

MINUTE of MEETING of WEST LOTHIAN COUNCIL held within MSTeams Virtual Meeting, on 25 January 2022.

Present – Provost Tom Kerr (Chair); Depute Provost Cathy Muldoon (Vice Chair); Councillors Alison Adamson, Frank Anderson, Stuart Borrowman, William Boyle, Diane Calder, Janet Campbell, Harry Cartmill, Pauline Clark, Tom Conn, Robert De Bold, Jim Dickson, David Dodds, Angela Doran-Timson, Damian Doran-Timson, Bruce Fairbairn, Lawrence Fitzpatrick, Peter Heggie, Chris Horne, Carl John, Charles Kennedy, Sarah King, Maria MacAulay, John McGinty, Andrew McGuire, Dom McGuire, Andrew Miller, George Paul, Moira Shemilt, Kirsteen Sullivan, David Tait and Tom Ullathorne

1. OPENING REMARKS

- i. Council observed a minute's silence following the recent passing of former councillor David McGrouther.
- ii. The Provost welcomed Councillor Alison Evison, President of CoSLA, to the meeting of West Lothian Council.

2. DECLARATIONS OF INTEREST

Councillor Janet Campbell stated that she was a paid employee of NHS Lothian.

Agenda Item 8 (Notice of Motion – Whitburn Brass Band) - Councillor Jim Dickson declared an interest in that he was their honorary secretary so would not participate in the item of business.

3. ORDER OF BUSINESS

Council agreed, in accordance with Standing Order 8(3), that agenda item 20 was to be taken as read and the recommendations noted without further consideration.

4. "CIVILITY IN PUBLIC LIFE" - PRESENTATION BY COUNCILLOR ALISON EVISON, PRESIDENT OF COSLA

Council heard from Councillor Alison Evison, President of CoSLA who spoke about the work that was being done by CoSLA in respect of Civility In Public Life. Councillor Evison explained that a lack of kindness and respect was something that most councillors had experienced and that this impacted on all aspects of our communities and families.

A crucial aspect of CoSLA's work was a four-nation approach, with colleagues from the Local Government Association, Welsh Local Government Association and the Northern Ireland Association which had resulted in a statement being produced on Civility in Public life as this was seen as one of the biggest threats to councillors and local democracy.

CoSLA had also produced a set of info-graphics for use on social media websites about the rules of engagement with elected members. These clearly set out what behaviour elected members should expect particularly if they needed to block someone from interacting via social media. CoSLA had also produced a “Digital Citizen Guide” which was available via their website which offered further practical advice to councillors.

Work also continued with Police Scotland about councillor safety and a number of workshops on this subject had recently been held with the key message being if you felt threatened in any way you were to contact your local Police Commander.

CoSLA had also been involved in the recent review of the Code of Conduct, particularly the expanded section on disrespect, bullying and harassment.

Councillor Evison concluded her presentation by stating that everyone had a role to play and that we should all encourage respectful behaviour and to call things out if they were inappropriate as to not to do was damaging to everyone and democracy.

Councillor Evison then responded to questions from members.

At the conclusion of questions the Provost thanked Councillor Evison for the very informative presentation and for attending the meeting to present on this very important subject matter.

Decision

To note the presentation on “Civility in Public Life” by Councillor Alison Evison, President of CoSLA.

5. MINUTES

1. The Council approved the Minute of its meeting held on 23 November 2021.
2. The Council noted correspondence arising from previous decisions
3. The Council noted the Minute of the Governance and Risk Committee held on 23 August 2021.
4. The Council noted the Minute of the Audit Committee held on 4 October 2021.
5. The Council noted the Minute of the West Lothian Leisure Advisory Committee held on 21 October 2021.
6. The Council noted the Minute of the Education (Quality Assurance) Committee held on 28 November 2021.

6. ELECTION BUSINESS

Council agreed to appoint Councillor Harry Cartmill to the Culture and Leisure Policy Development and Scrutiny Panel;

Council agreed to appoint Councillor Harry Cartmill to West Lothian Leisure Advisory Committee.

Council agreed to re-appoint Councillor Dom McGuire to West Lothian Integration Joint Board

7. NOTICE OF MOTION - CONGRATULATIONS TO COLE PATERSON - SUBMITTED BY COUNCILLOR KIRSTEEN SULLIVAN

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

“Council recognises the outstanding achievement of Our Lady of Lourdes P7 student Cole Paterson in winning a recent Heriot Watt Robotarium competition to design a sustainable robot with features that would address global challenges. Council notes that Cole won first prize for designing the ‘Fire Bot’, a robot that turns smoke into oxygen addressing one of the major problems arising from changes in global temperatures. Council further notes that Cole’s efforts were rewarded with a visit to Our Lady of Lourdes by two robot dogs, M.A.R.T.I.N. and M.A.R.T.I.N.A, that will carry out research into how robots can support humans in offshore energy inspection, construction and disaster recovery.

Council instructs the Chief Executive to write to congratulate Cole and extend the best of wishes for his future in engineering and robotics”.

- Moved by Councillor Kirsteen Sullivan and seconded by Councillor George Paul

Decision

To unanimously approve the terms of the motion.

8. NOTICE OF MOTION - CONGRATULATIONS TO WHITBURN BRASS BAND - SUBMITTED BY COUNCILLOR KIRSTEEN SULLIVAN

Councillor Jim Dickson having previously declared an interest took no part in the following item of business.

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

“Council congratulates the Whitburn Band on its recent 7th successive win at the recent Scottish Open brass band championship in Perth. Council notes that this marks a 9th overall win in this competition with the band’s

soprano cornet player Scott Forrest also winning the prize for Best Instrumentalist, an even more impressive feat given it is the first time the band has performed in a competition in Scotland in the past 20 months.

Council instructs the Chief Executive to write to the Whitburn Band with the Council's congratulations on its continued success and best wishes for the year ahead."

- Moved by Councillor Kirsteen Sullivan and seconded by Councillor George Paul

Decision

To unanimously approve the terms of the motion.

9. NOTICE OF MOTION - CONGRATULATIONS TO THE GARAGE, WHITBURN - SUBMITTED BY COUNCILLOR KIRSTEEN SULLIVAN

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

"Council congratulates The Garage, Whitburn on its recent success winning The Motor Ombudsman's National Garage Star award. Council notes that having made a shortlist of 24 finalists from over 800 customer nominations submitted for individuals and garages across the UK and winning the regional trophy for Scotland, The Garage claimed the national prize in recognition of its commitment to providing the highest levels of customer service as well as its charitable work supporting the local community.

Council further recognises the Christmas cheer The Garage brings to Whitburn and surrounding communities with its annual tour of the Santa sleigh, allowing excited children to catch a glimpse of Santa, his elves and a sleigh full of gifts as he makes his way through the towns and villages.

Council instructs the Chief Executive to write to The Garage to congratulate staff on its recent award and to thank them for their ongoing contribution to the local community."

- Moved by Councillor Kirsteen Sullivan and seconded by Councillor George Paul

Decision

To unanimously approve the terms of the motion.

10. NOTICE OF MOTION - TREES AND THE COMMUNITY - SUBMITTED BY COUNCILLOR TOM ULLATHORNE

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

“We have just witnessed world leaders gather in Glasgow to agree actions to mitigate catastrophic Climate Change and to protect the fragile biodiversity of this planet.

Within West Lothian Council we are committed to taking all steps in our power to contribute to this sustainable future

Livingston was built on the principles of preserving as much as possible of the previous natural heritage as possible including many stands of historic trees within the fabric of the new town.

Our arboreal resource in West Lothian is vulnerable to the twin threats of Elm and Ash die-back and this is already leading to the removal of a number of charismatic trees. At this time a significant pressure is being placed on healthy older trees by development in the council area.

There are strong feelings engendered with the removal of healthy historic trees. When the ‘feeder road’ was built around Pumpherston in 2015, three large Beech trees each over 150 years old (and noted on the first edition Ordnance Survey map of the area) were removed where additional planning and care could have avoided this.

Many historic trees are threatened by large-scale developments such as Calderwood and Bangour Village and many have been removed in the course of construction so far. When planning new planting schemes it is recognised that mature trees can protect and support the establishment of new canopy.

It is not just charismatic single trees that need to be protected. Along Drumshoreland road there is a stretch of nationally important ancient wet woodland which was dismissed as scrub in recent developers reports. It is important that we recognise and protect such important habitats.

We need to value the historic natural, planted and built environments which have contributed enormously to the development of our unique communities in West Lothian.

This motion calls for:

- An Inventory of the woodland resource in West Lothian including identified historic trees to be maintained and synchronised with data in national surveys such as the Ancient Woodland and Ancient Tree Inventories and the National Forest Inventory.
- Specific plans for felling to be discussed and agreed at Local Area Committees. Consideration of planning sanctions where trees have been erroneously felled.
- Communities and conservation groups to be supported to ‘adopt’ trees and woodlands including the establishment and adoption of Community Orchards. These opportunities should be set within the context of the consideration of woodland provision within either a West Lothian Development Plan under National Planning

- Framework 4 or Local Place Plans as developed by local communities under the Planning (Scotland) Act 2019.
 - West Lothian Council to promote Outdoor Learning and in particular a Forest Schools approach as a priority in Education provision including Community Education.
 - Continued collaboration with the Woodland Trust and other bodies in order to safeguard and grow West Lothian's woodland cover and to help fulfil the above aims.
- Moved by Councillor Tom Ullathorne and seconded by Councillor Carl John

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

Composite Motion

"We have just witnessed world leaders gather in Glasgow to agree actions to mitigate catastrophic Climate Change and to protect the fragile biodiversity of this planet.

Council agrees to commit to taking all steps in our power to contribute to this sustainable future.

Livingston was built on the principles of preserving as much as possible of the previous natural heritage as possible including many stands of historic trees within the fabric of the new town.

Our arboreal resource in West Lothian is vulnerable to extensive threats of Elm and Ash die-back as well as disease and beetle infestation affecting beech, oak and silver birch as this is already leading to the loss of a number of charismatic trees. At this time a significant pressure is being placed on healthy older trees by development.

There are strong feelings engendered with the removal of healthy historic trees. When the 'feeder road' was built around Pumpherston in 2015, three large beech trees each over 150 years old (and noted on the first edition Ordnance Survey map of the area) were removed where additional planning and care could have avoided this.

Many historic trees are threatened by large-scale developments such as Calderwood and Bangour Village and many have been removed in the course of construction so far. When planning new planting schemes, it is recognised that mature trees can protect and support the establishment of new canopy.

It is not just charismatic single trees that need to be protected. Along Drumshoreland Road there is a stretch of nationally important ancient wet woodland which was dismissed as scrub in recent developers reports. It is important that we recognise and protect such important habitats.

We need to value the historic natural, planted and built environments

which have contributed enormously to the character and to the development of our unique communities in West Lothian.

Therefore, this motion calls for a report to Environment PDSP on 29th March 2022 which:

Explains and brings together ongoing work and expected timescales for completion and the appropriate governance route on :

- The review and updating of the existing West Lothian Local Biodiversity Action Plan
- An audit and inventory of all natural and woodlands assets which would record all historic and significant trees and hedging
- The role and workplan of the council's recently appointed Ecology and Biodiversity team
- Post COP26, the growth and encouragement of conservation groups, tree adoption and community orchards
- Patterns of land ownership in West Lothian including The Woodland Trust and large landowners

Outlines:

- The protection offered to trees, ancient woodlands and any enforcement by planning law and how that might be changed or improved under the proposed NPF4
- Other statutory protection on arrangements pertaining to trees and hedges and the lawful powers available to council and Procurator Fiscal for breaches
- Any gaps in that protection

Summarises ongoing work and updates intention for expansion on the closely related areas of:

- Outdoor learning, sustainable development goals, education and global education being the three vital strands which develop LEARNING AND SUSTAINABILITY
 - Forest schools and their importance in providing high quality outdoor play experiences, essential to children's physical, cognitive, social, mental health and wellbeing as well as environmental development."
- Moved by Councillor Tom Ullathorne and seconded by Councillor Lawrence Fitzpatrick

Decision

To unanimously approve the terms of the composite motion.

11. NOTICE OF MOTION - GENDER PAY GAP - SUBMITTED BY COUNCILLOR JANET CAMPBELL

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

“West Lothian Council recognises the responsibility we have and the faith placed upon us by the people of West Lothian to ensure fairness and equality across the workplace. This does not only apply to West Lothian Council employees. The trust placed upon us endorses the obligation all elected members in Scotland, at all levels have to uphold the rights of employees to fair and equitable working conditions, no matter their workplace.

In 2021 the average woman in Scotland earned 11.6 per cent less than the average man, according to Office for National Statistics (ONS) figures, while across the UK as a whole the average woman earned 15.4 per cent less. Whilst the figures are an improvement on 2017 - when the Scottish and UK pay gaps were 16 per cent and 18 per cent, respectively - more be done to eradicate the gap completely, if the Scottish Government had the full powers of every other nation in Europe to tackle this gap. The pandemic has been particularly hard on women, and suspending gender pay gap reporting last year did not help this.

Whilst the gender pay gap may be smaller in Scotland than it is across the UK, it has been estimated our economy could benefit by a further £15bn nationally if we had the powers to tackle that gap and work to close it for good.

This needs to be a moment of resolution across the political divide, in order that we have all of the powers at our disposal to end this glaring gender-based inequality

West Lothian Council therefore resolves to write to the First Minister of Scotland, Nicola Sturgeon, the politician in whom the majority of people in Scotland trust, outlining the support from this council of all moves taken by the Government in Scotland to ensure Employment Law is fully devolved to the Scottish Parliament. West Lothian Council further agrees to write to COSLA leaders urging support for the Scottish Government in taking the necessary action to ensure we have the full powers at our disposal to carry out the radical action required to end this injustice”.

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

Amendment

“Council is appalled that almost 52 years after the first equal pay legislation was passed by a UK Labour government, a substantial gender pay gap of 15.4% persists throughout the United Kingdom. Council agrees that bringing forward effective measures to tackle gender pay inequality won’t only reduce the gender pay gap but will also increase household incomes and reduce child poverty.

Council agrees with Engender and Close the Gap that the underlying factors in the gender pay gap are complex and wide ranging, and include the following:

- Occupational segregation, both horizontal and vertical
- Female inactivity in the labour market (e.g. time out to have children, time out to care for dependents etc.)
- Employment trends e.g. more women than men are in part-time, lower paid and insecure employment

Council acknowledges that these complex cultural, behavioural, institutional and economic factors will not be addressed by devolving employment law to Scotland, indeed the devolution of employment law increases the risk of further inequalities with regards to terms and conditions of employees throughout the United Kingdom.

Council believes that the gender pay gap should not be treated as political fodder in the constitutional debate.

Council welcomes the Scottish Government's Gender Pay Gap Action Plan but believes that a robust data set must be developed across government departments and policy areas to assess and understand the impact of policies on reducing the gender pay gap.

Council agrees with the trade union Unite that "undoubtedly more must be done to address the pay gap across Scotland. The Scottish Government has a civil, moral and economic duty to do so, but more importantly it also has the power and authority to do so".

Thus, Council agrees that more can and must be done by governments both in Westminster and in Holyrood to eliminate the gender pay gap and therefore instructs the following:

- The Chief Executive to write to the UK Minister for Work and Pensions Therese Coffey MP calling for:
 1. further action to address the underlying factors that contribute to the gender pay gap
 2. commitment to bring forward legislation to lower the threshold so that organisations of 100 employees or more must publish their gender pay gap (current requirement is 250 employees)
- The Chief Executive to write to the Minister for Equalities and Older People Christina McKelvie MSP calling for:
 1. a review of levels of pay on offer for public sector roles typically undertaken by women
 2. a requirement (rather than guidance) for companies bidding for public sector contracts to address their own gender pay gaps
 3. the annual publication of an integrated report on the impact of Scottish Government policies across policy areas and government departments on the gender pay gap and the

supporting data set

4. a comprehensive report on the impact of the Covid19 pandemic on the gender pay gap.”

- Moved by Councillor Kirsteen Sullivan and seconded by Councillor David Dodds

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

Motion

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

Amendment

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

Decision

Following a vote the amendment was successful by 19 votes to 14 and it was agreed accordingly.

12. NOTICE OF MOTION - WEEKEND ACCESS TO COMMUNITY RECYCLING CENTRES FOR NON-COMMERCIAL VEHICLES

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

“The West Lothian SNP group welcomed the full reopening of the 5 community recycling centres in West Lothian, a decision that recognised the importance for residents to have convenient access to this vital service.

However, the decision to restrict non-commercial vehicles such as vans and pick-ups from weekends means a section of our community is prohibited from using this service. Many people now choose to use vans and pick-ups as their main family mode of transport with no associated commercial use whatsoever. Many of these people work through the week and are unfortunately unable to utilise the booking system which

restricts access to Monday to Friday with no option to make a weekend booking.

Council requests officers to review the data regarding weekend attendance numbers at all 5 centres in order to identify times that would allow bookable slots to be made available for all non-commercial vehicles. Results of this review should be brought to the Environment PDSP and include any potential additional costs that may be incurred”.

- Moved by Councillor Clark and seconded by Councillor Willie Boyle

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

Composite Motion

“West Lothian Council welcomed the full reopening of the 5 community recycling centres in West Lothian, a decision that recognised the importance for residents to have convenient access to this vital service.

However, the decision to restrict non-commercial vehicles such as vans and pick-ups from weekends means a section of our community is prohibited from using this service. Many people now choose to use vans and pick-ups as their main family mode of transport with no associated commercial use whatsoever. Many of these people work through the week and are unfortunately unable to utilise the booking system which restricts access to Monday to Friday with no option to make a weekend booking.

Council requests officers to review the data regarding weekend attendance numbers at all 5 centres in order to identify times that would allow bookable slots to be made available for all non-commercial vehicles. Results of this review should be brought to the Environment PDSP and include any potential additional costs that may be incurred.

Council therefore agrees that the Head of Operational Services reviews the current controls regarding social distancing measures and the logistical management of the 5 CRCs and takes the appropriate necessary measures”.

- Moved by Councillor Pauline Clark and seconded by Councillor Tom Conn

Decision

To unanimously agree the composite motion.

13. NOTICE OF MOTION - LATERAL FLOW TESTS - SUBMITTED BY COUNCILLOR JANET CAMPBELL

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

“West Lothian Council acknowledges the Scottish Government for taking the bold steps required, in line with most other European countries to tackle the threats posed to our population by the Covid-19 pandemic. West Lothian Council further recognises the work carried out by officers of this council in responding admirably and competently to all that was asked in supporting the measures taken across our country, including the support given to large scale vaccination sites and setting up mobile testing sites, vital in the efforts to protect our local population here in West Lothian.

Council is therefore shocked and appalled that the Prime Minister of the United Kingdom, Boris Johnson as reported by a Downing Street source is considering discontinuing free Lateral Flow Test Kits (LFTs). Regular LFT testing is a vital component in our tool box as we all work together to keep this virus under control and for avoiding the need for further restrictions which impact on all of our lives. This additional potential cost would also come at a time when the cost of living is reaching crisis proportions and will of course, affect those on lower incomes more than any other group of people.

West Lothian Council therefore agrees to write immediately to UK Prime Minister Boris Johnson and the UK Health Secretary Sajid Javid outlining our absolute opposition to these plans. Testing plays a hugely important role in ensuring we suppress the virus, the UK Government must ensure these testing kits remain free and that, as now, people are encouraged to use these regularly”.

- Moved by Councillor Janet Campbell and seconded by Councillor Harry Cartmill

Amendment

“West Lothian Council recognise that the UK Government has delivered unprecedented support to all areas of the United Kingdom, with an eye watering £372bn being spent on measures to cope with the covid pandemic.

This has included one of the world’s leading vaccine programs with the UK double the EU average. Whilst the UK Government were procuring vaccines, the EU were taking legal action against providers. A major part of the success of the UK Government with regards to the response to the pandemic has been the testing program, which the UK Government has spent over £16bn and continues to provide. 691 million lateral flow tests were distributed by November 2021, but only 96 million were used to register a test result.

Thankfully, unlike the SNP Scottish Government, the UK Government has used scientific data to drive decisions and responses and many in the medical world are hopeful the worse of the pandemic is behind us.

Whilst the SNP Government have hindered businesses and damaged the economy with draconian decisions, ‘just to be different from the UK’, the

UK Government is working hard to minimise the costs of the pandemic and get the economy moving forwards

Quite rightly there will be an exit strategy from the pandemic, and this will be driven by the scientific data as is appropriate. This scaremongering by the SNP does them, the people of West Lothian and those working to counter the pandemic no favours

West Lothian Council therefore agrees to write to the Prime Minister Boris Johnston and the UK Health Secretary Sajid Javid congratulating them on the UKs response to the pandemic. Furthermore, Council agree to write to the First Minister of Scotland to express the Councils dismay that as we move out of restrictions, her priority is another damaging independence referendum and the First Minister should announce no such referendum will be called for in this administration term of Holyrood”.

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

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

Motion

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

Amendment

Alison Adamson
Bruce Fairbairn
Angela Doran-Timson
Damian Doran-Timson
Peter Heggie
Chris Horne
Charles Kennedy
Tom Kerr

Decision

Following a vote the motion was successful by 25 votes to 8 and it was agreed accordingly.

14. NOTICE OF MOTION - ENERGY PRICE CAP - SUBMITTED BY COUNCILLOR FRANK ANDERSON

Having left the meeting Councillor Stuart Borrowman took no part in the remaining items of business.

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

“West Lothian SNP Group note with concern that rising inflation has focused minds on the cost of living squeeze this winter. These pressures are likely to build in the new year. The spring looks particularly difficult, with April bringing a cost of living catastrophe affecting the vast majority of households: soaring energy bills and significant tax rises will see an annual income hit to the typical household of over £1,000.

A key driver of the high inflation predicted by the Bank of England during 2022 is energy prices. Wholesale spot gas and electricity prices have increased more than eight-fold and five-fold respectively over the past 12 months. The main effect to date has been the failure of 28 energy suppliers, but households are next in line, as the higher wholesale prices will feed through into a very large rise in the energy price cap in April: estimates are that this will amount to a rise of around £500 or more for a typical household bill, on top of October’s £139 increase. Households will also face an additional charge of around £100 as the costs associated with those firm failures are recouped. **£600 is a huge increase for households of all incomes.** The poorest households will see their energy spend rise from 8.5 to 12 per cent of their total household budget – three times the proportion for the richest. Many of those coming off fixed tariffs onto a price cap tariff will face even bigger rises.

If that wasn’t enough, April will also see significant tax rises including National Insurance (NI) rates which will rise by 1.25 percentage points. The scale of the NI and Income Tax changes are significant, though the former is more important. ***Across all households, the average combined impact on household incomes is £600, or 1.4 per cent of disposable income.*** (Resolution Foundation).

Council therefore agrees to

- Write to the Prime Minister and Chancellor urging them to immediately reinstate the £20 cut from Universal Credit.
 - Call on the Chancellor to reduce the size of the Ofgem Energy Cap Rise. Compensating energy suppliers for a six-month, £200 reduction would cost around £450 million if focused on lower-income households on Universal Credit extending the time period over which the costs of supplier failures are recouped. The £100 bill rise reflects a policy of recouping costs over a single year; extending that period could materially reduce that rise
- Moved by Councillor Frank Anderson and seconded by Councillor

Maria MacAulay

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

Composite Motion

“West Lothian Labour and SNP Groups note with concern that rising inflation has focused minds on the cost of living squeeze this winter. These pressures are likely to build in the new year. The spring looks particularly difficult, with April bringing a cost of living catastrophe affecting the vast majority of households: soaring energy bills and significant tax rises will see an annual income hit to the typical household of over £1,000.

A key driver of the high inflation predicted by the Bank of England during 2022 is energy prices. Wholesale spot gas and electricity prices have increased more than eight-fold and five-fold respectively over the past 12 months. The main effect to date has been the failure of 28 energy suppliers, but households are next in line, as the higher wholesale prices will feed through into a very large rise in the energy price cap in April: estimates are that this will amount to a rise of around £500 or more for a typical household bill, on top of October's £139 increase. Households will also face an additional charge of around £100 as the costs associated with those firm failures are recouped. **£600 is a huge increase for households of all incomes.** The poorest households will see their energy spend rise from 8.5 to 12 per cent of their total household budget – three times the proportion for the richest. Many of those coming off fixed tariffs onto a price cap tariff will face even bigger rises.

If that wasn't enough, April will also see significant tax rises including National Insurance (NI) rates which will rise by 1.25 percentage points. The scale of the NI and Income Tax changes are significant, though the former is more important. ***Across all households, the average combined impact on household incomes is £600, or 1.4 per cent of disposable income.*** (Resolution Foundation).

Council therefore agrees to

- Write to the Prime Minister and Chancellor urging them to immediately reinstate the £20 cut from Universal Credit.
- Call on the Chancellor to reduce the size of the Ofgem Energy Cap Rise. Compensating energy suppliers for a six-month, £200 reduction would cost around £450 million if focused on lower-income households on Universal Credit extending the time period over which the costs of supplier failures are recouped. The £100 bill rise reflects a policy of recouping costs over a single year; extending that period could materially reduce that rise
- Moved by Councillor Frank Anderson and seconded by Councillor

Lawrence Fitzpatrick

Amendment

The current Global challenges with energy supplies and the cost impact to households is a concern to all, especially the likely time it will take for supplies to return to previous levels and for costs to reduce. West Lothian Council note the incredible support given to the UK during the pandemic by the Conservative Government, including the temporary uplift in Universal Credit by £20.

The Conservative Group are pleased that the taper rate for Universal Credit has been altered which will result in lower earners keeping more of their money, effectively a tax cut worth £2.2 billion for the lower earners.

The Conservative Group are appalled however that the increase in NI funding that the Scottish Government has received from the UK Government has not been passed onto Council. This has meant a reduction in West Lothian Councils budget of over £2.5m.

It is also unacceptable that Scotland is the highest taxed part of the United Kingdom. Scotland has also been negatively impacted by the unacceptable decision by the SNP Government to continue with Covid restrictions with no scientific data to do so. This has cost businesses and individuals millions of pounds.

Therefore, West Lothian Council agrees to write to:

- The First Minister of Scotland, urging Scotland is placed on a level playing field with the rest of the UK by having no higher taxes than the rest of the UK at the earliest opportunity.
 - That the full funding for the increase in National Insurance costs are passed onto West Lothian Council.
 - That if the SNP wish for the £20 in Universal Credit to be re-instated the Scottish Government bring in legislation to do so
 - The Chancellor of the Exchequer and ask if the time period over which the costs of supplier failures are recouped can be extended
- Moved by Councilor Damian Doran-Timson and seconded by Councilor Chris Horne

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

Motion

Frank Anderson
Willie Boyle
Diane Calder
Janet Campbell
Harry Cartmill
Pauline Clark
Tom Conn
Robert De Bold
Jim Dickson

Amendment

Alison Adamson
Bruce Fairbairn
Angela Doran-Timson
Damian Doran-Timson
Peter Heggie
Chris Horne
Charles Kennedy
Tom Kerr

David Dodds
Lawrence Fitzpatrick
Carl John
Sarah King
Maria MacAulay
John McGinty
Andrew McGuire
Dom McGuire
Andrew Miller
Cathy Muldoon
George Paul
Moir Shemilt
Kirsteen Sullivan
David Tait
Tom Ullathorne

Decision

Following a vote the composite motion was successful by 24 votes to 8 with 1 member having left the meeting and it was agreed accordingly.

15. NOTICE OF MOTION - LAMP POST SIGNAGE - SUBMITTED BY COUNCILLOR BRUCE FAIRBAIRN

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

“Anyone travelling through West Lothian these days will note it is apparent that WLC has lost its way in the maintenance of the clutter being allowed to mount up on our lamp posts, road side barriers, fences and the like.

At the same time WLC outlaws the use of lampposts for Neighbourhood Watch signage.

Effectively WLC is encouraging the misuse of its property by allowing the display of signage with impunity for commercial reasons whilst actively banning its use for social and community reasons.

There is clearly an imbalance here and something has gone wrong.

Motion:

Council instructs officers to bring a report to the next appropriate PDSP on the effectiveness of the current enforcement powers WLC has to remove illegal signage from lamp posts, fences, barriers and other council owned property and recover the costs from the perpetrators.

At the same time reporting on the reasons for not allowing the mounting of Neighbourhood Watch signage where appropriate and advising council of the advantages and disadvantages of this signage to WLC, with a view to allowing councillors to assess the appropriateness of this policy”

- Moved by Councillor Bruce Fairbairn and seconded by Councillor

Angela Doran-Timson

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

Composite Motion

“Anyone travelling through West Lothian these days will note it is apparent that WLC has lost its way in the maintenance of the clutter being allowed to mount up on our lamp posts, road side barriers, fences and the like.

At the same time WLC outlaws the use of lampposts for Neighbourhood Watch signage.

Effectively WLC is encouraging the misuse of its property by allowing the display of signage with impunity for commercial reasons whilst actively banning its use for social and community reasons.

There is clearly an imbalance here and something has gone wrong.

Motion:

Council instructs officers to bring a report to the next appropriate PDSP on the effectiveness of the current enforcement powers WLC has to remove illegal signage from lamp posts, fences, barriers and other council owned property and recover the costs from the perpetrators.

At the same time reporting on the reasons for not allowing the mounting of Neighbourhood Watch signage where appropriate and advising council of the advantages and disadvantages of this signage to WLC, with a view to allowing councillors to assess the appropriateness of this policy.

Notwithstanding the above Council may wish to reflect on the Notice of Motion with regard to Neighbourhood Watch approved at the Full Council on 23rd November 2021 and add signage to matters to be brought back to the next appropriate PDSP.”

- Moved by Councillor Bruce Fairbairn and seconded by Councillor Tom Conn

Decision

To unanimously approve the terms of the composite motion.

16. NOTICE OF MOTION - SCOTTISH GOVERNMENT FINANCE SETTLEMENT - SUBMITTED BY COUNCILLOR LAWRENCE FITZPATRICK

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

“Council recognises the importance of Scottish Government funding to local government in Scotland in order to deliver the everyday services upon which local residents rely. Council further recognises that the local government share of the overall Scottish budget has been falling year on year, with a 28.6% share in 2007/8 decreasing to 22% in 2022/23, despite increased funding this year from the UK government to the Scottish Government as well as the increased pressures on local government arising from the pandemic

Council agrees that the Scottish Government increasingly views local government as a vehicle to deliver its manifesto commitments rather than delivering vital core services, both statutory and non-statutory, on a daily basis to local communities. Council agrees that all core services must be fully funded and that any additional services and functions that arise as a result of political commitments must also be fully funded in order for council to deliver the best possible services to local residents.

Council therefore instructs the Chief Executive to write to the Cosla President thanking her and her team for the excellent work undertaken on behalf of all Scottish local authorities by stressing the importance of public service and the need for a proper budget settlement for all councils in Scotland.”

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

Amendment

West Lothian SNP Council Group note that, this Labour motion is based on a comparison that cannot be accurately made. Furthermore, we note the following statement from the Scottish Parliament Information Centre (SPICe).

SPICe is regularly asked to compare local government allocations over a number of years, for example going back to 2007 when the SNP first took office. However, the extent of changes made in April 2013, with police and fire services (and associated funding) being transferred from local authorities to new central organisations, means we strongly recommend using 2013-14 as the earliest base year for comparisons.

The SNP Group also notes the following facts contained within the SPICe briefing Local government finance: concepts, trends and debates Aug 21.

The vast majority of local government net revenue budget goes on school education and social work services. Local authorities receive 60% of their net revenue budget from the Scottish Government in the form of resource grants (both general and specific). The total allocation represents a 2.1% reduction in real terms since 2013-14. Most of this reduction took place in 2016-17 and 2017-18. **The last two budget allocations have seen real-terms increases.**

Changes in Scottish Government revenue funding in 2019/20

Scottish Government revenue funding increased by 3.4 per cent in real terms in 2019/20. Total revenue funding for local government 9,795(18/19), 10,319(19/20), cash increase 5.4%, real terms increase 3.4% **Source: Finance Circulars 04/2020 and Scottish Government budget documents (June 2020 ONS deflators).**

Over the same period (2013-14 to 2021-22) the Scottish Government's resource budget (not including NDRI) has increased by 2.3%. **All of this increase has been passed on to health.**

Between 2013-14 and 2019-20, local government's revenue settlement decreased by 5.4% in real terms, or £591 million. Most of this took place in 2016-17, with further, albeit smaller, real terms reductions occurring in financial years 2017-18 and 2018-19. **This trend was reversed somewhat in 2019-20 (and budget figures Local government finance: concepts, trends and debates, SB 21-58 11 for 2020-21 and 2021-22 would suggest further real terms increases**

The Scottish Government's non-health resource budget reduced by 10.6% in real terms between 2013-14 and 2021-22 (NDRI is included in the calculation for comparability purposes). So, the decision to increase spending on health by such a large amount has had clear consequences for all other areas of the Scottish Government budget, including on the second largest area of spend, local government. **Just as health's share has increased, so the local government settlement as a share of total Scottish Government revenue budget has reduced.**

In 2021-22, 7.2% (£779 million) of total revenue allocation has been ring-fenced (with £546 million of this being for early learning and childcare expansion) In WL 'ring fenced' allocation, over this period, is 6.5% of our total allocation

The SNP Group notes that this Council, since 2018/19, has received more than £53M additional cash over this period. We also note that since 2014/15, there have only been 2 years when the cash allocated to this Council has been a decrease on the previous year.

Council agrees that whilst Local Government has been underfunded in the past, as has the Scottish Government, Councils have had both a cash and real terms increase for the past 2 years and it appears for the next financial year 23/24, as well

Council therefore agrees to

Write to both the First Minister and the Cabinet Secretary for Finance and the Economy congratulating them on the sterling work they have done in 'balancing the books' and yet still manage to mitigate many of the cuts, especially to Benefits, passed by Westminster. Also, to note their stance on tackling poverty, especially child poverty, which is a priority of the Scottish Government.

- Moved by Councillor Frank Anderson and seconded by Councillor Tom Ullathorne

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

Motion

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

Amendment

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

Decision

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

17. NOTICE OF MOTION - A CAMPAIGN FOR JUSTICE - WITCHES FOR SCOTLAND - SUBMITTED BY COUNCILLOR MOIRA SHEMILT

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

“Council understands that the Campaign for Justice, Witches of Scotland,¹ seeks a legal pardon, an apology and a national monument for the thousands of people, mostly women, who were convicted of witchcraft and executed between 1563 and 1736 in Scotland.

Council acknowledges that an estimated 3,837 people, 84% of whom were women, were tried as witches under the Witchcraft Act of 1563, of which around two-thirds were executed and burned. In 1644, when a wave of witch-hunting swept across Scotland, Mid Calder Minister, Huw Kennedy, oversaw the burning of several alleged witches on Cunnigar Hill, which is still known locally as “Witches Hill”. Among the accused were Agnes Vassie, Agnes Bishop, Marion Gibson and Margaret

¹ <https://www.witchesofscotland.com/>

Thomson. The latter was acquitted after some horrendous treatment, including being forced to stand for 26 days. The Calder witches are said to have gained the same notoriety as the Lancashire witches in England.

Council notes that a list of many other women castigated as witches in West Lothian includes Margaret Alexander and Barbria Parish from Livingston, who were executed in 1647. In addition, Janet Bruce, who resided in Netherwilliamston, an area off Murieston Road, was convicted in 1644.²

Council recognises that most convicted witches were usually strangled to death, then incinerated so there would be no trace of human left to bury. Those who confessed to witchcraft were generally tortured into confession through tactics like sleep deprivation, fingernail removal and experiments to determine whether they bled. Liliias Adie from Fife is the only known woman convicted of witchcraft to have a grave, as most were burned.

Council understands that, per capita, during the period between the 16th to 18th century in Scotland, we executed 5 times as many people as elsewhere in Europe. It seems that we absolutely excelled at finding women to burn. To put this into perspective, in Salem, 300 people were accused and 19 people executed. Those accused of witchcraft in Salem were pardoned in November 2001.

Council agrees with MSP Natalie Don, when she stated that the incorrect criminalisation of these women only strengthens gender stereotypes in the modern-day and that righting this wrong will make a real impact in challenging gendered and patriarchal attitudes which still exist in society.

Therefore, Council supports the Witches of Scotland campaign, led by Claire Mitchell QC. Council believes that those executed were not guilty, so they should be acquitted.

Council will instruct officers to write to the First Minister, Nicola Sturgeon, outlining its support for the above Campaign. In addition, to reiterate the request of the Campaign, that the First Minister makes it clear, on International Women's Day 2022, that the Scottish Government accepts that what happened to those accused of witchcraft was a terrible miscarriage of justice and to apologise on behalf of the people of Scotland."

- Moved by Councillor Moira Shemilt and seconded by Councillor Sarah King

Decision

To unanimously approve the terms of the motion.

² <http://witches.is.ed.ac.uk/>

18. NOTICE OF MOTION - BREAKING DOWN BARRIERS TO INCLUSION AND PARTICIPATION FOR ELECTED MEMBERS WITH A DISABILITY - SUBMITTED BY COUNCILLOR MOIRA SHEMILT

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

“Council recognises that local elections are scheduled to take place in May this year. Council embraces the point of view that we, as elected representatives, must strive to embody the inclusive society that we want to see in our country, where equality and human rights are respected and every individual and minority group feels valued. Council would like to see a body of elected members which best reflects the diversity of our West Lothian Communities

Therefore, Council would wish to promote policies, procedures and practices which seek to break down barriers to inclusion for prospective, new and incumbent councillors. In particular, to address the barriers which might present themselves to elected members with disabilities.

Council believes that far too many disabled people, their ambitions, dreams and achieving their potential is still denied to them because of the barriers that society puts in their way. Barriers that are often caused by prejudice, ignorance and thoughtlessness by others. Attitude is as much of a barrier to participation as the physical structure of buildings or poor communication of information

Council understands that one fifth of Scotland’s population, one million people, have defined themselves as being disabled ³ and that most people become disabled over time. Only 17% of disabled people were born with their disabilities.⁴

It could be assumed that, considering the demographic of incumbent councillors, there might be a correlation between age and disability in this group. Many disabilities are hidden, for example depression is the primary disability world-wide ⁵. The needs of those with specific learning disabilities, such as dyslexia, or those who may be on the Autistic Spectrum or those with impaired hearing might not be immediately obvious to others.

Council understands that one fifth of Scotland’s population, one million people, have defined themselves as being disabled ⁶ and that most people become disabled over time. Only 17% of disabled people were born with their disabilities.⁷

³ <https://onescotland.org/equality-themes/disability/>

⁴ <https://www.st-andrews.ac.uk/hr/edi/disability/facts/>

⁵ <https://www.who.int/news-room/fact-sheets/detail/depression#:~:text=Depression%20is%20a%20common%20mental,affected%20by%20depression%20than%20men.>

⁶ <https://onescotland.org/equality-themes/disability/>

⁷ <https://www.st-andrews.ac.uk/hr/edi/disability/facts/>

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It could be assumed that, considering the demographic of incumbent councillors, there might be a correlation between age and disability in this group. Many disabilities are hidden, for example depression is the primary disability world-wide ¹⁰. The needs of those with specific learning disabilities, such as dyslexia, or those who may be on the Autistic Spectrum or those with impaired hearing might not be immediately obvious to others

Many disabilities can be relatively inconspicuous for much of the time – such as lung diseases, immunological diseases and other chronic illnesses. However, just because one person's disability might be less visible than another's, does not mean that they do not require special assistance or accommodations to be made. The above list is far from exhaustive; it merely seeks to give an impression of the heterogeneity of disability.

Council is aware that the Metropolitan police were described as being “*unwittingly racist*”, after the Stephen Lawrence enquiry ¹¹. Therefore, in order to avoid the possibility of being “*unwittingly ableist*”, Council will endeavour to view the procedures and practices of elected members through the lens of disability, in order to ascertain any possible barriers to participation

The objective is to make reasonable adjustments and to take anticipatory measures in order to eradicate any barriers to participation for elected members with a disability.

Council will do this by:

- Constructing a short life scrutiny panel, comprising outside agencies with experience in carrying out disability audits, council officers and elected members;
- Instructing the scrutiny panel to:
 - formulate a policy for disability inclusive meetings
 - carry out an audit of the common procedures and practices of elected members, including but not restricted to:
 - Committee meetings
 - Timings, length – particularly full council

⁸ <https://onescotland.org/equality-themes/disability/>

⁹ <https://www.st-andrews.ac.uk/hr/edi/disability/facts/>

¹⁰ <https://www.who.int/news-room/fact-sheets/detail/depression#:~:text=Depression%20is%20a%20common%20mental,affected%20by%20depression%20than%20men.>

¹¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/277111/4262.pdf

- meetings;
 - Procedures in virtual meetings;
 - Procedures in face to face meetings;
 - Procedures in Development Management and Planning Committees;
 - Papers – accessibility of language and format, time of access in relation to time of committee meeting;
 - Accessibility of meetings with other agencies.
- A report will be presented to full council on 15 March, 2022 which will provide indications of any reasonable adjustments or anticipatory measures that need to be taken, or otherwise, in order to ensure full inclusion and participation for elected members with a disability.
- Moved by Councillor Moira Shemilt and seconded by Councillor Pauline Clark

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

Composite Motion

“Council recognises that local elections are scheduled to take place in May this year. Council embraces the point of view that we, as elected representatives, must strive to embody the inclusive society that we want to see in our country, where equality and human rights are respected and every individual and minority group feels valued. Council would like to see a body of elected members which best reflects the diversity of our West Lothian Communities

Therefore, Council would wish to promote policies, procedures and practices which seek to break down barriers to inclusion for prospective, new and incumbent councillors. In particular, to address the barriers which might present themselves to elected members with disabilities.

Council believes that far too many disabled people, their ambitions, dreams and achieving their potential is still denied to them because of the barriers that society puts in their way. Barriers that are often caused by prejudice, ignorance and thoughtlessness by others. Attitude is as much of a barrier to participation as the physical structure of buildings or poor communication of information

Council understands that one fifth of Scotland’s population, one million people, have defined themselves as being disabled ¹ and that most people become disabled over time. Only 17% of disabled people were born with their disabilities.²

It could be assumed that, considering the demographic of incumbent councillors, there might be a correlation between age and disability in this

group. Many disabilities are hidden, for example depression is the primary disability world-wide ³. The needs of those with specific learning disabilities, such as dyslexia, or those who may be on the Autistic Spectrum or those with impaired hearing might not be immediately obvious to others.

Many disabilities can be relatively inconspicuous for much of the time – such as lung diseases, immunological diseases and other chronic illnesses. However, just because one person's disability might be less visible than another's, does not mean that they do not require special assistance or accommodations to be made. The above list is far from exhaustive; it merely seeks to give an impression of the heterogeneity of disability.

Council is aware that the Metropolitan police were described as being “*unwittingly racist*”, after the Stephen Lawrence enquiry ⁴. Therefore, in order to avoid the possibility of being “*unwittingly ableist*”, Council will endeavour to view the procedures and practices of elected members through the lens of disability, in order to ascertain any possible barriers to participation. The objective is to make reasonable adjustments and to take anticipatory measures in order to eradicate any barriers to participation for elected members with a disability.

Council is asked to note that: -

The Equality Act was introduced in 2010 to help make Britain a fairer society and help break down barriers of inclusion and participation for everyone. The Act places particular duties on the public sector to reflect the pivotal role they can play in dismantling inequality and driving up positive outcomes for all.

Council is committed to tackling discrimination, advancing equality of opportunity and promoting good relations both in our workforce and community. Mainstreaming equality is the process by which we work towards achieving this as an organisation. (please see - [West Lothian Council Equality and Diversity Framework 2021-2025](#))

Council is committed to developing and promoting policies, procedures and practices that seek to break down barriers to inclusion for its employees, customers and members of the West Lothian community – which include prospective, new and incumbent councillors, albeit, that Elected Members are not employees of the council and the council's duty to Elected Members does not infer any employment rights. In support of this commitment, Members are also asked to note that council has a mechanism within its decision-making process to assess the impact of policies, procedures and practices on people and that the Integrated Impact Assessment is important in developing any proposal to understand how the needs of different groups and the potential barriers they face may differ. This process considers all protected characteristics not just disability and the theory of intersectionality is promoted – the interconnected nature of protected characteristics such as race, sex, and disability create overlapping and independent systems of disadvantage and discrimination.

Council agrees that a short-life working group proposed should be

established to address the issues raised around disability, but also the other protected characteristics covered by the Equality Act 2010, to include elected members, representatives from organisations such as Disability Access West Lothian, Enable and Faith and Race Forum, and appropriate council officers. Council, further agrees, following the successful example of the Climate Change Emergency Working Group, that a report is brought to the next meeting of Council Executive on 8 February 2021 to consider a proposed remit, membership, administrative arrangements and timescales for completing its work

Council agrees that as Council Election is in May 2022, that a report be brought to council when a new administration is in place”.

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

Decision

To unanimously approve the terms of the composite motion

¹ <https://onescotland.org/equality-themes/disability/>

² <https://www.st-andrews.ac.uk/hr/edi/disability/facts/>

³ <https://www.who.int/news-room/fact-sheets/detail/depression#:~:text=Depression%20is%20a%20common%20mental,affected%20by%20depression%20than%20men.>

⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/277111/4262.pdf

19. NOTICE OF MOTION - RETAIN THE NAME "THE BLACK BITCH TAVERN" - SUBMITTED BY COUNCILLOR DAVID TAIT

Prior to moving his motion Councillor David Tait advised council that he had agreed with his fellow ward members, Councillors Tom Conn and Tom Kerr, the following composite motion :-

“Council acknowledges that Greene King, trading as Belhaven Brewing Company, and owned by **CK Asset Holdings** in Hong Kong has the right to change the name of the Black Bitch. What they do not have is the right to besmirch and defame the heritage and reputation of those residents who live in the town and wider afield.

Other licensed establishments in the town have changed their names, the Auld Hole in the Wall to the 1807, The Red Lion to Bar Leo, now an Italian restaurant. So why the controversy?

The reason given for the change is because Greene King is apparently an anti-racist organisation and changing their pub name demonstrates this commitment. However, this rings hollow when you know that Benjamin Greene (1780 – 1860) was originally a Bury St Edmunds merchant, newspaper owner and brewer (Greene King), but moved to London c. 1837 after local controversy over abolition and who threw himself 'with enormous vigour into representing the interests of the West Indian slave proprietors at a critical juncture of their affairs’.

Is the company name to change or remain and perpetuate the memory of

an individual who profited from slavery?

It is accepted that language can change to have different meaning over time but not to change an inconvenient truth

Black is a colour, bitch is the female of a species whose male counterpart is dog

Taking the two words together gives us a "Black Bitch" which has formed part of Linlithgow's Civic Insignia for centuries, according to some, as far back as 1286 a representation of a bitch appeared on Linlithgow's Coat of Arms

For generations people who were born within the boundary of the Royal Burgh have been proud to be known as Black Bitches given their association with the town, the origin reason given for the name change, that it was racist effectively, now makes this a slur on the reputation of these residents.

The term Black Bitch is inclusive it refers to female and male residents so can't even be classed as sexist, maybe excepting Greene King reasoning

Over the centuries the Black Bitch has retained its place in the hearts and minds of Linlithgow people - through war, pestilence and plague.

Racism has many faces but is characterized by or showing prejudice, discrimination, or antagonism against a person or people on the basis of their membership of a particular racial or ethnic group, typically one that is a minority or marginalized.

In this context also being ignored was a carefully argued case in support of not changing the name by Professor Sir Geoffrey Palmer, recognised worldwide as a high profile and respected spokesperson on racial equality. His case was centred on the proposition that you can't change the past but you can change the consequences of the past. In this case his warning that changing the name of a pub risked aggravating racial issues which, sadly, at the time seem to be coming to pass.

Greene King promote themselves as an organisation that wishes to be seen as inclusive, but are they?

Council should be aware that the establishment is not entirely patron friendly. Female customers who frequent the lounge bar need to access toilet facilities up a flight of steps to a half landing and if they wish to go to the beer garden up another flight of steps to the upper landing then descend a flight of steps into the garden area, and if you are a disabled male or female! Not exactly fit for purpose in the 21st century and perhaps the reason patrons are not attracted to frequent the establishment, not because of the name

Bizarrely, Greene King's preferred name change from Black Bitch to Black Hound even although local campaigners in a face to face meeting explained a Hound is defined as a promiscuous man, a man who chases

woman.

In summary, if Greene King is intent on changing the name of their public house from The Black Bitch they should be more sensitive to the views of the wider community;

- i. Any name change should be on the basis of retaining rather than expunging the heritage of the town
- ii. Retain and enhance the mural on the gable end of the building
- iii. Erect an interpretation plaque at the gable of the building explaining the legend of the Black Bitch and the civic insignia
- iv. Alter and extend the building to make it an inclusive and barrier free establishment that all the community can access and use.

Despite countless requests to stop and think submitted by our MP, MSP, all three Local Councillors, Linlithgow Community Groups and individuals as well as a petition with 11,000 signatures in support of retaining the name, Greene King arrogantly press on blind to the overwhelming wishes of the community on which their 4 pubs on Linlithgow High Street depend.

Therefore, even at this late stage, Council instructs the Chief Executive to write to George Magnus Non-Executive Chairman of the Board of Greene King and Mr Nick Mackenzie, Chief Executive Officer Greene King and ask them to paws and reflect on the terms of this motion, recognise the offence they have caused within the community, at home and abroad, and take the appropriate actions as outlined as part of this motion and heal the self-inflicted wounds.

- Moved by Councillor David Tait and seconded by Councillor Tom Conn

Decision

To unanimously approve the terms of the composite motion.

20,. REVISED COUNCILLORS' CODE OF CONDUCT 2021

The Council considered a report (copies of which had been circulated) by the Governance Manager informing members of the revised Code of Conduct and related statutory guidance and advice notes.

Council was asked :-

1. To note that a revised Code of Conduct became effective on 7 December 2021 after its approval by the Scottish Parliament.
2. To note that the Standards Commission has issued revised statutory guidance and revised advice notes to take account of the new Code
3. To note the steps taken to inform members of the significant changes and the arrangements in hand for delivering training and

providing advice.

Decision

To note the terms of the report

21. DOCUMENTS FOR EXECUTION

The Chief Solicitor presented 48 documents for execution.

22. FINANCIAL LITERACY - QUESTION TO THE EXECUTIVE COUNCILLOR FOR EDUCATION - SUBMITTED BY COUNCILLOR CHRIS HORNE

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

“What provision of financial literacy teaching is given in West Lothian’s primary and secondary schools? How much support is given around this to families who are also interested in learning more about financial literacy with their children ?”

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

“I would like to thank Councillor Horne his question.

Developing financial literacy is critical for all children and young people. It prepares them for later life and the world of work and is therefore an important area of focus within WL schools. The Money and Pensions Service defines financial education as an activity which ‘helps children to learn about and develop the knowledge, skills and attitudes needed to manage money well, make informed financial decisions and achieve their goals.’ (2020).

In line with Curriculum for Excellence (CfE) guidance, West Lothian schools embed financial education into curriculum plans from early level to fourth level, nursery through to the end of the Broad General Education. Money is a core feature of the numeracy and mathematics experiences and outcomes of Curriculum for Excellence. All schools use the CfE framework to plan for learning to the end of S3 and this ensures progression in knowledge, skills and attributes in relation to money and financial wellbeing. This includes children at early level recognising coins and developing understanding of how money is used, children at second level comparing costs, working within a budget, considering risks and benefits of credit cards and young people at fourth level exploring earnings, calculating net income and researching personal finance products. In senior phase, business education courses at national 5, higher and advanced higher include financial literacy elements which are tailored to a business context. In maths courses at senior phase, learners

analyse a financial position using budget information, analyse and interpret factors affecting income and investigate the impact of interest rates on savings and borrowing.

Schools provide opportunities for learners to apply understanding of money and finance by connecting learning in numeracy and mathematics to other curricular areas, including business education and enterprise. Interdisciplinary financial education experiences play a critical role in developing the young workforce in West Lothian. Real-life contexts are used to embed financial literacy, for example by involving children in budgeting and serving in the school's healthy tuckshop or costing experiences such as excursions and performances and raising funds for charity.

Schools promote family engagement in financial education in a range of ways including through home learning activities and through education programmes for families supported by financial institutions such as the Royal Bank of Scotland and Nat West. Some schools have established a Credit Union to encourage children and families to set up a savings account and promote a savings culture. Schools have also used creative approaches to connect families to external partners who can offer financial advice or support by holding a 'Family Marketplace' on parents evening with stalls including Citizen's Advice, the Financial Inclusion Network, the Credit Union, Children First, housing services and family support.

West Lothian schools work with pupils and parents to identify and overcome financial barriers to participation and engagement for families affected by poverty through the development of a poverty proofing statement and work to reduce the cost of the school day.

Financial education guidance and resources are shared with schools through the West Lothian Numeracy Champions Network and via our links with Education Scotland. In November 2021, the national Talk Money Week initiative was promoted to schools alongside the Talk Money Toolkit (Money and Pensions Service).".

Councillor Horne indicated he wished to put a supplementary question as provided for in Standing Orders. He did so and Councillor Dodds indicated he would provide a written answer to the supplementary question in due course.

Decision

1. To note the written question and the written answer provided; and
2. To note the supplementary question put and that a written answer would be provided in due course.

23. WINTER READY PROGRAMME - QUESTION TO EXECUTIVE COUNCILLOR FOR DEVELOPMENT & TRANSPORT - SUBMITTED BY COUNCILLOR PETER HEGGIE

A question to the Executive Councillor for Environment, Councillor Tom Conn, was submitted by Councillor Peter Heggie in the following terms: -

“On the 7th January 2022, with the first significant snow fall of the year, I had numerous reports that West Lothian Council roads were not sufficiently gritted leading to a number of accidents and near misses. What assurances can the Executive Councillor give me that West Lothian Council Winter Ready Programme is able to ensure main carriageways and routes to school are safe for travel as required for our residents?”

Councillor Heggie indicated he wished to put supplementary questions as provided for in Standing Orders. He did so and Councillor Conn provided a verbal answer to the first question and indicated he would provide a written answer to the second question in due course.

Decision

1. To note the written question and the verbal answer provided; and
2. To note the supplementary questions put and that the first question had been answered and that a written answer would be provided to the second question in due course.