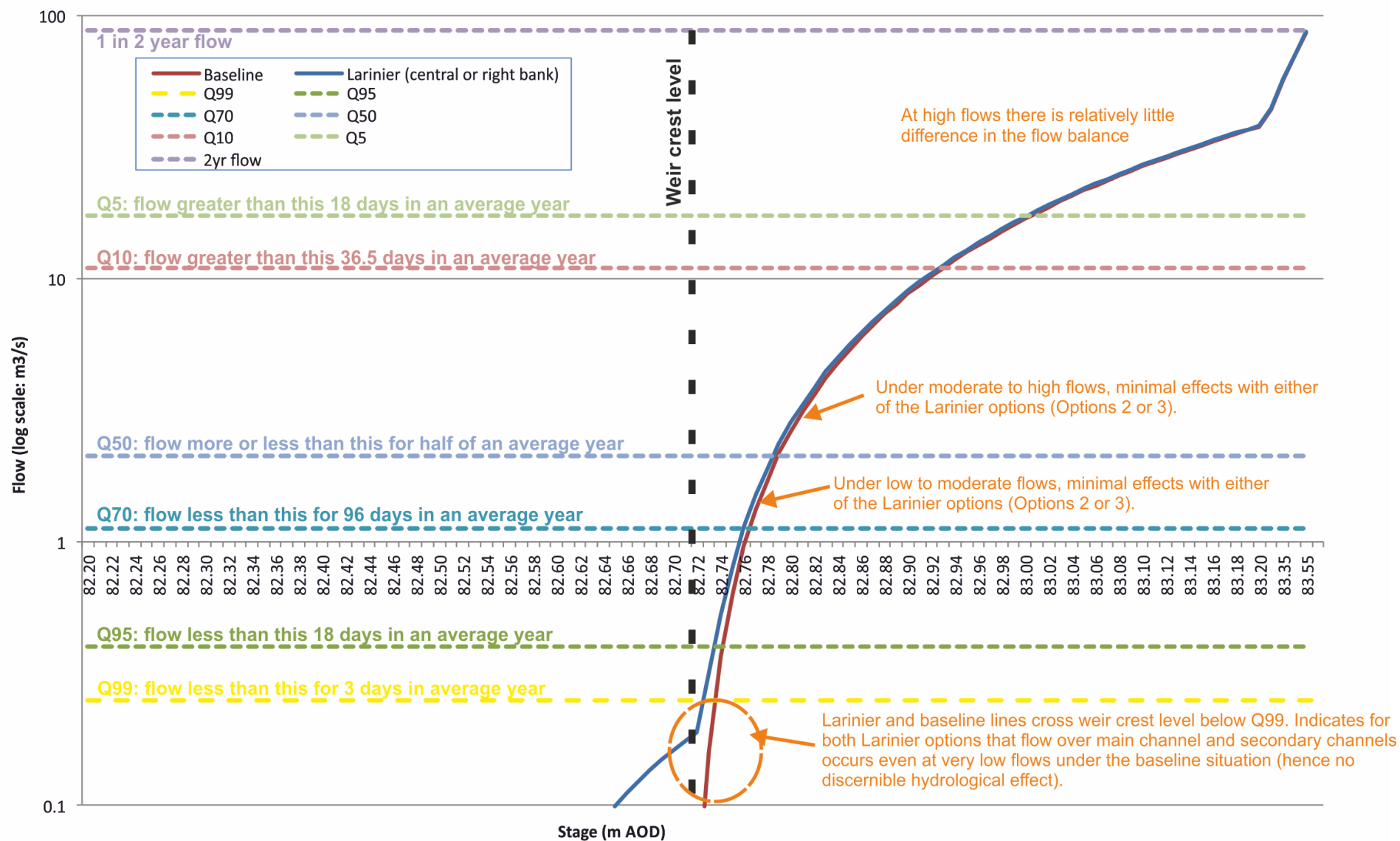


Figure 5.2 Comparison of hydrological effects of a Larinier central or right bank (Options 2 and 3) compared to the baseline

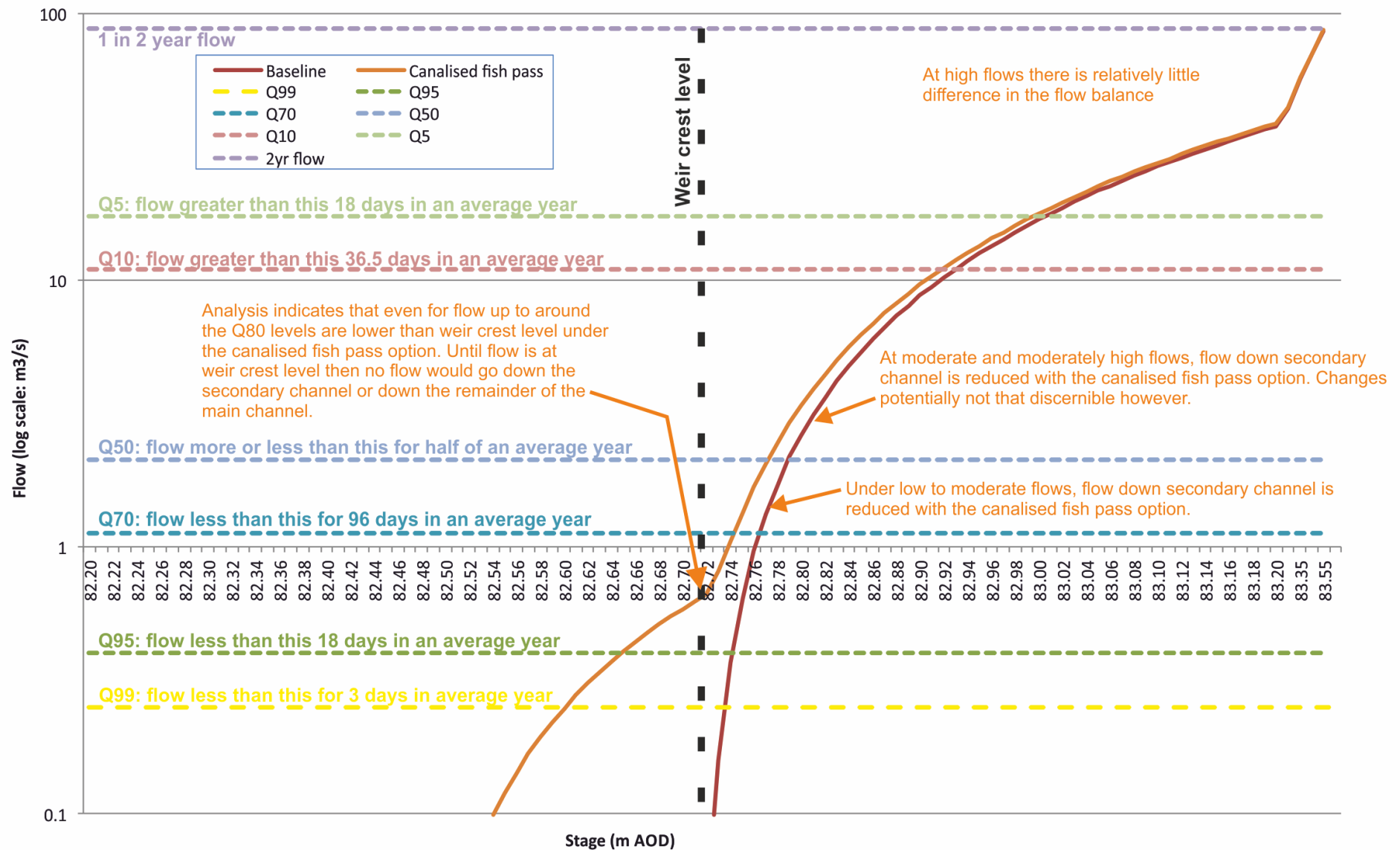


Figure 5.3 Comparison of hydrological effects of a canalised fish pass (Option 4) compared to the baseline

The analysis indicated that the **canalised fish pass** would result in the weir and secondary channel being dry for around 20% of an average year (approximately 73 days). This is supported by the results of the hydraulic modelling of the low flows. This would be a significant change and would have visual and ecological effects (refer to Sections 5.4, 8.1 and 8.6). With increased flow the effect of the canalised fish pass would diminish although significant hydrological changes, in terms of the flow balance, would be expected up to moderate flows.

The analysis indicated that the **partial rock ramp** would result in flow only going down the low flow channel and neither the surface of the rock ramp or secondary channel for around 10% of an average year (a total of approximately 36 days). This is supported by the results of the hydraulic modelling of low flows. Again, although not as extreme as the canalised fish pass, this would be a significant change. It would also have a significant visual effect when viewed from the river bank on the residents' side, with any visual effect on the other side being subject to the design of the structure. It would also have ecological effects (discussed further in section 0). Again, with increased flow the effect of the partial rock ramp would diminish although significant hydrological changes, in terms of the flow balance, would be expected up to moderate flows.

The outline design of the **Larinier fish pass (central)** was based on a 1.8m wide structure. Even the 1.2m wide structure assessed in this section would require more flow than is currently going down the existing (ineffective) fish pass. However, the analysis has indicated that the difference would be minimal and probably imperceptible. For the baseline and both of the **Larinier fish pass (central or right bank)** options, flow would be going down the secondary channel (and remainder of the main channel) at the Q_{99} (flow is less than this for a total of 3 days a year on average). As such there would be no perceptible visual changes and no significant ecological effects as a result of drying out of the river channel.

A summary of the typical number of days in a year that would have no flow over the weir under the baseline and fish pass options is presented in Table 5.1 below. Climate change can potentially aggravate low flows and these are projected to increase in frequency in Central Scotland, including the Almond catchment⁵. The number of days where there may be no flow over the weir is likely to increase as a result of climate change.

Table 5.1 Summary of Scenarios examined through the Hydrological Analyses

Option	Baseline	1. Partial Rock Ramp	2. and 3. Larinier (central or right bank)	3. Canalised Fish Pass
Total time (days) in a typical year during which there would be no flow over the weir	>3	36	>3	73

Based on the above, *from a flow balance and hydrological perspective*, with subsequent hydromorphological, visual and ecological effects, the Larinier options would result in the least effect particularly at times of low flow. It should be noted that the options have been developed to differing levels of detail and the results of this analysis may be subject to change. For example, the canalised channel could be narrowed to take less water, making flow patterns more similar to the partial rock ramp option shown; however, it would still result in a large portion of the river being dried out for extended periods of time. It is therefore considered unlikely that the overall conclusions would be affected by such changes.

At high flows the effects of any of the fish pass options on flow balance would not be discernible.

⁵ https://www.sepa.org.uk/media/159070/climate_change_water_scarcity.pdf Accessed 27 November 2019

5.2 Hydraulic Review Including Flood Risk and Hydromorphology

5.2.1 Overview

Hydraulic modelling of the canalised fish pass and partial rock ramp options was undertaken and compared to a baseline situation. Hydraulic modelling of the **Larinier options** is not required as the structure is unlikely to have an effect on flood risk or lead to significant changes in channel hydraulics due to its small size. Results of the modelling are presented in Figures 5.4 and 5.5.

It should be noted that the assessment has accounted for a 20% increase in extreme flood flows (for the 200 year event) as a result of climate change. More recent research guidance has become available since a general 20% uplift was recommended, and this should be taken into account as part of any further work.

5.2.2 Flood Flows

Flood Risk

No changes in channel hydraulics / flooding extents are apparent between the baseline and **canalised fish pass option**. This is due to the fact that the canalised rock ramp only takes up a very small proportion of the overall channel. The following discussion therefore only concerns the **partial rock ramp option**.

The model indicates that during a flood under baseline conditions, water would initially start to flow out of bank along the left bank near the weir and in the wooded area on the left bank downstream of the weir. As flows increase, water would spill out of channel further upstream of the weir, inundating the ground between Powie's Path and the river, as well as Powie's path itself. Water would flow down the path before discharging back to the river downstream of the weir. Flooding along the right bank of the river channel is limited by steep slopes.

The partial rock ramp option would involve the raising of a significant reach of the right hand channel. This would have a consequential effect on channel capacity downstream of the weir, meaning more water would flow onto the island and into the secondary channel. With no major modifications to the weir crest itself, the impacts upstream would be limited and caused only by the backwater effect of raised water levels on the rock ramp. Table 5.2 shows the effects on water levels in several key areas.

Table 5.2 Impacts on water levels and flood risk at key locations

Location	Baseline flood frequency	Impact of partial rock ramp	Comment
Upstream of weir, including land between Powie's Path and river channel	Between 2 and 100 year return period	Negligible (all return periods modelled)	Backwater effect of rock ramp is limited to immediate vicinity of weir
Weir crest	n/a	Up to around 30mm	Minor effect associate with backwater effect from rock ramp
Downstream of the weir, wooded area between Powie's Path and river (left bank)	Localised flooding below 2 year return period	~0.5m (2 year return period) ~0.2m (100 year return period) ~0.08m (200 year return period with climate change uplift)	Effects rapidly diminish with increasing flow; impact on flood extent is limited due to steep nature of banks. Impact is not considered to be significant
Island	Between 2 and 100 year return period	Flood frequency increased to more frequent than the 2 year return period.	Change in flood risk is considered inconsequential for example in relation to tree growth, notwithstanding potential effects on hydromorphology (discussed further below). The change in flood frequency may be perceptible to the local residents who may have never seen the island fully overtopped.

Location	Baseline flood frequency	Impact of partial rock ramp	Comment
Powie's Path beside House Number 4	Mostly between 100 year and 200 year return period with climate change uplift	Flood frequency increased to around the 100 year return period	More frequent and more extensive flooding of Powie's Path at the property. This is likely to be inconsequential in terms of access as the road would be flooded further upstream anyway (where the frequency of flooding would be unaffected by the fish pass). Parking is on higher ground and would not be affected.
Properties	Unknown	Unknown, but impact on flood levels likely to be less than 0.08m	The modelling did not include flood events extreme enough to assess risks to the properties. Floor levels are also not available and cannot be accurately determined from available DTM data. It appears that properties are at least 1m higher than the largest flood included in this analysis, suggesting that there is likely to be little or no risk of flooding. Since impacts of the partial rock ramp on water levels diminish with increasing flows, it may be that there is no effect on flood risk at the properties. In any case it is unlikely to affect the risk categorisation. Should the partial rock ramp be further developed, the impact on more extreme flows should be assessed.

Hydromorphology

The boulder/cobble pool-rapid main channel flows through a more confined valley setting with steep channel margins and valley sides. This morphology suggests a high energy watercourse and further evidence of this and the river's potential to change its form is provided by the historic bank collapse on the right bank close to the wastewater treatment works.

Naturally functioning pool-rapid sequences like those seen on the river through Livingston are interesting in terms of their form and function in relation to this project. The rapid areas are naturally composed of a framework of boulders with a matrix infill of finer cobble/gravel/sand. The boulder framework is often a legacy of former flood regimes, more aligned with post glacial conditions on the river. These have stabilised to act as near permanent hydraulic controls on the watercourse. The extreme roughness created by the boulder matrix allows sediment to become trapped in interstitial spaces where they are effectively protected from transport by the sheltering effects of the boulders. Spacing between rapids is often quite variable as a result of this legacy formation and intervening pools can be fully flushed of delivered sediment during floods or can accumulate active transport barforms which are temporarily stored before being remobilised and replaced with new material from upstream during floods. Hence both the rapids and pools form an inherently stable gross morphologic template over which contemporary bedload transport processes operate.

Upstream of the barrier the watercourse hydromorphology has been significantly modified by the impounding effect of the weir and a run/glide in-channel habitat has replaced a pool-rapid system for around 250 – 300m upstream. Unusually for the river there has also been significant sediment accumulation behind the weir, particularly on the right bank where a stable bar feature has developed exhibiting a varied set of habitats consistent with a prograding sedimentary feature. The sediment is coming principally from the right bank tributary. The feature has developed in line with the elevated water level behind the weir and would be severely eroded were the weir to be removed. The relationship between the bar vegetation communities and the water table / river level would also be fundamentally altered impacting on their functionality. On the left bank the narrow valley bottom slopes more gently into the channel and this area has been utilised by householders along Powie's Path forming a well maintained grassed margin.

Essentially at the site there is a low risk of change, in normal to large floods as the channel section below the weir is circa twice the expected natural width so that stream powers over a range of flows would be reduced.

No changes in planform are predicted as a result of any of the schemes and no knock on effects on infrastructure or other structures are predicted.

Potential effects of the options could include the following:

1. Redirection of flow onto a bank or specific part of the bed causing erosion (and potentially the invoking the need for erosion protection);
2. Reduction of capacity by the works, causing erosion elsewhere in the section;

3. Increased channel roughness (potentially slowing particular flows); and
4. Inducing instability of bare earth banks by concentrating flows through secondary channels etc.

Through a review of the different options and flood flow modelling results, it is considered that a **partial rock ramp** may result in the first, second and fourth effects. Potential effects may be reduced through mitigation though the feasibility of such mitigation is questionable given potential constraints. The appraisal has assumed that no mitigation is carried out.

A **canalised fish pass** may result in the second and fourth effects, however due to the narrow size of the fish pass the effects are likely to be limited. Mitigation to reduce the effect of these has been included given that it is located on WLC owned land.

No hydromorphological effects are associated with the **central Larinier fish pass** option. The **right bank Larinier fish pass** option may result in the first effect were water to cascade out of the downstream resting pool onto the river bank. The option assessed here includes mitigation to address this.

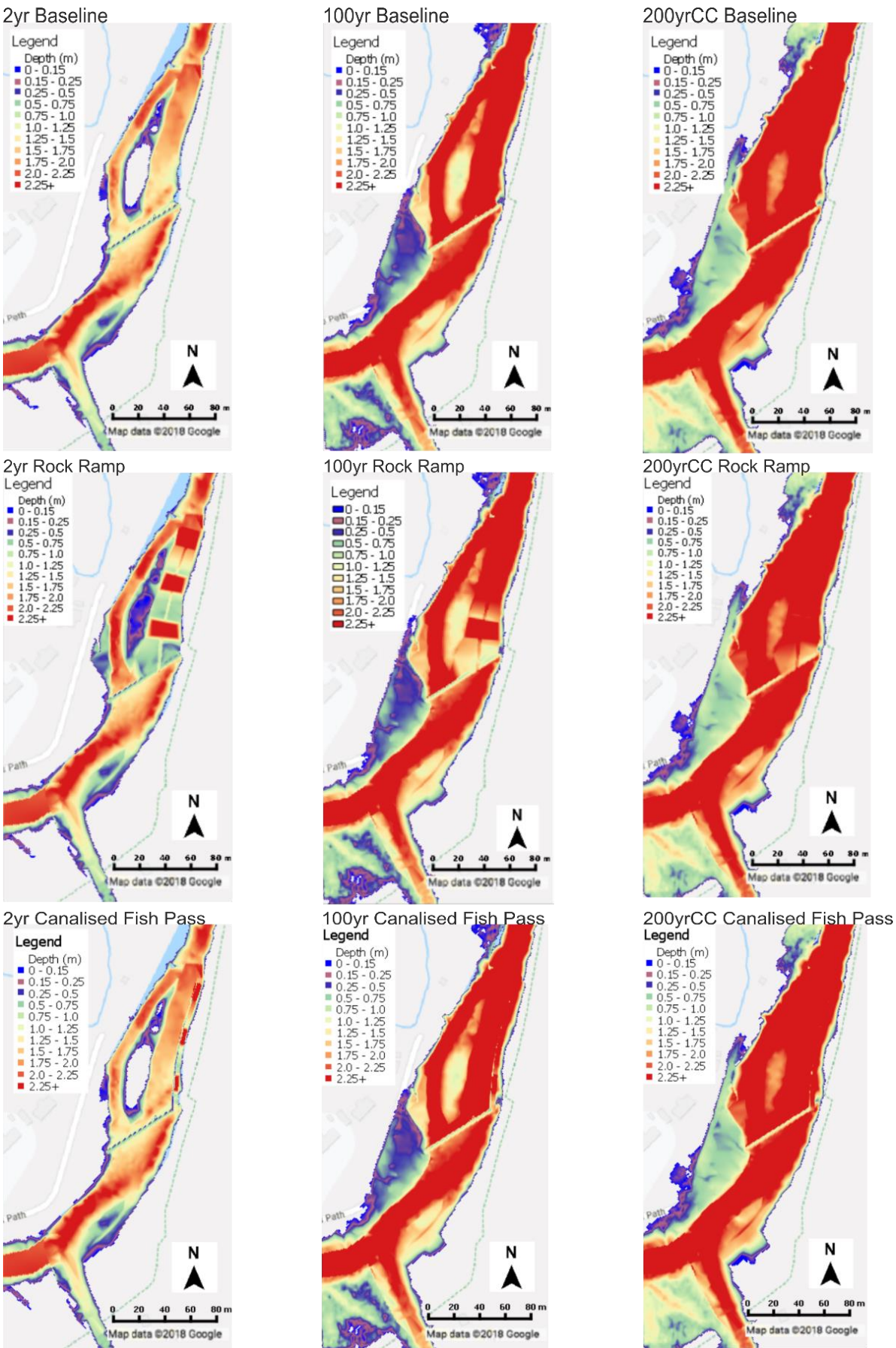


Figure 5.4 Flooding depth for the 2 year, 100 year and 200 year (plus climate change) return period events

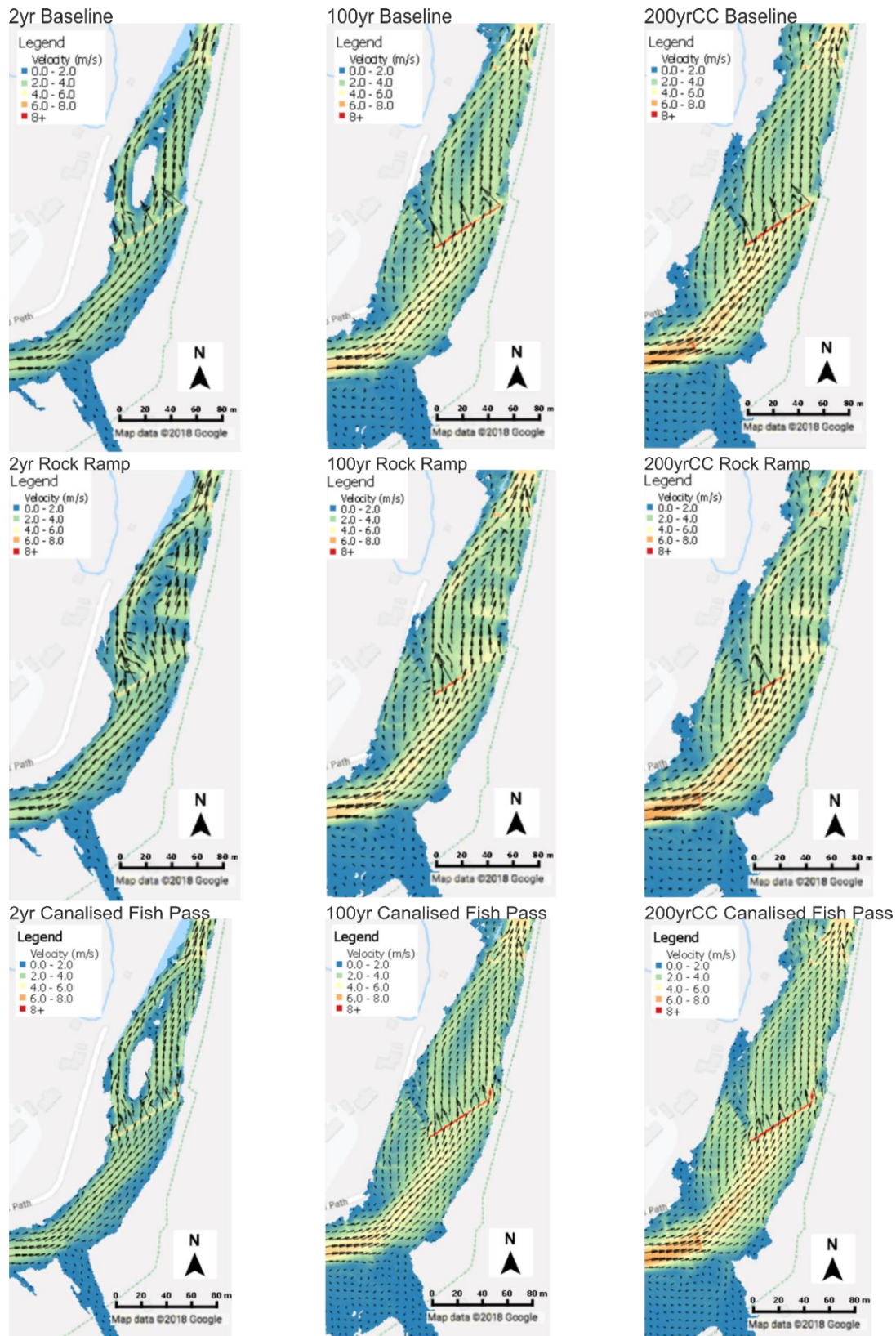


Figure 5.5 Flow velocities for the 2 year, 100 year and 200 year (plus climate change) return period events

5.2.3 Typical Flows

The impact of the options on the distribution of more day-to-day flows is described in section 5.1.3, and this is confirmed by the hydraulic model results shown in Figures 5.6 and 5.7. The figures clearly show the significant impacts of the partial and canalsed rock ramp options on the lowest of flows.

The model resolution is not ideal for assessing small-scale depths and velocities (e.g. between individual boulders and within the flow channel), however the results do provide some evidence to support assessment of fish passage. This is further discussed in Section 5.3.

The effect of the options on typical flows can also have aesthetic and ecological impacts; these are further discussed in Sections 5.4 and 8.1 for Other Ecology and Section 8.5 for aesthetics.

5.2.4 *Hydraulic Modelling Results Summary*

The hydraulic analysis showed that flood risk is not affected by the **canalised fish pass** or **Larinier** options due to the minor changes in channel geometry. The effect of the **partial rock ramp** is likely to be small and inconsequential in terms of flood risk to land. Flooding to properties would only occur for flows in excess of those modelled, and the impact on property flood risk could therefore not be assessed. Based on the information available at this time, it is considered likely that there would be little or no risk of property flooding whether a rock ramp is there or not. The possibility of some impact (for example changing the flooding probability from 1 in 1,500 years to 1 in 1,400 years⁶) cannot be ruled out, however. Additional modelling would be required to confirm flood risk impacts should a partial rock ramp be further considered.

Potential hydromorphological effects are likely to occur under flood flows. A **partial rock ramp** could result in a redirection of flow onto a bank or specific part of the bed causing erosion (and potentially the invoking the need for erosion protection), reduction of capacity by the works (causing erosion elsewhere in the section) and inducing instability of bare earth banks by concentrating flows through secondary channels. Potential effects may be reduced through mitigation though the feasibility of such mitigation is questionable given potential land ownership constraints. The appraisal has assumed that no mitigation is carried out.

A **canalised fish pass** may result in reduction of capacity by the works (causing erosion elsewhere in the section) and inducing instability of bare earth banks by concentrating flows through secondary channels. Mitigation to reduce the effect of these is more likely given that it is located on WLC owned land.

No hydromorphological effects are associated with the **central Larinier fish pass** option. The **right bank Larinier fish pass** option may result in redirection of flow onto a bank or specific part of the bed causing erosion. The erosion protection included in this option would mitigate this.

⁶ Numbers are hypothetical to demonstrate the point being made

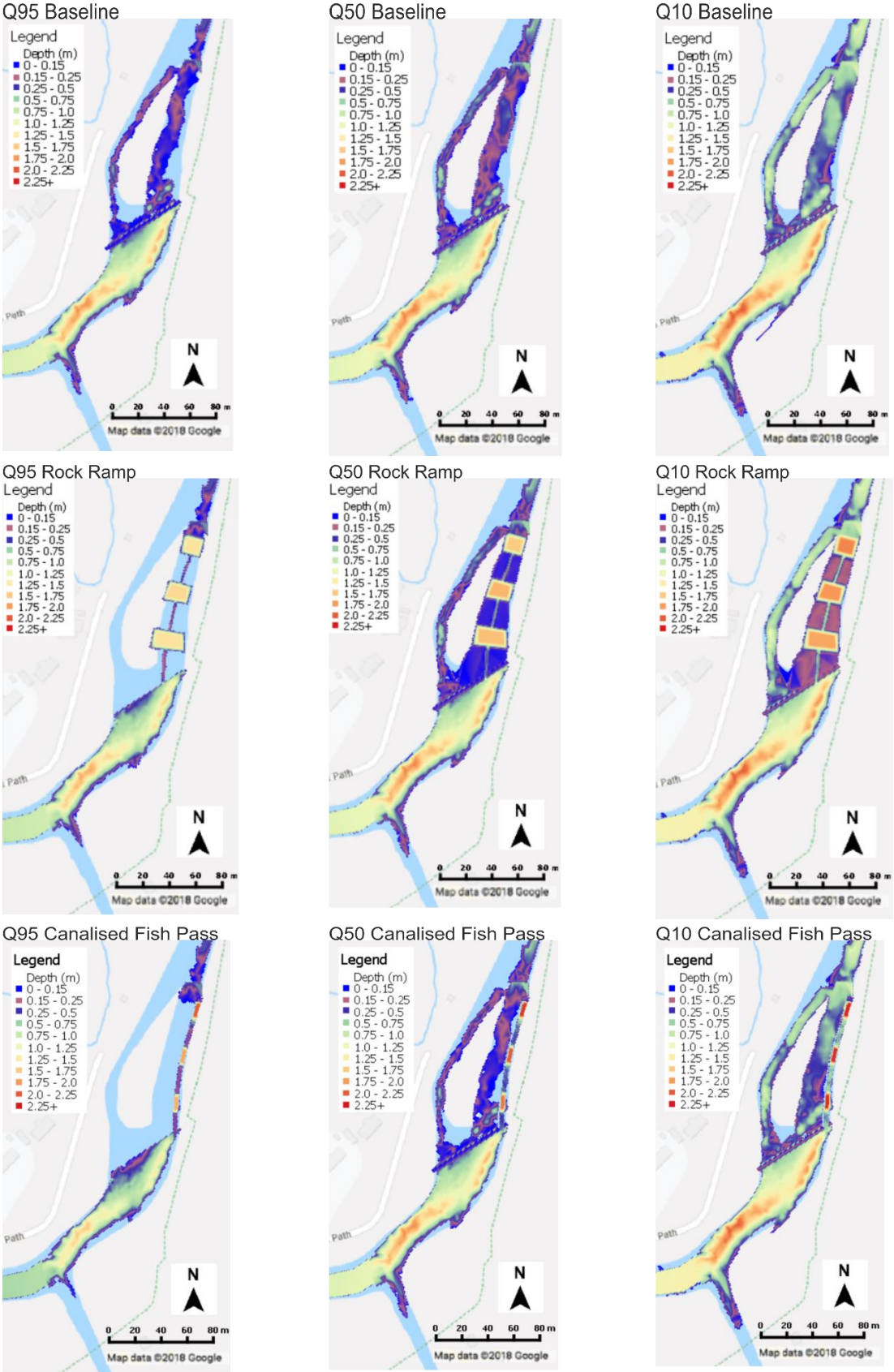


Figure 5.6 Modelled water depth for Q₉₅ (low), Q₅₀ (moderate) and Q₁₀ (high) flows

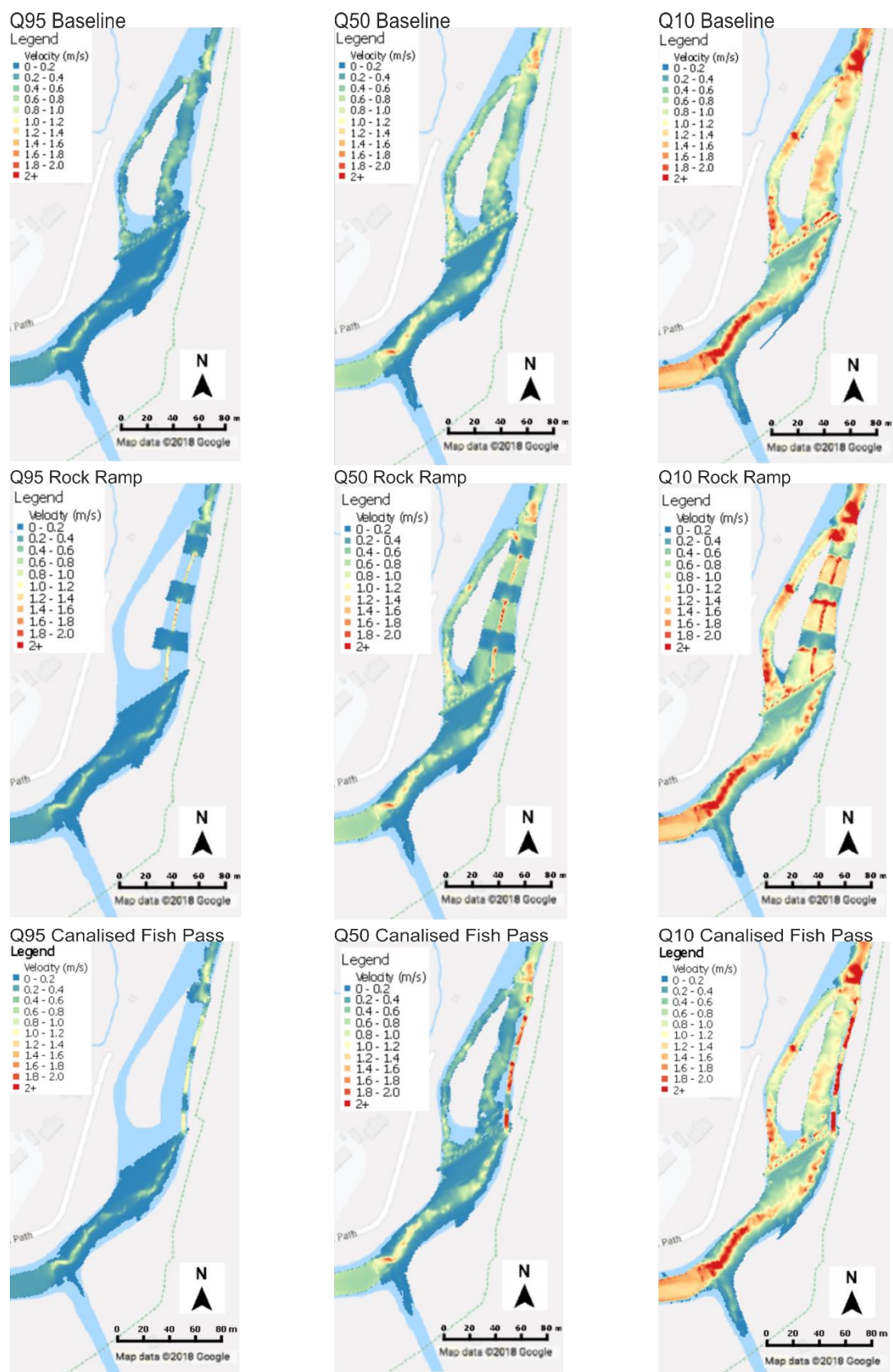


Figure 5.7 Modelled water velocities for Q₉₅ (low), Q₅₀ (moderate) and Q₁₀ (high) flows

5.3 Fish Passage

5.3.1 Overview and Passage Requirements

The following hierarchy of fish passage solutions is typically applied when considering options (EA Fish Pass Manual):

- Removal or partial removal;
- Other modifications or easements;
- Inclusion of a nature-like fish pass; or
- Inclusion of a formal / technical fish pass.

It is recognised that site specific characteristics may mean that certain options higher up this hierarchy are not favoured at a particular site. Weir removal was not considered appropriate during outline design as undesirable hydromorphological changes could result⁷.

The fish passage requirements are set out in detail in AECOM's 2016 report *West Lothian Weirs Outline Design*. In summary, a fish pass should meet the following requirements:

- Free passage for target species: salmon, brown / sea trout, lamprey and eel; other species being of secondary concern;
- Depth and velocities to be appropriate for fish passage for the range of flows when fish would be expected to migrate (generally Q90 – Q10);
- Strong attraction flow so that fish migrating upstream are able to find the fish pass; and
- Minimise the potential impact of fish missing the fish pass entrance.

5.3.2 Review

Larinier Fish Pass

The attractiveness/ functionality of a Larinier fish pass was generally assessed as high for most species during the outline design phase (specifically for a central pass through results apply to a right bank pass too). In-built mitigation such as an elver pass would ensure that passage for poorer swimmers would also be achieved.

Performance of the other two options was assessed using results from the hydraulic modelling, presented in Figures 5.6 and 5.7 in Section 5.2.3.

Partial Rock Ramp

Water depths (Figure 5.6) in the low flow channel and/or over the rock ramp at higher flows appear to be sufficient for multiple species passage, indicating that the simulated rock ramp and low flow channel design would deliver fish passage at the site. This should be confirmed through further investigation, however, e.g. 1D or more detailed 2D hydraulic modelling or hydraulic calculations if the design is progressed to detailed design. Water velocities under the flow range in which passage is desired (Figure 5.7) suggest that passage would be possible through the low flow channel or rock ramp structure. Refinement of the design could attempt to further encourage passage / attract fish up the main (partial rock ramp) channel, since any fish that went up the secondary channel would encounter a significant obstacle to passage.

A partial rock ramp would carry a greater proportion of overall flow, thus making it more attractive than the other options (noting that the change in flow balance may have other adverse effects).

Rock ramps would generally offer benefits to a wider range of aquatic life when compared with technical fish passes, which tend to be more species-specific. Although this is not the primary objective of the proposed fish pass, this may factor into decision-making.

Canalised Fish Pass

Water depths (Figure 5.6) in the canalised fish pass appear sufficient for multiple species passage at low and moderate flows though potentially excessive at high flows. Passage could potentially be improved through

⁷ AECOM (2016) West Lothian Weirs Outline Design

detailed design though there would be less variability in flow routes compared to the rock ramp. Passage should again be confirmed through further investigations however, e.g. 1d hydraulic modelling or hydraulic calculations if the design is progressed to detailed design. Water velocities under the flow range in which passage is desired (Figure 5.7) suggest that passage would be possible through the canalised fish pass at low and moderate flows although may be too high under high flows.

The canalised rock ramp would only carry a slightly greater flow than the Larinier option, and the greater number of competing attracting flows, particularly at high flows, would limit attractiveness. A key drawback of a partial or canalised rock ramp is the location of the entrance relative to the weir; any fish missing the entrance would find themselves going up the “wrong” channel and meeting a dead end. This could cause significant delay to migration with fish having to either wait for elevated flows, when the weir may be passable to the strongest swimmers, or return some 100-150m downstream to find the entrance.

Although refinement of the design could further encourage passage / attract fish up the canalised fish pass, the much larger section of river without a fish pass is likely to limit the success of this option. A doubled-back arrangement, with the fish pass entrance closer to the weir would significantly reduce this risk.

5.3.3 Results

The modelling of more day-to-day flows supported the conclusions presented in Section 5.1.3 regarding flow distribution, and indicated that the partial rock ramp and canalised fish pass options should permit fish passage for a wide range of flows (a Larinier being able to deliver fish passage was confirmed during the outline design).

From the attraction perspective, none of the options are ideal but in each case mitigation options exist. For example behavioural deterrents could be introduced at the secondary channel for a partial rock ramp (noting that this would have construction and operational costs) or modifications to the lower end of the island area could be made to reduce the attractiveness of the channel for migrating fish. Similarly, the Larinier fish pass could be widened or lowered to take more flow. Whilst the attraction flow of a Larinier fish pass may be weaker (unless it is widened to take more flow), the consequences of fish initially missing the entrance are significantly reduced.

On balance of the above discussion, it is considered that a partial rock ramp would offer the greatest fish passage benefits. This option is not without drawbacks, but mitigation options exist to reduce the effects. Either Larinier fish passage option would overall provide the second best option for fish passage and in some respects are more favourable to the partial rock ramp. The canalised fish pass option would provide a means for successful fish passage though it has significant drawbacks associated with it, when compared to any of the other 3 options.

5.4 Other Ecology

A new fish pass could result in other ecological effects during construction (e.g. linked with pollution events) as well as during operation of the pass (e.g. loss of in channel habitat). Adverse impacts as a result of construction phase pollution events may negatively affect aquatic and terrestrial habitats; such impacts are similar for all options and would be subject to strict mitigation requirements (see below and that should be included within a Construction Environment Management Plan). This mitigation is considered as “in-built” for the purpose of this appraisal.

Similarly, the appraisal does not include for residual effects following implementation of mitigation, compensation and enhancement. Required mitigation may include planting of woodland, scrub and grassland habitat and / or enhancement of existing retained habitat, invasive non-native species management and strict biosecurity, survey and licencing for protected species and measures to make the secondary channel less attractive to aquatic fauna should it be affected by low flows. Such mitigation is considered feasible, and, given the likely importance of ecological features present, residual effects on all ecological features identified are likely to be negligible. Furthermore, beneficial effects are highly likely (for all Options), attributed to the improvement in fish passage beyond Mid Calder Weir which will benefit fish species directly and potentially other species such as macroinvertebrates and otters (as a result of increased prey resource).

Our appraisal has considered the effect of the four options on other ecology, with regard to aspects such as the following:

- Changes in the flow balance (as outlined in Section 5.1);

- Loss of or provision of new in channel habitat; and
- Loss of trees with bat roost potential.

A brief ecological review of the three options discussed in this note are provided below. For full ecological baseline and assessment of impacts of a partial rock-ramp type option, see Mid Calder Weir Ecological Impact Assessment⁸. Non-rock ramp options were not proposed at the time of writing the Ecological Impact Assessment (EclA), so were not discussed in this report.

Construction of a partial rock ramp with low flow channel (Option 1) will require removal of strips of mature, native, but floristically unremarkable broadleaf woodland along the south bank of the river channel and south bank of the island. This may include loss of one tree with low bat roost suitability and is likely to disturb invasive non-native plants species (including Japanese knotweed and giant hogweed) with associated risks of them spreading. As the footprint of this option is the largest, construction may result in disturbance to an otter holt on the north bank of the river. It would also result in the greatest loss of aquatic habitat, although large areas of comparable habitat will remain in the near area and new in channel habitat will form as the scheme matures. During operation, Option 1 would result in no flow over the surface of the rock ramp or secondary channel for around 10% of an average year (approximately 36 days), this may result in impacts on fish and macroinvertebrate populations (which based on FRT data / biological monitoring working party (BMWP) values are likely to be good). In a worst-case scenario (and in the absence of mitigation, see below), such impacts may include entrapment of aquatic fauna within unsuitable habitat (e.g. dry areas / poorly oxygenated pools). Operational effects on the in-channel downstream island are also possible including erosion and / or increased saturation affecting vegetation composition / tree roots.

A Larinier fish pass (central/ Option 2 or right bank/ Option 3) would have the smallest footprint of the three options. Construction of either would therefore result in the least terrestrial and aquatic habitat loss, least potential disturbance to invasive non-native species and probably no impacts on trees with bat roost suitability / otter refuges. Flows over the weir / secondary channel would essentially be as baseline during operation of the fish pass, so no effects on the aquatic fauna in the secondary channel would be anticipated. Option 2 is considered to score slightly better overall as it would not result in permanent loss of bankside habitat or trees with bat roost potential.

Construction of a canalised fish pass (Option 4) would require woodland removal on the south bank of the river, but no impact to habitats on the island. This slightly reduces the risk of disturbance to invasive non-native species. The tree with bat roost suitability may require to be removed, but disturbance impacts on otter refuges are less likely. Aquatic habitat will be impacted upon (less than Option 1, but more than Options 2 or 3) although as noted above large areas of comparable aquatic habitat will remain. Option 3 would result in the weir and secondary channel being dry during operation of the pass for around 20% of an average year (approximately 73 days). Impacts of this are similar to those noted for Option 1 (potential impacts on aquatic fauna), but of increased magnitude as it may occur twice as often and affect a greater area.

Access tracks, a temporary compound and river access ramps to facilitate construction of the fish pass will be located on the south bank of the river for all Options. Depending on the final positioning of this infrastructure, possible construction impacts may include loss of neutral grassland with scrub, loss of regenerating native woodland, impacts (included disturbance / loss) on trees with bat roost suitability, and impacts upon terrestrial habitat used by great crested newt. Operational effects associated with construction infrastructure are not anticipated and affected habitat will be fully remediated following construction.

5.5 Design and Construction Costs

5.5.1 Overview

Comparative cost estimates are required to allow appraisal of the options. Without developed designs for the canalised fish pass and bankside Larinier options, it was not considered appropriate to attempt to estimate quantities of materials etc. for these options. Although more detailed cost estimates for the partial rock ramp and central Larinier options were prepared at outline design stage (by AECOM in 2016), designs have been

⁸ AECOM (2019) Mid Calder Weir Ecological Impact Assessment. Dated 29th August 2019 (note this contains sensitive information on badger sett locations and should only be released to the public if such information has been redacted).

further developed and additional information is available from the construction of fish passes at Kirkton and Howden Bridge weirs. The original cost estimates are therefore no longer considered to be valid.

There has been wide variance in the value of tender returns to date for projects forming part of the Almond Barriers project. This highlights the level of uncertainty in cost-estimating within the river environment, even when significant information is available to tenderers.

When compared to the larger construction costs there is not expected to be a significant difference between the options in costs for the following items. Although these items are included in this assessment, the primary focus is on comparison of the capital costs for the physical works.

- Design;
- Supervision including fish rescue (noting that more extended projects would necessitate prolonged efforts);
- Allowances for risk and optimism bias; and
- Access and enabling works are also likely to cost similar between options. Access at Mid Calder could extend over quite a large length of track from the B7015, 400m to the south of the weir, which may result in access costs substantially higher than at Kirkton or Howden where access was relatively straightforward.

Client costs and regulator / permitting costs were excluded.

5.5.2 Evidence Base

The following information (Table 5.3) was gathered to inform potential costs for the different fish passage options. All costs are approximate and exclude design unless stated otherwise. As they are a relatively rare concept, no information is readily available for canalised rock ramps.

Table 5.3 Collated cost evidence to inform potential construction costs

Site	Cost	Source	Description
Rock ramps			
Mid Calder	Total including design and supervision: £360,000	AECOM estimated cost based on input from small contractor (costs may be higher for large framework contractors) and on outline design	Cost based on 2016 outline design – partial rock ramp without low flow channel. Access from treatment works.
Howden	Design: £130,000 Supervision: £100,000 Construction: £700,000	As-built costs on AECOM project.	Similar weir height to Mid Calder but rock ramp constructed across full width of channel necessitating more materials and longer time on site. Work completed over the autumn and winter and so extended due to cold weather and reduced working days. Overall costs much higher than outline design estimate with input from small contractor.
Retford	Construction*: £260,000	As-built costs ⁹	Weir height was originally ~1m and watercourse is much smaller than Howden; access reportedly difficult
Larrier fish pass (central location, single flight)			
Kirkton	Design: £100,000 Construction: £170,000	As-built costs on AECOM project	Single flight fish pass set back in the weir, 2 baffles wide
Larrier fish pass (central location, multiple flight)			
Darley Abbey	Construction*: £320,000	As-built costs ¹⁰	2-flight fish pass, 4 baffles wide. Installed downstream of weir
Mid Calder	Total including design and supervision: £390,000	AECOM estimated cost based on input from small contractor – costs may be higher for large framework contractors	Cost based on 2016 outline design. Access from treatment works.

⁹ [https://restorerivers.eu/wiki/index.php?title=Case_study%3ARiver_Idle_Hallcroft_\(Tiln\)_Weir_Fish_Pass](https://restorerivers.eu/wiki/index.php?title=Case_study%3ARiver_Idle_Hallcroft_(Tiln)_Weir_Fish_Pass) Accessed 29 November 2019

¹⁰ https://restorerivers.eu/wiki/index.php?title=Case_study%3ADarley_Abbey_Fish_Pass_Project Accessed 29 November 2019

Site	Cost	Source	Description
Larinier (bankside, single flight)			
Burley Mill and St Ann's Mill Weirs	Design and Construction: £400,000	As-built costs ¹¹	Two single-flight fish passes set back in the weir, 4 baffles wide. Construction by small contractor.
Hadfield	Construction ^{**} : £350,000	As-built costs ¹²	Single flight set back in weir, 4 baffles wide
Larinier (bankside, multiple flight)			
Borrow-ash	Construction*: £650,000	As-built costs ¹³	Very large structure (3 flights) including sheet piling. Installed around weir abutment
Seven-acres	Total costs £500,000	As-built costs	Two flight structure within an enclosed structure including screens
Fair-a-Far	Design: Unknown/ £50,000 estimated Supervision: £70,000 Construction: £520,000	As-built costs on AECOM project	Two flight fish pass downstream of weir, 2 baffles wide. Challenging access and weather conditions

* It is not clear whether the cost includes construction supervision and design costs

** Reported costs vary by £50,000

5.5.3 Construction Cost Estimates

Cost estimates for the four options are provided below. Costs include design, construction and supervision and assume works are undertaken in the summer when there is least risk of disruptions to construction.

Partial Rock Ramp

Without undertaking a new detailed cost assessment, it is considered that the previous estimate carried out at outline design stage is likely to be on the low side. Experience at Howden fish pass suggested the cost estimates made at outline design were too low. Subsequent work has also shown a need for a low flow channel, and a new access track over a length of approx. 500m would be required. It is considered reasonable to increase the estimate to £600,000 - £800,000. Costs may be higher if there are access issues or if more expensive materials are used in the build (e.g. for rock ramp to appear more natural).

Larinier Fish Pass (Central)

The Kirkton weir project came in at approximately the fee estimated during outline design. As such, there may be an argument that the design and build costs at Mid Calder for a Larinier based on the outline design may remain valid. However, construction access complications and other additional requirements such as maintenance access, may mean that the final costs are higher. As such a range between £400,000-£600,000 is considered appropriate.

Larinier Fish Pass (Right Bank)

A double and back Larinier fish pass on the right bank, such as that at Fair a Far, may be more straightforward to construct than a central pass but may require works to the weir abutment. Overall costs for this arrangement are likely to be of a similar order to the central Larinier arrangement.

Canalised Fish Pass

Without an available design or examples of costs for similar projects, it is difficult to provide a reliable estimate. The costs discussed under the rock ramp heading above provide some indication of likely costs. Although the physical works would be reduced in footprint, there would be a need for a long (most likely reinforced concrete) structure. This would essentially make this an option a combination of a rock ramp and a Larinier fish pass. A bankside location would improve access for construction and reduce the challenge of

¹¹ https://restorerivers.eu/wiki/index.php?title=Case_study%3AKirkstall_Valley_Weir_Fish_Passes_Project Accessed 29 November 2019

¹² https://restorerivers.eu/wiki/index.php?title=Case_study%3AHadfield_Weir_Fish_Pass Accessed 29 November 2019

¹³ https://restorerivers.eu/wiki/index.php?title=Case_study%3ABorrowash_fish_pass Accessed 29 November 2019

working in the river relative to the other options as they stand. It is considered that costs for a canalised fish pass would be of a similar order of magnitude as the Larinier options i.e. £400,000 - £600,000.

5.6 Maintenance Considerations

5.6.1 Overview

Maintenance would be carried out in the following circumstances:

- Debris affecting flood risk;
- Debris affecting fish passage;
- Debris being unsightly / receipt of public complaints;
- Adjustment to fish pass e.g. to respond to river adjustment; and
- General maintenance e.g. replacement of worn components.

Most fish passes would require some degree of maintenance; all would require regular inspection. Weir removal would provide the lowest maintenance costs, provided the river achieves a stable form following weir removal. All other options would involve a structure with an on-going maintenance liability.

Given its age, some deterioration of the weir potentially requiring works should be expected with the design life of any fish pass. A partial rock ramp would offer some support to a substantial portion of the weir; the other options would not provide any such benefits.

5.6.2 Debris Accumulation

For the purposes of this section, debris is deemed to include items such as shopping trolleys, branches and river sediments. Consideration of debris accumulation was based on three factors: the likelihood of trapping debris, the likelihood for trapped debris to impede fish passage and the ease with which debris could be cleared. The actual maintenance burden would very much depend on the amount and nature of debris arriving at the structure, and there is little information available with which to make a robust assessment. Anecdotal evidence from residents at Powie's Path suggests very little debris would arrive on the right bank. It is unclear, however, whether that observation would change if a fish pass were installed near the right bank, drawing more water to that location. If very little debris is arriving at the weir, then the propensity of the different arrangements to trap debris and the difficulty of clearing it becomes an irrelevance.

Experience at Kirkton has shown that the size of debris being washed down the river is greater than had been expected. The decision to place the fish pass in the channel rather than at the side has created an in-channel obstacle where debris can collect and ultimately resulted in WLC installing an access structure. The structure has also led to debris, such as trees, being impinged onto it. Maintenance of the Larinier fish pass is now easier and safer. WLC has advised that each maintenance visit costs around £500 and since April 2018, £2,000 has been spent (equivalent to £1.3k/ year).

At Fair-a-Far weir, there has been a large volume of sediment transported by the river. It is understood that the fish pass appears able to transport this downstream, although it is not clear if the resting pool has been checked. No maintenance costs have been obtained.

At Howden, the primary debris requiring removal has been shopping trolleys, which collect outside of the low flow channel following floods. The prevalence of shopping trolleys is likely to be linked to the town-centre location of the fish pass. At Mid Calder, it is likely that debris would be more natural, but shopping trolleys were seen on the island during site visits. Tree branches etc. are understood to be occasionally deposited at Howden but then flushed onwards. Again, these are not gathering in the low flow channels. It is possible that the high-energy environment of the low flow channels is preventing debris building up there. It should be noted that this pass was only completed in March 2019. No information on WLC maintenance costs has been obtained.

Compared with the partial rock ramp option, a Larinier fish pass or canalised fish pass at Mid Calder would have an increased **likelihood of trapping debris** due to the raised walls. Furthermore, the relatively small size of the resting pools for the Larinier and canalised options makes these less resilient to debris accumulation. The proposed Larinier and canalised options set out in this report include measures to reduce the risk of debris becoming trapped, thereby reducing the maintenance burden. River sediments are likely to

be transported through each of the fish passes, although some sediment management may occasionally be required (sediment management does not appear to have been required at any of the fish passes installed along the River Almond to date, although the eel pass at Fair-a-Far is experiencing some accumulation).

Since all options include a low flow channel, it is considered equally likely that, if debris became trapped, **fish passage** would be affected. The partial rock ramp may provide alternative routes available for fish passage over the rest of the ramp and would therefore offer a degree of resilience.

In terms of **access**, the Larinier option adjacent to the river bank and the canalised fish pass would be most easily reached for maintenance. Whilst the central Larinier option would have an access structure, its position in the centre of the river would still make it more challenging to clear debris. Whilst the low flow channel of a partial rock ramp could be relatively easily reached by walking across the ramp, the uneven surface would make this less safe.

On balance, it is considered that a partial rock ramp would involve the least onerous debris management, followed by bankside options and finally the central Larinier fish pass. The difference between the options is considered relatively small, however.

5.6.3 *Adjustment to Fish Pass*

Rivers are dynamic environments and any change to flow conditions can cause changes to the river. For example, the channel or river banks can be scoured due to increasing flow velocities or depths, or sediments can be deposited where flows are slowed down. Such issues are considered during the design process of a fish pass and where necessary mitigation measures can be implemented to address these. Nevertheless, there remains a possibility that the river channel does not respond in a way that is expected. Where such changes affect fish passage, flood risk or structural integrity (of fish pass or other infrastructure) there could be a need for works to address the issue.

Since a Larinier fish pass or canalised fish pass would not significantly change flow dynamics in the river, the likelihood of works being needed is low. A partial rock ramp would result in a more substantial change to flows and the likelihood of works being needed at some point in the future is therefore greater. The actual likelihood would depend on the detail of the final design and the resilience of the river to change, and it is difficult to say what might be a suitable cost allowance might be to cover such eventualities. The aim would typically be to design a fish pass where there is no need for future intervention at all. Some localised adjustment may occur with the partial rock ramp in place, and potential mitigation measures have not been included in this appraisal.

5.6.4 *Structural Maintenance / Asset Replacement*

The main fish pass structure would normally be designed with a long design life of the order of 100 years. Elements such as (reinforced) concrete, natural stone and vegetation would typically require no works over their design life. Parts of the works that have a shorter design life may require replacement – this could include eel pass tiles, Larinier tiles, gabions and rock bags / mattresses. A Larinier fish pass would have more components likely to require replacement when compared with a partial rock ramp or canalised fish pass. Design choices can influence the need for such works e.g. the selection of more robust materials could reduce or in some cases even remove the need for maintenance.

The lifespan of Larinier baffles would depend on the material choice and the forces of the river (impact from debris and abrasion). Provided that abrasion is low, stainless steel baffles could potentially last for 100 years and therefore require no replacement (fixings may require replacement / tightening – a relatively small job); HDPE baffles are more likely to need replacing due to damage or wear, perhaps every 20 years or so. The same would apply to any eel pass(es) installed. There is uncertainty regarding future works; the weir itself may require significant works at some point in the next 100 years, and fish passage technology may have significantly advanced, not to mention any changes to hydrology.

Assuming the stainless steel Larinier tiles are used, it is considered that the main works required over the lifetime of the Larinier or canalised options would be replacement eel passes. Since these are relatively low-cost measures, this is not considered to be a significant consideration. Maintenance for a partial rock ramp could involve replacing missing stones, clearing vegetation growth (where problematic) or patching up concrete (e.g. if damaged by root action).

5.6.5 Maintenance Summary

Without more detailed studies, it is difficult to provide a conclusive assessment of likely maintenance requirements for each of the options. The analysis presented here are the typical considerations made when designing fish passes. The debris load at Mid Calder weir is not considered to be unusually high and there is little to choose between the options in terms of routine structural maintenance / asset replacement, although there is some uncertainty as to how the river would respond to a partial rock ramp. Maintenance is unlikely to be a deciding factor between the options. It is noted that WLC may have a greater interest in the maintenance burden than might typically be the case, as specific funding is available for capital costs but not maintenance. Rather than providing a choice between options, however, it is suggested that maintenance should guide the design of the option, as each option can be designed to minimise the maintenance burden.

5.7 Health and Safety

None of the options are without risks; the key risks in terms of forming a fish pass at Mid Calder weir are considered to be flood risk, which is linked to the position of the fish pass and the proportion of the river to be isolated for construction, and making amendments to the existing weir structure. There are many more considerations (similar to those set out in the buildability section), however these are considered to be the key differentiating issues. In terms of construction risks, options would therefore rank as follows, starting with the lowest risk.

1. Right bank Larinier fish pass (Option 3) – construction near river bank without removing large portions of the fish pass
2. Canalised fish pass (Option 4) – construction near river bank but over long extent, without removing large portions of the weir
3. Partial rock ramp (Option 1) – construction across full width of main channel but downstream of weir and requires isolation of majority of right-hand channel
4. Central Larinier fish pass (Option 2) – requires isolation of majority of right-hand channel and involves significant amendments to weir structure

Notwithstanding that, it is considered that any of the options could be constructed with risks managed to an acceptable level.

During operation, the key considerations would be the safety of maintenance operatives and the safety of members of the public. With potentially a greater maintenance burden, a Larinier fish pass or canalised fish pass may involve greater exposure to risks than the other options. However, it is considered that through design and planning of the maintenance activities the risk can be reduced to an acceptable level. In terms of routine maintenance (i.e. assuming there is no need for works to respond to adjustments in the river), options would therefore rank as follows, starting with the lowest risk.

1. Partial rock ramp (Option 1) – least likely to require clearance of blockages
2. Canalised fish pass (Option 4) – may require clearance of blockage but is easily accessible
2. Right bank Larinier fish pass (Option 3) – may require clearance of blockage but is easily accessible
3. Central Larinier fish pass (Option 2) – may require clearance of blockage and requirement for access structure makes it more difficult to access different parts of the structure

From a public perspective, a partial rock ramp would be inherently safer as it would not involve any vertical drops and it would remove a large section of the vertical drop currently present at the weir. However it is considered that a Larinier fish pass or canalised fish pass would not significantly change the H&S risks at the site relative to current conditions, and any residual risks could be reduced to an acceptable level. The options would rank as follows, starting with the lowest risk.

1. Partial rock ramp (Option 1) – arguably an improvement to safety of local area with removal of vertical drops from weir
2. Central Larinier fish pass (Option 2) – away from river bank so access is discouraged; little change from present situation
3. Canalised fish pass (Option 4) – close to river bank and introduces additional vertical drops

3. Right bank Larinier fish pass (Option 3) – close to river bank and introduces additional vertical drops

In light of the above, it is considered that a partial rock ramp would involve the least H&S risk, as the main risks are one-off during construction. H&S considerations do not differ significantly between options, and it is considered that the H&S risks for any of the options could be managed to an acceptable level. H&S is therefore unlikely to be a deciding factor when choosing between the options.

6. OPTION APPRAISAL STAGE 1: PASS/FAIL ASSESSMENT

6.1 Overview

Stage 1 of the Option Appraisal is presented in this section. Stage 1 is a pass / fail step, with options failing if they result in any of the following:

- Increased flood risk to property that cannot be mitigated;
- Unacceptable health and safety risks that cannot be mitigated; and
- Unacceptable change to channel stability (e.g. channel planform could vary which could compromise structures or surrounding infrastructure).

6.2 Flood Risk to Buildings

The modelling indicates that the buildings are not at risk of flooding during a 200 year return period flood event, including an allowance for climate change. The canalised fish pass and Larinier options would not change flood risk. The effect of the partial rock ramp diminishes with increasing flows, meaning there may be no impact on the kind of flows that would cause residential property flooding (i.e. greater than 200 year return period plus climate change). Further investigation in terms of extreme flows would be required should this option be further developed, however for the purposes of this option appraisal it is assumed that there is no change to flood risk to buildings resulting from the partial rock ramp.

6.3 Health and Safety

There are considered to be no health and safety issues that are unacceptable or cannot be mitigated both in terms of construction and operating of any of the fish passes. There are differences between the options both in terms of health and safety and buildability and these are covered in sections 8.7 and 8.8.

6.4 Channel Stability

The River Almond at Mid Calder is confined downstream of the weir and not an active gravel bedded river (i.e. not one with eroding bed and banks as a river moves across its floodplain). The weir also serves to stabilise (fix) the channel and trap any bedload movement.

Historically there has been erosion beyond a natural width for tens of metres below the weir. This has increased the channel width making it less susceptible to change (with stream power being spread across a wider area). Since widening the channel has attempted to adjust to the human pressure of the weir by narrowing through gravel/ cobble deposits, and likely forming the island between the main and secondary channels. The island is stabilised by vegetation and in particular trees and there is little or no evidence of erosion during a flood. Further downstream the channel is confined within a valley and not active.

The options for fish passage are likely to have an initial localised effect (e.g. local scour that could be mitigated through some riprap installation) and not result in channel instability or affect infrastructure or other structures.

As such, it is considered that each option passes this criterion.

6.5 Stage 1 Summary

None of the options failed to meet Stage 1 of option appraisal and so each has progressed to Stage 2.

7. OPTION APPRAISAL STAGE 2: KEY PROJECT CRITERIA

7.1 Overview

Stage 2 of the Option Appraisal is presented in this section.

Options were examined with regard to key project criteria (essentially that the scheme would result in successful fish passage while considering costs), these being:

- Fish passage: ability for multiple species to use the pass;
- Fish passage: issues linked to multiple passage routes;
- Construction cost; and
- Maintenance burden (operational costs).

7.2 Fish Passage

Fish passage is discussed in Section 5.3. The review found that on balance of the above discussion, it is considered that a partial rock ramp would offer the greatest fish passage benefits. This option is not without drawbacks, but mitigation options exist to address these to a certain extent. Either Larinier fish passage options would overall provide the second best option for fish passage and in some respects are more favourable to the partial rock ramp. The canalised fish pass option would provide a means for successful fish passage though it has significant drawbacks associated with it, when compared to any of the other 3 options, and is considered sub-optimal.

Table 7.1 Ranking and relative benefits and disbenefits of the different fish passage options

Option and Rank	Relative Benefits	Relative disbenefits
1 Partial Rock Ramp (Option 1)	Ability to provide multiple flow routes and passage for multiple species	Two upstream migration routes with fish that pass up the secondary flow channel facing a likely dead end
2= Central Larinier (Option 2)	Entrance at weir face minimising fish searching for this Entrance (downstream end) located at main attractant flow	Pass is small relative to weir length and so fish may need to travel along it to find the pass (especially if they travel up the secondary channel or banks)
2= Right bank Larinier (Option 3)	Entrance at weir face minimising fish searching for this Entrance adjacent to river bank which is a common migration route	Pass is small relative to weir length and so fish may need to travel along it to find the pass (especially if they travel up the secondary channel or centre of the main channel)
4 Canalised fish pass (Option 4)	Ability to provide varied flow conditions for multiple species migration across its 3m width (though less variability than partial rock ramp)	Three upstream migration routes with fish pass entrance far downstream of weir, suggesting this option would be sub-optimal with regard to fish passage

7.3 Costs

7.3.1 Construction

Construction costs are discussed in section 5.5.3. It is considered that the partial rock ramp would be the highest cost option. Based on the high-level assessment, it is not possible to distinguish between the likely construction costs of the other three options. More developed designs would allow for quantities to be estimated and the uncertainty in cost estimates reduced. The construction cost summaries and option ranking is presented in Table 7.2.

Table 7.2 Construction costs and ranks

Option and rank	Construction cost estimate
1= Central Larinier (Option 2)	£400,000 - £600,000
1= Right bank Larinier (Option 3)	£400,000 - £600,000
1= Canalised fish pass (Option 4)	£400,000 - £600,000
4 Partial Rock Ramp (Option 1)	£600,000 - £800,000

7.3.2 Operational

Discussion on the maintenance burden is included in section 5.6. It is understood that a key consideration for WLC is the maintenance costs, as specific funding is available for capital works but not maintenance. An inability to maintain a fish pass has the potential to prevent it from functioning as intended in the long run.

On balance, it is considered that a Larinier or canalised fish pass would be more likely to attract greater maintenance costs and this would narrow the difference in whole life costs between these and the partial rock ramp. This is due to an increased requirement for debris clearance and future asset replacements (eel passes). None of the options would be maintenance free, however. Due to site-specific characteristics which are yet to be determined or realised (e.g. the quantity of sediment and debris moving through the system), as well as an element of chance, there is some uncertainty in the actual maintenance burden of the options.

It is considered unlikely that maintenance costs would be so much greater for the Larinier or canalised fish pass options that it would make the whole life cost greater than that for a partial rock ramp. Rather than providing a choice between options, however, it is suggested that maintenance needs should guide design of the option, as each option can be designed to minimise the maintenance burden.

Due to the above uncertainties and with limited information available, it was not considered appropriate to provide estimates of maintenance costs. The maintenance (operational) burden option ranking is presented in Table 7.3.

Table 7.3 Maintenance burden ranking

Option and rank	Comment
1 Partial Rock Ramp (Option 1)	Likely smallest maintenance burden although access may not be as straightforward as bankside options
2= Right bank Larinier (Option 3)	Likely greater maintenance burden but straightforward access from river bank
2= Canalised fish pass (Option 4)	Likely greater maintenance burden but straightforward access from river bank
4 Central Larinier (Option 2)	Likely greater maintenance burden and access somewhat more challenging

7.4 Stage 2 Summary

The review of the fish passage performance indicates that the partial rock ramp option would likely be the most favourable followed by either of the Larinier fish pass options. Neither option is without drawbacks, and both options would be considered acceptable and deliver the project objectives. The canalised fish pass is considered sub-optimal with regard to delivering fish passage, especially when compared to the alternative options.

The construction costs for a partial rock ramp are likely to be greater than the other options, although maintenance costs are likely to be lower. However it is considered unlikely that the difference in maintenance costs would be such that the other options would have a higher whole-life cost than the partial rock ramp, but it may close the gap somewhat. It is noted that low operational cost is a key driver for WLC, however it is considered that the strength of evidence is insufficient for this to be a compelling differentiator.

There is little to choose between the partial rock ramp and Larinier options at this stage; the former may be better from a fish passage perspective albeit at a higher cost. Consideration of the criteria in the Stage 3 appraisal may provide a clearer preferred option. At the end of Stage 2 the canalised fish pass appears unfavourable (with fish passage performance being sub-optimal).

8. OPTION APPRAISAL STAGE 3: OTHER CRITERIA

8.1 Overview

Stage 3 of the Option Appraisal is presented in this section. In Stage 3 options were examined with regard to the following important criteria:

- Other ecological effects – do the options have any impacts (positive or negative) on ecology other than fish?
- Flood risk to land and Powie's Path – do the options alter the risk of flooding?
- Hydromorphological effects – do the options alter the hydromorphology of the river?
- Land ownership – do the options require construction on land not owned by WLC?
- Aesthetic effects – do the options result in visual changes that may be attractive or unappealing?
- Buildability and risk – how easily can the fish passes be constructed and what are the risks that could increase construction costs?
- Health and safety – what are the safety considerations during construction, maintenance and operation?
- Risk of poaching – how does the risk of poaching compare between the options?

As outlined in Section 4.3.4, scoring for each topic was as follows:

- +3 major beneficial effect
- +2 moderate beneficial effect
- +1 minor beneficial effect
- 0 neutral effect
- -1 minor adverse effect or complications
- -2 moderate adverse effect or complications
- -3 major adverse effect or significant complications

8.2 Other Ecology

Based on the review set out in Section 5.4, a summary of the scores for other ecological effects are presented in Table 8.1.

Table 8.1 Summary of Other Ecological effects and score

Option	Ecological effects
Partial Rock Ramp	-2 (larger footprint = woodland and aquatic habitat loss, possible impacts on bat, otter and invasive plants; occasional drying of channel may impact aquatic fauna)
Larinier fish pass (central)	0 (minimal habitat loss and reduced potential impacts on fauna)
Larinier fish pass (right bank)	-1 (footprint of bankside structure would be mostly on weir and apron. May affect small area of woodland and aquatic habitat and tree with bat roost suitability)
Canalised fish pass	-2 (larger footprint = woodland and aquatic habitat loss, possible impacts on bat, otter and invasive plants; occasional drying of channel may impact aquatic fauna)

8.3 Flood Risk to Land and Powie's Path

As described in section 5.2.2, the Larinier and canalised fish pass options would have no effect on flood risk. Some changes to water levels would occur with a partial rock ramp in place however this is not considered to present any significant impacts, concerning only flooding of land that is already at risk of flooding. The frequency with which Powie's Path would be flooded would not be affected by the options, although the extent of flooding may change. The scoring for this criterion is provided in Table 8.2 below.

Table 8.2 Summary of flood risk scores

Option	Hydro- morphological effects
Partial Rock Ramp	-1 (risk identified with current modelled design- can potentially be removed through design)
Larinier fish pass (central)	0
Larinier fish pass (right bank)	0
Canalised fish pass	0

8.4 Hydromorphology

Our hydromorphological appraisal of the potential effects of each option on hydromorphology was described in Section 5.2. The scoring for this criterion is provided in Table 8.2 below.

Table 8.3 Summary of hydromorphological effects and score

Option	Hydro- morphological effects
Partial Rock Ramp	-2 (potential effects include redirection of flow onto a bank or specific part of the bed causing erosion, reduction of capacity by the works, causing erosion elsewhere in the section and inducing instability of bare earth banks by concentrating flows through secondary channels while mitigation may not be possible due to land ownership constraints etc.)
Larinier fish pass (central)	0 (negligible effects predicted)
Larinier fish pass (right bank)	0 (potential effects include redirection of flow onto a bank or specific part of the bed causing erosion and mitigation has been included to mitigate this effect)
Canalised fish pass	-1 (potential effects include reduction of capacity by the works, causing erosion elsewhere in the section and inducing instability of bare earth banks by concentrating flows through secondary channels - mitigation has been included but some uncertainty remains)

8.5 Land Ownership

Options that can entirely be undertaken from WLC owned land would be easier to deliver. A review of land ownership and the potential effect on the deliverability of the options is presented in Table 8.4 below.

Table 8.4 Summary of land ownership review and score

Option	Land ownership review and score
Partial Rock Ramp	-2 (option would require construction on land not owned by WLC)
Larinier fish pass (central)	0 (scheme on WLC owned land)
Larinier fish pass (right bank)	0 (scheme on WLC owned land)
Canalised fish pass	0 (scheme on WLC owned land)

8.6 Aesthetics

Each of the four options could have a noted effect on the visual appearance of the weir and its environs. Judging the potential effect of this can be quite subjective, however. Some potential visual effects, that could be considered adverse or beneficial to different users include:

- ancillary structures such as access platforms may be considered (associated with the central Larinier option/ Option 2, see Section 3.3);
- a notable change in the appearance of the weir and channel (associated with the partial rock ramp / Option 1); and
- drying of the main or secondary channels compared to the baseline situation (discussed in Section 5.1).

A review of potential aesthetics effects has been undertaken and is presented in Table 8.5 (noting that others may have different views).

Table 8.5 Summary of aesthetic effects review and score

Option	Aesthetic effects*
Partial Rock Ramp	-1 (Significant change to appearance of river and weir compared to current visible from both banks, although it should have a relatively natural appearance. Ramp may block off view of the wider river from the left bank, although access and visibility is limited.)
Larinier fish pass (central)	-1 (fish pass in channel with ancillary access platforms would disrupt the open views of the river particularly when viewed from the right-hand bank)
Larinier fish pass (right bank)	1 (fish pass on right-hand bank would have a small footprint and may blend reasonably with the "industrial" appearance of the weir)
Canalised fish pass	-2 (visible primarily from the right-hand river bank. Drying of the major channel during dry period would have a noticeable impact on the character of the river, as would a long wall down the river bank)

8.7 Buildability and Risk

Buildability is dependent on a large number of factors and an overall assessment of the buildability of any given option would be based on some judgement of the relative importance of each of the factors. Table 8.6 below sets out a number of buildability considerations with commentary against each option. For each component the options are ranked against one another (with 1 being the "most buildable" option). An overall buildability score is provided at the bottom of the table.

Table 8.6 Buildability Review of the Fish Pass Options and Scoring

Factor	Option 1: Partial rock ramp	Option 2: Larinier fish pass (central)	Option 3: Larinier fish pass (right bank)	Option 4: Canalised fish pass
Access to site	All options would involve the same access arrangement via land to the south.			
Access into river	Ramped access for earth-moving equipment required (=2/4)	Ramped access for construction equipment required (=2/4)	Construction could mostly take place from river bank (1/4)	Access required along long length of channel (4/4)
Extent of temporary works	Significant width and length – would require flood risk check (4/4)	Significant width but small length (3/4)	Small width and length (1/4)	Small width but significant length (2/4)
Nature of temporary works	Extensive area but relatively shallow water. May need to cross island to prevent flow into working area from secondary channel. Could be achieved with tonne bags (3/4)	Deep water upstream of weir likely requiring a frame dam out to middle of river (4/4)	Smaller area downstream of weir easily isolated with tonne bags or similar (1/4)	Extensive area but relatively shallow water. Could be achieved with tonne bags (2/4)
Scale of the work	Major works with large volume of materials (4/4)	Less extensive but more time-consuming work (reinforced concrete) (=1/4)	Less extensive but more time-consuming work (reinforced concrete) (=1/4)	Less material required than for partial rock ramp, but significant length of reinforced concrete (3/4)
Complexity of work / specialist nature	Attention to detail required for low flow channel and weir interface (=3/4)	Requires cutting into weir (2/4)	Installed downstream of weir (1/4)	Attention to detail required throughout due to narrow nature of channel (=3/4)
Design risks	- interface with island and banks - interface with weir - impacts on trees (=3/4)	- Cutting into weir - Forming pool downstream of weir (=1/4)	- Less cutting into weir - Works to abutment and apron (=1/4)	- Impacts on trees - Interface with abutment - Interface with river banks (may need more retaining structures) - Foundations for retaining wall (=3/4)
Requirement for heavy plant / craneage	No significant difference between the options. Options involving reinforced concrete (all except partial rock ramp) could make use of precast sections. This apparent disbenefit would be countered by reduced in-river working.			

Factor	Option 1: Partial rock ramp	Option 2: Larinier fish pass (central)	Option 3: Larinier fish pass (right bank)	Option 4: Canalised fish pass
Resilience of works to flooding	Experience at Howden and Fair-a-Far suggests that in-progress works are likely to be relatively resilient to flooding for all options			
Interface with public	All options would involve the same level of disruption to the riverside footpath			
Overall buildability score	-2	0	1	-1

Ultimately, the best option from a buildability perspective is considered to be a river bank Larinier fish pass, whereas the worst would be a partial rock ramp. The other two options would fall together somewhere in between. There are not considered to be any buildability issues that cannot be overcome for a partial rock ramp, but it is certainly the more challenging structure on the whole.

8.8 Health and Safety

Health and safety considerations are discussed in section 5.7. For the purposes of scoring, construction-phase risks were given a lesser weighting as they are one-off and can be managed by an experienced contractor. Construction-phase issues are also covered in the buildability section (section 8.7).

Table 8.7 Health and safety scoring

Option	Health and Safety
Partial Rock Ramp	1 (main risks are during construction, and removal of vertical drops near footpath reduces public safety hazards)
Larinier fish pass (central)	0 (no significant change from baseline)
Larinier fish pass (right bank)	0 (no significant change from baseline)
Canalised fish pass	0 (no significant change from baseline)

8.9 Poaching

Poaching has previously been expressed as a key concern by members of the steering group. Due to the threat of poaching, the outline design of the Larinier fish pass included a mid-channel position. A canalised rock ramp would be most vulnerable to poaching, with a narrow channel including pools in secluded locations. A Larinier fish pass constructed next to the river bank could also be vulnerable. A partial rock ramp or mid-channel Larinier fish pass would present a greater challenge to poachers. In each case, there are mitigation options available to reduce the risk e.g. the use of covers (although these may have safety / maintenance considerations), fencing (potential visual impacts) or monitoring.

A summary of scoring with regard to the risk of poaching is provided in Table 8.8.

Table 8.8 Poaching scoring

Option	Risk of Poaching
Partial Rock Ramp	-1
Larinier fish pass (central)	0
Larinier fish pass (right bank)	-2
Canalised fish pass	-2

8.10 Stage 3 Summary

A summary of the Stage 3 scoring is provided in Table 8.9 below. This indicates that either Larinier option performs relatively neutrally with regard to the 8 other important criteria outlined in Stage 3. There are risks or challenges associated with the canalised fish pass for five of the eight criteria and for seven of the eight criteria for the partial rock ramp option.

Table 8.9 Summary of Stage 3 Option Appraisal

Criteria	Score for each option			
	Partial Rock Ramp	Larinier fish pass (central)	Larinier fish pass (right bank)	Canalised fish pass
Other ecology	-2	0	-1	-2
Flood risk to land	-1	0	0	0
Hydromorphology	-2	0	0	-1
Land ownership	-2	0	0	0
Aesthetics	-1	-1	1	-2
Buildability	-2	0	1	-1
Health and safety	1	0	0	0
Poaching	-1	0	-2	-2

9. OPTION APPRAISAL SUMMARY

9.1 Appraisal Summary

Four options were considered as part of a three stage option appraisal process. These were:

- A partial rock ramp, as developed in recent work;
- A Larinier fish pass towards the middle of the river channel, as developed in 2016 to outline design level, but including further considerations as described in this report;
- A Larinier fish pass adjacent to the right-hand bank, similar to that installed at Fair-a-Far weir in Cramond, Edinburgh. A concept design was developed for this report to allow the option to be appraised; and
- A canalised fish pass along the right-hand bank. A concept design was developed for this report to allow the option to be appraised and informed by a similar fish pass at Hoghton Bottoms weir (Ribble Rivers Trust).

Stage 1 of the Option Appraisal was a pass / fail step, with options failing if they resulted in any of the following:

- Increased flood risk to property that cannot be mitigated;
- Unacceptable health and safety risks that cannot be mitigated; and
- Unacceptable change to channel stability (e.g. channel planform could vary which could compromise structures or surrounding infrastructure).

On review each of the four options passed the Stage 1 assessment; there are no insurmountable barriers to the implementation of any of the options. As such each option progressed to Stage 2.

Stage 2 of the Option Appraisal examined each option with regard to key project criteria (essentially that the scheme would result in successful fish passage while considering costs), these being:

- Fish passage: ability for multiple species to use the pass;
- Fish passage: issues linked to multiple passage routes;
- Construction cost; and
- Maintenance burden (operational costs).

The review of the fish passage performance indicated that the partial rock ramp option would likely be the most favourable followed by either of the Larinier fish pass options. Neither option would be without drawbacks, and both options would be considered acceptable and deliver the project objectives. The canalised fish pass is considered sub-optimal with regard to delivering fish passage, especially when compared to the alternative options.

The construction costs for a partial rock ramp are likely to be greater than the other options, although maintenance costs may be lower. However it is considered unlikely that the difference in maintenance costs would be such that the other options would have a higher whole-life cost than the partial rock ramp, but it may close the gap somewhat. It is noted that low operational cost is a key driver for WLC, however it is considered that the strength of evidence is insufficient for this to be a compelling differentiator.

At the end of Stage 2 it was considered that there was little to choose between the partial rock ramp and Larinier options at this stage; the former may be better from a fish passage perspective albeit at a higher cost. At the end of Stage 2 each of the four options was considered in Stage 3 (noting that at the end of Stage 2 the canalised fish pass appeared to be unfavourable with fish passage performance being sub-optimal).

Stage 3 of the Option Appraisal examined each option with regard to the following important criteria:

- Other ecological effects – do the options have any impacts (positive or negative) on ecology other than fish?

- Flood risk to land and Powie's Path – do the options alter the risk of flooding?
- Hydromorphological effects – do the options alter the hydromorphology of the river?
- Land ownership – do the options require construction on land not owned by WLC?
- Aesthetic effects – do the options result in visual changes that may be attractive or unappealing?
- Buildability and risk – how easily can the fish passes be constructed and what are the risks that could increase construction costs?
- Health and safety – what are the safety considerations during construction, maintenance and operation?
- Risk of poaching – how does the risk of poaching compare between the options?

Each criterion may be associated with a benefit or disbenefit and / or may result in particular challenges to the delivery of the project.

During the Stage 3 review either Larinier option performed relatively neutrally with regard to the 8 other criteria outlined in Stage 3; better than the other two options. There are risks or challenges associated with the canalised fish pass for five of the eight criteria (these being other ecology, hydromorphology, aesthetics, buildability and poaching) and for seven of the eight criteria for the partial rock ramp option (these being other ecology, flood risk to land, hydromorphology, land ownership, aesthetics, buildability and poaching).

9.2 Conclusions and Recommendations

At the end of Stage 2 it was considered that there was little to choose between the partial rock ramp and Larinier options at this stage; the former may be better from a fish passage perspective albeit at a higher cost. However, a number of potential disbenefits and challenges linked with the partial rock ramp were apparent during Stage 3 of the Option Appraisal across most of the other criteria considered. For this reason it is considered that a Larinier fish pass would be most appropriate at Mid Calder. This is AECOM's position based on the appraisal presented here; it is noted that other parties may favour a different option as they may place a greater emphasis on certain criteria.

Based on fish passage performance, project costs and the criteria assessed in Stage 3 of the appraisal there is little to choose between whether a central or right bank Larinier fish pass is selected. Relative differences may inform the final choice on siting (e.g. if poaching risks or potential aesthetics effects are considered to be more important).

The canalised fish pass performed less well than either Larinier option through Stages 2 and 3 of the Option Appraisal and is not recommended at Mid Calder weir.

A number of challenges and disbenefits would need to be overcome if the partial rock ramp were progressed, based on the results of the Option Appraisal. This may result in escalating costs and project delays. The design of a partial rock ramp could be adjusted to mitigate certain challenges although this could create new issues. For example the width of the rock ramp could be reduced so that it does not extend to the island (similar to significantly widening the canalised fish pass). However, this may necessitate inclusion of a retaining wall, which could increase project costs, create an additional dead end for migrating fish and be a source of erosion of the channel between the island and wall.

For whichever option is selected further design and assessment would be required as part of a detailed design, particular where potential risks, challenges and disbenefits have been identified during this Option Appraisal.

Appendix A – Relevant Experience from Other Fish Passes

A.1 Kirkton Weir

Detailed design and construction of the Kirkton Weir Larinier fish pass occurred in 2017. The following text outlines some of the design considerations that may come to light during detailed design of a Larinier at Mid Calder Weir.

Figure A1.1 below indicates a number of considerations that emerged during the early stages of the detailed design. A pool is required downstream of the Larinier to ensure that power in the water flowing down it is suitably dissipated so as not to discourage fish from travelling up it.

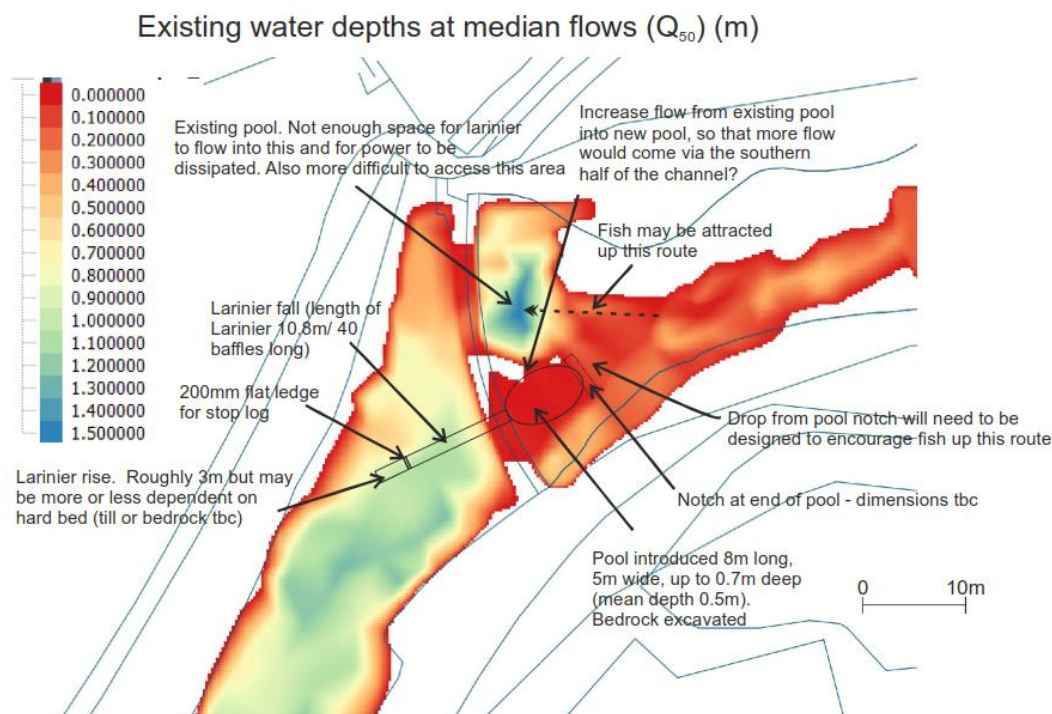


Figure A1.1 Kirkton Weir design considerations during the detailed design phase

The project and design team were aware that inclusion of a pool was far from ideal due to risks of poaching. A pool is a crucial component of a design that would fulfil its purpose of facilitating fish passage and ultimately the pool was included in the final design. The pool discharged via a channel at its downstream exit.

The Larinier fish pass channel included a lamprey plate while a separate eel pass was constructed in 2019 on the right-hand side of the channel. A maintenance access platform was designed and built after the fish pass had been built. This was due to the larger size and volume of debris, as well as difficulties removing this from the middle of the channel.

During construction, it was necessary to move the fish pass closer to the right bank to create space for the large temporary works needed to hold back a significant depth of water.

Images of the constructed Larinier fish pass and eel pass are provided in Plates A1.1 to A1.4.



**Plate A1.1 Kirkton Weir with in channel
Larinier looking downstream**



**Plate A1.2 Kirkton Weir with in channel
Larinier looking across the
channel/ weir**



**Plate A1.3 Access walkway and platform
(added in 2018 after Larinier had
been built)**



**Plate A1.4 Eel pass at right-hand side of the
channel (built in 2019)**

A.2 Fair-a-Far Weir

The table below shows some post-construction issues that have been identified by City of Edinburgh Council and Forth Rivers Trust. A commentary on whether the issue can be resolved and the extent to which it is applicable to Mid Calder is also included.

Table A.2 Post Construction Issues reported at Fair a Far Weir bankside Larinier fish pass

Issue	Comment
Loose baffles	AECOM is awaiting confirmation of which baffles are loose and details of fixings. Larinier fish passes have been used across the country without such issues so this is considered to be a site-specific issue (e.g. wrong screws specified or used, incorrect installation) that should not apply to a Larinier fish pass at Mid Calder.
Eel pass clogging and covers being dislodged	The location and nature of the eel pass (small concrete channel with covers) makes it prone to blockage. Alternative eel pass designs are possible and these could be considered at Mid Calder, in addition to debris management (e.g. deflectors). The position of the fish pass at Fair-a-Far makes maintenance and inspection challenging.
As-built information (i.e. are they representative)	Based on the information available to AECOM at the time, it was considered that the Contractor carried out the requirements of the Works Information so the as-built drawings were based on the last construction issue drawings.
Flow conditions at upstream end	Sub-optimal flow conditions exist at the upstream end of the fish pass. This is potentially due to the fish pass exist not being aligned with the local direction of flow, or the geometry of the structure itself. This has not been an issue at other Larinier fish passes and it is therefore considered that this is a site-specific issue that should not apply at Mid Calder. That said, a river bank location at Mid Calder would require more detailed consideration as the flow patterns may be more complex compared with a central location.
Stop log grooves not aligned	AECOM is awaiting further information regarding this issue however this would be a site-specific issue that should not apply at Mid Calder. Alternative stop log / monitoring arrangements could be considered at Mid Calder.
Finished levels	There have been suggestions that finished levels of the fish pass are not as designed. This is an area of on-going investigation but if there is an issue, this should be a site-specific similar to the loose baffles.

In summary, it is considered that none of the issues experienced at Fair-a-Far are likely to affect the feasibility of a Larinier fish pass at Mid Calder. There are some useful lessons to be learnt that could be applied to either a central or river bank arrangement. A river bank arrangement is likely to require more detailed consideration, but it should be possible to avoid the problems experienced at Fair-a-Far.

A.3 Hoghton Bottoms Weir

Following the stakeholder meeting AECOM were advised by WLC of a potential alternative fish pass which could be constructed at the site. This option is referred to as a “canalised fish pass”.

The fish pass is relatively rare in the United Kingdom and not included in the Environment Agency Fish Pass Manual. The project team became aware of a canalised fish pass that has been constructed by the Ribble Rivers Trust at Hoghton Bottoms Weir on the River Darwen near Blackburn, Lancashire. Design drawings were obtained for the fish pass along with a supporting report to inform a potential design at Mid Calder Weir¹⁴. It was recognised by the Ribble Rivers Trust that constraints resulted in the fish pass not meeting typical design criteria, however it was felt that the fish pass would offer useful context to such a potential solution at Mid Calder weir.

A review of available information indicated the following:

- Canalised fish pass was built on an existing bedrock outcrop.
- The head drop between the weir and first pool downstream of the pass is 3m.
- The pass has a slope of 1:6 (16.67%) and has been sited on the left hand side (looking downstream) of the channel. It is downstream of the weir where space was confined by the presence of a large bedrock outcrop and downstream bend in the channel banks. The fish pass slope is much steeper than that recommended by the Fish Pass Manual for ramps (5%)¹⁵ and that indicated in the DVWK guidance¹⁶, that has been used to inform the design for the pass Hoghton Bottoms weir. There are no constraints at Mid Calder that would necessitate such a steep structure.
- The fish pass channel is approximately 2.5m wide and an informal low flow channel was indicated on the drawings though was to be realised by careful placement of boulders and is not readily discernible on the drawings.
- A notch into the weir approximately 200mm deep and 600mm wide is included at the top of the pass.
- A small retaining wall was included on the drawings, less than 400mm above ramp levels. This may be little more than water levels in the fish pass under most flow conditions.

A representative from WLC visited the site on the 11 October 2019 although this was at a time of high flow when the fish pass was submerged (see Plate A3.1). AECOM visited the site on the 29 October 2019 when the pass was viewable; images from this visit are provided below as Plates A3.2 to A3.6.



Plate A3.1 Hoghton Bottoms weir at time of high flow (fish pass to left submerged)/ 11-10-19



Plate A3.2 Canalised fish pass/ 29-10-19

¹⁴ Ribble Rivers Consultancy Report (2016) Fish Passage Appraisal Hoghton Bottoms. RRCL.FPA.20160329.1

¹⁵ Environment Agency (2010) Environment Agency Fish Pass Manual. Formally withdrawn though still used and hosted on other organisations websites, e.g. IFM.

¹⁶ DVWK (2002) Fish Passes Design, Dimensions and Monitoring. English version



Plate A3.3 Darwen downstream of the weir/ 29-10-19



Plate A3.4 Hoghton Bottoms Weir (fish pass to the right)/ 29-10-19



Plate A3.5 Notch in the weir at the top of the pass/ 29-10-19



Plate A3.6 Upstream of the Hoghton Bottoms Weir/ 29-10-19

River Darwen flow data for the site visit was not available yet due to it taking time for the Environment Agency to check data quality etc. prior to release. However long-term river level monitoring on the Darwen was downloaded for the upstream level gauge, the Darwen at Ewood (NGR: SD677262) for the purposes of this assessment. Levels on the 11 October 2019 were 0.821m (equivalent to H_3 – the level exceeded for 3 % of the time). Levels on the 29 October 2019 were 0.398m (equivalent to the H_{37} , exceeded for 37% of the time).

The fish pass observed on the 29 October 2019 looks quite turbulent and it is considered that fish would not be able to traverse up this successfully. Migration for larger species under such medium to moderately high flow conditions should normally be provided and so the fish pass is considered to be sub-optimal on this basis. Water levels in the fish pass channel are approaching the height of the retaining wall too, suggesting that this would be overtopped under high flows. Fish passage would not be expected under the very high flow conditions observed on the 11 October 2019 although the degree of turbulence observed in the channel on the 29 October 2019 suggested it would be excessive even at times of high flow when passage would be expected (e.g. Q_{10}).

Appendix B – Recent Updates to the Hydrological Analysis Tool

Following the 19 September 2019 meeting (see Table 2.1), AECOM were permitted by Charles Corbett to go onto the island and observe the existing fish pass up closer. An image of this is provided as Plate B.1. An image from the surveyors has also since been obtained and is indicated in Plate B.2. These indicate that the notch in the weir into the fish pass is much smaller than assumed for the initial analyses draft design note, based on information collected during the previous Motts survey (see Table 2.1). As such the baseline hydrological situation was revised between the initial partial rock ramp analyses note (August 2019) and November 2019 partial rock ramp design report to account for the smaller dimensions of the notch and the assessment of hydrological effect of the partial rock ramp updated accordingly.



Plate B.1 Fish pass from island/ notch apparent



Plate B.2 Notch up close/ 2019 survey indicating it as measuring 0.6m wide and 0.13m deep

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

DATA CENTRE, CAIRD STREET HAMILTON **NEW LICENCE FOR USE BY IT SERVICES FOR DISASTER RECOVERY**

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval to enter into a new license agreement with South Lanarkshire Council for premises at Caird Street Hamilton.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Approves entering into a new licence agreement for a period of up to one year for the purposes outlined in this report, at an annual licence fee of £69,300 per annum (exclusive of VAT);
2. Authorises the Head of Finance and Property Services to carry out any further negotiations with South Lanarkshire Council in respect of the licence, 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	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)	Compliance with Civil Contingencies Act 2004.
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	None

VI	Resources - (Financial, Staffing and Property)	The annual licence fee of £69,300 exclusive of VAT is budgeted for in the approved 2020/21 revenue budget.
VII	Consideration at PDSP	Not applicable.
VIII	Other consultations	IT and Legal Services.

D. TERMS OF REPORT

The subject premises currently provide disaster recovery services for the council's IT systems. The existing licence agreement terminates on 31 March 2020.

IT Services are progressing a project to move to an alternative solution at Whitehill Service Centre which will provide a new disaster recovery resource however this will not be completed by 31 March 2020 and it is therefore necessary to enter into a new agreement from 1 April 2020.

It is proposed that the licence period will be for a minimum of six months from 1 April 2020 and will continue thereafter on a month to month basis with a maximum period of one year.

The main terms of the licence are as follows:

Licensor: South Lanarkshire Council.

Licensee: West Lothian Council.

Premises: Defined space in Data Centre, Caird Street, Hamilton.

Licence Fee: £69,300 per annum (excluding VAT).

Break Notice: Either Licensor or Licensee can serve 3 month's formal notice to terminate the licence after 30 September 2020.

Other Terms: As in the existing agreement

E. CONCLUSION

It is considered to be in the best interests of the Council to enter into the new licence agreement for the premises at The Data Centre Caird Street Hamilton on the terms set out in this report.

F. BACKGROUND REFERENCES

Emergency information recovery centre relocation and business continuity capacity report - October 2019.

Appendices/Attachments: None.

Contact Person: Stephen Letch, Group Commercial Surveyor, Tel: 01506 281122 email: Stephen.letch@westlothian.gov.uk

Donald Forrest, Head of Finance and Property Services

Date of meeting: 24 March 2020

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

WEST LOTHIAN LEISURE 2020/21 FUNDING AGREEMENT

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

This report seeks Council Executive approval for the 2020/21 Annual Funding Agreement between the council and West Lothian Leisure (WLL) and approval of the provisional funding amounts for the financial years 2021/22 and 2022/23.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Approves the 2020/21 Annual Funding Agreement for WLL of £2.562 million.
2. Approves the provisional 2021/22 and 2022/23 Annual Funding amounts of £2.312 million and £2.053 million respectively.
3. Notes the terms and conditions set out in the agreement for all funding to be paid by the council to WLL.
4. Notes the updates made to the Annual Funding Agreement.
5. Notes the updates on WLL's Three Year Plan and 2019/20 financial performance.
6. Notes that the 2020/21 Funding Agreement will be reported to the West Lothian Leisure Advisory Committee on Thursday 30 April 2020 for information.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on customers' needs, being honest, open and accountable, making best use of resources, working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Local Government (Scotland) Act 1975, Section 90: Following the Public Pound.
III Implications for Scheme of Delegations to Officers	Authority for agreeing minor changes to the management fee for WLL is delegated to the Head of Finance and Property Services.
IV Impact on performance and performance Indicators	The council funding for WLL enables the provision of a range of cultural and leisure services.
V Relevance to Single Outcome Agreement	Effective prioritisation of resources will be essential to achieving the targets contained in the Single Outcome Agreement.

VI Resources - (Financial, Staffing and Property)	The council is providing WLL with core funding of £2.562 million in 2020/21.
VII Consideration at PDSP	None.
VIII Other consultations	Education Services. Ongoing discussions with West Lothian Leisure.

D. TERMS OF REPORT

D.1 Introduction

The updated Annual Funding Agreement between the council and WLL sets out the agreed management fee to be paid to WLL by the council for 2020/21. The agreement is attached in appendix 1 with the 2020/21 Financial Reporting Arrangements with WLL detailed in appendix 2.

These detail the terms and conditions for payment of the management fee, including provision of services by WLL in accordance with the Service Agreement. The 2020/21 agreement outlines monitoring and scrutiny of the financial performance of WLL by the council and covers termination and disputes, insurance and indemnity and governance.

D.2 2020/21 WLL Management Fee

The 2020/21 WLL Management Fee is £2.562 million and is the fee paid to WLL for the provision of sports and leisure services within West Lothian in accordance with the Service Agreement.

The management fee includes £220,000 for landlord maintenance.

The management fee will be paid quarterly in advance, subject to the terms and conditions set out in the Annual Funding agreement continuing to be met by WLL.

D.3 Updates to the Annual Funding Agreement

A financial plan for WLL for the period 2019/20 to 2022/23 was reported to Council Executive on 11 September 2018. Delivery of some elements of the plan required the council to consider various requests made by WLL including a re-profiling of the WLL management fee to fund WLL severance packages.

The support for the severance packages was provided upfront by the council by re-profiling the management fee and covered WLL's severance costs of moving to a new staffing structure. The annual management fee paid to WLL by the council will be reduced over eight years, starting in 2020/21, to offset the amount re-profiled in 2018/19.

The re-profiling of the annual management fee paid to WLL by the council from 2020/21 amounts to a reduction in the annual management fee of £132,000 per year for eight years. This includes amendments as a result of the council providing total funding for severance costs of £1.053 million which is made up of the £270,000 advance funding payment made in 2018/19 and the £230,000 and £553,000 advance funding payments made in 2019/20.

A reduction in the net management fee of £250,000 has also been applied in 2020/21 as part of budget reductions approved by the council. The total saving is an overall reduction to the management fee of £1.009 million by 2022/23. This reduction is phased over four financial years with the first reduction of £250,000 having been applied in 2019/20. This will be followed by the reduction in 2020/21 of

a further £250,000, a further £250,000 reduction in 2021/22 and a further £259,000 reduction in 2022/23. The proposed annual management fee through to 2022/23 is detailed below.

	2019/20	2020/21	2021/22	2022/23
	£'000	£'000	£'000	£'000
Core Funding Base	2,974	2,724	2,474	2,224
Approved Incremental Budget Saving	(250)	(250)	(250)	(259)
Core Funding	2,724	2,474	2,224	1,965
Voluntary Severance Advance Funding	0	(132)	(132)	(132)
Landlord Maintenance	220	220	220	220
Total Annual Management Fee	2,944	2,562	2,312	2,053

D.4 WLL's Three Year Plan and 2019/20 Financial Performance

WLL are forecasting a deficit position of £10,000 for the 2019/20 financial year.

WLL advise that overall implementation of saving measures in 2019/20 is progressing, with £949,000 of savings forecast to be made against a target of £1.108 million, a £159,000 shortfall.

This shortfall has been offset by an increase to the forecast of membership income. The income target for 2019/20 includes an increase of £45,000 on the actual income achieved in 2018/19. WLL report that membership income has been steadily growing and that, to 31 December 2019, income is £231,000 above budget with a surplus of £220,000 included within the forecast for the year. The forecast allows for a potential downturn in membership income following the change to opening hours at some WLL venues. This change is part of WLL's three year plan and the effect this will have on membership levels will need to be monitored.

The 2019/20 cash position is being monitored closely with ongoing discussions between WLL and the council to ensure risk is kept to a minimum.

WLL's current three year plan is for the period 2019/20 to 2021/22. WLL's Board are planning to approve a detailed balanced budget for the 2020/21 financial year in March 2020. An update will be provided to the WLL Advisory Committee at its meeting on 30 April 2020. WLL have indicated that they are working on extending their current three year financial plan to include a high level budget for 2022/23.

E. CONCLUSION

The updated Annual Funding Agreement between the council and WLL sets out the agreed management fee to be paid to WLL by the council for 2020/21. This details the terms and conditions regarding the payment of the management fee, including provision of services by WLL in accordance with the Services Agreement.

The 2020/21 agreement sets out monitoring and scrutiny of the financial performance of WLL by the council and covers termination and disputes, insurance and indemnity and governance.

WLL's board are scheduled to approve a detailed, balanced, budget for 2020/21 and progress to implement WLL's Three Year Plan continues to be made.

F. BACKGROUND REFERENCES

Performance Reports to WLLAC in 2018/19 and 2019/20

West Lothian Leisure Three Year Plan 2019/20 to 2021/22

WLL Annual Funding Agreement 2019/20 - Report by Head of Finance and Property Services to Council Executive 26 March 2019

Applications for Re-phasing of WLL's Management Fee Pro Forma – submitted by WLL on 30 July and 13 September 2019

Voluntary Severance and Early Retirement request for support – Report by Head of Finance and Property Services – Council Executive 20 August 2019

Voluntary Severance and Early Retirement request for support – Report by Head of Finance and Property Services – Council Executive 8 October 2019

Appendices/Attachments:

Appendix 1 – Annual Funding Agreement between WLC and WLL

Appendix 2 – WLL Financial Reporting Arrangements

Contact Person: Donald Forrest, Head of Finance and Property Services
Email: donald.forrest@westlothian.gov.uk
Tel no: 01506 281294

Donald Forrest
Head of Finance and Property Services
24 March 2020

DATA LABEL: PUBLIC

Appendix 1

Annual Funding Agreement Document

Between

West Lothian Council

And

West Lothian Leisure

**For the provision of facilities for recreational, sporting,
cultural and social activities in terms of sections 14, 15
and 16 of the Local Government and Planning (Scotland)
Act 1982.**

1 April 2020 to 31 March 2021

ANNUAL FUNDING AGREEMENT DOCUMENT FOR 2020/21
FOR THE DELIVERY OF
RECREATIONAL, SPORTING, CULTURAL AND SOCIAL ACTIVITIES

Between

WEST LOTHIAN COUNCIL established under the Local Government etc (Scotland) Act 1994 and having its principal offices at West Lothian Civic Centre, Howden South Road, Livingston, West Lothian EH54 6FF

And

WEST LOTHIAN LEISURE a company which is a Scottish charity (Scottish charity number SC027470) incorporated under the Companies Acts (company number SC543017) and having its registered office at Xcite Bathgate, Balbardie Park, Torphichen Road, Bathgate, West Lothian EH48 4LA

1. MANAGEMENT FEE

- 1.1 The council agrees, subject to the terms and conditions set out in the Agreement, to pay the management fee to the West Lothian Leisure (WLL) in consideration for the provision of services by WLL in accordance with the Services Agreement.
- 1.2 The management fee due in respect of each financial year shall be payable by the council to WLL quarterly in advance, in four equal instalments, subject to receipt by the council of a valid VAT invoice issued by WLL relating to that element of the management fee. The 2020/21 management fee is shown below:
 - The council will pay £2.562 million in 2020/21 for services in relation to the WLL's role in utilising its professional management and leisure skills to manage the council's sport and recreational facilities on its behalf and for the outcomes and services detailed in the Service Specification.
 - The management fee includes a contribution towards the cost of the following specific project in 2020/21:
 - Landlords Capital Maintenance (£220,000)
- 1.3 The sum will be reviewed in advance of each subsequent financial year, and a management fee will be agreed by the council as part of the council's revenue budget for the year ahead.
- 1.4 Authority for agreeing minor revisions to the management fee with WLL is delegated to the council's Head of Finance and Property Services.
- 1.5 In the event of there being any overpayment by the council for any reason, including where it has been determined that the council has over-compensated for provision of services, the council shall be entitled to recover any sums due either by repayment by WLL to the council or by deduction from future sums due by the council to WLL under this or any other agreement between the parties.
- 1.6 WLL shall keep secure and maintain until two years after the final payment of all sums due under the Agreement, full and accurate records of all expenditure incurred by the WLL in its performance of those services, and of all payments made to it by the council, by service users or by third parties in that regard.

2. 2018/19 ADDITIONAL FINANCIAL SUPPORT FOR ONE-OFF STAFFING COSTS

- 2.1 The council provided WLL £270,000 of additional funding in 2018/19 in a re-profiling of the management fee to cover one-off staffing costs required to deliver the 2018/19 savings, as agreed by Council Executive.
- 2.2 The management fee provided by the council will be reduced in eight equal annual instalments of £33,750 commencing in 2020/21 and ending in 2027/28.

3. 2019/20 ADDITIONAL FINANCIAL SUPPORT FOR ONE-OFF STAFFING COSTS

- 3.1 The council provided WLL £783,000 of additional funding in 2019/20 in a re-profiling of the management fee to cover one-off staffing costs required to deliver the 2019/20 savings, as agreed by Council Executive.
- 3.2 The management fee provided by the council will be reduced in eight equal annual instalments of £97,875 commencing in 2020/21 and ending in 2027/28.

4. RESCHEDULING OF DEBT PAID THROUGH SELF-FINANCING

- 4.1 As part of the 2019/20 funding agreement, the council rescheduled debt due to the council from WLL, paid through self-financing. The total overall value of repayments due by WLL to the council has not changed. The total debt has been combined and will be paid back in equal instalments each year by WLL starting from 2019/20.

5. MONITORING

- 5.1 The council is obliged to set, and thereafter monitor and control, the amount of management fee paid and/or payable by the council to WLL.
- 5.2 WLL will maintain financial records in relation to work planned and undertaken and will provide the following financial information to the council on a regular basis:
 - Forecast trading account and balance sheet
 - Projected Cash-flow for the remainder of the financial year
 - Key assumptions used to compile forecasts
 - Update on key risk areas e.g. income generation from memberships
 - Material movements from previously reported position
 - Potential impact of the projected financial position on the council
- 5.3 Generally this reporting will be every two months in line with committee timetables, to allow a separate finance report to be prepared and presented to the West Lothian Leisure Advisory Committee by the council's Head of Finance and Property Services. Council Executive revenue budget monitoring reports at period 4, 6 and 9 will contain a specific section on WLL to give an update on financial performance.
- 5.4 An annual timetable will be provided to WLL by the council prior to the start of the financial year confirming when the financial information will need to be submitted. Timescales will be in line with the approved committee cycle meetings of the West Lothian Leisure Advisory Committee.
- 5.5 The annual timetable will include the requirement for WLL to provide a detailed and balanced budget for the following financial year and the requirement for longer term budget strategy to ensure financial sustainability of the organisation.
- 5.6 The annual timetable will be updated as required to reflect any conditions agreed by Council Executive.

- 5.7 WLL will submit to the council as soon as possible, but not later than mid September each year, its annual report and accounts audited by a qualified accountant, and will allow inspection of its accounting records by officers of the council if requested, within 14 days notice of receiving a written request to that effect.
- 5.8 Financial performance will be reviewed in depth on an annual basis. The annual review will build on the regular meetings of the council/WLL review group and liaison between the liaison officers. This review will use the WLL final accounts and related audit reports.
- 5.9 WLL will demonstrate, to the reasonable satisfaction of the council, the existence and implementation of internal quality assurance systems to ensure effective working practices and robust financial systems are in place and appropriate to the standards required by the council and the needs and wishes of the service users.
- 5.10 WLL will demonstrate, to the reasonable satisfaction of the council, the existence and implementation of budgetary control processes which enable effective monitoring and quality financial control of the Service.
- 5.11 When requested by the council in writing, WLL will provide in a form agreed with the council, all and any information and documentation relevant (and no matter in what form that information is stored), in the reasonable opinion of the council, to demonstrate the quality of the service and to allowing the council to monitor, assess and evaluate the Provision of the Service by WLL.
- 5.12 WLL shall provide to the council all inspection reports or any other documents making recommendations by or setting out requirements from the Office of the Scottish Charity Regulator relating to the Services, and of any proposals by the Commission to cancel WLL's registration, within seven working days of receipt by the WLL.
- 5.13 The council reserves the right to commission, at its own cost, internal or external evaluations of the financial performance of WLL to which WLL will provide any information requested.

6. TERMINATION AND DISPUTES

- 6.1 This agreement may be terminated by either party giving the other six months' notice in writing of its intention to do so.
- 6.2 If WLL has a receiver or administrator appointed, becomes insolvent, apparently insolvent, or is sequestrated or signs a Trust Deed for the behoof of its creditors, or goes into liquidation (other than voluntary liquidation for the purposes of reconstruction or amalgamation) or is wound up by the Court or is voluntarily wound up by creditors or by members, the council may terminate the Agreement by written notice with immediate effect.
- 6.3 If in the opinion of the council, WLL commits a material breach of the terms and conditions of the Annual Funding Agreement document then the council may terminate the Agreement by written notice with immediate effect.

7. INSURANCE AND INDEMNITY

- 7.1 WLL shall be responsible for ensuring that appropriate and adequate insurance is maintained throughout the duration of the funding agreement for employer's liability, public liability, professional liability, malpractice, building and contents, and will on request provide evidence to the Purchaser that such cover has been affected and all due premium payments have been paid.
- 7.2 If WLL has motor vehicles utilised for the purposes of the service users therein, they shall maintain appropriate vehicle and passenger insurance and shall supply to the purchaser,

on request, copies of all or any of the relative policies with confirmation that all due premium payments have been paid.

- 7.3 WLL shall indemnify the purchaser fully against all claims, proceedings, actions, damages, legal costs, expenses and any other liabilities in respect of any financial loss, death or personal injury, or loss of or damage to property unless WLL is able to demonstrate that such financial loss, death or personal injury or loss of or damage to property was not caused or contributed to by their negligence or default or the negligence or default of their staff or any circumstances within their control. WLL shall effect and maintain with a reputable insurance company a policy or policies of insurance providing an adequate level of cover in respect of these risks.

8. GOVERNANCE

- 8.1 In signing this agreement WLL is agreeing to the conditions of funding as set out in this Annual Funding Agreement and in the Services Agreement.

Signed on behalf of the Council

Signature:

Name: Donald Forrest

Position: Head of Finance and Property Services

Date:

Signed on behalf of WLL

Signature:

Name: Tim Dent

Position: Chief Executive

Date:

DATA LABEL: PUBLIC

Appendix 2

2020/21 FINANCIAL REPORTING ARRANGEMENTS WITH WEST LoTHIAN LEISURE

FINANCE REPORT ON WEST LoTHIAN LEISURE BY COUNCIL TO WEST LoTHIAN LEISURE ADVISORY COMMITTEE

1. BACKGROUND

The council's Head of Finance and Property Services will present a financial report to the West Lothian Leisure Advisory Committee (WLLAC) at each of its meetings covering the financial performance of West Lothian Leisure (WLL). The various reports presented over the course of the year will include an update on budget development and approval, WLL audit reports and projected outturns in relation to the trading and cash-flow, focussing on key risks and potential implications for the council.

2. REPORTING ARRANGEMENTS FOR REMAINDER OF 2019/20 COMMITTEE CYCLE

Committee meetings are scheduled for 30 April and 18 June. The financial information to be covered in the reports at each of the meetings will include the following:

Date of WLLAC Meeting	Key areas to be covered in financial report for WLLAC	Financial Information to be provided by WLL to WLC
30 April 2020	<ul style="list-style-type: none">• Approved budget for 2020/21• Update on WLL three year plan• WLL Annual Funding Agreement	<ul style="list-style-type: none">• Latest projected outturn report for 2019/20 including trading account, balance sheet and cash-flow• Approved budget for 2020/21
18 June 2020	<ul style="list-style-type: none">• Final accounts for 2019/20• Projected Outturn for 2020/21• Update on three year plan	<ul style="list-style-type: none">• Report on final accounts for 2019/20 including trading account, balance sheet and cash-flow• Projected outturn report for 2020/21 including trading account, balance sheet and cash-flow

The following timetable outlines the key dates and tasks required to allow reports to be prepared and presented to the WLLAC for approval at these remaining meetings:

WLL to provide latest financial information to WLC * (Head of Finance, WLL)	WLC/WLL Review Group Meeting **	Agree Financial report with Head of Finance & Property Services (E Brownlee)	Financial Report to Committee Services (E Brownlee)	Present Report at WLLAC Meeting (D Forrest)
08/04/20	14/04/20	22/04/20	23/04/20	30/04/20
27/05/20	02/06/20	10/06/20	11/06/20	18/06/20

*financial information to be provided to Esma Brownlee, Accountant in WLC four working days prior to WLC/WLL review Group Meeting

**includes discussion on financial performance

3. REPORTING ARRANGEMENTS FOR 2020/21 COMMITTEE CYCLE

The timetable below outlines the key dates for 2020/21 financial reporting and the areas to be covered within each report. This will be updated once consultation with WLL on future meeting dates is complete.

Information to be reported*	WLL to provide latest financial information to WLC	WLC/ WLL Review Group Meeting**	Agree Financial report with Head of Finance & Property Services	Financial Report to Committee Services	WLLAC Meeting
Period 3 forecast 20/21	August 2020	TBC	TBC	TBC	TBC
Period 5 forecast 20/21	October 2020	TBC	TBC	TBC	TBC
Period 7 forecast 20/21	November 2020	TBC	TBC	TBC	TBC
Detailed budget for 21/22	December 2020	TBC	TBC	TBC	TBC
Period 9 forecast 20/21	February 2021	TBC	TBC	TBC	TBC
Period 11 forecast 20/21 Budget update 21/22	April 2021	TBC	TBC	TBC	TBC
Draft accounts 20/21 Latest forecast 21/22	May 2021	TBC	TBC	TBC	TBC

*information not to be restricted to this and may include other relevant financial updates which will be requested in advance

**exact dates to be confirmed, but meeting will be held in advance of the deadline for agreeing the financial reporting information with the Head of Finance and Property Services

The approved budget and final outturn will be presented to the WLLAC meeting immediately after these tasks are finalised by WLL. In addition to these tasks, each committee meeting will consider the latest forecast position from WLL. The financial information required for each meeting in respect of the latest projected outturns should include:

- Forecast trading account and balance sheet
- Projected cash-flow for the remainder of the financial year

- Key assumptions used to compile forecasts
- Update on key risk areas e.g. income generation from memberships
- Material movements from previously reported position
- Potential impact on the council

The financial information should be provided, in excel format, by the WLL Head of Finance of West Lothian Leisure to Esma Brownlee (Accountant, Financial Management Unit) a minimum of four working days prior to the WLC/WLL Review Group.

In addition to the existing routine monitoring and scrutiny to the WLLAC, the Head of Finance and Property Services will include updates on the WLL financial position to the Council Executive within the Revenue Budget monitoring reports at period 4, 6 and 9 throughout the 2020/21 financial year and beyond.

4. ADDITIONAL INFORMATION TO BE PROVIDED

WLL will submit to the council by mid September each year its annual report and accounts audited by a qualified accountant, and will allow inspection of its accounting records by officers of the council if requested, within 14 days notice of receiving a written request to that effect. This will allow further review of WLL's annual financial performance at the WLL Review Group before being reported to WLLAC.

In addition, with the agreement of the WLL Chief Executive, future audit reports will be presented to the WLLAC once these become available.

5. ADDITIONAL FUNDING

This document will be updated, as required, if any additional funding for 2020/21 is agreed by Council Executive.

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

COVID-19: DELEGATION OF POWERS AND DUTIES

REPORT BY GOVERNANCE MANAGER

A. PURPOSE OF REPORT

To amend the Scheme of Delegations to provide for the designation and authorisation of officers to carry out functions under legislation related to the coronavirus.

B. RECOMMENDATIONS

In relation to functions conferred under any existing or future UK or Scottish primary or secondary legislation to deal with the coronavirus, including investigative and enforcement powers and duties such as entry to land and premises and issuing directions, instructions, orders, guidance and fixed penalty notices:-

1. To authorise the Chief Executive to designate an appropriate Head or Heads of Service to carry out such functions
2. To authorise any Head of Service so designated to confer appropriate investigative and enforcement powers on officers within their service area
3. To restrict that latter power of authorisation to Heads of Service without the ability to delegate it to other officers

C. SUMMARY OF IMPLICATIONS

I Council Values	Being honest, open and accountable; making the best use of our resources
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Coronavirus Act 2020; Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020; Scheme of Delegations to Officers
III Implications for Scheme of Delegations to Officers	The Scheme will be amended as set out in this report
IV Impact on performance and performance Indicators	N/a
V Relevance to Single Outcome Agreement	N/a
VI Resources - (Financial, Staffing and Property)	No resource implications
VII Consideration at PDSP	None

VIII Other consultations

None

D. TERMS OF REPORT

1 Background

Both UK and Scottish Parliaments have passed and will pass primary and secondary legislation designed to tackle the risks and consequences of COVID-19 and the coronavirus. They include measures which confer new powers and duties on local authorities. Some of those allow or require the taking of enforcement action. That may include powers to investigate, gather and share information, enter land and buildings, issue directions instructions, orders, guidance and fixed penalty notices. Those powers often take immediate effect to reflect the urgency involved.

2 Proposal

To allow the adoption and implementation of the functions conferred by coronavirus legislation, powers are sought to be added to the Scheme of Delegations to allow the Chief Executive to identify and designate the most appropriate Head or Heads of Service for their delivery. Once so designated, those Heads will have authority to deliver them, including conferring the appropriate powers on suitably qualified and experienced officers within their service areas.

3 Controls

Committee approval for delegation of powers would normally be sought as a new statutory regime is introduced and functions are conferred on the council. To ensure the speediest deployment of these emergency functions a wide general power is being sought. Three controls are incorporated to avoid any inappropriate use of powers and ensure an effective and solid legal audit trail of their conferral and use:-

- These arrangements are explicitly restricted to measures introduced to tackle the coronavirus. They will not extend more generally or after the threat is over
- The Chief Executive will act as a central control, allocating powers to appropriate Heads who can only act when that is done
- The ability to confer often significant enforcement powers will be restricted to Heads of Service, without the normal permission to sub-delegate that power

E. CONCLUSION

- 1 Approval of these recommendations will enable the council to react swiftly to new and urgent legislation whilst keeping an appropriate degree of control over their use.

F. BACKGROUND REFERENCES

None

Appendices/Attachments: None

James Millar, Governance Manager, Chief Executive Office, West Lothian Civic Centre, Howden Road South, Livingston, EH54 6FF, 01506 281613
james.millar@westlothian.gov.uk

Date of meeting: 30 March 2020

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

COVID -19 HIRE CAR MEDICAL ASSESSMENTS

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To request that a temporary change is made) to council policy regarding medical assessments for hire car drivers in view of the fact that such assessments cannot currently be undertaken due to the Coronavirus (COVID-19) pandemic.

B. RECOMMENDATION

That in the current circumstances the following changes to council policy are agreed-

1. A temporary change to council policy to relax the requirement for hire car drivers to hold a current certificate of medical fitness if required by the DVLA group 2 guidelines whilst medical assessments cannot be undertaken.
2. That for the period during which such assessments cannot be undertaken the licensing condition regarding medical certification for hire car drivers is disapplied.

C. SUMMARY OF IMPLICATIONS

- | | |
|---|--|
| I Council Values | <ul style="list-style-type: none">• Focusing on our customers' needs• Being honest, open and accountable• Working in partnership |
| II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | Civic Government (Scotland) Act 1982 Part II, Section 13; |
| III Implications for Scheme of Delegations to Officers | None |
| IV Impact on performance and performance Indicators | None |
| V Relevance to Single Outcome Agreement | None |

VI Resources - (Financial, Staffing and Property)	None
VII Consideration at PDSP	N/A
VIII Other consultations	Optima Healthcare

D. TERMS OF REPORT

Under section 13(4) of the Civic Government (Scotland) Act 1982, West Lothian Council, as licensing authority, may, at any time, require a holder of a taxi or private hire car driver's licence to submit to a medical examination for the purposes of satisfying themselves that they are physically fit to drive a taxi. Section 13(4) of the 1982 Act also provides that the Council may nominate a medical practitioner to carry out the medical examination.

Under West Lothian Council's Licensing Conditions for Taxis, Private Hire Cars, Taxi Drivers and Private Hire Car Drivers the holder of a current taxi or private hire car driver's licence must have a current certificate of medical fitness to drive a hire car, if required by the DVLA standards in relation to Group 2 licence holders or otherwise requested by the Council, and shall attend such medical examinations as are necessary to obtain such a certificate. All drivers over the age of 45 and all those who have disclosed certain pre-existing conditions are required to have a current certificate of medical fitness. Medicals are undertaken by the council's medical advisors Optima Healthcare. The document at Appendix 1 provides further information about the DVLA group 2 guidelines.

Social distancing guidance was issued by the Government on 24 March 2020 due to the Coronavirus (COVID-19) pandemic. Following that guidance Optima Healthcare advised the Licensing Team that it was suspending all medical assessments. The effect of this is that between now and the end of July 2020 the medical certificates of approximately 100 drivers will expire leaving them unable to continue operating as hire car drivers until they are certified as fit again following a medical assessment.

The legal effect of the licensing conditions is that if a driver operates in breach of a condition they commit a criminal offence. In view of this it is the usual practice of the Licensing Team to request an immediate suspension of a driver's licence if they no longer have a certificate of fitness whether as a result of being certified as unfit following a medical or by failing to attend for an assessment.

There is a risk that a driver may no longer meet the medical standards set out in the group 2 guidelines. However, it is proposed to ask all drivers to confirm in writing that they have no new medical conditions which may affect driving (with reference to the list in the application form) and that they are currently managing any pre-existing conditions in line with medical advice. In addition, drivers will be asked to confirm that they are following government guidance on coronavirus and will cease driving for the required period as required by that guidance if the position changes in relation to them or anyone they live with.

Due to the fact that medical assessments cannot currently be undertaken the council is asked to consider relaxing its policy and agreeing that until Optima Healthcare are able to assess all drivers who require certification the licensing condition regarding medical certification can be disapplied. This would allow hire car drivers whose certificates of fitness expire but are not required by Government guidance to self-isolate to continue to operate under their licences until they can be medically assessed. This would allow arrangements to be made with Optima Healthcare to undertake the outstanding medical assessments as soon as it is safe to do so.

E. CONCLUSION

It is recommended that in view of the current circumstances a temporary change to the council's policy on medical assessments for hire car drivers is considered.

F. BACKGROUND REFERENCES

Hire car licensing conditions

<https://www.westlothian.gov.uk/media/26615/Hire-Car-Licensing-Conditions-Amended-1-September->

Appendices/Attachments:

Appendix 1 – DVLA Group 2 Guidelines

Contact Person: Audrey Watson, Managing Solicitor - Licensing, 01506 281624

Carol Johnston, Chief Solicitor

9 April 2020

Appendix 1

DVLA GROUP 2 GUIDELINES

The DVLA group 2 guidelines are applied by DVLA to professional drivers such as bus and lorry drivers. The medical requirements are much stricter than those applied by DVLA under the group 1 provisions to drivers of private cars. The medical standards for group 1 and group 2 drivers are detailed in a guidance document entitled "Assessing fitness to drive: a guide for medical professionals" which is available to view on the DVLA website.

In terms of the group 2 guidelines all drivers over the age of 45 need to be medically assessed against the guidelines every 5 years or more frequently if recommended by the examining doctor. All those over the age of 65 need to be assessed annually. In addition, younger drivers who have a number of pre-existing conditions which are outlined on the application form for a driver's licence also need to be assessed every 5 years or more frequently if recommended by the examining doctor.

In line with government guidance the council has had a policy for many years that the group 2 provisions are applied to all drivers of taxi and private hire cars.

When drivers are assessed the doctor decides how long the certificates will last for. This is subject to a maximum of 5 years.

It is council policy that a driver must have a current certificate of medical fitness if required by the group 2 guidelines.

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

COVID-19: INTEGRATION SCHEME REVIEW

REPORT BY DEPUTE CHIEF EXECUTIVE (HEALTH & SOCIAL CARE PARTNERSHIP)

A. PURPOSE OF REPORT

To revisit the review agreed on 21 January 2020 of the Integration Scheme required under legislation relating to the integration of health and social care services.

B. RECOMMENDATIONS

1. To note the requirement of the Public Bodies (Joint Working) (Scotland) Act 2014 to fully review the Integration Scheme for the West Lothian Integration Joint Board every five years, by 16 June 2020
2. To note that on 21 January 2020 Council Executive agreed an indicative timetable and procedure for the review which can no longer be met due to the risks, precautions and legal restrictions arising from COVID-19
3. To agree therefore that the review process should be abandoned and that a report is brought to committee in autumn 2020 to consider starting it once again

C. SUMMARY OF IMPLICATIONS

I	Council Values	Being honest, open and accountable; making best use of our resources; working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Public Bodies (Joint Working) (Scotland) Act 2014, sections 44-47; West Lothian Integration Scheme; coronavirus guidance and advice
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	N/A
V	Relevance to Single Outcome Agreement	N/A

VI	Resources - (Financial, Staffing and Property)	No implications
VII	Consideration at PDSP	Not required
VIII	Other consultations	NHS Lothian

D. TERMS OF REPORT

1 Background

- 1.1 The Public Bodies (Joint Working) Scotland Act 2014 imposes statutory duties on councils and health boards to integrate specified health and social care services. That was to be achieved by formal delegation through an integration scheme of statutory duties by council and health board to an integration authority.
- 1.2 The council and NHS Lothian (health board) agreed an Integration Scheme which was approved by the health board and then at Council Executive in May 2015. It was then submitted to the Scottish Ministers for approval. It was duly approved in June 2015 and the West Lothian Integration Joint Board was formally established by the Scottish Parliament in September 2015
- 1.3 There is a legal requirement to review the Integration Scheme periodically. This duty lies on the council and the health board. The IJB does not share that duty. The review must be carried out within 5 years of the Ministers giving a Scheme formal approval. The periodic review of the West Lothian scheme must therefore be completed on or before 16 June 2020.
- 1.4 The review process is a mandatory statutory procedure in three stages. It requires consultation with the groups stipulated by Ministers and with others on a voluntary basis - professional groups, service users, carers, service providers, voluntary sector, the Integration Joint Board and members of the public. It requires meaningful consultation and engagement, consideration of responses and feedback and further consultation on proposed and then final changes.

2 The review process

- 2.1 On 21 January 2020 Council Executive approved a review process and an indicative timeline. Both have also been agreed by the health board. Stage 1 of the process was to be concluded by 31 March 2020 and reported to Council Executive on 21 April 2020. Stage 2 was to be concluded by 25 May 2020 and reported to committee on 9 June 2020. The revised scheme was to have been submitted to the Ministers for their approval by 16 June 2020.
- 2.2 Due to the risks and actions arising from COVID-19 it has not been possible to progress the review as agreed. It will not be possible to conclude it before the statutory deadline. There can be no certainty as to when it may be possible to embark on the review again. In the circumstances it is proposed that the current review process is abandoned. As a result the council and health board will not have fulfilled a statutory duty. No penalty applies. No risk is involved in terms of finance or service delivery or performance since the current scheme will continue in operation. The Integration Joint Board will continue to function under the present arrangements.

- 2.3 The Ministers have indicated their acceptance that reviews underway during the current COVID-19 emergency cannot be completed. They have indicated that councils and health boards may leave current schemes in place but undertake to revisit the reviews at the earliest practicable opportunity.

E. CONCLUSION

- 1 Formally abandoning the current review process will ensure clarity for council, health board, the Integration Joint Board and for service users, with the additional reassurance that council and health board will return to consider the review later in the calendar year.

F. BACKGROUND REFERENCES

- 1 West Lothian Integration Scheme -
https://westlothianhscp.org.uk/media/9964/West-Lothian-Integration-Scheme/pdf/Integration_Scheme_between_West_Lothian_Council_and_NHS_Loithian.pdf?m=637140804108030000
- 2 Public Bodies (Joint Working) (Scotland) Act 2014, ss45-47, incorporating ss3-6
- 3 Public Bodies (Joint Working) (Health Professionals and Social Care Professionals) (Scotland) Regulations 2014
- 4 Public Bodies (Joint Working) (Prescribed Consultees) (Scotland) Regulations 2014
- 5 Council Executive, 26 March 2019, 23 April 2019 and 21 January 2020

Appendices: None

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

Allister Short, Depute Chief Executive

Date of meeting: 21 April 2020

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

COVID-19: ONE LINLITHGOW BUSINESS IMPROVEMENT DISTRICT- REQUEST FOR RESILIENCE FUNDING SUPPORT

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to detail a proposed application to the Scottish Governments Business Improvement District Resilience Fund by One Linlithgow, the BID company in Linlithgow. The fund requires any application to be supported and countersigned by the relevant local authority.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Agrees to support the proposed application to the Scottish Government's Business Improvement District Resilience Fund;
2. Agrees that the Linlithgow Town Centre Manager, who acts as the BID co-ordinator, should sign the application on behalf of the council; and
3. Notes that it is possible that other funding proposals will come forward from BID companies in West Lothian.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; and working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The BID Resilience Fund is part of a suite of financial assistance which has been made available by the Scottish and UK governments to respond to the economic and social challenges presented by the Covid-19 pandemic.
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance	None

Indicators

V	Relevance to Single Outcome Agreement	Outcome 3 - Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.
VI	Resources - (Financial, Staffing and Property)	There are no staffing, property or financial implications arising for the council.
VII	Consideration at PDSP	Given current governance arrangements there has been no opportunity for the matter to be considered by the Development & Transport PDSP.
VIII	Other consultations	None

D. TERMS OF REPORT

D1 Background

As part of a wider response to address the economic impact of the Covid-19 pandemic the Scottish Government has established a £1million fund to support Business Improvement Districts (BIDs). There is no deadline for submitting applications but there will be some urgency if early responses to current issues are to be progressed

BIDS are generally funded by a levy on ratepayers operating within the BID area. However, recognising that a significant number of businesses in BIDs will currently be closed, most BID companies have suspended the levy.

The BID Resilience Fund recognises that the suspension of the levy will create financial difficulties for BID companies. However, the fund is not intended solely to plug this funding gap. BID companies are being encouraged to consider how best they can support local businesses and communities through this crisis, including the on-going challenges which result from social distancing.

Any application to the fund must be supported by and countersigned by the relevant local authority.

D2 Proposed Application By One Linlithgow

One Linlithgow has drafted a proposed application and is seeking the council's support for that application. The draft application is attached as Appendix 1.

The application has four main elements – firstly to provide co-ordinated support to businesses in the BID area; secondly to strengthen links with community groups operating in the BID area including supporting PVG checking of volunteers; thirdly to establish a digital resource pool of local businesses who can deliver services remotely; and fourthly to distribute locally produced hand sanitiser within the area.

The total project cost is calculated as £27,880 of which £23,698 is being sought from the BID Resilience Fund. The balance of £4,182 is being funded by the BID company. No funding contribution is being sought from the council.

If approved, the project will provide appropriate support to those businesses operating within the BID area. It also builds on the “community inclusive” element of the BID by not only looking at the businesses which operate in the BID and proposes stronger links with community groups. Many community organisations do valuable work to support vulnerable people or those suffering disadvantage in the community. These organisations have become invaluable in responding to the current crisis. Co-ordination of volunteer activity and support for practical issues such as PVG checking will be beneficial.

The proposal also looks beyond the immediate impacts of the Covid-19 crisis and starts to look at changes which will be required to allow the town to re-open for business and maintain vitality going forward.

The proposal identifies the One Linlithgow as having an “umbrella” role for community organisations and that it will use this role to provide leadership to community groups. While recognising the need for such co-ordination, officers are aware of funding bids by other organisations within the community with similar objectives. While supporting the funding proposal by One Linlithgow the council does not support any one organisation in the community adopting a lead role but it does encourage a joined up community approach to meeting the challenges presented by Covid-19. The council will, of course, continue to play an active role in partnership with community groups and organisations to support those in need.

E. CONCLUSION

One Linlithgow, the Business Improvement District Company for Linlithgow, has prepared an application to the BID Resilience Fund. The application requires the support of the council before it can be submitted. This report sets out that there are no financial implications for the council and the proposal fits with the council’s wider community and business objectives.

F. BACKGROUND REFERENCES

None

Appendices/Attachments: One

Appendix 1 – One Linlithgow Application to the BID Resilience Fund

Contact Person: Craig McCorriston, Head of Planning, Economic Development & Regeneration.
Email: craig.mccorriston@westlothian.gov.uk

Craig McCorriston
Head of Planning, Economic Development & Regeneration
21 April 2020



BUSINESS IMPROVEMENT DISTRICTS

COVID-19 Resilience Fund

APPLICATION FORM

March 2020

COVID-19 BIDs Resilience Fund

This funding is provided by the Scottish Government to support local partners to take forward the delivery of localised COVID-19 BID response projects from the 1st April 2020 to 30th Sept 2020.

Section A: Basic Information

Q1. Contact Details

Organisation Name: One Linlithgow

Contact Name: Eddie Linton-Smith

Telephone Number: [REDACTED]

Address: [REDACTED]

E-mail Address: [REDACTED]

Website: onelinlithgow.com

Please provide details of alternative contacts, including email address,

Position	Name	Telephone Number	E-mail Address
BID Chair/Other	Evelyn Noble (Chair)	[REDACTED]	[REDACTED]

Local Authority Contact Name: Stewart Ness

Local Authority Contact Position: Economic Development Officer

Telephone Number Local Authority Contact: [REDACTED]

Address of Local Authority Contact: Linlithgow Partnership Centre, 93 High Street, Linlithgow, West Lothian EH49 7EZ

E-mail Address of Local Authority Contact: stewart.ness@westlothian.gov.uk

Section B: COVID-19 Response

Q1. Briefly describe your COVID-19 response project / activity or expenditure you would like us to fund? Please refer to attached guidance note. (Max 400 words)

Coordinated campaign to circulate information and support (mailshots, web page, social media). Business advice on eligibility for grants/loans and the conditions of that support.

Strengthen links with community groups (Linlithgow CDT, Community Council, Transition Linlithgow, Burgh Trust, St. Michael's Kirk) and administer division of labour. Linlithgow has many community groups, each able to help in their own way. Work already begun to establish a core of PVG-certified volunteers helping the vulnerable.

Local delivery will be key to supporting vulnerable (through volunteers). Businesses set to benefit enormously through this, but must focus on getting required service to vulnerable first. Establish list of local emergency contacts, including responsible tradespeople for boiler breakages, leaks etc. Volunteers and staff alike would prioritise those most in need, but staff would also support businesses by providing delivery service.

Oversee development of digital resource pool: local accountants provide financial advice, booksellers reading bedtime stories/hosting digital book clubs, etc.

With Local Authority support of this application, One Linlithgow would become the official organisation, through which to coordinate support, rather than various groups vying to make their mark (which would inevitably result in nobody knowing which organisation is, in fact, in charge).

Source, bottle and distribute Covid-19 certified hand sanitiser to businesses, front line workers, the vulnerable etc. Expand, where possible and appropriate, to distribution of face masks and other supplies according to need and vulnerability.

Direct support, tutorials and instructional guides to help businesses establish their online presence, keeping them afloat during shutdown and securing client base ahead of reopening.

Utilise proximity to local MSP/MP, Local Authority Elected Members and senior Officers to coordinate questions, rather than inundating each with repeats of the same question. Establish coordinated means of gathering – and subsequently disseminating – relevant information quickly.

Prepare for changed landscape post-shutdown e.g. public sanitiser dispensers, advice for businesses, automatic doors.

Coordinate means of community fundraising: a collaborative effort among community partners.

Section C: Project Details

Q1. What are the estimated total costs to deliver the project for period 1st April 2020 to Sept 30th 2020?

£27,880

Q2. We expect BIDs to generate or contribute between 15% - 20% of annual levy. This can be achieved through existing cash and reserves, BID Revenue Account, Voluntary Contributions, Sponsorship, Crowd Funding etc. Can you provide an estimate of this contribution?

£4,182

Q3. Please provide a projected cost breakdown for your project.

Item/Activity	Funding from BID (£)	COVID-19 Resilience Fund (£)	Total Cost (£)
Online communications, advice mailshots, develop online resources/lists and adapt websites	£1,008	£5,712	£6,720
Distribute hand sanitiser and other supplies to frontline, vulnerable, businesses	£402	£2,278	£2,680
Direct support to businesses: social media presence, client base maintenance, online meetings etc.	£1,260	£7,140	£8,400
Administration of collaborative community support effort/volunteers	£1,008	£5,712	£6,720
PVG certification and supplement local delivery effort	£504	£2,856	£3,360
Total:	£4,182	£23,698	£27,880

Q4. How many jobs will be secured?

4 directly, many more through activity

Q5. Please use the space below to provide any additional information in support of your application, not already covered e.g. A brief project plan and summary of key outcomes.

One Linlithgow was established in October 2019 as one of Scotland's first Improvement Districts to embrace the new "community inclusive" model.

That inclusivity is anything but lip service: it's built in to the BID's Articles of Association. Additionally, we've made strong links with community groups whether or not they've joined the Board, inviting the local CDT to work from our own offices and collaborating to produce a unified Linlithgow website that works for businesses and the community.

The BID's new-found position of "umbrella" organisation within the community, coupled with the Local Authority's full confidence in its ability to deliver effectively, make it imperative for the town that the requested funding is secured.

Project plan: West Lothian Council, through its Community Regeneration Officer, has already acted to identify the role of each community group with respect to the virus crisis. The first action of One Linlithgow would be to establish regular digital meetings of these groups, assisting (often elderly) volunteers to participate. A strong, but flexible agenda will allow effective division of labour: deliveries, supply logistics, emotional support etc. St. Michael's Kirk will be a key partner, having already established support links and operating a social media support channel with over 1,300 members.

Key outcomes: from a BID perspective, the priority is to prevent businesses closing down, however it is understood that the physical and emotional wellbeing of vulnerable people is more important in these difficult times. Records of number of conversations held on the telephone support line can easily be kept. Social media engagement and mailshot opens can also be monitored with ease. The desired outcome here would be high engagement with support offerings.

One Linlithgow must provide leadership to community groups and guidance to residents and businesses, resulting in a coherent approach to disseminating information – as opposed to simply adding to the cacophony of different voices struggling to be heard and often spreading misinformation as a result.

The application must be jointly submitted by e-mail from the BID Chair or BID Vice Chair and the Local Authority Chief executive or lead Local Authority contact.

Please email your completed application to Phil Prentice, Scotland's Towns Partnership: [REDACTED]

Any queries please contact Phil Prentice on [REDACTED]

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

PROCUREMENT ARRANGEMENTS – DIRECT AWARD TO FRONTIER SOFTWARE PLC

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To seek approval to directly award a contract for the continued provision of software licensing and support and maintenance of the council's existing HR and Payroll system for a period of one year with the option to extend on a read only basis for up to four further one-year periods, to Frontier Software Plc. The total value of the contract over the full five-year contract period will not exceed £110,000.

B. RECOMMENDATION

It is recommended that Council Executive approves the direct award of a contract for the provision of support and maintenance services and software licensing to Frontier Software Plc.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; providing equality opportunities, making best use of our resources; working in partnership.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Please refer to the background section of this report.
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	None
VI	Resources – (Financial, Staffing and Property)	The contract shall run for a period of one year with the database being fully functional, with the option to extend on a read only basis for four further periods of one year. Payment for the initial year will £43,190. When the data base is on a read only basis payments will be £14,114 and increase by around 4% each year up to a total value not exceeding £107,00 which shall be met by Corporate

Services budget.

VII Consideration at PDSP

None

VIII Other consultations

Financial Management Unit and the
Corporate Procurement Manager.

D. TERMS OF REPORT

D.1 Background

The Chris system was purchased in August 1994. The contract was for a 25-year period to August 2019.

The Chris system is internally hosted to pay all council staff and third-party organisations, including West Lothian Leisure; Improvement Service and West Lothian College. This system enables the council to pay staff; make pension returns to the pension agencies; returns to third party providers (e.g. HMRC; Trade Unions); and produce statistical information on the organisations sickness absence and workforce related information.

The council signed a contract with MHR in January 2019, to purchase a new HR and Payroll System. A project team have been working on the implementation of the new system, and the system is due to go live shortly. In the intervening period the council need to continue paying people, therefore, the Frontier contract needs to be extended for a period of time to allow this to happen.

Upon implementation of the new system, Frontier will be served notice and the system will switch to a read-only basis until an alternative database is available to hold the information held on the system, as the council is legally required to hold this information to answer questions on tax and pension related matters.

D.2 Support and Maintenance

The support and maintenance contract will ensure business continuity and that vital maintenance services are provided during the transition period.

Chris is a propriety system and only Frontier can provide maintenance services.

D.3 Budget Implications

Frontier Software Plc has advised that the cost of a one-year renewal to the current support and maintenance contract will cost £43,190. For view only, contract (after renewal) will cost £14,114 per year plus a 4% cost increase for RPI. These costs shall be met from the Corporate Services budget.

E. CONCLUSION

It is recommended that the Council Executive approves the direct award of a contract to Frontier Software Plc for licensing, support and maintenance of Chris and HR21. The total value of the contract will not exceed £44,000 in the first year

F. BACKGROUND REFERENCES

None.

Contact Person: Tom Henderson, Category Manager
Email: tom.henderson@westlothian.gov.uk
Tel: 01506 281805

Julie Whitelaw
Head of Corporate Services

23 April 2020

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

NATIONAL PLANNING FRAMEWORK 4 (NPF4) – INFORMAL CONSULTATION BY SCOTTISH GOVERNMENT AND RATIFICATION OF EDINBURGH AND SOUTH EAST SCOTLAND CITY DEAL RESPONSE TO NPF4

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to set out the council's proposed response to an informal Scottish Government consultation on National Planning Framework 4 (NPF4).

B. RECOMMENDATION

It is recommended that Council Executive:

1. agrees to submit the report to Scottish Government as the council's response to the consultation on National Planning Framework 4;
2. agrees to the consultation responses as set out in Appendix 2 and Appendix 4;
3. ratifies the Edinburgh and South East Scotland City Region Deal Joint Committee response to the National Planning Framework 4 "Call for Ideas";
4. delegates authority to the Head of Planning, Economic Development and Regeneration, to agree any changes to the Edinburgh and South East Scotland City Region Deal Joint Committee submission subject to that response not raising any substantive issues for the council; and
5. notes that further reports on National Planning Framework 4 will be reported to the Council Executive at a future date.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable; working in partnership and making best use of our resources.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	National Planning Framework 4 will in time replace National Planning Framework 3. The Planning (Scotland) Act 2019 sets out that preparation of the National Planning Framework is a statutory requirement and forms part of the statutory development plan.

		National Planning Framework 4 (NPF4) will require parliamentary scrutiny. The terms of NPF4 will require to be reflected in a future iteration of the West Lothian Local Development Plan (LDP2).
III	Implications for Scheme of Delegations to Officers	The recommendations, if approved, would result in a one-off delegation to the Head of Service. This would not need to be reflected in the scheme of delegation.
IV	Impact on performance and performance Indicators	The council will be required to have regard to the content of NPF4 when preparing the local development plan. Progress on the preparation of the LDP is monitored by Scottish Government as a performance indicator for local authorities.
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 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)	There are no financial implications arising for the council. Input to consultation on National Planning Framework 4 will be provided through existing staff resources.
VII	Consideration at PDSP	Timescales for consultation have not allowed for reporting to the Development and Transport Policy Development and Scrutiny Panel. Consultation on the NPF4 "Call for Ideas" was announced on 9 January 2020. Consultation on the NPF4 "Housing Technical Discussion Paper" commenced on 5 March 2020. The closing date for both consultations was 31 March 2020 but later extended to 30 April. The City Deal response to NPF4 "Call for Ideas" was agreed by the City Deal Joint Committee on 6 March 2020. The proposed responses to the consultation which informed a report to the cancelled Council Executive meeting on 24 March 2020 were circulated to panel members. No responses were received.
VIII	Other consultations	Consultation has been undertaken with the Head of Finance and Property Services, Head of NETS, Land and Countryside Services, Head of Education; Head of Roads and Transportation; Head of Housing, Construction and Building Service.

D. TERMS OF REPORT

D1 Background

The Planning (Scotland) Act 2019 received Royal Assent in July 2019. A key requirement of the Act is the preparation of National Planning Framework 4 (NPF4) which it is envisaged will set out strategic priorities up to 2050, including housing land supply targets. NPF4 will replace the current National Planning Framework NPF3 which was published by Scottish Government in June 2014 and set out a spatial strategy for Scotland.

The Planning (Scotland) Act 2019 removes requirements to prepare strategic development plans (and strategic development planning authorities) and instead proposes new regional partnerships to prepare regional spatial strategies. Regional Spatial Strategies are to be referenced in NPF4. NPF4 will take on greater significance as it will be enshrined in legislation and is anticipated to set housing targets to inform the preparation of development plans.

Scottish Government has published a programme for preparation of NPF4, this includes an early engagement stage with interested parties which includes a “Call for Ideas” and a *“Housing Technical Discussion Paper”*. Consultation on the documents commenced in early January and ends on 31 March 2020. Scottish Government will consider comments made at the early engagement stage as it moves forward with preparation of a draft NPF4.

It is anticipated that NPF4 will provide fuller regional coverage than the current NPF3 and align with the outcomes in the National Performance Framework; respond to the shift to inclusive growth; improve health and well-being for the people of Scotland, improve equalities and eliminate discrimination; provide a spatial planning response to the Global climate emergency; provide a renewed focus on rural development including rural repopulation; and give a stronger steer on housing delivery and diversification including the setting of targets on land for housing.

NPF4 will also for the first time incorporate Scottish Planning Policy (SPP) and will take on an enhanced status as part of the statutory development plan. A draft NPF4 is due to be published in Quarter 3, 2020 for formal public consultation.

A report seeking approval of these recommendations was on the agenda for the cancelled meeting of Council Executive on 24 March 2020. The deadline for responses was extended till 30 April. In the process of reviewing and resubmitting the report for approval Appendix 2 to this report has been amended to add some minor points relating to sustainability (Appendix 2, bullet points 6 and 7).

D2 Early Engagement and “Call for Ideas” and Housing Technical Discussion Paper

To assist in preparation of NPF4 Scottish Government is looking for ideas from interested parties on what Scotland might be like in 2050 and the changes it needs to get us there – the *“Call for Ideas”*. Whilst any ideas can be submitted at this stage Scottish Government is particularly interested in hearing thoughts on 5 issues which have been set out in the consultation. These are:

1. What development will we need to address climate change?
2. How can planning best support out quality of life, health and wellbeing in the future?
3. What does planning need to do to enable development and investment in our economy to benefit everyone?
4. How can planning improve, protect and strengthen the special character of our places?
5. What infrastructure do we need to plan and build to realise our long-term aspirations?

To inform consideration, Scottish Government has set out a series of prompts for each of these questions. As this is an informal consultation Scottish Government is not expecting detailed answers to each of the questions. The questions have been provided to stimulate early debate on key issues. The questions and associated prompts can be viewed at <https://www.transformingplanning.scot/national-planning-framework/get-involved/> and is appended as Appendix 1. The proposed response to the “Call for Ideas” is set out in Appendix 2.

Scottish Government has also published a Housing Technical Discussion Paper with responses invited by 31 March. The discussion paper sets out a series of proposed guiding principles which would be used to inform NPF and the approach to housing land. The discussion paper can be found at <https://www.transformingplanning.scot/media/1296/national-planning-framework-4-housing-land-targets-technical-discussion-paper-2-march-2020.pdf> and is appended as Appendix 3. The proposed response to the discussion paper is set out in Appendix 4.

Consultation on NPF4 coincides with the publication of a Phase 1 report by the Infrastructure Commission for Scotland which focuses on the “why and what” of infrastructure for Scotland by the end of 2030. Details can be found in a separate report to Council Executive.

D3 Proposed Response

Key matters to note from the “*Call for Ideas*” are that it is imperative that Scottish Government adopt a joined-up approach and ensure the alignment of strategies which will impact on a future spatial strategy for Scotland. This includes alignment of spatial strategy, transport projects review and infrastructure.

Healthy, sustainable places and the opportunity to create conditions required to support economic growth, whilst at the same time contributing to the climate change agenda and protection of the environment, are key matters which NPF4 should seek to consider and address. A robust regulatory framework is required to allow local decisions to be upheld. This could include no right of appeal against decisions made by the local planning authority where the development plan is up to date.

Enhanced compulsory purchase powers for local authorities could enable the unlocking of development sites and facilitating development.

Whilst NPF4 is to look to how Scotland might be like in 2050 it also should consider how issues with current infrastructure are addressed. For example, there is increasing pressure on the grid to support current demand and initiatives and issues around the re-use of redundant gas infrastructure. Grid enhancement is required now to support electric vehicle charging and the shift in energy from gas to electric.

In a West Lothian context, the development strategy set out in Strategic Development Plan (SDP2) which was rejected in May last year by Scottish Ministers, sets out the preferred spatial approach which Scottish Government should consider in drafting NPF4. This strategy builds on West Lothian's strengths and provides continued support for the delivery of the core development areas/strategic allocations at East Broxburn/Winchburgh, Livingston and the Almond Valley (Calderwood, Gavieside and Mossend), Armadale and Heartlands (Whitburn) and required infrastructure to support delivery.

To assist mandatory planning conditions on planning consents should be introduced to ensure that developments meet with the latest policy guidance, for example in relation to smarter use of the grid. Enhancement of the link between Planning and Building Regulations should be considered.

In relation to housing land, Scottish Government has set out issues for consideration in its "*Housing Technical Discussion Paper*". Within the paper there is no indication of how the five-year effective housing land supply is to be calculated and a hint that perhaps this requirement will disappear. However, this is an absolutely critical issue for the council and it is essential that clarification on the methodology to be adopted is provided by the Scottish Government, either through NPF4 or some other route.

There is heavy emphasis on the role of Housing Need and Demand Assessment (HNDA) and Local Housing Strategies to determine and set out the amount of housing which will be required to provide for current and future needs. The Discussion Paper fails to reference housing delivery and funding/delivery of infrastructure to support development. The approaches set out by Scottish Government suggest a watering down of top down approach and lack clarity/direction for both local authorities and housing providers.

Key requirements of NPF4 are that it should provide a clear and robust policy defence for planning authorities when preparing local development plans; provide for a joined-up approach to infrastructure provision and delivery; provide support for the development strategy set out in SDP2 Proposed Plan and ensure sustainable economic growth whilst protecting the most important environmental assets.

D4 Edinburgh & South East Scotland City Deal (ESESCR) Response to NPF4

A response to NPF4 "Call for Ideas" was approved by the City Deal Joint Committee on 6 March 2020, subject to ratification by individual councils. The report can be found at

<https://democracy.edinburgh.gov.uk/documents/s14948/Item%205.4%20-%20ESES%20Regional%20Response%20to%20National%20Planning%20with%200app.pdf> The response to NPF4 is attached as Appendix 5.

The key message in the submission is that south east Scotland is the engine room of Scotland's economy and that unless it performs to its potential, Scotland will also lag. A holistic approach is required, with some major, planned, integrated initiatives that will allow sustainable inclusive growth to be generated and spread across the area.

The report sets out challenges the region faces, major areas of change, regional priorities for the future, how Government can help work with regional partners on a holistic basis to deliver place-based growth and the response to the consultation questions. It is set within the context of preparation of a regional growth framework which aims to ensure that the success of the region can continue to be realised and the region continues to be the key driver of the Scottish economy.

The report advises that City Region Deal aspirations can only be realised if the investment in infrastructure is focussed on agreed priorities and that a joined-up approach on managing growth is required so that the right investment can be delivered in the right place at the right time. NPF4 will have a crucial role in identifying outcomes for south east Scotland to thrive. With this in mind emerging themes for a Regional Growth Framework have been identified.

Theme 1 – Flourishing: spreading the benefits and prosperity more evenly around the region will ensure that inclusive growth is achieved. Future opportunities include delivering jobs, employability and skills programme, maximising community benefits, supporting town centres and growing export value.

Theme 2 – Smart: the region has the ambition of becoming the Data Capital of Europe ensuring that communities benefit from data driven innovation.

Theme 3 – Resilient: by being able to respond to economic changes and climate change.

The ESESCR response also sets out that spatial strategy of SDP2 and the infrastructure requirements to support this should be supported if the south east of Scotland is to continue to be the engine room of national economic growth in Scotland and that it should be the role of NPF4 to ensure co-ordination of investment to allow the levels of growth to be achieved. However, the response also advises that a further review should be undertaken in the context of the Infrastructure Commission's report to see if the interventions set out can be achieved in a way which ensures economic growth while minimising the need to travel by unsustainable means and minimising the impact of existing capacity.

It should be noted that the ESESR response does not include a response to the Scottish Government's NPF4 *"Housing Technical Discussion Paper"* and references a request for NPF4 to establish tenure specific housing targets for the region which are supported by an evidence base of demand for each housing tenure. The *"Housing Technical Discussion Paper"* raises a number of concerns details of which are set out in section D3 above and in Appendix 4.

As the ESESCR response to NPF4 seeks to influence policy, the ESESCR submission to Scottish Government needs to be ratified by all six local authorities comprising City Deal.

E. CONCLUSION

National Planning Framework 4 is the Scottish Government's long-term spatial plan for Scotland that will set out where development and infrastructure is needed to support sustainable and inclusive growth. Input to the consultation will guide spatial development, inform national policies, designate national developments and reflect regional spatial priorities to 2050. It is essential that West Lothian plays a part in contributing towards this.

F. BACKGROUND REFERENCES

Infrastructure Commission for Scotland: Phase 1 Key Findings Report – A Blueprint for Scotland https://infrastructurecommission.scot/storage/247/FullReport_200120a.pdf

Scottish Government <https://blogs.gov.scot/planning-architecture/2019/10/08/national-planning-framework-4-the-essentials/>

Appendices/Attachments: Five

Appendix 1 – National Planning Framework 4 (NPF4) – Informal Consultation by Scottish Government

Appendix 2 - Proposed Response: National Planning Framework 4 (NPF4) – Informal Consultation by Scottish Government

Appendix 3 – National Planning Framework 4 (NPF4) - Housing Technical Discussion Paper

Appendix 4 - Proposed Response: National Planning Framework 4 (NPF4) - Housing Technical Discussion Paper

Appendix 5 – Edinburgh and South East Scotland City Region Deal National Planning Framework 4 (NPF4) Response

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Craig McCorriston
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22 April 2020

Appendix 1

Planning for Scotland in 2050 National Planning Framework 4



Have your say on a new National Planning Framework for Scotland

The National Planning Framework is a long term plan for development and investment across Scotland.

The fourth National Planning Framework (NPF4) will consider what Scotland should look like in 2050, set out national planning policies and guide where future development should take place.

The draft NPF4 will be laid in the Scottish Parliament around September 2020 and at that stage there will be formal parliamentary scrutiny and wide public consultation. A revised version will be brought back to Parliament in 2021 for them to approve, before it can be adopted by the Scottish Ministers. Before that, to help shape the draft, we want to stimulate an open conversation, involving a wide range of people and organisations, about what we will need to plan and build in the future.

Priorities for planning in Scotland

To get the conversation on NPF4 started, the Scottish Government has identified a number of priorities that planning could focus on in the future:

- We have already made a commitment to ensuring that planning responds to the global **climate** emergency.

In addition, planning is about:

- **People** - planning can support wellbeing ensuring communities have access to services and facilities;
- **Work** - effective and efficient planning can support inclusive growth;
- **Place** - planning can maintain and enhance the unique character and identity of our natural and built environment.
- The strategy will also need to be supported by a clear plan for **delivery**. We will align NPF4 with Scotland's Infrastructure Investment Plan and our second Strategic Transport Projects Review.

What changes do we need to plan for in the coming years?

The purpose of planning is to manage the development and use of land in the long term public interest. We cannot fully predict what will happen in the future, but past trends and future projections give us an idea of the challenges and opportunities that lie ahead.

As a result of **climate change**, we know that Scotland's weather will become more variable, with hotter and drier summers, and milder and wetter winters. Sea level rise will affect our coastline. More summer heat waves, extreme temperatures and drought are expected. There will be more and heavier rainfall and less frost and snowfall. Our built environment will need to change to adapt to this, and we will need to do much more with the built environment to help reduce carbon emissions.

We expect the **population** of Scotland to grow by around 5% by 2041, as a result of migration from other parts of the UK and overseas. Our population will also age considerably over the next 20 to 30 years, with the number of people over 75 increasing 25% by 2041. The number of children in Scotland will fall by around 2% and our working age population will only increase by 1% in the same period. As a result, planning will need to consider what is needed to meet the future everyday needs of people of all ages and in particular to plan for older people.

Our **economy** relies on our significant natural resources and key sectors including food and drink, tourism, energy and financial services. The impact of Brexit on our future economy cannot be fully predicted, and in the long term we need to respond to global restructuring, including the influence of new and emerging markets and technological change. Investing in infrastructure, growing our most successful sectors, and maintaining a highly skilled workforce will help us to respond to these changes. The quality of Scotland's places and planning that actively enables good quality development could play a key role in supporting inclusive growth.

Our **places** continue to evolve and we can expect continuing challenges such as vacant and derelict land, changing town centres, rural depopulation and pressures on natural resources. Climate change will compound and complicate these pressures. Over the long term the distribution of future development and the balance between rural and urban living will need to be carefully planned to ensure we can meet changing needs and expectations.

What do you want planning to do for your place?

Taking into account these long term changes, we are now keen to hear your views on the future of planning in Scotland, focusing on the following questions:

1. What development will we need to address climate change?

think about... what we will need to do to reach the target of net zero emissions by 2045; the opportunities that this could provide to support jobs and the economy; how places can be made more resilient to the long term impacts of climate change; what climate change-friendly places might look like in the future.

2. How can planning best support our quality of life, health and wellbeing in the future?

think about... where we might want to live in 2050; how many and what types of homes we will need; how we can encourage more people to live in rural Scotland; whether we could target development to address longstanding differences in health and quality of life; whether and where we might need new settlements, and regeneration of existing communities; how places could be more inclusive, diverse, creative, vibrant, safe, resilient and empowering.

3. What does planning need to do to enable development and investment in our economy so that it benefits everyone?

think about... what our economy might look like in 2050; how planning can anticipate and respond to the economic challenges of Brexit; what the key sectors might be and what infrastructure they may need to support them; how planning could stimulate and distribute growth; what type, scale and distribution of business and industrial land and premises will be needed; where significant investment sites might be; how economic opportunities could improve, or be accessible from, places where deprivation is concentrated.

4. What policies are needed to improve, protect and strengthen the special character of our places?

think about... what special places will need protection in the future.; what the future might be for our rural, coastal and island communities; how we could unlock the potential of vacant and derelict land; what our city and town centres might look like in the future; whether we need to think about the concept of green belts; how we can get the most out of our productive land; how we can protect and restore peatland; how we can plan blue and green infrastructure; what we can do to protect and enhance biodiversity; and how we can strengthen the character and heritage of our many different places.

5. What infrastructure do we need to build to realise our long term aspirations?

think about... what infrastructure we will need in the future; how we can make better use of existing infrastructure capacity, including through innovation; where transport connections will be needed to support future development; where our international gateways, hubs and links will be in a post-Brexit world; how we can sustain our lifelines; how digital connectivity could change the way we live and work; where our natural resources for energy are; and what emerging and future technologies we will need to plan for.

Call for Ideas

Our call for ideas is now open and we want to hear from you. Please submit your ideas to us at scotplan@gov.scot along with a copy of our Respondent Information Form. The form and further information on the Call for Ideas and the NPF is available at www.transformingplanning.scot. Our website also contains details of events and other opportunities where you can come along and talk to us.

Get Involved

For more information and other resources



www.transformingplanning.scot



<https://blogs.gov.scot/planning-architecture/>



[@ScotGovPlanning](https://twitter.com/ScotGovPlanning)



scotplan@gov.scot

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APPENDIX 2: National Planning Framework 4 Informal Consultation – Proposed Response

Question 1: What development will we need to address climate change?

The spatial strategy set out in the second Strategic Development Plan (SDP2) provides for a future growth of the south east Scotland area and can be used to inform the regional spatial strategy for the area. However, the spatial strategy needs to respond to both the challenges and opportunities presented by climate change. Although SDP2 was rejected by the Minister there was no indication that the spatial strategy of SDP2 not acceptable to the Minister, rather the issue was in relation to assessment of the transport implications arising. If the South East of Scotland is to continue to be the engine room of national economic growth in Scotland, the levels of growth set out in SDP2, and the associated spatial strategy, will have to be supported. NPF4 should ensure that investment can be co-ordinated to deliver the spatial strategy and allow anticipated levels of growth to be achieved. The SDP2 action programme identified the necessary infrastructure to support the spatial strategy. Matters which NPF4 should have regard to are:

- Providing an enabling role to address inefficiencies of existing buildings and bringing buildings up to standard and recognise that emerging technologies now may not fit by 2050
- Provide for grid enhancement to meet current and future demand and energy shift from gas to electric; promote the conditions for smarter use of the grid
- Provide for the re-use of redundant energy infrastructure; for example, the current pipe network is ill equipped to switch to hydrogen use
- Infrastructure providers are maintaining existing assets which at some point in the future will become redundant; at what point should this cease
- Allow for stricter planning controls to be applied to allow provision of new technologies to be delivered and implemented e.g. if requirements for EV charging points are not met planning permission should be refused
- Requiring new buildings to achieve a high level of energy efficiency (carbon neutral where possible) and to be delivered in the most sustainable way possible with these objectives to be achieved through changes to Building Standards Regulations.
- New buildings should utilise low maintenance or maintenance free designs to ensure that poorly maintained external finishes do not detract from the streetscape
- Provide powers to local authorities to enforce requirements/working together; provide for mandatory planning conditions
- Create the conditions for a joined-up approach to delivery of development incorporating an 'infrastructure first' approach
- Create opportunities for increased tree planting to help address climate change
- Encourage the use of pre-fabricated buildings and address supply chain issues
- Create the conditions for restoring fragmented natural habitats and integrating these with sustainable surface water drainage infrastructure, flood storage etc; address flooding and flood risk; increase use of green roofs; reduced reliance on potable water for flushing using grey water reuse technologies
- Only bring forward development which can be connected to sustainable transport therefore reducing reliance road traffic

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- Promote community growing areas to promote health and healthy eating; community growing areas could contribute to addressing flooding
- Create the right conditions to support businesses contributing to the climate change agenda by designating areas to support businesses in this field and promote local employment agreements
- Provide support for ambitious local authorities who want to take things further to promote economic growth within a sustainable environment.

Question 2: How can planning best support our quality of life, health and wellbeing in the future?

West Lothian is characterised by economic success which contributes towards quality of life, health and well-being. However, there are pockets of deprivation. NPF4 can assist in maintaining economic success by safeguarding strategic areas and providing the support for delivery of infrastructure to deliver on development requirements. This could be facilitated by the inclusion of reference in NPF4 to:

- Support for quality education facilities; good quality jobs and employment opportunities and energy efficient and affordable homes
- Providing incentives to promote/encourage location of new development and investment in areas suffering disadvantage to support social inclusion
- Protecting the rural environment
- Providing a strong regulatory framework for decision-making and a more consistent approach by Scottish Government via the DPEA in decision making and to remove right of appeal where the development plan is up to date
- Providing for enhanced powers to local authorities for land acquisition to facilitate investment and growth.
- Support for enhancement of the public transport network to achieve sustainable travel aspirations and contribute to the climate change agenda.
- Provide support for sustainable connected, diverse urban communities of mixed developments with active travel and public transport and attractive, rich, naturalised open spaces at their heart.
- Ensuring that the housing needs of older people and disabled people are met and the creating the conditions to help facilitate a joint approach to health and housing, ensuring that we are adapting to an ageing population, meeting the needs of those with disabilities and providing affordable housing for key workers.

Question 3: What does planning need to do to enable development and investment in our economy to benefit everyone?

To respond to economic change and be adaptable a policy framework is required which provides certainty to businesses and communities but is flexible enough to respond to economic change which could occur rapidly and is unpredicted. To support this NPF4 should:

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- Place emphasis on more skilled and quality employment as support all parts of the community in accessing these opportunities
- Provide support for distribution centres linked to public transport routes/rail network to support ease of access and delivery of goods
- Support measures to provide energy from waste
- Encourage local food growing (industrial agriculture) and local distribution
- Provide a policy and regulatory framework to provide sufficient land for economic growth; promote regeneration and redevelopment of existing under utilised sites particular where these can be accessed in a sustainable way.
- Secure improved drainage and flood systems which would contribute to sustainable development, environmental protection, reduce flood risk and contribute to the climate change agenda
- Provide powers to local authorities to forward-purchase land, prescribe what developments should look like and allow the combination of planning powers with the rights as landowner to prescribe what new development will comprise.

Question 4: How can planning improve, protect and strengthen the special character of our places?

West Lothian contains a number of sites which are tourist destinations in their own right. Whilst it is recognised that Edinburgh as the capital city is a significant draw, areas outwith the capital should be promoted as destinations of choice however making more of our resources also needs to be balances against the need to protect them. To achieve this, the following matters should be considered:

- Provide greater protection for our natural heritage from the effects of population growth and development than it currently enjoys
- Take action to encourage and support brownfield development in favour of greenfield
- Provide for a joined up approach to funding necessary infrastructure
- Promote the use of vacant and derelict land for the production of biomass and integrating this with combined heat and power generation and disposal to ground of sewage.

Question 5: What infrastructure do we need to plan and build to realise our long-term aspirations?

New infrastructure and investment in current infrastructure will be required to support sustainable economic growth. The type of infrastructure we will require in the coming decades is anticipated to evolve as demands change and we look to more sustainable infrastructure solutions. NPF4 needs to b and provide the necessary mechanisms for investment and delivery. Influencing matters which should be considered in drafting NPF4 are:

- Increased investment for existing transport infrastructure (e.g. roads, footways, bridges, culverts, street lighting)

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- Improve transport connections, transport hubs, cheap, efficient and affordable transport including smart ticketing
- Greater use of rail freight and canal network
- District/communal heating within new developments and creating the conditions for adaptation within existing developments.

**NATIONAL PLANNING FRAMEWORK 4
HOUSING TECHNICAL DISCUSSION PAPER****1. National Planning Framework 4 – Meeting the requirement to set “targets for the use of land for housing in different areas of Scotland”****1.1 Purpose**

This paper sets out the Scottish Government’s current thinking on the methodology that could be used for setting ‘targets for the use of land for housing in different areas of Scotland’ as required in National Planning Framework (NPF) 4 by the Planning (Scotland) Act 2019 (the Act). It has been prepared to inform early discussions with stakeholders on implementation of the Act and NPF4.

There are further opportunities to get involved in shaping NPF4 as set out in the [Programme for Engagement](#).

1.2 What are we proposing?

In NPF4 we have an opportunity to provide greater clarity about the amount of land that will be required for housing in Scotland. There is also scope to review our policies to help ensure that planning acts as a positive enabler of development which is better co-ordinated with infrastructure investment, inclusive growth, community empowerment and placemaking across Scotland. Both of these objectives were set out by the independent planning review panel as clear recommendations.

The approach to defining “targets for the use of land for housing in different areas of Scotland” in NPF4, as required by the Act, is also an opportunity to streamline planning for housing and to create a consistent and transparent platform to free up planning authorities and stakeholders to focus on delivery and the creation of quality places. We propose to do this by working with local and planning authorities individually and in regional collaborations to define housing land targets for all local development plan areas for inclusion in NPF4.

Rather than setting figures from the top-down, we recognise that a national approach needs to be informed by regional and local knowledge, analysis and input. The Act enables Scottish Ministers to request ‘Information to assist preparation of NPF’ including the housing needs of the population of the area and we could use this opportunity to set out housing land targets in NPF4 informed by local evidence.

The important linkages between the development plan and local housing strategy (LHS) established in the current system remain in place. The local development plan will be moving to a ten year review cycle (as will NPF) while the local housing strategy will remain in a five year review cycle. We see this as an opportunity to update local evidence and test the appropriateness of the housing land figures identified in NPF4. There will be sufficient flexibility in the system for local authorities to take into account updated evidence arising from the LHS to ensure that the land supply is responsive to market conditions and the ambitions of local authorities.

NATIONAL PLANNING FRAMEWORK 4 HOUSING TECHNICAL DISCUSSION PAPER

1.3 How might this work?

We believe that the following model could be a practical step forward in developing “targets for the use of land for housing in different areas of Scotland for housing” (housing land targets) in NPF4.

- Using the established housing need and demand assessment (HNDA) tool as a basis, the Scottish Government could run the first steps of the HNDA tool using default scenarios to provide all-tenure housing need and demand estimates for each local authority area for the time period under consideration.
- As NPF will contain housing land figures we do not require need and demand to be broken down by tenure (this will continue to be required for local HNDAs).
- Authorities will be invited to propose alternative scenarios and assumptions within set parameters and if they chose to do so will be required to agree these with their Housing Market Partnership (HMP) (including key wider stakeholders) and submit evidence to support their scenario and assumption choices which would be assessed by the Centre for Housing Market Analysis (CHMA).
- The same evidence base used to support the national HNDA could then be used to inform a local HNDA for the LHS and local development plan as is currently the case. The ability for regional groupings to work together on an HNDA remains in place.

The following sets out how this process could work.

1. The Scottish Government could run the **first steps, steps 1 and 2, of the HNDA tool** using default scenario and assumptions:
 - a) household projections - the default scenario choice is the National Records of Scotland principal projection; and
 - b) existing need count - the default is the proxy method built into the tool which is a count of homeless households in temporary accommodation and households who are both overcrowded and concealed (HoTOC)
2. Local areas could be invited to agree or propose alternative **scenarios and assumptions** within set parameters if there is evidence to indicate alternatives are appropriate for the area. Authorities would be required to agree the scenarios and assumptions with their HMP (including key wider stakeholders such as Homes for Scotland) and to submit a report on this to support their choices which would be assessed by the CHMA. A submission template and guidance could be provided to support this work. If the evidence set out in the report is accepted, the results would replace the default HNDA output.
3. It is recognised that HNDAs are now an established part of the process for the LHS and local development plan and in some areas authorities may wish to

NATIONAL PLANNING FRAMEWORK 4 HOUSING TECHNICAL DISCUSSION PAPER

reflect **functional housing markets**¹ that cross local authority boundaries. In this instance, and where regional groupings and HMPs have formed, they could propose alternatives to the HNDA output at local authority level for the areas within their region where there is evidence to support this. Any proposal for change would need to be evidence based, agreed by the HMP (including key wider stakeholders such as Homes for Scotland), be supported by evidence, and be assessed by the CHMA within the timescale required for Draft NPF4.

4. Given the long term perspective on the **supply of land for housing** we are seeking to establish, the Scottish Government could apply a **level of flexibility** to the output from the HNDA tool for each local authority area to establish the **minimum housing land figure**.
5. Housing land figures would be set out in the draft NPF and be subject to public consultation and transparent scrutiny when it is laid before Parliament. Draft NPF4 would be accompanied by a **housing technical report** supporting the housing land figures which would be subject to consultation alongside NPF.
6. A draft revised NPF will subsequently be laid before Parliament accompanied by an explanatory document covering consultation undertaken, representations received and changes made as a result of representations made before being approved by the Scottish Parliament and adopted by Scottish Ministers. There would be an opportunity to update the data between draft and revised draft NPF to reflect up-to-date information such as household projections.
7. We would expect **local development plans** to meet the housing land figure set in NPF4 as a minimum. The same evidence base used to support the national HNDA could then be used to inform a local HNDA. There would be **limited scope for adjusting these figures locally** within local development plans (within set parameters), and any adjustment would need to be informed by a full HNDA, set out clearly in a supporting local housing technical report and agreed at the local development plan gatecheck stage.

Figure 1 overleaf shows how this approach could work at the different scales.

Figure 2 sets out the existing and proposed approaches.

¹ Geographical areas where demand for housing is relatively self-contained. These areas may significantly overlap and will rarely coincide with local authority boundaries. They can be dynamic and complex, and can contain different tiers of sub-market area, overlain by mobile demand, particularly in city regions." (SPP, 2014, para 111)

NATIONAL PLANNING FRAMEWORK 4 HOUSING TECHNICAL DISCUSSION PAPER

1.4 Guiding principles

A detailed process for reaching this output is the subject of ongoing discussion and remains under consideration, but the following **principles** could form an important part of the process:

- the approach to setting national housing land figures is intended to **provide early clarity and to reduce conflict and complexity** in the local development plan process.
- **the purpose of the figures is to ensure that local development plans allocate sufficient land for housing.** We propose that the figures in NPF4 are expressed as minimum figures for housing land to accommodate an agreed projected number of homes.
- **an agreed proportion of this land should be ‘deliverable’** whilst the remainder should reflect the longer term spatial strategy for the area. The policy and / or guidance could provide clarity on what is expected to be deliverable land, as well as addressing longer term strategy.
- in terms of geography and scale, we propose that the minimum figures **should be set for all local authority areas in Scotland.** This would maximise consistency and simplicity in the planning system as a whole and remove the uncertainty that could arise if, for example, figures at a regional scale required further calculations to set out local contributions to a shared figure. Within this, however, we recognise that there is a need to allow for local flexibility that reflects local circumstances. This could still be achieved as the figures are taken forward in each local development plan.
- **a national approach needs to be informed by regional and local knowledge, analysis and input.** We therefore propose to define the requirements for land in each area by working with local and planning authorities individually and / or in regional collaborations to ensure national analysis is informed by local objectives.

Engagement with communities, key agencies, stakeholders and developers will be important nationally and locally. Infrastructure providers and the development industry could positively contribute to this work and in particular bring their expertise to developing delivery programmes to achieve the ambitions of NPF.

1.5 Transitional arrangements

Early guidance on transitional arrangements will be published online alongside our [Transforming Planning in Practice – Post-Bill Work Programme](#). In the meantime current policy and guidance for strategic and local development plans remain in place.

NATIONAL PLANNING FRAMEWORK 4 HOUSING TECHNICAL DISCUSSION PAPER

1.6 Next steps and timescales

We will take forward our consideration of the approach to setting figures for housing land alongside the wider development of planning policy for housing policy in NPF4. At this stage, we would encourage all of those with an interest in planning for housing to participate in the early engagement programme as set out on our website <https://www.transformingplanning.scot/>. The wider policy context for planning for housing has been set out in the background information notes and can be referred to, along with this paper, in responding to the early engagement on NPF4.

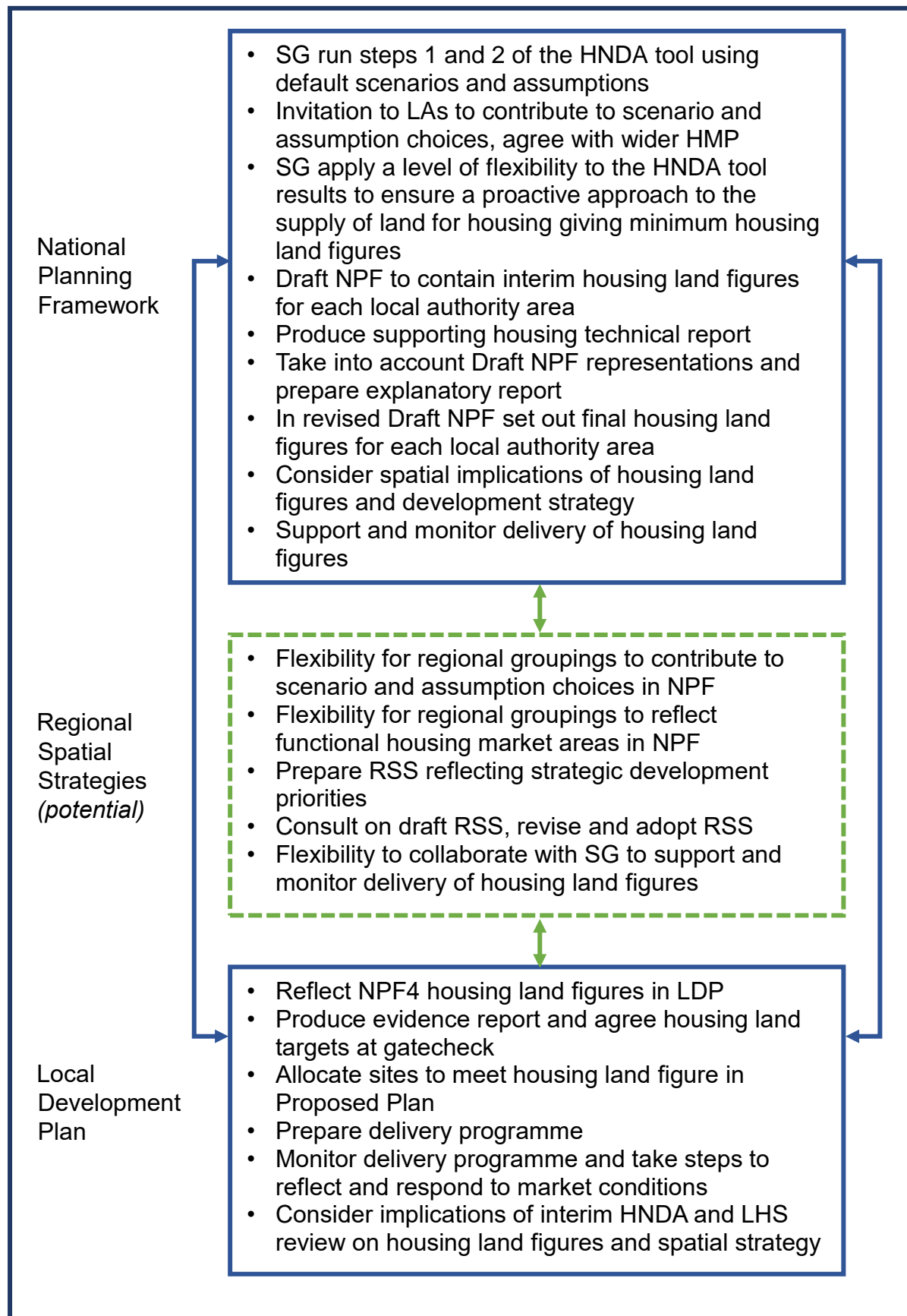
Collaborative working

Alongside the wider engagement, we will shortly establish an advisory housing panel to help guide this important area of work. This paper will provide the basis of initial discussions with the panel and we will publish its membership and a note of each meeting as the work progresses. We will seek to ensure that wider views emerging from the early engagement are taken into account by the panel.

We anticipate the draft NPF4 will be laid before Parliament in September 2020 at which time it will be subject to public consultation.

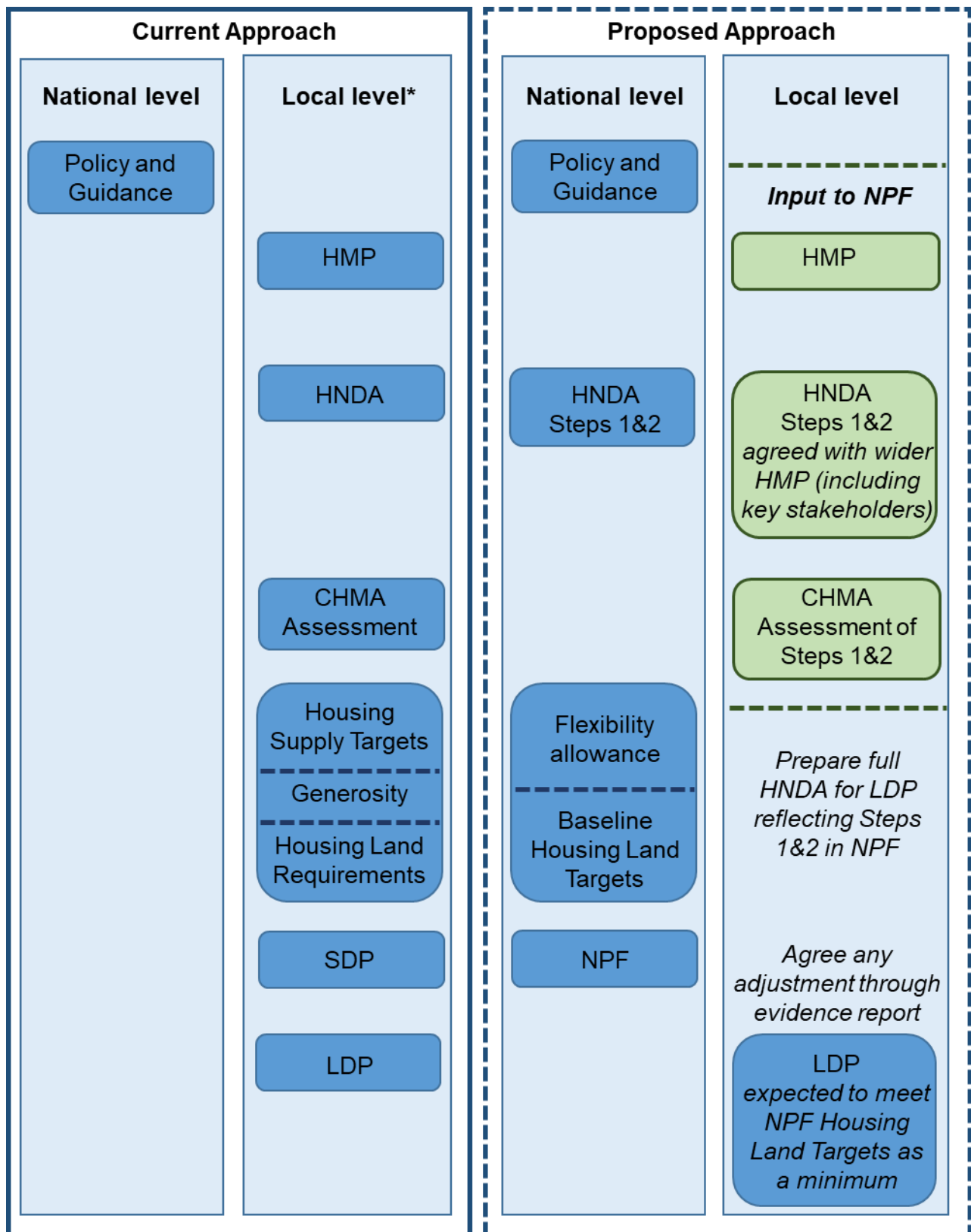
NATIONAL PLANNING FRAMEWORK 4 HOUSING TECHNICAL DISCUSSION PAPER

Figure 1.
Potential approach to set “targets for the use of land for housing” in the new planning system



NATIONAL PLANNING FRAMEWORK 4 HOUSING TECHNICAL DISCUSSION PAPER

Figure 2.
Current and Proposed Approach to Housing Land



*or regional in SDP areas

NB. Local Level to reflect LHS as in current process

NATIONAL PLANNING FRAMEWORK 4 HOUSING TECHNICAL DISCUSSION PAPER

1.7 Issues for consideration

Respondents to the early engagement may wish to consider the following issues:

- What is your view on the guiding principles set out above?
- Should NPF contain housing land figures for all areas in Scotland or focus on certain areas?
- Are there areas in Scotland where an alternative approach may be more appropriate?
- What is your view on the proposed approach to setting out requirements for housing land?
- Should NPF provide a single housing land figure or a range?
- Is the HNDA Tool an appropriate mechanism to base housing land figures on?
- Should there be scope for local and planning authorities working together to reflect functional housing market areas that cross local authority boundaries? What approaches could be used to achieve this?
- Should NPF apply a level of flexibility to the HNDA tool results to ensure a proactive approach to managing the supply of land for housing in a positive way? Should the level of flexibility be informed by recent housing completions?
- Should NPF housing land figures be met in LDPs as a minimum?
- LDPs are moving to a ten year timeframe. Housing land audits generally programme land supply for a five year period. For LDPs to have a ten year land supply available upon adoption what mechanisms could be used to ensure land is brought forward in accordance with the LDPs spatial strategy?
- Should the Scottish Government play a role in the housing land audit process?

Appendix 4

NATIONAL PLANNING FRAMEWORK 4 HOUSING TECHNICAL DISCUSSION PAPER Issues for consideration

☐ What is your view on the guiding principles set out above?

The guiding principles raise some significant concerns. In a development plan led system the requirement should be for clarity of both demand and supply. The guiding principles set out a process whereby the demand for land may be calculated but it provides no clarity on how the supply side would be calculated.

It is suggested that an agreed proportion of this land should be deliverable. That is accepted. However, no indication of what proportion and how that would be calculated is set out. There has been a significant gap in the existing 5 year land supply calculation process ever since the government withdrew its Draft Planning Advice Note on Housing and Infrastructure. That guidance set a process for calculating the effectiveness of the supply. However, since then, there has been no guidance which has allowed Reporters from DPEA to assess the effectiveness of the supply in different ways. That has resulted in inconsistent appeal decisions and a lack of certainty for communities. NPF4 must close this gap and provide for a definitive approach

It is not clear what evidence base will be used in establishing 'target' and how levels of flexibility should be calculated. The housing targets should be evidence based and where authorities choose to allocate a level above the minimum that should be a choice for the local authority alone. There should be no legislative or regulatory requirement to do so. Any target for the effectiveness of the land requirement should be assessed against the minimum requirement and not the actual level of allocations in a plan (including any flexibility allowance). Any allocation above the minimum level should simply add to flexibility and should not result in increased annual delivery targets for the authority.

Greater recognition should be given to the informed knowledge and information base held by local authorities who are closer to local needs and requirements.

☐ Should NPF contain housing land figures for all areas in Scotland or focus on certain areas?

Housing figures are a key component used to inform LDP preparation. The suggestion that NPF figures could focus on certain areas is at odds with paragraph 1.2 of the Technical Discussion paper which states ".....we propose to do this by working with local and planning authorities individually and in regional collaborations to define housing land targets for all local development plan areas for inclusion in NPF4."

A consistent approach to the evidence base which identifies the land requirement should be taken and if that approach is followed there should be no need for a different approach in the NPF to different parts of Scotland.

Of course where demand is high for housing it is expected that the approach in NPF will target resources at these areas and ensure that the investment plans of infrastructure providers recognise the levels of growth anticipated.

NPF should be clear that the necessary infrastructure to support housing should be provided and where that is not the case the targets both for housing land and any annual completion target should be adjusted accordingly.

□ Are there areas in Scotland where an alternative approach may be more appropriate?

This is a matter for Scottish Government to determine but the council cannot see any reason why a different approach would be necessary given the response to the question immediately above.

□ What is your view on the proposed approach to setting out requirements for housing land?

Any approach must firstly be evidence based and it is not clear what evidence base will be used for NPF4. While reference is made to HNDA it seems unlikely that this process could be completed prior to publication of a draft NPF in autumn of this year. Clarity on the evidence base needs to be provided.

NPF must also recognise that any target must be deliverable. This will require the target to be influenced by a number of external factors such as infrastructure delivery, market demand which can vary from year to year, particularly in volatile economic circumstances.

It also requires alignment of other strategies including national and regional transport plan and strategic transport projects. Delivering housing in the most sustainable way possible will be an increasing requirement and it is not clear how sustainability / climate change considerations will influence land targets.

It is not clear what "Local areas" means in the context of Point 2 and Page 2. It is not clear why alternative scenarios and assumptions would be required if the targets are evidence based and the approach is consistent across the whole of Scotland.

The Scottish Government has targets for the delivery of affordable housing and against this background it is not clear why the NPF would not set specific tenure targets. If the evidence base is through a HNDA that will provide evidence of demand in each tenure and that should be adopted in any targets incorporated in the NPF.

□ Should NPF provide a single housing land figure or a range?

The NPF should provide a single, evidence based, minimum figure. It will then be for authorities to decide if that minimum figure should be exceeded. A single figure removes debate about what target should be met. Of greater concern is how this figure is worked out by tenure and what happens where the figure cannot be agreed.

□ Is the HNDA Tool an appropriate mechanism to base housing land figures on?

The HNDA provides a good framework but is in need of revision. HNDA needs to be more flexible; not enough tenure types are covered (e.g. specialist needs) and the tool is not refined enough to take account of need; local areas are neglected.

Achieving “robust and credible” should mean that there is no debate on housing numbers once the HNDA is signed off as such. HNDA is resource intensive, too lengthy a process and expensive. The tool is not dynamic and provides no opportunity for updating mid cycle.

Irrespective of what tool is chosen to assess demand it should be treated as a material planning consideration at the point it is agreed as “robust and credible”.

Under current arrangements for assessing the effectiveness of the land supply, the supply side of the equation is updated annually through the housing land audit processes. However, the demand side is only updated every five or so years through the incorporation of the updated HNDA within the development plan. That means that supply is never being compared to an up to date assessment of demand. Both elements of the equation should be updated on the same cycle.

□ Should there be scope for local and planning authorities working together to reflect functional housing market areas that cross local authority boundaries? What approaches could be used to achieve this?

Of more importance is that sufficient infrastructure is available or capable of being made available to support housing development and its deliver. A joined-up approach is required to infrastructure delivery and meeting expectations. Reference in the Planning (Scotland) Act 2019 to an infrastructure levy is considerably weakened by the inclusion of a ‘sunset’ clause which removes the regulation making power if no regulations are made within seven years of the Act.

□ Should NPF apply a level of flexibility to the HNDA tool results to ensure a proactive approach to managing the supply of land for housing in a positive way? Should the level of flexibility be informed by recent housing completions?

Such an approach would defeat the purpose of having prepared a HNDA and introduce the prospect of challenge and remove certainty for communities.

□ Should NPF housing land figures be met in LDPs as a minimum?

Figures should reflect local circumstances and those set out in the Local Housing Strategy; figures once published should not be open to debate.

□ LDPs are moving to a ten year timeframe. Housing land audits generally programme land supply for a five year period. For LDPs to have a ten year land supply available upon adoption what mechanisms could be used to ensure land is brought forward in accordance with the LDPs spatial strategy?

Clarity is required from Scottish Government on whether or not there will be a requirement going forward to maintain a five year effective supply. If an effective supply is required Scottish Government should provide the methodology for this taking account of all of the matters raised in preceding questions. Clarity is required on the approach to housing shortfall. There is a risk that the emphasis will again focus on housing numbers when it should instead be focussed on delivery and sufficient infrastructure and funding being made available to deliver housing.

☐ **Should the Scottish Government play a role in the housing land audit process?**

The only role for Scottish Government should be the publication of a standard methodology and format for housing land audits to provide for consistency across the country.

General Comment

The Discussion Paper fails to reference housing delivery and funding/delivery of infrastructure to support development. The approaches set out by Scottish Government suggest a watering down of top down approach and lack clarity/direction for both local authorities and housing providers.

Edinburgh and South East Scotland City Region Deal Joint Committee

10 am, Friday 6 March 2020

ESES Regional Response to National Planning Framework 4 “Call for Ideas”

Item number

Executive Summary

Appended to this report is the suggested ESESCR Deal Joint Committee response to the National Planning Framework 4 “Call for Ideas”. This response has been endorsed by the City Region Deal Executive Board.

It is recommended that the Joint Committee approves this response, subject to ratification by individual Councils, the SESplan Joint Committee and SEStran, before it is submitted to Government formally on 31 March.

Monica Patterson

Chief Officer, Edinburgh and South East Scotland City Region Deal

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Report

ESES Regional Response to National Planning Framework 4 “Call for Ideas”

1. Recommendations

- 1.1 It is recommended that the Joint Committee approves this response, subject to ratification by individual Councils, the SESplan Joint Committee and SEStran, before it is submitted to Government formally on 31 March.

2. Background

- 2.1 On [3 September 2019](#), Joint Committee agreed to prepare a Regional Growth Framework (RGF) in order to assist delivery of greater alignment across planning, housing, transport and economic development, and thereby maximise the regional inclusive growth outcomes that are central to the ESESCR Deal. It was also agreed that The RGF will inform the production of a future Regional Spatial Strategy (RSS).
- 2.2 Since then, the regional partners established a Project Team to develop the RGF, with Thematic Leads for: Sustainability, Economy, Transport & Infrastructure, Spatial Planning and Housing. A draft RGF now exists and is on track to be completed for summer 2020.
- 2.3 On 9 January 2020, Scottish Government announced that the early engagement period for National Planning Framework 4 (NPF4) was underway, to help gather ideas to inform the draft NPF4 that will be published for consultation in September 2020. A deadline for “Call for Ideas” on what the priorities should be for NPF4 was set for 31 March. The Executive Board agreed that main themes in the RGF draft should form part of the ESESCR Deal response, to give a clear agenda for the region and form the basis for more detailed work to be carried through the RGF and RSS, once the outputs of the NPF4 Call for Ideas are received.

3. Main report

- 3.1 The draft regional response to the NPF4 “Call for Ideas” is appended. The key message is the regional submission to Government is that the South East Scotland is the engine of Scotland’s economy. Unless it performs to its potential, Scotland will also lag. The key challenge for this region is that the benefits of success are not experienced by all individuals and communities, and nor are they shared across local authority areas which make up the partnership. Places like the Scottish Borders and parts of Fife do not share the same characteristics of success. Much more needs to be done to ensure that as many of the people across all places within the region can share in benefits in the future. These benefits must also be realised in the most sustainable way possible to respond to the climate challenge. A holistic approach is required, with some major, planned, integrated initiatives that will allow us to generate, and spread sustainable inclusive growth. Regional partners intend to work with, and risk-share with Government to make this happen.
- 3.2 The report then sets out:
- Challenges the Region Faces;
 - Major Areas of Change;
 - Regional Priorities for the Future;
 - How Government can help work with regional partners to on a holistic basis to deliver place-based growth; and
 - Response to the Five Questions in the Call for Ideas
- 3.3 Following the submission for the “Call for Ideas”, a cross-regional Elected Member Oversight Group (EMOG) will be established as a subcommittee to this Joint Committee. Its purpose will be to oversee the longer-term progress of the RGF and RSS. Each local authority will appoint two members to sit on the Group. There will also be representation from the Higher/Further Education Sector and the Regional Enterprise Council. Each of the six councils are taking reports to their respective meetings to appoint their two respective members. The EMOG will aim to have their first meeting in April and will meet monthly to June when the RGF and Interim RSS will be finalised.

4. Financial impact

- 4.1 Regional partners have been working together, and with Government collaboratively to develop together Regional Growth Framework and Regional Spatial Strategy. Partners have dedicated staffing resources to take these pieces of work forward.

5. Alignment with Sustainable, Inclusive Growth Ambitions

- 5.1 This report summarises a response to the NPF4 “Call for Ideas”. It covers challenges that the region faces and major areas of change that are required for the region to deliver sustainable, inclusive growth. It also sets out how Government can work with partners to deliver its ambitions.
- 5.2 It is envisaged that the RGF, when complete, will help to deliver the following:
- Manage and distribute growth to maximise regional inclusive growth outcomes;

- Deliver the 21,000 jobs outlined in the Deal, helping our most disadvantaged communities have the skills and ability to access these opportunities;
- Maximise community benefits from the Deal and align economic opportunities with areas of disadvantage areas;
- Make significant progress towards delivering 45,000 new homes;
- Deliver fairer distribution of the benefits of growth and be more inclusive for all communities; and
- A just transition to a low carbon economy - The region is currently considering how best to deliver a just transition to a zero-carbon future. This can only be achieved through collective ambition, investment and resources

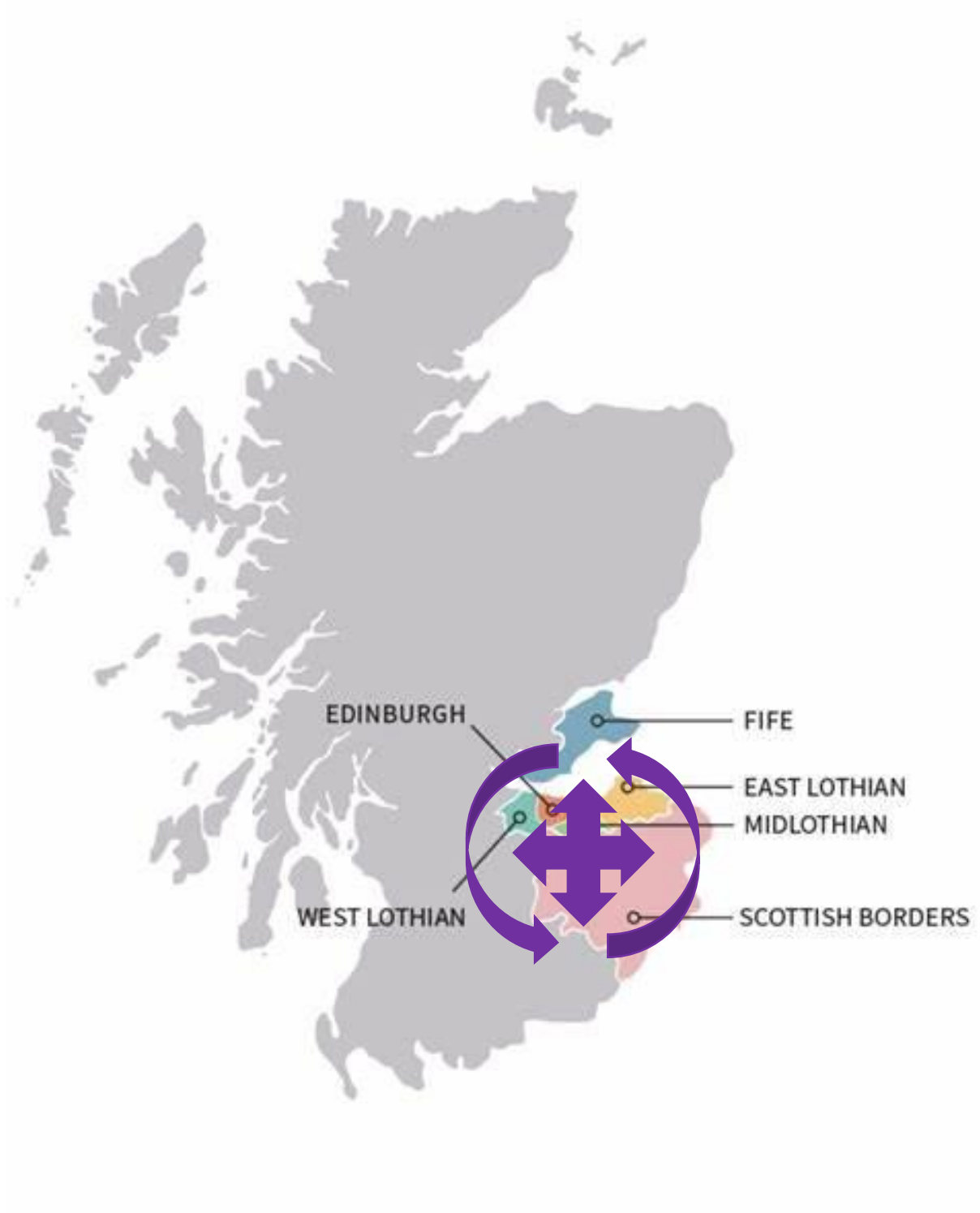
5. Background reading/external references

- 5.1 [City Region Deal Document](#): August 2018
- 5.2 [Edinburgh and South East Scotland City Region Deal Regional Growth Framework](#) – report to Joint Committee: September 2019

6. Appendices

1. National Planning Framework 4 “Call for Ideas” – Edinburgh and South East Scotland Regional Response

Edinburgh and South East Scotland Regional Response to NPF4 Call for Ideas



Edinburgh and South East Scotland Regional Response to NPF4 Call for Ideas

Purpose

This document is the response of the Edinburgh and South East Scotland City Region (ESESCR) partners to the Scottish Government's 'Call for Ideas' on the emerging National Planning Framework 4. This submission is set within the context of the partners preparation of a regional growth framework which aims to ensure that the success of the region can continue to be realised and that the region continues to be the key driver of the Scottish economy.

The regional growth framework will set out the region's strengths and opportunities. However, it must be recognised that the benefits of success are not experienced by all individuals and communities, and nor are they shared across local authority areas which make up the partnership. Places like the Scottish Borders and parts of Fife do not share the same characteristics of success. Much more needs to be done to ensure that as many of the people across all places within the region can share in benefits in the future. These benefits must also be realised in the most sustainable way possible.

The ESESCR Deal is of national importance with significant implications for Scotland's future growth of Scotland. The aspirations of City Region Deal partners can only be realised if the investment in infrastructure is focused on agreed priorities. This will need a co-ordinated approach by government and government agencies such as Transport Scotland. Several interdependent frameworks need to be aligned, including the National Planning Framework, the National Transport Strategy and the Strategic Transport Project Review in order to achieve this. The findings of the Infrastructure Commission should also be a key consideration and linkage.

The Role of the National Planning Framework

The *Call for Ideas* sets out that NPF4 will consider what Scotland should look like in 2050 and will guide where future development should take place. These are fundamental questions which cannot be answered by looking at the planning process in isolation. To deliver a vision for the future requires a joined-up approach on managing growth so that the right investment can be delivered in the right place at the right time. This will require a joined up multi-agency approach. The National Planning Framework will have a pivotal role in ensuring that the right amount of growth is identified and supported in the right place and that any infrastructure constraints and overheating in the market is addressed. The NPF will also have a role in ensuring that our valuable green spaces are protected.

In order for the South East of Scotland to continue to thrive it is essential that the NPF identifies outcomes which:

- Creates a policy framework which encourages sustainable economic growth.

- Recognises current barriers to nationally significant growth and provides solutions to overcome these barriers.
- Focuses support on those actions which bring the maximum social and economic benefits.
- Ensures linkages across all infrastructure providers to deliver agreed priorities.
- Ensures the linkage between support for growth and the infrastructure necessary to support that growth.
- Provides a framework for growth to be supported in the most sustainable way possible.

This response sets out the view of the City Region Deal partners. It takes a strategic approach and sets out the interventions which will be necessary if the ambitions and aspirations of the City Regional Deal partners are to be met. Appendix 1 sets out the regions response to the five questions set out in the NPF4 Call for Ideas documents. It does not address matters of detail as it is likely that individual partners will wish to respond to the *Call for Ideas* setting out specific matters of relevance to each partner.

Context

Much of Scotland's future economic, population and household growth will take place in this region. Economically, this region is the strongest and best performing in Scotland and one of the best in the UK. It is the best performing in education and productivity measures; has the highest employment growth rate for men and women and the highest growth in business start-ups and mid-sized companies of any Scottish region. It provides a quarter of all of Scotland's business premises with the highest national annual growth rate over the last decade. It also provides for more than a quarter of all Scotland's employment.

However, this success is not experienced by everyone, and there are significant and persistent pockets of deprivation in the region. A successful future depends on a more inclusive distribution of the benefits of the growth, so that it can reach those communities most in need.

The Edinburgh and South East Scotland City Region Deal aims to accelerate growth. This will create new economic opportunities and meaningful new jobs that will help to reduce inequalities. The Deal, its programmes and projects are of national significance and will invest £1.3 billion and deliver 21,000 jobs. It has the potential to deliver over 45,000 homes across seven strategic sites. However, the City Region Deal projects alone cannot address longstanding, deep-rooted issues facing the region and more action and intervention is required to accommodate growth and enable it to transition to a low carbon economy. Key challenges include:

- A just transition to a low carbon economy - The region is currently considering how best to deliver a just transition to a zero-carbon future. This can only be achieved through collective ambition, investment and resources.
- The success and prosperity in the region is not experienced by all. Both the Scottish Borders and Fife sit across more than one region with Tayside in Fife experiencing medium growth and the Scottish Borders experiencing low growth.
- Too many people are unable to move on from low wage and low skill jobs.
- There are pockets of multiple deprivation. Nearly a fifth of our children living in poverty
- Housing need and demand is outstripping supply, especially affordable housing. Increasing the supply and accelerating the delivery of homes across all tenures is critical to accommodate growth and ensure that the region remains an attractive place to live, work and invest.

- Within the regional core, the commercial and residential markets are overheating. Whilst there is brownfield land that can be redeveloped here, the developable opportunities are limited.
- Lack of connectivity and affordable public transport options both within and across boundaries particularly in many of our rural areas leaving communities disconnected from places of work and opportunity.
- In Edinburgh, 45% of the workforce commutes to work by car with significant traffic congestion experienced on all major routes into the city impacting productivity, air quality and the environment.
- Physical and social infrastructure provision is critical to the delivery of the City Region Deal seven strategic sites and many other strategic development areas across the region. Overcoming funding and delivery solutions is key to unlocking the transformational potential these sites can have for housing supply, jobs and the economy.

The remaining part of this document outlines major areas of change and opportunity, and future priorities for the region as well as a call for collective action to deliver place-based growth.

Major Opportunities

A Better-Connected South-East Scotland

The interdependence between local partners has never been greater with increased mobility of workers and people choosing to live, work and invest in locations across the region irrespective of local authority boundaries. South East Scotland is well placed to capitalise on improved international, UK cross-border as well as national connectivity, including between Edinburgh and London. Edinburgh Airport, ports on the Firth of Forth and the radial transport corridors to, through and from our region connect it to other UK, Scottish regions and City Region Deals including Tay Cities and Borderlands. These routes and our digital connectivity provide the means to develop wider relationships and to seek out, attract and share new opportunities.

Edinburgh city centre and the regional core have an unrivalled role, but many of our major cross boundary connections converge elsewhere in the region. A better more sustainably connected region underpins its future success. Some of our key objectives are to promote future growth within the city centre, regional core and along our growth corridors in line with the high-level approach below:

- **Connecting West** – we want to build a new partnership between the Edinburgh and Glasgow City Regions to address labour market linkages, sustainable connectivity and sectoral collaboration. We also want to ensure we take advantage of our shared UK cross border connectivity and associated development opportunities, including logistics, freight and storage and distribution as well as manufacturing;
- **Connecting North** – utilising recent investment in the new Forth crossing, we want to improve connections to the Tay Cities Region and Aberdeen City Region areas, and to make available growth opportunities in key locations within Fife, including the former Longannet Power Station site, Port of Rosyth and Fife Energy Park, as well as around the Forth Bridge heads and at Edinburgh Airport, including growth of our financial, insurance and other professional sectors;
- **Connecting East** – utilising existing and future enhancement of UK cross border connections between south east Scotland, north east England and London we want to reduce journey times and strengthen the UK cross border cities network. Along this corridor there is significant

potential to align plans for substantial economic and housing growth in a new regional growth location focused on an enlarged new settlement with new regional town centre, the redevelopment of former Cockenzie Power Station site and a new regional gateway transport hub;

- **Connecting South** – the BioQuarter, Easter Bush and Edinburgh Innovation Park at Musselburgh all cluster around the A720, A1 and East Coast Main Rail Line, Tram Line to Midlothian as well as Borders Rail, which also creates opportunities for sustainable growth and rural regeneration. A potential extension of this line to Carlisle also offers scope to improve UK cross border connectivity between the south of Scotland and the north west of England.

In the future we will continue to use these established corridors to enable a sustainable pattern of development and on-going inclusive growth.

Delivering Major Areas of Change

The emerging RGF has identified key areas of change which builds on the regions existing strengths and assets but also looks to a zero-carbon future and specific areas which will require collective action. These areas include:

- **Economic growth in the urban core** – ensuring Edinburgh city centre has a public realm befitting Scotland's capital, and a supply of sites and premises to support economic growth at all scales, particularly for SMEs to scale up.
- **Centre for Data Driven Innovation** – Data Capital of Europe – with a world leading DDI cluster around the University of Edinburgh's main campus in the city centre including assets funded by the City Region Deal - Bayes Centre and Edinburgh Futures Institute.
- **Tourism dispersal and management** – developing clear plans to ensure the visitor economy of the city region works as a single ecosystem, dispersing visitors from hot spots across the region, and into the rest of the country.
- **Town Centres** – town centres across the region have experienced huge changes driven by shifts in the way society lives, works and shops. Town Centres are vital to efforts to reduce carbon and deliver sustainable places, and all our region's town centres must work to find a new economic purpose.
- **Office market dispersal and management** - opportunity to spread the benefits regionally and from an overheating city centre with limited supply or opportunities for new office space and high levels of productivity consequent on economic focus on finance and insurance and other such sectors, set against surrounding areas that are not as productive consequent on business base and commuting travel patterns.
- **Edinburgh, East Lothian and Midlothian Innovation zone** – Edinburgh BioQuarter, Usher Institute, Edinburgh Innovation Park (Food & Drink), Shawfair and Easterbush; world class innovation and business potential, but also housing growth.
- **Sustainable growth in West Edinburgh and West Lothian** - the airport, development sites, residential growth and sustainable infrastructure, focused on public and active travel improvements.
- **Industrial regeneration in Fife and the Scottish Borders** – City Region Deal funding is being used to deliver programmes of investment that are strongly focused on innovation and that link to the DDI Programme. The locations chosen for investment are linked to existing growth corridors by road and by rail and help to maximise the impact of investment in the Borders Railway and plans for the Levenmouth Rail Link, as well as the existing Fife Circle rail line.
- **Coastal regeneration in Edinburgh** – Leith to Granton, public sector owned waterfront sites to create mixed used development of the highest quality. Deliver a single programme, to ensure

the right infrastructure is in place, and to work closely with key private sector partners such as Forth Ports.

- **Blindwells New Settlement, former Cockenzie Power Station site and Climate Change Zone** – a major opportunity of national significance for future collective impact and co-ordinated action to deliver a new regional transport hub as well as green, blue, grey and low and zero carbon infrastructure to turn challenges in to opportunities, enable regeneration and the creation of a new regional destination and attractor.
- **The Forth Bridges** – building on the Forth Bridges partnership to drive growth across the World Heritage site.
- **The Forth - A regional climate change response** – the Forth unites the region and requires the region to act collectively to develop measures to mitigate the consequences of climate change on our collective coastline e.g. coastal erosion, rising sea levels, recreational uses and development potential and to protect, conserve and enhance the natural heritage assets there.
- **Longannet** – the site of the former Longannet Power Station is recognised as being of strategic national importance and benefits from critical infrastructure advantages, particularly relating to energy. A transport focus, particularly around rail with upgrading of the existing line and new stations at Longannet, and potentially Kincardine for passenger services, will support the economic future of this key location. This also offers the opportunity to strengthen linkages between the Edinburgh and South East Scotland and other regions to the West, including Falkirk, Clackmannanshire and Stirling.
- **North East Fife** – Guardbridge and Cupar are the key areas of development focus in North East Fife. The University of St Andrews' Eden Campus is the focus of significant investment by the University and the public sector. It will provide space where companies can access University and industrial expertise, engage with other companies, build business-to-business collaborations, and develop and experimentally test innovative new approaches to the development of low-carbon energy systems. Additional employment land will be provided in Cupar. A new regional transport model has now been developed and can be used to test new investment ideas including additional rail halts and the opportunities associated with track improvements at stretches in North East Fife that remain single line.
- **City Region Deal seven strategic sites** - Blindwells; Calderwood; Dunfermline; Edinburgh's Waterfront; Shawfair; Tweedbank; and Winchburgh. Collectively these can deliver over 45,000 new homes, create 9,500 jobs and contribute over £12.6 billion to the wider economy. The sites are all at various stages of development and delivery, each with their own unique set of infrastructure and delivery challenges.

Future Regional Priorities and Opportunities

A series of future regional priorities have been outlined below. These are emerging priorities and will required further work, consideration and consultation as the RGF develops. These priorities fall broadly into three key thematic areas - **Flourishing, Smart and Resilient**.

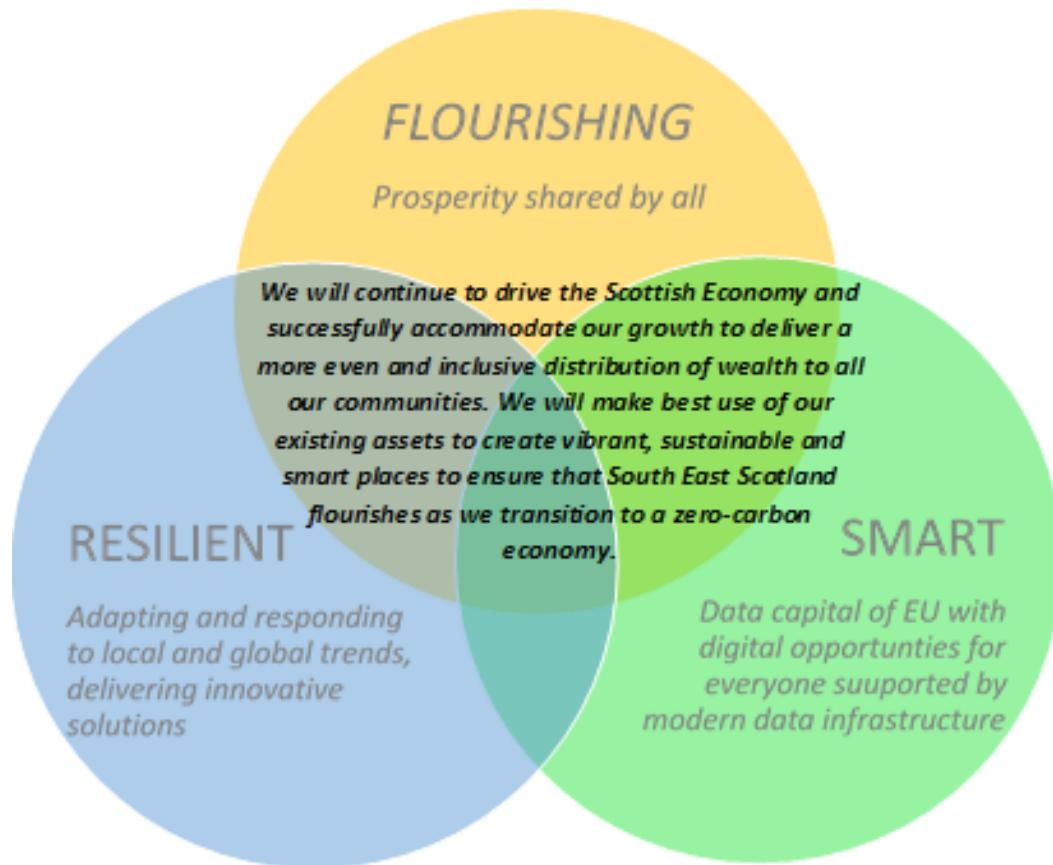


Figure 1 – Emerging RGF themes

Theme 1 - Flourishing

Spreading the benefits and prosperity more evenly around the region in the future will ensure that inclusive growth is achieved. Technological and climate change is transforming the types of skills requirements and job opportunities available and how companies do business. It is vital that people in the region have the skillsets required to work in key sectors. Future opportunities include:

- **Delivering the 21,000 jobs** that the City Region Deal projects will bring, and helping our most disadvantaged communities have the skills and ability to access these opportunities.
- **The City Region Deal Integrated Regional Employability and Skills (IRES)** Programme will provide part of the support required to help people in the region adapt to these changes.
- **Maximising community benefits** from the City Region Deal and future collaboration projects can deliver economic opportunities linked to areas of disadvantage.
- **Distribution of key sectors and jobs and assets** - building on the region's core sectoral strengths which include tourism, life sciences, data science, tech, finance, fintech, creative industries, food & drink, manufacturing, warehouse and distribution.
- Supporting our **town centres** and existing key sectors including retail, health care, hospitality and more.
- **Growing export value** and the number of exporters. Consider economic opportunities at a regional scale e.g. future warehouse, distribution, industrial and retail uses, and how those organisations maximise their global reach.

Theme 2 - Smart

The region has the ambition of becoming the Data Capital of Europe, ensuring that communities across the region benefit from data driven innovation.

Data is critical to future economic growth, social change, and public services, the region has ambitious plans to establish the City Region as the Data Capital of Europe. The City Region is home to the £1bn+ businesses FanDuel and Skyscanner, and major international tech companies such as Amazon, Cisco, Oracle, Microsoft and IBM have also created bases in the City Region. In terms of academic and research capability, the University of Edinburgh has been ranked first in the UK for computer science and informatics research and Heriot-Watt University is a global leader in Robotics and Artificial Intelligence (RAI). Future opportunities include:

- **Collaboration across public, academic and health sectors** to apply data science, to develop innovative and financially sustainable models of health and social care that improve lives.
- **Data-driven approaches** to prevention, treatment, and health and care service provision, enabling high quality and efficient care within a world-leading learning healthcare system.
- **Delivering business premises** of the future are ready for data-drive innovation opportunities, including the City Region Deal Fife i3 Programme and Central Borders Innovation Park.
- **Smart and future proofed infrastructure** – ensuring the region is at the forefront of new infrastructure and in a position to deliver 5G and superfast broadband across the region that can enable businesses to locate, invest and grow in our more remote and rural locations whilst also allowing people to work from home and more flexibly.

Theme 3 - Resilient

To respond to change the region must be able to adapt. Economic changes, including technological advances are rapidly taking place. Climate change is bringing challenges and opportunities for the region, including the need for adaptation, mitigation and sequestration measures; this could also bring significant opportunities to justly transition to a low carbon economy. Our people also need to adapt in terms of lifestyle, and we must change our skills base to meet the requirements of our future economy.

- **Better connected** - Future priorities to ensure that the region is better connected, include:
 - Measures to increase workforce mobility, especially for residents of disadvantaged communities, primarily through the integration of land use and transport, utilising contra-peak capacity in the transport network and providing reliable, frequent and affordable high-quality public transport.
 - Identifying priority routes for active travel to and from the new strategic housing sites, as well as from main centres of population to centres of employment, education and training as well as other public facilities including health care.
 - Focus on the routes where investment in bus priority measures will have the greatest impact on modal shift and supporting the more disadvantaged communities.
 - Interventions that, individually and/or collectively, demonstrably address climate change and reduce carbon emissions.
 - Considering potential longer-term schemes for tram, light rail and heavy rail.
- **Adaptable and sustainable** - Priorities to ensure that the region can adapt to climate change and transition to zero carbon emissions include:

- ***Sustainable Modern Methods of Construction*** – The scale and pipeline of regional housing development presents a unique opportunity for innovation and use of offsite manufacturing methods of construction to ensure that homes are future proofed being built to the highest quality and energy efficiency standards with significantly reduced waste and carbon emissions. Continued collaboration with Edinburgh Napier University's Institute for Sustainable Construction and Construction Scotland Innovation Centre.
- ***Energy*** - The region already has some significant assets that can help enable the transition to a low carbon economy. However, harnessing this collective potential combined with future investment, behavioural change, and recycling will be essential to meet ambitious local and national targets. Existing key assets and opportunities across the region include:
 - ***Energy Park Fife*** - Energy Park Fife is a world leading engineering and research zone within the energy sector.
 - ***Energy from Waste Plants*** - *Maximising connections to* Midlothian and East Lothian sites to deliver low carbon heating in the South East of Scotland.
 - ***Geothermal*** - There are several former coal fields across south east Scotland, such as the Midlothian and East Lothian and Fife coal fields, where there is significant potential to abstract and make use of warm mine water to develop geothermal heat networks.
 - ***Recycling*** - Significant expansion in recycling facilities, consideration could be given to regional recycling hubs.
- ***Carbon Capture & Sequestration*** - Regional actions to absorb additional carbon that we are not able to deal with through reduction measures. Afforestation and enhancing the significant woodland and wetland assets within the region and particularly the Scottish Borders.

A more detailed Regional Growth Framework can consider sustainability impacts and interventions required to facilitate a just transition to net zero carbon, while enabling inclusive and sustainable growth in our communities.

Collaboration – taking a holistic approach to deliver placed based sustainable growth

Key partners in the delivery of the Regional Growth Framework will be the Edinburgh City Region Deal signatories (the six local authorities, together with regional universities, colleges and the Regional Enterprise Council (includes third, public and private sector representation), UK and Scottish Governments.

The region seeks to deliver a holistic approach with major, planned, integrated initiatives that will allow us to generate, and spread sustainable inclusive growth. Regional partners will work with, and risk-share with Government to make this happen.

To help the region achieve our ambitions we ask for Government support on the following measures:

- Acknowledge the ambitions and priorities of this region as detailed in a future version of the Regional Growth Framework and future SE Interim Regional Spatial Strategy to enable the region to actively engage, collaborate and inform the Scottish Government work on NPF4,

STPR2, Climate Change and ensure that the region's economic, planning, infrastructure, transport and housing priorities are properly articulated so they can be reflected nationally.

- Build on the successful partnership and governance arrangements achieved through the £1.3bn City Region Deal to expand on this success to deliver a truly integrated approach across policy areas.
- Resource and invest in the prospectus and propositions that will follow on from this document in the form of a detailed RGF alongside key national agencies including Scottish Enterprise, Skills Development Scotland, Visit Scotland, Transport Scotland and Scottish Futures Trust.
- Work collaboratively with local, regional and national partners, including academic partners, to consider and develop sustainability and climate change impacts and interventions required to deliver sustainable and inclusive economic growth.
- Consider how future investment funds including post European Structural Funds can support the regions growth and low carbon ambitions.

Play a lead role in linking regions and Deals together to identify complimentary projects and to explore new opportunities, maximise limited investment and efficiencies and reduce duplication. This can enable the region to look West along the M8 to the central belt and Glasgow; North to the Tay Cities Deal and beyond; East to Newcastle and Northumbria and the South East of England, and South to the Borderlands Deal and across the border.

Appendix – Edinburgh and South East Scotland City Region Deal response to *The Five Questions in the Call for Ideas*

The *Call for Ideas* for inclusion in NPF4 sets five questions under a banner question of “What do you want planning to do for your place?”

City Region Deal Partners do not see NPF4 as a ‘planning’ document. Delivering and sustaining economic growth requires a partnership approach across all stakeholders. Therefore, first and foremost, NPF4 should set a strategic and binding framework for delivering sustainable growth. To do so will require understanding barriers to growth and the solutions to them. The City Region Deal partners’ views on how sustainable economic growth can be most effectively overcome, and their ask of the Scottish Government through the NPF4 are set out in the responses to the five questions as follows.

Question 1: What development will be needed to address climate change?

Planning authorities and regional partnerships have been invited to prepare interim regional spatial strategies to inform the content of National Planning Framework. The City Regional Deal partners intend making submissions on this but the work to inform those submissions is not yet complete.

However, the spatial strategy is likely to build upon the strategy set out in the second Strategic Development Plan for Edinburgh and the South East of Scotland (SDP2) with an addition to incorporate the strategy for North East Fife to reflect the geographical extent of the City Region Deal and the agreed extent of the geography for the Interim Regional Spatial Strategy. Additionally, it will outline a series of measures to respond to both the challenges and opportunities presented by climate change.

Although SDP2 was rejected by the Minister this was a result of the Minister not being satisfied that the transportation impacts of the strategy had been properly assessed. There was no indication that the spatial strategy of that document was not acceptable to the Minister and given that the strategy was agreed by all SESplan partners it is appropriate that this forms the basis of the Interim Spatial Strategy.

If the South East of Scotland is to continue to be the engine room of national economic growth in Scotland, the levels of growth set out in SDP2, and the associated spatial strategy, will have to be supported. It should be the role of NPF4 to ensure co-ordination of investment to allow the levels of growth to be achieved. Sustainable growth should not be put at risk as a result of un-coordinated infrastructure responses.

The SDP2 action programme identified the necessary infrastructure to support growth and the strategic elements should feature in NPF4 as a base line. However, a further review should be undertaken in the context of the Infrastructure Commission’s report to see if the interventions set out can be achieved in a way which ensures economic growth while minimising the need to travel by unsustainable means and minimising the impact of existing capacity.

Question 2: How can planning best support our quality of life, health and wellbeing in the future?

Although the South East of Scotland is characterised by economic success this continues to mask significant disparity and disadvantage in the region.

- The success and prosperity in the region is not experienced by all both the Scottish Borders and Fife sit across more than one region with Tayside (Fife) experiencing medium growth and the South (Scottish Borders) experiencing low growth when considering comparable economic performance.
- Too many people unable to move on from low wage and low skill jobs.
- There are pockets of multiple deprivation with nearly a fifth of our children living in poverty.
- Housing need and demand is outstripping supply, especially affordable housing.
- Lack of connectivity and affordable public transport options both within and across boundaries particularly in many of our rural areas leaving communities disconnected from places of work and opportunity.
- A just transition to a low carbon economy - the region is currently considering how best to deliver a just transition to a zero-carbon future. This can only be achieved through collective ambition, investment and resources.

Ensuring sustainable economic growth which increases opportunity for everyone in the South East of Scotland, while protecting our most important environmental assets is key to ensuring quality of life, health and wellbeing.

This will require positive intervention to ensure that those who are furthest from the market, both physically and educationally are able to access employment and training opportunities.

To support this the National Planning Framework should:

- Recognise that a diverse economy will require a range of house types and tenures in the region.
- Establish tenure specific housing targets for the region which are supported by an evidence base of demand for each housing tenure.
- Establish land use strategies which encourage the use of brownfield land before development on greenfield sites.
- Establish land use strategies which are supported by a transport strategy which does not focus solely on maximising capacity and speed for city to city journeys, but which ensures equality of access to regional hubs for all communities and areas of growth.

Question 3: What does planning need to do to enable development and investment in our economy so that it benefits everyone?

While the economy in the South East of Scotland remains the most significant contributor nationally, there continues to be risks to the economic success of the area. To respond to change the region must be able to adapt. This requires a policy framework which provides certainty to businesses and communities but is flexible enough to respond to economic change which could occur rapidly and

potentially without warning. The policy framework must recognise the changes which will result from technology and the changes which will be necessary to respond to climate change.

To support this the National Planning Framework should:

- Ensure that there is a strategy for sustainable growth which benefits all parts of the South East of Scotland while protecting important environmental assets.
- Take positive action to avoid the creation of dormitory towns except in circumstances where they are focused on the most sustainable transport options.
- Support measures to increase workforce mobility in the South East of Scotland, especially for residents of disadvantaged communities, primarily through affordable public transport.
- Establish a requirement for developers to deliver priority routes for active travel to and from the new strategic housing sites, as well as from main centres of population to centres of employment, education and training.
- Focus on the routes where investment in bus priority measures will have the greatest impact on modal shift and supporting the more disadvantaged communities.
- Interventions that, individually and/or collectively, demonstrably address climate change and reduce carbon emissions.
- Considering potential longer-term schemes for tram, light rail and heavy rail.
- Provide a framework for the transition to sustainable methods of construction.
- Set a framework for accredited carbon offsetting which will support the transition to a net carbon zero city region.
- Consider the Major Areas of Change highlighted in the main body of this response as potential National developments.

Question 4: What policies are needed to improve, protect and strengthen the special character of our place?

The Edinburgh and South East Scotland city region is internationally recognised as both a leisure destination and a place to do business. However, that success risks the very basis of that success. It is recognised that Edinburgh is in danger of overheating as both a leisure destination and a place to do business while at the same time significant capacity for growth exists elsewhere in the city region.

The authorities have a role in promoting the advantage of the area outwith the city centre, but more co-ordinated action is required to ensure that these locations become destinations of choice. This will include

To support this the National Planning Framework should:

- Establish a policy framework which protects the region's most important environmental assets from development.
- Support the development of green networks across the region which provide, opportunities to increase access to the countryside, biodiversity and carbon reduction.
- Recognise the significant economic benefit which is derived from tourism to the region and ensure that the infrastructure necessary to support tourism is prioritised.

5: What infrastructure do we need to build to realise our long-term aspirations?

Supporting sustainable economic growth will require a range of infrastructure interventions. That will inevitably require both new infrastructure and investment in current infrastructure to ensure that capacity is being maximised. Historically, the public sector has been adept at identifying the necessary infrastructure – for example through development plan action programmes – but has been less successful in ensuring delivery of the infrastructure because, in most cases, delivery is out with the control of local authorities.

City Region Deal partners recognise the role of the Infrastructure Commission in securing co-ordination of infrastructure investment and delivery and the work of the commission should be incorporated within the NPF. But the work of the commission also needs to be recognised in the National Transport Strategy and other national strategies. There should be one infrastructure plan for the country which prioritises requirements and identifies funding solutions. The NPF should set growth targets based on the delivery of infrastructure improvements and not the other way around.

In establishing that framework a fundamental rethink is required. In order to ensure sustainable economic growth existing road and rail infrastructure capacity should be maximised. Together with reducing the need to travel, there should be a focus on modal change of freight from road to rail and or sea.

Although rail infrastructure is under pressure during the day time, significant capacity exists at night. Moving greater volumes of freight from road to rail would free up capacity on the road infrastructure to support sustainable travel while reducing the need for further investment in road infrastructure. This should be done in parallel with investment in public transport infrastructure to make community bus a realistic option, particularly for those journeys not focused on regional hubs.

To support this the National Planning Framework should:

- Establish an Action Programme for infrastructure requirements in each region.
- Ensure that the Action Programme prioritises the delivery of infrastructure having regard to economic impact of providing that infrastructure and the level of growth it would support.
- Establish a funding mechanism or mechanisms to ensure delivery of the necessary infrastructure.
- Support measure to ensure that developers build homes which are sustainable and can support homeworking and the use of low carbon technologies including the provision of electric vehicle charging points.

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

COVID-19 FOOD FUND

REPORT BY DEPUTE CHIEF EXECUTIVE

A. PURPOSE OF REPORT

The purpose of this report is to advise of the Scottish Government's Food Fund (Non-Shielding) scheme and for the Council Executive to approve the council's proposals for the delivery of food to the specific groups identified under the scheme.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. Notes the update on the Scottish Government's Food Fund (Non-Shielding) scheme;
2. Notes the update on the support being provided by council and third sector food providers;
3. Approves the proposals set out in principle in Section D.7 of the report for the provision of support to the specific groups eligible under the Food Fund (Non-Shielding) scheme; and
4. Delegates authority to the Depute Chief Executive (Corporate, Housing and Operational Services) to conclude an agreement with the consortium or its members, subject to complying with procurement and public contracts regulations and Standing Orders for Contracts, to support the council in the delivery of support to the specific groups as identified by the Scottish Government and as proposed in principle in Section D.7.

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)	The Scottish Government have introduced the scheme as part of the wider package of support to communities affected by COVID-19. Integrated Impact Assessments will be carried out as discussions progress.
III	Implications for Scheme of Delegations to Officers	The Scheme shall be amended should the delegation in B.4 endure for more than 6 months.
IV	Impact on performance	COVID-19 will have a range of impacts on

	and performance Indicators	council performance.
V	Relevance to Single Outcome Agreement	Supporting most vulnerable members of West Lothian community.
VI	Resources - (Financial, Staffing and Property)	The council has been allocated £1.045million from the £30million Scottish Government Food Fund.
VII	Consideration at PDSP	None.
VIII	Other consultations	Heads of Service. Engagement is also taking place with external partners.

D. TERMS OF REPORT

D.1 Background

On 18 March 2020 the Scottish Government announced a £350million package to support communities affected by COVID-19. This includes a £70million Food Fund that has been established to put in place support for people who would otherwise be unable to access food through the usual routes.

There are three elements to the Food Fund:

- Up to £30m has been set aside for a nationally procured programme to deliver food for those who are unable to leave their homes due to being at highest clinical risk, known as the Shielded group.
- £10 million has been set aside for investment in third sector organisations that are responding to food insecurity both at a national and local level.
- £30m of the Food Fund is initially being made available to local authorities for structured public sector responses working with local resilience partnerships to support households who may experience barriers in accessing food.

The Scottish Government are coordinating the provision of direct food deliveries to the Shielded group, but are requiring local authorities to provide all other support to this group.

D.2 Food Fund (Shielding)

This group represents those persons deemed to be of the highest clinical risk due to existing medical conditions and there are an estimated 144,000 persons in the category within Scotland.

The Scottish Government are coordinating a national food delivery programme to provide weekly supplies of basic food items to each person within this group. Local authorities have been charged with providing key support to this programme and to be the local point of contact for the coordination and delivery of other all other food requirements, medication and other support for people within this group where they have no other forms of support.

The Scottish Government have issued individual letters to all persons identified as being within the Shielded group and to date the council has been provided with the names and home address details for 4,700 persons within West Lothian.

The council has put in place a dedicated contact number and online application process for anyone within the Shielded group to contact the council for support. This dedicated contact number has been provided to the Scottish Government and is being promoted in correspondence with Shielded persons. At the same time the council has been promoting the support on offer and ways to register via the council's website and social media channels.

In order to support requests for assistance the council has developed a Shielding Coordination Team to record all requests and to contact each applicant to discuss their specific requirements. Requests for basic food items that would be provided under the national food delivery programme but have not yet been delivered, and/or requests for medication deliveries are being undertaken by dedicated food and medication delivery teams within the council.

All other requests for other items are being forwarded via the council's Anti-Poverty Team and then to the local community food providers for provision. Requests for any other support are being provided by signposting the person to the appropriate services within the council or to other third sector organisations which can provide local support.

Whilst the contact number and online application form is aimed at those persons identified within the Shielded group it is open to all members of the public within West Lothian. The programme has been operating since the beginning of April 2020, and at the time of writing of the report 800 requests for support have been received. The majority of these requests have been from persons who are not on the Shielded group list and relate to support for food, the delivery of medication from local pharmacies or for other requests for information.

The council has received contact telephone numbers for the majority of this group and will now be proactively contacting each person to ask that they contact the Scottish Government's SMS text system to register and/or opt out for the national food delivery food, and at the same time to establish if they require any assistance from the council under the Shielding programme. The Scottish Government are also progressing a prioritised home delivery service to those persons in the Shielding group via a number of supermarket chains and councils are to support the promotion of this service to the Shielding group.

D.3 Other Council Support

The council has been providing a service for key workers who have no alternative child care in order to undertake their critical work. The service has been in operation since 23 March 2020 across the majority of Primary and Secondary schools and operates Monday - Friday between the hours of 8am and 6pm, with a hot lunch provided. At the same time the council has continued to provide all children entitled to free school meals with the choice of a packed lunch or a takeaway hot meal and a breakfast cereal bar/cereal. For those households which, for whatever reason, cannot collect their entitlement, third sector partners are providing a home delivery service.

D.4 Food Fund (Non-Shielding)

The council has been allocated £1.045million of funding to support households who may experience barriers in accessing food. The funding is intended to support those most in need including families with children who are eligible for free school meals, older people, those with long-term health conditions and pregnant women. Specific groups identified are:

- People with COVID-19 symptoms or living with someone with symptoms
- Vulnerable: People over 70 years old, those with a long-term health condition (including chronic neurological conditions), pregnant people, and those with a weakened immune system – including people who receive the flu jab
- Financially at risk households
- Marginalised households

Councils will have flexibility to use this additional resource in ways that best meet emerging local needs and circumstances, working with community groups and businesses to support home delivery, provide financial help and meet dietary requirements.

The Scottish Government have also advised that for this group the response will likely need to involve a combination of support to access income and the provision of food. This is to be kept under review to ascertain whether additional resource is required.

At this stage it is unclear as to whether additional monies will be made available to councils and/or if the eligible groups will be amended. Council's will be submitting returns to the Scottish Government and it is envisaged that further information on both future funding, eligibility and duration of the programme will be provided in the coming weeks.

D.5 Hardship Fund assistance to the Third Sector/Community Groups

In addition to the resources available via the Food Fund, the council has allocated £1.687million to provide a Hardship Fund over nine programmes to support individuals and families, the Third Sector, Community Groups and Community Councils.

The Hardship Fund includes a £150,000 allocation to provide for a Community Food Grant, which will provide a grant of up to £5,000 to 28 groups related to community food provision. The total amount to be allocated is £120,000, and this will assist in covering increased costs incurred over the next three months. The Larder and West Lothian Food Bank have both been allocated a further £15,000 each in recognition of the coordinating role undertaken in the support of groups across West Lothian.

At the same time funding of £327,000 has been identified for a Third Sector Hardship Fund to enable third sector organisations to provide additional support to vulnerable groups, including the elderly and people with disabilities. Applications have been received from 51 groups and following a review of the submissions, removing any bids which are met elsewhere or are not compatible with the target group, 25 applications have been assessed as meeting the criteria. Funding totalling £94,000 will therefore be allocated to these bids. It is also proposed that a further £56,000 will be reserved for future bids at this stage from third sector organisations, leaving a balance of £177,000.

D.6 West Lothian Food Fund Bid

The council has received a bid from a consortium of Third Sector organisations to work together and deliver appropriate responses to food insecurity. The bid is seeking £415,943 from the £1.045million Food Fund and the consortium advise that the funding would enable 12 groups to deliver the services required for 5 months to meet the needs of every ward in West Lothian.

The bid seeks funding support for food and non-food related costs. Officers have reviewed the submission and have identified a number of points of clarification that will need to be discussed with the consortium leads before any decision can be made on the allocation of any funds.

The Scottish Government have also announced the Wellbeing Fund to assist Third Sector organisations through the provision of emergency funding to help cope with the effects of COVID-19. Organisations are being invited to submit expressions of interest against a £33million fund which may provide an opportunity for the West Lothian Food Fund consortium to seek funding for the non-food related costs set out in their submission.

D.7 Food Fund (Non-Shielding) Proposal

The Scottish Government are unable to provide local authorities with details of the persons within these specific groups. The council will therefore seek to identify the number of persons who may be eligible from information held at a local level, subject to required data sharing and data protection requirements, however it is unlikely that this will provide a complete list of all persons who may be eligible for support.

Through an analysis of households entitled to free school meals the council is able to provide direct support to a significant section of low-income families and/or families where a member of the household has become recently unemployed.

It is proposed that households entitled to Free School Meals would be provided with a payment of £10 per week, per eligible child. School Clothing Grants are paid direct into bank accounts and the council will be able to make payment direct to the bank account of the nominated parent or guardian. At the same time the council would continue to provide the packed lunch or hot meal service for eligible children.

It is also assumed that the current uptake levels for the packed lunch or hot meal service will not increase, however payment will be made to all eligible households, subject to no detrimental impact on other income benefits such as Universal Credit.

Based on current Primary School (P1 – P3) School Clothing Grant eligibility, and all Free School Meal and Clothing Grant eligibility for Primary School (P4 – P7), Secondary Schools and ASN Schools, the number of children qualifying for the payment would be circa 5,800 children. The proposal would be to make a weekly payment of £58,000 for the 8-week period starting in May 2020 until the current academic year at the end of June 2020, which would equate to a total cost of £464,000. A further £406,000 would be reserved at this stage to enable payment over the 7-week school holiday period and a decision on this period would be taken prior to the end of the current academic year.

A balance of £175,000 would remain available and it is proposed that these resources are augmented with the £177,000 unallocated from the Third Sector Hardship Fund to provide a revised budget of £352,000 to provide support to the other Food Fund specific groups as specified by the Scottish Government.

Community organisations that already provide support to people may be well placed to provide direct support as part of a coordinated approach, and it is acknowledged that the West Lothian Food Fund consortium could have a key role to play in supporting the delivery of the Scottish Government's objectives and desired outcomes for those most in need.

It is therefore proposed that officers engage with the consortium leads in order to establish the extent to which the West Lothian Food Bid is compatible with the Food Fund requirements and how each group with the consortium can support the specific groups identified. Authority is sought to allow officers to conclude an agreement with the consortium or its members to support the council in the delivery of support to the specific groups as identified by the Scottish Government and as proposed in this section of the report. Officers will have regard to the effect of procurement and public contracts regulations and will ensure compliance with those and the council's Standing Orders for Contracts in concluding agreements.

E CONCLUSION

Food delivery is a key challenge. More people are relying on home delivery services in order to minimise social contact. This is particularly important for those who are at high risk and are required to stay at home. Demand has placed considerable pressure on these services.

At the same time there are many people within the community who may need more immediate financial support. Some people who were already struggling with their income may have limited food reserved for longer periods of isolation.

In order to reach the people most at risk, the Scottish Government has provided the council with £1.045million of funding under the Food Fund (Non-Shielding) to support the more vulnerable groups within the community.

The council has identified proposals to provide support to these groups, and by building upon the existing arrangements and networks the council is well placed to meet emerging local needs and circumstances.

F. BACKGROUND REFERENCES

Scottish Government, Food Fund: Guidance to Local Authorities (April 2020)

None

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Graeme Struthers
Depute Chief Executive
(Corporate, Housing and Operational Services)

27 April 2020

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

EDINBURGH CHOICES FOR CITY PLAN 2030 - CONSULTATION RESPONSE

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGNERATION

A. PURPOSE OF REPORT

The purpose of this report is to advise Council Executive of the City of Edinburgh Council's Choices for City Plan 2030 and the council's proposed response.

B. RECOMMENDATION

It is recommended that Council Executive:

1. notes the terms of the report;
2. agrees the proposed response to the consultation as set out in Appendix 1; and
3. agrees to forward the report to the City of Edinburgh Council as the council's response to the consultation.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Preparation of local development plans (LDP) is a statutory requirement. City of Edinburgh Council has prepared an Environmental Report to inform the LDP together with a number of supporting documents including an integrated impact assessment which covers equality and health matters.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	Linked to council's own SOA.

- VI Resources - (Financial, Staffing and Property)** Progressing discussions to fully assess the cross-boundary impacts of a potential development adjacent to West Lothian Council's boundary will require staff resource; there may be financial implications in terms of education provision which at present cannot be quantified.
- VII Consideration at PDSP** Ordinarily, a report would have been prepared for the Development & Transport PDSP. The timing of the consultation has not allowed for reporting to the PDSP. All members of the panel have been consulted on the proposed response.
- One response was received which confirmed support for a mixed strategy of brownfield and greenfield development; the development of green corridors between settlements and the development of park and ride facilities in West Lothian.
- Separately some local members raised legitimate concerns about the impact an expansion of Calderwood may have on the infrastructure in West Lothian. These are legitimate concerns and the emphasis of the response in relation to Calderwood has been changed accordingly.
- VIII Other consultations** Roads and Transportation Manager, Education Planning, Environmental Health.

D. TERMS OF REPORT

D1 Background

The City of Edinburgh Council is progressing its next Local Development Plan (LDP2). The plan is being progressed under the requirements of the Town and Country Planning (Scotland) Act 1997, the approved Strategic Development Plan for South East Scotland (SDP1), Scottish Planning Policy and Circular 6/2013 Development Planning. The first stage of this is the preparation of a Main Issues Report (MIR). This stage is not a draft version of the plan. It concentrates on the key changes that have occurred since the previous LDP which was adopted in 2016 and on the City Council's big ideas for future development. The Choices for City Plan 2030 outline the preferred options but also considers reasonable alternatives.

The Choices for City Plan 2030 outlines 16 choices that include proposals for the spatial strategy and policy changes. Each choice has the City of Edinburgh Council's preferred solution with one or more alternatives. Of the 16 choices, five are particularly relevant to West Lothian and responses on these are detailed in this report and Appendix 1.

Not all of the choices set out in the consultation will have impacts in West Lothian and, as such, no response on these is proposed. The matters which will have a potential impact are set out in Appendix 1 to this report.

Subsequent to the proposed response being published for Council Executive on 24 March 2020 some local members have raised concerns about the impact an expansion of Calderwood may have on the infrastructure in West Lothian. These are legitimate concerns and the emphasis of the response in relation to Calderwood has been changed accordingly to indicate that the council objects to the expansion of Calderwood.

Some changes have also been made to the covering report to reflect the changes noted above but also to clarify that the consultation from the City of Edinburgh Council is based around a number of alternative solutions but with Edinburgh's preferred solution being identified within the options set out in the consultation.

D2 Choices for City Plan 2030 - Housing

In order to meet the City of Edinburgh Council's proposed housing targets, the consultation outlines three options in Choice 12. These are:

- Option 1: Delivery by the Council and its partners within the [Edinburgh] urban area
- Option 2: Delivery through market housing by releasing greenfield land [in the City of Edinburgh council area]
- Option 3: A blended approach (of Options 1 and 2)

Edinburgh's preferred option is to accommodate the housing land requirement within the urban area (Option 1). Option 2 and Option 3 identify the possibility for a significant greenfield release on Edinburgh's western periphery on the boundary with West Lothian as an extension to the Calderwood development in East Calder for between 1,400 and 2,500 houses. It should be stressed, however, that this is not The City of Edinburgh Council's preferred option.

In other choices related to housing delivery set out in the consultation, the preferred options include:

- Proposals to restrict the number of holiday and other short term lets (Choice 9).
- Proposals to increase affordable housing requirement from 25% to 35% (Choice 13).
- Proposals that across the city, on both urban areas and greenfield sites, housing development must achieve a minimum of 65 dwellings per hectare (Choice 2).

D3 Choices for City Plan 2039 – Other Matters

The consultation continues to recognise the potential for West Edinburgh to deliver economic growth. While no specific sites close to the West Lothian boundary are identified, Choice 14 proposes that the whole of the West of Edinburgh from the city bypass to the boundary with West Lothian is an area of search. The consultation proposes that this will allow a wide consideration of future uses within West Edinburgh without being tied to individual sites.

Other notable proposals are:

- Transport Infrastructure – based on an Edinburgh Strategic Sustainable Transport Study, two corridors are identified as being suitable for the delivery of new transit-solutions to help deliver City Plan 2030. Delivery of Tram or Bus Rapid Transit towards Newbridge and International Business Gateway (IBG) would support existing major development along the A8 corridor and support regional level commuting from settlements in West Lothian and the potential opportunity for further transit-led development (Choice 5).
- A proposed super cycle highway along the route of the A71 linking South Livingston with West Edinburgh (Choice 8).

D3 The Proposed Response

The proposed response supports the City of Edinburgh Council's preferred option with respect to housing delivery. The response sets out an objection to the alternative choices for housing delivery with respect to land adjacent to Calderwood as the Choices for the City Plan 2030 does not properly identify or address the impact of these proposals on West Lothian communities.

The Choices for City Plan 2030 does not properly address the education impact of the Calderwood proposal nor does it address infrastructure capacity along the A71 corridor. In particular it is noted that proposed transport corridor interventions along the A71 are not supported in the Choices for the City Plan 2030 as they are unlikely to be deliverable before 2030. In any case, the corridor does not come fully up to the West Lothian boundary. These matters make any proposals for development at Calderwood inconsistent with the wider aspirations of the City Plan particularly with regards to sustainability and wider climate change challenges.

The proposed response focuses on the following Choices as these are considered to be most relevant to West Lothian:

Choice 2: Improving the quality and density of development;
Choice 7: Supporting the reduction of car use in Edinburgh;
Choice 8: Delivering new walking and cycle routes;
Choice 12: Building our new homes and infrastructure; and
Choice 14: Delivering West Edinburgh

The options explored in the City Choices Plan 2030 and the solution to deliver such proposals will have implications for West Lothian Council. These require to be fully assessed and there is no indication in the consultation as to how these implications will be identified and, more importantly, mitigated. Impacts in West Lothian will include implications on the education estate and traffic on the A71. The council's ability to deliver its own market and affordable housing need timeously will also be affected.

In addition to significant concerns about an extension of Calderwood the proposed response also sets out a recommendation that infrastructure improvements cannot be confined to the City of Edinburgh Council boundaries and that cross-boundary infrastructure improvements are likely to be necessary to support any development in West Edinburgh and close to the West Lothian boundary.

Support for the A71 '*super cycle highway*' is *proposed*, but it is intimated that to be effective this would require to link into Livingston. Overall A71 capacity, Kirknewton Station Park and Ride capacity and denominational primary and secondary education infrastructure capacity would also need to be addressed.

An option set out in the Choices for City Plan 2030 is to outline an '*area of search*' which allows a wide consideration of future uses within West Edinburgh without being tied to individual sites (Choice 14). The proposed response to the Choices for City Plan consultation raises concern for such an approach. Firstly, potential concerns are raised about coalescence and impacts on infrastructure in West Lothian. Secondly, concern is raised regarding West Lothian Council's ability to engage in a meaningful way when an '*area of search*' is proposed rather than specific sites. The response outlines that the council would wish to engage with the City of Edinburgh Council in a meaningful manner.

To promote and encourage sustainable travel, further active travel routes and park and ride locations have been suggested and included in the proposed response to the consultation.

E CONCLUSION

Choices for City Plan 2030 sets out options to accommodate future development and growth within the City of Edinburgh Council's administrative area. These are likely to have implications for West Lothian, particularly in relation to any future development close to the Calderwood development at East Calder which would not be supported by the council.

Progress on the City of Edinburgh Council's Local Development Plan (LDP2) will require to be monitored in order to assess the impact on West Lothian and to allow for cross-boundary impacts to be more fully assessed.

F. BACKGROUND REFERENCES

<https://consultationhub.edinburgh.gov.uk/sfc/choicesforcityplan2030/>

Appendices/Attachments: One

Appendix 1: Edinburgh Choices for City Plan 2030 - Consultation Response

Contact Person: Margaret Stone, Planning Officer, 01506 282425, email margaret.stone@westlothian.gov.uk

Craig McCorriston
Head of Planning, Economic Development and Regeneration.

24 April 2020

DATA LABEL: PUBLIC

APPENDIX 1 – Consultation Response

West Lothian Council Submission to City of Edinburgh Council “Choices for City Plan 2030”

The feedback on 16 choices for the City Plan 2030 requires to be fed in through a prescribed online survey form. There are 68 questions in total. The intention is to answer just five of the questions. This will be sufficient to express West Lothian Council’s position at this stage. As the City of Edinburgh Council’s LDP progresses to Proposed Plan stage, there will be more detail on which to comment and comments will not be restricted to prescribed questions.

Choices for City Plan 2030 Question	West Lothian Council’s proposed response to question
<p>Choice 2 – improving the quality and density of development</p> <p>2B. We want to revise our policies on density to ensure that we make best use of the limited space in our city and that sites are not under-developed. Do you agree with this?</p> <p>We want to change our policy on density to maximise the benefits of being close to public transport services and along high-quality active travel routes, provided that the design of such developments is of a high quality, respects amenity, and is of an appropriate character.</p> <ul style="list-style-type: none"> • Across the city, on both urban area and greenfield sites, housing development must achieve a minimum of 65 dwellings per hectare. • Where identified in the plan, higher density housing development with a minimum of 100 dwellings per hectare will be required. • A vertical mix of uses to support the efficient use of land. 	<p>See response to Choice 12. While not a preferred option, the potential allocation of land adjacent to Calderwood for housing is inconsistent with the desire to locate buildings close to public transport.</p> <p>While the council understands the desire to increase densities and generally supports the sustainability principles of this in the city, it is felt that this is only an appropriate strategy within the city.</p>

Choices for City Plan 2030 Question	West Lothian Council's proposed response to question
<p>Instead we could continue using our existing policy on housing density which seeks an appropriate density based on the characteristics of the surrounding area, not based on maximising the benefits of achieving higher densities and being close to high quality public transport services.</p>	
<p>Choice 7 – Supporting the reduction in car use in Edinburgh</p> <p>7D. We want to support the city's park and ride infrastructure by safeguarding sites for new park and ride and extensions, including any other sites that are identified in the City Mobility Plan or its action plan. Do you agree with this?</p> <p>We want to safeguard sites for new park and ride at Gilmerton Road, Lasswade Road and extensions to the current sites at Hermiston and Newcraighall. There is also the potential to safeguard an extension to the park and ride at Ingliston as part of the International Business Gateway masterplan, along with any other sites arising from the consultation on the City Mobility Plan.</p>	<p>WLC understand the desire to reduce car use within Edinburgh. In addition to improvements to active travel routes, ambitious alternative methods to the use of the car from travel outwith the Edinburgh area will be required. It is important to WLC that our residents are able to access the city in a sustainable way and that Edinburgh residents who travel to West Lothian for employment or enjoyment can do likewise.</p> <p>Consideration should therefore be given to safeguarding provision for a park and ride / interchange facilities at Newbridge / Broxburn. This could be associated with the extended tram line shown on Map 11. This may assist those approaching Edinburgh from the M8, M9, Broxburn / Uphall and Winchburgh.</p> <p>The absence of a tram connection at the Hermiston park and ride significantly reduces its usefulness to West Lothian (and CEC) residents. Whilst the development of a tram route along the A71 is outlined as a possibility (Strategic Sustainable Transport Study, Corridor 8), connection to Hermiston Park and Ride and Heriot Watt University (HWU) would greatly improve connectivity and reduce the need for car use. This would also create a tram link between HWU and the airport.</p> <p>The absence of park and ride facilities at Hermiston Gait / Edinburgh for M8 / A720 traffic is a significant gap. The council recommends P&R</p>

Choices for City Plan 2030 Question	West Lothian Council's proposed response to question
	<p>facilities here to allow ease of transfer to tram, train and bus at this location.</p> <p>To meet the change towards electric vehicles, Park and Rides should over time be upgraded to provide slow charging facilities at <i>each</i> space. If vehicles are left for extended periods, there is little need for rapid or fast charging facilities.</p>
<p>Answer Choice 8 – Delivering new walking and cycle routes</p> <p>8B. As part of the City Centre Transformation and other Council and partner projects to improve strategic walking and cycling links around the city, we want to add the following routes (along with our existing safeguards) to our network as active travel proposals to ensure that they are delivered. Do you agree with this?</p> <p>Active travel routes to be added to City Plan 2030</p> <ul style="list-style-type: none"> • Completion of the River Almond Walkway • The A71 cycle super highway linking south Livingston with West Edinburgh • Edinburgh Waterfront Promenade (realigned – Granton Beach through Granton Waterfront and Western Harbour to Ocean Terminal; Ocean Terminal to Leith Links avoiding operational port estate) • The Pentlands to Portobello link • Meadows to George Street • City Centre East-West Link • Waverley Valley bridge link • Lothian Road • West Edinburgh Link • Roseburn – Union Canal • Lochend – Powderhall 	<p>Yes. However, clarity of funding will be required particularly where the interventions cross local authority boundaries.</p>

Choices for City Plan 2030 Question	West Lothian Council's proposed response to question
<ul style="list-style-type: none"> • West Approach cycle link • Pilrig Park - Pirrie Street • Link to Morevundale Road 	
<p>8C. We want City Plan 2030 to safeguard and add any other strategic active travel links within any of the proposed options for allocated sites. We also want the City Plan 2030 to include new strategic active travel links which may be identified in the forthcoming City Plan 2030 Transport Appraisal, the City Mobility Plan, or which are identified through this consultation.</p>	<p>See response to Choice 12. While not a preferred option in the City Plan development at Calderwood would give rise to increased car use towards Livingston, Newbridge and Edinburgh via the A71. This in turn, would affect the air quality and traffic impact on the residents of Wilkieston. Measures to assist may include:</p> <ul style="list-style-type: none"> • Quality active travel route towards Newbridge; • Quality active travel route towards the A71 'super cycle highway', perhaps including Ratho; • Quality active travel route towards Livingston; • Ease of road and active travel access, with sufficient parking to access the railway station at Kirknewton. This may require additional parking / bus interchange to be created and for stopping train frequency to be increased; • Frequent quality east – west and north south bus services. • A new cycle route from Balerno down the old railway line towards Kaims Quarry for Kirknewton. This will partially replace the existing NCR 75, which currently uses the increasingly busy Long Dalmahoy Road and the steeply graded Ravelrig Road. <p>As developments with no car parking provision arise, commensurate increase in secure, suitably sized bike storage must be provided. This must be large enough to provide for storage of bike trailers, including child carriers.</p>
<p>Choice 12 – Building our new homes and infrastructure.</p>	<p>The council supports the City of Edinburgh Council's preferred option of delivery of housing within the urban area (Option 1). It does not</p>

Choices for City Plan 2030 Question	West Lothian Council's proposed response to question
	<p>support either delivery through the release of greenfield land (Option 2) or the blended approach (Option 3) in so far as they include an option to extend the Calderwood development at East Calder.</p> <p>The council does not believe that the implications of including an extension at Calderwood, East Calder in Option 2 or Option 3 have been fully or properly assessed. Issues include:</p> <ul style="list-style-type: none"> - An incorrect assumption that the extended development can utilise education infrastructure provided to support the current Calderwood development. - No regard is given to the impact that parental choice may have on existing secondary schools which are already subject to capacity constraints. - No deliverable transportation interventions, to mitigate the development of land in this location are identified to support the allocation. Indeed the transport interventions along the A71 corridor are identified as not being deliverable before 2030. - No regard is given to transport impacts on the village of East Calder and how these could or would be addressed. Roads in and through the village are already under significant pressure from existing large scale development around the village. - A general assumption that infrastructure improvements would be confined to the geographical area of Edinburgh when in fact most impacts will be on infrastructure in West Lothian. - No regard is given to impact on health facilities which would be necessary to support the extended settlement.

Choices for City Plan 2030 Question	West Lothian Council's proposed response to question
<p>Choice 14 – Delivering West Edinburgh</p> <p>14A. We want City Plan 2030 to support the best use of existing public transport infrastructure in West Edinburgh and accommodate the development of a mix of uses to support inclusive, sustainable growth. We will do this through 'an area of search' which allows a wide consideration of future uses within West Edinburgh without being tied to individual sites. Do you support this approach?</p>	<p>Answer 'no'</p> <p>The area of search is of concern to the council. The area of search includes a significant area of land that is adjacent to the City of Edinburgh / West Lothian Council boundary. WLC have concerns about coalescence and impacts on infrastructure in West Lothian for development close to the boundary.</p> <p>Development Planning Circular 6/2013 para 6 states '<i>development plans... should indicate where development should happen and where it should not, providing confidence to investors and communities alike</i>'. Paragraph 7 states '<i>development plans should be kept up-to-date and provide a practical framework within which planning applications can be determined with a high degree of certainty and efficiency</i>'. Paragraph 8 outlines that '<i>proposals should be shown on a map and that LDP's should be engaging documents setting out what places are like, and the specific vision for them</i>'.</p> <p>It is considered that the approach proposed is not Circular 6/2013 compliant. The opportunity to engage in a meaningful manner is diluted by the broad, uncertain, non-specific and unclear approach.</p> <p>WLC would wish to be consulted and engage on specific proposals that the development planning regulations allow for. It is WLC's preference that the West Edinburgh Study and Scottish Government decisions inform the Local Development Plan so that the LDP can provide certainty for WLC as a neighbouring authority.</p>

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

COVID-19: WEST LOTHIAN LEISURE - IMPLICATIONS OF COVID-19

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

This report seeks Council Executive approval to amend the agreed 2020/21 Annual Funding Agreement between the council and West Lothian Leisure (WLL) and related management fee following a request from WLL as a result of the implications of Covid-19 on WLL's anticipated cashflow and income position during 2020/21.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes the position on WLL's income and cashflow;
2. Notes that Council Executive, via a SO31, agreed the management fee to be paid to WLL by the council for 2020/21 on 24 March 2020;
3. Approves the reprofiling of the WLL repayments for voluntary severance and borrowing costs, which would increase the management fee paid by the council in 2020/21 by £801,000 to £3.363 million;
4. Approves the re-phasing of the payments of the 2020/21 management fee so that two quarters of the management fee are paid in the first quarter, with the remaining payments made in the second and third quarters.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on customers' needs, being honest, open and accountable, making best use of resources, working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Local Government (Scotland) Act 1975, Section 90: Following the Public Pound.
III Implications for Scheme of Delegations to Officers	Authority for agreeing minor changes to the management fee for WLL is delegated to the Head of Finance and Property Services.
IV Impact on performance and performance Indicators	The council funding for WLL enables the provision of a range of cultural and leisure services.
V Relevance to Single Outcome Agreement	Effective prioritisation of resources will be essential to achieving the targets contained in the Single Outcome Agreement.

VI Resources - (Financial, Staffing and Property)	Council Executive has agreed core funding of £2.562 million in 2020/21. Taking into account the impact of Covid-19, WLL have requested a reprofiling of £801,000 of the management fee in 2020/21 and the revised management fee, if approved, will be £3.363 million.
VII Consideration at PDSP	None.
VIII Other consultations	Education Services. Ongoing discussions with West Lothian Leisure.

D. TERMS OF REPORT

D.1 Introduction

Council Executive agreed the management fee to be paid to WLL by the council for 2020/21 on 24 March 2020, via a SO31 procedure. The agreement contains core funding of £2.562 million and takes account of a reduction in the net management fee of £250,000 in 2020/21 as part of budget reductions approved by the council.

The management fee payable forms part of the baseline budget for WLL and further reductions in the fee will be applied in 2021/22 and 2022/23 in line with the council's approved budget reductions. The management fee is paid quarterly in advance, subject to the terms and conditions set out in the Annual Funding agreement continuing to be met by WLL.

D.2 Implications of Covid-19

Following agreement of the management fee to be paid to WLL by Council Executive on 24 March 2020, the operational and financial situation for WLL has changed dramatically as a result of Covid-19. As a result, WLL have closed all venues for the foreseeable future. WLL have reviewed the financial implications of closing facilities with the key areas identified being a reduction in membership income whilst direct debits are suspended, a reduction in variable expenditure such as utility costs and the assumption that the majority of staff will be furloughed on 80% pay, with no member of staff being paid less than the national minimum wage. WLL is exploring measures to mitigate the financial impact which include accessing the UK Government Jobs Retention Scheme which pays a maximum of 80% of staffing costs up to £2,500 per month plus on-costs.

The WLL board agreed a balanced base budget for 2020/21 on 26 March 2020. The average salary bill for WLL is £576,000 per month for around 390 staff and income, excluding the management fee payable by the council, is on average £835,000 per month. At the meeting of the board, various scenarios taking into account the operational and financial circumstances as a result of Covid-19 were considered. Taking into account the loss of membership income, a reduction in staffing costs and accessing the UK Government Jobs Retention Scheme for a five month period and the reprofiling of the voluntary severance and borrowing costs, WLL forecast that there will be a deficit of £291,000 in 2020/21 which could potentially be covered by WLL's reserves. Whilst the UK Government Jobs Retention Scheme is initially available for three months, WLL have assumed that if the lockdown continues, the ability to access the scheme would be retained beyond this period if the requirement to close facilities remains. In addition, the closure of facilities will also have a negative impact on WLL cashflow due the circumstances outlined in this report. The timing of receipts from the UK Government Jobs Retention Scheme is a major factor as they will not to be received at the same time as WLL staff are paid.

As a result of the forecast deficit and the implications for cashflow, WLL has formally requested a re-profiling of the management fee for 2020/21 by £801,000 to £3.363 million. WLL have requested a one year re-profiling of the repayments of the assistance the council provided for voluntary severance, so that these are paid from 2022/22 to 2028/29, and a one year re-profiling of the debt repayments so that these are repaid from 2021/22 to 2041/42. The same amounts would be repaid and over the same profile of payments, but starting one year later.

In addition, to assist with cash flow, WLL have requested that the phasing of 2020/21 management fee payments is changed so that two quarters are paid in quarter one, with the remaining payments in quarter two and quarter three.

WLL is currently finalising its year end position for 2019/20. At this stage, WLL is anticipating reserves of £375,000 as at 31 March 2020, which takes into account a small deficit on the 2019/20 position which is yet to be finalised.

The WLL board is confident that, based on current assumptions on the length of the lockdown and closure of facilities, the ability to access the UK Government Jobs Retention Scheme and the reprofiling of the voluntary severance and debt repayments, that WLL will be able to mitigate the financial impact of Covid-19.

There are inevitably risks and these are being proactively managed and reviewed by WLL. These include the length of the lockdown and the ability to access the UK Government Jobs Retention Scheme. Longer term, there are risks in relation to the ability to maintain membership levels and it is vital that council officers work closely with the WLL management team and board in the coming months.

It should be noted that the request for support from WLL is of an urgent matter as if the support is not agreed, then WLL will have to consider other ways to make savings which could require an urgent review of facilities and staffing. The WLL directors would have to consider issues around wrongful trading if they have not been able to secure the additional support.

E. CONCLUSION

As a result of Covid-19 and the closure of WLL facilities, WLL is forecasting a significant deficit. WLL will be accessing the UK Government Jobs Retention Scheme to mitigate the financial impact as far as possible. WLL have formally requested that the council agrees to re-profiling of voluntary severance and debt repayments to support WLL in the current emergency situation. The same amount would still be paid back to the council but the payments would start one year later. The impact of this is to increase the council's management fee by £801,000 in 2020/21.

F. BACKGROUND REFERENCES

WLL Annual Funding Agreement 2020/21 - Report by Head of Finance and Property Services to Council Executive 24 March 2020 and agreed by SO31

Appendices/Attachments:

Appendix 1 – Annual Funding Agreement between WLC and WLL

Contact Person: Keith Johnstone, Senior Service Accountant
Email: keith.johnstone@westlothian.gov.uk
Tel no: 01506 281298

Donald Forrest
Head of Finance and Property Services
27 April 2020

DATA LABEL: PUBLIC

Appendix 1

Annual Funding Agreement Document

Between

West Lothian Council

And

West Lothian Leisure

**For the provision of facilities for recreational, sporting,
cultural and social activities in terms of sections 14, 15
and 16 of the Local Government and Planning (Scotland)
Act 1982.**

1 April 2020 to 31 March 2021

ANNUAL FUNDING AGREEMENT DOCUMENT FOR 2020/21
FOR THE DELIVERY OF
RECREATIONAL, SPORTING, CULTURAL AND SOCIAL ACTIVITIES

Between

WEST LOTHIAN COUNCIL established under the Local Government etc (Scotland) Act 1994 and having its principal offices at West Lothian Civic Centre, Howden South Road, Livingston, West Lothian EH54 6FF

And

WEST LOTHIAN LEISURE a company which is a Scottish charity (Scottish charity number SC027470) incorporated under the Companies Acts (company number SC543017) and having its registered office at Xcite Bathgate, Balbardie Park, Torphichen Road, Bathgate, West Lothian EH48 4LA

1. MANAGEMENT FEE

- 1.1 The council agrees, subject to the terms and conditions set out in the Agreement, to pay the management fee to the West Lothian Leisure (WLL) in consideration for the provision of services by WLL in accordance with the Services Agreement.
- 1.2 The management fee due in respect of each financial year shall be payable by the council to WLL quarterly in advance, in four equal instalments, subject to receipt by the council of a valid VAT invoice issued by WLL relating to that element of the management fee. The 2020/21 management fee is shown below:
 - The council will pay £2.562 million in 2020/21 for services in relation to the WLL's role in utilising its professional management and leisure skills to manage the council's sport and recreational facilities on its behalf and for the outcomes and services detailed in the Service Specification.
 - The management fee includes a contribution towards the cost of the following specific project in 2020/21:
 - Landlords Capital Maintenance (£220,000)
- 1.3 The sum will be reviewed in advance of each subsequent financial year, and a management fee will be agreed by the council as part of the council's revenue budget for the year ahead.
- 1.4 Authority for agreeing minor revisions to the management fee with WLL is delegated to the council's Head of Finance and Property Services.
- 1.5 In the event of there being any overpayment by the council for any reason, including where it has been determined that the council has over-compensated for provision of services, the council shall be entitled to recover any sums due either by repayment by WLL to the council or by deduction from future sums due by the council to WLL under this or any other agreement between the parties.
- 1.6 WLL shall keep secure and maintain until two years after the final payment of all sums due under the Agreement, full and accurate records of all expenditure incurred by the WLL in its performance of those services, and of all payments made to it by the council, by service users or by third parties in that regard.

2. 2018/19 ADDITIONAL FINANCIAL SUPPORT FOR ONE-OFF STAFFING COSTS

- 2.1 The council provided WLL £270,000 of additional funding in 2018/19 in a re-profiling of the management fee to cover one-off staffing costs required to deliver the 2018/19 savings, as agreed by Council Executive.
- 2.2 The management fee provided by the council will be reduced in eight equal annual instalments of £33,750 commencing in 2020/21 and ending in 2027/28.

3. 2019/20 ADDITIONAL FINANCIAL SUPPORT FOR ONE-OFF STAFFING COSTS

- 3.1 The council provided WLL £783,000 of additional funding in 2019/20 in a re-profiling of the management fee to cover one-off staffing costs required to deliver the 2019/20 savings, as agreed by Council Executive.
- 3.2 The management fee provided by the council will be reduced in eight equal annual instalments of £97,875 commencing in 2020/21 and ending in 2027/28.

4. RESCHEDULING OF DEBT PAID THROUGH SELF-FINANCING

- 4.1 As part of the 2019/20 funding agreement, the council rescheduled debt due to the council from WLL, paid through self-financing. The total overall value of repayments due by WLL to the council has not changed. The total debt has been combined and will be paid back in equal instalments each year by WLL starting from 2019/20.

5. MONITORING

- 5.1 The council is obliged to set, and thereafter monitor and control, the amount of management fee paid and/or payable by the council to WLL.
- 5.2 WLL will maintain financial records in relation to work planned and undertaken and will provide the following financial information to the council on a regular basis:
- Forecast trading account and balance sheet
 - Projected Cash-flow for the remainder of the financial year
 - Key assumptions used to compile forecasts
 - Update on key risk areas e.g. income generation from memberships
 - Material movements from previously reported position
 - Potential impact of the projected financial position on the council
- 5.3 Generally this reporting will be every two months in line with committee timetables, to allow a separate finance report to be prepared and presented to the West Lothian Leisure Advisory Committee by the council's Head of Finance and Property Services. Council Executive revenue budget monitoring reports at period 4, 6 and 9 will contain a specific section on WLL to give an update on financial performance.
- 5.4 An annual timetable will be provided to WLL by the council prior to the start of the financial year confirming when the financial information will need to be submitted. Timescales will be in line with the approved committee cycle meetings of the West Lothian Leisure Advisory Committee.
- 5.5 The annual timetable will include the requirement for WLL to provide a detailed and balanced budget for the following financial year and the requirement for longer term budget strategy to ensure financial sustainability of the organisation.
- 5.6 The annual timetable will be updated as required to reflect any conditions agreed by Council Executive.

- 5.7 WLL will submit to the council as soon as possible, but not later than mid September each year, its annual report and accounts audited by a qualified accountant, and will allow inspection of its accounting records by officers of the council if requested, within 14 days notice of receiving a written request to that effect.
- 5.8 Financial performance will be reviewed in depth on an annual basis. The annual review will build on the regular meetings of the council/WLL review group and liaison between the liaison officers. This review will use the WLL final accounts and related audit reports.
- 5.9 WLL will demonstrate, to the reasonable satisfaction of the council, the existence and implementation of internal quality assurance systems to ensure effective working practices and robust financial systems are in place and appropriate to the standards required by the council and the needs and wishes of the service users.
- 5.10 WLL will demonstrate, to the reasonable satisfaction of the council, the existence and implementation of budgetary control processes which enable effective monitoring and quality financial control of the Service.
- 5.11 When requested by the council in writing, WLL will provide in a form agreed with the council, all and any information and documentation relevant (and no matter in what form that information is stored), in the reasonable opinion of the council, to demonstrate the quality of the service and to allowing the council to monitor, assess and evaluate the Provision of the Service by WLL.
- 5.12 WLL shall provide to the council all inspection reports or any other documents making recommendations by or setting out requirements from the Office of the Scottish Charity Regulator relating to the Services, and of any proposals by the Commission to cancel WLL's registration, within seven working days of receipt by the WLL.
- 5.13 The council reserves the right to commission, at its own cost, internal or external evaluations of the financial performance of WLL to which WLL will provide any information requested.

6. TERMINATION AND DISPUTES

- 6.1 This agreement may be terminated by either party giving the other six months' notice in writing of its intention to do so.
- 6.2 If WLL has a receiver or administrator appointed, becomes insolvent, apparently insolvent, or is sequestrated or signs a Trust Deed for the behoof of its creditors, or goes into liquidation (other than voluntary liquidation for the purposes of reconstruction or amalgamation) or is wound up by the Court or is voluntarily wound up by creditors or by members, the council may terminate the Agreement by written notice with immediate effect.
- 6.3 If in the opinion of the council, WLL commits a material breach of the terms and conditions of the Annual Funding Agreement document then the council may terminate the Agreement by written notice with immediate effect.

7. INSURANCE AND INDEMNITY

- 7.1 WLL shall be responsible for ensuring that appropriate and adequate insurance is maintained throughout the duration of the funding agreement for employer's liability, public liability, professional liability, malpractice, building and contents, and will on request provide evidence to the Purchaser that such cover has been affected and all due premium payments have been paid.
- 7.2 If WLL has motor vehicles utilised for the purposes of the service users therein, they shall maintain appropriate vehicle and passenger insurance and shall supply to the purchaser,

on request, copies of all or any of the relative policies with confirmation that all due premium payments have been paid.

- 7.3 WLL shall indemnify the purchaser fully against all claims, proceedings, actions, damages, legal costs, expenses and any other liabilities in respect of any financial loss, death or personal injury, or loss of or damage to property unless WLL is able to demonstrate that such financial loss, death or personal injury or loss of or damage to property was not caused or contributed to by their negligence or default or the negligence or default of their staff or any circumstances within their control. WLL shall effect and maintain with a reputable insurance company a policy or policies of insurance providing an adequate level of cover in respect of these risks.

8. GOVERNANCE

- 8.1 In signing this agreement WLL is agreeing to the conditions of funding as set out in this Annual Funding Agreement and in the Services Agreement.

Signed on behalf of the Council

Signature:

Name: Donald Forrest

Position: Head of Finance and Property Services

Date:

Signed on behalf of WLL

Signature:

Name: Tim Dent

Position: Chief Executive

Date:

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

COVID-19: ENTERPRISING BATHGATE - BUSINESS IMPROVEMENT DISTRICT- REQUEST FOR BID RESILIENCE FUND SUPPORT

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to detail the proposed application to the Scottish Government's Business Improvement District (BID) Resilience Fund by Enterprising Bathgate, the BID company in Bathgate town centre. The fund requires any application to be supported and jointly submitted by the relevant local authority.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Agrees to support the proposed application to the Scottish Government's Business Improvement District (BID) Resilience Fund; and
2. Agrees that the BID and Town Centre Manager, who acts as the BID liaison officer in Bathgate, should sign the application on behalf of the council.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; and working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The BID Resilience Fund is part of a package of financial assistance which has been made available by Scottish and UK Governments to respond to the economic and social challenges presented by Covid-19 pandemic.
III	Implications for Scheme of Delegations to Officers	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.
VI	Resources - (Financial, Staffing and Property)	There is no staffing, property or financial implications arising for the council.
VII	Consideration at PDSP	Given current governance arrangements there has been no opportunity for the matter to be considered by the Development & Transport PDSP.
VIII	Other consultations	None

D. TERMS OF REPORT

D1 Background

As part of a wider response to address the economic impact of the Covid-19 pandemic the Scottish Government has established a £1million fund to support Business Improvement Districts (BIDs). The deadline for submitting applications is Wednesday 13 May so there is some urgency to obtaining support from the council.

BIDS are generally funded by a levy on ratepayers operating within the BID area. However, recognising that a significant number of businesses in BIDs will currently be closed, most BID companies have suspended the levy.

The BID Resilience Fund recognises that the suspension of the levy will create financial difficulties for BID companies. However, the fund is not intended solely to plug this funding gap. BID companies are being encouraged to consider how best they can support local businesses and communities through this crisis, including the on-going challenges which result from social distancing.

Any application to the fund must be supported by and jointly submitted by the relevant local authority.

D2 Proposed Application By Enterprising Bathgate

Enterprising Bathgate has prepared an application and seeks the council's support to enable submission of that application. The application is attached as Appendix 1 to this report.

The overarching principle of the application is for the BID to continue to provide support and guidance to the business community, whilst delivering local initiatives and to plan ahead to recovery. This essentially has five components, in no order of priority: firstly, to reassure business and provide peace of mind that premises are safe during lockdown and any period of transition (CCTV); secondly, floral display and environment enhancement (Bathgate in Bloom) within town centre at no additional cost to business; thirdly, an effective marketing campaign to promote shop local and local matters message as business re-open (Choose Bathgate); fourthly, enhanced property improvement scheme to encourage business and improve visual appeal as the town centre re-opens and business recovers; and lastly, to provide hand sanitiser gel, dispensers and spray packs to BID businesses who are currently trading and those which will re-open when restrictions are relaxed.

The total Bathgate project cost is calculated at £67,000 of which £33,500 is being sought from the BID Resilience Fund. The balance of £33,500 is being funded by the BID company. No funding contribution is being sought from the council.

If approved, this will provide appropriate BID support to those businesses operating within the Bathgate BID area. The proposal also looks beyond the immediate impacts of the Covid-19 crisis and starts to look at prospective changes which will be required to allow Bathgate town centre to re-open for business and maintain vitality and viability going forward.

The proposal identifies Enterprising Bathgate as having a leading role to play in supporting the recovery within Bathgate town centre and it will assist them in their delivery of important and valuable community and business based projects.

E. CONCLUSION

Enterprising Bathgate, the Business Improvement District Company for Bathgate town centre, has prepared an application to the BID Resilience Fund. The application requires the support of the council before it can be submitted. This report sets out that there are no financial implications for the council and the proposal fits with the council's wider community and business objectives.

F. BACKGROUND REFERENCES

None

Appendices/Attachments: One

Appendix 1 – Enterprising Bathgate Application to the BID Resilience Fund

Contact Person: Nairn Pearson. Town Centre Manager. Email: nairn.pearson@westlothian.gov.uk

Craig McCorriston
Head of Planning, Economic Development & Regeneration

11 May 2020



BUSINESS IMPROVEMENT DISTRICTS

COVID-19 Resilience Fund

APPLICATION FORM

March 2020

COVID-19 BIDs Resilience Fund

This funding is provided by the Scottish Government to support local partners to take forward the delivery of localised COVID-19 BID response projects from the 1st April 2020 to 30th Sept 2020.

Section A: Basic Information

Q1. Contact Details

Organisation Name: ENTERPRISING BATHGATE LTD.

Contact Name: SAM CRAWFORD

Telephone Number: [REDACTED]

Address: [REDACTED]

E-mail Address: [REDACTED]

Website: www.enterprisingbathgate.com

Please provide details of alternative contacts, including email address,

Position	Name	Telephone Number	E-mail Address
BID Coordinator	Pat Kerr	[REDACTED]	info@bathgatebid.net

Local Authority Contact Name: Nairn Pearson

Local Authority Contact Position: BID and Town Centre Manager

Telephone Number Local Authority Contact: 07917 263587

Address of Local Authority Contact:
West Lothian Civic Centre, Howden South Road, Livingston, EH54 6FF

E-mail Address of Local Authority Contact: Nairn.Pearson@westlothian.gov.uk

Section B: COVID-19 Response

Q1. Briefly describe your COVID-19 response project / activity or expenditure you would like us to fund? Please refer to attached guidance note. (Max 400 words)

In the short term the main role of the Bathgate BID team will be to continue to provide support and guidance to the business community to help them survive this challenging period. In addition, we look to maintain important projects and prepare a series of initiatives to help with the equally difficult recovery period.

- **Peace of Mind** - Enterprising Bathgate funds management and 24/7 monitoring of 15 public space CCTV cameras in the town centre. During the lockdown period it is important to reassure owners that premises are safe.
- **Bathgate in Bloom** – EB placed orders for 114 hanging baskets and additional planting with a local supplier at the start of 2020. Costs of watering and maintenance are normally covered by sponsorship from individual businesses. EB would like to remove this additional burden from the businesses this summer and cover these costs.
- **Choose Bathgate** – An effective marketing campaign is essential to boost the shop local message as businesses re-open. We would like to update and upgrade our Choose Bathgate website, adding to existing content and making it fully interactive. We will also fund promotional films for businesses and raise awareness of the site using widespread leaflet delivery and Konect monthly lifestyle magazine. We also plan to increase our presence on social media.
- **Shopfront and Premises Improvement** – The annual Premises Improvement Scheme has always enjoyed a healthy uptake. We are looking to run separate Shopfront and Premises Schemes over the next year. Extra funding would allow us to encourage businesses to improve their kerb appeal as the town re-opens for business, giving a boost to the overall appearance of the town centre.
- **Combating Covid-19** – Providing free hand sanitiser dispensers, gel and spray packs to businesses currently trading and as others re-open.

Section C: Project Details

Q1. What are the estimated total costs to deliver the project for period 1st April 2020 to Sept 30th 2020?

£67,000

Q2. We expect BIDs to generate or contribute between 15% - 20% of annual levy. This can be achieved through existing cash and reserves, BID Revenue Account, Voluntary Contributions, Sponsorship, Crowd Funding etc. Can you provide an estimate of this contribution?

£33,500

Q3. Please provide a projected cost breakdown for your project.

Item/Activity	Funding from BID (£)	COVID-19 Resilience Fund (£)	Total Cost (£)
CCTV	5,000	15,000	20,000
Bathgate in Bloom	1,500	1,500	3,000
Choose Bathgate	5,000	4,000	9,000
Shopfront Scheme	6,000	6,000	12,000
Premises Scheme	6,000	2,000	8,000
Combating Covid-19	1,000	1,000	2,000
Overheads / Staff Costs	9,000	4,000	13,000
Total:	33,500	33,500	67,000

Q4. How many jobs will be secured?

2 x part-time

Q5. Please use the space below to provide any additional information in support of your application, not already covered e.g. A brief project plan and summary of key outcomes.

Levy invoices are due to be issued at the end of September with the first draw down from the BID Revenue Account due on 31st October.

A successful application to the BID Resilience Fund will not only allow EB to play a leading role in supporting a recovery by delivering the above projects but also highlight its continuing value to Bathgate town centre businesses.

The **CCTV** project has proved its worth already during the lockdown and with the current contract due for renewal in June it is vital that we continue with this project. Regular monthly reports and a monitoring group measure the effectiveness of the work. Feedback will also be collected from levy payers.

The success of the **Shopfront and Premises Schemes** will be gauged by the participation levels.

We will use analytics from the **Choose Bathgate** site to monitor success of project. Uptake on hand sanitisers and sprays will be collated to measure success of the project to help **Combat Covid-19**.

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The application must be jointly submitted by e-mail from the BID Chair or BID Vice Chair and the Local Authority Chief executive or lead Local Authority contact.

Please email your completed application to Phil Prentice, Scotland's Towns Partnership: phil@scotlandstowns.org

Any queries please contact Phil Prentice on 07971 437732.

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

COVID-19: PUBLIC INSPECTION OF DOCUMENTS – SUSPENSION OF DUTIES

REPORT BY GOVERNANCE MANAGER

A. PURPOSE OF REPORT

To suspend temporarily statutory duties to make documents open to the public for physical inspection and copying.

B. RECOMMENDATIONS

1. To note the powers given to the council to provide alternative means of access to documents instead of complying with statutory duties to allow physical access for inspection and copying
2. To suspend compliance during the coronavirus emergency period with the duties listed in the appendix to make hard copies of documents available in council offices for public inspection and copying
3. To note that the suspension will only apply during the coronavirus emergency period, presently till 30 September 2020 or any date substituted by the Scottish Ministers, and full compliance will resume when the emergency ends
4. To agree that the use of these powers will be reviewed at the first Council Executive meeting after 30 September 2020 if the emergency period persists after that date

C. SUMMARY OF IMPLICATIONS

I	Council Values	Being honest, open and accountable; making the best use of our resources
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Coronavirus (Scotland) Act 2020; legislation referred to in the appendix
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	N/a
V	Relevance to Single Outcome Agreement	N/a

VI Resources - (Financial, Staffing and Property)	N/a
VII Consideration at PDSP	None
VIII Other consultations	Corporate Management Team; Legal Services; Committee Services

D. TERMS OF REPORT

1 Background

- 1.1 The council is subject to many and varied statutory duties to make documents available in its offices for physical inspection and copying by members of the public. In most cases members of the public exercise their corresponding rights by accessing documents online or by receipt of copies attached to emails. However, rights to come to council offices to have sight of hard copies and to make photocopies still exist.
- 1.2 The legislation passed by the Scottish Parliament to deal with the coronavirus emergency acknowledged that compliance with those duties during the emergency period might have implications for public health and for council resources.
- 1.3 The Act therefore allows councils to waive compliance with duties to make documents available to the public in its premises where

2 The new legal powers

- 2.1 The power to waive compliance applies in specified circumstances and subject to conditions:-
 - The statutory duty must be in legislation in the control of the Scottish Parliament
 - The power can only be used during the existence of the COVID-19 emergency (initially until 30 September 2020 but that period may be extended)
 - It does not apply to the publication of reports concerning the exercise of council functions or services
 - Compliance must be considered to be likely to impede the council's ability to take effective action to tackle coronavirus, and/or may give rise to a significant risk of the transmission of coronavirus
- 2.2 The council must give public notice of its use of the new powers and of any alternative means by which the public can secure access without visiting council premises.

3 The proposals

- 3.1 The appendix contains a list of the inspection duties where it is currently considered that the new powers apply and ought to be used. The basis is principally the risk of transmission of the coronavirus to members of the public and to council staff should the right of inspection be exercised during the emergency period.
- 3.2 In all these cases documents can be made available by electronic means. That will be achieved though publication on the council's website or by sending documents or information by email. If required, photocopies can be sent by post.

- 3.3 If the emergency period ends on or before 30 September 2020 then full compliance will be resumed. If the emergency period is extended beyond 30 September 2020 a report will be brought to committee to review the position and consider continuing the use of the powers. Suspension of the duty will continue until committee has considered its continuation.

E. CONCLUSION

- 1 Suspending duties to allow inspection and copying of documents at council premises will contribute in a small way to measures to tackle the coronavirus emergency. Rights to information will not be materially affected due to the use of electronic means of transmission.

F. BACKGROUND REFERENCES

- 1 Coronavirus (Scotland) Act 2020, section 7 and Schedule 3, paragraphs 10 and 11

Appendices/Attachments: 1. List of duties suspended

Contact Person: James Millar, Governance Manager, Chief Executive Office, West Lothian Civic Centre, Howden Road South, Livingston, EH54 6FF, 01506 281613
james.millar@westlothian.gov.uk

Graham Hope, Chief Executive

Date of meeting: 11 May 2020

APPENDIX

DOCUMENTS FOR PUBLIC INSPECTION – WAIVER OF REQUIREMENTS

	FUNCTION	DOCUMENT	LEGISLATION	REQUIREMENTS
1	Committee Services	Agendas, reports, minutes, background references	Local Government (Sc) Act 1973, sections 50B to 50F	Hard copy for inspection in Civic Centre, hard copy to press on request, provide photocopy on request
2	Governance	Members' register	Ethical Standards etc., (Sc) Act 2000, section 7	Keep hard copy, make hard copy available for inspection in Civic Centre
3	Member Services	Register of names and addresses of all elected members and committee appointments	Local Government (Sc) Act 1973, section 50G	Hard copy for inspection in Civic Centre
4	Committee Services	Summary of rights of members of the public to attend meetings and access documents	Local Government (Sc) Act 1973, section 50G	Hard copy for inspection in Civic Centre
5	Governance	Scheme of Delegations to Officers enduring for longer than 6 months	Local Government (Sc) Act 1973, section 50G	Hard copy for inspection in Civic Centre
6	Committee Services	Local Review Body case papers	Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, regulation 11	Hard copy for inspection and making copies at Civic Centre
7	Finance	Unaudited accounts and financial statements	Local Government (Sc) Act 1973, section 101	Hard copies available for inspection and making copies at Civic Centre
8	Committee Services	Asset Transfer Review Body case papers	Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016, regulation 5	Hard copy for inspection and making copies at Civic Centre
9	Planning	Planning application files and lists of cases	Development Management (Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013m regulation 22, and Town & Country Planning (Scotland) Act 1997,	Hard copies for inspection and copying at council office

	FUNCTION	DOCUMENT	LEGISLATION	REQUIREMENTS
			section 36A	
10	Planning	Planning enforcement files and register	Town and Country Planning (Enforcement of Control) (No.2) (Scotland) Regulations 1992, Part IV	Hard copies for inspection and copying at council office
11	Planning	Core Paths Plan and maps	Land Reform (Sc) Act 2003, section 18	Keep Core Paths Plan and maps available for inspection and for purchase of copies

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

SCOTTISH GOVERNMENT ENERGY EFFICIENT SCOTLAND AREA BASED SCHEMES (ABS) ALLOCATION OF FUNDING 2019/20 AND 2020/21

REPORT BY HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES

A. PURPOSE OF REPORT

To provide the Council Executive with an update on the progress made for the 2019/20 HEEPS:ABS programme of External Wall Insulation (EWI), and to seek approval for the proposed 2020/21 HEEPS:ABS programme.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. Notes that the final funding allocation for the 2019/20 HEEPS:ABS programme is £796,178;
2. Notes the in principle offer of £799,490 of funding in 2020/21;
3. Approves the allocation of the 2020/21 HEEPS:ABS funding to home owners in the Dedridge area of Livingston in conjunction with the EWI work the council will be doing to its own council housing stock;
4. Approves the submission of the application to the Scottish Government by 15 May 2020; and
5. Delegates authority to the Head of Housing, Customer and Building Services for non-substantive changes to the 2020/21 programme.

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)	No policy or legal risks have been identified and all Health and Safety and Risk Assessment issues will be managed by adhering to CDM Regulations
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	Will assist in improving the energy efficiency of the general housing stock and reduce the number of households living in Fuel Poverty.

V	Relevance to Single Outcome Agreement	Will help to reduce households living in Fuel Poverty.
VI	Resources - (Financial, Staffing and Property)	<p>A capital budget of £1.3million to support the EWI work for the council owned houses was approved by Council on 18 February 2020.</p> <p>Scottish Government funding of £796,178 was received in 2019/20 and £799,490 is available in 2020/21 to support private owners.</p>
VII	Consideration at PDSP	Services for the Community last considered a report on HEEPS:ABS in March 2019, due to the ongoing COVID-19 situation it has not been possible to bring another report to the panel within the timescales of the funding offer.
VIII	Other consultations	Finance

D. TERMS OF REPORT

D.1 Background

The 2020/21 proposed Home Energy Efficiency Programme (HEEPS) programme will be the eighth year HEEPS:ABS funding is available to the Council. The HEEPS:ABS programme has now been successfully managed in-house from January 2016 following the end of the management contract with Changeworks. By May 2020 a total of 1,207 privately owned properties will have received Energy Wall Insulation (EWI) through HEEPS funding; whilst an additional 696 council properties have received EWI as part of capital works upgrade programmes. Appendix 1 attached summarises where these properties are as well as areas where further investment in EWI will be possible subject to funding being available.

D.2 Sources of Funding

HEEPS:ABS brings together several sources of funding in order to deliver the EWI programme to streets of mixed tenure stock. The different funding sources are:

- HEEPS:ABS
- Energy Company Obligation (ECO)
- Warmer Homes Scotland (WHS)
- Home Owners Contribution
- WLC Capital Funding

HEEPS:ABS funding is provided by the Scottish Government to all Local Authorities on an annual basis to deliver energy efficiency improvement works, with a focus on solid wall insulation, to privately owned homes to reduce levels of fuel poverty. Funding is capped at £7,500 for detached/semi-detached homes, £7,000 for terraced homes and £6,500 for flats. Funding cannot be used for a local authority's own stock.

ECO funding is provided by large utility companies (those with over 250,000 customers) to households to install energy efficiency measures in order to reduce CO2 emissions and is a UK Government initiative. ECO funding can be used for any property regardless of tenure.

Warmer Homes Scotland has been developed to provide energy efficiency measures to private households determined to be the most vulnerable to living in fuel poverty. This is separate from the HEEPS:ABS programme, however it is possible for a household to receive grant funding for EWI through this scheme. There is a set of eligibility criteria that households have to meet (see Appendix 2) in order to receive support through Warmer Homes Scotland.

Home Owners are required to pay a contribution toward the works as, on average, the total cost of the EWI measure is not covered by the HEEPS:ABS and ECO funding alone.

The cost of the works to the council's own housing stock is funded through the Housing Capital Programme

D.3 Progress on HEEPS:ABS 2019/20

For 2019/20 the council was been awarded £796,178 HEEPS:ABS funding which was used to target privately owned properties of No Fines construction at the following locations:

- Davidson Way
- Ferguson Way
- Fells Rigg
- Camps Rigg

A total of 97 owners received HEEPS:ABS funding in 2019/20 and the council has invested in 196 of its own properties with £2.336million being spent in 2019/20.

D.4 Proposed programme for 2020/21

The council has recently received notification of the 2020/21 funding allocation in a letter dated the 26 April 2020. The offer of funding is based upon the funding allocation model agreed with COSLA, the council has been awarded £799,490 in funding which will be available in principle for the 2020/21 Programme subject to the Scottish Governments approval of proposals.

Scottish Ministers have advised that whilst they recognise that delivery of ABS projects is currently suspended as part of the response to the COVID-19 outbreak, the announcement of the allocation is intended to allow authorities to take early action to plan projects for 2020/21 and begin the process of discussing with delivery partners and consider procurement options. Scottish Ministers have asked that councils carry out these tasks as early as possible to ensure delivery within required timescales. The deadline for submitting proposals is 15 May 2020.

In 2020/21, the Housing Capital Programme, will commence a new EWI scheme for council houses in Dedridge, Ladywell, Fauldhouse, Eliburn and Polbeth. It is proposed to provide any HEEPS:ABS funding the council is awarded to support home owners in the same areas where the council will be doing EWI to its own households of No Fines construction. The focus for HEEPS:ABS funding for 2020/21 is therefore likely to be directed to Dedridge and surrounding areas to achieve economies of scale and continue with the area based approach in these communities.

Officers have identified the council owned properties requiring EWI in order to improve their energy efficiency performance in order to achieve compliance with the Energy Efficiency Standard for Social Housing (EESH). A capital budget of £1.3million for 181 council properties has been approved for these works in 2020/21.

It is proposed to prioritise funding to households in the streets that are identified to have the highest probability of households living in fuel poverty. It is proposed to prioritise funding to streets in the order below until funding is exhausted:

1. Talisman Rise
2. Staunton Rise
3. Palmer Rise
4. Quentin Rise
5. Eagle Brae
6. Beech Place
7. Langside Gardens
8. Quarry Road

In order to align this approach with the main focus of HEEPS:ABS, which is to address and reduce levels of fuel poverty, officers have assessed the streets proposed to be included to determine the most vulnerable households to fuel poverty; this is based on information from SIMD, the EPC Register, Council Tax Banding and Home Analytics.

Including private home owners in the streets where the council will be doing EWI in will allow for increased economies of scale to be achieved and allow for more efficient contract management rather than running separate contracts for the same work in different areas.

E. CONCLUSION

The council continues to successfully deliver the HEEPS:ABS scheme to help alleviate fuel poverty in West Lothian. The funding allocation will allow private home owners in West Lothian to continue to invest in their properties and improve the energy efficiency of their homes.

F. BACKGROUND REFERENCES

Services for the Community PDSP March 2019 – Update on Home Energy Efficiency Programmes for Scotland: Area Based Schemes (HEEPS:ABS) 2018/19 and 2019/20

Council Executive March 2019 - Update on Home Energy Efficiency Programmes for Scotland: Area Based Schemes (HEEPS:ABS) 2018/19 and 2019/20

Appendices/Attachments: Two

Contact Person: Robert Smith, Housing Investment Manager 01506 28386,
robert.smith@westlothian.gov.uk

AnnMarie Carr
Head of Housing, Customer and Building Services
12 May 2020