

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

Amendment

Frank Anderson  
Janet Campbell

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.