



Public and Community Safety Policy Development and Scrutiny Panel

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

1 December 2022

A hybrid meeting of the **Public and Community Safety Policy Development and Scrutiny Panel** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic centre, Livingston** on **Thursday 8 December 2022** at **9:30am**.

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Declarations of Interest - Members must declare any interests they have in the items of business for consideration at the meeting, identifying the relevant agenda items and the nature of their interests.
3. Order of Business, including notice of urgent business and declarations of interest in any urgent business
4. Confirm Minutes of Meeting of Public and Community Safety Policy Development and Scrutiny Panel held on Wednesday 26 October 2022 (herewith)
5. Police Scotland Performance Report - Report by Head of Housing, Customer and Building Services (herewith)
6. Scottish Fire and Rescue Service Local Plan Performance Report - Report by Head of Housing, Customer and Building Services (herewith)
7. Air Quality in West Lothian - report by Head of Planning, Economic Development and Regeneration (herewith)
8. Pest Control Treatment Service - Revision of Customer Fees and

DATA LABEL: Public

Charges - report by Head of Planning, Economic Development and Regeneration (herewith)

9. Safer Neighbourhood Team Performance - Report by Head of Housing, Customer and Building Services (herewith)
10. Performance Report - Quarterly Indicators - report by Head of Social Policy (herewith)
11. Short-Term Let Licensing Scheme - Policy and Fee Structure - report by Head of Corporate Services (herewith)
12. 2022/2023 Financial Performance - Month 6 Monitoring Report - report by Head of Finance and Property Services (herewith)
13. Multi-Agency Public Protection Arrangements - Annual Report - report by Head of Social Policy (herewith)
14. Workplan (herewith)

NOTE **For further information please contact Anastasia Dragona on tel. no. 01506 281601 or email anastasia.dragona@westlothian.gov.uk**



CODE OF CONDUCT AND DECLARATIONS OF INTEREST (2021)

This form is a reminder and an aid. It is not a substitute for understanding the Code of Conduct and guidance.

Interests must be declared at the meeting, in public.

Look at every item of business and consider if there is a connection.

If you see a connection, decide if it amounts to an interest by applying the objective test.

The objective test is whether or not a member of the public with knowledge of the relevant facts would reasonably regard your connection to a particular matter as being so significant that it would be considered as being likely to influence your discussion or decision-making.

If the connection does not amount to an interest then you have nothing to declare and no reason to withdraw.

If the connection amounts to an interest, declare it as soon as possible and leave the meeting when the agenda item comes up.

When you declare an interest, identify the agenda item and give enough information so that the public understands what it is and why you are declaring it.

Even if the connection does not amount to an interest you can make a statement about it for the purposes of transparency.

More detailed information is on the next page.

Look at each item on the agenda, consider if there is a “connection”, take advice if necessary from appropriate officers in plenty of time. A connection is any link between the item of business and:-

- you
- a person you are associated with (e.g., employer, business partner, domestic partner, family member)
- a body or organisation you are associated with (e.g., outside body, community group, charity)

Anything in your Register of Interests is a connection unless one of the following exceptions applies.

A connection does not exist where:-

- you are a council tax payer, a rate payer, or a council house tenant, including at budget-setting meetings
- services delivered to the public are being considered, including at budget-setting meetings
- councillors’ remuneration, expenses, support services or pensions are being considered
- you are on an outside body through a council appointment or nomination unless it is for regulatory business or you have a personal conflict due to your connections, actions or legal obligations
- you hold a view in advance on a policy issue, have discussed that view, have expressed that view in public, or have asked for support for it

If you see a connection then you have to decide if it is an “interest” by applying the objective test. The objective test is whether or not a member of the public with knowledge of the relevant facts would reasonably regard your connection to a particular matter as being so significant that it would be considered as being likely to influence your discussion or decision-making.

If the connection amounts to an interest then:-

- declare the interest in enough detail that members of the public will understand what it is
- leave the meeting room (physical or online) when that item is being considered
- do not contact colleagues participating in the item of business

Even if decide your connection is not an interest you can voluntarily make a statement about it for the record and for the purposes of transparency.

The relevant documents are:-

- [Councillors’ Code of Conduct, part 5](#)
- [Standards Commission Guidance, paragraphs 129-166](#)
- [Advice note for councillors on how to declare interests](#)

If you require assistance, contact:-

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

January 2022

MINUTE of MEETING of the PUBLIC AND COMMUNITY SAFETY POLICY DEVELOPMENT AND SCRUTINY PANEL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 26 OCTOBER 2022.

Present – Councillors Councillors Craig Meek (Chair), Alison Adamson, Lynda Kenna, Maria MacAulay, Cathy Muldoon and Tony Pearson

In attendance – Chief Inspector Louise Brownlie and Support Superintendent Alwyn Bell (Police Scotland), Steven Michie and Kenny Barbour (Scottish Fire and Rescue Service)

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The panel approved the minute of its meeting held on 25 August 2022 as a correct record. The minute was thereafter signed by the chair.

3. POLICE SCOTLAND PERFORMANCE REPORT

The panel considered a report (copies of which had been circulated) by the Interim Head of Housing, Customer and Building Services providing an update on the performance of Police Scotland in West Lothian for the period 1 April 2022 to 30 June 2022

It was recommended that the panel note the contents of the report covering the period 1 April 2022 – 30 June 2022. The panel noted the Chief Inspector's assurance that figures against the previous year were used and would be referred to in future reports.

Decision

To note the terms of the report.

4. SCOTTISH FIRE AND RESCUE LOCAL PLAN PERFORMANCE REPORT

The panel considered a report (copies of which had been circulated) by the Interim Head of Housing, Customer and Building Services providing an update on the Performance of Police Scotland in West Lothian for the period 1 April 2022 to 30 June 2022.

It was recommended that the panel note the contents of the report covering the period 1 April 2022 to 30 June 2022.

Decision

To note the terms of the report.

5. SAFER NEIGHBOURHOOD TEAM PERFORMANCE

The panel considered a report (copies of which had been circulated) by the Interim Head of Housing, Customer and Building Services providing performance information for the period April to June 2022 – Quarter 1 for the Safer Neighbourhood Team.

It was recommended that the panel note the performance information detailed for the Safer Neighbourhood Team. The panel agreed that a breakdown on the number of ASBOs by ward should be included within future reports.

Decision

To note the terms of the report.

6. REVIEW OF BUILDING STANDARDS DISCRETIONARY FEES

The panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the outcome of a review of non-statutory discretionary fees for services provided by a number of local authorities through their building standards service and setting out proposed discretionary fees for those services for implementation in 2023/24.

It was recommended that the panel:-

- (a) notes the comparison of existing fees between West Lothian Council and neighbouring Councils for providing a copy document service as set out in appendix 1 to the report.
- (b) notes the comparison of existing fees between West Lothian Council and neighbouring Councils for providing a Letter of Comfort service as set out in appendix 1 to the report.
- (c) notes the proposed revised fee scale which it was intended to report to Council Executive for approval as set out in appendix 3 to the report.

Decision

To note the terms of the report and agree that it be presented to the Council Executive for approval.

7. JUSTICE SERVICES PERFORMANCE REPORT – QUARTERLY INDICATORS

The panel considered a report (copies of which had been circulated) by the Head of Social Policy on the current level of performance for the quarterly indicators up to quarter 1 of 2022-23 that supported the Corporate Plan and were the responsibility of the Public and Community Safety Policy Development and Scrutiny Panel.

It was recommended that the panel note the performance information and determine if further action or enquiry was necessary for any of the indicators in the report.

Decision

To note the terms of the report.

8. CONSULTATION RESPONSE – POLICE SCOTLAND LOCAL POLICE PLAN 2023-2026

The panel considered a report (copies of which had been circulated) by the Interim Head of Housing, Customer and Building Services informing members of the proposed response to Police Scotland's community engagement survey "Influence Local Policing in Your Area", the results of which 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 panel note the proposed response and submit it to Council Executive for final approval and submission by the closing date.

Decision

To note the terms of the report and agree that it be presented to the Council Executive for approval.

9. REGISTRATION AND ACCESS TO DEFIBRILLATORS

The panel considered a report (copies of which had been circulated) by the Interim Head of Housing, Customer and Building Services providing information relating to the registration and access to defibrillators across West Lothian.

It was recommended that the panel note the content of the report and the recommendation that all council defibrillators be registered on the British Heart Foundation national register and that the council maximise access to devices as far as practically possible, which would be presented to the Council Executive for approval.

The Head of Service undertook to obtain information about the training available from St. John Scotland and include details in the report to the Council Executive.

Decision

To note the terms of the report and agree that it be presented to the Council Executive for approval.

10. WORKPLAN

A workplan had been circulated for information.

Decision

To note the workplan.



PUBLIC & COMMUNITY SAFETY POLICY AND DEVELOPMENT SCRUTINY PANEL

SCRUTINY OF POLICE SCOTLAND PERFORMANCE IN WEST LOTHIAN

REPORT BY INTERIM HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES

A. PURPOSE OF REPORT

This report is to update Panel Members on the Performance of Police Scotland in West Lothian for the period 1st July-30th September 2022.

B. RECOMMENDATION

Panel members are asked to note the contents of the report covering the period 1st July-30th September 2022.

C. SUMMARY OF IMPLICATIONS

I Council Values	Being honest, open and accountable; Focusing on our customers' needs; Making best use of our resources; and Working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The production and Council approval of the Local Police and Local Fire and Rescue Plan is a statutory requirement of the Police and Fire Reform (Scotland) Act 2012.
III Implications for Scheme of Delegations to Officers	None at this stage.
IV Impact on performance and performance Indicators	There is no direct impact however this report is part of the agreed process for strategic performance reporting.
V Relevance to Single Outcome Agreement	This report will have a positive impact on the following SOA indicators: We live in resilient, cohesive and safe communities; People most at risk are protected and supported to achieve improved life changes.
VI Resources – (Financial, Staffing and Property)	The council contributes to directly and in partnership to the delivery of the plan.
VII Consideration at PDSP	N/A
VIII Consultations	Council Executive, Community Planning Partners, Elected Members.

D. TERMS OF REPORT

Police Scotland Strategic Plan sets out the local Policing priorities and objectives for West Lothian and is a statutory requirement of the Police and Fire Reform (Scotland) Act 2012.

Council Executive has agreed that the monitoring of performance against the plans will be reported and considered on a quarterly basis by the Public & Community Safety Policy Development and Scrutiny Panel. This report covers the period 1st July-30th September 2022.

E. CONCLUSION

This report updates the Panel on the performance framework which will be used to enable members of the Public & Community Safety Policy Development and Scrutiny Panel (PDSP) to scrutinise the work of Police Scotland.

F. BACKGROUND REFERENCES

None.

Appendix 1: West Lothian Policing Scrutiny Performance Report Q2 22-23

G. Contact Person:

Julie Whitelaw
Interim Head of Housing Customer and Building Services.

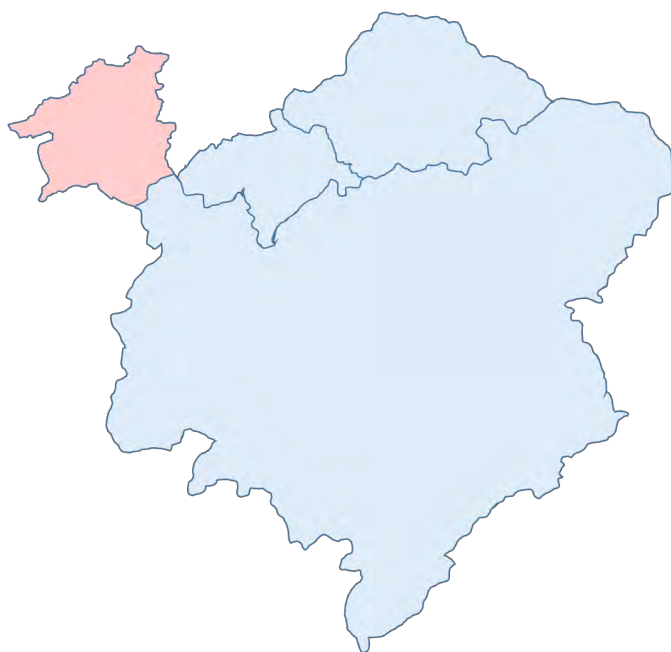
Date of meeting: 8th December 2022

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West Lothian Area Command

The Lothians and Scottish Borders



Policy Development and Scrutiny Panel

Quarter 2 – 2022/2023

The data provided in this report is for information purposes only and is not official crime statistics. This report has been generated to allow Partnership Members to conduct their scrutiny responsibilities. Due to delayed reporting or recording of crimes, incidents or road accidents and the management of crime enquiries, there is likely to be differences between the information in this report and the final Police Scotland statistics. It would not be appropriate to refer to, quote or use any data in this report as official statistics.

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Our Vision

Sustained excellence in service and protection.

Our Purpose

To improve the safety and wellbeing of people, places and communities in Scotland.

Our Values

Integrity, Fairness and Respect.

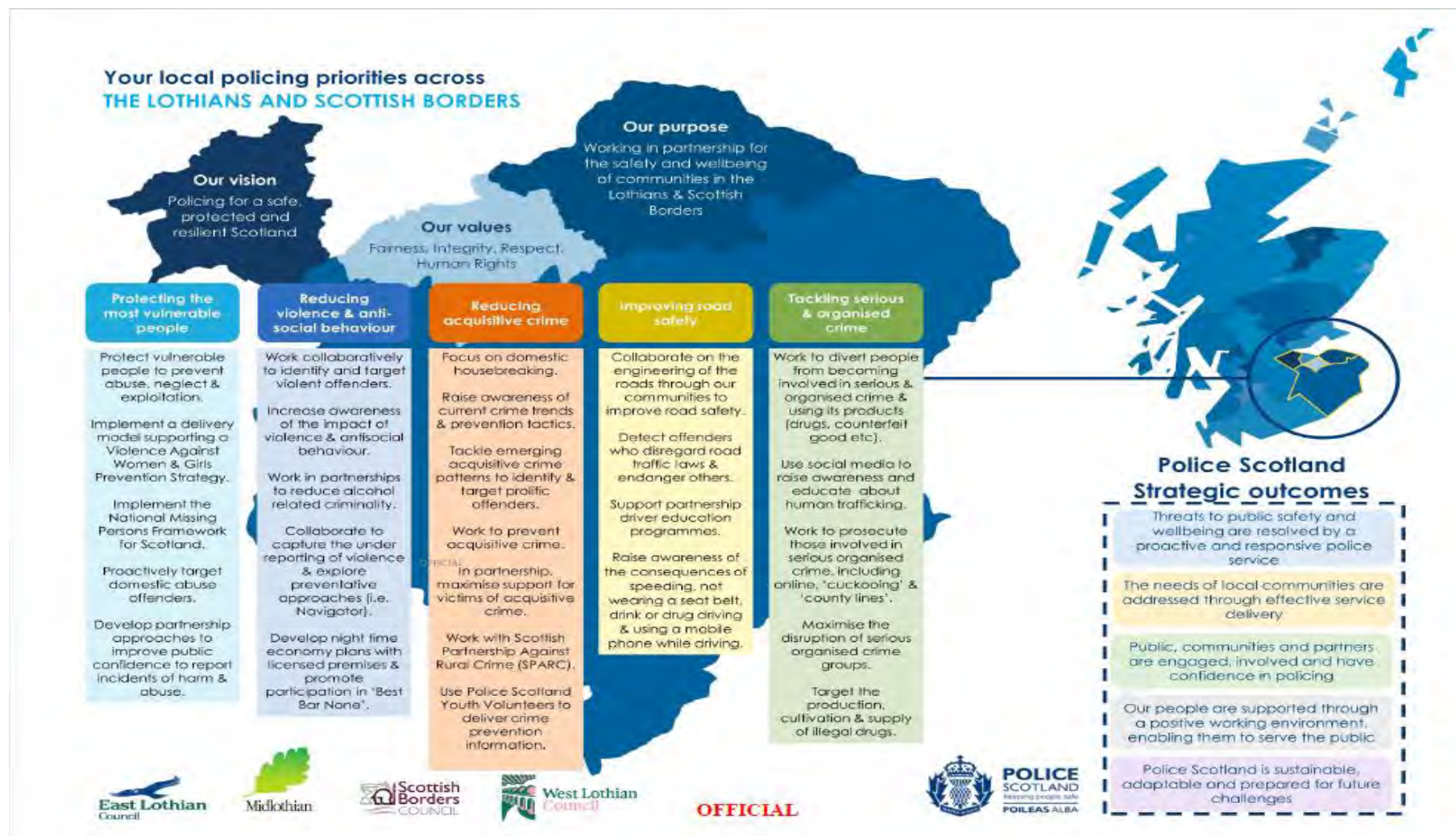
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Contents of Report

Lothian and Scottish Borders Division Policing Priorities	4
Introduction	5
<i>Performance Summary Report</i>	6
<i>Executive Summary</i>	7-8
<i>Protecting the most vulnerable people</i>	
<i>Missing Persons</i>	9
<i>Domestic Abuse Incidents</i>	10
<i>Racially Aggravated Conduct</i>	11
<i>Crime (Group 2)</i>	12
<i>Drugs supply, Production & Cultivation</i>	13
<i>Reducing Violence and Antisocial Behaviour</i>	
<i>Crimes of Violence (Group 1)</i>	14
<i>Reducing Anti-Social Behaviour</i>	15
<i>Reducing Acquisitive Crime</i>	
<i>Dishonesty (Group 3)</i>	16
<i>Housebreaking</i>	17
<i>Improving Road Safety</i>	
<i>Road Safety</i>	18
<i>Tackling Serious & Organised Crime</i>	
<i>Tackling Serious & Organised Crime</i>	19
<i>Complaints About the Police</i>	20
Appendix	
<i>Lothian and Scottish Borders Divisional Crime Overview</i>	21-23
<i>West Lothian Crime Overview</i>	24-26

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The Lothians and Scottish Borders Division Policing Priorities



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Introduction

Crimes and offences are grouped under recognised categories for statistical purposes. The Scottish Government defines these categories, as follows;

- Group 1 – Non Sexual Crimes of Violence
- Group 2 – Sexual Crimes
- Group 3 – Crimes of Dishonesty
- Group 4 – Fire-raising, Malicious Mischief etc.
- Group 5 – Other (Pro-activity) Crimes
- Group 6 – Miscellaneous Offences
- Group 7 - Offences Relating to Motor Vehicles

Police Scotland publishes management information on an annual and quarterly basis by local authority and police division, as well as at a national level. These reports are produced to demonstrate Police Scotland's commitment to transparency. Police Scotland publishes all of these reports on the 'Our Performance' section of the Police Scotland website. The reports can be accessed here:

<http://www.scotland.police.uk/about-us/our-performance/>

The West Lothian Policing Plan uses the following Police performance indicators, and these have been mirrored in the Scrutiny Report to maintain parity of understanding:

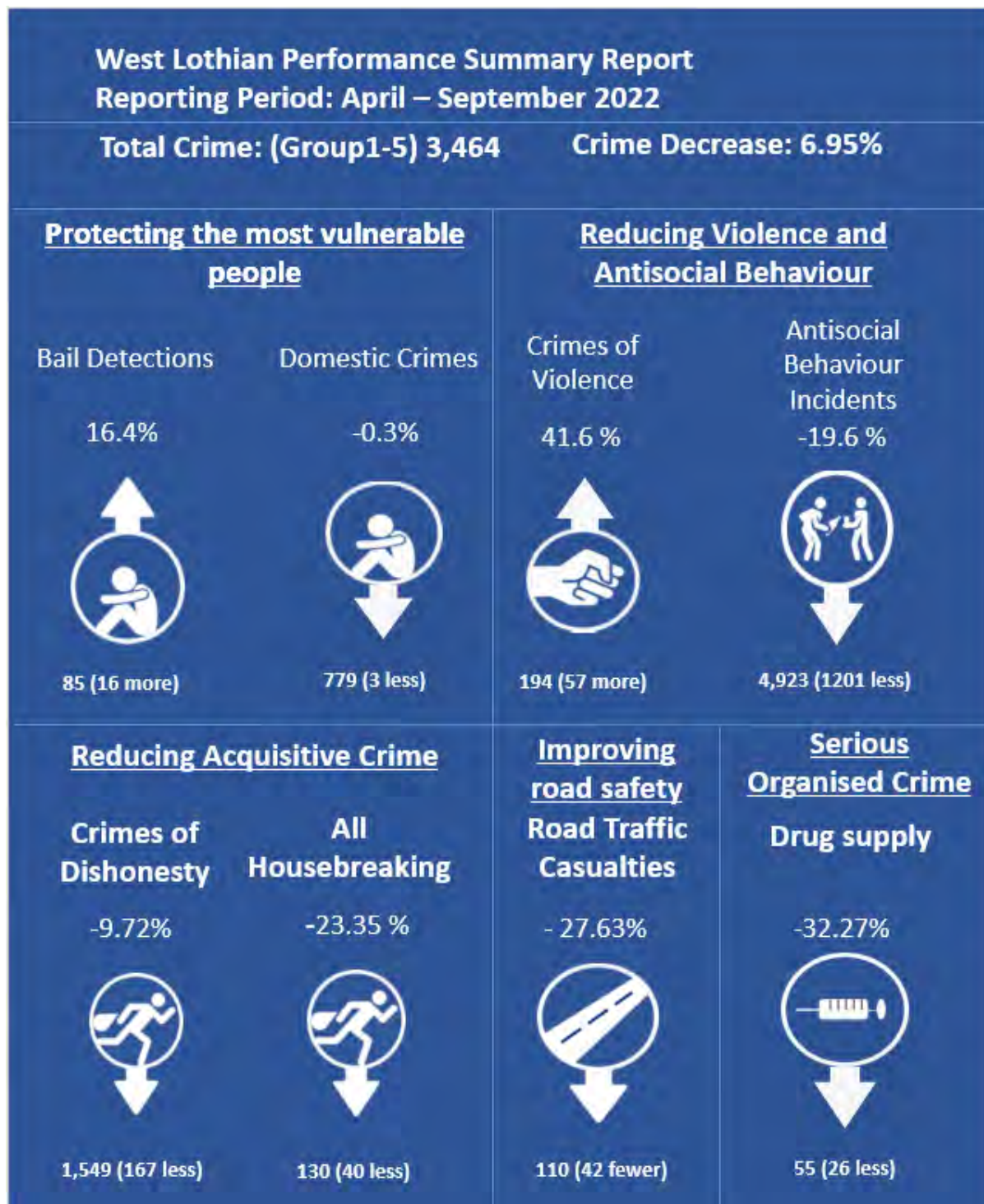
1. Protecting the Most Vulnerable People
2. Reducing Violence and Antisocial Behaviour
3. Acquisitive Crime
4. Improving Road Safety
5. Tackling Serious and Organised Crime

All figures quoted in this report are for the period April 2022 to September 2022 and are compared against the same reporting period from the previous year. Where figures are quoted on rate per 10,000 population, these are based on West Lothian's population of **183,100 in 2019** (Scottish Government figures, published April 2020).

There are backlogs in processing recorded crimes in J Divisions. This is particularly impacting data for September and October 2022. Please use caution when comparing current data with last year and the 5-year average.

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West Lothian Performance Summary



Please note – Figures shown above relate to 5 year average comparison

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Executive Summary – Q2, West Lothian

The success of the West Lothian Police Scotland Youth Volunteers, as reported in Q1, extended into Q2. The group were proactively busy volunteering at a number of local and national events, such as the Royal Military Tattoo, Royal Highland Show, Bathgate Party at the Park and the Linlithgow Jousting Event. This was all in addition to the intervention and community based work that they do. The PSYV worked alongside local community officers by distributing information about the 'It'll Cost You' campaign, the 'Keep Safe' initiative as well as assisting with letter drops in relation to ASB use of off road vehicles. Since May 2022, the PSYV have amassed over 700 volunteering hours combined; a fantastic effort! Their work not only raises the profile of the PSYV but enhances the public's perception of the young people of West Lothian and Police Scotland and they are a credit to our partnership Community. Special recognition for the work of PC Ross Walker, the PSYV Co-Ordinator, is worthy of mention as the success of the group was only possible due to his commitment to this work.

Police in West Lothian were delighted to support "The School Bank, West Lothian". At the start of the Summer 2022 term, Police Scotland provided funding for 10 school uniform packs, which were distributed to families in need of assistance. This was particularly pertinent as the cost of living crisis began to impact those most in need.

During Q2, there were 58 Disclosure Scheme for Domestic Abuse Scotland (DSDAS) applications, taking the number to 121 applications YTD. This is 17 more than the previous quarter and highlights our ongoing commitment to keeping people safe and recognition that this is a vitally important area of business as those suffering from domestic abuse and families living with domestic abuse are likely to require additional supports and interventions which extend beyond dealing with the initial reports of domestic crimes or incidents.

The newly established Joint Interviews protocol was embedded in Q2 with dedicated and specially trained staff using the Scottish Child Interview Model. This team comprises of 2 police officers and 2 social workers working together. The model provides children who are being interviewed by police and social work with a fully trauma-informed response which is designed with the child's wellbeing and needs at its core.

National Pride Month occurred within Q2 and West Lothian Pride made its triumphant return for the first time in 3 years. Hundreds of participants marched from the Pride Village at West Lothian College along Almondvale Boulevard. The event was free from incident and had a low impact on the local area, with shoppers enjoying the music, atmosphere and colourful costumes and banners. The event was well attended by families and the West Lothian PSYV and Police Officers representing The Scottish LGBTI Police Association, including the Local Area Commander CI Louise Brownlie, also marched in full uniform to show support.

The focus on high tariff SOCG's produced significant successes in Q2, with one investigation targeting a van parked in a residential street within West Lothian. The vehicle was seized and removed under police powers with a search warrant being granted. A full forensic recovery was carried out and subsequently 5.5kg of Cocaine, 14kg of Cannabis, 300 Diazepam tablets and £1380 cash was recovered. These investigations deliver significant disruption to SAOCG's and provide additional intelligence opportunities to inform future investigations.

The number of cannabis cultivations detected dropped in Q2 but ongoing work with the UK Border Agency identified enforcement opportunities for controlled drugs being imported which were destined for West Lothian. In Q2, 4.5kg of herbal cannabis was intercepted and individualas reported to the Procurator Fiscal.

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In this quarter, Police Scotland launched the National Firearms Surrender Campaign, which allowed members of the public to hand in unwanted or illegal firearms and ammunition anonymously without prosecution. A total of 23 firearms were surrendered to West Lothian Police Stations, including lethal, imitation and Airsoft weapons. Various types of ammunition were also surrendered, including cartridges, ball bearings and powders. This important campaign successfully removed the possibility of such items falling into the hands of those who may wish to cause harm in our communities.

In response to concerns regarding anti-social behaviour targeting buses operating in West Lothian, local officers worked alongside Lothian and Country Buses to run a 'decoy bus' initiative. The initiative was instigated following a number of incidents of buses being vandalised in various towns throughout the county. During the initiative there were no incidents of vandalism to the decoy bus or any service buses, however a number of youths were identified as being involved in anti-social behaviour and appropriate intervention with their families was undertaken. There are plans to repeat this initiative in coming quarter.

Although domestic and business housebreaking incidents were down, we have continued to focus on raising awareness by offering crime prevention advice, recommending target hardening strategies and enhanced security provision. This proactivity is aimed at trying to prevent incidents and is in recognition that this area of business may be impacted by the cost of living crisis. Advice is circulated through all available means, including face to face with partners and members of the public and our local and national social media accounts.

At the beginning of the summer 2022 school term, local officers visited a number of schools during drop off and collection times to assess inconsiderate parking and driving with a view to increasing road safety at vulnerable locations. With the volume of traffic around schools during peak times being high, schools are encouraged to take part in the 'Parksmart' scheme, which involves pupils providing educational advice in relation to inconsiderate parking and driving outside schools to their parents and carers.

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Protecting the most vulnerable people.	Missing Persons
<p>The Lothians & Scottish Borders Division and the communities of West Lothian recognise that protecting people, particularly those considered vulnerable, is a policing priority. Within the remit of protecting people is the work and investigations carried out to trace people who are reported missing.</p> <p>Recognising the vulnerability associated with missing people, particularly those that are young or suffering from mental health challenges, Police Scotland has adopted rigorous investigation structures and management approaches to missing person incidents. Police Scotland created a new operational system in 2018 for recording missing person incidents and managing those enquiries, so five year comparison is not available in this heading.</p> <p>In Q2 the high demand from missing people incidents persisted, although there was a slight decrease in volume with one high tariff looked-after child being returned to their home Local Authority area at the end of August 2022.</p> <p>Local Officers and management continued to work with Local Authority and private YPUs in West Lothian to manage positive outcomes. We have collectively positively engaged with the young people in an attempt to address the high levels of reports and offered support to units and foster carers.</p> <p>Social Work training for 'West Lothian looked after children protocol', continues to run, bringing new staff up to speed with the protocol. Until this has been fully completed, ongoing issues will continue to present challenges to staff and police.</p> <p>During Q2, there were a number of individual missing person incidents pertaining to adults living with Dementia. The individuals concerned were traced safe and well, with advice given to family members in relation to Herbert Protocol documentation required to assist family and police, should there be any future reports. In September, we supported World Alzheimer's day, whilst using the opportunity to extensively promote this protocol in Social Media.</p> <p>Since the lockdown restrictions were removed last year, adult mental health numbers have fallen significantly and NHS protocols have been implemented, which has had a positive effect on the missing person reports from St John's Hospital.</p> <p>The ACAST mental health triage system is still widely utilised by officers when appropriate. This service was utilised to provide support and advice to individuals suffering from a mental health crisis.</p> <p>Statistics relating to missing people are unavailable for this quarter. Steps are being taken to reintroduce quantitative information in following quarterly reports.</p>	

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Protecting the most vulnerable people.	Domestic Abuse Incidents			
Domestic Abuse	5yr Average	Q2 2022/23	% Change	
Number of Domestic Abuse Incidents	1241.8	1369	10.24	
Total Crimes and offences in domestic abuse incidents	781.8	779	-0.36	
Percentage of Domestic Incidents that result in a crime	46.90	41.42	-5.48	
Total crimes and offences detection rate	67.78	60.46	-10.80	
Total Detections for Domestic Bail Offences	68.6	85	23.91	

*Domestic abuse incidents reported to police.

Domestic Abuse will always be a priority matter for all West Lothian officers. By the end of Q2, there were 1369 incidents reported, an increase of 3% from Q2 2021/22. This is 10.24% above the five year average. 58% of all domestic related calls did not result in a crime being recorded, which is a slight decrease from Q1 2022.

Detection rates for crimes and offences are slightly lower than the five year average, however detection rates for bail offences showing 24% increase against the five year average. The proactive enforcement of domestic bail conditions - targeted policing, designed to identify and arrest perpetrators who are in breach of Court issued Bail conditions have contributed to this impressive increase. We will continue this approach to ensure that we target repeat perpetrators of such violent acts and protect vulnerable victims.

The Disclosure Scheme for Domestic Abuse Scotland (DSDAS) has two main approaches. The “Right to Ask” is open to anyone who has concerns about a new partner’s abusive past or has concerns about another person’s new partner. The “Power to Tell” is when we receive information or intelligence about the safety of a person who may be at risk, this information is thereafter disclosed to the person concerned so they are able to make informed decisions about their personal safety. During Q2, there were 58 applications (121 YTD), this is 17 more than the previous quarter and highlights the ongoing commitment to keeping people safe.

We had recorded 34 crimes under the Domestic Abuse Scotland Act 2018 by the end of Q2 – domestic offences relating to controlling and coercive behaviours. This shows better recording of this crime type and understanding amongst officers. Detection rate is at 76.5% which is expected to increase as many enquiries take time to collate all the necessary evidence.

MARAC continues to be a multi-agency priority. The steering group are now monitoring the volume of referrals and the impact on those involved. At this time referral volume is in line with Safe Lives National expectations.

Towards the end of Q1, the Domestic Abuse Investigation Unit, commenced the Prisoner Release Plan. This plan entails officers engaging with offenders prior to or shortly after prison release, reminding them of any ongoing conditions, whilst also capturing any concerns from previous partners enabling these to be addressed early.

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Protecting the most vulnerable people.

Hate Crime

West Lothian			
	5 year average	2022/23 Q2	Change (%)
Hate Incidents	126.6	123	-2.84
Hate Crimes	117.6	99	-15.82
Hate Crime Detection Rate	72.62	64.65	-10.97

Please note the % change are the % diff from 5 year average to the Q2 figure.

Please note that in respect of recorded Hate Crimes, this section references;

- Criminal Law Consolidation 1995 S50a(1)(B)&(5)Cause Distress & Alarm
- Racially Aggravated Harassment (Criminal Law (Consolidation) (S) Act 1995 S50a(1)(A))
Racist Conduct

Official Hate Crime statistics include all crime types which have a Hate Crime aggravator added to the crime. The aggravators are Disability, Race, Religion, Sexual Orientation and Transgender Identity.

We continue to promote our 27 Keep Safe premises and third party reporting. Although our numbers are slow to increase, our Preventions Officer continues to work with premises and provide information to those businesses who may be thinking of participating. Details can be found on Police Scotland website searching under “Third Party Reporting”.
<https://www.scotland.police.uk/contact-us/reporting-hate-crime/third-party-reporting-centres/>

At the start of the educational year, local Community officers attended the Fresher’s Fayre held at West Lothian College where Hate Crime awareness and crime prevention advice was shared to those in attendance. Advice regarding student online safety was also distributed to all students at West Lothian college as well as those attending Oatridge agricultural college.

During Q1, we supported National Pride Month, with West Lothian Pride making its return for the first time in 3 years in Q2. Hundreds of participants marched from the Pride Village at West Lothian College, through Almondvale Boulevard and thereafter returning to the village to continue the festivities. West Lothian Police were proud to take part with both on and off duty officers enjoying the celebrations.

The overall number of Hate Crimes and Incidents decreased against the five year average. We know that these types of crimes are massively under-reported. We continue to work with external agencies to create and support new reporting mechanisms. Our social media platforms assist us in highlighting all our reporting options. Higher levels of reporting assist us to better understand patterns, considering support and interventions, whilst identifying ways to more effectively support victims, especially repeat victims.

We continue to review investigative opportunities and seek to build on solid performance, and work towards higher detection levels.

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Protecting the most vulnerable people.	Sexual Crimes (Group 2)
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Crime Type	5 Year average	Q2 2022/23	% Difference	% Detection
Group 2	220	180	-18.18%	46.11%
Rape and attempted rape	41.6	36	-13.46%	52.78%
Indecent/Sexual Assault	81.8	71	-13.20%	42.25%
Other Group 2 crimes	96.4	73	-24.27%	46.58%

Tackling criminality that poses the greatest threat and risk is and will always be, a priority for officers in West Lothian. Rape and Sexual Crime is an area of focus in terms of providing confidence to report, undertaking professional investigations, providing victim support, pursuing perpetrators and managing offenders. The investigation of sexual crime, alongside the management of offenders is achieved through close partnership working, and we will continue to work with all partners and explore further collaborative working opportunities.

We continue to work with partners in the Gender Based Violence Committee to encourage the reporting of all sexual and domestic offences and to ensure that the right support is in place when survivors are ready to come forward.

Similar to Q1, reported rapes during Q2 show a small decrease against the five year average. The majority of these reports relate to non-recent reports, with victims reporting historical crimes committed against them by persons known to them. These enquiries can be especially challenging and resource intensive, in particular where forensic evidence no longer exists. Despite this, detection rates for Rape and Sexual Assault are increasing compared to LYTD.

As per previous quarters, we continued to utilise social media to elevate awareness of so called "sextortion" scams which is a type of cyber extortion. It involves the threat of having sexual information, intimate images or clips shared, whether the images actually exist or not. Despite raising awareness through social media, more and more online users are being targeted by this type of scam. Victims range in age although men appear to be susceptible to this type of scam. We continue to support victims and direct them to appropriate third party agencies.

During Q2, 149 child, and 65 adult Initial Referral Discussions were completed, with police identifying and raising formal discussion with key WLC partners regarding vulnerability. Further to this, in light of concerns for their wellbeing, 28 children were subject of a Joint Investigative Interview resulting in 6 reports being submitted to COPFS. These included physical, emotional and sexual harm as well as instances of neglect. Although the number of reports reflects the number of offenders, it does not indicate the number of charges libelled.

It is worth mentioning that the Joint Interviews are being carried out by a newly established team, who are trained to interview using the Scottish Child Interview Model. This dedicated team comprises of 2 police officers and 2 social workers. The model provides children who are being interviewed by police and social work with a fully trauma-informed response. The evidence gathering process is improved and best evidence is secured on video for cases which are proceeding to court, thereby minimising the impact of the criminal justice process on the child.

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Protecting the most vulnerable people.	Drug Supply, Production & Cultivation										
<table border="1"> <thead> <tr> <th data-bbox="239 396 652 472">Drugs Supply</th><th data-bbox="654 396 884 472">5 year average</th><th data-bbox="885 396 1171 472">Q2 2022/23</th><th data-bbox="1173 396 1420 472">% Difference</th></tr> </thead> <tbody> <tr> <td data-bbox="239 474 652 537">Drugs Supply, Production and Cultivation</td><td data-bbox="654 474 884 537">81.2</td><td data-bbox="885 474 1171 537">55</td><td data-bbox="1173 474 1420 537">-32.27%</td></tr> </tbody> </table>	Drugs Supply	5 year average	Q2 2022/23	% Difference	Drugs Supply, Production and Cultivation	81.2	55	-32.27%			
Drugs Supply	5 year average	Q2 2022/23	% Difference								
Drugs Supply, Production and Cultivation	81.2	55	-32.27%								
<p>Drugs supply has a close link to Organised Crime Groups (OCG), and is a blight on any community. We focus on those who bring harm to our communities, and particularly those who are involved in drugs supply, cultivation/production and the sale and distribution in particular, but not exclusively, of Class A drugs.</p>											
<p>West Lothian Pro-active Crime Team continue to develop and carry out enforcement on members of organised crime groups based in West Lothian (Operation Wingman) that are involved in the supply of controlled drugs. By the end of Q2, Op Wingman removed over £643,769 worth of drugs from West Lothian streets, along with nearly £130,000 in cash along with numerous items linked to proceeds of crime.</p>											
<p>During September 2022, intelligence was received in relation to suspicious activity surrounding a van parked in a residential street within West Lothian. The vehicle was seized and removed under police powers with a search warrant being granted a short time later. A full forensic recovery was carried out where subsequently 5.5kg of Cocaine, 14kg of Cannabis, 300 Diazepam tablets and £1380 cash was recovered. Enquiries are ongoing with PCT to trace the identified suspect.</p>											
<p>Where applicable, West Lothian Council have been notified to initiate eviction proceedings. Similar to Q1, there was no tenancy recalls in Q2, although WLC are in the process of engaging with a number of tenants prior to instigating legal proceedings.</p>											
<p>Our divisional protocols in relation to the recording and sharing of Non-Fatal Overdose incidents, is now well established. As a result we send notification of any NFO to the local addiction services who ensure the individual is offered support. This programme is seeing an increased engagement with local drug support groups and is allowing for intelligence streams around developing drug trends and potentially harmful products. By the end of Q2 we had referred 55 people for direct intervention via our Non-Fatal Drugs Overdose processes.</p>											
<p>We continue to develop drugs intelligence from the local community. Drugs enforcement requires information from sources to build a picture and fill in the pieces of the jigsaw. We rely upon community intelligence, and encourage reporting direct to police by phone, online, in person, via remote reporting sites and / or anonymously through Crimestoppers (0800 555111).</p>											

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Reducing Violence and Antisocial Behaviour.	Crimes of Violence (Group 1)
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Crime Type	5 year average	Q2 2022/23	% Difference	Q2 2022/23 Detection Rate
Group 1	137	194	41.61%	54.12%
Serious Assault	64.6	78	20.74%	66.67%
Robbery	20.2	17	-15.84%	64.71%
Common Assault *	1010.2	1029	1.86%	54.81%

*Common assaults not recorded as group 1 crimes, but will be referenced in this section

Detection rates for crimes of violence remain high, with enquiries led predominantly by CID and Proactive Crime Team officers. Reports of Serious Assault increased by seven from 71 compared to Q2 last year. Reports of Robbery are more than 15.8% lower than the five year average.

Overall Group 1 crime includes online threats and extortion, "sextortion" - which has seen a steady rise, year on year, from a very low base line five years ago (38 YTD, vs 10.2 for the five year average). These cyber-enabled extortions, typically involving a threat of sharing sexual information, images or clips to extort money from people, (whether images actually exist or not) are particularly hard for police to prevent. Reports of so-called 'sextortion' have increased significantly across the country and West Lothian is in line with the national trends.

Common Assault in West Lothian is over 1.8% above the five year average. Detections increased to 54.8% compared to Q1. These figures include domestic assaults, which account for a significant number of these offences, and which are also described later in this report. By the end of Q2, there were 77 Assaults on Emergency Service Workers, which is still 13.08% below the five year average, and for reasons that are generally understood (corroborated incidents and very often dealing with named persons), solvency is at 100%.

During 2022, Police Scotland promoted the National Firearms Surrender Campaign which allowed members of the public to hand in unwanted or illegal firearms and ammunition anonymously, if required, without prosecution. To date, 23 firearms were surrendered to West Lothian Police Stations, this included Lethal, Imitation and Airsoft Weapons. Various types of ammunition were also surrendered, including cartridges, ball bearings and powders. Although firearm offences remain low, the removal of unwanted weapons from criminal availability will help to reduce the risk of harm to the public and our communities.

On 24th August, police were made aware of an incident at Aldi, Whitburn in relation to a potential ongoing robbery with the male in possession of knives. Response officers attended, disarmed the male who was then subsequently arrested. The store manager and staff were commended for their actions during the incident, in which no persons within the store were injured. A 38 year old male was subsequently charged with Attempt Robbery, Possession of a Bladed Article, Vandalism, MDA offences and Police Assaults, for which he was remanded in custody.

A 28 year old local male has been arrested and charged with the attempt murder of a male in Whitburn after an incident in September 2022. The victim remains in hospital with life changing injuries, further enquiries are ongoing and a visible police presence continues although this was an isolated incident and there is no risk to the wider public.

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Reducing Violence and Antisocial Behaviour.		Reducing Antisocial Behaviour		
Indicator	5 Year Average	2022-23 Q2	% Difference	Q2 2022/23 Detection Rate
Antisocial Behaviour Incidents	6124.2	4923	-19.61	
Vandalism (Including Malicious Mischief)	720.2	672	-6.69%	21.58%
Fire-raising	63	60	-4.76%	8.33%
Breach of the Peace and S38/S39 CJ&L(S) A 2010	792.6	706	-10.93%	64.87%

We continue to tackle Anti-Social Behaviour in its various forms with our partners. At 4,923 incidents reported to Police, ASB remains a volume complaint, however is again showing reporting levels slightly below the five year average, which, despite the Covid affected increases in 2020/21, is still positive and welcome. Reported Vandalism also continues to fall.

Q1 saw the launch of the 'It'll Cost You' campaign in West Lothian, which aims to raise awareness of proxy purchasing. Alcohol misuse among young people continues to affect communities throughout the county and can contribute to various types of Anti-Social Behaviour as well as putting our young people at risk of harm. This continued throughout Q2 with the assistance of West Lothian Police Scotland Youth Volunteers. The campaign aims to raise awareness of the issue and attempt to prevent proxy purchases occurring in our communities.

Proxy purchasing is one way that young people can obtain alcohol therefore the campaign raises awareness that buying alcohol for someone who is under the age of 18 is a Criminal Offence, which carries a fine of up to £5000 or up to 3 months in prison, or both.

During Q2, West Lothian Police worked alongside Lothian and Country buses and ran a 'decoy bus' initiative throughout the county. The initiative was instigated following a number of incidents of buses being vandalised in various towns throughout the county. During the initiative there were no incidents of vandalism to the decoy bus or any service buses, however during the initiative a number of youths were identified as being in possession of alcohol which was subsequently seized. Similar operations are being planned for Q3.

The anti-social use of off road vehicles continues to be a concern in a number of communities in the county. Local community officers have been carrying out letter drops in communities where regular reports occur in an attempt to establish the identity of those involved. Such information was provided to officers after an incident in the Deans area of Livingston which resulted in a 17 year old male being identified and charged with numerous offences.

Communities hold key information in assisting Police with identifying those involved in ASB use of off road vehicles. We are encouraging people to report such incidents and if they know, to tell us who is responsible. They can do this by reporting to Police via 101 or via the 'Contact Us' form on the Police Scotland website. Always 999 in an emergency. If those wishing to report would like to remain anonymous they can do so by contacting the independent charity Crimestoppers on 0800 555111.

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Reducing Acquisitive Crime.		Dishonesty (Group 3)		
Crime Type	5 Year Average	Q2 2022/23	% Difference	Q2 2022/23 Detection Rate
Total Group 3	1715.8	1549	-9.72%	20.27%

Protecting our communities from the harm that results from Acquisitive Crime continues to be one of our Key Priorities. Recorded Group 3 crime is down by more than 9.7% on the five year average. By the end of 2022, crimes of Dishonesty had decreased by 45 from the year before, with detection sitting at 20.27%. Further breakdown of the data provided in the table above provides the following:

Common Theft and Theft by Shoplifting remain the volume crimes under the Dishonesty heading, accounting for 640 out of the 1549 crimes of dishonesty for Q2. Fraud, in particular online crimes, and attempts to obtain money via phone scams, remains an issue. We continue to push out preventative messages both locally and in support of national campaigns.

Thefts of vehicles have increased by 25 crimes from 66 LYTD. There were 54 Thefts from insecure Vehicles, down by 3.6%, and overall motor vehicle crime has increased slightly by 4.6% in comparison to LYTD.

During Q2, our Preventions and Interventions Officer along with Community Officers held several Community Surgeries in Broxburn, Linlithgow, Bathgate and Armadale. During these surgeries, officers were on hand to provide home security advice with focus on practical and often inexpensive ways for communities to protect their homes. Vehicle security advice was also provided as well as through our social media accounts. Due to the positive feedback from communities and elected members, further surgeries are being considered.

Furthermore, with the darker nights approaching, the Rural Watch Scotland alert scheme is being utilised to encourage those living in our rural communities to report any suspicious activity witnessed in their area. As always, all suspicious activity can be reported via 101, the 'contact us' form on the Police Scotland internet page or anonymously through Crimestoppers on 0800 555 111.

Along with previous quarters, we continued to promote the Banking protocol this quarter. By the conclusion of Q2, there were 14 reports of possible banking scams within West Lothian, preventing nearly £55,000 being lost to scammers. Bank staff are trained on identifying these types of scams and these continue to be investigated when applicable.

During Q2, pro-active patrols (with both marked and unmarked vehicles used) continued at identified vulnerable premises, and pro-active team officers will continue to target recidivist offenders. When possible, our Community officers have also been carrying out high visibility patrols in both urban and rural areas within their community, working with partners and 3rd sector organisations to assist in the prevention of crime.

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Reducing Acquisitive Crime.		Housebreaking		
Crime Type*	5 Year Average	Q2 2022/23	% Difference	Q2 2022/23 Detection Rate
Dwelling HB	62.6	56	-10.54%	5.36%
Non Dwelling (Sheds, garages) HB	38.8	33	-14.95%	15.15%
Other (Business) HB	68.2	41	-39.88%	41.46%
All HB	169.6	130	-23.35%	19.23%

*All Crime Types include attempt thefts

There was an increase of 33 reports of Housebreaking in West Lothian compared to last year, although this is 23% below the 5 year average. These numbers include reported attempted break-ins.

We recorded an increase of 6 dwelling crimes compared to LYTD, still showing 10.5% lower than the five year average. During Q2, pro-active patrols (with both marked and unmarked vehicles used) continued at identified vulnerable premises, and pro-active team officers will continue to target recidivist offenders.

Core business continues and we have had cause to deal with a number of repeat offenders in the Q2 period:

- Over a period of weeks in July 2022, the East side of West Lothian were subject to multiple HB's to local businesses. CID retained ownership and, after extensive investigation, a 33 year old local male was charged and reported for 8 HB offences, Theft and Theft of MV. Further offences have been identified in E Division and will be progressed by E Division CIU.
- A second hand charity shop in Bathgate was subject to an HB towards the end of July. Although the shop is currently closed, various stock was still in situ. On officers immediately attending, a 20 year old male was identified as being responsible. After admitting the offence, he was charged and reported to COPFS.
- Towards the end of July, numerous residential properties in the Linlithgow area were subject to HB. Livingston CID continued enquiries and identified a 50 year old prolific offender as being responsible. He was thereafter reported to COPFS for these offences.
- Towards the end of Q2, numerous reports were received from residents in East Calder in relation to suspicious behaviour with attempts being made to enter properties and vehicles. Although officers attended promptly, the suspects to date have not been traced. Enquiries in relation to a vehicle sighted are ongoing.

Much of our focus in this regard is in raising awareness, offering crime prevention advice, recommending target hardening strategies and enhanced security provision, and trying to improve the likelihood that residents will not become victims. We continue to publicise advice to householders through our social media accounts.

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Improving Road Safety.

Road Casualties

Road Traffic Collision - Injury	Q2 2021/22	Q2 2022/23	Change
Fatal	1	4	300%
Serious	29	29	0
Slight	122	77	-37%
Total	152	110	-27.63%
Children (aged<16) Killed	0	0	0
Children (aged<16) Seriously Injured	2	7	250%

Road Traffic Offences	5 Year Average	Q2 2022/23	Change
Dangerous driving	47.6	42	-11.76%
Speeding	148.4	67	-54.85%
Disqualified driving	23.8	16	-32.77%
Driving Licence	117.6	118	0.34%
Insurance	315	276	-12.38%
Seat Belts	49.6	17	-65.73%
Mobile Phone	53	21	-60.38%
Drink/Drug Driving Detections	112	118	5.36%

The number of serious injuries as a result of road traffic collisions by the end of Q2 remains on par with Q2 LYTD. The number of slight injury decreased from 122 to 77, equating to a decrease of 37%. Injury collisions centre almost exclusively to the main arterial roads, where our enforcement presence will continue.

Sadly Q2 saw four fatalities in West Lothian. Extensive enquiries are also still ongoing into previous fatalities from 2021/22 which is unfortunately reducing abilities to engage with the usual speeding initiatives.


We will continue to support the Roads Policing campaign calendar during 2022/23. During Q2, we supported the Summer Drink Drug Drive, Commercial Vehicle Week and Vulnerable Road Users Week.

With school returning during Q2, local community officers visited a number of schools during drop off/collection times to assess inconsiderate parking. No offences were detected during visits, however it is acknowledged that the volume of traffic around schools during peak times is high. Schools are encouraged to partake in the ‘Parksmart’ scheme, which includes pupils from the schools providing educational advice in relation to inconsiderate parking/driving outside schools to parents and carers.

During September, Road Policing Officers continued with Operation Dogma. This motorcycle safety campaign is aimed at promoting and encouraging safe motorcycles on popular routes. #bikersafety

Officers were also fully engaged with Operation Unicorn providing security escort drivers and patrolling of processional routes.

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Tackling Serious & Organised Crime.	Tackling Serious & Organised Crime
	<p>West Lothian officers continue to disrupt organised crime groups by targeting drugs supply, gathering intelligence and generating enforcement opportunities. In Q2 we continued enforcement action in relation to Organised Crime Groups involved in the supply of controlled drugs.</p> <p>West Lothian continue to support Project Aidant, a national campaign to enhance and develop our knowledge of modern slavery within various sectors. Within West Lothian four car washing premises have been identified and searched and although no offences have been identified, further premises will be visited in the coming months.</p> <p>During Q1, a number of high value vehicles from across Scotland were found within shipping containers in Grangemouth destined for South Africa. West Calder PCT took ownership under Operation Mathdo. Extensive enquiries revealed these vehicles were stolen from numerous housebreakings within the central belt of Scotland, including J Division. During Q2, Search warrants were executed by PCT at addresses linked to a 39 year old male who was subsequently reported to COPFS. During the enquiry, £310,000 worth of stolen vehicles were recovered.</p> <p>During Q2, Police Scotland Counter Terrorism Liaison officer delivered further CT and Prevent Awareness Training to new recruits at HMP Addiewell. ACT e-learning package has also been prepared and rolled out to staff based at Howden Park Centre with plans to complete face-to-face training once online training has been completed.</p> <p>Two sessions of Postal Threats Training was delivered at ESC for Livingston COPFS staff during Q2. This training was completed by the Police Scotland Counter Terrorism Liaison Officer. Further sessions are currently in the planning.</p> <p>We continue to work with UKBA and have identified enforcement opportunities relating to controlled drugs being imported destined for West Lothian. To date in Q2 4.5kg of Herbal Cannabis have been intercepted and persons reported to the Procurator Fiscal.</p>
<p>Representation.</p> <p>UK terror threat levels</p> <p>(as of February 9 2022)</p>  <p>PA graphic. Source: Joint Terrorism Analysis Centre</p>	<p>The UK National Threat Level is</p> <p>SUBSTANTIAL: an attack is likely.</p> <p>On Wednesday, 9 February 2022, the Home Secretary announced that the UK's Terrorist Threat Level has been lowered from Severe to Substantial.</p> <p>Assistant Chief Constable Mark Williams said: "At this time there is nothing to suggest that there is any specific threat to Scotland. However, I would remind the people of Scotland that they should remain vigilant and report any suspicious activity to Police Scotland."</p>

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Complaints	Complaints About The Police - Executive Summary			
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April - June 2022				
	Number of Complaints about the Police		Number of Complaints per 10,000 Police Incidents	
Complaints received about the Police	77		30.96	
	On Duty Allegations	Off Duty Allegations	Quality of Service Allegations	Total Number of Allegations
Total Allegations Recorded	68	-	34	102

The breakdown above details the total number of Complaints about the Police, received in relation to the West Lothian area command as at 30th September 2022.

The breakdown below provides further detail on the Allegation Category and Type. As can be seen there has been a 58.87% decrease in the overall number of Complaints about the Police when comparing LYTD and YTD.

Area	Allegation Category and Type	LYTD	YTD	% change
West Lothian Council	On Duty - TOTAL	136	68	-50.0%
	Assault	6	5	-16.7%
	Discriminatory Behaviour	2	2	0.0%
	Excessive Force	12	5	-58.3%
	Incivility	26	22	-15.4%
	Irregularity in Procedure	77	28	-63.6%
	Neglect of Duty	3	0	-100.0%
	Oppressive Conduct/Harassment	3	1	-66.7%
	Other - Criminal	-	-	-
	Other - Non Criminal	3	0	-100.0%
	Traffic Irregularity/Offence	2	2	0.0%
	Unlawful/Unnecessary Arrest or Detention	2	3	50.0%
	Quality Of Service - TOTAL	112	34	-69.6%
	Policy/Procedure	14	4	-71.4%
	Service Delivery	35	18	-48.6%
	Service Outcome	63	12	-81.0%
	Grand Total	248	102	-58.9%

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Appendix

Lothian and Scottish Borders Divisional Crime Overview

Lothian and Scottish Borders Division	5 Year Average	2022/23 Q2	Per 10,000 Q2 2022/23	Detection Rates 2022/23
GROUP 1: NON SEXUAL CRIMES OF VIOLENCE	301.4	391	7.85	58.06
Murder (excluding culpable homicide at common law)	1.6	1	0.02	100.00
Culpable homicide (at common law)	0	0	0	-
Culpable homicide (under statute including RTA, sec. 1)	1.6	2	0.04	100.00
Attempted murder	8.4	11	0.22	90.91
Serious assault	133.8	133	2.67	72.93
Robbery and assault with intent to rob	43.8	38	0.76	76.32
Domestic Abuse (of female)	N/A	73	1.47	69.86
Domestic Abuse (of male)	N/A	4	0.08	50.00
Domestic Abuse (Total)	N/A	77	1.55	68.83
Cruel & Unnatural treatment of children	38.6	29	0.58	79.31
Threats and extortion	26	76	1.53	6.58
Other group 1 crimes	19.2	24	0.48	29.17
GROUP 2: SEXUAL CRIMES	554.4	516	10.36	52.13
Rape	100.6	96	1.93	56.25
Assault w/i to rape or ravish	3.4	9	0.18	55.56
<i>Rape and attempted rape - Total</i>	104	105	2.11	56.19
Sexual assault (pre-SOSA 2009)*	7.4	1	0.02	200.00
Sexual assault (SOSA 2009)*	158.2	149	2.99	53.69
Lewd & libidinous practices*	51.6	31	0.62	19.35
<i>Indecent/Sexual Assault - Total</i>	217.2	181	3.63	48.62
<i>Prostitution related crime - Total*</i>	0.4	0	0	-
Taking, distribution, possession of indecent photos of children	26.4	32	0.64	100.00
Communicating indecently (SOSA 2009)*	44.8	47	0.94	61.70
Communications Act 2003 (sexual)	19.8	7	0.14	28.57
Sexual exposure (SOSA 2009)*	18.4	17	0.34	52.94
Public indecency (common law)	7	5	0.1	100.00
Other sexual crimes (SOSA 2009)*	77.4	73	1.47	38.36
Other sexual crimes (non-SOSA 2009)*	9.2	8	0.16	37.50
Threatening / Disclosure of intimate image*	29.8	41	0.82	34.15
Other Group 2 crimes	0	0	0	-
<i>Other Group 2 crimes - Total</i>	232.8	230	4.62	53.04
GROUP 3: CRIMES OF DISHONESTY	4379.6	4086	82.02	23.23
Housebreaking (incl. attempts) - dwelling house	190	138	2.77	15.94
Housebreaking (incl. attempts) - non dwelling	167.4	149	2.99	16.11
Housebreaking (incl. attempts) - other premises	191.4	118	2.37	43.22
<i>Housebreaking (incl. Attempts) - Total</i>	548.8	405	8.13	23.95

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Opening Lockfast Places - Motor Vehicle	110.4	81	1.63	7.41
Theft of a motor vehicle	224.6	199	3.99	33.67
Theft from a Motor Vehicle (Insecure etc.)	290.8	147	2.95	10.88
Attempt theft of motor vehicle	19	14	0.28	21.43
<i>Motor vehicle crime - Total</i>	644.8	441	8.85	20.86
Opening Lockfast Places - NOT Motor Vehicle	67.4	67	1.34	10.45
Common theft	1192.6	1300	26.1	16.15
Theft by shoplifting	1166.6	948	19.03	41.46
Fraud	431.2	688	13.81	12.06
Other Group 3 Crimes	328.2	237	4.76	28.27
GROUP 4: FIRE-RAISING, MALICIOUS MISCHIEF etc.	2110.6	2004	40.23	22.75
Fireraising	125.8	146	2.93	20.55
Vandalism (including malicious mischief)	1870	1728	34.69	21.12
Reckless conduct (with firearms)	3.4	2	0.04	50.00
Culpable and reckless conduct (not with firearms)	106	124	2.49	48.39
Other Group 4 Crimes	5.4	4	0.08	0.00
GROUP 5: OTHER (PRO-ACTIVITY) CRIMES	2174.6	1960	39.34	89.80
Carrying offensive weapons (incl. restriction)	78.4	93	1.87	92.47
Handling bladed/pointed instrument	76.8	87	1.75	88.51
Offensive weapon (used in other criminal activity)*	69.8	55	1.1	65.45
Bladed/pointed instrument (used in other criminal activity)*	43.4	30	0.6	56.67
<i>Total offensive/bladed weapons</i>	268.4	265	5.32	81.51
Production, manufacture or cultivation of drugs	38	23	0.46	82.61
Supply of drugs (incl. possession with intent)	112.4	120	2.41	62.50
Bringing drugs into prison	11	6	0.12	83.33
<i>Supply of drugs - Total</i>	161.4	149	2.99	66.44
Possession of drugs	928.8	746	14.98	95.71
Other drugs offences (incl. importation)	7.2	9	0.18	55.56
<i>Total drugs crimes</i>	1097.4	904	18.15	90.49
Offences relating to serious and organised crime	1	1	0.02	100.00
Bail offences (other than absconding)	424	440	8.83	90.00
Other Group 5 crimes	383.8	350	7.03	94.00
GROUP 6: MISCELLANEOUS OFFENCES	5086.4	5090	102.18	64.58
Common Assault	2054.4	2336	46.89	55.39
Common Assault (of emergency workers)	208.4	197	3.95	103.05
<i>Common Assault - Total</i>	2262.8	2533	50.85	59.10
Breach of the Peace	98.8	34	0.68	102.94
Threatening & abusive behaviour	1883.4	1722	34.57	69.22
Stalking	50.6	37	0.74	78.38
<i>BOP, S38 & S39 Crim Just & Lic (S) Act 2010 - Total</i>	2032.8	1793	35.99	70.05
Racially aggravated harassment/conduct*	71.4	29	0.58	100.00
Drunk and incapable	25.8	12	0.24	100.00
Consume alcohol in designated place local bye-law	26.6	10	0.2	90.00
Other alcohol related offences*	18	17	0.34	105.88

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<i>Drunkness and other disorderly conduct (TOTAL)</i>	70.4	39	0.78	100.00
Wildlife offences*	19.6	31	0.62	203.23
Other Group 6 offences	629.4	665	13.35	60.60
GROUP 7: OFFENCES RELATING TO MOTOR VEHICLES	3636.2	3607	72.41	80.93
Dangerous driving offences	129.2	131	2.63	74.05
Drink, Drug driving offences incl. Failure to provide a specimen	270	326	6.54	92.33
Speeding offences	364.8	139	2.79	100.00
Driving while disqualified	64	44	0.88	90.91
Driving without a licence	299	232	4.66	97.84
Failure to insure against third party risks	732	623	12.51	99.84
Seat belt offences	71.8	57	1.14	100.00
Mobile phone offences	93.2	78	1.57	100.00
Driving Carelessly	298.2	353	7.09	84.42
Drivers neglect of traffic directions (NOT pedestrian crossings)	65.2	185	3.71	94.59
Using a motor vehicle without test certificate	339.6	463	9.29	100.00
Other Group 7 offences	909.2	976	19.59	43.24

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West Lothian Recorded Crime Overview

West Lothian	5 Year Average	2022/23 Q2	Per 10,000 Q2 2022/23	Detection Rates 2022/23
GROUP 1: NON SEXUAL CRIMES OF VIOLENCE	137	194	10.6	54.12
Murder (excluding culpable homicide at common law)	0.6	1	0.05	100
Culpable homicide (at common law)	0	0	-	-
Culpable homicide (under statute including RTA, sec. 1)	0.2	0	-	-
Attempted murder	5.6	4	0.22	75
Serious assault	64.6	78	4.26	66.67
Robbery and assault with intent to rob	20.2	17	0.93	64.71
Domestic Abuse (of female)	N/A	35	1.91	74.29
Domestic Abuse (of male)	N/A	1	0.05	0
Domestic Abuse (Total)	N/A	36	1.97	72.22
Cruel & Unnatural treatment of children	13.4	6	0.33	100
Threats and extortion	10.2	38	2.08	2.63
Other group 1 crimes	10	14	0.76	35.71
GROUP 2: SEXUAL CRIMES	220	180	9.83	46.11
Rape	39.2	31	1.69	54.84
Assault w/i to rape or ravish	2.4	5	0.27	40
Rape and attempted rape - Total	41.6	36	1.97	52.78
Sexual assault (pre-SOSA 2009)*	1.8	1	0.05	0
Sexual assault (SOSA 2009)*	60.4	54	2.95	51.85
Lewd & libidinous practices*	19.6	16	0.87	12.5
Indecent/Sexual Assault - Total	81.8	71	3.88	42.25
Prostitution related crime - Total*	0.2	0	-	-
Taking, distribution, possession of indecent photos of children	8.4	9	0.49	100
Communicating indecently (SOSA 2009)*	18.4	13	0.71	53.85
Communications Act 2003 (sexual)	8.6	1	0.05	100
Sexual exposure (SOSA 2009)*	9.6	6	0.33	50
Public indecency (common law)	3	4	0.22	75
Other sexual crimes (SOSA 2009)*	34	26	1.42	26.92
Other sexual crimes (non-SOSA 2009)*	3.6	4	0.22	0
Threatening / Disclosure of intimate image*	10.8	10	0.55	40
Other Group 2 crimes	0	0	-	-
Other Group 2 crimes - Total	96.4	73	3.99	46.58
GROUP 3: CRIMES OF DISHONESTY	1715.8	1549	84.6	20.27
Housebreaking (incl. attempts) - dwelling house	62.6	56	3.06	5.36
Housebreaking (incl. attempts) - non dwelling	38.8	33	1.8	15.15
Housebreaking (incl. attempts) - other premises	68.2	41	2.24	41.46
Housebreaking (incl. Attempts) - Total	169.6	130	7.1	19.23
Opening Lockfast Places - Motor Vehicle	45.6	33	1.8	9.09
Theft of a motor vehicle	90.2	91	4.97	34.07

OFFICIAL

OFFICIAL

Theft from a Motor Vehicle (Insecure etc.)	147.8	54	2.95	5.56
Attempt theft of motor vehicle	6.6	1	0.05	100
Motor vehicle crime - Total	290.2	179	9.78	21.23
Opening Lockfast Places - NOT Motor Vehicle	26	15	0.82	20
Common theft	498.6	554	30.26	13.72
Theft by shoplifting	430.4	355	19.39	34.65
Fraud	176.8	238	13	14.71
Other Group 3 Crimes	124.2	78	4.26	17.95
GROUP 4: FIRE-RAISING, MALICIOUS MISCHIEF etc.	832.4	791	43.2	22.12
Fireraising	63	60	3.28	8.33
Vandalism (including malicious mischief)	720.2	672	36.7	21.58
Reckless conduct (with firearms)	1.2	0	-	-
Culpable and reckless conduct (not with firearms)	46.6	57	3.11	43.86
Other Group 4 Crimes	1.4	2	0.11	0
GROUP 5: OTHER (PRO-ACTIVITY) CRIMES	817.6	750	40.96	87.07
Carrying offensive weapons (incl. restriction)	35.2	39	2.13	87.18
Handling bladed/pointed instrument	30.4	38	2.08	76.32
Offensive weapon (used in other criminal activity)*	37.6	35	1.91	57.14
Bladed/pointed instrument (used in other criminal activity)*	24.4	16	0.87	43.75
Total offensive/bladed weapons	127.6	128	6.99	70.31
Production, manufacture or cultivation of drugs	22.4	12	0.66	83.33
Supply of drugs (incl. possession with intent)	47.8	37	2.02	54.05
Bringing drugs into prison	11	6	0.33	83.33
Supply of drugs - Total	81.2	55	3	63.64
Possession of drugs	313.6	233	12.73	101.29
Other drugs offences (incl. importation)	3.6	3	0.16	0
Total drugs crimes	398.4	291	15.89	93.13
Offences relating to serious and organised crime	0.6	0	-	-
Bail offences (other than absconding)	155.8	209	11.41	87.56
Other Group 5 crimes	135.2	122	6.66	89.34
GROUP 6: MISCELLANEOUS OFFENCES	2116.4	2025	110.6	59.36
Common Assault	920.8	952	51.99	50.74
Common Assault (of emergency workers)	89.4	77	4.21	105.19
Common Assault - Total	1010.2	1029	56.2	54.81
Breach of the Peace	38.4	10	0.55	110
Threatening & abusive behaviour	735.2	686	37.47	64.58
Stalking	19	10	0.55	40
BOP, S38 & S39 Crim Just & Lic (S) Act 2010 - Total	792.6	706	38.56	64.87
Racially aggravated harassment/conduct*	38.2	15	0.82	80
Drunk and incapable	5.2	1	0.05	100
Consume alcohol in designated place local bye-law	8.8	5	0.27	100
Other alcohol related offences*	5.6	5	0.27	100
Drunkenness and other disorderly conduct (TOTAL)	19.6	11	0.6	100
Wildlife offences*	2	1	0.05	400

OFFICIAL

Other Group 6 offences	253.8	263	14.36	58.17
GROUP 7: OFFENCES RELATING TO MOTOR VEHICLES	1526.8	1360	74.28	80.15
Dangerous driving offences	47.6	42	2.29	73.81
Drink, Drug driving offences incl. Failure to provide a specimen	112	118	6.44	88.14
Speeding offences	148.4	67	3.66	100
Driving while disqualified	23.8	16	0.87	100
Driving without a licence	117.6	118	6.44	95.76
Failure to insure against third party risks	315	276	15.07	98.19
Seat belt offences	49.6	17	0.93	100
Mobile phone offences	53	21	1.15	100
Driving Carelessly	107.8	101	5.52	84.16
Drivers neglect of traffic directions (NOT pedestrian crossings)	30.8	32	1.75	100
Using a motor vehicle without test certificate	158	198	10.81	98.99
Other Group 7 offences	363.2	354	19.33	38.7



PUBLIC & COMMUNITY SAFETY POLICY AND DEVELOPMENT SCRUTINY PANEL

SCOTTISH FIRE AND RESCUE LOCAL PLAN PERFORMANCE REPORT

REPORT BY INTERIM HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES

A. PURPOSE OF REPORT

This report is to update Panel Members on the Local Plan Performance for the Scottish Fire and Rescue Service in West Lothian for the period 1st July 2022- 30th September 2022.

B. RECOMMENDATION

Panel members are asked to note the contents of the report.

C. SUMMARY OF IMPLICATIONS

I Council Values	Being honest, open and accountable; Focusing on our customers' needs; Making best use of our resources; and Working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The production and Council approval of the Local Police and Local Fire and Rescue Plan is a statutory requirement of the Police and Fire Reform (Scotland) Act 2012.
III Implications for Scheme of Delegations to Officers	None at this stage.
IV Impact on performance and performance Indicators	There is no direct impact however this report is part of the agreed process for strategic performance reporting.
V Relevance to Single Outcome Agreement	This report will have a positive impact on the following SOA indicators: We live in resilient, cohesive and safe communities. People most at risk are protected and supported to achieve improved life changes.
VI Resources – (Financial, Staffing and Property)	The council contributes directly and in partnership to the delivery of the plan.
VII Consideration at PDSP	Yes.

VIII Consultations

Council Executive, Community Planning Partners, Elected Members.

D. TERMS OF REPORT

The West Lothian Scottish Fire and Rescue Local Plan sets out the local fire and rescue priorities and objectives for West Lothian and is a statutory requirement of the Police and Fire Reform (Scotland) Act 2012.

Council Executive has agreed that the monitoring of performance against the plans will be reported and considered on a quarterly basis by the Public & Community Safety Policy Development and Scrutiny Panel. This report covers the period from 1st July 2022- 30th September 2022.

E. CONCLUSION

This report provides an update on the performance to enable panel members to scrutinise the work of the Scottish Fire & Rescue Service.

F. BACKGROUND REFERENCES

Appendix 1: Local Plan Performance Report for West Lothian Year to Date Report 1st July 2022- 30th September 2022.

- G.** Contact Person: Alison Smith alison.smith@westlothian.gov.uk T: 01506 281367.

Julie Whitelaw

Interim Head of Housing Customer and Building Services

Date of meeting: 8th December 2022



West Lothian

Local Plan Performance Report



SCOTTISH
FIRE AND RESCUE SERVICE
Working together for a safer Scotland

Year to Date Report, 1st April 2022 - 30th September 2022

**Working together
for a safer Scotland**

DISCLAIMER

The figures included in this report are provisional and subject to change as a result of quality assurance and review. The statistics quoted are internal management information published in the interests of transparency and openness.

The Scottish government publishes Official Statistics each year which allow for comparisons to be made over longer periods of time.

West Lothian

CONTENTS	PAGE
1 Introduction	3
2 Performance Summary	4
3 Progress on local fire & rescue plan priorities	
<i>Local Risk Management and Preparedness</i>	5
<i>All accidental dwelling fires</i>	7
<i>All accidental dwelling fire casualties (fatal & non-fatal (incl. p/c's))</i>	9
<i>All deliberate fires</i>	11
<i>Non domestic fires</i>	13
<i>Special Service - RTC casualties</i>	15
<i>Special Service - Non RTC casualties</i>	17
<i>False Alarm - UFAs</i>	19
4 Appendices	
5 Glossary	

Introduction

The national priorities for the Scottish Fire and Rescue Service (SFRS) are set out in the Fire and Rescue Framework for Scotland. The SFRS Strategic Plan 2022-2025 outlines how the SFRS will deliver against these priorities and the outcomes against which this delivery can be measured.

The priorities contained within the Local Fire and Rescue Plan for West Lothian 2018 contribute towards the priorities within the West Lothian Local Outcome Improvement Plan 2013-2023 and the Community Safety Plan 2022- 2025.

The aims of the Scottish Fire & Rescue Service in West Lothian are to reduce fire deaths throughout the West Lothian area and to reduce injuries from fire and other emergencies in the community. We aim to achieve this by working in partnership, being pro-active and targeting our prevention and protection activities to where they are required, based on evidence.

Within the Local Fire and Rescue Plan for West Lothian 2018, seven objectives for the Scottish Fire and Rescue Service to work towards have been identified for 2018 onwards (listed below):

Priority i: Local Risk Management and Preparedness

Priority ii: Domestic Fire Safety

Priority iii: Deliberate Fire Setting

Priority iv: Non Domestic Fire Safety

Priority v: Road Safety

Priority vi: Unintentional Harm and Injury

Priority vii: Unwanted Fire Alarm Signals.

Area Commander Kenneth Barbour
Local Senior Officer for Falkirk & West Lothian
Kenneth.Barbour@firescotland.gov.uk

Performance Summary

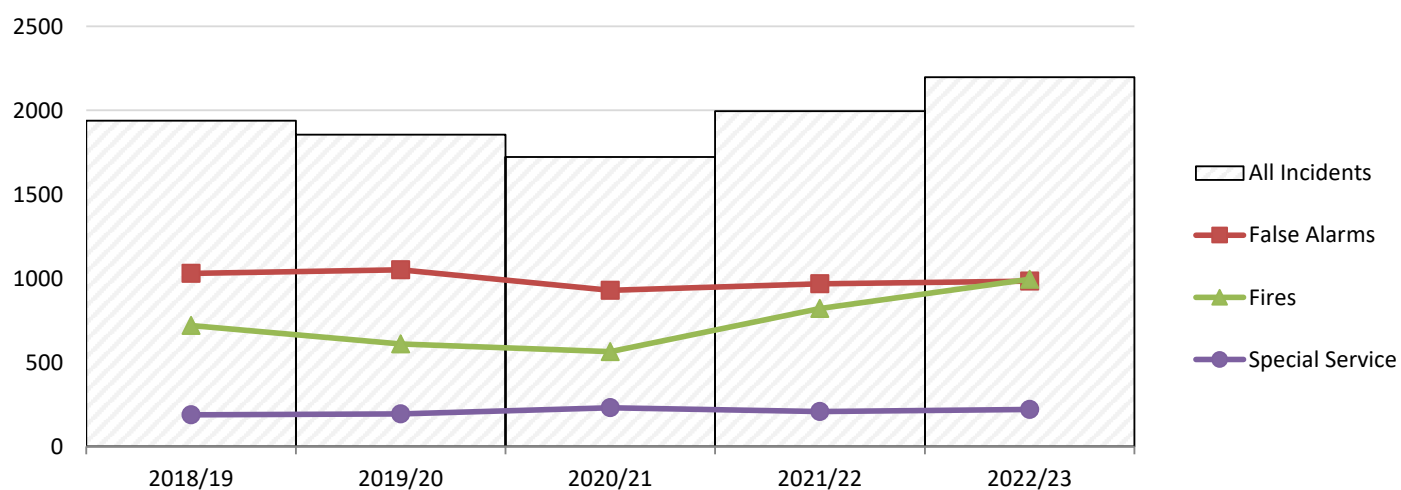
We measure how well we are meeting our priorities using 7 key indicators, depicted below

Key performance indicator	Apr to (& incl.) Sep					RAG rating
	2018/19	2019/20	2020/21	2021/22	2022/23	YTD
All accidental dwelling fires	77	46	46	77	57	●
All accidental dwelling fire casualties (fatal & non-fatal (incl. p/c's))	13	7	15	5	3	●
All deliberate fires	470	453	368	562	691	◆
Non domestic fires	36	39	32	44	34	●
Special Service - RTC casualties	18	37	27	19	17	●
Special Service - Non RTC casualties	20	28	28	21	20	●
False Alarm - UFAs	524	560	394	476	513	▲

RAG rating - KEY		
◆	RED DIAMOND	10% higher than the previous YTD period, or local target not achieved.
▲	YELLOW TRIANGLE	Up to 9% higher than the previous YTD period, or local target not achieved.
●	GREEN CIRCLE	Equal to or improved upon the previous equivalent quarter (or YTD period), or local target achieved.

Note
Quarterly comparison RAG Rating = the reporting period compared to the average of the three previous reporting periods.
Incident Overview
SFRS has responded to a total of 2198 incidents within the West Lothian area for the year to date for the 6 month period for 2022/23. This is an increase of 203 incidents from the corresponding period 2021/22 which experienced 1995 incidents.

The chart below illustrates incidents YTD attended within West Lothian council over the last 5 fiscal years



Progress on local fire & rescue plan priorities
Local Risk Management and Preparedness
<p>The Service must identify, prioritise and plan to meet the risks in each local community.</p> <p>We said we would:</p> <ul style="list-style-type: none"> • train our staff to deal with our local risks • gather and analyse risk information • work with partners to mitigate risks • deal with major events.
<u>Train our staff to deal with our local risks</u>
<p>Our operational staff continue to undertake routine and risk specific skill acquisition and maintenance training. All firefighters have participated in the modular 'Training For Operational Competence' programme. Firefighter safety is one of the Values of SFRS and this underpins all our activities. Theoretical inputs are confirmed with practical sessions and exercises. relaxed COVID-19 and HSE restrictions during this reporting period have enabled our teams to physically exercise at local venues and COMAH sites to ensure operational readiness and familiarity with the practical firefighting activities required to ensure plans are tested reviewed and enable safe incident resolution.</p>
<u>Gather and analyse risk information</u>
<p>Operational staff continue to gather and analyse local risk information and operational intelligence which is used in our preparations to ensure the successful resolution of operational incidents. Fire Safety Enforcement Officers , Community Safety Engagement teams and Operational Crews have now resumed a physical on site inspection and engagement regime now that COVID restrictions enable a return to normal operating arrangements. Work at both a tactical and strategic level has resumed face to face in the main and will now enable teams across SFRS and the wider partnership to reengage with communities and each other.</p>
<u>Work with partners to mitigate risks</u>
<p>We continue to be an active member of the Lothians and Borders Local Resilience Partnership and share appropriate information. We share information with Local Authority partners and other key stakeholders (e.g Police Scotland) to ensure emergency event risks are mitigated.</p>
<u>Deal with major events</u>
<p>SFRS responded to a wide variety of incidents across the West Lothian area during Q2 of this period, the SFRS responded to a significant number of wildfire events and in line with the national trend during the significant periods of hot dry weather which experienced a significant increase in accidental and deliberate fires. One of which was Major Incident in West Calder which lasted three days and was dealt with by crews from across Scotland. Support received from partners and communities was critical to ensure a safe conclusion and demonstrated excellent partnership working. 106 mobilisations took place of SFRS resources including 30</p>

Reduction of 'All accidental dwelling fires'

Accidental dwelling fires (ADFs) can have devastating effects on our community. The SFRS is committed to keeping people safe in their homes. We have developed information sharing protocols and referral processes with our partners to ensure that SFRS access the homes in our community, particularly those who are vulnerable due to age, isolation or addiction. Reduction of ADFs contributes to the West Lothian CPP Local Outcome Improvement Plan, SOA1304_14 Number of accidental dwelling fires per 10,000 population. We aim to reduce ADFs in West Lothian by 3% per year, which contributes towards the SFRS target for reducing ADFs.

Results

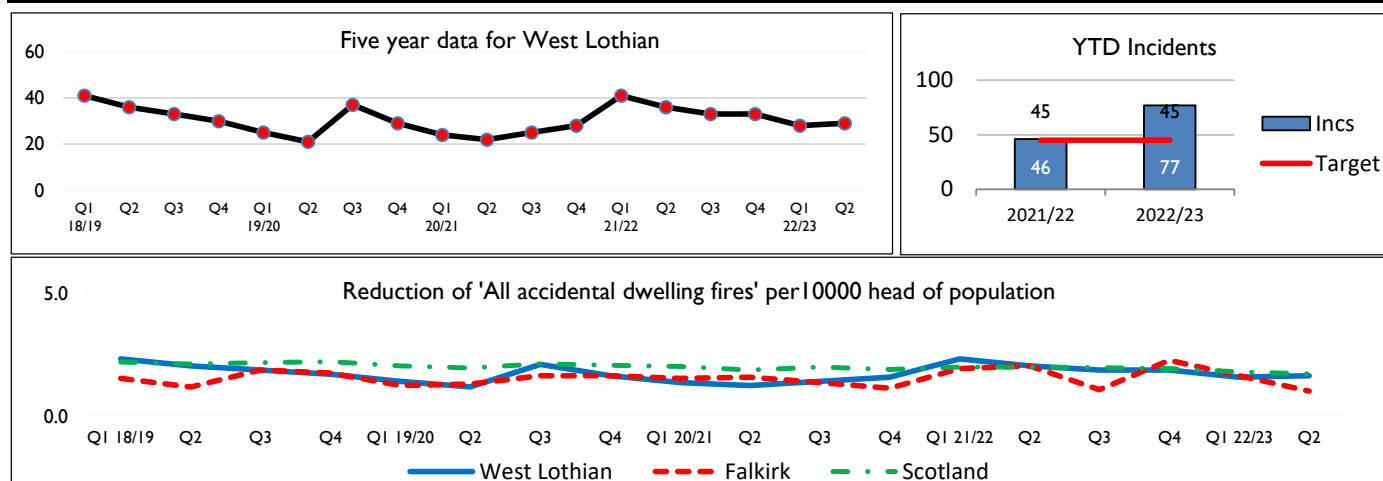
The YTD Incidents chart below shows the actual number of incidents during the year to date period of 2022/23 against the target for that period, aligned to the actual number of incidents and target for the same period for 2021/22. There has been an increase of 1 incidents [4%] when compared to Q1 2022/23 and is 20 incidents (26%) less when compared to the previous reporting period in Q2 2021/22. The per 10,000 population trendline over the previous five years shows the West Lothian area is generally below that of Scotland and slightly above that of a comparator local authority.

Reasons

Of the 29 accidental dwelling fires attended in Q2, 23 incidents [80%] were identified as originating in the kitchen. 14 incidents [48%] involved a person over the age of 65, with a further 12 incidents [41%] in the age group 18 - 64. In 15 incidents [52%], distraction, falling asleep or a medical condition was identified as contributing to the cause. In 4 incidents [14%], the consumption of alcohol or drugs was suspected as being a contributory factor. No or very limited damage to item first ignited accounted for 25 incidents [86%], 24 or (83%) of incidents required no or very limited action on arrival with 12 incidents (41%) having no working smoke alarm present.

Actions

SFRS will continue to identify and develop means to reduce and mitigate accidental dwelling fires through identification of prevention and early intervention initiatives developed with and in support of our Community Planning Partners. Appendix I provides further details on our prevention activities in relation to this priority.



YTD ward ave. for West Lothian - 6	2018/19	2019/20	2020/21	2021/22	2022/23	Sparklines
West Lothian	77	46	46	77	57	
Linlithgow	4	4	4	4	8	
Broxburn, Uphall & Winchburgh	4	5	6	7	8	
Livingston North	7	4	6	8	3	
Livingston South	10	5	5	9	7	
East Livingston & East Calder	6	5	6	10	5	
Fauldhouse & the Breich Valley	9	5	3	5	6	
Whitburn & Blackburn	14	7	5	13	6	
Bathgate	13	5	7	14	7	
Armadaile & Blackridge	10	6	4	7	7	

Reduction of 'All accidental dwelling fire casualties (fatal & non-fatal (incl. p/c's))'

Accidental Dwelling Fire Casualty and Fatality rates provide an indication of the amount of serious, life-threatening injuries that occur due to fires in the home. This can indicate not only the success of SFRS in reducing the number of life risk fires through community fire safety and similar activities, but also their success in response activity in saving lives. We aim to reduce Accidental Dwelling Fire Casualties in West Lothian by 3% per year, which contributes towards the SFRS target for reducing Fire Casualties.

Results

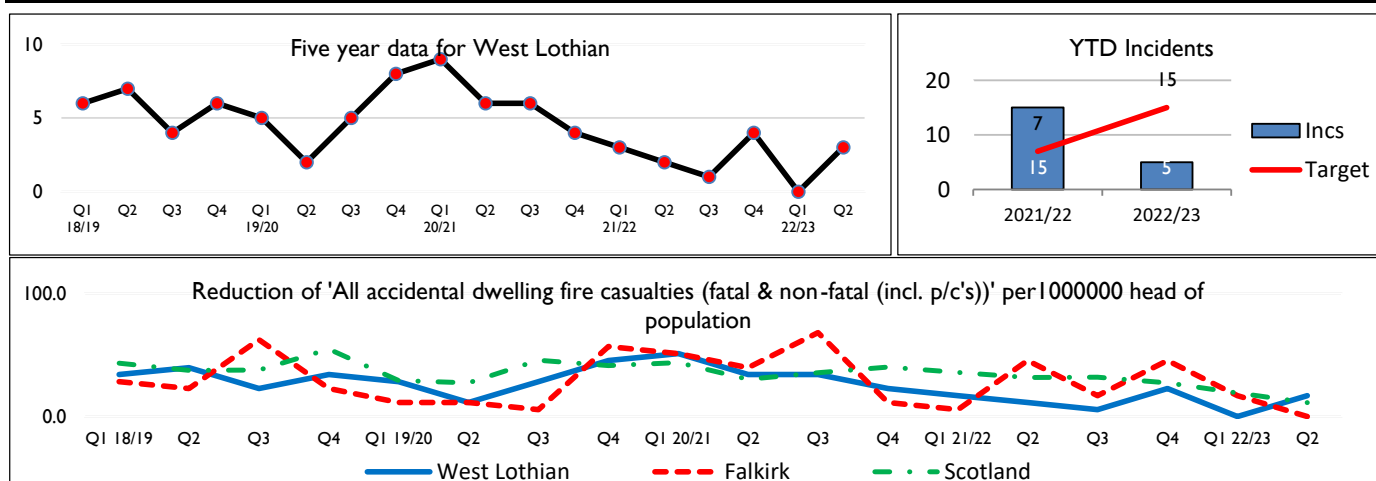
The YTD chart below shows the actual number of casualties during the year to date period of 2022/23 against the target for that period, aligned to the actual number of casualties and target for the same period for 2021/22. There has been 3 recorded fire casualties for the period giving an increase of 3 casualties when compared to Q1 2021/22 and an increase of 1 casualties compared to the previous reporting period in Q2 2021/22. The per 1,000,000 population five year trendline shows the West Lothian area is below Scotland and below that of a comparator local authority with Q2 experiencing a slight rise.

Reasons

The three recorded casualties injuries were very slight. 1 casualty attended hospital for slight injury. 1 received first aid on scene only and the remaining casualty received a precautionary on scene assessment only. All casualties self evacuated and had working alarms which alerted them to the fire. All were cooking related and originated in the kitchen. All were single occupancy dwellings.

Actions

Our Home Safety Visit (HSV) referrals and Post Domestic Incident Response (PDIR) programmes continue to provide the main platform for accessing homes to provide fire safety advice. Partner referrals facilitate SFRS access to the more vulnerable members of the community, where we can provide life saving advice and install smoke detection within domestic premises. Appendix I provides further details on our prevention activities in relation to this priority.



YTD ward ave. for West Lothian - 0	2018/19	2019/20	2020/21	2021/22	2022/23	Sparklines
West Lothian	13	7	15	5	3	
Linlithgow	0	0	0	0	0	
Broxburn, Uphall & Winchburgh	0	0	5	0	0	
Livingston North	0	3	0	0	2	
Livingston South	2	0	1	1	0	
East Livingston & East Calder	1	0	2	0	0	
Fauldhouse & the Breich Valley	0	1	3	0	0	
Whitburn & Blackburn	3	2	1	1	1	
Bathgate	5	1	1	1	0	
Armadaile & Blackridge	2	0	2	2	0	

Reduction of 'All deliberate fires'

Deliberate fire setting is a significant problem for the SFRS and partners in West Lothian. In the main, deliberate fires are secondary fires categorised into either refuse, grassland or derelict buildings incidents. There is a close link between deliberate secondary fires and other forms of anti-social behaviour. Reduction of Deliberate Fire Setting contributes to the West Lothian CPP Local Outcome Improvement Plan, SOA1304_13 Number of deliberate fires per 10,000 population and SOA1304_37 Antisocial Behaviour Incidents per 10,000 population. We aim to reduce Deliberate Fires in West Lothian by 5% per year, which contributes towards the SFRS target for reducing Deliberate Fires.

Results

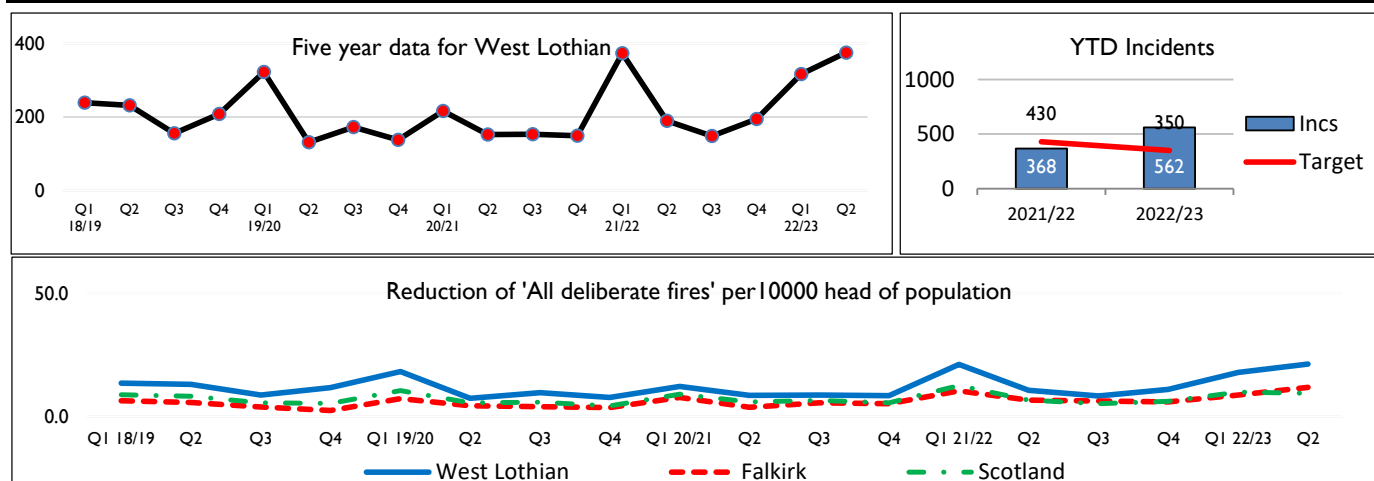
The YTD Incidents chart below shows the actual number of incidents during the year to date period of 2022/23 against the target for that period, aligned to the actual number of incidents and target for the same period for 2021/22. Q2 2022/23 has seen an increase of 196 incidents [98%] compared to Q2 2021/22 and an increase of 59 incidents [19%] compared to the previous reporting Q1 2022/23. The per 10,000 population trendline over the previous five years shows West Lothian to be slightly higher than a comparator local authority and Scotland over the extended 5 year period and continuing to increase.

Reasons

The majority of the Q2 375 deliberate fires involved Grassland/Woodland/Scrub areas and land contained within gardens and accounted for approx 270 (72%). With the next highest item ignited being wheelie bins at 41 (11%). These incidents are mainly aligned to fire related anti social behaviour with the trend line now evidencing a continued upward trend since Q4 2021/22. National trends are also increasing as can be seen by the trend line but to a lesser degree.

Actions

We use a range of methodologies and local initiatives as part of our Thematic Action Plans throughout the year. Knowledge input to schools plays a key part in reducing Deliberate Fire Setting and anti-social behaviour whilst also linking in with our partners on initiatives to provide a more targetted approach. SFRS are endeavouring to use social media to deliver community safety messages to augment messaging through GLOW. Physical engagement post COVID has improved our ability for direct engagement and this face to face positive education will continue and develop going forward. Appendix 2 provides further details on our prevention activities in



YTD ward ave. for West Lothian - 77	2018/19	2019/20	2020/21	2021/22	2022/23	Sparklines
West Lothian	470	453	368	562	691	
Linlithgow	14	17	24	30	23	
Broxburn, Uphall & Winchburgh	38	46	38	49	75	
Livingston North	46	48	40	40	58	
Livingston South	44	64	35	69	101	
East Livingston & East Calder	93	52	55	75	72	
Fauldhouse & the Breich Valley	57	68	41	56	66	
Whitburn & Blackburn	42	60	45	75	82	
Bathgate	76	50	37	92	127	
Armadaile & Blackridge	60	48	53	76	87	

Reduction of 'Non domestic fires'

Fires in Non-Domestic Property can have a detrimental effect on the built environment and the prosperity of the local area. Non-domestic fires are classed as fires which took place in buildings that are not domestic households. Reduction of Non Domestic Property contributes to the West Lothian CPP Local Outcome Improvement Plan, SOA1304_13 Number of deliberate fires per 10,000 population. We aim to reduce fires in Non Domestic property in West Lothian by 3% per year, which contributes towards the SFRS target for reducing Fires in Non-Domestic Property.

Results

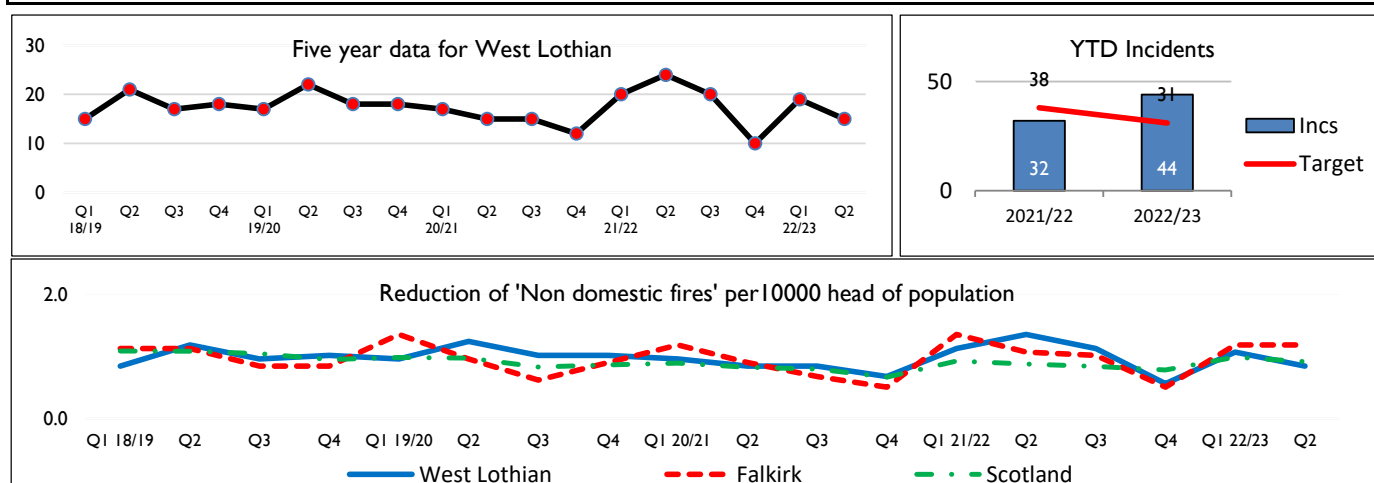
The YTD Incidents chart below shows the actual number of incidents during the year to date period of 2022/23 against the target for that period, aligned to the actual number of incidents and target for the same period for 2021/22. There have been 15 incidents which is a decrease of 4 incidents [21%] when compared to Q1 2022/23 and an decrease of 9 incidents [40%] when compared to the reporting period Q2 2021/22. The majority of these incidents occurred within Secure Premises, Nursing/Care Homes and Small Businesses. The per 10,000 population trendline over the previous 5 years shows the West Lothian area being similar to Scotland and a comparator local authority with Q1 and Q2 now showing a steady declining trend.

Reasons

The number of incidents remains low against this priority. The main sources of ignition have been identified as deliberate ignition involving 6 and cooking related involving a further 6. All 6 deliberate incidents were thoroughly investigated by the appropriate authorities and were subject to a post fire audit by our Fire Safety Enforcement team, the remaining 9 accidental incidents were also subject to SFRS post fire audit activity to ensure compliance with their responsibilities as duty holders and to prevent recurrence.

Actions

SFRS engagement with duty holders and the delivery of our local Fire Safety Enforcement Delivery Plan is assisting in reducing incidents of this type. Appendix 3 provides further details on our prevention activities in relation to this priority.



YTD ward ave. for West Lothian - 4	2018/19	2019/20	2020/21	2021/22	2022/23	Sparklines
West Lothian	36	39	32	44	34	
Linlithgow	4	3	1	5	3	
Broxburn, Uphall & Winchburgh	6	1	2	7	4	
Livingston North	3	2	3	1	1	
Livingston South	6	6	7	10	3	
East Livingston & East Calder	1	7	4	1	3	
Fauldhouse & the Breich Valley	8	10	4	11	7	
Whitburn & Blackburn	1	4	1	4	3	
Bathgate	6	3	4	2	7	
Armada & Blackridge	1	3	6	3	3	

Reduction of 'Special Service - RTC casualties'

Whilst much of this risk is outwith the control of SFRS, responding to Road Traffic Collisions (RTC) is a key part of our intervention activities. The SFRS is committed to working with partners and other stakeholders to drive continuous improvement in this area. Reduction of Casualties from Road Traffic Collisions contributes to the West Lothian CPP Local Outcome Improvement Plan, SOA1304_12 Number of People killed or seriously injured in road accidents. We aim to reduce casualties and fatalities from Road Traffic Collisions in West Lothian by 2% per year, which contributes towards the SFRS target for reducing casualties from Special Service.

Results

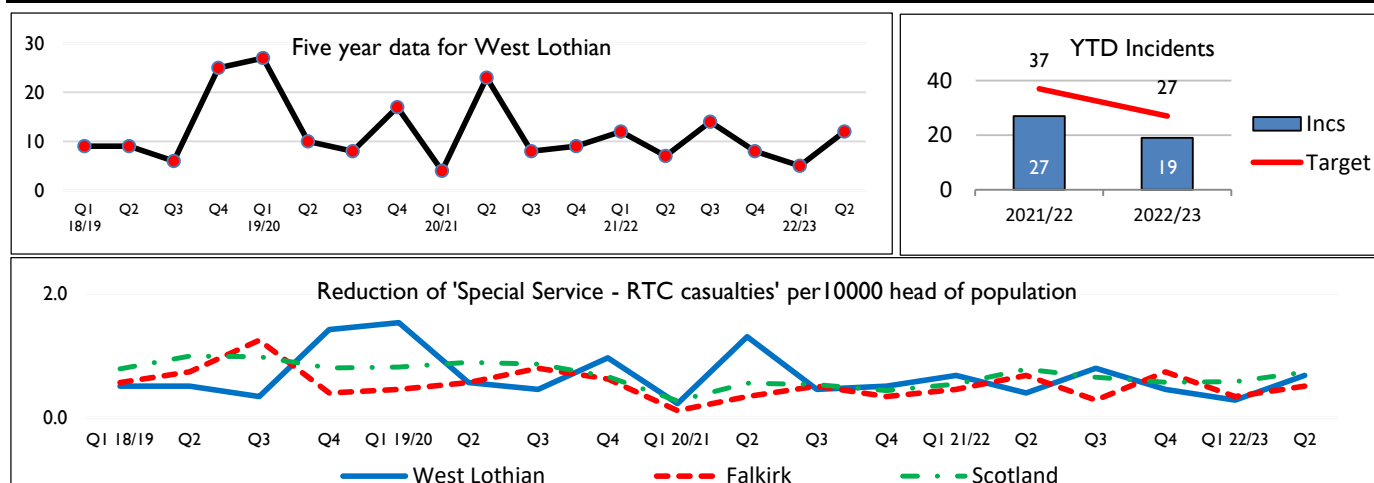
The YTD chart below shows the actual number of casualties during the year to date period of 2022/23 against the target for that period, aligned to the actual number of casualties and target for the same period for 2021/22. There has been an increase of 7 casualties [140%] when compared to Q1 2022/23 and an increase of 5 casualties [71%] compared to previous reporting Q2 2021/22. The per 10,000 population trendline over the previous five years now shows the West Lothian area being slightly lower than a comparator local authority and Scotland with Q1 and Q2 now showing a similar comparison to national trends.

Reasons

Of the 12 casualties reported this period, this sadly included 2 fatalities occurring, 2 further casualties attended hospital for further treatment due to serious injuries and 7 for further checks to be undertaken with slight injuries, with 1 casualty requiring first aid on scene only. 6 casualties required to be rescued by Firefighters through extrication, with the other self extricating prior to SFRS arrival. All casualties were as a result of 8 Road Traffic Collisions involving 7 Cars and one van. No hot spots or repeat locations were encountered.

Actions

SFRS continues to work with partners to drive down Road Traffic Collision's and associated casualties. Appendix 4 provides further details on our prevention activities in relation to this priority.



YTD ward ave. for West Lothian - 2	2018/19	2019/20	2020/21	2021/22	2022/23	Sparklines
West Lothian	18	37	27	19	17	
Linlithgow	0	5	2	2	0	
Broxburn, Uphall & Winchburgh	5	2	4	1	1	
Livingston North	1	4	0	10	0	
Livingston South	1	1	1	1	1	
East Livingston & East Calder	3	4	1	0	8	
Fauldhouse & the Breich Valley	2	3	0	1	1	
Whitburn & Blackburn	4	11	13	1	2	
Bathgate	1	5	4	2	1	
Armada & Blackridge	1	2	2	1	3	

Reduction of 'Special Service - Non RTC casualties'

Whilst much of this risk is outwith the control of SFRS, responding to Non-Fire Emergencies is a key part of our intervention activities. The SFRS is committed to working with partners and other stakeholders to drive continuous improvement in this area. Reduction of Casualties from Non-Fire Emergencies contributes to the West Lothian CPP Local Outcome Improvement Plan, SOA1304_12 Number of People killed or seriously injured in road accidents. We will monitor the number of Non-Fire Emergency Casualties that we attend to and look to work in partnership with other stakeholders to put in place appropriate preventative activities.

Results

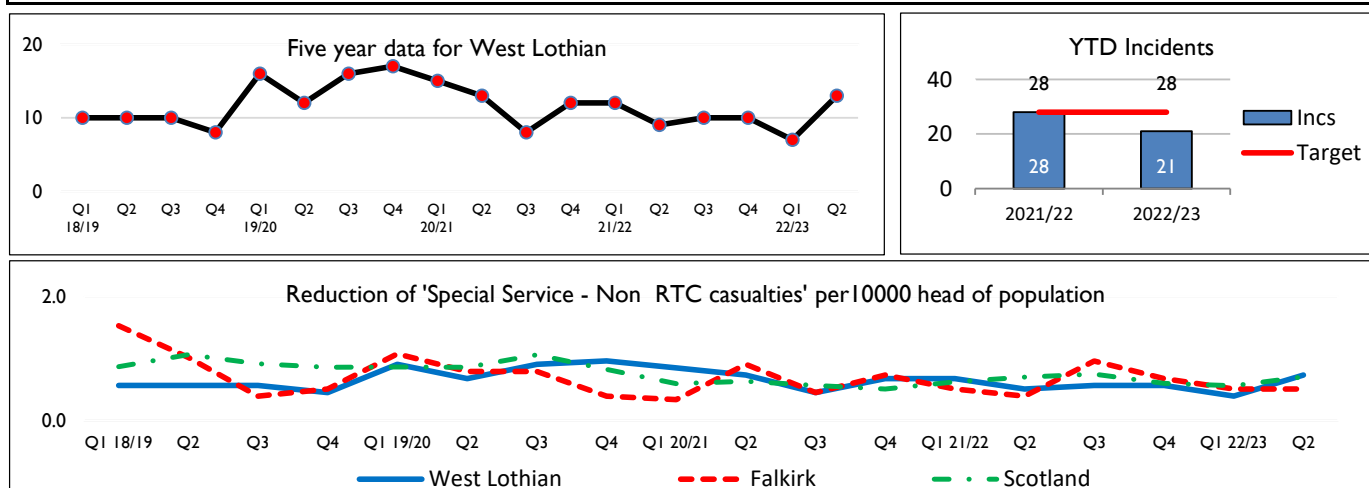
The YTD chart below shows the actual number of casualties during the year to date period of 2022/23 against the target for that period, aligned to the actual number of casualties and target for the same period for 2021/22. There was an increase of 4 casualties [44%] when compared to Q2 2021/22 and an increase of 5 (85%) compared to the previous reporting period Q1 2022/23. The per 10,000 population trendline over the previous five years shows the West Lothian area to replicate the Scottish average for the 6 month period.

Reasons

Casualties numbers resulting from Non RTC special service incidents were mainly as a result of the SFRS attending incidents to assist other partners. Effecting entry for SAS and Police Scotland partners made up the majority of incidents.

Actions

SFRS continues to work with partners to identify opportunities to drive down the number of persons involved in Non RTC Special service casualties. Appendix 5 provides further details on our prevention activities in relation to this priority.



YTD ward ave. for West Lothian - 2	2018/19	2019/20	2020/21	2021/22	2022/23	Sparklines
West Lothian	20	28	28	21	20	
Linlithgow	4	3	4	4	2	
Broxburn, Uphall & Winchburgh	5	6	1	3	1	
Livingston North	1	0	3	1	4	
Livingston South	2	4	5	2	2	
East Livingston & East Calder	2	0	4	3	2	
Fauldhouse & the Breich Valley	3	2	1	1	0	
Whitburn & Blackburn	2	4	1	1	3	
Bathgate	1	7	8	4	5	
Armadaile & Blackridge	0	2	1	2	1	

Reduction of 'False Alarm - UFAs'

Unwanted Fire Alarm Signals (UFAS) are defined as incidents where an automated fire alarm system activates and results in the mobilisation of SFRS resources, where the reason for that alarm turns out to be something other than a fire. The SFRS is committed to working with partners and other stakeholders to reduce Unwanted Fire Alarm Signals. We aim to reduce UFAS in West Lothian by 5% per year, which contributes towards the SFRS target for reducing the number of UFAS incidents attended in non-domestic premises.

Results

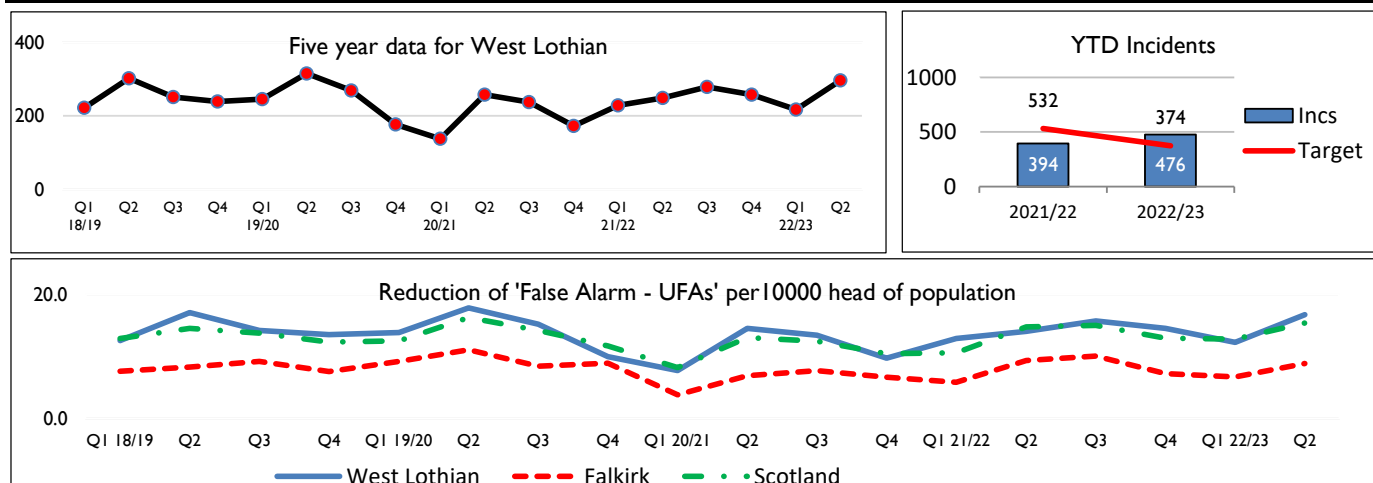
The YTD Incidents chart below shows the actual number of incidents during the year to date period of 2022/23 against the target for that period, aligned to the actual number of incidents and target for the same period for 2021/22. There was an increase of 48 incidents [19%] when compare to Q2 2022/23 and an increase of 79 incidents [36%] compared to previous reporting in Q1 2022/22. The per 10,000 population trendline over the previous five year shows the West Lothian area to be higher than a comparator local authority and currently level with an increasing Scottish average for the 6 month period, although still lower than pre covid average.

Reasons

Common UFAS main causes are: Human Error (24%), Fault in System (25%), Contaminants (23%). The largest amount of UFAS incidents were in Education establishments, Hospitals, care settings and warehousing.

Actions

SFRS proactively monitor UFAS incidents and our Fire Safety Enforcement (FSE) Officers are actively engaged with dutyholders and alarm providers, to work collaboratively towards reducing the amount of UFAS incidents received and attended. This engagement includes education of duty holders in achieving technical, procedural and management solutions and identification of cost effective solutions in order to reduce future UFAS incidents. Appendix 6 provides further details on our prevention activities in relation to this priority.



YTD ward ave. for West Lothian - 57	2018/19	2019/20	2020/21	2021/22	2022/23	Sparklines
West Lothian	524	560	394	476	513	
Linlithgow	39	38	19	28	25	
Broxburn, Uphall & Winchburgh	48	33	43	34	41	
Livingston North	43	57	48	44	78	
Livingston South	162	145	103	124	156	
East Livingston & East Calder	68	85	52	57	70	
Fauldhouse & the Breich Valley	34	38	27	38	28	
Whitburn & Blackburn	72	83	69	101	70	
Bathgate	44	40	17	27	30	
Armada & Blackridge	14	41	16	23	15	

Appendix 1

Reduction of 'All accidental dwelling fires (ADFs)' & Reduction of 'All fire casualties (fatal & non-fatal incl. precautionary check-ups)'

A primary activity related to improving the safety of our communities is delivering Home Safety Visits. Evidence identifies that dwelling fires occur more frequently in those premises that are occupied by the more vulnerable members of our community such as the elderly and those with substance and alcohol dependencies.

SFRS continue to deliver HSV and continue to develop Information Sharing Protocols with partners and increase the safety of residents with all agencies making appropriate referrals.

Home Fire Safety Programme visits completed (Year to date) is 657 which is a 25% increase on the same period last year. This increase is evidence of our focused COVID recovery plan to reengage with communities and 83% of our visits are within High and Medium risk properties which further evidences the quality of visits undertaken as we strive to reach those most vulnerable.

Year to Date Activity 2022-23	Low	Medium	High	TOTAL
Total HSVs YTD Q2	17%	41%	42%	657

During this reporting period, SFRS continue to work with multi-agency partners including Social Work, Housing providers, Health etc. to target those most vulnerable within our communities, by seeking referrals.

SFRS frontline staff submitted several 'Adult Protection' forms to our partners within the Social Work Department to ensure appropriate support is delivered.

SFRS are expanding the HSV within the guidance set out in the Safer Communities Programme. This will see a further transition towards Home Safety Checks with fire crews submitting referrals for 'slips, trips and falls' and 'sensory impairment' in support of reducing unintentional harm where possible. It is envisaged that whilst keeping vulnerable residents safe in their homes, it will reduce the likelihood of hospitalisation and ease the burden in the Health Sector. We welcome the role out across West Lothian when deemed appropriate after full evaluation of the SFRS pilot which has now concluded. We will liaise with our partners and communities accordingly to raise awareness of our enhanced home safety approach when the SFRS are in a position to launch the new approach.

A review is currently underway to consider information and training that can be shared across the partnership to enhance our collective approach to identifying and supporting those most vulnerable and deemed at risk from fire in the home. This review has now identified a number of partner agencies who require some re training from SFRS in identifying and referring suitable members of the community for our support.

The local chip pan replacement programme continues in West Lothian where identified high risk members of our community will receive a thermostatically controlled deep fat fryer from our community action team and we will dispose of the hazardous traditional open pan. This is limited to those identified as part of a targeted approach during our routine incident analysis and HSV programme only.

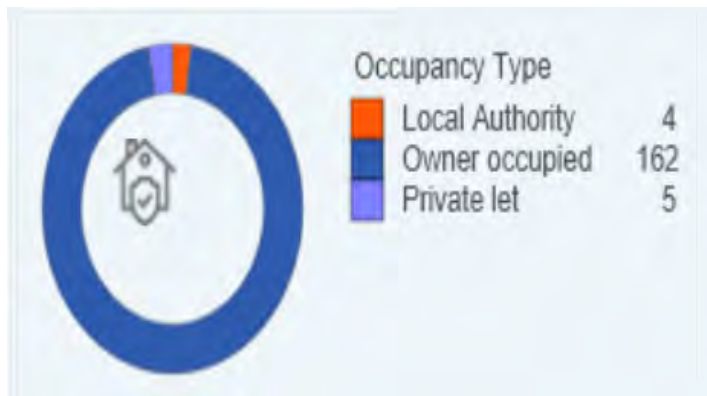
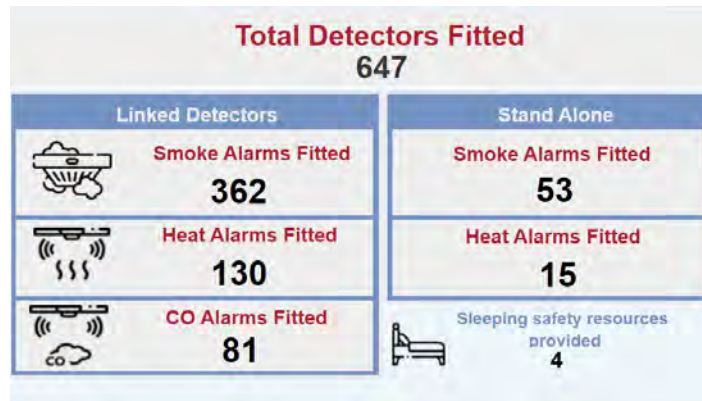
Whilst we seek to reduce Dwelling Fires even further, it should be noted that the severity of fires is often restricted to item first ignited or room of origin with no or very limited action required by SFRS on arrival. With an increase in fire alarm provision we should anticipate an increase in calls, these calls however are evidenced to be reducing in severity due to the early warning provided e.g. more incidents but an ever-reducing fire severity and casualty rate.

In February 2019, the legislation relating to smoke detection in the home was changed by the Scottish Government. This means all domestic properties in Scotland, regardless of tenure, should have the same levels of detection; increasing fire safety.

Given the impact of COVID-19, and the difficulties this has created for people seeking to install new smoke and carbon monoxide alarms, the Parliament agreed to delay the implementation of the new standard until February 2022, this implementation date has now passed and SFRS continue to support assessment and fitting of linked alarms to identified high risk owner occupiers.

The Scottish Government has provided the SFRS access to a limited number of detectors to support the most vulnerable in the community achieving this new detection standard. Through a risk-based approach this will be conducted through SFRS Home Fire Safety Visits for the highest risk owner occupied dwellings as determined by the SFRS risk rating process.

The number and type of alarms along with the occupancy type for the period YTD is evidenced below.



Appendix 2

Reduction of 'All deliberate fires'

Tasking and Coordinating Group (TAC)

During this reporting period SFRS along with multi-agency partners, continue to attend 'Tasking and Co-ordinating Group' meetings. The primary focus is on addressing tactical level issues using information sharing, problem profiling and the implementation of measures to reduce both fire

related and other anti-social behaviour issues. This process greatly assists with addressing areas of high operational demand with the proactive targeting of those most vulnerable within our communities.

This group has already delivered improved outcomes. Information received within the meetings creates profiles of individuals responsible for anti-social behaviour. This informs diversionary activity and youth engagement through “fireskills” intervention initiatives and other joint initiatives with partners (i.e. Youth Action Project).

Collaborative work with partners also attracts referrals for Home Safety Visits for the more vulnerable within our communities. There are ongoing case studies with interventions being discussed at present. The partnership has invested in letterbox blockers to assist households targeted by antisocial behaviour, which are fitted by SFRS on an intelligence and risk-based approach.

Multi-agency Environmental Visual Audits (EVA’s) continue to be used across West Lothian. These are the result of trends identified at the TAC group. Issues identified by partners are progressed to reduce fire related anti-social behaviour and make identified locations less attractive for youths to gather.

Significant multi agency work is planned for October and November as we move into the bonfire season. The multi-agency West Lothian Bonfire Plan has been developed and supported very well to seek reduced fire activity and associated anti-social behaviour and seeks to provide a safe and enjoyable bonfire and fireworks period for all.

Youth Engagement

SFRS have developed positive relationships with locality based Police Officers to ensure a more targeted approach in dealing with secondary fires and anti-social behaviour. SFRS Community Safety Advocates/Community Firefighters and Operational Firefighters, deliver an educational programme within schools to address any developing trends. The purpose of this is to deliver seasonal fire education with the focus on reducing fire related ASB and hoax calls. This will also reduce the financial impact on Local Authority Budgets and protects our built environment.

An addition to the current SFRS West Lothian school's education programme, local fire crews have now introduced a planned P2 and P6 education visitation programme which will be offered to all primary settings each fire station has adopted a local school for routine engagement activities to suit the school and young people for the planning year 2022-23 . This is to build positive relationships with youths at a young age and we anticipate and look forward to this initiative fostering positive relations over the next few years.

SFRS Crews pro-actively promoted local diversionary activities. This provided opportunities for our frontline crews to engage with youths and reduce ASB.

Information sharing within the Task and Co-ordinating Group and effective multi-agency partnership working is focussed on reducing deliberate fire setting and fire related anti-social behaviour. This included initiatives aimed at preventing fires within derelict properties and fires involving refuse and wheelie-bins.

Wilful fire raising remains a stubborn problem and is being addressed at Task and Co-ordinating Groups with partners. Guidance has been given to partners and cascaded to residents e.g to be more vigilant and to give consideration when they place bins out for uplift and to retrieve them as soon as possible thereafter. To assist communities with the anti-social fire related crimes of wheelie bin theft and wilful fire-raising we are working with our TAC partners and delivering targeted patrols and engagement in known hot spot areas. Offering advice and guidance around security and bin storage and encouraging reporting incidents to ensure we have the full picture and identify those responsible. Part of the preventative approach now underway is also to offer a wheelie bin locking device. This connects two or more bins together and makes it more difficult for the bins to be taken by fire setters.

Our fire setter's intervention programmes continue to target our young people in West Lothian, creating diversionary activities tailored to the reduction of fire related anti-social behaviour.

Preventing young people at risk of fire related anti-social behaviour continues to be a focus of our engagement, through our Fire skills programmes which also improve employability and citizenship as well as providing self-confidence and a greater sense of achievement.

New Youth initiative Live – West Lothian now has an SFRS Youth Volunteer Scheme which is one of only three in the East of Scotland. Operating from Livingston Community Fire Station one night per week it offers 14 young people the opportunity to improve life chances and empower young people to work together for a safer Scotland. It provides a safe, welcoming, enjoyable and fun environment where Youth Volunteers (YVs) can learn as individuals, develop positive relationships, develop their skillsets and make a valuable contribution to their local communities whilst gaining a unique insight into life at a working fire station. This initiative is run by unpaid Adult volunteers from both within and outwith the SFRS who completed a rigorous selection process.

Appendix 3

Reduction of 'All non-domestic fires'

Fire Safety Enforcement Activity

A Pre-Programmed Audit is an audit programmed at the commencement of the fiscal year, selected from premises held within the Service's database, based on a risk assessment as defined in the Service's Enforcement Framework.

A Non-Programmed Audit is an audit that can occur throughout the year. This type of audit would be undertaken because of the following: fire safety complaints, requests from partner agencies or joint initiatives with partners, following any fire within a relevant premises and the targeting of specific premises type in line with the Service's Enforcement Framework.

Our Programmed Audits completed in Year to Date 2022/23 are evidenced below. Audit activity is predicated on having four fully qualified enforcement team members. For this reporting quarter we have been operating at 50% capacity due to workforce changes. New members of the team have been selected and are currently undergoing required training.

West Lothian Area	
<u>Premises type</u>	Total
Hospital & Prisons (A)	5
Care Home (B)	30
HMO (C)	13
Hostel (E)	0
Hotel (F)	3
Other Sleeping (H)	1
Further Education (J)	0
Public Building (K)	0
Licensed Premises (L)	1
School (M)	4
Shop (N)	1
Other Public Bld (P)	0
Factory (R)	3

Office (S)	0
Other workplace (T)	1

Enforcement/Prohibition Notices

No Enforcement notices were served within the West Lothian area during this reporting period.

There are no prohibition notices remaining (served in previous periods) which are actively being policed by our Enforcement Team.

This is a positive picture as the duty holders across the area are largely in compliance with only recommendations being the main enforcement activities.

Thematic Auditing is being carried out in West Lothian based on trend analysis.

Appendix 4

Reduction of 'Special Service – RTC casualties (fatal & non-fatal)'

SFRS will continue to augment and support the learning outcomes of the Road Safety theme within the 2022-2025 community safety plan as it is reinvigorated developed and coordinated by the nominated partner theme lead. SFRS support the Scottish Government's National Road Safety Strategy and support the national road safety campaign to reduce and mitigate the impact from the dangers presented within the road network and by road users. SFRS have a local 'Road Safety' Champion who targets and co-ordinates preventative activities within the West Lothian area.

Appendix 5

Reduction of 'Special Service – Non RTC casualties (fatal & non-fatal)'

SFRS continues to work in collaboration with partners to support the local communities and assist other agencies in delivering services. The Out of Hospital Cardiac Arrest (OHCA) pilot has been paused for some time across the West Lothian area with the outcomes being used to inform the future SFRS Service Delivery at a national level. SFRS support the Scottish Government's National Drowning Prevention Strategy

and support the national water safety campaign to reduce and mitigate the impact from the dangers presented by water. SFRS have a local 'Water Safety' Champion who targets and co-ordinates preventative activities within the West Lothian area. Work is currently gathering pace with SFRS leading a partnership approach to water safety group (PAWS) within the West Lothian Community safety plan 2022-2025. This groups main focus will be Prevention and Post Incident review.

Appendix 6

Reduction of 'False Alarm - UFAS'

A reduction in UFAS incidents has many benefits namely, reducing road risk, reducing SFRS carbon footprint and increasing business continuity. UFAS incidents fall into a range of categories that include. Malicious, Failure of Equipment and Good Intent.

SFRS have developed a UFAS Policy to ensure that persistent UFASs incidents within premises are addressed appropriately. Engagement with key holders is paramount to reducing SFRS attendance. We have programmed engagement sessions with duty holders and alarm providers to discuss solutions to UFASs. SFRS have a robust UFAS Policy and analyse trends and engage appropriately with Duty Holders of relevant premises.

UFAS Consultation outcomes – Update & Reminder (Will remain in report until go live)

At its meeting on 16 December 2021, the SFRS Board approved recommendations for implementing a new model for responding to automatic fire alarms (AFAs) in Scotland.

Following a 12-week consultation, recommendations were made to the Board that SFRS should adopt Option A with some amendments which reflected the feedback received during the consultation. The recommendations which were presented and subsequently approved by the SFRS Board are:

Option A

- Call challenge all AFAs from non-domestic premises, unless exempt.
- No response is mobilised, if questioning confirms there is no fire, or signs of fire.
- Automatic exemption applied to hospitals, is increased to a PDA of two appliances regardless time of day and shall be subject to periodic review.

- Sleeping risk premises are exempt from call challenging and will receive the following immediate response:
- Residential Care Homes receive a PDA of two fire appliances regardless time of day.
- All other sleeping risks receive a PDA of one fire appliance between 0700-1800hrs and two fire appliances out-with these hours.
- Implementation of the preferred option is postponed by 12-months until April 2023.

In adopting the above recommendations, it's estimated that the SFRS will reduce UFAS by 57% and provide opportunities for reinvesting the released capacity into areas that would deliver greater value, such as upskilling, training and more prevention work.

Next Steps

- A communications strategy will be developed, to address the needs of those affected by the change.
- Nationally, dutyholders will be fully supported by the SFRS, through a programme of sector specific fire safety seminars.
- Locally, LSO led engagements will aim to provide dutyholders with support and guidance on considerations for fire protection, limiting false alarms, training staff and other relevant measures.
- For Operations Control (OC) staff, a training programme will be put in place to support their understanding and confidence for effective call challenging and recording of non-attendance calls. The delayed implementation date, will ensure this training can take place around OCs other priorities.
- Through the National Retained & Volunteer Leadership Forum (NRVLF), SFRS will consider and better understand the different earning opportunities that exist for RVDS Staff, who may be affected by reduced UFAS and therefore reduced earnings.

Glossary

Primary Fire

Primary fires include all fires in non-derelict buildings and outdoor structures or any fires involving casualties or rescues or any fires attended by five or more appliances.

Secondary Fires

Secondary fires are the majority of outdoor fires including grassland and refuse fires unless they involve casualties or rescues, property loss or if five or more appliances attend. They include fires in derelict buildings but not chimney fires.

Accidental Dwelling Fires

Building occupied by households, excluding hotels, hostels and residential institutions. In 2000, the definition of a dwelling was widened to include any non-permanent structure used solely as a dwelling, such as caravans, houseboats etc. Caravans, boats etc. not used as a permanent dwelling are shown according to the type of property. Accidental includes fires where the cause was not known or unspecified.

Fire Fatality

A person whose death is attributed to a fire is counted as a fatality even if the death occurred weeks or months later.

Fire Casualty

Non-fatal casualties, injured as a direct result of a fire attended by the service. Includes those who received first aid at the scene and those who were recommended to go for a precautionary check. Does not include injuries to fire service personnel.

Deliberate Fire

Fires where deliberate ignition is suspected

Special Services

Special Services are non-fire incidents requiring the attendance of an appliance or officer. The Fire (Scotland) Act 2005 placed a statutory duty on FRS to attend fires and road traffic accidents. It also included an additional function order that covers non-fire incidents such as rescues from collapsed buildings or serious flooding

CPP

Community Planning Partnership.

SOA

Single Outcome Agreement.

Year to Date (YTD)

Year to date is calculated from 1st April on the reporting year

RTC

Road Traffic Collision

UFAS

Unwanted Fire Alarm Signals

DATA LABEL: PUBLIC



PUBLIC AND COMMUNITY SAFETY POLICY DEVELOPMENT AND SCRUTINY PANEL

AIR QUALITY IN WEST LOTHIAN

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of the report is to advise the panel that air quality in West Lothian met statutory objectives during 2021, and the statutory Annual Progress Report has been submitted to, and approved by, the Scottish Government. The report also provides further information on the review of air quality management areas in West Lothian, and the investigation report on air quality produced by Environmental Standards Scotland.

B. RECOMMENDATION

It is recommended that the panel:

1. Notes the content of this report, and that air quality in West Lothian has met statutory objectives.
2. Notes the Annual Progress Report for 2022 has been approved by the Scottish Government.
3. Notes that further work is now required to review the status of existing air quality management areas in West Lothian, and that further reports will be provided to the panel as part of this process.
4. Notes the investigation report from Environmental Standards Scotland on the application of regulatory duties and standards relating to air quality by enforcement bodies throughout Scotland.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable; developing employees; making best use of our resources; working in partnership
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>West Lothian Council has legal obligations in regards to monitoring air quality, and putting in place actions to ensure air quality objectives are met. The council has a duty to report progress on achieving air quality objectives and activities being carried out to the Scottish Government.</p> <p>Environmental Standards Scotland is an independent body accountable to the Scottish Parliament. It has a governance role in monitoring the performance and undertakings of various bodies, including local authorities, in Scotland tasked with environmental regulation</p>

compliance and enforcement.

III	Implications for Scheme of Delegations to Officers	There are no implications for the Scheme of Delegation.
IV	Impact on performance and performance Indicators	EH046_9b.1a reports the levels of particulate matter per cubic metre of air measured at the Broxburn monitoring unit as a 3 year average.
V	Relevance to Single Outcome Agreement	We live longer, healthier lives and have reduced health inequalities. We make the most efficient and effective use of resources by minimising our impact on the built and natural environment
VI	Resources - (Financial, Staffing and Property)	Monitoring is carried out using existing resources. External funding bids are sought from the Scottish Government for equipment, additional studies or action plans.
VII	Consideration at PDSP	This is the first report to this PDSP. Previously updates on air quality and annual progress reports would have been reported to the Environment PDSP.
VIII	Other consultations	Annual progress reports on air quality are submitted to the Scottish Government and are subject to review by their appointed consultants and by the Scottish Environment Protection Agency (SEPA).

D. TERMS OF REPORT

D1 Background

West Lothian Council has statutory obligations to monitor air quality and where specified pollutant concentrations are above permitted objective levels to take corrective action. The council has a statutory duty to provide an annual progress report to the Scottish Government in regard to air quality standards and any action being taken by the council to fulfil statutory obligations.

The air quality objectives being monitored are Nitrogen Dioxide (NO₂) and particulate matter which is 10 microns (μ) or smaller, and 2.5 microns (μ) or smaller (referred to as PM₁₀ and PM_{2.5} respectively).

Due to historical exceedances of air quality objectives, three air quality management areas were declared in West Lothian. These are still in place. The air quality management areas were declared in 2011 for Broxburn, and 2016 for Linlithgow, and Newton. However, monitoring data has been showing a continuing improvement, and in recent years, levels consistently below the air quality objectives. There is no specifically identifiable reason for improvements in air quality over this time, but it is reasonable to assume that as vehicle pollution is the most significant factor causing poorer air quality, the “greening” of vehicles and newer, less polluting vehicles on our roads will have had a significant effect. This could also be considered alongside changes in driving behaviour, move from diesel vehicles, less vehicle use and similar. There was also a noticeable change in air quality during periods of limited social engagement and people movement during the COVID pandemic.

Air quality management areas are not intended to be in place for any longer than is necessary. As air quality improves, and air quality objectives are being met there is an expectation that local authorities will take steps to revoke these controlled areas, in part or fully. As trends of improving air quality have been noted in previous annual progress reports, the Scottish Government are recommending the council completes a review with a mind to revoke air quality management areas in West Lothian.

More detailed information on air quality objectives, and air quality in West Lothian can be found on the council website. This also includes a link to monitoring data, historical and real-time. A link is provided within section F of this report.

D2 2022 Annual Progress Report

The Annual Progress Report for 2022 was submitted to the Scottish Government in July 2022. The report has been reviewed by the consultants appointed by the Scottish Government, and also by the Scottish Environment Protection Agency.

A copy of the Annual Progress Report is available with reports from previous years on the council website. A link is provided within section F of this report.

The air quality management areas have continuous monitoring equipment in place. In addition to this there are 23 sites throughout West Lothian with diffusion tubes monitoring Nitrous Oxides (NO_x).

The 2021 monitoring data at all three continuous air quality monitoring stations has shown that the NO₂, PM₁₀ and PM_{2.5} long term average air quality objectives have been met. NO₂ levels increased at all three continuous monitoring sites from the levels found in 2020. However, as the country emerged from the COVID lockdowns of 2020, traffic steadily increased and it is likely that this is the reason that levels have increased to be more in line with pre-pandemic levels. PM₁₀ levels also slightly increased at Linlithgow and Broxburn – Newton had the same long-term average as the previous year. PM_{2.5} levels remained fairly stable at all three sites and were very similar to the levels measured the previous year. There were no exceedances of the short term NO₂ and PM₁₀ air quality objectives at any of the three sites. NO_x passive diffusion tubes located throughout West Lothian have not shown any exceedances during 2021.

The report highlighted that during 2021 there had been issues with equipment reliability and repair which impacted the volume of data capture, and that work was continuing to complete detailed assessments of the three air quality management areas. Additional funding from Scottish Government has been received to help resolve issues with equipment and data capture, and completion of the detailed assessments, alongside improving air quality are now allowing work to progress to consider the level of revocation which will be possible in the three air quality management areas.

Any determination on revocations to, or within, the air quality management areas will require approval of the Council Executive, and therefore further reporting will also be required to this PDSP as part of that process.

D3 Environmental Standards Scotland – Air Quality Investigation Report

Environmental Standards Scotland (ESS) was recently established under the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 to fill the environmental governance gap caused by the UK's departure from the European Union. ESS is an independent body, accountable to the Scottish Parliament. The role of ESS is to ensure there is effective scrutiny of public authorities' compliance with environmental law, alongside the effectiveness of environmental law and the way it is being implemented and applied in Scotland. ESS may investigate matters in response to concerns brought to its attention (known as representations) or on its own initiative.

ESS carried out an investigation into the application and effectiveness of environmental regulations regarding air quality in Scotland. West Lothian Council were involved in this investigation report as one of the Scottish local authorities who had declared air quality management areas. The report considered other agencies involved in the regulation of air quality, including SEPA and the Scottish Government. The investigation report is publicly available on the ESS website and a link is provided in section F of this report.

The main concerns regarding local authority activity were around the timeframes for establishing air quality management areas, developing and implementing action plans, and reviewing and updating action plans. It is however recognised that there are no specific time frames in legislation to direct local authorities to complete this work, and that is a matter for Scottish Government to consider in terms of legislative or guidance changes.

The concerns about timeframes raised by this report are acknowledged, and are pertinent to the processes experienced in West Lothian to date. That being said, West Lothian Council have received no direction from Scottish Government to suggest concerns with the approach taken, and timeframes are influenced by conflicting public health duties and priorities being addressed within West Lothian, compounded by the complex processes required by air quality management obligations.

Whilst the comments regarding timeframes are acknowledged, the particular focus on timeframes failed to properly recognise that irrespective of procedural concerns the air quality in West Lothian has improved and meets the air quality objectives. The additional scrutiny which ESS will take over this and other environmental matters is however something which the council will need to be mindful of in meeting its environmental and regulatory obligations.

E. CONCLUSION

It is encouraging to be able to report that air quality within West Lothian has improved and is at a stage where consideration can be given to removing air quality management areas. The duty to monitor air quality and report on the council's statutory obligations will continue and the panel will be kept advised of this appropriately going forward.

F. BACKGROUND REFERENCES

1. Environmental Standards Scotland – [Air Quality Investigation Improvement Report](#) – September 2022.
2. [Air Quality information](#) – West Lothian Council website.
3. [Annual Progress Report 2022](#)
4. [Environmental Standards Scotland](#) - website

Appendices/Attachments: None.

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Craig McCorriston,
Head of Planning, Economic Development and Regeneration

8 December 2022

DATA LABEL: PUBLIC



PUBLIC AND COMMUNITY SAFETY POLICY DEVELOPMENT AND SCRUTINY PANEL

PEST CONTROL TREATMENT SERVICE – REVISION OF CUSTOMER FEES AND CHARGES

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to make the panel aware of proposed updates to fees and charges for the provision of pest control treatment services offered by the council.

B. RECOMMENDATION

It is recommended that the panel notes and considers the following recommendation which is intended to be submitted to Council Executive:

1. notes the content of the report; and
2. approves the proposed changes to fees and charges for delivery of the pest control treatment service.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; developing employees; making best use of our resources; working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>There is a legal responsibility to ensure land and premises are kept free from pests included in the following legislation, Prevention of Damage by Pests Act 1949; Environmental Protection Act 1990; Public Health (Scotland) Act 2008; Food Hygiene (Scotland) Regulations 2006.</p> <p>It was agreed by Council Executive in regard to annual council fees and charges that council housing tenants will receive pest control treatment free, as costs are covered by Housing Services.</p>
III	Implications for Scheme of Delegations to Officers	There are no identified implications.
IV	Impact on performance and performance Indicators	There are no identified impacts.

V	Relevance to Single Outcome Agreement	<p>We live longer, healthier lives and have reduced health inequalities.</p> <p>We make the most efficient and effective use of resources by minimising our impact on the built and natural environment</p>
VI	Resources - (Financial, Staffing and Property)	<p>The pest control service provided by the council is required to operate on a cost recovery basis. The proposals to revise charges would allow recovery of costs which are more reflective of service delivery. Income from delivering the service has not met the costs of delivering the service to date. There is no information within the service to identify when costs were last reviewed.</p>
VII	Consideration at PDSP	<p>This is the first report to the PDSP.</p>
VIII	Other consultations	<p>Financial Management Unit. Housing, Customer and Building Services.</p>

D. TERMS OF REPORT

D1 Background

West Lothian Council have provided a pest control treatment service for many years. The pest control team are part of the Environmental Health and Trading Standards Service. Pest control treatment, including preventative and proofing works, are offered by the service to internal and external customers, commercial and domestic. Details of service provision and standards are found on the council website <https://www.westlothian.gov.uk/pestcontrol>

In order to prevent the complete removal of the service to meet budget demands, income targets were introduced in 2014/15 as part of the Delivering Better Outcomes programme. To protect service delivery, annually increasing income targets towards achieving full cost recovery of service were set out. Income targets have however not been achievable, although income for the service has been achieving good results. The targets are not likely to be met even though the range of service provided has expanded.

It was agreed that Transforming Your Council savings would be met by reducing service costs by reducing the team from 4 members to 3. The team is now operating with 3 officers following a retirement within the team. However, full cost recovery remains unlikely. Any further reduction in staffing would compromise cost recovery and service sustainability and delivery even further.

So far any under recovery has been offset by staffing vacancies within other parts of the Environmental Health & Trading Standards Service. But this is not sustainable going forward, particularly as it would continue to compromise higher priority public health and consumer protection work. Pest control staff have absorbed some dog control duties, and also assist with some public health site visits, but the scope for any further assistance within the service is limited by pest control demands on the team and the professional knowledge and competence required for other environmental health workload. Whilst income recovery is accepted as a means of maintaining service provision in difficult times it is clear that full cost recovery is not being achieved and a further review of approach is required.

D2 Service Quality and Best Value

The pest control team was one of the first to achieve the Charter Mark Award for the council in 1995 and have retained it ever since as part of Corporate Customer Service Excellence. Their contribution is a significant part of the overall EH&TS service high performance in WLAM. Pest control is part of the [Trusted Trader Scheme](#), and continues to achieve positive customer service feedback.

The range of service provided has expanded in recent years to ensure a greater level of assistance to council services, West Lothian households, and business community. Service delivery pricing is based mainly on treatment costs, not just visits. This has provided excellent value for money to date as a treatment can cover a number of visits to ensure a satisfactory outcome to the customer concerns. However, it is clear that the real costs of some treatments have not been reviewed and updated to reflect the costs of service delivery.

The service provides significant savings to other council services in comparison with procuring external service providers. Having pest control in-house also means that any issues can be quickly resolved through internal governance and council management.

The professional knowledge and competence of the pest control team are essential to the other public health and safety duties of the environmental health team. They are used and consulted on many occasions by Environmental Health Officers in food safety investigations and interventions, and in investigation of public health nuisance concerns.

The service was delivered throughout the current COVID pandemic as an essential service. Although demand for the service and the service delivery model changed there was a clear indicator of the public health importance of pest control as the number of complaints and requests for service regarding rat activity increased significantly. In comparison with the average number of calls of the previous two years the number of calls increased by almost 300% in 2020. While so many council staff worked from home, the pest control team have been out providing a direct frontline service helping the West Lothian population in very challenging times.

D3 Legal Responsibility, Public Health and Property Protection

West Lothian Council as a property and landowner has legal obligations and duties to prevent and control pest activity in its property or on its land. The consequences of pests can be significant in terms of public health, disease transmissions, building damage (including fire prevention), restriction on service delivery, and reputational damage.

This does not mean it has to provide pest control internally, but it does mean it has to take preventative steps to avoid pest problems, and reactive steps to address any concerns. Use of external providers for the range of premises and land uses within the council could prove to be very costly. A number of council sites are particularly sensitive in terms of health controls – schools, care settings, food production and therefore a combined preventative and reactive approach would be very important.

D4 Proposals to update fees and charges

The existing fees and charges for pest control have been in place for a long time, with only annual inflationary increases being applied. There is no evidence available of how these costings were reached initially and a recent review has identified that these are not reflective of the costs of providing some treatments at this time.

The current fees for treatments do not limit the number of visits to complete a treatment. The average number of visits for treatments has been reviewed and this clearly demonstrates that the actual costs of treatment far exceed the fee currently being charged.

A review of charges from other pest control providers was also carried out. Whilst the specific costs are not readily available there are average figures available from various sources. It is also clear from this information that treatment costs are based on a defined number of visits or actions.

The revised cost proposals are set out in Appendix 1 of this report.

It is important to state that concessions will still apply to any treatment costs, and housing tenants will continue to have treatment costs covered by the council as landlord. The internal pest control treatment service will still deliver best value, and better value than external service providers to council services requiring pest control assistance.

The revised fees and charges would apply from 1 April 2023, and would rise in line with the agreed annual rate of inflation. Any need to revise charges beyond this would go through the appropriate scrutiny and approval process.

E. CONCLUSION

It is essential that any cost recovery for ensuring the ongoing delivery of pest control treatment by the council is realistic and reflective of actual costs.

F. BACKGROUND REFERENCES

None.

Appendices/Attachments: One

Appendix 1 – Proposed fees and charges for pest control treatment.

Contact Person: Craig Smith, Environmental Health & Trading Standards Manager, 01506 282385, craig.smith@westlothian.gov.uk

Craig McCorriston,

Head of Planning, Economic Development and Regeneration

8 December 2022

Appendix 1

Proposed fees and charges for pest control treatment

The current fees and charges for most pest control treatments are set for the whole treatment and not visits. A treatment can involve a number of visits to resolve the pest problem. The current fees and charges for a number of treatments are therefore not reflective of actual costs of service delivery and need to be updated.

A review of treatment costs has been carried out. It identified that costs for treatments for rats, mice, and insect pests (not wasps) were not reflective of actual costs as these created the need for a number of visits to resolve. There is currently no specific limit set for the number of visits as part of a treatment. Costs from external providers would specify costs based on a maximum number of visits.

It is therefore proposed to establish costs and visit limits which are reflective of the cost of service delivery. The existing costs are provided below to show the difference in costings for some treatments. The change is also represented against average prices for external pest control companies. This helps to demonstrate that costs are still providing good value to customers and the council. Only the treatment costs which are proposed to change are included. Other treatment costs previously agreed will remain as they are as they have been assessed to be appropriate.

The costings are based on staff costs, travel and vehicles, materials, equipment, visits per treatment, administration, and VAT which is required. The average visits per treatment is five, and therefore this will be set as the limit. Any visits required beyond this would require another treatment payment. It is likely this will be unnecessary in most cases, and experience has tended to indicate that it is generally required where the home owner has not taken steps to help control the pest problem. In such cases at the moment we reserve the right to withdraw treatment.

This will not apply to commercial establishments paying commercial rates where the job is based on hourly rates, and may be part of an ongoing treatment and monitoring contract.

Proposed fees will apply from 1 April 2023, and will rise in line with the annually agreed inflation rate. Any revision required beyond that increase will be subject to appropriate scrutiny and approval by the Council Executive.

Concessions of 50% will still apply in appropriate circumstances.

Pest	Existing Cost (no visit limit – avg 5 visits) (Includes VAT)	Proposed Cost (5 visit maximum) (Includes VAT)	External provider cost - (avg cost of external pest control firms) (VAT unknown)	External provider cost based on 5 visits. (VAT unknown)
Rats	£94.10	£162	£120-£190 (2 visits)	£300-£475
Mice	£94.10	£162	£120-£190 (2 visits)	£300-£475
Fleas	£94.10	£162	£80-£140 (1 visit)	£400-£700
Other insects	£74.46	£162	£100-£200 (1 visit)	£500-£1000

DATA LABEL: PUBLIC



PUBLIC & COMMUNITY SAFETY POLICY DEVELOPMENT AND SCRUTINY PANEL

SAFER NEIGHBOURHOOD TEAM PERFORMANCE

REPORT BY INTERIM HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES

A. PURPOSE OF REPORT

To provide Panel Members with performance information for the period July to September 2022 - Quarter 2 for the Safer Neighbourhood Team.

B. RECOMMENDATION

Panel Members to note the performance information for the period July to September 2022 - Quarter 2 for the Safer Neighbourhood Team.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs Being honest, open and accountable Making best use of our resources Working in partnership Providing equality of opportunity
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The Antisocial Behaviour etc (Scotland) Act 2004 applies
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	SOA1304_34 (Number of active ASB cases)
V	Relevance to Single Outcome Agreement	<p>This report will have a positive impact on the following SOA indicators;</p> <p>SOA10 – We live in well designed, sustainable places where we are able to access the services we need</p> <p>SOA11 – We have strong resilient and supportive communities, where people take responsibility for their actions and how they affect others</p>
VI	Resources - (Financial, Staffing and Property)	Safer Neighbourhood Team Service Budget 2022/23

VII Consideration at PDSP None

VIII Other consultations None

D. TERMS OF REPORT

D.1 BACKGROUND

This report provides the Panel with the management performance data and analysis for the Safer Neighbourhood Team (SNT) for Quarter 2 (Q2) (July – September) 2022/23 as set out in Appendix 1. Officers continue to attend weekly TAC meetings with the Police, Scottish Fire and Rescue Service and other community safety partners sharing information to work together to tackle antisocial behaviour and other emerging risks in West Lothian. Where appropriate, joint working with Police and other partners has been undertaken. The service also receives a number of calls which do not constitute antisocial behaviour, the officers provide advice and assistance recorded as incidents in the data.

Safer Neighbourhood Team officers have at their disposal, a variety of ways to assist customers with their enquiries for the more serious levels of antisocial behaviour and ongoing cases. They include; investigating, conducting mediations, issuing warnings and working with partners in the Community Safety Unit, the local Housing teams, other Registered Social Landlords, Private Sector landlords and home owners.

D.2 ANALYSIS OF DATA

New Antisocial Behaviour Cases

As set out in Appendix 1. Chart 1a shows that during Q2 of 2022/2023 there were 61 cases opened across all wards, a decrease compared to Q2 2021/2022 there were 79 cases as set out in Chart 1b. This was a decrease of 22.8%.

Chart 2a shows the year to date number of new cases opened per ward for 2022/23 and for comparison purposes, Chart 2b shows the same for 2021/22. The highest number of cases opened, year to date, was in the Broxburn Ward, in both years.

Chart 3a shows the new cases opened per month, as year to date figure for 2022/23 compared 2021/2022 shown in Chart 3b. In both years, the data highlights that July is the busiest month for Neighbourhood Team Officers opening new cases.

Active Cases

These are the active cases that officers have open and are continuing with investigations or monitoring. Chart 4 shows the number of the monthly active cases during Q2 2022/23. Some of these cases could be the same case, month on month, if it was still open for continuing investigation, until a satisfactory closure was made.

Closed Cases

Cases are reviewed regularly and Safer Neighbourhood Team Officers will close the case where there is resolution and/or no further complaints received. Safer Neighbourhood Team Officers work on a 3-month target for case closures. Chart 5 provides a year to date comparison of closed cases, and for Q2 for 2022/2023, of which 59 cases were closed compared to 81 cases closed during 2021/2022.

Number of Antisocial Behaviour Incidents

Charts 6a and 6b highlight ASB incidents received year to date for 2022/2023, by category providing a comparison to 2021/2022.

Focusing on quarter two, there were 891 ASB incidents in Q2 2022/23 recorded. In 2021/2022 there were 1352 therefore this is a reduction of 34.1% (461 fewer incidents). West Lothian Council have found less reporting of antisocial behaviour incidents during Q2.

Further analysis of the incident data highlighted that Bathgate Ward had the highest number of recorded incidents last quarter with 158 recorded incidents in Q2 of 2022/2023 which is reduced from 221 in 2021/2022 with 63 fewer incidents. Livingston North Ward is the Ward with the second highest recorded incidents at 135 recorded incidents in Q2 2022/2023 which is reduced on previous year by 45 incidents, recorded at 180 incidents.

The trend continually shows that the highest category of incidents reported falls under Antisocial Behaviour or Noise. Analysis shows that during 2021/22, Bathgate had the highest amount of incidents reported, year to date, and this remains to be the same, year to date for 2022/23. A more detailed analysis has shown that there have been two particular addresses where neighbours have contacted the council on several occasions (38 in total) raising concerns about general living noise and issues surrounding lifestyles and visitors to the properties concerned. Safer Neighbourhood Officers monitored and engaged with the complainers appropriately, providing support and attempting to intervene with interventions to find solutions to the issues raised.

Outcomes

The table in Chart 7 shows the number of incident outcomes by category year to date for 2022/23 by SNT officers where a category outcome can be linked to a closure. The data highlights that our telephone service to customers continues to be the main method of engagement where officers are offering advice and assistance regarding incidents which could be a one-off situation and that telephone call is all a customer requires to assist them at the point of contact. On calling a complainer about a noise complaint, it is often ascertained that the noise has ceased and there is no opportunity to witness any noise. Visits to complainers had the second highest recorded data and it must be recognised that in addition to the numbers recorded as a visit, there were other outcomes that were chosen when closing incidents to highlight something additional that occurred, such as a warning, further action required by the Safer Neighbourhood Team or insufficient evidence to carry out any further enquiry. Resourcing and performance monitoring are a priority with officers working with the other community safety partners as appropriate.

There remains no known definitive reason for the difference in the incidents reported from ward to ward. Demographic variations, tenure mix and house type such as communal entrance flats and where there is shared access to gardens such as four in a block are all factors which can contribute to the way in which behaviour from others is tolerated or becomes intolerable to others. Officers will record all incidents, however there can be one off incidents with no recurring reports and only telephone advice and assistance is required. Where there is corroborated evidence officers will create a case and carry out investigations to reach a conclusion.

Antisocial Behaviour Orders

Chart 8 sets out the breakdown of position with Antisocial Behaviour Orders across all wards. At end of Q2 there was 8 active Antisocial Behaviour Orders and 1 Interim ASB Order. The age range is between 21yrs and 54yrs. The gender is 3 males and 6 females.

E. CONCLUSION

This report informs Panel Members of performance data and analysis for the Safer Neighbourhood Team for the period Quarter 2 2022/23. Overall there is decrease in reported incidents and officers in the SNT continue to strive to tackle neighbour nuisance, prevent incidents from escalating and to prevent antisocial behaviour where possible. Where serious neighbour nuisance and antisocial behaviour has occurred, the officers have acted and used the legislative powers and resources available to them.

F. BACKGROUND REFERENCES

None

Appendices/Attachments: Appendix 1 – Performance Data Q2 - 2022/2023

Alison Smith, Housing Management & Community Safety Manager,

Housing, Customer and Building Services

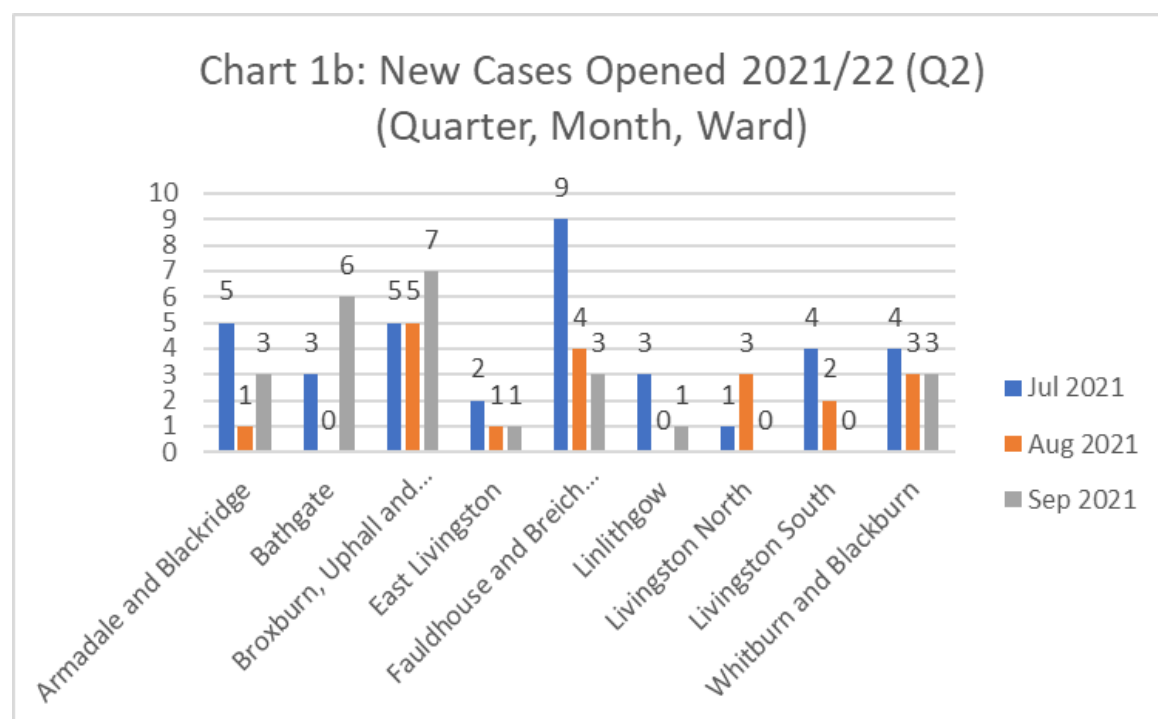
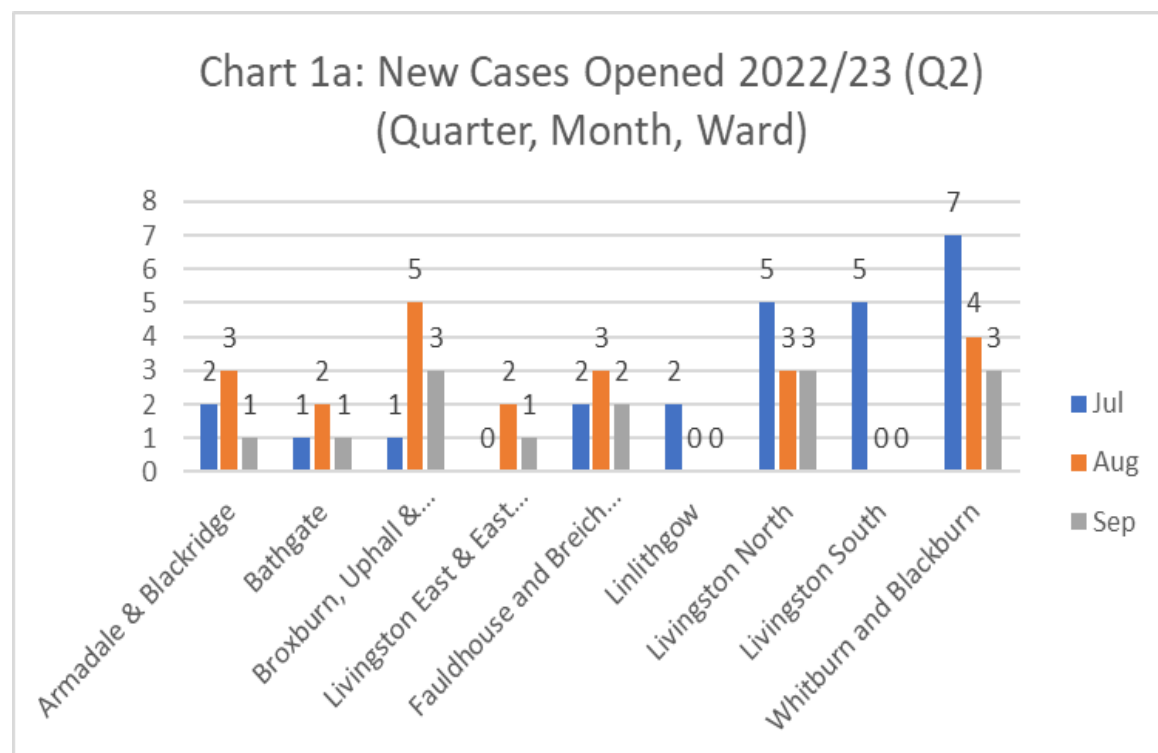
Alison.smith@westlothian.gov.uk

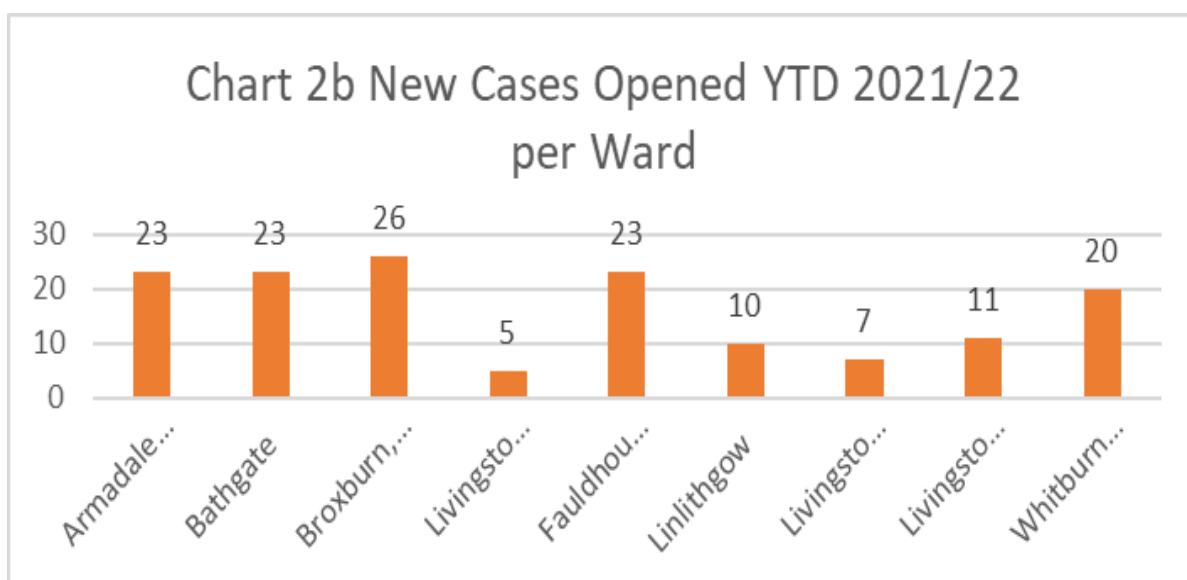
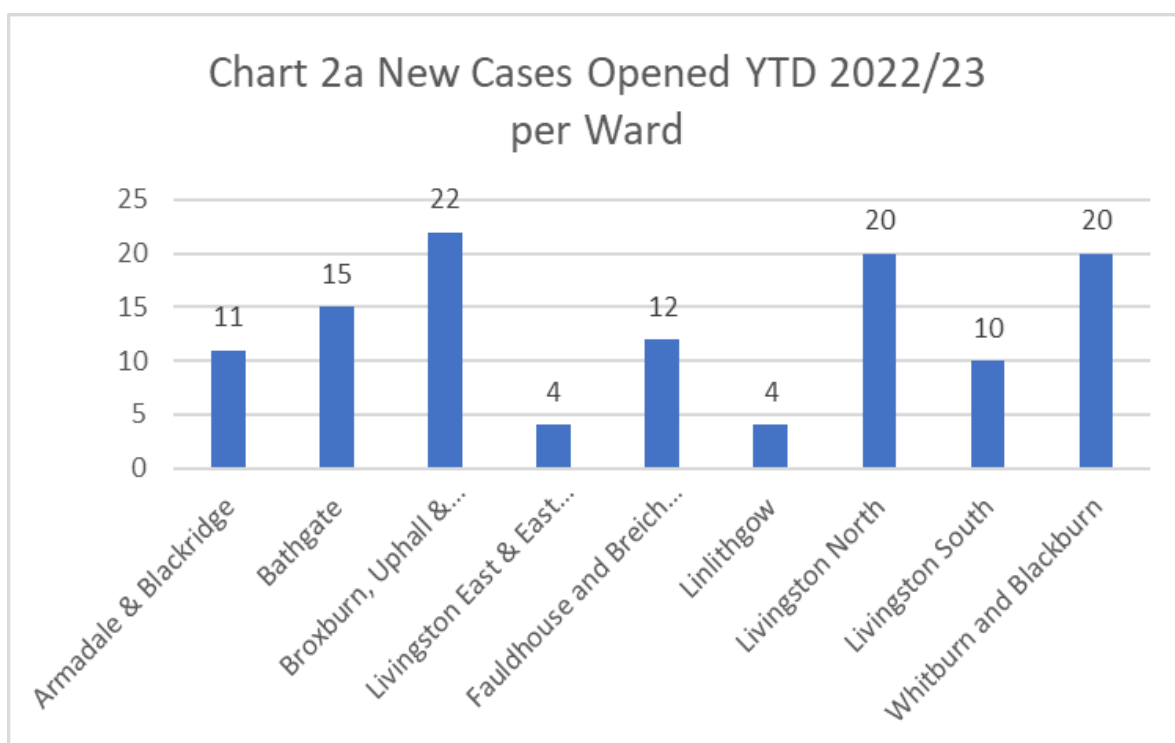
Julie Whitelaw

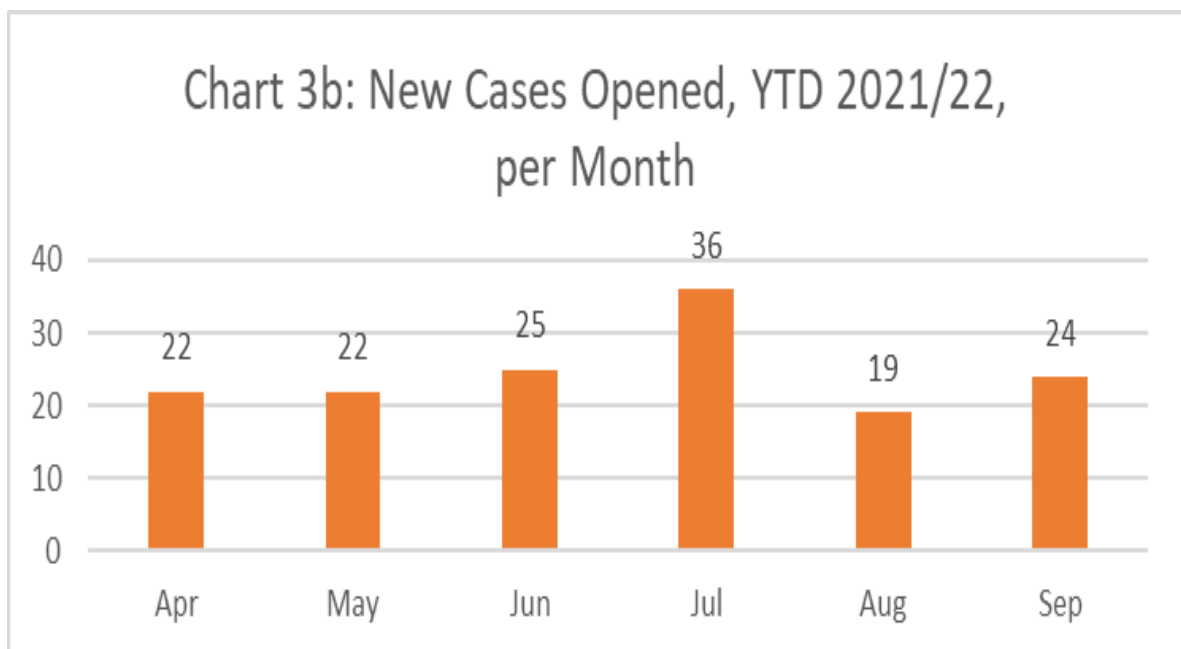
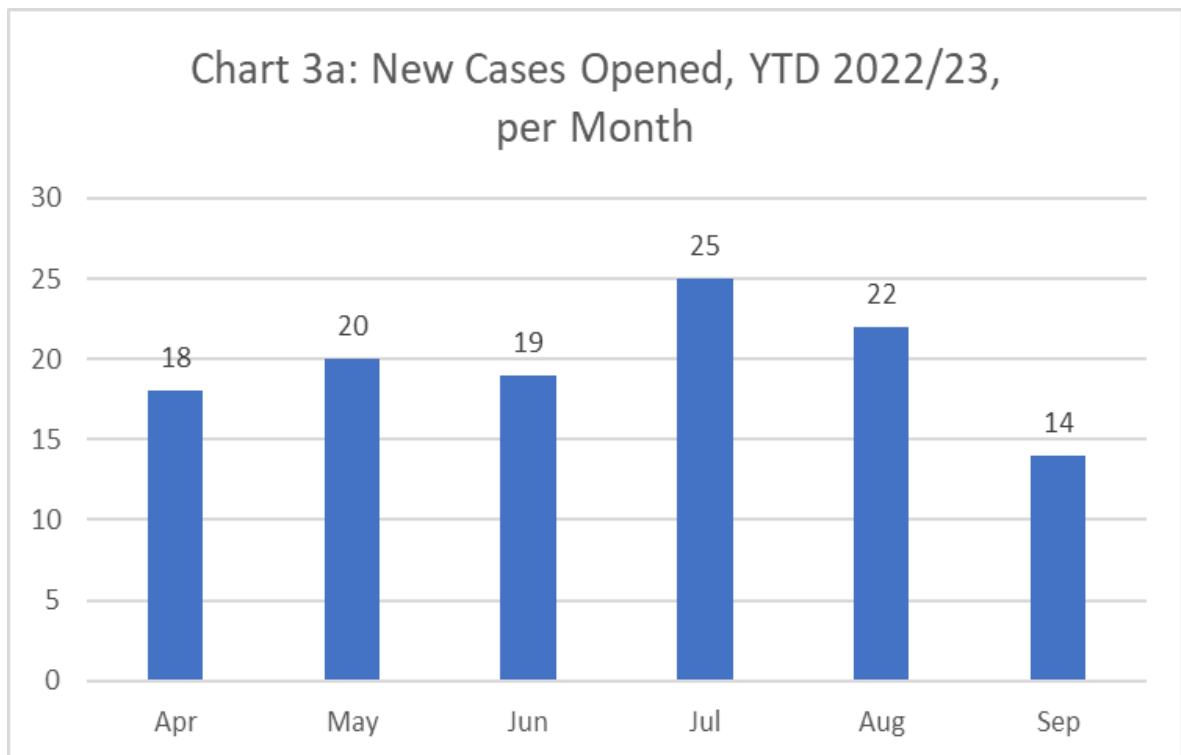
Interim Head of Housing, Customer & Building Services

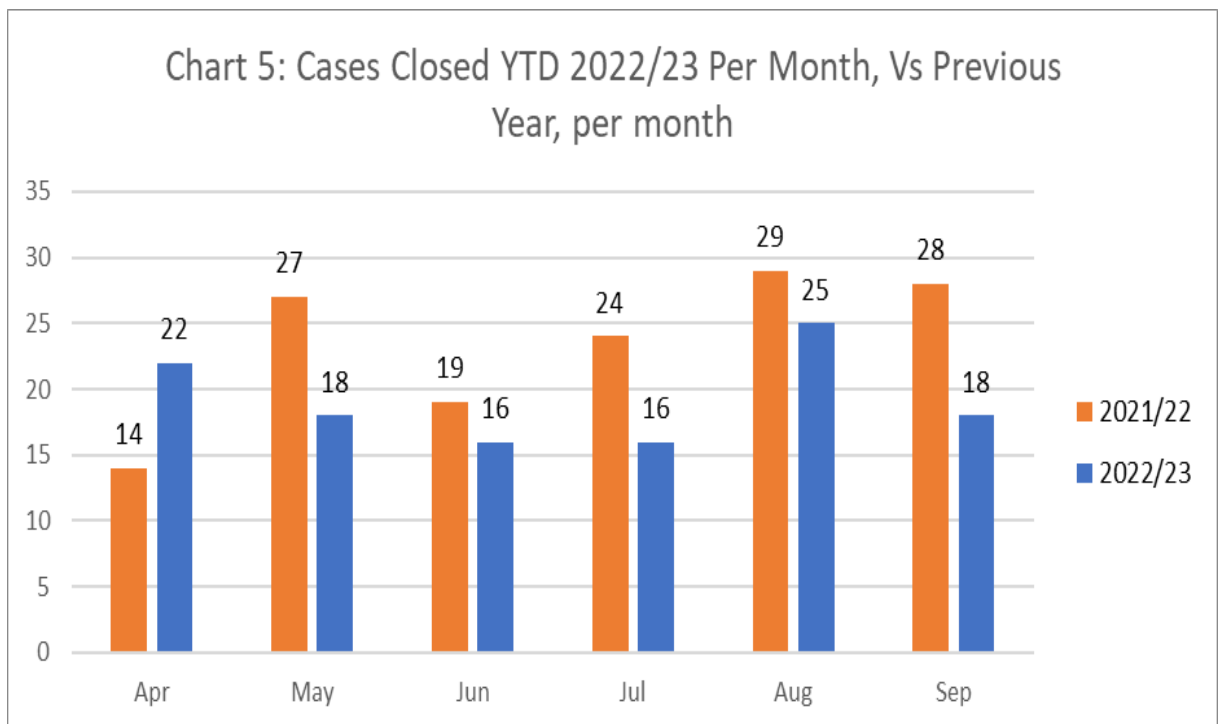
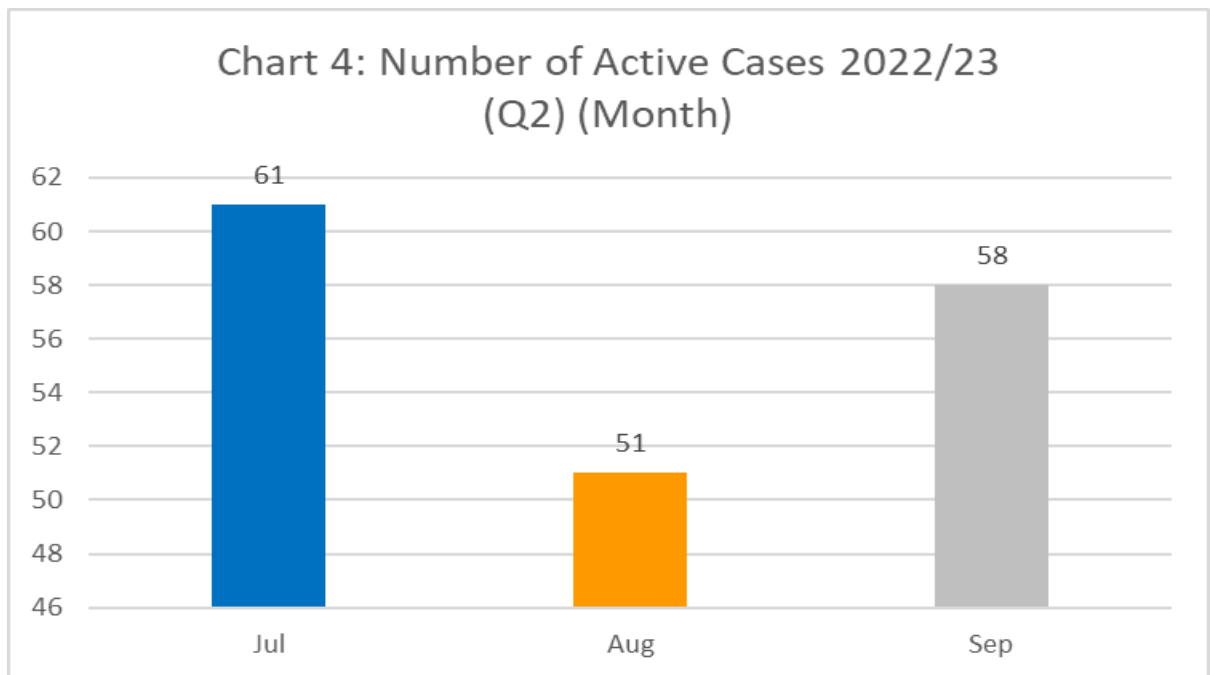
Date of meeting: 08.12.2022

Appendix 1









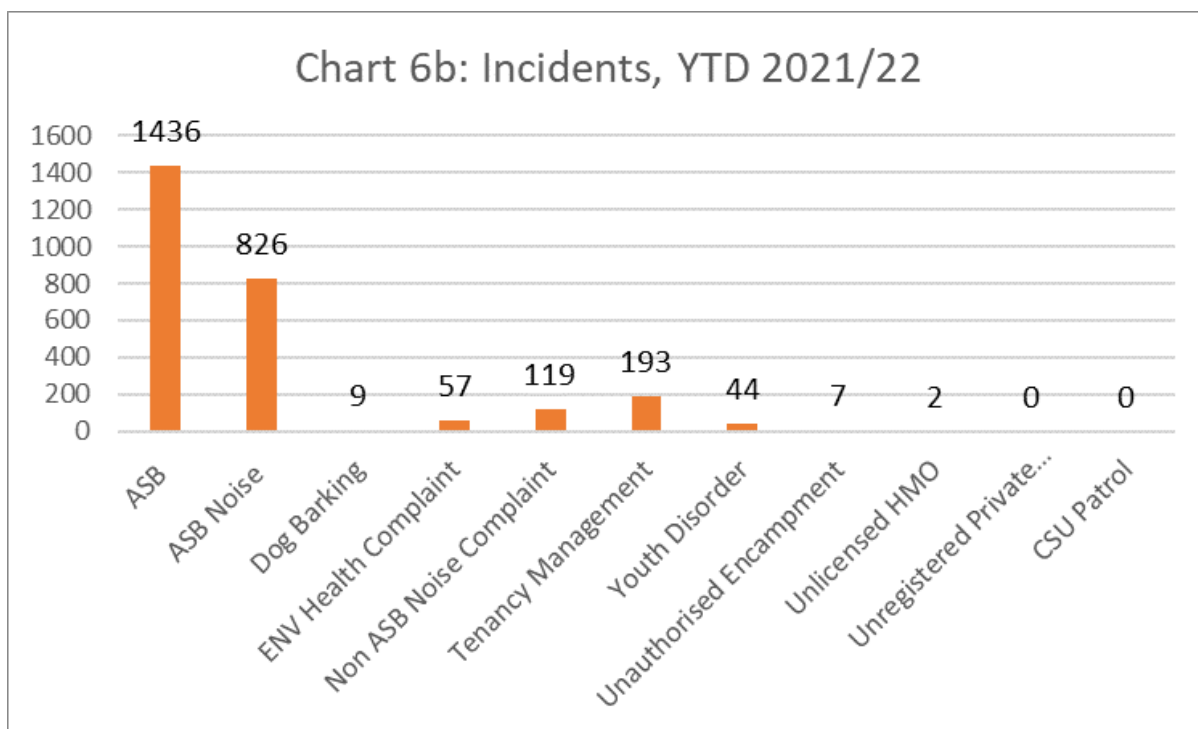
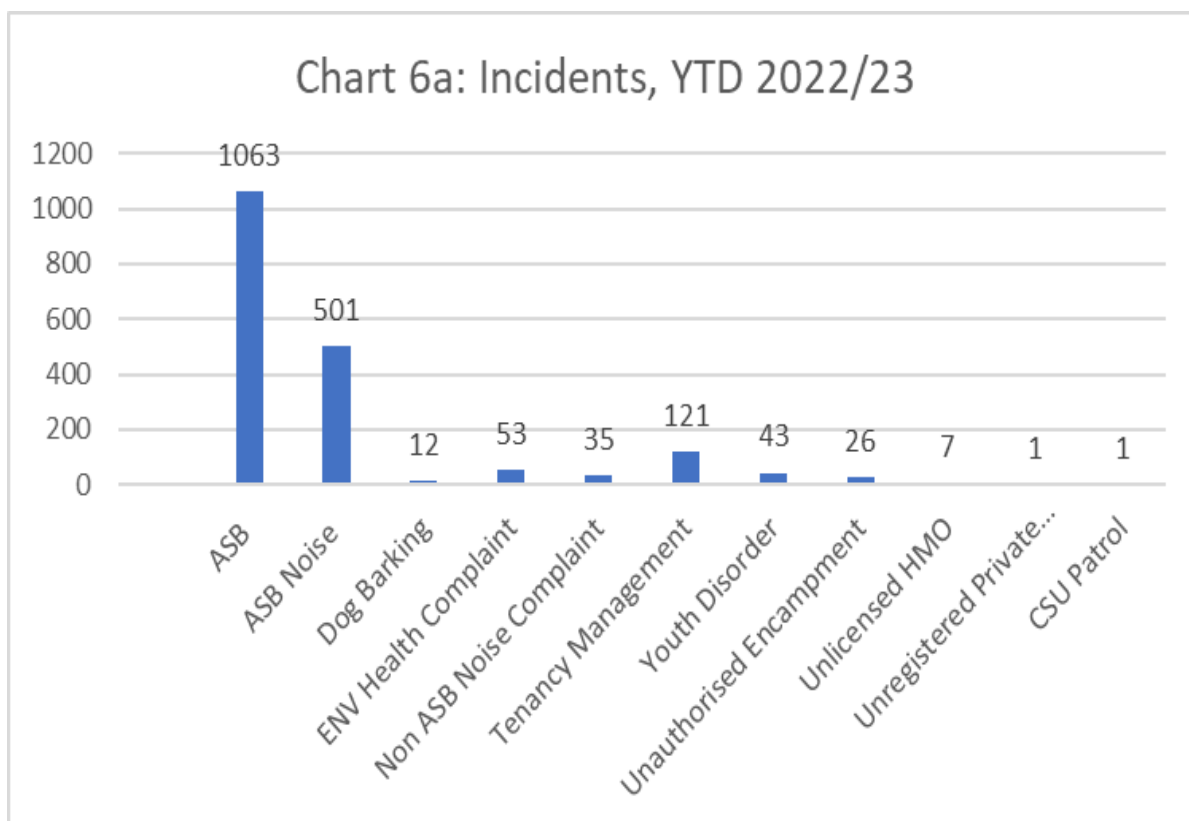


Chart 7: Data Table for Q2 Incident Outcome 2022/23

Incident Outcome	Armadale Blackridge	Bathgate	Broxburn, Uphall Winchburgh	East Liv	Fauldhouse Breich Valley	Linlithgow	Liv North	Liv South	Whitburn Blackburn
Complainant Moved	0	1	0	1	1	0	1	2	2
Criminal Prosecution	1	1	0	0	0	0	0	0	0
Non Domestic Noise	0	0	0	3	0	2	0	0	0
Insufficient Evidence	14	29	19	7	12	4	23	13	18
No Further Incidents	6	11	13	0	6	3	12	2	11
Noise Stopped	11	25	14	4	26	7	6	7	22
Perpetrator Moved	0	1	2	0	0	0	1	2	1
RSL to Investigate	1	2	2	3	1	0	2	0	3
Successful Action	14	12	30	6	4	3	14	10	11
Warning Notice Issued	1	0	1	0	1	0	1	0	1
Warning Verbal Issued	0	2	2	3	0	0	7	2	6
Further Investigation	0	0	0	0	0	0	0	1	0
Total	48	84	83	27	51	19	67	39	75

Data Table for Chart 7b: Q2 Incident Activity / Outcomes 2022/23

SNT Activity	Armadale Blackridge	Bathgate	Broxburn, Uphall Winchburgh	East Liv	Fauldhouse and Breich Valley	Linlithgow	Liv North	Liv South
Phone Call	119	275	199	72	117	65	192	11
Visit	12	31	25	12	11	12	33	1
Total	131	306	224	84	128	77	225	12

Chart 8: Current ASBO's, Q2 2022/23		AGE							
Ward	21	27	31	31	33	37	53	54	Grand Total
Armadale & Blackridge		1	1				1		3
Bathgate						1			1
Broxburn Uphall & Winchburgh	1							1	2
Fauldhouse & Breich Valley					1				1
Livingston North					1				1
Whitburn & Blackburn				1					1
Grand Total	1	1	1	1	2	1	1	1	9

DATA LABEL: PUBLIC



PUBLIC AND COMMUNITY SAFETY - POLICY DEVELOPMENT AND SCRUTINY PANEL

PERFORMANCE REPORT – QUARTERLY INDICATORS

REPORT BY HEAD OF SOCIAL POLICY

A. PURPOSE OF REPORT

To report the current level of performance for the quarterly indicators up to quarter 2 of 2022-23 (July – September) that support the Corporate Plan and are the responsibility of Public and Community Safety Policy Development and Scrutiny Panel.

B. RECOMMENDATIONS

It is recommended that the Panel note the performance information.

C. SUMMARY OF IMPLICATIONS

I Council Values	<ul style="list-style-type: none"> • Focusing on our customers' needs • Being honest, open and accountable • Providing equality of opportunity • Developing employees • Making best use of resources • Working in partnership
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	In compliance with the Code of Corporate Governance
III Implications for Scheme of Delegations to Officers	No implications.
IV Impact on performance and performance Indicators	This report is an evaluation of current/historic performance
V Relevance to Single Outcome Agreement	The indicators support the outcomes in the Single Outcome Agreement
VI Resources - (Financial, Staffing and Property)	N/A
VII Consideration at PDSP	N/A
VIII Other consultations	N/A

D. TERMS OF REPORT

D1 Background

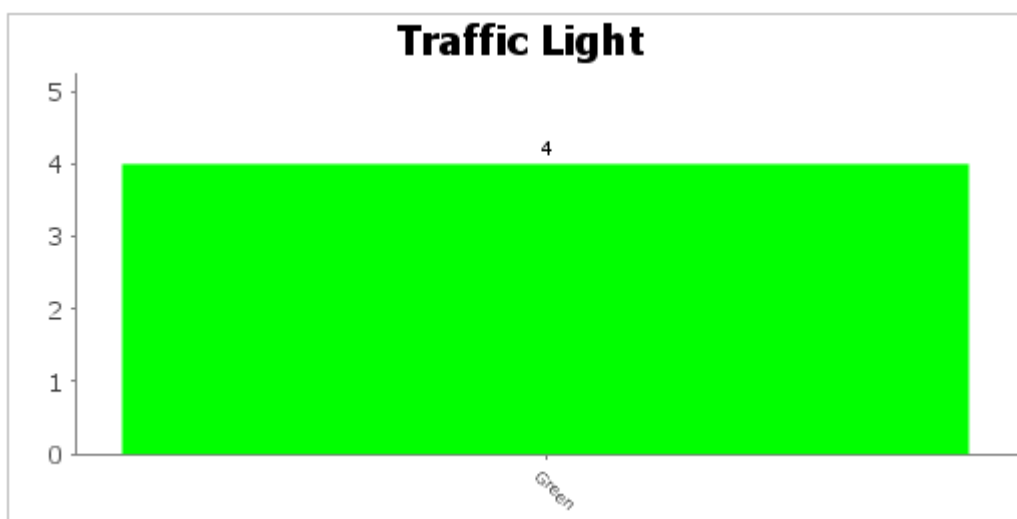
The Policy Development and Scrutiny Panel (PDSP) oversee and challenge council performance. They are a key element of the scrutiny of performance by elected members and form part of the council's wider scrutiny and public performance reporting arrangements. To support this, each PDSP is allocated areas of the Corporate Plan, strategic priorities and key council performance indicators, relevant to the focus areas of the Panel. They receive both quarterly and annual performance reports.

D2 Quarterly Performance Report

The quarterly performance scorecard report for the Public and Community Safety PDSP contains a range of relevant service performance information for scrutiny. A summary report of the 4 performance indicators in the Public and Community Safety PDSP scorecard is contained in Appendix 1. The scorecard report contains the most up to date quarterly data for the period Qtr 2 22/23 (July – September)

The 4 performance indicators are categorised as follows:

Summary of Performance Indicator status (RAG)	
Status (against target)	Number of PIs
Green	4
Amber	0
Red	0



The RAG status is against the performance target that has been set by the service in consultation with the relevant stakeholders.

Each indicator in Appendix 1 is accompanied by trend chart commentary, which provides an explanation of the current performance levels (against the target). This information also highlights any performance below target and outlines the measures that our services are taking to improve their performance.

D3 Amber and Red Performance Indicators

There were no Amber or Red Indicators this quarter.

E. CONCLUSION

The performance scorecard shows all of the indicators are achieving targeted levels of performance.

F. BACKGROUND REFERENCES

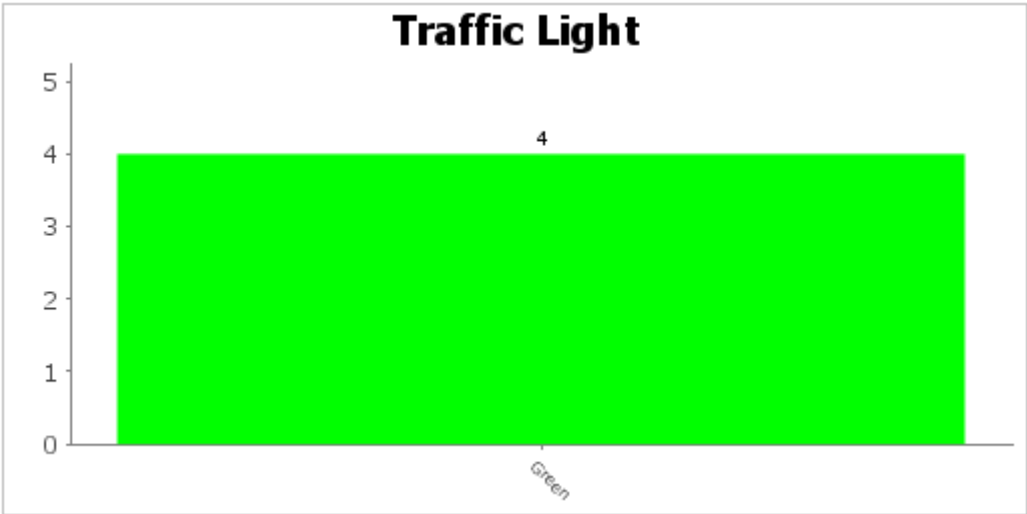
None

Appendices/Attachments	Appendix 1 – PublicandCommunitySafetyPDSPJusticeServicesQuarterly – Q2 22-23
Contact Person:	Pauline Cochrane - Senior Manager, Social Policy
Email:	Pauline.cochrane@westlothian.gov.uk
	Jo MacPherson Head of Social Policy
Date:	8 th December 2022

Public and Community Safety PDSP - Justice Services - Quarterly

Data Label : OFFICIAL

Report Author: Struan Hope
Generated on: 01 November 2022 13:23
Report Layout: .PDSP_PIs_All(Detail)_Grid



PI Code & Short Name	P:SPCJ040_6b.3 Total number of complaints received against the Justice Service	PI Owner	zSPCJ_PIAdmin; Senior Manager – Justice Services (P.Cochrane)
Description	<p>This performance indicator measures the total number of complaints received annually about the Justice service delivery. The data for this indicator is extracted from the Lagan Customer Relationship Management System.</p> <p>Data is used to help the service improve its understanding of the customer experience.</p>	Data Collection Officer	Sandy Reid
Linked PIs		Gauge Format Type	Aim to Minimise
<p>Total number of complaints received against the Justice Service</p> <p>■ Quarters ■ Target (Quarters)</p>		Last Update	Q2 2022/23
		Traffic Light Icon	🟢
		Current Value	4
		Current Target	4
		Red Threshold	4.8
		Amber Threshold	4
		<p>Q2 2022/23 result</p>	
<p>Q2 - 2022/23 - there were 4 complaints received against the justice service in Q2 which is within target. One stage 1 complaint which was not upheld and three Stage 2 complaints. 2 were not upheld and 1 (which was in 5 parts) had 1 part partially upheld. A new process has been put in place to mitigate any potential for this to be repeated. In terms of themes the majority were in relation to service users who were unhappy with decisions made. These decisions which based on risk assessments and were therefore appropriate.</p> <p>In Q1 of 2022/2023 the service received 3 complaints at Stage 1. Of these complaints 1 was not upheld and 2 were upheld. Within each complaint there was a theme around communication and the impact of virtual and telephone meetings as opposed to face to face meetings.</p> <p>There were no complaints for the Justice Service in quarter 2, 3 or 4 of 2021-22.</p>		Notes on Latest Data Entry	<p>20-Oct-2022 Stage 1 Total - 1 Upheld - 0 Part upheld - 0 Not upheld - 1</p> <p>Stage 2 Total - 3 Upheld - 0 Part upheld - 1 Not upheld - 2</p>

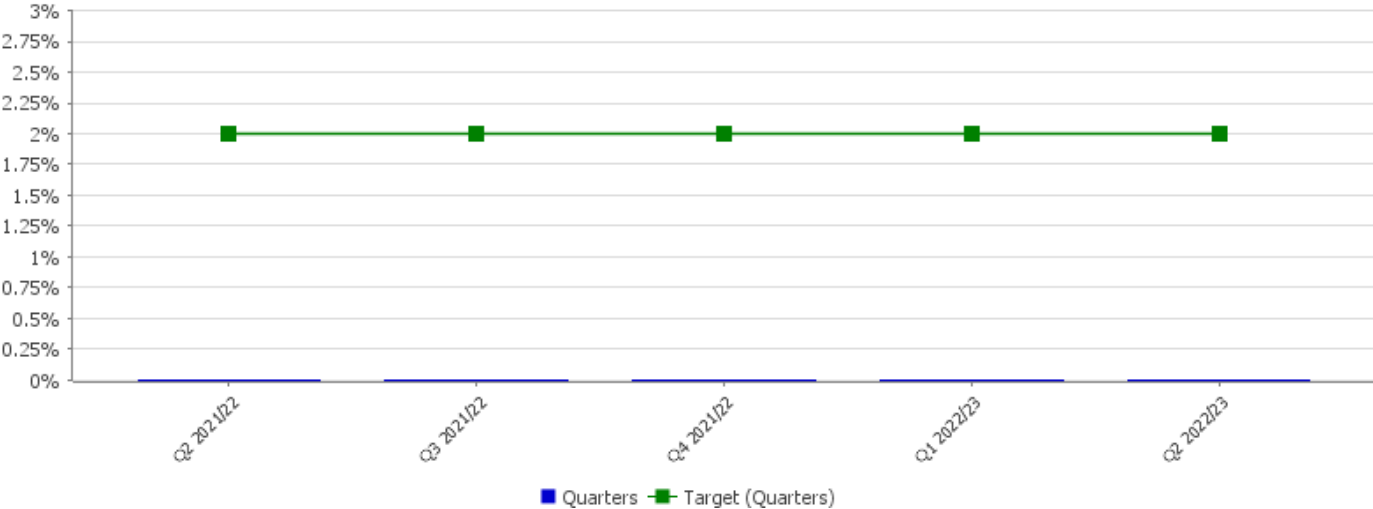

The pattern of complaints is largely unpredictable and usually focussed on a perception that the service has treated an individual harshly or unfairly because of the strong requirement to apply sanctions if required.

Offenders are managed strongly in the community and are required to comply with strict supervision so offenders occasionally complain about statutory decisions which are usually explained clearly.


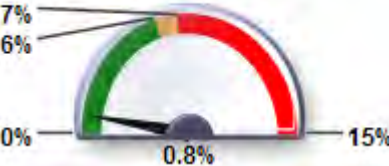
The complaints received have concerned staff being challenged regarding risk assessment or professional role.

The target will remain at 4 for 2022/23, although this is largely notional and difficult to influence.

PI Code & Short Name	P:SPCJ043_6b.4 Percentage of complaints against the Justice Service upheld or partially upheld	PI Owner	zSPCJ_PIAAdmin; Senior Manager – Justice Services (P.Cochrane)																		
Description	This performance indicator measures the percentage of statutory social work complaints received half yearly about the Justice service that were upheld or partially upheld. The data for this indicator is extracted from the Lagan Customer Relationship Management System. The data is used to identify any opportunities for improvement that can be made in the service.	Data Collection Officer	Sandy Reid																		
Linked PIs		Gauge Format Type	Aim to Minimise																		
<div><p>Percentage of complaints against the Justice Service upheld or partially upheld</p><table><caption>Percentage of complaints against the Justice Service upheld or partially upheld</caption><thead><tr><th>Quarter</th><th>Quarters (%)</th><th>Target (Quarters) (%)</th></tr></thead><tbody><tr><td>Q2 2021/22</td><td>0%</td><td>0%</td></tr><tr><td>Q3 2021/22</td><td>0%</td><td>0%</td></tr><tr><td>Q4 2021/22</td><td>0%</td><td>0%</td></tr><tr><td>Q1 2022/23</td><td>67%</td><td>0%</td></tr><tr><td>Q2 2022/23</td><td>25%</td><td>40%</td></tr></tbody></table></div>		Quarter	Quarters (%)	Target (Quarters) (%)	Q2 2021/22	0%	0%	Q3 2021/22	0%	0%	Q4 2021/22	0%	0%	Q1 2022/23	67%	0%	Q2 2022/23	25%	40%	Last Update	Q2 2022/23
		Quarter	Quarters (%)	Target (Quarters) (%)																	
		Q2 2021/22	0%	0%																	
		Q3 2021/22	0%	0%																	
		Q4 2021/22	0%	0%																	
Q1 2022/23	67%	0%																			
Q2 2022/23	25%	40%																			
Traffic Light Icon																					
Current Value	25%																				
Current Target	40%																				
Red Threshold	48%																				
Amber Threshold	40%																				
		<div><p>Q2 2022/23 result</p><table><caption>Q2 2022/23 result</caption><thead><tr><th>Threshold (%)</th><th>Color</th></tr></thead><tbody><tr><td>0%</td><td>Green</td></tr><tr><td>40%</td><td>Yellow</td></tr><tr><td>48%</td><td>Red</td></tr><tr><td>100%</td><td>Red</td></tr></tbody></table></div>		Threshold (%)	Color	0%	Green	40%	Yellow	48%	Red	100%	Red								
Threshold (%)	Color																				
0%	Green																				
40%	Yellow																				
48%	Red																				
100%	Red																				
<p>In Q2 2022/23 the service has had one stage 2 complaint which was in 5 parts. Only one part was partially upheld which is within target. An administrative process has been developed in response to this.</p> <p>In Q1 2022/23 the service has had 3 complaints all at stage 1 with 2 partially upheld and 1 not upheld thereby exceeding the target setting. The complaints theme was around communication and the impact of not being fully back to face to face meetings following the impact of the pandemic. The target setting remains difficult to set but 0% is no longer realistic so this will be amended to 40%.</p> <p>The nature of complaints to the Criminal & Youth Justice are often complex and sensitive, however the service receives very few complaints and the results for this indicator can be highly variable. Following analysis of the small numbers of complaints, we have not found any particular trend, or theme that has influenced these results, other than that when we convert the small number of complaints to a percentage count, we see more extreme variation in the result.</p> <p>Please note that on quarters where there have been no complaints received, there will be no value added, therefore this will show as a blank or missing quarter on the chart.</p>		Notes on Latest Data Entry	<p>20-Oct-2022 Stage 1 Total - 1 Not Upheld - 1 Part - 0 Upheld - 0</p> <p>Stage 2 Total - 3 Not Upheld - 2 Part - 1 Upheld - 0</p> <p>1/4 upheld or part upheld (25%)</p>																		

PI Code & Short Name	P:SPCJ125_9b Percentage of women who are charged with further offences during intervention or re-referred within six months following their engagement with the Almond Project	PI Owner	zSPCJ_PIAAdmin; Senior Manager – Justice Services (P.Cochrane)
Description	<p>This indicator monitors the rate of reoffending; it counts the percentage of women who re-offend whilst experiencing an intervention from the Almond Project. It also counts those who are re-referred within six months following their engagement with the Almond Project.</p> <p>Preventing re-offending is the core aim of the Almond project and so the impact on offending rates by women is an important indicator of how effective the service is. The rate can be analysed in order to determine where improvements can be made. The data is collected and stored on the Social Policy Case Management system.</p>	Data Collection Officer	Claire Marr
Linked PIs		Gauge Format Type	Aim to Minimise
<p>Percentage of women who are charged with further offences during intervention or re-referred within six months following their engagement with the Almond Project</p>  <p>■ Quarters ■ Target (Quarters)</p>		Last Update	Q2 2022/23
		Traffic Light Icon	✓
		Current Value	0%
		Current Target	2%
		Red Threshold	10%
		Amber Threshold	5%
		<p>Q2 2022/23 result</p> 	
<p><u>Trend Chart Commentary</u></p> <p>The target in Q2 2022/23 continues to be met and 0 women out of the 13 currently being supported by the service have been charged with further offences.</p> <p>The target for this performance indicator is to achieve 2% by 2022/23 and this was set in the development of the council's Corporate Plan.</p> <p>Tracking and reducing reoffending is a key focus for all Justice services.</p> <p>For Q1 2022/23 and all quarters of 2021/22, no women involved with the Almond Project re-offended during this period. These encouraging trends continues to demonstrate how effective the Almond Project is in reducing the reoffending rates for women.</p>		Notes on Latest Data Entry	19-Oct-2022 0 out of 13 women were charged with further offences during intervention or re-referred within six months following their engagements with the Almond Project.

Positively a number of successes have been women who historically have been hard to engage and breached community orders. There are two full time Key Workers in the Project and this is likely to have a positive impact on waiting lists and further improve the effectiveness of the intervention. The service will continually look at new ways to bring more women into the service and out of the adult justice system.

PI Code & Short Name	P:SPCJ153_9b Percentage of Criminal Justice Social Work reports resulting in a custodial sentence of 12 months or less	PI Owner	zSPCJ_PIAdmin; Senior Manager – Justice Services (P.Cochrane)												
Description	<p>The service aims to maximise the use of effective community-based disposals (court decisions) without unnecessary use of short custodial sentences. The Criminal Justice and Licensing (Scotland) Act 2010 (Section 17) includes a specific presumption against use of such sentences. In June 2019 this presumption was extended from 3 to 12 months.</p> <p>This measure is the percentage of court disposals (decisions) arising from cases where a Criminal Justice Social Work Report was submitted to court where the outcome was a prison sentence of 12 months or less.</p>	Data Collection Officer	Fiona MacKenzie												
Linked PIs		Gauge Format Type	Aim to Minimise												
<div><p>Percentage of Criminal Justice Social Work reports resulting in a custodial sentence of 12 months or less</p><table><caption>Percentage of Criminal Justice Social Work reports resulting in a custodial sentence of 12 months or less</caption><thead><tr><th>Quarter</th><th>Percentage</th></tr></thead><tbody><tr><td>Q2 2021/22</td><td>3.2%</td></tr><tr><td>Q3 2021/22</td><td>2%</td></tr><tr><td>Q4 2021/22</td><td>3%</td></tr><tr><td>Q1 2022/23</td><td>4.18%</td></tr><tr><td>Q2 2022/23</td><td>0.8%</td></tr></tbody></table><p>■ Quarters ■ Target (Quarters)</p></div>		Quarter	Percentage	Q2 2021/22	3.2%	Q3 2021/22	2%	Q4 2021/22	3%	Q1 2022/23	4.18%	Q2 2022/23	0.8%	Last Update	Q2 2022/23
		Quarter	Percentage												
		Q2 2021/22	3.2%												
		Q3 2021/22	2%												
		Q4 2021/22	3%												
		Q1 2022/23	4.18%												
Q2 2022/23	0.8%														
Traffic Light Icon															
Current Value	0.8%														
Current Target	5%														
Red Threshold	7%														
Amber Threshold	6%														
		<div><p>Q2 2022/23 result</p></div>													
<u>Trend Chart Commentary</u>		Notes on Latest Data Entry	18-Oct-2022 Information from Wendy Dugiud												
<u>Q2 2022/2023</u> The improvements have continued in this second quarter and performance is well above target at 0.8%, that equates to 2 custodial sentences less than 12 months out of 265 reports. It should be noted however that social work do have limited influence on courts decisions.															
<u>Q1 2022/23</u> This is just above target for this quarter and this is the expected trajectory as community payback orders increase		(2 out of 265) 0.8%													

This indicator was developed in 2018-19 to reflect the Scottish Government legislating for a presumption against sentences of 12 months or less. Data was populated over a number of previous years.

In Quarter 2 2021/22 there was a further reduction to 3.2% with 8 custodial sentences from 234 reports submitted. This is continuing evidence of effective reports avoiding custodial sentences where possible. Q3 improved to 2% with Q4 returning to 3%. The increase in Q4 is due to back dated sentences due to long periods of remand due to COVID.

The baseline target for 2022-23 will remain at 5% but as the policy takes affect the performance target will lower as More Community Payback Orders increase and service fully returns to normal.

DATA LABEL: PUBLIC



PUBLIC AND COMMUNITY SAFETY POLICY DEVELOPMENT AND SCRUTINY PANEL

SHORT-TERM LET LICENSING SCHEME – POLICY AND FEE STRUCTURE

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To update the Panel on the progress of the council's implementation of the short-term let licensing scheme, to ask the Panel to note the proposed short-term let licensing policy detailed in Appendix 1, to note the results and responses to the public consultation as detailed in Appendix 2, and to note the proposed fee structure detailed in Appendix 3.

B. RECOMMENDATION

It is recommended that the Panel:

1. Notes that on 25 October 2022 Council Executive resolved that officers prepare a report for this PDSP in relation to short-term let licensing.
2. Notes the steps taken by officers in relation to the implementation of a short-term let licensing scheme in West Lothian, as required under the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 ("The Order");
3. Notes that consultation relating to the draft short-term let licensing policy has taken place with the public for a period of three weeks, as required under the Order, and is available in Appendix 2;
4. Notes that the scheme will be administered within Housing, Customer and Building Services, and therefore a change to the Scheme of Delegation is required;
5. Recommends to the Council Executive that the draft short-term let licensing policy as detailed in Appendix 1 as amended following comments received during the public consultation is approved; and
6. Recommends to the Council Executive that the draft fee schedule, which covers the cost of administering the scheme, and is included in Appendix 3; is approved;
7. Recommends that the Council Executive delegates authority to officers as set out in part D.5 of this report;
8. Notes that decisions under the scheme which require determination by committee will be referred to Licensing Committee.

C. SUMMARY OF IMPLICATIONS

I Council Values	<ul style="list-style-type: none"> Focusing on our customers' needs Being honest, open and accountable Working in partnership
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>Civic Government (Scotland) Act 1982</p> <p>Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022</p>
III Implications for Scheme of Delegations to Officers	The Scheme of Delegations will require to be amended in accordance with B.7 and D.5.
IV Impact on performance and performance Indicators	None
V Relevance to Single Outcome Agreement	None
VI Resources - (Financial, Staffing and Property)	Staff resource of 1.0 FTE in year 1 will be recruited to administer the scheme, reducing to 0.3 FTE in years 2 and 3.
VII Consideration at PDSP	N/A
VIII Other consultations	Online public consultation Governance Manager Short-Term Lets Working Group

D. TERMS OF REPORT

D1 Background

The Scottish Government passed the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 on 19 January 2022. It came into effect on 1 March 2022. The Order introduces a new licensing scheme for those operating premises offering accommodation (Hosts) on a short-term basis to guests. It was introduced primarily with a view to regulating holiday type lets but also includes bed and breakfast businesses (B&Bs), and affects letting activity from and after 1 October 2022.

On 25 October 2022 the Council Executive considered a report on the short-term let licensing scheme, and noted that the council is required to implement a short-term let licensing scheme as introduced by the Scottish Government and agreed that a further report would be submitted to the Panel following public consultation.

This report provides further details of the short-term let licensing scheme, including

the draft policy, an update on the consultation and responses to comments and the proposed fee structure.

D2 Details of the Licensing Scheme

There are four types of short-term let licences that can be applied for, either: -

- Secondary Letting (letting out a property which is not someone's home),
- Home Letting (letting out a home for a period or periods for exclusive use),
- Home Sharing (letting out space within a house including B&B), and
- Home Letting and Home Sharing (a combination of the previous two options).

Hosts operating prior to 1 October 2022, can continue to do so provided they apply for a licence by 1 April 2023 under transitional arrangements. New hosts commencing short-term lets from 1 October 2022 are unable to operate until their licence application is determined. Local authorities have 12 months from receipt of applications to determine applications from existing hosts and 9 months from receipt of applications from new hosts.

A Short-term Let Licensing Working Group has been in operation since September 2022 and is working towards full implementation of the scheme. This group includes representation from a number of services across the council including Housing, Development Management, Legal Services, and Environmental Health.

D3 Policy and Consultation

The Short-Term Let Licensing Working Group developed a draft short-term let licensing policy to outline the council's approach to Short-term Let Licensing in West Lothian and this was published online for consultation with the public and stakeholders for three weeks from 31 October 2022.

A total of 19 responses were received to the consultation, and these responses have been summarised, alongside officer responses in Appendix 2.

Following the close of the consultation the council has taken account of the comments received and amended the draft policy where appropriate. The main changes to the draft policy relate to the grounds on which temporary exemptions may be granted and the additional conditions which will be applied to all licences and temporary exemptions.

The amended draft policy is attached as Appendix 1.

D4 Fee Structure

In terms of the legislation the council's costs of administering the short-term let licensing scheme are to be met from application fees. Accordingly, officers have estimated the costs to administer the short-term let licensing scheme, with particular regard to the anticipated time and costs of administering, processing and determining applications, and overview of licensing requirements, and have used this to set a fee structure for the scheme. Fees will increase in line with annual inflationary increases agreed by council. Any other changes to the scheme fees required beyond that will be subject to appropriate scrutiny and approval by the Council Executive.

The draft fee schedule is outlined in Appendix 3, and following agreement by Council Executive will be publicised online.

D5 Amendments to Scheme of Delegation

It is proposed that Housing, Customer and Building Services should be responsible for administering and ensuring compliance with the Short-Term Lets Licensing scheme. The Scheme of Delegations to Officers will therefore need to be amended to allow:

- Housing, Customer and Building Services to process applications;
- the Head of Housing, Customer and Building Services to grant applications including variation applications, using delegated powers, where there are no objections or adverse reports from advisors and all suggested conditions are agreed by the applicant;
- the Head of Housing, Customer and Building Services to compile reports for all other applications in order that these can be determined by the Licensing Committee;
- the Head of Housing, Customer and Building Services to decide if, on good cause shown, a renewal application made within 28 days after the expiry of the licence should be treated as an application made before its expiry;
- in relation to any application requiring the display of site notices and where there is a defect in compliance, the Head of Housing, Customer and Building Services to instruct or agree to the notice being redisplayed by the applicants to allow the application to continue to be processed;
- the Head of Housing, Customer and Building Services to compile reports for the Licensing Committee where appropriate in order that decisions can be made about possible suspension or revocation of licences;
- officers from Housing, Customer and Building Services to investigate complaints about licensed short-term lets;
- officers from Housing, Customer and Building Services to issue enforcement notices where breaches of licence conditions are suspected

D6 Implementation

A report will be presented to Council Executive on 20 December 2022 seeking approval of the policy and fee structure. It is anticipated that an online application process will open for applications to be submitted as soon as practicable thereafter.

Local authorities have 12 months from receipt of applications to determine applications from existing hosts and 9 months from receipt of applications from new hosts. Current hosts are able to continue operating as long as they apply for a licence by 1 April 2023. It is the intention of officers to prioritise applications made by new operators to ensure there is no detrimental impact on applicants.

E. CONCLUSION

The Panel is asked to note the work undertaken by the Short-Term Lets Working Group to ensure that the council will be compliant with Order before 1 January 2023.

The Panel is asked to note that all relevant consultation comments have been responded to in Appendix 2. The draft policy has reviewed in the light of the responses and amended accordingly. The Panel is asked to note this progress and to recommend approval of the amended policy and fee structure to Council Executive.

F. BACKGROUND REFERENCES

Civic Government (Scotland) Act 1982

Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022

[Report to Council Executive](#) – Short-term Lets Licensing Scheme. 25 October 2022.

Appendices/Attachments:

Appendix 1: Short-term Let Licensing Policy

Appendix 2: Short-term Let Licensing Consultation Responses and Comments

Appendix 3: Short-term Let Licensing Fee Structure

Contact Person: Audrey Watson, Managing Solicitor – Licensing
Audrey.watson@westlothian.gov.uk

Lesley Henderson, Interim Head of Corporate Services

Date: 8 December 2022

Short -Term Lets Policy

Author: Audrey Watson, Managing Solicitor - Licensing
Service: Corporate Services/Housing, Customer and Building Services
Last Updated: 29 November 2022
Date for Review: 29 November 2023

Contents

1. Introduction.....	3
2. Definitions	3
3. Purpose of Policy/Approach of the Council	5
4. Background to Licensing STL.....	5
5. Consultation Process.....	6
6. What is a “Short-Term Let?”.....	6
6.1 Definition of “Short -Term Let”	6
6.2 Excluded Accommodation	7
6.3 Excluded Tenancies.....	8
7. Different Types of STL Licences.....	9
8. Planning Considerations before Applying for a STL Licence.....	9
8.1 Planning Permission	9
8.2 Short-Term Let Control Areas	10
9. Temporary Exemptions	11
10. Temporary STL Licences.....	11
11. Application Process	12
11.1 Making an Application.....	12
11.2 Renewal	12
11.3 Documentation Required with an Application	13
11.4 Duration of Licences.....	14
11.5 Variation	15
12. Conditions Attached to an STL Licence.....	15
12.1 Mandatory Conditions.....	15
12.2 Additional Conditions	15
12.3 Maximum Capacity.....	15
12.4 Breach of a STL Licence Condition	17
13. Unlicensed STL	17
14. Monitoring and Compliance of Licensed STL	17
15. Complaints	18
16. Fees	18
Appendix 1 – Mandatory Conditions	19
Appendix 2 – Additional Conditions (Which Will Be Applied to All Licences)	24
Appendix 3 – Possible Additional Conditions Which Advisors May Recommend For Particular Premises	25

1. Introduction

1.1 West Lothian Council (“the Council”) is required to regulate short-term lets (STLs) through the Civic Government (Scotland) Act 1982 (Licensing of Short-Term Lets) Order 2022 (the 2022 Order), which brings STL within the scope of licensable activities covered by the statutory provisions of the Civic Government (Scotland) Act 1982 (the 1982 Act).

1.2 The Council Executive agreed this policy on xx December 2022 following a public consultation.

1.3 The Council must prepare a statement of its policy with respect to the exercise of its functions in relation to the licensing of STL. This policy provides information on the following areas:

- licence duration and renewal
- temporary licences
- temporary exemptions
- additional conditions which will apply
- compliance and enforcement

1.4 This policy provides guidance for prospective applicants, those who are granted a licence and those who may wish to object to or make representations regarding an application. The Council will have regard to the terms of its policy when determining applications. This policy will be reviewed and revised when necessary.

2. Definitions

Unless the Policy states otherwise, the definitions below shall apply throughout it:

1982 Act means the Civic Government (Scotland) Act 1982;

2008 Regulations means The Energy Performance of Buildings (Scotland) Regulations 2008;

2010 Act means the Equality Act 2010;

2018 Act means the Data Protection Act 2018;

2022 Order means The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022;

Accommodation includes whole or any part of a premises;

Aparthotel means a residential building containing serviced apartments where (a) the whole building is owned by the same person, (b) a minimum of 5 serviced apartments are managed and operated as a single business, (c) the building has a shared entrance for the serviced apartments, and (d) the serviced apartments do not share an entrance with any other flat or residential unit within the building;

Bothy means a building of no more than two storeys which (a) does not have any form of (i) mains electricity, (ii) pipes fuel supply, (iii) piped mains water supply, (b) is 100 metres or more from the nearest public road (within the meaning of section 151 of the Roads (Scotland) Act 1984), and (c) is 100 metres or more from the nearest habitable building;

Commercial Consideration includes (a) money and (b) a benefit in kind (such as provision of a service, or reciprocal use of accommodation);

Councillors Code of Conduct means the code of conduct published by the Standards Commission for Scotland;

“the Council” means West Lothian Council, a Local Authority in terms of the Local Government (Scotland) Act 1994 having its principal place of business at West Lothian Civic Centre, Livingston, EH54 6FF as Licensing Authority

Guest means a person who occupies accommodation under a Short-Term Let;

Home Letting means a short-term let for the use, while the host is absent, of accommodation which is, or is part of, the host’s only or principal home;

Home Sharing means a short-term let consisting of the entering into of an agreement for the use, while the host is present, of accommodation which is, or is part of, the host’s only or principal home;

Host means a person who is the owner, tenant, or person who otherwise exercises control over occupation and use, of the accommodation which is the subject of a Short-Term Let;

Hostel means a building, other than a dwelling house, in which there is provided for persons generally or for any class or classes of persons (a) residential accommodation, and (b) either or both (i) meals, (ii) cooking facilities;

Licensing Authority means the licensing authority responsible for the processing of STL licences under the 1982 Act;

Personal Care means care which relates to the day to day physical tasks and needs of the person cared for (as for example, but without prejudice to that generality, to eating and washing) and to mental processes related to those tasks and needs (as for example, but without prejudice to that generality, to remembering to eat and wash);

Refuge means accommodation used wholly or mainly for persons who have been subject to an incident or pattern of incidents, of (a) controlling, coercive or threatening behaviour, (b) physical violence, (c) abuse of any other description (whether physical or mental in nature) or (d) threats of any such violence or abuse;

Scottish Fire and Rescue Services is a body corporate established under the Police and Fire Reform (Scotland) Act 2012 and having its registered headquarters at Westburn Drive, Cambuslang, G72 7NA;

Serviced Apartment means a flat or residential unit in respect of which (a) services are provided to guests (such as housekeeping, a telephone desk, reception or laundry), (b) each flat or unit contains its own washing, cooking and dining facilities separate from each of the other flats or units, and (c) there is a management system in place to prevent anti-social behaviour and to impose limits in respect of the maximum occupancy of the flats or units;

Short-Term Let or STL has the meaning given in section 6.1 of this Policy;

Short-Term Let Control Area has the meaning provided in section 26B of the Town and Country Planning (Scotland) Act 1997;

Short-Term Let licence or “STL licence” means a licence for a short-term let;

Student Accommodation means residential accommodation which has been built or converted predominantly for the purpose of being provided to students;

Student Residential Tenancy means a tenancy (a) the purpose of which is to confer on the tenant the right to occupy the let property while the tenant is a student, and (b) the landlord is (i) a university or constituent college, school or hall of a university; (ii) a central institution within the meaning of section 135(1) of the Education (Scotland) Act 1980, (iii) a designated institution within the meaning of section 44(2) of the Further and Higher Education (Scotland) Act 1992, (iv) an institution for the provision of further education within the meaning of section

135 (1) of the Education (Scotland) Act 1980 which is administered by the education authority, (v) a college of further education which is managed by a board of management in terms of part 1 of the Further and Higher Education (Scotland) Act 1992, (vi) an association approved under Regulation 8 of the Further Education (Scotland) Regulations 1959, (vii) The Royal College of Surgeons of Edinburgh; or if planning permission for the construction, conversion or change of use of the building (or part of the building) of which the let property forms part was given on the basis that the let property would be used predominantly for housing students, and the landlord is an institutional provider of student accommodation;

Part means a part of this policy;

Policy means this short term lets policy;

Police Scotland means the police service of Scotland having its headquarters at Tulliallan Castle, Kincardine;

Secondary Letting means a short term let consisting of the entering into of an agreement for the use of accommodation which is not, or is not part of, a host's only or principal home;

Type of Short-Term Let means one of the following purposes: secondary letting; home letting; home sharing; or home letting and home sharing.

3. Purpose of Policy/Approach of the Council

The Council's Policy identifies the Council's approach to the regulation of STL and the processes to be followed relating to applications for licences of this kind. In producing this Policy, the Council has taken into consideration the Scottish Government's Short Term Lets in Scotland Licensing Scheme Guidance dated March 2022.

This Policy provides guidance for potential applicants and members of the public on the licensing of STL.

The Council recognises that there are several objectives which the STL Licensing scheme should seek to achieve, and that the scheme should balance several factors:

- protecting public safety
- securing compliance with licence conditions
- treating complaints both from guests and neighbours effectively
- limiting the Council's regulatory burden in inspecting and monitoring

Accordingly, the Council will adopt a risk-based STL system where risk assessments will influence several aspects of the scheme. The general approach of the Council is 'light touch'.

4. Background to Licensing STL

The Scottish Government brought into force The Civic Government (Scotland) Act 1982 (Licensing of Short- term Lets) Order 2022 on 1 March 2022. This 2022 Order introduced a licensing scheme for STL, which requires all STL to be licensed by 1 April 2024. Prior to the introduction of the 2022 Order, there was no requirement to licence STL in Scotland. The 2022 Order provides for changes to be made to the 1982 Act to reflect this new STL licence being introduced.

5. Consultation Process

The Council undertook a public consultation from 31 October 2022 to 18 November 2022 (both dates inclusive) on the proposed policy in relation to the licensing of STL within West Lothian. This consultation sought views on a draft policy and sought responses on the following matters:

- temporary exemptions;
- temporary licences;
- duration of licences;
- additional conditions attached to a licence;
- maximum occupancy calculation; and
- any additional comments on the draft policy

The consultation document was available on the Council's Short-Term lets webpage and the Council consulted with a number of key stakeholders including local Community Councils, Police Scotland, Scottish Fire and Rescue Service, Visit West Lothian, West Lothian Chamber of Commerce, the Federation of Small Businesses and The Association of Scotland's Self-Caterers.

Following completion of the consultation, the Council at a meeting on xx December 2022 agreed this Short-Term Lets Policy.

6. What is a "Short-Term Let?"

6.1 Definition of "Short -Term Let"

It should be noted that the definition of a STL is defined in law and not by the Council. The 2022 Order defines a STL as follows:

"short-term let" means the use of residential accommodation provided by a host in the course of business to a guest, where all of the following criteria are met—

- (a) the guest does not use the accommodation as their only or principal home,
- (b) the short-term let is entered into for commercial consideration,
- (c) the guest is not—
 - (i) an immediate family member of the host,
 - (ii) sharing the accommodation with the host for the principal purpose of advancing the guest's education as part of an arrangement made or approved by a school, college, or further or higher educational institution, or
 - (iii) an owner or part-owner of the accommodation,
- (d) the accommodation is not provided for the principal purpose of facilitating the provision of work or services by the guest to the host or to another member of the host's household,
- (e) the accommodation is not excluded accommodation (see section 6.2 below), and
- (f) the short-term let does not constitute an excluded tenancy (see section 6.3 below).

For the purposes of the definition detailed above, the 2022 Order provides that a person ("A") is an immediate family member of another person ("B") if A is—

- (a) in a qualifying relationship with B,
- (b) a qualifying relative of B,
- (c) a qualifying relative of a person who is in a qualifying relationship with B, or
- (d) in a qualifying relationship with a qualifying relative of B.

Two people are in a qualifying relationship with one another if they are—

- (i) married to each other,
- (ii) in a civil partnership with each other, or
- (iii) living together as though they were married,

A "qualifying relative" means a parent, grandparent, child, grandchild or sibling,

- (c) two people are to be regarded as siblings if they have at least one parent in common,
- (d) a person's stepchild is to be regarded as the person's child,
- (e) a person ("C") is to be regarded as the child of another person ("D"), if C is being or has been treated by D as D's child

6.2 Excluded Accommodation

As detailed in section 6.1 above, the 2022 Order provides for certain accommodation to be regarded as "excluded accommodation" and therefore there is no need for the owners or operators of these types of accommodation to hold a STL licence.

Excluded accommodation means accommodation which is, or is part of—

- (a) an aparthotel,
- (b) premises in respect of which a premises licence within the meaning of section 17 of the Licensing (Scotland) Act 2005 has effect and where the provision of accommodation is an activity listed in the operating plan as defined in section 20(4) of that Act,
- (c) a hotel which has planning permission granted for use as a hotel,
- (d) a hostel,
- (e) residential accommodation where personal care is provided to residents,
- (f) a hospital or nursing home,
- (g) a residential school, college or training centre,
- (h) secure residential accommodation (including a prison, young offenders' institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation, or accommodation used as military barracks),
- (i) a refuge,
- (j) student accommodation,

- (k) accommodation which otherwise requires a licence for use for hire for overnight stays (not including an HMO licence granted under section 129 of the Housing (Scotland) Act 2006),
- (l) accommodation which is provided by the guest,
- (m) accommodation which is capable, without modification, of transporting guests to another location,
- (n) a bothy, or
- (o) accommodation owned by an employer and provided to an employee in terms of a contract of employment or for the better performance of the employee's duties.

6.3 Excluded Tenancies

As detailed in section 6.1 above, under the definition of STL within the 2022 Order, one of the criteria for a STL is that it does not constitute an excluded tenancy. The 2022 Order defines an “excluded tenancy” as a tenancy which falls within any of the following definitions:

- (a) a protected tenancy (within the meaning of section 1 of the Rent (Scotland) Act 1984);
- (b) an assured tenancy (within the meaning of section 12 of the Housing (Scotland) Act 1988);
- (c) a short-assured tenancy (within the meaning of section 32 of the Housing (Scotland) Act 1988);
- (d) a tenancy of a croft (within the meaning of section 3 the Crofters (Scotland) Act 1993);
- (e) a tenancy of a holding situated outwith the crofting counties (within the meaning of section 61 of the Crofters (Scotland) Act 1993) to which any provisions of the Small Landholders (Scotland) Acts, 1886 to 1931) applies;
- (f) a Scottish secure tenancy (within the meaning of section 11 of the Housing (Scotland) Act 2001);
- (g) a short Scottish secure tenancy (within the meaning of section 34 of the Housing (Scotland) Act 2001);
- (h) a 1991 Act tenancy (within the meaning of section 1(4) of the Agricultural Holdings (Scotland) Act 2003);
- (i) a limited duration tenancy (within the meaning of section 93 of the Agricultural Holdings (Scotland) Act 2003);
- (j) a modern limited duration tenancy (within the meaning of section 5A of the Agricultural Holdings (Scotland) Act 2003);
- (k) a short-limited duration tenancy (within the meaning of section 4 of the Agricultural Holdings (Scotland) Act 2003);
- (l) a tenancy under a lease under which agricultural land is let for the purpose of its being used only for grazing or mowing during some specified period of the year (as described in section 3 of the Agricultural Holdings (Scotland) Act 2003);
- (m) a private residential tenancy (within the meaning of section 1 of the Private Housing (Tenancies) (Scotland) Act 2016); or
- (n) a student residential tenancy.

7. Different Types of STL Licences

Under the 1982 Act there are four different types of STL licences that can be applied for. These are:

- (a) secondary letting;
- (b) home letting;
- (c) home sharing; or
- (d) home letting and home sharing

Home sharing and home letting involve the use of the host's only principal home. Secondary letting does not relate to the use of the host's principal home, it is a separate premises.

The application form will ask for you to confirm what type of STL licence you are applying for when submitting your application. You must select one of the above types of licence.

Further information on who can submit a STL licence application can be found at section 11.1 below.

8. Planning Considerations before Applying for a STL Licence

8.1 Planning Permission

In this section the following definitions apply:

Flat means a separate and self-contained residential premise whether or not on the same floor and forming part of a building from some other part of which it is divided horizontally; and

House means a residential premise with a dedicated private entrance which may be detached from any other premise or attached via a vertical separation but is not separated horizontally from any other premise and meets the terms of Class 9 of The Town and Country Planning (Use Classes) (Scotland) Order 1997.

Under the 1982 Act, a preliminary ground for refusing to consider a STL licence is that the use of the premises for a STL would constitute a breach of planning control under the Town and Country Planning (Scotland) Act 1997 by virtue of section 123 (1)(a) or (b) of that Act.

The Council is aware that in current legislation in relation to short term let accommodation:

- Unless for home sharing, all flats require planning permission;
- Houses do not require planning permission;
- Houses will need to be checked on a case-by-case basis to confirm that the definition of a house in 8.1 is met; and
- Renting room(s) in a house may not require planning permission.

To avoid the Council having to use the preliminary ground of refusing to consider applications based on planning grounds, the Council agrees that a pre-requisite in applying for a home

letting STL licence or a secondary letting STL licence, where the premises is a flat, is that the applicant must have:

- planning permission or a certificate of lawfulness issued by the Council as Planning Authority for the use of the premises as short term let accommodation, sui generis in terms of The Town and Country Planning (Use Classes) (Scotland) Order 1997; or
- a certificate of lawfulness confirming that the extent of the use does not amount to a material change of use.

Either the planning permission or certificate of lawfulness must be provided with your application. The Council will not accept your application without one of these documents, or confirmation that planning is not required, for these types of STL licences.

Subject to section 8.2 below, an applicant is unlikely to require planning permission for:

- home sharing where the premises is a flat or a house;
- secondary letting where the premises is a house, or
- home letting where the premises is a house.

8.2 Short-Term Let Control Areas

Under The Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021 the Planning Authority can introduce Short-term Let Control Areas which would require any change of use for a premises to obtain planning permission. In addition, Short-term Let Control Areas would require all STL licence applications, for any of the four types of licences to have planning permission (where required) before applying for a licence. At present there are no Short-term Let Control Areas in place in West Lothian.

If any Short-term Let Control Areas are introduced in West Lothian in the future, then applicants and licence holders should note that where planning permission may not be required at present for a STL licence (as detailed in section 8.1 above) this position could change. These licence holders should note that it is a mandatory condition of a STL licence, that if the premises falls within a Short-term Let Control Area the licence holder must ensure that an application for planning permission under the Town and Country Planning (Scotland) Act 1997 has been made or is in force. This means that if a Short-term Let Control Area is introduced during the period of your STL licence, where planning permission was not initially required at the time of applying and being granted a STL licence, detailed in section 8.1 above, you would have to apply for planning permission. If you did not apply for planning permission or a certificate of lawfulness as applicable, or if you continued operating your STL once planning permission or a certificate had been refused you would be in breach of a licence condition and enforcement action may be taken.

The Council recognises the current position in West Lothian regarding Short-term Let Control Areas could change and will ensure this policy is reviewed to take account of any Short-term Control Areas that may be introduced in West Lothian in the future.

It should be noted that the introduction of any Short-term Let Control Area would fall under the Council as Planning Authority to implement, not the Council as the Licensing Authority.

9. Temporary Exemptions

Under paragraph 1A of Schedule 1 of the 1982 Act, the Council can grant a temporary exemption to the requirement to have a STL licence. Under the terms of the 1982 Act, temporary exemptions can be issued for a specified single continuous period not exceeding 6 weeks in any period of 12 months. The 6 weeks limit on a licence is a maximum, and not a default.

The Council will only consider granting a temporary exemption from the requirement to obtain a STL licence for specific circumstances for all four types of letting mentioned in paragraph 7 above. These circumstances are -

- Major sporting events in West Lothian, or in surrounding areas
- Major events in West Lothian or in surrounding areas
- To allow first time operators a short-term let trial period before applying for a full licence

If the application for a temporary exemption does not relate to one of the above circumstances applicants can expect that their applications will be refused.

Any temporary exemption which is issued will be subject to the mandatory conditions of licence as set out in the 1982 Act. Temporary exemptions will contain all the additional licence conditions set out in Appendix 2 below and may be subject to bespoke conditions and some of the additional conditions detailed in Appendix 3 below.

The Council will aim to process and determine a temporary exemption application within 3 months of a fully completed application being received. However, in order to ensure as far as possible that applications are able to be determined in advance of the event it is recommended that applications are made at least four months prior to the event.

10. Temporary STL Licences

Under paragraph 7 of Schedule 1 of the 1982 Act, the Council can grant temporary STL licences. Such licences can be granted for periods not exceeding 6 weeks and may be able to be processed quicker as the site notice provisions do not apply. Temporary licences cannot be renewed but where a competent application is also made for a full STL licence within the application period or during the time that a temporary licence is in effect the temporary licence continues in effect until the full licence application is determined.

The Council will issue temporary licences and any temporary licence which is issued will be subject to the mandatory conditions of licence, as set out in the 1982 Act. Temporary licences will also contain all the additional licence conditions set out in Appendix 2 below and may be subject to bespoke conditions and some of the additional conditions detailed in Appendix 3 below.

11. Application Process

11.1 Making an Application

All applicants for STL licences (including renewals, temporary exemptions, temporary licences and variations), irrespective of the type of STL licence being applied for (secondary letting, home letting, home sharing; or home letting and home sharing) must complete the STL licence application form available online at the [Short-term Lets webpage](#) together with the appropriate documentation and fee. Please see the webpage for details of fees.

An application for a STL Licence, under the legislation, can be made by a person other than the owner of the premises. Where this is the case, the applicant must ensure they provide the relevant consents from the owner(s) as detailed in section 11.3 (d).

Part of the application form will require the applicant to provide a declaration to the Council that they can comply with the mandatory conditions attached to a STL licence, including all the documentation detailed within these conditions. Further information on the mandatory conditions can be found at section 12.1. Applicants should be mindful that the Council's officers can request any documentation referred to in the mandatory conditions at any time during the consideration of an application or the period of the licence, if granted. Applicants should also note that a breach of a condition is a criminal offence under the 1982 Act.

It should be noted that if an applicant has had a STL licence application refused by the Council then the applicant cannot apply for a STL licence within one year of the date of the refusal unless there has been a material change of circumstances. An applicant who has been refused must contact the Council by email to stl@westlothian.gov.uk if they wish to apply within a year of the date of refusal. The Council determines if the change is material, not the applicant.

There is information about rights of appeal on the Council's Short-Term Let Licensing webpage.

Applicants who operated a STL prior to 1 October 2022 will be given a provisional STL licence number once their fully completed STL licence application is submitted to the Council, with all the required documentation as detailed in section 11.3 below, before 1 April 2023. This is to enable those operators to continue to operate a STL while their application is being considered. It should also be noted that this provisional STL licence number will cease when the application is determined.

11.2 Renewal

Under the 1982 Act, if a competent application for a STL licence renewal application has been made to the Council before the expiry date of the current licence, the licence will continue in effect until a final decision has been made by the Council on the renewal application. If a renewal application is refused the existing licence will remain in effect for a period of 28 days from the date of the decision. This is the appeal period, and where an appeal has been lodged, the licence remains in effect until such time as the appeal has been determined by the Court.

The process for applying for a renewal of a STL licence is the same as when applying for a new STL licence. Guidance for applicants is on the Council's [Short-term Lets webpage](#). In relation to the documentation that should be submitted with a renewal application please see section 11.3 below.

11.3 Documentation Required with an Application

Applicants should be aware that an application will not be treated as a competent application and processed without the following documentation (where applicable):

(a) Planning Permission or a Certificate of Lawfulness

In relation to all applications for STL licences involving home letting or secondary letting where the premises is a flat, the applicant must provide evidence that the premises has planning permission or a certificate of lawfulness issued by the Planning Authority for the use of the premises as short stay accommodation or a certificate of lawfulness confirming that the extent of the use does not amount to a material change of use. This must be submitted with the STL application. As detailed in section 8, an application submitted without either of these documents will not be considered by the Council.

(b) Floor/Layout Plan

All applicants for the grant of a STL licence will be required to submit a floor plan of the premises, scale 1: 50 showing at least the following:

- Rooms – living area/bedrooms/bedrooms available for guests;
- Room sizes, including bedrooms;
- Fire escapes;
- Location of heat/smoke alarms;
- Location of fire doors; and
- Location of stairs/elevators/lifts;

For renewal applications, where there has been no change to the layout of the premises a floor plan would not be required with the application.

For variation applications, where the variation relates to a change to the layout of the premises, a floor plan would be required with the application.

(c) Evidence of Operation as a STL before 1 October 2022

Where an applicant has been operating a STL before 1 October 2022, the applicant will be required to certify this when submitting a STL licence application. Checks to establish this may be made by the Council.

(d) Consent from Owner(s)Where owner is not the applicant

As detailed in section 11.1 an application for a STL licence does not have to be made by the owner of the premises. However, where an applicant other than the owner of the premises applies to the Council for a STL licence, the applicant must provide consent from the owner, or if the title to the premises is held by more than one owner, all owners or a person authorised to act on behalf of the owner(s) with written confirmation from one of the owners that the agent is authorised to act for all the owners.

Where one or more owners

Where the premises is owned by more than one person (shared ownership) all owners will have to declare that they consent to the application, if one owner is submitting the application. These declarations would be required with the application.

It is the responsibility of the person making the application to give accurate information on the form (see the declaration section on the form) and this may involve making enquiries with the owner(s) as to whose name title to the property is held in. Please note that the Council may require additional documentation to be submitted with an application. Where this is the case, the Council will advise the applicant directly of this.

11.4 Duration of Licences

Under the 1982 Act the Council can grant a STL licence for a period of three years or such shorter period as the Council determines.

In relation to applications to renew STL licences, the Council can extend the duration of a STL licence for a period of three years or such shorter other period as the Council determines.

The Council's policy is that it will grant all STL licence applications for a period of three years unless there is a good reason for granting them for a shorter period.

The law does not allow licences granted under the 1982 Act to be transferred. In the event of the death of an STL licence holder, the STL licence will be deemed to have been granted to the executor and will remain in force for a period of 3 months from the date of the licence holder's death, unless previously suspended or revoked. Where the Council is satisfied that it is necessary for the purpose of winding up the estate, on request, in writing, by the executor, the Council may extend the period further.

Licences held in the names of companies, partnerships and organisations will come to an end when the legal entity holding the licence is dissolved or otherwise no longer exists in law. Applicants should seek legal advice regarding which name a licence should be held in.

11.5 Variation

At any time, the holder of a STL licence can apply to the Council to vary the terms of the licence. There is no requirement to advertise a variation however, the Council will consult with Police Scotland and the Scottish Fire and Rescue Service before determining a variation application.

12. Conditions Attached to an STL Licence

12.1 Mandatory Conditions

Under the 2022 Order there are certain conditions which the Council must attach to a STL licence, irrespective of the type of STL licence granted, whether it is secondary letting, home letting, home sharing or home letting and home sharing. These are known as “mandatory conditions” and are detailed at Appendix 1.

It should be noted that the Council has no power to amend these mandatory conditions.

All applicants should ensure, prior to applying to the Council for a STL licence of any type, that they are able to comply with the mandatory conditions attached to a licence. Applicants should also note that in terms of listing their premises as a licensed STL, as required under mandatory condition 14, the listing must include the licence number (provided by the Council) and the valid energy performance certificate rating (if this is required for the premises in accordance with the 2008 Regulations).

12.2 Additional Conditions

To cater for more localised matters, the Council is also able to attach additional conditions to STL licences where necessary. The additional conditions detailed in Appendix 2 will be applied to all licences.

The Council's advisors may in certain circumstances suggest additional conditions for particular premises when they are responding to applications and any suggested conditions will be copied to applicants for comments.

A number of possible conditions are contained in Appendix 3 which may be suggested by advisors for particular premises. The Council's advisors may also suggest bespoke conditions for unusual properties.

It should be noted that the Council cannot impose an additional condition which limits the number of nights a premises may be used for secondary letting.

12.3 Maximum Capacity

One of the mandatory conditions that is attached to all STL licences is that the licence holder must ensure that the number of guests residing on the premises does not exceed the number specified in the licence.

All applications will ask the applicant to confirm the number of guests they would like to accommodate in the premises. The Council do however have to provide a maximum number of guests who can stay on the premises at any one time on the STL licence when it is issued. This is known as the “maximum capacity”. The Council, taking into account the information provided on the application form and layout plan, will calculate the maximum capacity in the following way:

The maximum number of persons in relation to a premises is whichever is the lesser of (a) or (b):

- I. The number specified in Table 1 below in relation to the number of rooms in the house available as sleeping accommodation for guests,
- II. The aggregate for all such rooms in the premises of the numbers specified in column 2 of Table 2 in relation to each room of the floor area specified in column 1.

Please note that any room with a floor area less than 50 square feet (4.65 sq. M.) cannot be considered for calculating the capacity within table 1 or 2 below.

It should be noted that a room is available as sleeping accommodation if it is of a type normally used in the premises as a living room or as a bedroom. The Council will not include children under 2 years of age when calculating the maximum capacity.

Table 1

Number of rooms (this should include living room and bedrooms if used as sleeping accommodation within the premises)	Number of persons
1	2
2	3
3	5
4	7
5+	2 for each room

Table 2

Column 1 - Floor area of each room	Column 2 - Number of persons
90 sq. ft. (8.36 sq. m.) or more	2
50 sq. ft. (4.65 sq. m.) or more but less than 90 sq. ft (8.36 sq. m.).	1

12.4 Breach of a STL Licence Condition

The 1982 Act gives the Council power to serve an Enforcement Notice on a STL licence holder, where the Council considers that a condition of the STL licence has been breached. The Enforcement Notice will detail the following:

- (a) the matters constituting the breach or likely breach;
- (b) the action to be taken by the licence holder; and
- (c) the date by which the action must be taken.

It should be noted that a breach of a condition is a criminal offence under the 1982 Act however an Enforcement Notice can still be served on the licence holder even if criminal proceedings have begun or are taking place.

As detailed in section 15 below, the Council will only take enforcement action where it is deemed necessary and appropriate.

13. Unlicensed STL

The Council recommends that people take their own independent legal advice on whether or not their accommodation would require a STL licence. The Council cannot provide legal advice on whether or not a premises requires a STL licence. Operating without a licence when one is required by the law is a criminal offence. Decisions on whether unlicensed hosts will be reported to the Procurator Fiscal will be made by Police Scotland. Unlicensed STLs should be reported to Police Scotland. The Council has no power to take any action against unlicensed STLs.

14. Monitoring and Compliance of Licensed STL

Taking into account section 12.4 above, the Council recognises the importance of having compliance issues monitored in order to ensure licensed STL are not causing an unnecessary nuisance to the community, nearby residents or neighbours. As such it will carry out a risk-based approach to enforcement, with officers using a range of escalating informal measures, prior to an Enforcement Notice being issued and subsequently consideration of a suspension or revocation of the licence. A licence holder must be able to provide any documentation referred to in the mandatory conditions, to the Council upon request. Failure to do so may

result in an Enforcement Notice being issued or the STL licence being suspended or revoked. Council officers may conduct inspections of STLs where issues have been identified either in the application or as a result of complaints and a fee will be charged for such inspections.

15. Complaints

The Council considers that it is essential that licensed STL are operated in accordance with the 1982 Act and the licence conditions. The Council's powers under the 1982 Act represent a key protection for the community where problems relating to the operation of a STL cannot be resolved amicably by the licence holder and the complainer.

Complaints from guests

In the first instance, the Council would expect any concerns from guests to be raised with the host or operator and where this cannot be resolved they should contact the Council.

Complaints from neighbours

In the first instance, the Council would expect concerns from neighbours to be raised with the licence holder and where this cannot be resolved they should contact the Council.

Information on how to make a complaint can be found on the Council's [Short-term Lets webpage](#).

16. Fees

The Council's fee structure will be published on the [Short-term Lets webpage](#).

Note that any fees charged are in respect of the processing and administration of an application and will not be refunded in the event that an application for a licence is not granted.

Appendix 1 – Mandatory Conditions

Agents

1. Only those named as a holder of the licence can carry out the day-to-day management of the short-term let of the premises.

Type of Licence

2. The holder of the licence may only offer the type of short-term let for which the licence has been granted.

Fire Safety

3. The holder of the licence must ensure the premises has satisfactory equipment installed for detecting, and for giving warning of—
 - (a) fire or suspected fire, and
 - (b) the presence of carbon monoxide in a concentration that is hazardous to health.
4. The holder of the licence must keep records showing that all upholstered furnishings and mattresses within the parts of the premises which are for guest use, or to which the guests are otherwise permitted to have access, comply with the Furniture and Furnishings (Fire Safety) Regulations 1988

Gas Safety

5. Where the premises has a gas supply—
 - (a) the holder of the licence must arrange for an annual gas safety inspection of all gas pipes, flues and appliances in the premises,
 - (b) if, after an annual inspection, any appliance does not meet the required safety standard, the holder of the licence must not allow a short-term let of the premises until the works necessary to bring the appliance to the required safety standard have been carried out.

Electrical Safety

6. Where there are electrical fittings or items within the parts of the premises which are for guest use, or to which the guests are permitted to have access, the holder of the licence must—
 - (a) ensure that any electrical fittings and items are in—
 - (i) a reasonable state of repair, and
 - (ii) proper and safe working order,
 - (b) arrange for an electrical safety inspection to be carried out by a competent person at least every five years or more frequently if directed by the competent person,
 - (c) ensure that, following an electrical safety inspection, the competent person produces an Electrical Installation Condition Report on any fixed installations,

- (d) arrange for a competent person to—
 - (i) produce a Portable Appliance Testing Report on moveable appliances to which a guest has access, and
 - (ii) date label and sign all moveable appliances which have been inspected.
- 7. In determining who is competent, the holder of the licence must have regard to guidance issued by the Scottish Ministers under section 19B(4) of the Housing (Scotland) Act 2006.

Water Safety: Private Water Supplies

- 8. Where the premises are served by a private water supply, the licence holder must comply with the requirements on the owners of private dwellings set out in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017.

Water Safety: Legionella

- 9. The holder of the licence must assess the risk from exposure to legionella within the premises, whether or not the premises are served by a private water supply.

Safety and Repair Standards

- 10.
 - (1) The holder of the licence must take all reasonable steps to ensure the premises are safe for residential use.
 - (2) Where the premises are subject to the requirements of Chapter 4 of Part 1 of the Housing (Scotland) Act 2006, the holder of the licence must ensure that the premises meet the repairing standard.

Maximum Occupancy

- 11. The licence holder must ensure that the number of guests residing on the premises does not exceed the number specified in the licence.

Information to be Displayed

- 12. The holder of the licence must make the following information available within the premises in a place where it is accessible to all guests—
 - (a) a certified copy of the licence and the licence conditions,
 - (b) fire, gas and electrical safety information,
 - (c) details of how to summon the assistance of emergency services,
 - (d) a copy of the gas safety report,
 - (e) a copy of the Electrical Installation Condition Report, and
 - (f) a copy of the Portable Appliance Testing Report.

Planning Permission

13. Where the premises is in a short-term let control area for the purposes of section 26B of the Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"), the holder of the licence must, where the use of the premises for a short-term let requires planning permission under the 1997 Act, ensure that either—
 - (a) an application has been made for planning permission under the 1997 Act and has not yet been determined, or
 - (b) planning permission under the 1997 Act is in force.

Listings

14.
 - (1) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises includes—
 - (a) the licence number, and
 - (b) a valid Energy Performance Certificate rating if an Energy Performance Certificate is required for the premises, in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008.
 - (2) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises is consistent with the terms of the short-term let licence.

Insurance

15. The holder of the licence must ensure that there is in place for the premises—
 - (a) valid buildings insurance for the duration of the licence, and
 - (b) valid public liability insurance for the duration of each short-term let agreement.

Payment of Fees

16. The holder of the licence must pay any fees due to the licensing authority in respect of the licence on demand.

False or Misleading Information

17. The holder of the licence must not provide any false or misleading information to the licensing authority.

Interpretation for the Mandatory Conditions

In these conditions —

"Electrical Installation Condition Report" means a report containing the following information—

- (a) the date on which the inspection was carried out,
- (b) the address of the premises inspected,

- (c) the name, address and relevant qualifications of the person who carried out the inspection,
- (d) a description, and the location, of each installation, fixture, fitting and appliance inspected,
- (e) any defect identified,
- (f) any action taken to remedy a defect,

"Energy Performance Certificate" means a certificate which complies with regulation 6 of the Energy Performance of Buildings (Scotland) Regulations 2008,

"Gas Safety Report" means a report containing the following information—

- (a) the date on which the appliance or flue was checked,
- (b) the address of the premises at which the appliance or flue is installed,
- (c) a description of and the location of each appliance or flue checked,
- (d) any safety defect identified,
- (e) any remedial action taken,
- (f) confirmation that the check undertaken complies with the requirements of an examination of—
 - (i) the effectiveness of any flue,
 - (ii) the supply of combustion air,
 - (iii) subject to (iv) below its operating pressure or heat input or, where necessary, both,
 - (iv) if it is not reasonably practicable to examine its operating pressure or heat input (or, where necessary, both), its combustion performance,
 - (v) its operation so as to ensure its safe functioning,
- (g) the name and signature of the individual carrying out the check, and
- (h) the registration number with which that individual, or that individual's employer, is registered with a body approved by the Health and Safety Executive for the purposes of regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998,

"Holder of the Licence" means any person to whom a short-term let licence has been granted or jointly granted,

"Home Letting" means a short-term let consisting of the entering into of an agreement for the use, while the host is absent, of accommodation which is, or is part of, the host's only or principal home,

"Home Sharing" means a short-term let consisting of the entering into of an agreement for the use, while the host is present, of accommodation which is, or is part of, the host's only or principal home,

"Premises" means the accommodation which is the subject of an application for a short-term licence or the subject of a short-term licence,

"Repairing Standard" means the steps which the holder of the licence is required to take to comply with the obligations placed on the holder by Chapter 4 of Part 1 of the Housing (Scotland) Act 2006,

"Secondary Letting" means a short-term let consisting of the entering into of an agreement for the use of accommodation which is not, or is not part of, the licence holder's only or principal home,

"Short-Term Let" has the same meaning as in article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022,

"Short-Term Let Licence" means a licence for a short-term let, and

"Type of Short-Term Let" means one of the following purposes—

- (a) secondary letting,
- (b) home letting,
- (c) home sharing, or
- (d) home letting and home sharing.

Appendix 2 – Additional Conditions (Which Will Be Applied to All Licences)

Littering & Waste Disposal

1. The licence holder shall take all reasonable steps to ensure that the appropriate refuse facilities (for both general and recyclable refuse) in line with West Lothian Council's current policy on the storage and collection of refuse, are available at all times either in the communal areas surrounding the premises or within the premises boundary where there are no communal areas, for the disposal of refuse by guests.
2. The licence holder shall ensure that the refuse facilities at the premises and in the communal surrounding areas of the premises are used appropriately at all times by the guests.

Antisocial Behaviour

3. The licence holder shall take all necessary measures to ensure that no antisocial behaviour, noise or other statutory nuisance arises within or from the licensed living accommodation or within any common parts of the property.

Dealing with complaints

4. The licence holder must act reasonably in relation to the management of the licensed premises in respect of any dealings with neighbouring residents of the premises.
5. The licence holder must take reasonable steps to investigate any complaint made by residents of neighbouring properties relating to the behaviour of the licence holder's guests at or in the vicinity of the licensed premises.

Inspections

6. The licence holder shall ensure that access is permitted to West Lothian Council Officers in connection with carrying out statutory duties, whether any inspections are scheduled or unannounced.

Appendix 3 – Possible Additional Conditions Which Advisors May Recommend For Particular Premises

1. The licence holder shall provide guests, no later than two days from the booking date, with an information leaflet on how to dispose of refuse (including general and recyclable refuse) properly and appropriately from the licensed premises.
2. The licence holder shall act reasonably in relation to the payment of their share of all maintenance costs, insurance costs and repair costs of areas in common relative to the premises and in all dealings with any other owners and any relevant factor.
3. The licence holder shall ensure that any undisputed invoice or notification of their share of maintenance costs, insurance costs and repair costs received in respect of common areas relative to the premises is paid in full in adherence to the payment terms stipulated.
4. The licence holder shall ensure that all common areas are regularly inspected and that any defects are brought to the attention of the other owner(s) and any relevant factor, with the licence holder making payment of the appropriate share of any costs to rectify such defects.
5. The licence holder must submit a certificate of compliance to West Lothian Council within 14 days of the licence taking effect confirming that they have provided emergency contact details to all neighbouring residents of the premises.
6. The licence holder must take reasonable steps to ensure that guests do not first arrive or depart from the property between the hours of 11pm to 7am. The licence holder must provide this information as part of their booking terms and conditions. Reasonable steps, allow for exceptions, such as significantly delayed transport.

Appendix 2

SUMMARY OF SHORT -TERM LET CONSULTATION RESPONSES

	Question	Responses	Reasons against/for	Comments from Short-Term Lets Working Group
1.	Should West Lothian Council issue Temporary licences?	19 16 in favour (84%)	<p>Reasons against</p> <p>“Housing should be for long term living”</p> <p>“Accommodation in West Lothian is in extremely short supply and overpriced in the private sector. Granting second home usage for holiday lets etc will only make matters worse for local residents to be able to afford accommodation in the location they work.”</p> <p>“Full licence should be applied for and there is adequate time allowed to operate until a licence is granted”</p>	<p>Apart from as Planning Authority, West Lothian Council does not have power to stipulate what property is used for. Planning powers are extremely limited in this regard.</p> <p>The Scottish Government have made this licensing scheme mandatory across the country so the council has no choice but to process the licence applications.</p> <p>The legislation allows for temporary licences to be granted and they last for a maximum of 6 weeks unless an application for a full licence is applied for at the same time or during the period of effect of the temporary licence. Temporary licences can be processed quicker to allow new operators to start operating sooner. This is because the usual site notice provisions do not apply. However, once full licences are applied for site notices do have to be displayed at the property allowing objections to be made by neighbours. Temporary applications can also be used by operators wishing to try out letting on a temporary basis. The same mandatory conditions apply to such licences.</p>

2.	Should there be additional conditions for Temporary Licences?	16 2 in favour (12%)	Reasons for “I ticked yes, but would want to be sure that all the mandatory conditions full licence holders are being obliged to fulfil will still apply. I can't actually envisage the need for these in West Lothian but can understand the need for them in somewhere like Edinburgh during festival times when the supply of self-catering could otherwise be insufficient.”	No additional conditions were suggested. During the first year of the scheme all licences granted will be subject to 6 additional conditions (see 5 Below). Temporary Licences will also be subject to the same 6 additional conditions.
3.	Should West Lothian Council issue Temporary Exemptions?	19 10 in favour (53%)	Reasons against “all lets should be licenced” “It could result in unsafe properties which have not had to go through the same hoops as everyone else hosting guests on a regular basis. A bad experience in an unsuitable property would badly reflect on West Lothian and complaints could be made to the Council and my impression is that the Council is overstretched don't have the time	The legislation allows for temporary exemptions to be granted and they are for a maximum of 6 weeks in any year (see 4 below). The Council's policy intends to permit temporary exemptions only for particular events taking place in and around West Lothian or to allow first time operators the chance to try short-term letting before making a full application otherwise temporary or full licences would have to be applied for. All applications for temporary exemptions are subject to the same checks and the same mandatory conditions as short-term let licences.

			<p>and staffing to deal with what could be a complex complaint needing much investigation”</p> <p>“People will abuse this”</p> <p>“Housing is a basic right and should not be used for short term profiteering. Homes should either be let with the tenant determining the stay duration”</p> <p>“Why should a temporary operator be exempt from the requirements of the short-term let licensing scheme? Full time operators are hardworking and are open all year round including during quiet times of year when the revenue we make is negligible. Why should these operators who wish to 'jump on the bandwagon' during busy periods be exempt from requirements that we have to adhere to? Surely this is why this licencing scheme has come about! Due to the rush of par time operators flooding the market in Edinburgh due to certain events.”</p> <p>“Unfair on those who are licensed and who are applying for the licence at great cost.”</p>	
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			<p>“Because STL operators should qualify for licence no matter what events are in nearby.”</p> <p>“because there would be no guarantee that they meet health and safety”</p> <p>Reasons for</p> <p>“urgent needs arise”</p>	
4.	What reasons do you think justify an exemption?	10	<p>Reasons suggested</p> <p>Major Sporting Events in West Lothian, or in surrounding areas (e.g. Commonwealth Games) (6 out of 10, 60%)</p> <p>Major International Events in West Lothian or in surrounding areas (e.g. COP26) (7 out of 10, 70%)</p> <p>To allow first time operators the chance to try Short-term Letting before making a full application (7 out of 10, 70%)</p>	Having reviewed the responses Temporary Exemptions will be granted if they fall into the suggested three categories. The policy has been updated to reflect this and to state that applications for exemptions which do not fall within one of the categories will be refused.
5.	Should there be additional conditions for Temporary Exemptions?	10 3 in favour (30%)	<p>Suggested conditions</p> <p>Conditions to prevent</p> <ul style="list-style-type: none"> • Anti-Social Behaviour; 	Having reviewed the comments on conditions it is recommended that during the first year of the scheme Temporary Exemptions in line with all licences granted will be subject to 6 additional conditions detailed in the policy. These conditions relate to

			<ul style="list-style-type: none"> • Damage or alteration to Property; • Failure to maintain the property; • Failure to maintain/contribute to communal upkeep; • Noise; • Unlawful Activity; <p>and a condition regarding waste management.</p>	<ul style="list-style-type: none"> • Littering & waste disposal • Anti-social behaviour • Dealing with complaints • Inspections <p>The policy has been updated to reflect this.</p> <p>In responding to applications advisors can recommend that any of the remaining additional conditions suggested in the policy or bespoke ones can be applied in appropriate circumstances.</p>
6.	Do you have any comments to make on the proposed additional conditions for all STL licences?	11	<p>Comments</p> <p>“My property is very rural and there are certain conditions that don't really make any sense to my situation. mainly the time constraints for arrival and departure.”</p> <p>“Not sure whether it is an additional condition but the level of detail required on room sizes, etc for short term let properties that have been operating successfully for many years is onerous in the extreme and would be costly for the operator to find and pay for someone to check this out. I feel an exception should be made for those properties who belong to VisitScotland's Quality Assurance</p>	<p>Having reviewed the comments on conditions it is recommended that during the first year of the scheme all licences granted will be subject to 6 additional conditions as detailed in the amended policy rather than the 14 additional conditions consulted on. See 5 above.</p> <p>The other additional conditions in the policy can be recommended by advisors in appropriate circumstances. The policy has been updated to reflect this.</p> <p>In relation to the comments regarding the detail required in plans the reason for this is to avoid inspections of all premises which would have resulted in significantly higher fees. The legislation requires the council to set maximum occupancy levels and detailed plans are required to enable the council to do so without inspections.</p>

			<p>Scheme as they have inspected the properties and are happy with the number of guests a property can accommodate. which is stated on their website. The seemingly rigid 11 pm to 7 am ban on arrival time should have a lot more flexibility. I can understand it in somewhere like a tenement block where it could disturb neighbours but not in a rural property which might not have a near neighbour for quarter of a mile. Do we really want to appear unwelcoming to someone whose flight gets in during the early hours... or someone who find it easier to drive up after work on a Friday to avoid busy roads on the Saturday, or who prefer driving with their children asleep in the back of the car on a quieter road at night.”</p> <p>“I can't imagine many parts of West Lothian need this, but it's fine to have the regulations in place in case "AirBnB" blight does impact some part of the council's area.”</p> <p>“Any additional conditions should be made clear to those applying. The control areas if any should be stated. The requirement for</p>	<p>Additional conditions which may be applied will be published on the Council’s webpage and will be set out within the Short Term Let Policy.</p>
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			planning permission seems excessive.”	The Short-term Let Policy cannot deal with planning issues as that is separate legislation.
7.	Are there any other additional conditions which you consider the council should include in its policy?	10	Comments “I think occupiers of neighbouring properties should be consulted before permission is granted as I can foresee issues with noise, litter and parking”	The legislation stipulates that site notices must be displayed at the premises to allow neighbours to submit objections or representations to applications. The government considered whether neighbours should be notified but concluded that site notices were sufficient notice to neighbours. The council therefore cannot request that neighbours are notified.
8.	Do you have any comments to make on the council’s proposal regarding duration of Short-term Let Licences? If you disagree with the proposal please provide reasons.	10 Most agreed with a minimum of a three-year licensing period, and highlighted that a longer period on renewal would be useful. Respondents also called out how change of ownership should require a fresh application – although this may have an impact on charities such as the National Trust	Comments “5 year license would make more sense. Less admin on both sides” “3 years is a reasonable length of time. Please bear in mind that organisations such as National Trust for Scotland do have staff changes more frequently than a single sole owner.” “3 years is OK. What is of considerable worry is how much these licences are going to cost as there is such huge variation with all the different Councils who have been setting sometimes extortionate fees. Set the fee disproportionately high and a lot of	Having considered the comments it is considered reasonable that licences will be granted for a three-year period in line with HMO licences and Landlord Registration. The council has power to serve enforcement notices on licence holders who do not comply with the conditions and ultimately has the power to suspend or revoke licences. It is therefore not considered necessary to have annual renewals in case there are problems. It is not considered that there has been a sufficient case made from departing from the three-year licence proposal. Therefore, no changes will be made to the policy in relation to the duration of a licence. Regarding the comments about change of ownership requiring new applications this is indeed the case and the council realises that this could be considered unworkable from a business

		<p>who have staff changes more frequently than this. Some highlighted that annual reviews may be beneficial if there are frequent disturbances.</p>	<p>short let operators will either opt to give up or go out of business. The Association of Scotland's Self - Caterers (I am a Director) is already witnessing this trend. Scotland and our area needs to encourage visitors. Not everyone wants to stay in hotels, which seems to be the preference of the Scottish Government"</p> <p>"Could the renewal of the licence not be longer than 3 years if the first 3 years of licencing have gone without any problems."</p> <p>"I think they should be reviewed annually, after consulting neighbouring properties who may be suffering disturbances in the preceding period"</p> <p>"For home sharing, the licence should be longer as there is unlikely to be much change if the same owners are living there."</p> <p>"Change of ownership should require a fresh application"</p>	<p>continuity perspective. It is hoped that the government will consider this issue when reflecting on whether any changes need to be made following the introduction of this licensing scheme.</p>
9.	Should children under 2 count towards occupancy figures for a short-term let?	19	Comments	

		10 (53% agreed with the proposed policy)	<p>"Because they don't use a bed. I provide a travel cot and don't think of a baby as an additional guest as they usually sleep in the same room as their parents"</p> <p>"A cot can be used and is occasional use not a permanent bed. They are very small!"</p> <p>"Under twos don't take up much room. Young families should not be penalised"</p> <p>"I was surprised that the occupancy numbers are strict. I have a one bedroom flat and one double sofa bed in the lounge yet I can only have 1 guest in the lounge. My lounge is double the size of my bedroom. It means I can no longer accept 4 guests even if 2 are young children."</p>	<p>The occupancy limits are established with consideration of the requirements regarding overcrowding contained within the Housing (Scotland) Act 1987 for domestic dwellings. The Act sets limits where children under one are not counted, and children between 1-10 years old count as a 0.5 person. It was considered that short term let properties would not be permanent residency and therefore to be more accommodating and practical there was some scope to adapt this and consider that children under 2 years would not count towards occupancy.</p> <p>Children under 2 years can be accommodated easier in a temporary cot, or small bed etc. Children over 2 years would be considered as counting towards occupancy and require appropriate provision to be in place for sleeping arrangements. Unlike the Housing Act which counts children under 10 as 0.5 of a person, we took the decision to consider them as a whole person. The approach taken appears to be in line with that of other local authorities.</p>
10.	Do you have any further comments on the Draft Short-term Lets Policy?	10	<p>Comments</p> <p>"Policy is fine. Only point I would make is if change of use planning permission is required for flat then there should be a cradle to death process that allows planning permission and license to be applied for in one submission. Also</p>	<p>The government has introduced a licensing scheme for short-term lets and this is under separate legislative provisions from planning legislation. These are therefore two separate issues in law and the council cannot therefore combine the two schemes.</p> <p>Guidance on planning applications for short-term lets is available on the council's website.</p>

			<p>nothing to do STL license but rules around change of use planning should be spelt out. I.e if a flat is not going to be given change of use planning permission this should be spelt out to save people wasting time applying for planning permission”</p> <p>“Please consider how a corporate entity such as National Trust for Scotland apply - there are numerous issues with the other councils that have already started the process. Issues with faulty online forms, forms written that don't even consider a charity. Also consider how a charity pays for the licence Bank transfer is ideal.”</p> <p>“Most I have made earlier. But I do re-iterate, whenever possible, employing the light touch I recall you mention earlier somewhere. especially with self-caterers who have been operating successfully for years. And concentrate your efforts on the many who have been operating under the radar for years with anonymous listings on listing sites where thy feel their properties cannot be identified due to their anonymity.”</p>	<p>The council intends introduce a system of online payments for this licensing scheme in order to keep costs to a minimum.</p> <p>The application form which is being finalised will allow applications to be made by organisations.</p> <p>The policy does make it clear that the council will adopt a risk-based system where risk assessments will influence several aspects of the scheme. The general approach of the council is stated in the policy to be 'light touch'.</p> <p>Steps will be taken by the council to seek to identify premises which required to be licensed. In future, once the scheme is fully operational, it will be possible for the public to identify unlicensed premises as it is a mandatory condition that a listing or advert must display a licence number. Potential unlicensed premises can then be reported to the body responsible for enforcement of the scheme i.e. Police Scotland.</p>
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			<p>"I agree in principle to being licensed. It should raise the standard of rental accommodation available. The landlord registration however has less conditions yet people stay in rented accommodation for longer periods. When changing from long term letting to short term it was surprising there were no set conditions to meet or indeed a register of accommodation. However, as I am trying to prepare my application I am finding it very complicated and quite confusing. I now appear to require planning permission for a flat that has been operating as a business for 4 years. All the gas safety test certificate and electrical testing required is sensible and reassuring for guests and owners. I assume when you open the application there will be templates for the fire assessments and legionella risk assessments for the owners to complete. I have had to get an EPC done as I have owned my property for 25 years and didn't have one. (The property was once my home and was not bought for rental accommodation). I may need plans drawn up for a floorplan too.</p>	<p>The decision to introduce a licensing scheme rather than a registration scheme was made by the government.</p> <p>Councils are obliged to publish lists of premises covered by short-term let licences.</p> <p>There is a link to detailed government guidance on the council's Short-term Let webpage regarding how to obtain the documents which are required to be uploaded with applications.</p> <p>The legislation does not allow the council to impose a minimum stay condition.</p> <p>See the comments above regarding enforcement.</p>
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			<p>The whole process is actually quite costly and that is before the application fee. I think some clear instructions would be useful and perhaps contact details of people to assist. I think overall the rules, especially of flats should be transparent and clear. It is also important to remember the benefits of bringing tourism to Linlithgow on the local community and the local businesses. As Linlithgow has no large hotels the self-catering business is crucial in attracting tourists from all over the world. Lots of my guests have been really impressed with Linlithgow and the surrounding area. This year has seen a return of many international and domestic guests and next year is also looking good already. Hopefully Linlithgow will become even more attractive as it would appear the strict conditions in Edinburgh will greatly reduce the accommodation available there. It is obviously understandable that a balance must be met with other residents. However, as I operate my business myself I now visit weekly, unlike when I was a landlord and relied on an agent to inspect my property. We have already made</p>	
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			<p>significant improvements to some communal spaces interior and exterior with the agreement of other owners and tenants. It is beneficial to all living there. I would suggest that perhaps a minimum stay may be considered. Guests coming and going daily would obviously be more disruptive to an area. It would be good to know if you intend informing all existing rental accommodation operators about the STL requirement and indeed how you will monitor those who may operate without a license.”</p>	
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Appendix 3



Short-term Let Licensing Fee Schedule

<u>Type of Application</u>	<u>Fee</u>
Home Sharing/Home Letting/Home Sharing and Letting (1 Bedroom)	£325
Home Sharing/Home Letting/Home Sharing and Letting (2-3 Bedrooms)	£420
Home Sharing/Home Letting/Home Sharing and Letting (4-6 Bedrooms)	£595
Home Sharing/Home Letting/Home Sharing and Letting (7+ Bedrooms)	£865
Secondary Letting (1 Bedroom)	£450
Secondary Letting (2-3 Bedrooms)	£550
Secondary Letting (4-6 Bedrooms)	£720
Secondary Letting (7+ Bedrooms)	£1,000
Variation to Licence	£150
Temporary Licence ¹	50% of the full licence cost
Temporary Exemption	£300
Inspection and Report ²	£120

¹ If an application is made for a full licence during the application period for a temporary licence for the same premises or during the period of effect of the temporary licence the fee paid for the temporary licence will be deducted from the full licence application fee.

² An inspection fee will only be charged if the council deems it necessary to inspect premises following a complaint.

DATA LABEL: PUBLIC



PUBLIC & COMMUNITY SAFETY POLICY DEVELOPMENT AND SCRUTINY PANEL

2022/23 FINANCIAL PERFORMANCE – MONTH 6 MONITORING REPORT

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To provide the Panel with an update on the financial performance of the Public & Community safety portfolio.

B. RECOMMENDATION

It is recommended that the Panel:

1. Notes the financial performance of the Public & Community Safety portfolio as at month 6;
2. Notes that the Public & Community Safety portfolio position at month 6 was part of the overall council budget position reported to Council Executive on 15 November 2022;
3. Notes actions to be taken by Heads of Service and budget holders to manage spend within available resources.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on customers' needs, being honest, open and accountable, making best use of resources, working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Local Government (Scotland) Act 1973, Section 95; Local Government in Scotland Act 2003, section 1-14.
III Implications for Scheme of Delegations to Officers	No implications at this stage.
IV Impact on performance and performance indicators	Effective budget management is an essential element of service performance. Additional financial reporting provides elected members with information to allow for proper scrutiny of performance of services.
V Relevance to Single Outcome Agreement	The revenue budget provides resources necessary to help deliver the Single Outcome Agreement. Effective prioritisation of resources is essential to achieving key outcomes.
VI Resources – (Financial, Staffing and Property)	An underspend of £91,000 is the position for the Public & Community Safety portfolio revenue budget in 2022/23.

VII Consideration at PDSP

A financial performance report will be presented to the Panel twice yearly on an ongoing basis.

VIII Other Consultations

Depute Chief Executives, Head of Operational Services, Head of Corporate Services and Head of Housing, Customer and Building Services

D. TERMS OF REPORT**D.1 Introduction**

This report provides an update on the general fund revenue financial performance in respect of the Public & Community Safety Policy Development and Scrutiny Panel (PDSP) portfolio of services. The council's revenue budget is operationally managed at a Head of Service level, and the financial position included within this report formed part of the overall council position reported to Council Executive on 15 November 2022. This report also includes the position on the delivery of approved budget reduction measures relevant to the Public & Community Safety portfolio for 2022/23.

The budget monitoring process is undertaken in line with the council's budgetary control framework and procedures, which place particular focus on a risk based and pro-active approach to budget monitoring.

This report focuses on the financial performance of council services which further enhances the information presented to elected members to allow scrutiny of service and financial performance. The report contains reference to key performance measures for service areas which are contained within Service Management Plans and referenced in the 2020/21 Local Government Benchmarking Framework (LGBF) data-set. LGBF data for 2021/22 will be collated by the Improvement Service and will be made available later in the financial year. The cost information for the LGBF for 2020/21 and 2021/22 will be materially impacted by Covid-19 related changes to expenditure and income.

D.2 Financial Outturn for 2022/23

The table below summarises the position in relation to service expenditure for the portfolio area. As part of the monitoring exercise, a number of key risks and service pressures have been identified and these are noted in the narrative for the relevant service area.

Service	Budget £'000	Outturn £'000	Variance £'000
GENERAL FUND REVENUE			
Social Policy – Non-IJB			
Justice	2,913	2,872	(41)
Domestic Abuse Services	537	522	(15)
Total	3,450	3,394	(56)
Education			
Environmental Health & Trading Standards	1,477	1,477	0
Total	1,477	1,477	0
Housing, Customer & Building Services			
Community Safety	504	469	(35)
Total	504	469	(35)
TOTAL	5,431	5,340	(91)

D.3 Summary of Main Issues in Service Expenditure Budgets and Impact on Performance

D.3.1 General Fund Revenue - Social Policy

The revenue budgets for Justice and Domestic Abuse are forecast to be underspent by £56,000. This is mainly due to staff savings with the service.

Performance indicators within the domestic abuse service achieved a 99% actual against a target of 100% of women who report that they feel safe as a result of intervention by the domestic and sexual assault team. Within the Justice service performance indicators are on target in line with the national strategy of presumption against short sentences and highlights the success and focus on non-custodial sentences.

D.3.2 General Fund Revenue - Education

Environmental Health & Trading Standards is forecast to breakeven.

Expenditure in the area of Environmental Health and Trading Standards has allowed the service to maintain performance in line with previous years. Overall, for the most recent survey periods, 98.9% and 89.2% of service requests to Trading Standards and Environmental Health respectively have been responded to within service level targets, which is broadly comparable with the previous year and remain above target. 94.4% of customers have measured the service as either good or excellent and 100% of high risk food safety inspections were completed on time.

Staffing resource and other anticipated external demands may impact on performance going forward and therefore targets and priorities will continue to be reviewed to ensure continued focus on highest priority aspects of the service.

D.3.3 General Fund Revenue - Housing, Customer & Building Services

The forecasted outturn position for Community Safety is an underspend of £35,000 which, for the most part, related to staffing but can also be attributed to some small savings within supplies and services such as training and uniform purchases.

In terms of performance, there has been a 17.4% reduction in New Antisocial Behaviour (ASB) cases in Q1 2022/23 in comparison to Q1 2021/22. A total of 57 cases were opened in 2022/23 compared to 69 cases which were opened during 2021/22. Overall there is a decrease in reported incidents and officers in the Safer Neighbourhood Team continue to strive to tackle neighbour nuisance, prevent incidents from escalating and to prevent antisocial behaviour where possible.

D.3.4 Public & Community Safety– Monitoring of approved budget reductions

For the Public & Community Safety portfolio, savings in 2022/23 are anticipated to be fully delivered by the end of the financial year.

D.4 SUMMARISED BUDGET POSITION FOR 2021/22

The month 6 position for the Public & Community Safety portfolio which is part of the overall outturn forecast for the General Fund Revenue budget in 2022/23, is an underspend of £91,000, and this was reported to Council Executive on 15 November 2022

D.5 FUTURE BUDGET ISSUES AND RISKS

There remains significant risks and uncertainties associated with the financial assumptions in the council's budget which continue to be monitored, including the recovery from Covid-19, the cost of living crisis and forecast energy prices which are continuing to rise significantly. Ongoing negotiations around the 2022/23 pay award which has yet to be agreed for Teachers Craft and Chief Officers are also a risk. The magnitude of the financial challenges facing the council are unprecedented with substantial risks that are largely out with the council's control creating significant budget implications.

Specifically for the Public & Community Safety portfolio, the key risks and uncertainties include increased demand for the justice and domestic abuse service and staffing availability and consequently staffing costs in Environmental Health & Trading Standards.

The council's risk based approach to budget monitoring will ensure that effective action is taken to manage risks during the course of the financial year. Officers will continue to provide updates on risks as part of the quarterly budget monitoring reporting to Council Executive at period 4, 6 and 9.

E. CONCLUSION

The 2022/23 position for the Public & Community Safety portfolio is an underspend of £91,000. As noted, the position for the Public & Community Safety portfolio is part of the overall outturn position for 2022/23 which was reported to Council Executive on 15 November 2022.

F. BACKGROUND REFERENCES

1. 2022/23 General Fund Revenue Budget – Month 6 monitoring report - Report by Head of Finance and Property Services on 15 November 2022
2. Draft 2021/22 General Fund Revenue Budget Outturn - Report by Head of Finance and Property Services on 21 June 2022
3. Revenue Budget 2022/23 – report by Head of Finance & Property Services on 15 February 2022
4. Local Government Benchmarking Framework

Appendices/Attachments: None

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Donald Forrest

Head of Finance and Property Services

Date: 8 December 2022

DATA LABEL: PUBLIC



PUBLIC AND COMMUNITY SAFETY - POLICY DEVELOPMENT AND SCRUTINY PANEL

MULTI- AGENCY PUBLIC PROTECTION ARRANGEMENTS – ANNUAL REPORT

REPORT BY HEAD OF SOCIAL POLICY

A. PURPOSE OF REPORT

The purpose of the report is to update members on Multi Agency Public Protection Arrangements (MAPPA) Responsible Authority Annual Report 2021-22.

B. RECOMMENDATION

The panel is asked to:

Note the content of the MAPPA Responsible Authority Annual Report

C. SUMMARY OF IMPLICATIONS

I Council Values	<ul style="list-style-type: none"> – Focusing on our customers' needs – Being honest, open and accountable – Making best use of resources – Working in partnership
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Management of Offenders etc. (Scotland) Act 2005 The management of Offenders etc (Scotland Act 2005 (Specifications of Persons) Amendment Order 2020 Sexual Offences Act 2003
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	MAPPA has a suite of Key Performance Indicators to monitor progress and outcomes and these are reviewed at the West Lothian offender management committee
V Relevance to Single Outcome Agreement	We live in resilient, cohesive and safe communities People most at risk are protected and supported to achieve improved life chances
VI Resources - (Financial, Staffing and Property)	No additional cost - within existing resources

VII Consideration at PDSP None

VIII Other consultations None

D. TERMS OF REPORT

D.1 Overview

The Multi-Agency Public Protection Arrangements (MAPPA), are a set of statutory partnership working arrangements introduced in 2007 under Section 10 of the Management of Offenders etc. (Scotland) Act 2005 (the 2005 Act).

The purpose of MAPPA is public protection and the reduction of serious harm. In Scotland MAPPA brings together Responsible Authorities, to assess and manage the risk posed for certain categories of offender: Sex offenders who are subject to notification requirements under the Sexual Offences Act 2003; Mentally Disordered restricted patients; and other individuals who by reason of their conviction are assessed by the Responsible Authorities as posing a risk of serious harm to the public.

The responsible authorities are:

- Local authorities
- Police Scotland
- Scottish Prison Service (SPS)
- Health Boards

In addition, a number of other agencies have a 'Duty to cooperate' (DTC) with the responsible authorities. These agencies include housing providers, third sector, Social Security Scotland and the Children's Reporter.

D.2 Annual Report 2021 -2022

Responsible Authorities, to fulfil their statutory duties, must jointly prepare and publish MAPPA annual reports. The recent report for this Responsible Authority for 2021 to 2022 was published on 28th October 2022. The report covers the period 1/4/21 until 31/3/22 when justice agencies and partners were dealing with the aftermath of the pandemic. see appendix 1

D.2.1 The report provides a picture of the main national developments resulting from work undertaken by Scottish Government and their partners in relation to MAPPA. The Key areas are noted below:

- In October 2021 and January 2022 the Scottish Prison Service (SPS) commenced a pilot delivery of a self change programme designed for those with high risk and need in the areas of sexual, general and intimate partner violence. Completion figures will be reflected in the end of year programme completions report. Programme delivery of various other programmes across the prison service met 65% of targets nationally despite the impact of the pandemic on delivery.

- In March 2022, the Scottish Government published an updated version of the National MAPPA Guidance, which brings greater clarity to MAPPA processes.
- As of 31 March 2022 there were 304 restricted patients recorded on ViSOR as being managed under the MAPPA processes in Scotland. As a responsible authority Health Boards have the clinical care and risk management responsibility for these patients in accordance with MAPPA national guidance. Data collation work has begun to ensure data can be collected that is meaningful and robust.
- On 1st July 2022 the pilot of the Moving Forward 2 Change (MF2C) programme was launched in 3 community sites and 2 custodial sites (HMP Edinburgh and HMP Barlinnie) and feedback is awaited from this pilot. This programme is the revised version of a previous programme (designed in 2014 by the Scottish Government and the SPS) designed to reduce sexual recidivism called Moving Forward: Making Changes (MF: MC). The revised programme reflects the developing evidence base, advice from the Scottish Advisory Panel on Offender Rehabilitation, evaluation recommendations and stakeholder consultations.
- Keeping Children Safe is the Sex Offender Community Disclosure Scheme which is managed by Police Scotland. It enables parents, carers and guardians of children under 18 to ask for information about a named person who may have contact with their child if they are concerned that he or she might have convictions for sexual offences against children (e.g. if a parent wants to find out more about a new partner). Police officers discuss the concerns of the applicant in a face-to-face meeting and offer advice and support. During the reporting period 338 applications were received with 19 progressing for disclosure.
- Throughout the reporting period Police Scotland have continued to explore developing technologies to monitor online activity (E-safe) and enable examination of internet capable devices of registered sex offenders (RSO's) with relevant court ordered prevention orders.
- The total number of RSO's in Scotland has increased by 3.6% with 75% of RSO's being managed within the community. Of this number 97.5% are managed at the lowest MAPPA management level – level 1. The number of RSO's who have been convicted of a further crime (Group 1 or 2) has increased during the reporting period by approximately 16% however this still remains low. These convictions however have been detected as a result of proactive management and effective policing by the partner agencies.
- The Council is the responsible authority with primary responsibility for the management of registered sex offenders who are subject to statutory supervision. The Council's Justice social work service is responsible for the supervision of such offenders, but housing, adult social care and children and family's services also play a key role in the management of sex offenders in the community. Justice Services makes a significant contribution to public protection by supervising and managing registered sex offenders in accordance with the requirements of MAPPA and other public protection-related legislation.
- Throughout the reporting period criminal justice social work have continued to provide reports and risk assessments to inform court sentencing, provide a throughcare service to prisoners released on statutory supervision, develop risk management plans and provide reports to the Parole Board. They have contributed to SPS's enhanced integrated case management process and contributed to the design and testing of the MF2C programme. They have continued to be a key member of MAPPA strategic groups, contributed to significant case reviews and delivered sex offender programmes to people subject to community payback orders and licences.
- During the pandemic the Local Authorities maintained delivery of their MAPPA responsibilities and continued to make an important contribution to public protection.

E. CONCLUSION

There have been significant developments within the reporting period across Scotland which is an excellent example of working together to focus on risk assessment and managing those individuals who present a serious risk of harm. This is reflected within West Lothian where we have strengths in partnership working and our shared aims ensure that the Multi Agency Public Protection Arrangements (MAPPA) remain robust and the protection of the public remains paramount. Work continues to deliver on future improvements.

F. BACKGROUND REFERENCES

None.

Appendix 1: Edinburgh, the Lothians and Scottish Borders Multi-Agency Public Protection Arrangements Annual Report 2021-22

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	Jo MacPherson, Head of Social Policy
Date:	8 th December 2022

MAPPA

Edinburgh, the Lothians and
Scottish Borders Multi-Agency
Public Protection Arrangements

ANNUAL
REPORT
2021-2022

MAPPA

Edinburgh, the Lothians and
Scottish Borders Multi-Agency
Public Protection Arrangements

Contents

1	Foreword	2
2	Multi-Agency Public Protection Arrangements in Edinburgh, the Lothians and Scottish Borders	4
3	Roles and Responsibilities	6
4	Achievements in Developing Practice	12
5	Strategic Overview Arrangements	15
6	Statistical Information	17

1

Foreword

MAPPA

Edinburgh, the Lothians and
Scottish Borders Multi-Agency
Public Protection Arrangements

Foreword

Protecting the public from people whose offending behaviours present a serious risk of violent or sexual harm is a key priority for agencies working across Edinburgh, the Lothians and Scottish Borders. The fundamental purpose of the Multi Agency Public Protection Arrangements (MAPPA) is protecting the public through our collective work to manage and reduce the risk of serious harm. MAPPA is not a statutory body in itself but is a statutory framework through which agencies discharge their statutory responsibilities and work in a co-ordinated manner.

Sharing information is a critical part of our arrangements so we ensure that any new information relating to risk is shared pro-actively. One small piece of information, which in isolation may not be assessed as significant to one agency may provide the catalyst for action to be taken by others. The Management of Offenders Act etc. (Scotland) 2005, which introduced MAPPA, requires agencies to act in co-operation and provides the lawful basis for information to be shared and exchanged with relevant partners.

We recognise the public's concern about people who may present a risk of causing significant harm. We believe that MAPPA provides the best possible framework for agencies working collectively to manage the risk. Although it is never possible to eliminate that risk entirely, MAPPA aims to ensure that all reasonable steps are taken to reduce the risk of further serious harm to the public.

Re-offending by registered sex offenders is low but we know that a crime of serious harm will greatly affect the lives of victims, their friends and families and causes fear in our communities. Our staff work hard to ensure this does not happen and we take a robust approach in response to any increased risks people may present, while working hard to rehabilitate them, which will reduce longer term risk.

We are stronger together and we continue to learn, refine and develop our processes and procedures, ensuring best practice and effective inter-agency working. I wish to take this opportunity to thank staff from all agencies for their commitment and endeavours in working in this very challenging area of public protection.

MAPPA is a partnership and I hope this report helps to explain how the different agencies involved work together, and how these arrangements operate in Edinburgh, the Lothians and Scottish Borders.

Judith Tait
Chair Edinburgh, the Lothians and
Scottish Borders Strategic Oversight
Group

2

What is MAPPA?

Multi-Agency Public Protection Arrangements in Edinburgh, the Lothians and Scottish Borders

Multi-Agency Public Protection Arrangements (MAPPA) provide a framework to manage the risk posed by registered sex offenders and restricted patients (mainly violent offenders, with a small number of sex offenders). On 31 March 2016, the Scottish Government published new MAPPA Guidance. This guidance reflects the new risk of serious harm category 3, for offenders who by reason of their conviction are subject to supervision in the community, and are assessed by the responsible authorities as posing a high or very high risk of serious harm to the public, which requires active multi-agency management at MAPPA Level 2 or 3.

MAPPA

Edinburgh, the Lothians and
Scottish Borders Multi-Agency
Public Protection Arrangements



On 31 March 2022, the Scottish Government published an updated version of the National MAPPA Guidance, which reflects an on-going programme of revision to take into account new legislation as well as changes in guidance, policy and effective practice.

MAPPA brings together professionals from the police, social work, housing, health and the Scottish Prison Service in Edinburgh, the Lothians and Scottish Borders. These agencies are known as the 'responsible authorities'. While the arrangements are co-ordinated by a central unit based in Edinburgh, the practical management of offenders remains the responsibility of these agencies at local level.

The area covered by our arrangements incorporates the local authority areas of the City of Edinburgh, East Lothian, Midlothian, West Lothian and the Scottish Borders, representing a mixture of urban and rural areas.

The responsible authorities represented are:

- » The City of Edinburgh Council
- » East Lothian Council
- » Midlothian Council
- » West Lothian Council
- » Scottish Borders Council
- » Police Scotland
- » Scottish Prison Service
- » NHS Lothian
- » NHS Borders

There are three MAPPA management levels to ensure that resources are focused where they are needed most to reduce the risk of harm. Over the course of this annual reporting year, we managed 912 registered sex offenders under MAPPA; 92.10% (840) at Level 1; 7.79% (71) at Level 2; and 0.11% (1) at Level 3.

Over the course of this annual reporting year we managed 22 CAT 3 Violent Offenders under MAPPA: 95% (21) at Level 2; and 5% (1) at Level 3.

Over the past year, there have been 59 online MAPPA Level 2 meetings across Edinburgh, the Lothians and Scottish Borders, which managed RSOs and serious risk of harm violent offenders. Each Level 2 meeting will consider a number of offenders. A Level 3 meeting will only consider one offender and there were 3 Level 3 meetings convened during the reporting year, of which 2 meetings related to an RSO and 1 meeting related to a serious risk of harm violent offender.

The 2021/22 MAPPA National Annual Report provides a picture of the main national developments in relation to MAPPA and can be viewed on the Scottish Government website under recent publications.

3

Roles and Responsibilities

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Edinburgh, the Lothians and
Scottish Borders Multi-Agency
Public Protection Arrangements



The responsible authorities for each area are required to involve other key agencies in the management of offenders. This is an important part of MAPPA, involving the exchange of information and drawing on the collective knowledge and expertise of numerous agencies.

The roles and responsibilities in relation to MAPPA in our local area are outlined below.

During the pandemic agencies have continued to monitor offenders in line within their respective roles and responsibilities taking cognisance of the need to protect the public from serious harm balanced against the prevailing COVID-19 health advice at that time.

Police Scotland is responsible for the enforcement of the notification and compliance requirements of the Sexual Offences Act 2003 (sex offender registration), and for policing activities, including risk assessment, preventative/monitoring strategies, coupled with investigation and prosecution of any registered sex offender who re-offends.

Responsibilities include: maintaining an accurate record of those offenders resident in each local authority area subject to the notification requirements; the creation of risk management plans to mitigate or reduce risk; making enquiries where such persons fail to comply with the requirements placed on them and managing sex offenders whose current behaviour is of concern. Police Scotland is the lead responsible authority for those community-based registered sex offenders who are not subject to any other form of statutory supervision. These duties are carried out in partnership with all responsible authorities and 'duty to co-operate' agencies.

The local authority is the responsible authority for registered sex offenders who are subject to statutory supervision. The Council's justice social work service is responsible for the supervision of such offenders, but housing, adult social care and children and families services also play a key role in the management of sex offenders in the community.

Justice social work makes a significant contribution to public protection by supervising and managing registered sex offenders in accordance with the requirements of MAPPA and other public protection-related legislation.



Social workers supervise offenders on community payback orders and prisoners who have been released subject to formal supervision.

Social workers are required to use accredited risk assessment tools, and in collaboration with other agencies, develop plans for the risk management and supervision of offenders. Social workers can request that additional requirements or conditions be placed on orders and licences by the courts and the Parole Board. These requirements and conditions can range from restrictions relating to accommodation and employment, to instructions to avoid certain locations or victims, or to attend counselling or treatment programmes. These requirements and conditions allow social workers to monitor and influence aspects of offenders behaviour, as breaches of requirements or conditions can lead to the court or Parole Board returning the offender to custody.

Each local authority in Edinburgh, the Lothians and Scottish Borders has a Sexual and Violent Offender Liaison Officer (SAVLO) or Lead Officer, in the justice social work service, who acts as a single point of contact for information relating to registered sex offenders, and violent offenders managed under MAPPA. They are responsible for chairing risk management case conferences and liaising with other agencies as appropriate. Local authority housing SOLOs are responsible for offenders access to housing, which includes accessing temporary accommodation and identification of suitable permanent housing.

Registered social landlords, as 'duty to co-operate' agencies, work with the local authority housing SOLO to identify positive housing solutions, which contribute to public protection.

The role of the housing service is to contribute to the 'responsible authorities' management of risk through:

- » providing suitable accommodation
- » contributing to environmental risk assessments to ensure accommodation is appropriate
- » liaising with the responsible authorities regarding the ongoing management and monitoring of the risk of the offender as a tenant, including any tenancy moves or evictions
- » having regard to community safety and having in place contingency plans for when a property is no longer suitable and/or the offender's safety is at risk.

The local authority is responsible for ensuring the development of a strategic response to the housing of sex offenders. However, in any local authority area there is likely to be a multiplicity of housing providers, and local authorities must involve and consult registered social landlords in their area when developing their strategic response.

It is the responsibility of the local authority to provide an initial single point of contact for accommodation requests from other responsible authorities. This single point of contact is the housing SOLO, whose role involves:

- » identifying the most appropriate housing provider, following risk assessment
- » ensuring that when an appropriate housing provider has been identified, they are included by the responsible authorities in liaison arrangements relevant to the identification of appropriate housing and the management of risk
- » liaising pro-actively with responsible authorities and housing providers regarding ongoing risk management and community safety issues.

NHS Lothian continues to play an important role in MAPPA locally, through being the responsible authority for mentally disordered restricted patients, and in fulfilling its wider duty to co-operate in the management of violent offenders and registered sex offenders.

NHS Lothian has a Public Protection structure (including child protection, adult protection and MAPPA), which is the responsibility of the Executive Nurse Director at Health Board level. There is a Director for Public Protection, a Clinical Nurse Manager, a MAPPA Health Liaison Officer, alongside Designated Consultants for MAPPA (who are consultant forensic mental health clinicians).

The aim of the NHS Lothian structure and input is to provide governance for NHS Lothian's contribution to Public Protection and to ensure that health issues (including mental health, physical health, staff and patient safety, information sharing) that arise in relation to MAPPA cases are dealt with appropriately. The Director of Public Protection attends all level 3 MAPPA meetings; The NHS Lothian Serious Offender Liaison Service (SOLS) representatives attend all level 2 and level 3 MAPPA meetings; and the Health Liaison Officer attends all level 2 and some level 3 MAPPA meetings.

The NHS Lothian Serious Offender Liaison Service (SOLS) continues to provide specialist clinical consultation, training, assessment and clinical supervision to support the management of serious violent and sexual offenders being managed in the community. Attendance at all MAPPA Level 2/3 Meetings is also a core part of this service.

NHS Borders also makes an important contribution to MAPPA. A consultant clinical psychologist from the learning disability service And/or mental health, NHS Borders Public Protection Team provide a representative at all Level 2 meetings (CP/PP Nurse or Nurse Consultant PP), the Associate Director of Nursing for Mental Health, Learning Disability and Older Adults or Nurse Consultant Public protection attend all Level 3 meetings.

Community Intervention Services for Sex Offenders (CISSO)

This service continues to support the risk management of partner agencies through the delivery of community-based group treatment programmes and individual interventions, addressing the behaviour and attitudes associated with sexual offending. In addition, staff provide assessments and offer advice and consultation to criminal justice social workers in Edinburgh, the Lothians and Scottish Borders.

CISSO continues to build towards pre-pandemic levels of client contact and service. 2022 saw the project return to running Moving Forwards: Making Changes (MFMC) groups more consistently from Grindlay Court Social Work Centre, Edinburgh including an adapted group for men with enhanced learning needs. The building and group room have recently been fully refurbished to modernise it and create a safer and more welcoming environment. Feedback from people using the building has been very positive.

Building on the learning from the different ways of working imposed by the pandemic, CISSO have retained their online group, for lower risk men whose offending was technology mediated. This online group is being evaluated through regular surveys of participants and their case-managers.

CISSO has also kept the use of video-calls and telephone calls to clients, when this is assessed as being appropriate. We continue to see clients in West Lothian, one-day a fortnight for MF:MC work and assessments and have reintroduced the "CISSO link person", where a CISSO worker regularly bases themselves in a locality office, to see clients and speak to staff, in East Lothian, Scottish Borders and Midlothian.

As an extension of the routine screening assessments of trauma and mental health that CISSO has now embedded into practice, the team are planning to deliver a Survive and Thrive group, for men with interpersonal trauma who have also offended in a sexual manner, in later Autumn. This is a psychoeducational trauma intervention, looking at increasing understanding of how past interpersonal trauma can impact on current functioning and practical strategies to help people to manage this impact more effectively.

CISSO has also continued to support national training around the Risk Matrix 2000 / Stable & Acute 2007 risk assessment tools and MF:MC facilitator training. Training has used a blended model of online resource packs; virtual delivery and face-to-face. It is anticipated that this blended model of delivery will allow for more flexible training events in the future. Work is now progressing towards resuming other training events, including the Introduction to Sexually Harmful Behaviour 1-day course and MF:MC case-manager training.

CISSO is also supporting a pilot of a new assessment framework developed by the Risk Management Authority for use with men convicted of indecent image related offending. This framework will be used in Edinburgh and East Lothian alongside other pilot areas. Further information about this pilot will soon be published on the Risk Management Authority (RMA) website.

Keeping Children Safe

The Community Disclosure Scheme provides that parents, carers and guardians of children under 18 can ask for information about a named person who may have contact with their child if they are concerned that he or she might have convictions for sexual offences against children (e.g. if a parent wants to find out more about a new partner). Police officers discuss the concerns of the applicant in a face-to-face meeting and offer advice and support. In this reporting year, police in Edinburgh, the Lothians and Scottish Borders received 48 applications under this scheme.

Further information can be found at [Police Scotland Child Safety](#)

4

Achievements in Developing Practice

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Edinburgh, the Lothians and
Scottish Borders Multi-Agency
Public Protection Arrangements



Training and Promoting MAPPA

During this reporting year, we have held a number of on line multi-agency training events. In August 2021, the MAPPA Co-ordinator delivered a presentation on the work of MAPPA to staff from Families Outside, a charity that supports families in Scotland affected by imprisonment. The aim of the training was to enhance understanding of the role of MAPPA, and the impact on families of a registered sex offender.

On 16 March 2022, Edinburgh, the Lothians and Scottish Borders Strategic Oversight Group commissioned an online training event to provide staff with key information relative to the findings and core learning of significant case reviews. The event was attended by staff and managers from all agencies engaged in the management of high risk offenders.

The training was delivered by a Consultant Clinical Psychologist from NHS Lothian SOLS supported by the MAPPA Co-ordinator. This event was well attended and very positive feedback was received

On 23 March 2022, Edinburgh, the Lothians and Scottish Borders Strategic Oversight Group commissioned an online training event to update staff relative to the findings and core learning from local initial case reviews and case file audit undertaken over the previous year. The event was attended by staff and managers from all agencies involved in the management of registered sex offenders. The training was delivered by the Service Manager for Justice Social Work, Scottish Borders Council and the Detective Inspector, Sexual Offences Policing Unit, 'J' Division, Police Scotland. This event was well attended and very positive feedback was received.

Developing the use of remote electronic monitoring equipment

Due to advance in technology the internet can be accessed through a variety of devices. The monitoring of devices is the responsibility of the 'responsible authority'. Where the Parole Board or Court have granted a condition or requirement to monitor an offender's electronic devices for example within a Community Payback Order or a Sexual Offences Prevention Order, ten remote electronic monitoring of their internet enable devices can be considered.

eSafe is managed monitoring service that tracks the individual's use of their I.T. devices to detect signs of inappropriate and/or criminal behaviour. eSafe is only deployed in cases where it is an agreed strategy of the risk management plan. In all cases, installation and monitoring are undertaken with the knowledge of the offender. Where there is an initial detection of a potential offence or breach of the order then the lead agency will be informed. If there are concerns relative to imminent or ongoing contact offending or any concerns relative to a suicide risk or serious self-harm, eSafe will notify the police via the 999 system. Police Scotland and all five local authorities within the Edinburgh, the Lothians and Scottish Borders are developing their use of remote electronic monitoring software.

Developing the use of Sexual Offences Prevention Orders (SOPO)

The SOPO is an order granted by the Court. It places conditions on an offender's behaviour, provides a power of arrest if breached and enhances the police role in managing such offenders. SOPOs could initially only contain prohibitive measures, however, a change in legislation in November 2011 allows for these orders to contain positive obligations as well as prohibitions.

For some offenders, the existence of a SOPO is enough to provide structure to their daily life, through which they may avoid further offending. On 31 March 2022, there were 77 SOPOs in place in our area.



5

Strategic Overview Arrangements

MAPPA

Edinburgh, the Lothians and
Scottish Borders Multi-Agency
Public Protection Arrangements



Edinburgh, the Lothians and Scottish Borders – Strategic Oversight Group

This group is responsible for the overview and co-ordination of the Multi-Agency Public Protection Arrangements, ensuring the sharing of best practice and learning from significant case reviews. The group also provides a strategic lead for developing local multi-agency policy and strategy in relation to shared priorities regarding the management of offenders.

Edinburgh, the Lothians and Scottish Borders – MAPPA Operational Group

This multi-agency operational group supports the work of the Strategic Oversight Group. Its remit is to share learning, develop best practice and ensure consistency of practice.

Local Offender Management/ MAPPA Committees

These local committees monitor the performance and quality of local service delivery; they provide strategic direction to local member agencies; and develop local policy and practice. These committees include representatives from all key agencies, a number of whom are also members of the local child and adult protection committees, ensuring effective communication across public protection. These local committees report to their respective Chief Officer Groups within their local authority area.

NHS Lothian Public Protection Action Group (PPAG)

The main aim of this group is to ensure NHS Lothian discharges its responsibilities for Public Protection including MAPPA. This group provides a general forum to discuss important practice issues, in addition to developing good practice in relation to the management of high-risk offenders in the health care setting. PPAG reports to the NHS Board through the Healthcare Governance Committee.



6

Statistical Information

Unless stated, the statistics recorded are
for the reporting period 1 April 2021 to
31 March 2022

MAPPA

Edinburgh, the Lothians and
Scottish Borders Multi-Agency
Public Protection Arrangements



Table 1: General

REGISTERED SEX OFFENDERS (RSO's)	No.
a) Number of: I. at liberty and living in the area on 31 March	732
a) Number of: II. per 100,000 population on 31 March	70
b) The number having a notification requirement who were reported for breaches of the requirements to notify	38

Table 2: Civil Orders applied and granted in relation to registered sex offenders

THE NUMBER OF	No.
a) Sexual Offences Prevention Orders (SOPOs) in force on 31 March	77
b) SOPO'S granted by courts between 1 April and 31 March	30
c) Risk of Sexual Harm Orders (RSHOs) in force on 31 March	1
d) Sexual Harm Prevention Orders (SHPOs) in force on 31 March	33
e) SHPOs granted by courts between 1 April and 31 March	1
f) Sexual Risk Orders (SROs) in force on 31 March	0
g) Foreign Travel Orders imposed by the courts between 1 April and 31 March	0
h) Notification Orders imposed by the courts between 1 April and 31 March	2

Table 3: Registered sex offenders by level, re-convictions and notifications

REGISTERED SEX OFFENDERS (RSO's)	No.
a) Number managed between 1 April and 31 March	912
I. MAPPA Level 1	840
II. MAPPA Level 2	71
III. MAPPP Level 3	1
b) Number of Registered Sex Offenders convicted of a further group 1 or 2 crime between 1st April and 31st March:	24
c) Number of RSO's returned to custody for a breach of statutory conditions between 1 April and 31 March (including those returned to custody because of a conviction for a group 1 or 2 crime):	20
d) Number of individuals subject to the SONR indefinite period review process (under the terms of the Sexual Offences Act 2003 (Remedial) (Scotland) Order 2011) between 1 April and 31 March:	32
e) Number of notification continuation orders issued for individuals subject to SONR for an indefinite period (under the terms of the Sexual Offences Act 2003 (Remedial) (Scotland) Order 2011) between 1 April and 31 March:	24
f) Number of RSO's subject to formal disclosure:	3

Table 4: Restricted Patients

RESTRICTED PATIENTS (RP's):	No.
a) Number of RP's 1) Number of RP's "owned" by your Health Board(s) on 31 March 2022 regardless of where they were detained in hospital or living in the community.	52
2) Number of RP's "owned" by your Health Board(s) between 1 April 2021 and 31 March 2022 regardless of where they were detained in hospital or living in the community.	53
b) Number within hospital/ community as at 31 March: 1) State Hospital	11
2) Other hospital in your area:	30
3) Community (conditional discharge)	11
c) Number managed by MAPPA Level as at 31 March 1) MAPPA Level 1	49
2) MAPPA Level 2	3
3) MAPPA Level 3	0
d) Number of RP's recalled by Scottish Ministers during the reporting year	1

Table 5: Statistical Information – other serious risk of harm offenders

SERIOUS RISK OF HARM OFFENDERS:	No.
a) Number of offenders managed by MAPPA level as at 31 March: 1) MAPPA Level 2:	7
2) MAPPA Level 3:	1
b) Number of offenders convicted of a further Group 1 or 2 crime: 1) MAPPA Level 2:	0
2) MAPPA Level 3:	0
c) Number of offenders returned to custody for a breach of statutory conditions (including those returned to custody because of a conviction of Group 1 or 2 crime)	6
d) Number of notifications made to DWP under the terms of the Management of Offenders etc. (Scotland) Act, 2005 (Disclosure of Information) Order 2010 between 1 April and 31 March	9

Table 6: Registered sex offenders managed in the community under statutory conditions and/or notification requirements on 31 March 2022

CONDITIONS	NUMBER	PERCENTAGE
On statutory supervision	242	33
Subject to notification requirements only	490	67

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Scottish Borders Multi-Agency
Public Protection Arrangements



**POLICE
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Keeping people safe
POILEAS ALBA



Item				Purpose		Responsible Officer	
Public and Community Safety PDSP - 08/12/2022 (AS 17/11/22)							
1	Scottish Fire & Rescue Service	Q2 Performance Report				Steven Michie	
2	Housing Operations	Safer Neighbourhood Team Performance Report Q2				Alison Smith	
3	Police Scotland	Q2 Performance Report				Louise Brownlie	
4	Finance	Financial Performance Month 6 report for 2022/23				Karen Stevenson	
5	Corporate Services	Short Term Lets				Carol Johnston	
6	Social Policy	Justice Services Performance Report Qtr 2				Pauline Cochrane	
7	Social Policy	MAPPA Annual Report				Pauline Cochrane	
8	Environmental Health & Trading Standards	Air Quality				Craig Smith	
9	Environmental Health & Trading Standards	Pest Control Service Revision				Craig Smith	
10	Corporate Services	SFRS proposals around Unwanted Fire Alarm Signals				Kim Hardie	
Public and Community Safety PDSP - 23/02/2023 (AS 25/01/23)							
1	Corporate Services	Regulation of Investigatory Powers – Triennial inspection report 2022				James Millar	

Public and Community Safety PDSP - 27/04/2023 (AS 06/04/23)			
1	Scottish Fire & Rescue Service	Q3 Performance Report	Steven Michie
2	Police Scotland	Q3 Performance Report	Louise Brownlie
Public and Community Safety PDSP - 22/06/2023 (AS 25/05/23)			
1	Scottish Fire & Rescue Service	Q4 Performance Report	Steven Michie
2	Police Scotland	Q4 Performance Report	Louise Brownlie



Public and Community Safety Policy Development and Scrutiny Panel

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

1 December 2022

The following additional item(s) of business will be dealt with at the hybrid meeting of the **Public and Community Safety Policy Development and Scrutiny Panel** to be held within **Council Chambers, West Lothian Civic centre. Livingston** on **8 December 2022** at **9:30am**.

for Chief Executive

BUSINESS

15. Unwanted Fire Alarm Signal Working Group - Progress Report - joint report by Head of Corporate Services and Head of Finance and Property Services (herewith)

NOTE **For further information please contact Anastasia Dragona on tel. no. 01506 281601 or email anastasia.dragona@westlothian.gov.uk**

DATA LABEL: PUBLIC



PUBLIC AND COMMUNITY SAFETY DEVELOPMENT AND SCRUTINY PANEL

UNWANTED FIRE ALARM SIGNAL WORKING GROUP – PROGRESS REPORT

REPORT BY HEAD OF CORPORATE SERVICES AND HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To provide an update on the implementation of measures required as a result of the outcome of the consultation by the Scottish Fire and Rescue Service (SFRS) on changes to their response model in relation to Automatic Fire Alarm Activations (AFAs) and Unwanted Fire Alarm Signal (UFAS) reduction strategy.

B. RECOMMENDATION

It is recommended that the panel

1. Notes the outcome of the SFRS consultation on the rationale for change in response in AFA activations and resulting UFAS in workplaces.
2. Notes the current approach to reduction of UFAS to meet the changes to be introduced in April 2023.
3. Notes the potential exemptions to the call challenge option the SFRS may announce and the delays this poses to fully assessing and addressing the council's response to it.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Health and Safety Policy, Fire Safety Policy and Management Plan. Health and Safety at Work Act 1974; The Management of Health and Safety at Work Regulations 1999; Fire (Scotland) Act 2005; Fire Safety (Scotland) Regulations 2006
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	New performance indicators will be required to measure the effectiveness of corporate changes made in line with the outcome of the SFRS consultation.

V	Relevance to Single Outcome Agreement	We live in resilient, cohesive and safe communities.
VI	Resources - (Financial, Staffing and Property)	Staffing resource will be required to implement any changes made in line with the outcome of the SFRS consultation. In particular the call challenge of all Automatic Fire Alarm signals.
VII	Consideration at PDSP	None.
VIII	Other consultations	Services /Members of the UFAS short life working group have been consulted on this paper through the Property Compliance Working Group. Progress update presented the Governance and Risk Board.

D. TERMS OF REPORT

D.1 Background

In 2021 SFRS conducted a consultation in 2021 setting out the rationale for a change in response in AFA activations and resulting UFAS in workplaces (Appendix 1). They identified that reduction in attending UFAS as a result of AFA will allow them to focus on increased fire prevention work, upskilling and training staff, improved safety for employees and members of the public, being more agile and resilient, lessen impact for Retained and Volunteer Duty staff (RVDS) and improve business productivity.

In December 2021 SFRS published outcomes of the consultation. Recommended actions to be taken forward and implemented by April 2023 were:

- Call challenge all AFAs from non-domestic premises, unless exempt.
- No SFRS response to be mobilised, if questioning confirms there is no fire, or signs of fire but also if there is no site response.
- Automatic exemption applied to hospitals, a Pre-determined Attendance (PDA) of two appliances regardless time of day and shall be subject to periodic review.
- Sleeping risk premises exempt from call challenging and will receive the following immediate response:
 - Residential Care Homes receive a PDA of two fire appliances regardless time of day.

All other sleeping risks receive a PDA of one fire appliance between 0700-1800hrs and two fire appliances out-with these hours.

The consultation results and recommendations detailed the above options adopt a risk-based approach and also highlighted the following key points:

- 97% of AFA's that SFRS attended in the workplace were false alarms and led to a UFAS.

- There are no specific legislative requirements placed on SFRS to respond to calls originating from an AFA system to confirm if it's a fire or not. It was acknowledged due to the current practice of attending UFAS calls there was a clear legitimate expectation placed upon SFRS to do so.
- By installing an AFA system responsibility is assumed by the dutyholder, including notifying the SFRS if they discover an actual fire in their premises;
- The majority of false alarms from AFA systems are caused by the actions of people, therefore it is generally known not to be a fire, or to be confirmed as a fire by a person.
- The likelihood of a call generated by an AFA system being a genuine fire incident is minimal, with the majority of these requiring no firefighting action.
- If an AFA system is sounding and the premises is unoccupied when there is no life risk, the dutyholder should be considering fire safety measures for property protection, such as arrangements for monitoring their AFA system through Alarm Receiving Centres (ARC's) and then calling a local keyholder, upon any AFA activation to investigate the cause.
- Any automatic exemptions focus on premises with sleeping provision therefore adopting a proportionate response to all AFA's based on life risk and underpinning the purpose of fire safety legislation in Scotland - to ensure life safety in relevant premises.
- The options being proposed were consistent with approaches adopted by many other UK Fire and Rescue Services over the past decade and statistics drawn from Home Office data sources indicate that the implementation of these approaches have helped to reduce UFAS.

D.2 SFRS Implementation Plans

Workstreams identified by the SFRS to assist stakeholders directly affected by the changes included:

- Review and revise the existing UFAS policy and supporting framework in light of implementing a new AFA response model.
- Develop and implement monitoring and review arrangements that are capable of measuring the impact of the new AFA response model and recording the outcomes of call challenge.
- Develop and implement a communications strategy for managing station, staff and stakeholder transition to the new model of responding to AFAs.
- Develop and undertake a programme of training and awareness, that will prepare affected staff for change.

D.3 West Lothian Councils Current Approach to UFAS from AFAs

Council officers have previously worked closely with SFRS to reduce the number of UFAS occurring in premises. Measures taken have included:

- Representatives from relevant WLC service areas monitoring and investigating UFAS to identify measures that could be taken to reduce them.

- Scheduled upgrading of fire alarm systems.
- Local adjustments to detectors or call points in response to particular events, e.g. UFAS occurring due to the use of aerosol deodorant in changing rooms activating the alarm system.
- Collation and interrogation of incident data from SFRS and Sphera.
- Onsite management activity.
- Property Services maintenance team and Health and Safety team providing support to services.
- SFRS presentations to Responsible Persons.
- Development and implementation of Fire Investigation form in online safety management system, Sphera to monitoring and investigation all UFAS.

D.4 UFAS Short Life Working Group

A short life working group was set up in February 2022 in response to the consultation outcomes to identify and implement changes required to align with the SFRS proposals. The group identified a number of actions for progression. In summary measures are:

1. **UFAS procedures** – Development of supporting procedure aiming to reduce false activations and manage UFAS.
2. **Alarm investigation procedure and training** – Initially through MS teams and online version thereafter.
3. **Call challenge – Double knock pilot** – Use of mechanical and technical alterations/ improvements to fire systems to activate from two different signals of fire as opposed to the current position of a single signal activation. Single signals may be a false signal or indicator of a fault and contribute to the number of recorded UFAS. Work is ongoing to refine costs, budgets, training requirements and programming of a double knock protocol into each sites fire system. Roll out will rely on confirmation of acceptance by SFRS this would be a “strong indicator” of fire.
4. **Call challenge – Out of hours alarm investigation** - An exercise is underway to evaluate and compare the cost of providing points of contact out of hours as staff will not be present to make contact with the ARC and SFRS. This is focusing on two approaches:
 - External security patrols/ annual key holding services via Scotland Excel framework.
 - Internal Staff / Community Warden / Teams on a call out basis – currently on voluntary basis for Education premises.
5. **UFAS monitoring** – Monthly comparison of SFRS data with incidents recorded in Sphera to ensure fire incident reporting is being completed

D.5 SFRS Call Challenge Engagement and Exemptions

Members of the working group have been engaging with Council Insurers and other local authorities through the Local Authorities Fire Practitioners Group, Scottish Heads of Property Groups and the Society of Personnel and Development Scotland Health and Safety group around the practical challenges posed by proposals, in particular “call challenge”.

There have been informal updates from the SFRS to the Local Authority Fire Practitioners group detailing the following:

1. An external awareness survey for Duty Holders will go live in due course, the outcomes of which will inform where external engagement and presentations will need some focus.
2. To hold a Duty Holder event in October that will include actions Duty Holders should consider in order to prepare for the new response model.
3. SFRS are working on a list of “Strong indicators” of fire which will attract an SFRS response.

At present no progress or engagement from the SFRS has been received by West Lothian Council in connection to points 1 and 2. No formal position has been issued of the strong indicators of fire noted in point 3.

Key members of the Fire Practitioners group have taken actions to contact the SFRS to confirm their position on the above.

E. CONCLUSION

Following consultation in 2021 on rationale for change in response in AFA activations and resulting UFAS in workplaces, the SFRS board approved recommendations including a call challenge all AFAs from non-domestic premises, unless exempt (sleeping premises) and no response will be mobilised, if questioning confirms there is no fire, or signs of fire but also if there is no response.

Formal confirmation is required by the SFRS on the strong indicators list and the exemptions to the call challenge option. Until this is confirmed, West Lothian Council cannot assume double knock or other exemptions are an appropriate response to the call challenge and achievable in the time remaining before the response model goes live in April 2023. The absence of that formal list and required engagement prevents West Lothian Council from fully assessing and addressing the impact of call challenge option with the consequential increase in risk for Council property which this uncertainty will bring.

The Council has received some indications from other authorities that the implementation date will be delayed beyond April 2023. However, WLC has yet to have this formally confirmed and at this time it is not clear what effect this delay will have on the substance of the proposals.

F. BACKGROUND REFERENCES

Appendices/Attachments:

- Scottish Fire and Rescue Service- Time for Change, Reducing Unwanted Fire Alarm Signals Consultation.

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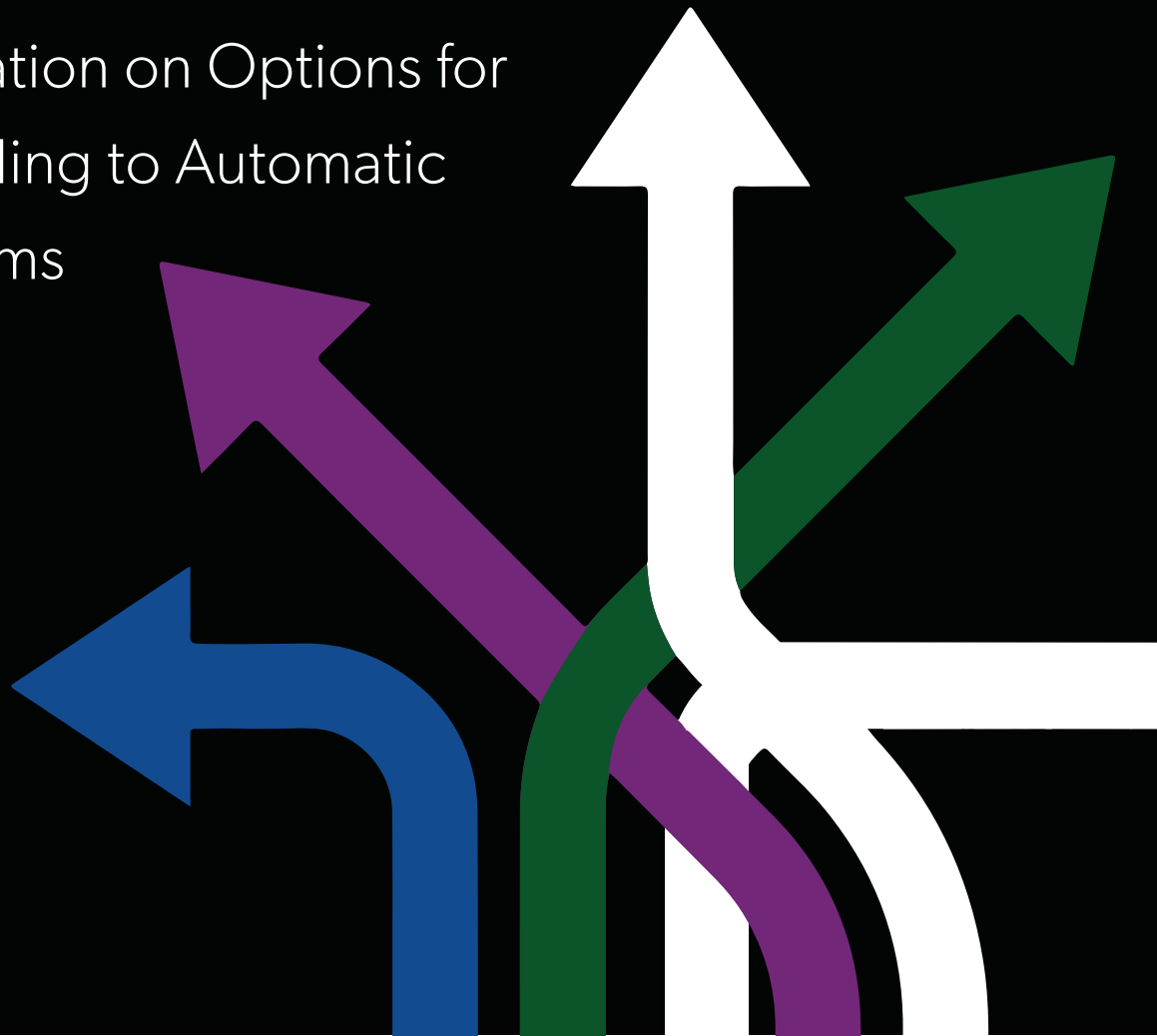
Date of meeting: 08 /12 /2022



Time for Change

Reducing Unwanted Fire Alarm Signals

Consultation on Options for
Responding to Automatic
Fire Alarms



CONTENTS

Introduction	1
1. The case for change	
1.1 Legal Responsibility	2
1.2 Impact of UFAS	3
1.3 Target set to reduce UFAS	3
1.4 Impact of COVID-19	4
1.5 Benefits of reducing UFAS	5
2. Developing the Options	
2.1 UFAS review	7
2.2 Long-Term Vision	7
2.3 The Options Appraisal - where we are	8
2.4 Benefits and Risk Analysis of each option	12
3. What do you think?	19



INTRODUCTION

Every year the Scottish Fire and Rescue Service (SFRS) responds to an average of 28,479 unwanted fire alarm signals (UFAS) that are caused by automatic fire alarms (AFAs) in the workplace.

These systems are designed to provide early warning of fire and save lives but in the workplace 97% of the calls we receive are false alarms. This type of false alarm (UFAS) is often caused by factors such as cooking fumes, dust and lack of maintenance.

UFAS make up 31% of all the incidents we attend and we send out an average of two fire appliances to every UFAS.

This means we are making around 57,000 unnecessary blue light journeys every year.

We believe we could do more to keep the people of Scotland safe if we change how we respond to AFAs.

Any change we do make, will not affect how we respond to calls from AFAs that are real fires. If there is a confirmed fire, we will respond as we normally would for any emergency.

Also, any changes will not affect how we respond to alarms in private homes – we are only reviewing how we respond to false alarms in workplaces that have fire safety responsibilities under the Fire (Scotland) Act 2005.

We are committed to solving this problem in partnership with our key partners, stakeholders and the people of Scotland - which is why we are holding this 12-week public consultation.

This document sets out why we need to change our response to AFAs, the potential options for doing this, the process we will follow to make any changes and how you can get involved in shaping this decision.

Your input is invaluable to us and we would like you to complete our survey on Page 20 to help us identify a preferred option. There are eight questions in total and the survey will only take 5 minutes to complete. You can send the completed survey to us using our Freepost address or alternatively you can complete our online survey.

This survey is just one method in which we are engaging with those who have an interest.

We are engaging with our staff, local authorities, health boards, duty holders and others who will be directly affected.

If you feel that you would like to talk to us about how this may affect you, then please contact us on:

SFRS.UFASConsultation@firescotland.gov.uk

What is AFA versus UFAS?

An AFA (automatic fire alarm) is a system that warns people of a possible fire by automatic or manual means. This is very different to a UFAS.

An unwanted fire alarm signal (UFAS) is a false alarm generated from an automatic fire alarm activation that the fire service responds to.

1. The case for change

Our figures show that the number of UFAS in Scotland has been increasing since 2013/14.

This was caused by a number of factors such as the number of AFA systems increasing in new builds and the creation of the SFRS in 2013, which standardised the response across the country.

Attending almost 30,000 UFAS every year impacts heavily on our resources and causes significant disruption to businesses, hospitals and health centres, schools and universities.

Almost all of us will have experienced the long wait outside a building while firefighters confirm there is no fire.

It is no surprise that complacency - "oh, it's just another false alarm" - may set in and cause staff to be less willing to act quickly when an alarm activates.

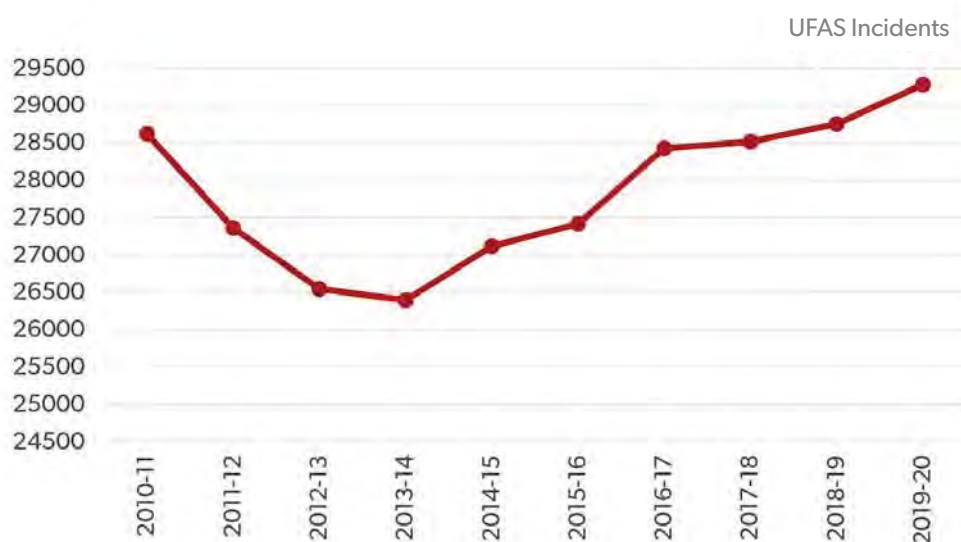
Only two per cent of AFA actuations that were received by the SFRS were actual confirmed fires, with almost two thirds of these requiring no action by us i.e. they were out on arrival.

Overall, the property damage by fire was minimal, with no building damage being recorded in more than half of all properties where AFAs were confirmed as actual fires.

These facts reflect the high levels of fire safety standards required of duty holders under the Fire (Scotland) Act 2005, and the good standards of fire safety we find when auditing buildings.

Because we treat every call from an AFA as if it was a real emergency, typically we respond under blue light conditions. These types of journeys are more dangerous for our firefighters and for members of the public.

Accidents involving fire appliances responding to false alarms can - and do - happen. The cause and effect of these accidents and injuries are avoidable and unacceptable and we want to cut unnecessary blue light journeys caused by UFAS.



1.1 Legal Responsibility

Did you know, we are not legally required to attend a business or workplace when an automatic alarm goes off?

It is the people with fire safety responsibilities in the building - the duty holder. They should ensure the safe evacuation of people from the building, investigate the cause of the alarm, then notify us if they discover an actual fire.

Mostly all other UK fire & rescue services now require a confirmed fire before they send fire appliances.

1.2 Impact of UFAS

Every UFAS involves nine firefighters and two fire appliances. It takes an average of 15 minutes from the appliance leaving the station to the cause of the alarm being identified, but in reality dealing with these calls often takes twice as long.

That is over 64,000 productive hours lost each year responding to UFAS. To put this into context, that's the equivalent cost of £3.5m (this is what we would describe as an opportunity cost).

Inevitably, this lost productivity causes significant disruption to our training, fire safety and community safety work and, crucially, while firefighters are investigating the cause of the alarm, they cannot attend real emergencies.

Equally, attending UFAS incidents creates avoidable financial costs such as fuel costs, vehicle wear and tear and call-out payments. Under our duty of best value, we are accountable to the public for every pound spent. We must therefore explore every opportunity to become more efficient and effective at tackling UFAS.

1.3 Target set to reduce UFAS

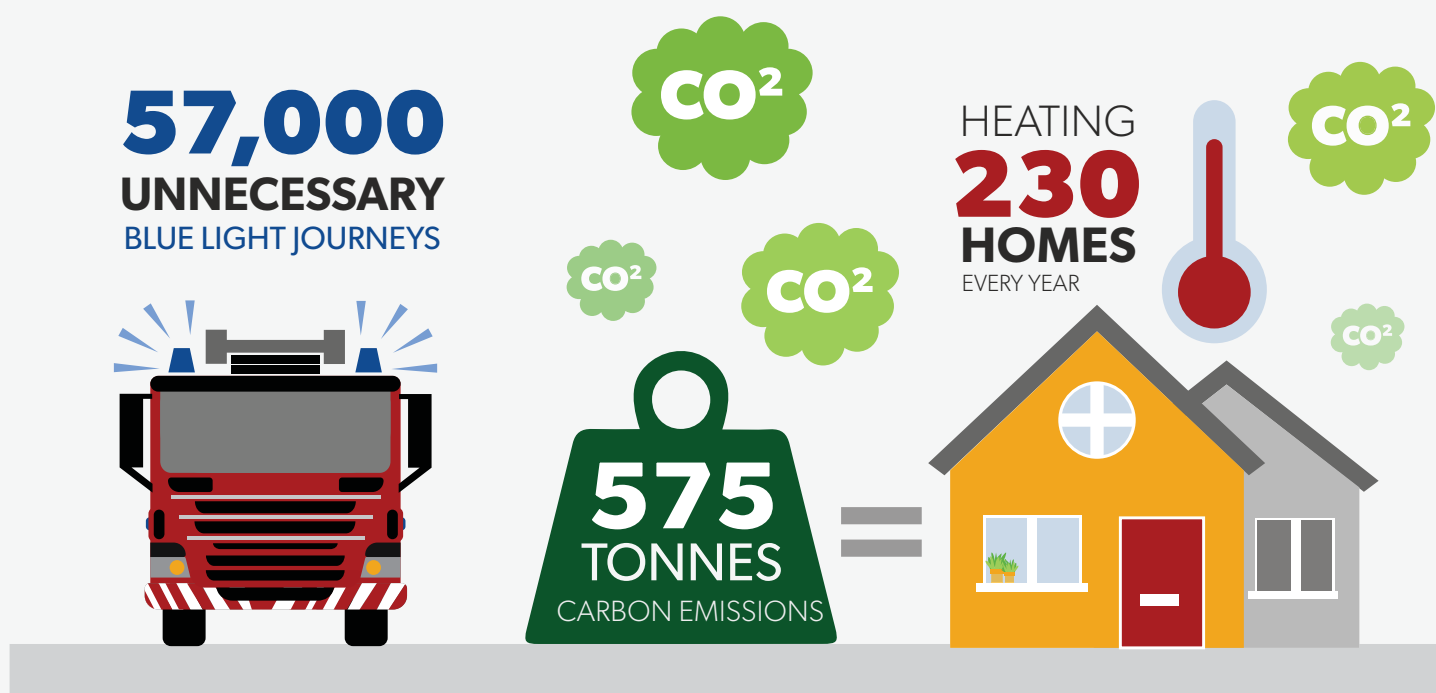
The Scottish Government asked us to reduce UFAS and we set a target to reduce these incidents by 15% between 2017 and 2020. We have been unable to meet this target under our current response model.

In fact, from April 2017 to end March 2020, UFAS increased by 3% across Scotland. This is despite the efforts of the Service and its partners to reduce them.

We have also set ourselves challenging targets to support the Scottish Government's ambition of achieving Net Zero carbon emissions by 2045.

By undertaking around 57,000 unnecessary blue light journeys every year caused by UFAS, we are producing around 575 tonnes of carbon emissions. That is the carbon equivalent of heating 230 homes every year.

Reducing the number of UFAS and unnecessary blue light journeys will help us become a more environmentally sustainable organisation.



1.4 Impact of COVID-19

Like all organisations, the COVID-19 pandemic meant we had to change our practices to ensure we maintained our core services to keep our staff and communities safe, as well as protecting the NHS.

One of the changes we made was in our response to AFAs, to help minimise the risk of exposure to coronavirus for our firefighters and the public.

From May 2020, we began sending a single fire appliance to AFAs of certain property types. This reduced blue light journeys by an average of 21%.

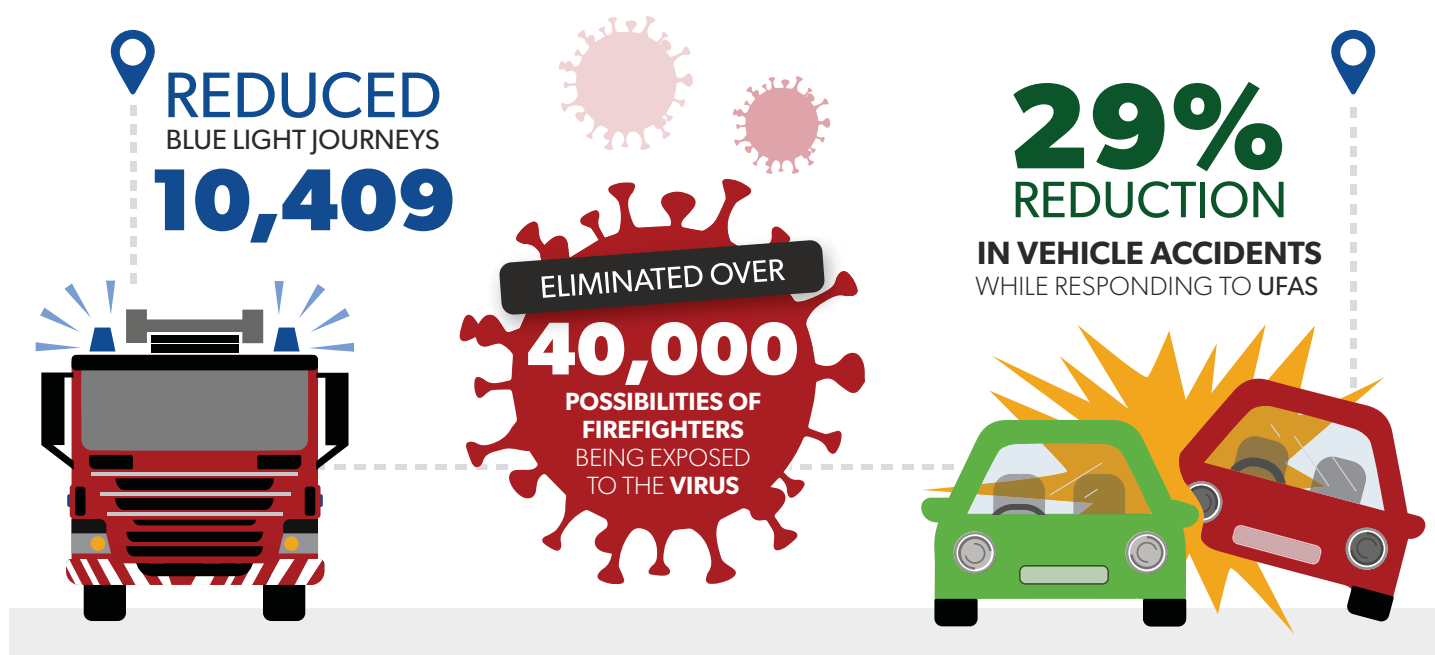


As of 30 April 2021, we have reduced blue light journeys by 10,409 and therefore eliminated well over 40,000 possibilities of firefighters becoming exposed to the virus. These figures are based on a minimum crew of four in a responding fire appliance.

In fact, we found that there were 14 less vehicle accidents associated with responding to false alarms, which is a drop of 29% and a real positive impact on reducing road risk caused by blue light journeys. You can see the [findings of this review](#) on our website.

We asked staff for their views of the COVID-19 interim one-pump response to AFAs. More than half of the 318 staff responses received, supported the interim COVID-19 response. We used their feedback to shape the assessment of the options we are consulting on.

We reviewed the overall impact of this interim response during January 2021 and there was no evidence that its implementation had any detrimental impact.



1.5 Benefits of reducing UFAS

Upskilling and training

Reducing unnecessary activity means our firefighters can focus on building and maintaining their skills to meet the new demands and risks that Scotland's people and communities face.

We respond to many different emergencies including road traffic collisions, rope rescue, water rescue, hazardous materials, building collapse and flooding, as well as assisting our partner agencies to keep our communities safe.

Our firefighters are among the best equipped and most highly trained in the world. This is a continuous improvement process that requires upskilling to maintain effectiveness in highly technical areas such as water and rope rescue.

By reducing the amount of time we spend on UFAS calls, we can spend more time training and developing our firefighters in more technical areas.

Increased prevention work

The best way to deal with an emergency is to prevent it from happening in the first place, and our role starts long before any 999 calls are made. We work closely with our key partners right across Scotland to deliver crucial fire safety messages and create safer communities.

By working together for a safer Scotland, we can help reduce the number of fires and continue to play a key role in ensuring the overall safety and wellbeing of the people of Scotland.

We can do more of this by reinvesting the time saved through reduced UFAS calls. This would include more time spent working with duty holders on measures to prevent AFAs occurring in the first place.

Less impact on key staff

Around half of our operational firefighters are Retained and Volunteer Duty Staff (RVDS). This means they have full time jobs working within our more remote communities and are paged when they are required to attend an emergency.

This could be when they are at work, meaning each time an RVDS responds to an AFA, their primary employer is releasing their staff member to attend an incident that is often a UFAS.

Our RVDS are essential in keeping our communities safe and we need to make sure it is a rewarding job that minimises unnecessary disruption to our firefighters and their primary employers.

By reducing the amount of time they spend on UFAS calls, we can improve their work/life balance, maximise the role they perform for us in their communities and reduce the impact on their primary employer.

Improved safety

Through the review of our COVID-19 interim response to AFAs, we have shown that by changing our response and reducing blue light journeys, we can make real improvements to firefighter and public safety without compromising the Service's ability to maintain an effective response to AFAs.

We regard the safety of firefighters and the public as being absolute priorities. By reducing unnecessary blue light journeys we will significantly reduce road risk to firefighters, road users and pedestrians. Additionally, it will have the effect of helping to minimise the environmental impact of our fleet.

More agile and resilient

The pandemic has required us to explore different ways of delivering our service, to ensure we keep the people of Scotland safe during the crisis.

It tested our business continuity plans and has demonstrated the need for all organisations, however big or small, to be able to weather major, unforeseen disruption.

We have learned that there were many positive aspects from introducing the COVID-19 interim response to AFAs. This interim response, which cut down blue light journeys, reduced risk and minimised disruption enabled us to adapt more quickly and successfully to the challenges of the pandemic.

By reducing unnecessary blue light journeys caused by UFAS, the Service will have a more agile and resilient response model that can cope with future demands and uncertainties.

Improved Business Productivity

Every AFA that leads to a false alarm and ultimately a UFAS, creates avoidable disruption. Not just to the SFRS but also upon businesses and our partners.

Lost production and custom affect profitability and interruption to critical services, such as healthcare for example, which can impact upon the treatment of patients.

Duty holders are expected to only report fires, not false alarms to us, so that staff and customers are able to re-enter the premises once it is safe to do so.

This avoids businesses and services having to wait unnecessarily for our attendance to confirm that there is no fire and to allow their business operations to resume with minimum disruption.



2. Developing the Options

2.1 UFAS review

UFAS is not a new issue for the SFRS. In March 2020 we reported the findings and recommendations of a [Stocktake Review](#) to identify why we were unable to reduce the number of UFAS incidents across Scotland.

This review identified opportunities for better engagement with our key stakeholders and ways to improve training for firefighters. The most notable review recommendations were to tackle the longer-term challenges of increasing numbers of UFAS.

This has led us to act on the recommendations of the UFAS Stocktake Review by prioritising an evaluation of options for responding to AFAs.

2.2 Long-Term Vision

We have been discussing with staff and communities how the SFRS can evolve to meet the changing needs which Scotland faces, particularly around challenges created by climate change, increasing terror threat and our ageing population.

To meet these needs, we must create additional capacity. When we ask staff for their views on how to do this, their first response is always to reduce our response to UFAS.

2.3 The Options Appraisal

Where we are

This consultation is about how we decide the best response to AFAs, to reduce the burden placed on the Service and partners by UFAS.

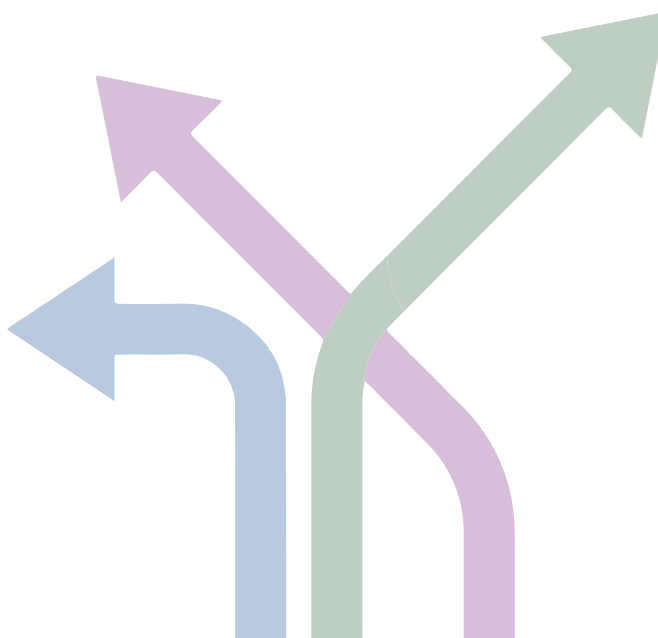
The work we have done so far with our staff and stakeholders in testing options has been crucial and has influenced the options we are consulting on.

We do not have a preferred option.

Each of the options we are consulting on will deliver significant UFAS reductions. The associated benefits need to be considered alongside the potential risks and mitigations for limiting them.

The Service is now in **stage 5** of this process and the stages to date (see diagram) have provided the basis for this public consultation.

The outcomes of this consultation will inform a final business case to allow a decision to be made by the SFRS Board, on a preferred option near the end of the calendar year 2021.



KEY STAGES

1	2	3	4	5	6	7
Defining the Options Appraisal Objectives	Developing the Options	Assessing and Analysing the Options	Ranking the Options	Carry out Public Consultation	Report Findings and Agree Preferred Option	Implement Preferred Option

How we got here – the long list

We initially identified 15 potential options for responding to AFAs. In identifying these options, we considered approaches already employed by other UK fire & rescue services.

Do Nothing (Baseline Comparator)

- | | |
|----|---|
| 01 | Our Pre-COVID 19 Response – Operations Control (OC) staff challenges all AFAs from non-domestic premises and responds with a minimum pre-determined attendance (PDA) of one fire appliance. Exemptions apply to high-risk premises and calls originating from Alarm Receiving Centres (ARC) |
|----|---|

Immediate Response

- | | |
|----|---|
| 02 | With premises full PDA |
| 03 | With a PDA of one fire appliance |
| 04 | With a PDA of two fire appliances |
| 05 | COVID-19 Response - a PDA of one fire appliance with exemptions applying to certain high risk premises |
| 06 | Business vehicles |
| 07 | PDA is determined by the premises risk type (e.g. commercial normal risk attracts a one fire appliance response whereas a non-domestic sleeping risk attracts a two fire appliances response) |
| 08 | PDA is determined by the time of day |
| 09 | PDA is determined by the time of day and premises risk type |

Call challenge by Operations Control (OC)

- | | |
|----|--|
| 10 | <ul style="list-style-type: none"> All AFA calls from non-domestic premises Where call challenging has failed to remove attendance, or premises type is high risk and exempt from call challenging PDA is one fire appliance regardless of time of day |
| 11 | <ul style="list-style-type: none"> All AFA calls from non-domestic premises Where call challenging has failed to remove attendance, or premises type is high risk and exempt from call challenging PDA is two fire appliances regardless of time of day |
| 12 | <ul style="list-style-type: none"> All AFA calls from non-domestic premises Where call challenging has failed to remove attendance, or premises type is high risk and exempt from call challenging PDA is dependent on time of day and premises type |
| 13 | <ul style="list-style-type: none"> All AFA calls from non-domestic premises Where call challenging has failed to remove attendance No exemptions to call challenging PDA is dependent on time of day and premises type |

Non-attendance

- | | |
|----|---|
| 14 | <ul style="list-style-type: none"> All AFAs from non-domestic premises, unless back-up 999 call confirming fire is received No exemptions apply |
| 15 | <ul style="list-style-type: none"> All AFAs from non-domestic premises, unless back-up 999 call confirming fire is received Exemptions apply to high-risk premises types PDA is dependent on time of day and premises type |

Two workshops involving a Staff Review Group, were held during **October 2020**, to assess and score each option and come to a decision regarding a final shortlist.

The criteria that was used to assess and score the options and full results from the workshops, can be found on our [website](#).

The Final Shortlist

Following assessment of all 15 options, five were then selected and tested at a Stakeholder Options Appraisal workshop event in February 2021.

OPTION	FINDINGS
1	Do Nothing – maintain the status quo (baseline comparator)
2	COVID-19 Interim Response – with immediate one pump Exemptions apply to high-risk premises
3	Call challenge all AFAs from non-domestic premises. No response is mobilised, if questioning confirms there is no fire, or signs of fire. Sleeping risk premises are exempt from call challenging and will receive the following immediate response: <ul style="list-style-type: none"> • Residential Care Homes receive a PDA of two fire appliances regardless of time of day • All other sleeping risks receive a PDA of one fire appliance between 0700-1800hrs and two fire appliances out-with these hours
4	Call challenge all AFAs from non-domestic premises. No response is mobilised, if questioning confirms there is no fire, or signs of fire. No exemptions to call challenging apply (i.e. all AFA calls received are call challenged, regardless of premises type and caller).
5	Non-attendance to all AFAs from non-domestic premises, unless back-up 999 call confirming fire, or signs of fire is received. Sleeping risk premises are exempt from non-attendance and will receive the following immediate response: <ul style="list-style-type: none"> • Residential Care Homes receive a PDA of two fire appliances regardless of time of day • All other sleeping risks receive a PDA of one fire appliance between 0700-1800hrs and two fire appliances out-with these hours

Stakeholder Options Appraisal Workshop

The Stakeholder Options Appraisal involved a range of key stakeholders including representatives from health boards, universities, schools, local authorities, fire industry, businesses and our own staff. The event was independently facilitated.

Participants were asked to complete a pre-workshop questionnaire ahead of the event. At the workshop

they discussed, assessed and scored the five shortlisted options on the balance of benefits and risks.

The results of the assessment and scoring were compiled and reviewed to deliver an overall scoring and ranking of the options, as well as areas for consideration.

BENEFITS

OPTION	OVERALL SCORE	OVERALL RANKING
4	1346	1 greatest benefit
5	1328	2
3	1042	3
2	804	4
1	300	5 least benefit

RISK

OPTION	OVERALL SCORE	OVERALL RANKING
5	178	1 highest risk
4	170	2
3	134	3
2	114	4
1	60	5 lowest risk

In summary, the review concluded that:

- Options 1 and 2 did not deliver a significant or, in the case of Option 1, any benefit to the Service
- Options 4 and 5 were identified as delivering the most benefit in terms of UFAS reduction but also carried the highest risk
- Option 3 offered a middle ground

As Options 3, 4 and 5 can deliver a significant reduction in UFAS, these are the three options we are consulting on. We refer to them now as Options A, B & C.

The full report on the [Options Appraisal](#) can be found on our website.

2.4 Benefits and Risk Analysis of each option

The options for public consultation, along with estimated UFAS reductions, are as follows:

A	<ul style="list-style-type: none"> • Call challenge all AFAs from non-domestic premises, unless exempt • No response is mobilised, if questioning confirms there is no fire, or signs of fire • Sleeping risk premises are exempt from call challenging and will receive the following immediate response: <ul style="list-style-type: none"> • Residential Care Homes receive a PDA of two fire appliances regardless of time of day • All other sleeping risks receive a PDA of one fire appliance between 0700-1800hrs and two fire appliances out-with these hours 	61% REDUCTION
B	<ul style="list-style-type: none"> • Call challenge all AFAs from non-domestic premises • No response is mobilised, if questioning confirms there is no fire, or signs of fire • No exemptions to call challenging apply (i.e. all AFA calls received are call challenged, regardless of premises type and caller) 	85% REDUCTION
C	<ul style="list-style-type: none"> • Non-attendance to all AFAs from non-domestic premises, unless back-up 999 call confirming fire, or signs of fire is received • Sleeping risk premises are exempt from non-attendance and will receive the following immediate response: <ul style="list-style-type: none"> • Residential Care Homes receive a PDA of two fire appliances regardless of time of day • All other sleeping risks receive a PDA of one fire appliance between 0700-1800hrs and two fire appliances out-with these hours 	71% REDUCTION

OPTION A

Our Operations Control (OC) staff will call challenge AFAs from non-domestic premises. No response will be mobilised, if questioning through call challenge confirms there is no fire, or signs of fire. Property types recognised by us as having sleeping provision will be exempt from call challenging and therefore will receive the following immediate response to an AFA:

- Residential Care Homes will receive a PDA of two fire appliances regardless of the time of day
- All other sleeping risks will receive a PDA of one fire appliance between 0700-1800hrs and a PDA of two fire appliances out-with these hours

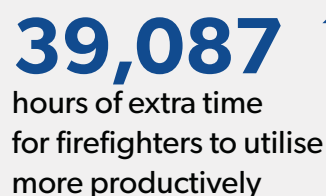
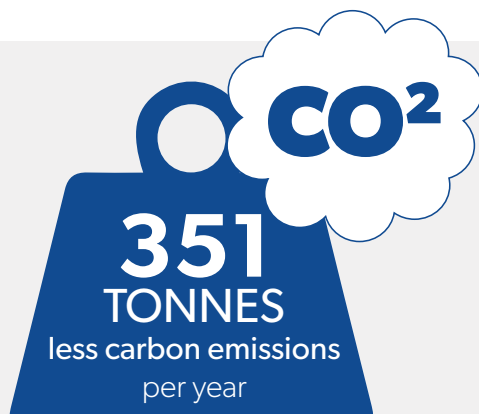
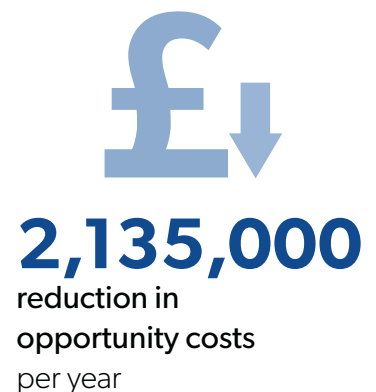
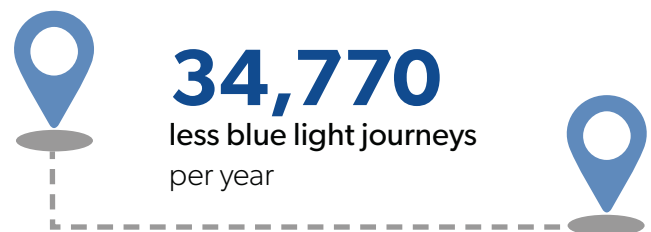
Key Benefits

- Improved firefighter and community safety through the reduction of blue light journeys
- Improved availability of resources and more time to focus on upskilling, training and prevention work
- Reduced response costs
- Reduced fleet carbon emissions
- Least risk of all options
- Automatic response to AFAs where people are sleeping

Key Risks

- Increased risk of building damage
- Increased risk to building occupants
- Increased risk to firefighter safety
- Fire and rescue reputational damage
- RVDS retention and recruitment issues

What does a 61% reduction look like?



OPTION B

Our OC staff will call challenge all AFAs from non-domestic premises. No response will be mobilised, if questioning through call challenge confirms there is no fire, or signs of fire. No exemptions to call challenging apply (i.e. all AFA calls received are call challenged, regardless of property type and caller).

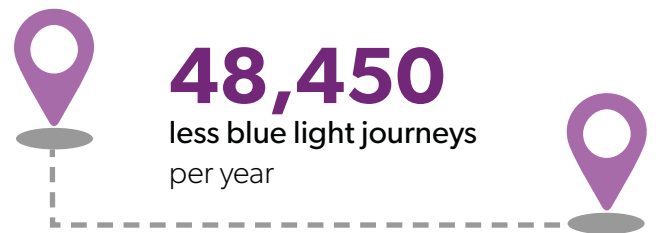
Key Benefits

- Improved firefighter and community safety through the reduction of blue light journeys
- Improved availability of resources and more time to focus on upskilling, training and prevention work
- Reduced response costs
- Reduced fleet carbon emissions
- Highest reduction in UFAS attendance

Key Risks

- Increased risk compared to Option A of building damage
- Increased risk compared to Option A to building occupants
- Increased risk compared to Option A to firefighter safety
- Fire and rescue reputational damage
- RVDS retention and recruitment issues

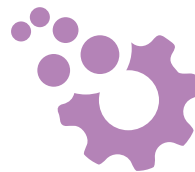
What does a **85% reduction** look like?



31 less vehicle
accidents
per year



6 fewer personal
accidents
per year



12,099
hours of less
disruption
per year



2,975,000
reduction in
opportunity costs
per year



54,466
hours of extra time
for firefighters to utilise
more productively



OPTION C

Non-attendance to AFAs from non-domestic premises. Our OC staff will advise the caller that we will not attend unless a back-up 999 call confirming fire, or signs of fire is received. Property types recognised by us as having sleeping provision will be exempt and therefore they will receive the following immediate response to an AFA:

- Residential Care Homes will receive a PDA of two fire appliances regardless of the time of day
- All other sleeping risks receive a PDA of one fire appliance between 0700-1800hrs and a PDA of two fire appliances out-with these hours

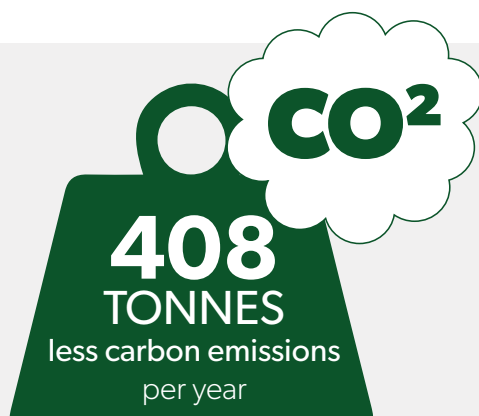
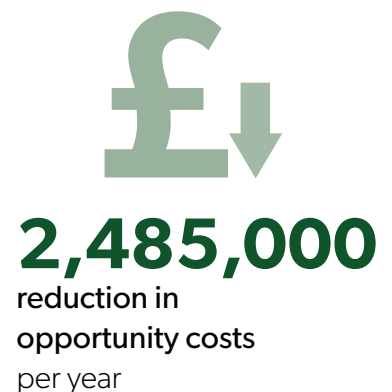
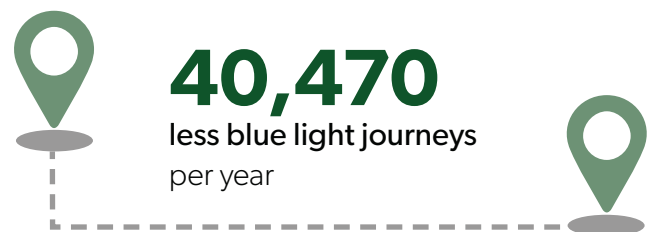
Key Benefits

- Improved firefighter and community safety through the reduction of blue light journeys
- Improved availability of resources and more time to focus on upskilling, training and prevention work
- Reduced response costs
- Reduced fleet carbon emissions
- Automatic response to premises where people are sleeping

Key Risks

- Greatest risk of building damage
- Greatest risk to building occupants
- Greatest risk to firefighter safety
- Fire and rescue reputational damage
- Retained and Volunteer Duty System (RVDS) retention and recruitment issues

What does a **71% reduction** look like?



Mitigating the Risks

We recognise that the options we are consulting on carry with them an element of risk and uncertainty and, in considering the key risks in this document, we have an opportunity to highlight mitigating factors and outline controls that we believe will limit the risks materialising.

Key risks	Measures we will take to mitigate any risk
Increased risk of building damage	<ul style="list-style-type: none"> • There are very few fires linked to AFAs - around 2% lead to a fire and the majority of these are already out on arrival, or require very little intervention from the Service. We will monitor these figures to ensure we do not see an increase in building damage as a result of any change to our response. • We will work with duty holders to provide advice and guidance. This will include providing advice on considerations for fire protection, fire evacuation and reinforcing the need for making an early call to the SFRS, if a fire is confirmed. • We will ensure the call challenge process is designed around asking the most relevant questions of the caller to establish if the AFA is a confirmed fire. All calls received that are confirmed fires will be treated as a priority and should not result in a notable delay in sending appliances.
Increased risk to building occupants	<ul style="list-style-type: none"> • There are very few casualties linked to AFAs – less than 2% of all fire casualties. We will monitor these figures to ensure we do not see an increase in the risk to people as a result of any change to our response. • The most likely risk to people is when they are asleep. These properties are exempt under Options A and C and would therefore continue to receive an automatic response. • For Option B we would regularly check and test the fire safety arrangements of buildings where there is a sleeping risk through our fire safety enforcement framework.
Increased risk to firefighter safety if faced with a more developed fire	<ul style="list-style-type: none"> • Ongoing core skills training, will ensure firefighters can safely, competently and effectively deal with the risk of a more developed fire. • We will monitor and review incidents, to ensure any lessons are learned and improvements in firefighter safety are made. • The recent review of the COVID-19 interim response, showed no increased risk to firefighter safety because of a reduced response to AFA activations. • Based on vehicle accident and injury statistics relating to attending UFAS, it could be argued that road risk from unnecessary blue light journeys is greater than any risk to firefighters from more developed fires because of implementing any of the proposed options.
Fire and rescue reputational damage	<ul style="list-style-type: none"> • We will ensure our final decision considers the feedback of stakeholders and reflects any significant concerns they have. • Any changes we implement following consultation will be done through a carefully planned and managed approach, which will include working with stakeholders who may be directly affected, to ensure they are prepared for any changes we make.
RVDS retention and recruitment issues	<ul style="list-style-type: none"> • While a reduction in call-outs may impact upon RVDS staff who are paid for each call they attend, there are other duties they will be able to take on with any additional capacity created. We are involving staff in the decision-making process. • Longer term, different remuneration models are being considered through the RVDS Strategy Project. • Reduced UFAS call-outs may improve RVDS retention and recruitment issues, due to reduction in disruption to their primary employment and a better work/life balance.

What do we mean by call challenge?

AFA calls received by us usually come from someone at the property dialling 999, however some come from Alarm Receiving Centres (ARCs), that monitor their customers' alarm systems and alert us whenever an alarm goes off.

One of the best ways that the SFRS can establish whether to respond to a call from an AFA, is by speaking to the person who made the call.

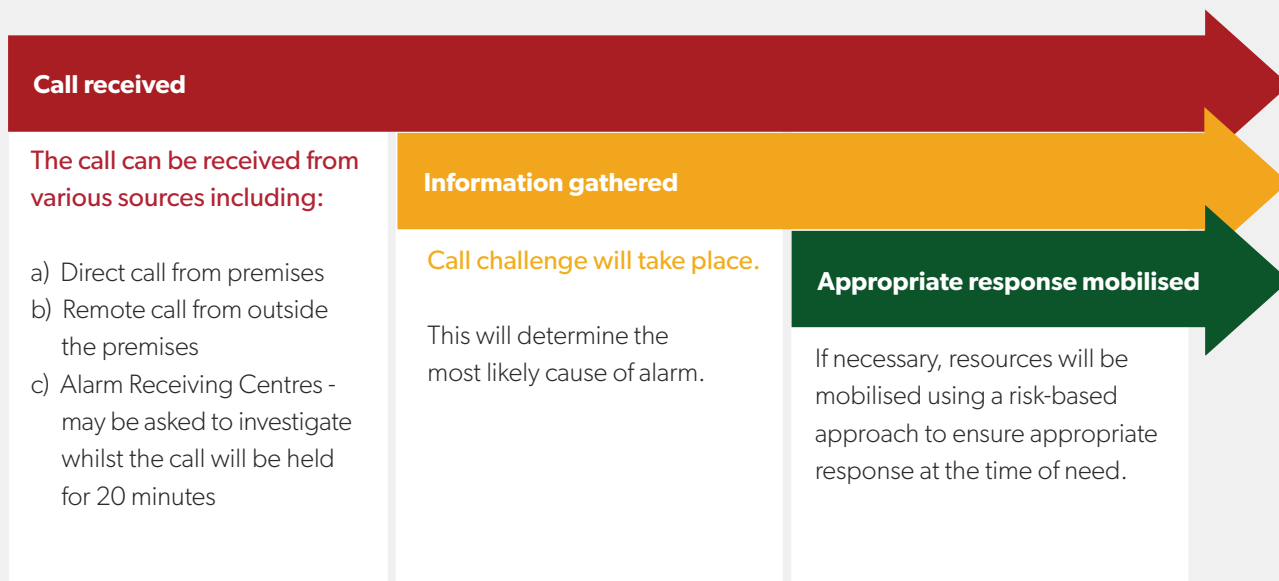
This enables our OC Staff to ask relevant questions of the caller and, if then necessary, send the appropriate number of fire appliances to save life and protect property. This is known as 'call challenge' and is proposed under Options A & B.

The main purpose of call challenge is to ascertain if there is a fire within the premises. This is currently the legal responsibility of the duty holder but custom and practice has resulted in this investigation being undertaken by fire crews.

Our OC Staff already ask callers for many details, so the additional information required under these options will not significantly impact on call-handling times.

Our call challenge process is summarised below. A more detailed account of how it will work in practice is on our [website](#).

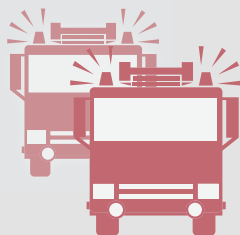

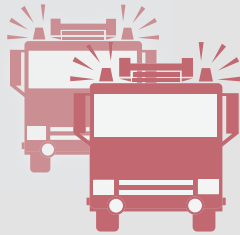
OC staff will make the appropriate decisions with the information available and always have the autonomy to adjust mobilisation.



What are the exemptions?

Under Options A & C, we propose to continue sending an appropriate number of fire appliances to all AFA calls we receive from property types recognised as having sleeping provision, therefore ensuring a proportionate response to AFAs based on life risk.

The following sleeping risk property types will be exempt and receive an immediate response to investigate the cause of the AFA.

Property types exempt	Number of fire appliances they will receive to an AFA	Reason for response
Residential Care Home <ul style="list-style-type: none"> Residential Nursing/Care Home Children's Residential Home Retirement/Elderly Residential Home Sheltered Housing - not self contained Other Residential Home 	<p>A PDA of two fire appliances regardless of the time of day</p> 	<p>Residential Care Homes house our most vulnerable residents in our communities. Building design and construction, numbers of staff/residents and the nature of the occupancy place these types of property in our highest risk to life category from fire. It is for this reason that a response of two fire appliances is maintained always.</p>
<ul style="list-style-type: none"> Boarding House/B&B for homeless/asylum seekers Boarding House/B&B other Boarding School accommodation Hospital Prison Student Hall of Residence Youth Hostel Military/barracks Monastery/convent Hostel (e.g. for homeless people) Hotel/Motel Nurses'/Doctors' accommodation Other Holiday Residence (cottage, flat, chalet) Young Offenders' Unit 	<p>A PDA of one fire appliance between 0700-1800hrs</p>  <p>and two fire appliances out-with these hours</p> 	<p>The response to these exempt properties is based on suitably trained staff being present to manage a fire evacuation and investigate the cause of an AFA, ensuring an appropriate response is maintained at night when people are asleep.</p>

3. What do **you think?**



QUESTIONS

1 To help us analyse all feedback, please tell us if you are responding as a:

- ☐ member of the public
- ☐ member of SFRS wholetime & support staff
- ☐ RVDS staff
- ☐ retained employer
- ☐ community group
- ☐ voluntary organisation
- ☐ local authority
- ☐ emergency service organisation
- ☐ public sector body

If you are responding on behalf of an organisation, or as a retained employer, please state the name of your organisation:

If you are responding as an individual, please provide the first part of your postcode e.g G77, EH1:

Please choose your **rating scale** for these statements:

strongly disagree disagree neutral agree strongly agree



- 2 The number of UFAS we attend in Scotland is a problem that needs to be addressed now.
- 3 To reduce the impact of UFAS, we should stop sending fire appliances to AFAs unless it is for a confirmed fire or to premises on the exemption list.
- 4 The exemptions proposed for **OPTION A** and **OPTION C** provide a proportionate response to AFA calls based on risk.
- 5 Did you feel the consultation document provided you with enough information to enable you to give an informed response?

6 Please rank each **OPTION** from most preferred **(1)** to least preferred **(3)**

A		Call challenge all AFAs. No response is mobilised if questioning confirms no fire or no signs of fire. Sleeping risk premises are exempt and will receive a PDA based on premises type and time of day.
B		Call challenge all AFAs. No response is mobilised if questioning confirms no fire or no signs of fire. No exemptions to call challenging apply.
C		Non-attendance to all AFA's, unless back-up 999 call confirming fire or signs of fire is received. Sleeping risk premises are exempt and will receive a PDA based on premises type and time of day.

7 Would you like to suggest any other options to put forward for consideration?

8 What else could we have provided or done to ensure it was easy for you to respond to the consultation?

9 Do you have any further comments?

EQUALITIES MONITORING FORM

We would like to ask a few more questions about you. Because we have a duty to meet the needs of people across our diverse communities, it would help us to know the range of people who gave us feedback.

We can also use monitoring to determine whether our services are accessible, whether our policies have a disproportionate, unfair or positive impact on particular groups and whether members of those groups are satisfied with the service they receive. This section is optional. Any responses you do provide will be anonymised.

1 Your Age

- ☐ Under 16
- ☐ 16-25
- ☐ 26-40
- ☐ 41-55
- ☐ 56-70
- ☐ Over 70
- ☐ Prefer not to say

2 Your Sex

- ☐ Female
- ☐ Male
- ☐ Prefer not to say

3 Trans - Do you consider yourself to be trans, or have a trans history?

- ☐ Yes
- ☐ No
- ☐ Prefer not to say

4 Your sexual orientation

- ☐ Heterosexual
- ☐ Gay/Lesbian
- ☐ Bisexual
- ☐ Prefer not to say

5 Disability

Do you have any of the following, which have lasted, or are expected to last, at least 12 months?

- ☐ Deafness or partial hearing loss
- ☐ Blindness or partial sight loss
- ☐ Full or partial loss of voice or difficulty speaking (a condition that requires you to use equipment to speak)
- ☐ Learning disability (a condition that you have had since childhood that affects the way you learn, understand information and communicate)
- ☐ Learning difficulty (a specific learning condition that affects the way you learn and process information)
- ☐ Developmental disorder (a condition that you have had since childhood which affects motor, cognitive, social and emotional skills, and speech and language)
- ☐ Physical disability (a condition that substantially limits one or more basic physical activities such as walking, climbing stairs, lifting or carrying)
- ☐ Mental health condition (a condition that affects your emotional, physical and mental wellbeing)
- ☐ Long-term illness, disease or condition (a condition, not listed above, that you may have for life, which may be managed with treatment or medication)
- ☐ Other condition
- ☐ No Condition
- ☐ Prefer not to say

5 Caring Responsibilities

Do you look after, or give any help or support to family members, friends, neighbours or others because of either: long-term physical / mental ill-health / disability; or problems related to old age?

- ☐ Yes – unpaid care provider full-time
- ☐ Yes – unpaid care provider part-time
- ☐ No
- ☐ Prefer not to say

7 Care Experienced

Care experienced means you are or were formally looked after by a local authority, in the family home (with support from social services or a social worker) or elsewhere, for example, in foster care, residential/secure care, or kinship care (with family friends or relatives) and you have not yet reached your 26th birthday.

- ☐ Yes
- ☐ No
- ☐ Prefer not to say

8 Ethnicity – what is your Ethnic Group?

Please select only one item:

A. White

- ☐ Scottish
- ☐ Other British
- ☐ Irish
- ☐ Gypsy/Traveller
- ☐ Polish
- ☐ Roma
- ☐ Showman/Showwoman
- ☐ Other white ethnic group (Please write below)

B. Mixed or multiple ethnic groups

- ☐ Any mixed or multiple ethnic groups
(Please write below)

C. Asian, Asian Scottish or British Asian

- ☐ Pakistani, Scottish Pakistani or British Pakistani
- ☐ Indian, Scottish Indian or British Indian
- ☐ Bangladeshi, Scottish Bangladeshi or British Bangladeshi
- ☐ Chinese, Scottish Chinese or British Chinese
- ☐ Other white ethnic group (Please write below)

D. African, Scottish African or British African

- ☐ African, Scottish African or British African
(please write below - for example, NIGERIAN, SOMALI):

E. Caribbean or Black

- ☐ Caribbean or Black
(please write in below - for example, SCOTTISH CARIBBEAN, BLACK SCOTTISH)

F. Other Ethnic Group

- ☐ Arab, Scottish Arab or British Arab
Other, please write below (for example, SIKH, JEWISH)

G. Prefer not to say

☐

9 Religion or Belief

- ☐ None
- ☐ Prefer not to say
- ☐ Church of Scotland
- ☐ Roman Catholic
- ☐ Other Christian
(please write in denomination or school below)
- ☐ Muslim
(please write in denomination or school below)
- ☐ Sikh
- ☐ Hindu
- ☐ Jewish
- ☐ Buddhist
- ☐ Another religion or body
(please write in denomination or school below)

How to get involved

We would like to encourage everyone to participate and share their views on the options for changing our response to UFAS incidents.

An online survey can be accessed from our website:

www.firescotland.gov.uk

Responses can also be emailed to SFRS:

UFASConsultation@firescotland.gov.uk

By post:

FREEPOST SFRS Communications
Scottish Fire and Rescue Service
Westburn Drive
Cambuslang
G72 7NA

If you would like more information or require this document in an alternative format, please email us at SFRS.UFASConsultation@firescotland.gov.uk

If you would like to be kept updated on this and other public consultations from the SFRS please [visit our website](#)

Next steps

The public consultation will close on 11 October. All the feedback we receive will be collated and analysed.

A full report, with the recommended preferred option for responding to AFAs in Scotland will be prepared and form part of the submission to the SFRS Board in December.

We will then look to start implementing any changes in early 2022. This will be done through a carefully planned and managed approach, which will include working with our stakeholders directly affected by any changes we implement.



GLOSSARY OF TERMS

TERM	MEANING
Automatic Fire Alarm (AFA)	An automatic fire alarm (AFA) is a system that warns people when smoke, fire or other fire-related factors are detected. These alarms may be activated automatically from smoke detectors and heat detectors, or may also be activated via manual fire alarm activation devices such as manual break glass call points.
Alarm Receiving Centre (ARC)	<p>An alarm receiving centre (ARC) is a monitoring station, operated by people 24 hours a day, 365 days a year. Teams who work in ARCs monitor a range of systems, including fire and intruder alarms, systems for monitoring elderly people and CCTV cameras.</p> <p>Once an activation signal is sent to a monitoring centre, for example a fire alarm being triggered, the monitoring team carefully filter activations to sort which alerts are false alarms and which alarms require emergency services. In the event of a genuine alert, the ARC team contact the relevant emergency services on behalf of their clients.</p>
Business Continuity	A process that outlines the potential impact of disaster situations, creates policies to respond to them and helps an organisation recover quickly so it can function as usual.
Duty Holder	The person who has legal responsibility to oversee fire safety for the whole business. Generally this is the employer, owner or occupier and their responsibilities include conducting a fire risk assessment of the premises.
Fire Appliance	A heavy road vehicle that carries firefighters and equipment to a fire or other emergency.
Fire (Scotland) Act 2005	The Fire (Scotland) Act 2005 deals with the law relating to fire prevention, and the operation of the Scottish Fire and Rescue Service. Part 3 of the Act sets out the fire safety responsibilities for employers, employees, managers, owners and others in relation to fire safety in the workplace.
Operations Control (OC) staff	<p>Our OC staff handle all SFRS's 999 emergency calls. OC staff have a vital role and are trained to deal with any 999 call that they might receive, from a house fire to a serious road traffic collision or cliff rescue.</p> <p>OC staff help callers identify their exact location, provide fire safety advice to people who might be trapped inside a burning building and continue to reassure until the moment firefighters arrive on the scene. They are also trained in dealing with other incidents, including chemical, radiological, biological and nuclear incidents.</p> <p>When OC staff receive a call, they assess the situation the caller is in and then mobilise a fire appliance(s) to the incident. OC staff are then responsible for the needs of the firefighters by dispatching further resources as required, arranging relief crews, liaising with other agencies and providing important operational information for the duration of each incident.</p>

Pre-Determined Attendance (PDA)	<p>The incidents SFRS attends can be divided into types - for example, fires, hazardous substances and road traffic collisions etc.</p> <p>For each type of incident the SFRS has determined in advance what resources will need to be sent, or 'mobilised'. This includes the number of fire appliances, specific equipment and specialist teams. This is called a Pre-Determined Attendance (PDA).</p>
Retained and Volunteer Duty Staff (RVDS)	<p>Retained and volunteer duty staff (RVDS) are professional firefighters who may have full-time employment outside of the Service but respond to emergency calls within their local area, as and when required.</p> <p>They are called upon to deliver the same wide range of emergency services as wholetime firefighters, such as: fires, floods, road traffic collisions, chemical spills and more. They also promote fire safety messages, as well as carrying out free home fire safety visits within their communities.</p> <p>When required to answer an emergency call, RVDS are summoned to the fire station by a radio pager. They are required to live or work near to the fire station they serve which allows them to respond to emergencies within an acceptable time. Typically RVDS are employed in rural areas or in large villages or small towns.</p>
Scottish Fire and Rescue Service Board	<p>The SFRS Board ensures the effective governance and financial management of the SFRS within the context of public service delivery and reform for the benefit of improving the safety and wellbeing of the people of Scotland.</p>
Strategic Leadership Team	<p>Based in Cambuslang, the Strategic Leadership Team (SLT) is responsible for delivering the Scottish Fire and Rescue Service on behalf of the Board.</p>
Unwanted Fire Alarm Signal (UFAS)	<p>When a call is received as a result of an AFA in the workplace which has not been caused by a fire, to which the SFRS responds, – then this is termed as an Unwanted Fire Alarm Signal (UFAS).</p>



SCOTTISH
FIRE AND RESCUE SERVICE

Working together for a safer Scotland

firescotland.gov.uk

Reducing Unwanted Fire Alarm Signals

Consultation on Options for Responding to Automatic Fire Alarms

Version 2 - July 2021