

MINUTE of MEETING of WEST LOTHIAN COUNCIL held within Council Chambers, West Lothian Civic Centre, Livingston, on 14 March 2023.

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

Apologies – Councillor Pauline Orr

1. DECLARATIONS OF INTEREST

- Councillor Campbell stated that she was an NHS Lothian employee
- Councillor Logue stated that he was an NHS Lothian employee

2. MINUTES :-

- a) The Council approved the Minute of its special meeting held on 24 January 2023
- b) The Council approved the Minute of its meeting held on 24 January 2023
- c) The Council approved the Minute of its special meeting held on 7 February 2023
- d) The Council approved the Minute of its special meeting held on 21 February 2023
- e) The Council noted correspondence arising from previous decisions
- f) The Council noted the Minute of Governance and Risk Committee held on 12 December 2022
- g) The Council noted the Minute of Education (Quality Assurance) Committee held on 17 January 2023
- h) The Council noted the Minute of West Lothian Leisure Advisory Committee held on 8 December 2022
- i) The Council noted the Minute of Performance Committee held on 14 November 2022
- j) The Council noted the Minute of Employee Appeals Committee held on 16 December 2022.

Councillor Conn stated that the declaration he made at the meeting of

Employee Appeals incorrectly recorded that he was a fully paid up member of Unite.

- k) The Council noted the Minute of Employee Appeals Committee held on 27 January 2023

3. ELECTION BUSINESS

Council noted that Councillor Tony Boyle would replace Councillor Cathy Muldoon on Housing Services Policy Development & Scrutiny Panel.

Council noted the appointment of Peter Doolan, using the delegated authority of the Depute Chief Executive, as the Catholic Church representative on the council's Education Executive and other committee/bodies that dealt with education matters

4. CAPITAL STRATEGY 2023/24 TO 2032/33

The Council considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval of the updated capital strategy for 2023/24 to 2032/33, including the requirements of the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code) and associated performance indicators.

It was recommended that the Council :-

1. Notes the requirements from the CIPFA Prudential Code in relation to the council's capital strategy;
2. Approves the updated capital strategy for 2023/24 to 2032/22, as set out in Appendix 1 of the report.

Decision

To approve the recommendations of the report

5. APPOINTMENT OF A LAY PERSON TO THE AUDIT COMMITTEE

The Council considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval to extend the appointment of the lay member of the Audit Committee for a further three years.

It was recommended that the Council extends the appointment of the lay member of the Audit Committee for a further three years

Decision

To agree the extension of the appointment of a lay member to the Audit Committee for a further three years.

6. NOTICE OF MOTION - CELEBRATING VOLUNTEERS IN OUR COMMUNITIES - SUBMITTED BY COUNCILLOR DIANE CALDER

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

“Council recognises the considerable achievements of a local man John West as Co-Founder of Winchburgh Growers and Winchburgh Wombles over the last few years.

From its inception Winchburgh Growers have been awarded a Silver Award by Beautiful Scotland in their first and second year of entering the competition.

Winchburgh Community Garden is growing at an increasing pace attracting more volunteers by the week. John has also been hugely successful in bringing in the energy of a large number of volunteers including our new residents to Winchburgh to a fantastic Community project.

Council extends its heartfelt thanks to John West as a Volunteer in championing the role of volunteers in our Communities and instructs the Chief Executive to write to John conveying this Council’s congratulations on his achievements to date and wishing him and the volunteers continued success for the future”.

- Moved by Councillor Calder and seconded by Councillor Campbell

Decision

To unanimously approve the terms of the motion

7. NOTICE OF MOTION - WASPI WEST LOTHIAN GROUP - SUBMITTED BY COUNCILLOR KIRSTEEN SULLIVAN

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

“Council notes with disappointment the UK Government’s failure to end the injustice experienced by women affected by the changes to state pension laws; who have unfairly borne the burden of the increase to the State Pension Age without adequate notice; and supports the campaign of the Women Against State Pension Injustice (WASPI) group to achieve fair and fast compensation arrangements for all women, including approximately 6,300 women in West Lothian, who were born in the 1950s and were affected by these changes to state pension age.

Council further notes that 3.8 million women throughout the UK had significant pension changes imposed on them by the Pensions Acts of 1995 and 2011 with little/no personal notification of the changes. As a consequence, many women born in the 1950’s are living in hardship.

Retirement plans were shattered with devastating consequences. Women born in this decade are suffering financially and many have serious health problems which mean they cannot work.

Council understands that it is not the pension age itself that is in dispute; the issue is that the rise in women's state pension age has been too rapid and has happened without sufficient notice being given to the women affected, leaving them with no time to make alternative arrangements.

Council acknowledges the work of the All-Party Parliamentary Group (APPG), chaired by Andrew Gwynne MP and co-chaired by Peter Aldous MP, which agrees with the Parliamentary and Health Service Ombudsman's (PHSO) finding of maladministration, and that the APPG has submitted evidence to the PHSO calling for "the highest compensation level available in making its recommendations".

Council instructs the Chief Executive to write to Secretary of state for Work and Pensions Mel Stride MP to urge the UK Government:

- to accept the reported findings of the Parliamentary and Health Service Ombudsman that 1950s-born women have been severely affected by the Department for Work and Pensions maladministration
  - to take swift action to provide an appropriate level of compensation to the women
  - to compensate beneficiaries of the estates of those who are deceased".
- Moved by Councillor Sullivan and seconded by Councillor Fitzpatrick

### Amendment

"People who have worked hard all their lives deserve security in their retirement, but equalizing the State Pension age was necessary to ensure the State Pension remained sustainable, and to reflect our modern economy and society. The Pensions Act 1995 legislated for this to be done gradually after 2010. Following sharp increases in life expectancy projections, the UK Government had to accelerate this process slightly in the Pensions Act 2011 to secure the sustainability of the system.

The UK Government did listen to concerns raised at the time of the 2011 adjustment, and that as a result the maximum increase was capped at 18 months relative to the 1995 timetable. That represented a £1.1 billion concession, helping those women affected with the transition to a higher State Pension age

On the issue of notice being given to those affected, contrary to the motion submitted to Full Council, the Department for Work and Pensions has said that all those women affected were written to between January 2012 and November 2013. Those affected by the 1995 changes were

also contacted between April 2009 and March 2011.

Higher life expectancy does mean that as a society we will have to adjust to slightly longer working lives, but the Scottish Conservatives believe that it is right to ensure, at the same time, that people have security and dignity when they do retire. That's why we support the Conservative UK Government in providing unprecedented support for people in later life, including maintaining universal benefits such as the Winter Fuel Payment.

There is to be a judicial review in June of this year and therefore any actions prior to this are superficial. However, to receive an update on the current situation would be helpful.

Therefore, Council instructs the Chief Executive to write to Secretary of State for Work and Pensions, Mel Stride MP to ask for clarification on the matter of compensation".

- Moved by Councillor Damian Doran-Timson and seconded by Councillor Adamson

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

Motion

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

Amendment

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

Decision

Following a vote, the amendment was successful by 28 votes to 4, with 1 member absent and it was agreed accordingly.

8. NOTICE OF MOTION - SCOTTISH GOVERNMENT INTERFERENCE -  
SUBMITTED BY COUNCILLOR ANDREW MCGUIRE

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

“Council notes that it and the other 31 Local Authorities in Scotland are themselves a tier of Government in Scotland distinct from the UK Parliament and the Scottish Parliament and as such have their own set of elections and are accountable locally to voters on policy decisions taken locally.

It is therefore with deep regret that Council notes the increasing interference from the Scottish Government on policy matters that are related to local government and that often funding related to these matters is being constrained or withheld if Scottish Government policy is not enacted.

Council notes with alarm that 77% of West Lothian Council’s budget for 2023/24 is effectively ring-fenced for the delivery of Scottish Government’s national commitments, leaving little room for local priorities.

Council calls upon the Scottish Government to reset the relationship it has with Scottish Local Authorities and instructs the Chief Executive to write to the First Minister, the Cabinet Secretary with responsibility for Local Authorities, the Chief Executive of COSLA and the President of COSLA to outline our views on this”.

- Moved by Councillor McGuire and seconded by Councillor Fitzpatrick

Amendment

“Council concurs that the 32 Local Authorities in Scotland are a tier of Government in Scotland distinct from the UK Parliament and the Scottish Parliament and, as such, have their own set of elections and are accountable locally to voters on policy decisions taken locally.

Council notes that these considerations also apply to the Scottish Parliament where they must be accountable for their policy decisions and spending commitments. Given that nearly 80% of West Lothian’s budget funding is in the form of a grant from the Scottish Government, it is to be expected that any such grant funding from the Scottish Government will be directed to specific functions as directed by the Scottish Government.

Furthermore, the amounts of grant funding from the Scottish Government are commonly determined by specific need of the local authority – for the

Scottish Government to allocated funding because of a specific need of a local authority, only to then permit the local authority to spend that funding on something else would be financial malpractice and undermine the local government funding model.

Council therefore expresses deep concerns at the attempts by the Labour Group to redirect specific funding from the Scottish Government, which is invariably based on a specific need in West Lothian, to other entirely undefined functions.”

- Moved by Councillor De Bold and seconded by Councillor MacAulay

An electronic vote was conducted. The result was as follows: -

Motion

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

Amendment

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

Decision

Following a vote, the amendment was successful by 18 votes to 14, with 1 member absent and it was agreed accordingly.

9. NOTICE OF MOTION - MANDATORY BICYCLE BELL - SUBMITTED BY COUNCILLOR SALLY PATTLE

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

“Council recognises and welcomes the current focus on Active Travel in all its forms, especially the increased funding that is available to progress it. However, Council also recognises that the huge increase in cyclists travelling on roads, cycle paths and shared routes has also led to an increase in incidents between bikes and other route users.

In January 2023 a tragic fatal accident involving an 89-year-old man and a group of cyclists occurred on the Blackness Road in Linlithgow. Although it has not yet been established how the incident happened, where personal injury and lives are at stake it is sensible to put in place all reasonable precautions and preventative measures to avoid or reduce the risk of harm.

Bicycle bells are mandatory in several countries, including Holland and Canada. They are also mandatory in Northern Ireland – the only part of the United Kingdom where this is the case.

West Lothian will soon become a national hub for cycling when the West Lothian Cycle Circuit opens later in 2023. This presents us with a unique opportunity to lead the way in Scotland, and bring England and Wales into line along with us, with a common-sense policy that will help to protect all of us, including cyclists.

West Lothian Council therefore agrees to write without delay to the Minister for Active Travel, the Minister for Transport, and The Cabinet Secretary for Net Zero, Energy and Transport, and request that they work together to develop and implement a new regulation requiring all bikes to be fitted with a bell.

Furthermore, West Lothian Council will write to the UK Minister for Transport, and request that the Highway Code is updated so that the Rules for Cyclists, Item 63, is changed from:

63.Sharing space with pedestrians, horse riders and horse drawn vehicles. When riding in places where sharing with pedestrians, horse riders or horse drawn vehicles is permitted, take care when passing pedestrians and horse riders, especially children, older adults or disabled people. Slow down when necessary and let them know you are there; for example, by ringing your bell (it is **recommended** that a bell is fitted to your bike), or by calling out politely.

To:

63.Sharing space with pedestrians, horse riders and horse drawn vehicles. When riding in places where sharing with pedestrians, horse riders or horse drawn vehicles is permitted, take care when passing pedestrians and horse riders, especially children, older adults or disabled people. Slow down when necessary and let them know you are there; for example, by ringing your bell (it is **mandatory** that a bell is fitted to your bike), or by calling out politely.

- Moved by Councillor Pattie and seconded by Councillor Conn

### Decision

To unanimously approve the terms of the motion

10. NOTICE OF MOTION - ACTION ON DISABLED PARKING IN WEST LOTHIAN - SUBMITTED BY COUNCILLOR ALISON ADAMSON



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

“Blue badge holders within our communities deserve our respect and understanding where disabled parking bays have been installed. Sadly, there appears to be an increasing number of non-blue badge holders abusing these spaces which forces people with disabilities to face unacceptable difficulties getting access to places and services.

Elburn Community Council successfully secured grant funding and WLC installed new disabled parking bays to allow blue badge holders to have priority accessible parking. Within hours of these bays being allocated, selfish non-blue badge holders were forcing people with disabilities away from the area. This scenario is repeated throughout the County. This situation is unacceptable and as a caring community we need to take action to raise awareness of the difficulties people face when trying to go about their daily business.

WLC officers are instructed to highlight the issue working with stakeholders such as Police Scotland, Carers, Disability groups, care homes and schools to name a few, and create a joint platform from which to launch a campaign of public awareness. A report should be produced for the appropriate PDSP and all media resources used to highlight and reinforce the message that abusing disabled parking bays is not acceptable, under any circumstances.

Local Authorities have a duty to promote the proper use of disabled parking places. However, it is for our local communities to show that we respect the rights of people who deserve our support in protecting their parking entitlements without further barriers.

- Moved by Councillor Adamson and seconded by Depute Provost Heggie

Councillor Conn then advised Council that a composite motion had been agreed with Councillor Adamson.

#### Composite Motion

“Blue badge holders within our communities deserve our respect and understanding where disabled parking bays have been installed. Sadly, there appears to be an increasing number of non-blue badge holders abusing these spaces which forces people with disabilities to face unacceptable difficulties getting access to places and services

Elburn Community Council successfully secured grant funding and WLC installed new disabled parking bays to allow blue badge holders to have priority accessible parking. Within hours of these bays being allocated, selfish non-blue badge holders were forcing people with disabilities away from the area. This scenario is repeated throughout the County. This situation is unacceptable and as a caring community we need to act to raise awareness of the difficulties people face when trying to go about

their daily business.

The Disabled Persons' Parking Places (Scotland) Act 2009 introduced a duty on local roads authorities to provide designated on-street parking places for qualifying disabled people at their homes on request.

Once parking spaces have been agreed with qualifying applicants that meet the policy criteria and have been provided a parking bay in an advisory capacity, the council must make a permanent Traffic Regulation Order (TRO) to make the agreed parking bay solely for the use of registered blue badge holders. During this process objections are invited in line with procedures set out in the Road Traffic Regulation Act 1984.

Once the legal TRO is made by Legal Services, Police Scotland are the enforcing body responsible for the enforcement of disabled parking bays on the public road network. The Roads Authority has no powers to enforce disabled parking bays.

The last statutory report for period 2021-2022 was approved by Council Executive and then submitted to the Scottish Ministers in June 2022. The next statutory annual report will be submitted in June 2023 containing the 2022-2023 information.

All information in relation to Disabled Persons' Parking Places is detailed on the council's website and is updated annually or when required.

Engagement is carried out with partners through the legal TRO process. This includes statutory consultees, ward members and Disability West Lothian. After the legal TRO process is concluded, the update-to-date disabled parking related information will be made available through the council's website. The council also runs a messaging campaign consisting of pictorials on designated council vehicles.

The service carries out a full audit and customer survey of all on-street disabled persons' parking places every two years. This ensures that all legal disabled parking bays remain fit for use by approved applicants. Any alterations or parking bay removals are also carried out as required.

Council officers are instructed to continue to highlight the issue and work together with stakeholders to launch a campaign of public awareness.

However, council notes it is for our local communities to show that we respect the rights of people who deserve our support in protecting their parking entitlements without further barriers.

- Moved by Councillor Adamson and seconded by Councillor Conn

#### Amendment

"We in the SNP Group wholeheartedly agree that it is shameful that people habitually use Disabled Parking Spaces in our local authority area and beyond. However, a media campaign will not resolve this situation as perpetrators abusing the Scheme are fully aware that they are denying

people with legitimate access in terms of mobility issues access to areas which would be difficult for them to use without their blue badges.

The only resolve is enforcement and we would be delighted to have a formal and legal route to resolving this situation by employing Decriminalised Parking Enforcement in West Lothian at the earliest opportunity.”

- Moved by Councillor W Boyle and seconded by Councillor Calder

The Provost adjourned the meeting for discussions to take place about agreeing a unanimous position. The meeting was informed that the composite motion could be agreed subject to the addition of the following at its end:-

“We await with interest the report going to the Environment & Sustainability PDSP on 28 March 2023 and how with a formal and legal route the implementation of decriminalised parking maybe a solution to current parking issues in our communities”

#### Decision

To unanimously agree the terms of the amended composite motion

#### 11. NOTICE OF MOTION - GENDER RECOGNITION BILL - SUBMITTED BY COUNCILLOR ANGELA DORAN-TIMSON

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

“It is quite right and proper that Alister Jack Secretary of State for Scotland has made an order under section 35 of the Scotland Act preventing the Scottish Parliament Gender Recognition Reform bill.

Transgender people who are going through the process to change their legal sex deserve our respect, support and understanding. This decision is about the legislation’s consequences for the operation of GB-wide equalities protections and other reserved matters.

It’s taken decades indeed over 100 years for women to have equal rights. The GRR Bill would have a detrimental effect to women’s rights and especially with regards to safe spaces for women and young girls.

It is our duty of care as human being to protect women’s rights and ensure their well-being is not at risk.

Therefore, the Chief Executive is instructed to write to Alister Jack Secretary State for Scotland expressing the gratitude of West Lothian Council in protecting women’s and young girls rights and request that he continues to do so, working with the Scottish Government for a more appropriate Bill”.

- Moved by Councillor Angele Doran-Timson and seconded by

Councillor Damian Doran-Timson

### First Amendment

“Council notes that Alistair Jack Secretary of State for Scotland has made an order under section 35 of the Scotland Act preventing the Scottish Parliament Gender Recognition Reform Bill from gaining Royal Assent due to concerns regarding the impact of the Bill on reserved GB wide legislation, in particular, the Equality Act 2010.

Transgender people deserve our respect, support and understanding to live the lives they wish to lead. Similarly, the hard won rights for women set out in the Equality Act must be upheld particularly with regards to single sex spaces in order to protect the right to dignity, safety and privacy.

Therefore the Chief Executive is instructed to write to Alistair Jack Secretary of State for Scotland and to Shona Robison MSP, Cabinet Secretary for Social Justice, Housing and Local Government, calling on them to work together in conjunction with input from the Equality and Human Rights Commission to amend the Bill in a way that upholds the sex-based rights and protections for women and girls in the Equality Act but also improves the process by which transgender people can obtain a Gender Recognition Certificate.”

- Moved by Councillor Sullivan and seconded by Councillor Pattle

### Second Amendment

“Six years of debate, consultation and in-depth critical examination resulted in The Gender Recognition Reform Bill being passed in the Scottish Parliament, bringing Scottish legislation more in line with international standards by simplifying the **process** required for a trans person to change their sex on their birth certificate

This legislation was passed by a decisive majority in the Scottish Parliament by MSPs from all political parties.

That the Secretary for State, Alistair Jack thinks this important piece of legislation should be subject to a Section 35 Order is preposterous and is not only an insult to the Scottish Parliament, but also an assault on democracy in Scotland.

West Lothian Council instructs the Chief Executive to write to Alistair Jack to request that rather than tell the Scottish Parliament to “address it, fix it, drop it or take them to court”, Mr Jack should engage with the Scottish Parliament to work towards ensuring agreement is reached and should further take time to reflect on the lost opportunity he had during the consultation period and in the weeks and months prior to the Bill being passed to raise any concerns he had about how it may impact upon the Equalities Bill.”

- Moved by Councillor Clark and seconded by Councillor Campbell

An electronic vote was conducted on the motion and the first amendment.  
The result was as follows: -

<u>Motion</u>	<u>First Amendment</u>	<u>Abstain</u>
Alison Adamson	Stuart Borrowman	William Boyle
Angela Doran-Timson	Tony Boyle	Diane Calder
Damian Doran-Timson	Harry Cartmill	Janet Campbell
Peter Heggie	Tom Conn	Pauline Clark.
	Lawrence Fitzpatrick	Robert De Bold
	Danny Logue	Jim Dickson
	Andrew McGuire	Mary Dickson
	Anne McMillan	Carl John
	Craig Meek	Lynda Kenna
	Cathy Muldoon	Maria MacAulay
	Sally Pattle	Moirá McKee Shemilt
	George Paul	Andrew Miller
	Tony Pearson	Veronica Smith
	Kirsteen Sullivan	Pauline Stafford

The first amendment was successful by 14 votes to 4, with 14 abstentions and 1 member absent.

A second electronic vote was conducted on the motion (surviving position) and the second amendment. The result was as follows :-

<u>Motion</u>	<u>Second Amendment</u>	<u>Abstain</u>
Stuart Borrowman	William Boyle	Alison Adamson
Tony Boyle	Diane Calder	Angela Doran-Timson
Harry Cartmill	Janet Campbell	Damian Doran-Timson
Tom Conn	Pauline Clark.	Peter Heggie
Lawrence Fitzpatrick	Robert De Bold	
Danny Logue	Jim Dickson	
Andrew McGuire	Mary Dickson	
Moirá McKee Shemilt	Carl John	
Anne McMillan	Lynda Kenna	
Craig Meek	Maria MacAulay	
Cathy Muldoon	Andrew Miller	
Sally Pattle	Veronica Smith	
George Paul	Pauline Stafford	
Tony Pearson		
Kirsteen Sullivan		

### Decision

Following a vote the motion was successful by 15 votes to 13, with 4 abstentions and 1 member absent.

12. NOTICE OF MOTION - HALT THE DEPOSIT RETURN SCHEME - SUBMITTED BY COUNCILLOR DAMIAN DORAN-TIMSON

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

“Irrespective of the intentions of the deposit return scheme, this badly thought-out legislation that the anti-business SNP/Green coalition are intending to force on consumers and producers is completely unacceptable.

The scheme was delayed from June 2022 as it was agreed by all that the processes and governance for the scheme was found to unworkable by an independent review body.

This scheme is still unworkable in its current form and the drinks industry are calling for the scheme to be halted until processes are in place that satisfy the industry and consumers.

In November 2022, more than 520 industry professionals signed an open letter to Lorna Slater voicing an “urgent demand to pause, revise and redesign” the DRS with industry input. Organised by Bowman, the letter highlighted the “key flaws” of the scheme: risk of fraud; loss of revenue; loss of investment in the Scottish economy; and unknown financial and environmental implications for local authorities.

The architect of this disastrous scheme, Lorna Slater, accepts that the cost implications for the scheme are unknown.

Even just days before the introduction of the scheme, Lorna Slater stated some small businesses could be exempt for a period of time. She couldn’t elaborate on what businesses would be exempt.

The anti-business SNP and Green party are just introducing this scheme to be ‘different’ from the rest of the UK and this is unacceptable.

Therefore, and irrespective if the scheme has been introduced, West Lothian Council instructs the Chief Executive to write to the SNP Business, Trade, Tourism and Enterprise Minister, Ivan McKee requesting that the scheme be halted and all stakeholders engaged with for the introduction of a UK wide scheme which will not harm Scottish Businesses and consumers”.

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

Councillor Conn intimated that he had agreed a composite motion with Councillor Damian Doran-Timson in the following terms :-

“Irrespective of the intentions of the deposit return scheme, this badly thought-out legislation that the anti-business SNP/Green coalition are intending to force on consumers and producers is completely unacceptable.

The scheme was delayed from June 2022 as it was agreed by all that the processes and governance for the scheme was found to unworkable by an independent review body.

This scheme is still unworkable in its current form and the drinks industry are calling for the scheme to be halted until processes are in place that satisfy the industry and consumers.

In November 2022, more than 520 industry professionals signed an open letter to Lorna Slater voicing an “urgent demand to pause, revise and redesign” the DRS with industry input. Organised by Blair Bowman, whisky broker and consultant the letter highlighted the “key flaws” of the scheme: risk of fraud; loss of revenue; loss of investment in the Scottish economy; and unknown financial and environmental implications for local authorities

The champion of this disastrous scheme, Lorna Slater, accepts that the cost implications for the scheme are unknown.

Even just days before the deadline of 28<sup>th</sup> February producers had to register to participate in the scheme, Lorna Slater stated some small businesses could be exempt for a period of time. She couldn’t elaborate on what businesses would be exempt.

The anti-business SNP and Green party are just introducing this scheme to be ‘different’ from the rest of the UK and this is unacceptable.

It is noted that the private firm Circularity Scotland ‘s business model relies on individuals not bothering to return a proportion of glass and plastic bottles for a 20p refund. Circularity Scotland’s own estimates suggest that they could make £57m from the public NOT recycling, “unredeemed deposits are factored as a revenue stream”. Apparently, this is standard practice for similar schemes around the world as about 10 per cent of containers are not returned

Council notes that candidates for the leadership of the Scottish National Party have all expressed their reservations about the scheme in its current proposed implementation, with one “*fearing the economic carnage it will cause if the timetable continues as planned right now*”.

Therefore, considering the scheme is due to begin on Friday 16<sup>th</sup> August, Council instructs the Chief Executive to write to the Business, Trade, Tourism and Enterprise Minister, Ivan McKee requesting a further delay or reform of the Deposit Return Scheme following mounting criticism from businesses that it is not fit for purpose and that all stakeholders engage with the aim of the introduction of a UK wide scheme in 2025 that meets the concerns of industry, retailers and consumers.

- Moved by Councillor Damian Doran-Timson and seconded by Councillor Conn

### Amendment

“Council welcomes the 664 companies that have registered for the deposit return scheme. These companies are responsible for 95% of drinks sold in single-use containers in Scotland. Submissions have been filed for 26,000 products responsible for an estimated two billion

containers each year. The recycling of these products will go a long way to meet our net-zero target.

Council also welcomes the announcement by Circularity Scotland of £22 million of support to remove upfront charges from some companies.

SEPA and Circularity Scotland will continue to provide advice and guidance to those remaining producers still to register.

Businesses throughout Scotland have already invested millions of pounds in getting the infrastructure ready for it to go live in August. Delaying the scheme would undermine all this investment.

Therefore, Council regrets the approach of the UK Government to the Scottish Government's right to legislate in devolved matters - which indicates their true purpose - to destroy devolution that was hard won by the people of Scotland. It is obvious that devolution is not safe in the hands of this Conservative Government and it is only through independence that we can build a better nation - one that matches the values, hopes and aspirations of the people of Scotland."

- Moved by Councillor Smith and seconded by Councillor Campbell

An electronic vote was conducted. The result was as follows: -

#### Composite Motion

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

#### Amendment

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

#### Decision

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



13. NOTICE OF MOTION - TRAFFIC MANAGEMENT IN BATHGATE - SUBMITTED BY COUNCILLOR WILLE BOYLE

The Provost ruled in terms of Standing Order 11 that the motion submitted by Councillor Willie Boyle concerning traffic management in Bathgate would not be considered by Council as its financial implications had not been mentioned in it or verified in advance by the Head of Finance & Property Services as required by Standing Orders.

14. DOCUMENTS FOR EXECUTION

The Chief Solicitor presented 50 documents for execution.

15. SUPPORTING THE PEOPLE OF UKRAINE - QUESTION TO THE COUNCIL LEADER SUBMITTED BY COUNCILLOR MARY DICKSON

A written question had been asked concerning supporting the people of Ukraine and a written answer provided, both of which had been circulated in advance of the meeting.

Councillor Mary Dickson indicated she wished to put supplementary questions as provided for in Standing Orders. She did so and Councillor Fitzpatrick indicated he would provide a written answer to the supplementary question in due course

Decision

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

16. HAVE YOUR SAY CONSULTATION - QUESTION TO COUNCIL LEADER SUBMITTED BY COUNCILLOR SALLY PATTLE

A written question had been asked concerning the "Have Your Say Consultation" and a written answer provided, both of which had been circulated in advance of the meeting.

Councillor Pattle indicated she did not wish to put supplementary questions as provided for in Standing Orders.

Decision

To note the written question and the written answer provided.

17. DEBT COLLECTION FEES - QUESTION TO COUNCIL LEADER SUBMITTED BY COUNCILLOR ANGELA DORAN-TIMSON

A written question had been asked concerning debt collection fees and a written answer provided, both of which had been circulated in advance of the meeting.

Councillor Angela Doran-Timson indicated she wished to put supplementary questions as provided for in Standing Orders. She did so and Councillor Fitzpatrick indicated he would provide a written answer to the supplementary question in due course

Decision

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

18. UNION COSTS - QUESTION TO COUNCIL LEADER SUBMITTED BY COUNCILLOR DAMIAN DORAN-TIMSON

A written question had been asked concerning union costs and a written answer provided, both of which had been circulated in advance of the meeting.

Councillor Damian Doran-Timson indicated he wished to put supplementary questions as provided for in Standing Orders. He did so and Councillor Fitzpatrick indicated he would provide a written answer to the supplementary question in due course

Decision

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