

MINUTE of MEETING of WEST LOTHIAN COUNCIL held within Council Chambers, West Lothian Civic Centre, Livingston, on 27 September 2022.

Present – Provost Cathy Muldoon, Depute Provost Peter Heggie; Councillors Alison Adamson, Stuart Borrowman, Diane Calder, Janet Campbell, Harry Cartmill, Pauline Clark, Tom Conn, 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, Pauline Orr, Sally Pattle, George Paul, Tony Pearson, Veronica Smith, Pauline Stafford and Kirsteen Sullivan

Apologies – Councillor William Boyle

Prior to the start of the meeting Council observed a two-minute silence in honour of the passing of HM Elizabeth II.

Council also later observed a minute's silence for Councillor Ann Davidson and reflected on her recent passing.

## 1. DECLARATIONS OF INTEREST

Councillor Campbell stated a connection in that she was an NHS Lothian employee

Councillor Logue stated a connection in that he was an NHS employee

Councillor Damian Doran-Timson declared an interest in Agenda Item 18 (Motion - Poppy Promise) as he was employed by Poppy Scotland so would not take part in the item of business

Councillor Angela Doran-Timson declared an interest in Agenda Item 18 (Motion - Poppy Promise) as she was married to Councillor Damian Doran-Timson who had also made a similar declaration of interest on the matter so would not take part in the item of business.

Councillor Orr stated a connection in that she was a Scottish Government employee.

.

## 2. ORDER OF BUSINESS

The Provost ruled in terms of Standing Order 11 that Agenda Item 21 would be taken before Agenda Item 8 and that Agenda Item 6 would be dealt with before Agenda Item 5.

Council agreed in accordance with Standing Order 8(3), that agenda

items 24 and 25 were to taken as read and their recommendations noted without further consideration.

### 3. MINUTES

- a) The Council approved the Minute of its meeting held on 22 June 2022
- b) The Council noted correspondence arising from previous decisions
- c) The Council noted the Minute of Governance and Risk Committee held on 13 June 2022
- d) The Council noted the Minute of Performance Committee held on 14 March 2022
- e) The Council noted the Minute of Audit Committee held on 21 March 2022
- f) The Council noted the Minute of Education (Quality Assurance) Committee held on 11 January 2022
- g) The Council noted the Minute of Joint Consultative Group (Teaching Staff) held on 11 February 2022
- h) The Council noted the Minute of West Lothian Leisure Advisory Committee held on 28 April 2022
- i) The Council noted the Minute of West Lothian Leisure Advisory Committee held on 23 June 2022
- j) The Council noted the Minute of Employee Appeals Committee held on 29 October 2021
- k) The Council noted the Minute of Employee Appeals Committee held on 28 January 2022

### 4. WEST LOTHIAN ANNUAL ACCOUNTS

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

The Council then considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising the Council of the outcome of the 2021/22 Audit and to provide a summary of the key points arising from the Auditor's Annual Report.

Mr Jones addressed council on EY's annual audit report. The auditor had issued an unqualified audit opinion on the financial statements and on the

nine charitable trusts administered by the council and had made two recommendations for action following the audit..

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

It was recommended that Council :-

1. Notes Ernst and Young LLP's 2021/22 Annual Audit Report
  2. Approves for signature the audited Annual Accounts for 2021/22; and
  3. Refers the Auditor's Report and the 2021/22 Annual Accounts to the Audit Committee for information and scrutiny.
- Moved by Councillor Lawrence Fitzpatrick and seconded by Councillor Kirsteen Sullivan

#### Decision

To unanimously approve the terms of the report

### 5. ELECTION BUSINESS

Council was advised of the following changes to Outside Body Appointments :-

#### Lothian Buses Regional Sub-Committee

Councillor Conn to replace Councillor Sullivan

#### SESTran

Councillor Conn to replace Councillor Sullivan

#### West Lothian Leader Local Action Group

Councillor Sullivan to replace Councillor Fitzpatrick

#### Decision

To agree the change to members appointments to Outside Bodies

### 6. ELECTED MEMBER APPOINTMENTS, STANDING ORDERS AND MEETING DATES

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

Governance Manager seeking to address issues outstanding in relation to councillor and other appointments, the Scheme of Administration and Audit Committee meeting dates.

The Governance Manager continued to advise Council that since the report had been finalised a nomination had been received for the representative of West Lothian Forum of Parent Council for Education Executive and his name was Andy Walker.

It was also noted that there were two errors contained in the appendix to the report and which related to the SNP Group having two vacancies on West Lothian Leisure Ltd - Board of Directors and that the appointment to the Integration Joint Board was to be dealt with at the November meeting of Council.

Finally, Council were advised that appointments by the Conservative Group had been advised since the publication of the report and these related to Councillor Adamson being appointed to the Senior Officer Appointment Committee; Councillor Damian Doran-Timson being appointed to the Head Teacher Appointment Panel and West Lothian Placing in School Appeals Committee; and Depute Provost Heggie being appointed to the West Lothian Youth Action Project.

Council was asked :-

1. In relation to the Placing in School (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)

#### Motion

1. To approve the appointment of Andy Walker as the Parent Council representative on Education Executive
  2. To approve the appointment of Councillor Adamson to Senior Officer Appointment Committee; Councillor Fitzpatrick to Disability WL & WL Access Committee; Councillor Damian Doran-Timson to Head Teacher Appointment Panel and to Placing in School Appeals Committee; and Depute Provost Heggie to West Lothian Youth Action Project
  3. To note that the SNP Group had two vacancies on West Lothian Leisure Ltd - Board of Directors;
  4. To note that the appointment of an elected member to Integration Joint Board would be dealt with at the November meeting of Council;
  5. To approve all other recommendations in the report.
- Moved by Councillor Fitzpatrick and seconded by Councillor Sullivan

#### Decision

To unanimously approve the terms of the motion.

7. NOTICE OF MOTION - HM QUEEN ELIZABETH II - SUBMITTED BY ALL GROUP LEADERS

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

submitted jointly on behalf of all West Lothian councillors: -

“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”.

#### Decision

To unanimously approve the terms of the joint motion.

#### 8. NOTICE OF MOTION - RWANDA DEPORTATION FLIGHTS - SUBMITTED BY COUNCILLOR MOIRA MCKEE SHEMILT

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

“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, Suella Braverman, 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."

- Moved by Councillor McKee Shemilt and seconded by Councillor John

#### Amendment

"Criminal gangs are smuggling people into the UK, resulting in loss of life, unsustainable pressures on public services, vast costs to the UK taxpayer, and inhibiting our capacity to support the most vulnerable with safe and legal routes to the UK. Steps must be taken to combat the serious organised criminals who facilitate illegal migration and exploit people and human misery for profit.

Already, the total number of illegal arrivals this year is well in excess of 6,000, with over 800 making the dangerous journey in one day

The way to stop the deaths we are seeing at sea is to stop the callous trade in people that causes them. That is why the UK Government has negotiated a pilot migration and economic development partnership with Rwanda, which will mean the least at-risk asylum claimants being supported to build a new and prosperous life. The UK Government will provide an initial £120 million in funding to support operations, accommodation and integration, similar to the costs incurred in the UK

Nobody will be relocated if it would be unsafe, inappropriate or illegal for them to be and that unaccompanied children or those eligible for family reunification will not be relocated. The exact criteria to be used are being withheld in order to avoid people-smuggling gangs trying to target the most vulnerable.

Other countries have similar schemes, including Denmark and Australia.

However, the economic refugee scheme is under legal review and in October it is expected a judgement will be made. It is therefore premature for West Lothian Council to take any action with regards to the Rwanda

economic development partnership.

West Lothian Council instructs the Chief Executive to write to the Home Secretary, Suella Braverman to request what actions will be introduced to mitigate the impact of economic refugees should the Rwanda scheme not progress.”

- Moved by Councillor Damian Doran-Timson and seconded by Depute Provost Heggie

An electronic vote was conducted, but with Councillor casting his vote orally. The result was as follows: -

Motion

Stuart Borrowman  
Diane Calder  
Janet Campbell  
Harry Cartmill  
Pauline Clark  
Tom Conn  
Robert De Bold  
Jim Dickson  
Mary Dickson  
Lawrence Fitzpatrick  
Carl John  
Lynda Kenna  
Danny Logue  
Maria MacAulay  
Andrew McGuire  
Moirá McKee Shemilt  
Anne McMillan  
Craig Meek  
Andrew Miller  
Cathy Muldoon  
Pauline Orr  
Sally Pattle  
George Paul  
Tony Pearson  
Veronica Smith  
Pauline Stafford  
Kirsteen Sullivan

Amendment

Alison Adamson  
Angela Doran-Timson  
Damian Doran-Timson  
Peter Heggie

Decision

Following a vote the motion was successful by 27 votes to 4, with 1 member absent, and it was agreed accordingly.



9. NOTICE OF MOTION - CONGRATULATIONS TO SHANNON ARCHER (GYMNAST) - SUBMITTED BY COUNCILLOR DIANA CALDER

Before the motion was moved the Provost proposed combining agenda items 9, 16 and 22 since the subject matter was the same or similar. Councillor Calder advised that she had agreed a composite motion with Councillors Clark and Meek (who had enrolled the other motions on the same subject at Items 16 and 22) in the following terms: -

“West Lothian Council notes the fantastic achievements at the Commonwealth Games held in Birmingham this year where West Lothian were proudly represented by 10 athletes and coaches as part of team Scotland.

Council congratulates all our wonderful athletes and coaches 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, in addition to this we would like to congratulate John and Becki Campbell, for their selections as coaches to the Scottish Commonwealth Men’s and Women’s Artistic Gymnastics teams.

Council instructs the Provost to write to all athletes and coaches to pass on our congratulations on their success and achievements, noting the important role coaches play and consider a Civic Reception at the earliest appropriate opportunity.”

- Moved by Councillor Calder and seconded by Councillor Meek

Decision

To unanimously approve the terms of the composite motion.

10. NOTICE OF MOTION - CELEBRATING SUCCESS - SUBMITTED BY COUNCILLOR KIRSTEEN SULLIVAN

Before the motion was moved the Provost proposed combining agenda items 10 and 17 since the subject matter was the same or similar. Councillor Sullivan advised that Councillor Clark (who had enrolled the other motion on the same subject at Item 17) would withdraw her motion and instead support the motion from Councillor Sullivan. Councillor Clark confirmed this position.

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

“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.

- Moved by Councillor Sullivan and seconded by Councillor Clark

#### Decision

To unanimously approve the terms of the motion

#### 11. NOTICE OF MOTION - LOCAL GOVERNMENT PAY AWARDS 2022 - SUBMITTED BY COUNCILLOR JANET CAMPBELL

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

"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.”

- Moved by Councillor Campbell and seconded by Councillor Orr

#### Amendment

“It is the case that the COSLA President and Spokesperson for Resources met with the Cabinet Secretary for Finance on 16<sup>th</sup> June 2021 to discuss what assistance the Scottish Government were willing to provide Councils in matching the offer to health staff. During these discussions the Cabinet Secretary made it clear that there was not additional resources available to meet the health offer. The Cabinet Secretary outlined that the offer to health was exceptional and that there remained a clear expectation that the public sector pay policy should be adhered to. Anything over and above would have to be absorbed within budgets.

Discussions had been ongoing with the Trade Unions since the May 2022 Leaders meeting. In these meetings the Trade Unions have expressed their anger and disappointment that a revised offer has not been tabled.

COSLA’s Employers’ team remained clear at this stage that any significant increase would impact on services and jobs. Consideration of a revised pay offer based on the figures contained in the report could focus on non-recurring elements or could focus on a potential revised multi-year offer. It was also noted that the Scottish Government had previously provided assurance to Health Boards that the additional costs of the pay award for their staff would be fully funded. This was not the case for Local Government.

The SJC which negotiates pay for local government staff (non-teaching) comprises COSLA and the 3 recognised trade unions, Unison, GMB, and Unite but excludes Scottish Government.

SNCT is the negotiating body for teaching staff which includes COSLA, Teaching Unions and Scottish Government.

The position as at 2<sup>nd</sup> September 2022 is that the following offer was made to the SJC workforce in recognition of the vital part they play in delivering essential local services. It demonstrates Council Leaders' commitment to valuing our colleagues at all levels.

**The offer to the SJC Local Government workers is:**

- For those on the Scottish Local Government Living Wage (SLGLW) and SCP 19-24 an undifferentiated 5% or a £2,000 uplift, whichever is larger. This is calculated based on a nominal 36-hour full-time working week
- For the rest of the SJC workforce the offer is for an undifferentiated 5% or a £1,925 uplift, whichever is larger. This is also calculated on a nominal 36-hour full-time working week. This is capped for those currently earning £60,000 or more at a £3,000 uplift (based on a 37-hour week).
- An additional day's leave
- As requested by the SJC unions in their pay claim, Scottish Social Services Council (SSSC) fees will no longer be paid by employees who require them for work. These fees will instead be covered by Scottish Government.

**The offer to Craft workers is:**

- For those on an hourly rate equivalent to £10.63 or less an undifferentiated 5% or a £2,000 uplift, whichever is larger. This £2,000 minimum uplift will be calculated on a normal 36-hour full-time working week and will be inclusive of any guaranteed, or minimum bonus (or similar as described by the council).
- For those on an hourly rate equivalent to more than £10.63 an undifferentiated 5% or a £1,925 uplift, whichever is larger. This £1,925 minimum uplift will be calculated on a normal 36-hour full-time working week and will be inclusive of any guaranteed, or minimum bonus (or similar as described by the council). This will be capped for those currently earning £60,000 or more at a £3,000 uplift (based on a 37-hour week)
- An additional day's leave

**The offer to Teachers is for:**

- A 5% increase at all grades

The motion is incorrect in stating that Scottish Government and COSLA are to provide additional funding of £600 million in addition to the £140 million top up for the most recent pay offer. £600 million relates to the

total value of the local government pay award, including funding received from the Scottish Government.

The funding confirmed by the Scottish Government for the 2022/23 pay award is £140 million recurring funding topped up by an additional £120.6 million capital funding in 2022/23 and 2023/24 with the commitment to baseline it in revenue from 2024/25.

If the ballot outcome is accepted, this would have the effect of an unfunded recurring business pressure (considering the aforementioned Scottish Government funding) of £3.750 million for West Lothian Council.

Council is asked to note that an 8-year Scottish Government imposed Council Tax freeze and year on year funding reduction from Scottish Government to councils have required West Lothian Council to make revenue savings of £150 million equivalent to a 23% cut since the SNP took power in 2007.

Council is asked to note that Scottish Government withheld £371 million due to Scottish Councils from the UK block grant to Scotland, a fiscal year when the UK block grant was the largest in history, amounting to £40.6 billion and at a time when Scottish Government ring fencing has risen to almost 60 per cent.

The DISDAIN by Scottish Government for councils has become fully apparent and presents a very worrying future for councils and staff who serve our communities with determination, commitment and pride.

Council is asked to endorse the recent publicly expressed view by the Auditor General of Audit Scotland that it is a commitment to public services which makes a difference to people's lives.

In essence, Council calls on Scottish Government to reinstate a proper level of grant funding to councils to provide quality services and decent pay to their committed staff and to instruct the Chief Executive to write to the First Minister to this effect."

- Moved by Councillor Fitzpatrick and seconded by Councillor Sullivan

An electronic vote was conducted but with Councillor Borrowman casting his vote orally. The result was as follows: -

#### Motion

Diane Calder  
Janet Campbell  
Pauline Clark.  
Robert De Bold  
Jim Dickson  
Mary Dickson  
Carl John  
Lynda Kenna  
Maria MacAulay  
Moira McKee Shemilt

#### Amendment

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

Andrew Miller  
Pauline Orr  
Veronica Smith  
Pauline Stafford

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

### Decision

Following a vote, the amendment was successful by 17 votes to 14, with 1 member absent and it was agreed accordingly.

## 12. NOTICE OF MOTION - EMERGENCY RELIEF FOR THE COST OF LIVING CRISIS - SUBMITTED BY COUNCILLOR JANET CAMPBELL

Prior to moving her motion Councillor Campbell advised that she had agreed a composite motion with Councillor Sullivan (who had enrolled a motion on the same subject at Item 23) in the following terms :-

“It is noted that West Lothian Council has implemented various supporting packages for residents on low incomes as part of the overall COVID response and Council commends the excellent work and initiatives.

Unfortunately, we find ourselves in unprecedented times with a “perfect storm” causing a cost of living crisis, most of us will never have seen a cost of living crisis of this scale before.

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

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.

Council notes the work of Community Planning 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 3<sup>rd</sup> 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.

West Lothian Council fully agrees that it also has to act and aims to provide further practical assistance to those with least resources during such exceptionally difficult times.

Council agrees:

- To declare a cost of living emergency in West Lothian
- To note the recent Food Insecurity Funding Update reported to Council Executive on 5<sup>th</sup> September 2022, with Council Executive agreeing to allocate £298,679 to West Lothian Food Network for the period October 2022 to March 2023

Council further agrees

- 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 to local authorities for the roll out of free school meals to all primary school pupils in P6 and P7 within the current financial year, as set out in this year’s Programme for Government

and to request the following to be delivered as a priority once the Barnett consequential for Core Funding have been delivered as a result of the Chancellor’s statement:

- 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
- 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
  - Scrapping of policies such as the two-child cap, the benefit cap and the bedroom tax
  - Scrapping of VAT on fuel
  - Re-introduction of 12.5% VAT rate for leisure and hospitality businesses
- 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.
  - For Council officers to promote further uptake of breakfast and after school clubs with parents and carers
  - For Council officers to encourage school staff to fully utilise all current food provisions to ensure no child goes hungry during the school day
  - For council officers to further promote community food provision available across the county
- Moved by Councillor Sullivan and seconded by Councillor Campbell

### Amendment

Before moving his written amendment Councillor Damian Doran-Timson asked for it to be amended to reflect the composite motion which had just been notified and circulated. The Provost allowed those amendments to be made.

“It is noted that West Lothian Council has implemented various supporting packages for residents on low incomes as part of the overall COVID response and Council commends the excellent work and initiatives.

Unfortunately, we find ourselves in unprecedented times with a “perfect storm” causing a cost of living crisis, most of us will never have seen a cost of living crisis of this scale before.

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

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.

Council notes the work of Community Planning 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 3<sup>rd</sup> 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.

West Lothian Council fully agrees that it also has to act and aims to provide further practical assistance to those with least resources during such exceptionally difficult times.

Council agrees:

- To declare a cost of living emergency in West Lothian
- To note the recent Food Insecurity Funding Update reported to Council Executive on 5<sup>th</sup> September 2022, with Council Executive agreeing to allocate £298,679 to West Lothian Food Network for the period October 2022 to March 2023

Council further agrees

- 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 to local authorities for the roll out of free school meals to all primary school pupils in P6 and P7 within the current financial year, as set out in this year's Programme for Government

and to request the following to be delivered as a priority once the Barnett consequential for Core Funding have been delivered as a result of the Chancellor's statement:

- 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

Due to a series of global forces including economies reopening following the pandemic and Russia's invasion of Ukraine, families and businesses are being hit by a significant rise in inflation - and therefore everyday prices.

While the UK Government has provided £37 billion of support to households, the SNP Government have barely lifted a finger, instead preferring to spin discredited claims about the extent of their support. Less than a sixth of the support they claim is actually new funding so they must now use the powers and extra money they have at their disposal to help those in Scotland who need it

Last week the Chancellor announced a series of measures of tax cuts and regulatory reforms that will deliver over £630 million more to the SNP Government.

The proposed NI increase has been cut and stamp duty is being cut permanently which will deliver £170 million to the SNP Government.

With cuts to basic rate of income tax and the cuts to corporation tax, every business and employee will benefit.

It is imperative that the cuts and packages of support are introduced by the SNP Government. If the SNP on West Lothian Council are serious about helping those that need support, they will agree to introduce these measures.

Therefore, West Lothian Council instructs the Chief Executive to write to the First Minister, Nicola Sturgeon to seek Scotland follows UK in cutting income tax, raising the LBTT threshold and the other measures outlined last week by the Conservative UK Government and to stop Scotland being the highest taxed country in the United Kingdom."

- Moved by Councillor Damian Doran-Timson and seconded by

## Depute Provost Heggie

An electronic vote was conducted but with Councillor Borrowman casting his vote orally.. The result was as follows: -

Motion

Stuart Borrowman  
Diane Calder  
Janet Campbell  
Harry Cartmill  
Pauline Clark  
Tom Conn  
Robert De Bold  
Jim Dickson  
Mary Dickson  
Lawrence Fitzpatrick  
Carl John  
Lynda Kenna  
Danny Logue  
Maria MacAulay  
Andrew McGuire  
Moiria McKee Shemilt  
Anne McMillan  
Craig Meek  
Andrew Miller  
Cathy Muldoon  
Pauline Orr  
Sally Pattle  
George Paul  
Tony Pearson  
Veronica Smith  
Pauline Stafford  
Kirsteen Sullivan

Amendment

Alison Adamson  
Angela Doran-Timson  
Damian Doran-Timson  
Peter Heggie

Decision

Following a vote, the motion was successful by 27 votes to 4, with 1 member absent, and it was agreed accordingly.

13. NOTICE OF MOTION - ALLEVIATING THE WORST OF THE FUEL POVERTY CRISIS

Councillor Danny Logue left the meeting and took no further part in the remaining items of business.

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

“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”.

- Moved by Councillor Campbell and seconded by Councillor MacAulay

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

#### Composite Motion

“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.

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.

Council notes the announcement made by the UK Government in relation to financial energy costs for support for households, businesses and the third sector, the detail of which is still being analysed.

From April 2021 to March 2023, West Lothian Council has provided a total of £461,000 of available direct assistance to local residents to mitigate the impact of fuel poverty including, one-off payments of £100 currently being administered to households experiencing fuel poverty or at risk of disconnection from supply. To date, over 1400 households have been supported with grants totalling £147,975. A new fuel grant was launched in summer 2022 to households with a disabled family member impacted by rising energy costs. Extra payments have also been provided to top up Crisis Grant awards for people in fuel crisis.

The CPP Board on 22 August 2022 agreed that Partners with an interest in developing actions to help mitigate the rising cost of living locally would form a short life working group. The group will consider the impact of the crisis on local people living and working in West Lothian. Partners will work collaboratively to develop practical actions and activities and put forward recommendations to the Anti-Poverty Task Force for inclusion in the West Lothian Anti-Poverty Strategy's annual action plan.

The group discussed “warm/welcoming spaces” and a mapping exercise is currently being undertaken of where and what times libraries and community centres are open, as well as understanding what space Community Planning Partners have available for the working group to consider further.

A dedicated web page has been developed to ensure all the self-help tools are available within one area. These self-help guides are being developed with a specific focus on financial payments and energy.  
<https://www.westlothian.gov.uk/costofliving>

A cost of living conference is on the 4 October 2022, will facilitate discussions around key issues such as food insecurity and the rising fuel costs. Key Note Speaker is John McKendrick, Professor of Social Justice and co-Director of the Scottish Poverty and Inequality Research Unit.  
<https://www.westlothian.gov.uk/article/75362/Events>

From a West Lothian Council perspective Property Services have identified 49 of 279 buildings which would fall within the terms of the motion which include :-

1. Partnership Centres
2. Community Centres / Village Halls
3. Sports Centres (West Lothian Leisure operated, but WLC properties)
4. Swimming Pools (West Lothian Leisure operated, but WLC properties)

Whilst considering these buildings in terms of the Motion it should be noted that:-

- **Third party operators** -- Community centres and village halls are leased to and operated by Community Centre Management Associations. Any proposals would have to be agreed with individual Management Associations. The provision of dedicated space throughout the winter could impact upon their existing lets and general day-to-day operations. This also applies to West Lothian Leisure for the swimming pools and sports centres.
- **Partners** -- Proposals would have to be agreed with partners in our Partnership Centres.
- **Economic impact** -- Many of the properties within scope already have tea/coffee making facilities in place. Site-by-site analysis and discussion with representatives on-site would be required in order to crystallise practicalities and costs.
- **Costs** -- It has been estimated that to provide hot drinks facilities across the facilities noted above would be in the region of £127,000 from November 2022 to April 2023. This is based on the existing opening hours noted below and would increase if hours were to be extended.
- **Opening Hours** -- Typically, Partnership Centres are open to the public from 8am – 5pm Mon to Fri (some are also open at weekends). Community Centres are typically open to the public 8am – 10pm Mon to Sun. West Lothian Leisure facilities are typically open to the public 6am – to 9pm Mon to Sat (close 6pm Sunday).
  - If existing opening hours for these buildings are to remain unchanged, then the property operating costs would remain largely unchanged. If the opening hours required to be extended, then those property costs would increase.

Other items which would need to be considered include:

- **Fire Safety and evacuation**
- **Security**
- **Food safety** including consideration of those with allergies
- **Insurance**
- **General Health & Safety**

Council agrees that existing policies and foregoing plans for actions provide a solid basis for continuing to aim to provide optimum assistance to those in need and requests that regular reports be provided to PDSPs and the appropriate executive committees over the next 7 months.

- Moved by Councillor Campbell and seconded by Councillor Fitzpatrick

### Decision

To unanimously agree the terms of the composite motion.

14. NOTICE OF MOTION - ACCESS TO DEFIBRILLATOR - SUBMITTED BY COUNCILLOR PETER HEGGIE

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

“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.”

- Moved by Depute Provost Heggie and seconded by Councillor Angela Doran-Timson.

Before moving an amendment Councillor Meek advised that he had agreed a composite motion with Depute Provost Heggie in the following terms: -

“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.”

Council agrees to instruct the Chief Executive to bring a report to the next meeting of the Public and Community Safety PDSP.”

- Moved by Depute Provost Heggie and seconded by Councillor Meek

### Decision

To unanimously agreed the terms of the composite motion

#### 15. NOTICE OF MOTION - MITIGATING CHILD POVERTY - SUBMITTED BY COUNCILLOR MOIRA MCKEE SHEMILT

Councillor Andrew Miller left the meeting and took no further part in the remaining items of business.

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

“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*”<sup>1</sup> 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

---

<sup>1</sup> <https://cpag.org.uk/news-blogs/news-listings/new-scottish-child-payment-absolute-game-changer-fight-end-child-poverty>



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.

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 3<sup>rd</sup> 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.<sup>2 3</sup> Thankfully, one humanitarian in the House of Lords is seeking to overturn this unfair policy.<sup>4</sup>

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,<sup>5</sup> 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

---

<sup>2</sup> <https://cpag.org.uk/news-blogs/news-listings/five-years-two-child-limit>

<sup>3</sup> <https://researchbriefings.files.parliament.uk/documents/CBP-9301/CBP-9301.pdf>

<sup>4</sup> <https://bills.parliament.uk/bills/3163>

<sup>5</sup> <https://www.gov.scot/programme-for-government/>

- pandemic, for those in receipt of Universal Credit;
- She supports the current Universal Credit (Removal of Two Child Limit) Bill.
- Moved by Councillor McKee Shemilt and seconded by Councillor Clark

### Amendment

Council recalls as a matter of record, its actions in mitigating child poverty:-

- The new Tackling Child Poverty Delivery Plan 2022-2026 published in March 2022 sets out how the Scottish Government plans to meet the interim targets set out in the Child Poverty (Scotland) Act 2017, which would see relative poverty of no more than 18% by 2023/24. 21.09% of children were in relative poverty in West Lothian in 2020/21.
- West Lothian Anti-Poverty Strategy sets out how partners aim to address poverty at a local level. The 2022/23 action plan was agreed at the meeting of the Community Planning Partnership on 22 August 2022 and it includes actions to mitigate child poverty.
- The Child Poverty (Scotland) Act 2017 puts responsibility on local authorities and health boards to jointly prepare an annual report on the activity they have taken, and will take, to reduce child poverty in their local area. The Local Child Poverty Action Report for 2021-22 was submitted to Council Executive on 21 June 2022
- The West Lothian Child Poverty Reference group is made up of representatives from the community planning partnership. The group identify gaps and ensure the voices of lived experience are heard.
- West Lothian Council has made provision to support low income families by:
  - Agreeing at West Lothian Council's budget setting meeting on February 2021 to an additional £1m to support those households in crisis to access funds through the Scottish Welfare Fund in 2021/22 and 2022/23.
  - The 2022/23 Revenue Budget included the provision to reduce school meal prices by 10% and to ensure that costs remain frozen until 2023. This budget also included £100,000 for direct payments for low income households experiencing fuel poverty and at risk of being disconnected from supply.
  - Extra payments to top up Crisis Grant awards for people in fuel crisis.
  - £80 payment to households in receipt of School Clothing Grant

to help with the cost of winter clothes.

- Additional support for disabled households with increased energy costs due to their disability.
- The 2022/23 Revenue Budget also made available additional funds of £60,000 to the Summer of Play programme to support low income households to participate in health and physical activities.
- A number of financial payments have been administered to low income households: -
  - £3 meal payments have been made to children in receipt of Free School Meals if they cannot attend school due to self-isolating. A total of £13,515 was paid during the 2021/22 period
  - £6 was paid to S1 to S6 children on two additional in-service days on 31 May/1 June 2021 totalling £15,489
  - Holiday meal payments worth £1,242,999 were made to families in receipt of free school meals during the Easter, summer, October and winter breaks.
  - £100/£160/£130 pandemic payments/bridging payments worth a total of £3,006,700 have been paid between summer 2021 and spring 2022 to those children who are eligible for free school meals and on a low income.
  - £10 spring family support payment worth a total of £54,860 was made to families in receipt of Free School Meals.

Council notes that the budgetary amendments made by the UK Government at the end of last week do not appear to address critical aspects of child welfare. It notes that the detail is being analysed by officers and instructs the Chief Executive to bring a report to the next meeting of Council Executive.

- Moved by Councillor Fitzpatrick and seconded by Councillor Sullivan

An electronic vote was taken but with Councillor Borrowman casting his vote orally. The result was as follows: -

#### Motion

Diane Calder  
Janet Campbell  
Pauline Clark.  
Robert De Bold  
Jim Dickson  
Mary Dickson  
Carl John  
Lynda Kenna  
Maria MacAulay

#### Amendment

Alison Adamson  
Stuart Borrowman  
Harry Cartmill  
Tom Conn  
Angela Doran-Timson  
Damian Doran-Timson  
Lawrence Fitzpatrick  
Peter Heggie  
Andrew McGuire

Moira McKee Shemilt  
Pauline Orr  
Veronica Smith  
Pauline Stafford

Anne McMillan  
Craig Meek  
Cathy Muldoon  
Sally Pattie  
George Paul  
Tony Pearson  
Kirsteen Sullivan

### Decision

Following a vote, the amendment was successful by 16 votes to 13, with 3 members absent, and it was agreed accordingly.

#### 16. NOTICE OF MOTION - POPPY PROMISE - SUBMITTED BY COUNCILLOR ALISON ADAMSON

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

Councillors Damian Doran-Timson and Angela Doran-Timson having previously declared an interest took no part in the following item of business.

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

“During the recent Council elections, many Councilor’s 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.
- Moved by Councillor Adamson and seconded by Depute Provost Heggie

Councillor Adamson then advised that she had agreed a composite motion with Councillor Fitzpatrick in the following terms: -

“During the recent Council elections, many Councilor’s 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.

Instruct the Chief Executive to bring a full report on the Armed Forces Covenant to the next meeting of Corporate Policy and Resources PDSP.”

- Moved by Councillor Adamson and seconded by Councillor Fitzpatrick

#### Decision

To unanimously approve the terms of the composite motion.

#### 17. NOTICE OF MOTION - DAISY DROP-IN PLAYGROUP - SUBMITTED BY COUNCILLOR VERONICA SMITH

Prior to moving her motion Councillor Smith advised that she had agreed a composite motion with Councillor McGuire in the following terms :-

“Council acknowledges that due to the Scottish Government’s expansion of early learning and childcare (ELC) to 1140 hours per year for all 3 and 4 year olds and eligible 2 year olds a framework has been developed to comply with the requirements of the Government’s expansion principles.

Council notes that as part of this framework, all ELC partner providers (including private nurseries, childminders and playgroups) must enter in to a legal partnership with the council in order to provide funded ELC as the council has the statutory responsibility for ensuring the quality of ELC provision and therefore must have a legal partnership and that the tender process is a formal, legal procurement process which requires the Council to ensure that private providers are treated fairly and equitably (no matter their size nor status). The tender process is supported by corporate procurement and published through Public Contracts Scotland (PCS).

Council further notes that as this tender process takes between 4 and 6 months communication was given by email from Education Officers in December 2021 to all existing ELC providers to invite them to tender in the financial year 2022-23. Council understands that Daisy Drop In did not apply to tender and therefore have not been awarded any spaces in this

year. Daisy Drop In informed the Council that they did not receive the correspondence that was sent by West Lothian Council.

Council understands that despite not being awarded any funded places this year Daisy Drop In will (as with other registered playgroups across the county) be awarded around £2,000 to help with running costs.

Council understands that the tender process runs year to year and that Daisy Drop In will be eligible to tender in the next financial year. Council notes that this year there is adequate places for eligible 2-year olds at Letham primary school nursery.

Council understand that Officers have already met with representatives of Daisy Drop In to discuss with them options however given the situation potentially faced by Daisy Drop In as a result of not applying for a tender Council instructs Officers to continue to engage with Daisy Drop In and to provide bespoke advice and support about other models of provision which may allow the group to tender for ELC provision in future years and to discuss with them the requirements for partnership under the national care standards. However, Daisy Drop In have indicated that they will close on 23<sup>rd</sup> December this year.

Council also instructs Officers to ensure in future years an effective communication strategy with all eligible ELC providers is made through both appropriate means to ensure maximum communication of the tender process is had with eligible groups.”

- Moved by Councillor Smith and seconded by Councillor McGuire

#### Decision

To unanimously approve the composite motion.

18. NOTICE OF MOTION - PEOPLES FORD BOGHALL & BATHGATE CALEDONIA PIPE BAND - SUBMITTED BY COUNCILLOR ALISON ADAMSON

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

“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.”

- Moved by Councillor Adamson and seconded by Depute Provost Heggie

### Decision

To unanimously approve the terms of the motion.

## 19. CORPORATE GOVERNANCE - ANNUAL REPORT 2021/22

The Council considered a report (copies of which had been circulated) by the Governance Manager providing a copy of the annual report on corporate governance in 2021/22.

Council was asked :-

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

Decision

To note the content of the report

20. TREASURY MANAGEMENT - ANNUAL REPORT FOR 2021/22

The Council considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising of the activities and results of treasury management operations for the year to 31 March 2022.

It was 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.

Decision

To note the content of the report

21. DOCUMENTS FOR EXECUTION

The Chief Solicitor presented 115 documents for execution.

22. STAFF RESOURCES - QUESTION TO THE COUNCIL LEADER SUBMITTED BY COUNCILLOR DIANE CALDER

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

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?

Councillor Fitzpatrick provided a verbal answer to the question.

Councillor Calder indicated she wished to put supplementary questions as provided for in Standing Orders. She did so and Councillor Fitzpatrick

indicated he would provide written answers to the supplementary questions in due course and also circulate a written copy of his earlier verbal answer.

Decision

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

23. STAFF RESOURCES - QUESTION TO EXECUTIVE COUNCILLOR FOR HOUSING SUBMITTED BY COUNCILLOR DIANE CALDER

A question to the Executive Councillor for Housing, Councillor Paul, was submitted by Councillor Calder in the following terms: -

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?

Councillor Paul provided a verbal answer to the question.

Councillor Calder indicated she wished to put supplementary questions as provided for in Standing Orders. She did so and Councillor Paul indicated he would provide written answers to the supplementary questions in due course and also circulate a written copy of his earlier verbal answer.

Decision

3. To note the written question and the answer provided; and
4. To note the supplementary questions put and that written answers would be provided in due course.

