



West Lothian Council

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

18 November 2021

A meeting of West Lothian Council will be held within the **Virtual Meeting Room** on **Tuesday 23 November 2021 at 10:00am**.

For Chief Executive

BUSINESS

Public Session

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

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

4. Deputation request from Mr Graham Campbell - Speeding on Main Street, Mid Calder
5. Minutes :-
 - (a) Confirm Draft Minutes of Meeting of West Lothian Council held on Tuesday 28 September 2021 (herewith)
 - (b) Correspondence arising from previous decisions (herewith)

- (c) Note Minutes of Meeting of Audit Committee held on Monday 21 June 2021 (herewith)
- (d) Note Minutes of Meeting of West Lothian Leisure Advisory Committee held on Thursday 26 August 2021 (herewith)
- (e) Note Minutes of Meeting of Performance Committee held on Monday 06 September 2021 (herewith)
- (f) Note Minutes of Meeting of Employee Appeals Committee (Private) held on Friday 28 May 2021 (herewith)
- (g) Note Minutes of Meeting of Employee Appeals Committee (Private) held on Friday 25 June 2021 (herewith)

Public Items for Decision

- 6. Election Business
- 7. Treasury Management - Interim Report at 30 September 2021 - report by Head of Finance and Property Services (herewith)
- 8. Notice of Motion - Review of Council Appointments to Positions of Responsibility - Submitted by Councillor Frank Anderson (herewith)
- 9. Notice of Motion - Congratulations SPARK - Submitted by Councillor Frank Anderson (herewith)
- 10. Notice of Motion - Underground Refuse Scheme - Submitted by Councillor Frank Anderson (herewith)
- 11. Notice of Motion - Interlinking Smoke and Heat Alarms - Submitted by Councillor Peter Heggie (herewith)
- 12. Notice of Motion - Sudden Cancellation of Contract by Westminster Government to Deliver COVID-19 Vaccine by Valneva Livingston - Submitted by Councillor Janet Campbell (herewith)
- 13. Notice of Motion - Budget - Submitted by Councillor Janet Campbell (herewith)
- 14. Notice of Motion - Smoke Alarms - Submitted by Councillor Frank Anderson (herewith)
- 15. Notice of Motion - Asthma Inhalers - Adopting "Laurens Law" - Submitted by Councillor Harry Cartmill (herewith)
- 16. Notice of Motion - Civility in Public Life - Submitted by Councillor Andrew McGuire (herewith)
- 17. Notice of Motion - New Fire and Carbon Monoxide Alarm Standards - Submitted by Councillor Lawrence Fitzpatrick (herewith)

18. Notice of Motion - Neighbourhood Watch - Submitted by Councillor Bruce Fairbairn (herewith)

Public Items for Information

19. Code of Conduct Annual Report 2020/21 - report by Governance Manager (herewith)
20. Chief Social Work Officer's Annual Report 2020/21 - report by Chief Social Work Officer (herewith)
21. Documents for Execution
22. Discharge of Surface Water on to the Public Highway - Question to the Executive Councillor for Development and Transport - Submitted by Councillor Stuart Borrowman (herewith)
23. Place Based Investment Programme and Community Wealth Building Capital Grant - Question to the Council Leader - Submitted by Councillor Charles Kennedy (herewith)
24. Withdrawal of no.27 bus service from Livingston - Question to the Executive Councillor for Development & Transport - Submitted by Councillor Maria MacAulay (herewith)
25. Alternative to no.27 bus service - Question to the Executive Councillor for Development & Transport - Submitted by Councillor Maria MacAulay (herewith)
26. Recognition of the Voluntary Sector in West Lothian - Question to the Executive Councillor for Voluntary Organisations - Submitted by Councillor Willie Boyle (herewith)

NOTE **For further information please contact Val Johnston, Tel No.01506 281604 or email val.johnston@westlothian.gov.uk**

CODE OF CONDUCT AND DECLARATIONS OF INTEREST

This form is to help members. It is not a substitute for declaring interests at the meeting.

Members should look at every item and consider if they have an interest. If members have an interest they must consider if they have to declare it. If members declare an interest they must consider if they have to withdraw.

NAME	MEETING	DATE

AGENDA ITEM NO.	FINANCIAL (F) OR NON- FINANCIAL INTEREST (NF)	DETAIL ON THE REASON FOR YOUR DECLARATION (e.g. I am Chairperson of the Association)	REMAIN OR WITHDRAW

The objective test is whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor.

Other key terminology appears on the reverse.

If you require assistance, please ask as early as possible. Contact Julie Whitelaw, Monitoring Officer, 01506 281626, julie.whitelaw@westlothian.gov.uk, James Millar, Governance Manager, 01506 281695, james.millar@westlothian.gov.uk, Carol Johnston, Chief Solicitor, 01506 281626, carol.johnston@westlothian.gov.uk, Committee Services Team, 01506 281604, 01506 281621 committee.services@westlothian.gov.uk

SUMMARY OF KEY TERMINOLOGY FROM REVISED CODE

The objective test

“...whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor”

The General Exclusions

- As a council tax payer or rate payer or in relation to the council's public services which are offered to the public generally, as a recipient or non-recipient of those services
- In relation to setting the council tax.
- In relation to matters affecting councillors' remuneration, allowances, expenses, support services and pension.
- As a council house tenant, unless the matter is solely or mainly about your own tenancy, or you are in arrears of rent.

Particular Dispensations

- As a member of an outside body, either appointed by the council or later approved by the council
- Specific dispensation granted by Standards Commission
- Applies to positions on certain other public bodies (IJB, SEStran, City Region Deal)
- Allows participation, usually requires declaration but not always
- Does not apply to quasi-judicial or regulatory business

The Specific Exclusions

- As a member of an outside body, either appointed by the council or later approved by the council
- The position must be registered by you
- Not all outside bodies are covered and you should take advice if you are in any doubt.
- Allows participation, always requires declaration
- Does not apply to quasi-judicial or regulatory business

Categories of “other persons” for financial and non-financial interests of other people

- Spouse, a civil partner or a cohabitee
- Close relative, close friend or close associate
- Employer or a partner in a firm
- A body (or subsidiary or parent of a body) in which you are a remunerated member or director
- Someone from whom you have received a registrable gift or registrable hospitality
- Someone from whom you have received registrable election expenses

MINUTE of MEETING of WEST LOTHIAN COUNCIL held within Virtual Meeting Room, on 28 September 2021.

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-Timson, Damian Doran-Timson, Bruce Fairbairn, Lawrence Fitzpatrick, Peter Heggie, Carl John, Charles Kennedy, Sarah King, Maria MacAulay, John McGinty, Andrew McGuire, Dom McGuire, Andrew Miller, Cathy Muldoon, George Paul, Moira Shemilt, Kirsteen Sullivan, David Tait and Tom Ullathorne

Apologies – Councillor Chris Horne

1. DECLARATIONS OF INTEREST

Councillor Janet Campbell declared an interest in that she was a paid employee of NHS Lothian;

Agenda Item 27 (Notice of Motion – National Care Service) - Councillor Tom Ullathorne declared an interest in that he was a paid employee of Autism Initiatives;

Agenda Item 27 (Notice of Motion – National Care Service) - Councillors George Paul, Harry Cartmill, Damian Doran-Timson and Dom McGuire declared an interest in that they were all council appointed members of West Lothian Integration Joint Board; and

Councillor John McGinty declared an interest in that he was the council appointed member to NHS Lothian Health Board.

2. ORDER OF BUSINESS

The Provost ruled in terms of Standing Order 11 that he would take Agenda Item 7 after consideration of Agenda Item 8 to facilitate attendance by colleagues from EY

The Provost ruled that the Notice of Motion would not be considered by Council in respect of Standing Order 20(5) as it had financial consequences for the council which had not been outlined in the motion or checked in advance with the Head of Finance & Property Services

Council agreed, in accordance with Standing Order 8(3), that agenda item 28 was to be taken as read and the report recommendations noted without further consideration.

3. ACTION ON ASBESTOS - PRESENTATION BY PHYLLIS CRAIG MBE, MANAGER/SENIOR WELFARE RIGHTS OFFICER

The Provost welcomed Phyllis Craig MBE to the meeting who proceeded to provide members with an overview of the work of her organisation Action on Asbestos.

Ms Craig explained that her organisation worked very closely with partners in NHS Lothian and this included the sponsoring of two nursing posts and one physiotherapy post to assist those with asbestos conditions. She was not seeking funding for her organisation but rather was keen to continue that collaborative working approach with West Lothian Council and its partners agencies and had recently attended a range of meetings to progress this along with the council's Anti-Poverty Services

The continued aim of the organisation was to reach out to those with an asbestos condition, along with their families, and offer free, confidential and advice.

In addition the organisation had recently started a range of other services including a free will-writing service.

Ms Craig then responded to a range of question from members.

The Provost thanked Ms Craig for her very informative presentation.

Decision

1. To note the presentation from Ms Phyllis Craig, on behalf of Action on Asbestos; and
2. To ask that Ms Craig's contact details be passed onto members at the conclusion of the meeting.

4. MINUTES

1. The Council approved the Minute of its meeting held on 25 May 2021
2. The Council approved the Minute of its special meeting held on 31 August 2021
3. The Council noted correspondence arising from previous decisions
4. The Council noted the Minute of the Audit Committee held on 22 March 2021
5. The Council noted the Minute of the Governance and Risk Committee held on 8 March 2021
6. The Council noted the Minute of the Governance and Risk Committee held on 14 June 2021
7. The Council noted the Minute of the Performance Committee held on 19 April 2021
8. The Council noted the Minute of the Performance Committee held on 7 June 2021

9. The Council noted the Minute of West Lothian Leisure Advisory Committee held on 29 April 2021
10. The Council noted the Minute of West Lothian Leisure Advisory Committee held on 27 May 2021
11. The Council noted the Minute of the Joint Consultative Group (Teaching) held on 23 February 2021
12. The Council noted the Minute of the Education (Quality Assurance) Committee held on 27 April 2021
13. The Council noted the Minute of the Employee Appeals Committee held on 19 February 2021
14. The Council noted the Minute of the Employee Appeals Committee held on 26 March 2021

5. BY-ELECTION RETURN - EAST LIVINGSTON AND EAST CALDER WARD BY-ELECTION HELD ON THURSDAY 5 AUGUST 2021

The Governance Manager informed the Council that, following the East Livingston and East Calder Ward By-Election and the count, Tom Ullathorne had been declared as the newly elected member for the ward. Councillor Ullathorne had completed and signed his Declaration of Acceptance of Office.

Decision

To note the outcome of the East Livingston and East Calder Ward By-Election and that Councillor Ullathorne had completed and signed his Declaration of Acceptance of Office.

6. WEST LOTHIAN ANNUAL ACCOUNTS

The Provost welcomed, alongside the Head of Finance and Property Service, Stephen Reid, EY to the meeting.

The Council then considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising the Council of the outcome of the 2020/21 Audit and to provide a summary of the key points arising from the Auditor's Annual Report.

Mr Reid addressed council on EY's annual audit report. The auditor had issued an unqualified audit opinion on the financial statements and on the nine charitable trusts administered by the council and had made one recommendation for action following the audit.

The key messages from the Auditor were summarised in the report over a number of sections; these being financial sustainability; financial management; governance and transparency; value for money; and best

value.

It was recommended that Council :-

1. Notes Ernst and Young LLP's 2020/21 Annual Audit Report
 2. Approves for signature the audited Annual Accounts for 202/21; and
 3. Refers the Auditor's Report and the 2020/21 Annual Accounts to the Audit Committee for information and scrutiny.
- Moved by Councillor Lawrence Fitzpatrick and seconded by Councillor Kirsteen Sullivan

Decision

To unanimously approve the terms of the report

7. ELECTION BUSINESS

Executive Councillor for Culture and Leisure, Chair of Culture and Leisure Policy Development and Scrutiny Panel and COSLA Executive Board - Community and Well-Being

Nominations

Councillor Andrew McGuire – Proposed by Councillor Lawrence Fitzpatrick and seconded by Councillor Kirsteen Sullivan

Councillor Carl John – Proposed by Councillor Janet Campbell and seconded by Councillor Willie Boyle

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

Councillor Andrew McGuire

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

Councillor Carl John

Frank Anderson
Willie Boyle
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold
Jim Dickson
Carl John
Sarah King
Maria MacAulay
Andrew Miller
Moira Shemilt
David Tait
Tom Ullathorne

George Paul
Kirsteen Sullivan

Decision

It was agreed by 18 votes to 14, with 1 member absent that Councillor Andrew McGuire be appointed as Executive Councillor for Culture and Leisure, Chair of Culture and Leisure Policy Development and Scrutiny Panel and would be the council's representative on the COSLA Executive Board - Community and Well-Being. The appointment to the Executive Councillor position carried with it an appointment to the West Lothian Trust for the Benefit of People with Disabilities.

Depute Provost

Nominations

Councillor Cathy Muldoon – Proposed by Councillor Lawrence Fitzpatrick and seconded by Councillor Kirsteen Sullivan

Councillor Carl John – Proposed by Councillor Janet Campbell and seconded by Councillor Willie Boyle.

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

Councillor Cathy Muldoon

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

Councillor Carl John

Frank Anderson
Willie Boyle
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold
Jim Dickson
Carl John
Sarah King
Maria MacAulay
Andrew Miller
Moira Shemilt
David Tait
Tom Ullathorne

Decision

It was agreed by 18 votes to 14, with 1 member absent that Councillor Cathy Muldoon be appointed as Depute Provost

Council Appointed Representative to APSE (Associated of Public Service Excellence)

Nominations

Councillor Tom Conn – Proposed by Councillor Lawrence Fitzpatrick and seconded by Councillor Kirsteen Sullivan

Councillor Robert De Bold - Proposed by Councillor Janet Campbell and seconded by Councillor Tom Ullathorne

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

Councillor Tom Conn

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

Councillor Robert De Bold

Frank Anderson
Willie Boyle
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold
Jim Dickson
Carl John
Sarah King
Maria MacAulay
Andrew Miller
Moir Shemilt
David Tait
Tom Ullathorne

Decision

It was agreed by 18 votes to 14, with 1 member absent that Councillor Tom Conn be appointed as the council's representative to APSE (Associated of Public Service Excellence)

Chair of East Livingston and East Calder Local Area CommitteeNominations

Councillor Damian Doran-Timson - Proposed by Councillor Lawrence Fitzpatrick and seconded by Councillor Kirsteen Sullivan

Councillor Frank Anderson - Proposed by Councillor Janet Campbell and seconded by Councillor Tom Ullathorne

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

Councillor Damian Doran-Timson

Alison Adamson
Stuart Borrowman
Harry Cartmill

Councillor Frank Anderson

Frank Anderson
Willie Boyle
Diane Calder

Tom Conn
David Dodds
Angela Doran-Timson
Damian Doran-Timson
Bruce Fairbairn
Lawrence Fitzpatrick
Peter Heggie
Charles Kennedy
Tom Kerr
John McGinty
Andrew McGuire
Dom McGuire
Cathy Muldoon
George Paul
Kirsteen Sullivan

Janet Campbell
Pauline Clark
Robert De Bold
Jim Dickson
Carl John
Sarah King
Maria MacAulay
Andrew Miller
Moir Shemilt
David Tait
Tom Ullathorne

Decision

It was agreed by 18 votes to 14, with 1 member absent that Councillor Damian Doran-Timson be appointed as Chair of East Livingston and East Calder Local Area Committee

Education Executive

Nomination

Councillor Dom McGuire - Proposed by Councillor Lawrence Fitzpatrick and seconded by Councillor Kirsteen Sullivan

Decision

To unanimously agree to appoint Councillor Dom McGuire to Education Executive.

Lothian Joint Valuation Board

Nomination

Councillor David Dodds - Proposed by Councillor Lawrence Fitzpatrick and seconded by Councillor Kirsteen Sullivan

Decision

To unanimously agree to appoint Councillor David Dodds as the council's representative to the Lothian Joint Valuation Board.

Partnership and Resources Policy Development and Scrutiny Panel (PDSP)

Nomination

Councillor Tom Conn - Proposed by Councillor Lawrence Fitzpatrick and seconded by Councillor Kirsteen Sullivan

Decision

To unanimously agree to appoint Councillor Tom Conn to the Partnership and Resources Policy Development and Scrutiny Panel.

Scottish Council on Visual ImpairmentNominations

Councillor Andrew McGuire - Proposed by Councillor Lawrence Fitzpatrick and seconded by Councillor Kirsteen Sullivan

Councillor Carl John - Proposed by Councillor Janet Campbell and seconded by Councillor Frank Anderson

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

Councillor Andrew McGuire

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

Councillor Carl John

Frank Anderson
Willie Boyle
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold
Jim Dickson
Carl John
Sarah King
Maria MacAulay
Andrew Miller
Moir Shemilt
David Tait
Tom Ullathorne

Decision

It was agreed by 18 votes to 14, with 1 member absent that Councillor Andrew McGuire be appointed as the council's representative to the Scottish Visual Impairment Council.

Chair of West Lothian Leisure Advisory CommitteeNomination

Councillor Harry Cartmill - Proposed by Councillor Lawrence Fitzpatrick and seconded by Councillor Kirsteen Sullivan

Decision

To unanimously agree to appoint Councillor Harry Cartmill as Chair of West Lothian Leisure Advisory Committee

West Lothian Twinning Association

Nominations

Councillor John McGinty - Proposed by Councillor Lawrence Fitzpatrick and seconded by Councillor Kirsteen Sullivan

Councillor Carl John – Proposed by Councillor Janet Campbell and seconded by Councillor Willie Boyle

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

Councillor John McGinty

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

Councillor Carl John

Frank Anderson
Willie Boyle
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold
Jim Dickson
Carl John
Sarah King
Maria MacAulay
Andrew Miller
Moira Shemilt
David Tait
Tom Ullathorne

Decision

It was agreed by 18 votes to 14, with 1 member absent that Councillor John McGinty be appointed as the council's representative to West Lothian Twinning Association.

Older People's Champion

Nominations

Councillor Chris Horne – Proposed by Councillor Damian Doran-Timson and seconded by Councillor Heggie

Councillor Carl John – Proposed by Councillor Janet Campbell and seconded by Councillor Frank Anderson

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

Councillor Chris Horne

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

Councillor Carl John

Frank Anderson
 Willie Boyle
 Diane Calder
 Janet Campbell
 Pauline Clark
 Robert De Bold
 Jim Dickson
 Carl John
 Sarah King
 Maria MacAulay
 Andrew Miller
 Moira Shemilt
 David Tait
 Tom Ullathorne

Decision

It was agreed by 18 votes to 14, with 1 member absent that Councillor Chris Horne be appointed as the council's Older People's Champion.

8. WEST LOTHIAN LICENSING BOARD MEMBERSHIP

The Council considered a report (copies of which had been circulated) by the Governance Manager asking Council to consider membership of the West Lothian Licensing Board.

Council was asked :-

1. To note that there is one vacancy on the West Lothian Licensing Board
2. To review the current membership arrangements for the Board
3. To make a new appointment or appointments to the Board, or changes to the composition or number of members, as are required

Decision

To unanimously approve the terms of the report and reduce the number of councillors appointed to the Licensing Board to seven.

9. PROPOSED CHANGES TO STANDING ORDERS

The Council considered a report (copies of which had been circulated) by

the Governance Manager asking Council to consider proposed changes to Standing Orders in preparation for moving to hybrid meetings of council, committees and Policy Development & Scrutiny Panels.

Council was asked :-

1. To note the information in the report concerning proposed changes to Standing Orders
2. To determine the number and political allocation of elected members entitled to be present in the meeting room for hybrid meetings when there are capacity restrictions (D.3 and Appendix 1)
3. To agree the changes proposed to Standing Orders for the Regulation of Meetings in Appendix 2
4. To agree the changes proposed to the Scheme of Administration in Appendix 3, incorporating the details agreed under recommendation 2, above
5. To delegate to the Chief Executive as Clerk to the Council the determination of whether meetings will be called as physical, hybrid or remote-access meetings
6. To agree that the changes should take effect from the date agreed by Council Executive for the commencement of hybrid meeting arrangements when the installation, commissioning and testing of the system to be installed in the council chamber is complete

Motion

To agree the recommendations in the report, and in relation to Recommendation 2 agree that:-

- a) As well as the Chair of the meeting, the maximum number of elected members physically present at hybrid meetings should be 7.
 - b) The places should be allocated as 2 to Labour members, 2 to Conservative members and 2 to SNP members with 1 for the Independent member, subject to the number of places allocated in the Scheme of Administration to each party and the Independent member.
- Moved by Councillor Lawrence Fitzpatrick and seconded by Councillor Kirsteen Sullivan

Amendment

To approve the terms of the report and in respect of Recommendation 2 of the report to agree the proposal as outlined in Table 2 of Appendix 1 for the number of members able to be present in the chamber to be 5 from each political group and the Independent member.

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

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

Motion

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

Amendment

Frank Anderson
 Willie Boyle
 Diane Calder
 Janet Campbell
 Pauline Clark
 Robert De Bold
 Jim Dickson
 Carl John
 Sarah King
 Maria MacAulay
 Andrew Miller
 Moira Shemilt
 David Tait
 Tom Ullathorne

Decision

Following a vote the motion was successful by 18 votes to 14 with 1 member absent and it was agreed accordingly.

10. APPOINTMENT OF A LAY PERSON TO THE GOVERNANCE AND RISK COMMITTEE

The Council considered a report (copies of which had been circulated) by the Governance Manager seeking the appointment of a lay member to the Governance & Risk Committee

It was recommended that the council appoints Ann Pike as lay member of the Governance & Risk Committee.

Decision

To unanimously approve the appointment of Anne Pike as the lay member of the Governance and Risk Committee.

11. NOTICE OF MOTION - AFGHANISTAN - SUBMITTED BY COUNCILLOR JANET CAMPBELL

Prior to consideration of the following Notice of Motion the Provost advised that elements of the motion did not comply with Standing Order 20(2) and Standing Order 28. However if the last paragraph were to be

removed he would allow it to be considered. Councillor Janet Campbell agreed to remove the last paragraph.

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

“No-one who has witnessed the events in Afghanistan unfold over the past few weeks can fail to be moved by the dramatic turn of events. The abrupt UK military withdrawal from Afghanistan has helped to facilitate deadly chaos as the Taliban now control the country. After 20 years of war when many young people from Western democracies including Scotland have lost their lives and costing trillions of pounds – it would appear we are right back where we started.

In a blistering nationwide offensive, it has taken control of all of Afghanistan’s provinces in a matter of weeks, forcing elected President Ashraf Ghani to flee the country – a move that effectively symbolised the end of a Western-backed experiment with democracy.

Despite the Taliban’s assurances that it will not seek to punish people who worked for foreign forces – and promises that it will respect human rights more generally – there are huge doubts among Western leaders, international rights groups, observers and many Afghans themselves. The most stinging criticism has come from within the UK’s Afghan diaspora. Leading figures within the estimated 80,000-strong population, which has grown in the 20 years since the 2001 US-led invasion of Afghanistan, say London and its allies have effectively abandoned the country to the Taliban by carelessly managing the conclusion of their incursion with a hurried drawback of foreign troops.

Much of the condemnation has been directed at Dominic Raab, the current Foreign Secretary. In a quite astonishing dereliction of duty, he continued to holiday in a luxury five-star resort in the sun. On August 13, Raab delegated an urgent call with the Afghan foreign minister to a junior minister in his department. Officials at the Foreign Office have now admitted that no call was ever made, whilst the world watched as Kabul fell to the Taliban.

The Westminster Government has now pledged to resettle 5,000 people this year as part of its Afghan Relocations and Assistance Policy scheme, which offers refuge to people who worked alongside UK forces or officials during the Afghanistan intervention, such as translators. The SNP Group on West Lothian Council state that this is wholly inadequate. The UK, along with the US, led this war and invaded Afghanistan in the first place. The Westminster Government now has to accept the responsibility to protect the Afghan people whose population numbers 38 million, throwing into sharp relief the negligent and derisory offer of resettling 5,000.

We therefore call upon West Lothian Council to:

Write immediately to the UK Prime Minister condemning in the strongest possible terms the ineffective, inadequate and defective way the withdrawal of UK troops leading to Afghanistan falling to the Taliban was handled by the Foreign Secretary

Write to the UK Prime Minister expressing our disapproval of his plans to only provide resettlement for 5,000 people his Government have now made refugees

Write to the Scottish First Minister, copied to COSLA and the UK Prime Minister stating that West Lothian Council stands ready to accept refugees from the horrendous situation they have been pushed into by the actions of the Westminster Government.”

- Moved by Councillor Janet Campbell and seconded by Councillor Tom Ullathorne.

Amendment

“Council notes the unilateral decision by USA to withdraw all military and support personnel from Afghanistan which was affected before the twentieth anniversary of 9/11, with Britain and other countries also having to similarly exit.

Council notes the decision on 7th September by Council Executive to support the UK Government’s Afghan Citizen’s Refugee Resettlement programme, which gave approval for the Depute Chief Executive to enter into formal discussions with the Home Office to progress a phased implementation of the council’s proportionate share of refugees and to report back to the committee

Council also notes that the report and recommendations were approved with the instruction for council officers to work with local third sector partners, faith groups and other community partners to co-ordinate a response to support the Afghan refugees who come to West Lothian, including but not limited to collecting donations of clothes and household items, and to facilitate offers of support from local organisations.

Council further notes that its officers have since been in contact with both the Home Office and more recently with COSLA who are acting as the Strategic Migration Partnerships contact from the Home Office for Scottish Local Authorities

Council also understands that on 13th September 2021 the UK Government wrote to all Council Leaders and Chief Executives advising of the details of the Afghan Citizens Resettlement Scheme (ACRS) and how this interacts with the existing Afghan Relocations and Assistance Policy (ARAP) scheme.

Also, that the ACRS will welcome up to 5,000 people in the first year, up to a total of 20,000 over the coming years. The scheme will provide vulnerable refugees from Afghanistan and those put at risk by recent events in Afghanistan with a route to safety. The scheme will prioritise:

- those who have assisted the UK efforts in Afghanistan and stood up for values such as democracy, women’s rights and freedom of speech, rule of law (for example, judges, women’s rights activists, journalists); and

- vulnerable people, including women and girls at risk, and members of minority groups at risk (including ethnic and religious minorities and LGBT+).

Council notes that the UK Government advise that they will match the tariff for Syrian Vulnerable Persons Resettlement Scheme (VPRS) to provide a complete package covering health, education and integration support costs. The core local authority tariff of £20,520 per person will be provided over a shorter period of three years (unlike the five-year VPRS provision). As with the VPRS, additional tariffs for health, English language and education services will also be provided in year one only and that the full package will cover:

- £20,520 to cover the local authority welcome, integration offer and provision of services
- up to £4,500 per child to cover education provision, subject to their age (year one only)
- £850 to cover English language provision, for adults requiring this support (year one only)
- £2,600 to cover health provision (year one only)

Also, that the UK Government have also announced a £20m fund of flexible funding in the current financial year (2021/22) to support local authorities with higher cost bases with any additional costs in the provision of services.

Council is asked to note that at this stage no further details on the number of persons expected and/or any timescales for resettlement within West Lothian, and that Officers are awaiting further information from COSLA on the next steps”.

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

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

Motion

Frank Anderson
Willie Boyle
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold
Jim Dickson
Carl John
Sarah King
Maria MacAulay
Andrew Miller
Moira Shemilt
David Tait
Tom Ullathorne

Amendment

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

Kirsteen Sullivan

Decision

Following a vote the amendment was successful by 17 votes to 14, with 2 members absent, and it was agreed accordingly.

12. NOTICE OF MOTION - INTERLINKING HEAT AND SMOKE ALARMS - SUBMITTED BY COUNCILLOR PETER HEGGIE

The Provost ruled that the Notice of Motion would not be considered by Council in respect of Standing Order 20(5) as it had financial consequences for the council which had not been outlined in the motion or checked in advance with the Head of Finance & Property Services

13. NOTICE OF MOTION - CUTS TO UNIVERSAL CREDIT - 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 :-

“Council recognises that all but 11% of social security benefits lie within the responsibility of the UK Government.

Council understands that the UK Government, in March 2020, recognised that the social security rates were too low to help families faced with the fallout from the pandemic. The UK Government did the right thing and increased Universal Credit and Working Tax Credit by £20 per week.

Council is dismayed to learn that this £20 a week is scheduled to be cut, coming into effect for families on Universal Credit from 6 October 2021. According to the Joseph Rowntree Foundation¹ this change will impose the biggest overnight cut to the basic rate of social security since the foundation of the modern welfare state.

Council understands that 6 million low-income families will lose £1,040 from their annual income, creating serious financial hardship and leave 500,000 people to be swept into poverty, including 200,000 children. 37% of Scottish families will be adversely affected.

Council is deeply concerned about the proportion of families in our communities which will be directly hit by this draconian measure. Almost 20,000 families in West Lothian are in receipt of Universal Credit or Working Tax Credits. 35% of our families with children are in receipt of these benefits. The majority of these families have at least one parent in work.

Council understands that many in our West Lothian communities, mostly women, could fall into extreme poverty as the country faces the steepest

rise in destitution as a result of Brexit, Covid-19 and unemployment. Council acknowledges the numerous endeavors carried out by the Scottish Government in order to mitigate the harshness of UK austerity measures, through the Scottish Welfare Fund, Crisis and Community Loans and the new Scottish Child payment. However, we cannot continue to mitigate the cruel injustices of a UK Tory government, which Scotland didn't vote for and which has imposed the horrendous 2-child benefit cap with its associated rape clause

Council declares that these intended cuts are cruel and will have a devastating effect on the most vulnerable in our communities, particularly the children in one parent families.

Council, therefore will write to the Chancellor Rishi Sunak in the strongest terms, on behalf of the 35% of families in our communities facing cold and hunger this winter, requesting, nay demanding, not only a U-turn on the proposed cut but an overhaul of the benefit system to ensure equity, fairness and respect and in line with the country's human rights obligations.

[!https://www.jrf.org.uk/universal-credit-cut-impact-constituency](https://www.jrf.org.uk/universal-credit-cut-impact-constituency)

- Moved by Councillor Moira Shemilt and seconded by Councillor Tom Ullathorne

Councillor Fitzpatrick, who had an amendment to the motion, intimated that he would be willing to agree a composite motion. Thereafter, the following was agreed :-

Composite Motion

"Council recognises that all but 11% of social security benefits lie within the responsibility of the UK Government.

Council understands that the UK Government, in March 2020, recognised that the social security rates were too low to help families faced with the fallout from the pandemic. The UK Government did the right thing and increased Universal Credit and Working Tax Credit by £20 per week.

Council is dismayed to learn that this £20 a week is scheduled to be cut, coming into effect for families on Universal Credit from 6 October 2021. According to the Joseph Rowntree Foundation this change will impose the biggest overnight cut to the basic rate of social security since the foundation of the modern welfare state.

Council understands that 6 million low-income families will lose £1,040 from their annual income, creating serious financial hardship and leave 500,000 people to be swept into poverty, including 200,000 children. 37% of Scottish families will be adversely affected.

Council is deeply concerned about the proportion of families in our

communities which will be directly hit by this draconian measure. Almost 20,000 families in West Lothian are in receipt of Universal Credit or Working Tax Credits. 35% of our families with children are in receipt of these benefits. The majority of these families have at least one parent in work.

Council understands that many in our West Lothian communities, mostly women, could fall into extreme poverty as the country faces the steepest rise in destitution as a result of Brexit, Covid-19 and unemployment. Council acknowledges the numerous endeavors carried out by the Scottish Government in order to mitigate the harshness of UK austerity measures, through the Scottish Welfare Fund, Crisis and Community Loans and the new Scottish Child payment. However, we cannot continue to mitigate the cruel injustices of a UK Tory government, which Scotland didn't vote for and which has imposed the horrendous 2-child benefit cap with its associated rape clause.

Council declares that these intended cuts are cruel and will have a devastating effect on the most vulnerable in our communities, particularly the children in one parent families.

Council notes that:

- the Department of Work and Pensions indicates there are 6m people receiving UC; 2.2m are working and 1.6m are not required to work due to health and caring responsibilities.
- Research by SPICE indicates withdrawing the uplift would move around 50,000 people in Scotland, including 10,000 children, into relative poverty. The primary beneficiaries of the benefits uplift have been households with lone parents and households with young mothers. If the uplift is removed, one-fifth of these households will lose more than 5% of their income.
- As of May 2021, there were 13,689 households in West Lothian receiving Universal Credit. Of this, 5,509 were households containing children; 3,810 claims were made by single parents (this does not include those receiving working tax credit).

Council also notes that the end of the UC Uplift comes at the same time as the proposed end to furlough and an uplift in the price cap for energy being raised. Council notes that in mitigation of hardship it has agreed

- £1m funding in both 2021/22 and 2022/23 to the Scottish Welfare Fund to support the expected increase in applications. Funding from Scottish Government is now back at pre-Covid levels.
- £600,000 funding in both 2021/22 and 2022/23 to support those experiencing food insecurity
- £261,000 funding for 2021-23 to employ an energy advisor and create an energy support fund for those who are in danger of being cut off from their energy supplier.
- Increase the school clothing grant above the Scottish Government minimum of £120 this is now £150 for primary and £180 for

secondary schools

- Reduced the cost of a school meal until 2023: primary school meals to £1.96 (a 30p reduction from budgeted prices) and secondary meals to £2.12 (a 31p reduction).
- Targeted intervention with 3fte welfare rights officers to work within the Broxburn, Livingston and Whitburn school clusters to support vulnerable families to become more financially resilient.
- Working with RSLs and Private Landlords to fully utilise Discretionary Housing Payment fund

Council, therefore will write to the Chancellor Rishi Sunak in the strongest terms, on behalf of the 35% of families in our communities facing cold and hunger this winter, requesting, nay demanding, not only a U-turn on the proposed cut but an overhaul of the benefit system to ensure equity, fairness and respect and in line with the country's human rights obligations"

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

Decision

To unanimously approve the terms of the composite motion.

14. NOTICE OF MOTION - REDUCTION IN INTERNATIONAL AID - 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 :-

"Council notes that the Westminster Conservative and Unionist Government, in July 2021, reneged on a manifesto promise and cut foreign aid from 0.7 percent to 0.5 per cent of national income. The cut has been described as "temporary". Council understands that this reduction amounts to 4bn which will not be spent on helping the world's poorest and most marginal communities at a time of great need.

Council further notes the UK government's explanation that the decision to cut was an economic one. Council would argue however, that the decision is wholly political and governed by an insular, nationalist ideology. While the Westminster Conservative and Unionist Government cite prioritisation of the needs of UK citizens in the wake of a pandemic, it is cruelly slashing £20 a week from the income of the poorest and most vulnerable in our communities. At the same time, this same government has no qualms about expanding the military budget by a huge £24bn, including an increase in the number of Trident nuclear warheads. Council also notes that funding of £250m seems to be available for a Royal Yacht.

Council notes that the Scottish Government is dedicated to playing its part in tackling shared global challenges, including poverty, injustice and inequality and is committed to increase its International Development Fund by 50 percent to £15 million.

Council understands that cuts in International Aid could hurt the worlds poorest. As ex-Prime Minister Theresa May said, *“This is not about palaces for dictators and vanity projects, it’s about what cuts to funding mean – that fewer girls will be educated, more girls and boys will become slaves, more children will go hungry and more of the poorest people in the world will die.”*

Council opines that, as the global pandemic continues, the Westminster Conservative and Unionist Government should not be turning its back on the poorest. Rather, this is precisely the moment when a civilised country should be living up to its core values.

It could be said that the issue of International Aid is not one that lies within the auspices of a local authority. However, Council places great importance on Scotland being a good global citizen. Therefore, Council would wish to encapsulate, emulate and demonstrate the values and principles associated with the notion that we all live in one world and are, ultimately, all responsible in some way for each other. In addition, we have great, shared responsibility for the planet that we have inherited, for ourselves and on behalf of our children and grandchildren.

Council, therefore, will write to PM Boris Johnston and Chancellor Rishi Sunak, on behalf of those facing terrorists in unstable countries, on behalf of those involved in internationally aided research – including vaccines, on behalf of those who seek shelter, food, water, safety, care and education for their children, and request that the reduction in International Aid is reinstated immediately.”

- Moved by Councillor Moira Shemilt and seconded by Councillor Pauline Clark

Amendment

“Council notes that the UK Government has always been at the forefront of supporting International Aid, both through monies and operational support.

This temporary reduction in our International Aid budget has been necessary so we could direct resources to protect services and jobs in the UK.

The pandemic that the UK and the rest of the world has and still is suffering from, have created the greatest of pressures on economies across the world and it is thanks to the Conservative UK Government that the UK is better placed moving forward than many countries.

Council recognises that even with this 0.2 per cent reduction, the United Kingdom is still spending over £10 billion this year in international aid, one of the largest amounts in the world. On top of this we are supporting countries with their crucial vaccine rollout.

These difficult choices have to be made during times of crisis, but as we focus on our economy going forward, we will see the criteria met to

once again raise the spending we allocate to international aid to back up to the previous level.

Therefore, Chief Executive is to write to the Chancellor of the Exchequer requesting that this temporary reduction in foreign aid is returned to the previous level once the UK Government has addressed the UKs recovery from the pandemic”.

- Moved by Councillor Damian Doran-Timson and seconded by Councillor Bruce Fairbairn

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

Motion

Frank Anderson
 Stuart Borrowman
 Willie Boyle
 Diane Calder
 Janet Campbell
 Harry Cartmill
 Pauline Clark
 Tom Conn
 Robert de Bold
 Jim Dickson
 David Dodds
 Angela Doran-Timson
 Lawrence Fitzpatrick
 Carl John
 Sarah King
 Maria MacAulay
 John McGinty
 Andrew McGuire
 Dom McGuire
 Andrew Miller
 Cathy Muldoon
 George Paul
 Moira Shemilt
 Kirsteen Sullivan
 David Tait
 Tom Ullathorne

Amendment

Alison Adamson
 Damian Doran-Timson
 Bruce Fairbairn
 Peter Heggie
 Tom Kerr

Decision

Following a vote the motion was successful by 26 votes to 5 with 2 members absent and it was agreed accordingly.

.15. NOTICE OF MOTION - THE LATE COUNCILLOR JIM WALKER - SUBMITTED BY COUNCILLOR JANET CAMPBELL

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

“I am positive that across West Lothian Council and indeed beyond to the

wider West Lothian Community, we were all saddened to learn of the sudden death of Jim Walker, former Councillor for Bathgate.

Jim was one of the most “weel kent” figures in Bathgate, the area in which he was born and brought up and where he represented his constituents for over 40 years. Jim served on Bathgate Town Council, the old District Council and finally the new, unitary West Lothian Council. He was initially the “Ratepayers Councillor” before joining the SNP after many years of support and membership.

Of course, Jim was involved in all aspects of life in Bathgate, not only as a councillor including the procession committee, Newlands Concert Brass Band and the other love of his life Bathgate Thistle Football Club. He approached all of these with the same enthusiasm he had for serving his constituents.

To mark the enormous contribution Jim Walker made to the whole Bathgate community we therefore propose changing the name of Bathgate Partnership Centre to “The Jim Walker Partnership Centre”. We further propose this change is made with immediate effect. We have consulted with Jim’s family who are delighted with this way of recognising Jim’s long involvement in public life in Bathgate and would propose ensuring they are invited to the re-naming ceremony”.

- Moved by Councillor Janet Campbell and seconded by Councillor Jim Dickson

Councillor Fitzpatrick, who had an amendment to the motion, intimated that he would be willing to agree a composite motion. Thereafter, the following was agreed :-

Composite Motion

“I am positive that across West Lothian Council and indeed beyond to the wider West Lothian Community, we were all saddened to learn of the sudden death of Jim Walker, former Councillor for Bathgate.

Jim was one of the most “weel kent” figures in Bathgate, the area in which he was born and brought up and where he represented his constituents for over 40 years. Jim served on Bathgate Town Council, the old District Council and finally the new, unitary West Lothian Council. He was initially the “Ratepayers Councillor” before joining the SNP after many years of support and membership.

Of course, Jim was involved in all aspects of life in Bathgate, not only as a councillor including the procession committee, Newlands Concert Brass Band and the other love of his life Bathgate Thistle Football Club. He approached all of these with the same enthusiasm he had for serving his constituents.

To mark the enormous contribution Jim Walker made to the whole Bathgate community we therefore propose changing the name of Bathgate Partnership Centre to “The Jim Walker Partnership Centre”. We further propose this change is made with immediate effect. We have

consulted with Jim's family who are delighted with this way of recognising Jim's long involvement in public life in Bathgate and would propose ensuring they are invited to the re-naming ceremony".

- Council acknowledges the legitimate desire of elected members and residents in West Lothian to recognise, honour and commemorate the contribution made by its citizens to public life or to the council, the council area and its residents
 - In that regard, council also recognises the importance of ensuring a consistent, even-handed and sustainable approach and the need to take account of the wishes of relatives and the community
 - Council therefore instructs the Chief Executive to consider current arrangements and recent experience and to prepare a protocol that could be agreed and adopted to address these issues where they may involve council property or public spaces or places otherwise in the control of the council
- Moved by Councillor Janet Campbell and seconded by Councillor Lawrence Fitzpatrick

Decision

To unanimously approve the terms of the composite motion.

16. NOTICE OF MOTION - THE RIGHT TO FOOD - SUBMITTED BY COUNCILLOR JANET CAMPBELL

Prior to consideration of the motion the Provost advised that elements of the motion did not comply with Standing Order 20(2). He advised that if the second last paragraph were removed then he would allow it to be considered. Councillor Campbell confirmed her agreement.

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

"The SNP believe the right to food is a fundamental human right and welcome the SNP Scottish Governments commitment to enshrining this right into law. This will also form part of the commitment to incorporate UN human Rights charters into Scots Law, an initiative that must surely be supported by everyone who believe in fairness, equality and social justice.

We are extremely lucky in Scotland in that we have one of the world's best natural larders, in addition to being the only country in the UK which is able to feed its population. Unfortunately, despite this we do not always choose well when it comes to diet. We have witnessed during the pandemic complications that can be triggered with strong links between diet and severe covid infections. We are a nation renowned for our clean air, clear waters and natural produce – we have the potential to transform our diet but this requires commitment from everyone involved in elected office in Scotland.

We recognise that change starts with children and fully welcome and

support the Scottish Governments commitment to tackling this issue. However, this is not solely the responsibility of Government. Local Authorities have both the responsibility and the funding to provide:

- education on nutrition in all settings where children gather, including in third sector organisations
- provision of healthy snacks & meals in nursery settings;
- provision of healthy snacks and meals in our schools;
- as a partner in the HSCP, shared responsibility for provision of high quality and well researched information on breastfeeding;
- as a partner in the HSCP, shared responsibility for provision of high quality and well researched information on infant weaning.

We therefore call upon West Lothian Council to:

Produce a local food strategy which supports locally (or as close as possible) based food production, cutting food miles and enabling more people to enjoy food grown locally.

Engage positively with the “Food for Life” programme, so that more of the food we provide for children in our care is locally produced, and healthy.

Update our current policies on food and nutrition in nursery and school settings to reflect the above.

Produce a report for the next full council outlining what progress has been made in implementing healthy eating across our nursery and school estate

- Moved by Councillor Janet Campbell and seconded by Councillor Moira Shemilt

Amendment

“Council believes the right to food is a fundamental human right and welcomes all efforts to enshrine this right in law, as per the position agreed by West Lothian Council at its meeting on 14th May 2019. Council believes that no one should go hungry in 2021 through lack of access to food whether for financial or any other reasons.

Council recognises the efforts made by numerous public bodies, including the Council itself, third sector and private sector organisations, and community groups to reducing hunger by removing barriers to food and increasing access to healthy, nutritious and affordable food in our local communities. Council extends its thanks to all those committed to eradicating hunger in our local communities, at a time when over 4000 people per week continue to be supported by the West Lothian Food Network.

Council agrees the importance of good nutrition to the development of children, both physically and mentally and understands that hunger is a barrier to learning. Council notes the work done by West Lothian Council over the years to support the provision of nutritious food to children to

combat hunger and support learning, for example, via free breakfast clubs, the delivery of the Food for Life programme in primary schools and subsequent achievement of the Bronze Award in November 2018, as well as free holiday lunch & activity clubs which have been expanded year on year since their introduction in West Lothian in 2016.

Council acknowledges that contrary to the motion, West Lothian Council has neither responsibility nor funding for the provision of high quality and well researched information on breast feeding and weaning but as a community partner supports NHS Lothian on making advances on these fronts where possible, using NHS Lothian materials and resources.

Council notes the roll out of the Healthy Snacks and Milk Scheme in Early Years establishments, and Healthy Meals in line with the introduction of the 1140 hours. Council further notes the extension of free school meals to Primary 4-7 children by August 2022, which started with Primary 4 children in August 2021, and will include Primary 5 children from January 2022 and Primary 6 & 7 children from August 2022.

Council understands that whilst £1.05m in revenue funding has been provided to West Lothian Council for 2021/22, the allocations have not yet been agreed for 2022/23, 2023/24 and thereafter. Furthermore, Council notes that the Scottish Government has not yet committed to meet in full the capital costs incurred to support the extension of free school meals, funding which is required in order to meet the January 2022 and August 2022 timescales.

Council agrees that the Scottish Government must fully fund both the revenue and capital costs of extending free school meal provision to all primary children.

Council acknowledges the work already underway with regards to the Food Growing Strategy which was presented to the Environment PDSP on 1st June 2021 and will be going to a future meeting of the Council Executive. Council further recognises the work of many local community groups in establishing community gardens and allotments with a view to providing community fridges and other such ventures with fresh produce, as well as the efforts of organisations within the West Lothian Food Network who are working with local suppliers to ensure that fresh food is sourced locally, not only reducing the environmental impact of transportation but also supporting the local economy and community wealth building efforts.

West Lothian Council therefore:

- Reaffirms its belief that the right to food be enshrined in Scots law as per the agreed position at the meeting of West Lothian Council on 14th May 2019
- Notes the letter sent by the Chief Executive to the First Minister Nicola Sturgeon on 16th May 2019 requesting on behalf of West Lothian Council that the Scottish Government brings forward legislation to enshrine in Scots law the 'right to food'
- Requests an update to the 26th October 2021 meeting of the

Education PDSP on the rollout of Healthy Meals and Snacks scheme in Early Years establishments

- Requests an update to the 26th October 2021 meeting of the Education PDSP on the expansion of free school meal provision in primary schools
 - Requests a report to the November 9th 2021 meeting of the Environment PDSP with an update on the progress of the Food for Life programme since West Lothian Council achieved the bronze award in November 2018
 - Instructs the Chief Executive to write to the First Minister to request:
 - that both capital and revenue costs are met in full for the expansion of free school meals provision
 - an immediate commitment to providing the funding within the timescales required to deliver the expansion of provision of free school meals to P5, 6 and 7 children.”
- Moved by Councillor Kirsteen Sullivan and seconded by Councillor Tom Conn

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

Motion

Frank Anderson
Willie Boyle
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold
Carl John
Sarah Kind
Maria MacAulay
Andrew Miller
Moira Shemilt
Tom Ullathorne

Amendment

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

Decision

Following a vote the amendment was successful by 17 votes to 12, with 4 members absent, and was accordingly agreed.

17. NOTICE OF MOTION - ELECTIONS BILL 2021 - VOTER ID - 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 :-

“Council notes that the Elections Bill 2021, being introduced by the Westminster Conservative and Unionist Government, intends to ensure that voters show an approved form of photographic identification before collecting their ballot paper to vote at a polling station for UK parliamentary elections in Great Britain and at local elections in England.

Council understands that more disadvantaged groups are less likely to have ID. The Westminster Conservative and Unionist Government’s own research found that those with severely limiting disabilities, the unemployed, people without qualifications, and those who had never voted before were all less likely to hold any form of photo ID.

Council notes that there is little evidence of electoral fraud in Britain and public confidence in the system is high. If a problem does exist, it is in relation to low turnout and low engagement, particularly in local elections. Council understands that the introduction of the scheme will cost up to an extra £20m per election. Council believes that the introduction of voter ID will preclude many from the voting process and is inherently undemocratic.

Council welcomes the Scottish Government’s endeavours to extend the franchise in our country. EU, Commonwealth citizens and sixteen-year olds already have the franchise. In February 2020, the right to vote in our Scottish Parliament and local government elections was extended to all foreign nationals with leave to remain, including all those granted refugee status. Council would want to encourage all of our people to exercise their right to vote. Council would not want to see this curtailed by putting in place barriers to participation, such as having to source approved voter photographic ID.

Council understands that the tenets of this bill will only affect Scotland during general elections. The notion of voter ID presents opportunities for confusion. It is an undemocratic, expensive solution to a problem which didn’t exist.

Council will write to all Members of Parliament in Scotland, asking that they vote against the introduction of approved photographic voter ID in UK elections”

- Moved by Councillor Moira Shemilt and seconded by Councillor Tom Ullathorne

Councillor Fitzpatrick, who had an amendment to the motion, intimated that he would be willing to agree a composite motion. Thereafter, the following was agreed :-

Composite Motion

Council notes that the Elections Bill 2021, being introduced by the Westminster Conservative and Unionist Government, intends to ensure that voters show an approved form of photographic identification before collecting their ballot paper to vote at a polling station for UK parliamentary elections in Great Britain and at local elections in England.

Council understands that more disadvantaged groups are less likely to have ID. The Westminster Conservative and Unionist Government's own research found that those with severely limiting disabilities, the unemployed, people without qualifications, and those who had never voted before were all less likely to hold any form of photo ID.

Council notes that there is little evidence of electoral fraud in Britain and public confidence in the system is high. If a problem does exist, it is in relation to low turnout and low engagement, particularly in local elections. Council understands that the introduction of the scheme will cost up to an extra £20m per election. Council believes that the introduction of voter ID will preclude many from the voting process and is inherently undemocratic.

Council welcomes the Scottish Government's endeavours to extend the franchise in our country. EU, Commonwealth citizens and sixteen-year olds already have the franchise. In February 2020, the right to vote in our Scottish Parliament and local government elections was extended to all foreign nationals with leave to remain, including all those granted refugee status. Council would want to encourage all of our people to exercise their right to vote. Council would not want to see this curtailed by putting in place barriers to participation, such as having to source approved voter photographic ID.

Council notes that photographic ID has been a strict criteria for voting in Northern Ireland for a little time, however, there is little evidence of electoral fraud in Britain and public confidence in the system is high. Council strongly asserts that the introduction of voter ID will preclude over 2 million people in Britain from the basic democratic right to vote and that this would introduce a form of voter suppression as sadly has been evidenced in U.S.A.

Council also notes that the proposed Bill gives greater power over election campaigning and the Electoral Commission to Ministers and agrees that a democratic society must guard against attempts to silence Government critics. Also, that careful analysis of the Bill reveals the risk that trade unions could be debarred from campaigning with their own voice at election time as is their right at present when they continually assert concern over pay, conditions and equality.

Council understands that the tenets of this bill will only affect Scotland during general elections. The notion of voter ID presents opportunities

for confusion. It is an undemocratic, expensive solution to a problem which didn't exist.

Council instructs the Chief Executive to write to all Members of Parliament, representing Scottish constituencies requesting that they vote against the introduction of approved photographic voter ID in UK elections and proposed restrictions to silence non charitable organisations and trade unions.

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

Amendment

"Council recognises that the Elections Bill 2021 is being introduced by the UK Conservative Government bringing the United Kingdom in line with the vast majority of democratic nations

Nearly every European Country requires photographic ID in order to vote and it is quite correct that the UK joins these countries in applying this criterion

There will be no cost to the individual and the scaremongering done by some to raise this as an issue is shameful. For those without photographic ID, a suitable document will be provided.

Council understands that you need ID to open a bank account, to take delivery of a parcel, to buy alcohol, to purchase cigarettes, even to take out a library book. The occasions on which an identification document is required is endless; the SNP Scottish Government wish to introduce a passport system to get into some social events and you even need a photo ID to get into the Labour conference.

Therefore, Council agrees that this Bill move the UK forward and that the Chief Executive should write to the Prime Minister requesting more is done to tackle postal voting fraud."

- Moved by Councillor Damian Doran-Timson and seconded by Councillor Peter Heggie

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

Motion

Frank Anderson
Stuart Borrowman
Willie Boyle
Diane Calder
Janet Campbell
Harry Cartmill
Pauline Clark
Tom Conn
David Dodds
Angela Doran-Timson

Amendment

Alison Adamson
Damian Doran-Timson
Bruce Fairbairn
Tom Kerr

Lawrence Fitzpatrick
Carl John
Maria MacAulay
John McGinty
Andrew McGuire
Dom McGuire
Andrew Miller
Cathy Muldoon
George Paul
Moira Shemilt
Kirsteen Sullivan
Tom Ullathorne

Decision

Following a vote the motion was successful by 22 votes to 4, with 7 members absent, and it was agreed accordingly.

18. NOTICE OF MOTION - LIVI SKATE PARK - SUBMITTED BY COUNCILLOR MOIRA SHEMILT

Prior to consideration of her motion, Councillor Shemilt indicated that she had referred to the wrong Policy Development & Scrutiny Panel in the last paragraph. She asked that it be amended to refer to the Environment PDSP on 9 November 2021. The Provost allowed that amendment to be made

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

“Council recognises that our unique skatepark, which open in 1981, was once classed as one of the best skateparks of its kind, not only in Scotland but around the world. It is an excellent example of a free, unsupervised facility which achieved international status. Skating stars such as Steve Caballero, Mike McGill and even Tony Hawk made the journey to Livingston new-town to ride its famous bowl. The reputation of the park continues to be a draw for skateboard enthusiasts world-wide.

Council understands that the park was extended during the 1990s and a further extension was added in 2013. Council is aware that the latter extension is not valued by current user groups. The reasons cited for dissatisfaction include lack of consultation with the skateboarding community and inappropriateness of the construction for viable skateboarding activity.

Council is acutely aware that, in its fortieth anniversary year, the Livi Skate Park is greatly valued and much loved by many, both within and out with our communities. It is used by all ages and all demographics. Those who used it in its heyday are now bringing their children and grandchildren to skate on the soaring, curving concrete. It is one of the jewels in the Livingston crown. However, it is also one which has been

prey to the elements and in drastic need of some conservation and restoration as well as improvement, in order to restore it to an international standard.

Council acknowledges the excellent work already undertaken to improve the park by officers in CLD Youth Services and Community Regeneration. A 2-day initial consultation of user groups was conducted and a nascent but expanding focus group established. The latter is made up of members of the skateboarding community whose passion for and commitment to the care of the skatepark is palpable. Consultation with user groups has led to the identification of short-term improvement work, an art project and an exhibition on the history of the skatepark. Data collected from council officers, as well as information from skatepark users has informed this motion.

Council recognises that, in the year that skateboarding has become an Olympic sport, the Livi Skate Park requires some strategic intervention in order to restore it to its previous glory and to re-instate it as a destination for enthusiasts, not only around the country but around the world. Council also understands that any work undertaken must be sensitively done and with extensive consultation with the skateboarding community. For example, council has been informed that age and wear has provided a unique patina to the surface of the park which is greatly valued by user groups. Conservation and restoration, as well as improvement are key.

Council understands that a state-of-the-art skate park has been built in Inverness. Council also understands that skate parks in parts of the UK, such as Rom in Hornchurch, East London, have gained historic status. Council also recognises that, in order to prevent repeats of past mistakes, the voices of those who care most and who know most about this park must be prioritised.

Therefore, Council will instruct officers to:

Build on the work already initiated by CLD Youth Services and Community Regeneration Officers, in particular, consolidating and expanding the present focus group of skatepark users;

Draw up a plan for the longer-term conservation, restoration and improvement of the Livi Skate Park, considering the views of all stakeholders and taking due cognisance of good practice in skate park design as evidenced by Inverness;

Provide approximate costs for the implementation of a longer-term conservation, restoration and improvement plan;

Investigate the possibilities of historic status for Livi Skate Park;

The strategic plan for conservation, restoration and improvement of the park as well as information on the acquisition of historic status is to be presented to the Environment Policy Development and Scrutiny Panel on 9 November 2021”

- Moved by Councillor Moira Shemilt and seconded by Councillor Maria MacAulay

Amendment

“Council highly values this tremendous popular facility which was opened in 1981.

Council recalls a deputation in 2013 by Mr Menzies on behalf of Skateboard Scotland where expression was articulated on the quality and potential defects in the concrete.

Council notes that subsequently Mr Brian Sives of outstanding reputation of Livi Skates represented skatepark users at various meetings with elected members and officers on a way forward; consequently, the council expended £300,000 on developing, redesigning and enhancing the skate park with Mr Sives being involved with members and officers on the monitoring of the project to its completion.

Council further notes that a contract brief is in preparation including repair of various outstanding issues, these being mainly cracks and holes in the concrete which are programmed for Spring/Summer 2022, which does not involve any alternations to its design.

Council also notes that as with all play assets, Play Inspectors visit the skate park every 10 days having the aim of responding to urgent safety issues when notified by third parties.

Council further notes that the Community Regeneration Team and the council's Open Space officer have been in dialogue with various users to discuss potential improvements.

In view of the long history and interventions by various stakeholders, some with different preferred outcomes, council is asked to agree:

- A full report on the skate park, its history, condition and potential outcomes be presented to the Livingston South Local Area Committee at its meeting on Thursday 11th November 2021.
- Moved by Councillor Lawrence Fitzpatrick and seconded by Councillor Kirsteen Sullivan

Motion

Alison Adamson
Frank Anderson
Willie Boyle
Dian Calder
Janet Campbell
Damian Doran-Timson
Bruce Fairbairn
Peter Heggie
Carl John

Amendment

Stuart Borrowman
Harry Cartmill
Tom Conn
David Dodds
Angela Doran-Timson
Lawrence Fitzpatrick
John McGinty
Andrew McGuire
Dom McGuire

Tom Kerr
Maria MacAulay
Andrew Miller
Moira Shemilt
Tom Ullatorne

Cathy Muldoon
George Paul
Kirsteen Sullivan

Decision

Following a vote the motion was successful by 14 votes to 12, with 7 members absent, and it was agreed accordingly.

19. NOTICE OF MOTION - UK GOVERNMENT FINANCE - SUBMITTED BY COUNCILLOR DAMIAN DORAN-TIMSON

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

“Since the SNP came into Government at Holyrood, we have experienced devastating mismanagement of the country’s finances. Infrastructure has not been invested in and Councils have had their budgets cut by millions, resulting in Councils having to drastically reduce services.

This cannot continue and the residents of West Lothian deserve better. Thankfully over recent months we have seen some funding come direct to Councils from the UK Government, this is making a major positive impact across communities. Alongside this an extra £1.1 billion per annum for the NHS will go to the Scottish Government as a result of recent UK Government changes to National Insurance. Incredibly, the SNP voted against this increase and worryingly the SNP Cabinet Secretary for Finance has stated these monies will not necessarily be spent on healthcare.

At a time when pressure has never been higher on the NHS and Local Authorities, it is critical that every public sector pound is diverted to where it is needed most. Therefore, Council agrees that the Chief Executive is to:

1. Write to Rishi Sunak, Chancellor of the Exchequer requesting that more funding in the future is made available directly to West Lothian Council and not the Scottish Government.
 2. Write to Kate Forbes, Cabinet Secretary for Finance requesting that monies made available through the recent changes to National Insurance contributions are ring-fenced for healthcare spending”.
- Moved by Councillor Damian Doran-Timson and seconded by Councillor Bruce Fairbairn

Amendment

“West Lothian Council notes that despite the Austerity programme introduced by Prime Minister David Cameron and continued by successive Westminster Tory Prime Ministers, which have slashed

£millions in real terms for the Scottish Government, the SNP Government in Holyrood have continued to use the limited powers we have to continue building a fairer country. It is a fact that since 2007, every home in Scotland has benefitted in some way from SNP Government policies. The new school building programme in Scotland is leading the way in the UK, transforming education for our young people.

More large-scale infrastructure projects managed by the SNP Scottish Government have been delivered under budget and on time than under previous Scottish and Westminster Governments.

The NHS in Scotland is the best performing NHS in the UK – staffing is at an all-time high with an increase of 25% staff since 2007. After over a decade of Westminster cuts, the SNP Scottish Government have got on with the job of delivering the best public services anywhere in the UK.

It might be dry and technical, but how a Government use's the country's wealth to serve its citizens is the essence of moral stewardship – in Scotland the ability to decide how we spend our money is at great risk. Now the Tories, knowing they are unlikely to ever secure power in Scotland through a democratic process, are starting to dismantle the devolution settlement.

The party of Brexit is now 'taking back control' from Scotland. The internal market bill, the levelling up fund, the so-called Union Connectivity Review... all of these are ways for the Tories to bypass devolution and redirect money that should come via the Scottish Government.

The very fact that the Tories accept the need to, in their words, 'level up' reveals the decades of disregard and disdain for Scotland. But levelling up is a con – and it is anything but a fair and rightful redistribution of wealth and resources

In addition, the Westminster Tory Government, supported by Boris Johnston's West Lothian representatives, voted at the beginning of September to increase NI insurance payments across the UK by over 10% in order to pay for the social care crisis in England. This is a tax which will hit the poorest people in our society more than any other, with pensioners now subject to NI on their basic pensions for the first time ever, whilst those with investment incomes or who rent out premises for profit will pay nothing extra

Thankfully we have an SNP Government in Scotland who have protected the health service; indeed have protected the funding of the Scottish NHS via the diminishing block grant received from Westminster and are now consulting on the implementation of a National Care Service, in order to ensure that social care provided for vulnerable people in our communities is both responsive and continues to be of the highest standard. It is a matter of fact the Scottish NHS is already fully funded by the Scottish Government.

West Lothian Council therefore agrees to:

Write to the UK Chancellor, Rishi Sunak demanding that his Government and all elected Conservatives in Scotland uphold the Devolution Settlement in full;

Write to Kate Forbes, Cabinet Secretary for Finance in the Scottish Government outlining support for her and her Government's stewardship of the Scottish NHS and support her calls for an end to the austerity settlements imposed on the Scottish Government by the Westminster Tories.

- Moved by Councillor Janet Campbell and seconded by Councillor Tom Ullathorne

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

Motion

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

Amendment

Frank Anderson
Willie Boyle
Diane Calder
Janet Campbell
Carl John
Maria MacAulay
Andree Miller
Moira Shemilt
Tom Ullathorne

Decision

Following a vote, the motion was successful by 16 votes to 9, with 8 members absent, and it was agreed accordingly.

20. NOTICE OF MOTION - INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE - SUBMITTED BY COUNCILLOR DAMIAN DORAN-TIMSON

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

"West Lothian Council quite rightly recognise the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism, as do every other Local Authority in Scotland and every major political party.

It is therefore completely unacceptable that the SNP Government have done a deal with a party in Scotland, the Greens, who do not recognise

the IHRA definition of antisemitism and given representatives from the Green Party Government positions.

Antisemitism is on the increase and all Governments must do everything in its power to demonstrate there is no place for it in today's society. Therefore, Council requests that the Chief Executive writes to the First Minister expressing the deep concern of West Lothian Council that a party in coalition with the SNP do not recognise the IHRA definition of antisemitism and that unless the Green Party accept this definition there is no place for their representatives to be in Government in Scotland".

- Moved by Councillor Damian Doran-Timson and seconded by Councillor Alison Adamson

Amendment

"West Lothian Council SNP Group notes the hypocrisy of the Conservative Group in trying to weaponise the IHRA definition for its own political gain, aping their Party's antics at Holyrood.

Whilst we appreciate that the motion talks about 2 of Scotland's political parties forming an agreement around governing Scotland it is worth noting the following,

- Data, held by the Jewish Leadership Council (JLC) and shared with government, confirms that of the 50 councils not signed up to IHRA – no less than 30 of them, some 60 per cent, are Tory led authorities. (in England)
- One senior government figure told *Jewish News*: "It's not that most of the remaining Tory councils yet to adopt IHRA oppose the definition **"It's more than they just don't see its adoption as being a priority."**
- **The number of anti-Semitic incidents recorded in the UK reached a record high in 2018 - but such instances remain rare in Scotland, a report by a leading Jewish charity has found.**
- **A total of 1,652 incidents - a 16 per cent increase on 2017 - were logged by the Community Security Trust (CST) in its annual report, a record for a single calendar year. of that total, 21 were north of the Border.**

West Lothian Council SNP Group fully supports and endorses the following statement - A spokesman for the charity Community Security Trust (CST), told The Scotsman: "Anti-Semitism is not the day-to-day experience of the Jewish community in Scotland. Scotland is a welcoming country for Jews but we cannot be complacent."

Furthermore, we note that The Conservative party code of conduct does not expressly mention antisemitism once – let alone define it. The Conservative party code of conduct does include a provision for harassment on the basis of religion and belief, which would presumably be invoked to deal with anti-Semitic behaviour in the party.

Council therefore agrees that Scotland is striving, and will continue to

strive, to eradicate antisemitism and all hate crimes and supports Ephraim Borowski, director of the Scottish Council of Jewish Communities, who said **“However, we welcome statements from the First Minister and other Scottish political leaders that are outspoken in their condemnation of antisemitism, and we will continue to work with them, the CST, and Police Scotland to ensure that Scotland remains a safe place to be Jewish.”**

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

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

Motion

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

Amendment

Frank Anderson
Willie Boyle
Diane Calder
Janet Campbell
Robert De Bold
Carl John
Maria MacAulay
Andrew Miller
Moira Shemilt
Tom Ullathorne

Decision

Following a vote, the motion was successful by 16 votes to 10, with 7 members absent, and it was agreed accordingly.

21. NOTICE OF MOTION - IMPROVING STREETS, PARKS AND OTHER OPEN SPACES - SUBMITTED BY COUNCILLOR ALISON ADAMSON

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

“This Council thanks and congratulates the many West Lothian local groups and individuals for their efforts, particularly during the current pandemic, to improve our streets, parks and other open spaces by volunteering for litter picks, gardening and public space maintenance, etc.

We also note reports coming from Council areas in other parts of the United Kingdom who have worked with private enforcement companies to pursue and prosecute those who cause the litter in the first place, targeting dog fouling, litter, and fly-tipping. We would expect the use of CCTV and any other available detection equipment to facilitate the

enforcement. We understand that it has been suggested that this work can be achieved at zero cost to the local authorities and, in turn, has the potential of providing more capacity to our hard-pressed environmental health service for delivering specialist and technical public health and safety duties.

We therefore request that officers look at whether a similar arrangement would be something that could be considered for introduction here in West Lothian, with a report provided to the next full West Lothian Council meeting”.

- Moved by Councillor Alison Adamson and seconded by Councillor Peter Heggie

First Amendment

We agree thank and congratulate the many local groups who particularly over the last 18 months have taken on voluntary responsibility to improve our environment by litter picking, or maintaining and planting up local public spaces, in their hundreds and we are humbled by their response.

West Lothian Council currently have the ability to address the concerns of littering, dog fouling, etc., however for this to be supported in a meaningful way we can take on the responsibility to investigate the real possibility of employing additional Enforcement Officers bringing our Environment Team back to acceptable levels that are able to manage this increasing portfolio. This keeps the portfolio within the remit of West Lothian Council and not with a private Company whose focus might be to put profit before the actual benefits it would bring to our Communities.

We can investigate the real possibility of decriminalising our Environment portfolio for issuing fines that will support these additional Officers.

We therefore instruct Officers to investigate how West Lothian Council can operate Civil Enforcement Officers, operating on behalf of a local authority.

- Moved by Councillor Diane Calder and seconded by Councillor Willie Boyle

Second Amendment

West Lothian Council Current Position

Local Authorities powers for littering and fly-tipping enforcement are derived from the Environmental Protection Act 1990. In West Lothian the council has an internal resource, 4 Enforcement / Education Officers responsible for discharging the council's statutory duties including issuing of fines and fixed penalties for littering and fly-tipping offences.

Position of Other Local Authorities

In England, for the last 4 – 5 years, some local authorities who didn't have an in-house resource opted to transfer their statutory duties to a private provider having deemed it more cost effective to contract externally rather than having an internal resource.

In Scotland, only a few local authorities have a dedicated team similar to West Lothian's for littering enforcement. The majority of local authorities have included this responsibility within the remit of their Street Cleansing Managers / Supervisors role and this has been shown to be ineffective, with them issuing little or no fines. To date, no authorities have transferred their statutory duties to a private provider, although Mid-Lothian Council are currently progressing with this option as they don't have an internal resource

Consideration of Private Providers in West Lothian

West Lothian Council has previously considered the option of externally contracting littering and fly-tipping enforcement as part of an options appraisal for NETs, Land and Countryside Services Transforming Your Council proposals.

This option was not taken forward as it would have meant consideration of service restructuring, redeployment, redundancy and TUPE depending on how the external contracts were to be implemented.

Another consideration was that if the work is being undertaken externally at no cost to authorities, it will likely be because the income they derive is based on the penalties and fines they issue, and enforce in collection terms. In England this led to aggressive business practices since it is in their interest to issue as many fines and penalties as possible resulting in negative press coverage in the national media.

Whilst all the authorities in England can demonstrate a significant increase in fines issued and income in collection terms, none have been able to demonstrate a decrease in littering and fly-tipping to benefit communities. Therefore, it was determined by officers that there was no demonstrable benefit for communities by externalising littering and fly-tipping enforcement.

CCTV Usage

The council currently uses overt CCTV surveillance for littering and fly-tipping enforcement. Overt surveillance is generally used to monitor fly-tipping hotspots. This has had mixed success as the council is required to advertise the use of cameras.

With regards to covert surveillance, the council has historically not used this method of CCTV for simple littering offences but we have used it for fly-tipping. However, this method has only been used occasionally as a last resort as covert surveillance requires authorisation in line with the council's powers under the Regulation of Investigatory Powers (Scotland) Act 2000 (RISPA).

The use of the council's powers in terms of RISPA must be proportionate to the circumstances. To use it where there is littering is not considered proportionate; in contrast where there is evidence of significant fly-tipping occurring on a regular basis can be considered proportionate and the council has used covert surveillance in the past in these circumstances to secure evidence with a view to reporting to the Procurator Fiscal to consider prosecution.

If evidence can be secured by other means authorisation for covert surveillance will not be granted.

Council is asked to note the above and agree to take no action at this time but instructs officer to submit a report to the Environment PDSP should Midlothian Council engage and transfer their statutory duties to a private contractor and the effectiveness of such an arrangement".

- Moved by Councillor Tom Conn and seconded by Councillor Cathy Muldoon.

A roll call vote was taken on the motion and the first amendment moved. The result was as follows :-

<u>Motion</u>	<u>First Amendment</u>	<u>Abstain</u>
Alison Adamson	Frank Anderson	Cathy Muldoon
Harry Cartmill	Willie Boyle	Dom McGuire
Tom Conn	Diane Calder	
David Dodds	Janet Campbell	
Angela Doran-Timson	Robert De Bold	
Damian Doran-Timson	Carl John	
Bruce Fairbairn	Maria MacAulay	
Lawrence Fitzpatrick	Moir Shemilt	
Peter Heggie	Tom Ullathorne	
Tom Kerr		
John McGinty		
Andrew McGuire		
George Paul		
Kirsteen Sullivan		

The Motion was successful by 14 votes to 9 with 2 abstentions and 8 members absent.

A second roll call vote was taken on the motion (the surviving position) against the second amendment. The result was as follows :-

<u>Motion</u>	<u>Second Amendment</u>	<u>Abstain</u>
Alison Adamson	Harry Cartmill	Frank Anderson
Damian Doran-Timson	Tom Conn	Willie Boyle
Bruce Fairbairn	David Dodds	Diane Calder
Peter Heggie	Angela Doran-Timson	Janet Campbell
Tom Kerr	Lawrence Fitzpatrick	Robert De Bold
	John McGinty	Carl John

Andrew McGuire
Dom McGuire
Cathy Muldoon
George Paul
Kirsteen Sullivan

Maria MacAulay
Moir Shemilt
Tom Ullathorne

Decision

Following a vote the second amendment was successful by 11 votes to 5 with 9 abstentions and 7 members absent and it was agreed accordingly.

22. NOTICE OF MOTION - PROPORTIONALITY OF THIS COUNCIL - SUBMITTED BY COUNCILLOR FRANK ANDERSON

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

“Council notes that following the 2 recent by elections, this Council consists of 14 SNP, 11 Labour, 7 Conservative and 1 Independent councillor. These latest results further extend the SNP Group as the largest on this Council. Furthermore, these by elections have shown that the electorate have overwhelmingly rejected the Labour Party and the court of public opinion has endorsed the SNP as the Party they trust.

The West Lothian electorate would expect the largest group on their Council to be involved in running their Council not being discriminated against by gerrymandered representation on Council committees, which sees the largest Party within this Council having the lowest representation of all political groups on every ‘committee’. There are 2 principles at stake here following these by election results, respect for democracy and proportionality.

The SNP Group, once again, calls for proportionality to be introduced to this Council.

Council, therefore agrees to:

1. Retain the current size of all committees in the scheme of administration
2. Amend the scheme of administration by introducing proportionality, using the Sainte-Lague system based on the number of councillors in each group, for committees other than the Planning Committee and Local Area Committees, meaning

	5 MEMBERS*	7 MEMBERS	9 MEMBERS	12 MEMBERS	13 MEMBERS	18 MEMBERS
SNP	2	3	4	5	6	7
LABOUR	2	2	3	4	4	6
CONSERVATIVE	1	2	2	3	3	4
INDEPENDENT	0	0	0	0	0	1

3. Appoint members to those positions with immediate effect by requesting parties provide names for the places allotted to them
4. Appoint this Council's COSLA representation using this same method with immediate effect, meaning 2 SNP, 1 Labour, 1 Conservative and 0 Independent
5. Instruct a report to the next meeting of council about applying the Sainte-Lague system to other bodies in the scheme of administration and outside body appointments and about potential changes to the size of all bodies in the scheme of administration

Note: * except, to accommodate the current position of the Independent, he remains on the 2 committees currently, with the allocation being, 2SNP, 1 Lab, 1 Con and 1 Ind".

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

Amendment

"Council notes that under the form of P.R. introduced for local authority elections in 2007, it was designed to ensure that no mainstream political party held majority power. This has proved to be the case with West Lothian Council in all elections: - 2007, 2012 and 2017 when no party held a majority of seats.

In 2007, Labour had the largest share of the vote and councillors but the SNP formed an administration with 2 other parties. It is the case that the SNP group were unable to form an Administration in 2012 and 2017.

In 2017, the SNP achieved 39.4% of the vote and 13 elected councillors out of a total council membership of 33.

Labour were able to form a minority administration with no power sharing arrangements, with 20 councillors having an anti-independence view.

Council agrees that council arrangements have served West Lothian well.

The next council election is in 2022 and it is for the members elected at that time to determine council governance.

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

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

Motion

Frank Anderson
Willie Boyle
Diane Calder
Janet Campbell
Robert De Bold

Amendment

Alison Adamson
Harry Cartmill
Tom Conn
David Dodds
Angela Doran-Timson

Carl John
Maria MacAulay
Moirá Shemilt
Tom Ullathorne

Damian Doran-Timson
Bruce Fairbairn
Lawrence Fitzpatrick
Peter Heggie
Tom Kerr
John McGinty
Andree McGuire
Dom McGuire
Cathy Muldoon
George Paul
Kirsteen Sullivan

Decision

Following a vote, the amendment was agreed by 16 votes to 9, with 8 members absent, and it was agreed accordingly.

23. NOTICE OF MOTION - SPACES FOR PEOPLE - SUBMITTED BY COUNCILLOR BRUCE FAIRBAIRN

Prior to moving his motion Councillor Bruce Fairbairn advised that he had agreed a composite motion with Councillor Willie Boyle in the following terms :-

At full Council of January 2021 a motion was tabled that expressed the complete mismanagement of the SfP programme and instructed a report on this project to be brought to Full Council in March 2021.

This report was brought to Full Council on 16th March and confirmed the project had been bad for the county and had never been properly thought through. i.e. completely mismanaged by this Administration.

The report confirms:

Section D5 Package 5 – 20MPH signage.

*“The measures have not been supported across a number of areas” and
“lack of enforcement and compliance of the reduced speed signs.*

Both negative for the residents of WL and both would have been identified if a proper consultation had been carried out.

Section D5 Package 6 – Physical Distance Signage.

“There is a large amount of feedback to have these signs removed as the current assumption that the message is received by the public and reminders are no longer required”

In fact these signs were never required; again this would have been established if a proper consultation had been carried out

D5 Package 7 – Strategic clearance work to widen foot paths and cycle tracks.

“few stakeholders were directly affected”

This should not be a special measure rather a routine practice to keep these facilities fit for purpose.

D5 Package 8 – Physical distance measures at Bus Stops.”

“There is strong opinion that the temporary bus boarder measures should be removed primarily due to perceived congestion issues. Comments were also received that if they were to be made permanent then improvements would have to be carried out.”

Again this could easily have been foreseen instead it was bullishly enforced causing havoc and distress on our road network.

D5 Package 9- Pedestrian phases at Controlled crossing points.

“feedback from the areas affected cited the extra waiting times for vehicles when there are no pedestrians crossing at the crossing points.”

More frustration rather than benefits which with a proper timescale and design process could have been avoided.

The report also stated that in relation to the initial consultation;

“The combined reach of these posts was over 34,500 people, with nearly 2,900 people engaging with them in some way. The council received 470 responses from all over West Lothian”. This is a 0.00136% return or 13.6 people in every thousand. The consultation provided no detail of what was to be installed and as a result was misleading, this was true for many elected members as well.

Council therefore resolves to carry out a full and engaging consultation that will form a meaningful expectation of what is required by our communities. This to take place over a reasonable time scale with a realistic engagement and follow up consultation on permanent proposals going forward.”

- Moved by Councillor Bruce Fairbairn and seconded by Councillor Willie Boyle

Amendment

“Council notes the report on the funding application for the temporary Spaces for People measures unanimously approved by all political parties at the Council Executive on 23rd June 2020. Council notes the report outlined the public survey which was open for comments between 15th May and 22nd May 2020 (reflecting the tight timescales set by the Scottish Government for applications to be submitted) along with the number of responses received.

Council appreciates that the Spaces for People measures have been met with mixed responses across communities in West Lothian, depending on the topography and demographic make-up of the towns and villages.

Council therefore:

- Instructs officers to bring forward a report to the next Environment PDSP on the associated costs of the immediate removal of 20mph and 40mph speed limit across the county

- Instructs officers to review the Spaces for People measures and their efficacy across West Lothian and to report back to Local Area Committees with recommendations on whether the measures in each of the packages should be retained or ended.”
- Moved by Councillor Tom Conn and seconded by Councillor Cathy Muldoon

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
Damian Doran-Timson
Bruce Fairbairn
Peter Heggie
Carl John
Tom Kerr
Maria MacAulay
Moir Shemilt
Tom Ullathorne

Amendment

Stuart Borrowman
Harry Cartmill
Tom Conn
David Dodds
Angela Doran-Timson
John McGinty
Andrew McGuire
Dom McGuire
Cathy Muldoon
George Paul
Kirsteen Sullivan

Decision

Following a vote the composite motion was successful by 14 votes to 11 with 8 members absent and it was agreed accordingly.

24. NOTICE OF MOTION - FINANCIAL PRESSURES FACED BY SCOTTISH COUNCILS - 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 :-

“Council is asked to note the key financial challenges facing Scotland’s 32 Councils as highlighted in the briefing prepared by the Scottish Parliament Information Centre (SPICe), provided in advance of pre-budget scrutiny.

Members are pointed to this Local Government Finance Briefing being a factual brief prepared by SPICe which draws from various sources, including Audit Scotland to present an accurate reflection of the decisions, constraints and circumstances that councils have had to endure over recent years.

It highlights that Local Government has seen a 2.1% real term reduction in funding since 2013-14, over a period when the Scottish Government has seen their overall budget increase.

Council is asked to agree that the data and findings clearly evidence the ongoing chronic underfunding of councils by the SNP Government over the last 7 years. As the great Scottish Bard penned 'facts are chieles that winna ding'.

Council is asked to agree to instruct the Chief Executive to write to all Party Leaders in the Scottish Parliament asking them to give fullest consideration to the Briefing when next determining the revenue allocation for councils for 2022/23".

- Moved by Councillor Kirsteen Sullivan and seconded by Councillor Andrew McGuire

Amendment

"Council is asked to note the financial pressures that have faced the Scottish Government due to the incompetence and ineptitude of each Conservative and Unionist Government we have had the displeasure of enduring since 2010. In the face of punishing and failed austerity, the Scottish Government is to be commended for its efforts to ensure the most vulnerable in our society have been protected from the draconian, short sighted and harmful Tory policies which sadly and irrefutably were too often supported by the Labour party.

Council will write to the Scottish Government commending them for their valiant efforts to ensure our NHS remains the best funded in the UK, that our citizens are protected from the hideous bedroom tax; that our poorest children benefit from the Scottish child payment, best start grants, the best start food grant, the baby box, the carers allowance, the young carer grant, school clothing grants, free school meals and free bus travels to the over 60s and is extended to the under 22's; the investment in new and improved schools - 958 to date together with the investment in affordable housing and not forgetting free university and college tuition for all. Moreover, Council appreciates the efforts of the Scottish Government to treat the climate emergency as a priority with investment in clean, green renewables and supports recognising the importance of a rapid move away from the use of fossil fuels.

Notwithstanding the incredible financial pressures of working with one hand tied behind their back and not having access to all the levers of economic power enjoyed by normal independent countries, we urge the Scottish Government to continue to recognise the services delivered to our citizens by our local councils and would welcome any increase in funding in 2022/23 as per the last 2 years where SPICe notes that Local Government funding has increased in real terms by 1% in 19/20 and by 3% in 20/21."

- Moved by Councillor Tom Ullathorne and seconded by Councillor Janet Campbell

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

Motion

Alison Adamson
 Stuart Borrowman
 Harry Cartmill
 Tom Conn
 David Dodds
 Angela Doran-Timson
 Damian Doran-Timson
 Peter Heggie
 Tom Kerr
 John McGinty
 Andrew McGuire
 Dom McGuire
 Cathy Muldoon
 George Paul
 Kirsteen Sullivan

Amendment

Frank Anderson
 Willie Boyle
 Diane Calder
 Janet Campbell
 Robert De Bold
 Carl John
 Maria MacAulay
 Moira Shemilt
 Tom Ullathorne

Decision

Following a vote, the motion was successful by 15 votes to 9, with 8 members absent, and it was agreed accordingly.

25. NOTICE OF MOTION - 1ST STEP CHARITY - SUBMITTED BY COUNCILLOR DAVID DODDS

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

“Council notes that Scotland has the highest rates of drug deaths in Europe and that the Scottish Government has failed to deal effectively with problems of drug and alcohol addiction which has had a devastating impact on individuals, families, communities and the economy. In these circumstances Council believes it is vital to identify and promote every strategy currently having a positive impact on dealing with the problems of drug addiction.

With this in mind, Council notes the excellent work being done by the 1st Step Charity based in Linlithgow and congratulates them on their success in using community-based projects such as their bike repair programme and community café, in battling drug addiction and supporting recovery.

Council instructs the chief executive to write to Maria Throp, the co-ordinator of 1st Step to thank her and to ask her to thank the charity's employees and volunteers on behalf of the Council for the excellent work they are doing. Council also instructs the Chief Executive to bring the work of 1st Step to the attention of the Scottish Government:

- to call for it to recognise, support and publicise the excellent work being done by the charity and other third sector organisations in West Lothian and throughout the country

- to request that it engages meaningfully with national and local third sector organisations to incorporate their experiences, best practice and learnings in any drug policy work going forward”.
- Moved by Councillor David Dodds and seconded by Councillor Kirsteen Sullivan

Amendment

“West Lothian Council notes that Scotland has one of the worst rates of drug related deaths in Europe and that there are many reasons attributable to this. We also recognise that policy on the use of controlled drugs is currently reserved to the UK Government under the Misuse of Drugs Act 1971. West Lothian Council SNP Group believe there is a compelling case that the Misuse of Drugs Act 1971 should be amended, and that responsibility in this area should be devolved so that future decisions can be taken by the Scottish Parliament.

It is also rather hypocritical that this administration cut funding which resulted in the removal of a community outreach worker from WLDAS.

From the Scottish Affairs (Westminster) Inquiry into Problem Drug Use

Drugs policy is an issue on which the UK and Scottish Governments take divergent approaches. The UK Government treats problem drug use primarily as a criminal justice matter, whereas the Scottish Government believes it should be addressed as a health issue.³ This difference in approach has caused disagreements between the two governments, most notably with the Home Office blocking an application for a safe consumption facility in Glasgow, as criminal justice sanctions for drugs is a policy area currently reserved to Westminster. This led to calls from some for drugs laws to be devolved to Holyrood, to enable the Scottish Government to take all measures it deems necessary to address Scotland’s drug crisis.

We heard accounts which suggested that there is a particular link between problem drug use and poverty and inequality caused by the UK’s socio-economic policies of the 1970s and 80s—notably de-industrialisation.⁷⁸ Dr Saket Priyadarshi, NHS Greater Glasgow and Clyde, explained that the closure of Scotland’s industries—“everything from ship building, coal mining, steel industries and so on”—resulted in a loss of employment, and a loss of “meaning” in many Scottish communities.⁷⁹ Dr McAuley added that these closures “may have impacted a population that was more dependent than others on those economies and industries”.⁸⁰ Elinor Dickie, NHS Health Scotland, explained: It appears that the policies in the ‘70s and ‘80s [...] those changing socio-economic circumstances and the displacement of communities, disentangling their resilience, appears to have had a greater impact in Scotland.⁸¹

Similarly, the Scottish Drugs Forum noted that economic changes between the 1960s and 1990s resulted in “dispossession and social

displacement”, the legacy of which continues to manifest itself as ‘The Glasgow Effect’ today.[82](#).

The welfare policies of the Department for Work and Pensions have a detrimental impact on people who use drugs, and often become a barrier for many people trying to enter recovery. *The UK Government must review the impact welfare sanctions have on people who use drugs, and outline steps it will take to make the welfare system less adversarial for people who use drugs who are trying to enter recovery.*

The UK Government has also expressed opposition to SCFs. The Home Office has recognised the evidence base supporting the effectiveness of SCFs in addressing the problem of public nuisance associated with public drug use, and in reducing health risks for people who use drugs. **However, they concluded that they could not support the implementation of them due to concerns over law enforcement, ethical quandaries for medical professionals and the risk that users would travel long distances to use them.**[222](#).

With this in mind, Council notes the excellent work being done by the 1st Step Charity based in Linlithgow and congratulates them on their success in using community-based projects such as their bike repair programme and community café, in battling drug addiction and supporting recovery. Council instructs the chief executive to write to Maria Throp, the co-ordinator of 1st Step to thank her and to ask her to thank the charity’s employees and volunteers on behalf of the Council for the excellent work they are doing. Council also instructs the Chief Executive to bring the work of 1st Step to the attention of the Scottish Government.

- to call for it to recognise, support and publicise the excellent work being done by the charity and other third sector organisations in West Lothian and throughout the country
- to request that it engages meaningfully with national and local third sector organisations to incorporate their experiences, best practice and learnings in any drug policy work going forward

Furthermore, West Lothian Council Officers bring forward a report, to next Council, on how we can increase the finance available to support these organisations, including the potential use of Council financial reserves”.

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

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

Motion

Alison Adamson
Stuart Borrowman
Harry Cartmill
Tom Conn
David Dodds

Amendment

Frank Anderson
Willie Boyle
Diane Calder
Janet Campbell
Robert De Bold

Angela Doran-Timson
Damian Doran-Timson
Peter Heggie
Tom Kerr
John McGinty
Andrew McGuire
Dom McGuire
Cathy Muldoon
George Paul
Kirsteen Sullivan

Carl John
Maria MacAulay
Moir Shemilt
Tom Ullathorne

Decision

Following a vote, the motion was successful by 15 votes to 9, with 9 members absent and it was agreed accordingly.

26. NOTICE OF MOTION - NATIONAL CARE SERVICE - 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 :-

“Council is asked to fully support the significant concerns expressed by The Convention of Scottish Local Authorities as regards the proposals put forward by the Scottish Government in its consideration for a National Care Service.

These proposals massively expand the extent of the recommendations in the independent Feeley Report (Review of Adult Social Care) and the scope of the SNP Manifesto.

The Scottish Government proposal seeks to centralise children’s services, community justice services, alcohol and drug services and the complete raft of social work and policy formulation.

In West Lothian these services are carried out by over 1,000 dedicated professional staff with solid local knowledge providing high quality social work service and care to those who rely on these essential caring provisions. What was generally expected was a National Care Service wholly focussed on:

- workforce planning
- staff registration and standards; and
- oversight of the care market (private and public)

The VAT recovery status of a National Care Service is unclear but it would be unlikely to benefit from the ability to fully reclaim VAT costs through the partial exemption rules that apply for local government bodies.

Council is asked to agree that this is a full-frontal attack on local government in Scotland; a failure to appreciate the importance of locally delivered services, which work well, and exposing our council staff to

uncertainty on their pensions and the uncertainties associated with TUPE.

Council therefore instructs the Chief Executive to write to all Lothian Constituency and List MSPs seeking their support to retain critical local services at council level and to report to Partnership & Resources PDSP and Council Executive on a detailed council response to the consultation questions”

- Moved by Councillor Kirsteen Sullivan and seconded by Councillor Angela Doran-Timson

Amendment

“Council understands that any of us can be vulnerable and needing help at any time in our lives. It is almost a guarantee that someone will have to help feed us, bathe us and look after our emotional needs at some time in an unspecified future. Care is often delivered in private and intimate spaces within families and local communities.

Council notes that the delivery of social care is complex, reliant on a myriad of factors including individual need and circumstance and including private, public and third sector agencies. Around 70% of social care is delivered by the independent sector.

Council acknowledges that, despite the existence of integrated health and social care, and health and social care partnerships, considerable structural differences remain, particularly in the terms and conditions of workers and employees.

Council recognises that much of social care provision in local authorities is under particular strain. The implementation of non-residential care charges in West Lothian for those assessed to have moderate or low need has led to unmet need for some and confusion for most. An additional burden has been placed on social workers whose time for care is taken up with assessment and debt collection.

Council notes the current Scottish Government’s consultation document “A National Care Service for Scotland” which was released on 9 August this year and which arose from the “Independent Review of Adult Social Care” known as the Feeley report.

Council acknowledges that the current consultation has extended the range of services initially considered by Feeley and includes children’s services and others.

Council endorses the principles set out in the Feeley report of: empowering people, valuing the workforce and a human rights approach.

Council strongly agrees that the lived experience of those who rely on social care should be embedded within the system and that social care should move to a more person-centred approach, recognising the value of not for profit provision. Social care should be accessible, personalised, integrated, preventative, respectful and safe.

Council strongly believes that there are areas of good practice in the public and third sectors in relation to delivering care to the people of West Lothian. Council also believes that there are areas which require intervention and change including the setting of National Standards including workforce development, training, terms and conditions and assessment criteria.

Council accepts that services must respond to local needs and circumstances. A National Care Service must be locally empowered, reflecting the needs of our communities and recognise the vital role of the third sector. It must be outcome focussed with the principle of addressing health inequalities at its core.

Council acknowledges that the current consultation has raised questions around governance and accountability. Particularly how governance might ensure equity nationally and, at the same time, ensure local communities and individual voices are both heard and accounted for.

However, Council understands that the people in our communities in West Lothian simply want better, more joined up services which best meets their needs at a time and place of their choosing. They also want the same level of care package wherever they live and to take that level with them should they require to move. Better outcomes for people have to be our focus. This is not the time for political wrangling or goal scoring, when we are considering the biggest reform since 1945.

Therefore, Council resolves to:

- Establish a short term, cross party, working group to agree our detailed response to the consultation.
- Moved by Councillor Moira Shemilt and seconded by Councillor Tom Ullathorne

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

<u>Motion</u>	<u>Amendment</u>	<u>Abstain</u>
Alison Adamson	Frank Anderson	Stuart Borrowman
Harry Cartmill	Willie Boyle	
Tom Conn	Diane Calder	
David Dodds	Janet Campbell	
Angela Doran-Timson	Robert De Bold	
Damian Doran-Timson	Carl John	
Lawrence Fitzpatrick	Maria MacAulay	
Peter Heggie	Moira Shemilt	
Tom Kerr	Tom Ullathorne	
John McGinty		
Andrew McGuire		
Dom McGuire		
Cathy Muldoon		
George Paul		
Kirsteen Sullivan		

Decision

Following a vote, the motion was successful by 15 votes to 9, with 1 abstention and 8 members absent and it was agreed accordingly.

27. TREASURY MANAGEMENT - ANNUAL REPORT FOR 2020/21

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 treasury management operations for the year to 31 March 2021.

It was recommended that the Council :-

1. Notes the report in Appendix 1 on the treasury management operations for 2020/21;
2. Notes the exercise of the Head of Finance and Property Services' delegated treasury management powers.

Decision

To note the content of the report

28. DOCUMENTS FOR EXECUTION

The Chief Solicitor presented 109 documents for execution.

29. MAINTENANCE IN AND AROUND COUNCIL OWNED ESTATES - QUESTION TO EXECUTIVE COUNCILLOR FOR SERVICES FOR THE COMMUNITY - SUBMITTED BY COUNCILLOR ANDREW MILLER

A question to the Executive Councillor for Services for the Community, Councillor George Paul, was submitted by Councillor Andrew Miller in the following terms: -

1. Can the executive councillor outline the service standards and frequency of visits for maintaining grassed areas and shrub/planted beds within council owned housing estates?
2. Can the executive councillor explain why these areas within the shiny new council estate at Deans South have not been maintained in over a year?
3. Can the executive councillor give an assurance to the rent and rate payers of this estate that he will ensure this neglect is remedied as soon as possible?

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

"I thank Councillor Miller for his questions.

Answer to Q1

NETs Land and Countryside Services provide grass cutting services to open spaces 12 times per year from the start of April until the end of October. Shrub beds get one cut per year in the period from November until March and hedges get one cut per year in the period from October through November. With regards to weedkilling areas, shrub beds get two sprays a year; hard standing, grass edges, channels, and obstacles get one spray per year. Highway areas also get one spray per year.

Answer to Q2

As per the terms of the contract these areas remained the responsibility of contractor to maintain for 12 months following the completion of these works. The maintenance period should have finished at the end of May 2020.

Due to the pandemic and in line with government restrictions the landscaping contractor suspended all works on 23 March 2020. West Lothian Council was informed on 20 June 2020 that the contractor was extending the furlough of staff for a minimum of 12 weeks and that no work would re-start before mid-September 2020. No other dates were possible in 2020 due to ongoing furlough and the pandemic. Since the start of the landscape growing season in April 2021 officers have been in continuous dialogue with the main contractor to carry out their contracted maintenance visits for the common areas which would allow NETs to take control of the maintenance regime, but all attempts have proved unsuccessful, therefore officers have now moved this to the next contractual stage.

Answer to Q3

The main contractor has now been issued with a formal Contractual Notice informing them of the intention to remove this section of the works from the contract and to award it to an alternative landscape contractor. The work will be completed forthwith to allow NETs to take on maintenance of the area from the start of the new growing season in April 2022".

No supplementary questions were put to the Executive Councillor for Services for the Community.

Decision

To note the written questions and the answers provided.

30. SPACES FOR PEOPLE - QUESTION TO COUNCIL LEADER -
SUBMITTED BY COUNCILLOR BRUCE FAIRBAIRN

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

1. How much has been spent on fixing/ replacing the physical distance sign boards?
2. How much has been spent installing and removing pavement/ bus stop widening installs when they were found to be not fit for purpose?

Councillor Sullivan provided a verbal answer on behalf of Councillor Fitzpatrick.

No supplementary questions were put to Councillor Sullivan

Decision

To note the written questions and the verbal answers provided.

31. 20MPH SPEED LIMITS (Q1) - QUESTION TO EXECUTIVE COUNCILLOR FOR DEVELOPMENT AND TRANSPORT - SUBMITTED BY COUNCILLOR WILLIE BOYLE

A question to the Executive Councillor for Development and Transport, Councillor Cathy Muldoon, was submitted by Councillor Willie Boyle in the following terms: -

“On the 20mph speed limits, West Lothian SNP Group welcomes the recent public comment when Cllr Harry Cartmill is said to “call for common sense changes to the scheme”.

Does Cllr Muldoon feel that these comments reflect the opinion of her Labour/Tory administration colleagues?”

Councillor Muldoon provided a verbal answer.

No supplementary questions were put to Councillor Muldoon.

Decision

To note the written question and the verbal answer provided.

32. 20MPH SPEED LIMITS (Q2) - QUESTION TO EXECUTIVE COUNCILLOR FOR DEVELOPMENT AND TRANSPORT - SUBMITTED BY COUNCILLOR WILLIE BOYLE

A question to the Executive Councillor for Education, Councillor David Dodds, was submitted by Councillor Willie Boyle in the following terms: -

“On the 20mph speed limits, West Lothian SNP Group welcomes the recent public comment when Cllr Harry Cartmill is said to “call for common

sense changes to the scheme". Does Cllr Muldoon feel that these comments reflect the opinion of her Labour/Tory administration colleagues?

As the WLC "Spaces for People" programme saw the introduction of a temporary blanket 20MPH speed limit across all built up areas, there is an expectation that they will all be removed soon.

While there has been strong opposition to this restriction in some areas, such as main traffic routes, others have welcomed it. For example, it has been welcomed in many residential areas and smaller settlements throughout West Lothian.

Will West Lothian Council commit to going out to extensive and immediate commencement of a widespread consultation with our electorate on which, if any, initiatives have been successful and how this Council should learn from both the feedback about the way forward and lessons learned from the implementation?"

Councillor Muldoon provided a verbal response.

No supplementary questions were put to Councillor Muldoon

Decision

To note the written question and the verbal answer provided.

Chief Executive Office

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

Our Ref: CEO/Chi
Your Ref:

Contact: Graham Hope
Tel: 01506 281697
email: Graham.Hope@westlothian.gov.uk

Private and Confidential

Douglas Ross MSP
Scottish Conservative & Unionist Party – Party Leader
Douglas.Ross.msp@parliament.scot

(letter sent electronically to all Party Leaders in the Scottish Parliament)

5 October 2021

Dear Party Leader

Financial Pressures Faced by Scottish Councils

A meeting of West Lothian Council was held on 28 September 2021 at which the above matter was discussed.

I am contacting you on behalf of the council to ask that you give fullest consideration to the SPICe briefing which sets out the key financial challenges facing all Scottish councils when determining the revenue allocation for councils for 2022/23.

I attach a copy of the agreed Notice of Motion for your consideration.

Yours sincerely

Graham Hope
Chief Executive

From: Ross D (Douglas), MSP <Douglas.Ross.MSP@Parliament.scot>
Sent: 21 October 2021 13:51
To: Hope, Graham <Graham.Hope@westlothian.gov.uk>
Subject:

Dear Chief Executive

Thank you for writing to me in relation to your concerns around the continued reductions in local government funding that have occurred over the last decade.

As you point out, over recent years the SNP have grabbed cash from our local authorities despite the fact their own budget has increased significantly over this same period. Not only this, but recent statistics show that the SNP are continuing to ringfence more and more of council's budgets, with £775 million being ringfenced in 2021-22, which only further reduces councils' ability to respond flexibly to local needs.

This is why I recently announced my party's plans to introduce a Local Government Powers and Protections Bill. This Bill will formalise the relationship between Scottish councils and the Scottish Government, and will also guarantee fair funding for councils by guaranteeing that changes in the Scottish Government's budget are passed on to local authorities in the same way that Scotland receives funding from the UK Government.

The importance of a fair funding settlement for Scotland's councils is something that I hope all parties can agree on, and to this end I hope that this Bill will be able to receive cross-party support in the Scottish Parliament. But this SNP-Green Government do not have to wait for this legislation. They have the power to give councils a fair funding settlement right now when deciding the 2022-23 budget, and I have no hesitation at all in calling for the Scottish Government to do exactly this when they announce next year's budget in December.

Once again, I thank you for taking the time to write to me on this issue.

Kind regards
Douglas

DOUGLAS ROSS MSP
Member of the Scottish Parliament
Highlands and Islands Region

Chief Executive Office

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

Our Ref: CEO/Chi
Your Ref:

Contact: Graham Hope
Tel: 01506 281697
email: Graham.Hope@westlothian.gov.uk

Private and Confidential

Rt Hon Nicola Sturgeon MSP
Scottish National Party – Party Leader
Nicola.Sturgeon.msp@parliament.scot

(letter sent electronically to all Party Leaders in the Scottish Parliament)

5 October 2021

Dear Party Leader

Financial Pressures Faced by Scottish Councils

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I attach a copy of the agreed Notice of Motion for your consideration.

Yours sincerely

Graham Hope
Chief Executive

Chief Executive Office

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

Our Ref: CEO/Chi
Your Ref:

Contact: Graham Hope
Tel: 01506 281697
email: Graham.Hope@westlothian.gov.uk

Private and Confidential

Rt Hon Nicola Sturgeon MSP
First Minister of Scotland
Nicola.Sturgeon.msp@parliament.scot
(letter sent electronically only)

5 October 2021

Dear First Minister

International Holocaust Remembrance Alliance (IHRA)

A meeting of West Lothian Council was held on 28 September 2021 at which the above matter was discussed.

I am contacting you on behalf of the council to express deep concern that the Green Party, now having entered into a cooperative agreement with the Scottish National Party, do not currently recognise the IHRA definition of antisemitism and that, unless the Green Party accepts this definition, then this council does not consider there to be a place for their representatives in Government in Scotland.

I attach a copy of the agreed motion for your consideration.

Yours sincerely

Graham Hope
Chief Executive

Chief Executive Office

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

Our Ref: CEO/Chi
Your Ref:

Contact: Graham Hope
Tel: 01506 281697
email: Graham.Hope@westlothian.gov.uk

Private and Confidential

Patrick Harvie MSP & Lorna Slater MSP
Scottish Green Party – Party Leaders

Patrick.Harvie.msp@parliament.scot / Lorna.Slater.msp@parliament.scot

(letter sent electronically to all Party Leaders in the Scottish Parliament)

5 October 2021

Dear Party Leaders

Financial Pressures Faced by Scottish Councils

A meeting of West Lothian Council was held on 28 September 2021 at which the above matter was discussed.

I am contacting you on behalf of the council to ask that you give fullest consideration to the SPICe briefing which sets out the key financial challenges facing all Scottish councils when determining the revenue allocation for councils for 2022/23.

I attach a copy of the agreed Notice of Motion for your consideration.

Yours sincerely

Graham Hope
Chief Executive

Chief Executive Office

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

Our Ref: CEO/Chi
Your Ref:

Contact: Graham Hope
Tel: 01506 281697
email: Graham.Hope@westlothian.gov.uk

Private and Confidential

Anas Sarwar MSP
Scottish Labour – Party Leader
Anas.Sarwar.msp@parliament.scot

(letter sent electronically to all Party Leaders in the Scottish Parliament)

5 October 2021

Dear Party Leader

Financial Pressures Faced by Scottish Councils

A meeting of West Lothian Council was held on 28 September 2021 at which the above matter was discussed.

I am contacting you on behalf of the council to ask that you give fullest consideration to the SPICe briefing which sets out the key financial challenges facing all Scottish councils when determining the revenue allocation for councils for 2022/23.

I attach a copy of the agreed Notice of Motion for your consideration.

Yours sincerely

Graham Hope
Chief Executive



Committee Services
Carol Johnston
Chief Solicitor

Rt Hon Rishi Sunak MP
Chancellor of the Exchequer
HM Treasury
The Correspondence and Enquiry Unit
1 Horse Guards Road
London
SW1 2HQ

Civic Centre
Howden South Road
Livingston
West Lothian
EH54 6FF
e-mail: val.johnston@westlothian.gov.uk

Contact: Val Johnston
Tel: 01506 281604

4 October 2021

Dear Chancellor of the Exchequer

MOTION – REDUCTION IN INTERNATIONAL AID

At a meeting of West Lothian Council held on 28 September 2021, the Council agreed a motion entitled 'Reduction in International Aid'.

I would be grateful if you could consider the terms of the motion (copy attached). I would ask that your response be directed to Graham Hope, Chief Executive, West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston, EH54 6FF.

Yours sincerely

A black rectangular box redacting the signature of Graham Hope.

for Graham Hope
Chief Executive

Enc



Committee Services
Carol Johnston
Chief Solicitor

Rt Hon Rishi Sunak MP
Chancellor of the Exchequer
HM Treasury
The Correspondence and Enquiry Unit
1 Horse Guards Road
London
SW1 2HQ

Civic Centre
Howden South Road
Livingston
West Lothian
EH54 6FF
e-mail: val.johnston@westlothian.gov.uk

Contact: Val Johnston
Tel: 01506 281604

4 October 2021

Dear Chancellor of the Exchequer

MOTION – CUTS TO UNIVERSAL CREDIT

At a meeting of West Lothian Council held on 28 September 2021, the Council agreed a motion entitled 'Cuts to Universal Credit'.

I would be grateful if you could consider the terms of the motion (copy attached). I would ask that your response be directed to Graham Hope, Chief Executive, West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston, EH54 6FF.

Yours sincerely

A black rectangular box redacting the signature of Graham Hope.

for Graham Hope
Chief Executive

Enc

Chief Executive Office

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

Our Ref: CEO/Chi
Your Ref:

Contact: Graham Hope
Tel: 01506 281697
email: Graham.Hope@westlothian.gov.uk

Private and Confidential

Alex Cole-Hamilton MSP
Scottish Liberal Democrats – Party Leader
Alex.Cole-Hamilton.msp@parliament.scot

(letter sent electronically to all Party Leaders in the Scottish Parliament)

5 October 2021

Dear Party Leader

Financial Pressures Faced by Scottish Councils

A meeting of West Lothian Council was held on 28 September 2021 at which the above matter was discussed.

I am contacting you on behalf of the council to ask that you give fullest consideration to the SPICe briefing which sets out the key financial challenges facing all Scottish councils when determining the revenue allocation for councils for 2022/23.

I attach a copy of the agreed Notice of Motion for your consideration.

Yours sincerely

Graham Hope
Chief Executive

Chief Executive Office

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

Our Ref: CEO/Chi
Your Ref:

Contact: Graham Hope
Tel: 01506 281697
email: Graham.Hope@westlothian.gov.uk

Private and Confidential

Letter sent electronically to all Constituency and Regional MSPs for Lothian

5 October 2021

Dear Members of the Scottish Parliament

National Care Service

A meeting of West Lothian Council was held on 28 September 2021 at which the above matter was discussed.

I attach a copy of the agreed Notice of Motion for your consideration and response.

Yours sincerely

Graham Hope
Chief Executive

Rùnaire a' Chaibineit airson Ionmhas agus na h-
Eaconamaidh
Cabinet Secretary for Finance and Economy
Ceit Fhoirbheis BPA
Kate Forbes MSP



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

Graham Hope
Chief Executive
West Lothian Council

By email: graham.hope@westlothian.gov.uk

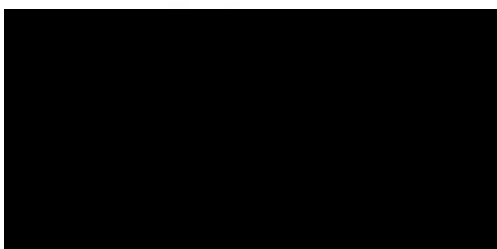
15 October 2021

Dear Graham,

Thank you for your letter of 5 October.

In response to the substantive point addressed to me, I would note that Scottish Ministers have been clear in this year's Programme of Government and elsewhere about our commitment to pass on all frontline health and social care consequential. I trust this provides the reassurance sought.

Yours sincerely,



KATE FORBES

Chief Executive Office

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

Our Ref: CEO/CHI
Your Ref:

Contact: Graham Hope
Tel: 01506 281697
email: Graham.Hope@westlothian.gov.uk

Private and Confidential

A letter to all Members of Parliament representing Scottish Constituencies
(sent electronically only)

5 October 2021

Dear Member of Parliament

Elections Bill 2021 – Voter ID

A meeting of West Lothian Council was held on 28 September 2021 at which the above matter was discussed.

I am contacting you on behalf of the council to request that you vote against the introduction of approved photographic voter ID in UK elections and proposed restrictions to silence non-charitable organisations and trade unions.

I attach a copy of the agreed Composite Motion for your consideration.

Yours sincerely

Graham Hope
Chief Executive

Chief Executive Office

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

Our Ref: CEO/Chi
Your Ref:

Contact: Graham Hope
Tel: 01506 281697
e-mail: Graham.Hope@westlothian.gov.uk

Private and Confidential

Rt Hon Nicola Sturgeon MSP
Scottish National Party – Party Leader
Nicola.Sturgeon.msp@parliament.scot

(letter sent electronically to all Party Leaders in the Scottish Parliament)

5 October 2021

Dear First Minister

Financial Pressures Faced by Scottish Councils

A meeting of West Lothian Council was held on 28 September 2021 at which the above matter was discussed.

I am contacting you on behalf of the council to ask that you give fullest consideration to the SPICe briefing which sets out the key financial challenges facing all Scottish councils when determining the revenue allocation for councils for 2022/23.

I attach a copy of the agreed Notice of Motion for your consideration.

Yours sincerely

Graham Hope
Chief Executive

Chief Executive Office

West Lothian Civic Centre
Howden South Road
Livingston
West Lothian
EH54 8FF

Our Ref: CEO/RK
Your Ref:

Contact: Graham Hope
Tel: 01506 281697

e-mail: graham.hope@westlothian.gov.uk

Private and Confidential

Cabinet Secretary for Finance and Economy
Kate Forbes
Scottish Government
CabSecFE@gov.scot
(letter sent electronically only)

05 October 2021

Dear Cabinet Secretary

UK Government Finance

A meeting of West Lothian Council took place on Tuesday 28 September at which the above matter was discussed.

I attach a copy of the agreed Notice of Amendment for your consideration and response.

Yours sincerely



Graham Hope
Chief Executive

Chief Executive Office

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

Our Ref: CEO/RK
Your Ref:

Contact: Graham Hope
Tel: 01506 281697
e-mail: graham.hope@westlothian.gov.uk

Private and Confidential

Cabinet Secretary for Finance and Economy
Kate Forbes
Scottish Government
CabSecFE@gov.scot
(letter sent electronically only)

05 October 2021

Dear Cabinet Secretary

UK Government Finance

A meeting of West Lothian Council took place on Tuesday 28 September at which the above matter was discussed.

I attach a copy of the agreed Notice of Amendment for your consideration and response.

Yours sincerely

Graham Hope
Chief Executive

westlothian.gov.uk

Chief Executive Office

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

Our Ref: CEO/RK
Your Ref:

Contact: Graham Hope
Tel: 01506 281697
e-mail: graham.hope@westlothian.gov.uk

Private and Confidential

Chancellor of the Exchequer
Rishi Sunak
HM Treasury
public.enquiries@hmtreasury.gov.uk
(letter sent electronically only)

05 October 2021

Dear Chancellor of the Exchequer

UK Government Finance

A meeting of West Lothian Council took place on Tuesday 28 September at which the above matter was discussed.

I attach a copy of the agreed Notice of Amendment for your consideration and response.

Yours sincerely

Graham Hope
Chief Executive

Chief Executive Office

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

Our Ref: CEO/RK
Your Ref:

Contact: Graham Hope
Tel: 01506 281697
e-mail: graham.hope@westlothian.gov.uk

Private and Confidential

Rt Hon Nicola Sturgeon MSP
First Minister of Scotland
Nicola.Sturgeon.msp@parliament.scot
(letter sent electronically only)

05 October 2021

Dear First Minister

The Right to Food

A meeting of West Lothian Council took place on Tuesday 28 September at which the above matter was discussed.

I am contacting you on behalf of West Lothian Council to request: -

1. that both capital and revenue costs are met in full for the expansion of free school meals provision
2. an immediate commitment to providing the funding within the timescales required to deliver the expansion of provision of free school meals to P5, 6 and 7 children.

I attach a copy of the agreed Notice of Amendment for your consideration.

Yours sincerely

Graham Hope
Chief Executive

Chief Executive Office

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

Our Ref: CEO/RK
Your Ref:

Contact: Graham Hope
Tel: 01506 281697
e-mail: graham.hope@westlothian.gov.uk

Private and Confidential

Maria Throp
1st Step
firststepdevelopment@gmail.com
(letter sent electronically only)

05 October 2021

Dear Maria,

1st Step Charity

A meeting of West Lothian Council took place on Tuesday 28 September at which the above matter was discussed.

I am contacting you on behalf of West Lothian Council to sincerely thank you, as well as the team of employees and volunteers at 1st Step, for the excellent work you are all doing to help battle drug addiction and support recovery.

The positive and touching impact that 1st Step is having on the community is a true reflection of the hard work and passion that you and your team have put into this project. There has never been more of an urgency to ensure that there is increased support available for drug addiction, and I'm sure I speak on behalf of many others - particularly the individuals and families most affected by drug and alcohol addiction - that your work provides this very welcome community support network which has the potential to save lives.

Yours sincerely

Graham Hope
Chief Executive

Chief Executive Office

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

Our Ref: CEO/RK
Your Ref:

Contact: Graham Hope
Tel: 01506 281697

e-mail: graham.hope@westlothian.gov.uk

Private and Confidential

Rt Hon Nicola Sturgeon MSP
First Minister of Scotland
Nicola.Sturgeon.msp@parliament.scot
(letter sent electronically only)

05 October 2021

Dear First Minister

1st Step Charity

A meeting of West Lothian Council took place on Tuesday 28 September at which the above matter was discussed.

I am contacting you on behalf of West Lothian Council to bring the work of 1st Step, a Linlithgow based charity organisation which delivers community-based projects to help combat drug addiction and support recovery, to your attention.

On behalf of West Lothian Council, it is requested that: -

1. There is recognition, support and publishing of the excellent work being done by the charity and other third sector organisation's in West Lothian and throughout the country.
2. There is meaningful engagement with national and local third sector organisation's to incorporate their experiences, best practice and learnings in any drug policy work going forward.

I attach a copy of the agreed Notice of Amendment for your consideration.

Yours sincerely

Graham Hope
Chief Executive

westlothian.gov.uk



St Andrew's House, Regent Road, Edinburgh EH1 3DG
T: 0300 244 4000

Graham Hope
Graham.Hope@westlothian.gov.uk

Our Reference: 202100246902

16 November 2021

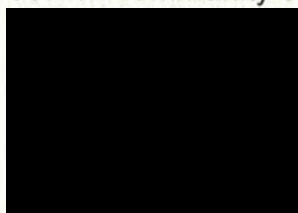
Dear Mr Hope

Thank you for your letter dated 5 October 2021 regarding the Scottish Government's adoption of the International Holocaust Remembrance Alliance's (IHRA) definition of antisemitism and the cooperation agreement with the Scottish Green Party.

The Scottish Government continues to take hate crime and prejudice, including antisemitism, very seriously. In June 2017, the Scottish Government formally adopted the IHRA definition of antisemitism. Formally adopting this definition demonstrates the Scottish Government's determination that there should be no place in Scotland for any form of antisemitism or religious hatred that makes our communities feel insecure or threatened in their daily lives.

The Scottish Government's position on antisemitism and the IHRA definition has not changed. All Ministers are expected to adhere to the definition.

In August, I met with Jewish leaders and community representatives where I restated the Scottish Government's commitment to tackling antisemitism. My officials will continue to meet with representatives of the Jewish community on a regular basis.



NICOLA STURGEON

MINUTE of MEETING of the AUDIT COMMITTEE held within WEBEX VIRTUAL MEETING, on 21 JUNE 2021.

Present – Councillors Chris Horne (Chair), Damian Doran-Timson, Lawrence Fitzpatrick, Carl John and John McGinty; Moira Glencorse (Lay Member)

In attendance – Graham Hope (Chief Executive), Donald Forrest (Head of Finance and Property Services), Catrina Hatch (Head of Education), Jim Jack (Head of Operational Services), Greg Welsh (Head of Education), Robin Allen (Social Policy), Graham Jack (Auditor), Sharon Leitch (Senior Auditor), Krystina MacSween (Education Services), James Millar (Governance Manager), Alison Raeburn (Education Services), Kenneth Ribbons (Audit, Risk and Counter Fraud Manager), Stuart Saunders (Senior Counter Fraud Officer and Compliance Officer), Jackie Speirs (Education Services), Reta Wallace (Finance and Property Services); and Rob Jones (EY)

1 DECLARATIONS OF INTEREST

Agenda Item 10 – *Consideration of 2020/21 Annual Accounts (Unaudited)*

Councillor Chris Horne declared an interest as he was a member of the West Lothian Leisure Board of Directors. A specific exclusion applied, which allowed Councillor Horne to participate in the item of business.

2 ORDER OF BUSINESS

The Chair noted that whilst there were a number of items on the agenda for information he would ask officers to present the reports as they contained important information that was of value to committee members.

3 MINUTES

The committee approved the minutes of its meeting held on 22 March 2021 as a correct record.

4 COMMITTEE SELF-ASSESSMENT

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager inviting members to review and renew the arrangements for carrying out a self-assessment of its administrative arrangements and activity.

It was recommended that the committee:

1. Consider the questions in appendix one of the report; and
2. Agree that, subject to any changes it considers appropriate, the questions be circulated to members with a view to the results being

reported back to the next committee meeting.

Members made suggestions for adjustments to the questionnaire proforma and it was agreed that the column titles would be amended to include examples of effectiveness with a view of demonstrating an evidence-based approach to improvement.

Decision

1. To approve the terms of the report.
2. To amend the questionnaire column titles to change the term “questions” and to allow it to include examples of effectiveness, with a view of demonstrating an evidence-based approach to improvement.

5 INTERNAL AUDIT ANNUAL REPORT 2020/21

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager informing members of the work undertaken by internal audit during 2020/21, reporting on internal audit's performance, and advising of the Audit, Risk and Counter Fraud Manager's conclusion on the council's framework of governance, risk management and control.

It was recommended that the committee:

1. Note the Audit, Risk and Counter Fraud Manager's conclusion that the council's framework of governance, risk management and control was sound; and
2. Endorse the independence of the internal audit function as set out in section three of the appended annual report.

During discussion, members were assured that remote working had not affected risk detection and that, after a short initial disruption due to Covid, the audit process had resumed its effectiveness.

Officers also agreed to report back on the control relating to the operation of the Protection of Vulnerable Groups at a future meeting, once a sufficient number of PGV Referral Assessment Panel meetings had taken place.

Decision

1. To approve the terms of the report.
2. To report back on the control relating to the operation of the Protection of Vulnerable Groups at a future meeting, once further information was available following a sufficient number of PGV Referral Assessment Panel meetings.

6 RISK ACTIONS ARISING FROM AUDIT AND INSPECTION REPORTS

Following a technical issue, Councillor Damian Doran-Timson left the meeting during this item and did not participate in the remaining items of business.

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager advising members of progress in implementing agreed actions arising from audit and inspection reports.

It was recommended that the committee note that there were eight outstanding risk actions arising from audit and inspection reports which had been due for completion by 31 March 2021.

An automated solution for annual licence checks was being explored, while the need for the current vehicle hire booking system (action OPSHQ19114_Aro Vehicle booking / hire systems) was also being reviewed. Members wished for the next iteration of the report to demonstrate consistent progress and decisions regarding this action.

Decision

1. To note the terms of the report.
2. To consider need for booking system, due dates and completion dates for action OPSHQ19114_Aro Vehicle booking / hire systems and to demonstrate consistent progress and decisions regarding this and related actions in the next iteration of this report.

7 AUDIT SCOTLAND REPORT - IMPROVING OUTCOMES FOR YOUNG PEOPLE THROUGH SCHOOL EDUCATION

The committee considered a report (copies of which had been circulated) by the Heads of Education informing members of the key findings in the Audit Scotland Report and consider implications for West Lothian Council.

It was recommended that the committee note the contents of the report.

Decision

To note the terms of the report.

8 INTERNAL AUDIT OF HOMELESSNESS AND HOUSING NEED

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager informing members of the outcome of an internal audit of the controls in place over the management of homelessness and housing need within the council.

It was recommended that the committee note that controls in place over the management of homelessness and housing need were considered to be satisfactory.

Decision

To note the terms of the report.

9 CONSIDERATION OF 2020/21 ANNUAL ACCOUNTS (UNAUDITED)

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services requesting that members consider the 2020/21 Annual Accounts of the Council (unaudited).

It was recommended that the committee consider the 2020/21 Annual Accounts prior to submission to Ernst & Young LLP for audit.

Decision

To note the terms of the report.

10 AUDIT SCOTLAND LOCAL GOVERNMENT IN SCOTLAND OVERVIEW 2021

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing a summary of the report *Local Government in Scotland: Overview 2021* published by the Accounts Commission on 27 May 2021.

It was recommended that the committee note the key messages and recommendations within the Accounts Commission report.

Decision

To note the terms of the report.

11 ANTI-FRAUD AND CORRUPTION POLICY

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager presenting the revised Anti-Fraud and Corruption Policy to the committee for consideration.

It was recommended that the committee note the following recommendation which was intended to be submitted to Council Executive for approval: That Council Executive approve the Anti-Fraud and Corruption Policy.

Decision

1. To note the terms of the report.

2. To agree the recommendation that was intended to be submitted to Council Executive for approval.

12 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 remaining items of business on the grounds that they involved the likely disclosure of exempt information under paragraphs 1, 6 and 14 of Schedule 7A of the Act.

13 COUNTER FRAUD ANNUAL REPORT 2020/21

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager informing members of the performance and activities of the Counter Fraud Team for the period from 1 April 2020 to 31 March 2021.

It was recommended that the committee note the performance and activities undertaken by the Counter Fraud Team during the financial year 2020/21.

Decision

To note the terms of the report.

MINUTE of MEETING of the WEST LOTHIAN LEISURE ADVISORY COMMITTEE held within VIRTUAL MEETING ROOM, on 26 AUGUST 2021.

Present – Councillors Cathy Muldoon, Alison Adamson, Charles Kennedy, Andrew McGuire and David Tait

Apologies – Councillor David Dodds

In attendance

James Cameron – Lead Officer, WLC

Donald Forrest – Head of Finance and Property Services, WLC

Alan Colquhoun – Culture & Sport Manager, WLC

Robert Young – Senior Service Accountant, WLC

Tim Dent – Chief Executive, WLL

Andrew Heron – Head of Finance and Administration, WLL

1 DECLARATIONS OF INTEREST

Councillor Andrew McGuire declared an interest as a member of West Lothian Leisure. He would participate in all items of business.

2 MINUTES

The committee approved the minutes of its meeting held on 27 May 2021 as a correct record.

3 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 6 of Part 1 of Schedule 7A of the Act.

4 WEST LOTHIAN LEISURE FINANCIAL POSITION

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the West Lothian Leisure (WLL) financial position for 2021/22. The report also provides an update on the letter of financial comfort being provided by the council to WLL to assist WLL with its 2020/21 audit process.

During discussion, members requested clarifications regarding apportioning of room hire and cleaning costs in school premises. It was explained that Covid cleaning practices had resulted in relevant cost increases; however, those were made clear to clubs wishing to lease rooms in school premises.

It was recommended that the committee note:

1. WLL's financial performance for the three months to 30 June 2021;
2. WLL's reforecast for the year to 31 March 2022; and
3. That Council Executive had agreed that the Head of Finance and Property Services should provide a letter of financial comfort to WLL in relation to its 2020/21 audit and that the letter had been sent to WLL on 17 August 2021.

Decision

To note the terms of the report.

5 MONITORING REPORT: CULTURE, SPORT, LEISURE & OUTDOOR EDUCATION

The committee considered a report (copies of which had been circulated) by the Head of Education (Learning, Policy and Resources) providing an update on the operation of Culture, Sport, Leisure and Outdoor Education services delivered by West Lothian Leisure (WLL), within the context of facility re-opening and service resumption in line with the continued achievement of planned milestones in the Scottish Government's roadmap for Covid recovery.

During discussion, it was suggested that information provided by job leavers was analysed in order to optimise recruitment and retention.

WLL's charitable activity and collaboration with West Lothian Health and Social Care Partnership was discussed; further information would be provided at a future meeting.

The committee wished to extend thanks to all West Lothian Leisure staff for their efforts and performance during Covid.

It was recommended that the committee note the contents of the report.

Decision

1. To note the terms of the report.
2. To note the committee's thanks and appreciation to all West Lothian Leisure staff for their efforts and performance during Covid.

MINUTE of MEETING of the PERFORMANCE COMMITTEE held within VIRTUAL MEETING ROOM, on 6 SEPTEMBER 2021.

Present – Councillors Stuart Borrowman (Chair), Andrew McGuire, Carl John, Charles Kennedy and Dom McGuire

1 DECLARATIONS OF INTEREST

There were no declarations of interest made.

2 MINUTES

The committee confirmed the Minute of its meeting held on 7 June 2021 as a correct record.

3 COMPLAINT MANAGEMENT AND SERVICE IMPROVEMENT IN HOUSING, CUSTOMER AND BUILDING SERVICES

The committee considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services providing an overview of the approach to Complaint Management in Housing, Customer and Building Services (HCBS) and how the information from this process informed service development.

The report was accompanied by a presentation providing greater detail on the learning that was extracted from complaints upheld by the service and also on how analysis of complaints was used to inform improvements to service delivery that benefit tenants and customers of HCBS.

During discussion, officers expanded on the service's approaches on managing customer expectations using succinct and appropriate messaging. They also spoke about the training operatives received in order to reduce employee attitude complaints, whilst acknowledging that due to the size of the workforce involved, focus on this would be ongoing. It was also confirmed that information on the Customer Application and Stock Summary system would be provided to all political groups before its launch in order for members to be better able to answer constituents' questions.

It was acknowledged that there was currently a backlog on medical evidence assessment for housing allocations due to service interdependencies, which should improve with additional staff resourcing. Addressing antisocial behaviour had moved to a hybrid approach during Covid and normal practice was gradually being resumed.

It was recommended that the committee note:

The report and presentation from HCBS on complaint management and service development; and

The plans for improvements to service delivery stemming from lessons learned from the service analysis of upheld complaints.

Decision

To note the terms of the report and presentation.

4 COMPLAINT PERFORMANCE REPORT QUARTER 1: 2021/22

The committee considered a report (copies of which had been circulated) by the Depute Chief Executive providing the quarterly analysis of closed complaints in Quarter 1: 2021/22.

It was recommended that the committee:

1. Note the corporate and service complaint performance against the standards outlined in the council's complaint handling procedure; and
2. Continue to monitor complaint performance and request additional information from services as required.

Decision

To note the terms of the report.

MINUTE of MEETING of the EMPLOYEE APPEALS COMMITTEE (PRIVATE) held within MS TEAMS MEETING ROOM, on 28 MAY 2021.

Present – Councillors George Paul (Chair), Peter Heggie, Damian Doran-Timson, Andrew McGuire and Cathy Muldoon (substituting for Councillor Angela Doran-Timson)

Apologies – Councillor Angela Doran-Timson

1 DECLARATIONS OF INTEREST

Councillor Cathy Muldoon declared an interest in that her son was an employee of the Advice Shop. After receiving legal advice, she indicated that she would participate in the meeting.

Councillor Andrew McGuire declared an interest as a member of Unison. As his interest was remote, he would participate in the meeting.

2 MINUTES

- a The committee confirmed the minute of its meeting held on 19 February 2021.
- b The committee confirmed the minute of its meeting held on 26 March 2021.

3 PRIVATE SESSION

The committee resolved in terms of Paragraph 1 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 that the remaining items of business be taken in private.

4 CONSIDERATION OF APPEAL

Introductions were made by all parties and the Chair explained the procedure that would be followed.

The committee was invited to consider an appeal by an employee under the Procedure for Hearing Employee Grievances.

The management was represented by Donald Forrest, Head of Finance and Property Services, who was accompanied by Alison Egan, Senior HR Adviser. The management called three witnesses.

The appellant was present and accompanied by her trade union representative. The appellant did not call any witnesses.

Parties agreed that witnesses would be excluded from the proceedings until called.

The committee heard the appellant and her representative speak in relation to the appeal.

The management was given the opportunity to question the appellant and her representative.

The committee then had the opportunity to question the appellant and her representative.

The committee heard the management speak in relation to the appeal and question their witnesses.

The appellant and her representative were then given the opportunity to question the management and their witnesses.

The committee then had an opportunity to question the management and their witnesses.

The management were given an opportunity to re-examine their witnesses after they had answered questions from the appellant, her representative and committee.

Finally, each side summed up the merits of the case.

All parties then left the meeting to allow the committee to deliberate in private.

After reaching its decision, all parties returned to hear the decision of the committee.

Decision

The committee found that the grounds of the grievance had not been substantiated and therefore the appeal was not upheld.

MINUTE of MEETING of the EMPLOYEE APPEALS COMMITTEE (PRIVATE) held within MS TEAMS VIRTUAL MEETING ROOM, on 25 JUNE 2021.

Present – Councillors George Paul (Chair), Damian Doran-Timson, Peter Heggie, Andrew McGuire and Dom McGuire

1 DECLARATIONS OF INTEREST

There were no declarations of interest made.

2 CONSIDERATION OF APPEAL

The committee resumed in private session to consider the new information submitted by the appellant per the committee's request at the adjourned meeting of 18 December 2020.

By the appellant's request, the appellant was not present.

The management was present and was represented by Jim Jack, Head of Operational Services, who was accompanied by Alison Egan, HR Business Partner. After the committee ascertained that the new information submitted by the appellant would not alter the management's earlier decision to dismiss, the management representatives exited the meeting to allow the committee to deliberate in private.

After reaching its decision, all available parties returned to hear the decision of the committee.

Decision

The committee found that the grounds of the appeal had not been substantiated and therefore the appeal was not upheld.

DATA LABEL: PUBLIC



WEST LoTHIAN COUNCIL

TREASURY MANAGEMENT – INTERIM REPORT AT 30 SEPTEMBER 2021

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To inform members of the activities and results of the treasury management function for the six months to 30 September 2021.

B. RECOMMENDATION

It is recommended that Council:

1. Notes the attached report on the activities of the treasury management function for the first six months of 2021/22 and on the exercise of delegated treasury management powers;
2. Agrees amendments to the prudential indicators, as set out in Appendix 4 of the report.

C. SUMMARY OF IMPLICATIONS

I Council Values	Being honest, open and accountable, making the best use of our resources.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	This report complies with the council's Treasury Policy Statement, the requirements of the CIPFA Prudential Code for Capital Finance in Local Authorities, the CIPFA Treasury Management in Public Services Code of Practice and the Local Authority (Capital Finance and Accounting) (Scotland) Regulations 2016.
III Implications for Scheme of Delegations to Officers	No changes are proposed to the current scheme of delegation for treasury management activities.
IV Impact on performance and performance Indicators	None.
V Relevance to Single Outcome Agreement	Treasury management provides capital resources necessary to help deliver the council's capital programme.
VI Resources - (Financial, Staffing and Property)	This report is part of a framework for operating treasury management activities designed to minimise risk and the future borrowing costs of the council.

- | | |
|----------------------------------|---|
| VII Consideration at PDSP | Treasury monitoring reports are presented directly to the Council for consideration. |
| VIII Other consultations | The council's treasury advisers have been consulted in relation to the forecasts and recommendations included within the treasury plan. |

D. TERMS OF REPORT

The interim report for the six months to 30 September 2021 is attached.

Following changes to the forecast capital expenditure and capital resources agreed by Council Executive in June 2021, Council is asked to approve changes to the following prudential indicators:

- Capital Expenditure
- Capital Financing Requirement
- Ratio of Financing Costs to Net Revenue Stream
- Gross External Borrowing and the Capital Financing Requirement
- Authorised Limit for External Debt
- Operational Boundary for External Debt

The council's updated prudential indicators are included in Appendix 4 of the report.

E. CONCLUSION

The actions taken in the first six months of 2021/22 complied with the annual treasury plan approved by Council on 25 February 2021 and the Treasury Management Policy Statement included in the Financial Regulations.

F. BACKGROUND REFERENCES

West Lothian Council Treasury Policy Statement and Treasury Management Practices
 West Lothian Council's Annual Treasury Management Plan for 2021/22 (approved by Council on 25 February 2021)
 CIPFA's Code of Practice for Treasury Management in Public Services
 CIPFA Prudential Code for Capital Finance in Local Authorities
 Local Authority (Capital Finance and Accounting) (Scotland) Regulations 2016

Contact Person: Gillian Simpson, Accountant
 Email: gillian.simpson@westlothian.gov.uk

Donald Forrest
Head of Finance and Property Services
 Date: 23 November 2021

DATA LABEL: PUBLIC

WEST LOTHIAN COUNCIL

TREASURY MANAGEMENT

Interim Report for the Six Months to 30 September 2021

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1.0 Introduction

In accordance with the Standing Orders, Financial Regulations and Local Government Investments (Scotland) Regulations 2010, an interim report on the operation of the treasury management function for the six months to 30 September must be presented to the Council for consideration. The requirement to report to the Council complies with the revised Treasury Management Code and Scottish Investment Regulations.

The 2021/22 Annual Treasury Plan, approved by Council on 25 February 2021, sets out the planned approach to treasury management for 2021/22. This report assesses the application and outcome of the plan for the first six months of the financial year.

2.0 Current Portfolio Position

The council's debt and investment position at the beginning and end of the period is as follows:

31 March 2021			30 September 2021	
Principal £m	Rate %		Principal £m	Rate %
538.6	3.9%	DEBT	538.6	3.9%
60.6		Fixed Rate Funding:	60.6	
599.2		PWLB	599.2	
-	-	Market	-	-
-	-	Total Fixed Rate Funding	-	-
599.2	3.9%	Variable Rate Funding	599.2	3.9%
		Temporary Funding		
		Total Debt		
	41.7 years	Average Life of Debt		42.4 years
£m	Rate %	INVESTMENTS	£m	Rate %
85.4	0.51%	Cash Deposits	90.9	0.14%

Debt during the period has remained the same at £599.2 million with £10 million of PWLB borrowing maturing in June 2021 and new £10 million of PWLB borrowing undertaken in July 2021. There was no temporary borrowing during this period.

Investments have increased by £5.5 million during the first six months of 2021/22. The average investment rate has decreased since the start of the financial year, from an average of 0.51% to 0.14%. This is due to the Bank of England base rate remaining at a record low level of 0.10% since March 2020. Normally when a fixed term deposit matures, it would be reinvested for a period up to one year to maximise the return on investment whilst ensuring security of funds. However, with rates being at historical low levels, rates for longer term investments have in some instances been lower than instant access products. The latest investment benchmarking data for September 2021 from the council's treasury advisors, Link Group, indicates that the council continues to perform well compared to other councils.

3.0 Performance Measurement

The CIPFA's Directors of Finance Best Value Working Group and the Treasury Forum Group recommend the reporting of the following performance indicators:

2020/21	Headline Performance Indicator	2021/22
3.69%	Average Cost of Servicing Loans Fund Advances in Year	Year End
0.06%	<ul style="list-style-type: none"> Loans Fund Interest Rate Loans Fund Expenses Rate 	Year End
3.74%		
	Local Performance Indicators	
11.78%	1. Percentage of Debt at period end which is Short Term or Variable	10.11%
11.78%	2. Percentage of Debt at period end repayable in each of the next two years	10.11%
N/A	3. Average Interest Rate of Borrowing raised in period	1.64%
N/A	4. Average Maturity of Borrowing raised in period	50.0 years

A comparison of the average interest rate of borrowing raised in the period is not possible between the first six months of 2021/22 and 2020/21 as there was no borrowing undertaken during 2020/21. The percentage of debt which is short term or repayable in each of the next two years is at a level which will not expose the council to any loan maturity risks.

4.0 The Strategy

4.1 Interest Rate Forecasts

The plan for 2021/22 was structured around the general forecasts for interest rates, with some flexibility of application dependent on prevailing economic conditions.

The Monetary Policy Committee (MPC) agreed on 11 March 2020 to decrease the bank rate to 0.25%, and then further reduced the rate from 0.25% to 0.10% in an emergency move to help control the economic shock of the coronavirus pandemic. When the annual plan was approved, the average City view suggested that bank rates would remain at 0.10% for the remainder of 2021 and 2022 due to the ongoing uncertainty associated with the Covid-19 pandemic. At the most recent meeting of the MPC on 2 November 2021, the committee voted by a majority to maintain the bank rate at 0.10%. The committee acknowledged however, it may be necessary to increase the bank rate over the coming months in order to return CPI inflation sustainably to the 2% target. As the cut in the bank rate to 0.10% was an emergency measure to deal with the Covid-19 pandemic, it should be noted that the MPC could decide to remove that final cut to the interest rate at any time on the grounds of it being no longer warranted, and as part of the return to normalisation. The council's forecast reflects these forecasts. The forecast for PWLB rates to March 2022 is now 1.50% for five years, 1.90% for ten years and 2.20% for twenty-five years. Both the short term and the longer term PWLB rates have increased since the forecast in the treasury plan reported to Council in February 2021.

4.2 Capital Finance Plan

The annual plan in February 2021 reported a new borrowing requirement of £38.9 million with replacement borrowing of £9.0 million. This gave a total borrowing requirement for 2021/22 of £47.9 million.

Forecasts demonstrated a range of options available to implement the borrowing strategy in 2021/22. Short, medium and long-term fixed rates were all forecast to remain constant during 2021 and increase incrementally over 2022, with short to medium term rates being cheaper than long term rates. It was planned to borrow a spread of short and medium-term loans from the PWLB at the most opportune times during the financial year. Consideration would be given to longer term borrowing if attractive rates were available. Forward dated Lender Option Borrower Option (LOBO) loans could also be considered for periods of to 15 years to lock in rates without having to incur borrowing costs if the money is not required straight away.

5.0 The Economy and Interest Rates

The first quarter of 2021/22 has seen UK economic growth of 4.8% following the gradual easing of Covid-19 restrictions to varying degrees over the different regions in the UK, with increases in services, production and construction output. GDP grew by a further 1.3% in the three months to September 2021, mainly reflecting the performance of the services sector, following the further easing of restrictions and reopening of the economy. GDP is now 2.1% below its pre-pandemic level and is expected to grow by an additional 1% in Quarter 4. GDP is projected to remain below its pre Covid-19 level until at least Quarter 1 2022. These forecasts reflect the effects of the current supply chain disruption and a modest recovery in consumer demand but it should be noted that forecasts are subject to increased uncertainty due to the current climate.

Inflation, as measured by the Consumer Price Index (CPI), fell slightly from 3.2% in August to 3.1% in September and is expected to rise to just under 4% in October, predominantly due to the impact on utility bills of wholesale gas prices. CPI inflation is projected to rise to 4.5% in November and remain at around that level through the winter as a result of further increases in core goods and food price inflation. The Bank of England is forecasting inflation to peak at around 5% in April when the next round of capped gas prices will go up. The initial surge in inflation in 2021 and 2022 is due to a combination of base effects, one-off energy price increases and a release of pent-up demand, particularly from consumers who have accumulated massive savings during the pandemic, hitting supply constraints. The upward pressure on CPI inflation is expected to dissipate over time, as supply disruption eases and energy prices stop rising and is expected to decrease materially from the second half of 2022 with it projected to be slightly above the 2% target in 2 years.

Gilt yields had been on a generally falling trend up until the coronavirus pandemic hit western economies in March 2020. Gilt yields spiked up during the initial phases of the crisis, and subsequently fell sharply to unprecedented lows as major central banks took rapid action through massive quantitative easing purchases of government bonds to relieve stress in financial markets. Since the start of 2021, there has been a lot of volatility in gilt yields and hence PWLB rates. During September, gilt yields from 5 to 50 years rose steadily and rose further following the meeting of the MPC on 23 September. Following the announcement of the Budget on 27 October, gilt yields fell sharply after the Debt Management Office announced the cancellation of nearly all gilt sales until the end of the financial year. The forecasts for gilt yields show a steady, but slow, rise in rates during the forecast period to March 2025. With unpredictable virus factors now being part of the forecasting environment, there is a risk that forecasts could be subject to significant revision during the next three years.

The following table provides details of interest rates at the start and end of the period. PWLB interest rates have increased during the first six months of 2021/22 for both short and longer-term borrowing, although rates for 50 years have marginally decreased, with ongoing uncertainty in the markets expected to continue over the rest of 2021/22 and beyond.

	At 1 April 2021	At 30 September 2021
Bank Rates	0.10%	0.10%
5 Year PWLB	1.39%	1.61%
10 Year PWLB	1.90%	2.01%
50 Year PWLB	2.19%	2.17%

The council, as set out in the annual treasury plan, continually monitors interest rates and consults with treasury advisors to determine the most opportune time to borrow throughout the year. The increase in PWLB rates and the effect this will have on borrowing decisions will continue to be assessed, with the council committed to considering all funding options that provide best value. This includes continuing to monitor PWLB rates to take advantage of any opportunities to borrow that may arise, borrowing from other sources (within the parameters set out in the treasury plan) and the use of internal borrowing.

There is likely to be an unwinding of the currently depressed levels of PWLB rates and a steady rise over the forecast period, with some degree of uplift due to rising treasury yields in the US with exceptional volatility and unpredictability in respect of gilt yields expected.

6.0 Capital Finance Activities

The original forecast new borrowing requirement for 2021/22 of £38.9 million needs to be revised to £58.0 million. The revised borrowing position reflects the updated capital programmes for 2021/22 and the decision of the Council Executive on 25 June 2021 to reprofile borrowing for 2021/22. Any further updates to the approved programme or accelerated spending against the approved budgets will result in further adjustments to the borrowing requirement for the year. The revised position also incorporates 2020/21 under borrowing, which is the borrowing required to fund the 2020/21 capital programmes that was not secured with external debt. With replacement borrowing of £10.0 million, the total revised borrowing requirement for 2021/22 is £98.0 million.

The borrowing undertaken to date in 2021/22 is at an average rate of 1.64% for an average maturity of 50.0 years. The council's overall debt portfolio has an average rate of 3.9% for 42.4 years.

Full details of borrowing undertaken to date are shown in Appendix 1.

7.0 Debt Rescheduling

The annual plan stated that due to the introduction of different rates for new borrowing and early repayment of debt, the spread in rates significantly restricted opportunities for debt rescheduling. Based on this there were no opportunities available to reschedule long term fixed PWLB debt to short variable and temporary debt during the six months to 30 September 2021.

8.0 Management of Cash Flows and Investments

8.1 Internally Managed Investments

Cash flows are monitored daily to allow temporary investment of any surplus funds. The procedure allows for same day lending of cash surpluses to institutions approved in the Treasury Management Practices and leaves the bank current account balance at the optimum level of zero. The security of the council's funds is paramount. Investment in the period to 30 September 2021 was restricted to the major UK Clearing Banks, including the council's bankers Lloyds Banking Group, certain designated building societies, other local authorities, UK Government treasury bills, and AAA rated money market funds.

8.2 Investment Plan

As investment rates for short periods are low, the previous approach was that a proportion of investments relating to cash backed balances and reserves not required until future years could be invested for up to two years. The investment plan was to weight investments to longer periods, as much as possible within cash flow considerations, with a view to locking in higher rates of return than may be available from current short-term investment rates. The approach for 2020/21 changed due to the low interest rate environment, especially for longer term investments. Due to the low Bank of England base rate the difference in long-term and short-term rates is no longer significant, however limited longer-term investments have been undertaken based on maximising income where cash flow allows.

8.3 Investment Results

The annual plan highlighted that the council's policy of investing only in appropriately rated money market funds, the UK Government and UK banks and building societies was considered risk averse. It is considered, in light of a reduced number of UK financial institutions on the council's approved counterparty list, that any risk to our investments is minimal. Detailed below are the results of the investment strategy undertaken by the council during the period:

Average Investment	Rate of Return	Benchmark Return*
£85.9 million	0.14%	-0.08%

* The benchmark is seven day London Interbank Bid (LIBID) Rate

The majority of investments are now short term however before the pandemic investments were fixed for up to twelve months where interest rates were significantly higher. This has resulted in a return of 0.22% above the benchmark. During the six months to 30 September 2021, the amount lent to approved organisations, including instant access and short-term investments, ranged from a low of £53.7 million to a high of £108.6 million.

Investments at 30 September 2021 were £90.9 million which have been invested throughout the period at an average daily rate of return of 0.14%. This represents a robust return on investments as rates have remained low during the first six months of 2021/22.

Authorised institutions and investments at 30 September 2021 are found in Appendix 2.

8.4 Permitted Investments

The Local Government Investments (Scotland) Regulations 2010 require local authorities to specify what investments will be used. Any investment not listed as a permitted investment will not be in accordance with the Regulations and will, as a result, be ultra vires.

No changes to the approved investments are proposed at this time. Appendix 3 details the updated permitted investments and maximum amounts that can be invested in them. It also includes reference to associated treasury risks and mitigating controls. Permitted investments include current investments in long term investments, share capital in companies and loans to third parties. Following a review under the International Financial Reporting Standards (IFRS), the council does not have any investment properties.

9.0 Monitoring of Prudential Indicators

The CIPFA Prudential Code ensures the capital plans of local authorities are affordable, prudent and sustainable. To demonstrate compliance with these objectives, the Code establishes nine indicators designed to support and record local authority decision making. The 2021/22 indicators were originally approved by the Council on 25 February 2021 and it was agreed that these indicators would be monitored and revised, if required, throughout the year by the Council. The 2021/22 prudential indicators are included in Appendix 4 along with proposed amendments to the capital expenditure, financing requirement, authorised and operational limits for borrowing and financing costs to net revenue stream indicators. The changes to the prudential indicators are a result of revised capital investment and resources programmes for 2021/22, as approved by the Council Executive on 22 June 2021.

10.0 Conclusion

This report details the treasury activities undertaken in the six months to 30 September 2021. Actions taken have complied with the annual treasury plan for 2021/22, approved by the Council on 25 February 2021, and the Treasury Management Policy Statement. Activities completed during the period also ensured that best value was secured in the delivery of the treasury function of the council.

Donald Forrest
Head of Finance and Property Services
 Date: 23 November 2021

Appendix 1**WEST LOTHIAN COUNCIL****Borrowing in 2021/22**

Date	Amount Advanced £m	Details	Repayment Period (Years)
<u>PWLB</u> 22 July 2021	10.00	1.64%	50 years

Temporary Borrowing – Local Authorities
None

Total Borrowing	<u>10.0</u>
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Long- and Short-Term Debt Undertaken to Date in 2021/22

Average Rate – 1.64%

Average Life – 50 years

APPROVED ORGANISATIONS FOR INVESTMENT

	2021/22 Investment Limit £	Investment at 30 September 2021 £
<u>Council Bankers</u>		
Lloyds Banking Group (inc Bank of Scotland)	70,000,000	46,565,000
<u>WLC Rating Category 1*</u>	22,000,000	
No institutions in this category		
<u>WLC Rating Category 2*</u>	19,500,000	
No institutions in this category		
<u>WLC Rating Category 3*</u>	17,000,000	
HSBC Bank plc		0
<u>WLC Rating Category 4*</u>	14,500,000	
No institutions in this category		
<u>WLC Rating Category 5*</u>	10,000,000	
No institutions in this category		
<u>WLC Rating Category 6*</u>	7,000,000	
Goldman Sachs		7,000,000
Santander UK plc		7,000,000
<u>Local Authorities, Public Bodies & DMO**</u>	18,171,282	
<i>Maximum of 20% of total investments</i>		
All UK Local Authorities		0
UK Public Bodies		0
Debt Management Office – Deposit Account		0
Treasury Bills		0
<u>UK Nationalised Banks</u>	35,000,000	
National Westminster Bank plc		0
<u>Money Market Fund – AAA rated***</u>	31,799,744	
<i>Maximum of 35% of total investments</i>		
Deutsche Money Market Fund		15,000,000
Federated Hermes Money Market Fund		15,000,000
<u>Other Permitted Investments</u>		
West Calder High School DBFMCo Ltd	350,000	291,412
	TOTAL	90,856,412

* As rated by the lowest credit rating of the three credit rating agencies Fitch, Moody's and Standard & Poors

** This limit fluctuates according to total investments. Based on current investments of £90.856 million, the limit would be £18.171 million.

*** This limit fluctuates according to total investments. Based on current investments of £90.856 million, the limit would be £31.799 million.

WEST LOTHIAN COUNCIL PERMITTED INVESTMENTS

Permitted Investment Instrument	Minimum credit rating	Maximum Percentage of Total Investments	Treasury Risks	Mitigating Controls
Cash Investments up to one year				
Term Deposits and Bonds – UK Banks and Building Societies	Equivalent to Fitch's rating of FI short term A long term	Up to 100%	There is minimal risk to the value of principal invested. Consideration needs to be given to credit ratings to ensure appropriate counterparties are used. Liquidity risk that funds are not available when required.	Adoption of lowest rating from all relevant rating agencies to determine creditworthy counterparties. Cash flow forecasting undertaken to identify when funds will be required. Also use overnight account for daily access to funds.
Term Deposits – Local Authorities and Public Bodies	Local Authorities & Public Bodies are not awarded credit ratings	20%	Counterparty risk is very low as this is considered UK Government debt and there is no risk to value.	No controls required as investment is with the UK Government and has minimal risk.
Money Market Funds	AAA	35%	Pooled cash investment vehicle with very low counterparty, liquidity and market risk.	The council will only use funds with a constant net asset value or low volatility net asset value to ensure minimal risk to market value. Funds required to be AAA rated to limit counterparty risk and instant access to ensure liquidity.
Debt Management Agency – Deposit Facility	UK Government	20%	Minimal counterparty or liquidity risk as deposit is with the UK Government.	No controls required as investment is with the UK Government and has minimal risk.
Treasury Bills	UK Government	20%	Minimal counterparty or liquidity risk as deposit is with the UK Government. Potential market risk due to longer term movements in interest rates.	No general controls required as investment is with the UK Government. All investments are short term and held to maturity therefore minimal risk to value from resale on secondary market.

WEST LOTHIAN COUNCIL PERMITTED INVESTMENTS

Permitted Investment Instrument	Minimum credit rating	Maximum Percentage of Total Investments	Treasury Risks	Mitigating Controls
Cash Investments up to one year				
Certificates of Deposit	Equivalent to Fitch's rating of FI short term A long term	20%	There is minimal risk to the value of principal invested. Consideration needs to be given to credit ratings to ensure appropriate counterparties are used. Liquidity risk that funds are not available when required.	Adoption of lowest rating from all relevant rating agencies to determine creditworthy counterparties. Cash flow forecasting undertaken to identify when funds will be required. Deposit will be held to maturity to ensure that the full amount invested is returned to the council. Investments will only be for periods of three to twelve months.
Cash Investments between one year and up to two years				
Term Deposits and Bonds – UK Banks and Building Societies	Nationalised or part nationalised UK Banks	£35 million	There is minimal risk to the value of principal invested. Consideration needs to be given to credit ratings to ensure appropriate counterparties are used. Liquidity risk that funds are not available when required.	Adoption of lowest rating from all relevant rating agencies to determine creditworthy counterparties. Cash flow forecasting undertaken to identify when funds will be required.
Non Treasury Investments				
Long Term Investment - £25,000 £1 shares in Lothian Buses plc	This is the share of Lothian Buses plc allocated to the council on the disaggregation of Lothian Regional Council in 1996	£25,000 £1 shares	This is a service investment which may exhibit market risk.	Shares will not be sold therefore market changes will have no impact. Ownership is supported by service requirements and must be approved by elected members.

WEST LOTHIAN COUNCIL PERMITTED INVESTMENTS

Permitted Investment Instrument	Minimum credit rating	Maximum Percentage of Total Investments	Treasury Risks	Mitigating Controls
Non Treasury Investments				
Loans to Third Parties – Small Business Loans	Small amounts not subject to credit ratings	At 30 September 2021, there were no outstanding loans	Counterparty and market risk where the funds invested are not returned.	Close administration and ongoing monitoring of receipts. Award criteria established by service.
Loans to Third Parties – Empty Homes Loan Fund	Small amounts not subject to credit ratings	£150,000 or total funding made available from Scottish Government	Counterparty and market risk where the funds invested are not returned but council has to repay funding to Scottish Government.	A robust procedure is in place for the monitoring and collection of empty homes loans.
West Calder High School DBFMCo Ltd Equity and Subordinated Debt	DBFM company established to provide new West Calder High School by HUB South East Ltd (HUBco) through Schools for the Future Programme	Equity Subscription - £100 Subordinated debt – maximum of 1% of the total eligible cost of construction (£350,000)	This is a service investment which may exhibit market risk. If the DBFM company does not perform and fails to deliver on agreed service objective, the subordinated debt element is at risk.	Shares will not be sold therefore market changes will have no impact. Investment is directly linked to delivery of the new West Calder High School. Ownership is supported by service requirements and must be approved by elected members.

MONITORING OF PRUDENTIAL INDICATORS – 2021/22

CAPITAL EXPENDITURE INDICATORS (Items 1 and 2)

1. CAPITAL EXPENDITURE

Purpose of the Indicator

The purpose of this indicator is to inform Council of projected capital spending in 2021/22.

	Council 25 February 2021 2021/22 Estimate £'000	Revised 2021/22 Estimate £'000
General Services	86,125	79,475
Housing	43,828	49,027
Total	129,953	128,502

Performance

The original estimate for this indicator was approved in February 2021 before the revised 2021/22 capital programmes for both General Services and Housing were approved in June 2021. The indicator therefore needs to be updated to bring it in line with estimated spend on the overall capital programme for 2021/22. The overall estimate of capital spend has decreased due to changes to phasing of works.

2. CAPITAL FINANCING REQUIREMENT

Purpose of the Indicator

The capital financing requirement measures the council's underlying need to borrow for a capital purpose. This is, at a high level, the council's total outstanding debt required to finance planned capital expenditure.

	Council 25 February 2021 2021/22 Estimate £'000	Revised 2021/22 Estimate £'000
General Services	485,808	490,882
Housing	275,574	276,659
Total	761,382	767,541

Performance

The capital financing requirement was approved by Council on 25 February 2021 and covers the council's total borrowing requirement. The estimate has been revised to incorporate updated capital expenditure and resources programmes approved by Council Executive on 22 June 2021.

AFFORDABILITY INDICATORS (Item 3)**3. RATIO OF FINANCING COSTS TO NET REVENUE STREAM****Purpose of the Indicator**

This indicator provides a measure of the proportion of the budget that is being allocated to financing of capital expenditure. For the General Fund, this is the ratio of financing costs of borrowing against net expenditure financed by government grant and local taxpayers. For Housing, the indicator is the ratio of financing costs to gross house rental income.

	Council 25 February 2021 2021/22 Estimate £'000	Revised 2021/22 Estimate £'000
General Fund	4.2%	4.4%
Housing	19.2%	21.7%

Performance

The estimate for 2021/22 has been revised to incorporate the changes in the capital investment and resources programme for the financial year as outlined in the indicators above. The actual percentages for 2021/22 will not be available until after the end of the financial year.

FINANCIAL PRUDENCE INDICATOR (Item 4)**4. GROSS EXTERNAL BORROWING AND THE CAPITAL FINANCING REQUIREMENT****Purpose of the Indicator**

This indicator records the extent that gross external borrowing is less than the capital financing requirement (indicator 2 above). This is a key indicator of prudence and is designed to ensure that, over the medium term, external borrowing is only for a capital purpose. The values are measured at the end of the financial year.

	Council 25 February 2021 2021/22 Estimate £'000	Revised 2021/22 Estimate £'000
Net External Borrowing	761,382	767,541
Capital Financing Requirement	761,382	767,541
Under limit by	-	-

Performance

These figures are measured at the end of the financial year when a comparison will be provided for this indicator. During the course of the financial year, the net external borrowing should be forecast to equal the capital financing requirement as the council only borrows for capital purposes.

TREASURY AND EXTERNAL DEBT INDICATORS (Items 5 to 8)**5. AUTHORISED LIMIT FOR EXTERNAL DEBT****Purpose of the Indicator**

The authorised limit for external debt is required to identify external borrowing and other long-term liabilities such as covenant repayments, finance lease and PPP obligations. This limit provides a maximum figure to which the council could borrow at any given point during each financial year.

Authorised Limit for:	Council 18 February 2021 2021/22 Estimate £'000	Revised 2021/22 Estimate £'000
Gross External Borrowing	783,155	743,888
Other Long-Term Liabilities	81,296	81,296
External Debt	864,451	825,184

Performance

Following the revision of capital expenditure and resources assumptions, and the corresponding amendments to the prudential indicators above, there is a requirement to recalculate the authorised limit for external debt. Currently the council's external debt is substantially below this indicator. This gap may reduce if further borrowing is undertaken during the latter half of the year, however it is not expected that total external debt will exceed the revised authorised limit.

6. OPERATIONAL BOUNDARY FOR EXTERNAL DEBT**Purpose of the Indicator**

This is a key management tool for in year monitoring and is lower than the Authorised Limit as it is based on an estimate of the most likely level of external borrowing at any point during the financial year.

Operational Boundary for:	Council 25 February 2021 2021/22 Estimate £'000	Revised 2021/22 Estimate £'000
Gross External Borrowing	773,155	733,888
Other Long-Term Liabilities	80,296	80,296
External Debt	853,451	814,184

Performance

Following the revision of capital expenditure and resources assumptions, and the corresponding amendments to the prudential indicators above, there is a requirement to recalculate the operational boundary for external debt. Currently the council's external debt is substantially below this indicator. This gap may reduce if further borrowing is undertaken during the latter half of the year, however it is not expected that total external debt will exceed the revised authorised limit.

7. ACTUAL EXTERNAL DEBT**Purpose of the Indicator**

This is a factual indicator showing actual external debt for previous financial years.

	31 March 2019 £'000	31 March 2020 £'000	31 March 2021 £'000
Actual External Borrowing	620,854	620,570	605,386
Actual Other Long-Term Liabilities	89,568	86,138	82,684
Actual External Debt	710,422	706,708	688,070

Performance

The external debt reported in the annual accounts for previous years is included for comparison purposes only.

8. TREASURY MANAGEMENT INDICATOR

This indicator intends to demonstrate good professional practice is being followed.

8.1 Adoption of the CIPFA Treasury Management Code

The CIPFA Treasury Code was adopted on 25 March 1997 as an indication of good practice. In line with the fully revised Treasury Code, the council's Annual Treasury Plan is reported to full Council for approval.

8.2 Upper limits for fixed and variable rate borrowing

The limit for fixed rate borrowing is 100% and the limit for variable rate borrowing is 35%. These limits mean that fixed rate exposures will be managed within the range of 65 to 100% and the maximum exposure to variable rate borrowing will be 35% of total debt. This is a continuation of current practice.

8.3 Maturity structure of fixed rate borrowing for 2021/22

	Approved Upper Limit	Approved Lower Limit
Under 12 months	35%	0%
12 months and within 24 months	35%	0%
24 months and within 5 years	50%	0%
5 years and within 10 years	75%	0%
10 years and over	100%	25%

Excluding LOBO loans shown as maturing in the next 12 months for accounting purposes only, the current maturity levels of debt are within these upper and lower limits.

8.4 Total principal sums invested for periods longer than 364 days

Following changes from the Investment Regulations applicable from 1 April 2010, the council can make investments for periods longer than 364 days. The approved limit for total principal sums invested for periods of over one year is £35 million.

The treasury management indicator confirms sound professional practice is being followed by the council in undertaking treasury management. The approved values and parameters provide sufficient flexibility in undertaking operational treasury management.

CONCLUSION

In monitoring the above prudential indicators, the council is fulfilling its duty under the Prudential Code. The monitoring indicates that spending plans remain affordable, prudent and sustainable, and that treasury management is operating in line with the requirements of the CIPFA Code of Practice for Treasury Management in the Public Services.

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Frank Anderson
Secretary: Cllr Sarah King

Dico Tibi Verum, Libertas Optima Rerum Nunquam Servili!



Agenda Item 8

Review of Council Appointments to Positions of Responsibility

Council Meeting November 2021

Following the 2 recent by elections here in West Lothian, the court of public opinion have decisively rejected the Labour Party and continue to endorse the SNP as the party to be trusted. Accepting the democratic decision of the electorate and their expectations that the largest political group in the Council, the SNP, should be involved in running the Council, the SNP group are disappointed that Labour have not resigned of their own volition.

The SNP Group therefore have no confidence, and neither do the electorate, in the sham claim that this Council is run by a minority Labour administration. It is time for the positions of responsibility to be reviewed under Standing Order 30(1). With the Council now consisting of 14SNP, 11Labour, 7Conservative and 1Independent we call on the Labour Group to resign from the Administration and a new SNP administration is appointed. If they do not resign then council agrees to end these appointments and elect replacements immediately, as per below.

Council therefore agrees to:

1. Notes the present service portfolios in the Scheme of Administration and that we appoint Executive Councillors for those policy areas.
2. Determine that the current arrangements should continue, pending any desired changes being approved at future council meetings.
4. Note that changes to Standing Orders and the Scheme of Administration might only be made by full council on notice being given with the agenda for the meeting.
5. Agree what further action, if any, should be taken to review the current arrangements and bring forward proposals for change.
6. Consider and agree what action should be taken, if any, in relation to accommodation in the Civic Centre for elected members and Member Services staff.

Moved F Anderson

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Frank Anderson
Secretary: Cllr Sarah King

Díco Tíbi Verum, Libertas Optima Rerum Nunquam Servíli!



Agenda Item 9

CONGRATULATIONS SPARK

Council Meeting 23rd November 2021

West Lothian Council SNP Group notes the tremendous work done by SPARK (formerly Craigshill Good Neighbour Network) since its inception but particularly during the pandemic. They were a lifeline, and continue to be, for many in our communities in particular the Craigshill community. They adapted to providing a telephone befriending service, delivering meals, digital connectivity provision and training, 'goody' bags and activity bags, as well as online group activity like quizzes, sing a long, mental health wellbeing and virtual cookery lessons to name just some of the myriad of events that were there to support the community.

The SNP Group also commends them on their achievement of becoming the first organisation in Scotland to receive the Diversity Scotland Gold Charter Award.

Council agrees :

The Provost and Chief Executive write to the organisation to congratulate them on gaining the Diversity Scotland Award and their sterling work with the community for the community.

Hold a Civic reception for the organisation.

Moved

F Anderson

Received on 28 Oct 2021 at
11:08am

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Frank Anderson
Secretary: Cllr Sarah King

Dico Tibi Verum, Libertas Optima Rerum Nunquam Servili!



Agenda Item 10

Underground Refuse Scheme Council Meeting 23rd November 2021

West Lothian Council SNP Group notes that the proposed introduction of another bin would be impractical to those who live in flats. Acknowledging that currently there is no storage available. Where we have many flatted dwellings, the aesthetics of the area are dampened by many bins being left out almost on a permanent basis. These bins being left out contribute to many of the issues around littering in the area.

The SNP Group notes that not having the requisite bins hampers many flat dwellers from participating in recycling.

The SNP Group calls on Council to:

- Agree to investigate a pilot scheme for underground waste disposal in Craigshill, an area with many flats
- Officers to prepare a report for the Environment PDSP, February 22, on the options available, feasibility and costs of an initial pilot
- Officers to prepare a report on the areas suitable for a roll out of such a scheme and the estimated costs of the total scheme and potential phasing of such a scheme.

Moved

F Anderson

Received on 28 Oct 2021 at
11:08am



WEST LOTHIAN CONSERVATIVE AND UNIONIST COUNCIL GROUP

West Lothian Council

23rd November 2021

Interlinking smoke and heat alarms

From February 2022 all homes in Scotland must be fitted with **interlinking smoke and heat alarms**, and carbon monoxide alarms if there is a carbon-fueled appliance or flue. (Note: Smoke and heat alarms must support interlinking, either via hardwire cable or wireless radiofrequency.)

From February all homeowners will be required to have interlinked alarms under legislation brought forward after the Grenfell Tower tragedy in 2017. These alarms significantly reduce casualties by alerting everybody in a property to a fire. Most homes will also require a carbon monoxide alarm. Private rented and new-build homes must already meet these standards, but from February they will apply to every home in Scotland, regardless of age or tenure.

An average three-bedroom house would require 5 interlinked alarms, made up of three smoke alarms, one heat alarm and one carbon monoxide detector, at an estimated cost of about £220. This is based on using the type of alarms that can be installed by the homeowner, without the need for an electrician. The Scottish Government is providing £500,000 to help eligible older and disabled homeowners with installation, in partnership with Care and Repair Scotland

All these alarms can be either long-life sealed and battery operated, or mains operated. If a homeowner opts to install tamper proof long-life lithium battery alarms, the average total cost is estimated to be about £220 incur an additional cost.

The Scottish Government guidance states that homeowners who have questions about how this change in the law might affect their home insurance should check with their provider.

The above information is taken from the Scottish Government's web site. Households in West Lothian have no clear guidance on what they are required to do and what, if any, support is available to them.

"I ask that Officers from West Lothian Council create a page on the Councils website with links to advice and guidance supplied by the Scottish Government. The Council also agrees to write to the Scottish Government asking that appropriate financial assistance is made available by the Government for people on low incomes to enable them to install the required alarms.

Councillor Peter Heggie - Livingston South
West Lothian Council Conservative Group

Received on 8 Nov 2021 at 10:43am

V. Johnston

Scottish
Conservatives

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Frank Anderson
Secretary: Cllr Sarah King

Dico Tibi Verum, Libertas Optima Rerum Nunquam Servili!



Agenda Item 12

MOTION

Council Meeting 23rd November 2021

SUDDEN CANCELLATION OF CONTRACT BY WESTMINSTER GOVERNMENT TO DELIVER COVID-19 VACCINES BY VALNEVA LIVINGSTON

The sudden and completely unexpected announcement by Sajid Javid, UK Government Health Secretary to cancel the contract with Valneva in Livingston has been a complete shock to everyone, including the company, the workforce, the Scottish Government, West Lothian Council and all elected representatives.

The UK Tory Health Minister has cited the company's breaching of its obligations under the supply arrangements as the reason for the abrupt cancellation of the contract without any discussion with the company – which they strenuously deny.

The Valneva vaccine is the only inactivated, adjuvanted whole virus vaccine against Covid-19 in clinical trials in Europe – this point was made by the UK Vaccine Taskforce when it gave its backing to Valneva in 2020.

The MHRA approval of the vaccine will be based on the outcome of Phase 3 trials – these trials were due to end in October; the data collected is being analysed this month with the vaccine due for approval in December.

There is therefore absolutely no evidence on which Sajid Javid can state “the vaccine will not be approved”.

This decision is a hammer blow to the West Lothian community as we recover from the Covid-19 pandemic. Producing this vaccine, here in Livingston will create an additional 200 positions with many highly skilled, well paid jobs supplementing the West Lothian workforce.

West Lothian Council therefore agrees to:

Write to Sajid Javid, Westminster Tory Health Secretary and demand he reconsider his decision and meet with Valneva management team to discuss reinstating the contract he has breached;

Write to Hannah Bardell MP and all West Lothian MSP's and tell them that West Lothian Council are fully behind them in all efforts to ensure Valneva Covid-19 vaccine production in Livingston finds the widest possible marketplace; and support all efforts to put pressure on the Westminster Government to reinstate the contract with Valneva.

Councillor Campbell SNP Group Leader

Received on 4 November 2021 at 17:43

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Frank Anderson
Secretary: Cllr Sarah King

Dico Tibi Verum, Libertas Optima Rerum Nunquam Servili!



Agenda Item 13

Motion

Council Meeting Tuesday 23rd November 20201

West Lothian Council totally rejects the budget announced in October by the UK Chancellor, billionaire Rishi Sunak as doing absolutely nothing to help ordinary working people get through the cost of living crisis, whilst simultaneously providing tax breaks for his old banking pals in the City of London.

The Westminster Tory budget failed to address many of the cost of living increases facing our constituents in West Lothian including those listed below:

- Failure to deliver a real living wage for the people of Scotland
- Failure to halt a hike to National Insurance of over 10%
- Failed to reinstate the removal of £20 per week in Universal Credit to the poorest families in our communities
- Absolutely no certainty in the amount (if any) of “new” money coming to Scotland
- Failure to scrap the Borders Bill and the hostile environment they alone have created, prolonging uncertainty for EU workers who may come back to work in Scotland
- Failed to include a Brexit Recovery Fund to help close the mammoth and sustained Scotland-EU trade deficit which has come about ONLY because of the Tories ideological Brexit
- Failed to recognise the need for action on climate change by lowering Air Passenger duty on domestic flights, the only country in Europe to do so
- Failed to reinstate the Aid Budget which the Tories, alone in the G7 slashed during a global pandemic

This budget means the Scottish Government is actually getting less funding for day to day spending in every year of the spending review period than in this year. Most of the increases, if any are likely to be in capital. Levelling Up funding will do nothing to undo a decade of Tory cuts: are funds which should have come to the Scottish Government: damage, perhaps irreparably the Devolution Settlement.

West Lothian rejects this budget as being out of touch with the lives of ordinary working people in the communities we represent. The first generation in many years will now see their living standards fall, their children have fewer opportunities and our relationship with our European neighbours continue to flounder. West Lothian Council therefore agrees to write to billionaire Chancellor Sunak in the strongest possible terms outlining our deep concerns for the millions of ordinary people who will face undue hardship due to his budget and to request he seeks an urgent meeting with his Holyrood counterpart Kate Forbes to urgently address the concerns of the Scottish Government.

Councillor Campbell SNP Group Leader

Received on 4 November 2021 at 17:46



Motion Smoke Alarms

Council Meeting 23rd November

From February 2022 all homes in Scotland must be fitted with interlinking smoke and heat alarms, and carbon monoxide alarms if there is a carbon-fuelled appliance or flue. (Note: Smoke and heat alarms must support interlinking, either via hardwire cable or wireless radiofrequency.) From February all homeowners in Scotland will be required to have interlinked alarms under legislation brought forward after the Grenfell Tower tragedy in 2017. These alarms significantly reduce casualties by alerting everybody in a property to a fire. Most homes will also require a carbon monoxide alarm. Private rented and new-build homes must already meet these standards, but from February they will apply to every home in Scotland, regardless of age or tenure. An average three-bedroom house would require 5 interlinked alarms, made up of three smoke alarms, one heat alarm and one carbon monoxide detector, at an estimated cost of about £220. This is based on using the type of alarms that can be installed by the homeowner, without the need for an electrician. All these alarms can be either long-life sealed and battery operated, or mains operated. The Scottish Government guidance states that homeowners who have questions about how this change in the law might affect their home insurance should check with their provider. The above information is taken from the Scottish Government's web site.

What each home needs

By February 2022 every home must have:

- one smoke alarm in the living room or the room you use most
- one smoke alarm in every hallway or landing
- one heat alarm in the kitchen

All smoke and heat alarms should be mounted on the ceiling and be interlinked.

If you have a carbon-fuelled appliance – like a boiler, fire, heater or flue – in any room, you must also have a carbon monoxide detector in that room, but this does not need to be linked to the fire alarms.

The Scottish Government has, over the period 2018-20, provided the Scottish Fire and Rescue Service (SFRS) with £1m funding to install these alarms in the homes of people assessed to be at high risk from fire as part of a home fire safety visit. Also, the Scottish Government is providing £500,000 to help eligible older and disabled homeowners with installation, in partnership with Care and Repair Scotland.

As a general principle, home owners must pay for any ongoing work needed on their own property. As with other housing standards, the homeowner must meet the new fire and carbon monoxide alarm standard. **Local authorities have broad discretionary powers to provide advice and help to home owners with work needed to look after their homes.**

Older and disabled homeowners on low incomes can also contact their local [Care and Repair service](#) which gives independent advice and help.

Council therefore agrees to

work with all partners, including the Scottish Government, to create clear guidelines on what is required from February 2022 and what, if any, financial support may be available and how best to get this information to all residents in West Lothian
Officers produce a report on how this Council could help with any additional funding identified by Care and Repair Scotland for West Lothian, alongside the possibility of the Council's Building Services setting aside a team to help with the installation of these alarms.
This report to include the possibility of including money from Council Reserves to underwrite any shortfall in the estimated cost of replacing the alarms of all pensioners within West Lothian as well as projected costs for informing residents of this change in legislation and their responsibilities and to be presented to next Council meeting, 25th January.



Received 8 Nov 2021 at
10:54am



F Anderson

WEST LOTHIAN COUNCIL LABOUR GROUP**Notice of Motion from Councillor Harry Cartmill
for the Council meeting on 23rd November 2021*****Asthma Inhalers to be part of every Commercial Kitchens First
Aid Kit Adopting “Lauren’s Law”***

Every day asthma inhalers are for some in our communities a deceptively simple but absolutely vital medical device making the literal difference of life and death to those who have asthma and who can suffer debilitating attacks.

One such person was 19 year old kitchen worker Lauren Reid who suffered a severe asthma attack at work in a commercial kitchen in Glasgow City Centre back in February 2019 – tragically Lauren had left her inhaler at home on this fateful day and with no inhalers required in first aid kits used by the commercial kitchen sector trained first aiders on the scene could do nothing whatsoever to help Lauren – by the time Paramedics arrived Lauren had gone into cardiac arrest and never regained consciousness dying four days later.

Lauren Reid’s heartbroken Mother Elaine Cunningham has started a campaign to honour the memory of her daughter and to make sure no other family loses a loved one in this way by promoting “Lauren’s Law” – a campaign to have every commercial kitchen throughout the UK carry an asthma inhaler as part of their first aid kit by law.

I was contacted by Elaine and I must say as a father of a daughter around the same age as Lauren Reid I was close to tears reading of this tragedy but equally motivated to doing what I could to make sure we here in West Lothian Council take steps to adopt “Lauren’s Law” in both council run commercial kitchens such as Howden Park Centre and to the many we issue Licences and Permits to also.

The cost of incorporating an asthma inhaler in commercial kitchens first aid kits is miniscule – already (rightly) our schools and colleges have these inhalers as part of every first aid Kit available – so to I understand do the offshore industries and sectors of the construction industries – commercial kitchens should be next in line with the hope that soon every first aid Kit has an inhaler within.

Council therefore agrees to have officers draft a paper to present at their earliest convenience to the Health and Care PDSP outlining proposals to incorporate “Lauren’s Law” with an aim of making it mandatory for every commercial kitchen in West Lothian under council ownership or jurisdiction to have an asthma inhaler as part of their first aid kit.



Received on 8 Nov 2021 at 11:17am



**Councillor Harry Cartmill
West Lothian Labour Group**

WEST LOTHIAN COUNCIL LABOUR GROUP**Notice of Motion from Councillor Andrew McGuire
for the Council meeting on 23rd November 2021*****Civility in Public Life***

Council notes with dismay the increasingly febrile nature of political discourse across the United Kingdom which all too often reaches into our council chambers. Council agrees that politicians at all levels have a role to play in setting an example through their own behaviour and believes that whilst political debate may be robust, it should also be conducted with respect and civility.

Council commends the work done by COSLA to highlight the need for increased civility in political debate through its joint commitment to promote Civility in Public Life with the Local Government Association, Welsh Local Government Association and the Northern Ireland Local Government Association. Council also notes the joint production of the recent online guidance to encourage civility.

Council understands the detrimental impact of abusive behaviour on the wellbeing of individuals and indeed on democracy, undermining public trust in elected representatives.

Council therefore agrees to invite the COSLA President Cllr Alison Evison to the next meeting of West Lothian Council to present a summary of the work done by COSLA to date, any feedback received by COSLA on the experiences of councillors across Scotland and how this impact on COSLA efforts to encourage people from more diverse backgrounds to seek election to local government.



Received on 8 Nov 2021 at
11:17am



**Councillor Andrew McGuire
West Lothian Labour Group**

WEST LOTHIAN COUNCIL LABOUR GROUP

**Notice of Motion from Councillor Lawrence Fitzpatrick
for the Council meeting on 23rd November 2021**

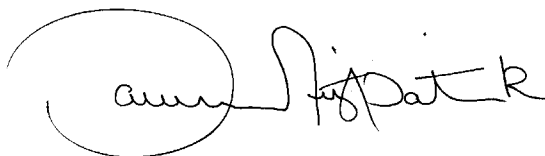
New Fire & Carbon Monoxide Alarm Standards

Council is aware that home owners and landlords have been given a legal deadline of February 2022 to ensure that their property is compliant with standards of specified equipment.

Elected members are aware by way of numerous enquiries from and discussions with constituents, that a high level of uncertainty exists in the community where there is anxiety as regards availability of skilled trades/equipment, if the equipment is not installed by the prescribed deadline, whereby home insurance cover could be ineffective.

Council agrees it appropriate therefore to write to the First Minister requesting that the legal deadline be extended by a full year, as it would be unacceptable to leave many in our community without effective insurance cover.

Received on 8 Nov 2021 at 11:17am



**Councillor Lawrence Fitzpatrick
Leader
West Lothian Labour Group**



WEST Lothian CONSERVATIVE AND UNIONIST COUNCIL GROUP

West Lothian Council

23rd November 2021

Motion - Neighbourhood Watch

Early in my role as Councillor I came to realize the effectiveness of the current Neighbourhood Watch scheme and have promoted it for use within my Ward. I believe the scheme is very impressive and far removed from the previous NW of the 80s.

NW is an alert process distributing information to local individuals and community groups. Behind it lies a simple idea that working together we can help our communities at whatever level we are able.

1. Simply receiving information and acting on it. This might be learning about local road diversions or a series of break ins in your area, prompting you to consider your own movements or security
2. Spreading the information to your networks.
3. Getting involved with crime prevention or local groups.

Neighbourhood Watch disseminates information from lots of national groups however you only hear what is local to you by filtering with your post code. These include:

Police Scotland

Scottish Government

Fire and Rescue Service

Trading Standards

SEPA,

There are also many other Societal benefits for our communities.

I would encourage everyone to sign up at:

[Neighbourhood Watch Scotland | Sign-up for alerts - Neighbourhood Watch Scotland](#)

Motion;

Officers investigate the workings of the current Neighbourhood Watch Reporting system and report back to the next appropriate PDSP; the benefits and advantages WLC could benefit from by using the system to disseminate council information, such as that published on social media, to our residents. There after WLC shall consider encouraging our residents to engage with Neighbourhood Watch.

Councillor Bruce Fairbairn
Whitburn and Blackburn Ward
West Lothian Council Conservative Group

Received on 8 Nov 2021 at 11:27am

DATA LABEL: PUBLIC



WEST LOTHIAN COUNCIL

COUNCILLORS' CODE OF CONDUCT – ANNUAL REPORT 2020/21

REPORT BY GOVERNANCE MANAGER

A. PURPOSE OF REPORT

To inform members of significant issues in 2020/21 in relation to the Code of Conduct.

B. RECOMMENDATIONS

1. To note the summary of the issues arising in 2020/21 in relation to the Councillors' Code of Conduct
2. To note that training sessions on up-to-date cases issues will continue, and that additional training will be required and delivered as part of the post-election induction programme in May and June 2022
3. To note that the revised Code of Conduct and related Standards Commission guidance and advice are due to take effect on a date yet to be determined and that training will be offered to and recommended for all members to cover the changes

C. SUMMARY OF IMPLICATIONS

I	Council Values	Being honest, open and accountable
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Ethical Standards in Public Life etc. (Scotland) Act 2000 and related regulations – members' duties to observe and uphold the Code; council's duties to promote the Code and assist members in its observance
III	Implications for Scheme of Delegations to Officers	N/a
IV	Impact on performance and performance Indicators	N/a
V	Relevance to Single Outcome Agreement	N/a
VI	Resources - (Financial, Staffing and Property)	N/a
VII	Consideration at PDSP	Not possible due to timing of annual reports publications, dates of meetings and reporting to council today

VIII Other consultations

Monitoring Officer; Depute Monitoring Officer

D. TERMS OF REPORT**1 Background**

- 1.1 The Ethical Standards in Public Life etc. (Scotland) Act 2000 created a statutory framework of ethical standards which applies to local authorities and to other devolved public bodies. There is a national statutory Code of Conduct for Councillors (the Code) backed up by statutory guidance and a substantial library of advice notes on specific issues. The Code is enforced through complaints to the Commissioner for Ethical Standards in Public Life in Scotland (the ESC) and onwards to the Standards Commission for Scotland (the Commission). Members found to have breached the Code may be censured, suspended or disqualified from being a councillor. Complaints alleging breaches of the Code can also be submitted to the council. Those are dealt with by the Monitoring Officer through an internal procedure which may divert an issue away from the more formal path. It does not provide a substitute for it and cannot prevent an external reference being made.
- 1.2 The council's duties are to raise awareness of the Code, to promote the observance by members of high standards of conduct, to assist members to comply with the Code, and to provide induction and training sessions.
- 1.3 Members' obligations include familiarisation with and compliance with the Code and its underpinning statutory rules, having regard to the statutory guidance; attending training and induction sessions, promoting and supporting the Code, and encouraging compliance by others. Being familiar with, understanding the Code and complying with it are the personal responsibilities of each member.

2 The ESC's year

- 2.1 The ESC's office remained in a troubled state. In 2019/20 the incoming Commissioner reported on operational shortcomings in the operation she inherited. She is currently on extended leave. An Acting Commissioner was appointed on 20 April 2021. He reports this year on the continuation of significant governance and staffing problems during and after the reporting year. A wider-scope external audit was instructed and carried out. External advice on the ESC's approach to assessing admissibility of complaints has resulted in changed practice and a review of all admissibility decisions made in 2019/20 and 2020/21. The outcomes of both those exercises are awaited.
- 2.2 The Commission has statutory powers to issue directions to ESC. The power was unused until 2019/20. A first direction was issued to try to address delays and shortcomings in investigation and reporting arrangements. That had limited effect. The Commission issued a second direction in November 2020. It required the reporting of the conclusion of every investigation into a complaint, outlining ESC's findings and conclusions as to whether or not there has been a contravention. The decision-making on whether or not to proceed to a hearing was thereby reserved to the Commission. There followed at least a perception that cases were being diverted by initial findings of inadmissibility. As a result, a third direction was issued in March 2021. It required a full investigation into every complaint unless the conduct could never possibly be a breach of the Code, or the councillor was deceased or *incapax*, or the alleged misconduct was more than a year old. The new relationship has started to take effect. The Commission's decisions in 2021/22 reflect the new arrangements. It has developed a policy to guide its decisions on whether or not to proceed to a hearing and has taken that line in approximately half of the cases reported in 2021/22. Those will be covered at training sessions later in the year and in next year's annual report.

2.3 Some of the problems mentioned in this year's ESC annual report are:-

- A huge increase in MSP complaints and the diversion of scarce resources
- Staff departures, recruitment issues and staff turnover leading to a reduction in capacity and a loss of experience, intellectual assets and corporate memory
- A diversion of scarce resources from key work and the imposition of "inappropriate" working methods
- Poor or no engagement with stakeholders
- The deterioration in relations with the Commission, leading to the statutory directions issued by the Commission to ESC in relation to investigation practice and decision-making (see D2.2, above)

2.4 The report describes actions already taken to address those problems and indicates improvements, both achieved and anticipated:-

- The building of bridges and resumed engagement with stakeholders on a routine basis, especially the Commission
- A one-year revision for 2021/24 to the ESC Strategic Plan 2020/24, recognising and addressing the immediate improvements required in consultation, engagement, transparency, and governance arrangements
- Improved recruitment and revised HR policies and procedures
- A new approach to determining admissibility of complaints
- Ensuring compliance with the Commission's statutory directions, including an acknowledgment of the circumstances which led to their promulgation

2.5 In terms of numbers and trends in the complaints received and cases handled (see also Appendix 1):-

- The vast majority of complaints continue to be against councillors and not members of devolved public bodies (96% in 2019/20 and 95% this year)
- The proportions of complaints from members of the public and from councillors remained almost the same
- Planning/regulatory complaints fell markedly, from 95 (33%) in 2019/20 down to 14 (6%) this year
- Disrespect cases increased significantly (14% last year and 46% in 2020/21). Complaints of disrespect towards other councillors were down and those towards officers and members of the public were up
- A catch-all category entitled "other complaints" shows an increase but an analysis and comparison of figures in that category has not been possible due to the "loss of corporate memory" described by the ESC and ascribed to the departure of experienced staff

2.6 The ESC's office and operations have therefore been troubled and troubling. However,

the open acknowledgment of the problems and the steps taken and to be taken towards their resolution give encouragement that more normal service may be achievable in the near future.

3 The Commission's year

3.1 This year's annual report is the last under the convenership of Kevin Dunion. He departed on 31 August 2021. He has been replaced from within by Paul Walker, a Commission member since 2018. The Commission reported on progress towards the key aims in its Corporate Plan for 2020/24, including:-

- Meeting performance targets. Examples are issuing written decisions within 5 working days of hearings, and holding hearings within an average of 15 weeks from an ESC referral (the extremes being 8 weeks and 22 weeks)
- Publications to help the public and to raise awareness of the Code and ethical standards, including a plain language guide to the Code, quarterly updates, blogs, press releases and social media presence
- An updating of advice notes and procedural rules and policies, including those for online hearings, the use of impact statements, sanctions, and guidelines for deciding not to take further action on an ESC referral
- Stakeholder engagement, including participation in the working group on the revised Code, regular meetings and workshops, and online training sessions for 4 councils
- Issuing directions to and the recasting of its relationship with ESC to bring all decision-making into the Commission (see D2.2, above)

3.2 Information about its decisions during the reporting year is in Appendix 2. The cases noted there were all digested in internal training sessions in December 2020, January 2021 and June 2021. Some of the themes, trends and highlights are:-

- A total of 14 hearings were held, all in relation to councillors, resulting in 13 breach findings and 1 "no breach" decision. The breach cases were about disrespect (5), declarations (5) and confidentiality (3)
- Sanctions applied were 6 censures, 1 full suspension, 5 partial suspensions and 1 disqualification
- Online/webcast hearings were introduced due to the pandemic and 12 of the 14 in 2020/21 were conducted in that way. Online hearings will continue for cases where the alleged breach is technical and/or inadvertent, and/or where there is little or no disputed evidence
- One case was appealed to the Sheriff Principal and resulted in a decision being quashed on procedural grounds (proceeding with a hearing in the councillor's absence despite a late request to adjourn the hearing). It was referred back and re-heard (again in the councillor's absence). The finding was again of a breach and the sanction was again disqualification (although this time lasting until after the council elections in May 2022). The most recent news on that case is that the councillor appealed to the Sheriff Principal against the length of the disqualification, and lost
- No new interim suspension reports were dealt with (temporary measures where substantial risks are present if a councillor is able to carry on regardless

pending a hearing). One pre-existing suspension was renewed pending a final determination which was duly made (suspension)

- 3.3 The Commission will revise its guidance and advice notes to reflect and support the revised Code of Conduct when it becomes effective. It consulted after the end of the reporting year on its proposed guidance. The revised Code started on its way through parliamentary procedures in October and will become effective on a date yet to be specified. Training and education will be offered to members if it comes into effect before the end of their term of office and in the post-election induction programme.

4 The council's year

- 4.1 The annual report for 2019/20 was given on 24 November 2020. It was delivered to full council, rather than to Council Executive. Similar reports were provided to the Governance & Risk Board and the Corporate Management Team to raise awareness of the Code amongst officers.
- 4.2 It was agreed by council that a different approach would be taken to training sessions for members. A set-piece annual presentation had been the norm for many years. It concentrated on the issues covered in the two annual reports and so did not cover up-to-date cases, decisions and other developments. Instead, separate training sessions were to be offered, at least twice in the year, to concentrate on passing on current and up-to-the-minute information. Sessions were delivered via Webex on 14 December 2020 and 14 January 2021 (cases from 1 April 2019 to date on registration and declaration, and on respect and confidentiality, 22 attendees in total) and on 10 June 2021 (update on all cases since December 2020, 11 attendees).
- 4.3 Members also continued to receive periodic emails passing on and digesting significant events and developments, such as Commission decisions and its quarterly bulletins. The aim is to pass on current and significant issues in a more immediate and digestible way other than through formal training sessions.
- 4.4 The council's response to the Scottish Government's consultation on a revised Code of Conduct was developed through PDSP on 4 December 2020 and approved at Council Executive on 19 January 2021.
- 4.5 The council's updated history of involvement with the ESC and the Commission, and under its internal procedures, is shown in Appendix 3.
- 4.6 Five complaints were made through the council's internal procedure, a number in line with those in recent previous years. The outcomes were as follows:-
 - One alleged that social media posts were racially motivated. No breach was found in this case
 - One case related to a failure by an elected member to respond to a complaint relating to matters which were being dealt with by council officers. No breach was found. Whilst the Councillors Code of Conduct provides a general duty on elected members to be "accessible to all the people of the area for which you have been elected to serve and to represent their interests conscientiously", there is no requirement or prescription applied around communication or timeliness of responses to enquiries
 - One alleged that a councillor had used racist and abusive language in a council meeting. No breach was found in this case
 - One complaint alleged that a councillor was profiting from their role as a

councillor in their private business interests. No breach was found

- One complaint alleged that a committee chair had used disrespectful language towards members of the public in attendance at a meeting. No breach was found

4.7 No complaints against West Lothian councillors were investigated by ESC during the year.

5 Significant messages

5.1 There is still a high proportion of decided cases on respect. Social media is commonly to be found in those along with the Article 10 protection for freedom of expression on public interest and political issues. The Commission has warned about unwise and inappropriate language during online meetings where the proceedings may feel less formal. The move away from a high volume of complaints about planning cases is surprising and may be a temporary phenomenon.

5.2 The future contribution of ESC to the system is key to the continuing success of the complaints regime. The Commission has done what it can to ensure transparent and consistent decision-making but that still depends on an effective investigation function.

5.3 Becoming acquainted with and using the revised Code and related guidance and advice will be a significant task no matter when the revised Code takes effect. It will be something for current, returning and new elected members to master.

E. CONCLUSION

An up-to-date awareness of issues relating to the Code of Conduct will help members and council fulfil their respective obligations in relation to ethical standards.

F. BACKGROUND REFERENCES

- 1 Councillors' Code of Conduct and Guidance - <https://www.standardscommissionscotland.org.uk/uploads/files/1545151725181218CCfCouncillorsGuidanceDec2018.pdf>
- 2 Commission Annual Report 2020/21 - https://www.standardscommissionscotland.org.uk/uploads/files/1631262719SCS_Annual_Report_20202021_final.pdf
- 3 ESC Annual Report 2020/21 - <https://www.ethicalstandards.org.uk/publication/esc-annual-report-2020-21>

Appendices/Attachments:

1. ESC complaints and cases
2. Commission cases
3. Internal complaints and outcomes

Contact Person: James Millar, Governance Manager, Chief Executive's Office, West Lothian Civic Centre, Howden Road South, Livingston, EH54 6FF, 01506 281613, james.millar@westlothian.gov.uk

Date of meeting: 23 November 2021

APPENDIX 1

ESC complaints and cases (national)

Table 1 – ESC complaints and cases ¹						
	15/16	16/17	17/18	18/19	19/20	20/21
Against everyone	245 (132)	174 (106)	146 (80)	174 (118) ²	284 (154)	238 (130)
Against councillors	202	165	134	167 (111)	274 (146)	225 (121)
Against public body members	33	9	3	6 (6)	10 (8)	13 (9)
From members of the public	202	110	123	148	213	169
From councillors	36	54	19	21	34	52
Planning (regulatory)	85	35	39	24	95 ³	14
Registering interests	4	6	4	10	4	4
Declaring interests	19	22	5	13	12	12
Disrespect	75	63	31	60	97 ⁴	110
Completed	214 (111)	224	176 (90)	162 (113)	256 (143)	277 (157)
Dropped, not competent or did not proceed [Percentage] ⁵	157 (82) [64% (63%)]	111 [64%]	121 (59) [83% (66%)]	79 [51%]	214 (116) [84% (81%)]	227 (132) [84% (86%)]
No breach found	49 (22)	95 (55)	43 (23)	31 (22)	32 (21)	10 (7)
Breach found, SCS referral	8 (7)	18 (14)	12 (8)	17 (11)	8 (4)	39 (17)

¹ The first figure is the number of complaints received. The second, in brackets, where relevant, is the number of cases dealt with after complaints are combined

² A review by ESC found minor inaccuracies in the reporting of some statistics in previous years. The corrected figures have been inserted in this Table and those are highlighted in yellow

³ From 2019/20 onwards, an omnibus category of “quasi-judicial or regulatory”, not just “planning”

⁴ (Mis)conduct was towards officers or members of the public in 96 complaints (64 last year), and was towards councillors in 14 complaints (33 last year)

⁵ The much elevated figures in 2019/20 and 2020/21 resulted in a serious complaint about and investigation of ESC practices on determining inadmissibility. Decisions in this category in both years are being revisited

APPENDIX 2**Commission cases (national)**

Table 1 – Commission full hearing cases concluded			
Case	Facts	Decision	Sanction and reasons
Respect			
AC/3199	Councillor convicted of sexual assault at a function when acting as a councillor or reasonably perceived to be so. Disrespect, harassment, failure to appreciate impact of conduct	Breach	Suspension. Maximum penalty, short of disqualification, to reflect seriousness. Disqualification avoided due to the “leniency” of the sentencing decision taken by the Sheriff
ER/3271	Aggressive haranguing of fellow councillor in council office with insulting and offensive personal comment, continuing an angry exchange at a budget meeting	Breach	Suspension. One-off unpleasant incident of short duration in the context of allegations made at a public meeting
Fi/3075 and 3039	Inappropriate degree of involvement in local pressure group resulting in offensive language to and harassment of members of the public and supply of inaccurate council information about planning enforcement	Breach	Suspension. Inexperience led to unwise involvement and conduct. Failed to appreciate effect on others. Restricted to one occasion and one social media post
R/3262 and 2257	Series of emails to councillors and members of the public containing insulting, gratuitous and offensive language and characterisations of other members. Included threats to personal safety taken seriously by the police	Breach	Disqualification for set period of time. Recidivist. No insight or regret shown. After year end, decision quashed in court due to procedural failings by Commission. Case referred back, reheard and found in breach, disqualification imposed
WD/3016	Aggressive questioning of officer in presence of others, inferring dishonesty and inefficiency and questioning status and right to attend meeting. Involved deliberate confidentiality breach against advice too	Breach	Suspension. Scrutiny justified but in a respectful, constructive manner and in the correct forum. Personal criticism in public and breach of confidentiality undermined trust and respect and good public administration
Registration			
SI/3305	Failure to update registered interests as director and shareholder in a private company when name changed. Technical, but public would not be able to identify the interest without the name of the company being accurate	Breach	Censure. Accepted it had been registered and failure to update was accidental and not an attempt to conceal or secure personal gain
Declaration			
Fi/2268	Seeking support for a view held by the councillor on redrawing community council boundaries then not declaring and taking part in decision-making	No breach	No sanction. Not an “interest” at all. Councillor entitled to hold a view on a non-regulatory policy matter and seek support for it whilst still taking part in the decision-making
Fi/3125	Failure to declare registered unremunerated appointment to Body A associated with Body B applying for council funding and support which could affect the interests of both A and B	Breach	Censure. Was registered so no attempt to conceal it or seek personal gain. Objective test, if applied, would have been clear
H/3003	Failure to declare registered	Breach	Censure. Was registered so no

Table 1 – Commission full hearing cases concluded

Case	Facts	Decision	Sanction and reasons
	unremunerated appointment to HITRANS when considering application for support and funding for project supported by HITRANS		attempt to conceal it or seek personal gain. If declared, could have stayed due to specific exclusion. Objective test, if applied, would have been clear
Mo/3132	Failure to declare a registered remunerated appointment to health board when considering a response to health board consultation on future of children's services at local hospital	Breach	Censure. Was registered so no attempt to conceal it or seek personal gain. If declared, could have stayed due to specific exclusion. Objective test, if applied, would have been clear
SL/2252	In dealing with a budget-saving measure at committee, failure to declare son's employment in service affected by cuts and potential job losses (financial) and TU rep promotion of opposition to it (non-financial)	Breach	Censure. No personal gain, decision was to defer a decision, no concealment. Objective test, if properly applied, would have been clear
Confidentiality			
AC/2276	Careless disclosure at community council meeting of information contained in a budget pack marked throughout as "confidential" and showing warnings against disclosure	Breach	Censure. One-off inadvertent disclosure of small quantity of information, but legitimate for budget preparations and advice to be kept confidential
Fi/3278	Conscious disclosure for political advantage of information acquired at ALEO meeting, against warning from the chair to maintain confidence until council had been briefed	Breach	Suspension. No insight or acceptance as to why information was legitimately confidential. Deliberate disregard of legitimate warnings
OI/3265	Repeated disclosure of confidential information in member briefings on COVID-19, and of personal and private news concerning a councillor's death. Latter point involved disrespect too	Breach	Suspension. No insight or acceptance as to why information was legitimately confidential, despite warnings and clear understanding by other members

Table 2 – Commission interim suspension cases

Case	Facts	Decision
None reported by ESC but SCS renewed/extended a previous interim suspension pending hearing taking place (LA/AC/3199, councillor convicted of sex offences while on council business or reasonably perceived to have been on council business)		

APPENDIX 3

Internal complaints and outcomes

Table 1 – Numbers of complaints to ESC	
2004/05	4
2005/06	6
2006/07	4
2007/08	1
2008/09	7
2009/10	6
2010/11	1
2011/12	2
2012/13	6
2013/14	3
2014/15	2
2015/16	4
2016/17	1
2017/18	0
2018/19	3
2019/20	0
2020/21	0
Total	50

Table 2 – Grounds of complaints to ESC	
Conduct in the Chamber	11
Payment of allowances	1
Respect	13
Principles of leadership & accountability	2
Planning applications/declarations	14
Use of council facilities	3
Declaring financial interests/withdrawal	4
Lobbying on planning applications	1
Other (matters not relevant to Code)	1
Total	50

Table 3 – Complaints handled internally	
2011/12	4
2012/13	6
2013/14	4
2014/15	1
2015/16	3
2016/17	1
2017/18	6
2018/19	8
2019/20	7
2020/21	5
Total	45



WEST LoTHIAN COUNCIL

CHIEF SOCIAL WORK OFFICER'S ANNUAL REPORT 2020-2021

REPORT BY CHIEF SOCIAL WORK OFFICER

A. PURPOSE OF REPORT

This report provides the Council with the opportunity to comment on the Chief Social Work Officer's Annual Report. This report provides an overview of the statutory work undertaken during the period 2020 -2021.

B. RECOMMENDATIONS

It is recommended that the Council:

1. note the contents of the Chief Social Work Officer's annual report for 2020 - 2021 and
2. note that the final report will be submitted to the Scottish Government Chief Social Work Advisor.

C. SUMMARY OF IMPLICATIONS

I.	Policy and Legal	No new implications; Equality Impact Assessments will be applied to specific commitments where appropriate.
II.	Implications for Scheme of Delegations to Officers	None
III.	Impact on performance and performance indicators	All activities and actions have performance indicators and targets applied
IV.	Relevance to Single Outcome Agreement	None
V.	Resources (Financial, Staffing and Property)	All commitments are consistent with the Council's budget decisions.
VI.	Consideration at PDSP/Executive Committee required	The report will be considered at the : • Meeting of the West Lothian Integration Joint Board on 13 th January 2022
VII.	Details of consultations	None

D. TERMS OF REPORT

Background

The legislation governing the delivery of Social Work Services requires the Chief Social Work Officer to exercise a general level of oversight.

DATA LABEL: PUBLIC

The Scottish Government published national guidance for local authorities on the appointment and responsibilities of Chief Social Work Officers, including related reporting arrangements. The arrangements in West Lothian are consistent with this guidance.

Service Overview

The role of the Council's Social Work Services is to support, care for and protect people of all ages, by providing or purchasing services designed to promote their safety, dignity and independence, and to contribute to community safety by reducing offending and managing the risk posed by known offenders.

Services are delivered within a framework of statutory duties and powers imposed on the Council. Services are required to meet national standards and to provide best value. Where possible, services are delivered in partnership with a range of stakeholders, including, most importantly, people who use them.

Chief Social Work Officer Duties

The role of the Chief Social Work Officer is to ensure the provision of appropriate professional advice in the discharge of the local authority's statutory functions and to provide a focus for professional leadership and governance in regard to these functions.

In addition, there is a small number of duties and decisions that relate primarily to the curtailment of individual freedom and the protection of both individuals and the public, which must be made either by the Chief Social Work Officer or by a professionally qualified social worker to whom responsibility has been appropriately delegated.

The Council's scheme of delegation provides for senior social work staff to make certain decisions on behalf of the local authority in the following areas:

- Adults with incapacity;
- Mental health;
- Adoption
- Secure accommodation and emergency placement of children.
- Protection and Risk Management:
 - Child Protection
 - Adult Protection
 - MAPPA

Chief Social Work Officer Report

The Chief Social Work Officer Report provides an overview of the role and responsibilities of the Chief Social Work Officer and outlines the governance arrangements that are in place in West Lothian. The report highlights Council's statutory duties, the decisions that are delegated to the Chief Social Work Officer and gives a summary of service performance.

E. CONCLUSION

The delivery of social work services is challenging and in light of the current economic situation the importance of delivering vital services to the most vulnerable and marginalised in our community will test our capacity, creativity and commitment over the forthcoming year. It is essential to continue to develop and improve our services while constantly seeking to become more efficient. Social Policy is well placed to

DATA LABEL: PUBLIC

address these challenges and will continue to contribute significantly to the delivery of positive outcomes for the people of West Lothian.

F. BACKGROUND REFERENCES

None

Appendices/Attachments:	Appendix 1: Chief Social Work Officer's Report 2020/2021
Contact Person:	Jo MacPherson, Chief Social Work Officer, Head of Social Policy
Tel	01506 28190
	Jo.macpherson@westlothian.gov.uk
Date:	23 rd November 2021

Chief Social Work Officer Annual Report

01/04/20 – 31/03/21

08/10/ 2021

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Chief Social Work Officer's Introduction

The year 2020/21 has presented the most challenging circumstances ever faced by social work and social care staff as a result of the Covid-19 global pandemic.

Social work and social care staff across the West Lothian Health and Social Care Partnership have worked closely with all of our key stakeholders and in particular with our partners in the Third and Independent Sectors, with families, carers and services users to ensure that essential services continued to be delivered during these unparalleled times. Key services were able to be delivered against agreed commitments alongside other services adapting to meet the challenges and rapidly changing circumstances presented by Covid-19.

As well as the challenges presented by the pandemic we continued to operate within the context of tight fiscal constraints and a complex legislative and policy landscape.

A range of measures were implemented during 2020-2021 to take forward planned reductions in budget allocations. The Chief Social Work Officer has a key role in ensuring a focus on transformation and improvement within that context whilst retaining the quality of service delivery.

The Chief Social Work Officer also has a key role in providing advice and guidance to the West Lothian Integration Joint Board (IJB) for the social work functions that have been formally delegated to the IJB.

Although there have been pandemic related challenges to delivering on our transformational programmes, the service has delivered programmes of change and in doing so has worked in partnership with private, public and third sector partners to meet the needs of some of the most vulnerable citizens of West Lothian.

There have been significant developments during 2020/21 likely to impact on the delivery of social work and social care for the future.

The findings from the Independent Review of Adult Social Care (IRASC) were published on 3rd February 2021. The report's recommendations propose significant reform and transformation of adult social care in Scotland. The final extent and reach of reform following the report will become known when decisions are made on key recommendations.

The Promise Scotland launched Plan 21-24, on 31st March 2021 which sets out the Five Priority Areas and Five Fundamentals which will be essential to achieving the transformation change required to improve outcomes for care experienced children and young people. A dedicated role has been developed in West Lothian to support the system, practice and cultural changes that will be required to take forward this key priority area of improvement work.

The Children (Scotland) Act 2020 received Royal Assent on 1st October 2020 and puts children and children's views at the heart of the decision-making process, and ensure the fair treatment of children and families by Scotland's civil courts. Work is currently underway in West Lothian to ensure that practice, processes and procedures are reviewed and updated to ensure compliance with the requirements of the Act.

Promoting Children's Rights is a priority in the West Lothian Children's Services Plan 2020-2023 and the associated action plan prioritises embedding the articles of the UNCRC into practice. Partners are focused on improving outcome for care experienced people. We are committed to ensuring that families are supported at the earliest point possible and that intensive support is provided to ensure that children at risk of being accommodated remain within their own families, family networks and communities where it is safe to do so.

Improvements focussed on the procedural safeguards for children being placed within secure accommodation have been embedded in practice as a result of the findings of the investigation undertaken by the office of the Children and Young People's Commissioner; Statutory Duties in Secure Accommodation; Unlocking Children's Rights.

We have also established the role of Court Contact Rights Officer to ensure that children's voices are heard and that their rights are upheld within an adult judicial system by allowing sheriffs to hear directly from the child so that decision can be made in a child's best interests.

In terms of adult human rights, the HSCP has agreed improvement actions in response to the Mental Welfare Commission for Scotland investigation into the discharge from hospital to care homes of adults with incapacity during the pandemic; Authority to discharge; Report into decision making for people in hospital who lack capacity.

Learning from the clinical and care oversight group and assurance arrangements in place supporting the care homes in West Lothian through the pandemic, the service has prioritised funding resource to continue a model of joint social work and nursing support and assurance for care homes.

One of the key recurring challenges faced by social work and social care services in West Lothian is the recruitment and retention of a suitably qualified workforce. This is particularly focussed on specific social care roles. This is a challenge that we share with our partners and the organisations that we commission to deliver services on our behalf. The Covid-19 pandemic has demonstrated the key importance of the social care workforce in protecting the health and wellbeing of some of our most vulnerable citizens and within that context the impact of these recruitment difficulties are complex to manage.

Despite the unprecedented challenges faced during 2020-21, there have been a range of positive developments and improvements over the year detailed in Section 2 of this report. The service has also embarked on major programmes of change and reform, with a focus on continuous improvement and meeting the needs of service users in different and more sustainable ways.

Although challenging within the current context, health and social care services are committed to applying a greater focus on earlier intervention across all areas, including building capacity within families and communities to help people maintain their independence wherever possible. It is recognised that for such approaches to be successful resources will require to be moved upstream and interventions must be early enough to optimise the opportunity for success.

1. Governance and Accountability

i. Service Context

Social Policy encompasses a wide range of social work services planned and delivered for a large number of people with a spectrum of differing needs. Together with health services managed locally, it is part of the council's Health and Social Care Partnership Directorate.

The Directorate is headed by the council's Depute Chief Executive who is also the Chief Officer of the Integration Joint Board and is accountable to the Chief Executives of the council and NHS Lothian. The Chief Social Work Officer, in the dual role of Head of Service, and the Head of Health Services report to the Depute Chief Executive. Four senior managers have responsibility for defined aspects of Social Policy services: Community Care, Children and Families, and Criminal and Youth Justice Services.

The Health and Social Care Partnership (HSCP) is focused on the delivery of integrated health and care services that will improve the wellbeing, safety and quality of life for people living in West Lothian, particularly those most at risk in society. Social Policy contributes to the aims of the HSCP's. Those include delivering positive outcomes and early interventions for early years; improving the quality of life for older people; minimising poverty, the cycle of deprivation and promoting equality, reducing crime and improving community safety; and delivering positive outcomes on health.

Social Policy has responsibility, with the HSCP partners, for the operational delivery of health and social care services for children and families, community care and justice. It is also responsible for carrying out older people's services as directed by the West Lothian Integration Joint Board.

In doing so, the service contributes with key partners to a series of joint plans including:

- The council's Corporate Plan
- The council's transformation programme and Digital Transformation strategy
- Implementing the priorities outlined in plans and strategies for children's services, corporate parenting, community justice, autism, and violence against women and girls
- The Integration Board Strategic Plan and its Engagement Strategy
- Joint Commissioning Plans based on strategic needs assessments to focus clearly on council priorities

ii. Partnership

Social Policy has a key role to play in the wider Community Planning process especially where there is a focus on the needs of vulnerable or disadvantaged people. It makes a significant contribution to partnership working in three key strategic planning partnerships: the Integration Joint Board and its Strategic Planning Group; the Children and Families Strategic Planning Group; and the Safer Communities Strategic Planning Group.

Figure 1 – Strategic Planning Structure



■ **West Lothian Integration Joint Board**

The Integration Joint Board (IJB) is a separate statutory body responsible for carrying out health and social care functions delegated by the council and the health board. The delegated functions are set out in the West Lothian Integration Scheme, a statutory agreement between council and health board and approved by the Scottish Ministers. The IJB sets the strategic direction and priorities for those functions and issues statutory directions to council and health board for their delivery. The delegated functions cover all Social Policy services for adults and older people, and domestic abuse and health improvement functions.

The IJB approved its new Strategic Plan for the period 2019-23 in April 2019 and also approved a new planning structure to support the achievement of the strategic priorities. The plan details how high-level outcomes are to be achieved through a process of strategic commissioning plans.

To make sure that services are matched with local need, separate community-based plans for the east and west of West Lothian have been produced. The East and West Locality Plans are closely aligned to the Strategic Plan and set out the key health and social care priorities for each area. The Plans set out the IJB's intention to work more closely with the Community Planning Partnership and other partners to better identify and meet the needs of West Lothian's communities.

■ **West Lothian Integration Joint Board Strategic Planning Group**

The West Lothian Integration Joint Board Strategic Planning Group (IJB SPG) has a significant statutory role in the IJB's delivery against National Health and Wellbeing Outcomes and in accordance with the Integration Delivery Principles. It is responsible for the following:

- Developing the IJB's Strategic Plan and Strategic commissioning priorities
- Developing and overseeing the related three-year Action Plan
- Localities-based activity
- Monitoring performance against national outcomes and locally agreed outputs
- Reviewing the strategic plan and the three year action plan
- Providing input to the IJB in responding to emerging policy and regulations

- Linking with staff on service changes and organisational development

■ **West Lothian Integration Joint Board - Health and Care Governance Group**

The Health and Care Governance Group (IJB HCGG) and Care Governance Framework was established in 2017 and it was reviewed and revised in June 2019. It aims to provide assurance to the IJB on quality of care, planning and delivery of services and maintenance of professional standards and regulation of staff. It builds on existing duties, systems and processes already in place in the council and health board for the proactive promotion of safe, high quality, integrated care. It sets out explicit local lines of accountability across health and social care, with clear paths of escalation where evidence of risk is beginning to rise. An action plan has been put in place to further develop the processes required to give that assurance. It focuses on providing transparency and maintaining a culture which supports the safe and effective delivery of care.

■ **West Lothian Children and Families Strategic Planning Group**

The West Lothian Children and Families Strategic Planning Group (C&FSPG) is part of the West Lothian Community Planning structure. It can therefore draw on partnership working with community planning partners, such as Police Scotland. It oversees the development of Getting It Right for Every Child (GIRFEC) across West Lothian and has responsibility for the duties in the Children and Young People (Scotland) Act 2014, including the development of a joint Children's Services Plan and the Corporate Parenting Plan. It is responsible for the statutory duty to report on progress on the priorities in the West Lothian Children's Services Plan 2020-2023.

■ **Public Protection**

There are four dedicated public protection committees which provide leadership across Adult Support and Protection, Child Protection, Violence Against Women & Girls and Offender Management (MAPPA). The committees ensure that staff have up to date policies, procedures, guidance and training to ensure that they are equipped to work in partnership to protect those at risk of abuse and harm. They are also responsible for quality assurance and making sure that members of the public have access to relevant information and know who to contact if they have any concerns that a child or adult may at risk of harm.

Figure 2 – Public Protection



The Chief Officers' Group oversees the work of the four separate committees. It is made up of Chief Officers from council, health board and Police Scotland and is chaired by Police Scotland. The CSWO is a member. It is responsible for ensuring that all agencies, individually and collectively, work to protect the children, young people and vulnerable adults of West Lothian. Strong connections therefore remain across the four areas ensuring a holistic and joined public protection approach.

■ **Community Justice**

Since April 2017, statutory Community Planning Partnership arrangements have ensured oversight of the Community Justice partnership service delivering Community Safety and of compliance with multi-agency Criminal and Youth Justice arrangements. It does so through the Community Justice Strategy 2018/23 and its supporting West Lothian Community Justice Strategic Plan 2019-2024.

The vision in the Plan is to make communities safer and more resilient and to support people with criminal convictions to change their behaviour and become valued citizens. The Plan sets out a clear commitment to effective partnership. Its principles cover utilising all available resources from the public, private and third sectors, individuals, groups and communities; working closely with individuals and communities to better understand their needs; making best use of talents and resources; supporting self-reliance; and building resilience. It emphasises the need for early intervention and prevention approaches.

iii. **The Role of the Chief Social Work Officer**

■ **Overview**

The Chief Social Work Officer (CSWO) in West Lothian is responsible for monitoring all social work and social care service activity across the council and within any integrated arrangements.

The CSWO is by law a non-voting member of the (IJB). The influence of high-quality professional leaders in integrated arrangements is central to the effectiveness of improving the quality of care locally and nationally. The CSWO also has a defined role in professional and clinical and care leadership and has a key role to play in the IJB's Health and Care Governance systems, currently chairing the Health and Care Governance Group.

From the commencement of the local clinical and care oversight group arrangements for care homes, the CSWO has contributed on a daily basis to the collective oversight of the position of each West Lothian care home in terms of infection control arrangements, staffing capacity, resident health and wellbeing. This commitment has enabled the CSWO be fully sighted on the impact of COVID 19 on the care home sector and contribute to the support and assurance activity provided by the Health and Social Care Partnership. The CSWO has reporting on the work of the oversight group and requirement to utilize any of the intervention powers introduced by the Coronavirus (Scotland) (No 2) Act 2020 to Council Executive on an ongoing basis. None of the new powers have been applied within West Lothian nor was there a requirement to use the easements to duties.

The CSWO is a member of a number of significant decision-making teams and groups, both within the council and in multi-agency settings. These include internal senior corporate and service management meetings; attendance at council, committee and panel meetings; meetings of the IJB and its committees and groups; strategic planning groups; and scrutiny and oversight meetings such as the Protection of Vulnerable Groups (PVG) Referral Panel, the Child Protection and Adult Protection Committees and the Edinburgh, Lothian and Scottish Borders Strategic Oversight Group.

There are a range of other roles undertaken by the CSWO and these include:

- Significant case reviews: signing off all significant case review reports across Social Policy and chairing the Child Protection Committee and its Significant Case Review sub-committee
- External audits and inspections: leading on all social work-related audits and inspections and liaising with inspecting agencies
- Human resources: ensuring 'Safer Recruitment' practices within the council including involvement in all instances where referral of a staff member is being considered to the Scottish Social Services Council (professional standards and conduct), the Central Barring Unit (protection of vulnerable groups legislation), or the Disqualified from Working with Children List

■ **Planned Reports: Statutory Decision Making**

The CSWO must monitor the statutory decision-making aspects of the remit which have been delegated on a day-to-day basis to managers across the council. This is achieved by regular summaries of activity, and by sampling of a number of cases on an agreed and regular basis. The main areas for monitoring are listed below. There are some other less frequent statutory decisions which are delegated and discussed with relevant managers to ensure oversight.

- Complaints: receiving regular reports on social work complaints, the outcomes and actions taken any learning to be applied and being awareness of relevant decisions by the Scottish Public Services Ombudsman involving other authorities
- Secure accommodation authorisations: convening a Secure Care Panel where secure care is being considered for a child to review and consider all of the information presented and decide if the legal test has been satisfied and if secure care best meets the child's needs. Regular reviews are carried out to ensure both that the legal test for the placement is still met and that the child's needs are still best met through secure care
- Emergency movement of children subject to a supervision requirement: receiving and scrutinising a quarterly summarised report
- Adoption and fostering: overseeing decisions made through authority delegated to senior managers

- Mental Health Officer decisions: overseeing decisions made through authority delegated to senior managers by receiving quarterly reports
- Adults with Incapacity Act decisions: scrutinising quarterly reports summarising decisions made
- Multi-Agency Public Protection Arrangements (MAPPA): receiving quarterly reports in relation to all high and very high-risk offenders and attending MAPPA Level 3 case conferences

■ **Critical Incident Reporting**

Critical Incident Reports ensure the CSWO can advise and support staff and determine if additional measures need to be put in place, and whether outside agencies need to be informed.

- The CSWO must be informed at the earliest possible time of the death of, or serious harm to, a child looked after by the council; on the Child Protection Register; receiving a service from the council; or referred for a service. This will take the form of a written report detailing the facts of the incident and the actions put in place.
- The CSWO must be informed of the death of, or serious harm to, an adult subject to a statutory order under the mental health legislation; in residential or supported accommodation, whether provided or purchased by the council; receiving a service; or referred for a service, but awaiting allocation. This will take the form of a report detailing the facts of the incident and the actions put in place.
- The CSWO must be informed of any potentially adverse media attention to social work services. A verbal report from the communications team is required at the earliest opportunity.
- The CSWO must be informed of serious adverse staffing matters, such as the suspension of a member of staff, which may attract media interest or where the continued running of a service is under threat. This will take the form of a verbal report from the senior manager responsible for the service.

Significant occurrence notification procedures are in place and all the issues listed above, and other issues not specifically described, will result in a notification and that will include the CSWO in all cases.

iv. **Corporate Governance**

In West Lothian it is recognised that good governance is not merely an auditing requirement; it is crucial for effective public services and achieving the social outcomes which are the council's objective. The council has adopted the Chartered Institute of Public Finance and Accounting (CIPFA)/Society of Local Authority Chief Executives (SOLACE) Framework. It has developed a Code of Corporate Governance in which each principle has a number of specific requirements which have to be met for the

council to show that it complies with the code, and for each of those requirements a responsible officer in the council has been identified.

The statutory CSWO role is currently combined with the management position of Head of Social Policy. The combined role is described in the council's Scheme of Delegations to Officers.

The CSWO is required to report annually to the council and the arrangements set out here will form the basis of the content of the annual report. The CSWO also reports annually to the IJB. Statute guarantees the right of the CSWO to have access in the council to senior managers and elected members and to report to them whenever required. Similar provision has been made in the IJB's Standing Orders. The council's Scheme of Delegations to Officers ensures the independence of the CSWO and CSWO decisions from senior management control in relation to the statutory functions in the CSWO remit.

v. Customer Engagement

Social Policy actively engages customers and potential customers in the delivery and redesign of services to ensure that these are accessible and focused on their needs and preferences.

Community Care - Customer Consultation Schedule 2020/21				
Customer Group	Method	Frequency	Responsible Officer	Feedback Method
Older People service users	Survey	Annual	Group Manager	Survey returns
	Senior People's Forum	Quarterly	Business Support Officer	Minutes
Learning Disability service users	Survey	Annual	Group Manager	Survey returns, feedback through newsletter
	Learning Disability Service Users Forum	Quarterly	Business Support Officer	Minutes
Mental Health service users	Mental Health Service Users Forum	Quarterly	Team Manager	Minutes

Children's Services - Customer Consultation Schedule 2020/21				
Customer Group	Method	Frequency	Responsible Officer	Feedback Method
Service users	Survey	Annual	Business Support Officer	Reported via performance indicators
Service users	Consultative Forums	Quarterly (carers)	Team Manager	Newsletter
Partners / key stakeholders	Early Years event	Annual	Group Manager	Newsletter
Having Your Say	Looked After Children's forum	Monthly	Team Manager	Group meeting
Service users	Viewpoint	Monthly	Group Manager	Feedback Report

Criminal Justice and Youth Justice - Customer Consultation Schedule 2020/21				
Customer Group	Method	Frequency	Responsible Officer	Feedback Method
Service users	Survey	Annual	Group Manager	Public performance indicators Reporting on the council's website
Partners / key stakeholders	Survey	Annual	Group Manager	Public performance indicators Reporting on the council's website
Unpaid Work recipient's satisfaction feedback	Survey	Ongoing reported/ annually	Unpaid Work Manager	Public performance indicators Reporting on the council's website
Unpaid Work consultation	Focus group	Annual	Unpaid Work Manager	Annual to Policy Development and Scrutiny Panel

2. Service Quality and Performance

Performance during the year is monitored and reported using the council's performance management system, Pentana. The Social Policy Management Plan outlines how services contribute to delivering these outcomes. The Management Plan is reported to the relevant Policy Development Scrutiny Panels. There is alignment between Management Plans, Activity Budgets and services, providing a link between resources, performance targets and outcomes.

The following information is an extract from the Social Policy Management Plan for 2021/22 and provides an overview of key activities, outcomes and resources required to deliver these over the period. Social Policy makes a meaningful and measurable contribution to the delivery of the Council's Corporate Plan 2018/23 as detailed in the following tables:

	Alignment with Corporate Priorities / Enablers					
Council priority / enabler	Deliverable	Social Policy key activities / processes	Indicator(s)	2020/21 Performance	2020/21 Target	2021/22 Target
2 Delivering positive outcomes and early interventions for early years	(P2.1) Providing sustainable models of parenting support work within home, community and education settings.	<ul style="list-style-type: none"> ■ Inclusion and Support Service. ■ Family Placement Team ■ Families Together ■ Child Care and Protection Teams ■ Residential Houses 	SPCF096_9b_Balance of Care for Looked After Children: Percentage of Children being Looked After in the Community	92%	92%	93%

Alignment with Corporate Priorities / Enablers						
Council priority / enabler	Deliverable	Social Policy key activities / processes	Indicator(s)	2020/21 Performance	2020/21 Target	2021/22 Target
2 Delivering positive outcomes and early interventions for early years	(P2.2) Providing support for vulnerable children and young people to achieve sustainable positive outcomes and destinations in line with priorities in the West Lothian Corporate Parenting Plan	<ul style="list-style-type: none"> ■ Child Care and Protection Teams ■ Child Disability Service ■ Reviewing Officers Team ■ Domestic and Sexual Assault Team ■ Social Care Emergency Team ■ Whole Family Support Service ■ Residential Houses ■ Inclusion and Aftercare Service 	SPCF138_ Percentage of children involved with the Families Together service who have avoided becoming accommodated who were assessed as being at high risk of being accommodated.	85%	85%	90%

Alignment with Corporate Priorities / Enablers						
Council priority / enabler	Deliverable	Social Policy key activities / processes	Indicator(s)	2020/21 Performance	2020/21 Target	2021/22 Target
3 Minimising poverty, the cycle of deprivation and promoting equality	(P3.6) Contributes to providing a route out of poverty through work and continuing to support those further from the labour market to progress towards work.	<ul style="list-style-type: none"> ■ Child Care and Protection Teams ■ Child Disability Service ■ Reviewing Officers Team ■ Domestic and Sexual Assault Team ■ Social Care Emergency Team ■ Whole Family Support Service ■ Residential Houses ■ Inclusion and Aftercare Service 	SPCF127_Percentage of young people who are eligible for Aftercare Services who present as homeless	2%	2%	2%
4 Improving the quality of life for older people	(P4.1) Through the delivery of the Integration Joint Board Strategic Plan, older people are able to live independently in the community with an improved quality of life.	<ul style="list-style-type: none"> ■ Assessment and Care Management Services (including Self Directed Support and compliance with the Carers (Scotland) Act 2016) 	P:SPCC017_Percentage of customers who rated overall satisfaction with the Older Peoples service they received as good or excellent	97%	98%	98%

	Alignment with Corporate Priorities / Enablers					
Council priority / enabler	Deliverable	Social Policy key activities / processes	Indicator(s)	2020/21 Performance	2020/21 Target	2021/22 Target
		<ul style="list-style-type: none"> Facilitating Hospital Discharge Care Homes Housing with Care Day care and personalised support Care at Home and specialist provision 	SW03a_Percentage of People Aged 65+ with long-term care needs who are receiving personal care at home	65.7%	64%	64%
4 Improving the quality of life for older people	(P4.3) Redesigning services for older people with a focus on supporting those most in need and maximising the use of technology enabled care where appropriate.	<ul style="list-style-type: none"> Provision of Home Safety Service and further development of Telecare Reablement and Crisis Care Services Occupational Therapy Service 	CP:SPCC100_Increasing the number of people aged 75+ supported by technology to remain at home.	2553	2755	2755
4 Improving the quality of life for older people	(P4.4) Developing a more sustainable service delivery model targeted to those most in need with an increased emphasis on reablement to retain or regain independence within their home or community setting.	<ul style="list-style-type: none"> Home Safety and Technology Enabled Care programme 	CP:SPCC014_Percentage of Occupational Therapy assessments allocated within 6 weeks of referral	36%	70%	70%
			SPCC024_Net cost per head of population on social care services for older people.	£1,423	£1,423	£1,423

Alignment with Corporate Priorities / Enablers						
Council priority / enabler	Deliverable	Social Policy key activities / processes	Indicator(s)	2020/21 Performance	2020/21 Target	2021/22 Target
4 Improving the quality of life for older people	(P4.5) As part of the delivery of the Integration Joint Board Commissioning Plan for Older People, the council will focus on: <ul style="list-style-type: none"> Improving dementia care, with particular emphasis on improving post-diagnostic support; Expanding use of technology-enabled care to support older people and carers of older people; Supporting older people to live at home or in a homely setting for longer; Ensuring specialist mental health provision for the over 65's; Ensuring support needs of carers are met, particularly carers of those with dementia; Developing single points of information for all older peoples' service provision. 	<ul style="list-style-type: none"> Assessment and Care Management services for older people Reablement and Crisis Care Short Breaks/Respite and Day Care Review Housing with Care Redesign of Post Diagnostic Support Service Provision of Home Safety Services and development of Telecare Review of Care Home Liaison service Older People Acute Care Team Review Access Systems 	CP:SPCC101_The number of carers of older people who have an adult carer support plan.	145	175	175
			CP:SPCC019_Average number per month of West Lothian patients whose discharge from hospital is delayed.	3	13	2

	Alignment with Corporate Priorities / Enablers					
Council priority / enabler	Deliverable	Social Policy key activities / processes	Indicator(s)	2020/21 Performance	2020/21 Target	2021/22 Target
6 Delivering positive outcomes on health	(P6.1) The development of more targeted care at home, the use of assistive technology and provision of reablement will positively contribute to improved outcomes for people.	<ul style="list-style-type: none"> ■ Reablement and Crisis Care ■ Home Safety Service and Development of Technology 	P-SPCC015_Number of households receiving telecare	3,681	4,000	4,000
6 Delivering positive outcomes on health	(P6.2) Through the delivery of the Integration Joint Board Strategic Plan, increase well-being and reduce health inequalities across all communities in West Lothian. Locality planning will provide a key mechanism for strong local, clinical, professional and community leadership.	<ul style="list-style-type: none"> ■ Assessment and Care Management ■ Improve % of Personalised Care Options ■ Develop Core and Cluster Housing Models ■ Access to Employment ■ Community Addictions Services West Lothian 	SOA:1307_19_Premature mortality rate per 100,000	410	411	411

Alignment with Corporate Priorities / Enablers						
Council priority / enabler	Deliverable	Social Policy key activities / processes	Indicator(s)	2020/21 Performance	2020/21 Target	2021/22 Target
6 Delivering positive outcomes on health	(P6.3) Improving our approach to integrated models for mental health services for children, young people and adults recognising the importance of mental health and wellbeing on people achieving positive outcomes.	<ul style="list-style-type: none"> ■ Acute Care and Support Team ■ Child and Adolescent Mental Health Service ■ Older People Acute Care Team ■ Post Diagnostic Support (Dementia) ■ Development of Core and Cluster ■ Domestic and Sexual Assault Team ■ Criminal and Youth Justice Service. 	SPCJ124_9b Percentage of women with mental health issues receiving Almond Project support who report improvement in mental health and wellbeing.	100%	100%	100%
6 Delivering positive outcomes on health	(P6.4) Improving support to carers over the next five years through improved identification of carers, assessment, information and advice, health and well-being, carer support, participation and partnership.	<ul style="list-style-type: none"> ■ Joint management of the Community Equipment Store ■ Support to adults with physical disability and mental health issues 	CP:SPCC101_ Number of carers of older people who have an adult carer support plan. SOA1306_17 Percentage of carers who feel supported in their care role	145 36%	175 46%	175 46%

Alignment with Corporate Priorities / Enablers						
Council priority / enabler	Deliverable	Social Policy key activities / processes	Indicator(s)	2020/21 Performance	2020/21 Target	2021/22 Target
6 Delivering positive outcomes on health	(P6.5) Delivering effective and integrated equipment and technology solutions to promote independence, support the ongoing shift in the balance of care, reduce and prevent hospital admissions and facilitate speedier hospital discharge.	<ul style="list-style-type: none"> Day care and personalised support plans Occupational Therapy Services Access to Employment Short Breaks from Caring Provision of HSS and development of Telecare 	P-SPCC028_ Percentage of people with a learning disability supported in their own tenancies	56% latest available data 18/19	60%	60%
			P-SPCC002_ Percentage of Care Inspectorate Inspections undertaken within registered learning disability services graded good or above	100%	100%	100%
6 Delivering positive outcomes on health	(P6.6) Improving the health and well-being of service users through rehabilitation and reablement, which will, in turn, have a positive impact on carers.	<ul style="list-style-type: none"> Reablement and Crisis Care Joint Management of Equipment Store Development of Independent Housing Options 	PP-SPCC015_ Number of households receiving telecare	3,681	4,000	4,000

	Alignment with Corporate Priorities / Enablers					
Council priority / enabler	Deliverable	Social Policy key activities / processes	Indicator(s)	2020/21 Performance	2020/21 Target	2021/22 Target
7 Reducing crime and improving community safety	(P7.4) Protecting those in our community who are most at risk by providing effective interventions across the four main strands of public protection; Child Protection, Adult Support and Protection, Violence Against Women and Girls	<ul style="list-style-type: none"> Child Care and Protection Teams Prison based Social Work Team at HMP Addiewell Criminal Justice Throughcare Team Domestic and Sexual Assault Team Public Protection Team 	SOA1305_04 Percentage of women who report that they feel safer as a result of intervention by the Domestic and Sexual Assault Team	99%	100%	100%
7 Reducing crime and improving community safety	(P7.5) Working with our partner agencies to deliver the priorities agreed in the Community Justice Strategy; focused on ensuring that those over the age of 16 involved in the justice system are best supported not to reoffend.	<ul style="list-style-type: none"> Youth Justice Team Community Payback Team Unpaid Work Order Team Assessment and Early Intervention Early and Effective Intervention 	CP: SPCJ103a Percentage of Early and Effective Intervention (EEI) cases 8 to 17 years who do not become known to the Youth Justice Team within 12 months	94%	95%	95%
			CP:SPCJ144 Percentage of Community Payback Orders supervised by the Criminal and Youth Justice Service with a successful termination	80%	80%	80%

Service performance is monitored on a monthly basis at the Senior Management Team meeting. The Social Policy Management Plan 2021 - 22 is the key document that details the strategic direction for service delivery, plans to improve outcomes and services. The Management Plan does not stand alone but is part of a wider planning and service development approach.

The wider West Lothian Health and Care Partnership Senior Management Team also meets on a monthly basis and routinely considers service performance measures to enable challenges to be identified at the earliest opportunity. Work is underway to review the performance measures used across the partnership and to develop a more integrated performance framework.

Social Policy also contributes to, and as a service is aware of, the benefits of the wider Community Planning process especially where there is a focus on the needs of vulnerable or disadvantaged people.

Regulation, Inspection and Improvement Activity

During the pandemic, Care Inspectorate activity focused on infection prevention and control, personal protective equipment and staffing in care settings. The Care Inspectorate undertook targeted inspections that were short, focused and carried out with colleagues from Health Improvement Scotland and Health Protection Scotland, to assess care and support for people experiencing care and support during the Covid-19 pandemic.

The only directly provided service that was subject to a targeted inspection during 2020/21 was Burngrange Care Home which was inspected on 21st Jan 2021 and was awarded a grade of 4 (Good) How good is our care and support during the Covid-19 pandemic.

Inspection reports are analysed and action plans, to address any recommendations, are produced by the relevant service. These are routinely reported to elected members who have the opportunity to scrutinise progress.

Despite external scrutiny by the Care Inspectorate, responsibility for the quality of service delivery rests with the council and not with external scrutiny bodies. The council's social work services have a range of internal mechanisms to monitor the quality of provision and any improvement activity required. These include:

- Direct supervision of front-line practice by team managers
- Individual reviews of care plans and packages of care by case managers
- Analysis of social work complaints
- Monitoring of service level agreement and contracts for the purchase of care
- Regular case file audits
- An annual programme of quality assurance, reviews of teams and services
- Routine performance monitoring
- Self-evaluation through Customer Service Excellence/ West Lothian Assessment Model
- Monthly Performance Reporting
- Multi-agency self -evaluation and quality assurance activity in relation to adult and child protection

Joint Strategic Inspection

The Care Inspectorate and Healthcare Improvement Scotland undertook a joint inspection of strategic planning for the IJB functions of the West Lothian Health and Social Care Partnership during January and February 2020. The report of the inspection was due to be published in June 2020 but was delayed by the pandemic and was received on 9th September 2020.

The focus of the inspection was on how well the partnership had:



The evaluation of the inspection was:

Quality Indicator	Evaluation
Improvements in partnership performance in both health care and social care	Good
Policy development and plans to support improvements to service	Adequate
Leadership and direction promotes partnership	Adequate

The inspectors highlighted good performance results in a number of areas and had recognised the work of staff in delivering positive outcomes for the people who use health and social care services in West Lothian.

The inspection report made eight recommendations and an action plan to address those recommendations was approved by the IJB on 10th November 2020. Progress reports are submitted to the IJB every 6 month and a significant number of actions are on track or have been completed.

Collaborative Working

West Lothian Health and Social Care Partnership have introduced more collaborative ways of delivering services and have made improvements in several. A range of targeted integrated interventions have been put in place to improve performance in these areas:

- **Support to Care Homes**

The Covid-19 pandemic had a significant impact on older people and in particular people living in care homes. The partnership worked with all care homes to deliver enhanced support throughout and the CSWO has contributed to this work:

- Daily assurance calls
- Daily meetings of the multi-agency oversight group
- Assurance visits by dedicated team of social work and health professionals
- Fortnightly forums to share good practice and support
- Oversight of PPE stocks, vaccination and testing programmes
- Communication with GPs
- Analysis of Care Inspectorate Reports
- Engagement with NHS Lothian's Operational and Strategic Groups
- Support to care home from the nursing care home team
- Support with safe admissions and visiting arrangements

Daily review meetings were and continue to be held with the Chief Nurse, Chief Social Work Officer, Chief Officer and public health staff (as required) to identify emerging issues and to determine the appropriate response. The delivery of safe and effective care to people who live in care homes remains an ongoing priority for the partnership.

As noted in the introduction to the report, the Partnership has committed to continuing enhanced assurance and support for care homes into the future with a model of integrated nursing and social work dedicated assurance and support staff implemented.

- **Integrated Discharge Hub**

The Integrated Discharge Hub based at St John's Hospital has been operational since December 2018. It brings together staff from the hospital, community, social work, the Contracts and Commissioning Team and Carers of West Lothian in one place to work alongside inpatient teams, patients, carers and families. An MHO is also based within the hub to best manage those discharges from hospital for those people who lack capacity. The intent was to improve hospital discharge planning and reduce the length of time people had to wait in hospital for arrangements to be made for ongoing care and support in the community.

The hub team holds daily, multi-disciplinary meetings to discuss complex discharges working in partnership with the hospital inpatient teams, carers and families. The discharge planning process has been streamlined because everyone who needs to be involved in decision-making and discharge planning can be consulted almost immediately. A range of improvements have been seen such as: better communication, reduction in unnecessary delays and reductions in the average length of stay within the medical inpatient wards.

- **Home First**

New ways of working are being developed to ensure that people are only admitted to acute hospitals where there is a clinical need for this to happen, the norm should be for individuals to receive appropriate care and support at home to prevent hospital admission wherever appropriate. Where hospital admission is unavoidable, responsive support needs to be available to facilitate discharge and

allow people to return to a community setting without delay. The approach to building models of care and support to allow people to live in a community setting for as long as possible is known as 'Home First' and is a programme with local and national support.

The Older People's Commissioning Plan, approved by the IJB in November 2020, sets out how the partnership would develop services in line with Home First principles. A 'Home First' workshop was hosted for 48 staff from the West Lothian Health and Social Care Partnership (WLHSCP) and St John's Hospital on 18 February 2021 to share good practice and learning around discharge planning. The event has paved the way for further progress to be made in the development of sustainable and person centred, integrated community pathways.

During 2020/21 the partnership invested significantly in additional staff to help prevent unnecessary hospital admission and facilitate supported discharge. Investment was also made to support our independent care at home providers, who deliver 92% of all care hours. To ensure the stability of these essential services providers were given an increased hourly rate based on commissioned hours to cover additional costs resulting from the pandemic such as staffing and PPE. An active relationship management approach was put on place to improve communication between commissioners and providers to ensure the timely identification of any issues.

Over the past year, considerable progress has been made in redesigning hospital discharge arrangements and has resulted in a significant reduction in the number of people delayed in hospital as well as reduction in the number of bed days lost as a result.

Service Developments and Progress

As well as the challenges faced in 2020-21 there have also been many positive developments and improvements for social work and social care services in West Lothian:

■ Services for Children, Young People and Families

Collaboration and operational agility were required to ensure the continuity of care and support for our children, young people and their families during this reporting year so defined by the pandemic.

The pandemic has had a significant impact on families caring for children affected by significant and complex disabilities, as many of the usual routes for providing support and short breaks from caring were reduced. In response Social Policy and Education jointly delivered an outreach service to provide much needed respite for these families. In addition to this a respite resource, based at Inveralmond Community High School, was developed to enable carers of children with disabilities to have a break from caring. A Hub was also developed to support keyworker parents who had children with complex additional support needs.

Following the return of schools in August 2020, the multi-agency Wellbeing Recovery Group (WRG) expanded its remit to prepare for the demand on mental

health services and an anticipated increase in referrals following lockdown and Covid-19 restrictions. Demand for support from the WRG has increased by 100% compared to the previous year.

To ensure that children and young people are able to access services and support for their mental health and emotional wellbeing within their community, we have created a dedicated post to lead the strategic planning and development of services. In conjunction with partners in the Third Sector a Public Social Partnership (PSP) has also been established to put in place a range of community-based services to support children and young people's mental health and emotional wellbeing.

A strategic needs assessment has also been undertaken to better understand the impact that the pandemic has had on the mental health and wellbeing of children and young people in West Lothian. The findings from this will inform our service design and commissioning requirements.

Partners in West Lothian remain committed to improving outcomes for our looked after children and young people, for care experienced people. We are clearly focussed on improvement and have prioritised additional resource to support our work to deliver on actions following the findings of the Independent Care Review – The Promise.

We have invested further in our Families Together Team to support whole families in particular where children and young people are looked after or at risk of becoming looked after. This team works with children and young people at imminent risk of becoming accommodated to empower families to support each other and build on their strengths to support the child or young person to remain at home. Services have also worked well to prevent any increase in the number of young people receiving their day education outwith West Lothian, this figure has remained at the historically low figure of 8.

In extreme circumstances however, some children and young people do require to be placed in care settings outside West Lothian. In 2020/21, 25 young people were accommodated in residential school outwith West Lothian. This is an increase on the previous year when the figure was 22. This increase can be attributed to children and young people being under increasing pressure at home during lockdown and the restrictions associated with the pandemic which has resulted in family breakdown. Where it has been necessary for young people to be placed in a residential school, our aim is to support them to return to West Lothian as soon as possible.

There was a slight increase in the use of secure care, with 6 young people requiring such provision. All secure placements made during the year were for short time periods.

Work is finalising in terms of redesign of internal residential services to ensure that they are fit for purpose and meet the needs of young people requiring support. This has led to a decrease in residential care resource but an increase in family support resource to prevent children entering residential care.

Effective joint working continues between Social Policy and Education Services, with the collective aim of further shifting the balance of care to ensure that, where possible, children are looked after in community settings rather than in residential care. The services have worked together to develop the new Inclusion and Support Service (ISS) to provide an appropriate framework of support for children, young people and their families to enable a holistic view of family need.

The new service delivery model became operational on 19th April 2021, bringing together existing teams from within Education Services and Social Policy.

The new service encompasses school and outreach teaching support as well as early intervention and family support. The service offers preventative interventions for children, young people and their families, who are most at risk of disengaging from education or at risk of being accommodated.

We continue to use Family Group Decision Making to ensure that more children and young people are able to experience wider family network support where they may not otherwise have had the opportunity to do so. We continue to review how we position and provide services to support families at the earliest point. Intensive support is provided to ensure, that where it is safe to do so, children at risk of being accommodated remain placed within their own families, family networks and communities.

The Looked After Children attainment project continues to be funded by the Scottish Attainment Challenge fund. The project was developed through collaboration between Education Services and Social Policy. The aim of the project is to provide bespoke packages to support these young people to attain qualifications and achieve positive destinations, linking with their mainstream school placements as far as possible. The success of the project has so far been supported by multiagency working and a core focus on building and maintaining positive relationships with the young people and the adults around them.

We continue to build on the successful implementation of the Housing First Model which enables young people with multiple and complex needs who are homeless or care experienced to access and sustain permanent accommodation. The service builds on the success of a pilot project, run in partnership between The Rock Trust and Almond Housing Association, which launched in 2017 and was the first of its kind in the UK. Young people are supported into a permanent tenancy, without condition, and provided with the high-intensity, wrap around support for as long as they require it. Funding allocated through the West Lothian Rapid Rehousing Transition Plan and Social Policy has allowed the service to grow and there are now 17 young people supported through the project.

■ Justice and Youth Justice Services

Justice and Youth Justice services continued to maintain high levels of contact with those subject to statutory supervision. Whilst the criminal courts were operating at greatly reduced capacity with a limited amount of new orders being made and Justice Social Work Reports requested, there remained a high number of individuals subject to community supervision.

Those serving long term prison sentences were still being released at their due date on parole or other licences. The service led on local implementation of a national early release of short-term prisoners initiative in order to relieve pressure on the Scottish Prison Service.

One area of service that was 'paused' in line with national guidance was the Unpaid Work Order scheme, group activity clearly being inappropriate in light of the pandemic. Staff were involved in supporting other areas affected by Covid-19 and supported delivery of meals to vulnerable people, delivery of PPE and also being redeployed to other service areas such as older peoples care homes.

Contact was maintained with those subject to supervision following a clear Red, Amber, Green (RAG) analysis and contact undertaken in line with National Outcomes and Standards and presenting levels of risk.

The service piloted the use of video calling in some cases where risk assessment dictated that seeing internal physical environments was necessary.

MAPPA continued to operate at all levels through virtual meetings and those presenting as a risk supervised appropriately.

The service maintained a presence in courts so that a response could be provided to those appearing from custody.

Young people involved in offending and subject to orders through the Children's Hearing System continued to be supported by the Youth Justice Team and by Early and Effective Intervention (EEI) as appropriate.

■ **Services for Adults and Older People**

Keeping people safe is a primary duty of all of our social work and social care services. The Covid-19 pandemic has put a sharp spotlight on the social care and social work sector, its employees and the people of all ages who use its services. In some areas of care there has been a significant and understandable focus, in particular on care homes services for older people.

Protecting the safety of older people resident in care homes, particularly when rates of community transmission of Covid-19 are high, has been one of the most serious challenges faced by the social care sector.

The number of frail older people who have sadly passed away in care homes where Covid-19 has been a factor in their death, has been and continues to be a focus of scrutiny and concern for all involved in social care and social work.

There has also been a significant emotional toll on staff working and managing care homes as a consequence of the impact of Covid-19. They responded rapidly to changing practices in terms of infection control and public health guidance. This was done whilst managing the impact of the restrictions on family visiting into care homes while balancing the risks at the core of such extremely challenging circumstances.

To ensure the delivery of safe and effective care for people who live in care homes the partnership built on well established relationships across the care home sector to deliver enhanced support in line with Scottish Government guidance.

Arrangements were put in place to ensure consistent contact with care homes. As noted earlier in the report, situation reports were reviewed at daily care homes oversight meetings, involving the Chief Officer, Chief Social Work Officer, Chief Nurse, other partnership senior managers and representatives from NHS Lothian Public Health. These daily reviews allow for the early identification of emerging challenges and risks. Joint health and social care assurance and support visits to care homes were also undertaken.

The role of home carers, both internal and external, has been equally critical in responding to the pandemic and they continue to deliver high quality care at home in challenging circumstances. Care and support at home services have continued to be delivered throughout the pandemic without interruption.

Overall, across Social Policy, work continues to redesign services to ensure that they best meet the needs of those who are most vulnerable in our society and are sustainable for the future.

In relation to services for adults, the strategic focus of shifting the balance of care from hospital to community-based services is being supported through the Royal Edinburgh Campus Redesign Programme. This is a collaborative approach to remodel services focusing on people accessing care, support and treatment within the West Lothian Health and Social Care Partnership.

Plans were approved in June 2019 for a new £3 million housing project for people with learning disabilities who have complex care needs. The proposed accommodation consists of sixteen one-bedroom residences that each provides a main living room, separate double bedroom, galley kitchen, built in storage and toilet/bathroom. All will have their own small separate garden area as well access to the wider garden grounds. Support to individuals will be person centred with individuals being able to make informed decision as far as they are able to on their own model of care and delivery of this. In order for this to be achieved, the identification of those individuals who will be moving to their own tenancy has commenced, this being undertaken in conjunction with the individual and their extended family.

The original target for completion of the build was Autumn 2021, however due to the impact of Covid-19 the completion date has been revised to Winter 2022. The Council has agreed to invest an additional £800k in this project to take account of increased costs associated with both the pandemic and Britain's exit from the European Union.

West Lothian is one of five local authorities working with Health Improvement Scotland to review approaches to the delivery of Adult Day services. This is with a view to developing innovative service models for the delivery of support for adults with a learning disabilities.

Our supported employment service, continues to provide specialist employability and training support to individuals with a range of disabilities. Over the course of the pandemic they have continued to provide this support adapting their face to face and group work activity online. The hard work and dedication of the team has been once again acknowledged, this time at an international level with the team being invited to join the online Global Award Ceremony Achievement Awards. They achieved an Excellent Outcome Award for supporting 77% of participants into paid employment, which given that all support was undertaken on line is a remarkable achievement.

The Community Equipment Store continues to work in partnership with the council's Digital Transformation Team and health colleagues to explore digital solutions to improve service delivery.

From 2025 telephone providers will have transitioned all service users to a digital system which will no longer support analogue telecare equipment safely and securely. A project board has been established to ensure continuity of the telecare service and the upgrade of current infrastructure.

A digital telecare service will ensure that service users continue to be supported to live safely and independently at home, where they choose to do so. The move to a digital service will have a range of benefits including faster connectivity, increased reliability, and greater flexibility. It will also provide the opportunity to better integrate with emerging technologies moving towards preventative rather than reactive service delivery.

■ Use of Technology

Services have been working creatively and have piloted a range of emerging technologies such as:

- YOURmeds - the aim of the pilot is to reduce the number of 15-minute medication visits
- Just Checking – provides detailed activity monitoring to help people stay at home for longer and provide practitioners with data to gain a better understanding of the support required within the home
- GPS devices to enable safer walking for older people within the community. Alerts are sent to family members if the individual goes further than their usual area or they can press the SOS button if they become lost/disorientated.

■ Mental Health Services

The two West Lothian's Community Mental Health Teams (CMHTs) became fully operational in February 2020. There are two multi-disciplinary teams based in Strathbrock Partnership Centre (East) and Bathgate Partnership Centre (West). The teams bring together a range of health and social care staff to work with people with complex mental health problems and associated risks who typically require long term treatment, care and support. They include representatives from Consultant Psychiatry, Community Psychiatric Nursing, Occupational Therapy, Psychology and Social Work.

Services are delivered in the community, in a suitable environment that best supports the service user. Throughout the pandemic Clozapine Clinics and depot clinics, which allow a less frequent injection of anti-psychotic medication, have continued to be delivered.

■ Alcohol and Drug Services

Throughout 2020/21 all of the West Lothian Alcohol and Drug Partnership's (ADP) services continued to take referrals and deliver treatment and support. There was an initial dip in the number of community referrals received in the first few months of the pandemic due to the stay at home message and lockdown restrictions. However, as restrictions eased referrals increase for treatment, 1708 referral for treatment were received during 2020/221 which is a slight increase on the previous year when 1,677 referrals were received.

The ADP's main performance indicator is the A11 target which states that 90% of clients should be in treatment within 3 weeks of a referral and that no one should be waiting more than 6 weeks. In 2020/21, the target was exceeded with 95% of people in West Lothian who need help for their drug or alcohol problem received treatment in three weeks.

An Alcohol Pathway has been established in West Lothian to support actions aimed at reducing harm or deaths resulting from alcohol misuse.

Unfortunately, the trend of increasing drug related deaths in Scotland and West Lothian continues. The National Record of Scotland shows that there were 32 drug related deaths in West Lothian in 2020. This is an increase of 9 compared to the previous year. The Scottish Government allocated addition funding of £130,826 for drug related death prevention activity. This additional funding was used to increase Take Home Naloxone (THN) in the community by commissioning a dedicated Naloxone Champion to increase reach and awareness.

Delivery of Statutory Functions

The council's scheme of delegation allows senior social work staff to make certain decisions on behalf of the local authority in the following areas:

- Mental health
- Looked After Children and Young People:
 - Adoption
 - Secure accommodation and emergency placement of children
- Protection and Risk Management:
 - Child Protection
 - Adult Protection
 - MAPPA

Details of the annual monitoring in these areas are included in the subsequent paragraphs.

Mental Health

Section 32 of the Mental Health Care & Treatment (Scotland) Act 2003 places a statutory duty upon local authorities to appoint a sufficient number of Mental Health Officers (MHO) within their area to appropriately discharge the functions of Mental Health Officers.

The core tasks and responsibilities of Mental Health Officers stem from 3 main Acts of the Scottish Parliament and these are:

- Mental Health (Care and Treatment) (Scotland) Act 2003
- Criminal Procedures (Scotland) Act 1995
- Adults with Incapacity (Scotland) Act 2000

The Adult Support and Protection (Scotland) Act 2007 has also brought significant additional duties and responsibilities for all council staff including MHOs. There has been an increase in numbers of referrals to the MHO service to consider measures under the Adults With Incapacity Act for service users under the multi-agency Adult Protection procedures. This increase is due in part to better identification of matters relating to financial harm with 9 new applications for Guardianship including financial powers over the reporting period

A duty Mental Health Officer is available 24 hours a day across the whole council area.

Whilst the Covid-19 pandemic has introduced a blended model of working for the MHO service there has been no impact on the continued delivery of the Duty MHO service. MHOs continue to undertake the full remit of work under the Mental Health Care and Treatment (Scotland) Act 2003. There has been a decrease in the number of practising MHOs across the Council over the past year in some part due to retirement of and withdrawal from the MHO rota of established MHOs to focus on the demands of their

substantive posts. The decrease in number of practising MHO's in West Lothian remains similar to the national picture where there are significant issues with the demographic of the MHO workforce and recruitment and retention of MHOs. While this is a national issue, West Lothian Council continues to prioritise the training of MHOs with a further 2 candidates in place to undertake the 2021/2022 MHO course. There have been some positive developments in terms of the establishment of a small bank of 'supply' MHOs who have undertaken limited duties in relation to the 2000 Act and the establishment of a part-time MHO at the Discharge Hub at St John's Hospital to assertively progress Guardianship applications for those awaiting discharge from hospital.

As noted in the introductory section of the report, improvement actions have been implemented in response to the findings of the Mental Welfare Commission; Authority to Discharge Report, 2021. The MWC scrutiny of a sample of hospital to care homes moves across Scotland at the early stages of the pandemic identified areas for improvement not exclusively pandemic related. One case was identified in West Lothian where there was no legal authority in place to facilitate the move. The improvement actions agreed following the set-up of a short life group includes the completion of a training needs analysis, commissioning of specific training, changes to recording systems and practices.

The numbers of Emergency Detentions under the Mental Health Act has continued to rise (nationally by 10%) but these detentions are increasingly done without MHO involvement (dropping to 43% this year from 50% in the previous year without involvement nationally) although the number of recorded MHO assessments in this regard in West Lothian has showed an increase from 2019/20. There has been a 9.5% increase in Short Term Detentions nationally over the past year this has been reflected in West Lothian with a significant increase in the number of Short Term Detentions

The Mental Welfare Commission indicate that they feel that the pandemic has had a negative impact on people's mental health and an increase in people experiencing depressive and anxiety symptoms, therefore an increase in people experiencing mental ill health could be a factor in increase numbers of detentions.

The Commission also note that people with existing mental health difficulties reported lower mental well-being than people with no existing mental health problem over the course of the pandemic which may explain the need for admissions/detentions under the MH Act, i.e. the pandemic exacerbating existing issues for people who were already struggling to cope with their mental health difficulties.

The Commission also report some concerns that whilst the move to online services in lieu of face to face contact with service users has provided some continuity of care over the course of the pandemic it can act as a barrier to engagement and getting support which may play a part in some service users reaching crisis and detention in hospital being required.

A significant part of the work and responsibility of a Mental Health Officer is work emanating from the Adults with Incapacity (Scotland) Act 2000. Under the Act the council has a protective function towards those adults who lack capacity. The largest area of work for MHOs under the 2000 Act continues to fall within Part 6 of the Act namely Intervention Orders and Guardianship Orders.

Since the introduction of the 2000 Act, the trend in Guardianships has changed significantly and the number of applications granted by the Sheriff Courts continue to rise year on year. Guardianships are now routinely granted for a time limited period by the Court which has led to an increase in demand in relation to provision of MHO reports for renewal of Guardianship applications. With the predicted rise in population, and particularly for the over 75 age group, the increase in applications before the Courts is expected to grow placing additional pressure on the MHO service.

There has also been an increase in the number of younger adults with learning disabilities being made subject to Guardianship due to a greater awareness of legal rights and safeguards for service users transitioning from child to adult services.

There remains a trend towards an increased number of private applications for Guardianship as opposed to local authority applications which is consistent with the picture across Scotland. However, local authority applications have tended to be relate to individuals where there are significant vulnerabilities and safeguarding issues where Guardianship is viewed as a protective measure and require ongoing assertive management of their care.

There has been a disruption in relation to MHO duties under the 2000 Act over the past year due to the pandemic. With the closure of Courts in the early stages of the pandemic applications did not progress and with limited ability to progress applications elements of MHO practice in this area 'stalled' for some months creating a bottleneck of demand when Court and health services gradually returned to 'normal' business. However, with some increase in MHO resource related to the 2000 Act the Council were able to return reduce waiting time for MHO reports by the end of this reporting period.

The following table indicates assessments undertaken under the Adults with Incapacity (Scotland) Act 2000.

	2018/19	2019/20	2020/21
New Guardianships granted	Private 61 CSWO 23	Private 69 CSWO 12	Private 50 CSWO 19
Total	84	81	69
Existing Guardianships	Private 292 CSWO 55	Private 269 CSWO 57	Private 326 CSWO 66
Total	347	326	392
New Intervention Orders	4	10	8

The following table indicates assessments undertaken under the Mental Health (Care & Treatment) (Scotland) Act 2003

	2018/19	2019/20	2020/21
Emergency Detention Certificates – Sec 36	44	38	56
Short term Detention Certificates – Sec 44	153	163	210
Compulsory Treatment Orders (new applications)	48	37	39
Assessments (Sect 86, 92, 95)	352	336	431

Looked After Children and Young People

Local Authorities have a responsibility to provide support to Looked After Children whether at home (where a child is subject to a Supervision Requirement and continues to live in their normal place of residence), foster care, residential house or school, a secure unit or a kinship placement (where they are placed with friends or relatives). There has been a reduction in the number of children looked after, partly attributable to the family support work undertaken by services.

In 2020-21 15 Unaccompanied Asylum-Seeking Children were being looked after in West Lothian. For the most part young people in these circumstances were accommodated in the Council's internal residential provision while assessments were undertaken to enable appropriate support to be provided or placed in community settings within West Lothian.

Planning is ongoing to enable West Lothian to support additional unaccompanied children when required, in light of increasing numbers of arrivals of UASC to the UK.

The total number of Children Looked After in West Lothian at 31/03/2020 and 31/03/2021 by statute and length of time under statute is detailed in the table below:

Looked After Children												
	Under 1		1-4		5-11		12-15		16+		Total	
	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021	2020	2021
At Home with parents	3	1	19	14	39	40	27	23	5	4	93	82
Away from home – Community setting	13	12	62	48	115	110	79	71	32	29	301	270
Away from home – Residential setting	0	0	0	0	3	3	18	18	13	9	34	30
Secure care	0	0	0	0	0	0	2	0	0	1	2	1
Total	16	13	81	62	157	153	126	112	50	43	430	383

West Lothian Council is committed to improving planning for looked after children and strengthening permanence practice to improve the outcomes of all our Looked after Children, providing each individual child with a stable, secure, and permanent place to live.

	2018/19	2019/20	2020/21
Children registered for adoption	7	7	6
Children matched to adopters	4	6	6
Children registered for permanence order with authority to adopt	5	6	4
All children under the age of 12 registered for permanence excluding kinship/residence orders	7	7	11

In 2019 West Lothian Council embarked on the Permanence and Care Excellence (PACE) programme working alongside the Centre for Excellence for Looked after Children in Scotland (CELCIS). The objective being to apply improvement methodology to identify and address areas of drift and delay in securing permanence for looked after children. This saw the introduction of a number of tests for change to achieve the aims identified by PACE. These aims included by 30th June

- 80% of children who became looked after and accommodated, on or after 1 July 2019, would have a permanence recommendation within 40 weeks of becoming looked after and accommodated.
- 90% of children who had a recommendation for permanence away from home (excluding children in Kinship Care) on or after 1 July 2019, would have their plan signed off by the Agency Decision Maker within 14 weeks.
- 60% of children whose plan has been approved by the Agency Decision Maker, on or after 1 July 2019, would have their application for a permanence order lodged in court within 20 weeks of the Agency Decision Maker's decision.

Data provided by PACE in May 2019 demonstrated that all children requiring a permanence decision under the age of 12 took 62.9 weeks from the date the child was accommodated. By 31st March 2020 this figure had been reduced to 53.4 week

The challenges presented by the Covid-19 pandemic has had a direct impact on West Lothian Council's ability to make progress on these aims. When services recovered from the initial impact of the pandemic a backlog had been created and a number of new or updated assessments became necessary. Simultaneously Courts were also either not operating or functioning at a reduced capacity. The combination of these factors in addition to the impact on staffing led to considerable delay in the figures for 2020/21. Children under the age of 12 requiring a permanence decision via any route including adoption, permanence order or kinship between 1st April 2020 and 31st March 2021 took 61.8 weeks.

Between 1st April 2020 and 31st March 2021 children currently looked after and under the age of 5 in need of permanence via an adoption or permanence order had this decision made within 43.1 weeks. Figures for children currently looked after under the

age of 5 in need of permanence including kinship orders had this decision made within 52.6 weeks.

These figures vary when considering those children who are no longer looked after. Between 1st April 2020 and 31st March 2021 children, under the age of 5, in need of permanence via an adoption or permanence order had this decision made within 40.3 weeks. Figures for children under the age of 5 in need of permanence including kinship orders had this decision made within 40.7 weeks.

Despite the challenges West Lothian Council has been able to make some progress towards achieving the PACE aims.

PACE Aims	2019	2020	2021
Length of time from permanent placement decision to Adoption & Permanence Panel Date (PACE AIM = 12 WEEK)	19.6 weeks	19.4 weeks	18.1 weeks
Length of time from Adoption & Permanence Panel Date to ADM decision (PACE AIM = 14 days)	8 days	7 days	7 days
Length of time from accommodated to ADM decision (PACE AIM = 14 weeks)	20.7 weeks	20.4 weeks	19.1 weeks
Length of time from ADM decision to lodging legal application in Court (PACE AIM = 20 WEEKS)	34.9 weeks	25.7 weeks	28.1 weeks

In 2021/22 West Lothian Council has renewed the commitment to the PACE agenda. PACE briefings have taken place with all existing and new members of staff re-introducing the programme, aims and tests for change as a key priority and objective. Parenting Capacity Assessment training has again been delivered to all relevant staff. Re focused efforts have been placed upon ensuring that all children who are under the age of 12 who become accommodated have all their looked after reviews pre-planned and dates arranged at the point of becoming accommodated. This includes a mandatory review within 6 months to consider the child's need for permanence. Training has been provided to all new and existing staff to ensure they are familiar with process and procedures surrounding permanence assessment and planning.

West Lothian Council continues to have a 100% success rate in family finding for children requiring adoption. Achieved by improvements in our use of Child Assessment and Permanence Reports (CAPR), matching considerations reports alongside our ongoing commitment to working in partnership with Adoptions Agencies.

West Lothian Council continues to work in partnership with St Andrew's Children's Society to deliver concurrent planning avoiding unnecessary delay in making permanent plans for very young children.

The approach involves parallel planning; either reunification with family or the child will remain permanently with foster carers where the child is first placed. Whilst this approach is appropriate for only a small number of children, it has prevented additional

uncertainty for some children who would have required an additional move at an older age if unable to be with their birth family.

Family Group Decision Making remains a priority to build upon the strengths of families to ensuring that, where possible, children can remain within their kinship network. There is an expectation that Family Group Decision Making is routinely used for any child at risk of becoming accommodated and also for those in need of permanence plans.

West Lothian Council is currently looking at ways to build upon and broaden the adoption service. Including examining how this service currently operates, reviewing existing policy and procedure, staff knowledge and skills and the support provided to adopted children and their families. Work is ongoing to ensure we deliver high quality, robust assessments and advance the knowledge, skills and confidence of our workforce. Consultation and peer support is routinely made available. Every adopted child has an adoption support plan. Adopted children requiring therapeutic services are routed through the Mental Health and Wellbeing screening group. This includes counselling, parenting, play therapy and resilience services. Post adoption support is also provided via arrangements with partner agencies such as Scottish Adoption.

Secure Accommodation of Children

In very limited circumstances, when children are considered to present a serious risk of harm, either to themselves or to others, the Chief Social Work Officer may authorise their detention in secure accommodation. These decisions must be kept under close review to ensure that the decision is still in the best interests of the child and that the views of the child and relevant persons are taken into account. As noted earlier improvement have ben made to practices to ensure compliance with statutory duties in response to the findings of the Children's Commissioner's investigation.

During 2020-21, there was a slight increase in the use of secure care with 6 children requiring such provision during the year and for short time periods.

Protection and Risk Management

The assessment and management of risk posed to individual children, adults at risk of harm and the wider community are part of the core functions of social work.

The effective management of risk depends on a number of factors, including:

- Qualified, trained and supported staff, with effective professional supervision
- Clear policies and procedures and use of agreed or accredited assessment tools and processes
- Consistency of standards and thresholds across teams, service and organisational boundaries
- Effective recording and information sharing
- Good quality performance management data to inform resource allocation and service improvement
- Multi-disciplinary and inter-agency trust and collaboration.

Reflecting the importance of joint working, the following multi-agency mechanisms are well established in West Lothian:

- West Lothian Chief Officers Group
- West Lothian Child Protection Committee
- West Lothian Adult Support and Protection Committee
- Violence Against Women and Girls Strategic Group
- Offender Management (MAPPA)
- Community Justice Partnership

Membership of the Chief Officer's Group allows the Chief Social Work Officer to have an overview of related risk management activity, both within the council and across agency boundaries.

Each of the areas of Public Protection has a performance framework in place with regular reporting to the Chief Officers Group and Community Planning Strategic Group.

The Chief Social Work Officer also chairs Critical Review Team meetings. Critical Review Teams are multi-agency teams of people of required seniority who meet as and when required to offer direction and guidance in complex cases (for those aged 15+).

Children at risk

	2018/19	2019/20	2020/21
Child protection referrals	413	422	410
Joint Investigations	193	173	156
Initial and Pre-birth Child Protection Case Conferences	84	122	101

It has been a challenging year for the Child Protection Committee (CPC) and all partners involved in protecting the safety, wellbeing and rights of children and young people. The impact of Covid- 19 has been considerable and is likely to be long lasting. The CPC has met virtually since March 2020 and there has been active oversight from the Chief Officers Group (COG) in relation to the discharge of public protection duties during the pandemic. There was rapid adaptation of service delivery by multi-agency practitioners and managers in West Lothian to mitigate against the impact of Covid-19 to ensure the protection of the most vulnerable children. During the first few months of lockdown there were no pre-birth or initial Child Protection Case Conferences, IRD participants took the decision as to whether a child's name should be placed on the Child Protection Register. As more people were given access to the appropriate technology case conferences were conducted virtually. Virtual meetings have continued.

The Child Protection Committee (CPC) has responsibility for ensuring all agencies work together, staff are confident and competent in their roles and that information is provided to the public. West Lothian CPC has 3 subcommittees to support its work: Quality Assurance & Self Evaluation (QASE), Practice and Training (P&T) and a Significant Case Review (SCR) subcommittee. A multi-agency group of senior staff meets fortnightly to review all IRDs for quality assurance purposes, to monitor practice and to identify emerging themes which are reported to the Child Protection Committee.

The CPC has strong links with the Children and Families Strategic Planning Group with its overall oversight and leadership of Getting It Right For Every Child in West Lothian.

The CPC commissioned a Significant Case Review (SCR) following the death of a baby. The review was undertaken using the Social Care Institute for Excellence (SCIE) Learning Together approach and was conducted by two accredited reviewers using the case to provide a “window on the system”. The reviewers were asked to consider:

- a) Across the multi-agency partnership, what is professional understanding of risk, factors that inform risk assessments, analysis of risk, decision-making and subsequent planning?
- b) How well does the IRD process link with multi-agency planning processes?

The findings of the review are being addressed and actions to address the findings are developed and incorporated into the CPC's action plan. Some of the findings will result in culture change which will take time and reinforcement on an ongoing basis to embed into practice.

Two other cases were deemed to meet the criteria for a Significant Case Review. Initial case reviews identified issues and themes that have already been identified in previous SCRs or audit activity. It was therefore agreed that both cases should be considered as part of a review to identify the barriers to changing culture and practice.

	As of 31 st March 2019	As of 31 st March 2020	As of 31 st March 2021
Children on Child Protection Register	94	98	101
Children looked after at home	101	93	82
Children looked after away from home	329	337	301

Adults at Risk

	2018/19	2019/20	2020/21
Adult Protection Referrals	732	799	1,116
Inter-agency Referral Discussions (IRDs)	147	195	171
Adult Protection Case Conferences			
(this includes Adult Protection Case Conference Reviews)	82	82	70

In 2020/21 the increase was significantly larger (40%) than in previous years. The increase in referrals throughout the year was gradual and not associated with any peaks.

There are a number of factors that may contribute to year on year increases:

- Sustained and continuous efforts to raise stakeholders and members of the public's awareness locally to what harm is and how they can make a referral to the Police and or Social Work service if they "know or believe" an adult may be at risk of harm, even if they want to do this anonymously. By increasing the options of how a referral can be made it has made the process of doing this simpler for people.
- Reviewing and refreshing the West Lothian Public Protection Website. Information can easily be found by following this link: <https://publicprotectionwestlothian.org.uk/>
- Continued investment in guidance and training in addition to a Team Manager leading the Adult Social Care Emergency Team (ASCET). This Team is providing consistency at the initial Adult Protection Referral recording stage. This also identifies that more Adults at Risk referrals are being assessed on a multi-agency basis and relevant protective measures are being put in place (dependent upon outcomes of IRD process).
- Strong cooperation and multi-agency partnership arrangements between Police Scotland and ASCET to fulfil the Scottish Governments' referral guidance that "All police referrals marked as relating to vulnerable persons indicating the person may be an adult at risk of harm should be counted and where there are disagreements over the marking then these should be discussed with the police.

The Adult Protection Committee (APC) has a leadership role in working with partners to ensure the continuous improvement of adult protection services in West Lothian. The Committee provides clear links with wider adult support services and reinforces and develops, through joint multi-agency practice, the integration of adult support and protection services across West Lothian.

The Quality Assurance sub-group continues to progress the work of the APC by providing robust quality assurance to any area of adult protection.

In doing so, the sub-group contributes to the protection and welfare of adults at risk through collaboration amongst agencies, government and the general public.

This group has carried out a range of activities and audits, including:

- Conducting a professional e-survey to Adult Protection Case Conference/Review meeting attendees to seek their views and feedback about participating in this process.
- Liaised and engaged with two local advocacy services to ascertain how service user engagement and feedback could be better managed. This has led to an overhaul of service user engagement forms and the introduction of a new approach facilitated by an advocacy worker seeking the lived experience of an adult at risk. This new approach is working well and continues to be monitored, with a representative from advocacy services now sitting on the APC.
- Devised a child and adult protection toolbox presentation to advise and support stakeholders and partners on how to report an Adult Protection Referral should they have a child or adult protection concern.

- Completed a review of local AP procedures and improved multi agency risk assessment processes in order to protect the most vulnerable within our communities.

Domestic Abuse

At the outbreak of the pandemic it was recognised that there was likely to be an increase in the incidence of domestic violence. This was based on the understanding that households would be forced to remain indoors with each other for much longer periods than normal, placing additional pressures on families. Between 16th April 2020 and 28th January 2021 West Lothian recorded the largest increase in domestic abuse incidents in Scotland, an increase of 17.8% compared to the same period the previous year. The Scottish average rate was 2.2%.

The Domestic Abuse and Sexual Assault Team (DASAT) has worked to overcome the challenges posed by the pandemic and supported a total of 1843 people in West Lothian during 2020-21. This is an increase of 19% compared to the previous year when 1620 referrals were received.

Covid-19 has had a significant impact on the referrals to DASAT and there has been a change in the demographic of service users, including individuals and their children who have never previously accessed services, and support has been provided to an increased number of older individuals than ever before. Additionally, there has also been an increase in the number of people who experience additional barriers such as substance misuse and mental health issues and those who require the support of translation services.

To support this increased demand the Council has invested an additional £240k for a two-year period to allow an additional 2.6 FTE Support Worker posts to be added to the team. The team has also attracted external funding of £40K from Rape Crisis Scotland. They have also been awarded £180k per year for 2 years from Inspiring Scotland (formerly the Violence Against Women and Girls (VAWG) Fund) and have attracted a further £38k, for 1 year, from Scottish Government to tackle waiting lists as a result of the pandemic.

The team offers a range of services including:

- **The Court Advocacy Service**

The Court Advocacy Service works closely with the Procurator Fiscal's Officer to deliver a high quality service for victims of domestic abuse involved in the court process. The service received 761 referrals during 2020/21 this is an increase of 24% compared with the previous period.

The court advocacy workers continue to provide support throughout the court process and ensure that the views and the voices of individuals (victims/survivors) are represented in court

- **Living in Safe Accommodation (LISA)**

The LISA service aims to keep women and children safe in their own homes and provide multiple housing options to support women.

In 2020/21 the LISA project supported 213 women this is an increase of 4% on the previous period. West Lothian Council introduced a new allocation policy in 202/21 which allocated higher point levels to people fleeing Domestic Abuse. As a result of this new policy people experiencing Domestic Abuse are no longer presenting with homeless services and are being offered permanent accommodation in an area of their choice. This has a positive impact on the families supported by DASAT as it reduces the number of housing moves required, reduces the disruption children's education, access to child care and employment.

■ **Court Contact Children's Right's Service**

The Court Contact Children's Right's Officer aims to increase awareness of domestic abuse in the context of child contact and improve outcomes for women and children, by highlighting how patterns of coercive control can be continued through child contact. The worker ensures that children's voices are heard and their rights upheld within an adult judicial system by allowing Sheriffs to hear directly from the child so decisions can be made in a child's best interests.

■ **DASAT Children's Services**

DASAT children's service is currently providing 1-1 support to 51 children, this includes face to face work, socially distanced walks and remote support over video or phone. The aim of this work is to support children and young people to explore, process and recover from their experiences of domestic abuse. Support continued to be offered at this level during over lockdown and it is planned to return to structured groupwork as restrictions ease.

■ **Trauma Therapist**

The trauma therapist provides a high-quality holistic service to young people aged 14 – 25, within the judicial system who have experienced sexual abuse. This early intervention at the point of reporting abuse means the timing of services can be optimised to best meet needs.

Working in partnership with the sexual violence service ensures that people are supported in practical ways, preparing them for any legal process as well as offering a therapeutic response to support them to process and recover from their experiences of abuse.

MARAC is a Multi-Agency Risk Assessment Conference for domestic abuse, stalking, harassment, and honour crimes. In West Lothian there is a high number of individuals who require the support and protection of a multiagency framework, ensuring safety planning and highlighting the behaviour of abuse perpetrators.

During 2020/21 DASAT supported 158 people presented to conference, which is a 18% increase on 2019-20. During the pandemic there has been an increase in repeat offenders and an increase of individuals referred to MARAC generally and an increase in the number of referrals with additional barriers as substance misuse, mental health issues and those from minority ethnic backgrounds.

Justice Services - Statutory Supervision

Since April 2016 the responsibility for Community Justice moved from the Community Justice Authority to Community Planning Partnerships. In West Lothian this has been undertaken by the Community Justice Partnership which is part of the West Lothian Community Planning Partnership structure.

	At 31 March 2019			At 31 March 2020			At 31 March 2021		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
CPO requirement for supervision	284	59	343	269	48	317	136	27	163
CPO with a requirement for unpaid work	258	24	282	253	28	281	94	3	97
Drug treatment and testing orders	9	3	12	13	0	13	6	1	7
Number of individuals subject to Statutory Through Care	161	3	164	160	3	163	153	2	155

The figures in the table detail the new orders put in place during the period April 2020 to March 2021 and does not reflect existing orders that can be in place for up to 3 years. Post custodial sentence (Justice Throughcare) can be for life.

The current pandemic has had a significant impact on the volume of new cases that could be processed through the courts. While there was a 64% reduction for example in relation to Community Payback Orders imposed, the existing orders, in place prior to March 2020, were still appropriately managed in the community. Numbers are slowly increasing as cases are being progressed through the courts. During this period, the Scottish Government also utilised the relevant elements of the the Coronavirus (Scotland) Act 2020 which allowed for the early release of specific prisoners, a percentage reduction of some unpaid work orders and the extension of time to complete said orders.

The Scottish Government committed in its 2019-20 Programme for Government to extend the presumption against short sentence of 12 months or less, once additional safeguards for victims in the Domestic Abuse (Scotland) Act 2018 were in force. It is likely that this will see an increase in the need for more community-based support although this will provide an additional challenge in the current climate of restricted public finances.

The management of dangerous sexual and violent offenders in the community is one of the highest priorities for Criminal Justice Social Work and Police working together. Housing and Health services along with other statutory agencies also play a significant role in the detailed multi-agency public protection procedures which are followed in West Lothian. This activity requires to be reported to Scottish Ministers.

When subject to statutory supervision on release from prison or community supervision, such individuals require to comply with any conditions attached to their licence/orders. They are subject to robust risk management which is regularly reviewed. If the individual breaches any of the conditions imposed on them they may be subject to further investigation or a recall to prison, either by Scottish Ministers, the Parole Board or the Courts.

Multi-Agency Public Protection Arrangements (MAPPA) are defined in legislation and national guidance currently applies to the management of all registered sex offenders. In West Lothian these arrangements are well established. During the period April 2020 – March 2021 partners were able to robustly contain or reduce risk in 96.4% of cases. Justice Services along with Police and Health are the key responsible authorities that manage those subject to MAPPA in the community.

Young people who offend are also managed through either the above or the Young Person Risk Management Process depending on age and current statutory status.

The Up2U Domestic Abuse programme is now established within the Justice Service. The Courts and Parole services are now actively mandating attendance via community disposals/licence conditions. The programme can be tailored to work with both males and females from the age of 16 and can also be delivered for people who use domestically abusive behaviours in same sex relationships.

Due to Covid-19 restrictions delivery of the programme has been subject to constant review. Staff training and refresher courses continue to be delivered remotely. Evaluation of the programme is under review.

Improvement and Performance Activity

■ **Contract Monitoring**

Contract monitoring and review is a fundamental function in the commissioning of social care services. It is required to evidence best value to the council and its regulators as well as ensuring the delivery of outcomes for vulnerable people living in West Lothian.

The purpose of this Contract Monitoring Framework is to provide a consistent approach to the monitoring of externally purchased care and support services across Social Policy. It is recognised that due to the impact on the quality of life, health and wellbeing of services users and their carers, the procurement of care and support service requires specialist consideration in order to ensure a focus on outcomes.

The contract monitoring framework aims to ensure that service users receive the highest quality of service, which demonstrates value for money, meets contractual standards and is continuously improved.

■ **West Lothian Assessment Model (WLAM)**

Effective internal scrutiny provides performance challenge and helps ensure a proportional approach to internal and external scrutiny activity, based on a strong understanding of current performance and the capacity to improve.

The West Lothian Assessment Model is the council's self-assessment framework which helps services to ensure that they provide good quality and improving services to the people and local communities in West Lothian.

West Lothian Council recognises that there is always a way to make better and more efficient services for the people we serve, balancing quality of service provision with value for money.

The West Lothian Assessment Model (WLAM) helps the council to do this by providing a consistent and challenging set of questions or statements that services will use to identify their strengths and weaknesses and importantly, it also provides a structure for improvement.

Services are assessed using evidence, performance information and feedback from customers, partners, stakeholders and staff, to answer a set of questions or statements, in order to identify:

- Where the problems in the service are
- How customers, employees, partners and stakeholders feel about the service
- How the service performs and how this performance compares to others
- Where things can be improved

Self-assessment is an important part of the council's improvement strategy, as it encourages innovation from within and involves our strongest asset in the process, our people.

Social Policy has three WLAM Units within the service, Children and Families, Community Care and Criminal and Youth Justice. All of the Social Policy WLAM units have demonstrated an improvement after each cycle of assessment as highlighted by the increase in WLAM score across the service.

WLAM Unit	Cycle	WLAM	Change
Children and Families	2014/17	482	+57
	2017/20	539	
Community Care Services	2014/17	456	+72
	2017/20	528	
Criminal and Youth Justice	2014/17	488	+65
	2017/20	553	

A new WLAM programme is currently in development

■ External Assessment

To supplement our internal improvement processes, the council undertakes planned external assessment on a periodic basis. This ensures that the council is scrutinised across different standards and frameworks promoting excellence and the highest

standards of practice. It also allows comparison with the best performers across all sectors in the UK and beyond.

The key external assessment processes for the council are:

Assessment	Assessment Method	Improvement focus	Assessed level
Customer Service Excellence	Three year programme of corporate assessment	Assessment of the organisation's customer focus and overall standards of customer service and delivery.	CSE standard (2020)
European Foundation for Quality Management (EFQM)	Period corporate assessment	Assessment against fundamental concepts of Excellence against a global framework.	EFQM 5-star (2017) EFQM Global Excellence Award Finalist (2017) EFQM Global Excellence Award Highly Commended "Adding Value for Customers" (2017)

■ Complaints

Social Policy adopted the Social Work Model Complaints Handling Procedure as of April 2017. This is a two stage process:

- Stage 1 Frontline Resolution
- Stage 2: Investigation

Since the introduction of this procedure the Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland.

The council's social work services are required by statute to report annually on statutory complaints received from service users, would-be service users, their carers and representatives. Improvement activity is ongoing with regard to resolution timeframes and training is being rolled out to all staff involved in the complaints process.

The council is committed to improving social work services for the people of West Lothian and recognises that complaints are an important source of customer feedback.

The following table provides an overview of the complaints received during 2020/21 and their outcome.

Total number of complaints	118
Percentage of complaints upheld	25.4%
Percentage of complaints partially upheld	31.4%
Percentage of complaints not upheld	43.2%
Percentage of complaints resolved within timescale	47.5%

■ User and Carer Empowerment

The pandemic undoubtedly impacted our ability to undertake engagement activity but has also provided new opportunities to look at different ways to communicate with and engage with partners and stakeholders and in particular explore digital solutions.

Social Policy services continue to work in close partnership with other agencies, service users and their carers to ensure that the support and care services provided are as person centred and flexible as possible. It is anticipated that an increasing number of people will continue to seek control of their own care and support provision by accessing Direct Payments or other Self-Directed Support options.

A dedicated post has been created to support the service in improving its approach to self direction.

The Social Care (Self-directed Support) (Scotland) Act 2013; which came into effect on 1st April 2014, is a key building block of public service reform and is part of the national Self-Directed Support Strategy. The key focus of the strategy is to empower people to have more say in the decisions that affect them both as individuals, as users of social care services and as members of their communities.

In March 2021 the Scottish Government published the Self-Directed Support Framework of Standards. This framework consists of a set of standards (including practice statements and core components) written specifically for local authorities to provide an overarching structure, aligned to legislation and statutory guidance, for further implementation of the self-directed support approach and principles

Social Policy is committed to the principles of Self-Directed Support and recognises that when people have more control over how they live their lives and any support they may require, they are likely to achieve better outcomes.

Social Policy values the role that carers play within West Lothian and in particular how they enable the people they care for to enjoy a quality of life and independence that would otherwise not be possible. However, we recognise that without appropriate support there can be a cost to the carer in terms of their own health and well-being. In recognition of this, Social Policy and key partners are working together to identify how best the statutory and the voluntary sector could support carers in their caring role and ensure compliance with the requirements of the Carers (Scotland) Act 2016.

The West Lothian Carers Strategy and Carers Short Breaks Statement were approved by the IJB in August 2020 and sets out our vision and aims for unpaid carers in West Lothian. The Carers Strategy is underpinned by an Implementation Plan which is overseen by the West Lothian Carer Strategy Implementation Group (CSIG). The group will ensure that aims and objectives of the strategy are implemented in West Lothian and will:

- Develop a coordinated approach for the implementation of the Carers (Scotland) Act 2016
- Develop a coordinated approach for the implementation of West Lothian's Carer Strategy and Action Plan.
- Project manage the implementation of the priorities and actions included in the Action Plan and monitor progress made in implementing the strategy.
- Communicate and engage with partner organisations to ensure a broad range of carer experience is represented on the group
- Develop and implement performance management systems with all key partners to collate and prepare performance information to report to the Integration Joint Board (IJB) and Community Planning Partnership (CPP)
- Develop processes which maintain a regular and effective means of communication
- Oversee the development of performance reports and annual reports
- Act as a key consultative group for national and local policy development

The critical role carers play in the health and social care system has never been more apparent than during the pandemic. People have told us that they have felt increasingly isolated over the past year and are concerned about their mental health and wellbeing. We do not yet know the long-term outcomes of the pandemic for carers but in the short term, we are working with carers' representatives to make investment decisions on how best to support carers through expanded support which focusses on early intervention and prevention.

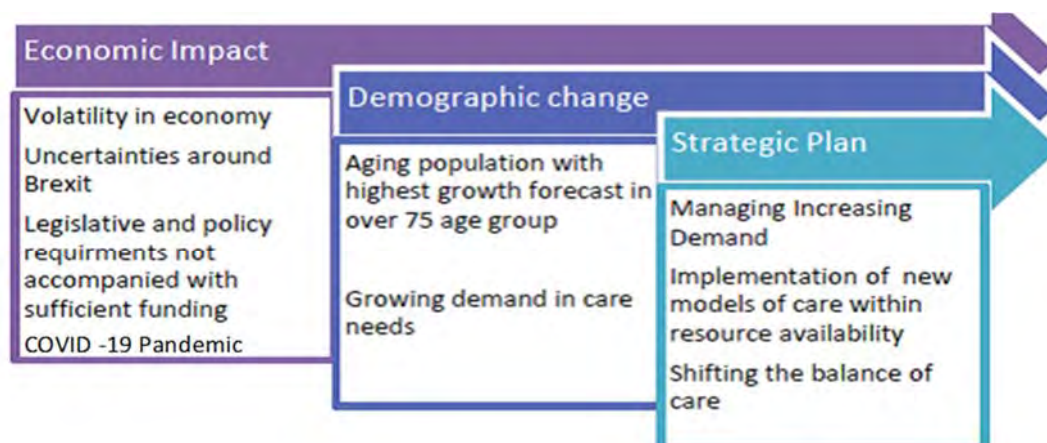
Our commitment to continue becoming better corporate parents is underpinned by a long and active tradition of engagement with children and young people. The West Lothian Champions Board is an example of this collaborative relationship between those providing and using services for care experiences children, young people and care leavers. This provides the structures and processes for our looked after children and young people to hold us, as Corporate Parents, to account for the progress that we make on delivering the commitments detailed within our Corporate Parenting Plan.

As well as the Champions Board we actively promote listening to childrens views through other mechanisms including: Having Your Say forum, Viewpoint, Advocacy services and Children's Rights service, Residential House Activities, Carers Consultative Forum and Kinship Care Group.

3. Resources

The medium term financial plan plays an important role in informing the planning and prioritisation of future service delivery, and strategic planning and commissioning. Financial planning assumptions are reviewed on an ongoing basis to take account of events such as changes to funding levels, economic forecasts, care demands and policy decisions impacting on the delivery of social work services.

Medium-term financial planning requires to take account of a number of risks as summarised below:



In February 2018 West Lothian Council agreed a five-year revenue budget strategy including measures to address a budget gap of £65.3 million over the five years from 2018/19 to 2022/23. The Social Policy element of these savings was £23.3 million. Social Policy delivered £6,654,000 of these savings in 2020/21. The council is now in the fourth year of this strategy and continues with its ambitious project management approach to ensuring a break even budget is achieved at the end of each financial year.

The total net expenditure for Social Policy in 2020/21 was £104,269,000 which represented an overspend of £281,000, due to pressures in external placements for children.

There remain a number of significant pressure areas as outlined below

Areas of pressure include:

- External and Internal Residential Placements for Looked After Children
- Residential Care for Adults with Physical Disabilities
- Residential Care for Older People.

These areas are all subject to ongoing monitoring and all form part of the council's redesign programme that will ensure that we can continue to deliver quality services within the available budget.

In terms of the general position and making the best of available resources, we worked closely with care providers and provided financial support to stabilise the market and ensure that essential community health and care services could continue to be delivered. We developed the West Lothian PPE hub, which delivered 1.8 million items of PPE to care homes, GP practices and carers. We worked with partners in the Third Sector to provide support to 300 of the most vulnerable children and families, including weekly support sessions, hot meal provision and the creation of “Safe Place” resources for vulnerable young people.

Social Policy and Education Services continued to work together to redesign services to improve outcomes for vulnerable children and young people.

During a time that has been particularly challenging, due to the disproportionate effect that the pandemic has had on vulnerable people, social care resources continue to be focused on supporting those most in need. The health and social care joint strategic commissioning plans are focused on supporting people through this difficult time, whilst also continuing to deliver services in new and innovative ways such as expanding the use of technology. The increasing complexity of care requirements means that there will be an ongoing need to develop more sustainable delivery models. This will result in a greater emphasis on prevention and supporting people within their home environment.

Social Services Delivery Landscape

West Lothian is in Central Scotland, has a population of approximately 183,100 (National Records of Scotland 2019 mid-year estimate). This is an increase of 0.5% from 182,140 in 2018.

It covers an area of 165 square miles, two thirds of which are predominantly used for agriculture and a tenth of the area is taken up by urban development. In the east-central band there is a large shale oil field, whilst the area in the west is dominated by Scotland's central coalfield. Both of these natural resources were greatly exploited in the 19th and early 20th centuries and contributed to the development of a number of West Lothian's communities. The rapid development of these 'boom' communities meant the loss of these industries was felt heavily, and this legacy has resulted in some small but prominent concentrations of deprivation.

West Lothian had the 9th highest population in 2019, out of all 32 council areas in Scotland. Between 1998 and 2019, the population of West Lothian has increased by 19.5%. This is the 2nd highest percentage change out of the 32 council areas in Scotland. Over the same period, Scotland's population rose by 7.6%.

West Lothian faces a growing and also an ageing population. The West Lothian population is growing faster than the Scottish average and the number of people aged 75 and over is forecast to increase by 119.7% by 2041. During the same period the working age population 25-49 years and 50-64 years are only projected to grow by 2.1% and 4.1% respectively.

The number of carers in West Lothian is similar to the national average and has not changed since the 2011 Census. There has, however, been a significant increase (35%) in the amount of care provided with nearly 7,800 people providing unpaid care for 20 or more hours a week, and 4,600 of these for 50 hours or more.

Inequalities

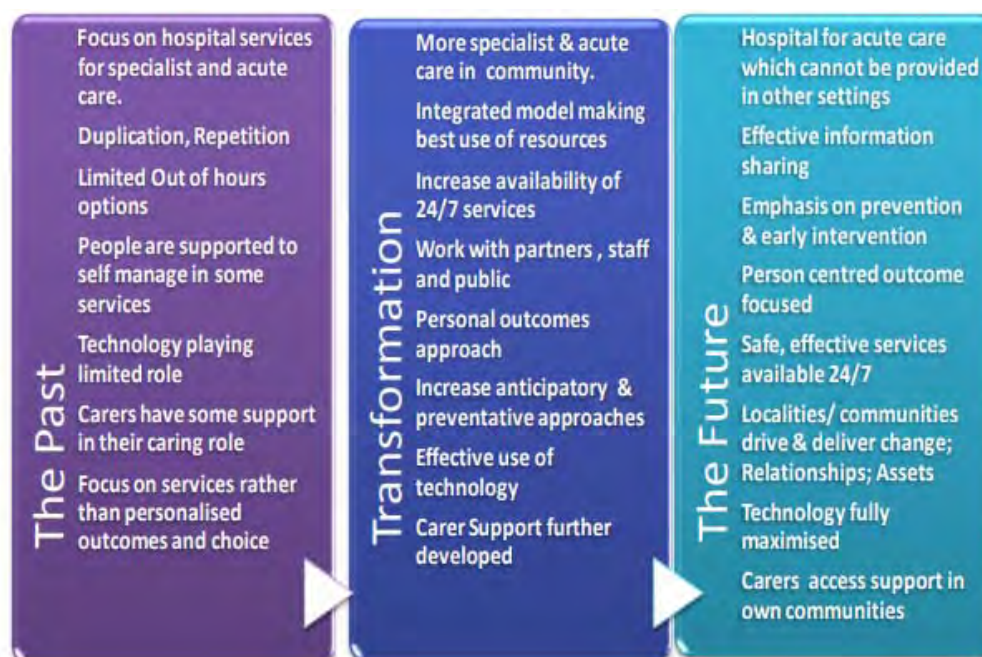
There is increasing evidence that the impact of Covid-19 is likely to widen existing inequalities and may have a disproportionate impact on groups of people already facing challenge and disadvantage. It is as yet unclear what the lasting impact of Coronavirus will be but there will undoubtedly be poorer health and economic outcomes for some. It is recognised that we will need to collaborate closely with stakeholders across health and social care, community planning and the third sector to build new ways of working to support people.

- There are 37 West Lothian datazones in the 20% most deprived in Scotland. While 28,475 people live in the most deprived datazones, a further 10,780 people live in datazones that are among the 20% most deprived specifically for either income or employment but not the most deprived quintile overall
- The most recent child poverty statistics show that 26.0% of West Lothian children are living in relative poverty.
- 23% of residents in West Lothian experience fuel poverty with 11% experiencing extreme fuel poverty
- 18% of West Lothian residents earn below the Living Wage.

Social Policy is committed to contributing to the delivery of the [West Lothian Anti-Poverty Strategy 2018-23](#)

Strategic Commissioning

Strategic commissioning is the term used for all the activities involved in assessing and forecasting needs, linking investment to agreed outcomes, considering options, planning the nature, range and quality of future services and working in partnership to put these in place. This includes challenging historical spending patterns in light of what we know about our population needs and in particular managing the major trends of a growing, ageing population with increasing comorbidity.



A strategic approach has been taken to commissioning and there is commitment to working with partners to:

- Empower people to live independently through applying the principles of personalisation in the way in which we commission services.
- Undertake appropriate consultation and involvement with service users and their carers to achieve their agreed outcomes when commissioning services.
- Engage positively with providers of health and social care services in the public, voluntary and private sector.
- Adhere to relevant procurement legislation and guidance and ensure that services are commissioned in a way that is fair, transparent and open;
- Ensure that quality, equality and best value principles are embedded through our commissioning processes.

Commissioning is an ongoing and evolving process and our approach is based on an annual Analyse, Plan, Do and Review cycle

i. Strategic Commissioning Plans

The Public Bodies (Joint Working) (Scotland) Act 2014 placed a duty on Integration Authorities to develop a 'strategic plan' for integrated functions and budgets under their control. In compliance with this requirement strategic commissioning plans have been developed for all adult care groups. These strategic commissioning plans incorporate the important role of informal, community capacity building and asset-based approaches, to deliver more effective preventative and anticipatory interventions, in order to optimise wellbeing and the potential to reduce unnecessary demand at the 'front door' of the formal health and social care system.

The IJB's strategic plan and strategic commissioning plans will help inform decisions around prioritisation of resources, new models of service delivery and disinvestment decisions, all of which will be necessary in the medium-term financial planning process associated with health and social care services. The implications arising from Covid-19 on delivery of care services are being taken account of in the ongoing review of strategic commissioning plans.

With regard to future years, health and social care services will be faced with significant challenges to meet demands and operate within tight fiscal constraints for the foreseeable future. The implications associated with Covid-19 will further increase the financial challenges and may impact on current plans to meet demands. In line with the Board's agreed approach to IJB financial planning, budget plans have been and continue to be developed across IJB health and social care functions with the objective that overall health and social care considerations are taken into account in joint IJB / Partner financial planning.

In 2021/22 strategic commissioning plans will be developed for services for children and families and also for Community Justice services.

4. Workforce Planning and Development

Having the right number of staff, with the right skills, in the right posts, is a basic requirement for the delivery of high quality social work and social care services. It is recognised that good workforce planning that is linked to strategic plans and priorities is key to making informed decisions about changes to our workforce.

The IJB Workforce Planning Development Group oversees implementation of the West Lothian Integration Joint Board's (IJB's) Workforce Development Strategy. The Group ensures that workforce planning is aligned to the delivery of the strategic priorities set out in the IJB's Strategic Plan. Representatives from across health and social care bring substantial knowledge, experience and commitment to ensuring delivery of the action plan developed in support of the West Lothian Workforce Development Strategy. The Group also ensures that the ongoing learning and development needs of the health and social care workforce are identified and progressed across the partnership.

The Group provides assurance to the Integration Joint Board that workforce planning across the Health and Social Care Partnership is robust, evidence based, integrated across all staff groups and is aligned to financial planning and transformational change programmes.

As our transformational change programmes progress our workforce will look different, it will be integrated, engaged, motivated and empowered, where innovation and positive response to change is necessary. Our traditional working boundaries will change with new ways of working such as multi-disciplinary team working, across, not just health and local authority, but also with our third and independent sector partners

Our commitment to workforce development continues to be underpinned by our commitment to deliver excellent services supported by staff who are motivated to be the best they can be through relevant training and development opportunities to ensure they are equipped to meet the challenges ahead and be our workforce of the future.

Across the Lothians the four Local Authorities, Integration Joint Boards and NHS Lothian have come together to commission the Lothian Care Academy to provide advice, support and opportunities for staff to develop their knowledge and understanding of their roles and will look to make it easier for staff to join the care sector and transition between roles in Health and Social Care. Alongside this the HSCP had developed the Promoting a Career in Care Project to support the development of career pathways for care and explore innovate and creative approaches to recruitment.

Delivering our agenda on workforce planning has been challenging during Covid-19. By April 2020 staff were required to work from home and adapt very quickly to new and digital ways of working to deliver key social work services. Some staff were assigned to other service areas to support the response to the pandemic and to support the delivery of services within our Care Homes, Housing with Care and Support at Home services.

A rapid recruitment campaign was also launched to support the delivery of these key services. All induction and basic training moved online. The rapid recruitment process was supported by registration amendments approved by the Scottish Social Services Council (SSSC). In total 50 new staff members were recruited through this process.

The pandemic resulted in the suspension of all face-to-face training for staff. This is a crucial area for social care staff as there are mandatory training requirements including regular refresher courses.

Many of our external suppliers adapted their courses for online delivery which proved successful and subsequently many of our mandatory courses have moved online and continue to be delivered in this way. Virtual learning and development opportunities have also been provided for a range of social work staff in addition to mandatory new protocol training.

Our SVQ centre has continued to operate and deliver SVQ2 in Social Care and Health and we are building our team of SQA assessors. To support the work of the SQA Centre a digital learning platform was procured to allow candidates to upload their assessments and for our assessors to provide online feedback and assessment.

The support for social work student placements re-started in December 2020. This was challenging as students had to be equipped for remote access to council systems and adapt to the general principle of working from home. Four students have been accommodated for placement across a range of service areas. In addition, a web-based induction/resource pack has been developed for Newly Qualified Social Workers.

We have continued to offer staff opportunities to enhance their professional development by sponsoring candidates to complete Mental Health Officer training and post-graduate courses in Adult Support and Protection, Practice Education and Child Welfare and Protection.

To ensure that the workforce is supported to continue to have the necessary skills and knowledge to meet the challenges ahead work will continue to delivery on the following:

- Maintaining a careers page on the HSCP website linked to the Council's and NHS Lothian job pages, national career campaigns and careers advice services.
- The 2021 media calendar events will have a careers and recruitment focus. This will include offering opportunities for schools to join online webinar career talks, staff 'day in the life' articles and opportunities for teams to highlight what they do.
- The further developed close links with West Lothian College and developing opportunities for college students to gain placements and further learning opportunities
- Exploring the prospect of being able to offer some online opportunities for school students such as short projects, career talks, virtual visits, and Q&A sessions.
- Working closely with Digital Transformation and Modernisation team to deliver and support digital change. This includes supporting staff with basic digital skills, finding digital solutions for service delivery, supporting new platforms and programmes. For example- trial of the Near me platform for supervision orders.
- Providing resources to support digital and modernisation change.
- Focusing on digital skills development as part of a digital action plan

The future workforce requirements must take account of our existing workforce and the challenges of developing roles and skills. The Covid 19 pandemic has allowed staff to see the potential in using digital technology as a work tool and driven creative practice but it has also highlighted a number of issues we face going forward, such as the need for a workforce that is proficient and confident in digital technology and skills.

This need is reflected in the shift of focus to a greater emphasis on supporting digital change and skill development.

In West Lothian we also have an ongoing commitment to promoting multi-agency training to enable practitioners to develop an understanding of each other's roles, develop trust, share a common approach to protection work, accept responsibility and share good practice.

As a consequence of the pandemic the approach to the delivery of training has been adapted to take account of the restrictions and public health guidance. In recognition of the importance to staff a range of single and multi- agency adult protection and child protection courses have been delivered by virtual means. These have been well attended and positively evaluated.

Further training courses are planned over the coming months and will also include training around Human Trafficking, Self Neglect & Hoarding, Risk Assessment and Forced Marriage. Mental Health/Suicidal ideation is also under consideration as a result of the impact that the pandemic has had.

Mandatory and statutory training remains a priority to ensure our workforce is meeting legislative and policy requirements. There are robust arrangements in place to identify and address current and emergent development needs and to deliver and track completion of mandatory and statutory training.

With regard to the effective delivery of social care services in West Lothian we must also consider the impact on our partners workforces. Workforce planning is fundamental to ensure that we have the staff and skills need to deliver change. While some progress has been made to improve our workforce planning, more needs to be done in particular we need to be more flexible and agile in how we deploy staff, work with partners and attract new people to work in the delivery of social work and social care services in West Lothian.

5. Conclusions

In responding to the COVID 19 pandemic, social work and social care services in West Lothian adapted at pace to ensure the provision of supports for vulnerable citizens. This was possible due to the commitment of the skilled and dedicated workforce.

From the early stages of the pandemic social care and social work employees stepped up and voluntarily moved to work in areas of care and support where people resources were most needed.

Employees largely managed well the sharp transition to remote working and this has provided opportunities to continue with effective arrangements going forward.

Digital engagement with service users and ensuring access to digital resources for people experiencing poverty has been challenging. However, there are also opportunities for improving engagement and participation where previously there may have been barriers to inclusion. The service is maximising opportunities for supporting good digital engagement with customers.

A range of tools and resources have been developed to protect and support employee mental health and wellbeing and these have also been shared with commissioned services and unpaid carers. We anticipate the increased focus on mental health and wellbeing to remain as a key priority for the short and medium term.

From the outset of the pandemic we considered the provision of services as one system and worked in partnership across internal and external providers throughout. Provider's staffing capacity was closely monitored on a weekly basis to manage any emerging issues or risks to service supply or requirement for additional support. We plan to continue enhanced support arrangements for care home for older people into the future and post pandemic and also to continue the strong culture of partnership working with all providers of care.

The scale of the challenges ahead promotes a culture of learning from best practice focussed particularly on building capacity within families and communities, taking a strengths-based approach to practice and ensuring that all of our practice is underpinned by the principles of personalisation. Despite the financials constraints in place we have secured additional funding to strengthen our practice through self-directed support.

Supporting and retaining our staff has never been more important albeit we recognise the enduring challenges in recruitment to certain social care posts. We continue to drive to attract more people to join the social work and social care workforce and we are investing time and resource into this important work. We continue to focus on ensuring that we have succession plans in place to support our excellent employees to step up and lead services of the future.

Looking forward, there will be significant national focus on the future delivery of social work and social care in Scotland following on from the independent review of adult social care. The role of the Chief Social Work Officer will be significant in ensuring that there is stability across the professions and a continued focus on critical priorities whilst the direction of the future is decided upon and implemented.

Finally, I would like to acknowledge the excellent work undertaken by social work and social care teams in West Lothian through some of the most challenging times that we have worked through. The flexibility, dedication, compassion and professionalism of our workforce has been truly outstanding.

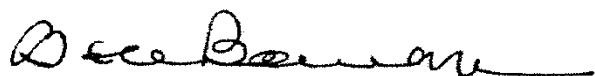
WEST LoTHIAN COIUNCIL

23 NOVEMBER 2021

QUESTION TO THE EXECUTIVE COUNCILLOR

DISCHARGE OF SURFACE WATER ON TO THE PUBLIC HIGHWAY

What powers does the Council have to address surface water being discharged on to and beyond the public highway from adjacent land?



COUNCILLOR STUART BORROWMAN

Independent

Armadale and Blackridge Ward

Received on 4 Nov 2021 at 08:44





WEST LOTHIAN CONSERVATIVE AND UNIONIST COUNCIL GROUP

West Lothian Council

23rd November 2021

Question for Executive Councillor

Place Based Investment Programme and Community Wealth Building Capital Grant

Following on from the discussions on the award process at Council Executive on 26th October 2021 can the Executive Councillor confirm that all groups involved for the Place Based Investment have now been engaged with as agreed at said Council Executive and advise council of the nature and extent of that engagement.

Councillor Charles Kennedy –Ward 8 - Bathgate
West Lothian Council Conservative Group

Received on 8 Nov 2021 at 8:55am

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Frank Anderson
Secretary: Cllr Sarah King

Díco Tíbi Verum, Libertas Optima Rerum Nunquam Servilí!



Agenda Item 24

Council Meeting 23th November 2021

Question for Executive Councillor for Transport and Development

1. Why was the No. 27 bus removed in Livingston?

Received on 8 Nov 2021 at
11:04am

V. Johnson

Councillor Maria MacAulay

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Frank Anderson
Secretary: Cllr Sarah King

Díco Tíbi Verum, Libertas Optima Rerum Nunquam Servilí!



Agenda Item 25

Council Meeting 23th November 2021

Question for Executive Councillor for Transport and Development

1. Has the council looked at alternative services for the no. 27 bus?

Received on 8 Nov 2021 at
11:04am

Councillor Maria MacAulay

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Frank Anderson
Secretary: Cllr Sarah King

Díco Tíbi Verum, Libertas Optima Rerum Nunquam Servilí!



Agenda Item 26

Council Meeting Tues 23rd November

Questions to the Executive Member with responsibility for the Voluntary Sector.

Having produced a first annual report on the Voluntary Sector West Lothian Council should now, not only be attempting to recognising the value of the sector and what it brings to West Lothian in economic terms through direct council engagement but, take things further.

Will West Lothian Council administration now give proper recognise to the many and varied groups that exist or operate in West Lothian?

Such as youth groups, sports groups, community groups, social groups, hobby groups, educational groups, pensioners groups, support groups and many more.

Will West Lothian Council Administration now acknowledge not just material support but the more fundamental contribution that such groups bring to the Health and wellbeing of our communities?

Will West Lothian Council Administration review the cuts to services, and increased charges, that have previously supported the Sector in many other ways?

Such as the availability of appropriate premises and equipment to facilitate the development of such community clubs, organisations and in some cases individuals. Be it School halls, Minibus provision, community buildings or Council property to name but a few.

Received on 8 Nov 2021 at 11:17am

Willie Boyle
Bathgate Ward (SNP)