

MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 15 NOVEMBER 2022.

Present – Councillors Lawrence Fitzpatrick (Chair), Kirsteen Sullivan, Tom Conn, Robert De Bold, Angela Doran-Timson, Damian Doran-Timson, Carl John, Danny Logue, Andrew McGuire, Anne McMillan, Pauline Orr, Sally Pattle and George Paul

Apologies – Councillor Janet Campbell

1 DECLARATIONS OF INTEREST

Councillor Pauline Orr stated a connection as an employee of Scottish Government.

Agenda item 6 – Proposed Lease of Land at Murieston Valley to Murieston Tennis and Sports Club

Councillor Lawrence Fitzpatrick declared an interest as a member of Livingston Cricket Club.

2 ORDER OF BUSINESS

The Chair ruled in terms of Standing Order 7 that a late deputation request in relation to Agenda Item 11, *Hiring of Council Minibuses to Community Organisations*, be put to the meeting.

The Council Executive agreed to consider the deputation.

The Chair ruled in terms of Standing Order 11 that the deputation along with the officer's report would be considered immediately following consideration of the Minute.

Council Executive agreed, in accordance with Standing Order 8(3), that agenda items 16–21 were to be taken as read and their recommendations noted without further consideration.

Council Executive agreed to hear agenda item 22.

3 MINUTES

The Council Executive approved the minute of its meeting held on 25 October 2022. The Chair thereafter signed the minute.

4 HIRING OF COUNCIL MINIBUSES TO COMMUNITY ORGANISATIONS

Deputation by Mr John Lockhart

Mr Lockhart highlighted the importance of minibuses as a means for community engagement as commercial hires would increase costs for volunteer groups, schools and other organisations, resulting in clubs having to limit some of their programmes. The cost of minibuses to the council would be offset by a positive effect on community engagement as well as limiting environmental impact from use of alternative transportation. He also raised concerns about lack of consultation and communication with affected groups.

Mr Lockhart then responded to questions from members and summed up his position.

Report by Head of Operational Services

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services explaining the risks associated with hiring council minibuses to community organisations, providing an update on contracted supplier community benefits as an alternative and seeking authority to cease the service provision.

It was recommended that the Council Executive:

1. Note the legislative position and risks for the Council in continuing community organisations access to the council mini-bus fleet;
2. Note the updated position on the community benefits available via the Scotland Excel Vehicle and Plant Hire (0121) framework and associated costs for Community Groups;
3. Note the position on the Council's own motor vehicle insurance policy;
4. Note the service ran at a loss;
5. Note that the facility for community organisations to hire council minibuses had not operated since Covid restrictions had been introduced in March 2020; and
6. Agree to cease the service provision for community organisations to hire council minibuses.

In response to a query from members, the Governance Manager clarified that the Council Executive's decision could be communicated to community organisations as required.

Motion

To approve the terms of the report.

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan.

Amendment

To delete recommendation 6 and replace it with the following: The council shall prepare a report on the cost of inclusion of volunteer drivers on the council's insurance or alternative insurance arrangements and the cost of additional training for volunteer drivers in order for this to be made legal and consequent cost benefit analysis report on the cost implications to cover the services currently provided by volunteer drivers for the activities previously supported.

- Moved by Councillor Robert De Bold and seconded by Councillor Pauline Orr.

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

Motion

Tom Conn
Lawrence Fitzpatrick
Danny Logue
Andrew McGuire
Anne McMillan
George Paul
Kirsteen Sullivan

Amendment

Robert De Bold
Angela Doran-Timson
Damian Doran-Timson
Carl John
Sally Pattie
Pauline Orr

Decision

Following a vote, the motion was successful by 7 votes to 6 and it was agreed accordingly.

5 COMMUNITY COUNCIL SPECIAL PROJECT GRANTS

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services inviting members to consider applications for special project grants which had been received from Torphichen and Ladywell Community Councils.

It was recommended that the Council Executive determine the applications received from Torphichen and Ladywell Community Councils as detailed in the appendix of the report.

Decision

To approve the terms of the report.

6 PROPOSED LEASE OF LAND AT MURIESTON VALLEY TO MURIESTON TENNIS AND SPORTS CLUB

The Chair having declared an interest and withdrawn from the meeting the Vice-Chair chaired the meeting for the following item of business.

The Council Executive considered a report (copies of which had been

circulated) by the Head of Finance and Property Services advising members of proposals by Murieston Tennis and Sports Club to fund and deliver a new community focused, multi-sports facility on an area of council-owned land at Murieston Valley, Livingston and seeking Council Executive approval to grant a twenty five year community benefit lease in favour of Murieston Tennis and Sports Club over that land to enable the proposed project to be delivered should funding be secured.

It was recommended that the Council Executive:

1. Note proposals by Murieston Tennis and Sports Club to fund and deliver a new community focused, multi-sports facility on an area of council-owned land at Murieston Valley, Livingston;
2. Agree that the council shall grant a twenty five year community benefit lease in favour of Murieston Tennis and Sports Club over that land to enable the proposed project to be delivered should funding be secured and subject to the terms set out in the report; and
3. Delegate authority to the Head of Finance and Property Services to finalise negotiations, including the variation of terms and site boundaries as necessary to conclude the transaction, noting that these would not materially differ from the terms set out in the report.

Decision

To approve the terms of the report.

7 2022/23 GENERAL FUND REVENUE BUDGET - MONTH 6 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the outcome of the General Fund revenue budget monitoring exercise at month 6, including an update on material budget pressures, progress being made with the delivery of approved budget savings for 2022/23 and projected expenditure against one-off budgets in 2022/23 and 2023/24.

It was recommended that the Council Executive:

1. Note the outcome of the month 6 monitoring exercise, which was a forecast overspend position of £4.446 million which would be funded by one-off resources. This included an overspend on net service expenditure of £696,000 and further costs of £3.750 million in relation to the pay award package after taking account of funding from Scottish Government to help councils manage the additional costs;
2. Note the overall month 6 forecast position was in line with the

position reported to Council Executive at month 4, albeit there were movements in forecast between services;

3. Note the overspend of £4.446 million forecast at month 6 would be funded, as agreed at month 4, from retained one-off balances of £81,000 and the net saving in the committed General Fund balance of £3.850 million and savings from one-off resources in 2022/23 of £515,000;
4. Agree that Heads of Service take all management action necessary to curtail spend and preserve any in-year underspends to minimise the projected in-year overspend;
5. Note the material recurring pressures of £6.363 million and the updates from relevant Heads of Service on progress being made against the agreed actions to mitigate these pressures;
6. Note Heads of Service had been instructed to take all action necessary to mitigate as far as possible the recurring pressures by 31 March 2023 including a focus on what was being done to manage and reduce the pressure by implementing specific actions;
7. Agree Heads of Service take all action necessary to deliver the approved savings for 2022/23, categorised as Amber, by 31 March 2023 given the magnitude of the financial challenges facing the council; and
8. Agree Heads of Service review the exit strategies proposed for one-off projects in advance of 2023/24, in particular the necessary measures to ensure spend and income generation was realigned to the recurring budget once the one-off investment ended.

Decision

To approve the terms of the report.

8

2022/23 GENERAL SERVICES CAPITAL BUDGET

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the financial position in relation to the General Services capital programme following the completion of the month 6 monitoring exercise.

It was recommended that the Council Executive:

1. Note the outcome of the month 6 monitoring exercise including, the progress in delivery of the overall programme and the projected outturn; and
2. Agree that Asset Lead Officers and the Head of Finance and Property Services keep under review factors that impacted on delivery of the approved capital programme.

Decision

To approve the terms of the report.

9 CONSULTATION RESPONSE - POLICE SCOTLAND LOCAL POLICE PLAN 2023-2026

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services informing members of the proposed response to Police Scotland community engagement survey *Influence Local Policing in Your Area*. The survey results would inform the development of the next Strategic Local Police Plan for 2023–2026. The closing date for submission was 31 March 2023.

It was recommended that the Council Executive approve the proposed response as set out in Appendix 1 of the report and submit to Police Scotland before 31 March 2023.

Decision

To approve the terms of the report.

10 REGISTRATION AND ACCESS TO DEFIBRILLATOR

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services providing information relating to the registration and access to defibrillators across West Lothian and seeking agreement to register all council devices on the British Heart Foundation national register.

It was recommended that the Council Executive:

1. Note the content of the report;
2. Agree that all Council Defibrillators be registered and maintained in a National register with the British Heart Foundation; and
3. Note that community access to devices and awareness raising of the location of devices and availability of training would be maximised as far as practically possible.

Decision

To approve the terms of the report.

11 PLANNING GUIDANCE: HISTORIC BATTLEFIELD - SITE OF BATTLE OF LINLITHGOW BRIDGE (1526) (ALLOCATED HOUSING SITE H-LL 13 AT KETTLESTOUN MAINS, LINLITHGOW BRIDGE)

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising members of the outcome of a consultation on draft Planning Guidance for the development of land embracing LDP allocated housing site H-LL 13, which was also part of the Battle of Linlithgow Bridge battlefield site, and seeking approval of the guidance.

It was recommended that the Council Executive:

1. Agree the council's responses to the comments submitted during the consultation on the draft Planning Guidance (Appendix 1 of the report);
2. Approve the Planning Guidance 'Historic Battlefield – Site of Battle of Linlithgow Bridge (1526) (Allocated housing site H-LL 13 at Kettlestoun Mains, Linlithgow Bridge' incorporating identified revisions (Appendix 2 of the report);
3. Approve the 'Screening Report' (Appendix 3 of the report) which was to be submitted to the SEA Gateway and the Consultation Authorities and which set out the council's justification that the guidance be exempted from additional Strategic Environmental Assessment because it would not in itself have any significant environmental effects and there were no additional environmental effects not previously considered in the SEA for the LDP; and
4. Delegate authority to the Head of Planning, Economic Development and Regeneration to timeously issue a 'Screening Determination' in the event that the SEA Gateway and the Consultation Authorities confirm their agreement that the guidance would not in itself have any significant adverse environmental effects, and to report the outcome of the SEA screening process to a future meeting of the Council Executive for information.

Decision

To approve the terms of the report.

12 CLIMATE CHANGE DECLARATION - ANNUAL REPORT 2021/22

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration informing members of West Lothian Council's annual Climate Change Declaration Report for 2021/22 and seeking approval for its submission to the Scottish Government.

It was recommended that the Council Executive:

1. Note the contents of the report and the Declaration at Appendix 1 of the report; and

2. Approve the Declaration for submission to the Sustainable Scotland Network and Scottish Government for publication.

Decision

To approve the terms of the report.

13 EDINBURGH & SOUTH EAST SCOTLAND CITY REGION DEAL ANNUAL REPORT 2021/22

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration informing members of the content of the Edinburgh & South East Scotland City Region Deal Annual Report 2021/22 and asking them to consider the appropriateness of City Region Deal Joint Committee governance arrangements.

It was recommended that the Council Executive:

1. Note the publication of the Annual Report for 2022;
2. Note the progress being made on City Region Deal projects including those in West Lothian;
3. Agree the council's continued participation in the City Region Deal and on the associated Joint Committee as per current arrangements; and
4. Agrees that a further review should be undertaken in two years unless circumstances dictated an earlier review.

Decision

To approve the terms of the report.

14 PLACE BASED INVESTMENT FUND TOWN CENTRE CAPITAL FUND 2022/23

The Council Executive considered a report (copies of which had been circulated) by the Lead Officer of Broxbur, Uphall and Winchburgh Local Area Committee asking members to determine additional funding to the Place Based Investment Fund Town Centre Capital Fund 2022/23 for the Broxburn, Uphall and Winchburgh Ward which could not be decided by the Local Area Committee.

It was recommended that the Council Executive:

1. Note that the Broxburn, Uphall and Winchburgh Local Area Committee on 2 September 2022 (reconvened 21 October 2022) had been inquorate when it had come to deal with the report on additional funding to the Place Based Investment Fund Town

Centre Fund Capital Grant 2022/23;

2. Note the terms of that report, including the officers' recommendations, in the appendix of the report;
3. Consider and determine the recommendations in that report in accordance with the procedures agreed at Council Executive on 8 February 2022.

Decision

To approve the terms of the report.

15 COUNCILLORS' LOCAL DISBURSEMENT FUND

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising members of expenditure from the Councillors' Local Disbursement Fund for the period 1 April 2022 to 30 September 2022.

It was recommended that the Council Executive note the expenditure from the Councillors' Local Disbursement Fund for the period 1 April 2022 to 30 September 2022.

Decision

To note the terms of the report.

16 2022/23 HOUSING REVENUE ACCOUNT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing an update on financial performance following the month 6 monitoring exercise.

It was recommended that the Council Executive note the outcome of the month 6 monitoring exercise and the projected outturn.

Decision

To note the terms of the report.

17 2022/23 HOUSING CAPITAL REPORT - MONTH 6 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing an update on the financial position in relation to the Housing Capital Programme following the completion of the month 6 monitoring exercise.

It was recommended that Council Executive note the outcome of the

month 6 Housing capital monitoring exercise and the projected outturn for 2022/23.

Decision

To note the terms of the report.

18 UPDATE ON AUDIT SCOTLAND TACKLING CHILD POVERTY BRIEFING

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services informing members of the recommendations set out in a recent Tackling Child Poverty briefing from Audit Scotland and highlighting the local approach to address child poverty in West Lothian.

It was recommended that the Council Executive note:

1. The range of recommendations set out in the recent tackling child poverty briefing from Audit Scotland; and,
2. The current approach to tackling child poverty in West Lothian and plans for the review and refresh of the West Lothian Anti-Poverty Strategy.

Decision

To note the terms of the report.

19 UKRAINE REFUGEE SUPPORT SCHEMES

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing an update on the UK Government's Homes for Ukraine Scheme, the Scottish Government's Super Sponsor Scheme and related guidance, and the support available within West Lothian.

It was recommended that the Council Executive:

Note the update on the UK Government's Homes for Ukraine Scheme, related funding for councils and support available within West Lothian and the information on the number of households and persons registered;

Note the update on the Scottish Government Super Sponsor Scheme, related guidance and funding for councils and the update on the work being progressed by the council; and

Note that further reports would be presented to committee if there were any material changes to the role of local authorities.

Decision

To note the terms of the report.

20 UPDATE TO STATUTORY LIST OF PUBLIC ROADS

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing an up-to-date position on the statutory list of public roads with the inclusion of roads which had been added between 1 December 2019 and 31 October 2022.

It was recommended that the Council Executive note the addition of the roads contained in Appendix 1 to the statutory list of public roads.

Decision

To note the terms of the report.

21 WEST LOTHIAN ADULT PROTECTION COMMITTEE 2020-2022 ADULT PROTECTION BIENNIAL REPORT

The Council Executive considered a report (copies of which had been circulated) by the Chief Social Work Officer informing members of the content of West Lothian Adult Protection Committee's 2020–2022 Biennial Report as prepared by the Convenor of the Adult Protection Committee.

It was recommended that the Council Executive note the content of the West Lothian Adult Protection Committee 2020–2022 Biennial Report.

Decision

To note the terms of the report.

22 PRIVATE SESSION

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

23 PROPOSED SALE OF 40.11 HECTARES, INCHMUIR ROAD, WHITEHILL INDUSTRIAL ESTATE, BATHGATE TO CASTLEBROOKE HS2 DEVELOPMENTS LIMITED)

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising members of the council's minority stakeholder interest in the site of the rehabilitated former Riddochhill Bing and seeking approval for the proposed sale of the rehabilitated former Riddochhill Bing, extending to 40.11 hectares or thereby off Inchmuir Road, Whitehill Industrial Estate, Bathgate to Castlebrooke

HS2 Developments Limited.

It was recommended that the Council Executive:

1. Approve the proposed sale of the rehabilitated former Riddochhill Bing, extending to 40.11 hectares or thereby at Inchmuir Road, Whitehill Industrial Estate, Bathgate by Riddochhill Developments Limited to Castlebrooke HS2 Developments Limited and in doing so agree that the council shall discharge its Standard Security over the area to enable that sale to proceed.
2. Note that the council's minority stakeholder interest in this site would result in the council receiving a capital receipt in the region of £811,250 (less fees capped at a maximum 2.50%) from the proposed disposal.
3. Delegate authority to the Head of Finance and Property Services to finalise negotiations including the variation of terms as necessary to conclude the transaction noting that these will not materially differ from the terms set out in the report.

Decision

To approve the terms of the report.