

MINUTE of MEETING of WEST LOTHIAN COUNCIL held within MSTeams Virtual Meeting, on 24 November 2020.

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

Apologies – Depute Provost Dave King and Councillor Sarah King

1. DECLARATIONS OF INTEREST

Councillor Janet Campbell declared an interest as an employee of NHS Lothian.

Councillor John McGinty declared an interest as a council appointed member of NHS Lothian Board.

Agenda Item 19 – Notice of Motion – Third Sector Support

Councillor Frank Anderson declared an interest as Chair and Member of Craigshill Good Neighbour Network. Having applied the objective test, as decisions regarding the matters in the motion would be made by a separate panel, he would participate in this item of business.

Councillor Angela Doran declared an interest as a council appointed member of Open Door Accommodation Project Management Committee and a member of Family for Community Development West Lothian. She would not participate in this item of business.

Councillor Tom Conn declared an interest as a council appointed representative on Handicabs Lothian and as council appointed member of Linlithgow Heritage Trust as well as an individual member of Linlithgow Day Care Centre. He would not participate in this item of business.

Councillor Chris Horne declared an interest as a trustee of a voluntary organisation that was in negotiations with the council over taking occupation of council-owned premises. He would not participate in this item of business.

Councillor Carl John declared an interest as a member of Military Museum Scotland and a member of ELREC. As no financial decisions affecting them were to be made, he would participate in the item of business.

Councillor Tom Kerr declared an interest as a member and trustee of Linlithgow Link Committee. He would not participate in the item of business.

Councillor Andrew McGuire declared an interest as a council appointed member of the Board of Citizens Advice Bureau in West Lothian. He would not participate in this item of business.

Councillor Moira Shemilt declared an interest as a Board member of School Bank West Lothian and would take part in the item of business.

2. ORDER OF BUSINESS

The Provost ruled in terms of Standing Order 11:-

1. That an Appendix to agenda item 24 was to be circulated to members for consideration by Council as it formed part of the response to the question;
2. That due to the number of declarations of interest made in relation to agenda item 19 this would be moved to the end of the agenda; and
3. That an urgent motion submitted by Councillor Andrew Miller concerning music tuition fees would not be considered as there had been sufficient opportunities for the matter to be raised at other forums including a recent meeting of Education Executive,

Council indicated it did not wish to ask questions on those items identified on the agenda for information only; these being agenda items 21 and 22.

3. FAIR JUSTICE FOR SCOTLAND GROUP - PRESENTATION BY SILENCE CHIHURI

The Council heard from Mr Silence Chihuri who provided an overview of the work of his organisation.

Mr Chihuri explained that Fair Justice System for Scotland (FJSS) was a grass-roots led legal charity and was the leading voice for justice sector reforms necessary to create greater equality, diversity and representative employment and appointments in the Scottish justice system

FJSS was working closely with key stakeholders in the justice system including the Scottish Government, the Judicial Institute for Scotland, Scottish Courts and Tribunal Service and Police Scotland to connect and influence key policy makers with regards to the future shape of the Scottish Justice system and to contribute to the Scottish Government's wider community and social justice outcomes.

He gave an overview of the organisation's local work, referring to a recent publication, supported financially by the council, about historic West Lothian connections to the slave trade. Mr Chihuri concluded the presented by stating that he hoped to engage with partners at West Lothian Council by assisting in the process of policy formulation and development for the benefit of the wider community/.

Mr Chihuri then responded to questions from council.

The Provost thanked Mr Chihuri for the very informative presentation.

4. MINUTES :-

a) The Council considered the minute of its meeting held on 29 September 2020. Two issues were identified:-

- Council had instructed a report to be brought to this next meeting of the council concerning a Local Authority Lottery (Item 19 of the minute on page 583) but which was not on the agenda. The Chief Executive apologised for the oversight and undertook to have the report brought to the council meeting in January 2021
- On page 577, in relation to Item 16, although the result of the roll call vote was shown correctly the names of those voting for motion and amendment were the same. The Clerk acknowledged the error and confirmed that those voting for the amendment were the 11 Labour councillors present at the meeting

Subject to those two corrections, the minute was approved.

- b) The Council noted correspondence arising from previous decisions.
- c) The Council noted the minute of the Audit Committee held on 22 June 2020.
- d) The Council noted the minute of the Education Quality Assurance Committee held on 3 March 2020.

5. ELECTION BUSINESS

To agree changes to various bodies in the Scheme of Administration as undernoted:-

Councillor Kirsteen Sullivan to replace Councillor Dave King on the Asset Transfer Committee

Councillor John McGinty to replace Councillor Dave King on the Education Quality Assurance Committee

Councillor Cathy Muldoon to replace Councillor Dave King on the Employee Appeals Committee

Councillor Andrew McGuire to replace Councillor Dave King on the Health and Care Policy Development and Scrutiny Panel

Councillor Cathy Muldoon to replace Councillor Dave Kind on the Joint Consultative Group (Teaching)

Councillor Dom McGuire to replace Councillor Dave King on the Performance Committee

Councillor Tom Conn to replace Councillor Dave King on the Social Policy Policy Development and Scrutiny Panel.

6. REVIEW OF DECISION-MAKING ARRANGEMENTS - DEPUTATIONS AND PETITIONS

The Council considered a report (copies of which had been circulated) by the Governance Manager considering proposed changes to Standing Orders and other procedures in relation to deputations, petitions and requests for council support.

It was recommended that Council :-

1. Note that Council Executive on 20 August 2019 instructed officers to bring forward proposals through the Partnership and Resources PDSP in relation to deputations and petitions.
2. Note the present terms of Standing Order 13 on deputations (Appendix 1) and the separate procedure sitting outwith Standing Order covering petitions and requests for council support (Appendix 2).
3. Agree the proposed reworking of Standing Order 13 to bring updated rules and procedures for deputations, petitions and requests for council support together into one place (Appendix 3).

Motion

Council agrees to the recommendations of the report and in addition Council agrees to the proposal by the Joint Forum of Community Councils that a deputation is given the opportunity to sum up (2 minutes maximum) immediately following questions by and answers to members.

This is on the understanding that this right to reply is not used to introduce new material.

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

Decision

To agree the terms of the motion.

7. TREASURY MANAGEMENT - INTERIM REPORT AT 30 SEPTEMBER 2020

The Council considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising of the activities and results of the treasury management function for the six months to 30 September 2020.

It was recommended that Council:-

1. Notes the attached report on the activities of the treasury management function for the first six months of 20/21 and on the exercise of delegated treasury management powers;
2. Notes the change to the council's permitted investments approved by Council on 29 September 2020 to help facilitate the retention of increased cash balances during the Covid-19 pandemic; and
3. Agrees amendments to the procedural indicators, as set out in Appendix 4 of the report.

Decision

To agree the terms of the report

8. FAMILY LEAVE SCHEME FOR MEMBERS - CHANGES TO STANDING ORDERS

The Council considered a joint report (copies of which had been circulated) by the Governance Manager and Head of Corporate Services seeking approval to changes to Standing Orders and related procedures following adoption of the Family Leave Scheme for Elected Members.

It was recommended that Council :-

1. Note the terms of the Family Leave Scheme for Elected Members approved at Council Executive on 6 October 2020 (Appendix 1); and
2. Agree changes to Standing Orders for the Regulation of Meetings and other documents to give effect to the Scheme (Appendix 2).

Decision

To agree the terms of the report

9. NOTICE OF MOTION - SPACES FOR PEOPLE PROGRAMME

A motion had been submitted by Councillor Bruce Fairbairn concerning the Spaces for People programme.

The Provost ruled that the motion not be considered in terms of Standing Order 20(5) as it did not contain information pertaining to financial consequences and had not been verified by the Head of Finance and

Property Services.

10. NOTICE OF MOTION - BOGHALL DROP-IN CENTRE - SUBMITTED BY COUNCILLOR CHARLES KENNEDY

The Council considered a motion (copies of which had been circulated) submitted by Councillor Charles Kennedy in the following terms :-

“This council recognises the work done by Boghall Drop In Centre to support the community of Bathgate and beyond in West Lothian during the Covid 19 pandemic.

West Lothian Council congratulate Boghall Drop In Centre, it's board, staff and volunteers on being selected as the Regional Champions for West Lothian in the National love local awards.

This national recognition acknowledges the outstanding work and the enormous amount of hours, innovation and care that Boghall Drop In Centre have provided to the West Lothian Community since Covid restrictions began in March 2020.

As this is a national award this council instructs the provost to hold a civic reception, once Covid restrictions allow, for Boghall Drop In Centre Board, employees and volunteers to recognise the huge work which they have put into our community and particularly managing members Victoria Dunnett, Heather McCormack, Kelly Drummond and Graham Cavan who have worked tirelessly for our community throughout this pandemic”.

Prior to moving the motion, the Provost noted that Councillor Kirsteen Sullivan had a similar motion on the agenda at item 14. Both Councillors Kennedy and Sullivan intimated that they had agreed a composite motion in the following terms :-

Composite Motion

“Council congratulates all West Lothian individuals, community groups and organisations (see attached appendix) recognised as High Street Heroes by the Scotland Loves Local campaign.

Council further commends the outstanding achievement of Boghall Drop-In Centre as regional (West Lothian) winner for the awards. This national recognition acknowledges the outstanding work and the enormous amount of hours, innovation and care that Boghall Drop In Centre have provided to the West Lothian Community since Covid restrictions began in March 2020.

Council recognises the outstanding work undertaken by these High Street Heroes in supporting local communities during this time of unprecedented challenge and thanks them for their invaluable contribution to community life during the COVID-19 restrictions.

As this is a national award this council instructs the provost to hold a civic

reception, once Covid restrictions allow, for Boghall Drop In Centre Board, employees and volunteers to recognise the huge work which they have put into our community and particularly managing members Victoria Dunnett, Heather McCormack, Kelly Drummond and Graham Cavan who have worked tirelessly for our community throughout this pandemic.

In the meantime, Council instructs the Chief Executive to write to the Boghall Drop-In Centre extending congratulations on this award”.

Appendix 1

Regional Champion

Boghall Drop-in Centre

Highly Commended

Pumpherston Volunteers & Community

Jordan MacDonald, Whitburn

Joanna and Marie Claire, Dream Fitness, Bathgate

Linlithgow Distillery Ltd

High Street Heroes

Jules Meek, Linlithgow

Lily Green, Linlithgow

Lynne Shields

Robert Cumming

Sandra Meek

Sharon McLaughlin

Alexander's Convenience Store and staff, Linlithgow

Carers of West Lothian

Complete Health at the Millstone, Linlithgow

Donna Paterson-Harvie at Neil's Hugs Foundation, Broxburn

Far from the Madding Crowd, Linlithgow

Kick Mental Health

One Stop, Stoneyburn

Sally Chamness and team at Phoenix Health and Wellness, Bathgate

Tea J's, Armadale

Shonagh Brown, The Crannog Cafe, Linlithgow

- Moved by Councillor Charles Kennedy and seconded by Councillor Kirsteen Sullivan

Decision

To unanimously agree the terms of the composite motion.

11. NOTICE OF MOTION - COVID-19 FINANCIAL CHALLENGES - SUBMITTED BY COUNCILLOR LAWRENCE FITZPATRICK

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

“The response to the Covid-19 pandemic continues to present ongoing

financial challenges for local government, businesses and individuals. West Lothian Council calls on the Scottish Government to acknowledge the significant additional financial pressures being faced by councils, businesses and individuals and ensure sufficient funding is provided to address these pressures. This is particularly the case where businesses and individuals are facing financial pressure as a consequent of the restrictions imposed from the lockdown tiers.

The concern surrounding financial challenges is not new, with the Council previously calling on the Scottish Government on three separate occasions to ensure appropriate and fair funding for councils in the current and future years. This is backed by repeated calls from other Scottish authorities and COSLA regarding funding to ensure councils can continue to meet the challenges from the pandemic whilst continuing to deliver core services. These calls for funding are not being fully addressed with pressures continue to grow with more and more Scottish Government decisions creating a resource burden for local authorities.

In addition, to date local government, business and individuals have received financial support on a piecemeal basis, with small pots of money being announced on an ad hoc basis, sometimes with little notice. West Lothian Council therefore calls on the Scottish Government to urgently adopt a strategic approach aligned to the published protection levels to providing financial support to councils, business and individuals to help alleviate their financial concerns and provide some degree of stability in these uncertain times, and instruct the Chief Executive to write to the First Ministers in these terms”.

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

Amendment

“West Lothian SNP Group notes with concern the rambling nature of this Labour motion which doesn’t appear to acknowledge that most of the additional money given to Councils has been reliant on the decisions taken at Westminster as the Scottish Government don’t have control of all the financial levers. The last paragraph seems to emphasise that Labour keep asking for more from the Scottish Government and have never once said where they would take the money from. According to the response Councillor Fitzpatrick sent to all councillors on 5/11/20, this Council had received £43.777M and had only spent £38.883M, which included an undefined ‘other net costs’ of £3.199M which inexplicably rises to £13.460M.

The SNP Group notes and welcomes the fact that this Council received an extra £22.5M in 2020/21, which is the equivalent of an additional 6.9% on the previous year 2019/20

The SNP Group notes that we are still due additional resources from the Scottish Government, a fair share of the £178M which will be allocated following agreement with COSLA, as is usual, on how it is distributed.

However, the SNP Group are concerned and disappointed that Councillor Fitzpatrick in his motion calls for “urgently adopt a strategic approach aligned to the published protection levels to providing financial support to help alleviate their financial concerns and provide some degree of stability” then at a COSLA leaders meeting votes against exactly that. He opposed the distribution of the Scottish Governments additional £50M funding, over and above existing financial support, to be cognisant of tier 4 challenges. Instead he voted for the money to be allocated amongst all 32 Councils without any additional support being available for tier 4 business.

West Lothian Council therefore:

Writes to the Scottish Government welcoming their additional £43.777M financial support, with more still to be allocated, during this pandemic and congratulates them on their handling of the Covid-19 pandemic”.

- Moved by Councillor Frank Anderson and seconded by Councillor Willie Boyle

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

Motion

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

Amendment

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

Decision

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

12. NOTICE OF MOTION - HOME FIRE SAFETY STANDARDS - SUBMITTED BY COUNCILLOR LAWRENCE FITZPATRICK

Councillor Andrew Miller left the meeting and took no further part in the remaining items of business.

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

“Council notes that members have received numerous enquiries from concerned homeowners on the legislation which came into effect on 16th January 2019 to strengthen fire and smoke alarms standards.

It is understood that the timescale for compliance has been extended to February 2022.

Council notes that in the letter dated 20th October 2020 from the Minister for Local Government, Housing and Planning, addressed to the Convener of the Local Government and Communities Committee, wide concern has arisen on lack of clarity as regards responsibility falling on homeowners.

In particular the letter states:-

“It will be the responsibility of the homeowner to meet the new fire and carbon monoxide standards”. “However, the legislation does not create a direct duty on homeowners” “Homes that don’t have the right alarms will clearly not be meeting the safety standards, but nobody will be breaking the law if they are not able to comply”.

Council understands that in most cases non-compliance will be picked up in the home report when a house is being sold. Council’s prime concern is that there may be serious implications for insurance cover if owners, particularly in the instance of a claim, do not meet the new required standards as well as their unawareness of these standards and perhaps the lack of funds to carry out required works.

Given the foregoing, Council instructs the Chief Executive to write to the First Minister to demand a national communication strategy on the new regulations and commit to financial assistance for the many homeowners who lack the funds required for the installation or upgrading to the new standards”.

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

Amendment

“West Lothian Council SNP Group believes that fire safety is an absolute priority for all of us, and these improved regulations will mean that everyone in West Lothian will benefit from the same level of protection, whether they own their home or rent from a social or private landlord.

The SNP Group notes that the Scottish Government has already made over £15m of loan funding available for Social Landlords to procure and install the necessary alarms which should help ensure that social tenants are safe in their homes. Also, that the Scottish Government has provided

additional funding of £870,000 in each year for the last two years to the Scottish Fire and Rescue Service to support their Home Safety Visits for vulnerable and high-risk people.

The SNP Group welcomes the fact that the council has a programme of interlinked smoke detector upgrades across council houses which has been progressing since 2019/20, with a total of £3.116million committed in the Housing capital budget 2019/20 and 2020/21 to address this and the ongoing programme of smoke detectors across all of the council housing stock. Each component has a lifecycle, therefore there will be an ongoing programme of replacement components within this scheme, the Council estimate costs as the average cost per system is around £300. The average installation is 1 carbon monoxide, 1 heat, 3 smoke and a control panel that allows the tenant to carry out periodic testing/control the detector without the need to physically go near it.

West Lothian Council SNP Group calls on Council to:

Call for a report from officers to review the costs of the equipment needed, as we believe that these can be obtained at a lesser cost, and utilising the 'bulk' buying ability of the Council to offer the equipment at cost price to owners. Also, for a report on how the Council can install these alarms for owners over 65 and/or vulnerable without additional cost. This report to outline how we could enhance the learning skills of our apprentices and offer security to owners that the Council is a 'trusted trader' and mitigate against the opportunity for scammers/cowboys to prey on the house owners of West Lothian".

- Moved by Councillor Frank Anderson and seconded by Councillor Willie Boyle

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

Motion

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

Amendment

Frank Anderson
Willie Boyle
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold
Jim Dickson
Carl John
Moira Shemilt
David Tait

Decision

Following a vote, the motion was successful by 19 votes to 10 with three members absent and it was agreed accordingly.

13. NOTICE OF MOTION - HIGH STREET HEROES - SUBMITTED BY COUNCILLOR KIRSTEEN SULLIVAN

See minute against Agenda Item 11

14. NOTICE OF MOTION - ENDOMETRIOSIS - SUBMITTED BY COUNCILLOR PAULINE CLARK

The Council considered a motion (copies of which had been circulated) submitted by Councillor Pauline Clark in the following terms :-

“Endometriosis is a painful condition that affects 1:10 women in the UK. It is described as a condition where tissue similar to the lining of the womb starts to grow in other places, such as the ovaries and fallopian tubes. Endometriosis can affect women of any age. It is a long-term condition that can have a significant impact on a woman’s life. Many girls will start experiencing symptoms of Endometriosis from a very young age, some from their first period. Severe cramping and heavy periods result in many days absence from school each month. Education suffers, girls’ physical and mental health suffers, they withdraw from participating in sport and their confidence levels drop in all aspects of lives. It takes an average 8 years for a woman to be diagnosed with the condition.

The SNP group calls on Council to agree the following:

Council requests officer’s work with Endo Warriors West Lothian and appropriate health professionals to develop a programme of education to be taught in our schools to all pupils to ensure no girl suffers needlessly and understands the importance of early medical intervention.

Council also requests that West Lothian Council once again supports Endometriosis month in March and includes a social media campaign to highlight the condition and raise awareness.

Council requests that West Lothian Council write to the Scottish Government to ask what progress has been made following requests from Endometriosis campaigners to include menstrual well-being as part of the national education programme.

And Council further requests that West Lothian Council writes to the Scottish Government to enquire what work is being undertaken to reduce the time it takes for a woman to receive an endometriosis diagnosis”

Prior to moving the motion, the Provost invited Councillor David Dodds, who intimated that he had an amendment, to consider a composite motion. Councillors David Dodds and Pauline Clark therefore agreed to a

composite motion in the following terms :-

Composite Motion

Endometriosis is a painful condition that affects 1:10 women in the UK. It is described as a condition where tissue similar to the lining of the womb starts to grow in other places, such as the ovaries and fallopian tubes. Endometriosis can affect women of any age. It is a long-term condition that can have a significant impact on a woman's life. Many girls will start experiencing symptoms of Endometriosis from a very young age, some from their first period. Severe cramping and heavy periods result in many days absence from school each month. Education suffers, girls' physical and mental health suffers, they withdraw from participating in sport and their confidence levels drop in all aspects of lives. It takes an average 8 years for a woman to be diagnosed with the condition.

Council notes the action taken by West Lothian Council in relation to supporting women who suffer from this debilitating condition:

At its meeting of 19 November 2019, instructed officers to support the work of Endo Warriors West Lothian by ensuring that their information materials were made available to schools and other council buildings

Officers have worked with Endo Warriors West Lothian to consider menstrual health materials, developed as part of a multidisciplinary project in collaboration with the University of Edinburgh's Medical Research Council (MRC) Centre for Reproductive Health, the Royal Society of Edinburgh (RSE) Young Academy of Scotland and NHS Lothian.

Members of the West Lothian Secondary Depute Headteacher Support Group considered the materials, in consultation with colleagues, and have identified that they will complement existing courses in Human Biology, Personal and Social Education and Relationships, Sexual Health and Parenthood. All secondary schools will incorporate the materials within their existing curriculum models. The resources will also be shared with West Lothian Health and Wellbeing Champions to consider use in the upper stages of primary, in line with the national Health and Wellbeing curriculum.

Officers are in the process of preparing a paper for Council Executive to provide details of further support for Council to consider to Endo Warriors West Lothian, including support for Endometriosis Awareness Month and the associated social media campaign. This report will include the participation of the West Lothian Civic Centre in the annual 'Light Up Yellow' campaign in March 2021, continued support for the campaign via the council's social media channels and the identification of a 'Thinking Tree' in a West Lothian park as a space for reflection and awareness for Council Executive to consider.

Council requests that West Lothian Council write to the Scottish Government to ask what progress has been made following requests from Endometriosis campaigners to include menstrual well-being as part of the

national education programme

And Council further requests that West Lothian Council writes to the Scottish Government to enquire what work is being undertaken to reduce the time it takes for a woman to receive an endometriosis diagnosis

Council instructs officers to bring a report to the education executive to update progress made in the actions proposed in points 3 and 4”.

- Moved by Councillor Pauline Clark and seconded by Councillor David Dodds

Decision

To unanimously agree the terms of the composite motion.

15. NOTICE OF MOTION - FACE COVERINGS IN SCHOOLS - SUBMITTED BY COUNCILLOR MOIRA SHEMILT

Councillor Angela Doran left the meeting and took no further part in the remaining items of business.

The Council considered a motion (copies of which had been circulated) submitted by Councillor Moira Shemilt in the following terms :-

“Council recognises that, from Monday 2 November, West Lothian has been designate as being in Level 3 in the Scottish Government’s Covid Protection Levels. One of the many preventative measure to be taken at this level, is that senior pupils and their teachers are being advised to wear face coverings in classrooms, where social distancing is not possible.

Council understands that evidence suggests that individuals who have hearing impairments might now find life harder due to the use of masks. Masks cover the mouth and face and by doing so prevent people from lipreading or from using (quite often subconsciously) mouth shape and facial expression to assist inaccurately hearing and following what is being said.

Masks muffle the sound of voices, not just reducing the volume but, even more importantly, individuals with hearing impairments who will struggle. The Royal College of Speech and Language Therapists has highlighted the potential impact of masks on others with communication challenges, including those with dyslexia, autism or with a learning disability. Visual clues are important for assisting the way that we interact with others.

Council understands that a clear panel constructed into the mask, or a full transparent face shield, makes it possible to see the mouth or the full face. This can be of significant benefit to an individual, whose hearing is negatively impacted by mask wearing. Wearing of masks with clear panels would also be of benefit to the wider pupil population.

Therefore, West Lothian Council calls upon council officers to draw up a paper to be presented to the Education Executive on 8 December, 2020 which will:

1. As a matter of urgency,
 - a) Identify the number of young people who might be adversely affected, in terms of their learning, in West Lothian Schools by the directive to wear face masks in their classrooms;
 - b) Identify the cost of the provision of clear panel masks and/or transparent face shields;
 - c) Identify a time-scale and strategy for the provision of same to pupils with hearing impairments and/or disabilities where ease of communication is necessary for learning, their classmates and their teachers,
2. Identify a time-scale and strategy for the provision of see-through masks and / or face shields to all teachers of senior pupils in West Lothian schools.”

Prior to moving the motion, the Provost invited Councillor David Dodds, who intimated that he had an amendment, to consider a composite motion. Councillors David Dodds and Moira Shemilt therefore agreed to a composite motion in the following terms :-

Composite Motion

“Council recognises that, from Monday 2 November, West Lothian has been designated as being in Level 3 in the Scottish Government’s Covid Protection Levels. One of the many preventative measures to be taken at this level, is that senior pupils and their teachers are being advised to wear face coverings in classrooms, where social distancing is not possible.

Council understands that evidence suggests that individuals who have hearing impairments might now find life harder due to the use of masks. Masks cover the mouth and face and by doing so prevent people from lipreading or from using (quite often subconsciously) mouth shape and facial expression to assist in accurately hearing and following what is being said.

Masks muffle the sound of voices, not just reducing the volume but, even more importantly, reducing the clarity, so words are harder to properly hear and understand. It is not only individuals with hearing impairments who will struggle. The Royal College of Speech and Language Therapists has highlighted the potential impact of masks on others with communication challenges, including those with aphasia, autism or with a learning disability. Visual clues are important for assisting the way that we interact with others.

Council understands that a clear panel constructed into the mask, or a full transparent face shield, makes it possible to see the mouth or the full face. This can be of significant benefit to an individual, whose hearing is

negatively impacted by mask wearing. Wearing of masks with clear panels would also be of benefit to the wider pupil population.

Council notes that transparent face coverings have been supplied to specialist teachers working with children with hearing impairment and other communication difficulties, including autism and dyslexia. Council continues to replenish the stock for the specialist service. ASN teachers have sourced a further 1000 units and will continue to replenish stocks. Transparent face coverings can be supplied to mainstream schools on request but it is not currently possible to purchase large bulk orders.

Therefore, West Lothian Council calls upon council officers to draw up a paper to be presented to the Education Executive in January 2021 to:

- 1) Provide an update on the provision of transparent face coverings in schools including;
 - a) Identifying the extent of use by staff and pupils
 - b) Establishing the primary locus of use, i.e. specialist or mainstream provision;
 - c) Reporting on the accessibility of face-coverings in mainstream provision;
 - d) Current and possible future cost of the provision
 - e) A strategy for the promotion of Inclusive Practice by encouraging the wearing of transparent face masks as widely as possible in the whole school community”.
- Moved by Councillor David Dodds and seconded by Councillor Moira Shemilt.

Decision

To unanimously agree the terms of the composite motion.

16. NOTICE OF MOTION - FREE SCHOOL MEALS - SUBMITTED BY COUNCILLOR JANET CAMPBELL

A motion had been submitted by Councillor Janet Campbell concerning free school meals.

The Provost ruled that the motion not be considered in terms of Standing Order 28 as the motion sought to change a decision made at a recent meeting of Council Executive held on 17 November 2020.

17. NOTICE OF MOTION - MENOPAUSE - SUBMITTED BY COUNCILLOR MOIRA SHEMILT

The Council considered a motion (copies of which had been circulated) submitted by Councillor Moira Shemilt in the following terms: -

“This motion seeks to tackle gender inequality by addressing a specific policy gap.

Women employees make up a significant proportion of our workforce and there is currently no formal recognition that for those going through the peri-menopause and menopause, the physical, mental and emotional turmoil they often experience has a major impact on their daily lives. For many women, menopausal symptoms can be severe and have a significant negative impact upon their attendance and performance in the workplace. Menopause is a naturally-occurring female process, which does not mean it is always an easy transition.

Other local authorities, such as Angus, aiming to maximise inclusive working practices for all employees, have implemented a policy targeted at providing support for women experiencing menopausal symptoms. Many women live a third of their lives post-menopausal, often at the peak of their careers and still with high career goals. Therefore, helping them to deal with it effectively matters to us all.

This Council, therefore, requests that the Human Resources team in conjunction with our Equalities Officer, construct a Menopause Policy, drawing on best practice. The policy will reflect the reality of menopause health-related issues for women and include awareness raising procedures for all employees and managers, regardless of sex or gender”.

Prior to moving the motion, the Provost invited Councillor Lawrence Fitzpatrick, who intimated that he had an amendment, to consider a composite motion. Councillors Lawrence Fitzpatrick and Moira Shemilt therefore agreed to a composite motion in the following terms: -

Composite Motion

“This motion seeks to tackle gender inequality by addressing a specific policy gap.

Women employees make up a significant proportion of our workforce and there is currently no formal recognition that for those going through the peri-menopause and menopause, the physical, mental and emotional turmoil they often experience has a major impact on their daily lives. For many women, menopausal symptoms can be severe and have a significant negative impact upon their attendance and performance in the workplace. Menopause is a naturally-occurring female process, which does not mean it is always an easy transition.

Other local authorities, such as Angus, aiming to maximise inclusive working practices for all employees, have implemented a policy targeted at providing support for women experiencing menopausal symptoms. Many women live a third of their lives post-menopausal, often at the peak of their careers and still with high career goals. Therefore, helping them to deal with it effectively matters to us all.

This Council, therefore, requests that the Human Resources team in conjunction with our Equalities Officer, construct a Menopause Policy, drawing on best practice. The policy will reflect the reality of menopause health-related issues for women and include awareness raising procedures for all employees and managers, regardless of sex or gender.

Council notes that Angus Council have developed a Periods and Menopause Policy which aims to support employees in the following ways:

-

- Awareness raising
- Supporting sensitive conversations
- Access to Occupational Health
- Wellness Action Plans
- Workplace supports
- Signposting to external support

Council agrees to gather benchmarking information from other councils where menopause policies have been introduced in order to develop a picture of best practice.

In this regard it is also recognised from an equality perspective, that no assumptions should be made that these issues only affect women, as people who identify as non- binary, transgender and intersex may also experience symptom.

Following receipt of benchmarking information, officers are instructed to develop a menopause policy including the criteria of Angus Council's policy for consideration by Council Executive that would sit alongside other existing council policy documents that already go some way in supporting employees dealing with menopause symptoms including: -

- Supporting Attendance Policy
- Right to request flexible working
- Supporting Performance Framework
- Employee Assistance Programme
- Four Pillars of Wellbeing initiative"

- Moved by Councillor Moira Shemilt and seconded by Councillor Lawrence Fitzpatrick

Decision

To unanimously agree the terms of the composite motion.

18. NOTICE OF MOTION - SAFETY PLAN - SUBMITTED BY COUNCILLOR WILLIE BOYLE

The Council considered a motion (copies of which had been circulated) submitted by Councillor Willie Boyle in the following terms :-

“The West Lothian Council SNP Group recognises the challenges the Council faces during this difficult time in the management of staff. There is great emphasis focused on protecting staff with social distancing, hand sanitiser use, face mask requirements and such like, as well as encouraging working from home.

There is now a realisation of the impact that the fall out of Domestic Abuse can have on employers and the serious contribution that it makes to absenteeism. By recognition of this problem there are steps that can be taken not only to reduce this impact but to lend significant support to staff and to signpost them to professional help.

This can be dealt with by instilling a trust in staff that there is recognition and help available. Encouraging discussion among staff would empower individual to feel safe to come forward. By then introducing a personal safety plan to provide practical support, in participation with the individual, this can offer a vital way forward for what is often a hopeless situation.

Concern must also be given at this time to staff who may require to work from home that may regard their work place as a form of refuge.

The West Lothian Council SNP Group calls on Council to bring forward an urgent report into these matters. This to include proposal to Council of measure that will address a positive way forward for staff subjected to Domestic Abuse”

Prior to moving the motion, the Provost invited Councillor Lawrence Fitzpatrick, who intimated that he had an amendment, to consider a composite motion. Councillors Lawrence Fitzpatrick and Willie Boyle therefore agreed to a composite motion in the following terms :-

Composite Motion

“West Lothian Council recognises the challenges the Council faces during this difficult time in the management of staff. There is great emphasis focused on protecting staff with social distancing, hand sanitiser use, face mask requirements and such like, as well as encouraging working from home.

There is now a realisation of the impact that the fall out of Domestic Abuse can have on employers and the serious contribution that it makes to absenteeism. By recognition of this problem there are steps that can be taken not only to reduce this impact but to lend significant support to staff and to signpost them to professional help.

This can be dealt with by instilling a trust in staff that there is recognition and help available. Encouraging discussion among staff would empower individual to feel safe to come forward. By then introducing a personal safety plan to provide practical support, in participation with the individual, this can offer a vital way forward for what is often a hopeless situation.

Concern must also be given at this time to staff who may require to work from home that may regard their work place as a form of refuge

West Lothian Council recognises that as an employer it has a responsibility for the health, safety and welfare at work of employees. We know the impact of domestic abuse on the health and wellbeing of staff is a serious, recognisable and preventable problem. By increasing awareness of the signs of domestic abuse, and providing a safe and supportive working environment, the council can help an individual experiencing domestic abuse.

To support the welfare of staff affected by current or previous gender based violence the council has produced a draft gender based violence policy and guidance for future consideration at Council Executive which aims to:-

- provide guidance and support quickly, positively, and in confidence to all employees who are experiencing gender based violence in their personal lives
- raise awareness of Gender Based Violence as a serious health and social issue including its hidden nature and the impact on those affected by it
- reinforce West Lothian Council's commitment to tackling gender based violence and send a clear message to all employees that they will be listened to and supported
- assist managers to identify and support employees currently (or previously) experiencing gender based violence
- assist managers to address the behaviour of employees who may be perpetrators of abuse.

The draft policy and guidance encourages managers to support employees to assess their level of risk and devise a personal safety plan in cases of domestic abuse. In addition, the draft policy seeks to assist managers to recognise potential signs of abuse, assist managers to initiate discussion if they have concerns about abuse and encourage managers to consider what work place support can be provided within the scope of current policy provision.

The draft policy proposes additional support for employees including special paid leave for relevant appointments e.g. solicitors, to rearrange housing or childcare and court appointments and changes to specific duties for example to avoid potential contact with an abuser in a customer facing role. The draft policy and guidance will supplement current policy provisions already in place including the:-

- Four Pillars of Wellbeing Toolkit that signposts employees to support in relation to physical, mental, financial and workplace wellbeing
- Employee Assistance Programme which provides access to confidential counselling
- Right to Request Flexible Working which would support an

employee in requesting a temporary or permanent change to working times, pattern or location.

The council's Domestic and Sexual Assault Team (DASAT) provide a range of services to support employees living in West Lothian who have been subject to gender based violence. In 2019-20 there were a total of 1,599 referrals in total to DASAT. There has been an increase in the number of referrals in Quarter 1 and Quarter 2 of this year (403 referrals Q1 and 485 in Q2).

Council the collaborative efforts of Community Planning Partners in highlighting the scourge of domestic violence and the annual 16 days of Action campaign which, this year, notes starts tomorrow (Wednesday 25th November) on the International day for the Elimination of Violence Against Women. Council notes that a video has been produced this year in place of the annual march and this will be pushed out to Council staff as well as to the public via the Council's social media channels.

Council further notes the preparation of a draft gender based violence policy and guidance to support staff affected by current or previous gender based violence, to sit alongside the existing Four Pillars of Wellbeing Toolkit, the Employee Assistance Programme and the Right to Request Flexible Working. Council instructs officers to bring the comprehensive report on the proposed policy to a future P&R PDSP.

- Moved by Councillor Willie Boyle and seconded by Councillor Lawrence Fitzpatrick

Decision

To unanimously agree the terms of the composite motion

19. COUNCILLORS CODE OF CONDUCT ANNUAL REPORT 2019/20

The Council considered a report (copies of which had been circulated) by the Governance Manager advising members of the significant happenings in 2019/20 in relation to the Councillors' Code of Conduct.

Council was asked :-

1. To note the summary of the issues arising in 2019/20 in relation to the Councillors' Code of Conduct.
2. To note that the annual presentation to members has been decoupled from the November meeting of full council and that training will instead be delivered online in December and January.
3. To note that the formal consultation on a revised Code has been started by Scottish Government with a council response to be developed for the submission deadline of 8 February 2021.

Decision

To note the contents of the report

20. CHIEF SOCIAL WORK OFFICER'S ANNUAL REPORT 2019-20 (HEREWITH)

The Council considered a report (copies of which had been circulated) by the Chief Social Work Officer providing Council with the opportunity to comment on the Chief Social Work Officer's Annual Report. The report provided an overview of the statutory work undertaken during the period 2019-20.

It was recommended that Council:-

1. Note the contents of the Chief Social Work Officer's annual report for 2019-20; and
2. Note that the final report will be submitted to the Scottish Government Chief Social Work Advisor.

Decision

To note the contents of the report

21. DOCUMENTS FOR EXECUTION

The Chief Solicitor presented 82 documents for execution.

22. SPACES FOR PEOPLE PROJECT - QUESTION TO EXECUTIVE COUNCILLOR FOR ENVIRONMENT - SUBMITTED BY COUNCILLOR CHARLES KENNEDY

A question to the Executive Councillor for the Environment, Councillor Tom Conn, was submitted by Councillor Charles Kennedy in the following terms :-

“With regard the spaces for people project would the executive councillor please advise:

Which projects have been completed to date and what individual costs have been expended on each project, what projects have been identified for future development and what is their individual cost and anticipated completion and does any balance remains from Scottish Government funding and if so when and on what will this balance be spent?”

A written response to the question had been provided in the following terms:-

“At June's Council Executive meeting approval was given for officers to advance a package of temporary measures.

- Package 1 - Localised footway widening at pinch points/parking suspensions
- Package 2 - Loaning Parking and on street parking suspension
- Package 3 - Introduction of walker / cycle friendly zones on rural roads (reduced speed limits to 40mph)
- Package 4 – Advisory/temporary cycle lanes
- Package 5 - Introduce temporary 20mph areas within towns and villages
- Package 6 - Introduce temporary physical distancing signage
- Package 7 – Strategic clearance works to widen footpaths and cycle tracks
- Package 8 – Public Transport - physical distancing measures at bus stops
- Package 9 – Introduce pedestrian phases at controlled crossing points.

The council's funding application for £601,500 was approved on 4 June and the measures were then advanced. Following further efforts by officers, the grant was subsequently increased to £641,500 to allow "before and after" speed and traffic volume data collection for work packages 3 & 5. A list of the work locations, approved funding costs and the current status of these packages of work are shown in Appendix 1.

In summary, work packages 3,5,6,7 & 9 are already complete. Packages 1, 2 & 8 have commenced on site. Package 4 has been awarded and is estimated at this time to commence in December.

All work packages have costs still to be allocated to them but a grant claim of £127,207 has already been submitted and a further claim of around £250,000 is to be submitted towards the end of November.

It is unlikely that there will be any residual grant monies available for any other projects once these packages of work are complete.

Package 1 - Localised footway widening at pinch points/parking suspension STATUS – IN PROGRESS, ANTICIPATED COMPLETION JANUARY 2021	Cost (£)
Oliphants Bakery, High Street, Linlithgow	11,500
Tesco Express, East Main Street, East Calder	8,700
Opposite Smithy Brae, Kirknewton	5,800
Bank Street and Main Street, Mid Calder	5,800
A71 north side shops, West Calder	11,500
Back Station Road, Linlithgow (Following detailed design the implementation of this scheme was deemed to be impractical. Scheme not being	4,100

progressed).	
Station Road, Kirknewton (incl. footway and cycleway widening)	6,500
Total =	53,900
Package 2 - Loaning Parking and on street parking suspension STATUS – IN PROGRESS, ANTICIPATED COMPLETION JANUARY 2021	Cost
East Loanings, between St. Michael's Wynd and the 4 Mary's Pub, and West Loanings, between Lion Well Wynd and New Well Wynd, Linlithgow	4,500
Opposite Mill Road, on West Main Street, Armadale (Following further investigation the existing loaning width was considered to be suitable for physical distancing. Scheme no being progressed).	2,900
Total =	7,400
Package 3 - Introduction of walker / cycle friendly zones on rural roads (reduced speed limits to 40mph): STATUS – COMPLETE	Cost
Bathgate Hills (includes Linlithgow, Broxburn, Uphall, Ecclesmachan, Dechmont, Bridgend)	46,000
Faucheldean area (Temporary traffic calming still to be installed)	8,700
Niddry Road area, Winchburgh (Associated permanent traffic calming to be installed January 2021)	2,900
Harburn area (includes West Calder, Harburn, Brucefield)	23,000
Bonnytoun Farm Road, at Oracle, Linlithgow	2,300
Total =	82,900
Package 4 – Advisory/temporary cycle lanes STATUS – AWAITING SITE START	Cost
East Main Street (Kilpunt roundabout westwards), Broxburn	17,300
Edinburgh Road & St.Ninian's Road, Linlithgow	30,000
Advisory cycle lanes on distributor roads, Livingston (The design work for these cycle lanes has been placed on hold until further discussions can take place with Sustrans on road safety and segregation requirements).	80,000
Advisory cycle lanes, Blackridge	15,000
Total =	142,300
Package 5 - Introduce temporary 20mph areas within towns and villages STATUS – COMPLETE	Cost
All urban and rural towns	75,000
Total =	75,000
Package 6 - Introduce temporary physical distancing signage STATUS – COMPLETE	Cost
Six urban towns	50,000
Twenty-four rural towns	50,000
Livingston	30,000
Bus stop locations in West Lothian	15,000

Total =	130,000
Package 7 – Strategic clearance works to widen footpaths and cycle tracks STATUS – COMPLETE	Cost
Clearance work on the strategic network including NCR75 and other areas to improve accessibility and ensure safety	50,000
Nellburn Path - Lochshot, Livingston	15,000
Total =	65,000
Package 8 – Public Transport - physical distancing measures at bus stops STATUS – IN PROGRESS, ANTICIPATED COMPLETION JANUARY 2021	Cost
Layby bus stops, Linlithgow (4no.)	10,000
South Bridge Street outside St David's House, Bathgate (1no.)	2,500
King Street, stops at old train station, Bathgate (3no.)	6,000
East Main Street outside Scotmid, Broxburn (1no.)	2,500
Eastbound at the CIS Centre, Whitburn Cross (1no.)	2,500
Outside the Post Office, West Calder (1no.)	2,500
Tesco Distribution Centre A89, rural Bathgate (1no.)	5,000
Main Street in Kirknewton (1no.)	5,000
Total =	36,000
Package 9 – Introduce pedestrian phases at controlled crossing points STATUS – COMPLETE	Cost
Installing a permanent (24/7) pedestrian phase to controlled pedestrian crossing points to prevent individuals touching existing push buttons at : <ul style="list-style-type: none"> • Armadale Cross • Whitburn Cross • North/South Bridge in Bathgate • A89/Whitburn Road junction in Bathgate • Bathgate Academy/A89 junction • Greendykes Road/A899 junction in Broxburn • Almondvale Avenue in Livingston 	9,000
Total =	9,000

Total of Bid Submission 1 = £601,500

Councillor Kennedy indicated he wished to put supplementary questions as provided for in Standing Orders. He did so and Councillor Conn indicated he would provide written answers to the supplementary questions in due course

Decision

1. To note the written question and the answer provided; and
2. To note the supplementary questions put and that written answers would be provided in due course.

23. PANDEMIC COSTS - QUESTION TO COUNCIL LEADER- SUBMITTED BY COUNCILLOR FRANK ANDERSON

A question to the Council Leader, Councillor Lawrence Fitzpatrick, was submitted by Councillor Frank Anderson in the following terms :-

“Could the leader of the Council list for me the additional monies, from its own resources, this Council has spent during the Covid pandemic. These figures to exclude any additional money received from the Scottish Government which currently totals £43.77M, with more to come. These figures to list the amount that was in the Budget of February 2019 and the additional monies allocated since the Budget.

So that it is easy for people to understand and see the money this Council has made available to tackle the problems faced by our residents during this pandemic, could the figures be listed under the following headings:

Hardship Fund, Food Fund, Poverty, Third Sector, Welfare/DHP, and Business support”.

A written response to the question had been provided in the following terms:-

Thanks for the question received in respect of the additional spend that the council is incurring as a result of the current pandemic. The categories of spend noted in the question do not relate to the budget classifications used within the council's revenue budget which are based on the council's service structure and, as such, I have provided the response on this basis.

The council is facing significant financial pressures as a result of the current Covid-19 pandemic made up of additional spending requirements and also significantly reduced income, which is partially offset by some reduced costs over the lock down period. The latest revenue budget monitoring exercise for period 6 reported to Council Executive on 17 December 2020 showed as a significant projected overspend of £3.807 million even after accounting for all currently confirmed funding from Scottish Government and using £994,000 from the General Fund Balance, as agreed by Council Executive on 18 August 2020.

Since the start of the pandemic, the council has provided extensive support to families, businesses, third sector and to the wider communities across West Lothian. In addition to the specific funding received from the Scottish Government, the council has

1. Allocated £994,000 from the council's General Fund Balance of £994,000 to help manage the projected overspend in 2020/21 which has largely arisen as a result of the financial implications of the current pandemic.
2. Incurred additional spend during the pandemic to provide support and assistance to those most in need. As noted, the 2020/21 general fund revenue budget is currently forecast to overspend by £3.807 million. This includes additional spending in a number of areas which are outlined below:
 - £300,000 additional payments anticipated to families for school clothing

grants. Total payments for the year are expected to reach £1.36 million. Budgeted spend in 2020/21 is £1.06 million.

- The Council Tax Reduction Scheme (CTRS) is currently forecast to overspend by £777,000, after accounting for additional funding of £760,000 providing support by Scottish Government providing support to low income individuals and families across West Lothian.
 - Net additional costs for social care of around £2.338 million providing vital support and care to vulnerable people.
 - Additional spend of £960,000 to ensure the safe return of pupils to schools from August 2020. This is after accounting for specific funding received from Scottish Government of £708,000.
 - Payments to Partner Providers of £450,000 to ensure they continue to be financially sustainable following the lockdown period.
 - Payments to supply teachers of £400,000 in line with the SNCT agreement to pay average working hours during the lockdown period
 - 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.
 - Additional support provided to West Lothian Leisure of £1.301 million to help manage their cashflow during these unprecedented times and ensure provision of leisure services to communities in West Lothian.
 - £527,000 contingency created from the monies which the council had already set aside to provide Free School Meals over the summer holidays in advance of Scottish Government funding being allocated to council s for this purpose. £114,000 was used to provide Free School Meals over the September and October school holidays. The remaining balance is available to spend on food related costs.
3. A number of councils have used their Hardship fund allocation to help manage their overall budget position. In West Lothian, this funding stream of £1.687 million has been used to provide additional support across communities, particularly for the most vulnerable. The table below provides a breakdown of how this money has been used

	£'000
Purchase of educational and play materials for identified vulnerable families to support 1,000 families through provision of play materials or, where this is not practical £30 vouchers	30
Increase section payments, under the social Work Scotland Act 1968	70
Increased self-directed support payments for families with children with complex disability	60
Increase Scottish Welfare Fund - General	400
Increase Scottish Welfare Fund – Additional Home Items	50
Additional school clothing grant funding to all families receiving council tax reduction support (included above)	200
Increase Discretionary Housing Payments	248
Funding for Free School Meals throughout summer (included above)	152
Community Food Grant	150
Third Sector Hardship Fund to enable the sector to support vulnerable individual and families	327

Total Expenditure	1,687
-------------------	-------

Officers are continuing 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.

In addition to the council funded support outlined, the council has processed very significant sums to support individual, families and businesses as follows

	£'000
Small business grant scheme (national scheme)	27,432
Self-employed grant scheme (national scheme)	303
Hardship Fund	1,687
Food Fund	1,045
Scottish Welfare Fund	712
Funding to West Lothian Health and Social Care Partnership	2,444
Discretionary Housing Payments	679
Additional £5 million DHP funding	146
Social Care funding – Living Wage uplift	214
Free School Meals (FSM) during school holidays	505
Additional food support for people at risk	444
Digital devices/connectivity for digital exclusion	
• Capital Funding	721
• Revenue Funding	124
Transitional Support Fund for childcare providers	376
Recruitment of additional teachers and support staff	
• Share of £50 million	1,296
• Share of further £30 million	777
£50 million to meet logistical challenges in reopening schools which will be released in two separate tranches	
• Share of £20 million	708
• Process for distribution of £30 million to be confirmed by Scottish Government	
Funding for Council Tax Reduction Scheme - Share of £25 million	760
Share of £155 million Barnett Consequentials	5,228
Share of £49 million Barnett Consequentials	1,653
Direct Business Support Restrictions Fund and Discretionary Business Hardship Funds	700

Although this funding has been provided by Scottish Government, it should be noted that it has been administered largely by council staff. While no costing exercise has been carried out, this will be a very significant amount of staff time.

In addition, the vast majority of this Scottish Government funding comes from the Barnett consequentials resulting from the coronavirus response package from the UK Government. So far, in 2020/21 the Scottish Government has been guaranteed £8.2 billion in additional funding from Barnett consequentials, meaning their resource budget for the current financial year has now increased by almost a quarter since the budget was set in February 2020. The two budget revisions have provided some information on the planned use of the extra funds, with £3.66 billion allocated at the summer budget and a further £2.4 billion at the autumn budget. The use of the remaining balance of over £2 billion has still to be advised.

Decision

To note the question put and the written answer that had been provided.

24. MENTAL HEALTH DURING COVID-19 - QUESTION TO EXECUTIVE COUNCILLOR FOR HEALTH & CARE - SUBMITTED BY COUNCILLOR PETER HEGGIE (HEREWITH)

A question to the Executive Councillor for Health and Care, Councillor Harry Cartmill, was submitted by Councillor Peter Heggie in the following terms: -

“Good mental health is an important part of people’s overall health and wellbeing, particularly after so many months of dealing with the challenges which the Covid 19 pandemic has brought. What plans does West Lothian council have in place to support those living with mental health issues in our communities, who are more likely to feel the effects of prolonged isolation and stress?”

A written response to the question had been provided in the following terms:-

Thank you for your question

Mental health and Addiction services are functions delegated to West Lothian IJB. The integrated nature of these services ensures that people can get the right support from the right resource rather than being moved between different providers.

The Health and Social Care Partnership has developed two Wellbeing Hubs – one at St John’s Hospital and one in Boghall. People can attend or contact for support in relation to a range of mental health issues including isolation and stress. The Hubs are staffed by a mix of nursing, Occupational Therapists, psychology and third sector staff who support people through a range of individual interventions and groups (socially distanced) via telephone appointments and links into other services. People access the Hubs via their GP although there are plans for the Hubs to become open access and walk in in the future. They are an initiative funded by the Primary Care Improvement Fund and are managed by Mental Health Services.

NHS24 also provides support via Penumbra to people contacting them who are feeling the effects of stress or are feeling isolated.

More significant mental health issues are managed by a range of community and inpatient services.

Mental Health staff (including a social worker) operate out of the Emergency Department in St John’s for people who attend there and who require to be assessed by a mental health professional.

Councillor Heggie indicated he wished to put supplementary questions as provided for in Standing Orders. He did so and Councillor Cartmill indicated he would provide written answers to the supplementary questions in due course.

Decision

1. To note the written question and the answer provided; and
2. To note the supplementary questions put and that written answer would be provided in due course.

25. NOTICE OF MOTION - THIRD SECTOR SUPPORT - SUBMITTED BY COUNCILLOR FRANK ANDERSON

The Provost having previously declared an interest in the following item of business left the meeting. The Governance Manager proceeded to seek nominations from Council for a Chair.

Councillor Kirsteen Sullivan nominated Councillor Lawrence Fitzpatrick and was seconded by Councillor David Dodds. There was no alternative nomination.

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

The SNP Group recognises the tremendous work that the Third Sector were prepared, and continue to be prepared, to carry out during this pandemic. We also recognise that many have struggled with their finance during this period. The biggest hurdle that many of these Groups have struggled with is their hinderance in generating their own income due to the restrictions placed on their fundraising abilities by the Covid pandemic. The SNP Group recognise that, for some of these groups, one of the items of expenditure they still have to find, despite in many cases no actual incoming income, is the rent they have to pay for their premises to this Council.

The current position that faces some of our groups, 8, have to pay rent/service charge/insurance to this Council. In fact, from the total Budget allocation of £944K, we took back almost £125K more than 13% of the Budgeted figure. This is an unfair burden on the Third Sector and could place these groups in jeopardy.

Council agrees to, as a sign of the gratitude of Council for all the great work the Third Sector performed during the current pandemic,

- For the current and next financial year, withdraw these charges from the organisations due to pay
- Ask officers to prepare a report on the affect this would have on the budget and the potential solution to mitigate the costs.
- Ask officers to prepare a report, going forward, why there should be no financial costs to third sector groups for renting Council premises and that a 'community benefit' clause is devised to accept as a contribution to the Council's outcomes in place of a financial rental."

The Governance Manager than advised Council that due to the order of bullet points contained in the motion there could be significant effects on the council's budget and these had not been verified by the Head of Finance and Property Services. Councillor Anderson therefore agreed to withdraw bullet point number 1 from his motion.

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

Amendment

Council commends the tremendous contribution of West Lothian Third Sector and community organisations throughout the COVID-19 pandemic.

Council recognises there are hundreds of Third Sector organisations in West Lothian and that only a small proportion of these - 19 - currently let 24 Council TNRP (Tenanted Non-Residential Properties) properties. 8 of the 19 have rental charges deducted at source once the award is made, having been included and accounted for in grant awards from the Council. The vast majority of Third Sector organisations lease private property.

Council notes that the council policy approved at Council Executive in 2008 states that TNRP properties must be let at full market value and that there is currently no scope within the existing policy to remove rental charges for local voluntary organisations

Council further notes that a meeting of the Council Executive on 30th June 2015 excluded TNRP properties from community benefit leases which are applicable to sports facilities, clubhouses, allotments and community gardens.

Council recognises the new funding process agreed for Voluntary Organisations and that current grant recipients are not guaranteed awards in the future, given the playing field has now been levelled to allow hundreds more organisations the opportunity to apply for funding in accordance with agreed priorities.

Council therefore instructs officers to bring a report to a future meeting of the Policy & Resources PDSP:

- to review the policy of Community Benefit leases across the council's estate and to consider all options for policy and process improvement opportunities and changes to improve transparency, property utilisation and governance;
- to identify benefits and any disadvantages to local Third Sector organisations from any proposed changes;
- to identify benefits and any disadvantages to the council property portfolios (including the TNRP) from any proposed changes;
- to identify legal considerations associated with any proposed amendments to the current approach or emerging proposals;
- to identify revenue consequences both positive and negative of any proposed changes and where negative to identify options to mitigate these where possible.

- to conduct an Integrated Impact Assessment on any proposed options for change.

Council accepts that should there be any revenue consequences associated with changes which relate to approved budgets then these will require consideration.

- Moved by Councillor Kirsteen Sullivan and seconded by Councillor David Dodds

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

Motion

Alison Adamson
Frank Anderson
Willie Boyle
Diane Calder
Janet Campbell
Robert De Bold
Jim Dickson
Bruce Fairbairn
Carl John
Moir Shemilt
David Tait

Amendment

Stuart Borrowman
Harry Cartmill
David Dodds
Lawrence Fitzpatrick
Peter Heggie
Charles Kennedy
John McGinty
Dom McGuire
Cathy Muldoon
George Paul
Kirsteen Sullivan

Decision

Following a vote, for which the motion and amendment received 11 votes each, with 10 members absent the Chair used his casting vote in favour of the amendment and it was agreed accordingly.