

MINUTE of MEETING of the COUNCIL EXECUTIVE held within MS TEAMS VIRTUAL MEETING, on 18 JANUARY 2022.

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

Apologies – Councillor Janet Campbell

1. OPENING REMARKS

The Council Executive observed a minute's silence following the recent passing of former councillor David McGrouther. The Chair then invited members to reflect on the contributions that he had made to the lives of his constituents and the communities which he had served.

2. DECLARATIONS OF INTEREST

Agenda Item 5 (Petition) - Councillor Cathy Muldoon declared an interest in that she had been involved in working groups and attended various meetings in support of the aims of petition and therefore would not participate in the item of business;

Agenda Item 5 (Petition) - Councillor David Dodds declared an interest in that he supported the aims of the petition and attended a number of meetings on the matter and therefore would not participate in the item of business; and

Agenda Item 7 (Ecclesmachan & Threemiletown Community) - Councillor Chris Horne stated that he had attended a meeting of the community council at which the matter of their prescribed numbers was discussed but would participate in the item of business.

3. ORDER OF BUSINESS

Council Executive agreed, in accordance with Standing Order 8(3), that agenda item 16 was to be noted without any further consideration.

4. MINUTE

The Council Executive approved the Minute of its meeting held on 21 December 2021.

5. PETITION - PATH FROM BENTS/STONEYBURN TO LONGRIDGE

Councillors Cathy Muldoon and David Dodds having declared an interest in the following item of business took no part in its consideration or

decision.

The Council Executive considered the contents of a petition that had been received and which concerned the joint request from Stoneyburn Community Council and Stoneyburn & Bents Future Vision Group for the council to provide a footpath connecting Stoneyburn and Bents to the villages of Fauldhouse, Longridge and beyond.

Deputation

The Council Executive then heard from Mr John Stirling, Chair of Stoneyburn Community Council speak in support of the petition. Mr Stirling explained that the desire for the path was of uppermost importance to members of the community and would enable local residents to access facilities including health facilities and would also be used for leisure activities.

Mr Stirling then responded to question from members.

The Chair thanked Mr Stirling for his presentation.

Decision

1. To agree to refer the petition to a future meeting of the Environment Policy Development and Scrutiny Panel for further consideration; and
2. To agree that the Head of Operational Services advise Mr Stirling of the date of that meeting.

6. TEMPORARY APPOINTMENT OF MONITORING OFFICER

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive seeking agreement of a temporary re-allocation of the statutory position of Monitoring Officer.

Council Executive was asked to :-

1. Designate James Millar, Governance Manger, to be the council's Monitoring Officer on a temporary basis; and
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

Decision

To approve the terms of the report

7. ECCLESMACHAN AND THREEMILETOWN COMMUNITY COUNCIL -
MAXIMUM PRESCRIBED NUMBERS

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to increase the maximum prescribed number of community councillors allowed on Ecclesmachan & Threemiletown Community Council from 8 to 12 members

It was recommended that Council Executive approves the increase in the maximum prescribed number of members from 8 to 12 members.

Decision

To approve the terms of the report

8. ARRANGEMENTS FOR HYBRID COUNCIL MEETINGS

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services providing 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.

It was 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.

Decision

To approve the terms of the report

9. 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 Order.

It was 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.

Decision

To approve the terms of the report

10. NATIONAL ENTITLEMENT CARD - YOUNG PERSON FREE TRAVEL PRODUCT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the 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.

It was recommended that the Council Executive:

1. Notes the benefit of the Travel Scheme for young people between 5 and 21 years of age;
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.

Decision

To approve the terms of the report

11. CONSULTATION RESPONSE - END THE NEED FOR FOOD BANKS - A DRAFT NATIONAL PLAN

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising 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.

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

Decision

To approve the terms of the report and the proposed response

12. SCOTTISH DRAFT BUDGET 2022 AND LOCAL GOVERNMENT FINANCE SETTLEMENT 2022/23

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing 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.

It was 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.

Motion

To approve the terms of the report

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan

Amendment

“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, which is a cash increase of over £19Million from last year.
 4. Notes that since 2018/19, West Lothian Council has received an additional £53Million in Revenue Grant Funding.
 5. 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;
 6. Agrees that the Council retains its Reserves at £2M till the Councils 22/23 budget is reported to Council in February 2022 and that the additional, added this year, £261,000 is utilised as a contingency to allow this Council to help with any additional funding identified by Care and Repair Scotland for West Lothian, alongside the possibility of the Council's Building Services setting aside a team to help, with the installation of linked smoke alarms to conform to the new legislation.
 7. 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.”
- Moved by Councillor Frank Anderson and seconded by Councillor Carl John

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

Motion

Harry Cartmill
Tom Conn
David Dodds
Damian Doran-Timson
Lawrence Fitzpatrick
Peter Heggie
Chris Horne
Charles Kennedy
Cathy Muldoon

Amendment

Frank Anderson
Carl John

George Paul
Kirsteen Sullivan

Decision

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

13. CONSULTATION RESPONSE TO HMICS SCRUTINY PANEL 2022-2025

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services advising 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.

It was 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

Decision

To approve the terms of the report

14. WEST LOTHIAN STRATEGIC HOUSING INVESTMENT PLAN 2022-2027

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services advising 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.

It was 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.

Decision

To approve the terms of the report

15. SCOTTISH GOVERNMENT CONSULTATION - BUILDING REGULATIONS: COMPLIANCE AND ENFORCEMENT

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising members of the Scottish Government Consultation – Building Regulations – Compliance and to consider the proposed response.

It was recommended that 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

Decision

To approve the terms of the report and the proposed consultation response and which was to be updated with the following prior to submission to the Scottish Government :-

- Q3.3 - to include a paragraph to the effect that the levels of fines should be of such that they would allow the council to recover the costs of any remedial works; and
- Q4.2 - to include costs relating to the additional responsibilities of the CPM in respect of enforcement duties.

16. AFFORDABLE HOUSING DELIVERY UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services providing an update on various initiatives to increase the supply of affordable housing in West Lothian. The report also provided an update on the impact of the COVID-19 Pandemic on both the timescale for delivery and completion of the Council's 3,000 Affordable Houses programme.

It was 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.

Decision

To note the content of the report.

17. PRIVATE SESSION

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

18. CORONAVIRUS (SCOTLAND) (NO.2) ACT 2020 - POWERS TO INTERVENE IN CARE PROVISIONS AS AMENDED BY CORONAVIRUS (EXTENSION AND EXPIRY) (SCOTLAND) ACT 2021

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

It was recommended that Council Executive :-

1. Notes the work of the Care Home Clinical and Care Professional Oversight Group for West Lothian.
2. Notes that officers continue to work in partnership with all care providers providing support and seeking assurance regarding care quality.
3. Notes that it has not been necessary for powers associated with the Coronavirus (Extension and Expiry) (Scotland) Act 2021 in West Lothian.
4. Agrees to continue quarterly reporting to Council Executive on the work of the Care Homes Clinical and Care Professional Oversight Group and implementation of any of the new powers until the position stabilises.

Decision

To approve the terms of the report