



## ***Council Executive***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

12 November 2020

A meeting of the **Council Executive** of West Lothian Council will be held within the **Webex Virtual Meeting Room** on **Tuesday 17 November 2020** at **11:00am**.

For Chief Executive

### **BUSINESS**

#### **Public Session**

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

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

4. Minutes
  - (a) Confirm Draft Minute of Meeting of Council Executive held on Tuesday 06 October 2020 (herewith)
  - (b) Confirm Draft Minute of Meeting of Council Executive held on Thursday 22 October 2020 (herewith)
5. Correspondence

#### **Public Items for Decision**

6. Free School Meal Provision - School Holidays (2020/21 Academic Year) - Report by Depute Chief Executive (herewith)
7. Community Council Special Project Grants - Report by Head of Corporate Services (herewith)
8. Accessibility Improvement Schemes to the Road and Footway Network 2020/21 and 2021/22 - Report by Head of Operational Services (herewith)
9. Proposed 30MPH Speed Limit - U29 Harburn Village - Report by Head of Operational Services (herewith)
10. Scottish Government Consultation on a Ministerial Statement for Modifying Local Connection Referrals in Scotland - Report by Head of Housing, Customer and Building Services (herewith)
11. Housing Allocation Policy Review - Report by Head of Housing, Customer and Building Services (herewith)
12. Petition - Request for Speed Reduction Measures in Falside, Bathgate - Report by Head of Operational Services (herewith)
13. Consultation Response to Scotland's Road Safety Framework to 2030 - Report by Head of Operational Services (herewith)
14. Response to "Consultation on Free Bus Travel for People Resident in Scotland Aged Under 19" - Report by Head of Operational Services (herewith)
15. Local Bus Festive Services - Report by Head of Operational Services (herewith)
16. Affordable Housing Delivery Update - Report by Head of Housing, Customer and Building Services (herewith)
17. Deans South, Livingston Regeneration Update and Proposed Sale of Land to Springfield Properties PLC - Report by Head of Housing, Customer and Building Services and Head of Finance and Property Services (herewith)
18. Procurement Approval Report - Report by Head of Corporate Services (herewith)
19. Appointment of Elected Members to the Edinburgh and South East Scotland City Region Deal Elected Members Oversight Sub-Committee - Report by Head of Planning, Economic Development and Regeneration (herewith)
20. A National Mission Local Impact: Draft Infrastructure Investment Plan for Scotland 2021 to 2025-26 - Report by Head of Planning, Economic

Development and Regeneration (herewith)

21. Scotland Loves Local Fund - Report by Head of Planning, Economic Development and Regeneration (herewith)
22. Supplementary Guidance: Developer Contributions Towards Transport Infrastructure - Report by Head of Planning, Economic Development and Regeneration (herewith)
23. Climate Change Declaration - Annual Report 2019/20 - Report by Head of Planning, Economic Development and Regeneration (herewith)
24. Planning Guidance: Non-Employment Uses Within Employment Areas - Report by Head of Planning, Economic Development and Regeneration (herewith)
25. Lady Park Linlithgow - Proposed Acquisition of 0.336 HA (0.83 Acre) - Report by Head of Finance and Property Services (herewith)
26. 2020/21 General Services Capital Budget - Month 6 Monitoring Report - Report by Head of Finance and Property Services (herewith)
27. 2020/21 General Fund Revenue Budget - Month 6 Monitoring Report - Report by Head of Finance and Property Services (herewith)

**Public Items for Information**

28. 2020/21 Housing Capital Report - Month 6 Monitoring - Report by Depute Chief Executive (herewith)
29. 2020/21 Housing Revenue Account - Month 6 Monitoring Report - Report by Depute Chief Executive (herewith)
30. Social Policy Contract Activity Update - Report by Head of Social Policy (herewith)
31. West Lothian Adult Protection Committee 20-18-2020 Adult Protection Biennial Report - Report by Head of Social Policy (herewith)
32. Consultation on Cycle 2 of the Forth Estuary Flood Risk Management Strategies and Plans - Report by Head of Operational Services (herewith)
33. West Lothian Integration Joint Board Performance Report 2019/20 - Report by Depute Chief Executive (Health & Social Care Partnership) (herewith)
34. West Lothian Leisure - Financial Statements for the Year Ended 31 March 2020 - Report by Head of Finance and Property Services (herewith)

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DATA LABEL: Public

NOTE     **For further information please contact Eileen Rollo on 01506 281621  
or email [eileen.rollo@westlothian.gov.uk](mailto:eileen.rollo@westlothian.gov.uk)**

MINUTE of MEETING of the COUNCIL EXECUTIVE held within WEBEX VIRTUAL MEETING ROOM, on 6 OCTOBER 2020.

Present – Councillors Lawrence Fitzpatrick (Chair), Kirsteen Sullivan, Frank Anderson, Janet Campbell, Harry Cartmill, Tom Conn, David Dodds, Peter Heggie, Chris Horne, Charles Kennedy, Cathy Muldoon, George Paul, Damian Timson

1. DECLARATIONS OF INTEREST

Agenda Item 28 – Interim Regional Spatial Strategy for Edinburgh and South East Scotland – Councillor Cathy Muldoon declared an interest in this item of business in that she was a council appointed member of SESplan.

Agenda Item 31 – Scottish Government Consultation: Scottish Planning Policy and Housing – Councillor Cathy Muldoon declared an interest in this item of business in that she was a council appointed member of SESplan.

Agenda Item 32 – Supplementary Guidance: Developer Obligations for General Infrastructure for Site Delivery (Excluding Transport and Education Infrastructure, Cemetery and Public Art Provision) - Councillor Cathy Muldoon declared an interest in this item of business in that she was a council appointed member of SESplan.

Agenda Item 35 – Third Sector Partnership and Voluntary Organisations Budget 2020/21 – Councillor Frank Anderson declared an interest in this item of business in that he was Chair of Open Dorr and the Craigshill Good Neighbour Network.

Agenda Item 35 – Third Sector Partnership and Voluntary Organisations Budget 2020/21 – Councillor Peter Heggie declared an interest in this item of business in that he was a board member of West Lothian Youth Action Project.

Agenda Item 35 – Third Sector Partnership and Voluntary Organisations Budget 2020/21 – Councillor Chris Horned declared an interest in this item of business in that he was a member of West Lothian Grapevine Twinning Association.

Agenda Item 35 – Third Sector Partnership and Voluntary Organisations Budget 2020/21 – Councillor Charles Kennedy declared an interest in this item of business in that he was a member of West Lothian Grapevine Twinning Association.

Agenda Item 35 – Third Sector Partnership and Voluntary Organisations Budget 2020/21 – Councillor Tom Conn declared an interest in this item of business in that he was a member of Linlithgow Heritage Trust.

Agenda Item 28 - Interim Regional Spatial Strategy for Edinburgh and South East Scotland – Councillor Lawrence Fitzpatrick declared an

interest in this item of business in that he was a member of the City Region Deal Joint Committee for which a dispensation applied.

Agenda Item 34 – Supplementary Agreement to the Minute of Agreement for the Edinburgh and South East Scotland Region Joint Committee – Councillor Lawrence Fitzpatrick declared an interest in this item of business in that he was a member of the City Region Deal Joint Committee for which a dispensation applied.

Agenda Item 29 – Planning Guidance: Areas of Built Heritage and Townscape Value – the Shale Miners’ Rows – Councillor Lawrence Fitzpatrick declared an interest in this item of business in that he had close family members who resided in the area and would leave the meeting taking no part in the consideration or decision.

## 2. ORDER OF BUSINESS

The Council Executive agreed to hear a deputation request by Dr John Kelly in relation to agenda item 30 – Planning Guidance: The Vennel, Linlithgow.

The Chair ruled in terms of Standing Order 11 that agenda item 30 would be considered after agenda item 5.

The Council Executive agreed, in accordance with Standing Order 8(3), that agenda items 32, 42 were to be taken as read and their recommendations approved without further consideration”.

## 3. MINUTE

The Council Executive confirmed the Minute of its meeting held on 18 August 2020 as a correct record. The Minute was thereafter signed by the Chair.

## 4. CORRESPONDENCE

The Council Executive noted the correspondence.

## 5. PLANNING GUIDANCE: THE VENNEL, LINLITHGOW

### Deputation

The Council Executive heard a deputation by Dr John Kelly on the proposals contained in the report and the dramatic impact this would have on the Hight Street. He urged the council to reconsider the proposal with an alternative option to retain the site and allow the community to be actively involved in the redevelopment of the site.

### Report

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the outcome of a consultation on Planning Guidance for The Vennel, Linlithgow and to consider a request from Linlithgow and Linlithgow Bridge Community Council to make further representations on the guidance in accordance with an approved Participation Request.

The report recommended that the Council Executive:

1. Note the comments received on the draft guidance following consultation (appendix 2);
2. Approve the responses to the comments received during consultation on the draft guidance (appendix 2) including the further submission from Linlithgow and Linlithgow Bridge Community Council (appendix 4);
3. Approve Planning Guidance for The Vennel, Linlithgow (appendix 1);
4. Note that the guidance would be a material consideration in any future development proposals for the site;
5. Approve the screening report for submission to the SEA Gateway (appendix 5); and
6. Delegate authority to the Head of Planning Economic Development and Regeneration to agree and conclude a SEA “screening determination” as to whether a SEA was required, having taken account of the views offered by the Consultation Authorities.

#### Motion

To approve and note the recommendations of the report.

However, given the time that has elapsed since the public consultation in 2017, Council Executive agrees to expedite any redevelopment of The Vennel area and instructs the Chief Executive to initiate a marketing exercise as part of a “Development Opportunity- mixed residential and commercial” project inviting potential partners to submit offers and details with a closing date of 31st March 2021.

Officers to submit a report thereafter to the Policy and Resources PDSP

In the meantime, officers are also instructed to investigate with local community, voluntary and business groups the appetite for the development of a community/resource hub within the former library building. The aim to develop an innovation centre with flexible space for those home working/working from home providing hot desking with meeting space where under social distancing guidelines meetings where

necessary couldn't be conducted within residential premises. Use by community groups as a drop in centre and focal point for joint working.

If successful a community innovation centre to be included in any new build final proposal for the redevelopment of The Vennel area.

- Moved by Councillor Tom Conn and seconded by Councillor David Dodds

#### Amendment

To keep recommendations 1, 2, 3, 5 and 6, remove recommendation 4 and add "agrees that since original consultation was 3 years ago that a full community consultation commence outlining changes since original guidance consultation and report back to PDSP and CE, furthermore officers bring back report on feasibility of option 2".

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

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

#### Motion

Harry Cartmill  
Tom Conn  
David Dodds  
Lawrence Fitzpatrick  
Cathy Muldoon  
George Paul  
Kirsteen Sullivan

#### Amendment

Frank Anderson  
Janet Campbell  
Peter Heggie  
Charles Kennedy  
Chris Horne  
Damian Timson

#### Decision

Following a vote, the motion was successful by 7 votes to 6 and it was agreed accordingly.

### 6. CONSULTATION ON PROPOSAL FOR CHANGES TO THE NATIONAL TRANSFER SCHEME (NTS) FOR UNACCOMPANIED ASYLUM-SEEKING CHILDREN (UASC) RESPONSE

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy advising of the Home Office consultation on the proposal for changes to the National Transfer Scheme for Unaccompanied Asylum-Seeking Children and welcome their views and comments.

The report recommended that the Council Executive consider the draft response to the consultation and agree its submission to the Home Office.

#### Decision

To approve the terms of the report subject to amending response to make clear that the council's view is that funding should be provided.

7. SCOTTISH GOVERNMENT CONSULTATION ON RAISING THE AGE OF REFERRAL TO THE PRINCIPAL REPORTER

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy advising of the Scottish Government's consultation on Raising the Age of Referral to the Principal Reporter.

The report recommended that the Council Executive consider the draft response to the consultation and agree its submission to the Scottish Government.

Decision

To approve the terms of the report.

8. REVIEW OF STANDING ORDERS FOR THE REGULATION OF CONTRACTS

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services presenting the proposed revised Standing Orders for the Regulation of Contracts (Contract Standing Orders).

The report recommended that the Council Executive approve the proposed revised Contract Standing Orders as attached at appendix 1 to the report.

Decision

To approve the terms of the report.

9. REVIEW OF POLICY AND PROCEDURE FOR SUPPORTING ATTENDANCE AT WORK

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services providing the outcome of a review of the council's Policy and Procedure for Supporting Attendance at work, which was concluded in December 2019, together with a Supporting Attendance Action Plan to improve the effectiveness of the policy going forward.

The report recommended that the Council Executive:

1. Note that prior to the Covid-19 pandemic, sickness absence rates across the council had been rising despite the introduction of the council's Policy and Procedure for Supporting Attendance at Work on 1 September 2018;
2. Note the summary position on absence rates and in particular, the

prevalence of stress-related absence as set out in Section D.2 of the report;

3. Note the proposed adjustments to the policy and its application set out in Section D.3 aimed at improving its effectiveness;
4. Note the package of measures currently in place to support the management of stress-related absence outlined in Section D.4;
5. Endorse the additional support measures proposed in the Supporting Attendance Action Plan at Appendix 1 to the report;
6. Consider the proposal that the policy should continue to be reviewed on an annual basis to ensure that improvement in the council's sickness absence levels were being delivered; and
7. Note that quarterly sickness absence monitoring reports would continue to be submitted to the Partnership & Resources Policy Development and Scrutiny Panel in the normal manner and that regular update meetings with the recognised Trade Unions would also continue on an ongoing basis.

#### Decision

To approve the terms of the report subject to amending recommendation 6 as follows:

“agree that the policy should continue to be reviewed on an annual basis to ensure that improvement in the council's sickness absence levels were being delivered”.

### 10. COMMUNITY COUNCIL SPECIAL PROJECT GRANTS

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services providing details of an application for a special project grant which had been received from Kirknewton Community Council.

The report recommended that the Council Executive determine the valid application received from Kirknewton Community Council as detailed in the appendix to the report.

#### Decision

To approve the terms of the report.

### 11. FAMILY LEAVE PROVISIONS - ELECTED MEMBERS

The Council Executive considered a report (copies of which had been circulated) by the Governance Manager and Head of Corporate Services presenting draft Guidance on Family Leave for Elected Member and related resources that may be made available to members.

The report recommended that the Council Executive:

1. Note the updated Guidance on Family Leave for Elected Members circulated to Scottish Councils (Appendix 1);
2. Approve the proposed draft Family Leave Scheme for Elected Members to provide a mechanism for Elected Members to access family leave provisions, including the additional provision for surrogacy leave which went beyond the COSLA guidance;
3. Note the additional provisions not specifically referenced in the scheme, the reasons for that and how Elected Members may access such provisions; and
4. Note that if the Scheme was adopted a report would be required to full council to recommend changes to Standing Orders for the Regulation of Meetings and the Scheme of Administration, and that changes to the Scheme of Delegations and the Scheme of Elected Member Remuneration, Allowances and Reimbursement of Expenses could be sought at the same time.

#### Decision

To approve the terms of the report.

### 12. SUPPORTING PERFORMANCE FRAMEWORK

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services presenting a framework to support staff (non-teaching) achieve improved performance.

The report recommended that the Council Executive:

1. Approve the framework set out in Appendix 1 of the report for implementation on 1 January 2021; and
2. Note that it had been requested by the recognised Trade Unions that following implementation the framework was kept under review with the option to make amendments as necessary.

#### Decision

To approve the terms of the report and that the Scheme of Delegations was to be amended to reflect the new policy and procedure.

### 13. PROCUREMENT ARRANGEMENTS - DIRECT AWARD TO GL EDUCATION GROUP

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to directly award a contract for the continued provision of CAT4 testing across the

eleven Secondary Schools from GL Education Group. Council Executive was requested to approve service provision for a one-year period from October 2020 with the option to extend for a further year in 2021. The total value of the contract over the full two-year contract period would not exceed £55,000.

The report recommended that the Council Executive approve the direct award of a contract for the provision of CAT4 testing in Secondary Schools to GL Education Group.

#### Decision

To approve the terms of the report.

### 14. PARENTAL BEREAVEMENT LEAVE AND PAY

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services presenting proposed amendments to the Leave for Family Care Purposes Policy which would enhance the statutory requirements contained within the Parental Bereavement Leave and Pay Act 2018.

The report recommended that the Council Executive:

1. Note the statutory provision of the Parental Bereavement Leave and Pay Act 2018 which came into effect from 6 April 2020; and
2. Approve the amendments to the Leave for Family Care Purposes Policy which would enhance the statutory provisions.

#### Decision

To approve the terms of the report.

### 15. CONSULTATION RESPONSE: ROLE OF SOCIAL SECURITY IN SCOTLAND'S RECOVERY FROM COVID-19

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising of the Social Security Committee consultation, which commenced on 1 September, on the role of social security in Scotland's recovery from Covid-19 and to agree a response to be returned by 14 October 2020.

The report recommended that the Council Executive:

1. Note the content of the proposed consultation response at appendix 1; and
2. Approve the proposed consultation response to be submitted on behalf of West Lothian Council.

#### Decision

To approve the terms of the report.

16. PROPOSED 3G PITCH AND CHANGING FACILITIES IN ARMADALE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising of the outcome of an options appraisal undertaken by officers on potential locations for a new 3G sports pitch and changing facilities in Armadale.

The report recommended that the Council Executive:

1. Note the outcome of an options appraisal undertaken by officers on potential locations for a new 3G sports pitch and changing facilities in Armadale.
2. Agree that the preferred locations option for the provision of the new 3G sports pitch and ancillary facilities was Volunteer Park North Street, Armadale; and
3. Agree that a further report should be presented to Council Executive providing an update on the proposed Volunteer Park option once investigations were completed and providing details of the proposed operating model and delivery timescales for the new facilities.

Decision

To approve the terms of the report.

17. LEARNING ESTATE INVESTMENT PROGRAMME UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive and Head of Finance and Property Services providing an update on the council's proposed submission for Learning Estate Investment Programme funding support, to set out the timescales for the development of the councils Learning Estate Strategy (and associated Learning Estate Management and Investment Plan) together with outlining further proposed feasibility work on emerging investment priority schools.

The report recommended that the Council Executive:

1. Approve the submission of Deans, Eastertoun, East Calder and St Joseph's Primary Schools for funding under the Learning Estate Investment Programme;
2. Note the progress on the development of the Learning Estate Strategy 2021/22 to 2031/32 and its associated Learning Estate Management and Investment Plan 2021/22 to 2026/27, together with the timescales for the review and determination;

3. Approve the undertaking of further feasibility assessments and appraisals for alternative investment proposals associated with Deans, Eastertoun, East Calder and St Joseph's Primary Schools, should additional funding not be forthcoming;
4. Approve the undertaking of a feasibility assessment and options appraisal for the emerging potential priority investments at Riverside and Letham Primary Schools; and
5. Note that updates would be provided, on the outcome of the Learning Estate Investment Programme submissions and the outcome of the further feasibility assessments and options appraisals for the four schools and the feasibility assessment and options appraisal for Riverside and Letham Primary Schools.

#### Decision

To approve the terms of the report and agree that the Scheme of Delegations was to be amended to include responsibility for Learning Estate.

18. 59 MAIN STREET, BLACKRIDGE - PROPOSED SALE TO MR GARY DRUMMOND

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for the sale of 59 Main Street, Blackridge to Mr Gary Drummond for £15,777 (Fifteen Thousand, Seven Hundred and Seventy-Seven Pounds).

The report recommended that the Council Executive:

1. Approve the sale of 59 Main Street, Blackridge to Mr Gary Drummond for the sum of £15,777 (Fifteen Thousand, Seven Hundred and Seventy-Seven Pounds) subject to the terms and conditions set out in the report; and
2. Authorise the Head of Finance and Property Services to carry out any further negotiations with the purchaser in respect of the sale terms of the property, on the basis that any revised terms and conditions still represent the achievement of best value for the council.

#### Decision

To approve the terms of the report.

19. LAND AT CAPUTHALL ROAD, DEANS INDUSTRIAL ESTATE, LIVINGSTON - PROPOSED SALE TO CNG FUELS LIMITED

The Council Executive considered a report (copies of which had been

circulated) by the Head of Finance and Property Services seeking approval for the sale of Land at Caputhall Road, Livingston, to CNG Fuels Limited for £437,500 (Four Hundred and Thirty-Seven Thousand Five Hundred Pounds).

The report recommended that the Council Executive:

1. Approve the sale of Land at Caputhall road, Livingston to CNG Fuels Limited for £437,500 (Four Hundred and Thirty-Seven Thousand Five Hundred Pounds) subject to the terms and conditions set out in the report; and
2. Authorise the Head of Finance and Property Services to carry out further negotiations with the purchaser, on the basis that any revised terms and conditions still represented the achievement of best value for the council.

Decision

To approve the terms of the report.

20. FORMER PAVILION, WHITBURN ROAD, BATHGATE - PROPOSED SALE TO MICHAEL TUGMAN

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for the sale of the former Pavilion at Whitburn Road, Bathgate to Michael Tugman for £50,000 (Fifty Thousand Pounds).

The report recommended that the Council Executive:

1. Approve the sale of the Pavilion at Whitburn Road, Bathgate, to Michael Tugman for £50,000 (Fifty Thousand Pounds) subject to the terms and conditions set out in the report: and
2. Authorise the Head of Finance and Property Services to carry out further negotiations with the purchaser, on the basis that any revised terms and conditions still represented the achievement of best value for the council.

Decision

To approve the terms of the report.

21. RISK MANAGEMENT POLICY

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services presenting the revised Risk Management Policy for consideration.

The report recommended that the Council Executive approve the Risk Management Policy.

Decision

To approve the terms of the report.

22. SCOTTISH GOVERNMENT PROGRAMME FOR GOVERNMENT 2020/21

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an overview of the Programme for Government 2020/21 announced on 1 September 2020, including key issues identified that could have implications for local government.

The report recommended that the Council Executive:

1. Note the announcements contained in the Programme for Government plans for 2020/21 that could have implications for local government; and
2. Agree that officers continue to monitor these plans as they are progressed and more information becomes available, including updates from COSLA, and that officers assess any potential policy, service and financial implications for the council, and report on these to elected members on an ongoing basis.

Decision

To approve the terms of the report.

23. 2020/21 GENERAL FUND REVENUE BUDGET - MONTH 5 MONITORING

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the outcome of the General Fund revenue budget monitoring exercise at month 5 including costs as a result of the Covid-19 pandemic, including an update on recurring budget pressures and delivery of approved budget savings for the period 2020/21 to 2022/23.

The report recommended that the Council Executive:

1. Note that the outcome of the month 5 risk-based monitoring exercise was a projected overspend of £4.040 million, after accounting for all currently confirmed funding from Scottish Government and £994,000 from the General Fund Balance (GFB) as agreed by Council Executive on 18 August 2020;
2. Note the recurring pressures of £1.190 million, and the agreed actions being progressed to mitigate these pressures;
3. Note the good progress in delivery of approved budget savings for

2020/21 to 2022/23;

4. Agree that Heads of Service take all management action necessary to ensure, wherever possible, that 2020.21 expenditure is managed within budgeted resources; and
5. Agree that officers should continue to engage with Scottish Government and COSLA around further government funding for the council so that the significant additional costs being incurred in relation to Covid-19 were fully funded.

Decision

To approve the terms of the report.

24. 2020/21 GENERAL SERVICES CAPITAL BUDGET - MONTH 5 MONIITORING

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the financial position in relation to the General Services capital programme following completion of month 5 monitoring exercise.

The report recommended that the Council Executive:

1. Note the outcome of month 5 monitoring exercise and the projected outturn;
2. Agree that Asset Lead Officers and the Head of Finance and Property Services keep under review factors that impact on delivery of the approved capital programme;
3. Note the progress on the delivery of the overall programme; and
4. Note £720,713 of funding from the Scottish Government would be used to tackle digital exclusion of children and young people.

Decision

To approve the terms of the report.

25. REGULATION OF INVESTIGATORY POWERS - REVIEW OF POLICY PROCEDURE

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive to progress the triennial review required of the council's policy on the Regulation of Investigatory Powers (Scotland) Act 2000, taking account of the findings of the statutory inspection carried out in late 2019.

The report recommended that the Council Executive:

1. Note that the council's Policy on the Regulation of Investigatory Powers (Scotland) Act 2000, approved on 19 September 2017, was due for review in 2020;
2. Review and agree the proposed changes to the Policy shown in the first part of Appendix 1, reflecting in particular the findings of the statutory inspection carried out by the Investigatory Powers Commissioner's Office in late 2019; and
3. Note the complementary changes made to the supporting but separate internal Procedure, show in the second half of Appendix 1.

### Decision

To approve the terms of the report.

## 26. COVID-19: PUBLIC INSPECTION OF DOCUMENTS - SUSPENSION OF DUTIES

The Council Executive considered a report (copies of which had been circulated) by the Governance Manager to review and extend the temporary suspension of statutory duties to make documents open to the public for physical inspection and copying.

The report recommended that the Council Executive:

1. 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. Note that the temporary suspension of these duties in relation to the documents listed in the appendix was implemented through Standing Order 31 on 11 May 2020 and reported to Council Executive on 26 May 2020;
3. Note that part of that implementation included an undertaking to review the position at the first Council Executive after 30 September 2020;
4. Extend the suspension during the prolonged coronavirus emergency period of the duties listed in the appendix to make hard copies of documents available in council offices for public inspection and copying;
5. Note that the suspension would only apply during the coronavirus emergency period, presently till 31 March 2021 or any date substituted by the Scottish Ministers, and full compliance would resume when the emergency ends; and
6. Agree that the use of these powers be reviewed at the first Council Executive meeting after 1 April 2021 if the emergency period

persisted after that date.

#### Decision

To approve the terms of the report.

27. PROPOSED CHANGES TO PRE-APPLICATION CONSULTATION (PAC) REQUIREMENTS IN PLANNING - PROPOSED CONSULTATION RESPONSE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the Scottish Government's consultation Proposed Changes to Pre-Application Consultation (PAC) Requirements in Planning and to agree the council's response to that consultation

The report recommended that the Council Executive:

1. Note the terms of the report; and
2. Approve the proposed response to the consultation as set out in Appendix 1.

#### Decision

To approve the terms of the report.

28. INTERIM REGIONAL SPATIAL STRATEGY FOR EDINBURGH AND SOUTH EAST SCOTLAND (IRSS)

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the preparation of an Interim Regional Spatial Strategy (iRSS) for Edinburgh and South East Scotland and to seek ratification of a decision by the SESplan Joint Committee to submit that document for submission to the Scottish Government.

The report recommended that the Council Executive:

1. Note the decision by the SESplan Joint Committee on 21 September 2020 to agree the content and terms of an Interim Regional Spatial Strategy for the SESplan area and its submission to Scottish Government in order to inform National Planning Framework 4;
2. Note that each of the six authorities in SESplan had to ratify the SESplan decision;
3. Note the call in the strategy for a fully funded "infrastructure first" approach;

4. Ratify the decision of the SESplan Joint Committee to submit the interim Regional Spatial Strategy to Scottish Government for consideration as part of National Planning Framework 4; and
5. Delegate to the Head of Planning, Economic Development and Regeneration to agree, in consultation with the Executive Councillor, any changes to the interim Regional Spatial Strategy promoted by any of the SESplan council's provided that those changes did not have a material impact on West Lothian's interest.

#### Decision

To approve the terms of the report.

### 29 PLANNING GUIDANCE: AREAS OF BUILT HERITAGE AND TOWNSCAPE VALUE - THE SHALE MINERS' ROWS

Having previously declared an interest Councillor Lawrence Fitzpatrick left the meeting during consideration of this item of business.

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the outcome of consultation on a draft Planning Guidance (PG) for Areas of Built Heritage and Townscape Value – The Shale Miners' Rows and to seek approval of the guidance.

The report recommended that the Council Executive:

1. Agree the responses to the consultation comments as set out in appendix 1;
2. Approve the content of the planning guidance on Areas of Built Heritage and Townscape Value covering the former shale miners' rows at Dedridge, Livingston; Oakbank, near West Calder; Roman Camp by Broxburn; South Village, Pumpherston; and Winchburgh as set out in Appendix 2;
3. Approve the "Screening Report" contained in appendix 3 which was to be submitted to the SEA Gateway and the Consultation Authorities and which set out the council's justification that the guidance was exempted from additional Strategic Environmental Assessment because it would not in itself have any significant environmental effects; and
4. Delegate authority to the Head of Planning, Economic Development and Regeneration to timeously issue a "Screening Determination" in the event that the SEA Gateway and the Consultation Authorities confirm their agreement that the guidance would not in itself have any significant environmental effects, and to report the outcome of the SEA screening process to a future meeting of the Council Executive for information.

Decision

To approve the terms of the report.

30. SCOTTISH GOVERNMENT CONSULTATION: SCOTTISH PLANNING POLICY AND HOUSING

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the Scottish Government consultation on Scottish Planning Policy (SPP) and Housing and to seek approval of the council's response to the consultation.

The report recommended that the Council Executive:

1. Note the terms of the consultation from the Scottish Government and the reasons for it;
2. Approve the proposed response to the consultation as set out in appendix 3 to the report; and
3. Agree to submit the report and appendix 3 to Scottish Government as the council's response to the consultation.

Motion

Council notes that there was a successful Court of Session challenge to a reporter's decision to permit a large housing development at Quarriers Village, Inverclyde an area of outstanding beauty which Scottish Government declined to appeal, all related to interpretation an effective five-year land supply.

Council recognises that this exposes a major weakness in Scottish Planning Policy and related guidance as there is no definitive methodology for calculating the Effective Five-Year Land Supply for housing.

Council also notes that the Scottish Government issued proposed guidance in 2016 in an attempt to address this gap but then withdrew this guidance in November 2017 without putting any alternative arrangements in place or, setting a timescale for doing so. It is the case that the Reporter approved the current Strategic Development Plan but the Minister declined to do so reasoning that the transportation impacts had not been fully assessed and mitigated

Council recognises that the gap in the methodology has been a material factor in allowing reporters to overturn council decisions to refuse planning permission on a number of sites including Brotherton Farm and Wellhead Farm in Livingston and Falside in Bathgate. All are edge of town areas of outstanding beauty, being designated countryside highly cherished by their communities.

Council welcomes the Scottish Government's [belated] reaffirming of the Plan-led System and the proposed changes to Scottish Planning Policy. The Plan-led System should provide individuals and communities with certainty about those areas which could be developed and those areas which should be protected from development over the plan period. This certainly has been diminished by the Scottish Government's failure to put proper guidance in place.

Council welcomes the proposed changes to Scottish Planning Policy and calls for the Government to make the necessary changes as quickly as possible following conclusion of the consultation. This is of vital importance as, notwithstanding the proposed changes to SPP, reporters are not placing any weight on the terms of that consultation and are continuing to prefer appellants' methodologies for calculating the Effective Five-Year Land Supply over the methodology proposed in the consultation.

Council Executive therefore agrees:

- the recommendations in the report;
- an additional recommendation stating "Agrees to instruct the Chief Executive to send a covering letter to the Minister outlining the undermining of the plan led system which is continuing to happen despite the intentions set out in the consultation and encourage the Minister to make the necessary changes to SPP as quickly as possible and to declare that this intention is a material planning consideration".
- Inserts the following text at the end of the response to Q3 (Appendix 3):

The plan led system should allow all parties with an interest in land to have some certainty about future developments where they have engaged in the process. In the West Lothian Local Development Plan, communities and residents, together with those with an interest in developing the land, had the right to make their case through the call for sites, engagement on the proposed plan and by making representation to the examination of the plan by an independent reporter. Having engaged in that way there should be a fair degree of certainty about what sites will be developed and which areas will be protecting over the next 10 years or so. However, unfortunately, this has proven not to be the case in a number of areas because of the lack of clarity on land supply issues from the Scottish Government which allowed reporters to set aside the terms of the development plan even although it has fairly recently been adopted by the council and remains up to date

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

### Decision

To approve the terms of the motion.

31. SUPPLEMENTARY GUIDANCE: DEVELOPER OBLIGATIONS FOR GENERAL INFRASTRUCTURE FOR SITE DELIVERY (EXCLUDING TRANSPORT AND EDUCATION INFRASTRUCTURE, CEMETERY AND PUBLIC ART PROVISION)

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the outcome of the SEA screening determination process relative to Supplementary Guidance (SG) on Developer Obligations for General Infrastructure for Site Delivery and subsequent adoption of the guidance.

The report recommended that the Council Executive:

1. Note the comments received from the Strategic Environmental Assessment (SEA) Consultation Authorities on the Supplementary Guidance on Developer Obligations for General Infrastructure for Site Delivery and the overall view that the guidance would have no significant environmental effects (see appendix 3);
2. Note that the Head of Planning, Economic Development and Regeneration had subsequently issued a "Screening Determination" which concluded that a separate SEA was not required and which confirmed that no separate SEA would be prepared to accompany the Supplementary Guidance (see appendix 3);
3. Note that Supplementary Guidance was submitted to the Scottish Ministers for consideration and was cleared to be adopted as statutory Supplementary Guidance in support of West Lothian Local Development Plan; and
4. Note the guidance was formally adopted on 21 September 2020 (see appendix 1).

Decision

To note the terms of the report.

32. DEVELOPER CONTRIBUTIONS TOWARDS TOWN AND VILLAGE IMPROVEMENTS IN FAULDHOUSE AND WHITBURN

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration setting out the proposed approach to considering applications for funding which was available for town and village centre improvements in Fauldhouse and Whitburn. The funding was available as a result of developer obligations relating to the Heartlands development site.

The report recommended that the Council Executive:

1. Note the establishment of a fund for town and villages improvements within Fauldhouse and Whitburn;
2. Approve the proposed means of disbursing monies from the fund for town and village improvements within Fauldhouse and Whitburn; and
3. Delegate the Head of Planning, Economic Development and Regeneration to make awards from the fund following consultation with the Polkemmet Community Liaison Group, councillors representing the wards of Whitburn and Fauldhouse and the clergy of churches within Whitburn and Fauldhouse.

#### Decision

To approve the terms of the report.

### 33. SUPPLEMENTARY AGREEMENT TO THE MINUTE OF AGREEMENT FOR THE EDINBURGH AND SOUTH EAST SCOTLAND REGION JOINT COMMITTEE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration setting out a proposed amendment to the Minute of Agreement for the Edinburgh and South East Scotland City Regional Deal Joint Committee. The original Minute of Agreement was agreed by the council on 17 April 2018 and the supplementary agreement was now required to allow the Joint Committee to carry out the functions currently carried out by South East Scotland Planning Authority (SESplan) Joint Committee.

The report recommended that the Council Executive:

1. Note that SESplan would be disbanded as a result of changes set out in the Planning (Scotland) Act 2019;
2. Note the intention to transfer the strategic planning functions from SESplan to the City Region Deal;
3. Note that, like SESplan, the City Region Deal Joint Committee would not have the ability to impose policy or financial commitments on the council; and
4. Agree that the council enters into the agreement as set out in the Supplementary Minute of Agreement.

#### Decision

To approve the terms of the report.

### 34. THIRD SECTOR PARTNERSHIP AND VOLUNTARY ORGANISATIONS

BUDGET 2021/22

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the ongoing discussion with Third Sector representative in West Lothian to develop partnership working and to consider and agree the arrangements for the disbursement of the Voluntary Sector budget in 2021/22.

The report recommended that the Council Executive:

1. Note the role and work of the Third Sector Working Group as detailed in the report;
2. Note the input provided by the Voluntary Organisations PDSP, provided as a verbal update;
3. Agree the proposed changes of the revenue budget to allow for an interim extension of the grants to the organisations listed in Section D.5.1;
4. Agree that the Gala Grant funding of £40,000 was not committed in 2020/21 due to the effects of Covid-19 and was utilised as set out in D.5.2;
5. Agree that the Twinning Grants would not be allocated in 2021/22 allowing the roll over to the grants awarded in 2020/21; and
6. Agree the process outlined in Section D.5.2 for the allocation of the remaining £400,000 through an application approach focussing on supporting communities through the on-going challenges of Covid-19.

Motion

To approve the terms of the report.

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

Amendment

To agree recommendations 1, 2, and 5 and to delete recommendations 3, 4 and 6.

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

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

Motion

Harry Cartmill  
Tom Conn

Amendment

Frank Anderson  
Janet Campbell

David Dodds  
Lawrence Fitzpatrick  
Chris Horne  
Charles Kennedy  
Cathy Muldoon  
George Paul  
Kirsteen Sullivan  
Damian Timson

### Decision

Following a vote, the motion was successful by 10 votes to 2 and it was agreed accordingly.

## 35. TIMETABLE OF MEETINGS 2020/21

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive seeking approval of a timetable of meetings to July 2021, of the council, its committees and working groups (including Policy Development and Scrutiny Panels) which meet according to a regular timetable.

The report recommended that the Council Executive:

1. Note and approve the arrangements shown in the appendices for meetings of the council, its committees and working groups from November 2020 until July 2021;
2. In relation to Policy Development and Scrutiny Panels:
  - Note that their meeting dates were set through Lead Officers and Chairs
  - Note that although Lead Officers and Chairs had been consulted about the dates proposed in the report those dates may be subject to later change.
3. In relation to Local Area Committees:
  - Note that each LAC sets its own meeting dates and that those in the appendices were not all yet agreed
  - Delegate authority to the Chief Executive to make any changes required after LACs have agreed their meeting arrangements.
4. In relation to Members' Training Days:
  - Note and agree proposed dates
  - Delegate authority to the Chief Executive to adjust those dates and times in the event of a change of circumstances arising.

5. Agree that meetings until 31 March 2021 would continue by remote access with that to be reviewed at Council Executive in March 2021, or earlier should circumstances change relating to the Covid-19 pandemic.

#### Decision

1. To approve the terms of the report.
2. To agree that the Council Executive scheduled for 8 December 2020, should commence at 10am.
3. To agree that the Council Executive agenda would be hand delivered to members.

#### 36. CYCLING, WALKING AND SAFE STREETS - NEW FOOTWAY SCHEMES AND ASSESSMENT OF PEDESTRIAN CROSSINGS

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to progress four new footway schemes as part of the Cycling, Walking and Safer Streets (CWSS) funding and to commence with an assessment of identified pedestrian crossing sites.

The report recommended that the Council Executive:

1. Approve the new footway schemes detailed in Appendix 1 and instructs officers to proceed with their design and implementation;
2. Instruct officers to carry out assessments of the pedestrian crossing sites identified in Appendix 2; and
3. Instruct officers to bring back a report to a future Environment Policy Development and Scrutiny Panel on the assessment's recommendations and a programme for delivery commencing from 2021/22 onwards.

#### Decision

To approve the terms of the report.

#### 37. RIVERLIFE: ALMOND & AVON - ALMOND BARRIERS PROJECT MID CALDER WEIR

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing an update on progress in the development of the project to adapt Mid Calder Weir to allow fish passage and to enhance access to the weir from Mid Calder.

The report recommended that Council Executive:

1. Note the progress being made on detailed design to adapt the weir at Mid Calder, restoring fish passage; and
2. Approve efforts to secure realignment of the National Cycle Network route (NCN75) between Pumpherston Road, Mid Calder east towards East Calder Wastewater Treatment Works and to authorise officers to secure external funding and the necessary consents leading to detailed design and construction, if the proposal proved technically feasible.

Decision

To approve the terms of the report.

38. 2020/21 WINTER PLAN - ROADS AND TRANSPORTATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising that the Code of Practice “Well-managed Highway Infrastructure” – 2016, recommends that councils should review and approve their Winter Service Plan annually and to seek approval of the council’s Winter Service Plan.

The report recommended that the Council Executive approve the Winter Service Plan 2020/21 as detailed in appendix A to the report.

Decision

To approve the terms of the report.

39. 2019/20 ANNUAL RETURN ON THE CHARTER

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services advising on the service’s performance against the Annual Return on the Charter, and seeking approval of the submission of the Annual Assurance Statement following the recent submission of the ARC to the Scottish Housing Regulator on 31 July 2020.

The report recommended that the Council Executive note the performance that formed part of the return to the Scottish Housing Regulator and approve that the Chair signs and submits the Annual Assurance Statement.

Decision

To approve the terms of the report.

40. 2020/21 HOUSING REVENUE ACCOUNT - MONTH 5 MONITORING

The Council Executive considered a report (copies of which had been

circulated) by the Depute Chief Executive providing an update on financial performance following the month 5 monitoring exercise.

The report recommended that the Council Executive note the outcome of the month 5 monitoring exercise and the projected outcome.

Decision

To note the terms of the report.

41. 2020/21 HOUSING CAPITAL REPORT - MONTH 5 MONITORING

The Council Executive considered a report (copies of which had been circulated) providing an update on the financial position in relation to Housing Capital Programme following the completion of the month 5 monitoring exercise.

The report recommended that the Council Executive note the outcome of the month 5 Housing Capital monitoring exercise and the projected outturn for 2020/21.

Decision

To note the terms of the report.

42. KICK START

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing an overview of the UK Government's Kick Start programme and to seek approval for West Lothian Council to submit a bid to create initially 200 Kick Start places in West Lothian.

The report recommended that the Council Executive:

1. Note the introduction of the Kick Start programme;
2. Note the council's potential role as a gateway organisation creating Kick Start opportunities;
3. Note the council's intention to create Kick Start opportunities within council services; and
4. Approve the submission of an initial bid to create 200 opportunities on behalf of West Lothian Council and Partners, with the option to apply for more at a later date if required.

Decision

To approve the terms of the report.

43. LOCAL GOVERNMENT BENCHMARKING FRAMEWORK

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services providing the updated Local Government Benchmarking (LGBF) data for 2018/19. The LGBF compared the performance of the 32 Scottish council's in a consistent set of key performance indicators and was published each year in a national report.

The report recommended that the Council Executive note the council's comparative performance in the LGBF 2018/19.

Decision

1. To note the terms of the report.
2. To agree that employees be awarded one additional day of leave to be taken by the end of 2021.

44. NOTE ACTION TAKEN IN TERMS OF STANDING ORDER 31

Free School Meals – Holiday Provision

- a) Note action taken in terms of Standing Order 31 (Urgent Business).

Local Bus Provision – Brieich Valley

- b) Note action taken in terms of Standing Order 31 (Urgent Business).

45 CORONAVIRUS (SCOTLAND) (NO2) ACT 2020 - POWERS TO INTERVENE IN CARE PROVISIONS - QUARTERLY UPDATE

The Council Executive considered a report (copies of which had been circulated) providing an update on the work of the Care Home Clinical and Care Professional Oversight Group.

The report recommended that the Council Executive note and agree the recommendations of the report.

Decision

To note and approve the terms of the report.

MINUTE of MEETING of the COUNCIL EXECUTIVE held within WEBEX VIRTUAL MEETING ROOM, on 22 OCTOBER 2020.

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

Apologies – Councillors Janet Campbell and Harry Cartmill

1. DECLARATIONS OF INTEREST

Councillor Frank Anderson declared an interest in that he was the Chair of the Open Door Project and the Chair of the Craigshill Good Neighbour Network.

2. TOWN CENTRE FUND - CAPITAL GRANT 2020/21 - REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT AND REGENERATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration setting out proposals for the delivery and operation of the Town Centre Capital Grant 2020/21 of £658,000 which had been allocated to the council from Scottish Government.

It was recommended that Council Executive :-

1. Agrees the list of eligible areas and allocation to each area, as set out in appendix 1 of the report;
2. Agrees the criteria for the assessment of projects;
3. Agrees that decisions on the applications are made as follows:
  - a) Local Area Committees will consider applications from each community to the fund and have the power to award funding in full or in part as they see fit up to the amount allocated to that community.
  - b) After doing so, if there is a balance remaining of the aggregate amount allocated to the ward, Local Area Committees will have the power to apply that balance to applications for the ward area which have not already been funded at all or fully.
  - c) After doing so, if there is still a balance remaining, Council Executive will decide how and where all remaining balances from the Local Area Committees should be spent across the whole council area;
4. Notes that special virtual Local Area Committee (LAC) meetings will be required; and

5. Notes the conditions pertaining to the grant as set out in the report.

#### Motion

To approve the terms of the report.

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan

#### First Amendment

West Lothian Council SNP Group believes that the moral position on any decision regarding this Funding distribution should be made by all Councillors and not just by the Council Executive, which has an inbuilt Labour majority despite them claiming to be a minority administration. This is additional funding to our previously allocated Budget and as such should be discussed at a Council meeting. Financial decisions affecting the Budget are the responsibility of all elected members.

The SNP Group therefore calls on the Executive to agree to postpone any decision on the allocation of this extra funding, call a Special Council meeting for the sole purpose of discussing this item.

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

#### Second Amendment

As previously agreed all budget amendment decisions should be taken at full Council. As the monies involved in this emergency paper did not form part of the budget figures previously agreed but are clearly a revision to overall budget then the decision of spend arrangements should be taken at full council. We therefore propose that the paper be presented to full council for decision making and ask the Council chair to convene an emergency meeting of Full Council for discussion and decision on this matter.

It is noted that, despite the failure of the previous process where democratic decisions were taken away from many communities as their elected members could not participate in decision making and LACs could not have input into decisions, this paper recommends that that failed process be repeated. The Joint Forum of Community Councils have expressed concerns that they will again be precluded from input at some LACs as the LAC will not be Quorate as happened previously and resulted in decisions being made by members of areas out with the community affected. This is neither wanted nor democratic and they ask that this be further considered. Council executive therefore directs officers review their recommendations, to arrange a process which allows ward elected members to participate in the decision making and takes account of the representations made during the last round of distribution and brings this to a full council meeting for discussion and decision.

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

### Third Amendment

West Lothian Council SNP Group are disappointed to see a paper presented for distribution of grant funding to our communities which takes no cognizance of deprivation, despite having these figures available. Yet again, this proposed distribution ignores in Livingston's case the clearly identified communities within Livingston when it comes to the allocation of grant. How can it be a fair an equal distribution when, for example, the proposal gives Greenrigg £15,05 per head and Craigshill £2.17 per head, the same figure £2.17 applies to the whole of Livingston, the lowest per head figure of all the communities.

West Lothian SNP Group proposes that Council Executive

1. Learning from the lessons of last year, the funding bids for each defined community be presented to LAC's as distinct and separate reports thus maximising the opportunity for local scrutiny and participation
2. Agrees that, if requested, deputations from our communities are permitted to speak in favour of their own submission at the LAC meetings
3. Agrees the list of eligible communities and allocations to each community as set out in the Amendment.
4. Accepts and rennumbers recommendations 3,4,5 as 4,5,6.

Settlement	Population	Fixed allocation	Pop. Alloc.	total
Bathgate	23559	10,000	44055	54055
Linlithgow	13862	10,000	25548	35548
Armadales	12021	10,000	22479	32479
Whitburn	11805	10,000	22075	32075
Broxburn	10970	10,000	20514	30514
Elburn	8211	10,000	15355	25385
Craigshill	7057	10,000	13197	23228
Dedridge	6808	10,000	12731	22761
Blackburn	5775	10,000	10799	20799
East Calder	5733	10,000	10721	20721
Murieston/Bankton	5315	10,000	9939	19970
Carmondean	5170	10,000	9668	19718
Ladywell	5024	10,000	9395	19426
Fauldhouse	4804	10,000	8983	18983
Uphall	4687	10,000	8765	18765
Deans	4234	10,000	7918	17918
Knightsbridge	3945	10,000	7377	17408
Winchburgh	3758	10,000	7027	17027
Howden	3489	10,000	6524	16554
Mid Calder	3351	10,000	6266	16266
West Calder	3152	10,000	5894	15894

Livingston Village/Kirkton	2958	10,000	5531	15562
Kirknewton	2598	10,000	4858	14858
Bellsquarry/Adamrae	2305	10,000	4310	14340
Polbeth	2301	10,000	4303	14303
Blackridge	2074	10,000	3878	13878
Addiewell	1991	10,000	3723	13723
Stoneyburn	1982	10,000	3706	13706
Pumpherstoun	1667	10,000	3117	13117
East Whitburn	1344	10,000	2513	12513
Seafield	1334	10,000	2495	12495
Uphall Stn	1073	10,000	2007	12020
Greenrigg	1066	10,000	1993	11993
<b>TOTAL</b>	<b>175423</b>	<b>330,000</b>	<b>327664</b>	<b>658000</b>

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

A series of roll call votes took place as follows :-

The first vote took place which was the motion against the first amendment. The result was as follows :-

Motion

Tom Conn  
David Dodds  
Lawrence Fitzpatrick  
Andrew McGuire  
Cathy Muldoon  
Kirsteen Sullivan  
George Paul

First Amendment

Frank Anderson  
Diane Calder  
Peter Heggie  
Chris Horne  
Charles Kennedy  
Damian Timson

Following a vote, the motion was successful by 7 votes to 6.

The second vote took place which was the motion against the second amendment. The result was as follows :-

Motion

Tom Conn  
David Dodds  
Lawrence Fitzpatrick  
Andrew McGuire  
Cathy Muldoon  
Kirsteen Sullivan  
George Paul

Second Amendment

Frank Anderson  
Diane Calder  
Peter Heggie  
Chris Horne  
Charles Kennedy  
Damian Timson

Following a vote, the motion was successful by 7 votes to 6.

The third vote took place which was the motion against the third amendment. The result was as follows.:-

Motion

Third Amendment

Abstain

Tom Conn  
David Dodds  
Lawrence Fitzpatrick  
Andrew McGuire  
Cathy Muldoon  
Kirsteen Sullivan  
George Paul

Frank Anderson  
Diane Calder

Peter Heggie  
Chris Horne  
Charles Kennedy  
Damian Timson

Decision

Following a vote, the motion was successful by 7 votes to 2, with 4 abstentions and it was agreed accordingly.





## Chief Executive Office

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

Our Ref: CEO/CHi  
Your Ref:

**Contact: Graham Hope**  
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### Private & Confidential

Kevin Stewart MSP  
Minister for Local Government, Housing and Planning  
[kevin.stewart.msp@parliament.scot](mailto:kevin.stewart.msp@parliament.scot)  
(sent electronically only)

20 October 2020

Dear Mr Stewart

### Consultation on Changes to Scottish Planning Policy and Calculation of the Effective Five Year Land Supply in West Lothian

I refer to the recent consultation on your proposed changes to Scottish Planning Policy in relation to Housing Matters. West Lothian Council's Council Executive agreed a response to the consultation at its meeting on 6 October and officers have now submitted that response to you.

While members were generally welcoming of the proposed changes there was significant concern that, despite the proposals set out in the consultation, reporters from your Planning & Environmental Appeals Division (DPEA) are placing no weight on the terms of the consultation and are continuing to calculate the Effective Five Year Land Supply in a way which is wholly inconsistent with your recommended methodology. This continues to undermine the plan-led system which members noted was something that you were keen to reaffirm through the changes to SPP.

In view of this members agreed unanimously at Council Executive that I should write to you outlining the council's concerns and urging you, firstly, to issue a direction to reporters that the terms of the proposed changes should be a material consideration in the determination of appeals and, secondly, to encourage you to make the necessary changes to Scottish Planning Policy without further delay in order that the issue of calculating the Effective Five Year Land Supply can be clarified once and for all.

This, of course, is a matter which has been outstanding for some considerable time. You will recall that you issued Draft Planning Delivery Advice: Housing and Infrastructure in February 2016. The council responded to that consultation supporting the proposed changes. However, the draft advice was subsequently withdrawn December 2017 with no alternative put in place. The Council's Head of Planning, Economic Development & Regeneration has written to the Chief Planner on two

occasions expressing his, and the council's, concerns about this deficiency and setting out the impacts it was having in confidence in the planning system.

The failure of the Scottish Government to put a definitive methodology in place has left it open for developers to challenge housing allocations in the Local Development Plan through promotion of their own assessment of the land supply position. It is then open to reporters to choose the methodology they prefer. It is unfortunate that there is no consistency in the approach adopted by reporters with, in a West Lothian context, some reporters finding a deficiency in the land supply and allowing appeals while others have found no deficiency and have dismissed appeals. When deficiencies are being found, reporters are also accepting differing methodologies promoted by appellants. This variation in approach significantly undermines the plan led system and does not provide individuals and communities with the certainty they deserve from the planning system in Scotland.

I note that you felt it necessary to write to all stakeholders on 4 September to clarify that the consultation was not a directive from Ministers. You go on to state that some stakeholders have suggested that the consultation should be given significant material weight. I note, however, that while setting out the approach being adopted by some stakeholders you do not provide any guidance on what weight which should be afforded to the consultation.

It is the council's view that the consultation must be a material consideration. While it will continue to be for the decision maker to give whatever weight they think appropriate to the material consideration it does seem to the council that, as an absolute minimum, decision makers should be directed to require a calculation of the Effective Five Year Land Supply on the basis of the methodology set out in your consultation. Decision makers can, of course, still prefer other calculation methods provided that they set out the reason for dismissing the methodology set out in the consultation. However, to progress without any regard to such a calculation is, in the council's view, entirely unacceptable.

The council has recently received an intentions letter in relation to a site in Livingston where the reporter has yet again found a deficiency in the land supply. In the intentions letter the reporter sets out that there is no logic in the council's approach as it takes no account of under delivery in the early years of the SESplan period and the reporter treats this as a material factor in his intention. Of course the original introduction to your recent consultation set out exactly what the logic for this approach is, but it appears that reporters are prepared to place no weight on this.

The reporter states that "Were the current wording of Scottish Planning Policy to be as set out in the consultation, it is possible that my conclusion in paragraph 16 above that there is currently a significant shortfall in the five year effective land supply would have been different. Furthermore, the considerations I discussed in paragraphs 44 and 45 above might no longer have been relevant."

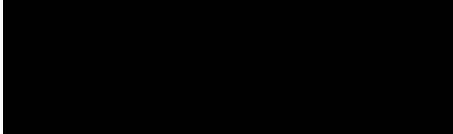
The reporter goes on to state that "I note that this consultation is at an early stage and there is currently a low level of certainty as to whether the proposed changes will be implemented in full, or without further amendment."

Of course if the appeal is allowed and the calculation methodology is subsequently implemented as per the consultation there will be no deficit in the land supply but more significantly no opportunity for the decision on the appeal to be reconsidered. However, conversely, if a precautionary principle is applied and reporters are directed, for the moment, to place significant weight on the terms of the consultation, where appeals are dismissed appellants would still have a further opportunity to test their planning proposals through the submission of a further application as and when the terms of changes to Scottish Planning Policy are confirmed.

I hope you will agree that the lack of clarity in relation to the Effective Five Year Land Supply has already existed for too long to the detriment of the plan-led system in Scotland. I also hope that you will move quickly in confirming changes to Scottish Planning Policy to address the issues but that, in the interim, you will direct that the terms of the consultation, and in particular the proposed methodology for calculating the Effective Five Year Land Supply, should be a significant material consideration in the consideration of appeals and that a precautionary principle should apply until such times as matters are clarified.

As always, I would be happy to discuss the council's concern and proposed solutions with you.

Yours sincerely,

A large black rectangular redaction box covering the signature of Graham Hope.

**Graham Hope**  
**Chief Executive**



**Minister for Local Government, Housing and Planning**  
Kevin Stewart MSP



**Scottish Government**  
Riaghaltas na h-Alba  
gov.scot

T : 0300 244 4000  
E : scottish.ministers@gov.scot

Graham Hope  
Caitlin.Hirst@westlothian.gov.uk

Our Reference: 202000102704  
Your Reference: Query Regarding Planning Policy & Calculation

29 October 2020

Dear Mr Hope

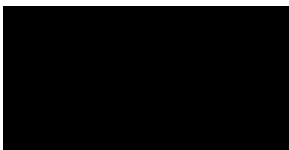
Thank you for your correspondence regarding the consultation on proposed interim changes to elements of Scottish Planning Policy.

Your letter notes matters relating to decision making, particularly by Reporters of the Directorate for Planning and Environmental Appeals, the weighting of material considerations and refers to a site in Livingston. I am sure you will appreciate that it would not be appropriate to comment on particular proposals as each is to be determined on its own merits.

You reference the Chief Planner letter of 4 September 2020 and I would re-affirm the position in that, that no final decisions have been made on changes to existing policy. Any such change will be informed by the consultation and until then the existing policy remains in place. Our website confirms that the existing policy should continue to be taken into account in decision making.

We have received 244 responses to the consultation and will give careful consideration to all of them. We will take into account the views and evidence provided before deciding the next steps.

Kind regards



**KEVIN STEWART**

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
www.gov.scot



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## **COUNCIL EXECUTIVE**

### **FREE SCHOOL MEAL PROVISION – SCHOOL HOLIDAYS (2020/21 ACADEMIC YEAR)**

#### **REPORT BY DEPUTE CHIEF EXECUTIVE**

##### **A. PURPOSE OF REPORT**

To seek Council Executive approval for a revision to the service delivery plans for the provision of free school meals to children eligible during the remaining school holiday periods covering the 2020/21 academic year.

##### **B. RECOMMENDATIONS**

The Council Executive is asked to note and approve the following direct payments, to the families of P4 – S6 children and young people eligible for free school meals, and P1 - P3 pupils in receipt of school clothing grant:

1. A payment of £15 per week per eligible child (a total of £30 per eligible child) during the Christmas Holiday 2020-21;
2. A payment of £10 per eligible child during the February Half Term Holiday 2021; and
3. A payment of £15 per week per eligible child (a total of £30 per eligible child) during the Easter Holiday 2021.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; developing employees; making best use of our resources; working in partnership
<b>II</b>	<b>Policy and Legal Strategic Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>Continued provision for children entitled to free school meals.</p> <p>Educational Continuity Directions and related statutory guidance; non-statutory Scottish Government guidance.</p> <p>Changing a previous decision of the council will require a ruling in terms of Standing Order 28.</p>
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None

<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Our children have the best start in life and are ready to succeed.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	The Scottish Government has announced additional funding to support the provision of free school meals during holiday periods, and the allocation for West Lothian Council is expected to be sufficient to meet the cost of the proposed provision. The total cost of the proposed provision would be £252,000 in 2020/21 and £189,000 in 2021/22 based on 6,300 eligible pupils.
<b>VII</b>	<b>Consideration at PDSP</b>	None
<b>VIII</b>	<b>Other consultations</b>	Head of Finance and Property Services, Financial Management Unit, Education Services; Operational Services, Anti-Poverty Service

## **D. TERMS OF REPORT**

### **D.1 Background**

The provision of free school meals to all eligible children and young people has been a key policy objective of the council during the period of school closures. This support has been continued during subsequent school holiday periods, in recognition of the ongoing detriment to low income families caused by the coronavirus pandemic.

### **D.2 Council Executive Approvals**

The Council Executive, at its meeting of 6 October 2020, approved the proposal to provide all children entitled to free school meals with a take away packed lunch or hot meal and a take away breakfast cereal bar/cereal during the remaining school holidays (excluding public holidays) within the current financial year 2020/21.

It was agreed that the free meals would be provided at seven secondary schools and 34 primary schools, with an additional five primary schools continuing to distribute packed lunches only, and that delivery arrangements continue for Additional Support Needs (ASN) for Education during the remaining school holidays (excluding public holidays).

It was agreed to use of £254,000 of resources to fund the cost of the service during the current financial year 2020/21.

### **D.3 Revised Delivery Model**

As detailed planning has progressed for holidays during winter 2020/21, a number of risks with this approach have become apparent: -

- 1) The Christmas holidays contain four public holidays, which taken together with weekends, would have the result that meals would only be delivered on eight out of the 18 day holiday.
- 2) In case of severe weather, it might be difficult or impossible for children and young people to travel to their closest school to collect their free school meal and breakfast provision.

- 3) Severe weather may also affect the ability of staff to attend work, placing the resilience of the service at risk.
- 4) Uptake levels each day during the October break were on average 19% of those children eligible for free school meals.
- 5) Staff availability during the remaining school holiday periods may be less than in previous school holiday periods, placing the resilience of the service at risk.

In order to maximise support offered to children and young people in low income families, to avoid problems of access for children and young people, and to maximise the resilience of the service, an alternative model of provision is now proposed.

The revised proposal would be for the parent or carer of each eligible child to receive a payment of £15 per child per each full week of school, resulting in a total payment of £30 per child during the Christmas Holiday 2020/21 period. For pupils in P1 to 3, the payment will be made to those eligible for and claiming Clothing Grant. Payments of £10 per eligible child had previously been made to families during the school closure period and previous school holidays, and so systems to support this proposal are in place. The total cost in 2020/21 would be £252,000.

As part of the proposed implementation of this proposal, all parents/carers will be encouraged and supported to check their eligibility and claim Free School meals and/or Clothing Grant where appropriate.

#### **D.4 2020/21 Academic Year**

The 2021 Easter break, when schools are closed from 2 April to 16 April 2021, covers a period of 11 days, excluding the public holidays of Good Friday and Easter Monday.

In seeking to ensure that children who are eligible for a free school meal continue to receive support throughout the remainder of the current academic year, it is also proposed to make a payment of £15 per child per each full week of school, to families with eligible children or young people, resulting in a total payment of £30 per child during the Easter Holiday 2021 period.

The total cost of this additional provision would equate to £189,000 in 2021/22 based on 6,300 eligible pupils. The Scottish Government have advised that additional resources are to be provided to councils to provide for free school meals during school holiday periods during the 2020/21 academic year. Whilst the level of funding for individual councils has yet to be confirmed, the final allocations are anticipated to be sufficient to deliver the proposed direct payments. A further update will be provided to committee once the final allocations are confirmed.

#### **E. CONCLUSION**

The provision of free school meals to all eligible children and young people has been a key policy objective of the council during the period of school closures, and subsequent holiday periods. The revised proposal will maximise support offered to children and young people in low income families, maximise the resilience of the service during winter 2020/21, and avoid problems of access for children and young people throughout the 2020/21 academic year

#### **F. BACKGROUND REFERENCES**

Council Executive – Free School Meals Holiday Provision - 6 October 2020.

**Graeme Struthers**  
**Depute Chief Executive**  
**17 November 2020**



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## **COUNCIL EXECUTIVE**

### **COMMUNITY COUNCIL SPECIAL PROJECT GRANTS**

#### **REPORT BY HEAD OF CORPORATE SERVICES**

##### **A. PURPOSE OF REPORT**

To invite the Council Executive to consider an application for a special project grant which has been received from Seafield Community Council.

##### **B. RECOMMENDATION**

That the Council Executive determines the valid application received from Seafield Community Council as detailed in the appendix.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; making best use of our resources; and working in partnership
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Section 22 of the Local Government (Scotland) Act 1994 and the Special Project Grant Guidelines
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	None.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	£3000 in the special project grant budget for financial year 2020/21.
<b>VII</b>	<b>Consideration at PDSP</b>	None.
<b>VIII</b>	<b>Other consultations</b>	None.

#### **D. TERMS OF REPORT**

A special project grant scheme currently operates for community councils in West Lothian to allow them to carry out projects in their areas. Community councils can apply for a maximum of £750 special project funding in each financial year. There is no minimum grant. The total budget for financial year 2020/21 is £3000. Applications are dealt with on a first come first served basis. Community councils who retain more than £75 of their annual grant from the previous financial year are expected to contribute 10% towards projects less than £750.

Three valid applications have been received so far in financial year 2020/21. The most recent application to be received is detailed in Appendix 1. The balance remaining in the budget for the current financial year is £1500. The amount requested in the application is £750.

If the application is granted in full, there will be £750 remaining in the special project grant scheme budget available for distribution.

#### **E. CONCLUSION**

The special project grant scheme allows community councils to carry out projects which they consider to be of benefit to their area. It is recommended that the Council Executive determines the application received from Seafield Community Council.

#### **F. BACKGROUND REFERENCES**

Minute of Meeting of the Partnership & Resources PDSP held on 18<sup>th</sup> February 2011.

Minute of Meeting of the Council Executive held on 22<sup>nd</sup> March 2011.

Appendices/Attachments: One

Contact Person: Lorraine McGrorty, Committee Officer, 01506 281609

Julie Whitelaw

Head of Corporate Services

17<sup>th</sup> November 2020

APPENDIX

**Application 1**

<b>Community Council</b>	<b>Project</b>	<b>Cost</b>	<b>Total Grant Requested</b>
Seafield Community Council	To purchase various equipment to re-fit telephone box on Seafield Main Road A705, near school, to create a community library.	£750	£750

**Comments**

1. The Community Council wishes to purchase a variety of equipment including specialist paint, brushes, shelving and books to transform the redundant telephone box into a community library.
2. There are few services accessible in the village and the community council would like to make the best use of every possible option open to them. There is currently a pop-up library available in the Community Centre but even pre Covid the opening times were very limited.
3. A community library would provide a novel service with greater flexibility. This project would go hand in hand with other projects scheduled and go towards the regeneration of the central area of the village, encouraging greater use and providing a safe public space for adults and children to enjoy.
4. The works will all be carried out by volunteers with support from the West Lothian Book Fairies.
5. The project is acceptable and meets the criteria for assistance.

**Recommendation**

That the Council Executive considers and determines the application received from Seafield Community Council.





## **COUNCIL EXECUTIVE**

### **ACCESSIBILITY IMPROVEMENT SCHEMES TO THE ROAD AND FOOTWAY NETWORK 2020/21 AND 2021/22**

#### **REPORT BY HEAD OF OPERATIONAL SERVICES**

#### **A. PURPOSE OF REPORT**

The purpose of this report is to seek Council Executive' approval for the programme of works for accessibility improvement schemes (2020/21 and 2021/22).

#### **B. RECOMMENDATION**

It is recommended that the Council Executive notes the contents of the report and approves the programme of accessibility improvement schemes identified in Appendix 1.

#### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs, providing equal opportunities, making best use of our resources and working in partnership.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Schemes promoted under the Equality Act 2010.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	<p>The project will contribute to outcomes:</p> <ul style="list-style-type: none"> <li>• We live in resilient, cohesive and safe communities.</li> <li>• Older people are able live independently in the community with an improved quality of life.</li> <li>• We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</li> </ul>
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	The programme of accessibility improvement schemes is being funded through £40,000 of new time limited investment funding.

- VII Consideration at PDSP** The Environment PDSP was consulted at its meeting on 10 November 2020.
- VIII Other consultations** The programme of accessibility improvement schemes has been developed in consultation with Disability West Lothian (DWL).

**D. TERMS OF REPORT**

**D.1 Background**

On 23 June 2020, Council Executive approved a budget of £30,000 in 2020/21 and £10,000 in 2021/22 to deliver accessibility improvement schemes on the road and footway network.

**D.2 Consultation**

Officers have worked closely with DWL to review community requests that have been received for accessibility improvement schemes. As with previous programmes, assessment of requests was carried out in line with the Council's approved process.

Appendix 1 lists the locations recommended by officers and DWL for implementation. The programme identifies works to the full value of the budget covering 2020/21 and 2021/22.

A report was submitted to the Environment PDSP for consideration at its meeting on 10 November 2020. It agreed that officers should take a report to the Council Executive for approval of the works programme detailed in Appendix 1.

**E. CONCLUSION**

The programme of works will deliver improvements to the road and footway network by removing barriers to those with mobility difficulties.

**F. BACKGROUND REFERENCES**

Equality Act – Roads Network Improvements, Assessment of Requests and programme of Works – Report by Head of Operational Services to the Council Executive on 12 April 2011

Appendices/Attachments: Appendix 1 – Accessibility Improvement Schemes Programme of Works

Contact Person: *Ronald Fisher, Design Engineer Manager, Tel: 01506 284597, email: [ronnie.fisher@westlothian.gov.uk](mailto:ronnie.fisher@westlothian.gov.uk)*

Jim Jack, Head of Operational Services

Date of meeting: 17 November 2020

## Appendix 1 – Accessibility Improvement Schemes Programme of Works

Location	Details	Cost Estimate
Golf Course Road at Anderson Green, Deans Livingston	Dropped kerbs required at either side of junction	£3,840
Calder Park Road, Mid Calder	Dropped kerbs required between bus stops to Westgate.	£1,920
Lochshot Place, Livingston	Dropped kerb required at end of Lochshot Place to access existing path network to Livingston Village.	£960
Beatlie School, Livingston	Dropped kerb required at southern entrance to Beatlie Campus on Almond East	£960
St John's Court, Livingston	Dropped kerb required from St John's Court to hospital.	£960
High Academy Street, Armadale	Dropped kerb required at the footpath at the east side of entrance to the garage site at St Helen's Place	£960
Hopetoun Lane (Acredale car park), Bathgate at the vennel leading from Hopetoun Street	Dropped kerb at the end of the vennel and opposite.	£1,920
West Main Street, Broxburn	Dropped kerbs required from School Road to Greendykes Road.	£7,680
B792 footpath between Bathgate and Blackburn	Dropped kerbs required at the access to Pullman's.	£2,880
Standhill Road, Bathgate	Dropped kerbs required on east side of Standhill Road to access from Inchcross Park.	£1,920
Tweed Drive, Livingston	Dropped kerb required at bottom of Tweed Drive to access Craigshill Health Centre.	£1,920
Junction of Mavisbank Gardens and Torphichen Road, Bathgate	Dropped kerbs required at junction.	£1,920
B792 at Priors Croft, Torphichen	Dropped kerbs required from the steps at the park across to Priors Croft.	£1,920
Ash Grove, Blackburn	Dropped kerbs required on the north side of Ash Grove	£3,840
Bankton Brae, Livingston	Dropped kerb required to access footpath network.	£960
Blaeberryhill Road, Whitburn	Dropped kerbs required at entrance to cemetery.	£1,920
Academy Street, Armadale	Dropped kerbs required at school crossing patrol point adjacent to Academy Street	£1,920
Fauldhouse Road, Greenrigg	Dropped kerbs required at Baillie Avenue	£1,920
		<b>£40,320</b>





## **COUNCIL EXECUTIVE**

### **PROPOSED 30MPH SPEED LIMIT - U29 HARBURN VILLAGE**

#### **REPORT BY HEAD OF OPERATIONAL SERVICES.**

##### **A. PURPOSE OF REPORT**

The purpose of this report is to seek approval to initiate the statutory procedures to install a new 30mph speed limit on the U29 through Harburn Village.

##### **B. RECOMMENDATION**

It is recommended that Council Executive approves the initiation of the statutory procedures to install a new 30mph speed limit on the U29 through Harburn Village.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs.  Being honest, open and accountable.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Policy – none.  Legal – The introduction of the new 30mph speed limit will require the promotion of a traffic order in line with the Road Traffic Regulation Act 1984.
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	None.
<b>V Relevance to Single Outcome Agreement</b>	The introduction of the 30mph speed limit will support Outcome no. 4 – We live in resilient, cohesive and safe communities.
<b>VI Resources - (Financial, Staffing and Property)</b>	The cost of promoting and implementing the speed limit will be funded through the Roads and Transportation revenue budget.
<b>VII Consideration at PDSP</b>	None.
<b>VIII Other consultations</b>	Police Scotland and the local ward members have been consulted and concur with this proposal.

## **D. TERMS OF REPORT**

The U29 through Harburn Village is currently a de-restricted national speed limit of 60mph. This route is rural in nature, however there are 15 properties with frontage. There is also the Harburn Village Hall on this section of road which is used by the community.

As part of the Spaces for People programme, temporary 40mph speed limits have been installed in the Harburn area and through this work it is now considered appropriate to change the existing speed limit from 60mph to 30mph.

The extent of the proposed 30mph speed limit is shown on the attached plans (Appendix 1 and 2).

The statutory process will allow an opportunity for any concerns to be raised through the formal advertising period. Any unresolved objections will be brought back to the Council Executive for consideration.

Police Scotland have been consulted and support this proposal.

The local ward members have been consulted and also support the proposal.

## **E. CONCLUSION**

The introduction of a new 30mph speed limit on the U29 through Harburn Village will make a safer environment for all road users within the village.

## **F. BACKGROUND REFERENCES**

None

Appendices/Attachments:-

Appendix 1 – U29 Harburn Village – Proposed 30mph speed limit, drawing 1

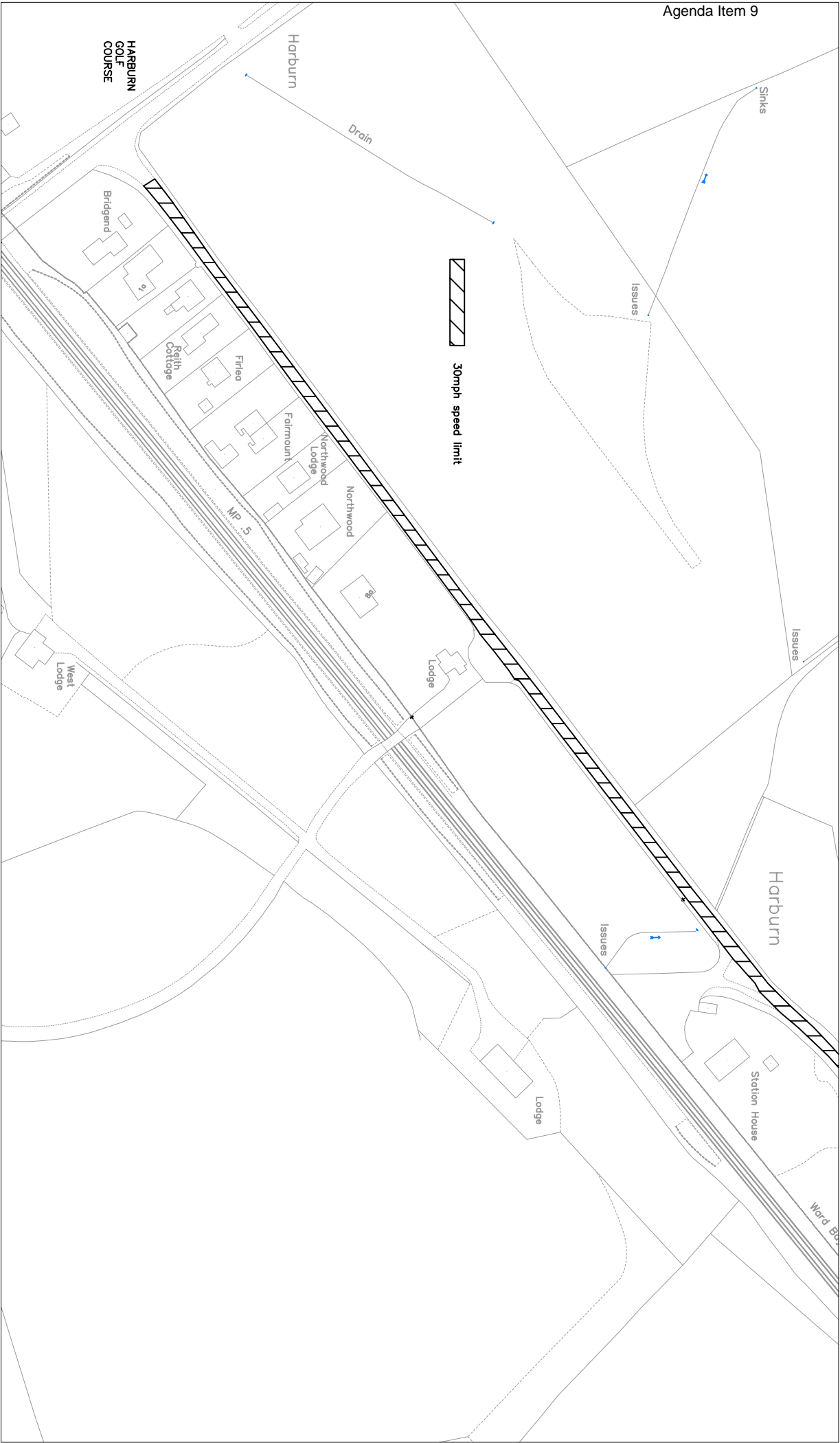
Appendix 2 – U29 Harburn Village – Proposed 30mph speed limit, drawing 2

Contact Person: Gordon Brown, Roads Network Manager, WHSC, 4 Inchmuir Road, Whitehill Industrial Estate, Bathgate, West Lothian,

Tel: 01506 282340, e-mail: [gordon.brown@westlothian.gov.uk](mailto:gordon.brown@westlothian.gov.uk)

Jim Jack,

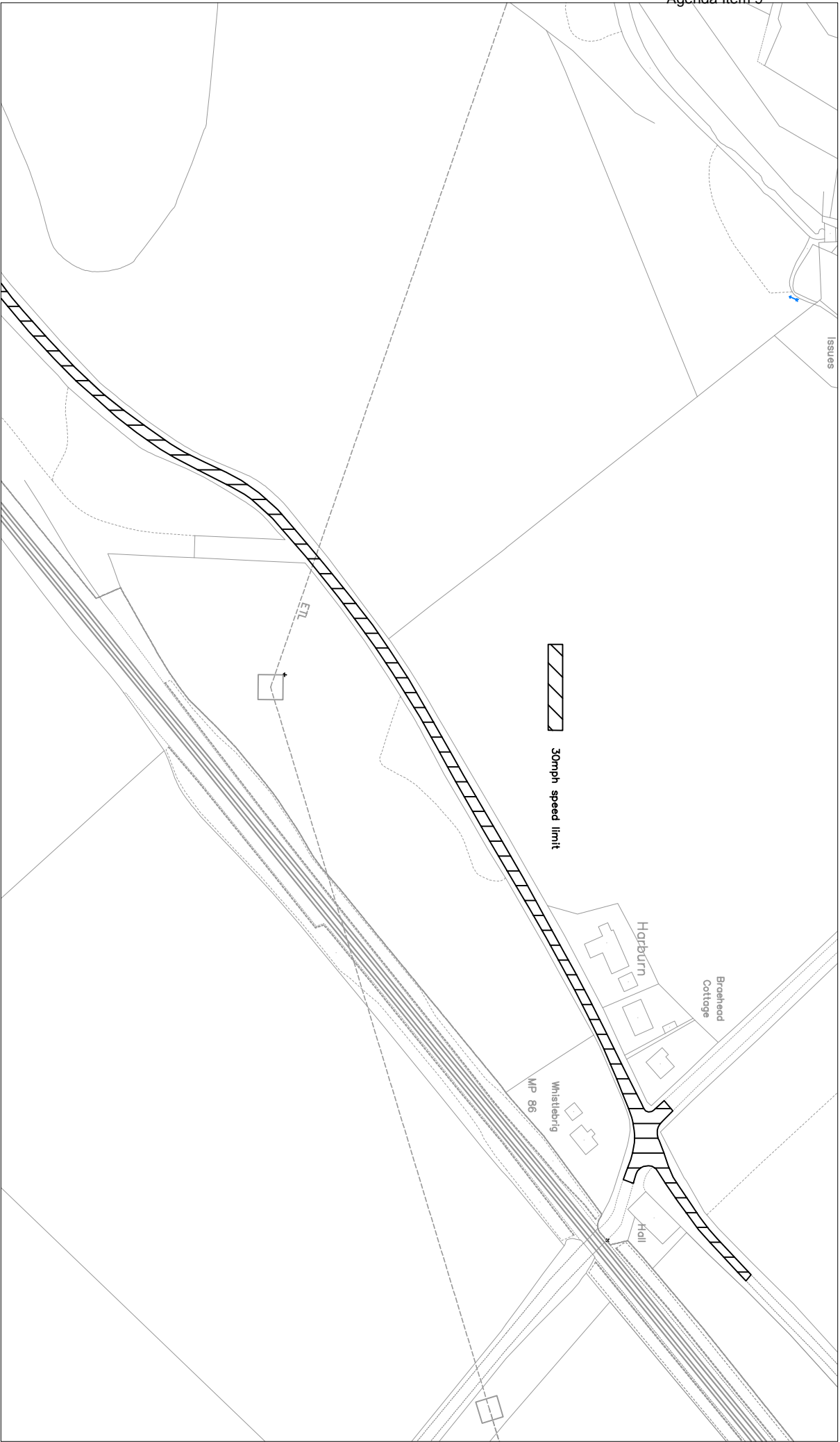
Date of meeting: 17 November 2020



DATA LABEL: –NOV 2020

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WEST LOTHIAN COUNCIL OPERATIONAL SERVICES		U29 HARBURN VILLAGE PROPOSED 30MPH SPEED LIMIT	
ROADS & TRANSPORTATION MANAGER WHITEHILL SERVICE CENTRE WHITEHILL INDUSTRIAL ESTATE BATHGATE EH48 2EP TEL 01506 282351	TRANSPORTATION ROAD SAFETY AND AND TRAFFIC MANAGEMENT	DATE: – NOV 2020	
		SCALE: – NTS	
		Drg. No.: – HARBURN/D1A	
		DRAWN BY: –SG	CHECKED BY:GB



DATA LABEL:—NOV 2020

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WEST LOTHIAN COUNCIL  
OPERATIONAL SERVICES

ROADS & TRANSPORTATION MANAGER  
WHITEHILL SERVICE CENTRE  
WHITEHILL INDUSTRIAL ESTATE  
BATHGATE EH48 2EP  
TEL 01506 282351

TRANSPORTATION  
ROAD SAFETY AND  
AND TRAFFIC MANAGEMENT

U29 HARBURN VILLAGE  
PROPOSED 30MPH SPEED LIMIT

DATE:— NOV 2020  
SCALE:—NTS  
DRAWN BY:—SG  
CHECKED BY:GB  
Drg. No.:— HARBURN/D2



## **COUNCIL EXECUTIVE**

### **SCOTTISH GOVERNMENT CONSULTATION ON A MINISTERIAL STATEMENT FOR MODIFYING LOCAL CONNECTION REFERRALS IN SCOTLAND**

#### **REPORT BY HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES**

##### **A. PURPOSE OF REPORT**

The purpose of the report is to seek approval from Council Executive on the council's proposed response to the Scottish Government's consultation paper on modifying local connection referrals. The Scottish Government's consultation paper invites views on whether the content of a ministerial statement setting out the new power for Scottish Ministers to modify local connection referrals between local authorities in Scotland is to be exercised.

The submission date for responses to be included in the consultation process was the 23 October 2020. Following on from Services for the Community Policy Development and Scrutiny Panel on the 20 October 2020, a draft response was submitted with agreement from the Scottish Government that a final response would be submitted once approved by Council Executive.

##### **B. RECOMMENDATIONS**

Council Executive is asked to note and approve the council's response set out in Appendix 2 of this report for submission to the Scottish Government.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	<ul style="list-style-type: none"><li>• Focusing on our customers' needs</li><li>• Being honest, open and accountable</li><li>• Providing equality of opportunities</li><li>• Developing employees</li><li>• Making best use of our resources</li><li>• Working in partnership</li></ul>
<b>II</b>	<b>Policy and Legal</b>	The Housing (Scotland) Act 1987 as amended and in accordance with the Homelessness (etc.) (Scotland) Act 2003, Housing (Scotland) Act 2001, Housing (Scotland) Act 2014
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance indicators</b>	Increasing levels of homelessness will have an adverse effect on the council's performance. Quarterly performance

		returns are monitored by the Scottish Government.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Outcome 6: People most at risk are protected and supported to achieve improved life chances. Outcome 7 - We live longer, healthier lives and have reduced health inequalities
<b>VI</b>	<b>Resources (Financial, Staffing and Property)</b>	Homeless Services has a general fund budget of £3.734million in 2020/21 and FTE 53.1 staff.
<b>VII</b>	<b>Consideration at PDSP</b>	A paper was considered at Service for the Community PDSP on the 20 October 2020 with no comments.
<b>VIII</b>	<b>Other Consultations</b>	None

## **D. TERMS OF REPORT**

### **D.1 Background**

In January 2019, the Scottish Government issued a consultation paper inviting views on a recommendation from the original sitting of the Homelessness and Rough Sleeping Action Group (HARSAG) to commence the provision in Section 8 of the Homelessness etc. (Scotland) Act 2003 ("the 2003 Act") to give Scottish Ministers the power to modify, by statutory order, local connection referrals. HARSAG also recommended that Ministers use the new power to suspend referrals between local authorities in Scotland.

There were 72 responses to the consultation with 65 responding to the local connection question. 52% of respondents supported suspending local connection, 29% supported modifying local connection and 20% were opposed. West Lothian Council response supported modifying local connection as current legislation is already flexible enough to allow a significant level of choice for applicants in terms of which authority they wish to live in. The key theme from those respondents who did not support the modifications were concerns over the potential increase in homeless applications and local authorities' abilities to meet these applicant's accommodation and support needs.

Following the conclusion of the consultation, the Homelessness etc. (Scotland) Act 2003 (Commencement No. 4) Order 2019 commenced the local connection provisions, giving Scottish Ministers the power to modify the operation of referrals between local authorities within Scotland. The provisions also required that Scottish Ministers must publish a statement setting out the circumstances and general criteria by reference to which modifications will take place in which Scottish Ministers are also required to consult on.

This Scottish Government is now seeking views on the Ministerial Statement to take forward the power to modify local connection referrals, and suggested monitoring arrangements to effectively take account of any negative impacts on local authorities.

## D.2 Current Homeless Position

### Supply and Demand Position

One of the main challenges facing the service continues to be the demand versus supply of affordable housing options. There is high demand for people applying to the council for permanent housing through the council's Allocation Policy, as well as accommodation required for homeless applicants to enable the council to discharge its statutory homeless duty. The concerns remain that if demand for homeless services increases without the appropriate supply to meet this demand there will continue to be pressures in temporary accommodation and lengthy waiting times for permanent accommodation.

As at 31<sup>st</sup> March 2020 there were 7,999 applicants on the councils housing list. In 2019/20 there were 1364 council lets available in West Lothian compared to 1309 in 2018/19, with 762 (55.1%) being allocated to homeless applicants in 2019/20 and 737 (54.9%) in 2018/19. It should be noted that these figures include new build allocations, which are initially and predominantly allocated to transfer list applicants, therefore diluting the lets to homeless percentage.

### Local Homeless Position

Table 1 below shows that whilst a positive reduction in homeless applications of 3.2% occurred in 2019/20 when compared to 2018/19, the demand to permanently rehouse applicants increased by 8.7% in the same period. This rise in applicants accepted as homeless continues to place significant pressure on the council's ability to permanently rehouse applicants rapidly.

**Table 1: West Lothian Homeless Applications 2018/19 to 2019/20**

Category	2018/19	2019/20
Applications	1517	1469
Assessed as homeless / threatened	1123	1221

The Scottish Government have stated that they anticipate the overall impact on suspending local connections to be neutral. It is difficult to predict the impact locally due to the inaccuracies across councils in recording the no local connections. For example, during the homeless interview process, when a household is advised they have a local connection with another area the applicant can chose to cancel their application and apply directly to the local authority concerned meaning no original application is logged showing no local connection. In 2018/19 and 2019/20 there were only 8 applicants received in both years who were found to have no local connection.

### Temporary Accommodation Position

In 2019/20 there was significant progress made in reducing the time spent in temporary accommodation, reducing the use of unsuitable accommodation and reducing length of stay in temporary accommodation. Table 2 demonstrates that there was a 6.4% reduction in overall placements in temporary accommodation from 2018/19 to 2019/20 with average length of stay also decreasing from 98.6 days in 2018/19 to 88.2 days in 2019/20.

**Table 2: Placements and average length of stay (LOS) in temporary accommodation 2018/19 to 2019/20**

	2018/19	2019/20
Total Placements	1955	1829
LA ordinary dwelling (LOS)	244.9	182
Housing association / RSL dwelling (LOS)	223.9	217.3
Hostel - local authority owned (LOS)	88.1	66.4
Private sector lease (LOS)	242.8	168.2
Bed and breakfast (LOS)	30.4	25.8
Total all types (LOS)	98.6	88.2

### **Impact of COVID-19**

Whilst some key achievements have been made in 2019/20 it is notable that these were prior to COVID-19.

Table 3 provides a comparison of some key statistics from Quarter 1 2020/21 compared to the same period of 2019/20. This shows that in the early stages of the national lockdown the demand for homeless services had increased by 11% with demand for temporary accommodation reducing by 21%. However most notably the biggest impact to be seen so far is in the reduction in the availability of mainstream lets by 86%, due to restrictions on allocations. This has meant that gradual numbers of applicants in temporary accommodation have begun to rise along with increases in the number of applicants waiting to be rehoused.

**Table 3: Q1 comparison 2019/20 – 2020/21**

	Q1 2019/20	Q1 2020/21
Homeless presentations	323	360
Placements in temporary accommodation	496	394
Numbers in temporary accommodation (at end of quarter)	490	543
Mainstream lets	382	54

The service anticipates that the full extent of COVID-10 has not yet been experienced with evictions from secure and private tenancies currently suspended, the furlough scheme still in place and social distancing restrictions continuing, there are significant concerns that homelessness will rise over the course of 2020/21. Initial modelling is suggesting that assessments are expected to rise by 23% to 1,239 in 2020/21 and the backlog of homeless applicants waiting to be rehoused is expected to rise by 91% to 1,047 in 2020/21.

### **D.3 Consultation Document and Response**

The Scottish Government consultation paper invites comments on the proposal to suspend local connection referrals and the content of the Ministerial Statement to set out the circumstances in which allows Scottish Ministers to modify local connection referrals between local authorities in Scotland . It also invites comments on the proposal to suspend local connection referrals between Scottish local authorities to remove barriers people face to accessing the support they need.

The Scottish Government consultation paper “Consultation on a Ministerial Statement for Modifying Local Connection Referrals in Scotland” is contained within Appendix 1 of this report. The consultation document is set out in four sections as detailed below:

- Section 1: Background on HARSAG Recommendation, Legislative Provision and Consultation
- Section 2: Draft Ministerial Statement and Proposal to Suspend Local Connection
- Section 3: Consultation Questions and How to Respond
- Section 4: Statistical Data Tables on Local Connection Referrals

The Scottish Government whilst seeking current views on the proposals to modify local connection referrals have also acknowledged that there should be a mechanism for dealing with a situation where a particular authority cannot cope with an increased flow of applicants as a result of the removal of local connection. Scottish Ministers retain the power to reverse or alter any such modifications in these circumstances and this is why they are also proposing to monitor a number of key factors to determine whether the capacity of a local authority is being adversely affected by any modifications.

The key areas to note within the response contained within Appendix 2 to the Scottish Government are as follows:

- The council does not support the removal of local connection duties;
- The council agrees with the proposed ministerial statements circumstances for modifying local connection referrals;
- The council does not agree with the proposed general criteria for modifying local connection and proposes this takes account of the wider homeless demand pressures and unsuitable accommodation use;
- The council proposes that full homeless demand is monitored to understand the overall impact on supply and demand. The council also proposes that the required use of unsuitable accommodation is also monitored, and
- The council does not believe HL1 to be the most effective monitoring mechanism to monitor the impact of this change due to the potential impact on education, health, social care, drug and alcohol services or employment opportunities.

#### **D.4 Challenges**

It is clear that the impact of COVID-19 will increase homeless demand in West Lothian and add to an already significant supply pressure. The removal of local connection is likely to add to the challenge in the council’s ability to meet homeless demand. If there is no local connection we do not know the true extent of what potential impact this may bring. For example, neighbouring authorities are experiencing even greater pressures than ourselves, such as Edinburgh, with higher waiting times for housing and there may be potential spill over across boundaries or increases in applications from south of the Border where there still remains priority need.

#### **D.5 Next Steps**

Responses to the Consultation on a Ministerial Statement for Modifying Local Connection Referrals in Scotland were to be submitted to the Scottish Government by the 23 October 2020. A draft response following PDSP on the 20 October 2020 was submitted and a final response will be submitted upon approval of Appendix 2 by Council Executive.

## **E. CONCLUSION**

The council has been invited to participate in the consultation Ministerial Statement for Modifying Local Connection Referrals in Scotland. The council welcomes the opportunity to participate and to provide a consultation response encompassing contributions from key service areas from within the council. The council believes that any changes to local connection referrals whilst having a positive effect on homeless applicants will have a negative effect on the council's ability to meet homeless demand.

## **F. BACKGROUND REFERENCES**

Scottish Government HARSAG Q2 recommendations How to end rough sleeping  
<https://www.gov.scot/binaries/content/documents/govscot/publications/factsheet/2018/03/ending-rough-sleeping-in-scotland-interim-report/documents/aa98bb99-2e2d4905-9ac9-e434e8a4dc72/aa98bb99-2e2d-4905-9ac9-e434e8a4dc72/govscot%3Adocument>

Scottish Government HARSAG Q3 recommendations report Transforming the use of Temporary Accommodation in Scotland.  
<https://www.gov.scot/binaries/content/documents/govscot/publications/corporatereport/2018/05/homelessness-and-rough-sleeping-action-group-interimreport/documents/36232fb2-5237-4a27-b0bf-da126ec2a624/36232fb2-5237-4a27-b0bf-da126ec2a624/govscot%3Adocument>

Homelessness and Rough Sleeping Action Group: final recommendations report.  
<https://www.gov.scot/publications/homelessness-and-rough-sleeping-action-groupfinal-report/>

Scottish Government Ending homelessness and rough sleeping : action plan  
<https://www.gov.scot/publications/ending-homelessness-together-high-level-actionplan/>

Appendices/Attachments: 2

Appendix 1: Consultation on a Ministerial Statement for Modifying Local Connection Referrals in Scotland

Appendix 2: West Lothian Council's Proposed Response

Contact Person: Katy McBride, [katy.mcbride@westlothian.gov.uk](mailto:katy.mcbride@westlothian.gov.uk) 01506 281070

**AnnMarie Carr**  
**Head of Housing, Customer and Building Services**  
**17 November 2020**

**APPENDIX 1: CONSULTATION PAPER**

# **Consultation on a Ministerial Statement for modifying local connection referrals in Scotland**

**A consultation by the Scottish Government**

**July 2020**



**Scottish Government**  
Riaghaltas na h-Alba  
gov.scot

## Ministerial Foreword



I am pleased to invite comments on the Scottish Government's proposal to publish a statement on local connection, as required by section 33B of the Housing (Scotland) Act 1987.

In Scotland we have some of the most progressive homelessness rights in the world and all local authorities have the responsibility to meet their existing statutory obligations and provide people with appropriate accommodation and services.

Over the past decade, national government in partnership with local authorities, the third sector and others have delivered radical changes in homelessness and affordable housing. This has contributed to a significant reduction in homelessness applications. But we can and will do more.

Our vision is to support everyone at risk of homelessness, or experiencing homelessness, to have a safe, warm settled home of their own. We can achieve this by building on our strong foundations and go further to prevent, tackle and ultimately end homelessness for good.

To help us navigate the path to ending homelessness, we asked the Homelessness and Rough Sleeping Action Group (HARSAG) to consider the actions necessary to make the transformational changes which are required.

We are implementing HARSAG's recommendations through the Ending Homelessness Together Action Plan, which we published jointly with COSLA in November 2018, and have backed with a £50 million Ending Homelessness Fund. The Action Plan sets out a programme of transformative change to help end homelessness in Scotland and our [Annual Progress Report](#) demonstrates the significant progress already made over the first year of implementation.

I believe that we all want people facing homelessness to be able to choose where they want to settle and to have access to the support they need, wherever they find themselves in housing crisis.

That is why we are proposing in this consultation paper to suspend the operation of local connection referrals between local authorities in Scotland, as recommended by HARSAG. We want to remove barriers to support which can hinder the prevention of

homelessness and modify how people are assessed, recognising that there are usually good reasons for wishing to live in a certain area.

I am confident that, by introducing this important change, we can remove unnecessary barriers that can prevent people receiving the person-centred support they need, when and where they need it.

I encourage you to respond to the consultation and look forward to hearing your views.

A handwritten signature in black ink, appearing to read 'Kevin Stewart', is enclosed within a thin black rectangular border.

**Kevin Stewart MSP**  
**Minister for Local Government, Housing and Planning 3**  
**August 2020**

## Introduction

1 Having somewhere to call home is a basic human right and housing is one of the most important factors in any person's quality of life. In this regard, Scotland already has some of the strongest rights in the world for people experiencing homelessness, and everyone who is threatened with homelessness is entitled to help from their local authority to secure a stable home.

2 We know, however, that not everyone is able to access those rights and that there are some who still contend with barriers to support when faced with homelessness. The Scottish Government is determined to remove these barriers. We want people who are facing homelessness to have the freedom to settle where they choose, with access to the support they require, wherever they find themselves in housing crisis.

3 Last year, the Scottish Government issued a [consultation paper](#) inviting views on a recommendation from the original sitting of the Homelessness and Rough Sleeping Action Group (HARSAG) to commence the provision in Section 8 of the [Homelessness etc. \(Scotland\) Act 2003 \("the 2003 Act"\)](#) to give Scottish Ministers the power to modify, by statutory order, referrals for local connection. HARSAG also recommended that Ministers use the new power to suspend referrals between local authorities in Scotland. The consultation also sought views on the HARSAG recommendation to commence the provision in section 4 of the 2003 Act to change the duty for local authorities to investigate for intentionality to a power to investigate, and this was commenced in November 2019.

4 Following the consultation, the [Homelessness etc. \(Scotland\) Act 2003 \(Commencement No. 4\) Order 2019](#) commenced the local connection provisions, giving Scottish Ministers the power to modify the operation of referrals between local authorities within Scotland. The provisions also required that Scottish Ministers must publish a statement setting out the circumstances and general criteria by reference to which modifications will take place.

5 This Scottish Government consultation paper invites your views on our joint commitment to address barriers for people facing homelessness by taking forward the power to modify local connection referrals, and by effectively monitoring any changes which are to be introduced. In particular, we would like to receive views on the core content of the draft Ministerial statement and our proposal to suspend local connection referrals, as set out at Section 2.

6 People working in local authorities and with delivery partners across Scotland will be at the forefront of making this change and ensuring barriers to support are addressed; and people facing homelessness are at the heart of why the Scottish Government is committed to making these changes. We want as many people as possible to share their views and would encourage you to respond to any or all of the questions in Section 3 where you feel you have a contribution to make. However, in responding to this consultation, please do not feel constrained by the questions set.

7 The paper contains 4 sections:

- **Section 1** sets out the background to the provisions contained in the Housing (Scotland) Act 1987 as they currently apply; the approach recommended by HARSAG; the powers contained within the Homelessness etc. (Scotland) Act 2003 and effect of commencing Section 8; and details of the further consultation which has taken place since HARSAG reported.
- **Section 2** sets out the proposed content of the Ministerial Statement on exercising the power to modify local connection, as well as details of a proposal to suspend referrals for local connection and future monitoring arrangements. **Consultees are asked for their views on these issues.**
- **Section 3** contains the consultation questions; information on how to respond to the consultation; a copy of the respondent information form; and accompanying information on Scottish Government consultation exercises.
- **Section 4** (Annex A): contains statistical data tables on local connection referrals.

8 The main pieces of primary legislation involved are the Housing (Scotland) Act 1987 and the Homelessness etc. (Scotland) Act 2003 - these are referred to throughout this paper as “the 1987 Act” and “the 2003 Act” respectively.

## Section 1: Background on HARSAG Recommendation, Legislative Provision and Consultation

9 The Programme for Government announced by the First Minister on 5 September 2017 set out the Scottish Government's commitment to eradicate rough sleeping, transform the use of temporary accommodation in Scotland and end homelessness.

10 The [Homelessness and Rough Sleeping Action Group \(HARSAG\)](#) was subsequently established to consider the most appropriate actions to make the transformational changes required. The 70 recommendations from HARSAG were incorporated into the [Ending Homelessness Together Action Plan](#), which was published jointly by the Scottish Government and COSLA in November 2018, and which we backed with a £50 million Ending Homelessness Fund. Specifically, for local connection (and intentionality), HARSAG recommended that we should:

**Recommendation 2.15 (Interim Report)** "Revise legislative arrangements that can result in difficulties with people being able to access their rights. Scottish Government should revise the legislative arrangements on local connection and intentionality. Specifically, they should commence the current provisions on intentionality in the Homelessness etc. (Scotland) Act 2003 and narrow the definition to focus on instances of 'deliberate manipulation' of the homelessness system. In addition, they should commence the provisions on local connection in the 2003 Act and Ministers should exercise powers they would then have under S8 to suspend referrals between local authorities to remove barriers to support for people who are homeless or rough sleeping or at risk of homelessness or rough sleeping. Scottish Government should monitor the impact of these changes on local authorities to respond to any local authorities coming under undue pressure as a result of disproportionate net inflows."

### Housing (Scotland) Act 1987

11 Local authorities currently have the power, but not a duty, under section 33 of the 1987 Act, to refer households they have assessed as homeless and who do not have a local connection with them to another local authority where they do have such a connection.

12 This power does not apply where the person has been assessed as intentionally homeless, as there is no duty to provide settled accommodation. The assessment of the 'notifying' authority cannot be revisited by the 'receiving' authority. A referral on the grounds of local connection cannot be made where the applicant household would face the risk of domestic abuse in the area where they have a local connection.

13 Local connection is defined at section 27 of the 1987 Act, as amended by Section 7 of the Homelessness etc. (Scotland) Act 2003. A local connection is currently formed on the basis of residence of the applicant's own choice, employment, family associations or any special circumstance.

14 For those who have been serving in the armed forces, changes to the 1987 Act were introduced (through the Housing (Scotland) Act 2010<sup>1</sup>), which enable members of the armed forces, and those who live with them, to establish a local connection with the area they have lived or worked in.

15 A household in accommodation provided in pursuance of section 95 of the Immigration and Asylum Act 1999<sup>2</sup>, is not considered to have established a local connection with the area to which they are dispersed as it is not considered to be a “residence... of their own choice” under section 27 of the 1987 Act. This means that, unlike the position in England, a refugee who is homeless or threatened with homelessness in Scotland can apply to any of the 32 local authority areas in Scotland.

16 Where an applicant has no local connection with the authority to which they have applied, and no local connection with any other authority in England, Scotland or Wales, the responsibility for dealing with the application rests with the local authority the applicant applied to. Further guidance on applying the current local connection provisions is available in [Chapter 7 of the Code of Guidance on Homelessness](#).

### **Homelessness etc. (Scotland) Act 2003**

17 The Homelessness etc. (Scotland) Act 2003 set the framework for fundamental changes to the eligibility criteria which apply to homeless applications by, in the main, amending the 1987 Act and the Housing (Scotland) Act 2001.

18 The most significant of these changes was the abolition of the priority need test, a change that meant that unintentionally homeless applicants (and their households) seeking assistance from a Scottish local authority would be entitled to settled accommodation. This entitlement would no longer depend on a person falling into a priority need group. While local authorities had initially expressed strong reservations about the capacity within the sector to introduce these changes they have now been implemented successfully.

19 The commencement of Section 8 of the 2003 Act amends section 33 of the 1987 Act to give Scottish Ministers the power to issue a statutory instrument to modify the operation of the local connection referral rules. This power may be applied to all local authorities or to selected local authorities and can include making referrals, receiving referrals or both making and receiving referrals. Section 8 makes provision to insert new sections 33A and 33B into the Housing (Scotland) Act 1987. These additional sections have the following effects:

- Scottish Ministers can modify, by statutory order, local authorities’ powers to refer an applicant to another local authority on the grounds of their local connection. Such an order can therefore restrict a specified local authority

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<sup>1</sup> [S. 27\(2\)\(a\)\(i\)](#) repealed (1.3.2011) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), **ss. 156(a), 166(2)**; [S.S.I. 2011/96, art. 2, sch.](#) and [S. 27\(3\)\(a\)](#) repealed (1.3.2011) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), **ss. 156(b), 166(2)**; [S.S.I. 2011/96, art. 2, sch.](#)

<sup>2</sup> [S. 27\(2\)\(a\)\(iii\)](#) and word inserted (30.1.2004) by [Homelessness etc. \(Scotland\) Act 2003 \(asp 10\)](#), **ss. 7, 14(1)**; [S.S.I. 2003/609, art. 2](#)

from making referrals and/or other local authorities making referrals to it. The legislation also allows for the subsequent reversal of any changes made.

- Within 18 months of the Section 8 provisions commencing, Scottish Ministers must prepare and publish a Ministerial Statement setting out the circumstances in which, and the general criteria by reference to which, the power to modify local connection is to be exercised.
- Scottish Ministers are obliged to consult such associations representing local authorities and such other persons, as they see fit, before preparing or amending this statement.

20 Scottish Ministers also have the power to reverse or alter modifications, in the event that information comes to light that suggests they are no longer appropriate.

## **Responses to Previous Consultation**

21 We invited views, last year, on our plans to commence the provision in the 2003 Act to allow Scottish Ministers to modify referrals relating to local connection and our intention to implement the proposal from HARSAG to suspend referrals in Scotland.

22 We received 72 responses overall to last year's [consultation paper](#), with 65 responding to the local connection question. These were from a range of individuals, local authorities, housing associations, tenants groups, third sector organisations, legal groups and other stakeholders. The highest level of support (51%) was for suspending local connection referrals across all local authorities in Scotland. A further 29% supported modifying local connection referrals in another way and 20% were entirely opposed to commencing the provisions. We published the [consultation responses](#), where we had received permission to do so, as well as an [analysis of the responses](#).

23 Two key themes emerged in responses to the consultation. The first, from those who supported suspending local connection referrals, was support for people experiencing homelessness to be able to choose where they wish to settle. This was seen as offering choice to people experiencing homelessness, removing unnecessary barriers to finding permanent accommodation and ensuring that homelessness services can be delivered at the point of need.

24 The second key theme, from those not favouring a suspension, mainly local authority responses, was concern over the potential increase to the numbers of referrals in areas that do not have the resources to meet accommodation and/or support needs. Various different types of local authority were cited, including major cities such as Glasgow or Edinburgh, urban areas or rural and island and highland areas.

## **Coronavirus pandemic**

25 The opportunity was taken in the [Coronavirus \(Scotland\) \(No.2\) Act 2020](#) to make provision to extend, by 6 months, the deadline period for Scottish Ministers to publish the statement on exercising the power to modify referrals between local authorities on the grounds of local connection, as required under section 33B(1) of

the 1987 Act. The deadline is now therefore 18 months rather than 12 months after the coming into force of section 33B (on 7 November 2019). The Act also allows Scottish Ministers to introduce regulations to further extend the period by up to an additional 6 months, on a one-off basis, should this be necessary.

26 Local authorities and third sector partners have been facing particular challenges in their efforts to accommodate and support people who were rough sleeping and to prevent further homelessness during the pandemic. This significantly limited their capacity to engage while that was ongoing and the Scottish Government therefore decided to postpone the consultation until a time when capacity to deliver was restored.

## Section 2: Draft Ministerial Statement and Proposal to Suspend Local Connection

27 It is the Scottish Government's expectation that those who are homeless or rough sleeping are more likely to resettlement successfully, and avoid repeat homelessness, if they are living in an area of their choosing where they can access the specific services and support they require and where they are able to integrate successfully into the local community. Additionally, for some households, the ability to have a fresh start in another area can be a vitally important factor in helping them to sustain a safe and settled home.

28 We agree with the view, as expressed in the majority of responses to last year's consultation, that people experiencing homelessness are best placed to make the judgement as to the geographical area which best meets these needs. Choice may lead to better outcomes than a strict interpretation of the legislative test. However, we agree also that it is necessary to balance this desire with the need to ensure that these choices are realistic in terms of accommodation and support capacity within local authorities.

### Core content of the Ministerial Statement

29 As mentioned above, Scottish Ministers are obliged to make a statement, within 18 months of Section 8 of the 2003 Act coming into force, setting out the **circumstances** in which, and the **general criteria** by reference to which, the power to modify the local connection provisions is to be exercised.

30 The Scottish Government proposes the following core content for the statement, which is informed by the consultation undertaken to date as well as separate engagement with individual stakeholders and a further analysis of previous engagement, practice and trends.

31 It is proposed that the **circumstances for modifying local connection referrals** would be:

*To increase the ability of people who are experiencing or are threatened with homelessness to choose where to apply for assistance; taking account of available evidence on any detrimental effect which may result in terms of the capacity of particular local authorities to meet their homelessness duties, or outcomes for individuals or communities.*

32 It is proposed that the **general criteria, by reference to which, the power to modify local connection is to be exercised** would be:

- *To improve outcomes for households experiencing homelessness;*
- *To increase choice for households experiencing homelessness;*
- *At the same time, to maintain the capacity for local authorities to fulfil their statutory homelessness duties and their duty to house people in housing need, and to respond to:*
  - *significant undue pressures related to an increased level of households being assessed as homeless, where this pressure is due in part to the*

*pressure of applications from households with no local connection to the local authority area(s);*

- *significant undue pressures resulting from increases to the scale/frequency of homelessness applications from households experiencing homelessness with no local connection to the local authority area(s).*

**33** This third bullet is in recognition that it is important to balance the desire to reduce burdens and increase choice for people with the need to ensure that these choices are realistic in terms of accommodation and support capacity within local authorities. The Scottish Government plans to monitor this, on an ongoing basis, to determine whether the **capacity of a local authority to meet its homelessness and housing duties** is being adversely affected by any modification to local connection. It is proposed that the factors to be considered would include:

- *number of applications/assessments*
- *number of social lets required to house statutory homeless people and associated impact on waiting lists*
- *number of households experiencing homelessness in temporary accommodation and time spent there*
- *sustainability of solutions for households experiencing homelessness*
- *ability to meet support needs*
- *ability to prevent homelessness*

### **Proposal to Suspend Local Connection Referrals**

**34** In line with the recommendation of HARSAG, the Scottish Government proposes to suspend local connection referrals between local authorities within Scotland by means of a statutory instrument (subject to affirmative procedure) which would, if approved, come into force in May 2021.

**35** The suspension would take effect among Scottish local authorities only - current arrangements relating to referrals to and from authorities in other parts of the UK will continue to apply as they do now. This would mean that no local authority in Scotland could refer an applicant to another local authority in Scotland on local connection grounds - but a Scottish local authority could still refer an applicant to elsewhere in the UK and would be obliged to accept referrals from elsewhere in the UK. It should be noted that the duty to co-operate with other local authorities under section 38 of the 1987 Act remains unaffected by the proposed changes.

**36** This decision is predicated on the belief that people who are homeless or threatened with homelessness generally have good reasons to present to a particular authority, and that these reasons (as described above) should be acknowledged.

**37** Local authorities and their partners are key to preventing and tackling homelessness in Scotland and providing the housing and support that people need. By suspending the power of local authorities in Scotland to make referrals to other Scottish councils for local connection, we are eliminating one of the barriers people face to receiving the right support, where and when they need it. This will ensure that

front-line staff are able to focus decisions and effort on providing a prompt, person-centred approach to applicants, and help more people into a settled home more quickly.

38 However, while historical data indicates that the power for local authorities to make local connection referrals is used infrequently, and has reduced over time, we acknowledge that there should be a mechanism for dealing with a situation where a particular authority cannot cope with an increased flow of applicants, should this occur. The 1987 Act, as amended, allows for action to be taken in these circumstances and Scottish Ministers retain the power to reverse or alter these modifications, in the event that information comes to light that suggests they are no longer appropriate.

39 It is proposed that following the first exercise of the powers under Section 8, local authorities could make a case to Scottish Ministers if they believed there was a need for further modification. The criteria for making this case would be as set out in the Statement (i.e. as currently proposed at paragraphs 32 - 33 above).

### **Monitoring Evidence/Assessing Impact**

40 The Scottish Government would also monitor all available data and evidence, against the circumstances and general criteria, set out above, to keep the Ministerial Statement under review and to take swift and appropriate action, following consultation with local authority and other key partners, should it reveal that further modification to this statement and/or the statutory order which implements changes is needed.

41 On the national level, we anticipate that the overall impact of suspending local connection referrals will be neutral. We acknowledge, however, the concerns which have been expressed by local authorities and will monitor the number of applications and homelessness assessments in each local authority so that we pick up any changes or trends

42 The existing data (see tables at Annex A) shows that only around 0.5% of applicants who are assessed as homeless are currently being referred to another local authority under this legislation, and that most people present at a local authority where they have a local connection. These data also show that the number of referrals made varies between local authorities and the data will help us understand how the legislative changes impact on different local authorities.

43 In order to measure the impact on local authorities it is important to have sound monitoring systems in place. Local authorities' use of local connection powers has been recorded through the HL1 system which includes the category 'referred to another authority'.

44 The HL1 data collection was revised in April 2007 (in response to findings from Tribal HCH research, 2005<sup>3</sup>), with additional questions on local connection added to gather information on whether, and in what way, an applicant household

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<sup>3</sup> <https://www.webarchive.org.uk/wayback/archive/20180518222506/http://www.gov.scot/Publications/2005/02/20700/52699>

has a local connection with the authority and, if they do not, in what way they have a connection with another authority. These questions were introduced to aid monitoring of future modifications to local connection rules, so that a case could be made if needed for reversing any modification and to give an indication of the number of applicants local authorities refer to another authority.

45 The HL1 system is able to continue to collect local connection information where the power to refer is not currently exercised and should the provisions be suspended. Data is collected quarterly and published on a 6 monthly basis which provides an opportunity to respond swiftly should any local authorities come under undue pressure.

46 To further assist with monitoring the impact of any future modification of local connection, we also took steps to publish local connection data as part of the Homelessness in Scotland Statistics from summer 2020 onwards.

### **Section 3: Consultation Questions and How to Respond**

1. We are proposing to suspend local connection referrals between Scottish local authorities to remove barriers people face to accessing the support they need. The analysis of the 2019 consultation demonstrated that there is support for this position, although there are concerns about the potential for increases in homelessness applications and subsequent impact on statutory services.

Please give us your current views about the proposed suspension of referrals.

2. Considering the core content proposed for the Ministerial Statement (see section 2 – paras 31 - 33), please give us any suggested amendments with regard to the:

- i. circumstances for modifying local connection referrals (see para 31)
- ii. general criteria, by reference to which, the power to modify local connection is to be exercised (see para 32)

3. Please let us know about any suggested amendments you have to the factors proposed in para 33 for assessing whether the capacity of a local authority to meet its homelessness and housing duties is being adversely affected by any modification to local connection.

4. As set out in the 2019 consultation, we propose using HL1 data to monitor the impact of this change. Please let us know of any comments you have on this proposal.

## **Responding to this Consultation**

We are inviting responses to this consultation by 23 October 2020.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). Access and respond to this consultation online at <https://consult.gov.scot/housing-and-social-justice/modifying-local-connection-referrals/>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 23 October 2020.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form (provide below) and send to:

**Stephen O'Connor**

Scottish Government

Homelessness Unit (Legislation and Measurement)

Better Homes Division, 5 Atlantic Quay, Glasgow, G2 8LU

## **Handling your response**

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy:

<https://www.gov.scot/privacy/>

## **Next steps in the process**

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

## **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at [Homelessness\\_External\\_Mail@gov.scot](mailto:Homelessness_External_Mail@gov.scot)

## **Scottish Government consultation process**

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.



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## RESPONDENT INFORMATION FORM

**Please Note** this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:  
<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

☐ Individual ☐ Organisation

Full name or organisation's name

Phone number Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

☐ Publish response with name

☐ Publish response only (without name) Do not

☐ publish response

### Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

☒ Yes ☐ No

☐

Annex A

Section 4: Statistical Data Tables on Local Connection Referrals

Percentage of applicants referred to another local authority for closed applications assessed as homeless or threatened with homelessness.									
	Financial year of case closure						2016/2017	2017/2018	2018/2019
	2016/2017		2017/2018		2018/2019				
	Applicant referred to other LA (under 87 Act)	All	Applicant referred to other LA (under 87 Act)	All	Applicant referred to other LA (under 87 Act)	All			
Aberdeen City	5	1460	25	1700	15	1675	0.3%	1.5%	0.9%
Aberdeenshire	5	1110	10	990	15	1205	0.5%	1.0%	1.2%
Angus	5	655	5	755	5	740	0.8%	0.7%	0.7%
Argyll & Bute	0	480	0	485	5	445	0.0%	0.0%	1.1%
Clackmannanshire	5	495	0	480	5	570	1.0%	0.0%	0.9%
Dumfries & Galloway	5	875	5	920	5	890	0.6%	0.5%	0.6%
Dundee City	5	1280	5	1335	5	1485	0.4%	0.4%	0.3%
East Ayrshire	0	515	0	610	5	825	0.0%	0.0%	0.6%
East Dunbartonshire	5	515	5	440	0	430	1.0%	1.1%	0.0%
East Lothian	5	715	5	840	0	765	0.7%	0.6%	0.0%
East Renfrewshire	0	315	5	320	0	280	0.0%	1.6%	0.0%
Edinburgh	30	3265	25	2960	25	3035	0.9%	0.8%	0.8%
Eilean Siar	0	135	0	145	0	135	0.0%	0.0%	0.0%
Falkirk	10	1060	5	1035	10	1100	0.9%	0.5%	0.9%
Fife	10	2410	15	2380	15	2525	0.4%	0.6%	0.6%
Glasgow City	5	5785	5	5190	5	5610	0.1%	0.1%	0.1%
Highland	0	985	0	1110	10	1230	0.0%	0.0%	0.8%
Inverclyde	0	230	0	185	0	205	0.0%	0.0%	0.0%
Midlothian	10	445	10	570	5	670	2.2%	1.8%	0.7%
Moray	0	580	0	560	0	525	0.0%	0.0%	0.0%
North Ayrshire	0	735	5	985	0	1010	0.0%	0.5%	0.0%
North Lanarkshire	5	1895	10	2005	15	2505	0.3%	0.5%	0.6%
Orkney	0	90	0	135	0	100	0.0%	0.0%	0.0%
Perth & Kinross	0	1060	5	995	5	1010	0.0%	0.5%	0.5%
Renfrewshire	0	715	5	850	0	880	0.0%	0.6%	0.0%
Scottish Borders	5	655	10	645	5	790	0.8%	1.6%	0.6%
Shetland	0	145	0	140	0	135	0.0%	0.0%	0.0%
South Ayrshire	5	705	0	740	10	825	0.7%	0.0%	1.2%
South Lanarkshire	10	2060	10	1995	10	2020	0.5%	0.5%	0.5%
Stirling	5	615	5	565	5	590	0.8%	0.9%	0.8%
West Dunbartonshire	5	1085	5	1080	0	990	0.5%	0.5%	0.0%
West Lothian	5	1150	5	1450	5	1595	0.4%	0.3%	0.3%
All	145	34225	190	34600	185	36795	0.4%	0.5%	0.5%

Local connection by local authority for applications assessed as homeless or threatened with homelessness

	Financial year of assessment													Financial year of assessment											
	2016/2017				2017/2018				2018/2019					2016/2017				2017/2018				2018/2019			
	Local connecti on with this LA	Local connecti on with another LA	No local connecti on with any LA	All	Local connecti on with this LA	Local connecti on with another LA	No local connecti on with any LA	All	Local connecti on with this LA	Local connecti on with another LA	No local connecti on with any LA	All		Local connecti on with this LA	Local connecti on with another LA	No local connecti on with any LA	All	Local connecti on with this LA	Local connecti on with another LA	No local connecti on with any LA	All				
Aberdeen City	905	30	525	1460	1060	20	660	1740	1055	25	540	1620		62%	2%	36%	100%	61%	1%	38%	100%	65%	2%	33%	100%
Aberdeenshire	1015	10	15	1040	1045	15	25	1080	1120	15	20	1155		98%	1%	1%	100%	97%	1%	2%	100%	97%	1%	2%	100%
Angus	715	10	15	740	745	5	0	750	685	15	5	700		97%	1%	2%	100%	99%	1%	0%	100%	98%	2%	1%	100%
Argyll & Bute	475	0	0	475	520	0	0	520	445	0	0	445		100%	0%	0%	100%	100%	0%	0%	100%	100%	0%	0%	100%
Clackmannanshire	470	0	5	475	530	0	5	535	535	5	10	550		99%	0%	1%	100%	99%	0%	1%	100%	97%	1%	2%	100%
Dumfries & Galloway	775	25	15	815	815	10	15	840	910	5	5	920		95%	3%	2%	100%	97%	1%	2%	100%	99%	1%	1%	100%
Dundee City	1260	0	0	1260	1390	0	0	1390	1460	0	0	1460		100%	0%	0%	100%	100%	0%	0%	100%	100%	0%	0%	100%
East Ayrshire	570	15	0	585	595	5	5	600	795	20	0	815		97%	3%	0%	100%	99%	1%	1%	100%	98%	2%	0%	100%
East Dunbartonshire	520	10	0	530	440	5	0	445	385	0	0	390		98%	2%	0%	100%	99%	1%	0%	100%	99%	0%	0%	100%
East Lothian	745	0	15	760	750	5	35	790	750	5	40	790		98%	0%	2%	100%	95%	1%	4%	100%	95%	1%	5%	100%
East Renfrewshire	310	5	5	320	310	5	0	320	305	5	0	315		97%	2%	2%	100%	97%	2%	0%	100%	97%	2%	0%	100%
Edinburgh	2775	30	665	3470	2435	20	850	3300	2750	15	605	3365		80%	1%	19%	100%	74%	1%	26%	100%	82%	0%	18%	100%
Eilean Siar	135	5	0	140	120	5	10	135	130	5	5	140		96%	4%	0%	100%	89%	4%	7%	100%	93%	4%	4%	100%
Falkirk	1140	0	0	1140	1105	0	0	1105	1030	0	0	1030		100%	0%	0%	100%	100%	0%	0%	100%	100%	0%	0%	100%
Fife	2415	20	25	2460	2365	25	20	2410	2550	30	25	2605		98%	1%	1%	100%	98%	1%	1%	100%	98%	1%	1%	100%
Glasgow City	4835	450	270	5555	4635	410	165	5210	4925	640	150	5720		87%	8%	5%	100%	89%	8%	3%	100%	86%	11%	3%	100%
Highland	920	25	245	1195	770	45	300	1115	765	35	435	1235		77%	2%	21%	100%	69%	4%	27%	100%	62%	3%	35%	100%
Inverclyde	235	0	5	240	180	0	15	200	165	5	30	195		98%	0%	2%	100%	90%	0%	8%	100%	85%	3%	15%	100%
Midlothian	515	0	0	515	555	5	0	560	490	5	0	490		100%	0%	0%	100%	99%	1%	0%	100%	100%	1%	0%	100%
Moray	565	10	5	580	525	10	0	535	540	15	5	560		97%	2%	1%	100%	98%	2%	0%	100%	96%	3%	1%	100%
North Ayrshire	760	0	0	760	1035	0	0	1035	1030	0	0	1030		100%	0%	0%	100%	100%	0%	0%	100%	100%	0%	0%	100%
North Lanarkshire	1870	15	5	1890	2085	10	5	2100	2360	20	5	2385		99%	1%	0%	100%	99%	0%	0%	100%	99%	1%	0%	100%
Orkney	120	0	5	125	115	10	0	125	120	5	0	130		96%	0%	4%	100%	92%	8%	0%	100%	92%	4%	0%	100%
Perth & Kinross	680	5	200	880	825	5	145	975	765	5	190	955		77%	1%	23%	100%	85%	1%	15%	100%	80%	1%	20%	100%
Renfrewshire	750	5	5	760	860	5	5	870	835	5	5	850		99%	1%	1%	100%	99%	1%	1%	100%	98%	1%	1%	100%
Scottish Borders	675	5	10	690	685	5	5	700	745	5	5	750		98%	1%	1%	100%	98%	1%	1%	100%	99%	1%	1%	100%
Shetland	115	0	0	115	120	0	0	120	110	0	0	115		100%	0%	0%	100%	100%	0%	0%	100%	96%	0%	0%	100%
South Ayrshire	540	10	155	705	785	10	0	795	795	15	5	810		77%	1%	22%	100%	99%	1%	0%	100%	98%	2%	1%	100%
South Lanarkshire	1990	0	0	1990	2000	0	0	2000	1925	10	0	1935		100%	0%	0%	100%	100%	0%	0%	100%	99%	1%	0%	100%
Stirling	565	20	50	640	560	25	25	610	560	35	40	635		88%	3%	8%	100%	92%	4%	4%	100%	88%	6%	6%	100%
West Dunbartonshire	1145	5	0	1150	1045	5	0	1055	1035	5	0	1040		100%	0%	0%	100%	99%	0%	0%	100%	100%	0%	0%	100%
West Lothian	1340	0	0	1340	1550	0	0	1550	1485	10	0	1495		100%	0%	0%	100%	100%	0%	0%	100%	99%	1%	0%	100%
All	31855	705	2235	34795	32550	675	2295	35520	33560	945	2135	36640		92%	2%	6%	100%	92%	2%	6%	100%	92%	3%	6%	100%

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**APPENDIX 2 CONSULTATION RESPONSE**

**Question 1**

**We are proposing to suspend local connection referrals between Scottish local authorities to remove barriers people face to accessing the support they need. The analysis of the 2019 consultation demonstrated that there is support for this position, although there are concerns about the potential for increases in homelessness applications and subsequent impact on statutory services.**

Prior to COVID-19 West Lothian was already experiencing significant pressures on housing availability due to demand for social housing and in particular homeless services. Whilst the homeless applications from 2018/19 to 2019/20 decreased from 1,517 to 1,469 by 3.2% the council experienced an increase in applications assessed as homeless, where there is a duty to provide temporary and permanent accommodation, rising by 8.7% from 1,123 in 2018/19 to 1,221 in 2019/20.

Since COVID-19 the council has seen demand for homelessness increase further by 11% from 323 in Q1 of 2019/20 to 360 in Q1 2020/21. The number of households in temporary accommodation has increased by 21% from 490 in Q1 2019/20 to 543 in Q1 2020/21. Most notably the biggest impact to be seen so far is in the reduction in the availability of mainstream lets by 86% from 382 in Q1 2019/20 to 54 in Q1 2020/21, due to restrictions on allocations.

The council anticipates that the full extent of COVID-10 has not yet been experienced and has significant concerns that homelessness will rise over the course of 2020/21. The councils updated RRTP modelling is suggesting that assessments are expected to rise by 23% to 1,239 in 2020/21 and the backlog of homeless applicants waiting to be rehoused is expected to rise by 91% to 1,047 in 2020/21.

This is why the council remains opposed to the proposals to remove local connection duties as any potential rise in homeless applications will have a further impact on homeless services where there is already not enough supply to meet demand.

The council has high demand in the areas to the east of West Lothian (Livingston and Broxburn) and an under supply of larger family accommodation in these areas. The council has concerns that the close proximity to Edinburgh may adversely affect West Lothian were referrals to be suspended. Those on low incomes in Edinburgh who cannot afford to access the private rented, mid-market rental options or who are living in unsuitable accommodation may choose to present homeless to West Lothian. West Lothian's proximity to Edinburgh along with good transport links makes this an attractive solution to their housing needs.

The council also has concerns that young families in particular residing in Edinburgh with limited housing options are likely to look to one of the neighbouring authorities to resolve their housing needs due to affordability issues within the private sector and pressures on social rented stock in Edinburgh. This will bring further pressure on existing high demand from families with a local connection to West Lothian due to the potential disproportionate net inflow from the city.

Section 33 (2)(c) of the Housing Scotland Act 1987 prevents local authorities from referring applicants with no local connection to another authority where there is a local connection if there is a risk of domestic abuse. The council is concerned that the removal of local connection referrals will potentially place victims of abuse at risk where they have presented to

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a local authority with no local connection as removal of these connections will potentially allow the perpetrators of domestic abuse to abuse this new power and potentially increase their opportunities to reoffend.

In addition to this active offenders who may not be known to services could potentially abuse the removal of no local connection powers by presenting as homeless to an area where they are unknown to. Within Criminal Justice and Housing in West Lothian there are close working relationships and shared IT systems to allow for the sharing of appropriate information. Where offenders are free to present as homeless to any local authority where there is no local connection there would need to be robust processes in place to risk assess and screen this cross county borders to ensure no high risk offenders take advantage of this.

There are also concerns about how this will potentially impact the National Accommodation Strategy for Sex Offenders in Scotland (NASSO). Obtaining housing for MAPPA offenders in West Lothian can be challenging due to the complexities in finding appropriate resources within current demand and supply pressures by removing these powers there is potential for supply for social housing to be further pressured placing more pressure on the ability to find suitable housing for offenders as part of the NASSO strategy.

The council has previously suggested modifying local connection in another way and would again propose that local connection referrals are modified in another way. This is due to existing flexibility which already exists within the current legislation allowing a significant level of choice for applicants in terms of which authority they wish to live in and to establish local connection. The council proposes modifications through the provision of a definition of the application of "any special circumstances" to widen local connection rights to a significant range of applicants such as:

- people with specific need to be housed in an area due to their social networks, health reasons, or addiction issues where services/ support for those with addictions are available,
- anyone who has been rough sleeping in an area (such as Edinburgh) and wishes to return to a community where they believe they can sustain accommodation. In addition to the above we would wish the Scottish Government to consider the following additional options:
- Reduce the 5 year residency rule for family associations to a shorter period.
- Greater collaboration to be undertaken at a housing options HUB level with neighbouring local authorities agreeing local protocols allowing greater flexibility.

**Question 2**

**Considering the core content proposed for the Ministerial Statement (see section 2 – paras 31 - 33), please give us any suggested amendments with regard to the:**

- circumstances for modifying local connection referrals (see para 31)**
- general criteria, by reference to which, the power to modify local connection is to be exercised (see para 32)**

The council remains committed to ending homelessness and agrees with the Ministerial Statement for modifying local connection referrals to increase the ability of people who are experiencing or are threatened with homelessness to choose where to apply for assistance.

The council agrees that those who are homeless are more likely to resettle successfully, and avoid repeat homelessness, if they are living in an area of their choosing where they can access

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the specific services and support they require and where they are able to integrate successfully into the local community.

Due to the already significant supply and demand pressures in West Lothian along with predicted future demands as a result of COVID-19, the council is concerned that any additional demand from homeless applicants with no local connection will not achieve the best outcome for that individual as outlined above. Applicants with no local connection will potentially experience long waiting times for permanent accommodation, lengthy stays in temporary accommodation, required use of Unsuitable Accommodation and may not receive an offer of housing in their chosen community due to the miss match between demand and supply. The council does not believe that by removing local connection referrals and increasing demand for homeless services applicants with no local connection will result in a better outcome as they have chosen to reside in West Lothian.

The council does not agree with the proposed general criteria for modifying local connection and does not believe that this will improve outcomes for homeless households in West Lothian. This is due to the ongoing supply and demand pressures and the requirement for the council to limit the choice of area for a permanent offer to ensure minimum time is spent in temporary accommodation as possible and limit use of unsuitable accommodation. The council does not agree that this will increase choice for homeless households and will be potentially detrimental increasing waiting times further.

If certain areas become hot spots for homeless applications due to the availability of specific services such as education, health, social care, drug and alcohol services or employment opportunities it is possible that both the council and partner organisations will become overwhelmed by the increase in homeless applications and those subsequently housed with specific needs.

The council therefore suggests that as capacity to fulfil statutory duties is already difficult to achieve that wider homeless demand pressures and the use of unsuitable accommodation are considered along with additional pressures that could incur within other services such as Health, Education and Social Policy.

**Question 3**

**Please let us know about any suggested amendments you have to the factors proposed in para 33 for assessing whether the capacity of a local authority to meet its homelessness and housing duties is being adversely affected by any modification to local connection.**

The council welcomes the Scottish Governments recognition that it is important to balance the desire to reduce burdens and increase choice for people with the need to ensure that these choices are realistic in terms of accommodation and support capacity within local authorities. The council agrees with the factors to be monitored however also proposes that all homeless applications are monitored to understand the overall impact on supply and demand which would include lengths of stay in temporary accommodation, waiting times for permanent accommodation and the use of unsuitable accommodation.

The council suggests that the percentage of social lets to homeless households is also monitored to take account of how much of social rented stock is being allocated to homeless households to manage the demand for homeless services.

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As outlined above, the council also suggests that the impact on wider service such as Health, Education and Social Policy are also monitored as they may be adversely impacted through any rise in homeless demand as a result of removing local connection referrals.

**Question 4**

**As set out in the 2019 consultation, we propose using HL1 data to monitor the impact of this change. Please let us know of any comments you have on this proposal.**

The council does not believe HL1 to be the only effective monitoring mechanism to monitor the impact of this change due to the potential impact on education, health, social care, drug and alcohol services or employment opportunities.

Monitoring of the impact of the suspension of referrals should take account of pressures on housing supply and increased pressures on homeless services and other services listed above.





## **COUNCIL EXECUTIVE**

### **HOUSING ALLOCATION POLICY REVIEW**

#### **REPORT BY HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES**

##### **A. PURPOSE OF REPORT**

The purpose of the report is to inform Council Executive of the outcome of the council's Housing Allocations Policy Review consultation and seek approval of the revised Allocations Policy.

##### **B. RECOMMENDATIONS**

Council Executive is asked to note and approve the following recommendations:

1. Note the outcome of the council's Housing Allocations Policy Review Consultation;
2. Note the updated national/local position for housing allocations and homelessness along with the impacts of COVID-19;
3. Note the outcome of the Choice Based Letting (CBL) scoping exercise;
4. Approve the updated Housing Allocations Policy (Appendix 5) for implementation in accordance with paragraph D.9;
5. Agree that a CBL approach is adopted as the council's letting process with appropriate procedures and guidance being introduced and maintained by officers within the terms of the new policy once the service has reviewed and renewed/replaced the existing housing management IT System, and
6. To agree that the new policy will be reviewed every three years with the outcome of the review and recommendations reported to PDSP and to Council Executive for approval.

##### **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 Housing (Scotland) Act 1987 as amended and in accordance with the Homelessness (etc.) (Scotland) Act 2003, Housing (Scotland) Act 2001, Housing (Scotland) Act 2014. Integrated Impact Assessment Completed.

<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance indicators</b>	Increasing levels of homelessness will have an adverse effect on the council's performance. Quarterly performance returns are monitored by the Scottish Government.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Outcome 7 - We live longer, healthier lives and have reduced health inequalities
<b>VI</b>	<b>Resources (Financial, Staffing and Property)</b>	Housing Allocations Service has a housing revenue account budget of £354,611 for 2020/21 and FTE of 10 staff.
<b>VII</b>	<b>Consideration at PDSP</b>	The paper was considered at Services for the Community PDSP on the 20 October 2020.
<b>VIII</b>	<b>Other Consultations</b>	Legal Services, Social Policy and other internal council stakeholders

## **D. TERMS OF REPORT**

### **D.1 Background**

In December 2019, Council Executive was asked to consider a review and proposed changes to the council's Housing Allocations Policy where by a consultation with tenants, applicants and stakeholder would subsequently be carried out. It was agreed that the revised policy and consultation results would be reported back to Service for the Community PDSP for scrutiny and to Council Executive for approval. The consultation process with tenant's and applicants commenced in January 2020 and concluded on the 16 April 2020.

The council continues to experience a significant demand from people applying for council housing. As of the end of July 2020 there were 8,375 applicants on the Common Housing Register and in 2019/20 the council received 3,764 new housing applications for housing and let 1,384 houses, including new build.

The need for social housing continues to remain high and there continues to be varying degrees of demand across different communities. Given the continued high level of demand for social housing there remains an inability for the council to be able to meet the needs of all applicants on the waiting list and the supply must be utilised effectively to ensure the council is meeting the need of applicants in the most urgent housing need. The revised Allocations Policy needs to therefore reflect current demand and be focused on those in most urgent need and have the ability to adjust to changes in local demand.

### **D.2 Changes in National Direction**

The councils Rapid Rehousing Transition Plan (RRTP) 2019-2024 was developed and submitted to the Scottish Government in June 2019 and aims were aligned to generate a better flow through the homeless system while shifting focus further to an

early intervention and prevention approach. A key action within the RRTP was to carry out a review of the council's Allocations Policy and better prevent homelessness through shifting the balance of social rent lets for homeless to mainstream applicants over the period of the plan.

In May 2020, as a result of COVID-19, the Scottish Government brought forward the implementation date of the extension to Unsuitable Accommodation Order (UAO) by a year to May 2020. This will have a significant impact on the council and its ability to meet the order due to the continued high demand for homeless services, mismatch between supply and demand and subsequently reliance on the use of B&B accommodation. A temporary extension to the Order has been granted until 31 January 2021 however the challenges for the council will continue well beyond this date and at least for the duration of the RRTP.

In June 2020, the council submitted to the Scottish Government an update to the RRTP for 2020/21 and reported the significant progress that had been made in delivering the actions in collaboration with our partners in the first year of the RRTP (2019/20). Through following the RRTP approach of increasing lets to homeless across the social rented sector, increasing dispersed temporary tenancies (TTs) through Registered Social Landlords (RSLs) and Private Sector Leasing (PSLs) as well as considering alternative permanent housing options to social rented, the council had delivered a reduced backlog of homeless cases, reduced length of stay in TTs and almost eliminated the use of B&B.

The Minister for Local Government, Housing and Planning asked the Homeless and Rough Sleeping Action Group (HARSAG) to reconvene in early June 2020 to make recommendations to inform an updated action plan considering the impacts of the pandemic. The HARSAG 2 report was published along with the 104 recommendations in July 2020. The report is grouped around four key questions and can be found in Appendix 1. The Scottish Government have accepted all of the recommendations in principle and are in the process of producing an updated plan.

Given the impact of COVID-19 and continued high demand for homeless services the recommendations in HARSAG 2 will be significantly challenging to deliver in West Lothian due to the ongoing local supply and demand issues. Through the updated RRTP agreed in June 2020, the council has agreed to match 87.5% of social rented housing to homeless households for Year 2 of the RRTP to enable people to move on from hotels and other emergency accommodation. It is anticipated that given the ongoing pressures of the pandemic it is projected that the level of lets may need to increase further to meet RRTP commitments.

The key challenge of the allocations policy will be the ability to meet the continuing demand for homelessness and the requirements of HARSAG as the council moves to a housing options/homeless prevention in order to shift the balance away from homeless demand and thus reprioritise the proportion of lets aimed at urgent housing need.

### **D.3 West Lothian Position**

Demand for social housing and in particular homelessness continues to remain high. The requirement to continue with high percentage of lets to homelessness to reduce time spent in temporary accommodation and use of B&B has meant that the policy is failing to meet one of its main objectives in addressing housing need and promote the prevention of homelessness. The high percentage of lets whilst assisting to achieve throughput in temporary accommodation is also seen as a perverse incentive to

present as homelessness to access social housing. The new policy will aim to shift this balance and better prevent homelessness with lets to homeless gradually being reduced as part of the RRTP model in line with reduced homeless demand.

Table 1 provides an update on the level of lets that went to each group in 2019/20 and in Quarter 1 2020/21. The table shows a high percentage of lets to homeless, 55% in 2019/20, which remains the same as 2018/19. When removing new builds from these figures the percentage of lets in 2019/20 increases to 73.1% (762 units) compared to 76% (737 units) let in 2018/19.

**Table 1: Lets**

	2018/19		2019/20		Q1 2020/21	
Group	Lets No	% Lets	Lets No	% Lets	Lets No	% Lets
Homeless (HLWC)	737	54.9%	762	55.1%	41	76%
Transfer Lets (TL)	374	27.8%	342	24.7%	3	5.5%
Unsatisfactory Housing (UH)	204	15.2%	251	18.1%	10	18.5%
General Needs (GN)	27	2.0%	18	1.3%	0	0%
Sheltered (HWCA / HWCB)	0	0.0%	11	0.8%	0	0%
Outwith (OW)	1	0.1%	0	0.0%	0	0%
<b>Total</b>	<b>1343</b>	<b>100%</b>	<b>1384</b>	<b>100%</b>	<b>54</b>	<b>100%</b>

The council has formal nominations agreement in place to allow for referrals to be made to other RSLs to rehouse waiting list and homeless applicants. Table 2 provides a breakdown of the lets RSLs made in 2019/20 and quarter 1 2020/21 and how many of these were allocated to homeless applicants. The table shows 48% of RSL lets went to homeless applicants in 2019/20 increasing to 95% in quarter 1 2020/21.

**Table 2: RSL Lets**

	2019/20	Q1 2020/21
	Lets No	Lets No
Total Lets Available	409	19
Total Lets to Homeless Applicants	200	18

#### **D.4 Update on RRTP**

Prior to COVID-19 some initial progress was evidenced at the end of year 1, 2019/20, of the RRTP when compared with the previous year.

- Reduction in the use of B&B Accommodation from 77 as of 31 March 2019 to 13 as of 31 March 2020;
- 3.4% reduction in homeless presentations between 1 April 2019 and 31 March 2020;
- Backlog of open cases reduced by 35% from 838 as of 1 April 2019 to 686 as of 31 March 2020, and
- Average length of stay in dispersed temporary tenancies reduced from 98.2 days in 2018/19 to 88.2 days in 2019/20.

Updated modelling has been undertaken for Year 2 onwards taking into account the

impacts of COVID-19 in 2020/21 and the subsequent 3 Year period of the remainder of the plan. The revised targets for year two and three of the plan are as follows;

- 87.5% council lets to homeless in 2020/21 and 62.5% in 2021/22 to help deal with the impact of COVID-19;
- Reduce the use of B&B Accommodation to 23 places per night by end of 2020/21 and to 12 by the end of 2021/22;
- Ensure homeless presentations do not increase by more than 12.5% in 2020/21, due to COVID-19 and then reduce by 5% throughout the remaining 3 years for the plan;
- To reduce the backlog of open cases through a target of 77% of all social rented lets to homeless from 838 as of 31 March 2019 to 760 by end of 2020/21.

Updated RRTP let predictions were reviewed to expected level of lets over the next 4 years. This included the new builds and secondary lets that are expected to be generated from these new builds. Table 3 shows the breakdown of predicated lets over the next 4 years.

**Table 3: Lets Predictions**

	Projected Lets			
	20/21	21/22	22/23	23/24
<b>Total Lets Available</b>	877	1,010	958	807
<b>Secondary Lets to Homeless</b>	70	221	76	0
<b>Total Available Lets</b>	<b>947</b>	<b>1,231</b>	<b>1,034</b>	<b>807</b>

The predicted level of lets has been further broken down per group for the next 4 years to get a clearer picture of what lets to each group could look like. This can be seen in Table 4.

**Table 4: Predicted Lets per Group**

Group	Total Projected Lets per group			
	20/21	21/22	22/23	23/24
Homeless (HLWC)	824	769	517	404
Transfer Lets (TL)	78	291	317	248
Unsatisfactory Housing (UH)	36	138	175	135
General Needs (GN)	9	32	24	19
Sheltered (HWCA / HWCB)	1	1	1	1
<b>Total Lets</b>	<b>947</b>	<b>1,231</b>	<b>1,034</b>	<b>807</b>

Whilst lets to homeless are required to be increased to assist with the impact of COVID-19 it is still intended to remain focused on the objectives of the Housing Allocations Policy review and gradually reduce the percentage social lets to homeless to 62.5% in Year 3 (2021/22) and 50% in Year 4 (2022/23) and Year 5 (2023/24) of the RRTP to ensure the Housing Allocations Policy meets its main objectives of prevention of homeless. Progress will continue to be reviewed quarterly and adjusted over the life of the plan

## **D.5 Housing Allocation Policy Consultation Results**

The Housing Allocation Policy consultation process was wide ranging and gave an opportunity for comments from all applicants, internal and external partners, RSLs, staff, tenant, Tenant's Panel and the Tenants network. The consultation concluded on 16<sup>th</sup> April 2020 with 2,724 people having responded. There were ten questions set in

the survey asking for views and comments on proposed changes to the point's framework this included choice for homeless applicants and the transfer led approach. The consultation questions can be found in Appendix 2 with a full summary of the results in Appendix 3.

**Table 5: Housing Allocation Policy Consultation Result Summary**

Question	Yes	No	Unsure
1. Increase homeless points	66%	14%	20%
2. Create a Strategic Needs Category	75%	8%	17%
3. Increase Below Tolerable Standard	67%	6%	27%
4. Increase Overcrowding	78%	8%	14%
5. Increase Sharing	66%	8%	26%
6. Increase Medical	84%	5%	11%
7. Increase Support	75%	5%	20%
8. Review Transfer Led Approach	63%	25%	12%
9. Review Homeless Choice	74%	8%	18%
10. Choice Based Letting	67%	8%	25%

Upon review, the outcome of the consultation exercise was very positive with a high level of responses agreeing with the proposed changes. Overall all questions were supported. There was a consistent theme through all of the comments in support of the recommendations that these changes would better prevent homelessness and create more opportunities for people to achieve housing before they reach crisis point.

The highest level of "Yes" response was to increase medical points as this was considered to be one of the top priorities for housing. Respondents felt those with the highest medical need should come first for housing. Although those responding who did not agree with this said that this was because mental health points were not being considered as the same level of priority as physical medical conditions.

The highest levels of "No" responses were against the decision to remove the transfer led approach. Respondents felt this was an effective way of making best use of stock. The respondents who agreed with the recommendation to reduce the transfer approach felt the current approach was unfair to those with a greater housing need who would have no chance of securing a better quality property and that houses should be allocated to those most in housing need or better mixed to create more balanced communities.

There was also an emerging theme of stigma associated to vulnerable groups such as homeless households, young people and prison leavers and it was also clear that the service needs to better address expectations versus reality and provide better quality advice about council housing need, demand and supply.

## **D.6 Revised Housing Allocations Policy**

Appendix 4 provides a summary of the changes to the existing Housing Allocations Policy and the revised draft Housing Allocation Policy document can be found in Appendix 5. All the results and comments received through the consultation exercise have been fully considered and the current Housing Allocations Policy has been revised to update and reflect all the proposed changes. The draft Allocations Policy has been developed taking into account research from other council Housing Allocations Policies which include Perth & Kinross Council, Aberdeenshire Council,

Dundee City Council and Renfrewshire Council.

Applicants will continue to be assessed on need and categorised in accordance with their circumstances, taking account of legal reasonable preference. The council will continue to operate a cumulative point base system with the review making changes to the level of points awarded within the existing points framework. This is to ensure levels are weighted in accordance with legal requirements, priority need and the RRTP aim to prevent homelessness through targeting at risk of homeless applicants.

The changes include:

- The current threatened with homelessness and insecurity of tenure points category have been changed to strategic needs category. This reflect local urgent housing need and increases the points allocated to those who are at risk of homelessness from 200 points to 750 points.
- To reduce the use of exceptional circumstance points through increasing points awards from 200 to 500 for Below Tolerable Standard and 250 to 500 points for Medical A. Increase points for overcrowding from 150 points per room to 250 points per room. Increase Medical B points and Mental Health Assessment points from 200 to 250 points. Sharing points will be increase from 100 to 150 points per person and to give or receive support points would increase from 100 to 150 points.
- To provide incentive for people to compare the points which could be awarded through the cumulative points framework to prevent homelessness and to be housed quicker it is proposed that Homeless households would be awarded 750 points, but these would be non-cumulative.
- To increase homeless applicant's chance of being offered permanent housing while at the same time promoting choice homeless less applicants can select any three wards areas out of 8 ward areas, with Livingston South and Livingston North being combined as one ward area.
- Allocating 75% of new builds in the first instance to meet the needs of existing tenants and 25% to mainstream waiting list. This will continue to generate through put in existing stock whilst allocating some new build stock to those in most need on the mainstream list.

The policy has also been up dated to include the provision that all housing applicants will be entitled to have a Personal Housing Plan completed to discuss their housing options. To ensure that the service works with applicants in urgent housing needs, the revised policy identifies that all housing applicants qualifying for one or more of the strategic needs categories will be contacted to completed a personal Housing Plan.

In addition to this the service has also taken the opportunity to review the group plus approach to the council's cumulative points system in line with legislative requirements and the aims of the RRTP to shift to a prevention approach to homelessness. Housing allocations legislation states that the council must give reasonable preference to certain categories of applicants when letting houses which include:

- homeless persons and people threatened with homelessness with unmet housing needs;
- people living in unsatisfactory housing conditions with unmet housing needs;
- tenants of houses which are held by a social landlord and we consider them to be under occupied as defined in this policy.

The Housing Allocations Policy has been revised to establish 4 categories which applicants will be placed in once their applications have been assessed. The 4 categories are:

- Homeless applicants;
- General Needs applicants;
- Transfer applicants; and
- Applicants out with West Lothian.

The council will set target lets annually to align with the RRTP and will monitor lets these on a monthly basis to ensure we are effectively letting properties to applicants with the highest housing need.

#### **D.7 Choice Based Letting Scoping Exercise**

Choice based letting (CBL) is an alternative approach to traditional allocation letting processes and is designed to place choice at the heart of the letting system determined by the applicant. Scottish Government practice guide to Social Housing Allocations has recognised CBL as a good model for allocating housing as it offers a greater degree of choice and control for applicants and can help support tenancy sustainment. Good practice guidance also suggests that meeting housing need and allocating properties in a fair and equal way should remain the underpinning principle to a CBL system which is linked to an organisations allocation letting policy. The full scoping report is included in Appendix 6.

In December 2019, Council Executive agreed, as part of the review of the council Housing Allocations Policy to explore a CBL approach and to report back to PDSP and Council Executive. It was agreed as part of the consultation process to ask tenants and applicants if they agreed to further explore a CBL approach. Overall, responses were positive to a move to a CBL of the 2,438 people responded 66.7% supporting CBL, 8.4% did not supporting it and 24.9% were unsure.

Respondents who agreed with CBL felt it was a more transparent way of allocating housing, allowing people to choose the house they wanted to stay in which would reduce refusals. More choice was seen as a positive step for those in housing need and for creating sustainable communities. The CBL process was also seen to be more positive as applicants would know how many people they were competing against. Respondents felt it offered greater customer control and therefore greater satisfaction in being offered a house you chose to live in. Additionally, respondents felt it was in line with how other RSLs and local authorities allocated and a more modernised way of allocating housing.

In Scotland, several landlords have opted for this type of allocation system which includes Highland Council, Edinburgh City Council, Renfrewshire Council, Falkirk Council and Angus Council. A number of Registered Social Landlords also operate a CBL system including Glasgow Housing Association (GHA), Grampian Housing Association, Sanctuary Housing and Castle Rock/Edinvar Housing Association.

The CBL approach is designed to allow applicants greater choice and control in deciding where they wish to live, in turn reducing refusal rates, decreasing void times, making inhouse efficiencies and creating more sustainable communities. A CBL system will not create more supply but does allow the council to be more transparent about where houses are vacant and what the demand is, this in turn allows applicants to make more informed choices and better manage their expectations.

The respondents who did not support this choice felt that the current system was already a fair way of allocating housing and not everyone would have the means and ability to bid for housing therefore potentially losing out on offers. The respondents raised questions on how such a system would work for people who were not computer literate or had no access to PCs. In addition, respondents felt that the bidding system would provide a false sense of hope when they may have no chance of being successful for certain houses. For clarification it should be noted that the council will not be changing its cumulative points-based approach to housing need. The CBL approach would only change the letting mechanism.

There are concerns that CBL, if not implemented with the correct supporting processes, can disadvantage more vulnerable groups who may miss out on housing opportunities. There are a number of good practices operating across councils and RSLs which are incorporated into CBL systems to mitigate this. Support systems can be developed to assist applicants to bid through the use of automatic bidding systems, specialise support teams to bid on applicants behalf, reminder systems and assisted bidding lists.

#### West Lothian Choice Based Letting System

The CBL approach compliments the council's priorities to shift to a housing options and prevention approach through its allocation policy and processes. As part of the Digital Transformation Strategy the council is committed to ensuring there are a range of options available to allow customers to interact with its services. The service is soon to implement an online housing application allowing applicants to directly apply online for social housing. A CBL system would support a move towards a more digital transformation and allow customers more control and choice in bidding for a house they wish to live in. A CBL letting system and online application would be part of a suite of self service options for applicants applying for social housing.

The introduction of a CBL approach would not remove the Housing Allocation Policy's key priorities of meeting those applicants in greatest housing needs. The service is confident that a CBL system would enhance services and processes and is committed to ensuring that it incorporates best practice from around the UK to ensure the lettings system does not disadvantage any applicant who is vulnerable and could potentially miss out on housing opportunities.

Any CBL system will need to be incorporated as part of the wider Housing, Customer and Building Services management system. Currently the service is undergoing an options appraisal with a potential to replace the existing open housing system. Whilst this is ongoing it is anticipated that the letting process to support the revised Housing Allocation Policy if agreed will remain as it is, service led, with the gradual move to a fully integrated CB letting approach in line with the implementation of any new system or upgrade to the new system. It should be noted that CBL is a lettings approach and not a change to the Housing Allocations Policy.

### **D.8 Specialist Provision**

The current Housing Allocations Policy caters for all need and specific areas of specialist provision for vulnerable people including older people, looked after children and young people leaving care, people with learning disabilities, mental health issues and people leaving care settings. The service has reviewed with West Lothian Health and Social Care Partners access to specialist housing provision and can advise the following:

- Housing with Care Policy - no change
- Sheltered Housing Policy/Assisted Living - no change
- Looked after children (Children (Scotland) Act 1995) – will be awarded 750 points under strategic needs category
- Core & Cluster – referral and assessment required from social policy
- Complex Care Housing Unit – referral and assessment required from social policy

Specialised provision can be found in Section 5.4.3(e) of the revised Housing Allocations Policy attached at Appendix 5.

## **D.9 Integrated Impact Assessment**

An Integrated Impact Assessment (IIA) was carried out against the draft Housing Allocations Policy linking into the previous IIA carried out for the RRTP and Local Housing Strategy. This is included in Appendix 7.

It is anticipated that overall the revisions to the Housing Allocations Policy should have a largely positive effect on all citizens in West Lothian and particularly those experiencing homeless or those threatened with homelessness through its aim to better prevent homelessness. The policy should have no adverse effect on any of the equality groups as the main aim of the policy is to provide housing to those most in housing need.

It has been identified that if lets to homeless applicants remain high this will be overly proportionate and potentially has a negative effect on other vulnerable groups. In order to mitigate this and ensure a more proportionate level of lets to all groups and better prevent homelessness the aim is to gradually reduce the level of lets to homeless in Year 3, 4 and 5 as per the RRTP model.

## **D.10 Next Steps**

The table below outlines the next steps to be taken following on from the outcome of the consultation of the proposed changes to the council's Housing Allocations Policy. If Council Executive approves the revisions to the Housing Allocation Policy it is timetabled that the changes will be implemented by 28 February 2021.

<b>Action</b>	<b>Date</b>
Consideration at Council Executive and seek approval of the revised Housing Allocations Policy.	17 November 2020
Commence Review of Housing List	30 November 2020
Develop and Finalise Processes	26 February 2021
Implement new Housing Allocations Policy & Points Framework	28 February 2021

The service will also commence work required to progress the choice based letting approach as the mechanism for letting council housing in West Lothian. This will include working with our common housing register partners and developing the detail of the system to be used as well as the support systems required to assist customers with this approach.

## **E. CONCLUSION**

The review of the current Housing Allocation Policy has established that it doesn't meet the key aims of homeless prevention and the need to shift from the current

position to a housing options approach. The consultation process has established that there is positive support for all the proposed changes to enable a shift to homeless prevention and housing options approach to ensure that council housing is allocated to those with the highest housing need. The changes in the revised Housing Allocation Policy will meet the local needs of the people of West Lothian as well as continue to meet legislative and good practice guidance and promote sustainability.

## **F. BACKGROUND REFERENCES**

Council Executive Paper 17 December 2019: Housing Allocations Policy Review  
Social Housing Allocations in Scotland: A Practice Guide, The Scottish Government, February 2019  
A guide to choice-based lettings, Chartered Institute of Housing, November 2017  
Fair allocations and choice based lettings, Shelter, December 2005  
Choice Based Letting, Stirling University, January 2017  
Ending Homelessness Together, The Scottish Government, November 2018  
Rapid Rehousing Transition Plans: A Scottish Overview, Crisis, February 2020  
Rapid Transition Plan: West Lothian Council, 2019-2024  
Digital Transformation Strategy: West Lothian Council, 2018/19-2022/23

Appendices/Attachments: 7

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**AnnMarie Carr**  
**Head of Housing, Customer and Building Services**  
**17 November 2020**

## APPENDIX 1: HARSAG 2

The HARSAG 2 report was published along with the 105 recommendations in July 2020. The report is grouped around four key questions which are summarised in the table below along with the high-level response (A to O) to each question: The Scottish Government have accepted all of the recommendations in principle and are in the process of producing an updated plan.

A full copy of the report can be found at <https://www.gov.scot/publications/homelessness-and-rough-sleeping-action-group-final-report-tackling-coronavirus/>

<b>Qu1</b>	<b>What needs to already be in place for the ongoing emergency?</b> <i>A - Ongoing access to suitable emergency self-contained accommodation to ensure people are not exposed to coronavirus by rough sleeping or staying in congregate settings</i> <i>B- Support, advice and advocacy for all people rough sleeping or in emergency accommodation during the coronavirus crisis period</i> <i>C- Full and frequent weekly audit of current situation</i>
<b>Qu2</b>	<b>What needs to be done to ensure people move forward from emergency accommodation?</b> <i>D- Ensure there is an immediate flexible supply of affordable housing for all in emergency accommodation or rough sleeping</i> <i>E - Maximise housing options for everyone</i> <i>F - Learning from the Covid19 response and sharing best practice</i>
<b>Qu3</b>	<b>How can we do to prevent as much homelessness as possible?</b> <i>G - Emergency immediate prevention activity for groups facing an increased risk of homelessness during and following the coronavirus crisis</i> <i>H - Extend emergency protections for renters created for the coronavirus pandemic</i> <i>I - Prevent rough sleeping for people with complex needs and those excluded from services</i> <i>J - Strengthen and accelerate prevention programmes</i> <i>K - Prevent migrant homelessness and destitution</i> <i>L - Urgent requests of the Westminster Government</i>
<b>Qu4.</b>	<b>What needs to change in the National Action Plan to end homelessness to recognise the changing circumstances caused by coronavirus?</b> <i>M - Continue to strengthen national plan for ending homelessness</i> <i>N - Strategic housing needs</i> <i>O - Rapid rehousing and maximum housing options for all</i>

## APPENDIX 2: CONSULTATION QUESTIONS

<b>House letting policy (or allocation policy) consultation</b>
Please note that this consultation form is available in other formats, on request, such as in larger print.
<b>Introduction</b>
<p>At present, West Lothian Council's allocation policy prioritises those who have the highest need based on their points' award. This applies to mainstream applicants, tenants and homeless applicants.</p> <p>The proposed changes to the Policy aim to give a greater focus on the prevention of homelessness, better address those in greatest housing need, create faster through put of housing for those who are homeless whilst continuing to recognise reasonable preference categories as determined in law.</p> <p>The current policy operates a group plus points system approach. Properties are allocated to applicants with the greatest need and highest points.</p> <p>Our new allocation policy meets with all relevant legal provisions and good practice guidance.</p>
<b>Issue 1: Housing needs</b>
<p><b>Statutory Homeless</b></p> <p>It is proposed to award a higher priority of points to applicants of West Lothian Council who are currently homeless. Points will not be cumulative and houses will still be allocated to these applicants in date order.</p> <p>Do you agree with this approach?</p> <p>Yes          No          Not sure</p> <p>Please explain why:</p>
<b>Issue 2: Categories</b>
<p><b>Strategic Needs</b></p> <p>It is proposed to create a new points category which will include applicants who previously were considered as:</p> <ul style="list-style-type: none"> <li>• Hospital Discharge</li> <li>• Leaving support accommodation to community care</li> <li>• Medical A</li> <li>• Looked after and accommodated children (Children (Scotland) Act 1995)</li> <li>• Leaving Forces (leaving full time regular service and within 9 months of discharge)</li> <li>• Domestic Abuse</li> </ul>

- Prison Discharge
- Leaving Care
- Notice to Quit
- People at risk of /experiencing serious harassment
- Forced sale
- Witness protection
- Asked to leave/living in insecure accommodation
- Forced to Live apart

These applicants previously received 200 points and it is proposed to increase these to 750 points to increase the chances of achieving an offer of housing and support the prevention of homelessness.

Do you agree with this approach?

Yes          No          Not sure

Please explain why:

### **Below Tolerable Standard**

It is proposed to increase these points from 250 to 500 points to ensure a reasonable level of points are awarded based on the increases across all other categories.

Yes          No          Not sure

Please explain why:

### **Overcrowding**

It is proposed to increase these points from 150 points per room to 250 points per room to ensure a reasonable level of points are awarded based on the increases across all other categories.

Yes          No          Not sure

Please explain why:

### **Sharing**

It is proposed to increase these points from 100 per person to 150 points per person to ensure a reasonable level of points are awarded based on the increases across all other categories.

Yes          No          Not sure

Please explain why:

### **Medical Needs**

It is proposed to increase these points for Medical A from 250 to 500 points and Medical B from 200 points to 250 points and Mental Health Assessment from 200 points to 250 points to ensure a reasonable level of points are awarded based on the increases across all other

categories.

Yes            No            Not sure

Please explain why:

### **Support**

It is proposed to increase these points from 100 points to 150 points to ensure a reasonable level of points are awarded based on the increases across all other categories.

Yes            No            Not sure

Please explain why:

### **Issue 3: New Build Allocations**

#### **New Build Accommodation Transfer Approach**

The council currently allocates 100% of new build properties to existing council tenants this to ensure making best use of existing resources by generating secondary lets which can be allocated.

It is proposed to allocate 75% of new build properties to existing tenants to continue to make best use of existing stock but allocate 25% to mainstream applicants in greatest need to better address housing need and create sustainable communities.

Do you agree with this approach?

Yes            No            Not sure

Please explain why:

### **Issue 4: Homeless Choice**

#### **Homeless Choice**

The current allocations policy allows applicants assessed as homeless to choose between 10 and 47 areas of West Lothian.

Within the new allocations policy, it is proposed that the choices will move from areas to wards whereby Livingston North and South will be combined and a homeless applicant will be able to choose a minimum of 3 wards areas within West Lothian.

This will support the councils and HARSAG aims to create faster throughput to permanent accommodation for those who are Homeless.

Yes            No            Not sure

Please explain why:

Note: Homeless applicants will be considered for any type of housing on any level unless there is a medical reason. (This must be supported by a property needs application and assessment).

## **Issues 5: Letting Process**

### **Choice Based Letting**

The council currently directly lets properties to applicants based on a short listing system. It is proposed to move away from this approach and implement a Choice Based Letting system. This will give applicants greater choice and control to choose the properties in which they wish to bid for but also reduce the time taken to shortlist and match properties against applicants who then chose to change their choices.

This will create better transparency, be more customer focused and reduce refusals.

At this stage the council is proposing to undertake further research to implement Choice Based Letting and is seeking views on whether you agree with this approach.

Do you agree with this approach?

Yes          No          Not sure

Please explain why:

**General comments** (please provide any general views):

**Name** (optional):

**Contact details** (optional):

If you give your name and contact details, may we contact you to discuss your views:

Yes          No

**Thank you for taking time to complete this consultation form.**

## **APPENDIX 3: CONSULTATION REPORT**

### **1.0 Overview of consultation questions**

The Housing Allocations Policy consultation concluded on 16<sup>th</sup> April 2020 in total 2,724 people responded. There were 10 questions whereby respondents were asked to provide an answer to whether they agreed with suggestions answering yes, no or unsure and provide relevant comments. All questions had responses however comments were received for all questions except Support Points due to a technical issue with the online survey.

A summary of each question is provided as follows.

### **2.0 Homeless Points**

- 2,677 people responded
- 65.9% (1,764) yes
- 13.7% (368) no
- 20.4% (545) unsure

This was the highest responded question. The vast majority of comments which supported this suggestion were in favour of this stating homelessness should be the top priority for housing and considered as an urgent need. Others commented that the points would help people's anxiety and help them understand with the high level of points they were being seen as a priority. Some comments also made reference to still ensuring allocations were made in date order of presentation.

The comments that were made against supporting this suggestion were related to concerns about the current system being abused by applicants who were not homeless and using this route as a means to get access to council housing faster. There were suggestions that homelessness shouldn't be the top priority for housing as some of the other categories were just as much in housing need if not greater.

The responses that were unsure varied. Some felt the points should only be increased for local homeless people and others commented points should only be awarded to people who were homeless for certain reasons such as armed forces and domestic abuse. However again there was an underlying theme of comments whereby respondents felt this system was openly being used by applicants who were not homeless to fast track into council housing. Suggestions were made that the council should carry out more stringent checks on why applicants have become homeless.

### **3.0 Strategic Needs**

- 2,652 people responded
- 74.8% (1,983) yes
- 8.5% (226) no
- 16.7% (443) unsure

The majority of comments agreeing with this proposal state that it will support the prevention of homelessness ensuring there are earlier interventions. Many comments relate to people having been in these situations and not being able to obtain housing before they became homeless. There is a common theme of points should be in place for those most vulnerable and that the policy should support

taking these areas forward for fast rehousing and to ensure they do not become homeless.

There was an overwhelming theme that prison leavers should not have any points and not be prioritised for housing. Other comments also suggested that lesser points should be awarded to lesser priorities within this group such as those with NTQ, asked to leave or mortgage repossession as they are not immediately at risk. Those suggested this group would become too large if not appropriately vetted and monitored and would create a large amount of people with the same level of points making it unlikely any of the vulnerable groups would achieve housing. A number of other responses felt that single people or couples who have no other type of need are not included in this group of priority need applicants and are therefore unlikely to be rehoused and are being discriminated against. A number of other comments were made about people using this system to abuse it and get access to council housing.

The comments received from unsure responses were in relation to prisoners and whether they should be part of this category at all or whether there should be lesser points within this category for lesser priority reasons as described above such as 500.

#### **4.0 Below Tolerable Standard (BTS)**

- 2,620 people responded
- 67.3% (1,764) yes
- 6.2% (163) no
- 26.5% (693) unsure.

Most respondents felt this was a fair proposal to benefit the well-being of the tenants suffering BTS. A number of respondents felt it would help prevent homelessness. Some respondents commented that no one should have to live in sub-standards housing and not enough is being done to force landlords to carry out repairs. There were additional comments that the points should be as high as homelessness.

Those respondents who did not agree with this thought the survey was referring to WLC properties and felt that the council should review its own repairing standard to improve properties as opposed to moving tenants out. Other respondents felt the points were open to abuse and if the property standard was self-inflicted no points should be awarded or the owners should be forced to carry out repairs as opposed to rehousing the applicant.

The respondents who were unsure about their decision made comment that they did not understand the question and what was meant by Below Tolerable Standard.

#### **5.0 Overcrowding**

- 2,630 people responded
- 78.4% (2,063) yes
- 7.7% (201) no
- 13.9% (366)

Most respondents felt it was fair and reasonable to increase the points award although concern was also common in relation to 'reasonable vetting processes', that 'genuine evidence' should be sought. Some comments were specifically around

studio flats that don't technically have 1 bedroom but this is not taken into consideration. Some comments felt points should only be awarded where the overcrowding situation is not self-inflicted. Other comments also suggested consideration should be taken in regards to individual bedroom sizes when assessing for points. A few responses suggested wait times were too high for larger properties and more stock was therefore required. A small number of comments also asked whether under occupation would be treated the same way.

Those respondents who did not support this suggestion were mainly on the basis that it was felt overcrowding points were being abused and not being checked enough to ensure accurate. Others felt that the points should be awarded on a case by case basis as some applicants were choosing to move into overcrowded situations to get more points. There were concerns raised that single applicants would receive less points than those of larger households. Some respondents felt the points should be higher and that there was no real benefit if all points were being increased.

The respondents who were unsure about this suggestion were unclear on what difference the points increase would make if all points were being increased. There were additional comments on applicants placing themselves into overcrowded positions. However there was also a lack of general understanding of the question.

## **6.0 Sharing**

- 2,606 people responded
- 66.3% (1,727) yes
- 8.3% (215) no
- 25.5% (664) unsure.

Most responses felt it was fair and reasonable to increase the current level of points awarded to give a better chance for those sharing to be reached with an offer of housing. Others felt that the award of sharing points should be dependent on the severity of sharing within a household e.g. 2 people sharing is not the same as having to share with 4 people. Suggestion that applications are pointed on a more individual basis taking account of bedroom sizes rather than assuming 1 bedroom is large enough for 2 people to share. A lot of responses also relate to children of the same household having to share a bedroom for which sharing points would not be awarded.

A strong theme of not understanding the question is present or what sharing points would be awarded for. There was confusion about sharing vs overcrowding points. Some responses felt sharing was not a reason for points to be awarded as long as there is no overcrowding. Other responses relate to the overall increase in points in all categories therefore there is no advantage to this. Other responses felt that the points should be higher than and some felt it should be less. There were additional comments again about applicants abusing the system.

Most comments did not understand the question or were unsure what the difference would be if all points were increased.

## **7.0 Medical**

- 2,620 people responded
- 83.7% (2,193) yes

- 5.5% (145) no
- 10.8% (282) unsure

This response was the most supported question. The main theme from those respondents who agreed with this felt that increasing medical points were necessary and a high priority to ensure those most in need of housing are most likely to achieve this. A number of comments also suggested that the council should seek to request more detailed medical evidence to ensure points are awarded fairly and not as easily as currently awarded. A number of respondents felt that a serious medical condition should be classed as Medical A.

Those respondents who did not agree with the increase in medical points were in disagreement because mental health points were not being given the same level of priority as physical medical conditions. This was a very strong theme whereby respondents felt mental health should be an equal priority, medical A, and that this was discrimination. Other respondents felt the system was being abused and the service was too lenient on evidence.

Of the respondents who were unsure the main comment was they simply did not understand the question and asked for more information on what this would mean in practice.

## **8.0 Support**

- 2,604 people responded
- 75.4% (1,963) yes
- 5.1% (134) no
- 19.5% (507) unsure

This question had no comments received due to a technical difficulty in the survey.

## **9.0 Transfer Led**

- 2,588 people responded
- 63.6% (1,646) yes
- 22.2% (575) no
- 14.2% (367) unsure

The majority of respondents felt that new build houses should not solely be allocated to existing tenants as there are other people in more urgent housing need than tenants and some tenants have no housing need and or are adequately housed. Comments around this related to applicants with greater need waiting longer and being offered less desirable housing in less desirable communities, therefore never getting the benefit/quality of a newbuild tenancy. Respondents felt this was unfair. Respondents mainly felt houses should be allocated to those who most need it and in highest urgent housing need. Comments also suggested that communities should be better mixed with a range of different tenants which includes homeless applicants. A number of other respondents also commented on how more stringent checks should be carried out to ensure that applicants have a proven track record before matching to a new build. Some suggestions were made that the recommended split wasn't enough and suggested a 50/50 split.

The respondents who did not agree with this approach felt that the current approach was fair and allowed existing tenants to move and therefore free up their own

housing. Comments suggested it was a positive way of encouraging tenants to look after their house knowing they would be rewarded with a new one and allow them to move out of an older house into a newer one. However there were a number of comments that tenants should only be allowed to move once, as some tenants were moving from one newbuild estate to another and that checks should be more stringent to ensure they were more likely to be a good tenant.

The respondents who were unsure related to applicants being unclear on which group should get the priority for newbuild housing. Some comments felt homeless applicants should be given a priority, other comments felt some applicants should but others shouldn't these were mainly around perception and stigma of certain groups such as prisoners and young people.

## **10.0 Homeless Choice**

- 2,534 people responded
- 74.2% (1,882) yes
- 7.6% (192) no
- 18.2% (460) unsure.

Respondents felt that moving to three wards would be an improvement to the current system allowing applicants to be rehoused into permanent housing more quickly therefore creating shorter waiting times and less time in temporary accommodation. There was an overwhelming response that homeless applicants needed to be rehoused quickly and spend too long waiting and therefore this would resolve these issues.

Respondents who did not agree with this approach felt that homeless applicants should have the same right to choose as mainstream applicants regardless to the time impact this would cause. Respondents felt applicants should be housed in local areas where there is support from their family and local networks which are more important factors for applicants who have experienced homelessness. Others felt that they would be unfairly disadvantaged in area where there is low stock. There was an underlying theme that homeless applicants should not be given any priority for housing as many are currently abusing the system and providing false information to use it as means to access social housing.

Those respondents who were unsure were unclear about what this actually meant in practice, whether this meant less choice or more choices, faster throughput to housing or housed in areas of lower demand.

## **11.0 Choice Based Letting**

- 2,442 people responded
- 66.7% (1,629) yes
- 8.4% (205) no
- 24.9% (608) unsure

This response received the highest level of none agreements at 24.9%. The respondents who agreed with this question felt it was a more transparent way of allocating housing, allowing people to choose the house they wanted to stay in which

would reduce refusals. Respondents felt it offered more customer choice and greater customer control and therefore greater satisfaction in being offered a house you chose to live in. Additionally respondents felt it was in line with how other RSLs and Local Councils allocated and a more modernised way of allocating housing. Other comments felt it was a more transparent way to see which houses were available.

The respondents who did not support this choice felt that the points system was a fair way of allocating housing and not everyone would have the means and ability to bid for housing therefore potentially losing out on offers. In addition respondents felt that the bidding system would provide a false sense of hope when may have no chance of ever being successful for certain houses.

The respondents who were unsure raised questions on how such a system would work for people who were not computer literate or had no access to pcs. Respondents were also unsure how the choice would be decided if several applicants bid for one property if points were not used.

## **12.0 Conclusion**

There was a clear theme of stigma associated to vulnerable groups such as homeless households, young people and prison leavers. Through effective communication identified in the communication plan the service can work towards changing some of these views.

Another strong key theme was concerns about the current system and policy being abused calling for further checks and evidence to be gathered to ensure where points are awarded or homeless status is given this is validated. The review of existing processes and checks should ensure robust methods for evidence gathering. However new processes will also need to be developed for the awarding of new points categories and consideration to whether these should be time limited.

The final point for action will be to better address expectations vs reality and provide better quality advice about council housing need and demand. There was a lack of understanding need and demand and this could be better addressed through advice given to applicants on the list who have little to no chance of council housing to help them understand this, along with what alternative options are available. This is another area the services communication plan will address through key messages on social media and other outlets.

Overall all questions have been positively supported to be taken forward however a number of points were identified for consideration and appropriate action.

## APPENDIX 4: REVISED HOUSING ALLOCATIONS POLICY CHANGES

Policy Change	Current Policy	Proposed Changes
<u>Review of overall policy to align with RRTP.</u>	<p>Key aim was to promote the prevention of homelessness but this has failed due to high homeless presentations and lets to homeless.</p> <p>Number of people who could have been prevented from becoming homeless</p> <p>High use of exceptional circumstance to house people at risk of homelessness or in urgent housing need.</p> <p>Inability to promote choice and flexibility within the current policy due to pressure via homeless route.</p>	<p>Promote choice to prevent homelessness and focus on a housing options approach at point of application to the Common Housing Register to ensure all housing options have been explored, including the private sector. Ensure that information is provided to applicant on the likelihood of being housed by the council and other social landlords in West Lothian.</p> <p>Shift to a prevention of homelessness by providing sufficient cumulative points to those in acute and urgent housing need to prevent homelessness.</p> <p>Shift to a prevention approach through providing greater priority to points to those at risk of homeless, but continue to give priority to other reasonable preference group in unsatisfactory housing such as overcrowding and under occupancy.</p> <p>Ensure people assessed as homeless are provided permanent accommodation as quickly as possible with fewer transitions in temporary accommodation and reduced length of stay through the agreed RRTP targets.</p>
<u>Review of Points Framework</u>  This would review the point's levels for specific categories of applicant to promote access to housing whilst avoiding / preventing homelessness.	<p>The current points level range from 100 to 250 points with 1,500 points for exceptional circumstances.</p> <p>There are a number of groups who are prioritised by law that the council must give reasonable preference to if the household have unmet housing need. These are; homeless, threatened with homelessness, under occupying and living in unsatisfactory housing.</p> <p>There is no legal definition of unsatisfactory housing and the council will need to determine the type of housing need to include within the unreasonable category.</p> <p>Currently homeless applicants do not get an award of points, with applications held in date of decision to place them within the Homeless Group.</p>	<p>There are 4 proposed changes to the points framework:</p> <ol style="list-style-type: none"> <li>1. The current threatened with homelessness and insecurity of tenure points category would change to a strategic needs category. This category would be revised to reflect local urgent housing need and would increase the points allocated to those who are at risk of homelessness from 200 points to 750 points. This would increase the applicant's position on the housing list and the likelihood for consideration of offer and reduce the number of exceptional circumstances currently being awarded.</li> <li>2. A new strategic needs category would be created for applicants at risk of homelessness. This would include additional insecurity of tenure applicants based on local need e.g. applicants who have been asked to leave and living in insecure private let accommodation. Applicants in these circumstances would receive 750 points.</li> <li>3. To reduce the use of exceptional circumstance points through increasing points awards from 200 to 500 for Below Tolerable Standard and Medical A. Increase points for overcrowding from 150 points per room to 250 points per room. Increase Medical B points and Mental Health Assessment points from 200 to 250 points. Sharing points will be increase from 100 to 150 points per person and to give or receive support points would increase from 100 to 150 points.</li> <li>4. The current approach is not working to prevent homeless as it provides no incentive for people to</li> </ol>

Policy Change	Current Policy	Proposed Changes
		compare the points which could be awarded through the cumulative points framework to prevent homelessness and to be housed quicker. It is proposed that Homeless households would be awarded 750 points, but these would be non-cumulative. .
<u>Homeless Applications</u>  This would review the choice of areas available to homeless applicants	Currently homeless applicants choose a minimum of ten communities from 47 available communities which include multiple areas in Livingston. After nine months on the list as a homeless applicant areas are extended to a simple East / West split.	It is proposed that the choice of area for homeless applicants will be reduced to a minimum of three wards and Livingston South and North will be combined to one ward.
<u>Cumulative Points System</u>	Current policy is a group plus approach to the council's cumulative point system.  There are five groups within the existing policy which consist of Homeless, Unsatisfactory Housing, General Needs, Transfer Led, Outwith.	The Housing Allocations Policy has been revised to establish four categories which are Homeless, General Need, Transfer Led and Outwith.  The council will set target lets annually to align with the West Lothian RRTP. The aim is to increase the number of lets available to non-homeless applicants to prevent homelessness and to meet other reasonable preference groups.  Year 1 (2019/20) = 75% Year 2 (2020/21) = 87.5% Year 3 (2021/22) = 62.5% Year 4 (2022/23) = 50% Year 5 (2023/24) = 50%
<u>Applicants with special needs</u>	Older People's Housing People with learning disabilities People leaving care	Review the existing policy approaches for older people housing, housing for people with disabilities and people leaving care.
<u>Transfer Led</u>	All new build properties are allocated to existing tenants of West Lothian Council on needs basis, this in turn generates a secondary let which is then offered to an applicant on the mainstream waiting list.	Allocate 75% new builds to transfer applicants and 25% to mainstream waiting list to create throughput but also ensure targeting those most in need and balancing the community dynamic.
<u>Personal Housing Planning</u>	n/a	In completion of the housing application process all applicants have the right to a Personal Housing Plan and we will contact applicants where their reason for the application qualifies for one of the strategic housing needs reasons.

## **Appendix 5**

**West Lothian Council:**

**Housing Allocations Policy**

**17 November 2020**

This document is available, on request, in a range of different formats such as in larger print, audio-format and Braille and in different languages, as appropriate.

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## **Section 1: Background issues**

This section describes the context that explains why the allocation policy has been developed. This section also describes how this policy is structured.

### **1.1. Context**

The allocation policy is a strategic policy document that explains how we address a wide range of housing needs in the West Lothian area. Although this policy is part of housing management practice, allocation practice has a crucial part to play in promoting sustainable and inclusive communities. Sustainable and inclusive communities are areas in which people want to live and work. This approach is closely linked to corporate council objectives to foster social justice and the elimination of unlawful discrimination.

The council experiences significant demand from people applying for council housing. To adhere to housing legislation social rented housing is let to people in the highest housing need.

This policy is based mainly on allocation law but also promotes other legislative provisions, for example, those relating to equal opportunities. The policy also incorporates good practice guidance, including guidance issued by the Scottish Government.

Allocation policy is also aligned to a wide range of other council strategies and policies. For example, the allocation policy aims to promote objectives contained in the council's local housing strategy, as well as its homelessness strategy and the West Lothian Rapid Rehousing Transition Plan (RRTP) 2019/20 to 2023/24. This policy is, therefore, part of a holistic or unified approach to addressing housing need in the local area.

### **Notes**

The term "allocation" is a technical term and refers simply to the policy and practices concerning the **letting** of houses.

West Lothian Council will generally be referred to as "we" throughout this document.

The word "house" is intended to refer to all house types unless this is otherwise stated.

### **1.2. Structure**

This policy is divided into a number of sections to make the document more accessible; this also enables us to update the document more easily as required, for example, due to changes in allocation law or other related housing law. The main issues covered by each section are summarised below.

Section 2 is a very important section as it describes the key allocation objectives of this policy. These objectives are the framework on which all of our practices are based, for instance, commitments to meeting law.

Section 3 sets out, in plain language, the main law and good practice guidance that the allocation policy must satisfy. This is essential as the policy is based on allocation law and good practice guidance.

Section 4 summarises other organisational policies that are linked to allocation practice. This is to explain clearly that the allocation policy does not operate in isolation from our other services.

Section 5 explains how we let houses to applicants. This also explains important technical terms such as housing need. Applicants may be either existing tenants or applicants on the common housing register.

Section 6 covers our commitments to promoting equal opportunities through allocation practice. This includes a full explanation of the important principle known as positive action.

Section 7 outlines the types and variety of training that we carry out to ensure that our allocation policy objectives are implemented effectively.

Section 8 describes how we manage our allocation performance. This is achieved through having a range of performance indicators that allow us to monitor practice on an ongoing basis.

Section 9 explains the process for appealing allocation decisions and/or using our complaints system.

Section 10 covers our commitment to consultation on allocation policy review and describes how we review the policy.

Finally, the appendices provide general information for tenants and applicants, or to allow them to check sources or make contacts with other organisations.

## **Section 2: Allocation objectives**

### **2.1. General**

This section is very important as it describes our main allocation objectives, that is, our practical commitments. These objectives are incorporated throughout the allocation system that includes:

- allocation policy;
- allocation procedures;
- allocation documentation, for example, our application form and the summary allocation policy; and
- other policies that are linked to allocations, for instance, mutual exchanges and suspension of offers.

### **2.2. Our allocation objectives**

Our allocation objectives cover **twelve** core commitments; these are described below.

#### **Objective 1: Law and good practice guidance**

We meet all appropriate legal and good practice guidance standards.

#### **Objective 2: Promoting equal opportunities**

We promote services to ensure that there is no unlawful or unfair discrimination on any of the issues covered by equality law.

#### **Objective 3: Addressing housing need**

We define housing need comprehensively in our policy and use this definition to address a wide range of housing needs.

**Objective 4: Developing sustainable and inclusive communities**

We implement allocation practices to assist in developing sustainable and inclusive communities in which people want to live and work.

**Objective 5: Making appropriate use of our housing stock**

We make appropriate use of our housing by promoting tenants' rights such as mutual exchanges, or by reducing under-occupation, whenever possible.

**Objective 6: Establishing effective partnerships**

We establish partnerships, at local and national levels, to address the needs of individual service users, as well as community needs.

**Objective 7: Minimising lost income**

We let empty houses in line with set timescales to avoid unnecessary loss of rental income; these timescales are contained in our void policy (empty house policy).

**Objective 8: Providing advice and information**

We provide service users with comprehensive advice and information about our allocation services; this includes assisting applicants with information on their housing options.

**Objective 9: Providing training and development programmes**

We provide comprehensive training to our housing staff to ensure that allocation services are delivered effectively and efficiently. Training is also provided to tenant groups through our tenant participation strategy.

**Objective 10: Managing allocation practices**

We manage allocation practices through an internal audit system that is based mainly on performance indicators and appropriate satisfaction surveys.

**Objective 11: Dealing with appeals and complaints**

We deal with appeals and complaints fairly in line with our organisational policy, including dealing with issues within set timescales.

**Objective 12: Consulting on the policy and its review**

We review the allocation policy every three years or sooner, if appropriate; we do this in consultation with service users and other relevant partner organisations.

**Section 3: Legal and good practice framework**

**3.1. General**

This section summarises, in plain language, the main legal provisions that this policy includes. This covers both allocation law and other law. The section also refers to the main guidance that our policy promotes.

### **3.2. Allocation law**

This section summarises the main law on allocations that forms the basis of the allocation policy. These provisions cover:

- access to our common housing register;
- suspensions of offers to applicants;
- groups to be given reasonable preference when letting houses;
- matters to disregard when selecting tenants;
- publicity; and
- access rights to information relating to the housing application.

#### **3.2.1. Access to our common housing register**

People who are **sixteen** years or more can apply to join our common housing register. It is emphasised this does not give applicants a right to receive an offer of housing; offers of housing will depend on priority given to applications.

As part of our commitment to promoting equal opportunities, we offer applicants guidance in completing our application form. We also offer support to applicants to assist them to complete this form, as appropriate. This includes meeting the legal duty of making reasonable adjustments in service provision when providing information to disabled applicants.

We can also provide a wide range of information about our housing stock and housing options locally, as well as details of where further information can be obtained.

#### **3.2.2. Suspensions of offers to applicants**

Applicants are entitled to register on our housing list if they are sixteen years or over. We cannot exclude applicants from our common housing register. We may, however, suspend offers to applicants in line with law or good practice guidance. We have established a separate policy and procedure on this matter (see section 4.4). Information on this policy is notified to all of our housing applicants in our allocation pack.

#### **3.2.3. Reasonable preference groups**

We must give reasonable preference to certain groups when letting houses. The groups to which we must give reasonable preference are:

- homeless persons and people threatened with homelessness with unmet housing needs;
- people living in unsatisfactory housing conditions with unmet housing needs; and
- tenants of houses which are held by a social landlord and we consider them to be under-occupied as defined in this policy.

In law, a person has unmet housing needs if we consider that the person has housing needs which are not capable of being met by housing options which are available.

In practice, we give reasonable preference to applicants:

- who live in unsatisfactory housing; and
- whose preferred housing option to meet these needs is being allocated a council tenancy.

We also explore housing options with all applicants so that they can make informed decisions regarding their housing preferences in both public and private sectors.

It is also emphasised that there is separate law in relation to dealing with applications from people affected by homelessness. We have, therefore, established a homelessness policy to promote our legal duties and good practice guidance relating to homelessness. This policy is based on prevention and is aligned closely to our allocation system. This is explained in section 4.

### **3.2.4. Matters to disregard when selecting tenants**

We must disregard certain matters when we select tenants; these matters are as follows:

- the length of time that applicants have resided in our area;
- any debt related to a tenancy not owed by the applicant, as tenant or former tenant, or any housing debt since paid back;
- any outstanding liability of the applicant not attributable to the tenancy of a house, for example, council tax arrears. And this applies also to anyone else that it is proposed will reside with the applicant;
- the age of applicants unless (a) housing has been designed or substantially adapted for persons of a particular age or (b) the housing is for persons who are – or will be – in receipt of housing support services for a particular age group; and
- the income of applicants, including income of other household members.

The law does enable us to take property ownership into account in limited circumstances. As a policy measure, however, we do not take account of any property owned by applicants or their family members when selecting tenants. This is our policy since applicants may have various forms of housing need irrespective of home ownership.

When letting houses, we must also take no account of whether or not an applicant resides in our area if she/he:

- is employed, or has been offered employment in our area;
- wants to move into our area to look for employment and we are satisfied that this is their purpose;
- wants to move into our area to be close to a relative or carer;
- has special social or medical reasons for being re-housed in our area; and
- wants to live in our area to avoid harassment or runs the risk of domestic abuse and wishes to move into the area.

In law, there are specific conditions that we cannot impose, namely that:

- applications must be active for a minimum period before considering applicants for housing (except in terms of our suspension policy);
- a judicial separation or divorce should be obtained, or a dissolution of a civil partnership or a decree of separation of civil partners be obtained; or
- applicants should no longer be living with, or in the same house, as someone else before they can be considered for housing.

When letting houses, we must also disregard any arrears of rent or other tenancy related debt which is less than one twelfth of the annual amount payable. For example, any rent

arrears of less than one month will not stop an offer of housing being made. If an applicant is re-housed who owes us rent, we make appropriate repayment arrangements before the offer is made. This procedure is incorporated into our rent arrears management policy.

If rent arrears are more than one month's rent, this will not stop an offer of housing being made if applicants:

- agree an arrangement with us to repay the debt;
- pay the amount as agreed for at least **three** months; and
- continue to pay this amount.

As noted, this is incorporated into our rent arrears policy and repayments are linked to what are affordable to the person in arrears.

### **Note**

Councillors (Elected Members) are not permitted to take part in the following actions. Firstly, councillors must not take part in allocation decisions involving local authority housing within their wards, that is, the wards where they have been elected.

Secondly, councillors must not take part in allocation decisions where the applicant for the house resides in the electoral division or ward for which the member is elected. This rule also applies to other housing to which the council can nominate applicants such as nominations to housing associations. Elected Members can, however, make representations to appropriate committees regarding their views on these matters.

### **3.2.5. Publicity**

In law, we must both make and publish an allocation policy. This includes information governing:

- prioritising our allocation of houses among different applicant groups;
- transfer applicants, that is, how we deal with transfer applications and the transfer of tenants from houses owned by the council to houses owned by other bodies; and
- mutual exchanges that are concerned with existing tenants who want to exchange tenancies ("swap homes").

We must publish alterations to these rules within six months of making any alterations

A copy of our allocations policy can be found on the council's website at (insert link). Where a customer requires a physical copy of our allocations policy this, along with a summarised version, can be accessed at our principal offices. This is a legal requirement. These rules are available for checking at all reasonable times. For instance, summary rules can be obtained during working hours, or are available on our website.

In order to promote access to our common housing register, we also keep copies of our allocation rules at a wide range of other offices and organisations. Examples of these are local libraries and our principal offices.

### **3.2.6. Access rights to information relating to the housing application**

Applicants are entitled, on request, to inspect any information kept by the council that they have provided relating to their housing application. This information must be provided free of charge.

Applicants may also apply to access personal information that we process in line with the **Data Protection law**. We may refuse any requests to access personal information only as permitted by this law.

### **3.2.7. Other specific guidance**

We take account of other specific guidance relating to consultation processes, as well as assessing our local housing strategy when considering allocation reviews. These consultation issues are explained in section 10.

### **3.3. Other law**

Our allocation policy is based on (and largely determined by) housing law that covers legal provisions relating to allocating housing and homelessness. Our policy is also influenced by a wide range of other laws. Examples of these laws are summarised by reference to the key issues of:

- data protection;
- equal opportunity; and
- family law.

#### **Note**

Other law is also relevant such as law relating to immigration and asylum seekers and law concerning offenders.

#### **(a) Data protection**

We include data protection principles throughout allocation practice so that information gathered is processed in accordance with the law.

#### **(b) Equal opportunity**

Allocation policy is a key document for promoting council commitments to promoting equal opportunity, including taking steps to eliminate unlawful or unfair forms of discrimination. This commitment covers all of the grounds in law (now known as “protected characteristics”), as well as other possible forms of discrimination such as discrimination on social origin or class. Further information on how we do this is contained in section 6.

One example of how we promote equality matters is to have housing application forms available at all principal council offices, as well as at housing offices and on our website. Our application can be made available in different languages and in other formats such as in larger print.

In order to explain the questions in our application form, we can also arrange appropriate services to make it accessible to people such as:

- arranging for interpreting services for persons who require information in another language;
- arranging interpreting services for disabled people; and
- providing the information in other formats, for example, in larger print, audio-format or Braille.

#### **(c) Family law**

Family law is extremely important to protect the rights of individuals. For instance, we provide information concerning housing options to people involved in relationship breakdown to ensure that appropriate housing options are considered. This includes information to spouses, civil partners and cohabiting partners (of the same or opposite sex). Advice and information concerning housing options is also made available, it should be noted, to single people.

### **3.4. Good practice**

Good practice guidance to ensure that allocation practice meets quality standards is contained in a diverse range of documentation. Two key documents whose principles are embedded into allocation policy and practice are:

- the Scottish Social Housing Charter standards; and
- the Scottish Government guidance on allocations.

#### **The Scottish Social Housing Charter standards**

We embed the Scottish Social Housing Charter standards into this policy. The relevant Charter standards are shown in Appendix 1.

#### **The Scottish Government Guidance**

We take account of any guidance that is produced by the Scottish Government in respect of allocation matters.

### **3.5. Summary**

Our allocation policy and its related procedures are based on allocation law, other law and good practice guidance. This is very important for two reasons. Firstly, this enables us to meet our statutory duties. Secondly, this ensures that we promote allocation services that contribute to meeting our corporate goal of developing inclusive and sustainable communities.

## **Section 4: Other related policies**

This section describes four policies of specific relevance to allocations; while Appendix 2 lists the full range of policies to which allocation policy is closely linked. This includes a wide range of council policies, both at organisational level and within housing services itself.

The policies summarised below are:

- harassment;
- homelessness;
- mutual exchanges; and
- suspension of offers.

The section below summarises only the main aspects of each policy; full details are available publicly in separate policies and related documentation.

We have also noted beside each heading what policy objectives these policies address.

#### **4.1. Harassment (allocation policy objectives: 1 and 2)**

We regard harassment on any grounds as being inappropriate and we address harassment through various policies and related procedures. Allocation policy may be used, for example, to move those affected by harassment away from the area in which it is taking place. Examples of other policies that we use to address harassment are:

- our anti-social behaviour policy; and
- our estate management policy.

We also address harassment on specific grounds contained in the Equality Act 2010. These grounds that are known, in law, as protected characteristics are:

- age;
- disability;
- gender re-assignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

We may also address harassment that could occur on other grounds such as harassment on grounds of someone's social origin or class, their personal characteristics or language.

A key objective that we promote is to adopt a supportive approach to people experiencing harassment. This includes providing them with access to information to consider and seek appropriate remedies.

#### **4.2. Homelessness (allocation policy objectives: 1,3,4 and 8)**

We have established a comprehensive homelessness policy that we use to address applications from people who are homeless or threatened with homelessness. As part of our approach to prevent homelessness, we discuss housing options with applicants including options of being re-housed through the common housing register, other registered social landlords (RSLs), through the mid-market rented sector, private rented sector or the owner occupier sector.

#### **4.3. Mutual exchanges (allocation policy objectives: 1, 3, 4 and 5)**

Scottish secure tenants are entitled to apply to exchange their tenancies ("swap homes") with other Scottish secure tenancies anywhere in Scotland.

Although tenants must first obtain our written consent before exchanging homes, we can refuse consent only if it is reasonable to do so. We take account of reasons contained in law when considering applications, as well as other grounds that might be relevant. Each case is assessed individually taking account of the particular circumstances of the case. Full details are contained in our separate mutual exchange policy and its related procedures.

After we receive an application to exchange homes, we must provide our written decision within **one month**. If we don't formally reply within this timescale, consent is deemed to have been granted. If we refuse an application to exchange homes, we must provide reasons in

writing. This is important to enable tenants to consider our written response and to prepare an appeal against our decision. This appeal is to the sheriff court. In line with our commitments to a fair hearing under the Human Rights Act 1998, we provide tenants with information about their appeal rights when informing them of our decisions.

#### **4.4. Suspension of offers (allocation policy objective 1)**

We have established a separate suspension policy and procedure that sets out when we might suspend making offers to applicants whose applications remain on our common housing register. There are three main reasons for suspending offers that relate to:

- an applicant's conduct;
- an applicant's eligibility; or
- deferred or delayed applications.

##### **An applicant's conduct**

We may suspend offers of housing to applicants if they are not complying with their tenancy conditions. For instance, we could suspend offering housing to a transfer applicant due to their anti-social behaviour that is causing a nuisance to other tenants.

In the case of rent arrears, we may suspend offers only if the rent arrears exceed one month's rent and arrangements to repay are not made and kept to as discussed in section 3.

Again, we might refuse offers to applicants who have refused a specified number of previous offers that were based on applicants' stated preferences.

If we suspend offers to applicants, this is subject to timescales as set out in our suspension policy.

In line with our commitments to a fair hearing, applicants can appeal our decision as explained in section 9.

##### **An applicant's eligibility**

We may defer offers of housing to applicants who fail to qualify for housing due to particular allocation policy rules. For instance, offers might be deferred if applicants do not meet the age or support criteria required to access specific housing types such as sheltered housing.

##### **Deferred or delayed applications**

An application could be deferred if an applicant wants to register on the common housing register, but does not want housing at present.

An application can be delayed if an applicant supplies insufficient information to enable us to process the application.

#### **4.5. Summary**

This section explains how we have established a number of specific policies and procedures to cover particular aspects of allocation practice. An overview of the diverse range of policies to which allocation policy is connected is given in Appendix 2.

### **Section 5: Allocation system: key elements**

## **5.1. Introduction**

This is a very important section of the allocation policy as it sets out our rules on:

- housing need;
- assessing housing need;
- our allocation system, including key procedures;
- our points system;
- local lettings initiatives; and
- partnerships with other social landlords.

## **5.2. Housing need**

Housing need refers to standards that we use to assess an applicant's housing circumstances. For example, allocation law already sets out certain housing need factors such as overcrowding or unsatisfactory housing.

This section describes the various standards that we use to define housing need and covers a wider range of factors than those mentioned in allocation law. This is in line with good practice that recognises that housing need is also related to environmental and social factors, not simply housing conditions.

The standards that we use to define housing need are now explained by reference to standards that include legal, professional, socio-environmental and socio-economic standards.

### **Legal standards**

Legal standards that we use to assess housing need exist in respect of homelessness, overcrowding and the tolerable standard. These standards are set out in law and we must meet such standards in practice, for example, we are required to deal with housing that does not meet the tolerable standard.

### **Professional standards**

Professional standards relate to our own internal standards that can be higher than the legal standards. For example, in assessing overcrowding we consider a family that has to use their living room for sleeping accommodation as being overcrowded.

### **Socio-environmental standards**

We recognise that people may be dissatisfied with their housing situation if the general environment in which they live is considered to be inadequate. This could include local infrastructure such as a lack of facilities, shops, schools, places of worship and/or transport links.

For example, a person's house may be in good condition, but an applicant who is isolated due to lack of local amenities and inadequate transport systems may prefer to move to other areas. This type of housing need is closely connected to individual applicants' choices and preferences.

### **Socio-economic standard**

This standard relates to housing need linked to affordability of housing. For example, an applicant who cannot afford either their rent or mortgage payments may fall into arrears with their payments and risk losing their home.

### **5.3. Assessing housing need**

We assess the various forms of housing need on an ongoing basis. We do this for four main reasons. Firstly, it is our statutory duty to evaluate specific types of housing need in West Lothian such as homelessness, overcrowding and housing below the tolerable standard.

Secondly, we are required to assess patterns of housing need existing in West Lothian, for example, the needs of disabled people.

Thirdly, we use housing need information that we collect to inform our allocation practices, as appropriate. For example, if housing needs are changing, we can use this information to amend how we prioritise applications.

Finally, we use information that we gather on housing need to inform applicants of their housing options. In practice we do this through our internal Lettings Plan. A Lettings Plan is our internal system to assess:

- the likely number of houses available for letting; and
- the number of applicants seeking access to that housing.

The Lettings Plan is used to set targets of lets to be made to our groups on a yearly basis.

### **5.4. Our allocation system, including key procedures**

This section describes the type of allocation system that we have established to meet our allocation policy objectives. The second part of this section summarises key procedures to inform applicants of our practice. This section covers:

- our points system and policy objectives;
- our points system in practice; and
- key allocation procedures.

#### **5.4.1. Our points system and policy objectives**

When you apply for housing your position on the list is determined by the points you are awarded. Points are awarded under one of four categories dependent on your housing need. Your application will be placed in one of four categories of housing need as detailed in Section 5. Points are awarded on a cumulative basis unless stated otherwise. This system has been selected as it enables us to promote our policy objectives effectively. This is now explained below by reference to allocation policy objectives 1 to 5. The other allocation policy objectives are explained in detail through specific sections within this policy.

#### **Objective 1: Law and good practice guidance**

We meet legal requirements by including the reasonable preference needs as categories within our points system. We also meet good practice guidance by establishing categories that take account of the wider forms of housing need described in section 5.2.

#### **Objective 2: Promoting equal opportunities**

We promote equal opportunities through a variety of ways, for example, we regard housing that is not accessible for disabled people as being unsatisfactory housing. This recognises that the barrier that disabled people experience relates to inadequacies of the housing in which they live. This approach also promotes the social model of disability in line with good practice guidance.

### **Objective 3: Addressing housing need**

Our system has clearly defined housing need and uses this information to address a wide range of housing needs. By using categories, this enables us to monitor and analyse lets made to each of the categories to ensure we are effectively letting social housing and amend as housing need patterns change.

### **Objective 4: Developing sustainable and inclusive communities**

Our system promotes this objective by spreading lets among a diverse range of categories that include different household types. This includes meeting the needs of existing tenants who may want to move house for a variety of reasons. This objective is also furthered as we align housing offers to applicant choice, whenever possible.

For example, we set target annual lets for all properties (new build and re-let accommodation) to applicants to ensure that applicants from all categories with a range of needs are re-housed. This will include applicants who are overcrowded, living in unsatisfactory housing and who are under-occupying their homes.

### **Note**

Setting targets also enables us to monitor how effectively we are letting houses to the reasonable preference groups covered in law.

### **Objective 5: Making appropriate use of our housing stock**

It is good practice to make appropriate use of our housing stock and promoting tenancy transfers of existing West Lothian Council tenants is an important part of this process.

**Three** management objectives that we achieve through this approach are now explained.

Firstly, we give extra priority to existing social housing tenants who want to move from under-occupied housing to other housing. This approach allows tenants to move to housing that may be more affordable. For example, rent levels and heating costs may be lower in smaller housing.

Secondly, if existing tenants transfer to other housing, then this enables other applicants to be re-housed in the accommodation vacated by the tenants. For example, when tenants leave under-occupied housing, we can let this to applicants with other needs such as people living in unsatisfactory housing. This could include people living in housing that is:

- below the tolerable standard;
- inaccessible for disabled people; and
- overcrowded.

This list is not exhaustive and details of all the needs that we cover are detailed below in 5.5. Thirdly, re-housing tenants within their areas of choice promotes sustainable tenancies by ensuring that we take account of the preferences of applicants when allocating houses.

## **Note**

We support transfers of tenants with any of the forms of housing need identified above in respect of all of our accommodation, including new build housing (see 5.4.3).

### **5.4.2. Points system in practice**

Our system works by dividing applications into four appropriate categories.

Applications are pointed individually using our points system and placed within one of the categories (see 5.5.1. below).

## **Note**

When allocating, if applicants in the same category have the same points level, then priority is given to the applicant who registers first on the common housing register.

### **5.4.3. Key allocation procedures**

This section summarises, in plain language, what happens once an application is completed and returned to us. It is noted that we also have established detailed organisational procedures that our staff apply so that applications are processed consistently and against set timescales. Applicants can access these procedures, on request.

This section covers the following issues:

- admission to the common housing register;
- processing housing applications;
- offers and allocating houses;
- specific housing issues;
- reviewing applications; and
- information.

#### **(a) Admission to the common housing register**

We admit all applications from people who are sixteen or over onto our common housing register. This is in line with allocation law discussed above. This is not the same thing, though, as being offered housing that is determined by our allocation points system (see 5.5).

#### **(b) Processing housing applications**

Applicants can apply for a home using the council's online Housing Application Form and creating an account with password. Through this account applicants will have the ability to access and manage elements of their housing application through the council's Application Portal. For people who cannot access the online application a paper form is available from our principle offices. is available. After receipt the on-line application is assessed and applicants will be notified of their points awarded and any other relevant information based on their application.

The initial assessment is targeted to be done within five working days. We will provide applicants with information primarily through the on-line application system. We also communicate in other ways e.g. writing, that are mutually agreed to meet an applicant's specific needs.

If applicants do not provide us with sufficient information to process their application, this may affect their re-housing prospects, or lead to the application being “delayed” in line with our suspension policy.

As part of our commitment to equal opportunities, we ask applicants about any access needs they may have; and liaise with them about any support services needed. For instance, we may employ interpreters (that is, signers) to provide information to deaf or hearing-impaired applicants.

We process personal information received in line with data protection requirements. For example, we only share applicants’ information with other organisations if they have given written consent, or if this is allowed or required in law.

If we contact other landlords or lenders (in the case of home owners) to confirm application details, we will also first seek applicants’ consent. If applicants do not provide consent to contact other landlords, and this information is relevant to the application, this could result in our suspension policy being applied.

Home visits to check application details may be carried out before an offer is made. Such visits will be arranged in advance with applicants at appropriate times. This is in line with individuals’ rights under human rights law, for instance, their right to privacy. If applicants live outside West Lothian, we may ask other landlords and/or agencies to check details.

Applicants have a legal right to apply for a sole or a joint tenancy; we provide applicants with information about their rights. In order to promote information about tenants’ rights, we can also advise applicants of advantages and disadvantages of having a sole or a joint tenancy.

#### **(b) Personal Housing Plans**

On completion of the housing application process all applicants have the right to a Personal Housing Plan. All applicants have the right to have a personal housing plan in place and specifically we will contact applicants where their reason for the housing applications qualifies for one of the strategic needs reasons as detailed in Section 5.5.2.

#### **(d) Offers and allocating houses**

After we confirm application details, we point application forms and put the application into one of our four categories stated preferences, whenever possible.

Our allocation system – in line with good practice – is based essentially on applicant preference or choice. For instance, when selecting tenants for housing, we consider their stated preferences in the application form covering things such as:

- area of choice;
- type of housing and floor levels in the case of flats; and
- types of heating system.

We divide West Lothian into specific letting areas that applicants can refer to in selecting their areas of choice.

Specific information about local amenities can also be provided, on request. For example, applicants may not want to live in an area that is not easily accessible by public transport.

In order to ensure that applicants can make an informed selection, we also provide applicants with information on their re-housing prospects for different areas

An important part of this process is to encourage applicants to adopt a realistic approach as widening their areas of choice may increase their re-housing prospects.

### **(e) Specific housing issues**

We apply specific rules in respect of certain house types as these are aimed to meet particular needs. These rules relate to age, adapted housing and new build accommodation.

#### **Age**

We may not discriminate on grounds of age when selecting tenants unless this relates to housing that has been designed or substantially adapted for persons of a particular age group; or housing for persons who are - or will be -- in receipt of housing support services for a particular age group. For example, such housing can include sheltered housing for older people.

#### **Adapted housing**

We allocate housing that has been adapted to meet particular housing needs to applicants with such needs, as appropriate. Housing that has been adapted to meet the needs of disabled people will be offered to disabled applicants with the appropriate needs. For example, housing that is adapted to be accessible to wheelchair users will be offered to wheelchair users.

#### **Support Accommodation/Care in the Community**

Working with West Lothian Health and Social Care Partnership (WLHSCP) and other social rented landlords, we provide a number of specialist housing provisions for vulnerable people, such as sheltered housing and assisted living for older people, housing with care for older people and supported accommodation for people with learning disabilities and people with mental health issues.

Sheltered Housing and Assisted Living: Applicants 60 years and over are eligible for council owned sheltered housing and assisted living can apply through completing of the housing allocations on-line application form.

Housing with Care: Older people who have housing and support needs may apply. Housing with Care provides a much higher level of support services than are currently available in sheltered or assisted living housing. A generic personal care and support on-site staff team provides the following:

- Housing Support Services
- Domestic Support
- On-site staff available during the hours of 7.30am to 10pm with overnight assistance supported by technology between 10pm to 7.30am

Housing with Care Application forms are available online and at all principle council offices as well as the housing with care developments. Application forms received by the council will be assessed by a Housing with Care manager as either Grade A, B or C depending on the number of hours of support and care outlined at assessment.

Core and Cluster Accommodation: WLHSCP and the council will identify a range of vacant tenancies that will support individuals with learning disabilities or mental health needs to ensure they are provided housing within their identified communities that will be suitable to their assessed support needs. Individuals who wish to be considered for a core and cluster tenancy should be supported by their allocated lead professional or their parent and carer to

submit a housing application form. A Social Policy assessment and referral must be made to the Allocations Team for properties to be let.

Learning Disability Complex Care Housing Development: This development is a specialist housing resource for people with learning disabilities who have been assessed as meeting the council's eligibility criteria with complex needs and behaviours meaning that living fully independently within communities may be more difficult for them. The development provides individuals with their own individual tenancy as well as 24-hour care that is proportionate and responsive to their assessed need and outcomes. Individuals who wish to be considered for the development should be supported by their allocated lead professional or their parent and carer to submit a housing application form. A Social Policy assessment and referral must be made to the Allocations Team for properties to be let.

### **New build accommodation**

We ensure that existing council tenants receive priority when letting new build properties. This ensures that we meet, not only a diverse range of needs of local people, but also allow other applicants' needs to be addressed when tenants move to other housing. The effects of this policy are monitored carefully. Council's policy is that 75% of new builds in the first instance will be allocated to council tenants and 25% will be allocated as mainstream lets.

### **(f) Reviewing applications**

The purpose of reviewing applications is to find out if applicants still want to be re-housed by us. A review system also helps the council manage our allocations processes effectively and minimise offers to people who have moved away or who no longer need or want to be housed. It also ensures that we have an accurate picture of housing need and demand.

Making unnecessary offers is a cost to the council and so reviewing applications is an important part of the council's best value duty. For example, this duty requires us to provide services that are efficient and effective.

The council has clear timescales for reviewing the housing list with an annual rolling review in place. We contact applicants on the monthly anniversary of their application, providing an opportunity to confirm that their housing needs have not changed.

Applicants are requested to advise us in writing within fifteen working days if they want their application kept on the common housing register.

A second reminder notification or letter is then sent out if we get no response; this allows the applicant another seven working days to reply. If no reply is given, we remove the application from the common housing register and a cancellation letter is sent advising applicants of this.

Applicants whose applications have been removed because of failure to respond may have their original applications re-instated by writing a letter of appeal explaining the reasons for failing to respond. This must be done within six months of the application being removed from the common housing register.

After this six-month period, applicants are requested to complete a new application form.

### **5.5. Our points system**

Our points system is a system that is based on allocation law and good practice guidance. Our **four** main groups are people who:

- are homeless or threatened with homelessness (see note);

- have general needs including applicants who live in houses that are unsatisfactory
- are on our transfer list, and
- are applicants outside West Lothian.

The points that we set for individual needs is given at the end of this section (5.5.2).

#### **Note**

The phrase “threatened with homelessness” applies to applicants who are likely to become homeless in two months. We seek to prevent applicants becoming homeless by providing detailed advice to applicants about their housing options.

#### **5.5.1. Applicant categories explained**

This section explains each category. Before doing so, **three** general points are made. Firstly, an applicant is placed in one category only. This is done to ensure that applicants can easily understand the system and avoid confusion. For example, if an applicant is affected by homelessness then her/his application is placed in the homelessness category.

Secondly, although applicants are placed in one category, applications are awarded all relevant points to which they are entitled.

Finally, we set target annual lets to be allocated so that we can analyse and monitor the allocation of properties across the categories to ensure we are effectively using resources to meet housing demand and need locally. locally.

#### **Category1: People who are affected by homelessness**

Applicants in this category are assessed through the West Lothian Council homelessness approach and in accordance with statutory legislation. If an application is accepted onto Category 1 following the statutory homelessness assessment, then the application is registered from its date of application. Homeless applicants can select a minimum of three wards areas in West Lothian. The wards of Livingston North and Livingston South are classified as one ward area for homeless applicants. Ward categories area as follows;

- Armadale and Blackridge
- Bathgate
- Broxburn, Uphall and Winchburgh
- East Livingston and East Calder
- Fauldhouse and the Brieich Valley
- Linlithgow
- Livingston North and Livingston South
- Whitburn and Blackburn

Where a homeless application has not been provided with an offer within 9 months, they will be asked to open up their areas to a minimum of six wards. Application priority is determined by date of registration and a maximum of 750 points are awarded.

Homeless applicants are entitled to one offer of housing in law and we consider applications taking account of the statutory Code of Guidance on Homelessness ((2020) For example, we consider applicant preferences, although offers are also determined by availability of housing stock for letting. Homeless applicants are eligible for all types of housing accommodation, unless there is a specific medical, based on size.

## Note

An applicant will be homeless if their home is legally overcrowded **and** may endanger their health. This applies if the house endangers the health of any occupant within the house.

## Category 2: General Needs

This category covers all elements of the points framework with the exception of council tenants and homeless applicants. Applicants in this group include people with the following housing needs:

- Strategic need
- housing below the tolerable standard (BTS);
- housing conditions relating to overcrowding (see note); or
- housing that is unsuitable to meet the person's access needs such as disabled people (physical or mental health impairments), or a person's medical needs;
- people living in housing within West Lothian that is being demolished and applicants require to be re-housed; and
- social landlord tenants who are under-occupying their homes as defined by our occupancy policy standard.
- with shared amenities;
- wanting to move for affordability, social and employment reasons.

## Note

Strategic Housing Needs identifies applicants who are in urgent housing needs with a requirement to meet their needs as quickly and successfully as possible to prevent homelessness. It covers a wide range of local housing need and we work in partnership with a range of agencies, both statutory and voluntary, to address them. For example, in the case of local support and care programmes, we work actively with health authorities and/or social workers. This approach is also important to prevent homelessness and we grant applicants points if they are being re-housed through these programmes

- Hospital Discharge
- Leaving support accommodation to community care
- Medical A
- Looked after and accommodated children (Children (Scotland) Act 195)
- Leaving Forces (leaving full time regular service and within 9 months of discharge)
- Domestic Abuse
- Prison Discharge
- Leaving Care
- Notice to Quit
- People at risk of /experiencing serious harassment
- Forced sale
- Witness protection
- Asked to leave/living in insecure accommodation
- Forced to Live apart

The BTS is a statutory standard and a house fails to meet this standard if it is defective regarding any of the relevant provisions.

Overcrowding covers people whose homes either fail to meet the statutory overcrowding standard, or our occupancy standard that is explained below (Table 1).

## Our occupancy standard

Our occupancy standard is more progressive than present overcrowding law as it:

- excludes the living room as being viewed as suitable for use as sleeping accommodation; and
- considers that children aged eight or over should have separate bedrooms (see below).

Our occupancy standard explains how many rooms are needed by households of different sizes. Applicants are granted points if their present house is deemed to be too small to meet their needs. The occupancy standard is also used to assess if a house is being under-occupied. Table 1 indicates that, as soon as one child reaches **eight** years of age, overcrowding points will be granted if the child has no separate bedroom.

**Table 1: Occupancy standard**

Household Size	Bedroom Required
Single Person	One
Couple (of same or opposite sex)	One
Anyone else in applicant's household who is/are <ul style="list-style-type: none"> <li>• Aged 8 years and over</li> <li>• Two people under 8 years</li> </ul>	One One
Any other person	One

### Note

A household refers to any person who wants to live on their own (or with someone else). For example, a family member wanting to apply for housing on their own would be a separate household.

### Other policy provisions relating to overcrowding

An applicant can apply to move to other housing that does not reduce their overcrowding, but may meet other needs. For example, an applicant might want to live in another area for social reasons such as living closer to relatives. In such cases, however, no overcrowding points would be granted.

We take account of people who normally live with the applicant but living away temporarily when assessing overcrowding. For example, this could include people working away, or staying in some institutional setting.

In the case of shared care, the size of house that is offered to applicants will be determined by the terms of the actual arrangement. This is covered within our staff procedures and information is provided to applicants concerned.

If social reasons relate to applicants experiencing harassment, we assess each case individually and provide those affected with quality advice to enable them to make an informed decision regarding re-housing options. A point award may be made to applicants who seek to move house if – following detailed investigations – this appears to be the appropriate remedy. This serves to prevent homelessness and therefore accords with one of

our key allocation objectives. Harassment could include applicants fleeing domestic violence.

### **Category 3: People who are on our transfer list**

We have established a transfer list that consists of existing West Lothian Council tenants applying to move to another house. This is very important to meet the following allocation policy objectives:

- meeting the diverse range of housing needs of tenants that include unsatisfactory housing conditions as explained above;
- meeting tenants' housing preferences since "wanting to move" home is a form of need;
- promoting sustainable and inclusive local communities by meeting tenants' preference needs; and
- making appropriate use of our stock by reducing under-occupation.

West Lothian transfer applicants will receive points based on their assessed housing needs, for example, the condition of their property. West Lothian Council tenants will also qualify for under-occupation points to ensure that they receive reasonable preference.

#### **Note**

Applicants who are tenants of other social landlords, or tenants within the private sector, are placed in one of the other groups, as appropriate. For example, a tenant of another local authority wanting to move to West Lothian for preference reasons only would have their application placed in group 5.

### **Category 4: Applicants outside West Lothian**

Applicants living outside West Lothian will be placed in one of the above categories if they satisfy the relevant legal rules. Residence in West Lothian must be disregarded when selecting tenants if any of the criteria below apply.

Local residence must be ignored if an applicant:

- is employed or has been offered employment in the area;
- wishes to move into the area to seek employment and we are satisfied that this applies;
- wishes to move into the area to be near a relative or carer;
- has special social or medical reasons for needing to be re-housed in the area;
- is subject to harassment and therefore wishes to move into the area; or
- runs the risk of domestic abuse and therefore wishes to move into the area.

If an applicant lives outside of the West Lothian area and does not meet any of the above, the application will be placed in category 4.

If an applicant lives outside of the West Lothian area and meets any of the above, then the application will be placed in one of the other categories.

#### **Note**

Points are added for each housing need factor so that applicants with more housing needs receive priority

### 5.5.2. The points framework

Our points framework takes account of a diverse range of housing needs in line with housing law and good practice guidance.

Non-Cumulative Points Category	Description/Housing Need	Points
<b>Statutory homeless</b>	This category is for people assessed as statutory homeless and is designed for the council to respond to homeless quickly. Applicants in this group must be assessed by the council as; <ul style="list-style-type: none"> <li>Unintentionally homeless (under part II of the Housing Scotland Act 1987 and the 2001 Act.</li> </ul>	750 Points
<b>Care in the Community</b>	<ul style="list-style-type: none"> <li>Housing with Care – Social Policy assessment and Referral</li> <li>Core and Cluster – Social Policy Assessment and Referral</li> <li>Learning Disability Complex Care Housing Unit – Social Policy Assessment and Referral</li> </ul>	Grade A or B 0 points 0 points
Cumulative Points Category	Description	Points Awarded
<b>Exceptional Circumstances</b>	Situations can occur where the current allocations policy does not allow for swift action. These are extreme cases and will be dealt with on an individual basis	1500 points
<b>Local Strategic Needs</b>	This category identifies applicants with urgent housing needs with a requirement to meet their needs as quickly and successfully as possible to prevent homelessness. These applicants will include; <ul style="list-style-type: none"> <li>Hospital Discharge</li> <li>Leaving support accommodation to community care</li> <li>Medical A</li> <li>Looked after and accommodated children (Children (Scotland) Act 1995)</li> <li>Leaving Forces (leaving full time regular service and within 9 months of discharge)</li> <li>Domestic Abuse</li> <li>Prison Discharge</li> <li>Leaving Care</li> <li>Notice to Quit</li> <li>People at risk of /experiencing serious harassment</li> <li>Forced sale</li> <li>Witness protection</li> <li>Asked to leave/living in insecure accommodation</li> <li>Forced to Live apart</li> </ul>	750 Points  Applicants will be held in date of decision to reach to place them in this group
<b>Below Tolerable Standard</b>	<ul style="list-style-type: none"> <li>Property assessed as not needing the statutory standard</li> </ul>	500 Points
<b>Overcrowding/ large families</b>	Based on bedroom definition (in line with who can share a bedroom)	250 points per room
<b>Under occupation</b>	Based on each bedroom unoccupied (only social rented sector)	250 points per room
<b>Medical Needs</b>	Medical A Medical Property Needs Assessment B of Applicant Mental Health Assessment	500 Points 250 Points 250 Points
<b>Sharing</b>	Based on household's composition	150 points per person

<b>Support</b>	To give or receive support	150 Points
<b>No Housing Need</b>	Assessed as having none of the above housing needs	0 Points
<b>Preferred Area</b>	Based on applicants one preferred area of choice, multiple areas can still be chosen on applicant choice but points are only eligible for one area	100 Points

### **Note: Needs not covered by the allocation policy**

In allocation practice, it is possible that a situation arises where points have been maximised in accordance with this policy, but this is not enough to allow the person to be re-housed. Examples could include - but are not limited to - an approach by Police Scotland advising that a tenant's life may be in danger if she/he remains in their property; or the Council being asked to re-house someone through the National Witness Protection Programme. These are extreme cases and a further point award may be granted following assessment of the particular circumstances. In order to ensure public accountability, such cases can only be authorised by the Head of Housing, Construction and Building Services, or other delegated senior manager. We will monitor the reasons for allocation of points under this section and review this policy where appropriate.

## **5.6. Local lettings initiatives**

These are promoted under good practice guidance and are used to promote sustainable communities at local level. A key part of these initiatives is to address the needs of an area comprehensively so that, not just housing is considered, but environmental and social issues too (see Appendix 3).

We publish details of any initiative so that tenants and other residents understand how the initiative meets legal rules, as well as the processes involved.

## **5.7. Partnerships with other social landlords**

We have established partnership arrangements with other social landlords through our common housing register. Details of how these partnerships operate are contained in:

- information that we supply to applicants through the information pack; and
- internal organisational procedures that govern the partnership working arrangements.

## **5.8. Summary**

This section explains that we operate a points allocation system. This system is most appropriate for ensuring that we promote law and good practice guidance effectively.

## **Section 6: Promoting equal opportunities**

### **6.1. Promoting equal opportunities: general**

We promote equal opportunities throughout all of our housing services, including allocation practice. We seek to ensure that allocation practice does not discriminate, either unlawfully or unfairly.

We promote equal opportunities in our allocation policy in a range of ways by:

- providing information about the policy and related services in accessible ways, for instance, producing a summary allocation leaflet in plain language;
- working in partnership with other agencies to promote sustainable tenancies, for example, delivering appropriate support services tailored to individuals' needs;
- monitoring service provision to evaluate that allocation practice is not discriminatory, for instance, through our performance indicators; and
- implementing positive action programmes to promote access to our services (see below).

## **6.2. Positive action programmes**

Positive action programmes are different from positive discrimination that is, generally, unlawful. Positive action refers to initiatives that are undertaken to address historic forms of discrimination against particular groups. For example, disabled people and people from black and minority ethnic groups have traditionally experienced various forms of discrimination in housing. It should be noted that these are examples only and other people affected by discrimination include gay men and lesbian women.

Our positive action programmes are developed continually to address locally identified needs and present initiatives include:

- publishing the allocation policy in other formats and other languages, as appropriate;
- auditing the allocation policy against corporate equality standards (plain language, accessible formats and so on) to ensure that we promote equality objectives;
- publicising the allocation policy widely to promote access to the common housing register, as well as increasing awareness of its content and objectives;
- establishing active partnerships to promote awareness of barriers to accessing housing, for instance, promoting awareness of the social model of disability; and
- monitoring services so that there is no unlawful or unfair discrimination on any of the grounds covered in the Equality Act 2010 or the Scotland Act 1998.

### **Note**

The Scotland Act 1998 defines equal opportunity as follows:

“Equal opportunities” means the prevention, elimination or regulation of discrimination between persons on the grounds of sex or marital status, or racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions”  
(The Scotland Act 1998, Schedule 5, L2)

## **6.3. Summary**

We are required, as a public body, to take steps to eliminate unlawful forms of discrimination and promote equality of opportunity.

We do this in allocations by developing accessible services and seeking to address the needs of a wide range of households, including those that have traditionally experienced discrimination in service delivery.

## **Section 7: Training and development**

### **7.1. Our training programmes**

We provide a range of training that is tailored to the jobs of individual staff and their role in allocation services.

Different types of training are provided, for instance, to cover allocation activities such as advising applicants about:

- the allocation policy;
- their housing options;
- preventing homelessness; and
- how to address harassment.

We have established a range of training programmes that are also used as part of tenant consultation procedures. Examples of these training programmes include training on:

- allocation and housing law;
- allocation policy and procedures;
- information technology systems; and
- monitoring and assessing data.

### **Note**

All our training is linked to our customer care policy and our equality and diversity policy to ensure that staff provide services tailored to the needs of individual tenants and other customers.

## **7.2. Summary**

We recognise that training should be seen as a developmental activity and our staff receive a wide range of training that is tailored to their particular job needs. This is done so staff can deliver quality services to applicants for housing who may be tenants or other customers.

## **Section 8: Managing our allocation performance**

### **8.1. Managing performance: general information**

In order to manage allocation performance effectively, we have established management measures as follows:

- data gathering and assessment;
- feedback from tenants and other service users;
- consultation;
- performance indicators; and
- reporting systems.

### **8.2. Data gathering and assessment**

We gather a wide range of data as part of the allocation service, for example, numbers of applicants and lets to different applicant groups. In order to evaluate these data, we assess data both quantitatively and qualitatively. This is explained below.

Quantitative monitoring involves measuring data by reference to numbers. For example, we monitor additions and cancellations of applications to our common housing register to assess demand for housing.

Qualitative monitoring is concerned with quality issues and would include things such as (a) accuracy of advice that we provide to applicants, or (b) quality of written documentation that we provide.

### **8.3. Feedback from tenants and other service users**

We also gather information on our allocation service through our tenants, applicants for housing and other service users. For example, we carry out regular satisfaction surveys to ascertain tenant views on the quality of our services, including allocation services.

### **8.4. Consultation**

We use information gathered to produce reports to tenants' groups, individual tenants, housing applicants and other service users, as appropriate. This information is also used to inform tenant consultation relating to policy review. For example, by providing tenants with accurate information about local housing needs' trends, this can inform debates on targets of lets to be afforded to the various housing groups (see section 10).

### **8.5. Our performance indicators**

Our performance indicators measure a range of issues, both quantitatively and qualitatively. These include monitoring of issues relating to the Scottish Social Housing Charter (see Appendix 4).

### **8.6. Summary**

Managing performance is an important part of our allocation policy and practice. Information that we gather is used to improve our services, as well as addressing any practices that could be discriminatory. Information on performance is also used to inform consultation with housing applicants, tenants and service users as part of allocation policy reviews.

## **Section 9: Our appeal and complaints system**

In terms of appeals against allocation decisions, we have established a formal appeal system. For example, an applicant may appeal against an assessment we make concerning their housing needs.

We have also established a statutory appeal system in relation to homelessness applications. This ensures that any appeal relating to a homelessness decision is heard by a senior officer who was not party to the earlier decision.

We operate a complaint system that is different from appeals. This system addresses dissatisfaction that an applicant may raise in terms of allocation policy and practices. For example, an applicant may complain that their application has not been processed in line with set timescales.

Information about these systems is provided to applicants in their allocation information pack.

## **Section 10: Consultation and allocation review processes**

The allocation policy is reviewed on an ongoing basis in line with West Lothian Council procedures. The review of the policy is linked to our tenant participation strategy to ensure comprehensive consultation with housing applicants, tenants and other service users.

Key consultation activities that we implement when carrying out an allocation review are as follows:

- consulting with a range of groups;
- publishing a formal consultation report; and
- taking account of the local housing strategy and other guidance.

#### **10.1. Consulting with a range of groups**

We consult with a diverse range of groups before allocation policy changes are made. The groups we consult include:

- tenants;
- applicants;
- registered tenant organisations; and
- any other bodies we deem to be appropriate, for example, other housing associations, equality groups and so on.

#### **10.2. Publishing a formal consultation report**

We publish a formal consultation report that assesses the feedback and implications for policy review of the consultation process. This report will include information on key findings and feedback gleaned through the consultation process. This consultation report will be used to inform decisions relating to the allocation policy review.

#### **10.3. Taking account of the local housing strategy and other guidance**

We take account of data from our local housing strategy when developing the allocation policy review. For instance, this will include information about housing trends at local levels. We also take account of published guidance to ensure that we are meeting good practice in allocation policy.

#### **10.4. Summary**

We promote consultation with a diverse range of groups and individuals when reviewing our allocation policy. This is in line with our commitments as contained within our tenant participation strategy.

### **Appendices**

Appendix 1: Law and Good Practice

Appendix 2: List of policies to which allocation policy is linked

Appendix 3: Local lettings initiatives

Appendix 4: Performance indicators

Appendix 5: Useful contacts

## **Appendix 1: Law and Good Practice**

The Housing (Scotland) Act 1987 (as amended)

Relevant good practice standards are contained in the Scottish Social Housing Charter, 2012 and The Scottish Government's: Social Housing Allocations in Scotland: A Good Practice Guide February 2019.

## **Appendix 2: List of policies to which allocation policy is linked**

Allocation policy is linked to a wide range of other Council policies including (in alphabetical order):

- antisocial behaviour policy;
- assignation of tenancy;
- estate management;
- exchange of tenancy;
- homelessness policy;
- letting plan;
- rent arrears management;
- subletting;
- succession to tenancy;
- suspensions; and
- taking

in

lodgers

### **Appendix 3: Local lettings initiatives**

Before we initiate a lettings initiative, we will:

- base its proposals on a sound rationale using clear statistical data sources;
- consult with tenants to obtain their agreement;
- discuss issues with our partners;
- implement a quality monitoring system; and
- review any initiative on an ongoing basis.

As well as housing issues, a local lettings initiative is likely to be concerned with any of the following issues:

- anti-social behaviour;
- low demand housing; and
- unemployment.

Unemployment levels are assessed using internal data that is gathered from various sources, including:

- applicant information forms;
- census information; and
- housing benefit information.

### **Appendix 4: Performance indicators**

Indicators that we use are summarised in this section. These are used to provide regular reports to Councillors and tenant groups.

We present information on allocation practice to Council committee in line with set timescales.

We also provide information on allocation matters to tenants and other service users through methods agreed as part of our tenant participation strategy.

**(a) Indicators to monitor the Scottish Social Housing Charter**

- percentage of tenancy offers refused during the year;
- percentage of new tenancies sustained for more than a year, by source of let;
- percentage of lettable houses that became vacant in the last year;
- average length of time taken to re-let properties in the last year;
- average length of time in temporary accommodation by type;
- percentage of households requiring temporary or emergency accommodation to whom an offer was made;
- percentage of temporary or emergency accommodation offers refused in the last year by accommodation type; and
- of those households homeless in the last twelve months, the percentage satisfied with the quality of temporary or emergency accommodation.

**(b) Other monitoring (quantitative)**

We monitor numbers of the following issues under the headings below.

**Access to the common housing register**

- applicants on the common housing register, including tenants seeking to transfer or exchange houses;
- new applications to the common housing register, including processing applications against set timescales; and
- deletions from the common housing register.

**Offers and lets of accommodation**

- numbers of offers to applicants, including information on accepted and refused offers;
- offers suspended and reasons, as well as appeals against suspensions and outcomes; and
- allocations to each housing group against targets.

**Equality monitoring**

- equality information to identify applications, offers and lets by reference to factors such as age, disability, ethnicity and race and gender.

**Note**

Full information on the extent of equality monitoring is contained in our internal reports; these are available publicly.

**Appeals and complaints**

- numbers of appeals and complaints, including outcomes.

**(c) Other monitoring (qualitative)**

This type of monitoring includes activities such as:

- the quality of our verbal advice and information about allocation matters; and

- the quality of our public information relating to written and electronic formats.

This includes meeting corporate quality standards such as producing information, as appropriate, that is:

- accurate;
- in plain language; and
- accessible to the needs of individual service users.

We also monitor specific issues to inform practice such as reasons why tenants are seeking to transfer to other houses, or to exchange homes with other tenants.

## **Appendix 5: Useful contacts**

These are provided to applicants in a summary leaflet in their information pack.

## **APPENDIX 6: CHOICE BASED LETTING SCOPING REPORT**

### **1.0 CHOICE BASED LETTING (CBL) OVERVIEW**

CBL is an alternative approach to traditional allocation processes which was developed from the Delft model implemented in the Netherlands in the late 1980s (CIH: A Guide to Social Based Lettings). There is no universal definition of a CBL model since one of the benefits of its approaches is its ability to be adapted to local policies however CBL models that have retained elements of the Delft model have demonstrated stronger outcomes. The key elements are as follows:

- Vacant properties are advertised periodically
- Information on who is eligible to apply for properties is included in advertisements
- Applicants priority is decided in line with easily understood concepts
- The onus is on the applicant to seek out properties
- Applicants apply for specific advertised properties and their circumstances are verified against the landlords eligibility criteria
- The landlord ranks applicants for a specific vacancy to determine the highest priority
- The outcome of the process is published to show the level of demand and priority of successful applicant
- Personal support is available to applicants who require assistance
- A small number of properties are also set aside for people with emergency need

The CBL approach is designed to place choice at the heart of the lettings systems. It is an alternative method of allocating housing and is an internet based system where applicants can view properties for let. Available properties are listed on a website and on a hard copy list which may be published in various outlets. Applicants can see property details and choose to apply or 'bid' for a property via the website. There are different models of CBL however the main feature is that applicants have a choice to bid for a property that they want therefore reducing refusal rates and creating more sustainable communities. If there are multiple applicants for one property the allocation reverts to a points or banding system based on the councils Allocations Policy.

Scottish Government Practice Guide to Social Housing Allocations has recognised CBL as one of the models of good practice for allocating social housing. It describes CBL as an approach councils should take because they believe it offers greater choice for applicants and can help support tenancy sustainability. However it suggests that meeting housing need and allocating properties in a fair and equal way should remain the underpinning principles of a CBL system.

In Scotland, several landlords have opted for this type of allocation system which includes Highland Council, Edinburgh City Council, Renfrewshire Council, Falkirk Council and Angus Council. A number of Registered Social Landlords also operate a CBL system including Glasgow Housing Association (GHA), Grampian Housing Association, Sanctuary Housing and Castlehill Housing Association.

There are also a number of other Local Authorities (East Renfrewshire, Aberdeenshire, Orkney and Mid Lothian) who are considering CBL within their RRTPs to improve their lettings and allocations processes and systems to maximise efficiency and, in particular, reduce void times which was highlighted in the Rapid Rehousing Transition Plans: A Scottish Overview Report by Crisis in February 2020.

There are various types of CBL systems operating across different housing providers however they all mainly follow the same elements as described above. Whilst CBL is

about empowering customers to make the choice about where they wish to live it is also normal to continue with some direct lets under a CBL service as it is necessary to maintain some direct lettings. This may include specially adapted properties for physical disabilities, housing for older people and some units for certain household circumstances. Other examples are for reasons of housing management such as exceptional circumstances or public protection.

## **2.0 CBL ADVANTAGES**

### **2.1 Greater Choice and Control**

CBL provides customers with a greater degree of choice and control when deciding where applicants wish to live. CBL offers greater customer choice, more transparency, increased engagement and interaction between housing providers and customers, better management of customers' expectations, tackling low demand properties/areas, better acceptance rates and more sustainable neighbourhoods.

In 2019/20 the council had 27% of refusals compared to 51% in 2018/19. This is lower than the national average of 37% for 2019/20 and lower than the peer average of 41% in 2019/20. There has been significant progress in reducing refusals in 2019/20 however main reasons for refusals continue to be where the property is located; this is despite the property being in one of the applicants chosen communities. A move to a CBL approach means that vacancies are allocated to those who wish to live in the area/property which in turn would reduce the time taken to get to a permanent housing solution and improve sustainability.

Whilst applicants in traditional direct lettings systems can exercise a degree of choice by refusing offers of accommodation for normal lettings this can create a longer turnaround of voids and incur higher costs in voids. In 2019/20 average days to let a tenancy was 37 days compared to 37.5 days in 2018/19 this compares to 35 days nationally in 2019/20 and 41 days for our peer group in 2019/20. The critical shortage of housing stock means it is vital properties are accepted and void times are minimised to achieve maximum efficiency out of the council's stock.

### **2.2 Greater Transparency**

A significant issue for West Lothian continues to be around the demand for social housing against supply particularly in certain areas where demand significantly outstrips supply.

Whilst CBL will not increase supply it does create more transparency around where properties are available and what the true demand is, this in turn can assist to inform applicants to make more realistic choices and better manage their expectations about where properties are available and whether they are likely to be successful. Allocations receive a large number of enquiries from applicants wishing to enquire about a property being empty or wanting to note an interest in the property despite operating a direct letting system. It is hoped that operating a CBL system will reduce these enquiries by being more transparent and making this information more readily available and allowing applicants to bid for the property themselves. It is imperative that information is accessible, easy to understand and up to date about stock and its availability to allow applicants to make informed and realistic choices about their housing options.

By being more transparent this can further assist to persuade people to move to locations they have not previously thought about once they access information about property demand in different areas. This can be used to help people achieve housing quicker and can also be useful for tackling hard to let properties and minimising re-let times.

## **2.3 Modernisation**

As outlined in the Digital Transformation Strategy technology is changing our society and the way we live. The council faces challenges that simply cannot be addressed by doing things the way we have always done them. Budget constraints will continue to challenge the way in which services are delivered across the public sector, whilst at the same time the demand for services is growing and the public's perception of the quality of public services is increasingly influenced by their wider experiences as consumers. Citizens expect public services to be consistent, available, accessible and reliable. A key commitment from the council is to ensure a range of options are available to customers to interact with council services. At present the range of options to consider your full housing options, apply for a house and obtain housing is limited.

To fully deliver sustainable transformation as outlined in the Digital Transformation Strategy the council needs to transform and integrate service delivery from end to end through the entire service journey, not just the front end. This will require embracing new technologies. With the already digitised Housing Application Form, CBL would further support a move towards a more transformational digital change.

## **2.4 Shift to Prevention and Alignment with Housing Options**

Prevention of homelessness is fundamental in the delivery of the RRTP and reducing homelessness. Therefore one of the RRTPs objectives is to focus on Early Intervention, Prevention and Housing Options through evaluating existing prevention and early intervention activities via developing our Housing Options approach in partnership with the RSLs and private sector to capture all the housing options available. One of the key actions in order to achieve this will be reviewing how people can access Housing Options advice and enhancing this.

During the period 2018/19 to 2019/20 homeless prevention cases have reduced by 31.9% falling from 1,127 in 2018/19 to 767 in 2019/20. Increasing the level of homeless prevention cases is a key action in 2020/21 and during the remainder of the RRTP. A shift to a CBL system would be part of a suite of digital tools taken forward to develop and enhance how our customers can access a range of housing options via the council's website.

The service has reviewed a similar digital approach to Housing Options which is delivered by the Wheatley Group. Wheatley operates a fully digital housing information, advice and lettings service called MyHousing portal. Customers are directed to the portal when applying for housing or seeking housing advice. This ensures every person who is looking for a home is directed to the portal to get personalised and honest advice about their housing situation first, explore fully all the available and suitable housing options, and then create personal housing plans and view and bid for available homes.

A face to face Housing Options would continue to operate in West Lothian however by providing additional pathways to allow customers easier and quicker access to assess all their housing options and apply for and bid for council housing would hopefully strengthen the Housing Options approach and prevent homelessness.

## **2.5 Analysis of Local Housing Needs and Demand**

The use of CBL systems also provides greater opportunity for the council to make better use of more accurate data which can support the council to make more informed assessments on where true demand lies and develop specific communication campaigns around these demands.

### **3.0 CBL CHALLENGES**

#### **3.1 Supporting Vulnerable Groups**

One of the main challenges of CBL systems is potentially disadvantaging vulnerable customers who do not have access to the internet, IT equipment, IT skills or capacity to bid on properties meaning they are likely to potentially miss out on offers. However it is worth noting that the current and any future housing applications will be online, and support is put in place to assist those that do not have internet access or are not computer literate.

There are a number of good practice processes in place that aim to minimise this and ensure that vulnerable applicants are not disadvantaged. These include:

- Assisted lists
- Auto bidding
- Support to make bids, use of proxy bidders
- Dedicated staff to make bids on behalf of applicants
- Properties being advertised through alternative media channels and newsletters
- Reminder systems to make bids

All CBL systems need to ensure they adhere to relevant guidelines for people with sight loss and visual impairments along with ensuring they can be used in a range of languages.

Good practice recommends that councils maintain an 'assisted list', where the council establishes a list of applicants who are identified to require assistance to participate fully in the CBL service. These applicants could be identified through Housing Options Interviews, application forms or surveys of people who have not been engaging with the councils CBL service, to determine whether advice or support is required.

#### **3.2 People not Bidding**

CBL systems allow for auto bidding to be done on an applicant's behalf. Auto-bidding is a method that enables bids to be placed for an applicant without the need for them to physically do it themselves. Applicants can opt into this service when they apply. Once a suitable property is available for bids the CBL system will automatically bid on the applicant's behalf removing the need for the applicant to bid themselves. Applicants are also still able to bid for any other properties they deem suitable. This ensures that applicants still have a choice in their allocation. Placing an applicant on auto-bid should be assessed by the Allocations Team and in conjunction with the applicant's needs while taking a person-centred approach. It is imperative that applicants' choices are kept up to date and are genuine choices to ensure that they are not automatically bidding on properties they would not consider.

In addition to auto bidding further support can be provided to applicants with support needs such as assistance from their support worker to place bids on the applicant's behalf, a proxy on their behalf who can place bids or dedicated phone lines where the Allocations team would place bids on the applicant's behalf.

Whilst CBL is an online system meaning available properties are advertised on a website adverts can also be displayed in council offices, libraries, CAB offices, DWP, local newspapers, doctors surgeries and other voluntary organisations. Systems can also be set up to remind certain applicants to bid for properties by email, text or phone.

Some CBL systems require applicants most in urgent housing need to make realistic bids within certain periods of time such as 3 months in some councils to get housing as

quickly as possible. Realistic bidding can be considered as bidding on a property that can be secured as soon as possible, sometimes for the lower demand areas. Once these timeframes have been reached the council will then start making bids on their behalf. The purpose of this is to ensure homeless applicants are rehoused as quickly as possible and spend minimum time in temporary accommodation. For homeless applicants, bidding unrealistically on properties that cannot be attained quickly, or refusing an offered property, is likely to lead to the council to discharge its homeless duty.

However when comparing this to the current lettings approach there is minimal difference. At present homeless applicants can choose a minimum of 10 communities, if after 9 months they are not successful in being shortlisted to housing the council will open their application up to either the east or west of West Lothian. Meaning they are potentially likely to be allocated a house in an area they did not initially choose if they have chosen high demand and low turnover areas. However the principle behind this approach is the same to ensure faster throughput of homelessness and minimum time spent in temporary accommodation.

It is inevitable these challenges will remain due to the supply and demand issues that face the council however CBL would actually allow applicants a higher degree of choice by allowing applicants to make bids themselves for an initial period as opposed to being made an offer in that period. Choice may be limited and communication with applicants will be vital to provide market information and details about the service which can better manage expectations. Applicant expectations may still exceed what can be delivered, but this is an issue of supply rather than allocation.

Depending on the model of CBL system used some systems can hinder applicants from getting preferred properties. For example priority status systems that shortlist housing based on length of time in that group as opposed to housing need can be disadvantageous for homeless applicants. As a homeless applicant may receive greater chance of receiving housing if they remain living in unsuitable accommodation if they have lived there for a long time as opposed to applying as homeless where their time in the homeless group could be less given them less points to bid. However this would not apply to West Lothian Council as waiting time points are not awarded and a groups plus points system will be maintained.

#### **4.0 SYSTEM CHANGES**

The changes moving from our current allocations process to a CBL process will require a further exploration whereupon the service will consult with the software supplier, currently Capita, to determine requirements of the service, cost, timescales and resources required.

The implementation schedule of a CBL system would be impacted by the necessity for other software improvements; currently the project couldn't be timetabled in until 2021 when Open Housing has completed its scheduled upgrade in Sep-Dec 2020.

However Capita's CBL module has been developed to respond to the needs of organisations who wish to use this method of allocations either instead of, or alongside a point based or banding system. Therefore there is capability within Open Housing to deliver CBL along with Assisted, or Auto Bids on behalf of Applicants.

#### **5.0 CONCLUSION**

There are clear advantages to a CBL system as outlined in the report which include greater customer choice, more customer control, better transparency and better managed customer expectations. CBL places choice at the heart of the lettings systems.

There are challenges in implementing a CBL system to be overcome to ensure applicants who are vulnerable to not miss out on housing opportunities and homeless applicants are bidding for housing to ensure the council meets its statutory duties. As already identified there are a number of good practice guides and research papers that have been developed to ensure services implementing such systems follow best practice to mitigate these challenges. Such systems can include automatic bidding, assisted bidding, supported bidding and a variety of advertisement channels however this list is not exhaustive. The service will also work closely with a number of other councils who operate CBL systems or are implementing such systems to learn and share best practice that is being adopted in other councils ensuring that the system that is developed in West Lothian does not disadvantage vulnerable applicants and remains true to the Allocations Policy objectives in meeting those most in urgent housing need.

The service is confident that CBL approach to letting will be more person-centred and in line with the council's Digital Transformation Strategy, better prevent homelessness and enhance Housing Options. It is hoped that by implementing a CBL system in West Lothian we will better empower customers, improve expectations, reduce the number of refusals for properties, reduce appeals, improve void times and create operational efficiencies.

The service is confident that following research into CBL that there are clear advantages to CBL which outweigh the challenges and that by following supportive guidance around best use of CBL these challenges will be able to be overcome.

## **6.0 BACKGROUND REFERENCES**

Social Housing Allocations in Scotland: A Practice Guide, The Scottish Government, February 2019

A guide to choice-based lettings, Chartered Institute of Housing, November 2017

Fair allocations and choice based lettings, Shelter, December 2005

Choice Based Letting, Stirling University, January 2017

Ending Homelessness Together, The Scottish Government, November 2018

Rapid Rehousing Transition Plans: A Scottish Overview, Crisis, February 2020

Rapid Transition Plan: West Lothian Council, 2019-2024

Digital Transformation Strategy: West Lothian Council, 2018/19-2022/23

## APPENDIX 7: INTEGRATED IMPACT ASSESSMENT



### *Integrated Relevance Assessment Form*

<b>1. Details of proposal</b>				
<b>Policy Title</b> (include budget reference number if applicable)		Allocations Policy		
<b>Service Area</b> (detail which service area and section this relates to)		Housing Needs Service		
<b>Lead Officer</b> (Name and job title)		Katy McBride		
<b>Other Officers/Partners involved</b> (list names, job titles and organisations if applicable)		Laura Harris, Service Development Officer Lynn Meek, Allocations Manager		
<b>Date relevance assessed</b>		05/08/2020		
<b>2. Does the council have control over how this policy will be implemented?</b>				
YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	
<b>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:</b> <ul style="list-style-type: none"> <li>• Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct</li> <li>• Advance equality of opportunity between those who share a protected characteristic and those who do not; and</li> <li>• Foster good relations between those who share a protected characteristic and those who do not</li> </ul> <b>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 – (further detail on what these are, are provided in the guidance document)</b>				
<b>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)</b>				
<b>Age</b> - Older people, young people and children		Yes		
<b>Disability</b> - people with disabilities/long standing conditions		Yes		
<b>Gender reassignment - Trans/Transgender Identity</b> – anybody who's gender identity or gender expression is different to the sex assigned to them at Birth		No		

<b>Marriage or Civil Partnership</b> – people who are married or in a civil partnership	No
<b>Pregnancy and Maternity</b> – woman who are pregnant and/or on maternity leave	Yes
<b>Race</b> - people from black, Asian and minority ethnic communities and different racial backgrounds	No
<b>Religion or Belief</b> – people with different religions and beliefs including those with no beliefs	No
<b>Sex - Gender Identity</b> - women and men (girls and boys) and those who self-identify their gender	No
<b>Sexual Orientation</b> – lesbian, gay, bisexual, heterosexual/straight	No
<b>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</b>	
<b>Socio-economic Disadvantage</b>	<b>Impact – please tick below as appropriate)</b>
<b>Low Income/Income Poverty</b> – cannot afford to maintain regular payments such as bills, food, clothing	Yes
<b>Low and/or no wealth</b> – 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	Yes
<b>Material Deprivation</b> – 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	Yes
<b>Area Deprivation</b> – where you live (rural areas), where you work (accessibility of transport)	Yes
<b>Socioeconomic Background</b> – social class i.e. parents education, employment and income	Yes
<b>5. Integrated impact assessment required?</b> (Two <b>ticks (✓)</b> above = full assessment necessary)	
YES	<input checked="" type="checkbox"/> <input type="checkbox"/> NO <input type="checkbox"/>
<b>6. Decision rationale – if you have ticked no above, use this section to evidence why a full IIA is not required</b>	
<b>Signed by Lead Officer</b>	Katy McBride
<b>Designation</b>	Housing Needs Manager

<b>Date</b>	
<b>Counter Signature</b> (Head of Service or Depute Chief Executive responsible for the policy)	AnnMarie Carr
<b>Date</b>	

- **No assessment required – process ends**
- **Include** a detailed summary of the decision rationale in any council reports and include a copy of the IRA with the background papers.
- **Full Assessment required – continue to Full Assessment Form**

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## ***Full Integrated Impact Assessment Form***

<b>1. Details of proposal</b>	
Details of others involved	Katy McBride Lynn Meek Laura Harris
Date assessment conducted	05/08/2020
<b>2. Set out a clear understanding of the purpose of the policy being developed or reviewed (what are the aims, objectives and intended outcomes) including the context within which it will operate.</b>	
<p>The council's Housing Allocation Policy is a strategic policy document that explains how the council addresses a wide range of housing needs in the area. It has a critical part to play in promoting sustainable and inclusive communities, promotes equal opportunities and incorporates good practice guidance. Its aims are aligned with a wide range of other council strategies and policies, including promoting the objectives of the Rapid Rehousing Transition Plan and the Local Housing Strategy which includes the Homeless Strategy. The policy is, therefore, part of a holistic approach to addressing housing need in the local area.</p> <p>The Housing Allocations Policy must adhere to legislative requirements in accordance with the Housing (Scotland) Act 1987 as amended by other law, in particular the Housing (Scotland) Act 2001, and Housing (Scotland) Act 2014. These Acts determine the council's statutory duties in relation to Allocations and Homelessness. In particular, the Allocations Policy must ensure that reasonable preference is given to those in urgent housing need as define in law. These are;</p> <p>Homeless persons and persons threatened with homelessness and who have unmet housing needs.</p> <p>People who are living under unsatisfactory housing conditions and who have unmet housing needs</p> <p>Tenants of houses which are held by a social landlord and which the social landlord selecting its tenants considers to be under – occupied.</p> <p>The main aim of the policy is to address housing need by prioritising applicants based on their individual circumstances and levels of need. The policy is needed to ensure there is clear and transparent guidance on how to access social housing throughout West Lothian. The policy explains how we allocate housing, how we match people who apply for our homes with the homes that become available.</p> <p>The council needs the policy to ensure that anyone wishing to apply for housing with the council knows how to do it and understands the processes involved</p> <p>The allocation policy works upon a groups and points system and will allocate points based on individual circumstances, regardless of their ethnic background/sexual orientation etc. Therefore all groups are positively affected as the policy will assess the level of points they should be awarded on their individual circumstances, therefore meeting their housing need. The policy does recognise that there are circumstances were applicants may require to be considered for additional points to ensure equality of access to available housing suitable for their circumstances. For example,</p>	

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individuals with a physical or mental health condition can ask to be considered under our medical needs points. The policy also recognises that if an adapted property or property types such as amenity or sheltered housing for elderly people becomes available, that these properties will be offered to an applicant who meets the criteria for that type of accommodation. This is due to the availability of these types of properties being limited, therefore requires WLC to make best use of stock.

The Policy is being reviewed to provide greater opportunity to better prevent homelessness from occurring.

Houses are allocated on a points based system and are allocated to the applicant most in urgent housing need. Some properties are specifically adapted or for a certain age group or applicant with a specific medical need and will be allocated to those applicants who qualify for these types of properties with the highest need.

As part of the Allocations Policy review an extensive consultation was carried out over four months with applicants, tenants, staff and other stakeholders to consult on all the proposed changes a total of 2,720 people responded to the consultation.

**3. Please outline any needs and/or barriers which equality groups (People with Protected Characteristics) may have in relation to this policy**

Age	<p><b>What effect/difference will the policy have on people</b> <b>The Policy is likely to have a positive impact on this group.</b></p> <p>The Allocation Policy is not allowed to take into account the age of applicants unless (a) housing has been designed or substantially adapted for persons of a particular age or (b) the housing is for persons who are – or will be – in receipt of housing support services for a particular age group.</p> <p>The Policy will provide more positive solutions by increasing points across the board for applicants within the strategic needs category. This means young people leaving care or leaving the family home are awarded a higher degree of points than at present to minimise the need for the applicant to present as homeless, seek temporary accommodation and hopefully secure a secure tenancy before they are in crisis.</p> <p>The policy is also aiming to prevent homelessness and therefore reduce the time spent in temporary accommodation. This would therefore have a positive effect on any children who would have been placed into temporary accommodation by avoiding the homeless route through other avenues in the Allocations Policy.</p>
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	<p><b>How do you know that</b></p> <p>The Policy must adhere to the Housing Scotland Act 1987. Age is not allowed to be taken into consideration unless housing has been designed or substantially adapted for persons of a particular age or the housing is for persons who are or will be in receipt of housing support services for a particular age group.</p> <p>The Local Housing Strategy (LHS) 2017-2022, which is the overarching strategy for housing in West Lothian, sets out the joint and strategic approach of the local authority and its partners to delivering high quality housing and housing related services across all tenures, to meet identified need in West Lothian. All housing provision proposed in the LHS will be built to Housing for Varying Needs Standards. This is to ensure the housing is accessible to as wide a range of the population as possible regardless of age. Fuel poverty is a keen consideration for the elderly and the LHS has a sharp focus on actions to address fuel poverty.</p> <p>The LHS also identifies actions as a consequence of changes in welfare, particularly in relation to changes affecting those under the age of 35 years with non-dependents (the shared room rate), and those under 25 whose benefit entitlement is restricted.</p> <p>Analysis of key homeless information confirms that 33% of homeless applications are from under 25s, 64% are from 26-59 year olds and 3% are from over 60s. The Rapid Rehousing Transition Plan (RRTP) details a number of workstreams that are being taken forward to improve earlier interventions and the prevention of homelessness. This include the creation of Youth Conflict Resolution Services and a Schools Education Programme. The RRTP also recognises that young people leaving care and other vulnerable situations often lack housing options. A key aim in combatting this is to develop and implement a Moving on Model in conjunction with other services including the Advice Shop via their Access To Employment programme and other third sector organisations. Housing options are also being widened and will be available in council premises throughout West Lothian to ensure easier access to all services.</p>
<b>Disability</b>	<p><b>What effect/difference will the policy have on people</b></p> <p><b>The Policy is likely to have a positive impact on this group.</b></p> <p>The Policy is being reviewed to provide greater opportunity to better prevent homelessness from occurring.</p> <p>Houses are allocated on a points based system and are allocated to the applicant most in urgent housing need. Some properties are specifically adapted or for a certain age group or applicant with a specific medical need and will be allocated to those applicants who qualify for these types of properties with the highest need.</p> <p>The Allocations Policy allows for applicants to have medical needs assessed to determine which type of property would be most suitable and award an appropriate level of points based on the applicant's disability and therefore urgency to be rehoused.</p> <p>The reviewed policy will increase points to applicants who have medical needs providing a higher level of points inline with the general increase across the other categories. This will ensure medical needs are still taken into consideration and awarded an appropriate level of points based on need.</p>

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	<p><b>How do you know that</b></p> <p>The Local Housing Strategy (LHS) is the overarching strategy for housing in West Lothian and identifies the need for specialist housing provision for people with disabilities in West Lothian and how this will be funded in relation to the provision of housing and related services for those with a disability. It includes an action plan for independent living.</p> <p>The LHS policy establishes a number of linkages with other strategies to ensure a consistent approach and establishes outcomes for people with disabilities to ensure that appropriate accommodation is planned and available for people with differing needs. This includes planned investment in housing which is “Core and Cluster” to support independent living in the community for people with disabilities.</p> <p>For people with physical disabilities the LHS highlights the continuing need to address the requirement for individual aids and adaptations to ensure people’s accommodation remains suitable.</p> <p>The affordable housing that is proposed through the LHS, whether it is built by RSLs or the council, will be built to Housing for Varying Needs Standards. This includes a high proportion of wheelchair specific provision in the Council’s own new build programme. Ground floor accommodation in cottage flats and terraced or semi-detached properties will also provide a flexible house type for people with a range of needs including those with some mobility issues.</p> <p>As part of the consultation process for reviewing the Allocations Policy 75.4% of responses felt that the council should prioritise medical needs and felt that increasing medical points was a positive approach.</p>
<b>Gender Reassignment – Trans/Transgender Identity</b>	<p><b>What effect/difference will the policy have on people</b></p> <p>It is anticipated that there should be no impact on people with this protected characteristic.</p> <p><b>How do you know that</b></p> <p>The Policy is being reviewed to provide greater opportunity to better prevent homelessness from occurring.</p> <p>Houses are allocated on a points based system and are allocated to the applicant most in urgent housing need. Some properties are specifically adapted or for a certain age group or applicant with a specific medical need and will be allocated to those applicants who qualify for these types of properties with the highest need.</p> <p>The LHS, RRTP and Housing Allocations Policy apply to all citizens of West Lothian by providing access to housing and related services to all residents, regardless of gender. All allocation of housing developed by the council and its partners is subject to the relevant equalities legislation.</p> <p>Overall points are being increased to provide greater opportunity for those most in urgent housing need to obtain housing regardless of gender.</p>

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<b>Marriage or Civil Partnership</b>	<p><b>What effect/difference will the policy have on people unknown</b> It is anticipated that there should be no impact on people with this protected characteristic.</p> <p><b>How do you know that</b> The Policy is being reviewed to provide greater opportunity to better prevent homelessness from occurring.</p> <p>Houses are allocated on a points based system and are allocated to the applicant most in urgent housing need. Some properties are specifically adapted or for a certain age group or applicant with a specific medical need and will be allocated to those applicants who qualify for these types of properties with the highest need.</p> <p>The LHS, RRTP and Housing Allocations Policy apply to all citizens of West Lothian by providing access to housing and related services to all residents, regardless of gender. All allocation of housing developed by the council and its partners is subject to the relevant equalities legislation.</p> <p>Overall points are being increased to provide greater opportunity for those most in urgent housing need to obtain housing regardless of marital status.</p>
<b>Pregnancy and Maternity</b>	<p><b>What effect/difference will the policy have on people</b> <b>The Policy is likely to have a positive impact on this group.</b></p> <p>The Policy is being reviewed to provide greater opportunity to better prevent homelessness from occurring.</p> <p>Asked to leave and relationship breakdown are the largest reasons for applying for homeless services in West Lothian accounting for 74% of all applications in 2019/20.</p> <p>The RRTP seeks to rehouse people by providing settled, mainstream housing as quickly as possible, better prevent homelessness and reduce time spent in temporary accommodation by creating better flow through the system with fewer transitions. With these aims in mind it is anticipated the need for use of unsuitable accommodation should be reduced for pregnant woman.</p> <p><b>How do you know that</b> Due to the high numbers of homelessness demand there is a continued high use of temporary accommodation which includes the use of unsuitable temporary accommodation for pregnant woman. In 2019/20 22 women presented as homeless.</p> <p>The policy aims to reduce this and therefore the time in temporary accommodation and usage of unsuitable temporary accommodation which should have a positive impact on pregnant woman in unsuitable temporary accommodation by creating a strategic needs category and awarding higher amount of points to applicants who are asked to leave the family home or are forced to live apart.</p> <p>74.8% of people who responded to the Allocations consultation supported this recommendation and felt that these increased points could better prevent homelessness.</p>

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<b>Race</b>	<b>What effect/difference will the policy have on people</b>
	<p>It is anticipated that there should be no impact on people with this protected characteristic.</p> <p><b>How do you know that</b> The Policy is being reviewed to provide greater opportunity to better prevent homelessness from occurring.</p> <p>Houses are allocated on a points based system and are allocated to the applicant most in urgent housing need. Some properties are specifically adapted or for a certain age group or applicant with a specific medical need and will be allocated to those applicants who qualify for these types of properties with the highest need.</p> <p>The LHS, RRTP and Allocations Policy apply to all citizens of West Lothian by providing access to housing and related services to all residents, regardless of gender. All allocation of housing developed by the council and its partners is subject to the relevant equalities legislation.</p> <p>Overall points are being increased to provide greater opportunity for those most in urgent housing need to obtain housing regardless of race.</p> <p>In addition, the LHS states that, in planning for housing and related services, the council and its partners have and will continue to take account of issues relating to ethnic minorities. These include particular demand issues, such as household size and age distribution as well as accessibility for these groups where language and communication may be an issue. As a result particular consideration has been given to census data which indicates the growing population in West Lothian of Polish immigrants; the age “bulge” of ethnic groups which is appearing in the elderly, as well as language barriers. The council continues to utilise translation options for non-English speaking people to ensure the service remains accessible.</p>
<b>Religion or Belief</b>	<b>What effect/difference will the policy have on people</b>
	<p>It is anticipated that there should be no impact on people with this protected characteristic.</p> <p><b>How do you know that</b> The Policy is being reviewed to provide greater opportunity to better prevent homelessness from occurring.</p> <p>Houses are allocated on a points based system and are allocated to the applicant most in urgent housing need. Some properties are specifically adapted or for a certain age group or applicant with a specific medical need and will be allocated to those applicants who qualify for these types of properties with the highest need.</p> <p>The LHS, RRTP and Housing Allocations Policy apply to all citizens of West Lothian by providing access to housing and related services to all residents, regardless of gender. All allocation of housing developed by the council and its partners is subject to the relevant equalities legislation.</p> <p>Overall points are being increased to provide greater opportunity for those most in urgent housing need to obtain housing regardless of religion or belief.</p>

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<p><b>Sex - Gender Identity</b></p>	<p><b>What effect/difference will the policy have on people</b> It is anticipated that there should be no impact on people with this protected characteristic.</p> <p><b>How do you know that</b> The Policy is being reviewed to provide greater opportunity to better prevent homelessness from occurring.</p> <p>Houses are allocated on a points based system and are allocated to the applicant most in urgent housing need. Some properties are specifically adapted or for a certain age group or applicant with a specific medical need and will be allocated to those applicants who qualify for these types of properties with the highest need.</p> <p>The LHS, RRTP and Housing Allocations Policy apply to all citizens of West Lothian by providing access to housing and related services to all residents, regardless of gender. All allocation of housing developed by the council and its partners is subject to the relevant equalities legislation.</p> <p>Overall points are being increased to provide greater opportunity for those most in urgent housing need to obtain housing regardless of gender identity.</p>
<p><b>Sexual Orientation</b></p>	<p><b>What effect/difference will the policy have on people</b> It is anticipated that there should be no impact on people with this protected characteristic.</p>
	<p><b>How do you know that</b> The Policy is being reviewed to provide greater opportunity to better prevent homelessness from occurring.</p> <p>Houses are allocated on a points based system and are allocated to the applicant most in urgent housing need. Some properties are specifically adapted or for a certain age group or applicant with a specific medical need and will be allocated to those applicants who qualify for these types of properties with the highest need.</p> <p>The LHS, RRTP and Housing Allocations Policy apply to all citizens of West Lothian by providing access to housing and related services to all residents, regardless of gender. All allocation of housing developed by the council and its partners is subject to the relevant equalities legislation.</p> <p>Overall points are being increased to provide greater opportunity for those most in urgent housing need to obtain housing regardless of sexual orientation.</p>
<p><b>4. Please outline any needs and/or barriers which may affect vulnerable groups falling into poverty and disadvantage in relation to this policy</b></p> <p><b>Vulnerable groups may include the following;</b></p>	

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- |   |  |  |
|---|--|--|
| <ul style="list-style-type: none"> <li>• Unemployed</li> <li>• Single parents and vulnerable families</li> <li>• People on benefits</li> <li>• Those involved in the criminal justice system</li> <li>• People in the most deprived communities (bottom 20 SIMD areas)</li> <li>• People who live in rural areas</li> </ul> | <ul style="list-style-type: none"> <li>• pensioners</li> <li>• Looked After Children</li> <li>• Carers including young carers</li> <li>• People misusing services</li> <li>• Others e.g. veterans, students</li> <li>• Single adult households</li> <li>• People who have experienced the asylum system</li> </ul> | <ul style="list-style-type: none"> <li>• Those leaving the care setting including children and young people and those with illness</li> <li>• Homeless people</li> <li>• People with low literacy/numeracy</li> <li>• People with lower educational qualifications</li> <li>• People in low paid work</li> <li>• People with one or more Protected Characteristic</li> </ul> |
|---|--|--|

**What effect/difference will the policy have on people**

It is anticipated that, overall, the Allocations Policy should have a largely positive effect on those experiencing homeless or those threatened with homelessness. As it seeks to provide more solutions to prevent homelessness from occurring, creating faster throughput into permanent housing for those applicants with the highest housing needs.

The policy has created a new strategic needs category which aims to better prevent homelessness for a number of new groups which include:

- Hospital Discharge
- Leaving supported accommodation to community care
- Medical A
- Looked after and accommodated children (foster/kinship care)
- Leaving Forces (leaving full time regular service and within 9 months of discharge)
- Domestic Abuse
- Prison Discharge
- Leaving Care
- Notice to Quit
- People at risk of /experiencing serious harassment
- Forced sale
- Witness protection
- Asked to leave/living in insecure accommodation
- Forced to Live apart

However there is potential to disadvantage some of the vulnerable groups outwith the homeless group if there is an overly high proportion of homeless lets compared to the other vulnerable groups.

Homelessness is a top priority for housing along with the prevention of homelessness however there also remains other urgent housing needs which require to be met.

Through amending the Transfer Led approach to a split between 75/25 tenants and waiting list applicants is considered to be positive as this allows other vulnerable groups and applicants with no housing tenure to secure new build housing. This also allows the council to continue to ensure it makes effective use of its tenancies and create secondary lets by continuing to allocate to existing tenants properties which can then be let to other vulnerable groups.

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**How do you know that**

The RRTP sets out the council 5 year plan to end homelessness. There are a number of actions within this to mitigate against poverty and deprivation, recognising the links between ending homelessness and tackling poverty.

In relation to unemployed households, households on benefits and those living in the most deprived communities, the RRTP acknowledges that Welfare Reform is further exacerbating inequalities, particularly in relation to Universal Credit. Issues also exist for people under age 35 in relation to single room rent regulations. The RRTP seeks to mitigate the impacts of Welfare Reform where appropriate / where possible and investigate alternative housing options i.e. Moving On Model, development of education programme, mediations services, development of a Joint West Lothian Housing Options approach with partners etc.

The RRTP acknowledges that people involved in the community justice system, particularly people leaving prison are at high risk of homelessness and to mitigate this, a key action is to refine the roll out of the SHORE (Sustainable Housing On Release for Everyone) standards to ensure suitable pathways for people leaving prison. The SHORE standards have been published to ensure that the housing needs of individuals in prison are handled at an early stage, in a consistent way across Scotland, regardless of where they come from, their housing status and how long they have been in prison or young offenders' institution. The standards are designed to ensure that people leaving prison can access services and accommodation in the same way as people living in the community.

The RRTP recognises that adults suffering from addiction / mental health issues may, in some circumstances, not currently be receiving the required levels of support to help them transition into settled and sustainable accommodation. A Housing First model for permanent accommodation has therefore been implemented where intensive support is provided which links into current commissioned services.

The RRTP also recognises that young people and young people leaving care and other vulnerable situations often lack housing options. One key aim in combatting this is to develop and implement a Moving on Model in conjunction with other services including the Advice Shop via their Access To Employment programme and other third sector organisations.

In the Allocations Consultation, 65.9% of people felt homelessness should be a key priority for housing and increasing points was therefore fair in addition to 74.8% of people agreeing that the council should also prioritise other vulnerable groups for social housing. The council is confident that this approach is the right approach to take to better address the varying degrees of housing need in West Lothian and better prevent homelessness.

In order to generate a secondary let and make better use of social housing the council operates a 100% transfer led approach, however the council recognises that this doesn't always make best use of stock, address housing need and create sustainable communities. The council proposed to change this to 75/25 split with tenants receiving the highest split. The respondents of the consultation agreed with this by 63.6% feeling it was a fairer way of ensuring everyone in housing needs has access to better quality housing in more desirable areas. The respondents commented that housing should be allocated based on need and not tenure and some suggested a 50/50 was more preferred.

When seeking views on the proposals to increase points for homelessness 13.7% did not agree with this suggesting that it was already a high demand and pressured area, seen as the only avenue to access social housing and sometimes abused. The council intends to reduce the proportion of lets to homeless applicants in 2021/22 Year 3 of the RRTP to better prevent homelessness whilst addressing the current and forthcoming homeless pressures.

**5. Action Plan**

**What action/s will be taken, by whom and what is the timescale for completion**

<b>Actioner Name</b> <b>Transfer approach and proportion of lets to homeless</b>	<b>Action Date 05/08/2020</b>
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<b>What is the issue</b>	
Potential to disadvantage vulnerable groups if allocate all new build housing to existing tenants and potential to disadvantage other vulnerable groups outside homelessness if proportion of lets remain unfairly high to homeless.	
<b>What action will be taken</b> The council will recommend Council Executive agree to review the transfer led approach to move to a 75/25 split. The council with the aim of reducing lets to homeless by 2021/22.	
<b>Progress against action</b> Paper being presented to PDSP on 28 September 2020 before Council Executive.	
<b>Action completed</b>	<b>Date completed</b>
<b>Actioner Name</b>	<b>Action Date</b>
<b>What is the issue</b>	
<b>What action will be taken</b>	
<b>Progress against action</b>	
<b>Action completed</b>	<b>Date completed</b>
<b>Actioner Name</b> Click here to enter text.	<b>Action Date</b> Click here to enter a date.
<b>What is the issue</b> Click here to enter text.	
<b>What action will be taken</b> Click here to enter text.	
<b>Progress against action</b> Click here to enter text.	

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<b>Action completed</b> Click here to enter text.	<b>Date completed</b> Click here to enter a date.

**6. Details of consultation and involvement**

**Who will be or has been involved in the consultation process**

**a. State which groups are involved in this process and describe their involvement.**

**b. Describe any planned involvement saying when this will take place and who is responsible for managing the involvement process.**

**c. Describe the results of the involvement and how you have taken this into account.**

Findings from consultation and engagement in respect of homelessness to inform the Local Housing Strategy (LHS), which is the overarching strategy for housing in West Lothian and provides strategic context for the RRTP, are set out in the West Lothian Local Housing Strategy 2017-2022:

<https://www.westlothian.gov.uk/article/9810/Policy-and-Strategies>

This evidences all feedback obtained through the formal LHS consultation process and how this has been used to influence the final LHS.

A RRTP specific survey was created and sent to the Race Forum, Faith Group, Glitter Cannons (LGBT young people), West Lothian Pride Group, Milan Group, Disability West Lothian, Mental Health Service Users Forum, Senior Peoples Forum and the Homeless Housing Network Group (homeless service users group). As the RRTP Integrated Impact Assessment also covers those experiencing socio-economic disadvantage, the survey was sent to the local regeneration steering groups (these are the groups developing locality plans in our West Lothians most deprived communities). A common theme from this consultation is concerns around the impact this may have on people trying to access housing via other means than homelessness.

The Allocations Policy changes were sent out to all applicants on the council's housing list, staff, tenants, tenants panel, partners and stakeholders. The service held briefing and consultation sessions RSLs, Social Policy, Housing Offices, staff, tenants panel and tenants networks. The consultation lasted a full four months and concluded on 16<sup>th</sup> April 2020. The council consulted on proposals to increase points for vulnerable groups, homeless applicants, people living in Below Tolerable Standard, people experiencing overcrowding, medical needs, people forced to share, people seeking support. The council also consulted on increasing homeless applicants' choice to speed up the time to rehouse homeless applicants, review its transfer approach to award more new build housing to other groups. Overall, all suggestions were supported and relevant suggestions and areas of concern have been incorporated into the IIA.

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**7. Data and Information**

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

(Information can include, for example, surveys, databases, focus groups, in-depth interviews, pilot projects, reviews of complaints made, user feedback, academic publications and consultants' reports)

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

The following were referenced / consulted in the completion of this document and the RRTP:

Rapid Rehousing Transition Plan 2019-2024

<https://www.westlothian.gov.uk/media/31211/2018-12-18-West-Lothian-RRTP-First-Iteration-FinalDraft-pdf/RRTP.pdf?m=637063038965830000>

Homeless and Rough Sleeping Action Group Recommendations June 2018

<http://www.ghn.org.uk/publications/harsag/>

West Lothian Corporate Plan 2018 - 2023

[https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West\\_Lothian\\_Council\\_Corporate\\_Plan\\_2018-2023.pdf](https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf)

West Lothian Local Housing Strategy 2017-2022

<https://www.westlothian.gov.uk/article/9810/Policy-and-Strategies>

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**8. Mitigating Actions**

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

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

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

Through consultation it has been identified that there may be a negative impact on vulnerable groups due to the Transfer Led approach and high lets to homeless. We will monitor homeless applications to ensure there is no large increase in application because it is seen as quick route to housing. This will be monitored through the HL1 return to the Scottish Government. There will also be ongoing dialogue with the Tenants Panel and Homeless Housing Network Group for feedback on this issue. The increase in lets to the homeless group is not unlawful and the percentage lets to each group on the housing list will continue to be reviewed as the RRTP progresses with the aim of reducing these in 2021/22.

We seek to reduce the transfer led approach to 75% from 100% and will continue to monitor new build lets and secondary lets to ensure we are making best use of accommodation and offering housing to those most in housing need.

**9. Monitoring and Review**

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

Through annual reviews of the RRTP, Scottish Housing Annual Returns, ongoing performance management, ongoing monitoring of service delivery to tenants panel.

**DATA LABEL: Public**

<b>10. Recommendation and Reasoning</b>	
<input type="checkbox"/> Implement proposal with no amendments <input checked="" type="checkbox"/> Implement proposal taking account of mitigating actions (as outlined above) <input type="checkbox"/> Reject proposal due to disproportionate impact on equality, poverty and socioeconomic disadvantage  Reason for Recommendation	
<p>The council is confident that through monitoring of its RRTTP it can mitigate impacts against other vulnerable groups and the service is committed to seeking approval to reducing the Transfer Led approach to ensure more new build houses are allocated to those most in housing need.</p>	
<b>Signed by Lead Officer</b>	Katy McBride
<b>Designation</b>	Housing Needs Manager.
<b>Date</b>	11.11.20
<b>Counter Signature</b> (Head of Service or Depute Chief Executive responsible for the policy)	AnnMarie Carr
<b>Date</b>	11.11.20

- **Integrated impact assessment completed**
- **Final assessment must be published on the council website once the decision to implement has been agreed:**  
[Council EQIA Publication Page](#)
- **Link must be included in “Background References” section of committee/management reports**

**LABEL: PUBLIC**



**COUNCIL EXECUTIVE**

**PETITION - REQUEST FOR SPEED REDUCTION MEASURES IN FALSIDE, BATHGATE**

**REPORT BY HEAD OF OPERATIONAL SERVICES**

**A. PURPOSE OF REPORT**

The purpose of this report is to inform the Council Executive of the receipt of a petition from the residents in the Falside area, Bathgate. This petition was remitted to the Environment PDSP from the Council Executive at its meeting on the 18 August 2020.

**B. RECOMMENDATION**

It is recommended that the Council Executive approves that the Falside area in Bathgate continues to be monitored through the annual AIP programme and any accident trends or changes be analysed accordingly through this programme.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	<ul style="list-style-type: none"><li>• Focusing on our customers' needs; and</li><li>• Being honest, open and accountable;</li></ul>
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<b>Policy:</b> The council's procedures on dealing with petitions require that petitions are considered by the Council Executive. <b>Legal:</b> None
<b>III Implications for Scheme of Delegations to Officers</b>	None
<b>IV Impact on performance and performance Indicators</b>	None
<b>V Relevance to Single Outcome Agreement</b>	None
<b>VI Resources - (Financial, Staffing and Property)</b>	<b>Financial:</b> None <b>Staffing:</b> None. <b>Property:</b> None.
<b>VII Consideration at PDSP</b>	The report was approved at the Environment PDSP on the 10 November 2020.

**VIII Other consultations** None

**D. TERMS OF REPORT**

**Background**

- D1** A petition which has been signed by 92 people has been received by the council from residents in the Falside area of Bathgate.

The petition is titled "Petition to West Lothian Council from residents living in Falside Bathgate supported by Councillor Harry Cartmill. Speed reduction measures must be implemented to avoid a potentially serious road accident in our community where so many young children and older people live". This supporting document is attached in Appendix 1.

**D2 Assessment of the petition**

The Falside area in Bathgate consists of six residential streets, Falside Drive, Falside Terrace, Falside Crescent, Boghead Crescent, Hardhill Terrace and Robertson Avenue and is shown in Appendix 2. Construction was completed on the properties and streets in this residential area in the early 1950's.

The Falside area normally has a mandatory 30mph speed limit, however this speed limit has been temporarily reduced to 20mph. This area is accessed from Sibbalds Brae/Hardhill Road at its junction with Falside Drive. Sibbalds Brae and Hardhill Road is the route used by the public travelling from Bathgate to the south side of Armadale. This section of road has existing traffic calming features installed in the form of road cushions and pedestrian islands shown in Appendix 3.

The junction of Sibbalds Brae with Falside Drive has good visibility for all users due to the open space environment. There is also a pedestrian crossing guide at the junction to assist schoolchildren crossing the road during the school terms.

The councils' Accident Investigation and Prevention programme (AIP) is the mechanism used for casualty reduction in West Lothian. The AIP programme is based on international best practice as embodied in the RoSPA Road Safety Engineering Manual. At its core is the use of reported road injury accident data. The Road Traffic Act 1988 states that local authorities must investigate such accidents and take measures to prevent them from re-occurring. It is therefore not acceptable to use anecdotal reports of damage only accidents, near misses or even perceptions of safety problems as an alternative to the use of solid analysis of reported injury accidents.

To assess if there is an injury accident concern in the Falside area, accident records have been investigated for the latest five-year period (up to the 9 February 2020). The accident retrieval has confirmed that there have been no recorded injury accidents in the Falside area and therefore highlights that there are no accident trends or patterns that can be analysed.

### **D3 Consideration at the Environment PDSP**

At the Environment PDSP committee on the 10 November officers noted that they were mindful of the recent composite motion which was approved at full Council on the method of evaluating speed reducing measures. A verbal update was given at the PDSP as follows.

Police Scotland had advised that having considered their data, the Falside area of Bathgate had not been highlighted as an area of concern in relation to road traffic offences requiring additional enforcement or attention. They also confirmed that on a daily basis they carry out mobile patrols in marked and unmarked police vehicles in West Lothian to improve driver behaviour and reduce injury on Scotland's roads, through engagement and proportionate enforcement of legislation.

Officers also confirmed that a review of damage of roadside furniture over the last five years had been undertaken. This highlighted that there had been no reports of damage to non-illuminated bollards or guardrails, however there had been two reports of vehicle accident damage to a streetlighting column. These were two isolated incidents where the first was caused by a driver reversing into the lighting column and the second where a driver failed to apply their handbrake causing the vehicle to roll into and damage the lighting column. Speed was not a contributory factor in the damage to this asset.

### **D4 SUMMARY**

The council receives many requests for traffic calming speed reduction measures throughout West Lothian but has a limited casualty reduction budget that must be prioritised. The AIP programme aims to identify locations where engineering measures are likely to have the greatest impact on casualty reduction. The Falside area of Bathgate has never been identified as a site for concern through the AIP programme and a review of our injury accident database for the latest five-year period shows that there have been no recorded accidents in this area.

The councils' AIP programme is monitored annually and should the current situation change then this will be assessed to ensure that any increase in accident levels are considered within the context of the AIP programme.

### **E. CONCLUSION**

Based on the information contained within this report, there is no justification for the introduction of speed reducing measures in the Falside area at this time. However, it is recommended that the Falside area in Bathgate continues to be monitored through the annual AIP programme and any accident trends or changes be analysed accordingly through this programme.

## **F. BACKGROUND REFERENCES**

None.

### **Appendices/Attachments:**

Appendix 1 – Redacted petition received.

Appendix 2 – Falside area location plan.

Appendix 3 – Existing traffic calming screenshots.

Contact Person: Gordon Brown, Roads Network Manager tel: 01506 282340, e-mail:  
[gordon.brown@westlothian.gov.uk](mailto:gordon.brown@westlothian.gov.uk)

Jim Jack, Head of Operational Services, Whitehill House, Whitestone Place, Bathgate, West Lothian

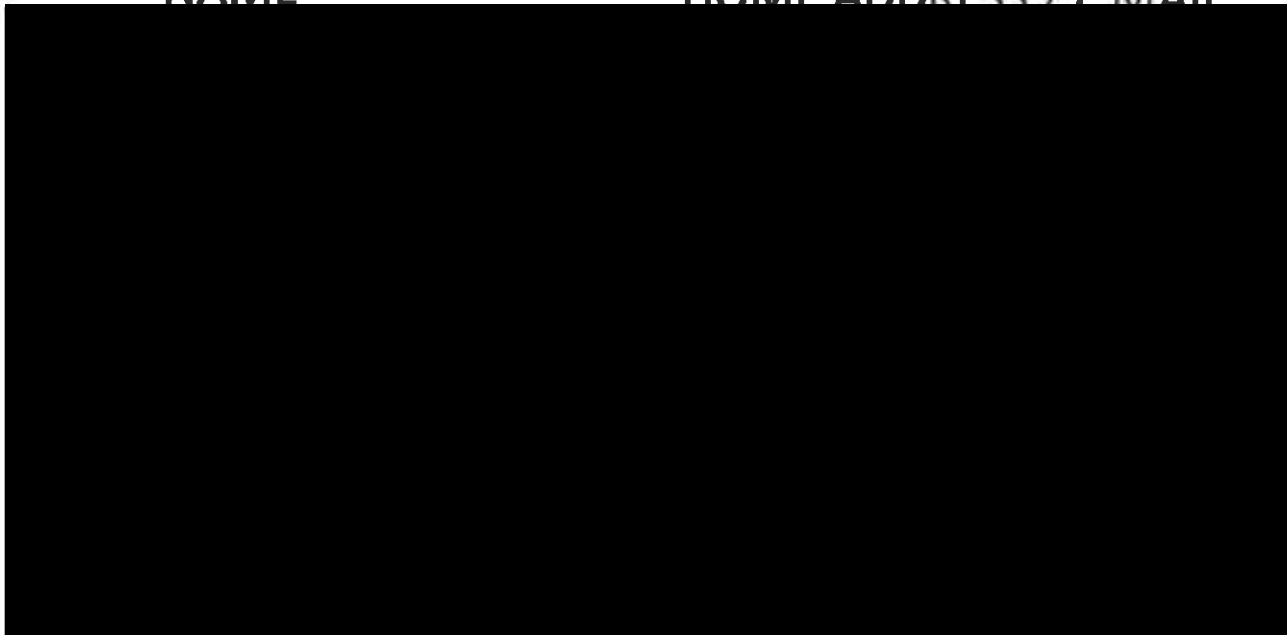
Date: 17 November 2020

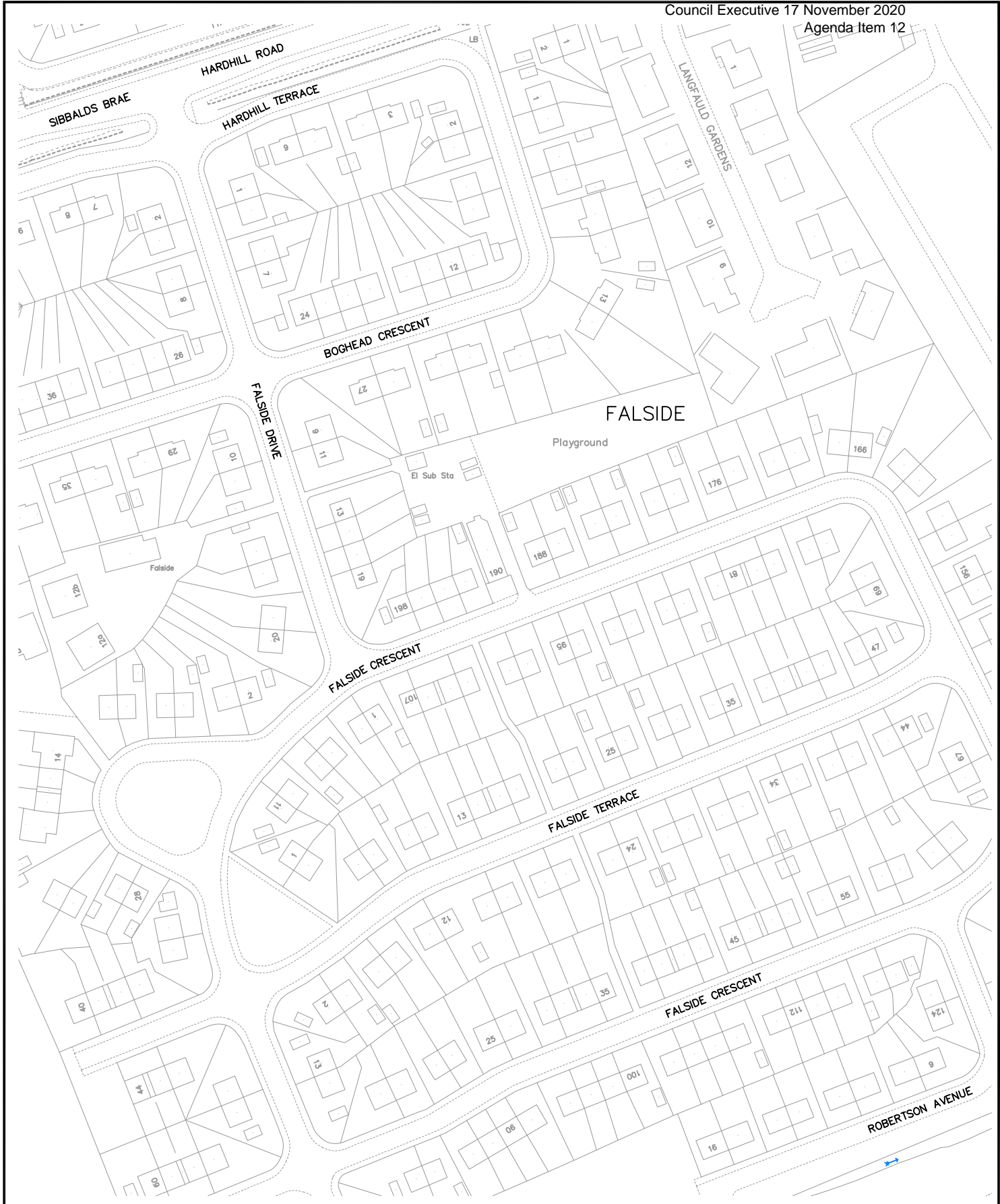
**PETITION TO WEST LoTHIAN COUNCIL FROM  
RESIDENTS LIVING IN FALSIDE BATHGATE SUPPORTED  
BY COUNCILLOR HARRY CARTMILL.**

**"SPEED REDUCTION MEASURES MUST BE  
IMPLEMENTED TO AVOID A POTENTIALLY SERIOUS  
ROAD ACCIDENT IN OUR COMMUNITY WHERE SO  
MANY YOUNG CHILDREN AND OLDER PEOPLE LIVE"**

**NAME**

**HOME ADDRESS / E MAIL**





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DATA LABEL: – Public

WEST LOTHIAN COUNCIL OPERATIONAL SERVICES		FALSIDE AREA IN BATHGATE LOCATION PLAN	
ROADS & TRANSPORTATION MANAGER WHITEHILL SERVICE CENTRE WHITEHILL INDUSTRIAL ESTATE BATHGATE EH48 2EP TEL : 01506 282351	TRANSPORTATION  ROAD SAFETY AND TRAFFIC MANAGEMENT	DATE: – NOV 2020	DRAWN BY: – GB
		SCALE: – NTS	CHECKED BY: – GM
		Drg. No.: – FALSIDE/D1	



Sibbalds Brae/Falside Drive Junction  
Traffic calming looking west



Sibbalds Brae/Falside Drive Junction  
Traffic calming looking east (Hardhill Road)



Pedestrian refuge island and traffic calming looking east on Hardhill Road

**LABEL: PUBLIC**



**COUNCIL EXECUTIVE**

**CONSULTATION RESPONSE TO SCOTLAND'S ROAD SAFETY FRAMEWORK TO 2030**

**REPORT BY HEAD OF OPERATIONAL SERVICES**

**A. PURPOSE OF REPORT**

The purpose of this report is to inform the Council Executive of the consultation that is being carried out by the Scottish Government in relation to Scotland's Road Safety Framework to 2030. The report suggests a Council response to the consultation questions.

**B. RECOMMENDATION**

It is recommended that the Council Executive notes the content of the Scotland's Road Safety Framework to 2030 consultation document and approves the proposed response detailed in Appendix 1.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	<ul style="list-style-type: none"><li>• Focusing on our customers' needs; and</li><li>• Being honest, open and accountable;</li></ul>
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<b>Policy:</b> None. <b>Legal:</b> None
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	None
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	<b>Financial:</b> None. <b>Staffing:</b> None. <b>Property:</b> None.

**VII Consideration at PDSP** The draft consultation response was approved by the Environment PDSP on the 10 November 2020.

**VIII Other consultations** None.

## **D. TERMS OF REPORT**

### **D1 Overview**

Scotland's new National Transport Strategy (NTS2), published in February 2020, sets out an ambitious and compelling vision for our transport system for the next 20 years and one that protects our climate and improves our lives.

The Strategy advocates a Vision for Scotland's transport system, that will help create great places – a sustainable, inclusive, safe and accessible transport system, helping deliver a healthier, fairer and more prosperous Scotland for communities, businesses and visitors.

The draft Road Safety Framework to 2030 has taken into consideration the above-mentioned government's ambitions as well as the overarching context in which road safety operates.

Road safety policy and delivery will play a pivotal role in supporting policies and priorities and can help achieve outcomes across a number of Strategic Priorities which are detailed in the background reference document.

This consultation exercise commenced on the 8 September 2020 and closes at midnight on the 1 December 2020.

### **D2 The Document's Content**

The consultation document covers the following key areas::

- A Vision for Scotland;
- Road Safety in Scotland and Beyond;
- Current and Emerging Challenges;
- Strategic actions; and
- Road safety performance management.

### **D3 Consultation Questions and Responses**

Appendix 1 highlights the questions asked by Transport Scotland and the suggested Council responses. (Questions are indicated in bold and responses in italics.) Upon approval, the approved response will be submitted using the Scottish Government's Consultation Hub, Citizen Space.

## **E. CONCLUSION**

It is recommended that the responses shown in Appendix 1 are submitted as the Council's formal response to the Scotland's Road Safety Framework to 2030. In doing so the Council's views will be considered prior to the final publication of the Framework.

## **F. BACKGROUND REFERENCES**

Scotland's Road Safety Framework to 2030 – Consultation document, website link:

[https://consult.gov.scot/transport-scotland/road-safety-framework-to-2030/user\\_uploads/425982\\_sct1219677072-001\\_sg-consultation-on-road-safety\\_final\\_web--1-.pdf](https://consult.gov.scot/transport-scotland/road-safety-framework-to-2030/user_uploads/425982_sct1219677072-001_sg-consultation-on-road-safety_final_web--1-.pdf)

### **Appendices/Attachments:**

Appendix 1 – Consultation questions with proposed formal responses on behalf of  
West Lothian Council.

Contact Person: Gordon Brown, Roads Network Manager tel: 01506 282340, e-mail:  
[gordon.brown@westlothian.gov.uk](mailto:gordon.brown@westlothian.gov.uk)

Jim Jack, Head of Operational Services, Whitehill House, Whitestone Place, Bathgate, West  
Lothian

Date: 17 November 2020

## APPENDIX 1- CONSULTATION QUESTIONS AND PROPOSED COUNCIL RESPONSES

### Is the vision set out for the next 10 years the right one?

No.

*The vision, as set-out, is too vague and more detail is required on how performance will be measured. Evidence shows that even within Scotland's overall good road safety record there are some casualty classes and user groups that suffer relatively poor casualty reduction performance. Perhaps a better vision would be 'Scotland's roads to be the safest in the world for all road users'.*

### Are the outcomes to deliver the vision the right ones?

Yes.

*The "five pillars" taken together should all contribute to a safer road system. There is however a significant cross-over between road use and speed, so arguably the pillars could be reduced to 4. It is important that 'funding and resources' are included in the five pillars and it is suggested this is included in the Safe Road Use pillar 'A safe system involves those who fund, manage and design'. Without appropriate, proportionate funding, improvements cannot be realised. This should be emphasised the pillars.*

#### Safe Road Use

*The Safe Road Use pillar description appears biased towards motorised vehicle road user behaviours. The description should highlight other high risk behaviours such as walking, cycling and horse-riding while using modern technical devices such as phones, watches, headphones. Encouraging active travel modes is laudable but is it road safety related? Perhaps a more apt contribution from the Road Safety Framework to encourage modal shift would be to promote safer vulnerable user facilities and infrastructure.*

#### Safer Roads and Roadsides

*Agree with most of the supporting statement for this pillar, however stating that a speed limit in itself will protect vulnerable road users is debatable. It is suggested this statement is removed or amended to say speed limits can be reduced where appropriate and give mention of supporting speed reducing measures where a stand-alone speed limit reduction is not appropriate.*

#### Safe Speeds – No adverse comment.

*Safe Vehicles* – Perhaps the importance of road maintenance in the effective use of emerging technologies should be mentioned in this section – e.g. in-vehicle lane warning systems using road markings, speed limit sign recognition, vehicle "close" proximity warning systems etc?

*Post-Crash Response* – This outcome is a positive addition to the Framework.

**Do you agree that the Safe System Approach is fundamental to the success of the Framework?**

Yes.

*A safe system approach recognises that for a system to improve, all parts of the system need to be scrutinised and treated equally. It also recognises that there can be many contributory factors involved in an accident and it is rarely possible to apportion blame to any single factor. It is reassuring, for those that advocate an evidence led, scientific based casualty reduction approach, that the Safe System approach closely aligns with the RoSPA road accident definition;*

*‘an accident is a rare random multi-factor event always preceded by a situation in which one or more road users have failed to cope with the road environment’.*

**Are the 12 key challenges for road safety, from Climate Emergency, Health to Emerging technologies and Post-crash response, the correct ones?**

Yes.

*These challenges appear to cover the road safety issues and problems that are present on the road network. It may be helpful to explicitly identify links to the five pillars because it looks like two different approaches to improving road safety.*

**Do you think the strategic actions will deliver the outcomes and address the identified challenges?**

No.

*From the supporting statements for each action, it is difficult to say whether these are the correct strategic actions to take forward with limited context or data provided to assess their potential contribution to casualty reduction and improving road safety. There needs to be demonstrable links with reported accidents and a detailed explanation of why these actions have been selected. What are the expected casualty reduction benefits of addressing these? This is important in terms of limited funding allocations and the need to ensure best value.*

*There does not appear to be any means suggested to measure the success or otherwise of these individual actions and their contribution to achieving the casualty reduction targets.*

**Are some of these actions more important than others?**

Yes.

*Funding - Without adequate funding across the whole network, the overall targets will be difficult to meet. Most road users cannot access the strategic road network without using local roads. The suggested possible centralised fund which will presumably require competitive bidding unlikely to be helpful. Ring fenced funding such as Cycling Walking Safer Streets, is preferable. Experience from active travel funding is that some authorities are better placed to take advantage of such bidding systems than others. Those with great resources, generally the cities, get more funds. Often staff resources are disproportionately high on the bidding and monitoring processes.*

Data – Although alternative sources of data are always welcome, there is no mention of STATS19 data under this heading.

*‘Climate change’ is considered to be an action that, although very important in a wider transport context, is perhaps not important in terms of road safety. Addressing this action appears to have limited potential direct impact on reducing casualties and therefore improving road safety. Experience suggests that accidents due to climate change have not increased in any significant way, so why has this been selected as a strategic action that presumably will result in valuable, diminished resources being dedicated to investigating?*

### **What are your views on the proposed 2030 Interim Targets?**

*The targets have been derived through commissioned research, which considers and builds on the previous research used to inform the setting of the 2020 framework targets. This gives confidence that the targets have been carefully selected using the latest available data, techniques and technology and are realistically achievable.*

### **Do you think that the Intermediate Outcome Targets and Key Performance Indicators are appropriate to monitor the progress towards the 2030 Interim Targets?**

No.

*The intermediate outcome targets seem to be good measures of progress and there is some reasoning behind their adoption in the report produced for Transport Scotland by Agilisys.*

*The majority of the suggested KPIs appear to be appropriate and measurable, as confirmed in the supporting report. However, there are some KPIs proposed in the consultation document that the report recommended not to use, some that have been altered and some that are of questionable value.*

*For example, a suggested KPI is ‘Percentage of riders of powered two wheelers and bicycles wearing a protective helmet’ It was recommended not to use this KPI as helmet wearing for powered two wheel users is almost universal. Bicycle helmet wearing was added to the KPI but is not mandatory and measuring this in any meaningful way then linking this to casualty reduction seems to be very difficult.*

*The proposed KPI ‘Percentage of vehicle occupants wearing a seatbelt or child restraint system correctly’ is of questionable value as it combines two different issues. Seatbelt wearing appears from the data supplied to be almost universal, so any changes will be small and presumably within error margins when extrapolated to the network. There is no measure currently taken or proposed for correctly fitted child seats, which is recognised to be a problem. The surveys used for seatbelt wearing cannot determine whether a child seat is correctly fitted, only if it is used.*

*It was recommended that the proposed KPI ‘Time elapsed in minutes and seconds between the emergency call following a collision resulting in personal injury and the arrival at the of the emergency services’ is not used due to difficulties measuring this accurately and linking to accident severity targets.*

**Do you think that the proposed Governance Structure is appropriate?**

Yes.

*The continuance and expansion of a tiered approach is welcome, but it would be useful to accommodate at least one expert member of the Strategic Partnership Board to ensure a detailed understanding of the issues and actions. It is good that governance is proposed to extend to a local level however, there is an assumption that local road safety groups are set up across the country, which isn't the case. To overcome this, representatives from each local authority, trunk road unit, safety camera unit and road policing unit (local and trunk) should be included in any local forum membership. Perhaps using the existing Local Transport Partnership area boundaries could be a starting point for group membership. Alternatively, with the expansion of remote meeting capability, groups based on similarity of road network / road safety problems rather than geographic proximity could be formed.*

**Would road safety performance be improved across Scotland as a result of systematically sharing information and best practice between local authorities and/or local/regional partnerships through the Local Partnership Forums?**

Yes.

*Formalising opportunities to share what works and what does not, based on experience, can only be positive. It is important that experiences from practitioners are also communicated upwards to the Operational Partnership Group and Strategic Partnership Board.*

**In your opinion what aspects of road safety work well at the moment?**

*National campaigns - Road Safety Scotland has for a number of years provided evidence led and evaluated educational and promotional campaigns. It is important that this continues at a national level.*

*Most road safety engineering professionals have attended the RoSPA Road Safety course to gain a grounding in accident investigation and prevention techniques including best practice. This has ensured that the application of road safety best practice is common and consistent around the country.*

*Engineering Institutions are active in promoting best practice in road safety engineering.*

**What practical actions would you like to see taken to encourage and promote these aspects?**

*A co-ordinated effort to bring back AIP courses to Scotland would be very beneficial.*

*Bringing other road safety and auditing courses to Scotland to reduce costs, such as the certificate of competency courses would be useful in maintaining the required CPD level of practitioners in Scotland.*

**In your opinion what aspects of road safety do not work well in general and as a result of Covid-19?**

*Road safety education and promotion has suffered in recent times due to budget reductions in most authorities and in many, there is no provision. In the past former regional police forces provided this function but this was removed with the formation of Police Scotland. There is a marked disconnect between education/policy and engineering. The excellent output of Road Safety Scotland is in many cases not delivered effectively or in some cases, not at all.*

*Through a variety of factors including retirements, succession planning, lack of replacement and reduction in budgets, it is becoming more difficult to support independent road safety audit teams or a qualified road safety engineering resource. These are essential to the discharge of statutory duties under the Road Traffic Act 1988 and therefore this is a concern.*

**What practical actions would you like taken to overcome these aspects?**

*Directly funded or ring-fenced road safety officer posts in local authorities to link education and encouragement with engineering and enforcement.*

*Industry wide, as road safety practitioners retire and leave the profession, there is a lack of qualified replacements and funding to train new practitioners. A co-ordinated effort to bring back AIP courses to Scotland would be useful.*

*Encouraging collaboration by sharing of resources and skills, between authorities involving Transport Scotland and operating companies.*

**END**

DATA LABEL: PUBLIC



## **COUNCIL EXECUTIVE**

### **RESPONSE TO "CONSULTATION ON FREE BUS TRAVEL FOR PEOPLE RESIDENT IN SCOTLAND AGED UNDER 19"**

#### **REPORT BY HEAD OF OPERATIONAL SERVICES**

##### **A. PURPOSE OF REPORT**

The purpose of this report is to advise Council Executive of a formal consultation by the Scottish Government seeking the view of the council on the introduction of a new statutory concessionary travel scheme providing free bus travel for young people resident in Scotland aged under 19 and seek approval on the proposed response.

##### **B. RECOMMENDATION**

It is recommended that Council Executive;

1. Notes on the Scottish Governments proposals for the introduction of the under 19s concessionary travel scheme;
2. Approves the proposed response to the consultation document as set out in Appendix 1.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; making best use of our resources; working in partnership.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The proposed scheme would be a national statutory scheme provided by the Scottish Government.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	None

<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	It is unknown at this stage whether the scheme will have a financial impact on the council.
<b>VII</b>	<b>Consideration at PDSP</b>	Development & Transport PDSP on 10 November 2020.
<b>VIII</b>	<b>Other consultations</b>	Financial Management Unit

## **D. TERMS OF REPORT**

### **D.1 Overview**

The Scottish Government is consulting on proposals for a new statutory national concessionary travel scheme providing free bus travel for young people resident in Scotland aged under 19. It is anticipated that legislation to underpin the scheme would be required to be laid in the Scottish Parliament in early 2021 and the scheme would come into effect later in 2021.

The consultation document states that there are approximately 770,000 people under 19 resident in Scotland who would be eligible for the new scheme. As children under 5 are already eligible for free bus travel as a widespread practice across the bus industry the proposed scheme would result in all young people travelling for free on eligible bus services until their 19<sup>th</sup> birthday. By providing free bus travel to persons aged under 19, the Scottish Government are seeking to improve their access to education, training and employment and to embed positive sustainable travel behaviours.

The Scottish Government have indicated that the intention would be for bus services eligible for the scheme to mirror those services eligible for the existing National Concessionary Travel Scheme (NCTS) for those ages over 60 or with a disability. This would mean that services operating wholly within Scotland that are a registered local service or a scheduled bus or coach service which runs at least once a week advertised to the public are eligible for the under 19s scheme proposal.

The main question areas within the consultation are as follows:

- Advantages and disadvantages of the scheme
- Delivery options
- Reimbursement and financial implications
- Other considerations

The consultation document was published on 26 October 2020 and can be found at <https://consult.gov.scot/transport-scotland/consultation-free-bus-travel-for-people-under19/>. The consultation is open for six weeks with responses to be submitted by Monday 7 December 2020.

## **D.2 Advantages and Disadvantages of the Scheme**

The consultation document outlines the objectives of the proposal as:

- Opening up social, educational, employment or leisure opportunities in line with the National Transport Strategy (NTS) priorities to improve health and wellbeing and deliver inclusive economic growth
- Reducing household outgoings to aid children, particularly those living in poverty, in line with the NTS priority to reduce inequalities.

The consultation seeks views on whether the introduction of the scheme will contribute to these objectives by increasing opportunities and reducing inequalities.

## **D.3 Delivery Options**

The Scottish Government have confirmed that it is intended to base the under 19 free bus travel scheme on the administrative processes that underpin the current NCTS for Older and Disabled Persons in order to minimise additional burdens on bus operators, Local Authorities and other key stakeholders. Similarly, it is also intended to facilitate access to free travel by providing smart cards to all eligible people aged between five and 18. Children under five would be able to travel free without identification, in line with current general commercial practice.

Utilising a smart card option will assist the Scottish Government in managing payments, including minimising fraud, by allowing monitoring of anonymised card usage data. It would also allow journey patterns and usage to be analysed to evaluate the impact of the scheme on objectives.

The consultation document recognises the need to carefully consider the implications for child safety as a result of the introduction of the scheme. Early considerations include setting an age below which access to the scheme would have to be authorised by parents or guardians and seeks views on the appropriateness of this measure.

## **D.4 Reimbursement and Financial Implications**

Similar to the NCTS currently in place, bus operators will be reimbursed for carrying passengers under the proposed under 19s scheme. This would involve calculation on the basis of an adult single fare for each eligible journey, weighted to take account of a range of factors specific to the anticipated travel patterns of under 19s using the scheme and the fares which they would pay were the scheme not in place. The Scottish Government have committed to reviewing the impact of the scheme and usage after the first year of operation.

The consultation seeks views on the potential increase or reduction of costs for bus companies, public bodies, third sector organisations or businesses.

## **D.5 Impact on West Lothian**

Unfortunately, due to a lack of available data, it is difficult to understand the local context of the proposed scheme however it is believed that the proposed scheme will increase opportunities for young people where the cost and availability of travel options is a barrier to accessing social, educational, employment or leisure activities.

Information on the number of child tickets sold on existing commercial services is not readily available therefore it is difficult to ascertain the potential financial benefits of the scheme. Similarly, it is not possible to separate out adult tickets purchased by young people ages 16-18 years who would be covered by the new scheme.

In terms of home to school transport, the council currently operates a fully dedicated school transport model meaning that entitled pupils travel on contracted 'closed' school routes rather than being provided a travel pass for a commercial local bus service. As a result, the introduction of this scheme will not have any direct impact on school transport provision however the scheme would potentially provide travel solutions for after school activities or classes where transport is not provided as part of the current Home to School Transport policy.

Additionally, as fare paying routes within West Lothian are unregistered they are not classed as eligible bus services within the proposed scheme. This means that non-entitled pupils wishing to travel on fare paying routes will continue to require to purchase a weekly ticket with this income retained by the council.

As with previous considerations on concessionary travel schemes, it should be noted that free bus travel is only beneficial where an available bus service exists. The full impact of the COVID-19 pandemic on local bus services and what future public transport networks will look like is unknown. Any reduction in local commercial services may reduce the support and assistance to passengers intended through the scheme.

## **D.6 Proposed Response**

The consultation question set and proposed council response is contained within appendix 1.

The response states the view that the scheme will increase opportunities for young people and contributes towards reducing, in particular, financial inequalities. However, consideration should be given to any adverse use of free travel which may deter others from using services.

The response also advises that a smart card solution would be appropriate for the scheme and that applications for children under the age of 16 should require to be approved by a parent or guardian along with additional measures to safeguard children and young people travelling on services.

The financial implications for the scheme cannot be fully understood without further information on reimbursement rates and the correlation of the scheme to arrangements for home to school transport provision. Similar to the NCTS for older and disabled people, the scheme should not create additional costs for bus operators and local councils.

#### **D.7 Consideration at PDSP**

The report was considered at Development and Transport PDSP on 10 November 2020. Consideration was given to potential consequences of the scheme when those currently eligible reach age 19 and above and therefore then require to pay for travel and whether this would encourage young adults to purchase a vehicle at this age.

Consideration was also given as to whether it would be more beneficial to provide a concession rather than free travel.

#### **E. CONCLUSION**

The Scottish Government is seeking council views on the proposed introduction of a new concessionary travel scheme providing free bus travel for those aged under 19. The introduction of the scheme will increase opportunities for young people however further information is required to understand the full financial impact on the council and bus companies in particular relating to home to school transport provision. Additionally, consideration must be given to ensuring sufficient measures are in place to safeguard children and young people.

#### **F. BACKGROUND REFERENCES**

Consultation of Free Bus Travel for people resident in Scotland ages under 19  
<https://consult.gov.scot/transport-scotland/consultation-free-bus-travel-for-people-under19/>.

Appendices:

Appendix 1 – Consultation Questions and Proposed Response

Contact Person: Nicola Gill, Interim Public Transport Manager, Tel: 01506 282317,  
Email: nicola.gill@westlothian.gov.uk

**Jim Jack**

**Head of Operational Services**

**17 November 2020**

## Appendix 1 – Consultation Questions and Proposed Response

Number	Consultation Question and Response
1	<p><b>Do you think extending national concessionary travel to include free bus travel for under 19s in Scotland will contribute towards our objectives to increase opportunities and reduce inequalities?</b></p> <p>Yes, this scheme will increase opportunities for young people where the cost and availability of travel options is a barrier to accessing social, educational, employment or leisure opportunities. This scheme will also reduce inequalities, in particular financial inequality, by ensuring free access to bus services for those entitled.</p>
2	<p><b>Do you think there are any disadvantages to introducing free bus travel for under 19s in Scotland?</b></p> <p>The implementation of scheme may have an unintended consequence on those services and/or journeys which operators feel are borderline in terms of commerciality. Should the implementation of the scheme result in these services or journeys being removed as they are no longer commercially viable this would reduce the availability of services for passengers. This is particularly significant in more rural areas where bus services are fewer and less frequent potentially increasing inequality.</p>
3	<p><b>Should a smart card, such as the widely used Young Scot card, be used to establish eligibility for free bus access?</b></p> <p>Yes, a smart card such as the Young Scot card would be an appropriate mechanism to administer the scheme.</p>
4	<p><b>Should children under a certain age need to have their application for a travel card approved by a parent or guardian?</b></p> <p>Yes, in order to ensure appropriate measures for safeguarding children applications for children under a certain age should require to be approved by a parent or guardian.</p>
5	<p><b>If you answered ‘yes’ to question 4, at what age should parental or guardian approval be required?</b></p> <p>Children below 16 years of age.</p>
6	<p><b>Are there any likely impacts the proposals contained within this Consultation may have on particular groups of people, with reference to the ‘protected characteristics’ listed above? Please be as specific as possible.</b></p> <p>It is not felt that the proposed scheme would have any impacts on groups of people with protected characteristics however any impact assessment carried out by the Scottish Government should reflect lessons learned through operation of the current over 60s and disabled scheme so that all processes associated with the new proposed scheme are accessible to all groups.</p>
7	<p><b>Do you think the proposals contained within this Consultation may have any additional implications on the rights, wellbeing and safety of children and young people? Please be as specific as possible.</b></p> <p>It is not felt that the proposals will have additional implications on the rights of children and young people.</p> <p>Although there are many positive outcomes from providing free travel for children and young people consideration must be given to the implications on safety and wellbeing. It should be considered if free bus travel could encourage young children</p>

	to travel unaccompanied or without parental knowledge and whether there is a requirement to have an age restriction for young children travelling alone. Additionally, consideration should also be given to any support or training requirements for bus companies and drivers to identify and safeguard children where there is concern.
8	<p><b>Do you think the proposals contained in this Consultation are likely to increase or reduce the costs and burdens for bus companies, public bodies, third sector organisations or businesses? Please be as specific as possible.</b></p> <p>Local Authorities: Although there is a potential for reducing costs where local authorities purchase tickets on commercial services for home to school transport the structure of this differs across Scotland. For example, some local authorities where there is entirely dedicated school transport will not see a change in costs as a result of the introduction of the scheme. Conversely, where local authorities currently rely on income from fare paying pupils, the scheme may result in a cost pressure should that income be removed without a variation to contract costs.</p> <p>Given this, any consideration of financial impacts or changes would need to reflect variances across local authorities and would require to retain the flexibility councils currently have to determine the most appropriate local home to school transport structure for the area.</p> <p>The consultation document does not provide information on how the proposed scheme will interact with council's statutory requirement for providing home to school transport provision. The financial implications for the scheme cannot be fully understood without further information on the correlation of the scheme to arrangements for home to school transport.</p> <p>It is not anticipated that costs for other areas of young people transport will be affected by the introduction of the scheme however it may increase the available options and support in place for key group such as young carers etc.</p> <p>Bus Companies: The agreed reimbursement rate will be the determining factor for either increasing or reducing the cost and burden to bus companies. In order to ensure no detrimental impact on bus companies a 'no better, no worse off' approach should be taken in line with the over 60s travel concessions scheme.</p> <p>However, consideration should be given to the potential impact on commercial services in particular specific journeys where the commerciality is solely dependent on young people travelling for school transport for example. If these journeys were no longer commercially viable the operators may remove them resulting in local authorities requiring to contract services at an additional cost.</p>
9	<p><b>Are there any other issues you wish to raise which are not covered in the points or questions elsewhere in this Consultation?</b></p> <p>It should be noted that free bus travel is only beneficial where an available bus service exists. The full impact of the COVID-19 pandemic on local bus services and what future public transport networks will look like is unknown. In order for the scheme to provide the support and assistance intended it is important that local bus provision is available to communities.</p>



DATA LABEL: PUBLIC



**COUNCIL EXECUTIVE**

**LOCAL BUS FESTIVE SERVICES**

**REPORT BY HEAD OF OPERATIONAL SERVICES**

**A. PURPOSE OF REPORT**

The purpose of this report is to advise Council Executive of the outcome of a recent tender and contract variation process relating to Local Bus Festive Services and agree to the award of the festive local bus network.

**B. RECOMMENDATION**

It is recommended that Council Executive:

1. Note the proposed festive local bus network outlined in Appendix 2;
2. Note the available budget and cost of proposed services;
3. Agree to the award of contracts for the festive local bus network.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; making best use of our resources; working in partnership.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The council has a policy of supporting public transport services where resources permit. The Transport (Scotland) Act 1985 states that it is the duty of the council, in exercising their power, to conduct themselves as not to inhibit competition in the commercial market.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	The council has a target PI for Public Transport of having 90% of residents with access to an hourly or better daytime service Monday to Saturday. Services on Festive dates do not contribute to this PI.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	The local bus network contributes to a number of outcomes by connecting communities with services and employment.

<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	The approved Public Transport budget for 2020/21 is £9.72 million. The budgeted cost for Festive Services is £42,000.
<b>VII</b>	<b>Consideration at PDSP</b>	Development and Transport PDSP on 10 November 2020.
<b>VIII</b>	<b>Other consultations</b>	Financial Management Unit

## **D. TERMS OF REPORT**

### **D.1 Background**

The council has historically provided an additional level of local bus provision on Christmas Day, Boxing Day, 1 January and 2 January holidays as commercial services generally do not operate on these dates. The contracted service level provided on these dates has therefore been a reduced level of the commercial network, operating approximately between 0700 hrs and 1800 hrs.

Appendix 1 provides a summary of the services that were designed, tendered and operated during the Festive period 2019. This was a 'hybrid' approach where officers designed services using a basis of the commercial market however amended and joined services to ensure as wide a coverage as possible.

It should be noted that in 2019 Lothian Country operated some services commercially on 2 January therefore the council was not required to contract services on this date.

### **D.2 2020 Approach**

In light of the COVID19 pandemic, for 2020 festive services consideration requires to be given to what level of services are subsidised by the council. Currently, the Scottish Government has stated that Public Transport should only be used for essential journeys therefore it would not be appropriate for the Festive network to be designed around social and leisure needs as it has done previously. Therefore, officers have based the approach for 2020 services around essential travel to access health care with available journeys for travelling to other work locations.

The 2020 Festive network has been concentrated on St John's Hospital as a key component in this service design. Service level on a Sunday has been targeted as this is arguably the closest reflection of the commercial network that could be operated on a 2 hourly frequency for these festive dates

The services that operate through St John's Hospital site on a Sunday are a mix of both council supported and commercial services. For the existing commercial services, the council is required to conduct a tender process to seek prices for providing these services.

The cost of providing these options will largely dictate what level of service can be provided, however, it is important that the council does not provide a better level of service on festive dates than that of a normal Sunday timetable.

For the supported services, the council can vary the existing contracts to provide additional service on festive dates. Operators are not obligated to accept this variation as it may not be financially viable (i.e. costs too much to open full depot for 1 service) and therefore the council would be required to tender one off contracts for replacement services if necessary.

### **D.3 Tender Process and Contract Variation Outcome**

Discussions have taken place with operators to seek prices and agreement for contract variations for subsidised services for the festive dates. The proposed services and areas of coverage are contained within Appendix 2.

Additionally, a tender exercise was undertaken for identified commercial services and subsidised routes where agreement on a contract variation could not be reached. The proposed services, 1<sup>st</sup> ranked operator and areas of coverage are also contained within Appendix 2.

Similar to 2019, Lothian Country have confirmed that they will be operating commercial services on 2 January 2021 therefore the council's Local Bus Festive Services contract will not include this date.

Based on the recommended contract variations and outcome of the tender process areas not served by the proposed festive network are as follows:

- Breich
- Westfield

This is consistent with previous festive networks.

### **D.4 Financial Implications**

The budgeted cost for Local Bus Festive Services for 2020 is £42,000. The cost for providing the services outlined in Appendix 2 is £41,955 therefore there is sufficient budget to provide this service.

### **D.5 Consideration at PDSP**

The report was considered at Development and Transport PDSP on 10 November 2020. Concern was raised regarding the proposed frequency in comparison to previous years and the requirement to ensure that public transport is available for people travelling to and from work on the 4 festive dates. Consideration was also given to the requirement to balance the needs of safety alongside safety measures required due to the pandemic.

**E. CONCLUSION**

The council is required to consider services for local bus services on the festive dates for 2020. Following the Scottish Government travel advice, public transport should only be used for essential travel therefore a festive network has been designed around routes serving St John's Hospital. Contractual arrangements have been concluded and proposed services can be met within the available budget.

**F. BACKGROUND REFERENCES**

None

Appendices:

Appendix 1 – Summary of 2019 Festive Services

Appendix 2 - Tender Process and Contract Variation Outcome

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Email: nicola.gill@westlothian.gov.uk

**Jim Jack**

**Head of Operational Services**

**17 November 2020**

Appendix 1 – Summary of 2019 Festive Services

<b>Service Number *</b>	<b>Description of Routes</b>	<b>Days of Operation</b>	<b>Frequency (approximate operating hours)</b>
217	Fauldhouse – Edinburgh via Bents, Loganlea, West Calder, Livingston, Howden, St John’s Hospital, Ladywell, Pumpherston, Uphall & Broxburn.	25 December & 1 January	2-hourly (8am - 6pm)
		26 December	Hourly (7am – 7pm)
X18	Fauldhouse – Edinburgh via Whitburn, Armadale, Bathgate, Dechmont, Uphall & Broxburn.	25 December & 1 January	2-hourly (9am - 6pm)
		26 December	Hourly (7am – 8pm)
280	Blackridge – Livingston via Armadale, Bathgate Deans, South, Ladywell & St John’s Hospital.	25 December & 1 January	2-hourly (8am - 6pm)
		26 December	Hourly (7am – 8pm)
287	Bathgate – Livingston via Wester Inch, Blackburn, Livingston Village & St John’s Hospital	25 December & 1 January	2-hourly (9am - 6pm)
		26 December	Hourly (8am – 6pm)
X27	Whitburn – Edinburgh via Blackburn, Seafield, Eliburn, Ladywell, St John’s Hospital, Howden, Livingston Centre, Dedridge West, Dedridge East, Mid Calder, East Calder & Wilkieston.	25 December & 1 January	2-hourly (10am - 5pm)
		26 December	Hourly (7am – 8pm)
X28	Bathgate – Edinburgh via Deans North Knightsridge, Ladywell, St John’s Hospital, Craigshill, Livingston Centre, Dedridge East, Mid Calder, East Calder & Kirknewton.	25 December & 1 January	2-hourly (9am - 6pm)
		26 December	Hourly (7am – 8pm)
X38	Linlithgow – Edinburgh via Bridgend, Winchburgh & Kirkliston.	25 December & 1 January	2-hourly (11am - 5pm)

## Appendix 2 –Tender Process and Contract Variation Outcome

### Variation to Contracted Services:

<b>Service Number</b>	<b>Operator</b>	<b>Route Description</b>	<b>Frequency</b>	<b>Approximate hours of operation</b>
26	First Group	Livingston North Station – Bathgate via Howden, Livingston Centre, Polbeth, West Calder, Addiewell, Stoneyburn, Bents, Fauldhouse, Longridge, Whitburn & Birniehill	2-hourly	0800-1800
600	First Group	Whitburn – Kirkliston via Blackburn, Seafield, Kirkton Campus, Livingston Centre, Deer Park, Uphall, Broxburn & Winchburgh	2-hourly	0800-1700

### Tendered Services:

<b>Service Number</b>	<b>1<sup>st</sup> Ranked Operator</b>	<b>Route Description</b>	<b>Frequency</b>	<b>Approximate hours of operation</b>
X27	Lothian Country	Whitburn – Edinburgh via Blackburn, Seafield, Ladywell, St John's Hospital, Howden, Livingston Centre, Dedridge, Mid Calder, East Calder & Wilkieston	2-hourly	0700-1900
X28	Lothian Country	Bathgate – Edinburgh via Deans North, Knightsridge, St John's Hospital, Craigshill, Livingston centre, Mid Calder, East Calder, & Kirknewton	2-hourly	0600-2000
275	Lothian Country	Bathgate Railway Station – Broxburn via Wester Inch, Blackburn, Seafield, Kirkton Campus, Livingston Centre, Howden, St John's Hospital, Ladywell, Pumpherston & Uphall	2-hourly	0700-1900
280	Lothian Country	Blackridge – Livingston Centre via Armadale, Bathgate, Deans South, Deans North, Ladywell, & St John's Hospital	2-hourly	0700-2100
31	Lothian Country	Bathgate – Livingston Centre via Torphichen, Linlithgow, Springfield, Philpstoun, Bridgend, Threemiletown, Ecclesmachan, Uphall Dechmont & St John's Hospital	2-hourly	0800-2000

DATA LABEL: OFFICIAL – PUBLIC



## **COUNCIL EXECUTIVE**

### **AFFORDABLE HOUSING DELIVERY UPDATE**

#### **REPORT BY HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES**

##### **A. PURPOSE OF REPORT**

The purpose of this report is to update Council Executive on various initiatives to increase the supply of affordable housing in West Lothian. The report also provides an update on the likely impact of the COVID-19 Pandemic on both the timescale for delivery and completion of the Council's 3,000 Affordable Houses programme.

##### **B. RECOMMENDATION**

It is recommended that Council Executive:

1. Notes the progress being made on delivering 3,000 affordable homes in West Lothian over the period 2012-2022;
2. Notes the estimated delay to the affordable housing programme due to the COVID 19 Pandemic;
3. Approves the replacement sites in Bathgate to accommodate 82 units following the Council Executive decision to remove Guildiehaugh from the council new build programme.

##### **C. SUMMARY OF IMPLICATIONS**

- |   |  |
|---|--|
| <b>I Council Values</b>   | <ul style="list-style-type: none"><li>• Focusing on our customers' needs;</li><li>• Being honest, open and accountable;</li><li>• Providing equality of opportunity;</li><li>• Making best use of our resources; and</li><li>• Working in partnership.</li></ul> |
| <b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b> | <p>The policy of supporting the delivery of affordable housing is covered in the West Lothian Local Housing Strategy. Environmental and equality assessments will be carried out as appropriate.</p>   |
| <b>III Implications for Scheme of Delegation to Officers</b>  | <p>None.</p>   |
| <b>IV Impact on performance indicators</b>  | <p>None.</p>   |
| <b>V Relevance to Single Outcome Agreement</b>  | <p>Our economy is diverse and dynamic and West Lothian is an attractive place to do business.</p>  |

We live in resilient, cohesive and safe

communities.

We make the most efficient use of our resources by minimising our impacts on the built and natural environment.

**VI Resources - (Financial, Staffing and Property)**

The Housing Capital Programme 2020/21 to 2022/23 approved by West Lothian Council on 23 June 2020 approved £60.059 million for the New Build Council Housing Programme.

Scottish Government grant of £17.271 million will be available to support the delivery of affordable housing in West Lothian over the next two years. The Resource Planning Assumptions are £3.120 million for 2020/21 and £14.151 million for 2021/22.

**VII Consideration at PDSP**

None.

**VIII Other consultations**

Finance and Property Services; Legal Services; Planning & Transportation

**D. TERMS OF REPORT**

**D.1 Background**

The approved West Lothian Housing Strategy 2017 - 2022 recognises the need to increase the supply of affordable housing in West Lothian to meet need and demand. Included within the strategy is a target of 3,000 affordable homes being provided in West Lothian over the 10-year period to 2022.

The council's Corporate Plan 2018 to 2023 commits the council to increasing the number of affordable homes through the New Build Council Housing Programme and working in partnership with Registered Social Landlords (RSLs).

**D.2 Progress towards meeting the 3,000 affordable homes target**

Since the start of 2012/13 to the end of Quarter 2 2020/21, 2,190 affordable homes have been built and/or acquired. A breakdown is provided in Table 1 overleaf:

**Table1**

	<b>Completed</b>	<b>Planned</b>	<b>Total</b>
<b>West Lothian Council:</b>			
Phase 2 New build	535	0	535
Phase 3 New build	896	32	928
Phase 4 New build	30	219	249
Loans Fund New build	0	62	62
Other New Build	32	33	65
Open Market Acquisitions	196	75	271
<b>WLC Sub Total</b>	<b>1689</b>	<b>421</b>	<b>2,110</b>
<b>RSL:</b>			
New build	484	421	905
Open Market Acquisitions	17	0	17
<b>RSL Sub Total</b>	<b>501</b>	<b>421</b>	<b>922</b>
<b>Overall Total</b>	<b>2,190</b>	<b>842</b>	<b>3,032</b>

Table 1 illustrates that the majority of the affordable homes provided in West Lothian since 2012/13 have been provided by the council. However, the approved West Lothian Housing Strategy 2017-22 highlights the opportunity for other housing providers to make a greater contribution to affordable housing delivery over its five-year period. The total completed new affordable houses represents 73% of the overall target of 3,000.

Included in the table above are 32 units being delivered across two sites at Pumpherston and Deans, both of which are specialist provision but will attract Scottish Government grant funding and will be additional stock.

Table 2 below estimates the likely number of completed units on the overall programme by March 2022:

**Table 2**

	<b>Completed</b>	<b>Scheduled for completion by March 2022</b>	<b>Total</b>
<b>West Lothian Council:</b>			
Phase 2 New build	535	0	535
Phase 3 New build	896	32	928
Phase 4 New build	30	137	167
Loans Fund New build	0	20	20
Other New Build	32	33	65
Open Market Acquisitions	196	75	271
<b>WLC Sub Total</b>	<b>1689</b>	<b>297</b>	<b>1986</b>
<b>RSL:</b>			
New build	484	324	808
Open Market Acquisitions	17	0	17
<b>RSL Sub Total</b>	<b>501</b>	<b>324</b>	<b>825</b>
<b>Total</b>	<b>2,190</b>	<b>621</b>	<b>2,811</b>

Whilst the 3,000 units are expected to either be completed, under construction or have contracts awarded, the impact of the COVID-19 pandemic has affected the timescales for affordable housing delivery throughout Scotland and the above table illustrates the scale of the shortfall. At present, West Lothian Council is projected to complete approximately 94% of the original portion of the overall total (1,986 from 2,110) with the RSL community delivering 89% of its share. The overall programme is projected to complete 94% of the target 3,000 units by March 2022, with the remaining 6% complete by Summer 2023.

Additional financial challenges, in terms of construction price inflation and supply chain may also impact on overall project affordability. Tender cost inflation has been accommodated within the current budgets but the long-term effects are difficult to measure at present. Based on current financial assumptions, there remains a risk in the projected affordability in delivering the full council programme due mainly to higher estimated costs for the alternative sites at Bathgate and this is set out in section D.6 of this report.

### D.3 Affordable homes currently under construction

Affordable homes are currently under construction at nine sites across West Lothian. Three of the sites are part of the council's new build programme with the remaining six being developed by RSL's. A total of 290 houses are under construction. All sites ceased operations on 23 March 2020, on account of emergency legislation to safeguard the UK against the spread of the COVID-19 Pandemic. However, all developments have recommenced and revised completion dates have been identified.

A breakdown of the sites is provided in Table 3:

**Table 3**

Site	Housing Provider	No. of Units	Est. Compl.
Bathville Cross, Armadale	WLC	3	2020/21
Brucefield, Livingston	WLC	16	2020/21
Standhill, Bathgate	WLC	22	2021/22
Cloverbank, Ladywell (St Paul's Church), Livingston	West Lothian Strategic Alliance	12	2020/21
Quentin Court, Livingston	Castle Rock Edinvar	18	2020/21
Standhill South, Armadale	Castle Rock Edinvar	27	2020/21
Brotherton Farm, Livingston	Places for People / Castle Rock Edinvar	4	2021/22
Almondvale, Livingston	West Lothian Housing Partnership	146	2021/22
Jarvey Street, Bathgate	West Lothian Housing Partnership	42	2021/22
<b>Total</b>		<b>290</b>	

### D.4 Other sites programmed to commence in 2020/21

A number of new affordable housing sites, totalling 349 houses, are expected to commence during 2020/21. A breakdown of these sites, along with estimated completion dates, is provided in Table 4:

**Table 4**

<b>Site</b>	<b>Housing Provider</b>	<b>No. of Units</b>	<b>Est. Compl.</b>
Hopetoun Street, Bathgate	WLC	4	May 2021
Houston Road, Eliburn	WLC	20	Sept 2021
Eagle Brae	WLC	29	Jan 2022
Deans South	WLC	29	Jan 2022
Mossend	WLC	69	Apr 2022
Wellhead Farm, Murieston	WLC	42	Sept 2022
Polbeth Farm, Polbeth	West Lothian Strategic Alliance	25	Aug 2021
Winchburgh CDA – Plot ‘O’	West Lothian Housing Partnership	20	Sept 2021
Craiginn Terrace, Blackridge	Cairn Housing Association	26	Oct 2021
Blackness Road, Linlithgow	West Lothian Housing Partnership	16	Nov 2021
Calderwood, East Calder	Home Group	69	May 2023
<b>Total</b>		<b>349</b>	

Three additional RSL sites totalling 105 units at Linlithgow, Winchburgh and East Calder have been brought into the programme as the development of these sites has progressed more quickly than previously advised.

The above list is indicative and subject to change. The council is also planning to acquire 78 additional former council houses via the Open Market Acquisition Scheme (OMAS). Three have been purchased to date with 75 remaining over financial years 2020/21 and 2021/22.

Sites have inevitably been affected, in terms of delivery timescales, by the impact of the COVID-19 Pandemic. At present it is difficult to measure the extent of the delay with reasonable certainty, however it is estimated that the impact across all programmes of work could be between six and twelve months due to a range of issues, namely the initial lockdown of sites, furloughed staff and ongoing restrictions to site operations.

#### **D.5 Update and commentary on the affordable housing programme**

Generally, up to mid-March 2020, progress on the majority of the programme has been reported as satisfactory and has reflected the council's commitment to complete the initiative by May 2022. The impact of the COVID 19 Pandemic has compromised all capital works within the UK. Council officers have undertaken consultation with various participants within the development industry, construction professionals and colleagues within both the RSL community and the Investment Division of the Scottish Government, in an effort to measure the likely impact on the affordable housing delivery programme, in respect of both council sponsored and RSL led projects.

The majority of construction operations re-convened in July 2020. However, across the whole construction sector, it is proving difficult to place complete confidence in the rate of recovery, consistency of approach and how it will influence adherence to programmes for completion. Even allowing for the time lost through the imposition of the lockdown measures and potential pressures on the supply chain, the industry is still coming to terms with the impact of implementing social distancing to protect the health and wellbeing of operatives on live sites and what it will mean in terms of a drop in production, increase in expense and the extent of these constraints on the delivery timescales.

## **D.6 Update on the 250 Houses Programme**

The latest information on the current sites within the 250 Houses Programme is contained below:

- **Eagle Brae, Livingston (29 units)**

The completion of the demolition contract has been delayed as a result of business closure on account of the COVID 19 Pandemic. Planning permission has been granted for 29 units on site. A site start is anticipated in 2020/21 with development completing in 2021/22. Tenders have been returned for the building project and are being evaluated, with an anticipated site start in December 2020.

- **Vion, Broxburn (14 units)**

All new units were delivered, as planned, by December 2019.

- **Mossend, West Calder (69 units)**

A revised planning application was been submitted for the 69 affordable units and approval for the development has been granted, subject to comments by the council's Transportation Service being addressed.

Negotiations have resumed with the developer to allow direct procurement of the completed units in an "off the shelf" capacity. In recognition of the ongoing challenges of the COVID 19 Pandemic, a site start is anticipated in November 2020 with development completing in spring 2022.

- **Standhill, Bathgate (22 units)**

Hadden Construction, were awarded the contract via the Scottish Procurement Alliance Framework Agreement and commenced work in January 2020. This site has been delayed as a result of the COVID-19 closure, and the anticipated completion is Summer 2021.

- **Brucefield, Livingston (33 units)**

Barratt commenced construction of the units in August 2019. Lockdown and the inevitable delays imposed on the construction industry has impacted the project, however good progress was made following resumption of work and 16 units were handed over in September 2020 with the remaining 17 units due for handover in November 2020.

- **Bathgate Sites (82 units)**

Council Executive agreed on 25 June 2019 to withdraw the Guildiehaugh site from the programme and that the 82 units proposed for the site should be located on other sites in Bathgate.

An options appraisal exercise including detailed design feasibility work and intrusive site investigations has been completed to assess potential replacement sites through identifying potential risks and impediments to their development. The following development sites were included within the scope of the options appraisal.

- H-BA 7 - Little Boghead West (12 units)
- H-BA 11 - Findlay Drive, Wester Inch (12 units)
- H-BA 22 - Former Community Centre, Marjoribanks Street (10 units)
- H-BA 23 - Wester Inch (36 units)
- H-BA 28 - Former Swimming Pool site, Mid Street (4 Units)
- Little Boghead East (8 units)

In addition, the former depot site at Waverley Street (Weslo have confirmed they will not be developing this site) and the former young persons supported accommodation unit on Hopetoun Street have been included in the Bathgate feasibility work.

Details of the sites with proposed units for inclusion within the programme are set out below and a location plan is included at appendix 1.

Site	Original Units	Proposed Units	Contract Award	Est. Comp
1 Little Boghead West (BA 7)	12	0	-	-
2 Finlay Drive, Wester Inch (BA 11)	12	0	-	-
3 Former Community Centre (BA 22)	10	6	Dec 21	Nov 22
4 Little Boghead East (accessed from Factory Rd)	8	0	-	-
5 Former Swimming Pool site (BA 28)	4	5	Jan 22	Dec 22
6 Former Waverley Depot	0	0	-	-
7 Wester Inch (BA 23)	36	59	July 21	Jun 23
8 Hopetoun Street	0	4	Jan 21	May 21
Replacement Open Market Acquisitions	0	8	N/A	Mar 22
<b>Total</b>	<b>82</b>	<b>82</b>		

The proposal includes the former community centre site and swimming pool site and develops out these two town centre sites which have been vacant for a number of years. It includes open market acquisitions which have the potential to be delivered by March 2022 and an increase at Wester Inch to maximise economies of scale by developing largely on the one site.

The estimated costs remain a risk due to the uncertainty of the tender process, particularly given the volatility in the market as a result of the Pandemic (both positive and negative), however the programme will be subject to continuous review and reassessment dependent on outcomes of competitive tendering and should any material changes be required a further report will be brought to Council Executive for approval.

It is recognised that due to the COVID-19 Pandemic completion of the new units within Bathgate is likely to be delayed, however officers will work to progress development at these sites forthwith if approved at Council Executive.

The delivery time for these sites is estimated to be delayed by approximately twelve months by the impact of the COVID-19 Pandemic.

## **E. CONCLUSION**

The council's target is to facilitate the delivery of 3,000 affordable homes over a 10-year period to 2022. Since the start of 2012/13, 2,190 affordable homes have been delivered and a further 290 are currently under construction. 349 units are planned for site start during 2020/21 including a number of sites for new build council housing, RSL developments and open market purchases.

Whilst the 3,000 units are expected to either be completed, under construction or have contracts awarded, the impact of the COVID-19 Pandemic has affected the timescales for affordable housing delivery throughout Scotland. It is estimated that the impact across all programmes of work could be between six and twelve months due to a range of issues, namely the initial lockdown of sites, furloughed staff and ongoing restrictions to site operations.

At present, the overall programme is projected to complete 94% of the target 3,000 units by March 2022, with the remaining 6% complete by late summer 2023.

An options appraisal exercise has been completed for the Bathgate sites and it is recommended that Council Executive approves the proposal outlined in section D.6 which will see development of two vacant town centre sites and delivery of affordable housing in Wester Inch.

Various delivery methods continue to be pursued to progress all projects timeously and council officers will continue to engage with RSL's to examine the potential to bring forward other sites for delivery, when measuring all proposals in how they meet a number of criteria; including value for money, timescales and ability to attract Scottish Government Grant subsidy.

## **F. BACKGROUND REFERENCES**

Several reports to Council Executive and Services for the Community PDSP from 7 February 2012 to 17 December 2019

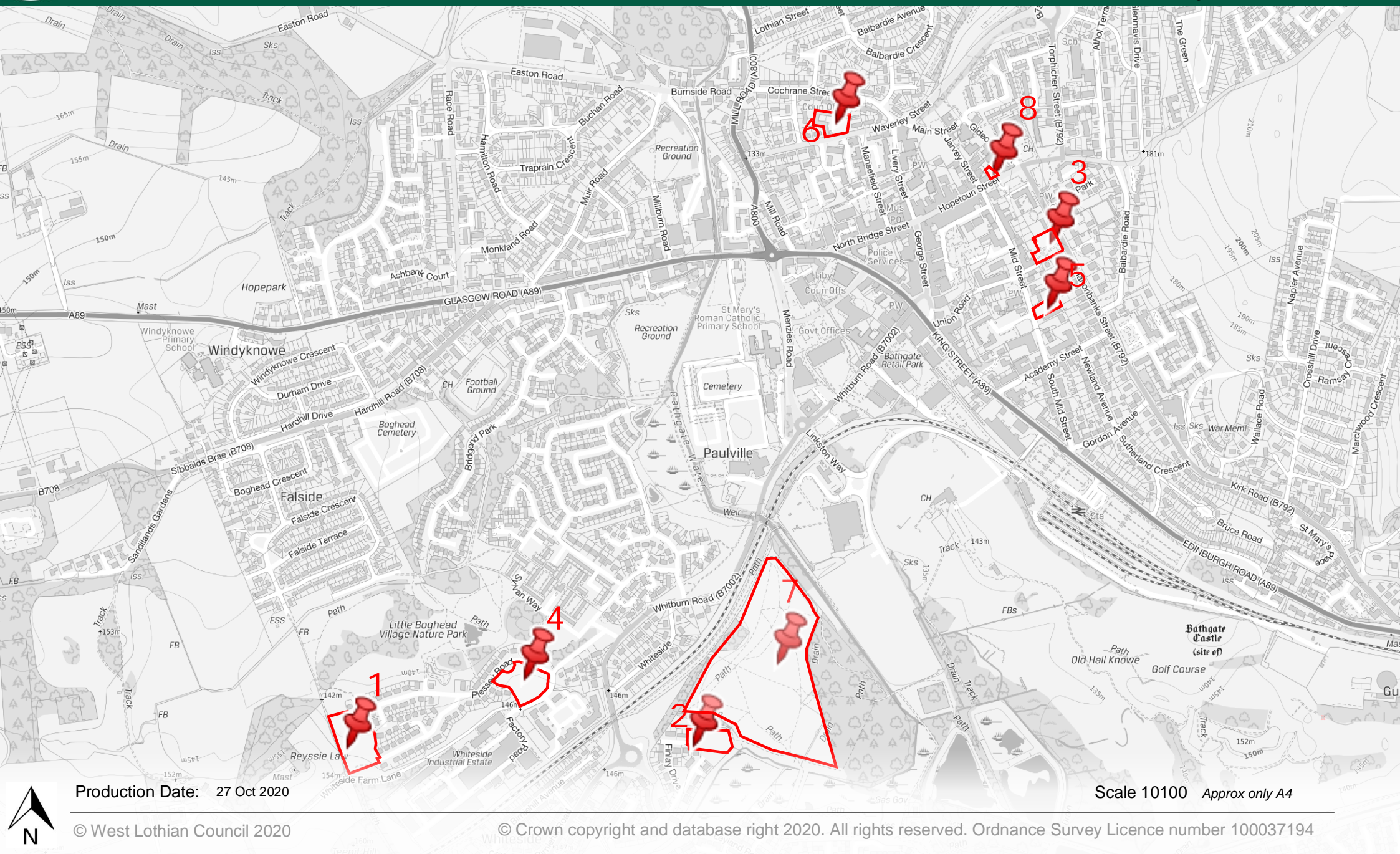
Housing Capital Investment Programme 2019/20 – 2022/23 – Report to West Lothian Council 19 February 2019

Appendices/Attachments: Appendix 1 Bathgate Sites Location Plan

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**Ann Marie Carr**  
**Head of Housing, Customer and Building Services**  
**17 November 2020**



Notes



DATA LABEL: OFFICIAL- Public



## **COUNCIL EXECUTIVE**

### **DEANS SOUTH, LIVINGSTON REGENERATION UPDATE AND PROPOSED SALE OF LAND TO SPRINGFIELD PROPERTIES PLC**

### **REPORT BY HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES AND HEAD OF FINANCE AND PROPERTY SERVICES**

#### **A. PURPOSE OF REPORT**

To update Council Executive on the proposed regeneration of Deans South, Livingston and to seek approval for the sale of land to Springfield Properties PLC for £430,000 (Four Hundred and Thirty Thousand Pounds). In addition, approval is sought to enter into an Agreement with Springfield Properties PLC under Section 191 of the Town and Country Planning (Scotland) Act 1997 or such other agreement as may be considered appropriate.

#### **B. RECOMMENDATION**

It is recommended that Council Executive:

1. Notes the background and current position in relation to the wider regeneration of Deans South, Livingston;
2. Approves the sale of Land at Deans South, Livingston to Springfield Properties PLC, for £430,000, subject to the terms and conditions set out in the report;
3. Approves the entering into of an Agreement with Springfield Properties PLC under Section 191 of the Town and Country Planning (Scotland) Act 1997 or such other agreement as may be considered appropriate;
4. Delegates authority to the Head of Finance and Property Services to negotiate detailed terms and conditions of any agreements necessary to enable the redevelopment of Deans South on the basis that any revised terms and conditions still represent the achievement of best value for the council;
5. Notes that further updates will be provided as the proposals outlined in the report are progressed.

#### **C. SUMMARY OF IMPLICATIONS**

- |  |   |
|--|---|
| <b>I Council Values</b>                          | Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; developing employees; making best use of our resources; working in partnership |
| <b>II Policy and Legal (including Strategic)</b> | Disposal of property governed by S74 (2) of the Local Government (Scotland) Act 1973 and the  |

	<b>Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Disposal of Land by Local Authorities (Scotland) Regulations 2010. Housing (Scotland) Act 2010.  Town and Country Planning (Scotland) Act 1997.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	Report recommendation is to delegate authority to Head of Finance and Property Services to negotiate detailed terms and condition of the proposed sale and associated section 191 Agreement or other such other agreement as may be necessary
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	The sale of this land will contribute towards the council's Housing Capital Programme budget for 2020/21.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	We make the most efficient and effective use of resources by minimising our impact on the built and natural environment;  We live in resilient, cohesive and safe Communities.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	A capital receipt of £430,000 will be received during the 2020/21 financial year and will accrue to the Housing Capital Programme budget for 2020/21.
<b>VII</b>	<b>Consideration at PDSP</b>	None
<b>VIII</b>	<b>Other consultations</b>	Legal Services, Scottish Government and other internal council stakeholders.

## **D. TERMS OF REPORT**

### **D.1 Background**

In December 2019, Council Executive considered a report which provided an update on the land assembly and delivery proposals for the core area of Deans South, Livingston.

It was agreed that further engagement would be undertaken with all owners during the period from January 2020 to March 2020 with a further report on the regeneration of the core area of Deans South being presented to Council Executive in Spring 2020.

This has been delayed until now due to the impact of the Covid-19 pandemic. Council Executive also instructed officers to engage with all West Lothian based Registered Social Landlords on their involvement in the continued development of the Deans South estate.

The Head of Housing, Customer and Building Services wrote again to all owners in February 2020 re-stating the council's offer and advising owners that this is still open to them. To date no owners have expressed an interest in accepting the council's offer.

In January 2020, council officers held a meeting of the Homes for West Lothian Partnership (West Lothian Council Registered Social Landlord forum) and the regeneration of the core area of Deans South was discussed at that meeting. To date no other Registered Social Landlord (RSL) operating within West Lothian, has expressed an interest in being involved in Deans South.

The approved West Lothian Housing Strategy 2017 to 2022 recognises the need to increase the supply of affordable housing in West Lothian to meet need and demand. Included within the strategy is a target of 3,000 affordable homes being provided in West Lothian over the 10-year period to 2022.

The Strategic Housing Improvement Plan (SHIP) demonstrates the manner in which the council's affordable housing investment priorities will be developed in practice. The council will continue to give priority to sites in West Lothian in high demand areas and promoting housing regeneration in Deans South is a key priority of the SHIP.

To date, 54 new council houses have been completed within Deans South and planning permission granted for a further 29 affordable houses to be delivered with a site start planned in December 2020. The redevelopment of the area has been complex and challenging, however good progress has been made in progressing new affordable housing and consequently the regeneration of Deans South.

Nevertheless, there continues to be challenges in developing any further new housing in the area with 10 remaining properties in private ownership.

## **D.2 Springfield Developments PLC – Deans South Development**

Springfield Properties PLC, is a developer of both private and affordable rented housing operating across the whole of Scotland. They already own one property in Deans South, and have offered to purchase the council's land interests, which includes the 46 council owned properties, with a view to developing 136 new homes (of which 127 will be for social rent, and nine new homes for the existing private owners) on the site.

Springfield Properties PLC (in conjunction with the Wheatley Housing Group), has Minded to Grant planning approval (Planning Application Reference 0826/FUL/18) for the proposed new homes. Their indicative programme sets out key development dates and outlines a two-stage contract, with phase one starting on site in November 2021 and completion of the first 10 houses planned in July 2022 and phase two starting on site in December 2021 with completion of the remaining 126 houses planned by May 2023.

It is understood that Springfield Properties PLC has reached agreement with seven of the nine remaining owners to their "home for a home" proposal, with two owners still not in agreement with them.

### D.3 Proposed Sale Terms

Springfield Properties PLC have approached the council with an offer to purchase the council's interests at Deans South for £430,000. The land to be sold is located in the core area of Deans South and extends to 4.434 hectares (10.956 acres) or thereby. The area of land to be sold is shown coloured grey on the attached location plan contained in Appendix 1 and includes 46 vacant council properties.

The offer price of £430,000 is subject to any abnormal site development costs being offset against this price but with a minimum price of £410,000. The proposed purchase price is based upon the independent District Valuer's valuation dated July 2020 which represents the present circumstances relating to the site and the proposed redevelopment of the area. The circumstances include recognition that the site is uncleared, there are multiple 3<sup>rd</sup> party ownerships and the redevelopment will be restricted to the provision of affordable and social rented housing.

The following is a summary of the main terms of sale:

1. Seller: West Lothian Council
2. Purchaser: Springfield Properties PLC
3. Subjects: 4.434 hectares or thereby at Deans South, Livingston shown outlined in black and shaded grey on the plan at Appendix 1 of this report.
4. Purchase Price: £430,000 less Abnormals Costs (as defined in the missives) to a fixed consideration of £410,000 (the Minimum Price) (Excluding VAT)
5. Conditions:
  - i) The issue of the planning decision notice by West Lothian Council, relating to planning application number 0826/FUL/18.
  - ii) Agreement and execution by both parties of the Section 191 Agreement.
  - iii) Development of the land by Springfield Properties PLC to provide a minimum of 127 new homes for social rent.
  - iv) The Seller has a clear and marketable title to the property.

Springfield Properties PLC also intend, subject to agreement with the individual owners, to acquire the interests of the remaining nine privately owned properties to enable the redevelopment of the site in accordance with the proposals contained in the planning application.

In the event that Springfield Properties PLC are not successful in acquiring all of the properties required to redevelop the site in accordance with Planning Application Reference 0826/FUL/18 they would be seeking the council's assistance in securing all remaining properties through the promotion of a Compulsory Purchase Order.

The missives for the sale of the land comprising 4.434 hectares (10.956 acres) will be suspensive on the council and Springfield Properties PLC entering into an Agreement under Section 191 of the 1997 Act. The terms of the Section 191 Agreement are intended to support the possibility that Springfield Properties PLC may require to seek assistance from the council in securing those elements of the development site which are not currently in the council or Springfield Properties PLC ownership.

The proposed Agreement would commit the council to considering the means by which that may be achieved, that is to say by way of promoting a Compulsory Purchase Order. However, it does not commit council to taking that course of action. Whether a Compulsory Purchase Order would be appropriate requires to be the subject of further detailed consideration and scrutiny by the council and would be subject to further reporting in due course should that option require to be considered.

Delegated authority is therefore being sought for the Head of Finance and Property Services to negotiate detailed terms and conditions and to conclude the sale of the land to Springfield Properties PLC, provided that these do not materially affect the basis of the offer outlined above.

#### **D.4 Proposed Section 191 of the Town and Country Planning (Scotland) Act 1997 agreement.**

As outlined in section D.4 it is a suspensive condition of the proposed disposal to Springfield Properties PLC that an Agreement under Section 191 of the Town and Country Planning (Scotland) Act 1997 is entered into between the parties.

This is intended to establish the principles which will apply, should there be requirement for the council to consider the use of its statutory Compulsory Purchase powers, and the terms upon which subjects secured following the use of such powers, should be conveyed to Springfield Properties PLC.

The essential elements of the Section 191 Agreement are as follows:

1. The council is satisfied that all statutory requirements essential to the promotion of a Compulsory Purchase Order have been or can be met;
2. Agreement as to costs and fees is achieved, with Springfield PLC meeting the costs of the Compulsory Purchase Order and property purchase;
3. Criterion and timescales relative to the promotion of a Compulsory Purchase Order and subsequent conveyance to Springfield Properties PLC are agreed.

A future report would be brought forward to committee for consideration of any requirement for a Compulsory Purchase Offer, and determination as to whether formal approval of the promotion of a Compulsory Purchase Order should be given, prior to any properties that remain in private ownership being compulsory purchased by the council.

#### **E. CONCLUSION**

The council wishes to see the successful completion of the regeneration of the Deans South estate, building upon the success of Phase 1, the scheduled site start of Phase 2, and protecting the existing and immediate planned investment on the estate.

However, the council is not in a position to develop the remainder of the Deans

South estate on its own and the proposed sale of the land to Springfield Properties PLC as outlined in the report represents an opportunity to progress the comprehensive regeneration of the Deans South estate.

The Springfield Properties PLC proposal will provide 127 new homes for social rent in an area of key demand in West Lothian and will contribute significantly to the overall affordable housing investment programme.

The terms outlined in the report represent the best that could be reasonably achieved recognising the nature of the site, the multiple interests and the proposed scope and density of development proposed.

Given the foregoing, it is considered to be in the council's best interests to dispose of this land and enter into the Section 191 Agreement in the core area of Deans South, Livingston on the basis of the recommendations set out in this report.

## **F. BACKGROUND REFERENCES**

Council Executive, Deans South - December 2019, June 2019, April 2018.

Services for the Community PDSP, Deans South - December 2019, June 2019, April, 2018.

Council Executive, New Build Council Housing Programme - December 2019, June 2019.

Livingston North Local Area Committee-November 2017

Appendices/Attachments: Appendix 1: Location of land to be sold to Springfield Properties PLC

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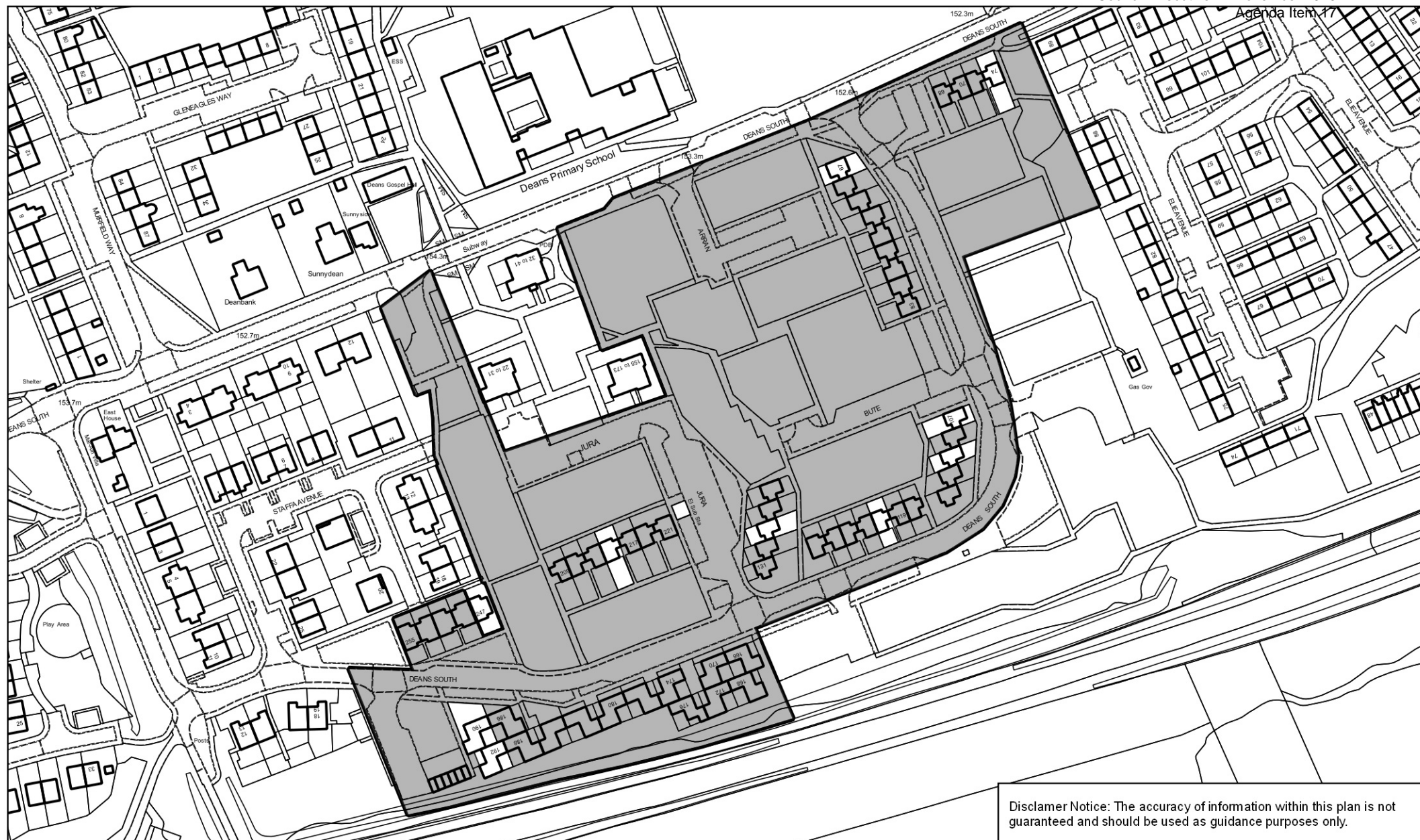
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**AnnMarie Carr**  
**Head of Housing, Customer and Building Services**

**Donald Forrest**  
**Head of Finance and Property Services**

**17 November 2020**



## Appendix 1 – 4.434 Ha. at Deans South, Livingston

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

4/11/2020

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## **COUNCIL EXECUTIVE**

### **PROCUREMENT APPROVAL REPORT**

#### **REPORT BY THE HEAD OF CORPORATE SERVICES**

##### **A. PURPOSE OF REPORT**

To seek Council Executive approval to enter into contracts where Committee authorisation is required by Standing Orders.

##### **B. RECOMMENDATION**

It is recommended that the Council Executive approves:

1. The tender for Specialist Disability Services, using the Light Touch Regime, for a 4 year period, with the option to extend for a further 4 years, at a total estimated value of £51,084,840 including extensions.
2. a direct award to the Crisis Prevention Institute, for a contract with start date of 1 December 2020 for a period of 4 years to 30 November 2024 to the value of £112,800.
3. a direct award to Red Sky IT Ltd for use of annual support and maintenance of the Axim Application Software from 30 January 2021 to 29 January 2022 for a value of £34,137.60
4. a direct award of a contract for the provision of care and support services to Key Housing Association from 1 July 2021 to 31 December 2021 for £94,680.
5. a direct award to the University of Stirling for a contract for the delivery of Masters level professional learning opportunities for West Lothian teaching staff, from the start of the academic year in 2021 to 30 June 2024, with a total estimated contract value of £80,000.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Standing Orders of West Lothian Council and the Public Contracts (Scotland) Regulations 2015.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None

<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Our public services are high quality, continually improving, efficient and responsive to local people's needs.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	See section D of the report
<b>VII</b>	<b>Consideration at PDSP</b>	N/A
<b>VIII</b>	<b>Other consultations</b>	See section D of the report

## **D. TERMS OF REPORT**

### **D.1 Specialist Disability Services**

Specialist Disability Services for Adults is personalised care and social support to enable people to continue, or resume, residency in their own home. The purpose of the service is to ensure quality of life for the individual, while enabling them to retain their independence. Successful delivery of the service involves putting the person at the centre of the decisions about the way they live and the support that they want to receive.

Using the flexibility offered by the Light Touch Regime, it is proposed to advertise the contract through Public Contracts Scotland for a 4 year period, with the option to extend for a further 4 years, at a total estimated total value of £51,084,840 including any contract extensions.

The proposed contract start date is 1 July 2021. The present annual costs of £6,385,605 shall be met by current Social Policy budgets. However, future increments for inflation, policy and legislative changes will be incorporated.

Social Policy, NHS Lothian, West Lothian Health & Social Care Partnership Contracts Advisory Group and the Corporate Procurement Unit have been consulted on the requirement. The Corporate Finance Manager was also consulted regarding budget implications.

### **D.2 Direct Award – Management of Actual and Potential Aggression (MAPA)**

With a focus on prevention, the MAPA® (Management of Actual or Potential Aggression) programme teaches management and intervention techniques to train school staff on managing escalating behaviour in a professional and safe manner. MAPA® Training is Certified by BILD-ACT under the Restraint Reduction Training Standards.

Whilst other suppliers may provide alternative training as this instructor programme trains professionals in health, education and social care settings to identify behaviour that indicates an escalation toward aggressive and violent behaviour, assessing the risk of those behaviours on the person, the staff and others and responding

appropriately it is proposed to make a direct award to the Crisis Prevention Institute, with a contract start date of 1 December 2020 for a period of 4 years to 30 November 2024 and a contract value of £112,800.

A budget of £46,800 is included within the approved 2020/21 revenue budget for Education. The £22,000 spend for each of the following years will be met from future revenue budgets for Education.

Public procurement legislation and Contract Standing Orders require advertising of contracts for supplies and services of £50,000 and above. With aggregated expenditure in excess of the level whereby the Head of Corporate Services is permitted to authorise, Council Executive is required to consider the terms of this report.

Education Services and the Corporate Procurement Unit were consulted on the requirement. The Corporate Finance Manager was consulted regarding budget implications.

### **D.3 Direct Award – Annual Support and Maintenance for the Axim Application Software**

The Axim system was initially procured by Lothian Regional Council and was split between the City Edinburgh Council and West Lothian Council in 1996 following reorganisation.

The system is used for job costing purposes within Roads Services and also manages all stocks for the service.

A review of all council systems is currently being undertaken, and it is possible that service provision can be provided through other systems currently in use across the council. However, in order to allow that review to conclude and to ensure continuity of service provision in the meantime, it is proposed to make a direct award to Red Sky IT Ltd for a period of 1 year to commence on 30 January 2021 at a value of £34,137.60.

The contract value is not expected to exceed £34,137.60 and this cost is based on the previous year's annual support costs plus an allowance for inflation. The total cost shall be met by Operational Services budget.

Public procurement legislation and Contract Standing Orders require advertising of contracts for supplies and services of £50,000 and above. With aggregated expenditure in excess of the level whereby the Head of Corporate Services is permitted to authorise, Council Executive is required to consider the terms of this report.

### **D.4 Direct Award – Provision of Care**

Key Housing Association provide care and support to adult males living in their own tenancies in the Blackburn community 24 hours a day, seven days a week.

The contract was initially awarded for a period of 3-years from 1 January 2014 to 31 December 2016, with an option to extend for two-years to 31 December 2018. However, on 22nd May 2018 the Contracts Advisory Group gave approval for a two year direct award until 31 December 2020. A further 6 months extension was approved by the Depute Chief Executive (Social Policy) to 30th June 2021 to ensure the stability of care and support arrangements as a result of COVID19 emergency procurement legislation.

It is proposed to make a direct award for a 6 month period, from 1 July to 31 December 2021, for the continued provision of care and support services from Key Housing Association at a total cost of £94,680. This will allow for the award of contract of the Specialist Disability Services framework and it may be possible to make a future call off from this framework.

The aggregated contract value is £786,880 and Public procurement legislation and Contract Standing Orders require advertising of contracts for supplies and services of £50,000 and above. With the Council's Standing Orders for the Regulation of Contracts which were approved on 6 October 2020 no longer allowing the Contracts Advisory Group to approve a Procurement Report above the level whereby the Head of Corporate Services is permitted to authorise, and a perceived low risk of challenge, Council Executive is required to consider the terms of this report.

#### **D.5 Direct Award – Masters Level Study**

One of the drivers of the National Improvement Framework is Teacher Professionalism. Ensuring the highest professional standards for teachers will help to ensure the highest standards and expectations for children. The Scottish Government continues to gather evidence of the number and range of Masters level courses for teachers as part of their evaluation of the National Improvement Framework.

In West Lothian, we provide Masters level learning in partnership with the University of Stirling. These courses provide qualifications at Postgraduate Certificate, Postgraduate Diploma and Masters levels. West Lothian is allocated an average of 50 places for post graduate study every year at a considerably reduced cost, due to the ongoing professional partnership working that exists between the Council and the University. Our collaboration with Stirling University also allows inclusion in the Central Local Authorities and Stirling Partnership (CLASP), which provides further professional learning opportunities for West Lothian staff working in partnership with staff from other local authorities.

West Lothian Council has worked directly with the University of Stirling to provide Masters level study for teachers for the past eight years. Approximately 50% of Masters level candidates have now been promoted to Head Teacher, Depute Head Teacher or Principal Teacher within West Lothian. A significant number continue to study and develop the necessary knowledge, skills and experience to undertake subsequent promoted posts within West Lothian schools.

At school level, Masters participants are committed to leading school improvement projects which have a direct and measurable impact on pupil learning. This also forms part of staff's annual professional review and development, thus ensuring that we continue to build capacity within the teaching profession in West Lothian.

The Central Local Authorities and Stirling Partnership (CLASP) provides West Lothian teachers with professional learning opportunities on an annual basis, with no cost to the authority or teaching staff. They also provide training for probationer mentors and a professional reading group delivered directly by University staff, both of which are evaluated very positively by staff undertaking this training.

With no other known organisations who are able to provide this service, it is proposed to make a direct award to the University of Stirling for a contract, from the start of the academic year in 2021 to 30 June 2024. The total estimated contract value is £80,000.

Education Services and the Corporate Procurement Unit were consulted. The Corporate Finance Manager was consulted regarding budget implications.

Public procurement legislation and Contract Standing Orders require advertising of contracts for supplies and services of £50,000 and above. With aggregated expenditure in excess of the level whereby the Head of Corporate Services is permitted to authorise, Council Executive is required to consider the terms of this report.

#### **E. CONCLUSION**

It is recommended that the Council Executive approves the procurement set out in the report, which will support delivery of effective Council Services.

#### **F. BACKGROUND REFERENCES**

None

Appendices/Attachments: None

**Julie Whitelaw**  
**Head of Corporate Services**

17 November 2020



DATA LABEL: PUBLIC



**COUNCIL EXECUTIVE**

**APPOINTMENT OF ELECTED MEMBERS TO THE EDINBURGH AND SOUTH EAST  
SCOTLAND CITY REGION DEAL ELECTED MEMBER OVERSIGHT SUB-COMMITTEE**

**REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

**A. PURPOSE OF REPORT**

The purpose of this report is to appoint two elected members to the Edinburgh and South East Scotland City Region Deal Elected Member Oversight Sub-Committee.

**B. RECOMMENDATIONS**

**It is recommended that Council Executive:**

1. Notes the establishment of the Elected Members Oversight Sub-Committee as part of the governance structure of the Edinburgh and South East Scotland City Region Deal as agreed by Council Executive on 6 October 2020;
2. Notes the remit and membership arrangements of the Elected Members Oversight Sub-Committee as shown in Appendix 1; and
3. Appoints two elected members to the Elected Members Oversight Sub-Committee.

**C. SUMMARY OF IMPLICATIONS**

I	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; working in partnership; making best use of our resources
II	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Local Government (Scotland) Act 1973; the council's Standing Orders; Councillors' Code of Conduct and related Standards Commission Guidance and Advice
III	<b>Implications for Scheme of Delegations to Officers</b>	None
IV	<b>Impact on performance and performance Indicators</b>	None
V	<b>Relevance to Single Outcome Agreement</b>	None

<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	The council makes a financial contribution to the running of the City Region Deal Project Management Office. There will be no significant additional costs associated with setting up and running of the oversight sub-committee.
<b>VII</b>	<b>Consideration at PDSP</b>	N/A
<b>VIII</b>	<b>Other consultations</b>	None

#### **D. TERMS OF REPORT**

At Council Executive on 6 October members considered and approved changes to the Minute of Agreement which sets out arrangements for the operation of the City Region Deal Joint Committee. The changes were necessary to allow the City Region Deal Joint Committee to adopt the strategic planning functions currently fulfilled by the SESplan – the Strategic Planning Authority for Edinburgh and the South East of Scotland. Members might recall that SESplan will be disbanded through the implementation of the provisions of the Planning (Scotland) Act 2019.

Following the agreement of revisions to the Minute of Agreement by all city region deal partners the strategic planning functions could have been discharged by the City Region Deal Joint Committee. However, in recognition of the importance of the strategic planning function in securing economic growth, it was agreed to set up a sub-committee to consider these matters. The remit of the committee is set out in Appendix 1.

#### **D1 Appointment of Members**

Each council will appoint two members to the sub-committee. In most cases this is the Executive Councillor / Convenor with responsibility for strategic planning and their vice chair / vice convenor given it is a replacement for SESplan Joint Committee.

The following procedure is required to be followed in relation to voting to appoint a member:

- The chair of a council meeting has no casting vote. Tied votes are resolved by lot. The method used to make a decision by lot is determined by the Clerk (Chief Executive)
- A mover and a seconder is 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
- 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
- A roll call vote is not automatic

#### **E. CONCLUSION**

Consideration of the report will enable the council to ensure its interests are fully represented in the City Region Deal structure.

#### **F. BACKGROUND REFERENCES**

Council Executive 10 October 2017, 17 April 2018, 6 October 2020

Appendices/Attachments: 1. Remit and membership of the Elected Member Oversight Sub-Committee

Contact Person: Craig McCorriston, Head of Planning, Economic Development & Regeneration. Tel 01506 282443. Email [craig.mccorriston@westlothian.gov.uk](mailto:craig.mccorriston@westlothian.gov.uk)

**Craig McCorriston**  
**Head of Planning, Economic Development & Regeneration**

17 November 2020

## **Appendix 1**

### **Elected Member Oversight Sub-Committee – Terms of Reference**

#### **1. Membership**

Two Members from each constituent Council, up to four members from the Higher Education/Further Education consortium and up to two members from the Regional Enterprise Council.

#### **2. Convener/Chair**

The chair will be appointed by the Joint Committee and should be from the Council in the annual lead role for the City Region Deal.

#### **3. Quorum**

The Quorum will be one-third of the membership.

#### **4. Substitutes**

Substitutes are permitted from the same local authority.

#### **5. Officers**

Officers will attend to support meetings.

#### **6. Remit**

The powers and responsibilities of the Elected Member Oversight Sub-Committee cannot extend beyond those of the Edinburgh and South East Scotland City Region Deal Joint Committee. The remit of the Elected Member Oversight Sub-Committee would be:

- a. To provide oversight of the Regional Growth Framework and Regional Spatial Strategy.
- b. Working in partnership with public authorities, public bodies and other public or private organisations it deems appropriate, including but not limited to the UK and Scottish Governments, SESplan and SEStran, to co-ordinate, plan, prepare, deliver, review and renew, any Regional Growth Framework and Regional Spatial Strategy for Edinburgh and South East Scotland, interim and final, or any replacement or reiteration or analogous such framework, strategy or plans, subject to the constituent councils' agreement to policy proposals.
- c. To co-ordinate amongst the constituent councils, a contribution to the preparation, review and renewal of the National Planning Framework (NPF4) and its subsequent iterations or replacements, subject to the constituent councils' agreement to policy proposals, and to co-ordinate and support the constituent councils in their own contributions to it.
- d. To support and encourage a sustainable approach to managing growth which aligns to local sustainability, energy and low carbon plans and strategies.
- e. To encourage and facilitate a close working partnership with SEStran, SESplan and other relevant organisations.
- f. To provide oversight and consider recommendations from the Regional Housing Board and the Transport Appraisal Board.
- g. To scrutinise the work of the SESplan Officer Board in regard to the Regional Growth Framework.
- h. To advise the City Region Deal Joint Committee in regard to the Regional Growth Framework and Regional Spatial Strategy.

#### **7. Meeting Frequency**

The sub-committee will usually meet monthly but may meet more frequently if determined necessary by the Chair or the Sub-Committee.

DATA LABEL: PUBLIC



**COUNCIL EXECUTIVE**

**A NATIONAL MISSION WITH LOCAL IMPACT: DRAFT INFRASTRUCTURE INVESTMENT PLAN FOR SCOTLAND 2021-22 TO 2025-26**

**REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

**A. PURPOSE OF REPORT**

The purpose of this report is to advise the Council Executive of publication of the Scottish Government's draft infrastructure plan for Scotland 2021-22 to 2025-26 for consultation and to set out the council's response to the consultation.

**B. RECOMMENDATION**

It is recommended that the Council Executive:

1. notes the terms of the report; and
2. agrees the response as set out in Appendix Two for submission to Scottish Government as the council's response to the consultation.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; and working in partnership.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>There are no policy implications arising at this time.</p> <p>There are no equality, health or risk assessment issues and there are no risk assessment issues.</p> <p>Scottish Government has prepared an Environmental Report accordance with the Environmental Assessment (Scotland) Act 2005.</p>
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	<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</p>

effective use of resources by minimising our impact on the built and natural environment.

**VI Resources - (Financial, Staffing and Property)**

Infrastructure required to support development in West Lothian is expected to be funded in part by the council through the capital programme but also by the development industry itself. The council's Local Infrastructure Fund and the City Region Deal may also have a part to play in assisting with forward funding some improvements.

The council has declared a climate change emergency. The way in which we use infrastructure and the demands placed upon it are anticipated to change over time in order to address aspirations for a net zero carbon economy.

**VII Consideration at PDSP**

A report on the Draft Infrastructure Investment Plan was on the Agenda for consideration by the Development and Transport PDSP on 10 November 2020. Due to technical difficulties the PDSP was abandoned and the report was subsequently forwarded to all members of the PDSP for comment. Any comments received will be reported verbally to Council Executive.

**VIII Other consultations**

Head of Property and Finance; Head of NETS, Land and Countryside Services; Economic Development Manager and the council's Energy Manager.

**D. TERMS OF REPORT**

**D1 Background**

The Infrastructure Commission for Scotland was established in early 2019 to provide independent advice to Scottish Ministers on a 30-year vision (the "why and what") of infrastructure for Scotland and, thereafter, to consider options for delivery (the "how"). The Commission was also asked to provide shorter term 5-year guidance to Ministers on both of these aspects. The Phase 1 Report focused on the "why and what" of these challenges and sought to build on the infrastructure that exists across Scotland as a result of investment by both the public and private sectors. The Phase One report was reported to the Council Executive on 24 March 2020. A Phase Two report providing advice on how infrastructure is delivered was published over the summer.

Following on from these the Scottish Government has published a draft 5 year Infrastructure Investment Plan (IIP), covering the period 2021-22 to 2025-26, to implement the recommendations of the Phase 1 report and which is intended to support tens of thousands of jobs and help stimulate a green economic recovery from the coronavirus pandemic. The draft plan is attached as Appendix One. It sets out £24 billion of investment including investment to de-carbonise business, industry and buildings, the provision of new health facilities and schools and support for manufacturing innovation. Consultation on the proposed IIP ends on 19 November 2020. The proposed response to the consultation is set out in Appendix Two. The IIP is anticipated to be finalised later this year.

The IIP sets out that it delivers the Scottish Government's £33.5 billion National Infrastructure Mission commitment to boost sustainable economic growth by increasing annual investment in infrastructure by £1.5 billion (1% of 2017 Scottish GDP) by 2025-26 and helping to support 45,000 jobs.

## **D2      Draft Infrastructure Investment Plan for Scotland 2021-22 to 2025-26**

The Draft IIP sets out where the capital invested in infrastructure will go and covers projects which Scottish Government or its agencies and non-departmental public bodies deliver directly, such as boosting digital and transport connectivity, reducing the reliance of homes on fossil fuels, boosting economic growth across cities and regions, regeneration in towns and neighbourhoods, or improving services with better health and educational facilities.

It does not cover investment choices made by local government, recognising councils' autonomy and states that Scottish Government will continue to work closely with local councils and other delivery partners to pursue shared priorities. Engagement would also continue with the private sector and the Scottish National Investment Bank about the role of external investment within the overall framework provided by the IIP. The final pipeline of major projects and programme for the IIP is to be published once the IIP has been finalised.

The draft IIP also places a new emphasis on enhancing and finding new uses for existing infrastructure before embarking on new projects and prioritises the pipeline of investments against three themes, including enabling net zero emissions and environmental sustainability, and driving inclusive economic growth. Scottish Government state that these themes link directly to Scotland's National Performance Framework to support Scotland's wellbeing.

## **D3      Key Themes**

### **Enabling the transition to net zero emissions and environmental sustainability**

- more than £8bn for environmental sustainability and the transition to net zero emissions, including £250 million to support 18,000 hectares of forestry and restoring peatlands, investment to decarbonise heat in buildings and new investment in energy efficiency, investment to improve local authority recycling infrastructure accelerate the landfill gas capture and improve waste data through electronic waste tracking.

### **Driving inclusive economic growth**

- almost £5bn towards boosting inclusive economic growth, including £500m to extend full fibre broadband to businesses and households in rural areas; increasing investment in bridge and road maintenance; delivery of city region and regional growth deals

### **Building resilient and sustainable places**

- more than £11bn for cities, towns, villages and rural areas, including £275m to revitalise town centres and nearly £2bn on health infrastructure and equipment; investment in a Learning Estate Improvement Programme; grant funding to deliver more affordable and social homes to reflect and support local housing strategies and regional development priorities.

It is intended that further projects would be added to the draft IIP when their procurement plans are sufficiently advanced. It may also be possible to bring more schemes forward after the UK Government publishes its Comprehensive Spending Review, which will clarify the Scottish Government's budget for future capital investment.

The IIP also includes a draft infrastructure hierarchy which has been founded on the Infrastructure Commission's recommendations. The hierarchy prioritises enhancing and maintaining existing assets over new build in order to protect the environment, and ensure value for money and would drive future investment choices. The proposed hierarchy is set out below.

**Determine future need**

Consider appropriate infrastructure provision in light of changes in service design, availability of digital platforms and technological innovation, and resilience in light of population and climate change forecasts.

**Maximise use of existing assets**

Maximise use and the safe operation of exiting assets to meet future need.

**Repurpose & Co-locate**

Reconfigure or repurpose existing assets, giving preference to co-location or shared facilities where appropriate.

**Replace or New Build**

Consider suitability and sustainability of new build assets to meet future need.

In practice, the hierarchy means that each step would need to be considered, in turn, before deciding the right new approach. For example, something new might only be built if there is still a demonstrable service need for a facility, and an existing asset can't be re-purposed. In future, a higher proportion of investment is likely to be directed towards the initial steps in the hierarchy than in previous years.

A proposed new definition of infrastructure is also set out. The definition, as recommended by the Infrastructure Commission, would include natural assets within the definition and is set out on page 22 of the Draft IIP and is to be welcomed.

**D4 Comments**

The Draft IIP is sets out how the Scottish government intends to build back better by focusing on a shift in approach to capital investment in order to seek to address the economic, health and social impacts of COVID-19 and this is to be commended. Investing in digital connectivity to help businesses and users wherever they live and work, and accelerating digital service provision reducing the need to travel, and supporting green and blue spaces to provide access to nature can only be welcomed particularly in the current economic climate and in the midst of a climate emergency. The Draft IIP provides a welcome boost for the delivery of new homes and infrastructure to support job creation, generate employment and support economy recovery.

The Vision of providing infrastructure which supports Scotland's resilience and enables inclusive, net zero, and sustainable growth is, therefore, commendable as is putting 'place' at the heart of the IIP through the theme of building resilient places. The proposed hierarchy should allow for a consistent approach to be taken towards the assessment of infrastructure proposals and the setting of priorities for investment.

The IIP needs to be closely aligned with the forthcoming National Planning Framework 4 which is due to be published in draft form during 2021 in order to support its delivery. The National Planning Framework (NPF4) will shape the geographic distribution of development and infrastructure. It is vital that any growth promoted through the NPF is aligned with infrastructure investment. While there remain some challenges with the process for identifying sub national growth on a national basis, the fact that it is now being defined nationally should ensure the alignment of growth with investment in infrastructure. The Scottish Government must ensure this alignment.

Linked to both documents is the Scottish Government's Climate Change Plan, which is due to be updated later this year to incorporate green recovery proposals. A further link is to the Scottish Government's Housing Planning Delivery Framework, to enhance place based assessments of long term housing need and demand across Scotland through local housing strategies by 2022 and the National Transport Strategy/Strategic Transport Projects Review. The role of the Scottish Futures Trust will also be crucial to inform investment decisions and delivery. Collaboration is key to delivery.

## **E. CONCLUSION**

The Draft IIP sets out the Scottish Government's aspirations for a future Scotland and sets out how the Scottish government intends to build back better by focusing on a shift in approach to capital investment in order to seek to address the economic, health and social impacts of COVID-19. The challenge will be in delivery.

## **F. BACKGROUND REFERENCES**

None

Appendices/Attachments: Two

Appendix 1: A National Mission with Local Impact: Draft Infrastructure Investment Plan for Scotland 2021-22 to 2025-26

Appendix 2: Consultation Response

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**Craig McCorriston**  
**Head of Planning, Economic Development & Regeneration**

17 November 2020



# A NATIONAL MISSION WITH LOCAL IMPACT

**Draft Infrastructure Investment Plan  
for Scotland 2021-22 to 2025-26**



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**Michael Matheson**

**Cabinet Secretary for Transport,  
Infrastructure and Connectivity**

## MINISTERIAL FOREWORD

Infrastructure investment touches the lives of every person in Scotland – from the homes we live in and the water, energy and telecommunication we consume, to how we travel to the places we work, shop and learn.

As we tackle the economic, health and social harm arising from COVID-19, infrastructure will have a key role to play in securing a recovery that delivers new, good, green jobs. To address the adversity of the COVID-19 pandemic, compounded by the fast-approaching shock of the UK's exit from the European Union, it is vital that we act now to invest in Scotland's future.

We need the ability to respond quickly and comprehensively to boost the economy in the light of the COVID-19 pandemic. We need to think differently about wider changes to the ways in which we do business and conduct our lives, for example to boost new, high-quality digital services. We must also recognise the role that our infrastructure investment will have in the transition to a net zero emissions economy and ending Scotland's contribution to climate change.

Earlier this year the Infrastructure Commission for Scotland made recommendations about the right future infrastructure priorities for an inclusive, net zero carbon economy in Scotland. In light of COVID-19 and Brexit, the Commission's approach

is even more needed than before. This plan accepts their recommendations. I show here how we will implement them in consultation with industry, delivery partners and the people of Scotland.

Our Infrastructure Investment Plan covers 2021-22 to 2025-26 and delivers our National Infrastructure Mission commitment to boost economic growth by increasing annual investment in infrastructure by 1% of 2017 Scottish GDP by 2025-26. When the First Minister announced the National Infrastructure Mission in 2018, we were the first part of the UK to commit to overcome historically lower levels of UK investment, seeking to reach internationally competitive levels. Supported by a high-level review of the Scottish Government's capital spending, this plan presents how we will deliver, and how our funding and finance is matched to our decisions.

There is now, more than ever, a need for the UK Government to agree increased fiscal flexibilities for the Scottish Government so that we can take advantage of historically low cost borrowing to invest for Scotland's future. In the absence of that certainty, we are setting out our plans ahead of the UK spending review and confirmation of future budgets for Scotland, because we firmly believe action is required now to support our economy and public services.

The National Infrastructure Mission means over £33 billion of Scottish Government investment over the course of the next Parliamentary term. Our Capital Spending Review Framework, published alongside this draft Infrastructure Investment Plan, sets out at a high level the capital investment we intend to make, whether in infrastructure or other areas such as protecting and increasing jobs or through our capitalisation of the Scottish National Investment Bank.

This draft Infrastructure Investment Plan shows where the capital invested in infrastructure will go. It covers projects which Scottish Government or its Agencies and Non-Departmental Public Bodies deliver directly, such as boosting our digital and transport connectivity, reducing the reliance of our homes on fossil fuels, boosting economic growth across our cities and regions, regeneration in our towns and neighbourhoods, or improving our services with better health and educational facilities.

I am delighted that this draft Infrastructure Investment Plan details around £24 billion of major projects and large programmes that are ready to be confirmed now, including those which are revenue funded. Looking ahead, we will show how future projects which have progressed beyond the planning stage and into delivery will join our pipeline.

We launched through this year's Programme for Government our National Mission for Jobs. Infrastructure investment will be key to its success. This Plan offers the market confidence in a robust pipeline of work that will help stimulate our economic recovery. Over the next five years, around 45,000 jobs will be supported through our total capital investment. It is also good for green jobs and stimulating a low carbon recovery.

This draft Infrastructure Investment Plan sets out a clear vision for our future infrastructure – to support and enable an inclusive net zero emissions economy. Underpinning this vision are three themes: enabling net zero emissions and environmental sustainability; driving inclusive economic growth; and building resilient and sustainable places. These also complement the proposed Missions of the Scottish National Investment Bank.

Our vision can provide huge opportunities for Scotland's people. We will drive innovation, ensure access to growing global markets, create good, sustainable jobs, enhance local areas and support a just and fair transition and wellbeing outcomes.

I'm also pleased to introduce a new Scottish Government-wide infrastructure investment hierarchy, founded in the Infrastructure Commission's recommendations.

Our decision-making approach will support efforts to protect the environment by considering how to enhance and re-purpose what we already have before creating new things. It will make our public services more sustainable and deliver better long term outcomes for those who use them. To back this up we aim to work towards doubling our investment in maintenance over the next 5 years.

We will continue to reduce emissions to play our part in the global fight against climate change. But we also need to protect households and businesses from the effects of climate change already underway. We will increase investment in flood risk mitigation and schemes to help us adapt to coastal change.

We want to build a Scotland that harnesses opportunities and is resilient to future challenges. I am consulting on this draft plan, to ensure the right final approach that benefits all of Scotland's people.

## EXECUTIVE SUMMARY

Scotland aims to deliver a wellbeing economy. That means ensuring society thrives economically, socially and environmentally, and that we deliver sustainable and inclusive growth for all. Making the right investments in the right places is crucial.

### Delivering our National Infrastructure Mission

Analysts<sup>1</sup> have shown that investment in infrastructure can provide a significant boost to the Scottish economy. That is why, in 2018, the First Minister committed to our National Infrastructure Mission to increase annual investment by 1% of 2017 Scottish Gross Domestic Product (GDP) by end of next Parliament.

We are the first part of the UK to commit to such unprecedented growth to meet the level of investment of our international competitors. This will support tens of thousands of jobs and is estimated to stimulate the Scottish economy by between £10 and £25 billion over the next 15 years.

Our high level Capital Spending Review Framework<sup>2</sup>, published alongside this draft plan, sets out how we will ensure sufficient investment to deliver the National Infrastructure Mission. The Capital Spending Review Framework and the Infrastructure Investment Plan, once finalised, will provide a strong and coherent framework for directing, analysing, shaping, and prioritising future commitments.

Alongside building and maintaining infrastructure, our capital investment supports the economic growth we want to see by investing directly in businesses to boost innovation and employment, funding research and development, and capitalising the Scottish National Investment Bank.

This draft Infrastructure Investment Plan puts more flesh on the bones and sets out what we are doing with those capital funds spent on infrastructure. It provides a strategic picture of Scottish Government-wide priorities across financial years 2021-22 to 2025-26. It is draft because we are taking the opportunity to consult on some key aspects before the Plan is finalised, later this year.

### Building on the Infrastructure Commission for Scotland Recommendations

To support delivery of the National Infrastructure Mission, Scottish Ministers established an independent Infrastructure Commission for Scotland. The Commission started work in 2019 and has reported its findings in two phases: Phase 1 recommendations on the right ambition, vision and strategic priorities, published in January 2020; and Phase 2 advice on how infrastructure is delivered. This advice was published in July 2020 and we will respond formally to those recommendations at a later date.

This plan focusses on adopting and building on the recommendations of the Commission in its Phase 1 report. It sets out our long term vision for Scottish infrastructure, shows how we will choose the right future investments, and sets out a 5 year programme of further improvements in our approach.

Our Infrastructure supports Scotland's resilience and enables inclusive, net zero, and sustainable growth

### What we will deliver

In delivering this vision, the draft Infrastructure Investment Plan will focus on three core strategic themes for guiding investment decisions in Scotland:

- **Enabling the transition to net zero emissions and environmental sustainability**
- **Driving inclusive economic growth**
- **Building resilient and sustainable places**

These themes link directly to Scotland's National Performance Framework: our overall purpose and national outcomes to support Scotland's wellbeing. Consistent with our international outlook, they also match the UN Sustainable Development Goals. The Infrastructure Investment Plan offers a strong contribution to the Government's response to the COVID-19 crisis. It is closely linked to the development of the next National Planning Framework – which will support delivery of this Plan by shaping the geographic distribution of development and infrastructure – and the Climate Change Plan, which will be updated later this year to incorporate green recovery proposals.

<sup>1</sup> <https://www.gov.scot/publications/exploring-economic-rationale-infrastructure-investment/>

<sup>2</sup> <https://www.gov.scot/isbn/9781800040946>

Our draft Plan highlights those investments the Scottish Government delivers itself or through its own agencies and non-departmental public bodies. It does not cover investments by the UK Government or the private sector, nor by Councils, recognising their independence. Some of our key investments include:

### Enabling the transition to net zero emissions and environmental sustainability

- Over £500 million will be invested over 5 years in active travel
- Investing £1.6 billion over the next five years to decarbonise heat in buildings, including £55 million new investment in energy efficiency and £95 million programme to decarbonise the public sector estate.
- Investing up to £75 million to improve local authority recycling collection infrastructure, accelerate the landfill gas capture and improve waste data through electronic waste tracking.
- Increasing forest cover, reaching 18,000 hectares of new woodland in 2024-25 as part of a £350 million programme

### Driving inclusive economic growth

- Strengthening connectivity through the £600 million Reaching 100% (R100) programme that will ensure people in every part of Scotland have access to superfast broadband by end 2021.
- Doubling investment in bridge and roads maintenance, enhancing safety with a programme of around £1.5 billion over 5 years
- Stimulating innovation and our international attractiveness by concluding our £75 million investment in the National Manufacturing Institute Scotland
- Investing £525 million to deliver the next five years of £5 billion city region and regional growth deals.

- £30 million in delivering the National Islands Plan, supporting a range of areas, including tourism, infrastructure, innovation, energy transition and skills.

### Building resilient and sustainable places

- Investing £275 million to support community-led regeneration and town centre revitalisation as part of a new Place Based Investment Programme
- Invest over £2.8 billion in direct capital grant funding, over 5 years, to deliver more affordable and social homes, continuing to ensure the right types of homes in the right places reflecting and supporting Local Housing Strategies and regional development priorities.
- Scottish Water is planning to invest over £4 billion in the next charge control period 2021-27 to maintain and improve services across Scotland, address the challenges of its aging asset base, and make progress towards the achievement of its commitment to net zero emissions by 2040.
- Together with Councils, fund an ambitious £2 billion Learning Estate Improvement Programme, using an outcomes based revenue finance approach.
- Invest over £220 million in the Baird and Anchor project in Aberdeen and deliver a £300 million programme of investment to expedite completion of our elective care centres
- Invest £25 million in the system development required to build on the 50-fold increase in patient use of NearMe digital healthcare services.

Scottish Government defines infrastructure more widely than some parts of the UK, including digital and social infrastructure for example. The Infrastructure Commission worked with this definition in their Phase 1 report and recommended we newly add 'natural infrastructure'. We are consulting in this draft plan on that recommendation.

### Infrastructure is:

"The physical and technical facilities and other fundamental systems necessary for the economy to function and to enable, sustain or enhance societal living conditions.

These include the networks, connections and storage relating to the enabling infrastructure of transport, energy, water, telecoms, digital and internet, to permit the ready movement of people, goods and services.

They include the built environment of housing; public infrastructure such as education, health, justice and cultural facilities; safety enhancement such as waste management or flood prevention; and public services such as emergency services and resilience."



### Responding to COVID-19 and long-term trends

Our draft plan responds to the significant near-term challenges presented by the COVID-19 pandemic, recognising the profound impact the virus has had on our whole way of life. This has impacted on all of our communities and people, but particularly those who were most at risk to start with. Infrastructure has a vital role to play in helping businesses and communities to adapt and recover.

Alongside the harmful consequences of COVID-19, we have seen a number of positive shifts as people's lives became home-based, for example towards active travel or to make more use of digital services. Our draft Plan highlights our response, including:

- Investing in digital connectivity to help businesses and users wherever they live and work, and accelerating digital service provision, reducing the need to travel
- Supporting safe active travel and local, accessible public services in vibrant places
- Supporting green and blue spaces to provide access to nature
- Supporting positive social change such as new approaches to rehabilitation, and reduced homelessness
- Whilst not all is infrastructure, we will invest in job-creation to preserve and generate employment to support economic recovery.

Infrastructure investment provides assets for the long term. Consequently, we need to consider in our planning those long term trends that affect the nature of the infrastructure needed, whether due to climate, technological or demographic change. This draft plan sets out the nature of those trends, and highlights the key adjustments in our investment approach that will be required to respond well:

- **Climate** – adapting to climate change as well as mitigating emissions
- **Technology** – enhancing digital services and platforms; and increasing support for data handling and storage
- **Demography** – meeting the needs of a greater share of older people in our population; focusing services and homes where people choose to live; and regenerating areas of working-age population decline.

### A new common investment hierarchy

The Scottish Government has also accepted the Infrastructure Commission recommendation to develop an 'investment hierarchy' which prioritises enhancing and maintaining our existing assets over new build. This is needed to protect our environment, and ensure value for money.

We propose a new Scottish Government-wide common hierarchy to aid planning and decision-making. We are consulting on the details in this draft Plan, as the hierarchy will drive future investment choices.

In practice, the hierarchy means that each step would need to be considered, in turn, before deciding the right new approach. For example, something new might only be built if there is still a demonstrable service need for a facility, and an existing asset can't be re-purposed. In future, a higher proportion of investment is likely to be directed towards the initial steps in the hierarchy than in previous years. As part of that we will be addressing backlogs by working towards doubling investment in maintenance and asset enhancement over the next 5 years.

## NEW SCOTTISH GOVERNMENT INVESTMENT HIERARCHY

**Determine future need**

Consider appropriate infrastructure provision in light of changes in service design, availability of digital platforms and technological innovation, and resilience in light of population and climate change forecasts.

**Maximise use of existing assets**

Maximise use and the safe operation of existing assets to meet future need

**Repurpose & Co-locate**



Reconfigure or repurpose existing assets, giving preference to co-location or shared facilities where appropriate

**Replace or New Build**

Consider suitability and sustainability of new build assets to meet future need



## OUR INFRASTRUCTURE INVESTMENT PLAN 2021-22 TO 2025-26 – AT A GLANCE

Vision	Our infrastructure supports Scotland's resilience and enables inclusive, net zero, and sustainable growth		
<b>Different</b> 	<ul style="list-style-type: none"> <li>• A coherent, strategic plan – based on long-term trends across 3 Themes under a common Vision</li> <li>• Consistent portfolio coverage from 2021-22 to 2025-26 – matching National Infrastructure Mission delivery</li> <li>• A new common investment hierarchy – enhancing and maintaining existing assets ahead of new build</li> <li>• Based on outcomes, not inputs – with a 5 year programme of improvements in our assessment framework</li> <li>• Promoting meaningful public engagement</li> </ul>		
<b>Consult on</b> 	<ul style="list-style-type: none"> <li>• The inclusion of natural infrastructure within the Scottish Government definition of infrastructure</li> <li>• How we should prioritise – the common investment hierarchy approach</li> <li>• How we should prioritise – how we best assess the potential benefits and impact of proposed infrastructure</li> <li>• How we might best assess the carbon impact of future Infrastructure Investment Plans</li> </ul>		
Three themes	Enabling Net Zero Emissions and Environmental Sustainability	Driving Inclusive Economic Growth	Building Resilient and Sustainable Places
<b>More</b> 	<p><b>Emissions Reduction</b></p> <ul style="list-style-type: none"> <li>• Decarbonising transport</li> <li>• Supporting Active Travel</li> <li>• Decarbonising heat &amp; boosting the energy efficiency of buildings</li> <li>• Decarbonising industry</li> </ul> <p><b>Supporting a circular economy</b></p> <p><b>Boosting Resilience &amp; Adaptation</b></p> <ul style="list-style-type: none"> <li>• Adapting to change at our coasts</li> <li>• Flood risk management</li> </ul> <p><b>Investing in our Natural Capital</b></p> <ul style="list-style-type: none"> <li>• Woodland creation</li> <li>• Peatland restoration</li> </ul>	<p><b>Strengthening Connectivity and digital services</b></p> <ul style="list-style-type: none"> <li>• Full fibre broadband and 5G</li> <li>• A safe, sustainable, integrated and resilient strategic transport system</li> </ul> <p><b>Boosting Competitiveness</b></p> <ul style="list-style-type: none"> <li>• Strategic tourism investments</li> <li>• Manufacturing &amp; Innovation</li> </ul> <p><b>Inclusion and Growth</b></p> <ul style="list-style-type: none"> <li>• City and Regional Growth Deals</li> <li>• Additional transport links alongside the Deals</li> <li>• Improve outcomes for island communities</li> </ul>	<p><b>Better Local Places:</b></p> <ul style="list-style-type: none"> <li>• Community-led Regeneration</li> <li>• Town Centres</li> <li>• Digital planning</li> </ul> <p><b>Suitable, Warm, Affordable Homes</b></p> <p><b>High Quality Social Infrastructure</b></p> <ul style="list-style-type: none"> <li>• Digital health</li> <li>• Enhanced local &amp; elective health services, to reduce acute need</li> <li>• Learning Estate Investment Programme</li> <li>• New Justice facilities</li> <li>• Improving our water and waste water infrastructure</li> </ul>



## Chapter 1

# THE INFRASTRUCTURE COMMISSION FOR SCOTLAND



Chair of the Infrastructure Commission for Scotland Ian Russell (left) and Michael Matheson, Cabinet Secretary for Transport, Infrastructure and Connectivity (January 2020)

In 2018, the First Minister announced a National Infrastructure Mission, steadily to increase Scotland's annual infrastructure investment so that it reaches internationally competitive levels by the end of the next Parliament. This will see £1.5 billion higher investment in 2025-26 than in 2019-20, an increase representing a full 1% of GDP at the time the Mission started.<sup>3</sup>

To support delivery of the National Infrastructure Mission, Scottish Ministers established an independent Infrastructure Commission for Scotland. The Remit and background to the Infrastructure Commission is published in **Annex A**.

The Infrastructure Commission for Scotland started work in 2019 and has reported its findings in two phases:

- Phase 1: recommendations on the vision, ambition and strategic priorities for infrastructure were published in 'A Blueprint for Scotland' in January 2020.<sup>4</sup>
- Phase two involved providing further advice on the delivery of infrastructure. This advice was published in July 2020.<sup>5</sup>

The Infrastructure Commission was asked to work with the Scottish Government's definition of infrastructure, as below. This was developed after reviewing approaches adopted across the UK, and internationally such as in Canada, Australia and the USA. Scotland recognises a wider range of infrastructure than some others, including social and digital infrastructure, for example.

The Infrastructure Commission's Phase 1 report proposed the following vision:

**30-year Infrastructure Vision:**  
To support and enable an inclusive net zero carbon economy

<sup>3</sup> For further details on the National Infrastructure Mission, please see our Capital Spending Review Framework at:

<https://www.gov.scot/isbn/9781800040946>

<sup>4</sup> <https://infrastructurecommission.scot/page/key-findings-report>

<sup>5</sup> <https://infrastructurecommission.scot/page/delivery-findings-report>

**Infrastructure is:**

“The physical and technical facilities and other fundamental systems necessary for the economy to function and to enable, sustain or enhance societal living conditions.

These include the networks, connections and storage relating to the enabling infrastructure of transport, energy, water, telecoms, digital and internet, to permit the ready movement of people, goods and services.

They include the built environment of housing; public infrastructure such as education, health, justice and cultural facilities; safety enhancement such as waste management or flood prevention; and public services such as emergency services and resilience.”



In formulating its first report, the Infrastructure Commission engaged widely across Scotland, attracting almost 150 submissions and feedback from over 1,000 members of the public. It sought views from users and future users of infrastructure, including engagement with young people<sup>6</sup>, providing a rich source of information.

Phase 1 Key findings report called on the Scottish Government to tackle the dual challenges of a climate emergency and creating an inclusive growth economy. It identified 8 thematic areas with 23 recommendations aimed at the Scottish public sector, as well as infrastructure regulators, operators and users. Key recommendations relate to:

















- Considering expanding our infrastructure definition to include Natural Capital, including ‘green’ and ‘blue’.
- Developing an investment hierarchy for Scotland, which prioritises a greater focus on maintenance of existing assets over new build.
- New methods of appraisal and prioritisation to strengthen the evidence base for infrastructure investment decisions, and ensure they match long-term goals
- Broader public engagement in forward infrastructure plans.

Scottish Ministers agree with the recommendations in the Phase 1 Report. Some forward dates and implementation details may look a little different from Infrastructure Commission aspirations, not least out of necessity given the impact of the COVID-19 pandemic on our work. The Government’s detailed response is set out in the table below, covering 22 out of the 23 recommendations now.

The Infrastructure Commission’s comprehensive second report on the delivery of infrastructure was published in July and the Scottish Government will now take the time needed to consider its findings very carefully. The final Phase 1 report recommendation, number 23, related to statutory long-term, independent advice. Since this concept was explored and developed more fully in the Phase 2 report, a formal response on this recommendation, alongside other Phase 2 findings, will be published in due course.

The Commission recommendations are wide-reaching. This draft Infrastructure Investment Plan builds on the findings, meaning it looks and feels different to its predecessors.

<sup>6</sup> [https://infrastructurecommission.scot/storage/232/Appendix\\_I.pdf](https://infrastructurecommission.scot/storage/232/Appendix_I.pdf)

PRINCIPLE	DETAILED RECOMMENDATIONS	ACCEPT	SCOTTISH GOVERNMENT RESPONSE
<b>Leadership</b> 	<b>1. The 2020 Infrastructure Investment Plan should be prioritised against available inclusive net zero carbon economy outcomes.</b> <b>2. Scottish Government should, by 2021, develop a new infrastructure assessment framework</b> <b>3. Scottish Government should publish, by 2023, a system-wide Infrastructure Needs Assessment</b> <b>4. A fully updated Infrastructure Investment Plan should be developed for publication by 2025, using the new Needs Assessment and framework.</b>		<p>This draft Infrastructure Investment Plan 2021-22 to 2025-26 prioritises the pipeline of investments against three themes, including enabling net zero emissions and environmental sustainability, and driving inclusive economic growth.</p> <p>It sets out a 5 year programme of improvements to infrastructure planning, ready to support future Infrastructure Investment Plans. This includes the development of a new infrastructure assessment framework and a system-wide Infrastructure Needs Assessment.</p>
<b>Place</b> 	<b>5. There should be Place-based assessment of long term Scottish housing supply and demand by 2021, supported by a coherent strategy for the labour market and business opportunities from an inclusive net-zero economy.</b> <b>6. To support the implementation of National Planning Framework 4 and the new system of development plans, a co-ordinated and appropriately resourced Infrastructure First approach to the planning system should be introduced by the SG by 2021</b>		<p>This draft Plan puts 'Place' at its heart through its third theme focused on building resilient and sustainable places.</p> <p>As part of planning reform we will set out interim housing land required (for consultation and scrutiny) in the draft National Planning Framework, due in 2021, and will frame this within a new spatial strategy that aligns with our investment programme and principles. We will build on this to further adapt our Housing Planning Delivery Framework, to enhance our placed based assessments of long term housing need and demand across Scotland through local housing strategies by 2022.</p>
<b>Making the most of existing assets</b> 	<b>7. By the end of 2020, all public sector infrastructure asset owners should develop asset management strategies</b> <b>8. Scottish Government should issue guidance on a whole-life approach to infrastructure maintenance and prioritisation, which includes both cost and build resources.</b> <b>9. There should be a presumption against like-for-like replacement of assets and construction of new, single purpose ones in favour of shared facilities.</b> <b>10. By 2023, Scottish Government should establish a route map to implement an outcome-focused system of resource use, reduction, collection, treatment &amp; repurposing.</b> <b>11. By 2023, Scottish Government should develop a clear implementation plan to address critical natural and built infrastructure climate resilience and adaptation.</b>		<p>We will develop a programme of work with Scottish Futures Trust to prepare guidance for public organisations when developing asset management strategies, considering whole-life approach including cost and build resources alongside the new investment hierarchy, as well as wider net zero and inclusive growth priorities.</p> <p>Scottish Government is developing a route map to reduce waste and meet our waste targets and recycling targets for 2025.</p> <p>Scottish Government policies set out in Climate Ready Scotland: Second Scottish Climate Change Adaptation Programme<sup>7</sup> will be embedded across Government. Independent, expert advice from the Adaptation Committee of the Committee on Climate Change will stimulate further progress.</p>
<b>Heat &amp; Transport</b> 	<b>12. By end 2020, accelerate development and implementation of incentives, support mechanisms and standards for energy efficient, net zero buildings.</b> <b>13. By 2022, Scottish Government, local authorities, regulators and industry should establish a route map for decarbonising heat in domestic, commercial and public buildings, as well as surface-based transportation.</b> <b>14. The National Transport Strategy and Strategic Transport Projects Review 2 should fully reflect the need to deliver an inclusive net zero carbon economy.</b> <b>15. By the end of 2021, develop a new Transport investment appraisal and decision-making process, with necessary changes to current guidance.</b> <b>16. Scottish and UK Governments should commit to work together to establish a charging and payment alternative to the existing fuel and road tax-based regime, to give a more stable, long-term regime for road management and maintenance.</b>		<p>This draft Plan sets out programmes and projects to accelerate decarbonisation of heat and transport.</p> <p>The Climate Change Plan<sup>8</sup> shows how Scotland will drive down emissions to 2032. It will be updated later this year to incorporate green recovery proposals.</p> <p>We have committed to £1.6 billion investment in heat and energy efficiency in our homes and buildings. We are rolling out a Net Zero Carbon Public Sector Buildings Standard, ensuring new public buildings are net zero ready. Future actions will be set out, by the end of 2020, in the Heat Policy Statement and Energy Efficient Scotland Route Map. We will also deliver a Hydrogen Policy Statement and Hydrogen Action Plan as a companion to the Climate Change Plan Update.</p> <p>The National Transport Strategy (NTS) fully reflects our need to deliver our ambitious net-zero targets. We will assess future transport investment decisions through the second Strategic Transport Projects Review; embedding the NTS priorities and outcomes and the Sustainable Investment Hierarchy.</p> <p>Powers relating to Vehicle Excise Duty and Fuel Duty are reserved to UK Government. The Scottish Government has written to the Secretary of State and would welcome constructive discussion with UK Government on these issues.</p>
<b>Regulation</b> 	<b>17. Building on the UK National Infrastructure Commission review of Energy and Telecoms regulation, Scottish and UK Governments should work together to develop, by 2021, an appropriately devolved regulatory &amp; pricing framework to meet future needs.</b> <b>18. Building on existing plans Scottish Government should, by 2021, consider options for delivery and regulatory coherence of water provision and flood management/resilience.</b>		<p>We continue to work with the UK Government and regulators on an underpinning framework in both Energy and Telecoms that is responsive to Scottish needs.<sup>9</sup></p> <p>Work is in train to increase collaboration between water industry and flood management partners.</p>
<b>Digital &amp; Technology</b> 	<b>19. Scottish Government should provide the leadership required to ensure delivery of a full fibre network for Scotland by 2027, to enable the transition to 5G country-wide.</b> <b>20. To increase Scotland's international presence and connectivity, Scottish Government should support an indigenous data-centre market, and investment in fibre-optic cable.</b> <b>21. From 2020, Scottish Government should consider the future data requirements and data potential for new publicly-funded infrastructure, and digital services.</b>		<p>The Reaching 100% (R100) programme will give people in every part of Scotland access to superfast broadband by end 2021 and will provide a significant number of full fibre connections well in advance of 2027. SG continues to work with UK Government on their commitment to roll out gigabit broadband across the country by 2025.</p> <p>The Scottish Government is working with Scottish Futures Trust and partners on a strategy and action plan with the datacentre and international connectivity industry. This work will identify and map out future digital connectivity investment opportunities.</p> <p>We will continue to work to foster the adoption of open data standards, open data and platform based business models necessary to realise the future data requirements and potential for publicly funded infrastructure.</p>
<b>The role of the public</b> 	<b>22. By 2022, capacity and capability requirements for an informed approach to public engagement and participation are needed, to ensure short and long term trade-offs are effectively debated, understood and taken into account.</b>		<p>The Scottish Government will build on learning across sectors, including Scotland's Climate Assembly, and other countries, to develop an exemplar public engagement approach.</p>
<b>Independent long-term advice</b> 	<b>23. By 2021, a body should be given responsibility to provide independent, long term, evidence-based advice to Ministers on investment decisions for our social, economic and natural infrastructure needs and priorities.</b>		<p>The Scottish Government is considering this recommendation in conjunction with the findings of the Commission's Phase 2 report in order to fully reflect on the statutory implications of taking this forward.</p>

<sup>7</sup> <https://www.gov.scot/publications/climate-ready-scotland-second-scottish-climate-change-adaptation-programme-2019-2024/pages/1/>

<sup>8</sup> <https://www.gov.scot/publications/scottish-governments-climate-change-plan-third-report-proposals-policies-2018-9781788516488/>

<sup>9</sup> [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0028/199216/scottish-government.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0028/199216/scottish-government.pdf)



## Chapter 2

# RESPONDING TO COVID-19 AND LONG-TERM TRENDS

The COVID-19 pandemic has had a profound impact on our whole way of life. A clear priority is to reduce the economic, health, and social harm that the virus has brought. Infrastructure can help businesses and communities rebound.

The pandemic is a public health crisis, with unprecedented global economic consequences. Whilst we are starting to see gradual and cautious signs for optimism across the economy, Scottish GDP fell by 19.4% in the second quarter of 2020 – this has been a dramatic shock to our economy.

Over the period of the crisis to June 2020, business turnover in Scotland continued to decrease in almost all sectors as a result of lockdown. That has particularly our hit construction, tourism and hospitality, food, arts, entertainment and recreation sectors. Even where sectors have continued to trade, turnover is down, resulting in precarious cash flows. Consumer demand, how we travel, where we work, purchasing habits, and decision-making will have, perhaps, changed forever. Effects are particularly stark in retail and aviation, for example. How we invest in infrastructure can help our recovery.

COVID-19 has had a dramatic impact on all of our communities and people, but particularly those who were most at risk to start with. Our rural and island communities have faced a particular challenge, especially as a result of lockdown and the disruption to tourism and hospitality. Concerns around digital exclusion have become even more acute, and the crisis has shone a light on the increased need for different systems to exchange and make use of information. Coupled with the withdrawal from the EU, we are aware that the recession caused by COVID-19 has the potential to reduce the economic participation and wellbeing of the most disadvantaged in our society.

Alongside the harmful consequences, we have seen a number of positive shifts, for example, growth in community support, reduced commuting and increased cycling, more flexible working arrangements and making more use of digital services. We now have a unique opportunity, not simply to go back to how things were, but to harness the scale and pace of such changes to drive positive outcomes and ensure our investment plans are founded in fairness and dignity, safeguarding equality.

We will build back better by focusing on the following shifts in our capital investment, to seek to address the economic, health and social impacts of COVID-19:

- Investing in digital connectivity to help businesses and users wherever they live and work, and accelerating digital service provision, reducing the need to travel
- Supporting safe active travel and local, accessible public services in vibrant places
- Supporting green and blue spaces to provide access to nature
- Supporting positive social change such as new approaches to rehabilitation, and reduced homelessness
- Whilst not all is infrastructure, we will invest in job-creation to preserve and generate employment to support economic recovery

## LONG-TERM TRENDS

Infrastructure, once built, lasts for many years. As such, it is important to try to project ahead to consider likely future community needs and how the places we live in and the way we live might change. Before the pandemic, Scottish Government had considered three key long-term trends which impact the provision of infrastructure:

- Climate change
- Technological developments
- Demographic change

## Climate Change

The UK Climate Projections (UKCP18)<sup>10</sup> illustrate a range of future climate scenarios for Scotland until 2100, suggesting that:

- Rainfall is projected to become more seasonal, with an increase in average winter and autumn rainfall (as illustrated in the figure below). Average summer rainfall may decrease.
- Average temperatures will increase in all seasons, with the greatest increase in summer.
- Winter storms with extreme rainfall may become more frequent.
- Sea levels will rise.

Scotland winter precipitation compared to 1981-2000

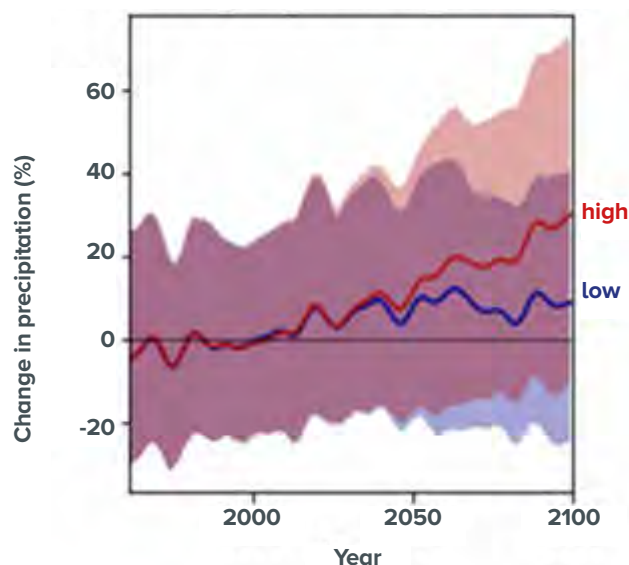


Figure shows projected changes, relative to the 1981-2000 average, in Scottish winter rainfall under high and low global emissions scenarios. The shaded envelopes represent the uncertainty ranges for each scenario.

These changes will lead to a range of impacts, including:

### Increased risk of flooding and disruptive storms:

With climate change likely to alter rainfall patterns and bring more heavy downpours, we can expect flood risk to increase in the future, impacting on transport and energy networks and properties.

**Change at our coast:** With sea level rise set to accelerate, we can expect to see more coastal flooding, erosion and coastline retreat, with consequences for our coastal communities and supporting infrastructure.

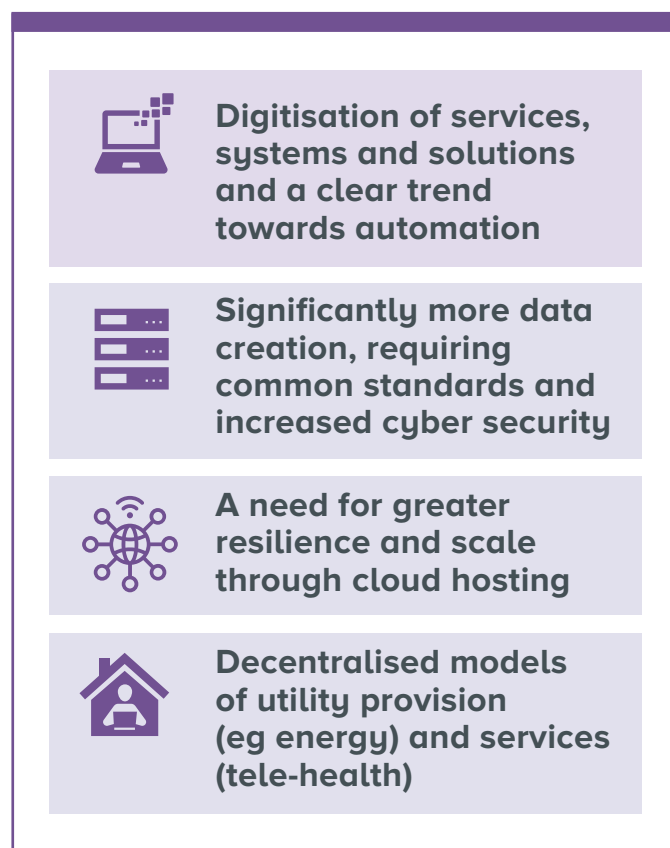
**Availability and quality of water:** As our climate warms and rainfall patterns change, there may be increased competition for water between households, agriculture, industry and the needs of the natural environment.

An increase in the frequency and intensity of weather events is likely to impact infrastructure planning and operation. For example, our energy, transport, water, and ICT networks may face disruptive flooding, landslides, drought and heatwaves. Generating some types of renewable energy is weather-dependent. Climate also impacts on raw water quality which necessitates different and higher levels of treatment to meet drinking water quality standard. We need to adapt current infrastructure and design future assets to be more resilient to the effects of climate change.

<sup>10</sup> <https://www.metoffice.gov.uk/binaries/content/assets/metofficegovuk/pdf/research/ukcp/ukcp-headline-findings-v2.pdf>

## Technological Change

While technological change has been continuous over time, the size, speed and scope of technological change in recent years is unprecedented. The main trends we are seeing, related to infrastructure, are:<sup>11</sup>

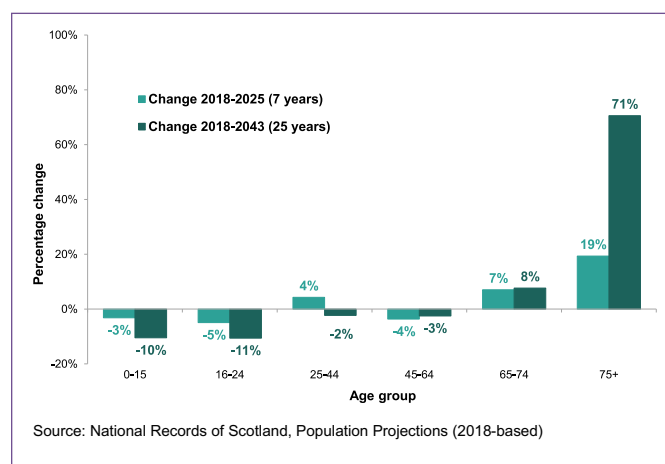


This trend toward decentralisation, underpinned by digital services, has been accelerated in response to the COVID-19 crisis, where digital applications have proved their worth – for example, digitisation of some court procedures, greater use of video consultation in primary care, and online learning and teaching in schools and tertiary education. Many businesses have also made greater use of technologies or shifted to digital modes of provision.

## Demographic changes

Scotland's population has increased in past years, and is projected to continue to rise. The largest medium-term trends relate to the significant increase in our older population, and changes in where and in what household size people choose to live.<sup>12</sup>

- All Councils will see an increase in pensioners with implications for services such as health, or the nature of housing required
- The biggest change is a 71% increase in the number of people aged over 75 in the next 25 years.
- There is a trend of predominantly older households in the West and South West areas.
- Migration has been the main driver of population growth, and all the projected future increase is projected to come from migration (both overseas and rest of the UK).
- Numbers of working age population and children are reducing in the West, South West and Islands, and increasing in the East and North East.
- Cities experience most population growth through overseas in-migration, whilst seeing outward migration of Scots to surrounding areas.
- Single adult households are increasing at a much faster rate than all others.
- Dedicated university accommodation has reduced housing pressure in cities.



<sup>11</sup> <https://www.gov.scot/publications/implications-future-technological-trends-scotlands-infrastructure/>

<sup>12</sup> <https://www.nrscotland.gov.uk/files/statistics/consultations/infrastructure-commission-for-scotland-call-for-evidence-may-19.pdf>

## Percentage change in population by council area, 2018-2043

### Percentage population change

- Population decline
- Population growth below the Scottish average
- Population growth above the Scottish average

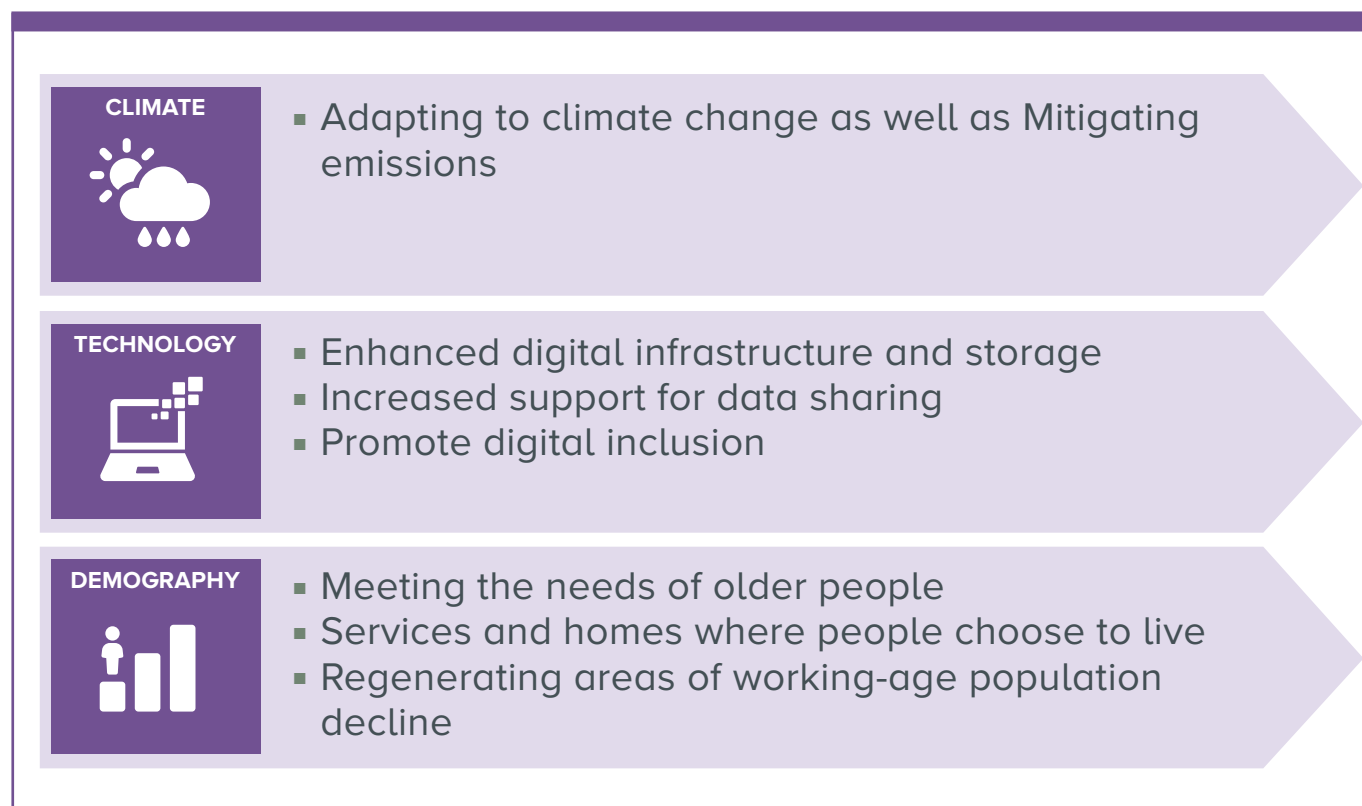
1. West Dunbartonshire
2. East Dunbartonshire
3. North Lanarkshire
4. Glasgow City
5. East Renfrewshire
6. Renfrewshire
7. Inverclyde
8. Clackmannanshire
9. Falkirk
10. West Lothian
11. City of Edinburgh
12. Midlothian
13. East Lothian

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**Shifting our approach in response**

Our approach to infrastructure is shaped by an understanding of the challenges and opportunities these trends bring:

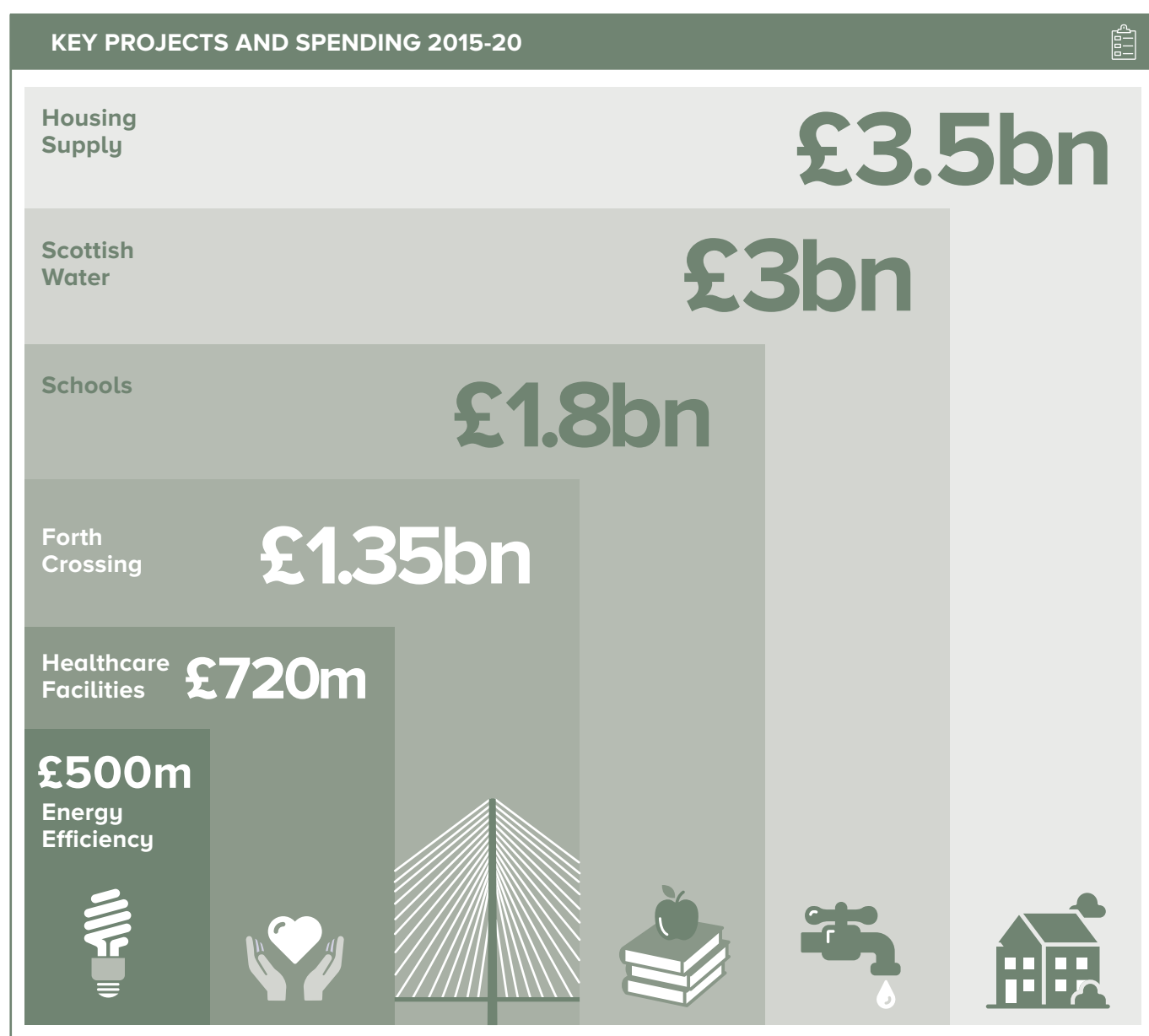




## Chapter 3

# OUR COHERENT, STRATEGIC INFRASTRUCTURE INVESTMENT PLAN

The last Infrastructure Investment Plan was published in 2015, and its delivery progress has been reported to Parliament twice each year.<sup>13</sup> In that 5 year period we have completed a number of milestone developments, as below.



<sup>13</sup> The latest versions of the Infrastructure Investment Plan publications can be found by way of the following link:  
<http://www.gov.scot/Topics/Government/Finance/18232/IIP>

This draft Infrastructure Investment Plan provides a coherent and strategic picture of our Scottish Government-wide investment priorities to 2025-26. Investment in infrastructure will be key to Scotland's economic recovery from COVID-19, and also in supporting public services, delivering our transition to net zero, and meeting the needs of people and communities across Scotland.

We are consulting on key aspects of our approach. This will permit finalisation of the Infrastructure Investment Plan to be aligned with the Climate Change Plan update, and likely Budget 2021-22 and the Medium-Term Financial Strategy timings.

The Plan has been developed to implement the Phase 1 recommendations of the Infrastructure Commission. It includes a number of shifts in approach. Notably it:

- Articulates shifts in approach due to COVID-19, and to respond to long-term needs
- Sets out a coherent, strategic plan – rather than portfolio-based, it delivers long-term outcomes across three themes, under a single common Vision
- Sets out plans on a consistent 2021-22 to 2025-26 timeline across all areas, showing how Scottish Ministers will deliver the National Infrastructure Mission
- Introduces a new, common investment hierarchy – enhancing and maintaining existing assets ahead of new build
- Supports market confidence and jobs with a sizeable pipeline of activity
- Establishes a 5-year improvement programme & promotes public engagement

### A Coherent, Strategic plan – Three Themes under a Single Vision

A coherent Plan means taking a whole of government approach. We have adopted a single vision for our infrastructure investment choices.

**“Our Infrastructure supports Scotland's resilience and enables inclusive, net zero, and sustainable growth”**

In supporting this vision, the Plan focuses on three key themes. These are not necessarily independent. For example, investing in a project which contributes towards net zero emissions could then also improve opportunities and outcomes in the place in which that project is based. Investments also present opportunities for new groups of people to benefit from working in the industry it supports who may not have been previously represented. We will seek to prioritise investments which deliver positive outcomes across more than one theme.



### Enabling the transition to Net Zero Emissions and Environmental Sustainability:

Public infrastructure investment has a critical role to play in tackling the twin crises of climate change and biodiversity loss. We will increase spending on low carbon measures, climate resilience, and nature-based solutions.



### Driving Inclusive Economic Growth:

We can boost productivity and competitiveness, and create good jobs and green jobs, by enhancing our transport and digital connectivity and capacity in all areas of Scotland, and by stimulating innovation. We will embed fairness and inclusion, seeking to ensure no-one is left behind.



### Building Resilient and Sustainable Places:

Delivering on our ambition for a fairer Scotland starts at the local community level. We will invest in our housing and better local delivery of services. With our partners we will meet the diverse economic, social and environmental needs of urban, rural and island areas.

These themes directly link to Scotland's National Performance Framework, which sets out our overall purpose, and the UN Sustainable Development Goals. They align with our recovery and renewal from COVID-19, ensuring that our short term response to the crisis complements the long term drive towards a wellbeing economy; reducing inequality and improving the quality of life of all of our people.

This Plan sets out the investments which Scottish Government makes at its own hand, in its own facilities and assets required for public services (rather than the service itself) and those of its agencies and public bodies. It does not cover UK Government investment in reserved areas.

While we focus on Scottish Government investments here, we recognise that our approach to infrastructure must be a collective endeavour in order to be successful. The Plan does not cover investment choices made by local government, recognising Councils' autonomy, we will continue to work closely with Local Government and other delivery partners to pursue shared priorities. We will also continue to engage with the private sector and the Scottish National Investment Bank about the role of external investment within the overall framework provided by this Plan.



### **A Consistent Approach to Financial Planning – 2021-22 to 2025-26**

This Plan has been developed alongside considering the likely finance available for Scottish Government programmes, as set out in the Capital Spending Review Framework.<sup>14</sup> The last multi-year capital spending review was in 2010, and this year is the first time long-term financial planning has coincided with a new Infrastructure Investment Plan.

This means we have been able to plan and choose the right things to enhance and build, alongside ensuring the funding and finance to pay for them. It gives us confidence to set out a full plan to deliver the National Infrastructure Mission over the next Parliamentary term.

The Scottish Government's final budget envelope for capital investment in future years depends on the outcomes of the forthcoming UK spending review. Scottish Ministers continue to urge the UK Government to prioritise capital stimulus within its own spending plans. The Scottish Government is committed to a number of significant projects, for example including replacing Monkland's hospital. UK allocations will enable us to provide greater certainty on our plans and scheduling for such projects. Detailed capital budget allocations will be confirmed as part of the Budget process.

Such major projects can be updated on after related public consultation has concluded and once the Final Business Case is prepared ready to join the Infrastructure Investment Plan pipeline. The progress of such major projects is reported regularly to Parliament, as set out on page 27 of this Plan.

### **Including Natural Infrastructure in our Infrastructure Definition**

By investing more in nature-based solutions, we recognise the direct and indirect value that our natural environment can bring. Enhancing nature reserves and protected areas can boost biodiversity and recreational and tourism value. Improving landscaping and open space in housing can encourage passive cooling and sustainable drainage. Planting trees and restoring peatland can increase carbon storage. Our natural infrastructure can contribute a great deal to quality of place and wellbeing by supporting sustainable everyday living and strengthening community resilience.

The Commission recognised the role of infrastructure in supporting environmental outcomes and recommended we include natural infrastructure in our definition. Natural infrastructure can be thought of as the environmental resources (e.g. plants, animals, air, water, soils) that combine to yield a flow of benefits to people both now and in the future. Phrases such as 'green' or 'blue' economy can also be used. That latter means the sustainable use of our ocean resources for economic growth, improved livelihoods and jobs, and ocean eco-system health.

<sup>14</sup> <https://www.gov.scot/isbn/9781800040946>

The International Institute for Sustainable Development (IISD) offers the following definition: *“Natural infrastructure is an area or system that is either naturally occurring or naturalised and then intentionally managed to provide multiple benefits for the environment and human wellbeing.”<sup>15</sup>*

We propose to change our definition of infrastructure to incorporate natural infrastructure, guided by the IISD definition and in line with our approach to Natural Capital.<sup>16</sup> We are consulting on the following changes (shown in bold):

“The physical and technical facilities, **natural** and other fundamental systems necessary for the economy to function and to enable, sustain or enhance societal living conditions.

These include the networks, connections and storage relating to the enabling infrastructure of transport, energy, water, telecoms, digital and internet, to permit the ready movement of people, goods and services.

They include the built environment of housing; public infrastructure such as education, health, justice and cultural facilities; safety enhancement such as waste management or flood prevention; **natural assets and networks**; and public services such as emergency services and resilience.

### Establishing a New Common Investment Hierarchy

The Commission recommended that we place greater emphasis on making the most of existing assets. Addressing the climate emergency, promoting circular economy approaches and increasing sustainability, requires us to prioritise the assets and materials we already have. The Phase 1 report proposed the development of an investment hierarchy which prioritises maintaining and enhancing existing assets over new build.

An investment hierarchy does not preclude new assets. Rather it is an approach to planning and decision making which would consider future needs, including use of digital platforms and technology, and the suitability of existing assets.

Parts of government have already been evolving hierarchies and adopting a formal asset management approach: Scottish Water’s preparation for the next charge control period (2021-27) includes the development of an Asset Information and Management Strategy. The National Transport Strategy includes a Sustainable Investment Hierarchy and Transport Scotland has an Asset Management Policy, Strategy and Plan for Scotland’s trunk road network.

A new common approach across the Scottish Government is proposed that will support the coherence of our whole programme – and, over time, those of public bodies. It is set out in the diagram overleaf.

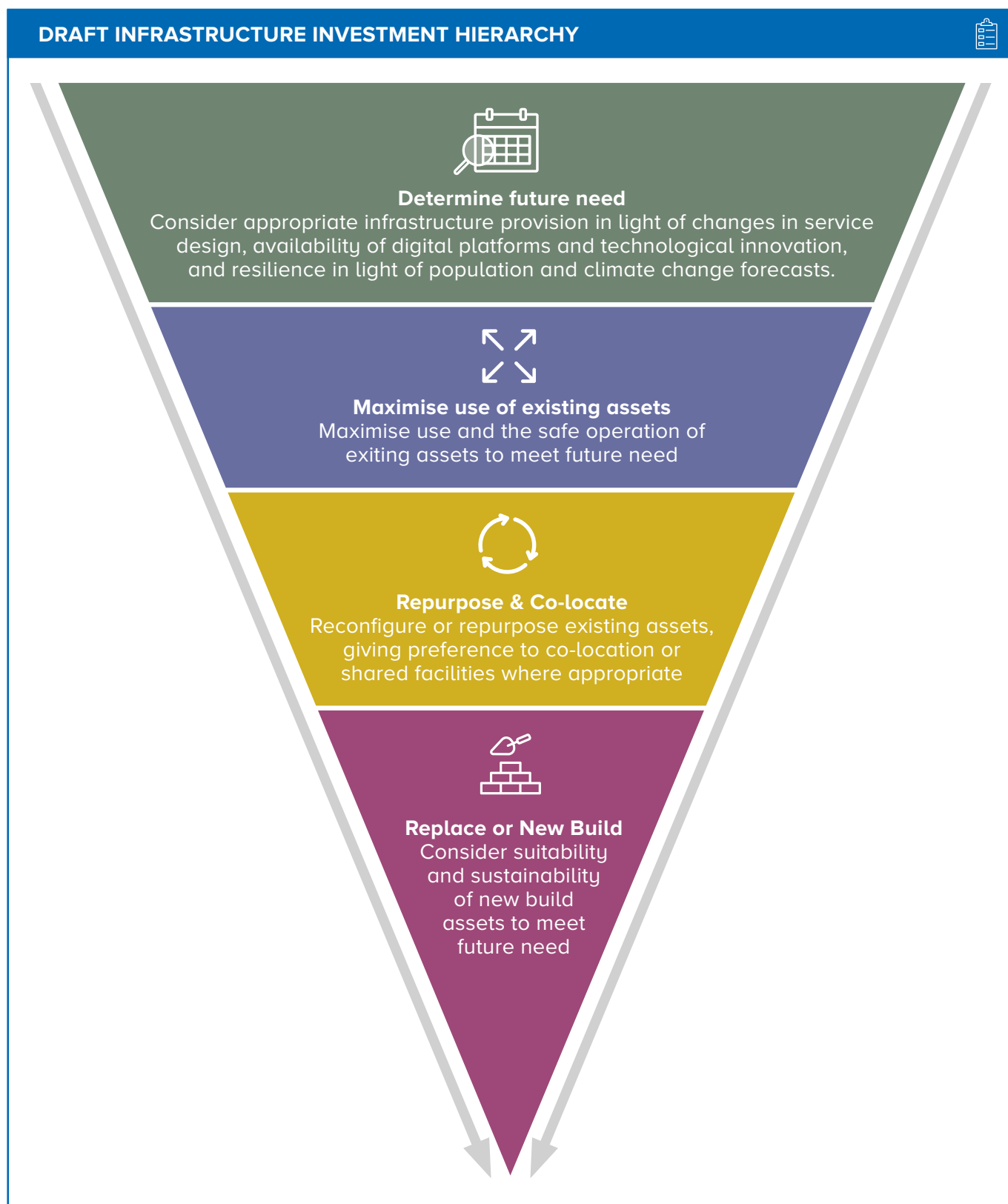
In considering the rationale of any new investment hierarchy, The Scottish Government Office of the Chief Economic Adviser (OCEA) has established an overview of the economic and distribution benefits of maintenance and enhancement programmes. See **Annex B** for more details.

This evidence suggests considerable economic and distributional benefits arise from such programmes, particularly where the focus is on assets in the poorest condition. They can also offer a wider regional distribution of and a greater potential for Scottish Small and Medium sized Enterprises (SMEs) to engage in this work than is typical in larger construction programmes.

We are already investing over £450 million in maintenance in 2020-21, and will work towards doubling this level over the next 5 years, addressing backlogs. Capital maintenance includes asset enhancement, ensuring asset compliance with regulatory requirements, major equipment and fleet.

<sup>15</sup> <https://www.iisd.org/articles/multiple-benefits-natural-infrastructure>

<sup>16</sup> <https://www.nature.scot/professional-advice/planning-and-development/social-and-economic-benefits-nature/natural-capital-asset-index>



### Measuring Outcomes and the Potential Benefits of Future Infrastructure

Infrastructure can deliver multiple benefits for individuals and communities – such as new childcare facilities, affordable housing and good public transport links reducing the barriers for job seekers and working parents. The Scottish Government uses its National Performance Framework to seek to examine and capture such outcomes, or benefits, as approaches are designed, or evaluated.

While it recognised that robust evidence based frameworks are in place, the Commission recommended development of a new, overarching assessment framework across all infrastructure types to support system-wide, long-term trade-offs and choices with a focus on the twin objectives of net zero emission and inclusive economic growth. It recognised that this will take time to develop.

For this current Plan, they recommended we use “the most appropriate methodology available” that prioritises, on a “no regrets” basis, the contribution to an inclusive net zero carbon economy. Their work also involved a Fraser of Allander<sup>17</sup> report exploring the relationship between infrastructure and inclusive economic growth, which concluded that a dashboard of indicators would be the best approach.

Scottish Government already prepares business cases considering the likely impact of proposed infrastructure, using the most relevant aspects of the National Performance Framework. Some areas base assessment on the inclusive growth framework, considering participation, population, place, people and productivity. The Scottish National Investment Bank mission-based approach is also outcomes-based.

The diagram overleaf shows the types of indicators that have been considered by the Scottish Government when assessing the potential benefits of infrastructure in this Plan. It offers an illustration, and basis for future work. A key principle will be to ensure that this also supports progress in narrowing gaps in outcomes between disadvantaged and other groups.

Evidence around the difference in economic impact of projects during the construction phase is limited. There is, however, a difference in the impact of how such new facilities are used, and where they are located, and that is where future assessment might best focus.

### Promoting Better Engagement with the Public

We encouraged the Infrastructure Commission to engage widely in looking at the right strategic priorities for Scotland. Recognising that infrastructure is with us for a long time, and can be expensive, the Commission has recommended that an informed approach to public engagement and participation is needed, to ensure short and long-term trade-offs are effectively debated, understood and taken into account. We agree, and are committed to openness and transparency.

In developing our exemplar approach, we will build on experiences across sectors and in other countries. For example, The Scottish Government’s Commitment to the Open Government Partnership (OGP)<sup>18</sup> has drawn out good examples of public engagement in the delivery of large infrastructure projects, including the Queensferry Crossing. And Scottish Water’s 25 year Strategic Plan published last summer was co-created with stakeholders and they will establish a new National Engagement Programme. The development of our future approach will learn from Scotland’s Climate Assembly, and will build on the engagement undertaken to inform the National Planning Framework 4.

<sup>17</sup> After comparing three different approaches, the FoA report endorses the use of a dashboard (akin to a streamlined version of the National Performance Framework) in measuring the impact of infrastructure investment on Inclusive Growth outcomes.  
[https://infrastructurecommission.scot/storage/234/Appendix\\_K.pdf](https://infrastructurecommission.scot/storage/234/Appendix_K.pdf)

<sup>18</sup> <https://www.gov.scot/policies/improving-public-services/open-government-partnership/>

## IMPACT ASSESSMENT & PRIORITISATION: Indicative Dashboard

Notes:

- The 15 indicators are shown below mapped against our three themes.
- These are illustrative of the types of indicators we could include in a dashboard assessment framework.
- They are drawn from the National Performance Framework as well as The Scottish Centre for Regional Inclusive Growth Dashboard (available at [www.inclusivegrowth.scot](http://www.inclusivegrowth.scot)).
- The key showing the Sustainable Development Goals and National Performance Framework outcomes is shown overleaf.



Sustainable Development Goal		NPF Outcomes	
	End poverty in all its forms everywhere		<b>Children &amp; Young People</b> – We grow up loved, safe and respected so that we realise our full potential.
	End hunger, achieve food security and improved nutrition and promote sustainable agriculture		<b>Communities</b> – We live in communities that are inclusive, empowered, resilient and safe.
	Ensure healthy lives and promote wellbeing for all at all ages		<b>Culture</b> – We are creative and our vibrant and diverse cultures are expressed and enjoyed widely
	Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all		<b>Economy</b> – We have a globally competitive, entrepreneurial, inclusive and sustainable economy.
	Achieve gender equality and empower all women and girls		<b>Education</b> – We are well-educated, skilled and able to contribute to society.
	Ensure availability and sustainable management of water and sanitation for all		<b>Environment</b> – We value, enjoy, protect and enhance our environment
	Ensure access to affordable, reliable, sustainable and modern energy for all		<b>Fair Work &amp; Business</b> – We have thriving and innovative businesses, with quality jobs and fair work for everyone
	Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all		<b>Health</b> – We are healthy and active
	Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation		<b>Human Rights</b> – We respect, protect and fulfil human rights and live free from discrimination
	Reduce inequality within and among countries		<b>International</b> – We are open, connected and make a positive contribution internationally.
	Make cities and human settlements inclusive, safe, resilient and sustainable		<b>Poverty</b> – We tackle poverty by sharing opportunities, wealth and power more equally
	Ensure sustainable consumption and production patterns		
	Take urgent action to combat climate change and its impacts		
	Conserve and sustainably use the oceans, seas and marine resources for sustainable development		
	Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss		
	Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels		
	Strengthen the means of implementation and revitalize the global partnership for sustainable development		

**The Infrastructure Investment Plan Pipeline, Monitoring and Reporting**

There is a well-established suite of monitoring and reporting arrangements, including for the previous 2015 Infrastructure Investment Plan. The Scottish Government supplies the Parliamentary Audit and Post Legislative Scrutiny Committee (PAPLS) with reports twice a year. These include an Annual Progress Report on the Infrastructure Investment Plan itself, and detailed delivery information on all projects and programmes, including timelines and budget.<sup>19</sup>

This draft Plan details the projects and programmes whose business cases and procurement plans are sufficiently advanced that they represent firm decisions now. As such, it offers the market confidence in a robust pipeline of work and is good for jobs, green jobs and stimulating low carbon economic recovery.

Arrangements for reporting on this pipeline will continue, as before. We will publish the final Pipeline of major projects and programme for this Plan when it is finalised. Additionally, as new projects and programmes are developed they can be added to the pipeline when they are suitably ready, and consequently reported to Parliament.

We also regularly report to Parliament on the climate change implications of the Capital Budget but we are aware of the limitations in our current approach to carbon reporting and wish to improve it. In passing the 2019 Climate Change (Emissions Reduction) Act in Scotland, the Parliament agreed that we should explore new ways to assess the contribution made by the infrastructure investment plan to the emissions targets. Annex C sets out the range of issues being considered in relation to this and in Chapter 4 we are inviting views on how we develop a new approach. Around 36% of the projects and programmes presented in this draft Plan are in the Low carbon category according to the current methodology. We will present more information on the climate change impact of the final Plan when it is published later this year alongside the recast Climate Change Plan.

**Supporting Supply Chains**

In order to identify and maximise the local industry benefit from the pipeline, The Scottish Government will work closely with the Construction Leadership Forum<sup>20</sup>, as they take forward a range of collaborative actions to address the challenges of COVID-19 and the wider transformation of the sector. We are also looking at how best to support local economies to get more value from public sector investment and supports more local businesses to secure contracts.

**A 5 Year Improvement Programme**

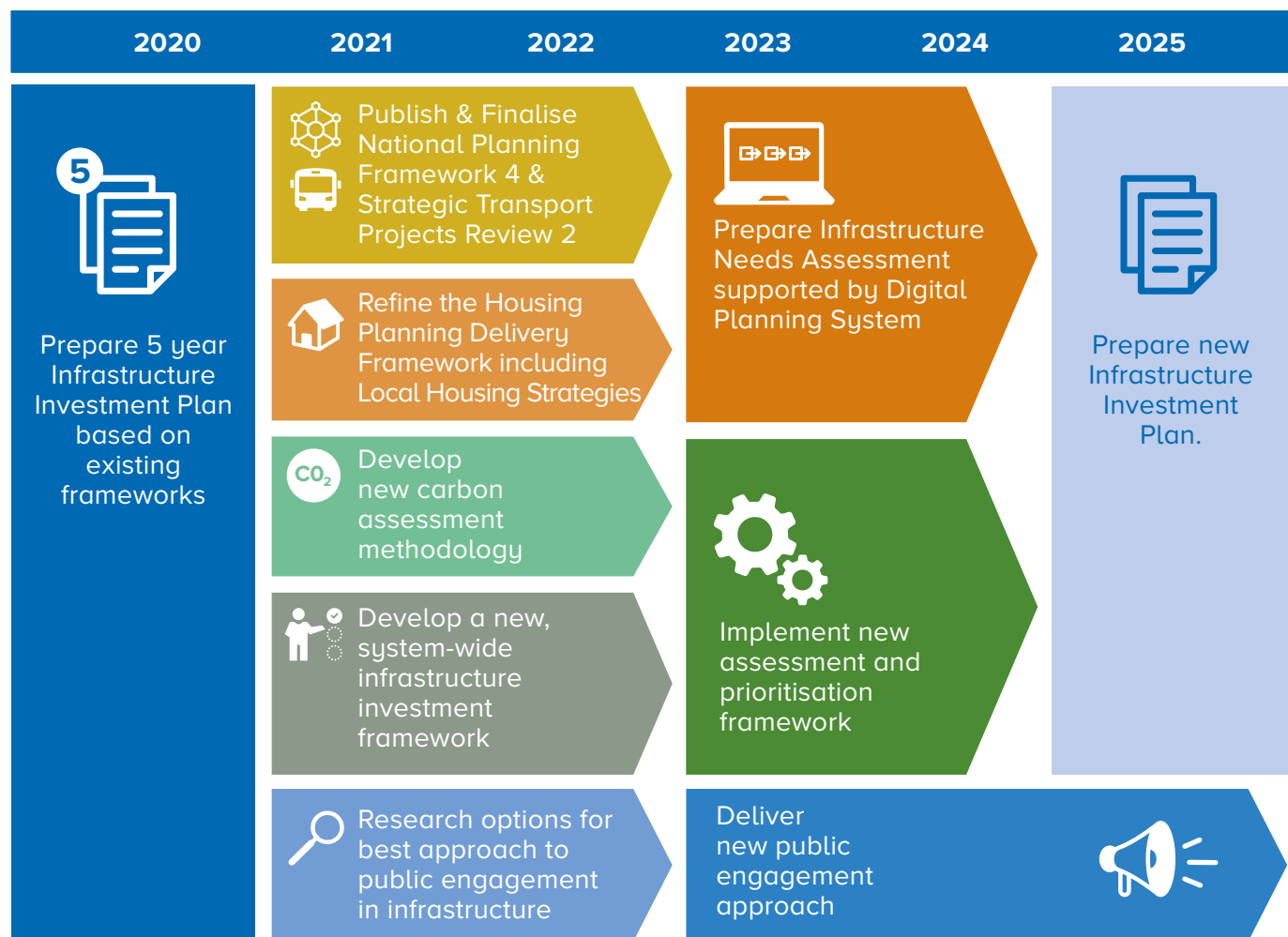
The Commission's Phase 1 report recommended a number of improvements to the Scottish Government's approach to infrastructure. These were intended to be implemented over time, and support development of the next Infrastructure Investment Plan in 2025. The diagram overleaf shows how the Scottish Government intends to take such improvements forward, and the timeline. Taken together, they should ensure better, more consistent, and more transparent future decisions about the right infrastructure to provide.

<sup>19</sup> The latest versions of the Infrastructure Investment Plan publications can be found by way of the following link:

<http://www.gov.scot/Topics/Government/Finance/18232/IIP>

<sup>20</sup> <https://www.constructionforum.scot/>

## FUTURE ROUTE-MAP FOR INFRASTRUCTURE INVESTMENT DECISION FRAMEWORK





## Chapter 4

# CONSULTATION QUESTIONS

### Why we are consulting

Earlier this year the Infrastructure Commission for Scotland made recommendations about the right future infrastructure priorities for an inclusive, net zero emissions economy in Scotland. This plan accepts their recommendations and shows how they will be implemented.

During the first half of 2019, the Infrastructure Commission undertook widespread engagement on infrastructure priorities. We have already considered the feedback received by the Commission in response to its Call for Evidence. We do not seek to repeat this engagement. The purpose of this consultation is to seek wide-ranging views and feedback on some specific areas around the ways we plan to implement the Commission's recommendations, to ensure the right final approach.

### Responding to this Consultation

We are inviting responses to this consultation by 19 November 2020.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). Access and respond to this consultation online at <https://consult.gov.scot/infrastructure-and-investment-division/draft-infrastructure-investment-plan/>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 19 November 2020.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form (provide at Annex D) and send to:

Email: [InfrastructureInvestmentStrategy@gov.scot](mailto:InfrastructureInvestmentStrategy@gov.scot)

By post:

Infrastructure Investment Plan Consultation  
3-C North  
Victoria Quay  
Edinburgh  
EH6 6QQ

### What happens next?

Following the closing date, all responses will be analysed and considered along with any other available evidence. The Scottish Government will publish responses, where respondents have given permission for their response to be made public, and a report summarising responses will also be made available.

Responses to some questions we have asked will directly inform the final Plan to be published later this year, in particular questions under sections 1, 2 and 4 below. As this is a significant turning point in our approach to infrastructure it will be important to take time to test and implement the right interventions where appropriate. We anticipate that responses to section 3 inform our future programme of improvements. These will be developed with further testing over time, and considered alongside other strategic developments, to ensure they deliver the right outcomes.

## 1. The inclusion of natural infrastructure in our definition

Our natural environment can play an important role in our infrastructure system and generate benefits to the economy and society – as well as help to tackle climate change and other challenges such as biodiversity loss and poor air quality.

The Government would like to revise its infrastructure definition to include references to natural infrastructure, and offers proposes the following changes (shown in green):

“The physical and technical facilities, **natural** and other fundamental systems necessary for the economy to function and to enable, sustain or enhance societal living conditions.

These include the networks, connections and storage relating to the enabling infrastructure of transport, energy, water, telecoms, digital and internet, to permit the ready movement of people, goods and services.

They include the built environment of housing; public infrastructure such as education, health, justice and cultural facilities; safety enhancement such as waste management or flood prevention; **natural assets and networks**; and public services such as emergency services and resilience.”

These proposed changes will help ensure investment in natural infrastructure can be considered and prioritised equally, alongside other areas, and that progress on our plans to boost natural infrastructure will be equally transparent and can be scrutinised on a consistent basis by Parliament.

### 1a) Do you support the inclusion of natural infrastructure in our definition of infrastructure?

Yes                      No                      Unsure

### 1b) Do you agree with the wording proposed for the revised definition?

Yes                      No                      Unsure

### 1c) If you do not agree, please provide your suggested changes and additional material to support your answers [200 word limit]:

## 2. How we should prioritise – a common investment hierarchy

The Scottish Government has accepted the Commission’s suggestion to develop an ‘investment hierarchy’ which prioritises maintaining and enhancing existing assets over new build. On pages 22-23 we propose a new common hierarchy, to aid planning and decision-making and drive future investment choices.

In practice, this means that the following steps would need to be considered, in turn, before deciding the right investment plans.

1. Determine future need.
2. Maximise use of existing assets.
3. Repurpose & Co-locate.
4. Replace or New Build.

For example, something new might only be built if there is still a demonstrable service need for a facility, and an existing asset cannot be re-purposed. In future, this will mean that a higher proportion of investment and resource is likely to be directed towards the initial steps in the hierarchy than in previous years.

### 2a) Do you agree that the steps proposed in the common investment hierarchy are the right ones?

Yes                      No                      Unsure

### 2b) If you think any adjustments are needed to the proposed investment hierarchy, please provide suggested changes (and evidence, where appropriate) to support your answers:

**3. How we best assess the impact of proposed infrastructure**

The Infrastructure Commission recommended a new assessment framework is developed, in advance of the next Infrastructure Investment Plan, to inform decisions about future infrastructure investment so that it best achieves desired outcomes.

On page 24 we have set out the challenges in comparing the potential benefits of different types of infrastructure. It is not easy to compare investment in a school, hospital, or new digital public service, for example, because they may all deliver positive outcomes but not necessarily using comparable evidence or over the same timeframe.

We are considering how best to develop our new approach and welcome views about the best way forward. This is likely to take the form of a suite or 'dashboard' of indicators, as shown in the diagram on page 25, to allow for a range of factors to be taken into account in any assessment, balancing potential trade-offs. This approach would be consistent with the National Performance Framework. Responses to questions in this section will inform our work to develop a common assessment framework.

**3a) Do you agree that a dashboard of indicators is the best approach to enable informed decisions to be taken about the long-term trade-offs and choices in our infrastructure investments? Please provide the reasons for your response.**

**3b) What outcomes (and/or indicators) do you think should be included in developing a common assessment framework for prioritising infrastructure investment?**

**In your response you may wish to consider how any of the suggested factors might:**

- link to the three themes of the Infrastructure Investment Plan (enabling net zero emissions and environmental sustainability; driving inclusive economic growth; and building resilient and sustainable places); and
- help address inequality, including for protected characteristic groups, and socioeconomic disadvantage.

**3c) Are there existing tools or methodologies you are aware of which you think the Scottish Government could draw on or adopt in developing its framework? You may wish to draw on examples from other countries in your response.**

#### 4. How we assess the greenhouse gas emissions impact of future Plans

The Scottish Government has used broad categories of low, neutral and high carbon (known as a taxonomy approach) to explain the climate impact of its infrastructure investment.

When considering the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, Parliament agreed that a new methodology should be developed to improve assessment of the contribution made by infrastructure investment to Scotland's emissions targets. We have undertaken some research to support this, it is published online at: <https://www.climatexchange.org.uk/research/projects/greenhouse-gas-emissions-and-infrastructure-investment-decisions/>

The research concludes that a new approach will take time to develop, and we wish to ascertain views on the best way forward. The research presents four options that we should consider in developing a new approach, these are:

1. Updated taxonomy.
2. Absolute emissions.
3. Baseline and intervention.
4. Gap analysis.

A summary of the strengths and weaknesses is set out in Annex C and in the full report.

The Scottish Government is minded to explore further the use of Baseline and Intervention and Gap Analysis approaches which we believe will provide a more useful and meaningful assessment than the current taxonomy approach.

The development of the new approach using one of the methods (or a combination of them) is likely to be an iterative process and will require substantial work to establish the new framework and collect the necessary data. This is noted in the Infrastructure Investment Plan forward programme. We would like our measurement to be internationally comparable, practicable, and to give stakeholders useful information.

#### 4a) Do you support the planned approach to developing a new approach to assessing the contribution made by infrastructure investment to Scotland's emissions targets?

Yes                      No                      Unsure

#### 4b) Please explain and support your response with evidence [500 word limit].

#### 5. Strategic Environmental Assessment: Environmental Report

Strategic Environmental Assessment (SEA) is the assessment of the likely significant environmental effects that a public plan, programme or strategy will have on the environment if implemented. Where possible, it proposes how negative effects can be avoided or reduced and identifies opportunities for positive effects to be maximised. An Environmental Report has been published alongside the IIP.

#### 5a) What are your views on the accuracy and scope of the environmental baseline set out in the Environmental Report?

Please give details of additional relevant sources alongside your response.

#### 5b) What are your views on the predicted environmental effects of the IIP as set out in the Environmental Report?

#### 5c) What are your views on the proposals for mitigating, enhancing and monitoring the environmental effects set out in the Environmental Report?



## Chapter 5

# THEME 1: ENABLING THE TRANSITION TO NET ZERO EMISSIONS AND ENVIRONMENTAL SUSTAINABILITY

### Some achievements from our 2015 Infrastructure Investment Plan

- **The Low Carbon Infrastructure Transition Programme** has awarded over £52 million of grant funding to low carbon demonstration projects across Scotland which encourage replication and wider uptake of innovative renewable technology.
- £42 million spent annually on **flood protection** to properties and businesses across Scotland including the £1 billion Dundee Waterfront development.

Scotland's world leading legislation – The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 – tightened targets to net zero for domestic greenhouse gas emissions by 2045. Interim targets are set for 2020, 2030 and 2040, for emissions reductions of 56%, 75% and 90% respectively, requiring action in all sectors.

This will require transformative action across all sectors of the economy and across society. The Scottish Government's investment in publicly-funded infrastructure has a critical role to play in supporting the transition – committing to multiyear investments in this Plan sends a clear signal to supply chains to invest in people and technology, and help us deliver the net zero transition. But it is only a share of the effort, and cannot deliver such targets on its own. It also requires UK and international action, such as in reserved policy areas of energy and aviation. Regulation, resource investment, incentives, business and individual behaviour change all have roles to play. The forthcoming update to the Climate Change Plan will set out the full range of actions we are taking to deliver our targets.

We already invest £1.8 billion of capital each year in low carbon policies and programmes. Scottish Ministers have committed to increasing the level of spending by an additional £2 billion over the next 5 years. New schemes have already been announced in the 2020 Programme for Government that will deploy £1.6 billion of this investment.

We know that 1 in 11 homes and 1 in 7 businesses in Scotland are already at risk of flooding and, on average, around 2000 more properties will be at risk every year due to climate change. We have set out how Scottish Government will increase resilience to climate change and invest more in adaptation measures to protect our homes, businesses and places from flood risk. Investing in coastal change adaptation will help protect our natural defences which protect an estimated £10 billion worth of assets

Scotland's natural environment is fundamental to our economy and our wellbeing. It supplies the energy and resources on which many industries depend and is the essence of our global brand. It supports our health and quality of life, providing the essentials we all need to survive and thrive, and protecting our communities from flooding and extreme weather. It plays a vital role in tackling climate change – removing carbon from the atmosphere and securing it in natural habitats. Natural areas or systems that are managed to provide multiple benefits for the environment and human wellbeing can be described as 'natural infrastructure'.

## CASE STUDY

**Glenrothes – Energy Network**

In 2016, the Scottish Government's Low Carbon Infrastructure Programme, which is co-funded by the European Development Fund provided £8.6 million of support to The Glenrothes Energy Network. The remainder of funding was provided by RWE and Fife Council.

The project is utilising the heat loss from the RWE biomass combined heat and power (CHP) plant based in Markinch in an ambitious district heating network, which includes thermal storage and a back-up energy centre to supply low carbon heat to a wide range of customers in the centre of Glenrothes. The Glenrothes Energy Network was officially opened on the 25th April 2019. It is successfully delivering low carbon heating to Fife House complex, Rothes Halls and the sheltered housing complex at Jubilee Grove.

**Theme 1: What the Infrastructure Investment Plan will deliver: 2021-22 to 2025-26**

Purpose	Plans
<b>Decarbonising transport</b>	<p>We will aid the transformation of our surface-transport systems. We will invest:</p> <ul style="list-style-type: none"> <li>■ Over £500 million over 5 years in active travel, the large majority of which will be for active travel infrastructure including reallocating road space in favour of walking, wheeling and cycling, encouraging active travel for shorter every day journeys.</li> <li>■ £495 million towards the Programme for Government commitment to invest over £500 million in improved bus priority infrastructure to tackle the impacts of congestion on bus services, making journey times shorter and services more reliable, encouraging people to leave their cars at home and to take the bus.</li> <li>■ Continue our investment to support public sector fleet alternatives to petrol and diesel vehicles.</li> <li>■ Invest over £3.8 billion in the operation, maintenance and sustainable renewal of a high performing rail network for passengers and freight</li> <li>■ Progress the rail decarbonisation action plan</li> </ul>
<b>Decarbonising heat and transforming our buildings through energy efficiency</b>	<p>We will reduce demand for heat through improved energy efficiency measures, removing poor energy efficiency as a driver of fuel poverty and eliminate emissions from space and water heating by 2040-45 through higher standards for new buildings, including a Net Zero Standard for new public buildings, and replacing fossil-fuel systems with renewable and zero-emission sources.</p> <p>We will invest £1.6 billion over the next five years, including:</p> <ul style="list-style-type: none"> <li>■ At least £95 million in a programme to decarbonise the public sector estate</li> <li>■ Opening the £50 million Green Recovery Low Carbon Infrastructure Transition Programme (LCITP)</li> <li>■ Up to £58 million to invest in significant energy efficiency improvements to the Royal Botanic Gardens in Edinburgh</li> <li>■ £25 million for zero carbon energy infrastructure and heat networks for residential and commercial premises along the river Clyde's path</li> <li>■ An additional £55 million to tackle fuel poverty to boost our existing national energy efficiency programme.</li> </ul>

Purpose	Plans
<b>Decarbonising industry, including manufacturing</b>	<p>We will support industry and manufacturing to transform, overcoming private sector investment and transition challenges through:</p> <ul style="list-style-type: none"> <li>■ A £34 million Scottish Industrial Energy Transformation Fund for energy efficiency technologies and decarbonisation studies</li> <li>■ A £26 million Low Carbon Manufacturing Challenge Fund for innovation in technology, processes and infrastructure.</li> </ul> <p>We will support businesses in the energy sectors as they grow and diversify, and help attract private sector investment, including through our £62 million Energy Transition Fund, focused on the North East, and helping the wider energy sector and supply chain.</p> <p>We will continue to support and invest in the development of Carbon Capture, Utilisation and Storage (CCUS) projects in Scotland and develop, by 2022, a £5 million Carbon Capture and Utilisation Challenge Fund</p>
<b>Supporting a circular economy</b>	<p>We wish to re-think how we use and re-use materials and how we handle waste. Alongside development of a route map to reduce waste and meet our waste and recycling targets for 2025, we will invest up to £75 million to improve local authority recycling collection infrastructure, accelerate landfill gas capture and improve waste data through electronic waste tracking.</p>
<b>Boosting resilience and Adaptation</b>	<p>In support of enhanced adaptation and climate resilience as part of a green recovery, we will invest:</p> <ul style="list-style-type: none"> <li>■ An extra £150 million in flood risk management. This uplift, complements the £42 million provided annually to Councils.</li> <li>■ Almost £12 million in coastal change adaptation to help us adapt to the threat of sea level rises and protect our assets.</li> </ul>
<b>Investing in our natural capital</b>	<p>We will increase forest cover, reaching 18,000 hectares of new woodland in 2024-25. As part of a £350 million programme, we will:</p> <ul style="list-style-type: none"> <li>■ Invest £100 million extra for new planting. And £30 million for Forestry and Land Scotland to expand national forests and land.</li> <li>■ Provide £20 million to further increase tree nursery capacity, investing in new and redeveloped facilities.</li> </ul> <p>Peatland restoration has a key role in responding to climate emergency and biodiversity challenges. We will increase it by:</p> <ul style="list-style-type: none"> <li>■ Investing £20 million per year towards our 10-year £250 million commitment to restore 20,000 ha annually, and 250,000 ha by 2030.</li> </ul>



## Chapter 6

### THEME 2: DRIVING INCLUSIVE ECONOMIC GROWTH

#### Some achievements from our 2015 Infrastructure Investment Plan

- Invested £463 million in the **Digital Scotland Superfast Broadband** programme – over 97.8% of premises are now able to access fibre broadband.
- Completed the £858 million **Edinburgh to Glasgow Improvement Programme**, which comprised a comprehensive programme of improvements to railway infrastructure and rolling stock.

Scottish Ministers have set an ambitious goal to reach the same economic performance as those OECD nations in the top quartile. Not all of that can be delivered through infrastructure, but it has a key role to play.

Boosting our international and country-wide digital connectivity and capacity, particularly in rural areas, can help boost Scotland's productivity and competitiveness. According to the World Economic Forum<sup>21</sup> the UK ranks 31st in the world for the quality and adoption of its digital networks. While there is no separate data for Scotland, our investment aims to position us amongst the higher ranked.

By World Economic Forum rankings, the UK is 11th in the world for the quality and timeliness of its transport systems. Whilst there is no separate data for Scotland, Scotland has been ranked as being the best connected large region in Europe<sup>22</sup> and benefits from strong connectivity across a range of transport modes.

Through enhancing our transport infrastructure, focusing on a safe and resilient strategic transport network which also contributes to net zero and inclusive economic growth, we can boost Scotland's productivity and competitiveness, increase trade and inward investment.

We will stimulate innovation, including in manufacturing, to boost our international competitiveness, support construction with a strong pipeline of work and ensure Scottish businesses and supply chains can capitalise on our investment in low carbon. This can help support the creation of good jobs. Whilst our tourism industry has been hit hard by the COVID-19 pandemic, we will pave the way for it to return even stronger when conditions are more favourable.

We will embed fairness and inclusion, addressing the drivers of poverty and seeking to ensure no-one is left behind. We will do this in a range of ways, for example, by investing in the right strategic projects for every part of Scotland to aid city and regional growth; and through our investment in bus infrastructure, tackling poor energy efficiency, and addressing rural and island digital connectivity.

If we are successful, we would expect this plan to help us make progress towards our ambitious child poverty targets. Our spatial plan, as set out in National Planning Framework 4 next year, informed by emerging Regional Spatial Strategies and taken forward through Local Development Plans, will underpin a fair geographic distribution of investment.

21 [http://www3.weforum.org/docs/WEF\\_TheGlobalCompetitivenessReport2019.pdf](http://www3.weforum.org/docs/WEF_TheGlobalCompetitivenessReport2019.pdf)

22 fDi's European Cities and Regions of the Future 2020/21 – Winners <https://www.fdiintelligence.com/article/76767>

## CASE STUDY

**Digital Scotland Superfast Broadband programme**

Cinecosse is an award winning film and multimedia company based in rural Aberdeenshire. Owner, Graeme Mowat, has described how his business has benefited from faster broadband and a reliable internet connection as a result of the Digital Scotland Superfast Broadband programme.

From previously very low speeds, Cinecosse is now able to access speeds of up to 69.8 download/20.1 Mbps through fibre enabled broadband. This has helped his company to remain relevant with clients across the globe and adapt successfully to client needs.

Improved online access has allowed Cinecosse to promote what they do through their own website. To keep up with the increased demand, Cinecosse has expanded to creating interactive media and offers media training. Day-to-day running of the office has also been made easier with improved online access and a move to digital HR and payroll applications.



## CASE STUDY

**Science Skills Academy, Inverness and Highland City Region Deal**

The Science Skills Academy, funded through the Inverness and Highland City Region Deal, is inspiring children and young people across the Highlands to become engaged with the core STEM subjects, transforming STEM education through a network of Newton Rooms – Scandinavian-style learning hubs.

Newton Rooms in Thurso and Fort William are operational, with plans in place for further hubs in Dingwall and Inverness and pop-up sites across the region, ensuring quality STEM delivery and accessibility across the region, regardless of how remote and rural a school may be.

Since the Academy launched, over 4000 participants have interacted with the project; whilst the focus is to reach primary and secondary school children, they have provided sessions to families and to home educated pupils, trained STEM ambassadors, and have hosted events for local STEM businesses. The Academy is one of five UK Science Centres to have been selected to deliver a new national space programme for families and young people.



**Theme 2: What the Infrastructure Investment Plan will deliver: 2021-22 to 2025-26**

Purpose	Plans
<b>Strengthening Connectivity</b>	<p>We will ensure the right connections within Scotland and internationally. We will:</p> <ul style="list-style-type: none"> <li>■ Invest over £500 million in the Reaching 100% (R100) programme that will ensure people in every part of Scotland have access to superfast broadband by end 2021.</li> <li>■ Double investment in bridge and roads maintenance: a programme of around £1.5 billion over 5 years to boost structural repairs and strengthen the network, improve road safety, deliver a range of improvements to our ITS infrastructure, and enhance key links such as the Tarbert to Inverarnan A82 section.</li> <li>■ Deliver significantly improved rail services and accessibility to stations between East Kilbride and Glasgow, and Aberdeen to Central Belt, to meet growing demand, drive more usage and decarbonise rail passenger and freight services.</li> <li>■ Deliver phased dualling of the A9 Perth to Inverness road.</li> <li>■ Continue design and development work to dual the A96.</li> <li>■ Complete construction of the A77 Maybole Bypass and improvements to the A92/A96 Haudagain junction.</li> <li>■ We will produce and maintain a long-term plan and investment programme for new ferries and development at ports to improve resilience, reliability, capacity, and accessibility, increase standardisation, and reduce emissions to meet the needs of island communities, supported by investment of at least £580 million during the next 5 years.</li> </ul>
<b>Creating a world-class digital system</b>	<p>We will strengthen digital public services, for example to aid our justice and health systems, including:</p> <ul style="list-style-type: none"> <li>■ Investment of £25 million in the system development required to build on the 50-fold increase in patient use of NearMe digital healthcare services during COVID-19.</li> <li>■ Support for the delivery of the new critical national infrastructure for an Emergency Services Network (ESN) to deliver next generation telecommunications for our emergency services and first responder communities. The ESN will also contribute towards the Government's wider policy of enhancing broadband coverage through the Shared Rural Network.</li> </ul>
<b>Boosting competitiveness</b>	<p>We will stimulate innovation and our international attractiveness by:</p> <ul style="list-style-type: none"> <li>■ Concluding our £75 million investment in the National Manufacturing Institute Scotland, to enable greater support for our manufacturing sector to test new processes, modernise their technologies, and de-risk investment</li> </ul>

Purpose	Plans
<b>Supporting long-term inclusive and sustainable growth</b>	<p>We will invest for growth that benefits all people, in both rural and urban areas by:</p> <ul style="list-style-type: none"> <li>■ Investing £525 million, aligned with local authority and UK Government funds, to deliver the next five years of £5 billion city region and regional growth deals. These investments will help drive inclusive growth that will deliver significant and lasting economic benefits for individuals, businesses and communities across Scotland, and benefit Scotland as a whole, creating thousands of jobs and up-skilling local labour markets in: Glasgow City Region; Aberdeen City Region; Inverness and Highland; Edinburgh and South East Scotland; Stirling and Clackmannanshire; Tay Cities; Ayrshire; Borderlands; Moray; Argyll and Bute; Falkirk; and the Islands.</li> <li>■ The Deals are supplemented by complementary and additional investment in key road sections and links: Sheriffhall junction with the A720 in Edinburgh; cross Tay link road; Laurencekirk junction with the A90, Longman junction with the A9/A82; and the A9/A96 Inshes to Smithton connection, as well as improvements to the rail network between Aberdeen and the Central belt.</li> </ul> <p>We will deliver a range of economic, environmental and social measures for the benefit of rural Scotland through £100 million funding for the Scottish Rural Development Programme.</p> <p>We will invest £30 million in delivering the National Islands Plan, supporting a range of areas, including tourism, infrastructure, innovation, energy transition and skills – informed by our learning of how island communities have responded and adapted to COVID-19. This will include specific ringfenced funding for capital projects on islands relating to netzero and green recovery objectives, creating highquality, skilled, green jobs in some of our most remote and vulnerable communities.</p>



## Chapter 7

### THEME 3: BUILDING RESILIENT AND SUSTAINABLE PLACES

#### Some achievements from our 2015 Infrastructure Investment Plan

- £3.5 billion made available to support the single biggest investment in, and delivery of, **affordable housing** since devolution.
- Delivered **new healthcare facilities** such as NHS Greater Glasgow and Clyde's Woodside Health Centre, Stirling Care Village, and NHS Orkney New Hospital and Healthcare Facilities.
- £476 million to support the expansion of **Early Learning and Childcare** – investment so that more parents will be able to participate in work, training or study.

Delivering on our ambitions for a fairer Scotland starts at the local community level. Opportunities exist in many of our towns, villages and neighbourhoods to bring together individual investments for greater impact.

The COVID-19 pandemic has required us to rethink how and where we work, opening up new ways to think about our neighbourhoods, towns, cities and rural communities. We must also respond to changes in demography, and in the way in which people wish to access and consume services. Our next National Planning Framework, the Place Standard tool and new Digital Planning System will help us to do that.

Through our Place based Investment Programme, we will implement the Place Principle at pace to ensure that investment is relevant to each place and for the benefit of all the people in that place. This is a collaborative place based approach driven by the needs of communities – collectively getting behind community led changes at the heart of an area.

It is ever more crucial to ensure everyone has a suitable home: one that is safe; warm and affordable; close to services, shopping, work, and green space for recreation. A new emphasis on localism informed by concepts such as 20 minute neighbourhoods will help to achieve that.

We will invest in our housing and better delivery of services locally – be that in adapting our housing stock to better meet peoples' needs, delivering a network of community treatment centres and Near me health services, designing more integrated education facilities to help all learners reach their full potential and modernising our justice facilities and transforming emergency services to adapt to the digital age.

**CASE STUDY****Loanhead Centre**

Partners seized the opportunity of Schools for the Future investment significantly to shape and modernise previously separate and poorer quality public sector facilities. Through a more holistic approach to service planning, a new combined centres was developed which co-located a primary school, NHS medical centre, and community library and leisure facilities.

The community were consulted from the beginning, ensuring buy in to the new hub and facilities provided. The sense of community ownership of the building has developed trust and ensured that the building is well used. Take-up of services has been higher than before – including a 50% increase in footfall in the library compared to pre-hub figures. The Centre has allowed multiple generations to mix and engage and ultimately be proud of the facility and their place

**Theme 3: What the Infrastructure Investment Plan will deliver: 2021-22 to 2025-26**

Purpose	Plans
<b>Creating better local places</b>	<p>We will build on our “Place Principle” to promote place-based economic development and cohesion, ensuring all city, town, village and island communities can thrive by establishing a Place Based Investment Programme.</p> <ul style="list-style-type: none"> <li>■ As part of this programme we will invest £275 million to support community led regeneration and town centre revitalisation, including the repurposing of buildings, maintenance and repairs, reallocating external space and community led land acquisition. This will build on the Regeneration Capital Grant Fund and the ongoing work on Clyde Gateway.</li> </ul> <p>We will continue to address the inequalities of land ownership through a 5 year Scottish Land Fund programme of £40 million.</p> <p>We will develop a £35 million new, open-access, digital planning system.</p> <p>We will invest £17 million over the next three years to support the introduction of Low Emission Zones into Scotland’s 4 major cities.</p>

Purpose	Plans
<b>Access to a high-quality sustainable home that is affordable and meets people's needs</b>	<p>Implementing our Housing to 2040 Vision and Principles Route Map later this year, we will create and fund a plan for high quality, energy efficient, zero carbon affordable housing with access to green space, sustainable transport links, digital connectivity and community services:</p> <ul style="list-style-type: none"> <li>■ We will invest £2.8 billion in capital, over 5 years, to deliver more affordable and social homes reflecting and supporting Local Housing Strategies and regional development priorities, alongside our work to enhance the suitability of our current stock – ensuring the right types of homes in the right places to support demographic need, economic opportunity, and to assist in delivering climate change targets. Further activity will be funded to deliver more affordable and social homes through Financial Transactions and the Transfer of Management of Development Funding budgets, and will be set out in due course.</li> <li>■ We will invest £58 million in a programme to help Registered Social Landlords deliver adaptations needed to enable tenants to stay in their homes for longer, or permit them a speedy and safe return from hospital care. As part of Programme for Government 2020-21 we will also review the current housing adaptations system and make recommendations on how best to improve and streamline the system and maximise the impact of investment.</li> </ul>
<b>High quality social infrastructure</b>	<p>We will boost digitally accessible services, whilst improving the condition of our buildings and enabling the right new facilities.</p> <p>In Health we will:</p> <ul style="list-style-type: none"> <li>■ Double our annual funding for maintenance over 5 years, investing over £1 billion in enhancing or refurbishing existing facilities, and updating and modernising key equipment.</li> <li>■ Invest over £220 million in the Baird and Anchor project in Aberdeen which brings together all Maternity, Neonatal, Reproductive Medicine, Breast and Gynaecology services in the Baird Family Hospital and consolidates Haematology, Oncology and Radiotherapy Day and Outpatient services under one roof in the ANCHOR Cancer centre.</li> <li>■ Reduce the pressure on our acute health facilities, and improve treatment times for patients, through a £300 million programme of investment to expedite completion of our elective care centres in Clydebanks, Inverness, Livingston, Aberdeen, Tayside, and Kirkcaldy.</li> <li>■ Upgrade the Edinburgh Cancer Centre (£20 million), build the new national secure adolescent inpatient service in Irvine (£10 million) and replace the St Brendan's facility in Barra (£18 million)</li> <li>■ Invest over £50 million to modernise our radiology equipment nationally, and over £100 million to upgrade and replace our ambulance fleet.</li> </ul> <p>In Education &amp; Skills we will:</p> <ul style="list-style-type: none"> <li>■ For Colleges, invest nearly £90 million in the Dunfermline Learning Campus.</li> <li>■ Together with Councils, fund an ambitious £2 billion Learning Estate Improvement Programme, using an outcomes based revenue finance approach. The first phase of 11 new school projects was announced in September 2019 a second phase of investment will be announced by the end of 2020.</li> </ul> <p>In Justice we will:</p> <ul style="list-style-type: none"> <li>■ Replace HMP Inverness and HMP Barlinnie – an investment of around £470 million. In that time the new Highland establishment should be concluded, and a majority of progress might have been made on the new HMP Glasgow.</li> <li>■ We will complete investment by 2022 in the construction of the innovative new female custodial estate, including a new national prison and two Community Custody Units in Dundee and Glasgow, tailored to the specific support needs of women.</li> </ul> <p>Scottish Water is planning to invest over £4 billion in the next charge control period 2021-27 to maintain and improve services across Scotland, address the challenges of its aging asset base and make progress towards the achievement of its commitment to net zero emissions by 2040.</p>

# INFRASTRUCTURE COMMISSION FOR SCOTLAND REMIT

## ANNEX A

The Infrastructure Commission for Scotland was established by Scottish Ministers and started work in 2019 to provide independent, informed advice on the vision, ambition and priorities for infrastructure in Scotland to meet our 30-year economic growth and societal needs. Chaired by Ian Russell CBE, the group were further tasked with providing additional advice on the delivery of infrastructure in Scotland. The Infrastructure Commission was asked to work with the Scottish Government definition of infrastructure.

### Who

Infrastructure Commission members:

- Ian Russell CBE, Chair
- Professor Iain Docherty, University of Stirling
- Ken Gillespie, Homes for Scotland
- Benny Higgins
- Mary Pitcaithly OBE, Scottish Police Authority
- Rachel Skinner, UK Head of Transport, WSP Global
- Grahame Smith, General Secretary, Scottish Trades Union Congress
- Sara Thiam, Chief Executive, Scottish Council for Development and Industry
- John Trower, Optimity
- Professor Janette Webb, University of Edinburgh

### What

The Commission will provide independent, informed advice on the vision, ambition and priorities for a long-term, 30 year strategy for infrastructure in Scotland to meet our future economic growth and societal needs. This will support the Scottish Government's delivery of its National Infrastructure Mission and development of the next Infrastructure Investment Plan for the 5 years ahead. The Commission will advise on the key strategic and early foundation investments to significantly boost economic growth and support delivery of Scotland's low carbon objectives and achievement of our climate change targets.

Following the completion of this report the Commission will be asked to provide advice to Scottish Ministers on the delivery of infrastructure in Scotland, including the possible creation of a Scottish National Infrastructure Company.

### When

The Advisory Commission will report on infrastructure ambitions and priorities by the end of 2019, and may make interim recommendations e.g. around guiding principles supporting the evolution of a coherent Infrastructure Investment Plan across sectors.

It is anticipated that a following 6 month period will be required to consider recommendations on delivery models.

The Commission should work in a way which is:

- Engaging and widely consultative across all of Scotland and civic society
- Credible, objective and evidence-based
- Outward looking, forward thinking and innovative

### How

The Commission should pay attention to strategic drivers such as: securing Scotland's international competitiveness; the markets and connections Scotland requires for goods, services and people; how to prioritise investment to deliver inclusive economic growth and low carbon objectives; demographic and other social change factors; place-making; technological change and innovation; and considerations around development, ownership and financing of infrastructure, including Fair Work.

The Commission can determine how to progress its work, and may use future-focused scenario planning tools or existing or new research and evidence.

Commissioners will be responsible for:

- Bringing specific skills and experience
- Providing expert, impartial advice
- Engaging widely with stakeholders including industry, expert and interest groups, government, local government and public bodies, civic society and the public

**Overarching objectives for the Infrastructure Commission's work**

- delivering sustainable inclusive economic growth across Scotland
- managing the transition to a more resource efficient, lower carbon economy
- supporting delivery of efficient, high quality, modern public services
- increasing industry competitiveness, whilst tackling inequality
- enhancing societal living conditions now and in the future
- ensuring alignment with the new National Planning Framework

**Infrastructure Commission for Scotland reports.**

**Phase 1: Key findings report: A blueprint for Scotland<sup>23</sup>**

**Phase 2: Delivery Findings Report: A blueprint for Scotland<sup>24</sup>**

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<sup>23</sup> [https://infrastructurecommission.scot/storage/281/Phase1\\_FullReport.pdf](https://infrastructurecommission.scot/storage/281/Phase1_FullReport.pdf)

<sup>24</sup> [https://infrastructurecommission.scot/storage/276/Phase2\\_Delivery\\_Findings\\_Report.pdf](https://infrastructurecommission.scot/storage/276/Phase2_Delivery_Findings_Report.pdf)

# CAPITAL MAINTENANCE: THE ECONOMIC BENEFITS

## ANNEX B

### Purpose

To assess the evidence around the potential economic impact of capital maintenance as compared to overall infrastructure investment.

### How Capital Maintenance Enables Sustainable Economic Growth

In 2018 the Scottish Government published a report<sup>25</sup> prepared by OCEA examining the economic rationale for infrastructure investment. The report identified five main channels through which infrastructure enables inclusive and sustainable growth:

- Supporting the Foundations of Economic Activity – infrastructure underpins economic resilience, provision of lifeline services and the effective operation of the economy.
- Demand Side Economy Impacts – the construction phase of infrastructure projects is an important source of employment and can provide wider supply chain benefits that support economic activity across the country in the short to medium term.
- Supply Side Economic Impacts – Infrastructure spending can enhance the productive potential of the economy, if investment is effective, through improving its supply side.
- Market Impacts – Facilitating the development of key sectors and technologies; improving private sector competitiveness; and unlocking private sector capital.
- Social and Environmental Impacts – Reducing regional disparities; reducing emissions and improving environmental quality; and improving health and wellbeing.

Capital maintenance has the potential to support inclusive and sustainable growth through the same channels as identified above. For example, maintaining flood defences to ensure they remain operational supports economic resilience.

However, the relative importance of the different channels is likely to differ for capital maintenance when compared to new build infrastructure and supporting the foundations of economic activity is likely to be relatively more important for capital maintenance. This is because as the condition of any part of the asset stock diminishes, there is greater risk that we will not be able to continue to use its services at current levels. This in turn affects our ability to sustain the existing pattern of economic activity.

The relative importance of the other different channels is likely to vary too for capital maintenance when compared to new build infrastructure. For example, the relative impact of capital maintenance on the supply side of the economy will depend on the current state of the infrastructure. If the infrastructure is in relatively good condition then capital maintenance is unlikely to have a significant impact on the productive potential of the economy. In contrast, if the services that infrastructure is able to provide have become unpredictable, for example electricity outages or road delays, due to a lack of maintenance then investment in capital maintenance would be expected to have a significant impact on the supply side of the economy.

On the demand side impacts, the lower values of projects for capital maintenance as compared to new build infrastructure may enable more SMEs to compete for individual contracts and therefore potentially increase the distribution of the employment benefits across Scotland.

### The Extent to Which Capital Maintenance Impacts on Growth

There are a number of studies that have attempted to estimate the impact of infrastructure on economic output, however there is limited evidence exploring the relative impact of capital maintenance.

25 Scottish Government, Exploring the Economic Rationale for Infrastructure Investment, <https://www2.gov.scot/Resource/0054/00544114.pdf>

Both the IMF<sup>26</sup> and the National Infrastructure Commission<sup>27</sup> highlight a paper<sup>28</sup> that suggests maintenance is likely to have high a rate of return. The paper highlights that in the short run infrastructure in bad condition imposes costs on users while in the long run, failure to maintain infrastructure in a timely fashion leads to greater costs of rebuilding. The paper's evidence is mainly drawn from the World Bank and is focused on more developing countries and therefore the empirical results may not be directly comparable to Scotland. However, the paper does suggest that there is an optimal level of expenditure in maintenance that can have a positive impact on growth.

As part of the 2011 National Road Maintenance Review Transport Scotland commissioned the Transport Research Laboratory<sup>29</sup> to assess the economic, environmental and social impacts of changes in maintenance spend on roads in Scotland. The study found that pedestrians were most affected by a reduction in road maintenance, for example through impacts on noise, air quality and accidents. It was estimated that for every £1 reduction in road maintenance there is a cost of £1.50 to the wider economy.

At the macro level, modelling by the Scottish Government<sup>30</sup> estimated that the National Infrastructure Mission could lead to a sustained boost in Scottish GDP by between 0.5% and 1% by 2025-26, depending on the measure of the economy used.

Over 15 years, this is equivalent to increasing the economy by between £10 billion and £25 billion (2017 prices) depending on the measure of the economy used. This modelling focused on an increase in Gross Fixed Capital Formation (GFCF). GFCF is defined as excluding "ordinary maintenance and repairs" but it does include "improvements to existing fixed assets beyond ordinary maintenance and repairs"<sup>31</sup>. Consequently, the modelled potential economic benefits of capital maintenance would be the same as new build assuming that revenue maintenance captures ordinary maintenance and capital maintenance results in improvements to existing assets beyond this and therefore forms part of GFCF.

### Conclusion

There is limited quantitative evidence on the relative economic impact of capital maintenance as compared to building new infrastructure but evidence suggests that capital maintenance does have as high a rate of return. It is expected that spend on capital maintenance has the potential to impact on the economy through the same five channels as identified for overall infrastructure investment, with supporting the foundations of economic activity being particularly important but the relative impact of other channels may vary depending on the current condition of existing infrastructure.

Assuming capital maintenance increases GFCF the economic benefits are expected to be consistent with those modelled for overall infrastructure investment. However, as with overall infrastructure investment, the balance of investment between different sectors and markets will determine the precise level of economic benefits realised from increasing capital maintenance.

26 IMF, Is it time for an infrastructure push? The macroeconomic effects of public investment, 2014, <http://www.imf.org/external/pubs/ft/weo/2014/02/pdf/c3.pdf>

27 National Infrastructure Commission, Economic Growth and Demand for Infrastructure Services, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/595990/2906219\\_NIC\\_Technical\\_Paper\\_Economic\\_Driver\\_v1\\_OA\\_WEBACCESSIBLE.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/595990/2906219_NIC_Technical_Paper_Economic_Driver_v1_OA_WEBACCESSIBLE.PDF)

28 Rioja (2013), What is the value of infrastructure maintenance? [https://www.lincolnst.edu/sites/default/files/pubfiles/what-is-the-value-of-infrastructure-maintenance\\_0.pdf](https://www.lincolnst.edu/sites/default/files/pubfiles/what-is-the-value-of-infrastructure-maintenance_0.pdf)

29 Transport Research Laboratory, Economic, Environmental and Social Impacts of Changes in Maintenance Spend on Roads in Scotland, 2012, <https://www.transport.gov.scot/media/29455/j235740.pdf>

30 Scottish Government, Exploring the Economic Rationale for Infrastructure Investment, <https://www2.gov.scot/Resource/0054/00544114.pdf>

31 European System of National and Regional Accounts 2010

# CARBON ASSESSMENT OF THE INFRASTRUCTURE INVESTMENT PLAN

## ANNEX C

The Scottish Government has used low, neutral and high carbon categories (known as a taxonomy approach), as shown in the table below, to analyse planned infrastructure spend for individual years.

The categorisation was developed and proposed by the Low Carbon Infrastructure Taskforce in 2015<sup>32</sup>:

Category	Description	Examples
<b>Low Carbon</b>	Seen as necessary to the low carbon transition	Transport – bus, rail and ferry Energy – all renewable generation and electricity transmission and distribution Rural affairs and the environment – waste Housing – energy efficiency programmes
<b>Neutral</b>	Do not represent substantial carbon efficiency gains in their own right but are consistent with low carbon ambitions	Rural affairs and the environment – all non-waste Housing – all non-energy efficiency Water, Digital, Health, Schools, Justice Culture and heritage Regeneration
<b>High carbon</b>	Relatively carbon intensive	Transport – roads and airports Energy – fossil fuel generation

This analysis estimates that 35% of the Capital Budget in 2020/21 can be classed as Low Carbon<sup>33</sup>. However, there are a number of reasons why this approach gives only a partial or crude estimate of the actual savings:

- Does not quantify the overall change in emissions.
- Does not capture all emissions-saving measures, particularly those in the Neutral category.
- Has not been brought into line to match higher emissions targets.

In passing the 2019 Climate Change (Emissions Reduction) Act in Scotland, the Parliament agreed that a new methodology should be developed in order to assess the contribution made by the infrastructure investment plan to the new targets.

In order to respond to this new requirement, and in recognition of the limitations of the current approach, an independent research project was commissioned to explore alternative options. This research was facilitated by ClimatexChange – Scotland's centre for expertise connecting climate research and policy.

<sup>32</sup> [https://issuu.com/greenallianceuk/docs/the\\_case\\_for\\_low\\_carbon\\_infrastruct](https://issuu.com/greenallianceuk/docs/the_case_for_low_carbon_infrastruct)

<sup>33</sup> [https://www.parliament.scot/S5\\_Finance/General%20Documents/Kate\\_Forbes\\_14\\_February\\_2020.pdf](https://www.parliament.scot/S5_Finance/General%20Documents/Kate_Forbes_14_February_2020.pdf)

The ClimatexChange report recognises that this is a relatively new area of policy and methodological development. It identifies four different types of assessment approach relevant to infrastructure investment decisions:

- Absolute emissions methods,
- Baseline-and-intervention methods,
- Gap analysis, and
- Taxonomies.

A description of each methodology and its strengths and weaknesses is shown below, please see the final research report for more detail.<sup>34</sup>

Method Description	Strengths	Weaknesses
<b>Taxonomy</b> Categorises types of asset into broad groups to rate the carbon impact.	<ul style="list-style-type: none"> <li>■ Easy to interpret.</li> <li>■ Relatively easy to implement using existing tools &amp; guidance.</li> </ul>	<ul style="list-style-type: none"> <li>■ Blunt tool, limited in detail.</li> <li>■ Does not quantify the level of emissions reduction</li> <li>■ Does not capture all emissions-saving measures.</li> <li>■ Not matched to Scottish targets.</li> </ul>
<b>Absolute Emissions</b> Calculates emissions relating to an infrastructure asset throughout its lifetime.	<ul style="list-style-type: none"> <li>■ Provides a detailed assessment of individual projects.</li> <li>■ Can capture lifecycle impacts and international emissions effects.</li> </ul>	<ul style="list-style-type: none"> <li>■ Data heavy and resource intensive – requires a detailed assessment of each project.</li> <li>■ May not adequately capture the cumulative impacts</li> </ul>
<b>Baseline &amp; Intervention</b> Estimates the change in emissions over time compared to a ‘no change’ scenario.	<ul style="list-style-type: none"> <li>■ Flexible approach – individual projects or combination of programmes.</li> <li>■ Captures system-wide change.</li> <li>■ Compatible with current assessment methods.</li> </ul>	<ul style="list-style-type: none"> <li>■ An assessment of each intervention is required in order to design the modelled scenario.</li> <li>■ Modelling outputs can be complex to interpret – may be challenging to identify the pure ‘infrastructure’ effects of investment.</li> </ul>
<b>Gap Analysis</b> Assesses the difference between planned investment and the target.	<ul style="list-style-type: none"> <li>■ Allows for analysis of any shortfall in required implementation or investment.</li> </ul>	<ul style="list-style-type: none"> <li>■ An assessment of each intervention is required</li> <li>■ Requires a decarbonisation scenario and a detailed understanding of costs or implementation plans.</li> </ul>

The Scottish Government plans to consider these research findings carefully. In particular, we note the recommendation to take a phased approach. While the report suggests we could adopt a new version of a carbon taxonomy (such as the EU Sustainable Finance Taxonomy or Climate Bonds Initiative Taxonomy) in the short run, it is not clear that the benefits of doing so are strong. It is therefore considered preferable to maintain the current taxonomy until such time that a more sophisticated and transparent reporting method can be developed.

From the remaining three, the Scottish Government is minded to explore further the use of Baseline and Intervention, and Gap Analysis approaches. The development of the new approach using one of the methods (or a combination of them) is likely to be an iterative process and will require substantial work to establish the new framework and collect the necessary data. This is noted in the Infrastructure Investment Plan forward programme.

<sup>34</sup> <https://www.climatexchange.org.uk/research/projects/greenhouse-gas-emissions-and-infrastructure-investment-decisions/>



## RESPONDENT FORM

## ANNEX D

**Please Note** this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:

<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- ☐ Individual
- ☐ Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- ☐ Publish response with name
- ☐ Publish response only (without name)
- ☐ Do not publish response

### Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- ☐ Yes ☐ No



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## APPENDIX TWO: DRAFT INFRASTRUCTURE INVESTMENT PLAN – QUESTIONNAIRE & PROPOSED RESPONSE

<b>1. The inclusion of natural infrastructure in our definition</b>	
<b>Question</b>	<b>Response</b>
1a) Do you support the inclusion of natural infrastructure in our definition of infrastructure?	Yes
1b) Do you agree with the wording proposed for the revised definition?	Yes
1c) If you do not agree, please provide your suggested changes and additional material to support your answers [200 word limit]:	N/A
<b>2. How we should prioritise – a common investment hierarchy</b>	
<b>Question</b>	<b>Response</b>
2a) Do you agree that the steps proposed in the common investment hierarchy are the right ones?	Yes
2b) If you think any adjustments are needed to the proposed investment hierarchy, please provide suggested changes (and evidence, where appropriate) to support your answers:	No adjustment required.
<b>3. How we best assess the impact of proposed infrastructure</b>	
<b>Question</b>	<b>Response</b>
3a) Do you agree that a dashboard of indicators is the best approach to enable informed decisions to be taken about the long-term trade-offs and choices in our infrastructure investments? Please provide the reasons for your response.	Yes; investment in infrastructure should be informed by a clear and consistent set of parameters against which to inform decision making and to enable all interested parties to be aware of factors to be considered when reaching decisions on which infrastructure projects are to be supported.
3b) What outcomes (and/or indicators) do you think should be included in developing a common assessment framework for prioritising infrastructure investment? In your response you may wish to consider how any of the suggested factors might:	It is suggested that outcomes should have regard to the anticipated economic benefit particularly for those areas and groups in society who are suffering worst from the current economic climate. Outcomes should also include an analysis of levels of previous investment and the contribution this has had to economic growth in order to inform future decision making and learn from any past mistakes.

<ul style="list-style-type: none"> <li>■ link to the three themes of the Infrastructure Investment Plan (enabling net zero emissions and environmental sustainability; driving inclusive economic growth; and building resilient and sustainable places); and</li> <li>■ help address inequality, including for protected characteristic groups, and socioeconomic disadvantage.</li> </ul>	<p>Given the linkages between a number of Scottish Government strategies/plans (notwithstanding those of local authorities and infrastructure providers) it would be helpful if outcomes/indicators could be applied consistently to develop a 'common thread' and promotion of a joined up approach.</p>
<p>3c) Are there existing tools or methodologies you are aware of which you think the Scottish Government could draw on or adopt in developing its framework? You may wish to draw on examples from other countries in your response.</p>	<p>-</p>
<p><b>4. How we assess the greenhouse gas emissions impact of future Plans</b></p>	
<p><b>Question</b></p>	<p><b>Response</b></p>
<p>4a) Do you support the planned approach to developing a new approach to assessing the contribution made by infrastructure investment to Scotland's emissions targets?</p>	<p>Yes</p>
<p>4b) Please explain and support your response with evidence [500 word limit].</p>	<p>The declaration of a climate emergency both at a local and national level makes it even more of a priority that infrastructure investment is made in the right area at the right time and clearly contributes to meeting aspirations for a net zero carbon economy.</p> <p>The natural environment is crucial to Scotland's economy, health and wellbeing and plays a vital role in tackling climate change. It is commendable that recognition of this is given by including reference to the natural environment in the proposed new definition of infrastructure as the natural environment has a key role to play in removing carbon from the atmosphere and securing it in natural habitats.</p>
<p><b>5. Strategic Environmental Assessment: Environmental Report</b></p>	
<p><b>Question</b></p>	<p><b>Response</b></p>
<p>5a) What are your views on the accuracy and scope of the environmental baseline set out in the Environmental Report? Please give details of additional relevant sources alongside your response.</p>	<p>The Scottish Government is well-versed in the requirements for the preparation of environmental reports and has no comment to make.</p>

<p>5b) What are your views on the predicted environmental effects of the IIP as set out in the Environmental Report?</p>	<p>The proposed hierarchical approach to the assessment and prioritisation of infrastructure investment together with the proposed emphasis on enhancing and finding new uses for existing infrastructure before embarking on new projects should assist in minimising predicted environmental effects arising from investment decisions.</p> <p>The environmental effects of the IIP and infrastructure projects arising can only be fully assessed once details of specific infrastructure projects become available. The predicted environmental effects arising at present are influenced by a desire to make better/new use of existing infrastructure. The predicted effects may well alter where new projects are required to deliver the type of infrastructure required to meet with Scottish Government's vision for infrastructure investment choices as set out in the IIP. It is accepted that in supporting actions that increase resilience and adaptation to the impacts of climate change, the draft IIP can lead to positive effects for climatic factors, population and human health, cultural heritage and material assets.</p>
<p>5c) What are your views on the proposals for mitigating, enhancing and monitoring the environmental effects set out in the Environmental Report?</p>	<p>No adverse comment to make. Statutory and non-statutory measures are already in place to assess likely environmental impacts arising from development proposals at plan and project level and will be supplemented by other statutory requirements where relevant e.g. Habitat Regulations Appraisal.</p> <p>Given the significant level of investment set out in the IIP it is critical that all interested parties can be assured that investment has been made wisely and is seen to have beneficial impacts for communities. Public accountability is therefore crucial alongside transparency in decision making. The frameworks being developed will assist with this.</p>

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**COUNCIL EXECUTIVE**

**SCOTLAND LOVES LOCAL FUND**

**REPORT BY HEAD OF PLANNING ECONOMIC DEVELOPMENT & REGENERATION**

**A. PURPOSE OF REPORT**

The purpose of this report is to detail the fund application process for the Scottish Government's £1 million Scotland Loves Local Fund. Two applications have been received to date, and council officers are continuing their dialogue with local community groups to encourage, support and develop proposals. The fund requires that any application be supported and countersigned by the relevant local authority and the report proposes a delegation to allow that to happen.

**B. RECOMMENDATION**

It is recommended that Council Executive:

1. Notes the scope and remit of the Scotland Loves Local Fund;
2. Note that it is anticipated that potential funding proposals will come forward from local constituted community groups in West Lothian;
3. Notes the deadline for the submission of countersigned applications; and
4. Delegates to Head of Planning, Economic Development & Regeneration, in consultation with Executive Councillor for Development & Transportation, to support and countersign any bids to the fund, provided they meet the terms of the fund and are aligned with the council's objectives

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; making best use of our resources; working in partnership
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The Scotland Loves Local Fund is part of a package of financial assistance which has been made available by Scottish Government to respond to the economic and social challenges presented by the Covid-19 pandemic; and to support the recovery of our towns, town centres and communities.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	The report details a specific proposed delegation to the Head of Planning, Economic Development & Regeneration.

<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Outcome 3 - Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	There are no staffing, property or financial implications arising for the council.
<b>VII</b>	<b>Consideration at PDSP</b>	Not applicable.
<b>VIII</b>	<b>Other consultations</b>	None.

## **D. TERMS OF REPORT**

### **D1 Background**

As part of a package of financial assistance which has been made available by the Scottish Government to respond to the economic and social challenges presented by the COVID-19 pandemic there has been specific funding support provided towards the resilience and then recovery of our towns, town centres and communities.

The 'Scotland Loves Local' national campaign (<https://lovelocal.scot/>), led by the Scotland's Towns Partnership with support from the Scottish Government, was launched in the Summer 2020. This has formed an integral component of the recovery process for our local places, businesses and our communities as our towns have gradually re-opened. The outbreak of Coronavirus has caused significant challenges for our town centres, high streets and local businesses, with many losing vital trade and income having had to close in March 2020.

In October 2020, the £1 million Scotland 'Loves Local Fund' was launched to empower communities and to support them to develop and achieve local solutions. The fund encourages communities to 'love local', recognise the importance of their local areas, and actively engage and develop them. This is an open application fund and there is no set budget allocation made to West Lothian.

### **D2 Application Process**

Scotland Loves Local Fund is open for applications from all eligible constituted groups across Scotland to develop projects to improve/promote their local place and community; whether this be small scale local improvements and/or supporting localised responses in their local centres. Settlements of all sizes will be supported.

The fund will provide grants of between £500 and £5,000 to help resource project delivery through capital and revenue funding. Examples of possible actions include: marketing and advertising; small scale improvements; physical distancing and public health infrastructure; adaptations to allow continuation of safe trading in local environment; and localised green infrastructure projects.

It is requirement that any application be supported by and countersigned by the relevant local authority. The closing date for applications is 5pm on Wednesday 25 November 2020. All awards from the Scotland Loves Local fund must be fully expended by 31 March 2021.

It is noted in guidance that the fund may prioritise projects that: include community collaboration on shared place ambitions, and those that evidence inclusion (priority consideration may be given to towns in areas of higher multiple deprivation as categorised by the SIMD measurement).

### **D3 Potential for Applications**

Whilst two applications have been received, it is likely that other applications will come forward from local communities and towns in West Lothian. Given the short timescale for the submission of application with the fund closing for applications on 25 November 2020, delegation is sought for the Head of Planning, Economic Development & Regeneration to countersign any such applications on behalf of the council provided that those applications are deemed to meet the terms of the fund, are otherwise in accordance with council policy and objectives and have no unmet resource implications for the council.

### **E. CONCLUSION**

Two applications have been received to date for the Scottish Government's £1 million Scotland Loves Local Fund. Council officers are continuing to promote with local community groups to encourage, support and develop any proposals. The application process requires the support of Council prior to any being submitted.

This report outlines the requirement for delegation to enable any future application proposals to be considered: for any financial implications for the Council, and their fit with the Council's wider community and business objectives.

### **F. BACKGROUND REFERENCES**

None

Appendices/Attachments: None

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**Craig McCorriston**  
**Head of Planning, Economic Development & Regeneration**

17 November 2020



DATA LABEL: PUBLIC



## **COUNCIL EXECUTIVE**

### **SUPPLEMENTARY GUIDANCE: DEVELOPER CONTRIBUTIONS TOWARDS TRANSPORT INFRASTRUCTURE**

#### **REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

##### **A. PURPOSE OF REPORT**

The purpose of this report is to seek Council Executive approval of amendments to the council's Supplementary Guidance: Developer Contributions Towards Transport Infrastructure in relation to developer contributions towards the A801.

##### **B. RECOMMENDATION**

It is recommended that the Council Executive:

1. approves the amendments to Supplementary Guidance Developer Contributions Towards Transport Infrastructure (Appendix 1);
2. approves the 'Screening Report' which is to be submitted to SEA Gateway and the Consultation Authorities and which sets out the Council's justification that the guidance is exempted from additional Strategic Environmental Assessment because it will not in itself have any significant environmental effects (Appendix 3);
3. delegates authority to the Head of Planning, Economic Development and Regeneration to timeously issue a 'Screening Determination' in the event that SEA Gateway and the Consultation Authorities confirm their agreement that the guidance will not in itself have any significant environmental effects, and to report the outcome of the SEA screening process to a future meeting of the Council Executive for information; and
4. notes that following consideration by Council Executive (and having secured exemption from additional SEA) the guidance will require to be submitted to Scottish Ministers for scrutiny and consideration before it can be adopted as statutory supplementary guidance in support of the West Lothian Local Development Plan.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; and working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	New statutory Supplementary Guidance and non-statutory Planning Guidance will replace Supplementary Planning Guidance (SPG) which had previously supported the superseded West Lothian Local Plan. Going forward, new Supplementary Guidance and Planning Guidance are intended to support the Local

Development Plan and the development management process.

The LDP is a material consideration in the determination of any planning applications for development in West Lothian. The Supplementary Guidance has been prepared in support of policies INF 1, TRAN 1 and TRAN 2.

The new guidance is in itself unlikely to have significant environmental effects and it is not anticipated that there will be a requirement to make it the subject of separate Strategic Environmental Assessment (SEA). The required 'screening' procedures will however be undertaken.

There are no equality, health or risk assessment issues associated with the Supplementary Guidance and there are no risk assessment issues.

<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	The council has in some instances forward funded transport infrastructure to assist in delivery of development.
<b>VII</b>	<b>Consideration at PDSP</b>	The Supplementary Guidance was reported to the Development and Transport PDSP on 3 September and 5 November 2019.
<b>VIII</b>	<b>Other consultations</b>	Roads and Transportation, Finance.

## **D. TERMS OF REPORT**

### **D1 Background**

The West Lothian Local Development Plan (LDP) was adopted on 4 September 2018 and embraces a development strategy that supports sustainable planned growth up to 2024 and beyond.

An extensive suite of 'Supplementary Planning Guidance' (SPG) had supported the previous West Lothian Local Plan (WLLP) but when that plan was replaced in September 2018 by the LDP this guidance ceased to have formal status. The consequence is that the ongoing materiality of SPGs is diminished, particularly in relation to the determination of planning applications and when relied upon to support the council's position at planning appeals.

The council intimated its intention (in Appendix 4 of the LDP) that it would bring forward a raft of new statutory Supplementary Guidance and non-statutory Planning Guidance to replace SPGs and to support the policies of the LDP which would at the same time be compliant with Planning Circular 6/2013: *Development Planning*, current national planning policies and the policies of the Strategic Development Plan (SDP 1).

Supplementary and planning guidance expand upon existing policies and proposals and are used to support the content of the LDP. This allows the LDP to focus on the overall spatial strategy and the key policies and proposals. Together, supplementary and planning guidance provide additional detail on specific subject areas within development plans and in many instances explain how planning policies will be implemented.

## **D2      Supplementary Guidance – Developer Contributions towards Transport Infrastructure**

The Supplementary Guidance relates to key transport infrastructure projects and sets out developer contribution requirements. It has been informed by Transport Modelling as well as transport appraisals submitted as part of the planning applications for the Core Development Areas (CDAs).

The Supplementary Guidance was reported to the Council Executive on 23 June 2020. The Council Executive approved the guidance and the intention would have been to progress with SEA requirements for submission to the SEA Gateway and, in the fullness of time, submit the Guidance to Scottish Government for approval. The approved Guidance can be found at <https://coins.westlothian.gov.uk/coins/submissiondocuments.asp?submissionid=45885>

On 9 July 2020, the Scottish Government's Department of Planning and Environmental Appeals (DPEA) issued an appeal decision which has implications for the Supplementary Guidance in relation to developer contributions towards the A801. A copy of the Appeal decision is attached as Appendix 1. Put simply, the Reporter did not accept the council's approach towards contributions towards the funding of the A801 dualling, the methodology used and the data input to modelling used to justify the council's approach was questioned.

Given the Appeal decision, progress on the Supplementary Guidance has been delayed and it is currently being implemented as Planning Guidance which has less status and exposes the council to risk in terms of robustness towards the collection of developer contributions.

## **D3      Proposed Amendments to the Supplementary Guidance in relation to the A801**

Following consideration of the DPEA decision the Supplementary Guidance has been reviewed in relation to the A801 and amendments are proposed to the Guidance to reflect this. No other changes to the Supplementary Guidance as originally approved by the Council Executive on 23 June 2020 are either required or proposed.

Further analysis and assessment by the council's Roads and Transportation Service of anticipated traffic levels on the A801 show a dramatic lowering of expected traffic levels for the three sections of the A801 covered by the proposed dualling (Figure 3 of the Supplementary Guidance refers).

This change may have been influenced by the use of rail as opposed to car use which can be evidenced by a steady increase in passenger growth at Armadale, Bathgate and Blackridge rail stations. It should be noted that Armadale and Blackridge rail stations are both new having come into full operation after the previous traffic survey for the A801 was undertaken in 2009 and these are new rail passengers. Usage of Bathgate Station has steadily increased over the years but oldest records show for 2014/15 that 1,177,000 passengers used the station. This shows that for the last 5 years overall there has been an increase of 9.8% in rail passengers.

Predicted traffic levels on the A801 (2018 base) have been calculated from existing counts and all developments in the West Lothian Local Development Plan which have an influence and are yet to be built. The contribution zone is shown in Figure 3 of the proposed supplementary guidance with site details shown in Table 6. These indicate that for the time being it is difficult to justify that predicted traffic levels will require the road improvement previously envisaged.

Other improvements will, however, be required in that there will be a requirement for the Pottishaw roundabout to be assessed for capacity issues arising from each of the large developments set out in the Local Development Plan and that at some point capacity increases will be required in terms of additional lanes at the roundabout. These will be assessed as with all new developments in terms of their individual transportation assessment. Capacity issues may be identified with solutions being considered by the council as to whether they are practical or whether there is a need for developers to carry out the work in the future. Capacities and link flows will be therefore be required to be measured at the time of any planning application which is considered to have a direct impact on this section of the road infrastructure. In short, improvements to the A801 will continue to be required albeit that dualling cannot be justified at this time.

Going forward, in order to assess link flow capacity to the A801 it is proposed that the transport assessment work undertaken by the Southdale developers (and considered by the Scottish Government reporter at Appeal (see Appendix 1) will be utilised by the council to inform decision making. All developers will still however be required to carry out junction assessments and mitigate their development impact.

The proposed amendments in relation to the A801 are shown for ease of reference in a track changed extract from the Supplementary Guidance previously approved by the Council Executive on 23 June 2020, these are set out in Appendix 2.

The changes to the Supplementary Guidance, if approved by Council Executive, will allow for the Guidance in full to be progressed to the next stage including submission to the Scottish Government for formal adoption.

### **Strategic Environmental Assessment**

Local authorities have been undertaking SEA since July 2004. The process is regulated by the EU Directive 2001/42/EC, the Environmental Assessment of Plans and Programmes (Scotland) Regulation 2004 and the Environmental Assessment (Scotland) Act 2005.

Screening is the means to judge the likely impact on the environment of a public plan (in this case supplementary and planning guidance) and prior to being adopted, new guidance requires to be subjected to a screening process in order to determine whether there is a likelihood of it having any significant environmental effects.

Scottish Government has prescribed the process to be followed and it has oversight of this through the SEA Gateway, an agency responsible for coordinating the formal correspondence between the council and the three 'Consultation Authorities' i.e. SEPA, NatureScot and Historic Environment Scotland (HES).

The council prepared a Screening Report for the Supplementary Guidance Appendix 3. The Screening Report explains the purpose, scope and effect of the Supplementary Guidance and concludes that no formal strategic environmental assessment is required to be prepared in this particular instance.

## **E. CONCLUSION**

The Supplementary Guidance sets out the level of developer contributions which will be required to assist in delivery of the development strategy set out in the adopted West Lothian LDP. It replaces a number of SPGs relating to transport proposals in West Lothian and consolidates these into a single supplementary guidance on transport and reflects requirements set out in the LDP development strategy. Changes are proposed to the Supplementary Guidance in relation to the A801 and in response to the recent appeal decision issued by the DPEA.

## **F. BACKGROUND REFERENCES**

Planning (Scotland) Act 2019

Appendices/Attachments: Three

Appendix 1: Appeal decision POA-400-2004

Appendix 2: Track change version of extract from Supplementary Guidance: Developer Contributions Towards Transport Infrastructure as it relates to the A801.

Appendix 3: SEA Screening Report

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**Craig McCorriston**

**Head of Planning, Economic Development & Regeneration**

**17 November 2020**

Planning and Environmental Appeals Division  
Planning Obligation Appeal Notice of  
Determination

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Scottish Government  
Riaghaltas na h-Alba  
gov.scot

Determination by Gordon S Reid, a Reporter appointed by the Scottish Ministers  
Appeal under S75B of the Town and Country Planning (Scotland) Act 1997

- Planning obligation appeal reference: POA-400-2004
- Site address: Land at Armadale Station, Station Way, Armadale, EH48 3LP
- Appeal by EWP Investments Limited against the failure of West Lothian Council to determine within the statutory period an application to modify a planning obligation
- Application to modify planning obligation 0821/PO/19 dated 2 September 2019
- Modification sought: discharge the requirement for the A801 Commercial Contribution and A801 Residential Contribution towards the dualling of the A801
- Planning obligation details: Minute of Agreement under section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, between The West Lothian Council and EWP Investments Limited with the consent of Brownfield Regeneration Limited registered in the Land Register of Scotland under title number WLN6195
- Date of registration of the planning obligation: 18 June 2014
- Date of site visit by Reporter: 17 January 2020

Date of appeal decision: 9 July 2020

## Determination

I allow the appeal and determine that the planning obligation comprising Clauses 9 and 10 of the agreement referred to above are removed and discharged.

## Background

1. On 22 November 2010 planning permission in principle (1044/P/08) was granted for a mixed use development including residential, commercial, retail, school and leisure facilities together with associated infrastructure and open space provision at the site subject to this appeal. Prior to the permission being issued the appellant entered into a section 75 agreement with the council. The original agreement was subsequently superseded with the revised agreement registered on the 18 June 2014. Clauses 9 and 10 of the revised agreement are as detailed below and, in short, state that the A801 Residential Contributions and A801 Commercial Contributions be paid to the council for the upgrading of the A801 between M8 Junction 4 and the Pottishaw Roundabout in West Lothian.

2. Clause 9 reads as follows:

9 A801 Residential Contribution

9.1 The owners shall meet their obligations to pay developer contributions towards the works to be carried out to the A801 in West Lothian in respect of the first phase by paying to the council on or before 31 December 2016 the A801 Residential Contribution for:

- 9.1.1 the open market units within the first phase; and
- 9.1.2 the first phase affordable housing units.

9.2 No more than 450 open market units in the development shall be occupied until the owners have paid the contributions due in terms of paragraph 9.1 above.

9.3 The owners shall meet their obligation to pay developer contributions towards the works to be carried out to the A801 in West Lothian in respect of each residential unit beyond the first phase by paying to the council the A801 residential contribution for each residential unit beyond the first phase. No development of residential units shall take place in any phase of the development beyond the first phase until such time as the owners have agreed in writing with the council the way in which the owners will meet their obligations to pay the contributions due in terms of this paragraph and the timescale for implementation of such obligations.

9.4 The council shall use the A801 Residential Contributions paid to the council for the upgrading of the A801 between M8 Junction 4 and Pottishaw Roundabout in West Lothian.

3. Clause 10 reads as follows:

Clause 10 A801 Commercial Contribution

10.1 The owners shall meet their obligations to pay developer contributions towards the works to be carried out to the A801 in West Lothian by paying the A801 Commercial Contribution in instalments during the period of the development and that in accordance with the following table which sets out in columns A and C respectively the total constructed commercial floorspace in square metres permitted to be constructed before and after the corresponding instalment of the A801 Commercial Contribution has been paid to the council and in column B the total constructed commercial floorspace in square metres permitted to be constructed in respect of which the corresponding instalment of the A801 Commercial Contribution shall be calculated. Constructed commercial floorspace beyond the relevant square footage specified in column A of the table will not be occupied before the council is satisfied that the corresponding instalment of the A801 Commercial Contribution calculated in accordance with column B has been paid to the council.

Table for the Delivery of A801 Commercial Contributions

Column A	Column B	Column C
Total amount of class 4, 5 and 6 floorspace permitted to be occupied	The relevant instalment of the A801 contribution to be paid	Total amount of class 4, 5 and 6 floorspace permitted to be constructed on

on agreement area 1 before instalment paid		agreement area 1 after instalment is paid
10,000 square metres gross floorspace	£270,249 Indexed (all in tender price)	20,000 square metres gross floorspace
20,000 square metres gross floorspace	£270,249 Indexed (all in tender price)	30,000 square metres gross floorspace
30,000 square metres gross floorspace	£270,249 Indexed (all in tender price)	40,000 square metres gross floorspace
40,000 square metres gross floorspace	£270,248 Indexed (all in tender price)	All class 4, 5 and 6 floorspace commercial floorspace to be constructed on agreement area 1 in terms of the planning permission in principle

10.2 The council shall use the A801 Commercial Contributions paid to the council for the upgrading of the A801 between M8 Junction 4 and Pottishaw Roundabout in West Lothian.

4. The appellant is now seeking the removal of the above-mentioned clauses from the agreement (now referred to as a planning obligation).

## Reasoning

5. The appellant argues that the dualling of the A801 between M8 Junction 4 and the Pottishaw Roundabout is no longer justified and as such does not meet the tests of Scottish Government Circular 3/2012 Planning Obligations and Good Neighbour Agreements. Consequently, the requirement for financial contributions set out in the planning obligation should be discharged. This is on the grounds that, due to changes in circumstance, the predicted level of impact on the road network from developments within the contribution catchment area would not occur. The changed circumstances are: the opening of Junction 4A on the M8 (2013); the opening of the Armadale rail station (2011); the impact of the economic recession (2008-2013); and the opportunity to assess the impact of completed developments within the catchment area. The appellant has submitted an assessment of the impact of proposed development on the A801 (A801 Corridor Analysis (2019)) to substantiate its position.

6. The appellant also states that given the change in the economic climate the total level of contributions sought in the planning obligation for infrastructure improvements including: education; affordable housing; park and ride; town centre improvements; cemeteries; libraries, as well as the upgrading of the A801 has resulted in concerns regarding the viability of some of the proposed residential developments.

7. The council considers that the upgrade of the A801 is still necessary and states that the justification for developer contributions required by the planning obligation is set out in the draft supplementary guidance: Developer Contributions Towards Transport Infrastructure (2019) which has been subject to public consultation and is progressing towards formal adoption.

8. The determining issue in this appeal is whether clauses 9 and 10 of the planning obligation comply with the five tests in paragraphs 14-25 of Circular 3/2012: Planning Obligations and Good Neighbour Agreements being – necessity; planning purpose; relationship to the development; scale and kind and reasonableness. I have also given consideration to the relevant provisions of the adopted West Lothian Local Development Plan (2018); its associated draft supplementary guidance (2019); the action programme (2019); and other matters set out in the appeal documents.

### Development Plan

9. The adopted West Lothian Local Development Plan (2018) through policy CDA 1 Development in the Previously Identified Core Development Areas; policy INF 1 Infrastructure Provision and Developer Obligations; and Appendix 2 Schedule of Housing Sites/Site Delivery Requirements carries forward the requirement established in the West Lothian Local Plan (2009) for improvements to the southern end of A801 linking with Junction 4 of the M8 in order to accommodate new residential and commercial development within the Armadale Core Development Area. The local development plan through the Spatial Strategy and Appendix 4 (LDP: Supplementary Guidance and Planning Guidance) requires supplementary guidance to be prepared for developer contributions towards transport infrastructure including the upgrading of the A801 from Junction 4 on the M8 to the Boghead Roundabout (referred to as Pottishaw in the obligation). In addition, policy INF 1 and policy CDA 1 advise that where a planning obligation is used to secure financial contributions it will need to ensure that it is in accordance with the five tests in circular 3/2012. Policy CDA 1 also advises that further details for infrastructure projects should be set out in the action programme and supplementary guidance. I find that the upgrading of the A801 is identified in Appendix 2 of the local development plan as one of the infrastructure requirements and that further details are to be provided by the council in subsequent supplementary guidance and the action programme.

10. I note that the appellant submitted a representation to the proposed local development plan objecting to the inclusion of the upgrading of the A801 and requirement for developer contributions. The Reporter in his findings in the local development plan examination report concluded the requirement to upgrade the A801 had been established in the West Lothian Local Plan (2009) and that the ‘technical note’ submitted by the appellant appeared to indicate that, if all of the committed development was built, this section of the A801 would be over capacity and still require upgrading. I acknowledge that the appellants ‘technical note’ concluded (as does the current corridor analysis) that the upgrading of the A801 was not required on the basis of the level of committed development that remained to be built out. This conclusion was not accepted by the Reporter and as a result he maintained the requirement for the upgrading of the A801 as contained in the proposed plan.

11. The appellant through the findings of the up to date corridor analysis (2019) maintains the argument that the A801 would not be over capacity as a result of future development in the area and that the upgrading is, therefore, not necessary. The appellant also states that the current corridor analysis (2019) is based on more up to date traffic survey work (2018) and takes into account the assessment of flows from actual completed development within the catchment area. In addition, the council has prepared a new assessment in response to the appellant’s most recent corridor analysis. This current

evidence was not before the Reporter at the time of the examination of the proposed plan but it informs my considerations in the determination of this appeal.

12. Notwithstanding the above, the Reporter in his examination findings confirmed that the non-statutory supplementary planning guidance A801 Dualling: M8 Junction 4 to Pottishaw Roundabout Development Contributions (2010) was out of date and not an appropriate basis on which to consider the need for developer contributions. The Reporter modified the proposed plan to include the requirement for the preparation of supplementary guidance for the developer contributions. The council published the draft supplementary guidance and completed the public consultation exercise in December 2019. It advises that following consideration of the representations it intends to progress the draft supplementary guidance towards formal adoption, although, it was unable to confirm a specific timeframe. Therefore, whilst the draft supplementary guidance (2019), when approved, will replace the non-statutory supplementary planning guidance (2010), I find that at this time there is no up to date statutory supplementary guidance in place. I note that the council has confirmed that the draft supplementary guidance (2019) was prepared on the basis of the original traffic modelling work from 2005 used to inform the non-statutory supplementary planning guidance (2010). Therefore, I accept the appellant's argument that the assessment used to inform the draft supplementary guidance (2019) does not take into account the changes in circumstance within the catchment area.

13. The local development plan's accompanying action programme (2019) does not include the dualling of the A801 as a specific key infrastructure project. As such there are no specific details for the project, as required by policy CDA 1 (Appendix 2), in terms of the timescale for delivery, breakdown of costs or who would be the lead partner. The only reference in the action programme relates to the requirement for housing sites within the former Armadale Core Development Area to make financial contributions towards the dualling of the A801. Therefore, I find that the action programme does not provide the specific details required by Appendix 2 and provides no indication of the priority being given by the council to the delivery of the upgrades to the A801. Notwithstanding the lack of detail in the action programme I note that policy INF 1 advises that all requirements for developer contributions, relating to the identified infrastructure projects, will need to meet the tests in circular 3/2012.

#### Circular 3/2012

14. The main consideration in this case is whether the requirement for the upgrading of the A801 improvements would be necessary to make the proposed development acceptable in planning terms. I note that the planning obligation refers to contributions for the upgrading of the A801. My understanding is that the term upgrading refers to the dualling of the A801 as required by the adopted local development plan (2018).

15. The upgrades to the A801 were identified through traffic assessment work undertaken in 2005 (the details of which the council advise have been destroyed and are no longer available). It is argued by the appellant that since that time there have been material changes (as outlined above and which I acknowledge have taken place) within the identified catchment area that need to be taken into account to establish whether the assessment from 2005 is still a valid and robust basis for the requirement to upgrade the A801.

16. Through the A801 Corridor Analysis (2019) the appellant has sought to take account of the changes in circumstance and provide an up to date assessment of the likely traffic impact on the A801 from all development within the catchment area. The corridor analysis includes the use of traffic surveys carried out on 14 June 2018 (between 07.00-10.00 and 16.00-19.00); junction turning counts; input of trip generation statistics from future developments from relevant transport assessments; other generated trips (calculated using the Trip Rate Information Computer System (TRICS) database); trip distribution patterns (using DataShine Scotland); and recognised best practice. The appellant has advised that the methodology used is a recognised and well established approach used in Scotland for assessing traffic flows. The approach seeks to establish whether the predicted level of traffic flows (taking account of future development) would breach the assumed capacity for a single carriageway road (which is a threshold of 1,800 vehicle movements per lane per direction in an hour). Where the threshold level is breached then the methodology would indicate some level of upgrading of the road is likely to be required.

17. I note that the 1,800 vehicle peak hour capacity assumption used by the appellant for the corridor analysis was accepted and relied on by the council to justify the inclusion of the requirement to upgrade the A801 in the adopted local development plan (2018) and the draft supplementary guidance (2019). Whilst the council in its evidence now considers the corridor analysis to be too simplistic, it does not dispute any of the data (levels of committed and predicted development) or assumptions (trip generation). Rather the council simply argues that its alternative approach using Transport Scotland's (managed by Highways England) Design Manual for Roads and Bridges (DMRB) and the Cost Benefit Analysis Tool, produced by Highways England (COBA) provides a more accurate assessment of the capacity of the road network. I note that the council was satisfied with the assumption of 1800 vehicle capacity until the request to modify the planning obligation. Therefore, I find that given the council's previous acceptance of the capacity assumption and, that it has not questioned the data and assumptions in the current corridor analysis, the assessment, even if somewhat simplified, provides at least a broad estimate of what the impact from development on the A801 would be.

18. The corridor analysis produced two scenarios showing what the appellant considers to be a realistic scenario (1,419 peak trips) and a then worst case scenario (1,679 peak trips) for sensitivity testing. The appellant highlights that the analysis demonstrates that even in a worst case scenario the accepted capacity (1,800 threshold capacity) of the A801 as a single carriageway road would not be breached. The appellant concludes that these findings demonstrate that, there is no requirement to dual the A801 as a result of the cumulative impact from future development within the catchment area. In light of this it is argued that the planning obligation requirement for A801 contributions no longer meets the necessity test. The findings from the corridor analysis indicate that there would be spare capacity remaining in the existing road network (based on the 1,800 capacity figure) of 20% in the realistic case scenario and 7% in the worst case scenario. Therefore, despite the council's claim that the methodology is too simplistic I find that there is scope to accommodate a margin for error in the appellant's analysis and still remain within the threshold capacity.

19. The council has (in response to the request to modify the planning obligation) carried out a new assessment using previous volume and speed survey work on the A801 and A706 obtained in December 2018 and a methodology from the Design Manual for Roads and Bridges (DMRB) and the Cost Benefit Analysis Tool (COBA). The council argues that

this approach is more appropriate as the document explains how flow capacities are calculated for different road types, width and environment.

20. The council's assessment indicates that the baseline existing two-way traffic flow on the A801 was 12,636 vehicles per day and that the existing road was still coping with traffic volumes. However, when the additional flows from predicted development were added it produced a combined total of 23,652 vehicles per day. The council states that when these figures are applied to Table 2.1 of T/A 46/97 (carriageway standards for opening year economic flow ranges for new rural roads) of the DMRB there is a requirement for the road to be a dual carriageway. On the basis of this assessment the council concludes that there is still a need to upgrade the A801 to a dual carriageway. Whilst the council state that this is evidenced by existing high levels of traffic flows on this part of the A801 and constant queues visible during peak hours, it has provided no substantive evidence other than an assertion to prove this claim.

21. The appellant argues that the council are now advancing an entirely new case to try and justify the dualling of the A801 and that it is different to that used to justify the previous supplementary planning guidance (2010) and the draft supplementary guidance (2019). The appellant claims that the council's assessment is flawed in that it has selectively and incorrectly applied both the COBA and DMRB guidance. I consider each of the concerns raised by the appellant in turn.

22. Firstly, the appellant highlights that COBA is a cost-benefit tool, the primary purpose of which, is as a user manual to the associated computer programme and not normally used in Scotland with the equivalent Scottish guidance being the Network Evaluation from Surveys and Assignment tool (NESA). I note that there is no explanation provided by the council for the use of the COBA rather than NESA. However, I am not persuaded the evidence shows that COBA guidance cannot be used.

23. Secondly, the appellant claims that the council has miscalculated the Annual Average Daily Total (AADT) figure for the existing capacity on the A801. From my consideration of the council's calculation I find that it appears to have miscalculated the AADT by using the wrong number for the 'M' factor (using 285 rather than 428). If the correct 'M' factor number (428) is applied the AADT figure produced would be for a total of 19,810 vehicles per day as the current baseline use of the relevant section of the A801 rather than the 12,636 vehicles per day stated by the council. I find that the use of the incorrect figure for the current baseline use undermines the robustness of the council's findings.

24. Thirdly, the appellant highlights that the flow ranges in DMRB Table 2.1 used by the council relate to the opening year of new rural roads and argues that in this case that is incorrect as the A801 is an existing road. The appellant argues that the council should have used the flow capacities for existing roads as contained in table D/1 of DMRB which provides the flow capacities for existing congested roads (I have not concluded that the road is congested). The appellant further highlights that paragraph 1.5 of T/A 46/97 of the DMRB advises that the recommended flow levels are a starting point in any assessment and as such the flow ranges do not provide any indication of the ultimate flow which the road can carry. I find that the council has applied the AADT figure to a new rural road rather than an existing road and as such this does not properly follow the guidance as set out in DMRB. In addition, I note that the council has not carried out any of the further

assessments (economic, operational or environmental) as recommended by both the COBA and DMRB the guidance. Furthermore, as found above, there are no specific details of the project in the action programme. Apart from a single email from the council dated 22 November 2019, stating an intention to do some design work, there is no evidence to demonstrate when, or if, this project will be implemented by the council. Accordingly, I find that council has not carried out the further assessment work required by policy CDA 1 (Appendix 2) of the local development plan.

25. Fourthly, the appellant highlights that if the revised AADT figure (19,810 vehicles) or the council's own survey figure (17,839 vehicles) were correct the flow on the existing road when assessed against Table 2.1 of the DMRB (a single carriageway capacity of up to 13,000) would in theory already be operating well over the maximum level of capacity (13,000) for a new rural road without any of the new development. The appellant highlights that, if this was in fact the case, then in terms of paragraph 21 of circular 3/2012 it would be for the council to resolve the capacity issues and not any developer. I note that the council maintains its position that the road is currently operating within capacity. I also acknowledge that whilst, the appellant highlights these matters, it does not consider the road to be currently operating over capacity. I have already found that the council has both miscalculated and misapplied the AADT figure to a new rural road rather than an existing road. Therefore, the problem highlighted by the appellant with regards to the council's calculation for the existing flows on the road network, casts further doubt on the robustness of the council's assessment.

26. Fifthly, the appellant highlights that the council's assessment is based on a single day of survey, is not properly verified and was carried out in a non-neutral month (December 2018). The council has not confirmed the method of survey used or who carried it out on its behalf. I note that the guidance in COBA, relied on by the council, advises that December is not a neutral month (neutral months being April, May, June, September and October) and that generally traffic models based on non-neutral months data are considered less reliable in terms of establishing annual flows. The appellant further highlights that the advice in COBA recommends that surveys should be carried out over a longer period of time to provide a more representative base to remove any errors or anomalies by the use of a single day's data. I consider that the council's reliance on only a single day of survey, in a non-neutral month, does not follow the recommended best practice set out in the guidance and as a result reduces the overall robustness of the assessment in this case. I do acknowledge that the appellant's assessment is based on a single day of survey. However, I accept that it was carried out in accordance with the best practice followed by the appellant, in a neutral month and is verified.

27. Finally, the appellant argues that given the scale and cost of the improvements the council should have carried out a full economic appraisal in line with Transport Scotland's Transport Appraisal Guide (Scot-TAG) and Scottish Transport Analysis Guide (STAG). I agree with the appellant that, given the scale of the proposed upgrades, a more thorough appraisal would normally be necessary to properly establish the level of upgrading that is required and the resultant level of the financial contribution sought from each development. I note that the council has not carried out a transport assessment in line with this guidance in the preparation of the draft supplementary guidance (2019).

28. Accordingly, I consider that the assessment submitted by the council is not robust in terms of its data and in the application of the methodology used. Therefore, its findings are

not sufficiently robust to satisfactorily demonstrate that there is still a requirement to upgrade the A801. However, I consider that the appellant's assessment has been carried out in accordance with best practice by an accredited consultant. I note that its methodology has previously been accepted as appropriate by the council in the preparation of the local development plan (2018) and draft supplementary guidance (2019). In addition, it demonstrates that even on a worst case basis the traffic flows would be below the assumed capacity of the A801 without the proposed upgrades. Consequently, I find that the appellant's corridor analysis provides an appropriate and robust evidence base to satisfactorily conclude that the requirement for upgrading is no longer justified.

29. Overall, I find that the upgrading of the A801 is no longer necessary to make the proposed development acceptable in planning terms. Accordingly, it does not meet the requirements of this test of the circular. As I have concluded that the upgrading of the A801 would no longer be necessary to make the proposed development acceptable in planning terms, I find that the improvements would also no longer relate to the proposed development; would not fairly and reasonably relate in scale and kind to the proposed development; and would not be reasonable in all other respects.

30. As stated in paragraph 6 above the appellant raises issues of viability for some of the proposed housing developments due to the change in the economic climate and the total level of developer contributions required to be met through the planning obligation. Whilst, the appellant has submitted financial viability evidence in relation to particular housing sites this was not a fully detailed viability appraisal of the entire development. I consider that there is insufficient material submitted to determine whether the continuing requirement for the dualling would impact on financial viability.

## Conclusion

31. Circular 3/2012 requires that planning obligations must meet all five tests in paragraph 14. I consider that Clauses 9 and 10 fail the tests of necessity, relationship to the development, scale and kind, and reasonableness. I therefore conclude that the planning obligation should be modified to remove Clauses 9 and 10.

Gordon S Reid  
Reporter

## Advisory note

In accordance with Section 75B of the Town and Country Planning (Scotland) Act 1997 (as amended) this determination does not take effect until the date on which this notice is given is registered in the Land Register of Scotland. When submitting this deed for recording/registration it should be identified as a 'Planning notice of determination' on the relevant application form. Further information on the General Register of Sasines and the Land Register of Scotland is available from the Registers of Scotland, [www.ros.gov.uk](http://www.ros.gov.uk).

DATA LABEL: PUBLIC

## APPENDIX 2



### SUPPLEMENTARY GUIDANCE (SG) Developer Contributions Towards Transport Infrastructure

Proposed Amendments in relation to the A801

This version produced for  
the Council Executive  
meeting on  
17 November  
2020

NB – Strikethrough text = deletions; underline text = new text

## A801 Corridor

5.19 The A801 traverses West Lothian in a north/south direction connecting central West Lothian to Falkirk–Grangemouth. Planning permission has been secured for a new Avon Gorge crossing and is partially funded. West Lothian and Falkirk Councils continue to seek funding from the Scottish Government for construction of the crossing - the long established 'missing link' between the M8 and M9 via the A801, across the Avon Gorge into Falkirk - and associated works with both councils safeguarding land for implementation. The closure and removal of through traffic from existing routes associated with the A801 will create opportunities to improve accessibility and local links to the Avon Valley Heritage Trail.

5.20 The LDP includes sites where development would impact on the A801 at its southern end linking with the M8, including land within the previously identified CDA allocation at Armadale, the employment sites at Pottishaw/ Riddochhill and further afield at Polkemet and Cowhill. ~~Developer contributions will be sought towards dualling of the section of A801 from Junction 4 on the M8 to the Boghead Roundabout, Bathgate.~~ This The section of the A801 from Junction 4 on the M8 to the Boghead Roundabout, Bathgate is currently single carriageway and includes the access roundabout at J4M8. The M8 is a trunk road managed and maintained by Transport Scotland whilst this section of the A801 is a local road which is managed and maintained by West Lothian Council.

~~5.21 Through traffic modelling work carried out by SIAS on behalf of West Lothian Council, it has been identified that there is a need to upgrade this section of the A801 to dual carriageway standard in order to provide safe and appropriate road infrastructure to facilitate the development proposals set out in the LDP. This modelling work has been replaced and updated using DMRB and COBA 2019 methodology. This is set out in Appendix One.~~

5.22 Upgrading of this section of some 800 metres of the A801 indicated in Figure 2 will require:

- ~~Modifications to M8 junction 4 roundabout~~
- ~~Dualling of the south section (M8 junction 4 to J4M8)~~
- ~~Modifications to J4M8~~
- ~~Dualling of the north section (J4M8 to Pottishaw roundabout)~~
- ~~Modifications to Pottishaw Roundabout~~

5.21 Further analysis and assessment of anticipated traffic levels on the A801 has been undertaken by the council and this indicates a dramatic lowering of expected traffic levels for that section of the A801 covered by the proposed dualling (see Figure 3) and as such developer contributions towards dualling of the A801 cannot be justified at this time. At a future date it may be that developer contributions will be required towards dualling of the section of the A801 from Junction 4 on the M8 to the Boghead Roundabout, Bathgate. The Supplementary Guidance will therefore be reviewed at a later date should future analysis indicate that dualling will be required. Annexe 1 sets out the council's analysis in reaching this conclusion.

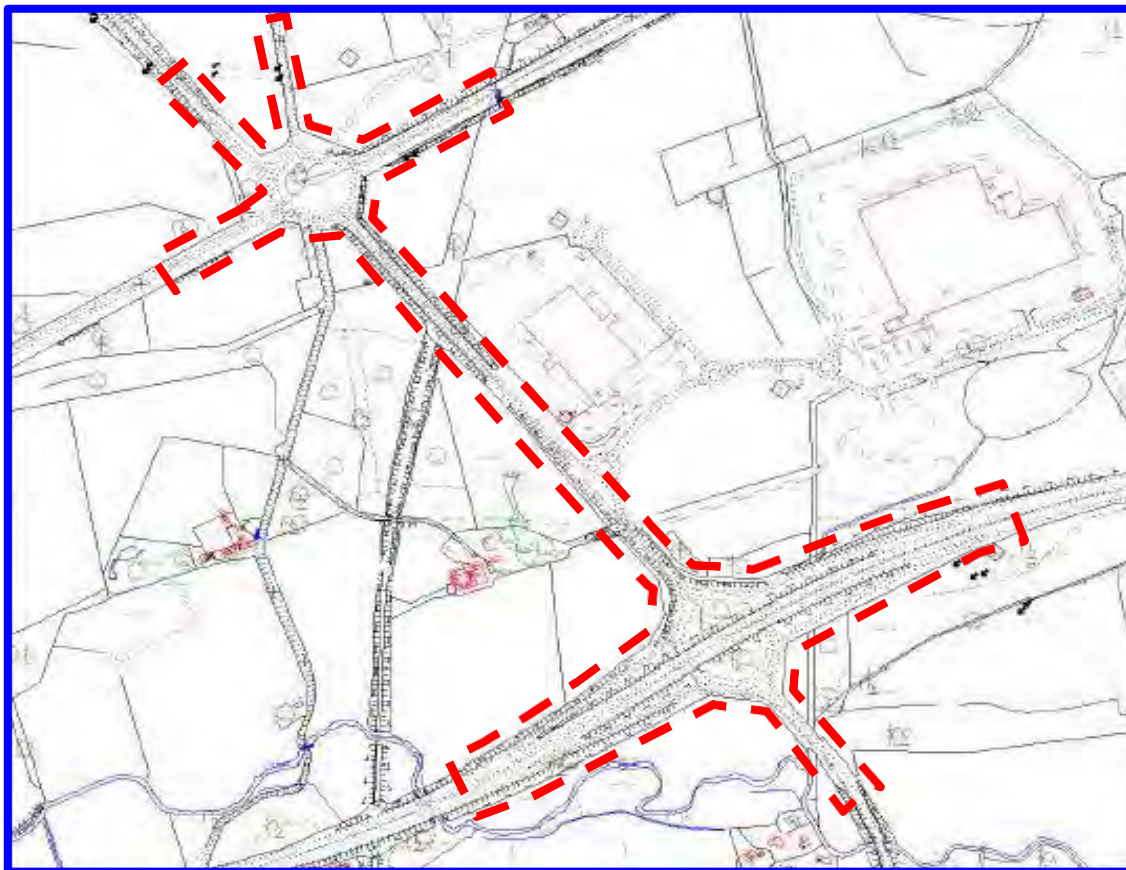
~~5.23 5.22 In the interim, the current cost of the work required for dualling of the A801 has been estimated at £5,958,283 million (quarter 4, 2017). Factors which have been would be taken into consideration in calculating the cost per trip have been estimated for would take into account developments that are allocated in the LDP and any windfall developments arising within the area identified in Figure 3. assumes that all developments accord with the LDP.~~

~~5.24 The assessment work shows junction modifications are required at Pottishaw Roundabout in the form of approach lane widening, the proposed site access roundabout on the A801 and also the need for dualling the south section of the A801 from the Pottishaw roundabout to junction 4 of the M8.~~

~~5.25 There is a section 75 legal agreement for the J4M8 office development and completion of the site development. The developer will either secure the A801 works at the appropriate time, or else a payment equivalent to the value of the works to contribute to the cost of the A801 upgrade will be made.~~

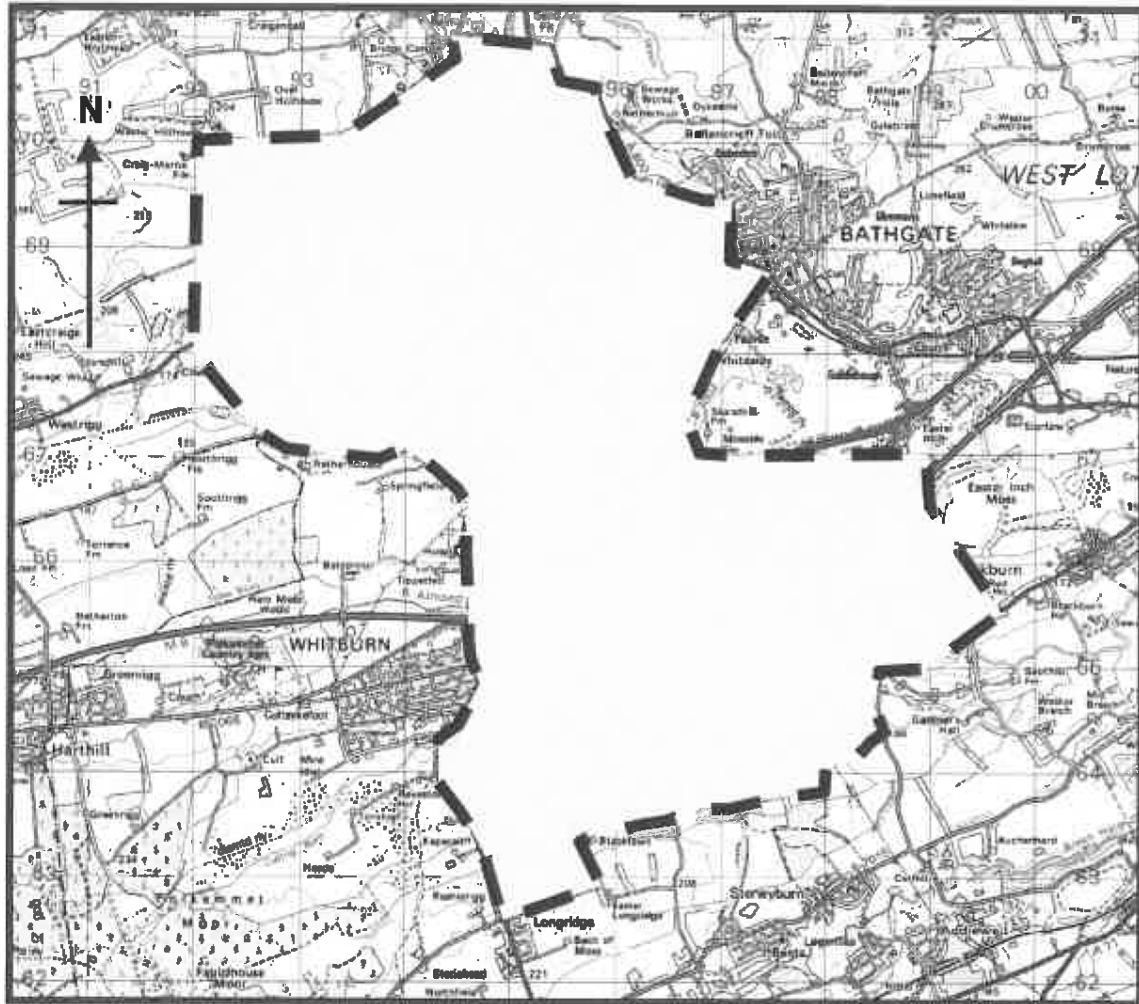
~~5.26 This project will require the approval of the Transport Scotland as trunk road authority in so far as it affects the slip road to and from the M8. Transport Scotland may require developers to pay for modifications to the slip roads at M8 junction 4 as part of their development proposals. The costs of any such required works to the M8 slip roads would be additional to developer contribution to West Lothian Council for A801 dualling and would be secured through planning conditions or agreements as a result of a Transport Assessment.~~

**Figure 2: A801 – M8 Junction 4 to Pottishaw Roundabout**



~~5.27~~ 5.23 Certain types of development within the defined developer contribution zone shown in Figure 3 may require at some future point ~~would be required~~ to pay a developer contribution towards the upgrading of this section of the A801. Developments included in the contribution zone are set out in Table 6. However, not all of these allocations will require to make contributions by virtue of extant planning permission or having been built out since adoption of the LDP.

**Figure 3: Catchment Area for developer Contributions for Dualling A801 – M8 Junction 4 to Pottishaw Roundabout**



**Table 6: Developments within the Contribution Zone for Dualling of the A801**

LDP Site Reference	Location/Site Address	No. of Units (estimate)/use class	Remaining capacity at 31 March 2018
<b>Housing Allocations</b>			
H-WH 4	Whitdale East Main Street, Whitburn	49	0
H-BB 1	Daisyhill Road, Blackburn	9	9
H-BB 2	Riddochill Road, Blackburn	15	15
H-BB 3	West Main Street (West), Blackburn	6	6
H-BB 4	West Main Street (East), Blackburn	6	6
H-BB 5	16 Bathgate Road, Blackburn	5	5
H-BB 6	11 East Main Street (former garage), Blackburn	7	7
H-BB 7	Redhouse West, Blackburn	100	45

H-BB 8	East Main Street (former adult training centre), Blackburn	12	12
H-BB 9	Ash Grove, Site A, Blackburn	5	5
H-BB 10	Ash Grove, Site B, Blackburn	5	5
H-BA 6	Easton Road	298	298
H-BA 7	Little Boghead site 2	20	20
H-BA 21	13-15 Glasgow Road, Meadowpark	22	22
H-BA 29	Glasgow Road	53	45
H-BA 27	Whitburn Road	100	100
H-BA 14	Windyknowe, Glasgow Road (east), Bathgate	14	0
H-BA 15	Windyknowe, Glasgow Road (west), Bathgate	46	46
H-BA 18	9 Hardhill Road (former Creamery garage), Bathgate	14	14
H-AM 1	Muirfield, North Street, Armadale	10	10
H-AM 3	Nelson Park/Mallace Avenue, Armadale	26	26
H-AM 4	High Academy Street (former nursery), Armadale	6	6
H-AM 5	Colinshiel (Site A), Armadale	135	135
H-AM 6	Colinshiel (Site B), Armadale	135	135
H-AM 7	Tarrareoch (Southdale Meadows), Armadale	85	0
H-AM 8	Tarrareoch Remainder, Armadale	131	131
H-AM 9	Netherhouse Phase 1, R1A East (Ferrier Path), Armadale	13	0
H-AM 10	Netherhouse Phase 1, R1B West (Hanlin Park), Armadale	26	0
H-AM 11	Netherhouse, Remainder, Armadale	85	0
H-AM 12	Standhill (North), Armadale	300	300
H-AM 13	Standhill (South), Armadale	110	110
H-AM 14	Trees Farm, Armadale	254	254
H-AM 15	Lower Bathville, Armadale	400	400
H-AM 16	Mayfield Drive, Armadale	22	22
H-AM 17	Drove Road, Armadale	26	26
H-AM 18	Stonerigg Farm, Armadale	11	11
H-AM 19	Tarrareoch Farm, Armadale	320	320

25/17	Torbane Drive, East Whitburn	12	12
25/16	1 Bathgate Road, East Whitburn	5	5
1/43	7 North Street, Armadale	19	19
1/40	Bathville Cross phase 4	3	3
Bathville Cross phase 5	9	9	Bathville Cross phase 5

Employment Allocations			
E-BB 1	Riddochill, Inchmuir Road 1, Bathgate	Use classes 4, 5 & 6	E-BB 1
E-BB 3	Pottishaw Place, Bathgate	Use classes 4, 5 & 6	E-BB 3
E-BB4	Inchmuir Road, Bathgate	Sui generis	E-BB4
E-BB 5 a-d	Pottishaw, Bathgate	Use classes 4, 5 & 6	E-BB 5 a-d
E-BB 6	West Main Street, Blackburn	Use class 4	E-BB 6
E-EW 1	Whitrigg (north east), East Whitburn	Use class 6	E-EW 1
E-EW 2	Whitrigg (south west), East Whitburn	Use classes 4, 5 & 6	E-EW 2

Source: West Lothian Local Development Plan, September 2018 & Housing Land Audit 2018

~~5.28 5.24 Contributions will not be sought where there is an extant planning permission provided the developer does not exceed the capacity specified in the terms of the planning permission. The contribution would only be sought from the following types of development within the catchment area:~~

- ~~•residential;~~
- ~~•business (Use Class 4);~~
- ~~•industrial (Use Class 5); and~~
- ~~•storage and distribution (Use Class 6)~~

~~5.29 From the Transport Assessment (TA) for the mixed-use development at south Armadale by EWP Investments, the amount of trips on the A801 between the Pottishaw roundabout and the M8 was identified. The amount of trips accessing the A801 equates to 70% of development flows.~~

~~5.30 The LDP housing and employment land allocations have predicted two way peak flow for the combined AM and PM period of 1831 trips for Armadale and 112 trips from Bathgate. The total housing element will generate a total of 1943 trips.~~

**Table 7 – LDP Housing Allocations to Armadale**

Site Reference	Site Name	Number of Units	Trips
H-AM 7 to 11 H-AM 14 H-AM19	Tarrareoch (Southdale Meadows) Tarrareoch (Remainder) Netherhouse Phase 1, R1A East (Ferrier Path )	1320	962

	Netherhouse Phase 1, R1B West (Hanlin Park) Netherhouse (remainder) Trees Farm Tarrareoch Farm		
H-AM 5 & 6	Colinshiel (Site A & Site B)	270	196
H-AM 12 & 13	Standhill (North) & Standhill (South)	410	257
H-AM 15	Lower Bathville	400	416

5.31 For Bathgate the two sites are H-BA 7 & H-BA 27 with a total of 112 trips peak combined AM & PM flows.

5.32 The LDP industrial element comprising 26,800sqm business park and 21,900sqm industrial estate has been dropped by the reporter following Examination of the LDP proposed plan and replaced with housing allocation H-AM 19. There is still 1000sqm office allocation identified which would generate 38 trips. Area E-LW2 generates 107 trips and J4M8 sites E-NN 5a-d generates 300 industrial trips and 387 office trips. The total employment trip generation equates to 832 trips.

5.33 The total number of peak combined AM & PM new trips are 2775 trips.

5.34 Dividing the scheme cost of the A801 Dualling by the predicted trip increase provides a cost per trip for the total development cost. This works out at £2,137 **per trip** on the A801. The developer contribution rates are set out in Table 8. Current anticipated costs for the dualling of the A801, should this be required at some future date are set out in Table 7 below.

**Table 8: Developer Contributions for A801 Upgrade to Dual from M8 to Boghead Round about**

<b>Component of Scheme</b>	<b>Cost</b>
Cost estimate for road upgrade	£4,005,750
Land Purchase (assumed 1ha)	£36,728
Design Time	£148,636
Topographical surveys	£5,945
Ground Investigations	£22,295
Wildlife, habitat and ecological survey	£5,202
SUDS drainage design	£89,182
Assume Public Utility costs of	£1,102,882
Sub Total	£5,416,621
Contingencies 10%	£ 541,662
<b>Total Cost</b>	<b>£5,958,283</b>

5.35 There will be a requirement that the Pottishaw roundabout will be assessed for capacity issues for each of the large developments proposed within the catchment area identified in Figure 3 above and at some stage capacity increases will be required in terms of additional lanes at the roundabout. These will be assessed as with all new developments in terms of their individual transportation assessment. Capacity issues may be identified with solutions being considered by the council as to whether they are practical or whether there is a need for future developers to carry out the work. Capacities and link flows will be measured at the time of any future application which has a direct impact on this section of the road infrastructure.

~~5.36 To inform any future requirements for improvements to the Pottishaw roundabout the council will review consider whether developer contributions will be required for the dualling of the A801 through appraisal of Transport Statements (TS) or Transport Assessments (TA) submitted in support of planning applications. Small scale developments which do not require a TS or TA will be exempt from contributing to the scheme.~~

~~5.37 In order to assess link flow capacity to the A801 the council will take into account the transport assessment work undertaken by the Southdale developers (and considered by the Scottish Government Reporter at Appeal (POA-400-2004) will be utilised by the council to inform decision making. All developers will still however be required to carry out junction assessments and mitigate their development impact. Such assessments should identify any impact on the A801 and any requirements arising for improvements to the Pottishaw roundabout.~~

~~5.35 The council will consider whether developer contributions will be required for the dualling of the A801 through appraisal of Transport Statements (TS) or Transport Assessments (TA) submitted in support of planning applications. Small scale developments which do not require a TS or TA will be exempt from contributing to the scheme.~~

~~5.38 In circumstances where the council is satisfied that a contribution to the scheme is appropriate, the council will have regard to Circular 3/2012 'Planning Obligations and Good Neighbour Agreements' and will only seek contributions which are reasonable and relate to the scale and kind of development proposal. Contributions will be secured through a Section 75 (or Section 69) agreement. The agreement will need to be concluded before planning permission can be granted. It is likely that developers will need to contribute to the cost of preparing legal agreements if delays are to be avoided. The council will have regard to the following principles in considering development proposals:~~

~~(i) Where an applicant owns or has in place an option to acquire the land required to implement part of the dualling proposal, the council will require ownership of that the land to be transferred to the council at nil cost to the council. This will form part of the applicant's contribution to the scheme. If the council needs to acquire land through compulsory purchase to implement all or part of the scheme, the full cost of doing so will be met through developer contributions.~~

~~(ii) The council may accumulate contributions in a dedicated fund until it is in a position to undertake construction. Agreements will make provision for returning funds after an agreed period of time if not used. Beyond capacity, developments may be delayed until sufficient funds have been accumulated to implement part or all of the dualling scheme. The need for suspensive conditions will be assessed on a case by case basis.~~

~~(iii) Where agreement cannot be reached on the impact of a proposed development and the amount of contributions, planning permission will be refused.~~

#### **APPENDIX ONE:**

#### **METHODOLOGY FOR CALCULATION OF DEVELOPER CONTRIBUTIONS TOWARDS THE A801**

~~The council has had a volume and speed survey carried out on A801 southern approach leg to Pottishaw roundabout (Document 1). Following Design Manual for Roads and Bridges (DMRB) volume 5 TA 46/97 Traffic Flow Ranges for use in the Assessment of New Rural Roads it can be calculated that the average number of vehicles two-way passing a specific point in a 24-hour period usually known as Annual Average Dailey Traffic (AADT) flow shall be measured against Table 2.1 of TA 46/97.~~

The Cost Benefit Analysis (COBA) document used by the government to appraise transport projects is known as COBA 2019. COBA is a convenient method to convert 12 hour traffic flows into AADT flows. Part 4 of the document relates to traffic input and details how to calculate flows into a standard number known as the Annual Average Daily Total (AADT).

To calculate the AADT value use Section 6 of the document giving the Seasonality Index (SI). The A801 at this location is classed as a rural principal road where speed limit is above 40mph. Table 6/1 gives a default value of 1.10. Section 9 converts the count data to an Mfactor based on the formula relationship  $M = a + b \times SI$ , (where "a" and "b" for each month are given in Table 9/2. So since count was in December "a" = 285 and "b" = 130. Using the formula a figure for "M" is 273. The E Factor is taken from Table 9/1 which is 1.15.

COBA uses 12 hour, 16 hour or 24 hour flows. AADT is calculated from the formula 12 hour flow \* E factor \* M Factor / 365. So  $(7432 + 7259) * 1.15 * 273 / 365 = 12,636$  vehicles. This is the current base existing two-way traffic flow on the A801.

The traffic generated by all the developments taken from the applicant's document 16 tables 7, 15 and 25 gives 1361 vehicles in peak hour. Using the same ratio as the existing flow profile in Document 1 the peak hour conversion is  $14691 / 1815 = 8.094215$  then multiply by 1361 = **11,016 vehicles.**

The current base AADT is 12,636 which looking at Table 2.1 of TA 46/97 shows the carriageway at S2 which is single two way route. This means that the existing road is still just coping with traffic volumes. When the predicted committed development flows and development flows predicted in the LDP are combined, a total of 23,652 vehicles are predicted. Looking at Table 2.1 of TA 46/97 there is a requirement for the road to be D2AP.

The above has shown that there is a requirement for the route from M8 to Pottishaw roundabout to be a dual carriageway and so the cost per trip rate should be applied for all developments within the area identified in the Supplementary Guidance. If, as the project progresses, the cost of the works is less than has been planned for then the rate at which developments are required to contribute would be reduced accordingly. The council maintains that there is a clear and demonstrated need for the dualling to take place, as a direct result of developments within the catchment area.

## **Annex One**

### **Developer Contributions Towards Transport Infrastructure**

#### **A801 between M8 Junction 4 and A89 Roundabout**

##### **Introduction**

1. The A801 traverses West Lothian in a north/south direction connecting central West Lothian to Falkirk/Grangemouth. Planning permission has been approved for a new Avon Gorge bridge crossing and this is partially funded. West Lothian and Falkirk councils continue to seek funding contribution from the Scottish Government for construction of the bridge crossing. A new bridge crossing and associated local improvements will improve the connectivity of the strategic route between the M9 and M8 motorway networks thus improving the overall resilience of the Central Belt. The new crossing will also create improved accessibility opportunities and local links to the Avon Valley Heritage Trail.
2. The West Lothian Local Development Plan (LDP) includes planned development sites that will impact on the A801 at its southern end linking with the M8. The LDP includes land within the previously identified Core Development Area allocation at Armadale, the employment sites at Pottishaw/ Riddochhill and further afield at Polkemmet and Cowhill. Until recently, the council had in place supplementary planning guidance which outlined the need for developer funding contributions for dualling the A801 from the M8 motorway at Junction 4 northward to the proposed new junction and new Southdale development road, Armadale. The supplementary planning guidance requires to be updated as part of the LDP approval from Scottish Government.
3. The Reporter in his findings in the LDP Examination Report concluded the requirement to upgrade the A801 had been established in the West Lothian Local Plan (2009) and that the 'technical note' submitted by the Southdale Developers and considered at the LDP Examination appeared to indicate that, if all of the committed development was built, this section of the A801 would be over capacity and would still require upgrading. However, the 'technical note' concluded that the upgrading of the A801 was not required on the basis of the level of committed development that remained to be built out. This conclusion was not accepted by the Reporter and as a result the Reporter maintained the requirement for the upgrading of the A801 as contained in the LDP Proposed Plan.
4. The LDP Examination report confirmed that the Supplementary Planning Guidance A801 Dualling: M8 Junction 4 to Pottishaw Roundabout Development Contributions (2010) was out of date and not an appropriate basis on which to consider the need for developer contributions. The Reporter modified the LDP Proposed Plan to include the requirement for the preparation of supplementary guidance for the developer contributions towards this road corridor.

##### **Method**

5. The A801 dualling improvements were first identified in 2006 using the traffic modelling data which informed the West Lothian Local Plan 2009 (WLLP). The traffic modelling method used to determine the impact of planned (new) development on the existing road network required developers to take existing traffic flows, then add any committed developments that were anticipated to have an impact on the surrounding roads and

finally add the proposed development together. This information was then used to predict traffic flow and turning counts. Tables 1,2 and 3 below show the differences overtime of the:

- observed traffic flows;
  - amount of predicted traffic to be added to the network; and
  - estimated traffic levels on completion of all the developments at the time within the WLLP.
6. The WLLP traffic modelling identified overcapacity issues along the A801 section from M8 to Pottishaw roundabout. This was based on an accepted lane flow level of 1800 vehicles per direction for peak hour link flow capacity. The WLLP was subsequently replaced by the LDP.
7. The following tables show the existing traffic, the committed traffic from developments either with planning permission but not completed construction and a cumulative total of predicted traffic flows. The route sections of the A801 from the motorway is split down into 3 sections due to the traffic flow levels entering / exiting J4M8 distribution park. The Pottishaw roundabout takes flows to and from Bathgate and also can be used westward as a route to the west side of Armadale.

**Table 1: Observed Existing Traffic Flows**

	<u>Year</u>	<u>Northbound</u>		<u>Southbound</u>	
		<u>AM</u>	<u>PM</u>	<u>AM</u>	<u>PM</u>
<u>South Armadale CDA Site Access</u>	<u>2009</u>	<u>836</u>	<u>1116</u>	<u>937</u>	<u>758</u>
	<u>2014</u>	<u>390</u>	<u>480</u>	<u>643</u>	<u>602</u>
	<u>2018</u>	<u>735</u>	<u>997</u>	<u>852</u>	<u>709</u>
<u>Pottishaw Roundabout</u>	<u>2009</u>	<u>1071</u>	<u>907</u>	<u>866</u>	<u>941</u>
<u>to J4M8 Employment</u>	<u>2014</u>	<u>516</u>	<u>539</u>	<u>712</u>	<u>592</u>
	<u>2018</u>	<u>822</u>	<u>741</u>	<u>772</u>	<u>835</u>
<u>North of J4M8 Motorway</u>	<u>2009</u>	<u>1102</u>	<u>894</u>	<u>911</u>	<u>984</u>
	<u>2014</u>	<u>642</u>	<u>493</u>	<u>596</u>	<u>722</u>
	<u>2018</u>	<u>963</u>	<u>778</u>	<u>761</u>	<u>912</u>

8. As shown in the Table 1 above traffic levels dropped dramatically around 2014 but have subsequently recovered. However, these are still short of 2009 flow levels. Various ideas have been considered as why traffic levels are not as high as back in 2009. In transportation terms the most likely reason appears to be the opening of the Airdrie to Bathgate rail link in 2010. This opened up new stations in Armadale and Blackridge which give opportunity for a more sustainable travel option over the car. Other influences that may have impacted include the opening of the M8 Heartlands junction, general changes in travel and commuting behaviour. Further evidence is given later in this document.
9. When investigating the impact of a development, it is usual practice to include committed developments (if any) around the application site. The applications of most interest are those which have a traffic impact affecting the area of influence of the site

being considered. A committed development is a site where a planning application has been submitted by the developer and has received planning approval from the local council but no work has started.

10. Table 2 shows the additional trips from committed development sites at the time which have been given planning permission but not complete. They are required to be included in the assessment for the Southdale development. The 2009 additional flows were totalled from each site in the WLLP that had an influence on this section of A801 and had a transport assessment carried out. The 2018 flows have been calculated from first principles by the appellant.

**Table 2: Predicted Traffic from Developments within the LDP Still to be Built**

	Year	Northbound		Southbound	
		AM	PM	AM	PM
<u>South Armadale CDA Site Access</u>	<u>2009</u>	<u>478</u>	<u>503</u>	<u>360</u>	<u>627</u>
	<u>2018</u>	<u>511</u>	<u>624</u>	<u>827</u>	<u>517</u>
<u>Pottishaw Roundabout</u>	<u>2009</u>	<u>1133</u>	<u>764</u>	<u>696</u>	<u>1199</u>
<u>to J4M8 Employment</u>	<u>2018</u>	<u>509</u>	<u>629</u>	<u>851</u>	<u>514</u>
<u>North of J4M8 Motorway</u>	<u>2009</u>	<u>1465</u>	<u>737</u>	<u>750</u>	<u>1573</u>
	<u>2018</u>	<u>576</u>	<u>552</u>	<u>765</u>	<u>584</u>

11. A different more robust method which uses a gravity model was used to calculate the 2018 committed development flows. The gravity model takes population of towns and cities as a draw factor. A mathematical formula is used to calculate the draw factor of each area for the housing development in question. Table 3 is the addition of Tables 1 & 2.

**Table 3: Predicted Traffic Levels after all Development in the LDP is Built Out**

	Year	Northbound		Southbound	
		AM	PM	AM	PM
<u>South Armadale CDA Site Access</u>	<u>2009</u>	<u>1314</u>	<u>1619</u>	<u>1297</u>	<u>1385</u>
	<u>2018</u>	<u>901</u>	<u>1104</u>	<u>1470</u>	<u>1119</u>
<u>Pottishaw Roundabout</u>	<u>2009</u>	<u>2204</u>	<u>1671</u>	<u>1562</u>	<u>2140</u>
<u>to J4M8 Employment</u>	<u>2018</u>	<u>1331</u>	<u>1370</u>	<u>1623</u>	<u>1349</u>
<u>North of J4M8 Motorway</u>	<u>2009</u>	<u>2567</u>	<u>1631</u>	<u>1661</u>	<u>2557</u>
	<u>2018</u>	<u>1539</u>	<u>1330</u>	<u>1526</u>	<u>1496</u>

12. The traffic levels in Table 3 show a significant lowering of predicted traffic levels for the A801 covered by the proposed dualling. It should be remembered that the maximum vehicle capacity of a single carriageway is 1800 in each direction.

13. The 2009 WLLP predicted traffic levels used committed flows from live planning applications. However, the 2018 predicted traffic levels were calculated from existing traffic counts and all developments in LDP. The table shows that in 2009 predicted traffic levels indicated the need for the A801 to be dualled.
14. On the basis that there were numerous planning applications that would impact on the A801 towards the M8, it was considered appropriate for the council to secure contributions, from applicants, based on traffic impacts of each application. As without the developments predicted traffic levels could be accommodated. In doing so a funding would be built-up to enable the dualling to be delivered at an appropriate time.

### **The influence of Rail Patronage on the A801 Corridor**

15. As indicated earlier the most likely reason for less road traffic is the reopening of the Airdrie – Bathgate railway line 2011. With services running every 15mins at Bathgate and 30mins at Armadale and Blackridge the passenger numbers show a large amount of usage which may have suppressed predicted traffic levels on the A801 corridor and surrounding area. Table 4 shows the rail regulator statistics for the last 10 years since the opening of the Airdrie to Bathgate section. Patronage numbers are on the increase at all three stations. Remember that Armadale and Blackridge are both new since the 2009 traffic survey so all are new passengers. Bathgate has doubled its passenger numbers and over the years. Bathgate is now among the busiest stations in Scotland outwith the cities, while Armadale and Blackridge stations have a steady patronage increasing year on year.

**Table 4: Office of Rail Regulator Statistics**

		<u>Passenger numbers yearly entry/exit</u>				
<u>Station</u>	<u>2009/10</u>	<u>2010/11</u>	<u>2011/12</u>	<u>2012/13</u>	<u>2017/18</u>	<u>2018/19</u>
<u>Bathgate</u>	<u>616,472</u>	<u>844,962</u>	<u>941,333</u>	<u>1,033,734</u>	<u>1,282,136</u>	<u>1,292,360</u>
<u>Armadale</u>	<u>0</u>	<u>89,288</u>	<u>130,061</u>	<u>152,776</u>	<u>249,778</u>	<u>260,082</u>
<u>Blackridge</u>	<u>0</u>	<u>40,008</u>	<u>40,361</u>	<u>40,877</u>	<u>58,030</u>	<u>59,780</u>

### **Planning Challenge**

16. On 22 November 2010 planning permission in principle (1044/P/08) was granted for a mixed-use development including residential, commercial, retail, school and leisure facilities together with associated infrastructure and open space provision at Southdale, Armadale. Since then Matters Specified in Condition (MSC) applications have been submitted to the council and approved with around 500 houses, a supermarket, nursery, primary school and some employment land having been provided.
17. Earlier this year (2020) following refusal by the council to allow the Southdale developers removal of 2 conditions relating to the original outline approval which involved developer contributions (1044/P/08), the council's decision was the subject of an Appeal to Scottish Ministers claiming that the dualling of the A801 between M8 Junction 4 and the Pottishaw Roundabout is no longer justified and as such does not meet the tests of Scottish Government Circular 3/2012 "Planning Obligations and Good Neighbour Agreements". Consequently, the requirement for financial contributions set out in the planning obligation should be discharged. This was on the grounds that, due to changes in circumstance, the predicted level of impact on the road network from developments within the contribution catchment area would not occur.

18. The LDP's accompanying Action Programme (2019) does not include the dualling of the A801 as a specific key infrastructure project. As such there are no specific details for the project, as required by policy CDA 1, in terms of the timescale for delivery, breakdown of costs or who would be the lead partner. The only reference in the Action Programme relates to the requirement for housing sites within the former Armadale Core Development Area to make financial contributions towards the dualling of the A801. Therefore, the Reporter, in determining the Appeal, found that the Action Programme did not provide the specific details required by policy CDA1 and provided no indication of the priority being given by the council to the delivery of the upgrades to the A801. Notwithstanding the lack of detail in the Action Programme the Reporter noted that policy INF 1 advised that all requirements for developer contributions, relating to the identified infrastructure projects, will need to meet the tests in circular 3/2012.
19. The Reporter at LDP Examination modified the LDP Proposed Plan to include the requirement for the preparation of supplementary guidance for developer contributions towards the A801. The council published the draft supplementary guidance and completed the public consultation exercise in December 2019. The council confirmed that the draft supplementary guidance was prepared on the basis of the original traffic modelling work from 2005 used to inform the non-statutory supplementary planning guidance (2010). In determining the Appeal against the council's decision to refuse the removal of 2 conditions relating to the original outline approval which involved developer contributions (1044/P/08), The Reporter accepted argument put forward by the Southdale developer that the council's assessment used to inform the draft supplementary guidance (2019) does not account for the changes in circumstance within the catchment area.
20. The Reporter noted that 1800 vehicles peak hour capacity assumption used for the corridor analysis was accepted and relied on by the council to justify the inclusion of the requirement to upgrade the A801 in the adopted LDP and the draft supplementary guidance (2019). Whilst the council in its evidence now considers the corridor analysis to be too simplistic, it does not dispute any of the data (levels of committed and predicted development) or assumptions (trip generation) presented by the appellant during the Appeal. Rather the council simply argued that its alternative approach using Transport Scotland's (managed by Highways England) Design Manual for Roads and Bridges (DMRB) and the Cost Benefit Analysis Tool, produced by Highways England (COBA) provides a more accurate assessment of the capacity of the road network. The council was satisfied with the assumption of 1800 vehicle capacity until the request to modify the planning obligation.
21. In determining the Appeal against the council's decision to refuse the removal of 2 conditions relating to the original outline approval for Southdale the Reporter found that given the council's previous acceptance of the capacity assumption and that it had not questioned the data and assumptions in the current corridor analysis, the assessment even if somewhat simplified, provided at least a broad estimate of what the impact from development on the A801 would be.
22. The corridor analysis has two scenarios showing what the Southdale developer considers to be a realistic scenario (1419 peak trips) and then a worst-case scenario (1679 peak trips) for sensitivity testing. The appellant's report highlights that the analysis demonstrates that even in a worst-case scenario the accepted capacity (1800 threshold capacity) of the A801 as a single carriageway road would not be breached. The report concludes that these findings demonstrate that, there is no current requirement to dual the A801 as a result of the cumulative impact from future development within the catchment area. In light of this the planning obligation requirement for A801 contributions no longer meets the necessity test. The findings

from the corridor analysis indicate that there would be spare capacity remaining in the existing road network (based on the 1800 capacity figure) of 20% in the realistic case scenario and 7% in the worst-case scenario. Therefore, despite the council's claim that the methodology used by the appellant is too simplistic the Reporter found that there was scope to accommodate a margin for error in the Southdale developer's analysis and for the A801 still to remain within the threshold capacity notwithstanding proposed development.

23. The council now considers that the Reporter's findings clearly identify the current position in relation to predicted traffic levels and that for the time being there is no requirement to require developers to provide a link capacity improvement for the A801, i.e. dualling. However, the council is not diverting away from its original position in that infrastructure requirements due to developments will still be required.
24. As a result of not pursuing the developer contribution for dualling a section of A801 from the M8 motorway northward, there will be a requirement for the Pottishaw roundabout to be assessed for capacity issues for each of the proposed developments identified in the LDP which will require a transportation assessment to be submitted alongside planning applications for future development. Requirements for a transportation assessment are set out in Scottish Government guidance. [https://www.transport.gov.scot/media/4589/planning\\_reform - dpmtag - development management dpmtag ref 17 - transport assessment guidance final - june 2012.pdf](https://www.transport.gov.scot/media/4589/planning_reform_-_dpmtag_-_development_management_dpmtag_ref_17_-_transport_assessment_guidance_final_-_june_2012.pdf)
25. The transportation assessments and associated planning applications will be assessed on an individual basis. In reviewing the assessments, capacity issues may be identified with solutions being considered and approved by the council where necessary. Capacities and link flows will be measured at the time of any future planning application which has a direct impact on this section of the road infrastructure.
26. The document produced by the Southdale developer will be used as a basis for any future link flow capacity assessment. Developers will still be required to carry out junction assessments and mitigate their development impact. This assessment will be reviewed in 2023.

## **CONCLUSION**

27. The requirement for developer contributions towards dualling of the A801 cannot be justified at this time. Contributions will be required to mitigate impacts arising from individual developments on the Pottishaw roundabout and will be determined on a case by case basis. The council's position will be reviewed at a later date.



# **SEA SCREENING REPORT**

**SUPPLEMENTARY GUIDANCE (SG)  
DEVELOPER CONTRIBUTIONS TOWARDS TRANSPORT  
INFRASTRUCTURE**

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## STEP 1 – DETAILS OF THE PLAN

**Responsible Authority:**

West Lothian Council

**Title of the plan:**

Supplementary Guidance: 'Developer Contributions Transport Infrastructure'

**What prompted the plan:**

(e.g. a legislative, regulatory or administrative provision)

The adopted West Lothian Local Development Plan 2018 gives an undertaking to produce Supplementary Planning Guidance in relation to a variety of policy topics including developer contributions. The purpose of this Supplementary Guidance (SG) is to support Local Development Plan Policy INF1 Infrastructure Provision and Developer Obligations, TRAN1 Transport Infrastructure and TRAN2 Transportation Contributions and Associated Works.

In particular, this SG further defines the terms used in the policies and explains and interprets other matters necessary for the implementation of the policy and set out developer contributions (obligations) rates for transport infrastructure projects required in support of the development strategy set out in the LDP.

Current Supplementary Planning Guidance (SPG) relating to transport projects and transport related matters e.g. travel plans was adopted in support of the now superseded West Lothian Local Plan. This SPG was prepared with reference to Scottish planning policies in force at the time and also the West Lothian Community Plan, the Finalised West Lothian Local Plan and the Edinburgh and Lothians Structure Plan. While continuing to provide valid and pertinent guidance it does nevertheless pre-date Scottish Planning Policy 2014 (SPP) and the now adopted West Lothian Local Development Plan. As a consequence, there is recognition of the need to ensure that the council's planning guidance is up to date and reflective of the most current policies and practices.

All of the SPG prepared in support of the West Lothian Local Plan is therefore in the process of being updated or replaced setting an amended policy context within which to address various matters, in this instance, transport provision. There is recognition of the need to ensure that the council's supplementary guidance is up to date and reflective of the most current policies and practices.

In particular, this SG further defines the terms used in policy INF1 and explains and interprets other matters necessary for the implementation of the policy, principally it sets a developer contribution rate. The strategic policy context for the securing developer contributions towards its provision of infrastructure is provided for by Policy 9 of the Strategic Development Plan for South East Scotland (2013).

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**Plan subject:**  
(e.g. transport)

Town and Country Planning

**Screening** is required by the  
Environmental Assessment  
(Scotland) Act 2005.

Based on Boxes 3 and 4, our view  
is that:

☐

**An SEA is required, as the environmental effects are likely to be significant:** Please indicate below what Section of the 2005 Act this plan falls within

☐

Section 5(3)

☐

Section 5(4)

☒

**An SEA is not required, as the environmental effects are unlikely to be significant:** Please indicate below what Section of the 2005 Act this plan falls within

☒

Section 5(3)

☐

Section 5(4)

**Contact details:**

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**Date:**

19 October 2020

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## STEP 2 – CONTEXT AND DESCRIPTION OF THE PLAN

### Context of the Plan:

The West Lothian Local Development Plan (LDP) was adopted on 4 September 2018 and sets out the Council's approach to developer contributions and the delivery of infrastructure linked closely with the Action Programme (Adopted February 2019).

A Strategic Environmental Assessment - Environmental Report for the LDP was published in August 2014, which set out the likely significant environmental effects of implementing the strategy for the development contained within the LDP and is the primary means by which development sites are allocated. Each site allocated for development within the LDP has been subject to an individual site assessment.

The principal Report of Examination was issued on 11 December 2017 (augmented with an additional Report of Examination dealing with a single site issue issued on 8 January 2018).

At a meeting of the Council Executive on 22 March 2018, West Lothian Council resolved to accept all of the modifications recommended in the Report of Examination, and agreed to adopt the Local Development Plan (as modified). This was notified to Scottish Ministers on 5 April 2018. At the same time, the council made a determination under Section 8(1) of the Environmental Assessment (Scotland) Act 2005 that the modifications proposed by the DPEA to the West Lothian Local Development Plan were unlikely, overall, to have any major significant negative environmental effects and that a further SEA was not required.

Supplementary Guidance – Developer Contributions Towards Transport Infrastructure is required to support the delivery of development required to support the spatial strategy for West Lothian as set out in the West Lothian Local Development. The Supplementary Guidance will expand on the principles of policy INF1 (*Infrastructure Provision and Developer Contributions*) sets out the rationale for seeking developer contributions in appropriate circumstances, TRAN1 (*Transport Infrastructure*) and TRAN2 (*Transportation Contributions and Associated Works*) and will provide detailed guidance to help achieve the outcomes expected from development proposals across West Lothian.

Appendices 1, 2 and 6 of the LDP identifies all of the infrastructure projects required to deliver the spatial strategy set out in the LDP. This includes requirements related to transport infrastructure.

The proposed Supplementary Guidance will include details of the specific location of transport infrastructure proposals. Developer contribution rates will vary depending on the particular transport infrastructure project.

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<b>Description of the Plan:</b>	<p>The proposed Supplementary Guidance expands on the principles set out in the policies detailed in Box 3 (above) and provides detailed guidance to help achieve the outcomes expected from development proposals across West Lothian. The guidance provides a basis for collecting developer obligations (contributions) towards transport infrastructure in West Lothian.</p> <p>This supplementary guidance has been prepared in connection with the adopted West Lothian Local Development Plan Policies INF 1 and CDA 1 in relation to Developer Obligations for General Infrastructure for Site Delivery.</p> <p>The guidance is intended to help implement the provisions of the adopted West Lothian Local Development Plan and specifically aims to ensure that the impact of new development set out in the Plan is mitigated. The guidance is intended to update, strengthen and streamline existing arrangements.</p> <p>The proposed Supplementary Guidance will provide details of specific transport infrastructure proposals and will assist in the development management process by setting a developer contribution rate to be applied to development proposals. The Supplementary Guidance will identify good practice in-line with the policy and other national guidance.</p> <p>The Supplementary Guidance is intended for use by anyone considering development in West Lothian including:</p> <ul style="list-style-type: none"> <li>• Applicants who wish to develop a site;</li> <li>• Developers and agents working on development proposals where impacts are anticipated on the transport network;</li> <li>• Officers assessing planning proposals;</li> <li>• Elected Members representing constituents and making decisions on planning applications;</li> <li>• Members of the public with an interest in development proposals within their local community.</li> </ul> <p>The Supplementary Guidance will be reviewed at least every 5 years in line with the statutory review of the West Lothian Local Development Plan (or as required by emerging legislation).</p> <p>The guidance was the subject of external consultation between November and December 2019 and was approved by West Lothian Council Executive on 23 June 2020.</p>
<b>What are the key components of the plan?</b>	<p>The Supplementary Guidance will provide further guidance to support the application of policy INF1, TRAN1 and TRAN2 as detailed in Box 3 (above).</p> <p>The Supplementary Guidance will provide detailed guidance to help achieve the outcomes expected from development proposals across West Lothian. The guidance provides a basis for charging developers for transport infrastructure projects across West Lothian.</p> <p>This SG will be an important material consideration in the determination of planning applications and will form the basis for discussions on individual</p>

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	<p>planning applications and the drafting of planning conditions and / or planning obligations.</p>
<p><b>Have any of the components of the plan been considered in previous SEA work?</b></p>	<p>Yes. The document is produced to support the development strategy set out in the West Lothian Local Development Plan which was adopted on 4 September 2018, and in particular the requirements of policy INF1, Policy TRAN and policy TRAN2.</p> <p>An Environmental Assessment has previously been undertaken in respect of policies and proposed land allocations in the West Lothian LDP. The Environmental Assessment undertaken in respect of these policies concluded that they would have no significant environmental implications. Any impacts of the policies were considered to be largely positive. In order to ensure compliance with the Environmental Assessment (Scotland) Act 2005, a Screening Determination for this Supplementary Guidance is required.</p> <p>The SG relates primarily to the collection of financial contributions towards the cost of transport infrastructure needed to deliver the spatial strategy set out in the LDP and to mitigate the impact of development. The infrastructure proposals themselves are all either identified in the LDP and/or its Action Programme. All lie within the areas identified for development in the Plan itself.</p> <p>They therefore are considered to fall within the scope of the LDP's spatial strategy, and do not require further strategic environmental assessment as references in this SG.</p>
<p><b>In terms of your response to Boxes 7 and 8 above, set out those components of the plan that are likely to require screening:</b></p>	<p>None. The proposed Supplementary Guidance will expand on the principles set out in the aforementioned policies and provide detailed guidance to help achieve the outcomes expected from development proposals in countryside locations across West Lothian. The guidance will support consistent interpretation and application of policies through the development management process. The guidance will illustrate good practice in-line with the policy and other national guidance. The potential environmental effects of any proposed development considered under the terms of the policies can only be properly assessed at the planning application stage when the specific site and development details are known.</p>

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**STEP 3 – IDENTIFYING INTERACTIONS OF THE PLAN WITH THE ENVIRONMENT AND  
CONSIDERING THE LIKELY SIGNIFICANCE OF ANY INTERACTIONS**

Plan Components	Environmental Topic Areas										Explanation of Potential Environmental Effects	Explanation of Significance
	Biodiversity, flora and fauna	Population and human health	Soil	Water	Air	Climatic factors	Material assets	Cultural heritage	Landscape	Inter-relationship issues		
Supplementary Guidance 'Minerals'	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<p>The SG brings together all of the elements that help contribute towards achieving the spatial strategy set out in the LDP. The SG seeks to ensure that the impact of new development is mitigated through appropriate developer contributions.</p> <p>The SG sits within a wider development plan context which has undergone SEA.</p> <p>The SG provides a clear set of guidance and standards to explain what the council will expect from new developments and identifies the level of developer contributions required of developers.</p>	<p>The SEA for the LDP considered any potential effects. The SG is not considered to have any additional significant environmental effects.</p>

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												<p>The SG shares the strategic objectives of the LDP which include promoting development in the most sustainable locations where its impact can be minimised; promoting community regeneration through the development of brownfield sites; ensuring that all essential infrastructure and facilities are provided to support development; promoting and enhancing the natural and built environment; and having regard to climate change by minimising the carbon footprint of development and supporting mitigation and adaption measures.</p>	
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#### STEP 4 – STATEMENT OF THE FINDINGS OF THE SCREENING REPORT

**Summary of interactions with the environment and statement of the findings of the Screening:**  
(Including an outline of the likely significance of any interactions, positive or negative, and explanation of conclusion of the screening exercise.)

The SG provides guidance on the operation of policy INF1 Infrastructure Requirements and Developer Obligations, TRAN1 Transport Infrastructure and TRAN2 Transportation Contributions and Associated Works as contained within the West Lothian Local Development Plan covering the West Lothian Council area. It sets out a developer contribution rate for transport projects across West Lothian. Guidance is provided on the calculation of the financial contribution planning applications and Section 75 requirements.

The SG is closely allied with the policy context of the adopted West Lothian Local Development Plan 2018 and government guidance and is intended to support the development strategy set out in the LDP through developer contributions to support and deliver transport infrastructure.

DATA LABEL: PUBLIC

The SG relates to development within existing settlements or areas already allocated for development and the effect and impact of such development will ordinarily be of a localized nature and has for the most part already been accounted for.

In common with all other Supplementary Guidance prepared by West Lothian Council, the guidance has been subject to consultation, in this case with various planning consultants and developers, council service providers and regard has been had to the responses and feedback which has been received.

In conclusion, the Supplementary Guidance will result in no or minimal environmental effects and therefore it is concluded a SEA is not required.

The purpose of this Supplementary Guidance (SG) is to support West Lothian Local Development Plan Policy INF1 Infrastructure Provision and Developer Obligations, TRAN1 Transport Infrastructure and TRAN2 Transportation Contributions and Associated Works.

When completed send to: [SEA.gateway@scot.gov](mailto:SEA.gateway@scot.gov) or to the SEA Gateway, Scottish Government, Area 2H (South), Victoria Quay, Edinburgh, EH6 6QQ.

DATA LABEL: PUBLIC



**COUNCIL EXECUTIVE**

**CLIMATE CHANGE DECLARATION – ANNUAL REPORT 2019/20**

**REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

**A. PURPOSE OF REPORT**

The purpose of this report is to inform Council Executive of West Lothian's annual Climate Change Declaration Report for 2019/20 and seek approval for its submission to the Scottish Government.

**B. RECOMMENDATION**

It is recommended that the Panel:

1. notes the contents of the report and the Declaration at Appendix 1; and
2. approves the Declaration for submission to the Scottish Government for publication.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>The council is legally bound to comply with duties for public sector bodies within the Climate Change (Scotland) Act 2009. The duties require that the council must, in exercising its functions, act:</p> <p>(a) in the way best calculated to contribute to the delivery of the targets set in or under Part 1 of the Act;</p> <p>(b) in the way best calculated to help deliver any programme laid before the Scottish Parliament under section 53;</p> <p>(c) in a way that it considers is most sustainable.</p> <p>The response does not raise any equality issues. SEA not required</p>
<b>III Implications for Scheme of Delegations to Officers</b>	None.

<b>IV</b>	<b>Impact on performance and performance Indicators</b>	There are a number of performance indicators related to the council's carbon emissions and related factors.
<b>V</b>	<b>Relevance to Local Outcomes Improvement Plan</b>	Outcome 7 - We live longer, healthier lives and have reduced health inequalities, and; Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	None
<b>VII</b>	<b>Consideration at PDSP</b>	The report was considered at Environment PDSP on 10 November where panel members were supportive of the work done and the recommendation.
<b>VIII</b>	<b>Other consultations</b>	Climate Change and Sustainability Working Group members. Relevant staff from other services.

## **D. TERMS OF REPORT**

### **D.1 Background**

The council has a number of obligations under the Public Bodies Duties of the Climate Change (Scotland) Act 2009 (the Act) and has been reporting on Climate Change since becoming a signatory to Scotland's Climate Change Declaration in 2007. Reporting has been mandatory since the 2015/16 reporting year and must be submitted to the Scottish Government by 30 November each year.

### **D.2 Summary of the Declaration for West Lothian Council**

The Declaration is split into two sections. There is a "Required" section which must be completed and a "Recommended" section which is optional.

The first part of the required section provides key information about the organisation and the reporting year covered.

Part two includes information on how the council provides effective governance, leadership and management of climate change. There is a particular emphasis on the role of senior staff and elected members in climate change initiatives and groups and in promoting awareness and action on climate change.

Part three addresses the council's corporate greenhouse gas emissions including targets, performance and actions to reduce emissions. The footprint for 2019/20 has been calculated to be 36,635 tCO<sub>2</sub>e, a significant decrease of 5,807 tonnes (13.7%) on the 2018/19 footprint and 24,426 tonnes (40%) reduction from our baseline year of 2013/14. This is twice the level of the 2020/21 target of 20% set out in the current Climate Change Strategy (CCS) and Carbon Management Plan (CMP) which were approved in November 2015. The council's targets will be reviewed and updated as part of our response to the Climate Emergency, setting out the path to a net zero carbon council. It is anticipated that these new targets will be in place in 2021.

Section four relates to the council's approaches to dealing with the already

changing climate in Scotland. This includes assessing risks, physical works such as flood prevention and the development of local and national action plans.

Sustainable procurement is covered in section five, with information on how the council's policies and activities contribute to compliance with the climate change duties.

The final section of the required reporting area is for the council to outline how the reporting document and the information contained within it has been validated, and a declaration to confirm that it is correct. The accuracy of the data within the annual return has been verified by Internal Audit.

The "Recommended" section of the report outlines the council's wider impact, including partnership working, awareness raising campaigns and behavioural change programmes. We have also included a wide range of activities related to biodiversity, resource use and local food production. Of particular note this year is the work undertaken with our Community Planning Partners. This included a CPP Board meeting themed around the Climate Emergency and a follow up seminar attended by a wide range of partners and local high school pupils where the challenges, opportunities and possibilities for partnership working were discussed in more detail. These discussions and actions from them informed the development of the CPP Climate Change Action Plan. Officers also attended West Lothian College's Sustainability Summit, delivering a short workshop on the activities being undertaken by the CPP and the council to address the climate emergency. The CPP Board discussed a draft new Local Outcomes Improvement Plan in March 2020 which included a new Climate Change outcome focused on building a sustainable, nature rich, net zero carbon community and set out how a partnership approach to achieving net zero carbon will be developed.

The contents of the report have been subject to an internal audit which has verified the information and data provided.

## **E. CONCLUSION**

The council's Climate Change Declaration Report for 2019/20 highlights the continued efforts across the council in reducing our emissions and adapting to Climate Change. New targets will be brought forward in 2021 as part of a revised Climate Change Strategy. The Declaration, if approved, will be submitted to the Scottish Government for publication.

## **F. BACKGROUND REFERENCES**

Climate Change (Scotland) Act 2009

<http://www.gov.scot/Topics/Environment/climatechange/scotlands-action/climatechangeact>

Climate Change Act – Public Bodies Duties

<http://www.gov.scot/Topics/Environment/climatechange/howyoucanhelp/publicbodies/publicsector>

Scottish Climate Change Adaptation Programme *Climate Ready Scotland*

<https://www.gov.scot/publications/climate-ready-scotland-second-scottish-climate-change-adaptation-programme-2019-2024/>

Public Bodies Climate Change Duties: Putting Them Into Practice

Guidance Required By Part 4 Of The Climate Change (Scotland) Act 2009

[www.scotland.gov.uk/publications/2011/02/04093254/0](http://www.scotland.gov.uk/publications/2011/02/04093254/0)

Appendices/Attachments: One

Appendix 1 – Climate Change Declaration Report 2019/20

Contact Person: Peter Rogers, Energy & Climate Change Manager, 01506 281107,  
peter.rogers@westlothian.gov.uk

**Craig McCorriston**

**Head of Planning, Economic Development and Regeneration**

**17 November 2020**

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Required

PART 1: PROFILE OF REPORTING BODY

PART 2: GOVERNANCE, MANAGEMENT AND STRATEGY

PART 3: EMISSIONS, TARGETS AND PROJECTS

PART 4: ADAPTATION

PART 5: PROCUREMENT

PART 6: VALIDATION AND DECLARATION

Recommended Reporting: Reporting on Wider Influence

RECOMMENDED – WIDER INFLUENCE

OTHER NOTABLE REPORTABLE ACTIVITY

PART 1: PROFILE OF REPORTING BODY

1(a) Name of reporting body
West Lothian Council

1(b) Type of body
Local Government

1(c) Highest number of full-time equivalent staff in the body during the report year
6726

1(d) Metrics used by the body			
Specify the metrics that the body uses to assess its performance in relation to climate change and sustainability.			
Metric	Unit	Value	Comments
Population size served	population	183,100	<a href="https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/mid-year-population-estimates/mid-2019">https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/mid-year-population-estimates/mid-2019</a>

1(e) Overall budget of the body	
Specify approximate £/annum for the report year.	
Budget	Budget Comments
£493,232,000	Total revenue budget taken from annual accounts.

1(f) Report year	
Specify the report year.	
Report Year	Report Year Comments
2019/20	Financial (April to March)

1(g) Context
Provide a summary of the body's nature and functions that are relevant to climate change reporting.
<p>As a local authority in an area with an expanding population of over 180,000, West Lothian Council provides services such as Education, Social Services, Planning, Housing, Economic Development, Highways, Street Lighting and Cleansing. It also works closely with other public bodies such as police, fire and health through its Community Planning Partnership. There are, however, four main areas where the nature and functions of the organisation make a significant contribution to greenhouse gas emissions and are therefore relevant. These are: the operation of over 250 buildings including offices, partnership centres, schools, sheltered housing and depots; street lighting and other road furniture (signage etc); operation of the council's fleet of vehicles; and waste collection and disposal throughout the area. In addition, the council's Planning function shapes future policy to ensure that mitigation and adaptation to the impacts of climate change are considered in the Local Development Plan and associated planning guidance.</p>

PART 2: GOVERNANCE, MANAGEMENT AND STRATEGY

2(a) How is climate change governed in the body?
<p>Provide a summary of the roles performed by the body's governance bodies and members in relation to climate change. If any of the body's activities in relation to climate change sit outside its own governance arrangements (in relation to, for example, land use, adaptation, transport, business travel, waste, information and communication technology, procurement or behaviour change), identify these activities and the governance arrangements.</p> <p>Climate change and sustainability is embedded within the governance structure of West Lothian Council as outlined in the simplified diagram attached. Council Executive has overall responsibility for ensuring the council's compliance with the Climate Change (Scotland) Act 2009 and is responsible for the approval of all climate change strategies, policies, action plans and monitoring reports. The Environment Policy Development and Scrutiny Panel (PDSP) is comprised of elected members who develop new policies for the council and review existing policies to identify where changes are required. The panel does not make decisions, but it makes recommendations to the Council Executive. The Environment PDSP has responsibility for consideration of the Climate Change Strategy and associated Action Plans and climate change reports, including the annual Climate Change Duties report and regularly reviews Performance Indicators relating to climate change. The Community Planning Partnership (CPP) Steering Group has responsibility for monitoring performance against the Environment outcome of the Local Outcomes Improvement Plan 2013-2023 (LOIP) including targets for climate change and sustainability. The chair of the CCSWG reports quarterly to the Steering Group. The minutes of the CCSWG / Environment Forum are submitted to the Steering Group for scrutiny and minutes from the Steering Group circulated to CCSWG members.</p>

2(b) How is climate change action managed and embedded by the body?
<p>Provide a summary of how decision-making in relation to climate change action by the body is managed and how responsibility is allocated to the body's senior staff, departmental heads etc. If any such decision-making sits outside the body's own governance arrangements (in relation to, for example, land use, adaptation, transport, business travel, waste, information and communication technology, procurement or behaviour change), identify how this is managed and how responsibility is allocated outside the body (JPEG, PNG, PDF, DOC)</p> <p>The council's principal corporate decision making body is its Executive Committee which is chaired by the Leader of the council. The attached table summarises the council's internal management structures relating to climate change. The Head of Planning, Economic Development &amp; Regeneration has direct responsibility for climate change, is the council's nominated Sustainable Procurement Champion and chairs the Climate Change and Sustainability Working Group (CCSWG). In support of the Head of Planning, Economic Development &amp; Regeneration's role, each Head of Service is a lead officer for climate change with responsibility for climate change actions and targets within their service area. Heads of Service may delegate their responsibility to a direct report to ensure that day to day management responsibilities are clear and that delegated decision making is undertaken at the appropriate level. All activities relating to climate change are set out in the council's Climate Change Strategy and associated Action Plans, and are coordinated by the Energy &amp; Climate Change Manager through the CCSWG. Lead officers for specific actions provide quarterly progress reports through the council's performance management system (Pentana). The Emergency Planning Service is located in the Chief Executive Office. The service is responsible for ensuring that the council has emergency response arrangements in place to enable it to respond effectively in times of crisis. The impact of climate change has also been identified in the council's Corporate Risk Register and progress against actions to address climate risk is monitored by senior management through the appropriate service management team. Climate Change is also embedded throughout the organisation in a number of ways:- Corporate Induction includes a section on energy and climate change awareness;- When new projects or plans are being developed, the Strategic Outline Business Case includes a section on Sustainability which must be considered and completed in all cases;- The council's Corporate Procurement Strategy sets out the vision to "achieve superior procurement performance through advanced sustainable procurement practices for the benefit of the council and its stakeholders" and a number of Performance Indicators have been developed which are regularly monitored and reported on. One of our key LOIP outcomes is that "We make the most efficient and effective use of resources by minimising our impact on the built and natural environment".</p>

2(c) Does the body have specific climate change mitigation and adaptation objectives in its corporate plan or similar document?		
Provide a brief summary of objectives if they exist.		
Objective	Doc Name	Doc Link
The council aims to develop a strong, inclusive and sustainable West Lothian. We want to build communities and services that are well designed and protect the built and natural environment for current residents and future generations.	Corporate Plan 2018-2023 (P.33)	<a href="https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf">https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf</a>
Improving waste recycling rates across West Lothian by implementing the Scottish Government's Zero Waste Strategy.	Corporate Plan 2018-2023 (P.34)	<a href="https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf">https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf</a>

Protecting the environment through a range of regulatory and enforcement activities that will protect the health, wellbeing and safety of local people.	Corporate Plan 2018-2023 (P.34)	<a href="https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf">https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf</a>
Engaging with the community and commercial operators to deliver a cost effective public transport network and active travel options.	Corporate Plan 2018-2023 (P.34)	<a href="https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf">https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf</a>
Continue to maintain and protect the local environment for residents, visitors and future generations by maintaining public spaces, gardens and provision of country parks and encouraging community to play a more active role in looking after their local environment.	Corporate Plan 2018-2023 (P.34)	<a href="https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf">https://www.westlothian.gov.uk/media/19574/West-Lothian-Council-Corporate-Plan-2018---2023/pdf/West_Lothian_Council_Corporate_Plan_2018-2023.pdf</a>
The council is committed to working with its partners on mitigating and adapting to climate change and promoting sustainable development. This will be achieved through a range of activities relating to:- -Waste - minimising the amount of waste that is sent to landfill and increasing recycling; -Transport - promoting sustainable and active modes of transport and increasing access to sustainable transport; -Sustainable use of resources - reducing energy use through the introduction of renewable technology and energy efficiency measures in buildings and encouraging behavioural change to reduce energy consumption; and, -Measures to adapt to both current and future changes in the climate. Further action is identified in the council's Climate Change Strategy for West Lothian.	Local Outcomes Improvement Plan 2013-2023 (P.48)	<a href="https://www.westlothian.gov.uk/media/17003/West-Lothian-Local-Outcomes-Improvement-Plan-2013-2023/pdf/West_Lothian_Local_Outcomes_Improvement_Plan_2013-2023.pdf">https://www.westlothian.gov.uk/media/17003/West-Lothian-Local-Outcomes-Improvement-Plan-2013-2023/pdf/West_Lothian_Local_Outcomes_Improvement_Plan_2013-2023.pdf</a>
The council's assets will be managed to ensure that their useful operational life meets expected life expectancy, as well as minimising the potential adverse impact on the environment. Sustainability should make sure that council assets are available to support ongoing service delivery in the long term.	Corporate Asset Management Strategy (Outcome 7) 2018-2028 (P.13)	<a href="https://coins.westlothian.gov.uk/coins/viewDoc.asp?c=e%97%9Dg%8Fpy%88">https://coins.westlothian.gov.uk/coins/viewDoc.asp?c=e%97%9Dg%8Fpy%88</a>

2(d) Does the body have a climate change plan or strategy?

If yes, provide the name of any such document and details of where a copy of the document may be obtained or accessed.

A new Climate Change Strategy is currently under development and will be published in 2021. The current Climate Change Strategy 2015-2020 and Carbon Management Plan were approved in in November 2015. These can be found at: [www.westlothian.gov.uk/article/2211/Climate-change---what-are-we-doing](http://www.westlothian.gov.uk/article/2211/Climate-change---what-are-we-doing)

2(e) Does the body have any plans or strategies covering the following areas that include climate change?				
Provide the name of any such document and the timeframe covered.				
Topic area	Name of document	Link	Time period covered	Comments
Adaptation	Climate Change Strategy	<a href="https://www.westlothian.gov.uk/media/10479/West-Lothian-Council-Climate-Change-Strategy-2015-2020/pdf/West_Lothian_Council_Climate_Change_Strategy_2015-2020.pdf">https://www.westlothian.gov.uk/media/10479/West-Lothian-Council-Climate-Change-Strategy-2015-2020/pdf/West_Lothian_Council_Climate_Change_Strategy_2015-2020.pdf</a>	2015-2020	
Business travel	Green Transport Policy and Green Transport Procedure Note	<a href="https://intranet.westlothian.gov.uk/article/13346/Green-Transport">https://intranet.westlothian.gov.uk/article/13346/Green-Transport</a>	2017-2023	The policy and procedure notes were developed to assist employees meet the objectives of an internal transport review project and set out employee responsibilities and the procedures that should be followed in relation to how they approach business travel.
Staff Travel	Green Transport Policy and Green Transport Procedure Note Active Travel Plan	<a href="https://intranet.westlothian.gov.uk/article/13346/Green-Transport">https://intranet.westlothian.gov.uk/article/13346/Green-Transport</a> <a href="https://www.westlothian.gov.uk/activetravel">https://www.westlothian.gov.uk/activetravel</a>	2017-2023 2016-2021	
Energy efficiency	Carbon Management Plan	<a href="https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-20/pdf/Carbon_Management_Plan_2015-2020.pdf">https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-20/pdf/Carbon_Management_Plan_2015-2020.pdf</a>	2015-2020	
Fleet transport	Operational Services Management Plan	<a href="https://www.westlothian.gov.uk/media/35349/2019-20-Management-Plan-Operational-Services/pdf/Operational_Services_Management_Plan_2019-20.pdf">https://www.westlothian.gov.uk/media/35349/2019-20-Management-Plan-Operational-Services/pdf/Operational_Services_Management_Plan_2019-20.pdf</a>	2019-20	
Renewable energy	Carbon Management Plan	<a href="https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-20/pdf/Carbon_Management_Plan_2015-2020.pdf">https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-20/pdf/Carbon_Management_Plan_2015-2020.pdf</a>	2015-2020	
Sustainable/renewable heat	Carbon Management Plan	<a href="https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-20/pdf/Carbon_Management_Plan_2015-2020.pdf">https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-20/pdf/Carbon_Management_Plan_2015-2020.pdf</a>	2015-2020	
Waste management	Operational Services Management Plan	<a href="https://www.westlothian.gov.uk/media/35349/2019-20-Management-Plan-Operational-Services/pdf/Operational_Services_Management_Plan_2019-20.pdf">https://www.westlothian.gov.uk/media/35349/2019-20-Management-Plan-Operational-Services/pdf/Operational_Services_Management_Plan_2019-20.pdf</a>	2019-20	
Water and sewerage	Carbon Management Plan	<a href="https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-20/pdf/Carbon_Management_Plan_2015-2020.pdf">https://www.westlothian.gov.uk/media/10480/West-Lothian-Council-Carbon-Management-Plan-2015-20/pdf/Carbon_Management_Plan_2015-2020.pdf</a>	2015-2020	
Land Use	West Lothian Local Development Plan	<a href="https://www.westlothian.gov.uk/LDP">https://www.westlothian.gov.uk/LDP</a>	2014-2024	The council's Local Development Plan sets out in its aims that it will "Help achieve climate change objectives by minimising the area's carbon footprint through promoting development in sustainable locations and supporting mitigation and adaptation measures."

2(f) What are the body's top 5 priorities for climate change governance, management and strategy for the year ahead?
Provide a brief summary of the body's areas and activities of focus for the year ahead.
<ul style="list-style-type: none"><li>• Development of new Climate Change Strategy</li><li>• Development of new Carbon Management Plan</li><li>• Review of CCSWG membership and remit</li><li>• Development of targets, performance indicators and format for quarterly reporting to Environment PDSP</li><li>• Review of existing strategies, policies and governance</li><li>• West Lothian signed the national “Household Recycling Charter” at the beginning of 2019. Although work has been delayed due to the introduction of the Scottish Government Deposit Return Scheme in 2021, we continue to work with Zero Waste Scotland to progress the aims of the associated Code of Practice Standards were reviewed to suit the current service provision and take recognition of the national aims of the charter</li></ul>

2(g) Has the body used the Climate Change Assessment Tool(a) or equivalent tool to self-assess its capability / performance?
If yes, please provide details of the key findings and resultant action taken.
The Climate Change & Sustainability Working Group carried out a comprehensive review using the CCAT tool in December 2017. The results of this process have identified a number of areas for improvement including climate change adaptation and sustainable procurement. We will consider using the CCAT tool again as part of our review processes.

2(h) Supporting information and best practice
Provide any other relevant supporting information and any examples of best practice by the body in relation to governance, management and strategy.
<p>Following the council's Climate Emergency Declaration in September 2019, a short-term, cross party working group was established to set out to formulate a way forward which involves the wider pubic (Citizens Panel), business and other public bodies to report back to council in 3 months with proposals, which would include the cost implications of such action and the initiative to be community led. The working group developed a set of recommendations that were approved in March 2020 and which will be taken forward over the next year.</p> <p>In order to ensure wider involvement in the climate emergency response, our Community Planning Partners have been involved in a number of meetings and events that also included representatives from the wider community and young people within West Lothian. The work done at these events has helped to develop a new outcome within our emerging Local Outcomes Improvement Plan.</p> <p>At an officer level, the Climate Change &amp; Sustainability Working Group membership and remit has been reviewed to ensure that Heads of Service or a nominated manager represents each of the council's services at meetings.</p>

PART 3: EMISSIONS, TARGETS AND PROJECTS

3a Emissions from start of the year which the body uses as a baseline (for its carbon footprint) to the end of the report year							
Complete the following table using the greenhouse gas emissions total for the body calculated on the same basis as for its annual carbon footprint /management reporting or, where applicable, its sustainability reporting. Include greenhouse gas emissions from the body's estate and operations (a) (measured and reported in accordance with Scopes 1 & 2 and, to the extent applicable, selected Scope 3 of the Greenhouse Gas Protocol (b)). If data is not available for any year from the start of the year which is used as a baseline to the end of the report year, provide an explanation in the comments column. (a) No information is required on the effect of the body on emissions which are not from its estate and operations.							
Reference Year	Year	Scope1	Scope2	Scope3	Total	Units	Comments
Baseline carbon footprint	2013/14				61061	tCO2e	
Year 1 carbon footprint	2014/15	17954	28003	15162	61119	tCO2e	
Year 2 carbon footprint	2015/16	13264	24883	22979	61126	tCO2e	
Year 3 carbon footprint	2016/17	16352	20494	19985	56831	tCO2e	
Year 4 carbon footprint	2017/18	17290	17153	16388	50831	tCO2e	
Year 5 carbon footprint	2018/19	15888	12782	13772	42442	tCO2e	
Year 6 carbon footprint	2019/20	16445	10731	9459	36635	tCO2e	

3b Breakdown of emission sources									
Complete the following table with the breakdown of emission sources from the body's most recent carbon footprint (greenhouse gas inventory); this should correspond to the last entry in the table in 3(a) above. Use the 'Comments' column to explain what is included within each category of emission source entered in the first column. If, for any such category of emission source, it is not possible to provide a simple emission factor(a) leave the field for the emission factor blank and provide the total emissions for that category of emission source in the 'Emissions' column.									
Total	Comments – reason for difference between Q3a & 3b.	Emission source	Scope	Consumption data	Units	Emission factor	Units	Emissions (tCO2e)	Comments
36,635.3	N/A	Grid Electricity (generation)	Scope 2	41,986,267	kWh	0.25560	kg CO2e/kWh	10,731.7	Total includes EV Charging
		Grid Electricity (transmission & distribution losses)	Scope 3	41,986,267	kWh	0.02170	kg CO2e/kWh	911.1	
		Natural Gas	Scope 1	64,317,929	kWh	0.18385	kg CO2e/kWh	11,824.9	
		Biomass (Wood Chips)	Scope 1	3,414,100	kWh	0.01563	kg CO2e/kWh	53.4	Metered heat kWh

		Biomass (Wood Pellets)	Scope 1	4,986,160 kWh	0.01563 kg CO2e/kWh	77.9	Metered heat kWh
		Water - Supply	Scope 3	328,117 m3	0.344 kg CO2e/m3	112.9	
		Water - Treatment	Scope 3	303,114 m3	0.708 kg CO2e/m3	214.6	
		Refuse Municipal to Landfill	Scope 3	11,518 tonnes	586.5313 kg CO2e/tonne	6,755.5	
		Refuse Commercial & Industrial to Landfill	Scope 3	3,142 tonnes	99.75920 kg CO2e/tonne	313.4	
		Organic Food & Drink Composting	Scope 3	6,174 tonnes	10.20390 kg CO2e/tonne	63.0	
		Organic Garden Waste Composting	Scope 3	10,336 tonnes	10.20390 kg CO2e/tonne	105.5	
		Paper & Board (Mixed) Recycling	Scope 3	8,574 tonnes	21.35380 kg CO2e/tonne	183.1	
		WEEE (Mixed) Recycling	Scope 3	1,016 tonnes	21.35380 kg CO2e/tonne	21.7	
		Glass Recycling	Scope 3	2,473 tonnes	21.35380 kg CO2e/tonne	52.8	
		Plastics (Average) Recycling	Scope 3	2,459 tonnes	21.35380 kg CO2e/tonne	52.5	
		Metal Cans (Mixed) & Metal Scrap Recycling	Scope 3	3,096 tonnes	21.35380 kg CO2e/tonne	66.1	
		Refuse Municipal /Commercial /Industrial to Combustion	Scope 3	20,218 tonnes	21.35380 kg CO2e/tonne	431.7	
		Construction (Average) Recycling	Scope 3	17,724 tonnes	1.37 kg CO2e/tonne	24.3	
		Diesel (average biofuel blend)	Scope 1	1,655,659 litres	2.59411 kg CO2e/litre	4295	
		Petrol (average biofuel blend)	Scope 1	87,795 litres	2.20904 kg CO2e/litre	193.9	
		Car - diesel (average - unknown engine size)	Scope 3	867,601 km	0.17336 kg CO2e/km	150.4	

3c Generation, consumption and export of renewable energy					
Provide a summary of the body's annual renewable generation (if any), and whether it is used or exported by the body.					
	Renewable Electricity		Renewable Heat		
Technology	Total consumed by the organisation (kWh)	Total exported (kWh)	Total consumed by the organisation (kWh)	Total exported (kWh)	Comments
Solar PV	223,801	24,867			Assumed 90% consumption of on-site generated electricity.
Biomass			8,400,260	0	Actual metered data for amount of biomass heat consumed by WLC in the reporting period.

3d Targets										
List all of the body's targets of relevance to its climate change duties. Where applicable, overall carbon targets and any separate land use, energy efficiency, waste, water, information and communication technology, transport, travel and heat targets should be included.										
Name of Target	Type of Target	Target	Units	Boundary/scope of Target	Progress against target	Year used as baseline	Baseline figure	Units of baseline	Target completion year	Comments
Reduction in emissions from the council's activities and services (from non-domestic buildings, transport, external lighting, waste and Reduction in emissions from the council's activities and services (from non-domestic buildings, transport, external lighting, waste and water. water.	absolute	47,959	tCO2e reduction	All emissions	36,635	2013/14	61,061	tCO2e	2020/21	New target for council to be net-zero carbon by 2045 at latest to be set out in new Climate Change Strategy.
Carbon emissions from energy used in buildings (annual)	absolute	27,540	tCO2e reduction	Energy use in buildings	19,923.7	2013/14	30,808	tCO2e	2020/21	New target for council to be net-zero carbon by 2045 at latest to be set out in new Climate Change Strategy.
Electricity Consumption (kWh/m2)	absolute	67	kWh/m2 reduction	Energy use in buildings	66.63	2013/14	72	Other (specify in comments)	2020/21	Baseline unit kWh/m2. Aim is to reduce consumption.
Gas Consumption (kWh/m2)	absolute	155	kWh/m2 reduction	Energy use in buildings	170	2013/14	190	Other (specify in comments)	2020/21	Baseline unit kWh/m2. Aim is to reduce consumption.
Tonnes of CO2 emissions per capita for the West Lothian district	absolute	5.3	tCO2e reduction	All emissions	5.8	2011/12	7.3	tCO2e	2023/24	Target to be below national average
Energy generated as a result of installation of renewables and low carbon technology. MWh of heat produced	absolute	14,400	Other (specify in comments)	Energy use in buildings	8,758	2013/14	354.7	MWh	2023/24	Target to increase amount of heat - measured in MWh

Energy generated as a result of the installation of renewables and low carbon technology. kWh of electricity produced	absolute	390,000	Other (specify in comments)	Energy use in buildings	248,668	2013/14	21,221	kWh	2023/24	Target to increase amount of electricity generated from low carbon and renewable sources - measured in kWh
Percentage of household waste recycled.	percentage	50	Other (specify in comments)	Waste	58.2	2011/12	42.5	Other (specify in comments)	2020/21	Target to increase percentage of waste recycled.
Percentage of West Lothian Council housing stock compliant with Energy Efficiency Standard for Social Housing	percentage	100	Other (specify in comments)	Energy use in buildings	89	2015/16	42.4	Other (specify in comments)	2020/21	Target is for 100% of properties to be compliant by 2020

3e Estimated total annual carbon savings from all projects implemented by the body in the report year			
Total	Emissions Source	Total estimated annual carbon savings (tCO2e)	Comments
5,093	Electricity	973	LED lighting upgrades (street lighting and buildings)
	Natural gas	0	.
	Other heating fuels	0	
	Waste	4102	Reductions in waste to landfill and changes to recycling.
	Water and sewerage	0	
	Business Travel	0	
	Fleet transport	18	
	Other (specify in comments)	0	

3f Detail the top 10 carbon reduction projects to be carried out by the body in the report year											
Provide details of the 10 projects which are estimated to achieve the highest carbon savings during report year.											
Project name	Funding source	First full year of CO2e savings	Are these savings figures estimated or actual?	Capital cost (£)	Operational cost (£/annum)	Project lifetime (years)	Primary fuel/emission source saved	Estimated carbon savings per year (tCO2e/annum)	Estimated costs savings (£/annum)	Behaviour Change	Comments
LED Street Lighting	Capital	2019/20	Estimated				Grid Electricity	650			
Energy Efficiency in buildings	Capital	2019/20	Estimated				Grid Electricity	100			
Building Management Systems Centralisation	Capital	2019/20	Estimated				Natural Gas	50			
Reduction in waste to landfill	Capital	2019/20	Estimated				Waste to landfill	4000			

3g Estimated decrease or increase in the body's emissions attributed to factors (not reported elsewhere in this form) in the report year				
If the emissions increased or decreased due to any such factor in the report year, provide an estimate of the amount and direction.				
Total	Emissions source	Total estimated annual emissions (tCO2e)	Increase or decrease in emissions	Comments
-789.00	Estate changes			
	Service provision			
	Staff numbers			
	Other (specify in comments)	1,319	Decrease	Changes in emissions factors
	Other (specify in comments)	530	Increase	Increased gas - higher degree days

3h Anticipated annual carbon savings from all projects implemented by the body in the year ahead			
Total	Source	Saving	Comments
1000.00	Electricity	650	LED lighting replacements and efficiencies
	Natural gas	300	Ongoing projects
	Other heating fuels		
	Waste		
	Water and sewerage		
	Business Travel		
	Fleet transport	50	Shift to electric vehicles
	Other (specify in comments)		

3i Estimated decrease or increase in the body's emissions attributed to factors (not reported elsewhere in this form) in the year ahead				
If the emissions are likely to increase or decrease due to any such factor in the year ahead, provide an estimate of the amount and direction.				
Total	Emissions source	Total estimated annual emissions (tCO2e)	Increase or decrease in emissions	Comments
326	Estate changes	100	Increase	New builds and extensions.
	Other 1	1,013	Decrease	Electricity emissions factor
	Other 2	1,126	Increase	Increase in industrial waste to landfill emissions
	Other (specify in comments)	113	Increase	Increase in fleet use due to Covid

3j Total carbon reduction project savings since the start of the year which the body uses as a baseline for its carbon footprint	
If the body has data available, estimate the total emissions savings made from projects since the start of that year ("the baseline year").	
Total	Comments
18,874	Estimated figure, taken as the sum of savings identified from 2015/16-2018/19 as 19/20 savings yet to be fully realised.

3k Supporting information and best practice
Provide any other relevant supporting information and any examples of best practice by the body in relation to its emissions, targets and projects.

PART 4: ADAPTATION

4(a) Has the body assessed current and future climate-related risks?
If yes, provide a reference or link to any such risk assessment(s).
<p>The council completed a Local Climate Impact Profile (LCLIP) in early 2015 as part of a process to assess our exposure to weather events. The LCLIP looked at historical events and the potential for future disruption to local communities and has been refreshed to take into account more recent events. The council continues to deliver its obligations under the Forth Estuary Local Flood Risk Management Plan, a six-year plan of action. This is largely focused on the collection of data and commissioning of studies. In addition to the above, the council has worked with SNIFFER in the development of an Adaptation Action Plan which is due to be published in 2021.</p> <p>The assessment of flood risk and sustainable drainage are integrated into the Council's Development Planning and Management processes with the aim of reducing the number of properties at risk within the Council's administrative area. In assessing development proposals, we seek flood risk assessments where appropriate and ensure that these include the most up to date data and climate change allowances for land use planning.</p>

4(b) What arrangements does the body have in place to manage climate-related risks?
Provide details of any climate change adaptation strategies, action plans and risk management procedures, and any climate change adaptation policies which apply across the body.
<p>The council's Climate Change Strategy sets out key objectives with regards to managing adaptation, including the development of a number of strategies and action plans. The Climate Change &amp; Sustainability Working Group (CCSWG) monitors and reports progress of adaptation activities. Reports on adaptation related work are reviewed by Environment and Development and Transport Policy Development &amp; Scrutiny Panels as appropriate. The council's Corporate Risk Register includes a risk that the council does not meet its obligations with regards to Climate Change. This is regularly monitored and updated and is reported to the appropriate service management team. One of the key priorities is to develop an Adaptation Action Plan and this will be published in 2021. A specific Adaptation Sub-group to the CCSWG has been set up and one of their tasks is to take this forward. A Severe Weather Plan is already in place which sets out the council's response to weather events and the way these are managed. Progress delivering actions under the Surface Water Action Plan also continues. The two Integrated Catchment Studies for Bathgate and Linlithgow, a joint action with Scottish Water, are now complete. Progress vesting of legacy SUDS on PVA 10/27 continues to be less-tangible with most actions falling to Scottish Water's vesting team, whose priorities are focussed on working with house builders.</p>

4(c) What action has the body taken to adapt to climate change?
Include details of work to increase awareness of the need to adapt to climate change and build the capacity of staff and stakeholders to assess risk and implement action.
<ul style="list-style-type: none"><li>• The Council has continued to invest in improvements to headwalls and trash screens to enhance the safe inspection and cleaning of the screens to reduce flood risk. We also continue to monitor and maintain a network of level sensors to improve response before, during, and in the aftermath of flood events and to provide a record of events.</li><li>• We have continued to assess open watercourse and to survey culverted watercourses, including previously uncharted systems, and record this information on the spatial asset management database.</li><li>• Work is underway on the detailed design of a scheme to protect against flooding from the Liggat Syke, a tributary of the Brox Burn as part of the Brox Burn Flood Protection Scheme. A plan is also being developed for the roll-out of property-level protection for some properties in the town that are at risk but won't benefit from structural protection.</li><li>• Work with partners, evaluating opportunities and master planning improvements to watercourses and associated public open space in Bathgate is shortly due to get underway following a scoping exercise. A funding package is being drawn together to enable us to take forward the design and implementation of improvements, which will be agreed in advance with the local community.</li><li>• Improved drainage - we have reduced the risk of flooding to residential properties and schools in Whitburn, Blackridge, Bridgend, and Livingston.</li><li>• We have invested to reduce the risk to flooding to council owned social housing stock in Armadale, Blackburn and Uphall, reducing the scale of potential damages and disruption to tenants' lives. The programme has been prioritised favouring the most vulnerable in our communities.</li><li>• We have improved access to, use of public open space by reducing the accumulation of surface water at locations in Bridgend, Blackridge, Fauldhouse, Livingston and Torphichen.</li><li>• We continue to work with partners to deliver physical improvements to the water environment under the RiverLife: Almond &amp; Avon programme. Fish passage has now been enabled at Kirkton Weir Rugby Club Weir and Howden Bridge Weir, Livingston. Construction of a fish pass in a bypass channel is underway at Limefield Falls Weir, Polbeth and a technical fish pass at Mid Calder Weir is currently subject to detailed design with a view to construction in early 2021. These projects together improve the opportunity for migrating fish species to navigate physical barriers across the river allowing them to take advantage of quality habitat upstream, enhancing the biodiversity of the whole river system.</li></ul>

<b>4(d) Where applicable, what progress has the body made in delivering the policies and proposals referenced N1, N2, N3, B1, B2, B3, S1, S2 and S3 in the Scottish Climate Change Adaptation Programme(a) ("the Programme")?</b>					
<p>If the body is listed in the Programme as a body responsible for the delivery of one or more policies and proposals under the objectives N1, N2, N3, B1,B2, B3, S1, S2 and S3, provide details of the progress made by the body in delivering each policy or proposal in the report year. If it is not responsible for delivering any policy or proposal under a particular objective enter "N/A" in the 'Delivery progress made' column for that objective.</p> <p>(a) This refers to the programme for adaptation to climate change laid before the Scottish Parliament under section 53(2) of the Climate Change (Scotland) Act 2009 (asp 12) which currently has effect. The most recent one is entitled "Climate Ready Scotland: Scottish Climate Change Adaptation Programme" dated May 2014.</p>					
Objective	Objective reference	Theme	Policy / Proposal reference	Delivery progress made	Comments
Understand the effects of climate change and their impacts on the natural environment.	N1	Natural Environment	N1-10	Data has been provided to the council which has been used to develop plans. Updated guidance provided by SEPA is used to improve the information provided by developers as part of the Development Planning process.	
Support a healthy and diverse natural environment with capacity to adapt.	N2	Natural Environment	N2-2	Green infrastructure - green networks, green space, street trees and other vegetation, green roofs, wetlands and other water features, and coastal habitats - helping Scotland to mitigate and adapt to climate change.	Open Space Capital Programme - delivered over £300,000 of open space improvements to urban parks and greenspaces in West Lothian, including path infrastructure and street trees.
			N2-11	Planning guidance as part of Local Development Plan. Involvement in CSGN Habitat Network Workstream West Lothian Council Forestry and Woodland Strategy Action Plan	West Lothian B-Lines - in partnership with Buglife - created 1.15ha of wildflower meadow - reducing habitat fragmentation and improving pollinator corridors.
			N2-17	Part of Forth River Basin management area.	
			N2-18	Local Flood Risk Management Plan approved June 2016	

Sustain and enhance the benefits, goods and services that the natural environment provides.	N3	Natural Environment	N3-7	Management Plan for Trees and Woodland on West Lothian Council Owned Land published in 2017.	
Understand the effects of climate change and their impacts on buildings and infrastructure networks.	B1	Buildings and infrastructure networks	B1-13	Local Flood Risk Management Plan approved June 2016	
Provide the knowledge, skills and tools to manage climate change impacts on buildings and infrastructure.	B2	Buildings and infrastructure networks		N/A	
Increase the resilience of buildings and infrastructure networks to sustain and enhance the benefits and services provided.	B3	Buildings and infrastructure networks	B3-2	Relevant PAN's incorporated into Supplementary Planning Guidance as part of adopted LDP	
			B3-3	West Lothian Local Development Plan policy NRG-1 - Climate Change & Sustainability	
			B3-6	Continued involvement in the HEEPS/ABS scheme, mainly focused on External Wall Insulation and hard to treat properties. Investment has been made to maintain the structural integrity and historic value of Beecraigs Reservoir	
			B3-7	Work to ensure compliance with EESSH standards by 2020 is continuing.	
			B3-8	SHQS requirements achieved	
Support our health services and emergency responders to enable them to respond effectively to the increased pressures associated with a changing climate.	S3	Society		Work has been done to increase the effectiveness of the council's response to flooding and to support Category 1 responders. Our response to specific flood events is also reviewed in the aftermath to identify future improvements.	

4(e) What arrangements does the body have in place to review current and future climate risks?
Provide details of arrangements to review current and future climate risks, for example, what timescales are in place to review the climate change risk assessments referred to in Question 4(a) and adaptation strategies, action plans, procedures and policies in Question 4(b).
<p>The Adaptation sub-Group of the CCSWG is developing the Adaptation Action Plan which will set out detailed actions including consideration of whether further assessment of climate risks is required. This will be published in 2019/20.</p> <p>The council is legally obliged to reduce overall flood risk and there are systems in place to ensure a systematic approach is taken to review current and future risks from flooding and have plans in place which will deliver mitigation and increase resilience. Where new guidance is provided by other public bodies, our strategies, plans and the council's own guidance will be updated to include reference to the most up to date advice.</p>

4(f) What arrangements does the body have in place to monitor and evaluate the impact of the adaptation actions?
Please provide details of monitoring and evaluation criteria and adaptation indicators used to assess the effectiveness of actions detailed under Question 4(c) and Question 4(d).
<p>Where investment has been made in physical works, the council will monitor the performance of the measures in response to weather conditions to ensure that it remains effective - enhanced by the remote monitoring improvements outlined in 4c. In the event that frailties or failures are identified, it will then be reviewed and the need for further work identified.Greater incidents of tree pests and diseases including Ash Dieback (Chalara) are already affecting West Lothian and this is being informally monitored on WLC land.</p>

4(g) What are the body’s top 5 priorities for the year ahead in relation to climate change adaptation?
Provide a summary of the areas and activities of focus for the year ahead.
<p>The year ahead is the last of the Local Flood Risk Management Plan period. Work is ongoing with partners to prepare for the next Local Flood Risk Management Plan, whilst completing the final obligations from the current plan, subject to available resources. In particular, it is hoped to commission a flood study for Bathgate having recently completed the Integrated Catchment Plan for the area.</p> <p>We hope too that detailed design of the structural measures to reduce the risk of flooding from the Liggat Syke will be completed and that construction will get underway and that we can implement the plan to roll-out protection to a number of individual properties at risk from flooding in Broxburn.</p> <p>Review and publication of the Climate Change Adaptation Plan and refresh of the LCLIP</p>

4(h) Supporting information and best practice
Provide any other relevant supporting information and any examples of best practice by the body in relation to adaptation.
<p>We are now delivering a programme of measures in liaison with the Council's Housing Service to reduce the number of council owned social housing at risk of flooding, lessening potential damages and disruption to tenants' lives. The programme has been prioritised, taking into account the most vulnerable in our communities.</p>

PART 5: PROCUREMENT

5(a) How have procurement policies contributed to compliance with climate change duties?
Provide information relating to how the procurement policies of the body have contributed to its compliance with climate changes duties.
<p>The Council's Corporate Procurement Strategy 2019-23 refers extensively to Sustainable Procurement. The Strategy is subject to statutory guidance in line with the Procurement Reform (Scotland) Act 2014. The main activities that are undertaken to achieve this priority outcome are;</p> <ul style="list-style-type: none"><li>• Considering sustainable procurement for spend equating to £50,000 and above</li><li>• Implementing an appropriate training and awareness programme</li><li>• maintain level 2 within the Scottish Government's Sustainability Framework Assessment</li><li>• Promoting the payment of the Living Wage.</li></ul> <p>The Scottish Government's sustainability test is also considered for relevant tenders through our contract strategies. In addition, the Council has developed a Community Benefits in Procurement Procedure to guide procurement activity. This has been in place and used in contracting activity since June 2013 and applies to all contract spend above the value of £50,000. More specific sustainability policies include Sustainable Building Standards for Council Controlled Buildings, Sustainable Timber and Sustainable Printing policies. Within the context of the sustainable procurement outcome of our Corporate Procurement Strategy, work with services includes:</p> <ul style="list-style-type: none"><li>• Operational Services - delivering transport and contracts that support and sustain economic and population growth help in minimising traffic congestion and environmental deterioration. Waste management contract provision helps West Lothian to improve its waste recycling rates as prescribed in the Scottish Government's Zero Waste Strategy</li><li>• Corporate - through the provision of contracts for low carbon and renewable energy solutions to support the delivery of council services which have a reduced environmental impact and help to meet the challenging targets for reduced energy consumption and carbon emissions.</li></ul> <p>These overarching strategies and policies reinforce the Council's commitment to climate change and provide practical guidance at all stages of the tender process, including identification of need, specification development, selection and award and contract management phases in order to reduce their carbon footprint and greenhouse gas emissions.</p>

5(b) How has procurement activity contributed to compliance with climate change duties?
Provide information relating to how procurement activity by the body has contributed to its compliance with climate changes duties.
<p>Through the Procurement Reform (Scotland) Act 2014 climate change is embedded in the Sustainable Procurement Duty and this is reflected in the Councils procurement processes and procedures, in particular the Contract Strategy for regulated procurement. So before buying anything, the Council must consider how we can, through tendering, improve the social, environmental and economic wellbeing in Scotland, with a particular focus on reducing inequality, for example through the appropriate use of the sustainability test and the application of relevant and proportionate contract requirements. As Strategic procurement is long term planning to ensure timely supply of goods, services and works that are critical to the ability to meet core business objectives, strategic procurement covers the whole procurement cycle and considers analysis of expenditure, looking across services and partnerships to identify synergies and opportunities for improving economy, efficiency and effectiveness. Prior to commencing any procurement exercise, the Officer responsible must, in accordance with Corporate Procurement Procedures, complete a contract strategy to appraise the procurement in a manner commensurate with its complexity and value. Information contained in the strategy template includes; Contract objective, funding arrangements, current contract status, historical spend information, market analysis, collaboration considerations, sustainability considerations, option appraisal for procurement procedure to be followed, proposed contract benefits and recommendation of procurement route. Sustainability is included in the risk segmentation which is used to identify the level of Contract and Supplier Management required for each contract. Examples of procurement activities carried out that contribute to the three areas stated within the climate change duties are included in 5a above.</p>

5(c) Supporting information and best practice
Provide any other relevant supporting information and any examples of best practice by the body in relation to procurement.
<p>The council has a specific performance indicator which monitors the number of contract strategies incorporating sustainable procurement elements. CPU041_9b.1a is an indicator to review the number of contract strategies incorporating sustainable procurement elements. The target for this indicator is 100% and this has been consistently achieved since the target was introduced.</p>

PART 6: VALIDATION AND DECLARATION

<b>6(a) Internal validation process</b>
Briefly describe the body’s internal validation process, if any, of the data or information contained within this report.
The Energy & Climate Change Manager is responsible for coordinating and compiling the report. Access to the portal is restricted to appropriate officers. Supporting data is held within the council electronic records management system. An internal audit has been carried out on mandatory sections of the report, with the objective of conducting a high-level review of the content of the Climate Change Report, and to obtain evidence to support key emissions, targets and project data reported within the Declaration. Energy consumption data has been validated internally. Waste figures are audited annually by SEPA. Head of Service for Planning, Economic Development & Regeneration reviews and agrees the report following completion of audit.

<b>6(b) Peer validation process</b>
Briefly describe the body’s peer validation process, if any, of the data or information contained within this report.
N/A

<b>6(c) External validation process</b>
Briefly describe the body’s external validation process, if any, of the data or information contained within this report.
N/A

<b>6(d) No validation process</b>
If any information provided in this report has not been validated, identify the information in question and explain why it has not been validated.
N/A

6e - Declaration		
I confirm that the information in this report is accurate and provides a fair representation of the body’s performance in relation to climate change.		
Name	Role in the body	Date
Craig McCorriston	Head of Planning, Economic Development and Regeneration	17 November 2020

RECOMMENDED – WIDER INFLUENCE

Q1 Historic Emissions (Local Authorities only)

Please indicate emission amounts and unit of measurement (e.g. tCO2e) and years. Please provide information on the following components using data from the links provided below. Please use (1) as the default unless targets and actions relate to (2).  
(1) UK local and regional CO2 emissions: **subset dataset** (emissions within the scope of influence of local authorities):  
(2) UK local and regional CO2 emissions: **full dataset**:

Select the default target dataset

Full

Table 1b - Full													
Sector	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Units	Comments
Total Emissions	1431.92	1296.74	1393.41	1265.80	1329.14	1277.97	1120.04	1083.64	1072.1	1096.2	1056.3	ktCO2	
Industry and Commercial	550.88	475.57	549.85	479.12	520.08	481.76	385.52	349.62	345.7	348.6	339.5	ktCO2	
Domestic	433.14	386.69	412.24	364.55	391.35	385.30	322.61	312.76	297.9	291.6	283.2	ktCO2	
Transport total	410.43	398.94	396.58	388.77	384.18	382.43	385.83	395.58	400.7	420.2	425.6	ktCO2	
Per Capita	8.36	7.49	8.00	7.22	7.55	7.25	6.32	6.2	6	6	5.8	tCO2	
Waste												tCO2e	
LULUCF Net Emissions	37.47	35.54	34.74	33.36	33.54	28.47	26.09	25.69	10.4	35.8	8.1	ktCO2	
Other (specify in 'Comments')													

Q2a – Targets

Please detail your wider influence targets

Sector	Description	Type of Target (units)	Baseline value	Start year	Target saving	Target / End Year	Saving in latest year measured	Latest Year Measured	Comments
	Tonnes of CO2 emissions per capita for the West Lothian District	Per capita (TCO2/per)		8 2010	2	2020	2	2018	Target to be on or below Scottish average (currently 5.3)

Q2b) Does the Organisation have an overall mission statement, strategies, plans or policies outlining ambition to influence emissions beyond your corporate boundaries? If so, please detail this in the box below.

The council's vision for tackling climate change, set out within our Climate Change Strategy, is:- "A resource efficient, low carbon council working in partnership with and supporting the West Lothian community to mitigate the worst effects of climate change and create a resilient and more sustainable future. Outcome 2 of the Climate Change Strategy is "A Resource Wide West Lothian". The council's aim is to continue to monitor emissions across West Lothian, and work with partners and local communities to implement a range of measures which promote the efficient use of energy and water and waste minimisation.

Q3) Policies and Actions to Reduce Emissions														
Sector	Start year for policy / action imple - mentation	Year that the policy / action will be fully imple - mented	Annual CO2 saving once fully imple - mented (tCO2)	Latest Year measured	Saving in latest year measured (tCO2)	Status	Metric / indicators for monitoring progress	Delivery Role	During project / policy design and implementation, has ISM or an equivalent behaviour change tool been used?	Please give further details of this behaviour change activity	Value of Investment (£)	Ongoing Costs (£/ year)	Primary Funding Source for Implementation of Policy / Action	Comments
Transport	2017	2022				In Implementation	Number of schools with a school travel plan in place. Number of cycle friendly schools. Aiming for 100% uptake in Bikeability Levels 1 and 2 at primary school level.	Enabling	Yes-ISM	West Lothian Active Travel Plan 2016-21 contains an action to promote adoption of school travel plans by all schools in West Lothian. Related actions to encourage schools (primary and secondary) to become Cycle Friendly Schools - baseline 0 early 2015, 6 in early 2016. Increase number of children receiving Bikeability Level 2 training.			Only staff time required to develop travel plans - actions within them may require budget which is sourced as and when possible (e.g.Sustrans and council funding for new cycle or scooter parking). NHS and West Lothian Council funding of council Health Improvement Team; Transport Scotland funding of Smarter Choices Smarter Places programme; Cycling Scotland funding for cycle friendly community and school work.	
Transport	2016	2022					Qualitative - progress recorded on an annual basis	Direct	Yes-ISM	Modal shift - Private Vehicle to Active Travel (Cycling/Walking). Actions include: Provide cycle training to adults; providing bike lending libraries within communities to overcome barrier of no access to a bike; improve information on sustainable travel; build community capacity on community mapping to increase awareness of smarter travel opportunities.			NHS and West Lothian Council funding of council Health Improvement Team; Transport Scotland funding of Smarter Choices Smarter Places programme; Cycling Scotland funding for cycle friendly community and school work.	Engagement using ISM approach recorded in Active Travel Plan at <a href="http://www.westlothian.gov.uk/activetravel">www.westlothian.gov.uk/activetravel</a> .
Transport	2016	2021				In Implementation	Delivery of strategic and local walking and cycling infrastructure as per prioritisation framework within Active travel Plan	Direct	Yes-ISM	Delivery of Active Travel Plan for West Lothian, 2016-21 - approved and adopted by West Lothian Council Executive in April 2016. Planning guidance associated with the council's Proposed Local			Cycling Walking Safer Streets grant allocation from Transport Scotland to West Lothian Council; Transport Scotland's Community Links programme;	ISM work with a high school group of pupils and teachers was carried out in the development of the West Lothian Active Travel Plan and linked to a broader project on behaviour change (Green Impact).

									Development Plan http://www.westlothian.gov.uk/proposedplan; other funding as and when it becomes available e.g. linked to open space, green networks.				
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Q4) Partnership Working, Communication and Capacity Building. Please detail your Climate Change Partnership, Communication or Capacity Building Initiatives below.									
Key Action Type	Description	Action	Organisation's project role	Lead Organisation (if not reporting organisation)	Private Partners	Public Partners	3rd Sector Partners	Outputs	Comments
Partnership Working	CPP Board meeting themed around the Climate Emergency (September 2019)	Partnership working of climate change or sustainability	Lead		West Lothian Chamber of Commerce	The 18 public sector partners of the CPP (including NHS Lothian, Police, Fire, DWP, council)	West Lothian Chamber of Commerce	Agreed to hold CPP Climate Change seminar to discuss further	CPP Board meeting themed around the Climate Emergency, to begin to think about common challenges, opportunities and potential collaboration and partnership working
Partnership Working	CPP Climate Change Seminar (October 2019)	Partnership working of climate change or sustainability	Lead		Partnership working of climate change or sustainability	Attended by officers from WLC, SEStran, Scottish Enterprise, NHS Lothian, SDS, SEPA, SNH, West Lothian College	Voluntary Sector Gateway West Lothian, Joint Forum of Community Councils	Discussions and actions informed development of CPP Climate Change Action Plan	Arranged following CPP Board meeting to discuss challenges, opportunities and partnership working in more detail. Session facilitated by SSN and attended by partners, community and young people.
Partnership Working	West Lothian College Sustainability Summit	Partnership working of climate change or sustainability	Supporting	West Lothian College				Valuable insight gained on young people's views on climate emergency. This will inform the new LOIP and Climate Change Strategy	Youth engagement and involvement key to West Lothian approach to the climate emergency. WLC Energy Manager and Community Planning Development Officer attended the Summit to deliver a workshop to provide an overview of activities CPP and council are undertaking to tackle the climate emergency and to carry out engagement with young people using the Mentimeter tool.
Partnership Working	Development of the new Local Outcomes Improvement Plan - Climate Change outcome				West Lothian Chamber of Commerce	The 18 public sector partners of the CPP (including NHS Lothian, Police, Fire, DWP, council)	Voluntary Sector Gateway West Lothian, Joint Forum of Community Councils	New LOIP due to be signed off in 2020 - on hold while the CPP fully considers the impact of COVID-19 on communities	The CPP began the process of developing a new LOIP in 2019. Through consultation with partners and communities, it was agreed that the climate emergency would be a key focus of the new LOIP and the following draft outcome was developed: 'Everyone who lives, works and delivers services in West Lothian builds a sustainable, nature rich, net zero carbon community'. Although the development of the new LOIP is on hold and the draft outcomes will be revisited, it is likely that there were still be a focus on tackling the climate emergency

OTHER NOTABLE REPORTABLE ACTIVITY

Q5) Please detail key actions relating to Food and Drink, Biodiversity, Water, Procurement and Resource Use in the table below.				
Key Action Type	Key Action Description	Organisation's Project Role	Impacts	Comments
Biodiversity	Ranger Service ran clean ups and habitat management sessions at Little Boghead Nature Park	Lead	Maintenance/improvement of species diversity	Funding from land trust
Biodiversity	Environmental education - Ranger Service engaged with 1124 pupils, 1428 attendees on public events and 241 participants from community organisations; worked with work placements who carried out over 92 hours of management work and volunteers who carried out 2170 hours of conservation and access projects in 2019/20	Lead	Improved knowledge and understanding of our local habitats, the pressures they are under and ways we can help them adapt and ultimately become more resilient and sustainable.	
Biodiversity	Ranger Service ran its annual ‘Wild Wednesday’ free environmental fairs across West Lothian (Polkemmet Country Park, Craigton Park in Winchburgh, Peel Park in Livingston, Almondell & Calderwood Country Park). 17 guest organisations from environmental sector joined WL Ranger Service across the four dates. 570 members of the public attended.	Lead	Environmental awareness raised, and appreciation of the natural world fostered through fun activities and crafts. The free fairs deliberately move around different towns and parks in West Lothian each year so that everyone gets the chance to attend within easy reach of their home.	Supported by SNH
Biodiversity	Additional funding from SNH Peatland Action for peatland restoration works in 2019/20. Ranger Service continues to manage Easter Inch Moss (LNR) to improve the peatland bog and moss areas, to try to start reversing the degraded areas and increase carbon capture long term. Includes collation of species data from annual volunteer surveys for site monitoring. Water levels are also monitored through dataloggers to monitor success of rewetting of areas	Lead	Maintenance/improvement of species diversity/improve long-term carbon capture abilities of moss	Supported by SNH
Biodiversity	Ranger Service continues to manage Blackmoss Nature Park to improve the peatland bog and moss areas, to try to start reversing the degraded areas and increase carbon capture long term. Water levels are also monitored through dataloggers to monitor success of rewetting of areas.	Participant	Maintenance/improvement of species diversity/improve long-term carbon capture abilities of moss	Partnership with SNH and Butterfly Conservation 'Bog Squad'
Biodiversity	Ranger Service working with a community group on project to restore Skolie Burn, a SSSI for unimproved grassland and geological site.	Lead	Maintenance/improvement of species diversity. Environmental education and community involvement	
Biodiversity	Ranger Service have co-ordinated path drainage and upgrade works on high profile access paths within Beecraigs Country Park to address wetter conditions and erosion issues.	Lead	Improve access, reduce soil erosion, increased resilience	Ranger Service lead with Volunteer Rangers support.
Biodiversity	Ranger Service worked with Volunteer Ranger Service to create wildflower areas within Beecraigs CP Caravan site, management change to areas of amenity grassland within the site and Interpretation panels to inform the public of benefits	Lead	Increase in species-richness, encouraging species diversity, increased carbon sequestration and better soil condition as well as greater resilience from climate change.	Ranger Service lead with Volunteer Rangers support.
Biodiversity	Buglife B-Lines – helped plant winter/spring bulbs in Loaninghill Cemetery, Almond Park, Balbardie Park, Almondvale Park, Bankton Mains Park and Eliburn Park - in support of the Scottish Pollinators Strategy	Participant	Conserving native pollinators, helping wildlife respond to climate change by making it easier for them to move around. Bringing nature to people.	
Biodiversity	Continued management of meadows at Almondell & Calderwood Country Park, Beecraigs Country Park and Polkemmet Country Park including annual monitoring	Lead	Maintenance/improvement of species diversity and habitat	

Biodiversity	Parks & Woodland continue to maintain and improve fen and pond habitats at Calderwood (SSSI)	Lead	Maintenance/improvement of species diversity and scarce habitat.	Supported by Friends of Almondell & Calderwood, in agreement with SNH. Small equipment grant from SNH
Water	Clearance of silt and overcrowded vegetation at the wildlife pond at Polkemmet.	Lead	Improvement of species diversity, long-term safeguarding of an important habitat within the Park. Increased environmental education opportunities.	Funded by Land Trust
Water	Willow spiling installed on the banks of the River Almond at Polkemmet Country Park and Almondell & Calderwood Country Park. Friends of Polkemmet, Friends of Almondell, and other volunteers assisted.	Partner	Climate change resilience as greater rainfall and erosion anticipated. Habitat creation as willow forms natural 'soft' banking.	Riverlife project from Forth Rivers Trust.
Other	Relevant planning applications scrutinised by Ranger Service and biodiversity responses / recommendations submitted to Planning as part of statutory planning process.	Consultee	Protecting and enhancing the biodiversity of West Lothian, ensuring habitat integrity and connectivity is considered in relevant applications.	
Other	Relevant planning applications and TPO / conservation area applications scrutinised and specialist tree condition and local biodiversity advice provided	Consultee		
Water	Paths improved and drainage installed in Holmes Park and Falconbrae Park.	Lead	Increased resilience to effects of climate change, as paths are more accessible and less prone to ponding/flooding.	
Energy	Core partner with greenspace Scotland in their Green Heat in Greenspaces project.	Partnership	Potential to significantly decrease Carbon emissions in long term, and possibly provide sustainable income for park maintenance.	
Food & Drink	33 fruit bushes and 35 fruit trees planted by the community in Holmes, Glebe and Millbank Parks in Broxburn/Uphall.	Support	Increases community resilience to the effects of climate change, helps to reduce food miles, reduce food insecurity and increase access to fresh produce.	

**Q6) Please use the text box below to detail further climate change related activity that is not noted elsewhere within this reporting template**



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## **COUNCIL EXECUTIVE**

### **PLANNING GUIDANCE: NON-EMPLOYMENT USES WITHIN EMPLOYMENT AREAS**

### **REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT AND REGENERATION**

#### **A. PURPOSE OF REPORT**

The purpose of this report is to advise the Council Executive of the outcome of consultation on draft Planning Guidance on non-employment uses within employment areas and to seek approval of the guidance. The Planning Guidance is required to support the West Lothian Local Development Plan.

#### **B. RECOMMENDATION**

It is recommended that the Council Executive:

1. agrees the responses to the consultation comments (Appendix One);
2. agrees the content of the Planning Guidance: Non-employment uses in employment areas (Appendix Two);
3. approves the 'Screening Report' which is to be submitted to SEA Gateway and the Consultation Authorities and which sets out the Council's justification that the guidance is exempted from additional Strategic Environmental Assessment because it will not in itself have any significant environmental effects (Appendix Three);
4. delegates authority to the Head of Planning, Economic Development and Regeneration to timeously issue a 'Screening Determination' in the event that SEA Gateway and the Consultation Authorities confirm their agreement that the guidance will not in itself have any significant environmental effects, and to report the outcome of the SEA screening process to a future meeting of the Council Executive for information.

#### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>New statutory Supplementary Guidance and non-statutory Planning Guidance will support the Local Development Plan and aid the development management process.</p> <p>The Planning Guidance supports policy EMP 1 of the LDP and would be a material consideration in the consideration of planning applications for non-business / non-industrial uses on employment areas.</p>

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It has previously been determined that the new guidance is in itself unlikely to have significant environmental effects and it is not anticipated that there will be a requirement to make it the subject of separate Strategic Environmental Assessment (SEA). The required 'screening' procedures will however be undertaken.

There are no equality, health or risk assessment issues associated with the Planning Guidance.

<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	<p><b>Outcome 3</b> - Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.</p> <p><b>Outcome 4</b> - We live in resilient, cohesive and safe communities.</p> <p><b>Outcome 8</b> - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	The Planning Guidance has no direct financial implications for the council.
<b>VII</b>	<b>Consultations at PDSP</b>	The Planning Guidance was reported to the Development and Transport PDSP on 11 February 2020.
<b>VIII</b>	<b>Other consultations</b>	None.

## **D. TERMS OF REPORT**

### **D1 Background**

The West Lothian Local Development Plan (LDP) was adopted on 4 September 2018 and embraces a development strategy that supports sustainable planned growth up to 2024 and beyond.

The council intimated its intention (in Appendix 4 of the LDP) that it would bring forward a raft of new statutory Supplementary Guidance and non-statutory Planning Guidance to support the policies of the LDP and which would at the same time be compliant with current national planning policies and the policies of the Strategic Development Plan (SDP1).

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Planning Guidance is a tool that is used to provide further detail on a subject area or policy contained in the LDP. This allows the LDP to focus on the overall spatial strategy and the key policies and proposals. The Planning Guidance will be a material consideration when determining planning applications.

**D2 Planning Guidance – Non-employment uses within employment areas.**

The Planning Guidance supports policy EMP 1: Safeguarding and Developing Existing Employment Land of the LDP; and is designed to assist developers when submitting planning applications for non-employment uses within employment areas. The Guidance was produced in response to changes made to the LDP by the LDP Reporter through the Examination.

The Reporters findings on employment land supply were previously reported to Council Executive on 22 March 2018. The report noted ‘The Reporters have concluded that largely as a consequence of incorporating and rolling forward previously allocated employment land from the WLLP, which was itself created through the conjoining of five previous area local plans, and incorporating substantial areas of inherited employment allocated land from the former Livingston Development Corporation, the plan allocates far more employment land than it need have done to the point that there is now a significant excess. While SESplan Policy 2 requires the LDP to provide a minimum of 123 hectares (ha) of ‘strategic employment land’ of differing sizes and qualities to meet anticipated requirements, the LDP Proposed Plan actually allocates more than four times this (575 ha). Additionally, there is also a considerable amount of vacant business premises, adding to the excess of supply.

The Reporters agreed with Scottish Enterprise that having such a surplus of land (and buildings) can have a deterring effect on the prospects for new investment due to the increased uncertainty of securing an end user and the downward pressure on yields and that the deliverability of the employment land may not be achieved during the plan’s lifespan’.

The Planning Guidance expands upon policy EMP1 so that a sustainable spatial strategy can be maintained, the most important employment areas within West Lothian are safeguarded, and for strategic growth areas opportunities for job creation and economic growth are generated alongside the delivery of new homes. The guidance also acknowledges redevelopment on some employment areas can be supported where this facilitates regeneration and the improvement of the wider area. For example, the Planning Guidance sets out the safeguarding of employment land in Armadale and Linlithgow, provides continued support for the provision of employment land in strategic growth areas, sets out requirements for marketing and provides details on what sites may be acceptable for other uses such as residential development. The Planning Guidance relates to both previously developed employment land and undeveloped employment land.

Once approved, the Planning Guidance will be a material consideration when considering all planning applications for non-employment uses within employment areas

**D3 Outcome of Consultation**

The Planning Guidance has been the subject of public consultation over a 6-week period and has given rise to 10 representations. The comments received have been summarised and a proposed response is set out in Appendix One.

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Key points to note from the consultation responses are:

- It was felt by developers that the guidance was too onerous which including paragraphs setting out the circumstances for suitable locations for proposed residential developments.
- Some respondents objected to the safeguarding of employment land in Armadale and Linlithgow. Similarly, some objections arose to the safeguarding of undeveloped employment land at Cousland Wood (E-LV 49) and Almond North, Gavieside (E-LV 47).
- The marketing requirements, while confirmed by two respondents including Scottish Enterprise to set an appropriate threshold was deemed overly onerous by the majority of respondents.
- The requirement to include some employment generating uses on sites over 2 Hectares was deemed inappropriate by some developers.
- Some respondents objected to paragraphs outlining the requirements for proposals to be an exemplar in sustainable development and should secure net gains for biodiversity.

Having considered the comments, revisions to the Planning Guidance are proposed. The revised Guidance is set out in Appendix Two, a 'track changed' version of the Planning Guidance which is provided for ease of reference.

Key revisions to note are as follows:

- Deletion to reference that the application site must be bounded on at least one side by residential uses.
- The period that the site must or building must have been vacant for has been reduced from five years to two years.
- Provision inserted to clarify that in some cases a report by a reputable local or national agent demonstrating that redevelopment or refurbishment would be unviable may be acceptable.
- The time period required for continuous marketing has been reduced from three years to 12 months, with the council reserving the right to increase this period to two years for particularly sensitive sites.
- The requirement to provide an element of employment generating uses on sites exceeding 2 Hectares clarifies that the employment generating uses requirement will depend on demand and compatibility with neighbouring uses.
- The requirement to provide floorspace for a convenience shop on sites exceeding 2 Hectares if there is no such provision with a 20-minute walk of the site.

#### **D4 Strategic Environmental Assessment**

Local Authorities have been undertaking SEA since July 2004. The process is regulated by the EU Directive 2001/42/EC, the Environmental Assessment of Plans and Programmes (Scotland) Regulation 2004 and the Environmental Assessment (Scotland) Act 2005.

Screening is the means to judge the likely impact on the environment of a public plan (in this case supplementary and planning guidance) and prior to being adopted, new guidance requires to be subjected to a screening process in order to determine whether there is a likelihood of it having any significant environmental effects.

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Scottish Government has prescribed the process to be followed and it has oversight of this through the SEA Gateway, an agency responsible for coordinating the formal correspondence between the council and the three 'Consultation Authorities' i.e. SEPA, NatureScot and Historic Environment Scotland (HES).

The council has prepared a Screening Report for the Planning Guidance and this is attached as Appendix 3. The Screening Report explains the purpose, scope and effect of the Planning Guidance and concludes that no formal strategic environmental assessment is required to be prepared in this particular instance. If approved by the Council Executive, the Screening Report would be submitted to the SEA Gateway for consideration.

**E. CONCLUSION**

The Planning Guidance is consistent with current Scottish Government policy, SDP1 and the policies of the LDP. It has been produced with the intent of being adopted as non-statutory Planning Guidance in support of the West Lothian Local Development Plan.

**F. BACKGROUND REFERENCES**

- Adopted West Lothian Local Development Plan (2018)

**Appendices/Attachments: Three**

Appendix 1: Summary of Consultation Comments and Proposed Response

Appendix 2: Tracked Change version of Planning Guidance to highlight proposed revisions

Appendix 3: SEA Screening Report

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**Craig McCorriston**  
**Head of Planning, Economic Development & Regeneration**

17 November 2020

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## APPENDIX 1

### **(PG) NON-EMPLOYMENT USES WITHIN EMPLOYMENT AREAS SUMMARY OF CONSULTATION REPRESENTATIONS WITH COUNCIL'S RESPONSES**

RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
Scottish Enterprise	<p>Scottish Enterprise is content that the guidance provides adequate provision to protect employment land whilst still offering the opportunity for it to be put to alternative use in the appropriate circumstances. In particular, the marketing requirements specified in the proposed guidance reflect the general threshold suggested by SE for other local authorities in similar circumstances. Concern around the introduction of noise sensitive uses adjacent to employment uses is also sufficiently covered.</p> <p>I would therefore like to confirm SE's support of the proposed Planning Guidance relating to policy EMP 1 of the West Lothian Local Development Plan.</p>	Noted.
Homes for Scotland	<p>Overall, we consider that the Draft Guidance would place unnecessary barriers in the way of new development. The approach taken fails to sufficiently take on board the conclusions of the LDP Reporter which made clear that the plan had an excess of employment land and that a greater variety of uses, including housing, should be allowed on some sites. The Reporter contrasted this excess of employment land with the anticipated shortfall in housing delivery over the plan period.</p>	<p>The LDP Report is a matter of public record. The Reporter's findings did not however provide for wholesale release of employment land for housing; the draft Planning Guidance recognises this by taking a considered approach to the release of employment land for other uses, including housing, as required in the LDP Examination report (page 1012, Issue 26A, paragraphs 22 and 26 and page 1016 refer). The</p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p>The conclusions of the LDP Reporter are clear in taking an enabling approach which looks to maximise the chances of development, including housing, occurring on employment sites. We consider changes are needed to the Draft Guidance which we detail in this letter.</p> <p>The conclusions of the LDP reporter in relation to Policy EMP 1 are key to its context as acknowledged in the introduction to the Draft Guidance. These are set out in Issue 26A of the Examination Report (DPEA Ref. LDP-400-1).</p> <p>It is therefore clear that the Reporter considered that some employment sites offered potential to increase housing delivery due to the anticipated shortfall. The importance of making provision for increased housing supply remains and is supported by evidence. A recent appeal decision (DPEA Ref. PPA-400-2097) found that a shortfall in the five year housing land supply persists in West Lothian.</p>	<p>Reporter's conclusions on matters raised in matters raised in schedule 4's, 16L (Re-definition of Employment Area Boundary at Fleming House, Simpson Parkway, Kirkton Campus) and 16 M (Allocation of land for housing at Eucal Business Centre, Craigshill Road) also refer and informed the council's approach set out in the Planning Guidance. Scottish Enterprise's (SE) comments recorded in the LDP Report of Examination records that SE <i>'also considers that residential / mixed use development may be appropriate within / at the edges of these traditional industrial estates, if those estates become surplus to employment land requirements'</i>.</p> <p>The Reporter himself has considered the suitability of individual sites with the backdrop of concluding too much employment land and insufficient housing land. It is therefore entirely appropriate and legitimate that the Planning Guidance seeks to outline what is and what is not an acceptable location for housing developments in relation to reuse of designated employment sites.</p> <p>The council therefore disagrees with HFS on the intention of the Planning Guidance.</p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p><u>Employment land in Armadale and Linlithgow</u></p> <p>We do not consider that a policy preventing development of alternative uses in Linlithgow and Armadale outright is necessary. There will be a burden on any prospective developer of alternative uses to demonstrate that Class 4-6 uses are no longer viable / marketable. There is not a clear justification for why an additional hurdle to development should be set up in these locations.</p> <p>It is notable that the recent draft Developer Contributions Towards Transport SG expressed considerably less confidence in the delivery of some sites allocated for employment use in Linlithgow. It exempted employment sites in Linlithgow from the calculation of infrastructure contributions because “based on past take up of employment sites in Linlithgow it is considered unlikely that contributions would be forthcoming” (para. 5.61).</p> <p>The Council’s position here is somewhat confusing. For the purpose of this document a bullish view on the delivery of employment land is taken. This is used to justify placing extra restrictions on the diversification of uses on employment sites in Linlithgow and Armadale. However, in the draft Transport SG, consulted on in late 2019 it is assumed employment development is unlikely to come forward and is therefore excluded from the</p>	<p>It is agreed that the Reporter considered <u>some</u> employment sites offered potential to increase housing delivery due to an anticipated shortfall. The findings of the recent appeal decision at Land South of Sibbald’s Brae, (DPEA Ref. PPA-400-2097) are noted.</p> <p>The draft SG Developer Contributions Towards Transport states that should employment sites in Linlithgow come forward for development a contribution rate would be levied based upon trips generated. There is no incompatibility in approach.</p> <p>Para. 101 of SPP (2014) states ‘<i>Local development plans should allocate a range of sites for business, taking account of current market demand; <b>location</b>, (emphasis added) size, quality and infrastructure requirements; whether sites are serviced or serviceable within five years; the potential for a mix of uses; their accessibility to transport networks by walking,</i></p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p>calculation of infrastructure contributions. These two positions do not appear compatible with one another.</p> <p>The evidence put forward to justify additional restrictions at Linlithgow and Armadale is inconsistent and not compelling. This section should be removed. Other tests set out in this document will prevent loss of viable / marketable class 4-6 uses and land.</p>	<p><i>cycling and public transport and their integration with and access to existing transport networks. The allocation of such sites should be informed by relevant economic strategies and business land audits in respect of land use classes 4, 5 and 6'.</i></p> <p>The spatial strategy set out in SESplan also aims to respond to the diverse needs and <b><u>locational</u></b> requirements of different sectors and different sizes of businesses.</p> <p>The driving factor that prompted the LDP Reporter to make changes to the employment policies is that a significant over-supply may act as a deterrent to the viability and deliverability of employment land, through lack of confidence for investment and to service land, such that the allocation of land in itself has no benefit to the area. The Reporter felt he had no strong basis to allow him to make sweeping changes to where employment land was allocated, but acknowledged a review as to the appropriate amount, type and locations of employment land would be a matter for the council to consider in preparing its next Local Development Plan.</p> <p>It is therefore important to acknowledge that not all settlements contain an oversupply of</p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
		<p>employment sites that is detrimental to the area.</p> <p>A good place and a good settlement can accommodate various human activities including the ability to live, work, rest and play. Creating a policy that contributes to a settlement becoming a 'commuter town' through removal or redevelopment of allocated employment land is not considered sustainable nor desirable.</p> <p>Mixed use communities reduce the need to travel, encourages active travel and provides local employment opportunities, contributes to a reduction in carbon emissions and has health and wellbeing benefits. Mixed use communities also have benefits in terms of equality as those who cannot drive, or who do not have access to a car can access a wider pool of employment opportunities and other services.</p> <p>Although the impacts of COVID-19 yet to be seen in full, it is reasonable to assume the trend to switch to working from home and using local neighbourhoods, rather than commuting to city centre locations has been accelerated.</p> <p>It is therefore viewed that taking into account the amount of employment land in relation to</p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
		<p>the size of the settlement is a valid and appropriate consideration.</p> <p>With regard to Armadale, the Reporter at LDP Examination removed a significant area of employment land from the LDP. Armadale has no allocated employment sites making it even more important to provide for employment uses hence the approach taken in the draft Planning Guidance. Linlithgow has two allocated employment sites, with E-LL 1 already built out (planning ref. 1008/FUL/17). The employment building audit carried out by the council in 2018 revealed low vacancy rates for the Mill Road industrial Estate. The LDP allocates circa. 2,000 new homes to Armadale and nearly 700 new homes are planned at Linlithgow, this will in turn create further need and demand for local facilities and local employment opportunities. Safeguarding the limited employment land that is available in these settlements is therefore a priority so that the short and long term needs of investors and employers can be accommodated.</p> <p>The marketing requirements are being reviewed in response to representations made. It is considered that not all employment land and allocations are of equal value (as noted by the Reporter who felt he had no strong basis to</p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p>The adopted LDP includes policies on site setting, sustainability and site and amenity. Paragraphs 4.7, 4.8 &amp; 4.9 are therefore unnecessary and should be deleted. It is not appropriate to set out new policies within this document for policy areas already covered by the LDP.</p>	<p>allow him to make sweeping changes to where employment land was allocated), and that the level of marketing requirements should be reviewed in order to facilitate the redevelopment of long-standing vacant and under-used employment sites in areas of over-supply, with the comfort that the limited employment land available in particular locations are safeguarded.</p> <p>The Reporter and Scottish Enterprise are clear not all employment sites are suitable for residential use. The council agrees with this. The purpose of Planning Guidance is to provide detail on a range of subject areas (see para. 147, Planning Circular 6/2013 Development Planning). Planning Guidance Paragraphs 4.7 – 4.9 provides the detail that clarifies the circumstances in which employment land is considered suitable for alternative uses. No change to the Planning Guidance is proposed in respect of this.</p> <p>Paragraph 4.7 to be amended as follows;</p> <p><del>‘The application site must be bounded on at least one side by residential uses and</del> be in a location that relates to compatible uses such as other residential uses, community uses or facilities. It would not be acceptable to have an</p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p>The requirement for one side of a site to be bounded by residential use is unnecessarily restrictive. This may well be a relevant consideration in assessing the suitability of the site for development, but the absence of adjoining residential development should not preclude its consideration for development.</p> <p>Similarly, the requirement to be within 1.5 miles of a primary school does not appear in the LDP. It is not appropriate to introduce a new test specifically in relation to residential development on sites designated for employment use. No evidence has been provided to explain why this distance has been chosen and it is not clear why it should be specifically applied to employment sites. The distance to primary schools will of course be a consideration when assessing site sustainability, but longer distances should not preclude consideration for residential development in a rounded manner.</p>	<p>isolated residential site within an employment area.</p> <p>As noted above, the intention of the Planning Guidance is to set out the council's policy approach to the repurposing of employment land for other uses. The Planning Guidance is therefore not limited to what appears in the LDP. It is entirely appropriate and of benefit in order to provide clarity to interested parties of what is considered acceptable residential locations and to allow them to consider relevant planning issues where preparing their proposals for the development of employment sites.</p> <p>The walking distances to school have been council policy since West Lothian Council was formed in 1996. Site Assessment for housing suitability has always included distance to walk to school as a key test for all developments and for allocation of sites in the development plan.</p> <p>The School Transport Policy was reviewed and was the subject of public consultation as part of the 'Transforming Your Council' process in Autumn 2017 and the West Lothian Corporate Plan was adopted by Full Council on 13 February 2018 including the continuation of the existing policy of a 1.5 mile walking distance for Primary School children:</p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
		<p><a href="https://coins.westlothian.gov.uk/coins/submissionsdocuments.asp?submissionid=37516">https://coins.westlothian.gov.uk/coins/submissionsdocuments.asp?submissionid=37516</a></p> <p>Previous DPEA reporter's decisions have made it clear that it is for the Local Authority as an Education Authority to make decisions on delivery of education and it is not for the planning process or developers to change the education policies of the council.</p>
Homes for Scotland (cont.)	<p>The marketing requirements are unnecessarily onerous and would prevent diversification of uses. The findings of the Reporter are clear that too much employment land has been allocated and that alternative uses should be allowed. It is therefore already established that significantly more land exists than will be developed for class 4-6 uses. Excessively onerous marketing requirements are therefore not appropriate or necessary in this context.</p> <p>Paragraph 4.12 is commercially unrealistic. It would require the owner to own the asset for five years without any income whilst paying agents fees for marketing as well as possible security and other maintenance costs. The purpose of this would be to prove class 4 – 6 uses are unviable despite the fact the LDP examination established that more sites were identified than likely to be developed.</p> <p>While vacancy will be an important consideration it will be possible that on some sites vacancy will be imminent with tenants nearing the end of their leases and no new interest. This may</p>	<p>Marketing requirements have been proposed to be amended. Full details can be found in the tracked changed Planning Guidance in Appendix 2. In short, it is proposed to reduce the required marketing period from three years to 12 months and to reduce the time period that the site or building must lain vacant from 5 years to two years.</p>

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	<p>occur where current premises become obsolete for the demands of new tenants and redevelopment and refurbishment are not viable options. Sites where tenancies are coming to an end should therefore not be precluded from consideration. Indeed para. 4.14 appears to anticipate this, noting that “Where there is an existing employment use the council will require evidence that the tenants intend to move out and a statement from the tenant setting out the reason for the move.”</p> <p>We consider that para. 4.12 should be amended as follows (<b>additions</b> and deletions):  “The site / buildings should be currently vacant and have been vacant for a minimum period of five consecutive years at the date of submission of the planning application. <b>Sites where vacancy is expected imminently may be considered, where appropriate evidence is provided.</b> For the avoidance of doubt it must be confirmed to the satisfaction of the council that the period during which the site / premises have <b>not become</b> been vacant has not occurred through the direct or indirect actions of the landowner or their agents in keeping the site vacant.”</p> <p>It will be for the decision maker to be satisfied, so reference to the Council should be removed as others may be making the decision. Further the reference to indirect actions is too vague.</p> <p>The intent behind paragraph 4.13 is understandable. However, sites where redevelopment will be viable will be more limited. The development of new industrial / business space will only occur in the most attractive locations where rents are sufficiently high to give a gross development value which would be adequate</p>	

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	<p>to cover the costs of development and provide sufficient return to justify the risk. We consider the following changes should be made.</p> <p>“It must be demonstrated that the buildings / site has been marketed for all employment generating uses and not just for the type, size and condition of the building that is currently situated on the site. <b>In some cases a report by a reputable local or national agent demonstrating that redevelopment or refurbishment would be unviable may be acceptable.</b></p> <p>Some of the requirements set out in para. 4.14 are unrealistic and unnecessarily onerous. The period of marketing should be reduced to 1 year. It is unreasonable to expect an owner to market and potentially maintain the site for 3 years without interest when at a strategic level it is clear from the Reporter and Scottish Enterprise’s analysis that many sites will be surplus and development will not be forthcoming. The following changes to other conditions should be made</p> <ul style="list-style-type: none"> <li>• It must be demonstrated to the council that the owner has taken active steps to market the site/buildings as business/industrial uses at a reasonable rate / price and that the marketing activity can be demonstrated to the satisfaction of the council as planning authority. Where necessary the council will seek independent advice to confirm that the rates and uses within the marketing particulars are appropriate and realistic;</li> <li>• Lease terms should be attractive to the market:</li> </ul> <p>Continuous marketing over at least <b>one</b> 3 years from when the letting board is erected and the property is advertised online (i.e. not simply from when agents were appointed);</p>	

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Homes for Scotland (cont.)	<p><b>Inclusion of employment generating uses on previously developed employment land</b></p> <p>Paragraph 4.15 should be deleted. It is clear that there is more employment land allocated than is likely to be developed for class 4-6 uses. Having demonstrated continued use of employment land is unviable as per paras. 4.11 – 4.15 it is unreasonable to require it to be included as part of a development for an alternative use.</p> <p><b>Undeveloped employment land</b></p> <p>Paragraphs 4.16 to 4.20 are unclear. Paragraph 4.16 is particularly vague.</p> <p>“Where the principle of non-employment uses on undeveloped employment land is acceptable for sites exceeding 2 Hectares, a proposal for a mixed-use development could be acceptable if it facilitates sustainable economic growth.”</p> <p>It’s not clear whether this is suggesting a mixed use development is one possible option or whether it is requiring mixed use development. If it is requiring mixed use development we object to this. Where it has already been demonstrated that employment uses are not viable there is no reason why units in a mixed use development would have any higher chance of being let.</p>	<p>One of the issues that has been identified as a barrier to tenants and investors in established employment areas is the age and quality of the buildings in some areas.</p> <p>The council is keen to improve the quality of the employment buildings available in order to facilitate economic growth in the area.</p> <p>While it would be unreasonable to withhold a large site for redevelopment in the event that there is demand for employment uses, but not sufficient demand to make full use of a large site, it is not unreasonable to require that what demand there is for employment uses and especially smaller / newer units is accommodated as part of the redevelopment proposals.</p> <p>Paragraph 4.15 to be amended as follows;</p> <p>‘4.15 There may be occasions, particularly for large sites, where it has been successfully demonstrated that there is insufficient demand for Class 4, 5 &amp; 6 uses over the entire site whilst demand exists for smaller-scale employment generating uses. Where the principle of non-employment uses on previously developed</p>

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		employment land is acceptable on sites exceeding 2 Hectares, the marketing report reveals demand for employment generating uses or if the council's Economic Development department can demonstrate a demand, proposals for the redevelopment of the site must accommodate an element of employment generating use depending on demand and compatibility with neighbouring uses. If there is no convenience shop within a 20 minute walk of the site, then the proposal must include floorspace to accommodate a small-scale convenience shop. For the avoidance of doubt, the town centre first approach as outlined in Scottish Planning Policy takes precedence. The council may look to secure the delivery of the employment generating uses through legal agreements and / or planning conditions.
Homes for Scotland (cont.)	Paragraph 4.18 should be deleted. It is not necessary to reiterate policies contained in the LDP. (The proposal should be an exemplar in sustainable development. A statement will be required to demonstrate compliance with Policy NRG 1a – Low and zero carbon generating technology)	Paragraph to be retained as the wording links to wider aspirations / requirements for sustainable and low carbon development.
Homes for Scotland (cont.)	Paragraph 4.19 includes a new policy on biodiversity net gain. This is not included in the LDP. This is not an appropriate document through which to introduce this policy. No evidence is provided to support its introduction nor is consideration given to the feasibility of this requirement. The Plan making process	Paragraph to be retained as the wording links to wider aspirations / requirements for biodiversity net gain.

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	should be transparent and predictable including such a policy in guidance about employment sites is not appropriate. Such a threshold is not set in national policy and paragraph 4.19 should be deleted.	
Homes for Scotland (cont.)	<p>Homes for Scotland has significant concerns about this Draft Guidance. The reason for it being necessary to produce is because the LDP had identified significantly more employment sites than was necessary. This coupled with the clear need for more housing led the reporter to conclude that housing and other uses should be allowed on some sites.</p> <p>Homes for Scotland accepts that it will be necessary for the applicant to demonstrate sites are unlikely to come forward for class 4-6 uses. However, the policy burdens set out are excessive and would prevent development of the sites for alternative uses. The Draft Guidance is inconsistent with the Reporter's conclusions and requires substantial amendment.</p>	Not accepted. It is considered that the considerations are relevant, legitimate, proportionate and appropriate. The redevelopment of some employment sites may be acceptable given the Reporter's overall findings on employment land and housing land supply, but in only in justifiable and certain circumstances that do not impact on existing / adjacent employment uses. The Planning Guidance reflects the Reporter's findings and distinguishes the sites that are suitable for alternative uses and those that are not, which is consistent with the Reporter's conclusions and recommendations.
Avison Young	<p>The Reporter's findings are quoted.</p> <p>Given the above context, it is therefore vitally important that the policy framework is sufficiently flexible to permit some policy-compliant changes of land use, particularly where the land is vacant or undeveloped, in order to ensure the land is brought back into economically productive use. This would not only prevent the issues arising that are highlighted as being of concern by Scottish Enterprise but importantly, would also deliver upon the Vision Statement and key aims within the LDP.</p>	

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	<p>Of most concern within the draft guidance is the marketing requirements associated with sites. We note that this set outs at page 8 that any site to be proposed for redevelopment for an alternative land use must have undertaken a marketing exercise for a 5 year consecutive period. In light of the vast extent of under-utilised employment land set out earlier, this requirement is considered to be incredibly onerous, arbitrary and not in-keeping with the views of the Reporter who undertook the Examination.</p> <p>At no point is the 5 year duration explained as to why this length of time is necessary, when it is often the case that it is very clear within even the first few months of marketing if any realistic prospect for redevelopment will emerge. The extent of any credible and genuine market interest in a site or property will materialise within a vastly shorter time period than the 5 years stipulated in the draft SPG. This can often be within the first 6 months of the opportunity first being presented to the market. It also stands to reason that the prospect of any credible interest materialising will diminish over time and this must be factored into each case also. There is also the prospect of a site or property becoming 'tainted' by an unrealistically long marketing period. In these scenarios, it is not uncommon for the opportunity in question to be removed from the market.</p> <p>All of the points raised within this representation strongly suggest that there is no justification for imposing a flat-rate 5 year marketing period and that such a requirement will actually harm economic objectives by unnecessarily stifling new development where it should otherwise be supported. It could easily have the</p>	<p>Marketing requirements have been proposed to be amended. Full details can be found in the tracked changed Planning Guidance in Appendix 2. In short, it is proposed to reduce the required marketing period from three years to 12 months and to reduce the time period that the site or building must lain vacant from 5 years to two years.</p>

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	<p>unwelcome effect of deterring investment in West Lothian by imposing such draconian requirements. In our submission, a case-by-case approach to determining the scope and extent of any marketing process (where one is deemed necessary) is the most appropriate way forward.</p> <p>Marketing over this length of time is also a burdensome and costly requirement for any landowner, and will clearly delay investment and regeneration of nearly all under-used employment sites across West Lothian. It cannot be the case that when the Reporter requested the production of further guidance, a 5 year timeframe for marketing was envisaged, given that this is the age of a typical LDP and the requirement would, in our view, prevent redevelopment of any employment site until the next development plan is adopted. We therefore request that this requirement be reconsidered in order allow for successful redevelopments of some of the existing sites for alternative uses. In this regard we would encourage that the requirement be replaced by the following criteria:</p> <p>“All planning applications for non-employment uses on allocated employment sites should:</p> <ul style="list-style-type: none"> <li>- Demonstrate that the development proposals will not undermine the employment land supply within West Lothian;</li> <li>- Provide marketing information or other evidence based supporting information for the site to demonstrate that there are sufficient vacant employment sites locally to meet demand and no realistic prospect of redevelopment</li> </ul>	

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	<p>(this for example could include information relating to development viability);</p> <ul style="list-style-type: none"> <li>- Demonstrate that the application proposals will result in sufficient economic benefit that outweighs the loss of the site as employment land; and</li> <li>- Satisfy other relevant development plan policies.”</li> </ul> <p>We consider the above criteria to be an acceptable alternative that would ensure that in the right circumstances development proposals that can result in other policy compliant land uses coming forward during the duration of this Local Development Plan, would be permitted. It would also ensure that the Council can take on board the existing employment land position within localised areas and would have the ability to make evidence-based decisions on the merits of planning applications. This would, in our view, better accord with the vision of the LDP which states that:</p> <p><i>“By 2024 West Lothian’s population will have grown and an <b>improved employment position</b> within a <b>more diversified local economy</b> will have been established. There will be a greater choice of housing options available, <b>supported by the full range of education, community, health, retail, recreation and leisure facilities and a network of open spaces</b>. The area will enjoy better transport connectivity with more options for sustainable travel choices and more active travel routes”.</i></p>	
Hallam Land	Fundamentally, there is no requirement for this Draft Planning Guidance as prepared. Policy EMP 1 <i>Safeguarding and developing existing employment land</i> is the recommended policy framework	Disagree. Pages 67 and 68 of the LDP Examination report includes recommendations that Planning Guidance be prepared.

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	<p>to determine non-employment uses on employment land. The Draft Guidance would be contrary to Policy EMP 1 and the conclusions reached during the Examination.</p> <p>Hallam Land consider that the requirements contained within the Draft Guidance is contrary to the conclusions reached in the Examination of the West Lothian Local Development Plan (LDP), December 2017, in the over allocation and redevelopment of employment land for housing and other uses. These conclusions were endorsed by Scottish Ministers.</p> <p>The Reporter concluded there was an excessive oversupply of employment land within West Lothian, equating to nearly four and half times the minimum provision, as required by SESplan. This over allocation was not justified.</p> <p>In determining the housing land supply position, the Reporter concluded that there would be a significant shortfall in housing provision over the course of the plan. Therefore, an opportunity existed to meet the shortfall on allocated employment land.</p> <p>The intention of the Reporters modifications to Policy EMP 1 was to encourage housing development on employment land. The Draft Guidance fails to fulfil this modification by placing unnecessarily restrictive obligations on the justification for alternative non-homogenous uses within existing employment allocations.</p>	<p>It is unclear exactly how exactly Hallam Land considers the guidance contrary to the Reporter's recommendations. The conclusion that the Reporter found there is an over-supply of employment land is noted.</p> <p>Noted.</p>

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	<p>The Reporter determined in Issue 1A of the Report that a housing land supply shortfall was evident over the course of the LDP, once adopted, the corollary of this conclusion unequivocally permitted housing development on employment land.</p>	<p>The modifications made to EMP1 by the Reporter have been incorporated into the Adopted LDP. The Planning Guidance fulfils the Reporter's recommendation to prepare guidance on non-employment uses in employment areas. It is clear that the Reporter did not consider every employment site to be suitable for any type of development. The criteria set out in the Planning Guidance is necessary to guide the right development in the right place.</p> <p>The specific comments from the Reporter in relation to residential development on employment land can be found on page 1012 of the LDP Report of Examination, Issue 26A, paragraph 22.</p> <p>The Planning Guidance sets out the certain circumstances residential and other uses are acceptable on employment land, as per the Reporter's recommendation.</p> <p>Not agreed. As noted above the Reporter found housing to be acceptable on employment areas in certain circumstances. The Reporters findings at Fleming House, Kirkton Campus and the direction to prepare Planning Guidance illustrates that the acceptability of residential on employment land is to be carefully</p>

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	<p>The recent appeal decision (DPEA Ref. PPA-400-2097) found that a five year effective housing land supply is not maintained at all times and supports the Reporter's view on housing matters.</p> <p>There are variety of examples of housing development successfully designed and incorporated into existing and new employment locations by adopting innovative design principles to mitigate any conflict created by bad neighbour development, some examples are outlined further in this response.</p> <p>National Planning Framework 3 states that: <i>'all parts of Scotland make the best use of their assets to build sustainable future.'</i> (Para. 2.6); and <i>'Flexibility is required to allow for different approaches to housing provision that respond to varying local requirements. Planning should focus is efforts particularly on areas where the greatest level of change are expected and where there is pressure for development.'</i> (Para. 2.10). This statement recognises that planning must be adaptable and responsive to demand for development and this should be a primary objective of the Draft Guidance.</p> <p>The representation suggests the draft guidance requires to reference SPP's references to sustainable development and the requirement to maintain a five year housing land supply at all times.</p>	<p>considered and not an automatically permitted as is inferred by HLM.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted. The LDP was prepared within the context of NPF3 and fulfils this requirement, as does the draft Planning Guidance. In particular, paragraph 2.1 of the guidance states – <i>'Proposals for alternative uses on existing vacant employment land can be supported where this facilitates regeneration and improvement of the wider area'</i>.</p> <p>It is not considered necessary to repeat SPP's reference to sustainable development and the requirement to maintain a five year housing land supply. The requirement to maintain a five year housing land supply is covered by LDP</p>

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	<p>There is an opportunity to resolve a housing land supply deficit on allocated land, which otherwise would not be developed or requires enabling development, this should be positively embraced and there are many examples of where housing has successfully been incorporated into existing employment sites.</p> <p><i>‘Proposals for intensive uses such as housing in unsustainable locations such as outwith settlement boundaries and /or in areas with limited opportunities for sustainable forms of transport (active travel and public transport) will not be supported.’ (Para. 2’7).</i> The statement outlined above fails to convey the National Policy requirements and the Reporters conclusions, in so far that it infers that housing developments have an inherently negative impact as a land use. However, this is not the case and there is an opportunity to utilise, as described ‘intensive use’ such as housing on sites considered unsustainable.</p> <p>Housing developments create demand for better connections to services and transportation options therefore helping to convert previously considered unsustainable locations to sustainable ones. Housing allocations generally command the highest land value on the open market and therefore can cross fund and support the lower value uses incorporated into a site.</p>	<p>policy HOU 2. It is not necessary to repeat the policy in this Planning Guidance.</p> <p>The Planning Guidance supports housing on employment land in certain circumstances. The notion of and support towards enabling development is noted. The examples of where ‘housing has successfully been incorporated into existing employment sites’ within West Lothian is also noted.</p> <p>Housing developments have an impact on the environment, such as traffic generation which require to be taken into consideration. The Guidance, SPP and development plan policies all point to facilitating development in sustainable locations. Allowing intensive uses such as housing on sites considered unsustainable is therefore explicitly resisted, rather than seen an opportunity.</p> <p>Planning Policy HOU 3 (e) of the LDP requires that the site benefits from good accessibility by public transport and active travel to shopping, education, recreational and other community facilities. Approval of housing development in unsuitable and unsustainable locations and resultant “demand for better connections to services and transportation” adds an unnecessary burden on the council and others</p>

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	<p>HLM consider that reference should also be made to the position of housing land supply requirements and more weight should be applied to the supply position as a determining factor in the redevelopment of employment sites. Section 2 of the Draft Guidance should cross reference this with the policy requirements to maintain a 5 year land supply and the ability to provide this on employment land.</p> <p>The Draft Guidance details specific requirements for the delivery and safeguarding of employment land within Linlithgow and Armadale as outlined in paragraphs 4.3 to 4.5. the context of this is set out in the previous Section 2 paragraph 2.5. It is considered that this section of the Draft Guidance is unduly restrictive, if it can be demonstrated that an employment site is no longer viable or functionally operating as an employment centre then positive consideration should be adopted to incorporate a change of use. This is proper and sensible site management and prevents sites falling into dereliction and fulfils the objective of National Planning Policy in the re-use of brownfield land.</p> <p>The wording in this section only permits re-development of an existing site to enable the development employment uses and this is contrary to the conclusions of the Reporter, which adopts a much broader approach.</p>	<p>to provide such services which are unplanned for. The ability of high value land uses such as housing to cross-fund low value uses is noted.</p> <p>Policy HOU 2 of the LDP covers the requirement to maintain a five year housing land supply which is reassessed on an annual basis. It is not considered necessary to repeat the policy in this guidance.</p> <p>See response above to Homes for Scotland's comments with regards to Linlithgow and Armadale.</p>

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	<p>Reference to the safeguarding of high value employment uses within strategic growths areas is incongruous with the recommendations of the Reporter. The market requirements will determine the quality of employment land within these locations and to pre-empt this by placing restrictive policy requirement could render these allocations unviable and non- effective.</p> <p>The ability of residential development to be accommodated within existing and new employment locations should be determined through the relevant LDP Development Management Policies and Design Guides, where appropriate, including the core Policies DES 1 (Design Principles), Policy HOU 3 (Infill/Windfall Housing Development within Settlements) Policy EMP 1 (Safeguarding and Developing Existing Employment Land).</p>	<p>Noted. Delete 'higher value' in paragraph 2.6 and 'high value' in paragraph 4.6.</p> <p>The stated policies are not designed to determine if a location is suitable for residential development in a spatial capacity. For instance, the intention of HOU 3 is to apply to sites where the spatial location has already been deemed acceptable in principle, i.e. within a settlement boundary. The Reporter has recommended that Planning Guidance is prepared to outline the council's policy approach to the reuse of employment land. The council has fulfilled that requirement.</p> <p>The purpose of the Planning Guidance is to set out the council's policy approach to allowing non-employment uses on employment land as recommended by the Reporter. The purpose of Planning Guidance is not a regurgitation of national planning policy or LDP policies and is not limited to regurgitating such policies. It's purpose is to provide detail on a range of subject areas (see para. 147, Planning Circular 6/2013 Development Planning). Setting out the circumstances in which the council consider it</p>

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	<p>With regard to the detailed requirements of paragraphs 4.7 to 4.9, which includes the requirement that any application site must be bounded by residential uses on one side, is unjustified. Each planning application must be assessed against the relevant policies, highlighted above and on an individual basis on site merits.</p> <p>It is also noted that no reference is made in any of the policies for the requirement of an application boundary to have a contiguous boundary with existing residential development. It is not clear why this should be a requirement for consent and why in the absence of residential development on any boundary should prevent development.</p> <p>The same is applied to the requirement for any residential development to be within a 1.5 mile walk of a primary school, there is no reference to this in any of the policy requirements outlined above and there is no justification contained in the Draft Guidance. Therefore, it is considered that paragraphs 4.7 to 4.9 be deleted and reference made to the appropriate Development Management Policies and National Planning Policy and Design Guidance.</p> <p><b><u>Marketing Requirements</u></b></p> <p>The marketing requirements set out in the Draft Guidance are extremely cumbersome and unrealistic and again do not convey the recommendations of the Reporter. The caveats contained</p>	<p>acceptable to allow residential uses on employment land is entirely legitimate.</p> <p>Paragraph 4.7 will delete reference to a site being bound by residential use.</p> <p>See response above to Homes for Scotland on this matter.</p> <p>Marketing requirements are to be revised. See response above to Homes for Scotland on this matter.</p>

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	<p>within this section would involve an extremely costly marketing exercise, that is far more extensive than any normal marketing process.</p> <p>The Draft Guidance must be realistic, and sensible judgement must be applied when a certified marketing strategy has been undertaken by an accredited RICS land/sales agent and a site has been demonstrated to be unviable. Marketing of a site should be limited to 1 year rather than 3 years, which is impracticable, costly and could render a proposed change of use unviable, therefore sterilising the development opportunity.</p> <p><b><u>Mixed-uses</u></b></p> <p>Further clarity is required with regard to paragraph 4.16 in reference to the statement that where non-employment development has been accepted a proposal for mixed-use development could be acceptable. There is no detail regarding what mix of uses would be required and this is contrary to the Reporters recommendation, which specifically states housing is a compatible use.</p> <p>Therefore, this paragraph should be re-worded to include specific reference to housing development as an appropriate use, particularly where it has been demonstrated that there is a shortfall in the housing land supply.</p>	<p>Disagree. Paragraph 4.16 is not contrary to the Reporter's recommendation. If the Reporter had expressed mixed use was unacceptable on employment areas, then including reference to mixed use areas in the Planning Guidance would be contrary to the Reporter's recommendations. It is incorrect that the Reporter specifically states housing is a compatible use. The Reporter specifically states '<i>I find that the policy should allow for the development of housing <u>in certain circumstances</u>. My recommendations reflect that</i>' Paragraph 22, page 1012 of the LDP Examination report refers.</p>

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	<p>Not all employment sites, either previously developed or allocated, will have the ability to incorporate a mixed used development. Some sites may require 100% change of use to enable development and other sites may have the ability to accommodate a selection of uses based on market demand. The reference to employment use being central to any re-development is unrealistic and contrary to the Reporters recommendations.</p> <p>Site deliverability is based on several factors including marketability of land uses, the consideration of high value generating uses which support re-development and enabling infrastructure, planning gain requirements which make a site viable. Placing restrictions on the requirement to have employment use as a central component risks creating ineffective sites, therefore reference to this requirement should be deleted.</p> <p>Clarity is sought about the reference of site E-LV 49 as Almond South, Gavieside, as per the adopted LDP E-LV 49 is referred to as Cousland Wood.</p> <p>Objection is made to the reference of sites E-LV 47 and E-LV 49 only being considered safeguarded sites for Class 4,5 and 6 and not acceptable for mixed use development, there is no justification for this within the draft Guidance why the Core Development Areas (CDAs) cannot incorporate mixed used development.</p>	<p>It is noted that some sites have the ability to accommodate a selection of uses based on market demand. It is also noted that high value generating uses can support re-development and enabling infrastructure.</p> <p></p> <p>Almond South, Gavieside is an error, the Planning Guidance will be revised to read E-LV 49, Cousland Wood.</p> <p>Sites E-LV 47 and E-LV 49 are not located within a Core Development Area (CDA). The justification that E-LV 47 and E-LV 49 are only safeguarded for Class 4, 5 and 6 uses is to prioritise the repurposing and redevelopment of employment land that is vacant, derelict or under used in more central locations of Livingston. The fact that both sites are</p>

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	<p>HLM outline the benefits of a mixed use development on E-LV 47 and E-LV 49 stating that the optimum balance between higher value uses, ancillary uses and employment land would need to be investigated in depth. In the absence of such an approach, E-LV 47/49 is expected to remain as an undeveloped and constrained employment site into the long term.</p> <p>HLM outline a selection of former employment allocations that have had a permitted change of use by West Lothian Council for mixed use development and for 100% housing development. These sites have now successfully been redeveloped and it is considered that none of these sites would have been delivered if determined against the Draft Guidance, resulting in further dereliction. These are H-LV14, Appleton Grange, Livingston, H-LV 22, Kirkton Road North, Livingston and Gregory Road West, Livingston.</p> <p>HLM conclude that they support the principle of the preparation of Draft Guidance however they do not currently support the content and detail as outlined above. 'We view that Policy EMP 1 sufficiently addresses matters and that the Draft Guidance contradicts the modifications made to the LDP during the Examination and endorsed by Scottish Ministers. The requirements set out in the document are over restrictive and un-</p>	<p>undeveloped does not create the significant land use issues that SPP para. 102 identifies, i.e. they are not vacant, underused or derelict and does not create any bad neighbour issues. The designation of E-LV 47 and E-LV49 is best considered in the review of the LDP as the Reporter points to in para 11, page 1011 of the LDP Examination report, in order to ensure employment land needs are met, but not at the expense of an over-supply.</p> <p>Noted.</p> <p>The LDP Reporter recommended that Planning Guidance was produced to outline the policy approach to repurposing employment land to other uses in certain circumstances.</p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	realistic and fail to take cognisance of proper site management and prevailing market conditions.	
Colliers on behalf of Corbally Group Ltd	<p>We welcome the notion that proposals for alternative uses on existing vacant employment land can be supported where this facilitates regeneration and improvement of the wider area.</p> <p>We also find the evidence criteria within the guidance for the loss of employment land for alternative uses to be acceptable.</p> <p>Paragraph 4.7 under section '<b>Suitable locations for proposed residential developments</b>' states;  <i>"The application site must be bounded on at least one side by residential uses and be in a location that relates to compatible uses such as other residential uses, community uses or facilities. It would not be acceptable to have an isolated residential site within an employment area."</i></p> <p>Due to the recent inconsistency in planning decisions for adjacent applications at Gregory Road (0844/P/18), Kirkton Campus and Simpson Parkway (1031/P/19), we consider that clarification is required to ensure that during the assessment of planning applications, appropriate acknowledgement is afforded to adjacent sites with planning permission for residential use. We consider that is not acceptable to refuse permission on the basis that a neighbouring site has not yet been built out.</p> <p>In terms of ancillary uses to employment use, within employment areas, it is imperative that in the determination of planning applications, undue weight is not given to meanwhile uses of</p>	<p>Noted.</p> <p>Noted.</p> <p>The council does not wish to see isolated residential sites built amongst incompatible adjacent uses and in isolated locations within industrial estates; to promote a different approach would be inconsistent with the promotion of sustainable development. It is accepted that granting planning permission does make the chances of neighbouring sites being redeveloped in a compatible nature more likely, but this is not a foregone conclusion.</p> <p>The council has paid due regard to para. 103 of SPP which states '<i>where existing business sites are underused, for example where there has</i></p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p>employment sites, which are not intrinsically linked in planning terms to other neighbouring employment uses.</p> <p>In light of the recent refusal of Corbally's planning application for residential development at 1 Simpson Parkway (1031/P/19), which is now subject of a Planning Appeal (PPA-400-2109), we consider that further clarification is required, to allow for vacant sites to be utilised for alternative uses in the meantime, without prejudice to future planning applications to redevelop the site. This is particularly relevant for development proposals which would result in the productive re-use of the site and would have a positive impact on the built and natural environment.</p> <p>If a site which has been marketed extensively for employment use and has been demonstrably unsuccessful in line with the other criteria in the guidance, but which currently accommodates an alternative use which is not an employment use, nor is intrinsically linked in planning terms as ancillary to an employment use, this should not be an acceptable basis to refuse planning permission. Importantly, if the current use of a site can be demonstrated to be a meanwhile use, and through no direct/</p>	<p><i>been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered, taking careful account of the potential impacts on existing businesses on the site'.</i></p> <p>It is considered the Guidance provides sufficient clarification without being too prescriptive on allowing vacant sites to be used for alternative uses.</p> <p>This would appear to be a comment on the Simpson Parkway planning application (which was granted through appeal) rather than a comment relating to a specific part of the Planning Guidance.</p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	indirect action of the land owner, planning permission should be granted in accordance with the Council's support for sustainable economic growth and regeneration.	
Livingston Village Community Council	<p><b>Section 1 Introduction</b> Nothing significant to add other than that we fully agree with the reporter's comments in para 1.2. Perhaps it would be relevant to add at the end <i>"considering the business market place"</i></p> <p><b>Section 2 Aim</b> Para 2.2 The ending should be augmented to read: - <i>"Taking careful account of the potential impacts on existing businesses on the site and on existing infrastructure"</i>. Para 2.7 likewise should have <i>"and/or in areas where infrastructure cannot at time of application or cannot be made to support intensive housing"</i> added after the bracket near the end</p> <p><b>Section 3 LDP Policy</b> EMP 1 is we agree very relevant and should remain in this PG. We would have liked an addition at the end of para j <i>"and would take serious account of the educational and health infrastructure needs"</i></p>	<p>As the Reporter did not make his conclusions considering the business market place it is not considered useful to add such wording. No change to the Planning Guidance in relation to this matter is therefore proposed.</p> <p>Para. 2.2 repeats wording from para. 103 of SPP. It is therefore considered the wording should remain as it is, as the council cannot alter the wording of Scottish Planning Policy. The council understands the Community Council's concern regarding infrastructure, but LDP Policy INF 1 'Infrastructure Provision and Developer Obligations' sufficiently addresses these concerns and it is not necessary to repeat the requirement. No change to the Planning Guidance in relation to this matter is therefore proposed.</p> <p>It is not possible to add wording to the LDP Policy as the LDP is already adopted by the council. It is considered that LDP Policies INF 1 and HOU 7 (healthcare and community facilities in new housing developments) address the</p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p><b>Section 4 Assessment of planning applications</b></p> <p>Para 4.7 requires some further qualifications we feel. We agree with the concept that a new housing proposal should add to the edge of an existing residential area.</p> <p>However this can open up a much bigger area.</p> <p>Supposing a site gets a planning approval for housing because it is bounded on one side by existing houses. This site once built becomes existing and now has new boundaries to permit further housing to extend further into the business area and so it snowballs across a much bigger area than was originally approved over the successive constructions.</p> <p>How can this condition be qualified to prevent the eventual spread of successive applications and construction?</p>	<p>specific concerns. No change to the Planning Guidance in relation to this matter is therefore proposed.</p> <p>Each planning application will be assessed on its own merits and in accordance with the development plan, concerns regarding infrastructure will therefore be taken into account when assessing each planning application. The Guidance sets out the circumstances in which alternative uses will be permitted.</p>
Robertson Homes	<p>Robertson Homes disagree with the use of location specific policies, specifically the safeguarding of Employment land in Linlithgow and Armadale proposed policy (Paragraphs 4.3 – 4.5). Non-employment development proposals on employment land will need to demonstrate the suitability of the area/ site for the proposed alternative development. They will also need to demonstrate that the site is no longer marketable / viable for use classes 4 – 6. Therefore, it is considered unreasonable and unnecessary to introduce specific location based policies. Robertson Homes considers that the burdens placed on</p>	<p>Disagree. See response to Homes for Scotland comments above.</p> <p>In short, while it is possible that an alternative use can be demonstrated as suitable on an employment site, this does not take into account the value of that employment site to the community. In the LDP Examination report the Reporter stated in para, 11, page 1011 <i>‘Although some respondents have made</i></p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p>developers / owners to demonstrate the suitability of an employment site for alternative uses should be uniform across all areas of West Lothian and not location specific.</p> <p>Robertson Homes strongly disagree with the introduction of new policies that overlap existing LDP policies. Paragraphs 4.7 – 4.9 relate to Site Setting, Sustainability and Amenity. These points are covered in the adopted WLC LDP (2018). It is not appropriate to introduce these policies in this document and should be deleted.</p>	<p><i>general points about the particular locations or types of employment land (for example those close to motorway junctions) which ought to be favoured, I have no strong basis which would allow me to recommend sweeping changes to where employment land is allocated'. It is therefore clear that some employment sites are more favourable than others. The marketing requirements are to be looked at in greater detail with the bar set in order to facilitate the redevelopment of vacant, under-used sites with the comfort and knowledge that settlements with limited employment areas are protected.</i></p> <p>The Reporter at LDP Examination and Scottish Enterprise are clear that not all employment sites are suitable for residential use. The council agrees with this point. There are no policies in the LDP that determine the acceptability of employment sites for residential use in terms of location. Paragraphs 4.7, 4.8 &amp; 4.9 of the Planning Guidance are therefore considered necessary and will be retained.</p> <p>The purpose of Planning Guidance is to provide detail on a range of subject areas (see para. 147, Planning Circular 6/2013 Development Planning). Paragraphs 4.7 – 4.9 provides the detail which clarifies the circumstances in which</p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p>Paragraph 4.15 should be deleted. It has already been demonstrated there that is an excessive level of employment land allocated in the LDP, more than is likely to be developed for use classes 4 – 6.</p> <p>Paragraph 4.18 also reiterates policy already included in the adopted LDP and should be deleted from the guidance.</p>	<p>employment land is considered suitable for alternative uses.</p> <p>One of the issues that has been identified as a barrier to tenants and investors in established employment areas is the age and quality of the buildings in some areas.</p> <p>The council is keen to improve the quality of the employment buildings available in order to facilitate economic growth in the area.</p> <p>While it would unreasonable to withhold a large site for redevelopment in the event that there is demand for employment uses, but not sufficient demand to make full use of a large site, it is not unreasonable to require that what demand there is for employment uses is accommodated as part of the redevelopment proposals.</p> <p>Paragraph 4.15 has been revised.</p> <p>Paragraph to be retained as the wording links to wider aspirations / requirements for sustainable and low carbon development.</p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p>Paragraph 4.19 includes a new policy on biodiversity net gain. This policy is not included in the LDP. No evidence base has been provided for the inclusion of this policy and it is considered that this document is not a suitable place to introduce this policy. Such a threshold is not set in national policy and paragraph 4.19 should therefore be deleted.</p> <p>The Council's requirements set out in the '<b>Marketing Requirements</b>' section of the document are unnecessarily onerous, unrealistic, restrictive and would act as a barrier to the diversification of Employment use sites. This is in contradiction to the reporter's findings. They would also place an unreasonable level of financial impact on the owner of the asset.</p> <p>The timescales in paragraph 4.12 for an asset to be vacant at the point of submission of a Planning Application are unreasonable and would place an unnecessary financial burden on the asset owner. This does not consider where tenants leases are ending and an asset is marketed whilst occupied, but no new tenants have been found to occupy the premises. Decisions should be made on a case by case situation based on the strength of relevant evidence demonstrating that use classes 4 – 6 are no longer viable and no tenants are forthcoming. Whilst RHL/ RRL consider it reasonable for the Council to require the submission of marketing report with any Planning Application, the requirements outlined in Paragraph 4.14 are unreasonable and unnecessarily onerous. In particular we strongly object to the requirement for a demonstratable marketing period of 3 years. Whilst we acknowledge that it will</p>	<p>Paragraph to be retained as the wording links to wider aspirations / requirements for biodiversity net gain.</p> <p>Marketing requirements have been proposed to be amended. Full details can be found in the tracked changed Planning Guidance in Appendix 2. In short, it is proposed to reduce the required marketing period from three years to 12 months and to reduce the time period that the site or building must lain vacant from 5 years to two years.</p>

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RESPONDENT	SUMMARY OF COMMENTS RECEIVED	COUNCIL RESPONSE
	<p>be necessary to demonstrate efforts to market the site for use classes 4 – 6, 1 year would be more appropriate.</p> <p>It is clear that an excessive amount of employment land has been allocated in the Local Development Plan. It is unrealistic and unlikely that all of this land will be developed for employment uses. West Lothian Council currently have a significant shortfall of housing land and are failing to maintain an effective 5-year housing land supply. Allowing alternative uses, such as housing, on these undeveloped employment areas will help to address the Councils shortfall. It should also be noted that housing development helps create and support jobs, contributes financially to Central and Local Government, improves housing stock and is a cost effective way of regenerating an area.</p>	<p>Noted, however this does not equate to all employment land being categorically suitable for residential use. The council's current housing position is that a five-year housing land supply is being maintained. However, this is reviewed in conjunction with a Housing Land Audit on an annual basis. The benefits of housing development are noted and agreed.</p>

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<p>Savills on behalf of Royal London Asset Management</p>	<p>Royal London Asset Management disagree with the requirement set out in Paragraph 4.7 which notes proposals must be <i>‘bounded on at least one side by residential uses’</i>. It has been successfully demonstrated, through the recent approval at Gregory Road, Livingston (0844/P/18) that residential development can be suitably accommodated on previously allocated employment land without being bounded by residential uses. It is therefore requested that this requirement be reconsidered as sufficient policies are contained within the Local Development Plan to assess the suitability of residential development and associated amenity.</p> <p>Royal London Asset Management are concerned with the criteria outlined in Paragraph 4.8 requiring sites to be located within 1.5 mile walking distance from the catchment primary schools. Royal London Asset Management are supportive of encouraging active travel and the associated benefits it brings, however, this requirement is particularly inflexible given the urban form that has been developed across West Lothian.</p> <p>The Scottish Government statutory walking distance requirement is currently 2 miles for children less than 8 years-old and 3 miles for children aged 8 or over from a child’s designated school (the distance from the school is measured as the nearest available route). West Lothian Council currently offer free school transport to primary school children located over 1.5 miles and secondary school children located over 2 miles from their catchment schools.</p> <p>Sites with good accessibility to public transport, that can be utilised, should be supported for beneficial redevelopment and viewed favourably. Access to public transport reduces the</p>	<p>It is proposed to alter the Planning guidance as follows; ‘The application site must <del>be bounded on at least one side by residential uses and be</del> in a location that relates to compatible uses such as other residential uses, community uses or facilities. It would not be acceptable to have an isolated residential site within an employment area’.</p> <p>The intention of the Planning Guidance is to set out the council’s policy approach to the repurposing of employment land for other uses. The Planning Guidance is therefore not limited to what appears in the LDP. It is entirely appropriate and of benefit to developers to provide clarity to what is considered acceptable residential locations.</p>
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	<p>number of trips generated from individuals using private cars for travel to and from school.</p> <p>As such, Royal London Asset Management would be supportive of this criteria being extended to 2 miles walking distance and ensure that the requirement also takes into account a sites wider access to public transport.</p>	
Savills (cont)	<p><i>Marketing requirements</i></p> <p>Royal London Asset Management are strongly opposed to the requirement outlined in Paragraph 4.12 for sites/buildings to be vacant for 5 consecutive years in advance of a planning application being submitted. The length of time currently required (5 consecutive years) is unreasonable and will discourage beneficial regenerative proposals coming forward. The requirement in Paragraph 4.12 should be amended to focus on individual site circumstances and market considerations rather than a pre-determined length of time sites have been vacant for.</p> <p>It is acknowledged that vacant sites have a negative impact on the character and landscape of areas. Royal London Asset Management are well aware of the difficulties in protecting vacant employment sites (present experience at Charlesfield Road, Livingston) from vandalism, fly-tipping and settling travellers. Consequently, it is important that the time period in which sites/buildings must be vacant for is reduced and flexible to ensure they can be brought back into beneficial active use to avoid longstanding negative impacts as noted above.</p>	<p>Marketing requirements have been proposed to be amended. Full details can be found in the tracked changed Planning Guidance in Appendix 2. In short, it is proposed to reduce the required marketing period from three years to 12 months and to reduce the time period that the site or building must lain vacant from 5 years to two years.</p> <p>The negative impact of vacant and derelict sites on surrounding areas is noted. The Planning Guidance and the wider LDP seeks to address this.</p>

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PPCA	<p>WDL recommends that paragraph 2.6 be amended to state –</p> <p>“For strategic growth areas (Winchburgh, Broxburn, East Calder, Heartlands, Gavieside), the Council acknowledges that Class 1 retail provision of greater than 20,000sqft gross will be an important element of wider sustainable expansion proposals and will be a significant local employer in such areas. Subject to appropriate retail impact assessment and environmental testing, such use may come forward as one element of wider identified employment areas, Elsewhere, provision will be made to ensure that opportunities for higher value job creation and economic growth are generated alongside an increase in population and the delivery of new homes.”</p> <p>Based on the above, WDL would seek an amendment to paragraph 4.6 of Section 4 of the PG. This currently states –</p> <p>“Where employment land areas are a part of a strategic growth area, specifically Winchburgh, Broxburn, Calderwood, Heartlands and Gavieside; proposals for non-employment generating uses will not be acceptable unless alternative high value employment land within the strategic growth area has been identified and planning permission approved”</p> <p>“Where employment land areas are a part of a strategic growth area, specifically Winchburgh, Broxburn, Calderwood, Heartlands and Gavieside; the Council acknowledges that Class 1 retail provision of greater than 20,000sqft gross will be an important element of wider sustainable expansion proposals and will be a significant local employer in such areas. Subject to appropriate retail impact assessment and environmental testing, such use</p>	<p>Paragraph 18 on page 1012 of the LDP Report of examination notes the Reporters comments with Scottish Enterprises suggestion that the range of uses that are considered acceptable employment uses be expanded. This is as follows; <i>‘Notwithstanding the surplus of employment land, and the problems which can result from this, I have serious reservations about such a significant expansion of the range of uses which are considered to be ‘employment uses’ and which therefore would be supported by the first part of the policy (that on the left hand column of page 13 of the proposed plan). Leaving aside site-specific considerations, which we address elsewhere, this would in my view result in significant conflict with the ‘town centre first’ approach required by Scottish Planning Policy (SPP), and indeed with the policies and proposals in the plan itself which aim to support West Lothian’s town centres, including the ‘sub regional’ Livingston town centre’.</i></p> <p>The council has concurred with the LDP Reporter’s findings and considers that it would be inappropriate to positively endorse large retail provision given the potential conflicts with SPP’s ‘town centre first’ approach. Furthermore, it is recognised that the original</p>
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	<p>may come forward as one element of wider identified employment areas.”</p> <p>It is requested that the amendments set out above to paragraph 2.4 and 4.6 of the draft Guidance be incorporated into the final agreed version to recognise the fact that Strategic Growth Areas have a unique set of circumstances that requires them to receive special consideration and the fact that retail development is a significant employment generating activity</p>	<p>wording does not preclude proposals for large retail units.</p> <p>No change is therefore proposed to the Planning Guidance.</p>
SEPA	<p>It is clear from the proposed supplementary guidance document that any proposal for non-employment land on an allocated employment site would be required to meet all relevant Development Plan policies. Through our engagement with the Local Development Plan process, SEPA is satisfied that the adopted LDP policies offer adequate coverage in relation to our areas of interest.</p> <p>Please note however that, although we have commented on LDP allocated sites, including Employment Land Allocations, at various stages throughout the Local Development Plan preparation process, our comments at these stages were based on the proposed allocation of these sites for Employment uses. We would highlight to the Council that any proposed change from the allocated use as set out in the LDP must be carefully assessed and may necessitate further consultation with SEPA at the pre-application or planning application stages, in line with our Advice for Planning Authorities on How and When to Consult SEPA. In particular we highlight our flood risk and land use vulnerability guidance such that proposed uses of higher vulnerability are assessed to conform strictly with that guidance.</p>	<p>Noted.</p> <p>Acknowledged. Should proposals come forward for sites previously allocated for employment uses for more sensitive uses, such as housing, then SEPA would be consulted at the pre-application or planning application stage in the process.</p>

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Planning Services  
Development Planning & Environment



Appendix Two

**PLANNING GUIDANCE (PG)**  
**Non-employment Uses Within Employment Areas**

**This version produced for Council Executive  
17 November 2020**

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# one

## Introduction

- 1.1 This Planning Guidance has been prepared to support the policies of the West Lothian Local Development Plan (LDP) which was adopted by West Lothian Council in September 2018. Of particular relevance is policy EMP 1 'safeguarding and developing existing employment land' which sets out the range of uses that may be acceptable in principle on employment land.
- 1.2 The Reporter during the LDP examination noted '*what appeared to be a significant amount of previously developed business land containing properties which were vacant, or at least significantly under-utilised*' (particularly in Livingston) and concluded that too much employment land had been identified.
- 1.3 The Reporter also concluded that it would be prudent for the council to prepare Planning Guidance to set out in greater detail how policy EMP 1 of the LDP would be interpreted and applied. Provision was made in Appendix 4 (List of Supplementary Guidance and Planning Guidance) of the LDP to allow for the guidance to be undertaken.
- 1.4 This Planning Guidance, therefore, provides further details on how Policy EMP 1 is to be interpreted and provides caveats and restrictions in the interpretation of Policy EMP 1 so that wider planning policy aims such as a sustainable spatial strategy and sustainable economic growth are not sacrificed.

## two

### Aim of guidance and policy context

- 2.1 Proposals for alternative uses on existing vacant employment land can be supported where this facilitates regeneration and improvement of the wider area.
- 2.2 The guidance supports and recognises [Scottish Planning Policy \(2014\)](#) statement set out in paragraph 103 – *‘Where existing business sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered, taking careful account of the potential impacts on existing businesses on the site’*.
- 2.3 The Planning Guidance confirms the council’s support for sustainable economic growth and regeneration that is also outlined in [SESplan 1 \(2013\)](#) and the [West Lothian LDP \(2018\)](#).
- 2.4 The Planning Guidance is supportive of providing a range and choice of employment land in key settlements. SESplan 1, paragraph 93 states *‘LDPs should respond to the diverse needs and locational requirements of different sectors by ensuring that there is a generous range and choice of employment sites which are highly accessible to communities across the SESplan area’*.
- 2.5 Linlithgow and Armadale have a relatively small proportion of employment land compared to the size of settlement. An Employment Building Audit carried out in 2018 noted high occupation rates in Linlithgow’s employment areas. Provision will therefore be made to protect existing employment land in Linlithgow and Armadale in order to maintain a mix of uses, thereby reducing the need to travel, provide local employment opportunities and prevent Linlithgow and Armadale becoming commuter towns.
- 2.6 For strategic growth areas (Winchburgh, Broxburn, East Calder, Heartlands, Gavieside), provision will be made to ensure that opportunities for ~~higher-value~~ job creation and economic growth are generated alongside an increase in population and the delivery of new homes.
- 2.7 Proposals for intensive uses such as housing in unsustainable locations such as outwith settlements boundaries and / or in areas with limited opportunities for sustainable forms of transport (active travel and public transport) will not be supported.

# three

## LDP Policy

3.1 The LDP sets out seven employment [policies](#).

Policy EMP 1: Safeguarding and developing existing employment land

Policy EMP 2: Employment development within settlement boundaries

Policy EMP 3: Employment development outwith settlement boundaries

Policy EMP 4: Masterplan requirements for employment sites

Policy EMP 5: Office development

Policy EMP 6: Enterprise Areas

Policy EMP 7: Tourism.

3.2 The policy that is most relevant to this Planning Guidance is Policy EMP 1.

### **Policy EMP 1: Safeguarding and developing existing employment land.**

The council is supportive of sustainable economic growth and regeneration.

Existing employment land (and premises) for Class 4 business, Class 5 general industry and/or Class 6 storage and distribution uses which is identified in chapter 6 and shown on the proposals map are safeguarded for employment generating uses and will be protected from otherwise inappropriate development which would compromise their quality, accessibility or marketability as business locations.

The expansion, conversion or re-development of land and premises within these areas will be supported, as will proposals for new development embracing the same use classes, i.e. 4, 5 and 6, subject to the following criteria being satisfied:

- a. the proposal would be compatible with neighbouring land uses;
- b. the proposal would not have a detrimental impact on the amenity of the area;
- c. the transport implications of the proposal are capable of being effectively managed; and
- d. any infrastructure deficiencies or requirements are capable of being satisfactorily remedied.

Proposals must also conform to the site specific requirements detailed in Appendix 1 and demonstrate that they meet the other relevant requirements of this Local Development Plan.

Proposals for non-business/non-industrial uses on employment land will only be supported in circumstances where the following criteria can be satisfied:

- e. there would be no shortfall in the overall supply of employment land;

f. it can be satisfactorily demonstrated that there is no reasonable or realistic demand for the retention of the existing premises or sites for use classes 4, 5 and 6. Prospective developers will be required to evidence their attempts to secure a continued employment-generating use and in particular that they have actively marketed the premises or site over a sustained period;

g. the proposal would not restrict the range of uses which can lawfully be carried out by businesses and industry on nearby sites;

h. the development of the site would not serve to fragment a larger industrial area or disrupt links between industrial users in that area;

i. the proposal would have no unacceptable traffic, amenity or environmental impact and the site is accessible, or can be made accessible by public transport and footway connections to the surrounding area;

j. the proposal would comply with the other policies in the development plan, in particular, for residential development, Policy HOU 3 Infill/Windfall Housing Development within Settlements, and for retail, leisure and other developments appropriate to town centres, with Policy TCR 2 (Location of New Retail and Commercial Leisure Developments).

However, proposals for ancillary factory shop outlets may be permitted in circumstances where the following criteria can be satisfied:

k. the premises must be physically linked to the manufacturing facility;

l. it has been satisfactorily demonstrated that the retail use is clearly ancillary to the main manufacturing operation and is of a scale that is designed solely to support the existing business;

m. goods sold are manufactured or substantially finished on the premises;

n. the scale of the outlet will not affect the vitality or viability of existing town centres and complies with Policy TCR 1; and

o. the proposals are satisfactory in terms of parking, access and traffic generation.

Proposals which do not satisfy these conditions will be determined against normal retail criteria set out in the Town Centres and Retailing section of the Plan.

# four

## Assessment of planning applications

- 4.1 To ensure LDP policies meet wider planning aims as set out in the policy context section of this Planning Guidance, the following considerations will be applicable and planning permission will only be granted for non-employment uses within employment areas when the relevant planning considerations have been satisfied.

### Employment areas outwith settlement boundaries

- 4.2 For employment areas outwith settlement boundaries, proposals for housing and retail uses are not acceptable and criteria (j) of LDP policy EMP 1 will not apply.

### Employment land in Linlithgow and Armadale.

- 4.3 Employment land in Linlithgow and Armadale is safeguarded for use classes 4, 5 and 6. Proposals for non-business / non industrial will not normally be supported.
- 4.4 Proposals for non-business / non-industrial uses on existing employment land will only be supported if it is demonstrated that non-employment uses are necessary to facilitate the redevelopment of a site for employment uses. The total floorspace of new employment uses should be greater or equal to the existing amount of employment floorspace contained (or previously contained if buildings have been demolished) on the site.
- 4.5 Undeveloped employment land in Linlithgow will be safeguarded for Class 4 business, Class 5 general industry and / or Class 6 storage and distribution uses.

### Employment land in strategic growth areas

- 4.6 Where employment land areas are a part of a strategic growth area, specifically Winchburgh, Broxburn, Calderwood, Heartlands and Gavieside; proposals for non-employment generating uses will not be acceptable unless alternative **high-value** employment land within the strategic growth area has been identified and planning permission approved.

### **Suitable locations for proposed residential developments**

- 4.7 The application site must be ~~bounded on at least one side by residential uses and be~~ in a location that relates to compatible uses such as other residential uses, community uses or facilities. It would not be acceptable to have an isolated residential site within an employment area.
- 4.8 The application site must be within a 1 ½ mile walk from the catchment primary school. Primary catchment schools must have sufficient capacity to accommodate the proposal. Alternatively, arrangements to create the required capacity can be timeously made in line with planning policy.
- 4.9 It must be demonstrated that residential amenity will not be adversely affected by excessive noise, vibrations, smells and light pollution from neighbouring business and industrial uses and that business operations will not be restricted by the presence of a residential use.

### **Ancillary uses to employment areas.**

- 4.10 Proposals that are ancillary to, or complement the overall employment use and can be satisfactorily demonstrated to directly benefit those working in that employment area are acceptable in principle subject to the satisfaction of all other LDP policies.

### **Previously Developed Employment Areas.**

### **Marketing requirements**

- 4.11 As further guidance to EMP 1 (f), the following will apply;
- 4.12 The site / buildings should be currently vacant and have been vacant for a minimum period of ~~five~~two consecutive years at the date of submission of the planning application. For the avoidance of doubt it must be confirmed to the satisfaction of the council that the period during which the site / premises have been vacant has not occurred through the direct ~~or indirect~~ actions of the landowner or their agents in keeping the site vacant.
- 4.13 It must be demonstrated that the buildings / site has been marketed for all employment generating uses and not just for the type, size and condition of the building that is currently situated on the site. In some cases a report by a reputable local or national agent demonstrating that redevelopment or refurbishment would be unviable may be acceptable.

4.14 A marketing report, prepared by a reputable local or national agent with a track record of letting employment space in West Lothian, must be submitted with a planning application and should include the following details:

- Marketing activity must be demonstrated as being readily accessible to relevant potential developers on both a local and national scale over the period during which the site/building has been vacant and have been of a sufficient size and scale as not to be missed by potential interested parties;
- A visible letting board on the property (constant throughout the marketing period);
- Marketing material should be published on the internet, including popular online property databases;
- Existing lawful use of the advertised premises should be included in the marketing materials;
- Continuous marketing over at least ~~3 years~~ 12 months from when the letting board is erected and the property is advertised online (i.e. not simply from when agents were appointed), however the council reserve the right to increase this to two years for sites and / or buildings that are seen particularly contentious or sensitive;
- It must be demonstrated to the council as Planning Authority that the owner has taken active steps to market the site/buildings as business/industrial uses at a reasonable rate / price and that the marketing activity can be demonstrated to the satisfaction of the council as planning authority. Where necessary the council will seek independent advice to confirm that the rates and uses within the marketing particulars are appropriate and realistic;
- Lease terms should be attractive to the market:
- Lease should be for at least three years, with longer terms, up to five years or longer, if the occupier needs to undertake some works;
- And/or include short term flexible leases for smaller premises which are appropriate for SMEs;
- A commentary on the number and details of enquiries received, such as the number of viewings and the advertised rent at the time, including any details of why the interest was not pursued; and
- Where there is an existing employment use the council will require evidence that the tenants intend to move out and a statement from the tenant setting out the reason for the move.

#### **Inclusion of Employment generating uses on previously developed employment land**

4.15 ~~Where the principle of non-employment uses on previously developed employment land is acceptable on sites exceeding 2 Hectares, the proposal must include floorspace designed for an employment generating use that will benefit the wider area. The council may look to secure the delivery of the employment generating uses through legal agreements and / or planning conditions.~~

4.15 There may be occasions, particularly for large sites, where it has been successfully demonstrated that there is insufficient demand for Class 4, 5 & 6 uses over the entire site whilst demand exists for smaller-scale employment generating uses. Where the principle of non-employment uses on previously developed employment land is acceptable on sites exceeding 2 Hectares, the marketing report reveals demand for employment generating uses or if the council's Economic Development department can demonstrate a demand, proposals for the redevelopment of the site must

accommodate an element of employment generating use depending on demand and compatibility with neighbouring uses. If there is no convenience shop within a 20 minute walk of the site, then the proposal must include floorspace to accommodate a small-scale convenience shop. For the avoidance of doubt, the town centre first approach as outlined in Scottish Planning Policy takes precedence. The council may look to secure the delivery of the employment generating uses through legal agreements and / or planning conditions.

## Undeveloped Employment Land

### Undeveloped employment land.

~~4.16 Where the principle of non-employment uses on undeveloped employment land is acceptable for sites exceeding 2 Hectares, a proposal for a mixed-use development could be acceptable if it facilitates sustainable economic growth.~~

4.16 There may be occasions, particularly for large sites, where it has been successfully demonstrated that there is insufficient demand for Class 4, 5 & 6 uses over the entire site whilst demand exists for smaller-scale employment generating uses. Where the principle of non-employment uses on undeveloped employment land is acceptable on sites exceeding 2 Hectares, the marketing report reveals demand for employment generating uses or if the council's Economic Development department can demonstrate a demand, proposals for the redevelopment of the site must accommodate an element of employment generating use depending on demand and compatibility with neighbouring uses. If there is no convenience shop within a 20 minute walk of the site, then the proposal must include floorspace to accommodate a small-scale convenience shop. For the avoidance of doubt, the town centre first approach as outlined in Scottish Planning Policy takes precedence. The council may look to secure the delivery of the employment generating uses through legal agreements and / or planning conditions.

~~4.17 The employment generating element of any development proposal should be central to any mixed use proposals and not a 'token' element of the proposal.~~ The council may look to secure the delivery of the employment generating uses through legal agreements and / or planning conditions. The aim will be to create a thriving mixed use area, with a balanced mix of uses, shared facilities, high quality public realm and green spaces. The design must encourage and facilitate sustainable modes of transport. Masterplans and accompanying Design and Access Statements will be required as part of any planning application submission for such sites.

4.18 The proposal should be an exemplar in sustainable development. A statement will be required to demonstrate compliance with [Policy NRG 1a](#) – Low and zero carbon generating technology.

- 4.19 The proposal should conserve nature and secure net gains for biodiversity. The design and access statement must set out the baseline ecological value of the site and outline the proposals to enhance biodiversity. To support this requirement a full ecological survey should be carried out by an appropriately qualified ecologist using a recognised methodology.
- 4.20 For the avoidance of doubt, sites E-LV 47 (Almond North, Gavieside) and E-LV 49 (~~Almond South, Gavieside, Cousland Wood~~) are not acceptable sites for mixed use development and will be safeguarded for Class 4, 5 and 6 uses only.

#### **Proposal requirements for all non-employment uses on employment land**

#### **Proposal Requirements**

- 4.20 Where the principle of non-employment uses on employment land is acceptable, it must be demonstrated that the proposal will contribute to the regeneration and improvement of the wider area.
- 4.21 Proposals that adversely affect, prejudice and/or inhibit the activities of any nearby employment use will not be supported. This includes, but is not limited to potentially restricting operations in terms of operation times, noise, vibrations and smells.

The council will refer to this Planning Guidance when considering all planning applications for alternative uses on employment land and buildings, although as individual site characteristics must also be considered, and each case is different, compliance with these guidelines does not in itself guarantee that planning permission will be granted.

All other relevant planning policies contained in the Local Development Plan and supporting Supplementary Guidance and Planning Guidance requires to be met. Further details on the LDP and Supplementary and Planning Guidance can be found on the council's website at <https://www.westlothian.gov.uk/LDP>.

The council encourages pre-application discussion of development proposals. Our [pre-application enquiry](#) service will give you advice on your proposal, including any changes that could be made to improve it. Please note that this is a chargeable service.

## **(PG) Non-employment uses within employment areas**

Approved by West Lothian Council Executive **DATE TO BE INSERTED**  
Subsequently adopted as Planning Guidance (PG) **DATE TO BE INSERTED**

West Lothian Council, Development Planning & Environment, Civic Centre, Howden South Road, Livingston, EH54 6FF  
Tel: 01596 28 00 00 Email: [dpgeneral@westlothian.gov.uk](mailto:dpgeneral@westlothian.gov.uk)





# **SEA SCREENING REPORT**

**PLANNING GUIDANCE (PG)  
NON-EMPLOYMENT USES WITHIN EMPLOYMENT  
AREAS**

DATA LABEL: PUBLIC

## STEP 1 – DETAILS OF THE PLAN

**Responsible Authority:**

West Lothian Council

**Title of the plan:**

Planning Guidance: 'Non-employment uses within employment areas'

**What prompted the plan:**

(e.g. a legislative, regulatory or administrative provision)

The adopted West Lothian Local Development Plan 2018 (LDP) gives an undertaking to produce Planning Guidance in relation to a variety of policy topics. The purpose of this Planning Guidance (PG) is to support and expand upon Local Development Plan Policy EMP 1 - Safeguarding and developing existing employment land.

The requirement for producing the Planning Guidance has been derived by the Local Development Plan Report of Examination, which recommends Planning Guidance is produced to provide further details on the council's policy approach to accommodating non-employment uses within employment areas. The LDP sets out in Appendix 4, that Planning Guidance on this topic is to be prepared.

The Planning Guidance seeks to ensure a sustainable spatial strategy is maintained and the most important employment areas within West Lothian are safeguarded for employment use. The guidance acknowledges that redevelopment on some employment areas can be supported where this facilitates regeneration and the improvement of the wider area. The guidance sets out requirements for marketing of sites and provides details on what sites may be acceptable for other uses such as residential development, furthermore the guidance stipulates that on larger sites (over 2 Hectares) a mixed-use approach is encouraged depending on the demand and compatibility with neighbouring uses. The Planning Guidance relates to both previously developed employment land and undeveloped employment land.

**Plan subject:**

(e.g. transport)

Town and Country Planning

**Screening** is required by the Environmental Assessment (Scotland) Act 2005.

Based on Boxes 3 and 4, our view is that:

☐

**A SEA is required, as the environmental effects are likely to be significant:** Please indicate below what Section of the 2005 Act this plan falls within

☐

Section 5(3)

☐

Section 5(4)

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Contact details:	<input checked="" type="checkbox"/> <b>A SEA is <u>not</u> required, as the environmental effects are unlikely to be significant:</b> Please indicate below what Section of the 2005 Act this plan falls within
	<input checked="" type="checkbox"/> Section 5(3) <input type="checkbox"/> Section 5(4)
	Margaret Stone Planning Officer West Lothian Council Civic Centre Howden South Road Livingston, EH54 6FF  margaret.stone@westlothian.gov.uk
Date:	28 October 2020

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## STEP 2 – CONTEXT AND DESCRIPTION OF THE PLAN

### Context of the Plan:

The West Lothian Local Development Plan (LDP) was adopted on 4 September 2018 and embraces a development strategy that supports sustainable planned growth up to 2024 and beyond.

The council intimated its intention (in Appendix 4 of the LDP) that it would bring forward a raft of new statutory Supplementary Guidance and non-statutory Planning Guidance to support the policies of the LDP and which would at the same time be compliant with current national planning policies and the policies of the Strategic Development Plan (SDP1).

This Planning Guidance supports policy EMP 1: Safeguarding and Developing Existing Employment Land; and is designed to assist developers when submitting planning applications for non-employment uses within employment areas. The Guidance was produced in response to changes made to the LDP by the LDP Reporter through Examination of the LDP Proposed Plan.

A Strategic Environmental Assessment - Environmental Report for the LDP was published in August 2014, which set out the likely significant environmental effects of implementing the strategy for the development contained within the LDP and is the primary means by which development sites are allocated. Each site allocated for development within the LDP has been subject to an individual site assessment.

The principal Report of Examination was issued on 11 December 2017 (augmented with an additional Report of Examination dealing with a single site issue issued on 8 January 2018).

At a meeting of the Council Executive on 22 March 2018, West Lothian Council resolved to accept all of the modifications recommended in the Report of Examination, and agreed to adopt the Local Development Plan (as modified). This was notified to Scottish Ministers on 5 April 2018. At the same time, the council made a determination under Section 8(1) of the Environmental Assessment (Scotland) Act 2005 that the modifications proposed by the DPEA to the West Lothian Local Development Plan were unlikely, overall, to have any major significant negative environmental effects and that a further SEA was not required.

The Planning Guidance seeks to ensure a sustainable spatial strategy is maintained and the most important employment areas within West Lothian are safeguarded for employment use. The guidance acknowledges that redevelopment on some employment areas can be supported where this facilitates regeneration and the improvement of the wider area. The guidance sets out requirements for marketing and provides details on what sites may be acceptable for other uses such as residential development, furthermore the guidance stipulates that on larger sites (over 2 Hectares) a mixed-use approach is encouraged depending on the demand and compatibility with neighbouring uses. The Planning Guidance relates to both previously developed employment land and undeveloped employment land.

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<b>Description of the Plan:</b>	<p>The Planning Guidance supports LDP policy EMP 1: Safeguarding and Developing Existing Employment Land; and is designed to assist developers when submitting planning applications for non-employment uses within employment areas. The Guidance was produced in response to changes made to the LDP by the LDP Reporter through the Examination of the LDP Proposed Plan.</p> <p>In particular, the Planning Guidance;</p> <ul style="list-style-type: none"> <li>• clarifies that housing and retail uses will not be acceptable on employment areas outwith settlement boundaries.</li> <li>• safeguards employment land in Armadale and Linlithgow.</li> <li>• clarifies that proposals for non-employment uses within employment areas in the Core Development Areas, as defined by the LDP will not be acceptable unless alternative employment land within these areas (Winchburgh, Broxburn, East Calder, Gavieside and the strategic allocation at Heartlands) has been identified and planning permission approved. This is to ensure that opportunities for job creation and economic growth are generated alongside an increase in population and the delivery of new homes.</li> <li>• establishes the circumstances in which residential uses maybe acceptable on employment land.</li> <li>• sets out the necessary marketing requirements.</li> <li>• establishes that for large sites (over 2 Hectares) there is a requirement to include employment generating uses on the site depending on market demand and compatible uses to create vibrant, mixed use developments that reduces the need to travel and to provide modern premises to encourage sustainable economic growth.</li> <li>• requires the proposals for undeveloped employment land to be an exemplar in sustainable development and to secure net gains for biodiversity.</li> <li>• ascertains that where the principle of non-employment uses on employment land is acceptable, it must be demonstrated that the proposal will contribute to the regeneration and improvement of the wider area.</li> </ul>
<b>What are the key components of the plan?</b>	<p>The Planning Guidance will provide further guidance in support LDP policy EMP 1.</p> <p>The guidance sets out the aims, provides a policy context and sets out how planning applications will be assessed.</p>

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<b>Have any of the components of the plan been considered in previous SEA work?</b>	<p>Yes. The document is produced to support the development strategy set out in the West Lothian Local Development Plan which was adopted on 4 September 2018, and in particular the requirements of policy EMP 1.</p> <p>An Environmental Assessment has previously been undertaken in respect of policies and proposed land allocations in the West Lothian LDP. The Environmental Assessment undertaken in respect of these policies concluded that they would have no significant environmental implications. Any impacts of the policies were considered to be largely positive. In order to ensure compliance with the Environmental Assessment (Scotland) Act 2005, a Screening Determination for this Planning Guidance is required.</p> <p>The Planning Guidance relates primarily to setting out the circumstances in which non- employment uses may be acceptable within employment areas. All proposals will be subject to a planning application.</p>
<b>In terms of your response to Boxes 7 and 8 above, set out those components of the plan that are likely to require screening:</b>	<p>None.</p>

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**STEP 3 – IDENTIFYING INTERACTIONS OF THE PLAN WITH THE ENVIRONMENT AND  
CONSIDERING THE LIKELY SIGNIFICANCE OF ANY INTERACTIONS**

Plan Components	Environmental Topic Areas										Explanation of Potential Environmental Effects	Explanation of Significance
	Biodiversity, flora and fauna	Population and human health	Soil	Water	Air	Climatic factors	Material assets	Cultural heritage	Landscape	Inter-relationship issues		
Planning Guidance 'Non-employment uses within employment areas'	✓	✓								✓	<p>The Planning Guidance sits within a wider development plan context which has undergone SEA.</p> <p>The Planning Guidance provides a clear set of guidance to explain the circumstances when non-employment uses within employment areas will be acceptable. It further stipulates what the proposal must take account of when submitting a planning application.</p> <p>The Planning Guidance shares the strategic objectives of the LDP which include promoting development in the most sustainable locations, promoting sustainable economic growth and</p>	<p>The SEA for the LDP considered any potential effects. The Planning Guidance is not considered to have any additional significant environmental effects.</p>

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											repurposing vacant and under used land.	
--	--	--	--	--	--	--	--	--	--	--	---	--

#### STEP 4 – STATEMENT OF THE FINDINGS OF THE SCREENING REPORT

##### **Summary of interactions with the environment and statement of the findings of the Screening:**

(Including an outline of the likely significance of any interactions, positive or negative, and explanation of conclusion of the screening exercise.)

The Planning Guidance provides guidance on the operation of policy EMP 1 of the LDP - 'safeguarding and developing existing employment land'.

The Planning Guidance is closely allied with the policy context of the adopted West Lothian Local Development Plan 2018 and Scottish Government guidance and is intended to support the development strategy set out in the LDP.

The Planning Guidance outlines the circumstances when non-employment uses maybe acceptable within employment areas and stipulates requirements for such proposals to take account of, for example, marketing requirements.

In conclusion, the Planning Guidance will result in no or minimal environmental effects and therefore it is concluded a SEA is not required.

When completed send to: [SEA.gateway@scot.gov](mailto:SEA.gateway@scot.gov) or to the SEA Gateway, Scottish Government, Area 2H (South), Victoria Quay, Edinburgh, EH6 6QQ.



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**COUNCIL EXECUTIVE**

**LADY PARK, LINLITHGOW – PROPOSED ACQUISITION OF 0.336 HA (0.83 ACRE) SITE**

**REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES**

**A. PURPOSE OF REPORT**

To seek Council Executive approval for the acquisition of a 0.336 hectare (0.83 acre site) at Lady Park, Linlithgow by the use of a Compulsory Purchase Order.

**B. RECOMMENDATION**

It is recommended that Council Executive:

1. Approves the promotion of a Compulsory Purchase Order to acquire the land shown hatched and cross-hatched black on the plan in Appendix 1, extending to 0.336 Ha (0.83 acre) under Section 189 of the Town and Country Planning (Scotland) Act 1997, and,
2. Grants delegated powers to the Head of Finance and Property Services and the Chief Solicitor to take matters forward, including any negotiation and payment of statutory compensation or amendments to the statement of reasons associated with the submission.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Enabling powers available under the Town and Country Planning (Scotland) Act 1997. Compulsory acquisition of land in connection with development.  Statutory compensation to be assessed in accordance with the Land Compensation (Scotland) Acts, 1963 and 1973, as amended.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	The report seeks approval for granting delegated powers to the Head of Finance and Property Services and the Chief Solicitor to conclude the transaction.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None.
<b>V</b>	<b>Relevance to Single</b>	We make the most efficient and effective use

	<b>Outcome Agreement</b>	of resources.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Within the General Services Capital Programme, funding of £71,000 has been allocated for the delivery of this project at Lady Park, Linlithgow.
<b>VII</b>	<b>Consideration at PDSP</b>	Not applicable.
<b>VIII</b>	<b>Other consultations</b>	Legal Services and NETs, Land and Countryside Services. Elected members for the ward have been circulated with a copy of this report for their information.

## **D1. TERMS OF REPORT**

### **Background**

The site is situated on the west bank of Linlithgow Loch, to the east of St Ninian's Road. The site is currently a combination of open space and farmland and is contiguous with the existing footpath. A plan of the site is included at Appendix 1.

Open Space officers have advised that the current footpath to the east of the site is eroded due to the action of the Loch, with this erosion likely to get steadily worse unless preventative work is undertaken to preserve the integrity of the footpath. A design has been established to widen the footpath and tackle the effects of erosion. The designed scheme involves the construction of a re-aligned footpath, the erection of a new stock-proof fence and associated engineering and landscaping works. The scheme will have synergies as access for wheelchair users, cyclists and buggies will be easier whilst the re-wilding of the shore area will improve the natural habitat. The scheme secured planning permission on 4 October 2019.

The owners of the site are the Lady Park Trust. Whilst 0.098 Ha (0.24 acre) of the site is leased to the tenant farmer, Mrs Dorothy Johnston, the remaining 0.238Ha (0.59 acre) is owned by the Trust and is not leased out to any party.

Property officers have engaged with both the Lady Park Trust and the tenant farmer since February 2018 with a view of acquiring the site by negotiation. The council offered statutory compensation for the site as well as offering to construct a new stock proof fence to the adjusted boundary whilst reimbursing the parties of any legal fees incurred with the acquisition transaction.

The tenant farmer has registered a formal Pre-emptive Right to Buy Application under the provisions of The Agricultural Holdings (Scotland) Act 2003. This gives any agricultural tenant the opportunity to buy the land which they lease should their landlord decide to sell it. As a result of that legal position and the possibility of triggering the existing pre-emptive right to buy, the Lady Park Trust are unwilling to voluntarily sell any part of their landholding to the council. Under these circumstances, the acquisition of the subjects by agreement is not possible. Undertaking acquisition by way of a Compulsory Purchase Order would overcome these obstacles.

Officers have recently written to both the Lady Park Trust and the tenant farmer advising that the council intends to promote a Compulsory Purchase Order (CPO).

## **D2      CPO Statement of Reasons**

The Statement of Reasons which forms the council's case to promote a CPO is outlined in Appendix 2. In summary, planning permission was secured on 4 October 2019 for the construction of a re-aligned footpath, the erection of a new stock-proof fence and associated engineering and landscaping works (Planning Permission Reference: 1221/FUL/18). The site extending to 0.336 Ha (0.83 acres) or thereby shown on Appendix 1 is included within the planning application site boundary and would enable this open space project to progress.

Within the General Services Capital Programme 2019/20 approved by council on 19 February 2019 funding of £71,000 has been allocated for the delivery of this Open Space project at Lady Park, Linlithgow.

## **D3.    CPO Process and Timescales**

Scottish Government guidance to local authorities on the use of compulsory purchase powers encourages authorities to engage with the owners in order to try and reach agreement without the need for compulsory purchase. Officers have several times attempted to conclude an acquisition by way of negotiation however this has not been forthcoming. Revised guidance encourages acquiring authorities to use compulsory purchase powers in instances where agreement by negotiation is not successful.

The council will follow the Scottish Government process map as outlined at Appendix 3 to ensure compliance with CPO procedures for an acquiring authority. The Chief Solicitor has been engaged to support the progressing of the CPO.

Indicative timescales for the proposed CPO are as follows:

- Council Executive approval to proceed secured: 17 November 2020.
- Draft CPO application submitted to Scottish Government: 15 December 2020.
- Scottish Government technical check completed: February 2021.
- Finalised CPO application submitted to Scottish Government: March 2021.
- Statutory objection period expires: April 2021.
- No objections received – Scottish Government issues a decision: Not Confirmed.
- Objections received – Scottish Government issues a decision: Not confirmed.
- Period of Legal challenge – six weeks from Scottish Government's decision.
- If no legal challenge is received, acquisition of the subjects is intended to proceed in early 2021.

## **E.      CONCLUSION**

It is considered that the acquisition of this property by Compulsory Purchase Order will allow the council to undertake the capital project to re-align the footpath adjacent to Linlithgow Loch. The site has an approved scheme as well as a budget allocation within the Capital programme.

## **F.      BACKGROUND REFERENCES**

None.

Appendices/Attachments:

Appendix 1 – Location Plan showing site.

Appendix 2 – Draft Statement of Reasons

Appendix 3 – CPO Process

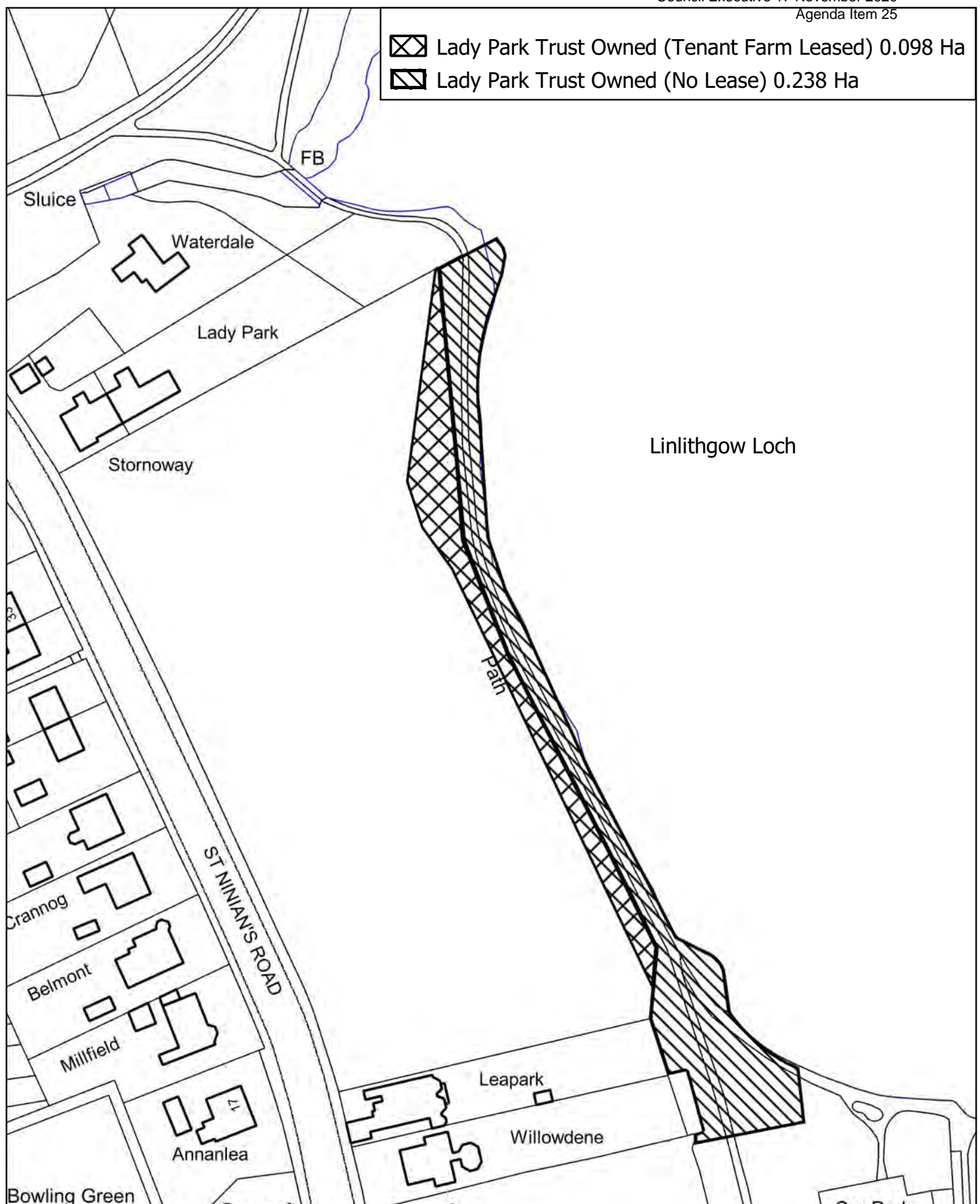
Contact Person:

Darren Stenhouse, Graduate Property Surveyor, Property Management and Development

e-mail : [Darren.Stenhouse@westlothian.gov.uk](mailto:Darren.Stenhouse@westlothian.gov.uk), Tel : (01506) 283373

Donald Forrest, Head of Finance and Property Services

Date of meeting: 17 November 2020



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## Appendix 1 - C.P.O Area at Lady Park, Linlithgow

1:1250



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

5/11/2020

**DATA LABEL: PUBLIC**

## **APPENDIX 2**

### **Proposed Compulsory Purchase by West Lothian Council of Land Extending to Approximately 0.336 Ha (0.83 Acre) at Lady Park, Linlithgow, West Lothian**

#### **Statement of Reasons**

##### Description of Property

The property comprises approximately 0.336 Ha (0.831 acre) and is shown highlighted on the attached plan. The site is currently used as open space adjacent to the loch footpath and for agricultural use with 0.098 Ha (0.24 acre) of the site leased to the tenant farmer.

Linlithgow Loch lies to the East of the site whilst the surrounding area is predominantly residential in nature.

##### Purpose of Acquisition and Proposed Use

The purpose of the acquisition is to enable a capital project to proceed which involves widening the existing footpath and constructing a new stock-proof fence along the perimeter of the path. The need to widen the footpath is as a result of erosion caused by Linlithgow Loch. The scheme will have synergies as access for wheelchair users, cyclists and buggies will be easier whilst re-wilding of the shore area will improve the natural habitat.

##### Description of New Rights to be Created

There will be no new rights created by the acquisition.

##### Enabling Act

The Council is promoting this CPO under s.189 of the Town and Country Planning (Scotland) Act 1997 as planning permission has been secured (reference 1221/FUL/18) for the site to be developed to widen the footpath adjacent to Linlithgow Loch and construct a new stock proof fence.

##### Engagement with Owner(s)

The owners of the site are the Lady Park Trust with 0.098 Ha (0.24 acre) of the site area leased to the tenant farmer, Mrs Dorothy Johnston and 0.238Ha (0.59 acre) owned by the Trust and not leased out to any party. The council has attempted to acquire the land by negotiation however an acquisition has not been forthcoming.

##### Relevant Engagement

Property officers have engaged with both the Lady Park Trust and the tenant farmer since February 2018 with a view of acquiring the site by negotiation. A negotiated acquisition has not been forthcoming to date.

Officers have recently written to both the Lady Park Trust and the tenant farmer advising that the Council intends to promote a Compulsory Purchase Order.

Legal Officers and Open Space Officers have been consulted to assist with promoting the Compulsory Purchase Order with Legal colleagues offering technical advice and Open Space Officers assisting with design aspects.

#### Public Benefit

The scheme will prevent erosion of the footpath and enable the path to be re-aligned in order for walkers to continue using the path adjacent to Linlithgow Loch. The existing fence which is dilapidated in poor condition will be replaced with a new stock-proof fence whilst the re-wilding of the area will improve the natural habitat.

#### Planning

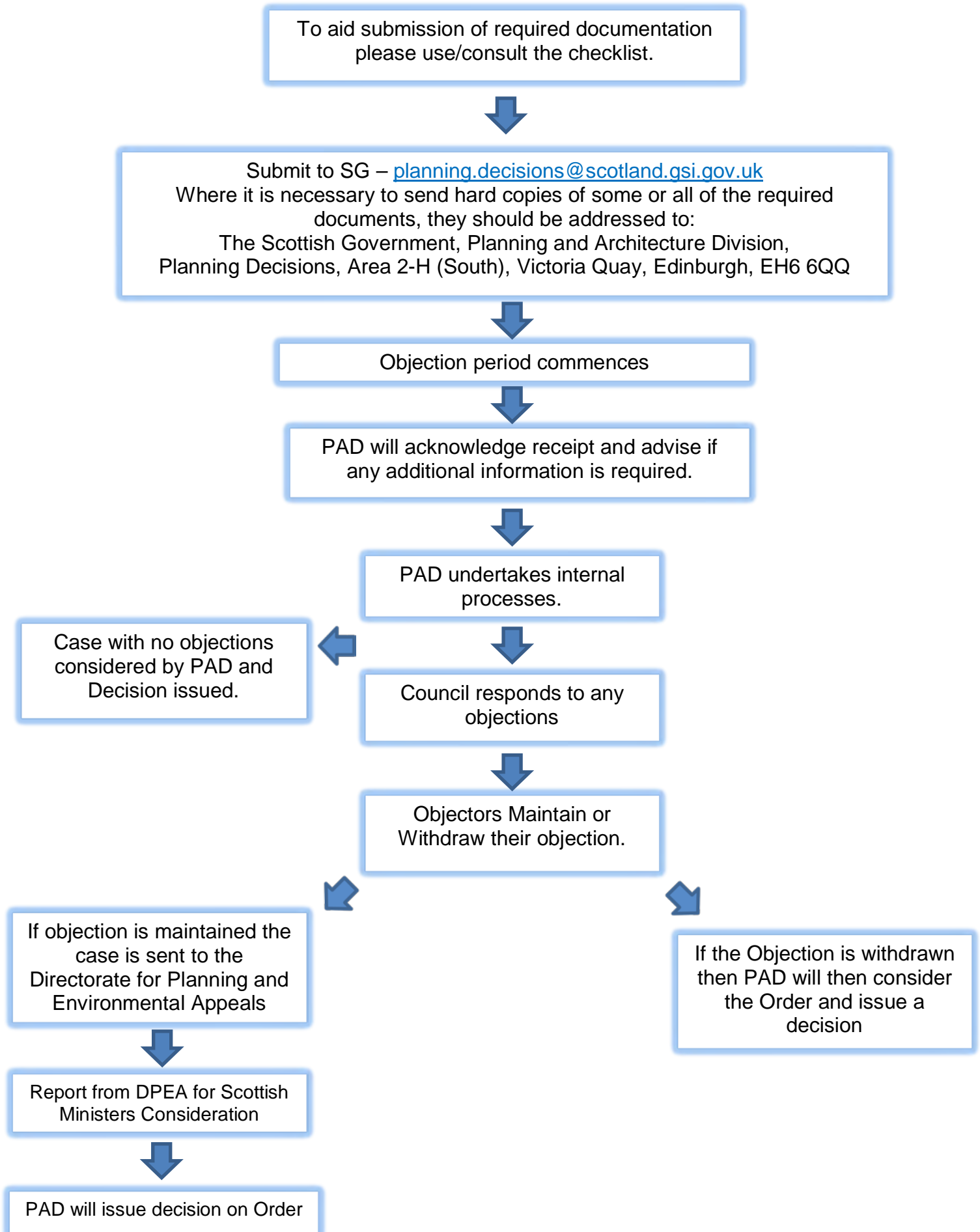
Planning permission was awarded on 4 October 2019 for the re-aligning of the footpath, erection of a new stock proof fence and associated engineering and landscaping works. The site under CPO consideration falls within the red line boundary of the planning application as per the approved plans under planning reference 1221/FUL/18.

#### Funding

The scheme will be funded from the council's approved Capital Programme.

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### Appendix 3 - Compulsory Purchase Orders – Process and Checklist





## **COUNCIL EXECUTIVE**

### **2020/21 GENERAL SERVICES CAPITAL BUDGET – MONTH 6 MONITORING REPORT**

#### **REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES**

##### **A. PURPOSE OF REPORT**

To provide the Council Executive with a report on the financial position in relation to the General Services capital programme following the completion of the month 6 monitoring exercise.

##### **B. RECOMMENDATIONS**

It is recommended that Council Executive:

1. Notes the outcome of the month 6 monitoring exercise and the projected outturn;
2. Agrees that Asset Lead Officers and the Head of Finance and Property Services keep under review factors that impact on delivery of the approved capital programme;
3. Notes the progress on the key capital projects including engagement with the community to be undertaken by officers in relation to community facilities in Winchburgh.
4. Notes the additional Town Centre Funding of £658,000 which requires to be fully committed in 2020/21

##### **C. SUMMARY OF IMPLICATIONS**

<b>I. Council Values</b>	Focusing on customers' needs, being honest, open and accountable, making best use of our resources, working in partnership.
<b>II. Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The council's General Services capital programme is managed within the stringent requirements set out in the Prudential Code.
<b>III. Implications for Scheme of Delegations to Officers</b>	None.
<b>IV. Impact on performance and performance indicators</b>	Effective capital implementation is vital to service performance.
<b>V. Relevance to Single Outcome Agreement</b>	None.
<b>VI. Resources (Financial, Staffing and Property)</b>	Capital expenditure of £52.446 million is projected in 2020/21.
<b>VII. Consideration at PDSP</b>	None.
<b>VIII. Other consultations</b>	The capital monitoring exercise has involved consultation with Depute Chief Executives, Heads of Service, Asset Lead Officers and capital project managers.

## D. TERMS OF REPORT

### D.1 Background

The report provides the Council Executive with an update on the 2020/21 General Services capital programme based on the results of a comprehensive monitoring exercise. The approved 2020/21 capital budget is £47.389 million, which assumes £4 million of overprogramming.

### D.2 Summary of Month 6 Financial Information

The summarised committed and projected asset expenditure at month 6 is shown in the table below:

<b>Asset Type</b>	<b>2020/21 Approved Budget £'000</b>	<b>Committed Expenditure at Month 6 £'000</b>	<b>2020/21 Projected Outturn £'000</b>	<b>2020/21 Projected Variance £'000</b>
Property	34,509	28,986	39,337	4,828
Roads	8,822	3,064	8,775	(47)
Open Space	2,791	775	2,907	116
ICT	5,267	3,070	5,427	160
	<b>51,389</b>	<b>35,895</b>	<b>56,446</b>	<b>5,057</b>
Remaining Overprogramming	(4,000)	N/A	(4,000)	0
<b>TOTAL</b>	<b>47,389</b>	<b>35,895</b>	<b>52,446</b>	<b>5,057</b>

Good progress is being made on a number of projects with the committed expenditure as a percentage of projected outturn at 68%. In overall terms, the monitoring exercise indicates projected outturn is £52.446 million, assuming there is slippage of £4 million between now and the year end. This represents accelerated spend of £5.057 million compared to budget. If the programme progresses with no further slippage, the outturn will be £56.446 million and the additional accelerated spend will be funded by accelerated use of agreed capital resources.

### D.3 Summary of Forecasts and Pressures

A forecast is provided below for each asset type, including details of material movements and pressures that have been identified:

#### Property

The monitoring exercise indicates that a projected outturn expenditure of £39.337 million is anticipated in 2020/21. There is £28.986 million of expenditure committed to date, which represents 74% of the projected outturn. A number of projects are advancing quicker than originally anticipated resulting in accelerated spend, a number of projects have also identified budget pressures which are expanded upon in following sections

#### School Planned Improvements

At month 4, it was reported that a number of projects were to be rephased, which had resulted in a net slippage of £958,000. As we approach the winter months and due to continued restrictions of works at education facilities, these works will be reprogrammed for 2021/22.

### Operational Property Planned Improvements

At month 6, planned works at Jane Place are projecting a slippage of £70,000. The extent of the works required has meant that these are not able to be undertaken over winter and, as a result will be reprogrammed for spring 2021.

A contract ward notice has been published regarding Whitburn Partnership Centre. Confirmation of site remobilisation has yet to be advised however a further update will be provided in due course.

### School General Projects

There has been steady progress with the new early learning and childcare nurseries. Some of the projects have been rephased due to the challenges that Covid-19 has presented to take account of the impact on design development, procurement and contractor appointment. At month 6, Howden St Andrews PS, Livingston extension and Kirkhill PS, Broxburn extension & refurbishment are estimating net slippage of £100,000, with the risk of further slippage should the current circumstances remain unchanged.

The Blackridge PS sports pitch and access project is now on site, with estimated accelerated spend of £237,000, with a completion date by end of this financial year.

### School Projects (Developer Funding)

In relation to the new Sinclair Academy, the new Winchburgh Academy and the new Holy Family Primary School, there continues to be good progress made. The forecast remains unchanged from that reported at month 4 and the projects will continue to be monitored in the context of Covid-19. The schools will include significant facilities that will be available for community use and officers are engaging with community groups as to how community use of the facilities can be optimised. In addition, there is developer funding available to support library services and officers are considering options as to how this funding could be utilised. It would be intended to consult the community on potential options.

### Operational Buildings

The pavilion at Watson Park, Armadale is now estimating slippage of £165,000. Council Executive on 6 October 2020 agreed that the approved capital investment should be located at Volunteer Park in Armadale, subject to Armadale Thistle and Armadale Community Football Club reaching agreement on a suitable operating model. Officers are now engaging jointly with those clubs to take matters forward with a view to seeing the new facilities delivered during the 2021/22 financial year.

### Roads and Other Related Assets

Projected outturn expenditure in 2020/21 is £8.775 million, resulting in net forecast slippage of £47,000. In terms of actual spending, £3.064 million of expenditure has been incurred at period 6, representing 35% of the 2020/21 projected outturn.

### Roads and Footways

At month 6, the committed spend is currently 38% of the forecast outturn. Works on the B7015 between East Calder and A71 as well as on B792 Slackend Torphichen are now complete and a saving of £41,000 has been achieved.

There has been steady progress on the Spaces for People project and at month 6 are forecasting on budget. Nine packages of measures have been identified to undertake social distancing. At the stage on the monitoring exercise, four of the packages were complete with one currently on site. The remainder are estimating a start date of end of October with a completion date of December 2020.

### Flood Prevention

Broxburn flood prevention scheme is projecting accelerated spend of £105,000. Initial site investigations indicate the cost of works required to be significantly higher than originally anticipated. At present, the site investigation tenders are being considered and a property level protection plan is being developed for implementation from April 2021.

#### Road Lighting

The committed spend at month is £617,000 which is 24% of the forecasted spend figure of £2.533 million.

It was conveyed at month 4 that a saving of £67,000 was identified between the LED replacement project and works being carried out at Whitburn Road, Bathgate. As works at the Whitburn Road project are now complete, an additional saving of £12,000 was achieved. Furthermore, completion of the Ochiltree area, Mid Calder has also realised a saving £18,000. Road lighting projects are now estimating an overall saving of £97,000 with 61% already fully attained.

#### Structures and Transportation

Works at Guildiehaugh Railway bridge, Bathgate, are now reporting slippage of £290,000 in 2020/21. Progress on the project has been slower than as initially hoped and as a result it is now expected that phase one will run over.

#### Town Centre Funding

Additional funding of £658,000 has been announced by the Scottish Government. The aim of this additional funding is to stimulate local construction activity and support local employment. Council Executive on 22 October 2020 agreed the process for the allocation of this funding and applicants will have until 27 November 2020 to put forward their submissions. Once a decision has been made, the successful applicants will be notified and it is hoped that all projects will be agreed before end of December 2020.

#### Open Space

Projected outturn expenditure in 2020/21 is £2.907 million giving rise to accelerated spend of £116,000. In terms of actual spend, £775,000 of expenditure has been incurred to date representing 27% of the 2020/21 projected outturn.

At month 6, children's play areas continue to advance and works have been issued at a number of the projects and completion is expected before the end of the year. To date, committed expenditure of 55% of the projected spend of £371,000 has been achieved.

#### KGV Ball Court

Slippage of £40,000 is forecast for this project due to delays in potential asset transfer as a direct result of Covid-19. The investment had been agreed to refurbish the kick pitch at KGV Park in Whitburn in response to a request from Whitburn Community Football Club. The football club have now presented alternative proposals which officers are currently exploring with the club. Any capital investment will therefore now take place in 2021/22

#### Cemeteries

A potential overspend of £46,000 is projected at month 6. It is anticipated that any overspend will be netted off against the underspend in other projects, consequently no acceleration of funds will be required.

#### ICT

At month 6 the projected outturn expenditure in 2020/21 is £5.427 million with £3.070 million of expenditure incurred at this point which equates to 57% of the projected outturn. The level of expenditure is greater at this stage in the financial year than has been the case in prior years.

Despite the continuing challenges of Covid-19, there has been good progress on a number of projects within the ICT programme. The Internet protocol telephony refresh project is currently being implemented throughout the council and is projected to be complete by March 2021.

Implementation of Itrent, the new HR and Payroll system has required additional investment of £160,000 in 2020/21. This sum will be accelerated from the 2023/24 allocated budget. The project continues to be monitored closely.

Utilisation of the Digital Inclusion funding is well underway with committed spend of 89% at month 6.

#### **D.4 Risks**

The month 6 forecast represents all current information held on the projects being undertaken in 2020/21. There are a number of risks which can be summarised as follows:

##### Property Assets

In addition to the risks advised at month 4, the NDEEF Phase 2 and Operational Property Insulation Programme is now a potential risk to the programme. At month 6, it is estimated that there may be slippage of £320,000 in 2020/21. The second phase of the NDEEF work is progressing, with the majority of survey work now complete. The contractor, Ameresco, have advised that the Investment Grade Proposal should be ready for officers to review at the beginning of November. Despite this however, there have still been a number of delays in undertaking NDEEF development works as a result of Covid-19, third party furlough and access to schools.

##### Roads and Other Related Assets

As well as the risks identified at month 4, the most recent monitoring exercise has highlighted that the expenditure relating to works being carried out at Skollieburn Bridge have exceeded the budget by £130,000. These additional costs were considerable and directly attributable to the impact of Covid-19. The project is now complete and no further costs are expected, it is anticipated that the variance will be balanced through savings through the capital programme.

##### Open Space Assets

The additional resource required to complete the Almondell Historic Wall project has been approved and will be accelerated from future years budgets. As result, this project is no longer considered a risk at month 6.

Further to the risks presented at month 4 for Open Space, an added risk has been identified with regards to East Calder 3G Pitch. There is high voltage cable that requires to be relocated and discussions with Scottish Power are in progress to arrange for this to be carried out. In order to minimise the disruption and as the construction phase is estimated to cover 10-12 weeks, it is anticipated that works for this project will commence in February 2021 which will then continue into the next financial year. Once the full impact is known then a position can be established in relation to the budget.

##### ICT

There is a general risk of deliverability within agreed timescales throughout the ICT programme. IT Services continue to monitor progress to ensure that vital business systems are not unnecessarily delayed.

The Social Care Administration (SWIFT) replacement project has been highlighted as a potential risk. There have been further delays in the Scotland Excel framework and as a consequence of this, it is likely that the contract will not be awarded until 2021. Early indications from Scotland Excel are anticipating the framework to be available in January

2021. A further update will be provided in due course.

## D.5 Resources

Resources are closely monitored over the financial year to ensure projected spend is matched by available capital resources and that funding represents the best value for money option available. The 2020/21 capital programme is funded from a variety of sources comprising:

<b>Funding Source</b>	<b>£'000</b>
Capital Grants	15,845
Other Grants and Contributions (Developer Contributions & Capital Fund)	27,261
Borrowing	1,842
Capital Receipts	7,498
<b>Total Resources</b>	<b>52,446</b>

In overall terms, officers have assessed that the resource projections are achievable, although there are various risks that require ongoing monitoring.

## D.6 Developer Contributions Update

During the first six months of financial year 2020/21, developer contribution income of £2.010 million was received. Further details are set out in appendix 2. The balance in the developer contributions accounts at the end of month four is £31.598 million, however the approved ten-year capital investment programme includes developer funded projects totalling £116.984 million.

## D.7 Other Strategic Issues

The Prudential Code requires the council to take into account a number of factors when agreeing capital spending plans. These factors are summarised as follows:

### **Risk Management and Uncertainty**

The budget monitoring process focuses attention on risks to the performance of the approved capital investment programme.

### **Long Term Affordability, Prudence and Sustainability**

In overall terms, I would assess that the current capital programme remains affordable. Resource assumptions are achievable, although there are various risks that require careful management including the ability to deliver an ambitious asset disposal programme, constrained Scottish Government grant funding, delays in receipt of contributions creating cash flow implications and movements in interest rates. The treasury forecasts are at the absolute maximum levels of affordability, with additional revenue resources potentially required in the latter years of the programme to ensure ongoing affordability. Officers continue to refine treasury planning assumptions to help ensure that the programme remains affordable and sustainable over the longer term.

### **Stewardship of Assets**

The council's strategic approach to capital planning involves integration with asset management planning. Progress against each area of the Corporate Asset Management Plan is reported annually to elected members.

### **Value for Money and Best Value**

All aspects of the programme are geared towards securing Best Value and are undertaken in accordance with the council's Best Value Framework.

## E. CONCLUSION

Following the month 6 monitoring process, the 2020/21 outturn forecast is £52.446 million. Good progress is being made on delivery of the programme and, at the end of month 6, committed expenditure to date accounts for 68% of the projected forecast spend for the year. A number of key risks in relation to the delivery of the General Services capital programme have also been identified and will continue to be managed by asset lead officers and monitored by the CMT.

## **F. BACKGROUND REFERENCES**

General Services Capital Investment Strategy 2020/21 to 2027/28 Update – Report by Head of Finance and Property Services to Council Executive 23 June 2020

### Appendices/Attachments:

Appendix 1 – General Services Capital Period 6 Monitoring

Appendix 2 – Developer Contributions Period 6 Monitoring

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**Donald Forrest**

**Head of Finance and Property Services**

**17 November 2020**

**APPENDIX 1****2020/21 GENERAL SERVICES CAPITAL BUDGET - PERIOD 6****PROPERTY ASSETS****Planned Improvements and Statutory Compliance**

	Annual Budget 2020/21 £'000	Total known commitment to year end £'000	P6 forecast 2020/21 £'000	P6 variance 2020/21 £'000	Variance Analysis	Project Status
Nursery Schools	40	6	40	0	On Budget	On Schedule
Primary Schools	452	333	438	(14)	Saving	On Schedule
Our Lady of Lourdes PS, Blackburn - electrical upgrade & ceilings	200	5	10	(190)	Slippage	Behind Schedule
Secondary Schools	317	474	617	300	Accelerated	On Schedule
Special Schools	7	3	7	0	On Budget	On Schedule
Roof Replacement & Repair - Inveralmond High School, Livingston	200	9	10	(190)	Slippage	Behind Schedule
Roof Replacement & Repair - St Kentigern's Academy, Blackburn	150	12	20	(130)	Slippage	Behind Schedule
Roof Replacement & Repair - St Ninian's PS, Livingston	420	3	10	(410)	Slippage	Behind Schedule
School General Planned Improvements	599	514	472	(127)	Slippage	On Schedule
Other School Estate Wide Planned Improvements	859	205	649	(210)	Slippage	On Schedule
Social Policy	275	77	226	(49)	Slippage	On Schedule
Partnership Centres	638	203	609	(29)	Slippage	On Schedule
Tenanted Non Residential Properties	219	113	149	(70)	Slippage	Behind Schedule
General Statutory Compliance & Miscellaneous	3,450	1,175	3,231	(219)	Slippage	On Schedule
<b>Total Planned Improvements</b>	<b>7,826</b>	<b>3,132</b>	<b>6,488</b>	<b>(1,338)</b>		

**Property Projects****Schools General Projects**

ASN Strategy - New Cedarbank School, Livingston	1,000	350	350	(650)	Slippage	Behind Schedule
ASN Strategy - Ogilvie Campus, Livingston	750	579	2,100	1,350	Accelerated	On Schedule
ELC - Blackridge PS	1,596	1,596	1,596	0	On Budget	On Schedule
ELC - Parkhead PS, West Calder - extension	600	19	600	0	On Budget	On Schedule
ELC - St Marys PS, Bathgate - new build	819	920	920	101	Overspend	On Schedule
Other School Projects	3,095	1,470	3,412	317	Overspend/Accelerated	On Schedule
	<b>7,860</b>	<b>4,934</b>	<b>8,978</b>	<b>1,118</b>		

**Schools Projects - Developer Funded**

New Secondary in Winchburgh	3,000	5,000	5,000	2,000	Accelerated	On Schedule
New Denominational Secondary in Winchburgh	2,000	5,000	5,000	3,000	Accelerated	On Schedule
New Non-Denominational PS (Single Stream/Pre-School) - Calderwood	6,000	7,000	7,000	1,000	Accelerated	On Schedule
Holy Family PS, Winchburgh - new school	1,800	2,000	2,000	200	Accelerated	On Schedule
Various Projects	277	78	112	(165)	Slippage	Behind Schedule
	<b>13,077</b>	<b>19,078</b>	<b>19,112</b>	<b>6,035</b>		

**Operational Buildings**

Ability Centre - Partnership Centre Livingston	644	625	1,000	356	Overspend/Accelerated	On Schedule
Complex Care Housing Development	350	131	150	(200)	Slippage	Behind Schedule
Single Person Homeless Accommodation & Assessment Centre	350	9	350	0	On Budget	On Schedule
Emergency Planning & Business Continuity	420	0	420	0	On Budget	On Schedule
Whitburn Partnership Centre	1,390	500	500	(890)	Slippage	Behind Schedule
Other Operational Buildings	1,127	434	899	(228)	Slippage	Behind Schedule
	<b>4,281</b>	<b>1,699</b>	<b>3,319</b>	<b>(962)</b>		

**Miscellaneous Projects**

	1,465	143	1,440	(25)		
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**Total Property Projects**

	<b>26,683</b>	<b>25,854</b>	<b>32,849</b>	<b>6,166</b>		
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**TOTAL PROPERTY ASSETS**

	<b>34,509</b>	<b>28,986</b>	<b>39,337</b>	<b>4,828</b>		
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**APPENDIX 1****2020/21 GENERAL SERVICES CAPITAL BUDGET - PERIOD 6****ROADS AND RELATED ASSETS****Roads and Footways**

	Annual Budget 2020/21 £'000	Total known commitment to year end £'000	P6 forecast 2020/21 £'000	P6 variance 2020/21 £'000	Variance Analysis	Project Status
A Class Roads	79	43	86	7	Overspend	On Schedule
B Class Roads	150	21	109	(41)	Saving	On Schedule
C Class Roads	95	25	95	0	On Budget	On Schedule
U Class Roads	580	289	601	21	Accelerated	On Schedule
Non Adopted Roads & Footways	57	3	57	0	On Budget	On Schedule
Adopted Footways	99	27	99	0	On Budget	On Schedule
Cycling, Walking & Safer Streets/Active & Sustainable Travel	801	428	801	0	On Budget	On Schedule
Spaces for People	602	145	602	0	On Budget	On Schedule
Community Recycling Centres Refresh	100	3	100	0	On Budget	On Schedule
Disabled Parking Act Implementation	41	28	41	0	On Budget	On Schedule
General Roads Projects	235	51	235	0	On Budget	On Schedule
	<b>2,839</b>	<b>1,063</b>	<b>2,826</b>	<b>(13)</b>		

38%

**Flood Prevention and Drainage**

Almond Barriers	620	149	620	0	On Budget	On Schedule
Bathgate Watercourse Restoration	112	2	112	0	On Budget	On Schedule
Broxburn Flood Prevention Scheme	165	40	270	105	Accelerated	On Schedule
Riverlife Heritage Lottery Fund	100	170	170	70	Accelerated	On Schedule
Risk Management Non Domestic Premises Review	44	4	26	(18)	Slippage	On Schedule
	<b>1,041</b>	<b>365</b>	<b>1,198</b>	<b>157</b>		

**Road Lighting**

	<b>2,630</b>	<b>617</b>	<b>2,533</b>	<b>(97)</b>	Saving	On Schedule
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**Structures**

Adopted & Non Adopted Bridges - Backlog & Lifecycle Investment	<b>1,735</b>	<b>862</b>	<b>1,622</b>	<b>(113)</b>	Slippage	Behind Schedule
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**Town Centres and Villages Improvement Fund**

	<b>577</b>	<b>157</b>	<b>596</b>	<b>19</b>	Accelerated	On Schedule
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**TOTAL ROADS ASSET**

	<b>8,822</b>	<b>3,064</b>	<b>8,775</b>	<b>(47)</b>		
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**Open Space Assets**

Public Art Programme	161	0	161	0	On Budget	On Schedule
Management and Regeneration of Woodlands	278	78	278	0	On Budget	On Schedule
Other Open Space and Sports Facility Projects	877	196	944	67	Accelerated	On Schedule
Open Space and Sports Facility Planned Improvements	403	215	404	1	Overspend	On Schedule
Children's Play Areas	369	203	371	2	Overspend	On Schedule
East Calder 3G Pitch	569	15	569	0	On Budget	On Schedule
Other Synthetic Turf Pitches	36	10	36	0	On Budget	On Schedule
Cemeteries	89	58	135	46	Overspend	On Schedule
Land Decontamination	9	0	9	0	On Budget	On Schedule
<b>TOTAL OPEN SPACE ASSET</b>	<b>2,791</b>	<b>775</b>	<b>2,907</b>	<b>116</b>		

**ICT Assets**

Corporate and Modernisation	3,640	2,151	3,800	160	Accelerated	On Schedule
School Specific Spend	1,627	919	1,627	0	On Budget	On Schedule
<b>TOTAL ICT ASSET</b>	<b>5,267</b>	<b>3,070</b>	<b>5,427</b>	<b>160</b>		

57%

<b>TOTAL</b>	<b>51,389</b>	<b>35,895</b>	<b>56,446</b>	<b>5,057</b>		
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<b>Overprogramming</b>	<b>(4,000)</b>	<b>0</b>	<b>(4,000)</b>	<b>0</b>		
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<b>TOTAL - ALL ASSETS</b>	<b>47,389</b>	<b>35,895</b>	<b>52,446</b>	<b>5,057</b>		
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**APPENDIX 2 - 2020/21 DEVELOPER CONTRIBUTIONS - MONTH 6 MONITORING**

A breakdown of contributions by policy is set out below.

Policy	Opening Balance 01/04/20	Income 2020/21	Draw downs 2020/21	Balance at 30/09/2020	Approved GS Capital Project Budget to be funded by Developer Contributions	Details of Committed Funds
	£	£	£	£		
Affordable Housing	676	32,819		33,495		Resource for council house building
Armada Academy	116	2,064		2,180		Committed to the General Services Capital programme
Denominational Secondary School Infrastructure	5,475,194	247,938		5,723,132	24,811,000	Will be used to extend/build provision for denominational secondary sector
Travel Co-ordinator	47,665			47,665		Will be used to fund travel co-ordinator post
Winchburgh Primary School	6,927			6,927	10,000	Will be used to fund extension and nursery at Winchburgh Primary school
A801 Dualling	112,987			112,987		Committed to dualling of A801
Cemetery Provision	97,007	6,000		103,007		Committed to fund costs of extending cemeteries in West Lothian to support development
Public Art	387,140	12,129		399,269	651,000	Committed to provision of public art
St Nicholas PS, Broxburn	2,033	10,312		12,345		Will be used to fund extension to St. Nicholas Primary School.
St Paul's PS, East Calder	1,419,292			1,419,292	5,206,000	Will be used to fund extension to St. Paul's Primary School
Denominational Primary Winchburgh	2,571			2,571	9,352,000	Will be used to build provision for denominational primary school in Winchburgh
Play Areas	770,020	153,971		923,991	108,000	Committed to providing/improving play areas at the sites for which contribution was received
St Mary's PS, Polbeth	236,727	3,631		240,358	4,080,000	Will be used to fund extension of St Mary's Primary School
Pumpherstoun & Uphall PS	290,884			290,884	5,550,000	Will be used to fund the extension of Pumpherstoun & Uphall Primary School
A71 Developer Contributions	60,726	4,355		65,081		Committed to A71 Works
Parkhead PS Extension	585,120	4,645		589,765	787,000	Will be used to fund the extension of Parkhead Primary School
Linlithgow Academy	226,839			226,839		Fund for extension of Linlithgow Academy
Bathgate Academy	535,182			535,182		Will be used to fund Bathgate Academy extension
Whitburn Academy	597,222			597,222	750,000	Will be used to fund Whitburn Academy extension
Kirknewton PS	40,236			40,236		Will be used to fund extension of Kirknewton
A71 Wilkie Bypass	125,304			125,304		Committed to A71 Works
Almondell & Calderwood Country Park	150,035			150,035	30,000	Committed to improving Almondell & Calderwood Country Park
Armada Library Replacement	4,103			4,103		Armada Library
East Calder Park	1,042,827			1,042,827	336,000	Committed to improving East Calder Park
East Calder Public Car Park	122,805			122,805		Committed to improving East Calder Public Car Park
Armada Station Park & Ride	9,139			9,139		Armada Station Park & Ride
Public Transport	569,837			569,837		Will be used to fund Public Transportation works.
St Paul's Primary School Footpath	33,854			33,854		St Paul's Primary School Footpath
East Calder Primary School	3,342,155	1,500,000		4,842,155	250,000	Will be used to fund increased capacity at East Calder Primary School
Town & Village Centre Policy	526,134			526,134		Town & Village Centre Policy.
Park & Ride, West Calder	78,441			78,441		West Calder Park and Ride
A71 Bus Priority Measures	16,048			16,048		Committed to A71 Bus Priority works
St Anthony's Primary School Armada	230	1,782		2,012	3,643,000	Will be used to fund the second phase of the extension at St Anthony's Primary School
Armada Primary School	473	5,617		6,090		Armada Primary School
Wester Inch, Bathgate	420,444			420,444	55,000	Comprises contributions for education, play areas & transportation. Is being used to extend Simpson Primary School, develop play areas, support bus route
Off site environmental works, West Mains	188,751			188,751		Will be used to fund off site works
Non-denominational Primary, Bathgate	3,329	864		4,193		Will be used to fund education infrastructure in Bathgate
Livingston Town Centre Variable Messaging System	92,976			92,976		Will be used to upgrade the Livingston Town Centre Variable Messaging System
Calders Non Denominational Secondary School	9,024,982	7,760		9,032,742		Calders Non Denominational Secondary School
Winchburgh Secondary	1,308,295	16,128		1,324,423	20,636,000	Will be used towards funding a new secondary school in Winchburgh
Murrayfield PS	324,992			324,992		Contributions to be used towards infrastructure costs for Redhouse Non-denominational Primary School
Our Lady of Lourdes	21,681			21,681		Contributions to be used towards infrastructure costs for Redhouse Denominational Primary School
Greendykes Junction, Broxburn	36,469			36,469		Contributions to be used towards works at Greendykes Junction, Broxburn.
Non-denominational Primary, Broxburn	30,808			30,808	7,500,000	Contributions to be used towards infrastructure costs for Broxburn Non-denominational Primary School
Calderwood Non Denominational Primary School	168,050			168,050	13,809,000	Will be used towards funding a new primary school in East Calder
Mill Roundabout, Eliburn	93,655			93,655		Will be used to fund improvements at the roundabout
Open Space Cont S69	339,983			339,983	40,000	Will be used to fund Open Space projects in various sites
Livingston Village PS S75	565,432			565,432	700,000	Will be used to fund an extension to Livingston Village Primary School
Kirknewton Park & Ride	52,681			52,681		Kirknewton Park & Ride
<b>TOTAL</b>	<b>29,588,477</b>	<b>2,010,015</b>	<b>0</b>	<b>31,598,492</b>		

DATA LABEL: PUBLIC



## **COUNCIL EXECUTIVE**

### **2020/21 GENERAL FUND REVENUE BUDGET - MONTH 6 MONITORING REPORT**

#### **REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES**

##### **A. PURPOSE OF REPORT**

This report provides the Council Executive with an update on the outcome of the General Fund revenue budget monitoring exercise at month 6, including an update on recurring budget pressures and delivery of approved budget savings for the period 2020/21 to 2022/23.

##### **B. RECOMMENDATION**

It is recommended that Council Executive:

1. Notes that the outcome of the month 6 monitoring exercise is a projected overspend of £3.807 million, after accounting for all currently confirmed funding from Scottish Government and £994,000 from the General Fund Balance (GFB) as agreed by Council Executive on 18 August 2020;
2. Notes the recurring pressures of £1.259 million, and the agreed actions being progressed to mitigate these pressures;
3. Notes the good progress in delivery of approved budget savings for 2020/21 to 2022/23;
4. Agrees that Heads of Service take all management action necessary to ensure, wherever possible, that 2020/21 expenditure is managed within budgeted resources;
5. Agrees that officers should continue to engage with Scottish Government and COSLA around further government funding for the council so that the significant additional costs being incurred in relation to Covid-19 are fully funded;
6. Agrees that the previously reported £500,000 included as a contingency in the 2020/21 budget forecast is paid to WLL to assist in managing their financial and cashflow position.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on customers' needs, being honest, open and accountable, making best use of resources, working in partnership.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	None.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	No implications at this stage.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	Ongoing funding restraint is likely to have implications for performance.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	None.

- |  |   |
|--|---|
| <b>VI Resources - (Financial, Staffing and Property)</b> | The forecast position for 2020/21 is an overspend of £3.807 million based on the month 6 monitoring exercise. Recurring pressures are estimated to be £1.259 million. |
| <b>VII Consideration at PDSP</b>                         | Financial Performance is reported biannually to PDSP's.   |
| <b>VIII Other consultations</b>                          | Depute Chief Executives, Heads of Service, Service Managers and Transformational Change Team.   |

## **D. TERMS OF REPORT**

### **D.1 Background**

West Lothian Council approved a revenue budget 2020/21 to 2022/23 in February 2020, with total savings for the three-year period being £31.767 million. £12.197 million of those savings are required in 2020/21.

The approved budget also includes new time limited investment of £7.834 million over 2020/21 to 2022/23 for a variety of initiatives and one-off projects funded from one off resources.

Updates on the potential impact of Covid-19 on the council's financial position have been reported to Council Executive as part of the 2020/21 General Fund revenue budget monitoring exercise, with the latest updated being provided on 6 October 2020 for period 5.

In line with the agreed budgetary control framework and procedures, the monitoring of the council's full revenue budget and approved budget savings is undertaken on a quarterly basis and reported to Council Executive. A risk-based monitoring exercise is carried out on both the revenue budget and approved budget savings out-with the quarterly monitoring exercises. This strategic approach ensures that risks and areas for management action are identified as early as possible. This report provides an update on the full budget monitoring exercise of service budgets and monitoring of approved savings for the three years 2020/21 to 2022/23 undertaken at period 6.

The next update to Council Executive will be the outcome of the month 9 monitoring exercise which will be reported to Council Executive in early 2021.

### **D.2 2020/21 Budget**

#### **D.2.1 2020/21 Summary Position**

Based on the outcome of the monitoring exercise at month 6, an overspend of £3.807 million is anticipated in 2020/21. This takes account of additional Scottish Government funding confirmed for Covid-19 and the earmarked General Fund revenue balance of £994,000. Recurring pressures remain in Operational Services, Housing, Customer and Building Services and Social Policy. While there has been one-off budget provided, it is anticipated that this will not fully mitigate the pressures in 2020/21.

As outlined in the following table, significant pressures are currently forecast, mainly resulting from the financial impact of the current pandemic and these will be closely monitored over the remainder of the financial year.

There are a number of areas where forecast underspends are helping to offset overspends elsewhere and it is important that underspends in such areas are preserved to minimise the projected overspend position. The following table summarises the forecast position following the budget monitoring exercise at month 6.

Service	Revenue Budget 2020/21	Forecast 2020/21	Projected Variance 2020/21
	£'000	£'000	£'000
Education	182,785	185,811	3,026
Planning, Economic Development and Regeneration	4,842	5,571	729
Operational Services	56,023	58,870	2,847
Housing, Customer and Building Services	8,437	8,825	388
Corporate Services	10,695	10,775	80
Social Policy – IJB	76,114	78,452	2,338
Social Policy – Non IJB	35,067	35,107	40
Chief Executive, Finance and Property	27,652	28,302	650
Joint Valuation Board	1,283	1,283	0
<b>Service Expenditure – Total</b>	<b>402,898</b>	<b>412,996</b>	<b>10,098</b>
<b>Non-Service Expenditure</b>	<b>77,339</b>	<b>77,681</b>	<b>342</b>
<b>Council Tax Income</b>	<b>(87,761)</b>	<b>(86,519)</b>	<b>1,242</b>
<b>TOTAL NET EXPENDITURE</b>	<b>392,476</b>	<b>404,158</b>	<b>11,682</b>
Share of £155 million Barnett Consequentials			(5,228)
Share of £49 million Barnett Consequentials			(1,653)
<b>Net Projected Outturn Position Before Deducting Earmarked General Fund Revenue Balance</b>			<b>4,801</b>
Earmarked General Fund Revenue Balance			(994)
<b>Net Projected Outturn Position After Deducting Earmarked General Fund Revenue Balance</b>			<b>3,807</b>

## D.2.2 Summary update on 2020/21 recurring pressures

At month 6, recurring pressures total £1.259 million, an increase of £69,000 since the last update provided at period 5, which mainly relates to a further increased pressure due to the impact of Covid-19 in homelessness. As a result of one-off resources provided in 2020/21, these pressure areas are forecast to overspend by £795,000 in the current financial year.

The recurring pressures have increased in Homelessness as a result of the ongoing demand for temporary accommodation. Overtime in Recycling & Waste Services has reduced on a recurring basis, with lower sickness absence levels allowing overtime to be managed. Further action is being taken to address the direct causes of the recurring pressure in relation to the cost of absence cover in Older People Care Homes and recruitment is underway to fill vacant posts.

A summary of progress against actions is contained within Appendix 1.

## D.2.3 Summary update on New Time Limited Investment 2020/21 to 2022/23

The approved budget for 2020/21 to 2022/23 includes new time limited investment of £7.834 million funded from one off resources. An update on delivery of these projects is provided in Appendix 2. Reasonable progress is being made to deliver these initiatives, some of which will require committee approval including the transport fund, roads and footpath accessibility improvement schemes, the relocation of recycling centres and utilisation of the climate emergency fund.

## **D.2.4 Education**

The revenue budget for Education remains forecast to overspend by £3.026 million at period 6, mainly as a result of additional expenditure being incurred in relation to the financial implications of the current pandemic.

Additional payments of around £450,000 were made to partner providers and other childcare providers for provision of care to children of key workers whilst schools were closed earlier this year including over the school holiday periods. Payments of approximately £400,000 were made to supply teachers in line with the SNCT agreement to pay average working hours during the lockdown period.

There is a pressure within Early Learning & Childcare (EL&C) as a result of more parents than expected opting to take up places within the private provider setting in 2020/21 rather than council establishments. Staffing establishments have been revised to take account of this change but there remains an estimated overspend of around £170,000 in the current year.

The Scottish Government has provided £80 million over the next two years, announced in two tranches of £50 million and £30 million, to help support the return to school and help children recover any lost ground. This funding has been used to recruit additional teachers and support staff to tackle the impact of coronavirus in schools and ensure that children get the support they need. West Lothian Council will receive a total share of £3.110 million to provide support during academic year 2020/21 with funding being paid over two financial years.

The council is also to receive additional revenue funding of £124,000 and capital funding of £721,000 to increase levels of digital inclusion, providing laptops for disadvantaged children and young people to enable them to study online.

A further additional £50 million in total has been announced by the Scottish Government to aid logistical challenges in reopening schools. To date, £20 million of this funding has been allocated with the council receiving £708,000. The allocation of the remaining £30 million is still subject to confirmation. The value reflects that logistical challenges including facilities management, cleaning and transport costs are substantial for councils.

Within Culture and Sports, Burgh Halls is forecast to overspend by £183,000 as a result of lost income, partially offset by reduced staff costs and catering costs whilst the facility remains closed and during the recovery period as restrictions are lifted. Income from Instrumental music tuition fees will be significantly lower than budgeted levels as a result of lessons being impacted whilst pupils have not been in school and a reduction in pupils numbers resulting in an estimated pressure of around £264,000.

In addition, schools let income is currently forecast to under recover by around £139,000.

Schools have prepared recovery plans taking account of both local and authority wide factors and have reviewed their spending plans to ensure resources are being diverted to help deliver their recovery plans, whilst providing support to pupils and their families, particularly the most vulnerable.

A reprofiling of the West Lothian Leisure (WLL) management fee in 2020/21 for £801,000 was agreed under SO31 arrangements to maintain cashflow whilst facilities were closed during 2020/21. In addition, on 18 August 2020 Council Executive agreed for the Head of Finance and Property Services to issue a letter of comfort to WLL which confirms that the Council 'will continue to undertake cash flow management with WLL, to allow WLL to meet its everyday cash liabilities in respect of the financial year 2020/21'. This was on the basis of current or improved, as required, monitoring levels and subject to the requirement of WLL to approve a balanced budget each year, to reasonably progress their three year plan, to provide required financial information to the council, and to take all reasonable steps to identify mitigating action to balance their budget without further funding from the council.

WLL reopened facilities from 14 September 2020 but these are subject to recently revised government restrictions around group activities. Howden Park Centre and sports facilities within schools remain closed.

WLL prepared a revised financial forecast for 2020/21 that was reported to its Board on 29 October 2020. This revised forecast shows a deficit of £1.188 million and a minimum cash balance of £218,000 in February 2021.

Taking account of the issues around WLL's financial position, Council Executive was advised in August 2020 that an additional £500,000 contingency had been included in the outturn to reflect potential additional cash flow costs resulting from the impact of continuing Covid-19 restrictions. As the financial year has progressed and further information has become available regarding the impact of these continuing restrictions on WLL's financial position, it is now evident that the contingency of £500,000 will be required by WLL and Council Executive is asked to agree that this sum can now be paid to WLL to help manage their cashflow during these unprecedented times.

## **D.2.5 Planning, Economic Development and Regeneration**

An overspend of £729,000 is forecast mainly due to the implications of the Covid-19 pandemic and an under recovery of income within Planning.

There has been both supply and demand side implications for the building market. On the supply side, builders are likely to focus on developments that are either ongoing or already have planning permission. The demand for housing may be impacted by changes in consumer confidence and the availability of mortgages as a result of Covid-19 related issues. Given this, both planning application and building warrant income are expected to be lower than budget, with the overall shortfall estimated at £729,000. This forecast is an improvement of £150,000 on the position reported at month 5 due to two material planning applications made in August and September.

## **D.2.6 Operational Services**

An overspend of £2.847 million is forecast for Operational Services largely due to additional costs and reduced income streams arising from the current Covid-19 pandemic.

Pressures within Recycling & Waste Services total £1.731 million. Tonnage levels have increased this year for landfill, brown bin and blue bin waste generating additional costs of £1.325 million. It is assumed that increased levels of tonnage will remain throughout 2020/21 due to changing behaviour relating from Covid-19. Staff costs are forecast to be £172,000 over budget largely due to Covid-19 pressures and repair costs are forecast to be £138,000 over budget. The revised implementation date for generic working and changes to shift patterns to beyond the end of 2020/21 will result in a non-recurring pressure of £236,000.

Net pressures within Facilities Management are forecast to be around £1.405 million. Additional cleaning costs are expected to be £1.1 million, of which £900,000 relates to staffing changes to implement Covid-19 enhancements to the school cleaning regime. It is anticipated that this pressure will be fully funded from the logistical challenges funding of £50 million, but at this stage, the Scottish Government has only confirmed the council's share of the first tranche of £20 million. The council's share of this funding is £708,000 which has been included in the forecast. The second tranche of funding of £30 million will be based on evidenced need and the process for distributing this has still to be confirmed to councils.

School closures resulting in reduced provision of school meals, reduced take up of school meals since the schools have returned post lockdown and no Civic Centre café/sandwich run provision are forecast to generate a net pressure on catering of £909,000.

Public Transport is forecast to be in line with budget. This results from reduced costs incurred on concessionary rail and local buses of £463,000 being offset by £270,000 of lost income from

local buses and additional net schools transport costs of £170,000.

An underspend of £179,000 is forecast for Roads & Transportation Services mainly due to workload restrictions caused by the current Covid-19 pandemic. These are expected to reduce variable costs by £686,000 but also result in a £300,000 revenue pressure due to a reduction in the re-charge to capital. There is also a £190,000 reduction in Public Utilities income.

Underspends of £135,000 and £53,000 are forecast in Nets, Land & Countryside and Fleet Management respectively, mainly due to net savings during lock down and forecast staffing underspends. An overspend of £78,000 is forecast in Inprint due to net reduced demand for its services.

#### **D.2.7 Housing, Customer and Building Services**

An overall overspend of £388,000 is forecast across the service, due to a combination of existing pressures in Homelessness and reduced income streams in Customer & Community Services as a consequence of Covid-19.

Customer & Community Services is forecast to overspend by £39,000. Registration activity income, already under pressure due to falling birth and marriage rates, has been significantly impacted by Covid-19 and leisure facilities such as the swimming pool and 3G pitch at Fauldhouse were closed during lockdown.

Homelessness is forecast to overspend by £541,000 as a result of the ongoing demand for temporary accommodation. On average 77 clients per night were accommodated in B&B for the period from April to September 2020. This number has been steadily rising and, as of 27 September 2020, there were 128 clients in B&B.

One-off budget of £550,000 is mitigating the pressure in B&B spend but pressures elsewhere in the budget i.e. furniture and void rent loss, are main factors in the overspend. Homelessness transport costs reduced at the beginning of 2020/21 as a result of school closures, but will continue to be closely monitored following the reopening of schools in August.

There is £311,000 Rapid Rehousing Transition Plan (RRTP) funding for West Lothian in 2020/21. The RRTP is a multi-year plan to reduce the numbers of people presenting as homelessness as well as rehousing people who are homeless quicker and reducing the length of stay in temporary accommodation and B&B accommodation.

The council's approved Housing Capital programme includes provision for additional housing stock through the new build projects, open market acquisitions and the mortgage to rent scheme, all of which are intended to mitigate some of the pressures on the homelessness budget as more housing stock becomes available to be let.

In addition, the General Services Capital Programme includes funding for a new homeless unit which is anticipated to alleviate some of the pressure.

Further actions will be required to reduce expenditure on a recurring basis and fully mitigate the budget pressure, including increasing the number of lets in the private sector, increasing the number of available properties via registered social landlords, and a review of the allocations policy.

The forecast overspends within Customer & Community Services and Homelessness are partly offset by underspends in the Community Safety Unit and Customer Service Centre due to staffing vacancies and turnover.

#### **D.2.8 Corporate Services**

An overspend position of £80,000 is forecast for the service. Continuing service pressures within medical fees and procurement rebates are expected to be partially mitigated by staff

turnover and vacancies, and also by anticipated savings in areas such as printing due to the Covid-19 shutdown.

#### **D.2.9 Social Policy**

The forecast position for IJB delegated functions is an overspend of £2.338 million, and the forecast position for non-IJB social care functions is an overspend of £40,000.

There remain a number of pressure areas in IJB functions, including older people care homes where additional costs are being incurred to cover for staff absence and support care homes to remain sustainable during this challenging period. Numbers in external residential placements for Older People are at an all-time high which is currently presenting a cost pressure in that area along with residential and care at home provision for Adults with Learning Disabilities where there has been a number of high cost placements in recent months.

Additional costs relating to Covid-19 included in the IJB Mobilisation plan for social care are currently forecast to be £4.996 million. This is being closely monitored with actual additional costs still subject to uncertainty around the ongoing implications of Covid-19 over the remainder of 2020/21. To date the Scottish Government have confirmed additional funding of £2.444 million to meet additional social care costs and a further £214,000 for Living Wages costs, leaving an unfunded balance of £2.338 million. Although there is an expectation that the Scottish Government will fully fund Health and Social Care Mobilisation Plan costs, this has still to be confirmed, and as such, has been highlighted as a potential cost pressure at this stage.

For Non-IJB areas, there is a forecast underspend in external residential schools for disabled children alongside early delivery of staffing savings relating to the redesign of services for Looked After Children. This is however offset against an in-year pressure in external Looked After Children (LAC) and Social, Emotional and Behavioural Needs (SEBN) residential schools which is partly impacted by the Covid-19 crisis.

#### **D.2.10 Chief Executive, Finance and Property Services**

The revenue budget for Chief Executive, Finance and Property Services is currently forecast to overspend by £650,000. There is an anticipated under recovery of property rental of £300,000 due to the impact of Covid-19 and on rental income.

The anti-poverty service is forecasting an overspend of £300,000 that relates to increased demand for clothing grants and Revenues are forecasting a net overspend of £100,000 due to a decrease in the recovery of Housing Benefit overpayments. In addition, there is a pressure of £250,000 from non-productive time for Building Services staff during the lockdown period in relation to the general fund programme of property works.

It is anticipated that there will be an underspend in reactive repairs and utility costs in the current financial year, although this is likely to be lower than originally anticipated due to costs incurred to keep buildings at an appropriate temperature, particularly schools, while complying with the requirement to have windows open for increased ventilation. Staffing savings across the service also contribute to the net overspend position of £650,000.

#### **D.2.11 Joint Valuation Board**

A break-even position is forecast.

#### **D.2.12 Non-Service Expenditure**

Non-service expenditure is forecast to overspend by £342,000. The Council Tax Reduction Scheme (CTRS) is currently forecast to overspend by £777,000. after accounting for additional funding of £760,000. Whilst spend for CTRS in previous years has been below budget, as a result of Covid-19 there is a large increase in CTRS caseload in 2020/21 and a resulting significant increase in expenditure.

There has been an increase of 815 CTRS cases as at end September 2020 compared to the end of September 2019.

It is anticipated that there will be further increases in CTRS claims and additional awards as a result of an increase in job losses over the remainder of 2020/21. The position remains unclear particularly with current uncertainty around the furlough scheme being extended and as such, this area will continue to be closely monitored. The projected overspend from CTRS is partially being offset by a decrease in eligible housing benefit overpayments and a forecast underspend on the pensions budget.

#### **D.2.13 Council Tax Income**

Council Tax income is currently forecast to under recover by £1.242 million. As a result of Covid-19, there has been a reduction in council tax collection rates. Council tax collection, including previous years, has reduced by 1.21% in September this year compared to September last year. It is expected we will continue to see a steady reduction in collection rates over the year as more jobs are lost and unemployment increases. An estimate of the full year impact of 1.7% reduction in council tax collection is included in the outturn position and this will continue to be monitored closely going forward.

Housebuilding has also been impacted as a result of Covid-19, with sites closed for the first three months of 2020/21. The budget assumes that 900 new houses will be built in 2020/21, however the projection has been revised to 500 house completions. The financial impact on the 2020/21 budget is not as material as initially expected, due to there being over 600 houses completed between September 2019 and March 2020. These houses were not included in the 2020/21 budget as the budget is set each year on the August band D report.

#### **D.2.14 Modernisation Fund**

After accounting for spending commitments of £353,000 against the Modernisation Fund for ERVS costs and £217,000 for Digital and Service Transformation there is a balance of £2.969 million in the fund.

It is important to note that the Modernisation Fund will be needed to meet future ERVS, and investment costs going forward, particularly relating to the enhanced use of digital technologies. The fund is a key element in ensuring the council's medium-term financial plan is sustainable.

#### **D.2.15 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 council has received various elements of funding from Scottish Government to help deliver support packages and manage the financial consequences of Covid-19, albeit there remains a significant gap between funding received and anticipated net additional costs.

Funding streams received by the council are detailed in Appendix 3.

Since the last update, Scottish Government has confirmed additional funding of £25 million in 2020/21 to help the councils manage the increased demand on the Council Tax Reduction Scheme and the council's share of this funding is £760,000. Further business support grants were also announced following the additional restrictions implemented in October 2020 which local authorities have administered as they did previously. West Lothian has been allocated £490,000 to provide eligible grant payments. Scottish Government has also committed to providing self isolation income support grants of £500 payable to those who have been asked by Test and Protect to self isolate and this will be delivered through the existing Scottish Welfare Fund.

A further £20 million is being made available by the Scottish Government to provide flexible support for vulnerable people. Distribution to individual councils has yet to be confirmed and, once known, officers will develop options to identify how this can best be used to provide additional support to the most vulnerable and report to Council Executive.

In addition, Scottish Government has pledged further funding for free school meals during the winter school holidays. Councils will receive the financial support to cover meals over the winter and Easter breaks to help vulnerable people during the pandemic. The council has already made a commitment to provide Free School Meals during the remaining school holidays (excluding the public holidays) within the current financial year costing around £254,000. Consideration will be given to any funding that has been freed up as a result of the further funding announced and an update will be provided to Council Executive on the proposed use.

Discussions are ongoing with the Scottish Government and COSLA around further funding allocations to meet social care costs contained within Local Mobilisation Plans.

Finally, a loss of income scheme is currently being discussed with Scottish Government and COSLA which could recompense councils for a proportion of income lost as a result of the pandemic, similar to the scheme in operation in England.

#### **D.2.16 Summarised Budget Position for 2020/21**

The outcome of the month 6 monitoring exercise is a projected overspend of £3.807 million, after offsetting the council's share of confirmed funding streams and offsetting the £994,000 from the General Fund Revenue balance. This is mainly arising as a result of additional expenditure and lower than anticipated income levels resulting from the current Covid-19 pandemic.

Recurring pressures remain in Homelessness provision, overtime costs in Recycling & Waste Services and absence cover within Older People Care Homes. Progress is being made in reducing these pressures but each still require further action to be undertaken to fully address the underlying cause.

Officers are liaising with COSLA and will continue to lobby the Scottish Government to provide additional resources to the council to fully fund the financial implications of Covid-19. If further funding is not received from the Scottish Government, there will be a significant pressure to be funded of £3.807 million in 2020/21.

Officers have undertaken work to identify the alternative options available to the council to manage the remaining net cost pressures, after applying the additional funding received from Scottish Government.

#### **D.3 Potential Actions to Mitigate Anticipated Budget Pressures and additional Financial Flexibilities**

With a pressure of £3.807 million now forecast, and with further risks and uncertainties which are highlighted in this report, there is the potential for pressures to be more than currently forecast as the council continues to deliver services in line with government recommendations and guidelines.

Officers will continue to work with professional bodies, including SOLACE and the CIPFA Directors of Finance, and with COSLA to contribute to regular exercises to estimate projected costs for 2020/21 as part of national cost collection.

A separate ongoing exercise is being undertaken by West Lothian Health and Social Care partnership to identify the additional social care costs delegated to them, using Local Mobilisation Plans. Costs and confirmed funding relevant to council revenue budgets have

been included within the figures contained within this report.

This is part of the process of making the case to the Scottish Government for additional funding for local government to meet the unavoidable additional financial pressures on councils as a result of the pandemic. However, in light of the significant pressures faced, and the continued legal requirement for the council to have a balanced budget, further actions may have to be considered to manage the projected budget pressure in 2020/21.

On 18 August 2020 Council Executive was advised of various potential options as to how the projected budget pressure could be managed including:

- Potential national flexibilities;
- Use of reserves and balances;
- Restrictions on expenditure, including recruitment;
- Revisions to service delivery and additional savings;
- Additional income, although given the impact of the pandemic this would be unlikely.

The council's forecast expenditure position will continue to be closely monitored over the remainder of the financial year and officers will continue to update for additional Scottish Government funding as well as explore a range of other options to ensure spend can be funded from available resources. At this stage, no specific additional measures are assessed as being required.

The Scottish Government has advised COSLA of financial flexibilities that will be available to help councils address the remaining funding pressures resulting from the impact of Covid-19 and further detailed guidance on these is expected shortly. These flexibilities include the use of capital receipts received in 2020/21 and 2021/22, credit arrangements and Loans Fund holiday repayments. Further work is underway between the Scottish Government and COSLA to provide more detail on how these flexibilities will work. Significant work will then need to be undertaken by council officers to explore these options and fully determine the financial impact of each.

#### **D.4 Delivery of Approved 2020/21 to 2022/23 Budget Savings**

##### **D.4.1 Summary update on outcome monitoring of approved savings 2020/21 to 2022/23**

In line with the council's agreed budgetary control framework and procedures, a review of the delivery of budget reductions for the period 2020/21 to 2022/23 was completed by Heads of Service and has demonstrated that good progress is being made. Based on the exercise carried out, for the three year period to 2022/23, 49% of reductions are categorised as green which indicates that Heads of Service consider that the saving is achieved or achievable.

The remaining 51% of reductions are categorised as amber meaning that an achievable plan is still to be agreed or existing/emerging issues require additional actions to be undertaken. In some cases, further Committee approval is required to progress these reductions. No reductions are considered unachievable, however, a number of projects will require further development where policy changes are required and will be considered by Policy Development and Scrutiny Panels and Council Executive. Specifically for 2020/21, 96% of savings are categorised as achieved or achievable, demonstrating that good progress is being made in the delivery of approved savings.

#### **D.5 Future budget issues and risks**

There remains significant risks and uncertainties associated with the financial assumptions in the council's budget. In addition to the current increase in costs, there is a high risk that further significant costs will continue to be incurred during financial year 2020/21, given the ongoing requirement to maintain social distancing and other measures in place, including the risk of further restrictions being implemented to manage the pandemic.

As council services continue to be delivered in accordance with Scottish Government guidance, there will be a substantial increase in the cost of service delivery. Areas where further costs are being incurred include reopening of schools, social care provision, homelessness and waste tonnage charges. This will need to be closely monitored to ensure costs are fully identified and this will inform discussions with the Scottish Government over additional funding.

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.

In relation to medium term financial planning, whilst acknowledging that the planning assumptions are subject to uncertainty due to the planning time horizon, some of the general risks and uncertainties include annual confirmation of local authority funding from the Scottish Government, pay award, particularly given payroll costs are the councils largest expense, the outcome of trade discussions between the UK and EU, policy changes by the government without adequate funding, demographic demands and inflationary pressures.

Over the remaining two years of the revenue strategy period, a number of savings require further development or approval by elected members. It is therefore essential that these savings are progressed to implementation and where recurring pressures remain, mitigating actions are taken to ensure existing pressures are managed on a recurring basis. Recurring pressures of £1.259 million are having an impact on the council being able to manage spend.

## **E. CONCLUSION**

The outcome of the monitoring exercise at month 6 is a projected overspend of £3.807 million. Discussions around additional funding from the Scottish Government continue to be progressed but if further funding is not received from the Scottish Government, a significant pressure will remain to be managed.

Recurring overspends within Operational Services, Housing, Customer and Building Services and Social Policy continue. While there is one-off resource provided to assist in mitigating these pressures, action to reduce the pressures in full remains.

Good progress is being made in the delivery of approved budget reductions with 87% of savings in 2020/21 categorised as green. For future years, a number of savings still require further development or approval by elected members and these should be progressed to implementation in line with agreed plans.

## **F. BACKGROUND REFERENCES**

2020/21 General Fund Revenue Budget – Month 5 Monitoring Report – Report by Head of Finance and Property Services to Council Executive on 6 October 2020

2020/21 General Fund Revenue Budget – Month 3 Monitoring Report – Report by Head of Finance and Property Services to Council Executive on 18 August 2020

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

Covid-19 Update on the Estimated Financial Impact on the Council - Report by Head of Finance and Property Services to Council Executive on 26 May 2020

Draft 2019/20 General Fund Revenue Outturn - Report by Head of Finance and Property Services to Council Executive on 23 June 2020

Re-opening Of Schools and Early Learning and Childcare – Report by Depute Chief Executive  
to Council Executive on 23 June 2020

Appendices/Attachments:

- Appendix 1     Update on Existing Recurring Pressures
- Appendix 2     Update on New Time Limited Investment 2020/21 to 2022/23
- Appendix 3     Funding Streams Received by the council

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**Donald Forrest**  
**Head of Finance and Property Services**  
**17 November 2020**

DATA LABEL: PUBLIC

**Appendix 1 – Update on Existing Recurring Pressures**

<b>Housing, Customer and Building Services – Homelessness</b>			
<b>2020/21 Forecast Variance at Month 6 £'000</b>	<b>Recurring Pressure at Month 6 £'000</b>	<b>Update on agreed actions to manage and mitigate the pressure</b>	<b>Update on actions to be taken during the remainder of 2020/21</b>
211	761	<p>Income from charging for bed and breakfast accommodation has been agreed and monitoring continues. The RRTP sets out a plan to reduce the numbers of homelessness people requiring accommodation. As this is a multi-year plan, additional budget of £550,000 was provided in 2020/21.</p> <p>Agreement was reached with the four main RSL partners on targets for percentage of social lets to homeless and this is being monitored.</p> <p>The RRTP funding allocation for 2020/21 is £311,000 and was allocated to priority areas.</p>	<p>For 2020/21, a further one off resource of £550,000 was approved from the approved revenue budget. Average homeless numbers per night are 77 for the year to 27 September but numbers have been rising with 128 in bed and breakfast on that date. Due to the impact of Covid-19 there was an increase in the number of homeless presentations throughout quarter 2 and this will potentially continue. This will also be impacted by the availability of suitable temporary and permanent accommodation meaning that the demand for emergency accommodation is likely to increase, thus putting more pressure on the budget.</p> <p>Close monitoring will be required throughout the remainder of 2020/21.</p>

Housing, Customer and Building Services – Homelessness Transport			
2020/21 Forecast Variance at Month 6 £'000	Recurring Pressure at Month 6 £'000	Update on agreed actions to manage and mitigate the pressure	Update on actions to be taken during the remainder of 2020/21
(11)	39	<p>The recurring pressure has reduced as a result of a process review and reduction in long term cases. There will be a further review of existing contracts to achieve contractual savings, with no requirement to amend existing policies. Additional budget of £50,000 has been provided in 2020/21.</p> <p>There is no requirement to review the Homelessness Transport policy. The recurring pressure has reduced since the start of 2019/20 as a result of a process review and removal of long standing cases. Alternative methods of transport at lower costs are provided, where suitable.</p>	<p>There will be no policy change at this stage and mitigation of the budget pressure will be achieved through delivery of actions from the RRTP.</p> <p>For 2020/21, a further one off resource of £50,000 has been included in the approved revenue budget. Due to the school closure throughout quarter 1, savings have been made in this area however the impact of Covid-19 is likely to result in an increase in homeless presentations meaning more children being placed in dispersed temporary accommodation and therefore requiring transport to school for a period of time.</p>

Operational Services – Recycling & Waste Services Overtime			
2020/21 Forecast Variance at Month 6 £'000	Recurring Pressure at Month 6 £'000	Update on agreed actions to manage and mitigate the pressure	Update on actions to be taken during the remainder of 2020/21
185	49	<p>Council Executive agreed revised service standards and it is expected that the pressure will be fully mitigated once the new standards are implemented.</p> <p>Overtime is currently forecast to overspend by £185,000. It is now assumed that increased costs as a result of Covid-19 will continue for the remainder of the financial year.</p> <p>On a recurring basis, the pressure has reduced from £138,000 in 2019/20 to £49,000. The service has seen a levelling off of sickness absence which will allow for a balancing of overtime costs.</p>	<p>Continue to monitor sickness absence rates and related expenditure on overtime. The impact of the Covid pandemic has led to an increase in forecast overtime costs of £136,000 in 2020/21.</p> <p>The removal of seasonal staff and the recruitment of additional permanent staff to provide cover throughout the year for leave has helped to deliver the savings required from 1 April onwards.</p> <p>Further consideration is being given to working patterns and collection arrangements over the Easter and Christmas period to ensure that there are no significant additional costs on an annual basis.</p>

<b>Social Policy – Older People Care Homes – Absence Cover</b>			
<b>2020/21 Forecast Variance at Month 6 £'000</b>	<b>Recurring Pressure at Month 6 £'000</b>	<b>Update on agreed actions to manage and mitigate the pressure</b>	<b>Update on actions to be taken during the remainder of 2020/21</b>
410	410	This pressure was noted for the first time in November 2019. Data gathering work has been undertaken to inform future actions.	A working group is examining the expenditure on the cost of covering vacancies and sickness absence, A recruitment drive has commenced with a view to filling vacant posts. Modelling work is being undertaken to look at potential to divert agency spend to core staffing establishment with a view to reducing expenditure in this area.

DATA LABEL: PUBLIC

**Appendix 2 – Update on New Time Limited Investment 2020/12 to 2022/23**

<b>Operational Services</b>								
<b>Project</b>	<b>2020/21 £'000</b>	<b>2021/22 £'000</b>	<b>2022/23 £'000</b>	<b>Total £'000</b>	<b>Description of Investment</b>	<b>Action required to implement</b>	<b>Timescale for Implementation</b>	<b>Governance (Officer/ Admin Group/ PDSP/ Committee)</b>
<b>Recurring Allocations</b>								
Removal of O3c – Additional service efficiencies in Operational Services	0	0	742	742	Removal of saving	None	Complete	Officer Level
Removal of O4b - Reducing building cleaning levels	145	248	248	641	Removal of saving	None	Complete	Officer Level
Additional grounds maintenance staff for cemeteries	30	30	30	90	Additional grounds maintenance staff for cemeteries	Staff recruitment has taken place.	Complete	Officer Level
Reinstating reactive cutting on pitches	31	31	31	93	Reinstating reactive cutting on pitches	Staff recruitment has taken place	Complete	Officer Level
Reinstate opening hours at all 5 CRC sites	320	320	320	960	Reinstate opening hours at all 5 CRC sites	CRC sites are operating at extended hours	Complete	Officer Level
Containers at recycling centres for reusable items	5	5	5	15	Introduction of containers for reusable items – ongoing cost of service provision	Containers will be put in once collections of these items commences	March 2021	Officer Level
<b>Total Recurring Allocations</b>	<b>531</b>	<b>634</b>	<b>1,376</b>	<b>2,541</b>				

<b>Operational Services</b>								
<b>Project</b>	<b>2020/21 £'000</b>	<b>2021/22 £'000</b>	<b>2022/23 £'000</b>	<b>Total £'000</b>	<b>Description of Investment</b>	<b>Action required to implement</b>	<b>Timescale for Implementation</b>	<b>Governance (Officer/ Admin Group/ PDSP/ Committee)</b>
<b>Time Limited Allocations</b>								
Mainstream school transport	190	190	190	570	Continuation of non-policy mainstream school transport routes for three years	Extensions to current contracts have taken place	Complete	Officer Level
Transport Fund		300	00	600	Proposal is to use the fund to support the outcome of a local bus network review and redesign	Review underway. Outcome of review will require Committee approval, including the use of one-off resource to enhance service provision	Initial review complete early 2021, use of one-off funding from April 2021	PDSP and Council Executive
New vehicles and equipment for street cleaning	220	0	0	220	Investment in street sweepers, vehicles and equipment to enhance service provision within Street Cleaning	Electric street sweepers (Gluttons) have been purchased and implemented. Demonstrations of mechanical sweepers, vehicles and equipment are complete and all are being purchased	December 2020	Officer Level

<b>Operational Services</b>								
<b>Project</b>	<b>2020/21 £'000</b>	<b>2021/22 £'000</b>	<b>2022/23 £'000</b>	<b>Total £'000</b>	<b>Description of Investment</b>	<b>Action required to implement</b>	<b>Timescale for Implementation</b>	<b>Governance (Officer/ Admin Group/ PDSP/ Committee)</b>
Roads and footpath accessibility improvement schemes	30	10	0	40	Roads and footpath accessibility improvement schemes	Progressing as per Council policy with a list of known projects being assessed in consultation with the disability forum, who advise on need.	April 2021	PDSP and Council Executive
Improving signage at all CRC sites and patching at Linlithgow and Broxburn sites	50	0	0	50	Improved signage across the CRC sites and patching of the tarmac areas	Patching complete. Signage awaiting contractor appointment	December 2020	Officer Level
Containers at recycling centres for reusable items	10	0	0	10	Containers for reusable items – one off purchase	Containers will be put in once collections of these items commences	March 2021	Officer Level
Feasibility study for potential replacement for CRC sites at Linlithgow and Broxburn	20	0	0	20	Review of existing site provision and relocation	Initial site selection discussions commenced to allow full feasibility study to be undertaken	March 2021	Officer Level

Relocation of recycling centres	0	500	500	1,000	Review of existing site provision and relocation	Full feasibility study to be reported to elected members for consideration. Decisions taken following the feasibility will inform the scope and timescale for projects	2022/23 for new sites	PDSP and Council Executive
<b>Total Time Limited Allocations</b>	<b>520</b>	<b>1,000</b>	<b>990</b>	<b>2,510</b>				
<b>Total New Investment for 2020/21 to 2022/23</b>	<b>1,051</b>	<b>1,634</b>	<b>2,366</b>	<b>5,051</b>				

<b>Social Policy</b>								
<b>Project</b>	<b>2020/21 £'000</b>	<b>2021/22 £'000</b>	<b>2022/23 £'000</b>	<b>Total £'000</b>	<b>Description of Investment</b>	<b>Action required to implement</b>	<b>Timescale for Implementation</b>	<b>Governance (Officer/ Admin Group/ PDSP/ Committee)</b>
<b>Recurring Allocations</b>								
WiFi in council run care homes and day care centres	28	33	30	91	Introduction of Wi-Fi within current four council care homes and three day care centres	Prioritise sites and undertake preparatory work with IT Services and Construction Services including site surveys to determine access points and capacity and design site configuration to meet clients' needs. IT Services to procure kit, configure, install and test solution prior to implementation.	Officers in Social Policy will agree timescales for roll out	Officer Level
Enhanced independent living support	18	18	18	54	Introduction of technology to enable enhanced remote support to previously looked after young people who are living independently through a Housing First model. Currently ten young people but this will increase to fifteen over time.	Social Policy are working with the Rock Trust to identify which devices will work best to support previously looked after children to optimise support through remote contact with providers.	March 2021	Officer Level

<b>Social Policy</b>								
<b>Project</b>	<b>2020/21 £'000</b>	<b>2021/22 £'000</b>	<b>2022/23 £'000</b>	<b>Total £'000</b>	<b>Description of Investment</b>	<b>Action required to implement</b>	<b>Timescale for Implementation</b>	<b>Governance (Officer/ Admin Group/ PDSP/ Committee)</b>
<b>Total Recurring Allocations</b>	<b>46</b>	<b>51</b>	<b>48</b>	<b>145</b>				
<b>Total Time Limited Allocations</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>				
<b>Total New Investment for 2020/21 to 2022/23</b>	<b>46</b>	<b>51</b>	<b>48</b>	<b>145</b>				

<b>Education</b>								
<b>Project</b>	<b>2020/21 £'000</b>	<b>2021/22 £'000</b>	<b>2022/23 £'000</b>	<b>Total £'000</b>	<b>Description of Investment</b>	<b>Action required to implement</b>	<b>Timescale for Implementation</b>	<b>Governance (Officer/ Admin Group/ PDSP/ Committee)</b>
<b>Recurring Allocations</b>								
Removal of E9c - One pence increase in school milk cartons	12	12	21	45	Removal of approved savings measure. No increase to school milk charges in 2020/21 to 2022/23	Schools advised to retain school milk price at current, 2019/20 level	Complete	Officer Level
School holiday lunch and activity club programme	0	60	150	210	Provide School holiday lunch and activity club programme on a recurring basis	Programme to be delivered on a permanent basis	Ongoing	Officer Level
<b>Total Recurring Allocations</b>	<b>12</b>	<b>72</b>	<b>171</b>	<b>255</b>				
<b>Total Time Limited Allocations</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>				
<b>Total New Investment for 2020/21 to 2022/23</b>	<b>12</b>	<b>72</b>	<b>171</b>	<b>255</b>				

<b>Finance &amp; Property Services</b>								
<b>Project</b>	<b>2020/21 £'000</b>	<b>2021/22 £'000</b>	<b>2022/23 £'000</b>	<b>Total £'000</b>	<b>Description of Investment</b>	<b>Action required to implement</b>	<b>Timescale for Implementation</b>	<b>Governance (Officer/ Admin Group/ PDSP/ Committee)</b>
<b>Total Recurring Allocations</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>				
<b>Time Limited Allocations</b>								
Miners memorial plaque	10	0	0	10	Installation of Burngrange memorial plaque	Commission and install plaque	Prior to 10 January 2021, anniversary of Burngrange disaster	Officer Level with full involvement of relevant members re installation and unveiling
<b>Total Time Limited Allocations</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>10</b>				
<b>Total New Investment for 2020/21 to 2022/23</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>10</b>				

<b>Housing, Customer &amp; Building Services</b>								
<b>Project</b>	<b>2020/21 £'000</b>	<b>2021/22 £'000</b>	<b>2022/23 £'000</b>	<b>Total £'000</b>	<b>Description of Investment</b>	<b>Action required to implement</b>	<b>Timescale for Implementation</b>	<b>Governance (Officer/ Admin Group/ PDSP/ Committee)</b>
<b>Total Recurring Allocations</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>				
<b>Time Limited Allocations</b>								
Self -service kiosks in libraries replacement	64	0	0	64	Purchase of 16 new self-service kiosks	Procure & install the new kiosks – virtual demonstrations have been provided and specification is to be provided to procurement for tender.	Quarter 3 of 2020/21	Officer Level
Staffing resource to increase use of private sector leases	38	19	0	57	Recruit additional Accommodation Officer to increase the provision of temporary accommodation through the private rented sector.	Fixed term post commenced end of September 2020.	Complete	Officer Level
<b>Total Time Limited Allocations</b>	<b>102</b>	<b>19</b>	<b>0</b>	<b>121</b>				
<b>Total New Investment for 2020/21 to 2022/23</b>	<b>102</b>	<b>19</b>	<b>0</b>	<b>121</b>				

Planning, Economic Development & Regeneration								
Project	2020/21 £'000	2021/22 £'000	2022/23 £'000	Total £'000	Description of Investment	Action required to implement	Timescale for Implementation	Governance (Officer/ Admin Group/ PDSP/ Committee)
Total Recurring Allocations	0	0	0	0				

Planning, Economic Development & Regeneration								
Project	2020/21 £'000	2021/22 £'000	2022/23 £'000	Total £'000	Description of Investment	Action required to implement	Timescale for Implementation	Governance (Officer/ Admin Group/ PDSP/ Committee)
<b>Time Limited Allocations</b>								
Jobs Task Force	400	300	300	1,000	Create a fund which will provide support to the Jobs Task Force to support businesses growth and provide support to those individuals recently made redundant or in danger of being made redundant	Arrangements in place. Fund will provide continuity of provision through partnership working with PACE & Jobs Task Force, providing immediate support to individuals facing a redundancy situation and support back into employment. Set up governance structure for funding structures.	Funding can be provided to businesses immediately once governance structure agreed. Ongoing when expenditure related to the Jobs Task Force is required.	Jobs Task Force
Voluntary organisations modernisation and improvement fund	150	150	150	450	Create a fund which would provide support the Voluntary Organisations to become more sustainable through modernisation and leadership training.	Provide up to £10,000 of support to help retrain staff, board members. Consultancy fees to bring in expert help to those Vol Orgs undergoing an improvement programme.	Year 1 funding bids progressed. Programme being discussed via Third Sector Working Group. Funding to be retained as a Covid-19 contingency.	Delegated to Head of Service Council Executive agreed the approach at its meeting on 6 October following earlier consideration by Vol Orgs PDSP.

Climate Emergency Fund	802	0	0	802	To support and implement the findings of the Cross Party Climate Emergency Working Group which has considered a range of subjects including transport, energy use in council buildings and options for participation from young people in consideration of the climate emergency	Prepare a revised Climate Change Strategy and associational action plans including the Carbon Management Action Plan. Those plans will provide a framework for the actions necessary to achieve net carbon zero for the council and West Lothian. The proposed implementation plan is being reported to Council.	The date for achieving net carbon zero in Scotland is 2045. This will require short term actions and those action which be set out in the strategy and action plans to be agreed by Dec 2020.	Environment PDSP / Council Executive (governance to be reviewed as part of the revised Climate Change Strategy)
<b>Total Time Limited Allocations</b>	<b>1,352</b>	<b>450</b>	<b>450</b>	<b>2,252</b>				
<b>Total New Investment for 2020/21 to 2022/23</b>	<b>1,352</b>	<b>450</b>	<b>450</b>	<b>2,252</b>				
<b>Overall Total New Investment for 2020/21 to 2022/23</b>	<b>2,573</b>	<b>2,226</b>	<b>3,035</b>	<b>7,834</b>				

DATA LABEL: PUBLIC

**Appendix 3 – Funding Streams Received by the council in relation to Covid-19**

Description of Funding	Value £'000	Purpose
Small business grant scheme (national scheme)	27,432	Support for small businesses to assist with cashflow and other additional cost pressures
Self-employed grant scheme (national scheme)	303	Support for self-employed or other small businesses not covered by other support measures
Hardship Fund	1,687	Additional programmes and initiatives to support the community during the pandemic.
Food Fund	1,045	Providing food support to vulnerable families and individuals. Includes support delivered directly by the council and through third sector partners such as food banks. Also includes the £10 per week per child payment made to families in receipt of free school meals.
Scottish Welfare Fund	712	Fully allocated to Scottish Welfare Fund budget to provide crisis care and community care grants.
Funding to West Lothian Health and Social Care Partnership	2,444	Fully allocated to cover additional social care costs arising from the pandemic, in particular the additional costs associated with care homes.
Discretionary Housing Payments	679	Fully allocated to facilitate discretionary housing payments. The Anti-Poverty Service are developing a further campaign to publicise the support available.
Additional £5 million DHP funding	146	
Social Care funding – Living Wage uplift	214	Used to fund the uplift in social care wages to the Living Wage in 2020/21.
Free School Meals (FSM) during school holidays	505	Council providing free school meals over summer holidays at a cost of £505,000. Funding will be used to pay for this service.
Additional food support for people at risk	444	Support for individuals at risk to access food and other essentials over the remainder of 2020/21.
Digital devices/connectivity for digital exclusion		This is a ringfenced revenue and capital grant that will be solely used to provide vulnerable children and those in digital poverty with laptops and internet connections. Education Services and IT are working to progress this national programme.
• Capital Funding	721	
• Revenue Funding	124	
Transitional Support Fund for childcare providers	376	Funding to provide one-off grants to eligible childcare provider settings to support them to reopen and meet the public health guidance for the sector.
Recruitment of additional teachers and support staff		Funding relates to academic year 2020/21 and has been allocated to provide additional staff in schools to support pupils in their return to learning in the school environment. Funding will be paid over two financial years totalling £3.110 million (£1.944 million from first tranche and £1.166 from second tranche).
• Share of £50 million	1,296	
• Anticipated share of further £30 million	777	
£50 million to meet logistical challenges in reopening schools which will be released in two separate tranches		Funding will be used to offset the cost of cleaning in schools estimated to be in the region of £1.377 million in 2020/21. Awaiting details of how the second tranche of funding of £30 million will be allocated to councils.
• Share of £20 million	708	
Funding for Council Tax Reduction Scheme	760	Additional funding to help manage the enhanced pressure in Council Tax Reduction Scheme as eligibility increases.

Share of £25 million		
Share of £155 million Barnett Consequentials	5,228	These amounts will be applied to the council's overall projected financial position to reduce the projected overspend.
Share of £49 million Barnett Consequentials	1,653	
Direct Business Support Restrictions Fund and Discretionary Business Hardship Funds	700	Further business support grants announced following additional restrictions October 2020. Further business support grants announced following additional restrictions October 2020. Business closure fund £590,000 and Discretionary business hardship fund £110,000.

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**COUNCIL EXECUTIVE**

**2020/21 HOUSING CAPITAL REPORT – MONTH 6 MONITORING REPORT**

**REPORT BY DEPUTE CHIEF EXECUTIVE**

**A. PURPOSE OF REPORT**

To provide the Council Executive with a report on the financial position in relation to the Housing Capital Programme following the completion of the month 6 monitoring exercise.

**B. RECOMMENDATION**

It is recommended that Council Executive notes the outcome of the month 6 housing capital monitoring exercise and the projected outturn for 2020/21.

**C. SUMMARY OF IMPLICATIONS**

<b>I. Council Values</b>	Focusing on customers' needs, being honest, open and accountable, making best use of our resources, working in partnership.
<b>II. Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The council's Housing Capital Programme is managed within the stringent requirements set out in the Prudential Code.
<b>III. Implications for Scheme of Delegations to Officers</b>	None.
<b>IV. Impact on performance and performance Indicators</b>	None.
<b>V. Relevance to Single Outcome Agreement</b>	"Outcome 10 – We live in well designed, sustainable places where we are able to access the services we need."
<b>VI. Resources - (Financial, Staffing and Property)</b>	Council Executive approved a revised three year capital programme of £107.615 million for 2020/21 to 2022/23 on 23 June 2020. The 2020/21 revised budget is £29.241 million.
<b>VII. Consideration at PDSP</b>	Not applicable.

## VIII. Other consultations

Consultation has taken place with Housing Customer and Building Services, tenants and Finance & Property Services.

## D. TERMS OF REPORT

### D.1 Introduction

The council approved a three year programme for Housing capital investment in February 2020. An updated 2020/21 Housing capital investment programme of £29.241 million was approved by Council Executive on 23 June 2020, taking account of the 2019/20 outturn, the most recent assumptions available regarding the potential effect of the Covid-19 situation on the programme for 2020/21 and updated phasing profiles. This report contains detail of expenditure to date in the Housing capital programme and provides a projected outturn for the financial year.

### D.2 Summary of Month 6 Financial Information

The summarised position for actual and projected expenditure is shown below. The table shows actual investment of £7.089 million in the housing stock to 30 September 2020. The forecast expenditure for the year is £25.425 million. The investment programme comprises the creation of new build social housing and refurbishment of existing stock, which includes large scale housing projects, energy efficiency works and planned programmes, much of which is undertaken by Building Services.

<b>Table 1</b>	<b>2020/21 Revised Budget £'000</b>	<b>Actual Expenditure at Month 6 £'000</b>	<b>2020/21 Projected Outturn £'000</b>	<b>2020/21 Projected Variance £'000</b>
New Housing Supply	11,800	3,508	9,134	(2,666)
Major Refurbishment	2,669	502	2,041	(628)
Major Elemental Upgrades	3,239	478	3,172	(67)
Planned Programmes	2,742	615	2,620	(122)
Environmental Upgrading	468	38	468	0
Compliance Works	7,855	1,885	7,526	(329)
Miscellaneous	468	63	464	(4)
<b>Total</b>	<b>29,241</b>	<b>7,089</b>	<b>25,425</b>	<b>(3,816)</b>

### New Housing Supply

Significant resources continue to be invested in the creation and acquisition of new homes, with budgeted resources of £11.800 million in 2020/21. New housing supply includes increasing the existing council housing stock through new builds, open market acquisitions and mortgage to rent properties.

The Covid-19 shutdown period has had a major impact on new build provision for 2020/21, with planned construction works being halted for approximately three months. However, works have now recommenced at the sites that were operational before the shutdown, and progress is now being made, with projected spend for 2020/21 of £9.134 million. Work is progressing well at the site in Brucefield in Livingston, with 17 completions in September 2020 and the remainder of the site due for completion by the end of the calendar year. At Standhill in Bathgate, work is ongoing with a number of completed properties expected to be handed over during 2020/21. The final property at Wester Inch was handed over in June 2020, completing the project at this site.

As at 30 September 2020, four houses have been acquired through the Open Market Acquisitions scheme, with a further eight acquisitions currently in progress. This is in addition to the 191 open market acquisitions that have been added to the housing stock in previous years since the scheme was introduced.

The new build programme was reviewed and updated in June 2020, in light of current restrictions in place at the time, estimates of when these restrictions were likely to be eased and the likely impact that these changes would have on the various types of projects required to be carried out as part of the housing capital investment programme. For projects that had not yet started before the Covid-19 lockdown was announced, the impact is likely to be greater than anticipated when the budget was updated in June.

The sites at Deans South and Eagle Brae are expected to start later than was anticipated when the budget was updated in June, due to delays in the tender process as a result of the Covid-19 situation. Although both are now expected to commence in November/December 2020, this is likely to mean slippage of approximately £1.1 million in the budgeted spend for these projects in 2020/21.

Similarly, delays with planning permission are expected to result in slippage of approximately £250,000 in the planned project at Mossend, West Calder, and the project to acquire 20 additional new build units directly from the developer at Eliburn in Livingston is also now forecast to be delayed due to the developers returning from furlough later than originally anticipated, meaning forecast slippage of £600,000 in the budgeted spend for the year.

Further open market acquisitions that were approved to replace the new build element of the project at Bathville, Armadale, are also likely to be delayed as a result of the Covid-19 situation, resulting in slippage of approximately £900,000.

Whilst it is anticipated that a number of areas within the new supply budget are now expected to be more adversely affected by the coronavirus pandemic than was anticipated when this budget was updated in June 2020, officers will continue to review all available options for delivery of the programme and will actively seek every opportunity to minimise delays in the delivery of the plan.

This will include a review of approved future years projects to determine if any can be delivered early, however contractor and supplier availability continues to be impacted by the pandemic which makes it difficult to predict with certainty what accelerated work could be achieved at the present time.

### **Major Refurbishments**

Major refurbishment works include planned works on streets, beyond traditional roof and render renewal works. Expenditure of £2.041 million is expected on these projects during 2020/21.

The project programmed for 2020/21 at the Lochs scheme in Whitburn is progressing well and is expected to be delivered to budget during the year, however the project at Bathville in Armadale is now projecting slippage of £628,000 due to delays in the tender process and the ability to progress demolition works in advance of other planned works at the site. Tenders are due to be returned by the end of October 2020, and any options to reduce this forecast slippage position will be fully considered.

## **Major Elemental Upgrades**

Planned expenditure of £3.172 million is expected on major elemental upgrades in 2020/21.

Projects largely include roof and roughcasting work undertaken, or managed, by Building Services. Projects have now recommenced following the lockdown period, with the elemental upgrade programme expected to be delivered substantially to budget.

## **Planned Programmes**

Planned programmes maintain the safety of houses and components, with expenditure of £2.620 million expected across the programme during 2020/21. This includes new kitchens and bathrooms, window and door refurbishments and renewals, stair upgrades, fencing programmes and high value repairs.

The programme consists of approximately: 80 kitchens and bathrooms, external painting and internal decoration to a combined total of 1,811 properties, rhone cleaning and upgrading to 1,717 properties and various common stair upgrades such as painting and new security entrance doors in 22 blocks.

## **Environmental / External Upgrading**

Forecast expenditure of £468,000 is anticipated on environmental programmes and external upgrading in 2020/21. These works encompass a range of environmental, street improvement and drainage projects, planned in conjunction with tenants and other council services, and works have restarted and are progressing well at various sites throughout West Lothian.

## **Compliance Works**

Compliance works to housing stock include asbestos management works, legionella upgrades, periodic testing and electrical upgrades and a number of energy efficiency projects aimed at meeting the requirements of Scotland's Energy Efficiency Standard for Social Housing (EESH) regulations. These works include central heating upgrades, enhanced investment in external wall insulation and PV panels. The 2020/21 programme consists of 347 central heating replacements and periodic testing of 1,746 houses.

The council has a programme of interlinked smoke detector upgrades across council houses which has been progressing since 2019/20. A total of £3.116 million has been committed in the Housing capital budget over 2019/20 and 2020/21 to address both this and the ongoing programme of smoke detectors across all of the council housing stock, in readiness for planned legislative changes in February 2021. This budget includes the administration and management of the programme in addition to the installation costs.

The Housing Capital Investment Programme for 2020/21 to 2022/23, which was approved by Council Executive in February 2020, included commentary on planned work to ensure compliance with the change in law. The Minister for Local Government, Housing and Planning has since requested that the implementation date for the above standards is put back to February 2022 and this has been referred to the Scottish Parliament for approval.

As an integral part of the council's EESSH programme, an air source heat pump project is to be undertaken in all none gas areas to improve energy efficiency, which will include over 50 properties being fitted with new air source heat pump heating systems. PV Panel installations will continue in Westfield, in conjunction with programmed roof and render repair works.

External Wall Insulation (EWI) is being progressed in the last remaining council houses in the Knightsridge, Dedridge, Eliburn, Polbeth, and Fauldhouse areas, with works being carried out in conjunction with the HEEPS:ABS programme.

### Miscellaneous

Works are ongoing in various miscellaneous projects throughout West Lothian, which includes feasibility studies, the home safety service, the home security for older people and provision for works required as a result of new unsuitable accommodation legislation introduced by the Scottish Government, with anticipated spend of £464,000 in 2020/21.

## D.3 Capital Resources

The table below shows the capital resources available to fund the housing capital programme in 2020/21. It should be noted that the investment programme is largely funded through a mix of borrowing and Capital Funded from Current Revenue (CFCR), with additional funding sources from council house sales, government grants and council tax on second homes.

The mix between CFCR and Borrowing is largely dependent on the required level of borrowing and associated capital financing charges as well as the level of CFCR affordable to the Housing Revenue Account, and is subject to confirmation at the end of the financial year.

<b>Table 2</b>	<b>2020/21 Revised Budget £'000</b>	<b>2020/21 Income to Month 6 £'000</b>	<b>2020/21 Projected Outturn £'000</b>	<b>2020/21 Projected Variance £'000</b>
CFCR	10,379	4,987	9,975	(404)
Borrowing	15,312	5,785	11,571	(3,741)
Government Grants	3,120	347	3,120	0
Developer Contributions	250	0	250	0
Council Tax (Second Homes)	80	145	145	65
Capital Receipts	100	154	364	264
<b>Total Income</b>	<b>29,241</b>	<b>11,418</b>	<b>25,425</b>	<b>(3,816)</b>

### CFCR

At this stage, the contribution of Capital from Current Revenue (CFCR) is anticipated to be £9.975 million. As set out in the 2020/21 Housing Revenue Account – Month 6 Monitoring Report, guidance provided by Audit Scotland has stipulated that non-productive costs resulting from capital funded staff are required to be charged to the HRA, rather than to the capital programme. This additional cost pressure in the revenue account has resulted in a lower than budgeted CFCR for 2020/21.

Although the lower than budgeted CFCR will be offset by the forecast slippage in 2020/21, the CFCR forms part of the overall funding package for the three year capital programme for 2020/21 to 2022/23 and therefore the overall forecast reduction in the CFCR will need to be replaced to ensure that the three year programme remains fully funded. It is proposed that the loss of CFCR income is replaced in the first instance by surplus forecast income from council tax from second homes and from capital receipts. The balance will be funded through project savings in the three year programme, with any savings generated within the programme earmarked to fund the loss in CFCR.

It should be noted the final CFCR contribution can be subject to capital borrowing requirements and related costs, as well as affordability within the Housing Revenue Account, subject to pressures such as rent arrears and reactive repair costs, and the anticipated CFCR contribution will be reviewed as Treasury forecasts are updated.

### **Borrowing**

The programme approved in June 2020 outlined anticipated borrowing requirements of £15.312 million. At this stage it is anticipated that £11.571 million of borrowing will be required to meet projected expenditure levels, taking into account the forecast slippage in the programme and the forecast decrease in CFCR noted above.

## **E. CONCLUSION**

Progress is being made in the 2020/21 Housing capital programme, following a period of shutdown within the construction sector as a result of the Covid-19 pandemic. Within the new housing supply projects, work has restarted on a number of sites, although there are expected to be delays to some projects as a result of the ongoing current situation.

Significant investment is also being made in the housing stock to both improve the overall standard of the stock, meet energy efficiency standards and to increase the number of available houses for West Lothian residents. Although works have now recommenced on works to achieve energy efficiency standards, there is a risk that full compliance may not be achievable due to the time lost during the lockdown period. Much of the focus of this work in 2020/21 continues to be on work undertaken, where possible and within the terms of the Best Value framework, by Building Services.

As set out in the updated budget report to Council Executive in June 2020, although the capital programme has been reviewed and updated based on current guidance and assumptions, there remains a material risk that circumstances may change.

There also remains a substantial risk around the affordability of the current approved programme. Although identified savings from within the programme were used in the update to offset assumed increased costs as a result of the pandemic, the full impact of any increased costs is not likely to be known until later in the year. There may be further increased costs due to construction inflation, there may be further increased costs and delays due to lack of availability of materials, and there may be issues around availability of contractors as some companies may not survive the current crisis.

Given the ongoing uncertainty around the Covid-19 situation, officers will continue to review the programme and will continue to report on the impact to Council Executive as part of the established budget monitoring exercise. Officers will also endeavour to pursue all options for delivery of the programme and to minimise any further delays where possible. All project budgets will continue to be closely monitored and the position managed by appropriate lead officers.

Appendices/Attachments: One

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**Graeme Struthers**  
**Depute Chief Executive**  
**17 November 2020**

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**West Lothian Council**  
**Housing Capital Programme Month 6 Monitoring**  
**Council Executive**

**APPENDIX 1**

EXPENDITURE	Annual Budget 2020/21	Actual to Date 2020/21	Projected Outturn 2020/21	Projected Variance 2020/21	Variance Analysis
<b>NEW HOUSING SUPPLY</b>					
New Build	10,225	3,027	7,559	(2,666)	Slippage
Open Market Acquisition Scheme	1,425	481	1,425	0	On budget
Mortgage to Rent	150	0	150	0	On budget
<b>NEW SUPPLY TOTAL</b>	<b>11,800</b>	<b>3,508</b>	<b>9,134</b>	<b>(2,666)</b>	
<b>REFURBISHMENT AND INVESTMENT</b>					
<b>Major Refurbishment</b>					
Bathville Flats, Armadale	1,628	166	1,000	(628)	Slippage
Harrison Houses - Loch Scheme, Whitburn	1,041	336	1,041	0	On budget
	<b>2,669</b>	<b>502</b>	<b>2,041</b>	<b>(628)</b>	
<b>Major Elemental Upgrades</b>					
57 - 117 Lower Bathville	0	1	1	1	Overspend
Anderson Avenue, Armadale	497	22	497	0	On Budget
Auldhill Crescent, Bridgend	15	0	0	(15)	Saving
Badallan Place, Fauldhouse	287	0	287	0	On Budget
Balbardie Av & Cres, Rosemary & Slate Roofs, Bathgate	72	48	72	0	On Budget
Bedlormie	113	96	96	(17)	Saving
Church Place, Fauldhouse	0	1	1	1	Overspend
Cuthill, Stoneyburn	1	0	0	(1)	Saving
Dedridge Area, Livingston	1,680	203	1,680	0	On Budget
Drummond Place, Blackridge	289	29	231	(58)	Slippage
Empire St, Baillie St, Bog Rd, Park View, Dean St, Whitburn	1	0	1	0	On Budget
Glebe Rd, Union Rd & Dr, Armadale Rd, Jubilee Rd, Whitburn	10	5	5	(5)	Saving
Lanrigg Area, Fauldhouse - Ogilvy Crescent & Scott Place	38	71	65	27	Overspend
Race Road & Glasgow Road, Bathgate	5	0	5	0	On Budget
Strathlogie, Westfield	231	2	231	0	On Budget
	<b>3,239</b>	<b>478</b>	<b>3,172</b>	<b>(67)</b>	
<b>Planned Programmes</b>					
Assisted Decoration and Internal Upgrade Scheme	150	20	150	0	On budget
Common Access Door Upgrades	231	58	231	0	On budget
Common Stair Upgrades	105	67	105	0	On budget
Fencing	105	5	105	0	On budget
Kitchens and Bathrooms	315	134	315	0	On budget
Painting	210	55	140	(70)	Saving
Planned Reactive/ HIO Investment	1,061	193	1,061	0	On budget
Rainwater Goods Testing and Upgrading	232	73	180	(52)	Saving
Windows & Doors Refurbishment / Renewal	333	10	333	0	On budget
	<b>2,742</b>	<b>615</b>	<b>2,620</b>	<b>(122)</b>	
<b>Environmental / External Upgrading</b>					
Aerial Upgrades	30	6	30	0	On budget
Almondell, Broxburn	10	0	10	0	On budget
Bin Store Improvements	78	0	78	0	On budget
Play Areas	50	0	50	0	On budget
Programmed Drainage	100	0	100	0	On budget
Tenant Environmental Projects	200	32	200	0	On budget
	<b>468</b>	<b>38</b>	<b>468</b>	<b>0</b>	
<b>Compliance Works</b>					
Aids and Adaptations - Building Services	507	83	357	(150)	Saving
Aids and Adaptations - Occupational Therapists	250	41	250	0	On Budget
Asbestos Management	690	278	690	0	On Budget
Central Heating	1,496	216	1,496	0	On Budget
Energy Efficiency/PV Panels	600	157	600	0	On Budget
Stock Condition Surveys/Energy Performance Certificates	200	1	100	(100)	Slippage
External Wall Insulation	1,498	241	1,498	0	On Budget
Firewalls	13	0	5	(8)	Saving
Smoke and heat detector upgrades	1,487	684	1,487	0	On Budget
Legionella Upgrades	19	0	0	(19)	Saving
Periodic testing and Electric Upgrades	618	177	618	0	On Budget
Orlit Remedial Upgrades	252	0	200	(52)	Slippage
The Vennel Remedial Works	197	5	197	0	On Budget
Renewal of walls and footpaths	28	2	28	0	On Budget
	<b>7,855</b>	<b>1,885</b>	<b>7,526</b>	<b>(329)</b>	
<b>Miscellaneous</b>					
Deans South, Livingston	120	7	120	0	On Budget
Feasibility Surveys	18	4	18	0	On Budget
Home Safety Service	170	0	170	0	On Budget
Home Security for Senior People	13	1	9	(4)	Saving
IT	50	19	50	0	On Budget
Unsuitable Accommodation Works	97	32	97	0	On Budget
	<b>468</b>	<b>63</b>	<b>464</b>	<b>(4)</b>	
<b>REFURBISHMENT &amp; INVESTMENT TOTAL</b>	<b>17,441</b>	<b>3,581</b>	<b>16,291</b>	<b>(1,150)</b>	
<b>TOTAL HOUSING CAPITAL INVESTMENT PROGRAMME</b>	<b>29,241</b>	<b>7,089</b>	<b>25,425</b>	<b>(3,816)</b>	

On Budget	15,476	3,480	15,476	0
Slippage	12,594	3,223	9,090	(3,504)
Accelerated Spend	0	0	0	0
Saving	1,133	313	792	(341)
Overspend	38	73	67	29
	<b>29,241</b>	<b>7,089</b>	<b>25,425</b>	<b>(3,816)</b>

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**COUNCIL EXECUTIVE**

**2020/21 HOUSING REVENUE ACCOUNT – MONTH 6 MONITORING REPORT**

**REPORT BY DEPUTE CHIEF EXECUTIVE**

**A. PURPOSE OF REPORT**

To provide the Council Executive with a report on financial performance following the month 6 monitoring exercise.

**B. RECOMMENDATION**

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

**C. SUMMARY OF IMPLICATIONS**

<b>I. Council Values</b>	Focusing on customers' needs, being honest, open and accountable, making best use of resources, working in partnership.
<b>II. Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	None.
<b>III. Implications for Scheme of Delegations to Officers</b>	None.
<b>IV. Impact on performance and performance Indicators</b>	None.
<b>V. Relevance to Single Outcome Agreement</b>	None.
<b>VI. Resources - (Financial, Staffing and Property)</b>	A breakeven position is predicted at this stage.
<b>VII. Consideration at PDSP</b>	Not applicable.
<b>VIII. Other consultations</b>	Head of Finance & Property Services.

## D. TERMS OF REPORT

### D.1 Introduction

The council approved a £54.450 million Housing Revenue Account (HRA) budget on 18 February 2020. This report provides information on the financial position in relation to the HRA as at 30 September 2020 and provides a projection to the year end.

### D.2 Summary of Month 6 Financial Information

The table below summarises the position for the main expenditure headings and provides a projected outturn:

	<b>2020/21 Budget £'000</b>	<b>Committed Expenditure to 30 Sept £'000</b>	<b>2020/21 Projected Outturn £'000</b>	<b>2020/21 Projected Variance £'000</b>
Employee Costs	5,282	4,469	4,689	(593)
Premises Costs	17,899	4,249	14,807	(3,092)
Transport Costs	142	96	116	(26)
Supplies & Services	3,296	805	3,121	(175)
Third Party Payments	118	62	118	0
Transfer Payments	2,095	4,083	6,102	4,007
Support Services	2,552	1,276	2,552	0
Capital Financing	12,687	6,343	12,687	0
CFCR	10,379	4,987	9,975	(404)
<b>Total Expenditure</b>	<b>54,450</b>	<b>26,370</b>	<b>54,167</b>	<b>(283)</b>
Income	(54,450)	(28,643)	(54,167)	283
<b>Net Expenditure</b>	<b>0</b>	<b>(2,273)</b>	<b>0</b>	<b>0</b>

#### Employee Costs

Employee costs are forecast to underspend by £593,000, mainly as a result of vacant posts and staff turnover. The 2020/21 budget included provision for the establishment of a customer engagement team but, due to Covid-19, this has been delayed.

There have also been a number of vacancies due to staff turnover, which have resulted in one off savings during the recruitment period to fill these posts. Whilst progressing the recruitment to these vacant posts there has been no impact on overall service delivery.

#### Premises Costs

Based on current information, premises costs are anticipated to underspend by £3.092 million, an increase from the £2.535 million reported at month 5. This is primarily a consequence of the Covid-19 pandemic situation and the limited repairs and maintenance work that could be progressed in the first four months of 2020/21 due to Scottish Government restrictions during the lockdown period, with only essential repairs and gas servicing works being undertaken. With restrictions easing and repairs and maintenance schedules resuming, it is anticipated that expenditure will increase to closer to normal levels for the remainder of the year, although there is a risk that this position may be affected by any further restrictions that are enforced due to the current ongoing Covid-19 situation.

Expenditure on repairs remains a key risk area as it is demand led and reactive to customer requirements, and any adverse weather can also materially impact on expenditure. This volatility will require the budget to be closely monitored during the remainder of 2020/21.

### Supplies & Services

Supplies and Services are forecast to underspend by £175,000 due to a combination of savings across a number of budget headings, including legal fees and printing costs.

### Transfer Payments

Transfer payments comprise void losses, irrecoverable rents and bad debt provision for rents. They also include additional costs incurred as a consequence of Covid-19, with the forecast overspend of £4.007 million principally due to the impact on the HRA from the Covid-19 lockdown period. This includes Covid related costs such as additional signage and personal protective equipment for staff in both Housing Services and in Building Services, as well as the cost of non-productive time for staff in Building Services primarily responsible for delivering the housing repairs and maintenance and capital programmes.

During the lockdown period, a high proportion of Building Services staff were unable to carry out their usual roles and duties due to the restrictions put in place by the Scottish Government. As staff were still being paid during this period, as per council policy, then this resulted in costs being incurred for non-productive time.

For staff usually engaged in revenue works, this is the main factor in the forecast underspend outlined above against premises costs, with a corresponding overspend in non-productive costs which has been recognised against transfer payments. For staff usually employed to carry out works related to the housing capital programme, then guidance provided by Audit Scotland has stipulated that these non-productive costs are also required to be charged to the HRA, rather than to the capital programme.

The forecast overspend within this area therefore includes the cost of non-productive time for Building Services staff who would normally have been working on projects within the approved capital programme, as well as staff who would have been working on HRA repairs and maintenance works.

### Capital Financing & CFCR

The CFCR is the amount of income raised through the housing revenue account that is not spent directly on revenue costs, but is earmarked to fund capital works, mainly consisting of refurbishment and upgrade programmes to maintain and improve the housing stock. The mix between borrowing and CFCR is largely dependent on the required level of borrowing and associated capital financing charges as well as the level of CFCR affordable to the HRA.

The level of CFCR is also subject to confirmation dependant on other movements within the HRA revenue account, principally in relation to expenditure on reactive repairs and levels of housing rent. At this stage, it is proposed that the CFCR contribution be increased to £9.975 million, from the £9.537 million reported at month 5, primarily as a result of the revised premises costs forecast, as outlined above.

In September 2020, the Scottish Government made a high level announcement that it would allow some flexibility over loans fund repayments to assist local authorities in dealing with the financial impact of Covid-19. Changes to loans fund regulations will be reviewed and implications for the HRA considered once the updated regulations are available.

### Income

Income budgets for 2020/21 relate to the estimated level of rent and other miscellaneous charges due to the HRA. Forecast income has been projected based on the latest information relating to housing stock, taking account of new build completions.

Based on the 2019/20 rental income outturn, and factoring in stock changes during 2020/21, chargeable income is forecast to be £283,000 under budget. This is in part due to Covid-19 restrictions delaying additions to the housing stock via new build completions and open market acquisitions.

The change to the benefits system means that those tenants who are entitled to housing benefit now receive the housing cost element of their entitlement directly as part of their lump sum Universal Credit payment rather than this being paid directly to the council, which has resulted in uncertainty in relation to rent payments. It is possible to partly mitigate this through tenants applying for Managed Payments or Scottish Flexibilities, however the council has no control over these as ongoing financial arrangements and the tenant can cancel the arrangements at any time.

The change to the system has also meant that the council is no longer involved in benefit claim processing for tenants claiming Universal Credit, meaning that there is no knowledge of new claims until tenants begin to accumulate arrears. Staff had previously assisted with the claim process, and ensured that the housing cost elements of the claim were correct, verified and evidenced. This change has had the effect of delaying early advice and support for tenants struggling to manage their finances, with the service continuing to reshape processes to enable these interventions as early as possible where arrears occur.

Both of these factors directly caused by the implementation of Universal Credit have impacted on rent collection rates and the level of current tenant arrears.

During September a change was made moving Universal Credit Managed Payments from monthly payment files to daily files. This is expected to improve debt management as customers would be paid at the end of their review period rather than being grouped into the 4 weekly payment schedule meaning more timely payments for customer accounts.

The value of current tenant arrears at 4 October 2020 was £3.716 million (6,108 cases), with the equivalent position in 2019/20 of £3.384 million. Arrears values range from £0.01 to £10,412.21, with an average value of £608.41. Arrears and their impact on the financial position of the HRA will continue to be closely monitored.

The committed income noted above at month 6 includes house rent, garage rent, insurance recoveries, factoring income and other general recoverable charges, and is an assessment of the total income due to 30 September 2020. The £29.417 million in rental income collected in cash to 4 October 2020 is £3.051 million higher than the £26.366 million of rental income collected in cash at the same stage in 2019/20, and equates to a cash collection rate of 96%.

## **E. CONCLUSION**

A breakeven position is forecast on the basis of the information available.

Appendices/Attachments: None

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**Graeme Struthers**  
**Depute Chief Executive**  
**17 November 2020**

DATA LABEL: PUBLIC



## **COUNCIL EXECUTIVE**

### **SOCIAL POLICY CONTRACT ACTIVITY UPDATE**

#### **REPORT BY HEAD OF SOCIAL POLICY**

##### **A. PURPOSE OF REPORT**

In accordance with the Council's Standing Orders this report provides an update on contracting activity for the provision of care and support services for the period 1 April 2019 to 31 March 2020.

##### **B. RECOMMENDATION**

It is recommended that the Council Executive notes the contracting activity for the provision of care and support services for the period 1<sup>st</sup> April 2019 – 31<sup>st</sup> March 2020 which totalled £20.7 million. The Council Executive is also asked to note that this reporting period does not include extensions to social care and support contracts as a result of COVID-19 under regulation 33 in the procurement regulations for unforeseen emergencies.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	<ul style="list-style-type: none"> <li>• Focusing on our customers' needs;</li> <li>• Making best use of our resources;</li> <li>• Being honest, open and accountable</li> <li>• Working in partnership</li> </ul>
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	European Union Treaty Principles, European Procurement Directives, The Public Contracts (Scotland) Regulations 2015, West Lothian Council Standing Orders, Social Policy Procurement Procedures
<b>III Implications for Scheme of Delegations to Officers</b>	The Director of West Lothian Health and Social Care Partnership (HSCP) has delegated powers for the contracting and commissioning of Part B services
<b>IV Impact on performance and performance Indicators</b>	None
<b>V Relevance to Single Outcome Agreement</b>	All contracts have outcome measures consistent with the Single Outcome Agreement commitments for the provision of care and support services
<b>VI Resources - (Financial, Staffing and Property)</b>	Provision has been made within the 2019/20 revenue budget.

<b>VII Consideration at PDSP</b>	Social Policy Policy Development and Scrutiny Panel 1 November 2019
<b>VIII Other consultations</b>	Legal Services, Corporate Procurement and Financial Management Unit through the Contracts Advisory Group.

#### **D. TERMS OF REPORT**

Under the Council's Standing Orders and the Health and Social Care Partnership Procurement Procedures the Head of Social Policy is required to report annually to the Council Executive on contracting activity for the provision of care and support services. There is also a requirement to report on contract performance.

This report consists of the contracting activity and contract performance reported to Social Policy PDSP on the 1<sup>st</sup> November 2019. The six monthly report to March 2020 was not presented at a PDSP as a meeting was not held.

##### Contract activity

Appendix 1 details the Social Policy contracts which have either been awarded or amended under the guidance of the Contracts Advisory Group.

##### Contract performance

Over the course of the year a total of 22 providers (from a total of eighty two) attracted a risk score which required more intensive monitoring as follows;

- Red (high risk) – three providers were managed through adult support and protection protocol.
- Amber (medium risk) – nineteen providers. Twelve providers operate under a framework which was underperforming in relation to delayed discharge and timing of pick-up of packages in the community. Seven providers assessed as higher risk due to concerns about financial risk or were new providers to West Lothian.

#### **E. CONCLUSION**

The report provides details for the period 1<sup>st</sup> April 2019 – 31<sup>st</sup> March 2020 on the council's contract activity and contract performance for the provision of care and support services in West Lothian as required under Council Standing Orders and Procurement Procedures.

#### **F. BACKGROUND REFERENCES**

- Council Executive: Social Policy Procurement Procedures 3 May 2011
- Social Policy PDSP: Contracts Activity 1<sup>st</sup> November 2019

Appendices/Attachments: Social Policy Contract Activity Report 1<sup>st</sup> April 2019 – 31<sup>st</sup> March 2020

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**Jo MacPherson, Head of Social Policy**

**Date: 17<sup>th</sup> November 2020**

**SOCIAL POLICY CONTRACT ACTIVITY UPDATE 1<sup>st</sup> April 2019 to 31 March 2020**

**Appendix 1**

<b>Provider</b>	<b>Total Contract Value</b>	<b>End Date</b>	<b>Comments</b>	<b>CAG Meeting Date</b>
Barony Housing Association Core	£2,269,623	30/9/20	One year extension	23 <sup>rd</sup> April 2019
Barony Housing Association Cluster	£759,623	30/9/20	One year extension	23 <sup>rd</sup> April 2019
With You (formerly Places for People)	£570,078	30/9/20	One year extension	23 <sup>rd</sup> April 2019
SAMH	£1,195,366	30/9/20	One year extension	23 <sup>rd</sup> April 2019
The Richmond Fellowship	£132,762	30/9/20	One year extension	23 <sup>rd</sup> April 2019
Cyrenians	£537,768	30/7/21	Two year direct award	17 <sup>th</sup> June 2019
Mental Health / Substance Misuse Framework	£1,350,000	30/9/20	One year extension. Five providers on framework – LAMH, Barony, Penumbra, Places for People, TRFS	17 <sup>th</sup> June 2019
Change, Grow, Live	£273,096	31/3/21	One year direct award.	27 <sup>th</sup> August 2019
Circle Scotland	£110,000	31/3/21	One year direct award.	27 <sup>th</sup> August 2019
Who Cares?Scotland	£30,000	30/6/20	Seven month direct award.	27 <sup>th</sup> August 2019
West Lothian Women's Aid	£385,740	31/3/23	Three year direct award	1 <sup>st</sup> October 2019
Specialist Disability Framework	£6,090,000	31/12/20	One year direct award	1 <sup>st</sup> October 2019
Action for Children	£112,799	31/3/21	One year direct award	12 <sup>th</sup> November 2019

Provider	Total Contract Value	End Date	Comments	CAG Meeting Date
Optima Day Care Services for Older People	£3,332,920	31/3/21	One year extension	17 <sup>th</sup> December 2019
Alzheimer Scotland	£40,600	31/3/21	One year extension	17 <sup>th</sup> December 2019
Real Life Options	£360,000	31/3/21	One year direct award	27 <sup>th</sup> January 2020
Food Train	£151,135	31/1/22	20 month extension	27 <sup>th</sup> January 2020
Children First	£516,318	31/3/21	Direct award for one year with option to extend for one year at a cost of £258,159 per annum	10 <sup>th</sup> March 2020
Gig Buddies	£169,274	30/6/22	Two year extension	10 <sup>th</sup> March 2020
EARS Advocacy	£21,532	31/3/21	Direct award for four months	10 <sup>th</sup> March 2020
Mental Health / Substance Misuse Framework	£337,500	31/12/20	Three month extension to align end date with adult framework. Five providers on framework – LAMH, Barony, Penumbra, Places for People, TRFS	10 <sup>th</sup> March 2020
Respite provision for people with a learning disability	£396,528	31/12/20	Six month extension to conclude arrangement for the building ownership.	10 <sup>th</sup> March 2020
Mental Health and Substance Misuse Supported Accommodation	£1,568,080	30/9/21	One year extension. Providers are Barony, SAMH, WithYOU and The Richmond Fellowship	10 <sup>th</sup> March 2020

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**COUNCIL EXECUTIVE**

**WEST LOTHIAN ADULT PROTECTION COMMITTEE 2018-2020 ADULT PROTECTION BIENNIAL REPORT**

**REPORT BY CHIEF SOCIAL WORK OFFICER**

**A. PURPOSE OF REPORT**

The purpose of this report is to inform the Council Executive of the content of West Lothian Adult Protection Committee 2018-2020 Adult Protection Biennial Report.

**B. RECOMMENDATION**

The Council Executive is asked to note the content of the West Lothian Adult Protection Committee 2018-2020 Adult Protection Biennial Report.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs;  Being honest, open and accountable;  Working in partnership.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The Adult Support and Protection (Scotland) Act 2007.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	There is a suite of indicators that relate to Adult Protection that are overseen by the Adult Protection Committee and Chief Officers Group.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	People most at risk are protected and supported to achieve improved life chances.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	None
<b>VII</b>	<b>Consideration at PDSP</b>	Not submitted

## **VIII Other consultations**

West Lothian Chief Officers Group, Adult Protection Committee and its subcommittee members.

### **D. TERMS OF REPORT**

#### **D.1 Background**

West Lothian Adult Protection Committee (APC) operates within the context of Scottish and UK legislation and national guidance relating to Adult Support and Protection. In addition to the Adult Support and Protection (Scotland) Act 2007 and its code of practice, other relevant codes of practice such as the Mental Health (Care and Treatment) (Scotland) Act 2003 and Adults with Incapacity (Scotland) Act 2000 play a central role in safeguarding adults at risk across our local authority area.

The Adult Protection Committee is a multi agency group of senior staff from across agencies that have direct Adult Support & Protection responsibilities for example NHS, Police Scotland and the Local Authority. There is a legislative requirement for the Chair not to be a Local Authority elected member or officer, they are both appointed and accountable to the Chief Officer Group. The Adult Protection Committee meets on a quarterly basis and is supported by two sub committees. The sub committees progress quality assurance and learning and development across the partnership.

The APC takes a leadership role in working with all involved agencies to ensure the continuous improvement of adult protection services in West Lothian. The Committee provides clear links with wider adult support services and reinforces and develops, through joint multi-agency practice, the integration of adult support and protection services across West Lothian.

The Adult Support and Protection (Scotland) Act 2007 states that the appointed Independent Convenor of the Adult Protection Committee must prepare a general Adult Protection Biennial Report to Scottish Government on the exercise of the Committee's functions.

This report fulfils this legal requirement and accurately reflects the activities, performance, harm indicators, audit and assurance approach, learning and development, collaborative working and overall strengths, challenges and future activity objectives.

### **E. CONCLUSION**

This report informs the Council Executive regarding the purpose and content of West Lothian Adult Protection Committee's 2018- 2020 Adult Protection Biennial Report including its submission to Scottish Government.

### **F. BACKGROUND REFERENCES**

None

Appendices: West Lothian Adult Protection Committee 2018 – 2020 Adult Protection Biennial Report

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Date: 17<sup>th</sup> November 2020

# Adult Support and Protection

2018-2020 | Biennial Report



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## **Foreword**

I am pleased to present West Lothian Adult Protection Committee's Biennial Report 2018-2020. This report fulfils the legal requirement to report to Scottish Government on the effectiveness of the Committee's responsibilities and functions.

West Lothian Adult Protection Committee (APC) operates within the context of Scottish and UK legislation and national guidance relating to Adult Support and Protection. In addition to the Adult Support and Protection (Scotland) Act 2007 and its code of practice, other relevant codes of practice such as the Mental Health (Care and Treatment) (Scotland) Act 2003 and Adults with Incapacity (Scotland) Act 2000 play a central role in safeguarding adults at risk across our local authority area.

The APC takes a leadership role in working with all involved agencies to ensure the continuous improvement of adult protection services in West Lothian. The Committee provides clear links with wider adult support services and reinforces and develops, through joint multi-agency practice, the integration of adult support and protection services across West Lothian.

Having taken over the Chair of the Committee in February 2020, I must acknowledge the significant contribution of my predecessor Jeanette McDiarmid, who has moved on to pastures new. I am also grateful to the two lead officers, Wendy Ramsay and Linda Hughes, who have provided continuity, experience and ongoing support. As a serving Police officer and one of only two non-independent Chairs across Scotland I am well placed to tap into strategic developments both within my own statutory organisation and across the network of partnerships with whom we work.

The last two years have been busy but productive for the Committee who recently reformed as a sole entity following review of the previous Public Protection Committee structure. This report outlines the main activities conducted by the Committee during the reporting period and outlines the significant progress made in protecting and supporting Adults at Risk (AAR) across the local community of West Lothian. It also highlights a number of key areas for development going forward as outlined in our Improvement Plan 2020-22, in our ongoing attempts to build on the momentum achieved to date.

The Committee is steadfast on key principles within which we operate, namely adaptation of a person-centred approach, importance of joint working, co-operation and effective communication, taking a proactive approach to support and protection with a focus on achieving improved outcomes for those at risk.

I look forward to the myriad of challenges going forward and have been impressed with the levels of innovation, resilience and professionalism displayed by all partner agencies in responding to the widespread and life-changing challenges posed by the current COVID-19 pandemic. I am confident in the Committee's abilities to deliver for the people of West Lothian in conjunction with our colleagues and partners across the wider Public Protection and Safer Community family.

Alwyn Bell  
Chair West Lothian Adult Protection Committee

## 1. **Executive Summary**

- 1.1 In August 2019 West Lothian Chief Officers Group (COG) agreed to revert from one Public Protection Committee back to individual Committee structures, thereby re-forming the APC. An Independent Chair (non-Council Officer) was appointed to drive forward business, supported by the existing Lead Officers.
- 1.2 A two-year Improvement Plan 2020-22 was approved by COG, identifying seven key strategic areas of business for development. The Improvement Plan was developed as a result of areas identified by self-evaluation and audit activity undertaken by the APC during 2018-20, compliance with requirements to fulfil legal obligations and functions, whilst remaining alert to areas highlighted by the ongoing Joint Inspection Findings elsewhere in Scotland and review of Scottish Government strategies and policy developments.
- 1.3 Between February and March 2020, the APC developed a number of strategic oversight documents to structure and guide continuous improvement, including a revised APC Terms of Reference, APC Improvement Plan 2020-22 and Communications Strategy and Engagement Plan.
- 1.4 The APC is supported by two multi-agency sub-groups, Quality Assurance (QA) and Learning and Development (L&D). The QA sub-group has delegated responsibility to oversee audit and self-inspection activity and provide support to the Lead Officers and Chair in performance analysis. Throughout the reporting period, a range of audit and scrutiny activities have been undertaken. These have provided reassurance and clarity to the APC around a number of aspects as outlined within the report and formed some key areas of ongoing developmental work for the Committee to assess and address.
- 1.5 The L&D sub-group provides a range of key developmental opportunities to staff on both a single and multi-agency basis. By working closely with the QA sub-group, links to emerging harm trends are quickly identified with training and development courses, advice and guidance issued to ensure practitioners are confident and feel equipped to deal with the matter effectively. This group also leads on communications and engagement initiatives on behalf of the Committee and have a range of challenges going forward in terms of securing effective and meaningful service user and carer involvement.
- 1.6 Reviewing performance trends, West Lothian's Risk and Concern Hub is consistently one of the most efficient units across Police Scotland in assessing and sharing concerns, the volume of recorded Police iVPDs continue to rise as do the total numbers of adult protection referrals submitted from all other sources. 'Other organisations', 'others' and Police are the biggest contributors whilst referrals from Scottish Fire and Rescue Service (SFRS) have increased by 700%. It is encouraging to note that 13% of referral sources are from members of the public (family, unpaid carer(s), friend, neighbour and Adult at Risk (AAR). However, the number of re-referrals (repeat AARs) remains around 30% whilst the average number of repeat Duty To Inquires have risen from 53 in 2018-19 to over 61 in 2019-20.

- 1.7 There has been a significant rise in the volume of Adult Protection Inter-agency Referral Discussions (IRDs) undertaken and the outcome resulting in 'Further Adult Protection Action'. Due to the introduction of an e-IRD closure summary and ongoing scrutiny provided by the IRD Review Group, the number of outcomes 'Not Known' has reduced from 36% in 2018-19 to just 6.2% in 2019-20.
- 1.8 Adult Protection Case Conferences and Protection Orders remain static. Further work is ongoing to understand why these have not increased in line with increase in referrals and IRDs undertaken.
- 1.9 It is noted that the number of Large Scale Investigations (LSI) conducted has also risen, albeit by 1. Two LSIs were completed in relation to the same Care Home, resulting in the Care Provider subsequently relinquishing ownership and responsibilities.
- 1.10 Analysis of harm types reveals women are more likely to be at risk of harm than men. Whilst 40-64-year olds are most prevalent, over 75's account for over 50% of all those recorded (similar pattern in men). The top three client categories are infirmity due to age, mental health and physical disability whilst 'physical harm' remains the most prevalent harm type. The adults 'own home' remains the most prevalent location of harm.
- 1.11 A three-month review of Police Individual Vulnerable Persons Database (iVPDs) was undertaken to measure the early impact of COVID-19 on AAR across West Lothian. This revealed referral outlining mental health concerns significantly outstripped all other client types (almost 75%) whilst alcohol consumption and suicidal thoughts/feelings were prominent.
- 1.12 There has been a year-on-year reduction in the number of adults who are reported missing across West Lothian from all settings.
- 1.13 Effective collaboration and partnership working across all agencies remains strong. Good practice and areas to highlight include ongoing scrutiny and reassurance supplied by the IRD Review Group (and compliance with e-IRD system), the problem-solving multi-agency Critical Review Team (CRT) structure, the greater understanding of performance data and how this relates to service delivery and outcomes for AAR.
- 1.14 Key challenges going forward are highlighted as maintaining service delivery during COVID-19 restrictions (and associated issues), obtaining/retaining meaningful service user/carers/public interaction and feedback. Plus, understanding the prevalence of repeat adult at risk referrals and investigations and embedding prevention into daily frontline activities.

## 2. **Background**

- 2.1 In the 2016-2018 Biennial Report West Lothian had formed a Public Protection Committee incorporating each area of Public Protection by one overarching meeting structure. Following due consideration, this structure was later reviewed by West Lothian Chief Officers Group (COG) who directed reversion back to an individual Committee structure.
- 2.2 The COG approved the re-establishment of an APC in August 2019 and continues to provide leadership, direction, governance and oversight of the delivery of Adult Support and Protection measures and wider Public Protection arrangements within West Lothian.
- 2.3 In addition to returning to an APC, Jeanette McDiarmid, West Lothian's Independent Chair was replaced by Alwyn Bell in January 2020. Alwyn Bell is a serving Detective Superintendent in Police Scotland with responsibility for Serious Crime and Public Protection across 'J' Division.
- 2.4 In March 2020, a two-year Improvement Plan 2020-22 (see Appendix 3) was approved by COG, identifying seven key developmental strategic areas of business. The Improvement Plan was developed as a result of areas identified by self-evaluation and audit activity undertaken by the APC during 2018-20, compliance with requirements to fulfil legal obligations and functions, remaining alert to areas highlighted by the ongoing Joint Inspection Findings elsewhere in Scotland and review of Scottish Government strategies and policy developments.
- 2.5 Between February and March 2020, West Lothian APC developed a number of strategic oversight documents to structure and guide continuous improvement. These included a revised APC Terms of Reference, APC Improvement Plan 2020-22 (inclusive of key principles and functions), Communications Strategy and Engagement Plan (see Appendix 4) and overhaul of the two sub-group work plans 2020-22.
- 2.6 West Lothian's APC meets quarterly and reports to the COG quarterly or when required (during COVID-19 meetings were weekly, two-weekly then monthly).
- 2.7 The APC is supported by two multi-agency sub-groups, Quality Assurance (QA) and Learning and Development (L&D). The QA sub-group has delegated responsibility to oversee audit and self-inspection activity and provide support to the Lead Officers and Chair in performance analysis. The L&D sub-group provides a range of key developmental opportunities to staff on both a single and multi-agency basis. By working closely with the QA sub-group, links to emerging harm trends are quickly identified with training and development courses, advice and guidance issued to ensure practitioners are confident and feel equipped to deal with the matter effectively. This group also leads on communications and engagement initiatives on behalf of the Committee.

### 3. **Activities 2018-20**

3.1 The APC has achieved a number of the high level actions outlined in the Improvement Plan included within the 2016-18 Biennial report, whilst it is noted work around the website, reviewing procedures, self-evaluation activity and management information analysis are self-perpetuating and ongoing as an effective Committee.

3.2 Throughout the reporting period, the APC has driven activities to support staff and partnerships, strengthen processes and provide additional support and protection to adults at risk:

- Adult Protection e-IRD and risk assessment training delivered to the Social Care Emergency Team (SCET).
- NHS Adult Protection Advisor delivered bespoke training to staff at Addiewell Prison and police personnel to enhance earlier e-learning ASP training and Risk Assessment training to the Older Peoples Assessment Team.
- Compiled a non-compliance letter for professionals when they fail to attend or submit a report for an Adult Protection Case Conference meeting.
- Conducted a Professional e-survey to Adult Protection Case Conference/Review meeting attendees to seek their views and feedback about participating in this process.
- Liaised and engaged with two local Advocacy services to hear from them how service user engagement and feedback could be better sought and heard. This led to an overhaul of the previous Service User engagement forms and introduction of a new approach facilitated by an Advocacy worker seeking the lived experience of an adult at risk.
- Reviewed and updated the administrative process for organising and conducting an ASP meeting in order to ensure Advocacy representatives receive a copy of submitted open access reports in advance of the meeting, to increase and enhance the participation of the adult at risk at their meeting.
- Introduced an ASP referral and Duty To Inquire form to act as a prompt for consistency in approach by staff undertaking work at these stages in the ASP process.
- Devised a child and adult protection toolbox presentation to advise and support stakeholders and partners on how to make an AP referral should they have a child or adult protection concern.

**Good practice example:**

In response to feedback from Advocacy partners, West Lothian APC reviewed and updated its administrative process for organising and conducting an ASP meeting. This step now ensures Advocacy representatives receive a copy of submitted open access reports in advance of the meeting, to increase and enhance the participation of the adult at risk at their meeting.

- Commenced the review and amendment of local policies and procedures. Prioritised during the pandemic in order to ensure the ongoing welfare, support and protection of the public.
- Introduced new remote ways to conduct secure business meetings in order to progress work and embrace new 'COVID – 19' working methods.

- Commenced audit of key stages in the AP process in order to understand attrition rates from one stage to another, explore and analyse performance information to provide focus for audit and continuous improvement activity.
- Conducted monthly multi-agency IRD Review Group meetings.
- Developed an e-IRD closure summary and implemented this across all operational practice teams to facilitate and evidence robust decision-making at this stage in the adult protection process and reduce the number of 'Not Known' outcomes.
- Held a range of multi-agency and topic specific learning events for staff to enable them to identify risk and confidently report this (inclusive of marriage without capacity, self-neglect and hoarding and home fire safety training and LSI learning)
- Commenced development of new multi-agency chronologies to improve identification of patterns and the frequency of harm to those living in the community, other settings and moving between different local authority areas, as required.
- Provided briefings to staff about the findings from the 1<sup>st</sup> Joint Inspection of Adult Support & Protection in July 2018 in order to engage with them to learn what would support them further in their work.
- Commenced audit of key stages in adult protection processes (to fully understand operational practices to evidence areas for realignment, improvement and development) using the 1st Joint Inspection of Adult Support & Protection template and briefed the West Lothian Adult Protection Committee on findings. This identified areas that worked well, areas for improvement and areas for continuous development. Work was taken forward via an Improvement Action Plan.
- Developed, circulated and implemented practitioner adult protection aide memoires with timescales for progressing work related to each stage in the adult protection process to enable staff to access this more readily.
- Held Critical Review Team meetings for those few critical cases in need of multi-agency management oversight, direction and guidance to assist operational responses and ongoing delivery of service.
- Encouraged attendance and feedback from service users, carers and proxys to assess service delivery standards and areas for improvement.
- Liaised with Police colleagues to proactively support the national 'Shut Out Scammers' campaign leading to the arrest of two males for numerous bogus workmen offences.
- Updated adult protection information to the West Lothian Public Protection website.
- Developed and agreed bespoke person-centred approaches to engage positively and in a predictable way, with hard to reach service users, due to their unique personal circumstances. This offered them adequate support and protection.

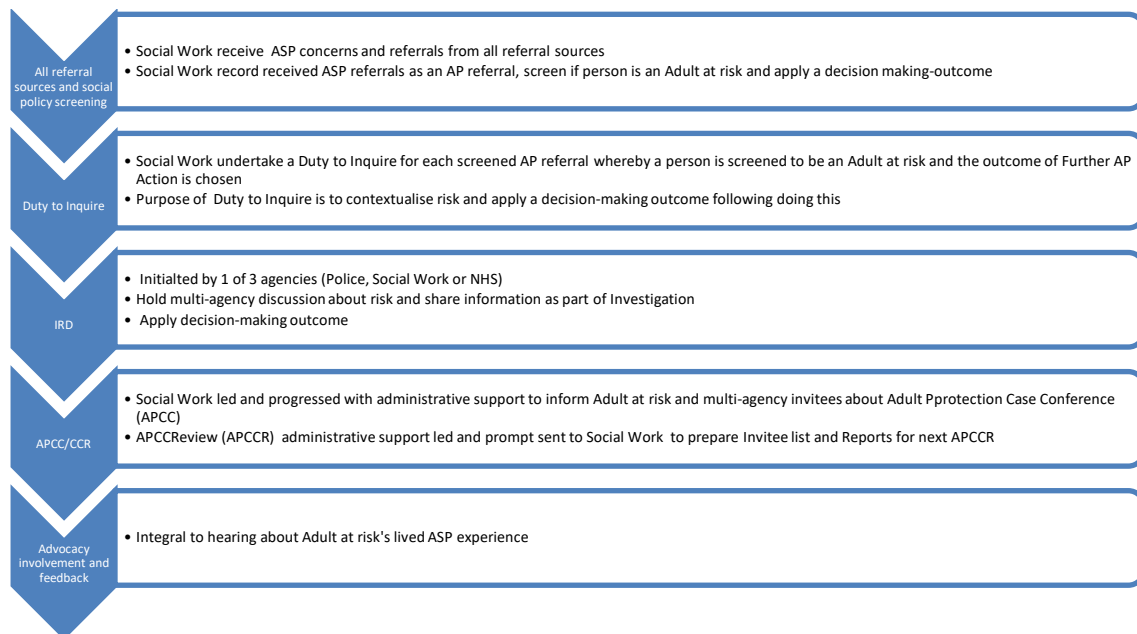
**Good practice example:**

An Adult at risk (AAR) and Advocacy worker attended an APCC meeting. It was agreed to implement an engagement strategy between the AAR and care providers to set out clear expectations for their engagement with one another. When discharged from hospital the AAR accepted care in the community and engaged in this.

Use of Home Safety Service technology facilitated support to the AAR.

#### 4. **Performance - Key Processes/Outcomes to Protect Adults at Risk**

4.1 West Lothian APC has prioritised audit and scrutiny work around performance indicators to drive self-evaluation and improvement activities. Greater understanding and assurance around the key building blocks to protecting and supporting adults at risk is critical to service delivery and achieving long term positive outcomes. The key stages critical to getting it right in the ongoing support and protection of an AAR is described below:



4.2 West Lothian APC Improvement Plan 2020-22 (Appendix 3) has broken the key processes of supporting and protecting AARs into 3 phases of risk – identification, assessment and mitigation. Progress throughout the reporting period is noted as follows:

#### 4.3 **Risk Identification**

##### 4.3.1 **Police Risk and Concern Hub**

4.3.1.1 The local policing Divisional Risk and Concern Hub is based at Livingston. Officers based within the Hub receive reports from frontline colleagues specific to concerns they have identified on attending incidents or have received from members of the public specific to persons at risk of harm. Officers place this information onto the vulnerable persons database (VPD) which serves as a rich depository outlining previous concerns and highlighting threat, risk and harm.

4.3.1.2 The efficient assessment and processing of this information can be critical to protecting and supporting an AAR. It is therefore significant to note that the Concern Hub within West Lothian is one of the top performing units across Scotland in the past year, with processing times noted within the top 8 in Scotland, thereby ensuring efficient and effective sharing of concerns with partners to allow proportionate and timeous responses by colleagues with the specialism and expertise to safeguard and protect.

Table 1: iVPD processing times – West Lothian / Police Scotland

	Ave frontline days	Ave PPU days	Ave total days
West Lothian	0.55	2.14	2.69
Force	0.75	4.26	5.01

#### 4.3.2 Police iVPDs:

4.3.2.1 Police iVPDs are not reported on as a local Performance Indicator (however were reported on in the Scottish Government's COVID-19 Adults weekly Survey Return). This focus provided an opportunity to analyse the attrition rates of Police referrals recorded on the Vulnerable Persons Database (iVPDs) and review operational practice about the recording of iVPDs reported to Social Work as an Adult Protection referral.

4.3.2.2 The volume of Police iVPDs continue to increase. This can be observed by comparing and contrasting 2018-2019 & 2019-2020 Police VPD data in Table 2 and 3 below:

<b>Table 2: Total adult concern/AP VPDs including those not shared</b>					
Year	Total Incidents (AC and AP combined)	Incidents with Adult Concern Highlighted	Incidents with Adult Protection Concerns	Adult Concern Nominals	Adults at Risk (AP) Nominals
2018-2019	3242	2757	485	2054	419
2019-2020	3393	2881	512	2077	391

4.3.2.3 Increases are noted in total incidents (concerns and protection up 4.6%), incidents with Adult Concerns highlighted (up 4.5%) and incidents with Adult Protection Concerns (up 5.5%). It is significant however that whilst there has been a slight increase in the number of adults where concerns have been raised (up 23 nominals), the number of Adults at Risk referred has actually reduced (reduction of 28 nominals)

4.3.2.4 (It should be noted that nominal numbers are less than incidents due to there being incidents for recurring nominals within that one-year period).

<b>Table 3: Total Adult VPDs shared with West Lothian Social Work</b>			
Year	Total Incidents where AP/Adult Concerns Shared	Individual Referrals to Under 65s Adult SW	Individual Referrals to Over 65s Adult SW
2018-2019	3129	1668	1709
2019-2020	3235	1672	1753

The vast majority of iVPDs generated by Police are shared with Social Work.

(The data in the above tables relates to incidents and individual referrals for nominals. The word 'incident' relates to any police incident, and may involve more than one nominal present of concern).

#### 4.3.3 Recording an AP referral

4.3.3.1 Upon receipt of Police iVPDs, a record is added onto the Social Work recording database (AIS) by administration support who then work-flow them to the Adults Social Care Enquiries Team (ASCET). These, along with Adult Protection referrals from all other referral sources are screened by ASCET to determine if the referred person meets an AAR criteria. ASCET work-flow each AP referral when an AAR is identified to the responsible practice team to allow them to apply an AP referral Outcome code.

4.3.3.2 Management Information reports note an increase in recorded referrals in 2019-2020 when compared with 2018-2019 (Table 4):

Table 4: A comparison of West Lothian's 2018-2019 & 2019-2020 Annual Scottish Government Adult Protection Data Set return; ASP activity comparative table:						
Year	Referrals	Investigation (IRD)	ASPCC	ASPCCR	Protection Orders	Large Scale Investigation (LSI)
2018-2019	732	147	33	49	2	2
2019-2020	799	195	33	49	2	3
%Increase/decrease	9% increase	33% increase	stable	stable	stable	50% increase

4.3.3.3 A 9% increase in referrals is currently translating into a 33% increase in Adult Protection IRDs. This appears to indicate that investment in guidance and training, in addition to Team Managers leading the ASCET Team is providing consistency in the initial Adult Protection Referral recording stage and leading to more AAR being assessed on a multi-agency basis and relevant protective measures being put in place (dependent upon outcomes of IRD process).

4.3.3.4 However, what is not understood at present is why these increases in referrals and IRDs are not translating into additional Case Conferences (and Review Case Conferences) or the seeking of Protection Orders. Work has commenced to establish the reasons for this anomaly.

#### 4.3.4 Adult Protection Concerns/ Referrals from all Referral Sources

4.3.4.1 Analysis has confirmed referrals are received from a broad and wide range of agencies and people across West Lothian.

#### **Good practice example:**

West Lothian continues to use social media platforms to inform the public about how they can report a concern for an adult.

4.3.4.2 The West Lothian 2018-2019 & 2019-2020 Annual Scottish Government Adult Protection Data Set Return reports on the sources of Referrals as listed:

NHS, GPs, Scottish Ambulance Service, Police, Scottish Fire and Rescue Service, Office of the Public Guardian, Mental Welfare Commission, Health Improvement Scotland, Care Inspectorate, Other organisation, Social Work, Council, Self (Adult at risk of harm), Family, Friend/ Neighbour, Unpaid carer, Other member of public, Anonymous and Others.

4.3.4.3 The breakdown of the source of each of the recorded AP referrals recorded is noted in Table 5 below:

<b>Table 5: 2018-2019 West Lothian's Annual Scottish Government Adult Protection Data Set Return Source of Referrals</b>	<b>Number of referrals 18-19</b>	<b>Number of referrals 19-20</b>
NHS	80	73
GPs	8	9
Scottish Ambulance Service	5	13
Police	98	90
Scottish Fire & Rescue Service	8	55
Office of Public Guardian	2	1
Mental Welfare Commission	0	0
Healthcare Improvement Scotland	0	0
Care Inspectorate	3	12
Other organisation	192	198
Social Work	113	0
Council	76	64
Self (Adult at risk of harm)	29	16
Family	56	59
Friend/Neighbour	6	14
Unpaid carer	22	25
Other member of public	1	2
Anonymous	3	1
Others	30	167
<b>Total</b>	<b>732</b>	<b>799</b>

4.3.4.4 The above figures show a considerable increase in referrals from the Scottish Fire and Rescue Service (SFRS) (almost 700% increase) whilst it is encouraging to note that 13% of referral sources are from members of the public (family, unpaid carer(s), friend, neighbour

and the Adult at Risk) indicating a growing knowledge of how to make a report to Social Work and other agencies.

4.3.4.5 The return of 0 from 'Social Work' is due to a recording issue (moved to 'Others') whilst it is noted that only 17.6% of Police iVPDs (19-20) indicating Adult Protection are screened as such, representing a reduction of 2.6% from 2018-19.

4.3.4.6 The sources of Adult Protection referrals are noted below in Table 6: A comparison of West Lothian's 2018-2019 & 2019-2020 Annual Scottish Government Adult Protection Data Set Return -Top ten sources of recorded Adult Protection referrals were by:

Top Ten sources of recorded AP referrals	Year: 2018-2019	Year: 2019-2020
1	Other organisation	Other organisation
2	Social Work	Others
3	Police	Police
4	NHS	NHS
5	Council	Council
6	Family	Family
7	Others	Scottish Fire and Rescue Service
8	Self (Adult at risk)	Unpaid Carer
9	Unpaid Carer	Self (Adult at risk)
10	Joint position – GP and Scottish Fire and Rescue Service	Friend / Neighbour

4.3.4.7 Further developmental work (manual review being undertaken) is ongoing to understand a more detailed breakdown of 'Other organisation' referral sources. This would offer reassurance they are reported by Registered Services and those in particular with a West Lothian contract, for example, Care Homes and Care at Home agencies. The ASCET Team Manager would then highlight cases such as these with his peers (Team Managers) in other practice teams. This would contribute to there being a shared understanding and threshold use within and between teams when they provide cover for the ASCET Manager.

4.3.4.8 The figures also indicate value in continuing to run social media campaigns promoting how anyone can make an Adult Protection referral locally.

#### 4.4 Risk Assessment

##### 4.4.1 Adult Protection Referral Outcomes

4.4.1.1 Management Information Reports note variance in recorded Adult Protection Referral Outcomes in 2018-2019 and in 2019-2020. The statistics below reveal a significant decrease in the number of Adult Protection referrals subject to 'further Adult Protection action' in 2019-20 when compared to 2018-19. In 2019-20 only 46.4% of all referrals

resulted in 'Further Adult Protection Action' compared to 67% in 2018-19. This correlates across to 'Further Non-Adult Protection Action' which conversely records a large increase in 2019-20 when compared with 2018-19 (an increase from 17.9% in 18-19 to 38.5% in 19-20 of all referrals). However, when combining both categories, remarkably, both years record that 84.9% of the total referrals received in both years resulted in some form of 'Further Action' specific to the AAR. This is shown below in Table 7:

Table 7: A comparison of West Lothian's 2018-2019 & 2019-2020 Annual Scottish Government Adult Protection Data Set Return - AP Referral Outcomes				
Year	Further AP Action	Further Non-AP Action	No Further Action	Not Known
2018-2019 AP Referrals 732	490	131	37	74 (732)
2019-2020 AP Referrals 799	371	308	51	69 (799)

4.4.1.2 It is noted that there is a slight increase in 2019-20 when compared with 2018-19 in the category of 'No Further Action', rising from 5% to 6.4%, whilst the volume reduction of 'Not Known' outcomes, despite an increase in the total number of referrals, is a positive trend.

**Good practice example:**

In an attempt to understand why there remains a proportion of 'Not Known' outcomes, monthly monitoring reports are being generated and shared with Group Managers to allow them to guide staff appropriately to ensure accuracy in recording. This also allows a breakdown of operational teams and practitioners to assist in targeting of additional training and guidance to ensure compliance with the four recognised outcomes reported on in the Annual Scottish Government Adult Protection Dataset Return (Further AP Action; Further non-AP Action; No Further Action; Not Known).

4.4.1.3 The role of ASCET as a gatekeeper to completion of all such referrals is being explored (enhance consistency in decision-making taken at this stage in the process) whilst plans have progressed to hold scheduled multi-agency meetings between the ASCET Manager and the Police Adult Protection Lead Officer.

**Good practice example:**

The ASCET Manager and AP Police Lead Officer now hold scheduled meetings to:

- Discuss any iVPD referral where agreement is needed to assess its management/progression. This creates a 'live time' working and learning opportunity for consideration and inclusion on multi-agency staff training sessions.
- This will inform and advise all referral sources how received referrals are processed.

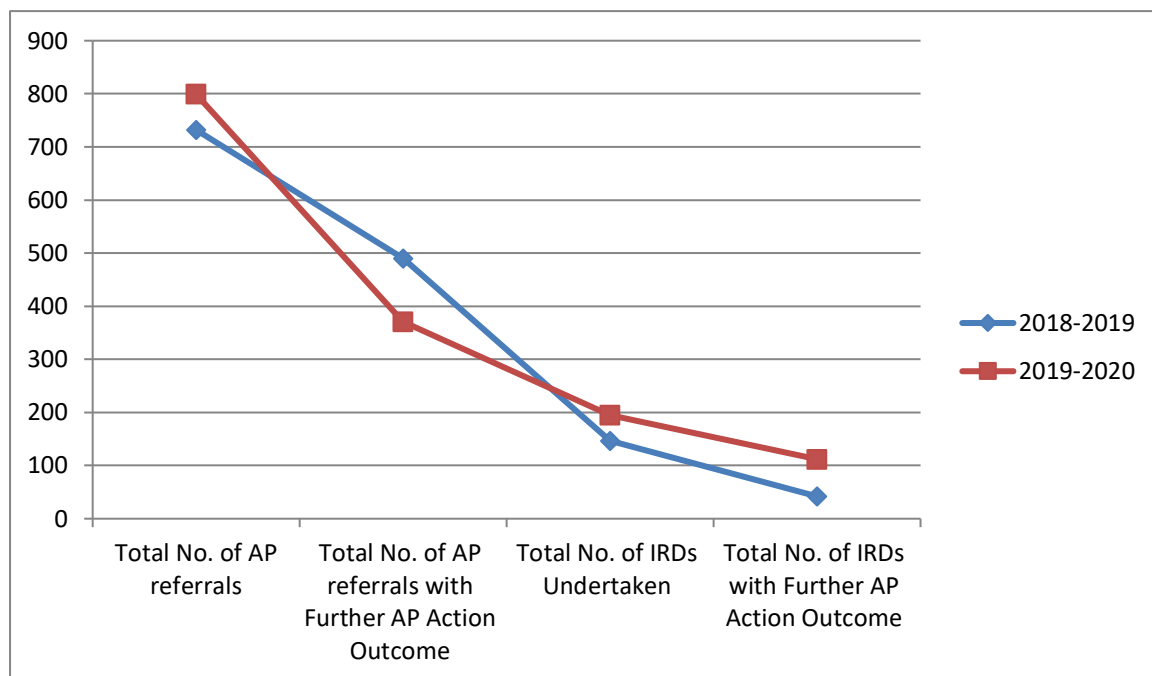
4.4.1.4 Use of one of the four codes reported in the Annual Scottish Government Adult Protection Data Set Return is important to recognise and record accurately in order to understand

the next stage in the journey of the Adult Protection referral as, only, those Adult Protection referrals with the outcome 'Further Adult Protection Action' will lead to a 'Duty to Inquire' (DTI).

4.4.1.5 DTI outcome codes do not currently exist in West Lothian, meaning auditing actual case notes is currently the only way to gain insight into decision making and outcomes at this stage in the AP process. In an attempt to identify and assess decision-making at this stage in the process, a performance information report is being created to capture the percentage of DTIs that have been completed within procedural timescale (7 calendar days). Further work is ongoing to establish the possibility (or otherwise) to introduce a drop-down menu consistent with the four recognised outcomes. It is anticipated that this would further reduce the number of referrals currently recorded as 'Not Known'.

#### 4.4.2 Adult Protection Attrition rates:

4.4.2.1 Table 8 demonstrates the attrition rate 2018-19 and 2019-20. This visually shows the 'Adult Protection journey' and is inclusive of/commences from total number of Adult Protection referrals to total number of Adult Protection referrals with 'Further Adult Protection Action' outcome to total number of IRDs undertaken to the total number of IRDs undertaken with 'Further Adult Protection Action' outcomes:



4.4.2.2 The attrition rate from 'IRD with Further Adult Protection Action Outcome' identifies those cases proceeding to either a:

- Duty to Investigate;

- Professional Concerns Meetings (PCM); (this is a professional only meeting to share information ahead of implementing an interim plan to manage the risk identified for the Adult at risk (AAR).
- Adult Protection Case Conference (APCC);
- Large Scale Investigation.

**Good practice example:**

West Lothian is keen to review its ASP policy and procedure. In doing this, it has actively sought views from other Local Authority areas as to whether or not a PCM is an IRD Outcome used by them. Feedback received will be considered to inform local decision-making at this stage in the AP process.

4.4.2.3 Table 9 shows the IRD Outcomes reported in the 2018 -2019 & 2019-2020 Scottish Government Adult Protection Annual Data Set Return:

Table 9: A comparison of West Lothian's 2018-2019 & 2019-2020 Annual Scottish Government Adult Protection Data Set Return - IRD Outcomes				
Year	Further AP Action	Further Non-AP Action	No Further Action	Not Known
2018-2019 IRD Total 147	42	0	52	53
2019-2020 IRD Total 195	112	0	71	12

4.4.2.4 The above statistics reveal a significant increase in the number of Adult Protection IRDs subject to 'Further Adult Protection Action' in 2019-20 when compared to 2018-19. In 2019-20 57.4% of all IRDs resulted in 'Further Adult Protection Action' compared to only 28.6% in 2018-19. 'No Further Action' from IRDs remained consistent (35.4% 2018-19 / 36.4% 2019-20) whilst the outcome 'Not Known' reduced significantly in 2019-20 (6.2%) when compared with 2018-19 (36%). This is a positive trend and coincides with the introduction of the e-IRD closure summary.

4.4.2.5 The IRD outcome codes are of interest. It is noted that not one of the 'No Further Action' IRDs progressed to 'Further Non-Adult Protection Action'. It is therefore proposed to audit a random sample of these to determine the context, risk and concerns identified in order to understand decision-making taken at this stage in the AP process.

4.4.2.6 The introduction of an NHS rota to facilitate tripartite discussions between NHS, Social Work and the Police at IRD stage is regarded as a significant enhancement to operational practice and risk identification/assessment and mitigation in West Lothian.

**Good Practice example:**

In response to the creation of an NHS IRD rota, an online remote training package was developed and delivered by a multi-agency team of staff during the COVID-19 pandemic. Plans are now in place to deliver this training to all Adult Services Team Managers in practice team settings including SCET.

**4.4.3 Repeat Adult at Risk**

**4.4.3.1 Table 10 – Number of re-referrals received in 2018-19 and 2019-20 :**

<b>FY 2018/19</b>	<b>Re-Referrals (in a 12-month period)</b>	<b>Total Referrals</b>	<b>FY 2019/20</b>	<b>Re-Referrals (in a 12-month period)</b>	<b>Total Referrals</b>
<b>Q1 Apr- Jun</b>	50	192	<b>Q1 Apr- Jun</b>	68	220
<b>Q2 Jul - Sep</b>	45	158	<b>Q2 Jul - Sep</b>	52	153
<b>Q3 Oct - Dec</b>	64	180	<b>Q3 Oct - Dec</b>	69	232
<b>Q4 Jan - Mar</b>	57	203	<b>Q4 Jan - Mar</b>	58	194
<b>Totals:</b>	<b>216</b>	<b>733</b>	<b>Totals:</b>	<b>247</b>	<b>799</b>

4.4.3.2 It is interesting to note that the proportion of re-referrals received in both years was similar, with 29.5% of the total in 2018-19 and 30.9% in 2019-20. Further analysis is required to understand the categories within which the repeat referrals were received and whether a small number of individuals disproportionately contribute to the overall figures. This work is ongoing.

**4.4.4 Repeat Duty to Inquiries**

**4.4.4.1 Table 11: Number of Repeat Duty to Inquiries**

<b>Measure</b>	<b>Q1 18/19</b>	<b>Q2 18/19</b>	<b>Q3 18/19</b>	<b>Q4 18/19</b>	<b>Q1 19/20</b>	<b>Q2 19/20</b>	<b>Q3 19/20</b>	<b>Q4 19/20</b>
<b>Number of repeat Duty to inquiries within a 12-month period</b>	50	45	59	57	68	52	68	58

4.4.4.2 Social Work complete the DTI stage in the ASP process. The average number of repeat Duty to Inquiries completed each quarter in 2018-2019 was 53 whilst this average increased in 2019-2020 to 61.5. Similar to Table 9 above, further analysis is needed to determine what AAR appear in these reports to determine what this information is reporting about repeat risk and harm concerns for them.

#### 4.5 Risk Mitigation

##### 4.5.1 Adult Support and Protection (ASP) plans

4.5.1.1 An ASP plan is completed when the Outcome of an Adult Protection Case Conference (APCC) is to proceed to an Adult Protection Case Conference Review (APCCR). This explains the variations in the figures provided overleaf. The average number of ASPs prepared each quarter in 2018-2019 was 18 and the average in 2019-2020 was 19.

##### 4.5.1.2 Table 12: Number of Adult Support and Protection Plans

Measure	Q1 18/19	Q2 18/19	Q3 18/19	Q4 18/19	Q1 19/20	Q2 19/20	Q3 19/20	Q4 19/20
<b>Total number of cases with live Adult Support and protection plan</b>	17	14	20	21	16	25	20	16

##### 4.5.2 Case Conferences

4.5.2.1 Percentage of Adult Support and Protection Initial and Review Case Conferences held within procedural timescale (Table 13)

Measure	Q1 18/19	Q2 18/19	Q3 18/19	Q4 18/19	Q1 19/20	Q2 19/20	Q3 19/20	Q4 19/20
<b>Percentage of Adult Support and Protection Initial and Review Case Conferences held within procedural timescale</b>	90	50	63	73	89	64	71	83

4.5.2.2 Performance has varied in this measure throughout 2018-2019 and 2019-2020. Performance was high in Q1 and Q4 of 2019-2020 and was 100% in Q1 1920-21, however, further work requires to be undertaken to understand barriers to achieving 100% in this performance measurement.

##### **Good practice example:**

Team Managers or equivalent who undertake the role of being an Independent Chair at an APCC or APCCR participated in a remote Webex training session facilitated by a C & F Reviewing Officer to share learning and up-skill Adult Services staff to use this medium effectively when hosting future multi-agency meetings in this way.

4.5.2.3 Percentage of Adult Support and Protection Initial Case Conference where Council Officer reports were completed within procedural timescale (Table 14):

Measure	Q1 18/19	Q2 18/19	Q3 18/19	Q4 18/19	Q1 19/20	Q2 19/20	Q3 19/20	Q4 19/20
% Adult Support and Protection Initial Case Conference where Council Officer reports were completed within procedural timescale	47	6	13	8	28	27	45	56

4.5.2.4 Social Work staff complete a Council Officer Report. Again, there has been a slight improvement in performance since increased APC and COG scrutiny however, further work requires to be undertaken to understand barriers to achieving 100% in this performance measurement.

4.5.2.5 In order to assist staff to complete and submit reports timeously, managers are now alerted when a report is outwith timescales to ensure additional support can be given to staff to improve performance in this indicator. Additionally, staff are now advised three weeks ahead of the APCC(R) date to assist in preparation, including identification of key attendees. This preparation is essential to the success of this process.

4.5.2.6 Service user and Carer/Advocate/Guardian Involvement in Case Conferences

4.5.2.7 Percentage of Adult Support and Protection Case Conferences where the adult attended (including the number invited) (Table 15)

Measure	Q1 18/19	Q2 18/19	Q3 18/19	Q4 18/19	Q1 19/20	Q2 19/20	Q3 19/20	Q4 19/20
Percentage of Adult Support and Protection Case Conferences where the adult attended (including the number invited)	100 (3/3)	33 (2/6)	14 (1/7)	27 (3/11)	57 (4/7)	70 (7/10)	81 (13/16)	75 (3/4)

4.5.2.8 An AAR is invited to attend their APCC unless there is a justifiable reason(s) for excluding them or they choose not to attend. In 2018-2019 more AAR did not attend their meeting than those that did. However, this trend reversed in 2019-2020 with more AAR attending their meeting than those who did not (43.5% 2018-19 and 70.8% in 2019-20).

4.5.2.9 Further work is needed to breakdown the reasons for the non-attendance of a person at their meeting and to determine if an alternative venue or communication medium would increase their participation.

4.5.2.10 NOTE - The correlation between measurement – (Table 14) **Percentage of Adult Support and Protection Initial Case Conference where Council Officer reports were completed within procedural timescale** and measurement – (Table 15) **Percentage of Adult Support and Protection Case Conferences where the adult attended (including the number invited)** is interesting to compare and contrast. This appears to show that when the number of Council Officer reports are submitted on time, the attendance of an AAR increases as well.

4.5.2.11 Percentage of Adult Support and Protection Case Conferences where a carer attended (including no. invited) (Table 16)

Measure	Q1 18/19	Q2 18/19	Q3 18/19	Q4 18/19	Q1 19/20	Q2 19/20	Q3 19/20	Q4 19/20
Percentage of Adult Support and Protection Case Conferences where a carer attended (Including number invited)	100 (1/1)	0 (0/0)	0 (0/0)	0 (0/0)	50 (1/2)	100 (2/2)	100 (3/3)	100 (1/1)

4.5.2.12 This indicator performs highly and indicates that when invited, carer's almost always attend a meeting about a person they know. This is an important element in encouraging wider protective measures and reducing repeat concerns.

4.5.2.13 Percentage of ASPCCs where an advocate / guardian/ power of attorney attended (Including number invited) (Table 17)

Measure	Q1 18/19	Q2 18/19	Q3 18/19	Q4 18/19	Q1 19/20	Q2 19/20	Q3 19/20	Q4 19/20
Percentage of ASPCCs where an advocate / guardian/ power of attorney attended (Including number invited)	0 (0/0)	75 (3/4)	100 (4/4)	67 (4/6)	50 (2/4)	67 (4/6)	58 (7/12)	100 (2/2)

4.5.2.14 This important indicator remains variable, albeit recorded 100% attendance in Q4 2020-21 (coinciding with increased scrutiny). It would be useful to explore further as noted above if the performance of this indicator has an impact and effect on other Performance indicators which happen later on in the ASP process.

#### 4.5.2.15 Police and Health attendance at Case Conferences

##### 4.5.2.16 Percentage of Initial ASPCC where Police personnel attended (Including number invited) (Table 18)

Measure	Q1 18/19	Q2 18/19	Q3 18/19	Q4 18/19	Q1 19/20	Q2 19/20	Q3 19/20	Q4 19/20
Percentage of Initial ASPCC where Police personnel attended (Including number invited)	33 (2/6)	100 (4/4)	67 (6/9)	50 (5/10)	87 (7/8)	100 (5/5)	60 (9/15)	71 (5/7)

4.5.2.17 This indicator has shown variance over the performance period. However, it should be noted that on occasion, the Police participate by submitting a report rather than attending. This appears to be the primary explanation for the variance, along with late invites and non-recording previous agreement for non-attendance. It is noted that actual attendance has increased from 62.5% in 2018-19 to 79.5% in 2019-20.

##### 4.5.2.18 Percentage of Initial ASPCC where Health personnel attended (Including number invited) (Table 19)

Measure	Q1 18/19	Q2 18/19	Q3 18/19	Q4 18/19	Q1 19/20	Q2 19/20	Q3 19/20	Q4 19/20
Percentage of Initial ASPCC where Health personnel attended (Including number invited)	0 (0/0)	67 (2/3)	33 (1/3)	25 (1/4)	67 (3/2)	56 (5/9)	30 (7/23)	67 (2/3)

4.5.2.19 This indicator shows variance over the performance period. Similarly, on occasion, the NHS participate by submitting a report rather than attending. This appears to be the primary explanation for the variance, along with late invites and non-recording previous agreement for non-attendance. It is noted that actual attendance has increased from 41.7% in 2018-19 to 55% in 2019-20.

#### 4.5.3 Protection Orders

4.5.3.1 Any 1 of 3 Protection Orders can be considered when serious harm is identified.

As highlighted above in Table 3 in 2018-2019 2 Banning Orders were granted and another 2 in 2019-2020. However, in addition to this, Legal Services provided advice regarding a further 7 cases of serious harm where the use of a Protection Order was considered. With the exception of 1 case for a male the other reports of serious harm were for women.

#### 4.5.4 Large Scale Investigations (LSI)

4.5.4.1 As highlighted in Table 4 above, there were a total of 2 LSIs undertaken in 2018-19 and a further 3 LSIs undertaken in 2019-20. Four of these have now been completed and signed off by the Care Inspectorate, APC and COG after robust and intrusive multiagency reviews, assessment and improvement actions.

4.5.4.2 Key learning from the LSIs conducted identified the following:

- Including representation from the agency under investigation, at open access parts of the meeting, was helpful to hold sensitive conversations promptly and thereafter formulate an action plan to identify and develop areas for improvement;
- Including the Care Inspectorate in the mailing list for an update report encouraged submission of information in advance of the meeting, allowing partners to prepare in advance of discussions;
- Use of multi-agency chronologies assisted in identification of key systemic issues, provided clarity around affected residents and highlighted service delivery improvement areas;
- A collaborative partnership between NHS, SW and the staff of the agency under investigation enabled skill gaps to be identified, training delivered and increased competence and confidence of an agency's staff team to resume and fulfil their duties. This approach has been very positive;
- The convening of regular and scheduled Relatives meetings was insightful, powerful (represented AAR) and beneficial to all involved;
- Open and transparent communication within and between agencies assisted complex multi-agency working and facilitated learning to benefit those in receipt of a service from a registered provider.

#### 4.5.5 ICRs/SCRs

4.5.5.1 There have been no ICRs or SCR's raised during the review period.

## 5. Harm types, trends and targeted responses

5.1 Analysis of harm types, categorisation of adults most prevalent to harm, consideration of demographics and identifying locations of harm has been undertaken across West Lothian. This data is extremely important to understand in planning ahead in terms of resourcing, training and development, prevention and client engagement.

5.2 The significance of this analytical work is further highlighted when it is considered within the context of predicted population growth across West Lothian. It is anticipated that within the next 25 years the 65-74 age group will have increased by 57% whilst the 75 and over age group will have increased by 140%. This projected population increase in these age groups will place further strain on existing health and social care services and is accentuated by a predicted reduction in working age population aged 25-64 (11.9% reduction) who additionally currently provide a massive proportion of unpaid care.

5.3 Data has been gathered over 5 years specific to those AAR subject to multiagency IRD as follows (Table 20):

Year	Gender Female	Gender Male	Top Age category	Top three Client Categories	Top three Harm Types	Top three Location of Harm
2015	68	46	40-64	1. Infirmary due to age 2. Mental Health Problem 3. Physical Disability	1. Physical Harm 2. Financial Harm 3. Psychological Harm	1. Own Home 2. Care Home 3. Not Known
2016	39	35	40-64	1. Mental Health 2. Infirmary due to age 3. Joint - Dementia and Physical Disability	1. Physical Harm 2. Psychological Harm 3. Financial Harm	1. Own Home 2. Not Known 3. Care Home
2017	49	21	40-64	1. Infirmary due to age 2. Mental Health Problem 3. Physical Disability	1. Physical Harm 2. Financial Harm 3. Psychological Harm	1. Own home 2. Care Home 3. Other private address
2018	91	56	40-64	1. Mental Health 2. Infirmary due to age	1. Physical Harm 2. Other 3. Financial Harm	1. Own Home 2. Not Known 3. Care Home

				3. Physical disability		
2019	125	70	40-64	1. Infirmary due to age 2. Mental Health Problem 3. Physical Disability	1. Physical Harm 2. Financial Harm 3. Neglect	1. Own Home 2. Care Home 3. Not Known

5.4 Women consistently remain more prevalent to harm than men. 2019-20 figures returned the highest volumes of both sexes in the past five years, increasing by 32.7% compared against 2018-19 figures (195 v 147) whilst the proportions of females at risk of harm increased from 61.9% in 2018-19 to 69.1% in 2019-20.

5.5 It is noted that whilst the age group 40-64 has the highest number of male and female AAR of harm (total of 39 – 20% total) in 2019-20, the age groups 65 and above contributed to 63.1% of the total number of adults at risk (123 in total). This perhaps points to the future given projected population trends.

5.6 There appears consistency in terms of client categories identified at risk of harm. Indeed, since 2015 the same three categories have consistently remained in the top 3. These client categories remain infirmity due to age, mental health and physical disability.

5.7 Similarly, the most prevalent types of harm recorded remain relatively consistent over the past 5 years, with physical harm and financial harm featuring throughout whilst neglect has recently replaced psychological harm within the top 3 harm types in 2019-20.

5.8 This picture is replicated when reviewing the locations of harm. Unsurprisingly, 'own home' and 'care home' settings remain the most prevalent locations across West Lothian.

5.9 These figures tend to suggest a relatively stable picture in terms of 'harm' across West Lothian and it is noted that specific attention and additional learning has been offered to frontline staff to meet the challenges of harm types and trends (examples include preventative interventions including prompt sign-posting to other agencies for support and assistance, development of systems to identify the number of self-neglect and hoarding cases and a robust response to Financial Harm issues).

5.10 However, keen to remain proactive and understand the changing needs of our local communities during the COVID-19 pandemic, the Committee tasked an assessment of the immediate impact of restrictions on those at greatest risk of harm. A review of Police iVPD data from 1<sup>st</sup> February 2020 to 10<sup>th</sup> May 2020 was undertaken. 573 referral forms shared with adult social work services were analysed and produced the following trends (note that more

than one type of concern is highlighted for many of the concern forms reviewed which accounts for the figures not adding up to 100%); also note that Suicidal Thoughts/Feelings is not an option, however, has been looked at in addition to the available options and where mentioned as part of the referral it has also been captured in the data) (Table 21):

<b>Nature of Concern</b>	<b>Percentage</b>
Financial Harm	4.7
Visual Impairment	0.7
Physical Injury/Impairment	8.2
Psychological Harm	11
Self-Harm	14
Sexual Harm	1
Elderly	15.7
Attempted Suicide	6.8
Mental Health Issues	74.9
Drug Consumption	10
Isolation	4.9
Speech Impairment	1.3
Learning Disability	2.6
Alcohol Consumption	18.8
Hearing Impairment	1.4
Suicidal Thoughts/Feelings	18

5.11 It is significant that Mental Health Issues play such a massive role in the submission of Police concern forms and points towards fears of the negative impacts of social isolation and confinement to home addresses on adults already at risk of harm. It is also significant that 52.5% of these concern forms related to repeat nominals i.e. nominals who have more than 1 iVPD referral form submitted for them between 1<sup>st</sup> February 2020 and 10<sup>th</sup> May 2020.

5.12 This work remains subject to further and ongoing analytical work (and technically stretches outwith the parameters of this report) but demonstrates the Committee's intentions to remain proactive and understand the current risk of harm to AAR across West Lothian to ensure services are flexed based on needs and directed proportionately according to needs.

## 6. Assurance

6.1 Throughout the reporting period, a range of audit and scrutiny activities have been undertaken. These have provided reassurance and clarity to the APC and COG around a number of aspects as outlined below, led to a number of service delivery improvements and highlighted further areas for improvement going forward. The QA sub-group led on the majority of this work.

### 6.2 APQA Subcommittee

6.2.1 This group has been involved in really positive quality assurance activity within the local authority over the last two years. Key activities include:

- Multi-agency audit of re-referred APCC cases (within one year) to establish trends and learning;
- Multi-agency audit (3 days) of each stage in the ASP process to identify key findings for improvement in operational delivery, supervisory awareness raising and preparation for the forthcoming joint inspection of ASP in West Lothian. This began a conversation about operational practices and areas for development and improvement about the cases audited: A 15% random sample of cases across all service user groups was identified for audit at different stages in the AP process; 6 out of 37 No further action Adult Protection Referrals; 66 out of 438 Duty to Inquires, 4 out of 27 Professional Concerns Meetings and 7 out of 46 APCC/CCRs.
- Audit of AP attrition rates (see Table 8 Page 15) iVPDs to Adult Protection referrals during Covid-19 in order to provide accompanying narrative to the Scottish Government about local practices and understand impact on service delivery.
- Remote Covid-19 'practitioner sessions' have been implemented to discuss emerging operational topics with staff. These have allowed practice conversations to happen which facilitates a culture of support, learning and areas for development.

6.2.2 One of the less quantifiable pieces of work achieved by the APQA is the ability for partners across all agencies to raise practitioner dilemmas when they may feel there are quality assurance issues in practice. In late 2018 such a case was raised by Health colleagues specific to associated risk for an adult, risk posed by him to others in the community and the disrepair of his property with flammable products. The extensive case discussion identified that regardless of legal or medical circumstances pertaining to this male, his situation was causing significant distress to the staff from all agencies engaging with him. Having found no previous solution for a number of months prior to raising at APQA, the subcommittee recognised the significant stress being imposed on staff and recommended the case met the criteria for a Critical Review Team (CRT) meeting. On convening the CRT an excellent multi-agency approach was found that led to this male engaging and allowing partners to make safe his house, provide him with addiction support and improve the outcome for him and his neighbours. If not for the APQA's proactivity and insight looking at it as a quality of service issue, there may never have been a solution and a significant

community risk may have continued. This integrated approach to problem – solving across the partnership was creative and innovative.

### 6.3 Critical Review Team

6.3.1 The Critical Review Team is a multi-agency senior level management meeting that examines complex high-level cases. An example of the effectiveness and efficiency of this meeting in resolving cases and unpicking complex circumstances and needs amongst AARs (such as the afore noted incident) and dedicating appropriate and proportionate resources. This demonstrates an ongoing commitment at senior level across West Lothian agencies to protect and support AARs and our staff. Throughout the reporting period, there have been 7 such CRT meetings convened, all of which are subsequently reported on via the COG.

Table 22: CRT Meetings 2018-20

2018-2019 – No. of CRTs held	2019-2020 No. of CRTs held
3 meetings (all males)	4 meetings (3 males/1 female)

### 6.4 Performance Information Multi-agency working group

6.4.1 West Lothian Adult Protection Committee is particularly keen to understand trends in its Performance Information and establish what this means for operational practice and the lived AP experience for each AAR. Accordingly, a short life Performance Information Working Group was established to review our working processes and how these interplay with service delivery. Key to this was also being assured that associated legislative requirements and underpinning policies and procedures were being followed and through a continuous improvement approach identify both areas of good practice and any required improvement activities.

6.4.2 Key findings from the short life Performance Information Working Group identified:

- The benefit of a streamlined response to recording, screening and applying an outcome to AP referrals (led to increased recording);
- A shared understanding about conducting and convening an IRD led to an increase in the number of discussions held between core multi-agency partners to agree how to manage risk;
- An IRD outcome action plan has been agreed to confirm operational practices following this decision - making stage to explain why the number of APCCs has remained the same.

6.4.3 The identification of areas for greater consistency particularly in relation to operational recording methods was prioritised by the APC. In order to fully understand this, the COG and APC worked together to achieve a revised approach to monitoring management information and providing detailed analysis. Current information management indicators are contained within this report and included at Appendix 1. Further indicators identified

as adding value by the APC are currently under development and will be reported upon in the next reporting period.

#### 6.5 IRD review group

- 6.5.1 In June 2018 West Lothian adopted the eIRD system for the management of IRDs. Agreement was also reached to form an IRD review group, which consists of a Detective Inspector (PPU), Group Manager (SW adult protection), NHS Adult Support and Protection Advisor and the Lead Officer. Terms of Reference for remit and membership were agreed through the PPC and are subject to periodical review.
- 6.5.2 This group meets every four weeks and reviews every adult IRD that has been open for four weeks, or is marked as ready for closure. As part of this review process, best practice is identified and shared and any learning points or themes identified. The IRD review group provided updates to the PPC for the first year of being established, with feedback reassuringly positive. As part of the assurance work done by this group, it was identified that there was significant inconsistency in the outcomes for IRDs in how they were presented and what they included. As such, the participants devised a closure summary, which is a list of questions to be answered on the final page. This provides two benefits, firstly, a consistency to outcomes, allowing easy comprehension of issues and secondly, a clear standard for staff carrying out the IRDs to follow.
- 6.5.3 In recent months it was agreed to increase the role of Health in conducting adult IRD's. As such a cadre of Health representatives were identified and trained on the system by multi-agency partners. This was a particularly innovative piece of work, with all agencies working collaboratively at short notice to design and deliver an online and remote live training package with working groups and scenarios.

#### 6.6 Procedural review

- 6.6.1 West Lothian participated and contributed with other Lothian Local Authorities to develop a pan-lothian Large Scale Investigation Protocol to replace each area's own document. This coordinated approach has supported consistency in practice especially for Police Scotland and NHS who work across each of these Local Authority areas.
- 6.6.2 West Lothian has kept under review its policy and procedures to ensure they remain current and relevant for use. This is an ongoing piece of work and one which is progressed in a multi-agency basis via the APQA subcommittee.

**Good Practice Example:**

West Lothian Council has facilitated remote 'practitioner sessions' to discuss with staff emerging operational issues which need agreed for consistency in application and approach in practice.

These have been well received and led to operational practice improvements.

## 6.7 Marriage Protocol

- 6.7.1 A short life working group was formed to review the paper 'Marriage Proposals within an Adult Support and Protection Context' produced by the National Adult Protection Coordinator. This paper outlined the marriage process, discussed people's ability to understand and consent to marriage and raised issues around the assessment of capacity.
- 6.7.2 Having established that no set protocol existed for raising concerns arising from Adults at Risk of harm registering to marry or form a civil partnership, the current local processes were established and areas of concern from a protection perspective were identified.
- 6.7.3 A collective protocol was subsequently agreed detailing the roles of the Marriage Registrar, ASCET (Social Work) and Health colleagues. A 28 day (due to the time restrictions surrounding objections to marriages) capacity assessment (based on both decisional and executorial capacity) was also considered for development. Additional guidance and a range of multi-agency actions were identified for further action and work remains ongoing.
- 6.7.4 This is an important area of ongoing work that allowed good practice for vulnerable members of our community to be adopted and highlighted an area of business previously not considered in the local authority.

## **7. Learning and Development**

- 7.1 West Lothian Adult Protection Learning & Development sub-committee continues to work in tandem with the Adult Protection Quality Assurance sub-committee to progress enhancements to key Adult Protection processes and progress national and local emerging themes for development and training. Conducting a training needs analysis (to establish any specific training gaps and how these could be addressed from a multi-agency perspective), a tailored blend of standard and specialist awareness raising, training and developmental courses were provided to partners and third sector colleagues over the reporting period. These included:
- 7.2 Level 1: 12 courses organised - Target Group: This course is suitable for new front-line multi-agency staff including statutory, independent and voluntary stakeholders who require an overview of adults at risk of harm.
- 7.3 Level 2: 6 courses organised - Target Group: Practitioners who have caseload responsibility for actual / potential adults at risk and/ or/significant contact with actual / potential adults at risk; are involved in reporting, making, or assisting with inquiries / investigations; attend Adult Support and Protection Case Conferences and line management responsibility for the above.
- 7.4 Level 3: 3 courses organised - Target Group: Staff who are existing Council Officers under Part 1 of the Adult Support and Protection Act 2007; and staff who are eligible to become Council Officers under Part 1 of the Adult Support and Protection (Scotland) Act 2007.
- 7.5 Specialist Bespoke Courses – inclusive of awareness raising and workshops in Self Neglect & Hoarding, Home Fire Safety (initially delivered to NHS staff and now included as part of wider training syllabus). Work also being progressed - Managing People with Personality Disorders, Human Trafficking (train the trainer) and Domestic Abuse Training on a multi-agency basis.
- 7.6 Additionally, the Dewis Choice Initiative (a grassroots intervention, designed by the community, specifically to support older victim-survivors of abuse by a partner, ex-partner, or adult family member to make informed choices about wellbeing and justice options including; civil, criminal and restorative to ensure they are not treated differently on account of age, gender, sexuality or disability) delivered two workshops to a multi-agency audience in 2019. This training included sharing 'lived experiences' of older survivors of domestic abuse, how the initiative sits within the Adult Support and Protection Framework and the barriers facing older people experiencing abuse.
- 7.7 Bespoke Adult Protection & IRD training has been developed and delivered to NHS staff participating in IRDs in West Lothian. This training now allows dedicated NHS staff to fulfil this crucial role on a rotational basis and is working well.
- 7.8 Given the impact of COVID-19, our training and development programme is under constant review in terms of course content, planned delivery and methods of communication.

## 8. Co-operation and Collaborative Working

8.1 The APC has evidenced a wide range of collaborative working and joint partnership developments throughout the course of this report. However, the importance of involvement of the AAR within the decision-making processes and workings of the agencies whose statutory responsibilities are to support and protect, is acknowledged as an area of ongoing development locally. The APC also recognise the importance of listening to our staff. The following areas are worthy of note at this time.

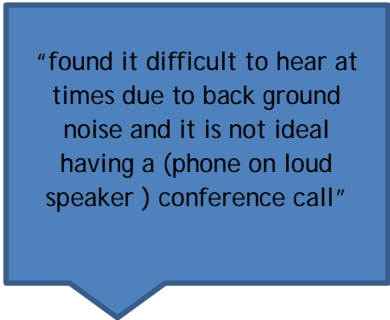
### 8.2 Service Users and Carers Involvement and use of Independent Advocacy

8.2.1 West Lothian APC recognise that service user and carer feedback is essential to the development of adult support and protection practice development and service delivery. Whilst attendance at Case Conferences is monitored (see above Section 4 Performance), ongoing difficulties have been experienced in engaging and capturing service user feedback in a timely, proportionate and person-centred manner. Reflective of issues nationally, we are keen to achieve this key principle to ensure the adult can participate as fully as possible in the Protection process.

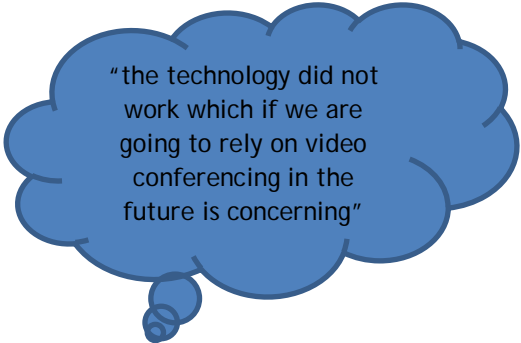
8.2.2 Working in partnership and collaboratively with two Independent Advocacy agencies, a new Service User feedback approach and question-set has recently been developed with implementation in September 2020. Advocacy staff will now engage with an AAR after their meeting to speak to them about how they found the ASP process and meeting. Feedback will be evaluated thereafter and fed into the ongoing, robust and thorough continuous improvement plan for public and stakeholder engagement. Progress will be reported in the next Biennial Report.

### 8.3 Engagement with Public Stakeholders and Staff

8.3.1 Feedback from Professionals in attendance at an APCC(R) continues to be sought monthly by an e-survey however low return rates continue. Despite this, valuable feedback has been received especially during the pandemic about the pros and cons of facilitating meetings with different digital equipment:



"found it difficult to hear at times due to back ground noise and it is not ideal having a (phone on loud speaker ) conference call"



"the technology did not work which if we are going to rely on video conferencing in the future is concerning"

- 8.3.2 In response to this feedback the APC refreshed its COVID-19 ASP Guidance to include the use of secure phone line calls and or digital platforms.
- 8.3.3 Going forward, it is planned to ask specific questions about professionals' experiences in the new annual stakeholders ASP feedback questionnaire about each key stage in the Adult Support and Protection process. This will include staff who have a Duty to Report responsibility across the partnership and will ask for their views, observations and experiences of local Adult Support and Protection arrangements. This will be inclusive of those working in the private, voluntary, third sector and core agencies.

#### 8.4 West Lothian Appropriate Adult Service

- 8.4.1 West Lothian Appropriate Adult Service is solely managed by West Lothian Council and continues to operate 365 days a year 24/7. It is mainly supported by Social Work staff to provide this service on behalf of adults at risk upon Police Scotland involvement.
- 8.4.2 The implementation of the Criminal Justice (Scotland) Act 2016 in January 2018 placed a legislative requirement for a vulnerable adult suspect to be provided with the services of an Appropriate Adult (AA). This act also made provisions to include a future requirement for Local Authorities to provide the services of an Appropriate Adult for Police Scotland and other forces with power of arrest in Scotland. Further parts of this Act would also enable duties to be placed on a person or persons to provide appropriate adult services, to oversee the quality and delivery of those services, to make recommendations and to provide training.
- 8.4.3 This future requirement came into effect in January 2020 and the new duties created under this legislation extended the requirement for local authorities to provide Appropriate Adults for victims and witnesses as well as those suspected or accused of committing an offence. Local Authorities were also given funding in order to ensure their legislative duties were being adhered to.
- 8.4.4 West Lothian usually has 13 daytime AA's who deliver this service and 7 SCET AA's providing Out of Hours requests. Each AA is asked to cover an AA rota twice monthly unless otherwise agreed (there are currently 8 daytime AA's and 7 SCET AA's). There have been 95 AA deployments; 37 over the period 01/04/2018-31/03/2019 and 58 in 01/04/2019 -31/03/2020.
- 8.4.5 Since the outbreak of COVID-19, there have been a couple of occasions where the request for an Appropriate Adult has not been met and this has been due to in part to AA's coming off the rota due to COVID-19 related issues. However, over this last month there has been occasions where West Lothian has been unable to provide AA cover and the City of Edinburgh Council Appropriate Adult Service has helped address this issue, resulting in financial implications for West Lothian Council. This is being addressed by management

and measures are being considered to find future solutions. Progress will be monitored locally and will be reported in the next Biennial Report.

## 8.5 Prevention

8.5.1 Prevention features on our Improvement Plan under the 'outcome and customer focus' section. The APC has been working on a range of prevention activities over the reporting period as follows:

8.5.2 West Lothian Financial Harm Reduction Group (FHRG) boasts representatives from Trading Standards, Police Scotland, Scottish Fire and Rescue Service, Social Work, Victim Support Scotland, Alzheimer Scotland and NHS Lothian who work together to address financial harm and develop proportionate and preventative responses. Prevention activities throughout the reporting period include:

- Alzheimer Scotland have held 6 weekly 'Living with Dementia' workshops for adults who have been diagnosed with the onset of early dementia giving advice on financial harm, cold callers and scams (progressing 'virtually' curing COVID-19). There is also discussion involving Home Fire Safety and Trust a Trader.
- Police Scotland have held a number of engagement stalls throughout West Lothian offering advice on doorstep/ bogus caller crime, including:
  - Arranging a stall at Bathgate Train Station focusing on the 'Darker Nights' Campaign';
  - A 'Keep Christmas Safe' event was held at a local garden centre and shopping outlet with colleagues from Victim Support Scotland and the Cyrenians;
  - Police Scotland Youth Volunteers held an engagement stall at Strathbrock Partnership Centre hosted by the fitness company Xcite, at Bathgate Highland Games and Linlithgow Round Table Fete as well as Armed Forces Day in Livingston;
  - Along with Trading Standards a number of supermarkets in the area have been visited highlighting issues surround Gift Card fraudulent schemes - i.e. Amazon, Itunes etc.;
  - A number of activities for the April 2020 'Shut Out Scammers' campaign with partners in Trading Standards covering prevention and enforcement were planned. This was however cancelled due to COVID 19 and replaced with the delivery of advice leaflets to some shopping outlets and health centres in West Lothian. Several messages were also posted on social media;
  - Crime prevention advice has also been provided to victims of bogus caller crime which included installing call blockers and the carrying out of crime prevention surveys.
- Trading Standards report that many Social Media Campaigns have been undertaken to raise awareness of Financial harm, scam mail and bogus caller crime. This included being involved in multi- agency events and the delivery of training as part of the West Lothian Adult Support and Protection Training Programme;
- There have been nine call blocker units supplied to vulnerable members of the community. These units play an active role in preventing financial harm to vulnerable members of the community;

- Ongoing liaison with local Banks has ensured a number of successful interventions have occurred in line with the 'Banking Protocol'. This is particularly important given the significant rise in online fraud during COVID-19 and specific targeting of elderly people due to perceived wealth – investment scams, tricking to supply banking details, romance fraud, bogus workmen

8.5.3 Further development and consideration is required around a number of hidden trends that have become prevalent over recent times. Significant threats specific to online offending such as financial fraud and sexual extortion have increased exponentially whilst serious and organised crime groups are becoming more apparent in their concerted efforts to deal drugs and infiltrate adults at risk of harm through County Lines and Cuckooing activities. Ongoing co-ordination and collaborative working will be required to identify and prevent such offending negatively impacting across our local communities (specifically adults at risk of harm) across all agencies. Progress specific to prevention activities, priorities and outcomes will be provided in the next reporting period.

## 8.6 Missing Persons

- 8.6.1 Within West Lothian there are established practices for each type of residential setting, including hospitals (St Johns protocol), residential units for young adults and nursing homes (Adults Missing from Registered Care Settings guidance). Separate protocols with individual guidance currently gives really clear and effective instructions for practitioners to follow in case of an adult missing person.
- 8.6.2 To simplify and streamline the protocols, the Lead Officer for adult protection is currently working on a composite document, with the assistance of a small multi-agency working group, which will bring together missing person protocols for all settings, while acknowledging the differences as necessary. This is at draft stage and will be concluded in the coming months. Once agreed by the COG it will be placed on the West Lothian Public Protection website and will be an easy guide for practitioners to follow, which will signpost them to specific instructions depending on the setting they operate in.
- 8.6.3 Work is also being undertaken to implement the Herbert Protocol (an information gathering tool to assist the police to find a person living with dementia who has been reported missing, as quickly as possible) in all West Lothian Care Homes in keeping with the National Missing Persons Framework.
- 8.6.4 This work remains important to the APC given the prevalence of AAR that go missing, the obvious risk of harm to the adult and the considerable impact on frontline resourcing across all agencies in securing an efficient and safe return to safety.
- 8.6.5 The following information has been provided by the National Missing Persons Unit of Police Scotland and represents encouraging progress since the 2016-18 Biennial Report in terms of reducing numbers of adults going missing in every category detailed overleaf.

- 8.6.6 It is noted that in 2017-18 the number of 'cared for adults – investigations' totalled 25. This reduced in 2018-19 to 21 investigations and only 4 investigations in 2019-2020. Similarly, the number of adult investigations (not cared for) in 2017-18 totalled 310. This reduced in 2018-19 to 248 investigations and again in 2019-20 to 238 investigations.

Table 23: Missing Persons Statistics within the West Lothian area over the period 01/04/2018–31/03/20

01/04/2018 – 31/03/2019 Cared for Adults = 21 Investigations Males = 12 & Females = 9				
	Care Home	Home Address	NHS	Other
Male aged 34 & 75		2		
Male aged 37 to 65			7	
Male aged 55 & 80	2			
Male aged 24				1
Female aged 80	1			
Female aged 32, 75 & 84		3		
Female aged 32 to 55			5	

01/04/2018 – 31/03/2019 Adults = 248 Investigations Males = 171 & Females = 77						
	Work Address	Home Address	NHS	School	Foster Care	Other
Male aged 18 – 86	0	104	44	0	0	23
Female aged 19 - 83	0	43	25	1	0	8

01/04/2019 – 31/03/2020 Cared for Adults = 4 Investigations Males = 4 & Females = 0				
	Care Home	Home Address	NHS	Other (YPU)
Male aged 39 (same person)			2	
Male aged 18 & 19 (same person)				2
Female - none				

01/04/2019 – 31/03/2020 Adults = 238 Investigations Males = 153 & Females = 85						
	Work Address	Home Address	NHS	School	Foster Care	Other
Male aged 18 – 83	0	104	26	0	0	23
Female aged 18 - 88	0	66	15	0	0	4

9. **Strengths, Outcome, Challenges and Looking Forward**

9.1 A positive culture of continuous improvement, self-reflection and collaborative working has been embraced around the APC's collective efforts to support and protect Adults at Risk of harm.

9.2 Despite the challenges and uncertainty surrounding the break-up of the Public Protection Committee structure, the APC is thriving with management leads across all agencies supported by Lead Officers making significant progress in a number of areas of critical business. The belief of ensuring the basics are correct will stand the APC and AAR across West Lothian in good stead going forward.

9.3 Key strengths of West Lothian Adult Protection Committee are:

- Chair with both strategic and operational responsibilities within West Lothian in their substantive post, supported by Lead Officers lending continuity and experience;
- Regular attendance and commitment from members at the Adult Protection Committee and its sub committees who together, create a dynamic team to identify, progress and implement required work;
- A willingness to confront weaknesses without fear of repercussions and collectively find solutions;
- An understanding of local performance that means a clear focus on key achievement milestones in practice development and service delivery;
- Commitment of Critical Review Team (CRT) structure for those few cases which require this level of scrutiny and decision making from senior management. This offers assurance to operational staff about their continued and exemplary efforts to adequately support those most at risk;
- A structured COG governance reporting framework and scrutiny/oversight.

9.4 A range of key outcomes have been achieved to date:

- More efficient progression of initial concerns being identified and raised on iVPD forms and shared with partners for assessment and investigation if required;
- Identification of additional AAR of harm, demonstrated by a year on year increase in recorded Adult Protection referrals and consideration of each AAR's circumstances to provide them with appropriate support and protection in the least restrictive way and of benefit to them;
- Identification of a greater number of AAR requiring tripartite assessments and further AP work, allowing for additional support and protective measures to be put in place;
- Higher proportion of attendance at Case Conferences from the AAR and carer, leading to a greater opportunity to adopt a person-centred approach and focus on improved outcomes by participation and involvement in decision making process;
- An ongoing reduction in the number of AAR that go missing and potential of being at risk of harm;

- Potential surge in prevalence of mental health issues as biggest rise in concerns being raised for AAR during COVID-19 restrictions (ongoing monitoring);
- Confirmation that the client categories, harm types and locations of harm remain consistent specific to those AAR that have been identified as requiring support and protection;
- Creation of a supporting framework and strategies including audit and performance analysis has given the APC and partners clearer focus on multi-agency and single agency areas for development to ensure service delivery standards enhanced, supported by dedicated Police AP Co-ordinator.

9.5 Looking ahead, the challenges for the West Lothian Adult Protection Committee are:

- Responding to an increasing number of reports of concern and increased Adult Support and Protection activity whilst maintaining service delivery standards;
- Understanding the changing/sometimes immediate/long term needs of AAR as a result of COVID-19 restrictions and the impact of social isolation and imposed restrictions;
- Mapping out the impact from changing demographic trends and incidents of harm to deliver targeted and bespoke topic specific awareness raising training to staff in a revised manner;
- Managing the unseen threat risk and harm from crimes committed online and specific targeting of the vulnerable and elderly such as cuckooing incidents connected to County Lines gangs targeting Adults at Risk and placing them at risk of harm;
- Adopting and embedding preventative approaches to protect Adults at risk;
- Continuing to raise the public's, stakeholder's and others' awareness of harm and how to report a concern(s) for another person if they know or believe they may be at risk of harm;
- More closely engaging with AAR, carers and advocacy services to understand needs, gauge and learn from thoughts and opinions and tailor/improve service delivery;
- Understanding and addressing the prevalence of repeat AAR referrals and investigations;
- Understanding performance data critical to service delivery and continuous improvement;
- Ensuring staff buy-in and invest in adherence to new procedures, working practices in response to COVID-19 and survey requests important to continuous improvement;
- QA sub-group has significant challenges ahead in terms of preparation for a Joint Thematic Inspection of Adult Support and Protection undertaken by the Care Inspectorate and partners, whilst further performance analysis is critical to ongoing multi-agency service delivery standards to adults at risk across West Lothian.

9.6 Looking forward, West Lothian Adult Protection Committee is keen to achieve the high-level areas highlighted within the Improvement Plan 2020-2022:

- Review and update legislation, policy and guidance;
- Practice development and review, scrutiny and performance analysis;
- Outcomes and customer focus to achieve greater feedback, involvement and prevention of harm;
- Leadership and governance through visibility, direction, trend analysis and auditing;
- Training and development to support and inform staff; and
- Communication and engagement with AARs, carers, stakeholders and staff.

Appendix 1: **West Lothian Adult Protection Committee Performance Information Data**

West Lothian Adult Protection Committee Performance Information data for 2018-2019 & 2019-2020 is below. Data is collected over a financial year (1<sup>st</sup> April – 31<sup>st</sup> March) and this reporting period runs in parallel to the annual Scottish Government National Adult Support and Protection Dataset return. NHS requests and core agencies (Police, NHS and Social Work) receive a quarterly summary report of the annual Scottish Government National Adult Support and Protection Dataset return.

Measure	Q1 18/19	Q2 18/19	Q3 18/19	Q4 18/19	Q1 19/20	Q2 19/20	Q3 19/20	Q4 19/20
Referrals	192	158	179	202	281	153	230	193
Investigations (IRDs)	27	38	25	54	45	46	71	36
Protection Orders	2	0	0	0	0	1	0	1
Number of Large-Scale Investigations	0	0	0	0	0	3	0	0
Total number of cases with live Adult Support and Protection Plan	17	14	20	21	16	25	20	16
Number of repeat Duty to Inquires within a 12-month period	50	45	59	57	68	52	68	58
Percentage of Adult Support and Protection initial and Review Case Conferences held within procedural timescale	90	50	63	73	89	64	71	83
Percentage of Adult Support and Protection initial Case Conference where Council Officer reports were completed within procedural timescale	47	6	13	8	28	27	45	56
Percentage of Adult Support and Protection Case Conferences where the adult attended (including the number invited)	100 (3/3)	33 (2/6)	14 (1/7)	27 (3/11)	57 (4/7)	70 (7/10)	81 (13/16)	75 (3/4)
Percentage of Adult Support and Protection Case Conferences where a carer attended (Including number invited)	100 (1/1)	0 (0/0)	0 (0/0)	0 (0/0)	50 (1/2)	100 (2/2)	100 (3/3)	100 (1/1)
Percentage of Initial ASPCC where Police personnel attended (Including number invited)	33 (2/6)	100 (4/4)	67 (6/9)	50 (5/10)	87 (7/8)	100 (5/5)	60 (9/15)	71 (5/7)

Percentage of Initial ASPCC where Health personnel attended (Including number invited)	0 (0/0)	67 (2/3)	33 (1/3)	25 (1/4)	67 (3/2)	56 (5/9)	30 (7/23)	67 (2/3)
Percentage of ASPCCs where an advocate / guardian/ power of attorney attended (Including number invited)	0 (0/0)	75 (3/4)	100 (4/4)	67 (4/6)	50 (2/4)	67 (4/6)	58 (7/12)	100 (2/2)

The following Performance Indicators have since been developed and will be reported on in quarter 3 (October – December) 2020:

- Percentage of adults where a single agency chronology has been completed for the Initial Adult Support and Protection Case Conference (3 calendar days prior to the case conference)
- Percentage of Adults where a comprehensive multi-agency risk assessment has been completed within 28 calendar days of the initial ASPCC in preparation for the Review ASPCC
- Number of adults reporting that they feel safe as a result of intervention (Following Initial Case Conference)

Work will also be undertaken to facilitate a report on:

- Percentage of Duty to Inquires that have been completed within procedural timescale (7 calendar days)

## Appendix 2: Scottish Government Dataset

### ADULT PROTECTION ANNUAL RETURN 1st April 2019 to 31st March 2020

[Link to Guidance Notes](#)

To be completed for all adults who were subject to a referral under the Adult Support & Protection (Scotland) Act 2007 between 1st April 2019 to 31st March 2020

#### Section A: Data on Referrals

**Question 1: How many ASP referrals were received between 1st April 2019 to 31st March 2020?**

Total number of Referrals	799
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Question 2: Source of principal referral	
Source of referrals	Number of referrals
NHS	73
GPs	9
Scottish Ambulance Service	13
Police	90
Scottish Fire & Rescue Service	55
Office of Public Guardian	1
Mental Welfare Commission	0
Healthcare Improvement Scotland	0
Care Inspectorate	12
Other organisation	198
Social Work	0
Council	64
Self (Adult at risk of harm)	16
Family	59
Friend/Neighbour	14
Unpaid carer	25
Other member of public	2
Anonymous	1
Others	167
<b>Total</b>	<b>799</b>

## Section B: Data on Investigations

**Question 3: Number of investigations commenced under the ASP Act between 1st April 2019 to 31st March 2020?**

Total number of investigations	195
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**Question 4a: How many investigations were commenced for people of the following age and gender?**

Age Group	Number of investigations by age and gender			
	Male	Female	Not known	All adults
16-24	5	8	0	13
25-39	9	11	0	20
40-64	18	21	0	39
65-69	2	10	0	12
70-74	3	9	0	12
75-79	12	16	0	28
80-84	10	25	0	35
85+	11	25	0	36
Not known	0	0	0	0
<b>Total</b>	<b>70</b>	<b>125</b>	<b>0</b>	<b>195</b>

*Each investigation should only be counted once in this table*

**Question 4b: How many investigations were commenced for people of the following age and ethnic group?**

Age Group	Number of investigations by age and ethnic group							
	White	Mixed or multiple ethnic groups	Asian, Asian Scottish or Asian British	African	Caribbean or Black	Other ethnic group	Not known	All adults
<b>16-24</b>	7	1	0	0	0	0	5	13
<b>25-39</b>	10	1	0	0	0	0	9	20
<b>40-64</b>	31	0	0	0	0	0	8	39
<b>65-69</b>	10	0	0	0	0	0	2	12
<b>70-74</b>	5	0	0	0	0	0	7	12
<b>75-79</b>	13	0	0	0	0	0	15	28
<b>80-84</b>	19	1	0	0	0	0	15	35
<b>85+</b>	17	0	0	0	0	0	19	36
<b>Not known</b>	0	0	0	0	0	0	0	0
<b>Total</b>	112	3	0	0	0	0	80	<b>195</b>

*Each investigation should only be counted once in this table*

**Question 5: How many investigations were commenced for clients in the following primary main client group?**

<b>Client groups</b>	<b>Number of investigations by client groups</b>
Dementia	0
Mental health problem	92
Learning disability	32
Physical disability	61
Infirmity due to Age	113
Substance misuse	17
Other	0
<b>Total</b>	<b>315</b>

*Each investigation should only be counted once in this table*

**Question 6: Type of principal harm which resulted in an investigation (as defined under the ASP Act) between 1st April 2019 to 31st March 2020?**

Type of principal harm which resulted in an investigation	Number of investigations
Financial Harm	35
Psychological harm	29
Physical harm	43
Sexual harm	22
Neglect	34
Self-harm	6
Other	26
<b>Total</b>	<b>195</b>

**Question 7: Where did the principal harm take place which resulted in an investigation (as defined under the ASP Act) between 1st April 2019 to 31st March 2020?**

Location of principal harm which resulted in an investigation	Number of investigations under the ASP Act
Own home	90
Other private address	9
Care home	49
Sheltered housing or other supported accommodation	4
Independent Hospital	0
NHS	0
Day centre	0
Public place	14
Not known	29
<b>Total</b>	<b>195</b>

### Section C: Data on ASP Case Conferences and Protection Orders

**Question 8: How many cases were subject to an ASP Case Conference between 1st April 2019 to 31st March 2020?**

Type of ASP Case Conferences	Number of ASP Case Conferences
Initial ASP case conference	33
Review ASP case conference	49
ASP case conference*	0
<b>Total</b>	<b>82</b>

*\* If your system/process does not differentiate between initial and review, enter the total number of ASP case conferences under "ASP Case Conference"*

Question 9: How many Protection Orders were granted between 1st April 2019 to 31st March 2020?	
Types of Protection Orders	Number of Protection Orders granted
Assessment Order	0
Removal Order	0
Temporary Banning Order	0
Banning Order	2
Temporary Banning Order with Power of Arrest	0
Banning Order with Power of Arrest	0
<b>Total</b>	<b>2</b>

#### Section D: Data on ASP Large Scale Investigations (LSI)

Question 10: Number of LSI commenced between 1st April 2019 to 31st March 2020?	
Total number of LSI	3

#### Section E: Data on Outcomes

**Question 11: What happened to referrals received between 1st April 2019 to 31st March 2020?**

<b>Type of Outcome</b>	<b>Number of referrals</b>
Further AP action	371
Further non-AP action	308
No further action	51
Not known	69
<b>Total</b>	<b>799</b>

**Question 12: What happened to investigations carried out between 1st April 2019 to 31st March 2020?**

<b>Type of Outcome</b>	<b>Number of investigations</b>
Further AP action	112
Further non-AP action	0
No further action	71
Not known	12
<b>Total</b>	<b>195</b>

### Appendix 3: West Lothian APC Improvement Plan 2020-22

# West Lothian Adult Protection Committee Improvement Plan 2020-2022

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West Lothian Adult Protection Committee (APC) operates within the context of Scottish and UK legislation and national guidance relating to Adult Support and Protection. In addition to the Adult Support and Protection (Scotland) Act 2007, other relevant codes of practice such as the Mental Health (Care and Treatment) (Scotland) Act 2003 and Adults with Incapacity (Scotland) Act 2000 play a central role in safeguarding adults at risk across our local authority area.

West Lothian Adult Protection Committee takes a leadership role in working with all involved agencies to ensure the continuous improvement of adult protection services in West Lothian. The Committee provides clear links with wider adult support services and reinforces and develops, through joint multi-agency practice, the integration of adult support and protection services across West Lothian.

## Key Principles

West Lothian Adult Protection Committee will operate within the framework of the following principles: -

- A **person-centred approach** in which the best interests of the individual are paramount underpinned by the principles of the Adult, Support and Protection (Scotland) Act 2007 including consideration of Advocacy to enable an adult to participate as fully as possible in the Adult Protection process;
- **Joint working** based on mutual respect and a shared understanding of each member's roles and responsibilities, ensuring **co-operation** and **good communication** within and between agencies;
- A **proactive approach** to all support and protection work.

- A focus on **improved outcomes** for adults at risk, where **interventions** provide **benefit** and be the **least restrictive option** available to that adult (adherence to National Health & Care Standards).
- **Participation and responsiveness** at a local level.

## Functions

Section 42 of the Adult Support & Protection (Scotland) Act 2007 defines the functions of local Adult Protection Committees in each Local Authority area as follows: -

- To keep under **review procedures and practices** of public bodies and office holders (i.e the Council, the Care Commission, the Health Board, the Chief Constable and any other public body or office holder as specified/required locally) relating to the safeguarding of adults at risk across West Lothian.
- To **give information or advice, or make proposals** to any public body and office holder on the exercise of functions relating to safeguarding adults at risk.
- To make, or assist in making, arrangements for **improving the skills and knowledge** of officers or employees of public bodies and office holders who have responsibilities relating to safeguarding adults at risk.
- Any other function relating to safeguarding adults at risk as may be specified by order of Scottish Ministers.
- In performing these functions, the APC must have regard to the desirability to **improving co-operation** between agencies for the purposes of safeguarding adults at risk across West Lothian.

## National Health & Care Standards Outcomes are achieved when progressing ASP work:

- I experience high quality care and support that is right for me;
- I am fully involved in all decisions about my care and support;
- I have confidence in the people who support and care for me;
- I have confidence in the organization providing my care and support;
- I experience a high quality environment if the organization provides the premises.

<b>What we want to achieve?</b>	<b>What are we going to do?</b>	<b>How will we do it?</b>	<b>Owner/when will we do it by?</b>	<b>How will we know when we have done it?</b>
Incorporate outstanding actions from the WL PPC Business Plan into the WL APC Improvement Plan 2020-2022	Complete outstanding WL PPC Business Plan actions	Progress via WL APC and sub committees	Chair APC/ June 2020	Reviewed by the WL APC and outcome recorded.
Devise and implement WL APC Improvement Plan 2020-2022	Draft, circulate for consultation and identify date to implement WL APC Improvement Plan 2020-2022	Identify national, local and operational areas and prioritise actions	Chair APC/ June 2020	WL APC Improvement Plan 2020-2022 reviewed by the WL APC and implemented. Added to WL PP website and communicated to stakeholders. Develop easy read version of WL APC Improvement Plan 2020-2022
Local Policies and Procedures / statutory legislation	Ensure staff aware of and effectively use statutory powers to protect AAR and add to accessible media platforms	Review and revise WL APC Policies and procedures (SLWG)	QA sub group/ Lead Officer. Ongoing	Review use of policies and procedures via audits and performance indicators. Update and review where required.
Pan-lothian policies and procedures	Ensure staff aware of and effectively use statutory powers to protect AAR	Review and revise pan-Lothian policies and procedures adopted	QA sub group/ Lead Officer. Ongoing	Review use of policies and procedures via audits and performance indicators. Collectively update and review where required.
Statutory Legislation	Ensure staff aware of and effectively use statutory legislation to protect AAR	Development of Learning & Development Strategy 20-22 to ensure staff have necessary skills and	QA sub group/Lead & Training Officers. Ongoing	Review use of legislation and powers via audits and performance indicators (eg prohibition orders, capacity assessments etc)

		knowledge to fulfil duties to support and protect AAR		
Information Sharing	Review all Information Sharing protocols (electronic and non-electronic)	Review all Information Sharing protocols (electronic and non-electronic) to ensure staff confidence in sharing, feedback to referring agencies, staff understanding and expectations (eg contribution to IRDs)	QA sub group/ Lead Officer. March 2021	Review satisfied all relevant aspects covered and process is prompt and ensures all relevant information shared without delay
Risk Identification	Ensure valid system for prompt screening of all concerns. (inc thresholds/ 3 point test correctly/ consistently applied)	Review current processes of referral screening (quality, rationale for decisions) and identify areas for improvement	Brian Manchester / Karen Love Ongoing	Reduction timescales, confidence /consistency of screening, thresholds/3 point test consistently applied where required/by-passed where appropriate
	Improve quality and expand number of agencies making referrals	Review current agency referrals quality/quantity and explore identity of additional agencies involved ASP/3 <sup>rd</sup> Sector	Brian Manchester / Karen Love Ongoing	Ongoing – collation of figures and referring agencies
Risk Assessment	Ensure prompt/robust multi-agency inquiry and IRD process	Review multi-agency inquiry and IRD process to ensure suitable concerns proceed to full investigation	Brian Manchester / Karen Love Ongoing	Consistency / higher proportion of cases proceeding to investigation
	Ensure completion of comprehensive structured chronologies	Review chronology standards to ensure up-to-date, focus on key life events and risk implications	Brian Manchester / Karen Love Ongoing	Consistency of completed comprehensive chronologies

Risk Mitigation	Ensure competent multi-agency in-depth investigation	Review investigations to ensure timeous/fully recorded rationale for key single/multi-agency decisions	Brian Manchester / Karen Love Ongoing	Fully evidenced /rationale decision making
	Ensure detailed risk assessments and risk management plans	Review standards and format of risk assessments and risk management plans (including chronologies)	Brian Manchester / Karen Love Ongoing	Consistency of risk assessments and risk management plans
Large Scale Investigations	Ensure LSI's competently conducted/consistent with national code of practice and learning captured/shared	Review LSI's conducted to identify learning, ensure this is shared and improve practice and	Brian Manchester / Karen Love Ongoing	Completion of review process, learning shared and improvements in practice
Multi-agency Case Conference	Ensure correctly convened within timescales	Review processes for convening, timescales, attendance levels (including AAR and unpaid carer) and outcomes for AAR (inc NHCS outcomes).	Brian Manchester / Karen Love Ongoing	Confidence in processes, timescales, attendance levels (including AAR and unpaid carer) and outcomes (inc NHCS outcomes).
AP Reviews	Ensure quality assurance processes in place	IRD Review Group meetings, case file audits, CRT, PCM	Brian Manchester / Karen Love Ongoing	Reviewing ongoing processes and assessing compliance standards/ identifying learning
AAR safe	Ensure National Health and Care Standard outcomes recorded, understood and achieved	Service User Reviews to capture experiences and capture learning to drive improvements	Lead Officer/ Robin Allen Ongoing	Ongoing analysis and feedback to embed continuous improvement

AAR support	Ensure use and effectiveness of Independent Advocacy services to support AAR	Review use and effectiveness of Independent Advocacy services	Lead Officer/ Robin Allen Ongoing	Review numbers, role in articulating views and ensuring views of AAR taken into account are recorded
Prevention	Identify, agree and develop priority areas for prevention	Work alongside stakeholders & service users, provide support to prevention work and evaluate effectiveness	APC Ongoing	Prevention activities identified, progressed, stakeholder & service user feedback and evaluation of outcomes undertaken
	Perpetrator engagement (when necessary)	Review nature of harm and where possible, carry out effective work with perpetrator to prevent reoccurrence	APC / Robin Allen (CJSW) Ongoing	Reduced number of repeat perpetrators / improvement in care provision etc
COG and APC	Fulfil statutory roles, support and drive improvement and exercise sound governance	Champion work of AP staff, support audit activity and learning/development activities	COG/APC Ongoing	Ongoing via COG
Governance and leadership	Identify and utilise a framework to undertake a leadership and self-evaluation review	Evidence strengths and areas for continuous improvement to enhance local ASP reporting arrangements and multi-agency operational practices	APC/QA sub group/Lead Officer Aug 2020	The WL APC will consider the governance and leadership self-evaluation review findings and recommendations eg CRT process
		Ensure frontline and management staff confident of support and leadership	Lead Officer Ongoing	Staff survey to be undertaken and feedback / improvements progressed
AP Vision	Identify key visions for Adult Protection	Ensure clearly articulated vision and strategy	Chair APC Aug 2020	Vision to be clearly articulated and staff survey to be undertaken and feedback/improvements progressed

Quality assurance and audit	Identify QA and audit activities and deliver identified improvements	Ensure scrutiny on a multi-agency basis by auditing case files, processes, policies and procedures.	APC / QA sub group Ongoing	Results of audits scrutinised, assessed, improvements made and continual reviews to consolidate learning and good practice
National initiatives, developments and learning	WL representatives attendance at national/ specialist groups	Identify groups attended and by whom, to collaboratively promote best practice in WL via topic specific champions	Lead Officer Aug 2020	Multi-agency and collaboratively led actions progressed by WL APC Sub Committees to continuously improve systems, practices and processes
Performance	Understand performance and emerging trends	Performance and trend analysis / quantitative and qualitative context / benchmarking against other grouped LA areas to capture good practice	APC/QA sub group/ Lead Officer Ongoing	Ongoing analysis and benchmarking
	Scottish Government Annual Data Set return	Gather information from local recording systems, analyse results, consider impact/effectiveness on local practice/outcomes/ submit	APC/QA sub group/Lead Officer June-Aug 2020	Submission of data set, analysis of data and review outcomes/progress via APC & COG
Adult Support and Protection training	To continue to deliver a robust multi-agency training & development programme including: <ul style="list-style-type: none"> <li>• Adult Support and Protection training; e-module, Level 1, 2 &amp; 3</li> <li>• Human Trafficking</li> </ul>	Promote collaborative and dynamic learning approaches to develop a confident and competent workforce	Training & Lead Officers Delivery 2020-2022	Multi-agency and collaboratively led by APC Sub Committees

	<ul style="list-style-type: none"> <li>• Financial Harm</li> <li>• Self-Neglect &amp; Hoarding</li> <li>• Capacity decision making</li> <li>• Chronologies</li> <li>• Managing people with Personality Disorders</li> <li>• Risk Assessment</li> <li>• Appropriate Adult Training</li> <li>• DEWIS Project – promoting identification &amp; reporting of domestic abuse in older people</li> <li>• Training Initiatives linked to learning from National Campaigns, LSIs, SCR's &amp; CRT's.</li> <li>• Promoting a shared practice culture across all agencies</li> <li>• Training Needs Analysis</li> <li>• Introduction Herbert Protocol</li> </ul>			
Implement a 2020-2022 Communication Strategy	Draft, circulate for consultation and identify	Identify stakeholders, approach and publicise	Training Officer	Reviewed by the WLAPC and outcome recorded.

and Communication and Engagement Plan	date to implement WL APC Communication Strategy and Communication and Engagement Plan 2020-2022	Communication Strategy and Communication and Engagement Plan	Oct 2020	Communication Plan and Communication and Engagement Strategy implemented. Added to WL PP website and communicated to stakeholders Develop easy read version of Strategy and Engagement Plan.
COVID - 19 Response	Review innovative new procedures and practices to identify any added value of these to pre COVID -19 ASP processes	Develop a learning framework and methodology to review “new normal” system responses and processes via multi-agency focus groups	APC/ all March - present 2020	Reviewed by the WL APC and outcome recorded
Scottish Government ASP Biennial Report 2018-2020	Use SG guidance to inform content of WL ASP Biennial Report 2018-2020	Complete WL ASP Biennial Report 2018-2020 by 31/10/2020	APC/all October 2020	Reviewed by the WL APC and outcome recorded. Circulated to other Governance groups for information and approval
Pre-Inspection Audit Theme Report	Findings and Recommendations communicated to WL APC and sub committees	APC and AP Subs progress	QA Sub group 2020-2021	Complete actions in Pre-Inspection Audit Theme Action Plan
Revised ASP Inspection Timelines	Inform stakeholders about revised time line and purpose & objectives of ASP Inspection	Issue a ASP Inspection communication	Lead Officer August 2020	Add ASP Inspection communication to WL PP website for stakeholders to access Develop an easy read version of ASP Inspection communication
Sustainable NHS staff trained to undertake AP IRDs.	Raise issue with NHS senior management.	Item on APC/COG agenda / arrange meeting outwith.	Chair APC / NHS COG reps	Staff identified, training devised and delivered, IRDs undertaken and reviewed (quality assured)

App 4: WL APC Communications & Engagement Strategy 2020-23 & Communications Plan

## Communications and Engagement Strategy 2020 – 2023

### What to do if you are worried about an Adult who may be at risk of harm

*You should contact the Adult Social Care Enquiry Team*

Adult Social Care Enquiry Team	01506 284848
Out of Office hours	01506 281028/29
Police Scotland Non-Emergency	101
Police Scotland - In an Emergency	999

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## **1. Introduction**

- 1.1. West Lothian Adult Protection Committee (APC) operates within the context of Scottish and UK legislation and national guidance relating to Adult Support and Protection. In addition to the Adult Support and Protection (Scotland) Act 2007, other relevant codes of practice such as the Mental Health (Care and Treatment) (Scotland) Act 2003 and Adults with Incapacity (Scotland) Act 2000 play a central role in safeguarding adults at risk across our local authority area.
- 1.2. West Lothian Adult Protection Committee takes a leadership role in working with all involved agencies to ensure the continuous improvement of adult protection services in West Lothian. The Committee provides clear links with wider adult support services and reinforces and develops, through joint multi-agency practice, the integration of adult support and protection services across West Lothian.

## **2. Functions of the APC**

One of the main functions of the APC is the promotion of Public Information, Engagement and Participation

The APC is responsible for:

- raising awareness so that members of the public, including children and young people, know what adult protection means and what to do if they have a concern for an adult who may be at risk of harm
- explaining and promoting the role of services in protecting adults in our communities
- engaging with local communities to raise awareness of indicators of adult concern
- increasing understanding of the role that communities and all people have in protecting adults at risk of harm
- involving adults, service users and carers in its design and delivery taking account of new and emerging risks

## **3. Aims and Objectives**

- Promote understanding of adult protection issues within communities.
- Raise awareness of adult protection issues both internally and externally.
- Oversight of multi-agency public awareness activity relating to adult protection issues.
- Promote the ethos that “adult protection is everyone’s job” in keeping with Adult Protection
- Provide information about how members of the public can report adult protection concerns and what could happen as a result.
- Determine the most effective means of communications, including printed publications, social media and online activity.
- Liaise with the Scottish Government, SWS, NHS Lothian, the National Adult Support and Protection Coordinator, and Police Scotland media and marketing teams to ensure collaboration with national campaigns.

#### 4. Stakeholders

West Lothian APC has identified **seven** distinct stakeholder groups. In many cases stakeholders will fall into more than one group e.g. they are a carer and a practitioner.

- Adults at Risk of or Experiencing Abuse or Neglect;
- Carers & Families;
- Members of the Public and Communities;
- Voluntary & Community Organisations;
- AP Practitioners & Managers;
- AP Partners & Providers;
- General Services – including Trading Standards, Environmental Health, Job Centre Plus, Banks and Financial Services.

#### 5. Key Messages

There are **four** distinct messages contained within this strategy:-

- To provide awareness and understanding of the West Lothian APC;
- To provide clear and relevant information, where appropriate, on Adult Protection processes;
- To provide information on how to access help relating to Adult Protection matters;
- To be aware of national and local developments.

##### Key Message 1

**Aim: To provide awareness and understanding of the West Lothian Adult Protection**

**Committee**

- Distribution / dissemination of information on Adult Protection issues on various platforms;
- Develop newsletters as relevant;
- Develop a training calendar in consultation with the AP Learning & Development Sub committee;
- Develop a public awareness campaign following consultation with key stakeholders including service users.

### **Key Message 2**

**Aim: To provide clear and relevant information, where appropriate, on Adult Protection Processes**

- Ensure that guidelines, procedures and other relevant information is published on the Adult Protection Website;
- Regularly review and update the information on the webpage;
- Consult with relevant stakeholders to ensure that the website is accessible;
- Develop a quality control mechanism to ensure that materials and information are available to intended recipients (e.g. telephone survey, brief questionnaire).

### **Key Message 3**

**Aim: To provide information on how to access help relating to Adult Protection matters.**

Information will be offered in a variety of mediums:

- Training at all levels;
- Dissemination of guidelines;
- Development and distribution of relevant information leaflets.

This will be provided through existing mechanisms:

- Community Care Forums;
- Community Councils;
- Other Community Groups;
- Voluntary Sector Fora;
- Carers Groups;
- Staff Groups;
- 

Developing new mechanisms where necessary:

- DVD;
- Social Networking;
- Through website and any associated hyperlinks.

#### **Key Message 4**

**Aim: To be aware of national and local developments.**

- Sharing good practice examples;
- Distribution of relevant information as it becomes available by means of agreed distribution mechanisms;
- 
- Action plans from any external reviews and inspections;
- Maintain links with Scottish Government and other networks;
- Reviews of research, current literature and media.

## **6. Delivering the Objectives and Key Messages**

The APC will be responsible for the delivery of this Communications & Engagement Strategy set out in the APC Annual Business Plan.

## **7. APC Communication Plan**

A West Lothian APC Communication Plan will be produced every year.

## **8. Monitoring, Evaluation and Scrutiny**

These activities will be set out in the APC Business Plan and progressed, monitored and evaluated through quarterly APC meetings. Progress and outcomes will be included in the APC Annual Report.

## **9. Feedback**

An important element of all public information and communication and public involvement and engagement activities is the requirement for effective feedback.

Feedback from stakeholders will also influence future APC public information, communication, participation and engagement activities.

West Lothian Communication Plan

<b>Target Group</b> (Stakeholders)	<b>Message we need to communicate</b> (Key messages)	<b>Method of Communication</b>
Adults at risk of experiencing abuse or neglect	<ul style="list-style-type: none"> <li>• What is meant by harm or abuse</li> <li>• How to stay safe</li> <li>• How to raise awareness of risks without raising fear</li> <li>• What to do if they or someone they know is being harmed or exploited</li> <li>• For those involved in the adult protection process, a basic understanding of the services/support available and what it means for them.</li> <li>• Advocacy services available</li> </ul>	<ul style="list-style-type: none"> <li>• Publicity Material in public places ie: Libraries, GP Surgeries, Council buildings, Health Centres</li> <li>• Public Protection website</li> <li>• Partner agencies' websites</li> </ul>
Carers & Families	<ul style="list-style-type: none"> <li>• What adult protection is</li> <li>• Adult Protection is 'everyone's responsibility'</li> <li>• What constitutes an Adult Protection concern</li> <li>• What to do if they witness, or suspect harm or abuse</li> <li>• Sources of Adult Protection advice for carers</li> <li>• For those involved in an Adult Protection process, a basic understanding of the protection/support available and what it means for them.</li> </ul>	<ul style="list-style-type: none"> <li>• Publicity material in public places</li> <li>• Public Protection Website</li> <li>• Targeted events</li> <li>• Bespoke communications</li> <li>• Local networking</li> </ul>
Members of the Public and Communities	<ul style="list-style-type: none"> <li>• What is Adult Protection</li> <li>• Adult Protection is 'everyone's responsibility'</li> <li>• What to do if they witness or suspect harm or abuse</li> <li>• The role of the Adult Protection Committee</li> </ul>	<ul style="list-style-type: none"> <li>• Publicity material in public places</li> <li>• Public Protection website</li> <li>• Partner agencies' websites</li> <li>• Targeted events</li> <li>• Bespoke communications</li> </ul>
Voluntary and Community Organisations	<ul style="list-style-type: none"> <li>• Adult Protection practice</li> <li>• How to access Adult Protection advice and help</li> <li>• How to access Adult Protection procedures</li> </ul>	<ul style="list-style-type: none"> <li>• West Lothian Adult Protection Policy and Procedures</li> <li>• Public Protection Website</li> </ul>

	<ul style="list-style-type: none"> <li>• How to recruit staff and volunteers safely and deal with any allegations made against them</li> <li>• What Adult Protection training is available and how to access it</li> <li>• The role of the Adult Protection Committee</li> <li>• Advocacy services</li> </ul>	<ul style="list-style-type: none"> <li>• Publicity Material in public places</li> <li>• Partner agencies' websites</li> <li>• Adult Protection Committee Newsletters</li> </ul>
Practitioners and Managers	<ul style="list-style-type: none"> <li>• Adult Protection practice</li> <li>• Adult Protection procedures</li> <li>• Adult Protection Training</li> <li>• Shared learning and best practice</li> <li>• Advocacy Services</li> <li>• Changes in legislation</li> <li>• Sharing Best Practice</li> <li>• Adult Protection Strategic Plan</li> <li>• Adult Protection Biennial report</li> </ul>	<ul style="list-style-type: none"> <li>• West Lothian Adult Protection Policy and Procedures</li> <li>• Public Protection Website</li> <li>• Adult Protection Newsletters</li> </ul>
Providers, Services and Agencies	<ul style="list-style-type: none"> <li>• Adult Protection is 'everyone's responsibility'</li> <li>• What is meant by harm or abuse</li> <li>• What to do if they witness or suspect harm or abuse</li> <li>• How to access Adult Protection training</li> <li>• Changes in legislation</li> <li>• Shared learning and best practice</li> <li>• Local initiatives</li> <li>• Advocacy services</li> <li>• The role of the Adult Protection Committee</li> <li>• Adult Protection Strategic Plan</li> <li>• Adult Protection Biennial report</li> </ul>	<ul style="list-style-type: none"> <li>• West Lothian Adult Protection Policy and Procedures</li> <li>• Public Protection website</li> <li>• Adult Protection Newsletters</li> </ul>

Channels of Communication:

Public Protection Website

Leaflets, Posters, Newsletters

Local Media – use of local media to promote targeted awareness raising events and planned Adult Protection Campaigns

Social Media – use of social media platforms i.e. Twitter / Facebook to communicate key messages and engage people in consultations and discussions

Link-in with channels provided by SG Improvement Plan



DATA LABEL: PUBLIC



## **COUNCIL EXECUTIVE**

### **CONSULTATION ON CYCLE 2 OF THE FORTH ESTUARY FLOOD RISK MANAGEMENT STRATEGIES AND PLANS**

#### **REPORT BY HEAD OF OPERATIONAL SERVICES**

##### **A. PURPOSE OF REPORT**

The purpose of this report is to update the Council Executive on the forthcoming public consultation for the Draft 2021 - 2027 Forth Estuary Flood Risk Management Strategy and the Draft 2022-2028 Forth Estuary Local Flood Risk Management Plan.

##### **B. RECOMMENDATION**

It is recommended that the Council Executive note the content of this report, the forthcoming Forth Estuary consultation dates for the flood risk management strategy and plans, and the Council's agreed Objective Target Areas.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; developing employees; making best use of our resources; working in partnership.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p><b>Policy</b> – Draft 2021 – 2027 Forth Estuary Flood Risk Management Strategy and Draft 2022 – 2028 Forth Estuary Flood Risk Management Plan.</p> <p><b>Legal</b> - The Flood Risk Management (Scotland) Act 2009.</p> <p><b>SEA</b> – Draft SEA for the Flood Risk Management Strategy will be included with Phase 2 of the public consultation.</p> <p><b>Equality Issues</b> – Not applicable.</p> <p><b>H&amp;S</b> – Not applicable.</p> <p><b>Risk Assessment</b> – Not applicable.</p>

<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	<b>SOA 4.</b> We live in resilient, cohesive and safe communities; <b>SOA 5.</b> People most at risk are protected and supported to achieve improved life chances; <b>SOA 6.</b> Older people are able to live independently in the community with an improved quality of life; <b>SOA 7.</b> We live longer, healthier lives and have reduced inequalities; and <b>SOA 8.</b> We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	<p><b>Financial:</b> Scottish Government funding of local authority flood risk management actions is based on the agreed Cycle 2 actions and their prioritisation in the 2021 – 2027 Flood Risk Management Strategies, and the resulting 2022-2028 Local Flood Risk Management Plans.</p> <p><b>Staffing:</b> Existing resources.</p> <p><b>Property/Assets:</b> The forthcoming flood risk management actions will generate new flood protection assets in Cycle 2 or beyond.</p>
<b>VII</b>	<b>Consideration at PDSP</b>	The Environment PDSP was consulted at its meeting on 10 November 2020.
<b>VIII</b>	<b>Other consultations</b>	This report is to advise of the forthcoming public consultation arrangements for the Draft 2021 – 2027 Forth Estuary Flood Risk Management Strategy, and the subsequent public consultation of the Draft 2022 – 2028 Forth Estuary Local Flood Risk Management Plan.

## **D. TERMS OF REPORT**

- 1.0** This report is to update the Council Executive on the forthcoming public consultations for Cycle 2 of the Forth Estuary Local Plan District Flood Risk Management Strategy (the 'Strategy') and the Forth Estuary Local Plan District Local Flood Risk Management Plan (the 'Plan').
- 2.0** Under the Flood Risk Management (Scotland) Act 2009, Cycle 1 Strategies were published by the Scottish Environment Protection Agency (SEPA) in December 2015 for the period 2015 – 2021. Cycle 1 Plans were published by the Forth Estuary Lead Local Authority (formerly The City of Edinburgh Council) in June 2016 for the period 2016 – 2022.
- 3.0** Draft Cycle 2 Strategies and Plans are currently being prepared for public consultation. Phase 1 of the public consultation will be launched by 21 December 2020. Draft Strategy information will include a Forth Estuary Local Plan District (LPD) summary, Potentially Vulnerable Area (PVA) summary, and a list of agreed Objective Target Areas (OTA's). The agreed OTA's for the Council's administrative area are: Armadale, Bathgate, Blackburn, Blackridge, Broxburn, Fauldhouse, Linlithgow, Livingston & Mid Calder, West Calder and Whitburn.
- 4.0** Phase 2 of the public consultation will be launched by 22 March 2021. Draft Strategy information will include the OTA Datasheets and a Draft Strategic Environmental Assessment (SEA). Draft Plan information will include the proposed prioritised flood risk management actions for Cycle 2.
- 5.0** The importance of the OTA actions and subsequent funding allocation was highlighted recently when 21 properties in Broxburn were flooded internally from the Liggat Syke on Thursday 27 August. Previous Scottish Government funding requests for this location had been unsuccessful; in 2019 the council approved £1.8m capital investment for the development of Liggat Syke Flood Protection Works.
- 6.0** Both consultations will be run using the Citizen Space online citizens' engagement platform, and will remain open until June 2021. Once open, the Strategy and Plan consultations can be accessed here: <https://consultation.sepa.org.uk/>
- 7.0** Cycle 2 Strategies are due to be published by SEPA in December 2021. The Forth Estuary Cycle 2 Plan is due to be published by the Forth Estuary Lead Local Authority (currently Falkirk Council) in June 2022.
- 8.0** The Draft Strategy and Plan is prepared in collaboration with the other Responsible Authorities in the Forth Estuary LPD, i.e. 13 local authorities, SEPA, Scottish Water, Network Rail, Transport Scotland and Forestry & Land Scotland.
- 9.0** A subsequent report will be brought forward to the Council Executive early 2021 which will include the draft prioritised actions for the Cycle 2 Plan and further information on the March 2021 public consultation.

## **E. CONCLUSION**

This report is to advise the Council Executive of the forthcoming consultation arrangements for the Flood Risk Management (Scotland) Act 2009 Cycle 2 Flood Strategies and Plans.

- Phase 1 of the public consultation for the 2021 – 2027 Draft Forth Estuary Flood Risk Management Strategy is due to be launched by 21 December 2020.
- Phase 2 of the public consultation for the 2021 – 2027 Draft Forth Estuary Flood Risk Management Strategy is due to be launched by 22 March 2021, alongside the launch of the public consultation for the 2022 – 2028 Draft Forth Estuary Local Flood Risk Management Plan.

Both consultations will close in June 2021.

The agreed Objective Target Areas (OTA's) for the Council's flood risk management actions during Cycle 2 are: Armadale, Bathgate, Blackburn, Blackridge, Broxburn, Fauldhouse, Linlithgow, Livingston & Mid Calder, West Calder and Whitburn. Draft prioritised flood risk management actions for Phase 2 of the consultation will be presented to the Council Executive early 2021.

## **F. BACKGROUND REFERENCES**

- Flood Risk Management Strategy for the Forth Estuary Local Plan District, Published by SEPA, December 2015
- Local Flood Risk Management Plan for the Forth Estuary Local Plan District, Published by City of Edinburgh Council, June 2016
- National Flood Risk Assessment, Report by the Head of Operational Services to the Council Executive, 26 June 2018
- Forth Estuary Local Plan District – Flood Risk Management Interim Report, Report by the Head of Operational Services to the Council Executive, 26 February 2019

Appendices/Attachments: None

Contact Person: Shona Collins, Engineer – Flood Risk Management  
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Jim Jack, Head of Operational Services

Date of meeting: 17 November 2020

DATA LABEL: PUBLIC



## **COUNCIL EXECUTIVE**

### **WEST LOTHIAN INTEGRATION JOINT BOARD PERFORMANCE REPORT 2019/20**

#### **DEPUTE CHIEF EXECUTIVE (HEALTH & SOCIAL CARE PARTNERSHIP)**

#### **A. PURPOSE OF REPORT**

The purpose of the report is to inform the Executive that the West Lothian Integration Joint Board (IJB) has published its Annual Performance Report for 2019/20.

#### **B. RECOMMENDATIONS**

1. To note the summary report and performance against the core suite of integration indicators; and
2. To note performance against local and national indicators which support National Health and Wellbeing Outcomes

#### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Being honest, open and accountable; making best use of our resources; working in partnership
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Public Bodies (Joint Working) (Scotland) Act 2014 West Lothian IJB Strategic Plan
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	Performance Indicators have been developed for each of the IJB's commissioning plans
<b>V</b>	<b>Relevance to Local Outcomes Improvement Plan</b>	N/A
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	No implications

**VII Consideration at PDSP** Not required

**VIII Other consultations** None

**D. TERMS OF REPORT**

- 1 The Public Bodies (Joint Working) (Scotland) Act 2014 sets out a legal framework for the integration of health and social care services in Scotland. In West Lothian the Integration Joint Board (IJB) was established on 1st April 2016 and is responsible for planning and setting direction for the majority of integrated health and social care services for adults in the area.
- 2 The IJB is required to publish an annual performance report setting out an assessment of performance in relation to the National Health and Wellbeing Outcomes which provide a strategic framework for the planning and delivery of health and social care services. There is a statutory requirement for IJB's to publish Annual Performance Report by 31st July each year.
- 3 Guidance from the Scottish Government explains that performance must be assessed in the context of arrangements set out in commissioning plans and financial statements. It should cover how significant decisions made by the Board over the course of the reporting year have contributed to improving outcomes for the people who use health and social care services.
- 4 The Ministerial Strategic Group for Health and Community Care has agreed a core suite of integration indicators and the IJB is asked to report against those indicators in annual performance reports. The report must also include information on financial performance and Best Value.
- 5 A number of the integration indicators rely on results from the Scottish Health and Care Experience Survey which is undertaken by the Scottish Government every two years. The last survey was undertaken in 2019/20 and the results were due to be published in April 2020. The COVID-19 pandemic, however, delayed publication and the results were not available for inclusion in the report at the time of publication.
- 6 Whilst every effort was made to include as much detail as possible in the Annual Performance Report 2019/20, the format this year has been affected by the impact of the COVID-19 pandemic. Some of the staff who normally contribute to the report were moved to different roles to support communities as part of the pandemic response and were therefore been restricted in their ability to add to it this year.

**E. CONCLUSION**

- 1 The Executive is asked to note the content of the draft IJB Annual Performance Report for 2019/20, the overview of the core suite of integration indicators and the summary of indicators which support delivery of the National Health and Wellbeing Outcomes.

**F. BACKGROUND REFERENCES**

- 1 [West Lothian Integration Joint Board Strategic Plan](#)
- 2 Public Bodies (Joint Working) (Scotland) Act 2014

Appendices:

1. West Lothian Integration Joint Board Annual Performance Report 2019/2020
2. Overview of core integration indicators
3. West Lothian Indicators which support delivery of National Health and Wellbeing Outcomes

Contact Person: Lorna Kemp, Project Officer - IJB, [lorna.kemp@westlothian.gov.uk](mailto:lorna.kemp@westlothian.gov.uk), 01506 283519

Allister Short, Depute Chief Executive

Date of meeting: 17 November 2020

# West Lothian Integration Joint Board

## Annual Performance Report

### 2019/20

# Foreword

*I took up post as the Chief Officer of the Integration Joint Board in September 2019 following the retirement of Jim Forrest who had been head of the partnership for over 10 years. It was clear from the beginning that there were strong community connections throughout West Lothian developed through a long history of partnership working in the delivery of health and social care services. When I took up post, my aim was to build on the strong foundations already in place and further progress the integration of health and social care services to improve outcomes for the people we support.*

*At the beginning of the reporting year in April 2019, it would have been difficult to imagine how life would have changed so dramatically almost a year later. The West Lothian community has faced unprecedented challenge as it has adapted and coped with the COVID-19 global pandemic response. The spirit of cooperation that I have observed between health and social care staff, our service users, their families, carers, and the many commissioned services and other stakeholders who make up our health and social care partnership, has been remarkable. People adapted to rapidly changing circumstances, supported each other when times were really tough and remained focused on ensuring that the needs of our service users and their families were at the forefront of the decisions we made.*

*Life is likely to remain different for some time to come and I am sure there are many lessons to be learned from our pandemic response. Our challenge in the months ahead will be in ensuring that we reflect on what we have done, keep people safe as we restart services and maintain an approach to service delivery which reflects local and national guidance.*

*Although life has been overtaken to a significant extent by recent events, it's important that we don't lose sight of the good work that was done earlier in the year. Following on from the review of the Integration Joint Board's Strategic Plan during 2018/19, strategic commissioning plans were developed during 2019/20 for services for older people, mental health and those living with learning and physical disabilities. The plans set out ambitious programmes of change to progress our aim to support people at home or in as homely a setting as possible in West Lothian.*


*A commissioning plan for addictions services will be completed shortly and plans are in place to develop strategic plans for palliative and unplanned care. We also report on a regular basis to the IJB on the good progress we are making with our Primary Care Improvement Plan.*

*We have continued to review our performance during 2019/20. In the Annual Performance Report we have set out progress against the national integration indicators and other local measures we have in place. The report provides insight into the diverse range of supports we offer throughout the partnership and highlights some of the important work we've undertaken over the past year. We know that we still have further work to do and our plans going forward will draw on what we understand about demographic challenges, our performance so far and what people*

*have told us is important to them.*

*Whilst we have tried to include as much detail as possible in our report, the format this year has been affected by the impact of COVID-19. Some of the staff who normally contribute moved into different roles to support our communities during the pandemic and have therefore been restricted in their ability to add to the report this year.*

*Moving into next year, our annual performance report will provide a fuller overview of the effect of the pandemic response on our services and communities, and will highlight ways in which integrated partnership working has enabled us to continue to develop care and support services which place the needs of the people of West Lothian at the centre.*

A handwritten signature in black ink, appearing to read 'Allister Short', with a stylized flourish at the end.

Allister Short  
Chief Officer  
West Lothian Integration Joint Board

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# Introduction

## Purpose of the Report

The Public Bodies (Joint Working) (Scotland) Act 2014 established a legal framework for the integration of health and social care services in Scotland. In West Lothian an Integration Joint Board (IJB) was established on 1<sup>st</sup> April 2016 and is responsible for planning and setting direction for the majority of integrated health and social care services for adults in the area.

The IJB is required to assess how it has performed in the areas it has responsibility for and to publish an annual performance report. This report sets out an assessment of progress toward the IJB's vision to 'increase wellbeing and reduce health inequalities across all communities of West Lothian'. The report covers:



## The Role of the Integration Joint Board

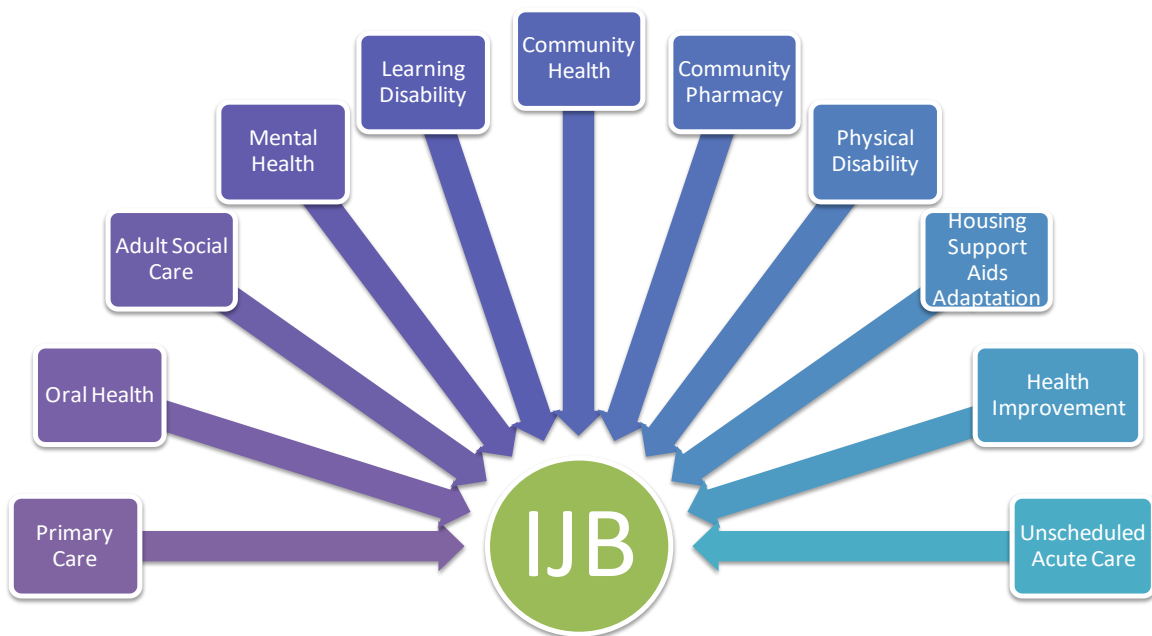
The Integration Joint Board's role is to set the strategic direction for functions delegated to it and to deliver the priorities set out in its Strategic Plan. It receives payments from West Lothian Council and NHS Lothian to enable delivery of local strategic outcomes for health and social care. The Board gives directions to the council and health board as to how they must carry out their business to secure delivery of the Strategic Plan.

## The Chief Officer

The legislation requires the IJB to appoint a Chief Officer who has responsibilities to the Board and for the management and operational delivery of delegated functions. A new Chief Officer, Allister Short, was appointed in West Lothian in September 2019.

## Integrated Services in West Lothian

The health board and local authority are legally required to delegate some of its functions to the Integration Joint Board. The following provides an overview of the services which are delegated in West Lothian by the local authority and the health board:



## Complaints to the IJB

Complaints received by the IJB are reported to its meetings on a quarterly basis, in line with recommendations from the Complaints Standards Authority and the IJB's Complaints Handling Procedure.

Complaints to the IJB may relate to dissatisfaction with:

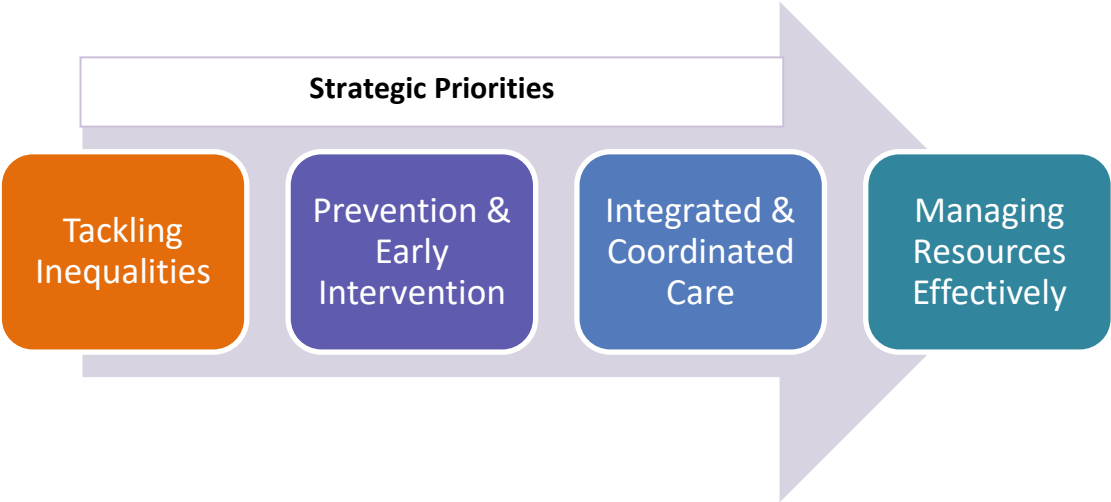
- West Lothian IJB's procedures
- West Lothian IJB's decision
- the administrative or decision-making processes followed by the IJB in coming to a decision

No complaints were received by the IJB in 2019/20.

# Strategic Planning

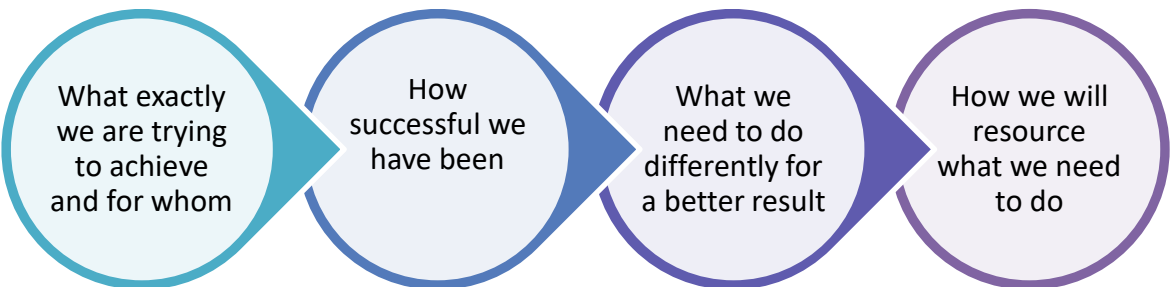
## Strategic Plan

The IJB originally developed a long term strategic plan for the period 2016 to 2026 which set out its key priorities. The plan was reviewed during 2018/19 which resulted in a new Strategic Plan being developed and approved by the IJB in April 2019. The priorities in the new plan were identified through extensive consultation with a wide range of stakeholders in the West Lothian community. The strategic priorities outlined in the plan are as follows:

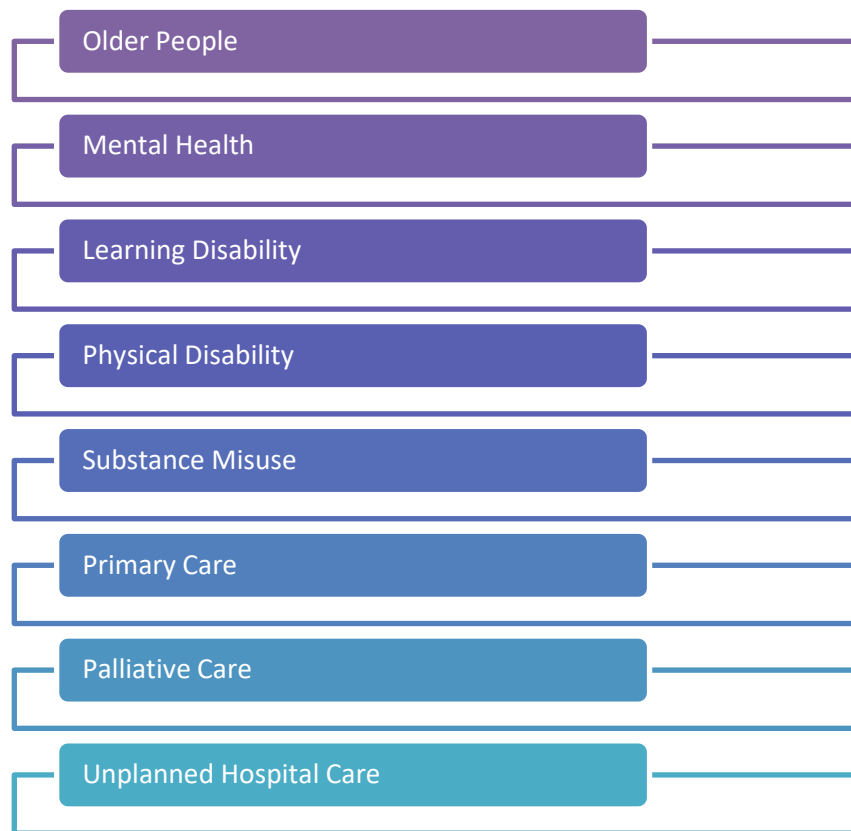


## Strategic Commissioning Plans

The new Strategic Plan details how high level outcomes are to be achieved through a process of strategic commissioning. Strategic commissioning is the way in which we identify<sup>1</sup>:



The new Strategic Plan included a commitment to developing a series of care group commissioning plans as follows:



In January 2020, the IJB approved new strategic [commissioning plans](#) for services for older people, mental health and people living with learning and physical disabilities. The Primary Care Improvement Plan has been in place since 2018.

The plan for substance misuse services has been developed via the West Lothian Drug and Alcohol Partnership and was due to be approved by the IJB in April 2020 but this approval was delayed as a result of the COVID-19 pandemic. Work has begun to progress commissioning plans for palliative care and unscheduled care but this work too has been delayed as a result of efforts being concentrated on the pandemic response.

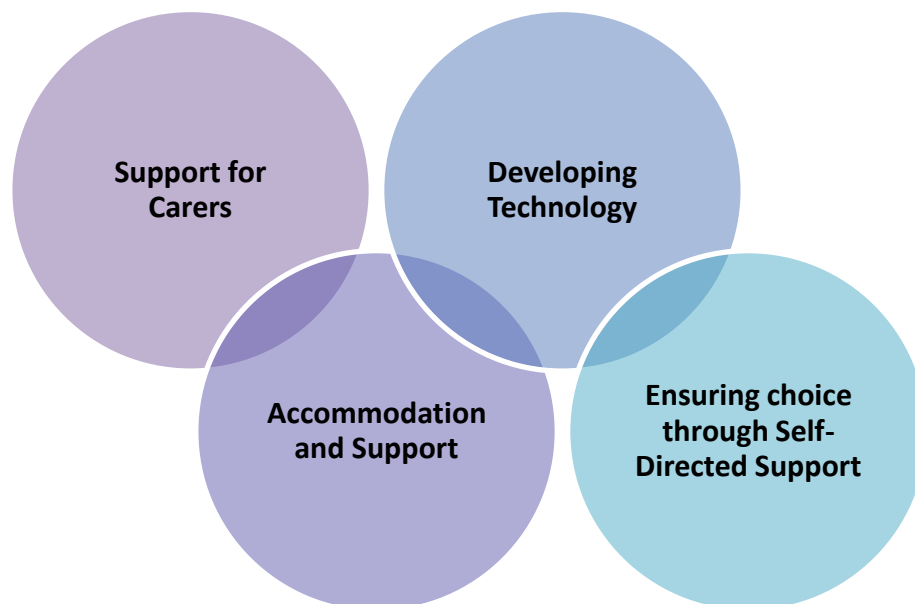
## Identifying Planning Priorities

The development of the new strategic commissioning plans began with a review of progress against the priorities identified in the previous plans for the period 2016 to 2019 plans. The review was used to identify where actions set out previously were complete, needed further development or needed to be reviewed. In addition, national and local data and policy developments were used to inform the revised plans.

A crucial part of identifying priority areas for future development was the involvement of services users, carers, care providers, staff and other stakeholders in a wide range of engagement activities which took place from August to November 2019. The views of stakeholders were sought on what was working well and on areas for future development.

Engagement activity was tailored to each care group and involved commissioning leads attending network groups, face to face meetings and workshops. Open public engagement events also took place in Howden Park Centre and Bathgate Academy and further engagement took place via the IJB's Strategic Planning Group.

The themes which emerged from the consultation and engagement were translated into action plans to support new commissioning plans covering the period 2019 to 2023. Whilst many of the emerging themes were specific to individual care groups, some common themes were identified across all sectors:



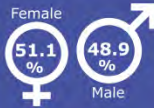
## Planning in Localities

Two localities have been established for planning purposes in West Lothian to ensure strong, local, clinical, professional and community leadership of health and social care services. Locality groups led the development of locality plans for the East and West localities of West Lothian which take account of community plans, regeneration plans and local priorities related to inequality and poverty.

## West Lothian - East Locality Profile

**103,392**

people live in the **East locality**



NRS: Mid-2018 Population Estimates



**19,864** 19.2%



**67,614** 65.4%



**15,914** 15.4%

NRS: Mid-2018 Population Estimates

**Life expectancy at birth**

**81.7**

**78.9**

ScotPHO: 2014-18

**12.8%**

of the East locality population reside within the **20% most deprived** areas in Scotland

SIMD2020



**11,780**  
emergency hospital admissions  
per 100,000 population  
PHS: 2019



**89,777**  
emergency bed days  
for adults  
per 100,000 population  
PHS: 2019



**61%**  
of home care clients receive a **telecare and/or community alarm** service  
PHS: Jan-Mar 2018



**18.7 falls**  
per 1,000 population aged 65+  
PHS: 2019



**108**  
emergency readmissions  
within 28 days of discharge  
per 1,000 discharges  
PHS: 2019

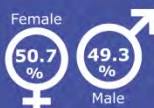


**157,529**  
home care hours  
provided between  
Jan-Mar 2018  
PHS: Jan-Mar 2018

## West Lothian - West Locality Profile

**78,748**

people live in the **West locality**



NRS: Mid-2018 Population Estimates



**15,621** 19.8%



**51,118** 64.9%



**12,009** 15.2%

NRS: Mid-2018 Population Estimates

**Life expectancy at birth**

**80.0**

**77.1**

ScotPHO: 2014-18

**19.3%**

of the West locality population reside within the **20% most deprived** areas in Scotland

SIMD2020



**13,188**  
emergency hospital admissions  
per 100,000 population  
PHS: 2019



**104,095**  
emergency bed days  
for adults  
per 100,000 population  
PHS: 2019



**62%**  
of home care clients receive a **telecare and/or community alarm** service  
PHS: Jan-Mar 2018



**21.2 falls**  
per 1,000 population aged 65+  
PHS: 2019



**116**  
emergency readmissions  
within 28 days of discharge  
per 1,000 discharges  
PHS: 2019



**112,510**  
home care hours  
provided between  
Jan-Mar 2018  
PHS: Jan-Mar 2018

## **Review of IJB Strategic Planning Group and Locality Planning Groups**

When the IJB approved its refreshed Strategic Plan in April 2019, it also implemented a new structure to support delivery of the IJB's strategic priorities through a more integrated approach to planning, commissioning and service development. This structure gives the IJB's Strategic Planning Group (SPG) oversight of new Planning and Commissioning Boards with the aim of ensuring that the SPG can influence the strategic direction of service development through more robust discussion and debate.

At the same time, there was consensus that the locality planning process in place had significant overlap with other areas such as community planning and regeneration and it was felt that resources could be better used in developing more cohesive and comprehensive community plans rather than each service developing their own plans with similar priorities. The establishment of the Community Planning Partnership's Health and Wellbeing Partnership provides further opportunity to reflect health and social care priorities in community plans.

At its meeting of 21 January 2020, the IJB agreed a new Terms of Reference for the SPG, adding responsibility for locality planning to its remit. The membership now includes representation from Community Planning, Economic Development and Housing. The SPG is currently seeking service user representatives from both the East and West of West Lothian and the Terms of Reference allow for further representation to be sought from the Third Sector. The SPG is now chaired by a member of the IJB to maintain the important link between the two forums.

## **Communication and Engagement Strategy**

It was agreed at the IJB's meeting of 26 June 2019 that a Communication Strategy would be developed to support better understanding across stakeholders and communities of integration and that the existing Participation and Engagement Strategy would be reviewed in conjunction with this.

A new Communication and Engagement Strategy was approved by the IJB in January 2020. The strategy will be used by Health and Social Care staff when planning and delivering communication and engagement activities associated with its work.

# Achieving Positive Outcomes

## National Health and Wellbeing outcomes

The nine National Health and Wellbeing Outcomes provide the foundation for the West Lothian Strategic Plan. The outcomes are high level statements by the Scottish Government setting out what health and social care partners are attempting to achieve through integration and how improvements can be made for people. The outcomes framework below has been used to report progress in West Lothian.

- 1 People are able to look after and improve their own health and wellbeing and live in good health for longer
- 2 People as far as possible including those with disabilities or long term conditions, or who are frail, are able to live as far as reasonably practicable, independently and at home or in a homely setting in their community
- 3 People who use health and social care services have positive experiences of those services, and have their dignity respected
- 4 Health and social care services are centred on helping to maintain or improve the quality of life of people who use those services
- 5 Health and social care services contribute to reducing health inequalities
- 6 People who provide unpaid care are supported to look after their own health and wellbeing, including reducing any negative impact of their caring role on their own health and wellbeing
- 7 People who use health and social care services are safe from harm
- 8 People who work in health and social care services feel engaged with the work they do and are supported to continuously improve the information, support, care and treatment they provide
- 9 Resources are used effectively in the provision of health and social care services

# Performance Reporting

## Performance Review

West Lothian IJB has developed a range of performance indicators to allow progress against health and wellbeing outcomes and integration indicators to be measured. Underneath the nine National Health and Wellbeing Outcomes sits a Core Suite of Integration Indicators, which all Health and Social Care Partnerships use to report their performance against. Performance indicators are scrutinised regularly by the Integration Joint Board and the Strategic Planning Group to monitor progress against objectives and identify areas for improvement.

The annual performance report outlines how West Lothian is performing against the main indicators. Data for the financial year 2019/20 is not yet published and the Scottish Government has indicated that calendar year data for 2019 should be used at this stage. Full financial year data for 2019/2020 will be submitted to the IJB when it becomes available.

The table below compares the performance of National Indicators NI1 to NI9 between 2015/16 and 2017/18 as this is the latest data available.

Key



Percentage / rate has decreased. Performance has also decreased



Percentage / rate has increased. Performance has worsened



Percentage / rate has increased. Performance has improved



Percentage / rate has decreased. Performance has improved



Percentage / rate has remained the same. Performance is unchanged

## Summary of Core Suite of Integration Indicators

### Indicators 1 to 9

Indicators NI1 to NI9 are reported in the [Scottish Health and Care Experience Survey](#) commissioned by the Scottish Government. Data relating to these indicators for 2019/20 was originally due to be published in April 2020 but, due to staff redeployment during the COVID-19 pandemic, the publication was delayed and so the most recent survey results were not available for inclusion within this report. The latest data we have available is from the 2017/18 survey. Comparisons have been made to the 2015/16 survey. This survey is sent randomly to around 5% of the Scottish population every two years. In 2017/18, the survey was sent to 15,457 people in West Lothian and 3,230 responses which equates to a response rate of 21%. The response rate across Scotland was 22%.

Indicator		2015/16		2017/18		Change and performance against previous year	
Number	Description	West Lothian	Scotland	West Lothian	Scotland	West Lothian	Scotland
NI - 1	Percentage of adults able to look after their health very well or quite well	94%	95%	92%	93%	↓	↓
NI - 2	Percentage of adults supported at home who agreed that they are supported to live as independently as possible	88%	83%	80%	81%	↓	↓
NI - 3	Percentage of adults supported at home who agreed that they had a say in how their help, care or support was provided	81%	79%	77%	76%	↓	↓
NI - 4	Percentage of adults supported at home who agreed that their health and social care services seemed to be well co-ordinated	82%	75%	76%	74%	↓	↓
NI - 5	Total % of adults receiving any care or support who rated it as excellent or good	82%	81%	84%	80%	↑	↓
NI - 6	Percentage of people with positive experience of the care provided by their GP	78%	85%	75%	83%	↓	↓
NI - 7	Percentage of adults supported at home who agree that their services and support had an impact on improving or maintaining their quality of life	82%	83%	82%	80%	→	↓
NI - 8	Total combined % of carers who feel supported to continue in their caring role	36%	40%	42%	37%	↑	↓
NI - 9	Percentage of adults supported at home who agreed they felt safe	87%	83%	85%	83%	↓	→

## Indicators 11 to 19

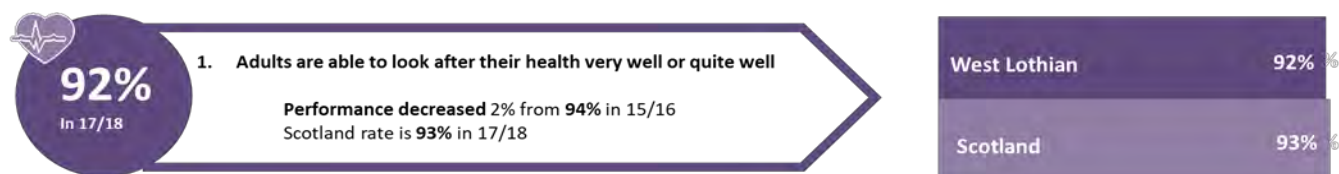
The primary source of data for National Indicators NI11 to NI20 are Scottish Morbidity Records (SMRs) which are nationally collected discharge-based hospital records. In accordance with recommendations made by Public Health Scotland (PHS) and communicated to all Health and Social Care Partnerships, the most recent reporting period available is calendar year 2019; this ensures that these indicators are based on the most complete and robust data currently available. It is not expected that these numbers will differ greatly to 2019/20 financial year figures, once available, and so should not affect any conclusions that have been drawn.

Indicator		2017/18		2018/19		2019*		Change and performance against previous year	
Number	Description	West Lothian	Scotland	West Lothian	Scotland	West Lothian	Scotland	West Lothian	Scotland
NI - 11	Premature mortality rate per 100,000 persons (calendar year)	-	-	434 (2018)	432 (2018)	390	426	↓	↓
NI - 12	Rate of emergency admissions for adults (per 100,000 population)	-	-	11,908	12,275	12,387	12,602	↑	↑
NI - 13	Rate of emergency bed days for adults (per 100,000 population)	-	-	106,474	120,177	95,955	117,478	↓	↓
NI - 14	Emergency readmissions to hospital within 28 days of discharge (per 1,000 discharges)	-	-	110	103	112	104	↑	↑
NI - 15	Proportion of last 6 months of life spent at home or in a community setting	-	-	88%	88%	89%	89%	↑	↑
NI - 16	Falls rate per 1,000 population aged 65+	-	-	19.5	22.5	19.8	22.7	↑	↑
NI - 17	Proportion of care services graded 'good' (4) or better in Care Inspectorate inspections	-	-	85%	82%	81% (2019/20)	82% (2019/20)	↓	→
NI - 18	Percentage of adults with intensive care needs receiving care at home (Calendar Year)	66% (2017)	61% (2017)	69% (2018)	62% (2018)	N/A	N/A	↑	↑
NI - 19	Number of days people spend in hospital when they are ready to be discharged (per 1,000 population)	-	-	1,214	793	964 (2019/20)	793 (2019/20)	↓	→
NI - 20	Percentage of health and care resource spent on hospital stays where the patient was admitted in an emergency	-	-	22%	24%	21%	23%	↓	↓

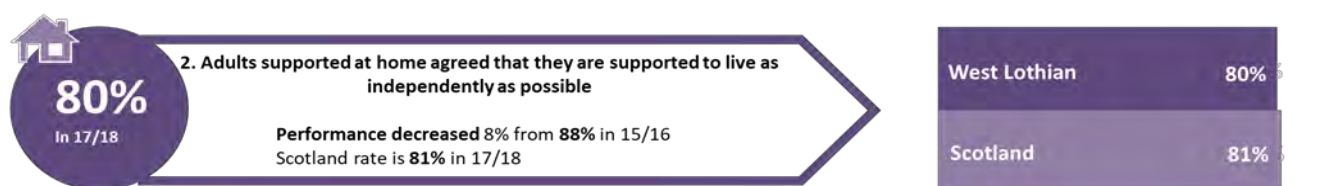
The next section of the report sets out how delegated functions performed throughout 2019/20 and provides examples of what was done to progress the IJB's priorities and National Outcomes. We use indicators to look at how well we are achieving the National Health and Wellbeing Outcomes and have provided comparisons for each indicator with performance across Scotland.

We have also summarised the national indicators into 'Performance at a Glance' to give oversight of our performance.

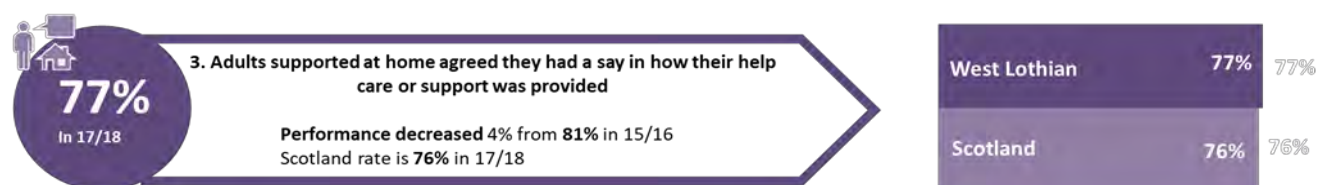
# National Indicators Performance at a Glance



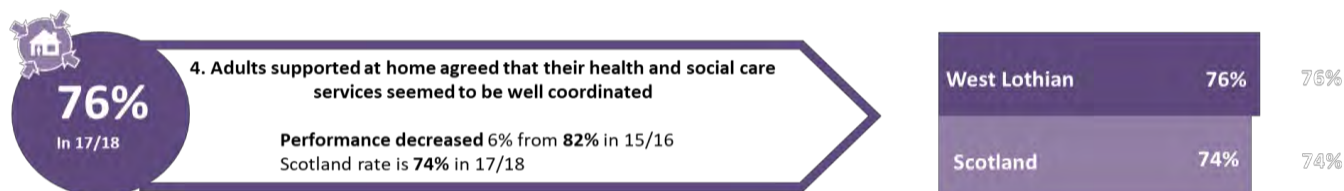
In financial year 2017/18, the percentage of people in West Lothian who thought that they could look after their health very well or quite well was 92%. This is a very positive response, although the percentage has reduced slightly by 2% from 94% in 2015/16. This decrease reflects the Scottish trend where the percentage decreased from 95% to 93%.



The percentage of adults supported at home who agreed that they are supported to live as independently as possible, decreased to 80% in 2017/18 compared to 88% in 2015/16. The result for West Lothian sits closely to the Scottish average which is 81%.



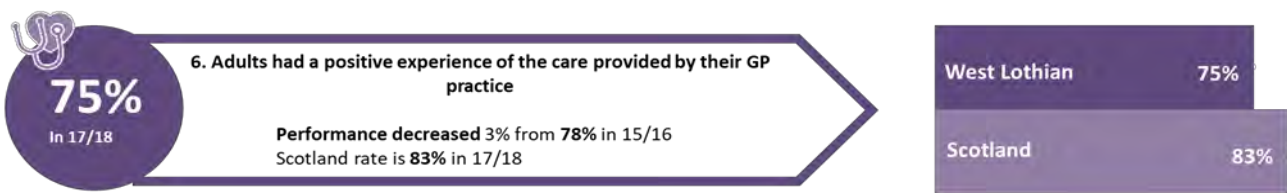
In West Lothian, 77% of people surveyed in 2017/18, agreed that they had a say in how their help, care or support was provided. Although this is a relatively high percentage, this is a decrease of 4% from when the survey was completed in 2015/16. However, the result for West Lothian still sits 1% higher than the Scotland average.



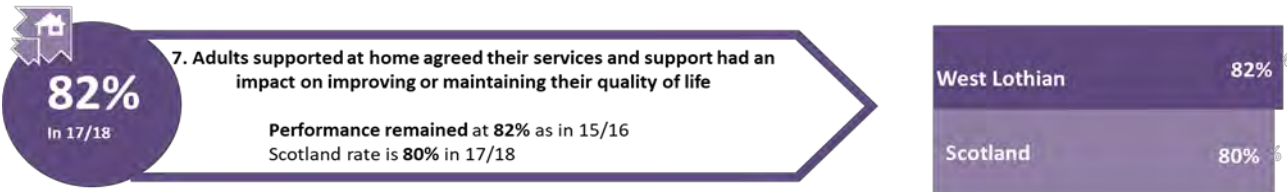
In financial year 2017/18, 76% percentage of adults supported at home, agreed that their health and social care services seemed to be well coordinated. The response has decreased by 6% from 2015/16, however, West Lothian still sits above the Scottish average of 74%



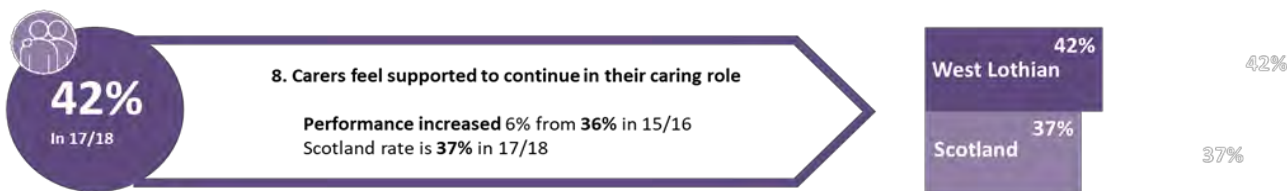
The percentage of adults receiving any care or support, who rated it as excellent increased by 2% from 82% in 2015/16, to 84% in 2017/18. The Scottish average reduced by 1% from 81% in 2015/16, to 80% in 2017/18. West Lothian's performance sits above the Scottish average.



In 2017/18, the percentage of adults who had a positive experience of the care provided by their GP practice decreased by 3% to 75%. This also reflects the same trend in Scotland where the percentage also decreased from by 2% from 85% in 2015/16, to 83% in 2017/18.



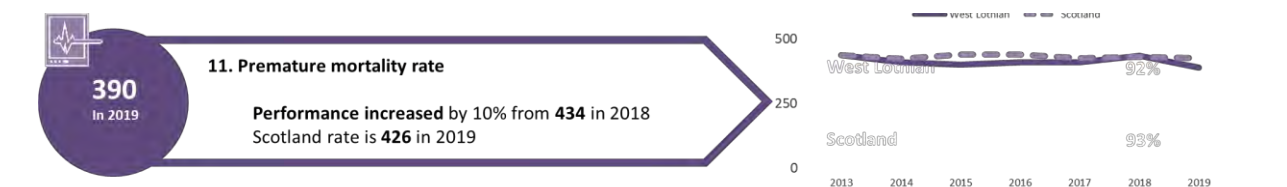
The percentage of adults supported at home who agreed that their services and support had an impact on improving or maintaining their quality of life remained the same at 82% when comparing 2015/16 to 2017/18. The Scotland response rate reduced by 3% from 83% in 2015/16, to 80% 2017/18.



In the 2017/18 survey, 42% of carers responded saying that that they feel supported to continue in their caring role. Although this was an improvement of 6% from 2015/16, it is still a concern. The Scotland rate decreased from 40% to 37%, so West Lothian is outperforming the national average.



The percentage of adults in West Lothian who responded to the survey, and agreed that they felt safe was 85% in 2017/18. This is higher than the Scottish average which is 83%. However, the West Lothian rate decreased by 2% from 87% in 2015/16, when the Scotland rate remained the same at 83%.



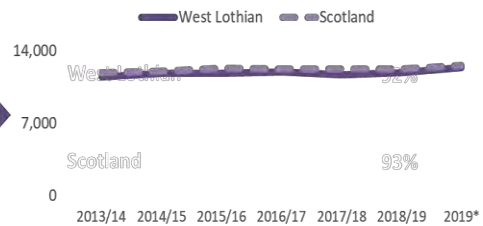
The premature mortality rate, which is the number of people dying before the age of 75, for West Lothian was 390 deaths per 100,000 in 2019. This is the lowest rate of premature deaths in the past seven years. West Lothian's premature mortality rate has consistently outperformed the Scotland average since 2014, apart from 2018 when the rate was slightly higher than the Scottish average. Scotland's premature mortality rate was 426 deaths per 100,000 in 2019.



**12,387**  
In 2019\*

## 12. Emergency admission rate

Performance decreased 4% from **11,908** in 2018/19  
Scotland rate is **12,602** in 2019\*



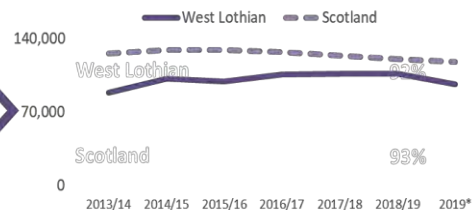
The rate of emergency admissions in adults per 100,000 has been steadily increasing each year from 11,455 emergency admissions in 2013/14, to 12,387 admissions in 2019. West Lothian has seen a large increase to its population, especially in people aged over 75 which will partly account for the increase. This increasing trend is also reflected in the Scottish rate. However, West Lothian has a consistently lower emergency admission rate than Scotland, which was 12,602 in 2019.



**95,955**  
In 2019\*

## 13. Emergency bed day rate

Performance increased 10% from **106,474** in 2018/19  
Scotland rate is **117,478** in 2019\*



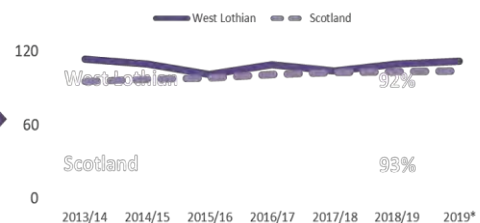
The emergency bed day rate of adults, per 100,000 population, was 95,955 for West Lothian in 2019. This was a decrease of 10,520 bed days compared to 2018/19. This implies that patients are staying for a shorter amount of time in hospital. The Scotland rate in 2019 is 117,478, which was nearly a reduction of 2,700 compared to 2018/19. West Lothian has consistently outperformed Scotland's emergency bed day rate.



**112**  
In 2019\*

## 14. Readmission rate to hospital within 28 days

Performance decreased 2% from rate of **110 per 1,000** in 2018/19  
Scotland rate is **104 per 1,000** in 2019\*



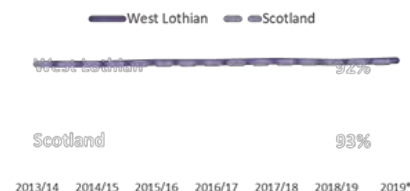
The re-admission rate to hospital for adults within 28 days in 2019 was 112 per 1,000 admissions. The trend has been fluctuating since 2013/14, with the highest rate of 114, and reached as low as 101 in 2015/16. However, the rate has been increasing since then with an increase of 2% between 2018/19 and 2019. The Scotland rate has steadily been increasing from 95 in 2013/14 to 104 in 2019.



**89%**  
In 2019\*

## 15. Of the last 6 months of life is spent at home or in a community setting

Performance increased 1% from **88%** in 2018/19  
Scotland rate is **89%** in 2019\*



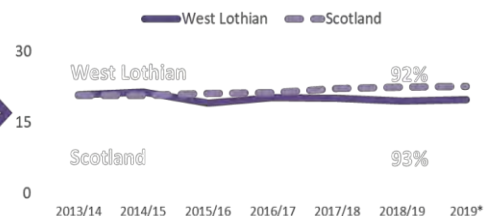
The percentage of time West Lothian residents have spent at home, or in a community setting, during the last six months of their life, has increased from 87% in 2013/14 to 89% in 2019. The trend reflects that of Scotland which has also increased from 86% in 2013/14 to 89% in 2019.



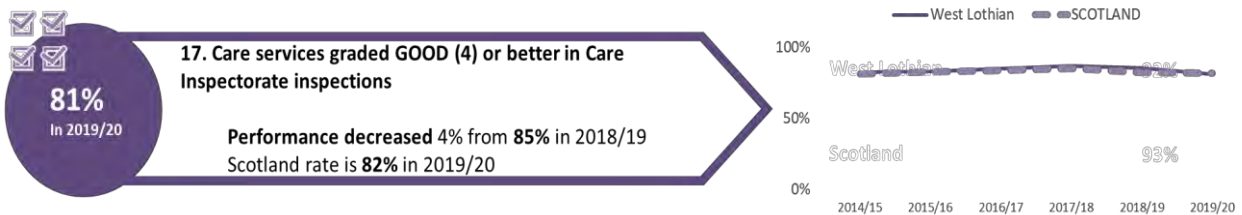
**20**  
In 2019\*

## 16. Falls rate (65+)

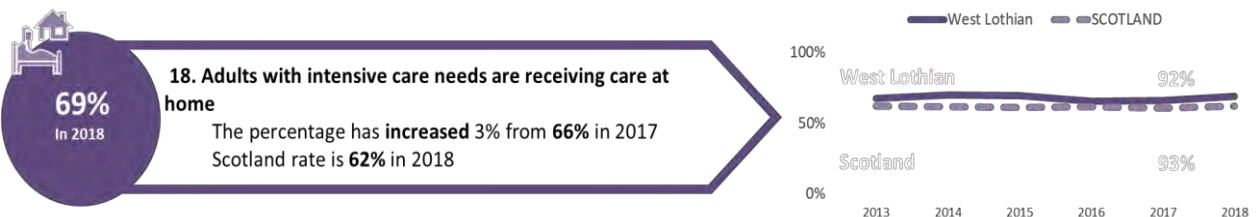
Performance remained at a rate of **20** as in 2018/19  
Scotland rate is **23** in 2019\*



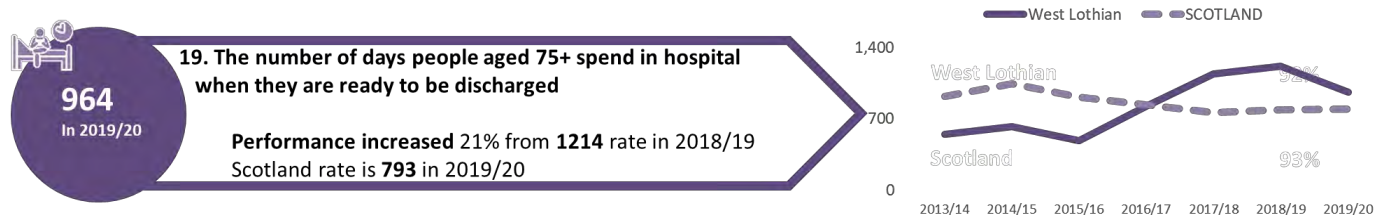
The falls rate for adults aged 65 years and older has been decreasing from its highest level of 21.5 in 2014/15, to 20 in 2019. Falls are a concern so it is positive to see a continued reduction. It is also good news that West Lothian has been performing better than the Scotland average since 2014/15.



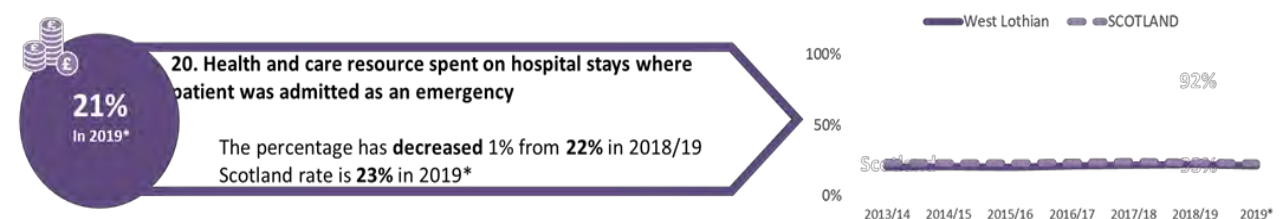
The overall quality of care as good (4) or better in Care Inspectorate inspections was 81% in 2019/20, which is 1% lower than the Scottish average of 82%. Although every other year since 2014/15 West Lothian have outperformed or matched the Scottish average. However, there has been a continued downward trend in the grades from 87% in 2017/18 to 81% in 2019/20. Not all services are inspected each year.



The latest data we have for this indicator is calendar year 2018, where 69% of adults with intensive care needs are receiving care at home. The trend has remained fairly constant, fluctuating between 65% and 70%. The trend for the Scottish average has remained below the West Lothian rate since 2013.



The number of days which people aged 75 and over spent in hospital when they were ready to be discharged in 2019/20 was 964. This is higher than the Scottish average of 793, however, this is a decrease of 21% compared to 2018/19 which is a positive result since this area remains a challenge.



In 2019, the percentage of health and care resources which were spent on hospital stays for emergency admissions was 21%. West Lothian has performed better than the Scottish average which is 23%. The trend for West Lothian has remained relatively constant between 20% and 22% since 2013/14. The Scottish average has fluctuated between 23% and 24% over the same time frame.

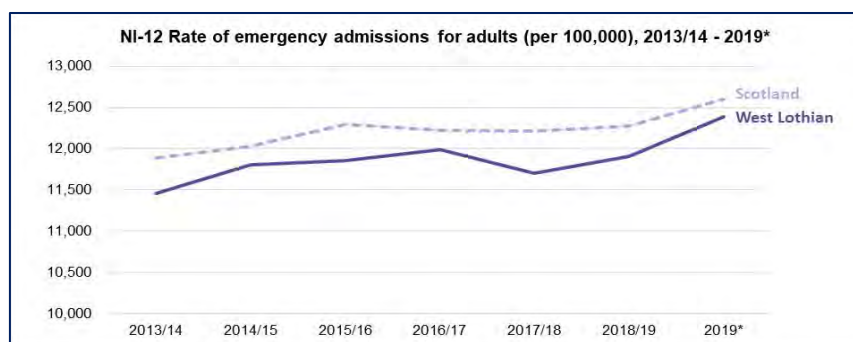
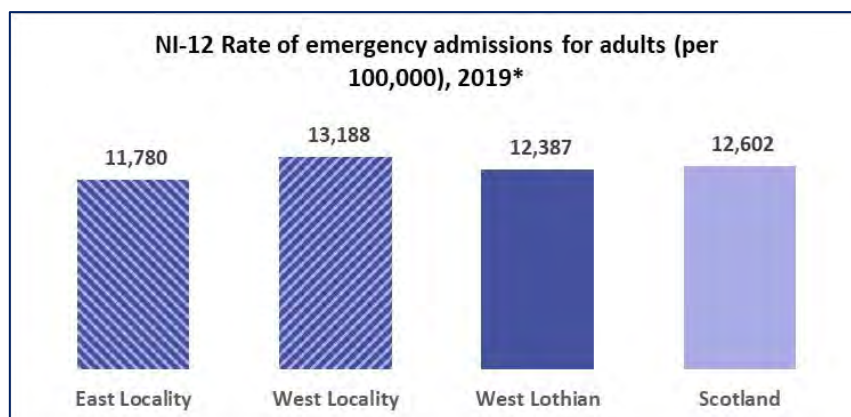
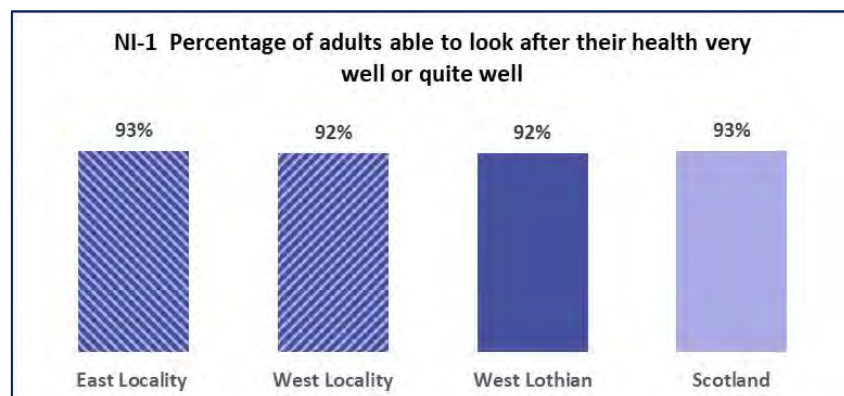
# Outcomes and Examples

## Outcome 1

- ❖ People are able to look after and improve their own health and wellbeing and live in good health for longer

## Our Performance

Indicator	2015/16	2016/17	2017/18	2018/19	2019	Compared to previous result
Percentage of adults able to look after their health very well or quite well	94%	N/A	92%	N/A	N/A	↓
Rate of emergency admissions for adults (per 100,000 population)	11861	11994	11702	11908	12387	↑



## What we have done

### Community Wellbeing Hubs

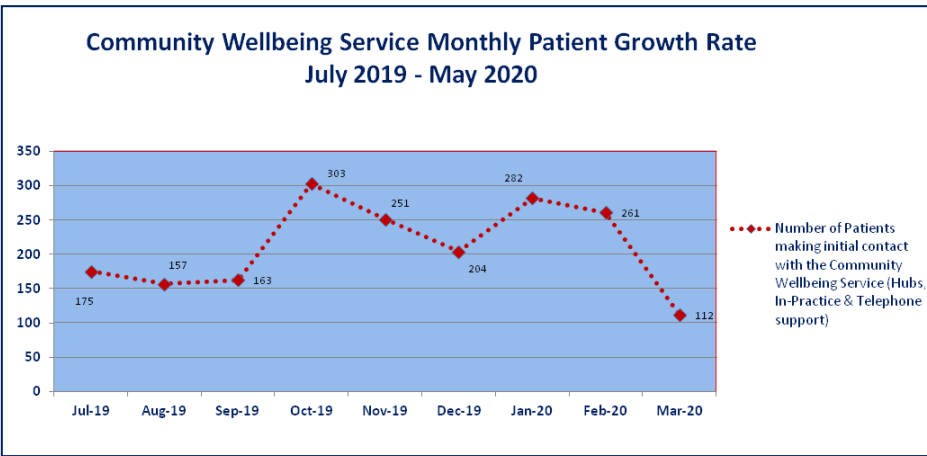
Mental health services have experienced increasing demand and services have been moving towards a more preventative, community based approach. The Primary Care Improvement Plan identified the development of Mental Health hubs as a way of reducing medicalisation of mental health conditions and supporting the move towards early intervention and prevention.

Located in Livingston and Boghall, community wellbeing hubs opened in June 2019 and offer support to adults with mild to moderate mental health problems. Services are provided through a community link worker and well-being service. Support is also available from a multi-disciplinary teams of psychologists, community psychiatric nurses, mental health occupational therapists and mental health link workers. The service offers early intervention through a person-centred approach helping people manage their symptoms and improve their wellbeing.

Graph 1 illustrates the steady growth of the Community Link Worker and Wellbeing Service between July 2019 and March 2020, with anticipated dips in demand during the Festive period. The service became fully staffed in September 2019; the month also witnessed the placement of Link Workers in GP Practices hence the noticeable increase in numbers.

On 23rd March 2020, the Community Link Worker and Wellbeing Service adjusted its service delivery model in light of Covid-19 restrictions. The Service moved away from a face-to-face patient interaction model to providing telephone-only support. Data from March to June 2020 shows significant growth in telephone contacts with the service.

#### Prevention/Early Intervention



## One person's experience of using the Community Wellbeing Hubs

*'I gave up my job because I was no longer physically able to do it. I thought all I had to do was get another job. After 14 years of night shift, I was shocked to find the world had changed while I was sleeping. I had no clue how to apply for jobs online or even what half the jobs were; the titles had changed. Two years later, still unemployed, I went to see my GP. I was tired, full of aches and pains, my mood was low and I had lost confidence. My GP referred me to the Hub.*

*I was apprehensive about going to the Hub, I don't like talking about myself or my problems with strangers and I hate crying in public.*

*I was given a Link Worker who gave me loads of useful websites to check out, and invited me to join two groups – Mindfulness and Tai Chi. I have to admit, I thought Mindfulness was a load of old rubbish until about week three, when I had a few light bulb moments. I learned quite a bit about myself in Mindfulness and I would recommend it to anyone who lives a busy lifestyle. The Tai Chi was useful; it was slow low impact exercise that I needed to get my joints moving again.*

*I'm now in a computer group to help with CVs and I am going to 'Start Scotland' to find suitable employment.*

*Since going to the Hub, I'm sleeping better, I'm coping better with my aches and pains, I've got my confidence back and I don't feel so guilty about looking after myself. I have finally accepted that I need to slow down. I do not have to work every hour or every day, I can take time off when I feel unwell and I can have fun. I can ask for help when I need it.*

*I'm still practicing some of the things I've learned and I'm feeling more hopeful about the future. Thanks to the staff at the Hub. Without them, I would still be sitting in the house feeling useless'.*

## Transformational Change in Musculoskeletal Physiotherapy Service Delivery - Knee Osteoarthritis

Osteoarthritis (OA) is the most common musculoskeletal condition in older people and the knee is the most common site in the body. People with knee OA commonly refer themselves or are referred by their GP or Consultant for physiotherapy to receive help for their condition.

A programme was undertaken to explore better supported self-management and shared decision making where the individual could choose from a range of support options. The programme concluded that when provided with a diagnosis in a meaningful way, with time to discuss a variety of management options in a shared decision making context, patients with knee OA in the majority felt empowered to self manage with advice and signposting.

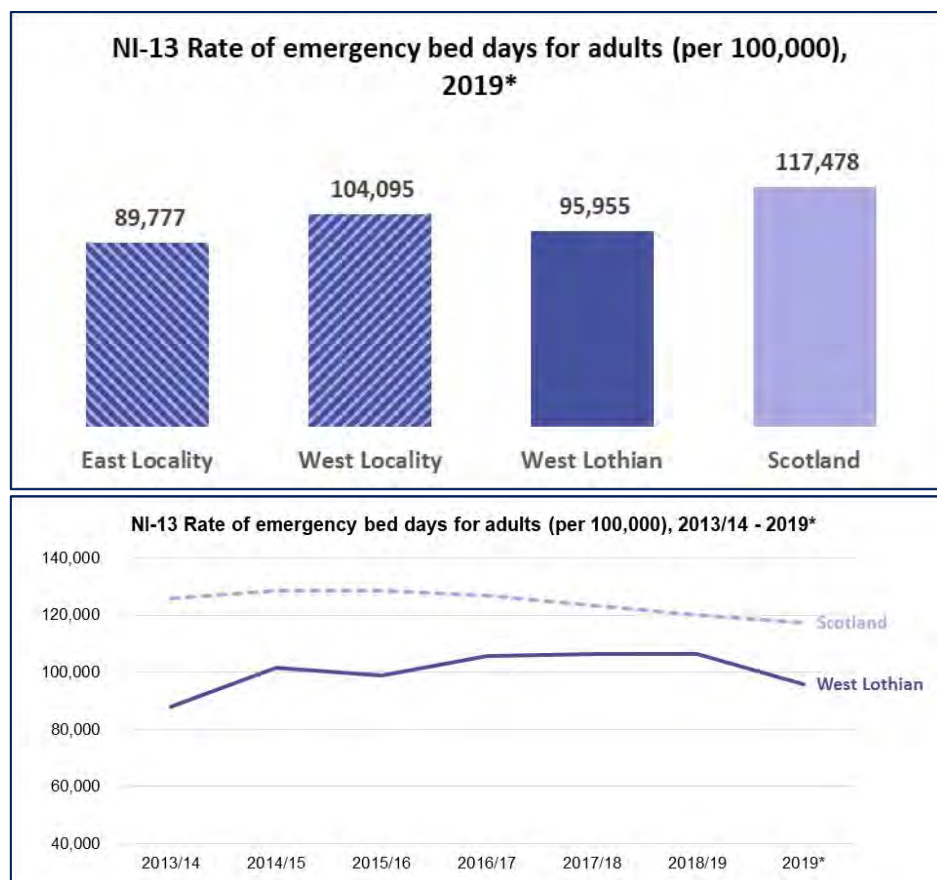


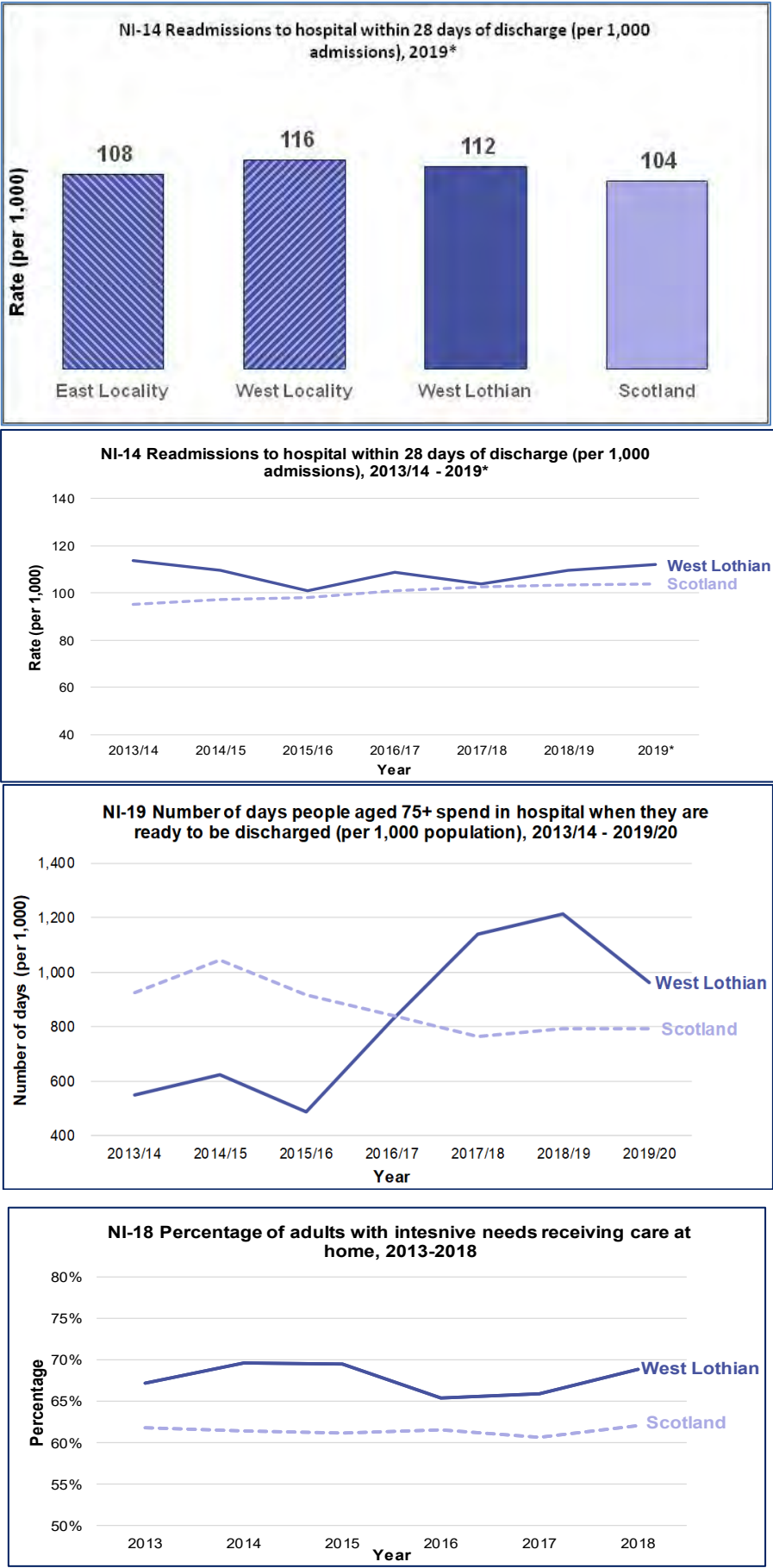
## Outcome 2

- ❖ People as far as possible including those with disabilities or long term conditions, or who are frail, are able to live as far as reasonably practicable, independently and at home or in a homely setting in their community.

## Our Performance

Indicator	2015/16	2016/17	2017/18	2018/19	2019	Compared to previous result
Rate of emergency bed days for adults (per 100,000)	98960	105825	106429	106474	95955	↓
Emergency readmissions to hospital within 28 days of discharge (per 1,000 discharges)	101	109	104	110	112	↑
Number of days people aged 75+ spend in hospital when they are ready to be discharged (per 1,000 population)	485	822	1139	1214	964 (2019/20)	↓
Proportion of last 6 months of life spent at home or in community setting	88%	88%	89%	88%	89%	↑
Percentage of adults with intensive care needs receiving care at home	70% (2015)	65% (2016)	66% (2017)	69% (2018)	N/A	↑
Percentage of adults supported at home who agree that they are supported to live as independently as possible	88%	N/A	80%	N/A	N/A	↓
Percentage of people aged over 75 who live in their own home						





## What we have done

### New Complex Care Resource for Adults with Learning Disabilities

Plans were approved in June 2019 for a new £3 million housing project for people with learning disabilities who have complex care needs. It's expected that building work will begin in summer 2020 subject to all approvals being obtained with a completion date expected in the autumn of 2021. The proposed accommodation consists of sixteen one bedroom residences that each provides a main living room, separate double bedroom, galley kitchen, built in storage and toilet/bathroom. All will have their own small separate garden area as well access to the wider garden grounds.

In developing the design for the new build, extensive work took place with leading care providers to learn from their experiences of building similar complexes elsewhere in Scotland. The new plans provide a more integrated, community approach to supporting people with complex needs as part of the West Lothian Health and Social Care Partnership's redesign and modernisation programme which will see a significant shift in the balance of care for adults with learning disabilities from hospital to community settings by 2020/21. The programme focuses on people receiving care, support and treatment within the community wherever possible.

**Integrated & Coordinated Care**

**Managing our Resources Effectively**



**Proposed development site layout**

## Home First

Home First is a model of care which provides a step down approach to discharge from hospital to the community. The aim is to ensure people do not wait unnecessarily in hospital for assessment of ongoing care and support needs. Decisions made in a hospital environment often do not reflect someone's ability to cope at home and the Home First model works on the principle of 'discharge to assess' with assessment of ongoing care and support needs taking place at home. Home First involves multi-disciplinary working across the health and social care system to:

- reduce unnecessary delays in hospital
- maximise opportunities for people to return to the community as early as possible
- provide a period of rehabilitation to maximise independence
- assess ongoing care and support needs in the community

Development of the Home First approach has involved a range of staff from hospital and community services and agreement was implemented in West Lothian on 1<sup>st</sup> September 2019.

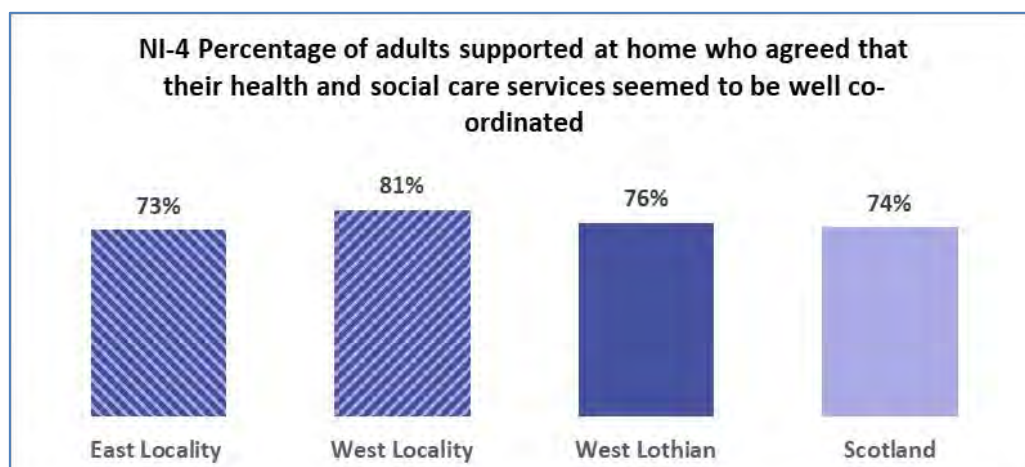
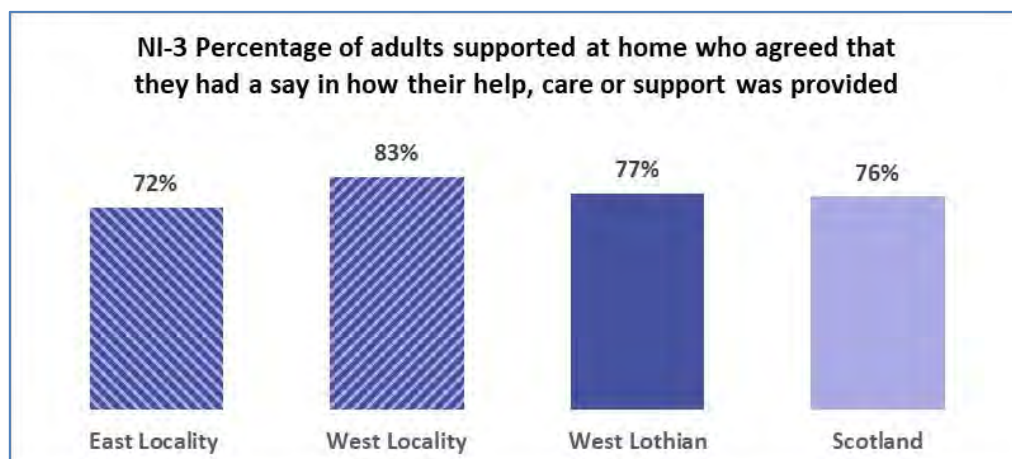
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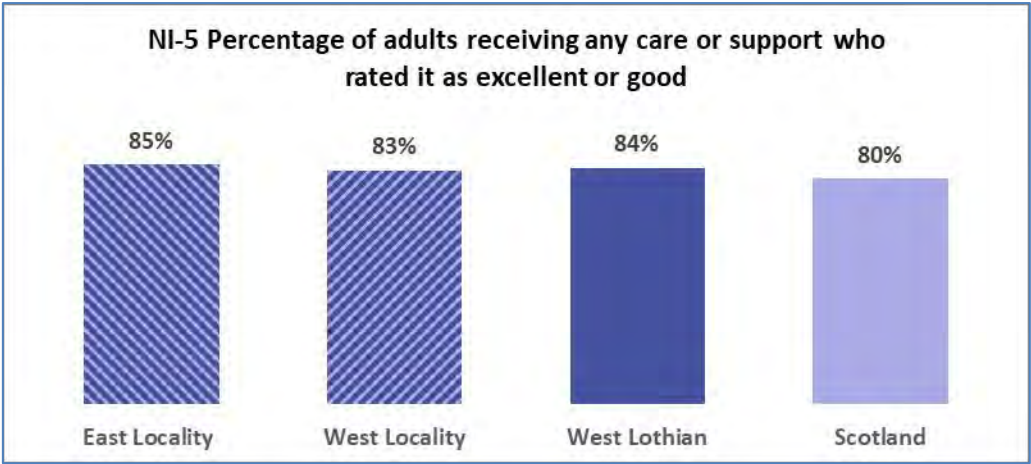
## Outcome 3

- ❖ People who use health and social care services have positive experiences of those services, and have their dignity respected

## Our Performance

Indicator	2015/16	2016/17	2017/18	2018/19	2019	Compared to previous result
Percentage of adults supported at home who agree that they had a say in how their help, care or support was provided	81%	N/A	77%	N/A	N/A	↓
Percentage of adults supported at home who agreed that their health and social care services seemed to be well co-ordinated	82%	N/A	76%	N/A	N/A	↓
Percentage of adults receiving any care or support who rated it as excellent or good	82%	N/A	84%	N/A	N/A	↓
Percentage of people with a positive experience of the care provided by their GP practice	78%	N/A	75%	N/A	N/A	↓
Percentage of people who feel they are listened to	87%	N/A	89%	N/A	N/A	↑
Percentage of people who feel they are treated with compassion and understanding	93%	N/A	91%	N/A	N/A	↓





What we have done

Supporting People with Functional Mental Illness

Ward 3 is a 12 bedded acute mental health admissions unit located on the lower ground floor of St John’s Hospital. The ward admits patients with a functional mental illness (such as depression, schizophrenia, bipolar disorder) and/or an organic mental illness (such as dementia). The ward cares for adults over the age of 65 and covers all of West Lothian. There is a multidisciplinary team made up of nursing, medical, physiotherapy, occupational therapy, domestic and nursing staff. Therapy support in the ward includes occupational therapy, Art Therapy, West Lothian Psychological Approach Team for Dementia (WeLPAT), Music in Hospitals and also Therapets (two dogs).

The ward receives lots of thank you notes and letters from patients/relatives and one was recently submitted to the Patient Experience Team. Notes and cards are displayed in a lovely feedback tree on the wall of the visiting room. The tree features lots of compliments including those below:

*I cannot thank you all enough for the care you have given to my mum. She was admitted on to the ward and I just cannot believe the difference in her.*

*Fantastic work getting my mother back to her old self*

*I can't praise the staff of Ward 3 enough for the care & kindness expressed to my mum*

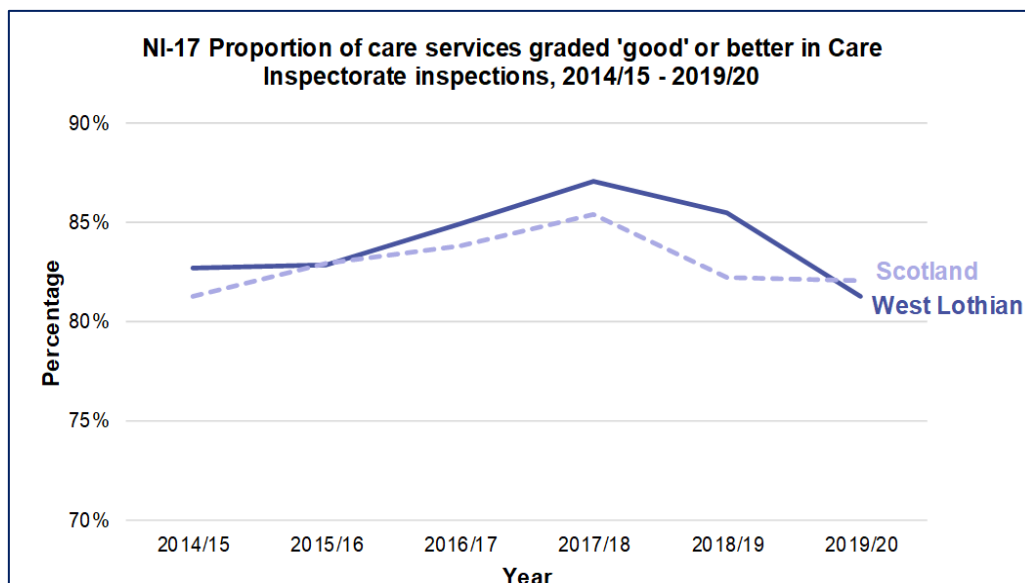
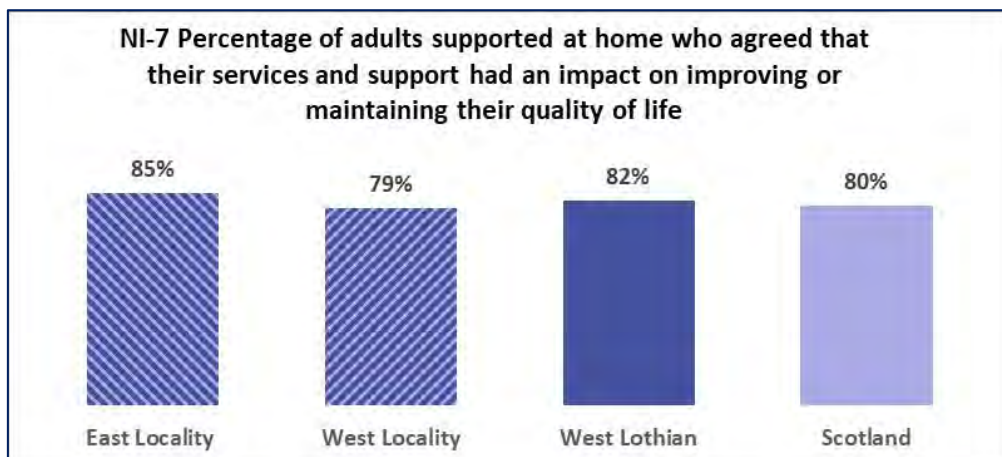
- Managing our Resources Effectively
- Integrated & Coordinated Care

## Outcome 4

- ❖ Health and social care services are centred on helping to maintain or improve the quality of life of people who use those services

## Our Performance

Indicator	2015/16	2016/17	2017/18	2018/19	2019/20	Compared to previous result
Percentage of adults supported at home who agree that their services and support had an impact on improving or maintaining their quality of life	82%	N/A	82%	N/A	N/A	→
Proportion of care services graded 'good' (4) or better in Care Inspectorate inspections	83%	85%	87%	85%	81%	↓



## What we have done

### Community Mental Health Team

2019 saw the establishment of West Lothian's Community Mental Health Teams (CMHTs). The two CMHTs work in the two localities of West Lothian: East based in Strathbrock Partnership Centre and West based in Bathgate Partnership Centre. The new teams bring together a range of health and social care staff to work with people with complex mental health problems and associated risks who typically require long term treatment, care and support.

The CMHTs work with service users, families, carers, primary care services and other agencies to design, implement and develop comprehensive care and support packages of health and social care. The teams are made up from the following teams: nursing, psychology, psychiatry, medicine, occupational therapy and social work. Services are delivered in the community, in a suitable environment that best supports the service user. During the initial launch of the CMHT, services and clinics delivered in St John's Hospital were reviewed and transferred into the community. This is in direct response to ensuring that care and support is delivered closer to home.

To ensure effective sustainability of the CMHT model, the Senior Development Manager for West Lothian's Mental Health services has been working closely with the teams to identify opportunities to work with community and 3rd sector partners in the future. Ongoing quality improvement work will be key to ensuring the CMHT meets the growing demand on mental health services in West Lothian. Waiting times for services will also be a key focus of the team going forward.

*Since the CMHT launched last year in West Lothian we have seen a great improvement in service user pathways to getting the right support at the right time. As we continue to develop the services we look to better involve our 3<sup>rd</sup> sector partners to ensure that those using community Mental Health services in West Lothian are given the tools to live well and achieve their personal goals and outcomes* – General Manager, Mental Health Services

Integrated & Coordinated Care

Prevention/Early Intervention

## West Lothian Rapid Re-housing Transition Programme

The West Lothian Rapid Re-housing Transition Programme (RRTP) addresses homelessness in the West Lothian Community. As part of the RRTP, the West Lothian Health and Social Care Partnership are:

- Involved with work to review and update Health and Homeless Standards for homeless people accessing health services;
- working with information analysts from Public Health Scotland to collate and align homeless data with health and social care data to inform planning;
- quantifying the residential accommodation requirements for adults where housing in the community would not be suitable including addictions, domestic abuse and mental health;
- identifying triggers of homelessness and referral process for people accessing health and social care services

**Prevention/Early Intervention**

## Care Home Team

The West Lothian Care Home Team supports staff working in independent nursing and residential care homes in the delivery of high standards of person-centred clinical care. The team promotes integration, collaboration and partnership working in the provision of high quality healthcare to care home residents. Specific supports available include:

- Advice and guidance on delivery of high quality care
- Sharing of best practice in clinical care delivery
- Provision of clinical advice on the care of people with complex healthcare needs
- Clinical advice to reduce the risk of avoidable harm such as pressure damage, falls and malnutrition by supporting staff to develop their skills and expertise
- Advice to prevent avoidable hospital admissions and out of hours calls to health services where possible
- Support in the development of smooth admission/discharge processes where hospital admission cannot be avoided
- Support in the care of people who are approaching the end of their lives
- Development of expertise in relation to anticipatory care planning
- Education and training on healthcare delivery
- Advice on infection control and use of personal protective equipment (PPE)

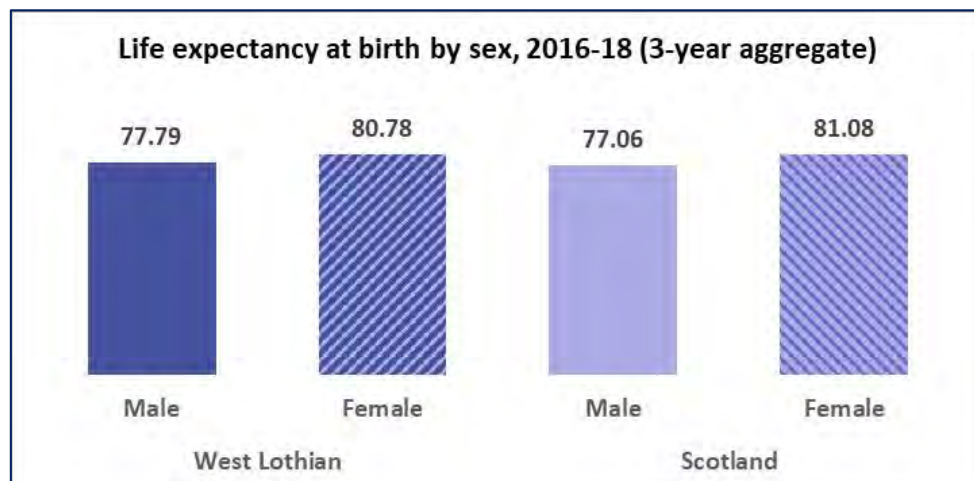
**Integrated & Coordinated Care**

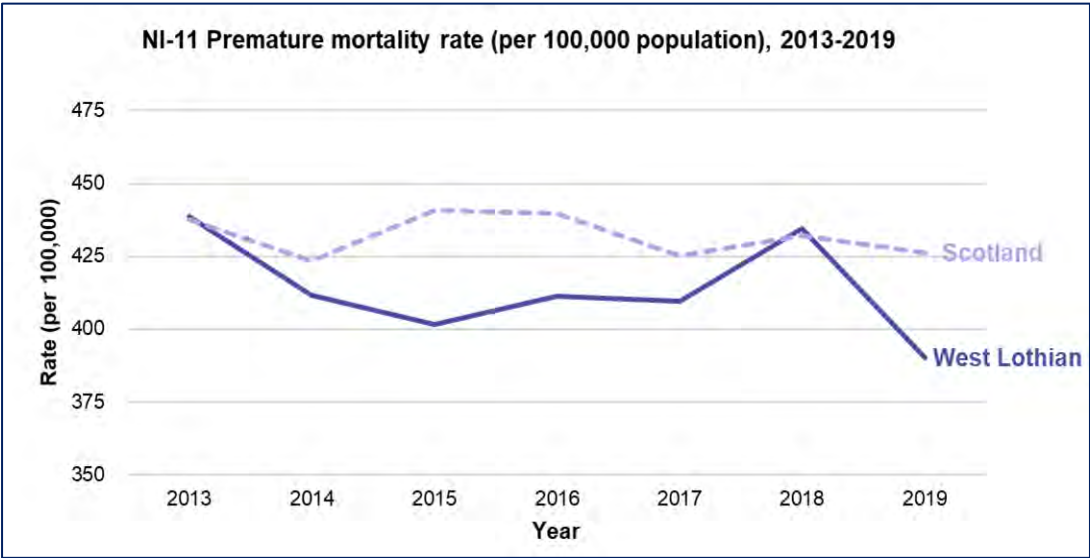
## Outcome 5

❖ Health and social care services contribute to reducing health inequalities

## Our Performance

Indicator	2015	2016	2017	2018	2019	Compared to previous result
Premature mortality rate per 100,000 persons (calendar year)	402	411	410	434	390	↓
Indicator	2012-14	2013-15	2014-16	2015-17	2016-18	Compared to previous result
Male life expectancy at birth	77.8	78.2	78.3	78.1	77.8	↓
Female life expectancy at birth	80.5	80.8	80.8	81.0	80.8	↓





Interventions to address the social determinants of ill-health have been identified as a key priority for the HSCP to tackle health inequalities. This means the HSCP leads or is an active participant in a number of projects and partnerships.

The HSCP provides active support for income maximisation and welfare rights in primary care and hospital settings. Other work led by the WLHSCP, such as the West Lothian Alcohol and Drug Partnership and Community Wellbeing Hubs, takes a similar preventative and partnership approach; the clinical services work closely with community partners to address some of the underlying factors that are the root of health problems. Working closely with community and third sector partners will be a key component of future work that ensures health and social care services are rooted in and responsive to the needs of West Lothian communities.

## What we have done

### Working in Partnership with NHS Lothian's Public Health Department

Before the COVID-19 outbreak, the NHS Lothian Public Health Department had been reviewing its approach to partnership work. Outline plans had been developed to create a place-based (West Lothian) team which would align more closely with both the West Lothian Health and Social Care Partnership (WLHSCP) and the Community Planning Partnership (CPP) to support work. For example, a new approach to smoking cessation was being developed in conjunction with the NHS Lothian Quit Your Way service.

Public Health colleagues play a key role in supporting the IJB's prevention and intervention work as part of the West Lothian CPP. Public Health and the WLHSCP have both contributed to the review of community planning in West Lothian and the new Local Outcomes Improvement Plan (LOIP). Although this work has been delayed by COVID-19, proposed LOIP key themes around mental wellbeing, reducing community harms associated with alcohol and an emphasis on good quality, local jobs and sustainable communities all contribute to HSCP objectives.

The Anti-Poverty Task Force and the Health and Wellbeing Partnership are CPP sub-groups with clear roles in supporting health and social care priorities. The Health and Wellbeing Partnership has established two nationally supported whole system early adopter programmes both of which have leadership from the HSCP:

- Type 2 Diabetes project based in Whitburn
- A preventive approach to community wellbeing in West Lothian

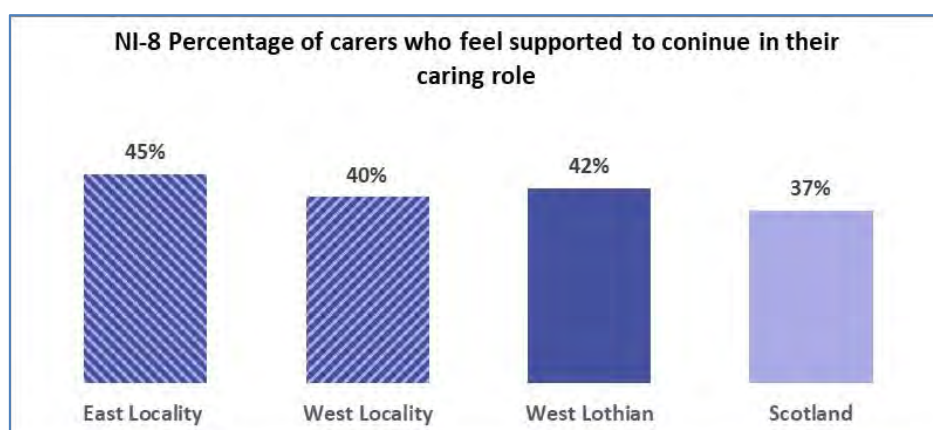
#### Tackling Inequalities

## Outcome 6

- ❖ People who provide unpaid care are supported to look after their own health and wellbeing, including reducing any negative impact of their caring role on their own health and wellbeing

## Our Performance

Indicator	2015/16	2016/17	2017/18	2018/19	2019	Compared to previous result
Total combined % carers who feel supported to continue in their caring role	36%	N/A	42%	N/A	N/A	↑
Percentage of carers who feel they have a good balance between caring and other things in their life	65%	N/A	64%	N/A	N/A	↓
Percentage of carers who had a say in services provided for the person they look after	50%	N/A	50%	N/A	N/A	→
Percentage of adults who agreed local services are well coordinated for the person they look after	47%	N/A	45%	N/A	N/A	↓



## What we have done

### Advice, Information and Support for Carers

Carers of West Lothian is the carers' organisation in West Lothian which has been commissioned to provide support to carers across the Health and Social Care Partnership. Development continues to take place to ensure access to information, advice and support to help carers maintain their health and wellbeing and to have a life alongside their caring responsibilities.

Unpaid carers can benefit from a wide range of support if they live in West Lothian or if they look after someone living in West Lothian. Carers can access advice on a range of topics such as: benefits, Power of Attorney, other services and supports, workshops and training, peer group support, counselling, etc.

Information is available on The Carers Scotland Act 2016 and the support that carers can receive from the Health and Social Care Partnership, including information on eligibility criteria, adult support plans and young carer statements.

**Prevention/Early Intervention**

## Carers of West Lothian Report 2019/20

Carers of West Lothian saw two key changes in personnel in the year with a new Chief Executive Officer and Board Chair appointed.

A total of 1,753 service users were supported including: 659 new adult carers and 129 new young carers. 60 disabled adults accessed services such as one to one support, information and advice, peer support, training or counselling for the first time.

A new self management project was established which aimed to support 35 new carers along with the person they care for through a joint approach. Using digital technology, work was also done to reach people in more rural areas. Funding was secured to buy a smartboard to allow use of videoconferencing to be tested to support people in their homes rather than travelling to an office base. The purchase of this equipment proved very valuable in supporting people during the COVID-19 response and enabled the organisation to move very quickly to an online service during the period.

In January, 'Cuppa and Chat' sessions were held in the organisation's first outreach group in Armadale. Discussion were also held to extend this support to other areas. The organisation engaged with Development Trusts in Fauldhouse, West Calder and Livingston to look further into the types of supports carers in the area would find helpful. Engagement also took place with Black, Minority and Ethnic communities to promote the organisation's services and identify any gaps in current provision.

In early 2020, 'Respitivity' was launched to promote a range of free offerings of respite from local businesses. The programme was first made available in March 2020 with two businesses offering free haircuts, manicures, sewing craft groups and singing groups for carers to enjoy.

2019 was also a year when the Volunteer Strategy was reviewed and was supported by a recruitment campaign to enhance the volunteer team.

Prevention/Early Intervention

Tackling Inequalities

Adult carer support plans carers' needs and outcomes and to inform discussions about levels of support they are eligible for.

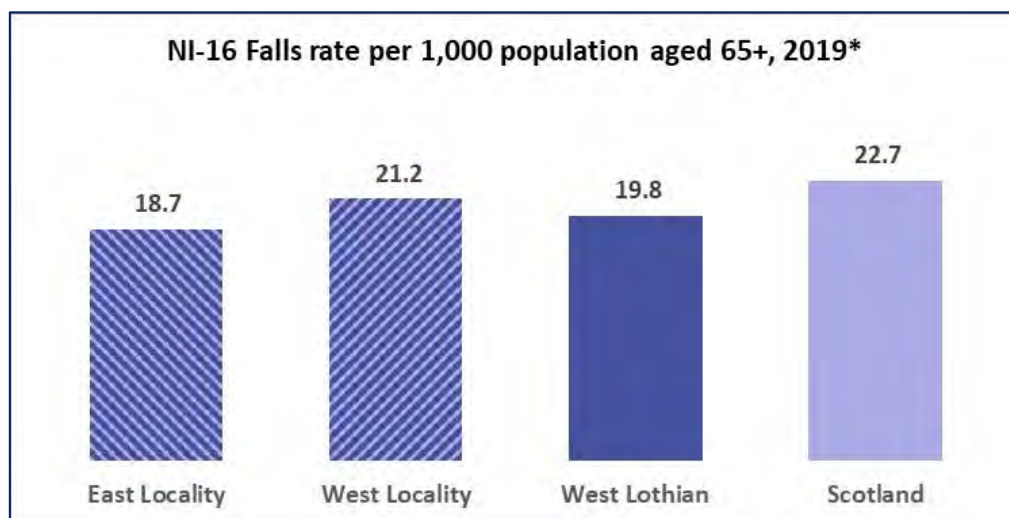
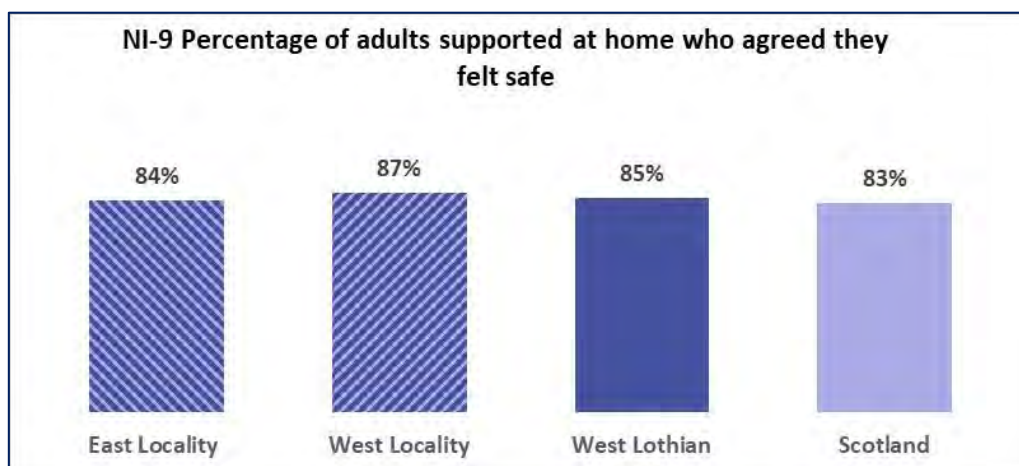


## Outcome 7

❖ People who use health and social care services are safe from harm

## Our Performance

Indicator	2015/16	2016/17	2017/18	2018/19	2019	Compared to previous result
Percentage of adults supported at home who agreed they felt safe	87%	N/A	85%	N/A	N/A	↓
Falls rate per 1,000 population aged 65+	19.1	20.3	20.1	19.5	19.8	↑
Number of households receiving telecare	N/A	4360	4380	3708	3703	→
Number of new telecare installations	N/A	780	757	469	561	↑



What we have done

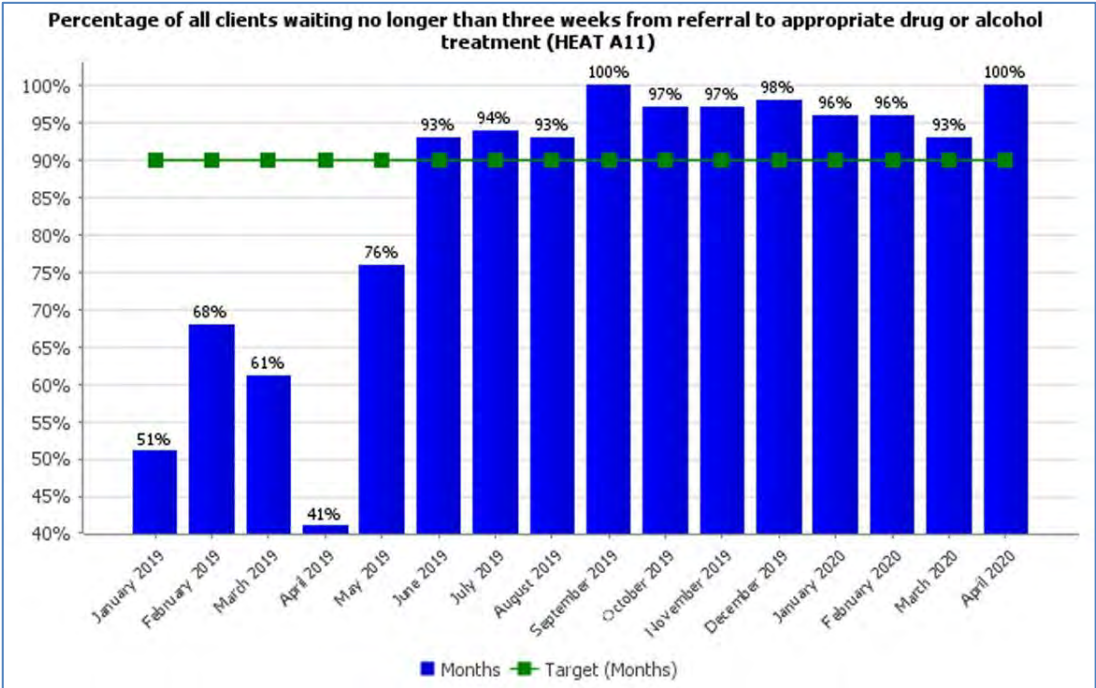
Supporting People with Alcohol and Drug Problems

Support services for people with drug and alcohol problems are commissioned by the Alcohol and Drugs Partnership (ADP). Performance against the Local Delivery Plan (LDP) Waiting Times Standard A11 is set by the Scottish Government - 90% of all clients should wait no longer than 3 weeks for treatment. Historically, the ADP in West Lothian has struggled to meet the target mainly as a result of central funding reductions and staffing vacancies.

In November 2018 funding was restored and there was a drive to recruit additional staff to services. A Recovery Plan was implemented in April 2019 with the aim of improving performance to the required standard by June 2019.

Performance in April 2019 was very low at 41%. Performance began to improve in May 2019 and by June 2019 the 90% target was met. Consistently good performance has been achieved since then including 100% of clients seen within 3 weeks in September 2019 and March 2020. It is expected services will be able to sustain achievement of the waiting time target over the next financial year.

Integrated & Coordinated Care



## Outcome 8

- ❖ People who work in health and social care services feel engaged with the work they do and are supported to continuously improve the information, support, care and treatment they provide

## Our Performance

Indicator	2015/16	2016/17	2017/18	2018/19	2019	Compared to previous result
Percentage of staff who consider themselves to be well informed		80%	80%	80%	82%	↑
Percentage of staff who say they are appropriately trained and developed		75%	76%	78%	78%	→
Percentage of staff who say they are involved in decision making		72%	73%	72%	74%	↑
Percentage of staff who consider they are treated fairly and consistently with dignity and respect		78%	79%	79%	80%	↑
Percentage of staff who say they are provided with a continuously improving and safe working environment, promoting the health and wellbeing of staff, patients and the wider community		77%	79%	78%	80%	↑

## What we have done

### Developing Strategic Commissioning Plans

Strategic commissioning plans for services for older people, people with mental health problems and those living with learning and physical disabilities were approved by the Integration Joint Board in January 2020. All staff had the opportunity during the consultation process to comment on what was working well and to suggest areas where improvements could be made. The views of all stakeholders were summarised and used to inform the planning process. A summary of the engagement feedback can be found [here](#).

#### Managing our Resources Effectively

### Mental Health Officer of the Year

Mark McIlwraith, was presented with the Wilma MacDonald Mental Health Officer of the year award at the Scottish Association of Social Work (SASW) Mental Health Officers Conference on 24<sup>th</sup> October 2019. The event is delivered by SASW in collaboration with the Scottish Government, Social Work Scotland, the Scottish Social Services Council and Learning Network West. The award recognised Mark's excellent work in West Lothian and was very well deserved.



## Intensive Psychiatric Care Unit

The Intensive Psychiatric Care Unit (IPCU) at St John's Hospital is a 12 bedded secure unit, providing 24 hour inpatient care for those who present with acute mental health illness. Patients in IPCU are detained under the Mental Health (Care and Treatment) (Scotland) Act or the Criminal Procedures Act and are admitted due to requiring a safe and secure environment with more intensive treatment and support. The unit covers all of West Lothian and the Borders and cares for adults between the ages of 18-65. Length of stay varies between a few days to several weeks, and occasionally a few months.

The ward operates a multi-disciplinary team approach and comprises nursing staff, a consultant psychiatrist, junior doctor, clinical psychologist, occupational therapists, specialist physiotherapist and various other visiting professionals, such as art and music therapists. In January 2020, the team held two half day "Away Day" sessions, giving staff the opportunity to come together to celebrate what's gone well in the unit and discuss potential Quality Improvement ideas, including; improved communication and patient/staff experience.

Keen to encourage a positive and supportive work environment, the team introduced a number of ongoing methods of celebrating success including:

- Values Board – the team mapped what they do well together as a team in relation to each of NHS Lothian's values and how they demonstrate these values in the way they work.
- Monthly Caring Champion – staff anonymously nominate colleagues, with the winner's name displayed in the staff room, surrounded by some of the positive comments made about them
- Team of the Month
- Positive Debriefs – the team is considering holding debriefs that focus on "what went well". This would include a night time Safety Debrief (10 minutes prior to finishing shift) to encourage staff to share positive experiences from their shift

In January 2020, a visit was made to the unit as part of the NHS Lothian Patient Safety Programme when the Chief Quality Officer acknowledged the units excellent approach to MDT working, commending them for their positive and person-centred approach to working together as a team and with their patients. Acknowledging the wealth of good work in the unit, the team were also encouraged to consider sharing their Quality Improvement work both locally at a future Clinical Change Forum and nationally via NHS National Services Scotland.

**Managing our Resources Effectively**

# Workforce Planning

The West Lothian Workforce Planning Development Group was established during 2019 to oversee implementation of the West Lothian IJB's Workforce Development Strategy.

Representation on the group is drawn from across health and social care and includes members with substantial knowledge, experience and commitment to ensuring delivery of the partnership's workforce priorities. Membership is drawn from NHS Lothian, West Lothian Council, the third and independent sectors, education, public health and economic development and regeneration to ensure wide involvement across the sector in developing our current staff and future workforce.

With the development of our future workforce in mind and in recognition of the need to promote jobs in health and social care as careers of choice, a large scale careers event was held at Livingston Football Stadium in February 2020 which was attended by approximately 1000 primary and secondary school pupils. Around 85 health and social care staff were involved showcasing 35 different careers across the health and social care partnership. Positive comments from staff attending included:

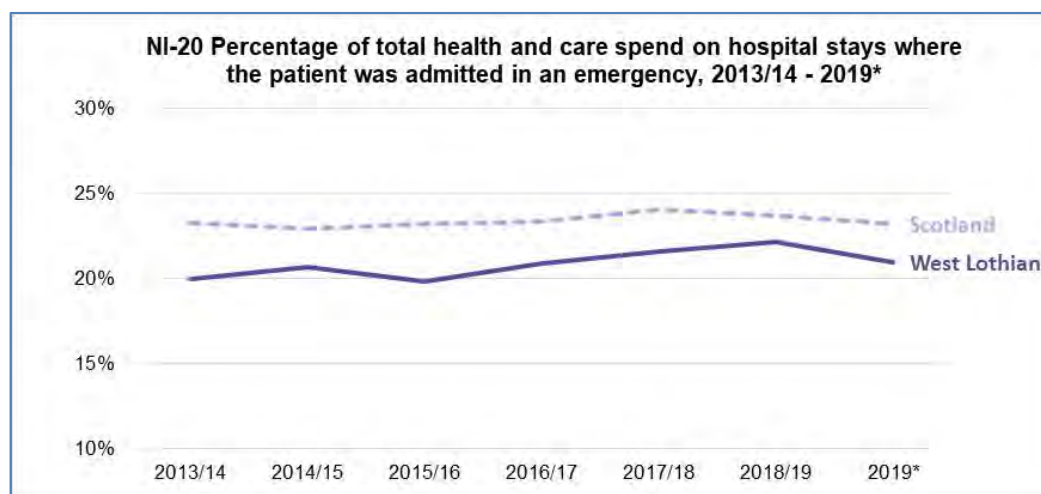
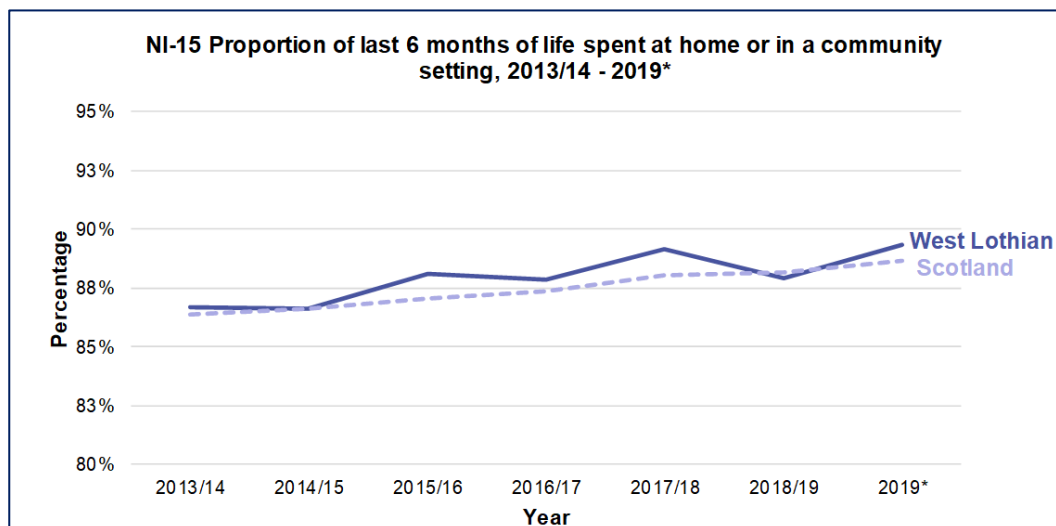


## Outcome 9

- ❖ Resources are used effectively in the provision of health and social care services

## Our Performance

Indicator	2015/16	2016/17	2017/18	2018/19	2019	Compared to previous result
Percentage of health and care resource spent on hospital stays where the patient was admitted in an emergency	20%	21%	22%	22%	21%	↓
Proportion of last 6 months of life spent in a large hospital (need clarification on this)	8.5%	8.7%	8.5%	9.3%		↓
Proportion of last 6 months of life spent at home or in community setting	88%	88%	89%	88%	89%	↑



## What we have done

### Winter Planning

There is increased demand for health and social care services through the winter months. However, through learning from previous years, there is a degree of predictability in patterns of demand experienced. Each year the West Lothian Health and Social Care Partnership sets out how it will manage the flow of patients through hospital and community teams to support rehabilitation closest to home wherever possible during the winter period.

The development of the 2019/20 winter plan was overseen by the Lothian Unscheduled Care Committee which has membership from the four Lothian health and social care partnership and from the acute hospital sites. A framework was developed through the committee that encouraged planning against the following criteria:

- Supports joint working between acute services and health and social care partnerships (HSCPs)
- Supports a Home First Approach
- Admission avoidance
- Site and community resilience/flow
- Supports a non bed based Model
- Facilitates 7 Day working and discharging

The focused investment further supported improvement priorities for unscheduled care within the partnership.

Key actions included:

- Enhancement of senior medical and other clinical staffing at critical pressure periods across acute, community and social care services.
- Consistency of 7 day working principles for HSCP Teams
- Equipment delivery over 7 days
- Robust cross-system escalation, coordination and communication through senior leadership at Chief Operating Officer/Chief Officer level.
- Increased capacity to support admissions, transfers and discharges

**Managing our Resources Effectively**

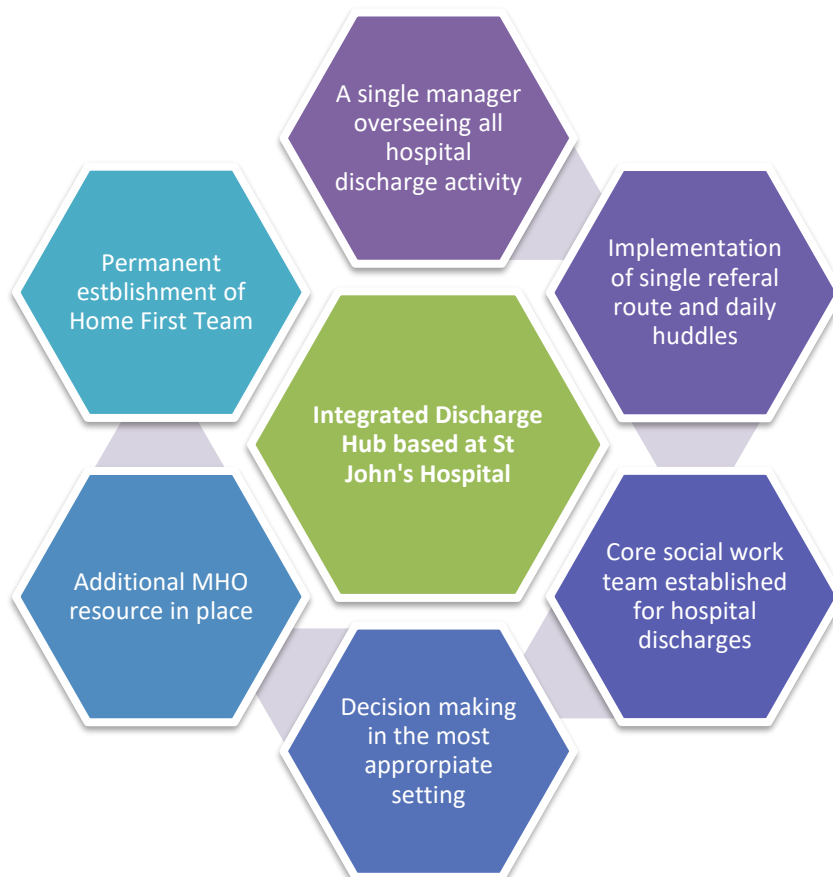
# Response to COVID-19 Pandemic

The end of the reporting year 2019/20 saw the West Lothian Health and Social Care Partnership responding to the COVID-19 pandemic in an unprecedented way to ensure that essential health and social care services continued during a period of significant uncertainty. A range of measures were put in place to both continue some services, to safely reduce some services and to develop others to meet the needs of our local population whilst responding to UK wide and Scottish Government policy. The following provides a brief summary of some of this activity:

## Optimising Capacity and Reducing Delayed Discharges

A range of activities have been effective in reducing delayed discharges from a baseline of 65 at 1<sup>st</sup> March 2020.

The Integrated Discharge Hub based at St John's Hospital has been operational since 2018 but some changes were made to the model to improve discharge arrangements for patients to ensure people were able to return home or to another homely setting as quickly as possible with decision making about future care needs taking place in the most appropriate setting. Those developments included:



The focus of recent work has been on ensuring that hospital admission is avoided wherever possible through more effective use of community supports and earlier intervention. Where admission takes place, revised arrangements have been put in place to improve communication and partnership working across all the discharge services with increased staffing capacity now available to support 7 day working and equipment delivery at the weekend. The Hospital at Home service is also providing additional rapid community assessments and has been extended provision over 7 days.

## West Lothian Personal Protective Equipment (PPE) Centre

A local PPE hub was established to coordinate supply of essential PPE across health and social care services in West Lothian as part of the pandemic response put in place nationally via NHS Scotland. Using a West Lothian Council warehouse, and operated by staff from across the health and social care partnership, the hub was developed very quickly and has played an important role in the distribution of PPE to local health and social care services. Working in partnership with Carers of West Lothian, the hub also supplied PPE to unpaid carers.

Consideration is being given to the future arrangements for PPE procurement and distribution to ensure that the hub model is sustainable for as long as it's needed. Challenges were experienced with the regular supply of PPE initially but the view is that the hub has been an effective local distribution arrangement during the pandemic response.

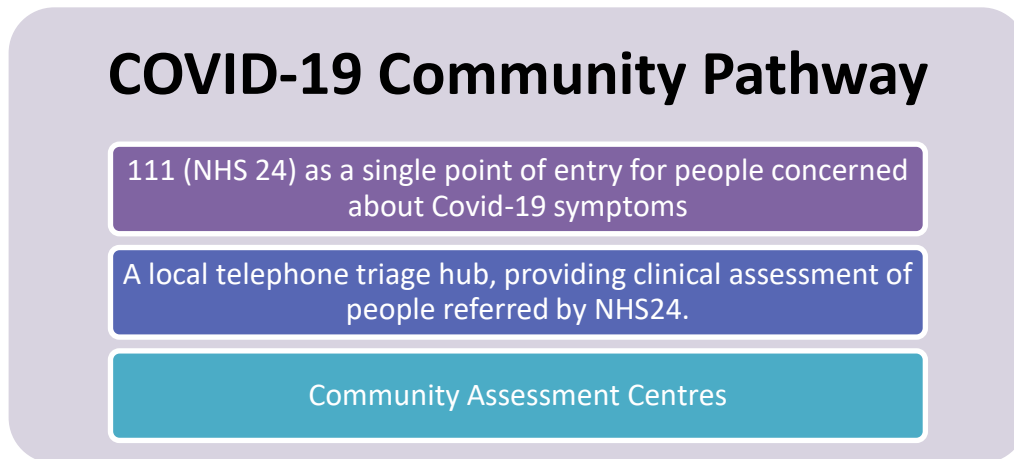


## Near Me Video Conferencing

Video conferencing facilities, Near Me, were installed in all GP practices across West Lothian and are being used by GPs to work with patients via video link. Initial feedback on usage has been very positive from GPs and from patients. The Near Me technology was also rolled out to other service areas to reduce face to face contacts and we are reviewing learning from the use of this technology to inform future service planning.

## Community COVID-19 Pathway

The Community Covid-19 Pathway was introduced to manage demand for health care support for people displaying to Covid-19 symptoms. The model for the Covid-19 Community Pathway includes:



The Community Assessment Centre provides dedicated and consistent advice, triage and treatment for people with Covid-19 symptoms 7 days a week. Where clinically assessed access to face to face assessment is offered.

## Support to Care Homes

As has been widely reported, Covid-19 has had a significant impact on older people and we have sadly seen a number of deaths in care home settings across Scotland. In West Lothian we continue to provide ongoing support to the 16 care homes within the local area. We have developed and implemented a care home action plan to ensure the right support is provided. Daily review meetings are being held with the Chief Nurse, Chief Social Work Officer, Chief Officer and Public Health to identify emerging issues and to determine the appropriate response. Support is being provided in accordance with Public Health and Government guidance to reduce risk of transmission of infection.

## Staff Support

A range of supports have been made available to staff across health and social care to provide information in relation to PPE, testing and other general enquiries. A dedicated helpline, *Here For You*, was set up to provide a listening ear for those who are worried, anxious or stressed or who need help with practical concerns such as financial advice or information on supporting an elderly or vulnerable relative.

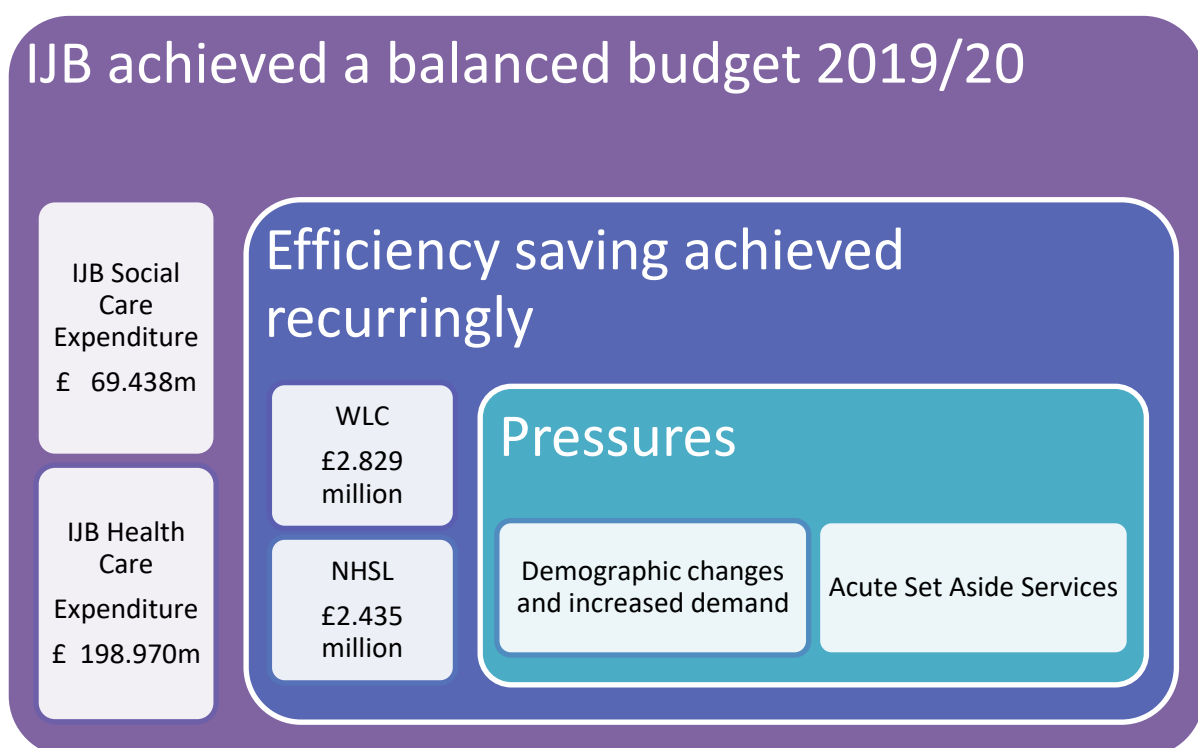
## **Mobilisation Plans**

We are not complacent about the ongoing work that we need to do and life will continue to have a degree of uncertainty for some time to come. We are, however, trying to return to a 'new normal' and are putting remobilisation plans in place to ensure that our services restart in a planned way and that our future actions take account of learning from the local and national response to the pandemic. We are reflecting on what has worked well and what has not and will review our plans with our partners and stakeholders to ensure that we have robust plans in place for the future development of health and social care services in West Lothian.

# Financial Planning and Performance

## Financial Planning

The Public Sector (Joint Working) (Scotland) Act 2014 requires each Integration Authority to publish an annual financial statement on the resources that it plans to spend in implementing its strategic plan. The total expenditure on IJB delegated functions for 2019/20 was £268.825 million. This was fully funded through contributions from West Lothian Council and NHS Lothian of £69.438 million and £198.970 million respectively. In addition, there was a decrease in reserves of £417,000 with earmarked reserves remaining of £63,000 at 31 March 2020.



## Budget Summary

In 2019/20 the IJB has achieved a balanced budget position despite there being many pressures across health and social care services. The Board has worked closely with NHS Lothian and West Lothian Council on the financial management of IJB budget resources and funding required to deliver delegated IJB functions.

IJB delegated services saw continued growth in demand during 2019/20. Within community care, care home expenditure increased significantly reflecting a growing older population who are living longer with more complex needs. Growth in demands within learning and physical disability care also increased significantly, reflecting increasing needs and a shift in the balance of care from health to community care in

line with integration objectives.

The most significant pressure in 2019/20 related to set aside services where there was an overspend of £1.131 million. Nursing staffing pressures were the major contributing factor to the overspend. In addition, difficulties in recruiting and the resulting requirement for agency nursing staff in Accident and Emergency and General Medicine areas has also been a key contributing factor. Substantial work was undertaken during 2019/20 to review the causes of the nursing staffing pressures for West Lothian and the budgetary resources available and this helped to inform the 2020/21 budgeting process and level of nurse staff budgets. There remain significant risks around prescribing volumes and units going forward, as well as the ongoing impact of COVID-19, and this will require to be closely monitored. Acute drugs are also a key financial risk.

During 2019/20, budget savings of £5.294 million were delivered against the productivity and efficiency plan to help ensure spend on IJB functions was managed within budget resources available.

## Financial Performance

Reporting on the performance of delegated resources is routinely undertaken by the IJB in line with its approved financial regulations and Integration Scheme. The Integration Scheme details that when resources have been delegated by the IJB via strategic directions, NHS Lothian and West Lothian Council apply their established systems of financial governance. This reflects the IJB's role as a strategic planning body which does not deliver services directly, employ staff or hold cash resources. Budget monitoring of IJB delegated functions is undertaken by finance teams within West Lothian Council and NHS Lothian working with budget holders to prepare information on financial performance. The IJB Chief Finance Officer works closely with these teams to provide information on operational budget performance to the Board in respect of delegated health and social care functions.

Expenditure on services commissioned by the IJB over the period 2016/17 to 2019/20 is shown in the table below.

West Lothian IJB Expenditure on Delegated Functions 2016/17 to 2019/20					
	2016/17	2017/18	2018/19	2019/20	4 YR Total
	£'000	£'000	£'000	£'000	£'000
Core Health Services	104,600	110,443	115,814	122,584	453,441
Hosted Services	20,058	22,453	20,649	21,318	84,478
Acute Set Aside Services	33,647	34,726	32,583	34,747	135,703
Non Cash Limited Services	18,221	18,282	19,322	20,448	76,273
Social Care Services	60,584	64,457	63,833	69,728	258,602
<b>Total</b>	<b>237,110</b>	<b>250,361</b>	<b>252,201</b>	<b>268,825</b>	<b>1,008,497</b>

## Future Financial Plans

The 2020/21 budget contributions from NHS Lothian and West Lothian Council have been taken account of in directions issued to partners. While the council contribution represents a balanced budget position, the NHS Lothian contribution represents a funding shortfall compared to forecast expenditure of £1.128 million. However, there are plans in place to bridge this gap.

It is important to note however that these budget contributions do not take account of the additional cost implications anticipated to arise as a result of COVID-19. While the financial implications resulting from COVID-19 remain uncertain, they are anticipated to be significant. Over recent months substantial work has been undertaken to identify the additional costs of COVID-19 through Mobilisation Plans for health and social care. This incorporates joint working across health and social care and at a national level on an agreed approach to capture the additional financial costs.

Taking account of this, it will be crucial that the 2020/21 budget position is closely monitored with regular updates being provided to the Board, including options to manage budget pressures and ensure a balanced position is achieved for 2020/21.

The IJB has a statutory responsibility for delegated health and social care functions in relation to the strategic planning of future health and social care delivery. Plans for this are developed via the health and social care management team and council and NHS Lothian staff supporting the IJB. The IJB's strategic plan and strategic commissioning plans will help inform decisions around prioritisation of resources, new models of service delivery and disinvestment decisions, all of which will be necessary in the medium term financial planning process associated with health and social care services. The implications arising from COVID-19 on delivery of care services will need to be taken into account in the ongoing review of strategic commissioning plans.

With regard to future years, health and social care services will be faced with significant challenges to meet demands and operate within tight fiscal constraints for the foreseeable future. The implications associated with COVID-19 will further increase the financial challenges and may impact on current plans to meet demands. In line with the Board's agreed approach to IJB financial planning, budget plans have been and continue to be developed across IJB health and social care functions with the objective that overall health and social care considerations are taken into account in joint IJB / Partner financial planning.

An updated four year financial plan taking account of funding and expenditure assumptions was reported to the Board on 23 April 2019. At this stage, the level of uncertainty around COVID-19 financial implications makes it extremely difficult to undertake a more detailed update of the medium term financial plan, but a high level financial outlook based on currently available funding assumptions was presented to the Board on 30 June 2020. Based on current planning assumptions, IJB resources are currently estimated to increase by £6.9 million over the three year period to 2022/23. As funding and cost implications linked to COVID-19 become clearer over the coming months, it is intended that the IJB medium term financial plan will be updated later in 2020/21.

## Best Value

The Local Government (Scotland) Act 2003 places a duty on Local Government bodies to secure Best Value. As a Section 106 body under the 2003 Act, Integration Joint Boards have the same statutory duty to secure best value.

The statutory duties of the 2003 Act are:

- The duty of Best Value, being to make arrangements to secure continuous improvement in performance (while maintaining an appropriate balance between quality and cost); and in making those arrangements and securing the balance, to have regard to economy, efficiency, effectiveness, the equal opportunities requirements and to contribute to the achievement of sustainable development
- The duty to achieve break-even in trading accounts subject to mandatory disclosure
- The duty to observe proper accounting practices
- The duty to make arrangements for the reporting to the public of the outcome of the performance of functions

The above duties apply to the IJB other than the duty to secure a break-even in trading accounts which is not relevant to the IJB as it does not have trading accounts.

## Best Value Framework and Compliance

A Best Value Framework was agreed by the Audit, Risk and Governance Committee on 12 September 2018 and approved by the Board on 24 September 2018.

Taking account of all the relevant factors including Legislation, Ministerial Guidance and Audit Scotland Guidance, the agreed area relevant in assessing the achievement of best value for the IJB are shown below.

- Management of Resources
- Effective Leadership and Strategic Direction
- Performance Management
- Joint Working with Partners
- Service Review / Continuous Improvement

It was agreed for each of these areas there would be an annual assessment of how the IJB has demonstrated best value in the delivery of delegated functions. This is achieved through an Annual Statement of Compliance produced by the Chief Finance Officer, considered by the IJB senior management team and reported to the IJB Audit, Risk and Governance Committee for consideration. The Annual Statement of Compliance is used to inform the Governance Statement within the annual accounts and the Annual Performance Report. The 2019/20 [Best Value Annual Statement of Compliance](#) can be accessed from the link.

# Inspection and Regulation of Services

The annual performance report requires Integration Joint Boards to report on inspections by: Healthcare Improvement Scotland, Social Care and Social Work Improvement Scotland (The Care Inspectorate), Audit Scotland, Accounts Commission and the Scottish Housing Regulator which relate to delegated functions.

## Inspections by the Care Inspectorate

The Care Inspectorate grades services as part of fulfilling its' duty under section 4(1) of the Regulation of Care (Scotland) Act 2001 and publishes inspection reports to provide information to the public about the quality of care services. Full inspection reports for all services can be accessed via the Care Inspectorate's website <http://www.careinspectorate.com>

## Services Inspected During 2019/20

Not all services are inspected by the Care Inspectorate annually. The services inspected in West Lothian in 2018/19 were:

- Limecroft Care Home
- Whitdale Care Home
- Housing with Care Service

Requirements, recommendations and improvements were made as follows following those inspections:

- Limecroft Care Home – one requirement in relation to medication administration and 2 recommendations in relation to residents' participation in activities and the recording of healthcare needs

Improvement plans were put in place for all requirements, recommendations and areas of improvement identified.

## Other Scrutiny Bodies

There were no other inspections carried out during the year by the other scrutiny bodies listed.

## Joint Strategic Inspection

The Care Inspectorate and Healthcare Improvement Scotland undertook a joint strategic inspection of the IJB functions of the West Lothian Health and Social Care Partnership which involved onsite scrutiny during January and February 2020. The focus of the inspection was on how well the partnership had:



A report on the inspection was due to have been published in early June 2020 with graded evaluations of the areas inspected and feedback. Unfortunately the COVID-19 pandemic meant that inspection activity by the Care Inspectorate and Healthcare Improvement Scotland had to be suspended and the report of the inspection had not been received at the time of publication of approval of the annual performance report by the IJB.

## Significant Decisions and Directions

Significant Decisions is a legal term defined within section 36 of the Public Bodies Joint Working (Scotland) Act 2014. It relates to making a decision that would have a significant effect on a service out with the context of the Strategic Plan.

Decisions made by the Integration Joint Board during the year 2019/20 are set out in the IJB's papers which are hosted on West Lothian Council's website.

Towards the end of the reporting year 2019/2020, the West Lothian Health and Social Care Partnership required to respond to the COVID-19 pandemic which meant making a range of adjustments to the operation of services across the partnership during March 2020 and beyond. Those decisions will be reviewed by the Board in the course of the reporting year 2020/21 and adjustments made to the IJB's Strategic plan where this is considered necessary.

The Board issued four overarching Directions during 2019/20 to NHS Lothian and West Lothian Council. Additional strategic Directions were developed during 2019/20 to reflect strategic decisions made by the IJB and held with IJB papers hosted on the West Lothian Council website.

# Key Priorities for 2020/21



<sup>i</sup> The Scottish Government – Strategic Commissioning Plans Guidance, 2015

## Appendix 2

### Summary of Core Suite of Integration Indicators for West Lothian

The table below provides a summary of performance against the core suite of integration indicators and is compared with the Scottish position. The summary uses the latest published data available. For indicators 11 to 20, data is used for calendar year 2019\* as financial year data is not yet finalised across Scotland. The IJB will be updated with 2019/20 data as soon as it becomes available.

Indicator		2015/16		2017/18		Change and performance against previous year	
Number	Description	West Lothian	Scotland	West Lothian	Scotland	West Lothian	Scotland
NI - 1	Percentage of adults able to look after their health very well or quite well	94%	95%	92%	93%	↓	↓
NI - 2	Percentage of adults supported at home who agreed that they are supported to live as independently as possible	88%	83%	80%	81%	↓	↓
NI - 3	Percentage of adults supported at home who agreed that they had a say in how their help, care or support was provided	81%	79%	77%	76%	↓	↓
NI - 4	Percentage of adults supported at home who agreed that their health and social care services seemed to be well co-ordinated	82%	75%	76%	74%	↓	↓
NI - 5	Total % of adults receiving any care or support who rated it as excellent or good	82%	81%	84%	80%	↑	↓
NI - 6	Percentage of people with positive experience of the care provided by their GP	78%	85%	75%	83%	↓	↓
NI - 7	Percentage of adults supported at home who agree that their services and support had an impact on improving or maintaining their quality of life	82%	83%	82%	80%	→	↓
NI - 8	Total combined % of carers who feel supported to continue in their caring role	36%	40%	42%	37%	↑	↓
NI - 9	Percentage of adults supported at home who agreed they felt safe	87%	83%	85%	83%	↓	→

Indicator		2017/18		2018/19		2019*		Change and performance against previous year	
Number	Description	West Lothian	Scotland	West Lothian	Scotland	West Lothian	Scotland	West Lothian	Scotland
NI - 11	Premature mortality rate per 100,000 persons (calendar year)	<b>410</b> (2017)	425 (2017)	<b>434</b> (2018)	432 (2018)	N/A	N/A		
NI - 12	Rate of emergency admissions for adults (per 100,000 population)	-	-	<b>11,908</b>	12,275	<b>12,387</b>	12,602		
NI - 13	Rate of emergency bed days for adults (per 100,000 population)	-	-	<b>106,474</b>	120,177	<b>95,955</b>	117,478		
NI - 14	Emergency readmissions to hospital within 28 days of discharge (per 1,000 discharges)	-	-	<b>110</b>	103	<b>112</b>	104		
NI - 15	Proportion of last 6 months of life spent at home or in a community setting	-	-	<b>88%</b>	88%	<b>89%</b>	89%		
NI - 16	Falls rate per 1,000 population aged 65+	-	-	<b>19.5</b>	22.5	<b>19.8</b>	22.7		
NI - 17	Proportion of care services graded 'good' (4) or better in Care Inspectorate inspections	-	-	<b>85%</b>	82%	<b>81%</b> (2019/20)	82% (2019/20)		
NI - 18	Percentage of adults with intensive care needs receiving care at home (Calendar Year)	<b>66%</b> (2017)	61% (2017)	<b>69%</b> (2018)	62% (2018)	N/A	N/A		
NI - 19	Number of days people spend in hospital when they are ready to be discharged (per 1,000 population)	-	-	<b>1,214</b>	793	<b>964</b> (2019/20)	793 (2019/20)		
NI - 20	Percentage of health and care resource spent on hospital stays where the patient was admitted in an emergency	-	-	<b>22%</b>	24%	<b>21%</b>	23%		

**Key**



Percentage / rate has decreased. Performance has also decreased



Percentage / rate has increased. Performance has worsened



Percentage / rate has increased. Performance has improved



Percentage / rate has decreased. Performance has improved



Percentage / rate has remained the same. Performance is unchanged

## Appendix 3

### Summary of West Lothian Performance Indicators

#### Wellbeing Outcome 1: People are able to look after and improve their own health and wellbeing and live in good health for longer

Indicator	2015/16	2016/17	2017/18	2018/19	2019	Compared to previous result
Percentage of adults able to look after their health very well or quite well	94%	N/A	92%	N/A	N/A	↓
Rate of emergency admissions for adults (per 100,000 population)	11861	11994	11702	11908	12387	↑

#### Wellbeing Outcome 2: People are able to live, as far as reasonably practicable, independently and at home or in a homely setting in their community

Indicator	2015/16	2016/17	2017/18	2018/19	2019	Compared to previous result
Rate of emergency bed days for adults (per 100,000)	98960	105825	106429	106474	95955	↓
Emergency readmissions to hospital within 28 days of discharge (per 1,000 discharges)	101	109	104	110	112	↑
Number of days people aged 75+ spend in hospital when they are ready to be discharged (per 1,000 population)	485	822	1139	1214	964	↓
Proportion of last 6 months of life spent at home or in community setting	88%	88%	89%	88%	89%	↑
Percentage of adults with intensive care needs receiving care at home	70%	65%	66%	69%	N/A	↑
Percentage of adults supported at home who agree that they are supported to live as independently as possible	88%	N/A	80%	N/A	N/A	↓
Percentage of people aged over 75 who live in their own home	92%	92%	92%	92%	N/A	→

#### Wellbeing Outcome 3: People who use health & social care services have positive experiences of those services, and have their dignity respected

Indicator	2015/16	2016/17	2017/18	2018/19	2019	Compared to previous result
Percentage of adults supported at home who agree that they are supported to live as independently as possible	88%	N/A	80%	N/A	N/A	↓
Percentage of adults supported at home who agree that they had a say in how their help, care or support was provided	81%	N/A	77%	N/A	N/A	↓
Percentage of adults supported at home who agreed that their health and social care services seemed to be well co-ordinated	82%	N/A	76%	N/A	N/A	↓
NI-6 Percentage of people with a positive experience of the care provided by their GP practice	78%	N/A	75%	N/A	N/A	↓
Percentage of people who feel they are listened to	87%	N/A	89%	N/A	N/A	↑
Percentage of people who feel they are treated with compassion and understanding	93%	N/A	91%	N/A	N/A	↓

#### Wellbeing Outcome 4: Health & social care services are centred on helping to maintain or improve the quality of life of people who use those services

Indicator	2015/16	2016/17	2017/18	2018/19	2019	Compared to previous result
Percentage of adults supported at home who agree that their services and support had an impact on improving or maintaining their quality of life	82%	N/A	82%	N/A	N/A	→
Proportion of care services graded 'good' (4) or better in Care Inspectorate inspections	83%	83%	87%	85%	81%	↓

#### Wellbeing Outcome 5: Health & social care services contribute to reducing health inequalities

Indicator	2015/16	2016/17	2017/18	2018/19	2019	Compared to previous result
Premature mortality rate per 100,000 persons (calendar year)	402	411	410	434	N/A	↑
Male life expectancy at birth	78.3	78.3	78.1	77.8	N/A	↓
Female life expectancy at birth	80.5	80.8	80.8	81.0	N/A	↑

**Wellbeing Outcome 6: People who provide unpaid care are supported to look after their own health and wellbeing, including to reduce any negative impact of their caring role on their own health and wellbeing**

Indicator	2015/16	2016/17	2017/18	2018/19	2019	Compared to previous result
Total combined % carers who feel supported to continue in their caring role	36%	N/A	42%	N/A	N/A	↑
Percentage of carers who feel they have a good balance between caring and other things in their life	65%	N/A	64%	N/A	N/A	↓
Percentage of carers who had a say in services provided for the person they look after	50%	N/A	50%	N/A	N/A	→
Percentage of adults who agreed local services are well coordinated for the person they look after	47%	N/A	45%	N/A	N/A	↓

**Wellbeing Outcome 7: People who use health and social care services are safe from harm**

Indicator	2015/16	2016/17	2017/18	2018/19	2019	Compared to previous result
Percentage of adults supported at home who agreed they felt safe	87%	N/A	85%	N/A	N/A	↓
Falls rate per 1,000 population aged 65+	19.1	20.3	20.1	19.5	19.8	↑
Number of households receiving telecare	N/A	4360	4380	3708	3703	→
Number of new telecare installations	N/A	780	757	469	561	↓

**Wellbeing Outcome 8: People who work in health & social care services feel engaged with the work they do and are supported to continuously improve information, support, care and treatment they provide**

Indicator	2015/16	2016/17	2017/18	2018/19	2019	Compared to previous result
Percentage of staff who consider themselves to be well informed		80%	80%	80%	82%	↑
Percentage of staff who say they are appropriately trained and developed		75%	76%	78%	78%	→
Percentage of staff who say they are involved in decision making		72%	73%	72%	74%	↑
Percentage of staff who consider they are treated fairly and consistently with dignity and respect		78%	79%	79%	80%	↑
Percentage of staff who say they are provided with a continuously improving and safe working environment, promoting the health and wellbeing of staff, patients and the wider community		77%	79%	78%	80%	↑

**Wellbeing Outcome 9: Resources are used effectively and efficiently in the provision of health and social care services**

Indicator	2015/16	2016/17	2017/18	2018/19	2019	Compared to previous result
Percentage of health and care resource spent on hospital stays where the patient was admitted in an emergency	20%	21%	22%	22%	21%	↓
Proportion of last 6 months of life spent in a large hospital (need clarification on this)	8.5%	8.7%	8.5%	9.3%		↓
Proportion of last 6 months of life spent at home or in community setting	88%	88%	89%	88%	89%	↑



DATA LABEL: PUBLIC



**COUNCIL EXECUTIVE**

**WEST LOTHIAN LEISURE – FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2020**

**REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES**

**A. PURPOSE OF REPORT**

This report provides an update on the West Lothian Leisure (WLL) 2019/20 financial statements which were approved and signed off by the WLL Board on 10 September 2020.

**B. RECOMMENDATION**

It is recommended that Council Executive notes:

1. The WLL Board has approved WLL's 2019/20 financial statements.

**SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on customers' needs, being honest, open and accountable, making best use of resources, working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Local Government (Scotland) Act 1975, Section 90: Following the Public Pound
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	Council funding for WLL enables the provision of a range of cultural and leisure services.
<b>V Relevance to Single Outcome Agreement</b>	Effective prioritisation of resources will be essential to achieving the targets contained in the Single Outcome Agreement.
<b>VI Resources - (Financial, Staffing and Property)</b>	<p>The council provided WLL with funding of £3.727 million in 2019/20.</p> <p>Council Executive initially agreed core funding of £2.562 million for 2020/21. Taking into account the impact of the Covid-19 pandemic, WLL requested a re-profiling of £801,000 of the council's funding in 2020/21 which was accepted and the revised management fee is £3.363 million.</p>

<b>VII Consideration at PDSP</b>	None.
<b>VIII Other consultations</b>	West Lothian Leisure. Education Services. West Lothian Leisure Advisory Committee.

## **D. TERMS OF REPORT**

### **D.1. Introduction**

This report provides an update on the finalised, and WLL Board approved, WLL financial statements for 2019/20.

WLL's Board approved WLL's 2019/20 Annual Accounts during the WLL AGM held on 10 September 2020. At this meeting it was reported that WLL's auditor (Scott-Moncrieff) presented the audited accounts for the financial year 2019/20 noting that they were unqualified and that WLL continued to be a going concern. A surplus of £328,000 was achieved by WLL in 2019/20 leaving a general reserves balance of £321,000 as at 31 March 2020.

Appended to this report are the WLL Directors Report and Financial Statements for the year ended 31 March 2020 (appendix 1) and the Audit Management Report from WLL's auditor Scott Moncrieff (appendix 2).

A timetable has been agreed with WLL to ensure current and relevant financial information is provided to the council. All financial information is regularly monitored and analysed by council officers and will continue to be reported to the West Lothian Leisure Advisory Committee, with a focus on implications for the council.

### **D.2. WLL 2019/20 Financial Statements Summary**

2019/20 was the first year of WLL's financial plan for the period 2019/20 to 2022/23 and successful actions from the plan included:

- Full implementation of WLL's new staffing structure.
- Successful income generation initiatives, such as price increases.
- Reduced costs through, for example, equipment savings by extending the life of Technogym equipment from three to five years creating an annual depreciation saving and reduced facility opening times during the Christmas and New Year period.

WLL also highlighted the following achievements for 2019/20:

- Significant growth in the number of fitness memberships including those for families, children and the over 60's.
- Successful health and wellbeing programmes, including the securing of additional NHS funding for WLL's exercise referral programme and a new weight management programme.
- Investment in facility improvements and new equipment, including minor gym refurbishments at Xcite Craigswood, Livingston and Whitburn.

The council has historically provided a letter of financial comfort to WLL as part of the audit process. WLL's auditor requested that the council provide additional comfort this year given the current economic uncertainties. Council Executive agreed that the Head of Finance and Property Services should issue a further letter

of comfort in the form of wording set out in appendix 3 to WLL to provide additional assurance around WLL continuing as a going concern.

2019/20 ended with WLL realising a surplus of £328,000 leaving a general reserves balance of £321,000 as at 31 March 2020. A summary of WLL's trading statement for 2019/20 is set out below:

**Figure 1: Trading statement for 2019/20**

	<b>Actual £'000</b>	<b>Budget £'000</b>	<b>Variance £'000</b>
<b>Income</b>			
Membership	5,599	5,300	299
Club income and PPV admissions	2,717	2,815	(98)
Catering and stock sales	749	852	(103)
WLC management fee	3,727	2,944	783
Others	583	536	47
	<b>13,375</b>	<b>12,447</b>	<b>928</b>
<b>Expenditure</b>			
Employees	8,127	7,471	656
Utilities	1,225	1,241	(16)
Maintenance	683	680	3
IT & Comms + Licences and Subs	462	508	(46)
Catering and stock costs	395	459	(64)
Professional Services	347	196	151
Equipment and Clothing	189	283	(94)
Marketing and PR	155	125	30
Others	1,463	1,483	(20)
	<b>13,046</b>	<b>12,446</b>	<b>600</b>
<b>Surplus/(deficit)</b>	<b>329</b>	<b>1</b>	<b>328</b>

#### Income

Membership income for 2019/20 was £5.6 million, £300,000 more than budget and £370,000 ahead of the previous financial year. This income grew steadily throughout 2019/20 with WLL attributing the increase to the hard work of all staff, successful marketing and sales campaigns and the growth in new housing in the area.

Club income and Pay Per Visit admissions income was £2.7 million, £98,000 less than budget and £57,000 less than the previous financial year, due to the closure of all facilities on 20 March 2020 as a result of the Covid-19 pandemic.

Catering and stock net income (being income less expenditure) for 2019/20 was broadly in line with budget as lower net income as a result of poor weather and the closure of venues in March was offset by lower prices negotiated with a number of suppliers. A review of catering is planned for 2020/21 with a focus on increasing profitability.

The council's management fee of £3.7 million included an additional £783,000 compared to budget resulting from the re-profiling of future years' management fee to fund severance costs associated with an unbudgeted restructuring that took place during the year (the costs of this are included in employee costs, see below).

## Expenditure

Total employee costs in 2019/20 were £8.1 million, £656,000 more than budget – these are split as follows:

- Salary costs - £7.008 million, £75,000 less than budget mainly as a result of replacing only business critical posts and delaying appointments to vacant posts.
- Additional staff costs (which include the costs of using self employed instructors) - £339,000, £49,000 less than budget as a result of venues closing in March.
- Voluntary severance costs - £780,000. As noted above, this expenditure was not budgeted for.

Utilities costs were £1.2 million which was broadly in line with budget.

Maintenance costs in 2019/20 were in line with budget. WLL management indicates that the maintenance budget is being managed carefully and is currently only being used for essential and reactive maintenance with the overspend being due to a number of reactive maintenance requirements

Professional services spend was £347,000 in 2019/20, £151,000 more than budget due to additional spend on legal and other professional advice in relation to the development and implementation of WLL's three year plan and its modernisation programme as well as recruitment costs.

Equipment and clothing spend was £189,000, £94,000 less than budget as a result of savings on the renewal of contracts and general expenditure within this area.

Marketing and PR costs in 2019/20 were £155,000, £30,000 greater than budget due to additional costs incurred in relation to the staffing restructure, changes to venue opening hours and an increase in marketing costs for Howden Park Centre.

### **D.3. 2020/21 Annual Funding Agreement Amendment**

As a result of Covid-19, WLL's financial situation changed dramatically with all venues closing from 20 March 2020. To improve its financial position WLL formally requested a re-profiling of the management fee for 2020/21 by £801,000 increasing it to £3.363 million and this was approved by the Council Executive via a S031.

In addition, to assist with cash flow, WLL requested the re-phasing of the 2020/21 annual management payments so that 50% was paid in quarter one, 25% paid in quarter two and 25% to be paid in quarter three. This has also been approved by Council Executive.

The amended annual management fee through to 2022/23 is detailed below:

	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Core Funding Base</b>	2,974	2,724	2,474	2,224
Approved Incremental Budget Saving	(250)	(250)	(250)	(259)
<b>Core Funding</b>	<b>2,724</b>	<b>2,474</b>	<b>2,224</b>	<b>1,965</b>
Voluntary Severance Advance Funding	0	(132)	(132)	(132)
Re-profiling	0	801	0	
Landlord Maintenance	220	220	220	220
<b>Total Annual Management Fee</b>	<b>2,944</b>	<b>3,363</b>	<b>2,312</b>	<b>2,053</b>

## **D.5 WLL Strategic Risks**

WLL has carried out a comprehensive review of their Strategic Risk Register identifying 24 strategic risks at the end of 2019/20, those currently scored as high priority include:

1. Covid-19 pandemic or a flu epidemic could temporarily and significantly affect the ability of WLL to provide services and adversely impact its revenue - threatening financial sustainability.
2. Decrease in the management fee could affect the ability to break-even.
3. Economic downturn, recession or loss of confidence in the economy could reduce disposable income and reduce customer spend on leisure.
4. Insufficient cash flow could mean that WLL would be unable to meet its financial commitments (i.e. to pay suppliers, salaries and HMRC) and be at risk of insolvency.
5. Significant decrease in business and membership income.
6. Three Year Plan not delivering the required savings.

WLL advises that the risk assessments associated with these risks identify existing controls and further actions to reduce the risk.

## **E. CONCLUSION**

WLL's Board approved WLL's 2019/20 Annual Accounts during the WLL AGM held on 10 September 2020. At this meeting it was reported that WLL's auditor (Scott-Moncrieff) presented the audited accounts for the financial year 2019/20 noting that they were unqualified and that WLL continued to be a going concern. A surplus of £328,000 was achieved by WLL in 2019/20 leaving a general reserves balance of £321,000 as at 31 March 2020.

A timetable has been agreed with WLL to ensure current and relevant financial information is provided to the council. All financial information is regularly monitored and analysed by council officers and will continue to be reported to the West Lothian Leisure Advisory Committee, with a focus on implications for the council.

## **F. BACKGROUND REFERENCES**

Performance Reports to WLLAC in 2018/19, 2019/20 and 2020/21.

Update on West Lothian Leisure Financial Position, Including 2018/19 Savings – Report by - Report by Head of Finance and Property Services and Head of Education (Learning, Policy and Resources) - Council Executive 26 March 2018

Update of West Lothian Leisure Four Year Plan 2019/20 to 2022/23 – Report by Head of Finance and Property Services and Head of Education (Learning, Policy and Resources) – Council Executive 11 September 2018

Update of West Lothian Leisure Four Year Plan 2019/20 to 2022/23 – Report by Head of Finance and Property Services and Head of Education (Learning, Policy and Resources) – Council Executive 4 December 2018

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 – Council Executive 26 March 2019

Application for Re-phasing of WLL's Management Fee Pro Forma – submitted by WLL on 30 July 2019

Voluntary Severance and Early Retirement request for support – Report by Head of Finance and Property Services – Council Executive 20 August 2019

Application for Re-phasing of WLL's Management Fee Pro Forma – submitted by WLL on 13 September 2019

Appendices/Attachments:

Appendix 1 - WLL Directors Report and Financial Statements for the year ended 31 March 2020

Appendix 2 - Audit Management Report from WLL's auditor Scott Moncrieff

Appendix 3 – Letter of Comfort

Contact Person: Donald Forrest, Head of Finance and Property Services  
Email: [donald.forrest@westlothian.gov.uk](mailto:donald.forrest@westlothian.gov.uk)  
Tel no: 01506 281294

**Donald Forrest**  
**Head of Finance and Property Services**  
**17 November 2020**

**WEST LOTHIAN LEISURE**

**Directors' Report and Financial Statements**

**For the year ended 31 March 2020**

Registered in Scotland: SC543017  
Charity Number: SC027470

## **WEST LOTHIAN LEISURE**

### **Directors' Report and Financial Statements**

**For the year ended 31 March 2020**

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## **WEST LOTHIAN LEISURE**

### **Administrative Information**

**For the year ended 31 March 2020**

The Board Report incorporates the Trustee Report for the purposes of charity law and the Directors' Report and Strategic Report for the purposes of company law.

#### **Reference and administrative details West Lothian Leisure**

**Company number:** SC543017

**Charity number:** SC027470

#### **Secretary**

Beverley Greer

#### **Chief Executive**

Tim Dent (from October 2019)  
Robin Strang (to September 2019)

#### **Key Management Personnel**

Mark Chambers, Head of Corporate Services  
Andrew Heron, Head of Finance  
Karen Wernham, Head of Operations (from July 2019)

#### **Registered Office**

Xcite Bathgate Sports Centre  
Balbardie Park  
Torphichen Road  
Bathgate  
West Lothian  
EH48 4LA

#### **Solicitors**

Peter McFarlane & Co  
Law House  
Fairbairn Place  
Livingston  
EH54 6TN

#### **Bankers**

The Bank of Scotland plc  
Almondvale South  
Livingston  
EH54 6SN

Royal Bank of Scotland plc  
Livingston Branch  
4 Almondvale South  
Livingston  
EH54 6NB

Barclays  
Quay 2  
Fountainbridge  
Edinburgh  
EH3 9QG

#### **Auditor**

Azets Audit Services  
Exchange Place 3  
Semple Street  
Edinburgh  
EH3 8BL

## **WEST LOTHIAN LEISURE**

### **Administrative Information**

**For the year ended 31 March 2020**

#### **Board**

Trustees who held office to the date of signing are as follows:

Dr Cindy Brook	Chair
Beverley Greer	Secretary
Karen Anderson	Member
Cllr. Tom Kerr	Member
Cllr. Harry Cartmill	Member (resigned 12 February 2019)
Cllr. Chris Horne	Member
Cllr. Angela Doran	Member
Cllr. Andrew Miller	Member
Tom Carr- Pollock	Member
Paul Williams	Treasurer
Sergio Tansini	Member (appointed 12 September 2019)
Cllr. Tom Conn	Member (appointed 9 March 2020)

## **WEST LOTHIAN LEISURE**

### **Chair's Statement**

**For the year ended 31 March 2020**

#### **Chair's Statement**

2019/20 proved to be another challenging year. The year started with implementing Year 1 of the Three-Year Financial Plan which involved widespread restructuring of the charity. In October, we welcomed onboard Tim Dent, our new Chief Executive and after a period of consolidation and development of a new, bold and ambitious business plan, the company was hit hard by the Covid-19 pandemic.

The financial impact of the pandemic could be seen throughout March 2020 as coronavirus took hold and the public became increasingly reluctant to participate in enclosed spaces. On 20 March we closed all venues and ceased all outreach services. This had a dramatic effect on the business. Our earned income which accounts for about 75% of total income collapsed overnight. Support measures aimed at stabilising our financial position were agreed with West Lothian Council, but looking forward, prolonged closure, social distancing measures and loss of public confidence in indoor activity, could have a profound effect on our future financial position and how we deliver services in future.

As a result of the impact of coronavirus, we finished the year with a relatively small operating deficit which will be absorbed from company reserves. Despite this unprecedented set of circumstances and challenges, the charity moved forward on several fronts.

We continued to promote our preventive health agenda and put our charitable purpose centre stage. Delivering our vision of 'A West Lothian where everyone can live a healthier, happier and longer life' has never been more important. Increased funding from NHS Lothian will enable us to do more in this vital area.

We have strengthened our partnership working and collaboration with West Lothian Council and NHS Lothian among others and look forward to working closely with the Council on a strategy for the future delivery of services.

The first year of the Three-Year Financial Plan has been successfully delivered – prior to Covid-19 lockdown all savings targets were met. This has been a difficult period which saw 42 employees leave the company, through either early retirement or voluntary redundancy, but the reduced cost base means the business is now on a more sustainable footing.

Prior to Covid-19 lockdown, the number of attendances increased across our venues and by the end of February we had achieved a record number of year-on-year visits. The year-end total was almost 2.8 million. During the same period, we also saw record membership sales which bodes well for the future. This year social prescribing referrals from health professionals to our health and wellbeing programmes increased along with number of visits from those on benefits and low incomes – two of our target groups.

Other year end highlights include winning a Gold Award for customer service excellence; we continue to deliver an industry leading 'Learn to Swim' programme with over 5,000 children attending and over 300,000 visits per year.

Once again none of this could have been achieved without our well trained and dedicated team of people who have supported more people than ever to be active - these customers continue to report consistently high levels of satisfaction with the services they receive.

West Lothian Leisure remains one of the most efficient sport and leisure trusts in Scotland. Although the pandemic is set to change the way we work and will no doubt present further challenges ahead, I am confident that we are well positioned to recover once restrictions are eased.

Finally, I would like to thank the staff for their continuing hard work and commitment, and the Board of Directors who give up their time on a voluntary basis. Their advice and direction during the year has been invaluable.

**Dr Cindy Brook, Chair, 10 September 2020**

## **WEST LOTHIAN LEISURE**

### **Board Report**

#### **For the year ended 31 March 2020**

The Board of Trustees (Non-Executive Directors) presents its report and audited financial statements for the year to 31 March 2020.

#### **Objectives and Activities**

West Lothian Leisure, which converted from a Community Benefit Society to a Company Limited by Guarantee on 17 August 2016, has charitable status granted by HM Revenue and Customs in Scotland.

West Lothian Leisure was incorporated on 1 February 1998 and provides sports, cultural, outdoor education and leisure facilities to the community of West Lothian. It operates as a not for profit distributing organisation. Surplus, other than reserves, if generated is available to reinvest in the facilities to maintain and improve the service. The main facilities leased from West Lothian Council and managed by West Lothian Leisure are as follows:

Xcite Broxburn Sports Centre, Xcite Craigswood Sports Centre, Xcite East Calder Sports Centre, Xcite Linlithgow Leisure Centre, Xcite Armadale Swimming Pool, Xcite Bathgate Swimming Pool, Xcite Broxburn Swimming Pool, Xcite Livingston Leisure Centre, Xcite Whitburn Leisure Centre, Polkemmet Country Park Golf Course and Range, Low Port Outdoor Activity Centre, Howden Park Arts Centre, as well as sports and cultural facilities at two community high schools and six high schools.

The Company is governed by the Articles of Association, Standing Orders, Operating Guidelines and Code of Conduct for West Lothian Leisure Limited and these documents were most recently reviewed and updated in March 2019.

The Company's 15 strategic aims to 31 March 2020 were:

1. To provide opportunities and easy access for inactive members of our communities to join in, get started, stay active and to set and reach their own personal goals;
2. To develop greater and speedier communication channels and access to our services and people through investment in on-line and social technology;
3. To continually improve, innovate and provide attractive programmes of activities for our customers
4. To regularly engage with our customers and other members of our communities so that we can ensure that we deliver what they need;
5. To promote our values, that we are a local charity and our unique selling points to our communities;
6. To provide attractive and affordable activities so that our children can be regularly active and encouraged to set and reach their own personal goals;
7. To have plans in place to ensure that our facilities are well maintained and developed to meet community needs;
8. To be recognised by our employees as an excellent organisation to work for;
9. To deliver and support sports development, active schools and community sports hub programmes;
10. To work with partner organisations to deliver (physical and mental) health improving activities and services;
11. To have in place attractive and affordable activities and services for older people;
12. To further build and maintain a successful business that meets and exceeds financial expectations;
13. To maximise opportunities that arise or are created to develop and grow the business;
14. To further reduce the impact our business has on the environment through good practices, education and measurement systems; and
15. To have in place processes that ensure that the principles of best value and continuous improvement are applied to all areas of the organisation.

## **WEST LoTHIAN LEISURE**

### **Board Report**

**For the year ended 31 March 2020**

#### **STRATEGIC REPORT**

##### **Strategies for Achieving the Stated Aims**

West Lothian Leisure's Business Plan sets out the vision and values of the organisation together with strategies to achieve the stated aims. This document is developed in partnership with West Lothian Council and other stakeholders and approved by the Board. At each Board meeting performance against the stated success criteria is reported and where performance is below target actions to get back on track are discussed and agreed.

The Business Plan is supported by Departmental Plans and Facility Plans which have more specific action plans that relate to the stated aims.

Significant activities undertaken during the year included:

- We carried out widespread restructuring of the company to address year on year reductions in public funding and other cost pressures
- We implemented year one, of the Three-Year Financial Plan which aims to ensure the long-term sustainability of the charity by reducing the cost base and growing the business
- We re-set our relationship with West Lothian Council and identified joint priorities for collaborative working
- We re-invigorated our vision of 'A West Lothian where everyone can live a healthier, happier, longer life' and placed this centre stage at the heart of all we do
- Looking forward, we have revisited the organisations strengths, weaknesses, opportunities and threats and overhauled our business plan, company goals and action plan for 2020/21
- We invested in health and fitness facilities at Xcite Livingston, Xcite Whitburn and Xcite Craigswood to improve the quality and range of equipment and services for customers;
- We have committed to digitally transform the company and have continued to develop our website, app and social media platforms to enable customers to access their online bookings and wellness programme.
- In response to the Covid-19 pandemic we have upgraded our remote working capability so that staff can work more effectively and efficiently out of the office.

##### **Achievements and Performance**

Up until the end of February (prior to the slowdown in business activity as a result of the Covid-19 pandemic) we furthered our charitable objects (to improve the physical and mental health and wellbeing of our communities) by increasing attendances at most of our activities.

The number of customer visits to West Lothian Leisure venues and activities for the year was around 2.8 million and would have been the highest number of annual visits recorded had we not been impacted by the Covid-19 closure at the end of March. This figure was boosted by strong health and fitness membership numbers and an increase in attendance at group exercise classes.

Of particular note was a 14% increase in social prescribing by health professionals to our exercise referral programmes and a 19% increase in attendance by people in receipt of benefits, two key target groups. Also worthy of note was a 18% increase in attendances by sports club participants and a 9% increase in attendances at our Ageing Well, over 50's activity programme.

Customer e-communication continues to grow with 16% more web visits than last year, c. 16,000 Facebook followers (up 9% on last year) while the recently launched app was viewed on more than 1.7m occasions.

## **WEST LOTHIAN LEISURE**

### **Board Report**

#### **For the year ended 31 March 2020**

The measure we use for energy efficiency is the combined consumption of gas and electricity across all sites per visit, and in 2019/20 this was 6.41 kWh per visit, a small saving of .07 on last year.

Employee turnover was 21%, and although it improved throughout the year it is above our target and is being closely monitored. The reason for this higher than usual turnover is the upheaval experienced this year including a staff restructure and a programme of early retirement and voluntary redundancy. Despite this staff sickness absence remained relatively low at 4.6%.

Despite our Net Promoter Score (NPS), (a measure of customer satisfaction), being 63 – which was down on the previous year score of 68 - in December 2019 WLL won Gold in the UK Member Experience Awards for the second year running. This achievement rewards operators who provide a consistently high standard of member experience. We were the only Scottish leisure operator to do so. The lower score this year, reflects many of the changes introduced as part of the Three-Year Financial Plan which impacted on customers (e.g. reduced opening hours, reduced staffing and other operational changes). Despite this lower score, it remains well ahead of the UK average of 47 for sport, leisure and Culture Trusts. Service improvements have already been identified for 2020/21 to improve this critical area of the business.

#### **Financial Review**

The financial statements for the year ending 31 March 2020 show a deficit of £211,788 (2019: deficit of £977,899). This is before an actuarial gain of £2,128,000 (2019: loss £1,011,000) resulting in an overall surplus of £1,916,212 (2019: deficit of £1,988,899). The overall net fund balance at 31 March 2020 is now a net liability balance of £5,111,677 compared to a liability balance of £7,027,899 at 31 March 2019.

During the year we continued to restructure the company to ensure its long-term financial sustainability to a backdrop of decreased public funding. Funding of £783,000 was received from West Lothian Council to allow this restructure to take place and pay for the associated severance costs. This funding is repayable by way of a deduction from future management fees. This has allowed the company to reduce salary costs to a more sustainable level and achieve a more efficient staffing structure.

The outbreak of the Covid-19 pandemic had a significant impact on our income just prior to the end of the financial year due to the enforced closure of all facilities.

Despite the challenges, much was achieved and areas worthy of note are:

- Investment in facility improvements and new equipment
- Continued significant growth in fitness memberships after two years of falling sales. Had it not been for the forced closure this would have resulted in membership income exceeding budget by approximately £300k.
- The ongoing success of our health and wellbeing programmes and family, children's and over 60's memberships including the securing of additional NHS funding for our exercise referral programme and a new weight management programme.

The FRS 102 pension valuation of the pension scheme has resulted in a decrease in the pension deficit to £5,433,000 as at 31 March 2020. The decrease of this liability is due to an actuarial gain of £2,128,000 arising from a change in the financial assumptions made by the actuaries, this being recognised in the Statement of Financial Activities. The balance on the pension fund will change annually according to economic conditions and the Board will keep the position under review. A defined contribution pension scheme was introduced in May 2014 into which all eligible new employees will be auto-enrolled. Over time this will improve the pension fund deficit noted above.

West Lothian Leisure had experienced significant growth in membership figures prior to the closure. West Lothian Leisure faces significant financial challenges due to the current closure as a result of Covid-19 and

## **WEST LoTHIAN LEISURE**

### **Board Report**

#### **For the year ended 31 March 2020**

concerted efforts will be required to grow membership and other income to their previous pre-Covid-19 levels.

#### **Income**

Membership income continued to grow with income for 2019-20 finishing £370k ahead of the previous year. This is down to the continued hard work of all staff, successful marketing and sales campaigns and the growth in new housing in the area.

Income from Leisure Services finished £57k down on last year. This is due to the closure of all facilities on 20<sup>th</sup> March as a result of the Covid-19 pandemic.

The West Lothian Council Management Fee for the year reduced by £287k which included a reduction of £250k of core funding. The 2019/20 fee includes £783k of funding for the restructure. The rescheduling of the reduction to the management fee for funding received previously for capital projects, resulted in a £403k increase to the management fee compared to last year. In 2018-19 £1,200k of one-off additional funding was received.

Financial Income for the previous year included an advance of £270k against the West Lothian Council Management Fee to pay for voluntary severance packages. £89k was due to be received for the job retention scheme at the year end.

#### **Expenditure**

Salary costs decreased by £362k in the year if you exclude redundancy costs and the FRS102 pension adjustment which represents a 4.8% decrease, or 6.8% if you adjust for the 2% pay award. Salary costs include £780k (£344k 2019) for early retirement costs and a 2% pay award was made for 2019/20. Staff expenditure continues to be tightly controlled with new appointments being considered through discussions at weekly SMT meetings. Only business critical posts were replaced.

Supplies and services costs are down on prior year primarily due to savings achieved by delaying the renewal of equipment maintenance contracts for equipment that was due to be replaced.

Property costs only increased marginally on last year despite expenditure on reactive maintenance exceeding budget.

The irrecoverable VAT increased as a result of the reduction in the West Lothian Council Management Fee resulting in a significantly lower percentage of taxable sales thus reducing our input VAT recovery rate.

As part of the Three-Year Financial Plan gym equipment is now replaced after five years as opposed to the previous three for cardio and six years for strength equipment. This change in policy as well as some assets now being fully written down has resulted in a significant reduction in the depreciation charge in the year.

#### **Investment for Growth**

There were minor gym refurbishments at Xcite Craigswood, Livingston and Whitburn during the year reflecting our new practice of extending the life of fitness equipment.

## **WEST LoTHIAN LEISURE**

### **Board Report**

**For the year ended 31 March 2020**

#### **Strategic Risks**

We carried out a comprehensive review of the Strategic Risk Register and updated it accordingly. We also increased the number of occasions risks are reviewed and reported on each year.

Each year a strategic risk register and associated risk assessments are presented to the Audit and Finance Sub Committee and to the Board. 24 strategic risks were identified at the end of 2019/20. Risks currently scored as high priority include:

1. Covid-19 pandemic or a flu epidemic could temporarily and significantly affect the ability of WLL to provide services and adversely impact it's revenue - threatening financial sustainability
2. Significant decrease in the management fee could affect the ability to break-even
3. Economic downturn, recession or loss of confidence in the economy could reduce disposable income and reduce customer spend on leisure
4. Insufficient cash flow would mean that WLL would be unable to meet financial commitments (i.e. to pay suppliers, salaries and HMRC) and be at risk of insolvency.
5. Significant decrease in H&F business and membership income.
6. Three Year Plan not delivering the required savings

The risk assessments associated with these risks identify existing controls and further actions for risk reduction.

#### ***Investment Policy***

West Lothian Leisure can use Council prudential borrowing for capital projects. This can be supplemented by lottery funding or other grant income for qualifying projects. A business case is presented to the Board for approval for any investment proposals and this includes an assessment of additional income generated (and/or costs saved), payback period (if a loan is required) and a risk assessment. It should be noted that due to previous borrowing, current repayments to the Council are significant and any future borrowing requests should consider the ability of WLL to take on more debt.

## WEST LoTHIAN LEISURE

### Board Report

#### For the year ended 31 March 2020

##### *Principal Funding Sources*

The majority of income comes from customer receipts - primarily membership income, pay and play income. Other principal income sources are West Lothian Council's management fee and partner funding from NHS Lothian for specific health and wellbeing programmes.

##### *Reserves Policy*

**General Funds** are unrestricted funds which are available for use at the discretion of the members of the Committee of Management in furtherance of the general objectives of the charitable company which have not been designated for any other purpose.

**Designated Funds** are unrestricted funds that have been set aside for a specific purpose, which will be utilised during the next and future years against specific expenditure for asset improvement.

**Restricted Funds** are funds which are to be used in accordance with specific restrictions imposed by donors or which have been raised by the charitable company for particular purposes. The costs of raising and administering such funds are charged against the specific fund.

The Board has examined the Company's requirements for reserves in light of the main risks to the organisation. In 2019 it established a new policy whereby the company should aim to retain a minimum of £300,000 of reserves.

Incoming resources for the year ended 31 March 2020 were £13,463,252 (2019: £13,746,644). Overall funds at 31 March 2020 were in deficit of £5,111,677 (2019: deficit of £7,027,889). The underlying deficit for the year (ignoring pension adjustments) has resulted in the unrestricted reserves increasing from £(6,889) to £321,323, which is in line with the new reserves policy.

In addition to carrying reserves WLL has a letter of support from West Lothian Council. West Lothian Leisure, as sole member of the company, have indicated that they have a process in place which the company believes would lead to the provision of funding to cover a trading deficit in excess of available cash reserves, should one occur.

##### *Risk Management*

The Board has assessed and recorded the major risks to which the Company is exposed, in particular those relating to the operations and finances of the Company and is satisfied that systems are in place to mitigate these risks.

##### **Plans for future periods**

We have prioritised collaborative working with West Lothian Council so that: we can better align our service delivery with Council strategic objectives; our services are better co-ordinated and integrated; we can deliver excellent value for money. We will also continue to work closely with NHS Lothian, sportscotland and Creative Scotland. Our annual business planning conference with partners allows us to ensure our vision is shared and that we are focussing on the right actions to ensure we contribute to the community planning partnership's outcomes.

## WEST LoTHIAN LEISURE

### Board Report

For the year ended 31 March 2020

We will continue to focus our work in the following areas:

**1. Increased Income:**

- Maximise income from Covid-19 relief programmes managed by government and funding agencies
- Increasing participation in key sports, leisure and health and fitness activities.
- Working in partnership with West Lothian Integration Joint Board (Health).
- Improving our sales and retention process to grow the number of members
- Reviewing membership products to improve yield per member
- Identifying and accessing new sources of funding including donations and funding for programmes from national agencies and charitable organisations
- Improving the quality of key activities and services.
- Improving the way we market and promote the Xcite Brand and services.
- Refreshing and growing our corporate membership scheme.
- Increasing participation by target groups.
- Use of flexible pricing to maximise participation and occupancy rates.
- Develop our cafe and vending service and increase sales.
- Improving customer care standards.
- Further engagement with customers to help shape future service delivery.

**2. Managing Costs:**

- Ongoing review of staff structures to ensure that they match our business and service objectives.
- Ongoing review of staff policies to ensure that they match our business and service objectives.
- Managing the performance of employees.
- Maximising the performance of all support services.
- Maximising the performance of our buildings and physical assets.
- Ensuring we get excellent value from our suppliers.
- Investing in energy efficiency in partnership with the West Lothian Council.
- Contributing towards the Council's budget reduction plans.

**3. Management Fee:**

The management fee from the Council is planned to reduce by £750k over the next three years - £250k each year. Therefore, cumulatively over this timeframe, using 2019/20 as the baseline, WLL will receive £1.5m less income from WLC. WLL is implementing a plan to address these cuts whilst continuing to deliver valued services in the communities it serves. The Covid-19 pandemic has resulted in additional unforeseen financial pressures which are likely to impact on revenue potential for some time to come.

The Council is not immune to the financial pressures of the pandemic and we understand the Council's need to reduce expenditure and will do our bit to help. It is more important than ever, that we continue to engage constructively with the Council so that a joint position on the type and level of service that the community needs is agreed together with the best delivery model and funding to achieve this.

**4. Estate Strategy –** This remains a challenge with the older stock of buildings. With the Company now responsible for the management of all maintenance works for the properties and with limited funds available from West Lothian Council, this will require careful management to maintain standards. WLL is keen to work with WLC to agree a facilities strategy which considers future investment and what the optimum, long-term asset portfolio might look like.

## WEST LoTHIAN LEISURE

### Board Report

#### For the year ended 31 March 2020

5. **Investment Strategy** – The development of a longer-term facility and agreed joint capital investment strategy between the Company and West Lothian Council is being planned.
6. **Strategic Planning** - We have developed and started to implement a Three-Year Financial Plan (2019/20 to 2021/22) that brings WLL back to a financially sustainable position and secures the future of the company. The plan takes into consideration increased costs of operating the business and the reducing management fee from the council. We have already restructured management, head office and staffing at sites. Year 2 includes plans for further cost savings and business growth.

Notwithstanding financial support that may be available from WLC or government, the impact of the Covid-19 pandemic will inevitably affect the ability of WLL to deliver the second year of the plan. The plan is in the process of being reviewed.

We have also refreshed and updated the Business Plan 2020/21 and have set four company goals:

1. Improving lives and communities
2. Improving customer experience
3. Improving the business
4. Growing the business

These goals are supported by a number of key aims and actions.

7. **Partnership Working** – We have built on and extended our partnership working with key partners principally West Lothian Council, NHS Lothian, sportscotland and Creative Scotland and continue to be an active member of the West Lothian Community Planning Partnership and Integration Joint Board. WLL extends its thanks to WLL for the help and support measures provided to WLL during the Covid-19 pandemic.
8. **Reporting** – We have maintained the quality of reporting of financial and performance information both to partners and the regulatory bodies. Our Annual Report seeks to highlight our achievements in meeting West Lothian Council's strategic objectives. The performance reporting to the Board has also been widened to include success measures described in the Business Plan.
9. **Organisational Culture** – We have taken out corporate membership of CIMSPA – the chartered body for the management of sport and physical activity in an effort to 'professionalise' the workforce and access new training, learning and development opportunities. Customer excellence and promotion of our core values remain centre stage and key drivers for the business.
10. **Environmental Policy** – We continue to ensure that the Company plays its part in achieving UK and EU targets for the environment. We have an energy conservation strategy, are ESOS (Energy Savings Opportunity Scheme) compliant and monitor and report energy usage to each Board meeting.
11. **Organisational Culture** – We are confident that the ongoing culture of service excellence as evidenced by our member experience gold award for 2019 and promotion of our Company values are correct for our service delivery.

## WEST LoTHIAN LEISURE

### Board Report

For the year ended 31 March 2020

- 12. Environmental Policy** – We continue to ensure that the Company plays its part in achieving UK and EU targets for the environment. We have an energy conservation strategy, are ESOS (Energy Savings Opportunity Scheme) compliant and monitor and report energy usage to each Board meeting.

### Structure, Governance and Management

#### *Structure*

West Lothian Leisure is (from August 2016) a Company Limited by Guarantee with West Lothian Council as sole member. The Company also has charitable status granted by the Office of the Scottish Charity Regulator and is recognised by HM Revenue and Customs.

West Lothian Leisure was incorporated on 1 February 1998 (as an Industrial and Provident Society) and provides sports and leisure facilities to the community of West Lothian. It operates as a not for profit distributing organisation .

#### *Corporate Governance*

The Board (of Trustees or Non-Executive Directors) is committed to demonstrate good Corporate Governance and compliance with the Nolan recommendations in this respect. To this end it has established an Audit and Finance Sub Committee that works to a pre-determined Audit Plan based around these principles. The Audit and Finance Sub Committee monitors and considers the Company's compliance and records through the Audit and Finance Sub Committee Minutes, its findings that are then reported to the full Board of Trustees.

#### *Induction and Training*

Trustees are recruited to the Board after interview and approval at a Board meeting. They are selected for appointment if the Board believe their skills, knowledge and experience will benefit the Company. All Trustees receive an induction before joining the Board and additional training as necessary. If there are any areas where additional training is required this would be discussed at a Board meeting, or a one to one meeting with the Chair, and a solution identified.

#### *Decision Making*

The Standing Orders, Operating Guidelines, Code of Conduct and Articles of Association documents set out the decision making powers of the Board, Sub Committees, Chief Executive and Senior Managers. This document is reviewed annually by the Board of Trustees.

The Board has a duty to keep a strategic overview of the organisation including the approval of the corporate strategy and monitoring performance against agreed targets. The Board focusses on strategic issues and through its policy setting lays out a framework within which the Chief Executive and Senior Management Team operate. Pay and remuneration policy is set by the Board, as is the Chief Executive's pay. The Chief Executive determines the grading of staff (within the policy and arrangements set by the Board) and determines staff duties and responsibilities.

#### *Employee Engagement*

WLL takes its responsibility to engage with and inform employees about matters relating to company performance and other matters of interest seriously. Employee engagement takes many forms including:

- Quarterly employee newsletters from the Chief Executive which highlights company performance and any significant changes to company policy
- Senior Management team meetings with content cascaded down to individual site team meetings
- Staff surveys
- Employee focus groups
- Employee representative and Trade Union representative on the WLL Board of Directors
- Promoting the organisations core values when staff are inducted and reinforcing at team meetings.

## WEST LOTHIAN LEISURE

### Board Report

For the year ended 31 March 2020

Since the Covid-19 lockdown measures were introduced, we have developed new ways of keeping in touch with employees:

- Entire workforce webinars which has seen over 200 staff dial in to hear company updates and participate in a question and answer session with the Chief Executive and Leadership Team
- Regular e mail bulletins and updates
- Whole staff survey to check in on employee welfare during lockdown and understand concerns about their return to work.

Significant decisions taken this financial year affecting employees were primarily in relation to the Three-Year Financial Plan and our Covid-19 pandemic response. 42 employees left the company in 2019-20 – this involved a lengthy and comprehensive consultation process which included Trade Union representation. Approximately 95% of employees were put on furlough leave to enable the charity to claim 80% of salaries as part of the Coronavirus job Retention Scheme. The remaining staff who continued to work during the pandemic were consulted and voluntarily agreed to a pay cut to between 80-90% of salary – this commenced in May 2020.

In relation to agreeing employee pay and benefits, Directors have been kept apprised of industry benchmarks and average pay in other comparable sectors e.g. retail and hospitality.

Directors also oversee the charity's duty of care to its workforce by reviewing and approving the company health and safety policy and regularly reviewing the strategic risk register.

### Third Party Indemnity Provision

As part of the overall insurance arrangements for the Company we have in place Trustees and Officers Liability insurance that provides qualifying third-party indemnity provision for the benefit of the Trustees of the Company. This was in force throughout the financial year.

### Trustees Attendance at 2019/20 Audit and Finance Sub Committee Meetings

Attendance Record at A & F Sub Committees					
Trustees	May	Aug	Nov	Jan	Mar*
Dr Cindy Brook	P	P	P	P	C
Beverley Greer	P	P	P	P	C
Cllr Tom Kerr	P	P	A	P	C
Sergio Tansini (co-opted)	n/a	n/a	NYA	NYA	C
Karen Anderson	P	P	P	P	C
Paul Williams	P	P	P	P	C
Tom Carr-Pollock	NYA	NYA	n/a	n/a	n/a

Key	Code
Apologies	A
Resigned or n/a	R
Present	P
Cancelled	C
Not yet Admitted	NYA

At each AGM six Trustees are appointed to sit on the Audit and Finance Sub Committee, although any Trustee is able to attend any Audit Sub Committee meeting.

## WEST LOTHIAN LEISURE

### Board Report

For the year ended 31 March 2020

\*NB The meeting on 25 March 2020 was cancelled due to the escalation of the Covid-19 pandemic and restrictions introduced on or around that time. The normal business of the Committee was superceded by the Special Board meeting which was called for the 26 March 2020.

#### Trustees Attendance at 2019/20 Board Meetings

Attendance Record	Attendance at Board meetings						
Trustees	Apr	Jun	Sept + AGM	Oct	Dec	Feb	Mar*
Dr Cindy Brook	P	P	P	P	P	P	P
Beverley Greer	P	P	P	P	P	P	P
Karen Anderson	P	P	A	P	P	P	P
Paul Williams	P	P	P	P	P	P	P
Sergio Tansini	NYA	NYA	P	P	P	P	P
Tom Carr-Pollock	P	P	P	P	P	P	A
Cllr Angela Doran	P	A	P	A	P	P	A
Cllr Harry Cartmill	A	A	A	P	A	R	R
Cllr Tom Kerr	P	P	A	P	P	P	P
Cllr Chris Horne	P	P	P	P	A	P	P
Cllr Andrew Miller	A	P	P	P	A	P	P
Cllr Tom Conn	NYA	NYA	NYA	NYA	NYA	NYA	P

Key	Code
Apologies	A
Resigned or n/a	R
Present	P
Cancelled	C
Not yet Admitted	NYA

\*Special Board Meeting

During 2019/20 in addition to the regular Board Meetings there was one special meeting convened to discuss the response and implications of the Covid-19 pandemic on 26 March 2020 – this meeting was held by video conference.

## **WEST LoTHIAN LEISURE**

### **Board Report**

**For the year ended 31 March 2020**

#### **Statement of Responsibilities of the Board**

The trustees (who are also directors of West Lothian Leisure for the purpose of company law) are responsible for preparing the report of the trustees and the financial statements in accordance with applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice).

Charity law requires the trustees to prepare financial statements for each financial year which give a true and fair view of the state of affairs of the charitable company and of the incoming resources and application of resources, including the income and expenditure, of the charitable company for that period. In preparing these financial statements, the trustees are required to:

- Select suitable accounting policies and then apply them consistently;
- Observe the methods and principles of the Charities SORP;
- Make judgements and estimates that are reasonable and prudent;  
State whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements; and
- Prepare the financial statements on the going concern basis unless it is inappropriate to presume that the group and parent charitable company will continue.

The trustees are responsible for keeping adequate accounting records which disclose with reasonable accuracy at any time the financial position of the charitable company and enable them to ensure that the financial statements comply with the articles of association, the Companies Act 2006, the Charities and Trustee Investment (Scotland) Act 2005 and the Charities Accounts (Scotland) Regulations 2006 (as amended). They are also responsible for safeguarding the assets of the charitable company, for ensuring that the assets are properly applied in accordance with charity law and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

#### **Disclosure of Information to the Auditor**

To the knowledge and belief of each trustee, at the time the report is approved:

- So far as each trustee is aware, there is no relevant information of which the charitable company's auditor is unaware; and
- They have taken all steps that they ought to have taken as trustees to make themselves aware of any relevant audit information and to establish that the charitable company's auditor is aware of the information.

#### **Auditor**

On 7 September 2020 Group Audit Service Limited trading as Scott-Moncrieff Audit Services changed its name to Azets Audit Services Limited. The name they practice under is Azets Audit Services and accordingly they have signed their report in their new name. A resolution to re-appoint Azets Audit Services as auditor will be put to the members at the Annual General Meeting.

In approving the Board Report, the Board of Trustees are also approving their Strategic Report in their capacity as company directors.

#### **By order of the Board**



**Beverley Greer**  
Secretary

**10 September 2020**

## **WEST LOTHIAN LEISURE**

### **Independent Auditor's Report**

**For the year ended 31 March 2020**

#### **Opinion**

We have audited the financial statements of West Lothian Leisure (the charitable company) for the year ended 31 March 2020 which comprise the Statement of Financial Activities (incorporating the Income and Expenditure Account), the Balance Sheet, the Statement of Cash Flows and the notes to the financial statements, including a summary of significant accounting policies. The financial reporting framework that has been applied in their preparation is applicable law and United Kingdom Accounting Standards, including Financial Reporting Standard 102 'The Financial Reporting Standard applicable in the UK and Republic of Ireland' (United Kingdom Generally Accepted Accounting Practice).

In our opinion, the financial statements:

- give a true and fair view of the state of the charitable company's affairs as at 31 March 2020 and of its income and expenditure for the year then ended;
- have been properly prepared in accordance with United Kingdom Generally Accepted Accounting Practice; and
- have been prepared in accordance with the requirements of the Companies Act 2006, the Charities and Trustee Investment (Scotland) Act 2005 and regulation 8 of the Charities Accounts (Scotland) Regulations 2006 (as amended).

#### **Basis for Opinion**

We conducted our audit in accordance with International Standards on Auditing (UK) (ISAs (UK)) and applicable law. Our responsibilities under those standards are further described in the auditor's responsibilities for the audit of the financial statements section of our report. We are independent of the charitable company in accordance with the ethical requirements that are relevant to our audit of the financial statements in the United Kingdom, including the Financial Reporting Council's Ethical Standard, and we have fulfilled our ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

#### **Conclusions Relating to Going Concern**

We have nothing to report in respect of the following matters in which the ISAs (UK) require us to report to you where:

- the trustees' use of the going concern basis of accounting in the preparation of the financial statements is not appropriate; or
- the trustees have not disclosed in the financial statements any identified material uncertainties that may cast significant doubt about the charitable company's ability to continue to adopt the going concern basis of accounting for a period of at least twelve months from the date when the financial statements are authorised for issue.

## **WEST LOTHIAN LEISURE**

### **Independent Auditor's Report**

**For the year ended 31 March 2020**

#### **Other Information**

The trustees are responsible for the other information. The other information comprises the information included in the annual report, other than the financial statements and our Auditor's Report thereon. Our opinion on the financial statements does not cover the other information and, except to the extent otherwise explicitly stated in our report, we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit or otherwise appears to be materially misstated. If we identify such material inconsistencies or apparent material misstatements, we are required to determine whether there is a material misstatement in the financial statements or a material misstatement of the other information. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact.

We have nothing to report in this regard.

#### **Opinions on other matters prescribed by the Companies Act 2006**

In our opinion, based on the work undertaken in the course of the audit:

- the information given in the Board Report, which includes the Directors' Report and the Strategic Report prepared for the purposes of company law, for the financial year for which the financial statements are prepared is consistent with the financial statements; and
- the Strategic Report and the Directors' Report included within the Board Report have been prepared in accordance with applicable legal requirements.

#### **Matters on which we are Required to Report by Exception**

In the light of the knowledge and understanding of the charitable company and its environment obtained in the course of the audit, we have not identified material misstatements in the Board Report (incorporating the Directors Report and Strategic Report).

We have nothing to report in respect of the following matters in relation to which the Companies Act 2006 and the Charities Accounts (Scotland) Regulations 2006 (as amended) require us to report to you if, in our opinion:

- adequate and proper accounting records have not been kept, or returns adequate for our audit have not been received from branches not visited by us; or
- the financial statements are not in agreement with the accounting records and returns; or
- certain disclosures of trustees' remuneration specified by law are not made; or
- we have not received all the information and explanations we require for our audit.

#### **Responsibilities of the Trustees**

As explained more fully in the trustees' responsibilities statement set out on page 15, the trustees (who are the directors for the purposes of company law and trustees for the purposes of charity law) are responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view, and for such internal control as the trustees determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

## **WEST LOTHIAN LEISURE**

### **Independent Auditor's Report**

**For the year ended 31 March 2020**

#### **Responsibilities of the Trustees (continued)**

In preparing the financial statements, the trustees are responsible for assessing the charitable company's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the trustees either intend to liquidate the charitable company or to cease operations, or have no realistic alternative but to do so.

#### **Auditor's Responsibilities for the Audit of the Financial Statements**

We have been appointed as auditor under section 44(1) (c) of the Charities and Trustee Investment (Scotland) Act 2005 and under the Companies Act 2006 and report in accordance with the Acts and relevant regulations made or having effect thereunder.

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an Auditor's Report that includes our opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

A further description of our responsibilities for the audit of the financial statements is located on the Financial Reporting Council's website at: [www.frc.org.uk/auditorsresponsibilities](http://www.frc.org.uk/auditorsresponsibilities). This description forms part of our Auditor's Report.

#### **Use of Our Report**

This report is made solely to the charitable company's members, as a body, in accordance with Chapter 3 of Part 16 of the Companies Act 2006 and to the charitable company's trustees, as a body, in accordance with regulation 10 of the Charities Accounts (Scotland) Regulations 2006 (as amended).

Our audit work has been undertaken so that we might state to the charitable company's members, as a body, and the charitable company's trustees, as a body, those matters we are required to state to them in an Auditor's Report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the charitable company, the charitable company's members, as a body, and the charitable company's trustees, as a body, for our audit work, for this report, or for the opinions we have formed.



**Nick Bennett, Senior Statutory Auditor**  
**For and on behalf of Azets Audit Services, Statutory Auditor**  
**Eligible to act as an auditor in terms of Section 1212 of the Companies Act 2006**  
**Exchange Place 3**  
**Semple Street**  
**Edinburgh**  
**EH3 8BL**

**Date: 10 September 2020**

## WEST LOTHIAN LEISURE

### Statement of Financial Activities (Incorporating the Income and Expenditure Account)

For the year ended 31 March 2020

	Notes	Total Unrestricted 2020 £	Total Unrestricted 2019 (Restated) £
<b>Income and endowments from:</b>			
Grants and donations		-	31,919
Charitable activities			
- Membership fees		5,598,795	5,229,034
- Leisure services		4,300,554	4,357,991
- Management service fee		3,390,501	3,677,568
Investments		6,137	6,971
Other			
- Financial income, refunds & fees		78,540	443,161
- CJRS Grant		88,725	-
<b>Total</b>		<b>13,463,252</b>	<b>13,746,644</b>
<b>Expenditure on:</b>			
Charitable activities			
- Sports and leisure facilities	4	13,492,040	14,582,543
Other			
- Net finance cost on defined benefit pension scheme		183,000	142,000
<b>Total</b>		<b>13,675,040</b>	<b>14,724,543</b>
<b>Net expenditure</b>		<b>(211,788)</b>	<b>(977,899)</b>
<b>Other recognised gains/(losses):</b>			
Actuarial gain/(loss) on defined benefit pension scheme	8	2,128,000	(1,011,000)
<b>Net movement in funds</b>		<b>1,916,212</b>	<b>(1,988,899)</b>
<b>Reconciliation of funds:</b>	14		
Total funds brought forward		<b>(7,027,889)</b>	<b>(5,038,990)</b>
<b>Total funds carried forward</b>		<b>(5,111,677)</b>	<b>(7,027,889)</b>

The notes on pages 22 to 35 form part of these financial statements

# WEST LOTHIAN LEISURE

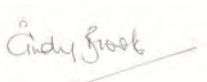
## Balance Sheet

As at 31 March 2020

	Notes	2020		2019 (Restated)	
		£	£	£	£
<b>Fixed Assets</b>					
Tangible fixed assets	9		<u>1,223,354</u>		<u>1,492,983</u>
<i>Total fixed assets</i>			<u>1,223,354</u>		<u>1,492,983</u>
<b>Current assets</b>					
Stock		<b>21,322</b>		26,933	
Debtors	10	<b>515,843</b>		1,105,729	
Cash at bank and in hand		<b>1,666,533</b>		1,133,782	
<i>Total current assets</i>		<b>2,203,698</b>		2,266,444	
<b>Liabilities:</b>					
Creditors: amounts falling due within one year	11	<u><b>(2,900,660)</b></u>		<u>(3,315,784)</u>	
<i>Net current liabilities</i>			<u><b>(696,962)</b></u>		<u>(1,049,340)</u>
<i>Total assets less current liabilities</i>			<b>526,392</b>		443,643
Creditors: amounts falling due after more than one year	12		<u><b>(205,069)</b></u>		<u>(450,532)</u>
<i>Net assets excluding pensions liability</i>			<b>321,323</b>		(6,889)
Defined benefit pension liability	8		<u><b>(5,433,000)</b></u>		<u>(7,021,000)</u>
<b>Total net liabilities</b>			<u><b>(5,111,677)</b></u>		<u>(7,027,889)</u>
<b>The unrestricted funds of the charity:</b>					
General funds			<b>321,323</b>		(6,889)
Pension reserve			<u><b>(5,433,000)</b></u>		<u>(7,021,000)</u>
<b>Total charity funds</b>	14		<u><b>(5,111,677)</b></u>		<u>(7,027,889)</u>

The financial statements were approved and authorised for issue by the Board on 10 September 2020.

Dr Cindy Brook, Chair



Paul Williams, Treasurer



**Registered in Scotland – SC543017**  
**Charity Number – SC027470**

The notes on pages 22 to 35 form part of these financial statements

# WEST LOTHIAN LEISURE

## Statement of Cash Flows

For year ended 31 March 2020

	Notes	2020		2019	
		£	£	£	£
<b>Cash flows from operating activities:</b>					
<b><i>Net cash provided by operating activities</i></b>	15		1,071,114		1,179,569
<b>Cash flows from investing activities:</b>					
Interest received		6,137		6,971	
Proceeds of sale of fixed assets		34,686		23,514	
Purchase of property, plant and equipment:		(164,733)		(669,764)	
<b><i>Net cash used in investing activities</i></b>			(123,910)		(639,279)
<b>Cash flows from financing activities:</b>					
Repayments of borrowing		(414,453)		(267,724)	
<b><i>Net cash used in financing activities</i></b>					
			(414,453)		(267,724)
<b><i>Change in cash and cash equivalents in the reporting period</i></b>	16		532,751		272,566
<b>Cash and cash equivalents at the beginning of the reporting period</b>			1,133,782		861,216
<b><i>Cash and cash equivalents at the end of the reporting period</i></b>			1,666,533		1,133,782

The notes on pages 22 to 35 form part of these financial statements

## **WEST LoTHIAN LEISURE**

### **Notes to the Financial Statements**

**For year ended 31 March 2020**

#### **1. General information**

These financial statements are presented in pounds sterling (GBP) as that is the currency in which the charitable company's transactions are denominated. They comprise the financial statements of West Lothian Leisure for the year ended 31 March 2020.

The principal activity of West Lothian Leisure is the operation of sports and leisure facilities leased from West Lothian Council.

West Lothian Leisure is a charitable company limited by guarantee incorporated in the United Kingdom and registered in Scotland. It is recognised as a charity for tax purposes by HMRC and is registered with the Office of the Scottish Charity Regulator (OSCR) under charity number SC027470. In the event of the winding up of the charitable company a member is liable to contribute a sum not exceeding £1. Details of the registered office and company registration number can be found on page 1 of these financial statements.

As described in note 19, West Lothian Leisure is deemed to be a subsidiary undertaking of its ultimate parent, West Lothian Council.

#### **2. Accounting Policies**

##### **Basis of Accounting**

The financial statements have been prepared under the historical cost convention unless otherwise specified within these accounting policies and in accordance with United Kingdom Accounting Standards, including Financial Reporting Standard 102, 'The Financial Reporting Standard applicable in the United Kingdom and Republic of Ireland' ("FRS 102") (United Kingdom Generally Accepted Accounting Practice), the Statement of Recommended Practice (SORP) 'Accounting and Reporting by Charities preparing their accounts in accordance with the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102)', the Companies Act 2006, the Charities and Trustee Investment (Scotland) Act 2005 and the Charities Accounts (Scotland) Regulations 2006 (as amended).

West Lothian Leisure meets the definition of a public benefit entity under FRS 102. Assets and liabilities are initially recognised at historical cost unless otherwise stated in the relevant accounting policy.

The preparation of financial statements requires the use of certain critical accounting estimates. It also requires trustees to exercise their judgement in the process of applying the accounting policies. Use of available information and application of judgement are inherent in the formation of estimates. Actual outcomes in the future could differ from such estimates. The areas involving a higher degree of judgement or complexity, or areas where assumptions and estimates are significant to the financial statements are disclosed in note 3.

The principal accounting policies applied in the preparation of these financial statements are noted below. These policies have been applied consistently to all the years presented in dealing with items which are considered material in relation to the charitable company's financial statements unless otherwise stated.

## WEST Lothian LEISURE

### Notes to the Financial Statements

For year ended 31 March 2020

#### 2. Accounting Policies (continued)

##### Going Concern

The financial statements have been prepared on the basis of accounting policies that are consistent with the treatment of the charitable company as a going concern. In the Board's opinion, the charitable company will be able to continue to trade for the foreseeable future.

West Lothian Leisure has a rolling Service Agreement with West Lothian Council and the current funding agreement within this will fall due for renewal on 31 March 2021. West Lothian Leisure, as sole member of the company, have indicated that they have a process in place which the company believes would lead to the provision of funding to cover a trading deficit in excess of available cash reserves, should one occur.

The charitable company has net liabilities at 31 March 2020 of £5,111,677 (2019: £7,027,889). Excluding the deficit on the defined benefit retirement scheme of £5,433,000, the charitable company reported net assets of £321,323 (2019 net liabilities: £6,889). The charitable company has net current liabilities of £696,962 (2019: £1,049,340) and reported net expenditure for the year of £211,788 (2019: £977,899). The charitable company has secured additional funding for 2020/21 and taken steps to reduce costs.

##### Covid-19

The Covid-19 pandemic has had a significant and unprecedented, negative impact on WLL's financial position. In the six months the venues have been closed the charity has lost c.4.5m of earned income and is reliant on the UK Government's Coronavirus Job Retention Scheme and the support measures agreed with West Lothian Council. The support measures in 2020/21 include advancing the management fee and rescheduling debt owed by WLL to WLC – this will result in an additional £803k in income in 2020/21 (which has already started to be paid) and will help offset the loss of income and contribute to meeting overheads.

WLC has agreed to provide a letter of comfort which means they will agree to meet WLL everyday cash liabilities until the end of this financial year should WLL be unable to do so. WLC has also confirmed that the Council Executive, on 18 August 2020, agreed a revised financial projection for the council for 2020/21, which included an additional £500,000 contingency related to West Lothian Leisure, which was incorporated to reflect potential additional WLL cash flow costs in 2020/21 and is available, if required, to assist WLL's financial position.

In response to these unprecedented challenges, from 20 March 2020 when venues closed, WLL has sought to reduce costs wherever possible. It has introduced a pay cut of up to 20% for all furloughed staff; Non-furloughed staff accepted up to a 20% pay cut for two months; it postponed implementing the National Living Wage; did not make a pay award for all other staff; kept core team staff levels to the absolute minimum; reduced building costs; did not fill vacancies; removed casual staff from the government furlough scheme from 1 September; redeployed staff from venues where there is an enforced and prolonged closure (Theatre); renegotiated supplier contract payments to reduce expenditure to take account of reduced service levels during the lockdown period and utility costs have also been reduced by more than half by closing all facilities.

A key assumption when considering going concern is that we anticipate opening the majority of our venues on 14 September 2020. This will enable us to start generating income from admission fees, hire and let income and importantly from member direct debits.

On the downside, the prognosis for the wider economy for the next 12 months is gloomy and consumer confidence is likely to be fragile. The rate of business recovery in the health and fitness and cultural sectors is unknown; however, our modelling suggests that we could return to pre-covid pandemic, levels of business activity within 12 months of re-opening.

Our most recent cash flow forecast based on potential demand and cautious re-building of our membership numbers shows a positive cash flow for each of over £0.5m for each of the next 12 months. The lowest

## **WEST LOTHIAN LEISURE**

### **Notes to the Financial Statements**

#### **For year ended 31 March 2020**

closing bank forecast is c. £486k in August 2021 - which is still well in excess of the cash needed to meet liabilities as they fall due.

There are two scenarios which would require WLL to implement a contingency plan to ensure WLL remains a going concern they are a) prolonged closure or second wave closure of venues due to the Covid-19 pandemic b) slow business recovery – i.e. where it takes more than 12 months to return to pre-Covid business activity levels.

In the event we are unable to re-open for another 3-months or a second spike of the pandemic causes a 3-month closure, we would in the first instance have to seek additional financial support from WLC. Without additional financial support we would need to take more drastic action which could include a service redesign including a review of the asset portfolio and headcount. Any contingency plan would need to be agreed with WLC.

Secondly, when we re-open we will need to carefully monitor the rate of business recovery to ensure that recovery is in line with business modelling forecasts. Any gap between what we expect business recovery to be and actual performance will require us to implement mitigating actions which could include price increases, freezing non-essential vacancies and accelerating cost savings and income growth initiatives set out in the Three Year Financial Plan.

#### **Income recognition**

Income is recognised in the period in which the charitable company is entitled to receipt, receipt is probable, and the amount can be measured with reasonable certainty. Income is deferred only when the charitable company has to fulfil conditions before becoming entitled to it.

- Revenue grants are recognised in the period in which the charitable company is entitled to receipt, receipt is probable, and the amount can be measured with reasonable certainty.
- Membership income is recognised on a straight-line basis in line with the delivery of membership services and the membership agreement.
- Leisure services income is recognised when services are provided.
- Management fee income is recognised in the period to which it relates.
- Other income is recognised in the period to which it relates.
- Investment income is recognised in the period in which it is receivable.

#### **Allocation of Expenditure**

Expenditure is recognised when a legal or constructive obligation arises. Where possible, expenditure has been charged directly to charitable expenditure or governance cost. Where this is not possible the expenditure has been allocated on the basis of time spent by staff on each activity.

- Charitable expenditure comprises those costs incurred by the charitable company in the delivery of its activities and services for its beneficiaries.
- Governance costs include those costs associated with meeting the constitutional and statutory requirements of the charitable company and include the audit fees and costs linked to the strategic management of the charitable company.

## **WEST LOTHIAN LEISURE**

### **Notes to the Financial Statements**

**For year ended 31 March 2020**

#### **2. Accounting Policies (continued)**

##### **Fixed Assets**

Fixed assets are stated at cost less accumulated depreciation and any impairment.

Tangible fixed assets costing more than £2,500 are capitalised and included at cost. Depreciation is charged to write off the cost less the estimated residual value of fixed assets by equal instalments over their estimated useful lives as follows:

Computer equipment	4 years
Furniture and equipment	3 - 6 years

##### **Debtors**

Trade and other debtors are recognised at the settlement amount due after any trade discount offered. Prepayments are valued at the amount prepaid net of any trade discounts due.

##### **Cash at bank and in hand**

Cash is represented by cash in hand and deposits with financial institutions repayable without penalty on notice of not more than 24 hours. Cash equivalents are highly liquid investments that mature in no more than three months from the date of acquisition and that are readily convertible to known amounts of cash with insignificant risk of change in value. The charitable company did not hold any cash equivalents in the current year.

##### **Stock**

Stocks represent goods for resale and are valued at the lower of cost and net realisable value in the ordinary course of activities. Net realisable value is based on estimated selling price less any provision for slow moving or obsolete stock.

##### **Creditors**

Creditors are recognised where the charitable company has a present obligation resulting from a past event that will result in the transfer of funds to a third party and the amount due to settle the obligation can be measured or estimated reliably. Creditors are normally recognised at their settlement amount after allowing for any trade discounts due.

##### **Financial instruments**

Financial instruments are recognised in the Balance Sheet when the charitable company becomes a party to the contractual provisions of the instrument. Financial instruments are initially measured at transaction price unless the arrangement constitutes a financing transaction which includes transaction costs for financial instruments not subsequently measured at fair value. Subsequent to initial recognition, they are accounted for as set out below. A financing transaction is measured at the present value of the future payments discounted at the market rate of interest for a similar debt instrument.

Financial instruments are classified as either 'basic' or 'other' in accordance with Chapter 11 of FRS 102.

At the end of each reporting period, basic financial instruments are measured at amortised cost using the effective interest rate method. All financial instruments not classified as basic are measured at fair value at the end of the reporting period with the resulting changes recognised in income or expenditure. Where the fair value cannot be reliably measured, they are recognised at cost less impairment.

Financial assets are derecognised when the contractual rights to the cash flows from the asset expire, or when the charitable company has transferred substantially all the risks and rewards of ownership. Financial liabilities are derecognised only once the liability has been extinguished through discharge, cancellation or expiry.

## **WEST LOTHIAN LEISURE**

### **Notes to the Financial Statements**

**For year ended 31 March 2020**

#### **2. Accounting Policies (continued)**

##### **Pensions**

The charitable company operates a defined benefit scheme in respect of its employees. The assets of the scheme are held in external funds managed by professional investment managers.

In accordance with FRS 102 Retirement Benefits, the Statement of Financial Activities includes: the cost of benefits accruing during the year in respect of current and past service (charged against net outgoing resources); the expected return on the scheme's assets and the increase in the present value of the scheme's liabilities arising from the passage of time (shown as pensions finance charge); actuarial gain or loss recognised in the pension scheme (shown within net movement of funds). In accordance with FRS 102, the Balance Sheet includes the deficit in the scheme taking assets at their year-end market values (current bid value) and liabilities at their actuarially calculated values discounted at year-end AA corporate bond interest rates. Further details regarding the scheme are disclosed in note 8.

The charitable company also operates a defined contribution pension scheme. Contributions are recognised in the Income and Expenditure Account and Statement of Financial Activities in the period in which they become payable in accordance with the rules of the scheme.

##### **VAT**

The charitable company is partially exempt from VAT. Irrecoverable VAT is charged to the Income and Expenditure and Statement of Financial Activities as an expense.

##### **Unrestricted Funds**

Surplus revenue funds held within unrestricted funds are carried forward to meet the cost of future activities of both a capital and revenue nature.

Commitments for specific activities and needs in the future are dealt with by making allocations to designated funds.

##### **Leases**

Operating lease rentals are charged to the Income and Expenditure and Statement of Financial Activities on a straight line basis over the term of the lease.

Leases which transfer substantially all of the risks and rewards of ownership to the charity are classed as finance leases. Assets held under finance leases are recognised as assets at the lower of the fair value of the asset at the date of acquisition and the present minimum lease payments. The related obligation to the lessor is included in the balance sheet as a finance lease obligation.

Finance costs, which represent the difference between the total leasing commitment and the fair value of the assets acquired, are charged to the Statement of Financial Activities over the lease term at a constant rate.

##### **Taxation**

The charitable company has charitable status and is therefore exempt from taxation under Sections 475-477 and Chapter 3 of the Corporation Taxes Act 2010.

## WEST LOTHIAN LEISURE

### Notes to the Financial Statements

For year ended 31 March 2020

#### 3. Critical Judgements and Estimates

In preparing the financial statements trustees makes estimates and assumptions which affect reported results, financial position and disclosure of contingencies. Use of available information and application of judgement are inherent in the formation of the estimates, together with past experience and expectations of future events that are believed to be reasonable under the circumstances. Actual results in the future could differ from such estimates.

There are no estimates or assumptions with a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year.

Key sources of accounting estimation have been applied to the pension scheme assumptions and the depreciation rates which are deemed appropriate for the class of assets.

#### 4. Charitable Activities Expenditure – Sports and Leisure Facilities

	2020 £	2019 £
Employee costs (note 6)	8,233,248	9,016,075
Property costs	2,319,360	2,304,223
Transport costs	117,678	117,087
Supplies and services	2,037,344	2,397,420
Irrecoverable VAT	299,787	207,991
Depreciation	378,950	428,153
Bank charges	51,449	53,018
Discounts	10,414	18,232
Loss on disposal	20,726	7,541
Governance costs (note 5)	23,084	32,803
	<b>13,492,040</b>	<b>14,582,543</b>

The above costs relate to the one activity of the charitable company, to deliver sports and leisure facilities to the community within West Lothian.

#### 5. Governance Costs

	2020 £	2019 £
Audit and other accountancy fees	21,600	31,713
Trustee indemnity insurance	1,484	1,090
	<b>23,084</b>	<b>32,803</b>

## WEST LOTHIAN LEISURE

### Notes to the Financial Statements

For year ended 31 March 2020

#### 6. Staff Costs and Numbers

	2020	2019
	£	£
Wages and salaries	6,571,550	6,631,682
Social security costs	426,437	444,603
Other pension costs	878,261	724,790
FRS 102 defined benefit pension scheme adjustment	357,000	1,215,000
	<b>8,233,248</b>	<b>9,016,075</b>

Due to a management restructure, the above amounts include £779,945 of redundancy and pension strain costs for the year (2019: £344,083). These are included in the figures below. Funding of £783,000 was received in connection with the restructure (2019: £270,000).

The aggregate number of employees whose emoluments exceeded £60,000 was as follows:

	2020 Number	2019 Number
£60,000 - £69,999	1	-
£70,000 - £79,999	-	2
£80,000 - £89,999	1	1
£170,000 - £179,999	-	1
	<b>2</b>	<b>4</b>

The average monthly number of employees during the year was

2020 Number	2019 Number
420	466

One employee (2019: one), who was a member of the Board as staff representative during the year, received remuneration including back pay, pension and employer national insurance contributions as follows:

	2020 £	2019 £
K Anderson	48,185	44,058

None of the amounts above included any remuneration for being a director; all amounts were received for employment under employment contract.

No expenses were reimbursed to directors (2019: £371 travelling expenses to one director).

In addition to the trustees, the key management personnel of the charitable company are deemed to be the Chief Executive, Head of Operations, Head of Corporate Services, Head of Finance, and in the prior year Director of HR. The total employee benefits received by key management personnel in the year was £348,394 (2019: £708,296).

## WEST LoTHIAN LEISURE

### Notes to the Financial Statements

For year ended 31 March 2020

#### 7. Operating Deficit

	2020 £	2019 £
<b>The operating deficit is stated after charging</b>		
Auditor's remuneration - audit	21,600	21,000
Depreciation of tangible fixed assets	378,950	428,150
Loss on disposal of tangible fixed assets	20,726	7,541
Hire of equipment, plant and machinery	5,589	52,771

#### 8. Pension Costs

The total pension cost charged to net expenditure for the year amounted to £1,418,261 (2019: £2,081,790). Included within this figure is a FRS 102 adjustment of £357,000 (2019: £1,215,000) and finance costs of £183,000 (2019: £142,000).

A contingent asset of £224,000 relating to the defined benefit pension scheme liability arose in connection with an indemnity provided by West Lothian Council against any future pension funding payments arising as a result of the transfer of services to the charitable company on 1 April 2017. This contingent asset has not been recognised in these financial statements.

##### Defined contribution pension scheme

In 2014 the charitable company introduced a defined contribution pension scheme. New employees are automatically enrolled into this scheme although they may choose to opt out if they wish. Total employers contributions to this scheme during the year amounted to £116,023 (2019: £103,108).

##### Defined benefit superannuation scheme

The charitable company is an admitted body of the Lothian Pension Fund. The Superannuation Fund is a defined benefit scheme into which employees' and employer's contributions, and interest and dividends from investments are paid and from which pensions, lump sums and superannuation benefits are paid out. Total employers contributions to this scheme during the year amounted to £406,238 (2019: £621,682). Employees' contributions are determined based on their salary, increasing the higher the salary and employer's basic contributions are assessed every three years by an actuary and are fixed to ensure the fund remains solvent and in a position to meet its future liabilities. The actuarial method used is known as Projected Unit Method. The last actuarial valuation was at 31 March 2017. Employer contribution for the year to 31 March 2021 will be approximately £412,000.

In accordance with FRS 102 – Employee Benefits – a valuation of the fund was carried out at 31 March 2020, by Hymans Robertson, independent actuaries, based on the last full triennial valuations and allowing for the changes in financial assumptions as prescribed under FRS 102.

The main assumptions used in the calculations are:

	31 March 2020 % per annum	31 March 2019 % per annum	31 March 2018 % per annum
Salary increases	3.4%	4.1%	4.0%
Pension increases	1.8%	2.4%	2.3%
Discount rate	2.3%	2.5%	2.7%

## WEST LOTHIAN LEISURE

### Notes to the Financial Statements

For year ended 31 March 2020

#### 8. Pension Costs (continued)

##### Mortality

Life expectancy is based on the Fund's Vita Curves, with improvements in line with the CMI 2016 Model assuming current rates of improvement have peaked and will converge to a long-term rate of 1.25% per annum:

	<b>Males</b>	<b>Females</b>
Current pensioners	<b>21.7 years</b>	<b>24.3 years</b>
Future pensioners	<b>24.7 years</b>	<b>27.5 years</b>

##### The major categories of assets of the scheme were:

	<b>2020</b>	<b>2019</b>
Equities	<b>75%</b>	74%
Bonds	<b>11%</b>	12%
Property	<b>8%</b>	7%
Cash	<b>6%</b>	7%

The table below compares the estimated present value of the scheme liabilities with the employer assets:

	<b>2020</b>	<b>2019</b>
	<b>£'000</b>	<b>£'000</b>
Fair value of employer assets	<b>26,300</b>	26,778
Present value of funded liabilities	<b>(31,475)</b>	(33,649)
Present value of unfunded liabilities	<b>(258)</b>	(150)
Net liability in balance sheet	<b>(5,433)</b>	(7,021)

##### Analysis of the amount charged to resources expended:

	<b>Year to 31 March 2020 £'000</b>	<b>Year to 31 March 2019 £'000</b>
Past service cost of the defined benefit scheme	<b>104</b>	<b>(709)</b>
Current service cost of the defined benefit scheme	<b>(1,152)</b>	<b>(1,116)</b>
	<b>(1,048)</b>	(1,825)

##### Analysis of amount charged to other finance costs:

	<b>Year to 31 March 2020 £'000</b>	<b>Year to 31 March 2019 £'000</b>
Expected return on employer assets	<b>678</b>	653
Interest on pension scheme liabilities	<b>(861)</b>	(795)
Net interest cost	<b>(183)</b>	(142)

##### Analysis of amounts included in other recognised gains and losses:

	<b>Year to 31 March 2020 £'000</b>	<b>Year to 31 March 2019 £'000</b>
Actual return less expected return on pension scheme assets	<b>(1,813)</b>	1,633
Other experience	<b>(13)</b>	(9)
Changes in financial assumptions underlying the present value of the scheme liabilities	<b>3,954</b>	(2,635)
Actuarial gain/(loss) recognised in net movement of funds	<b>2,128</b>	(1,011)

## WEST LOTHIAN LEISURE

### Notes to the Financial Statements

For year ended 31 March 2020

#### 8. Pension Costs (continued)

Changes in fair value of the scheme assets are as follows:

	Year to 31 March 2020 £'000	Year to 31 March 2019 £'000
Opening fair value of employer assets	26,778	23,901
Interest income on plan assets	678	653
Contributions by members	168	183
Contributions by the employer	683	597
Contributions in respect of unfunded benefits	8	13
Actuarial gain/(loss)	(1,813)	1,633
Unfunded benefits paid	(8)	(13)
Benefits paid	(194)	(189)
Closing fair value of employer assets	26,300	26,778

Changes in the defined benefit obligation are as follows:

	Year to 31 March 2020 £'000	Year to 31 March 2019 £'000
Opening defined benefit obligation	33,799	28,554
Current service cost	1,152	1,116
Past service cost	(104)	709
Interest cost	861	795
Contributions by members	168	183
Actuarial losses/(gains)	(3,941)	2,644
Estimated benefits paid	(194)	(202)
Estimated unfunded benefits paid	(8)	-
Closing defined benefit obligation	31,733	33,799

#### 9. Tangible Fixed Assets

	Furniture & equipment £	Computer equipment £	Total £
<b>Cost</b>			
As at 1 April 2019	3,473,966	57,285	3,531,251
Additions	134,361	30,372	164,733
Disposals	(164,966)	-	(164,966)
As at 31 March 2020	3,443,361	87,657	3,531,018
<b>Depreciation</b>			
As at 1 April 2019	2,016,119	22,149	2,038,268
Charge for the year	359,849	19,101	378,950
Eliminated on disposal	(109,554)	-	(109,554)
As at 31 March 2020	2,266,414	41,250	2,307,664
<b>Net book value</b>			
As at 31 March 2020	1,176,947	46,407	1,223,354
As at 31 March 2019	1,457,847	35,136	1,492,983

The net book value of the assets held under finance lease agreements as at 31 March 2020 was £1,081,398 (2019: £1,220,347). The depreciation charged on these assets in the year to 31 March 2020 was £265,680 (2019: £256,051).

**WEST LOTHIAN LEISURE**  
**Notes to the Financial Statements**  
**For year ended 31 March 2020**

**10. Debtors**

	<b>2020</b>	<b>2019</b>
	<b>£</b>	<b>£</b>
Trade debtors	<b>80,723</b>	809,096
Other debtors and prepayments	<b>435,120</b>	296,633
	<b>515,843</b>	1,105,729

Trade debtors includes £6,824 due from West Lothian Council (2019: £776,552).

**11. Creditors: Amounts falling due within one year**

	<b>2020</b>	<b>2019</b>
	<b>£</b>	<b>£</b>
Loan	-	9,892
Finance lease creditor	<b>246,210</b>	405,308
Tax and social security	<b>147,767</b>	89,785
Trade and other creditors	<b>2,117,052</b>	2,411,245
Accruals and deferred income	<b>389,631</b>	399,554
	<b>2,900,660</b>	3,315,784

Trade and other creditors includes £1,721,067 due to West Lothian Council (2019: £1,811,287).

Finance lease creditors are secured over the assets to which they relate.

**12. Creditors: Amounts falling due after one year**

	<b>2020</b>	<b>2019</b>
	<b>£</b>	<b>£</b>
Loan	-	2,473
Finance lease	<b>205,069</b>	448,059
	<b>205,069</b>	450,532

*Analysed as follows:*

Repayable between 1 – 2 years	<b>130,168</b>	246,210
Repayable between 2 – 5 years	<b>49,848</b>	204,322
Repayable in more than 5 years	<b>25,053</b>	-
	<b>205,069</b>	450,532

Finance lease creditors are secured over the assets to which they relate.

# WEST LOTHIAN LEISURE

## Notes to the Financial Statements

For year ended 31 March 2020

### 13. Share Capital

The charitable company is limited by guarantees of £1 per member and has no share capital. At 31 March 2020 there was one member.

### 14. Reserves

<b>2020</b>	<b>Balance at 1 April 2019</b>	<b>Income</b>	<b>Expenditure</b>	<b>Other gains/ (losses)</b>	<b>Balance at 31 March 2020</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
General funds	(6,889)	13,463,252	(13,135,040)	-	321,323
Pension reserve	(7,021,000)	-	(540,000)	2,128,000	(5,433,000)
<b>Total unrestricted funds</b>	<b>(7,027,889)</b>	<b>13,463,252</b>	<b>(13,675,040)</b>	<b>2,128,000</b>	<b>(5,111,677)</b>
<b>2019</b>	<b>Balance at 1 April 2018</b>	<b>Income</b>	<b>Expenditure</b>	<b>Other gains/ (losses)</b>	<b>Balance at 31 March 2019</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
General funds	(485,990)	13,746,644	(13,367,543)	-	(6,889)
Pension reserve	(4,653,000)	-	(1,357,000)	(1,011,000)	(7,021,000)
<b>Total unrestricted funds</b>	<b>(5,038,990)</b>	<b>13,746,644</b>	<b>(14,724,543)</b>	<b>(1,011,000)</b>	<b>(7,027,889)</b>

### 15. Reconciliation of net expenditure to net cash flow from operating activities

	<b>2020</b>	<b>2019</b>
	<b>£</b>	<b>£</b>
Net expenditure for the reporting period	(211,788)	(977,899)
Depreciation	378,950	428,150
Interest received	(6,137)	(6,971)
FRS 102 pension adjustments	540,000	1,357,000
Decrease/(increase) in debtors	589,886	(703,269)
(Decrease)/increase in creditors	(246,134)	1,075,248
Decrease/(increase) in stock	5,611	(231)
Loss on disposal of fixed assets	20,726	7,541
<b>Net cash provided by operating activities</b>	<b>1,071,114</b>	<b>1,179,569</b>

## WEST LOTHIAN LEISURE

### Notes to the Financial Statements

For year ended 31 March 2020

#### 16. Analysis of Changes in Net Debt

	Brought forward £	Cash flow £	Non-Cash flow £	Carried forward £
Cash	1,133,782	532,751	-	1,666,533
Loan debt	(12,365)	12,365	-	-
Finance lease debt	(853,367)	402,088	-	(451,279)
	268,050	947,204	-	1,215,254

#### 17. Operating Lease Commitments

At 31 March 2020 the charitable company had commitments under non-cancellable operating leases for equipment as set out below:-

	2020 £	2019 £
Payments falling due:		
Within one year	11,934	32,364
Within two to five years	1,308	16,510
Over five years	-	981
	13,242	49,855

#### 18. Members' Interests

Due to the nature of the charitable company's operations and composition of its Board, being comprised of individual public sector and commercial organisations, it is inevitable that transactions will take place with companies and organisations in which a member of West Lothian Leisure Limited has an interest.

The charitable company works in partnership with the West Lothian Council with which transactions have been undertaken during the year. The following is a list of members of the Board who held potentially connected positions during the year.

Table showing potential for Director's Connected Interests:

WLL Director	Company	Occupation	Date Joined
Dr Cindy Brook	Retired	Retired Clinical Director / GP	03/11/2005
Beverley Greer	Freelance	Sports Coach	27/06/2013
Harry Cartmill	West Lothian Council	Elected Member	28/06/2012
Karen Anderson	West Lothian Leisure	Assistant Facility Manager	11/09/2014
Tom Kerr	West Lothian Council	Elected Member	29/06/2017
Chris Horne	West Lothian Council	Elected Member	29/06/2017
Angela Doran	West Lothian Council	Elected Member	29/06/2017
Andrew Miller	West Lothian Council	Elected Member	29/06/2017
Paul Williams	Quercus Alba Ltd	Company Director	13/09/2018
	Epipole Ltd	Company Director	
Tom Carr-Pollock	West Lothian Council	Union Branch Secretary	13/12/2018
Sergio Tansini	Tansini Ltd	Company Director	12/09/2019
Tom Conn	West Lothian Council	Elected Member	12/03/2020

## **WEST LOTHIAN LEISURE**

### **Notes to the Financial Statements**

**For year ended 31 March 2020**

#### **19. Related Party Transactions**

West Lothian Council is the sole member of the charitable company. West Lothian Council may appoint or remove any director from office, provided that the number of directors in office appointed by West Lothian Council at any time does not form a majority or exceed a maximum of 5. West Lothian Council may, by special resolution, direct the directors to take, or refrain from taking, specified action, and is entitled to make any decision of the company as if agreed by the company in a general meeting.

West Lothian Council also commissions the work of the charitable company by virtue of a services agreement, which provides a substantial portion of the charitable company's funding and use of the premises operated by the charitable company.

During the year, £1,893,575 (2019: £1,721,013) was received from West Lothian Council as a management fee, with a further £713,926 (2019: £699,621) in connection with new facilities taken on during the year and additional funding of £783,000 (2019: £1,200,000). In addition to this, £128,000 (2019: £128,000) was received for free under 16s swimming, £120,830 (2019: £120,830) for free under 5s and over 60s swimming and £87,463 (2019: £87,463) for curricular swimming.

At the year-end there is a balance due to West Lothian Council of £1,721,067 (2019: £1,811,287) and £6,824 (2019: £776,552) due from West Lothian Council.

#### **20. Non Audit Services**

In common with many other businesses of its size and nature, the charitable company uses its auditor to prepare its annual financial statements and for occasional Corporation Tax and Value Added Tax compliance advice.

#### **21. Prior Year Restatement**

The application of the revenue recognition policy for membership services was revised to recognise revenue on a straight-line basis over the period of delivery of the service, in accordance with FRS 102. Previously the approach resulted in the recognition of revenue in advance of the delivery of services.

The change affects the timing of the recognition of revenue and was applied retrospectively. As a result the comparative amounts, reflecting the year ended 31 March 2019, have been restated in these financial statements. The effect of the restatement reduced the comparative year's opening general funds at 1 April 2018 by £416,100, total income for the 2018/19 year by £32,053, and general funds carried forward at 31 March 2019 by £448,153. Total income for 2019/20 increased by £418,486 and closing general funds at 31 March 2020 decreased by £29,667.

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**September 2020**

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# Introduction

1. In recognising the importance of effective two-way communication in an audit of financial statements, we have prepared this report to provide you with constructive observations arising from the audit process.
2. International Standards on Auditing (UK) 260, "Communication with those charged with governance" and 265 "Communicating deficiencies in internal control to those charged with governance" require Scott-Moncrieff Audit Services to report to those charged with governance the significant findings from our audit.
3. This report aims to provide the directors with constructive observations arising from the audit process. We set out in this report details of:
  - any expected modifications to our audit reports;
  - any unadjusted items in the financial statements (except any unadjusted items which are clearly trivial) including the effect of unadjusted items related to prior periods on the current period;
  - any material weaknesses in systems we have identified during the course of our audit work and our views about the quality of accounting practices and financial reporting procedures; and
  - any other relevant matters.
4. Our procedures are carried out solely for the purpose of our audit so that we can form and express an opinion on the financial statements in accordance with applicable law and International Standards on Auditing (UK). Our audit does not necessarily disclose every weakness and for this reason the matters referred to may not be the only shortcomings which exist. Communication in this report of matters arising from the audit of the financial statements or of risks or weaknesses does not absolve management from its responsibility to address the issues raised and to maintain an adequate system of control.
5. We take this opportunity to remind you that:
  - This report has been prepared for the sole use of the Board West Lothian Leisure;
  - It must not be disclosed to any third party without our written consent; and
  - No responsibility is assumed by us to any other person who may choose to rely on it for his or her own purposes.
6. The report has been discussed and agreed with Tim Dent and Andrew Heron.
7. We would like to thank Tim, Andrew and their colleagues for their kind co-operation and assistance during our audit.



# Financial statements

## Audit conclusion

8. In our opinion the financial statements give a true and fair view and comply with the Companies Act 2006, the Charities Accounts (Scotland) Regulations 2006 (as amended), the Charities and Trustee Investment (Scotland) Act 2005, and all relevant accounting standards.
9. We are pleased to report that our audit reports, which are included in the financial statements, are unqualified.
10. West Lothian Council have provided a letter of comfort which will ensure all liabilities can be met until March 2021 and have provided flexibility in the timing of their management fee payments beyond this date. Whilst the letter of comfort does not cover a period of at least twelve months from the date when the charitable company's financial statements are authorised for issue, we have reviewed cash flow projections covering this period and are satisfied with the charitable company's adoption of the going concern basis of accounting.

We will continue to review the position up to the date of signing the audit report.

11. Our audit opinion is based on your approval of the financial statements and signing of the letter of representation, a draft of which is included as an appendix to this report. Within the letter, you have confirmed that there are no subsequent events that require amendment to the financial statements.

## Our assessment of risks of material misstatement


12. The assessed risks of material misstatement described below are those that had the greatest effect on our audit strategy, the allocation of resources in the audit and directing the efforts of the audit team. Our audit procedures relating to these matters were designed in the context of our audit of the financial statements as a whole, and not to express an opinion on individual accounts or disclosures.

## Exhibit 1: Our assessment of risks of material misstatement and how the scope of our audit responded to those risks

### 1. Management override

In any organisation, there is a risk that management and directors have the ability to process transactions or make adjustments to the financial records outside of the normal financial control processes. Such transactions could lead to a material misstatement in the financial statements. We treat this as a presumed risk area in accordance with International Standard on Auditing (UK) 240, "The auditor's responsibilities relating to fraud in an audit of financial statements".

*Noted in 2020 External Audit Plan*


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13. We have not identified any indications of management override in the year. We have reviewed the company's accounting records and obtained evidence to ensure that transactions outside the normal course of business were valid and accounted for correctly. We have also reviewed management estimates and the journal entries processed in the period and around the year end. We did not identify any areas of bias in key judgements made by management and judgements were consistent with prior years

**Conclusion:** Satisfactory assurance has been gained in respect of the mitigation of this risk.

### 2. Revenue recognition

Under International Standard on Auditing (UK) 240, "The auditor's responsibilities relating to fraud in an audit of financial statements" there is a presumed risk of fraud in relation to revenue recognition. The presumption is that the organisations' could adopt accounting policies or recognise income in such a way as to lead to a material misstatement in the reported revenue position.

*Noted in 2020 External Audit Plan*

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14. While we did not suspect incidences of material fraud and error we have evaluated each type of income transaction and documented our conclusions. We have gained reasonable assurance over the completeness and occurrence of income and we are satisfied that income is fairly stated in the financial statements. To inform our conclusion we considered the revenue recognition policy and carried out testing to ensure this is appropriate and has been applied consistently throughout the year.

**Conclusion:** We have gained satisfactory assurance in respect of the completeness and occurrence of revenue transactions in the year.


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## Exhibit 1: Our assessment of risks of material misstatement and how the scope of our audit responded to those risks

### 3. Going Concern

There is a risk relating to the going concern as the balance sheet shows a net liability position and the organisation was loss making in the prior year and it is anticipated that there will be a loss in the current year. The COVID-19 pandemic may result in difficult trading conditions for the following year. In accordance with ISA (UK) 570, "Going Concern" we will consider the appropriateness of management's use of the going concern assumption in the preparation and presentation of the financial statements.

*Noted in 2020 External Audit Plan*

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15. We have considered management's assessment of the ability of the charitable company to continue as a going concern for the period, including cash flow forecasts, and received a letter of support from West Lothian Council which extends to 31 March 2021.

**Conclusion:** In our opinion, from the information provided to us during the audit, no events or conditions appear to exist which cast significant doubt on the charitable company's ability to continue as a going concern. We are therefore satisfied with the disclosure in the financial statements.

---

## Our application of materiality

16. The assessment of what is material is a matter of professional judgement and involves considering both the amount and the nature of the misstatement. This means that different materiality levels will be applied to different elements of the financial statements.

Materiality £
200,000

17. Our assessment of materiality remained at this level throughout our audit. Our assessment of materiality is set with reference to income. We consider this to be the principal consideration for the users of the financial statements when assessing the performance of West Lothian Leisure.
18. Performance materiality is the amount set by the auditor at less than overall materiality for the financial statements as a whole to reduce to an appropriately low level the probability that the aggregate of the uncorrected and undetected misstatements exceed materiality for the financial statements as a whole.

Performance materiality £
150,000

19. We set a risk factor for each area of work which is based on a risk assessment for the area. This means that we perform a greater level of testing on the areas deemed to be at significant risk of material misstatement

20. We noted within our External Audit Plan that we would report all audit differences in excess of 5% of the overall materiality figure, as well as differences below that threshold that, in our view, warranted reporting on qualitative grounds. We also report on disclosure matters that we identified when assessing the overall presentation of the financial statements.

## Audit differences

21. We identified 2 adjustments in relation to the financial statements, details of which are included in Appendix 2.
22. We identified some presentational adjustments during our audit which are reflected in the final sets of financial statements.
23. There were no unadjusted errors identified from the work performed.

## An overview of the scope of our audit

24. The scope of our audit was detailed in our External Audit Plan. The plan explained that we follow a risk-based approach to audit planning that reflects our overall assessment of the relevant risks that apply to the company. This ensures that our audit focuses on the areas of highest risk. Planning is a continuous process and our audit plan is subject to review during the course of the audit to take account of developments that arise.

- 25. At the planning stage we identified the significant risks that had the greatest effect on our audit. Audit procedures were then designed to mitigate these risks.
- 26. Our standard audit approach is based on performing substantive tests and detailed analytical procedures. Tailored audit procedures, including those designed to address significant risks, were completed by the audit fieldwork team and the results were reviewed by the audit manager and audit partner. In performing our work we have applied the concept of materiality, which is explained earlier in this report.

### Accounting systems and internal controls

- 27. During the course of our audit of the financial statements, we examined the principal internal controls which the directors have established to enable them to ensure, as far as possible, the accuracy and reliability of the company's accounting records and to safeguard its assets.
- 28. It should be noted that our audit was planned and performed in order to allow us to provide an opinion on the financial statements and it should not be relied upon to reveal all errors and weaknesses that may exist.
- 29. The system weaknesses we identified during our audit are detailed in Appendix 3.

### Fraud and irregularity

- 30. Responsibility for preventing and detecting fraud and other irregularities lies with the directors. We are not required to search specifically for such matters and our audit should not be relied upon to disclose them. However, we planned and conducted our audit so as to give a reasonable expectation of detecting any material misstatements in the financial statements resulting from improprieties or breach of regulations.

- 31. We are pleased to report that we did not identify any issues of concern in relation to fraud and irregularity.

### Legality

- 32. We planned and performed our audit recognising that non-compliance with statute or regulations may materially affect the financial statements.
- 33. We are pleased to report that we did not identify any instances of concern with regard to the legality of transactions or events.
- 34. Under Section 46 of the Charities and Trustee Investment (Scotland) Act 2005, auditors have a responsibility to report items of material significance to the Office of the Scottish Charity Regulator (OSCR).
- 35. We did not identify any areas of material significance during our audit that required reporting to OSCR.

### Going concern and subsequent events

- 36. We are required under International Standard on Auditing (UK) 570, "Going Concern" to consider the appropriateness of the directors' use of the going concern assumption in the preparation of the financial statements, and to consider whether there are material uncertainties about the charitable company's ability to continue as a going concern which needs to be disclosed in the financial statements.
- 37. The term "subsequent events" is used to refer to events occurring between the year-end date of the financial statements and the date of the auditor's report. International Standard on Auditing (UK) 560, "Subsequent events" requires us to assess all such matters before signing our audit report.

- 38.** In order to gain assurance on these matters our work has included (where applicable):
- reviewing funding arrangements and support provided by West Lothian Council, noting that support does not cover a period of at least twelve months from the date when the charitable company's financial statements are authorised for issue;
  - reviewing bank facilities;
  - cash flow forecasts covering a period of 12 months from the expected signing of the audit report, together with post year end management accounts;
  - a review of post balance sheet Board meetings;
  - enquiring of senior management and the company's solicitors concerning litigation, claims and assessments; and
  - Performing sample testing of post balance sheet transactions.
- 39.** We confirm that we did not identify any issues affecting the charitable company's ability to continue as a going concern beyond those identified to us in discussion with management.

We will continue to review the position up to the date of signing the audit report.

- 40.** No other subsequent events were identified requiring amendment to or disclosure in the financial statements. We will update this review at the date of signing the financial statements.

#### **Other matters identified during our audit**

- 41.** We have no other matters to report.

#### **Qualitative aspects of accounting practices and financial reporting**

- 42.** During the course of our audit, we consider the qualitative aspects of the financial reporting process, including items that have a significant impact on the relevance, reliability, comparability, understandability and materiality of the information provided by the financial statements. The following observations have been made:

Qualitative aspect considered	Audit conclusion
<p>The appropriateness of the accounting policies used.</p>	<p>We have reviewed the significant accounting policies, which are disclosed in the financial statements, and consider these to be appropriate to the company.</p> <p>We reviewed the calculation of depreciation on a sample basis agreed to the policy for the replacement cycle of gym equipment.</p> <p>We observed that processing of subscription income Direct Debits resulted in revenue being recognised at the point where the Direct Debit was raised with the bank. As the Direct Debit was being raised at the end of the month prior to the membership period, an adjustment was required to align the revenue recognition with the membership period.</p> <p>This resulted in an increase in net income for the year was £418,153 and a decrease in closing reserves of £29,667. Details are noted in the adjustment schedule in Appendix 2.</p>
<p>The timing of the transactions and the period in which they are recorded.</p>	<p>Other than the Direct Debit issue noted above, we did not identify any concerns over the timing or the period in which transactions were recognised.</p>
<p>The appropriateness of the accounting estimates and judgements used.</p>	<p>We are satisfied with the appropriateness of accounting estimates and judgements used in the preparation of the financial statements. The principal area of accounting estimate and judgement is the valuation of pension liabilities. The valuation of the defined benefit pension liability is provided by the actuary, Hymans Robertson. We evaluated the competence, objectivity and capability of management experts in line with the requirements of ISA (UK) 500 and concluded that use of the expert is appropriate.</p>
<p>The appropriateness of the going concern assumption.</p>	<p>We have reviewed the detailed financial forecasts for the 12-month period from the signing date which, together with the support provided by West Lothian Council, provides us with sufficient assurance that the organisation will continue to operate for at least 12 months from the signing date.</p>

Qualitative aspect considered	Audit conclusion
The potential effect on the financial statements of any uncertainties, including significant risks and disclosures such as pending litigation that are required to be disclosed in the financial statements.	There are no uncertainties, including any significant risk or required disclosures, which should be included in the financial statements.
The extent to which the financial statements have been affected by unusual transactions during the period and the extent that these transactions are separately disclosed in the financial statements.	From our testing performed, we identified no unusual transactions in the period.
Apparent misstatements in the trustees' annual report and strategic report or material inconsistencies with the financial statements.	There are no misstatement or material inconsistencies between the trustees' annual report and the financial statements.
Any significant financial statement disclosures to bring to your attention.	We note the prior year restatement note for the change in recognition of subscription income. There are no other significant financial statement disclosures that we consider should be brought to your attention. All disclosures made are required by relevant legislation or accounting standards.
Disagreement over any accounting treatment or financial statement disclosure.	There was no disagreement during the course of the audit over any accounting treatment or disclosure.
Difficulties encountered in the audit.	Social distancing restrictions were in place during the year-end audit, however any resulting difficulties were overcome with no loss in audit quality due to a prior interim visit, a limited year-end audit visit and the cooperation of West Lothian Leisure staff.



# Appendix 1: Respective responsibilities

## Responsibilities of the Directors

The directors are responsible for preparing the Trustees' Report (and Strategic Report) and the financial statements in accordance with applicable law and regulations. Company law requires the directors to prepare financial statements for each financial year. Under that law the directors have elected to prepare the financial statements in accordance with applicable law and United Kingdom Accounting Standards including Financial Reporting Standard 102 'The Financial Reporting Standard in the UK and Republic of Ireland' (United Kingdom) Generally Accepted Accounting Practice). Under company law the directors must not approve the financial statements unless they are satisfied that they give a true and fair view of the state of affairs of the charitable company and of its incoming resources and application of resources, including its income and expenditure, for that period. In preparing these financial statements, the directors are required to:

- select suitable accounting policies and then apply them consistently;
- observe the methods and principles in the charity SORP;
- make judgements and estimates that are reasonable and prudent;
- state whether UK Accounting Standards have been followed, subject to any material departures disclosed and explained in the financial statements;
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the charitable company will continue in business.

The directors are responsible for keeping adequate accounting records that are sufficient to show and explain the charitable company's transactions and disclose with reasonable accuracy at any time the financial position of the charitable company and enable them to ensure that the financial statements comply with the Companies Act 2006. They are also responsible for safeguarding the assets of the charitable company and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

## Responsibilities of the auditor

Our responsibility is to audit and express an opinion on the financial statements in accordance with applicable law and International Standards on Auditing (UK). Those standards require us to comply with the Financial Reporting Council's Ethical Standards for Auditors.

**The audit includes the consideration of internal controls relevant to the preparation of the financial statements but we do not express an opinion on the effectiveness of internal control.**

The matters being reported are limited to those deficiencies in control that we have identified during the audit and that we have concluded are of sufficient importance to merit being reported to those charged with governance.

## Confirmation of independence

International Standard on Auditing (UK) 260, "Communication with those charged with governance" requires us to communicate on a timely basis all facts and matters that may have a bearing on our independence. In addition to the audit and preparation of the financial statements, companies in the same group as Scott-Moncrieff Audit Services provide corporation tax and VAT advisory services to the company. All tax services are provided by independent partners and staff who have no involvement in the audit of the financial statements. In our professional judgement the audit process is independent and our objectivity is not compromised.

## Appendix 2: Audit differences

We identified the following adjustments during the audit of the financial statements. We have discussed these adjustments with Tim Dent and Andrew Heron who have agreed that they should be incorporated into the financial statements.

Actual adjustments - current year				
	JE detail	Statement of Financial Activities		Balance Sheet
		Dr	Cr	Dr                      Cr
1	Reserves			£    448,153
	Other Debtors			£                      29,667
	Membership Fees	£	418,820	
	<i>Being adjustment to membership fees recognition</i>			
1	Pension scheme liability			£    308,000
	Past service costs	£	308,000	
	<i>Being late adjustment for revised effect of McCloud judgement on pension schemes</i>			

Actual adjustments - prior year				
	JE detail	Statement of Financial Activities		Balance Sheet
		Dr	Cr	Dr                  Cr
1	Reserves			£    416,100
	Other Debtors			£                  448,153
	Membership Fees	£    32,053		
	<i>Being adjustment to membership fees recognition</i>			

## Appendix 3: Accounting systems and internal control

During the course of our audit of the financial statements, we examined the principal internal controls which the directors have established to enable them to ensure, as far as possible, the accuracy and reliability of the company's accounting records and to safeguard its assets.

It should be noted that our audit was planned and performed in order to allow us to provide an opinion on the financial statements and it should not be relied upon to reveal all errors and weaknesses that may exist.

### Action plan – audit recommendations

We did identify four areas for improvement during our audit which are detailed below. We have also detailed below progress on those actions which we identified in the prior years.

Grade	Definition	Number of audit observations	
		Current year	Prior years
5	Very high risk exposure – Major concerns requiring immediate attention	-	-
4	High risk exposure – Absence/failure of significant key controls	-	-
3	Moderate risk exposure – Not all key control procedures are working effectively	1	-
2	Limited risk exposure – Minor control procedures are not in place/not working effectively	4	4
1	Efficiency/housekeeping point	-	1

1	Issue & Recommendation	Management Comments
<b>No up to date Service Level Agreement</b>	During the walkthrough we noted that there was no Service Level Agreement in place with NHS Lothian to show that funding was ongoing.	Existing funding agreements and SLAs have now been provided.
<b>Rating</b>		We will review the current SLAs and seek to put future funding arrangements in place.
<b>Grade 3</b>	There is a risk of disputes arising or that funding could cease.	<b>Responsible officer:</b> Chief Executive
	We recommend that an up to date agreement is put into place as soon as possible	

2	Issue & Recommendation	Management Comments
<b>Cash Float Checks</b>	It was noted during walkthrough tests that cash float checks were not being performed at shift changes in line with company procedure.	Revised cash handling procedures are being developed and these will be circulated to all relevant staff.
<b>Rating</b>		
<b>Grade 2</b>	Whilst the effect is unlikely to be material, there is a risk that errors or discrepancies with cash floats are not being identified and investigated and therefore theft may go undetected or misdiagnosed.	<b>Responsible officer:</b> Head of Finance
	We recommend that float checks are undertaken in line with policy and any errors or discrepancies are investigated	

3	Issue & Recommendation	Management Comments
Plus 2 Constraints	<p>During income testing it was noted that Plus 2 software could not provide information about transactions which are more than 12 months old. We were unable to trace income from the Z listing for the first 4 months of the year as a result of this, but were able to carry out alternate procedures to conclude that income is not materially misstated.</p> <p>There is a risk that any errors or other query relating to transactions more than 12 months old cannot be fully investigated due to the missing link in the audit trail.</p> <p>We recommend that further enquiries are made with the software provider to identify a method of logging the data.</p>	<p>The software provider is unable to extend the 12 months. We are looking at ways of saving and archiving Z listing reports external to the MRM Plus 2 system.</p> <p><b>Responsible officer:</b> Andrew Heron</p>
Rating		
Grade 2		

4		Issue & Recommendation	Management Comments
VAT		During the audit work we noted that the partial exemption calculation is complex and new services have been taken on over the past few years which could have VAT implications.  Due to the nature of VAT and the partial exemption calculation there is a higher risk of errors. We recommend that the VAT process is reviewed and the VAT status for new services is also reviewed to ensure the correct retreatment is being applied.	A review of the partial exemption calculation and VAT treatment of product codes on Plus 2 is planned for this year.  <b>Responsible officer:</b> Andrew Heron
Rating			
Grade 2			

5	Issue & Recommendation	Management Comments
<b>Register of interests</b>	<p>The register of directors other interests forms provided during the audit did not provide any indication that they had been reviewed or updated in several years, generally since appointment.</p> <p>For best practice we recommend that forms should be distributed and signed off as correct or updated at least annually.</p>	<p>This is currently being updated and will be made available prior to the AGM.</p> <p><b>Responsible officer:</b> Andrew Heron</p>
<b>Rating</b>		
<b>Grade 2</b>		

## Follow up on prior year action plan

1	Issue & Recommendation	Management Comments	2020 Update
<b>Holiday Pay Accrual</b>	Under FRS 102 entities are required to account for the costs associated with earned holiday entitlements.	There is currently no system in place to collate information on outstanding holiday entitlement for the entire organisation. Discussion will be had with HR as to how best to record this information to allow the calculation of a holiday pay accrual this year end.  <b>Responsible officer:</b> Andrew Heron	Holiday pay has been accrued for in the 2020 accounts.  <b>Point Cleared.</b>
<b>Rating</b>			
<b>Grade 2</b>	We noted that there was no holiday pay accrual and that there was, at present, no way to calculate this due to manual sheets used for recording which were held by line managers only, with no central record of holidays being maintained.  This means that accruals are understated in the accounts although we do not believe that this would give rise to a material misstatement.		

2	Issue & Recommendation	Management Comments	2020 Update
<b>VAT</b>	During the audit work we noted that the partial exemption calculation is complex and new services have been taken on over the past few years which could have VAT implications.  Due to the nature of VAT and the partial exemption calculation there is a higher risk of errors. We recommend that the VAT process is reviewed and the VAT status for new services is also reviewed to ensure the correct retreatment is being applied.	<b>Responsible officer:</b> Andrew Heron	<b>Point re-raised in current year</b>
<b>Rating</b>			
<b>Grade 2</b>			

3	Issue & Recommendation	Management Comments	2020 Update
<b>Expenditure not being authorised</b>	<p>During the walkthrough we noted that an invoice had not been approved by an authorised member of staff. The member of staff who submitted the order had authority to approve orders up to £5,000 gross; however, this order was £5,263.20 and should have been approved by someone with appropriate authorisation.</p> <p>The risk of expenditure not being approved can results in budgets being exceeded and increases the chances of fraud.</p> <p>We recommend that any invoices above £5,000 gross should be reviewed and authorised before they are processed.</p>	<p><b>Responsible officer:</b> Andrew Heron</p>	<p>No issues identified in current year.</p> <p><b>Point Cleared.</b></p>
<b>Rating</b>			
<b>Grade 2</b>			

4	Issue & Recommendation	Management Comments	2020 Update
<b>Register of interests</b>	<p>The register of directors other interests forms provided during the audit did not provide any indication that they had been reviewed or updated in several years, generally since appointment.</p> <p>For best practice we recommend that forms should be distributed and signed off as correct or updated at least annually.</p>	<p><b>Responsible officer:</b> Andrew Heron</p>	<p>Our understanding is that there is an intention for these to be updated in advance of the AGM.</p> <p><b>Point re-raised in current year</b></p>
<b>Rating</b>			
<b>Grade 2</b>			

## Appendix 4: Management representation letter

Azets Audit Services  
Exchange Place 3  
Semple Street  
Edinburgh  
EH3 8BL

Dear Sirs

### West Lothian Leisure

This representation letter is provided in connection with your audit of the financial statements of West Lothian Leisure for the period ended 31 March 2020 for the purpose of expressing an opinion as to whether the financial statements give a true and fair view in accordance with UK Generally Accepted Accounting Practice FRS 102 "The Financial Reporting Standard applicable in the UK and Republic of Ireland".

By a resolution of the board, passed today, I am directed to confirm to you, in respect of the financial statements of the charitable company for the period ended 31 March 2020, the following:-

### Financial statements and accounting records

1. We have fulfilled our responsibilities under the Companies Act 2006 the Charities and Trustees Investment (Scotland) Act 2005, and the Charities Accounts (Scotland) Regulations 2006 (as amended) for preparing financial statements which give a true and fair view in accordance with UK Generally Accepted Accounting Practice including FRS 102 "The Financial Reporting Standard applicable in the UK and Republic of Ireland" and for making accurate representations to you.
2. We have provided you with:
  - access to all information of which we are aware that is relevant to the preparation of the financial statements such as records, documentation and other matters;
  - additional information that you have requested from us for the purpose of the audit; and
  - unrestricted access to persons within the entity from whom you determined it necessary to obtain audit evidence.
3. All transactions have been recorded in the accounting records and are reflected in the financial statements.
4. Except as disclosed in the financial statements, the results for the year were not materially affected by:
  - any change in accounting policies;
  - transactions of a type not usually undertaken by the charitable group;
  - circumstances of an exceptional or non-recurrent nature; or
  - charges or credits relating to prior periods.
5. We have reviewed going concern considerations and are satisfied that it is appropriate for the financial statements to have been drawn up on the going concern basis. In reaching this opinion we have taken into account all relevant matters of which we are aware and have considered a future period of at least one year from the date on which the financial statements are to be approved. This assessment includes the expected impact of Covid-19.
6. We confirm the financial statements are free of material misstatements, including omissions. We believe that no uncorrected misstatements were identified during the audit.

## **Fraud**

7. We acknowledge as trustees our responsibilities for the design and implementation of internal control in order to prevent and detect fraud and to prevent and detect error.
8. We confirm that we have disclosed separately to you the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud.
9. We have disclosed to you all information in relation to fraud or suspected fraud that we are aware of and that affects the entity and involves:
  - management
  - employees who have significant roles in internal control
  - others where the fraud could have a material effect on the financial statements.
10. We are not aware of any allegations of fraud or suspected fraud with a potential effect on the financial statements which have been communicated to us by employees, former employees, regulators or other third parties.

## **Compliance with laws and regulation, and contractual agreements**

11. We have disclosed to you all known instances of non-compliance or suspected non-compliance with laws and regulations whose effects should be considered when preparing the financial statements.
12. The charitable has complied with all aspects of contractual agreements that could have a material effect on the financial statements in the event of non-compliance.

## **Accounting estimates**

13. In our opinion the significant assumptions used by us in making accounting estimates are reasonable.

## **Related parties**

14. We have disclosed to you the identity of the charity's related parties and all related party relationships and transactions of which we are aware.
15. Related party relationships and transactions have been appropriately accounted for and disclosed in accordance with the requirements of UK Generally Accepted Accounting Practice.
16. In particular, no director, shadow director, their connected persons or other officers had any indebtedness, agreement concerning indebtedness or disclosable interest in a transaction with the charitable company at any time during the year, other than as indicated in the financial statements.

## **Assets and liabilities**

17. The following have been properly recorded and, when appropriate, adequately disclosed in the financial statements:
  - losses arising from sale and purchase commitments;
  - agreements and options to buy back assets previously sold;
  - assets pledged as collateral.
18. We have disclosed to you all known actual or possible litigation or claims whose effects should be considered when preparing the financial statements and that they have been accounted for and disclosed in accordance with UK Generally Accepted Accounting Practice.
19. We have no plans or intentions that may materially alter the carrying value or classification of assets and liabilities reflected in the financial statements.
20. We have no plans to abandon activities or other plans or intentions that will result in any excess or obsolete stocks, and no stock is stated at an amount in excess of net realisable value.

21. The charitable company has satisfactory title to all assets and there are no liens or encumbrances on the charity's assets, other than as disclosed in the financial statements.
22. We have recorded or disclosed, as appropriate, all liabilities, both actual and contingent, and all guarantees that we have given to third parties.
23. We confirm that we have assessed the current and non-current loan balances split and are satisfied that the financial statements reflect the correct positions.

**Subsequent events**

24. All events subsequent to the date of the financial statements and for which UK Generally Accepted Accounting Practice require adjustment or disclosure have been adjusted or disclosed. Should any material events occur which may necessitate revision of the figures included in the financial statements or inclusion in the notes thereto, we will advise you accordingly.

We confirm that the above representations are made on the basis of enquiries of management and staff with relevant knowledge and experience (and, where appropriate, of inspection of supporting documentation) sufficient to satisfy ourselves that we can properly make each of the above representations to you.

Yours faithfully

.....

**Director**

Signed on behalf of the board

On \_\_\_\_\_ (date)

The director above is signing this letter on behalf of all directors confirming that:

- (a) so far as each director is aware, there is no relevant audit information of which the charitable company's auditor is unaware; and
- (b) each director has taken all the steps that ought to have been taken as a director, including making appropriate enquiries of fellow directors and of the charitable company's auditor for that purpose, in order to be aware of any information needed by the charitable company's auditor in connection with preparing their report and to establish that the charitable company's auditor is aware of that information.





**Executive Office**

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

Our Ref: DF/TS  
Your Ref:

Contact: Donald Forrest  
Tel: 01506 281294

e-mail: [donald.forrest@westlothian.gov.uk](mailto:donald.forrest@westlothian.gov.uk)

**Private and Confidential**

Mr Tim Dent  
Chief Executive, West Lothian Leisure  
Balbardie Park, Torphichen Road  
BATHGATE  
West Lothian  
EH48 4LA

20 August 2020

Dear Tim

I refer to my previous correspondence of 24 March 2017, 1 August 2018 and 18 July 2019, confirming the financial arrangements between West Lothian Council (WLC) and West Lothian Leisure (WLL). You will be aware that, in terms of WLLs Articles of Association, WLC is the sole member of WLL and, as such, the legal liability of the council is limited to £1 in the event of WLL being wound up.

WLC has agreed a reprofiling of the WLL management fee for the financial year 2020/21, to assist with WLLs cashflow position, while facilities are closed due to the Covid-19 pandemic, and in accordance with Scottish Government guidance.

We have discussed issues arising from the WLL external audit process, and the extent to which WLC would enhance arrangements for financial support during the financial year 2020/21. I am able to confirm that the Council Executive, at its meeting of 18 August 2020, agreed the WLC position and that, on behalf of the council, I should provide confirmation to WLL of that.

The council determined that it will continue to undertake cash flow management with WLL, to allow you to meet its everyday cash liabilities in respect of the financial year 2020/21 (1 April 2020 – 31 March 2021). The cash flow management will continue to be undertaken in its current format, by way of regular reporting by WLL, scrutiny by WLC and engagement between us in relation to financial matters. It should be noted, however, that these arrangements may be subject to enhancement in terms of detail and frequency, should it be considered necessary to ensure appropriate financial arrangements are in place. It is anticipated that WLL would be agreeable to such enhancements following discussion and agreement as to any additional measures which may become necessary.

For the avoidance of doubt, WLC continues to require that WLL agrees, a balanced annual budget in advance of each financial year, and continues to make positive progress in agreeing and implementing its three year financial plan. WLL will also continue to provide required financial information to the council and to identify options to balance the budget.

I trust this letter provides sufficient comfort for WLL regarding the council's commitment to supporting your organisation.

Please contact me if you have any queries or wish to discuss further.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Donald Forrest'.

**Donald Forrest**  
**Head of Finance and Property Services**