



## ***Council Executive***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

13 January 2022

A meeting of the **Council Executive** of West Lothian Council will be held within the **MS Teams Virtual Meeting** on **Tuesday 18 January 2022** at **11:30am**.

For Chief Executive

### **BUSINESS**

#### **Public Session**

1. Apologies for Absence
2. Declarations of Interest - Members must declare any interests they have in the items of business for consideration at the meeting, identifying the relevant agenda items and the nature of their interests.
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. Confirm Draft Executive held on Tuesday 21 December 2021 (herewith)

#### **Public Items for Decision**

5. Petition - Path from Bents/Stoneyburn to Longridge (further details of the petition can be obtained by contacting Committee Services)
6. Temporary Appointment of Monitoring Officer - report by Chief Executive (herewith)
7. Ecclesmachan and Threemiletown Community Council - Maximum Prescribed Numbers - report by Head of Corporate Services (herewith)

8. Arrangements for Hybrid Council Meetings - report by Head of Corporate Services (herewith)
9. Procurement Approval Report - report by Head of Corporate Services (herewith)
10. National Entitlement Card - Young Person Free Travel Product - report by Head of Finance and Property Services (herewith)
11. Consultation Response - End the Need for Food Banks - A Draft National Plan - report by Head of Finance and Property Services (herewith)
12. Scottish Draft Budget 2022 and Local Government Finance Settlement 2022/23 - report by Head of Finance and Property Services (herewith)
13. Consultation Response to HMICS Scrutiny Panel 2022-2025 - report by Head of Housing, Customer and Building Services (herewith)
14. West Lothian Strategic Housing Investment Plan 2022-2027 - report by Head of Housing, Customer and Building Services (herewith)
15. Scottish Government Consultation - Building Regulations: Compliance and Enforcement - report by Head of Planning, Economic Development and Regeneration (herewith)

#### **Public Items for Information**

16. Affordable Housing Delivery Update - report by Head of Housing, Customer and Building Services (herewith)

#### **Public Items for Decision**

17. PRIVATE SESSION - The Clerk considers that the following business is likely to be taken in private (exempt under the relevant paragraphs of Part 1 of Schedule 7A of the Local Government (Scotland) Act

#### **Private Items for Decision**

18. Coronavirus (Scotland) (No.2) Act 2020 - Powers to Intervene in Care Provisions as Amended by Coronavirus (Extension and Expiry) (Scotland) Act 2021 - report by Head of Social Policy (herewith)

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NOTE      **For further information please contact Val Johnston, Tel No.01506 281604 or email [val.johnston@westlothian.gov.uk](mailto:val.johnston@westlothian.gov.uk)**

## **CODE OF CONDUCT AND DECLARATIONS OF INTEREST (2021)**

**This form is a reminder and an aid. It is not a substitute for understanding the Code of Conduct and guidance.**

**Interests must be declared at the meeting, in public.**

**Look at every item of business and consider if there is a connection.**

**If you see a connection, decide if it amounts to an interest by applying the objective test.**

**The objective test is whether or not a member of the public with knowledge of the relevant facts would reasonably regard your connection to a particular matter as being so significant that it would be considered as being likely to influence your discussion or decision-making.**

**If the connection does not amount to an interest then you have nothing to declare and no reason to withdraw.**

**If the connection amounts to an interest, declare it as soon as possible and leave the meeting when the agenda item comes up.**

**When you declare an interest, identify the agenda item and give enough information so that the public understands what it is and why you are declaring it.**

**Even if the connection does not amount to an interest you can make a statement about it for the purposes of transparency.**

**More detailed information is on the next page.**

Look at each item on the agenda, consider if there is a “connection”, take advice if necessary from appropriate officers in plenty of time.

A connection is any link between the item of business and:-

- you
- a person you are associated with (e.g., employer, business partner, domestic partner, family member)
- a body or organisation you are associated with (e.g., outside body, community group, charity)

Anything in your Register of Interests is a connection unless one of the following exceptions applies.

A connection does not exist where:-

- you are a council tax payer, a rate payer, or a council house tenant, including at budget-setting meetings
- services delivered to the public are being considered, including at budget-setting meetings
- councillors’ remuneration, allowances, expenses, support services or pensions are being considered
- you are on an outside body through a council appointment or nomination unless it is for regulatory business or you have a personal conflict due to your connections, actions or legal obligations
- you hold a view in advance on a policy issue, have discussed that view, have expressed that view in public, or have asked for support for it

If you see a connection then you have to decide if it is an “interest” by applying the objective test.

The objective test is whether or not a member of the public with knowledge of the relevant facts would reasonably regard your connection to a particular matter as being so significant that it would be considered as being likely to influence your discussion or decision-making.

If the connection amounts to an interest then:-

- declare the interest in enough detail that members of the public will understand what it is
- leave the meeting room (physical or online) when that item is being considered
- do not contact colleagues participating in the item of business

Even if decide your connection is not an interest you can voluntarily make a statement about it for the record and for the purposes of transparency.

The relevant documents are:-

- [Councillors’ Code of Conduct, part 5](#)
- [Standards Commission Guidance, paragraphs 129-166](#)
- [Advice note for councillors on how to declare interests](#)

If you require assistance, contact:-

- Julie Whitelaw, Monitoring Officer, 01506 281626, [julie.whitelaw@westlothian.gov.uk](mailto:julie.whitelaw@westlothian.gov.uk)
- James Millar, Governance Manager, 01506 281613, [james.millar@westlothian.gov.uk](mailto:james.millar@westlothian.gov.uk)
- Carol Johnston, Chief Solicitor and Depute Monitoring Officer, 01506 281626, [carol.johnston@westlothian.gov.uk](mailto:carol.johnston@westlothian.gov.uk)
- Committee Services Team, 01506 281604, 01506 281621  
[committee.services@westlothian.gov.uk](mailto:committee.services@westlothian.gov.uk)

MINUTE of MEETING of the COUNCIL EXECUTIVE held within MS TEAMS VIRTUAL MEETING, on 21 DECEMBER 2021.

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

Apologies – Councillors Frank Anderson and Janet Campbell

1      OPENING REMARKS

The Chair allowed a minute's reflection in memory of David Morrison, past Chief Executive of West Lothian Council, who had recently passed away. It was agreed that the Chief Executive would send a condolence letter to David Morrison's family.

2      DECLARATIONS OF INTEREST

Agenda Item 13 - Proposed Stopping-up Order - Existing Private Road / Right of Way / Core Path at Raw Holdings, East Calder

Councillor Carl John stated that he was a local resident in the area the proposed stopping-up order was to be applied. However, having applied the objective test he considered that this did not amount to an interest and so took part in the item of business.

3      ORDER OF BUSINESS

Council Executive agreed, in accordance with Standing Order 8(3), that agenda items 15 and 16 were to be taken as read and their recommendations noted without further consideration.

4      MINUTES

The Council Executive approved the Minute of its meeting held on 7 December 2021.

5      PROCUREMENT APPROVAL REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to enter into contracts where committee authorisation was required by Standing Orders.

It was recommended that the Council Executive approve:

1. A direct award of a contract to West Lothian Drug and Alcohol Service (WLDAS) to provide a Naloxone Champion for a period of 12 months from 1 January 2022 to 31 December 2022, with an estimated total value of £37,000; and
2. A direct award of a contract to Alzheimer's Scotland to provide support services to people with Alzheimer's living in West Lothian for a period of 4 years from 1 April 2022 to 31 March 2026, with the option to extend for up to 48 months, with an estimated total value, including extensions, of £520,000.

### Decision

To approve the terms of the report.

## 6 WHITBURN COMMUNITY EDUCATION CENTRE - REINFORCED AUTOCLAVED AERATED ROOF UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Financer and Property Services and the Head of Corporate Services providing an update on the works to replace the Reinforced Autoclaved Aerated Roof at Whitburn Community Education Centre and seeking approval to increase the scope of the works.

It was recommended that the Council Executive:

1. Note that Reinforced Autoclaved Aerated Concrete (RAAC) roof planks were present in all roof areas at Whitburn Community Education Centre;
2. Note the roof areas at the main games hall and first floor meeting rooms had been previously approved for replacement at an estimated cost of £1.05m due to concerns on their structural stability and that those areas had been immediately closed to public access;
3. Note that the remaining areas of the roof had continued to be regularly inspected; however, signs of water ingress and cracks had been identified that were associated with recent damage caused from unauthorised access and vandalism;
4. Note that the original intention to continue to enable public use of the areas outwith the main games hall and first floor meeting rooms was no longer possible due to health and safety issues and the potential for unacceptable levels of disturbance and that the building was now temporarily closed;
5. Approve the removal and replacement all roof areas outwith the original works scope at an estimated additional cost of £1.75 million, giving a total cost of £2.8m for the project;
6. Note that the full scope of roof replacement works were proposed

to be complete by August 2022 during which time the centre would remain temporarily closed;

7. Approve a direct award for the proposed additional roof works to Emtec Property Services, which would minimise significant and immediate health and safety risks, project timescales, disruption to the community and additional costs associated with separate tender packages; and
8. Note that officers have engaged with the Community Education Centre Management Committee on the roof replacement works and temporary relocation of users affected by the closure of the property.

In response to a question from members, the Governance Manager advised that information on bids received had not been included in the report as it constituted commercially sensitive information that might cause prejudice to the council in the course of negotiations.

#### Decision

To approve the terms of the report.

### 7 SITE OF THE FORMER COMMUNITY CENTRE AND PETROL FILLING STATION, ASH GROVE, BLACKBURN - PROPOSED SALE TO ABERNETHYN PROPERTIES LTD

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for the sale of the site of former Community Centre and former petrol filling station site at Ash Grove, Blackburn to Abernethyn Properties Ltd for £300,000 (Three Hundred Thousand Pounds).

It was recommended that the Council Executive:

1. Approve the sale of the site of former Community Centre and petrol filling station at Ash Grove, Blackburn to Abernethyn Properties Ltd for £300,000 subject to the terms and conditions set out in the report; and
2. Authorise the Head of Finance and Property Services to carry out further negotiations with the proposed purchaser, on the basis that any revised terms and conditions still represented the achievement of best value for the council.

#### Decision

To approve the terms of the report.

### 8 CHILD DISABILITY PAYMENT AND WINTER FINANCIAL INSECURITY FUNDING

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on recurring £132,000 Scottish Government funding to form a Child Disability Payment team and one-off funding of £780,000 in 2021/22 to support vulnerable households which faced financial insecurity over the winter period.

It was recommended that the Council Executive:

1. Approve the proposed utilisation of the recurring funding of £132,000 to support the formation of a team to collate all requests made to West Lothian Council for additional evidence to support a customer's application for a child disability payment to Social Security Scotland;
2. Note one-off funding of £780,000 in 2021/22 to improve wellbeing by preventing and responding to financial insecurity over the winter period and that the guidance for the Winter Financial Insecurity funding emphasised a 'cash first' approach; and
3. Approve the proposals in D.2 of the report for the allocation of £780,000 to provide additional support over the winter.

#### Decision

To approve the terms of the report.

### 9 THE FIRE AND RESCUE FRAMEWORK FOR SCOTLAND - CONSULTATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services informing members of the Scottish Fire and Rescue Service Consultation on their 'Fire and Rescue Framework for Scotland'. The consultation was published 10 years after the Christie Commission had been published and set out the changes proposed going forward.

It was recommended that the Council Executive approve the response to the consultation and submit to the Scottish Fire and Rescue Service by the closing date 22 December 2021.

#### Decision

To approve the terms of the report.

### 10 PROPOSED WAITING RESTRICTIONS IN WEST LOTHIAN

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to commence the statutory process to install new waiting restrictions at various locations in West Lothian.



It was recommended that the Council Executive approve the initiation of the statutory procedures for the promotion of a traffic regulation order to install additional waiting restrictions in West Lothian.

Decision

To approve the terms of the report.

11 GOOD FOOD NATION (SCOTLAND) BILL - CALL FOR VIEWS

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval on a response to the call for views to the Good Food Nation (Scotland) Bill. The Rural Affairs, Islands and Natural Environment Committee of the Scottish Government was scrutinising the Bill and seeking views on eight questions relating to the Bill in advance of the food nation plan.

It was recommended that the Council Executive:

1. Note the aim of the Bill; and
2. Agree to the views detailed against each of the eight questions detailed in the report.

Decision

To approve the terms of the report.

12 COMMUNITY WEALTH BUILDING UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing an update on the emerging Community Wealth Building approach in West Lothian, and asking Council Executive to agree the next steps and stakeholder and community engagement.

It was recommended that the Council Executive:

1. Note the update on progress with the Community Wealth Building approach; and
2. Agree the next steps and stakeholder and community engagement as set out in this report.

Decision

To approve the terms of the report.

13 PROPOSED STOPPING-UP ORDER - EXISTING PRIVATE ROAD /

RIGHT OF WAY / CORE PATH AT RAW HOLDINGS, EAST CALDER

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval to initiate the statutory procedures to stop-up a private road / right of way / core path at Raw Holdings, East Calder. The procedure was required to allow development to take place in accordance with two planning permissions for residential development.

It was recommended that the Council Executive approve the initiation of the statutory procedures to stop-up the private road / right of way / core path at Raw Holdings as identified in the plan appended to the report.

Decision

To approve the terms of the report.

14 REVIEW OF ROLES AND RESPONSIBILITIES OF MEMBERS

The Council Executive considered a report (copies of which had been circulated) by the Governance Manager seeking approval of a revised set of role descriptions for elected members.

It was recommended that the Council Executive approve the revised role descriptions for members set out in the appendix to the report.

Decision

To approve the terms of the report.

15 MID-YEAR PROCUREMENT REPORT - 1 APRIL 2021 - 30 SEPTEMBER 2021

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate services presenting the Mid-Year Procurement Report for the period 1 April 2020 to 30 September 2021 attached to the covering report as Appendix 1.

It was recommended that the Council Executive note the terms of the report.

Decision

To note the terms of the report.

16 SOCIAL POLICY CONTRACT ACTIVITY UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy providing an update on contracting activity for the provision of care and support services in West

Lothian, in accordance with the council's Standing Orders.

It was recommended that the Council Executive:

1. Note the contents of the report; and
2. Note that the reporting period did not include extensions to social care and support contracts as a result of COVID-19 under regulation 33 in the procurement regulations for unforeseen emergencies.

Decision

To note the terms of the report.



**To whom this may concern within West Lothian Council in regard to Stoneyburn Community Councils Petition for a Path from Bents/Stoneyburn to Longridge.**

**Stoneyburn Community council support the petition to construct a path/cycle way from Bents to Longridge Cross. We as the Community council believe that this will help the health and wellbeing especially the mental health of residents in the community. It will also connect us to the pathway to Fauldhouse, Longridge and beyond in West Lothian. This will give residents more access to transport links and amenities in the neighbouring villages and towns.**



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## **COUNCIL EXECUTIVE**

### **TEMPORARY APPOINTMENT OF MONITORING OFFICER**

#### **REPORT BY CHIEF EXECUTIVE**

##### **A. PURPOSE OF REPORT**

To agree a temporary re-allocation of the statutory position of Monitoring Officer.

##### **B. RECOMMENDATIONS**

1. To designate James Millar, Governance Manager, to be the council's Monitoring Officer on a temporary basis
2. To delegate authority to the Chief Executive to make temporary appointments to the statutory positions of Head of Paid Service, Monitoring Officer, Chief Financial Officer and Chief Social Work Officer where he considers it expedient

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Being honest, open and accountable
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Local Government & Housing Act 1989; Local Government (Scotland) Act 1973; Social Work (Scotland) Act 1968
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	A change is sought as per recommendation B2
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	N/a
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	N/a
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	N/a
<b>VII</b>	<b>Consideration at PDSP</b>	Not required
<b>VIII</b>	<b>Other consultations</b>	Monitoring Officer

## **D. TERMS OF REPORT**

- 1 The council is required to make four statutory officer appointments. They are Head of Paid Service, Chief Financial Officer (otherwise, Section 95 Officer), Monitoring Officer, and Chief Social Work Officer. Their roles and responsibilities are set out in Appendix 3 to the council's Scheme of Delegations to Officers. These are amongst the "Proper Officer" appointments the council has to make. They are usually, but not always' tied to particular senior officer positions.
- 2 The Head of Corporate Services is presently the Monitoring Officer, appointed by Council Executive on 22 December 2015. She has recently taken up the post of Head of Housing, Building & Customer Services on an interim basis. During her appointment there, it is recommended that the responsibilities of the Monitoring Officer post are carried out by the Governance Manager. His appointment would end on Mrs Whitelaw's return to her substantive post. The Monitoring Officer post's overall objectives are to ensure compliance with the law and statutory Codes of Practice; to ensure appropriate advice is given to members and officers if there should be any such contravention; to formally report to the council where it proves impossible to prevent or rectify such a breach; and to be the lead officer in relation to the Councillors' Code of Conduct and any complaint investigations carried out.
- 3 The Scheme of Delegations to Officers presently permits the Chief Executive to appoint to Head of Service posts on an interim basis. That power is useful where vacancies arise for example through retiral, resignation or long-term absence. It is recommended that such a power is added to the Scheme in relation to the four statutory officer appointments, to provide maximum flexibility in future. Permanent appointments would still require committee or council approval.

## **E. CONCLUSION**

Approval of the recommendations will ensure continuity in the Monitoring Officer role and enable prompt temporary appointments to be made for the four statutory officer positions in future.

## **F. BACKGROUND REFERENCES**

- 1 Scheme of Delegations to Officers
- 2 Council Executive, 22 December 2015

**Appendices/Attachments:** None

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](mailto:james.millar@westlothian.gov.uk)

**Graham Hope, Chief Executive**

Date of meeting: 18 January 2022



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## **COUNCIL EXECUTIVE**

### **ECCLESMACHAN & THREEMILETOWN COMMUNITY COUNCIL – MAXIMUM PRESCRIBED NUMBERS**

#### **REPORT BY HEAD OF CORPORATE SERVICES**

##### **A. PURPOSE OF REPORT**

To seek approval to increase the maximum prescribed number of community councillors allowed on Ecclesmachan & Threemiletown Community Council from 8 to 12 members.

##### **B. RECOMMENDATIONS**

That the Council Executive approves the increase in the maximum prescribed number of members from 8 to 12 members.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; making best use of our resources; and working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Local Government (Scotland) Act 1973 and the Local Government (Scotland) Act 1994
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	None.
<b>V Relevance to Single Outcome Agreement</b>	We live in resilient, cohesive and safe communities
<b>VI Resources - (Financial, Staffing and Property)</b>	None.
<b>VII Consideration at PDSP</b>	None.
<b>VIII Other consultations</b>	Ward Councillors were consulted. Comments received were supportive of the community council's request to increase their numbers.

## **D. TERMS OF REPORT**

When Ecclesmachan & Threemiletown was re-established during the October 2021 Community Council Elections, their maximum prescribed number of members was set at 8 in accordance with the 2021 Scheme for Establishment of Community Councils.

During the elections, a total of 8 nominations were received for 8 places. Since being formally re-established, the Community Council has appointed 3 associate members. Those associate members could not be co-opted to the Community Council as there were and are, currently, no vacancies on the Community Council. In order to allow associate members to get fully involved in the work of the Community Council, the Community Council has asked West Lothian Council to increase their prescribed numbers from 8 to 12. In terms of the Scheme, associate members cannot be office-bearers and are unable to move motions or amendments.

The Scheme sets the minimum number of members on any community council at 4 with the maximum size based upon population size. The Scheme states that West Lothian Council has the power to alter the approved size of individual community councils, however they must consist of a maximum of either 8, 12 or 18 members.

It is recommended that the maximum prescribed number of members on Ecclesmachan & Threemiletown Community Council be increased to 12 members in accordance with the Community Council's wishes, and in accordance with the Scheme. The Community Council will be able to co-opt a further member in due course to the remaining vacancy.

The Ward Councillors for Broxburn, Uphall & Winchburgh and Linlithgow Wards have been consulted. Comments received acknowledged the necessity for the increase in the maximum number of members to 12, and were supportive of the Community Council's request to increase their numbers.

## **E. CONCLUSION**

It is important that the council acts to support the continued development of community councils across West Lothian.

Increasing the prescribed number of members on Ecclesmachan & Threemiletown Community Council will ensure that more local people are able to get fully involved and support the work of the community council moving forward.

## **F. BACKGROUND REFERENCES**

2021 Scheme for Establishment of Community Council in West Lothian – approved by West Lothian Council on 31<sup>st</sup> August 2021.

Appendices/Attachments: None.

Contact Person: Lorraine McGrorty, Committee Officer, [lorraine.mcgrorty@westlothian.gov.uk](mailto:lorraine.mcgrorty@westlothian.gov.uk)

Lesley Henderson  
Interim Head of Corporate Services  
18<sup>th</sup> January 2022

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## **COUNCIL EXECUTIVE**

### **ARRANGEMENTS FOR HYBRID COUNCIL MEETINGS**

#### **REPORT BY HEAD OF CORPORATE SERVICES**

##### **A. PURPOSE OF REPORT**

To provide an update on progress of arrangements for implementation of hybrid council and committee meetings in the council chamber and to advise of a delay in implementation of the replacement audio visual system due to global shortages of IT equipment.

##### **B. RECOMMENDATION**

It is recommended that Council Executive note the terms of the report, agree an interim continuation of meetings by remote access until 28 February 2022, and agree that a further report be brought to Council Executive on 22 February 2022 to determine when hybrid meetings will commence.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Local Government (Scotland) Act 1973; Standing Orders; Local Code of Corporate Governance
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Effective planning and prioritisation of resources is essential to support the delivery of outcomes
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Capital resources are available to fund the required investment. Funding is available in the Modernisation Fund to meet revenue costs.

**VII Consideration at PDSP**      None

**VIII Other consultations**

**D. TERMS OF REPORT**

- D.1** On 17 August Council Executive agreed that remote committee meetings should continue until 30 November, recognising the council's continuing duty to ensure that staff and customers are safe, the Scottish Government guidance in relation to continued homeworking and the current level of COVID infections in West Lothian and also agreed that the current audio system in the Council Chamber should be replaced with an audio visual system to facilitate hybrid meetings.

Council Executive also agreed that officers were to provide a demonstration to all councillors on how the electronic voting function would work on the hybrid platform before a final decision was made on purchasing this functionality.

**D.2 Progress on implementation of Audio Visual System**

Officers have completed the procurement exercise to deliver the Televic Confidea Flex audio visual system which will replace the current audio only system in the council chamber and the suppliers have conducted a full site survey in the council chamber. The projected capital cost of £150,000 to complete the installation and replacement of the existing chamber system remains on track.

However, as a result of global shortages of IT equipment, the digital conference equipment and devices which will be required to implement the audio visual system in the Council Chambers was not able to be delivered until January 2022.

Timescales for delivery of the equipment is currently on target with the plan to install the devices and equipment in January and carry out testing and live demonstrations e-voting in January and February. In order to allow time for the testing and user awareness it is anticipated that the system will be available to go live by end February 2022.

That will require an interim continuation of meetings by remote access until the end of February 2022.

**D.3 Standing Orders**

At its meeting on 28 September 2021 the Council approved the changes to Standing Orders which will support the move to hybrid meetings in the Council Chamber. It agreed 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.

**E. CONCLUSION**

Officers are progressing the implementation of the audio visual system which will support hybrid meetings in the Council Chamber but as a result of global shortages in IT equipment this will not be completed until end February 2022 and will require an interim continuation of meetings by remote access until the implementation, testing and user awareness has been completed, which is currently anticipated to be in February 2022

## F. BACKGROUND REFERENCES

Council Executive report dated 17 August 2021

<https://coins.westlothian.gov.uk/coins/viewSelectedDocument.asp?c=e%97%9Di%>

West Lothian Council, 28 September 2021

Appendices/Attachments: None

Contact Person: Ian Forrest

Email [ian.forrest@westlothian.gov.uk](mailto:ian.forrest@westlothian.gov.uk)

## Lesley Henderson

**Acting Head of Corporate Services**

18 January 2022



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**COUNCIL EXECUTIVE****PROCUREMENT APPROVAL REPORT****REPORT BY THE HEAD OF CORPORATE SERVICES****A. PURPOSE OF REPORT**

To seek Council Executive approval to enter into contracts where Committee authorisation is required by Standing Orders.

**B. RECOMMENDATION**

It is recommended that the Council Executive approve:

1. Contract extensions to the Local Bus Services across West Lothian, as detailed in Appendix 1, for a period of 1 year from 1 April 2022 to 2 April 2023, with a total estimated extension value of £1,399,197.
2. A direct award of a contract to Cyrenians for provision of a service to optimise the independence and wellbeing of older people at home or in a homely setting, for a period of 1 year from 1 July 2022 to 30 June 2023, with an estimated total value of £268,884.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Standing Orders of West Lothian Council; the Public Contracts (Scotland) Regulations 2015; the Procurement (Scotland) Regulations 2016; and the Procurement Reform (Scotland) Act 2014.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None

<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Our public services are high quality, continually improving, efficient and responsive to local people's needs.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	All the proposals were included in the 2021/22 budget;
<b>VII</b>	<b>Consideration at PDSP</b>	N/A
<b>VIII</b>	<b>Other consultations</b>	See section D of the report

## **D. TERMS OF REPORT**

### **D.1 LOCAL BUS SERVICE**

#### **Background**

The COVID 19 pandemic is still having a significant impact on the local bus market. Although demand for public transport has increased in comparison to the initial March 2020 lockdown, Transport Scotland is reporting that current demand levels are still reduced from 2019 pre-pandemic levels. Public confidence in using public transport is still a concern for the industry and it is expecting the new omicron variant to have had a further detrimental impact on patronage over the festive period therefore continuing to impact the commercial viability of bus services in West Lothian.

In addition to the impact of the pandemic, the transport industry has been severely impacted by the national driver shortage. With a lengthy lead in time from recruitment of new drivers to operating on the network, service delivery is significantly impacted and many companies are reducing services and frequencies as a result.

Local bus operators are currently supported by the Scottish Government's COVID 19 Support Grant which covers the gap between operational costs and the anticipated loss of fare-paying passenger revenue that bus operators experience due to physical distancing and reduced carrying capacity.

It was expected that the funding would be removed in financial year 2022/23 however the recent COVID variant and spike in COVID cases have placed further uncertainty on the recovery of the commercial local bus network. The Scottish Government have not yet confirmed the financial position post March 2022.

#### **Impact on Commercial and Subsidised Network**

Continual engagement has taken place with operators over the course of the pandemic and recent discussions have confirmed that operators are not in a position to plan and implement any long-term network changes. The current driver shortage and unknown position of Scottish Government funding after March 2022 means that it is unlikely operators will make any long term decisions on the commercial network until summer 2022 onwards.



As the local bus network has been further impacted by COVID 19 and the viability of the commercial market is unknown, it further demonstrates that it is likely the commercial market may reduce post COVID 19 and council subsidy would potentially be required to cover existing connections. This increases the risk that the council would be unable to deliver a revised strategy based on new principals and that the commercial market would not be stable enough to sustain new long-term contracts.

In September 2021, Passenger Transport Services met with all local bus providers to assess the impact of a subsidised network redesign and tender process. Many operators raised concerns with regards to the uncertainty of the industry and an ability to react to an entirely revised subsidised network. All operators, including those not currently contracted, stated that the continuation of the current contracts for a 1 year period would help support the industry and allow time for further clarification on key impacts, such as the Covid Support Grant Funding, and allow for long term planning to take place. Where a contract extension would not be compliant with regulations, or where operators choose not to enter into an extension, contracts will be subject to re-tender.

Given the feedback from operators and the current position of the local bus network officers recommend the extension of the current contracts for a period of 1 year to 2 April 2023. If agreed, variations to the contracts would be progressed with operators to provide a further 12 month extension within existing budgets. Where a contract extension would not be compliant with regulations, or where operators choose not to enter into an extension, contracts will then be subject to a re-tender process which would be completed prior to April 2022.

Work has already commenced on the 5 year contract arrangements for a redesign and re-tender of the subsidised network following any agreement to extend the current contracts until April 2023.

Regulation 72(1)(c) of the Public Contracts (Scotland) Regulations 2015 provides for a modification of a contract during its term where the need for the modification was brought about by circumstances which the Council could not have foreseen provided the modification does not alter the overall nature of the contract and the total value of the modification does not exceed 50% of the initial contract agreement. Council Executive is, therefore, requested to approve the Contract extensions to the Local Bus Services across West Lothian, as noted at Appendix 1, for a period of 1 year from 1 April 2022 to 2 April 2023, with a total estimated extension value of £1,399,197.

## **D.2 OLDER PEOPLE ACTIVE LIVES (OPAL)**

### **Background**

A Public Social Partnership (PSP) approach was agreed in respect of the older peoples housing support contracts to consider future provision, the outcome of which was the inception of Older People, Active Lives (OPAL). The objective of OPAL is to “Optimise the independence and wellbeing of older people at home or in a homely setting.”

West Lothian Health and Social Care Partnership have a duty of care to provide lower level early intervention and prevention services, and as such OPAL. With the changes to the eligibility criteria, those individuals who do not require a statutory assessment are sustained and supported through early intervention, prevention, and tackling loneliness measures which minimise their needs becoming critical or substantial.

OPAL is strategically relevant as it is critical in meeting the key messages identified in the [West Lothian, Integration Joint Board, Strategic Plan, 2019-23](#), the [Scottish Government Community Empowerment and Engagement agenda](#), and the [Older Peoples Commissioning Plan 2019 to 2023](#).

### **Current Position**

In response to the COVID pandemic, OPAL adapted the support provided to work within the Scottish Government Guidelines and delivered a blended approach of face to face, telephone and technology enabled support. As COVID restrictions eased, OPAL adapted, remobilised and services began to return to the community.

Services provided include: -

- Group activities
- Befriending
- One-one support
- Benefits of volunteering
- Isolation prevention – “something to eat and someone to eat with”
- Accompaniments to groups/introduction to local groups/social activities
- Volunteer drivers assist with transport to groups
- Short and longer-term support based on individual need
- Telephone Support
- Virtual 1-1 meetings. Virtual group meetings
- Collaborative working with other organisations
- OPAL wanders – promoting physical and mental health, community connections within green spaces encouraging community capacity building.

There is an identified need for early intervention, prevention and community capacity building to continue in the Covid recovery period and beyond. In February 2021, OPAL was awarded one off grant funding of £16,000 for Covid support and further additional funding of £30,000 for years, 21/22 and 22/23 to develop new elements of community capacity building.

### **Performance Monitoring**

OPAL is heavily supported by volunteers which brings enormous benefits and enjoyment, not only to beneficiaries, but to communities and volunteers themselves.

As the service heavily reliant on volunteers with whom the incumbent provider has established loyalties and relationships with, to change provider could cause uncertainty and the risk of losing volunteers. Therefore, in the current climate of recruitment and retention difficulties, it is not the right time to tender this type of critical preventative service.

## **Procurement**

Regulation 3 (10) of the Procurement (Scotland) Regulations 2016 makes provision for the aggregation of public contracts where the value of all contracts for similar supplies and services awarded during the previous 12 months must be aggregated. The aggregated value determines whether the contract is over the Government Procurement Agreement (GPA) threshold. The contract value over the previous year is £268,884 and the value of the proposed award is £268,884. The combined value of £537,768 is below the Light Touch Regime threshold (£552,950) and therefore, in line with the Scottish Government guidance on the Procurement of Care and Support, the Council can choose not to seek offers for Social Care and Other Related Services contracts on a case by case basis. Whilst the Council's Standing Orders permit the Head of Corporate Services to approve the direct award, they may opt to seek approval from Council Executive. Council Executive is, therefore, requested to approve a direct award of a contract to Cyrenians for provision of a service to optimise the independence and wellbeing of older people at home or in a homely setting, for a period of 1 year from 1 July 2022 to 30 June 2023, with an estimated total value of £268,884.

### **E. CONCLUSION**

It is recommended that the Council Executive approves the procurement set out in the report, which will support delivery of effective Council Services.

### **F. BACKGROUND REFERENCES**

None

Appendices/Attachments: One

Appendix 1: Contract Extensions – Local Bus Service

**Lesley Henderson**  
**Acting Head of Corporate Services**

18 January 2022

Appendix 1

Contract Extensions - Local Bus Service

Start Date	End Date	Operator	Expected Spend During Extension 2 - proposed rates
11/04/2022	02/04/2023	SD Travel	£55,670
11/04/2022	02/04/2023	SD Travel	£94,301
11/04/2022	02/04/2023	First Scotland East Limited	£4,146
11/04/2022	02/04/2023	First Scotland East Limited	£19,544
11/04/2022	02/04/2023	First Scotland East Limited	£93,574
11/04/2022	02/04/2023	First Scotland East Limited	£29,018
11/04/2022	02/04/2023	First Scotland East Limited	£110,749
11/04/2022	02/04/2023	SD Travel	£24,043
11/04/2022	02/04/2023	SD Travel	£11,959
11/04/2022	02/04/2023	E&M Horsburgh Ltd	£41,405
11/04/2022	02/04/2023	E&M Horsburgh Ltd	£284,046
11/04/2022	02/04/2023	SD Travel	£53,567
11/04/2022	02/04/2023	E&M Horsburgh Ltd	£107,609
11/04/2022	02/04/2023	SD Travel	£49,542
11/04/2022	02/04/2023	E&M Horsburgh Ltd	£106,220
11/04/2022	02/04/2023	E&M Horsburgh Ltd	£158,818
11/04/2022	02/04/2023	SD Travel	£18,893
11/04/2022	02/04/2023	E&M Horsburgh Ltd	£136,094
<b>Estimated Total Values</b>			<b>£1,399,197</b>

DATA LABEL: PUBLIC



## **COUNCIL EXECUTIVE**

### **NATIONAL ENTITLEMENT CARD – YOUNG PERSON FREE BUS TRAVEL PRODUCT**

#### **REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES**

##### **A. PURPOSE OF REPORT**

The purpose of the report is to update Council Executive on the Under 22 Travel Product being introduced by Scottish Government with effect from 31 January 2022. All 5 to 21-year olds will be able to apply to have travel added to their Young Scot card which will allow them to travel free on the public bus network across Scotland.

##### **B. RECOMMENDATION**

It is recommended that the Council Executive:

1. Notes the benefit of the Travel Scheme for young people between 5 and 21 years of age; and,
2. Approves the administration process agreed across council services to advertise and encourage take up of the Travel Product; and,
3. Agrees to update the Scheme of Delegation providing delegated authority for the Head of Finance and Property Services to administer the Young Scot Card and NEC free bus travel product.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Reducing inequalities and poverty are key priorities set out in both the Corporate Plan 2018/19 to 2022/23 and in the Community Planning Partnership Anti-Poverty Strategy 2018 to 2023. The introduction of this product across Scotland allows those on the lowest income to travel without placing them in further financial difficulty.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	The proposed support for vulnerable households will assist in meeting targets in the Community Planning Partnership anti-poverty strategy.

<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	We live longer, healthier lives; We have tackled significant inequalities in West Lothian society; We have improved the life chances for people at risk; We take pride in a strong, fair and inclusive society.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	The new scheme is being introduced by the Scottish Government with no resource allocation, it is estimated that 1 full time resource will be required to help with the administration of this new scheme.
<b>VII</b>	<b>Consideration at PDSP</b>	None.
<b>VIII</b>	<b>Other consultations</b>	Education; Housing, Customer & Building Services and Community Transport.

## **D. TERMS OF REPORT**

### **D.1 Under 22 Travel Product**

The new scheme which is being introduced by the Scottish Government is designed to encourage Scotland's younger generations to use low-emission and lower carbon public transport with a view to embedding that behaviour from a young age, to tackle the climate emergency and to improve air quality in towns and cities by reducing the number of car journeys.

It will also support broader outcomes such as:

- Increasing opportunities and reducing inequalities.
- Improving access to education, employment, training and recreation, including in rural and remote communities.
- Removing cost barriers for people on low incomes.
- Supporting safe and independent travel.
- Supporting health and wellbeing.

Across Scotland, approximately 930,000 young people will benefit from free bus travel as a result of this new scheme. In West Lothian, the estimated numbers of young people eligible to take advantage of this scheme, broken into age range is:

<b>Age range</b>	<b>Population and potential numbers to take advantage of the U22 Travel scheme</b>
<11	23,428
11-15	11,814
16-18	6,211
19-21	5,778
Total	47,231

### **D.2 Application Process**

The Under 22 Travel Product will be introduced on 31 January 2022. All eligible young people will be required to apply for the Travel Product. For those aged between 5 and 15 inclusive, parental consent will be required before the Travel Product is added to their retrospective Young Scot Card. For anyone aged 16 or over, they will be able to add travel to their Young Scot card themselves.

There are different application methods:

Parents Portal – for all children under the age of 12, this is the quickest and easiest way for parents/guardians to apply for a Young Scot card inclusive of the travel product.

Getyournec – this is an online portal that allows parents or those over the age of 16 to apply for a Young Scot card. This portal is also used for 60+ Bus Passes. It requires the person applying to create a digital identity using the Yoti app. Yoti is a software application which allows the digital upload of identification as well as having the ability of using mobile phones for identification purposes.

Local Office – Parents or those 16 years or over can apply by making an appointment at a local CIS office.

Paper application – there will be an application available that can be posted or downloaded from the council web page which can be posted or emailed back to a dedicated address or email inbox [YoungScot@westlothian.gov.uk](mailto:YoungScot@westlothian.gov.uk)

### **D3 Administration**

The estimated numbers of young people who can take advantage of this new scheme in West Lothian is 47,231. It is therefore vital that young people/parents/guardians make use of the online routes available to them to apply for this product to ensure that the distribution of new cards with the travel pass is carried out promptly.

A short life working group has been set up with internal council services which currently work with young people to help promote the online routes to apply for this product. Work is also underway to liaise with external partners to raise awareness of the new scheme and ask them to support young people to apply on-line.

All services will be encouraging the use of on-line portals as there will be limited availability of appointments at local offices and the use of paper forms will greatly slow down the application process. To reduce calls to the Contact Centre, a dedicated email address for all enquiries is being introduced [YoungScot@westlothian.gov.uk](mailto:YoungScot@westlothian.gov.uk). Although no resource is being provided to help administer this scheme it is estimated that 1 full time resource will be required to help with the completion and processing of the paper forms.

### **E. CONCLUSION**

The introduction of the scheme is set to financially benefit key groups of low-income households by removing the cost barrier of travel. This will improve the health and wellbeing of individuals and families by providing free and safe travel for the purpose of employment; training and recreation.

### **F. BACKGROUND REFERENCES**

None.

Appendices/Attachments: none.

Contact Person: Contact Person: Nahid Hanif, Anti-Poverty Manager, Tel: 01506 283022 [Nahid.Hanif@westlothian.gov.uk](mailto:Nahid.Hanif@westlothian.gov.uk)

**Donald Forrest**  
**Head of Finance and Property Services**

**18 January 2022**



DATA LABEL: PUBLIC

**COUNCIL EXECUTIVE****CONSULTATION RESPONSE: ENDING THE NEED FOR FOODBANKS: A DRAFT NATIONAL PLAN****REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES****A. PURPOSE OF REPORT**

The purpose of the report is to inform Council Executive of a Scottish Government consultation on the draft national plan to end the need for food banks as a primary response to food insecurity and to agree a response to be returned by 25 January 2022.

**B. RECOMMENDATION**

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

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; making best use of our resources; working in partnership.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Reducing inequalities and poverty are key priorities set out in both the Corporate Plan 2018/19 – 2022/23 and in the Community Planning Partnership Local Outcome Improvement Plan 2013 – 2023.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Outcome 6 – we live longer, healthier lives; Outcome 7 – we have tackled significant inequalities in West Lothian society Outcome 8 – we have improved the life chances for people at risk Outcome 13 – we take pride in a strong, fair and inclusive society.

<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	None.
<b>VII</b>	<b>Consideration at PDSP</b>	The timescales did not allow for the draft response to be presented to the Partnership and Resources PDSP. The report and draft response were circulated to Panel members for comment. Comments received have been incorporated into the response.
<b>VIII</b>	<b>Other consultations</b>	The consultation document was circulated to key stakeholders through the West Lothian Food Network, the Anti-Poverty Practitioner's Network, and Experts by Experience panel, all linked to the CPP Anti-Poverty Strategy 2018-23. The content of the consultation was discussed and these discussions have informed the proposed response.

## **D. TERMS OF REPORT**

### **D.1 Background to the consultation**

In recent years, rising costs of living coupled with insufficient and insecure income and loss of income support through furlough and Universal Credit uplift have led to people having to compromise on food and other essentials.

The Scottish Government is currently consulting on a draft national plan to end the need for food banks as a primary response to food insecurity in Scotland. This plan sets out a vision for Scotland where everyone has a sufficient and secure income to be able to access food that meets their needs and preferences. Where financial hardship does occur, the plan calls for a co-ordinated local response to facilitate access to emergency financial support alongside advice and holistic support. The plan is weighted toward prevention with cash-first and dignified support in place where needed to make emergency food aid a last port of call.

The table below summarises actions underway by the Scottish Government to prevent and respond to food insecurity, and what more is intended to prevent poverty and end the need for food banks as a primary response to food insecurity.

Action underway:	What more Scottish Government plan to do:
Prevention: <ul style="list-style-type: none"> <li>Fair Work</li> <li>Social Security</li> <li>Cost of living</li> </ul>	Prevention: <ul style="list-style-type: none"> <li>Explore Minimum Income Guarantee and Universal Basic Services</li> <li>Actions linked to our new Tackling Child Poverty Delivery Plan</li> <li>Strengthen the protection of human rights, including the right to food</li> </ul>
Response:	Response:

<ul style="list-style-type: none"> <li>• Scottish Welfare Fund and other discretionary supports</li> <li>• Money advice</li> <li>• Cash-first referral leaflets</li> <li>• Dignified food access</li> </ul>	<ul style="list-style-type: none"> <li>• Invest in cash-first partnership work to make food banks the last port of call</li> <li>• Pilot the use of shopping vouchers in place of food bank referrals</li> <li>• Develop shared values between national food insecurity funders on access to emergency financial assistance and holistic support</li> <li>• Work with the Trussell Trust and Independent Food Aid Network to support their food bank transition and exit strategies</li> </ul>
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## D.2 Content of the consultation

The consultation opened on 20 October 2021 and closes on 25 January 2022 and is attached in Appendix 1. The consultation document was circulated to the Anti-Poverty Practitioners' Network, the West Lothian Food Network and the Experts by Experience panel, made up of individuals with lived experience of poverty, to gather feedback from key stakeholders. A response to the consultation was drafted by council officers, taking account of this feedback and other relevant information. Timescales did not enable the draft response to be presented to a meeting of Partnership and Resources PDSP. The draft paper was circulated to Panel members for comment, all comments have been included as part of the response.

Anti-Poverty practitioners are, in principle, supportive of the draft national plan but have noted some concerns around practical and logistical issues. It is recognised that food insecurity is a significant issue faced by many households and both anti-poverty practitioners and local residents with lived experience of poverty agree that preventative work and a co-ordinated local response are required to address the root cause of this issue.

Feedback has highlighted that the proposed national plan does not adequately account for local infrastructure already in place to address food insecurity. The plan promotes a cash-first approach with a focus on access to cash grants such as Scottish Welfare Fund and other discretionary support. Beyond this, the plan emphasises dignified, choice-based food access and proposes piloting shopping vouchers in place of food bank referrals. West Lothian has a strong network of community food outlets offering access to a range of non-perishable, fresh and frozen goods as well as other essential items such as toiletries and cleaning products. Practitioners believe that the West Lothian Food Network partners meet the aim of addressing food insecurity through a choice and dignity focused approach. Our Experts by Experience have also raised concerns that cash or shopping vouchers do not address the social isolation often experienced by those living with poverty. Community food projects offer an opportunity for engagement and social interaction and also provide a unique opportunity to offer referrals for holistic support.

Anti-poverty practitioners have highlighted concerns that the proposed approach may have some practical and logistical difficulties. The hierarchy of response put forward in the plan emphasises cash-first solutions through Scottish Welfare Fund and other discretionary support followed by money advice and income maximisation. Practitioners have highlighted that a successful cash-first response will be dependent upon sufficient resource to process grant applications quickly enough to meet client need and sufficient budget to meet demand. There will need to be clear guidance on how this is to be administered through the Scottish Welfare Fund particularly on the number of applications which can be made for crisis grants.

Furthermore, advice practitioners have found that referrals for money and income maximisation advice often come from Scottish Welfare Fund in order to meet urgent client need whilst grant applications are being processed. Access to an emergency food parcel is often an incentive for clients to engage with advice during this time.

In addition, council officers, whilst supportive of the general principles and objectives set out in the consultation, including ending foodbanks as the primary response to food insecurity, have identified some key issues that will need to be addressed if the aims are to be achieved:

- There is no mention within the consultation of the difference between emergency/crisis intervention with on-going, long term food insecurity. Scottish Welfare Fund and other discretionary funds will be able to provide a cash response for immediate need but there is a need to consider what cash first approach would support longer term food insecurity.
- There is a need for a concrete plan with actions and timescales. Any such plan must be fully costed and funding sources identified. It is recognised that this is an initial consultation but there is a lack of costing of future actions such as a cash first approach and, accordingly, there are no funding sources set out. This is critical at a time of ongoing restraint in public sector funding and reductions in core revenue funding for local authorities.
- It is also important to note that many of the interventions highlighted in the consultation have been funded by time limited Covid-19 resources and that there are no recurring means of funding these initiatives in place.
- It is important that timescales are identified for actions. For example, it is noted that discussions have taken place on establishing a minimum income guarantee for Scotland. No process, timescales, estimated costs or funding sources are set out as to how this will be translated into a practical proposal.
- The consultation also acknowledges that many of the key levers are the responsibility of the UK government, for example 85% of social security payments and employment law. It is not set out how the UK government would be involved in the national plan.
- Officers do believe there is a key role for the voluntary sector and volunteers going forward and the successful redistribution of surplus food should be continued. There are no links with other government strategies on, for example, volunteering, climate change, community wealth building and place.
- Whilst the general principle is supported, it is the case that even in countries like Sweden, with an extensive welfare state and public services, there are still hundreds of foodbanks in operation. As such, it may be useful to have short, medium and long-term objectives that can be delivered via fully costed and funded action plans.

**E.**

## **CONCLUSION**

Discussions have been held and responses collated from anti-poverty practitioners in West Lothian, members of the West Lothian Food Network and individuals with lived experience of poverty through the Experts by Experience panel linked with the West Lothian Anti-Poverty Strategy. These key stakeholders have provided valuable feedback taking account of wider issues of food insecurity, existing local provision and the potential advantages and disadvantages of the draft national plan.

Taking account of the feedback and other relevant information, council officers have prepared a draft response which is attached in Appendix 1. Council Executive is asked to agree this draft as the council's submission to the consultation.

**F. BACKGROUND REFERENCES**

None.

Appendices/Attachments:

Appendix 1 Ending the need for food banks: consultation on a draft national plan

Appendix 2 Consultation response to 'ending the need for food banks: a draft national plan'

Contact Person: Nahid Hanif, Anti-Poverty Manager,

Email: [Nahid.Hanif@westlothian.gov.uk](mailto:Nahid.Hanif@westlothian.gov.uk) Tel: 01506 283022

**Donald Forrest**  
**Head of Finance and Property Services**  
**4 February 2022**

# **Ending the need for food banks: consultation on a draft national plan**

**October 2021**



**Scottish Government**  
Riaghaltas na h-Alba  
gov.scot

# Ending the need for food banks: consultation on a draft national plan



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

## RESPONDENT INFORMATION FORM

**Please Note** this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:

<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

☐ Individual

☐ Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

☐ Publish response with name

☐ Publish response only (without name)

☐ Do not publish response

### Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

☐ Yes

☐ No

## **Responding to this Consultation**

We are inviting responses to this consultation by 25 January 2022.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). Access and respond to this consultation online at <https://consult.gov.scot/housing-and-social-justice/ending-the-need-for-food-banks>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 25 January 2022.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form to:

Tackling Food Insecurity Team  
Scottish Government  
2J North  
Victoria Quay  
Edinburgh, EH6 6QQ

Or email: [foodinsecurityteam@gov.scot](mailto:foodinsecurityteam@gov.scot)

## **Handling your response**

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/>

## **Next steps in the process**

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

## **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at [foodinsecurityteam@gov.scot](mailto:foodinsecurityteam@gov.scot)



## **Scottish Government consultation process**

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

## Ending the need for food banks: consultation on a draft national plan

1. This draft national plan outlines the Scottish Government's vision and approach to ending the need for food banks as a primary response to food insecurity. It sets out what we are currently doing and what more we intend to do, alongside others, to achieve this.

We are publishing this in draft format to initiate conversations with frontline organisations and people with direct experience of poverty so together we can refine the content before publishing a final plan. The draft has been prepared in consultation with a steering group on ending the need for food banks which includes food bank networks and people with direct experience of using their services, alongside other organisations that are working towards a shared vision of eradicating poverty.

Consultation questions are included at the end of this document with a focus on helping us to identify further practical action that can be taken at all levels to deliver this vision. We are inviting responses to this consultation by 25 January 2022.

### Challenge

2. Insufficient and insecure incomes drive household food insecurity which results in people having to compromise on food and other essentials. A rising cost of living and the loss of income support through the cut to Universal Credit and loss of furlough are likely to further increase financial hardship. The Scottish Government has limited power to challenge this.

For many frontline organisations, providing a referral to a food bank is often the simplest and quickest route to supporting someone who is experiencing financial hardship. While the compassion of volunteers across Scotland is commendable, food parcels are rarely able to meet dietary, social and cultural needs and preferences. Food banks are not an appropriate or long term response to poverty, and where they are the first or only port of call opportunities to strengthen income and prevent future hardship are often missed.

### Vision

3. Everyone has a sufficient and secure income to be able to access food that meets their needs and preferences. Where financial hardship does occur, coordinated local responses prioritise access to emergency financial assistance and money advice alongside access to holistic support services. Where help to access food is needed, this is provided in a way that maximises dignity and reduces future need. Delivering this in practice will take leadership and action at all levels across Scotland.

### Aim of the national plan

4. This plan seeks to (a) present a summary view of action underway to prevent poverty, and (b) set out what more we intend to do using the powers that we have to end the need for food banks as a primary response to food insecurity.

Our activities are underpinned by a human rights approach in which we prioritise action that prevents poverty and promotes cash-first responses alongside holistic support services where needed.

## National and international policy alignment

5. Ending the need for food banks aligns with our national mission to eradicate poverty, our Tackling Child Poverty Delivery Plan and our Good Food Nation ambition. This is linked to our National Performance Framework Outcomes on poverty and human rights.

This will contribute toward achieving Sustainable Development Goal commitments on ending hunger, eradicating poverty and ensuring good health and wellbeing. It also contributes to our commitment to realise the right to food as part of the right to an adequate standard of living.

## Policy background

6. In 2015, the Scottish Government established an Independent Working Group to provide advice on how best to respond to and tackle the causes of food insecurity. The Group's [Dignity Report](#) contained 19 recommendations and a set of Dignity principles which were broadly accepted.

Significant progress has been made across the board, including on measuring food insecurity, integrating this within the national performance framework, promoting fair work, improving the value of social security, protecting the Scottish Welfare Fund, and supporting community food organisations to evolve their responses.

7. The primary driver of food insecurity and the need for food banks is insufficient and insecure incomes, and evidence suggests these are increasing. The UK Government has failed to use their reserved wage-setting powers to ensure household incomes keep pace with the cost of living. Rather than providing a safety net, their approach to delivering social security fuels destitution. The DWP's Family Resources Survey indicates that prior to the £20 uplift, 43% of households receiving Universal Credit experienced low or very low food security. Based on Trussell Trust estimates, a further 115,000 people in Scotland are 'very likely' to skip meals as a result of the cut. Flawed UK Government supports have provided little protection from the increased income shocks of the COVID-19 pandemic and EU Exit, and over the last 18 months we have subsequently seen hardship and hunger soar. The latest data suggests that around 8% of households are now worried about affording food.<sup>1</sup>

8. In Scotland, we have sought to do all we can with the powers we have to protect low income households – both by mitigating the impact of UK Government action and by delivering enhanced support that is grounded in dignity and human rights. Our [Statement on Food Insecurity and Poverty](#) details our human rights approach in which

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<sup>1</sup> Scottish Health Survey 2020 (Jan 2021) [Scottish Health Survey – telephone survey – August/September 2020: main report - gov.scot \(www.gov.scot\)](#)

we prioritise action that prevents poverty and promote cash-first responses alongside holistic support services where needed. In 2020-21 we invested £2.5 billion in support to low income households, including nearly £1 billion to directly support children.

9. We continue to be guided by experts, including people with direct experience and frontline organisations who have clearly articulated that food banks are not a sustainable or long term response. The research and recommendations from the [A Menu for Change partnership project](#) restated the importance of adequate and secure incomes, improved access to cash and advice in a crisis, and delivering holistic public services which treat people with kindness and respect; this informed our pandemic response. The Social Renewal Advisory Board outlined further recommendations to ensure everyone can access nutritious, culturally appropriate and affordable food, to put us on a firm footing for recovery and renewal from the pandemic.<sup>2</sup>

10. During the pandemic, different sectors and services came together right across Scotland to ensure that people were able to access food and other essentials. Building on the strength of these relationships, we have a strong foundation to design out the need for food banks as a primary response to food insecurity. There is no shortage of strong local examples to draw from, including North Lanarkshire's referral gateway, Dundee's Fairness Commission, Moray and Argyll & Bute's Flexible Food Fund, and Glasgow's City Food Plan. This national plan brings together the action underway and sets out what more we will do to end the need for food banks as a primary response to food insecurity.

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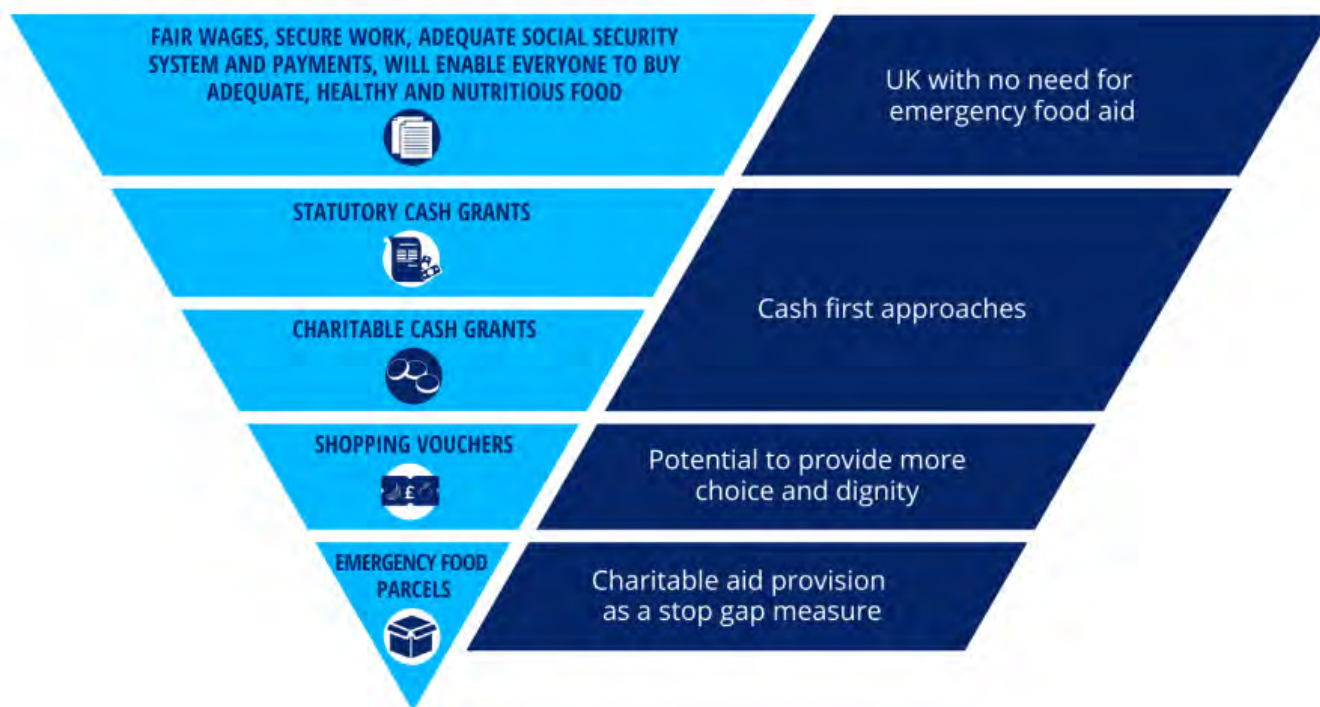
<sup>2</sup> Social Renewal Advisory Board, If Not Now, When? (Jan 2021) [If not now, when? - Social Renewal Advisory Board report: January 2021 - gov.scot \(www.gov.scot\)](#)

## Scottish Government approach

11. In line with wider action on poverty and informed by human rights, the Scottish Government's approach is weighted toward prevention with cash-first and dignified support in place where needed.

- **Prevention** – strengthening incomes from fair work, social security and reduced cost of living to make sure everyone has enough income to afford food that meets their needs and preferences
- **Response (where emergencies/crises arise)** – supporting joined up local responses to hardship that seek to make food banks the last port of call by promoting emergency financial assistance and money advice first alongside holistic support services. Where help to access food is required, this is provided in a way that maximises dignity and reduces future need.

Diagram 1: Independent Food Aid Network's hierarchy of responses



## Action underway and what more can be done

12. The below table summarise action underway to prevent and respond to food insecurity, and what more we intend to do using the powers we have to prevent poverty and end the need for food banks as a primary response to food insecurity.

Through the consultation questions below, we are seeking further suggestions on the practical actions the Scottish Government and others can take to end the need for food banks. We will consider these views in developing a final version of this plan which we intend to publish in 2022

Table 1: Overview of action to end the need for food banks

Action underway	What more we plan to do
<p>Prevention:</p> <ul style="list-style-type: none"> <li>• Fair Work</li> <li>• Social Security</li> <li>• Cost of living</li> </ul> <p>Response:</p> <ul style="list-style-type: none"> <li>• Scottish Welfare Fund and other discretionary supports</li> <li>• Money advice</li> <li>• Cash-first referral leaflets</li> <li>• Dignified food access</li> </ul>	<p>Prevention:</p> <ul style="list-style-type: none"> <li>• Explore Minimum Income Guarantee and Universal Basic Services</li> <li>• Actions linked to our new Tackling Child Poverty Delivery Plan</li> <li>• Strengthen the protection of human rights, including the right to food</li> </ul> <p>Response:</p> <ul style="list-style-type: none"> <li>• Invest in cash-first partnership work to make food banks the last port of call</li> <li>• Pilot the use of shopping vouchers in place of food bank referrals</li> <li>• Develop shared values between national food insecurity funders on access to emergency financial assistance and holistic support</li> <li>• Work with the Trussell Trust and Independent Food Aid Network to support their food bank transition and exit strategies</li> </ul>

## Action underway

**13.** We have made eradicating poverty a national mission. In 2020-21 we invested £2.5 billion in support to low income households, including nearly £1 billion to directly support children. The below summarises action underway to prevent poverty and respond to food insecurity.

### Prevention – Fair work

Our Fair Work Plan outlines our approach to improving incomes through work and includes our commitment to promote the real Living Wage. Our Gender Pay Gap Action Plan has over 60 actions to tackle the root causes of the gender pay gap and advance economic equality for women. Through our new Parental Employability Support Fund we are supporting parents to access and progress in work and increase their incomes.

In June 2021 we wrote to the UK Government requesting that they transfer employment powers to the Scottish Parliament to enable us to make the changes required to transform workplaces and tackle poverty. Powers over employment law would enable us to create fairer workplaces, increase wages, reduce insecure work and therefore shift the curve on poverty.

### Prevention – Social security

We are continuing to use the powers we have to maximise income from social security through our new social security system that is founded on the principles of dignity, respect and the recognition of social security as a human right.

This includes our Scottish Child Payment, which provides £40 every four weeks for every eligible child under 6 and will be rolled out to under 16s by the end of 2022. We have committed to doubling the Scottish Child Payment and introducing £520 bridging payments in both 2021 and 2022 for those eligible for free school meals on the basis of low income.

We have introduced the Best Start Grant to provide early years assistance, replacing and expanding the UK Government's Sure Start scheme in Scotland. For a first child, this provides over £600 more support over 3 payments than Sure Start and we do not put a cap on the number of children that are eligible. We have also increased the value of Best Start Foods payments to £4.50 a week, and eligibility will be increased later in this Parliamentary term. Together, the Scottish Child Payment, Best Start Grant and Best Start Foods will provide more than £5,300 of financial support to families by the time their first child turns 6.

Nearly 700,000 existing disability and carer benefit clients are being moved from the Department of Work and Pensions to Social Security Scotland, this includes Child Disability Payment which was piloted in July and will be rolled out in November 2021. It has been co-designed with stakeholders and people with lived experience of the social security system to ensure the values of dignity, fairness and respect are embedded. Adult Disability Payment will replace Personal Independence Payments in Scotland and will be rolled out by Summer 2022. We have proposed a new way of making entitlement

decisions to ensure that the criteria are fairly applied, this will mean decisions about entitlement will be holistic and person-centred.

The Scottish Government continues to raise serious concerns with the UK Government regarding welfare cuts, policies that are making people poorer and causing hardship, the failures of Universal Credit to provide an adequate safety net and the No Recourse to Public Funds policy. Eighty-five percent of benefit spending remains with the UK Government including income based benefits and state pensions. We have mitigated the impact where we can, including through Discretionary Housing Payments to help people affected by the Bedroom Tax. Where possible, we have worked with the Home Office to ensure that some access to devolved benefits has been permitted for those restricted by No Recourse to Public Funds.

### **Prevention – Reducing the cost of living**

Access to advice services such as our [Money Talk Team](#) maximise household incomes and help people to get the best value on goods and services. In the first two and half years of operation, the service has helped put over £31 million into the pockets of more than 16,000 low income households, averaging £1,900. We intend to develop an Advice Services Strategy that will identify how advice funding can best be used to support priority groups, such as low income families and to support the advice sector with high quality specialist advice and training. This includes supporting models which embed advisers in non-traditional settings – such as GP surgeries and schools. We have already committed to expand holistic support in these settings over the next 2 years. We have also invested £1 million in the Affordable Credit Fund to help enable social lenders, such as Community Development Finance Institutions and Credit Unions, provide access to affordable credit for low income households.

The universal expansion of Early Learning and Childcare to 1,140 hours for all 3 and 4 year olds, and for 2 year olds who stand to benefit most is freeing up household income for other expenditure and helping parents to access employment.

Free school meals provide an average saving of £400 a year for each child, and we have committed to expanding eligibility to all primary pupils. As part of this we have already ensured that during the holidays households eligible on the basis of low income receive a direct payment, voucher or meal – this is in addition to providing two further £100 Pandemic Support Payments to eligible households in Summer and Winter 2021. We have also rolled out our £20 million Get into Summer activities programme, ensuring that children and young people have opportunities to socialise and reconnect. Our support to Young Scot provides further activities and discounts through their [National Entitlement Card](#). We are also increasing the School Clothing Grant to at least £120 per primary school child and £150 per secondary school child. The Student Awards Agency Scotland provide free tuition fees and bursaries to help with living costs, for those students studying higher education in colleges and universities in Scotland.

The Scottish Government have now delivered 100,000 affordable homes since 2007. We have a new commitment to deliver 100,000 more affordable homes with at least 70,000 in the social rented sector by 2032. Our Council Tax Reduction scheme can reduce liability by up to 100% and has on average saved around 500,000 recipients over £700 a year. We will provide an additional £130 Pandemic Support Payment by



the end of October for every household who received Council Tax Reduction in the month of April – an investment of up to £65m, expected to benefit over 500,000 households.

Our commitment to tackling fuel poverty is underlined by legislation, and by the end of 2021 we will have allocated over £1 billion since 2009 through energy efficiency programmes to make homes warmer and cheaper to heat. We are delivering over 36,000 devices through our Connecting Scotland programme which aims to eradicate digital exclusion in Scotland, with over 17,000 families with children and 4,000 young care leavers supported to date.

## **Response – The Scottish Welfare Fund and other discretionary supports**

The [Scottish Welfare Fund](#) provides discretionary local welfare assistance to households experiencing financial hardship. Food continues to be the most commonly awarded Crisis Grant item, with nearly 160,000 awards made in 2020-21 totalling £12.6 million. We have guaranteed the budget for the Scottish Welfare Fund and committed to reviewing its purpose and operation to make sure it works as well as possible in all parts of the country. This review will include examining the funding, promotion, take-up and accessibility of the Fund.

Discretionary Housing Payments are used to support tenants, including those who are affected by the UK Governments welfare cuts, who are struggling with their housing costs where Universal Credit or Housing Benefit does not cover the cost of their rent and living expenses. Around £82 million support has been provided in 2021-22 – up from £73 million budgeted at the beginning of 2020-21.

£10.9 million of this budget is used to mitigate against the damaging impact of UK Government welfare cuts including the Benefit Cap and changes to the Local Housing Allowance rates. The other £71 million is used to mitigate the Bedroom Tax helping over 70,000 households in Scotland to sustain their tenancies.

This is an important tool used by councils to safeguard tenancies and prevent homelessness and poverty.

People with No Recourse to Public Funds are excluded from many mainstream supports in place to respond to financial hardship and can subsequently be at greater risk of destitution. We have provided funding to the British Red Cross to provide vital crisis cash support, as well as advice and advocacy through a network of partners to those most at risk of destitution in Scotland, including those who may be otherwise ineligible for government support due to hostile Home Office policy. This links to the commitments outlined in our strategy, [Ending Destitution Together](#).

Local authorities were allocated over £70 million flexible funding during the pandemic to tackle food and financial insecurity, which bolstered existing supports and provided further discretionary financial assistance. This was underpinned by [national guidance](#) which provided a strong steer in favour of cash-first and wrap around support to meet whole needs. Activities delivered include emergency income, emergency food, emergency fuel, income maximisation, other activities to support wellbeing targeted support to marginalised groups and the strengthening of partnership approaches. The [learning from this work](#) is shaping the further action we plan to take, as detailed below

## Response – Welfare and Debt advice

The Scottish Government continues to support the free welfare advice sector with over £3 million allocated to front-line projects based in Citizens Advice Bureaux and to agencies such as Shelter and Child Poverty Action Group which support front-line advisers dealing with complex housing, benefits and money issues.

This year we will also distribute over £7 million to providers of free debt advice through Scotland's share of the debt advice levy. Alongside funding for the Money Talk Team, this provides a total of £12 million support for money advice services.

We have provided funding to the Improvement Service to explore the option of a future advice funding model based on national/local partnerships, and learning from this work will be incorporated into a future advice strategy for Scotland.

## Response – Cash-first referral leaflets

In order to make it easier for frontline workers to refer someone experiencing hardship to income-strengthening support rather than a food bank, the Scottish Government have provided funding to the [Independent Food Aid Network](#) to develop cash-first referral leaflets. This approach was championed in Scotland by the A Menu for Change Partnership Project and has now been rolled out in 17 areas with plans to cover a further 8 local authorities over 2021-22. We are working with partners to maximise the impact of the tool through earlier intervention points, including through Jobcentres.

## Response – Dignified food access

The Scottish Government has funded [Nourish Scotland and the Poverty Truth Community](#) over the last 5 years to facilitate a Dignity Peer Network, deliver workshops and develop tools and resources on how to engage with the Independent Working Group's Dignity Principles on a practical level. This has supported hundreds of organisations to evolve their practice and to adapt to the public health restrictions in place during the pandemic. Through funding to [FareShare Scotland](#), we have also supported hundreds of community organisations to access high quality surplus food with an emphasis on community development and access to wider services.

We provide direct funding to community and third sector organisations responding to food insecurity through our Investing in Communities Fund and COVID response and recovery funding streams. We also provide funding for wider support and representation through community food networks and Public Health Scotland who run [Community Food and Health Scotland](#).

## **What more we plan to do**

14. Further to the below initial actions, this consultation seeks your views on the practical actions the Scottish Government and other actors can take to end the need for food banks as a primary response to food insecurity.

### **Prevention – Minimum Income Guarantee and Universal Basic Services**

The Scottish Government has committed to beginning work to deliver a Minimum Income Guarantee, to help ensure that everyone in Scotland can live healthy, financially secure and fulfilling lives. We have met our commitment to engage with stakeholders within the first 100 days of this government to start considering how it can be delivered, and have invited cross-party and expert representatives to form a Steering Group to progress delivery. This work will also incorporate the idea of Universal Basic Services, which by ensuring people have access to the provision of basic services – such as childcare of the NHS for example – contributes to ensuring a minimum standard of living.

### **Prevention – Strengthen the protection of human rights, including the right to food as contained within the right to an adequate standard of living**

In taking forward the recommendations of the National Taskforce for Human Rights Leadership, the Scottish Government will bring forward a Human Rights Bill to give effect to a wide range of internationally recognised rights in Scots law. Our Bill will incorporate into Scots law, as far as possible within devolved competence, the International Covenant on Economic, Social and Cultural Rights. This includes a right to adequate food, as an essential part of the overall right to an adequate standard of living.

### **Response – Invest in cash-first local partnership work to make food banks the last port of call**

Strengthening partnership working between sectors and services can improve the effectiveness of existing local responses to financial hardship, including by increasing access to emergency financial assistance, money advice and holistic support services to help make food banks the last port of call. We have convened a Steering Group on Ending the Need for Food Banks which will guide investment in cash-first partnerships, applying learning and good practice examples from the pandemic response and looking at the success of similar interventions elsewhere.

What this will likely look like in practice is the preparation of a locally shared ambition to end the need for food banks as the first port of call, meeting whole needs and preventing future crisis. This will mean food banks, money advice services, local authority officers including those from the Scottish Welfare Fund and public health teams coming together to identify the best response for their local area and agreeing short, medium and long term actions to deliver it. This approach draws on the learning of the A Menu for Change partnership project, the Independent Food Aid's cash-first referral leaflets and early insights from the Trussell Trust's pathfinders project.

## **Response – Pilot the use of shopping vouchers in place of food bank referrals**

Frontline services often report that where someone is experiencing immediate hardship, a referral to a food bank is the most practical way to support them to access food. We will pilot the use of shopping vouchers as an alternative option, building on the Independent Food Aid Network's initial research.

The pilot will initially focus on advice providers within the Citizen Advice Scotland network. The reason for this is that money advisers are one of the main referrers to food banks, and co-location of voucher support may also help to increase the take up of money advice and referrals to emergency financial assistance. The views of people with direct experience will inform delivery and next steps.

As this is a crisis response, it would need to operate alongside existing income-boosting responses and should not replace referrals to the Scottish Welfare Fund or the provision of money advice which will be needed to prevent future hardship.

## **Response – Develop shared values between national food insecurity funders on access to emergency financial assistance and holistic support services**

We will work with other national funders, including the National Lottery Community Fund, Robertson Trust and CORRA Foundation to develop shared values linked to this national plan that help to further prioritise action that reduces the need for food banks.

This will draw on the learning and experience of established organisations as well as those that have recently established or pivoted towards food aid responses since the onset of the pandemic. It will emphasise the importance of further integrating income-boosting and holistic support services within responses, and include practical support to transition away from emergency food approaches.

## **Response - Work with the Trussell Trust and Independent Food Aid Network to support their food bank transition and exit strategies**

The two largest food bank networks in Scotland, the Trussell Trust and the Independent Food Aid Network, have outlined a shared ambition to end the need for their services. We will work alongside them, their members and people with direct experience of accessing food aid to provide practical assistance in developing transition and exit strategies – including by learning from the Trussell Trust's Pathfinder Programme.

## Targeting and equalities

15. Some groups are at higher risk of experiencing financial insecurity and are therefore more likely to experience difficulty affording food, fuel and other essentials. This includes:

- People who have no recourse to public funds, in particular asylum seekers
- Younger people
- Disabled people
- Lone parents
- Minority ethnic households, including Gypsy / Traveller communities
- Younger parents (under 25)
- Families with children under 1
- Larger families
- People living in households on low incomes
- People living in the most deprived areas

16. At a population level, prevalence of food insecurity is distributed equally between men and women. However, evidence suggests that there are differentials within high prevalence groups, for example lone parents have a higher than average prevalence and are more likely to be women, and single-adult households have a higher than average prevalence and are more likely to be men.<sup>3</sup>

17. In recent [guidance to local authorities on tackling financial insecurity](#), the Scottish Government summarised the issues likely to be faced by those with protected characteristics and those experiencing socio-economic disadvantage. This guidance provides examples of tailored support put in place to reach these groups and encourages an intersectional approach.

18. An intersectional approach is important because some households will experience a combination of barriers to accessing food and other essentials, and the supports in place to prevent and respond to this. For example, people in the most deprived areas may have a low income and limited access to transport to access affordable food, people with No Recourse to Public Funds may not be eligible for some statutory supports, and minority ethnic communities such as Gypsy / Travellers may be less likely to access mainstream support.

19. Through our Tackling Child Poverty Delivery Plan, we have identified six priority family groups where children are more likely to live in poverty and put in place targeted action. The Scottish Government is also working with trusted partners to increase access to supports, including MECOPP, Govan Community Project and the British Red Cross, with action integrated in to our [Framework for supporting Gypsy / Traveller communities](#) and [Anti-Destitution Strategy](#)

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<sup>3</sup> Further insights on prevalence can be found through the Scottish Health Survey: [Scottish Health Survey - gov.scot \(www.gov.scot\)](#), and the Family Resources Survey: [Family Resources Survey: financial year 2019 to 2020 - GOV.UK \(www.gov.uk\)](#)

## Measuring impact

20. This plan seeks to drive change in practice. The intended outcomes of this plan and associated actions are that we will have:

- Designed out the need for food banks as primary response to food insecurity
- Increased access to income-boosting services and holistic support
- Improved household financial resilience
- Improved household wellbeing

21. We will measure change by:

- Continuing to undertake a national measurement of food insecurity through the Scottish Health Survey and the Family Resources Survey
- Partnering with national food banks to monitor impact on number of food banks and parcel demand, and with community food networks to understand wider impact on other types of charitable food aid provision.
- Commissioning independent evaluation of funded activities that seek to improve local referral pathways, both from the perspective of frontline practitioners and people seeking support, and disseminating local good practice examples.
- Exploring the integration of food insecurity measurement in the evaluation of income-boosting measures like the Scottish Child Payment and through exploration of a Minimum Income Guarantee.

## Definitions

- *Food insecurity*

The Scottish Government uses the language of 'food insecurity' because it captures the full range of experiences ranging from worry regarding ability to afford food through to compromising on quality and quantity of food and experiencing hunger. We draw from the UN Food and Agriculture Organisation's definition and from the work of Professor Elizabeth Dowler which recognises the social dimension and importance of being able to access food in ways which are common to a society.

- *Food bank*

Food banks are charitable or community organisations that distribute food parcels to people experiencing financial hardship. The two largest food bank networks in Scotland are the Trussell Trust and the Independent Food Aid Network. These networks represent many but not all food banks. Many community food and other organisations also integrate access to food and emergency food parcel provision alongside their wider activities.

- *Cash-first*

The Scottish Government uses the term 'cash-first' as shorthand for access to emergency income (such as through the Scottish Welfare Fund and other

discretionary supports) as the primary response to food insecurity. In order to prevent future hardship, this should be delivered alongside money advice services (including welfare rights advice and income maximisation).

- *Holistic support services*

The Scottish Government uses the term 'holistic support services' to mean a joined-up approach to delivering services across sectors that is centred around wellbeing through meeting the whole needs of an individual or household. This includes services that meet financial, health, social and cultural needs.

## Consultation questions

22. We are seeking further suggestions on the practical actions the Scottish Government and other actors can take to end the need for food banks. The consultation will be open until 25 January 2022. We will consider these views in developing a final version of this plan which we intend to publish in 2022.

1. Do you think that the approach outlined is consistent with the vision to end poverty and the need for food banks? Is there anything else you think should be included? [Y/N/Don't Know] [Open comment]
2. Do you think that the actions underway will help to reduce the need for food banks as a primary response to food insecurity? [Y/N/Don't Know]
3. Do you think that the suggestions for what more we plan to do will help to reduce the need for food banks as a primary response to food insecurity? [Y/N/Don't Know]
4. Is there anything else that you think should be done with the powers we have at a national or local level to reduce the need for food banks as a primary response to food insecurity? [Open comment]
5. Do you have any views on how we intend to measure impact, and what would give you confidence that we are moving in the right direction? [Open comment]
6. Is there anything else that you think should be considered in the development of this plan? [Open comment]





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## **Ending the need for food banks: consultation on a draft national plan.**

### **Consultation questions**

**We are seeking further suggestions on the practical actions the Scottish Government and other actors can take to end the need for food banks. The consultation will be open until 25 January 2022. We will consider these views in developing a final version of this plan which we intend to publish in 2022.**

#### **1. Do you think that the approach outlined is consistent with the vision to end poverty and the need for food banks? Is there anything else you think should be included?**

Yes, in principle but with significant further work being required to turn the general vision into a practical, realistic, deliverable, costed and funded plan. It is noted that the vision is to end foodbanks as the primary response to food insecurity, that food banks would not be a long-term response to poverty, and that foodbanks would not be the first or only port of call. This however would not necessarily mean that food banks would not exist at all and this distinction could be made clearer.

In principle, Anti-Poverty practitioners in West Lothian and people with lived experience of poverty agree that the approach outlined is consistent with the vision to end poverty and the need for food banks but with caveats. Individuals in West Lothian with lived experience of poverty and food insecurity have highlighted that the approach outlined does not account for the social isolation often experienced by people living with poverty. In West Lothian, there is a strong network of community food outlets including community shops, community fridges, fresh meal deliveries, group dining experiences and community gardens. These projects offer a way for individuals to meet their food needs as well as an opportunity for social interaction and a referral pathway to help individuals experiencing food insecurity access holistic advice and support services. West Lothian practitioners believe that the benefits of this approach should be taken into consideration and support for existing local provision must be included in the plan. Furthermore, evidence shows that integrating and co-locating money advice with food helps customers to gain entitlement to benefits and to access other help and support. This is something that is recognised in West Lothian and actively supported.

It is important to note that poverty will be impacted by many volatile factors, for example, sharply increasing energy prices and that individuals and families may at short notice find themselves in poverty. On this basis, an emergency response will always be needed.

The approach will go some way in helping to end the need for foodbanks, only if all providers and referrers are on board. Ending the need for foodbanks as a primary response to food insecurity is a difficult challenge and it would be wrong to assume that everyone was on board with this, therefore consideration needs to be given to what work needs to be undertaken to ensure that there is a general commitment to this approach.

There needs to be more consideration given to the difference between a food crisis and on-going food insecurity. A cash first approach whilst helping with the immediate food crisis will not support those experiencing long-term food insecurity. How will the plan support households facing ongoing food insecurity and over what period of time.

**2. Do you think that the actions underway will help to reduce the need for food banks as a primary response to food insecurity?**

Yes, the actions will potentially help reduce the need for foodbanks but in themselves will not eliminate the need for foodbanks. Many of the initiatives (such as low-income pandemic payments, Get into Summer activities) are funded only on a time limited basis and sustainability needs to be considered.

West Lothian practitioners believe that preventative actions already underway to promote fair work, maximise income from social security and reduce the cost of living are the most effective way to address the drivers of poverty and therefore reduce food insecurity in the long term. It is important that the Scottish Government and its partners continue to support those at risk of poverty and work is targeted at households where there is a higher prevalence of food insecurity.

In terms of responsive action already underway, sufficient funding to local government, community and third sector organisations is paramount to deliver a holistic response that addresses wider need as it is recognised that lack of food is only one aspect of the impact of poverty.

The important role of local authority advice services needs to be recognised both as a direct advice provider but also as a facilitator for building local networks.

**3. Do you think that the suggestions for what more we plan to do will help to reduce the need for food banks as a primary response to food insecurity?**

Yes, the suggestions would help. It is important that any proposals are translated into defined actions, with timescales, costs, funding and responsibility for delivery identified.

Practitioners agree that investment in cash first local partnership work to make food banks the last port of call is an important focus to address food insecurity, but have highlighted that adequate resource must be provided by the Scottish Government in order to process cash grants within an adequate timescale to meet immediate needs. There would need to be clear guidance on the number of cash grants in relation to the Scottish Welfare Fund.

The proposal to pilot shopping vouchers in place of food bank referrals may address immediate food needs, but West Lothian practitioners and individuals with lived experience have raised concerns that this approach may not address the wider impact of poverty. Food insecurity is often an isolating experience for many and provision of shopping vouchers may help meet the immediate food need, this may not adequately address wider support needs for the client. Advice providers in West Lothian have highlighted that a food bank referral can often act as an incentive to encourage clients to engage with money advice. Embedding shopping vouchers with advice agencies could help to ensure that this continues. However, it is important the food vouchers are operated in a dignified manner and do not cause people to feel stigmatised or limit choice or access to food. Consideration should also be given to ensure that use of vouchers does not mean the household will incur extra costs for example travel costs.

There is a suggestion within the paper that vouchers could be distributed by CAB but no explanation why these outlets and consideration also needs to be given to what would happen in areas where there were no CABs and how would this distribution of vouchers fit in with the SWF model.

It must be recognised that there is a key role for the voluntary and the third sector who have been crucial during the response to the pandemic. It is therefore important that their commitment and skills support the plans going forward.

Some of the matters being considered, such as a minimum income guarantee, will require major financial and other investment and are likely to be longer term ambitions. There is therefore a need to consider the different approaches needed to support those with an immediate food crisis and those households experiencing long term food insecurity.

**4. Is there anything else that you think should be done with the powers we have at a national or local level to reduce the need for food banks as a primary response to food insecurity?**

West Lothian practitioners and individuals with lived experience agree that continued funding to support community driven food insecurity measures should be a priority. Affordability is only one factor that must be addressed in order to eradicate food insecurity; nutritional awareness, cooking skills and mental health and motivation can also have an impact. There are a number of community groups and projects that exist in West Lothian to address some of these concerns and continued funding would be essential to embed this support into the wider approach.

It is essential that local government receives sufficient core recurring revenue funding to be able to provide services such as advice, payments such as the Scottish Welfare Fund, and other relevant services such as Education and Social Care. Much of the funding referenced in the consultation is time limited only.

It is not set out how the UK government would be involved in the national plan, there also needs to be dialogue and discussion with the UK government on how UK powers on social security (the consultation notes that 85% of benefit spending remains with the UK government) and employment law can be used to contribute to the outcomes in the consultation.

There is also a need for liaison with the private sector on a range of issues, including employment opportunities.

If the cash first approach is to be delivered by the Scottish Welfare Fund (SWF) then the SWF must be sufficiently funded to be able to deal with food crisis applications and paid within the stipulated timeframe. The SWF guidance must be clear around the criteria for such payments making it accessible for those who require the financial support.

If a decision was taken to offer supermarket vouchers, it would be best if this was administered through the Scottish Welfare Fund with clear referral pathways to local advice providers rather than this being administered by through CAB offices. This would ensure equity of access and enable a more joined up approach with other forms of discretionary funding.

There are missed opportunities to align various government initiatives and policies which would support improving food security and future proposals should ensure clear links are made with other government policies. For example, the consultation does not provide clear links to the many providers which are involved in food growing activities with evidenced benefits to health and well-being from growing, sharing and cooking food and being part of a local community.

Proposals should further strengthen the links to the Good Food Nation policy along with statements articulating the links to climate change, place and community wealth building strategies. Strategies which include food growing, community wealth building, place building and climate change all could contribute towards the re-distribution of food and improving opportunities for a holistic, joined up approach.

Additionally, it would be helpful to look further afield at other nations' approaches to improving food security.

**5. Do you have any views on how we intend to measure impact, and what would give you confidence that we are moving in the right direction?**

The plan sets out the intention to measure change by monitoring levels of food insecurity, working with food banks to monitor impact and commissioning independent evaluation of activity to improve referral pathways.

West Lothian stakeholders feel that this is a comprehensive approach, but have highlighted that evaluation should look to analyse the long term and wider impacts by monitoring repeat use of food insecurity solutions and softer outcomes such as the impact on health and wellbeing.

There will be a need for a range of performance indicators.

**6. Is there anything else that you think should be considered in the development of this plan?**

Yes. It is vital that the vision set out in the consultation is translated into realistic, fully costed and funded plans. It would be worth establishing short, medium and long-term objectives and recognising that this a massive challenge that is likely to take many years to achieve.

It is important to be realistic and not to set goals that will not be achievable within any reasonable time frame.

It would also be helpful to set out best practice from other countries, for example which advanced economies do not have foodbanks and how has this been achieved.

It is also important to recognise that very effective local partnerships are already in place, for example the Food network and advice networks in West Lothian, and that these do provide holistic services and support. Co-ordinated local action, including local authorities, is key to tackling food insecurity. We fully support the proposal on page 13 of the consultation for various partners to work together locally.

Any response should include a role for food redistribution involving supermarkets and other retailers. This means that surplus food is effectively distributed avoiding waste.

There is also a key issue of how to recognise the role of volunteers and voluntary and charitable resources, that can make a major impact on food insecurity. This aspect needs to be more fully developed in the future plan.

Finally, the activity should ideally be part of community planning partnership Anti-poverty strategies that effectively co-ordinate all actions in a local authority area.





## **COUNCIL EXECUTIVE**

### **SCOTTISH DRAFT BUDGET 2022 AND LOCAL GOVERNMENT FINANCE SETTLEMENT 2022/23**

#### **REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES**

##### **A. PURPOSE OF REPORT**

To provide the Council Executive with an update in relation to the Scottish Draft Budget presented to the Scottish Parliament on 9 December 2021, and the local government finance settlement for 2022/23, as published in Finance Circular 9/2021 dated 20 December 2021.

##### **B. RECOMMENDATION**

It is recommended that Council Executive:

1. Notes the issue of the Scottish Draft Budget 2022/23, which includes Scottish Government departmental spending plans for 2022/23;
2. Notes the outcome of the local government finance settlement in respect of revenue and capital funding for 2022/23;
3. Notes that the anticipated revenue grant funding for West Lothian contained in the settlement, including assumed amounts for recurring funding yet to be distributed, is £384.142 million;
4. Notes that COSLA has described the budget as a bad deal for communities and warned that serious financial challenges in key service areas lie ahead for Scotland's councils;
5. Notes the net reduction in core revenue funding to the council since 2014/15 and the significant savings that have been required since 2007/08;
6. Agrees that the Head of Finance and Property Services updates the 2022/23 revenue budget report taking account of the outcome of the finance settlement and latest circumstances and updates the capital programme taking account of latest funding position and circumstances;
7. Agrees that the uncommitted General Fund balance of £2.261 million is retained until the council's 2022/23 budget is reported to Council in February 2022 to allow work to be undertaken to update the 2022/23 revenue budget model;
8. Agrees that the Head of Finance and Property Services should keep the position regarding Scottish Government funding under review and report to elected members on any developments.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Being honest, open and accountable, working in partnership and making best use of resources.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The council must approve a balanced revenue budget before 11 March each year to comply with statutory obligations. However, the budget is required to be approved no later than 24 February 2022 to facilitate the council tax billing process.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	The funding settlement from the Scottish Government has a major impact on the level of resources available to the council and, as a result, on performance.

<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	The council's budgets provide resources necessary to help deliver the Single Outcome Agreement.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Scottish Government funding is not sufficient to meet increasing costs and demand for services. An assessment of the local government finance settlement for 2022/23 is being made and officers are considering the implications for the council's budget.
<b>VII</b>	<b>Consideration at PDSP</b>	Quarterly horizon scan reports are provided to the Partnership and Resources PDSP outlining economic forecasts and potential impacts on public sector funding.
<b>VIII</b>	<b>Other consultations</b>	This update is part of the ongoing briefing and consultation with elected members on financial issues.

## **D. TERMS OF REPORT**

### **D.1 Background**

The Cabinet Secretary for Finance, in a statement to the Scottish Parliament on 9 December 2021, announced the Scottish Draft Budget for 2022/23. The Minister also wrote to the COSLA President, copying Council Leaders, on 9 December 2021 to confirm details of the local government finance settlement. The Scottish Government published Local Government Finance Circular 9/2021 on 20 December 2021 to be read in conjunction with the Minister's letter of 9 December 2021. The allocations form the basis of the annual consultation between the Scottish Government and COSLA, ahead of the Local Government Finance (Scotland) Order 2022 being presented to the Scottish Parliament in 2021. The draft Scottish Budget will be considered by the Scottish Parliament at readings of the Bill in the last week of January 2022, first week in February 2022 and after February 2022 recess (dates still to be agreed).

On 13 February 2018, West Lothian Council agreed a long-term financial plan for five years and detailed revenue budgets for the three years 2018/19 to 2020/21. This enabled the council to comply with best practice guidance that public bodies should focus on their medium to long term sustainability, through having a strategy covering a minimum of five years, supported by detailed plans covering a minimum of three years. The financial plan was subsequently updated by Council on 19 February 2019, 28 February 2020 and 25 February 2021 and it was noted that a budget gap remained in 2022/23. It was agreed that officers should consider options to address the gap, including potential budget savings and use of council tax flexibility, whilst minimising any adverse impact on service delivery. The 2019/20 annual audit report from EY, the council's external auditors, commented favourably on the budgetary process followed and the decisions made by the council.

### **D.2 Scottish Economy**

The Scottish Fiscal Commission (SFC) contributes to the Scottish Budget process by providing independent and official forecasts for the Scottish economy and labour market, devolved tax revenues and devolved social security spending. As income tax has been devolved to Scotland, economic forecasts have an impact on income tax estimates. The Scottish Budget is based on forecasts and, as information on actual revenues and spending becomes available, the Scottish Government's funding is adjusted in response.

The Covid-19 pandemic continues to affect society, the economy, and the Scottish Budget, but to a lesser extent than expected when the forecasts were produced for the previous Scottish Budget in January 2021. The vaccination programme has weakened the links between case numbers, hospitalisations and deaths, and the public health response has shifted. The economic recovery has been faster and smoother than expected. It is anticipated in the longer term Covid-19 will become endemic and begin to be managed through guidance and voluntary measures. The forecasts were finalised before the emergence of the Omicron variant and current information on the severity and likely implications for restrictions of Omicron are still emerging.



The SFC forecasts, published alongside the draft Scottish Budget, show an improved economic outlook, this is in part due to public health restrictions being lifted more quickly than anticipated in January 2021. A strong economic recovery is expected in 2021/22, with Scottish GDP growing by 10.4% which implies a return to pre-pandemic levels of economic activity by the second quarter of 2022.

*Table 1: Scottish GDP Forecasts*

	2020	2021	2022	2023	2024	2025	2026
Scottish Forecast GDP (January 2021)	(10.7%)	1.8%	7.5%	1.6%	1.6%	1.7%	
Scottish Forecast GDP (December 2021)		10.4%	2.2%	1.2%	1.3%	1.4%	1.4%

The labour market has been more resilient than many economic forecasters expected throughout 2020/21 and 2021/22. The unemployment rate is expected to peak at 4.9%, which is a significant downward revision from the January 2021 forecast which peaked at 7.6%.

In line with the OBR, the SFC expect CPI inflation to peak at 4.4% in quarter 2 of 2022, and gradually return to target in the second half of 2024 as supply chain issues ease, global demand rebalances and energy prices fall back.

The SFC's income tax forecast for 2022/23 has increased by £764 million compared to their January 2021 forecast, driven by more resilient economic performance. Freezing the higher rate income tax threshold raises an additional £106 million in revenue in 2022/23. A comparison of the Scottish income tax forecast between January 2021 and December 2021 is provided in the table below:

*Table 2: Scottish Income Tax Forecasts*

	2021 £'m	2022 £'m	2023 £'m	2024 £'m	2025 £'m	2026 £'m
Income Tax Forecast (January 2021)	12,263	12,907	13,481	14,080		
Income Tax Forecast (December 2021)	13,002	13,671	14,313	15,056	15,790	16,445
Change since previous forecast	739	764	832	976		

Although the forecast for Scottish income tax revenues has increased since January, it is expected that in 2022/23 revenues will be £190 million less than the income tax Block Grant Adjustment. This funding shortfall is expected to continue, reaching £417 million by 2026/27.

In spite of the pace of the recovery, the SFC state there is some evidence that the Scottish economy has been lagging behind the UK. Compared to pre-pandemic levels, GDP, employment and earnings have recovered more slowly than in the UK. In part, this can be explained by a divergent sectoral and regional recovery, with areas like finance growing strongly in London. However, some issues pre-date Covid-19: declining North Sea oil and gas activity continues to act as a dampener, and Scotland's demographics are reducing labour market participation relative to the UK. The SFC expect slower growth in earnings and employment in Scotland to continue over the next few years. This has important implications for tax revenues and the Scottish budget.

The latest forecasts from SFC are for Scottish tax revenues to be just £6 million greater than the Block Grant Adjustment in 2021/22. Due to Covid-19 and forecast timing effects, the Scottish net income tax position for 2021/22 was inflated by £469 million, the difference between Scottish income tax revenues should have been £6 million, rather than the £475 million originally estimated for that year. Therefore, a negative £469 million reconciliation is expected to be applied in budget year 2024/25. The Scottish Government will use Resource Borrowing power to offset the reconciliation but this will only cover £300 million, with the remaining £169 million coming off the Budget. Currently the Scottish Government has enhanced borrowing powers and greater flexibility to use the Scotland Reserve because January 2021 forecasts triggered a "Scotland-specific economic shock". These flexibilities expire after 2023/24 and are therefore not available to the Scottish Government to manage all of the large income tax reconciliation expected in 2024/25.

The SFC believe that from 2022/23, total earnings and employment are expected to continue to grow more slowly in Scotland than in the rest of the UK, and these economic factors are increasingly outweighing the additional income tax revenues from policy changes.

### D.3 Total Spending in Scotland

In overall terms, Scotland's total proposed spending plans, as set out in the Draft Budget 2022/23, amount to £56,391 million; this is a cash increase of £1,131 million compared to 2021/22. The allocations for each portfolio are set out in the table below:

*Table 3: Total Scottish Budget by Portfolio*

<b>Portfolio</b>	<b>2021/22 Budget £'m</b>	<b>2022/23 Draft Budget £'m</b>	<b>Movement £'m</b>
Health and Social Care	17,234.3	18,043.1	808.8
Social Justice, Housing and Local Government	16,554.0	16,724.4	170.4
Finance and Economy	8,036.6	8,219.9	183.3
Education and Skills	4,324.6	4,146.5	(178.1)
Justice and Veterans	3,026.6	3,143.3	116.7
Net Zero, Energy and Transport	4,413.9	4,412.6	(1.3)
Rural Affairs and Islands	963.2	966.8	3.6
Constitution, External Affairs and Culture	349.5	370.5	21.0
Deputy First Minister and Covid Recovery	64.7	42.9	(21.8)
Crown Office and Procurator Fiscal Service	156.7	180.9	24.2
Scottish Parliament and Audit Scotland	135.6	139.7	4.1
<b>Total</b>	<b>55,259.7</b>	<b>56,390.6</b>	<b>1,130.9</b>

Total proposed spending includes both revenue resource and capital spending plans with health and social care receiving the biggest increase in funding of £809 million, a 4.7% increase. Local government represents the second largest element of the overall Scottish Budget, however the increase in funding of £170.4 million for local government represents an increase of 1.0% in comparison.

Overall the SFC expect the Scottish Budget in cash terms to increase by 10% between 2022/23 and 2026/27, largely because of increases in UK Government funding. In the UK Spending Review announced in October 2021, Scotland will receive an additional £4.6 billion per year on average with the unadjusted Scottish Block grant increasing from £36.7 billion (excluding Covid funding) in 2021/22 to £41.8 billion in 2024/25. This equates to a 2.4% real terms increase over the Spending Review period, although the increase is front loaded with the biggest increase in 2022/23. Increased resource funding is partially offset by a shrinking capital budget and anticipated shortfalls between tax revenues and Block Grant Adjustments. The Scottish Government also plans social security spending above the corresponding Block Grant Adjustment funding. This creates pressures over the next five years and the Scottish Government will need to balance its spending plans against the available budget.

### D.4 Devolved Taxation

Scottish Government spending plans are underpinned by revenue raising tax powers devolved by the Scotland Act 2016. In 2022/23, tax revenues raised in Scotland will fund around £13.7 billion of Scottish Government expenditure.

The SFC, which is an independent statutory body, is responsible for producing revenue forecasts for fully devolved taxes and non-savings non-dividend (NSND) income tax. All forecast revenues underpinning the Scottish Budget are produced by the SFC.

#### Scottish Income Tax

The Scotland Act 2016 confers on the Scottish Parliament the power to set all income tax rates and the threshold of bands (above the Personal Allowance) that apply to the NSND income from Scottish taxpayers. The Scottish Government will receive all the revenue raised from NSND income tax in Scotland as a consequence of rates and bands set by the Scottish Parliament.

The thresholds of the proposed Scottish Income Tax bands for 2022/23 are as follows:

Table 4: Scottish Income Tax Rates 2022/23

Scottish Income Tax Rates	Scottish Bands
Scottish Starter Rate 19%	Over £12,570 to £14,732
Scottish Basic Rate 20%	Over £14,732 to £25,688
Scottish Intermediate Rate 21%	Over £25,688 to £43,662
Scottish Higher Rate 41%	Over £43,662 to £150,000
Scottish Additional Rate 46%	Over £150,000

Scottish Income Tax rates will remain unchanged in 2022/23. The Starter and Basic Rate bands will increase by CPI inflation (3.1%). The Higher and Top Rate thresholds will remain frozen in cash terms at £43,662 and £150,000, respectively, so more income will be taxed at the higher rate of 41%, raising an expected £106 million of additional revenue in 2022/23.

#### Land and Buildings Transaction Tax (LBTT)

Residential rates and bands will remain at their current level. The First-Time Buyer Relief will also continue to be available. This has the effect of increasing the nil rate band from £145,000 to £175,000 for first-time buyers. The Scottish Government is proposing that the Additional Dwelling Supplement (ADS) is maintained at 4% in 2022/23. The ADS rate of 4% applies to the total price of the property for all relevant transactions of £40,000 or more.

#### Scottish Landfill Tax

The Scottish Government is proposing that the standard rate of Scottish Landfill Tax (SLFT) increases to £98.60 per tonne and the lower rate to £3.15 per tonne in 2022/23 to ensure consistency with planned Landfill Tax charges in the rest of the UK.

As set out in section D.3, Scottish Government spending plans are underpinned by revenue raising tax powers devolved by the Scotland Act 2016. If the Scottish forecasts for tax receipts prove to be optimistic and result in reconciliation adjustments, there would be a negative impact on the overall resources available within future Scottish Budgets due to the reconciliations between the actual revenue collected and the Block Grant Adjustment.

### **D.5 Public Sector Pay Policy**

The public sector pay policy applies to staff under the Scottish Governments' remit, which does not include local government. The public sector pay policy for 2022/23 was announced alongside the draft Scottish Budget 2022/23. It includes an inflationary uplift of £775 (equates to 3.1% rise) for those earning up to £25,000, those earning between £25,000 and £40,000 will get an uplift of £700, whilst those earning over £40,000 will receive an uplift of £500. The Cabinet Secretary for Finance also announced a minimum wage floor of £10.50 for all bodies covered by the pay policy, including social care staff. Specific funding has been provided by the Scottish Government to local authorities to implement this for social care workers employed by contractors.

### **D.6 Welfare Changes**

The Scotland Act 2016 devolved various areas of social security to Scotland, mainly related to carers and disability benefits. The Social Security (Scotland) Act 2018 received Royal Assent on 1 June 2018, with Scottish social security benefits now being delivered. The Scottish Government has been implementing the devolved powers on a phased basis and new social security powers over Attendance Allowance, Disability Allowance, Industrial Injuries Disablement Allowance, Personal Independence Payments and Severe Disablement Allowance commenced in 2020/21.

Social security powers transferred to Scotland need to be managed within HM Treasury budget control limits and this has introduced increased volatility into the Scottish Budget. Any increase in demand against what has been forecast by the SFC needs to be managed through a combination of drawing down funding from the Scotland reserve, utilising resource borrowing powers or in-year adjustments to other budgets.

The Scottish Government is forecast to spend £4.1 billion on social security in 2022/23, including new spending plans announced in the Budget. Spending announced will be on Scottish Child Payment, Low Income Winter Heating Assistance and Adult Disability Payment. It is forecast that social security spending will increase from £4.1 billion in 2022/23 to £5.5 billion in 2026/27.

### Scottish Child Payment

The Scottish Child Payment is a weekly payment to low income families with children under the age of six. It opened for applications on 9 November 2020 with the first payments starting to be made from February 2021. The Scottish Child Payment will double from £10 to £20 per child per week from April 2022. The forecast allows for the possibility that the higher payment rate encourages more applications.

### Low Income Winter Heating Assistance

This launches in winter 2022 replacing Cold Weather Payments and is forecast to cost £21 million in 2022/23.

### Adult Disability Payment

Forecasts also include the launch of the largest social security payment, Adult Disability Payment (ADP), which will replace Personal Independence Payment. People qualify for ADP on the basis of a disability or health condition, and their eligibility is not affected by their income or employment status. This means spending on ADP is not related to economic performance, and instead is primarily related to demographics. Older people are more likely to receive ADP and therefore a combination of an aging population and increases in the state pension age mean it is expected the number of people receiving ADP will increase over the next five years.

## **D.7 Local Government Funding**

In 2022/23, the total managed expenditure available within the local government portfolio is £11.141 billion. This figure includes general revenue and capital grant funding, specific revenue and capital grants, as well as an estimate of non-domestic rate income. There are a number of other funding allocations linked to individual policy initiatives held within other spending portfolios and, taking account of this, the total 2022/23 local government funding settlement is £12.474 billion. The difference between the revenue funding in the finance circular and the Scottish Budget report is £64 million which was not identified on the face of the budget report. The formula share of the revenue grant, non-domestic rate income and capital grant for each council is set out in Finance Circular 9/2021, published on 20 December 2021. The total funding for local government as detailed in the circular based on the Scottish Draft Budget is set out below:

*Table 5: Scottish Government Funding to Local Government (Cash Terms)*

	<b>2021/22 Budget £'m</b>	<b>2022/23 Draft Budget £'m</b>	<b>Movement £'m</b>
<b>Revenue Funding</b>			
General Revenue Grant	8,161.4	8,276.7	115.3
Non-Domestic Rates Income (NDRI)	2,090.0	2,766.00	676.0
Specific Grants	752.1	752.1	0
<b>Total Revenue Funding</b>	<b>11,003.5</b>	<b>11,794.8</b>	<b>791.3</b>
<b>Capital Funding</b>	<b>616.9</b>	<b>679.5</b>	<b>62.6</b>
<b>Total Government Funding to Local Government</b>	<b>11,620.4</b>	<b>12,474.3</b>	<b>853.9</b>

The provisional total funding allocations form the basis for the annual consultation between the Scottish Government and COSLA ahead of the Local Government Finance (Scotland) Order 2022 being presented to the Scottish Parliament in February 2022.

The allocations to individual local authorities contained in the finance circular have been arrived at using the standard needs-based distribution methodology and updated indicators. There have been a number of questions on the settlement and local government officers, along with COSLA, are liaising with Scottish Government officials to fully verify the assumptions and figures contained in the settlement. Any redistribution to address agreed discrepancies found in the finance circular will be undertaken within the total settlement allocations set out and not through the provision of any additional resources by the Scottish Government. The allocations are therefore provisional at this stage, and will be subject to any correction agreed as part of the consultation process.

The overall revenue provided by the Scottish Government to local government in 2022/23 will increase in cash terms by £791 million. There is an increase of £62.6 million to the capital funding available to local government in 2022/23. Much of the increase in revenue funding is attributed to ring-fenced funding earmarked to implement minimum pay for staff and adult social care commissioned services, a commitment to children and young people (including additional teachers, music tuition, school clothing grants, increase in Pupil Equity Fund) and health and social care (carers act, free personal care, winter package and social care pay).

There is no amount in the finance settlement for the employer's national insurance contribution increase and there is a reduction of £15 million from previously agreed multi-year funding settlement for Early Learning and Childcare (ELC) expansion revenue funding.

COSLA presented an assessment of the overall position in their budget reality document issued on 9 December 2021. In summary, the position is a reduction in revenue funding and flat cash for capital funding for local government. COSLA, and the leaders of all local authorities in Scotland, have expressed their concerns at the local government finance settlement in a letter to the First Minister and Cabinet Secretary for Finance and the Economy on 24 December 2021. A copy of this letter is provided in Appendix 1 for information.

*Table 6: COSLA's Budget Reality – Revenue Budget*

	£'m
Cash Increase in Revenue Funding	791.4
<u>Less: Scottish Government Commitments</u>	
Children and Young People	(180.0)
Health and Social Care	(354.0)
Staff Retention and £10.50 per hour social care services	(200.0)
Scottish Child Bridging Payments	(68.0)
<u>Less: Other Known Policy Pressures Not Funded by the Scottish Government</u>	
Council Tax Reduction Regulation Changes	(19.0)
Employers National Insurance Contribution Increase	(70.0)
Cash Decrease in Revenue Funding	(99.6)

Following the publication of the Scottish Budget and COSLA's budget reality document, it was confirmed in finance circular 9/2021 that an additional £64 million revenue was not identified on the face of the budget as well as £30 million of capital funding to facilitate the expansion of free school meals. This accounts for the differences in revenue funding between tables 5 and 6 above.

Providing some context to the cash movement, local government has seen its percentage share of the overall Scottish Budget falling year on year. In 2007/08, local government received 28.62% of the total budget and by 2022/23, local government's share of the total budget will be 22% of the Resource and Capital spend combined.

## **D.8 Package of Measures and Associated Commitments**

The letter from the Finance Secretary on 9 December 2021 outlined that individual local authorities will, in return for this settlement, be expected to deliver certain specific commitments.

The package of measures offered to councils is as follows:

- £145 million for additional teachers and support staff in addition to the £88 million to maintain the pupil:teacher ratio nationally and secure places for all probationers who require one under the teacher induction scheme;
- Funding to maintain 100 day commitments including the removal of curriculum and music tuition charges and expanded School Clothing Grant;
- £68.2 million for Child Bridging Payments;

- Maintaining the £292.6 million provided in 2021/22 and providing a further £353.9 million transfer from Health for investment in health and social care and mental health services – including £174.5 million to support ongoing adult social care pay, £20.4 million to continue implementing improved rights and support for carers, £15 million to uplift free personal nursing care rates, £124 million of recurring care at home investment, and £20 million for interim care;
- In addition, a further £200 million will be transferred to support pay and sustainability of social care services. This requires local government to deliver a £10.50 minimum pay settlement for adult social care workers in commissioned services, in line with the equivalent commitment being made in the public sector pay policy.
- £5.3 million for Assessors for Barclay implementation costs;
- An extra £62.5 million of capital including:
  - £30 million for expansion of Free School Meals for P5;
  - £20 million for the Local Bridge Maintenance Fund;
  - £11 million for Flood Prevention; and
  - £1.6 million for Coastal Protection.

Although funding is provided for items such as removal of instrumental music charges, there is a risk that the total funding quantum is insufficient, especially if demand for services increases as a result removal of fees. This will be kept under review and should funding be insufficient, raised with COSLA and the Scottish Government.

As noted, the overall finance settlement for local government in 2022/23 in the circular is £12,538.3 billion. The settlement also includes a number of items which have yet to be distributed to councils. Distribution of these items will be confirmed in due course.

*Table 7: Items to be Distributed in 2022/23 Local Government Finance Circular*

<b>Items to be Distributed</b>	<b>Total £'000</b>
Teachers Induction	37,600
Discretionary Housing Payments	80,200
Pupil Equity Fund	10,000
Support for Ferries	1,000
New Health & Social Care	200,000
Free School Meal Expansion	42,200
Free School Meal Holidays	21,750
Education Psychologists	450
Removal of School Fees Instrumental Music Service	12,000
Removal of Core Curriculum Fees	8,000
Scottish Child Payment	68,200
Gaelic	103
Customer First Top Up	1,410
<b>Total</b>	<b>482,913</b>

The letter from the Finance Secretary on 9 December 2021 announced councils will have full flexibility to set the Council Tax rate that is appropriate for their local authority area. It also stated an extension of the flexibilities to allow capital receipts to be used to fund the financial impact of Covid-19 and to fund transformational projects in 2022/23. The extension of these flexibilities is dependent on confirmation from the UK Government that this will not result in an adjustment to Scotland's block grant. Similarly, it has been agreed to extend the period for the loans fund principal repayment holiday for one further year for those who have not already taken advantage of the holiday. West Lothian Council have approved that the holiday will be taken in 2022/23.

## **D.9 High Level Implications for West Lothian Council**

Draft 2022/23 Scottish Government funding for West Lothian Council is £384.142 million, which is £19.091 million greater than the equivalent figure in 2021/22 and includes assumptions regarding funding for items which have yet to be distributed and therefore are subject to change.

It is important to note that, within the provisional West Lothian allocation, there is £17.527 million of funding which relates to new additional expenditure commitments for 2022/23. Taking account of this, the council's 2022/23 core cash revenue funding from the Scottish Government for existing service delivery has increased by £1.564 million compared to 2021/22.

However to keep reporting consistent with the position reported in COSLA's budget reality document, the council's estimated cost of the unfunded council tax reduction legislation changes and national insurance contribution increase must be deducted. This results in a reduction in core revenue funding of £1.462 million. In summary, the movement in funding for West Lothian Council is as follows:

*Table 8: Movement in Scottish Government Recurring Revenue Grant Funding for West Lothian Council*

		£'000
2021/22 Scottish Government Recurring Grant Funding		365,051
2022/23 Scottish Government Recurring Grant Funding		384,142
<b>Gross Increase in Recurring Grant Funding</b>		<b>19,091</b>
<b>Less Ringfenced Grants for Scottish Government Commitments:</b>		
• Children & Young People	(7,525)	
• Health and Social Care	(10,344)	
• Other movements	342	(17,527)
Council Estimated Cost of Unfunded CTRS & National Insurance		(3,026)
<b>Net Reduction in 2022/23 Core Recurring Revenue Grant Funding</b>		<b>(1,462)</b>

Figures for provisional capital grant funding indicate that the council will receive general capital grant funding of £11.556 million, which is £244,000 less than budgeted. This decrease in capital grant funding continues the trend of the reduction in general capital grant from the Scottish Government. In addition to the general capital grant there is £805,000 ring fenced capital funding for Cycling, Walking and Safer Streets.

Further information on the medium-term financial implications will be available from the Scottish Fiscal Commission. Levels of growth and productivity in the Scottish economy will have a significant bearing on medium term funding of the Scottish budget going forward, including for local government. Changing economic circumstances, including the Covid-19 pandemic, further contributes to the uncertainty around future funding.

The increased use of ringfenced and earmarked funding for Scottish Government initiatives and priorities, means that total resources available to support existing local service delivery remain constrained. Table 9 illustrates the movement in core revenue funding received by the council over the period since 2014/15.

*Table 9: Analysis of Movement in Core Scottish Government Revenue Grant Funding – 2014/15 to 2022/23*

Year	Gross Movement £'000	Ringfenced Funding £'000	Net Movement in Core Funding £'000
2014/15	4,134	4,307	(173)
2015/16	5,960	6,465	(505)
2016/17	(4,580)	2,084	(6,664)
2017/18	(799)	5,052	(5,851)
2018/19	7,715	5,331	2,384
2019/20	7,755	9,462	(1,707)
2020/21	6,404	9,923	(3,519)
2021/22	12,068	6,610	5,458
2022/23	19,091	20,553	(1,462)
<b>Total</b>	<b>57,748</b>	<b>69,787</b>	<b>(12,039)</b>

Following the announcement of the draft local government finance settlement, officers are reviewing the budget model to incorporate the updated funding for 2022/23. In addition, officers are continuing to review budget model assumptions to reflect changes in circumstances. Taking account of confirmation of the 2022/23 local government finance settlement, and the latest budget model assumptions, the Head of Finance and Property Services will present an updated 2022/23 revenue budget and updated capital investment programme to Council for approval in February 2022. The revenue budget report will also contain information on the estimated financial position for 2023/24 to 2027/28. As work has yet to be finalised on the council's 2022/23 budget, it is recommended that the uncommitted General Fund Balance of £2.261 million is retained at the current time to be considered as part of the budget setting process at full council in February 2022.

The Scottish Parliament will consider the draft Scottish Budget at readings scheduled in January and February 2022, where there is the potential for the draft Scottish Budget to be amended. COSLA described the budget as a bad deal for communities and warned that serious financial challenges in key service areas lay ahead for Scotland's Councils. In the "Budget Reality" briefing document, COSLA emphasised that Local Government core revenue funding for 2022/23 is cut by £100 million, before any other pressures such as National Insurance costs, pay or inflation are taken into account. COSLA will continue to campaign for an increase to the local government finance settlement during the budget bill readings.

## **E. CONCLUSION**

The Scottish Government published the draft 2022/23 Scottish Budget on 9 December 2021 and the Cabinet Secretary for Finance wrote to the COSLA President on the same day. The provisional local government finance settlement for 2022/23 was announced on 21 December 2021. The total local government settlement is £12,474.3 billion with core revenue grant funding for 2022/23 being reduced by just under £100 million.

For West Lothian, the comparable decrease in core funding compared to 2021/22, based on COSLA's budget reality approach, is £1.462 million. The revenue funding package proposed by the government, as noted by COSLA, falls short of the funding required by Local Government to meet cost pressures and increasing demands. Significant savings will continue to be required in 2022/23 and if funding continues to follow in future years as well. In addition, the council's core general capital grant has been reduced by £244,000.

The Head of Finance and Property Services is assessing the outcome of the detailed local government finance settlement, taking account of further confirmation required and the further funding streams to be clarified. Based on a review of the figures and forecasts contained in the local government finance settlement and associated documents, the Head of Finance and Property Services will update the revenue and capital budgets for 2022/23 for reporting to Council in February 2022.

## **F. BACKGROUND REFERENCES**

Revenue Budget 2021/22 - 2022/23 - Report by Head of Finance and Property Services to West Lothian Council on 25 February 2021

Autumn Budget and Spending Review 2021 – Report by Head of Finance and Property Services to Council Executive on 16 November 2021

Scottish Budget 2022/23 published by Scottish Government on 9 December 2021

Local Government Finance Circular 9/2021 published by Scottish Government on 20 December 2021

COSLA Budget Reality (9 December 2021)

[https://www.cosla.gov.uk/data/assets/pdf\\_file/0022/29443/COSLA-Budget-Reality-Local-Government-Settlement-22-23.pdf](https://www.cosla.gov.uk/data/assets/pdf_file/0022/29443/COSLA-Budget-Reality-Local-Government-Settlement-22-23.pdf)



Appendices/Attachments:

Appendix 1 – Letter from COSLA Leaders to First Minister and Cabinet Secretary

Contact Person: Karen Park, Accountant  
Email: karen.park@westlothian.gov.uk, Tel: 01506 283236

**Donald Forrest**  
**Head of Finance and Property Services**  
**10 January 2022**

**Appendix 1 – Letter from COSLA Leaders to First Minister and Cabinet Secretary**

24 December 2021



Ms Nicola Sturgeon MSP  
First Minister of Scotland

Ms Kate Forbes MSP  
Cabinet Secretary for Finance and the Economy

The Scottish Government  
St Andrew's House  
Regent Road  
Edinburgh  
EH1 3DG

Via email: [firstminister@gov.scot](mailto:firstminister@gov.scot); [CapSecFE@gov.scot](mailto:CapSecFE@gov.scot)

Dear First Minister and Cabinet Secretary,

As Council Leaders from the 32 Local Authorities in Scotland, we are writing on behalf of the communities we serve, to say that we are deeply concerned at how the Scottish Government has treated Local Government in this year's Scottish Budget.

At a special meeting of Leaders on 21 December, we expressed our extreme disappointment at the Local Government financial settlement for 22/23 that has now been circulated to Councils. Our view is that this settlement, which is a £371m real terms cut in core funding, is unacceptable. Every penny of the cash increase presented on the 9 December (£791m) is for Scottish Government policy priorities and in real terms, erodes our core funding – funding that is essential for the services that underpin our communities and support our shared ambitions including recovery, economic transformation and eradicating child poverty. Put simply, it does not allow us to enable people to 'live well locally'.

We are unanimous in our view that we have been managing challenging budgets for over a decade now but that there is now no room to make further savings, without a detriment to our communities. Additionally, the settlement does not include any funding for pay, inflation or increased demand for services. The impact of this Settlement will be stark for our services and our staff. It will mean that Local Government must reconsider commitments at a local and national level.

We are also clear that the settlement needs to include:

- Funding for the increased burden of National Insurance Contributions at around £70m (which we are aware NHS in Scotland and English Councils have been funded for);
- Funding for the additional costs of the Council Tax Reduction programme and its administration, at around £20m (with this quantum established through partnership working at official level, in good faith);
- Full funding for the expansion of Early Learning and Childcare, which has been cut by £15m for 22/23 (threatening delivery at a local level of this flagship policy).

Yet again, this settlement demonstrates that Scottish Government is not giving Local Government the respect it deserves and is showing complete disregard for Local Government's role as a key partner in achieving better outcomes for the people of Scotland.

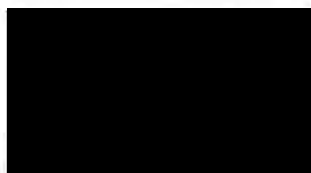
COSLA Leaders believe that the relationship between Local and Scottish Government has been called into question by this Scottish Budget which, for the benefit of our communities, we must work to rectify immediately. We would ask that an urgent meeting is set up with you, First Minister, and the COSLA Leadership Team including Political Group Leaders.

Yours sincerely,

All 32 Local Authority Leaders.



Councillor Jenny Laing  
Aberdeen City Council



Councillor Andy Kille  
Aberdeenshire Council



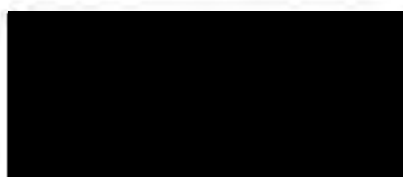
Councillor David Fairweather  
Angus Council



Councillor Robin Currie  
Argyll and Bute Council



Councillor Adam McVey  
City of Edinburgh Council



Councillor Ellen Forson  
Clackmannanshire Council



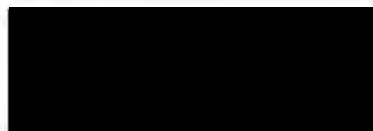
Councillor Roddie Mackay  
Comhairle nan Eilean Siar



Councillor Elaine Murray  
Dumfries and Galloway Council



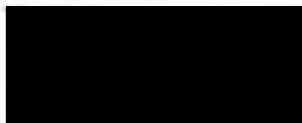
Councillor John Alexander  
Dundee City Council



Councillor Douglas Reid  
East Ayrshire Council



Councillor Andrew Polson and Councillor Vaughan Moody  
East Dunbartonshire Council



Councillor Tony Buchanan  
East Renfrewshire Council



Councillor Norman Hampshire  
East Lothian Council



Councillor David Ross  
Fife Council



Councillor Cecil Meiklejohn  
Falkirk Council



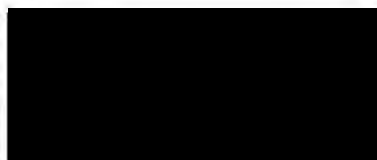
Councillor Margaret Davidson  
Highland Council



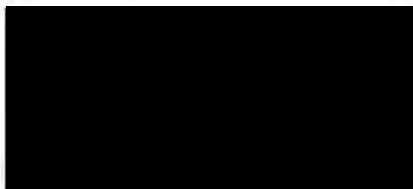
Councillor Susan Aitken  
Glasgow City Council



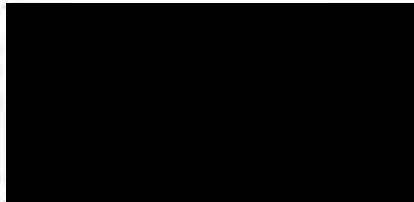
Councillor Stephen McCabe  
Inverclyde Council



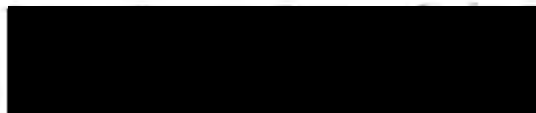
Councillor Derek Milligan  
Midlothian Council



Councillor Joe Cullinane  
North Ayrshire Council



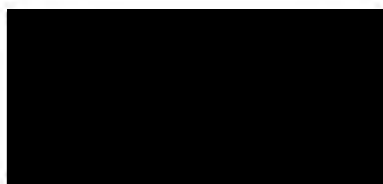
Councillor Jim Logue  
North Lanarkshire Council



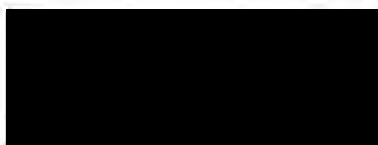
Councillor Graham Leadbitter  
Moray Council



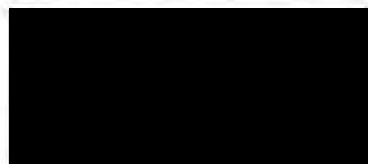
Councillor James Stockan  
Orkney Islands Council



Councillor Murray Lyle  
Perth and Kinross Council



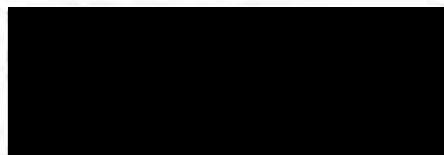
Councillor Iain Nicolson  
Renfrewshire Council



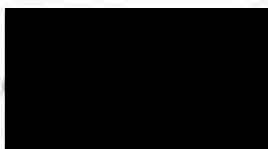
Councillor Mark Rooney  
Scottish Borders Council



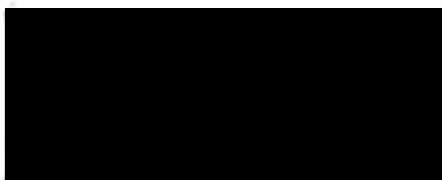
Councillor Peter Henderson  
South Ayrshire Council



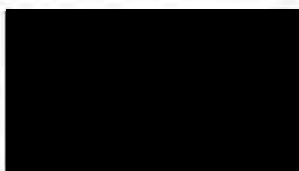
Councillor John Ross  
South Lanarkshire Council



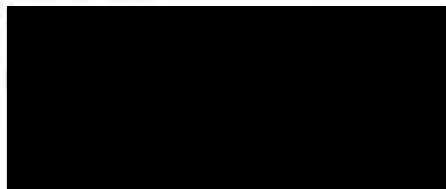
Councillor Steven Coutts  
Shetland Islands Council



Councillor Scott Farmer  
Stirling Council



Councillor Jonathan McCol  
West Dunbartonshire Council



Councillor Lawrence Fitzpatrick  
West Lothian Council



DATA LABEL: PUBLIC

**COUNCIL EXECUTIVE****CONSULTATION ON HMICS SCRUTINY PLAN 2022-2025****REPORT BY INTERIM HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES****A. PURPOSE OF REPORT**

To inform Council Executive of the HM Inspectorate for Constabulary in Scotland (HMICS) Consultation. HMICS will use the information gathered from the online survey to improve the service to the public as they develop their next 3-year Scrutiny Plan for 2022-2025. The closing date of the consultation survey is 21 January 2022.

**B. RECOMMENDATION**

It is recommended that Council Executive:

1. Approves the proposed response to HM Inspectorate for Constabulary in Scotland (HMICS) on their public consultation to enhance their understanding of the key issues impacting on policing across the country attached as Appendix 1 and;
2. Approves submission of the consultation response by 21 January 2022.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs Being honest, open and accountable Making best use of our resources Working in partnership Providing equality of opportunity
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The Police and Fire Reform (Scotland) Act 2012 The Antisocial Behaviour etc. (Scotland) Act 2004
<b>III Implications for Scheme of Delegations to Officers</b>	None
<b>IV Impact on performance and performance Indicators</b>	Police Scotland National and Local Plans and PI's
<b>V Relevance to Single Outcome Agreement</b>	Local Police Scotland Performance Indicators



<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	None
<b>VII</b>	<b>Consideration at PDSP</b>	Due to the consultation deadline, consideration at a PDSP meeting was not possible. The paper has been circulated to PDSP members and representatives and feedback will be included in the final report or given verbally at the Council Executive committee meeting
<b>VIII</b>	<b>Other consultations</b>	None

## **D. TERMS OF REPORT**

### **D.1 Background**

HM Inspectorate for Constabulary in Scotland (HMICS) is established under the Police and Fire Reform (Scotland) Act 2012. HMICS has a statutory duty to ensure that the effectiveness and efficiency of both the Police Service of Scotland (Police Scotland) and the Scottish Police Authority (SPA) are as productive and pertinent as they can be to the public they serve.

In order to assist Police Scotland and SPA with their ongoing plans, HMICS are committed to ensuring that their own Plan in the development stage will be as inclusive of the public views and other services through this engagement process. HMICS is delivering this improvement agenda, by asking for reviews on the consultation based on concerns for consideration on high risk priorities for Police or HMICS.

### **D.2 Consultation Questions**

The HMICS consultation includes a range of questions, are set out below and responders are asked to answer the questions in as much details as possible.

1. I am a member of the public; a stakeholder; an officer or staff member with Police Scotland or the SPA
2. What do you think are the key issues that will face policing in Scotland over the next 3 years and why?
3. Are there any departments or Divisions that you think require scrutiny from HMICS and why?
4. Is there any new legislation, processes or technology that require assurance from HMICS?
5. Are there any processes that Police Scotland and partner agencies are involved in where you feel that joint inspection would be of benefit? Why is this important.
6. Where could scrutiny from HMICS add the most value and why?



7. Do you currently read HMICS reports and publications?
8. If you answered 'Yes' to question 7. Have HMICS reports had a positive impact on your work &/or understanding of policing in Scotland? In what ways could we make our reports more relevant for you?
9. If you answered 'No' to question 7. What would make your more likely to read our reports? In what ways could we make our reports more relevant for you?
10. Are there any ways that we could make our reports and publications more accessible?
11. In the last 12 months have you visited the HMICS' website?
12. If 'Yes', how easy was it to find what you were looking for on HMICS' website?
13. If you have any suggestion for ways in which we could improve our website, including anything you would like to see that isn't currently there, please use the box below.

Appendix 1 provides the proposed response.

## **E. CONCLUSION**

HMICS are seeking views and proposals to address any topical, high risk or emerging areas in policing which members of the public, stakeholders or officers/staff members within Police Scotland or the SPA consider would benefit from scrutiny by HMICS.

The proposed response sets out the areas of note which the council believes the HMICS should consider when seeking to enhance its understanding of the key issues impacting on policing across the country.

## **F. BACKGROUND REFERENCES**

- Letter from Gillian Imery, HM Chief Inspector of Constabulary
- HMICS Scrutiny Plan 2022-2025 - Public Consultation

Appendices/Attachments: Appendix 1 Consultation response

Contact Person: Alison Smith, Housing Management & Community Safety Manager  
Tel:01506 281367 [Alison.Smith@westlothian.gov.uk](mailto:Alison.Smith@westlothian.gov.uk)

**Julie Whitelaw**  
**Interim Head of Housing, Customer & Building Services.**  
**18 January 2022**

**1. *I am a member of the public; a stakeholder; an officer or staff member with Police Scotland or the SPA***

A stakeholder (Local Authority)

**2. *What do you think are the key issues that will face policing in Scotland over the next 3 years and why?***

- Increasing demands and reducing resources either within Police Scotland and/or across other public sector partners and stakeholders.
- Delivering on national strategies and priorities whilst at the same time meeting partner and community expectations and maintaining close community engagement.
- The delivery of Counter Terrorism strategies in conjunction with other partners, including both the UK Government and Scottish Government.
- To meet the challenges of Serious Organised Crime and Cybercrime with the potential for increase in scams / fraudulent crimes as more communities and organisations rely on digital means to deliver goods and services.
- Police Scotland's recovery and renewal from the COVID-19 Pandemic and the policing response to increasing domestic crimes, the impact of the COVID-19 on people's mental health and well-being and those relating to substance misuse and alcohol related issues.

**3. *Are there any departments or Divisions that you think require scrutiny from HMICS and why?***

The council would support a review of performance reporting within Police Scotland, and would welcome a review of divisional performance reporting compared to other community safety partners, in particular the Scottish Fire & Rescue Service. For example, in West Lothian, Police Scotland report on a local and Divisional (J Division) basis, however Scottish Fire & Rescue Service report on a West Lothian and Falkirk Council basis.

**4. *Is there any new legislation, processes or technology that require assurance from HMICS?***

The deployment and use of body worn video cameras across Police Scotland is a relatively new development and ongoing scrutiny in this regard would be considered to be an important area that requires assurance from HMICS.

**5. *Are there any processes that Police Scotland and partner agencies are involved in where you feel that joint inspection would be of benefit? Why is this important.***

- Counter Terrorism;
- Serious and Organised Crime and Cybercrime
- Adult and Child Protection

It is important to know that at both a national and local level that the partnership arrangements in place between the Scottish Government, local authorities, Police Scotland, Scottish Fire and Rescue Service and Health Board/NHS Scotland around joint responsibility are robust and proportionate to provide as much safety prevention and intervention to individuals and communities as possible.

**6. *Where could scrutiny from HMICS add the most value and why?***

The areas identified in the answers provided to Questions 2, 3 and 4 set out where scrutiny from HMICS could add most value and HMICS would be able to ensure duplication is avoided and scrutiny is thematic across the sector.

**7. *Do you currently read HMICS reports and publications?***

Yes

**8. *If you answered 'Yes' to question.***

***Have HMICS reports had a positive impact on your work &/or understanding of policing in Scotland? In what ways could we make our reports more relevant for you?***

HMICS reports have been beneficial, providing clarity on decisions made and guidance for Scottish Police Authority.

**9. *If you answered 'No' to question 7. What would make your more likely to read our reports? In what ways could we make our reports more relevant for you?***

Not applicable.

**10. *Are there any ways that we could make our reports and publications more accessible?***

HMICS may wish to consider offering notifications similar to Audit Scotland which enables stakeholders to subscribe to receive email notification whenever new reports are published.

**11. *In the last 12 months have you visited the HMICS' website?***

Yes

**12. *If 'Yes', how easy was it to find what you were looking for on HMICS' website?***

The website content is accessible and easy to navigate.

**13. *If you have any suggestion for ways in which we could improve our website, including anything you would like to see that isn't currently there, please use the box below.***

No further comments.



DATA LABEL: PUBLIC



## **COUNCIL EXECUTIVE**

### **WEST LOTHIAN STRATEGIC HOUSING INVESTMENT PLAN 2022-2027**

#### **REPORT BY INTERIM HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES**

#### **A. PURPOSE OF REPORT**

To report to Council Executive on the main points of West Lothian Council's Strategic Housing Investment Plan (SHIP) 2022 – 2027, seek approval for the Plan and its submission to the Scottish Government.

#### **B. RECOMMENDATION**

It is recommended that Council Executive:

1. Approves the Strategic Housing Investment Plan (SHIP) attached as Appendix 1;
2. Notes that over a 10-year period from 2012 to 2022, the aim will be to deliver 3,000 affordable homes with the majority being council houses;
3. Notes that the level of grant funding for affordable housing delivery for the period 2022-2027 has increased from previous years and that this will facilitate new affordable housing by a variety of providers;
4. Notes the infrastructure projects identified for future consideration by Scottish Government for grant and loan funding and;
5. Approves submission of the SHIP to the More Homes Division of the Scottish Government.

#### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; developing employees; making best use of our resources; working in partnership
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	A Strategic Environmental Assessment pre-screening report and Integrated Impact Assessment were carried out on the SHIP.
<b>III Implications for Scheme of Delegations to Officers</b>	N/A
<b>IV Impact on performance</b>	Performance indicators have been included in

<b>and Indicators</b>	<b>performance</b>	the SHIP
<b>V Relevance to Single Outcome Agreement</b>	We live in resilient, cohesive and safe communities.	
<b>VI Resources - (Financial, Staffing and Property)</b>	The SHIP sets out potential opportunities to deliver affordable housing. The actual level of delivery will depend on the level of council resource and government grant available.	
	The updated Housing Capital Programme 2021/22 to 2022/23 approved by Council Executive on 22 June 2021 includes £53.864 million for the New Build Council Housing Programme.	
	Scottish Government grant of £17.889 million will be available to support the delivery of affordable housing in West Lothian in 2021/22 The Resource Planning Assumptions for years 2022/23 to 2026/27 total £61.906 million.	
<b>VII Consideration at PDSP</b>	Yes	
<b>VIII Other consultations</b>	Consultation has taken place with Registered Social Landlords operating in West Lothian, with Scottish Government More Homes Division, Tenants Panel, Planning Services and Finance and Property Services.	

## **D. TERMS OF REPORT**

### **D.1 Background**

The Scottish Government has requested that all Local Authorities submit a 5year Strategic Housing Investment Plan (SHIP) which will augment their current Local Housing Strategies.

This document is reviewed annually and submitted to the Scottish Government. The major objective of the SHIP is for Local Authorities, in conjunction with Registered Social Landlords (RSLs), to ascertain the viability of current and future social housing investment opportunities. The SHIP should relate to the Single Outcome Agreement (SOA) between the local authority and central government. It should be consistent with other strategies within the West Lothian Local Housing Strategy (LHS) on matters such as homelessness, housing support and private sector policy.

The Government's More Homes Division will monitor each SHIP submission and determine in conjunction with Local Authorities the best investment possibilities. This is based on analysis of the relevant merits and potential constraints for the development options provided by each Local Authority. The council currently works closely with the Government's More Homes Division to support RSLs in West Lothian.

The SHIP also gives the latest progress on the council's new build council housing programme.

The SHIP demonstrates the manner in which West Lothian Council's affordable

housing investment priorities will be developed in practice. Consultation has taken place with a number of organisations involved in the development of affordable housing in West Lothian, notably WLC Planning and the RSL community.

The SHIP provides:

- An opportunity to set out key investment priorities for affordable housing and demonstrate how these will be delivered
- Identifies resources which help deliver these priorities
- Sets out the involvement of partners
- Further co-ordination between the LHS and the individual RSL's future development funding plans

## **D.2 Progress on the SHIP**

Since the start of 2012/13 to the end of Quarter 2 2021/22, 2,308 affordable homes were provided in West Lothian. There are currently 375 that are planned to complete by March 22 and a further 317 due to complete by Summer 23.

Over the 5-year period of the SHIP sites have been identified by RSLs and the council for 2,330 homes. Other sites included in the SHIP could accommodate up to 271 homes. These sites may be developed by RSLs or in some cases, WLC. Opportunities for open market acquisitions have also been identified by both RSLs and the council.

Scottish Government has confirmed funding of £17.889 million for 2020/21 and a total of total £61.906 million for years 2022/23 to 2026/27. This is a significant increase on the previous five- year period and provides certainty of funding going forward. This funding is provided in an environment of increasing costs for construction.

The approved Housing Capital Programme 2021/22 to 2022/23 includes £53.864million for new council housing supply.

The updated Rapid Rehousing Transition Plan was submitted to Scottish Government in June 2021. The proposed developments included in this SHIP will increase affordable housing supply in West Lothian and assist in addressing homelessness.

## **D.3 SHIP priorities**

The main priorities identified in the SHIP are to:

- Develop those projects that are already committed, including the continued development of new build council housing.
- Progress development in the Core Development Areas
- Promote housing regeneration in Deans South

Housing investment projects both approved and speculative are submitted by RSLs and are principally categorised by timescale, locality, house tenure, number of units and cost. The council will continue to give priority to sites in West Lothian in high demand areas including the Core Development Areas. Funding allocations will be based on best value principles.

Wheatley Group (West Lothian Housing Partnership) has identified 11 potential sites in West Lothian for 775 homes. Almond Housing Association has identified 15 potential sites for development over the period that could accommodate up to 421 homes. Places for People/Castle Rock Edinvar have identified 9 potential sites for

523 homes. Home Group has identified three sites for 174 homes. Cairn Housing Association has identified 3 projects for 99 homes, Link Housing Association Ltd had identified one project for 52 homes and Ark Housing Association has identified one project for 20 units.

The following sites have been approved in the current new build council housing programme.

Site	Number of homes
Standhill, Bathgate	22
Mossend, West Calder	69
Eagle Brae, Livingston	29
Cawburn Road, Pumpherston	16
Deans South, Livingston	29
Eliburn, Livingston	20
Murieston, Livingston	42
Hopetoun Street, Bathgate	4
Marjoribanks St Bathgate	6
Mid Street, Bathgate	5
Wester Inch	59
Bathville, Armadale	3
<b>Total</b>	<b>304</b>

A number of other sites have been identified for potential future affordable housing development. These sites could accommodate up to 271 homes should funding be available. The site at Deans South was sold in May 2021 and this will enable the development of 127 new homes for social rent.

The funding from second and empty homes Council tax can be used to support new build affordable housing. This is estimated at £80,000 per annum. The amount of funding for capital receipts is estimated at £100,000 per annum.

#### **D.4 Housing Infrastructure Fund**

Through the SHIP there is the opportunity to identify housing projects that could benefit from funding for infrastructure. Scottish Government is developing new guidance on infrastructure funding that will be available in Autumn 2021.

The council has consulted with housing associations in drawing up a list of potential bids for infrastructure funding.

The Core Development Area (CDA) at Winchburgh will benefit from funding from the City Region Deal for infrastructure. Funding in the form of loans for the proposed motorway junction and rail station are also anticipated.

It is proposed that Deans South, Livingston be considered for infrastructure grant funding. If successful, the funding would be used to support utility service diversions, A site at Wester Inch also requires infrastructure funding to enable service diversions and road access.



## **E. CONCLUSION**

RSL partners have identified a number of development opportunities for the delivery of affordable housing and the Council also has an ambitious programme of new build Council housing.

The provision of resource planning assumptions enables the Council and RSL partners to develop a more strategic approach to the development of sites in West Lothian. However, the funding available is limited and priorities for the funding have to be identified through development of the SHIP which will be submitted to the More Homes Division of the Scottish Government for consideration and review.

## **F BACKGROUND PAPERS**

Council Executive 19 January 2021 West Lothian Strategic Housing Investment Plan 2021-26

Services for the Community Policy Development and Scrutiny Panel 14 December 2021 West Lothian Strategic Housing Investment Plan 2022-27

Appendices/Attachments: Appendix 1 Strategic Housing Investment Plan 2022 - 27

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**18 January 2022**



**West Lothian  
Council**

# **Strategic Housing Investment Plan (SHIP)**

**2022-2027**

**DRAFT**

**January 2022**

## **Contents**

<b>1.Executive Summary.....</b>	<b>3</b>
<b>2.Background.....</b>	<b>3</b>
<b>3.Progress since the last SHIP .....</b>	<b>5</b>
<b>4.Prioritising the SHIP programme .....</b>	<b>8</b>
4.1 RSL Programme.....	8
4.2 West Lothian Council Future Sites .....	17
4.3 Other Sites .....	18
4.4 Open Market Acquisitions .....	18
4.5 Summary of Investment .....	19
4.6 Housing Infrastructure Fund Projects .....	20
4.7 Private Sector Projects (Loan Funded) .....	20
<b>5.The Economic Climate .....</b>	<b>20</b>
<b>6.Investment in Affordable Housing .....</b>	<b>21</b>
<b>7.Development Constraints .....</b>	<b>22</b>
<b>8.Collaboration across the Housing Market Area .....</b>	<b>22</b>
<b>9.Partnership Process for producing the SHIP .....</b>	<b>22</b>
<b>10.Investment Outcomes .....</b>	<b>23</b>
<b>11.Scottish Housing Quality Standard Delivery Plan .....</b>	<b>24</b>
<b>12.Specialist Housing Provision .....</b>	<b>24</b>
12.1 Wheelchair Accessible Housing .....	24
<b>13.Rapid Rehousing Transition Plan .....</b>	<b>25</b>
<b>14.Child Poverty (Scotland) Act 2017 .....</b>	<b>26</b>
<b>15.Welfare Reform .....</b>	<b>26</b>
<b>16.Fuel Poverty and Climate Change.....</b>	<b>27</b>
<b>17.Private Sector House Condition.....</b>	<b>27</b>
<b>18.Strategic Environmental Assessment .....</b>	<b>28</b>
<b>19.Equalities.....</b>	<b>28</b>
<b>20.Conclusion .....</b>	<b>28</b>
<b>21.Appendices to the SHIP Submission (not attached) .....</b>	<b>30</b>
<b>22.References .....</b>	<b>30</b>

## 1. Executive Summary

West Lothian Council's Strategic Housing Investment Plan (SHIP) identifies priorities for investment over a 5-year period from 2022 – 2027.

The core funding is already in place to deliver:

- The current West Lothian Council New Build Programme of 1000 homes. This started on site in summer 2013 and will be completed in 2021/22. Twenty-three sites have been fully completed. Two are under construction.
- The programme of RSL development in West Lothian continues to deliver new build housing with 43 homes completed in 2020/21.
- In 2017, West Lothian Council committed to deliver 3,000 affordable homes between 2012 and 2022. The new homes are being built by both WLC and RSLs.
- In addition to the current programmes, a number of potential development opportunities have been identified should additional funding from the Scottish Government be made available over the next 5 years.

## 2. Background

Local Authorities are required to produce a Strategic Housing Investment Plan (SHIP) to supplement their Local Housing Strategy. The purpose of the SHIP is to set out how the investment in affordable housing will be directed over a five-year period, in this case, 2022–2027. This SHIP has been developed in line with revised guidance issued by the Scottish Government.

The SHIP informs the Local Development Plan (LDP) through identifying sites that can be developed for affordable housing. It reinforces the role of the local authority as the strategic housing authority and informs Scottish Government investment decisions;

West Lothian Council's SHIP sets out the affordable housing investment priorities for the area as identified in the new Local Housing Strategy 2017-2022. It demonstrates how these investment priorities will be delivered and the resources required. The SHIP sets out the national and local context by identifying the council's investment priorities; the approach being taken to the delivery of these priorities; outlines potential risks and constraints; and how these can be mitigated.

### Covid-19 Pandemic Summary

The Covid-19 Pandemic has had a major impact on site starts, completions and spend for both WLC and RSL projects. Sites were closed between March and July 2020. This impacted on the timescales for delivery of affordable housing during 20/21 and continues to do so during 21/22.

Throughout the lockdown period, although on site construction stopped, RSLs and the council continued to identify future sites and undertake feasibility work which has enabled some new sites to be brought into the SHIP for 2022 to 2027.

A number of factors that may impact on progress over the long term as a result of the Pandemic are listed below;

- Supply chain issues
- Social distancing measures on building sites
- Uncertainty over delivery programmes
- Uncertainty over costs
- Workforce availability
- Developer capacity to deliver
- Potential risk of property crash and impact on affordable housing sites coming forward.
- End of furlough

There is also the challenge of Brexit and the impact that will have on construction in terms of the labour market, supply chain and costs.

There has been a significant impact on homelessness due to the Pandemic with numbers increasing.

### **Strategic Context**

West Lothian Local Housing Strategy 2017-2022 was approved by the Council Executive in October 2017. The LHS contains a target of 3,000 affordable homes being delivered between 2012 and 2022. In July 2021 2,279 homes have been constructed or acquired and a further 634 are under construction.

Scottish Government's Housing to 2040 provides the national strategic context to West Lothian's SHIP.

### **The Need for Affordable Housing in West Lothian**

There is an identified need for quality affordable housing in West Lothian.

- As at July 2021 there were 10,906 applicants on the Common Housing Register for social rented housing. Some RSLs operating in West Lothian also hold their own waiting lists.
- In April 2012, the council abolished the priority need test in relation to homelessness applications and revised operational processes accordingly.
- Homeless presentations have increased and there has been increased use of bed and breakfast accommodation to provide emergency accommodation for homeless households. The pressure on homelessness households has increased because of Covid 19.
- The council submitted the updated Rapid Rehousing Transition Plan to Scottish Government in June 2021 and work continues on the implementation of the actions identified.
- A need for new accommodation has been identified specifically for young people requiring housing support and initial feasibility work is underway to consider the type of accommodation required. A site has been identified in Livingston.
- The council approved a new Housing Allocations Policy in March 2021.

Work is progressing on a new Housing Need and Demand Assessment. The six South East Scotland Councils are working collaboratively on this through the South East Scotland Housing Forum. The HNDA3 Core Project Team will be accountable to the Regional Housing Board of the Edinburgh and South East Scotland City Region Deal.

In September 2018, the council adopted the West Lothian Local Development Plan (LDP). The LDP was prepared within the context of the Strategic Development Plan (SDP1) for Edinburgh and South East Scotland. SDP 1 identified a requirement for 18,010 housing units across all tenures. To deliver this the spatial strategy set out in the LDP continues to support development in the core development areas (Winchburgh, Calderwood, Mossend and Armadale) and other strategic sites such as Heartlands (Whitburn). To assist in meeting housing requirements, the LDP and associated Supplementary Guidance on Affordable Housing sets out requirements for affordable housing provision in some areas, the requirement for affordable housing is set at 25%.

A timetable for preparation of a new LDP (LDP2) has been prepared but is subject to change. This is in the absence of a new SDP and requirements under the Planning (Scotland) Act 2019 which removes requirements to prepare strategic development plans and introduces regional spatial strategies. In addition, future housing land requirements for West Lothian are informed by a new National Planning Framework (NPF4).

### **3. Progress since the last SHIP**

#### **New Build Council Housing**

Good progress is being made towards achieving the 1000 council house programme with 23 sites completed. At September 2021, 234 council houses are currently under construction and 52 Open Market purchase are planned for 2021/22.

A further phase of the 250 new build council house programme has been developed and all sites have been included in the SHIP. In December 2020 a site for 33 homes at Brucefield in Livingston was completed. The site at Eliburn, Livingston for 20 homes completed in December 2021. Construction is underway at Bathville, Armadale, Hopetoun Street, Bathgate, Eliburn, Livingston, Standhill, Bathgate, Eagle Brae Livingston, Deans South, Livingston, Wellhead Murieston and Mossend.

Additional sites have been identified in Bathgate as the site at Guildiehaugh cannot be developed within the timescale of 2022. These include a site at Wester Inch and two vacant town centre sites.

A conversion of an existing building in Bathgate (Hopetoun Street) is underway to provide mainstream accommodation. A site for the provision of housing specifically for young people requiring support is being considered in Livingston.

A project for people with complex care needs is being developed in Pumpherston. This will comprise 16 houses for people requiring support and is being led by the council's Social Policy team.

## RSL Housing

Three RSL sites have completed during 2020/21 and 2021/22 totalling 80 units. These are Brotherton Farm, Livingston Cloverbank, Livingston, Quentin Court, Livingston and West Main Street, Armadale.

The sites below are currently under construction

Site	RSL	Number of Units	Estimated Completion
Almondvale, Livingston	West Lothian Housing Partnership	146	Dec 21
Jarvey Street, Bathgate	West Lothian Housing Partnership	42	March 22
Winchburgh Site O	West Lothian Housing Partnership	20	March 22
Blackness Road Linlithgow	West Lothian Housing Partnership	14	Spring 22
Polbeth Farm	Almond Housing Association	25	November 21
Calderwood	Homegroup	69	Spring22
Calderwood	Places for People	66	Nov 22
<b>Total</b>		<b>382</b>	

### a) Homes for West Lothian Partnership

Homes for West Lothian Partnership has been set up to engage with RSLs operating in West Lothian. The purpose of this is to increase the supply of affordable housing. The RSLs that have agreed to be involved in the Partnership are;

- ARK Housing Association
- Wheatley Group (West Lothian Housing Partnership and Dunedin Canmore Housing)
- Places for People and Castle Rock /Edinvar
- West Lothian Development Alliance Almond Housing Association, Horizon
- Housing Association, Weslo Housing Management)
- Bield Housing and Care
- Hanover Housing Association
- Link Housing Association Ltd
- Cairn Housing Association
- Trust Housing Association
- Home Group

Three meetings have taken place in 2021 and discussions are ongoing with RSLs so that more affordable housing development in West Lothian can be agreed and supported.

### b) Shared Equity Programmes

Many people have been assisted through the Open Market Shared Equity Programme (OMSE). In 2018/19 in West Lothian, there were 248 purchases with Scottish Government support of £10.2 million. Demand for this programme remains high. This programme has assisted a number of homeowners in Deans South, Livingston to purchase new property.

In 2019, Scottish Government altered the criteria by changing the arrangements for OMSE purchasers in West Lothian. There were 12 purchased through the OMSE during 2020/21.

The Scottish Government's Help to Buy (Scotland) scheme in West Lothian has assisted 390 purchasers between 2016/17 and 2018/19 with loans amounting to £10.55 million.

### **c) Other Tenures**

RSLs have given greater consideration to Mid Market Rent in West Lothian. West Lothian Housing Partnership and Places for People have identified sites for 294 units for mid market rent. Places for People propose to build 125 homes for Mid Market Rent at various sites in West Lothian and 39 for Low Cost Home Ownership and Wheatley Group propose to build 169 units of Mid Market rent

### **d) Further Joint Working**

Over a 10-year period from 2012 to 2022, the aim will be to deliver 3,000 affordable homes with the majority being council houses. The council and RSL partners, through Homes for West Lothian Partnership is contributing to the delivery of this scale of housing.

The following projects have been identified as a priority;

- Deans South, Livingston – A scheme for comprehensive redevelopment is currently under development. The sale of land by WLC to Springfield Properties PLC was concluded in May 2021. Springfield PLC intend to develop the site and deliver 127 houses for social rent in partnership with the West Lothian Housing Partnership. Further detailed engagement will be ongoing to decide the agreed delivery method.
- Core Development Areas. Progress is being made on the Core Development Areas (CDAs) in at Winchburgh, Calderwood, Mossend and Armadale. Developers have approached RSLs to discuss opportunities for development in the CDAs. In the current SHIP, four large CDA sites are included. These sites will be able to deliver up to 696 homes
- Work commenced in January 2021 at a site in Calderwood for 69 units by Home Group. In July 2021 Places for People/Castle Rock Edinvar commenced the first site of 66 homes at Calderwood. Two further sites totalling 172 homes will be developed there. A further site at Calderwood of 55 homes is proposed for development by Homegroup and Almond are also considering a site for 60 homes there.
- City Deal – Funding has been secured for investment in the Winchburgh CDA to support the development of new secondary school provision. Work is underway at one site for 20 homes for West Lothian Housing Partnership and two other sites are being considered by them. Homegroup are also proposing development at another site in Winchburgh.
- Priority will continue to be given to affordable housing delivery in the CDAs over the next five years.

## **4. Prioritising the SHIP programme**

There are three strands of future social housing provision:

The council's new build programme,  
RSL programme funded by the Scottish Government  
The council's Affordable Housing Policy.



## Priorities for Funding

The draft Local Housing Strategy 2017-2022 identified priorities for affordable housing investment. These are noted below.

<b>Area Priority for Investment</b>
<b>Priority 1:</b> Broxburn, East Livingston & East Calder, Linlithgow, Livingston North, Livingston South, Uphall and Winchburgh
<b>Priority 2:</b> Armadale & Blackridge, Bathgate, Whitburn & Blackburn.
<b>Priority 3:</b> Fauldhouse & Breich Valley.

The priorities reflect the approach to housing development set out in the West Lothian Local Development Plan, specifically policy HOU4. Funding allocations will be based on best value principles.

The priority for the SHIP programme is to develop those sites that already have a funding commitment. The council will continue to give priority to sites in West Lothian in high demand areas and Core Development Areas.

The redevelopment of Deans South, Livingston is a key priority over the next five years. The new build council housing site for 54 units is complete. A site for 29 homes is under construction. It is important to prioritise the remainder of the Deans South estate for investment so that the site can be fully developed.

### 4.1 RSL Programme

RSLs in West Lothian have identified sites for homes for development over the period 2022-2027. The sites are noted at table 1.

The priority has been determined on the basis of location and the sites being capable of development over the short term. Further consideration will be given to sites that can be brought into the programme in the longer term.

The majority of RSL sites are in either Priority 1 or Priority 2 areas. The SHIP has been developed to allow flexibility and ensures that sites can come forward should additional resources become available.

Table 1

RSL	Site	22/23	22/23	23/24	23/24	24/25	24/25	25/26	25/26	26/27	26/27
		Social Rent	MMR/ SE	Social Rent	MMR/ SE	Social Rent	MMR/ SE	Social Rent	MMR/ SE	Social Rent	MMR/ SE
Almond HA	Mill Centre Blackburn Phase 1	20									
Almond HA	Stoneyburn Gap Sites			18							
Almond HA	Glendevon Park Winchburgh	16									
Almond HA	Meadow Crescent, Fauldhouse	12									
Almond HA	Armadaale CDA							30		30	
Almond HA	North St, Armadaale							25		25	
Almond HA	East Calder									36	
Almond HA	Linlithgow									30	
<b>Sub Total</b>	<b>242</b>	<b>48</b>		<b>18</b>				<b>55</b>		<b>121</b>	

<b>RSL</b>	<b>Site</b>	<b>22/23</b>	<b>22/23</b>	<b>23/24</b>	<b>23/24</b>	<b>24/25</b>	<b>24/25</b>	<b>25/26</b>	<b>25/26</b>	<b>26/27</b>	<b>26/27</b>
		<b>Social Rent</b>	<b>MMR/ SE</b>	<b>Social Rent</b>	<b>MMR/ SE</b>	<b>Social Rent</b>	<b>MMR/ SE</b>	<b>Social Rent</b>	<b>MMR/ SE</b>	<b>Social Rent</b>	<b>MMR/ SE</b>
Almond HA	Willowdean, Bridgend	8									
Almond HA	Race Road, Bathgate									36	
Almond HA	Appleton Drive Livingston							38			
Almond HA	Simpson Avenue Bathgate					19					
Almond HA	Roosevelt Gardens, Kirknewton							12			
Almond HA	Gavieside							25		25	
Almond HA	Langside Gardens Polbeth					16					
<b>Sub total</b>	<b>179</b>	<b>8</b>				<b>35</b>		<b>85</b>		<b>61</b>	

<b>RSL</b>	<b>Site</b>	<b>22/23</b>	<b>22/23</b>	<b>23/24</b>	<b>23/24</b>	<b>24/25</b>	<b>24/25</b>	<b>25/26</b>	<b>25/26</b>	<b>26/27</b>	<b>26/27</b>
		<b>Social Rent</b>	<b>MMR/ SE</b>	<b>Social Rent</b>	<b>MMR/ SE</b>	<b>Social Rent</b>	<b>MMR/ SE</b>	<b>Social Rent</b>	<b>MMR/ SE</b>	<b>Social Rent</b>	<b>MMR/ SE</b>
West Lothian Housing Partnership	Raw Holdings East Calder	38	25								
West Lothian Housing Partnership	Gavieside									125	
West Lothian Housing Partnership	Gavieside									110	50
West Lothian Housing Partnership	Deans South, Livingston	127									
West Lothian Housing Partnership	Winchburgh Site BB	47	34								
<b>Sub total</b>	<b>556</b>	<b>212</b>	<b>59</b>							<b>235</b>	<b>50</b>

<b>RSL</b>	<b>Site</b>	<b>22/23</b>	<b>22/23</b>	<b>23/24</b>	<b>23/24</b>	<b>24/25</b>	<b>24/25</b>	<b>25/26</b>	<b>25/26</b>	<b>26/27</b>	<b>26/27</b>
		<b>Social Rent</b>	<b>MMR/ SE</b>	<b>Social Rent</b>	<b>MMR/ SE</b>	<b>Social Rent</b>	<b>MMR/ SE</b>	<b>Social Rent</b>	<b>MMR/ SE</b>	<b>Social Rent</b>	<b>MMR/ SE</b>
West Lothian Housing Partnership	Winchburgh Site 0	20									
West Lothian Housing Partnership	Blackness Road Linlithgow	8	6								
West Lothian Housing Partnership	Preston Farm Linlithgow	8	7								
West Lothian Housing Partnership	Linkston Road, Bathgate			62							
West Lothian Housing Partnership	Sibbalds Brae Bathgate	29									
West Lothian Housing Partnership	Raw Holdings			45	34						
<b>Sub total</b>	<b>219</b>	<b>65</b>	<b>13</b>	<b>107</b>	<b>34</b>						

<b>RSL</b>	<b>Site</b>	<b>22/23</b>	<b>22/23</b>	<b>23/24</b>	<b>23/24</b>	<b>24/25</b>	<b>24/25</b>	<b>25/26</b>	<b>25/26</b>	<b>26/27</b>	<b>26/27</b>
		<b>Social Rent</b>	<b>MMR/ SE</b>	<b>Social Rent</b>	<b>MMR/ SE</b>	<b>Social Rent</b>	<b>MMR/ SE</b>	<b>Social Rent</b>	<b>MMR/ SE</b>	<b>Social Rent</b>	<b>MMR/ SE</b>
Castle Rock Edinvar	Calderwood site CWB	34									
Places for People	Calderwood site CWB		32								
Castle Rock Edinvar	Calderwood site CWC & OSD			32							
Places for People	Calderwood Site CWC &OSD				17						
Castle Rock Edinvar	Calderwood Site CWC &OSD			57							
Castle Rock Edinvar	Hunter's Rd Livingston	16									
Places for People	Hunter's Rd Livingston		12								
Castle Rock Edinvar	Wilkieston	12									
<b>Sub total</b>	<b>212</b>	<b>62</b>	<b>44</b>	<b>89</b>	<b>17</b>						

<b>RSL</b>	<b>Site</b>	<b>22/23</b>	<b>22/23</b>	<b>23/24</b>	<b>23/24</b>	<b>24/25</b>	<b>24/25</b>	<b>25/26</b>	<b>25/26</b>	<b>26/27</b>	<b>26/27</b>
		<b>Social Rent</b>	<b>MMR/ SE</b>	<b>Social Rent</b>	<b>MMR/ SE</b>	<b>Social Rent</b>	<b>MMR/ SE</b>	<b>Social Rent</b>	<b>MMR/ SE</b>	<b>Social Rent</b>	<b>MMR/ SE</b>
Places for People	Murieston		28								
Castle Rock Edinvar	Kettlestoun Mains, Linlithgow					30					
Places for People	Kettlestoun Mains, Linlithgow						10				
Castle Rock Edinvar	Gregory Road Livingston	33									
Places for People	Gregory Road Livingston		20								
Castle Rock Edinvar	Simpson Parkway Livingston					20					
Places for People	Simpson Parkway Livingston						10				
Castle Rock Edinvar	Armadale Standhill North	57									
Places for People	Armadale Standhill North		35								
<b>Sub total</b>	<b>243</b>	<b>90</b>	<b>83</b>			<b>50</b>	<b>20</b>				

<b>RSL</b>	<b>Site</b>	<b>22/23</b>	<b>22/23</b>	<b>23/24</b>	<b>23/24</b>	<b>24/25</b>	<b>24/25</b>	<b>25/26</b>	<b>25/26</b>	<b>26/27</b>	<b>26/27</b>
		<b>Social Rent</b>	<b>MMR/ SE</b>	<b>Social Rent</b>	<b>MMR/ SE</b>	<b>Social Rent</b>	<b>MMR/ SE</b>	<b>Social Rent</b>	<b>MMR/ SE</b>	<b>Social Rent</b>	<b>MMR/ SE</b>
Castle Rock Edinvar	Charlesfield Lane, Livingston					30					
Places for People	Charlesfield Lane, Livingston						15				
Castle Rock Edinvar	Whitburn Road, Bathgate			14							
Places for People	Whitburn Road, Bathgate				9						
Cairn Housing Association	Craiginn Terrace, Blackridge	27									
Cairn Housing Association	Fauldhouse Road, Longridge			52							
Cairn Housing Association	Drumshoreland Road, Pumpherston			20							
Ark Housing Association	Crusader Rise, Livingston	20									
<b>Sub Total</b>	<b>187</b>	<b>47</b>		<b>86</b>	<b>9</b>	<b>30</b>	<b>15</b>				



RSL	Site	21/22	21/22	22/23	22/23	23/24	23/24	24/25	24/25	25/26	25/26
		Social Rent	MMR/ SE	Social Rent	MMR/ SE	Social Rent	MMR/ SE	Social Rent	MMR/ SE	Social Rent	MMR/ SE
Home Group	Calderwood	69									
Home Group	Calderwood			55							
Home Group	Winchburgh Site O2A			50							
Link HA Ltd	Sydney St, Craigshill	52									
Sub Total	226	121		105							
<b><u>Grand Total</u></b>	<b>2064</b>										

## 4.2 West Lothian Council Future Sites

The sites in table 2 are identified for potential future development by WLC.

**Table 2**

Site	Number of Units	Tenure	Timescale for Approval
Mid Street, Bathgate (former swimming pool)	5	Social Rent	2021/22
Marjoribanks Street, Bathgate (former community centre)	6	Social Rent	2021/22
Wester Inch HBA 23, Bathgate	59	Social Rent	2021/22
Wester Inch HBA 23, Bathgate	40	Social Rent	2023/24
Cawburn Road, Pumpherston (Specialist Provision)	16	Social Rent	2020/21
Guildiehaugh, Bathgate	100	Social Rent	2023/24
Trim Track, Livingston	40	Social Rent	2023/24
<b>Total</b>	<b>266</b>		

### 4.3 Other Sites

A number of other sites have been included in the programme. The housing provider for these homes will be confirmed in due course.

**Table 3**

Site	Number of Units	Tenure	Timescale for Approval
Charlesfield, Livingston	35	Social Rent	2022/23
Bangour	201	Social Rent/MMR	2022/23
Appleton Parkway	35	Social Rent/MMR	2024/25
<b>Total</b>	<b>271</b>		

### 4.4 Open Market Acquisitions

It is also proposed that there will be a total of 100 homes purchased from the open market to increase affordable housing supply in West Lothian over the period of this SHIP. There were 31 open market purchases in 2020/21 and a further 52 planned in 2021/22. Almond have proposals for 20 Open Market purchases in the SHIP period.

#### 4.5 Summary of Affordable Housing Investment in West Lothian

**Table 4**

	<u>2021/22</u> <u>£'000</u>	<u>2022/23</u> <u>£'000</u>	<u>2023/24</u> <u>£'000</u>	<u>2024/25</u> <u>£'000</u>	<u>2025/26</u> <u>£'000</u>
Scottish Government Grants	17,889	15,420	15,376	15,430	15,685
Developer Contributions	250	300	300	300	300
Council Tax on Second Homes	75	70	70	70	70
Capital Receipts	100	100	100	100	100
Borrowing	30,374	22,954	TBC	TBC	TBC
<b>Total</b>	<b>48,868</b>	<b>38,844</b>	<b>TBC</b>	<b>TBC</b>	<b>TBC</b>

The above table is based on current Resource Planning Assumptions (West Lothian allocation for the council and RSLs) and assumptions for developer contributions, council tax receipts on second homes, capital receipts and borrowing.

#### 4.6 Housing Infrastructure Fund Projects

As part of the SHIP, projects that require infrastructure funding can be included. Projects for the council or an RSL may be supported by Scottish Government grant, private sector projects may be supported by loans. Scottish Government has shortlisted the Heartlands development in Whitburn as potentially being suitable for an infrastructure loan. The council has identified projects at Deans South, Livingston that will require infrastructure investment to support the development of the whole Deans South area, including the 29 new build council homes. The Wester Inch site also requires significant infrastructure investment to enable the site to be developed. The site at Guildiehaugh, Bathgate will also require infrastructure funding to support development.

Table 5

<b>WLC Projects (Grant Funded)</b>			
<b>Site</b>	<b>Number of Units</b>	<b>Infrastructure Requirement</b>	<b>Amount of Grant Funding Required £'000</b>
Deans South, Livingston	127	Service diversions, provision of utilities and land remediation. Off-site drainage attenuation	2,000
Wester Inch	99	Service diversions and road access	500
Guildiehaugh, Bathgate	100	Service diversions, provision of utilities and land remediation.	625

#### 4.7 Private Sector Projects (Loan Funded)

One private sector housing project has been identified for £26 million of infrastructure loan funding.

Table 6

<b>Private Sector Projects (Loan Funded)</b>			
<b>Site</b>	<b>Number of Units</b>	<b>Infrastructure Requirement</b>	<b>Amount of Loan Funding Required £'000</b>
Winchburgh CDA	2,950	Motorway Junction; rail station; land remediation; utilities	26,000

The list of potential projects to be considered for bids to the Scottish Government Housing Infrastructure Fund will be kept under review.

## 5. The Economic Climate

The housing market has shown signs of improvement in recent years. Many of the sites that were stalled are now starting to pick up with development continuing on a number of sites, particularly in the Core Development Areas. There were 470 private sector completions in 2020/21 which is high given the issues with Covid-19 and lockdown.

According to the Registers of Scotland, the average house price in West Lothian in June 2020 was £184,395. The average house price in July 2021 in Scotland was £201,896.

The impact of the Covid-19 Pandemic is likely to have a significant effect on the housing market over the coming year.

## 6. Investment in Affordable Housing

The table below shows Scottish Government historic investment levels in West Lothian (for both RSLs and WLC) between 2013/14 and 2020/21

**Table 7**

Year	Actual Expenditure (£'000)
2013/14	887
2014/15	4,614
2015/16	10,347
2016/17	10,429
2017/18	10,950
2018/19	13,084
2019/20	16,194
2020/21	13,489

**Table 8: Future Resource Planning Assumptions**

Year	Indicative Planning Figure (£'000)	Affordable Housing Supply Programme indicative planning figures including slippage (£'000)
2021/22	17,889	22,361
2022/23	15,420	19,275
2023/24	15,376	19,220
2024/25	15,430	19,287
2025/26	15,685	19,606

### West Lothian Council's Investment in new housing supply

West Lothian Council is highly committed to partnership in the delivery of Local Housing Strategy outcomes. This is demonstrated through the provision of new build council housing and direct assistance to RSLs to enable their development proposals to proceed. Scottish Government direct funding remains important across the range of projects.

The approved Housing Capital Programme 2021/22 to 2022/23 includes £53.864million for new council housing supply and the council has delivered 2,308 new build council homes between 2012/13 and Q2 2021/22. The Scottish Government provided £6.513 million to support new build council housing and open market acquisitions in 2020/21

In 2020/21 £250,000 from Developers' contributions was used to support the new build council housing programme.

## **Other Funding**

Funding from a Charitable Trust has been identified to support a project in West Lothian. The funding supports a development at Polbeth by Almond Housing Association. This is particularly beneficial to the area and frees up other funding for additional projects. Work started on site in August 2020 and is due to complete November 2021.

## **7. Development Constraints**

The key development constraints centre on the provision of funding for infrastructure such as primary and secondary schools.

The City Deal Fund is being used to support new schools at Winchburgh.

Scottish Government has also launched the Housing Infrastructure Fund to accelerate new build development. Bids have been made for additional grant or loan funding to support projects that have stalled or can be brought forward. A number of projects have been identified as candidate projects to be considered for support by the Scottish Government Housing Infrastructure Fund. These are identified in the SHIP tables. RSLs and developers were made aware of the fund and the SHIP sets out those projects which would benefit from additional funding to support their delivery.

While there continues to be funding constraints, it is clear that RSLs are having some success identifying projects. Challenges remain in regard to the availability of private finance for RSLs but some larger RSLs have managed to secure bond funding. In addition, there is opportunity for front funding the purchase of development sites should this be required. The majority of RSL projects coming forward in this SHIP are likely to be for social rent rather than mid-market rent or shared equity. RSLs have identified homes for 294 mid-market rent and 39 homes for shared equity. This is an increase on previous years and demonstrates the willingness to support the development of tenures other than social rent.

Constraints identified by RSLs include abnormal costs, demolition and site clearance and developer contributions. To assist in trying to overcome these constraints, the council will continue to work in partnership with relevant stakeholders in relation to the provision of infrastructure.

## **8. Collaboration across the Housing Market Area**

West Lothian is a member of the South East Scotland Housing Forum. This group includes representation from housing and planning from the six SESPLAN member councils and Scottish Government. The group collaborated successfully to produce HNDA2 and has now commenced work on HNDA3.

Homes for West Lothian Partnership was set up in 2018 to engage with RSLs operating in West Lothian. The purpose of this is to create a coordinated strategy of land assembly, finance, construction planning and targeted provision of homes based on need to increase the supply of affordable housing. Three meetings have been held with RSLs and all have been invited to contribute to the SHIP. Joint working with RSLs and the voluntary sector continues in relation to the development of the Rapid Rehousing Transition Plan to address homelessness in West Lothian.

## **9. Partnership Process for producing the SHIP**

West Lothian Council continue to consult with key partners to develop and deliver quality affordable housing. There are regular updates on progress towards meeting the Local

Housing Strategy objectives with stakeholders. Noted below is a breakdown of the partners involved in the delivery of affordable housing in West Lothian;

- **RSLs**

West Lothian Council and RSL development partners have an ongoing dialogue in relation to the delivery of affordable housing. In regard to the development of the SHIP, the RSL partners were invited to meetings to discuss their input. Meetings were held with Almond Housing Association, the Wheatley Group, Places for People, Home Group, Ark Housing Association and Cairn Housing Association. The key points discussed were in relation to identifying potential development opportunities and overcoming constraints to development including funding requirements and infrastructure. With increased level of grant funding anticipated over the period of the SHIP there is a potential to support a variety of housing providers.

- **Private Developers**

West Lothian Council maintains regular dialogue with private developers in determining the most appropriate affordable housing contribution whilst taking significant factors into account for each individual development site.

- **West Lothian Council Service Areas**

West Lothian Council Service Areas including, Planning, Legal Services, Finance and Property Services and Housing maintain a close working relationship to deliver affordable housing and to develop a strategic approach to provision. This assists in the speed of delivery of development and the quality of housing provided.

There is ongoing liaison with Social Policy to identify requirements for specialist housing provision in West Lothian.

We have worked closely with Social Policy in relation to the design of the new build houses to ensure that they are future proofed and limit the need for adaptations in the longer term. There is increasing engagement through the Commissioning Plans to identify future requirements for specialist housing provision. This will also be picked up through work done in relation to HNDA3.

- **Government Assistance**

The council welcomes the government funding to assist the provision of housing either through its own new build programme or to fund RSLs for site acquisition/off the shelf purchase. This funding has enabled significant numbers of affordable housing to be completed. In 2018/19 West Lothian Council had the highest number of completions of new build council houses of any council in Scotland. The council has endeavoured to make best use of the sites identified to develop council housing that will optimise the use of the sites to meet a variety of housing needs.

## **10. Investment Outcomes**

There are several key outcomes to be achieved in the course of the 5 year period of this SHIP:

- Completion of an agreed number of RSL homes through the Strategic Local Programme (SLP).
- Complete the development of the current council new build programme.
- A further programme of new council house building.



- Maximise employment and training opportunities through the provision of new build housing.
- To assist with the provision of new infrastructure by making appropriate developer contributions through new build programmes.
- Development of a new Local Housing Strategy

## 11.Scottish Housing Quality Standard Delivery Plan

In West Lothian 94.2% of council stock currently meets SHQS and the majority of RSL stock is compliant.

At Deans South, a number of blocks have now been demolished to make way for new build council housing. 54 council homes have been completed and a further 29 are under construction at another site in Deans South.

## 12. Specialist Housing Provision

New Developments of specialist housing provision are planned.

- Cawburn Road, Pumpherston for 16 homes for people with complex care needs;
- Conversion of a former hostel in Bathgate into four self- contained flats;
- Cairn Housing Association will develop bungalows at Blackridge;
- West Lothian Housing Partnership has developed amenity housing in Livingston as part of the Almondvale development
- Ark Housing Association are planning a development at Crusader Rise. Some of these will be suitable for wheelchair users and people who require specialist housing provision.

The new build council housing programme has provided in excess of 140 bungalows including one- bedroom bungalows so that there is a wider range of house types available for people with disabilities. Occupational Therapy staff were involved in developing the housing design and mix and there has also been input from staff from NHS Lothian.

### 12.1 Wheelchair Accessible Housing

Targets for wheelchair accessible housing were set out in the West Lothian Local Housing Strategy 2017-2022. A target of 30 wheelchair accessible homes per annum was set over the duration between 2017/18 and 2021/22. Targets for wheelchair housing across all tenures are being considered and may be developed following the development of HNDA3. the next Local Housing Strategy and in line with Housing to 2040 requirements.

Table 9 - Wheelchair accessible house completions

Provider	Wheelchair Bungalow Completions				
	2016/17	2017/18	2018/19	2019/20	2020/21
WLC	16	30	41	60	8
WLDA	0	6	0	1	0

RSLs and WLC have submitted proposals in the SHIP for at least 67 homes that would be suitable for wheelchair users and 312 homes that could be suitable for older people or people who require amenity housing. RSLs are also considering models of housing for older people including the use of technology.

Funding for adaptations continues to be supported through the HRA for council tenants and through Scottish Government grant for homeowners, private tenants and through Scottish Government grants to RSLs.

### **13.Rapid Rehousing Transition Plan**

The West Lothian Rapid Rehousing Transition Plan (RRTP) was updated in June 2021 and submitted to Scottish Government. The following RRTP achievements were noted:

- Implementation of the council's new allocations policy in 2021
- A reduction of 0.7% in homeless presentations between April 2020 and March 2021 from 1,474 to 1,464
- Implementation of a Housing First service for adults with mental health/addictions

Key actions identified in the RRTP for 21/22 include:

- Accelerate the shift to a prevention approach in 21/22 through the roll out of the new allocations policy.
- Develop an enhanced holistic approach to addressing youth homelessness
- Develop a sustainable housing model for Housing First
- Modernise supported accommodation delivery through the tenancy support service
- Continue to implement projects to increase the number of dispersed Temporary Tenancies and sharing accommodation
- Continue the high % of social rented lets to homelessness during 21/22 to address the increase in the backlog of homeless households experienced during the pandemic
- Identify future supply requirements of new build affordable housing stock to meet local needs for years 4 and 5 of the RRTP

As a result of the Covid-19 Pandemic there continues to be high demand from homeless households for accommodation. There are unprecedented numbers of people in temporary accommodation. There has been an increase in housing demand from households facing domestic violence and households dispute. Increases too in households struggling with affordability and from young people being asked to leave. This has been exacerbated by an increase in demand and decrease in permanent lets as a result of Covid-19. In 2019/20 there were 752 lets compares to 402 in 2020/21. During the pandemic, temporary accommodation was increased by 109 units due to lock down restrictions and the demand for accommodation to assist people in social distancing and self-isolation.

During 2021 the aim is to continue to strengthen homelessness prevention by improving housing options offering across all partners and by greater engagement with the private sector. The council will continue to maximise the lets to homeless through achieving agreed targets and expand our Housing First provision.

An increase in homeless presentations is projected for 2021/22 due to the Pandemic.

The SHIP aims to support the actions of the RRTP in the following ways:

- Increasing the supply of permanent accommodation.
- Supporting RSL development.
- Prioritising support for new build affordable housing in areas of high demand.

As the number of new build council completions decrease and the RSL completions increase, it is critical that all providers assist in meeting the needs of homeless households

## **14. Child Poverty (Scotland) Act 2017**

In June 2019, Council Executive approved the Local Child Poverty Action Report. This report was updated in February 2021 to take account of Covid-19. Latest local estimates place West Lothian's level of child poverty at 24% after housing costs. This is consistent with the level for Scotland. There are key links in the report to the Rapid Rehousing Transition Plan and to West Lothian Anti-Poverty Strategy.

The LCPA report references information from the Resolution Foundation and notes that the coronavirus income shock has been felt widely across tenures, but social and private renters are more likely to have fallen behind with housing costs than home owners. Additionally, renters are more likely to have lost their job or been furloughed during the crisis whilst owners with mortgage are the group most likely to have reduced hours.

During the period 23 March to 16 August, the West Lothian Anti-Poverty service processed 5,081 claims to the Scottish Welfare Fund. This represented an increase of 55% compared with the same period in 2019. 55% of the awards were for crisis grants compared with 30% in the same period in 2019. The proportion of successful grants – a straightforward marker of increased need -- rose by 13 percentage points.

The Anti-Poverty Strategy 20/21 includes an action to ensure that additional discretionary housing payment funding is available to help tenants who may be experiencing financial difficulties as a result of Covid-19 and increase the numbers applying.

A key outcome included in the Anti-Poverty strategy is to *"increase the number of people who live in warm affordable homes"*. This will be measured by the number of new homes completed annually in West Lothian. This relates directly to the target of 3,000 affordable homes built between 2012 and 2022 which is included in both this SHIP and the West Lothian Local Housing Strategy 2017-2022.

## **15. Welfare Reform**

West Lothian Council has developed an anti-poverty strategy that sets out a series of actions to support people affected by welfare reform and those at risk of poverty. The Scottish Government's Discretionary Housing Payment is being used in West Lothian to assist with housing costs and in particular to mitigate the effects of the removal of the spare room subsidy.

A key challenge for the council and other providers is to provide smaller houses for people to move to while ensuring that there is a sufficient range of house types and sizes available for applicants and tenants not affected by welfare reform.

The Covid-19 Pandemic has required a major effort from both the council and the Third Sector to assist people facing financial and health issues. Changes have been made to enable greater online support including welfare and benefits advice as well as support for health and care needs.

## **16.Fuel Poverty and Climate Change**

The Local Housing Strategy outlines the council's approach to reducing fuel poverty and tackling emissions that contribute to climate change. The council provides advice and information on fuel poverty via the Advice shop and signposts individuals to agencies such as the Home Energy Scotland.

In 2020/21 the council invested over £1.2million to improve the energy efficiency of 181 council houses. Both sources of funding were used to improve the energy efficiency of housing stock in West Lothian and help tackle fuel poverty. Particular focus was on targeting areas with high levels of deprivation.

The council seeks to ensure that all new build housing is energy efficient and 89% of West Lothian Council Housing stock currently meets the Energy Efficiency Standard in Social Housing (ESSH).

The heating for the complex care unit at Cawburn Road will be from renewable energy through a ground source heat pump. This will attract funding from Scottish Government.

There are 57 sites identified in the SHIP by RSLs that meet greener standards.

The council is proposing the integration of net zero carbon targets for the next local housing strategy. There are two key elements to this;

- The council is aiming to make a strong commitment to ensuring that our future new build housing stock is as energy efficient as possible. It is proposed that all new build council housing stock are designed and constructed to meet the requirements to achieve an A – Rated Energy Performance Certificate (EPC) in terms of both the building's 'energy efficiency rating', and the building's 'environmental impact rating', which shows the buildings CO<sup>2</sup> emissions. In addition to this it is proposed that all future new build council housing stock should meet all 8 requirements to achieve the current Scottish Building Standards “Silver” Standard.
- A route map has been developed with key milestones for existing WLC housing stock to meet ESSH 2 compliance.

## **17.Private Sector House Condition**

The condition of houses in the private sector in West Lothian is generally good. The council's Scheme of Assistance has been reviewed to provide information, advice and access to practical assistance to enable homeowners to fulfil their responsibility of maintenance and repair of their property and to provide grant support to home owners whose homes need adapted to suit the needs of a disabled person.

The revised Scheme of Assistance was approved by the Council Executive in January 2021. The council has given a commitment to develop its approach to private sector housing over the coming years in order to improve house condition and this will include enforcement activity where necessary. Environmental Health has developed a Trusted Traders scheme. Work continues in relation to bringing private sector empty homes back into use.

## **18 Gypsy/Traveller sites**

West Lothian Council no longer operates a site for Gypsy/Travellers. The council will engage with Scottish Government, COSLA and organisations that support Gypsy/Travellers to assist in improving the understanding of requirements of Gypsy/Travellers coming to West Lothian.

## **19.Strategic Environmental Assessment**

A Strategic Environmental Assessment pre-screening report was undertaken and has determined that a full assessment is not required for the SHIP because it is unlikely to have significant environmental effect. Most of the sites that are included in the SHIP are allocated for housing in the West Lothian Local Plan and/or the West Lothian Local Development Plan which has been the subject of a full Strategic Environmental Assessment.

## **20.Equalities**

West Lothian Council is committed to promoting equality and diversity and eliminating discrimination and the Authority follows strict corporate guidelines which governs the manner in which these areas are approached. An equalities relevance assessment has been carried out for the SHIP and this will be made available. Both the council and RSLs specify that all new build housing will be constructed to housing varying needs standards.

## **21.Conclusion**

This SHIP illustrates a range of approaches to the provision of affordable housing. The council's new build programme has delivered large number of new homes in a relatively short timescale with low levels of subsidy to meet the housing needs of people in West Lothian.

Partner RSLs continue to provide much needed affordable housing in settlements across West Lothian helping to sustain investment in communities in difficult economic times. RSLs are identifying development opportunities and making use of the funding available in a variety of ways to include a mix of both social rented and intermediate tenures. The council continues to work closely with housing association partners in a variety of areas including the common housing register, homelessness, support provision as well as housing development.

## **22.Appendices to the SHIP Submission (not attached)**

1. SHIP Templates
2. Integrated Impact Assessment
3. Strategic Environmental Assessment pre- screening report

## **23.References**

Guidance on Preparing Strategic Housing Investment Plans 30 June 2021  
<https://www.gov.scot/publications/strategic-housing-investment-plan-guidance-note-mhdgn-2021-01/>  
 West Lothian Council Housing Land Audit 2020  
 West Lothian Local Development Plan  
[https://www.westlothian.gov.uk/media/27735/Adopted-West-Lothian-Local-Development-Plan/pdf/West\\_Lothian\\_Local\\_Development\\_Plan\\_-\\_Adopted\\_final.pdf](https://www.westlothian.gov.uk/media/27735/Adopted-West-Lothian-Local-Development-Plan/pdf/West_Lothian_Local_Development_Plan_-_Adopted_final.pdf)  
 West Lothian Local Housing Strategy 2017-2022  
[https://www.westlothian.gov.uk/media/18527/West-Lothian-Councils-Local-Housing-Strategy-2017-2022/pdf/West\\_Lothian\\_Local\\_Housing\\_Strategy\\_2017-221.pdf](https://www.westlothian.gov.uk/media/18527/West-Lothian-Councils-Local-Housing-Strategy-2017-2022/pdf/West_Lothian_Local_Housing_Strategy_2017-221.pdf)  
 Scottish Government Affordable Housing Supply <https://www.gov.scot/publications/housing-statistics-for-scotland-new-house-building/>

January 2022



DATA LABEL: PUBLIC



## **COUNCIL EXECUTIVE**

### **SCOTTISH GOVERNMENT CONSULTATION - BUILDING REGULATIONS: COMPLIANCE AND ENFORCEMENT**

### **REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT AND REGENERATION**

#### **A. PURPOSE OF REPORT**

The purpose of the report is to advise Council Executive of the Scottish Government Consultation – Building Regulations – Compliance and Enforcement and to consider the proposed response.

#### **B. RECOMMENDATION**

It is recommended that the Council Executive:

1. notes the contents of the Scottish Government Consultation (Appendix 1) and
2. agrees the proposed response (Appendix 1) for submission to the Scottish Government.

#### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; and working in partnership.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	There are no equality, health, SEA or risk assessment issues associated with this report.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	It is noted that research and trialling on a live project is planned to identify the increased workload that will result from mandatory notifications and administering the Compliance Plan procedures so that verifiers can anticipate and plan ahead for this increased compliance workload.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Outcome 4 - We live in resilient, cohesive and safe communities.

Outcome 8 - We have the most efficient and effective use of resources by minimising our impact on the built and natural environment.

**VI Resources - (Financial, Staffing and Property)**

If adopted the proposed change will increase costs to the council, as developer, in the future for any proposed projects falling under the definition of high risk buildings which will require a compliance plan manager.

It is noted that research and trialling on a live project is planned to identify the increased workload that will result from mandatory notifications and administering the Compliance Plan procedures so that verifiers can anticipate and plan ahead for this increased compliance workload.

No additional fee income is identified to fund this workload or the expected increased enforcement requirements both of which are in addition to current requirements.

Whilst the increase can't be quantified at this stage it is anticipated a staff resource of around 2 FTE with associated costs of approximately £100,000 will be required.

**VII Consideration at PDSP**

Due to the timing of the consultation it has not been possible to report the proposed response to the Development and Transport PDSP. However, all panel members have been advised of the proposed response and invited to comment.

**VIII Other consultations**

Legal Services, Housing Customer & Building Services, Finance & Property Services.

**D. TERMS OF REPORT**

**D.1 Background**

This consultation focusses on recommendations from a previous Compliance and Enforcement report and seeks views on strengthening the system by adding additional requirements, including a new Compliance Plan Manager (CPM) role that will manage compliance, as set out in the agreed Compliance Plan (CP), from the start of a project through to its completion. This CPM role would apply only to High Risk Building Types (HRBs) and the consultation seeks views on the types of buildings classified as HRBs.

It will also look to strengthen enforcement measures by considering the use of fines and penalties for offences.



## **D.2 Proposed Compliance Plan Manager (CPM) Role**

It is proposed that a Compliance Plan Manager (CPM) will require to be appointed, by the Relevant Person (normally the building owner or developer), on all HRB projects which are to be detailed in guidance / legislation.

The CPM will work collaboratively with the designer and where appropriate 'contractor' to develop a project CP for approval with the building warrant plans and details based on the "Compliance Plan Handbook" (CPHB) which would be a development of existing national guidance used by verifiers at present to inform the Construction Compliance Notification Plan (CCNP).

The CPM will oversee and be responsible for ensuring the developed and agreed CP is fully discharged from building warrant pre-application discussion stage through to completion of the project.

## **D.3 Compliance and Enforcement**

The review also concluded that the approach to enforcement where non-compliance has been observed, as currently practiced by verifiers, does not appear to be effective and that enforcement needs to be more strongly implemented by local authorities.

Where additional inspections are required by the verifier as a result of initial inspections and compliance issues, additional fees for more in-depth investigations should be levied against the project. Detection of fraudulently produced evidence or certification should result in severe fines and enforcement of full compliance.

At present applicants/contractors do not always inform verifiers when construction projects reach the inspection stages identified within the CCNP. This means verifiers are not always provided with the opportunity to inspect works at the critical stages while elements are visible.

## **E. CONCLUSION**

The recommendations made by the review panel in the report on Compliance and Enforcement seek to provide greater assurance that:

- the need and legal responsibility to comply with the building regulations has been understood by building owners, designer and contractors,
- that this is supported by verifiers, from the start to the completion of a building project, and
- whether a strengthened approach to compliance should focus on high risk buildings

It is proposed that the responses set out in Appendix 1 are agreed and submitted as the council's formal response to this consultation in order that its views can be taken account of prior to the finalisation of revised legislation.

## **F. BACKGROUND REFERENCES**

[Building Regulations - Compliance and Enforcement: Consultation](#)

Appendices / Attachments: One

Appendix 1 – Building Regulations – Compliance and Enforcement - Proposed Consultation response

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**Craig McCorriston**  
**Head of Planning, Economic Development & Regeneration**

18 January 2022

# **Building regulations - compliance and enforcement: consultation**

## **Building regulations - compliance and enforcement: consultation**

**Title: Building regulations - compliance and enforcement: consultation**

### **Contents**

[Ministerial Foreword:](#)

[Introduction:](#)

[Why we are consulting:](#)

[How we would like you to help](#)

### **Part 1 – Creation Of A New Compliance Plan Approach/Process To Demonstrate Compliance With The Building Regulations**

[Overview of the existing system](#)

[A strengthened approach to compliance with the building regulations](#)

[The Building Standards Futures Board](#)

[The Compliance Plan Manager role - Enhanced oversight of the building standards system](#)

[The proposed Compliance Plan Manager role on High Risk Building Types](#)

### **Part 2 – High Risk Building Types**

[Overview](#)

### **Part 3: Enforcement**

[Overview](#)

[Penalties for offences](#)

[Strengthening of powers, penalties for offences](#)

### **Part 4 – Impact Assessments And Responding To The Consultation**

[Equality Impact Assessment](#)

[Business and Regulatory Impact Assessment \(BRIA\)](#)

### **Responding to this Consultation**

[Respondent Information Form](#)

### **Annex A - Supporting documents and Links**

- [SG website](#)
- [Procedural Handbook](#)
- [Ministerial Working Group](#)
- [Building Standards Futures Board](#)

### **Annex B - Proposal For A New Compliance Plan Manager Role On High Risk Building Types**

## Building regulations - compliance and enforcement: consultation

### Ministerial Foreword



Following the tragic fire at Grenfell Tower in June 2017, the Scottish Government took the swift decision to establish a [Ministerial Working Group on Building and Fire Safety and Compliance and Enforcement](#) to review Scotland's building and fire safety regulatory frameworks. As part of the Group's actions relating to Building Standards, two expert review panels were created. One to review building standards (Fire Safety) chaired by Dr Paul Stollard and the other on Compliance and Enforcement chaired by Professor John Cole. This consultation addresses the work and recommendations of the latter.

Recommendations from these reviews have already been implemented including controls over combustible cladding, improved escape, and strengthened guidance on roles and responsibilities of the person undertaking new building work were added to the [Building Standards Procedural Handbook](#), published on 1 October 2019. The [Building Standards Futures Board](#) was established by the then Minister for Local Government, Housing and Planning, Kevin Stewart, in order to provide guidance and direction on the development and implementation of the longer term recommendations made by the review panels.

As part of the Futures Board programme of work, a Compliance Plan Working Group was formed in 2020, comprising of a range of industry stakeholders, to direct the development of a new Compliance Plan approach to the building regulations.

In the wake of the tragic events at Grenfell Tower in London and the collapse of the external brick wall at Oxfords primary school in Edinburgh, we must ensure we reduce the risk of non-compliance in high risk building types which are within the scope of the policy change (e.g. schools, hospitals, large shops, high rise residential buildings) for the people of Scotland who will live in, and visit them.

I am grateful to the many panel members and Working Group members who gave their time and expert knowledge on how best to further improve compliance in buildings. I would also like to express my gratitude to the former Minister for Local Government, Housing and Planning, Kevin Stewart, for his prior support and direction in moving this important work forward.

This consultation encompasses the recommendations made by the review panel in the report on Compliance and Enforcement, and seeks views on proposed changes to the building standards system in Scotland to provide greater assurance that the risk of non-compliance has been reduced.

I hope you will take this opportunity to give us your thoughts.

**Patrick Harvie**

Minister for Zero Carbon Buildings, Active Travel and Tenant Rights

## Building regulations - compliance and enforcement: consultation

### Introduction

This consultation seeks to obtain the views on the development of a new Compliance Plan Manager role within the building standards system which will apply to specific High Risk Building (HRB) types, the definition of these HRBs and the level of fines where work is not carried out in accordance with the regulations.

This consultation forms part of the work undertaken by the Compliance Plan Working Group which is one of seven work streams being directed by the Building Standards Futures Board. The consultation will gather opinions from stakeholders on a review of the building standards system relating to the way in which compliance with the building regulations is assured and enforced to help ensure the health, safety and welfare of people in and around Scotland's buildings and to further the conservation of fuel and power and further the achievement of sustainable development.

The consultation covers four main areas, as follows:

- Creation of a new Compliance Plan Manager (CPM) oversight role on High Risk Building types on behalf of the Relevant Person (normally the owner or developer);
- The definition of High Risk Buildings requiring a CPM;
- Fines and penalties; and
- Impact assessments.

The proposed changes outlined in the consultation aim to:

- Require applicants (building owners and developers) to evidence and document how compliance with the building regulations has been approached from a 'pre-application meeting' (initial) stage through to completion of the building project. The intention is to strengthen compliance across all building types with the new Compliance Plan approach and also to introduce a requirement for independent professional oversight — a Compliance Plan Manager — on high risk buildings to manage the compliance process from start to finish. Initial considerations have concentrated on application to High Risk Buildings (high rise residential, high public value - schools, healthcare facilities) and also housing sites. But this may be extended, in the future, to apply to a wider range of buildings types if there is evidence to support this. The consultation also seeks views on the definition of buildings classed as 'High Risk Building Types' (HRBs).

### Why we are consulting

Following the tragic events at Grenfell Tower, London in June 2017 a Ministerial Working Group (MWG) was set up to oversee a review of building and fire safety with two expert review panels being created. One panel considering Fire Safety and the other focussing on Compliance and Enforcement, the latter chaired by Professor John Cole who had led on the independent inquiry into the collapse of a brick outer wall at Oxfords primary school in February 2017 during a storm. The review panels published their reports and recommendations and this consultation focusses on recommendations from the Compliance and Enforcement report.

The review panel on Compliance and Enforcement in Scotland concluded that the Scottish system is not broken but that evidence clearly shows there is a need to strengthen compliance, both in relation to statutory procedural requirements and in addressing non-compliant work on site.

The report also concluded that the current system in Scotland has much to commend it, in particular the pre-emptive aspect of obtaining a building warrant prior to starting on site. The

## Building regulations - compliance and enforcement: consultation

benefits of this element of the Scottish approach were recognised in the Dame Judith Hackitt report on building standards in England, which recommended the adoption of the Scottish pre-emptive approach for use in the case of high rise residential buildings and other higher risk developments.

Despite the recognised benefits of the current system in Scotland, recent evidence has indicated that there are issues that need to be addressed, particularly in relation to how effectively the system is actually implemented, especially during the construction phase to ensure works are completed as intended with the design and approved building warrant.

The review panel concluded that, whilst simultaneously maintaining the core elements of the system, some reshaping would be advised to ensure that it addresses the identified weaknesses. The focus of this reshaping is to improve aspects of the current system and its implementation, not to fundamentally change it.

In 2018 the Scottish Government consulted on the review panels recommendations<sup>1</sup>. A total of 222 survey responses were received, and 246 individuals attended awareness events that were held around the country.

This consultation seeks to build on the findings from the 2018 consultation which have already been accepted as part of the new Compliance Plan process (as included in **Annex B**) and further develop the work on compliance and enforcement. Views are sought on strengthening the system by adding additional requirements, including a new Compliance Plan Manager role that will manage compliance, as set out in the agreed Compliance Plan, from the start of a project through to its completion. It will also look to strengthen enforcement measures by considering the use of fines and penalties for offences.

This CPM role would apply only to High Risk Building Types (HRBs) and the consultation seeks views on the types of buildings classed as HRBs. Views are also sought on whether there should be a requirement to appoint a CPM on existing buildings that would fall within the scope of the HRB definition where they are being created by a conversion or in situations where these types of buildings are being altered or extended.

### How we would like you to help

This consultation is comprised of 15 questions related to:

- Part 1 - Creation of a new Compliance Plan Manager (CPM) oversight role on High Risk Building types on behalf of the Relevant Person (normally the owner or developer);
- Part 2 - The definition of High Risk Buildings requiring a CPM;
- Part 3 - Level of penalties/fines relating to enforcement action under the building standards system; and

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<sup>1</sup> [Building Standards Compliance and Fire Safety – a consultation on making Scotland's buildings safer for people \(www.gov.scot\)](https://www.gov.scot/building-standards-compliance-and-fire-safety-consultation)

**Building regulations - compliance and enforcement: consultation**

- Part 4 - Impact assessments.

Responses to the consultation will be used to inform the final policy and impact assessments that will be prepared in support of any legislative changes.

Information on how to respond to the consultation is on page 23.



## **Building regulations - compliance and enforcement: consultation**

### **Part 1: Creation Of A New Compliance Plan Approach/Process To Demonstrate Compliance With The Building Regulations**

#### **Overview of the existing building standards system**

The building standards system in Scotland operates under the Building (Scotland) Act 2003, introduced in 2005 and is a pre-emptive system, carried over from the previous building standards system administered under the Building (Scotland) Acts of 1959 and 1970. This means that before any work that requires a building warrant can start, the building warrant must be submitted to the relevant local authority verifier for assessment and approval against the Mandatory Functional Standards. Verifiers are appointed by Scottish Ministers to administer the building standards system in Scotland. The 32 local authorities have been appointed as verifiers to deliver the building standards service in their own geographical areas. Their role is to protect the public interest by providing an independent check of applications for building warrants. This includes checking the design phase before granting the warrant and checking during the construction phase before accepting a completion certificate is accepted prior to new buildings being occupied.

To comply with the functional mandatory standards, Scottish Ministers publish national guidance through the Building Standards Division, the principal document being the Technical Handbooks, of which there is one for domestic buildings and one for non-domestic buildings. These provide details on how the mandatory standards can be achieved. There is no requirement to follow the published guidance as it offers only one possible way to comply with the mandatory functional standards. However, it is the most common way of demonstrating compliance as following the guidance can be relied on in any legal dispute as 'tending to negate liability' for an alleged contravention of the building regulations.

Only once satisfied that the proposals meet the requirement of the standards, the verifier will issue an approved building warrant signalling that works can now legally proceed on-site. Along with the approved building warrant, which includes the stamped and approved drawings, the verifier creates and issues a Construction Compliance and Notification Plan (CCNP) in line with a nationally adopted risk assessment methodology contained in the Verification During Construction Handbooks, produced by Local Authority Building Standards Scotland (LABSS) and the Building Standards Division.

The current CCNP details the construction stages that the verifier requires evidence of compliance with the standards. The CCNP sets out the appropriate methods of providing the evidence. This is generally by way of on-site inspections by the verifier, but may also include digital evidence, testing records, Certification of Construction (as defined under the Act) and other forms of certification as agreed with the verifier. Links to the Verification During Construction Handbooks, which provide guidance to verifiers on the drafting of CCNPs can be found on the Scottish Government website at <https://www.gov.scot/publications/building-standards-verification-during-construction-handbooks/>

At this point, once the building warrant has been approved, it is the legal responsibility of the 'Relevant Person' (normally the building owner or developer) to undertake works on site in accordance with the approved building warrant and more generally the building regulations.

## **Building regulations - compliance and enforcement: consultation**

The current system provides a statutory obligation for the 'Applicant' to notify the LA verifier of their intention to commence work on site. The 'Model Form J - Notice Regarding Start of Work', is sent to the 'Applicant' with the approved building warrant and associated CCNP.

The final process involves the Relevant Person, or their duly authorised agent, submitting the completion certificate submission (CC) application to the verifier with a declaration that all works have been carried out in accordance with the approved building warrant and the building regulations. However, at present there is no requirement to demonstrate how the RP or duly authorised agent has ensured that works have been carried out in accordance with the building warrant and building regulations. The CC submission process also includes 'reasonable inquiry' by the verifier (including the CCNP inspections and other evidence) that the work has been carried out in accordance with the building regulations and if satisfied, a notice of acceptance of completion certificate is issued. It is an offence to occupy a new building, a conversion or an extension unless the relevant completion certificate has been accepted. It is, however, possible to obtain permission for temporary occupation or use but this will be limited for a specified period of time.

CCNPs were introduced in 2012 following the first compliance and enforcement public consultation in 2008. The Scottish Government undertook to review the building standards system three years after the Act came into force on 1 May 2005. The outcome was a review of process and procedures and the introduction of the Performance Framework in 2012, under which CCNPs are Key Performance Outcome 2 (KPO2). The purpose of the CCNP being to provide developers and verifiers with a clear view of when verifier inspections should take place using a risk based approach to inspections to enable verifiers to maximise their effectiveness in deploying their resources for the monitoring of building work. However, it was the view of the Compliance and Enforcement Panel that there was a need for a more robust approach to compliance planning and documented evidence of compliance.

### **2018 Compliance and Enforcement review panel report findings**

The Compliance and Enforcement review panel report finding confirmed:

"It is clearly the legal responsibility for the building owner or developer to comply with the Building Regulations and it should be expected of them to have appropriately expert inspection during the course of the construction. However, as has unfortunately been shown, it is insufficient for Building Standards services to rely on the signing of a completion certificate by the owner / developer as confirmation of compliance. Appointed verifiers must act in the public interest by undertaking 'reasonable inquiry' through a combination of undertaking sufficient inspections and requiring proof of independent certification of elements of the construction so as to reasonably ensure that buildings comply with the Building Standards."

"The significant resource applied to the approval of design drawings and specifications is rendered superfluous if the building is not built in accordance with the approved documents thereby undermining the fundamental purpose of the regulations to ensure safe efficient functional buildings."

## **Building regulations - compliance and enforcement: consultation**

“There has been an increased adoption, particularly by public sector bodies, of procurement methods in which the design team are employed by contractors and which enables contractors to determine the nature and level of involvement or otherwise of the qualified design professionals in the inspection and checking of the compliance of those contractors’ work on-site. Perhaps not surprisingly this element of service, which used to be a standard part of a design team’s role, is frequently drastically reduced or even not required at all by employing contractors.”

“Such appointments of design teams frequently contain confidentiality clauses whereby the professional design team are prevented from conveying concerns to the actual client for the project as to defective construction quality or changes from the approved design that they have observed and reported to the contractor. These arrangements have resulted in the situation where there is often limited independent professional oversight by the actual designers of the buildings of the detailed construction of projects and their compliance with Building Standards.”

“Evidence from several recent inquiries indicate that currently it would be inappropriate to assume that contractors’ quality assurance processes and self-certification can be fully relied on or alone can provide the necessary assurance as to compliance with the regulations or with the approved warrant drawings. The failure by some contractors to address defective construction can arise from the natural conflicts of interest for contractors in condemning aspects of their own construction work, as to do so may lead to additional costs of both the necessary remedial work and of any resultant delay to completion for the contractor involved.”

“The combination of these factors has contributed to a situation in which public confidence in the quality and safety of our buildings has been severely dented. It was simply a matter of fortuitous luck and timing that the collapse of external walls at five schools across Scotland in the last few years, (four largely unreported collapses preceded the collapse at Oxbgangs School), did not lead to multiple fatalities or major injuries to school children.”

“Such regular failures within our Construction Industry must not be allowed to continue and while the core responsibility mostly lies with Industry, and to a lesser but still important degree with its clients. Government has a responsibility to ensure that weaknesses in the current implementation of the Building Standards system in Scotland in relation to failures to enforce procedural and site compliance are properly addressed.”

In relation to enforcement, the review panel’s discussions focused more upon compliance than enforcement reflecting the objective of improving compliance and thus reducing the need for enforcement activity. However, there was a wide agreement that the current approach to enforcement required strengthening with the need for local authorities to take more effective action in situations where non-compliance is identified. In relation to enforcement, the review panel report noted:

“The review panel on Compliance and Enforcement in Scotland concluded that the Scottish system is not broken but that evidence clearly shows there is a need to

## Building regulations - compliance and enforcement: consultation

strengthen compliance both in relation to statutory procedural requirements and in addressing non-compliant work on site. It also concluded that the approach to enforcement where non-compliance has been observed, as currently practiced by verifiers, does not appear to be effective and that enforcement needs to be more strongly implemented by local authorities.”

“Where additional inspections are required by the verifier as a result of initial inspections and compliance issues, additional fees for more in-depth investigations should be levied against the project. Detection of fraudulently produced evidence or certification should result in severe fines and enforcement of full compliance.”

“The level of financial penalties that can currently be levied is insufficient to incentivise those contractors undertaking major projects, who may not comply fully with the regulations, to desist from doing so. The contractual penalties for late completion together with the cost of any remedial work required to address non-compliance may frequently considerably exceed these penalties. It is recommended that the level of penalties be reviewed so as to act as a true disincentive of failure to comply with both statutory procedures and standards.”

The full Compliance and Enforcement review panel report<sup>2</sup> can be accessed at <https://www.gov.scot/publications/report-review-compliance-enforcement/>

### A strengthened approach to compliance with the building regulations

The review panel report proposed that the CCNP process could be further developed into a new strengthened ‘Compliance Plan’ approach with the Compliance Plan being created by the applicant/developer for discussion and approval by the verifier. It was suggested that more robust Compliance Plans should take into account the following:

- the projected programme for the project
- the level of detailed information that is required to be submitted with the warrant application
- the form of procurement to be used
- the extent and nature of the client’s technical representatives
- the experience and expertise of the contractor if known
- any proposed staging of warrants
- the higher risks elements of the building
- the documented evidence that the verifiers will require to be produced by the developer during construction, (suggested term Construction Compliance Evidence Documentation (CCED)), and
- the nature, frequency and specific stages of planned visits by building inspectors to the site and notification requirements.

At present the CCNP is created using national guidance (Verification During Construction Guidance) developed by Local Authority Building Standards Scotland (LABSS) and BSD. The

<sup>2</sup> [Building standards compliance and enforcement review: report - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/report-review-compliance-enforcement/)

## Building regulations - compliance and enforcement: consultation

CCNP is issued by the verifier with the approved building warrant. The proposed Compliance Plan, as suggested, would change this process and instead would require the Compliance Plan Manager, the designer and potentially the contractor (where appropriate, as contractors may not always be appointed at this early stage) to develop the Compliance Plan. The Compliance Plan would then be submitted to the verifier for agreement and issue with the building warrant.

The review panel report stated:

“It must be made clear that it is the legal responsibility of clients for all buildings that will be occupied, used, worked in or visited by members of the public to ensure that these buildings are compliant with the regulations. This responsibility should include a requirement on the client and appointed agents to the client to provide Building Standards services with the necessary evidence to demonstrate compliance.”

“For that evidence to be relied upon by Building Standards services, it should be required to be produced by appropriately qualified professionals with indemnity insurance cover. The review panel considered that clarification and strengthening of the roles and responsibilities of clients and developers in this regard was an essential element in improving compliance.”

At present applicants/contractors do not always inform verifiers when construction projects reach the inspection stages identified within the CCNP. This means verifiers are not always provided with the opportunity to inspect works at the critical stages and critically before elements of the construction are covered up. Making such notification mandatory in line with the findings of the previous consultation and requiring the CPM, designer, and contractor to develop and submit the new Compliance Plan instead of the verifier will make the process of compliance, and appropriate compliance inspection stages, more visible and better understood as requirements of the building standards system by those persons responsible for ensuring compliance, namely the Relevant Person (normally the building owner or developer).

As the current system of notification (CCNP) for all verification inspection stages is not mandatory, overall there are significant numbers of identified verification inspections not achieved. In this respect, the rigour provided by the new Compliance Plan process may for many verifiers increase or indeed significantly increase inspection workload beyond current activity even if, as is planned, the inspection notification stages remain essentially as currently required within the Verification During Construction Handbook.

Research and trialling on a live project is planned to identify the increased workload that will result from mandatory notifications and administering the Compliance Plan procedures so that verifiers can anticipate and plan ahead for this increased compliance workload.

The review panel also raised issues with the fact that under the current Scottish system there is no requirement for the Relevant Person (RP) signing the completion certificate, to have any particular competence, training or qualification in construction, irrespective of the size, complexity or height of the building that he or she is signing as compliant.

The Compliance and Enforcement review panel noted:

## **Building regulations - compliance and enforcement: consultation**

“This has meant that the completion certificate process is often not treated by those signing it with the level of diligence implied in the legislation. Without any requirement for specific knowledge on the part of the person signing the certificate, this process cannot provide the necessary level of assurance to confirm the compliance of all work on site, the majority of which will not have the benefit of having been inspected by Building Standards services.”

The panel felt that consideration should be given to the completion certificate being assigned to those appropriately qualified. This consultation addresses this point and in the case of HRBs the CPM identifies that it could be a member of the design team or an appropriately qualified employer’s agent or other independent appointee that is appointed to the role.

However, even with some form of enhanced oversight in place, the panels view was that it should remain the responsibility of verifiers to issue acceptances of completion. This gives the process the appropriate importance, authority and independence from commercial interests and allows the appropriate site inspections and audits of the evidence submitted to them by certifiers of compliance to be carried out.

Based on the views of the Compliance and Enforcement review panel, the proposal is that a CPM be appointed on all HRB projects. On HRBs only the RP or the CPM (a suitably qualified construction professional) acting on behalf of the RP, could submit the completion certificate submission.

### **The Building Standards Futures Board**

A public consultation ‘Building Standards Compliance and Fire Safety – A Consultation on Making Scotland’s Buildings Safer for People’ was carried out between July and September 2018. The responses were supportive of change to strengthen current building standards guidance to improve building quality, compliance and enforcement. Eighty two percent of respondents agreed that a ‘Compliance Plan’ should be provided to demonstrate compliance with the building regulations from concept to completion.

As a result, the Building Standards Futures Programme Board was set up to provide guidance and direction on the development and implement of the recommendations made by the review panels on Compliance and Enforcement and Fire Safety.

The Board’s remit is to strategically advise and direct a broad programme of work aimed at improving the performance, expertise, resilience and sustainability of the Scottish building standards framework and services across Scotland. Recommendations are being taken forward through seven work streams which are interlinked and collectively aim to drive transformation of the building standards system in Scotland.

This includes a Compliance Plan Working Group, made up of industry stakeholders and academia, focussing on the development of a new, extended and strengthened ‘Compliance Plan’ approach, and the creation of a Compliance Plan Manager oversight role acting on behalf of the ‘Relevant Person’ (normally the building owner or developer) to deliver projects subject to the building regulations. The aim being to deliver greater

## **Building regulations - compliance and enforcement: consultation**

assurance, through evidenced process, that buildings are compliant during both the design and construction stage.

### **The Compliance Plan Manager (CPM) role - Enhanced oversight of the building standards system**

It is proposed that a CPM will require to be appointed, by the Relevant Person, on all High Risk Building (HRB) projects (detailed in guidance/legislation). The CPM will work collaboratively with the designer and 'contractor' (where appropriate due to procurement route as contractors may not always be appointed at this early stage) to develop a project Compliance Plan for approval with the building warrant plans and details based on the "Compliance Plan Handbook" (CPHB) which would be a development of existing national guidance used by verifiers at present to inform the CCNP. The CPM will oversee and be responsible for ensuring the developed and agreed CP is fully discharged from building warrant pre-application discussion stage through to completion of the project.

The CPM will ensure that the necessary construction compliance evidence documents, as set out in the Compliance Plan, have been collated to support the competent submission of the completion certificate application to the verifiers at the end of the process. Under the Building (Scotland) Act 2003 it is an offence to recklessly submit a completion certificate to a verifier. Such evidence of competent process can, in summary, also provide greater assurance and, if necessary, support redress for those that subsequently take on the responsibility for a completed building or building works.

### **The proposed Compliance Plan Manager role on High Risk Building Types**

The 2018 Consultation on Building Standards Compliance and Fire Safety asked the question:

"Do you agree that the building owner or developer should be required to appoint a competent professional person, with the appropriate experience and qualifications, to act on their behalf in order to assure them of compliance when they submit the completion certificate?"

There were 222 respondents, and 205 responded to the question. The majority (84%) of respondents agreed that the building owner or developer should be required to appoint a competent professional person, with the appropriate experience and qualifications (guidance to be provided in the Compliance Plan Handbook) to act on their behalf in order to assure them of compliance when they submit the completion certificate.

Responses to the 2018 public consultation supported the proposal for the appointment of a competent professional person. The Compliance Plan Working Group, made up of industry stakeholders and academia, was set up to undertake a comprehensive and open discussion around the reality of why non-compliance occurs. The aim being to provide greater assurance that the need and legal responsibility to comply with the building regulations has been understood by building owners, designer, contractors, which is supported by verifiers, from the start to the completion of a building project. To also consider whether a strengthened approach to compliance should focus on high risk

## Building regulations - compliance and enforcement: consultation

projects and safety critical elements. This work has delivered the proposals for a new oversight role acting on behalf of the Relevant Person (normally the building owner or developer). This new role, is referred to as the Compliance Plan Manager. The CPM role, scope and duties are set out in **Annex B**.

The questions in Part 1 should be considered after reviewing Annex B.

**Question 1.1** - Do you agree with the CPM role as detailed in Annex B on projects for all HRBs?

Strongly agree	<input checked="" type="checkbox"/>
Agree	<input type="checkbox"/>
Neither agree nor disagree	<input type="checkbox"/>
Disagree	<input type="checkbox"/>
Strongly Disagree	<input type="checkbox"/>

Please select only one answer and provide your reasoning in the box below.

Comments:

The Compliance Plan Manager role would be a valuable tool towards better compliance in HRB's.

However, it may be beneficial to expand this to all projects, including low risk ones through the relevant person as mentioned in Annex B paragraph 10 (Page 29) to the consultation.

**Question 1.2** - Do you agree the CPM should be independent of the contractor?

Strongly agree	<input checked="" type="checkbox"/>
Agree	<input type="checkbox"/>
Neither agree nor disagree	<input type="checkbox"/>
Disagree	<input type="checkbox"/>
Strongly Disagree	<input type="checkbox"/>

Please select only one answer and provide your reasoning in the box below.

Comments:

This would go some way to alleviate any perceived conflicts of interest. However, if the confidentiality clauses whereby the professional design team are prevented from conveying concerns to the actual client for the project as to defective construction quality or changes from the approved design that they have observed and reported to the contractor are to remain could this prevent this role being affective?

Does this ensure that any confidentiality clause if implemented will not impact on the effectiveness of the Compliance Plan Manager?



## Building regulations - compliance and enforcement: consultation

**Question 1.3** - Do you agree that the CPM role needs to be appointed no later than pre-application stage for all HRB projects?

- |                            |                                     |
|----------------------------|-------------------------------------|
| Strongly agree             | <input type="checkbox"/>            |
| Agree                      | <input checked="" type="checkbox"/> |
| Neither agree nor disagree | <input type="checkbox"/>            |
| Disagree                   | <input type="checkbox"/>            |
| Strongly Disagree          | <input type="checkbox"/>            |

Please select only one answer and provide your reasoning in the box below.

Comments:

It would be beneficial to have a Compliance Plan Manager appointed at pre-application stage.

However, so long as the Compliance Plan Manager fully understands the project and their role in the project and is in place prior to the Compliance Plan being produced this should suffice.

Can legislation enforce such a role prior to a Building Warrant being submitted?

Generally low-rise volume house building sites historically have never really requested a pre-application meeting nor is this generally required by the verifier.

**Question 1.4** - Do you agree that a standardised competency framework for the CPM role should be developed by professional bodies/industry?

- |                            |                                     |
|----------------------------|-------------------------------------|
| Strongly agree             | <input checked="" type="checkbox"/> |
| Agree                      | <input type="checkbox"/>            |
| Neither agree nor disagree | <input type="checkbox"/>            |
| Disagree                   | <input type="checkbox"/>            |
| Strongly Disagree          | <input type="checkbox"/>            |

Please select only one answer and provide your reasoning in the box below.

Comments:

This is essential to ensure that those carrying out the Compliance Plan Manager role are appropriately qualified. There may be an opportunity for Local authority building standards Scotland (LABSS) to be involved in establishing any competency framework for a Compliance Plan Manager.

## **Building regulations - compliance and enforcement: consultation**

### **Part 2 – High Risk Building Types**

#### **Overview**

This section of the consultation seeks to establish what high risk building types should be subject to strengthened building standards system requirements. This will include a requirement to appoint a Compliance Plan Manager (CPM), independent of the contractor, to develop along with the designer and contractor (where appointed) a Compliance Plan and oversee the plan as agreed by the verifier through to the completion of the building.

It is proposed that a CPM will be appointed on all ‘in scope’ HRB projects. The CPM will work collaboratively with the designer and contractor to develop a project Compliance Plan for verifier agreement and approval with the building warrant plans and details based on the Compliance Plan Handbook CPHB. The CPM will then oversee and be responsible for ensuring the agreed Compliance Plan is fully discharged from project inception to completion. During the construction phase, the CPM will collate the compliance evidence on behalf of the Relevant Person, facilitate the agreed verification inspections/checks and submit, at the appropriate stages, the verification compliance evidence required by the verifier as detailed in the CP along with the completion certificate submission application. In doing so, this now provides evidence and documentation to substantiate the competent submission of the completion certificate which at present does not require such detailed supporting evidence to be submitted to the verifier.

The Compliance and Enforcement review panel noted:

“For non-domestic buildings and high rise residential buildings, it was agreed that a more specific approach to the individual building would be required in determining the nature, frequency and timing of proposed inspection plans. This would take account of the function of the building, its location, proposed occupancy, scale, height, complexity of design and related risk factors.”

## Building regulations - compliance and enforcement: consultation

Taking into account the recent failings on certain building types resulting in fatal or potentially fatal consequences, the potential consequences of public buildings being unavailable for use, and the impact that non-compliance can have on how buildings perform in use, it is proposed that the following 'in scope' building types should apply:

### **Building Types in scope to be defined as an HRB**

- **Domestic building or residential building with any storey at a height of more than 11 metres above the ground.**
- **Educational establishments (schools, colleges and universities), community/sport centres and non-domestic buildings under local authority control/where they have an interest in a building.**
- **Hospitals**
- **Residential care buildings**
- **Housing sites (low-rise)**

**Question 2.1** - Do you agree domestic building or residential building with any storey at a height of more than 11 metres above the ground should be defined as an HRB?

Strongly agree	<input type="checkbox"/>
Agree	<input checked="" type="checkbox"/>
Neither agree nor disagree	<input type="checkbox"/>
Disagree	<input type="checkbox"/>
Strongly Disagree	<input type="checkbox"/>

Please select only one answer and provide your reasoning in the box below.

Comments:

There would be further benefit in extending High Risk Buildings to include any flatted developments more than 2 storeys accessed from a common stair and to encompass any residential building.

**Question 2.2** - Do you agree that educational establishments (schools, colleges and universities), community/sport centres and non-domestic public buildings under local authority control/where they have an interest in a building should be defined as a HRB?

Strongly agree	<input checked="" type="checkbox"/>
Agree	<input type="checkbox"/>
Neither agree nor disagree	<input type="checkbox"/>
Disagree	<input type="checkbox"/>
Strongly Disagree	<input type="checkbox"/>

Please select only one answer and provide your reasoning in the box below.

## Building regulations - compliance and enforcement: consultation

### Comments:

These buildings generally have a high occupancy with different types of users and as such all efforts should be made to ensure compliance during construction.

### Question 2.3 - Do you agree that hospitals<sup>3</sup> should be defined as a HRB?

- |                            |                                     |
|----------------------------|-------------------------------------|
| Strongly agree             | <input checked="" type="checkbox"/> |
| Agree                      | <input type="checkbox"/>            |
| Neither agree nor disagree | <input type="checkbox"/>            |
| Disagree                   | <input type="checkbox"/>            |
| Strongly Disagree          | <input type="checkbox"/>            |

Please select only one answer and provide your reasoning in the box below.

### Comments:

It would be expected hospitals would be defined as a high-risk building

### Question 2.4 - Do you agree that residential care buildings should be defined as a HRB?

- |                            |                                     |
|----------------------------|-------------------------------------|
| Strongly agree             | <input checked="" type="checkbox"/> |
| Agree                      | <input type="checkbox"/>            |
| Neither agree nor disagree | <input type="checkbox"/>            |
| Disagree                   | <input type="checkbox"/>            |
| Strongly Disagree          | <input type="checkbox"/>            |

Please select only one answer and provide your reasoning in the box below.

### Comments:

It would be expected that residential care buildings would be defined as a high-risk building given the vulnerabilities of the occupants.

<sup>3</sup> [Building standards technical handbook 2020: non-domestic - gov.scot \(www.gov.scot\)](http://www.gov.scot/publications/building-standards-technical-handbook-2020-non-domestic/pages/100/index.aspx)

## Building regulations - compliance and enforcement: consultation

We would like to gauge opinion on whether or not low-rise volume housing sites should be considered 'in scope' and require to follow the same strengthened compliance process as those defined under the HRB category. This would go beyond the review panel on Compliance and Enforcement recommendations to address high risk building types. However, the Compliance Plan Working Group felt there would be merit in exploring whether the strengthened system should be applicable to low-rise volume house buildings sites driven by the effect on climate as new housing accounts for a large part of the newly created built environment.

**Question 2.5** - Do you agree low-rise volume house building sites should be defined as a HRB?

Strongly agree	<input checked="" type="checkbox"/>
Agree	<input type="checkbox"/>
Neither agree nor disagree	<input type="checkbox"/>
Disagree	<input type="checkbox"/>
Strongly Disagree	<input type="checkbox"/>

Please select only one answer and provide your reasoning in the box below.

Comments:

There is a strong public interest in new build housing with a particular focus on climate change and anything that strengthens compliance in this area should be adopted for this building type.

**Question 2.6** - Do you agree that where a building that falls into one of the defined HRB categories either by conversion or where an existing HRB is being altered or extended that these building types should need to follow the strengthened Compliance Plan regime and require a Compliance Plan Manager to be appointed.

Strongly agree	<input checked="" type="checkbox"/>
Agree	<input type="checkbox"/>
Neither agree nor disagree	<input type="checkbox"/>
Disagree	<input type="checkbox"/>
Strongly Disagree	<input type="checkbox"/>

Please select only one answer and provide your reasoning in the box below.

Comments:

With the exception of low-rise volume building sites any building previously identified as an HRB that is being altered or converted should be subject to a strengthened compliance plan and the appointment of a Compliance Plan Manager. It would seem to lessen the good work done previously via a Compliance Plan Manager and strengthened Compliance Plan if this was not the case.

This could go some way to drive compliance and mitigate against any potential failings e.g. existing fire stopping being damaged / removed and not repaired that may occur during conversion / alteration works. Issues such as this could form part of a strengthened Compliance Plan. Major events previously have on occasion been as a result of alterations to existing buildings.

## Building regulations - compliance and enforcement: consultation

### PART 3 - Enforcement

#### Overview

The Building (Scotland) Act 2003 contains a range of enforcement powers. The Act gives powers to local authorities (LA) to deal with work that is undertaken without a building warrant (where one was required) and work which has not been undertaken in accordance with a building warrant. The Act also provides powers to deal with buildings they consider to be dangerous or defective.

When a LA considers a building to be dangerous it has a duty to act and it is expected that it will respond immediately. This might include taking urgent action to carry out work, including demolition, as it considers necessary to reduce or remove the danger.

The 2003 Act also gives LAs powers where buildings are defective to take action as appropriate. The range of actions includes serving a notice calling for work to be carried out to improve the quality of properties that are in disrepair, or doing the work in default of the owner complying with the notice.

Local authorities can serve a notice on the building owner, take action where the building is dangerous or defective or the construction does not meet building regulations. They also have powers to recover their costs.

Local authorities currently have **no** enforcement powers to take action on non-compliances found after the completion certificate is accepted by the verifier.

#### Penalties for offences

The current penalty for a person found guilty of an offence on summary conviction is a fine not exceeding level 5 on the standard scale (£5,000).

#### Strengthening of powers, penalties for offences

As part of the proposal to improve compliance and utilise enforcement powers where work is not carried out in accordance with the building warrant, we are seeking your views on the principle of introducing a new enforcement power for local authorities to take action post completion certificate acceptance. Views are also sought on what level of fines should be applied and specifically the level of fine appropriate for high risk buildings (HRBs).

**Question 3.1** - Do you have a view on the introduction of a new enforcement power for local authorities to take action on non-complaint work after the acceptance of the completion certificate?

Yes

☒

No

☐

Comments

Don't feel there is any merit in this – if a completion certificate has been accepted, the verifier has done so in good faith whilst using reasonable enquiry. This should be the responsibility of the owner and their contractor / legal representatives to resolve without the use of enforcement from the Local Authority. Unless the building is dangerous the Local Authority should not be involved.

## Building regulations - compliance and enforcement: consultation

**Question 3.2** - Do you have a view on what the level of fines should be for non-compliance with the building regulations?

Yes ☒

No ☐

### Comments

Any fines should be enough to provide a deterrent – currently this is not the case. Taking cases through enforcement needs to be an easier process, particularly where the case is to be presented to the procurator fiscal.

**Question 3.3** - Do you have a view on what the level of fines should be for non-compliance in high risk buildings?

Yes ☐

No ☒

### Comments

There should be enough of a deterrent in the fine for non-compliance with the building regulations regardless of the building type.

**Building regulations - compliance and enforcement: consultation****PART 4 – Impact Assessments And Responding To The Consultation****Equality Impact Assessment**

The Scottish Government does not think that the proposals in the consultation will have potentially negative impacts for equality groups. However, we welcome your comments on the impact of the proposals on particular groups of people in respect of their age, disability, gender reassignment, race, religion, sex or sexual orientation, being pregnant or on maternity leave and children's rights and wellbeing. Your views on the impact of these proposals will be used to inform the final Equality Impact Assessment that will be prepared in support of any changes required to the building standards legislative framework.

**Question 4.1** - Are there any proposals in this consultation which you consider to impact or have implications on equality groups? Choose from the following options:

Yes ☐No ☒Unsure ☐

Please select only one answer and provide any comments in the box below. If selecting yes, please specify which of the proposals you refer to and why you believe specific groups will be impacted.

Comments: None



## Building regulations - compliance and enforcement: consultation

### Business and Regulatory Impact Assessment (BRIA)

To help us determine the impact of the policies proposed in the consultation, we are interested to find out if these proposals would lead to increased costs and/or impact on resources for you or your business (if applicable).

Any comments received will be used to inform the final BRIA which would be prepared in support of any new or amended guidance or legislation.

**Question 4.2** - Do you think that any of the proposals in this consultation have any financial, regulatory or resource implications for you and/or your business (if applicable)? Choose from the following options:

Yes ☒

No

Unsure ☐

Please select only one answer and provide any comments in the boxes below. If selecting yes, please specify which of the proposals you refer to and why you believe financial, regulatory or resource implications will be impacted.

Comments:

The implementation of the CPM role will have a financial impact on WLC as a developer due to the creation of this new role.

In addition, whilst it is noted research and trialling on a live project is planned to identify the increased workload that will result from mandatory notifications and administering the Compliance Plan procedures, the additional expected site inspections will have a staff resource implication which it is estimated will require an additional 2 FTE staff resource with anticipated costs of circa £100,000.

If not directly funded the fee scale structure should be revisited to ensure full cost recovery is achieved on applications. It should be also be noted that this on cost does not include any additional posts or funding for any increased enforcement provision which is also expected.

## Building regulations - compliance and enforcement: consultation

### Responding to this Consultation

We are inviting responses to this consultation by 04 February 2022.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). Access and respond to this consultation online at <https://consult.gov.scot/building-standards/highriskbuildingcompliance>

You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 04 February 2022.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form to [buildingstandards@gov.scot](mailto:buildingstandards@gov.scot) or by post:

Thomson Dyer  
Building Standards Division  
Scottish Government  
Denholm House  
Almondvale Business Park  
Livingston  
EH54 6DE

### Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy:  
<https://www.gov.scot/privacy/>

### Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

## Building regulations - compliance and enforcement: consultation

### Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at [buildingstandards@gov.scot](mailto:buildingstandards@gov.scot)

### Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

## Building regulations - compliance and enforcement: consultation

### Respondent Information Form

**Please Note** this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:

<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

☐ Individual

X Organisation

Group/Org Type (please tick one)

Local Authority	X	Commercial	
Professional Body		Voluntary	
Contractor/Developer		Housing	
Designer/Consultant		NDPB/Agency	
Academic Body		Advisory	
Industry Association/ Manufacturer		Other (Please Specify	

Full name or organisation's name: Wes Lothian Council

Address: West Lothian Council Civic Centre Howden South Road Livingston

Postcode: EH54 6FF

Email: [chris.rae@westlothian.gov.uk](mailto:chris.rae@westlothian.gov.uk)

**Building regulations - compliance and enforcement: consultation**

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

**Information for organisations:**

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

- ☒ Publish response with name
- ☐ Publish response only (without name)
- ☐ Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- ☒ Yes
- ☐ No

## Building regulations - compliance and enforcement: consultation

### Annex A

#### Supporting documents

- SG website – Building Standards Division - <http://www.gov.scot/bsd>
- Procedural Handbook - <http://www.gov.scot/Topics/Built-Environment/Building/Buildingstandards/ProceduralLegislation/ProceduralHandbook>
- Ministerial Working Group on Building and Fire Safety - <https://beta.gov.scot/groups/ministerial-working-group-building-and-fire-safety/>
- Building Standards Futures Board - [Building Standards Futures Board - gov.scot \(www.gov.scot\)](http://www.gov.scot/Topics/Built-Environment/Building/Buildingstandards/FuturesBoard)
- Building Standards Verification During Construction: Handbooks - [Building standards verification during construction: handbooks - gov.scot \(www.gov.scot\)](http://www.gov.scot/Topics/Built-Environment/Building/Buildingstandards/VerificationDuringConstruction/Handbooks)

## Building regulations - compliance and enforcement: consultation

### Annex B

### Proposal For A New Compliance Plan Manager Role On High Risk Building Types

#### Introduction

1. This paper sets out the proposed role of the Compliance Plan Manager (CPM).
2. The CPM's role is to ensure that the Compliance Plan (CP) is fully executed and achieved on behalf of the Relevant Person (RP) as their 'Duly Authorised Agent'.
3. The Compliance Plan details the inspections and other compliance evidence that the CPM determines is required for the RP or CPM as their agent to submit the completion certificate, inspections and compliance evidence that the verifier will require to support their application of reasonable inquiry.
4. It is proposed that a CPM will require to be appointed on all High Risk Building (HRB) projects (detailed in guidance/legislation) and will work collaboratively with the designer and 'contractor' (where appropriate due to procurement route as contractors may not always be appointed at this early stage) to develop a project CP for approval with the building warrant plans and details based on the "Compliance Plan Handbook" (CPHB). The CPM will oversee and be responsible for ensuring the developed and agreed CP is fully discharged from building warrant pre-application discussion stage through to completion.
5. There will be a requirement to appoint a CPM by the pre-application discussion stage—at the latest. This is in recognition that a building project, can take a long time from start to finish, beyond that of the building standards process, and the pre-application stage is likely to be the first interaction with the building standards system. The CPM will be responsible for the building standards stages of the project and therefore needs to be appointed no later than this stage. This however does not preclude the RP appointing the CPM earlier as good practice. The early appointment of a CPM may add value to the design process by identifying risk elements in the proposal that may not otherwise have been considered.
6. Where a building warrant application is submitted without a CPM being appointed (on an HRB projects), this will delay the progress of the application. A CPM must be appointed before the application will be considered. The Scottish building standards system is pre-emptive, and work cannot proceed legally until permissions are in place. Therefore there is a requirement to identify the CPM on the BW application form at the start of the application process. It is recognised however that the CPM should have been identified and appointed by the RP prior to this stage to enable involvement in the mandatory pre-application discussions on HRBs.
7. A CP must be agreed at the outset of every project and will be used to demonstrate, through the collection of evidence and documentation how the risk of non-compliance has been minimised and also the verifier's (local authority building standards service) reasonable inquiry requirements have been met. All parties involved in a project must be able to provide the necessary written assurances and documentation to the CPM throughout the project as well as at the completion stage. The CPM will collate and interrogate the evidence to support the compliant construction and completion of approved

## Building regulations - compliance and enforcement: consultation

building warrant works. They will provide the necessary assurances, in the form of a fully discharged CP, to the RP to permit the competent submission of the completion certificate to the verifier either by the relevant person or the CPM acting as their agent.

8. The appointment of a CPM to act on behalf of the RP will remove any ambiguity over responsibilities. The responsibility for compliance, under the Scottish building standards system, rests with the RP (usually the building owner or developer). This will place a duty on any RP procuring a new HRB building or new HRB building works, to have in place appropriate compliance oversight, in the form of the CPM, from pre-application discussion stage through to completion.
9. The Building Warrant application form will be amended to require details of the RP to be added at the outset. This will clarify that the RP is legally responsible for compliance with the building regulations. The RP or their duly appointed representative is responsible for undertaking all the necessary checks needed to ensure compliance. This makes it clearer to all involved, from the outset, that the role of the verifier is to undertake periodic inspections to ensure the checks that are put in place by the RP are working as intended.
10. On lower risk projects, out with the definition/scope of an HRB, it may be feasible for the compliance oversight role to be performed by the RP or the builder. This may be more proportionate due to the relatively low cost and lower risk factors. The application of the CP approach must be proportionate to risk as agreed by the Working Group. However, this would still result in a strengthening of the current process where it is unclear who - if anyone - is actually performing a compliance check beyond the checks undertaken by the LA verifier in their checks under reasonable inquiry. This would clarify the oversight put in place on behalf of the building owner/RP as set out in the extract from the Compliance and Enforcement review detailed below.
11. This requirement for a CPM or Duly Authorised (Compliance) Agent aligns with the findings of the review panel on Compliance and Enforcement:

*“It is clearly the legal responsibility for the building owner or developer to comply with the Building Regulations and it should be expected of them to have appropriately expert inspection during the course of the construction.”*

### The Role of the Compliance Plan Manager

12. The view of the Compliance Plan Manager sub-group, formed of industry stakeholders and academics, is that the CPM role should be undertaken by a construction professional with appropriate Professional Indemnity Insurance (PII). This will provide assurance to the RP that checks will be thorough and discharged in a professional way. The CPHB will have CPM competency requirements guidance.
13. The sub-group also concluded that it would be unrealistic for the CPM to possess all the specialist knowledge and expertise needed on all aspects of a building project. Therefore there will be a need for the CPM to draw on the experience and expertise of others involved in the project. This will include designers, specialist contractors, site inspectors and others as appropriate to confirm compliance has been met. It would be the CPM's responsibility to identify information required from others and ensure this information is documented to support the CP being discharged in full.



## Building regulations - compliance and enforcement: consultation

14. Having a CPM does not remove the duty from contractors or others to have in place measures to ensure works are carried out in accordance with the approved design and the building regulations/standards. The CPM does not undertake a supervisory role for every aspect of a project. The CPM may undertake inspections, at specific stages set out in the CP and the inspections will be based on the nature of the project and the identified risks. The CPM will also collate other pre-determined compliance evidence, including that required by the verifier. The CPM role has been developed for use on all high risk buildings initially with the potential of scaling/tailoring to suit lower risk projects as the role is introduced.
  
15. Having the CPM role embedded within the building standards system is intended to ensure that the RP has continuity of professional oversight, regardless of the contract or procurement method. It will also provide the RP with the necessary assurances that the 'agreed level of inspection' (the Compliance Plan) from pre-application meeting to completion has been fully discharged to support the RP's submission of the Completion Submission to the verifier and that the verifier's necessary inspections, checks and supporting evidence to support the verifier's reasonable inquiry have all been enabled/provided as per the CP.
  
16. The level of inspection to be undertaken by the CPM will be based on a risk assessment. The number of inspections will vary depending on the building types and the nature of the work being undertaken. The inspections will focus on works that cannot be readily inspected once the building is completed. However, inspections undertaken by the CPM and others specialists should take into account, but should not be limited to:-
  - The risk associated with elements in relation to the integrity of the building as a whole.
  - The experience of the contractor undertaking the works (which may vary during the process and either to increase or decrease if the contractor is found to be more or less competent than originally thought).
  - The pace of the construction i.e. how quickly it will be concealed.
  - How complex the works are (which may require greater levels of inspection).
  - Whether the works are common industry practice or innovative (the latter requiring greater inspection).
  - Accessibility to works (works that cannot be easily inspected, or easily inspected after a certain stage e.g. once scaffolding is removed).
  - On repeatable items, the initial works should be inspected until the CPM is satisfied that the works are to the required standard.
  
17. The CPM's role within the BS System must have the appropriate authority to be successful. This authority will be drawn from the inability to submit a Completion Certificate (CC) submission without the support of the CPM's sign-off of a fully achieved CP. Without a fully discharged CP, the verifier would automatically reject any CC submission that is not supported by a fully discharged CP. The CP will be an evolving/living document and accordingly, if inspections are missed, then alternative evidence or disruptive inspections could be required to evidence compliance. The CPM as the single point of contact will be responsible for facilitating the checks at the right time ensuring that all the necessary evidence and documentation has been collated and checked to support the CP being fully discharged and enabling a competent CC submission to be made to the verifier.

## Building regulations - compliance and enforcement: consultation

18. Confirmation from the CPM to the RP will enable the submission of the Completion Certificate to the verifier in the knowledge that they have not submitted it recklessly, which is an offence under the Building (Scotland) Act 2003.
19. The role of the CPM is to support the RP. Under the 2003 Act the RP has the legal responsibility to demonstrate compliance. Accordingly, the RP must ensure appropriate checks and oversight are put in place to provide the necessary assurances to facilitate the competent submission of a completion submission at the end of the project.
20. The role of the verifier will continue to be an independent check of work that is subject to building warrant approval. Verifiers will continue to deploy their resources accordingly, based on risk, as they determine appropriate. Inspection stages will be identified within the CP (the former Construction Compliance Notification Plan (CCNP)). Verifier inspections may not always be in the form of physical on-site inspection and may be discharged using alternative evidence such as photos, videos, live video feed, third party certification or declarations from construction professionals. It is expected that with a CPM managing the CP a higher number of, verifier inspection stages will be programmed and facilitated by the CPM. Which will, in turn, will lead to higher levels of notification and completed inspections. Under the CCNP system, verifiers are not always notified when works reaches the identified stages in the CCNP. As such, not all CCNPs were fully achieved. Under the proposed CP verifiers will be informed by the CPM when verifier inspection stages are reached. Therefore it is expected that the number of inspections carried out by verifiers will increase due to increased notifications.
21. The role of the RP will not change as a result of the proposals. The aim of the changes are to strengthen the system as recommended by the Compliance and Enforcement review panel. The roles within the system will be clearer and the process more robust to increase the level of compliance assurance from the beginning of a project to the end culminating in a competent CC submission.

### The CPM role:

- CPM is appointed by the Relevant Person at the design stage, no later than the design team appointment (CPM being a requirement for all high risk projects).
- Envisaged that there should be a duty to produce a Compliance Plan for verifier approval at the building warrant approval stage for all Building Warrants. For the high risk 'prescribed' building types (e.g. high rise residential, schools, healthcare buildings) a CPM would be required.
- CPM should be a 'suitable' building professional (chartered member of building profession) with PII (CPHB would provide competency guidance for client) acting on behalf of the RP and independent from the contractor. Regardless of the way in which a building is being procured, the CPM appointment should be appointed/identified by the Relevant Person to act in their interest and the wider public interest to reduce the risk of non-compliance during construction and once buildings are complete by creating and overseeing the Compliance Plan from inception to completion.

## Building regulations - compliance and enforcement: consultation

- Guidance could state requirements for chartered membership with a professional body which confirms that membership requires competence in assessing a building design and construction for compliance with building regulations along with competence and experience to undertake the manner of works proposed. Supported by an organisational requirements for members to undertake on-going Continual Professional Development.
- Creation of this role should be driven by professional bodies/industry to define 'suitable' via a set criteria - qualifications, experience, level of indemnity cover.
- CPM is acting as "duly authorised compliance agent" to provide continuity of oversight from inception to completion on behalf of the RP. The responsibility for compliance responsibility under the Act remains with the RP, therefore, for the RP to competently discharge their responsibility, they must ensure they appoint, an independent, appropriately resourced, qualified, skilled and experienced persons to undertake the role of CPM, (CPM behaviours would be controlled by professional conduct, clients contract, risk of offending against the Act).
- CPM duties would be discharged if the Compliance Plan is completed/delivered. Discussion around independent construction advisors suggest insurers happier with this approach where scope of inspection/oversight is identified.
  - CPM duty encompasses management of information and verification that required actions are undertaken and recorded. A declaration of the undertaking can be made by the CPM at relevant design and construction stages.
- Using national Compliance Plan Handbook (development and extension of Verification During Construction):
  - At Design stage, a risk assessment statement would be required to be submitted with Building Warrant application to support interrogation of proposals by the verifier.
  - CPM drafts the Compliance Plan for discussion at pre-application meeting, based on the nature of the project, setting out assurances to demonstrate to the verifier how compliance with the building regulations will be achieved with the responsibility of demonstrating compliance resting with the applicant.
  - This would include the Relevant Person Compliance Evidence (RPCE) which would detail the complete package of documentation to be submitted to the Relevant Person including the programme of intended inspections and testing, project dates and stages etc. and the Verification Compliance Evidence (VCE), a separate collation of documentation containing only the relevant evidence required to support the completion certificate submission and includes details of verification notification and inspection stages and any alternative evidence.
  - Finalises and agrees Compliance Plan with verifier for approval with the building warrant.

## Building regulations - compliance and enforcement: consultation

- CPM then manages collation of all information, ensures all requirements of the Compliance Plan are met, is the single point contact for verifier, ensures all inspections are facilitated (e.g. designers, specialists and verifiers as part of their reasonable inquiry), submits completed compliance plan with VCE to RP for submission with CC submission – verifier approves or rejects.
- Verifier would reject CC on basis of unfulfilled Compliance Plan, which strengthens the role of the CPM and the Compliance Plan.
- Compliance Plan to be in digital format, accessible to CPM, design team, client and verifier during the building warrant construction phase and would form part of the golden thread of evidence showing how compliance was managed, achieved and evidenced. The Compliance Plan would then be issued with CC, final set of approved building warrant plans and supporting evidence as submitted including for example the fire safety design summary.

### Compliance Plan Manager Duties:

- To develop, with the design team and contractor, the RPCE and VCE (the Compliance Plan) based on the building type and associated risks identified in the project and carry out the inspections during construction. The CPM may bring experience that highlights risks that may have been overlooked.
- To co-ordinate and liaise with the contractor on their planned inspection of works.
- To co-ordinate the certification and inspections by others, including the designer, contractor; sub-contractors and specialists.
- To act as the single point of contact for the LA Building Standards Verifiers and to facilitate all verification inspections.
- To ensure that the approved building warrant plans match the building as constructed at least in relation to all building warrant matters to enable the submission of the CC.
- To maintain and compile a record of compliance evidence (consisting of a full and complete documentation for the RP (RPCE) and the VCE required to support the submission of the CC. This must be in an electronic format that can be transferred to new owners and be updated where necessary throughout the life of the building.
- The role of CPM would not include responsibility for the supervision of any contractors. That would be a matter for each individual to ensure they were working to agreed quality assurance standards or standards and codes set by contractual arrangement, their company, trade association or professional body.
- To confirm that the Compliance Plan has been fully discharged.
- The CPM will play a vital role in the process. Without the assurances provided by the CPM that the Compliance Plan has been properly discharged, it is expected that the verifier, under their duty to undertake reasonable inquiry, would not be in a position to accept a completion submission application. This would mean the building would not be able to be sold, occupied or possibly insured.
- The verifier would also be expected to consider if the CC had been submitted properly. If any person submits a CC containing a statement which that person knows to be false or misleading in a material particular or recklessly submits a CC containing a statement which is false or misleading in a material particular, the person is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

**Building regulations - compliance and enforcement: consultation**

- The intention is that the CPM role or responsibilities will be applicable to any project and as such has scalability in application dependent on the nature of the project. Many building owners/clients may see the value in independent scrutiny of a builder.
- The change of a CPM should be notified to the verifier as soon as possible with the RP being responsible for ensuring the continuity of compliance.



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## **COUNCIL EXECUTIVE**

### **AFFORDABLE HOUSING DELIVERY UPDATE**

#### **REPORT BY INTERIM HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES**

##### **A. PURPOSE OF REPORT**

The purpose of this report is to update Council Executive on various initiatives to increase the supply of affordable housing in West Lothian. The report also provides an update on the impact of the COVID-19 Pandemic on both the timescale for delivery & completion of the Council's 3,000 Affordable Houses programme.

##### **B. RECOMMENDATION**

It is recommended that Council Executive:

1. Notes the progress being made on delivering 3,000 affordable homes in West Lothian over the period 2012-2022;
2. Notes the impact on the construction of the new build houses due to the COVID 19 Pandemic;
3. Notes projected delivery estimated at 89% of the overall programme by March 2022.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	<ul style="list-style-type: none"> <li>• Focusing on our customers' needs;</li> <li>• Being honest, open and accountable;</li> <li>• Providing equality of opportunity;</li> <li>• Making best use of our resources; and</li> <li>• Working in partnership.</li> </ul>
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<p>The policy of supporting the delivery of affordable housing is covered in the West Lothian Local Housing Strategy.</p> <p>Environmental and equality assessments will be carried out as appropriate.</p>
<b>III Implications for Scheme of Delegation to Officers</b>	None.
<b>IV Impact on performance indicators</b>	None.
<b>V Relevance to Single Outcome Agreement</b>	<p>Our economy is diverse and dynamic and West Lothian is an attractive place to do business.</p> <p>We live in resilient, cohesive and safe</p>

communities.

We make the most efficient use of our resources by minimising our impacts on the built and natural environment.

**VI Resources - (Financial, Staffing and Property)**

The updated Housing Capital Programme 2021/22 to 2022/23 approved by Council Executive on 22 June 2021 includes £53.864 million for the New Build Council Housing Programme

Scottish Government grant of £17.889 million will be available to support the delivery of affordable housing in West Lothian in 2021/22 The Resource Planning Assumptions for years 2022/23 to 2026/27 total £61.906 million.

**VII Consideration at PDSP**

The Services for the Community PDSP considered a report on affordable housing delivery on 14 December 2021.

**VIII Other consultations**

Finance and Property Services; Legal Services; Planning & Transportation

**D. TERMS OF REPORT**

**D.1 Background**

The approved West Lothian Housing Strategy 2017 - 2022 recognises the need to increase the supply of affordable housing in West Lothian to meet need and demand. Included within the strategy is a target of 3,000 affordable homes being provided in West Lothian over the 10-year period to 2022.

The council's Corporate Plan 2018 to 2023 commits the council to increasing the number of affordable homes through the New Build Council Housing Programme and working in partnership with Registered Social Landlords (RSLs).

**D.2 Progress towards meeting the 3,000 affordable homes target**

Since the start of 2012/13 to the end of Quarter 2 2021/22, 2,308 affordable homes have been built and/or acquired which represents 77% of the 3,000 target. A breakdown is provided in Table 1 overleaf:



**Table1**

	<b>Completed</b>	<b>Planned</b>	<b>Total</b>
<b>West Lothian Council:</b>			
Phase 2 New build	535	0	535
Phase 3 New build	896	32	928
Phase 4 New build	47	194	241
Loans Fund New build	20	42	62
Other New Build	33	16	49
Open Market Acquisitions	243	36	279
<b>WLC Sub Total</b>	<b>1,774</b>	<b>320</b>	<b>2,094</b>
<b>RSL:</b>			
New build	514	391	905
Open Market Acquisitions	20	0	20
<b>RSL Sub Total</b>	<b>534</b>	<b>391</b>	<b>925</b>
<b>Overall Total</b>	<b>2,308</b>	<b>711</b>	<b>3,019</b>

Table 1 illustrates that the majority of the affordable homes provided in West Lothian since 2012/13 have been provided by the council. However, the approved West Lothian Housing Strategy 2017-22 highlights the opportunity for other housing providers to make a greater contribution to affordable housing delivery over its five-year period.

Included in the table above are 16 units being delivered at Pumpherston for specialist provision which will attract Scottish Government grant funding and will be additional stock.

Table 2 illustrates the likely number of completed units on the overall programme by March 2022:

**Table 2**

	<b>Completed (end of Q2 2021/22)</b>	<b>Scheduled to complete by March 2022</b>	<b>Total</b>
<b>West Lothian Council:</b>			
Phase 2 New build	535	0	535
Phase 3 New build	896	9	905
Phase 4 New build	47	75	122
Loans Fund New build	20	12	32
Other New Build	33	0	33
Open Market Acquisitions	243	36	279
<b>WLC Sub Total</b>	<b>1,774</b>	<b>132</b>	<b>1,906</b>
<b>RSL:</b>			
New build	514	243	757
Open Market Acquisitions	20	0	20
<b>RSL Sub Total</b>	<b>534</b>	<b>243</b>	<b>777</b>
<b>Total</b>	<b>2,308</b>	<b>375</b>	<b>2,683</b>

Whilst the 3,000 units are expected to either be completed, under construction or have contracts awarded, the impact of the COVID-19 pandemic has affected the timescales for affordable housing delivery throughout Scotland and the above table illustrates the scale of the shortfall. At present, West Lothian Council is projected to complete approximately 91% of the original portion of the overall total (1,906 from 2,094) with the RSL community delivering 84% of its share. The overall programme is projected to complete 89% of the target 3,000 units by March 2022, with the remaining 11% complete by Summer 2023.

Additional financial challenges, in terms of construction price inflation and supply chain may also impact on overall project affordability. Tender cost inflation has been accommodated within the current budgets but the long-term effects are difficult to measure at present.

### D.3 Affordable homes currently under construction

Affordable homes are currently under construction at fourteen sites across West Lothian. Eight of the sites are part of the council's new build programme and the remaining six are being developed by RSL's. A total of 532 houses are under construction. All sites ceased operations 23 March 2020, on account of emergency legislation to safeguard the UK against the spread of the COVID-19 Pandemic. However, all developments have recommenced and revised completion dates have been identified.

A breakdown of the sites is provided in Table 3:

**Table 3**

Site	Housing Provider	No. of Units	Est. Compl.
Bathville Cross, Armadale	WLC	3	2021/22
Standhill, Bathgate	WLC	22	2021/22
Jarvey Street, Bathgate	West Lothian Housing Partnership (WLHP)	42	2021/22
Almondvale, Livingston	WLHP	146	2022/23
Blackness Road, Linlithgow	WLHP	16	2021/22
Winchburgh CDA – Plot 'O'	WLHP	20	2021/22
Calderwood, East Calder	Home Group	69	2022/23
Hopetoun Street, Bathgate	WLC	4	2021/22
Eagle Brae	WLC	29	2022/23
Deans South	WLC	29	2022/23
Mossend	WLC	69	2022/23
Wellhead, Murieston	WLC	42	2022/23
Polbeth Farm, Polbeth	West Lothian Strategic Alliance	25	2021/22
Cawburn Rd, Pumpherston	WLC	16	2022/23
<b>Total</b>		<b>532</b>	

#### D.4 Other sites programmed to commence in 2021/22

Four affordable housing sites, totalling 237 houses, are expected to commence during 2021/22. A breakdown of these sites is provided in Table 4 below:

**Table 4**

Site	Housing Provider	No. of Units	Est. Compl.
Former Swimming Pool, Bathgate	WLC	5	Mar 2023
Former Community Centre, Bathgate	WLC	6	Mar 2023
Craiginn Terrace, Blackridge	Cairn Housing Association	26	April 2023
Wellhead, Murieston	Places for People	28	Mar 2023
Calderwood	Places for People	172	TBC
<b>Total</b>		<b>237</b>	

In November 2020, Council Executive approved three additional sites in Bathgate to replace the Guidiehaugh project. Two of the sites, at the former swimming pool & community centre have been submitted for planning approval. The third replacement site, at Wester Inch, has undergone additional investigation works to determine the infrastructure challenges in order for development timescales to be established.

The above list is indicative and subject to change. The council is also planning to acquire 52 additional former council houses via the Open Market Acquisition Scheme (OMAS) within 2021/22.

Sites have inevitably been affected, in terms of delivery timescales, by the impact of the COVID-19 Pandemic. Current estimates suggest that the impact across all programmes of work has resulted in delay of between six and twelve months due to a range of issues, namely the initial lockdown of sites, furloughed staff, supply chain and ongoing restrictions to site operations.

#### D.5 Update & commentary on the council's current affordable housing programme

The majority of construction operations re-convened in July 2020, after the initial impact of COVID-19 restrictions. Whilst construction operations have avoided total shutdown in the most recent national lockdown, a number of companies in the supply chain had extended their furlough schemes and is reflected in the rate of progress on development sites.

- **Standhill, Bathgate (22 units)**

Hadden Construction were awarded the contract via the Scottish Procurement Alliance Framework Agreement and commenced work in January 2020. This site has been delayed as a result of the COVID-19 closure and the anticipated completion is January 2022.

- **Hopetoun Street, Bathgate (4 units)**

Works commenced on site in May 2021 with completion projected in January 2022.

- **Eagle Brae, Livingston (29 units)**

A contractor has been appointed, and work commenced on site in April 2021 with a projected completion in May 2022.

- **Deans South, Livingston (29 units)**

A contractor has been appointed, and work commenced on site in May 2021 with a projected completion in May 2022.

- **Mossend, West Calder (69 units)**

Negotiations have been completed with Springfield Developments Ltd for the direct purchase of the completed affordable housing units. The site commenced construction in June 2021 with development completing in summer 2022.

- **Former Swimming Pool site, Mid Street (5 units)**

All design and site investigation works have been completed, which reflects local housing demand for family homes. A planning submission has been made for the site be developed to accommodate 5 units in two rows of terraced/semi-detached houses. The project is programmed to complete in 2022/23.

- **Former Community Centre, Marjoribanks Street (6 units)**

Site investigation work and designs have been completed, which reflects housing demand for family housing, has recommended that the site be developed to accommodate 6 units in two rows of terraced houses and a planning submission has been submitted. The project is programmed to complete in 2022/23.

- **Wellhead, Murieston (42 units)**

Bellway Homes will deliver 42 completed units for West Lothian Council and 28 completed units for Places for People Housing Association, as part of their affordable housing obligations through the planning process.

Negotiations have been concluded with the developer for the direct purchase of completed affordable housing units and the project has commenced on site. The first homes are due for handover by early 2022 and the full development completing in January 2023.

- **H-BA 23 - Wester Inch (59 units, proposed)**

Feasibility work has been undertaken after a flood & capacity study work was completed by AECOM Engineers & suggests that the site could accommodate approx. 100-150 units. Invasive site investigation work has now been instructed. Site access & infrastructure works are challenging but the greater site should accommodate significantly more units than the current programme demands. More detailed design is taking place along with engagement with stakeholders and statutory authorities to establish the most pragmatic solution to commence and phase the development. An initial anticipated completion date of 2022/23 will depend on several factors, which include establishing site access, servicing and final site investigations.

## **E. CONCLUSION**

The council's target is to facilitate the delivery of 3,000 affordable homes over a 10-year period to 2022. Since the start of 2012/13, 2,308 affordable homes have been delivered and a further 516 are currently under construction. 253 units are planned for site start during 2021/22 including a number of sites for new build council housing, RSL developments and open market purchases.

Whilst the 3,000 units are expected to either be completed, under construction or have contracts awarded, the impact of the COVID-19 Pandemic and subsequent

supplies and resources issues has affected the timescales for affordable housing delivery throughout Scotland. It is estimated that the impact across all programmes of work is likely to be twelve months or more due to a range of issues, namely the initial lockdown of sites, furloughed staff and ongoing issues with supply of materials and labour to site operations.

At present, the overall programme is projected to complete 89% of the target 3,000 units by March 2022, with the remaining 11% complete by late summer 2023.

## **F. BACKGROUND REFERENCES**

Several reports to Council Executive and Services for the Community PDSP from 7 February 2012 to 14 December 2021

Housing Capital Investment Programme 2019/20 – 2022/23 – Report to West Lothian Council 16 February 2021

Housing Capital 2020/21 Outturn and Updated 2021/22 to 2022/23 Budget - Report to Council Executive on 22 June 2021

Appendices/Attachments: None

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**18 January 2022**