

MINUTE of MEETING of WEST LOTHIAN COUNCIL held within Webex Virtual Meeting Room, on 29 September 2020.

Present – Provost Tom Kerr (Chair), Depute Provost Dave King (Vice Chair); Councillors Alison Adamson, Frank Anderson, Stuart Borrowman, Diane Calder, Janet Campbell, Harry Cartmill, Pauline Clark, Tom Conn, Robert De Bold, Jim Dickson, David Dodds, Angela Doran, Bruce Fairbairn, Lawrence Fitzpatrick, Peter Heggie, Chris Horne, Carl John, Charles Kennedy, Sarah King, John McGinty, Andrew McGuire, Dom McGuire, Andrew Miller, George Paul, Moira Shemilt, Kirsteen Sullivan, David Tait and Damian Timson

Apologies – Councillors William Boyle and Cathy Muldoon

1. OPENING REMARK

The Council observed a minutes silence following the passing of Mary Sharkey, a former councillor of West Lothian District Council.

2. DECLARATIONS OF INTEREST

Councillor Janet Campbell declared an interest in that she was a paid employee of NHS Lothian.

Agenda Item 7 – Councillors Chris Horne, Tom Kerr, Angela Doran, Tom Conn and Andrew Miller all declared an interest as council appointed members to the Board of West Lothian Leisure.

3. ORDER OF BUSINESS

The Provost ruled in terms of Standing Order 11 that Agenda Item 21 (Treasury Management Report) was an item for decision and would be considered as such when council reached the item of business.

4. MINUTE

The Council approved the minute of its meeting held on 17 March 2020.

5. ELECTION BUSINESS

The Council noted the following change to the SNP appointment to the Community Planning Partnership Board :-

- Councillor Moira Shemilt to replace Councillor David Tait on the Community Planning Partnership Board

Decision

To agree the membership change as proposed.

6. WEST LOTHIAN ANNUAL ACCOUNTS

The Provost welcomed, alongside the Head of Finance and Property Service, Stephen Reid and Rob Jones, Ernst and Young LLP to the meeting.

The Council then considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising the Council of the outcome of the 2019/20 Audit and to provide a summary of the key points arising from the Auditor's Annual Report.

The auditor issued an unqualified audit opinion on the financial statements and on the nine charitable trusts administered by the council.

As a result of the financial and operational pressures faced by the council in responding to Covid-19, the Auditor placed additional emphasis on management's assessment of going concern particularly the need to report on the impact of financial pressures on the council's future financial sustainability. The council concluded that there were no material uncertainties around its going concern status and enhanced the disclosures around its future financial position in the financial statements to reflect the impact of Covid-19.

It was also noted that the Auditor's Report would not only be referred to the council's Audit Committee but also the council's Governance and Risk Committee as part of the wider scope of audit.

It was recommended that Council :-

1. Notes Ernst & Young LLP's 2019/20 Annual Audit Report;
2. Approves for signature the audited Annual Accounts for 2019/20; and
3. Refers the Auditor's Report and the 2018/19 Annual Account to the Audit Committee for information and scrutiny.

Decision

To approve the terms of the report

7. REVIEW OF DECISION-MAKING ARRANGEMENTS - WEBCASTING AND RECORDING OF MEETINGS

The Council considered a joint report (copies of which had been circulated) by the Governance Manager and Head of Corporate Services to consider proposed changes to Standing Orders in relation to recording and webcasting council and committee meetings.

Council was recommended :-

1. To note that Council Executive on 20 August 2019 instructed officers to bring forward proposals through Partnership & Resources PDSP in relation to extending the audio broadcasting and recording of meetings;
2. To note the present terms of Standing Order 24 on Public and Press – Access (Appendix 1);
3. To agree the proposed rewording of Standing Order 24 to extend the audio webcasting and recording to all meetings of bodies in the Scheme of Administration where technology allows (Appendix 3); and
4. To agree a further change to Standing Order 24 to remove the current restriction on the audio recording of meetings by others (Appendix 3)

Motion

To approve the terms of the report

- Moved by Councillor Lawrence Fitzpatrick and seconded by Councillor Kirsteen Sullivan

Amendment

To approve the four recommendations contained in the report and to add a fifth recommendation in the following terms :-

“Request that further investigation be carried out for the use of video conferencing for all council meetings. Full costings are also to be carried out in that we should look positively at video conferencing for all council meetings and that whilst the report outlines interim proceedings we would request that full costing and consideration be given to implementing video conferencing as soon as we are able to restart face-to-face meetings”.

- Moved by Councillor Janet Campbell and seconded by Councillor Frank Anderson

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

Motion

Harry Cartmill
Tom Conn
David Dodds
Angela Doran
Lawrence Fitzpatrick
Dave King
John McGinty
Andrew McGuire
Dom McGuire
George Paul
Kirsteen Sullivan

Amendment

Alison Adamson
Frank Anderson
Stuart Borrowman
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold
Jim Dickon
Bruce Fairbairn
Peter Heggie
Chris Horne

Carl John
Charles Kennedy
Tom Kerr
Sarah King
Andrew Miller
Moira Shemilt
David Tait
Damian Timson

Decision

Following a vote, the amendment was successful by 19 votes to 11, with 2 members absent, and it was agreed accordingly.

8. NOTICE OF MOTION - FLOODING IN PYOTHALL COURT, BROXBURN
- SUBMITTED BY COUNCILLOR JANET CAMPBELL

The Council considered a Notice of Motion (copies of which had been circulated) submitted by Councillor Janet Campbell in the following terms :-

“West Lothian Council agrees that the safety and well-being of all our residents is a priority. West Lothian Council further agrees that in the aftermath of a localised disaster, this local authority will do everything within its power to provide relief, support and the provision of aid to the community or families affected

Council welcomes the news that there has been an urgent investigation into the possible causes of the recent devastating flood in Broxburn and notes that although Barony Housing have put into place flood prevention measures on this site, until now West Lothian Council have not. Council also notes that until planning permission was granted by a previous administration, there was no history of flooding at this site.

Council further agrees that the implementation of the necessary flood prevention measures, working in partnership with our colleagues from Scottish Canals and Scottish Water is now vital in order for the residents of Pyothall Court to continue to enjoy security of tenure. Council also accepts that we remain the co-ordinating body for localised disasters which we saw in Broxburn on August 27th.

West Lothian Council therefore instruct the Chief Executive to:

1. Discuss a timetable for the implementation of the necessary and vital flood preventions works which need to be carried out with our partners in Scottish Canals and Scottish Water.
2. Prepare a report for West Lothian Council advising on the timetable, potential costs, sources of funding and potential challenges for these works.
3. Urgently prepare a protocol with regards to West Lothian Council future response to localised disasters, ensuring that local facilities

are made available for the relief effort at the earliest opportunity”.

- Moved by Councillor Janet Campbell and seconded by Councillor Diane Calder

Amendment

“Council notes on the evening of 27th August 2020, an intense, localised rain storm fell across Broxburn. The rain fell on already saturated ground over a steep and short catchment and resulted in unprecedented water levels in the Liggat Syke causing flooding in Pyothall Court causing distress to the resident and damage to their homes and property.

- At 18.00hrs the council’s water level monitor on the Liggat Syke (upstream of the canal culvert) issued both the ‘High Water’ and ‘Flood’ alerts.
- Within 45 minutes the river level had exceeded these thresholds, triggered both alarms, rose out of bank and overtopped the bunds at Pyothall Court, a rapid rise of 1.74m.
- The flow volumes exceeded the capacity of the culvert beneath the Union Canal causing flood water to back up resulting in the residential properties in Pyothall Court and Nicol Road being flooded.
- The water level continued to rise until 20.15hrs when it peaked at 2.61m

No warnings of severe water had been issued in advance by the Met Office and no Flood Warnings had been issued in advance by SEPA.

A ‘High Water’ and ‘Flood’ Alert were both automatically sent to a number of council officials and pre-subscribed residents at 18.00hrs. During the flood, the council’s Flood Alert System operated as expected. Such was the intensity of the rainfall into the steep and saturated catchment, flooding occurred within 30 minutes of the alert being issued.

As part of the multi-agency response the Community Centre at the Strathbrock Partnership Centre was opened as a place of safety with the potential to safely operate as a Rest Centre should it have been required. The Council has a leading role in recovery and the Council has supported West Lothian Housing Partnership in assisting their tenants in the aftermath. It should be noted that the normal availability of premises is affected by the restrictions in place as a result of the Covid-19 pandemic.

The **2007 Broxburn Flood Protection Scheme** was designed to mitigate the risk of flooding to residential and business properties in the West Burnside and Burnside Village areas of the town from the Brox Burn and Caw Burn, and mitigate the risk of flooding to residential properties in the Nicol Road, Pyothall Court and Galloway Crescent areas from the Liggat Syke. Construction of formal flood defences was phased to provide areas at greatest with defences first commencing at East Burnside.

Council notes with disappointment that funding provided by the Scottish

Government for the flood protection scheme was insufficient to complete its final components.

Council further notes that a bid for funding to the Scottish Government as part of the **Local Flood Risk Management Plan 2016-2022** was publicly announced but later withdrawn by the Scottish Government.

In 2019, £1.8m of council funding was approved for the development of the **Liggat Syke Flood Protection Works** to mitigate the risk of flooding for up to 40 residential properties.

	£'000	£'000	£'000	
	Budget	Budget	Budget	
	2020/21	2021/22	2022/23	
Broxburn Flood Protection Scheme	165	400	2,139	

Additional monies have been allocated to include Holygate and Parkwood.

Consultants on behalf of the Council are currently developing further flood protection measures for this area comprising what it is hoped will be the final component of the Broxburn Flood Protection Scheme. Detailed design is underway with a view to works being tendered in summer 2021, and the bulk of the work taking place in 2022/23. The review of hydrology necessitated by the flood event will impact on this programme.

Council is asked to note the above and receive regular reports on progress to be made through the Environment PDSP".

- Moved by Councillor Tom Conn and seconded by Councillor Angela Doran

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

Motion

Frank Anderson
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold
Jim Dickson
Carl John
Sarah King
Andrew Miller
Moir Shemilt
David Tait

Amendment

Alison Adamson
Stuart Borrowman
Harry Cartmill
Tom Conn
David Dodds
Angela Doran
Bruce Fairbairn
Lawrence Fitzpatrick
Peter Heggie
Chris Horne
Charles Kennedy
Tom Kerr
Dave King
John McGinty
Andrew McGuire
Dom McGuire

George Paul
Kirsteen Sullivan
Damian Timson

Decision

Following a vote, the amendment was successful by 19 votes to 11, with 2 members absent, and it was agreed accordingly.

9. NOTICE OF MOTION - BLENDED WORKING - SUBMITTED BY COUNCILLOR JANET CAMPBELL

The Council considered a Notice of Motion (copies of which had been circulated) submitted by Councillor Janet Campbell in the following terms:-

“West Lothian Council recognise the responsibility we have to ensure safe and healthy working environments for all of our people. This Council also recognises we have a responsibility for the health and well-being of all people living in West Lothian. The pandemic has shown that access to blended working, with a mixture of both home and office working, is now possible due to technological advances.

West Lothian Council therefore agrees to conduct an audit of people's experiences of home working during the Covid-19 pandemic. This will include eliciting people's personal experiences and will also include dialogue with Trade Unions. Council agrees to bring forward a report, at the earliest opportunity, outlining future opportunities for blended working, where possible, across all disciplines working within West Lothian Council.

West Lothian Council also agrees to write to both the Scottish Government and the Westminster Government seeking assurance that the health and well-being of the working population is a priority and further request that serious consideration is given to implementing policy which makes it easier for a blended model of working to be enacted where this has the potential to improve lives, enhance health and well-being and strengthen work / life balance”.

- Moved by Councillor Janet Campbell and seconded by Councillor Sarah King

Amendment

“Council agrees that it fully accepts its statutory responsibilities as regards the health and wellbeing of its staff.

Council notes that it is the case that since the start of lockdown on 23 March 2020 a significant number of council employees have been working from home and continue to do so. Staff have been provided with the technology and equipment which allows them to continue to deliver council services from home, whilst also ensuring that managers and staff can maintain regular contact with each other.

To support employees working from home for all or part of their week, the council suspended the flexi-time scheme in recognition of the fact that, particularly where employees were managing childcare during school closures or had other caring responsibilities, it was not always easy for employees to meet their normal working hours. This arrangement recognised the need for flexibility whilst acknowledging the work conducted over and above normal working hours by some employees in response to the unprecedented circumstances.

These homeworking arrangements have also demonstrated the benefits that might be realised from continued homeworking arrangements with some services reporting improvements in productivity and a reduction in sickness absence.

A survey of homeworking staff was conducted in April and responses indicated that the majority of staff had settled well into the homeworking routine and were able to use the technology provided to them to access council systems to facilitate delivery of council business and to communicate with customers and colleagues.

The homeworking arrangements will continue while the council conducts a council wide review of home and flexible working. The review will include consideration of how the council could support homeworking going forward through use of advancing technology.

Members are asked to note that as part of the review the council is gathering benchmarking information from other Scottish Local Authorities, a number of whom are also in the process of developing new approaches to flexible working. To inform the review, the council also intends to seek the views of employees and managers to understand their experiences of homeworking during the COVID-19 pandemic by conducting a survey of all those currently homeworking.

Members are asked to agree that in reviewing the flexible working arrangements, council seeks to provide options that will improve service and customer performance and encourage a committed and flexible workforce who are supported to deliver critical services while maintaining a work-life balance. Also, that we recognised trade unions will be consulted on any proposals brought forward as a result of the review.

Members are also asked to agree that a report will be brought to Council Executive at the earliest date”.

- Moved by Councillor Lawrence Fitzpatrick and seconded by Councillor Kirsteen Sullivan

Councillor Damian Timson and Councillor Lawrence Fitzpatrick agreed that the following be incorporated into the amendment :-

That in the last paragraph of the amendment it would say “Members are also asked to agree that a report will be brought to Partnership and Resources PDSP and Council Executive at the earliest date”

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

Motion

Frank Anderson
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold
Jim Dickson
Carl John
Sarah King
Andrew Miller
Moiria Shemilt
David Tait

Amendment

Alison Adamson
Stuart Borrowman
Harry Cartmill
Tom Conn
David Dodds
Angela Doran
Bruce Fairbairn
Lawrence Fitzpatrick
Peter Heggie
Chris Horne
Charles Kennedy
Tom Kerr
Dave King
John McGinty
Andrew McGuire
Dom McGuire
George Paul
Kirsteen Sullivan
Damian Timson

Decision

Following a vote, the amendment was successful by 19 votes to 11, with 2 members absent, and it was agreed accordingly.

10, NOTICE OF MOTION - WHITBURN ACADEMY - SUBMITTED BY COUNCILLOR DAVID DODDS

The Council considered a Notice of Motion (copies of which had been circulated) submitted by Councillor David Dodds in the following terms:-

“Council congratulates Whitburn Academy on becoming the first secondary school in Scotland to achieve a Reading Schools Gold level award. This reflects the drive and determination to embed a reading culture in Whitburn Academy.

This follows hard on the heels of Whitburn Academy winning the COSLA award in the Tackling Inequalities and Improving Health category and the First Minister’s prize for reading.

In addition to these successes, attainment levels of students at Whitburn Academy have continued to rise this year building on improvements over the past few years.

The award is a testament to the hard work and enthusiasm of the students at Whitburn Academy, the fantastic support provided by their families, and the dedication and hard work of the teaching and non-teaching staff.

Council instructs the chief executive to write to the Head Teacher of Whitburn Academy congratulating her on the school's achievement."

Decision

To unanimously approve the terms of the motion.

11. NOTICE OF MOTION - THIRD SECTOR - SUBMITTED BY COUNCILLOR KIRSTEEN SULLIVAN

The Council considered the Notice of Motion (copies of which had been circulated) submitted by Councillor Kirsteen Sullivan in the following terms :-

"Council recognises the invaluable contribution of the Third Sector in responding to the needs of our communities during the Covid-19 pandemic Council notes that the Voluntary Sector Gateway and the West Lothian Social Enterprise Network, along with local charities, social enterprises, community groups and individuals have acted with an incredible agility and flexibility to support West Lothian citizens at a time of unprecedented need and stress.

Council further acknowledges the commitment of the Third Sector to partnership working with community partners including West Lothian Council as evidenced through joint projects such as the deliver of care for keyworker children, the delivery of PPE to carers, and the delivery of provisions and meals to those unable to access food (these projects were cited at the recent Third Sector Covid-10 Recovery Summit)

Council commends the Third Sector on its efforts and ongoing support and expresses gratitude to all those who have come forward to offer assistance."

Decision

To unanimously approve the terms of the motion

12. NOTICE OF MOTION - WASPI WOMEN - SUBMITTED BY COUNCILLOR KIRSTEEN SULLIVAN

The Council considered a Notice of Motion (copies of which had been circulated) submitted by Councillor Kirsteen Sullivan in the following terms :-

"The Council calls upon the UK Government to make fair transitional state pension arrangements for all women born on or after 6th April 1950, who have unfairly borne the burden of the increase to the State Pension Age (SPA) with lack of appropriate notification. This translates into a 'bridging' pension to provide an income until State Pension Age – not means-tested - and with recompense for losses for those women who have already reached their SPA. There are no specific age groups within the period

mentioned above that are favoured above others.

3.8 million women had significant pension changes imposed on them by the Pensions Acts of 1995 and 2011 with little/no personal notification of the changes. Some women had only two years notice of a six-year increase to their state pension age.

Many women born in the 1950's are living in hardship. Retirement plans have been shattered with devastating consequences. Many of these women are already out of the labour market, caring for elderly relatives, providing childcare for grandchildren, or suffer discrimination in the workplace so struggle to find employment. Women born in this decade are suffering financially. These women have worked hard, raised families, and paid their tax and national insurance with the expectation that they would be financially secure when reaching 60. It is not the pension age itself that is in dispute - it is widely accepted that women and men should retire at the same time. The issue is that the rise in the women's state pension age has been too rapid and has happened without sufficient notice being given to the women affected, leaving women with no time to make alternative arrangements.

The Council calls upon the UK Government to reconsider transitional arrangements for women born in the 1950s, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements”.

- Moved by Councillor Kirsteen Sullivan and seconded by Councillor Lawrence Fitzpatrick

Amendment

West Lothian Council agrees that the decision to equalize the state pension age for men and women addresses the long standing inequality between men and women's state pension age. Council notes that the new state pension age of 66 becomes law on 6 October 2020.

Pension rules were changed in 1995 so that women were no longer treated more preferentially than men. During the Blair / Brown years, the Labour government decided that a state pension age fixed at 65 was no longer affordable or sustainable. The Pensions Act 2007 introduced an increase in state pension age to ages 66, 67, & 68.

The coalition government brought in further changes under the Pensions Act 2011 which accelerated the equalization of women's state pension age and brought forward the increase in men and women's state pension age to 66 by 2020.

Pressure groups like Back to Sixty and WASPI have continuously tried and failed to make pension changes back to sixty or make compensation payments to women. In one High Court ruling the case on the grounds gender discrimination was dismissed and also lost out again on appeal. Many women had cruelly been led to believe they could claim

compensation for many years and contributed towards legal funding. These pressure groups continue to offer false hopes after being repeatedly advised there is no case to answer to.

Claims that the women had not been notified of changes were dismissed after government showed that in 1995 advertising campaigns and leaflets were produced and those affected by the 1995 Act were sent individual letters informing them of the change. Between 2009 and 2011 letters were sent to 1.2 million women and those affected by the Pensions Act 2011 were sent letters between 2012 and 2013 which involved 5 million letters and leaflets. This evidence was accepted by court.

There are 1.2 million people over the age of 65 currently in employment. This is something to be celebrated. Experienced workers have the capacity to teach younger people in the workplace and play a valuable part in our economy. Women now under the age of 66 are still classed as working age adults and this is significant in making lifestyle changes with regards to non-paid work. Caring responsibilities and providing childcare for grandchildren should not be taken for granted and these women deserve support. However, this is not a pension's issue.

The Labour manifesto of 2019 said there would be an allocation of £58 billion towards the impact of the 1995 Pensions Act. This payout proposed essentially reintroduces the very same discrimination they were trying to eliminate. There could be a legal claim by men in a notionally similar position claiming they are being unfairly discriminated against on the grounds of gender. (If so, the £58 billion becomes £116 billion!).

The state pension must be maintained on an affordable footing for future generations of pensioners and tax payers. It is right to ensure that as we live longer that people have security and dignity in later life when we retire. That is why the Government will continue to provide support for people in later life, including the triple lock and maintaining universal benefits such as the winter fuel payment. The state pension is now over £1,600 a year higher than in 2010. The triple lock meant an increase of 3.9% in pension for 2020.

West Lothian Council will write to the UK Government to give support for taking the difficult but necessary decisions required to bring our pensions into line with equality laws and supporting longer lives.

- Moved by Councillor Alison Adamson and seconded by Councillor Peter Heggie

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

Motion

Frank Anderson
Stuart Borrowman
Diane Calder
Janet Campbell
Harry Cartmill
Pauline Clark

Amendment

Alison Adamson
Bruce Fairbairn
Peter Heggie
Chris Horne
Charles Kennedy
Tom Kerr

Tom Conn
Robert De Bold
Jim Dickson
David Dodds
Angela Doran
Lawrence Fitzpatrick
Carl John
Dave King
Sarah King
John McGinty
Andrew McGuire
Dom McGuire
Andrew Miller
George Paul
Moiria Shemilt
Kirsteen Sullivan
David Tait

Damian Timson

Decision

Following a vote, the motion was successful by 23 votes to 7, with 2 members absent, and it was agreed accordingly.

13. NOTICE OF MOTION - PANDEMIC RESPONSE - SUBMITTED BY COUNCILLOR LAWRENCE FITZPATRICK

The Council considered a Notice of Motion (copies of which had been circulated) submitted by Councillor Lawrence Fitzpatrick in the following terms :-

“Council records its immense appreciation to all their staff for their outstanding contribution to serving the West Lothian community over the lockdown period.

Council agrees the ingenuity and sheer effort for all the staff in continuing the provision of vital services over the period had been inspirational and uplifting.

The “can do” approach of trade unions and all staff has ensured that despite restrictions on social distancing and the raft of Covid-19 criteria issued by Scottish Government, staff have demonstrated a willingness to go that extra mile to support our residents and businesses.

Council also puts on record its huge thanks to the many volunteers who gave their time to deliver meals, food, prescriptions as well as broad assistance.”

Decision

To unanimously approve the terms of the motion.

14. NOTICE OF MOTION - PANDEMIC COSTS - SUBMITTED BY COUNCILLOR LAWRENCE FITZPATRICK

The Council considered a Notice of Motion (copies of which had been circulated) submitted by Councillor Lawrence Fitzpatrick in the following terms :-

“Council notes that the Covid-19 pandemic presented unprecedented challenges for individuals, communities, organisations and businesses in West Lothian. With an understanding of the local community and its needs, the council has provided essential support and delivered services, including ensuring that national arrangements have been implemented, adapted and matched to local circumstances.

As the council continues to lead the local response to the pandemic, West Lothian Council calls on the Scottish Government to acknowledge the significant additional associated costs being incurred by the council and to act now to ensure that sufficient funding is provided to the council, in particular, the council calls on the Scottish Government to immediately release all outstanding funding to the council, for areas such as loss of income, the council tax reduction scheme, school logistical support and health and social care. The council also calls on the Scottish Government to ensure that all local government associated Barnett Consequentials are fully allocated to support councils in Scotland.

Council notes that the pandemic has had a very significant impact on council finances across all 32 authorities in Scotland. Councils were already experiencing severe financial constraints, with expenditure pressures such as the demographic challenges of a rapidly increasing elderly population with more complex care requirements being exacerbated by the pandemic and the ongoing problem of insufficient funding from the Scottish Government. Recognising that the effect of the pandemic will be felt for some time to come, Council calls on the Scottish Government to ensure an appropriate, fair and properly funded local government finance settlement for 2021/22 to allow the council to continue to respond to the challenges from the pandemic whilst delivering core services which are valued by our local communities.”

- Moved by Councillor Lawrence Fitzpatrick and seconded by Councillor Kirsteen Sullivan

Amendment

“West Lothian Council SNP Group are rather bemused and confused by the Labour Group motion, saying the Council are leading the response and calling on the Scottish Government to ‘immediately release all outstanding funding to the council.

Firstly, this Council has not spent a single penny of its budget tackling the pandemic. It has provided no additional funding, from its own resources, to the heroic efforts of the Third Sector during this pandemic. As the so called 4th Emergency Service, this Council has been found wanting by the

court of public opinion, and this Council has been a let-down with regards to its response to this unprecedented pandemic. AS every current projection and analysis shows, the financial implications for most people will be catastrophic and affects many peoples' lives. Meanwhile, this Council has stood aloof and done nothing to alleviate the pending financial disaster facing our constituents nor, to fully support our Third Sector financially. We have already accepted and praised our workforce for the tremendous work they are doing in delivering core services and volunteering, but we, as a Council cannot by any stretch of the imagination claim to be "leading the local response to the pandemic".

Secondly, whilst claiming an increase in costs 'dealing' with the pandemic this Council has, since the start of the pandemic, increased its reserves from £2M to almost £3M, has accepted £505K from the Scottish Government for free school meals and is holding this as a contingency to 'cover potential food costs over the remainder of the year' and had around £3,144M in the Modernisation Fund which it doesn't need this year. In total this Council has access to over £6,5M, surplus to its needs for this financial year, not including Millions lying in Insurance Funds which have not been touched for over 10 years. Furthermore, the Labour Group agreed to allocate almost £18M from the £28.5M saved from reprofiling the loans repayments to the Modernisation Fund rather than to safeguard or develop services that would benefit our communities. With these reserves 'for a rainy day', unforeseen circumstances, is it any wonder that the Council is in danger of being seen as a pariah, profiting from the pandemic. If a pandemic is not seen as 'a rainy day', then we would hope to avoid the Armageddon which qualifies for this Council to utilise its reserves for the benefit of our communities.

It is apparent to the SNP Group that this Council is being led and driven by officers during this pandemic rather than by political leadership.

The SNP Group therefore calls on Council to

- Request officers to prepare a report on how our reserves and any currently uncommitted funding can be utilised to mitigate the financial pressures on our constituents, support our Third Sector in their endeavours to continue to provide the much-needed food parcels, meals etc, and to put this money into our local economy helping to safeguard local employment. This report to be presented to the next full Council to take any decisions.
- This report to include how this Council can ease the financial burden on our constituents by allowing a rent and Council Tax free 'holiday' period, preferably over the Christmas period.
- Moved by Councillor Frank Anderson and seconded by Councillor Janet Campbell.

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

Motion

Amendment

Alison Adamson
Stuart Borrowman
Harry Cartmill
Tom Conn
David Dodds
Angela Doran
Bruce Fairbairn
Lawrence Fitzpatrick
Peter Heggie
Chris Horne
Charles Kennedy
Tom Kerr
Dave King
John McGinty
Andrew McGuire
Dom McGuire
George Paul
Kirsteen Sullivan
Damian Timson

Frank Anderson
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold
Jim Dickson
Carl John
Sarah King
Andrew Miller
Moira Shemilt
David Tait

Decision

Following a vote, the motion was successful by 19 votes to 11, with 2 members absent, and it was agreed accordingly.

15. NOTICE OF MOTION - MR ANDY MOUNT, LIVINGSTON - SUBMITTED BY COUNCILLOR LAWRENCE FITZPATRICK

The Council considered a Notice of Motion (copies of which had been circulated) submitted by Councillor Lawrence Fitzpatrick in the following terms :-

“Council noted with appreciation the retiral of Andy Mount from the Fair Trade Group. His service to the Livingston community and wider community on the Fair Trade Initiative has been outstanding.

This extended to Fair Trade products appearing in local supermarkets and shops in our schools.

His endeavours and dedication assisted Livingston attain Fair Trade status in 2006, the first new town in the UK to attain this accolade.

Sadly, ailing health had forced Andy to step back from these highly commendable voluntary activities.

Council records its gratitude and requests the Provost to write to Andy to this end.”

Decision

To unanimously approve the terms of the motion.

16. NOTICE OF MOTION - SPEED REDUCTION MEASURES - SUBMITTED BY COUNCILLOR BRUCE FAIRBAIRN

The Council considered a Notice of Motion (copies of which had been circulated) submitted by Councillor Bruce Fairbairn in the following terms :-

“West Lothian Council will monitor the impact of the temporary speed restrictions on vehicle drivers including accident statistics, traffic convictions and complaints, to use these results to assess future speed reduction measures in place of the current measure of "no serious accidents have been recorded" which prevents speed reduction measures being implemented at present”

- Moved by Councillor Bruce Fairbairn and seconded by Councillor Peter Heggie

First Amendment

“Council notes that since 2007/08 through the **Council Casualty Reduction Programme** that speed reduction measures are only installed through the casualty reduction programme. The investigation/analysis work undertaken through this process involves using the recorded injury accident data collected by the police to identify sites for concern and analyse crash patterns to develop remedial measures. The process is used nationally and is endorsed by the Royal Society for the Prevention of Accidents (RoSPA) through its Road Safety Engineering Manual.

Permanent speed limits are set consistently across the country to meet road users’ expectations; therefore, all speed limit reviews are carried out in accordance with Transport Scotland published guidance. When setting or reviewing speed limits on public roads this assessment process takes into account numerous factors such as road hierarchy, character, development, speed assessment, accident history and consultation to review and set speed limits.

On 28th April, the Cabinet Secretary Michael Matheson announced a funding stream for **Spaces for People**, a temporary infrastructure programme in Scotland which offers funding and support to make it safer for people who choose to walk, cycle for essential trips and exercise during COVID-19.

There was a “bid-in” process for the original £10m that comprised 9 funding streams.

All projects had to be submitted to and approved by Sustrans.

Temporary 20mph and 40mph speed restrictions were identified as a temporary way to assist in the delivery of safer environments post lockdown and will be initially in place for a period of 18 months from 16th July 2020. These temporary speed restrictions will be removed upon changes to ongoing Scottish Government COVID Guidance whereby these temporary speed limits will revert back to their original speed limits.

In conclusion, Council instructs the Chief Executive, or designated officer, to submit a report to the Environment PDSP on the effectiveness of all the temporary measures implemented as part of the Spaces for People initiative on a 6-monthly basis, with the first report being submitted 2nd February 2021. Any measures that are considered to be made more permanent then they would have to go through a formal review process.”

- Moved by Councillor Tom Conn and seconded by Councillor Lawrence Fitzpatrick

Second Amendment

“The SNP Group recognise the Motion and would support measures to monitor temporary speed restrictions but would also support wider measures within the AIP Scheme to monitor and assess all future incidents/accidents that fall out with the measure of “no serious accidents recorded”.

We have highlighted in the past that the Accident Incident Prevention Scheme does not go far enough in recognising that accidents/incidents which have happened and do not result in fatalities do not necessarily recognise the potential for further serious and life changing harm and are not recorded as such.

Therefore, West Lothian Council should monitor and assess temporary schemes of speed restrictions including these measures within the AIP Scheme plus the inclusion of lamppost repair/replacement, crash barrier repairs, structural repairs of masonry all caused by speeding or unsafe driving of vehicles and use these results to assess future speed reduction for the means of prevention of potential and serious accident/incidents”.

Prior to securing a seconder to her amendment Councillor Diane Calder intimated that she would consider a composite motion with that moved by Councillor Fairbairn. The amended motion was therefore agreed as follows :-

“West Lothian Council will monitor the impact of the temporary speed restrictions on vehicle drivers including accident statistics, traffic convictions and complaints, to use these results to assess future speed reduction measures in place of the current measure of "no serious accidents have been recorded" which prevents speed reduction measures being implemented at present.

We have highlighted in the past that the Accident Incident Prevention Scheme does not go far enough in recognising that accidents/incidents which have happened and do not result in fatalities do not necessarily recognise the potential for further serious and life changing harm and are not recorded as such.

Therefore, West Lothian Council should monitor and assess temporary schemes of speed restrictions including these measures within the AIP Scheme plus the inclusion of lamppost repair/replacement, crash barrier repairs, structural repairs of masonry all caused by speeding or unsafe

driving of vehicles and use these results to assess future speed reduction for the means of prevention of potential and serious accident/incidents.”

-

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

Motion

Alison Adamson
Frank Anderson
Stuart Borrowman
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold
Jim Dickson
Bruce Fairbairn
Peter Heggie
Chris Horne
Carl John
Charles Kennedy
Tom Kerr
Sarah King
Andrew Miller
Moira Shemilt
David Tait
Damian Timson

Motion

Alison Adamson
Frank Anderson
Stuart Borrowman
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold
Jim Dickson
Bruce Fairbairn
Peter Heggie
Chris Horne
Carl John
Charles Kennedy
Tom Kerr
Sarah King
Andrew Miller
Moira Shemilt
David Tait
Damian Timson

Decision

Following a vote, the motion was successful by 19 votes to 11, with 2 members absent, and was agreed accordingly.

17. NOTICE OF MOTION - NUCLEAR FREE - SUBMITTED BY COUNCILLOR FRANK ANDERSON

The Council considered a Notice of Motion (copies of which had been circulated) submitted by Councillor Frank Anderson in the following terms:-

“West Lothian Council SNP Group are proud of this Council’s affiliation to the Nuclear Free Local Authorities Association and its continuous efforts to curtail the proliferation of Nuclear in our society. However, the SNP Group are concerned that the apparent regular and unreported transport of WMD and nuclear material through West Lothian endangers the lives of our residents. This movement of nuclear material within West Lothian makes a mockery of this Council declaring itself to be nuclear free.

The SNP Group calls on Council to:

- Request the relevant officers to prepare a report, for next Council meeting, detailing how we can insist in being notified, in advance,

of any intention to transport WMD or nuclear material through West Lothian

- The report to detail any legal options available to this authority to prohibit these transport convoys from travelling through West Lothian to and from Faslane”
- Moved by Councillor Frank Anderson and seconded by Councillor Carl John

First Amendment

“Council applauds all efforts of those who strive to uphold peace and work towards reducing international conflict and ideally a world where all nations agree to eliminate nuclear weapons.

However, it is accepted that council has no legal avenue to insist from the Ministry of Defence, detailed information or the timing of routes of transportation of military convoys carrying defence nuclear material.

Council also accepts that it would be an act of sheer folly and increased risk to the public to bring such information into the public domain.”

- Moved by Councillor Lawrence Fitzpatrick and seconded by Councillor Kirsteen Sullivan.

Second Amendment

“The ambition to have a world free of nuclear weapons is one that is no doubt shared by all.

However, until a multilateral nuclear disarmament status can be achieved, it is quite correct that as part of our commitment to NATO a nuclear deterrent is provided by Great Britain as has been the case for a number of decades.

This deterrent has been the deciding factor in ensuring the world has not suffered a nuclear war and at a time when it is reported Russia is expanding its nuclear weapon capability it is nothing short of reckless to unilateral disarm NATO’s nuclear weapon capability.

In all the time nuclear materials have been transported across the UK there has not been one instance of risk to the public through this.

It is nonsensical to suggest that Councillors be notified in advance of any transportations of nuclear material or nuclear weapons and as is the case across the country, West Lothian Council will leave this skilled work in the hands of the experts. All nuclear arms movements are coordinated with local police forces who have the responsibility of safeguarding the local population.

Therefore, the above is noted and West Lothian Council will continue to support the Government National Security Strategy which operates an NCND policy (Neither Confirm nor deny). All nuclear arms movements are

coordinated with Police Scotland who have the responsibility of safeguarding the local population.”

Prior to securing a seconder for his amendment Councillor Timson indicated that he would agree a composite amendment and Councillor Fitzpatrick intimated that he would incorporate the last three paragraphs of Councillor Timson’s amendment into his own amendment. Councillor Timson agreed to this course of action so the following was agreed :-

Amendment

“Council applauds all efforts of those who strive to uphold peace and work towards reducing international conflict and ideally a world where all nations agree to eliminate nuclear weapons.

However, it is accepted that council has no legal avenue to insist from the Ministry of Defence, detailed information or the timing of routes of transportation of military convoys carrying defence nuclear material.

Council also accepts that it would be an act of sheer folly and increased risk to the public to bring such information into the public domain.”

In all the time nuclear materials have been transported across the UK there has not been one instance of risk to the public through this.

It is nonsensical to suggest that Councillors be notified in advance of any transportations of nuclear material or nuclear weapons and as is the case across the country, West Lothian Council will leave this skilled work in the hands of the experts. All nuclear arms movements are coordinated with local police forces who have the responsibility of safeguarding the local population.

Therefore, the above is noted and West Lothian Council will continue to support the Government National Security Strategy which operates an NCND policy (Neither Confirm nor deny). All nuclear arms movements are coordinated with Police Scotland who have the responsibility of safeguarding the local population.”

-

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

Motion

Frank Anderson
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold
Carl John
Andrew Miller
Moir Shemilt
David Tait

Amendment

Alison Adamson
Harry Cartmill
Tom Conn
David Dodds
Angela Doran
Bruce Fairbairn
Lawrence Fitzpatrick
Peter Heggie
Chris Horne
Charles Kennedy

Abstain

Stuart Borrowman

Tom Kerr
Dave King
John McGinty
Andrew McGuire
Dom McGuire
George Paul
Kirsteen Sullivan
Damian Timson

Decision

Following a vote, the amendment was successful by 18 votes to 9, with 1 abstention, and 4 members absent, and it was agreed accordingly..

18. NOTICE OF MOTION - INTERNAL MARKET - SUBMITTED BY COUNCILLOR FRANK ANDERSON

The Council considered a Notice of Motion (copies of which had been circulated) submitted by Councillor Frank Anderson in the following terms:-

“West Lothian Council SNP Group believes that all members of this Council are elected to represent the views of the people we were elected to represent. Normally we would leave national events to other elected politicians. However, the SNP Group fervently believe that this Council could not stand idly by whilst the Westminster government blatantly puts forward, for debate, legislation which categorically breaks International Law. It is inconceivable that any democratic legislature, which makes laws, can consider breaking International laws for its own selfish partisan reasons. As elected politicians we are all expected by our electorate, the court of public opinion, to respect and uphold the law.

The SNP Council Group urges this Council to condemn the Conservative Westminster government for bringing forward the ‘Internal Market’ bill, realising it will break International law and jeopardise the Good Friday agreement. The impression given by this tactic could be seen either as ‘bully boy’ tactics or a hankering for the days of the Empire. There is no place in today’s international society for any country which deliberately and flagrantly sets out to break International laws.

Therefore, Council will

- Write to the PM expressing our total opposition to his proposed Bill and urging him to withdraw it
- Send a copy of this motion to the FM requesting that the Scottish Government does all in its powers to oppose this Bill.
- Moved by Councillor Frank Anderson and seconded by Councillor Pauline Clark

Councillor Fitzpatrick, who had an amendment to the motion, intimated

that he would be willing to agree a composite motion. Thereafter, the following was agreed :-

“West Lothian Council fervently believes that all members of this Council are elected to represent the views of the people we were elected to represent. Normally we would leave national events to other elected politicians. However, the SNP Group fervently believe that this Council could not stand idly by whilst the Westminster government blatantly puts forward, for debate, legislation which categorically breaks International Law. It is inconceivable that any democratic legislature, which makes laws, can consider breaking International laws for its own selfish partisan reasons. As elected politicians we are all expected by our electorate, the court of public opinion, to respect and uphold the law.

Council notes with regret the decision by the UK Government for bringing forward the ‘Internal Market’ Bill, clearly understanding that it will breach International law and jeopardise the Good Friday agreement. Members share serious concerns that the Bill, allied to any agreements which may or not be agreed with the European Union reduce UK’s standing in the international community and potentially cause grave harm to our economy and jobs.

Therefore, Council will

- Write to the PM expressing our total opposition to his proposed Bill and urging him to withdraw it
- Send a copy of this motion to the FM requesting that the Scottish Government does all in its powers to oppose this Bill.

-

Amendment

“As has become evident over recent years, the SNP have no regard to the well-being, the health or the economy in Scotland. All the SNP wish for is separatism at any cost and this has been demonstrated recently with SNP MSP candidates stating the most important issue at this time is independence; not health, not the economic recovery out of the pandemic, not what United Kingdom we have once we leave the EU, but independence, that is all the SNP care about.

By introducing the internal market, common frameworks will protect the UK Internal Market. They do this by providing high levels of regulatory coherence in specific policy areas through close collaboration with devolved administrations to manage regulation.

The UK Government is protecting over half a million Scottish jobs by ensuring there are no barriers to trade with the rest of the UK. The SNP are trying to break up the UK internal market and put those livelihoods at risk.

In 2018, Michael Russell agreed for the need of a common frameworks

agreement across the UK

Over 100 more powers are coming to Holyrood while not a single one is being removed. The SNP want to hand control of all new powers straight back to Brussels.

The following organisations have spoken out in support of the Internal Market, each stating the benefit it will have to jobs and the economy in Scotland; CBI, Scottish Retail Consortium, Oil & Gas UK and Quality Meat Scotland.

The Internal Market will protect jobs in Scotland and improve the economy in Scotland, the SNP on West Lothian should be pressing their leaders in Holyrood to work with the UK Government and not against it.

Sixty per cent of our trade is with the rest of the UK – worth over £50 billion. Scottish exports to the rest of the UK are worth £51.2 billion against £16.6 billion in EU exports and £17.7 billion to the rest of the world

Therefore, the Chief Executive of West Lothian Council is to write to the First Minister and express the wish of West Lothian Council that the Scottish Government reverses it's decision taken a year ago to withdraw from the UK Internal Market discussions and work with the UK Government in order to achieve the best outcomes for West Lothian and Scotland when we leave the EU".

- Moved by Councillor Damian Timson and seconded by Councillor Bruce Fairbairn

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

<u>Motion</u>	<u>Amendment</u>	<u>Abstain</u>
Frank Anderson	Alison	Stuart Borrowman
Diane Calder	Bruce Fairbairn	
Janet Campbell	Peter Heggie	
Harry Cartmill	Chris Horne	
Pauline Clark	Charles Kennedy	
Tom Conn	Tom Kerr	
Robert De Bold	Damian Timson	
David Dodds		
Angela Doran		
Lawrence Fitzpatrick		
Carl John		
Dave King		
John McGinty		
Andrew McGuire		
Dom McGuire		
George Paul		
Moir Shemilt		
Kirsteen Sullivan		

David Tait

Decision

Following a vote, the motion was successful by 19 votes to 7, with 1 abstention and 4 members absent and it was agreed accordingly.

19. NOTICE OF MOTION - LOCAL AUTHORITY LOTTERY - SUBMITTED BY COUNCILLOR FRANK ANDERSON

The Council considered a Notice of Motion (copies of which had been circulated) submitted by Councillor Frank Anderson in the following terms :-

“West Lothian Council SNP Group extend our thanks and appreciation to the many voluntary groups and charities which immediately ‘rose to the challenge’ right from day one of this Covid pandemic, ignoring the possible financial consequences for their organisations. The SNP Group are concerned that the Budget available each year for distribution between these groups is diminishing. Without government resilience funding this year, many could have ‘gone to the wall’, The reduction in grants combined with the cancellation of fundraising events means that income generation for local charities and good causes has been devastated

The SNP Group therefore call on Council to launch a ‘local authority lottery’ as a tool for community income generation, to enable more funding to be available for distribution amongst West Lothian’s incredibly hard working groups supporting our communities.

As an initial step, Council agrees to,

- Request officers prepare a report, for the next Council meeting, on the options available for such a venture using as an initial benchmark the Gatherwell option
- Set up a meeting with voluntary organisations, via an open invitation, to discuss initiating a West Lothian lottery and the role of both the Council and the voluntary organisations in its operation and success.
- Report back to next Council meeting, following the initial discussions, on the options best suited to maximise the income for community groups based in West Lothian.
- Review the partnerships and work of the Council with third sector organisations, post Covid-19. Report back to the Voluntary Organisations PDSP the outcome of the review, within 2 months. This review to form the initial consultation and discussions on the way forward for West Lothian with its local partners.

- Moved by Councillor Frank Anderson and seconded by Councillor Moira Shemilt

Amendment

“Council recognises that there are many nationwide (both at UK and Scottish level) lotteries which raise funds for various good causes and have considerable prize funds including National Lottery, Euromillions, Postcode Lottery, Scottish Children’s Lottery, Scottish Heritage Lottery, Scottish Air Ambulance Lottery and Scottish SPCA Lottery.

Council notes that the Gambling Act of 2005 empowers local authorities to promote and facilitate a lottery to cover anything for which they have the power to incur expenditure; to do so they must apply to the Gambling Commission for an operating license. Council appreciates that gambling law is complex and there are onerous legal requirements in relation to local authority lotteries. Where an External Lottery Manager (ELM) is employed to run all or part of a local authority lottery, the local authority as holder of the lottery license is ultimately responsible for compliance with the conditions of the operating license and the law regarding the operation of such a lottery. There are also ongoing costs such as an annual operation fee and marketing expenditure, all of which can be subtracted from the proceeds thereby reducing the fundraising amount.

Council notes that 86 local groups in West Lothian currently operate their own lotteries for fund raising purposes and are registered with the Council as small society lotteries. Council further notes that the requirements imposed by legislation on small society lotteries are significantly less onerous than those for local authority lotteries.

Council acknowledges that there is a thriving Third Sector within West Lothian, with representatives such as the Voluntary Sector Gateway (as the local Third Sector Interface) and the Third Sector Strategy Group (TSSG) regularly organising local events such as funding fayres, and that the sector has both the agency and ability to come together to address common issues and seek opportunities, and also to operate a local lottery should they wish to do so.

Council commends the West Lothian Third sector for its tremendous response to the Covid-19 pandemic both in its delivery of services and in its commitment to partnership working to deliver those services. Council agrees that Third Sector organisations should not have to rely on precarious funding models and that sustainable investment should be made in the sector by the Scottish Government to reflect the value of the services they deliver to support our local communities, instead of cuts to local authority budgets which have in turn reduced support to the sector, as most recently seen in Glasgow City Council.

Council notes the report to the Voluntary Organisations PDSP on 24th September 2020 on the West Lothian response to Covid-29, detailing the partnership working between council service areas, Third Sector organisations and other community partners to meet the needs of our

local communities at a time of unprecedented demand. A full update will also be presented to the Community Planning Partnership Board on Wednesday 30th September 2020 spanning a number of partnership areas.

Council instructs officers:

- To consult with local Third Sector representatives as to their desire to set up a community lottery and report back to a future Voluntary Organisations PDSP.
 - To contact the Improvement Service for an update on any work undertaken to investigate local authority lotteries and bring a report to a future Voluntary Organisations PDSP.
 - To bring a report to a future Voluntary Organisations PDSP on the experience/ progress of the community council lottery in Darvel, East Ayrshire”
- Moved by Councillor Kirsteen Sullivan and seconded by Councillor Andrew McGuire

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

Motion

Alison Adamson
Frank Anderson
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold
Peter Heggie
Chris Horne
Carl John
Charles Kennedy
Tom Kerr
Moiria Shemilt
David Tait
Damian Timson

Amendment

Stuart Borrowman
Harry Cartmill
Tom Conn
David Dodds
Angela Doran
Lawrence Fitzpatrick
Dave King
John McGinty
Andrew McGuire
Dom McGuire
George Paul
Kirsteen Sullivan

Decision

Following a vote, the motion was successful by 14 votes to 12, with 6 members absent and it was agreed accordingly.

20. NOTICE OF MOTION - WINTER SERVICE PLANNING - SUBMITTED BY COUNCILLOR FRANK ANDERSON

The Council considered a Notice of Motion (copies of which had been circulated) submitted by Councillor Frank Anderson in the following terms :-

“West Lothian Council SNP Group note that with the continuing Covid

pandemic and the threat of a second wave, we need to update our winter plans to cope with the possible restrictions around Covid. As local elected members are knowledgeable about their areas, their input into any planning would be invaluable. As we normally operate the service from the 31st of October, the Council should be consulting on any necessary changes/additions that are needed to ensure our Service continues to operate as efficiently as possible.

We pass on our thanks to all the staff involved in the great job they have done to keep West Lothian moving in what can be described as extreme conditions on many occasions and know that they will continue to provide an excellent service even under the trying restrictions possibly presented by this pandemic.

SNP Group therefore calls on Council to

Prepare a report on the contingency plans for the winter service and present to the relevant PDSP and Council Executive prior to its publication.”

- Moved by Councillor Frank Anderson and seconded by Councillor Diane Calder

Amendment

The Council's statutory responsibilities regarding the Winter Service are defined in Section 34 of the Roads (Scotland) Act 1984, which requires “that a road authority shall take such steps as it considers reasonable to prevent snow and ice endangering the safe passage of pedestrians and vehicles over public roads”.

The Code of Practice recommends that councils should review and approve their Winter Service Plan annually.

Council notes the current Winter Service Plan was approved by Council Executive on 8th October 2019.

Council is asked to note that the 2020/21 Winter Service will be presented to Council Executive on 6th October 2020 and will include contingency plans deemed necessary to cope with any COVID 19 restrictions and any necessary changes/additions raised with Roads and Transportation by elected members as feedback from the 2019 Winter Service Plan.

- Moved by Councillor Tom Conn and seconded by Councillor Lawrence Fitzpatrick

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

Motion

Frank Anderson
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold

Amendment

Alison Adamson
Stuart Borrowman
Harry Cartmill
Tom Conn
David Dodds

Carl John
Moir Shemilt
David Tait

Angela Doran
Lawrence Fitzpatrick
Peter Heggie
Chris Horne
Charles Kennedy
Tom Kerr
Dave King
John McGinty
Dom McGuire
George Paul
Kirsteen Sullivan
Damian Timson

Decision

Following a vote, the amendment was successful by 17 votes to 8, with 7 members absent and it was agreed accordingly.

21. TREASURY MANAGEMENT ANNUAL REPORT 2019/20

The Council considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising of the activities and results of treasury management operations for the year to 31 March 2020 and to ask Council to approve revised investment counterparty limits for 2020/21.

It was recommended that the Council :-

1. Notes the report in Appendix 1 on the treasury management operations for 2019/20;
2. Notes the exercise of the Head of Finance and Property Services' delegated treasury management powers; and
3. Approves amendments to the council's investment counterparty limits to help facilitate the retention of increased cash balances during the Covid-19 pandemic.

Decision

To approve the terms of the report

22. DOCUMENTS FOR EXECUTION

The Chief Solicitor presented 192 documents for execution.

23. APPEAL ON DUALLING OF A801 - QUESTION TO EXECUTIVE COUNCILLOR FOR DEVELOPMENT & TRANSPORT - SUBMITTED BY COUNCILLOR STUART BORROWMAN

A question to the Executive Councillor for Development and Transport, Councillor Cathy Muldoon, was submitted by Councillor Stuart Borrowman in the following terms :-

“ A recent (9 July 2020) DPEA decision upheld an appeal by a developer against an obligation imposed by the Council to contribute to the dualling of part of the A801.

1. What lessons are to be drawn from the Reported not supporting the Council's position ?
2. How much is the anticipated financial loss should the development go ahead ?
3. What are the implications for the upgrading of this road ?

In the absence of Councillor Muldoon, Councillor Tom Conn provided a verbal answer to the written question.

Councillor Borrowman indicated he wished to put a supplementary question as provided for in Standing Orders. He did so and Councillor Conn provided a verbal answer to the supplementary question.

Decision

1. To note the question put and the verbal answer given; and
2. To note the supplementary question put and the verbal answer given.

24. PANDEMIC COSTS - QUESTION TO LEADER OF THE COUNCIL - SUBMITTED BY COUNCLLOR DAMIAN TIMSON

A question to the Leader of the Council, Councillor Lawrence Fitzpatrick, was submitted by Councillor Damian Timson in the following terms :-

“To date what the figure West Lothian Council have spent due to the Covid-19 pandemic and the extra demands on the Council and what extra had been received from the Scottish Government to cover this ?”

Councillor Fitzpatrick provided a verbal answer to the written question and undertook to circulate additional detailed figures to members after the meeting.

Councillor Timson indicated he wished to put supplementary questions to Councillor as provided for in Standing Orders. He did so and Councillor Fitzpatrick undertook to provide further information after the meeting.

Decision

1. To note the question put and the verbal answer given; and

2. To note the supplementary question put and that Councillor Fitzpatrick undertook to provide an answer after the meeting.