

MINUTE of MEETING of the COUNCIL EXECUTIVE held within MS TEAMS VIRTUAL MEETING ROOM, on 23 FEBRUARY 2021.

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

Apologies – Councillors Janet Campbell, Damian Doran-Timson and Cathy Muldoon

1. DECLARATIONS OF INTEREST

Agenda Item 16 (Third Sector Core Funding) - Councillor Frank Anderson declared an interest in that he was Chair of the Craigshill Good Neighbour Network but would participate in the item of business; and

Agenda Item 16 (Third Sector Core Funding) - Councillor Alison Adamson declared an interest in that she was a former trustee of Almond Valley Heritage Trust and that as a precaution she was declaring her former membership

2. ORDER OF BUSINESS

The Chair ruled in terms of Standing Order 11 that he was promoting Agenda Items 15 (Post of Depute Chief Executive) & 16 (Third Sector Core Funding) so they could be considered immediately following Agenda Item 5 (Correspondence).

The Chair ruled in terms of Standing Order 11 that the item of business contained in the Supplementary Agenda (Agenda Item 18 - Suspension of Contributions - Adults and Older Peoples Day Services) would be considered as an urgent item of business as it was a significant issue for service users.

Council Executive agreed, in accordance with Standing Order 8(3), that Agenda Item 17 (SO31 Free School Meals 22 to 26 February 2021) was to be taken as read with its recommendation noted without further consideration

3. MINUTE

The Council Executive confirmed the Minute of its meeting held on 9 February 2021.

4. CORRESPONDENCE

The Council Executive noted correspondence arising from previous decisions of the committee.

5. POST OF DEPUTE CHIEF EXECUTIVE (HEALTH & SOCIAL CARE PARTNERSHIP)

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive to agree joint arrangements with NHS Lothian (the health Board) and West Lothian Integration Joint Board for recruitment and appointment to the post of Depute Chief Executive (Health and Social Care Partnership)

It was recommended that Council Executive: -

1. Note that the post of Depute Chief Executive (Health & Social Care Partnership) will soon become vacant upon the resignation of Allister Short
2. Note that the post combines senior management and corporate responsibilities in council and health board and the statutory position of Chief Officer of the integration joint board
3. Agree that recruitment and selection is carried out in cooperation with the health board and the integration joint board through a joint appointment panel with equal representation
4. Agree that the formal and final appointment for the council's interest will be made by the Senior Officer Appointment Committee at the end of that process
5. Appoint two members to the appointment panel to represent the council's interests.

In relation to Recommendation 5 of the report three nominations were made as follows :-

- Councillor Lawrence Fitzpatrick, nominated by Councillor Tom Conn and seconded by Councillor George Paul
- Councillor Kirsteen Sullivan, nominated by Councillor Harry Cartmill and seconded by Councillor George Paul
- Councillor Frank Anderson, nominated by Councillor Frank Anderson and seconded by Councillor Diane Calder

The Governance Manager referred to Part D.4 of the report and explained the vote would be amongst the three candidates nominated at the same time and asked members to indicate their choice. The result was as follows: -

Council Executive Member

Alison Adamson
Frank Anderson
Harry Cartmill
Diane Calder

Candidate

Lawrence Fitzpatrick
Frank Anderson
Lawrence Fitzpatrick
Frank Anderson

Tom Conn	Lawrence Fitzpatrick
David Dodds	Lawrence Fitzpatrick
Angela Doran-Timson	Lawrence Fitzpatrick
Lawrence Fitzpatrick	Lawrence Fitzpatrick
Peter Heggie	Lawrence Fitzpatrick
Chris Horne	Frank Anderson
Charles Kennedy	Frank Anderson
George Paul	Lawrence Fitzpatrick
Kirsteen Sullivan	Lawrence Fitzpatrick

After the vote was taken the Chair stated that there may have been confusion about the voting procedure and asked for clarification about the way the vote that had been conducted. The Governance Manager provided further advice and confirmed that if the vote was to be taken again as a result of any confusion then it would require a ruling by the Chair. The Chair took advice from the Depute Chief Executive and ruled that due to confusion about the voting procedure the vote would be taken again. The result was as follows :-

<u>Council Executive Member</u>	<u>Candidate</u>
Alison Adamson	Frank Anderson
Frank Anderson	Frank Anderson
Harry Cartmill	Lawrence Fitzpatrick
Diane Calder	Frank Anderson
Tom Conn	Lawrence Fitzpatrick
David Dodds	Lawrence Fitzpatrick
Angela Doran-Timson	Lawrence Fitzpatrick
Lawrence Fitzpatrick	Lawrence Fitzpatrick
Peter Heggie	Frank Anderson
Chris Horne	Frank Anderson
Charles Kennedy	Frank Anderson
George Paul	Lawrence Fitzpatrick
Kirsteen Sullivan	Kirsteen Sullivan

Decision

1. To approve the terms of the report; and
2. To agree that following a vote Councillor Lawrence Fitzpatrick and Councillor Frank Anderson were nominated to the appointment panel.

6. SUPPORT FOR THIRD SECTOR CORE COSTS

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking agreement on the approach to disbursing the additional £285,000 which was available as part of the Scottish Government's Covid-19 Level-4 support.

It was recommended that Council Executive

1. Notes the agreement by Council Executive on 9 February to allocate £285,000 to support the core costs of third sector organisations already funded by the council; and
2. Agrees that the Head of Planning, Economic Development & Regeneration be delegated to disburse funding, following consultation and engagement with the Third Sector Working Group.

Motion

To approve the terms of the report

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

Amendment

Replace recommendation 2 of the report with the following :-

Agrees that the Head of Planning, Economic Development and Regeneration holds immediate consultation with the third sector and prepare a report for the next council meeting or if necessary a special meeting detailing the result of the consultation and the recommendations on the disbursement of this additional money. This report to clarify that the five organisations which received 100% of their funding in the original allocation were not eligible for this tranche. Organisations which were refused funding would be eligible. Core funding would be defined by the organisations.

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

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

Motion

Harry Cartmil
Tom Conn
David Dodds
Angela Doran-Timson
Lawrence Fitzpatrick
George Paul
Kirsteen Sullivan

Amendment

Alison Adamson
Frank Anderson
Diane Calder
Peter Heggie
Chris Horne
Charles Kennedy

Decision

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

7. 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 asking members to review and extend the temporary suspension of statutory duties to make documents open to the public for physical inspection and copying.

It was recommended that 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 last implemented through Council Executive on 6 October 2020, with an undertaking to review the position before 31 March 2021.
3. Extend the suspension during any prolonged coronavirus emergency period until 30 September 2021 of the duties listed in the appendix, with full compliance resuming if and when the emergency period ends.

Decision

To approve the terms of the report

8. PROCUREMENT APPROVAL REPORT

Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to enter into a contract where Committee authorisation is required by Standing Orders

It was recommended that the Council Executive approves a direct award to the City of Edinburgh Council for the funding of the regional specialist service, Keycomm Lothian Technology Service, for a period of 5 years from 1 April 2021 to 31 March 2026, at a total estimated value of £165,000.

Decision

To approve the terms of the report

9. POLICY ON PROTECTION OF CHILDREN AND PROTECTED ADULTS

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising of the outcome of an internal audit of the administration of the council's requirements in relation to the Protection of Vulnerable Groups (PVG) and to seek

approval of the subsequently reviewed Policy & Procedure on the Protection of Children and Protected Adults.

It was recommended that the Council Executive

1. Notes the outcome of the internal audit and the related action plan; and
2. Approves the revised Policy and Procedure on the Protection of Children and Protected Adults and notes the revised supplementary PVG Referral Panel Guidance and Process.

Decision

1. To approve the terms of the report; and
2. To agree to changes to the Scheme of Delegation in respect of the Chief Executive's responsibilities.

10. WEST LOTHIAN LOCAL DEVELOPMENT PLAN (LDP) : DEVELOPMENT PLAN SCHEME NO.13 (DPS NO.13)

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the proposed Development Plan Scheme (DPS No. 13) for the West Lothian Local Development Plan (LDP 2) and to seek approval for DPS No. 13.

It was recommended that Council Executive approves the content of Development Plan Scheme No. 13 attached to report at Appendix 1.

Decision

To approve the terms of the report

11. UPDATE ON SCOTTISH PLANNING POLICY FINALISED AMENDMENTS, PLANNING ADVICE NOTE (PAN) 1/2020 AND THE WEST LOTHIAN HOUSING LAND POSITION

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the publication of finalised amendments to Scottish Planning Policy (SPP) and Planning Advice Note (PAN) 1/2020 and to advise on the preparation of a Housing Land Position Statement which sets out the council's effective housing land supply calculation. If endorsed by Council Executive the Housing Land Supply Position Statement will be a material consideration to be taken into account when determining planning applications and defending decisions at appeal

It was recommended that the Council Executive:

1. Notes the terms of the finalised amendments to Scottish

Planning Policy and the reasons for the amendments (Appendices 1 and 2);

2. Notes the publication of Planning Advice Note 1/2020 (Appendix 3);
3. Notes that the West Lothian effective housing land supply is above the five-year requirement;
4. Notes that the revised Scottish Planning Policy and the new Planning Advice Note 1/2020 are material considerations in the determination of planning applications and should carry considerable weight in any determination; and
5. Approves the content of the West Lothian Housing Land Position Statement, which will become a material consideration in the assessment of planning applications (Appendix 4).

Decision

To approve the terms of the report

12. RISK BASED VERIFICATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising of the intention to remove the Risk Based Verification Policy in relation to Housing Benefit and to seek approval on the proposed Housing Benefit and Council Tax Reduction Verification Policy

It was recommended that Council Executive approves the proposed Housing Benefit and Council Tax Reduction Verification Policy which will replace the current Risk Based Verification Policy to commence on 1 April 2021.

Decision

To approve the terms of the report

13. CONSULTATION RESPONSE - ADULT DISABILITY PAYMENT (ADP) REGULATIONS

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising of the Scottish Government consultation on the draft Adult Disability Payment Regulations (ADP) which commenced on 21 December and to agree a response to be returned by 15 March 2021.

It is recommended that the Council Executive approves the proposed consultation response, as set out in Appendix 2, to be submitted on behalf of West Lothian Council.

Decision

To approve the terms of the report

14. INVESTING FOR JOBS - CAPITAL SPENDING REVIEW 2021/22 TO 2025/26

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 Investing for Jobs: Capital Spending Review for 2021/22 to 2025/26 announced on 4 February 2021, including key issues identified that could have implications for local government.

It was recommended that Council Executive

1. Notes the announcements contained in the Investing for Jobs: Capital Spending Review for 2021/22 to 2025/26 that could have implications for local government
2. Agrees that officers will incorporate the impact of the spending review on the council's general capital grant assumptions for 2021/22 and 2022/23 and that a review should be undertaken by officers to determine the impact on capital resources for the next ten-year period 2023/24 to 2032/33.

Decision

To approve the terms of the report

15. LAND AT CRUSADER RIDE, DEDRIDGE, LIVINGSTON - PROPOSED SALE TO ARK HOUSING ASSOCIATION LIMITED

The Council Executive considered a report (copies of which had been circulated) by the Head of Property Services and Finance seeking approval for the sale of 498m² of land at Crusader Rise, Dedridge, Livingston to Ark Housing Association Limited for the sum of £17,500.

It was recommended Council Executive: -

1. Approves the sale of 498m² of land at Crusader Rise, Dedridge, Livingston to Ark Housing Association Limited for the sum of £17,500 subject to the terms and conditions set out in this report; and
2. Authorises the Head of Finance and Property Services to carry out any further negotiations with the purchaser in respect of the sale of the land, 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

16. ACTION TAKEN IN TERMS OF STANDING ORDER 31 (URGENT BUSINESS): - FREE SCHOOL MEAL PROVISION - 22 TO 26 FEBRUARY 2021

The Council Executive noted the action taken in terms of Standing Order 31 (urgent business) to provide approval for a further £15 payment to the families of P4 – S6 children and young people eligible for free school meals for the 5-day period from 22 to 26 February 2021.

17. SUSPENSION OF CONTRIBUTIONS - ADULT AND OLDER PEOPLES DAY SERVICES

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy seeking agreement to suspend contribution payments for service users who have chosen not to attend adult or older people day services during the current Tier 4 period.

It was recommended that Council Executive: -

1. Notes that attendance at day centre is permitted under the current Covid-19 restrictions and that centres in West Lothian remain open for individuals who wish to attend;
2. Approves the temporary suspension of contribution payments from the day of last attendance to the date of return for the individuals who are electing not to attend due to Covid-19 concerns.

Decision

To approve the terms of the report