

MINUTE of MEETING of the COUNCIL EXECUTIVE held within VIRTUAL MEETING ROOM, on 26 OCTOBER 2021.

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

Apologies – Councillor Janet Campbell, Peter Heggie and Cathy Muldoon

1 OPENING REMARKS

At the start of the meeting, the Chair allowed participants a moment of reflection on Sir David Ames, MP, following his recent passing.

Council Executive agreed to instruct the Chief Executive to write a condolence letter for Sir David Ames to the Speaker of the House of Commons.

2 DECLARATIONS OF INTEREST

Agenda item 7 – Petition – St Mary's Primary School Road Safety

Councillor Harry Cartmill declared an interest in that he supported the petition and had also been in contact with constituents regarding the petition; he would therefore withdraw from this item of business.

Councillor Charles Kennedy declared an interest in that he supported the petition and had also been in contact with constituents regarding the petition; he would therefore withdraw from this item of business.

Agenda item 11 – Appointment of Independent Director to West Lothian Leisure Limited

Councillor Tom Conn declared an interest in that he was a council appointed member to the Board of West Lothian Leisure; as a specific exclusion from the Standards Commission applied he would participate in the item of business.

Councillor Chris Horne declared an interest in that he was a council appointed member to the Board of West Lothian Leisure; as a specific exclusion from the Standards Commission applied he would participate in the item of business.

Agenda item 19 – Place-Based Investment Programme and Community Wealth Building

Councillor Tom Conn declared an interest in that he was a member of Linlithgow Development Trust, which had submitted a project funding application to the programme; therefore, he would not participate in the

item of business.

Councillor Chis Horne declared an interest in that he was a member of Linlithgow Development Trust, which had submitted a project funding application to the programme; therefore, he would not participate in the item of business.

### 3 ORDER OF BUSINESS

The Chief Executive advised Council Executive that the Head of Housing, Customer and Building Services had requested that agenda item 15 (*Site Selection for Supported Housing for Young People in West Lothian*) be withdrawn to allow officers to hold further discussions with Livingston Football Club; an updated report would be provided at a future Council Executive meeting. Council Executive agreed for the report to be withdrawn.

Council Executive agreed, in accordance with Standing Order 8(3), that agenda items 22 and 23 were to be taken as read and their recommendations noted without further consideration.

Council Executive agreed to hear the deputation request received from Ms Lisa Constanza in relation to Agenda Item 7 (*Petition - St Mary's Primary School Road Safety*).

The Chair ruled in terms of Standing Order 11 that in light of the deputation being agreed to be heard agenda item 4 (*Deputation*) would be considered immediately after agenda item 6 (*Correspondence*).

Council Executive agreed to hear agenda item 25 (*Coronavirus (Scotland) (No.2) Act 2020 - Powers to Intervene in Care Provisions as Amended by Coronavirus (Extension & Expiry) (Scotland) Act 2021*) in private.

### 4 MINUTES

Council Executive approved the Minute of its meeting held on 5 October 2021.

### 5 CORRESPONDENCE

Council Executive noted correspondence arising from previous decisions of the committee

### 6 ST MARY'S PRIMARY SCHOOL ROAD SAFETY

Councillors Harry Cartmill and Charles Kennedy having previously declared an interest in the following item of business took no part in the discussion.

The Council Executive considered a petition which called upon the council to improve on the safety of the road outside St Mary's Primary School.

Ms Lisa Constanza, Parent Council Chair of St. Mary's Primary School, who had organised the petition, then spoke in support of the petition which had been signed by 376 at the time of submission to the council.

Ms Constanza spoke about the challenges the narrow path section outside the primary care centre presented and expressed deep concern on behalf of the parents using the path. The petition had been initiated as ongoing conversations and campaigns about the path's safety had not yielded results. Although the path met minimum standards, Ms Constanza urged members to prioritise children's safety and recognise how unsuitable it was for such a busy area.

Ms Constanza then summed up her position and responded to questions from members.

The Chair thanked Ms Constanza for her presentation and for responding to the questions posed.

#### Decision

1. To note the contents of the petition.
2. To refer the matter to Environment PDSP for consideration. Officers to ensure the PDSP date is notified and report sent in advance to Ms Constanza.

### 7 SCOTTISH GOVERNMENT CONSULTATION – LEGISLATIVE PROPOSALS TO SUPPORT COVID RECOVERY

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive advising of the Scottish Government consultation on a range of legislative proposal to support COVID recovery and seeking approval of the proposed response attached to the report at Appendix 1.

It was recommended that the Council Executive:

1. Note the consultation; and
2. Agree the proposed response to the consultation.

#### Motion

To approve the terms of the report.

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan

#### Amendment

To tick the second box under question 22 and eliminate related commentary.

- Moved by Councillor Frank Anderson and seconded by Councillor Carl John.

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

Motion

Amendment

Alison Adamson

Frank Anderson

Harry Cartmill

Carl John

Tom Conn

David Dodds

Damian Doran-Timson

Lawrence Fitzpatrick

Chris Horne

Charles Kennedy

Andrew McGuire

George Paul

Kirsteen Sullivan

Decision

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

8 POLICE SCOTLAND DIVISIONAL COMMANDER – PROPOSED APPOINTMENT

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive advising of the proposed appointment of a new Police Scotland Divisional Commander for the Lothian and Borders area. This role had been previously fulfilled by Chief Superintendent John McKenzie but would soon become vacant when he retired.

It was recommended that the Council Executive agree to support the appointment of Chief Superintendent Catriona Paton to the role of Divisional Commander for the Lothian and Borders area.

Decision

To approve the terms of the report, subject to adding a further recommendation for the Chief Executive to write to Chief Superintendent John McKenzie to thank him for his service.

9      LICENSING OF SHORT TERM LETS – CALL FOR VIEWS BY THE SCOTTISH PARLIAMENT

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising of Scottish Parliament's call for views on the Scottish Government's proposals to introduce a mandatory licensing scheme for Short Term Lets and inviting the Council Executive to consider the draft response appended to the report.

It was recommended that the Council Executive approve the proposed response in Appendix 1 to the call for views on the proposed new licensing scheme for short term lets.

Decision

To approve the terms of the report and the proposed response to the call for views.

10     APPOINTMENT OF INDEPENDENT DIRECTOR TO WEST Lothian LEISURE LIMITED

The Council Executive considered a report (copies of which had been circulated) by the Head of Education (Learning, Policy and Resources) recommending the appointment of an independent Director to the vacant position on the Board of West Lothian Leisure.

It was recommended that the Council Executive agree to the appointment of Ms Gillian Hentges to the Board of West Lothian Leisure.

Decision

To approve the terms of the report.

11     FUTURE BUDGET STRATEGY 2023/24 TO 2027/28 – FINANCIAL CONTEXT AND PROPOSED APPROACH

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 context facing the council and setting out initial budget scenarios for the next ten-year financial planning horizon to 2032/33 and five-year financial planning period 2023/24 to 2027/28.

The report also summarised all committee decisions in relation to the council's approach to financial planning and outlined the proposed approach for developing the five-year financial plan for 2023/24 to

2027/28.

It was recommended that the Council Executive:

1. Note previous committee decisions regarding the council's approach to financial planning and development of the council's medium-term financial plan for 2023/24 to 2027/28;
2. Note the current financial context for local government, including information and forecasts in recent publications from the Scottish Government, Scottish Parliament and Accounts Commission;
3. Note the uncertainty around the financial outlook over the short, medium and long term;
4. Note that, over the longer term to 2032/33, the council could face a budget gap in a range between £36.2 million and £109.9 million, noting that this was high level forecast which remained subject to considerable uncertainty;
5. Note the initial budget scenarios for the five-year financial planning period 2023/24 to 2027/28, the high-level assumptions used to prepare them and that the model would remain under review and would be subject to change as assumptions were refined and updated;
6. Note that there was a wide variation between the low and high budget gap scenarios for the five-year financial plan with the council potentially facing a budget gap of between £22.8 million and £56.5 million, with a central scenario of a gap of £39.6 million;
7. Note the risks associated with this initial estimate of the budget gap facing the council over the next five years, including specific risks in relation to potential costs and funding pressures;
8. Note the current volatility in energy prices and, although the council had some short-term protection as energy was purchased in advance, that this was a significant issue for consumers, industry and the public sector;
9. Note the proposed approach for development of the next five-year financial plan which reflected decisions already taken by elected members in relation to financial planning;
10. Agree that officers continue to implement the process to ensure the council had a balanced revenue budget over the period 2023/24 to 2027/28;
11. Agree that the issues highlighted in the report in relation to funding pressures and associated risks be raised with COSLA and the Scottish Government; and
12. Agree that a further update on the financial plan for 2023/24 to

2027/28, including any developments in relation to identified risks, would be provided in the 2022/23 revenue budget report due to be considered by Council in early 2022.

Decision

To approve the terms of the report.

12 WEST LOTHIAN LOCAL CHILD POVERTY ACTION REPORT 2020/21

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising of progress on the delivery of the Local Child Poverty Action Report (LCPAR) 2020/21 for West Lothian.

It was recommended that the Council Executive:

1. Approve the draft LCPAR for 2020/21 as set out in Appendix 1; and
2. Note the intention to publish the report on the council website.

Decision

To approve the terms of the report.

13 PERIOD DIGNITY – PERIOD PRODUCTS (FREE PROVISION) (SCOTLAND) ACT 2021

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services informing members on the approach to the implementation of the Period Products Act and the approach to free provision of period products across West Lothian.

It was recommended that the Council Executive:

1. Agree the proposed approach as set out in the report; and
2. Agree that officers should provide annual updates to the Partnership and Resources PDSP.

Decision

To approve the terms of the report.

14 RENT STRATEGY CONSULTATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services advising of the proposed tenant engagement process on the current Rent Strategy by Housing, Customer and Building Services for year 2022/23,

and to seek approval from Council Executive to begin the annual consultation.

It was recommended that the Council Executive note the service plans to commence engagement with tenants on the continued implementation of the approved rent strategy and approve the proposed consultation with tenants.

#### Motion

To approve the terms of the report.

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan.

#### Amendment

To add on at the end of consultation w tenants 'to include an option to freeze the rents for the upcoming year'.

- Moved by Councillor Frank Anderson and seconded by Councillor Carl John.

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

#### Motion

#### Amendment

Alison Adamson

Frank Anderson

Harry Cartmill

Carl John

Tom Conn

David Dodds

Damian Doran-Timson

Lawrence Fitzpatrick

Chris Horne

Charles Kennedy

Andrew McGuire

George Paul

Kirsteen Sullivan

#### Decision

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



MID CALDER TO BE PUT FORWARD FOR NOMINATION IN THE  
“ANCIENT WOODLAND” CATEGORY

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services make Council Executive further aware of the “Queen’s Green Canopy” initiative and seeking agreement to put forward Calderwood, an important ancient woodland site, owned and managed by the Council, to the Queen’s Green Canopy Board. From a long list of nominations from throughout the UK the Board would nominate 70 Ancient Woodland Sites across the UK to draw attention to these rare and special woods.

It was recommended that the Council Executive:

1. Note the contents of the “Queen’s Green Canopy” initiative for her platinum jubilee;
2. Delegate authority of the Head of Operational Services to arrange for Calderwood, Mid Calder, to be put forward to the QGC Board for consideration as one of the 70 ancient woodlands to be dedicated as part of this initiative; and
3. Agree that if selected by the Board, the Council would assist with publicity to raise public awareness of this special habitat.

Decision

To approve the terms of the report.

16 BUS PARTNERSHIP FUND UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising of the outcome of the regional application to the Bus Partnership Fund (BPF) and asking members to agree the local application compiled by the West Lothian Bus Alliance for submission to Transport Scotland.

It was recommended that the Council Executive:

1. Note the award of £3.03 million allocated to South East Scotland City Region Deal partnership by Transport Scotland following the April 2021 submission;
2. Note that the purpose of the October submission by West Lothian Council, as lead authority, on behalf of the West Lothian Bus Alliance was an application for funding from Transport Scotland to complete an options appraisal and Business Case Outlines for projects within West Lothian;
3. Note the analysis of problems and opportunities within the West Lothian road and bus network undertaken by the West Lothian Bus Alliance;

4. Note that, subject to a successful application, submission of future proposals based on the Outline Business Case analysis would be agreed by Council Executive; and
5. Agree to the ratification of the application form contained within Appendix 1 to Transport Scotland for the Bus Partnership Fund.

#### Decision

To approve the terms of the report.

### 17 PLACE BASED INVESTMENT PROGRAMME AND COMMUNITY WEALTH BUILDING

Councillors Tom Conn and Chris Horne having previously declared an interest in the following item of business took no part in the discussion or voting.

Councillor Tom Conn did not participate in the remaining items of business.

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration setting out proposals for the delivery and operation of the Place Based Investment Capital Grant 2021/22 of £1,302,000 which had been allocated to the council from Scottish Government.

It was recommended that the Council Executive:

1. Note that twelve applications had been received for projects within West Lothian;
2. Note that a panel was established to advise the Head of Planning, Economic Development and Regeneration;
3. Agree to award funding as set out in the report, including funding conditions outlined in Appendix 1; and
4. Note the terms and conditions associated to the awarding of grants as set out in the report.

During discussion and following the Chair receiving legal advice, the reporting officer provided as full an update as possible on unsuccessful applications and proceeded to answer questions from members.

#### Motion

To approve the terms of the report.

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan.

#### Amendment

To include the unsuccessful applications in the next report to be presented to Council Executive.

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

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

Motion

Amendment

Harry Cartmill

Alison Adamson

David Dodds

Frank Anderson

Lawrence Fitzpatrick

Damian Doran-Timson

Andrew McGuire

Carl John

George Paul

Charles Kennedy

Kirsteen Sullivan

Decision

Following a vote, the motion was successful by 6 votes to 5, with 2 members absent, and it was agreed accordingly.

18 WEST LoTHIAN COUNCIL CLIMATE CHANGE STRATEGY

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval for the publication and implementation of the West Lothian Council Climate Change Strategy 2021–2028.

It was recommended that the Council Executive:

1. Note the content of the report and the strategy attached as Appendix 1;
2. Approve the Climate Change Strategy for publication and implementation; and
3. Note that officers would report back to the Environment PDSP and Council Executive with any changes required following COP26.

Decision

To approve the terms of the report.

19 VOLUNTARY ORGANISATIONS BUDGET 2022/23 – WEST LoTHIAN YOUTH ACTION PROJECT

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the changes to the previously reported timeline for a commissioning process that had affected the £190,000 allocation to West Lothian Youth Action Project for the delivery of services in 2022/23. It also asked the Council Executive, in light of this, to agree that for 2022/23 a Service Level Agreement be put in place as an alternative until such time as the commissioning work could be completed.

It was recommended that the Council Executive:

1. Note the delay in the commissioning process;
2. Agree that WYAP move on to a Service Level Agreement (SLA);  
and
3. Note that the requirement for that SLA would be agreed by services and in place for the start of 2022/23.

#### Decision

To approve the terms of the report.

### 20 COUNCILLORS' LOCAL DISBURSEMENT FUND

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising of expenditure from the Councillors' Local Disbursement Fund for the period 1 April 2021 to 30 September 2021.

It was recommended that the Council Executive note the expenditure from the Councillors' Local Disbursement Fund for the period 1 April 2021 to 30 September 2021.

#### Decision

To note the terms of the report.

### 21 INTEGRATION SCHEME REVIEW – PHASE 1 CONSULTATION

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive (Health and Social Care Partnership) to report the outcome of the first stage of consultation to ensure compliance with the council's duty to carry out a full review of the Integration Scheme for the West Lothian Integration Joint Board.

It was recommended that the Council Executive:

1. Note the statutory requirement, and the related statutory process, to fully review the Integration Scheme for the West Lothian Integration Joint Board every five years;

2. Note that the indicative timeline and process for the review had been agreed at Council Executive on 17 August;
3. Note that the phase 1 consultation had concluded and note the responses received;
4. Note that responses would be considered and draft amendments to the Integration Scheme would be made before phase 2 consultation was commenced; and
5. Note that the outcome of phase 2 consultation and a finalised amended Integration Scheme would be reported to Council Executive for approval at its meeting of 7 December.

### Decision

To note the terms of the report.

## 22 PRIVATE SESSION

The committee resolved under Section 50(A)(4) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting during consideration of the following items of business as it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A of the Act.

## 23 CORONAVIRIS (SCOTLAND) (NO.2) ACT 2020 – POWERS TO INTERVENE IN CARE PROVISIONS AS AMENDED BY CORONAVIRUS (EXTENSION AND EXPIRY) (SCOTLAND) ACT 2021

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy / Chief Social Work Officer providing an update on the work of the Care Homes Clinical and Care Professional Oversight Group and to also provide an update on the implementation of powers to intervene in care provisions, as set out by the Coronavirus (Extension and Expiry) (Scotland) Act 2021.

It was recommended that the Council Executive:

1. Note the work of the Care Home Clinical and Care Professional Oversight Group for West Lothian;
2. Note that officers continued to work in partnership with all care providers providing support and seeking assurance regarding care quality;
3. Note that it had not been necessary for powers associated with the Coronavirus (Extension and Expiry) (Scotland) Act 2021 to be used in West Lothian; and
4. Agree a return to quarterly reporting to Council Executive on the

work of the Care Homes Clinical and Care Professional Oversight Group and implementation of any of the new powers until the position stabilised.

Decision

To approve the terms of the report.