



West Lothian Council

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

22 September 2022

A hybrid meeting of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre, Livingston on Tuesday 27 September 2022 at 10:00am.**

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. Minutes :-
 - (a) Confirm Draft Minutes of Meeting of West Lothian Council held on Wednesday 22 June 2022 (herewith)
 - (b) Correspondence arising from previous decisions (herewith)
 - (c) Note Minutes of Meeting of Governance and Risk Committee held on Monday 13 June 2022.(herewith)

- (d) Note Minutes of Meeting of Performance Committee held on Monday 14 March 2022.
- (e) Note Minutes of Meeting of Audit Committee held on Monday 21 March 2022 (herewith)
- (f) Note Minutes of Meeting of Education (Quality Assurance) Committee held on Tuesday 11 January 2022 (herewith)
- (g) Note Minutes of Meeting of Joint Consultative Group (Teaching Staff) (Private) held on Friday 11 February 2022 (herewith).
- (h) Note Minutes of Meeting of West Lothian Leisure Advisory Committee held on Thursday 28 April 2022.(herewith)
- (i) Note Minutes of Meeting of West Lothian Leisure Advisory Committee held on Thursday 23 June 2022.(herewith)
- (j) Note Minutes of Meeting of Employee Appeals Committee (Private) held on Friday 29 October 2021 (herewith)
- (k) Note Minutes of Meeting of Employee Appeals Committee (Private) held on Friday 28 January 2022 (herewith)

Public Items for Decision

- 5. Election Business
- 6. West Lothian Annual Accounts :-
 - (a) Annual Audit Report to Members and the Controller of Audit - year ended 31 March 2022 - report by Head of Finance and Property Services (herewith)
 - (b) Annual Audit Report to Members and the Controller of Audit - year ended 31 March 2022 - report by Ernst & Young LLP (herewith)
 - (c) West Lothian Council - Annual Accounts Year Ended 31 March 2022 (herewith)
- 7. Elected Member Appointments, Standing Orders and Meeting Dates - report by Governance Manager (herewith)
- 8. Notice of Motion - Rwanda Deportation Flights - submitted by Councillor Moira McKee Shemilt (herewith)
- 9. Notice of Motion - Congratulations to Shannon Archer (Gymnast) - submitted by Councillor Diana Calder (herewith)
- 10. Notice of Motion - Celebrating Success - submitted by Councillor Kirsteen

Sullivan (herewith)

11. Notice of Motion - Local Government Pay Awards 2022 - submitted by Councillor Janet Campbell (herewith)
12. Notice of Motion - Emergency Relief for the Cost of Living Crisis - submitted by Councillor Janet Campbell (herewith)
13. Notice of Motion - Alleviating the Worst of the Fuel Poverty Crisis - submitted by Councillor Janet Campbell (herewith)
14. Notice of Motion - Access to Defibrillator - submitted by Councillor Peter Heggie (herewith)
15. Notice of Motion - Mitigating Child Poverty - submitted by Councillor Moira McKee Shemilt (herewith)
16. Notice of Motion - John and Becki Campbell - Birmingham Commonwealth Games 2022 - submitted by Councillor Pauline Clark (herewith)
17. Notice of Motion - West Lothian Schools Novice A Pipe Band - submitted by Councillor Pauline Clark (herewith)
18. Notice of Motion - Poppy Promise - submitted by Councillor Alison Adamson (herewith)
19. Notice of Motion - Daisy Drop-in Playgroup - submitted by Councillor Veronica Smith (herewith)
20. Notice of Motion - Peoples Ford Boghall & Bathgate Caledonia Pipe Band - submitted by Councillor Alison Adamson (herewith)
21. Notice of Motion - HM Queen Elizabeth II - submitted by all Group Leaders (herewith)
22. Notice of Motion - Celebrating Sporting Success - submitted by Councillor Craig Meek (herewith)
23. Notice of Motion - Cost of Living Crisis - submitted by Councillor Kirsteen Sullivan (herewith)

Public Items for Information

24. Corporate Governance - Annual Report 2021/22 - report by Governance Manager (herewith)
25. Treasury Management - Annual Report for 2021/22 - report by Head of Finance and Property Services (herewith)
26. Documents for Execution

DATA LABEL: Public

- 27. Staff Resources - Question to the Council Leader submitted by Councillor Diane Calder (herewith)
- 28. Staff Resources - Question to Executive Councillor for Housing submitted by Councillor Diane Calder (herewith)

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



CODE OF CONDUCT AND DECLARATIONS OF INTEREST (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, 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:-

- James Millar, Interim Monitoring Officer and Governance Manager, 01506 281613, james.millar@westlothian.gov.uk
- Carol Johnston, Chief Solicitor and Depute Monitoring Officer, 01506 281626, carol.johnston@westlothian.gov.uk
- Committee Services Team, 01506 281604, 01506 281621
committee.services@westlothian.gov.uk

January 2022

MINUTE of MEETING of WEST LOTHIAN COUNCIL held within MSTeams Virtual Meeting Room, on 22 June 2022.

Present – Provost Cathy Muldoon (Chair), Depute Provost Peter Heggie (Vice-Chair); Councillors Alison Adamson, Stuart Borrowman, William Boyle, Diane Calder, Harry Cartmill, Pauline Clark, Tom Conn, Ann Davidson, Robert De Bold, Jim Dickson, Mary Dickson, Angela Doran-Timson, Damian Doran-Timson, Lawrence Fitzpatrick, Carl John, Lynda Kenna, Danny Logue, Maria MacAulay, Andrew McGuire, Moira McKee Shemilt, Anne McMillan, Craig Meek, Andrew Miller, Sally Pattle, George Paul, Tony Pearson, Veronica Smith, Pauline Stafford and Kirsteen Sullivan

Apologies – Councillors Janet Campbell and Pauline Orr

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. ORDER OF BUSINESS.

The Provost ruled in terms of Standing Order 11 that an urgent motion concerning "Rwanda Refugee Flights" would not be considered as the policy had been announced by the UK Government on 14 April, the first flight had been announced on 31 May, and notices of removal had been served on 1 June. Therefore, the motion could have been submitted in accordance with the deadline of 7 June 2022. In addition, the motion did not ask for any action that was urgent and did not directly affect West Lothian. The motion would be placed on the next council agenda unless the member withdraws it in advance.

Council agreed, in accordance with Standing Order 8(3), that agenda items 12 and 13 were to be taken as read and their recommendations noted without further consideration

Council noted that Councillor Kirsteen Sullivan was withdrawing agenda items 10 and 11

3. MINUTES

1. The Council approved the Minute of its meeting held on 15 March 2022
2. The Council approved the Minute of its meeting held on 12 May 2022
3. The Council approved the Minute of its meeting held on 24 May 2022
4. The Council noted correspondence arising from previous decisions

5. The Council noted the Minute of Governance and Risk Committee held on 7 March 2022

4. ELECTION BUSINESS

Council agreed to changes to various bodies in the Scheme of Administration as noted below :-

Council Executive

Councillor McMillan to replace Councillor Meek

Employee Appeals Committee

Councillor Conn to replace Councillor Pearson as Vice Chair

Licensing Committee

Councillor Paul to replace Councillor Cartmill as Vice Chair

Local Review Body

Councillor Logue to replace Councillor Paul as Chair

Council noted the following changes to various bodies in the Scheme of Administration :-

Licensing Committee

To note the resignation of Councillor Heggie as Chair

Education Quality Assurance Committee

To note the resignation of Councillor Borrowman as Chair

Performance Committee

To note the resignation of Councillor Borrowman as Chair

Performance Committee - Chair

Nominations

Peter Heggie – Proposed by Councillor Damian Doran-Timson, seconded by Councillor Adamson

Carl John – Proposed by Councillor De Bold, seconded by Councillor Miller

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

Peter Heggie

Carl John

Alison Adamson
 Stuart Borrowman
 Harry Cartmill
 Tom Conn
 Ann Davidson
 Angela Doran-Timson
 Damian Doran-Timson
 Lawrence Fitzpatrick
 Peter Heggie
 Danny Logue
 Andrew McGuire
 Anne McMillan
 Craig Meek
 Cathy Muldoon
 Sally Pattle
 George Paul
 Tony Pearson
 Kirsteen Sullivan

William Boyle
 Diane Calder
 Pauline Clark.
 Robert De Bold
 Jim Dickson
 Mary Dickson
 Carl John
 Lynda Kenna
 Maria MacAulay
 Moira McKee Shemilt
 Andrew Miller
 Veronica Smith
 Pauline Stafford

Decision

It was agreed by 18 votes to 13 votes, with 2 members absent that Councillor Heggie be appointed as Chair of Performance Committee.

Education Quality Assurance Committee - Chair

Nominations

Peter Heggie – Proposed by Councillor Damian Doran-Timson, seconded by Councillor Adamson

Moira McKee Shemilt – Proposed by Councillor De Bold, seconded by Councillor Miller

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

Peter Heggie

Alison Adamson
 Stuart Borrowman
 Harry Cartmill
 Tom Conn
 Ann Davidson
 Angela Doran-Timson
 Damian Doran-Timson
 Lawrence Fitzpatrick
 Peter Heggie
 Danny Logue
 Andrew McGuire
 Anne McMillan
 Craig Meek
 Cathy Muldoon
 Sally Pattle
 George Paul

Moira McKee Shemilt

William Boyle
 Diane Calder
 Pauline Clark.
 Robert De Bold
 Jim Dickson
 Mary Dickson
 Carl John
 Lynda Kenna
 Maria MacAulay
 Moira McKee Shemilt
 Andrew Miller
 Veronica Smith
 Pauline Stafford

Tony Pearson
Kirsteen Sullivan

Decision

It was agreed by 18 votes to 13 votes, with 2 members absent, that Councillor Heggie be appointed as Chair of Education Quality Assurance Committee.

Licensing Committee - Chair

Nominations

Tony Pearson – Proposed by Councillor Fitzpatrick, seconded by Councillor Sullivan

Jim Dickson – Proposed by Councillor De Bold, seconded by Councillor MacAulay

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

Tony Pearson

Alison Adamson
Stuart Borrowman
Harry Cartmill
Tom Conn
Ann Davidson
Damian Doran-Timson
Lawrence Fitzpatrick
Peter Heggie
Danny Logue
Andrew McGuire
Anne McMillan
Craig Meek
Cathy Muldoon
Sally Pattle
George Paul
Tony Pearson
Kirsteen Sullivan

Jim Dickson

William Boyle
Diane Calder
Pauline Clark.
Robert De Bold
Jim Dickson
Mary Dickson
Carl John
Lynda Kenna
Maria MacAulay
Moiria McKee Shemilt
Andrew Miller
Veronica Smith
Pauline Stafford

Decision

It was agreed by 17 votes to 13 votes, with 3 members absent, that Councillor Pearson be appointed as Chair of Licensing Committee.

Councillor Fitzpatrick and Councillor de Bold asked why the changes intimated by Councillor Fitzpatrick at the start of the item of business had not been put to a vote. The Governance Manager confirmed that those had been determined in accordance with Standing Order 3 and the way council applies it in practice where positions have previously been allocated to political groups and no competing nominations are made.

5. DECISION-MAKING STRUCTURE

Council considered a report (copies of which had been circulated) by the Governance Manager asking Council to consider potential changes to the Scheme of Administration and measures to strengthen local participation and democracy, as instructed by council on 24 May 2022.

Council was asked :-

1. To consider the suggested changes to PDSP numbers and remits in Appendix 1 which have been drafted in accordance with instructions given by council on 24 May 2022, and to determine what changes, if any, should be made to the Scheme of Administration.
2. Should those suggested changes be adopted:-
 - a) to elect and appoint the Chair, Vice-Chair and members of the Public & Community Safety PDSP, the Social Work & Health PDSP and the Economy, Community Empowerment & Wealth Building PDSP
 - b) to consider changes that may be required or appropriate to the senior councillor positions and payments agreed at council on 24 May 2022
 - c) to consider and agree any consequent changes to Standing Orders or the Scheme of Administration
3. To consider the list of suggestions on strengthening local participation and democracy in Appendix 2 and instruct any action to be taken to bring forward proposals for change

Motion

Approves the proposed new number and remits of PDSPs in Appendix 1.

Agrees Chairs, Vice-Chairs and membership of Corporate Policy & Resources PDSP, Education PDSP, Housing Services PDSP and Environment & Sustainability PDSP remain as they are for Partnership & Resources PDSP; Education PDSP; Services for the Community PDSP and Environment PDSP respectively.

Agrees the membership of the undernoted PDSPs as follows:

- Public and Community Safety - Lab x 4, SNP x 2, Con x 1
- Social Work and Health - Lab x 4, SNP x 2, Con x 1
- Economy, Community Empowerment & Wealth Building – Lab x 3, SNP x 1, Con x 1, Lib Dem x 1, Ind x 1

And requests that Group Leaders notifies member's names to the Chief Executive as soon as possible.

Notes Chairs and Vice-Chairs of Public & Community Safety PDSP, Social Work & Health PDSP and Economy, Community Empowerment & Wealth Building PDSP will be elected under Standing Order 3 and that Chairs automatically become Executive Councillors.

Agrees the following senior councillor positions as a result of these changes to the decision-making structure and reduction in the number of Executive Councillors, with payments made at the rate agreed by council on 24 May 2022 –

Executive Councillors -

- Economy, Community Empowerment & Wealth Building
- Education
- Environment & Sustainability
- Housing Services
- Public & Community Safety
- Social Work & Health

Chairs of -

- Audit Committee
- Governance & Risk Committee
- Performance Committee and Education (Quality Assurance) Committee (combined positions)
- Development Management Committee
- Local Review Body
- Licensing Committee

Agrees changes needed as a result to Standing Orders, Scheme of Administration and the Calendar of Meetings, with immediate effect.

Agrees that officers work to develop the measures in Appendix 2 and report on progress and any legal, financial and resource implications to Economy, Community Empowerment and Wealth Building PDSP after recess.

- Moved by Councillor Fitzpatrick and seconded by Councillor Sullivan

Amendment

Council recognises by designating Culture and Leisure as an “add on” to Economy, Community Empowerment and Wealth Building, this lessens the prominence of Culture and Leisure across our Council area. Unless Culture is given a higher priority there is a real risk this could slip down to become nothing more than a hasty discussion at the end of a meeting with no emphasis on the potential for creating a vibrant engaged and inclusive society here in West Lothian.

All constituent parts of this PDSP must be given a prominent and dynamic part of the agenda with no dilution of this Council’s emphasis on how

developing a vibrant cultural scene can contribute to a diverse, inclusive and welcoming society. The frequency of meetings must support the increased workload of amalgamating a number of different areas under one umbrella. The decision to amalgamate these areas and the frequency of meetings should be reviewed after 6 months.

The frequency of meetings must support the increased workload of amalgamating a number of different areas under one umbrella. The decision to amalgamate these areas and the frequency of meetings should be reviewed after 6 months.

- Moved by Councillor MacAulay and seconded by Councillor Clark

Councillor MacAulay confirmed that she did not wish to add anything to her motion in respect of recommendations two and three in the report.

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

Motion

Alison Adamson
Stuart Borrowman
Harry Cartmill
Tom Conn
Ann Davidson
Damian Doran-Timson
Lawrence Fitzpatrick
Peter Heggie
Danny Logue
Andrew McGuire
Anne McMillan
Craig Meek
Cathy Muldoon
Sally Pattle
George Paul
Tony Pearson
Kirsteen Sullivan

Amendment

William Boyle
Diane Calder
Pauline Clark.
Robert De Bold
Jim Dickson
Mary Dickson
Carl John
Lynda Kenna
Maria MacAulay
Moirá McKee Shemilt
Andrew Miller
Veronica Smith
Pauline Stafford

Decision

Following a vote the motion was successful by 17 votes to 13, with 3 members absent, and it was agreed accordingly.

Public and Community Safety Policy Development and Scrutiny Panel - Chair

Nominations

Craig Meek – Proposed by Councillor Fitzpatrick, seconded by Councillor Sullivan

Maria MacAulay – Proposed by Councillor De Bold, seconded by Councillor Clark

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

Craig Meek

Alison Adamson
Stuart Borrowman
Harry Cartmill
Tom Conn
Ann Davidson
Damian Doran-Timson
Lawrence Fitzpatrick
Peter Heggie
Danny Logue
Andrew McGuire
Anne McMillan
Craig Meek
Cathy Muldoon
Sally Pattle
George Paul
Tony Pearson
Kirsteen Sullivan

Maria MacAulay

William Boyle
Diane Calder
Pauline Clark.
Robert De Bold
Jim Dickson
Mary Dickson
Carl John
Lynda Kenna
Maria MacAulay
Moirá McKee Shemilt
Andrew Miller
Veronica Smith
Pauline Stafford

Decision

It was agreed by 17 votes to 13 votes, with 3 members absent, that Councillor Meek be appointed as Chair of Public and Community Safety Policy Development and Scrutiny Panel

Public and Community Safety Policy Development and Scrutiny Panel – Vice Chair

Nominations

Tony Pearson – Proposed by Councillor Fitzpatrick, seconded by Councillor Sullivan

Andrew Miller – Proposed by Councillor De Bold, seconded by Councillor Clark

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

Tony Pearson

Alison Adamson
Stuart Borrowman
Harry Cartmill
Tom Conn
Ann Davidson
Damian Doran-Timson
Lawrence Fitzpatrick
Peter Heggie
Danny Logue
Andrew McGuire
Anne McMillan

Andrew Miller

William Boyle
Diane Calder
Pauline Clark.
Robert De Bold
Jim Dickson
Mary Dickson
Carl John
Lynda Kenna
Maria MacAulay
Moirá McKee Shemilt
Andrew Miller

Craig Meek
Cathy Muldoon
Sally Pattle
George Paul
Tony Pearson
Kirsteen Sullivan

Veronica Smith
Pauline Stafford

Decision

It was agreed by 17 votes to 13 votes, with 3 members absent, that Councillor Pearson be appointed as Vice Chair of Public and Community Safety Policy Development and Scrutiny Panel

Social Work and Health Policy Development and Scrutiny Panel - Chair

Nominations

Anne McMillan – Proposed by Councillor Fitzpatrick, seconded by Councillor Sullivan

Pauline Clark – Proposed by Councillor De Bold, seconded by Councillor Miller

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

Anne McMillan

Alison Adamson
Stuart Borrowman
Harry Cartmill
Tom Conn
Ann Davidson
Damian Doran-Timson
Lawrence Fitzpatrick
Peter Heggie
Danny Logue
Andrew McGuire
Anne McMillan
Craig Meek
Cathy Muldoon
Sally Pattle
George Paul
Tony Pearson
Kirsteen Sullivan

Pauline Clark

William Boyle
Diane Calder
Pauline Clark.
Robert De Bold
Jim Dickson
Mary Dickson
Carl John
Lynda Kenna
Maria MacAulay
Moira McKee Shemilt
Andrew Miller
Veronica Smith
Pauline Stafford

Decision

It was agreed by 17 votes to 13 votes, with 3 members absent, that Councillor McMillan be appointed as Chair of Social Work and Health Policy Development and Scrutiny Panel

Social Work and Health Policy Development and Scrutiny Panel – Vice Chair

Nominations

Danny Logue – Proposed by Councillor Fitzpatrick, seconded by Councillor Sullivan

Moira McKee Shemilt – Proposed by Councillor De Bold, seconded by Councillor Clark.

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

Danny Logue

Alison Adamson
Stuart Borrowman
Harry Cartmill
Tom Conn
Ann Davidson
Damian Doran-Timson
Lawrence Fitzpatrick
Peter Heggie
Danny Logue
Andrew McGuire
Anne McMillan
Craig Meek
Cathy Muldoon
Sally Pattle
George Paul
Tony Pearson
Kirsteen Sullivan

Moira McKee Shemilt

William Boyle
Diane Calder
Pauline Clark.
Robert De Bold
Jim Dickson
Mary Dickson
Carl John
Lynda Kenna
Maria MacAulay
Moira McKee Shemilt
Andrew Miller
Veronica Smith
Pauline Stafford

Decision

It was agreed by 17 votes to 13 votes, with 3 members absent, that Councillor Logue be appointed as Vice Chair of Social Work and Health Policy Development and Scrutiny Panel

Economy, Community Empowerment and Wealth Building Policy Development and Scrutiny Panel - ChairNominations

Kirsteen Sullivan – Proposed by Councillor Fitzpatrick, seconded by Councillor McGuire

Andrew Miller – Proposed by Councillor De Bold, seconded by Councillor Clark

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

Kirsteen Sullivan

Alison Adamson
Stuart Borrowman
Harry Cartmill

Andrew Miller

William Boyle
Diane Calder
Pauline Clark.

Tom Conn
Ann Davidson
Damian Doran-Timson
Lawrence Fitzpatrick
Peter Heggie
Danny Logue
Andrew McGuire
Anne McMillan
Craig Meek
Cathy Muldoon
Sally Pattle
George Paul
Tony Pearson
Kirsteen Sullivan

Robert De Bold
Jim Dickson
Mary Dickson
Carl John
Lynda Kenna
Maria MacAulay
Moirá McKee Shemilt
Andrew Miller
Veronica Smith
Pauline Stafford

Decision

It was agreed by 17 votes to 13 votes, with 3 members absent, that Councillor Sullivan be appointed as Chair of Economy, Community Empowerment and Wealth Building Policy Development and Scrutiny Panel.

Economy, Community Empowerment and Wealth Building Policy Development and Scrutiny Panel – Vice Chair

Nominations

Tony Pearson – Proposed by Councillor Fitzpatrick, seconded by Councillor Sullivan

Pauline Orr – Proposed by Councillor De Bold, seconded by Councillor Clark

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

Tony Pearson

Alison Adamson
Stuart Borrowman
Harry Cartmill
Tom Conn
Ann Davidson
Damian Doran-Timson
Lawrence Fitzpatrick
Peter Heggie
Danny Logue
Andrew McGuire
Anne McMillan
Craig Meek
Cathy Muldoon
Sally Pattle
George Paul
Tony Pearson
Kirsteen Sullivan

Pauline Orr

William Boyle
Diane Calder
Pauline Clark.
Robert De Bold
Jim Dickson
Mary Dickson
Carl John
Lynda Kenna
Maria MacAulay
Moirá McKee Shemilt
Andrew Miller
Veronica Smith
Pauline Stafford

Decision

It was agreed by 17 votes to 13 votes, with 3 members absent, that Councillor Pearson be appointed as Vice Chair of Economy, Community Empowerment and Wealth Building Policy Development and Scrutiny Panel.

6. WEST LOTHIAN LICENSING BOARD MEMBERSHIP

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

Council was asked :-

1. To note the decision made by council on 24 May in relation to the Board's membership and that to date the names of only 3 members have been provided out of the 6 to be appointed
2. To make new or additional appointments to the Board, or changes to the composition or number of its members, as are required to enable it to function lawfully and effectively

Councillor de Bold confirmed that the SNP group's position remained as stated in the report and that they would not put forward councillors for Board membership.

Motion

To reduce the number of Board members to 5, constituting 2 x Labour, 2 x Conservative and 1 x Independent

To agree the appointment of Councillor Paul, Pearson, Damian Doran-Timson, Adamson and Borrowman

- Moved by Councillors Fitzpatrick and seconded by Councillor Sullivan

Decision

To unanimously approve the terms of the motion

7. NOTICE OF MOTION - BRAID HEALTH & WELL-BEING - SUBMITTED BY COUNCILLOR MOIRA SHEMILT

The Provost ruled in terms of the Standing Order 20(2) that the motion would not be considered as the matter was already being dealt with as a result of consideration of two reports by Council Executive at its meeting on 21 June 2022 and which addressed what was being asked for in the motion.

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

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

“Council notes the recent success of Whitburn in their maiden season in senior football, topping the East of Scotland 1st Division Conference X and securing promotion to the next tier. Council further notes the spectacular fashion in which the win was secured, with the team beating Fauldhouse United 12-0 and pipping Syngenta to the post on goal difference. Council congratulates the team and extends good wishes for next season.

Council further notes the recent decision to bring Whitburn football clubs together to form a new Whitburn Community Sports Association. Council extends its best wishes to this new group as it moves forward to further strengthen and develop sporting opportunities in Whitburn.

Council instructs the Chief Executive to write to the Whitburn team and the Whitburn Community Sports Association in these terms”.

- Moved by Councillor Sullivan and seconded by Councillor Jim Dickson

Decision

To unanimously approve the terms of the motion

.9. SENIOR OFFICER APPOINTMENT COMMITTEE - POST OF HEAD OF EDUCATION SERVICES (SECONDARY, COMMUNITY LEARNING AND INCLUSION) AND HEAD OF EDUCATION (PRIMARY, EARLY YEARS AND RESOURCES)

The Council considered a report (copies of which had been circulated) by the Head of Corporate Services advising of decisions made by the Senior Officer Appointment Committee in relation to the posts of Head of Education Services (Secondary, Community Learning and Inclusion) and Head of Education Services (Primary, Early Years and Resources).

Council was asked to note that :-

1. On 28 March 2022 the Senior Officer Appointment Committee appointed Siobhan McGarty to the post of Head of Education Services (Secondary, Community Learning and Inclusion).
2. On 30 March 2022 the Senior Officer Appointment Committee appointed Greg Welsh to the post of Head of Education Services (Primary, Early Years and Resources).

Decision

To note the content of the report

10. ELECTED MEMBERS EQUALITY AND DIVERSITY WORKING GROUP

The Council considered a report (copies of which had been circulated) by the Head of Corporate Services providing an update on progress of the work of the Elected Members Equality Working Group.

It was recommended that Council notes progress to date and activity planned to engage with elected members and community groups

Decision

To note the content of the report

11. DOCUMENTS FOR EXECUTION

The Chief Solicitor presented 108 documents for execution.

12. SPEED LIMITS CATHLAW LANE/WESTFIELD ROAD, TORPHICHEN - QUESTION TO THE EXECUTIVE COUNCILLOR FOR ENVIRONMENT - SUBMITTED BY COUNCILLOR STUART BORROWMAN

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

“What is the target timeframe to undertake the work agreed by the Council?”

Councillor Conn provided a verbal answer to the question

Councillor Borrowman indicated he did not wish to ask any supplementary questions.

Decision

To note the written question and the verbal answer given

13. ASSESSING HOUSING APPLICATIONS- - QUESTION TO THE EXECUTIVE COUNCILLOR FOR SERVICES FOR THE COMMUNITY - SUBMITTED BY COUNCILLOR STUART BORROWMAN

Questions to the Executive Councillor for Services for the Community, Councillor Paul, had been submitted by Councillor Borrowman in the following terms: -

1. What is the target timeframe to assess new applications for housing?
2. What is the target timeframe to assess updated or additional

information for people who already have a live application?

3. Is this activity appropriately resourced?

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

Q.1 What is the target timeframe to assess new applications for housing?

A.1 The target timeframe to assess new housing applications for housing is 10 days. The performance in 2021/22 exceeded this position. Performance has improved significantly since the start of the year and the current average processing time for applications is 5.5 days.

Q.2 What is the target timeframe to assess updated or additional information for people who already have a live application?

A.2 There is no target timeframe to assess updates or additional information for people who have a live application due to the range and complexity of changes that can occur – these range from medical need, mental health issues, and an increasing demand for collaborative assessments and evidence from other agencies and medical professionals. However, the service aims to complete changes and reappoint applications as soon as possible. To provide more context:-

- Applications for housing rose from 3475 in 2020/21 to 3927 in 2021/22
- Applications for Health and Housing Need Assessments completed by the service have risen from 1205 in 2020/21 to 3117 in 2021/22

Q.3 Is this activity appropriately resourced?

A.3 The recruitment to this activity has been reviewed in light of the recent increases in volume and complexity of casework. This will increase numbers in posts that can assist in expediting applications and decisions on complex cases. The performance shows the activity has evolved from more straightforward data processing into more complex case management.

Councillor Borrowman indicated he did not wish to ask any supplementary questions.

Decision

To note the written questions and the written answers provided.

From: Department of Health and Social Care <DoNotReply@dhsc.gov.uk>
Sent: 24 May 2022 15:57
To: Hope, Graham <Graham.Hope@westlothian.gov.uk>
Subject: Your recent correspondence to the Department of Health and Social Care

Our ref: DE-1404690

Dear Sir/Madam,

Thank you for your correspondence.

Due to the extremely high volumes of correspondence the department receives, we must regretfully inform you that we are not able to provide an individual response to every enquiry we receive from the public. We are, however, continuing to record all the correspondence we receive so that we can track the issues being raised. I am sorry that this falls short of the service you may expect to receive.

If your enquiry is in relation to the COVID-19 pandemic, the Government has provided a COVID-19 'hub', which can be found at www.gov.uk/coronavirus and is regularly updated. If you want to book or manage a vaccination appointment, please visit [this link](#). If you have symptoms of COVID-19 you must get tested as soon as possible. The swab test takes less than a minute and is pain-free. Results from test sites are generally received within 24 hours. Further information, including what symptoms to look out for can be found [here](#).

Correspondence on COVID-19 testing, including testing for international travel, business offers or matters concerning NHS test and trace, should be sent to the UK Health Security Agency, using the following details:

- Enquiries@UKHSA.gov.uk if you have a general enquiry.
- Complaints1@UKHSA.gov.uk if you have a complaint.
- InformationRights@UKHSA.gov.uk if you have a freedom of information or data subject access request.

If you are writing in connection with an NHS or social care service please note that the department does not manage health and social services directly, nor does it process complaints. It also cannot give clinical advice or intervene in matters concerning patient care or social services. If you wish to make a complaint about a healthcare professional, an NHS organisation or a social care provider, please visit [this link](#).

If you consider your query to be of a particularly sensitive or urgent nature that does require a bespoke response, please submit it again, quoting '**Sensitive**' and **the above case reference** in the subject line. We will, if deemed appropriate, aim to send a response to the majority of such correspondence within 18 working days. Please note that we will only send a bespoke response if we believe we are able to help and if the information is not available on the Government website.

If you are a journalist with a query or request for this department you will need to contact [our media centre](#).

Before writing again, please note that many queries are directed to us when they are, in fact, for other Government departments to consider; listed below are some examples. Please visit [the Government's website](#) to look up the contact details for other Government departments.

- For matters concerning children's social care, contact [the Department for Education](#).
- For matters relating to benefits (including health-related benefits), contact [the Department for Work and Pensions](#).
- Concerns about housing, including living conditions that you feel are affecting your health, should be raised with [the Department for Levelling Up, Housing and Communities](#).
- COVID-19 guidance for businesses is a matter for [the Department for Business, Energy and Industrial Strategy](#).

Yours sincerely,

Daniel Belmore
Ministerial Correspondence and Public Enquiries
Department of Health and Social Care

Chief Executive Office

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

Our Ref: CEO/CHI
Your Ref:

Contact: Graham Hope
Tel: 01508 281697
email: graham.hope@westlothian.gov.uk

Whitburn Community Sports Association
C/o John Murphy, Secretary
[REDACTED]
(letter sent electronically only)

13 July 2022

Dear all,

Letter of Congratulations – Whitburn Community Sports Association

A meeting of West Lothian Council took place on Wednesday 22 June at which the recent inception of the Whitburn Community Sports Association was noted. I have enclosed a copy of the relevant motion for your information.

I am writing to congratulate you on the successful establishment of this association and to acknowledge the effort involved in this.

With best wishes for the association's future,



Graham Hope
Chief Executive

Chief Executive Office

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

Our Ref: CEO/CHI
Your Ref:

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

Whitburn Junlor F.C.
C/o Darren Wilson, Manager
webmaster@whitburnjfc.org.uk
(letter sent electronically only)

13 July 2022

Dear all,

Letter of Congratulations – Whitburn Junlor F.C.

A meeting of West Lothian Council took place on Wednesday 22 June at which your recent achievements were noted. I have enclosed a copy of the relevant motion for your information.

I am writing to congratulate you on a remarkable season in the East of Scotland Conference X, which finished with an impressive 12-0 performance. This is a fantastic achievement and I wish you all the best for the continued success of the team, as you progress into the Second Division.

Kind regards,



Graham Hope
Chief Executive

MINUTE of MEETING of the GOVERNANCE AND RISK COMMITTEE held within MS TEAMS VIRTUAL MEETING ROOM, on 13 JUNE 2022.

Present – Councillors Damian Doran-Timson (Chair), Harry Cartmill, Lynda Kenna

Apologies – Councillor Pauline Orr; Ann Pike (Lay Member)

Absent – Danny Logue

In attendance - Graham Hope, Chief Executive; Graeme Struthers, Depute Chief Executive; Donald Forrest, Head of Finance and Property Services; Craig McCorrison, Head of Planning, Economic Development and Regeneration; Lesley Henderson, Head of Corporate Services; Greg Welsh, Head of Education (Primary, Early Years and Resources); James Millar, Governance Manager; Kenneth Ribbons, Audit, Risk and Counter Fraud Manager; David Maule, Corporate Transformation Manager, Marjory Mackie, Housing Strategy and Development Manager; Kim Hardie, Health and Safety Manager; Andy Johnston NETs, Land and Countryside Manager; Robin Allen, Social Policy;

1. ORDER OF BUSINESS

The Chair ruled, in terms of Standing Order 11, that Item 9 (Internal Audit Annual Report) would be considered after Item 5 (Concurrent Risks Resilience and Preparedness Planning).

The Chair confirmed that he wished all items of business to be presented for scrutiny, questions and comments, including those items which were for information only.

2. MINUTES

The committee confirmed the Minute of its meeting held on 07 March 2022 as a correct record. The Minute was thereafter signed by the Chair.

3. CONCURRENT RISKS RESILIENCE AND PREPAREDNESS PLANNING

The committee considered a report (copies of which had been circulated) by the Depute Chief Executive providing an update on the concurrent risks identified by the council in relation to the COVID-19 pandemic, the UK's withdrawal from the EU and other associated risks.

In response to a query regarding risk EH006 (Food safety and public health impacts of food supply chain disruption) and in particular, how the potential for shortcuts may have a detrimental effect to public health and safety, officers highlighted the three elements associated to this risk; the food supply chain, food crime and food fraud and the impact of food controls. There was a multi-faceted approach to address these risks and a Food Safety Plan, which set out the different steps taken to ensure food

safety, had been considered at Environment PDSP and would be brought before Council Executive.

With regards to the 90% progress detailed for risk SPCC002 (Insufficient supply to meet service demands - care at home) an explanation was sought as to what this progress meant. Officers provided details of the work taken forward with colleagues and partners in the voluntary sector, specifically with regards to available additionality, to supplement the support provided to individuals. Members were asked to note that the progress was not in relation to the delivery of care at home by the voluntary sector but rather how the range of supports could be enhanced. The progress would be marked as complete on full implementation of the approach being undertaken.

Discussion concluded with a question regarding whether lessons had been learned regarding the handling of concurrent risks. It was explained that the types of risks were different to what had been focussed on previously with regards to business continuity planning. Previously this had mainly related to buildings and systems, however, the COVID-19 pandemic had led to a focus on staff resilience. This resulted in a layering effect which compounded the ability to carry out council business. It was explained that the previous approach had involved various different risk registers and as there were now more reasons for risks occurring, with similar issues, it was considered that concurrent high risks could now be included within the reporting of council high and strategic risks.

Finally, the Chair expressed his view that the previous approach had served well, highlighting areas that required to be highlighted and he considered that the approach was good practice.

It was recommended that the committee:

1. note the latest position in relation to COVID-19 planning and guidance;
2. note the high risks that had been assessed by officers that could be impacted by concurrent COVID-19 and EU Exit issues, as set out in Appendix 1 to the report; and
3. agree that the concurrent high risks contained in the report would in future be reported through the overall reporting of council high and strategic risks.

Decision

To approve the contents of the report.

4. INTERNAL AUDIT ANNUAL REPORT

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager informing of his conclusion on the council's framework of governance, risk management and control.

Referring to section 4.3 of the report, a question was asked regarding whether services were given response and action targets in order to assist with achieving the timescale set for the completion of audit reports. Although they were not currently given a time in which to respond the Audit, Risk and Counter Fraud Manager advised this would be managed more dynamically in future with information provided to committee should there be any unreasonable delay from services when responding to audit findings.

It was recommended that the committee note the conclusion that the council's framework of governance, risk management and control was sound.

Decision

1. To note the contents of the report; and
2. To note information would in future be provided where services unreasonably delayed responding to audit findings.

5. CORPORATE GOVERNANCE 2021/22 – ANNUAL GOVERNANCE STATEMENT

The committee considered a report (copies of which had been circulated) by the Governance Manager and Interim Monitoring Officer presenting the draft annual governance statement for approval.

Section 15.2 of the draft annual governance statement detailed one significant governance matter outstanding at the end of the year which related to West Lothian Leisure. Progress had been described as “slow” and officers were asked what was being done to speed up the process. Officers advised they would seek further clarification on the matter and update members of the committee accordingly.

In response to the highlighting of section 16.4 of the draft annual governance statement, with regards to the absence for a protracted period of time of formal corporate procurement procedures, assurance was given by the Head of Corporate Services that this was being reviewed as a matter of priority and an update would be provided to the Audit Committee. From a governance perspective, although the procedures were outstanding, services could access information and guidance through the Procurement Toolkit.

It was recommended that the committee:

1. consider and note the information in the annual compliance statements, Local Code of Corporate Governance and progress on governance issues, in Appendices 2, 3 and 4 respectively;
2. note the conclusion and assurance that the council's corporate governance standards had been substantially met in 2021/22;

3. approve the annual governance statement in Appendix 1 which would form part of the council's accounts;
4. authorise officers to update the statement where appropriate to reflect changes in circumstances prior to its approval for signature in September 2022; and
5. note that the table in Appendix 4 would be updated to reflect this meeting and to incorporate the new issues identified for 2022/23, with progress reported to committee at its meeting on 12 December 2022.

Decision

1. To approve the contents of the report; and
2. To note the Head of Education (Primary, Early Years and Resources) undertook to circulate an update to members regarding West Lothian Leisure considering the slow progress described in section 15.2 of the draft annual governance statement.

6. HIGH RISKS

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services informing of the council's high risks.

Risk HCBS012 (Breach of statutory homeless duty) was discussed with the Night Stop service highlighted and a query on whether current controls were sufficient. Officers explained that they were working with the Rock Trust to increase the Night Stop service in order to ensure there were alternatives to Bed and Breakfast or hotel accommodation. In addition, a number of measures were being worked on by the service, including the Rapid Rehousing Transition Plan (RRTP), an update on which would be reported to the next meeting of the Council Executive. The RRTP would include a detailed Action Plan setting out further steps to be taken forward with key partners with the aim of preventing homelessness.

It is recommended that the committee:

1. note the council's high risks, and the action being taken to mitigate them; and
2. provide feedback to officers on the risks, controls and mitigating actions.

Decision

To note the contents of the report.

7. MANAGEMENT OF HEALTH AND SAFETY

The committee considered a report (copies of which had been circulated) by the Head of Corporate Services presenting at the committee's request a standing report providing information on Health and Safety incidents reported across all service areas. The report also contained annual incident statistics and a breakdown of violence and aggression incidents within Education.

During presentation of the report, committee members were advised that table 1 on page 1 of appendix 2, contained anomalies within the information detailed. Although the figures overall were accurate the categorisation was incorrect. The Health and Safety Manager undertook to circulate the correct information to members when the issue causing the inaccuracies had been rectified.

With regards to the RIDDOR reportable incident relating to Active Schools, officers were asked whether similar surface deterioration may have occurred elsewhere and if anything was being done to ensure such incidents were not repeated. The committee were advised that, in addition to regular surface monitoring, a review of similar surfaces, in similar facilities, had been completed and none of those surfaces being actively used required any remedial work.

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

Decision

1. To note the contents of the report; and
2. To note the verbal update, advising of anomalies within table 1 on page 1 of appendix 2, and that the correct information would be circulated to members by the Health and Safety Manager when available.

8. RISK MANAGEMENT ANNUAL REPORT

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services informing of the risk management annual report for 2021/22.

With regards to the Corporate Business Continuity Plan, detailed under section 2.12 of the report and the two desktop tests, described under sections 2.13 and 2.14, the committee requested that a report on each be brought to the next meeting of the committee detailing the lessons learned from the review of the Corporate Business Continuity Plan and both desktop exercises.

It was recommended that the committee note the progress made on risk management and business continuity planning during 2021/22.

Decision

1. To note the contents of the report; and
2. To note reports would be provided to committee at their next meeting, on 26 September 2022, in relation to the Corporate Business Continuity Plan and the lessons learned from both recent desktop exercises detailed within the report.

9. RISK MANAGEMENT WITHIN PLANNING, ECONOMIC DEVELOPMENT AND REGENERATION

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of Planning, Economic Development and Regeneration risks and informing of the approach to risk management taken by Planning, Economic Development and Regeneration.

The report was accompanied by a presentation from the Head of Planning, Economic Development and Regeneration which detailed; why risks were managed, the corporate arrangements for the management of risks, information on how the service undertook the review of their risks and a summary of the specific risks within Planning, Economic Development and Regeneration.

On conclusion of the presentation, the committee queried if succession planning was in place for risk PEDS003 (Recruitment and retention of key staff) and what the service may be doing to mitigate this risk. Members were advised that succession planning was only part of the answer as it led to gaps elsewhere within the service. However, there was an approach to gap filling which included recognising when there was a need to increase qualified staff and the Building Standards apprenticeship scheme.

Risk DM001 (Challenges to planning decisions) was also discussed with regards to cases where planning decisions may be overturned, on appeal, by the Scottish Government via an appointed reporter. It was acknowledged that such instances were frustrating and that it was necessary to respond quickly, using the most up to date development plan, in order to defend the decision.

It was recommended that the committee consider the approach taken by Planning, Economic Development and Regeneration to the management of risk and offer comment on the approach.

Decision

To note the contents of the report and presentation.

10. MANAGING RISK OF ASH DIEBACK DISEASE

The committee considered a report (copies of which had been circulated) by the Head of Operational Services updating on the approach to managing the risk of Ash Dieback Disease across West Lothian.

Officers were asked if West Lothian were working with other Local Authorities and were informed that, in addition to discussions with Scottish Forestry and COSLA, four other Local Authorities had similar plans although it was considered that West Lothian were further on in the process.

Discussion continued with a query regarding insurance and whether it was possible to have insured against the potential costs of Ash Dieback. The committee were advised that it was too much of an unknown and, as such, insurance was not an available option.

The Chair concluded discussion by thanking the officer and his team for the work undertaken on the management of Ash Dieback and expressed his hope for future Scottish Government funding.

It was recommended that the committee:

1. note the update on the Ash Dieback Action Plan and the approach taken to manage the risk of Ash Dieback Disease across West Lothian; and
2. provide feedback to officers on the approach taken to managing the risk of Ash Dieback Disease.

Decision

To note the contents of the report.

11. WORKPLAN

A copy of the workplan had been circulated for information.

New committee members were encouraged to contact the Chair or Governance Manager should they wish any specific subject matter to be added to the workplan thus enabling the committee to achieve the requirements of all its members.

Decision

To note the workplan.

MINUTE of MEETING of the PERFORMANCE COMMITTEE held within MS TEAMS VIRTUAL MEETING ROOM, on 14 MARCH 2022.

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

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTES

The committee confirmed the Minute of its meeting held on 31 January 2022 as a correct record. The Minute was thereafter signed by the Chair.

3. FACTFILE 2021

The committee considered a report (copies of which had been circulated) by the Depute Chief Executive presenting the council's annual performance report Factfile 2021.

The committee asked a number of questions on the report, particularly around the measures that were being undertaken to ensure the digital format was shared as widespread as possible. Members also asked about the tracking and support that was provided to new business start-ups. The Performance and Improvement Manager would explore how Factfile could be better publicised for the public and undertook to provide the committee with information on the support for new businesses.

It was recommended that the committee note the council performance contained in Factfile 2021

Decision

To note the terms of the report.

4. COMPLAINT PERFORMANCE REPORT QUARTER 3: 2021/22

The committee considered a report (copies of which had been circulated) by the Depute Chief Executive providing the quarterly analysis of closed complaints in Quarter 3: 2021/22.

During discussion, members raised questions about the increase in the number of complaints for housing and operational services against poor communication and waiting time. They questioned whether it was communicated to complainants that waiting times could be affected due to lack of supplies or manpower. They also heard that a computer new system that meant housing tenants booking appointments no longer received instant text confirmation. Instead tenants received an alert 24

hours before the appointment. They were concerned that this would lead to cancelled appointments. The Project and Systems Manager The Project and Systems Manager assured members that work was ongoing with a focus on reducing complaints and improving communications. He undertook to raise concerns about the text alert system with Housing Services.

Member suggested that more should to address recurring issues raised annually before they resulted in a complaint, such as overhanging branches on private land blocking access to public footpaths. The officer undertook the liaison directly with NETS regarding steps that could be taken to reduce complaints about overhanging hedges/branches annually.

It was recommended that the committee:

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

Decision

To note the terms of the report.

MINUTE of MEETING of the AUDIT COMMITTEE held within MS TEAMS VIRTUAL MEETING ROOM, on 21 MARCH 2022.

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

In attendance – James Cameron (Head of Education – Learning, Policy and Resources), Donald Forrest (Head of Finance and Property Services), Hannah Haywood (Customer Services Manager, Education Services), Sharon Leitch (Senior Auditor), Jo MacPherson (Head of Social Policy), James Millar (Governance Manager), Kenneth Ribbons (Audit, Risk and Counter Fraud Manager), Susan Mitchell (Senior Manager, Health and Social Care Partnership), Stuart Saunders (Senior Compliance Officer), Greg Welsh (Head of Education – Primary), Kenny Wilson (Auditor); and Stephen Reid (EY)

1 DECLARATIONS OF INTEREST

There were no declarations of interest made.

2 MINUTES

The committee confirmed the minutes of its meeting held on 24 January 2022.

3 INTERNAL AUDIT PLAN 2022/23

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager informing members of the 2022/23 internal audit plan.

It was recommended that the committee approve the 2022/23 internal audit plan.

During discussion, officers assured the committee that the council's current resource was sufficient to provide appropriate coverage to the council's risks.

Decision

To approve the terms of the report.

4 COUNTER FRAUD PLAN 2022/23

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager informing members of the 2022/23 counter fraud plan.

It was recommended that the committee approve the 2022/23 counter fraud plan.

Members commended the counter fraud team on the support it provided to management and on its efforts to raise awareness of the types of fraud risks relevant to the council's various services.

Decision

To approve the terms of the report.

5 EXTERNAL AUDIT PLAN 2021/22

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager informing members of the external auditor's 2021/22 annual audit plan. Stephen Reid of EY presented the plan to the committee.

It was recommended that the committee note the external auditor's 2021/22 annual audit plan.

Officers then noted that the review of IRS 16 asset valuations was about to be completed and its conclusion communicated to the council.

It was also noted that as this was EY's last year as the council's external auditor, official confirmation of the new external auditor would soon be forthcoming.

Decision

To note the terms of the report.

6 INTERNAL AUDIT OF PLACING IN SCHOOLS

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager informing members of the outcome of an internal audit of the processes in relation to pupil placement.

It was recommended that the committee note that controls were in place over pupil placement require improvement.

During discussion, Education Services officers assured members that the council's placing in schools approach processes was impartial and consistent and that all parents were treated fairly and in line with the council's processes.

Decision

To note the terms of the report.

7 LOCAL GOVERNMENT IN SCOTLAND FINANCIAL OVERVIEW 2020/21

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing members with a summary of the Local Government in Scotland Financial Overview 2020/21 report, published by the Accounts Commission in March 2022.

It was recommended that the committee note the key messages included in the annual financial overview report.

An overview of the council's financial planning process was then provided, which involved a five-year financial plan and a three-year detailed budget in accordance with the CIPFA Financial Management Code. The spending review results due at the end of May 2022 would allow the projections presented to the council in February 2022 to be updated before being reported to the Council Executive in June. A draft process for consultation on proposed savings measures would also be reported to Council Executive in June.

Decision

To note the terms of the report.

8 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 on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 14 of Schedule 7A of the Act.

9 INTERNAL AUDIT OF SECTION PAYMENTS

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager informing members of the outcome of a follow up audit of the controls in place over section payments made under the under the Children (Scotland) Act 1995 and Social Work (Scotland) Act 1968.

It was recommended that the committee:

1. Note that progress had been made in implementing previously agreed internal audit recommendations; and
2. Note that further internal audit work had been scheduled in the 2022/23 internal audit plan.

In response to questions from members, officers explained that considerable changes had been implemented in response to actions under *Recording Rationale for Payment in Swift* and *Completion of Application Form* risks and that the process was ongoing to ensure

completion of actions within the agreed timescales.

It was also noted that a further report might be brought to the Audit Committee at an appropriate time in the future.

Decision

To note the terms of the report.

10 COUNTER FRAUD INVESTIGATION: MISAPPROPRIATION OF SCHOOL FUNDS

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager informing members of the outcome of an investigation into concerns regarding the misappropriation of school funds by a council employee.

It was recommended that the committee:

1. Note the findings and conclusion of the counter fraud investigation;
2. Note the findings and agreed actions within the action plan;
3. Note that, in accordance with the council's Anti-Fraud and Corruption Policy, the matter had been reported to Police Scotland.

Officers highlighted the service's proactive approach to enhancing control measures and avoiding similar incidents in the future, which involved revisiting the current policies and procedures as well as implementation of wider service tracking and monitoring.

Members were reminded that any disciplinary actions were the responsibility of managers.

The committee agreed that an update on steps taken to enhance existing controls would be brought to a future meeting of either Audit or Governance and Risk Committee. This would include an update on the actions taken by a short-life working group which had been introduced by Education Services in order to review current procedures and control measures.

Decision

1. To note the terms of the report.
2. To provide updates on measures taken to enhance current controls and procedures to either Audit or Governance and Risk Committee as appropriate.

11 CLOSING REMARKS

As this was the committee's last meeting of the current term, the Chair extended his thanks to everyone involved in the meetings over the past five years, including all committee members, officers – in particular James Millar and Kenneth Ribbons, as well as the external auditors (EY).

MINUTE of MEETING of the EDUCATION (QUALITY ASSURANCE) COMMITTEE held within MS TEAMS VIRTUAL MEETING ROOM, on 11 JANUARY 2022.

Present – Councillors Stuart Borrowman (Chair), David Dodds, Peter Heggie, Chris Horne, Charles Kennedy, Maria MacAulay, John McGinty, Andrew McGuire, Andrew Miller, George Paul and Moira Shemilt; Appointed Members Lynne McEwen and Margaret Russell

Apologies – Councillor Pauline Clark and Appointed Member Myra MacPherson

Absent – Councillor Bruce Fairbairn

1. DECLARATIONS OF INTEREST

Item 7 - Her Majesty's Inspectors of Education (HMIE) Thematic Inspection Programme

Councillor Maria MacAulay stated that she had a child at Inveralmond Community High School and was a non-active member of the Parent Council. However, having applied the objective test she considered that this did not amount to an interest and so took part in the item of business.

Councillor Andrew Miller stated that he had a child at Inveralmond Community High School and was a member of the School Board. 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.

2. MINUTE

The committee approved the Minute of its meeting held on Tuesday 02 November 2021 as a correct record.

3. VALIDATED SELF-EVALUATION (VSE) REPORT ON LEARNING, TEACHING AND ASSESSMENT: DEANS COMMUNITY HIGH SCHOOL

The committee considered a report (copies of which had been circulated) by the Head of Education (Secondary Schools) bringing to their attention the outcomes of the Validated Self Evaluation (VSE) of Deans Community High School. The VSE focussed specifically on Quality Indicator 2.3 Learning, Teaching and Assessment. Pauline Allison, Head Teacher, was in attendance to provide an update on the school's progress and to answer questions from committee members.

Mrs Allison advised committee that the VSE had been undertaken over two days with one day each dedicated to the Senior Phase and Broad General Education. This arrangement had allowed the good work identified within the Senior Phase, which was a focus in order to raise attainment, to be considered and adopted throughout the earlier stages of the school.

Responding to a query from committee on the presentation rates for both English and Maths, Mrs Allison explained the circumstances in relation to each subject and confirmed the measures that had been put in place to address these.

Discussion concluded with committee noting the positives within the report and the efforts of the school in making the improvements to date.

It was recommended that the committee note the contents of the report and the school's arrangements for continuing improvement.

Decision

To note the contents of the report and the update from the Head Teacher.

4. EDUCATION SCOTLAND REPORT: UPHALL PRIMARY SCHOOL AND NURSERY

The committee considered a report (copies of which had been circulated) by the Head of Education (Primary) bringing to their attention Education Scotland's report on the progress of Uphall Primary School in addressing the areas for improvement identified in the Education Scotland report published on 14 May 2019. Julie Bruce, Head Teacher, was in attendance to provide an update on the school's progress and to answer questions from committee members.

The committee noted Education Scotland had spoken positively on progress within the school. However, it was highlighted that the expected National Curriculum for Excellence Levels for both primary 4 and 7 suggested a decrease in these levels. Mrs Bruce explained that there was a focus on the curriculum and structures had been put in place to address individual stages and cohorts as they moved through the school. The validation from Education Scotland provided reassurance that the progress made provided a good grounding for ensuring the school were moving in the right direction to ensure the best possible outcome for each individual child.

Transition was discussed and Mrs Bruce advised that from an early stage, the school worked very closely with the catchment secondary school, between the different stages within school/nursery and wherever an individual pupil may be moving on to. This allowed the sharing of robust information enabling children to continue to make progress and build on their prior levels of knowledge.

Discussion led to moderation within the school and Mrs Bruce explained that to ensure robust assessment, moderation was being undertaken between both staff within the school and other schools within the cluster.

It was noted that the 2021/22 GIRFEC School totals detailed within the report were not accurate and these figures would be reviewed.

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

and the school's arrangements for continuing improvement.

Decision

1. To note the contents of the report and the update from the Head Teacher; and
2. To note the 2021/22 GIRFEC School figures would be reviewed.

5. HER MAJESTY'S INSPECTORS OF EDUCATION (HMIE) THEMATIC INSPECTION PROGRAMME

The committee considered a report (copies of which had been circulated) by the Heads of Education informing of West Lothian schools engagement in Her Majesty's Inspectors of Education (HMIE) thematic inspection programme for academic session 2021-22.

The report detailed that three West Lothian schools had been involved in the thematic inspections undertaken by HMIE. The Head Teacher from one of those schools, Fiona Stewart, Head Teacher of East Calder Primary School, attended the meeting to answer any questions from committee and share her own experience from their inspection.

It was recommended that the committee note the contents of the report and the detail of the thematic inspection undertaken by HMIE in West Lothian schools.

Decision

To note the contents of the report.

6. HER MAJESTY'S INSPECTORS OF EDUCATION (HMIE) SCRUTINY PROGRAMME UPDATE

The committee considered a report (copies of which had been circulated) by the Heads of Education informing of Her Majesty's Inspectors of Education (HMIE) updated scrutiny programme for academic session 2021-22.

It was recommended that the committee note the contents of the report and the changes to the programme of scrutiny outlined by HMIE.

Decision

To note the contents of the report.

7. WORKPLAN

A workplan had been circulated for information.

Decision

To note the workplan which was subject to change dependent on updates to Scottish Government COVID-19 guidance.

MINUTE of MEETING of the JOINT CONSULTATIVE GROUP (TEACHING STAFF) (PRIVATE) held within MS TEAMS VIRTUAL MEETING ROOM, on 11 FEBRUARY 2022.

Present – Councillors David Dodds (Chair), Alison Adamson (Ordinary Member), Damian Doran-Timson (Ordinary Member), Lawrence Fitzpatrick (Ordinary Member), Cathy Muldoon (Ordinary Member) and Moira Shemilt (substituting for Councillor Andrew Miller); Mark Bonallo, (EIS), Mairi Green (EIS), Heather Hughes (EIS) and Shirley Thomson (EIS)

Apologies – Councillors Dom McGuire (Ordinary Member) and Andrew Miller (Ordinary Member); Douglas Bringhurst (SSTA)

In attendance – James Cameron (Head of Education (Learning, Policy and Resources)), Catrina Hatch (Head of Education Services Secondary Schools), Donald Forrest (Head of Finance and Property Services), Fiona Russell (Group Accountant) and Greg Welsh (Head of Education Services Primary Schools)

1 DECLARATIONS OF INTEREST

There were no declarations of interest made.

2 MINUTES

The group confirmed the minute of its meeting held on 23 February 2021 as a correct record.

3 REVENUE BUDGET 2022/23 AND ASSET MANAGEMENT STRATEGY AND GENERAL SERVICES CAPITAL PROGRAMME 2022/23 TO 2027/28

The Head of Finance and Property Services presented the Group with information on the council's proposed Revenue Budget 2022/23 and Asset Management Strategy and General Services Capital Programme 2022/23 to 2027/28. A number of financial constraints were highlighted, which included increasing cost of providing council services, growing population in West Lothian, ongoing government constraints on public spending, and Scottish Government grant funding being insufficient to meet the increasing costs of providing local services. Details of funding and expenditure assumptions for the next year were then provided. Considering the proposed saving measures, the updated budget gap would be £11.7 million. Impact on staffing was expected to have a net increase of 7 FTE; any staffing changes would be implemented after consultation with the unions and the council's no compulsory redundancies policy would continue. Time-limited investments, including Covid-19 expenditure, were summarised and the proposed General Services Capital Investment for 2022/23 to 2027/28 was shown. More

detail was then provided on the budget for Education Services in particular. The proposed budget would allow the council to deliver key priorities including improving attainment and positive destinations for school children and delivering positive outcomes and early interventions for early years as well as a 2% pay award for staff. Significant investment in new school provision, ELC provision and school improvements was also planned. The outcomes sought through the proposed budget included improved attainment and achievement, reduced poverty and improved health and wellbeing.

The proposed Revenue Budget 2022/23 to 2023/24 and the Asset Management Strategy and General Services Capital Programme 2022/23 to 2027/28 would be considered at a special meeting of West Lothian Council scheduled to be held on 15 February 2022.

Following conclusion of the presentation, a number of questions were asked by members of the group in relation to budget proposals, which officers responded to.

The Teaching Unions indicated that they welcomed the 6% increase in the Education Revenue Budget and thanked the council for always making education a priority. They also pointed out that the unions were launching a campaign to challenge the Scottish Government on the 2% presumed pay offer. Finally, union representatives and members alike stressed the need for additional ASN resources.

Decision

To note the contents of the budget briefing presentation.

MINUTE of MEETING of the WEST LoTHIAN LEISURE ADVISORY COMMITTEE held within MS TEAMS VIRTUAL MEETING ROOM, on 28 APRIL 2022.

Present – Councillors Andrew McGuire (Chair), Cathy Muldoon, Alison Adamson, David Dodds and Charles Kennedy

Apologies – Councillors Harry Cartmill and David Tait

In attendance

Elaine Cook – Lead Officer, WLC

Alan Colquhoun – Culture & Sport Manager, WLC

Robert Young – Senior Service Accountant, WLC

Tim Dent – Chief Executive, WLL

Andrew Heron – Head of Finance and Administration, WLL

1 DECLARATIONS OF INTEREST

Councillor David Dodds stated that his son was an employee of West Lothian Leisure. However, having applied the objective test, he considered that this did not amount to an interest and so took part in all items of business.

Councillor Andrew McGuire stated that he was a member of West Lothian Leisure. However, having applied the objective test, he considered that this did not amount to an interest and so took part in all items of business.

2 MINUTES

The committee confirmed the minute of its meeting held on 22 February 2022 as a correct record. The Chair thereafter signed the minute.

3 PRIVATE SESSION

The committee resolved under Section 50(A)(4) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting during consideration of the following items of business as it involved the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7A of the Act.

4 WEST LoTHIAN LEISURE FINANCIAL POSITION

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on West Lothian Leisure's (WLL) 2021/22 and 2022/23 financial position.

It was recommended that the committee note:

1. WLL's financial performance for the eleven months to 28 February 2022; and
2. WLL's reforecast for the year to 31 March 2022.

During discussion, it was noted that a change in utility contracts minimised WLL's exposure to the current rise in utility costs. The timings of equipment maintenance were also discussed.

Decision

To note the terms of the report.

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

The committee considered a report (copies of which had been circulated) by the Depute Chief Executive providing an update on the operation of Culture, Sport, Leisure and Outdoor Education services delivered by West Lothian Leisure (WLL), within the context of facility re-opening and service resumption in line with the Scottish Government's strategic framework for managing COVID-19.

It is recommended that the committee note the updates on WLL's operational performance and related matters outlined in sections D.3 to D.8 of the report.

During discussion, it was noted that the recent recruitment fair held by WLL had been successful and might be repeated in future. WLL officers advised that they were also tightening collaboration with the education sector with the aim of offering graduates a way into the industry. Membership retention was then discussed.

Decision

To note the terms of the report.

MINUTE of MEETING of the WEST LOTHIAN LEISURE ADVISORY COMMITTEE held within MS TEAMS VIRTUAL MEETING ROOM, on 23 JUNE 2022.

Present – Councillors Craig Meek (Chair), Alison Adamson, Ann Davidson, Ann McMillan (substituting for Councillor Cathy Muldoon) and Andrew Miller

Apologies – Councillor Cathy Muldoon

In attendance

Siobhan McGarty – Lead Officer, WLC

Donald Forrest, Head of Finance and Property Services, WLC

Alan Colquhoun – Culture & Sport Manager, WLC

Tim Dent – Chief Executive, WLL

Andrew Heron – Head of Finance and Administration, WLL

1 DECLARATIONS OF INTEREST

There were no declarations of interest made.

2 ORDER OF BUSINESS

The Chair ruled in terms of Standing Orders 6(4) and 7 that agenda item 7 (*Monitoring Report: Culture, Sport, Leisure & Outdoor Education*) would be considered as an urgent item as it was circulated less than four clear days before the meeting due to staff illness.

3 MINUTES

The committee approved the minute of its meeting held on 28 April 2022. The Chair thereafter signed the minute.

4 PRIVATE SESSION

The committee resolved under Section 50(A)(4) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting during consideration of the following items of business as it involved the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7A of the Act.

5 WEST LOTHIAN LEISURE FINANCIAL POSITION

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property services providing an update on West Lothian Leisure's (WLL) financial position for the 2021/22 and 2022/23 financial years.

It was recommended that the committee note:

1. WLL's financial performance for year to 31 March 2022;
2. WLL's financial performance for the one month to 30 April 2022;
3. WLL's forecast for the year to 31 March 2023; and
4. That WLL had been invited to manage community access to sports facilities at the new Winchburgh school complex.

During discussion, members requested an update on the financial and operational side of the Winchburgh facility. It was also noted that communications would go out to elected members and key stakeholders regarding the Winchburgh facility operating model in due course.

Decision

To note the terms of the report.

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

The committee considered a report (copies of which had been circulated) by the Depute Chief Executive providing an update on the operation of Culture, Sport, Leisure and Outdoor Education services delivered by West Lothian Leisure (WLL) within the context of facility re-opening and service resumption in line with the Scottish Government's strategic framework for managing COVID-19.

It was recommended that the committee note the updates on WLL's operational performance and related matters outlined in the report.

During discussion, WLL officers provided an update on membership and recruitment campaigns and outlined key challenges currently faced by sports facilities throughout the country. They also reiterated their strong partnership with educational establishments. Finally, the Winchburgh facility model was briefly discussed.

Decision

To note the terms of the report.

7 CLOSING REMARKS

As this was Tim Dent's last meeting before retirement, the Chair on behalf of the committee thanked him for his work as Chief Executive of West Lothian Leisure and recognised his contribution on sports, leisure and cultural provision across West Lothian.

Tim Dent then thanked the committee for the fair and judicious scrutiny as well as the support it had provided to West Lothian Leisure and expressed

his hope that the committee's valuable work would continue in the future.

MINUTE of MEETING of the EMPLOYEE APPEALS COMMITTEE (PRIVATE) held within VIRTUAL MEETING ROOM, on 29 OCTOBER 2021.

Present – Councillors Tom Conn (Chair), Andrew McGuire (substituting for Councillor George Paul), and Dom McGuire (substituting for Councillor Angela Doran-Timson)

Apologies – Councillors George Paul, Angela Doran-Timson, Peter Heggie and Chris Horne

1 DECLARATIONS OF INTEREST

There were no declarations of interest made.

2 ORDER OF BUSINESS

The committee and all parties agreed to allow two staff members from the council's Legal Services to attend the meeting as observers.

3 MINUTES

- a The committee confirmed the minute of its meeting held on 28 May 2021.
- b The committee confirmed the minute of its meeting held on 25 June 2021.

4 PRIVATE SESSION

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

5 CONSIDERATION OF APPEAL

Introductions were made by all parties.

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

The committee was advised that the management's Occupational Health Medical Advisor was unable to attend the hearing.

In terms of the council's Policy and Procedure for Supporting Attendance at Work, in cases involving dismissal where the decision to dismiss was taken after consideration of medical evidence, a Medical Advisor will attend the appeal hearing as a witness on behalf of the service.

Therefore, the committee agreed that the appeal hearing would not proceed in the absence of the Medical Advisor.

Decision

A new hearing date to be arranged by the Clerk in consultation with the Chair.

MINUTE of MEETING of the EMPLOYEE APPEALS COMMITTEE (PRIVATE) held within MS TEAMS VIRTUAL MEETING, on 28 JANUARY 2022.

Present – Councillors Tom Conn (Chair), Andrew McGuire (substituting for Councillor George Paul), and Dom McGuire (substituting for Councillor Angela Doran-Timson)

Apologies – Councillors George Paul, Angela Doran-Timson, Peter Heggie and Chris Horne

The committee agreed that the meeting would be adjourned to a later date, to be organised by the clerk as soon as possible, as the appellant was unable to join the virtual meeting due to technical difficulties.

DATA LABEL: PUBLIC



WEST LOTHIAN COUNCIL

REPORT TO MEMBERS AND THE CONTROLLER OF AUDIT ON THE 2021/22 AUDIT

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To advise Council of the outcome of the 2021/22 Audit and to provide a summary of the key points arising from the Auditor's Annual Report.

B. RECOMMENDATION

It is recommended that Council:

1. Notes Ernst and Young LLP's 2021/22 Annual Audit Report;
2. Approves for signature the audited Annual Accounts for 2021/22;
3. Refers the Auditor's Report and the 2021/22 Annual Accounts to the Audit Committee for information and scrutiny.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Being honest, open and accountable, making best use of resources, working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Health or Risk Assessment)	The Auditor's Report is presented to Council in accordance with the Local Government (Scotland) Act 1973.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on Performance and Performance Indicators	None.
V	Relevance to Single Outcome Agreement	None.
VI	Resources - (Financial, Staffing and Property)	There are no resource issues that require to be drawn to the Council's attention.
VII	Consideration at PDSP	Not applicable.
VIII	Consultations	Consultation with appropriate council officers on the Audit Report and the Annual Accounts.

D. TERMS OF REPORT

D.1 INTRODUCTION

The report by Ernst and Young LLP on the 2021/22 audit is addressed to Members of the Council, is simultaneously forwarded to the Controller of Audit and forms part of the audit process. The Auditor's report covers four sections:

- an executive summary;
- financial statements audit;
- wider scope dimensions;
- appendices.

The unaudited annual accounts for the year ended 31 March 2022 were considered by the Audit Committee on 21 June 2022, thus achieving the statutory deadline of 30 June for submission to the council's auditors. These accounts were the subject of the General Fund Revenue Outturn report to the Council Executive on 21 June 2022. The external audit of the Accounts and the signing of the Independent Auditor's Report will be completed by the target date of 30 September 2022 if Council approves the accounts on 27 September 2022.

As a result of Ernst and Young LLP audit findings, there were two changes to the figures from the unaudited accounts, relating to the audit of the valuation of property, plant and equipment and the reclassification of Covid-19 grant Income. These adjustments to the unaudited accounts did not impact on the 2021/22 revenue out-turn figures as reported to the Council Executive on 21 June 2022.

There are two actions arising from the audit. The first is in relation to a review of the council's current methodology around the revaluation of council assets, which requires further consideration and discussion with the council's new external auditors for 2022/23, Audit Scotland. Secondly, it is proposed that a review of the accounting treatment of infrastructure assets is undertaken in line with the awaited Accounting Code of Practice Guidance. The council has agreed to complete both these actions by 31 March 2023.

D.2 KEY MESSAGES IN THE ERNST AND YOUNG LLP REPORT

The Auditor intends to issue an unqualified audit opinion on the financial statements and on the nine charitable trusts administered by the council.

The accounts reflect recent good practice guidance from Audit Scotland around the disclosures of related parties.

The Annual Governance Statement reflects the requirements of the Delivering Good Governance Framework, and the key changes in governance arrangements that were required as a result of changes to working practices due to Covid-19.

In accordance with the CIPFA Code of Practice on Local Government Accounting, the council prepares its financial statements on a going concern basis unless informed by the Scottish Government of the intention for dissolution without transfer of services or function to another entity. Under the revised auditing standard, ISA 570, the auditor is required to undertake greater challenge of management's assessment of going concern, the auditor has no matters to report in this respect.

The summary of the key conclusions set out in the Auditor's executive summary in relation to Wider scope and Best Value outcomes from the 2021/22 audit are as follows, all of which have been rated in terms of red / amber / green:

Wider Scope: Financial Sustainability	Amber	<p>The Auditor has concluded that</p> <ul style="list-style-type: none"> • The council continues to demonstrate good practice in forward financial planning and the auditor acknowledges that work on a new strategy is underway on the council's next medium term financial plan. • The assessment of amber reflects the severe challenge facing all local authorities and the significant level of risk and uncertainty outside the council's control which could impact on the delivery of savings, which has been exacerbated by the inflationary pressures being experienced now and which are forecast to extend into the next planning period.
Financial Management	Green	<p>The Auditor has concluded that</p> <ul style="list-style-type: none"> • The council continues to demonstrate good financial management arrangements and control of the in-year budget, including understanding the ongoing impact of Covid-19 on its financial position, noting that financial reporting is clear and consistent throughout the year. • The Auditor identified no weakening of financial management arrangements following changes to the established working environment following Covid-19.
Governance and Transparency	Green	<p>The Auditor has concluded that</p> <ul style="list-style-type: none"> • The key features of good governance remain in place at the council. • As also noted in the prior year consideration, the council responds quickly to ensure that governance arrangements are appropriate and operating effectively as circumstances, such as the global pandemic change. • The council has arrangements in place to appropriately scrutinise matters across its group.
Value for Money	Green	<p>The Auditor has concluded that</p> <ul style="list-style-type: none"> • The council's arrangements for performance monitoring, improvement and self-assessment have continued through the global pandemic. The council has a culture of improvement and a commitment to self-assessment of performance to ensure that services remain focussed on improvement. • Council services continue to perform well compared to other councils

D.3 SUMMARY OF 2021/22 REPORT

The main body of the report is divided into the following sections.

- Financial statements audit;
- Best Value and Wider scope dimensions
 - Financial sustainability;
 - Financial management;
 - Governance and transparency;
 - Value for money;
 - Best Value.

D.3.1 Financial Statements Audit

There are no qualifications to the Independent Auditor's Report in relation to the council's Accounts.

As noted, there were two changes to the figures from the unaudited accounts, relating to the audit of the valuation of property, plant and equipment and the reclassification of Covid-19 grant Income. These adjustments to the unaudited accounts did not impact on the 2021/22 revenue out-turn figures as reported to the Council Executive on 21 June 2022.

The overall impact of the audit differences was to reduce the value of assets in the consolidated balance sheet at 31 March 2022 by £0.7 million, with a corresponding reduction in the unusable reserves by £0.7 million. No change was required to the main financial statements in relation to the grant reclassification, £1.124 million. These adjustments to the unaudited accounts did not impact on the 2021/22 revenue out-turn figures as reported to the Council Executive on 21 June 2022.

There are two actions arising from the audit. The first is in relation to a review of the council's current methodology around the revaluation of council assets which requires further consideration and discussion with the council's new external auditors for 2022/23, Audit Scotland.

Secondly, it is proposed that a review of the accounting treatment of infrastructure assets is undertaken in line with the awaited Accounting Code of Practice Guidance from CIPFA. The council has agreed to complete both these actions by 31 March 2023.

The Auditor has also given an unqualified audit opinion on the 2021/22 financial statements of those charities registered by the council and audited under the provisions of The Charities Accounts (Scotland) Regulations 2006.

D.3.2 Financial Sustainability

The Auditor is required to review the council's medium term financial sustainability and assess if the council is planning effectively to continue to deliver its services.

Within their report the Auditor noted that:

- The council continues to demonstrate good practice in financial planning. All savings required in the medium term financial plan to 2022/23 have been identified and are on course for delivery.
- The council continues to demonstrate a strong track record of identifying and delivering planned savings to achieve balanced budgets. The planned savings through to 2023 will bring cumulative savings required from 2007 to £151 million.

- As in previous years, the amber assessment reflects the ongoing and very severe challenge facing all local authorities around future budgets, the significant level of risk and uncertainty outside the council's control which could impact its ability to deliver savings, and the need for continued focus in delivering challenging levels of savings as the council moves into its next planning period.
- The council has begun planning for its next medium term financial plan (MTFP) period from 2023/24 to 2027/28. The Auditor acknowledges that the next MTFP will be prepared under a significant degree of uncertainty, there are a number of factors currently unknown that will continue to threaten the accuracy of any financial planning. The most material of these areas being the impact of the ongoing cost of living crisis, the remaining effects of the pandemic, the UK leaving the EU and the Ukraine conflict. It is however certain that the council will face a large budget gap.
- The Auditor expresses the view that the council continues to make good progress in longer term financial planning, significant risks and uncertainties, largely outside its control, continue to impact the overall risk profile for financial sustainability. The assessment of amber reflects this ongoing challenge.

D.3.3 Financial Management

The report highlights the operating performance of the council in 2021/22, the reserves and balances held by the council and the investment and performance in relation to the capital budget.

The Auditor's report concludes that the council demonstrated good financial management arrangements and control of the in-year budget and that financial reporting was clear and consistent throughout the year, including understanding of the ongoing impact of Covid-19. The importance of good financial control is understood across the council, with no identified control deficiencies and a robust environment with a strong understanding of the council's position. The Auditor notes there was no identifiable weakening of financial management arrangements following the changes to the established working arrangements following Covid-19.

The Auditor has identified that the council's uncommitted general fund reserve remains amongst the lower levels in Scotland, but notes that it is underpinned by a robust financial monitoring and financial planning environment. If robust financial planning was not in place it is likely that external audit would have more detailed and robust comment on the level of the uncommitted reserve.

On an annual basis, as part of the budget setting process, management considers if the level of uncommitted reserves remains appropriate and includes recommendations in the budget report for consideration by elected members. Taking account of clear financial planning arrangements, sound financial management and the level of other reserves, the Head of Finance and Property Services believes the level of uncommitted reserves is appropriate. The level of uncommitted reserves will continue to be reviewed as part of the revenue budget setting process and will continue to be subject to a specific recommendation in the annual revenue budget report enabling elected members to decide on this matter on an annual basis.

The Auditor notes that the CIPFA Financial Management Code came into effect in 2021/22 and that the council has demonstrated a strong level of compliance with the Code.

The Auditor notes that the Audit Scotland National Fraud Initiative (NFI) exercise was undertaken by the council in February 2022 and no issues were identified.

D.3.4 Governance and Transparency

Governance and transparency are concerned with the effectiveness of scrutiny and governance arrangements, leadership and transparent reporting of financial and performance information. Primarily the Auditor considers this through the Local Code of Corporate Governance, the Audit Committee and its Assurance Statement, assessment of the council's approach to Risk Management and Openness and Transparency.

Within their report the Auditor has concluded that:

- The key features of good governance at the council remain in place, noting that the council acted quickly to ensure governance arrangements were appropriate and operating effectively during the changing circumstances of the past three years.
- The council has continued to monitor the actual and potential implications of EU withdrawal throughout 2021/22 through the use of the council's risk register, where three major risks are monitored and regularly assessed. The Governance and Risk Committee is updated via risk reports.
- The Auditor is satisfied that the council is demonstrating the required level of scrutiny and governance over entities within the council's group, including demonstrating rigour around the use of public funds for private bodies and notes that the governance arrangements evidence the scrutiny and challenge of officers.

D.3.5 Value for Money

The Auditor concludes that the council's arrangements for performance monitoring, improvement and self-assessment have continued through the global pandemic and that the council has a culture of improvement and a commitment to self-assessment of its performance to ensure that services remain focussed on improvement.

The Auditor notes that the council services continue to perform well compared to other councils.

D.3.6 Best Value

The Auditor has drawn upon the wider scope and other work to conclude on the council's approach to Best Value and notes, through work undertaken in the year, that the council has a number of key characteristics of Best Value in place, including effective performance monitoring and robust governance arrangements.

As 2021/22 is the final year of the current audit appointment, the auditor ensured that the remaining areas of the Best Value programme were assessed, to allow a handover to the successor auditor. The specific areas of focus were in relation to the Council's approach to equalities and sustainability.

E. CONCLUSION

The Auditor has provided an unqualified opinion on the council's financial statements for 2021/22 and has made two recommendations for action following the audit, both in relation to, accounting for and valuation of, assets. These actions relate to a continued focus and review of process and policy around valuation of property, plant and equipment. Both actions will be completed by 31 March 2023.

In conclusion, this is the sixth and final year of the council's audit engagement with Ernst and Young LLP.

Ernst and Young advanced key elements of audit testing to earlier in the year, to reduce the impact of the audit on the finance and audit team over the summer period. From 2022/23 onward, the council will engage with Audit Scotland for the provision of the audit.

During the Ernst and Young LLP appointment, despite the unprecedented circumstances of the lockdown and home working resulting from the global pandemic, both council officers and auditors have worked together professionally and constructively to ensure timely preparation of the accounts. I would like to place on record my thanks to everyone involved and to wish the current audit team well with their new appointments for audit.

F. BACKGROUND REFERENCES

2021/22 Audited Annual Accounts for West Lothian Council
Ernst and Young LLP - 2021/22 Annual Audit Report to Members and the Controller of Audit

Appendices/Attachments: Ernst and Young LLP – 2021/22 Annual Audit Report to Members and the Controller of Audit

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Donald Forrest
Head of Finance and Property Services
27 September 2022

West Lothian Council

**Annual Audit Report to Members
and the Controller of Audit - year
ended 31 March 2022**

27 September 2022



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About this report

This report has been prepared in accordance with Terms of Appointment Letter from Audit Scotland dated 31 May 2016 through which the Accounts Commission has appointed us as external auditor of West Lothian Council (the Council) for financial years 2016/17 to 2020/21. As a result of the impact of Covid-19 our appointment was extended by a further 12 months to include the financial year 2021/22. We undertake our audit in accordance with the Local Government (Scotland) Act 1973 and our responsibilities as set out within Audit Scotland's Code of Audit Practice. This report is for the benefit of the Council and is made available to the Accounts Commission, the Controller of Audit and Audit Scotland. This report has not been designed to be of benefit to anyone except the recipients. In preparing this report we have not taken into account the interests, needs or circumstances of anyone apart from the recipients, even though we may have been aware that others might read this report.

Any party other than the Recipients that obtains access to this report or a copy (under the Freedom of Information Act 2000, the Freedom of Information (Scotland) Act 2002, through a Recipient's Publication Scheme or otherwise) and chooses to rely on this report (or any part of it) does so at its own risk. To the fullest extent permitted by law, Ernst & Young LLP does not assume any responsibility and will not accept any liability in respect of this report to any party other than the Recipients.

Complaints

If at any time you would like to discuss with us how our service to you could be improved, or if you are dissatisfied with the service you are receiving, you may take the issue up with Stephen Reid who is our partner responsible for services under appointment by Audit Scotland, telephone 0131 777 2839, email sreid2@uk.ey.com. If you prefer an alternative route, please contact Hywel Ball, our Managing Partner, 1 More London Place, London SE1 2AF. We undertake to look into any complaint carefully and promptly and to do all we can to explain the position to you. Should you remain dissatisfied with any aspect of our service, or with how your complaint has been handled, you can refer the matter to Audit Scotland, 4th Floor, 102 West Port, Edinburgh, EH3 9DN. Alternatively you may of course take matters up with our professional institute. We can provide further information on how you may contact our professional institute.

Executive Summary: Key Conclusions from our 2021/22 audit

[We have issued] an unqualified audit opinion on the Council and Group 2021/22 financial statements and also for the Charitable Trusts 2021/22 financial statements.

We continued to review and update our risk assessment throughout the audit, including the materiality level applied. No changes were required as a result of this review.

Financial Statements

[We have concluded] our audit of the Council's financial statements for the year ended 31 March 2022. One adjustment and one disclosure adjustment were made to the financial statements since the presentation of the unaudited accounts in June 2022; there are no unadjusted differences that we are required to communicate. The draft financial statements and supporting working papers were provided on time and were of a high quality, in line with previous years. We worked with management to make a number of enhancements to the Management Commentary, Annual Governance Statement and notes to the financial statements, in particular to ensure the financial statements reflected recent good practice guidance from Audit Scotland around the disclosures of related parties.

We concluded that the other information subject to audit, including the applicable parts of the Remuneration Report and the Annual Governance Statement were appropriate. We were satisfied that the Annual Governance Statement reflects the requirements of the *Delivering Good Governance Framework*, and the key changes in governance arrangements that were required as a result of changes to working practices due to Covid-19.

[We have concluded] our audit of the Charitable Trusts' financial statements for the year ended 31 March 2022. The draft financial statements and supporting working papers were provided on time and were of a high quality, in line with previous years. There are no matters to report in respect of these financial statements.

Going Concern

In accordance with the CIPFA Code of Practice on Local Government Accounting, the Council prepares its financial statements on a going concern basis unless informed by the Scottish Government of the intention for dissolution without transfer of services or function to another entity.

Under a revised auditing standard, ISA 570, we are required to undertake greater challenge of management's assessment of going concern, including testing of the adequacy of the supporting evidence we obtained. The Council has concluded that there are no material uncertainties around its going concern status, and has enhanced the disclosures around its future financial position in the financial statements to reflect the impact of Covid-19. We have no matters to report in respect of our work around going concern or the conclusions reached by the Council.

Wider Scope and Best Value

We summarise the conclusions we reached in response to our work on the wider scope dimensions below.

Financial Sustainability

The Council's existing Medium Term Financial Strategy runs until 31 March 2023. Work on a new strategy is underway, with initial forecasts indicating a projected budget gap of £38.4 million through to 2027/28. The assumptions underpinning all forecasts will require regular review as inflationary assumptions, particularly for energy costs, are updated and pay award settlements finalised. These factors will increase existing budget gaps identified and require additional saving plans.

As in previous years, our assessment of amber reflects the ongoing challenge facing all local authorities and the significant level of risk and uncertainty outside the Council's control which could impact its ability to deliver savings, which has been heightened this year by the inflationary pressures now and forecast. There remains a need for continued focus in delivering challenging levels of savings as the Council moves into its next planning period.



Financial Management

The Council continues to demonstrate good financial management arrangements and control of the in-year budget, including understanding of the ongoing impact of Covid-19. Financial reporting is clear and consistent throughout the year.

The importance of good financial control is clearly understood across the Council. Our interactions with finance through the year identified a robust financial management environment and no material financial control deficiencies. We did not identify weakening financial management arrangements following the changes to the established working arrangements following Covid-19.



Governance & Transparency

The key features of good governance remain in place at the Council. As noted in our prior year consideration, the Council has responded quickly to ensure governance arrangements are appropriate and operating effectively as circumstances, such as the global pandemic, change.

The Council has arrangements to appropriately scrutinise matters across its Group, in particular where financial support is being provided to entities facing financial challenges arising from the pandemic.



Value for Money

The Council's arrangements for performance monitoring, improvement and self-assessment have continued and are back on the normal planned schedule for reporting following the impact of Covid-19 in 2020.

The Council maintains a culture of improvement and a commitment to self-assessment of its performance to ensure that services remain focussed on improvement. Council services continue to perform well compared to other councils.



Best Value Conclusion

We have drawn upon our wider scope and other work to conclude on the Council's approach to Best Value. We note through work undertaken in the year that the Council has a number of key characteristics of Best Value in place, including effective performance monitoring and robust governance arrangements.

As 2021/22 is the final year of our audit appointment, we ensured that the remaining areas of the Best Value programme were assessed, to allow us to handover to the successor auditor. Our specific areas of focus was in relation to the Council's approach to sustainability and community responsiveness.

Introduction

As a result of the impact of Covid-19, Audit Scotland and the Accounts Commission agreed to extend our appointment as external auditor of the Council to 2021/22.

Purpose of this report

In accordance with the Local Government (Scotland) Act 1973, the Accounts Commission appointed EY as the external auditor of West Lothian Council ("the Council"). Our appointment term was extended by a further 12 months, to financial year 2021/22. We undertake our audit in accordance with the Code of Audit Practice (the Code), issued by Audit Scotland in May 2016; Auditing Standards and guidance issued by the Financial Reporting Council; relevant legislation; and other guidance issued by Audit Scotland.

This Annual Audit Report is intended to summarise the key findings and conclusions from our audit work. It is addressed to both members of the Council and the Controller of Audit, and presented to those charged with governance. This report is provided to Audit Scotland and will be published on their website.

We draw your attention to the fact that our audit was not designed to identify all matters that may be relevant to the Council. Our views on internal control and governance arrangements have been based solely on the audit procedures performed in respect of the audit of the financial statements and the other procedures performed in fulfilling our Annual Audit Plan.

A key objective of our audit reporting is to add value by supporting the improvement of the use of public money. We aim to achieve this through sharing our insights from our audit work, our observations around where the Council employs best practice and where practices can be improved. We use these insights to form our audit recommendations to support the Council in improving its practices around financial management and control, as well as around key aspects of the wider scope dimensions of audit. Such areas we have identified are highlighted throughout this report together with our judgements and conclusions regarding arrangements, and where relevant recommendations and actions agreed with management. We also report on the progress made by management in implementing previously agreed recommendations.

Our independence

We confirm that we have undertaken client and engagement continuance procedures, which include our assessment of our continuing independence to act as external auditor. Further information is available in Appendix B.

We updated our assessment of materiality based on the 2021/22 financial performance. Planning materiality was reduced to £14.9 million.

Scope and Responsibilities

The Code sets out the responsibilities of both the Council and the auditor (summarised in Appendix A). We outlined these in our Annual Audit Plan, which was presented to the Council’s Audit Committee in March 2022.

Our review and reassessment of materiality

Our Annual Audit Plan explained that our audit procedures would be performed using a materiality of £15.4 million. We revised our materiality as part of our yearend procedures following review of the Council’s 2021/22 unaudited financial statements. As a result, materiality was reduced to £14.9 million.

Our evaluation requires professional judgement and so takes into account qualitative as well as quantitative considerations. Factors which we consider include the perspectives and expectations of users of the financial statements as well as our risk assessment as to the likelihood of material misstatements arising in the financial statements.

Overall Materiality

£14.9 million

2% of the Council’s net expenditure

Tolerable Error

£11.1 million

Materiality at an individual account level

Level that we will report to committee

£250,000

Nominal amount

As outlined in our Annual Audit Plan, based on considerations around the expectations of financial statement users and qualitative factors, we apply lower materiality levels to the audit of the Remuneration Report and Related Party Transactions.

Financial statement audit

We are responsible for conducting an audit of the Council's financial statements. We provide an opinion as to:

- whether they give a true and fair view of the financial position of the Council as at 31 March 2022 and its expenditure and income for the year then ended; and
- whether they have been properly prepared in accordance with the Local Government (Scotland) Act 1973 and the 2021/22 Code of Practice on Local Authority Accounting in the United Kingdom.

We also review and report on the consistency of the other information prepared and published along with the financial statements. Our findings are summarised in Section 2 of this report.

We have also undertaken the audit of the West Lothian Charitable Trusts' financial statements. We provide an opinion as to:

- whether they give a true and fair view of the financial position of the Trusts as at 31 March 2022 and its expenditure and income for the year then ended; and
- whether they have been properly prepared in accordance with the Charities and Trustees Investment (Scotland) Act 2005 and the Charities Accounts (Scotland) Regulations 2006 (as amended).

Wider Scope audit

Our responsibilities extend beyond the audit of the financial statements. The Code requires auditors to provide judgements and conclusions on the four dimensions of wider scope public audit:

- Financial management;
- Financial sustainability;
- Governance and transparency; and
- Value for money.

Our findings are summarised in Section 3 of this report.

Best Value

Our wider scope audit work, and the judgements and conclusions reached in these areas, contribute to our overall assessment and assurance on the Council's achievement of Best Value. We outline our findings and assessment for 2021/22 on page 39.

Financial Statements audit

Introduction

The annual financial statements provide the Council with an opportunity to demonstrate accountability for the resources that it has the power to direct, and report on its overall performance in the application of those resources during the year.

This section of our report summarises the audit work undertaken to support our audit opinion, including our conclusions in response to the significant and other risks identified in our Annual Audit Plan.

The plan highlighted two areas that we identified as a significant risk of material misstatement or fraud risk:

- the risk of fraud in revenue and expenditure recognition (significant risk); and
- misstatements due to fraud or error (fraud risk).

Compliance with Regulation

The Local Authority Accounts (Scotland) Regulations 2014 set out the statutory requirements on the Council to prepare financial statements, ensure their availability for public inspection and consideration by the Council or a committee with an audit or governance remit. Despite the ongoing impact of the pandemic and recovery, the Council complied with the regulations and the normal timescale concerning preparation, publication and approval of its annual financial statements. We received the unaudited financial statements on 28 June 2022.

The inspection notice was published by the Council on 9 June 2022, in line with the requirements of the Regulations. No objections were received in relation to the financial statements.

The draft financial statements were submitted for audit in line with planned timescales. The inspection notice was published in accordance with requirements.

Preparation of the Financial Statements

The unaudited financial statements prepared by management were to a high standard and were materially compliant with the Code and required disclosures. As part of the audit process, we worked with management and the finance team to make amendments and enhancements to the presentation. Our focus included consideration of the appropriateness of the disclosures related to the ongoing impact of Covid-19 and recovery activities, including in the Management Commentary, Governance Statement and financial statements notes.

The financial statements continue to be prepared with a robust internal process, including quality assurance checks prior to being submitted for audit.

This year we also worked with management to consider guidance from Audit Scotland issued to local government bodies, following a review of the related parties disclosed within the 2020/21 financial statements of 30 Scottish councils. The disclosures of related parties were chosen for a good practice review because of the potential impact of the relationships in understanding the financial statements, along with indications that the quality of the disclosures were variable. Following our review and discussions with management, a number of enhancements were made to further align them with identified areas of good practice.

Group financial statements

The Council has identified and accounted for the following interests in other entities within its group financial statements:

- West Lothian Leisure;
- Lothian Valuation Joint Board; and
- West Lothian Integration Joint Board.

No matters were identified as a result of our review of the group consolidation arrangements within the financial statements. West Lothian Integration Joint Board is the only entity in scope for our group audit arrangements. All required audit work was provided by the IJB audit team to the Council audit team in line with timeframes agreed and with no exceptions or reportable matters noted.

Audit outcomes

We identified one audit difference and one disclosure adjustment arising from the audit, both of which were adjusted by management in the finalised financial statements. Our overall audit opinion is summarised on the following page, subject to finalisation of our work in respect of infrastructure assets outlined later in this report.

Our audit opinion

Element of opinion

Basis of our opinion

Conclusions

Financial statements

- Truth and fairness of the state of affairs of the Council at 31 March 2022 and its expenditure and income for the year then ended
- Financial statements in accordance with the relevant financial reporting framework

We report on the outcomes of our audit procedures to respond to the most significant assessed risks of material misstatement that we have identified, including our judgements within this section of our report. We did not identify any areas of material misstatement.

We are satisfied that accounting policies are appropriate and estimates are reasonable.

We have considered the financial statements against Code requirements, and additional guidance issued by CIPFA and Audit Scotland.

[We have issued an unqualified audit opinion on the 2021/22 financial statements] for:

- The Council and its Group; and
- the Trust Funds.

Going concern

- We are required to conclude and report on the appropriateness of the use of the going concern basis of accounting

We conduct core financial statements audit work, including review and challenge of management's assessment of the appropriateness of the going concern basis.

Wider scope procedures including the forecasts are considered as part of our work on financial sustainability.

[In accordance with the work reported on page 22, our audit opinion is unqualified in this respect.]

Other information

- We are required to consider whether the other information in the financial statements is materially inconsistent with other knowledge obtained during the audit

We conduct a range of substantive procedures on the financial statements and our conclusion draws upon Review of committee and board minutes and papers, regular discussions with management, our understanding of the Council and the wider sector.

We are satisfied that the Annual Report meets the core requirements set out in the Code of Practice on Local Authority Accounting.

Matters prescribed by the Accounts Commission

- Audited part of Remuneration Report has been properly prepared.
- Management Commentary / Annual Governance Statement are consistent with the financial statements and have been properly prepared.

Our procedures include:

- Reviewing the content of narrative disclosures to information known to us.
- Our assessment of the Annual Governance Statement against the *Delivering Good Governance* Code.

[We have issued an unqualified opinion.]

Matters on which we are required to report by exception

We are required to report on whether:

- there has been a failure to achieve a prescribed financial objective,
- adequate accounting records have been kept,
- financial statements and the audited part of the Remuneration Report are not in agreement with the accounting records, or
- we have not received the information we require.

We have no matters to report.

Significant and fraud audit risks

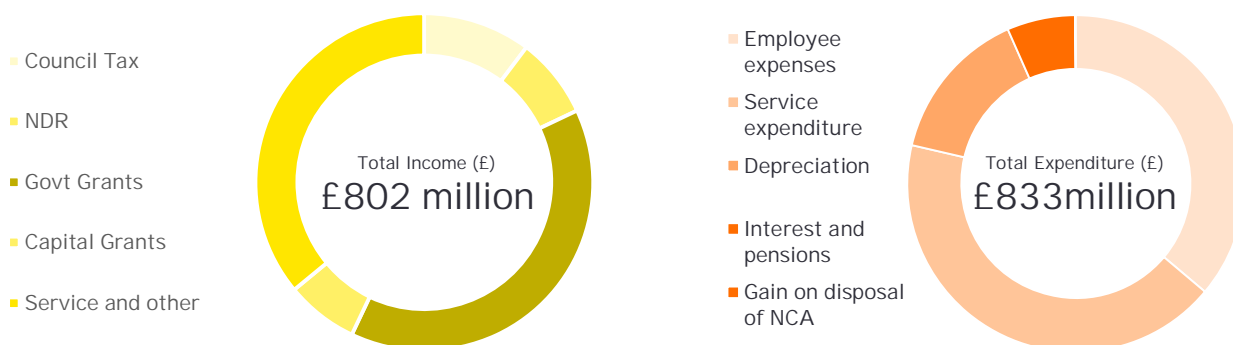
Risk of Fraud in income and expenditure recognition

What is the risk?

As outlined in our Annual Audit Plan, ISA (UK) 240 requires us to assume that fraud risk from income recognition is a significant risk. In the public sector, we extend our consideration to the risk of material misstatement by manipulation of expenditure.

In our audit planning, we rebutted the risk of improper recognition of core grant funding income from the Scottish Government, as well as in respect of council tax and non-domestic rate income because there is no judgement in respect of these income streams. We also rebut the risk around payroll expenditure recognition. We have outlined below how our assessment impacts our testing strategy on the Council's financial statements.

Exhibit 1: Key components of the Council's income and expenditure



Source: 2021/22 Financial Statements: Comprehensive Income and Expenditure Statement

What judgements are we focused on?

For both income and expenditure we focus on the risk in relation to the occurrence, completeness and measurement of income and expenditure recognised around the financial yearend through the process of yearend accruals. For income we also focus on the recognition of grant income where there are conditions attached to the recognition, and on the treatment of capital grant income to ensure it is not accounted for as revenue.

What did we do?

Our work included:

- Review and challenge management's accounting estimates on revenue or expenditure recognition for evidence of bias.
- Focusing our testing on income and expenditure recognised around the financial yearend through manual journals and accruals raised by management.
- Search for material payments and receipts received after year end and ensured these had been accounted for in the correct period.

Our Audit of Other Income and Expenditure

We undertook walkthroughs in respect of the processes management established to account for material income and expenditure streams. We obtained data downloads from the Council's financial ledger to allow us to trace key transactions from initiation to recording in the financial statements.

Other audit procedures: non-significant risk areas:

Council tax income: We established detailed expectations of income based on properties and rates and compared to actual income in the year. We audited the reconciliation between the financial statements and the relevant feeder system.

Non Domestic Rates: We established expectations of income to be collected by the billing authority and agreed the reconciliation between the general ledger and the feeder system. We also audit the Council's NDR grant return to the Scottish Government to ensure that reliefs have been applied appropriately.

Non ring-fenced grant income: We substantively tested these balances to grant confirmation letters from third parties.

Interest income: We agreed balances to bank statements and other third party reports.

Employee expenses: We establish expectations of payroll costs in the year based on staff numbers and salary movements, and compared our expectations to actual results and investigated variances. Our bespoke data analysers provided analysis of all payroll transactions in the year, from which we investigated and corroborated material and unusual transactions.

Depreciation, amortisation & impairment: We undertook testing of these balances in conjunction with our work on property, plant and equipment. We considered the appropriateness of useful lives of assets and recalculated depreciation charged in the year.

Pension costs: We have outlined our consideration of the valuation of pension assets and liabilities held by the Council on page 20. In respect of all pension transactions impacting the CIES we agreed these journals to the underlying IAS 19 report prepared by the Council's actuary.

Audit of Covid-19 grant income and expenditure

2020/21 was the first year where income and expenditure transactions were materially impacted by Covid-19. The Council received £19.5 million in 2021/22 from the Scottish Government related to Covid-19 to support the Council in meeting its additional costs, to support local businesses and the wider public. The material nature of the additional funds created a new income stream for audit consideration in the prior year.

Additional funding continued into 2021/22 and therefore continues to be an area of focus. Our audit work focused on:

- Reviewing the arrangements the Council had implemented to manage the processing, monitoring and reporting of the new income, including addressing the risk of misappropriation and fraudulent claims. Our work and conclusions here are outlined in more detail in the financial management section of our wider scope reporting.
- Assessing management's accounting treatment of the income and expenditure against the requirements of IFRS, the CIPFA Code and the specific LASAAC guidance issued in the year. We particularly focused on whether income and related expenditure had been correctly categorised as the Council being a "principal" or "agent" in the transaction.
- Selecting a risk based sample of grants to agree to supporting evidence, in the form of bank receipts, grant awards and other notifications, including the details of the grant award conditions, where relevant.
- Review of the disclosures made by the Council in the financial statements to ensure they met both accounting requirements and more generally were sufficient to allow readers to understand the nature of the activity in the year given the significance to the Council.

Our conclusions

- Our testing identified one disclosure misstatement whereby Covid-19 grant income was recorded as regular grant income, which was adjusted by management. No misstatements were identified relating to revenue and expenditure recognition. We did not identify any areas of significant estimation or judgement as part of our audit work in these areas where we disagreed with management over the accounting treatment.

Risk of Misstatement due to Fraud or Error

Our Annual Audit Plan recognised that under ISA (UK) 240, management is considered to be in a unique position to perpetrate fraud in financial reporting because of its ability to manipulate accounting records directly or indirectly by overriding controls that otherwise appear to be operating effectively. We respond to this risk on every engagement.

Risk of Fraud

We considered the risk of fraud, enquired with management about their assessment of the risks of fraud and the controls to address those risks. We also updated and developed our understanding of the oversight of those charged with governance over management's processes over fraud.

Testing on Journal Entries

We tested the appropriateness of manual journal entries recorded in the general ledger and other adjustments made in the preparation of the financial statements.

We obtained a full list of journals posted to the general ledger during the year, and used our bespoke data analysers to identify potentially unusual journals based on posting patterns, amounts or areas of greater risk of judgement or incentive for management to adjust according to our identified risk areas for the audit. We evaluated the business rationale for any significant unusual transactions. In particular we considered:

- Journal entries made directly into the general ledger of a material nature to key accounts which are considered more likely to have an incentive to be manipulated;
- Journals transferring funds between useable reserves and restricted or separated accounts such as HRA and the STO accounts; and
- Journals adjusting between income and expenditure accounts and capital accounts.

We identified no unusual journals which could not be explained by management or which indicated any additional risk of fraud.

Our conclusions

- We have not identified any material weaknesses in the design and implementation of controls around journal processing. We did not identify any instances of evidence of management override of controls.
- There was no disagreement during the course of the audit over any accounting treatment or disclosure and we encountered no significant difficulties in the audit.

Judgements and Estimates

ISA (UK) 540 on accounting estimates was issued in December 2019 and was applicable to the 2020/21 audit for the first time. In particular, risk factors relevant to the public sector included the following examples for consideration by auditors:

- a very high degree of estimation uncertainty caused by the need to project forecasts far into the future, such as liabilities relating to defined benefit pension schemes (outlined on page 20 of this report); and
- areas where there may be a lack of available comparators for estimates that are unique to the public sector, such as the valuation of important public assets (such as property, plant and equipment, outlined on page 17 of this report).

Our procedures included:

- Testing management's process method, key assumptions, data;
- Testing management's process-estimation uncertainty;
- Considering evidence from events up to the report date; and
- Developing our own point estimate of the appropriate valuation.

We reviewed each significant accounting estimate for evidence of management bias as outlined above, including retrospective consideration of management's prior year estimates.

Management disclosed its assessment of the critical accounting judgements and key estimates in the financial statements. We worked with management to enhance these as outlined earlier in this report.

Accounting Policies

We considered the consistency and application of accounting policies, and the overall presentation of financial information. We consider the accounting policies adopted by the Council to be appropriate. There were no significant accounting practices which materially depart from what is acceptable under the Code.

Our conclusions

- We did not identify any areas of significant estimation or judgement as part of our audit work in these areas where we disagreed with management over the accounting treatment.
- There were no significant accounting practices which materially depart from what is acceptable under the Code.

Valuation of Property, Plant and Equipment and related PPP / PFI contracts

The Council's property, plant and equipment (PPE) portfolio totals over £2 billion of assets (2021: £1.9 billion). The valuation of these assets requires expertise and significant estimation.

To meet the requirements of the CIPFA Code of Practice the Council values its property, plant and equipment on a 5 year cycle. Due to the timing of the Council's valuation cycle, a total of £102.8 million of the Council's estate was subject to revaluation in 2021/22 (2021: £1,401 million).

We assigned a significant audit risk to the valuation the Council's PPE, specifically to the valuation of the Old People's Homes under the EUV valuation methodology. All other assets valued at DRC were subject to a higher inherent risk audit designation.

Our work focused on the following key areas:

- Considering the work performed by the Council's valuers, including the adequacy of the scope of the work performed, their professional capabilities and the results of their work.
- Sample testing key asset information used by the valuers in performing their valuation based on both size of asset value and our consideration of risk assigned to each valuation (e.g. floor plans to support valuations based on price per square metre).
- Auditing management's assessment of assets not subject to valuation in the year to confirm that there were no indicators that earlier revaluation was required to prevent material misstatement of each class of asset.
- Completion of procedures designed to address the requirements of the revised ISA 540 as outlined earlier.

Valuation of Property, Plant and Equipment and related PPP / PFI contracts (continued)

Our overall observations of the Council's overarching process for valuation of its property, plant and equipment, consistent with previous audits, continues to be positive. The finance team invests significant resources in monitoring its estate and considering the accounting implications of any significant changes and ensuring there is proactive discussions with its auditor around the most appropriate way to account for matters identified.

In our 2020/21 annual audit report we noted that the Council has recently upgraded its in-house fixed asset system, and that this combined with the completion in 2020/21 of the revaluation of the major aspects of the Council's assets provided an opportunity for the Council to consider its approach going forward as a matter of good practice.

In particular we noted that consideration may be given to reducing the time between full valuations for all major individual asset classes or applying indexation increases on assets not fully valued in the year to reflect some estimate of the movement in their value between formal valuations.

Management should continue to consider the asset valuation cycle for all Council PPE subject to revaluation, in particular in light of the most recent inflationary pressures.

We have kept this matter under discussion with management through the year, and management has provided its most current update in the appendix to this report. Given the recent and ongoing inflationary pressures, this area in particular should be kept under review on an annual basis. A valuation schedule should be agreed with the Council's new external auditor that will allow the Council to complete timely valuation exercises to reflect material changes to asset values, which are more likely to occur within five years in the current environment.

Our conclusions

- We identified one £656,000 audit difference through the course of our work around the valuation of the Council's social housing assets, outlined in Appendix E.
- We identified no assets which had not been revalued which demonstrated indicators they should be revalued in the year. However, we have raised an audit recommendation surrounding increased awareness of the indicators of a need to revalue as can be seen at Appendix D.
- In light of the ongoing focus on the valuation of assets the Council should continue to consider its overall asset valuation arrangements and agree a revised schedule with its new external auditor from 2022/23.

Infrastructure Assets

The CIPFA/LASAAC Code of Practice for Local Authority Accounting in the United Kingdom (the Code) requires infrastructure assets to be measured using the historical cost measurement basis and carried at depreciated historical cost. Due to the nature of these assets being more challenging to link between spend and an identifiable asset, Councils often capitalise schemes of expenditure and depreciate over an estimated economic life. Assets are removed from the financial statements (“derecognised”) when depreciated to nil, with there rarely being an exercise performed to derecognise the actual asset being replaced. It is possible that asset lives can therefore materially vary from their initial estimated life.

Recommendation: The statutory override is intended to be a short-term solution to issues in respect of accounting for infrastructure assets. The Council should ensure that greater detail on infrastructure assets is retained moving forward and appropriate consideration is given to disposals and replacements of infrastructure assets.

Towards the end of the 2021/22 financial year, local government auditors across the UK raised concerns that Code requirements were not being adhered to, particularly in respect of subsequent expenditure on infrastructure assets. The Code requires that where a component of an asset is replaced, the carrying amount (i.e. net book value) of the old component shall be derecognised to avoid double counting and the new component shall be reflected in the carrying amount of the infrastructure asset. However, largely due to data limitations, it is believed that most local authorities have been unable to comply with the requirement. Due to the information deficits in respect of infrastructure assets, further concerns were raised in respect of the ability to evidence the existence of infrastructure assets at the balance sheet date.

CIPFA LASAAC has been unable to find a solution that will both satisfy the concerns raised and the requirement for high quality financial reporting in compliance with the Code. The Scottish Government has agreed to provide a temporary statutory override whilst a permanent solution is developed within the Code. This temporary solution has been issued with the expectation that local authorities will begin to address information deficits to ensure adequate accounting records for the measurement of infrastructure assets and timely adoption of the Code requirements once a permanent solution is agreed.

The override was issued on 29 August 2022 and has two areas:

- Statutory Override 1: For accounting periods commencing from 1 April 2021 until 31 March 2024 a local authority is not required to report the gross cost and accumulated depreciation for infrastructure assets.
- Statutory Override 2: For accounting periods commencing from 1 April 2010 until 31 March 2024, the carrying amount to be derecognised in respect of a replaced part of an infrastructure asset is to be taken to be and accounted for as a nil amount. No subsequent amendment shall be made to the carrying amount with respect to that part.

Local authorities can choose to adopt either or both of the statutory overrides.

Infrastructure Assets (continued)

The Council holds infrastructure assets of £246 million (2020/21: £240 million) and therefore is a material balance within the financial statements. Following discussions with management the Council has elected to adopt both statutory overrides resulting in changes to disclosures in the financial statements in respect of infrastructure assets.

Following the identification of the matter raised during the year, the Council additionally undertook an exercise to determine the records available dating back to 2010, being the date of adoption of IFRS by local government accounting requirements.

In response to this emerging risk area, we performed the following procedures to satisfy ourselves around the underlying existence and valuation of assets held by the Council, notwithstanding the application of the statutory overrides referenced above:

- Enhanced our understanding of the Council's processes for accounting for infrastructure assets including how information is recorded on the fixed asset register and the process the Council has for identifying replacement assets.
- Performed additions testing over new infrastructure assets in year.
- Analysed the entries in the fixed asset register and reviewed supporting documentation including an analysis of spend back to 1 April 2010 where possible and material to the Council's financial statements.
- Evaluated the continued existence of infrastructure assets at the balance sheet date through detailed verification testing.
- Assessed the accuracy and completeness of disclosures in respect of infrastructure assets including overrides applied.

Our conclusions

- *[Our work in respect of the existence of infrastructure assets and associated disclosures is ongoing. There is a risk that if we are unable to obtain sufficient, appropriate audit evidence to gain assurance over the valuation of these assets that the scope of our audit may be limited in this specific area. We will provide a verbal update on our work on presentation of this report to the Council.]*
- We are satisfied that management's disclosures in respect of infrastructures assets are in line with the statutory guidance.
- We note that while management has undertaken significant work to support the existence of infrastructure assets, further information is likely to be required to support any permanent solutions and therefore management should look to build on work performed during the audit fieldwork.

Other inherent audit risks

Our Annual Audit Plan highlighted additional areas of inherent risk. We identified no further areas of risk as part of our audit procedures. The results of our procedures on inherent risk areas are summarised below.

Valuation of pension liabilities

The Council's net pension liability, measured as the sum of the present value of the long term payments due to members as they retire against the Council's share of the Lothian Pension Fund investments, is a material balance in the Council's financial statements. At 31 March 2022 the net liability totalled £143 million (2021: £311 million). The pension figures included in the financial statements are those that are prepared annually for accounting purposes as required by IAS 19. The funding of the scheme and the determination of employer contributions is determined with reference to the triennial valuations carried out by the scheme actuary. The last triennial actuarial valuation, in 2020, assessed the overall funding position to be 104% (2017: 99%)

Accounting for this scheme involves significant estimation and therefore management engages an actuary to undertake the calculations on their behalf. The information disclosed is based on the IAS 19 report issued to the Council by the actuary. We have outlined our requirement to consider this estimate in line with the requirements of ISA 540. In particular, for the valuation of pension assets and liabilities we are required to undertake procedures on the use of management experts, the assumptions underlying fair value estimates, and the valuation of the Council's share of scheme assets and liabilities at the year end.

Our audit work focused on the following areas of judgement within these balances:

- Auditing the reasonableness of the underlying assumptions used by the Council's actuary, including those associated with recent developments in relation to the various ongoing equalisation case judgements such as the GMP, McCloud and Goodwin rulings.
- Ensuring the information supplied to the actuary in relation to the Council was complete and accurate and that our own estimate of the valuation based on those inputs was materially consistent with the actuarial reports.
- The findings of the appointed auditor of the Lothian Pension Fund to obtain assurances over the information supplied to the actuary in relation to the Council, in particular in relation to the valuation of the Pension Fund assets at 31 March 2022.
- The accounting entries and disclosures made in the financial statements were consistent with the actuary's report.

Our conclusions

- The assumptions used by the actuary have been reviewed by our EY actuarial team who concluded that the assumptions and methodology used are considered to be within a range which is appropriate.
- The auditor of the Lothian Pension Fund reported no material differences in the valuation of assets held by the Fund.

Financial flexibilities

In October 2020 the Cabinet Secretary wrote to COSLA to confirm three financial flexibilities for local government with further details to be brought forward in statutory guidance:

- Use of capital receipts to fund revenue Covid-19 expenditure in 2020/21 and 2021/22.
- Loans fund repayment holiday in either 2020/21 or 2021/22.
- Extension of PPP and other similar contracts debt repayment periods to reflect asset lives.

The capital receipts and loans repayment holiday are only to be used for the purposes of addressing Covid-19 related costs, whereas the change to PPP accounting may provide wider flexibility. Local authority Directors of Finance and COSLA have been liaising with the Scottish Government to clarify the practicalities of the flexibilities. The revised legislation for capital receipts and loans repayments was considered by the Local Government and Communities Committee in February 2021 where there was committee support.

In May 2022, the Scottish Government agreed to extend the loans fund repayment deferral flexibility for a further year.

The Council's approach to utilisation of these flexibilities was presented to the Council by the Head of Finance and Property Services in February 2021. It noted:

- Following the finalisation of the technical methodology which should be used to reprofile PPP debt repayment periods, the Council is considering how to utilise this support going forward.
- Given the current affordability pressures in the approved capital programme, use of capital receipts was not recommended.
- The Council is able to use the loans fund repayment holiday in 2021/22 and 2022/23.

Going concern

Under the revised auditing standard, ISA 570, we are required to undertake greater challenge of management's assessment of going concern, including testing of the adequacy of the supporting evidence we obtained.

International Auditing Standard 570 Going Concern, as applied by Practice Note 10: *Audit of financial statements of public sector bodies in the United Kingdom*, requires auditors to undertake sufficient and appropriate audit procedures to consider whether there is a material uncertainty on going concern that requires reporting by management within the financial statements, and within the auditor's report. In accordance with the CIPFA Code of Practice on Local Government Accounting, the Council prepares its financial statements on a going concern basis unless informed by the Scottish Government of the intention for dissolution without transfer of services or function to another entity.

However, under the revised auditing standard, ISA 570, we are required to undertake greater challenge of management's assessment of going concern, including testing of the adequacy of the supporting evidence we obtained. In light of the unprecedented nature of Covid-19, the ongoing cost of living crisis and inflationary pressures, we placed increased focus on management's assertion regarding the going concern basis of preparation in the financial statements, and particularly the need to report on the impact of financial pressures on the Council and its financial sustainability.

Management's going concern assessment and associated disclosures cover the 12 month period from the date of approval of the financial statements to October 2023. We note that the going concern period extends beyond the period for which an agreed financial plan is in place and therefore, we have focused on the assumptions made by management in the period between April 2023 and October 2023.

Management's going concern assessment reported that the Council shall prepare its financial statements on a going concern basis unless informed by the relevant national body of the intention for dissolution without transfer of services or function to another entity. It reported significant access to cash to support the cost of delivering services, with balances more than sufficient to cover a plausible downturn in Council income from variable sources, and access to other useable reserves in committed funds which could be reallocated as necessary.

On this basis the Council concluded that there are no material uncertainties around its going concern status.

Our conclusions

- We reviewed and challenged the going concern assessment provided by management. We verified the assessment to supporting information, including key Council reports and treasury management forecasts of future cash balances. We concur with management's assessment that there are no material uncertainties in relation to the going concern of the Council, or of the wider Group where they are material to the consolidated financial statements.
- We worked with management to enhance the disclosures in the financial statements in relation to the Council's future financial performance and ongoing work in respect of the revised medium term financial plan.

Looking ahead

CIPFA/LAASAC Code for 2022/23

Local authorities are required to keep their financial statements in accordance with 'proper (accounting) practices'. Public sector organisations responsible for locally delivered services are required by legislation to comply with the terms of the Code of Practice on Local Authority Accounting in the United Kingdom (the Code). The most significant change to the Code for 2022/23 relates to IFRS 16.

We have reported in previous years that IFRS 16 Leases was issued by the IASB in 2016. Its main impact is to remove (for lessees) the traditional distinction between finance leases and operating leases. Finance leases have effectively been accounted for as acquisitions (with the asset on the balance sheet, together with a liability to pay for the asset acquired). In contrast, operating leases have been treated as "pay as you go" arrangements, with rentals expensed in the year they are paid. IFRS 16 requires all substantial leases to be accounted for using the acquisition approach, recognising the rights acquired to use an asset.

Implementation of IFRS 16 has been delayed on a number of occasions in local government financial statements for various reasons. Most recently, CIPFA/LASAAC conducted an emergency consultation on the Code for both 2021/22 and 2022/23 in March 2022. This resulted in a further deferral to the implementation of IFRS 16 until 1 April 2024. However early adoption will be permitted from either 1 April 2022 or 1 April 2023.

While implementation has been further delayed, the Code strongly encourages early adoption and therefore all finance teams are encouraged to continue their preparations for implementation and to ensure that they are ready to adopt the standard in the next three years.

We have outlined previously that full compliance with the revised standard is likely to require a detailed review of existing leases and other contract documentation prior to the implementation date in order to identify:

- all leases which need to be accounted for;
- the costs and lease term which apply to the lease;
- the value of the asset and liability to be recognised as at 1 April; and
- where a lease has previously been accounted for as an operating lease.

Work is therefore necessary to prepare information required to enable the Council to fully assess their leasing position and ensure compliance with the standard.

We have discussed progress in preparing for the implementation of *IFRS 16 Leases* standard with the finance team over the course of the past few audits and are satisfied robust arrangements were being established to assess the impact of the changes for inclusion in the financial statements.

The implementation of IFRS 16 has been delayed until 1 April 2024 however early adoption is permitted.

The Council finance team has previously performed an initial assessment of the impact of the change on the Council's financial statements which will be revisited once an adoption date is agreed.

Best Value and Wider Scope dimensions

Our wider scope audit work, and the judgements and conclusions reached in these areas, contribute to the overall assessment and assurance on the achievement of Best Value.

Introduction

We are required to reach conclusions in relation to the effectiveness and appropriateness of the Council's arrangements for the four wider scope audit dimensions. We also draw upon these assessments and other work to form conclusions on the Council's ability to demonstrate Best Value in its activities. In undertaking our work in respect of the wider scope audit dimensions, we also integrate our assessment of the Accounts Commission's five Strategic Audit Priorities.

We apply our professional judgement to risk assess and focus our work on each of the wider scope dimensions. In doing so, we draw upon conclusions expressed by other bodies including the Council's internal auditors, and the other scrutiny bodies that we work with on the Local Area Network including Education Scotland and the Care Inspectorate, along with national reports and guidance from regulators and Audit Scotland. As the appointed auditor, we are the LAN Lead. The LAN has determined, in agreement with the Council, that no separate scrutiny plan was required for 2021/22.

For each of the dimensions, we have applied a RAG rating, which represents our assessment on the adequacy of the Council's arrangements throughout the year, as well as the overall pace of improvement and future risk associated with each dimension.

Financial Sustainability: Considers the medium and longer term outlook to determine if planning is effective to support service delivery.

Financial Management: Considers the effectiveness of financial management arrangements, including whether there is sufficient financial capacity and resources, sound budgetary processes and whether the control environment and internal controls are operating effectively.

Governance and Transparency: Considers the effectiveness of scrutiny and governance arrangements and the transparent reporting of financial and performance information.

Value for Money: Considers whether value for money can be demonstrated in the use of resources and the focus on continuous improvement.

Financial Sustainability

Our overall
assessment:
Amber



The Council's existing Medium Term Financial Strategy runs until March 2023. Work on a revised strategy is underway but initial forecasts for the updated strategy set out a projected budget gap of £38.4 million by 2027/28. The assumptions underpinning all forecasts will require regular review as inflationary forecasts are updated and pay award settlements finalised. These factors will increase existing budget gaps identified and increase the requirement for robust saving plans.

As in previous years, our assessment of amber reflects the ongoing challenge facing all local authorities and the significant level of risk and uncertainty outside the Council's control which could impact its ability to deliver savings. There remains a need for continued focus in delivering challenging levels of savings as the Council moves into its next planning period.

Medium Term Financial Planning – to 2023

The Council's current medium term financial plan is in its final year and runs to 2022/23, in line with the Corporate Plan approved in 2018. The most recent Council budget approval, in February 2022, identified a £11.7 million revenue budget gap over the remaining year of the plan. In conjunction with its budget approval, the Council approved savings over this period, totalling £9.1 million in 2022/23, combined with the use of one off resources of £2.6 million in 2022/23 to cover 100% of the budget gap.

The Council has continued to demonstrate a strong track record of identifying and delivering planned savings to achieve balanced budgets. The planned savings through to 2023 will bring cumulative savings required from 2007 to £151 million.

Focus on outcomes - delivery of savings

In line with previous years, Council savings are agreed at a detailed service level with support provided by the Council's finance team. Each service has dedicated support from the Financial Management Unit to consider the financial impact of planned actions and ensure financial planning is robust. All saving plans are subject to review to ensure they support the delivery of the medium term financial plan as well as the delivery of the service specific plans and objectives.

For the savings identified for the remainder of the current medium term financial plan, the Council monitors the risks around delivery of savings on an ongoing basis throughout the financial year and reports progress to the Council Executive on a routine basis. Heads of Service assess the risk of delivery of savings on a red, amber or green basis, together with current status and possible blockers to delivery. Reporting to the Council executive includes the RAG rating, a summary of the project, an update on progress including risks and planned mitigations, and any forecast variance in the planned and approved savings amount to the Council.

The Council continues to identify planned savings to address budget gaps and deliver those savings in line with agreed timetables.

The most recent update on the Council's monitoring of planned savings, which will be reported to Council Executive in October 2022, shows that the Council continued to demonstrate good progress in delivery of savings for this financial planning period to 2023. All of the Council's planned savings are currently graded as either green (which indicates that Heads of Service consider that the saving is achieved or achievable) or amber (meaning that an achievable plan is still to be agreed or existing/emerging issues require additional actions to be undertaken). (72%) of the £9.1 million planned for delivery in 2022/23 are graded green. No savings are considered unachievable.

Longer term planning, risks and uncertainties around the MTFP

As in previous years, while we have concluded that the Council's arrangements around medium and longer term financial planning remain robust, our assessment of amber reflects the scale of ongoing challenge facing the Council in delivering balanced budgets and financial sustainability without compromising the priorities in its corporate plan.

Council Officers have begun initial scenario planning for its next medium term financial plan period from 2023-28 in anticipation of delivering a range of options to the newly elected members following the 2022 local government elections. The latest part of this process will be budget options for years 1, 2 & 3 which will be subjected to a public consultation in October and November, before being reported to Policy Development and Scrutiny Panels in January 2023.

Council Officers are continuing scenario planning around its medium term financial planning through to 2028. There continues to be a high level of uncertainty and risk involved in effectively budgeting through this period.

The scenario planning identifies the most material areas of uncertainty in financial planning on the Council's overall financial position, contributing to an overall savings gap for the five year period to be addressed. The main areas of sensitivity, in line with historic plans, are expected to be:

- Impact of future pay awards to staff through the MTFP period;
- Impact of future Council tax percentage increases; and
- Impact of future local government settlements.

Additionally, there are a number of other factors currently unknown that will continue to threaten the accuracy of any financial planning. The most material of these areas is the impact of the ongoing cost of living crisis, the remaining effects of the pandemic, the UK leaving the EU and the Ukraine conflict all continue to generate considerable uncertainty.

We are also aware of the ongoing National Care Service review which is likely to result in significant changes to the service delivery model which is anticipated to impact local government services and funding thus impact the Council's current financial and future planning assumptions.

Financial Management

Our overall
assessment:
Green



The Council continues to demonstrate good financial management arrangements and control of the in-year budget, including understanding of the ongoing impact of Covid-19. Financial reporting is clear and consistent throughout the year.

The importance of good financial control is clearly understood across the Council. Our interactions with the finance team through the year identified a robust financial management environment and no material financial control deficiencies. We did not identify weakening financial management arrangements following the changes to the established working arrangements following Covid-19.

Financial control environment

While our financial statement audit work is not designed to express an opinion on the effectiveness of internal control, we consider the financial control environment through the course of our interactions and observations through the audit. Based on work undertaken, we have not noted any material deficiencies in internal control. As part of our audit risk assessment we considered internal audit's review of finance and related functions in the Council through the year. While there were a number of recommendations, including three high risk recommendations in the year, these did not impact our view of the overall control environment.

The Council's financial control environment continues to operate as we have observed in previous years despite the impact of the Covid-19 pandemic on day to day working arrangements.

Financial regulations are comprehensive, covering financial management and planning; risk management and control of resources; and systems and procedures. They are available publicly on the Council's website and subject to routine periodic review and updating.

The Council's section 95 Officer is the Head of Finance and Property Services. We are satisfied that the Council adheres to the principles laid out within CIPFA's Statement on the role of the Chief Financial Officer in Local Government. In our view there is evidence that the Council continues to have sufficient financial skills, capacity and capability.

Financial monitoring and outturn

The Council's financial monitoring arrangements have been broadly consistent with previous years, however they continue to be supplemented with additional monitoring and reporting to reflect the additional risks around Covid-19 and inflationary pressures. The Council's budget position, originally set in February 2021, has moved significantly during the year with these changes primarily being driven by the distribution of funding late in the financial year, rather than issues with forecasting arrangements.

The Council's uncommitted general fund reserves remains amongst the lower levels in Scotland, but is underpinned by a robust financial monitoring and planning environment.

Exhibit 3: The Council has updated its forecast yearend position through the financial year

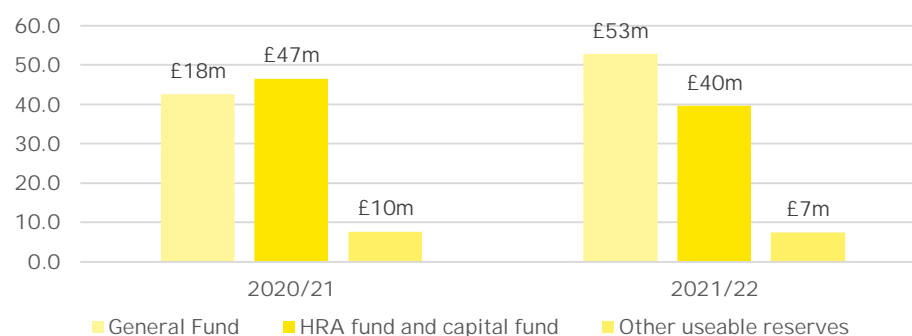
Reporting period	Period 4	Period 6	Period 9	Outturn
Forecast surplus / (deficit)	£nil	£nil	£nil	(£0.1m)
Forecast General Fund balance	N/a	N/a	N/a	£52.8m

Source: West Lothian Council 2021/22 Financial monitoring reporting

Council reserve levels and strategy

As part of the annual revenue budget setting process, the Council approves the minimum reserves to be held as uncommitted general funds. For 2021/22 it was concluded that the uncommitted balance be maintained at a minimum of £2 million. At 31 March 2022 the Council's uncommitted general fund balance was £2.081 million. This continues to be one of the lowest minimum reserves positions across Scotland, however this level has been assessed as appropriate by the Head of Finance and Property Services. The level of uncommitted general fund reserves takes into account the Council's approved medium term financial strategy underpinned by robust financial planning arrangements and a number of other earmarked reserves which could be reallocated if necessary.

Exhibit 4: The Council's cash backed reserves increased by approximately £3.1 million in 2021/22



Source: West Lothian Council 2021/22 Financial Statements

Capital programme

The Council spent £141.3 million on capital expenditure in 2021/22 (2020/21: £79.3 million), an acceleration of spend of £14.8 million against its original budget. General fund capital expenditure experienced a significant acceleration of approved activity of £18.3 million, most notably the new developer funded schools at Winchburgh which saw acceleration of £13.1 million. This was offset by a £3.5 million underspend in housing programmes due to supply chain issues and due diligence works.

This activity forms part of the Council's overall capital strategy to support the Council in its strategic objectives, approved through to 2027/28. The strategy is subject to annual review, update and approval by the Council to reflect actual expenditure incurred in the year and any slippage or changes in priorities, most recently being reviewed in June 2022.

Arrangements to prevent fraud and corruption

The consideration of financial management also includes evaluating the Council's arrangements for fraud and corruption. CIPFA's *Code of Practice on Fraud and Corruption* notes that leaders of public bodies have a responsibility to embed effective standards for countering fraud and corruption in their organisations. The Council has a counter-fraud team as part of its Audit, Risk and Counter Fraud Unit. The Council draws upon national publications to highlight fraud risks, including both the Audit Committee and Governance and Risk Committee's consideration in 2019 of Audit Scotland's publication *Safeguarding Public Money: are you getting it right?* The Council's policies and procedures in relation to fraud and corruption are subject to regular review, update and approval by the appropriate officers and committees.

CIPFA Financial Management Code

The CIPFA Financial Management Code came into effect for all councils in 2021/22. It is intended to support good practice in financial management, assist in demonstrating a local authority's financial sustainability, and set out standards of financial management. Management completed a self-assessment against the Code and presented this to the Council Executive in February 2021. The assessment demonstrates the Council's existing compliance with the majority of the Code and sets out proposed actions to ensure compliance with the code in 2021/22. We have reviewed the Council's response to the action plan. We are comfortable that necessary action has been taken to address the findings from the self-assessment and the Council continues to be compliant with the code.

The Council has demonstrated a strong level of compliance with the CIPFA Financial Management Code on its implementation for 2021/22.

Additional controls and reporting arrangements have been implemented to address the risks around the additional funding received due to Covid-19.

Audit Scotland National Fraud Initiative (NFI) programme

NFI is a counter-fraud exercise co-ordinated by Audit Scotland and overseen by the Cabinet Office to identify fraud and error. The annual exercise produces data matches by comparing information held on public bodies' systems to identify potential fraud or error.

The 2020/21 NFI exercise commenced in January 2021. From 5,906 data matches identified, 1,427 of the data matches were classed as being 'High Risk'. The 2020/21 NFI exercise is now 100% complete and all high risk matches were fully investigated before the deadline of 31 March 2022. There are no matches identified which were indicative of serious fraud.

The NFI self-assessment exercise was undertaken in February 2022. This was reviewed ahead of submission to Audit Scotland with no issues identified. We are therefore comfortable that management are actively participating in the NFI matching exercise.

Governance and Transparency

Our overall
assessment:
Green



The key features of good governance remain in place at the Council. As noted in our prior year consideration, the Council has responded quickly to ensure governance arrangements were appropriate and operating effectively during the changing circumstances of the past three years.

The Council has arrangements to appropriately scrutinise matters across its Group, in particular where financial support is being provided to entities facing financial challenges arising from the pandemic.

Local Code of Corporate Governance

Under the CIPFA framework for *Delivering Good Governance in Local Government*, the Council uses the Annual Governance Statement to report on its assessment of the effectiveness of the governance framework throughout the financial year, and key areas of improvement. The Code review informed the annual assurance process including completion of the Annual Governance Statement.

The Governance Statement for 2021/22 concluded that "there are inevitably issues on which on which future work is required, but, based on the sources and evidence described in this statement, the council and the West Lothian community can be assured that the council's corporate governance standards have been substantially met in 2021/22. "

The Annual Governance Statement includes a summary of how management responded to the impact of Covid-19 to ensure adequate governance arrangements remained in place throughout the year. The statement reports a high level of compliance with the code, and outlines where it has updated its arrangements in response to findings in the BVAR or legislative and code changes from the prior year. It also notes the areas of non-compliance and areas for improvement with legislative requirements, including the cause of non-compliance, mitigations and future action to avoid repetition.

We reviewed the Annual Governance Statement against the required guidance and we were satisfied that it was consistent with both the governance framework and key findings from relevant audit activity. As part of the audit process some minor comments were provided to further enhance the disclosures.

Covid-19 Governance arrangements

Throughout 2021/22 no further lockdowns were required, however many restrictions remained in place including the Government advice to work from home where possible. Throughout this period the Council was unable to meet in person so a full calendar of council and committee meetings has continued to be conducted wholly online without any significant or obvious impact on decision-making.

No other additional changes were made and no special powers were used to enable decision making to continue. With effect from 21 March 2022 all Covid restrictions were lifted. Steps have been taken to introduce the technology and the procedural rules to enable a move to hybrid meeting arrangements. Hybrid will be the norm going forward, ensuring maximum flexibility for elected members, officers and members of the public.

Risks associated with the pandemic continue to be monitored and reported by the Council's Corporate Management Team and reported to the Council's Governance and Risk Committee accordingly, where concurrent risks including Covid-19 are a standing item on its agenda.

Internal audit work and Annual Assurance Statement

The internal audit work planned for 2021/22 was mostly completed in line with planned deadlines by 31 March 2022. The delayed 2020/21 work has been subsequently completed as part of the 2021/22 work plan for internal audit.

In addition to its ongoing programme of new reviews, internal audit continues to monitor the progress against existing recommendations and report to the Audit Committee on outstanding recommendations from internal and external parties, with a focus on those recommendations which are higher priority graded.

During the year no internal audit reports concluded the arrangements were unsound, with six reviews requiring improvement. Overall the majority of reviews were concluded as either satisfactory or effective, similar to 2020/21. Based on the work completed in the year, the Council's Audit, Risk and Counter Fraud manager concluded that "the framework of governance, risk management and control is sound."

The Chief Internal Auditor has concluded that governance arrangements are sound and that improvements have been made during 2021/22.

Openness and transparency

The Council's governance arrangements have continued to operate as planned, including evidence of scrutiny and challenge of Officers.

The Council has clear arrangements to ensure meetings of Council and Committee meetings are open to the public in accordance with legislation, and agendas and papers are available in advance of each meeting. When meetings resumed by remote access during the pandemic that access was ensured by live audio webcasting and making recordings of meetings available after the event. Minutes of meetings, including key decisions, continued and continue to be made publicly available after the meetings. The Council now plans to move to live video webcasting and recordings of meetings in August 2022.

We have continued to observe the Audit Committee through the year through our attendance at all meetings, and Council meetings and other committee meetings through review of the agendas, supporting papers and minutes. We have observed that generally papers are comprehensive for members to understand key matters, and there is evidence of scrutiny of management at these meetings.

The Governance and Risk Committee undertook its annual self-assessment in 2022, with the results to be presented at the September 2022 committee. Responses were generally positive to the questions provided, mostly agreeing or strongly agreeing to the affirmative statements made.

EU withdrawal

A Concurrent Risk Working group was established during the pandemic and continued to meet until May 2022. A separate risk register arising from COVID-19 and EU withdrawal was established, and that has latterly been subsumed into the normal risk register and risk management practices. Reporting on those concurrent risks has been a standing item on agendas for meetings of Governance & Risk Committee.

There are three high rated risks currently identified in the council's risks relating to the EU Exit, including the risks around food safety, construction costs and the costs of other goods and services. It remains challenging for the Council to assess the longer term impact of the UK leaving the EU and the implications for the Council's public funding. Updates on how this might impact on the financial strategy will continue to be provided as part of the quarterly horizon scan update report to Partnership and Resources PDSPs (now the Corporate Policy and Resources PDSP).

Group Governance arrangements

In our role as auditor for the Council we consider the governance arrangements at the Council to monitor and scrutinise the wider group, as appropriate, in particular where there is the possibility for a financial or operational impact on the Council's services.

The Integration Scheme which governs the working arrangements for West Lothian Integration Joint Board is in the process of review by the main partners. The final consultation was undertaken in early 2022 with the draft revised Integration Scheme being presented to and approved by Council Executive on 19 April 2022. NHS Lothian approval was obtained at its Board meeting on 22 June 2022. The Scheme was subsequently submitted to Scottish Ministers and it has yet to be approved by them.

The Council's governance arrangements include scrutiny of arrangements within its consolidated group.

West Lothian Leisure ("WLL") has been significantly impacted by the pandemic with leisure centres closed through the start of 2020/21, with a corresponding financial impact. It has remained open throughout 2021/22 with restrictions in place. In recent years the Council has provided significant financial support to WLL, and budgeted in 2022/23 for the potential requirement to provide more given the ongoing risks facing WLL.

The agreement of support notes WLL's requirement to approve a balanced budget each year, to reasonably progress their three year plan, to provide required financial information to the Council to demonstrate progress and to take all reasonable action to identify mitigating action to balance their budget without further funding from the Council.

WLL latest financial forecast for 2021/22 was reported to its Board on 24 February 2022. This shows a trading surplus and a year-end closing cash balance of £2 million, showing significant improvements since the reopening of leisure centres in 2021. The financial statements for 2021/22 are being approved and signed at the September 2022 board.

WLL's financial position and impact on support required by the Council has been subject to ongoing monitoring and reported to the Council's Executive by the Head of Finance and Property Services, most recently in August 2022. The WLL Board is attended by a representative of the Council's Senior Management Team who attends in a non-voting capacity to ensure robust scrutiny of arrangements. We are satisfied there continues to be evidence to demonstrate scrutiny and governance over the support provided to WLL, including demonstrating rigour around the use of public funds for private bodies. WLL is immaterial to the consolidation of the Council's Group financial statements, and as such its financial position does not impact the going concern conclusions around the Group financial statements.

Given WLL's current financial position, the Council have provided a letter of comfort to WLL stating that 'the Council will undertake cash flow management with WLL to allow them to remain in credit at all times, thus allowing them to proceed as a going concern and meet their everyday cash liabilities' over the year following the signing of the accounts. It was also proposed that the letter notes the context, including the requirement of WLL to approve a balanced budget each year, to reasonably progress their three year plan, to provide required financial information to the council, and to take all reasonable action to identify mitigating action to balance their budget without further funding from the council. This was approved by the Council Executive 16 August 2022.

Value for Money

Our overall
assessment:
Green



The Council's performance management framework has continued to operate as planned in the year, with reporting back in line with pre-pandemic timelines.

The Council's arrangements for performance monitoring, improvement and self-assessment have continued and are back to the planned schedule for reporting following the impact of Covid-19 in 2020 and 2021.

The Council maintains a culture of improvement and a commitment to self-assessment of its performance to ensure that services remain focussed on improvement. Council services continue to perform well compared to other councils.

Performance Management framework

The Council approved its Corporate Plan through to 2022/23, and its underlying corporate strategies and service management plans. To more effectively monitor performance, the Council also agreed targeted outcomes and target performance levels through to 2022/23 as the main KPIs to support its vision. We note that the Corporate Plan for beyond 2023/24 is being updated alongside the Council's MTFP.

The Council monitors its performance against its plans and performance indicators throughout the year. Quarterly updates are provided by management to PDSPs, and are made available for public information as part of the committee papers on the Council's website. These reports outline the full set of performance indicators included by the Council in its corporate plan, and the current performance of each indicator against target, summarised through a 'RAG' rating system.

The Council's overall performance management framework remained in place and operating despite the impact of Covid-19 and the subsequent additional urgent business requiring prioritisation.

Performance Reporting

The most recent performance update was submitted to the Council's PDSP's in June 2022, in relation to quarter four of the 2021/22 financial year. Out of 56 indicators reported (Q1: 62), 41 were green (Q1: 40), 5 amber (Q1: 7) and 6 were red (Q1: 10), with 4 unknown (Q1: 5) as performance is measured more intermittently.

Of the six red indicators, four relate to areas where performance has deteriorated in the year, while two are consistent with prior year findings. Eleven indicators previously red rated are no longer categorised as such.

For the red rated indicators:

- 4 were materially affected by the impact of Covid-19 on staffing sickness throughout 2021/22; and
- property debt continues to fall after initial increases resulting from the first UK lockdown.

The Council continues to report its performance in a timely manner with comprehensive information provided for scrutiny.

All red rated indicators include commentary on the latest position and relevant additional information in relation to the nature of the performance. Management also reports on the mitigating and corrective action being planned by management to address performance.

In all cases we continue to observe mitigating action being taken, or where direct and immediate actions was less achievable, how the Council manages the process and underlying risk through its existing policies and procedures.

Statutory Performance Indicators

The Accounts Commission has a statutory responsibility to define the performance information that councils must publish. The Council has a responsibility, under the duty of Best Value, to report performance to the public. The Accounts Commission issued a revised 2018 Statutory Performance Information Direction in December 2018 which recognises the role and effectiveness of the LGBF, but continues to require councils to report:

- performance in improving local public services provided by the Council (on its own and with its partners and communities), and progress against agreed desired outcomes;
- assessment and independent audit assessments of how it is performing against its duty of Best Value, and how it plans to improve these assessments; and
- how it (with its partners where appropriate) has engaged with and responded to its diverse communities.

The Council has been required to meet the requirements of the revised Statutory Performance Information Direction from 2019/20.

The Council continues to report a range of performance information to stakeholders and the public to demonstrate the relative value and effectiveness of Council services. Information reported covers the quality and effectiveness of local services and progress in outcomes, as well as efficiency information.

This includes reporting of the most recently available LGBF results to the relevant committees and to the public. The 2020/21 LGBF results are due to be reported to the Corporate Policy and Resource PDSP (previously Partnership and Resources PDSP) on 23 September 2022.

The Local Development plan, and the Winchburgh Development in particular, have continued to progress through the various challenges presented by Covid-19.

Local Development Plan (LDP) and the Winchburgh development

The Council approved its local development plan in September 2018. The LDP “builds on the spatial strategy set out in previous local plans for West Lothian and comprises a written statement setting out planning policies and proposals and proposal maps”. A key part of the Council’s strategic development and local development plan is the development of the Winchburgh project, which is one of several core development areas. The LDP outlines the key areas of development required in Winchburgh, including significant additional planned housing, improved employment and retail and public services.

Activity on the project continued throughout the year, with updates being provided to the Council Executive, most recently in June 2022. The forecast expenditure for the project is now £62 million, made up of £60.9 million construction costs in line with the initial approved budget, and £1.1 million fit out costs forecast.

The Council has recently announced that Winchburgh Academy, Holy Family Primary School and Winchburgh Sport & Wellbeing Hub have all been completed, on budget, ready for admission for the 2022/23 academic year. This was due to the Council bringing forward funding to initiate the earlier completion.

In 2022/23 the Council will continue to invest in local schools, specifically the new denominational secondary, Sinclair Academy, which will be operational from August 2023.

Best Value

Our overall
assessment:
Green



We have drawn upon our wider scope and other work to conclude on the Council's approach to Best Value. We note through work undertaken in the year that the Council has a number of key characteristics of Best Value in place, including effective performance monitoring and robust governance arrangements.

As 2021/22 is the final year of our audit appointment, we ensured that the remaining areas of the Best Value programme were assessed, to allow us to handover to the successor auditor. Our specific areas of focus was in relation to the Council's approach to sustainability and community responsiveness.

Forming our judgement

As appointed auditor, we are required to comment on how effectively, in our view, the Council demonstrates that it meets its Best Value responsibilities. In forming this judgement, we draw upon:

- the findings of Audit Scotland's Best Value Assurance Report (BVAR), which was published in July 2019;
- the results of the Best Value Follow Up review conducted by Audit Scotland in 2020/21; and
- the programme of work that we have conducted throughout our appointment to consider each area of Best Value. Our specific areas of focus in 2021/22 were in relation to the Council's approach to sustainability and community responsiveness. We also take into account our wider scope responsibilities and reporting.

Commitment to fairness and equality

The Council has arrangements to demonstrate its commitment to fairness and equality, including engagement with local stakeholders and robust monitoring and reporting arrangements.

The Council's equality mainstreaming and equality outcomes set out its commitment to equalities and fairness. The equality outcomes have been developed with partners, the public and stakeholders. The outcomes are complementary to the priorities set out in the Council's Corporate Plan. They address both the Council's equalities actions as an organisation, and externally, in the services it provides and messages it promotes.

The Corporate Working Group for Equality is responsible for monitoring and implementing work towards the equality outcomes. The group is chaired by a member of the Corporate Management Team, and supported by equality champions from across the organisation to promote equality and diversity within Council services. The Human Resources Programme Board receives regular updates on progress with equality outcomes.

The Council uses equality impact assessments to critically assess whether its policy proposals have wider impacts on different groups in its communities. New policies, plans, and service changes must be subject to an Integrated Impact Assessment (IIA) to ensure they meet relevant legal duties regarding Equality, Fairer Scotland, Human Rights and Sustainability.

The Council's 2019-21 Equality Mainstreaming Progress Report sets out nine outcome areas in relation to the Equality Act 2010. These provide good coverage across aspects of fairness and equalities, and the Council's own role as an organisation. The Council is required to publish equality outcomes and report progress at intervals of not more than 4 years. Therefore, the Council remain compliant with this statutory requirement.

The Equality Outcomes and Mainstreaming Framework 2021-2025 includes a suite of Equality Outcomes which are intended to reflect that the council has a more mature approach to the mainstreaming of equalities into the delivery of council services.

The Council's current gender pay gap for all Council employees is 1.3 per cent, significantly lower than the average rate for Scottish local authorities of 3.42 per cent for 2019/20. The Council reports its ethnicity pay gap. This requirement is being introduced as part of the Scottish Government and the Equality and Human Rights Commission's intention to address race inequality. The Council has not stated a specific target for this indicator, but has committed to eliminate pay gaps or differences that cannot satisfactorily be explained on grounds other than those relating to a protected characteristic.

The Council actively engages with partners and the public to inform its services and equalities practice. The Council has reviewed its recruitment and selection training to incorporate best practice on equality and diversity.

Climate Change and Sustainability

The Scottish Government has set a target to be net-zero by 2045; 5 years' ahead of the UK target.

The Council has committed to the target to achieve net zero on its buildings, energy and transport emissions by 2045.

In October 2021, the Council published the West Lothian Climate Change Strategy 2021-2028, which sets out a vision framework for all community planning partners. The Council has been committed to taking action to mitigate and adapt to the impacts of climate change for some time. West Lothian Council signed the Climate Change Declaration in 2007 and declared a 'Climate Emergency' in September 2019. As a result, the partnership has recognised that co-ordinated action is required at pace to deliver West Lothian's contribution to the Scottish Government's target to be net-zero by 2045.

Climate Emergency Action Plan

The Council has committed to the target to be net-zero by 2045 at the latest for its own activities. During 2021/22, the Council reviewed current legislative targets and how they apply to Council service delivery. The Climate Change Adaption Action Plan 2022-2028 was prepared and approved by the Council Executive in April 2022. There will be an annual report to the Environment PDSP in March/April at the end of each financial year.

Measuring and reporting emissions is essential to help the Council to reduce its greenhouse gas emissions.

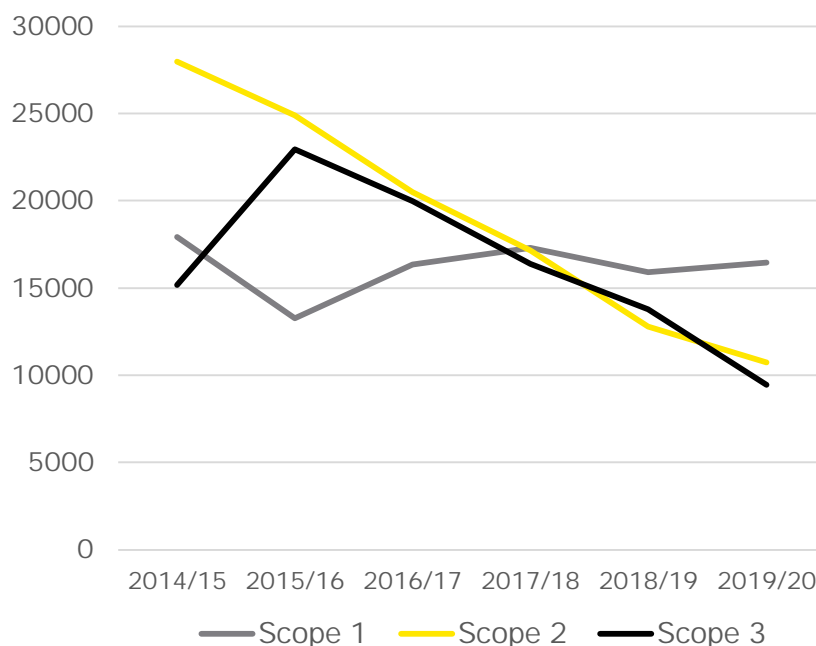
This is an area where measurement standards and reporting requirements will continue to develop.

Climate change is one of the eight priority projects within the Corporate Plan – Transforming Your Council. As a result of the recent intense focus on climate change and sustainability we noted a number of areas of good practice including:

- The Head of Planning, Economic Development & Regeneration appointed as the owner of the Climate Change Strategy.
- The introduction of performance indicators and actions to monitor progress on climate change objectives and targets.
- A focus on climate change throughout the Capital Strategy, with regular monitoring by the Capital Asset Management Board, including but not limited to, focus on the road map to implement Energy Efficiency Standard for Social Housing of existing stock and ensuring compliance with energy standards for new builds.

- Scope 1 emissions are direct emissions that are released into the atmosphere from sources that are owned or controlled by the Council.
- Scope 2 emissions are indirect emissions from the generation of purchased energy, which for most organisations are primarily emissions released during the generation of the electricity it uses.
- Scope 3 emissions are all other indirect emissions that occur because of an organisation's activities but from sources not owned or controlled by the Council.

Exhibit 5: The Council reports within its annual climate duties report that it has reduced emissions by over 40% since 2013/14



Source: Annual Report on Compliance with Climate Change Duties submitted to the Scottish Sustainability Network

The Council has recognised that achieving a net zero emissions position will require significant financial, resource and infrastructure support from the Scottish Government and others. The Council will continue to work with government, partners and other agencies to quantify the scale of the challenges presented and identify appropriate solutions.

Looking ahead: Sustainability Reporting

Significant advances have been made in sustainability reporting in the corporate sector and central government sectors over a number of years. There are not yet any mandatory emissions measurement and reporting requirements for local government, although it is an area many local authorities are exploring.

Mandatory requirements are likely to be required in the coming years. In March 2022, the International Sustainability Standards Board issued an Exposure Draft consultation, on requirements for the disclosure of climate-related matters. The proposals in the exposure draft set out requirements for identifying, measuring and disclosing climate-related risks and opportunities based on the recommendations of the Financial Stability Board's Task Force on Climate-related Financial Disclosures (TCFD). The consultation closed on 29 July 2022. In Appendix G we set out the key reporting areas of TCFD disclosures, along with annotations in green boxes with recommendations of good practice from other sectors.

4 Appendices

A – Code of Audit Practice: responsibilities

B – Independence and audit quality

C – Required communications with the Audit Committee

D – Action plan, including follow up of prior year recommendations

E – Adjusted errors identified during the audit

F – Timing and deliverables of the audit

Appendix A: Code of Audit Practice Responsibilities

Audited Body's Responsibilities

Corporate Governance

Each body, through its chief executive or accountable Officer, is responsible for establishing arrangements to ensure the proper conduct of its affairs including the legality of activities and transactions, and for monitoring the adequacy and effectiveness of these arrangements. Audited bodies should involve those charged with governance (including audit, risk and governance committees or equivalent) in monitoring these arrangements.

Financial Statements and related reports

Audited bodies must prepare an annual report and accounts containing financial statements and other related reports. They have responsibility for:

- preparing financial statements which give a true and fair view of their financial position and their expenditure and income, in accordance with the applicable financial reporting framework and relevant legislation.
- maintaining accounting records and working papers that have been prepared to an acceptable professional standard and support their financial statements and related reports disclosures.
- ensuring the regularity of transactions, by putting in place systems of internal control to ensure that they are in accordance with the appropriate authority.
- maintaining proper accounting records.
- preparing and publishing, along with their financial statements, an annual Governance Statement, management commentary (or equivalent) and a remuneration report that are consistent with the disclosures made in the financial statements. Management commentary should be fair, balanced and understandable and also clearly address the longer-term financial sustainability of the body.
- Management, with the oversight of those charged with governance, should communicate clearly and concisely relevant information to users about the entity and its financial performance, including providing adequate disclosures in accordance with the applicable financial reporting framework.

Audited bodies are responsible for developing and implementing effective systems of internal control as well as financial, operational and compliance controls. These systems should support the achievement of their objectives and safeguard and secure value for money from the public funds at their disposal. They are also responsible for establishing effective and appropriate internal audit and risk-management functions.

Standards of conduct / prevention and detection of fraud and error

Audited bodies are responsible for establishing arrangements for the prevention and detection of fraud, error and irregularities, bribery and corruption and also to ensure that their affairs are managed in accordance with proper standards of conduct by putting proper arrangements in place.

Standards of conduct / prevention and detection of fraud and error

Audited bodies are responsible for putting in place proper arrangements to ensure that their financial position is soundly based having regard to:

- such financial monitoring and reporting arrangements as may be specified
- compliance with any statutory financial requirements and achievement of financial targets
- balances and reserves, including strategies about levels and their future use
- how they plan to deal with uncertainty in the medium and longer term
- the impact of planned future policies and foreseeable developments on their financial position.

Best Value

Local authority bodies have a statutory duty, under the Local Government (Scotland) Act 1973 and associated statutory guidance, to make arrangements to secure best value through the continuous improvement in the performance of their functions.

Appendix B: Independence and audit quality

Professional ethical standards, and the Terms of our Appointment, require us to communicate all significant facts and matters that have a bearing on EY's objectivity and independence as auditor of the Council.

Matters that we are required to communicate

The FRC Ethical Standard requires that we provide details of all relationships between Ernst & Young (EY), its directors and senior management and affiliates, and you, including all services provided by us and our network to you, and other services provided to other known connected parties that we consider may reasonably be thought to bear on our integrity or objectivity, including those that could compromise independence and the related safeguards that are in place and why they address the threats.

There are no relationships from 1 April 2021 to the date of this report, which we consider may reasonably be thought to bear on our independence and objectivity.

Confirmations

We are not aware of any inconsistencies between the Council's policy for the supply of non audit services and FRC Ethical Standard. We are not aware of any apparent breach of that policy.

We confirm that, in our professional judgment, Ernst & Young is independent, our integrity and objectivity is not compromised and we have complied with the FRC Ethical Standard.

We confirm that your engagement team (partners, senior managers and managers and all others involved with the audit) and others within the firm, the firm and network firms have complied with relevant ethical requirements regarding independence.

Audit Fees

	2021/22	2020/21
Component of fee:		
Total agreed auditor remuneration	£203,604	£199,390
Audit fee in respect of s106 Trust Fund	£10,290	£9,990
Additional audit procedures (see below)	[ETBD]	£24,600
Audit Scotland fixed charges:		
Pooled costs	£21,220	£18,960
Performance audit and best value	£105,430	£105,190
Audit support costs	£10,870	£10,970
Total fee	£341,160	£369,100

The expected fee for each body, set by Audit Scotland, assumes that it has sound governance arrangements in place and operating effectively throughout the year, prepares comprehensive and accurate draft financial statements and meets the agreed timetable for the audit. It also assumes there is no major change in respect of the scope of work in the year.

Through the 2021/22 audit cycle we have discussed with management areas of the audit which required additional work beyond that usually expected for the Council. The only matter occurring this year is the additional procedures in respect of infrastructure assets accounting, as outlined in this report. Given the ongoing nature of this work, we will discuss and agree any fee variation with management before issuing an updated report as appropriate. Any fee variation will be approved by Audit Scotland and based on the approved day rates in the Audit Scotland planning guidance for auditors.

Matters that we are required to communicate

International Standard on Quality Control (UK and Ireland) 1 (ISQC1) requires that a system of quality control is established, as part of financial audit procedures, to provide reasonable assurance that professional standards and regulatory and legal requirements are being complied with and that the independent auditor's report or opinion is appropriate in the circumstances.

The EY 2021 UK Transparency Report can be accessed on our website at [EY UK 2021 Transparency Report | EY UK](#). This material is published to provide a timely and relevant source of information about EY in general, and our audit business in particular. This includes our Audit Quality Report.

The disclosures are extensive. For example, they explain our outlook and how we are structured and governed, including the role of our Independent Non-Executives and how we apply the requirements of the UK's Audit Firm Governance Code. We refer to the quality of our audits and our commitment to recruiting, developing and diversifying our people and talent pool. We also explain how we manage our risks and remain innovative and technologically advanced in what we do and how we do it.

Maintaining high audit quality across all of our engagements is of paramount importance to us. Our transformational Audit Quality Programme continues and is a part of the global EY Sustainable Audit Quality Programme (SAQ).

Our Audit Quality Board (AOB) continues to oversee all matters relating to audit quality and sets the agenda for the Audit Quality programme. The AOB meets monthly and also holds an annual strategy session. The AOB reports to the EY UK Board. The AOB receives regular updates on regulatory matters, results of internal and external reviews, results of root cause analysis, resourcing, the SAQ programme and pursuit approvals, as well as a comprehensive dashboard on quality measures.

Our Audit Quality Support Team (AQST), which started within the SAQ programme, reviews 40 to 50 audits each audit cycle providing challenge and guidance to the engagement teams. These are in-depth reviews carried out by experienced auditors independent of the audit team. AQST reviews enhance the quality of both the audit under review and other audits on which team members apply the lessons learned. The AQST has now become a business-as-usual function.

Audit Quality Framework / Annual Audit Quality Report

Audit Scotland's Appointments and Assurance Team are responsible for applying the new Audit Quality Framework across all financial audits and performance and Best Value audits. This covers the quality of audit work undertaken by Audit Scotland staff and appointed firms. The team are independent of audit delivery and provide assurance on audit quality to the Auditor General and the Accounts Commission.

We support Audit Scotland in their commitment to reporting on audit quality through responding to requests for information and providing the results of internal quality reviews undertaken in respect of relevant public sector audits in Scotland.

The most recent audit quality report which covers our work at the Council since appointment can be found at: [Quality of public audit in Scotland annual report 2021/22 \(audit-scotland.gov.uk\)](#)

Appendix C: Required communications

Agenda Item 6b

Required communication	Our reporting to you
<p>Terms of engagement / Our responsibilities</p> <p>Confirmation by the audit, risk and governance committee of acceptance of terms of engagement as written in the engagement letter signed by both parties.</p> <p>Our responsibilities are as set out in our engagement letter.</p>	<p>Audit Scotland Terms of Appointment letter – audit to be undertaken in accordance with the Code of Audit Practice</p>
<p>Planning and audit approach</p> <p>Communication of the planned scope and timing of the audit, any limitations and the significant risks identified.</p> <p>When communicating key audit matters this includes the most significant risks of material misstatement (whether or not due to fraud) including those that have the greatest effect on the overall audit strategy, the allocation of resources in the audit and directing the efforts of the engagement team.</p>	<p>Annual Audit Plan</p>
<p>Significant findings from the audit</p> <ul style="list-style-type: none"> • Our view about the significant qualitative aspects of accounting practices including accounting policies, accounting estimates and financial statement disclosures • Significant difficulties, if any, encountered during the audit • Significant matters, if any, arising from the audit that were discussed with management • Written representations that we are seeking • Expected modifications to the audit report • Other matters if any, significant to the oversight of the financial reporting process 	<p>Annual Audit Plan</p> <p>Annual Audit Report</p>
<p>Going concern</p> <p>Events or conditions identified that may cast significant doubt on the entity's ability to continue as a going concern, including:</p> <ul style="list-style-type: none"> • Whether the events or conditions constitute a material uncertainty • Whether the use of the going concern assumption is appropriate in the preparation and presentation of the financial statements • The adequacy of related disclosures in the financial statements 	<p>Annual Audit Report</p>
<p>Misstatements</p> <ul style="list-style-type: none"> • Uncorrected misstatements and their effect on our audit opinion, unless prohibited by law or regulation • The effect of uncorrected misstatements related to prior periods • A request that any uncorrected misstatement be corrected • Corrected misstatements that are significant • Material misstatements corrected by management 	<p>Annual Audit Report</p>
<p>Fraud</p> <ul style="list-style-type: none"> • Enquiries of the audit, risk and governance committee to determine whether they have knowledge of any actual, suspected or alleged fraud affecting the entity • Any fraud that we have identified or information we have obtained that indicates that a fraud may exist • A discussion of any other matters related to fraud 	<p>Annual Audit Report</p>

Required communication	Our reporting to you
<p>Related parties</p> <p>Significant matters arising during the audit in connection with the entity's related parties including, when applicable:</p> <ul style="list-style-type: none"> • Non-disclosure by management • Inappropriate authorisation and approval of transactions • Disagreement over disclosures • Non-compliance with laws and regulations • Difficulty in identifying the party that ultimately controls the entity 	<p>No significant matters have been identified.</p>
<p>Independence</p> <p>Communication of all significant facts and matters that bear on EY's, and all individuals involved in the audit, objectivity and independence</p> <p>Communication of key elements of the audit engagement partner's consideration of independence and objectivity such as:</p> <ul style="list-style-type: none"> • The principal threats • Safeguards adopted and their effectiveness • An overall assessment of threats and safeguards • Information about the general policies and process within the firm to maintain objectivity and independence 	<p>Annual Audit Plan</p> <p>This Annual Audit Report – Appendix B</p>
<p>Internal controls</p> <p>Significant deficiencies in internal controls identified during the audit</p>	<p>This Annual Audit Report – no significant deficiencies reported</p>
<p>Subsequent events</p> <p>Where appropriate, asking the audit, risk and governance committee whether any subsequent events have occurred that might affect the financial statements.</p>	<p>We have asked management and those charged with governance. We have no matters to report.</p>
<p>Material inconsistencies</p> <p>Material inconsistencies or misstatements of fact identified in other information which management has refused to revise</p>	<p>This Annual Audit Report</p>
<p>Consideration of laws and regulations</p> <ul style="list-style-type: none"> • Audit findings regarding non-compliance where the non-compliance is material and believed to be intentional. This communication is subject to compliance with legislation on tipping off • Enquiry of the audit, risk and governance committee into possible instances of non-compliance with laws and regulations that may have a material effect on the financial statements and that the Committee may be aware of 	<p>Annual Audit Report or as occurring if material.</p>
<p>Group audits</p> <ul style="list-style-type: none"> • An overview of the type of work to be performed on the financial information of the components • An overview of the nature of the group audit team's planned involvement in the work to be performed by the component auditors on the financial information of significant components • Instances where the group audit team's evaluation of the work of a component auditor gave rise to a concern about the quality of that auditor's work • Any limitations on the group audit, for example, where the group engagement team's access to information may have been restricted • Fraud or suspected fraud involving group management, component management, employees who have significant roles in group-wide controls or others where the fraud resulted in a material misstatement of the group financial statements 	<p>Annual Audit Plan</p> <p>This Annual Audit Report</p>

Appendix D: Action Plan

We include an action plan to summarise specific recommendations included elsewhere within this Annual Audit Report. We grade these findings according to our consideration of their priority for the Council or management to action.

Classification of recommendations

Classification of recommendations			
Grade 1: Key risks and / or significant deficiencies which are critical to the achievement of strategic objectives. Consequently management needs to address and seek resolution urgently.		Grade 2: Risks or potential weaknesses which impact on individual objectives, or impact the operation of a single process, and so require prompt but not immediate action by management.	
Grade 3: Less significant issues and / or areas for improvement which we consider merit attention but do not require to be prioritised by management.			
No.	Findings and / or risk	Recommendation / grading	Management response / Implementation timeframe
1	The accounting for assets which are subject to revaluation continues to be an area of significant estimation uncertainty.	<p>In our 2020/21 Annual Audit Report we recommended the Council consider its approach going forward as a matter of good practice. In particular, we noted that consideration should be given to reducing the time between full valuations for all major individual asset classes or applying indexation increases on assets not fully valued in the year to reflect some estimate of the movement in their value between formal valuations.</p> <p>Given the recent and ongoing inflationary pressures, this area in particular should be kept under review on an annual basis. A valuation schedule should be agreed with the Council's new external auditor that will allow the Council to complete timely valuation exercises to reflect material changes to asset values, which are more likely to occur within five years in the current environment.</p> <p style="text-align: right;"><i>Grade 2</i></p>	<p>Response – A Valuation Scheme will be agreed with the council's new external auditor, Audit Scotland, as a matter of priority.</p> <p>Responsible Officer – D Baird</p> <p>Completion Date – 31 March 2023</p>

Classification of recommendations

Classification of recommendations			
Grade 1: Key risks and / or significant deficiencies which are critical to the achievement of strategic objectives. Consequently management needs to address and seek resolution urgently.		Grade 2: Risks or potential weaknesses which impact on individual objectives, or impact the operation of a single process, and so require prompt but not immediate action by management.	
Grade 3: Less significant issues and / or areas for improvement which we consider merit attention but do not require to be prioritised by management.			
No.	Findings and / or risk	Recommendation / grading	Management response / Implementation timeframe
2	The statutory override in respect of infrastructure assets is intended to be a short-term solution to issues in respect of accounting for infrastructure assets.	<p>The Council should ensure that greater detail on infrastructure assets is retained moving forward and appropriate consideration is given to disposals and replacements of infrastructure assets.</p> <p style="text-align: right;"><i>Grade 2</i></p>	<p>Response: Review of Infrastructure Assets expenditure will be undertaken to address information deficits moving into 2022/23. In particular, the Council will give consideration to:</p> <ol style="list-style-type: none"> 1. Updating its fixed asset register to enhance the detail of information held in relation to infrastructure assets, using all remaining information held by the Council wherever possible to more effectively support existence of these assets. 2. Reviewing the useful economic lives applied to depreciate infrastructure assets going forward, agreeing appropriate lives based on a breakdown of the type of infrastructure assets held. This will include consideration of sector wide applied useful lives and any future guidance from CIPFA/LASAAC. 3. Applying any future guidance or statutory amendments from CIPFA/LASAAC or the Scottish Government in conjunction with discussion with the Council's new auditors. <p>Responsible officer: Financial Management Unit</p> <p>Implementation date: 31 March 2023.</p>

Appendix E: Adjusted errors identified during the audit

This appendix sets out the significant adjustments processed as part of finalisation of the financial statements. There were no unadjusted audit differences identified above our reporting threshold.

Adjusted differences			
No.	Description	Income and Expenditure Impact / £000's	Balance Sheet Impact / £000's
1	<i>PPE Valuation – Council dwellings – correction of adjustment factor used in annual impairment calculation</i>		Dr Capital Adjustment Account 656 Cr PPE – Council Dwellings 656
2	<i>Covid-19 grant income – reclassification of income between SOCI line</i>	Dr Grant income 1,124 Cr Covid-19 grant income 1,124	

Appendix F: Timing and deliverables of the audit

Agenda Item 6b

We delivered our audit in accordance with the timeline set by the Council, in accordance with the annual audit planning guidance from Audit Scotland. Below is a timetable showing the key stages of the audit and the deliverables through the 2021/22 audit cycle, including the remaining areas of work with completion deadlines subsequent to this report.

	Audit Activity	Deliverable	Timing
JAN			
FEB	<ul style="list-style-type: none"> Onsite fieldwork, documentation and walkthrough of key accounting processes Scoping of wider scope work for year 	Annual Audit Plan	Finalised and submitted to Audit Scotland April 2022
MAR			
APR	<ul style="list-style-type: none"> Review of current issues impacting the Council Review of reported frauds 	Quarterly current issue return submission Quarterly fraud return submission	Quarterly throughout the audit cycle
MAY	<ul style="list-style-type: none"> Education Maintenance Allowance (EMA) grant claim testing 	Certified EMA return	Submitted to Audit Scotland July 2022
JUN	<ul style="list-style-type: none"> Submit minimum dataset return to Audit Scotland 	Return for financial overview	Submitted to Audit Scotland August 2022
JUL			
AUG	<ul style="list-style-type: none"> Year-end substantive audit fieldwork on unaudited financial statements Conclude on results of audit procedures Issue opinion on the Council's financial statements 	Whole of Government Accounts assurance statement to NAO (as required) Certify Annual Financial Statements Issue Annual Audit Report Submit minimum dataset return to Audit Scotland	Financial statements audit and annual audit report on course for submission September 2022. WGA guidance and further minimum dataset return requests awaited.
SEP			
OCT			
NOV	<ul style="list-style-type: none"> Completion of Non-Domestic Rates return testing 	Certified Non-Domestic Rates return	On course for completion September 2022
DEC	<ul style="list-style-type: none"> Completion of Housing Benefits claim testing 	Certified Housing Benefit subsidy claim	On course for completion September 2022

Appendix G: Likely developments in sustainability reporting

In the corporate sector, significant financial reporting developments has meant that there has been a step change in the level of climate related disclosures within company financial statements. There is not yet an equivalent requirement for local government accounting, but guidance from the Scottish Government recently issued [Public Sector Leadership on the global climate emergency guidance](#) which recommends that public bodies should consider reporting to external frameworks such as the Taskforce for Climate Related Financial Disclosure. We outline the key elements below:

Cross-reference to where the disclosure can be found. If cross-referencing to another document, explain why the information is not included in the annual report.

TCFD elements	TCFD recommendations	Cross-reference or explanation of non-compliance	Next steps and other comments
Governance	a. Board oversight	Consider commenting on progress in preparing a climate transition plan	
	b. Management's role		
Strategy	a. Climate-related risks and opportunities		
	b. Impact on the organisation's businesses, strategy and financial planning		
	c. Resilience of the organisation's strategy to climate-related risks		
Risk Management	a. Risk identification and assessment processes	Consider commenting on progress in being able to report scope 3 GHG emissions	
	b. Risk management process		
	c. Integration into overall risk management		
Metrics and Targets	Climate-related metrics in line with strategy and risk management process		
	Scope 1, 2 (and 3) Green House Gas (GHG) metrics and the related risks		
	Climate-related targets and performance against targets		

The governance processes, controls and procedures the entity uses to monitor and manage climate related risks and opportunities

How climate related risks and opportunities are identified, assessed, managed and mitigated

Set out key focus areas for next year

Consider explaining readiness to comply with any changes to requirements applicable for next reporting cycle

Source: Adapted from [Continuing the journey towards TCFD compliance](#), EY Centre for Board Studies, May 2022

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West Lothian Council

Annual Accounts

Year ended 31 March 2022

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Accounts of West Lothian Council for the year ended 31 March 2022, prepared pursuant to Section 105 of the Local Government (Scotland) Act 1973 and in accordance with the terms of the CIPFA/LASAAC Code of Practice on Local Authority Accounting in the United Kingdom.

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INDEPENDENT AUDITOR'S REPORT

Independent auditor's report to the members of West Lothian Council and the Accounts Commission

Reporting on the audit of the financial statements

Opinion on financial statements

We certify that we have audited the financial statements in the annual accounts of West Lothian Council and its group for the year ended 31 March 2022 under Part VII of the Local Government (Scotland) Act 1973. The financial statements comprise the group and council-only Comprehensive Income and Expenditure Statements, Movement in Reserves Statements, Balance Sheets, and Cash Flow Statements, the council-only Housing Revenue Account Income and Expenditure Statement, the Movement on the Housing Revenue Account Statement, the Council Tax Income Account, and the Non-domestic Rate Account, and any other disclosures presented as financial statements and notes to the financial statements, including significant accounting policies. The financial reporting framework that has been applied in their preparation is applicable law and UK adopted international accounting standards, as interpreted and adapted by the Code of Practice on Local Authority Accounting in the United Kingdom 2021/22 (the 2021/22 Code).

In our opinion the accompanying financial statements:

- give a true and fair view in accordance with applicable law and the 2021/22 Code of the state of affairs of the council and its group as at 31 March 2022 and of the income and expenditure of the council and its group for the year then ended;
- have been properly prepared in accordance with UK adopted international accounting standards, as interpreted and adapted by the 2021/22 Code; and
- have been prepared in accordance with the requirements of the Local Government (Scotland) Act 1973, The Local Authority Accounts (Scotland) Regulations 2014, and the Local Government in Scotland Act 2003.

Basis for opinion

We conducted our audit in accordance with applicable law and International Standards on Auditing (UK) (ISAs (UK)), as required by the [Code of Audit Practice](#) approved by the Accounts Commission for Scotland. Our responsibilities under those standards are further described in the auditor's responsibilities for the audit of the financial statements section of our report. We were appointed by the Accounts Commission on 26 July 2016. The period of total uninterrupted appointment is six years. We are independent of the council and its group in accordance with the ethical requirements that are relevant to our audit of the financial statements in the UK including the Financial Reporting Council's Ethical Standard, and we have fulfilled our other ethical responsibilities in accordance with these requirements. Non-audit services prohibited by the Ethical Standard were not provided to the council. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Conclusions relating to going concern basis of accounting

We have concluded that the use of the going concern basis of accounting in the preparation of the financial statements is appropriate.

Based on the work we have performed, we have not identified any material uncertainties relating to events or conditions that, individually or collectively, may cast significant doubt on the ability of the council and its group to continue to adopt the going concern basis of accounting for a period of at least twelve months from when the financial statements are authorised for issue.

These conclusions are not intended to, nor do they, provide assurance on the council's current or future financial sustainability. However, we report on the council's arrangements for financial sustainability in a separate Annual Audit Report available from the [Audit Scotland website](#).

Risks of material misstatement

We report in our Annual Audit Report the most significant assessed risks of material misstatement that we identified and our judgements thereon.

Responsibilities of the Head of Finance and Property Services and Audit Committee for the financial statements

As explained more fully in the Statement of Responsibilities, the Head of Finance and Property Services is responsible for the preparation of financial statements that give a true and fair view in accordance with the financial reporting framework, and for such internal control as the Head of Finance and Property Services determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

INDEPENDENT AUDITOR'S REPORT

Independent auditor's report to the members of West Lothian Council and the Accounts Commission (continued)

In preparing the financial statements, the Head of Finance and Property Services is responsible for assessing the ability of the council and its group to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless there is an intention to discontinue the operations of the council and its group.

The Audit Committee is responsible for overseeing the financial reporting process.

Auditor's responsibilities for the audit of the financial statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the decisions of users taken on the basis of these financial statements.

Irregularities, including fraud, are instances of non-compliance with laws and regulations. We design procedures in line with our responsibilities outlined above to detect material misstatements in respect of irregularities, including fraud. Procedures include:

- obtaining an understanding of the applicable legal and regulatory framework and how the council and its group is complying with that framework;
- identifying which laws and regulations are significant in the context of the council and its group;
- assessing the susceptibility of the financial statements to material misstatement, including how fraud might occur; and
- considering whether the audit team collectively has the appropriate competence and capabilities to identify or recognise non-compliance with laws and regulations.

The extent to which our procedures are capable of detecting irregularities, including fraud, is affected by the inherent difficulty in detecting irregularities, the effectiveness of the council's controls, and the nature, timing and extent of the audit procedures performed.

Irregularities that result from fraud are inherently more difficult to detect than irregularities that result from error as fraud may involve collusion, intentional omissions, misrepresentations, or the override of internal control. The capability of the audit to detect fraud and other irregularities depends on factors such as the skilfulness of the perpetrator, the frequency and extent of manipulation, the degree of collusion involved, the relative size of individual amounts manipulated, and the seniority of those individuals involved.

A further description of the auditor's responsibilities for the audit of the financial statements is located on the Financial Reporting Council's website www.frc.org.uk/auditorsresponsibilities. This description forms part of our auditor's report.

Reporting on other requirements

Opinion prescribed by the Accounts Commission on the audited part of the Remuneration Report

We have audited the part of the Remuneration Report described as audited. In our opinion, the audited part of the Remuneration Report has been properly prepared in accordance with The Local Authority Accounts (Scotland) Regulations 2014.

Other information

The Head of Finance and Property Services is responsible for other information in the annual accounts. The other information comprises the Management Commentary, Annual Governance Statement, Statement of Responsibilities and the unaudited part of the Remuneration Report.

Our responsibility is to read all the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the course of the audit or otherwise appears to be materially misstated. If we identify such material inconsistencies or apparent material misstatements, we are required to determine whether this gives rise to a material misstatement in the financial statements themselves. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

INDEPENDENT AUDITOR'S REPORT

Independent auditor's report to the members of West Lothian Council and the Accounts Commission (continued)

Our opinion on the financial statements does not cover the other information and we do not express any form of assurance conclusion thereon except on the Management Commentary and Annual Governance Statement to the extent explicitly stated in the following opinions prescribed by the Accounts Commission.

Opinions prescribed by the Accounts Commission on the Management Commentary and Annual Governance Statement

In our opinion, based on the work undertaken in the course of the audit:

- the information given in the Management Commentary for the financial year for which the financial statements are prepared is consistent with the financial statements and that report has been prepared in accordance with statutory guidance issued under the Local Government in Scotland Act 2003; and
- the information given in the Annual Governance Statement for the financial year for which the financial statements are prepared is consistent with the financial statements and that report has been prepared in accordance with the Delivering Good Governance in Local Government: Framework (2016).

Matters on which we are required to report by exception

We are required by the Accounts Commission to report to you if, in our opinion:

- adequate accounting records have not been kept; or
- the financial statements and the audited part of the Remuneration Report are not in agreement with the accounting records; or
- we have not received all the information and explanations we require for our audit; or
- there has been a failure to achieve a prescribed financial objective.

We have nothing to report in respect of these matters.

Conclusions on wider scope responsibilities

In addition to our responsibilities for the annual accounts, our conclusions on the wider scope responsibilities specified in the Code of Audit Practice, including those in respect of Best Value, are set out in our Annual Audit Report.

Use of our report

This report is made solely to the parties to whom it is addressed in accordance with the Public Finance and Accountability (Scotland) Act 2000 and for no other purpose. In accordance with paragraph 120 of the Code of Audit Practice, we do not undertake to have responsibilities to members or officers, in their individual capacities, or to third parties.

Stephen Reid, for and on behalf of Ernst & Young LLP
Ernst & Young LLP
Atria One
144 Morrison Street
Edinburgh
EH3 8EX

MANAGEMENT COMMENTARY

1. Introduction

The Management Commentary outlines the key messages of the council's planning and performance for the year 2021/22 and how this has supported the delivery of the council's corporate priorities. The commentary also looks forward outlining future work and ongoing developments. In addition, key risks and uncertainties are set out that will need to be managed to best meet the needs of the West Lothian population going forward. A key aspect of this is the implications of a number of concurrent risks and the management of resulting challenges in delivery of services to our communities throughout 2021 and continuing in 2022.

2. The Council

West Lothian Council lies at the heart of central Scotland. It sits astride the M8 and M9 motorways and contains a mixture of small rural and urban communities, including towns such as Livingston, Broxburn, Bathgate, Whitburn, Armadale and Linlithgow. It borders the City of Edinburgh, Falkirk, North Lanarkshire, South Lanarkshire and the Scottish Borders.

The council provides a diverse range of essential services, such as:

Education	Social Care Services	Housing
Environmental Health	Planning	Economic Development
Waste Management	Roads and Street Lighting	Transport

The quality and effectiveness of these services relies on the commitment, dedication and ability of the council's 6,784 (Full Time Equivalent) employees, who on a daily basis make a difference to the lives of our customers. West Lothian has an estimated total population of 183,820, which accounts for 3.4% of the total population of Scotland.

Located in the central belt of Scotland, West Lothian is less than 30 miles from Edinburgh and Glasgow which makes it an attractive investment location for many businesses.

Within West Lothian there is a growing younger population and a large increase in the older population. The latest estimates are that West Lothian's population will grow to over 203,000 by 2041. While West Lothian has one of the fastest growing and youngest populations in Scotland it is also forecast to have the highest population growth in the over 75 age group in Scotland (39.4% increase by 2028 and 120% increase by 2041). Growth in the population of West Lothian will mean more demand for all services including waste collection, schools and support for older and vulnerable people in our communities.

The ten year capital investment programme approved in February 2018, and subsequently updated on an annual basis each February, supports the delivery of essential council services and will invest over £223 million in maintaining and improving the council's capital infrastructure over the period 2022/23 to 2027/28. In line with the council's established approach to capital financial planning and budgeting, and following the approval of the capital plan at the same meeting as the annual revenue budget and treasury plan early in the calendar year, both the general services and housing capital programmes are reviewed after the financial year end to incorporate accelerated spend and slippage from the previous financial year. The updated capital programmes are considered and approved by the last Council Executive before the summer recess. This year's review was undertaken in May/early June and included detailed consideration of timescales and project costs taking account of implications arising from high and persistent inflation as well as ongoing impact from the pandemic and also the UK's exit from the EU. Both capital programmes were updated, recognising the ongoing impact of these key risk factors. The programmes will continue to be monitored, in line with established budgetary control processes, to identify any further impacts on delivery.

The council is proud of its school estate which is one of the best in Scotland in terms of condition and suitability. The council has, over a number of years, invested considerable sums to ensure school pupils have the best possible environment to learn and develop. During 2021/22, achievements included the completion and opening of new facilities to support service delivery such as the new Calderwood Primary School, and Blackridge and St Mary's Bathgate nurseries. Works are also complete on the renovation and extension of Pinewood School in Blackburn. This is part of the Additional Support Needs (ASN) Strategy and will see the delivery of a new general purpose hall and additional teaching spaces. The completion of the new Cedarbank ASN school during 2021/22 provides an enriched learning environment which includes science labs, multi-optional physical education accommodation and craft, design and technology classrooms. In addition, investment of £15 million has been approved for the construction of a new replacement Beattie ASN school which is due to be fully operational by August 2023.

A new £17.5 million East Calder Primary School will be constructed adjacent to the existing school and is expected to be open to pupils from 2024. The project is jointly funded by the Scottish Government and the council following a successful bid made to the Learning Estate Investment Programme.

MANAGEMENT COMMENTARY

Within the Winchburgh Core Development Area the largest single education expansion investment undertaken by the council is being delivered. Substantial work has been undertaken during 2021/22 on the new Winchburgh Academy (non-denominational) and Sinclair Academy (denominational secondary) with shared sports facilities, along with the new Holy Family Primary School. All schools will be completed during 2022/23.

In overall terms West Lothian Council budget assumptions are for investment of £84 million in 2022/23 on capital assets such as buildings and roads to support the delivery of essential services.

The council is committed to a plan for 3,000 new homes for West Lothian which includes both building and purchase of new affordable housing supply. Whilst all 3,000 units are either complete or under construction, the impact of the Covid-19 Pandemic and subsequent supplies and resources issues has affected the timescales for affordable housing delivery throughout Scotland, with an estimated impact across all programmes of work of approximately twelve months. Expenditure on the New Housing Supply Programme amounted to £26.2 million in 2021/22. More handovers are anticipated in the coming period along with an accelerated programme of open market acquisitions.

The construction works at Eliburn in Livingston have been completed with all 20 units handed over. At Standhill in Bathgate, works are also now complete, with 17 of the 22 units handed over by 31 March 2022 and the remaining handovers finalised in early April 2022. Although revised spend profiles against the planned works at Wellhead Farm in Livingston resulted in overall slippage, the first phase of four units was handed over in March 2022, with further phases underway and expected to complete over 2022/23. A total of 41 new build completions were handed over during 2021/22 and 31 houses were acquired through the Open Market Acquisition scheme. This is in addition to the 225 open market acquisitions that have been added to the housing stock in previous years since the scheme was introduced.

The Housing Capital Programme includes planned expenditure to support both the new build programme and continued investment in existing housing infrastructure to ensure that homes are suitable for 21st century living. A total of £19.3 million was spent on existing housing stock during 2021/22.

The council is committed to partnership working as a key to improving the quality of life for local people. Providing seamless services is at the heart of the council's ethos and this is demonstrated by an active Community Planning Partnership and other partnership arrangements such as the West Lothian Community Safety Unit Partnership with Police Scotland.

The Public Bodies (Joint Working) (Scotland) Act 2014 established the framework for the integration of health and social care in Scotland. A health and social care partnership in the form of the West Lothian Integration Joint Board (IJB) is in place in West Lothian. The arrangements require the delegation of relevant functions and resources by the council and NHS Lothian to the West Lothian IJB. The level of resources associated with council functions delegated to the IJB in 2021/22 was £77.9 million (2020/21 £69.4 million).

The central location, infrastructure and range of industrial, commercial and office properties, along with the support of the council's Enterprise Centre, property and business advisors, ensure that new businesses are attracted to invest and locate in the West Lothian area and that existing businesses have opportunities to expand.

West Lothian has three country parks, Almondell and Calderwood, Beecraigs and Polkemmet. The area boasts a range of outdoor activities from golf courses and horse-riding to a renowned skate park, while the council's partners West Lothian Leisure Ltd. provide leisure, arts, sports and swimming facilities across the area.

3. Impact of the Covid-19 Pandemic

The Covid-19 pandemic has been the most significant public health emergency that the UK has faced in generations. The lockdown restrictions introduced by the UK and Scottish Government on 23 March 2020 placed significant restrictions on the ability of people to meet, travel and attend work and have had a huge impact nationally and locally on businesses, communities and residents.

The restrictions put in place to contain and control the spread of the virus have presented unprecedented challenges for the council. Compliance with the ongoing restrictions during 2021/22, as required by the Scottish Government's Covid-19 Strategic Framework, continued to have impacts on council service delivery although this was significantly less in comparison to the previous year.

In June 2021, an updated Covid-19 Recovery and Renewal Plan was reported to Council Executive and can be accessed on the following link.

Covid-19 Recovery and Renewal Plan

This plan sets out the measures the council put in place in order to continue the recovery of council services as lockdown restrictions continued to ease during 2021 and into 2022. Plans remained under regular review taking account of changing guidance, advice and circumstances.

MANAGEMENT COMMENTARY

The council will continue to use its response to the Covid-19 pandemic to positively challenge service delivery, in order that the council can maximise opportunities to make West Lothian a smarter, healthier, wealthier, fairer and greener place to live and work in.

Recovery and Renewal

The council's plans for recovery take account of the emerging priorities of our communities most affected by Covid-19. This means considering not only how we restore services to our communities, but also how to help them to rehabilitate. Recovery and renewal arrangements therefore need:

- To be flexible to meet the needs of our communities and businesses
- To set clear objectives for recovery and renewal which are regularly monitored and reviewed
- To place collaboration and working in partnership with communities at the heart of the design and delivery of services
- To embrace digital transformation, mobile and flexible working, and other innovative ways of working to successfully transform services using a combination and balance of people, processes and technology.
- To help the council achieve climate change targets.

Positive Legacy from the Pandemic

The pandemic has changed the way in which people have been living their lives and the way in which they interact and access council and other public sector services. There have been aspects of change which presented challenges during this period, but there are also a number of positive experiences from the last two years that the council is keen to develop and build upon as a positive legacy from the pandemic: -

- Placing our communities at the centre and greater public engagement
- Targeted interventions for vulnerable communities
- A renewed focus on inequalities
- Strong community spirit in the face of adversity
- Improved local/national working
- Improved public health leadership and greater engagement in public health
- Greater awareness and focus on physical and mental wellbeing
- Increase in active travel
- Increased outdoor recreation
- Learning from outbreak management and greater preparedness for any future pandemic

Building upon the experience of the pandemic the council will also continue to make the most effective use of its assets, in terms of people (staff), buildings, information technology, information and data, and financial resources.

Due to the pandemic, the majority of office based council staff had largely worked from home since March 2020. As restrictions significantly eased, and in many cases ended during 2022, the council implemented a new flexible working pilot in April 2022 for a twelve month period. This policy recognised the critical role that employees have in respect of service delivery, continuous improvement and transformational change. In line with recovery and renewal objectives around innovative and flexible working, the key objective of the pilot was to support staff to deliver critical services while maintaining a positive work life balance.

In this regard the Flexible Working Pilot seeks to support the council's People Strategy outcome to be an employer of choice where people:

- Make a difference
- Feel valued and rewarded
- Feel supported and committed
- Are encouraged to be flexible and committed
- Are encouraged to be flexible and innovative
- Are able to embrace change
- Feel confident and capable

MANAGEMENT COMMENTARY

The Flexible Working Pilot will be monitored throughout the twelve month prior and reviewed on conclusion in consultation with recognised trade unions. In addition, the overall recovery arrangements will be monitored and reviewed on an ongoing basis to ensure that they remain fit for purpose.

4. Corporate Strategy

The Corporate Plan sets West Lothian Council's strategic direction and identified priorities for the period 2018/19 to 2022/23. These priorities are the focus for all council services, as the council, its partners and local communities work together to deliver better services for West Lothian.

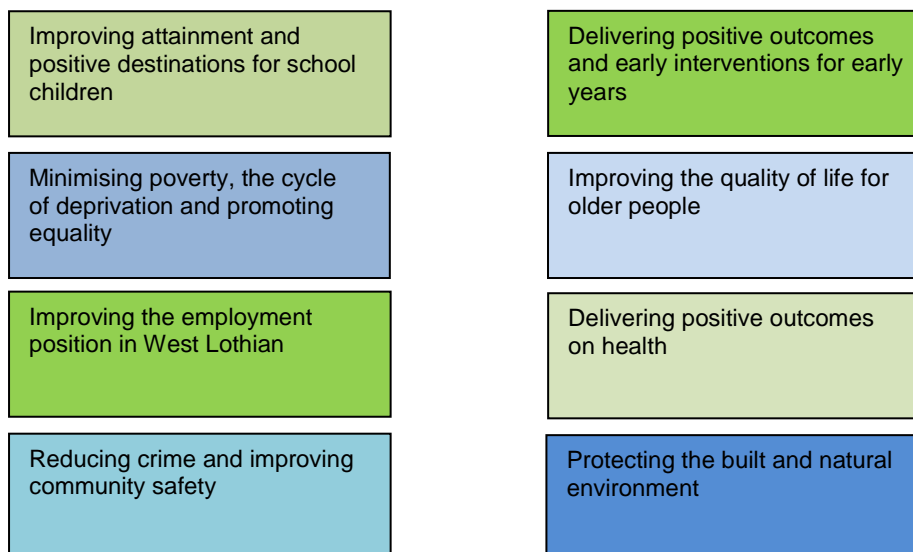
The most recent performance results confirm that the council continued to perform well in key priority areas, such as educational attainment, housing and tenancy management and mitigating the impact of poverty in West Lothian.

The council's Corporate Plan can be accessed using the following link: -

[West Lothian Council Corporate Plan 2018/19 to 2022/23](#)

The council's overall aim is to improve the quality of life for people in West Lothian. The Corporate Plan contains eight key priorities that aim to make a lasting and sustainable impact on the local area and improve the lives of residents in West Lothian. This reflects the public consultation exercise (Transforming Your Council) undertaken in autumn 2017. The consultation focused on three key areas – taxation, priorities and areas for budget savings. The consultation received over 45,000 comments that helped shape and inform the corporate and financial plans for the five year period. Feedback received showed strong support for the council's eight priorities shown below:

Key Priorities



The council has an integrated set of strategies designed to support the delivery of the council's priorities and also to contribute to the Strategic Outcomes of the West Lothian Community Planning Partnership.

Corporate Strategies support the delivery of the Corporate Plan priorities by achieving specific, linked outcomes. These strategies capture cross-cutting activity that will affect all, or a significant proportion of, council services within the corporate planning period.

The council produces a Factfile on an annual basis which provides an essential guide to the council's performance in relation to the eight priorities. The most recent publication can be found on the council's website:

[West Lothian Council - Factfile](#)

Each Administration coincides with the development of a new Corporate Plan, as well as medium term financial plan, together encompassing the key service delivery and resource priorities for the council for the next five year period.

On 15 February 2022 the council agreed that it will continue to adopt the approach of integrating corporate and financial planning in line with the principles agreed by Council Executive in June 2018 and the requirements of the CIPFA Financial Management Code.

MANAGEMENT COMMENTARY

Following the local election in early May 2022, the council is progressing the development of the corporate strategy for 2023/24 to 2027/28 which, as in past Administrations, will take account of the outcome of a large scale public consultation. Councils are operating in a difficult and uncertain strategic context and face medium term financial pressures, with significant uncertainty around future year funding and the prospect of major service reform connected to the proposals to set up a National Care Service.

With the challenges and opportunities ahead, it is clear that the council must undergo transformative change in the next five years in order to continue to meet statutory duties and maintain best value in the provision of services to the community. It is recognised that such change requires the input and support of our key stakeholders, in particular our customers and staff.

A report on the proposed consultation approach to inform the council's strategic direction and how the public can best be engaged in the development of the next Corporate Plan and council priorities for the period 2023/24 was reported to Council Executive on 21 June 2022. This set out a three-stage consultation approach to form the council's priorities and budget strategy for 2023/24 to 2027/28. The Phase 1 consultation on the council's strategic priorities for the five year period concluded on 31 July 2022 and the outcome of this will be reported to Council Executive on 4 October 2022. The Phase 2 consultation on budget proposals is due to be issued on the 7 October 2022.

5. Budget Strategy and Budget Setting

Ongoing Covid-19 implications have been a key consideration for the council in the review and update of approved budget plans for future years. In line with the council's integrated approach to corporate and financial planning, the 2022/23 budgets for general services revenue, general services capital, housing revenue and capital budgets along with the 2022/23 treasury management plan, were approved by full Council on 15 February 2022.

Approval of the updated revenue budget for 2022/23, the final year of the existing five year financial strategy, ensured that the council complied with Audit Scotland, CIPFA and the Accounts Commission best practice which states that public bodies should focus on their medium to long term financial sustainability. The 2022/23 budget plans included £14.841 million of one-off resource to meet estimated Covid-19 cost pressures and for investment in priority areas including climate change, jobs creation and employability. Budget savings of £9.1 million were also agreed by Council, as part of a balanced budget. The approved savings cover all service areas and include measures such as service redesign, integration and modernisation, channel shift and digital transformation, income and concessions, partnership working, empowering communities and revised assessment and eligibility for care. Officers continue to monitor announcements and other information to review and refine budget assumptions.

The annual general services and housing revenue budgets form part of the council's integrated approach to financial strategy, corporate planning, delivery of outcomes and performance monitoring. The activity budget links the council's activities, resources and outcomes and is a core element of the council's financial strategy and annual management plans. The 2022/23 activity budget is published on the council's intranet on this link: [Activity Budget](#).

The council's budget setting process is subject to statutory, regulatory and governance requirements. The Local Government Finance Act 1992 section 93(2) requires councils to formally agree council tax levels before 11 March each year, and the Housing (Scotland) Act 1987 requires the housing budget and rent increases to be reported to Council each year for approval.

The long term general services capital programme supports the delivery of the council's eight Corporate Plan priorities. The programme also takes into consideration comments received during budget consultations where there was support for the effective and efficient management of our assets and reducing energy use. It is important that resources are prioritised on an ongoing basis to ensure investment has the maximum impact on the core assets necessary to sustain existing service delivery. A five year housing capital strategy and ten year general services capital investment strategy were approved by Council on 13 February 2018, along with the Corporate Asset Management Strategy on 19 March 2019. These strategic financial investment plans are reviewed and updated annually with the latest updates approved by Council in February 2022.

The Prudential Code requires councils to approve, on an annual basis, a defined set of prudential indicators, covering both general fund and housing capital investment, at the same council meeting that approves the revenue budget for the forthcoming year.

The key objective of the Prudential Code is to ensure that the capital investment plans are affordable, sustainable and prudent in the long term. The Code's prudential indicators are designed to support and record local decision making and are required to be approved and monitored by the Council. In doing so, the council is fulfilling its duty to ensure that spending plans are affordable, prudent and sustainable and also confirming that the treasury management function operates in accordance with the requirements of the CIPFA Treasury Management in the Public Services Code of Practice. It is assessed that the council's revenue, capital and treasury financial plans are compliant with the Prudential Code.

MANAGEMENT COMMENTARY

The CIPFA Financial Management Code is designed to support good practice in financial management and assist in demonstrating financial sustainability. Compliance with the Code is the collective responsibility of elected members, the Head of Finance and Property Services and the council's leadership team. There was a requirement of full compliance with the code by financial year 2021/22 and in February 2021 Council Executive agreed an action plan with areas identified to further meet the needs of the Code and in doing so ensure the council is well placed to deliver ongoing compliance as well as agreed priorities and financial sustainability within constrained resources. A report to Partnership and Resources Policy Development and Scrutiny Panel on 4 February 2022 noted the council's continued compliance with the Code.

Since the council's budget plans were approved in February 2022, a number of concurrent risks including the ongoing impact of Covid-19 and growing inflationary pressures have continued to be closely monitored.

While the full financial implications resulting from these concurrent risks including increasing economic issues resulting from the war in Ukraine and leaving the EU remain uncertain, they are likely to be significant for 2022/23 and future years. Taking account of this, COSLA and all 32 local authorities in Scotland continue to work together to monitor the financial implications resulting particularly from the resulting inflationary pressures which are currently at a level not seen for many decades. This will be an ongoing process across the council's revenue and capital plans to ensure that a clear understanding of financial implications and these will be considered as part of regular updates to financial planning assumptions. The impact of inflation particularly on utility costs but also across the wider economy has been a growing financial pressure over 2022 and this is being closely monitored to ensure the council's budget assumptions including for future years are being updated as necessary.

The council's Corporate Transformation Programme Team (CTPT) supports the implementation of corporate and financial plans through ensuring delivery of service changes and budget saving measures. The team report to a Depute Chief Executive and are focused on facilitating transformational change throughout the council, whilst working with enabler services to ensure the council continues to have a balanced budget over the medium to long term. The CTPT provides and builds internal council capacity to support ongoing modernisation reflecting the challenges facing local government. The performance of the team is assessed through the successful completion of saving projects and the implementation of agreed budget saving measures.

The CTPT have helped support the development, approval and implementation of a number of significant and complex projects during 2021/22. A key aspect of the CTPT will be the continued research and feasibility work on future transformation opportunities and initiatives taking account of the implications of Covid-19, and potential transformation and saving options for the period beyond 2022/23. They will undertake scanning and benchmarking exercises to identify potential opportunities for change in areas such as but not limited to charging, commercial management, volunteering and effective and efficient use of assets.

An update on the council's draft budget model for the five year financial planning period 2023/24 to 2027/28 was reported to Council Executive on 21 June 2022. The report outlined the next steps for developing the financial plan, taking account of the council's public consultation, and the target timescale of approval of a detailed three year budget / high level five year financial plan by the council in February 2023.

6. Performance Overview

West Lothian Council has a strong approach to performance management, with clear standards for reporting meaningful performance information to different stakeholders. This approach provides a range of management and public data about our corporate and service performance and critically, has a performance framework, aligned to our eight priorities (in the Corporate Plan), that tracks the measurable impact of council services and investment in the agreed outcomes for West Lothian.

The performance management approach is comprehensive and consistently applied throughout all services. Key principles help identify the measures of performance that will inform decision making and operational planning and support evaluations of the relative value of the services we provide. A clear performance framework requires a balanced set of indicators for services and processes that track the overall impact and quality of services through measures of efficiency, effectiveness and satisfaction with the service. Moreover, the performance management approach defines robust tracking and monitoring processes to manage performance effectively whilst also supporting target setting and benchmarking that enables timely, appropriate interventions.

A range of information is published on corporate and council service performance on the following link:

[Service and Public Performance Reporting](#)

and on comparative performance:

[Council Performance - Benchmarking](#)

MANAGEMENT COMMENTARY

The council has operated a cyclical corporate programme of self-assessment since 2003/04 to evaluate achievement in services and support improvement across the organisation. There are two recognised programmes of self-assessment and both are based on the same framework: The European Foundation for Quality Management. Our schools use Validated Self Evaluation (VSE) and all other services use the West Lothian Assessment Model (WLAM). The programme of self-evaluation in the Council was suspended during the pandemic to allow services to focus on operational pressures and recovery and renewal activities. During this time the Council has reviewed and re-designed the self-evaluation process and will be adopting the new EFQM 2020 Model for the next cycle of WLAM assessment, starting in 2022/23.

The results of the WLAM process are reported to the Performance Committee and the results of the VSE are reported to the Education (Quality Assurance) Committee. The papers and agendas for these committees are available on the council's COINS system on the following link:

[West Lothian Council Committee Information Pages](#)

External scrutiny is also used to improve service performance and challenge practice against the best in class in the public, private and third sectors. The council retained Customer Service Excellence (CSE) following external assessment in 2020/21.

A range of performance information is published on all council services, this includes:

- **Customer satisfaction with the service:**

We consult with customers on the quality of services that they receive from the council and this information is used to identify ways to improve our services. Seven consistent indicators of customer satisfaction are measured by every service and analysed and compared to demonstrate that the council is providing high quality customer-focused services to customers. Our consultation approaches and customer results are also validated and improved through assessment processes such as; the self-assessment programmes, EFQM and Customer Service Excellence assessment.

- **How we perform against service standards:**

Service standards are the promises that the council makes to our customers about the quality of the service that we will deliver. The standards set out what customers accessing our services can expect regarding customer service, timeliness and overall quality. We monitor our performance against the standards with customer satisfaction results and the measurable aspects of service provision, such as time taken to deliver services and the number of complaints received or upheld. Telling people how our services are performing is important. It helps the council to demonstrate that we are open and honest with the public and that we are working to improve the value and impact of our services for the people living, working and learning in West Lothian.

- **The efficiency of the service:**

The council has a responsibility to achieve value for money and report our performance to the public, explaining how efficiently we deliver services and how this compares to others. Efficiency indicators are in place to help measure the value of our services and these will generally focus on how efficiently services and processes are delivered. This can be calculated by what goes into a process (e.g. inputs such as cost, staff and other resources) and the output of that process, including any waste or repeat work, amount of resources (time, cost, people, etc.). For comparative purposes, there are also indicators tracking the unit cost of services and processes or the total cost of the service based on population or users.

There are long and short term measures of performance that indicate how services and processes contribute to council priorities. These are aligned with the council's key corporate strategies and plans and ensure that the key services and processes of the council are measured, monitored, reported and improved.

Benchmarking is an improvement process that allows West Lothian Council to compare our performance with other organisations, such as other Scottish local authorities. Benchmarking is used to identify how we are doing and what we can learn from the high performance and good practice of others. Performance management is the way that West Lothian Council measures achievement in key activities and processes. It enables the council to track the progress made in achieving outcomes and priorities and to demonstrate that services are delivered efficiently and effectively.

- **The impact of the service:**

The council has set challenging outcomes and priorities for West Lothian with our Community Planning Partners. Services' contribution to achieving those outcomes and the corporate priorities is determined through measurement of the key activities and processes that they deliver. The outcomes a service achieves are assessed through a set of measures developed in line with the council's performance framework. Service performance measures demonstrate performance across a range of areas including customer satisfaction, quality of services, efficiency of services and effectiveness of key processes.

In 2021/22 the council continued to perform well in key priority areas for West Lothian. This included; improving attainment and positive destinations, minimising poverty through effective housing and tenancy management and welfare support for the most deprived in our community and delivering high quality and technology-enabled personalised care at home for older people. The council also had to mitigate the varied impacts of the Coronavirus pandemic on service performance in this year, which required some services to cease for a significant part of the year, or delivered in different ways. Though elements of service performance was impacted by the constraints of this period, performance remained on target in many of the key performance outcomes.

MANAGEMENT COMMENTARY

The council will continue to target improvement in performance service processes and waiting times in customer services. We will target reductions in the cost of providing a range of services through transformation and digitisation activities.

7. Financial Performance Review

The financial performance review outlines the key financial issues affecting the council during the year and the overall financial position of the council.

7.1 Financial Ratios

The following ratios assist evaluation of the council's financial sustainability and affordability of financial plans.

Council Tax	2021/22	2020/21	Notes on Ratios
In-year collection rate	96.8%	96.1%	This shows the % of council tax collected during the financial year that relates to bills issued for that year. It does not include collection of funding relating to previous financial years.
Target for year	96.5%	96.5%	
Council tax income as a percentage of overall funding	19.9%	19.4%	This shows the proportion of total funding that is derived from council tax. In terms of the budget strategy for 2021/22, a council tax freeze was implemented as the Scottish Government offered local authorities a £90 million incentive to freeze council tax rates to prevent household bills rising, this was equivalent to a 3% increase.
Debt and Borrowing – Prudence			
Capital Financing Requirement (£'000)	763,286	713,242	The capital financing requirement represents the underlying need to borrow to fund expenditure on assets. The council continues to invest in its assets, and in particular building new council houses and schools. The council's borrowing requirement increased in 2021/22 due to the continued borrowing for new council house investment and General Services borrowing to deliver the new high schools in Winchburgh.
Debt and Borrowing – Affordability			
Financing costs to net revenue stream – General Fund	3.4%	4.8%	These ratios show the proportion of total revenue funding that is used to meet financing costs. The ratios exclude any voluntary repayments of debt made during the year. For General Fund the percentage decreased as the revenue budget continued to grow, mainly as a result of increased ring fenced Scottish Government grants for the Covid-19 pandemic, whilst debt servicing costs reduced substantially in 2021/22 following the Covid-19 loans principal repayment holiday of £6.6 million agreed in February 2021. This means that annual debt servicing costs became a lower percentage of the total revenue stream. For HRA the percentage increased to reflect increased debt servicing costs associated with the continued borrowing to deliver new council houses and increased rental income. These percentages are deemed to be affordable as outlined in the 2021/22 treasury plan and approved indicators.
Financing costs to net revenue stream – HRA	23.8%	22.3%	

MANAGEMENT COMMENTARY

7.2 Financial Outturn

Net expenditure on General Services is met from government grants and council tax. In 2021/22 government grants accounted for 80.1% (80.6% 2020/21) of the council's external funding with the remaining 19.9% (19.4% 2020/21) from council tax. The in-year collection rate for council tax in 2021/22 was 96.8% (96.1% 2020/21).

In 2021/22 the council incurred net expenditure of £571.7 million (£547.7 million 2020/21) against a budget of £570.6 million (£548 million 2020/21), utilising 100% (99.3% 2020/21) of available budget.

The Expenditure and Funding Analysis (EFA), Note 5 on page 60, shows how the annual net expenditure is used, how it is funded from resources and how expenditure is allocated for decision making purposes between the council's services.

The figures in the first column of the EFA detail the financial position before the application of accounting entries such as depreciation, pensions and accumulating absences in line with the council's monitoring procedures throughout the year.

As shown in the EFA, the General Fund recorded a net deficit for the year of £16.017 million. This was made up as follows: -

Service Expenditure	2021/22 Budget £'000	2021/22 Actual £'000	Variance £'000
Education, Planning, Economic Development and Regeneration			
Schools, Education Support	242,730	243,301	571
Planning, Economic Development and Regeneration	10,722	10,722	-
Corporate, Operational and Housing			
Operational Services	81,395	81,438	43
Housing, Customer and Building	11,888	13,125	1,237
Corporate Services	17,884	17,886	2
Social Policy			
IJB – Adult and Elderly Services	77,856	77,856	-
Non- IJB – Children's Services	36,614	36,693	79
Chief Executive, Finance and Property	57,929	57,786	(143)
Joint Boards	1,304	1,304	-
NET SERVICE EXPENDITURE	538,322	540,111	1,789
Non-Service Expenditure			
Pensions, NDR Relief and Benefit Payments and General Covid-19 Funding	32,286	31,598	(688)
TOTAL EXPENDITURE	570,608	571,709	1,101
FUNDING			
Scottish Government Grant	(363,768)	(363,768)	-
Council Tax	(89,189)	(90,371)	(1,182)
TOTAL FUNDING	(452,957)	(454,139)	(1,182)
NET OUTTURN POSITION	117,651	117,570	(81)
Expenditure Funded from Committed General Fund Balance	(117,651)	(101,553)	16,098
Deficit for the year	-	16,017	16,017

The 2021/22 net budget underspend was £81,000. Additional expenditure resulting from the financial impact of the ongoing pandemic response and recovery efforts was met by Scottish Government funding, including earmarked grants and additional one-off council investment.

MANAGEMENT COMMENTARY

The main areas of variance in 2021/22 were as follows:

- Education overspent by £571,000 largely due to additional expenditure being incurred in relation to the Early Learning & Childcare expansion plan. The increase in flexibility and choice for parents and carers, as required by Scottish Government policy, has resulted in a significant increase in the parental demand for funded placements in private providers which has subsequently placed pressure on the revenue budget.
- Operational Services overspent by £43,000 as a result of the net impact of higher costs in relation to contractor payments, transport and other variable costs being partially offset by savings mainly in concessionary travel, staff costs and street lighting.
- Social Policy had an in-year overspend of £79,000 due to pressure in external residential schools and external foster care placements. This was due to delays in progressing plans for moving on and new placements during the year, both as a result of Covid-19 and limited availability of suitable accommodation. This is partially offset by early delivery of staffing savings relating to the redesign of services for Looked After Children.
- The underspend in Chief Executive, Finance & Property Services of £143,000 relates largely to delays in recruitment due to the Covid-19 pandemic, resulting in a number of vacancies across the services.
- The underspend in non-service expenditure of £668,000 relates to a continuing decrease in housing benefit caseloads as people who require additional assistance with housing costs will claim universal credit unless they meet specific criteria. There was also an underspend in pension costs in relation to 'added years' awarded to retiring staff.
- Grant funding remains higher in 2021/22 mainly as a result of additional funding received from Scottish Government to help deliver support packages during the pandemic, assist with the recovery from it and also to help manage the financial consequences of Covid-19. Additional funding exceeded £38 million, both for specific ringfenced policy areas and more general funding for local government.
- There was an over recovery in council tax income of £1.182 million largely due to the payments received for prior years which was fully provided for within the bad debt provision.

While there was an underspend of £81,000 for 2021/22, there continues to be recurring pressures within the revenue budget and relevant Heads of Service are progressing various actions to ensure they are mitigated on a recurring basis. Actions are being implemented to ensure future spend in these areas is managed within available resources. In addition, other key demand led areas of the budget will be closely monitored during 2022/23, including the recently emerging escalating cost pressures such as utilities and fuel. Any overspend risks will be highlighted on a timely basis to ensure action can be taken to mitigate pressures.

The approved revenue budgets for 2021/22 to 2022/23 included significant one-off resources to address the Covid-19 pandemic and additional time limited investment for other council priorities. These resources are retained in a reserve to be drawn down to match the agreed pressures. The revenue budget report approved by Council in February 2021 noted that the Head of Finance & Property Services would keep one-off spend under review, as part of the budget monitoring process, identifying refinements to assumptions while also considering potential new pressures. Spend in relation to the one-off resources has been considered as part of the draft outturn position and there is a net saving of £6.771 million. This is largely due to staff costs and materials for school cleaning costs being less than anticipated, the provision for Council Tax and CTRS not being fully required reflecting improved collection rates and relevant social care Covid-19 related costs being funded from the Health & Social Care mobilisation plan.

Since the 2022/23 Revenue Budget was approved by Council on 15 February 2022 some additional cost pressures are emerging, particularly in regard to utilities. Based on the latest price guidance from Scottish Procurement it is estimated that the additional cost of utilities (gas and electricity) in 2022/23 will be around £2.7 million. Officers therefore recommend to Council Executive that £2.7 million of the net saving in one-off resources of £6.771 million is earmarked to fund these estimated additional costs.

On 15 February 2022, Council agreed that to assist with future financial planning, should any one-off underspends materialise in the 2021/22 and 2022/23 budgets, that the underspends should be preserved until the future revenue financial plan is considered early in 2023 to help manage the challenging financial position. In accordance with the council decision it is proposed that both the uncommitted General Fund Balance of £2.081 million and the net saving in one-off resource of £4.071 million, after taking account of the resources required to fund the estimated additional utilities costs, will be retained for this purpose.

Further regular updates on the financial position will be provided to Council Executive during 2022/23.

MANAGEMENT COMMENTARY

The following table reconciles the outturn report to column 1 of Note 5 Expenditure and Funding Analysis (EFA)

	Service Outturn Report	Covid-19 Grants / Loan Fund Review	Depreciation	Pensions	Employee Statutory Adjustment	EFA Column 1 Note 5
	£'000	£'000	£'000	£'000	£'000	£'000
Net Cost of Services	571,709	(26,325)	(91,076)	(37,941)	(900)	415,467
Other Income and Expenditure	(555,692)	-	91,076	37,941	900	(425,775)
Deficit / (Surplus) on Provision of Services	16,017	(26,325)	-	-	-	(10,308)

The net deficit of £16 million, offset by the additional grant income carry forward of £16.3 million and funds committed by council decisions £10 million, increases the General Fund balance to £52.8 million at 31 March 2022.

Existing commitments against the balance are £50.7 million, mainly arising from £26 million of Council resources earmarked for the Covid-19 response, Government grants carry forward £5.1 million, a Modernisation Fund of £4 million, developer contributions from HRA of £1.5 million, a Winter Resilience fund of £1 million, funds for Whitburn Community Centre Works of £1.8 million, schools delegated carry forward balances of £1.9 million and committed funds from the Loans Fund Review £4.1 million. There is £0.6 million for time limited projects where investments in specific programmes or activities for a short period of time can be made typically to support transformational change or focus on a particular area to generate future financial and non-financial benefits. Full details of the commitments against the General Fund Balance are detailed in Note 34 on page 89.

The council has a remaining provision of £0.4 million for the settlement of costs arising from claims for back pay in respect of equal pay. The council's equal pay claims are settled, the remaining provision is considered sufficient to meet the requirements of final pension costs. During 2020/21 the council's known holiday pay claims were settled, the remaining provision of £0.31 million has now been written back as there are no further liabilities on the holiday pay provision. Full details of the provisions are provided in Note 18 on page 75.

The council has a Modernisation Fund which can be used to assist in funding potential termination costs for staff or other costs associated with modernisation and change within the council. From 2010/11 to date £19.3 million has been paid from the Modernisation Fund. As at 31 March 2022, the balance of the Modernisation Fund is £4 million (£2.7 million as at 31 March 2021).

Included in the Comprehensive Income and Expenditure Statement is £0.2 million (£0.7 million during 2020/21) of expenditure in relation to the cost of agreed employee exit packages payable to seven staff (17 staff during 2020/21) as part of the council's strategy to balance the budget.

In 2021/22, valuations were undertaken for properties subject to material change in valuation, community centres, day centres, old people's homes, partnership centres, pavilions and miscellaneous land. As a result, £11.4 million was charged to the Comprehensive Income and Expenditure Account. The revaluation charge has no impact on the General Fund Balance carried forward.

MANAGEMENT COMMENTARY

7.3 Covid-19 Scottish Government Funding

Additional Scottish Government funding provided in relation to Covid-19 has been accounted for as grant income in line with all other government grant income on an accruals basis, and any related expenditure recognised separately in the financial statements.

Grants have been designated as either agency or principal based on the Code of Practice on Local Authority Accounting in the United Kingdom (the Code) with further guidance provided by the LASAAC Guidance on Accounting for Coronavirus (Covid-19) Grants / Funding Streams. Definitions and treatment of grants are as follows: -

- **Agency**

Income where the council is acting as an agent, as an intermediary in distributing funds from the Scottish Government, has not been recorded in the Comprehensive Income and Expenditure Account as the council does not retain the risks and rewards of the income and related expenditure.

The agency grants administered by the council during 2021/22 are as follows: -

Scottish Government Grants – Agency	2021/22 £'000	2020/21 £'000
Transitional Support Fund for Childcare Providers	-	305
Business Closure Fund	-	475
Business Contingency Fund: Soft Play & Nightclubs	-	240
Furlough Support Fund	-	117
Small Business Grants	-	27,414
Self Employed Hardship Fund	-	303
Covid Spring Hardship	-	708
Covid Winter Hardship Grants	-	608
£500 payments Social Care Staff	-	633
£500 payments Social Care Providers	-	822
Covid-19 Business Support – Support for Brewers, Travel Agents & Indoor Football	-	125
Temporary Restrictions Fund for Childcare Providers	88	143
Strategic Framework Business Fund	8,526	13,687
Business support - small accommodation providers paying council tax	12	68
SWF Self Isolation Grants	1,330	202
Taxi and Private Hire Driver Support Fund	1,441	594
Low Income Pandemic Payments	2,115	-
Scottish Child Payment Bridging Payments	2,990	-
National Qualifications 2020-21 Additional Teacher Payment	392	-
Route Map Extension Restrictions Fund	262	-
Soft Play Support Fund	16	-
Hospitality and Leisure	1,471	-
Business Ventilation Fund	7	-
Nightclub Closure Fund	100	-
Scottish Brewers Support Fund	6	-
Public House Table Service Restriction Fund	127	-
Childcare Sector Omicron Impacts Fund	172	-
Total Agency Grants	19,055	46,444

MANAGEMENT COMMENTARY

- Principal**

Income where the council is acting as principal, on its own behalf, has been recorded in the CIES and the notes to the financial statements.

Note 33 to the accounts on page 87 provides a detailed analysis of grants in 2021/22 totalling £115.4 million (£116.9 million 2020/21) where the council has acted as principal for grants, this includes Covid-19 grant funding from Scottish Government through specific service grant of £2.227 million in 2021/22 (£5.929 million 2020/21).

7.4 Revenue Budget – Housing 2021/22

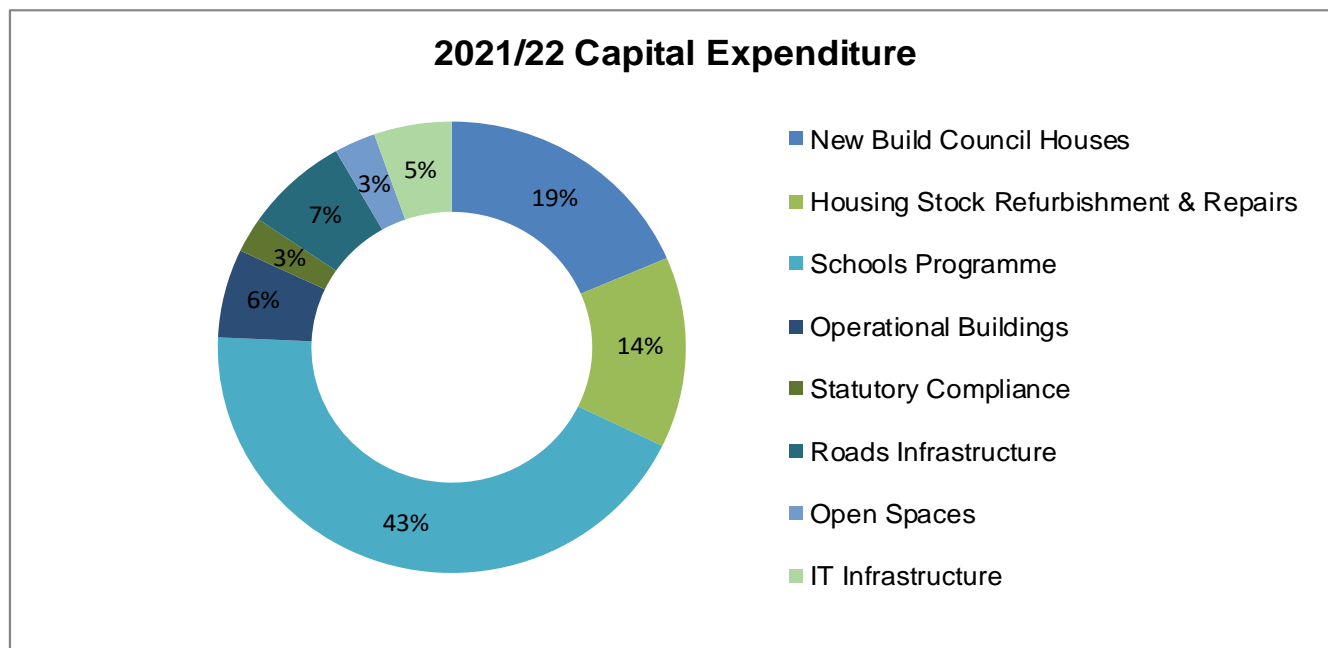
Statement 9 (page 93) the HRA – Income and Expenditure Statement includes depreciation and impairment on housing assets. The deficit for the year is £25.8 million (£17.7 million 2020/21). Statement 10 (page 94) the Statement of Movement on the HRA Balance adjusts this deficit as a result of amounts which are required by statute to be debited or credited to the HRA Balance for the year, the net credit for these items is £25.8 million (£17.7 million 2020/21). The overall position was breakeven for the year, which maintains the HRA balance carried forward at £0.9 million (£0.9 million 2020/21).

7.5 Capital Budget 2021/22

Under the provisions of the CIPFA Prudential Code for Capital Finance in Local Authorities, councils can decide locally on capital investment strategy on the basis that spending plans must be affordable, prudent, sustainable and meet Best Value requirements. Compliance with these criteria is demonstrated by defined prudential indicators.

Based on approved indicators, the council was able to demonstrate the affordability of capital plans. The capital financing requirement for 2021/22 was £763.3 million (£713.2 million 2020/21), £492.5 million (£463.6 million 2020/21) for general services and £270.8 million (£249.6 million 2020/21) for Housing Revenue Account. External debt levels were £715.7 million during 2021/22 (£688.1 million 2020/21).

7.6 Capital Programme 2021/22



The General Fund and Housing Revenue Account capital outturns are detailed in the following table: -

Capital Programme	2021/22			2020/21		
	Budget £'000	Actual £'000	Over/(Under) Spend £'000	Budget £'000	Actual £'000	Over/(Under) Spend £'000
General Services	77,456	95,794	18,338	47,409	56,182	8,773
Housing Revenue Account	49,027	45,505	(3,522)	29,241	23,116	(6,125)
Total Capital Expenditure	126,483	141,299	14,816	76,650	79,298	2,648

MANAGEMENT COMMENTARY

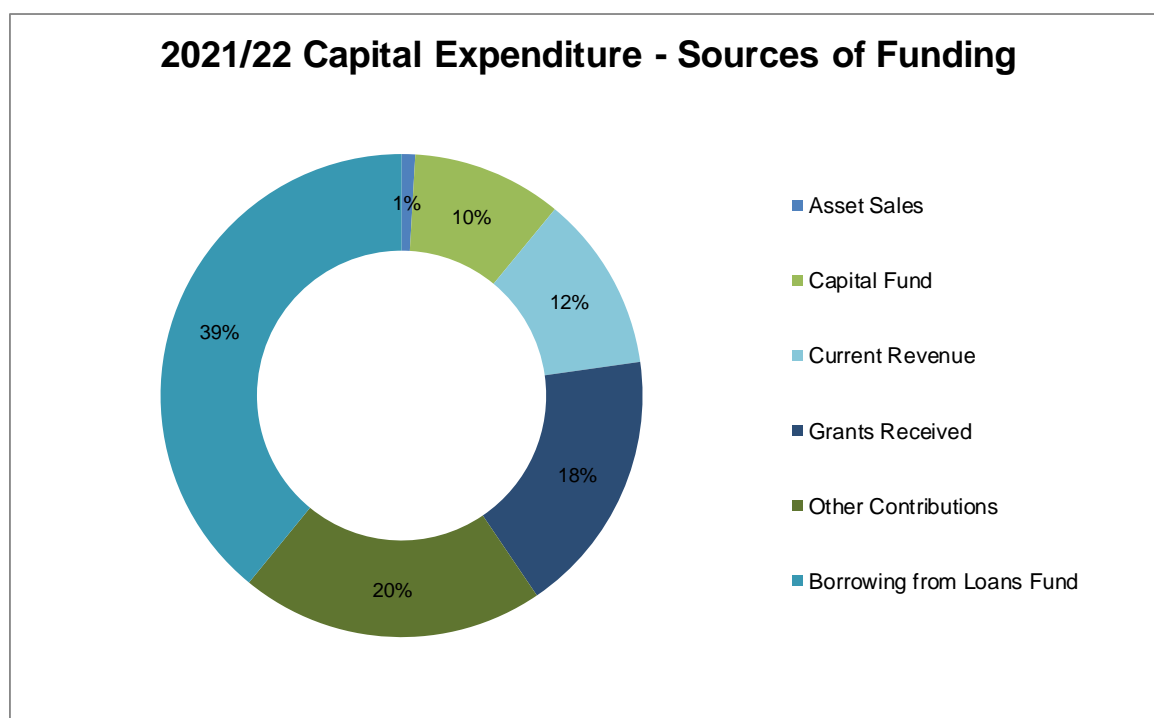
The 2021/22 General Services capital programme had a budget of £77.5 million and the final outturn for 2021/22 was £95.8 million resulting in a net variance of £18.3 million. During 2021/22, a number of projects progressed more quickly than originally anticipated, namely the Developer Funded new Secondary Schools at Winchburgh which had accelerated spend of £13.1 million and the additional support needs school projects with accelerated spend of £4.2 million within the property asset programme. In addition, successful installation and rollout of robotics and automation meant the digital transformation project within ICT also had accelerated spend. The increased spend in 2021/22 due to earlier implementation of projects will be managed within total project budgets available.

The HRA capital programme had a budget of £49 million and actual expenditure of £45.5 million resulting in a net variance of £3.5 million. The Covid-19 shutdown period had a major impact on new build provision in the previous financial year, with delays incurred due to ongoing restrictions, however good progress resumed during 2021/22. A total of 41 new build completions were handed over during 2021/22. The current pandemic has had, and will continue to have, a material impact on the housing capital programme. Government guidance is continually being reviewed and budget assumptions are being revised to take account of the situation.

The total council capital expenditure was funded as follows: -

Sources of Funding	2021/22 £000	2020/21 £000
Asset sales and contributions from third parties / funds	69,402	57,345
Revenue contributions to capital	16,665	18,168
Borrowing	55,232	3,785
Total Funding	141,299	79,298

Total debt outstanding at 31 March 2022 (2021) was £637.9 million (£607.8 million). The details of the debt outstanding are shown in note 15.3.



7.7 Public Private Partnership (PPP) and Design, Build, Finance and Maintain (DBFM) Contracts

The PPP and DBFM contracts are assessed under International Financial Reporting Standards (IFRS) which looks at aspects of control of an asset, such as specifying services and the price paid for these services. The net value of all PPP and DBFM assets in the balance sheet at 31 March 2022 is £209.7 million (£221.3 million as at 31 March 2021).

The outstanding liabilities on the PPP and DBFM contracts are £79.2 million (£81.6 million 2020/21) of which £2.6 million (£2.4 million 2020/21) is shown under current liabilities and £76.7 million (£79.2 million 2020/21) under long term liabilities.

Details of the annual costs of these contracts are shown in note 35.

MANAGEMENT COMMENTARY

7.8 Significant Trading Operations (STO)

The Local Government in Scotland Act 2003 introduced the requirement to maintain and disclose significant trading operations. Consequently, a trading account has been prepared for the council's only significant trading operation, Economic Development Properties, in accordance with guidance issued by CIPFA/LASAAC.

During 2021/22 the STO achieved an in-year surplus of £2.3 million (£1.5 million 2020/21).

In the three years to 31 March 2022 the trading account sustained a statutory aggregate surplus of £4.1 million, therefore achieving the statutory financial requirement to breakeven over a three year period.

Note 29 provides further detail.

7.9 Pension Reserve and IAS19

The pensions accounting standard IAS 19 is fully adopted in the accounts and details are available in Statement 8 note 1 on accounting policies. The requirement to recognise the council's share of the net liabilities of the Lothian Pension Fund (LPF) in the balance sheet has resulted in a negative Pension Reserve of £143.7 million at 31 March 2022 (£311.8 million at 31 March 2021).

Formal actuarial valuations are carried out every three years, where each employer's assets and liabilities are calculated on a detailed basis, using individual member data, for cash contribution setting purposes. The most recent formal valuation date was 31 March 2020 with the subsequent results based on a rollforward from the formal valuation. The council is a member of the Contribution Stability Mechanism (CSM) and as a result the pension contribution rates from 1 April 2021 remain frozen for four years at 21.8% and then increase/decrease by a maximum of 0.5% per annum. LPF will continue to monitor the CSM in the intra-valuation period.

The pension deficit has decreased as a result of a combination of

- investment returns being significantly greater than expected leading to a positive impact. The total investment return achieved by the Fund over the accounting period was 10.8%, compared to an expected accounting return of 2%.
- the net discount rate (discount rate net of inflation) has increased. The discount rate assumption has increased by more than the increase in the CPI assumption resulting in a positive impact. It is estimated by the actuary that the gain is in the region of a 6 - 8%.
- The longevity assumptions have changed from the previous accounting period to reflect the latest available mortality improvement table resulting in a gain on the obligations. It is estimated by the actuary that the decrease in obligations are in the region of 0.5%.

The negative reserve does not impact on the council's available resources. The figures presented in the actuary's valuation are prepared only for the purposes of IAS19 and have no validity in other circumstances. In particular, they are not relevant for calculations undertaken for funding purposes, and have no impact on the employers' pension contribution rate.

7.10 Other Reserves

The following table details the usable reserves held by the council for the five year period 2017/18 to 2021/22.

Fund	2017/18 £'000	2018/19 £'000	2019/20 £'000	2020/21 £'000	2021/22 £'000
Committed General Fund	21,805	15,290	16,875	40,258	50,746
Uncommitted General Fund	2,101	2,373	2,994	2,261	2,081
HRA Fund	926	926	926	926	926
Capital Fund	58,963	61,713	57,917	45,580	38,640
Insurance Fund	10,125	10,391	9,317	7,596	7,307
Total	93,920	90,693	88,029	96,621	99,700

The reduction in the Capital Fund of £6.94 million from 2020/21 is a result of the planned usage of the fund to supplement the capital programme. The 2021/22 capital investment programme and treasury management plan agreed and acknowledged the use of the council's capital fund to support investment in General Services assets of £95.8 million as outlined in section 7.6 of this commentary.

MANAGEMENT COMMENTARY

As part of the annual revenue budget setting process, the Head of Finance and Property Services assesses and reflects on the appropriateness of the unallocated general fund balance. The review is undertaken each year, and for 2021/22, was considered in the revenue budget report to the Council on 25 February 2021. It was concluded that, in order to ensure that sufficient funds are held in reserve to deal with the financial consequences of uncertain future events, that the uncommitted balance be maintained at a minimum of £2 million. This level is assessed as appropriate as the council has an approved medium term financial strategy which is underpinned by clear financial planning arrangements, sound financial management and a number of other earmarked reserves.

Details of the committed General Fund balance are shown in note 34 on page 89.

7.11 Group Accounts

Local authorities are required to consider their interests in all types of entity, including companies, joint ventures and statutory bodies such as Valuation Boards. Where they have a material interest in such entities, authorities are required to prepare a full set of group accounts in addition to their own council's accounts. The council has a number of non-consolidation interests in other entities, full details of which are shown on pages 104 and 105. For the purposes of consolidation and incorporation with the Group Accounts the council had one subsidiary company during 2021/22, West Lothian Leisure (WLL).

- **Subsidiary - West Lothian Leisure (WLL)**

The impact of the Covid-19 pandemic continued to detrimentally impact WLL in 2021/22. All of WLL's facilities were closed for part of the year with the majority of venues reopening on 26 April 2021. In addition, the Scottish Government's Covid-19 restrictions reduced the extent and capacities of activities offered by WLL during part of 2021/22 and consumer confidence reduced foot fall during the whole of the year. This resulted in a greater than normal funding requirement of the council during 2021/22.

In addition to its normal management fee and landlord maintenance funding, the revenue budget plan that the council approved for 2021/22 and 2022/23 on 25 February 2021 included an additional £3 million to help WLL meet the continuing financial challenges of Covid-19, £1.5 million of which was provided to WLL in 2021/22. In addition, Council Executive agreed a one-off capital payment to WLL of £0.370 million on 23 March 2021, £0.183 million of this was provided to WLL in 2021/22.

On 16 August 2022, Council Executive agreed that the Head of Finance and Property Services would issue a letter of comfort to WLL which confirmed that the council would continue to undertake cash flow management with WLL to allow it to meet its everyday cash liabilities over the financial year 2022/23.

- **Associate - Lothian Valuation Joint Board**

Lothian Valuation Joint Board is deemed to be an associate under group accounts guidance.

- **Joint Venture – West Lothian Integration Joint Board (IJB)**

The council also has a joint venture in relation to the health and social care partnership in the form of the West Lothian Integration Joint Board (IJB).

In terms of West Lothian IJB, Covid-19 represents an ongoing challenge for the delivery of health and social care services. Taking account of this integration authorities submitted Local Mobilisation Plan cost updates during 2021/22 detailing the additional financial implications resulting from the pandemic. These plans and associated financial costs were closely reviewed during the year with regular updates being provided to the Scottish Government. Regular updates on the financial implications reflected in the Mobilisation Plan cost updates were also reported via budget monitoring reports to the Board and Council. The IJB has a statutory responsibility in relation to the strategic planning of future health and social care delivery. The implications arising from Covid-19 on delivery of care services and current strategic planning and commissioning plans are continuing to be kept under close review for 2022/23 through the established processes in place.

The council, along with NHS Lothian, have a statutory duty under the Public Bodies (Joint Working) (Scotland) Act 2014 to review the integration scheme every five years. An integration scheme represents an important governance document, not only for the West Lothian Integration Joint Board, but for the partner health board and local authority.

The first review of the Integration Scheme was scheduled to have been completed in June 2020. The process was started and a timetable was agreed by the council and NHS Lothian. As reported in 2020/21, due to the intervention of the Covid-19 emergency the process could not be progressed after the council and health board prioritised resources for tackling the pandemic and it was formally postponed. The process was resumed in 2021/22 and the statutory consultation and review process has been concluded. The revised scheme was approved by the council in April 2022 and by the health board in June 2022. It is currently subject to ministerial approval and will come into effect on the date specified by Scottish Ministers.

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On the 9 August 2021, the Scottish Government launched the consultation, a National Care Service for Scotland, which sought the public's views ahead of the proposed creation of a National Care Service (NCS). The council agreed a response to the Scottish Government on its consultation at the meeting of Council Executive on 5 October 2021. The National Care Service Bill was published on 21 June 2022 and makes provision for the establishment of new Care Boards and will make Scottish Ministers accountable for adult social care in Scotland. There remains uncertainty at this stage on the specific implications of the Bill and it is noted that a co-design approach will be taken and that a number of future decisions will be made through secondary legislation. The Scottish Government have indicated that the NCS will be operational by the end of this parliament and the position will continue to be kept under close review

8. Risk and Uncertainty

At present, there are no confirmed Scottish Government budget allocations for local government beyond 2022/23. The uncertainty around the financial implications of various concurrent risks will continue to be significant issues for local government and the wider economy going forward. The Scottish Government response to these risks will be ongoing and any further budget and expenditure changes resulting for the council due to these risks and any associated policy decisions made will be taken account of in the council's financial planning.

The council's financial planning is based on a number of short, medium and long term financial assumptions which are subject to significant risks and uncertainties. Whilst acknowledging that the council's planning assumptions are subject to uncertainty due to the planning time horizon, there are a number of risks, uncertainties and potential cost pressures that could impact on the council's ability to balance the revenue budget. The Scottish Government's Resource Spending Review announced on 31 May 2022 set out high level spending plans for the remainder of the current parliamentary term (2023/24 to 2026/27). For local government this essentially set out a flat cash funding position for the period up to 2025/26 which implies a very challenging period ahead for the council. The position on the overall Scottish funding envelope allocated to local government will continue to be kept under close review especially with an increasing risk in relation to inflation and the performance of the wider UK and Scottish economy.

It is important that the council continues to reflect on a fast changing position where there are fundamental areas of risk in respect of the ongoing impact of Covid-19 and wider economic risks that could have a range of impacts on the council's achievement of objectives. With regard to this, there are regular reports to the Council's Governance and Risk Committee on the following:

- Concurrent Risks Resilience and Preparedness Planning – this report has provided an update to each committee meeting on the concurrent risks identified by the council in relation to the Covid-19 pandemic, the UK's withdrawal from the European Union (EU) and other associated risks. This regular review of concurrent risks alongside business continuity planning and other workforce resilience and preparedness plans has helped to ensure the council has arrangements in place to mitigate against service disruptions that may occur. Moving forward, concurrent risks will be monitored through Pentana, the council's risk management system, and will be reported to the Governance and Risk Committee as part of the regular update of the council's corporate high risks.
- High Risks – an update on the council's high risks is provided to each committee meeting. This report provides an update on all the council's high risks and sets out the action being taken to manage these risks. This includes the current controls in place and further additional risk actions being progressed to further mitigate the potential impact of these risks. The council's high risks are also reported on a regular basis to both the Governance and Risk Board, an officer group that exercises oversight over the council's governance and risk management arrangements, and the Executive Management Team (EMT).
- Strategic Risks – the council's strategic risks are defined as those risks which, if they occur, could have a major impact on the ability of the council to achieve its objectives. This includes serious failures of a regulatory or compliance nature. The strategic risks fall into a small number of categories including those relating to economic uncertainties or financial constraints, those relating to health and safety including statutory compliance and business continuity. These risks are regularly reviewed by the Governance and Risk Committee, Governance and Risk Board and EMT.

Other key risks in relation to funding and overall financial planning assumptions include:

- More ring fencing of grant funding, constraining how local authorities allocate their resources to deliver local priorities.
- General economic uncertainty, where economic growth is not in line with forecasts due to worldwide market conditions including the impact of the war in Ukraine, the ongoing impact of leaving the EU and the pandemic, and how these impact on public spending levels, especially as the overall Scottish funding envelope is now highly contingent on economic performance.

MANAGEMENT COMMENTARY

- The council's ability to meet its statutory homeless duty and maintain spend on housing need within budget. One of the council's mitigating measures relates to the new build housing programme and it is anticipated that there will be a significant number of secondary lets which will be allocated to homeless applicants.
- Increases to pay award, employers' National Insurance and pension contributions above the rates assumed in the council's financial plan. At this stage there is no agreed pay settlement for 2022/23, but it is clear that pay costs will be in excess of 2022/23 budget assumptions. There is also a risk associated with the pay costs for the period of the next five year financial plan.
- Increase in costs in demand led services is greater than financial planning assumptions. Continued and accelerated increases, greater than forecasts, will create additional pressures.
- High and persistent inflation that is in excess of budget assumptions and funding made available by the Scottish Government. The council's inflationary assumptions for future years are closely monitored and updated as necessary taking account of various sources of information including specific inflationary indices for utilities, fuel and food.
- Actual pupil numbers exceeding forecasts, requiring more teachers to be employed.
- House building assumptions used for financial planning are not realised resulting in changes to council tax and school demographic assumptions.
- Policy changes by the UK or Scottish governments which restrict the council's flexibility to decide how to deliver services locally.
- Full delivery of approved budget reduction measures, although good progress has been made to date in implementing savings.
- The impact on the council of the establishment of the new National Care Service and resulting implication for council funding and expenditure.

9. Future Work and Ongoing Developments

West Lothian Council approved an updated budget for 2022/23 at the Council meeting of 15 February 2022. In order to achieve a balanced budget for 2022/23 the council is required to deliver budget savings of £9.1 million, which have been fully identified.

An estimate of the ongoing financial implications associated with the Covid-19 pandemic was included in the budget report. The ongoing implications of the pandemic means there will be continued additional costs for the council and it is estimated at this stage that the council could face cost pressures and a requirement for additional Covid-19 costs totalling £8.817 million in 2022/23. The council plans to meet these costs through a combination of additional Scottish Government funding support and other flexibility provided.

The updated financial plan highlighted a number of risks over the period that will be closely monitored. In addition, an assessment of the risk to deliverability of each of the proposed budget saving measures was included in the budget report to assist councillors in the scrutiny aspect of their budget setting role. There will be further regular monitoring of progress towards the deliverability of approved savings over the three year period and this will take account of any implications resulting from Covid-19.

The report to Council on 15 February 2022 also set out an updated central planning scenario for the period 2023/24 to 2027/28 based on budgeting assumptions at that time. This showed an estimated budget gap of £45.7 million over the five year period. Officers continue to update and refine assumptions reflecting the council's previously agreed approach to having a five year financial plan, aligned with political administrations, and three year detailed revenue budgets. Assumptions have also been updated to reflect the Scottish Government's Resource Spending Review announcement of 31 May 2022 and a further update on the five year financial plan outlook was presented to Council Executive on 21 June 2022 with an updated forecast budget gap of £38.4 million. Given 2022/23 pay award developments and further increases in utility costs since June 2021, it is highly likely that the five year budget gap will increase significantly. The council's agreed public consultation process for the five year period to 2027/28 will assist in the prioritisation and allocation of resources to activities with the objective of ensuring the council is able to balance its budget over the period. A detailed three year budget and high level five year budget plan is intended to be reported to Council for approval in February 2023.

The council continues to face unprecedented challenges and risks, including the impact of a number of concurrent risks which together are contributing to very significant inflationary pressures that are having a detrimental impact on the recovery of the economy following the pandemic. As a result of this the council is seeing significant cost increases emerging in a number of areas such as pay, energy, fuel and in a wide range of services and materials. Construction costs are also increasing and there are significant risks in terms of future pay award costs being in excess of budget resources available.

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Taking account of these pressures and risks, the 2022/23 budget will require to be closely monitored and mitigating actions will be required as necessary during the year to ensure spend can be contained within funding resources available. The ongoing impact of risks and additional cost resulting will also require to be taken account of in updating the financial planning assumptions for 2023/24 to 2027/28. It will be important that up to date budget assumptions for 2023/24 to 2027/28 assist elected members and officers in effectively focusing on medium term sustainability and ensuring budgets are balanced, priority outcomes are met and performance in key areas of service delivery is maintained or maximised within available resources for key areas of service delivery.

To ensure the council has balanced budgets going forward for the next five year period, fundamental changes are likely to be required to a number of services which contribute less to council priorities and the introduction of new models of service delivery will be necessary in some areas. The council's Corporate Transformation Programme Team will help facilitate transformational change in the council and assist with fully developing approved budget reduction measures, helping to mitigate the risk of non-delivery of savings.

The council has an established risk based approach to budget monitoring which ensures that effective action is taken to manage risks. During 2022/23, officers will continue to provide updates on risks as part of the quarterly budget monitoring to Council Executive. The Audit, Risk and Counter Fraud Manager also monitors and oversees financial and non-financial risks through updates provided by managers on the Pentana System. Regular updates are provided to the Officer Governance and Risk Board and to elected members and the public through the Governance and Risk Committee. Reports and minutes for the Governance and Risk Committee are available on COINS, the council's committee information system on the link [West Lothian Council Committee Information Pages](#)

The council has made good progress in securing its ongoing financial sustainability through the approval of the 2022/23 revenue budget and the long term capital investment programme. Significant preparatory work is progressing on the development of the next five year financial plan covering the period 2023/24 to 2027/28. The development of the next five year financial plan will be linked to the new Corporate Plan and will be subject to consultation as part of the medium term planning framework adopted by the council for the continued delivery of balanced budgets.

There remains significant uncertainty for local government around future funding levels, the impact of the plans to establish a National Care Service and the longer term inflationary impacts of a number of major concurrent risks, and these factors and the overall budget position and assumptions will continue to be closely monitored during 2022/23 with further updates provided to Council Executive as part of the overall monitoring arrangements in place.

The nature of medium to long term financial planning means that identifying expenditure and funding growth for future years is challenging and uncertain under any circumstances and the current cost risks and wider risks to the economy only increases uncertainty at this point in time. However, it is widely acknowledged by bodies such as Audit Scotland and CIPFA that a short term budgeting process is not conducive to achieving the aims consistent with planning to meet future service delivery demands and prioritising resources to achieve this and therefore the objective will be to further review and develop the medium term financial plan during 2022/23 with the intention of reporting the next five year plan and detailed three year revenue budgets to Council in early 2023.

Donald Forrest CPFA
Head of Finance and Property Services

Graham Hope
Chief Executive

Councillor Lawrence Fitzpatrick
Leader of the Council

27 September 2022

STATEMENT OF RESPONSIBILITIES**STATEMENT 1****THE AUTHORITY'S RESPONSIBILITIES**

The authority is required to:

- make arrangements for the proper administration of its financial affairs and to secure that the proper officer of the authority has the responsibility for the administration of those affairs (section 95 of the Local Government (Scotland) Act 1973). In this authority, that officer is the Head of Finance and Property Services;
- manage its affairs to secure economic, efficient and effective use of resources and safeguard its assets;
- ensure the Annual Accounts are prepared in accordance with legislation (The Local Authority Accounts (Scotland) Regulations 2014), and so far as is compatible with that legislation, in accordance with proper accounting practices (section 12 of the Local Government in Scotland Act 2003);
- approve the Annual Accounts for signature.

I confirm that these Annual Accounts were approved for signature by West Lothian Council at its meeting on 27 September 2022.

Signed on behalf of West Lothian Council

Councillor Lawrence Fitzpatrick
Leader of the Council
27 September 2022

THE HEAD OF FINANCE AND PROPERTY SERVICES' RESPONSIBILITIES

The Head of Finance and Property Services is responsible for the preparation of the authority's Annual Accounts in accordance with proper practices as required by legislation and as set out in the CIPFA/LASAAC Code of Practice on Local Authority Accounting in the United Kingdom (the Accounting Code).

In preparing the Annual Accounts the Head of Finance and Property Services, has:

- selected suitable accounting policies and then applied them consistently;
- made judgements and estimates that were reasonable and prudent;
- complied with legislation;
- complied with the local authority Accounting Code (in so far as it is compatible with legislation).

The Head of Finance and Property Services has also:

- kept adequate accounting records which were up to date;
- taken reasonable steps for the prevention and detection of fraud and other irregularities;

I certify that the financial statements give a true and fair view of the financial position of the local authority (and its group) at the reporting date and the transactions of the local authority (and its group) for the year ended 31 March 2022.

Donald Forrest CPFA
Head of Finance and Property Services
27 September 2022

ANNUAL GOVERNANCE STATEMENT**STATEMENT 2****1. Introduction**

- 1.1 The corporate governance framework comprises the systems, processes, culture and values by which the council is directed and controlled and by which it engages with and is accountable to the West Lothian community. The council's governing bodies (full council and committees), individual councillors and members of staff must try to achieve its objectives while acting in the public interest at all times. That implies primary consideration of the benefits for society, which should result in positive outcomes for stakeholders.
- 1.2 The council, through all of its members, has overall responsibility for good governance arrangements. In practice, the council entrusts the delivery of those tasks to committees and to appropriate council officers but subject to monitoring and scrutiny arrangements, including receiving evidence-based assurance on the governance framework's effectiveness and completeness.
- 1.3 The council's Corporate Plan 2018/19 to 2022/23 cements the place of corporate governance as an "enabler". Along with risk management, financial planning and modernisation/improvement it is an essential back-office corporate service necessary to assist setting goals and priorities, monitoring achievement and reporting corporate priorities and outcomes. The Corporate Plan acknowledges the wide understanding that good governance promotes good decisions.
- 1.4 The statement is presented in these sections: -
1. Introduction
 2. Executive summary and assurance
 3. Political structure and administration
 4. Management structure
 5. Decision-making and scrutiny arrangements
 6. Local Code of Corporate Governance
 7. Annual internal audit opinion
 8. Annual compliance statements
 9. Compliance with the CIPFA Financial Management Code (2019)
 10. Audit Committee
 11. Governance & Risk Committee
 12. Other internal scrutiny arrangements
 13. Officer roles and activity
 14. External scrutiny
 15. Past and current governance issues
 16. Governance issues ahead
 17. Covid-19
 18. Conclusion and assurance

2. Executive summary and assurance

- 2.1 The conclusion and assurance in this statement is based on: -
- the annual internal audit opinion by the Audit Risk & Counter Fraud Manager on the effectiveness of the framework of governance, risk management and control, the statutory review of the system of internal control
 - annual compliance statements produced by the Monitoring Officer and stand-alone reports in relation to significant council policies and procedures
 - the newly-populated evidence-based Local Code of Corporate Governance
 - the progress made in the reporting year on areas of governance concern
 - full compliance with the CIPFA Financial Management Code (2019)
 - the additional commentary and assessment relating to Covid called for by CIPFA guidance and advice

ANNUAL GOVERNANCE STATEMENT**STATEMENT 2**

- 2.2 There are inevitably issues on which future work is required, but, based on the sources and evidence described in this statement, the council and the West Lothian community can be assured that the council's corporate governance standards have been substantially met in 2021/22.

3. Political structure and administration

- 3.1 West Lothian Council has nine electoral wards and 33 councillors. Two by-elections were held in 2021. At the end of the reporting year the 33 councillors were made up of 14 SNP members, 10 Labour members, 8 Conservative members and 1 Independent member. The minority Labour administration established in May 2017 remained in place throughout. The council's committee structure established in June 2017 remained structurally intact as well, albeit with additions where necessary to meet new legislative requirements (e.g., community asset transfer applications). That political composition changed as a result of the local government elections in May 2022. There are presently 12 Labour members, 15 SNP, 4 Conservative, 1 Independent and 1 Liberal Democrat. A minority Labour administration was established again. The committee structure was re-adopted largely intact. The most significant change, in June 2022, was in relation to Policy Development & Scrutiny Panels. They are working groups that allow participation by non-councillors and provide a discussion forum for new or amended policy proposals before their final consideration at committee. Their number was reduced from 9 to 7, their remits were modernised and streamlined, and their membership was adjusted as a result of the change in political composition of the council.
- 3.2 At the end of the reporting year, the leadership positions comprised the Provost, the Council Leader, eight Executive Councillors (portfolio holders in relation to council services) and chairs and vice-chairs of other committees. Senior councillor payments are agreed each year. The statutory annual report for 2021/22 on elected members' remuneration, allowances, expenses and training was reported to Council Executive on 7 June 2022. The number of leadership positions remains the same after the local government elections. However, in June 2022 the council reallocated some of those to committee chairs as a result of the reduction in the number of Policy Development and Scrutiny Panels which in turn reduced the portfolio holder positions.

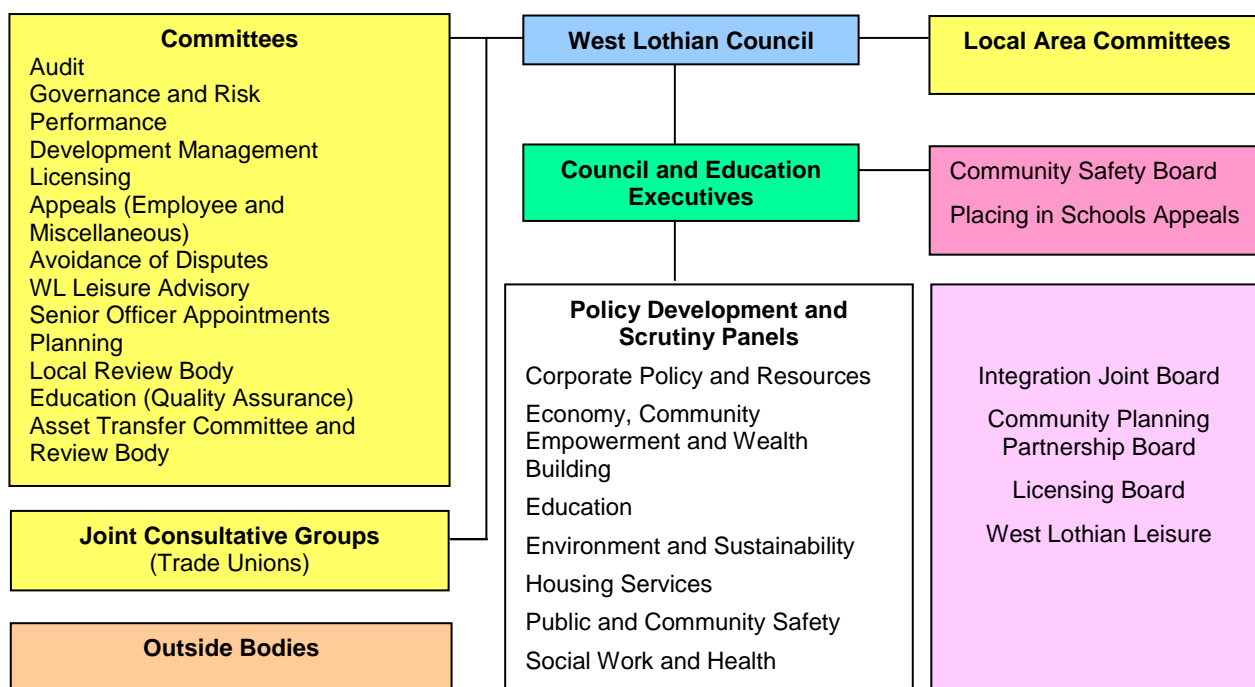
4. Management structure

- 4.1 The council's services are managed through its Executive Management Team (Chief Executive, three Depute Chief Executives and the Head of Finance & Property Services). Those officers and seven Heads of Service, with the Governance manager, form the Corporate Management Team. Each service has a Senior Management Team and other service managers, team leaders and teams within its structure. A new Depute Chief Executive (Alison White) responsible for the Health & Social Care Partnership was appointed on 5 July 2021 after a successful cooperative appointment process amongst council, health board and the West Lothian Integration Joint Board. Two vacant Heads of Service post in Education Services were filled after recruitment processes. The post of Head of Housing, Customer & Building Services fell vacant in 2021. The Head of Corporate Services has moved to that post on an interim basis, pending a permanent appointment. The HR Services manager is acting Head of Corporate Services, after the end of the reporting year. The statutory post of Monitoring Officer, allocated to the Head of Corporate Services, has been assumed by the Governance Manager on a temporary basis until the vacant Head of Service post is filled on a permanent basis.
- 4.2 The service management structure at 31 May 2022 was as follows: -



ANNUAL GOVERNANCE STATEMENT**STATEMENT 2**

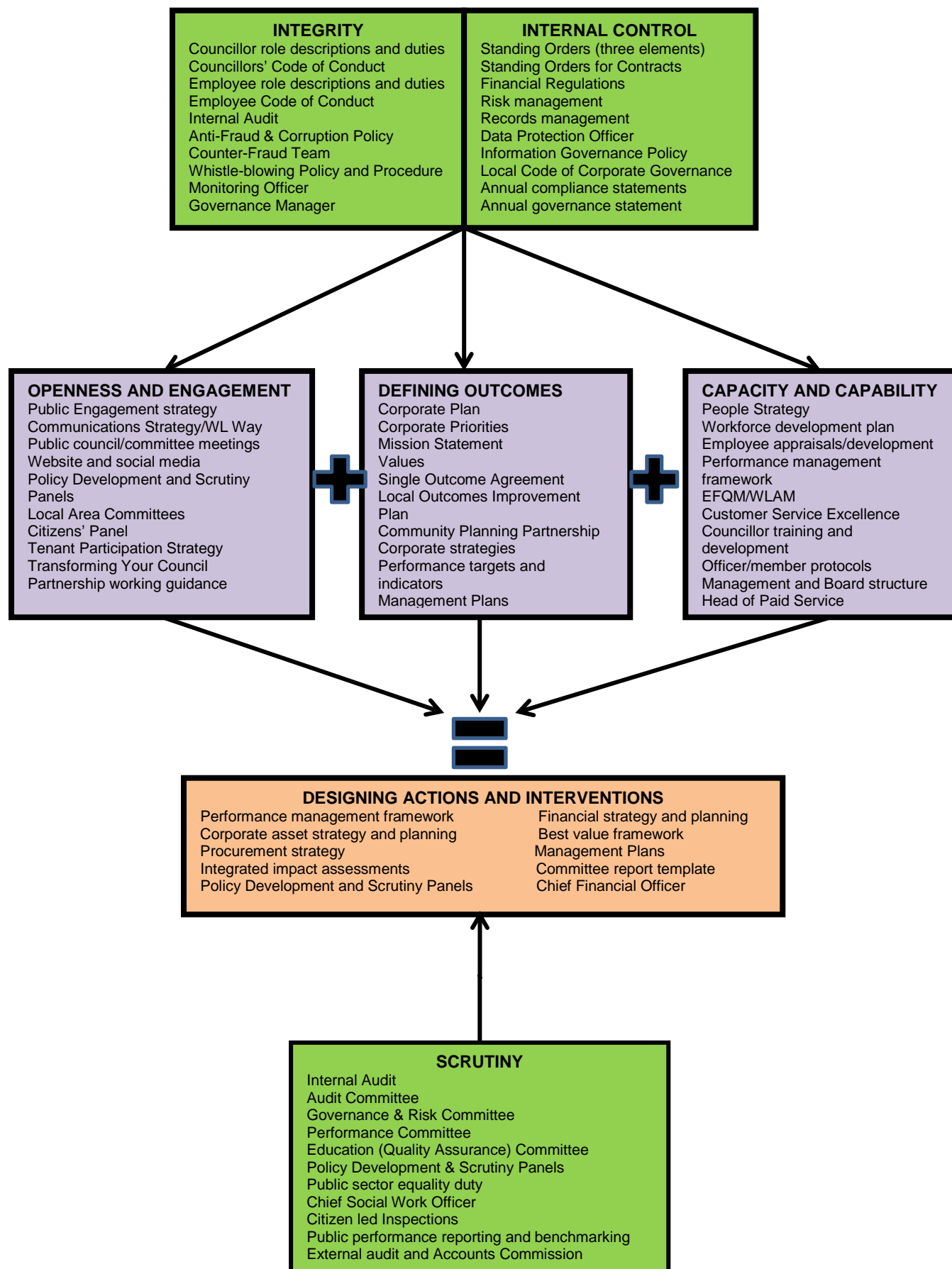
- 4.3 The council in February 2018 established a Corporate Transformation Team, made up of senior council officers seconded from across its service areas and managed by a Depute Chief Executive. The team's contribution and structure were reviewed and in 2019/20 it was embedded in the council's management arrangements, with permanent appointments made, to help take forward the ongoing transformation of council services and delivery of budget reduction measures. It was diverted temporarily in March 2020 to new tasks as the Covid-19 Resilience Team. It has gradually resumed its original remit as the pandemic and lockdown restrictions eased in 2020 and 2021. It will resume its intended and significant role as the council takes forward arrangements for adopting a new Corporate Plan in February 2022 and tackling the significant budget deficit forecast over the next five years.
- 4.4 Internal cross-service working amongst officers is enabled by a hierarchy of Executive Boards, Project Boards and Working Groups. They all have defined remits and roles, membership from appropriate service areas and grades across the council and appropriate reporting arrangements. They are added to on an ad hoc basis, as required (e.g. the Concurrent Risks Working Group looking at Brexit and COVID-19 risks and impacts, and the Remobilisation Working Group dealing with post-lockdown return of staff to council workplaces). A survey of members of these internal boards and working groups was carried out in 2021/22. Its findings have been reported to the boards and improvement actions are being designed.
- 5. Decision-making and scrutiny arrangements**
- 5.1 The council has a well-established framework of committees and working groups set out in its Scheme of Administration. It remains in place after the elections in May 2022 but changes may be made at the council meeting on 22 June 2022. Standing Orders for the Regulation of Meetings and the Scheme of Administration can only be changed at a meeting of full council. The committee structure is supported by a complementary Scheme of Delegations to Officers which sets out the responsibilities and decision-making powers delegated to officers. That too is part of Standing Orders and is updated every three months to reflect changes agreed by council and its committees.
- 5.2 There are two main policy and decision-making committees (Council Executive and Education Executive). Proposed policy changes are considered before committee decision-making at one of (currently) nine Policy Development & Scrutiny Panels (PDSPs). There are a number of scrutiny, regulatory and appeals committees in the structure. There is one local area committee for each ward to help focus ward issues and provide a link form local areas and concerns to the decision-making function at the corporate centre. Scrutiny is carried out through Audit Committee, Governance & Risk Committee, Performance Committee, Education (Quality Assurance) Committee, West Lothian Leisure Advisory Committee and the nine PDSPs. Full council meets every 8 weeks to deal with reserved matters and political debate and scrutiny.

Decision Making Structure

ANNUAL GOVERNANCE STATEMENT**STATEMENT 2**

- 5.3 A wide-ranging review of decision-making arrangements was instructed by members in February 2018. After changes being agreed in previous years, it was progressed to its conclusion in the reporting year with changes to Standing Orders for the Regulation of Meetings and the Scheme of Administration. The most significant changes in the year were those required to allow for meetings to be conducted by hybrid arrangements, whereby members may choose to take part by being physically present in the council chamber or by remote access/online arrangements. A substantial investment has been made in the equipment required to enable those arrangements. Live audio/visual webcasts will be possible and recordings made available after the event. Those arrangements are now scheduled to start in August 2022.
- 6. Local Code of Corporate Governance**
- 6.1 The council's governance arrangements are monitored and reviewed and reported in accordance with statutory requirements and under a Framework and Guidance for Scotland called "Delivering Good Governance in Local Government", produced by CIPFA/SOLACE in 2016. The current Local Code of Corporate Governance was adopted in April 2018. Its operation is considered each year by officers and members through the process of reporting on corporate governance and is scheduled for a full review in the next administrative term.
- 6.2 The Code adopts the seven over-arching principles from the Framework: -
- Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law
 - Ensuring openness and comprehensive stakeholder engagement
 - Defining outcomes in terms of sustainable economic, social, and environmental benefits
 - Determining the interventions necessary to optimise the achievement of the intended outcomes
 - Developing the entity's capacity, including the capability of its leadership and the individuals within it
 - Managing risks and performance through robust internal control and strong public financial management
 - Implementing good practices in transparency, reporting, and audit to deliver effective accountability
- 6.3 Each of those principles is broken down into sub-principles and then into a hierarchy of separate elements to allow a more focused approach to the evidence-based components of each. The diagram below shows the seven principles and their interaction, and a list for each of them of the most significant sources of evidence used to establish corporate governance compliance each year.
- 6.4 These sources of evidence and the product of scrutiny arrangements are used to assess compliance and performance over the year to determine whether the council exceeds, meets or fails to meet the required standards. Areas of concern are picked out, actions are identified and allocated, and progress is monitored through officer oversight and the Governance & Risk Committee.
- 6.5 The Code is used to inform the drafting and approval of the annual governance statement through the Governance & Risk Board, Corporate Management Team and Governance & Risk Committee. It is reported on in detail to Governance & Risk Committee when it approves the annual governance statement in June each year. In previous years it was then reported to Council Executive as part of a summary report on corporate governance. From 2022/23 it will be reported to full council after the summer recess, to the same meeting as the annual report by the external auditor and the council's annual accounts. Deficiencies are identified and reported and are translated into actions which are monitored throughout the following reporting year by Governance & Risk Board and Governance & Risk Committee.
- 6.6 Compliance in 2021/22 with the standards in the Code remains high. Continuing and lingering impacts from the pandemic have been noted and assessed as the Code has been populated. Under a red/amber/green assessment system there are no "red" scores. There are 219 standards out of 258 assessed as "green", representing 85% of the total entries. Comparable figures from previous years for green scores under the same assessment process were 82%, 79%, 81%, 84% and 84%.

GOVERNANCE PRINCIPLES AND COMMON SOURCES OF EVIDENCE



ANNUAL GOVERNANCE STATEMENT**STATEMENT 2****7. Annual internal audit opinion**

- 7.1 A significant part of the council's governance arrangements is its system of internal control. It is designed and reviewed to identify risks to the achievement of the council's objectives; to evaluate the likelihood of those risks occurring; to consider the potential impact of the risks; and to manage them effectively. It includes financial regulations and a system of management supervision, delegation and accountability, supported by regular information, administrative procedures and segregation of duties. Its key elements include an internal control framework relating to financial processes, procedures and regulations; a comprehensive budgeting and monitoring framework; scrutiny of periodic and annual financial and operational performance reports; performance management information; and project management disciplines.
- 7.2 As required under the Public Sector Internal Audit Standards (PSIAS), the Audit Risk & Counter Fraud Manager in his role as chief audit executive provides an annual opinion to members on the adequacy and effectiveness of the framework of governance, risk management and control. That opinion precedes and informs this statutory annual governance statement which in turn requires approval by the council through the Governance & Risk Committee and incorporation into the annual accounts and financial statements.
- 7.3 Following his review for 2021/22, reported to Governance & Risk Committee and Audit Committee in June 2021, his conclusion and assurance to members are that the framework of governance, risk management and control is sound. Based on internal audit investigations and reports throughout the year he identified no areas where control was considered to be unsound. The results of two counter fraud investigations were reported to Audit Committee. One report (October 2021) was in relation to the payment of emergency grants (section payments) in Social Policy. A follow-up report was brought to committee in March 2022. Time has been allocated in the risk-based annual plan to follow up the second item. The other was in relation to the misappropriation of school funds (March 2022). He has identified other areas where improvements should be made and confirmed that recommendations will be followed up and reported when required. The conclusions and assurances from his reports were accepted by committee. The practice of reporting progress on recommendations ranked as of "high" importance to Audit Committee will continue. Starting in 2022/23 actions ranked as of "medium" importance will be followed up by the service but not reported to committee alongside those ranked as of "high" significance.

8. Annual Compliance Statements

- 8.1 The council's Monitoring Officer arranges the production of annual compliance statements which sit alongside the Code and also inform the drafting and approval of this annual governance statement. They deal with compliance with the law and with the council's most significant corporate policies and procedures. They are prepared after consultation with services and senior officers and consider oversight by external regulatory and inspection bodies. They are signed by the responsible senior officer. They are designed to bring to the attention of elected members any incidents of non-compliance which are significant to the council's operations and which are not reported elsewhere in a systematic way.
- 8.2 Instead of producing annual compliance statements, separate and stand-alone reporting is carried out annually on the Councillors' Code of Conduct, Freedom of Information and Data Protection, and on Covert Surveillance and Accessing Communications Data. From 2020/21 the annual report on the Councillors' Code of Conduct is reported to full council, so to all members, rather than to a committee.
- 8.3 They cover the following areas of activity: -
- Best Value Framework - Head of Finance & Property Services
 - Procurement - Head of Corporate Services
 - Fraud and Corruption - Head of Finance & Property Services
 - Employee Whistleblowing - Head of Corporate Services
 - Discipline and Grievances - Head of Corporate Services
 - Occupational Health & Safety - Head of Corporate Services
 - Protection of Vulnerable Groups - Head of Corporate Services
 - Information Security - Head of Corporate Services
 - Public Sector Equality Duty - Head of Corporate Services
 - Breaches of the law - Monitoring Officer
- 8.4 The statements identify significant developments, issues of concern and issues to be addressed going forward. The statement by the Monitoring Officer is particularly important since the Monitoring Officer is one for the four statutory officer posts. The postholder is charged with ensuring the council's compliance with its statutory duties and responsibilities and reporting on any breaches of the law which are significant to the operation of the council. Not all breaches are material to the council's operations or its finances.

ANNUAL GOVERNANCE STATEMENT**STATEMENT 2**

8.5 The Monitoring Officer secured information from service managers and consulted with the Heads of Service, the Chief Solicitor and the Audit, Risk and Counter Fraud Manager. He identified a number of instances where improvements to the council's compliance with legislation were required. He highlighted the most significant of those and they are summarised as follows: -

- The statutory deadline was missed in 2020/21 for the review of the Integration Scheme relating to the delegation of health and care functions to the West Lothian Integration Joint Board. That review has been progressed in 2021/22 but it remains an ongoing breach of a statutory duty. The current Scheme continues to operate effectively. A revised draft Scheme has now been approved and has been submitted to the Scottish Ministers for approval
- As in 2020/21, the Housing Needs Service breached the Unsuitable Accommodation Order 2004 by using bed and breakfast and hotel accommodation on a number of occasions for more than 7 days until suitable temporary dispersed accommodation was provided. The cause was again a shortage of temporary accommodation to meet the needs of larger families or those waiting to secure temporary accommodation in particular areas. Remedial measures have been designed and the West Lothian Rapid Rehousing Transition Plan 2019/20 to 2023/24 is being implemented. Additional financial resources have been allocated in 2021/22 to address the ongoing problems of compliance
- Procedures under the Community Empowerment (Scotland) Act 2015 for the establishment of a new register of common good property had not been followed in 2020/21. That breach carried over into 2021/22 until compliance was secured through the publication of an initial register following Council Executive approval in March 2022. Work is ongoing in relation to the consequent governance and review measures with an update report due to Council Executive in mid-2022/23
- Investigation revealed a historic issue of legal compliance in relation to leases for nominal sums to community education centre management committees. In a number of cases those leases have been found not to have complied with the legislative requirements around disposing of property at less than market value. Legal advice has been given and actions have been designed to address the issue identified.

8.6 Although they are of concern, none of those breaches was considered to present significant risk to the continuing operation and effective delivery of council services and control. The Monitoring Officer's opinion is that there have been no material or significant breaches of the law by the council in 2021/22 which have or will have a material or significant impact on the operations or finances of the council. He has certified that the council is complying in all material respects with its legal requirements.

9. Compliance with the CIPFA Financial Management Code (2019)

9.1 As part of its legal obligation to comply with accepted accounting standards and Code of Practice, the council adopted the CIPFA Financial Management Code (2019) in February 2021. The Code is designed to support good practice in financial management and assist in demonstrating financial sustainability. The council is expected to adopt processes and procedures to demonstrate adherence to six principles of good financial management and 17 underlying financial management standards.

9.2 Before adoption the Code was presented for consideration to Partnership & Resources PDSP, Audit Committee and Governance & Risk Committee, all of which have an interest in different aspects of the Code. The report by which its adoption was secured was a lengthy and comprehensive exposition and explanation of the Code – its purpose, the principles and the management standards. It included a description of the available evidence of the council's present compliance, the extent of that compliance and the areas where improvement was indicated. It included a detailed list of actions with associated timescales, all designed to secure compliance in full for the reporting year 2021/22.

9.3 The information provided by the Chief Financial Officer to committee at the time indicated that the council was already compliant to a significant extent and was well-placed to secure full compliance on time. A list of actions was identified and agreed to secure full compliance. Completion of the actions identified was included in last year's statement as a governance issue for future monitoring. Those actions were duly completed in this reporting year. A report was presented to Partnership & Resources Policy Development & Scrutiny Panel in February 2022 confirming that all actions were complete and that the council was fully compliant. Ongoing compliance has been incorporated into the evidence assessed through the Local Code of Corporate Governance each year.

10. Audit Committee

10.1 Audit Committee operates in compliance with the Public Sector Internal Audit Standards (PSIAS). It undertakes a corporate overview of the council's control environment, develops an anti-fraud culture to ensure the highest standards of probity and public accountability, and evaluates the arrangements in place for securing the economical, efficient and effective management of resources. It remains in place following the formation of the new administration after the elections in May 2022. It considers an annual review of the overall adequacy and effectiveness of the council's control framework. It monitors the independence and effectiveness of the Audit, Risk & Counter Fraud Unit.

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The organisational status and independence of internal audit is set out in the Internal Audit Charter. The Chair must be appointed from councillors who are not in the ruling administration political group. The majority of members are from outwith that group. The committee includes one non-councillor member recruited for a three-year tenure to bring a different perspective and expertise to the work of the committee. Following the local government elections in May 2022 the committee has a new chair and some new members.

- 10.2 The committee meets four times each year. It operates through an annual work plan approved by the committee. It carries out an annual self-assessment exercise to identify improvements in its operation that might be made. The outcome of internal audit and counter-fraud investigations judged to be significant are reported. Reports are presented and considered in public unless there is clear legal justification for excluding the public. They express an opinion as to whether control is effective, satisfactory, requires improvement or unsound. In accordance with an agreed protocol, significant findings from audit and inspection reports are entered into the council's risk management system as risk actions. Risk actions arising from internal audit and other audit and inspection reports which remain outstanding after their target dates are reported to the Governance & Risk Board during the year and to the Audit Committee twice yearly. By the end of the reporting year there were fifteen actions which were due for completion by that date but had not been completed. The up-to-date position was reported to Audit Committee on 21 June 2022. There were six actions still to be completed. Explanations were provided to committee and new dates have been assigned. Progress will continue to be monitored through the established cycle of reporting to the committee.
- 10.3 The committee also deals with reports from the council's external auditors. It receives the External Audit Annual Plan which informs the council of the work to be undertaken in the course of the year, the views of the external auditors on the work of Internal Audit and the extent of additional risk-based external scrutiny through the Local Area Network. The external auditor's annual report on the council's accounts and the council's financial statements are referred to the Governance & Risk Committee and Audit Committee by council after it approves the audited accounts for signature in September each year. Any actions identified are noted and are followed up through periodic reporting to committee on progress or completion.
- 10.4 The committee also considers reports issued by the Accounts Commission and/or Audit Scotland in relation to the council or local government as a whole. It can consider those reports from the councillors' perspective and recommend any action which it considers should be taken in response.

11. Governance & Risk Committee

- 11.1 The committee takes a corporate overview of the council's corporate governance and risk management arrangements, develops a culture of good corporate governance and risk awareness, and reviews the council's strategy and systems for the management of risk. It considers regular reports from the Governance Manager and the Audit, Risk & Counter Fraud Manager in relation to matters within its remit. It remains in place following the formation of the new administration after the elections in May 2022. Its previous chair has resumed that role and it has new members appointed to it.
- 11.2 The committee meets at least four times each year. It operates through a work plan presented and updated at every meeting. The Chair of the committee must be drawn from members who are not in the ruling administration political group. The majority of members are from outwith that group. It carries out an annual self-assessment exercise to identify improvement that might be made in its operations. It receives reports from services on their risk management arrangements. It considers a report at every meeting on the council's high risks and on health and safety incident reporting and at every second meeting on strategic risks. It received reports at every meeting throughout the reporting year on the concurrent risks posed by EU withdrawal and the pandemic. It examines ad hoc risk and governance issues, such as cyber-security risks and ash die-back. It considers risk reports from the council's external risk advisers. It is charged with approving the annual governance statement after considering the findings of the annual review of the system of internal control. It monitors progress against governance areas of concern. In March 20-22 it considered a report on benchmarking against the risk management and monitoring arrangements in other councils.
- 11.3 In March 2020 its membership was formally expanded to include a non-councillor member to bring a different perspective to the work of the committee. An appointment to that position was made at the same time although induction and participation were delayed by the Covid-19 emergency until June 2020. The position fell vacant in March 2021 but was filled again in September 2021.

12. Other internal scrutiny arrangements

- 12.1 The council deals with the remainder of its scrutiny function by members in four other places – Policy Development & Scrutiny Panels (PDSPs), Performance Committee, Education (Quality Assurance) Committee and West Lothian Leisure Advisory Committee. Except for the last of those, the majority of members on each of these bodies is from outwith the ruling administration political group.

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- 12.2 PDSPs are working groups of members and representatives from external community bodies. Their scrutiny role involves considering quarterly performance reports from the service areas included in their remit. Members and external representatives are able to question officers on service performance and failures and make recommendations to them about improvement actions. Members receive information on both service and financial performance measured against agreed indicators and outcomes.
- 12.3 Performance Committee is established to consider the performance of service units against the council's performance appraisal system, the West Lothian Assessment Model (WLAM). Its Chair is an Independent councillor. It receives written reports presented at public committee meetings by senior service managers and can question them and make recommendations to them about improvement actions. The committee also scrutinises quarterly and annual reports on the council's complaints handling policy and performance. It oversees the Citizen Led Inspection Programme. It considers the results of the local authority benchmarking review carried out annually in conjunction with the Improvement Service. The committee's business has been limited to an extent due to the concentration of council resources on tackling the pandemic.
- 12.4 The Education (Quality Assurance) Committee carries out a scrutiny role solely in relation to internal and external schools assessment and inspection reports. Its Chair is an Independent councillor. The committee includes non-councillor members appointed by the council in relation to its education function. Representatives from the relevant school's Parent Council are invited to attend and take part in the committee's meetings. It provides a dedicated and specialised forum for scrutiny of performance and inspection results for schools and educational establishments. The committee's business has been affected by the pandemic as both external and internal inspections and assessments were temporarily interrupted.
- 12.5 Leisure and culture services are delivered through an arms' length external organisation called West Lothian Leisure Ltd. The council is its sole shareholder. Taking into account best practice, there is a dedicated advisory committee called the West Lothian Leisure Advisory Committee, attended by senior officers of West Lothian Leisure, where scrutiny of service and financial performance is carried out. There is an ongoing review of the relationship between the council and West Lothian Leisure, a best practice requirement reflected in the council's Scheme of Administration. It will report in 2022/23.
- 13. Significant officer roles**
- 13.1 The council is required to operate a professional and objective internal audit service. The Audit, Risk and Counter Fraud Unit includes internal audit, an independent appraisal function which examines and evaluates systems of financial and non-financial control. Internal audit operates in accordance with the "Public Sector Internal Audit Standards: Applying the IIA International Standards to the UK Public Sector" (PSIAS). The organisational status and independence of internal audit required by PSIAS is also set out in the Internal Audit Charter. An annual audit work plan is prepared based on an assessment of risk and is approved by the Audit Committee. Internal audit reports are issued to the committee in relation to the outcome of significant proactive and reactive reports. Reports are issued in the name of the Audit, Risk and Counter Fraud Manager. Also as required by PSIAS, Financial Regulations state that the internal audit function is free from interference in determining the scope of internal auditing, performing work, and communicating results, and that the Audit, Risk and Counter Fraud Manager has the right of direct access to the Chair of the Audit Committee and to the Chief Executive. The Audit, Risk and Counter Fraud manager reports annually on compliance with PSIAS, particularly the requirement of independence and ready access to the Chief Executive and elected members. An interim report is brought to committee during each year to advise of progress towards completion of the annual plan. An Internal Audit and Counter Fraud Strategy 2018/19 to 2022/23 was approved in June 2018 as one of the corporate strategies supporting delivery of the Corporate Plan. An annual report on progress against agreed outcomes is made to Audit Committee each year.
- 13.2 Legislation requires the council to appoint a Chief Financial Officer. That role is to be performed conform to the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government (2016) and in the CIPFA Financial Management Code (2019). It sets out the requirement for the Chief Financial Officer to be professionally qualified and sets out the criteria for qualification. The council's Head of Finance & Property Services is the council's Chief Financial Officer. He operates in accordance with the council's Financial Regulations and Treasury Management Plan, and reports regularly to members on revenue and capital budgetary performance and compliance. The role is undertaken in accordance with the relevant statutory rules, guidance and standards. From 2021/22, compliance with the CIPFA Financial Management Code will also apply. Treasury Management reports and capital asset management strategy reports are made to full council twice each year.
- 13.3 Risk Management is overseen by the Audit, Risk & Counter Fraud Manager. It is embedded at Executive and Corporate Management Team level as well as in service management teams across the council. Management teams monitor, assess and mitigate service risk as a matter of routine at their meetings. A Risk Management Strategy 2018/19 to 2022/23 was approved in June 2018 as one of the corporate strategies supporting delivery of the Corporate Plan. A revised Risk Management Policy was approved in October 2021, after some delay due to COVID. An annual report on progress against agreed outcomes is made to Governance & Risk Committee each year.

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- 13.4 The council's counter fraud activities are managed within the Audit, Risk & Counter Fraud Unit. The service is operated in accordance with the CIPFA Code of Practice on Managing the Risk of Fraud and Corruption (2014). The unit manages the council's whistleblowing hotline. It also administers the council's participation in the National Fraud Initiative. An Internal Audit and Counter Fraud Strategy 2018/19 to 2022/23 was approved in June 2018 as one of the corporate strategies supporting delivery of the Corporate Plan. An annual report on progress against agreed outcomes is made to Audit Committee each year. The review and approval of a revised Anti-Fraud & Corruption Policy was postponed due to the diversion of resources to pandemic-related work, and will now be reported on 22 June 2021. The annual report confirms counter fraud work continued nevertheless and that the work plan was completed. An annual compliance and assurance statement is provided each year as part of the evidence informing this statement.
- 13.5 Governance and risk management are supervised on the officer side of the council by the Governance & Risk Board. It is chaired by a Deputy Chief Executive and its members include the Monitoring Officer, the Audit Risk & Counter Fraud Manager, the Governance Manager, the Chief Solicitor and senior managers from across the council's service areas. It receives reports from officer working groups on risk and corporate governance, and monitors corporate and high risks. Its recommendations are referred to the Corporate Management Team or committee as appropriate. In 2019/20 it assumed oversight of the Information Management Working Group after the introduction of the new Information Governance Policy. It considers the annual report on corporate governance and the compliance statements before they are presented to committee. It provides an effective control and conduit for risk and governance issues and matters of concern.
- 13.6 In addition to performance reporting to members, management teams routinely monitor their performance through Pentana, utilising the high-level performance indicators and service standards which are reported publicly as well as lower level management performance indicators. Services are divided into WLAM units which report on an agreed cycle to a panel chaired by the Chief Executive. It considers the evidence presented and allocates a score. The service unit then proceeds to report to the Performance Committee. The WLAM programme was reviewed in 2021/22 and a new approach is being implemented across the council in 2022/23.
- 13.7 As required by statute, the council has appointed a Chief Social Work Officer who has statutory professional responsibility for the oversight of specified social work functions. The Scheme of Delegations states that in relation to those statutory functions the Chief Social Work Officer's decisions are not subject to change by more senior officers, but are, subject to council or committee decisions, final and binding on the council. An annual report is made to members and to the Scottish Government. Since 2019/20 that report has been made to full council rather than to a committee.
- 14. External scrutiny**
- 14.1 The external auditor's annual report was not delayed by COVID and was considered at council in September 2021. It was referred on to Audit Committee (on the accounting and financial aspects) and Governance & Risk Committee (on its wider-scope audit work) for further scrutiny. An amber assessment was made in relation to financial sustainability. That reflected the ongoing challenge facing all local authorities and the significant level of risk and uncertainty outside the council's control which could impact its ability to deliver savings, all of which had been exacerbated by the ongoing impact of Covid-19. One action was identified by the auditor in relation to accounting for assets subject to revaluation. An action was agreed to address that issue and it was completed by its due date in January 2022. An unqualified audit opinion was issued. The report concluded that the council continued to demonstrate good practice in forward financial planning, good financial management arrangements, and continued to demonstrate good financial control of the in-year budget.
- 14.2 The key features of good governance were found to be in place and operating effectively. The council was again found to have responded quickly to ensure that governance arrangements were appropriate and operating effectively during the global pandemic. The report stated that a number of key characteristics of Best Value were in place, including effective performance monitoring and robust governance arrangements. The Council's arrangements for performance monitoring, improvement and self-assessment were found to be back on the normal planned schedule for reporting following the impact of Covid-19. The council was reported to have a culture of improvement and a commitment to self-assessment of its performance to ensure that services remain focussed on improvement. Council services continued to perform well compared to other councils. The auditor gave green assessments against Value for Money, Financial Management and Governance and transparency. It gave an amber assessment for Financial Sustainability which reflected the ongoing challenge facing all local authorities and the significant level of risk and uncertainty outside the council's control which could impact its ability to deliver savings.
- 14.3 In partnership with other scrutiny bodies the auditor participates in the Local Area Network (LAN) to identify any risks requiring external scrutiny and agree the council's local scrutiny plan (LSP). The auditor acts as the LAN lead for the council's shared risk assessment process. The LAN met on 1 March 2021 to discuss the 2021/22 shared risk assessment. The LAN concluded that no additional scrutiny requirements were identified and that no local scrutiny plan would be published.

ANNUAL GOVERNANCE STATEMENT**STATEMENT 2****15. Past and current governance issues**

- 15.1 Issues of concern identified in previous years were aggregated and reported to Governance & Risk Committee in June 2021 and December 2021 for monitoring and scrutiny.
- 15.2 Nineteen such issues were identified in June 2021, reducing to twelve in January 2021 and, in June 2021, only two remain. Those have been carried forward into the next reporting year. Both are works in progress and plans are in place to address them and ensure their completion. Progress is being reported separately to Governance & Risk Committee on 13 June 2022. The one governance matter outstanding at the end of the year of particular significance is reviewing the council's relationship with West Lothian Leisure (its leisure services ALEO). This is a best practice recommendation by Audit Scotland and is a requirement of the council's Standing Orders. The need for the review has been brought more into focus by West Lothian Leisure's financial position due to COVID closures and fee income reductions. The work on the review was delayed due to COVID, with priority given to the financial pressures caused by lockdown restrictions. Progress has however been slow. There have been regular and frequent reports to West Lothian Leisure Advisory Committee, Council Executive and Governance & Risk Committee to ensure members are aware of the risks and to enable decisions to be taken to help mitigate those risks. Evidence-gathering and stakeholder engagement is progressing and an update report is planned for the West Lothian Leisure Advisory Committee meeting on 23 June 2022. The failures in legal compliance in the Monitoring Officer's compliance statement last year have been or are being addressed to his satisfaction.
- 15.3 Annual reports on progress and performance against the Internal Audit and Counter Fraud Strategy and Risk Management Strategy were completed as planned. The review and approval of a revised Anti-Fraud & Corruption Policy was concluded at Council Executive in June 2021.
- 15.4 Audit Committee considered internal audit and counter fraud reports throughout the year. In several of them, controls were found to require improvement and actions were agreed. The interim and annual reports for both services summarised the work carried out and the findings, with those also being noted in the review of the system of internal control. There were no findings that control was unsound in any of the audit reports presented to the committee. An external review of the council's compliance with the Public Sector Internal Audit Standards (PSIAS) commenced with a report to Audit Committee in March 2022. A report on its conclusion is to be presented to the June meeting of the committee.
- 15.5 Governance & Risk Committee continued its scrutiny of risk arrangements through standing reports on high risks, health and safety risks and strategic risks. It returned to the reporting, as standing items, of the concurrent risks of EU withdrawal and the pandemic. It received reports about on subjects such as property compliance, insurance risks and claims, IT risks, counter-terrorism duties, health and safety risks and emergency planning. It approved the annual governance statement, at the same time reviewing the standards and evidence in the Local Code of Corporate Governance and progress on governance issues. The committee noted the external auditor's opinion that the key features of good governance at the council are in place and operating effectively; the council responded quickly to ensure that governance arrangements were appropriate and operating effectively during the lockdown period caused by the global pandemic; the council has arrangements in place to appropriately scrutinise activities across its Group, in particular where financial support is being provided to entities in financial difficulty (West Lothian Leisure).
- 15.6 The membership of Governance & Risk Committee had been expanded to allow for a non-councillor appointment and an appointment was made in March 2020. The member resigned in March 2021. A new appointment was made in September 2021.
- 15.7 A variety of changes was made to Standing Orders and the Scheme of Administration as a result of the ongoing review of decision-making arrangements. That series of revisions concluded in September 2021 when changes required to facilitate the transition to hybrid meeting arrangements were approved. Those took effect on 1 May 2022.
- 15.8 The schedule of significant corporate policies and procedures calling for a review in each administrative term was almost entirely completed. Progress and completion are being reported on separately at Governance & Risk Committee on 13 June 2022.
- 15.9 After a short period of suspension of council and committee meetings in March 2020 due to COVID they resumed in May 2020 by remote access and have continued by that method to date. The council invested significant sums in new IT equipment in 2021/22 to allow meetings to take place on a hybrid basis. The installation has been completed and hybrid meetings are due to start on 31 May 2022.

ANNUAL GOVERNANCE STATEMENT**STATEMENT 2****16. Governance issues ahead**

- 16.1 Issues of concern from this and previous annual governance statements will be carried forward and reported to committee when it approves this statement and later as part of the annual report to full council on corporate governance. Progress will continue to be reported on an interim and annual basis to Governance & Risk Committee. The outstanding and overdue review of the council's relationship with West Lothian Leisure (its leisure ALEO) is again the most significant, since it is required by Standing Orders and such a periodic review is indicated as best practice to ensure relationship is fit for purpose and delivers best value.
- 16.2 Significant concerns arising from the annual compliance statements, in particular breaches of the law identified by the Monitoring Officer, will be pursued and remedial action taken.
- 16.3 Following the elections in May 2022 the transition to a new administration will bring challenges in addressing desired changes to the decision-making structure and arrangements. All councillors will require support and training, especially those in positions of additional responsibility such as chairs and Executive Councillors.
- 16.4 The concerns highlighted in the internal audit of Corporate Procurement reported to Audit Committee in January 2022 will be addressed. Three findings were ranked as of "high" importance and those have been completed. The most significant one remaining, from a governance perspective, is an absence for a protracted period of time of formal corporate procurement procedures. Those are required by Contracts Standing Orders to complement them, to guide officers in their work on tenders and contracts, and to help them and the council comply with legal obligations and procedures.
- 16.5 A new corporate plan is due to be developed and approved in early 2023. The new plan, the prior public engagement and the identification of corporate priorities will be a major piece of work and will inform the council's planning and service delivery for many years. The governance arrangements around it, such as the approval of corporate strategies and progress and performance reporting, will be monitored. Related to that will be the ongoing work with community planning partners on the Local Outcomes Improvement Plan.
- 16.6 There are likely to be consequences for the council flowing from the long-running Scottish Government/COSLA Review of Local Governance. The details remain to be established but the indication is for devolution of decision-making and control in some service areas to a tier sitting below local authorities with some regional collaboration on strategic matters such as spatial planning and public transport.
- 16.7 The further development and the implementation of community empowerment measures will be significant (especially Community Choices) as well as the linkage between the community empowerment themes and the newer community wealth-building agenda.
- 16.8 The citizen led inspection programme was suspended during the pandemic. It features in the Code of Corporate Governance as an item of evidence relied on to demonstrate compliance. A decision should be made about refreshing the programme or its replacement. Similarly, work on the refresh of the Citizens Panel has not progressed for some time and that should be taken forward alongside work on a public engagement strategy.
- 16.9 Actions arising from internal and external audit reports will continue to be monitored through Audit Committee and follow-up reports on previous areas of concern will be made as instructed.
- 16.10 The schedule of significant corporate policies, procedures and controls prepared and monitored in 2021/22 to ensure their review in each administrative term will be maintained and monitored as part of the checks on progress on governance issues.
- 16.11 The Officer Working Group on members' training and support will continue to meet. The success of the post-elections Induction Programme will be assessed and lessons learned for future programmes. The successful completion of the programme will be important in ensuring that all councillors have the awareness and skills they need to ensure the council continues its successes and continues to deliver best value.
- 16.12 Following the Feeley Report in January 2021 and the Scottish Government's plans for a national care service, there will be impacts on the council corporately, on its services and on its staff. Those development will be kept under review and actions designed and taken as required.
- 16.13 Although the Scottish Government has not advanced remedial legislation in relation to its incorporation of the UN Convention of the Rights of the Child, preparatory work has started and will continue to ensure the council is able to meet its expected legal duties successfully.
- 16.14 The conduct of meetings through hybrid arrangements, from May 2022, will require training for members and officers and the design and implementation of guidance and protocols to ensure the effective conduct of business.

ANNUAL GOVERNANCE STATEMENT**STATEMENT 2**

- 16.15 The triennial inspection of the council's arrangements to secure compliance with its duties under the Regulation of Investigatory Powers (Scotland) Act 2000 will take place in 2022/23. Arrangements will be made to ensure the actions identified in the previous inspection have all been addressed and that the council is fully compliant.

17. COVID-19

- 17.1 The annual governance statements and Management Commentaries for 2019/20 and 2020/21 included information about the impact of COVID on governance arrangements. CIPFA recommends that practice is continued. Lingering effects of the pandemic continued throughout this reporting year. As confirmed by the external auditor in the last two annual reports the council was found to have reacted well and the governance framework proved to be robust and capable of adaptation to the extreme circumstances rather than requiring significant amendment in response.
- 17.2 Over the last year, a full calendar of council and committee meetings has continued to be conducted wholly online without any significant or obvious impact on decision-making. Steps have been taken to introduce the technology and the procedural rules to enable a move to hybrid meeting arrangements. Those are due to start on 31 May 2022. Hybrid will be the norm going forward, ensuring maximum flexibility for elected members, officers and members of the public.
- 17.3 During the suspension of meetings, decisions were taken under existing emergency delegated powers vested in the Chief Executive. No amendments were required to Standing Orders, including the Scheme of Delegations to Officers, to enable those decisions to be made. When meetings resumed the need to use these delegated powers diminished and over the last year the occasions when those powers had to be used has returned to a pre-pandemic level. Overall, existing arrangements were able to be used and practices adapted to meet the demands of the pandemic without requiring urgent changes to Standing Orders. The process for keeping members informed of urgent decisions made by officers adopted during the pandemic has been maintained and now formalised in Standing Orders.
- 17.4 Emergency coronavirus legislation allowed councils to choose to postpone compliance with statutory duties to publish annual and other reports concerning council functions and services. That power was not exercised. All statutory reporting due to take place during the emergency period was carried out to normal timescales. That includes the preparation and approval of the annual accounts and financial statements.
- 17.5 The same legislation allowed the temporary suspension of statutory duties to make hard copies of certain documents available for physical inspection and copying. That power was exercised in relation to eleven such duties where those documents could be readily available by electronic means. It ceased when the enabling legislation expired in March 2022.
- 17.6 Working from home arrangements continued throughout the reporting year. Remote meeting platforms were used extensively, latterly MS teams. A Remobilisation Working Group chaired by the Head of Finance & Property Services was established and led to a phased return to the workplace starting in April 2022. Working from home will continue to feature, based on the assessment of job requirements, service needs and personal preferences, where possible.
- 17.7 Reporting on the financial consequences of the pandemic has taken place on a regular basis as part of the normal pattern of budget-monitoring reports to Council Executive. The reports to council when council tax was set and budgets approved included additional information and provision relating to the pandemic. Horizon-scanning reports to PDSP have provided more generalised reviews and forecasts of impacts.
- 17.8 In June 2020 it was agreed that there would be quarterly reports to committee concerning the joint oversight arrangements amongst council health board and integration joint board in relation to care homes and COVID. Those reports have continued, providing elected members with an accurate picture of the impact on care homes and the actions taken under emergency coronavirus legislation and guidance.
- 17.9 A Concurrent Risk Working group was established during the pandemic and continued to meet until May 2022. A separate risk register arising from COVID-19 and EU withdrawal was established, and that has latterly been subsumed into the normal risk register and risk management practices. Reporting on those concurrent risks has been a standing item on agendas for meetings of Governance & Risk Committee.
- 17.10 Meetings of Education Executive since June 2020 to date have considered detailed reports on education recovery.

ANNUAL GOVERNANCE STATEMENT**STATEMENT 2**

- 17.11 The priorities in the Corporate Plan remained in place, delivery on the supporting corporate strategies continued and progress reports to members resumed. The well-established approach to long-term financial planning has continued as well. Delivery of budget-saving measures has been largely maintained with slippage and changes reported to and agreed by council in February 2022.
- 17.12 Despite the lingering effects of the pandemic, it is judged that sufficient information has been available to fully inform this statement. Interruptions to corporate programmes and policies have been identified in this statement, in the annual compliance statements, and in the Local Code of Corporate Governance, and normal practice has resumed. It has not been considered that the assurances given in relation to corporate governance for 2021/22 require to be qualified or restricted as a result of Covid-19.

18. Conclusion and assurance

There are inevitably issues on which on which future work is required, but, based on the sources and evidence described in this statement, the council and the West Lothian community can be assured that the council's corporate governance standards have been substantially met in 2021/22.

Graham Hope
Chief Executive

27 September 2022

Councillor Lawrence Fitzpatrick
Leader of the Council

REMUNERATION REPORT**STATEMENT 3****1. INTRODUCTION**

In accordance with the Local Authority Accounts (Scotland) Amendment Regulations 2011, West Lothian Council is required to prepare a Remuneration Report to disclose remuneration information and details of West Lothian Council's remuneration policy for "relevant persons". The Regulations define "relevant persons" as senior councillors and senior employees.

Information disclosed in the tables in this report is subject to audit by Ernst & Young LLP to report on whether that information has been properly prepared in accordance with the Local Authority Accounts (Scotland) Regulations 2014 (with the exception of the table in note 4.4). All other sections of the Remuneration Report, including the table in note 4.4, are read and considered to identify any material inconsistencies with the financial statements.

2. COUNCIL LEADER, PROVOST AND SENIOR COUNCILLORS**2.1 Remuneration Policy**

The remuneration of councillors is regulated by the Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2017 (SSI No. 2007/183). The Regulations provide for the grading of councillors for the purposes of remuneration arrangements, as either the Leader of the Council, the Provost, Senior Councillors or Councillors. The Leader of the Council and the Provost cannot be the same person for the purposes of payment of remuneration. A senior councillor is a councillor who holds a significant position of responsibility in the council's political management structure.

The salary that is to be paid to the Leader of the Council is set out in the Regulations. For 2021/22 the salary for the Leader of West Lothian Council was £37,213 (£35,713 2020/21). The Regulations permit the council to remunerate one Provost and set out the maximum salary that may be paid to the Provost. For 2021/22 the salary of the Provost of West Lothian Council was £27,910 (£26,785 2020/21). The council's Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses 2021/22 sets the level of payment in accordance with the regulations at the national maximum.

The Regulations also set out the remuneration that may be paid to senior councillors and the total number of senior councillors the council may have. The maximum yearly amount that may be paid to a Senior Councillor is 75 per cent of the total yearly amount payable to the Leader of the Council. The total yearly amount payable by the council for remuneration of all of its Senior Councillors for 2021/22 shall not exceed £325,596 (£312,471 2020/21). The council is able to exercise local flexibility in the determination of the precise number of Senior Councillors and their salary within these maximum limits.

In 2021/22 (2020/21) West Lothian Council had 12 (12) senior councillors and the basic salary paid to these councillors totalled £324,466 (£312,471 2020/21). The Regulations also permit the council to pay contributions or other payments as required to the Local Government Pension Scheme in respect of those councillors who elect to become councillor members of the pension scheme.

The Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses which sets out details of the salary parameters for all elected members including the Leader, Provost and Senior Councillors was agreed at a meeting of the Council Executive on 9 February 2021 and is available on the following link: [here](#)

2.2 Remuneration Policy - Convenors and Vice Convenors for Police and Fire Functions and Joint Boards

In addition to the Senior Councillors of the council the Regulations also set out the remuneration payable to councillors with the responsibility of a convener or a vice-convener of a Joint Board. The Regulations require the remuneration to be paid by the council of which the convener or vice-convener is a member. The council is also required to pay any pension contributions arising from the convener or vice-convener being a member of the Local Government Pension Scheme.

In 2021/22 the amount recharged to Lothian Valuation Joint Board for Councillor A McGuire, in respect of a vice-convener position was £3,491 (£3,439 2020/21).

2.3 Total Councillors Remuneration

The council paid the following salaries, allowances and expenses to all councillors (including the senior councillors above) during the year: -

Type of Remuneration

Salaries
Allowances
Expenses

Total

2021/22 £'000	2020/21 £'000
737	698
9	7
6	11
752	716

The annual return of Councillors' salaries and expenses for 2021/22 is available for any member of the public to view at all Council Information Services Offices and Libraries during normal working hours and is also available on the council's website at the following link: [Elected Member Remuneration 2021/22](#)

REMUNERATION REPORT**STATEMENT 3****2.4 Council Leader, Provost and Senior Councillors Remuneration**

The following table provides details of the remuneration paid to the Council's Senior Councillors and remuneration paid to councillors with the responsibility of a convenor or vice-convenor of a Joint Board during 2021/22: -

Name	Post Title	Total Remuneration 2021/22 £	Total Remuneration 2020/21 £
Council Leader, Provost and Senior Councillor payments			
L Fitzpatrick	Leader of the Council	37,213	35,713
T Kerr	Provost (Civic Head)	27,910	26,785
H Cartmill	Executive Councillor - Health and Social Care	27,133	26,039
T Conn	Executive Councillor - Environment	27,133	26,039
D King ¹	Executive Councillor - Culture and Leisure (Depute Provost)	3,063	26,039
C Muldoon	Executive Councillor - Development and Transport (Depute Provost)	27,133	26,039
C Horne	Chair of Audit Committee	27,133	26,039
D Doran-Timson	Chair of Governance and Risk Committee	27,133	26,039
K Sullivan	Executive Councillor - Voluntary Organisations (Depute Leader)	27,133	26,039
CJ Kennedy	Chair of Development Management Committee	27,133	26,039
A Doran-Timson	Executive Councillor - Social Policy	27,133	26,039
D Dodds	Executive Councillor - Education	27,133	26,039
G Paul	Executive Councillor - Services for the Community	27,133	26,039
A McGuire ²	Executive Councillor – Culture and Leisure & Lothian Valuation Joint Board	22,940	21,293
P Heggie	Chair of Licensing Committee	27,133	26,039
Total		389,589	396,259

1. During May 2021 Councillor D King sadly passed away. A by-election was held on 5 August 2021 for his ward.
2. West Lothian appointee on Lothian Valuation Joint Board. The amount recharged to Lothian Valuation Joint Board in 2021/22 was £3,491 (£3,439 2020/21) in respect of Councillor A McGuire.

A small number of matters are reserved to full council. Regulatory business and scrutiny are remitted to a number of committees with specific and limited powers. Responsibility for management and operational issues is delegated to council officers.

The main powers to make policy and take significant decisions are held by Council Executive and Education Executive. Education Executive deals with education business. It has 18 councillor members and six non-councillors representing churches, teaching staff and parent councils. Council Executive holds all other significant decision-making powers. It is chaired by the Leader of the Council and has 13 members. The Leader of the Council and eight Executive Councillors have additional responsibilities in relation to defined portfolios of services and also chair Policy Development and Scrutiny Panels, which are working groups which consider new and revised strategies and policies before they are sent for decision at Council Executive or Education Executive.

3. SENIOR EMPLOYEES**3.1 Remuneration Policy**

The salary of senior employees is set by reference to national arrangements. The Scottish Joint Negotiating Committee (SJNC) for Local Authority Services sets the salaries for the Chief Executives of Scottish Local Authorities. Circular CO/151 sets the amount of salary for the Chief Executive of West Lothian Council for the period 2021/22.

The salaries of the Depute Chief Executives are based on the nearest point on the national spinal column for Chief Officers, which equates to 87 per cent of the Chief Executive's salary in three spinal column points. Heads of Service are paid across two pay grades of three spinal column points. These pay grades are based on the nearest point on the national spinal column for Chief Officers which equates to one pay grade of 65 per cent and one of 72 per cent of the Chief Executives salary. Placing on the pay grade for Heads of Service is based on the outcome of a job evaluation exercise.

These pay arrangements were agreed through approval of the Organisational Review Report at a meeting of the Policy, Partnership and Resources Committee on 6 February 2002.

The West Lothian Integration Joint Board was legally established on 21 September 2015. A Short was appointed as Chief Officer on 30 September 2019 and subsequently left the council for new employment on 2 May 2021. A new Depute Chief Executive (Alison White) took up post on 5 July 2021. The Depute Chief Executive / Chief Officer West Lothian Integration Joint Board is a joint appointment and the terms and conditions, including pay for the post, are set by the body, which employs the post holder directly.

REMUNERATION REPORT**STATEMENT 3****3.2 Senior Employees Remuneration**

The senior employees included in the table are any council employee:

- Who has responsibility for management of the council to the extent that the person has power to direct or control the major activities of the council,
- Who holds a post that is politically restricted by reason of section 2(1)(a), (b) or (c) of the Local Government and Housing Act 1989, or
- Whose annual remuneration is £150,000 or more.

The full year equivalent salary has been provided for senior employees who have been in post for part year during 2021/22.

Name and Post Title	Full Year Equivalent Salary £	Total Remuneration^{6 & 8} 2021/22 £	Total Remuneration 2020/21 £
G Hope¹ Chief Executive	145,727	150,960	144,927
A Short² Depute Chief Executive / Chief Officer West Lothian Integration Joint Board (until 2 May 2021)	99,974	4,166	50,899
A White³ Depute Chief Executive / Chief Officer West Lothian Integration Joint Board (from 5 July 2021)	123,612	44,272	-
R G Struthers Depute Chief Executive	127,464	127,664	126,664
E Cook Depute Chief Executive	127,464	127,664	126,664
D Forrest Head of Finance and Property Services	104,374	104,574	103,574
J Jack Head of Operational Services	96,672	96,872	95,872
A M Carr Head of Housing, Customer and Building Services (until 15 August 2021)	92,817	37,438	95,872
M G Mackie Interim Head of Housing, Customer and Building Services (from 26 July 2021 until 9 January 2022)	92,817	42,416	-
C McCorriston Head of Planning, Economic Development and Regeneration	96,672	96,872	95,872
J Whitelaw Head of Corporate Services (until 9 January 2022) Interim Head of Housing, Customer and Building Services (from 10 January 2022)	96,672	97,741	95,872
L Henderson Interim Head of Corporate Services (from 10 January 2022)	92,817	20,959	-
J Cameron Head of Education (Learning, Policy and Resources)	104,374	104,574	103,574
D McMaster⁴ Head of Education (Curriculum, Quality Improvement and Performance) (until 18 October 2020)	103,574	-	56,799
C Hatch⁵ Acting Joint Head of Education (Secondary Schools) (from 1 October 2020)	100,518	95,065	92,738
G Welsh⁵ Acting Joint Head of Education (Early Years & Primary Schools) (from 1 October 2020)	100,518	89,020	83,670
J MacPherson Head of Social Policy	104,374	104,574	101,636
Subsidiary T P J Dent⁷ Chief Executive, West Lothian Leisure Ltd		81,399	81,399
Total		1,426,230	1,456,032

REMUNERATION REPORT**STATEMENT 3**

1. G Hope remuneration includes a returning officer payment in 2021/22 £5,033 (2020/21 £nil).
2. A Short was appointed Depute Chief Executive/Chief Officer West Lothian Integration Joint Board on 30 September 2019 and is remunerated by the National Health Service (NHS) with West Lothian contributing 50% of his total cost of employment. A Short is no longer remunerated by the council, having left the Depute Chief Executive role on 2 May 2021. The total pension contribution paid by WLC in relation to A Short in 2021/22 is £1,741 (2020/21 £10,533).
3. A White was appointed Depute Chief Executive/ Chief Officer West Lothian Integration Joint Board on 5 July 2021 and is remunerated by West Lothian Council with National Health Service (NHS) contributing 50% of her total cost of employment.
4. D McMaster left employment with the council on 18 October 2020.
5. C Hatch and G Welsh were appointed to the Acting Joint Head of Education on 1 October 2020, with the role and remuneration split equally between the two appointees on teachers' terms and conditions. They were therefore not eligible for the Chief Officers pay award.
6. The pay award for 2021/22 was backdated to 1 January 2021, was paid in January 2022, and is included in the 2021/22 total remuneration.
7. The Chief Executive of West Lothian Leisure Ltd, T P J Dent, is remunerated by the council's subsidiary company, West Lothian Leisure Ltd.
8. There were no compensation payments for loss of employment or annual compensation payments in 2021/22 or 2020/21 for the council.

3.3 Employee Information by Pay Band

The number of officers whose remuneration, including benefits, in the year were £50,000 or more is detailed below:-

Remuneration Bands	Number of Employees	
	2021/22	2020/21
£50,000 - £54,999	142	124
£55,000 - £59,999	152	159
£60,000 - £64,999	66	55
£65,000 - £69,999	54	59
£70,000 - £74,999	21	21
£75,000 - £79,999	4	2
£80,000 - £84,999	4	5
£85,000 - £89,999	6	3
£90,000 - £94,999	3	5
£95,000 - £99,999	4	5
£100,000 - £104,999	3	3
£105,000 - £109,999	-	-
£110,000 - £114,999	-	-
£115,000 - £119,999	-	-
£120,000 - £124,999	-	-
£125,000 - £129,999	2	2
£130,000 - £134,999	-	-
£135,000 - £139,999	-	-
£140,000 - £144,999	-	1
£145,000 - £149,999	-	-
£150,000 - £154,999	1	-
Total	462	444

The number of officers whose remuneration, including benefits were £50,000 or more in the year increased by 18 in 2021/22. The increases were largely due to the nationally agreed 2021/22 pay award, which was backdated to 1 January 2021 but paid in January 2022. Other reasons included incremental salary progression and voluntary severance.

REMUNERATION REPORT**STATEMENT 3****3.4 Employee Exit Packages**

The number of employee exit packages with total cost per band is set out in the table below. There were no compulsory redundancies in 2021/22 or 2020/21.

Exit package Cost Range	Number of employee exit packages agreed		Total cost of employee exit packages in each band	
	2021/22	2020/21	2021/22 £'000	2020/21 £'000
£0 - £20,000	4	6	38	62
£20,001 - £40,000	-	2	-	66
£40,001 - £60,000	2	4	101	203
£60,001 - £80,000	1	3	74	207
£80,001 - £100,000	-	-	-	-
£100,001 - £150,000	-	2	-	209
Total	7	17	213	747

The application for early retirement or voluntary severance (ERVS) is prepared by the staff members line manager and Human Resources. The application contains employee personal details, details of the business case and includes a summary of costs and savings populated by Human Resources. The application for ERVS is reviewed and signed by the relevant Head of Service and Depute Chief Executive.

4. PENSIONS**4.1 Local Government Pension Scheme Details (LGPS)**

Pension benefits for councillors and local government employees are provided through the Local Government Pension Scheme (LGPS).

Councillors' pension benefits are based on career average pay. The councillor's pay for each year or part year ending 31 March (other than the pay in the final year commencing 1 April) is adjusted by the increase in the cost of living, as measured by the appropriate index (or indices) between the end of that year and the last day of the month in which their membership of the scheme ends. The total of the revalued pay is then divided by the period of membership to calculate the career average pay. This is the value used to calculate the pension benefits.

For local government employees the LGPS changed on 1 April 2015 from a final salary pension scheme to a career average scheme. In the 2015 scheme, normal retirement age for both councillors and employees is equal to the member's state pension age subject to a minimum of 65.

From 1 April 2009 a five tier contribution system was introduced with contributions from scheme members being based on how much pay falls into each tier. This is designed to give more equality between the cost and benefits of scheme membership. Prior to 2009 contribution rates were set at 6% for all non-manual employees.

The members contribution rates for 2021/22 remain at the 2020/21 rates, however the ranges have changed as follows:

Whole time pay	Range 2021/22	Range 2020/21	Contribution rate 2021/22	Contribution rate 2020/21
On earnings up to and including	£22,300	£22,200	5.5%	5.5%
On earnings above	£22,301 and up to £27,300	£22,201 and up to £27,100	7.25%	7.25%
On earnings above	£27,301 and up to £37,400	£27,101 and up to £37,200	8.5%	8.5%
On earnings above	£37,401 and up to £49,900	£37,201 and up to £49,600	9.5%	9.5%
On earnings above	£49,901	£49,601	12.0%	12.0%

If a person works part-time their contribution rate is worked out on the whole-time pay rate for the job, with actual contributions paid on actual pay earned.

The Local Government Pension Scheme changed on 1 April 2015 from a Final Salary to a Career Average Scheme. For each year in the Scheme from 1 April 2015, a scheme member builds up pension at 1/49ths of pensionable pay. The pension is built up in the member's Pension Account which is revalued each scheme year by HM Treasury Revaluation Order which is currently the Consumer Prices Index (CPI).

REMUNERATION REPORT**STATEMENT 3**

If an employee was a member of the Scheme prior to 1 April 2015, the benefits built up under the Final Salary arrangement will continue to be worked out on the member's final pay when leaving. For scheme membership up to 31 March 2015, the pension accrues at 1/60th of final pay at leaving. There is no automatic lump sum but annual pension can be swapped for a tax free lump sum. For scheme membership up to 31 March 2009, pension accrues on the basis of 1/80th of the member's final pay at leaving plus an automatic lump sum of three times the pension.

The value of the accrued benefits has been calculated on the basis of the age at which the person will first become entitled to receive a pension on retirement without reduction on account of its payment at that age; without exercising any option to commute pension entitlement into a lump sum; and without any adjustment for the effects of future inflation.

The pension figures shown relate to the benefits that the person has accrued as a consequence of their total local government service, and not just their current appointment.

4.2 Pension Benefits Senior Councillors - Local Government Pension Scheme (LGPS)

The pension entitlements of Senior Councillors for the year to 31 March 2022 are shown in the table below, together with the contribution made by the council to each Senior Councillor's pension during the year.

Name	Post Title	In-year pension contributions		Accrued pension benefits			
		For year to 31 March 2022	For year to 31 March 2021	As at 31 March 2022		Difference from 31 March 2021	
		£	£	Pension £'000	Lump Sum £'000	Pension £'000	Lump Sum £'000
Council Leader, Provost and Senior Councillor contributions							
L Fitzpatrick	Leader of the Council	8,112	7,821	9	2	2	-
T Kerr	Provost (Civic Leader)	2,028	5,866	7	2	-	-
H Cartmill	Executive Councillor - Health and Social Care	5,915	5,703	5	-	1	-
T Conn	Executive Councillor - Environment	5,915	5,703	7	2	1	-
C Muldoon	Executive Councillor - Development and Transport	5,915	5,703	7	2	1	-
C Horne	Chair of Audit Committee	5,915	5,703	3	-	1	-
D Doran-Timson	Chair of Governance and Risk Committee	5,915	5,703	3	-	1	-
K Sullivan	Executive Councillor - Voluntary Organisations (Depute Leader)	5,915	5,703	3	-	1	-
CJ Kennedy	Chair of Development Management Committee	5,915	5,703	3	-	1	-
A Doran-Timson	Executive Councillor - Social Policy	5,915	5,703	3	-	1	-
D Dodds	Executive Councillor - Education	5,915	5,703	4	-	1	-
P Heggie	Chair of Licensing Committee	5,915	5,703	3	-	1	-
Total		69,290	70,717	57	8	12	-

All senior Councillors, under the age of 75, shown in the tables are members of the LGPS.

The pension figures shown relate to the benefits that the person has accrued as a consequence of their total local government service, including any service with a council subsidiary body, and not just their current appointment.

Councillors A McGuire and G Paul are not members of the LGPS. All Councillors under 75 years of age are eligible for participation in the LGPS. Councillor Kerr turned 75 during 2021, therefore was ineligible to continue in the LGPS.

REMUNERATION REPORT**STATEMENT 3****4.3 Pension Benefits Senior Employees - Local Government Pensions Scheme (LGPS)**

The pension entitlements of Senior Employees who are members of the LGPS for the year to 31 March 2022 are shown in the table below, together with the contribution made by the council to each Senior Employee's pension during the year.

The pension figures shown relate to the benefits that the person has accrued as a consequence of their total local government service, and not just their current appointment.

Name	Post Title	In-year pension contributions		Accrued pension benefits			
		For year to 31 March 2022	For year to 31 March 2021	As at 31 March 2022		Difference from 31 March 2021	
		£	£	Pension £'000	Lump Sum £'000	Pension £'000	Lump Sum £'000
G Hope ¹	Chief Executive	32,909	31,739	76	118	5	1
A White	Depute Chief Executive (from 5 July 2021)	9,652	-	1	-	-	-
R G Struthers	Depute Chief Executive	27,831	27,739	63	94	4	1
E Cook	Depute Chief Executive	27,831	27,739	74	-	3	-
D Forrest	Head of Finance and Property Services	22,797	22,683	51	77	2	-
J Jack	Head of Operational Services	21,118	20,996	51	82	3	1
A M Carr	Head of Housing, Customer and Building Services (until 15 August 2021)	7,918	20,996	37	88	(14)	(7)
M G Mackie	Head of Housing, Customer and Building Services (from 26 July 2021 until 9 January 2022)	17,674	-	29	36	-	-
C McCorrison	Head of Planning, Economic Development and Regeneration	21,118	20,996	51	82	3	1
J Whitelaw	Head of Corporate Services Interim Head of Housing, Customer and Building Services (from 10 January 2022)	21,307	20,996	39	45	3	-
L Henderson	Interim Head of Corporate Services (from 10 January 2022)	16,939	-	33	45	-	-
J Cameron	Head of Education (Learning, Policy and Resources)	22,797	22,683	82	-	3	-
D McMaster	Head of Education (Curriculum, Quality Improvement and Performance) (until 18 October 2020)	-	12,439	-	-	-	-
J MacPherson ²	Head of Social Policy	7,526	22,258	52	92	1	-
Total		257,417	251,264	639	759	13	(3)

1. Chief Executive in-year contributions total includes pension benefits for Returning Officer duties in 2021/22. The Chief Executive undertook no Returning Officer duties during 2020/21.

2. J MacPherson has left the LGPS scheme.

C Hatch and G Welsh Acting Joint Head of Education are currently not members of the LGPS pension scheme, as both remain members of SPPA as a result of their acting status.

The McCloud and Goodwin judgements, as outlined in note 20 (net pension liability), may have an impact on the valuation of accrued pension benefits disclosed in notes to the Remuneration Report 4.2 and 4.3 above, as the impact of these rulings is considered and implemented across the Lothian Pension Fund. However, while an estimate on the impact of these rulings has been made at the fund level it is not possible to assess the value of the impact for any specific individual at this stage.

REMUNERATION REPORT**STATEMENT 3****4.4 Facility Time Report 2021/22**

The Trade Union (Facility Time Publication Requirements) Regulations 2017 require the council to collect and publish a range of information on trade union (TU) facility time in respect of its employees who are TU representatives.

The information for 2021/22 is summarised in the following table:

		Non-Teacher	Teacher
Number of employees who were relevant union officials during 2021/22		35	13
Number of FTE employees who were relevant union officials during 2021/22		32.9	12.5
Percentage of time spent on facility time	0%	20	4
	1% - 50%	10	8
	51% - 99%	4	-
	100%	1	1
Percentage of pay bill spend on facility time	Total cost facility time	£130,309	£73,379
	Total pay bill	£143,911,145	£167,368,633
	Percentage of total pay bill on facility time	0.09%	0.04%
Paid trade union activities		3.96%	-

Full details are available at the link: [Trade Union Facility Time Reports](#)

Graham Hope
Chief Executive
27 September 2022

Councillor Lawrence Fitzpatrick
Leader of the Council

COMPREHENSIVE INCOME AND EXPENDITURE STATEMENT**STATEMENT 4****PURPOSE**

The Comprehensive Income and Expenditure Statement shows the accounting cost in the year of providing services in accordance with generally accepted accounting practices, rather than the amount to be funded from taxation (or rents). Authorities raise taxation (and rents) to cover expenditure in accordance with statutory requirements; this may be different from the accounting cost. The taxation position is shown in both the Expenditure and Funding Analysis and the Movement in Reserves Statement.

**COMPREHENSIVE INCOME AND EXPENDITURE STATEMENT
FOR THE YEAR ENDED 31 MARCH 2022**

	Note	2021/22			2020/21		
		Gross Expend £'000	Gross Income £'000	Net Expend £'000	Gross Expend £'000	Gross Income £'000	Net Expend £'000
Schools, Education Support		272,566	27,379	245,187	278,346	27,132	251,214
Planning, Economic Development and Regeneration		15,626	5,703	9,923	14,375	5,945	8,430
Operational Services		91,189	7,632	83,557	82,686	6,143	76,543
Housing, Customer and Building Services		28,488	7,664	20,824	20,927	6,519	14,408
Corporate Services		2,014	562	1,452	1,898	507	1,391
Social Policy – IJB, Adult and Elderly Services		190,387	112,531	77,856	173,173	103,820	69,353
Social Policy – non-IJB Children's Services		46,922	5,325	41,597	43,743	5,126	38,617
Chief Executive, Finance and Property		58,754	7,936	50,818	50,765	7,353	43,412
Joint Boards		1,304	-	1,304	1,193	-	1,193
Other Services		45,376	44,827	549	50,261	47,324	2,937
Net Cost of General Fund Services		752,626	219,559	533,067	717,367	209,869	507,498
Housing Revenue Account		71,218	56,573	14,645	61,747	54,329	7,418
Net Cost of Services		823,844	276,132	547,712	779,114	264,198	514,916
Other Operating Expenditure	9	(603)	-	(603)	(1,272)	-	(1,272)
Finance and Investment Income and Expenditure	10	59,986	28,213	31,773	60,396	29,094	31,302
Taxation and Non-Specific Grant Income	11	-	497,716	(497,716)	-	477,506	(477,506)
Deficit on Provision of Services	5	883,227	802,061	81,166	838,238	770,798	67,440
Items that will not be reclassified to the Deficit on the Provision of Services							
Surplus on revaluation of property, plant and equipment				(39,579)			(394,340)
Remeasurement of the net defined benefit (gain) / loss				(212,645)			63,868
Items that may be reclassified to the Deficit on the Provision of Services				(252,224)			(330,472)
(Surplus) / deficit from investments in equity instruments designated at fair value through other comprehensive income				(20)			79
Other Comprehensive Income and Expenditure				(252,244)			(330,393)
Total Comprehensive Income and Expenditure				(171,078)			(262,953)

MOVEMENT IN RESERVES STATEMENT**STATEMENT 5****PURPOSE**

The Movement in Reserves Statement shows the movement from the start of the year to the end on the different reserves held by the council analysed into 'usable reserves' (i.e. those that can be applied to fund expenditure or reduce local taxation) and other 'unusable' reserves. The Statement shows how the movements in year of the council's reserves are broken down between gains and losses incurred in accordance with generally accepted accounting practices and the statutory adjustments required to return to the amounts chargeable to council tax (or rents) for the year. The Net Increase/Decrease line shows the Statutory General Fund Balance and Housing Revenue Account Balance Movements in year following those adjustments.

**MOVEMENT IN RESERVES STATEMENT
AS AT 31 MARCH 2022**

	Note	General Fund £'000	Housing Revenue Account £'000	Capital Fund £'000	Insurance Fund £'000	Total Usable Reserves £'000	Unusable Reserves £'000	Total Council Reserves £'000
Balance at 1 April 2020		19,869	926	57,917	9,317	88,029	657,256	745,285
Movement in Reserves during 2020/21								
Total comprehensive income and expenditure		(49,708)	(17,732)	-	-	(67,440)	330,393	262,953
Adjustments between accounting basis and funding basis under regulations	13	76,005	17,732	(17,705)	-	76,032	(76,032)	-
Net increase (decrease) before transfers to other statutory funds		26,297	-	(17,705)	-	8,592	254,361	262,953
Transfers (to) / from other statutory funds	12	(3,647)	-	5,368	(1,721)	-	-	-
Increase (decrease) in year		22,650	-	(12,337)	(1,721)	8,592	254,361	262,953
Balance at 31 March 2021		42,519	926	45,580	7,596	96,621	911,617	1,008,238
General Fund analysed over:								
Amounts Earmarked	34	40,258						
Amounts Uncommitted		2,261						
Total General Fund Balance at 31 March 2021		42,519						
Movement in Reserves during 2021/22								
Total comprehensive income and expenditure		(55,368)	(25,798)	-	-	(81,166)	252,244	171,078
Adjustments between accounting basis and funding basis under regulations	13	72,668	25,798	(14,221)	-	84,245	(84,245)	-
Net increase (decrease) before transfers to other statutory funds		17,300	-	(14,221)	-	3,079	167,999	171,078
Transfers (to) / from other statutory funds	12	(6,992)	-	7,281	(289)	-	-	-
Increase (decrease) in year		10,308	-	(6,940)	(289)	3,079	167,999	171,078
Balance at 31 March 2022		52,827	926	38,640	7,307	99,700	1,079,616	1,179,316
General Fund analysed over:								
Amounts Earmarked	34	50,746						
Amounts Uncommitted		2,081						
Total General Fund Balance at 31 March 2022		52,827						

BALANCE SHEET**STATEMENT 6****PURPOSE**

The Balance Sheet shows the value as at the Balance Sheet date of the assets and liabilities recognised by the council. The net assets of the council (assets less liabilities) are matched by the reserves held by the council. Reserves are reported in two categories. The first category of reserves is usable reserves, i.e. those reserves that the council may use to provide services, subject to the need to maintain a prudent level of reserves and any statutory limitations on their use (for example the Capital Fund that may only be used to fund capital expenditure or repay debt). The second category of reserves is those that the council is not able to use to provide services. This category of reserves includes reserves that hold unrealised gains and losses (for example the Revaluation Reserve), where amounts would only become available to provide services if the assets are sold; and reserves that hold timing differences shown in the Movement in Reserves Statement line 'Adjustments between accounting basis and funding basis under regulations'.

		As at 31 March 2022 £'000	As at 31 March 2021 £'000
LONG TERM ASSETS	Note		
Property, Plant and Equipment			
- Council Dwelling		464,291	473,070
- Other Land and Buildings		1,168,207	1,166,446
- Vehicles, Plant, Furniture and Equipment		12,788	11,059
- Infrastructure Assets		245,630	240,321
- Community Assets		501	501
- Assets under construction		88,006	39,799
- Surplus Assets, not yet held for disposal		23,134	22,856
- Intangible Assets		3,569	1,746
	14.1	2,006,126	1,955,798
Heritage Assets		861	779
Long Term Investments	15.1	508	491
TOTAL LONG TERM ASSETS		2,007,495	1,957,068
CURRENT ASSETS			
Short Term Investments	15.1	42,579	15,083
Inventories		1,623	1,730
Short Term Debtors	16	54,535	77,845
Cash and Cash Equivalents	26	48,955	71,946
TOTAL CURRENT ASSETS		147,692	166,604
CURRENT LIABILITIES			
Short Term Borrowing	15.1	(69,225)	(79,196)
Short Term Creditors	17	(95,609)	(85,641)
Provisions	18	(374)	(573)
Capital Grant Receipts in Advance	33	(21,439)	(30,066)
TOTAL CURRENT LIABILITIES		(186,647)	(195,476)
NET CURRENT LIABILITIES		(38,955)	(28,872)
TOTAL ASSETS LESS CURRENT LIABILITIES		1,968,540	1,928,196
LONG TERM LIABILITIES			
Long Term Creditors	19	(240)	(316)
Long Term Borrowing	15.1	(568,641)	(528,641)
Defined Benefit Scheme Liability	20.3	(143,677)	(311,763)
Other Long Term Liabilities	19	(76,666)	(79,238)
TOTAL LONG TERM LIABILITIES		(789,224)	(919,958)
TOTAL NET ASSETS		1,179,316	1,008,238
Financed by:			
USABLE RESERVES			
General Fund Balance	34	52,827	42,519
Housing Revenue Fund Balance		926	926
Capital Fund	21.2	38,640	45,580
Insurance Fund	21.1	7,307	7,596
TOTAL USABLE RESERVES		99,700	96,621
UNUSABLE RESERVES	22	1,079,616	911,617
TOTAL RESERVES		1,179,316	1,008,238

The unaudited accounts were considered by the Audit Committee on 21 June 2022 and the audited accounts were authorised for issue on 27 September 2022.

DONALD FORREST CPFA, Head of Finance and Property Services

27 September 2022

CASH FLOW STATEMENT**STATEMENT 7****PURPOSE**

The Cash Flow Statement shows the changes in cash and cash equivalents of the council during the reporting period. The statement shows how the council generates and uses cash and cash equivalents by classifying cash flows as operating, investing and financing activities. The amount of net cash flows arising from operating activities is a key indicator of the extent to which the operations of the council are funded by way of taxation and grant income or from the recipients of services provided by the council. Investing activities represent the extent to which cash outflows have been made for resources which are intended to contribute to the council's future service delivery. Cash flows arising from financing activities are useful in predicting claims on future cash flows by providers of capital (i.e. borrowing) to the authority.

	Note	2021/22 £'000	2020/21 £'000
Net Deficit on the provision of services		(81,166)	(67,440)
Adjustments to net deficit on the provision of services for non-cash movements	23	193,891	143,094
Net cash flows from Operating Activities		112,725	75,654
Net cash flows from Investing Activities	24	(163,384)	(2,762)
Net cash flows from Financing Activities	25	27,668	(18,962)
Net (decrease) / increase in cash and cash equivalents		(22,991)	53,930
Cash and cash equivalents at the beginning of the reporting period		71,946	18,016
Cash and cash equivalents at the end of the reporting period	26	48,955	71,946

NOTES TO THE ANNUAL ACCOUNTS

STATEMENT 8

1. ACCOUNTING POLICIES

The council is required to prepare Annual Accounts by the Local Authority Accounts (Scotland) Regulations 2014. Section 12 of the Local Government in Scotland Act 2003 requires they be prepared in accordance with proper accounting practices. These practices primarily comprise the Code of Practice on Local Authority Accounting in the United Kingdom 2021/22 (The Code) supported by International Financial Reporting Standards (IFRS).

The accounting convention adopted in the Annual Accounts is principally historical cost, modified by the revaluation of certain categories of non-current assets and financial instruments.

Basis of Preparation Statement

The council financial statements for 2021/22 have been prepared on a going concern basis. The concept of a going concern assumes that an authority's functions and services will continue in operational existence for the foreseeable future, and in particular for the period of at least 12 months from the approval of these financial statements to the end of September 2023. The provisions in respect of going concern reporting requirements reflect the economic and statutory environment in which local authorities operate. These provisions confirm that, as authorities cannot be created or dissolved without statutory prescription, they must prepare their financial statements on a going concern basis of accounting. In accordance with the CIPFA Code of Local Government Accounting (2021/22), the council is required to prepare its financial statements on a going concern basis unless informed by the relevant national body of the intention for dissolution without transfer of services or function to another entity. The accounts are prepared on the assumption that the council will continue in operational existence for the foreseeable future.

West Lothian Council approved the 2022/23 revenue budget at the Council meeting on 15 February 2022. In order to maintain a balanced budget for 2022/23 the council is required to deliver budget savings of £9.1 million in addition to use of one-off resources of £2.6 million. The budget highlighted a number of risks that continue to be closely monitored. As part of setting the 2022/23 budget, an update was provided on the budget scenarios for 2023/24 to 2027/28 following the publication of the local government finance settlement. Council agreed that the approach of integrating corporate and financial planning over the next five year period should be retained in line with financial planning principles agreed by Council Executive in June. Council also agreed that, in accordance with the CIPFA Financial Management Code and best practice, the council will prepare a priority based revenue financial plan for 2023/24 to 2027/28, to set out how the Corporate Plan priorities will be delivered over this period.

Following the approval of the 2022/23 budget, the council continues to face unprecedented challenges, in particular the cost of living crisis and the highest level of inflation in a decade, in delivering essential services whilst resources are constrained. Officers are working to understand the impact of increased costs on the council's 2022/23 budget with a specific focus on energy costs. The position will be closely monitored as part of the council's risk based approach to budget monitoring.

The council is currently in the process of developing a new five year revenue financial plan, three year detailed revenue budgets and ten year capital investment programme. Financial planning scenarios for ten years were reported to Council Executive in October 2021, setting out the process for ensuring the council continues to have a balanced budget. A further updated central budget scenario was presented to Council in February 2022 and June 2022, with further work being undertaken by officers to refine planning assumptions based on recent energy forecasts and the ongoing pay negotiations.

The council's minimum uncommitted general fund balance is £2 million. The uncommitted general fund balance at 31 March 2022 is £2.081 million. Although the council's minimum uncommitted balance is low compared to other authorities in Scotland, the council has a high level of general services committed usable reserves, totalling £97 million at 31 March 2022 (£93 million at 31 March 2021). The HRA balance at 31 March 2022 (2021) is £0.926 million (£0.926 million). The value of earmarked reserves is subject to ongoing monitoring and review.

The council has balances of cash and short term investments, totalling £48.955 million at 31 March 2022 (£71.946 million at 31 March 2021). Normally when investments mature they are reinvested for periods up to a year. During 2020/21, as a result of the pandemic, maturing investments were retained in highly liquid instruments, such as the overnight bank account or money market funds, to ensure that the funds were available as required. The council returned to normal investment practice during 2021/22. The council's cash flow is monitored weekly by management and the council does not forecast any cash flow shortage.

The council continues to regularly monitor its financial position and provide full financial updates to Council Executive and the Council as appropriate, including options on addressing any new budget gaps and spending pressures. It is anticipated that following the completion of the capital accounting review by local government, a further update can be provided during 2022 on the potential service concession flexibility that was unable to be deployed during 2021/22.

Management is continuing to liaise with Scottish Government and COSLA on ensuring sustainable funding going forward.

NOTES TO THE ANNUAL ACCOUNTS**STATEMENT 8****Revenue Transactions**

The Revenue Accounts of the council are maintained on an accruals basis in accordance with the Code of Practice. That is, sums due to or from the council during the year are included, whether or not the cash has actually been received or paid in the year. Provision has been made for possible bad or doubtful debts in both the General Fund Account and Housing Revenue Account. There is no de minimis level for inclusion in the annual accounts for revenue transactions.

Where debtor balances for council tax are identified as impaired, the asset is written down and a charge made to the Financing and Investment Income in the Comprehensive Income and Expenditure Statement.

Intangible Assets

Intangible assets are non-monetary assets that do not have a physical substance but are controlled by the council. Non-current intangible assets include software which is not an integral part of IT systems within the council. The accounting treatment of intangible assets is the same as for Property, Plant and Equipment assets. The council accounts for software and licences financed through the capital programme as intangible assets and they are shown at cost. The assets are amortised over three years on a straight-line basis.

Property, Plant and Equipment - Valuation

All expenditure on the acquisition, creation or enhancement of property, plant and equipment has been capitalised on an accruals basis.

Operational Property, plant and equipment have been included in the balance sheet at either existing use value or depreciated replacement cost, depending on whether or not there is assessed to be an active market for the assets being revalued. Assets Under Construction and Community Assets have been included at historical cost.

Surplus assets not yet available for sale have been included in the Balance Sheet on a fair value basis using the valuation techniques for level 2 inputs, i.e. open market value.

Plant, furniture and computer equipment costing below £6,000 are not treated as long term assets but are charged to the revenue account. This de minimis limit does not apply where certain categories of these assets are grouped together and form part of the approved capital programme.

Council houses have been valued at fair value using the Beacon Principle, existing use value for social housing, in accordance with the Royal Institution of Chartered Surveyors (RICS) Guidance. During 2020/21 the council houses were revalued by the Valuation Office Agency – DVS Property Specialists for the Public Sector.

Valuations have been provided by the council's Property Services and an external firm of chartered surveyors. Increases in valuations are credited to the Revaluation Reserve.

Information on the accounting for and disclosure around infrastructure assets held by the council can be found at note 14.8 on page 69.

Property, Plant and Equipment - Capital Receipts

Receipts arising from the sale of property, plant and equipment are credited to capital receipts and used to finance new capital expenditure. These transactions are then credited to the capital adjustment account.

Property, Plant and Equipment - Depreciation

Assets, other than land, are being depreciated using the straight line method over their useful economic lives as follows:-

- Council dwellings	50 years
- Council dwellings (Fixtures)	27 years
- Operational buildings	20 - 60 years
- Plant and equipment (Other)	10 - 25 years
- Plant and equipment (Books)	3 years
- Motor vehicles	4 - 10 years
- Fixtures and fittings	3 - 10 years
- Infrastructure assets	40 years

No depreciation is provided on Community Assets, Assets Under Construction, Surplus Assets not yet available for sale and Heritage Assets.

Under International Accounting Standard 16 (IAS 16), where an item of Property, Plant and Equipment has major components whose cost is significant in relation to the total cost of the item, the components are depreciated separately. Significance is determined by comparing the cost of components against the overall cost of the asset. The significance threshold is set at £100,000 on assets with a value in excess of £1 million.

During 2021/22, all properties subject to material change in valuation; community centres, day centres, old people's homes, partnership centres, pavilions and miscellaneous land were revalued. As a result, £11.4 million was charged to the Comprehensive Income and Expenditure Account. The revaluation charge has no impact on the General Fund Balance carried forward.

In total, the revalued properties were collectively deemed to be significant in terms of their overall asset value and as such depreciation was charged on a componentised basis for all properties revalued as part of those groups.

The current policy of quinquennial revaluation will remain. However, in line with the requirements of the Code, only assets which were acquired, enhanced or revalued in 2021/22 had their useful lives updated. The council undertakes an annual review to ensure assets are valued with sufficient regularity to be fairly stated.

In the case of council dwellings, fixtures are depreciated over 27 years with the non-fixture element of council dwellings being depreciated over 50 years.

Property, Plant and Equipment - Revaluation

Where decreases in value are identified, they are accounted for as follows: -

- where there is a balance of revaluation gains for the asset in the Revaluation Reserve, the carrying amount of the asset is written down against that balance (up to the amount of the accumulated gains)
- where there is no balance in the Revaluation Reserve or insufficient balance, the carrying amount is written down against the relevant service line in the Comprehensive Income and Expenditure Statement

NOTES TO THE ANNUAL ACCOUNTS**STATEMENT 8****Property, Plant and Equipment - Impairment**

Assets subject to revaluation that have suffered a reduction in value have been impaired. Where impairment losses are identified, they are accounted for as follows: -

- where there is a balance of revaluation gains for the asset in the Revaluation Reserve, the carrying amount of the asset is written down against that balance (up to the amount of the accumulated gains)
- where there is no balance in the Revaluation Reserve or insufficient balance, the carrying amount is written down against the relevant service line in the Comprehensive Income and Expenditure Statement

Property, Plant and Equipment - Charges to Revenue

Service revenue accounts and the HRA have been charged with a capital charge for all Property, Plant and Equipment assets used in the provision of the service. Such charges cover the annual provision for depreciation.

Heritage Assets

Heritage assets are those assets that are intended to be preserved in trust for future generations because of their cultural, environmental or historical associations. They are held by the council in pursuit of its overall objective in relation to the maintenance of heritage.

The council's Heritage Assets are held in various locations throughout the authority. There are two main categories of asset: - Artworks and Sculptures and Civic Regalia which includes Precious Metals, Fabric Items and Robes. All other assets are included in the Miscellaneous Other category.

As a general policy, Heritage Assets are recognised on the balance sheet where the cost or value of the asset is known. Where information on cost or value is not available, and the cost of obtaining the information outweighs the benefits to the users of the financial statements, the asset is not recognised on the balance sheet.

There have been no acquisitions, donations, disposals, or council owned additions to the Heritage Asset portfolio during the financial year 2021/22.

The council's external valuer for its heritage assets (Bonhams – Fine Art Auctioneers and Valuers) carried out a valuation of the full collection as at 31 March 2022. These insurance valuations are updated on a quinquennial basis.

Improvement Grants

All expenditure on improvement and other grants is charged to revenue in the year the expenditure is incurred.

Government Grants and Contributions

Government grants are accounted for on an accruals basis and income has been credited, in the case of revenue grants, to the appropriate revenue account. Capital grants and contributions received to finance Property, Plant and Equipment assets have been credited to the Comprehensive Income and Expenditure Account. They are reversed out of the General Fund Balance in the Movement in Reserves Statement and transferred to the Capital Adjustment Account.

Additional Scottish Government funding provided in relation to Covid-19 has been accounted for as grant income in line with all other government grant income on an accruals basis, and any related expenditure recognised separately in the financial statements.

Grant income has been accounted for on the basis that the council is acting either as principal or agent based on the Code of Practice on Local Authority Accounting in the United Kingdom (the Code) with further guidance provided by the LASAAC Guidance on Accounting for Coronavirus (Covid-19) Grants / Funding Streams. Definitions and treatment of grants are as follows: -

Agency

Grant income where the council is acting as an agent, as an intermediary in distributing funds from the Scottish Government, has not been recorded in the CIES as the council does not retain the risks and rewards of the income and related expenditure. The balance sheet records the debtors and creditors for these transactions.

Note 7.3 on pages 15 and 16 of the Management Commentary provides a detailed analysis of grants where the council has acted as an agent for Covid-19 grant funding from Scottish Government.

Principal

Grant income where the council is acting as a principal, on its own behalf, has been recorded in the CIES and the notes to the financial statements.

Notes 33.1 and 33.2 on page 88 of the financial statements provides a detailed analysis of grants where the council has acted as principal for Covid-19 grant funding from Scottish Government.

Amounts recognised as due to the council are not credited to the Comprehensive Income and Expenditure Statement and Capital Adjustment Account until conditions attached to each grant have been satisfied.

Monies advanced as revenue grants and contributions for which conditions have not been satisfied are carried in the balance sheet as creditors. When conditions are satisfied, the revenue grants are credited to the service line in the Comprehensive Income and Expenditure Statement and, for capital grants, to the Capital Adjustment Account.

Redemption of Debt

The council operates a Consolidated Loans Fund under the terms of the Local Government (Scotland) Act 1975. All loans raised are paid into the fund and have a repayment period of 35 years.

Premiums and discounts on debt rescheduling have been transferred to the Financial Instruments Adjustment Account and have been designated as statutory premiums and discounts under statutory guidance issued by the Scottish Government. The annual charge to the General Fund is managed by movements to and from the Financial Instruments Adjustment Account and the Movement on Reserves Statement.

Cash and Cash Equivalents

Cash is represented by cash in hand and deposits with financial institutions repayable without penalty on notice of not more than twenty four hours. Cash equivalents are investments that mature in three months or less from the date of acquisition and that are readily convertible to known amounts of cash with insignificant risk of change in value.

Cash and cash equivalents are shown net of bank overdrafts that are repayable on demand and form an integral part of the council's cash management.

NOTES TO THE ANNUAL ACCOUNTS

STATEMENT 8

FINANCIAL INSTRUMENTS**Financial Liabilities**

Financial liabilities are recognised on the Balance Sheet when the council becomes a party to the contractual provisions of a financial instrument and are initially measured at fair value and are carried at their amortised cost. Annual charges to the Financing and Investment Income and Expenditure line in the Comprehensive Income and Expenditure Statement for interest payable are based on the carrying amount of the liability, multiplied by the effective rate of interest for the instrument. The effective interest rate is the rate that exactly discounts estimated future cash payments over the life of the instrument to the amount at which it was originally recognised.

Borrowing

The amount presented in the Balance Sheet is the outstanding principal repayable (plus accrued interest). Interest charged to the Comprehensive Income and Expenditure Statement is the amount payable for the year according to the loan agreement.

Where premiums and discounts have been charged to the Comprehensive Income and Expenditure Statement, regulations allow the impact on the General Fund Balance to be spread over future years. The council has a policy of spreading the gain or loss over the term that was remaining on the loan against which the premium was payable or discount receivable when it was repaid. The reconciliation of amounts charged to the Comprehensive Income and Expenditure Statement to the net charge required against the General Fund Balance is managed by a transfer to or from the Financial Instruments Adjustment Account in the Movement in Reserves Statement.

Creditors

Creditors are recognised when a supplier has provided goods and services to the council for an agreed price. The creditors recognised in the Balance Sheet represent the current value of the outstanding liabilities of the council as at 31 March as a proxy for amortised cost.

Financial Assets**Investments**

Financial assets are classified based on a classification and measurement approach that reflects the business model for holding the financial assets and their cashflow characteristics. There are three main classes of financial assets measured at:

- amortised cost
- fair value through profit or loss (FVPL), and
- fair value through other comprehensive income (FVOCI).

The council's business model is to hold investments to collect contractual cash flows. Financial assets are therefore classified as amortised cost, except for those whose contractual payments are not solely payment of principal and interest (i.e. where the cash flows do not take the form of a basic debt instrument).

Financial Assets Measured at Amortised Cost

Financial assets measured at amortised cost are recognised on the Balance Sheet when the council becomes a party to the contractual provisions of a financial instrument and are initially measured at fair value. They are subsequently measured at their amortised cost. Annual credits to the Financing and Investment Income and Expenditure line in the Comprehensive Income and Expenditure Statement for interest receivable are based on the carrying amount of the asset multiplied by the effective rate of interest for the instrument.

The amount presented in the Balance Sheet is the outstanding principal receivable (plus accrued interest) and interest credited to the Comprehensive Income and Expenditure Statement is the amount receivable for the year in the loan agreement.

Any gains and losses that arise on the derecognition of an asset are credited or debited to the Financing and Investment Income and Expenditure line in the Comprehensive Income and Expenditure Statement.

Debtors

Debtors are recognised when goods and services have been provided by the council for an agreed price. The value of the debtors recognised in the Balance Sheet represents the current value of the outstanding asset of the council as at 31 March as a proxy for amortised cost.

Expected Credit Loss Model

The council recognises expected credit losses on all of its financial assets held at amortised cost on a 12 month basis. The expected credit loss model also applies to lease receivables. Only lifetime losses are recognised for trade receivables (debtors) held by the council.

Impairment losses are calculated to reflect the expectation that the future cash flows might not take place because the borrower could default on their obligations. Credit risk plays a crucial part in assessing losses. Where risk has increased significantly since an instrument was initially recognised, losses are assessed on a lifetime basis. Where risk has not increased significantly or remain slow, losses are assessed on the basis of 12 month expected losses.

Fair Value Measurement

The council measures its non-financial assets such as surplus assets not yet held for sale and financial instruments equity shareholdings at fair value at each reporting date using valuation techniques. When measuring the fair value of an asset the council assumes highest and best pricing. Inputs to the valuation techniques are categorised within the fair value hierarchy as follows: -

Level 1 – quoted prices in active markets for identical assets or liabilities that the council can access at the measurement date.

Level 2 – inputs other than quoted prices included within level 1 that are observable for the asset or liability, either directly or indirectly.

Level 3 – unobservable inputs for the asset or liability.

Financial Assets Measured at Fair Value through Profit or Loss (FVPL)

Financial assets that are measured at FVPL are recognised on the Balance Sheet when the council becomes a party to the contractual provisions of a financial instrument and are initially measured and carried at fair value. Fair value gains and losses are recognised as they arrive in the Surplus or Deficit on the Provision of Services.

Any gains and losses that arise on the derecognition of the asset are credited or debited to the Financing and Investment Income and Expenditure line in the Comprehensive Income and Expenditure Statement.

The council holds no assets under this classification.

NOTES TO THE ANNUAL ACCOUNTS

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Financial Assets Measured at Fair through other comprehensive income (FVOCI)

The council holds an equity investment in Lothian Buses Limited. The investment is held for strategic purposes. Under IFRS9 the council designates that this investment be classified as being measured at Fair Value through Other Comprehensive Income. Any gain or loss on this investment will be held in the Financial Instrument Revaluation Reserve. The investment in Lothian Buses Limited has been shown in the Balance Sheet at fair value (Level 2 on the fair value hierarchy), based on the current share price multiplied by the council's shareholding.

External Interest Payable and Loans Fund Interest

External interest has been calculated and charged to the Income and Expenditure Account on an amortised cost basis over the life of the loan. For the majority of loans this represents the interest amount payable for the year per the loan agreement. However, for stepped LOBO loans, this results in a difference between the coupon rate and the amount charged to the Income and Expenditure Account. This difference is removed from the General Fund by a transfer to the Financial Instruments Adjustment Account.

These accounting adjustments ensure that the loans fund interest is calculated and allocated to the Revenue Account in accordance with LASAAC Guidance Note No 2.

Interest on revenue balances is allocated on the basis of the monthly balances held on the respective accounts.

Reserves

The council operates the following reserves under Schedule 3 of the Local Government (Scotland) Act 1975.

General Fund - to ensure that sufficient funds are held in reserve to deal with the financial consequences of uncertain future events the council has agreed that the uncommitted General Fund Balance will be a minimum of £2 million.

Insurance Fund – this is the funding mechanism for the control of insurance risk and includes premiums and self-funding insurance costs. The fund covers all known insurance liabilities and is independently valued on a triennial basis.

Capital Fund – established to ensure that, following the introduction of the CIPFA Prudential Code for Capital Finance in Local Authorities in April 2004, borrowing decisions and capital programme management are based on Best Value considerations. General Fund treasury management balances in any given year will normally be transferred to or from the Capital Fund. The balance in the Capital Fund at 31 March 2022 was £38.640 million.

Revaluation Reserve

The Revaluation Reserve represents the net increase in the value of fixed assets as a result of these being shown in the Balance Sheet at revalued amounts rather than historical cost.

Financial Instrument Revaluation Reserve (FIRR)

The FIRR represents the gains made by the council arising from increases in the value of its investments that are measured at Fair Value through Other Comprehensive Income. The balance is reduced when the investments are impaired downward or disposed of and gains realised.

Capital Adjustment Account

This account accumulates (on the debit side) the write-down of the historical cost of fixed assets as they are consumed by depreciation or impairment. It accumulates (on the credit side) the resources that have been set aside to finance capital expenditure.

Inventories

Stocks and stores held by the council are recorded at average cost, with the exception of Deer and Highland Cows which have been valued at net realisable value. The valuation is in accordance with IAS 41 - Agriculture. The use of average cost rather than lower of cost and net realisable value is a departure from the Code but is not considered material.

Central Support Services

Time recording systems and number of employees have been used as the bases for allocating costs to direct services, with the exception of the following: -

- a) Administration Buildings - the number of employees based at each building
- b) Central Telephone Service - based on number of extensions
- c) Central Postal and Messenger Services - based on actual usage
- d) HR Pay and Reward – based on employee numbers within each Service

Central Support Service charges allocated to the HRA and Building Services are a fixed amount agreed at the start of the financial year.

Revenue from Contracts with Customers

IFRS 15 enables users of the annual accounts to understand the nature, amount, timing and uncertainty of revenue and cash flows arising from contracts.

Council income was assessed using a five step approach: Identification of the contract, identification of the performance obligations, identification of the contract price, allocation of the contract price and finally recognition of the revenue as the obligation is satisfied.

Following review of the council's income no material income streams required change to the revenue recognition applied. All new income streams are reviewed on an annual basis.

NOTES TO THE ANNUAL ACCOUNTS**STATEMENT 8****Finance Leases**

Leases are classified as finance leases where the terms of the lease transfer substantially all the risks and rewards incidental to ownership of the Property, Plant or Equipment from the lesser to the lessee. All other leases are classified as operating leases. Where a lease covers both land and buildings, these elements are considered separately for classification.

Assets acquired under finance leases have been capitalised together with a liability to pay outstanding rentals. Payments have been apportioned between the finance charge and the reduction of the outstanding obligation, with the finance charge being allocated and charged to revenue over the term of the lease.

Employee Benefits

A charge is made against services in the Surplus or Deficit on the Provision of Services for the cost of holiday entitlements earned by employees, but not taken before the year end, which employees can carry forward into the next financial year. The charge is made at the remuneration rates applicable in the following financial year and is required, under statute, to be reversed out of the General Fund Balance by a credit to the Employee Statutory Adjustment Account in the Movement in Reserves Statement.

Termination Benefits

Termination benefits are amounts payable as a result of a decision by an officer, in agreement with the council, to terminate their employment before the normal retirement date, or an officer's decision to accept voluntary severance. The costs are charged on an accruals basis to the Other Services line in the Comprehensive Income and Expenditure Statement. Where the termination benefits involve the enhancement of pensions, statutory provisions require the General Fund balance to be charged with the amount payable by the council to the pension fund or pensioner in the year, not the amount calculated according to the relevant accounting standards. In the Movement in Reserves Statement, appropriations are required to and from the Pensions Reserve to remove the notional debits and credits for pension enhancement termination benefits and replace them with debits for the cash paid to the pension fund or pensioners and any such amounts payable but unpaid at the year-end.

**Public Private Partnership (PPP)
Design, Build, Finance and Maintain (DBFM)**

The treatment of PPP and DBFM contracts, under International Financing Reporting Standards (IFRS) looks at aspects of control of an asset, such as specifying services and the price paid for these services. The PPP and DBFM schools are recognised as property assets, with recognition of a liability for the financing of these assets. The unitary charge paid to the contractor is allocated between operating costs, finance lease principal and interest, and any capitalised lifecycle costs.

Operating Leases

Current annual operating lease rentals have been charged to revenue.

Non-Domestic Rates (NDR)

Local authorities act as the agent of the Government when collecting NDR. The Code therefore requires local authorities not to recognise NDR debtors in their balance sheets but to instead recognise a creditor or debtor for cash collected from NDR debtors as agent of the Government but not paid or overpaid to the Government.

Pension Costs

The council participates in two separate pension schemes which provide members with defined benefits related to pay and service and are as follows: -

Teachers: This is an unfunded scheme administered by the Scottish Government. Under the pensions accounting standard IAS 19 - 'Retirement Benefits' this scheme is treated as a defined contribution scheme as it does not allow the identification of liabilities consistently and reliably between participant authorities. The pension cost charged to the Accounts is the contribution rate set by HM Treasury on the basis of a notional fund.

Other Employees: Other employees, subject to certain qualifying criteria, are eligible to join the Local Government Pension Scheme (which is administered by the City of Edinburgh Council as the Lothian Pension Fund). The Lothian Pension Fund is a multi-employer scheme funded on the basis of triennial actuarial valuations of the required employers' contributions to ensure adequate assets in the scheme. As it is possible to identify the council's share of the assets and liabilities underlying the scheme on a consistent and reliable basis, it is accounted for as a defined benefit scheme under IAS 19.

IAS 19 is based on the premise that an organisation should account for retirement benefits when it is committed to give them, even if the actual payment will be many years in the future. The pension cost under IAS 19 is therefore not the cash contributions paid to the pension fund but the increase in the employers' attributable pensions liability during the year.

The IAS 19 actuarial valuation involves the actuary reviewing the most recent triennial actuarial valuation, updating it to reflect current conditions at the balance sheet date and apportioning assets and liabilities amongst employers. Assets are valued at fair value, principally bid value for investments. Liabilities are valued using the projected unit method which assesses the future liabilities of the fund discounted to their present value. The 2021/22 discount rate was 2.7% (2.0% 2020/21). The inclusion of attributable scheme assets and liabilities in the balance sheet represents an authority's commitment to increase contributions to make up any shortfall, or its ability to benefit, via reduced contributions, from a surplus in the scheme.

The actuary identifies the following elements of pension cost charged to the Income and Expenditure account:

Actuarial gains and losses – these consist of experience adjustments (the effects of differences between the previous actuarial assumptions and what has actually occurred) and the effect of actuarial assumption changes in regard to financial and demographic assumptions.

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Current Service Cost - the increase in the present value of the defined benefit obligation resulting from employee service in the current period.

Net Defined Benefit Liability (asset) – the present value of the defined benefit obligation less the fair value of the plan assets.

Net interest Income (expense) – the change during the period in the net defined benefit liability (asset) that arises from the passage of time. This includes allowance for interest on the current service cost.

Past Service Costs – the change in the present value of the defined benefit obligation for employee service in prior periods resulting from a plan amendment.

Any difference between the accounting cost (i.e. the IAS 19 based cost) and the funding cost (i.e. the contributions or payments made during the year) is appropriated from the Pensions Reserve to the Movement in Reserves Statement. This appropriation ensures the IAS 19 pension cost equals the pension payments funded from taxation.

Contingent Liabilities

A contingent liability arises where an event has taken place that gives the council a possible obligation whose existence will only be confirmed by the occurrence or otherwise of uncertain future events not wholly within the control of the council. Contingent liabilities also arise in circumstances where a provision would otherwise be made but either it is not probable that an outflow of resources will be required or the amount of the obligation cannot be measured reliably.

Contingent liabilities are not recognised in the Balance Sheet but disclosed in the Notes to the Annual Accounts. Details of the liabilities are shown in note 28.

Provisions

Provisions are made where an event has taken place that gives the council a Legal or constructive obligation that probably requires settlement by a transfer of economic benefits or service potential and a reliable estimate can be made of the obligation. Provisions are charged as an expense to the appropriate service revenue account in the Comprehensive Income and Expenditure Statement in the year the council becomes aware of the obligation, based on the best estimate of the likely settlement. When payments are eventually made, they are charged to the provision carried in the Balance Sheet. Estimated settlements are reviewed at the end of each financial year and appropriate adjustments made to the level of provision. Details of the provisions are detailed in note 18.

VAT

Income and Expenditure excludes any amounts related to VAT, as all VAT collected and paid is payable to, or recoverable from, Her Majesty's Revenues and Customs (HMRC).

Prior Period Adjustments

Prior Period Adjustments arise as a result of a change in accounting policy. Where a change is made it is applied retrospectively by adjusting opening balances and comparative amounts. There have been no prior period adjustments in 2021/22.

2. ACCOUNTING STANDARDS THAT HAVE BEEN ISSUED BUT HAVE NOT YET BEEN ADOPTED

For 2021/22 the following accounting policy changes require to be reported as issued but not yet adopted by the code.

Annual Improvements to IFRS Standards 2018-2020. The annual IFRS improvement programme notes four changed standards:

- IFRS1 (First-time adoption) – amendment relates to foreign operations of acquired subsidiaries transitioning to IFRS
- IAS 37 (Onerous contracts) – clarifies the intention of the standard
- IFRS 16 (Leases) – Amendment removes a misleading example that is not referenced in the code material
- IAS 41 (Agriculture) – one of a small number of IFRSs that are only expected to apply to local authorities in limited circumstances

There is no impact of these changes on the accounts covering the 2021/22 financial year.

IFRS 16 Leases

Following its emergency consultation on exploratory proposals for changing the Code, CIPFA/LASAAC Local Authority Accounting Code Board and the Financial Reporting Advisory Board have agreed to defer IFRS 16 Leases until 1 April 2024.

IFRS16 eliminates nearly all off balance sheet accounting for lessees as existing rules no longer apply for treating lease transactions as operating or finance leases.

All contracts that convey the right to use an asset for a period of time in exchange for consideration could meet the definition of a lease, and require to be examined. The council will continue to review its current lease portfolio in preparation for the new accounting requirements.

In preparation for implementation, the council has made significant progress in identifying lease type agreements and has engaged with Link Asset Services for the provision of a lease asset register. Whilst progress has been made, the council is not in a position to quantify the impact on the financial statements for 2021/22. Moving forward to the financial statements in relation to 2023/24 the council will be in a position to quantify the impact. The council will adopt IFRS16 with effect from 1 April 2024. The implementation and compliance with IFRS16 is recognised as potentially significant for most leases.

3. CRITICAL JUDGEMENTS IN APPLYING ACCOUNTING POLICIES

In applying the accounting policies set out in note 1, the council has had to make certain judgements about complex transactions or those involving uncertainty about future events in particular in relation to the impact of Covid-19 on the council's financial position. The critical judgements made in the annual accounts are:

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- **PPP / DBFM** - The council is deemed to control the services provided under the PPP and DBFM agreements for the provision of educational establishments in accordance with IFRC12. Details of the partnership agreements to which this judgement applies are included in Note 35. The council controls the services provided under the scheme and ownership of the schools will pass to the council at the end of the contract. The council therefore applies the accounting policies for public private partnerships and these schools are recognised on the council's balance sheet at a net book value of £209.7 million, with a corresponding liability in relation to future payments to be made under the scheme of £272.8 million.
- **Uncertainty over future funding** - There is a high degree of uncertainty around future levels of funding for local government, which may significantly impact the council's ability to maintain its property, plant and equipment assets. This uncertainty is not yet sufficient to provide an indication that the assets might be impaired as a result of a reduction in funding and subsequently require changes to investment and capital strategies. Officers are currently undertaking work in relation to a new ten year capital investment strategy to 2032/33 which will consider this further. In addition to the impact of the Covid-19 pandemic recovery on income streams and the impact of increased operating costs, there remains uncertainty over the medium term. In particular in relation to the funding from Scottish Government to meet the additional costs arising from Covid-19 recovery and, as a consequence, the potential impact on the council's budget strategy detailed in section 5 of the Management Commentary.
- **Acting as a principal or agent in income and expenditure transactions** – The council has applied its judgement in determining the recognition of income and expenditure related to government grants where it may be considered either an agent or the principal in receiving and distributing funds. In 2021/22 the council has applied its judgement in line with the LASAAC Guidance on Accounting for Coronavirus (COVID-19) Grants / Funding Streams in respect of funds related to Covid-19 received and distributed in the year. The impact of this interpretation results in £18.4 million for 2021/22 (£43.3 million 2020/21) being recognised as income and subsequent expenditure where the council is considered to be a principal, notes 33.1 and 33.2, with a further £19.1 million for 2021/22 (£46.4 million 2020/21) not recognised in the financial statements where the council is considered to be an agent, detailed in note 30 and section 7.3 of the Management Commentary.

4. ASSUMPTIONS MADE ABOUT THE FUTURE AND OTHER MAJOR SOURCES OF ESTIMATION UNCERTAINTY

The annual accounts contain estimated figures that are based on assumptions made by the council about the future or that are otherwise uncertain.

Estimates are made taking into consideration historical experience, current trends and other relevant factors based on the information available at the time of preparing the financial statements.

However, because balances cannot be determined with certainty, actual results could be materially different from the assumptions and estimates.

The items in the council's Balance Sheet at 31 March 2022 for which there is a significant risk of material adjustment in the forthcoming financial year are as follows:

PENSIONS LIABILITY

Uncertainties: Estimation of the net liability to pay pensions depends on a number of complex judgements relating to the discount rate used, the rate at which salaries are projected to increase, changes in retirement ages, mortality rates and expected returns on pension fund assets. A firm of consulting actuaries is engaged to provide expert advice about the assumptions to be applied by the council in estimating these values at the balance sheet date.

The actuarial inputs into the pension liability valuation are subject to annual review, and have a significant impact on the potential valuation. Historically it is common for small changes in the discount rate, salary assumption rate and pension increase rate to have material impacts on the year end valuations on a year to year basis. The potential impact of future changes is detailed below. The council's pension liability at 31 March 2022, following the updated actuarial valuation, was £143.7 million, a decrease of £168.1 million from 31 March 2021. This was driven by a 0.7% increase in the discount rate partially offset by a 0.35% increase in the pension inflation rate.

Given the history of significant changes to liability valuations in the past, the ongoing sensitivity to future changes, and the requirement to update assumptions annually, the council expects future liabilities to continue to change significantly going forward.

Sensitivities at 31 March 2022	Approx % increase to Employer Liability	Approx monetary amount £'000
0.1% decrease in Real Discount Rate	2%	28,120
0.1% increase in the Salary Increase Rate	0%	3,166
0.1% increase in the Pension rate	2%	24,730
1 year increase in member life expectancy	4%	57,685

For sensitivity purposes, it is estimated that a one year increase in life expectancy would approximately increase the Employer's Defined Benefit Obligation by around 3 - 5%, increasing it by approximately £43 million - £72 million. In practice the actual cost of a one year increase in life expectancy will depend on the structure of the revised assumption (i.e. if improvements to survival rates predominantly apply to younger or older ages).

More information on the key assumptions used in the actuarial valuation of the estimates is available in note 20 to the accounts, including information on the key assumptions, risks and sensitivities. An update is also included in this note on the latest development around a number of equalisation adjustments to pension liabilities which have occurred in LGPS and may continue to materially impact the valuation of the council's liability going forward.

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ASSUMPTIONS MADE ABOUT THE FUTURE AND OTHER MAJOR SOURCES OF ESTIMATION UNCERTAINTY (Continued)**FAIR VALUE MEASUREMENTS**

Uncertainties: At the 31 March 2022 the council held on its balance sheet assets totalling £0.232 billion related to Surplus Assets not yet available for sale, Level 2 and 3 Financial Instruments and Pension Plan Assets. These are outlined in more detail in note 20 to the financial statements. The fair value of these assets is subject to greater estimation uncertainty than other assets as they cannot be measured based on quoted prices in active markets (i.e. Level 1 inputs). Their fair value is instead measured using Level 2 – quoted prices for similar assets or liabilities in active markets at the balance sheet date.

Where possible the inputs to these valuation techniques are based on observable data, but where this is not possible, estimation judgement is required in establishing fair values. These judgements include considerations such as uncertainty and risk. Changes in the assumptions could affect the fair value of the council's assets and liabilities. More Information about valuation techniques and inputs used in determining the fair value of these assets is set out in note 15.

Effect if actual results differ from assumptions: Significant changes in any of the observable inputs may result in a significantly lower or higher fair value measurement for assets and liabilities. Given the nature of the estimation techniques used as outlined above it is difficult to quantify the potential valuation movement without understanding the nature of the inputs which are subject to change on an annual basis. Given the ongoing uncertainty around the markets impacting these valuations and the materiality of the estimated balances, it is likely that future changes will materially impact the financial statements.

DEBTORS

Uncertainties: At 31 March 2022, the council had a balance of debtors of £41.3 million - Accounts Receivable debtors of £10.8 million, Council Tax debtors of £25.4 million and Housing Rent debtors of £5.1 million. In 2021/22 a total of £25.7 million was written off or provided for by the council. The council reviewed all debtors' balances at 31 March 2022 and determined that a total allowance for doubtful debts of £25.7 million was appropriate. This is based on historic assessment of recoverability, review of individual balances, correspondence with third parties, professional assessments of likely recovery and ageing analysis of debt at year end. The provision for doubtful debts consists of Accounts Receivable £0.5 million, Council Tax £20.7 million and Housing Rent and Homeless Debtors of £4.5 million. This results in a reduction in outstanding debt not provided for of £1.4 million., reducing from £9.1 million in 2020/21 to £7.7 million in 2021/22.

It is recognised that in the current economic climate and taking into account the ongoing impact of the cost of living crisis there remains an increased uncertainty around the recoverability of these debtor balances. The council continues to review all material outstanding balances and has based the amended provisions for doubtful debts to reflect current collection rates and values of outstanding debt.

Effect if actual results differ from assumptions: If collection rates were to deteriorate, a 10% increase in the amount of doubtful debts would require an additional £1.6 million to be set aside as an allowance. Given the uncertainty around the ongoing financial environment the council is unable to fully assess the likelihood of such an increase occurring.

VALUATION OF PROPERTY

Uncertainties: The valuation of the council's property, plant and equipment which are subject to revaluation are subject to significant estimation due to a number of factors, such as ongoing changes to estimates around the costs of replacing existing assets, the market value fluctuation of comparable assets used for valuation, the current condition and future maintenance costs of assets, changes to regulatory standards, the remaining useful economic lives of the assets. Given the material nature of the council's assets, there is a high likelihood that changes in these estimates will result in material changes in the valuation of assets on the balance sheet. The total value of the council's assets at 31 March 2022 is outlined and broken down by asset category at note 14.1.

In particular, additional consideration continues to be given to the effects of the Covid-19 Recovery on the council's property assets and their associated values. In order to take an informed view and to gauge the position of the wider valuation profession on this matter, consultation has taken place with colleagues from a wide range of Scottish local authorities, private practice surveyors, the District Valuers Office, the Association of Chief Estate Surveyors (ACES) and the Royal Institute of Chartered Surveyors (RICS).

2021/22 revaluations

In 2021/22, valuations were undertaken for the Council's partnership centres, community centres, day centres, old peoples' homes and heritage assets. The asset valuations were based on a depreciated replacement cost (DRC) basis and resulted in a net upwards revaluation of assets of £28.3 million (25% from previous revaluation).

A valuation movement of £11.4 million was charged to the Comprehensive Income and Expenditure Account.

The changes in valuation in assets in 2021/22, compared to 2020/21, represent updated information around the assets since the most recent full valuation.

Ongoing assessment of asset valuation

In addition to full valuations of property, plant and equipment on a rolling basis over a five year period, the council assesses all assets to ensure there are no material changes that should drive an earlier valuation, to ensure that, in line with the CIPFA code, assets are revalued with sufficient regularity to ensure that the carrying amount does not differ materially from that which would be determined using the current value at the end of the reporting period.

Building indices are not applied to approximate for those assets that are not subject to the revaluation process in the year.

The council's Corporate Estates Manager has determined in his professional opinion that, at 31 March 2022, there has been no material change in the assets not subject to revaluation in the year that would require an earlier revaluation.

NOTES TO THE ANNUAL ACCOUNTS**STATEMENT 8****ASSUMPTIONS MADE ABOUT THE FUTURE AND OTHER MAJOR SOURCES OF ESTIMATION UNCERTAINTY (Continued)****Ongoing assessment of valuation (continued)**

As a result of this process no additional assets in the council's portfolio were subject to early revaluation. The council has also continued to assess the valuation of its asset base subsequent to the financial year end to ensure new information does not indicate a change in valuation at the balance sheet date.

Effect if actual results differ from assumptions:

The value of all council property, plant and equipment subject to revaluation through the 5 year revaluation cycle is £2 billion.

Assets revalued in 2021/22, totalled £111 million before revaluation. The impact of a 5% change in valuation would be a total of £5 million. This would either result in an increase or decrease in the council's revaluation reserve or an additional impairment charge. There would be no impact on the council's general fund.

Given the wide ranging nature of the assets under revaluation, as well as the differing and overlapping estimates involved in the valuations, it is not possible for management to provide an expected range of estimate outcomes going forward. However, given the experience in past years and materiality of the asset values, it is expected that these balances will continue to be subject to change as estimates are updated annually.

NOTES TO THE ANNUAL ACCOUNTS**STATEMENT 8****5. EXPENDITURE AND FUNDING ANALYSIS**

The Expenditure and Funding Analysis shows how annual expenditure is used and funded from resources (government grants, rents, council tax and business rates) by local authorities in comparison with those resources consumed or earned by authorities in accordance with generally accepted accounting practices. It also shows how this expenditure is allocated for decision making purposes between the council's services. Income and expenditure accounted for under generally accepted accounting practices is presented more fully in the Comprehensive Income and Expenditure Statement on page 46.

**EXPENDITURE AND FUNDING ANALYSIS
FOR THE YEAR ENDED 31 MARCH 2022**

	Net Expenditure Chargeable to the General Fund and HRA Balances £'000	Adjustments Between the Funding and Accounting Basis (Note 6) £'000	Net Expenditure In the Comprehensive Income and Expenditure Statement £'000
2020/21			
Schools, Education Support	163,762	87,452	251,214
Planning, Economic Development and Regeneration	5,632	2,798	8,430
Operational Services	60,202	16,341	76,543
Housing, Customer and Building Services	6,470	7,938	14,408
Corporate Services	11,211	(9,820)	1,391
Social Policy – IJB, Adult and Elderly Services	69,353	-	69,353
Social Policy – non-IJB, Children's Services	29,376	9,241	38,617
Chief Executive, Finance and Property	32,770	10,642	43,412
Joint Boards	1,193	-	1,193
Other Services	15,746	(12,809)	2,937
Net Cost of General Fund Services	395,715	111,783	507,498
Housing Revenue Account	-	7,418	7,418
Net Cost of Services	395,715	119,201	514,916
Other Income and Expenditure	(418,365)	(29,111)	(447,476)
Surplus	(22,650)	90,090	67,440
	General Fund	HRA Fund	Total
Opening General Fund and HRA Balance	(19,869)	(926)	(20,795)
Net increase before transfers to other statutory reserves	(26,297)	-	(26,297)
Transfers to other statutory reserves	3,647	-	3,647
Closing General Fund and HRA Balance as at 31 March	(42,519)	(926)	(43,445)
2021/22			
Schools, Education Support	177,403	67,784	245,187
Planning, Economic Development and Regeneration	5,425	4,498	9,923
Operational Services	64,752	18,805	83,557
Housing, Customer and Building Services	7,633	13,191	20,824
Corporate Services	11,901	(10,449)	1,452
Social Policy – IJB, Adult and Elderly Services	77,856	-	77,856
Social Policy – non-IJB, Children's Services	26,649	14,948	41,597
Chief Executive, Finance and Property	30,249	20,569	50,818
Joint Boards	1,304	-	1,304
Other Services	12,295	(11,746)	549
Net Cost of General Fund Services	415,467	117,600	533,067
Housing Revenue Account	-	14,645	14,645
Net Cost of Services	415,467	132,245	547,712
Other Income and Expenditure	(425,775)	(40,771)	(466,546)
Surplus	(10,308)	91,474	81,166
	General Fund	HRA Fund	Total
Opening General Fund and HRA Balance	(42,519)	(926)	(43,445)
Net increase before transfers to other statutory reserves	(17,300)	-	(17,300)
Transfers to other statutory reserves	6,992	-	6,992
Closing General Fund and HRA Balance as at 31 March	(52,827)	(926)	(53,753)

Notes 12 and 13 to the Movement in Reserves Statement provide details of the Adjustments between accounting and funding basis and transfers to and from other Statutory Reserves

NOTES TO THE ANNUAL ACCOUNTS

STATEMENT 8

6. NOTE TO THE EXPENDITURE AND FUNDING ANALYSIS

Adjustments from General Fund to arrive at the Comprehensive Income and Expenditure Statement amounts

Adjustments between Funding and Accounting Basis 2020/21

	Adjustments for Capital Purposes (Note 6.1) £'000	Net change for the Pensions Adjustments (Note 6.2) £'000	Other Differences (Note 6.3) £'000	Total Adjustments £'000
Schools, Education Support	77,069	4,689	5,694	87,452
Planning, Economic Development and Regeneration	666	613	1,519	2,798
Operational Services	10,205	3,797	2,339	16,341
Housing, Customer and Building Services	(26)	2,614	5,350	7,938
Corporate Services	2,112	1,095	(13,027)	(9,820)
Social Policy – non-IJB, Children's Services	16	4,815	4,410	9,241
Chief Executive, Finance and Property	12,689	1,215	(3,262)	10,642
Other Services	(685)	(1,679)	(10,445)	(12,809)
Net Cost of General Fund Services	102,046	17,159	(7,422)	111,783
Housing Revenue Account	19,310	-	(11,892)	7,418
Net Cost of Services	121,356	17,159	(19,314)	119,201
Other income and expenditure from the Expenditure and Funding Analysis	(51,389)	5,379	16,899	(29,111)
Difference between General Fund deficit and Comprehensive Income and Expenditure Statement deficit on the Provision of Services	69,967	22,538	(2,415)	90,090

Adjustments between Funding and Accounting Basis 2021/22

Schools, Education Support	51,106	9,910	6,768	67,784
Planning, Economic Development and Regeneration	567	1,464	2,467	4,498
Operational Services	7,841	7,900	3,064	18,805
Housing, Customer and Building Services	(28)	5,493	7,726	13,191
Corporate Services	3,799	2,186	(16,434)	(10,449)
Social Policy – non-IJB, Children's Services	71	9,812	5,065	14,948
Chief Executive, Finance and Property	23,437	2,654	(5,522)	20,569
Other Services	(1,348)	(1,478)	(8,920)	(11,746)
Net Cost of General Fund Services	85,445	37,941	(5,786)	117,600
Housing Revenue Account	27,675	-	(13,030)	14,645
Net Cost of Services	113,120	37,941	(18,816)	132,245
Other income and expenditure from the Expenditure and Funding Analysis	(59,684)	6,618	12,295	(40,771)
Difference between General Fund deficit and Comprehensive Income and Expenditure Statement deficit on the Provision of Services	53,436	44,559	(6,521)	91,474

6.1. Adjustments for Capital Purposes

This column adds in depreciation and impairment and revaluation gains and losses in the services line, and for:

- **Other operating expenditure** – adjusts for capital disposals with a transfer of income on disposal of assets and the amounts written off for those assets.
- **Financing and investment income and expenditure** – the statutory charges for capital financing i.e. Minimum Revenue Provision and other revenue contributions are deducted from other income and expenditure as these are not chargeable under generally accepted accounting practices.
- **Taxation and non-specific grant income and expenditure** – capital grants are adjusted for income not chargeable under generally accepted accounting practices. Revenue grants are adjusted from those receivable in the year to those receivable without conditions or for which conditions were satisfied throughout the year. The Taxation and Non Specific Grant Income and Expenditure line is credited with capital grants receivable in the year without conditions or for which conditions were satisfied in the year.

6.2. Net Change for the Pensions Adjustments

Net change for the removal of pension contributions and the addition of IAS 19 Employee Benefits pension related expenditure and income:

- For **services** this represents the removal of the employer pension contributions made by the council as allowed by statute and the replacement with current service costs and past service costs.
- For **Financing and investment income and expenditure** – the net interest on the defined benefit liability is charged to the CIES.

NOTES TO THE ANNUAL ACCOUNTS

STATEMENT 8

6.3 Other Differences

Other differences between amounts debited/credited to the Comprehensive Income and Expenditure Statement and amounts payable/receivable to be recognised under statute:

- For **Financing and investment income and expenditure** – the other differences column recognises adjustments to the General Fund for the timing differences for premiums and discounts.
- The charge under **Taxation and non-specific grant income and expenditure** – represents the difference between what is chargeable under statutory regulations for council tax and NDR that was projected to be received at the start of the year and the income recognised under generally accepted accounting practices in the Code. This is a timing difference as any difference will be brought forward in future Surpluses or Deficits on the Collection Fund.
- Transfers to or from other statutory funds.

7. EXPENDITURE AND INCOME ANALYSED BY SEGMENT AND NATURE

The council's expenditure and income is analysed as follows:

	Schools with Education Support £'000	Planning, Economic Development and Regeneration £'000	Operational Services £'000	Housing, Customer and Building Services £'000	Corporate Services £'000	Social Policy - IJB, Adult and Elderly Services £'000	Social Policy - non IJB, Children's Services £'000
2020/21							
Expenditure							
Employee Expenses	166,003	5,924	35,058	11,773	2,371	33,194	19,000
Other Services Expenses	28,225	6,023	33,016	3,845	364	139,883	20,479
Support Services	4,493	1,749	4,179	5,309	(2,949)	-	4,215
Depreciation, Amortisation, Impairment	79,625	679	10,433	-	2,112	96	49
Interest Payments	-	-	-	-	-	-	-
Gain on the disposal of non-current assets	-	-	-	-	-	-	-
Total Expenditure	278,346	14,375	82,686	20,927	1,898	173,173	43,743
Income							
Fees, Charges and Other Service Income	8,476	5,945	6,143	6,519	507	103,820	2,065
Interest and Investment Income	-	-	-	-	-	-	-
Income from Council Tax	-	-	-	-	-	-	-
Government Grants and Contributions	18,656	-	-	-	-	-	3,061
Total Income	27,132	5,945	6,143	6,519	507	103,820	5,126
Deficit on Provision of Services	251,214	8,430	76,543	14,408	1,391	69,353	38,617
	Chief Executive, Finance and Property £'000	Joint Boards £'000	Other Services £'000	Housing Revenue Account £'000	Cost of Services £'000	Not included in Cost of Services £'000	Total £'000
Expenditure							
Employee Expenses	7,177	-	174	4,606	285,280	-	285,280
Other Services Expenses	28,963	1,193	49,905	25,710	337,606	943	338,549
Support Services	709	-	182	-	17,887	593	18,480
Depreciation, Amortisation, Impairment	13,916	-	-	31,431	138,341	1,384	139,725
Interest Payments	-	-	-	-	-	57,476	57,476
Gain on the disposal of non-current assets	-	-	-	-	-	(1,272)	(1,272)
Total Expenditure	50,765	1,193	50,261	61,747	779,114	59,124	838,238
Income							
Fees, Charges and Other Service Income	7,353	-	47,324	54,329	242,481	4,464	246,945
Interest and Investment Income	-	-	-	-	-	24,630	24,630
Income from Council Tax	-	-	-	-	-	76,626	76,626
Government Grants and Contributions	-	-	-	-	21,717	400,880	422,597
Total Income	7,353	-	47,324	54,329	264,198	506,600	770,798
Deficit on Provision of Services	43,412	1,193	2,937	7,418	514,916	(447,476)	67,440

NOTES TO THE ANNUAL ACCOUNTS**STATEMENT 8****7. EXPENDITURE AND INCOME ANALYSED BY SEGMENT AND NATURE (CONTINUED)**

The council's expenditure and income is analysed as follows:

2021/22	Schools with Education Support £'000	Planning, Economic Development and Regeneration £'000	Operational Services £'000	Housing, Customer and Building Services £'000	Corporate Services £'000	Social Policy - IJB, Adult and Elderly Services £'000	Social Policy - non IJB, Children's Services £'000
Expenditure							
Employee Expenses	179,331	8,175	40,616	15,351	3,460	37,882	20,346
Other Services Expenses	33,223	4,223	36,653	5,409	277	152,475	21,386
Support Services	5,846	2,626	5,126	7,728	(5,522)	-	5,074
Depreciation, Amortisation, Impairment	54,166	602	8,794	-	3,799	30	116
Interest Payments	-	-	-	-	-	-	-
Gain on the disposal of non-current assets	-	-	-	-	-	-	-
Total Expenditure	272,566	15,626	91,189	28,488	2,014	190,387	46,922
Income							
Fees, Charges and Other Service Income	6,064	5,703	7,632	7,664	562	112,531	2,319
Interest and Investment Income	-	-	-	-	-	-	-
Income from Council Tax	-	-	-	-	-	-	-
Government Grants and Contributions	21,315	-	-	-	-	-	3,006
Total Income	27,379	5,703	7,632	7,664	562	112,531	5,325
Deficit on Provision of Services	245,187	9,923	83,557	20,824	1,452	77,856	41,597

	Chief Executive, Finance and Property £'000	Joint Boards £'000	Other Services £'000	Housing Revenue Account £'000	Cost of Services £'000	Not included in Cost of Services £'000	Total £'000
Expenditure							
Employee Expenses	9,005	-	301	4,803	319,270	-	319,270
Other Services Expenses	28,811	1,304	45,026	27,060	355,847	1,009	356,856
Support Services	(1,632)	-	49	-	19,295	211	19,506
Depreciation, Amortisation, Impairment	22,570	-	-	39,355	129,432	999	130,431
Interest Payments	-	-	-	-	-	57,767	57,767
Gain on the disposal of non-current assets	-	-	-	-	-	(603)	(603)
Total Expenditure	58,754	1,304	45,376	71,218	823,844	59,383	883,227
Income							
Fees, Charges and Other Service Income	7,936	-	44,827	56,573	251,811	4,501	256,312
Interest and Investment Income	-	-	-	-	-	23,712	23,712
Income from Council Tax	-	-	-	-	-	80,054	80,054
Government Grants and Contributions	-	-	-	-	24,321	417,662	441,983
Total Income	7,936	-	44,827	56,573	276,132	525,929	802,061
Deficit on Provision of Services	50,818	1,304	549	14,645	547,712	(466,546)	81,166

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8. COMPREHENSIVE INCOME AND EXPENDITURE STATEMENT
- SERVICE INCOME AND EXPENDITURE STATEMENT INCLUDING INTERNAL RECHARGES

The service lines in the Comprehensive Income and Expenditure Statement exclude internal recharges. These were eliminated in the Expenditure and Funding Analysis. The income and expenditure for each service, inclusive of internal recharges, are shown below.

	2021/22			2020/21		
	Gross Expend £'000	Gross Income £'000	Net Expend £'000	Gross Expend £'000	Gross Income £'000	Net Expend £'000
Schools, Education Support	272,566	27,379	245,187	278,346	27,132	251,214
Planning, Economic Development and Regeneration	15,677	5,754	9,923	14,425	5,995	8,430
Operational Services	97,579	14,022	83,557	88,754	12,211	76,543
Housing, Customer and Building Services	61,123	40,299	20,824	48,225	33,817	14,408
Corporate Services	22,014	20,562	1,452	17,856	16,465	1,391
Social Policy – IJB, Adult and Elderly Services	190,387	112,531	77,856	173,173	103,820	69,353
Social Policy – non-IJB Children's Services	46,922	5,325	41,597	43,743	5,126	38,617
Chief Executive, Finance and Property	80,728	29,910	50,818	68,383	24,971	43,412
Joint Boards	1,304	-	1,304	1,193	-	1,193
Other Services	45,377	44,828	549	50,262	47,325	2,937
Cost of General Fund Services	833,677	300,610	533,067	784,360	276,862	507,498
HRA	71,218	56,573	14,645	61,748	54,330	7,418
Net Cost of Services	904,895	357,183	547,712	846,108	331,192	514,916

9. COMPREHENSIVE INCOME AND EXPENDITURE STATEMENT
- OTHER OPERATING EXPENDITURE

Gain on disposal of non-current assets

2021/22 £'000	2020/21 £'000
603	1,272

10. COMPREHENSIVE INCOME AND EXPENDITURE STATEMENT
- FINANCING AND INVESTMENT INCOME AND EXPENDITURE

Interest payable and similar charges
 Net interest on the defined benefit liability (asset)
 Interest receivable and similar income
 (Surplus) / Deficit on trading operations

2021/22 £'000	2020/21 £'000
27,804	28,602
6,618	5,379
(367)	(1,135)
(2,282)	(1,544)
31,773	31,302

11. COMPREHENSIVE INCOME AND EXPENDITURE STATEMENT
- TAXATION AND NON-SPECIFIC GRANT INCOME

Council tax income
 Non-domestic rates distribution
 Non-ring-fenced government grants
 Capital grants and contributions

2021/22 £'000	2020/21 £'000
80,054	76,626
60,063	52,042
303,705	310,977
53,894	37,861
497,716	477,506

12. MOVEMENT IN
RESERVES STATEMENT -
TRANSFERS TO OR (FROM)
OTHER STATUTORY
RESERVES - 2020/21

Transfer (to) / from Insurance Fund
 Transfer (to) / from Capital Fund

General Fund £'000	HRA £'000	Capital Fund £'000	Insurance Fund £'000	Total Usable Reserves £'000	Unusable Reserves £'000	Total Council Reserves £'000
1,721	-	-	(1,721)	-	-	-
(5,368)	-	5,368	-	-	-	-
(3,647)	-	5,368	(1,721)	-	-	-
TRANSFERS TO OR (FROM) OTHER STATUTORY RESERVES - 2021/22						
289	-	-	(289)	-	-	-
(7,281)	-	7,281	-	-	-	-
(6,992)	-	7,281	(289)	-	-	-

NOTES TO THE ANNUAL ACCOUNTS

STATEMENT 8

13. MOVEMENT IN RESERVES STATEMENT - ADJUSTMENTS BETWEEN ACCOUNTING BASIS AND FUNDING BASIS UNDER REGULATIONS							
	General Fund £'000	HRA £'000	Capital Fund £'000	Insurance Fund £'000	Total Usable Reserves £'000	Unusable Reserves £'000	Total Reserves £'000
2020/21							
Depreciation and impairment of non-current assets	107,801	31,534	-	-	139,335	(139,335)	-
Amortisation of intangible assets	390	-	-	-	390	(390)	-
Capital grants and contributions credited to the Comprehensive Income and Expenditure Statement	(37,861)	-	-	-	(37,861)	37,861	-
Gain on disposal of non-current assets	(1,272)	-	-	-	(1,272)	1,272	-
Amount by which finance costs calculated in accordance with the Code are different from the amount of finance costs calculated in accordance with statutory requirements							
- adjustment for interest on stepped interest rate loans	(36)	-	-	-	(36)	36	-
- annual recharge of deferred discounts from refinancing of debt	(393)	-	-	-	(393)	393	-
Amount by which pension costs calculated in accordance with the Code (i.e. in accordance with IAS 19) are different from the contributions due under pension scheme regulations	22,393	145	-	-	22,538	(22,538)	-
Statutory provision for repayment of debt	(10,412)	(1,845)	-	-	(12,257)	12,257	-
Statutory charge for lifecycle capital (PFI)	(200)	-	-	-	(200)	200	-
Capital expenditure charged to the General Fund and HRA	(6,047)	(12,121)	-	-	(18,168)	18,168	-
Net transfer to / (from) earmarked reserves required by legislation (i.e. holiday pay accrual)	1,642	19	-	-	1,661	(1,661)	-
Capital receipts transferred to the Capital Fund	-	-	(17,705)	-	(17,705)	17,705	-
	76,005	17,732	(17,705)	-	76,032	(76,032)	-
2021/22							
Depreciation and impairment of non-current assets	90,264	39,455	-	-	129,719	(129,719)	-
Amortisation of intangible assets	712	-	-	-	712	(712)	-
Capital grants and contributions credited to the Comprehensive Income and Expenditure Statement	(53,894)	-	-	-	(53,894)	53,894	-
Gain on disposal of non-current assets	(603)	-	-	-	(603)	603	-
Amount by which finance costs calculated in accordance with the Code are different from the amount of finance costs calculated in accordance with statutory requirements							
- adjustment for interest on stepped interest rate loans	(36)	-	-	-	(36)	36	-
- annual recharge of deferred discounts from refinancing of debt	(394)	-	-	-	(394)	394	-
Amount by which pension costs calculated in accordance with the Code (i.e. in accordance with IAS 19) are different from the contributions due under pension scheme regulations	44,385	174	-	-	44,559	(44,559)	-
Statutory provision for repayment of debt	(3,038)	(2,150)	-	-	(5,188)	5,188	-
Statutory charge for lifecycle capital (PFI)	(645)	-	-	-	(645)	645	-
Capital expenditure charged to the General Fund and HRA	(4,985)	(11,680)	-	-	(16,665)	16,665	-
Net transfer to / (from) earmarked reserves required by legislation (i.e. holiday pay accrual)	902	(1)	-	-	901	(901)	-
Capital receipts transferred to the Capital Fund	-	-	(14,221)	-	(14,221)	14,221	-
	72,668	25,798	(14,221)	-	84,245	(84,245)	-

NOTES TO THE ANNUAL ACCOUNTS

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14. PROPERTY, PLANT AND EQUIPMENT

14.1 Movements in 2020/21

	Council Dwellings £'000	Other Land and Buildings £'000	Vehicles, Plant, Furniture and Equipment £'000	Infra- structure Assets £'000
Cost or Valuation				
At 1 April 2020	463,934	1,275,116	58,087	315,960
Additions	20,150	11,943	5,862	9,522
Revaluation increases / (decreases) recognised in the Revaluation Reserve	1,178	(57,437)	-	-
Revaluation increases / (decreases) recognised in the Deficit on the Provision of Services	(14,676)	(3,385)	-	-
Derecognition - disposals	(150)	(836)	(72)	-
Other movements in cost or valuation	2,634	3,471	-	213
At 31 March 2021	473,070	1,228,872	63,877	325,695
Accumulated Depreciation and Impairment				
At 1 April 2020	80,130	325,079	45,587	77,242
Depreciation charge	15,831	94,128	5,557	8,132
Depreciation written out to the Revaluation Reserve	(95,961)	(354,759)	-	-
Depreciation written out to the Deficit on the Provision of Services	-	(1,984)	-	-
Derecognition - disposals	-	(38)	(72)	-
Other movements in depreciation and impairment	-	-	-	-
At 31 March 2021	-	62,426	51,072	85,374
Net Book Value At 31 March 2021	473,070	1,166,446	12,805	240,321
At 31 March 2020	383,804	950,037	12,500	238,718
	Community Assets £'000	Assets Under Construction £'000	Surplus Assets £'000	Total Property, Plant and Equipment £'000
Cost or Valuation				
At 1 April 2020	567	13,895	22,672	2,150,231
Additions	-	32,021	-	79,498
Revaluation increase / (decreases) recognised in the Revaluation Reserve	31	-	359	(55,869)
Revaluation increases / (decreases) recognised in the Deficit on the Provision of Services	-	-	-	(18,061)
Derecognition - disposals	-	-	(71)	(1,129)
Other movements in cost or valuation	(97)	(6,117)	(104)	-
At 31 March 2021	501	39,799	22,856	2,154,670
Accumulated Depreciation and Impairment				
At 1 April 2020	-	-	-	528,038
Depreciation charge	-	-	-	123,648
Depreciation written out to the Revaluation Reserve	-	-	-	(450,720)
Depreciation written out to the Deficit on the Provision of Services	-	-	-	(1,984)
Derecognition - disposals	-	-	-	(110)
Other movements in depreciation and impairment	-	-	-	-
At 31 March 2021	-	-	-	198,872
Net Book Value At 31 March 2021	501	39,799	22,856	1,955,798
At 31 March 2020	567	13,895	22,672	1,622,193

NOTES TO THE ANNUAL ACCOUNTS

STATEMENT 8

14.1 Movements in 2021/22				
	Council Dwellings £'000	Other Land and Buildings £'000	Vehicles, Plant, Furniture and Equipment £'000	Infra- structure Assets £'000
Cost or Valuation				
At 1 April 2021	473,070	1,228,872	63,877	325,695
Additions	25,950	25,894	8,744	13,577
Revaluation increase / (decreases) recognised in the Revaluation Reserve	-	6,431	-	-
Revaluation increases / (decreases) recognised in the Deficit on the Provision of Services	(19,442)	(15,143)	-	-
Derecognition - disposals	-	(9)	-	-
Other movements in cost or valuation	3,458	14,801	-	102
At 31 March 2022	483,036	1,260,846	72,621	339,374
Accumulated Depreciation and Impairment				
At 1 April 2021	-	62,426	51,072	85,374
Depreciation charge	18,745	67,225	5,192	8,370
Depreciation written out to the Revaluation Reserve	-	(33,068)	-	-
Depreciation written out to the Deficit on the Provision of Services	-	(3,704)	-	-
Derecognition - disposals	-	(4)	-	-
Other movements in depreciation and impairment	-	(236)	-	-
At 31 March 2022	18,745	92,639	56,264	93,744
Net Book Value At 31 March 2022	464,291	1,168,207	16,357	245,630
At 31 March 2021	473,070	1,166,446	12,805	240,321
	Community Assets £'000	Assets Under Construction £'000	Surplus Assets £'000	Total Property, Plant and Equipment £'000
Cost or Valuation				
At 1 April 2021	501	39,799	22,856	2,154,670
Additions	-	67,126	-	141,291
Revaluation increase / (decreases) recognised in the Revaluation Reserve	-	-	(72)	6,359
Revaluation increases / (decreases) recognised in the Deficit on the provision of Services	-	-	(18)	(34,603)
Derecognition - disposals	-	-	(190)	(199)
Other movements in cost or valuation	-	(18,919)	558	-
At 31 March 2022	501	88,006	23,134	2,267,518
Accumulated Depreciation and Impairment				
At 1 April 2021	-	-	-	198,872
Depreciation charge	-	-	-	99,532
Depreciation written out to the Revaluation Reserve	-	-	(236)	(33,304)
Depreciation written out to the Deficit on the Provision of Services	-	-	-	(3,704)
Derecognition – disposals	-	-	-	(4)
Other movements in depreciation and impairment	-	-	236	-
At 31 March 2022	-	-	-	261,392
Net Book Value At 31 March 2022	501	88,006	23,134	2,006,126
At 31 March 2021	501	39,799	22,856	1,955,798

NOTES TO THE ANNUAL ACCOUNTS**STATEMENT 8****14.2 Property, Plant and Equipment - PPP and DBFM Schools**

The value of assets held under two PPP contracts and a DBFM contract are as follows: -

Cost or Valuation

Value as at 1 April

Additions

Revaluation increase / (decreases) recognised in the Revaluation Reserve

Value as at 31 March

Aggregate Depreciation

Value as at 1 April

Charge for year

Depreciation written out to the Revaluation Reserve

Value as at 31 March

Net Book Value

As at 31 March

2021/22 £'000	2020/21 £'000
221,340	197,522
645	200
-	23,618
221,985	221,340
-	63,602
12,240	16,344
-	(79,946)
12,240	-
209,745	221,340

14.3 Financial Liabilities - PPP and DBFM Schools

The value of financial liabilities resulting from PPP and DBFM contracts are as follows: -

As at 1 April

Additions / Adjustments

Principal repayments

As at 31 March

Split

Short term Creditors

Long term Creditors

2021/22 £'000	2020/21 £'000
81,622	85,364
9	(60)
(2,384)	(3,682)
79,247	81,622
2,581	2,384
76,666	79,238
79,247	81,622

14.4 Capital Expenditure and Capital Financing

The total amount of capital expenditure incurred in the year is shown in the table below together with resources that have been used to finance it. Where capital expenditure is to be financed in future years by charges to revenue as assets are used by the council, the expenditure results in an increase in the Capital Financing Requirement (CFR), a measure of the capital expenditure incurred historically by the council that has yet to be financed.

	2021/22		2020/21	
	£'000	£'000	£'000	£'000
Opening Capital Financing Requirement		713,242		721,714
Capital Investment				
Property, Plant and Equipment and Intangible Assets		141,291		79,498
		854,533		801,212
Sources of Finance				
Capital Receipts	(14,855)		(19,484)	
Government Grants	(25,067)		(24,147)	
Contributions from Other Bodies	(28,827)		(13,714)	
Capital Financed from Current Revenue	(16,665)		(18,168)	
Finance Lease Principal (incl. PPP)	(3,051)		(3,978)	
Loans Fund Principal	(2,782)	(91,247)	(8,479)	(87,970)
Closing Capital Financing Requirement		763,286		713,242
(Decrease) / Increase in Capital Financing Requirement		50,044		(8,472)

NOTES TO THE ANNUAL ACCOUNTS**STATEMENT 8****14.5 Fixed Asset Valuation**

For assets included in the balance sheet at current value the undernoted valuation details apply: -

Date of Valuation	Council Dwellings £'000	Other Land and Buildings £'000	Surplus Assets £'000	Total £'000
1 April 2017	1,990	131,512	18,626	152,128
1 April 2018	69	161,891	4,519	166,479
1 April 2019	400	125,930	641	126,971
1 April 2020	465	78,275	660	79,400
31 March 2021	468,494	832,469	-	1,300,963
1 April 2021	-	102,357	468	102,825
	471,418	1,432,434	24,914	1,928,766
Net historical cost alterations	11,618	328,914	(1,780)	338,752
Gross Valuation	483,036	1,761,348	23,134	2,267,518

Valuations of the above categories of assets are undertaken over a five year rolling programme by independent expert valuers engaged by the council and by the council's Chartered Surveyors in the Property Services Team, in accordance with the Statement of Asset Valuation Practice and Guidance Notes of the Royal Institution of Chartered Surveyors (RICS).

In 2021/22, valuations were undertaken for the Council's partnership centres, community centres, day centres, old peoples' homes and heritage assets. The asset valuations were based on a depreciated replacement cost (DRC) basis and resulted in a net upwards revaluation of assets of £28.3 million. More information about the valuation process and the estimates made in the financial statements is available on pages 58 and 59 in the estimates and judgements section of the accounting policies.

14.6 Depreciation

Assets other than land are being depreciated using the straight line method over their useful economic lives as follows: -

Council Dwellings	50 Years
Council Dwellings (Fixtures)	27 Years
Operational Buildings	20 - 60 Years
Plant and Equipment (Other)	10 - 25 Years
Plant and Equipment (Books)	3 Years
Motor Vehicles	4 - 10 Years
Fixtures and Fittings	3 - 10 Years
Infrastructure	40 Years

No depreciation is charged on community assets, heritage assets, assets under construction and surplus assets not yet available for sale. The total depreciation charge for 2021/22 was £99.532 million (£123.648 million 2020/21). Amortisation of intangible assets for 2021/22 accounted for £0.712 million (£0.390 million 2020/21).

14.7 Capital Commitments

At 31 March 2021 the council has commitments on capital contracts of £10.359 million (£14.352 million 2020/21) for the Housing Programme and £16.279 million (£69.151 million 2020/21) for the Composite Programme.

The housing commitment of £10.359 million is a result of ongoing investment in the new council house build programme to deliver the commitment of 3,000 new homes for West Lothian, with £1.615 million for Deans South, £0.741 million for Eaglebrae, £2.741 million for Mossend, £5.247 for Wellhead Murieston and £0.015 million for Standhill Bathgate developments.

The committed expenditure of £16.279 million in the Composite Programme is a consequence of several significant capital investment projects namely Winchburgh Schools (£9.277 million), Adult complex Care Housing (£3.6 million), Howden Primary School Refurbishment (£0.452 million) and Whitburn Partnership Centre (£1.017 million). The remaining commitment is spread over a number of roads and bridge infrastructure projects and property projects.

14.8 Infrastructure Assets

The council's infrastructure assets have been recognised on the Balance Sheet at depreciated historic cost in line with the council's established accounting policy. A useful life of 40 years is applied to these assets and used in the calculation of the annual depreciation charge, based on the council's assessment of the average useful economic life of these assets, with the exception of where the useful life is known to be different from this amount as a consequence of a council decision.

On 29 August 2022 the Scottish Government confirmed in Local Government Finance Circular 09/2022 that it has provided a temporary statutory override to the accounting and disclosure requirements related to infrastructure assets in local government financial statements, whilst more permanent updates are developed within the CIPFA/LASAAC Code of Practice for Local Authority Accounting ("the Code"). The allowed changes are applicable for the 2021/22 financial year through to the 31 March 2024 financial year.

The council has applied both available statutory overrides for infrastructure assets:

- Statutory Override 1: For accounting periods commencing from 1 April 2021 until 31 March 2024 a local authority is not required to report the gross cost and accumulated depreciation for infrastructure assets.
- Statutory Override 2: For accounting periods commencing from 1 April 2010 until 31 March 2024 the carrying amount to be derecognised in respect of a replaced part of an infrastructure asset is to be taken to be and accounted for as a nil amount. No subsequent adjustment shall be made to the carrying amount of the asset with respect to that part.

The value of Infrastructure assets is as follows: -

	2021/22 £'000	2020/21 £'000
Net carrying amount at 1 April	240,321	238,718
Depreciation	(8,370)	(8,132)
Additions	13,679	9,735
Balance outstanding at 31 March	245,630	240,321

NOTES TO THE ANNUAL ACCOUNTS

STATEMENT 8

15. FINANCIAL INSTRUMENTS

15.1 Types of Financial Instruments

The carrying amounts of financial assets and liabilities presented in the Balance Sheet relate to the following measurement categories.

	Non-Current				Current			
	Investments		Debtors		Investments		Debtors	
	31 March 2022 £'000	31 March 2021 £'000	31 March 2022 £'000	31 March 2021 £'000	31 March 2022 £'000	31 March 2021 £'000	31 March 2022 £'000	31 March 2021 £'000
Financial Assets Amortised Cost								
Investments	289	293	-	-	42,579	15,083	-	-
Debtors	-	-	-	-	-	-	10,434	14,231
Cash and Cash Equivalent	-	-	-	-	48,955	71,946	-	-
Assets Held at FVOCI								
Equity	219	198	-	-	-	-	-	-
Total Financial Assets	508	491	-	-	91,534	87,029	10,434	14,231
Assets not defined as financial instruments	-	-	-	-	-	-	44,101	63,614
Total	508	491	-	-	91,534	87,029	54,535	77,845

	Non-Current				Current			
	Borrowing		Other Liabilities		Borrowing		Other Liabilities	
	31 March 2022 £'000	31 March 2021 £'000	31 March 2022 £'000	31 March 2021 £'000	31 March 2022 £'000	31 March 2021 £'000	31 March 2022 £'000	31 March 2021 £'000
Financial Liabilities Amortised Cost								
Borrowing	(568,641)	(528,641)	-	-	(69,225)	(79,196)	-	-
Creditors	-	-	-	-	-	-	(7,766)	(13,201)
PFI and Financial Lease Liabilities	-	-	(76,666)	(79,238)	-	-	(2,584)	(2,405)
Total Financial Liabilities	(568,641)	(528,641)	(76,666)	(79,238)	(69,225)	(79,196)	(10,350)	(15,606)
Assets not defined as financial instruments	-	-	-	-	-	-	-	-
Pensions Assets and Liabilities recognised in the Balance Sheet	-	-	(143,677)	(311,763)	-	-	-	-
Short-term Creditors	-	-	-	-	-	-	(85,259)	(70,035)
Total	(568,641)	(528,641)	(220,343)	(391,001)	(69,225)	(79,196)	(95,609)	(85,641)

Investments in equity instruments designated at fair value through other comprehensive income

The council designates the following equity as fair value through other comprehensive income: -

	25,000 Nominal Shares @ £1 £'000	Fair Value £'000	Change in Fair Value during 2021/22 £'000	Dividends £'000
Lothian Buses	25	218	20	-

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15.1 Types of Financial Instruments (Continued)

The council holds 25,000 ordinary shares in Lothian Buses, representing 0.4% of the company's capital. The core purpose of Lothian Buses Limited is to deliver a high quality, integrated and socially inclusive transport service with a long term vision to be an integral part of the future success of Edinburgh and the Lothians.

As the asset is not held for trading or income generation, but as a longer term policy initiative the equity has been designated as fair value through comprehensive income.

The shares in this company are not traded in an active market and therefore the fair value of £0.218 million (£0.198 million 2020/21) is based on valuation techniques that are not based on observable current market transactions or available market data. The valuation has been made based on the current calculated share price of £8.74 multiplied by the council's shareholding. The council has no current intention to dispose of the shareholding. No dividend was paid in 2021/22 or 2020/21 as a result of circumstances arising from Covid-19.

Items of income, expense, gains and losses

The gains and losses recognised in the Income and Expenditure Account in relation to financial instruments are made up as follows:

	2021/22 Other Comprehensive Income and Expenditure £'000	2020/21 Other Comprehensive Income and Expenditure £'000
Gain / Loss on:		
Amortised Costs	-	-
Interest Expense		
Amortised Cost	23,521	24,081
PFI and finance lease liabilities	4,283	4,521
Total Interest Expense	27,804	28,602
Interest Income		
Amortised Cost	(367)	(1,135)
Total	27,437	27,467

15.2 Fair Value of Assets and Liabilities carried at Amortised Cost

Financial assets (represented by lending and receivables) and financial liabilities (represented by borrowings) are carried in the balance sheet at amortised cost.

Their fair value can be assessed by calculating the present value of the cash flows that will take place over the remaining term of the instrument, using the following assumptions: -

- Interest rates at 31 March 2022 for PWLB vary from 1.26% to 8.25% depending on the maturity profile of the loans and for other market loans (LOBO's) from 3.75% to 4.85% again based on the maturity profile of the loans.
- No early repayments or impairment are recognised.
- Where an instrument will mature in the next 12 months, carrying amount is assumed to approximate to fair value.
- The fair value of trade and other receivables is assumed to be the invoiced or billed amount.

For both assets and liabilities, the valuation basis adopted by Link Asset Services uses Level 2 inputs i.e. inputs other than quoted prices that are observable for the financial asset / liability. The accounting policy for the Fair Value Measurement is included in Statement 8 note 4 on page 58.

The fair values are calculated as follows: -

	31 March 2022		31 March 2021	
	Carrying Amount £'000	Fair Value £'000	Carrying Amount £'000	Fair Value £'000
Financial Assets				
Loans and receivables – Bonds				
The bond valuation is made by the prevailing benchmark rates	289	693	293	730
Loans and receivables - Cash				
The loans and receivables valuation is calculated using the prevailing benchmark rates	47,250	47,269	70,110	70,117
Loans and receivables - Fixed Term Deposits				
The fixed term deposit valuation is made by comparison of the fixed term investment with a comparable investment with the same / similar lender for the remaining period of the deposit	42,579	42,486	15,083	15,062
	90,118	90,448	85,486	85,909

NOTES TO THE ANNUAL ACCOUNTS

STATEMENT 8

15.2 Fair Value of Assets and Liabilities carried at Amortised Cost (Continued)

The fair value is more than the carrying amount because the council's lending figure includes a number of loans where the interest rate receivable is higher than the rates available for similar loans at the balance sheet date. The commitment to receive interest above current market rates increases the amount that the council would receive if it agreed to early repayment of the loans. The fair value amount also includes accrued interest receivable on the loans of £0.077 million.

Financial Liabilities**Financial liabilities - PWLB**

For loans from the PWLB, Link Asset Services have provided fair value estimates using both redemption and new borrowing (certainty rate) discount rates.

Financial liabilities - LOBO's and Temporary borrowing

For non-PWLB loans Link Asset Services have provided fair value estimates using both PWLB redemption and new market loan discount rates.

31 March 2022		31 March 2021	
Carrying Amount £'000	Fair Value £'000	Carrying Amount £'000	Fair Value £'000
574,340	704,675	544,283	749,251
63,526	91,184	63,554	99,741
637,866	795,859	607,837	848,992

The fair value is more than the carrying amount because the council's borrowing figure includes a number of loans where the interest rate payable is higher than the rates available for similar loans at the balance sheet date. The commitment to pay interest above current market rates increases the amount that the council would have to pay if the lender requested or agreed to early repayment of the loans.

15.3 Nature and Extent of Risks arising from Financial Instruments

The council's activities expose it to a variety of financial risks: -

- **Credit risk** - the possibility that other parties might fail to pay amounts due to the council.
- **Liquidity risk** - the possibility that the council might not have funds available to meet its commitments to make payments.
- **Re-financing risk** - the possibility that the council might be requiring to renew a financial instrument on maturity at disadvantageous interest rates or terms.
- **Market risk** - the possibility that financial loss might arise for the council as a result of changes in such measures as interest rates and stock market movements.

The council's management of treasury risks actively works to minimise its exposure to the unpredictability of financial markets and to protect the financial resources available to fund services. The council has fully adopted CIPFA's Code of Treasury Management Practices and has written principles for overall risk management as well as written policies and procedures covering specific areas such as credit risk, liquidity risk and market risk.

Credit Risk

Credit risk arises from the short term lending of surplus funds to banks, building societies and other local authorities as well as credit exposures to the council's customers.

This risk is minimised through the Treasury Management Plan which required that deposits are only placed with a limited number of high quality UK banks and building societies whose credit rating is independently assessed as sufficiently secure by the council's treasury adviser and to restrict lending to a prudent maximum amount of each institution.

The credit ratings of investments as at 31 March 2022 are: -

Investments

West Calder High School DBFM
Bank of Scotland Plc – Main Banking Provider
Standard Chartered Bank Plc
Goldman Sachs
Al Rayan Bank
Santander UK Plc
National Bank of Kuwait
Sumitomo Mitsui Banking Corporation

Total

Credit Risk	Investment Value at 31 March 2022 £'000	%
AA	289	-
A+	40,250	44
A+	7,000	8
A+	7,000	8
A+	14,500	16
A	7,000	8
A	7,000	8
A	7,000	8
Total	90,039	100

NOTES TO THE ANNUAL ACCOUNTS

STATEMENT 8

15.3 Nature and Extent of Risks arising from Financial Instruments (Continued)

The Treasury Management Plan, which is set annually and is monitored throughout the year, sets out the limits on both duration and maximum levels of deposits. These counterparties are chosen using credit rating data supplied by the council's treasury advisers. This is based on data from the three main credit rating agencies, overlaid by:

- Credit watches and credit outlooks from credit rating agencies.
- Credit Default Swap spreads (i.e. insurance policies) to give early warning of likely changes in credit ratings.
- Sovereign ratings to select counterparties from only the most creditworthy countries.

The council's maximum exposure to credit risk in relation to its investments in banks and building societies cannot be assessed generally; as the risk of any institution failing to make interest payments or repay the principal sum will be specific to each individual institution. Recent experience has shown that it is rare for such entities to be unable to meet their commitments. A risk of irrecoverability applies to all of the council's deposits, but there was no evidence at 31 March 2022 that this was likely.

The Treasury Management Plan for 2021/22 was approved by Council on 25 February 2021 and is available on the council's website link: [Treasury Management Plan for 2021/22](#)

Amounts Arising from Expected Credit Losses

Impairment losses are calculated to reflect the expectation that the future cash flows might not take place because the borrower could default on their obligations.

Allowances for impairment losses have been calculated for amortised cost assets, applying the expected credit losses model. Changes in loss allowances (including balances outstanding at the date of derecognition of an asset) are debited / credited to the Financing and Investment Income and Expenditure line in the Comprehensive Income and Expenditure Statement. During 2021/22 the credit losses recognised related only to receivables (debtors) and was based on a lifetime basis.

	Amount at 31 March 2022 £'000	Historical experience of non- payment adjusted for market conditions at 31 March 2022 %	Estimated maximum exposure to default and uncollectability £'000
Deposits with banks and building societies	90,118	0%	-
Customers (other income)	41,325	3.0%	1,240

The council does not generally allow credit for customers, however, £32.276 million of the £41.325 million balance is past its due date for payment. The past due amount can be analysed by age as follows:

	Debtors - Local Taxation £'000	Other Debtors £'000	Total £'000
Less than three months	-	2,084	2,084
Three to six months	-	1,272	1,272
Six months to one year	1,780	1,419	3,199
More than one year	23,616	2,105	25,721
	25,396	6,880	32,276

The council has provided £25.677 million against possible bad debts at 31 March 2022 (£25.21 million at 31 March 2021), providing for approximately 80% (76%) of all debt outstanding at 31 March 2022 (2021).

Liquidity Risk

The council's main source of borrowing is the Treasury's Public Works Loan Board. There is no significant risk that the council will be unable to raise finance to meet its commitments under financial instruments. The council has safeguards in place to ensure that a significant proportion of its borrowing does not mature for repayment at any one time in the future to reduce the financial impact of re-borrowing at a time of possible uncertainty over interest rates. The council's policy is to ensure that not more than 15% of loans are due to mature within any financial year through a combination of prudent planning of new loans taken out and, where it is economic to do so, making early repayments. LOBO Loans are classified as maturing at the date of the next rate review but are unlikely to be repaid at that point.

The maturity analysis of financial liabilities, including LOBO Loans, is as follows: -

	31 March 2022 £'000	31 March 2021 £'000
Less than one year	69,225	79,196
Between one and two years	-	-
Between two and five years	873	-
Between six and ten years	42,500	33,373
More than ten years	525,268	495,268
	637,866	607,837

NOTES TO THE ANNUAL ACCOUNTS**STATEMENT 8****15.3 Nature and Extent of Risks arising from Financial Instruments (Continued)****Refinancing and Maturity Risk**

The council maintains a significant debt and investment portfolio. Whilst the cash flow procedures above are considered against the refinancing risk procedures, longer term risk to the council relates to managing the exposure to replacing financial instruments as they mature. This risk relates to both the maturing of longer term financial liabilities and longer term financial assets.

The approved treasury indicator limits for the maturity structure of debt and the limits on investments placed for greater than one year in duration are the key parameter used to address this risk.

The council approved treasury and investment strategies address the main risks and the treasury team address the operational risks within the approved parameters. This includes: -

- monitoring the maturity profile of financial liabilities and amending the profile through either new borrowing or the rescheduling of the existing debt
- monitoring the maturity profile of investments to ensure sufficient liquidity is available for the council's day to day cash flow needs, and the spread of longer term investments provide stability of maturities and returns in relation to the longer term cash flow needs.

The council policy is to ensure that no more than 15% of loans are due to mature within any financial year, through a combination of prudent planning of new loans taken out and, where it is economic to do so, making early repayments. LOBO Loans are classified as maturing at the date of the next review but are unlikely to be repaid at that point.

Market risk

Changes in market interest rates influence the interest payable on borrowings and on interest receivable on surplus funds invested. For example, a rise in interest rates would mean an increase in the interest charged on borrowing at variable rates. An increase in interest rates would also mean an increase in the income received on lending at variable rates.

Changes in market rates also affect the notional "fair value" of lending and borrowing. For example, a rise in interest rates would reduce the fair value of both lending and borrowing at fixed rates. Changes in the fair value of lending and borrowing do not impact upon the taxpayer and are confined to prescribed presentational aspects in the Accounts.

The council has a variety of strategies for managing the uncertainty of future interest rates and the financial impact on the council.

- It is the policy of the council to ensure its variable rate borrowing is limited to a maximum of 35% of total borrowing. At 31 March 2022 the council had no debt subject to variable rates.
- During periods of falling rates and where it is economically advantageous to do so, the council will consider the repayment and restructuring of fixed interest rate debt.

The council takes daily advice from its specialist treasury adviser and actively monitors changes in interest rates to inform decisions on the lending of surplus funds, new borrowings and restructuring of existing borrowings.

To illustrate the impact of changes in interest rates upon the council, the following table shows the financial effect if rates had been 1% higher for the financial year 2021/22, with all other variables held constant.

Impact on tax-payer and rent-payers

Increase in interest payable on variable rate borrowings

Increase in interest receivable on variable rate lending

Net effect on Income and Expenditure Account

Housing Revenue Account's Share

£'000

-

(378)

(378)**(146)****Price Risk**

The council has 25,000 ordinary shares in Lothian Buses Limited (formerly Lothian Buses Plc). While the value of the shares held is not significant, there remains a risk arising from the movement in the price of the shares.

Foreign Exchange Risk

The council does not lend or borrow in foreign currencies and has no exposure to gains or losses arising from movements in exchange rates.

NOTES TO THE ANNUAL ACCOUNTS

STATEMENT 8

16. SHORT TERM DEBTORS	2021/22		2020/21	
	£'000	£'000	£'000	£'000
Central Government Bodies		14,774		44,457
Other Local Authorities		1,176		2,237
NHS Bodies		20,429		10,532
Public Corporations and Trading Funds		345		338
Other Entities and Individuals				
• Council Tax Debtors	25,396		27,420	
• Provision for Council Tax Debtors	(20,675)		(21,112)	
• Trade Debtors	8,543		7,716	
• Provision for Trade Debtors and Other Debtors	(5,002)		(4,098)	
• Other Entities and Individuals	9,549		10,355	
		17,811		20,281
Total Short Term Debtors		54,535		77,845

Analysed as follows: -

Trade Receivables

Prepayments

Other Receivables

Debtors for Local Taxation

Total Short Term Debtors2021/22
£'0002020/21
£'000

6,669

9,899

3,765

4,332

32,700

46,684

43,134**60,915**

11,401

16,930

54,535**77,845**

17. SHORT TERM CREDITORS

Central Government Bodies

Other Local Authorities

NHS Bodies

Public Corporations and Trading Funds

Other Entities and Individuals

Total Short Term Creditors2021/22
£'0002020/21
£'000

14,753

10,778

3,670

3,383

53

2,093

264

547

76,869

68,840

95,609**85,641****Analysed as follows: -**

Trade Payables

Other Payables

Total Short Term Creditors2021/22
£'0002020/21
£'000

10,350

15,606

85,259

70,035

95,609**85,641**

18. PROVISIONS

Equal pay settlements

Holiday pay settlements

Total Provisions

Balance at
31 March
2021
£'000Increase /
(Reduction)
in Provision
in Year
£'000Payment /
(repayment)
in year
£'000Balance at
31 March
2022
£'000

379

-

(5)

374

194

(310)

116

-

573

(310)

111

374

Equal Pay Provision

The council's equal pay claims are largely settled, the remaining provision of £0.374 million is deemed sufficient to meet the outstanding liability due in respect of equal pay pension liabilities due to Lothian Pension Fund.

Holiday Pay Provision

The council's known holiday pay claims are now settled, the remaining provision of £0.310 million has now been written back as there are no further liabilities on the provision.

NOTES TO THE ANNUAL ACCOUNTS**STATEMENT 8**

19. LONG TERM CREDITORS	Sum Outstanding 2021/22 £'000	Sum Outstanding 2020/21 £'000
Finance Leases - outstanding principal	-	3
Open Space Agreements	212	223
Economic Development Business Gateway	28	90
	240	316
OTHER LONG TERM LIABILITIES		
PPP1 Schools	9,975	9,757
PPP3 Schools	41,443	43,353
DBFM School	25,248	26,128
	76,666	79,238

20. PENSION SCHEMES**20.1 Pension Schemes**

As part of the terms and conditions of employment of its officers, the council makes contributions towards the cost of post-employment benefits. Although these benefits will not actually be payable until employees retire, the council has a commitment to make payments and to disclose them at the time that employees earn their future entitlement.

As explained in Statement 8 note 1 of the Accounting Policies the council participates in two post-employment schemes:

- Local Government Pension Scheme**

The Local Government Pension Scheme (Lothian Pension Fund) is administered by City of Edinburgh council in accordance with the Local Government Pension Scheme (Scotland) Regulations 2018. This is a funded defined benefit final salary scheme, meaning that the council and employees pay contributions into the fund, calculated at a level intended to balance the pension liabilities with investment assets.

- Teachers' Pension Scheme**

The Teachers' Pension Scheme is administered by the Scottish Public Pensions Agency, an Executive Agency of the Scottish Government. It provides teachers with defined benefits upon their retirement, and the council contributes towards the costs by making contributions based on a percentage of members' pensionable salaries. However, as the Scheme is not able to identify each council's share of the underlying liabilities with sufficient reliability for accounting purposes, the pension costs are accounted for as if it were a defined contribution scheme.

The principal risks to the council of the scheme are the longevity assumptions, statutory changes to the scheme, structural changes to the scheme, changes to inflation, bond yields and the performance of the equity investments held by the scheme. These are mitigated to an extent by the statutory requirement to charge the General Fund and Housing Revenue Account the amounts required by statute as described in the accounting policies note.

Discretionary post-retirement benefits on early retirement are an unfunded defined benefit arrangement, under which liabilities are recognised when awards are made. There are no plan assets built up to meet these pension liabilities.

In 2021/22 the council paid an employer's contribution of £20.670 million (£20.062 million 2020/21) at the prescribed rate of 23% (23% 2020/21) of pensionable pay to the Scottish Government in respect of teachers' pension costs. An actuarial valuation was carried out at 31 March 2005. In addition, the council is responsible for all pension payments relating to added years together with related increases. In 2021/22 (2020/21) these amounted to £0.356 million (£0.395 million) representing 0.26% (0.28%) of pensionable pay.

The council recognises the cost of retirement benefits in the reported cost of service when they are earned by employees, rather than when the benefits are eventually paid as pensions. However, the charge required to be made against council tax is based on the cash payable in the year, so the real cost of post-employment benefits is reversed out of the General Fund and Housing Revenue Account via the Movement in Reserves Statement.

Guaranteed Minimum Pension (GMP)

GMP was accrued by members of the Local Government Pension Scheme (LGPS) between 6 April 1978 and 5 April 1997. The value of GMP is inherently unequal between males and females, however overall equality of benefits was achieved for public service schemes through the interaction between scheme pensions and the Second State Pension. The introduction of the new Single State Pension in April 2016 disrupted this arrangement and brought uncertainty over the ongoing indexation of GMPs, which could lead to inequalities between men and women's benefits.

The fund's actuary has carried out calculations in order to estimate the impact that the GMP indexation changes will have on the liabilities of West Lothian Council for financial reporting purposes. The estimate assumes that the permanent solution eventually agreed will be equivalent in cost to extending the interim solution to all members reaching state pension age from 6 April 2016 onwards. This increased liability has been reflected since 2019/20 in the annual accounts as a past service cost, with no further impact assessed at 31 March 2021 or 31 March 2022.

McCloud Judgement

When the LGPS benefit structure was reformed in 2015, transitional protections were applied to certain older members close to normal retirement age. Following legal proceedings argued in the McCloud and Sargeant cases, the Court of Appeal found that the transitional provisions introduced in the judges and firefighters' pension schemes in 2015 gave rise to unlawful age discrimination.

The UK Government requested leave to appeal this finding but this was refused by the Supreme Court on 27 June 2019. The UK Government has formally accepted the Court's decision and, recognising the implications for all public sector pension schemes, is engaging with relevant representatives to agree how the discrimination will be remedied.

In July 2020, following the UK Government consultation, the Lothian Pension Fund's actuary adjusted GAD's estimate to better reflect the council's local assumptions, particularly withdrawal rates and salary increases. The estimated impact of the McCloud judgement included in the 2020/21 financial statements as a past service cost was estimated at £5.9 million. These numbers are a high level estimate based on a combination of scheme and fund level calculations and therefore depend on various key assumptions which may or not be borne out in practice. This had no further impact assessed at 31 March 2022.

NOTES TO THE ANNUAL ACCOUNTS**STATEMENT 8****20.2 Transactions Relating to Post-Employment Benefits**

The following transactions have been made in the Comprehensive Income and Expenditure Statement and the General Fund Balance via the Movement in Reserves Statement:

Comprehensive Income and Expenditure Statement**Cost of Services**

Current Service cost

Past Service Costs

Effect of Settlements

Financing and Investment Income and Expenditure

Net Interest Expense

Remeasurement of the net defined benefit liability comprising:

Return on plan assets (excluding the amount included in the net interest expense)

Actuarial (gains) and losses arising on changes in demographic assumptions

Actuarial (gains) and losses arising on changes in financial assumptions

Other experience

Total Post-employment Benefits Charged to Comprehensive Income and Expenditure Statement

2021/22		2020/21	
£'000	£'000	£'000	£'000
69,393	69,673	47,370	47,542
280		172	
-		-	
	6,618		5,379
	76,291		52,921
(103,360)		(143,448)	
(9,001)		(62,173)	
(102,016)		276,412	
1,732	(212,645)	(6,923)	63,868
	(136,354)		116,789

Movement in Reserves Statement

Reversal of net charges made to the surplus on the provision of services for post-employment benefits in accordance with Code

Actual Amount charged against the General Fund Balance of pensions in the year

Employer's contributions payable to the scheme

Contributions in respect of unfunded benefits

2021/22		2020/21	
£'000	£'000	£'000	£'000
	168,086		(86,406)
(29,898)		(28,466)	
(1,834)		(1,917)	
	(31,732)		(30,383)

The amount charged to taxation for the Lothian Pension Fund Scheme in 2021/22 (2020/21) was £31.487 million (£29.810 million).

20.3 Pension Assets and Liabilities Recognised in the Balance Sheet

The amount included in the Balance Sheet arising from the council's obligation in respect of Lothian Pension Fund is as follows: -

Fair Value of Assets

Present Value of Funded Liabilities

Share of net liabilities

Present value of unfunded liabilities

Net pension liabilities arising from defined benefit obligation

2021/22 £'000	2020/21 £'000
1,298,452	1,164,451
(1,417,309)	(1,448,689)
(118,857)	(284,238)
(24,820)	(27,525)
(143,677)	(311,763)

20.4 Reconciliation of the Movements in the Fair Value of Lothian Pension Fund Assets

Opening fair value of assets at 1 April

Interest income on plan assets

Remeasurement gain / (loss) - Return on plan assets (excluding the amount included in the net interest expense)

Remeasurement gain / (loss) - Other experience

Employer's contributions payable to the scheme

Contributions by scheme participants

Benefits paid

Closing fair value of assets at 31 March

2021/22 £'000	2020/21 £'000
1,164,451	1,019,487
23,345	23,495
103,360	143,448
-	(27,518)
29,898	28,466
8,246	7,870
(30,848)	(30,797)
1,298,452	1,164,451

20.5 Reconciliation of the Present Value of Lothian Pension Fund Liabilities

Opening Balance at 1 April

Current Service costs

Interest cost

Contributions by scheme participants

Remeasurement gain / (loss):

- Actuarial (gains) and losses arising on changes in demographic assumptions

- Actuarial (gains) and losses arising on changes in financial assumptions

- Other experience

Past service costs

Benefits paid

Unfunded benefits paid

Closing balance of liabilities at 31 March

2021/22 £'000	2020/21 £'000
(1,476,214)	(1,244,844)
(69,393)	(47,370)
(29,963)	(28,874)
(8,246)	(7,870)
9,001	62,173
102,016	(276,412)
(1,732)	34,441
(280)	(172)
30,848	30,797
1,834	1,917
(1,442,129)	(1,476,214)

NOTES TO THE ANNUAL ACCOUNTS

STATEMENT 8

20.6 Lothian Pension Fund Assets by Category

The asset values below are at bid value as required by IAS 19

Equity Securities:

	2021/22 £'000	%	2020/21 £'000	%
*Consumer	159,739	12%	151,416	13%
*Manufacturing	171,845	13%	167,904	14%
*Energy and Utilities	71,682	6%	59,323	5%
*Financial Institutions	74,835	6%	71,371	6%
*Health and Care	89,944	7%	72,757	6%
*Information Technology	59,001	5%	55,181	5%
*Other	96,803	7%	92,452	8%

Private Equity:

All	5,970	-	7,131	1%
*All	136	-	-	-

Investment funds and unit trusts:

*Equities	22,320	2%	16,454	1%
Equities	1,003	-	-	-
Infrastructure	131,649	10%	133,296	12%

Equity

884,927	68%	827,285	71%
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Debt Securities:

Corporate Bonds A (investment grade)	-	-	39,720	4%
*UK Government	113,392	9%	93,422	8%
*Other	24,354	2%	-	-

Investment funds and unit trusts:

*Bonds	24,401	2%	23,967	2%
Bonds	36,403	3%	-	-

Derivatives:

*Foreign exchange	61	-	61	-
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Bonds

198,611	16%	157,170	14%
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Real Estate:

*UK Property	12,090	1%	-	-
UK Property	56,552	4%	60,728	5%
Overseas Property	366	-	137	-

Property

69,008	5%	60,865	5%
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Cash and cash equivalents

*All	145,906	11%	119,131	10%
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Cash and cash equivalents

145,906	11%	119,131	10%
----------------	------------	----------------	------------

Total

1,298,452	100%	1,164,451	100%
------------------	-------------	------------------	-------------

Assets marked with an asterisk (*) have quoted prices in active markets and equate to £1,066.509 million (£923.439 million 2020/21) with prices not quoted in active markets totalling £231.943 million (£241.012 million 2020/21).

20.7 Basis for Estimating Assets and Liabilities

Liabilities are valued on an actuarial basis using the projected unit credit method which assesses the future liabilities of the fund discounted to their present value. The valuations are based on a valuation as of 31 March 2020 and updated for the following period by Hymans Robertson, the independent actuaries to the Lothian Pension Fund. The significant assumptions used in the calculations for both the Lothian Pension Fund and discretionary payments are:

Mortality Assumptions

Life expectancy is based on the Fund's VitaCurves with improvements in line with the CMI 2021 model, with a 0% weighting of 2021 (and 2020) data, standard smoothing (Sk7), initial adjustment of 0.25% and long term rate of improvement of 1.5% p.a. for both males and females. Based on these assumptions, the average future life expectancies at age 65 are summarised on page 79.

Investment Returns

The return on the Fund in market value terms for the period to 31 March 2022 is estimated based on actual Fund returns. Index returns, where used, are based on employer asset holdings. Details are given below:

Actual Returns from 1 April 2021 to 31 March 2022

10.8%

NOTES TO THE ANNUAL ACCOUNTS

STATEMENT 8

20.7 Basis for Estimating Assets and Liabilities (Continued)

Current Pensioners - Males
- Females
Future Pensioners - Males
- Females

2021/22 Years	2020/21 Years
20.3	20.5
23.1	23.3
21.6	21.9
25.0	25.2

Financial Assumptions

Rate of inflation
Rate of increase in salaries
Increase in Pensions
Rate for discounting scheme liabilities

2021/22 %	2020/21 %
3.2%	2.9%
3.7%	3.3%
3.2%	2.9%
2.7%	2.0%

20.8 Sensitivity Analysis

Accounting guidance requires disclosure of the sensitivity of the results to the methods and assumptions used. The approach taken in preparing the sensitivity analysis shown is consistent with that adopted in the previous year.

0.1% decrease in Real Discount Rate
0.1% increase in the Salary Increase Rate
0.1% increase in the Pension Increase Rate
1 year increase in member life expectancy

Approximate % Increase to Employer Obligation	Approximate Monetary Amount £'000
2%	28,120
0%	3,166
2%	24,730
4%	57,685

For sensitivity purposes, we estimate that a one year increase in life expectancy would approximately increase the Employer's Defined Benefit Obligation by around 3 – 5%, increasing it by approximately £43 – £72 million. In practice the actual cost of a one year increase in life expectancy will depend on the structure of the revised assumption (i.e. if improvements to survival rates predominately apply at younger or older ages).

20.9 Projected Pension Cost for period to 31 March 2023

Formal actuarial valuations are carried out every three years, where each employer's assets and liabilities are calculated on a detailed basis, using individual member data, for cash contribution setting purposes. The most recent formal valuation date was 31 March 2020 with the subsequent results are based on a rollforward from the formal valuation.

The pension deficit has decreased as a result of a combination of

- the investment returns being significantly greater than expected leading to a positive impact. The total investment return achieved by the Fund over the accounting period was 10.8%, compared to an expected accounting return of 2%,
- the net discount rate (discount rate net of inflation) has increased. The discount rate assumption has increased by more than the increase in the CPI assumption resulting in a positive impact. It is estimated by the actuary that the gain is in the region of a 6 - 8%.
- The longevity assumptions have changed from the previous accounting period to reflect the latest available mortality improvement table resulting in a gain on the obligations. It is estimated by the actuary that the decrease in obligations are in the region of 0.5%.

The figures presented in the actuary's valuation are prepared only for the purposes of IAS 19 and have no validity in other circumstances. In particular, they are not relevant for calculations undertaken for funding purposes and have no impact on the employer's pension contribution rate.

The net pensions liability does not impact on the council's usable reserves but the requirement to recognise the net pensions liability in the balance sheet has decreased the reported net worth of the council by 11% (24% 2020/21).

The following table sets out the projected amount to be charged to operating profit for the year to 31 March 2023, based on assumptions as at 31 March 2022: -

31 March 2023			
Assets £'000	Obligations £'000	Net £'000	% of pay
Current service cost	(62,602)	(62,602)	(45.9%)
Past service cost including curtailments	-	-	-
Effect of settlements	-	-	-
Total Service Cost	(62,602)	(62,602)	(45.9%)
Interest income on plan assets	-	35,137	25.8%
Interest cost on defined benefit obligation	(39,432)	(39,432)	(28.9%)
Total Net Interest Cost	(39,432)	(4,295)	(3.1%)
Total included in Profit or Loss	(102,034)	(66,897)	(49.0%)

The estimated Employer's contributions for the year to 31 March 2023 will be approximately £29.721 million.

21. USABLE RESERVES

Movements in the council's usable reserves are detailed in the Movement in Reserves Statement and Notes 12 and 13.

21.1 Revenue Statutory Funds

Insurance Fund

Balance at 1 April
Appropriation

Balance at 31 March

2021/22 £'000	2020/21 £'000
7,596	9,317
(289)	(1,721)
7,307	7,596

NOTES TO THE ANNUAL ACCOUNTS**STATEMENT 8**

21.2 Capital Fund	2021/22 £'000	2020/21 £'000
Balance at 1 April	45,580	57,917
Transfer (to) / from Capital Adjustment Account	(14,221)	(17,705)
Appropriation	7,281	5,368
Balance at 31 March	38,640	45,580

22. UNUSABLE RESERVES	2021/22 £'000	2020/21 £'000
Revaluation Reserve	834,066	843,918
Financial Instruments Revaluation Reserve	193	173
Capital Adjustment Account	409,634	399,418
Financial Instruments Adjustment Account	(7,117)	(7,547)
Pensions Reserve	(143,677)	(311,763)
Employee Statutory Adjustment Account	(13,483)	(12,582)
Total Unusable Reserves	1,079,616	911,617

22.1 Revaluation Reserve	2021/22 £'000	2020/21 £'000
Balance at 1 April	843,918	504,897
Unrealised gains / (losses) on revaluation of fixed assets	39,579	394,340
Less: Depreciation on revaluations	(49,431)	(55,319)
Balance at 31 March	834,066	843,918

The Revaluation Reserve represents the store of gains on revaluation of fixed assets not yet realised through sales, and contains revaluation gains recognised since 1 April 2007 only, the date of its formal implementation. Gains arising before that date have been consolidated into the Capital Adjustment Account. The revaluations are depreciated over the life of the revalued assets with the corresponding credit charged to the Capital Adjustment Account.

22.2 Financial Instruments Revaluation Reserve	2021/22 £'000	2020/21 £'000
Balance at 1 April	173	252
Revaluation of long-term Investments at fair value	20	(79)
Balance at 31 March	193	173

22.3 Capital Adjustment Account	2021/22 £'000	2020/21 £'000
Balance at 1 April	399,418	396,361
Depreciation and impairment	(129,719)	(139,335)
Amortisation of intangible assets	(712)	(390)
Loans fund principal repayments	5,188	12,257
Capital financed from grants (Government and other bodies)	53,894	37,861
Capital financed from current revenue (General Fund)	5,630	6,247
Capital financed from current revenue (HRA)	11,680	12,121
Gain/ (Loss) on disposal of non-current assets	603	1,272
Revaluation Reserve - Depreciation on revaluations	49,431	55,319
Transfer of Capital Receipts to Capital Fund	14,221	17,705
Balance at 31 March	409,634	399,418

The balances on the former Fixed Asset Restatement Account and Capital Financing Account at 31 March 2007 have been transferred into the Capital Adjustment Account. Revaluation gains up to 1 April 2007 have been accumulated in the Capital Adjustment Account. This account accumulates (on the debit side) the write-down of the historical cost of fixed assets as they are consumed by depreciation and impairment. It accumulates (on the credit side) the resources that have been set aside to finance capital expenditure.

NOTES TO THE ANNUAL ACCOUNTS**STATEMENT 8****22.4 Financial Instruments Adjustment Account**

Balance at 1 April
Appropriations (to) from Movements on Reserve Statement

Balance at 31 March

The Financial Instruments Adjustment Account is an accounting reserve arising from the re-measurement of financial instruments. It is a balancing account to allow for differences in statutory requirements and proper accounting practices for the council's lending and borrowing. The balance at 31 March 2022 represents: -

Deferred Premiums less Discounts from Debt Rescheduling
Market LOBO loans restated - balance sheet value
- Deduct: actual loans outstanding

22.5 Pension Fund Reserve

The pension reserve mirrors the net pensions liability detailed in note 20.3.
The movements in the year are summarised as follows:

Balance at 1 April
Net surplus for year
Actuarial (Losses) Gains in Pension Plan

Balance at 31 March

22.6 Employee Statutory Adjustment Account

Balance at 1 April

Annual leave and maternity accrual - previous year
Annual leave and maternity leave accrual - current year

Statutory adjustment for the year

Balance at 31 March

The Employee Statutory Adjustment Account absorbs the differences that would otherwise arise on the General Fund Balance from accruing for compensated absences earned but not taken in the year, e.g. annual leave and maternity leave carried forward at 31 March. Statutory arrangements require that the impact on the General Fund Balance is neutralised by transfers to or (from) the Account.

23. CASH FLOW STATEMENT - OPERATING ACTIVITIES

The following amounts are included in the net cash flows from Operating Activities: -

Interest paid
Interest element of finance lease rental payments including PPP contracts
Interest received

The deficit on the provision of services has been adjusted for the following non-cash movements: -

Depreciation
Amortisation of intangible assets
Impairment and downward revaluations
Amortisation
Increase/(decrease) in creditors
(Increase)/decrease in debtors
(Increase)/decrease in short term intangible assets
(Increase)/decrease in inventories
Movement in pension liability
Gain on disposal of non-current assets
Other non-cash items

2021/22 £'000	2020/21 £'000
(7,547)	(7,976)
430	429
(7,117)	(7,547)
2021/22 £'000	2020/21 £'000
(4,703)	(5,096)
(62,994)	(63,031)
60,580	60,580
(7,117)	(7,547)
2021/22 £'000	2020/21 £'000
(311,763)	(225,357)
(44,559)	(22,538)
212,645	(63,868)
(143,677)	(311,763)
2021/22 £'000	2020/21 £'000
	(12,582)
12,582	10,921
(13,483)	(12,582)
	(901)
	(1,661)
	(13,483)
	(12,582)
2021/22 £'000	2020/21 £'000
23,431	23,679
4,283	4,521
(276)	(1,190)
98,820	123,258
712	390
30,899	16,077
(36)	(35)
(2,701)	21,180
22,207	(38,661)
-	-
107	(384)
44,559	22,538
(603)	(1,272)
(73)	3
193,891	143,094

NOTES TO THE ANNUAL ACCOUNTS**STATEMENT 8**

24. CASH FLOW STATEMENT - INVESTING ACTIVITIES		2021/22 £'000	2020/21 £'000		
Purchase of property, plant and equipment and intangible assets		(137,629)	(78,939)		
Proceeds from the sale of property, plant and equipment		1,741	174		
Net (increase) decrease in short term investments		(27,496)	76,003		
Net cash flows from Investing Activities		(163,384)	(2,762)		
25. CASH FLOW STATEMENT - FINANCING ACTIVITIES		2021/22 £'000	2020/21 £'000		
Cash receipts of short and long term borrowing		40,000	-		
Cash payments for the reduction of the outstanding liabilities relating to finance leases and on balance sheet PPP contracts		(2,397)	(3,778)		
Repayments of short and long term borrowing		(9,935)	(15,184)		
Net cash flows from Financing Activities		27,668	(18,962)		
26. CASH FLOW STATEMENT - CASH AND CASH EQUIVALENTS		2021/22 £'000	2020/21 £'000		
Cash held by officers		121	148		
Bank current accounts		1,584	1,688		
Short term deposits		47,250	70,110		
Total Cash and Cash Equivalents		48,955	71,946		
27. RECONCILIATION OF LIABILITIES ARISING FROM FINANCING ACTIVITIES		1 April 2020 £'000	Financing Cash Flows £'000	Non-Cash Changes £'000	31 March 2021 £'000
	Long term borrowing	538,641	(10,000)	-	528,641
	Short term borrowings	84,415	(5,184)	(35)	79,196
	Finance Lease Liabilities	60	(36)	-	24
	On balance sheet PFI liabilities	85,364	(3,742)	-	81,622
	Total liabilities from financing activities	708,480	(18,962)	(35)	689,483
		1 April 2021 £'000	Financing Cash Flows £'000	Non-Cash Changes £'000	31 March 2022 £'000
	Long term borrowing	528,641	40,000	-	568,641
	Short term borrowings	79,196	(9,935)	(36)	69,225
Finance Lease Liabilities	24	(22)	-	2	
On balance sheet PFI liabilities	81,622	(2,375)	-	79,247	
Total liabilities from financing activities	689,483	27,668	(36)	717,115	
28. CONTINGENT LIABILITIES					
Municipal Mutual – Scheme of Arrangement					
The Municipal Mutual Scheme of Arrangement was triggered in November 2012. The scheme administrator announced that the initial levy rate was 15% of claims paid since 1993. In 2016 this was subsequently increased to 25%. The council has paid a total of £0.228 million in respect of West Lothian District Council and Livingston Development Corporation liability and £0.035 million in respect of the council's share of Lothian Regional Council liability.					
The council recognises that further levies will be imposed and therefore acknowledges a potential future liability.					
Abuse Claims					
The council recognises the potential for compensation claims deriving from the Scottish Government's Limitation (Childhood Abuse) (Scotland) Bill which has removed the three-year time limit on claims of child abuse. Some claims may be more historic and predate Local Government Reorganisation in 1996. As at 31 March 2022, six claims have been received. However, no claims have been brought that have progressed to a stage where a possible payment can be reliably estimated and accounted for in the financial statements. The council will consider the funding of future claims according to the nature and materiality of claims as they are brought in future years.					
Pension guarantees					
The council provides a formal guarantee to Lothian Pension Fund in respect of any monies due to the fund by West Lothian Leisure should it be unable to meet its obligations to the fund. The council has considered the likelihood of this guarantee being called upon in light of the financial challenges faced by WLL and concluded that there remains no expectation of the council having to settle obligations on its behalf given that its payments to the fund remain up to date and WLL has existing financial support and plans in place to address its financial challenges going forward.					

NOTES TO THE ANNUAL ACCOUNTS

STATEMENT 8

29. TRADING OPERATIONS

The Local Government in Scotland Act 2003 introduced a specific performance requirement for each significant trading operation to breakeven over a three year rolling basis.

Economic Development Properties have been identified as a significant trading operation. The Service involves the maintenance and letting of industrial units, office accommodation and shops. The portfolio contains around 500 individual rental units and the policy objective is to ensure an adequate supply of property to meet the requirements of business needs in West Lothian. Summarised details of the account are as follows: -

	2021/22 £'000	2020/21 £'000
Turnover	4,501	4,464
Expenditure	2,219	2,920
Surplus for year	2,282	1,544
Budget Surplus for year	2,448	1,791

Included in turnover is internal income of £0.150 million (£0.149 million 2020/21).

The requirement to charge notional interest was removed in the 2006 SORP. However, for the purposes of assessing whether the trading operation has met the statutory requirement to breakeven over a three year rolling period, interest still requires to be included in expenditure for this assessment. A share of General Fund loan interest has been made based on the net book value of Economic Development Properties fixed assets to the total net book value of General Fund fixed assets. The results are summarised as follows: -

	Surplus / (Deficit) £'000	Loan Interest £'000	Net Surplus / (Deficit) £'000
2019/20	1,546	426	1,120
2020/21	1,544	477	1,067
2021/22	2,282	399	1,883
Surplus over three year period	5,372	1,302	4,070

In the three years to 31 March 2022 the trading account achieved a statutory aggregate surplus of £4.07 million, therefore meeting the statutory financial requirement to breakeven over the three year period.

NOTES TO THE ANNUAL ACCOUNTS

STATEMENT 8

30. AGENCY SERVICES

Expenditure**Local Bus Services**

Cross boundary bus services where other local authorities contract for the services and charge West Lothian for shared cross boundary agreements.

176

93

Residential Schools and other Social Work payments

Costs incurred in relation to residential care for children under the age of 18 who are deemed to be a significant risk to themselves or others in the community. Secure care is provided by third sector organisations. Secure care provides intensive support and safe boundaries whilst providing care, including health and education.

608

704

Special School Placements

Costs incurred in respect of West Lothian children who are in receipt of supported education services provided by other local authorities outwith the West Lothian Area.

249

211

Community Testing Programme

Costs incurred in the provision of the Community Testing Programme.

736

-

Other

Provision of other services – Speech Therapy, Additional Needs Support, Corporate Procurement, Taxi Inspection and Mortuary Fees etc.

1,193

1,014

Non Domestic Rates

The council provides a collection service for Scottish Government in relation to Non-Domestic Rates. The difference between funding received and costs incurred is fully funded by Scottish Government and is included as a debtor in the council's Balance Sheet.

58,712

50,517

Total Expenditure

61,674

52,539

Income**Scottish Water Collection Services**

The council has an agreement with Scottish Water whereby it collects water and waste charges in conjunction with collection of council tax for a collection fee.

557

557

Social Work Services

Income in respect of delivery of support for people with alcohol and drug problems. This is delivered through West Lothian Council's Social Work Addictions Team and funded by National Health Service under our Alcohol and Drug Partnership contracts.

2,134

1,628

Local Bus Services

Cross boundary bus services where West Lothian contract for the services and recharge other local authorities for shared cross boundary agreements.

265

255

Special School Placements

Recovery of the cost of provision of supported education provided to Other Local Authority children living outwith the West Lothian boundary but receiving educational services in West Lothian.

487

358

Business Gateway

Agreement between City of Edinburgh Council and West Lothian Council for the provision of management services and for the delivery by WLC to or on behalf of CEC of various economic and business development and training programmes within the Edinburgh and Lothians area.

204

242

Community Testing Programme

Recovery of costs for the provision of the Community Testing Programme.

736

-

Other

Recovery of the cost of provision of payroll, HR, IT & Telephony Service to the Improvement Service, recovery of the cost of payroll, HR, Corporate Communications/Media support, IT & Telephony Service to West Lothian College.

118

107

Non Domestic Rates

The council provides a collection service for Scottish Government in relation to Non-Domestic Rates. The difference between funding received and costs incurred is fully funded by Scottish Government and is included as a debtor in the council's Balance Sheet.

63,833

50,304

Total Income

68,334

53,451

NOTES TO THE ANNUAL ACCOUNTS

STATEMENT 8

Covid-19 Response Funding – Scottish Government - Agency

Covid-19 Scottish Government funding provided and expenditure incurred during 2021/22 where the council has acted as an intermediary for Scottish Government is as follows: -

Scottish Government Grants – Agency	2021/22 £'000	2020/21 £'000
Transitional Support Fund for Childcare Providers	-	305
Business Closure Fund	-	475
Business Contingency Fund: Soft Play & Nightclubs	-	240
Furlough Support Fund	-	117
Small Business Grants	-	27,414
Self Employed Hardship Fund	-	303
Covid Spring Hardship	-	708
Covid Winter Hardship Grants	-	608
£500 payments Social Care Staff	-	633
£500 payments Social Care Providers	-	822
Covid-19 Business Support – Support for Brewers, Travel Agents & Indoor Football	-	125
Temporary Restrictions Fund for Childcare Providers	88	143
Strategic Framework Business Fund	8,526	13,687
Business support - small accommodation providers paying council tax	12	68
SWF Self Isolation Grants	1,330	202
Taxi and Private Hire Driver Support Fund	1,441	594
Low Income Pandemic Payments	2,115	-
Scottish Child Payment Bridging Payments	2,990	-
National Qualifications 2020-21 Additional Teacher Payment	392	-
Route Map Extension Restrictions Fund	262	-
Soft Play Support Fund	15	-
Hospitality and Leisure	1,471	-
Business Ventilation Fund	7	-
Nightclub Closure Fund	100	-
Scottish Brewers Support Fund	6	-
Public House Table Service Restriction Fund	127	-
Childcare Sector Omicron Impacts Fund	172	-
Total Agency Grants	19,055	46,444

31. EXTERNAL AUDIT COSTS

The Accounts Commission for Scotland appointed Ernst & Young LLP as the council's External Auditor for the financial years 2016/17 to 2021/22, with a subsequent notification that the appointment would be extended to cover the audit of the 2021/22 financial year.

The council has incurred the following costs in relation to the audit of the Annual Accounts, certification of grant claims and statutory inspections services provided by the council's external auditors: -

	2021/22 £'000	2020/21 £'000
Fees payable to Audit Scotland in respect of external audit services undertaken in accordance with the Code of Audit Practice.	341	359
Audit fee in respect of s106 Trust Funds	10	10
	351	369

NOTES TO THE ANNUAL ACCOUNTS**STATEMENT 8****32. POST REPORTING PERIOD EVENTS**

The Head of Finance and Property Services, Donald Forrest CPFA, being the officer responsible for the council's financial affairs, authorised the issue of the unaudited annual accounts on 21 June 2022. Events after the balance sheet date have been considered up to 27 September 2022.

Events after the balance sheet date are those events, both favourable and unfavourable, that occur between the end of the reporting period and the date when the Annual Accounts are authorised for issue. Two types of events can be identified:

- **Adjusting events**
Those that provide evidence of conditions that existed at the end of the reporting period which the Annual Accounts are adjusted to reflect.
- **Non Adjusting Events**
Those that are indicative of conditions that arose after the reporting period and the Statements are not adjusted to reflect these events. Where a category of events would have a material effect, disclosure is made in the notes of the nature of events and their estimated financial effect.

There are no events to consider, however the council continues to monitor and assess the financial impact of Covid-19 recovery and cost of living pressures during 2022/23.

NOTES TO THE ANNUAL ACCOUNTS

STATEMENT 8

33. GRANT INCOME

The council credited the following grants, contributions and donations to the Comprehensive Income and Expenditure Statement in 2021/22.

	2021/22 £'000	2020/21 £'000
Credited to Taxation and Non-Specific Grant Income		
Capital Grants and Contributions		
- General Capital Grant	11,457	14,090
- Other Scottish Government Grant	13,610	10,057
- Developers Contributions	26,352	10,498
- Other Capital Contributions	2,475	3,216
Total Capital Grants and Contributions	53,894	37,861
Revenue Support Grant	286,439	273,566
Covid-19 Response Funding - Redetermination (note 33.1)	17,266	37,411
Distribution from Non-Domestic Rate Pool	60,063	52,042
Total Grants credited to Taxation and Non-Specific Grant Income	417,662	400,880
Credited to Services		
Ring Fenced Grants		
Criminal Justice Grant	3,006	3,061
Pupil Equity Funding	6,008	5,010
Early Learning Childcare	15,299	13,638
Gaelic	8	8
	24,321	21,717
Covid-19 Response Funding – Service (note 33.2)	2,227	5,929
Other grants		
Housing Benefits Grant	39,899	42,394
Administration of Benefits Grant	610	606
DWP Discretionary Housing Payment	2,006	602
Integration Joint Board	10,133	10,133
Education Maintenance Allowance	639	765
Schools for the Future Programme	1,912	1,907
Leader	182	393
European Grants	1,110	687
Private Sector Housing Grant	732	732
Home Energy Efficiency Programme for Scotland	930	650
Other Grants	4,405	3,819
Contribution from Local Authorities	1,067	861
Contribution from NHS	25,204	25,666
Total Grants credited to Services	115,377	116,861
Capital Grants Received in Advance		
The council has received a number of grants and contributions that have yet to be recognised as income as they have conditions attached to them that will require the monies to be returned to the developer. The balances are as follows: -		
	2021/22 £'000	2020/21 £'000
Developer Contributions	21,439	30,066

NOTES TO THE ANNUAL ACCOUNTS**STATEMENT 8****33.1 Covid-19 Response Funding – Scottish Government – Redetermination**

The grants detailed below relate to Covid-19 funding received by the council through redetermination in General Revenue Grant and are reported in Taxation and Non-specific Grant Income within the CIES.

Redetermination Grants	2021/22 £'000	2020/21 £'000
Food Fund	-	1,045
Test and Protect	-	163
Additional Education – Teachers, Digital Inclusion, Home Learning Support Fund	-	1,683
Education Recovery Funding	2,360	3,186
Teacher/support staff and Teacher Workforce	-	2,011
Estimate UKG Consequentials Lost Income Scheme	-	4,190
Additional UKG Consequentials	-	1,653
Local Authority Hardship Fund	-	1,687
Winter Plan - RRTP	-	195
Scottish Welfare Fund Top Up	-	712
Community Justice CPP Transitional Funding Extra	-	13
Council Tax Reduction Scheme Additional Support	-	760
Children and Young People's Mental Health	-	511
Business Support Grant Admin	82	313
PESF Boost	-	176
Tackling Financial Insecurity over Winter Funding	-	1,352
Flexible Fund to Support People Impacted by Protection Level Restrictions	-	1,012
Discretionary Fund	-	2,453
Associated with Covid-19	-	5,228
Free School Meals	-	988
General Covid-19 Funding	8,439	7,998
Other Covid-19 Grants (including Registrars of Death and Environmental Health Officers)	-	82
Business Support and Low Income Household	2,615	-
Low Income Pandemic Payments	2,234	-
CO2 Monitors	113	-
Financial Insecurity Flexible Funding	780	-
Local Self Isolation Assistance Service	300	-
Tenant Grant Fund	343	-
Total Grants - Redetermination	17,266	37,411

33.2 Covid-19 Response Funding – Scottish Government – Service Grants

The grants detailed below relate to Covid-19 funding received by the council through service specific Covid-19 grants from Scottish Government, which have been applied to service income in the CIES.

Service Grants	2021/22 £'000	2020/21 £'000
Free School Meals	-	699
Winter Plan for Social Protection	-	501
Teacher / Support Staff and Teacher Workforce	-	2,073
Local Authority Discretionary Funding to Support Business	-	1,056
Additional Food Funding for Vulnerable Groups	-	440
No One Left Behind	95	250
Care Experienced & Young People Fund	339	457
Additional Discretionary Housing Payment Funding	-	233
Young Persons Guarantee	1,124	46
PACE	61	120
Other Covid-19 Grants - Admin	44	54
Community Health & Wellbeing Support Framework	110	-
Criminal Justice Pandemic Recovery Work	356	-
Contact Tracing	29	-
SWF Self Isolation Grant Admin	42	-
Hospitality and Leisure Admin	27	-
Total Grants - Service	2,227	5,929

NOTES TO THE ANNUAL ACCOUNTS

STATEMENT 8

34. GENERAL FUND BALANCE

The following amounts have been earmarked within the General Fund Balance.

	Balance at 1 April 2020 £'000	Transfers Out 2020/21 £'000	Transfers In 2020/21 £'000	Balance at 1 April 2021 £'000	Transfers Out 2021/22 £'000	Transfers In 2021/22 £'000	Balance at 31 March 2022 £'000
General Fund Balance	19,869			42,519			52,827
Movement in Earmarked Reserves							
Balances held by schools under a scheme of delegation	951	-	545	1,496	-	437	1,933
Modernisation Fund	1,538	-	1,141	2,679	(715)	2,000	3,964
Government Grants	5,233	(100)	-	5,133	-	-	5,133
Time Limited Projects	1,062	(433)	-	629	(78)	37	588
Developer Contribution Fund	5,107	(2,830)	-	2,277	(792)	-	1,485
Anti-Poverty Fund Strategy (including Period Poverty)	303	-	-	303	-	-	303
Voluntary Organisations Fund	63	-	-	63	-	-	63
Committed Funds from Loans Fund Review	2,154	(4,353)	5,498	3,299	(5,030)	5,880	4,149
Lifetime Alcohol Licensing Fund	464	-	-	464	(64)	-	400
Scottish Government Funding Carry Forward	-	-	19,328	19,328	(19,328)	-	-
Council Resources Earmarked for Covid Response	-	-	2,837	2,837	(18,155)	41,277	25,959
Winter Resilience Fund	-	-	1,000	1,000	-	-	1,000
Investment for Potholes	-	-	750	750	-	-	750
Whitburn Community Centre Works	-	-	-	-	-	1,750	1,750
Additional Amount to balance 2022/23 on one-off basis	-	-	-	-	-	962	962
Homelessness Provision	-	-	-	-	-	450	450
Ashdieback	-	-	-	-	-	500	500
One-off Energy Provision for increased costs in 2022/23	-	-	-	-	-	609	609
Winchburgh High School Early Opening one-off costs	-	-	-	-	-	748	748
Total Earmarked Reserves	16,875	(7,716)	31,099	40,258	(44,162)	54,650	50,746
Uncommitted General Fund Balance	2,994			2,261			2,081

In accordance with both the School Boards Delegation and Devolved School Management schemes, a net credit balance of £1.933 million (£1.496 million 2020/21) is held within the General Fund. This sum represents the amount by which schools underspent their delegated schemes and may be used to supplement their 2022/23 budgetary provision. This sum, although held within the General Fund, must be spent on Education Services and is not available to the council for general use.

NOTES TO THE ANNUAL ACCOUNTS**STATEMENT 8****35. LEASING, PPP AND DBFM PAYMENTS****Leases**

The council uses leased cars, street sweeping vehicles, occupies certain offices financed under the terms of various operating leases and leases windows and doors in some of the council's housing stock. The amounts paid under these arrangements were as follows: -

	2021/22 £'000	2020/21 £'000
Plant and Vehicles	1,236	1,673
Property	523	536
	1,759	2,209

Assets acquired under finance leases have been capitalised.

Operating Leases

The future cash payments required under operating leases are: -

	2021/22 £'000	2020/21 £'000
2022/23 (2021/22) - Land and Buildings	552	535
- Other Operating Leases	1,101	1,127
2023/24 to 2026/27 (2022/23 to 2025/26) - Land and Buildings	1,603	1,470
- Other Operating Leases	2,188	1,503
2027/28 onwards (2026/27 onwards) - Land and Buildings	6,367	6,476
- Other Operating Leases	-	-

The cumulative value of leases in 2021/22 where the council is a lessor is £5.456 million for 738 units (£5.939 million for 738 units 2020/21).

Education Service PPP1 Schools Project

PPP1 is a 31 year Public Private Partnership contract which was awarded in August 2001 for the construction, extension and refurbishment of existing facilities, for three high schools, three primary schools and two nursery schools in Bathgate, Broxburn, Whitburn and Linlithgow. The contractor is responsible for the ongoing maintenance and operation of school facilities, which requires the ongoing procurement of construction services, plant and equipment. Contract expiry date is 7 November 2032.

The unitary charge is subject to annual RPI indexation. The PPP contractor has price risk for utilities, therefore the council may be entitled to a rebate on the unitary charge, this is reviewed bi-annually. The council is entitled to receive a share of any Refinancing Gain in accordance with a formula linked to the Equity IRR.

The council has rights to access the school facilities each school day. The contract specifies standards for the services to be delivered by the PPP contractor, with payment deductions to be made if facilities become unavailable or performance falls below the required standards. The school facilities and any plant and equipment installed in them at the end of the contract will be transferred to the council for nil consideration. Both parties have rights to terminate the contract, but compensation may be payable.

A number of minor changes to the arrangements have been made in the period, but none significant enough to change the risk profile of the project.

Education Service PPP3 Schools Project

PPP3 is a 31 year Public Private Partnership contract for the construction of new facilities, for two high schools in Livingston (Deans) and Armadale. The contractor is also responsible for the ongoing maintenance and operation of school facilities, which requires the ongoing procurement of construction services, plant and equipment. Contract expiry date is 16 August 2039.

The Unitary Charge is subject to annual RPI indexation. The parties share the benefit/cost of improving or not achieving the set utility consumption targets, so the council may be due a rebate on the unitary charge and this is reviewed annually. Whilst the council may have to meet any additional cost of insurance premiums, it may also benefit from their reduction. In addition, the council is entitled to receive a 50% share of a refinancing gain arising from a qualifying refinancing.

The council has rights to access the school facilities each week day, and each weekend. The contract specifies standards for the services to be delivered by the PPP contractor, with payment deductions to be made if facilities become unavailable or performance falls below the required standards. The school facilities and any plant and equipment installed in them at the end of the contract will be transferred to the council for nil consideration. Both parties have rights to terminate the contract, but compensation may be payable.

A number of minor changes to the arrangements have been made in the period, but none significant enough to change the risk profile of the project.

NOTES TO THE ANNUAL ACCOUNTS

STATEMENT 8

35. LEASING, PPP AND DBFM PAYMENTS (CONTINUED)**Education Service DBFM West Calder High School Project**

DBFM is a 25 year Design, Build, Finance and Maintain (DBFM) contract for the construction of a new high school in West Calder to replace the existing high school. The school was handed over to the council on 29 June 2018 and became operational on 20 August 2018. The DBFM contractor is responsible for the majority of the ongoing maintenance of the school facilities, which requires ongoing procurement of construction services, plant and equipment. The council operates the school facilities (janitorial, cleaning and security services) and is responsible for some elements of ongoing maintenance, such as grounds maintenance, kitchen equipment maintenance, replacement floor finishes and redecoration. The contract expiry date is 29 June 2043.

The Monthly Service Payment is subject to annual RPI indexation. The council has price risk on insurance premiums and both price and consumption risk for utilities. The council is entitled to receive a 30% share of any refinancing gain arising from a qualifying refinancing.

The council has rights to access the school facilities every day of the calendar year. The DBFM contract specifies standards for the services to be delivered by the DBFM contractor, payment deductions to be made if facilities become unavailable or performance falls below the required standards. The school facilities must achieve a specified standard when they are handed over to the council on the contract expiry date. Both parties have rights to terminate the contract, but compensation may be payable.

PPP and DBFM Payments

The future cash payments under two PPP schools and the DBFM school contracts are analysed as follows: -

Range	Principal £'000	Interest £'000	Lifecycle Capital Costs £'000	Operating Costs £'000	Schools for the Future Revenue Funding £'000	2021/22 Total £'000	2020/21 Total £'000
Within one year	2,581	4,240	657	9,964	(1,867)	15,575	15,380
2 to 5 years	14,576	14,763	1,719	42,118	(7,468)	65,708	64,880
6 to 10 years	23,299	13,787	1,944	60,692	(9,335)	90,387	89,251
11 to 15 years	20,136	7,337	213	46,738	(9,335)	65,089	72,128
16 to 20 years	15,948	2,582	-	25,238	(9,335)	34,433	46,281
21 to 25 years	2,707	135	-	1,105	(2,327)	1,620	2,941
Total	79,247	42,844	4,533	185,855	(39,667)	272,812	290,861

The Schools for the Future Programme, in order to ensure successful delivery of the DBFM Project at West Calder High School, has committed to provide revenue funding support for a period of 25 years commencing during 2018/19. The level of funding will total £46.677 million towards operating costs of the project.

36. RELATED PARTIES

The council is required to disclose material transactions with related parties – bodies or individuals that have the potential to control or influence the council or to be controlled or influenced by the council. Disclosure of these transactions allows readers to assess the extent to which the council might have been constrained in its ability to operate independently or might have secured the ability to limit another party's ability to bargain freely with the council. The council has chosen a de-minimus level of £0.1 million as its threshold disclosure level for individual items of income and expenditure, but considers any identified related party transactions on a case by case basis for disclosure.

Scottish Government

Scottish Government has effective control over the general operations of the council. It is responsible for providing the statutory framework within which the council operates, provides the majority of its funding in the form of grants and prescribes the terms of many of the transactions that the council has with other parties (e.g. council tax bills, housing benefits).

Grants received from Government Departments on a principal basis, where council is acting on its own behalf, are set out in note 33 on page 87, whilst grants provided on an agency basis, where the council is an intermediary for Scottish Government, are detailed in note 30 on Page 85.

Councillors

Members of the Council have direct control over the council's financial and operating policies.

The Councillors Code of Conduct requires elected members to complete a Register of Interest which contains a list of financial interests and important non-financial interests which each member is required to make public. Details of elected Members interests can be assessed from each councillor's page on the following link: [Register of Interests](#)

There are no related party transactions with members of the council.

The total of Councillors Remuneration allowances paid in 2021/22 are shown in the Remuneration Report note 2.3 on page 38.

NOTES TO THE ANNUAL ACCOUNTS**STATEMENT 8****36. RELATED PARTIES (CONTINUED)****Officers**

Officers have the responsibility to adhere to a Code of Conduct, which requires them to declare an interest in matters that may directly or indirectly influence, or be thought to influence their judgement or decisions taken during the course of their work. In terms of any relevant parties, officers with declarations of interest would opt out of taking part in any discussion or decisions relating to transactions with these parties.

During 2021/22 there were no material transactions between the council and any company in which any officer had an interest.

The total remuneration paid to senior officers is detailed in the remuneration report note 3.2 on page 40.

During the year, the council entered into a number of transactions with related parties which include Central Government, Other Local Authorities, the Joint Valuation Board and related companies. The council has interests in a number of companies over which it has significant influence or control as detailed in the Group Accounts note G2, G3, and G6 on pages 103 and 104.

	2021/22 £'000	2020/21 £'000
EXPENDITURE		
Government Payments		
PAYE and National Insurance	68,424	64,792
Superannuation – Teachers	20,670	20,062
Other Local Authority Payments		
Lothian Pension Fund - Superannuation	31,379	30,522
Other Payments	935	771
Other Related Party Payments		
Joint Valuation Board – Joint Venture	1,155	1,171
West Lothian Integration Board – Joint Venture	77,856	69,353
West Lothian Leisure Ltd. - Subsidiary	3,592	4,658
Councillors Remuneration	752	715
Criminal Justice Authority	4,422	3,564
SESTRAN / CITY DEAL (formerly SESPLAN)	149	22
Scotland Excel	125	121
	209,459	195,751
INCOME		
Other Local Authority Receipts	1,067	861
Criminal Justice Authority	3,362	3,061
West Lothian Integration Board	77,856	69,353
	82,285	73,275
BALANCE SHEET		
The amounts due (to) or from related parties are detailed below: -		
Government departments	21	33,679
Other local authorities	(2,494)	(1,146)
Related companies		
West Lothian Leisure Ltd.	1,492	1,199
	(981)	33,732

HRA – INCOME AND EXPENDITURE STATEMENT**STATEMENT 9**

PURPOSE	The HRA Income and Expenditure Statement shows the economic cost in the year of providing housing services in accordance with generally accepted accounting practices, rather than the amount to be funded from rents and government grants. Authorities charge rents to cover expenditure in accordance with regulations; this may be different from the accounting cost. The increase or decrease in the year, on the basis of which rents are raised, is shown in the Movement on the HRA Statement.		
INCOME		2021/22 £'000	2020/21 £'000
	Dwellings Rent (gross)	(54,715)	(52,830)
	Non-Dwellings Rent (gross)	(498)	(592)
	Other Income	(1,360)	(907)
	TOTAL INCOME	(56,573)	(54,329)
EXPENDITURE	Repairs and Maintenance	18,932	14,307
	Supervision and Management	8,251	8,043
	Depreciation and Revaluation of non-current assets	39,455	31,534
	Bad or Doubtful Debts	927	905
	Other Expenditure	3,653	6,958
	TOTAL EXPENDITURE	71,218	61,747
	Net Cost of HRA Services as included in the Comprehensive Income and Expenditure Statement	14,645	7,418
	HRA Services share of Corporate and Democratic Core (CDC)	100	103
	HRA Share of Employee Statutory Adjustment	(1)	19
	HRA share of Non-Distributed Costs	7	5
	Net Cost of HRA Services	14,751	7,545
	HRA share of the Operating Income and Expenditure included in the Comprehensive Income and Expenditure Statement		
	Profit on disposal of HRA assets	-	-
	Interest payable and similar charges	10,880	10,047
	Net interest on the net defined benefit liability	167	140
	Deficit for the year on HRA Services	25,798	17,732

MOVEMENT ON THE HRA STATEMENT					STATEMENT 10	
PURPOSE	This statement summarises the differences between the outturn on the HRA Income and Expenditure Account and the HRA Balance.					
MOVEMENT		Note	2021/22 £'000	2020/21 £'000		
	Balance on the HRA at the end of the previous year		(926)	(926)		
	Deficit for the year on the HRA Income and Expenditure Statement		25,798	17,732		
	Adjustments between accounting basis and funding basis under regulations	1	(25,798)	(17,732)		
	(Increase) or decrease in year on the Housing Revenue Account		-	-		
	Balance on the HRA at the end of the current year		(926)	(926)		
NOTES	1. Adjustments between accounting basis and funding basis under regulations					
	Depreciation and Revaluation		(39,455)	(31,534)		
	Share of Employee Statutory Adjustment		1	(19)		
	Amount by which pension costs calculated in accordance with IAS 19 are different from contributions due to the Lothian Pension Fund		(174)	(145)		
			(39,628)	(31,698)		
	Items not included in the HRA Income and Expenditure Account but included in the movement on HRA Balance for the year					
	Loans fund principal		2,150	1,845		
	Capital expenditure funded by HRA		11,680	12,121		
	Adjustments between accounting basis and funding basis under regulations		(25,798)	(17,732)		
	2. Housing Stock					
	The council's stock at 1 April 2021 was 14,031 houses, and at 31 March 2022 was 14,075 houses. As a result, the council was responsible for managing an average of 14,053 dwellings during 2021/22.					
	Stock movements can be summarised as follows: -					
	Stock as at 1 April		14,031	14,038		
	New Build Completions		41	34		
	Open Market Acquisitions		31	34		
	Other Additions		14	3		
	Demolitions		-	(4)		
	Stock Reclassification		-	(74)		
	Sales		(42)	-		
	Stock as at 31 March		14,075	14,031		
	Housing Stock Numbers by type are as follows: -					
	1 Bed		2,601	2,586		
	2 Bed		6,654	6,633		
	3 Bed		4,193	4,183		
	4 Bed		481	485		
	More than 4 Bed		146	144		
			14,075	14,031		
	3. Rent Arrears at 31 March		2021/22 £'000	2020/21 £'000		
	Current Tenant		3,502	2,984		
	Former Tenant		1,337	1,215		
	4. Losses on Void Properties at 31 March		2021/22 £'000	2020/21 £'000		
	Losses on void properties		469	445		
	5. Bad Debt Provision		2021/22 £'000	2020/21 £'000		
	Bad Debt Provision for housing rent arrears and former tenant's debt.		4,196	3,594		

COUNCIL TAX INCOME ACCOUNT**STATEMENT 11**

PURPOSE	This statement shows the net income raised from Council Tax levied under the Local Government Finance Act 1992.									
INCOME	Gross council tax levied and contributions in lieu <u>Less:</u> Discounts Provision for bad debts Council Tax Reduction Scheme Other deductions Adjustments for previous years' Council Tax Transfers to General Fund	2021/22 £'000							2020/21 £'000	
		102,700							101,229	
		(8,059)							(7,938)	
		(2,762)							(3,174)	
		(10,317)							(11,023)	
		(2,940)							(2,848)	
		(24,078)							(24,983)	
78,622							76,246			
1,432							380			
80,054							76,626			

NOTES	1.	Calculation of the Council Tax base 2021/22									
		PROPERTY BANDS									
		A	B	C	D	E	F	G	H	Total	
		Properties	17,715	25,072	10,436	9,005	10,344	6,933	3,026	206	82,737
		Exemptions	(857)	(767)	(240)	(127)	(81)	(47)	(19)	(15)	(2,153)
		Disabled Relief	174	(84)	(6)	32	(30)	(45)	(39)	(2)	-
		Discounts (25%)	(2,538)	(2,587)	(1,083)	(660)	(502)	(216)	(69)	(3)	(7,658)
		Discounts (50%)	(44)	(52)	(27)	(15)	(13)	(6)	(3)	(1)	(161)
		Empty Homes Premium	113	87	31	25	19	9	3	2	289
		Council Tax Reduction Scheme	(4,284)	(3,901)	(1,136)	(480)	(262)	(77)	(23)	-	(10,163)
		Effective Properties	10,278	17,768	7,975	7,780	9,475	6,551	2,876	187	62,889
		Ratio to Band D	6/9	7/9	8/9	1	473/360	39/24	47/24	49/20	
		Band D Equivalents	6,849	13,820	7,089	7,780	12,448	10,645	5,631	457	64,719
		Contributions in lieu									-
		Level of non-payment provided for									1,618
		COUNCIL TAX BASE									63,101
		2.	The level of council tax depends upon the value of the property. Certain prescribed dwellings are exempt and discounts are given to eligible taxpayers i.e. single occupants. A Council Tax Scheme Reduction is available to taxpayers on a low income. Other deductions include Disabled Relief.								
A bad debt provision for 2021/22 of 3% (3.5% 2020/21) of the net income from council tax has been provided, this represents a collection level of 97% (96.5% 2020/21).											
3.	The council tax charge for each band is as follows: -										
	Band	2021/22 Council Tax £				2020/21 Council Tax £					
	A	850.95				850.95					
	B	992.77				992.77					
	C	1,134.60				1,134.60					
	D	1,276.42				1,276.42					
	E	1,677.07				1,677.07					
	F	2,074.18				2,074.18					
	G	2,499.66				2,499.66					
	H	3,127.23				3,127.23					

NON-DOMESTIC RATE INCOME ACCOUNT**STATEMENT 12**

PURPOSE	This account shows the income from the rate levied on non-domestic property under the Local Government (Scotland) Act 1975 as amended by the Local Government Finance Act 1992.		
INCOME		2021/22 £'000	2020/21 £'000
	Gross rates levied and contributions in lieu	95,984	99,817
	<u>Less</u>		
	Reliefs and other deductions	(33,338)	(44,662)
	Payment of interest	(17)	-
	Provisions for bad and doubtful debts	241	(2,589)
		(33,114)	(47,251)
	Net non-domestic rate income	62,870	52,566
	Allocated:		
	National non-domestic rate pool	63,031	52,732
NOTES	1.	The amount distributed to West Lothian Council from the national non-domestic rate income pool in 2021/22 was £60.063 million (£52.042 million 2020/21).	
	2.	Occupiers of non-domestic property pay rates based on the valuation of the property within the valuation roll for Lothian area. The National non-domestic rate poundage is determined by the Scottish Government and was 49.0p per £ in 2021/22 (49.8p in 2020/21). The rate was 50.3p (51.1p in 2020/21) for properties with a rateable value between £51,000 and £95,000 and 51.6p for properties with a rateable value above £95,000. Properties with a rateable value of £18,000 or less are subject to a reduced charge if they meet the qualifying criteria under the small business bonus scheme.	
	3.	Rateable values at 1 April 2021	
		Number	Rateable Value £'000
	Shops, Offices and other Commercial Subjects	3,125	74,597
	Industrial Subjects	1,799	76,286
	Miscellaneous (Schools etc.)	1,757	51,292
	Total	6,681	202,175

TRUSTS AND MORTIFICATIONS**STATEMENT 13**

PURPOSE	The council acts as sole trustee for 40 Trusts and Mortifications. The funds do not represent the assets of the council and therefore they have not been included in the Balance Sheet.		
	The figures below summarise the Income and Expenditure arising during the year and the aggregate Assets and Liabilities of the Trusts at the year end.		
EXPENDITURE INCOME SURPLUS / (DEFICIT)	INCOME AND EXPENDITURE STATEMENT	2021/22 £'000	2020/21 £'000
	Beneficiaries	(6)	(6)
	Loans Fund and Dividend Interest	4	4
	For Year	(2)	(2)
	At 1 April	385	387
	At 31 March	383	385
	BALANCE SHEET		
	Current Assets		
	Investments	47	47
	Revenue Advances to Loans Fund	336	339
		383	386
	Current Liabilities	-	-
	TOTAL ASSETS	383	386
	Reserves		
	Capital Fund	165	165
	Revenue Fund	218	221
	TOTAL RESERVES	383	386
NOTES	1.	In order to preserve the capital value of Trust Funds, it is council policy to disburse only revenue income arising from them. This is done one year in arrears i.e. revenue income received during 2021/22 is disbursed in 2022/23.	
	2.	The main fund balances where the council is sole trustee at 31 March 2022 are: -	
		Capital £'000	Revenue £'000
	Irene Elizabeth Miller Trust	60	6
	West Lothian Trust for the Benefit of People with Disabilities	41	16
	Quarter Farm Trust	17	40
	James Wood Bequest	14	55
	Robert Turner of Armadale Trust	11	19
	3.	The council also administered five other trusts in 2021/22, which have external and council trustees. At 31 March 2022 the total assets of these trusts, valued at cost, was £0.216 million (£0.216 million at 31 March 2021).	

COMMON GOOD ACCOUNT**STATEMENT 14****PURPOSE**

The Common Good Fund was inherited from West Lothian District Council and the former Linlithgow Town Council at the respective reorganisations of local government in 1996 and 1975 and is administered by the Council. Income from the Fund may be applied for the benefit of inhabitants of Linlithgow.

The figures below summarise the Income and Expenditure arising during the year and the Assets and Liabilities of the Fund at the year end.

INCOME AND EXPENDITURE STATEMENT**2021/22**
£'000**2020/21**
£'000**Expenditure**

Donations

-

-

Income

Interest

-

-

Surplus / (Deficit)

-

-

At 1 April

14

14

At 31 March

14

14

BALANCE SHEET**Non-Current Assets**

Heritable Property

1

1

Furnishings

4

4

5

5

Current Assets

Revenue Advances to Loans Fund

18

18

23

23

TOTAL ASSETS

FINANCED BY:

Reserves

Revenue Balance

14

14

Capital Reserve

9

9

23

23

TOTAL LOANS AND RESERVES

NOTES

1. Fixed Assets represent book values taken over from former councils as recorded in their Annual Accounts. They consist of: -

Furnishings

£'000

4

Heritable Property

1

5

2. LASAAC has issued guidance on the application of accounting requirements to Common Good assets. The council has not taken any action due to the insignificant amount involved (£5,000) and have not included this amount in their asset register.

3. Interest received in 2021/22 amounted to £35 (£93 2020/21).

COMPREHENSIVE INCOME AND EXPENDITURE STATEMENT - GROUP

STATEMENT 15

PURPOSE

The Comprehensive Income and Expenditure Statement shows the accounting cost in the year of providing services in accordance with generally accepted accounting practices, rather than the amount to be funded from taxation (or rents). Authorities raise taxation (and rents) to cover expenditure in accordance with statutory requirements; this may be different from the accounting cost. The taxation position is shown in both the Expenditure and Funding Analysis and the Movement in Reserves Statement.

GROUP COMPREHENSIVE INCOME AND EXPENDITURE STATEMENT FOR THE YEAR ENDED 31 MARCH 2022

	Group Note	2021/22			2020/21		
		Gross Expend £'000	Gross Income £'000	Net Expend £'000	Gross Expend £'000	Gross Income £'000	Net Expend £'000
Schools, Education Support		268,569	27,379	241,190	275,759	27,132	248,627
Planning, Economic Development and Regeneration		15,626	5,703	9,923	14,375	5,945	8,430
Operational Services		91,189	7,632	83,557	82,686	6,143	76,543
Housing, Customer and Building Services		28,488	7,664	20,824	20,927	6,519	14,408
Corporate Services		2,014	562	1,452	1,898	507	1,391
Social Policy – IJB, Adult and Elderly Services		190,387	112,531	77,856	173,173	103,820	69,353
Social Policy – non-IJB, Children's Services		46,922	5,325	41,597	43,743	5,126	38,617
Chief Executive, Finance and Property		58,754	7,936	50,818	50,765	7,353	43,412
Joint Boards		1,304	-	1,304	1,193	-	1,193
Other Services		45,376	44,827	549	50,261	47,324	2,937
West Lothian Leisure Ltd.		11,466	7,534	3,932	9,124	6,207	2,917
Net Cost of General Fund Services		760,095	227,093	533,002	723,904	216,076	507,828
Housing Revenue Account		71,218	56,573	14,645	61,747	54,329	7,418
Net Cost of Services		831,313	283,666	547,647	785,651	270,405	515,246
Other Operating Expenditure		(603)	-	(603)	(1,272)	-	(1,272)
Financing and Investment Income and Expenditure		61,074	29,056	32,018	61,395	29,936	31,459
Share of corporation tax of Joint Venture		-	-	-	-	-	-
Taxation and Non-Specific Grant Income		-	497,716	(497,716)	-	477,506	(477,506)
Deficit on Provision of Services		891,784	810,438	81,346	845,774	777,847	67,927
Share of Operating Results of Associates and Joint Ventures		153,858	164,141	(10,283)	144,820	149,348	(4,528)
Deficit on Group		1,045,642	974,579	71,063	990,594	927,195	63,399
Items that will not be reclassified to the Deficit on the Provision of Services							
Surplus on revaluation of property, plant and equipment				(39,579)			(394,340)
Remeasurements of the net defined benefit liability / (asset)				(218,813)			67,750
(Gains) / Losses on Investments in Associates and Joint Ventures				(2,055)			218
Items that may be reclassified to the Deficit on the Provision of Services				(260,447)			(326,372)
(Surplus) / Deficit from investments in equity instruments designated at fair value through other comprehensive income				(20)			79
Other Comprehensive Income and Expenditure				(260,467)			(326,293)
Total Comprehensive Income and Expenditure				(189,404)			(262,894)

MOVEMENT IN RESERVES STATEMENT - GROUP**STATEMENT 16****PURPOSE**

The Movement in Reserves Statement shows the movement from the start of the year to the end on the different reserves held by the council analysed into 'usable reserves' (i.e. those that can be applied to fund expenditure or reduce local taxation) and other 'unusable' reserves. The Statement shows how the movements in year of the council's reserves are broken down between gains and losses incurred in accordance with generally accepted accounting practices and the statutory adjustments required to return to the amounts chargeable to council tax (or rents) for the year. The Net Increase/Decrease line shows the Statutory General Fund Balance and Housing Revenue Account Balance Movements in year following those adjustments.

**MOVEMENT IN RESERVES STATEMENT - GROUP
AS AT 31 MARCH 2022**

	Group Note	Single Entity Usable Reserves (Note 1) £'000	Single Entity Unusable Reserves (Note 1) £'000	Group Reserves (Notes 2 & 3) £'000	Total Group Reserves £'000
Balance at 1 April 2020		88,029	657,256	(6,395)	738,890
Movement in Reserves during 2020/21					
Total comprehensive income and expenditure		(67,440)	330,393	(59)	262,894
Adjustments between accounting basis and funding basis under regulations		76,032	(76,032)	-	-
Net increase (decrease) before transfers to other statutory funds		8,592	254,361	(59)	262,894
Transfers to or from other statutory funds		-	-	-	-
Increase (decrease) in year		8,592	254,361	(59)	262,894
Balance at 31 March 2021	G3	96,621	911,617	(6,454)	1,001,784
Movement in Reserves during 2021/22					
Total comprehensive income and expenditure		(81,166)	252,244	18,326	189,404
Adjustments between accounting basis and funding basis under regulations		84,245	(84,245)	-	-
Net increase (decrease) before transfers to other statutory funds		3,079	167,999	18,326	189,404
Transfers to or from other statutory funds		-	-	-	-
Increase (decrease) in year		3,079	167,999	18,326	189,404
Balance at 31 March 2022	G3	99,700	1,079,616	11,872	1,191,188

1. Statement 5 and notes 12 and 13 to the Annual Accounts provide details of the Single Entity Reserves.
2. Note G3 to the Group Accounts provides details of the Combining Entities Reserves.

BALANCE SHEET - GROUP**STATEMENT 17****PURPOSE**

The Balance Sheet shows the value as at the Balance Sheet date of the assets and liabilities recognised by the council. The net assets of the council (assets less liabilities) are matched by the reserves held by the council. Reserves are reported in two categories. The first category of reserves is usable reserves, i.e. those reserves that the council may use to provide services, subject to the need to maintain a prudent level of reserves and any statutory limitations on their use (for example the Capital Fund that may only be used to fund capital expenditure or repay debt). The second category of reserves is those that the council is not able to use to provide services. This category of reserves includes reserves that hold unrealised gains and losses (for example the Revaluation Reserve), where amounts would only become available to provide services if the assets are sold; and reserves that are adjustment accounts that hold timing differences shown in the Movement in Reserves Statement line 'Adjustments between accounting basis and funding basis under regulations'.

	Group Note	As at 31 March 2022 £'000	As at 31 March 2021 £'000
LONG TERM ASSETS			
Property, Plant and Equipment			
- Council Dwelling		464,291	473,070
- Other Land and Buildings		1,168,207	1,166,446
- Vehicles, Plant, Furniture and Equipment		13,504	12,027
- Infrastructure Assets		245,630	240,321
- Community Assets		501	501
- Assets under construction		88,006	39,799
- Surplus Assets, not yet held for disposal		23,134	22,856
- Intangible Assets		3,569	1,746
Heritage Assets		2,006,842	1,956,766
Long Term Investments		861	779
		508	491
TOTAL LONG TERM ASSETS		2,008,211	1,958,036
CURRENT ASSETS			
Short Term Investments		42,579	15,083
Inventories		1,656	1,741
Short Term Debtors		53,213	77,114
Cash and Cash Equivalents		51,409	73,129
TOTAL CURRENT ASSETS		148,857	167,067
CURRENT LIABILITIES			
Short Term Borrowing		(69,225)	(79,196)
Short Term Creditors		(96,445)	(86,637)
Provisions		(374)	(573)
Capital Grants Receipts in Advance		(21,439)	(30,066)
TOTAL CURRENT LIABILITIES		(187,483)	(196,472)
NET CURRENT ASSETS (LIABILITIES)		(38,626)	(29,405)
TOTAL ASSETS LESS CURRENT LIABILITIES		1,969,585	1,928,631
LONG TERM LIABILITIES			
Long Term Creditors		(240)	(316)
Long Term Borrowing		(568,668)	(528,716)
Defined Benefit Scheme Liability		(148,437)	(321,884)
Other Long Term Liabilities		(76,666)	(79,238)
Share of Net Liabilities of Associates and Joint Venture		15,614	3,307
TOTAL LONG TERM LIABILITIES		(778,397)	(926,847)
TOTAL NET ASSETS		1,191,188	1,001,784
Financed by:			
USABLE RESERVES			
General Funds Balance		69,159	47,681
Housing Revenue Fund Balance		926	926
Capital Fund		38,640	45,580
Insurance Fund		7,307	7,596
TOTAL USABLE RESERVES		116,032	101,783
UNUSABLE RESERVES		1,075,156	900,001
TOTAL RESERVES		1,191,188	1,001,784

The unaudited accounts were considered by the Audit Committee on 21 June 2022 and the audited accounts were authorised for issue on 27 September 2022.

DONALD FORREST CPFA, Head of Finance and Property Services

27 September 2022

CASH FLOW STATEMENT - GROUP**STATEMENT 18****PURPOSE**

The Cash Flow Statement shows the changes in cash and cash equivalents of the council during the reporting period. The statement shows how the council generates and uses cash and cash equivalents by classifying cash flows as operating, investing and financing activities. The amount of net cash flows arising from operating activities is a key indicator of the extent to which the operations of the council are funded by way of taxation and grant income or from the recipients of services provided by the council. Investing activities represent the extent to which cash outflows have been made for resources which are intended to contribute to the council's future service delivery. Cash flows arising from financing activities are useful in predicting claims on future cash flows by providers of capital (i.e. borrowing) to the council.

	Group Note	2021/22 £'000	2020/21 £'000
Net deficit on the provision of services of Group		(71,063)	(63,399)
Adjustments to deficit on the provision of services for non-cash movements		185,254	138,872
Net cash flows from Operating Activities		114,191	75,473
Net cash flows from Investing Activities		(163,449)	(2,818)
Net cash flows from Financing Activities		27,538	(19,208)
Net (decrease) / increase in cash and cash equivalents		(21,720)	53,447
Cash and cash equivalents at the beginning of the reporting period		73,129	19,682
Cash and cash equivalents at the end of the reporting period		51,409	73,129

NOTES TO THE GROUP ACCOUNTS**STATEMENT 19****G1. ACCOUNTING POLICIES**

The group accounting policies are those specified for the single entity financial statements as detailed in Statement 8 note 1. The accounting policies of all group members are materially the same as those of the single entity.

G2. WEST Lothian INTEGRATION JOINT BOARD

The West Lothian Integration Joint Board (IJB) was established as a body corporate by order of Scottish Ministers on 21 September 2015, and is a separate and distinct legal entity from West Lothian Council and NHS Lothian. The arrangements for the IJB's operation, remit and governance are set out in the integration scheme which was approved by West Lothian Council, NHS Lothian and the Scottish Government.

The IJB's purpose is to set the strategic direction for the delegated functions through the development of a Strategic Plan. Relevant functions and resources from the council and NHS Lothian were delegated to the West Lothian IJB from 1 April 2016 to enable it to plan the delivery of functions and deliver on strategic outcomes. The IJB gives directions to the council and NHS Lothian as to the functions to be delivered and the resources available to deliver the functions.

The IJB meets on a six weekly basis and is made up of eight voting members, comprising four elected members appointed by West Lothian Council and four NHS Lothian non-executive directors appointed by NHS Lothian. The IJB Audit Risk and Governance Committee and Strategic Planning Group have been set up to support integrated policy and strategic development and to ensure IJB business adheres to the principles of good corporate governance.

The IJB is defined as a joint venture. The net expenditure of the council's contribution to the IJB for 2021/22 is £77.856 million (2020/21 £69.353 million). It should be noted that this expenditure does not include support services such as Human Resources, Legal and Financial Services which are not delegated to the IJB and are provided free of charge to the IJB. The IJB does not employ staff directly delivering services and does not hold cash resources or operate a bank account. The IJB accounts for 2021/22 show the Balance Sheet with assets and reserves of the IJB of £30.08 million.

G3. COMBINING ENTITIES

The council has a number of non-consolidation interests in other entities, full details of which are shown on pages 104 and 105.

West Lothian Leisure Ltd. (WLL) is a company limited by guarantee, it was assessed that the council exerted significant influence and control and as such, West Lothian Leisure is treated as a subsidiary of the council for financial reporting, details as follows:

- The Chief Executive of WLL is T P J Dent.
- Details of the remuneration of the Chief Executive of WLL is included in section 3.2 of the Remuneration Report on page 40.
- There were no Councillors of West Lothian Council remunerated by the body in 2021/22.
- There were no employees of WLL whose remuneration was £150,000 or more.

The council has not paid any consideration for its interests in West Lothian Leisure Ltd. and therefore no goodwill is involved in the acquisition. All intra-group transactions have been eliminated from the Group Accounts as part of the consolidation process. The subsidiary has been consolidated on a line by line basis.

Lothian Valuation Joint Board is deemed to be an associate.

The council has joint control and right to net assets in West Lothian Integration Joint Board which is defined to be a joint venture.

The following shares of the accounts of these bodies have been included within the Group Accounts.

	2021/22	2020/21
Associates		
Valuation Joint Board - basis - WLC funding to total funding	18.86%	18.86%
Joint Venture		
West Lothian Integration Joint Board - basis - WLC representation on board	50%	50%

The summarised Financial Information of the associate, subsidiary and joint ventures are detailed below:

Council share of Associate, Subsidiary and Joint Ventures		Valuation Joint Board £'000	West Lothian Leisure Ltd £'000	Integration Joint Board £'000	Total £'000
Total Assets	2021/22 2020/21	437 439	1,881 1,431	15,040 4,654	17,358 6,524
Total Liabilities and shareholders' equity	2021/22 2020/21	137 (1,786)	(5,623) (11,192)	- -	(5,486) (12,978)
Net Assets / (Liabilities)	2021/22 2020/21	574 (1,347)	(3,742) (9,761)	15,040 4,654	11,872 (6,454)
Included in Surplus / (Deficit) in Group	2021/22 2020/21	(134) (122)	(149) (459)	10,386 4,622	10,103 4,041

NOTES TO THE GROUP ACCOUNTS**STATEMENT 19****G3. COMBINING ENTITIES (CONTINUED)**

The summarised reserves of the associate, subsidiary and joint ventures are detailed below:

Council share of Associate, Subsidiary and Joint Ventures		Valuation Joint Board £'000	West Lothian Leisure Ltd £'000	Integration Joint Board £'000	Total £'000
General Fund Balance	2021/22	274	1,018	15,040	16,332
	2020/21	148	360	4,654	5,162
Capital Fund	2021/22	-	-	-	-
	2020/21	-	-	-	-
Capital Grants Unapplied A/C	2021/22	-	-	-	-
	2020/21	-	-	-	-
Capital Receipts Reserve	2021/22	-	-	-	-
	2020/21	-	-	-	-
Total Usable Reserves	2021/22	274	1,018	15,040	16,332
	2020/21	148	360	4,654	5,162
Unusable Reserves	2021/22	300	(4,760)	-	(4,460)
	2020/21	(1,495)	(10,121)	-	(11,616)
Total Reserves	2021/22	574	(3,742)	15,040	11,872
	2020/21	(1,347)	(9,761)	4,654	(6,454)

The accounting year for the Valuation Joint Board, West Lothian Leisure Ltd. and the West Lothian Integration Joint Board ends 31 March 2022. The associate and joint ventures have been accounted for using the equity method.

The Trusts, Mortifications and the Common Good Fund, which the council manage, have not been included in the Group Accounts on the grounds of materiality. Full details of these accounts can be found in Statements 13 and 14 on pages 97 and 98.

G4. FINANCIAL IMPACT OF CONSOLIDATION

The effect of inclusion of the associate, subsidiary and joint ventures on the Group Balance Sheet as at 31 March 2022 is to increase the net assets by £11.872 million (reduction of £6.454 million as at 31 March 2021) representing the council's share of net assets of these organisations. The net liabilities are attributable to the Lothian Valuation Joint Board which has pension assets under IAS 19 of £0.266 million (£1.533 million liabilities 2020/21) and West Lothian Leisure Ltd. with pension liabilities of £4.760 million (£10.121 million 2020/21).

Further information regarding these deficits can be found in the annual report and accounts of the relevant bodies.

G5. GROUP COMPREHENSIVE INCOME AND EXPENDITURE ACCOUNT

The 2021/22 (2020/21) share of Associates pension interest cost and expected return on pension assets is £0.032 million (£0.028 million). These figures are not included in the Group Comprehensive Income and Expenditure Account as they are part of the IAS 19 pension entries which are reversed out in arriving at the share of operating results of associates for the year.

G6. NON-CONSOLIDATION INTEREST IN OTHER ENTITIES

The council has a relationship with the following companies which have been set up for specific purposes. The following companies are not consolidated into the Group Accounts as it is not considered that the council is able to exert a significant influence over any of the entities and participation is deemed to be immaterial.

Accounts of the companies may be obtained on application to the Head of Finance and Property Services.

6.1 WL Ventures Group Limited

The company is limited by guarantee and was set up to promote industry and commerce within West Lothian. The council has a right to nominate six members and directors.

The unaudited (audited) accounts for the period ended 31 March 2022 (2021) show a profit (loss) before and after tax of £7,250 (£1,240) with net assets of £645,094 (£637,844).

6.2 West Lothian Enterprise Limited

The company is limited by guarantee. The principal activity is the management of funds designed for investments in industrial and commercial businesses with a view to promoting economic development. The company commenced in 2012/13. The company was wound up in September 2020 and all assets transferred to WL Ventures Group.

6.3 The West of Scotland Archaeology Service

This body was set up in 1997 as a Joint Committee of local authorities in the area. It is currently funded by 10 local authorities and Historic Scotland for Specific Projects. Its primary purpose is to provide planning related archaeological advice to its members, permitting them to discharge their duties in respect of Scottish Executive planning guidance for the treatment of archaeological remains in the planning process. During the year, the council made a contribution of £12,691 (£12,691 2020/21) representing 7.21% (7.12% 2020/21) of the Committee's estimated running costs for the year to 31 March.

6.4 South East of Scotland Transport Partnership (SESTRAN)

The council is a member of SESTRAN, one of seven statutory regional transport partnerships set up under the Transport (Scotland) Act 2005. SESTRAN has a membership of 8 local authorities and they have a statutory duty to produce a Regional Transport Strategy Plan and provide the council with capital grant for West Lothian projects within the plan. During the year, the council made a contribution of £21,674 (£21,674 2020/21) and had a voting share of 12.5%.

NOTES TO THE GROUP ACCOUNTS**STATEMENT 19****G6. NON-CONSOLIDATION INTEREST IN OTHER ENTITIES (CONTINUED)****6.5 Strategic Development Planning Authority for Edinburgh and South East Scotland (SESplan)**

The council is a member of SESplan. SESplan is composed of 6 local authorities that have a statutory duty under Section 4 of the Planning (Scotland) Act 2006 to work together to prepare, and keep under review, a Strategic Development Plan (SDP) for the South East of Scotland. During 2021/22 and 2020/21 no contributions were made to SESplan by its members. The council has a voting share of 17%.

The Planning (Scotland) Act 2019 removes the need for the preparation of Strategic Development Plans. Strategic planning matters will be set out in the National Planning Framework 4 (NPF4) which is currently being prepared by Scottish Government. SESplan remains a legal entity until NPF4 comes into force and the provisions of the Planning etc (Scotland) Act 2006, insofar as they relate to strategic development planning, remain in force. As there is no longer any decision making function for the SESplan Joint Committee to perform regional spatial planning responsibilities have transferred from the SESplan Joint Committee to the City Region Deal Elected Member Oversight Committee.

6.6 Scotland Excel

Scotland Excel was launched in April 2008 to establish a centre of procurement expertise for the local government sector in Scotland. Its remit is to work collaboratively with the 32 local authority members and external suppliers to raise procurement standards, secure best value for customers and to improve the efficiency and effectiveness of public sector procurement in Scotland. During 2021/22, the council made a contribution of £124,643 (£120,752 2020/21), 3.3% (3.3% 2020/21) of Scotland Excel's funding.

6.7 Seemis Group LLP

Seemis Group is the software provider of the standard management Information system within Scottish Education and works closely with its members and the strategic bodies responsible for education direction in Scotland. West Lothian's student data is processed and managed by Seemis software. Seemis supports local authorities and their associated schools in delivering their statutory and discretionary responsibilities. During 2021/22, the council contributed £190,924 (£183,416 2020/21), 3.9% (3.9% 2020/21) of Seemis Group LLP's funding.

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WEST LOTHIAN COUNCIL

ELECTED MEMBER APPOINTMENTS, STANDING ORDERS AND MEETING DATES

REPORT BY GOVERNANCE MANAGER

A. PURPOSE OF REPORT

To address issues outstanding in relation to councillor and other appointments, the Scheme of Administration, and Audit Committee meeting dates.

B. RECOMMENDATIONS

1. In relation to the Placing in Schools (Appeals) Committee:-
 - (a) To appoint Andrew Walker as a parent member
 - (b) To delegate authority to the Chief Solicitor to make non-councillor appointments to the committee as and when required
2. In relation to Education Executive:-
 - (a) To note that an appointment is required to Education Executive of the as the representative of the West Lothian Forum of Parent Councils, the identity of whom is not yet known
 - (b) To delegate authority to the Depute Chief Executive (Education, Planning, Economic Development and Regeneration) to in future appoint mid-term replacements of any of the six appointed members of that committee in accordance with the method of their selection
3. To appoint one elected member to the Area Support Team of the Scottish Children's Reporter Administration
4. To remove the requirement in the Scheme of Administration for auxiliary or reserve members of Development Management Committee and the Local Review Body and to add a reference to the potential for applications instead to be referred *in extremis* to full council
5. To consider the vacancies existing on the bodies in the Scheme of Administration (Appendix 1) and determine what action should be taken, if any, noting that changes may result to the Scheme
6. To consider the vacancies in appointments to outside bodies (Appendix 2) and determine what action should be taken, if any, noting that Councillor Pattle has declined her appointment as ward member to the board of ONE Linlithgow Ltd

7. To change the dates for Audit Committee meetings until June 2023 (Appendix 3)

C. SUMMARY OF IMPLICATIONS

I	Council Values	Being honest, open and accountable
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Local Government (Scotland) Act 1973; Standing Orders for the Regulation of Meetings; Scheme of Administration; Scheme of Delegations to Officers
III	Implications for Scheme of Delegations to Officers	The Scheme will be updated in accordance with recommendations 1, 2 and 3
IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	N/a
VI	Resources - (Financial, Staffing and Property)	Within existing resources
VII	Consideration at PDSP	None
VIII	Other consultations	Elected members; Legal Services; Planning Services; Committee Services

D. TERMS OF REPORT

1 Background

- 1.1 At post-election meetings in May and June 2022 council made appointments to internal and external bodies. Some of those were made to specific members and others were assigned to political groups, with group leaders to select their members for those positions. Not all of those appointments have been taken up. There is a small number of additional appointments to be considered. Those were either not raised with the council or were missed when appointments were made in May and June. At its post-election meetings council, on officers' advice, did not appoint members to the auxiliary or reserve membership of Development Management Committee. It instructed officers to return with recommendations as to whether or not those appointments could be dispensed with.
- 1.2 Members should be aware that some proposals or nominations may go against decisions made at those meetings in May and June. An example would be seeking to appoint a different mix of political parties on a committee or PDSP. Motions and amendments will have to be considered by the Provost in terms of Standing Order 28 which prevents decisions being changed within 6 months unless the chair of the meeting rules that there has in the meantime been a material change of circumstances.

- 1.3 Appointments made are subject to statutory requirements for PVG checks and the requirements for training set out in the Scheme of Administration. Outside bodies may have their own codes of conduct with which members appointed will have to comply.
- 1.4 Vacancies arising as a result of the sad passing of Councillor Ann Davidson have not been included.

2 Placing in Schools (Appeals) Committee

- 2.1 Since appointments were made to this statutory appeals committee in May and June an additional parent member, Andrew Walker, has been recruited and trained. A formal appointment is required to allow him to sit on the committee.
- 2.2 Appointments to this committee presently have to be made by full council or a committee with appropriate powers. In future, to avoid delays between recruitment and formal appointment, it is recommended that authority is delegated to the Chief Solicitor to make non-councillor appointments to this committee. Councillor appointments will still be made by full council or Council Executive.

3 Education Executive

- 3.1 The representative on this committee of the West Lothian Forum of Parent Councils has resigned. The Forum is entitled to nominate a person of their own choice. The appointment then has to be made formally to allow the person nominated to take part. They will automatically be able to participate at Education PDSP as well. The Forum's nominee has not yet been identified but may be by the time this meeting takes place. If so then council will be asked to make the appointment.
- 3.2 Non-councillor appointments to this committee presently have to be made by full council. Two of the three religious representatives are appointed on the basis of nomination by the Church of Scotland and the Roman Catholic Church in Scotland. The third religious representative is appointed through an electoral college. The two teacher representatives are appointed through elections amongst teaching staff. The Parent Forum representative is appointed on the basis of the Forum's nomination.
- 3.3 There can be a delay between an appointed member being identified and being appointed. To ensure mid-term re-appointments are made as speedily as possible it is recommended that authority is delegated to the Depute Chief Executive to make any mid-term appointments required. Councillor appointments will still be made by full council. Appointment and re-appointment of the non-councillor members would still be made at the start of each administrative term by full council.

4 Area Support Team of the Scottish Children's Reporter Administration

- 4.1 The Scottish Children's Reporter Administration (SCRA) runs the children's panel/hearings system across the whole of Scotland. This council is in a local Area Support Team with Clackmannanshire Council, Falkirk Council and Stirling Council. It was formerly known as the Children's Panel Advisory Committee.
- 4.2 One elected member is required to represent the council's interests. The appointment was missed from the lists of outside body appointments considered by council in May and June.

5 Development Management Committee and Local Review Body

- 5.1 Since November 2018 the Scheme of Administration has required the appointment of auxiliary or reserve members of these two committees. The change was made to provide a pool of members who could be called upon if for any reason there was a risk of a quorum of members not being present for any item of business. That eventuality has never arisen. Council agreed in May to defer appointments to those auxiliary places pending further advice from officers.
- 5.2 There has been no need to call on the reserve pool of members for either body since November 2018. The revised Code of Conduct and guidance (December 2021) emphasises the issue of approaching all regulatory cases with an open mind. Involvement in a prior similar or identical application need not preclude further involvement. On balance, the advice is that the requirement may be removed. If any such difficulty were to arise then the application could be referred to full council for determination. Almost all members have been trained and are able to sit on the Planning Committee and so would be able to determine any such unusual application. The Scheme of Administration will be amended accordingly.

6 Scheme of Administration vacancies

- 6.1 In May and June council determined membership of the bodies in the Scheme of Administration. For many of those, political groups were to notify the Chief Executive of their chosen members. There remain some vacancies, listed in Appendix 1. The Elected Member Equality & Diversity Working Group has been included in that list for convenience. Council is asked to consider whether any steps should be taken to resolve those gaps in membership. Group leaders have been asked if they wish to fill the places remaining for them. They may choose to do so after this report is published or at today's meeting.
- 6.2 Officers who support Development Management Committee, Education Executive and Licensing Committee consider that they can function without their full complements. There would though be an increase in the commitment required of the current members and a marginal increase in the risk of a meeting not being quorate. The Senior Officer Appointments Committee has five members. The committee cannot be quorate and so cannot meet. There is presently one vacant Head of Service post.
- 6.3 The options for council to consider are to leave the membership arrangements as they are for the vacancies to be filled by the relevant political group at a future date; to remove the vacancies by reducing the number of members on them; to change the political composition of their memberships and appoint different members. There may be resulting changes to the Scheme of Administration.

7 Outside body vacancies

- 7.1 In May and June council made appointments or nominated members to outside bodies. For some of those, political groups were to notify the Chief Executive of their chosen members. There remain some vacancies, listed in Appendix 2. Council is asked to consider whether any steps should be taken to resolve those gaps in membership. Group leaders have been asked if they wish to fill the places remaining for them. They may choose to do so after this report is published or at today's meeting. Councillor Pattle has declined her position, as a ward member, as a director ONE Linlithgow Ltd.

- 7.2 Of the bodies listed in Appendix 2, the most significant gaps are in relation to the Head Teacher Appointment Panel, the Placing in Schools (Appeals) Committee, the Community Planning Partnership Board and the Board of Directors of West Lothian Leisure Ltd. Those, and the other bodies on the list, will be able to continue to function, albeit with reduced council representation and involvement and an increase in the commitment required of members who are already appointed.
- 7.3 In relation to the West Lothian Trust for the Benefit of People with Disabilities, council is asked to confirm the members appointed following the changes to PDSP remits and Executive Councillor appointments in June. Its membership is driven by the terms of the trust deed. If the members identified in Appendix 2 do not wish to accept their place then replacements should not be appointed to avoid conflict with the trust deed. The trustees may wish to consider alternative arrangements for themselves.
- 7.4 The options for council to consider are to leave the membership arrangements as they are for the vacancies to be filled by the relevant political group at a future date; to remove the vacancies by reducing the number of members on them; to change the political composition of their memberships and appoint different members. There may be resulting changes to the Scheme of Administration.

8 Audit Committee

- 8.1 Dates for Audit Committee meetings were fixed at Council Executive on 22 March 2022. On 24 May 2022 council decided to retain and adopt the calendar of meetings previously agreed. After that decision was taken the Chair of Audit Committee was appointed. The scheduled dates are no longer suitable and she has asked that they be changed.
- 8.2 Chairs have the power to postpone meetings to later dates without reference to council or committee. One of the altered dates is however an earlier date than the one scheduled. In the circumstances, for ease of reference and to give as much notice as possible, council is asked to agree the changes set out in Appendix 3.

9 Voting procedure

- 9.1 The chair of a council meeting has no casting vote in decisions about appointment of members. Tied votes are resolved by lot. The method used to make a decision by lot is determined by the Clerk (Chief Executive). The voting procedure is set out in Standing Order 3, as follows:-
- A mover and a seconder are required for each candidate
 - Any vote takes place amongst all candidates at the same time
 - Where one candidate has an absolute majority of the votes cast that candidate is appointed
 - If no candidate has an absolute majority the candidate with the fewest votes is eliminated and another vote is taken amongst the remaining candidates. If required, that is repeated until one candidate has an absolute majority of the votes cast
 - Where there is a tie between the candidates with fewest votes, there is an extra vote to decide which to eliminate. If that vote is tied then the elimination is decided by lot
 - A tie between the last two candidates remaining is decided by lot

- 9.2 Using the electronic voting system may not be possible for all appointments, depending on the number of nominations made for each position.
- 9.3 There are no issues in relation to connections and interests. Councillors may vote for themselves.

E. CONCLUSION

Addressing vacancies and appointments will enable officers and members to better understand and manage their workloads and committee business.

F. BACKGROUND REFERENCES

- 1 West Lothian Council – 12 and 24 May 2022, 22 June 2022

Appendices/Attachments:

1. Vacancies on internal bodies
2. Outside body vacancies
3. Audit Committee meeting dates

James Millar, Governance Manager, 01506 281613, james.millar@westlothian.gov.uk

Date of meeting: 27 September 2022

APPENDIX 1

Bodies in the Scheme of Administration	Positions to be filled
Development Management Committee	1 x Conservative, ordinary member
Education Executive	1 x Conservative, ordinary member
Elected Members' Equality & Diversity Working Group	1 x Conservative, ordinary member
Licensing Committee	1 x Conservative, ordinary member
Senior Officer Appointment Committee	2 x SNP, 1 x Conservative, ordinary members

APPENDIX 2

Outside Bodies	No. of positions to be filled
Association for Public Service Excellence (APSE)	1 x SNP
Community Planning Partnership Board	1 x SNP
Community Safety Board	1 x SNP
Disability West Lothian & West Lothian Access Committee	1 x Labour, 1 x SNP
Head Teacher Appointment Panel	1 x Conservative, 4 x SNP
Livingston Youth Trust	1 x SNP
West Lothian (Placing In Schools) Appeals Committee	1 x Conservative, 3 x SNP
West Lothian Economic Partnership Forum	1 x SNP
West Lothian Educational Trust	1 x Conservative, 1 x SNP
West Lothian Fairtrade Steering Group	1 x SNP
West Lothian Integration Joint Board Voting	1 x Labour, voting member
West Lothian Leisure Ltd - Board of Directors	1 x SNP
West Lothian Trust for The Benefit of People with Disabilities (slightly different memberships were appointed in two occasions, requires clarification)	Proposed composition:- <ul style="list-style-type: none"> • Provost • Executive Councillor for Environment & Sustainability

	<ul style="list-style-type: none"> • Executive Councillor for Economy, Community Empowerment & Community Wealth Building • Leader of largest opposition group
West Lothian Twinning Association	1 x SNP
West Lothian Youth Action Project	1 x Conservative
West Lothian/Grapevine Twinning Association	1 x SNP

APPENDIX 3

Audit Committee meeting dates	
Monday 3 October 2022, 2 pm	Friday 21 October 2022, 2 pm*
Monday 23 January 2022, 2 pm	Friday 20 January 2023, 11.30 am
Monday 20 March 2023, 2 pm	Friday 24 March 2023, 9.30 am
Monday 19 June 2023, 2 pm	Tuesday 27 June 2023, 9.30 am

*For information only, date changed and notified already under Standing Order 41(2)

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Robert De Bold
Business Manager: Cllr Mary Dickson

Díco Tíbi Verum, Libertas Optima Rerum Nunquam Servilí!



Agenda Item 8

RWANDA DEPORTATION FLIGHTS

West Lothian Council welcomes the intervention of the European Court of Human Rights (ECHR) which prevented the exportation of asylum seekers for processing in Rwanda. The flight was scheduled to take off on June 14 with just seven passengers on board, at a cost of £500,000 to the public purse. The ECHR intervention has called a halt to the deportation of others.

Council understands that the plan to deport people seeking asylum is part of a new UK government policy, ostensibly aimed at deterring people from making the dangerous journey across the Channel to the UK. However, Council is of the opinion that the reality is that an unfortunate few are being punished in order to discourage others and notes that the UK receives far fewer asylum applications than other countries such as France and Germany.

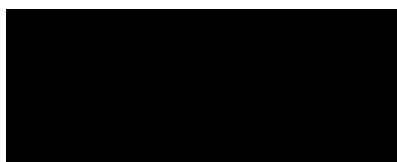
Council considers that, if the UK government were serious about deterring journeys for desperate people, then it should consider re-joining the Dublin asylum system operated by the European Union and which it abandoned in the pursuit of the hardest possible Brexit.

Council acknowledges that a real and difficult problem exists in relation to the criminal activities of gangs involved in people smuggling and that such activities have to be tackled. However, Council is strongly of the opinion that the UK government's plan to offshore asylum seekers in Rwanda is not the right, proper and humane way in which to do this.

Council agrees with the arguments put forward by several Human Rights groups which state that the UK plans ride roughshod over the protections afforded to refugees under rules set up after World War II. They have called the idea unworkable, inhumane and a waste of money. The UK government paid Rwanda 120 million pounds upfront for the deal.

Therefore, West Lothian Council instructs the Chief Executive to write to the Home Secretary, Priti Patel, stating its strongest objection to the deportation of any refugees to Rwanda. The Council deems it to be nationally shameful, that one of the richest countries in the world, hosting one of the lowest numbers of refugees internationally, is paying a developing country to take a handful of genuine refugees off its hands.

In addition, the Council advocates a UK return to the Dublin Asylum System.



Dr Moira McKee- Shemilt
Councillor for Livingston South Ward (SNP)

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Robert De Bold
Business Manager: Cllr Mary Dickson

Díco Tíbi Verum, Libertas Optima Rerum Nunquam Servilí!



Agenda Item 9

Motion

West Lothian Council 27 September 2022

Congratulations Shannon Archer Gymnast

Shannon Archer from UPHALL in West Lothian claimed Scotland's first ever individual women's Commonwealth Games artistic gymnastics medal by claiming bronze.

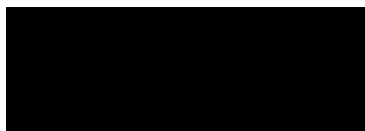
Shannon made her senior Commonwealth Games debut at Gold Coast which saw her finish 10th in the Individual All-Around event. She also achieved 5th in the Vault final and competed in the Team Event helping the team secure a 5th place finish. In the lead up to Gold Coast Shannon put on a brilliant display at the 2017 Scottish Artistic Gymnastics Championships, taking four of the five gold medals on offer, improving on her tally of one gold, two silver and a bronze from 2016. A Team bronze at the Northern European Championships followed.

Shannon had experienced being part of Team Scotland prior to Gold Coast, competing at the 2011 Commonwealth Youth Games in Isle of Man.

West Lothian Council would like to extend our warmest congratulations to Shannon for her success over the years culminating in this fantastic achievement at the Commonwealth Games in August 2022.

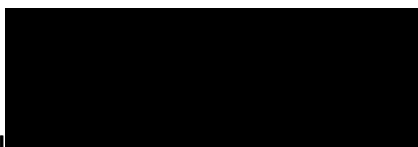
West Lothian Council instructs the Provost to send a letter of congratulations noting Shannon's success and achievement.

Moved Cllr Diane Calder



Received on 05 Aug 2022 at
9:22am

Seconded Cllr Janet Campbell



Broxburn Uphall & Winchburgh Ward

WEST LoTHIAN COUNCIL LABOUR GROUP

Notice of Motion from Councillor Kirsteen Sullivan for the Council meeting on 27th September 2022

Celebrating Success

Council notes with the pride the breadth of musical heritage, traditions and talent within West Lothian, from brass bands, pop, rock, folk to pipe bands. Council further notes the county's growing reputation as a hotbed of musical talent.

Council recognises the remarkable achievement of local DJs Conor Larkman and Sean Finnigan of LF System with their single 'Afraid to Feel' becoming the longest running dance track at number one in a decade, knocking Kate Bush off the top spot and fending off Beyonce.

Furthermore, Council acknowledges the tremendous success of the West Lothian Schools Pipe Band in securing second place in the Novice Junior A grade at the recent World Championships in Glasgow, rounding off a fantastic season.

Council instructs the Chief Executive to write to LF System and the West Lothian Schools Pipe Band to congratulate them on their recent achievements and wish them continued success.



Councillor Kirsteen Sullivan
West Lothian Council Labour Group

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Robert De Bold
Business Manager: Cllr Mary Dickson

Dico Tibi Verum, Libertas Optima Rerum Nunquam Servili!



Agenda Item 11

WEST LOTHIAN COUNCIL MEETING TUESDAY 27TH SEPTEMBER 2022

Local Government Pay Awards 2022

West Lothian Council welcomes that the strikes which had been planned were averted after all three union's recommended that their members take up the latest pay offer from COSLA; understands that the deal brokered and proposed by the Scottish Government focuses particularly on the needs and interests of our lower paid employees and that the First Minister's intervention was a "primary reason for the breakthrough".

The announcement by the Scottish Government and COSLA to provide additional funding of £600M on top of the £140M already provided has allowed a revised pay offer to be made to the local government workforce. Despite the serious challenges faced by the Scottish Government, due to a less than inflationary increase in the Scottish Block Grant by Westminster this funding will be recurring, placing additional demands on the fully committed Scottish Government budget.

West Lothian Council further welcomes the recent cordial discussions between the Scottish Government and COSLA where agreements on freeing up some of the ring-fenced funding awarded to local Authorities were agreed upon.

Given that the Scottish Government does not have the ability to borrow and has to present a balanced budget this will have ongoing consequences for other public sectors given the real terms cut in our budget by Westminster. This pay offer clearly demonstrates a commitment from the Scottish Government to local government and indeed the staff who worked tirelessly throughout the pandemic and has enabled a substantially improved pay award to be offered.

West Lothian Council resolves to work in partnership with the Scottish Government and the local Trade Unions in order to address the economic and social challenges and also the opportunities facing West Lothian. By working effectively together to improve local services we will ensure that these meet the needs of local people, especially those who need the services most.

West Lothian Council therefore resolves to immediately recognise the absolute commitment by the Scottish Government to the Local Authority workforce in stark contrast to the rhetoric emanating from Westminster and recognises that the offer provides a degree of security for the lowest paid with a flat rate offer of £2000 which is an uplift worth around 10-11%.

West Lothian Council further resolves to write to the Chancellor of the Exchequer and the new Prime Minister to put additional pressure on the Tory Government to increase the derisory Block Grant to the Scottish Government, in recognition of the fact that additional resources were provided to Local Authorities in England without any additional Barnett Formula consequential. This will allow the Scottish government and local authorities in Scotland to continue to support families during time of economic crisis.



Cllr Janet Campbell- SNP Group Leader

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Robert De Bold
Business Manager: Cllr Mary Dickson

Dico Tibi Verum, Libertas Optima Rerum Nunquam Servili!



Agenda Item 12

WEST LOTHIAN COUNCIL MEETING TUESDAY 27TH SEPTEMBER 2022

Emergency Relief for the Cost of Living Crisis

It is noted that West Lothian Council has implemented various supporting packages for residents on low incomes as part of the Scottish Government's COVID response and we commend the excellent work and initiatives.

Unfortunately, we find ourselves in unprecedented times with a "perfect storm" causing a cost of living crisis, entirely generated and produced by the Westminster Government due to their pursuit of a hard Brexit and free market policies. Most of us will never have seen a cost of living crisis of this scale before.

The Scottish Government, through Social Security Scotland have done some work in setting up emergency one-off payments to those on certain benefits, but it is also incumbent on this Council to do more if we are to assist the residents and businesses of West Lothian through this crisis.

While plenty of evidence exists in relation to rates of absolute poverty in West Lothian, there is an ever-growing issue of "hidden poverty". The number of working poor in West Lothian is expected to grow exponentially during this crisis, with West Lothian Foodbank already reporting having helped an unprecedented amount of people this year, with many of those seeking help families with young children.

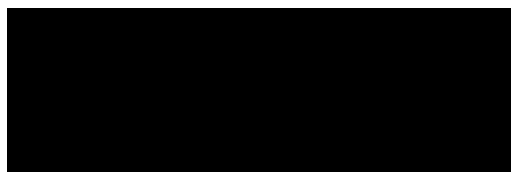
West Lothian Council fully agree that we also have to act and we aim to provide practical assistance to those with least resources during such exceptionally difficult times.

West Lothian Council therefore commits to having the following emergency and temporary measures fully costed for decision as soon as possible, with an update to be provided at the next full Council meeting:

- 1 – All Council-run schools open up for breakfast clubs and after-school clubs, giving parents the opportunity of additional hours to their working day and also ensuring children and young people have a safe and secure environment.
- 2 – To offer universal free school meals across the Council-run schools' estate, including breakfast and/or a meal to those who attend after-school clubs.
- 3 – To offer free places to both breakfast and after-school clubs (including free access to food) to all children and young people who attend, with a voluntary payment system for those who can afford to pay.

West Lothian Council must now acknowledge that the architects of the worst cost of living crisis in living memory is the Tory Government in Westminster. Through their actions and policies, the Tories have made it clear that they are the party of cash to the rich and cuts to the poor. The new Prime Minister can choose to make a different decision than spending cuts. They can choose to finally admit the damage their austerity agenda has caused and announce measures to tackle the rising child poverty rates across the UK.

West Lothian Council therefore agrees to write immediately to the new Prime Minister, Liz Truss and her Chancellor Kwasi Kwarteng and demand they step in to help struggling families and small businesses throughout West Lothian by scrapping cruel policies such as the two-child cap, the benefit cap and the appalling bedroom tax. He must freeze the energy price cap as a priority and immediately bring in an energy price cap for businesses, scrap VAT on fuel, and reintroduce the 12.5% VAT rate for leisure and hospitality businesses. If they refuse to implement these we must further write demanding that the powers to intervene are devolved to the Scottish Parliament so that we can support our families and business sectors through this crisis.



Cllr Janet Campbell- SNP Group Leader

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Robert De Bold
Business Manager: Cllr Mary Dickson

Dico Tibi Verum, Libertas Optima Rerum Nunquam Servili!



Agenda Item 13

WEST LOTHIAN COUNCIL MEETING TUESDAY 27TH SEPTEMBER 2022

ALLEVIATING THE WORST OF THE FUEL POVERTY CRISIS

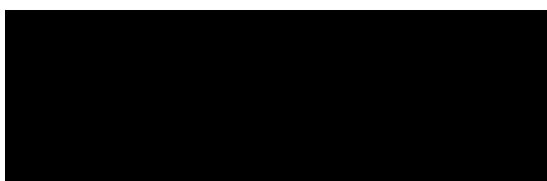
West Lothian Council has been in Business Continuity since the COVID pandemic struck in 2020 and is now moving back to business as usual. This is being made very difficult due to the combination of a disastrous Brexit on the Scottish Economy and ongoing impacts from the COVID crisis that has seen our national GDP drop by over 4% in recent months.

As these unprecedented times unfold, residents have also had the energy price cap increased by 12% in October 2021 and 54% in April 2022 with further rises planned for October. West Lothian Council notes that, with regret, Energy Policy is reserved to the Tory Westminster Government, a position that was insisted upon during the negotiations of the Smith Commission.

Bold and empathetic action is required from West Lothian Council. We have a chance to make a marked difference to vulnerable people's lives and we must act immediately to ensure we offer that help at the time it is most needed.

West Lothian Council is asked to produce a full report of costs, and operational implications, of making all open and functioning Council owned buildings (except those that require PVG membership) Warmth Refuges, allowing members of the public to enter these publicly owned and paid for buildings to warm up and escape the cold during opening hours and to make available the facilities so the public can make themselves a hot beverage and truly take refuge in our public buildings.

This report should be brought back to the next meeting of Council in November and, if approved, that the Council implement this measure from November to April 2022/2023 and revisit in 2023 to assess the impact and plan for winters going forward.



Cllr Janet Campbell- SNP Group Leader



WEST LOTHIAN CONSERVATIVE AND UNIONIST COUNCIL GROUP

West Lothian Council

27th September 2022

Access to Defibrillator

Deemed a 'healthcare crisis', there are around 60,000 out of hospital cardiac arrests that occur every year in the UK.

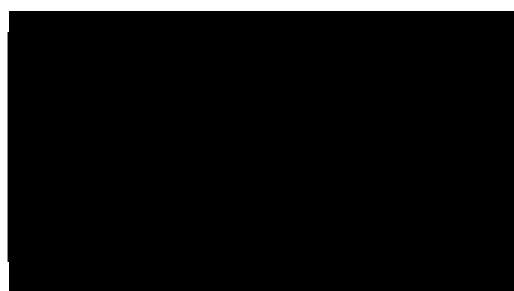
According to the [British Heart Foundation](#), less than 1 in 10 people survive a sudden cardiac arrest.

The survival rate for someone suffering a sudden cardiac arrest decreases by 10% every minute.

With such advanced technology, defibrillators work cleverly to 'shock' a person's heart into restarting after suffering a cardiac arrest. If used within a few minutes of a cardiac arrest, often a victim can make a full recovery.

We need to make searching for the nearest defibrillator easier for all members of our community to potentially save lives in West Lothian.

I would ask officers to update me on current access to defibrillators for the West Lothian community and identify areas of concern with limited or no coverage. I think the report needs to come back to the relevant PDSP. I would also like officers to investigate potential funding available from the Scottish Government to increase coverage, availability, and training in our communities on this vital piece of equipment across West Lothian.



Received on 12 Sept 2022 at 8:45am



**Councillor Peter Heggie - Livingston South
West Lothian Council Conservative Group**

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Robert De Bold
Business Manager: Cllr Mary Dickson

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Agenda Item 15

WEST LOTHIAN COUNCIL MEETING TUESDAY 27th SEPTEMBER 2022

MITIGATING CHILD POVERTY

Council notes that, while Scotland has lower levels of child poverty than England or Wales, 1 in 5 children in West Lothian remain in poverty, despite a slight decrease due to the Universal Credit uplift of £20 during the pandemic.

Council is cognisant of the fact that the current cost of living crisis is set to have a catastrophic impact upon the poorest families in our West Lothian communities. Families are indeed facing the impossible choice of feeding their children or keeping them warm. When bad things happen, children are always the ones that suffer the most.

Council, therefore welcomes the strenuous efforts of the Scottish Government to mitigate the impact of poverty. The most significant anti child poverty measure anywhere in the UK is the Scottish Child Payment (SCP). Described by campaigners as being a “*game changer*”¹ this payment already delivers £20 per week for every eligible child up to age 6. From 14 November, the SCP will increase again to £25 per child which is an increment of 150% in less than 8 months. From 14 November 2022, the payment will be open to all children and young people up to age 16.

Council is gratified to note that this game changing payment, which is a strand of the social security safety net that is unique to Scotland, will make more than 400,000 children eligible for support of £1,300 per year. In addition, 2 Best Start Grants – the Early Learning and School Age Payments will now be awarded automatically to families in receipt of SCP.

¹ <https://cpag.org.uk/news-blogs/news-listings/new-scottish-child-payment-absolute-game-changer-fight-end-child-poverty>

Council contrasts the Scottish Government's priority to take care of our most vulnerable children and young people with that of the Westminster government and the abhorrent 2-child cap. Since 6 April, 2017, the Westminster government has refused financial support to feed a 3rd and any subsequent child in a family, unless a woman can prove rape. In Scotland, children in 20,740 families in receipt of Universal Credit or Child Tax Credit were affected. Shockingly, 110 Scottish women have had to relive the trauma of rape or coercive control in order to access help to feed their child. This policy, embedded in the principles of eugenics, has made little or no impact on how many children are born to a family.^{2 3} Thankfully, one humanitarian in the House of Lords is seeking to overturn this unfair policy.⁴

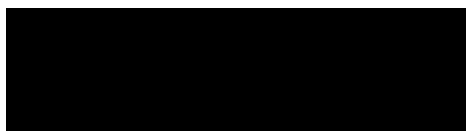
Council is gratified that the strenuous efforts of the Scottish Government to mitigate the effect of Westminster policies does ease the lives of many children and young people in our communities. However, the Scottish Budget is fixed and finite and under increasing and severe pressure. The Scottish Government could do more for our poorest, most vulnerable of children if it had the ability to borrow, as is the case with most governments around the world.

Council recognises that, due to inflation, the Scottish budget is a staggering £1.7 BILLION less than it was in December 2021, when it was 2.9% lower than the year before. If the new PM Truss decides to pay for irresponsible and regressive tax cuts by reducing spending on public services that would mean an additional cut in Scotland's budget. The key levers to eradicating child poverty in this crisis remain firmly in the hands of Westminster.

In her introduction to the Programme for Government,⁵ the First Minister of Scotland renewed a request for an emergency 4 nations summit with the current Prime Minister on the cost of living crisis.

Therefore, Council will write to the new Westminster Prime Minister, Liz Truss, requesting that:

- She accedes to the First Minister's renewed request for an emergency 4 nations summit on the cost of living crisis;
- Re-instate the additional £20, which was in place during the pandemic, for those in receipt of Universal Credit;
- She supports the current Universal Credit (Removal of Two Child Limit) Bill



Received on 12 Sept 2022
at 08:59am



Dr Moira McKee Shemilt
Councillor for Livingston South

² <https://cpag.org.uk/news-blogs/news-listings/five-years-two-child-limit>

³ <https://researchbriefings.files.parliament.uk/documents/CBP-9301/CBP-9301.pdf>

⁴ <https://bills.parliament.uk/bills/3163>

⁵ <https://www.gov.scot/programme-for-government/>

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Robert De Bold
Business Manager: Cllr Mary Dickson

Díco Tíbi Verum, Libertas Optima Rerum Nunquam Servilí!



Agenda Item 16

Motion for Council 27th September 2022

John and Becki Campbell – Birmingham CWG 2022

West Lothian Council would like to congratulate father and daughter coaching team, John and Becki Campbell, for their selections as coaches to the Scottish Commonwealth Men's and Women's Artistic Gymnastics' Teams at the recent Games in Birmingham where members of both teams enjoyed medal success.

Becki joined West Lothian Gymnastics club at 6 years old in 1998 and soon after dad John was persuaded to join as a parent helper, eventually gaining coaching qualifications and developing the boy's club.

Becki enjoyed a successful competitive gymnastics career representing her club and Scotland until her 'retirement' at 15. However, she moved straight into coaching and was soon producing some of Scotland's finest young gymnasts.

Both are now Head Coaches at West Lothian Gymnastics Club and have worked tirelessly for many years to ensure West Lothian gymnasts enjoy training in a safe, nurturing and professional environment. They are relentless in their quest to increase their knowledge, travelling to training camps and working with coaches from all over the world. The result of this hard work is a successful club with gymnasts at all levels given the opportunity to train and compete to fulfil their athletic potential.

Council ask the Chief Executive Officer to write to both John and Becki congratulating them on their selection and acknowledging the important role they played in the successes of the Scottish Artistic Gymnastics' Teams at the Birmingham Commonwealth Games.

Councillor Pauline Clark

Received on 12 Sept 2022 at 09:01am



Councillor Pauline Clark
Fauldhouse and the Breich Valley Ward (SNP)

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Robert De Bold
Business Manager: Cllr Mary Dickson

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Agenda Item 17

Motion for Council – 27th September 2022

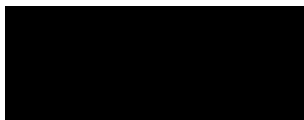
West Lothian Schools Novice A Pipe Band

West Lothian Council would like to extend our congratulations to West Lothian Schools Novice A Pipe Band who after an excellent and ever improving season, achieved second place at the World Pipe Band Championships in Glasgow.

Council asks the Chief Executive Officer to write to the band acknowledging their excellent achievements.

Received on 12 Sept 2022 at 9:01am

Councillor Pauline Clark



Councillor Pauline Clark
Fauldhouse and the Breich Valley Ward (SNP)



WEST LoTHIAN CONSERVATIVE AND UNIONIST COUNCIL GROUP

West Lothian Council

27th September 2022

Poppy Promise

During the recent Council elections, many Councillors supported the 'Poppy Promise' that was:

1. Promote the Armed Forces Act 2021 to ensure that my local authority pays due regard to the Armed Forces Covenant.
2. Listen to the voices of the Armed Forces community in the delivery of local services.
3. Encourage charities and businesses in the ward I represent to sign the Armed Forces Covenant.
4. Do my bit to support Poppyscotland's work to help all those who are serving, have served in the Armed Forces and their families.
5. Submit a Council motion recommitting the Council to supporting the Armed Forces Community.

Therefore, West Lothian Council:

I. Renews its commitment to the Armed Forces Covenant, which is based on the premise that those who serve or have served, and their families deserve respect, support and fair treatment. In particular, it states that: "Those who serve in the Armed Forces, whether regular or Reserve, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of public and commercial services. Special consideration is appropriate in some cases, especially for those who have given most such as the injured and the bereaved."

II. Is proud to be Armed Forces friendly and recognises the enormous contribution and sacrifices that members of the Armed Forces and their families make every day for the safety and security of our country;

III. Values the service of all British Armed Forces personnel, past and present, including those from Commonwealth Nations.

IV. Requests production of a report examining what more West Lothian Council can do to support our serving and veteran community across the full range of services we provide and strengthen partnerships with the Armed Forces Community.

V. Prepares for the new duty to give due regard to the Armed Forces Covenant in policy development and decision making



Councillor Alison Adamson - Livingston North
West Lothian Council Conservative Group

Received on 12 Sept 2022 at 9:29am



West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Robert De Bold
Business Manager: Cllr Mary Dickson

Dico Tibi Verum, Libertas Optima Rerum Nunquam Servili!



Agenda Item 19

MOTION FOR WEST LOTHIAN COUNCIL TUESDAY 27th SEPTEMBER 2022

DAISY DROP IN PLAYGROUP

The Daisy Drop In Playgroup has served the Craigshill Community for around 15 years providing a vital service for pre-school children and their parents or carers. The Playgroup located at the community wing of Letham Primary School provides a safe and secure environment for 2-5 year olds to make new friends and learn through play.

It is therefore, with sadness that the Committee announced that due to the lack of support from West Lothian Council the Daisy Drop In Playgroup will be closing permanently on Friday, 23 December 2022.

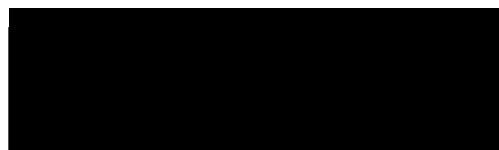
The committee of the Playgroup were unaware of the new procurement procedures that were being implemented for suppliers of eligible 2-year olds or the information session for prospective suppliers that was held in January 2022.

As a result, they did not apply to be a supplier of eligible 2-year olds. When they found out in June that they were no longer a supplier they met with the Council to resolve the situation. They were informed that they could apply in the next round of procurement in 2023. However, as eligible 2 placements made up around 90% of the children who attend the Playgroup, without these placements, they will only have sufficient funds to provide a service until December.

Council regrets that the Daisy Drop In Playgroup, despite providing an important service to eligible 2-year olds, did not receive any information from West Lothian Council to notify them of a major change to the supply process.

Council further regrets that this administration failed to follow up with potential suppliers to ensure that they were aware of the new procedures and failed to notify existing suppliers promptly that they were no longer eligible to take funded 2-year olds.

Council asks that urgent steps are taken to ensure that the Craigshill community is not disadvantaged by not having a local provision for 2 year olds.



Councillor Veronica Smith
East Livingston & East Calder Ward (SNP)

Received on 12 Sept 2022 at 11:04am





WEST Lothian CONSERVATIVE AND UNIONIST COUNCIL GROUP

West Lothian Council

27th September 2022

Peoples Ford Boghall & Bathgate Caledonia Pipe Band

West Lothian Council congratulates Peoples Ford Boghall & Bathgate Pipe Band following another impressive competition season in this, their 50th Anniversary year.

Council notes that the Grade One band has consistently maintained their status of excellence amongst the top six elite Pipe Bands in the world. The band was formed in 1972 and started playing in Grade One from 1980. Since then, the Boghall Band has produced novice juvenile, juvenile and at one time a grade two band. The high levels of accomplishments are possible thanks to the dedication of current and former band members nurturing their own talented players through the ranks, backed by hard working committee members and parents with the continued sponsorship support from a local successful business. The hours of practice, the transport arrangements, uniform requirements, instrument care and maintenance are just a glimpse of the background requirements needed to keep the band going. People (and Peoples!) all contribute to the success of a local world-famous pipe band that West Lothian is justifiably proud of.

A special tribute to retiring lead drummer Gordon Brown after 30 years leading the grade one drum corps and teaching alongside his father Tom Brown MBE. Their influence in pipe band drumming has been immense.

Brian Gilda, Chairman and Managing Director of Peoples Ford became involved with the band when they were invited to play for the opening of his Bathgate business and his loyal support and sponsorship shows his dedication to helping further the success of the band. This collaborative working is yet another reason the band remains at the top of their game. Council notes and congratulates Peoples Ford who are now celebrating their 40th anniversary.

West Lothian Council requests that the Provost and Chief Executive write to Peoples Ford Boghall & Bathgate Pipe Band to congratulate their continued success and wish everyone involved in the organisation our best wishes for the future.

Councillor Alison Adamson - Livingston North
West Lothian Council Conservative Group

Received on 12 Sept 2022 at 11:16am

**Motion for meeting of West Lothian Council
On Tuesday 27 September 2022
H.M. Queen Elizabeth II**

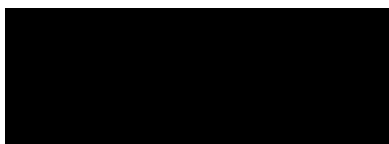
Council expresses its deep sorrow at the sad passing of our Monarch Queen Elizabeth II.

During her long reign of 70 years, our Council was delighted to have welcomed her on her visits to West Lothian, clearly evidenced by the large enthusiasm which greeted her.

Her Majesty enjoyed an enduring popularity as Head of our Nation, easily able to sustain her role as constitutional Monarch of such a wide and diverse UK and also as Head of The Commonwealth.

Dignity, charm, diplomacy and gentle authority were her enduring hallmarks.

Council instructs the Chief Executive to write to her much loved son and heir, King Charles III to express our deepest condolences.



Councillor Lawrence Fitzpatrick
Leader Labour Group



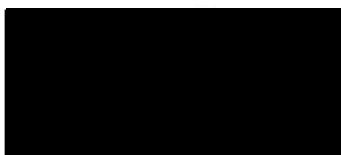
Councillor Damian Doran-Timson
Leader Conservative Group



Councillor Stuart Borrowman
Independent



Councillor Janet Campbell
Leader SNP Group



Councillor Sally Pattle
Independent

Received on 12 Sept 2022 at 11:31am



WEST LOTHIAN COUNCIL LABOUR GROUP

Notice of Motion from Councillor Craig Meek for the Council meeting on 27th September 2022

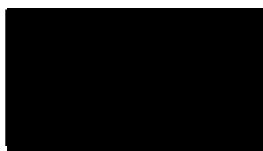
Celebrating Sporting Success

Council notes the fantastic achievements at the Commonwealth Games held in Birmingham this year where West Lothian were proudly represented by 10 athletes as part of team Scotland.

Council congratulates all our wonderful athletes who took part, a special congratulations goes to our medal winners Reese Lynch from Fauldhouse bringing home gold in Boxing and Shannon Archer winning bronze in artistic gymnastics.

Council requests the Provost to hold a Civic Reception to celebrate these achievements and for the Chief Executive to write to all West Lothian athletes to pass on our congratulations.

Received on 12 Sept 2022 at 11:31am



Councillor Craig Meek
West Lothian Council Labour Group

WEST LOTHIAN COUNCIL LABOUR GROUP

Notice of Motion from Councillor Kirsteen Sullivan for the Council meeting on 27th September 2022

Cost of Living Crisis

Council notes with increasing concern the impact of soaring inflation on the cost of everyday essentials such as food and fuel, rising interest rates resulting in higher mortgage payments and spiralling energy costs. Council recognises that any one of these factors would have a severe impact on the quality of life of many individuals however the accumulative impact will push more people into poverty and further deepen the crisis faced by many on a daily basis.

Council further notes the severe impact of rising inflation, interest rates and the cost of living crisis in general on businesses, public sector and third sector organisations within West Lothian and across the UK.

Council notes the work of CPP partners to address the urgent cost of living crisis including:

- The establishment of a short life working group to develop a partnership approach/strategy to tackle the impacts of the cost of living crisis on West Lothian residents and to provide support where possible
- A plan to use existing community facilities to provide “welcoming places” across West Lothian to provide warm, welcoming places for people to receive information on where they can access advice and support across a spectrum of areas
- A plan to roll out community information & advice sessions online and in local settings across the county in advance of the winter period as part of a detailed communications strategy to inform as many residents as possible where they can access advice and support
- A Cost of Living Crisis conference in Challenge Poverty Week

Council further notes the recent announcement by the UK Prime Minister Liz Truss MP to freeze energy bills at an average of £2,500 a year for two years, with support for businesses and 3rd sector organisations for six months, however this fails to recognise that average energy bills will have doubled from winter 2021 and that many households have distinct needs beyond those of the average household.

Council therefore agrees the following:

- To declare a cost of living emergency in West Lothian
- To note the recent Food Insecurity Funding Update reported to Council Executive on 5th September 2022, with Council Executive agreeing to allocate £298,679 to West Lothian Food Network for the period October 2022 to March 2023
- To instruct the Chief Executive to write to the Chancellor of the Exchequer Kwasi Kwarteng MP calling for:
 - an immediate freeze on the current energy price cap at level of £1,971

- an increase in the Household Support Fund which will result in Barnett consequential for Scotland to be allocated to councils to support those most in need due to spiralling energy, housing, fuel and food costs
 - To extend the funding to support businesses and third sector organisations for the same two year period as households
- To instruct the Chief Executive to write to the Deputy First Minister John Swinney MSP (in his seconded role for the Finance and Economy portfolio) to request:
 - the required additional capital and revenue funding for the roll out of free school meals to all primary school pupils in P6 and P7 within the current financial year
 - a significant uplift to the Scottish Welfare Fund and the Discretionary Housing Fund, and to fully fund the associated administrative costs incurred by councils
 - To increase the funding available to councils for insulation schemes
- For Council officers to provide regular communication to the public, councillors and staff with information on the advice and support available to families and individuals in need, including where relevant information on a ward by ward basis.



Received on 12 Sept 2022 at 11:31am



Councillor Kirsteen Sullivan
West Lothian Council Labour Group

DATA LABEL: PUBLIC

**WEST LOTHIAN COUNCIL****CORPORATE GOVERNANCE – ANNUAL REPORT 2021/22****REPORT BY CHIEF EXECUTIVE****A. PURPOSE OF REPORT**

To note the terms of this annual report to elected members on corporate governance in 2021/22.

B. RECOMMENDATIONS

1. To note that the annual report to members on corporate governance is from this year to be presented to full council rather than to Council Executive
2. To note the summary in Part D of the corporate governance reporting for 2021/22 to Governance & Risk Committee on 13 June 2022 and the assurance given and accepted in its approval of the annual governance statement
3. To note that Governance & Risk Committee will continue its monitoring of progress on outstanding governance issues and will consider the governance aspect of the external audit report at its meeting on 12 December 2022

C. SUMMARY OF IMPLICATIONS

I	Council Values	Being honest, open and accountable
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Code of Corporate Governance. The council's Corporate Plan 2018/23 identifies governance and risk as one of three co-ordinated enablers underpinning the delivery of the Plan's priorities and outcomes
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	N/a
VI	Resources - (Financial, Staffing and Property)	Within existing resources

VII Consideration at PDSP None

VIII Other consultations Those consulted in preparing the annual governance statement: Monitoring Officer; Audit, Risk and Counter Fraud Manager; Chief Solicitor; Governance and Risk Board; Corporate Management Team

D. TERMS OF REPORT

1 Background

- 1.1 Governance comprises the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved. It is recognised that good governance leads to good management, good performance, good stewardship of public money, good public engagement and, ultimately, good outcomes. Corporate governance is not directly about performance, or service standards, or service delivery, or policy-making. It is about the systems which make sure these things can be done, that they can be done well, and that they can be done in an open, transparent and accountable way.
- 1.2 The council itself, comprising all elected members of all parties and none, is the authority or governing body which carries ultimate responsibility for achieving good standards of corporate governance. It receives assurance in relation to that obligation through the activities of its committees (especially Governance & Risk Committee and Audit Committee) and from council officers. It is recognised that governing bodies and individuals working for public sector entities must try to achieve their entity's objectives while acting in the public interest at all times. Acting in the public interest implies primary consideration of the benefits for society, which should result in positive outcomes for service users and other stakeholders.
- 1.3 The council is required to approve an annual governance statement each year. It is included in the annual accounts and financial statements submitted for audit. The annual governance statement is informed by the updated and fully-populated Local Code of Corporate Governance, by the annual review of the system of internal control carried out by the Audit, Risk & Counter Fraud Manager, and a set of annual compliance statements and reports in relation to the most significant of the council's corporate policies and statutory obligations. Approval of the annual governance statement is delegated by the council to the Governance & Risk Committee.
- 1.4 Alongside the delegation of oversight to Governance & Risk Committee and its approval of the annual governance statement, a separate annual report is to be brought to members. Its aim is to provide assurance to members who do not sit on Governance & Risk Committee in relation to the extent of compliance with the Code, to provide information about steps taken to address areas of concern identified in the past, and to identify areas of concern requiring future attention. That annual report had previously been made to Council Executive. On 17 August 2021 Council Executive agreed that future reports should be brought to full council to ensure all members were better sighted on governance compliance. This is the first of those reports. It is brought to the same meeting as the council's draft annual accounts and the external auditor's annual report.

2 Annual Governance Statement

- 2.1 It is a requirement of the regulations for dealing with the council's annual accounts that an annual governance statement is approved and included in those accounts. The statement is prepared in accordance with a CIPFA/SOLACE Framework called "Delivering Good Governance in Local Government (2016)" and accompanying guidance. The statement is in the audited accounts presented to council today for approval. The relevant findings of the external auditor are summarised below (D.6).
- 2.2 The statement for 2021/22 was approved by Governance and Risk Committee on 13 June 2022. The conclusion and assurance given was that "(t)here are inevitably issues on which future work is required, but, based on the sources and evidence described in this statement, the council and the West Lothian community can be assured that the council's corporate governance standards have been substantially met in 2021/22.". Committee accepted that assurance. The same assurance is given again to all members today.
- 2.3 The conclusion and assurance were based on these documents and sources:-
- the annual internal audit opinion by the Audit Risk & Counter Fraud Manager on the effectiveness of the framework of governance, risk management and control (the statutory review of the system of internal control)
 - annual compliance statements produced by the Monitoring Officer and stand-alone reports in relation to significant council policies and procedures
 - the freshly-populated evidence-based Local Code of Corporate Governance
 - the progress made in the reporting year on areas of governance concern
 - full compliance with the CIPFA Financial Management Code (2019)
 - the additional commentary and assessment relating to COVID called for by CIPFA guidance
- 2.4 Governance & Risk Committee delegated authority to officers to update and make minor changes to the annual governance statement before it was finalised and included in the annual accounts. Those changes typically arise from observations by the external auditor during the audit process, and from significant post-approval changes in circumstances. Although the reporting year ended on 31 March 2022, the CIPFA/SOLACE guidance indicates that the annual governance statement should be as up-to-date as possible and should reflect relevant and significant changes occurring after the end of the reporting year. That delegated authority was used this year, in consultation with the Chair of the committee, to make amendments in relation to:-
- changes to the council administration and decision-making structure after council met in May and June 2022 (paragraphs 3.1 and 3.2)
 - progress towards completion of the governance issues identified in the previous reporting year (paragraphs 10.2 and 14.1)
 - rewording information about the external auditor's conclusion in 2020/21 on financial sustainability (paragraph 14.1)
 - updating information on the date of the triennial inspection by the Investigatory Powers Commissioner's Office on compliance with the Regulation of Investigatory Powers (Scotland) Act 2000 (paragraph 16.15)
- 2.5 Those amendments make no difference to the conclusion and assurance in the annual governance statement.

3 Local Code of Corporate Governance

- 3.1 The council's governance arrangements are monitored and recorded in its Local Code of Corporate Governance, maintained in accordance with the CIPFA/SOLACE Framework. The current Code was adopted in April 2018. The Code adopts the seven over-arching principles from the Framework. The diagram in Appendix 1 shows the seven principles and their interaction. It shows a short list for each of them of the most significant sources of evidence used to establish corporate governance compliance each year.
- 3.2 Each of those principles is broken down into sub-principles and then into a hierarchy of separate elements to allow a more focused approach to the evidence-based components of each. The evidence listed in the approved Code is updated and assessed each year and a brief commentary added. The elements in the assessment are (a) the approach designed to be taken, (b) the extent to which that approach is used in practice, and (c) the arrangements in place to review the approach. An overall assessment is made and a grading applied using simple red, amber and green indicators. Under a red/amber/green assessment system there were no "red" scores in 2021/22. There were 219 assessed as "green", representing 85% of the total entries. These compare well with previous years.

	2017/18	2018/19	2019/20	2020/21	2021/22
Green	204 (79%)	212 (82%)	208 (81%)	218 (84%)	219 (85%)
Amber	54 (21%)	46 (18%)	50 (19%)	40 (16%)	39 (15%)
Red	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Total	258	258	258	258	258

- 3.3 Compliance in 2021/22 with the standards in the Code remained high. Although there are no red assessments, there are areas where improvement can be made or where review is required. Those have been translated into the annual governance statement as a list of matters to be addressed in 2022/23. Governance & Risk Committee will monitor their progress.

4 Annual compliance statements

- 4.1 The conclusion and assurance in the annual governance statement was also informed by a suite of compliance statements. In those, relevant senior officers confirm the extent of compliance with significant legal regimes and corporate policies and procedures. The statements are as follows:-

- Best Value Framework - Head of Finance & Property Services
- Procurement - Head of Corporate Services
- Fraud and Corruption - Head of Finance & Property Services
- Employee Whistleblowing - Head of Corporate Services
- Discipline and Grievances - Head of Corporate Services
- Occupational Health & Safety - Head of Corporate Services
- Protection of Vulnerable Groups - Head of Corporate Services
- Information Security - Head of Corporate Services
- Public Sector Equality Duty - Head of Corporate Services
- Breaches of the Law - Monitoring Officer

- 4.2 They are supplemented by stand-alone reports to members on the Councillors' Code of Conduct, Freedom of Information and Data Protection, and on Covert Surveillance and Accessing Communications Data.
- 4.3 The statements identified incidents of failure in compliance, none of which was assessed to be of significance to the council at a corporate level. Where remedial action was required, those were translated into the annual governance statement as areas of concern to be addressed in 2022/23. The statement by the Interim Monitoring Officer on breaches of the law mentioned five specific incidents of non-compliance. None of those in his opinion were material breaches of the law which had or would have a significant impact on the operations or finances of the council. He certified that the council was complying in all material respects with its legal requirements. The failures in legal compliance in the Monitoring Officer's compliance statement for 2020/21 had been or were being addressed to his satisfaction.

5 Areas of concern

- 5.1 Since adoption of the current Code, the Governance & Risk Committee has been provided with a running list of governance issues brought out in annual governance statements. The statements provide, in summary form, the issues previously identified and progressed and the new issues to be added. They are compiled into one monitoring document and progress is reported to committee bi-annually.
- 5.2 The progress reports to Governance and Risk Committee on 13 December 2021 and 13 June 2022 reduced the number of issues from 19 to two. Those have been carried forward into the next reporting year. Both are works in progress and plans are in place to address them and ensure their completion. Progress will be reported separately to Governance & Risk Committee on 12 December 2022 and 12 June 2023.

6 External auditor's report

- 6.1 The report by the external auditor (EY) on the council's annual accounts and statements, including the annual governance statement, is being reported to council today. Part of the audit report concerns the wider-scope aspect of "Governance and Transparency". It is concerned with the effectiveness of scrutiny and governance arrangements, leadership and decision-making, and transparent reporting of financial and performance information. Assessment is carried out against elements such as the Local Code of Corporate Governance, the form and content of the annual governance statement, COVID-19 governance arrangements, internal audit work, openness and transparency, and risk management arrangements.
- 6.2 EY's assessment of "Governance and Transparency" was "green". They conclude that the key features of good governance remain in place. As noted in last year's report they report that the council has responded quickly to ensure governance arrangements are appropriate and operating effectively as circumstances, such as the global pandemic, change. They reviewed the Annual Governance Statement against the required guidance and were satisfied that it was consistent with both the governance framework and key findings from relevant audit activity. They confirm the council has clear arrangements to ensure meetings are open to the public in accordance with legislation, and agendas and papers are available in advance of each meeting. They state that the council's governance arrangements have continued to operate as planned, including evidence of scrutiny and challenge of officers.

- 6.3 In relation to the “Best Value” duty, EY conclude that the council has a number of key characteristics of Best Value in place, including effective performance monitoring and robust governance arrangements. They gave an overall “green” assessment there as well.

E. CONCLUSION

On the basis of all of the factors and information noted and summarised in this report, the council, and its members as the governing body, can be assured that the standards of corporate governance were substantially met in 2021/22.

F. BACKGROUND REFERENCES

- 1 Governance and Risk Committee, 13 June 2022
- 2 “Delivering Good Governance in Local Government - Framework (CIPFA/SOLACE, 2016)
- 3 “Delivering Good Governance in Local Government - Guidance Notes for Scottish Authorities (CIPFA/SOLACE, 2016)
- 4 “The Annual Governance Statement for 2019/20: Matters to consider as a result of the coronavirus pandemic - Briefing from the CIPFA Better Governance Forum” (7 April 2020)
- 5 CIPFA Bulletin 06/2021 – “Application of the Good Governance Framework 2020/21”
- 6 CIPFA Financial Management Code (2019)
- 7 Council Executive, 17 August 2021

Appendices/Attachments: 1. Corporate governance principles illustrated

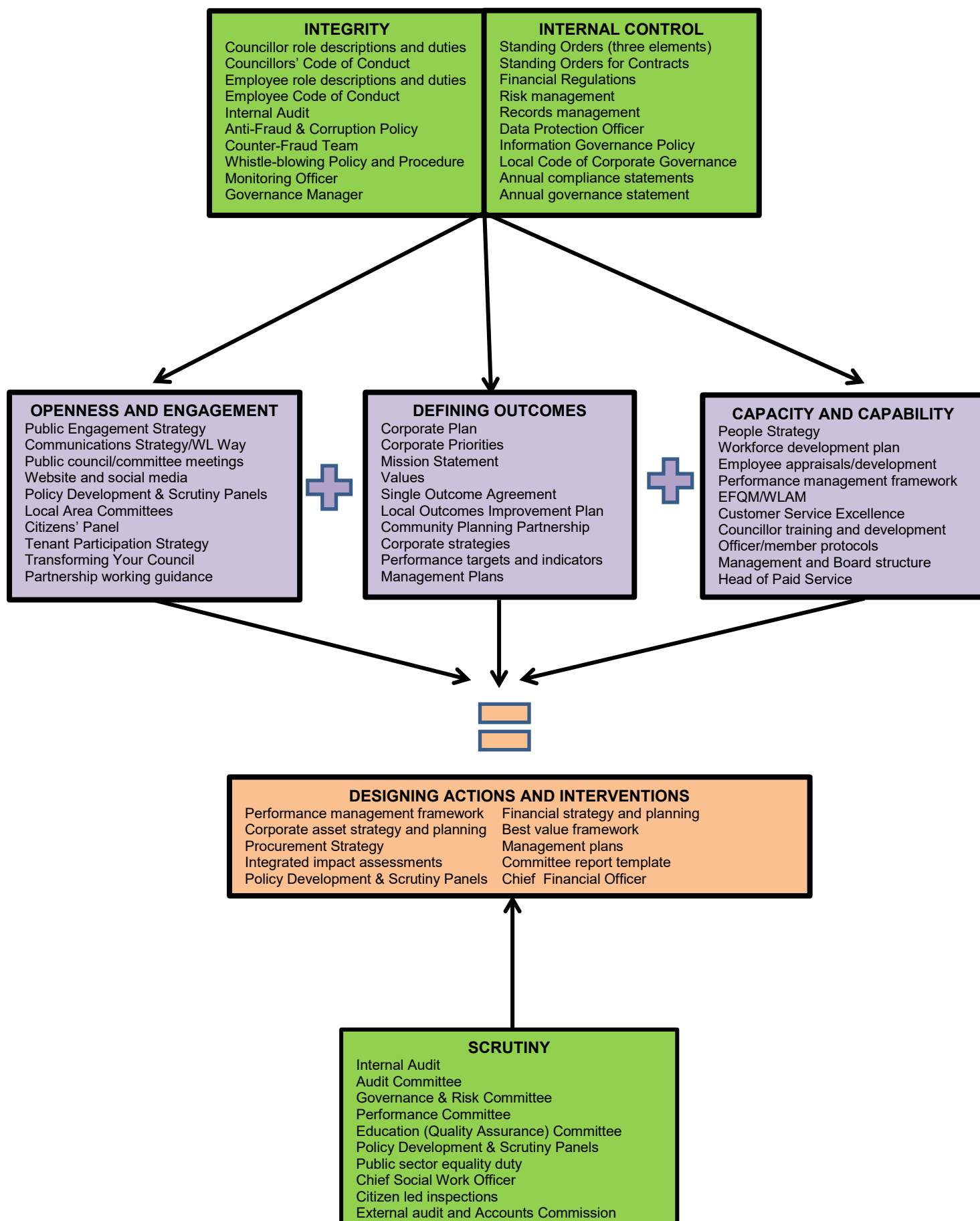
James Millar, Governance Manager, 01506 281613, james.millar@westlothian.gov.uk

Graham Hope, Chief Executive

Date of meeting: 27 September 2022

APPENDIX 1

INTERACTION AMONGST CORPORATE GOVERNANCE PRINCIPLES



DATA LABEL: PUBLIC



WEST LOTHIAN COUNCIL

TREASURY MANAGEMENT – ANNUAL REPORT FOR 2021/22

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To inform the Council of the activities and results of treasury management operations for the year to 31 March 2022.

B. RECOMMENDATION

It is recommended that the Council:

1. Notes the report in Appendix 1 on the treasury management operations for 2021/22;
2. Notes the exercise of the Head of Finance and Property Services' delegated treasury management powers.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Being honest, open and accountable, making the best use of our resources.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Complies with the council's Treasury Policy Statement, the CIPFA Prudential Code for Capital Finance in Local Authorities, the CIPFA Treasury Management in Public Services – Code of Practice and Cross Sectional Guidance Notes and the Local Government Investments (Scotland) Regulations 2010.
III	Implications for Scheme of Delegations to Officers	No proposed changes to the Scheme of Delegation to Officers.
IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	None.
VI	Resources - (Financial, Staffing and Property)	The annual treasury plan provides a framework for treasury management activities that aims to minimise risk and the council's future borrowing costs.
VII	Consideration at PDSP	Financial monitoring reports are presented directly to the Council for consideration.
VIII	Other consultations	The council's treasury advisers have been consulted in relation to the forecasts and recommendations included in the treasury plan.

D. TERMS OF REPORT

The annual report on the council's treasury management activity during 2021/22 is attached for consideration by Council.

E. CONCLUSION

The actions taken during the year complied with the Annual Plan for 2021/22 approved by Council on 25 February 2021 and the Treasury Management Policy Statement in the Financial Regulations.

F. BACKGROUND REFERENCES

- CIPFA Treasury Management in Public Services Code of Practice and Guidance Notes
- West Lothian Council Treasury Policy Statement and Treasury Management Practices
- Annual Strategy for 2021/22 (approved by West Lothian Council 25 February 2021)
- Treasury Management 2021/22 Interim Report to West Lothian Council (23 November 2021)
- CIPFA Prudential Code for Capital Finance in Local Authorities
- Local Government Investment (Scotland) Regulations 2010

Appendices/Attachments:

Treasury Management Annual Report for 2021/22

Contact Person: Stephen Ross, Accountant
Email: stephen.ross@westlothian.gov.uk, Tel: 01506 281311

Donald Forrest
Head of Finance and Property Services
Date: 27 September 2022

DATA LABEL: PUBLIC

WEST LOTHIAN COUNCIL TREASURY MANAGEMENT

Annual Report for 2021/22

27 September 2022

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1.0 Introduction

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

Treasury management is defined in the CIPFA Code of Practice for Treasury Management in the Public Services as "the management of the organisation's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."

The Annual Treasury Plan approved by West Lothian Council on 25 February 2021 set out the treasury management plans for 2021/22. This report assesses the implementation and outcome of the plan for the year.

2.0 Current Portfolio Position

The council's debt and investment position at the beginning and end of 2021/22 was as follows:

1 April 2021			31 March 2022	
Principal £m	Rate %		Principal £m	Rate %
599.2	3.9%	DEBT Fixed Rate Funding Variable Rate Funding Temporary Funding	629.2	3.8%
0.0	n/a		0.0	n/a
0.0	n/a		0.0	n/a
599.2	3.9%	Total Debt	629.2	3.8%
	41.7 years	Average Life of Debt		42.8 years
£m	Rate %	INVESTMENTS	£m	Rate %
85.4	0.51%	Cash Deposits	90.0	0.19%

Debt during the period increased by £30 million to £629.2 million. This included £40 million of new external borrowing and a £10 million fixed rate loan repaid at maturity.

Investments increased by £4.6 million during the year although the average rate decreased by 0.32%. West Lothian Council were ranked top performer in the Link Investment Benchmarking Club as at 31 March 2022. The ability to secure investments for longer periods attracts slightly better rates of interest however to be reactive to the pandemic the council kept a higher percentage of investments liquid resulting in lower rates of return. The rates available in the market mean returns on investment, even for longer periods, are now considerably lower than previous financial years. The Bank of England increased the base rate by 0.25% on both 3 February 2022 and 17 March 2022 which will see increases in interest rates in 2022/23. Further updates on the position in relation to rates for 2022/23 will be provided in the 2022/23 interim report to Council in November 2022. Full details of the portfolio are provided in Appendix 1.

3.0 Performance Measurement

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

2020/21	Average Cost of Servicing Loans Fund Advances in Year	2021/22
3.69%	* Loans Fund Interest Rate	3.64%
0.06%	* Loans Fund Expenses Rate	0.06%
3.75%		3.70%
	Local Performance Indicators	
11.78%	* % debt at year end which is short term or variable	9.63%
11.78%	* % debt at year end repayable in each of the next two years	9.63%
N/A	* Average interest rate of longer term borrowing raised in year	1.43%
N/A	* Average maturity of longer term borrowing raised in year	49.8 years

There has been a small decrease in the council's average cost of funding borrowing in 2021/22, whilst the council's cost of delivering the treasury function has remained the same at 0.06% of total borrowing. The percentage of debt which is short term or repayable in each of the next two years is at a level which will not expose the council to any loan maturity risks.

4.0 The Strategy

4.1 Interest Rate Forecasts

The basis of the treasury management strategy lies with determining appropriate borrowing and investment decisions in the light of the anticipated movement in both long and short-term interest rates. The strategy for 2021/22 was structured around the general forecasts for interest rates, although there was a need for some flexibility of application dependent on prevailing economic conditions.

When the annual plan was approved, the average City view suggested that bank rates would remain at 0.10% for five years and would be struggling to reach 1% within ten years, mainly due to the uncertainty at the time surrounding the Covid-19 pandemic. The Bank of England Monetary Policy Committee (MPC) agreed on 16 December 2021 to increase the bank rate to 0.25%, and then further increased the rate from 0.25% to 0.50% at its' meeting on 4 February 2022 before increasing it to 0.75% in March 2022.

The forecast for Public Works Loan Board (PWLB) rates in the annual treasury plan was 0.9% to 1.0% for five years and 1.9% to 2.0% for 25 years. The revised forecast for PWLB rates in the interim treasury report to Council in November 2021 was 1.50% for five years, 1.90% for ten years and 2.20% for 25 years.

4.2 Capital Finance Strategy

The annual strategy in February 2021 reported a new borrowing requirement of £38.9 million with replacement borrowing of £9.0 million. This gave a total borrowing requirement for 2021/22 of £47.9 million. Following approval of the updated general services and housing capital programmes in June 2021, the borrowing requirement was revised to take account of the reprofiling of borrowing for 2021/22 and to reflect updated programme phasing. The new borrowing requirement approved by Council on 23 November 2021 was £58.0 million which, along with replacement borrowing of £10.0 million, amended the total borrowing requirement for 2021/22 to £98.0 million.

Forecasts showed a range of options available to implement the borrowing strategy in 2021/22. Short temporary and variable rate borrowing was expected to be cheaper than longer term borrowing and, as such, would remain attractive. It was planned to borrow a spread of short and medium-term loans from the PWLB at the most opportune moments during the year. All of the borrowing undertaken during the year was long-term borrowing due to the unexpected availability of record low borrowing rates. This will help to ensure the long term affordability and sustainability of the council's capital programmes.

It was also noted in the strategy that consideration would be given to whether it would be more beneficial to undertake external borrowing or fund the capital programmes with internal borrowing by reducing existing investments. Based on market conditions, and advice from treasury advisors, a mix of long-term and internal borrowing was used to fund the 2021/22 programme.

5.0 The Economy and Interest Rates

The following table provides details of interest rates at the start and end of the financial year:

	At 1 April 2021	At 31 March 2022
Bank Rates	0.10%	0.75%
5 Year PWLB	1.39%	2.45%
10 Year PWLB	1.90%	2.63%
50 Year PWLB	2.19%	2.58%

Following an increase of 2.1% in GDP in quarter one of 2021, there was a second quarterly increase of 1% in quarter two. In quarter three there was a further increase of 0.6% and a decrease of 0.2% in the final quarter of 2021. GDP at the end of 2021 was still 0.4% below the quarter four level of 2019. Following the large 9.2% fall in GDP during 2020, due to the initial impact of the pandemic and public health restrictions, GDP output saw an annual rise of 7.3% in 2021. As a result of higher inflation and the associated impact on households' real incomes, the Office for Budget Responsibility's (OBR) GDP growth forecasts for 2022 have been revised down from 6% to 3.8% for 2021/22 and from 2.1% to 1.8% for 2022/23.

After the MPC took emergency action on 11 March 2020 to reduce the bank rate to 0.25% and then further reduce it to 0.10%, the bank rate was unchanged at subsequent meetings in 2021 until the Bank increased the rate to 0.25% in December 2021, 0.50% in February 2022 and then 0.75% in March 2022. The Bank of England has advised that further interest rate increases may be necessary during 2022 but will be dependent on what happens in the economy. The MPC forecasts that the bank rate could rise to 2.5% by mid-2023 with it falling back down to 2% by mid-2025.

Twelve-month CPI inflation rose to 7% in March 2022 which is substantially above the MPC's target of 2%. Reasons for the increase in inflation during 2021/22 include higher prices for goods from abroad, driven by people starting to buy more goods once Covid-19 restrictions relaxed, but also suppliers being unable to keep up with demand. Higher energy prices have also played a large part in the increase in inflation, with large increases in oil and gas prices pushing up petrol prices and energy bills. In addition, the Russian invasion of Ukraine has led to further increases in the price of energy and food. CPI Inflation is anticipated to begin to fall in 2023 and be close to the MPC's target of 2% in around two years' time, reflecting the waning influence of external factors before falling further to 1.3% in the first half of 2025. A further update on inflation forecasts during 2022/23 will be provided in the interim treasury management report to Council in November.

The unemployment rate fell to 3.8% in the three months to February which is consistent with a continuing tightening in the labour market and with a margin of excess demand.

Since the start of 2021, there has been volatility in gilt yields and hence PWLB rates. Gilt yields and PWLB rates were on a falling trend between May and August 2021, however, they rose sharply towards the end of September before falling again during quarter three until rising once more in the last ten days of 2021. Since the start of January 2022, yields have climbed steeply on the back of market concerns in relation to inflation. These rises have been part of a global trend as central banks have suggested that they will continue to raise interest rates to contain inflation. PWLB rates have increased generally as inflation is now posing a greater risk. The MPC has tightened short term interest rates in an attempt to try and slow the economy down sufficiently to keep the secondary effects of inflation, as measured by wage rises, under control, but without pushing the economy into recession.

6.0 Capital Finance Activities

The original forecast borrowing requirement for 2021/22 of £38.9 million was revised in the interim treasury management report to £58.0 million. Including replacement borrowing of £10.0 million, the revised borrowing position was £68.0 million. The actual borrowing requirement for 2021/22, after taking account of accelerated spend and updated budgets, was £95 million. Actual borrowing undertaken during 2021/22 was £40 million as detailed in Appendix 2, meaning that actual borrowing was less than the borrowing requirement for 2021/22.

This confirms that the council maintained an under borrowed position during 2021/22 with internal borrowing and use of cash reserves funding the borrowing requirement. A mixture of internal and external borrowing is considered prudent in a low interest rate environment as it takes advantage of low borrowing rates to provide security of funding for approved capital investment, while also recognising that investment returns are low and counterparty risks can be increased when the borrowing requirement is fully funded by external borrowing.

7.0 Debt Rescheduling

The annual strategy stated that, due to the introduction of different rates for new borrowing and the early repayment of debt, the spread in rates significantly restricted opportunities for debt rescheduling. Based on this, there were no opportunities available to schedule long term fixed PWLB debt to short variable and temporary debt in 2021/22.

8.0 Management of Cash Flows and Investments

8.1 *Internally Managed Investments*

Cash flows are monitored daily to allow temporary investment of any surplus funds. The procedure allows for same day lending of cash surpluses to institutions approved in the Treasury Management Practices and leaves the bank current account balance at the optimum level of zero. The security of the council's funds is paramount and investment in 2021/22 was restricted to the major UK Clearing Banks, including the council's bankers Lloyds Banking Group, certain designated building societies, other local authorities, UK Government treasury bills and AAA rated money market funds.

8.2 *Investment Strategy*

As investment rates for short periods and long periods have been low since the pandemic, any maturing investments were moved to short term investments for liquidity purposes to be reactive to any unforeseen circumstances. Now the

pandemic is beginning to ease, the plan is to return to the position that a proportion of investments relating to cash backed balances and reserves, which are not required in the coming year, are invested for longer periods.

8.3 *Investment Results*

The annual plan highlighted that the council's policy of investing only in appropriately rated money market funds and UK banks and building societies was considered risk adverse. Detailed below are the results of the investment strategy undertaken during the year:

Average Investment	Rate of Return	Benchmark Return*
£90.5 million	0.19%	0.04%

* The benchmark is the seven day London Interbank Bid (LIBID) Rate, which is the benchmark suggested by Link Asset Services. LIBOR is an interest rate benchmark used in financial markets which ceased to exist from 31 December 2021. From 1 January 2022, 7 Day Compounded SONIA (Average for month) interest rate benchmark rate was used.

Upon maturity, in response to the pandemic, the majority of investments were moved to short term, lower interest rate products. These investments have still resulted in a return of 0.15% above the benchmark. During the year, the amount lent to approved organisations ranged from a low of £53.7 million to a high of £120.6 million. Investments at 31 March 2021 were £90.0 million invested at an average daily rate of return of 0.19%. This represents a robust return on investments as rates have dropped significantly.

Authorised institutions and investments at 31 March 2022 are detailed in Appendix 3.

9.0 **Monitoring of Prudential Indicators**

The CIPFA Prudential Code was introduced to ensure the capital plans of local authorities are prudent, affordable and sustainable. To demonstrate compliance with these objectives, the Code establishes indicators designed to support and record local authority decision making. The 2021/22 indicators were originally approved by the Council on 25 February 2021 and revised on 23 November 2021. Performance against the approved indicators for 2021/22 is included in Appendix 4.

10.0 **Conclusion**

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

Donald Forrest
Head of Finance and Property Services
 Date: 27 September 2022

1 April 2021			31 March 2022		
Principal £m	Rate %	DEBT	Principal £m	Rate %	
538.6		Fixed Rate Funding	568.6		
60.6		PWLB	60.6		
0.0	599.2	Market	0.0	629.2	3.8%
		European Investment Bank (EIB)			
-		Variable Rate Funding	-		
-		PWLB	-		
-		Municipal Bank	-		
	-	Covenant		-	
		Temporary Funding			
	0.0	Market		0.0	n/a
	599.2	Total Debt		629.2	3.8%
	41.7 years	Average Life of Debt		42.8 years	
£m	Rate %	INVESTMENTS	£m	Rate %	
85.4	0.5%	In-House	90.0	0.2%	

Appendix 2

BORROWING IN 2021/22

Date	Amount Advanced £m	Details	Repayment Period
<u>PWLB</u>			
22 July 2021	10.00	1.64%	50 years
3 December 2021	10.00	1.46%	50 years
8 December 2021	10.00	1.34%	50 years
16 December 2021	10.00	1.26%	49 years

Temporary Borrowing – Local Authorities
NIL

Total Borrowing	40.00
------------------------	--------------

* Temporary borrowing undertaken during the financial year for cash flow purposes

The Average Rate and Life of Long and Short Term Debt Undertaken in 2020/21

Average rate – 1.425%

Average life – 49.75 years

Appendix 3

APPROVED ORGANISATIONS FOR INVESTMENT

	2021/22 Investment Limit £	Investment at 31 March 2022 £
<u>Council Bankers</u>		
Lloyds Banking Group (inc Bank of Scotland)	70,000,000	40,250,000
<u>WLC Rating Category 1*</u>	22,000,000	
No institutions in this category		
<u>WLC Rating Category 2*</u>	19,500,000	
No institutions in this category		
<u>WLC Rating Category 3*</u>	17,000,000	
Handelsbanken PLC		0
<u>WLC Rating Category 4*</u>	14,500,000	
Al Rayan Bank PLC		14,500,000
HSBC Bank PLC		
<u>WLC Rating Category 5*</u>	10,000,000	
No institutions in this category		
<u>WLC Rating Category 6*</u>	7,000,000	
Barclays Bank PLC		
Goldman Sachs Bank		7,000,000
National Bank of Kuwait		7,000,000
Nationwide Building Society		0
Santander UK plc		7,000,000
Sumitomo Mitsui Banking Corporation (SMBC)		7,000,000
Standard Chartered Bank		7,000,000
<u>Local Authorities, Public Bodies & DMO**</u>	18,007,883	
<i>Maximum of 20% of total investments</i>		
All UK Local Authorities		0
UK Public Bodies		0
Debt Management Office – Deposit Account		0
Treasury Bills		0
<u>UK Nationalised Banks</u>	35,000,000	
Royal Bank of Scotland		0
National Westminster Bank		0
<u>Money Market Fund – AAA rated***</u>	31,513,796	
<i>Maximum of 35% of total investments</i>		
Aberdeen Standard Money Market Fund		0
<u>Other Permitted Investments</u>		
West Calder High School DBFMCo Ltd	350,000	289,417
TOTAL		90,039,417

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

** This limit fluctuates according to total investments. Based on current investments of £90.039 million, the limit would be £18,007 million.

*** This limit fluctuates according to total investments. Based on current investments of £90.039 million, the limit would be £31.513 million.

MONITORING OF PRUDENTIAL INDICATORS – 2021/22

CAPITAL EXPENDITURE INDICATORS (Items 1 and 2)

1. CAPITAL EXPENDITURE

Purpose of the Indicator

The purpose of this indicator is to inform Council of actual capital spend in 2021/22.

	2021/22 £'000 Estimate	2021/22 £'000 Actual
General Services	79,475	95,794
Housing	49,027	45,505
Total	128,502	141,299

Performance

The indicator for housing is less than the revised 2021/22 estimate due to rephasing of projects within the programme, considering updated budgets agreed by Council on 15 February 2022. The decreased spend has been incorporated into the revised housing capital programme for 2022/23. The indicator for general services capital was greater than the revised estimate agreed by Council on 23 November 2021. This is a result of accelerated expenditure in the programme, with projects making good progress and advancing more quickly than anticipated.

2. CAPITAL FINANCING REQUIREMENT

Purpose of the Indicator

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

	2021/22 £'000 Estimate	2021/22 £'000 Actual
General Services	490,882	492,516
Housing	276,659	270,771
Total	767,541	763,287

Performance

The year end capital financing requirement is higher than the estimate reported in November 2021 for General Services due to a higher than anticipated level of accelerated spend in the General Services programme. The year end capital financing requirement is below the estimate reported in November 2021 for Housing, as the capital programme received more income to fund investment than had been previously forecast. The additional income and overall slippage in the programme creates a reduced level of borrowing required to finance the 2021/22 Housing programme.

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

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

	2021/22 Estimate	2021/22 Actual
General Fund	4.4%	3.4%
Housing	21.7%	23.8%

Performance

For general fund interest savings were generated during the year in addition to lower than anticipated borrowing being undertaken in 2021/22. The general fund indicators were lower than forecast as a result of the general services level of borrowing reducing more than the housing level of borrowing (financing costs are allocated between the two funds on the basis of total outstanding borrowing).

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

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

	2021/22 £'000 Estimate	2021/22 £'000 Actual
Gross External Borrowing	767,541	715,690
Capital Financing Requirement	767,541	763,287
Under limit by	-	47,597

Performance

The council's total gross external borrowing is below the capital financing requirement, demonstrating that external borrowing is only for capital purposes.

TREASURY AND EXTERNAL DEBT INDICATORS (Items 5 to 8)

5. AUTHORISED LIMIT FOR EXTERNAL DEBT

Purpose of the Indicator

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

Authorised Limit for:	2021/22 £'000 Limit	2021/22 £'000 Actual
Gross External Borrowing	783,155	756,685
Other Long Term Liabilities	81,296	81,238
External Debt	<u>864,451</u>	<u>837,923</u>

Performance

The overall level of external debt (including long term liabilities such as finance lease and PPP obligations) at the end of the financial year was £26.5 million below the authorised limit approved by Council on 25 February 2021.

6. OPERATIONAL BOUNDARY FOR EXTERNAL DEBT

Purpose of the Indicator

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

Operational Boundary for:	2021/22 £'000 Limit	2021/22 £'000 Actual
Gross External Borrowing	773,155	746,685
Other Long Term Liabilities	80,296	80,238
External Debt	<u>853,451</u>	<u>826,923</u>

Performance

The overall level of external debt, including long term liabilities such as finance lease and PPP obligations, at the end of the financial year was £26.5 million below the operational boundary approved by Council on 25 February 2021.

7. ACTUAL EXTERNAL DEBT

Purpose of the Indicator

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

	31 March 2020 £'000	31 March 2021 £'000	31 March 2022 £'000
Actual External Borrowing	620,570	605,386	635,452
Actual Other Long Term Liabilities	86,138	82,684	80,238
Actual External Debt	706,708	688,070	715,690

Performance

The increase in actual external borrowing, excluding other long-term liabilities, consist of new borrowing of £40 million, offset by repayment of debt of £10 million. Actual external borrowing includes accrued loan interest at 31 March 2022, consistent with accounting treatment for loans.

8. TREASURY MANAGEMENT INDICATOR

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

9.1 Adoption of the CIPFA Treasury Management Code

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

8.2 Upper limits for fixed and variable rate borrowing

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

Level of fixed rate borrowing at 31 March 2022 – 100.00%

Level of variable rate borrowing at 31 March 2022 – 0.00%

8.3 Maturity structure of fixed rate borrowing for 2021/22

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

The maturity levels of debt at the year end were comfortably within these upper and lower limits.

8.4 Total principal sums invested for periods longer than 364 days

Following changes from the new Investment Regulations applicable from 1 April 2010, the council can make investments for periods longer than 364 days. At 31 March 2022, the council had no investments greater than one year.

The treasury management indicator confirms sound professional practice is being followed by the council in undertaking treasury management. The approved values and parameters provide sufficient flexibility in undertaking operational treasury management.

CONCLUSION

In monitoring the above prudential indicators, the council is fulfilling its duty under the Prudential Code. The monitoring indicates that spending plans remain affordable, prudent and sustainable, and that treasury management is operating in line with the requirements of the CIPFA Code of Practice for Treasury Management in the Public Services.

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Robert De Bold
Business Manager: Cllr Mary Dickson

Díco Tíbi Verum, Libertas Optima Rerum Nunquam Servilí!



WEST LOTHIAN COUNCIL 27th SEPTEMBER 2022

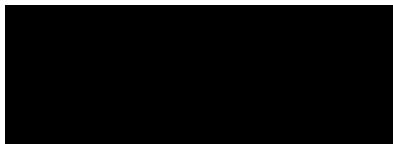
Agenda Item 27

QUESTION TO THE LEADER OF THE COUNCIL

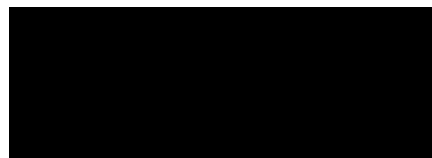
STAFF RESOURCE

Questions –

1. Does the Council make use of telephone call logging systems/software? If not – why not?
2. What is the recent volume of unanswered calls to the Council and how has that volume changed in recent years?
3. What are the Council doing to rectify the situation with unanswered calls from the public?



Received on 09 September 2022 at 09.23am



Councillor Diane Calder
Broxburn Uphall & Winchburgh Ward (SNP Group)

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Robert De Bold
Business Manager: Cllr Mary Dickson

Dico Tibi Verum, Libertas Optima Rerum Nunquam Servili!



WEST LoTHIAN COUNCIL 27TH SEPTEMBER 2022

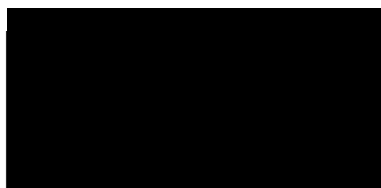
Agenda Item 28

QUESTION TO EXECUTIVE COUNCILLOR SERVICES FOR THE COMMUNITY

STAFF RESOURCE

Questions –

1. How many staff are employed answering housing enquiries from the public either by telephone, email or by post?
2. How many Housing maintenance staff are employed?
3. What is the Full Time Equivalent of staff employed on housing maintenance now and each year over the last 10 years?
4. How many housing repairs are pending and how has that changed in recent years?
5. How does the Council intend to tackle the backlog of repairs and what is the timescale?
6. What are Council contingency plans to cover sickness absence and annual leave in Housing Maintenance and Environmental Health requests to ensure continuity of cover?



Received on 9 Sept 2022 at 9:23am



Councillor Diane Calder

Broxburn Uphall & Winchburgh Ward (SNP Group)