



West Lothian Council

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

9 March 2023

A hybrid meeting of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre, Livingston on Tuesday 14 March 2023 at 10:00am.**

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Declarations of Interest - Members must declare any interests they have in the items of business for consideration at the meeting, identifying the relevant agenda items and the nature of their interests.
3. Order of Business, including notice of urgent business, declarations of interest in any urgent business and consideration of reports for information.

The Chair will invite members to identify any such reports they wish to have fully considered, which failing they will be taken as read and their recommendations approved.

4. Minutes :-
 - (a) Confirm Draft Minutes of Special Meeting of West Lothian Council held on Tuesday 24 January 2023 (herewith)
 - (b) Confirm Draft Minutes of Meeting of West Lothian Council held on Tuesday 24 January 2023 (herewith)
 - (c) Confirm Draft Minutes of Special Meeting of West Lothian Council held on Tuesday 07 February 2023 (herewith)

- (d) Confirm Draft Minutes of Special Meeting of West Lothian Council held on Tuesday 21 February 2023 (herewith)
- (e) Correspondence arising from previous decisions (herewith)
- (f) Note Minutes of Meeting of Governance and Risk Committee held on Monday 12 December 2022 (herewith)
- (g) Note Minutes of Meeting of Education (Quality Assurance) Committee held on Tuesday 17 January 2023 (herewith)
- (h) Note Minutes of Meeting of West Lothian Leisure Advisory Committee held on Thursday 08 December 2022 (herewith)
- (i) Note Minutes of Meeting of Performance Committee held on Monday 14 November 2022 (herewith)
- (j) Note Minutes of Meeting of Employee Appeals Committee (Private) held on Friday 16 December 2022 (herewith)
- (k) Note Minutes of Meeting of Employee Appeals Committee (Private) held on Friday 27 January 2023 (herewith)

Public Items for Decision

- 5. Election Business
- 6. Capital Strategy 2023/24 to 2032/33 - report by Head of Finance and Property Services (herewith)
- 7. Appointment of a Lay Person to the Audit Committee - report by Head of Finance and Property Services (herewith)
- 8. Notice of Motion - Celebrating Volunteers in our Communities - submitted by Councillor Diane Calder (herewith)
- 9. Notice of Motion - WASPI West Lothian Group - submitted by Councillor Kirsteen Sullivan (herewith)
- 10. Notice of Motion - Scottish Government interference - submitted by Councillor Andrew McGuire (herewith)
- 11. Notice of Motion - Mandatory Bicycle Bell - submitted by Councillor Sally Pattle (herewith)
- 12. Notice of Motion - Action on Disabled Parking in West Lothian - submitted by Councillor Alison Adamson (herewith)
- 13. Notice of Motion - Gender Recognition Bill - - submitted by Councillor Angela Doran-Timson (herewith)

DATA LABEL: Public

14. Notice of Motion - Halt the Deposit Return Scheme - submitted by Councillor Damian Doran-Timson (herewith)
15. Notice of Motion - Traffic Management in Bathgate - submitted by Councillor Wille Boyle (herewith)

Public Items for Information

16. Documents for Execution
17. Supporting the People of Ukraine - Question to the Council Leader submitted by Councillor Mary Dickson (herewith)
18. Have Your Say Consultation - Question to Council Leader submitted by Councillor Sally Pattle (herewith)
19. Debt Collection Fees - Question to Council Leader submitted by Councillor Angela Doran-Timson (herewith)
20. Union Costs - Question to Council Leader submitted by Councillor Damian Doran-Timson (herewith)

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



CODE OF CONDUCT AND DECLARATIONS OF INTEREST (2021)

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

Interests must be declared at the meeting, in public.

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

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

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

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

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

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

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

More detailed information is on the next page.

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

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

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

A connection does not exist where:-

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

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

If the connection amounts to an interest then:-

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

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

The relevant documents are:-

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

If you require assistance, contact:-

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

January 2022

MINUTE of SPECIAL MEETING of WEST LOTHIAN COUNCIL held within Council Chambers, West Lothian Civic Centre, Livingston, on 24 January 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, Sally Pattle, George Paul, Tony Pearson, Veronica Smith, Pauline Stafford and Kirsteen Sullivan

Apologies – Councillor Pauline Orr

1. DECLARATIONS OF INTEREST

Agenda Item 4 - Cllr A Miller declared an interest in that those closely associated with the proposal were well-known to him so would not partake in the item of business

Agenda Item 4 - Cllr A Adamson declared an interest in that she had responded to the consultation and spoken on the matter in public so would not partake in the item of business

2. ORDER OF BUSINESS

The Council agreed to hear a deputation request received from Mrs Jill Parton in respect of Agenda Item 4.

3. REQUEST FOR AMENDMENT TO SCHEME FOR ESTABLISHMENT OF COMMUNITY COUNCILS IN WEST LOTHIAN - REQUEST FOR THE FORMATION OF A SEPARATE CARMONDEAN COMMUNITY COUNCIL

Deputation from Jill Parton

The Provost invited Jill Parton to present to Council.

Mrs Parton commenced by explaining the background to the establishment of the former Carmondean Community Council back in 2017 and the work that had been undertaken by its then members including the painting of a number of underpasses and the installation of new bus shelters.

She continued by stating that in early 2022 she and her former colleagues felt that there was still much to be addressed in the Carmondean area and felt that the existing community council was not adequately representing the Carmondean residents. Therefore, a petition was submitted to the council to seek the reinstatement of the former Carmondean Community Council.

During the recent consultation exercise undertaken by the Council on the establishment of a separate Carmondean Community Council Mrs Parton had submitted a number of positive comments on the matter including improved community council representation at Local Area Committee meetings.

Mrs Parton concluded by saying that by re-establishing the former Carmondean Community Council would mean that local residents would be better represented on those issues in the area that mattered most to them.

Mrs Parton then responded to questions from councillors and summed up her position..

The Provost thanked Mrs Parton for her deputation.

Report by Head of Corporate Services

The Council considered a report (copies of which had been circulated) by the Head of Corporate Services advising on the public consultation undertaken and to invite the Council to consider whether the community council boundary, for Carmondean & Deans Community Council, should be altered to allow the creation of two separate community councils for the areas of Carmondean and Deans, as requested in the petition signed by registered electors from Carmondean considered by Council Executive on 4 October 2022.

It was recommended that Council: -

- a) That Council noted the responses to the public consultation undertaken and considers whether to approve the alteration of the boundaries set within the Scheme for Establishment of Community Councils in West Lothian (Scheme), to allow the creation of two separate community councils for the areas of Carmondean and Deans
- b) That if Council is minded to alter the Scheme boundaries for Carmondean and Deans, Council determines whether to adopt –
 - Option 1 – separate boundaries for Carmondean and Deans as they were prior to the introduction of the 2021 Scheme as shown in Appendix 3, or
 - Option 2 - alternative Carmondean and Deans area boundaries which were suggested in comments from a Consultation respondent as shown in Appendix 4.

Motion

To note Recommendation A of the report; and to agree Recommendation B, Option 1 of the report.

- Moved by Councillor McMillan and seconded by Councillor

McGuire

Decision

To unanimously agree the terms of the motion.

MINUTE of MEETING of WEST LOTHIAN COUNCIL held within Council Chambers, West Lothian Civic Centre, Livingston, on 24 January 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, Sally Pattle, George Paul, Tony Pearson, Veronica Smith, Pauline Stafford and Kirsteen Sullivan

Apologies – Councillor Pauline Orr

1. DECLARATIONS OF INTEREST

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

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

Agenda Item 11 - Councillor Andrew Miller stated a connection in that he was a volunteer at the Knightsridge Community Food Outlet

2. ORDER OF BUSINESS

The Provost ruled in terms of Standing Order 11 that a question submitted by Councillor Pattle after the deadline had passed would not be considered by Council as the matter concerned something that had taken place before the deadline, it asked for information since provided by officers, and there were no adverse circumstances if it were not heard and which would indicate it was urgent as required by Standing Orders.

3. MINUTES

- a) The Council approved the Minute of its meeting held on 22 November 2022
- b) The Council noted correspondence arising from previous decisions
- c) The Council noted the Minute of Audit Committee held on 21 October 2022
- d) The Council noted the Minute of West Lothian Leisure Advisory Committee held on 20 October 2022
- e) The Council noted the Minute of Employee Appeals Committee held on 28 October 2022
- f) The Council noted the Minute of Education (Quality Assurance) Committee held on 1 November 2022

- g) The Council noted the Minute of the Governance & Risk Committee held on 26 September 2022

4. **BY-ELECTION RETURN - BROXBURN, UPHALL & WINCHBURGH WARD BY-ELECTION HELD ON THURSDAY 1 DECEMBER 2022 -**

The Governance Manager informed the Council that, following the Broxburn, Uphall and Winchburgh Ward By-Election and the count, Tony Boyle had been declared as the newly elected member for the ward. Councillor Tony Boyle had completed and signed his Declaration of Acceptance of Office.

Decision

To note the outcome of the Broxburn, Uphall and Winchburgh Ward By-Election and that Councillor Tony Boyle had completed and signed his Declaration of Acceptance of Office.

5. **ELECTION BUSINESS**

Council noted the resignation of Councillor Borrowman from Performance Committee and the Licensing Board

Broxburn, Uphall and Winchburgh Local Area Committee – Vice Chair

Nominations

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

Janet Campbell – Proposed by Councillor de Bold, seconded by Councillor Calder

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

Tony Boyle

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

Janet Campbell

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

Sally Pattle
George Paul
Tony Pearson
Kirsteen Sullivan

Decision

It was agreed by 18 votes to 14 Councillor Tony Boyle be appointed as Vice Chair of Broxburn, Uphall and Winchburgh Local Area Committee

Council noted that Councillor Adamson had resigned from the West Lothian Twinning Association

Council noted changes to those councillors appointed to bodies detailed in the Scheme of Administration :-

- Social Work and Health Policy Development and Scrutiny Panel – Councillor Damian Doran-Timson to replace Councillor Angela Doran-Timson
- Education Executive – Councillor Tony Boyle to replace Councillor Muldoon
- Education Quality (Assurance) Committee – Councillor Tony Boyle to replace Councillor Fitzpatrick
- Local Review Body – Councillor Tony Boyle to replace Councillor Pearson
- Community Safety Board – Councillor Meek to replace Councillor McGuire

Council noted changes to those councillors appointed to Outside Bodies :-

- ❖ Lothian Joint Valuation Board – Councillor Tony Boyle to replace Councillor McGuire

Motion

Council is asked to agree the following changes and appointments, including changes to the Scheme of Administration where necessary: -

BODY	CURRENT MEMBERSHIP	PROPOSED MEMBERSHIP	NOMINEE	SCHEME OF ADMINISTRATION
Licensing Committee	6 – 2 Labour, 2 SNP, 2 Conservative	7 – 3 Labour, 2 SNP, 2 Conservative	Tony Boyle	Change number and composition
Employee Appeals Committee	7 – 4 Labour, 2 SNP, 1 Conservative	8 – 5 Labour, 2 SNP, 1 Conservative	Tony Boyle	Change number and composition
Performance Committee	5 – 1 Labour, 2 SNP, 1 Conservative, 1 Independent	5 – 2 Labour, 2 SNP, 1 Conservative	Tony Boyle	Change composition

Licensing Board	5 – 2 Labour, 2 Conservative, 1 Independent	5 – 3 Labour, 2 Conservative	Tony Boyle	No change
Head Teacher Appointments Panel	14 – 6 Labour, 4 SNP, 2 Conservative, 1 Independent, 1 Liberal Democrat	15 - 7 Labour, 4 SNP, 2 Conservative, 1 Independent, 1 Liberal Democrat	Tony Boyle	No change
PIS Committee	10 – 3 Labour, 3 SNP, 3 Conservative, 1 Independent	11 - 4 Labour, 3 SNP, 3 Conservative, 1 Independent	Tony Boyle	No change

- Moved by Councillor Fitzpatrick and seconded by Councillor Sullivan

Amendment

For the existing arrangements and composition for those bodies outlined in the motion to remain as they currently were.

- Moved by Councillor De Bold and seconded by Councillor Campbell

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 motion was successful by 18 votes to 14 and it was agreed accordingly.

6. ACCOUNTING FOR SERVICE CONCESSION ARRANGEMENTS

The Council considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on changes to accounting for service concession arrangements and to ask Council to agree changes to the accounting policy for the council's Public Private Partnership (PPP) and design, build and facilities management (DBFM) contracts.

It was recommended that Council: -

1. Notes the publication of the Local Government Finance Circular 10/2022 that permits changes to accounting arrangements for service concession arrangements;
 2. Agrees that the council will implement revised accounting arrangements for the schools Public Private Partnerships known as PPP1 and PPP3, and West Calder Design, Build and Facilities Management (DBFM) contracts;
 3. Agrees, as noted by Council Executive on 6 December 2022, that the retrospective one-off cash benefit from the revised arrangements will be held in contingency for supporting delivery of the five-year revenue financial plan;
 4. Agrees that, due to significant unprecedented uncertainty in both revenue and capital budgets, that one-off resources released in future years should not be allocated at this stage but retained for future pressures;
 5. Agrees that, on the maturity of the individual service concession contract period, the budget previously used to cover the financing element of the contract should be earmarked in a service concession reserve to match against increased costs in future years, to ensure the proposed change to accounting policy is prudent, sustainable and affordable over the lifetime of the asset.
- Moved by Councillor Fitzpatrick and seconded by Councillor Sullivan

Decision

To unanimously agree the recommendations of the report.

7. NOTICE OF MOTION - MOULD AND DAMP IN COUNCIL HOUSING – SUBMITTED BY COUNCILLOR PAULINE STAFFORD

The Provost ruled in terms of Standing Order 20(2) that the motion submitted by Councillor Stafford would not be considered by Council as the matter was already being dealt with by way of a report to the Housing Services Policy Development and Scrutiny Panel on 26 January 2023. The Provost continued to advise that any matters raised in the motion that members did not think had been adequately addressed in the Policy Development and Scrutiny Panel report could be raised at the meeting.

8. NOTICE OF MOTION - ADOPTING A GENDERED LENS TO COUNCIL SERVICES IN PUBLIC SPACES - SUBMITTED BY COUNCILLOR MOIRA MCKEE SHEMILT

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

“Council recognises that in order to create public spaces that are safe and inclusive for women, as well as being accessible for all members of the community, it is fundamental that women are central to all aspects of planning, public realm design and in the management of our town centres.

Council acknowledges the good work already undertaken in order to ensure that women and girls are and feel safe in our towns and communities.¹ Council recognises and values the work of the West Lothian Community Safety Unit, The West Lothian Community Safety Board and its 3-year community safety plan.² Council also welcomes the funding of £200,000 to support the delivery of this action plan, including:

- £100,000 towards additional streetlighting and cutting back of shrubbery;
- £30,000 to provide personal safety alarms;
- £15,000 towards purchase, maintenance and operation of mobile CCTV;
- £25,000 to support an awareness raising campaign and the development of a StreetSafe Tool.

The remaining £30,000 is to be used for one-off projects as identified by the Community Safety partners.

However, council does not wish to rest on its laurels and understands that the features of healthy towns and villages in our communities include walkability, proximity to services, a safe public realm and open green spaces. Each of these factors improves the physical health and mental well-being of all of us. Council also acknowledges that public spaces that are better attuned to the security and practical needs of women and girls would open up opportunities for those who might be particularly marginalised, that is, women with a disability, women of colour, unpaid carers and lone parents.

Council would not wish to engage in stereotypes of any kind and fully understands that women do not constitute a homogenised group. However, council is of the opinion that, mostly, women and men experience the world differently. Women are more likely to enter and to traverse public spaces differently, more likely to work part time, more likely to care for children, for the elderly or disabled and more likely to use public transport and to rely on public services.

¹ [Microsoft Word - Item 13 - Safety of Women and Girls Consultation.docx \(westlothian.gov.uk\)](#)

² [viewSelectedDocument.asp \(westlothian.gov.uk\)](#)

A gender-neutral approach to our services does not work for all members of our communities. Council, however, is acutely aware that any strides towards inclusivity improves conditions for all of us.

Therefore, rather than continuing to be retrospective in our practice, council will now endeavour to turn a gendered strategic lens to all policies, procedures and practices which affect public spaces in our towns and communities in order to achieve a fairer, safer, more equal community without barriers.

Good practice in this area can be found in other countries.^{3 4 5} Council also acknowledges the strides that Councillor Holly Bruce of Glasgow City has made, in the promotion of a feminist approach to town planning.

Council is aware that data collection, consultation and engagement with women on their every-day experience in a range of contexts is essential to accessible policy development. Therefore, council requests that Chief Executive sets up a Special Interest cross party working group, for the length of this current administration, which will include the WLC Equality officer as well as representatives from various women's groups and/or groups with a remit for promoting and ensuring inclusivity.

The remit of the group will be to work with relevant officers, with a remit for public spaces, in order to prepare reports, which will be brought back to the relevant PDSPs, on how current practice might be adapted in order to include, but not restricted to, the following:

1. Implementation of a feminist approach when refreshing the current Local Development Plan, last adopted in 2018;
2. Consideration of whether or not the specific needs of many women are being met in the council's future Winter Maintenance Schemes, in the context of change of practice in other countries;⁶
<https://thisisgendered.org/entry/snow-clearing/>
3. Ensure the ongoing assessment of safe and inclusive public spaces for women and girls within Town Centre Management Groups' strategic reviews;
4. Ensure that due regard is taken of the feedback from the Safety of Women and Girls survey, when managing our local environment, particularly the clearing of paths and the installation of appropriate lighting;
5. Consideration of the particular needs of elderly and/or disabled women when reviewing Transport policy or making transport decisions;

³ <https://lgiu.org/planning-for-inclusivity-how-vienna-built-a-gender-equal-city/>

⁴ <https://ajuntament.barcelona.cat/dones/en/commitment-gender-equality/urban-planning#:~:text=We%20are%20working%20with%20urban,and%20function%2C%20among%20other%20things.>

⁵ https://www.mypsup.org/library_files/downloads/Gender%20and%20Urban%20Planning%20-%20Issues%20and%20Trends.pdf

⁶ <https://kclclandestine.com/2021/03/08/swedish-women-dont-fall-over-how-snow-clearing-can-be-sexist-and-how-everyone-wins-when-it-isnt/>

6. Ensure that the Scottish Government's current revision of the Public Sector Equality Duty and associated recommendations are implemented in a timeous manner.⁷

Prior to moving the motion, the Provost invited Councillor McKee Shemilt to clarify a few matters concerning the proposed working group so that it met the requirements of Standing Order 52 as had been outlined by the Governance Manager.

Councillor McKee Shemilt suggested that the composition of the group consist of 2 Labour, 2 SNP, 2 Conservative, 1 Liberal Democrats and 1 independent and that the matter of the Chair and Vice Chair, Lead Officer to the group and administration arrangements be outlined in a report to Council Executive on 14 March 2023.

- Moved by Councillor McKee Shemilt and seconded by Councillor Stafford

Amendment

"Council notes the composite motion approved at Council on 25th May 2021 which recognised that the onus of keeping women and girls safe should not rest with them alone. A consultation relating to safety in public places and spaces ran for 6 weeks and closed 22 October 2021. 2,672 responses were received and over 9,000 individual comments were submitted. Council further notes that the Community Safety Plan 2022 – 2025 approved on 8 August 2022 includes a specific action plan on women and girl's safety, with £200,000 of funding to support initiatives arising from the recommendations from the public consultation on improving safety in public spaces and places in West Lothian agreed at the Council budget setting meeting of 15th Feb 2022.

Council acknowledges the good progress made on the actions, with a group established to identify environmental improvements and sites for mobile CCTV which will have the greatest impact on women and girls safety; personal safety alarms being made available to women and girls during the 16 days of action campaign and a "Don't be that Guy" communication campaign, the aim of which was to provide a way for women and girls in West Lothian to speak up about the public spaces and places where they feel unsafe and to highlight to men the role they can have in helping women and girls feel safer.

Council further understands that as part of these measures, an online public safety reporting form is now live and encourages women and girls to report when and where they feel unsafe in public spaces, to build on the feedback from the initial consultation, and to continually monitor and consider whether any environmental improvements are required e.g. cutting back shrubbery or installation of lighting required to improve safety.

⁷ <https://www.gov.scot/publications/review-operation-public-sector-equality-duty-scotland-consultation-analysis-report/>

Council notes that planning decisions are based on the development plan, which going forward is National Planning Framework 4 along with the local development plan which needs to conform to the latter. Council understands the framework sets out how we will work together to improve people's lives by making sustainable, liveable and productive places which will play a key role in delivering on the United Nations (UN) sustainable development goals as well as national outcomes

Council agrees that the winter maintenance policy considers all members of the public equally when prioritising the maintenance of ice treatment and snow clearing on the roads and footway network. Council further agrees the policy does not discriminate against the specific needs of women or pedestrians and is reviewed annually for approval by the Council Executive, with the current policy approved unanimously at the Council Executive on 25th October 2022.

Council notes the strategic review of town centres currently being undertaken in consultation with local organisations, with a draft report due back to the Economy, Community Empowerment and Wealth Building PDSP in the Spring.

Council further notes that as part of the Passenger Transport Strategy due to be reviewed in 2023/24, stakeholder views will be obtained via the consultation process and targeted customer workshops where officers will ensure that interested parties, including any women's groups and/or groups with a remit for promoting and ensuring inclusivity are included in the stakeholder engagement process.

Council acknowledges the current remit of the Elected Members Equality and Diversity Short Life Working Group is to identify barriers that may exist to prospective, new and incumbent members with regards to protected characteristics and to propose an action plan to address such barriers where possible. Council agrees that the remit could be expanded to examine the impact of NPF4 on the protected characteristics which includes sex.

Council notes the following:

- The role of Equality Impact Assessments in policy development and governance processes
- The ongoing work with regards to the safety of women and girls as identified in the action plan approved by the Community Safety Board on 8th August 2022.
- The annual review of the Winter Plan unanimously agreed at Council Executive on 25th October 2022.
- The strategic review of town centres currently underway in consultation with local organisations
- The consultation process that will be undertaken as part of the review of the Passenger Transport Strategy

Council agrees to instruct the following:

- The expansion of the remit of the Elected Members Equality and Diversity Short Life Working Group to examine the impact of National Planning Framework 4 across the protected characteristics on receipt of guidance from the Scottish Government, and to produce a report to a future meeting of the Economy, Community Empowerment and Wealth Building PDSP
 - Officers to circulate links to the online reporting function to all elected members as part of a wider public communications strategy on the work undertaken by West Lothian Council regarding the safety of women and girls in public places and spaces.”
- Moved by Councillor Meek and seconded by Councillor Sullivan

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

Motion

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

Amendment

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

Decision

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

9. NOTICE OF MOTION - SOCIAL SECURITY SCOTLAND - SUBMITTED BY COUNCILLOR JANET CAMPBELL

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

“West Lothian Council recognises that the cost of living crisis has been both caused and exacerbated by poor decision making and chaos at the heart of the Westminster Government. We further recognise this impacts most severely on the working poor in West Lothian who are already

struggling to make ends meet, those who are vulnerable and those who, for no reason of their own have to rely on welfare benefits

The Department for Work and Pensions (DWP) is a UK Government agency, funded in Scotland by Scottish tax payers. It is responsible for welfare, pensions and child maintenance policy. As the UK's biggest public service department, it manages the State Pension and a range of working-age, disability and ill-health benefits for around 20 million claimants and customers.

The Scotland Act (2016) transferred only some new social security powers to the Scottish Parliament. In Scotland, this allows Scottish Ministers to develop new policies on benefits that will help tackle inequality and poverty.

Social Security Scotland was set up by the Scottish Government and in direct contrast to the Department for Work and Pensions, was set up with dignity, fairness and respect at its heart. The Scottish Social Security system takes a human rights-based approach with claimants and crucially, was created with people and not for them. People in Scotland said they wanted Social Security Scotland to make people aware of what they are entitled to and to help them to access it. They wanted the service to be delivered fairly and compassionately and to have a workforce that is representative of the people it serves. They wanted the service to be straightforward for people to use; that people can communicate with the service when and in the way that's best for them and to work with claimants to ensure people get all the support they need. People also wanted to ensure that public monies are used responsibly.

The Scottish Government views Social Security Scotland as an investment in ourselves and each other. That is why the new body has been set up to create a culture where responsibility is taken and users are treated with kindness. Feedback is gathered on what people think of the service so it can be continually improved. Benefits are promoted in a range of ways to make sure people know what is available and how to apply. Training is given to ensure staff are trauma aware, to ensure that Social Security Scotland staff have the skills and knowledge needed to support both clients and colleagues who have been affected by traumatic experiences.

This is all in stark contrast to the UK Government agency responsible for welfare benefits the Department for Work and Pensions. Campaigners have criticised the DWP for its "untrustworthiness" in handling data regarding claimants; has been condemned repeatedly for the "aggressive attitude" staff take, particularly with regards to benefit sanctions and the recent decision described as "despicable" on secret plans to abandon work on a plan which was supposed to help it prevent further deaths of benefit claimants.

We are all very surprised and somewhat disappointed to hear from staff on front line positions, including senior staff working closely with families whose children have a severe disability, they are not aware of the new benefits set up by Social Security Scotland to tackle child poverty, provide

additional support for carers (including young carers) and additional help for families struggling with the Westminster Government imposed cost of living crisis.

West Lothian Council therefore agrees that as a matter of priority, training in Social Security Scotland and the whole range of new benefits now available to people will be provided to ALL of our people who are working in direct face to face contact with Council service users including Member Services staff. As councillors have a very privileged position and are often the first point of contact for people in need of services, including signposting to welfare benefit services, councillors should also be included in any training programmes. West Lothian Council further resolves to ensure that ALL of these staff and councillors are kept updated with all new benefits becoming available from Social Security Scotland. It is incumbent upon us all to ensure that people in need receive as much advice and information as possible regarding their entitlements if we are truly serious about supporting the Scottish Government in ITS efforts to tackle child poverty.

West Lothian Council agrees that a plan regarding training will be prepared for the next Policy and Resources PDSP in order to take this forward”.

- Moved by Councillor Campbell and seconded by Councillor Smith

Amendment

“Council is asked to note that The Scotland Act (2016) includes provision to devolve eleven benefits to Holyrood, and to give Holyrood the power to top up any benefits, reserved or devolved, provided the funding is met by the Scottish Government.

Disability Benefit regulations and qualifying criteria has not changed. Focus has been on the newly introduced benefits and qualifying criteria.

The Anti-Poverty Service work in partnership with SSS who are co-located with Advice Shop staff within the Jim Walker Partnership Centre. Training for SSS delivered benefits has been provided by SSS through a variety of methods, both in advance of each benefit being rolled out as well as post rollout.

Training information and dates have been shared, through various networks including: The Anti-Poverty Task Force, Practitioners Group and the Child Poverty Reference Group. Training has been delivered by SSS including:

- Partner Workshops – online and face to face
- Local delivery presentations to individual Partner staff/teams by request
- Shared guidance and updates available online
- Joint working with Social Security Scotland and key stakeholder including West Lothian Council and NHS Managers to cascade information

The Anti-Poverty Service has delivered training and information on Welfare Reforms and social security benefits:

- Elected members -28 September 2022. Training covered devolution of welfare benefits and upcoming welfare reforms, 10 elected members attended this session. The presentation slides and the recording of the training session are [available to all members on the intranet who were unable to attend](#).
- Open invitation was issued to Elected Members to visit the Anti-Poverty Service and learn about the different workstreams and initiatives to increase uptake of entitlements, 5 members have attended.
- Universal Credit workshops were delivered in September/October 2022 a mixture of online and face to face. Open to all front-line staff in any organisation operating in West Lothian. Demand on staff across all sectors resulted in attendance against spaces available being 40.67%.
- A bi-annual report will be presented to the Corporate Policy & Resources PDSP giving an update on the recent developments in, and the continuing implications of, the ongoing programme of Welfare Changes and Social Security Scotland Benefits.

Council is also asked to note that further training sessions are planned for January and February 2023. The workshops will cover: -

- Help with costs for those impacted by the cost of living crisis, including encouraging benefit take up through welfare benefits and SSS benefits
- How and who to refer to locally for additional support
- Availability of self-help tools and how to access these

Social Security Scotland has advised benefit take up in West Lothian has been positive particularly around the five Family benefits. A campaign on the other available benefits is about to be launched and awareness has been raised among partners at all recent forums and that a training plan will be outlined within the next Social Security, Benefits and Welfare Reform Update report, which will be presented to the Corporate Policy & Resources PDSP.

Council agrees that sufficient steps have been and are being taken to address the concerns expressed in the motion, and that officers continue with the thorough and comprehensive plans in place”.

- Moved by Councillor Fitzpatrick and seconded by Councillor Sullivan

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

Motion

William Boyle
Diane Calder
Janet Campbell

Amendment

Alison Adamson
Stuart Borrowman
Tony Boyle

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

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 Pattie
George Paul
Tony Pearson
Kirsteen Sullivan

Decision

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

10. NOTICE OF MOTION - FESTIVE THANK YOU TO ALL VOLUNTEERS - SUBMITTED BY COUNCILLOR ALISON ADAMSON

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

“WLC acknowledges the incredible generosity of individuals, groups and businesses, too numerous to mention, within our communities over the festive period.

It is important that WLC recognises the unsung heroes who contributed towards making a positive difference at a difficult time for many. The compassion and enthusiastic kindness to help others deserves our public gratitude.

Although Christmas is now over, the many donations and volunteering experiences may encourage people to continue in future.

WLC is instructed to issue a statement on these terms on social media and the Bulletin newsletter to say thank you on our behalf”

- Moved by Councillor Adamson and seconded by Depute Provost Heggie

Decision

To unanimously approve the terms of the motion

*11. NOTICE OF MOTION - DECRIMINALISED PARKING - SUBMITTED BY COUNCILLOR WILLIE BOYLE

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

“Currently 21 local authorities in Scotland operate Decriminalised Parking Enforcement (DPE) regimes in their areas. DPE is a regime that enable a local authority to enforce its own parking policies, including the issuing of Penalty Charge Notices (PCN's) to motorists breaching parking controls in specified areas.

DPE seeks to ensure that parking policies are implemented effectively and the underlying objective of DPE operation should be to achieve 100% compliance with parking controls and therefore no penalty charges.

In areas with DPE, stationary traffic offences cease to be criminal offences enforced by police and instead become civil penalties imposed by local authorities. Enforcement of certain parking offences such as obstructive or dangerous parking remains the responsibility of Police Scotland.

Scottish Government position on DPE

The Scottish Government's position is that decriminalised parking enforcement powers should contribute to a local authorities overall transport objective and thereby contribute to National and Regional Transport Strategies. Parking policies are an essential part of a local authority's traffic management strategy and should be designed to manager the traffic network effectively, improving or maintaining traffic flow and reducing congestion. This improves road safety and the local environment and encourages, where appropriate, increased use of more suitable and healthy form of travel.

The integration of enforcement powers and parking policy should enhance local authority accountability to its residents for overall parking policy, as well as enabling better monitoring of the effectiveness and value of parking controls to ensure that such parking policy is responsive to public needs.

There are now 21 local authorities in Scotland that have acquired DPE powers. Most of the remaining local authorities are working towards DPE acquisition. It is now 3 years since a Motion at full council on 14 May 2019 was agreed and West Lothian Council actively engaged consultants to investigate.

West Lothian Council agree to call for the consultants report on DPE to be reviewed as soon as possible at the first appropriate PDSP or Executive Council to expediate the agreed Motion from 2019 in order to address the growing concerns from members of the public of irresponsible and dangerous parking in our communities”

- Moved by Councillor Willie Boyle and seconded by Councillor Calder

Amendment

“Council notes work that officers have been carrying out to develop a West Lothian wide parking strategy, which will include Decriminalised Parking.

Council is advised that a report will be submitted shortly to the Environment and Sustainability PDSP for panel members scrutiny and comments.

Council agrees no further action should be taken until decisions are taken on the proposed Parking Strategy”.

- Moved by Councillor Conn and seconded by Councillor Fitzpatrick

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

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

Decision

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

12. NOTICE OF MOTION - TAXI AND PRIVATE HIRE TRADE - SUBMITTED BY COUNCILLOR WILLIE BOYLE

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

“Council recognises the importance of integrated public transport for all the difficulties in provision of such services to meet the demands of all of our society.

Part of this provision is facilitated through local taxi and private hire businesses. However, this provision has been falling in recent years. We have seen a rise in private hire vehicles idling in side streets and town

centres waiting for calls. We have seen taxi ranks empty on a regular basis.

Our night time economy is poorly served resulting in people left struggling to get home on an evening. This can be a further problem when it puts people at risk who are left stranded in a town centre for example. A further risk is that people choose to drive who may be out and about where alcohol may be involved. It is also recognised that a pragmatic way to avoid violence in the night time economy when licensed establishments are closing, is to get away people onto transport and out town centres quickly and efficiently.

Council therefore agrees to consult and end user, local businesses and other appropriate bodies to establish what is working and where improvements can be made within the restrictions of legislation.

Council therefore agrees to look at examples of good practice elsewhere, this may be other local authorities or indeed other countries.

Council agrees to bring a full report on the matter back through the PDSP's and Council Executive".

- Moved by Councillor Willie Boyle and seconded by Councillor MacAulay

Amendment

"Council recognises the frustration as regards availability of taxis and private hire vehicles particularly in evenings during which events and socialisation occurs.

Council is asked to note that the background to the issues being experienced with a lack of taxis and private hire cars locally is that across Scotland as a whole the "rank and hail sector" has been in decline for many years. This is largely due to the significant change in the way hires are arranged. Outwith busy city areas most customers now either call booking offices to book hire car vehicles or use software apps. As a result, the numbers of people using taxi ranks has substantially reduced over the last decade. This change in the way hires are arranged has contributed to a decrease in the numbers of licensed taxis across the whole of Scotland and an increase in the numbers of private hire cars over the same period

In addition, the hire car trade was badly affected by the pandemic and the numbers of hire cars of both types have reduced. The trade has been slow to recover from the effects of the pandemic. There is a national shortage of hire car drivers as many left the trade during lockdown periods. The night time economy has been badly affected as fewer vehicles are available for hire when pubs and clubs are closing. Many booking offices are not taking advance bookings during these hours.

In 2011, West Lothian Council took a significant step to encourage more taxis to be licensed and determined that it would cease restrictions on the numbers of taxi licences in its area, in order that anyone who wished to do

so, could apply to licence a taxi. In addition, the council recently approved an increase in metered fares which took effect in November 2022.

In particular council is asked to note that the hire car licensing scheme is governed by the provisions of the Civic Government (Scotland) Act 1982, which is remained largely unchanged since its introduction. The council's powers, as Licensing Authority, under that Act are restricted to the administration of licence applications, the imposition of conditions on licences granted, dealing with complaints about licence holders, reviewing taxi rank provision and setting maximum fares.

As Licensing Authority, the council has no power to regulate when taxis and private hire cars operate, and that there is no statutory requirement compelling operators to trade, and the Licensing Authority has no power to regulate hire car operations generally.

Council is also asked to recognise that many involved in hire car licensing in Scotland consider that the legislation has not kept pace with the significant changes in technology in the sector over the last 40 years and requires a complete overhaul. This legislation is under the remit of the Scottish Parliament.

Council therefore agrees that in its capacity as Licensing Authority, there are no powers available to the council to seek to address the issues highlighted in the motion.

Council further agrees no action should be taken in relation to the motion, since reporting as proposed will serve no purpose in the absence of legal powers".

- Moved by Councillor Pearson and seconded by Councillor Fitzpatrick

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

Motion

Stuart Borrowman
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

Amendment

Alison Adamson
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

Decision

Following a vote, the amendment was successful by 17 votes to 15 and it was agreed accordingly.

13. NOTICE OF MOTION - LOCAL GOVERNMENT SETTLEMENT -
SUBMITTED BY COUNCILLOR L FITZPATRICK

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

“Council welcomes the First Minister’s New Year message which prioritised tackling poverty and supporting our precious public services.

Council nevertheless echoes the view of COSLA Leaders in expressing extreme disappointment with the budget settlement for Local Government in Scotland which lacks consistency with a partnership approach.

Council recognises that for West Lothian the budget settlement will trigger more large real term cuts, leading to harmful reduction to vital local services which the West Lothian community is dependent upon.

Council therefore instructs the Chief Executive to write to the First Minister expressing these grave concerns and requesting reconsideration of the Local Government Settlement all with a view to provide sufficient resource to avoid very harmful cuts to critical local services and the loss of jobs within the Council as well as local businesses which rely on Council contracts”.

- Moved by Councillor Fitzpatrick and seconded by Councillor Sullivan

Amendment

“Council welcomes the First Minister’s New Year message which prioritised tackling poverty, transforming the economy to deliver net zero and supporting our precious public services. Council also recognises the commitment by the Scottish Government of providing a real term increase of 1.3% to local government despite the most turbulent economic and financial conditions since devolution.

Council nevertheless echoes the view of COSLA Leaders in expressing extreme disappointment with the budget settlement for Local Government in Scotland, which COSLA leaders noted is due to the impact of UK wide inflation, the consequences of the previous Tory Prime Chancellors disastrous mini budget and global economic factors that continue to weigh heavily on budgets throughout the UK including the budget assigned to the Scottish Government. Council therefore recognises this situation is endemic across the United Kingdom and has laid bare the fiscal constraints of Devolution.

Council recognises that for West Lothian the budget settlement will trigger

more large real term cuts, leading to reduction in local services which the West Lothian community is dependent upon.

Council therefore instruct the Chief Executive to write to the Finance Secretary expressing these grave concerns, outlining what this will mean for West Lothian.

Council further instructs the Chief Executive to write to Jeremy Hunt, the current incumbent of the position of Chancellor of the Exchequer expressing our grave concerns regarding the impact of the financial settlement made to the Scottish Government and request that he reconsider this with a view to providing sufficient resource to avoid very harmful cuts to critical local services in Scotland and the potential loss of jobs within the Council in addition to concerns for local businesses which rely on Council contracts”.

- Moved by Councillor Campbell and seconded by Councillor De Bold

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

Decision

Following a vote, the motion was successful by 18 votes to 13 (one councillor having left the meeting prior to the vote) and it was agreed accordingly..

14. DOCUMENTS FOR EXECUTION

The Chief Solicitor presented 35 documents for execution.

15. COMMUNITY CENTRES - QUESTION TO EXECUTIVE COUNCILLOR FOR CORPORATE POLICY & RESOURCES

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

Councillor MacAulay 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 questions in due course

Decision

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

16. GLASS RECYCLING - QUESTION TO EXECUTIVE COUNCILLOR FOR ENVIRONMENT & SUSTAINABILITY

A written question had been asked concerning Glass Recycling Facilities which had been circulated in advance of the meeting. A verbal answer was provided by Councillor Conn at the meeting

Councillor Clark, on behalf of Councillor Calder who had left the meeting, indicated she wished to put supplementary questions as provided for in Standing Orders. She did so and Councillor Conn provided verbal answers to both supplementary questions.

Decision

1. To note the written question and the verbal answer provided; and
2. To note the supplementary questions put and the verbal answers provided

MINUTE of SPECIAL MEETING of WEST LOTHIAN COUNCIL held within Council Chambers, West Lothian Civic Centre, Livingston, on 7 February 2023.

Present – Provost Cathy Muldoon (Chair), Depute Provost Peter Heggie; Councillors Alison Adamson, Stuart Borrowman, Tony Boyle, William Boyle, Diane Calder, 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, Pauline Stafford and Kirsteen Sullivan

Apologies – Councillors Janet Campbell and Veronica Smith

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. HOUSING REVENUE ACCOUNT BUDGET 2023/24 TO 2027/28 AND RENT LEVEL 2023/24

The Council considered a report (copies of which had been circulated) by the Depute Chief Executive seeking approval for the updated Housing Revenue Account (HRA) financial plan for 2023/24 to 2027/28, as well as the proposed HRA budget, rent and services charges for 2023.

It was recommended that Council :-

1. Approves the 3.5% per annum rent strategy and financial plan for 2023/24 to 2027/28, which will fund service needs and a five-year housing capital investment programme;
2. Approves the rent increase of 3.5% for 2023/24 and the associated HRA budgets for 2023/24, as set out in the report;
3. Approves the 3.5% rent strategy for Sheltered Housing and Homelessness properties, as well as related service and support charges, for 2023/24

Motion

“West Lothian Council welcomes this Housing Revenue Account budget which alongside the proposed Housing Capital Investment Programme, forms part of the council’s integrated approach to financial strategy, corporate planning, delivery of outcomes and performance monitoring.

This five-year HRA Revenue budget strategy provides a balanced financial plan, incorporating a 3.5% per annum rent increase, which will allow the council to continue to provide value for money services to our tenants and to be responsive to customers’ needs. It will also enable continued investment in our existing housing stock and infrastructure, as well as to expand the supply of new housing.

Council notes that formal consultation on the five-year strategy took place from 25 October to 12 December 2022. During the consultation period, specifically arranged drop in sessions were held and a special edition of Tenant News was produced. As reported to the Housing Services Policy, Development and Scrutiny Panel on 26 January 2023, 74% of those tenants responding expressed a preference for a 3.5% per annum rent increase over the five-year period 2023/24 to 2027/28.

This minority Labour Administration doesn't underestimate the challenges for our tenants in these very difficult times, and notes the reported level of cumulative rent arrears. However, with an in-year collection rate of 97% this year to date, our tenants are to be commended for the priority they are placing on the payment of rent.

However, affordability of rents is a key concern and the ongoing support being provided by the council via Housing Services, the CX Affordability pilot and the Advice Shop will be even more important in the coming year. There also remains a concern on the ongoing impact of Universal Credit, the cost of living crisis, and other cost pressures. As such the Housing Revenue Account reserve should be maintained at £926,000 to meet with unforeseen demands on resources.

Council therefore agrees to approve the proposed five year 3.5% per annum rent strategy, encompassing HRA properties and garages, which will fund service needs and contribute to the 2023/24 to 2027/28 Housing Capital investment programme, and the 2023/24 HRA budget as set out in the report.

Council also approves the 3.5% rent strategy for Sheltered Housing and Homelessness properties, as well as related service and support charges, for 2023/24".

- Moved by Councillor Paul and seconded by Councillor McGuire

The Provost invited the Head of Finance & Property Services to comment on the financial implications of the motion in terms of Standing Order 15(7). He confirmed the accuracy of the figures and that its approval would not result in additional pressures.

Amendment

"West Lothian Council SNP Group are concerned that we have an ongoing housing and cost of living crisis here in West Lothian, caused by Treasury mismanagement by Westminster Tories of an unparalleled magnitude. We note that the Leader of West Lothian Council signed a letter from Cosla leaders to the First Minister of Scotland acknowledging the responsibility for the shortfall in funding for public services in Scotland is entirely the fault of the UK Tory Government. We welcome the almost £70 Million in Scottish Government grant funding since 2011/2012, with more promised for future years, for Council House Building. Presently we have **5,926 tenants in arrears owing this Council almost £4.5 Million**. Since 2018, this is an **increase of almost 1400 in the number of**

tenants in arrears and an increase of over £2.6M in the amount of actual arrears.

West Lothian Council SNP Group are concerned at the increasing number of our constituents who are facing financial hardship. There has been an increase in families having to access foodbanks, struggling to heat their homes and finding themselves sinking further into the spiral of debt and having to make the impossible decisions around feeding or heating. Many have to a budget on almost an item by item basis. Putting some figures into reality for our constituents:

The average gross annual salary for *jobs per resident in West Lothian* for 2022 is £30,595. **The estimated number of our constituents earning below the real living wage is 18%.**

The SNP Group are aware that the one of the biggest outlays facing our constituents is rent/mortgage. This Council has total control over rent levels, for our tenant. Continued increasing inflation, astronomical increases in utility bills, freeze and cuts to benefits by the UK Government and many of our constituents are being driven into poverty

Any Rent increase will categorically increase the number of our tenants in poverty. ***The SNP Group understands that many families are increasingly feeling squeezed due to cuts in working benefits, increased food costs, rising inflation and increased costs of trying to keep their homes warm whilst at home every day - we feel it is the wrong time to ask those already under pressure to contribute more. Things are still tough for many families and getting tougher. Once in debt, many families find it impossible to get out of debt.***

For many of our constituents, **Fuel or Food will be a reality that many are forced to make.** As a Council, we have a moral and political responsibility to minimise the financial burden placed on our constituents, especially this year, following the hardship many have faced due to **decisions made by a Government we have never voted for.** The SNP Group accept the motion from the Cosla Leaders Group, signed by the Leader of West Lothian Council noting the effects of the UK Government's so called "mini-budget" and the impact of inflation, again caused by poor decisions made in Westminster as the reason for the challenges we now face as a Local Authority. As elected representatives, it is incumbent on us to do as much as we can to protect people locally from the ravages of continuing Westminster austerity.

The SNP Group propose that to support our hard working but hard-pressed constituents that Council agrees to:

1. Accept that longer term financial planning is desirable. However, in light of the pressures, uncertainties and volatility in the circumstances affecting our council house tenants and the council's financial planning, and in light of the increase in rent arrears and the numbers of tenants in arrears, agrees there should be no approval today of the rent strategy and financial plan as proposed for 2023/24 to 2027/28. Decisions on rent

levels should be restricted to the coming financial year, with officers to report to Housing Services PDSP with an amended proposed rent strategy and financial plan considering changing fiscal circumstances and the rent increase as proposed below.

2. Approve a Rent increase of 2.5% for 2023/24 on HRA residential properties and approve the 2023/24 HRA Budget subject to the adjustment of the rental income.
3. Approve a rent increase of 2.5% for Sheltered Housing and Homelessness properties, as well as related services and support charges, for 2023/24.
4. Recognise that many of our garages and garage sites in the HRA account are no longer rented by Council tenants, with many no longer used for the original purpose. Approve an average rent increase of £1.51 (25%) weekly for WLC garages and garage sites.
5. Instruct officers to compile an up to date register of all void garage sites owned by West Lothian Council, in order that this Council can ensure that the Local Authority is obtaining full value for money.

The reduction in rental income of £580,000 in 2023/24 will be offset by an increase in the garage rental income of £157,000 annually and use of £ 423,000 from the HRA reserve. The reduction in rental income of £50,000 for housing stock held within the general fund will be financed from the Insurance Fund Reserve.

- Moved by Councillor De Bold and seconded by Councillor W Boyle

The Provost invited the Head of Finance & Property Services to comment on the financial implications of the amendment in terms of Standing Order 15(7). He confirmed the accuracy of the figures and advised that its approval would result in an increasing budget gap in future years, would have an impact on the housing capital investment programme, and would reduce the available HRA reserves to fund a reduced rent level in the coming year.

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

Amendment

William Boyle
Diane Calder
Pauline Clark.
Robert De Bold
Jim Dickson
Mary Dickson
Carl John
Lynda Kenna
Maria MacAulay
Moir MacKee Shemilt
Andrew Miller
Pauline Orr
Pauline Stafford

Sally Pattie
George Paul
Tony Pearson
Kirsteen Sullivan

Decision

Following a vote, the motion was successful by 18 votes to 13 and it was agreed accordingly.

3. HOUSING CAPITAL INVESTMENT PROGRAMME 2023/24 TO 2027/28

The Council considered a report (copies of which had been circulated) by the Depute Chief Executive seeking for the proposed Housing Capital Investment Programme for 2023/24 to 2027/28 and to note the scope of works to be undertaken by Building Services under the terms of the Best Value Framework.

It was recommended that Council :-

1. Approves the proposed 2023/24 to 2027/28 Housing Capital Investment Programme and related funding as detailed in the report
2. Notes the scope of works to be undertaken by Building Services under the terms of the Best Value Framework, as outlined in section D.5 of the report.

Motion

“West Lothian Council welcomes this Housing Capital Investment Programme for 2023/24 to 2027/28, which alongside the Housing Revenue Account budget, forms part of the council's integrated approach to financial strategy, corporate planning, delivery of outcomes and performance monitoring.

Over the last five years, under the previous minority Labour Administration, the Housing Capital Investment Programme has delivered over £188.045 million of investment in both our existing stock and new build council housing, with a further £30.485 million projected investment in the current financial year 2022/23 as reported to the Council Executive this morning.

Building upon these strong foundations this minority Labour Administration is determined to deliver further investment of £157.972 million under the proposed programme. There is a strong focus within the programme on the creation of additional social housing including continuation of the approved new build programme and continuing with a programme of open market acquisitions.

This includes the continuation of approved projects which will deliver 240 new houses over the five-year period and a further 140 new houses from budgeted resources of £27.245 million factored into the investment

programme. This will deliver an overall total of 380 new houses, including both new build and open market acquisition additions, over the five-year period. These measures will increase the availability of social housing within communities for both existing residents and future generations.

Alongside investment in new and additional housing stock, there will be significant investment of £130.727 million in existing council housing stock and the environment, to improve homes and local amenity. Energy efficiency is recognised as a continuing priority, with an emphasis on meeting the requirements of the Energy Efficiency Standards for Social Housing legislation.

Council notes that a review of the Housing Capital Investment Programme for 2023/24 to 2027/28 has been undertaken to determine works that may be carried out by external providers and works that may be carried out in-house to ensure compliance with the Best Value Framework.

This five-year Housing Capital Programme forms a key part in the longer-term approach to asset investment and planning, and considers expenditure required to improve and extend council's assets for future years.

West Lothian Council therefore welcomes the proposed investment of £157.972 million and agrees to approve the 2023/24 to 2027/28 Housing Capital Investment Programme and related funding as detailed in the officer's report".

- Moved by Councillor Paul and seconded by Councillor McGuire

The Provost invited the Head of Finance & Property Services to comment on the financial implications of the motion in terms of Standing Order 15(7). He confirmed the accuracy of the figures and that its approval would not result in additional pressures.

Amendment

"The SNP Group on West Lothian Council are in full agreement with the letter from Cosla Leaders, signed by Councillor Lawrence Fitzpatrick and sent to the First Minister which laid the blame for the most challenging fiscal situation since devolution where it belongs – disastrous decisions made by the Westminster Conservative Government, including former PM Truss's "mini-budget of 2022 which wreaked havoc with the economy. In spite of the most serious financial challenges faced by the Scottish Government, whilst we remain shackled to a failing and increasingly out of touch United Kingdom, there is a significant 17.8% increase to the total capital allocation going to Local Government in 2023/24 compared to the Budget in 2022/23.

Whilst energy costs soared to prohibitive levels during 2022, there are many indications these are now falling again. In addition, pressure is being applied on the UK Westminster Tory Government to begin taxing the oil companies which operate in Scotland's waters at levels commensurate with those of the Government of Norway. Unbelievably the

UK Tory Government has actually provided over **£100,000,000M** of tax breaks to these companies whilst Norway has earned over **£1,330,000,000 Trillion** to provide health and local authority services for Norwegian residents.

In light of the continuing uncertainties regarding the ability of the United Kingdom Government, which continues to have full fiscal control over the Scottish Budget, Council agrees:

1. To accept that longer term financial planning and strategy are desirable and should continue to be pursued. However, in light of the pressures, uncertainties and volatility in the circumstances affecting our council house tenants and the council's financial planning, agree there should be no approval today of the housing capital investment programme for 2023/24 to 2027/28 as proposed in the report. Senior finance officers shall keep this challenging situation under constant review and report to the Council Executive on a quarterly basis.
2. Approve the one-year capital budget for 2023/24, with total investment of £26.592m in 2023/24"

- Moved by Councillor De Bold and seconded by Councillor W Boyle

The Provost invited the Head of Finance & Property Services to comment on the financial implications of the motion in terms of Standing Order 15(7). He confirmed the accuracy of the figures but that its approval would affect the deliverability of the intended longer-term capital investment programme.

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
 Kirsteen Sullivan

Amendment

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

Decision

Following a vote, the motion was successful by 17 votes to 14, with one member unable to vote due to a technical fault and it was agreed accordingly.

MINUTE of SPECIAL MEETING of WEST LOTHIAN COUNCIL held within Council Chambers, West Lothian Civic Centre, Livingston, on 21 February 2023.

Present – Provost Cathy Muldoon (Chair), Depute Provost Peter Heggie; Councillors Alison Adamson, 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, 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 – Councillors Stuart Borrowman and Lynda Kenna

1. DECLARATIONS OF INTEREST

- Councillor Campbell stated that she was an NHS Lothian employee
- Councillor Logue stated that he was an NHS Lothian employee
- Councillor Orr stated that she was a Scottish Government employee

2. ORDER OF BUSINESS

Council was asked to note that Agenda Item 7 (Corporate Plan 2023/24 to 2027/28) was for information only and not for decision.

Council agreed, in accordance with Standing Order 8(3), that agenda item 7 was to be taken as read and its recommendations noted without further consideration.

3. REVENUE BUDGET 2023/24 TO 2027/28

The Council considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing information to enable the Council to approve a five-year revenue budget strategy, to agree a detailed three-year General Fund revenue budget for 2023/24 to 2025/26 including proposed savings measures, to set council tax levels for 2023/24 and to take decisions on associated issues.

It was recommended that Council: -

1. Notes that the council faces a revenue budget gap of £43.4 million over the five years 2023/24 to 2027/28, and a gap of £31.7 million over the three years 2023/24 to 2025/26, as a result of Scottish Government grant funding not being sufficient to meet the increased costs faced by the council;
2. Notes the approach taken in relation to the integrated impact assessment (IIAs) of the budget, as set out in Appendix 10;
3. Notes the feedback on the budget saving measures from the special PDSP meetings in January 2023 as set out in Appendix 1;

4. Agrees the budget saving measures for the three years 2023/24 to 2025/26, including the full year impact of savings rolling forward into the final two years of the five-year revenue budget strategy, as set out in Appendix 3;
5. Notes the risks to deliverability of the proposed budget saving measures, as summarised in Appendix 4;
6. Agrees that officers will continue to consider options, including the ideas and suggestions in Appendix 2, to address the remaining balance of savings to be identified to ensure a balanced recurring budget over the five-year period;
7. Agrees a schedule of charges for the three years 2023/24 to 2025/26, as set out in Appendix 5 of the report;
8. Agrees the proposed revenue budgets for the three years 2023/24 to 2025/26, as set out in Appendix 6 of the report;
9. Agrees the 2023/24 level of recurring resources associated with the functions delegated to the West Lothian's Joint Integration Board (IJB) of £95.2 million, with forecast resources of £97.8 million and £99.9 million for 2024/25 and 2025/26 respectively;
10. Agrees that should additional recurring revenue resources be forthcoming at a later date, that these should, in the first instance, be used to balance the five-year revenue budget on a recurring basis;
11. Agrees a council tax level for 2023/24 and the planning assumption of an annual increase of 4.5% for the remaining four years of the five-year revenue budget strategy;
12. Agrees the application of identified one-off resources to address anticipated time limited pressures and to support delivery of a balanced three-year revenue budget, as set out in Appendix 7 of the report, with the remaining balance being held in contingency to support the ongoing financial sustainability of the council;
13. Notes the position in regard to the General Fund Balance and other reserves, as set out in Appendix 8;
14. Approves a strategy of maintaining a minimum uncommitted General Fund Balance of £2 million;
15. Approves the prudential indicators as set out in Appendix 9;
16. Agrees that officers should keep developments around funding and pressures under review.

Motion

“Council notes the hugely challenging financial position facing the council as a result of sustained cuts to its revenue funding since 2007. In the context of West Lothian this has cumulatively amounted to over £150 million of savings having to be made over the period.

The Scottish Government's claim that the local government funding increase for 2023/24 was £570 million is misleading. COSLA subsequently demonstrated that the actual cash increase to core council funding was in fact a much smaller £71 million equivalent to a significant real terms reduction in funding.

Given the current extreme financial landscape, the ever increasing lack of flexibility for councils due to Scottish Government interference, most notably in respect of the recent announcements regarding teacher numbers, pupil support staff and learning hours, is resulting in very limited choices in how councils

deliver services. This will inevitably impact on the provision of vital community services.

Council agrees that the Scottish Government in power since 2007 has regrettably demonstrated disdain and contempt for local government in Scotland and seems to have entirely given up on any pretence of partnership working or recognition of councils' legitimate authority to make decisions on services they deliver on behalf of valued local communities.

This continued ill-considered approach by the Scottish Government to centralising decision making and imposition of restrictions poses a very concerning threat to the continued ability of the council to maintain a range of high-quality services to the public in West Lothian.

Council therefore:

1. Notes and welcomes the engagement at the special PDSP meetings in January 2023, including comments from trade unions and community organisation representatives in attendance;
2. Notes the council faces a revenue budget gap of £43.4 million over the five years 2023/24 to 2027/28, and a gap of £31.7 million over the three years 2023/24 to 2025/26, as a result of Scottish Government grant funding not being sufficient to meet the increased costs faced by the council;
3. Notes the approach taken in relation to the integrated impact assessment (IIAs) of the budget as set out in Appendix 10;
4. Notes the feedback on the budget saving measures from the PDSP meetings as set out in Appendix 1;
5. Agrees the budget savings measures for the three years 2023/24 to 2025/26, as set out in Appendix 3, including the full year impact of savings in 2026/27 and 2027/28, with the exception of the following measures to be removed from the three-year budget, and agrees that officers should carry out a comprehensive review of all council funded transport services including subsidised bus transport, demand responsive transport and mainstream school transport, to be reported to PDSP and Council Executive;

	2023/24 £'000	2024/25 £'000	2025/26 £'000	3 Year Total £'000
<u>Housing, Customer & Building Services</u>				
H4a - Rationalise library facilities	0	121	0	121
<u>Operational Services</u>				
O1a - Removal of subsidised bus & DRT	1,463	487	0	1,950
O1b - Mainstream school transport	951	321	0	1,272
Indexation for O1a be added to model	94	80	82	256
Indexation for O1b be added to model	62	52	54	168
O2a - Removal of street crossing patrol	356	119	0	475
O4a - Removal of festive lighting	85	0	0	85
O4b - Street lighting electrician (50%)	31	0	0	31
O6a - Charges for garden waste	661	159	0	820
<u>Chief Executive/Finance & Property Services</u>				
F7a - Property savings from libraries	0	0	20	20
F7b - Closure of nine APCs (retain four at Livingston South Station, Bathgate Acredale, Broxburn and Linlithgow Water Yett)	50	60	0	110

Indexation for F7b be added to model	3	3	3	9
Total	3,756	1,402	159	5,317

6. Agrees that the impact of removing the budget savings in the above table is funded over the period 2023/24 to 2025/26 by increasing council tax by 5.8% in 2023/24 and assuming council tax increases of 5.8% in 2024/25 and 2025/26, and by utilising £6.3 million of one-off funding over the three-year period;
7. Notes the risks to deliverability of the revised budget savings measures, as summarised in Appendix 4;
8. Agrees that officers will continue to consider options, including the ideas and suggestions contained within Appendix 2, to address the remaining balance of savings to be identified to ensure a balanced recurring budget over the five-year period;
9. Agrees a schedule of charges for the three years 2023/24 to 2025/26 as set out in Appendix 5 of the report;
10. Agrees the proposed revenue budgets for the three years 2023/24 to 2025/26 as set out in Appendix 6 of the report and as amended by recommendation 5 above;
11. Agrees the 2023/24 level of recurring resources associated with the functions delegated to the West Lothian Integration Joint Board (IJB) of £95.2 million, with forecast resources of £97.8 million and £99.9 million for 2024/25 and 2025/26 respectively;
12. Agrees that, should additional recurring resources be forthcoming at a later date, that these resources should, in the first instance, be used to balance the five-year revenue budget on a recurring basis;
13. Agrees a council tax increase of 5.8% for 2023/24;
14. Agrees assumed council tax increases of 5.8% in 2024/25 and 2025/26 and 4.5% in 2026/27 and 2027/28 and agrees that these increases will be kept under review taking account of fiscal and economic circumstances, including future grant funding;
15. Agrees the application of identified one off resources to address anticipated time limited pressures and to support delivery of a balanced three-year revenue budget, as set out in Appendix 7 of the report, with the remaining balance, as amended by recommendation 5, being held in contingency to support the ongoing financial sustainability of the council;
16. Notes the position in regard to the General Fund Balance and other reserves, as set out in Appendix 8;
17. Approves a strategy of maintaining a minimum uncommitted General Fund Balance of £2 million;
18. Approves the prudential indicators, as set out in Appendix 9;
19. Agrees that officers should keep developments around funding and pressures under review and report to elected members as required”.

The Provost invited the Head of Finance & Property Services to comment on the financial implications of the motion in terms of Standing Order 15(7). He confirmed the accuracy of the figures and that the budget saving measures removed would be funded from one-off resources to a greater extent than set out in the report.

- Moved by Councillor Fitzpatrick and seconded by Councillor Sullivan

Amendment**Delivering Equality, Fairness and Social Justice for West Lothian**

West Lothian Council SNP Group propose that Council:

1. Notes the estimated revenue budget gap for the 5 years to 2027/28, **due to persistent and sustained underfunding of Scotland by the Westminster Tory Government.**
2. Notes the approach taken in relation to the integrated impact assessments (IIAs) of the budget, as set out in Appendix 10;
3. Notes the feedback on the budget saving measures from the hastily arranged PDSP meetings in January 2023 as set out in Appendix 1;
4. Agrees the budget saving measures for the three years 2023/24 to 2025/26, including the full year impact of savings rolling forward into the final two years of the five-year revenue budget strategy, as improved in this amendment;
5. Notes the risks to deliverability of the proposed budget saving measures, as summarised in Appendix 4;
6. Agrees that officers will continue to consider options, including the ideas and suggestions in Appendix 2 and also contained within this amendment, to address the remaining balance of savings to be identified to ensure a balanced recurring budget over the five-year period
7. Agrees a schedule of charges for the three years 2023/24 to 2025/26, as set out in Appendix 5 of the report;
8. Agrees the proposed revenue budgets for the three years 2023/24 to 2025/26, as set out in Appendix 6 of the report and improved in this amendment;
9. the West Lothian's Joint Integration Board (IJB) of £95.2M, with forecast resources of £97.9M and £99.9M for 2024/25 and 2025/26 respectively;
10. Agrees that should additional recurring revenue resources be forthcoming at a later date, that these should, in the first instance, be used to balance the five-year revenue budget on a recurring basis;
11. Agrees a council tax increase for 2023/24 of 4%;
12. Agrees proposed council tax increases of 4% for the remaining four years of the five-year revenue strategy and further agrees that future year council tax increases should be kept under review with a view to reducing taking account of the fiscal position and grant funding available;
13. Agrees the application of identified one-off resources to address anticipated time limited pressures and to support delivery of a balanced three-year revenue budget, as set out in Appendix 7 of the report, with the remaining balance being held in contingency to support the ongoing financial sustainability of the council, as improved by this amendment
14. Notes the position in regard to the General Fund Balance and other reserves, as set out in Appendix 8, and as adjusted by this amendment;
15. Approves a strategy of maintaining a minimum uncommitted General Fund Balance of £2M;
16. Approves the prudential indicators as set out in Appendix 9
17. Agrees that officers should keep developments around funding pressures under review;

18. Agrees that officers from Education arrange to meet with senior officers from West Lothian Leisure (WLL) on a regular and ongoing basis to support the organisation during this transition stage and further agree that if any one-off funds become available and in the case of WLL requiring assistance with cash flow then financial support be offered;
19. Agrees that officers are instructed to explore using council land and facilities as advertising space, with a view to raising revenue for future budgets, as set out in this amendment;
20. Agrees that officers are instructed to investigate the scope, potential and capacity for supporting the creation of community transport schemes where these are required throughout West Lothian and to review how the council can support local voluntary organisations with community mini buses;
21. Agrees that a full review of the Schedule of Fees and Charges should be undertaken at the earliest opportunity, with a view making the most advantage from West Lothian Council resources and assets, paying particular attention to our ability to raise revenue for future budgets from the provision of weddings;
22. Agrees that the Environment & Sustainability PDSP should investigate how savings can be made to the council's fleet and vehicle budget;
23. Agrees that the Environment & Sustainability PDSP should explore how sponsorship of School Crossing Patrols by businesses operating in West Lothian can support this service remain viable into the future;
24. Agrees to set up an annual staff "Savings Recognition Scheme" where staff are rewarded for bringing forward concrete proposals to save West Lothian Council money or to bring forward revenue raising propositions;
25. Implement the principles set out in this motion, under "Time for Change" to ensure that a fit for purpose process will be in place to ensure proper consideration and scrutiny of budget reduction proposals in future years;
26. Agrees that we will collectively ensure the PDSP process is open and transparent and is one which fully engages with our communities and trades unions, ensuring that in future proper informed consultation can take place to address any requirements of this council to make savings;
27. Expresses concern at the lack of time and information to properly scrutinise the proposed budget reduction measures

TIME FOR CHANGE

West Lothian Council SNP Group assert that the greatest challenge facing public services in Scotland during this challenging and difficult climate is two-fold:

A Westminster Tory Government we have never voted for both denying Scotland's democratic decisions and continued under-funding of the Scottish Government;

The ability to effectively combat the negative outcomes for individuals and communities arising from deep-rooted inequalities and accepts that the most effective response to this challenge is to prioritise preventative actions; early interventions and to empower communities with community wealth building and

community budgeting at the heart of all we do.

West Lothian Council SNP Group believe that communities must be at the heart of all we do, with power built upwards from our communities and recognise that the “top down” and imposition of power we have witnessed with the current Tory / Labour Administration does not serve our communities well.

- Our public services must be built around people and communities, their needs, aspirations, capacities and skills.
- Public service organisations must work together more effectively to achieve better outcomes for our people.
- Our public services must be more open, transparent and accountable.
- Everything we do must be focussed on delivering equality, fairness and social justice.

West Lothian Council SNP Group assert that officers and ALL elected politicians must work together on a comprehensive review of how this council delivers services and on the decision making process. The views of our communities MUST be fully respected and we must work to ensure our communities are empowered to deliver local solutions to local issues over the next 4 years period, something which the current Tory / Labour joint administration has singularly failed to do.

West Lothian Council SNP Group notes the Accounts Commission previous recommendations that;

“All members need to take a lead in setting the priorities for the council and ensure that proposals are in line with these priorities. Councillors should be involved **at an early stage** in identifying priorities in future years to reduce the risk of delays when they need to make difficult decisions”

West Lothian Council SNP Group would therefore welcome a commitment to review this councils process for councillor involvement in future budget preparations and considerations and asserts that it is essential to ensure that all the issues identified by the Accounts Commission in relation to members agreeing council priorities and considering savings proposals are fully addressed in that review and that an open, transparent process which fully engages with our communities is established and working by the end 2023/24. We do NOT consider a short text message saying “happy to talk about the budget” three short weeks before the budget papers are due to be published meets in any way the spirit or perspective of the Account Commission recommendations. However, when this text was replied to in the affirmative there was no further communication received.

SCOTTISH GOVERNMENT PROTECTING LOCAL SERVICES

West Lothian Council SNP Group welcomes the Scottish Government’s budget proposals for 2023/24 designed to create sustainable public services, including those run by West Lothian Council, to tackle poverty and inequality and to transform the economy to deliver net zero. Given the fiscal constraints of devolution, where the Government of Scotland does not have access to the plentiful resources of our Nation and where these resources have been used by

another Government to plug the funding gaps it has itself created, it is not possible for the Scottish Government to go as far as it would if we were a normal, independent Nation.

Despite the most turbulent economic and financial context in recent times and huge pressure on public finance, the Scottish Government has delivered a real term increase of 1.3% to council budgets.

- This Budget provides £13.2 billion to local government, rejecting the path of austerity being imposed by the Tory government in Westminster.
- The Scottish Government has already built flexibility and autonomy into how budgets can be spent, and is working with COSLA on a more fundamental shift in how public services are delivered locally to meet the needs and interests of people and communities around Scotland.

The Scottish Budget provides over £570 million of additional funding to the Local Government Settlement, going beyond the existing commitments in the Resource Spending Review.

- The £570 million increase is a cash terms increase of 4.6% - a real terms increase of 1.3% to Scottish Local Authorities.
- The Scottish Government has also enabled local authorities to make their own local decisions, with financial flexibility on Council Tax, employability, and homelessness services, as well as early learning and schools workforce provision.
- This also follows Scottish Government intervention to negotiate and finance a significant pay deal between COSLA and local government workers, which is embedded in the Local Government Settlement.

Funding within the core Local Government Settlement 2023-24 includes:

- An additional £72.5 million revenue to support vital front-line services;
- An additional £105 million revenue for the devolution of Empty Property Relief, giving Scotland's councils greater fiscal flexibilities;
- An additional £260.6 million baselined to support Local Government Pay;
- £591 million of maintained revenue from the NHS to Integration Authorities to ensure improved outcomes on health and social care;
- £19 million capital for flood prevention in the face of the climate and nature emergencies.

The total Local Government Settlement also contains funding within other portfolios, including:

- A new £22 million for additional adult social workers;
- A new £2.4 million for Local Heat and Energy Efficiency Strategies;
- An additional £15 million to increase free personal and nursing care rates in line with inflation;
- £80 million for expansion of free school meals;
- £521.9 million to support the expansion in funded Early Learning and Childcare;

This Budget deepens the Scottish Government's commitment to partnership with councils and a New Deal for Local Government. West Lothian SNP Group

would now request West Lothian Council show this same level of commitment to the communities we serve by working with rather than for our communities.

- A partnership approach recognises the importance of collaboration and accountability in delivering high quality person-centred services.
- The Scottish Government has confirmed it will take forward discussions to create a Partnership Agreement between the Scottish Government and local government founded on a common purpose of working together across the public sector to achieve better outcomes for people and communities.

The New Deal for Local Government reflects a desire on both sides to re-set the relationship between the Scottish Government and local government.

- Collaborative work on a new Fiscal Framework and Partnership Agreement will aim to balance greater flexibility over local financial arrangements with clearer accountability for delivering national priorities.
- The Fiscal Framework for local government is also aimed at better partnering and opportunities for greater local fiscal empowerment in the future.
- It will seek to deliver and embed greater scope for discretionary local revenue-raising.

This will build on ongoing expansion of local government powers and safeguards. For example:

- From 1 April 2023, Local authorities will have full discretion over Empty Property Relief for Non-Domestic Rates, funded with £105 million to support local priorities including the option to develop local relief schemes; and,
- New regulations to be brought forward which will tackle Non-Domestic Rates (NDR) avoidance loopholes and reinforce council revenues.
- Further revenue-raising powers being devolved to councils include a Local Visitor Levy, with a Bill set to be introduced shortly in the Scottish Parliament.

If passed, the Bill will give local authorities a discretionary power to apply a levy on overnight visitor stays in accommodation in all or parts of their area.

The SNP in government will continue to do all it can with all that it has, to help people cope through this crisis and protect essential services.

The 2023-24 Budget settlement for local government respects that partnership approach and lays the groundwork for a New Deal.

However, it is clear that Scotland's national and local governments could do so much more for people and communities across the nation with the full powers and resources of independence.

The Scottish Government will continue to work with the business community to identify how it can best support them through both the current and longer-term challenges they face.

The SNP Scottish Government will continue to support business by freezing the non-domestic rates poundage, providing transitional reliefs based on the forthcoming revaluation on 1 April, and continue to support the Small Business Bonus Scheme to remove 100,000 properties from rates altogether

The average non-domestic rates bill before any relief is applied will therefore be 10% lower than if there had been an inflationary uplift in the poundage.

All of these measures are designed to support small, medium and large businesses thrive and create employment opportunities for our people here in West Lothian.”

SNP BUDGET 2023/24 TO 2025/26

SNP BUDGET AMMENDMENT WORKINGS	3 Year			Total
	2023/24 £'000	2024/25 £'000	2025/26 £'000	
<u>Further Recurring Adjustments</u>				
Additional Saving - Members Disbursements	-98	0	0	-98
<u>Used to fund</u>				
Reinstatement of Saving O4a - Removal of Festive Lighting	85	0	0	85
Additional Recurring investment in Festive Lighting for Communities	12	0	0	12
Employee Recognition / Good Ideas Scheme	1	0	0	1
Total	98	0	0	98
<u>Adjustments Impacting on Recurring Position and Requiring one Off Funding</u>				
Reduce Council Tax increase from 4.5% to 4% each year	470	528	587	1,585
O2a - Removal of School Crossing Patrol	356	119	0	475
O5a - Removal of Reduced Community Recycling Centre Opening Hours	336	0	0	336
O1b Adjustment - Removal of Secondary school transport only to reflect statutory requirements	327	109	0	436
O1b - Indexation to be added	21	18	18	57
O1a Adjustment - 50% of subsidised bus routes and demand responsive transport retained	732	243	0	975
O1a - Indexation to be added	47	40	41	128
H3a - Removal of Rationalised Community Centre portfolio	0	0	150	150
H4a - Removal of Rationalised library facilities located in partnership centres	0	121	0	121
F7a - Removal of Property savings from libraries	0	0	20	20
Total Adjustments Impacting on Recurring Position and Requiring One Off Funding	2,289	1,178	816	4,283
One off Funding Required to Meet 3 Year Impact	2,289	3,467	4,283	10,039
<u>Adjustments Impacting on 2023/24 only and requiring One Off Funding</u>				
Additional Funding to supplement the Anti-Poverty Fund and help address Cost of Living Crisis	761	0	0	761
Marketing Council Assets / Income Generation - Pump Priming Investment	200	0	0	200
Total Adjustments Impacting on 2023/24 only and requiring One Off Funding	961	0	0	961
One off Funding Required to Meet One Year Impact	961	0	0	961
TOTAL ONE OFF FUNDING REQUIRED	3,250	3,467	4,283	11,000
FUNDED BY				
Remaining Contingency of £13 million	3,250	3,467	4,283	11,000
BALANCE REMAINING OF ORIGINAL £13 MILLION				2,000

- Moved by Councillor Campbell and seconded by Councillor De Bold

The Provost invited the Head of Finance & Property Services to comment on the financial implications of the motion in terms of Standing Order 15(7). He confirmed the accuracy of the figures and that the budget saving measures removed would be funded from one-off resources to a greater extent than set

out in the report.

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

Motion

Alison Adamson
 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
 Maria MacAulay
 Moira McKee Shemilt
 Andrew Miller
 Pauline Orr
 Pauline Stafford
 Veronica Smith

Decision

Following a vote, the motion was successful by 17 votes to 14 and it was agreed accordingly.

4. CORPORATE ASSET MANAGEMENT STRATEGY AND GENERAL SERVICES TEN YEAR CAPITAL INVESTMENT 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 setting out a Corporate Asset Management Strategy and a ten-year Capital Investment Strategy for 2023/24 to 2032/33

It was recommended that Council: -

1. Notes the requirements of the updated CIPFA Prudential Code, as set out in section D.3;
2. Approves the Corporate Asset Management Strategy as set out in Appendix 1;
3. Approves the projected resources for the period 2023/24 to 2032/33 as set out in section D.6 and in Appendix 2;
4. Approves the proposed general services ten-year capital investment strategy for 2023/24 to 2032/33, as set out in Appendix 3;
5. Notes the outcome of the Integrated Relevance Assessment as set out in D.8;
6. Approves the proposed governance arrangements, as set out in section D.10.

Councillor Fitzpatrick moved the recommendations in the report, seconded by Councillor Sullivan. There were no amendments.

Decision

To unanimously approve the terms of the report.

5. TREASURY MANAGEMENT PLAN 2023/24

The Council considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval of the Treasury Management Plan 2023/24, a copy of which was attached to the report.

It was recommended that Council approve the Treasury Management Plan 2022/24.

Councillor Fitzpatrick moved the recommendations in the report, seconded by Councillor Sullivan. There were no amendments.

Decision

To unanimously approve the terms of the report and Treasury Management Plan 2023/24

6. CORPORATE PLAN 2023/24 TO 2027/28

The Council considered a report (copies of which had been circulated) by the Depute Chief Executive providing an update on the development of the Council's Corporate Plan which will set out the Council's strategic priorities for the next five years (for 2023/24 to 2027/28)

It was recommended that Council notes the progress to date on the development of the Corporate Plan and that the plan will be reported to a future meeting of the Council for approval prior to the summer recess in June 2023.

Decision

To note the content of the report



Chief Executive Office

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

Our Ref: CEO/CH FC 220123
Your Ref:

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

Private and Confidential

Rt. Hon. Nicola Sturgeon MSP
First Minister of Scotland
firstminister@gov.scot
(letter sent electronically only)

26 January 2023

Dear First Minister

Local Government Settlement

A meeting of West Lothian Council took place on Tuesday 22 January 2023 at which there was discussion on the budget settlement for Local Government in Scotland.

I am writing on behalf of West Lothian Council to call on the Scottish Government to express grave concerns in relation to the settlement. I attach the relevant Notice of Motion which sets out the council's concerns and which requests reconsideration of the settlement for Local Government.

Yours sincerely



Graham Hope
Chief Executive

Encl

MINUTE of MEETING of the GOVERNANCE AND RISK COMMITTEE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 12 DECEMBER 2022.

Present – Councillors Damian Doran-Timson (Chair), Harry Cartmill, Lynda Kenna, Danny Logue and Pauline Orr

Apologies – Ann Pike (Lay Member)

In attendance - Graham Hope, Chief Executive; Donald Forrest, Head of Finance and Property Services; Julie Whitelaw, Head of Housing, Customer and Building Services; Jim Jack, Head of Operational Services; Greg Welsh, Head of Education (Primary, Early Years and Resources); James Millar, Governance Manager; Kenneth Ribbons, Audit, Risk and Counter Fraud Manager; Kim Hardie, Health and Safety Manager; Ian Forrest, IT Services Manager; Robin Allen, Senior Manager (Adults, Social Policy); David Baird, Property Services Manager; Kenneth Howley, Insurance Officer and Craig Smith, Environmental Health and Trading Standards Manager

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. ORDER OF BUSINESS

The Chair ruled, in terms of Standing Order 11, that Item 14 (Progress on Governance Issues 2022/23) would be considered after Item 9 (Corporate Business Continuity Plan).

3. MINUTES

The Committee confirmed the Minutes of its meeting held on held on 26 September 2022 as a correct record. The Minute was thereafter signed by the Chair.

4. HIGH RISKS

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

Risk WLC026 (Failure to prepare and agree a medium-term financial plan 2023/24 to 2027/28) was highlighted, specifically with regards to additional officer savings proposals, and it was queried how any such reductions would be undertaken. Officers explained general workforce management policies and procedures would dictate how savings were delivered and until any process commenced specific details could not be confirmed.

Moving on to risk SPCC002 (Insufficient supply to meet service demands - care at home) and the development of a pilot winter volunteering project detailed within, officers were asked how Disclosure Scotland checks of individuals participating and their manual handling training would be managed. Members were informed that the proposal was not to replace care at home provision but rather to assist with the support of practicalities such as shopping. The project would be coordinated by Voluntary Sector Gateway who would be responsible for ensuring the appropriate checks were completed.

Discussion continued on risk SPCC002, in respect of challenges relating to the recruitment and retention of care at home staff, and the remuneration packages available to prospective employees. Work was being undertaken to increase flexibility and provide a range of opportunities that could work with potential staff's particular needs. However, it was acknowledged that there were restrictions given the particular shifts required for the care needs of individuals. There were close links with West Lothian College which could assist with the identification of opportunities to develop skill bases, for those who had not yet been involved in a care role, together with the possibility of experience in the workplace to increase interest. A mentoring programme to support those new to care to develop and nurture skills to assist retention was also being explored.

In response to a question regarding the ongoing risk WLC029 (West Lothian Leisure (WLL) - failure to prepare and agree a medium-term financial plan 2023/24 to 2027/28) and the engagement taking place following the appointment of a new WLL General Manager, the Committee was informed that this risk had been in place for some time due to the challenging financial position faced by WLL. Although they had looked to be in a position to have a balanced three-year budget, before the COVID-19 pandemic, they then faced the challenge of the pandemic and were now experiencing the current financial difficulties over the next three and five years. There was close liaison with the new WLL Chief Executive with WLL required to develop its own financial plan. However, it was acknowledged there were areas of synergy and interdependence with the council and both would be working closely to ensure the council could assist where possible.

Risk SPCC002 was highlighted, particularly with regards to the availability of staff when discharging people from hospital where a care at home service was required. This led to a request for available data relating to delayed discharges that were linked to lack of care at home facilities or staff. The Senior Manager (Adults) undertook to gather appropriate statistics and would circulate the details to Members.

In the concluding discussion, risk WLC026 was again highlighted and officers were asked about the potential impact on the council and its residents with regards to the current budget gap. Members were advised that officers were working on a range of measures to bring a balanced three-year budget. If achieved the risk could be lowered, however, achieving a balanced budget would require significant savings measures

and the use of one-off resources. As the budget gap was significant there would be some material impact on services during the next three years.

It was recommended that the Committee:

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

Decision

1. To note the contents of the report; and
2. To note that officers would circulate to Members data relating to delayed discharge due to insufficient supply for care at home provision.

5. INFORMATION TECHNOLOGY RISKS

The Committee considered a report (copies of which had been circulated) by the Head of Corporate Services informing of the council's information technology (IT) related risks.

In noting that certain risks were assigned to IT, whilst others were the responsibility of other service areas, the Committee sought clarity on the decision process and an assurance that there was no uncertainty for individual risk responsibility. It was explained that service categorisation was dependent on the procurement or consumption of resources although IT would interact with services to ensure a joined up approach. There was a clear division of responsibilities with risks linked to the maintenance of key services, which were dependent on IT, however, it was the responsibility of individual areas to continue their service delivery in the event of an incident.

The Chair commented that it was reassuring to see the scores were low within the field and thanked those concerned for their efforts.

It was recommended that the Committee:

1. note the council's information technology related risks; and
2. provide feedback to officers on the risks, controls and mitigating actions.

Decision

To note the contents of the report.

6. HEALTH AND SAFETY RISKS

The Committee considered a report (copies of which had been circulated)

by the Head of Corporate Services providing an overview on health and safety risk and governance arrangements in place to monitor the management of health and safety.

It was noted that West Lothian's use of Sphera, as a multi-function online safety management tool, was used in partnership with East and Mid Lothian Councils and queried if linking with more councils would be beneficial both in terms of performance and financially. Members were advised that these two councils had already been using the application when the opportunity had arisen for West Lothian to link in and the use of an established system was considered financially beneficial. However, as several existing systems were in use by other local authorities, officers agreed to consider cooperating with their counterparts regarding alternative multi-function online safety management tools.

It was recommended that the Committee note the systems in the management of health and safety risk.

Decision

1. To note the contents of the report; and
2. To note that officers would consider opportunities to co-operate with other councils in relation to multi-function online safety management tools.

7. MANAGEMENT OF HEALTH AND SAFETY

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

The subject of assaults was raised and Members informed that each recorded incident was reviewed by a Health and Safety adviser and highlighted with service areas when considered necessary. In response to the number of incidents being reported, there was now a corporate violence and aggression working group which would look at the management of violence and aggression across all services.

The discussion moved on to Health and Safety Statistics (Appendix 2) and in particular, the incidents investigated within the Inclusion and Wellbeing Service. The Committee were advised that the timescale for investigations to commence was within five working days, with the statistics monitored monthly, and considered by the Corporate Management Team within the same timeframe. The Head of Education (Primary, Early Years and Resources) advised that Education Senior Management Team also reviewed the incident data monthly. In addition, intermittent data was received from Health and Safety officers and engagement took place with Head Teachers for any incidents where the

standard was not met.

For those incidents noted with a cause of "Breach of Statutory Duty," it was queried if lessons were learned and subsequently reported to this Committee. Officers advised that by the time an employer's liability claim was being settled, an investigation would have commenced and the root causes identified. Any resulting work, for a particular service area or necessary corporate-wide measures, would have been established with an Action Plan completed for remedial action to prevent similar cases.

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

Decision

To note the contents of the report.

8. CORPORATE BUSINESS CONTINUITY PLAN

The Committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services informing of the council's Corporate Business Continuity Plan.

Officers were asked about awareness training for relevant personnel with regards to their role in the event of an incident. Although there was no formal training the Audit, Risk and Counter Fraud Manager informed Members that; he discussed the Plan with all named individuals, the Plan was disseminated via the Board and Corporate Management Team, access arrangements were provided, a backup copy of the Plan was saved in an externally hosted system, to ensure access in the event of an IT related incident, and individuals were asked to safely store their own paper copy of the Plan. In addition, the Plan was tested with selection of topics influenced by recent and relevant events.

The Chair commented that he considered the Plan to be a reassuring document.

It was recommended that the Committee note the Corporate Business Continuity Plan.

Decision

To note the contents of the report.

9. PROGRESS ON GOVERNANCE ISSUES 2022/23

The Committee considered a report (copies of which had been circulated) by the Governance Manager detailing the progress to date on outstanding governance issues.

Questions opened with a query regarding hybrid meetings and the completion of system guides. The Governance Manager confirmed work

was ongoing with a group of officers meeting to take this forward, the intention being to have definitive guides in place for Members, officers and members of the public. Contact would be made with the relevant officers in order to circulate further information to Members.

Contained within the table of the appendix was a reference to the Regulation of Investigatory Powers (Scotland) Act 2000 (16.15) and further information was sought on the Action Plan noted as in development. It was advised that the regime was subject to a three-yearly inspection and this had taken place last month. The outcome was expected to be reported at the Public and Community Safety PDSP, due to be held in February 2023.

It was recommended that the Committee note the progress made in relation to the governance issues identified in the annual governance statement 2021/22 (Appendix 1).

Decision

1. To note the contents of the report; and
2. To note the Governance Manager would arrange to have an update circulated to Members with regards to hybrid meetings and the progress of definitive guides for member, officer and public participation.

10. MANAGING RISK WITHIN OPERATIONAL PROPERTIES

The Committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services informing of the approach to managing risk within operational buildings.

Officers were asked about the Scottish Fire and Rescue Services (SFRS) change to their non-dwelling fire alarm response and whether this would impact the council's processes or result in a risk to council properties. It was advised that there were likely to be procedural changes and relevant groups were in discussion to discuss the likely impacts.

Risk PSFE2103372 (Asbestos Team Training) was discussed with respect to its 30% progress when completion was due by April 2023. The Committee were informed that active steps were being taken to ensure services undertook the training and Members would be updated should full training not be achieved within the timescale.

It was noted that the score for risk WLC040 (Failure to effectively manage electrical systems in operational buildings) had been reduced from 25 to a very low score of five, however, was categorised as amber. In response to a query on what could be done to reduce this to green, it was explained that application of the risk methodology required amber categorisation for any risk that could have a potentially catastrophic outcome. It was considered not to be practical to reduce the score and the amber categorisation useful in highlighting the potential risk.

It was recommended that the Committee note the approach taken to manage risk within operational properties.

Decision

1. To note the contents of the report; and
2. To note the service was taking active steps to ensure risk PSFE2103372 (Asbestos Team Training) was completed by April 2023 and an update would be provided in the event of non-completion.

11. INSURANCE RISKS

The Committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services informing of the current insurance arrangements the council had in place.

In response to a question regarding dampness and condensation, noted within D4 under “Public Liability”, the Committee were informed that inspections took place when enquiries were received and monitors provided. In most cases, the outcome was for condensation to be managed effectively with continued monitoring.

It was recommended that the Committee note the approach taken to managing the council’s insurable risks.

Decision

To note the contents of the report.

12. RISK MANAGEMENT IN HOUSING, CUSTOMER AND BUILDING SERVICES

The Committee considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services advising of the approach to risk management within Housing, Customer and Building Services.

The report was accompanied by a presentation from the Head of Housing, Customer and Building Services which included; the definition of risk, details of corporate arrangements, a summary of services risks, information on the management review process and a summary of the services high and medium risks.

It was recommended that the Committee note the approach taken by Housing, Customer and Building Services.

Decision

To note the contents of the report and presentation.

13. CORPORATE STRATEGY ANNUAL UPDATE – RISK MANAGEMENT STRATEGY

The Committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the Risk Management Strategy 2018/23, including performance to date and progress against the planned actions.

It was recommended that the Committee note the:

1. performance against the outcomes; and
2. progress made in implementing the planned actions.

Decision

To note the contents of the report.

14. EXTERNAL AUDIT REPORT 2021/22

The Committee considered a report (copies of which had been circulated) by the Governance Manager to enable consideration of the parts of the report by the council's external auditor (EY) on the council's annual accounts which were relevant to the Committee's remit.

Whilst noting this was the last year of EY's appointment before moving to Audit Scotland, officers were asked about transition, whether there were any concerns about the process moving forward or different challenges. The Committee were informed that the transition was underway and an introductory meeting with Audit Scotland had taken place. Officers were undertaking regular detailed meetings to ensure a smooth handover in terms of both the annual audit and other interactions with the auditors.

The Chair, commenting on the satisfactory governance and auditing, praised all officers involved and thanked Committee Members for their contribution.

It was recommended that the Committee:

1. note the following significant findings and comments in the 2021/22 Annual Audit Report which were reported to council on 27 September 2022:-
 - a) The auditor's unqualified audit opinion on the council and group financial statements;
 - b) It's "green" assessment of the Governance & Transparency element of the wider-scope audit, with the key features of good governance found to be in place and operating effectively;
 - c) The council responded quickly to ensure governance

arrangements were appropriate and operating effectively during the changing circumstances of the past three years; and

- d) There were no recommendations for actions to deal with issues in the Board's remit.

- 2. note the summary in Part D of matters in the auditor's report which were relevant to the remit of the Committee.

Decision

To note the contents of the report.

15. WORKPLAN

A copy of the workplan had been circulated for information.

It was suggested and subsequently agreed that the Committee consider the addition of a report to review the procedures and practices and risk, and governance aspects, of Freedom of Information and Data Protection Act requests.

Decision

- 1. To note the workplan; and
- 2. To agree the addition of a report on procedures and practices and risk, and governance aspects, of Freedom of Information and Data Protection Act requests.

MINUTE of MEETING of the EDUCATION (QUALITY ASSURANCE) COMMITTEE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 17 JANUARY 2023.

Present – Councillors Peter Heggie (Chair), Andrew McGuire, Stuart Borrowman, Pauline Clark, Lawrence Fitzpatrick, Moira McKee Shemilt and Sally Pattle; Appointed Member Lynne McEwen

Apologies – Appointed Members Kent Ballantyne and Andy Walker

1 DECLARATIONS OF INTEREST

There were no declarations of interest made.

2 ORDER OF BUSINESS

The Chair advised that agenda item 9 had been to committee previously and would be taken as read, unless members wished to ask any questions. Questions would be asked on agenda items 5 to 8 in accordance with Standing Order 8(3).

3 MINUTES

The committee approved the minute of its meeting held on 1 November 2022. The Chair thereafter signed the minute.

4 VALIDATED SELF-EVALUATION: BROXBURN ACADEMY

The committee considered a report (copies of which had been circulated) by the Head of Education (Secondary, Community Learning and Inclusion) bringing to members' attention the school's validated self-evaluation and identified areas for improvement for session 2022–2023. Peter Reid, Head Teacher, was in attendance to provide an update on the school's progress and to answer questions from committee members.

The school was commended on its above-average attendance record. A number of questions were then asked by members. The Head Teacher explained that the school's successful e-tracking system had been in place for a number of years and was continually updated and improved. The school promoted active learning by developing and listening to pupils' voices and encouraging teachers to increase participation opportunities. The Head Teacher assured the committee that every effort was being

made to raise its VSE scores, with good practice identified and shared throughout the school. A strategic and consistent approach was promoted for improving literacy and numeracy and the school was confident of improved results in the future. The Head Teacher also explained that staffing issues had affected the school's quality assurance work but the school continued to improve its focus on the quality of learning and teaching. Officers also assured the committee that they were working closely with the school and would revisit the school after the summer break to assess its improvement.

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

Decision

1. To note the terms of the report and the update from the Head Teacher.
2. School to return to Education Quality Assurance Committee after officers had revisited the school to review progress in summer 2023.

5

VALIDATED SELF-EVALUATION: PARKHEAD PRIMARY SCHOOL AND EARLY LEARNING AND CHILDCARE (ELC) SETTING

The committee considered a report (copies of which had been circulated) by the Head of Education (Primary, Early Years and Resources) bringing to members' attention Parkhead Primary School Early Learning and Childcare (ELC) setting validated self-evaluation and identified areas for improvement for session 2022-2023. Vicky Fish, Head Teacher, was in attendance to provide an update on the school's progress and to answer questions from committee members.

During discussion, the Head Teacher explained how more able children were being challenged and how the school celebrated wider achievements by regular communications with children and parents. Next steps to improve scores to 'very good' would include a focus on digital technologies, staff empowerment, encouraging learner creativity and taking responsibility for their own learning. The school was also actively promoting outdoor learning through a number of initiatives.

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

Decision

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

6 VALIDATED SELF-EVALUATION: ST NICHOLAS RC PRIMARY SCHOOL AND EARLY LEARNING AND CHILDCARE (ELC) SETTING

The committee considered a report (copies of which had been circulated) by the Head of Education (Primary, Early Years and Resources) bringing to members' attention St. Nicholas Primary School and Early Learning and Childcare (ELC) setting validated self-evaluation and identified areas for improvement for session 2022–2023. Siobhan Kellock, Head Teacher, was in attendance to provide an update on the school's progress and to answer questions from committee members.

The school had a high number of children for whom English was a second language. Children and families were supported in their ESL journey and exchanges of heritage experiences were used as a learning tool for all children. The school's play-based learning programme was successful and was continually expanded and improved.

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

Decision

To note the terms of the report and the update from the Acting Head Teacher.

7 EDUCATION SCOTLAND REPORT: DEANS PRIMARY SCHOOL AND EARLY LEARNING AND CHILDCARE (ELC) SETTING

The committee considered a report (copies of which had been circulated) by the Head of Education (Primary, Early Years and Resources) informing members of the outcome of the Education Scotland (HMI) inspection at Deans Primary School and Early Learning and Childcare (ELC) Setting. Frances Stewart, Head Teacher, and Alison Dunsmore, Parent Council Chair were in attendance to provide an update on the school's progress and to answer questions from committee members.

During discussion, it was noted that the school continued to increase staff skills and allowed staff to take ownership of planning. A focus on learning and teaching targets had resulted in improvements. Proactively supporting children's wellbeing was at the top of the school's priorities. The school also successfully collaborated with Social Enterprise Scotland. The Parent Council Chair, who was present at the meeting, confirmed that

parents were impressed with the school's performance.

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

Decision

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

8 HER MAJESTY'S INSPECTORS OF EDUCATION (HMIE) SCRUTINY PROGRAMME

It had been noted that the report had been previously considered by the committee in August 2022 and was on the agenda for information only.

The committee considered a report (copies of which had been circulated) by the Head of Education (Primary, Early Years and Resources) informing members of HM Inspectors of Education (HMIE) scrutiny programme for academic session 2022–23.

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

Decision

To note the terms of the report.

9 WORKPLAN

A workplan had been circulated for information.

Decision

1. To note the workplan.
2. To add a return visit from Broxburn Academy to a future meeting.

MINUTE of MEETING of the WEST LOTHIAN LEISURE ADVISORY COMMITTEE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 8 DECEMBER 2022.

Present – Councillors Craig Meek (Chair), Cathy Muldoon, Alison Adamson and Anne McMillan

Absent – Councillor Andrew Miller

In attendance

Alan Colquhoun – Culture & Sport Manager, WLC

Robert Young – Senior Service Accountant, WLC

Ben Lamb – Chief Executive Officer, WLL

Andrew Heron – Head of Finance, WLL

1 DECLARATIONS OF INTEREST

There were no declarations of interest made.

2 MINUTES

The committee approved the minute of its meeting held on 20 October 2022. The Chair thereafter signed the minute.

3 PRIVATE SESSION

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

4 WEST LOTHIAN LEISURE FINANCIAL POSITION

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

It was recommended that the committee note:

1. WLL's financial performance for the six months to 30 September 2022; and
2. WLL's updated forecast for the year to 31 March 2023.

In response to a query from members, WLL confirmed that there were currently no plans to withdraw council staff membership discounts.

Decision

To note the terms of the report.

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

The committee considered a report (copies of which had been circulated) by the Depute Chief Executive This report seeks to update the committee on the operational performance of Culture, Sport, Leisure and Outdoor Education services delivered by West Lothian Leisure (WLL), for the period to August 2022.

It was recommended that the West Lothian Leisure Advisory Committee note the updates on WLL's operational performance and related matters outlined in the report.

Measures to reduce energy consumption were then discussed, with a focus on swimming pools. It was noted that business growing continued to be a priority and further updates would be provided to committee as they became available. An update on plans to open the Deans Community High School swimming pool for public use would also be provided in due course.

Decision

To note the terms of the report.

MINUTE of MEETING of the PERFORMANCE COMMITTEE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 14 NOVEMBER 2022.

Present – Councillors Peter Heggie (Chair), Stuart Borrowman, Carl John, Maria MacAulay

Absent – Danny Logue

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTES

The committee confirmed the Minute of its meeting held on held on 05 September 2022 as a correct record. The Minute was thereafter signed by the Chair

3. SERVICE PERFORMANCE AND WLAM OUTCOME REPORT – HOUSING STRATEGY AND DEVELOPMENT

The committee considered a report (copies of which had been circulated) by the Depute Chief Executive providing an overview of a service assessment from the West Lothian Assessment Model process (2022/25). Also provided was a summary of recommendations from the officer-led scrutiny panel that had been identified for action and were to be delivered by the service.

The report was accompanied by a presentation which included; a service overview, service priorities for 2022/25, key achievements and milestones and a service performance scorecard. The service expanded on the content of the presentation before the committee were given the opportunity to ask questions and provide comment.

During discussion, the requirement for private landlords to complete registration was highlighted and it was asked if the percentage of those who had registered was available. Committee were informed that a proactive approach was taken in this regard and further information would be obtained with members updated accordingly.

It was recommended that the committee:

1. note the outcome from the WLAM and Review Panel process;
2. note the recommendations for improvement; and
3. agree any other recommendations that may have improved the performance of the service.

Decision

1. To note the contents of the report and service presentation; and
2. To note officers undertook to provide committee members with information regarding private landlords and their completion of required registration.

4. CORPORATE STRATEGY ANNUAL UPDATE - IMPROVEMENT STRATEGY 2018/2023

The committee considered a report (copies of which had been circulated) by the Head of Corporate Services providing a review of the Improvement Strategy 2018/23, including progress against the planned actions and an overview of the performance to date. The review covered the period 2021/22.

Performance Indicator P:PIS111_9b.1c (Percentage of business improvement recommendations completed), noted on page two of appendix one to the report, was discussed and officers asked what plans were in place to achieve the targets set. In response, the committee were advised that services were required to devote resource to undertake the improvement activities and performance had been lower due to resourcing issues during the pandemic. It was noted, however, that services had since increased activity in this area.

It was recommended that the committee:

1. note the performance against the outcomes;
2. note the progress made in implementing the key activities and actions; and
3. agree any recommendations for improvement.

Decision

To note the contents of the report.

5. LOCAL GOVERNMENT BENCHMARKING FRAMEWORK

The committee considered a report (copies of which had been circulated) by the Depute Chief Executive providing high-level comparative analysis of the 2020/21 performance of the council in the Local Government Benchmarking Framework (LGBF), against previous years and the performance of the other 31 local authorities. The report advised that the LGBF was the main benchmarking framework for local government in Scotland.

Further detail was sought, with regard to where West Lothian was positioned within the ranking tables, for both Tackling Climate Change

and Environmental Services. It was explained that, as Tackling Climate Change was a new category, with limited information, it would be difficult to provide a definition of how well West Lothian had performed. However, this would be closely monitored over the coming years. With regard to Environmental Services, this category predominantly measured waste recycling rates and associated costs, overall community cleanliness and roads, with measures such as road condition surveys and the costs per kilometre of maintenance. West Lothian tended to be competitive in these categories although, for this year, some of the satisfaction indicators had not been available.

In response to a question on whether representatives worked collegiately with partners, in order to share best practice, the committee was informed that one of the key aims of the LGBF was to increase the sharing of knowledge and learning across local authorities. Some categories had shared benchmarking and it was part of the Improvement Services Improvement Plan to increase such opportunities in order to gain greater value from the dataset contained within the LGBF.

The Adult Social Care and Financial Stability categories were then highlighted and it was asked what could be done to move these forward. Officers advised that Adult Social Care had previously had a special report to this committee and there had been a considerable increase in performance in 2021, in what was acknowledged to have been a challenging year for social care services. The category was being closely monitored corporately in order to ensure the levels of improvement expected were achieved. For the benefit of those members new to the committee, the special report would be circulated for their information. Moving on to Financial Sustainability, officers advised this was a relatively new category, part of which measured financial reserves. As an authority, West Lothian had not carried a high level of reserves, as it sought to make the best use of resources, although this would lead to a lower ranking compared to those authorities who carried higher levels of reserves.

It was recommended that the committee note the council's comparative performance in the LGBF 2020/21.

Decision

1. To note the contents of the report; and
2. To note officers would circulate to members the special Adult Social Care report previously reported to this committee.

6. WORKPLAN (HEREWITH)

A workplan had been circulated for information.

Decision

To note the workplan.

MINUTE of MEETING of the EMPLOYEE APPEALS COMMITTEE (PRIVATE) held within COUNCIL CHAMBERS, on 16 DECEMBER 2022.

Present – Councillors Tom Conn (Chair), Maria MacAulay, Moira McKee Shemilt, Anne McMillan and Tony Pearson

1 DECLARATIONS OF INTEREST

Councillor Tom Conn stated a connection as a fully paid up member of Unite; as the appellant and his representative were not known to him, he would participate in the meeting.

Councillor Tony Pearson stated a connection as a fully paid up member of Unite; as the appellant and his representative were not known to him, he would participate in the meeting.

2 MINUTES

The committee noted the minute of its meeting held on 28 October 2022. The Chair thereafter signed the minute.

3 PRIVATE SESSION

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

4 CONSIDERATION OF APPEAL

Introductions were made by all parties and the Chair explained the procedure that would be followed.

The committee was invited to consider an appeal by an employee under the Procedure for Consideration of Appeals against Disciplinary Action.

The management was represented by Jim Jack, Head of Operational Services, who was accompanied by Alison Egan, HR Business Partner. The management called one witness.

The appellant was present and was accompanied by his trade union representative. The appellant did not call any witnesses.

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

The committee heard the management speak in relation to the appeal.

The appellant was then given the opportunity to question the management.

The committee had an opportunity to question the management.

The management called their witness.

The appellant had the opportunity to question the management's witness.

The committee then had an opportunity to question the management's witness.

The management was given an opportunity to re-examine their witness after he had answered questions from the appellant and committee.

The committee heard the appellant and his representative speak in relation to the appeal.

The management was given the opportunity to question the appellant.

The committee then had the opportunity to question the appellant.

The appellant and his representative were given an opportunity to re-examine anything that had been raised during questioning.

Finally, each side summed up the merits of the case.

All parties then exited the meeting to allow the committee to deliberate in private.

Motion

To uphold the appeal and reinstate the appellant to his original post and salary with a final written warning as council procedures had not been followed correctly and disciplinary action was excessive.

- Moved by Councillor Tony Pearson and seconded by Councillor Maria MacAulay.

Amendment

To not uphold the appeal; the disciplinary action should stand and be regarded as confirmed.

- Moved by Councillor Anne McMillan and seconded by Councillor Tom Conn.

Following an electronic vote, the motion was successful by 3 votes to 2 and was agreed accordingly.

After reaching its decision, all parties returned to hear the decision of the committee.

Decision

The committee found that the grounds for the appeal had been

substantiated and therefore the appeal was upheld.

MINUTE of MEETING of the EMPLOYEE APPEALS COMMITTEE (PRIVATE) held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 27 JANUARY 2023.

Present – Councillors Maria MacAulay (Chair), Peter Heggie and Moira McKee Shemilt

Apologies – Councillors Anne McMillan and Tony Pearson

1 APPOINTMENT OF CHAIR

As both the Chair and Vice-Chair were unavailable, the committee appointed Councillor Maria MacAulay as Chair for this meeting.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 ORDER OF BUSINESS

It was noted that the appellant's trade union representative had changed.

The committee agreed for two observers to attend the meeting: an observer from Legal Services to be present throughout the meeting, and a trade union observer accompanying the appellant and his representative, to exit the meeting along with the parties at the deliberations stage of the process.

4 MINUTES

The committee approved the minute of its meeting held on 16 December 2022. The Chair thereafter signed the minute.

5 PRIVATE SESSION

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

6 CONSIDERATION OF APPEAL

Introductions were made by all parties and the Chair explained the procedure that would be followed.

The committee was invited to consider an appeal by an employee under

the Procedure for Consideration of Appeals against Disciplinary Action.

The management was represented by Julie Whitelaw, Head of Housing and Customer Services, who was accompanied by Alison Egan, HR Business Partner. The management called one witness.

The appellant was present and was accompanied by his trade union representative. The appellant did not call any witnesses.

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

The committee heard the management speak in relation to the appeal.

The appellant was then given the opportunity to question the management.

The committee had an opportunity to question the management.

The management called their witness.

The appellant had the opportunity to question the management's witness.

The committee then had an opportunity to question the management's witness.

The management was given an opportunity to re-examine their witness after he had answered questions from the appellant and committee.

The committee heard the appellant and his representative speak in relation to the appeal.

The management was given the opportunity to question the appellant.

The committee then had the opportunity to question the appellant.

Finally, each side summed up the merits of the case.

All parties then exited the meeting to allow the committee to deliberate in private.

After reaching its decision, all parties returned to hear the decision of the committee.

Decision

The committee found that the grounds for the appeal had not been substantiated and therefore the appeal was not upheld.

DATA LABEL: PUBLIC

**WEST LOTHIAN COUNCIL****CAPITAL STRATEGY 2023/24 TO 2032/33****REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES****A. PURPOSE OF REPORT**

The purpose of this report is to enable Council to approve 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.

B. RECOMMENDATION

It is 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.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Being honest, open and accountable, focusing on our customers' needs, making the best use of resources and working in partnership.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The Chartered Institute of Public Finance and Accountancy (CIPFA) Treasury Management Code of Practice and Prudential Code require councils to produce a capital strategy.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	Effective implementation of capital expenditure plans, treasury management and asset management is vital to supporting corporate and service performance.
V	Relevance to Single Outcome Agreement	Effective prioritisation of resources is essential to achieving key outcomes over the ten-year period.

VI Resources - (Financial, Staffing and Property)	The approach to capital expenditure, treasury and debt management and asset management is considered to be prudent, affordable and sustainable over the period 2023/24 to 2032/33.
VII Consideration at PDSP	<p>Asset Lead Officers (ALOs) provide annual asset performance reports to relevant Performance Development and Scrutiny Panels (PDSPs).</p> <p>An update on financial performance is presented to relevant PDSPs twice annually.</p>
VIII Other consultations	The capital strategy is intrinsically linked to the Corporate Asset Management Strategy and General Services Ten Year Capital Investment Strategy 2023/24 to 2032/33, the Housing Capital Investment Programme 2023/24 to 2027/28 and the Treasury Management Plan 2023/24. All of these plans and strategies were subject to significant consultation with stakeholders including Depute Chief Executives, Heads of Service, Asset Lead Officers, project managers and treasury advisors.

D. TERMS OF REPORT

D.1 Background

Following the publication of the revised CIPFA Treasury Management Code of Practice in December 2017, West Lothian Council approved the council's capital strategy on 19 March 2019 in line with statutory compliance timescales. An updated Capital Strategy was approved by council on 15 March 2022.

West Lothian Council agreed the Housing Capital Investment Programme for 2023/24 to 2027/28 on 7 February 2023, and approved the Asset Management Strategy and General Services Capital Programme for 2023/24 to 2032/33 and the Treasury Management Plan for 2023/24 on 21 February 2023.

D.2 Updated Prudential Code and Treasury Management Code

In December 2021, CIPFA issued a revised Treasury Management Code of Practice and a revised Prudential Code. The Prudential Code 2021 confirms a requirement, introduced in an earlier revision, for local authorities to produce an annual capital strategy. The capital strategy provides:

- A high-level overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of services
- An overview of how the associated risk is managed
- The implications for future financial sustainability

The capital strategy ensures that elected members on the full Council fully understand the overall capital strategy, governance procedures and risk appetite entailed by the strategy, and includes capital expenditure, investments and liabilities and treasury management in sufficient detail to allow members to understand how stewardship, value for money, prudence, sustainability and affordability will be secured.

D.3 Review of Capital Strategy

The capital strategy outlines the principles and framework that shape the capital investment programmes to positively contribute to the achievement of the council's priorities. In compliance with the Prudential Code, the review has considered the updated capital investment programmes, revenue budgets and treasury management plan agreed by Council on 7 February 2023 and 21 February 2023. It has also included consideration of actions to ensure compliance with all the relevant CIPFA codes. In reviewing the capital strategy, Asset Lead Officers have also reviewed key performance indicators to ensure they remain suitable as well as updating the strategy action plan.

There are no proposed changes to the council's financial regulations or scheme of administration from the review and update of the capital strategy.

E. CONCLUSION

The capital strategy ensures that the council complies with CIPFA Treasury Management and the Prudential Code. It provides a high level overview of how capital expenditure, capital financing and treasury management activity contributes towards the delivery of council services. The strategy has been reviewed and updated to reflect current circumstances.

F. BACKGROUND REFERENCES

Housing Capital Investment Programme 2023/24 to 2027/28 – Report by Depute Chief Executive to West Lothian Council on 7 February 2023

Revenue Budget 2023/24 to 2027/28 – Report by Head of Finance and Property Services to West Lothian Council on 21 February 2023

Corporate Asset Management Strategy and General Services Ten Year Capital Investment Strategy 2023/24 to 2032/33 – Report by Head of Finance and Property Services to West Lothian Council on 21 February 2023

Treasury Management Plan 2023/24 – Report by Head of Finance and Property Services to West Lothian Council on 21 February 2023

Relevant Legislation, Regulations and Codes of Practice

- Local Government (Scotland) Act 1973
- Local Government Finance Act 1992
- Local Government in Scotland Act 2003
- CIPFA Prudential Code for Capital Finance in Local Authorities
- CIPFA Treasury Management Code of Practice
- CIPFA Financial Management Code of Practice

Appendices/Attachments:

Appendix 1 – Capital Strategy 2023/24 to 2032/33

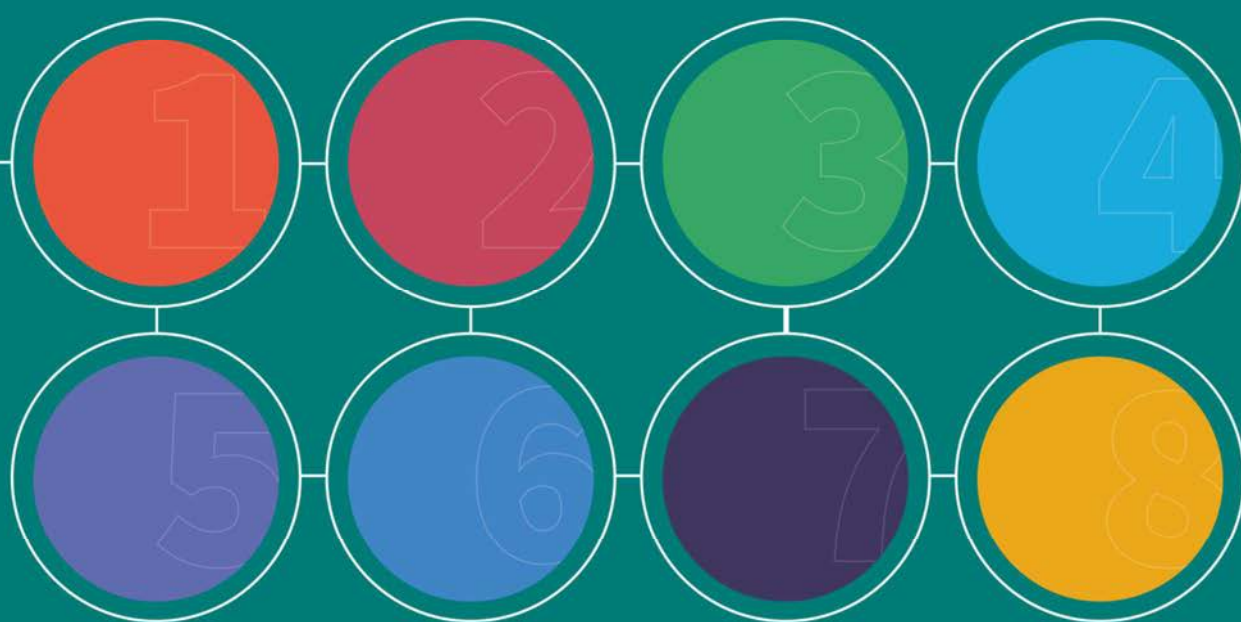
Contact Person: Stephen Ross, Accountant
Email: Stephen.Ross@westlothian.gov.uk

Donald Forrest
Head of Finance and Property Services
14 March 2023

DATA LABEL: PUBLIC

Capital Strategy

2023/24 to 2032/33



Welcome to the Capital Strategy

The capital strategy sets out the key outcomes, activities and behaviours that the council will pursue in support of our corporate priorities and provides a framework for the management of the council's core assets and infrastructure.

The Capital Strategy 2023 to 2033 provides a concise overview of how the council determines the priorities for capital investment and decides an appropriate, prudent and affordable level of borrowing. The strategy provides a high level overview of how capital expenditure, capital financing and treasury management contribute towards the delivery of services, how associated risks are managed, and how future financial investments are considered.

The strategy supports the council's Corporate Plan, including the priorities as well as contributing towards financial planning, corporate governance and risk management. The strategy also sits alongside other council strategies and plans in delivering the council's strategic direction. The strategy will be updated as necessary to ensure it continues to support and is consistent with the new corporate plan which will be reported to Council in 2023

The strategy supports service transformation by considering capital investment to enable changes in service delivery as well as modernising service provision. The strategy ensures that the council prioritises capital expenditure, investment and treasury management in supporting asset investment and maintenance as well as compliance and statutory needs.

In support of the Corporate Plan, and the council's priorities, this strategy will ensure that capital expenditure, capital investment, liabilities and treasury management provides value for money, prudence, sustainability and affordability.



**Councillor Lawrence
Fitzpatrick**
Leader of the Council



Graham Hope
Chief Executive

Strategy outcomes

The capital strategy is a high level framework for the management of the council’s core assets and infrastructure and sets out the broad principles for the development of the council’s capital strategies and plans.

Excellent organisations have a long-term vision of what they want to achieve and how they want to succeed. They will share that vision and instil a collective focus on achievement at every level of their operation. This will be evident in the strategic decisions that are taken, down to the day-to-day actions of their people.

The council has a clear mission, values and strategic outcomes. These influence every part of the way that we operate but also, how we evaluate our success as an organisation.

In order to succeed in improving the quality of lives for people in West Lothian, we must ensure that results that will be critical success factors for our priorities are identified and that we carefully manage cause and effect in these results.

Vision:

Improving the quality of life for all of those living, working and learning West Lothian

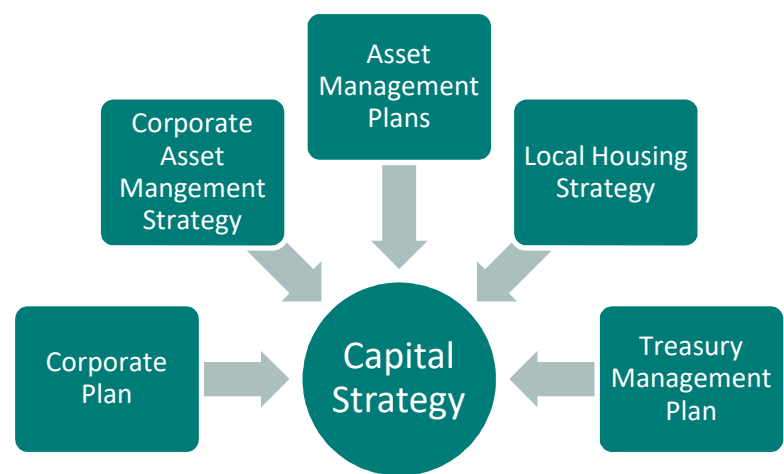
The council's priorities:

1. Improving attainment and positive destinations
2. Delivering positive outcomes and early interventions for early years
3. Minimising poverty, the cycle of deprivation and promoting equality
4. Improving the quality of life for older people
5. Improving the employment position in West Lothian
6. Delivering positive outcomes on health
7. Reducing crime and improving community safety
8. Protecting the built and natural environment

The Strategy Purpose and Scope

The capital strategy outlines the principles and the framework that shape the council's capital investment programme, with the principle aim of delivering an affordable programme of capital investment that positively contributes to the achievement of the council's eight priorities.

The strategy covers the period 2023/24 to 2032/33. The capital strategy sits alongside the following council strategies and plans:



These strategies and plans support the council's general services capital investment programme and housing capital programme.

The council makes a clear distinction between the capital investments, where the achievement of strategic outcomes are considered, and treasury management investments which are made for the purpose of cash flow management.

The Capital Strategy has four outcomes and these are:

- ◆ Outcome 1 – Efficient and Effective Capital Expenditure
- ◆ Outcome 2 – Compliant Debt Management, Borrowing and Treasury Management
- ◆ Outcome 3 – Appropriate Commercial Activity to Support Council Services and Objectives
- ◆ Outcome 4 – Robust Risk Management and Assessment of Future Financial Sustainability

Progress against the outcomes will be monitored by the Capital Asset Management Board and reported to the Corporate Management Team, Corporate Policy and Resources PDSP and the Council Executive.



Outcome 1 – Effective and Efficient Capital Expenditure

Description

The council delivers effective and efficient asset management and capital investment, using a robust investment options appraisal framework and business case process, to successfully support the prioritisation of capital investment plans directly linked to strategic priorities. All asset investment decisions are considered within an overall systematic appraisal system that uses strategic outline business cases (SOBCs). Capital investment decisions are interlinked with the Corporate Asset Management Strategy to 2032/33

and are essential to ensure we achieve West Lothian Council priorities by investing and supporting service delivery.

Outcome 1 in the capital strategy is focused on ensuring decisions align with strategic priorities, outcomes and performance requirements, fiscal responsibility and asset management best practice.

Activities

The main activities of the council during the period of the strategy will be:

Activity 1 – Delivering Effective and Efficient Capital Investment

The capital strategy groups investment into the following asset categories:

- **Property** - Property is essential to supporting the services delivered by the council. Managing these assets is a structured process which seeks to ensure best value for money and improved performance in meeting strategic needs. Property capital investment covers a wide range of capital works, including essential statutory and health and safety requirements, as well as focussing on the maintenance of front-line buildings such as schools, partnership centres and care homes. It aims to make the use of the council's property assets more efficient and effective.
- **Roads and Related Assets** - The network includes roads, footpaths, street lighting, bridges, flood prevention and road casualty reduction schemes. As it is a highly visible part of the council's asset portfolio, adequate maintenance is essential to ensuring the existing infrastructure continues to support West Lothian. The aim of roads capital investment is to provide a quality, safe, maintained and sustainable network, helping to generate and promote growth in business, leisure and everyday living in West Lothian.
- **Open Space** - West Lothian's urban settlements and villages contain a full range of open space provision including country parks, public parks, formal sports provision, amenity green space, play areas, green corridors and semi-natural spaces. The aim is to provide fit for purpose open spaces that support high quality service delivery and meet the needs of our communities, whilst minimising costs and future liabilities.
- **Information and Communication Technology (ICT)** - West Lothian owns and uses a significant range of ICT assets. The ICT capital investment aims to make efficient, effective, economical and ethical use of the council's ICT assets to support the council's strategies, service delivery and modernisation.
- **Fleet** – West Lothian Council operates and maintains a significant number of vehicles and plant assets which enable services to deliver their statutory and discretionary functions to support the council's priorities, including the decarbonisation agenda. Vehicles and plant are procured in a manner to achieve best value over the life of an assets use. The approach to selecting and financing assets is continually reviewed to ensure that financial and environmental sustainability are at the heart of the decision-making process as the council continues to strive towards achieving local and national climate change targets.

- Housing – investment in West Lothian's housing stock is designed to ensure that tenants receive the maximum benefit from their rents and ultimately the best standards of service. Investment across all housing assets is prioritised to ensure the assets remain in a fit for purpose condition, providing a safe and efficient environment for tenants. The capital programme includes investment in new and additional housing stock, and significant investment in existing council housing stock and the environment, to improve homes and local amenity. Energy efficiency is a continuing priority, with an emphasis on meeting the requirements of the Energy Efficiency Standard for Social Housing (EESH) legislation.

The Corporate Asset Management Strategy for 2023/24 to 2032/33 sits alongside capital investment to ensure that the seven strategic asset management outcomes align to the capital strategy. The Corporate Asset Management Strategy and General Services Ten Year Capital Investment Strategy 2023/24 to 2032/33 was approved by Council on 21 February 2023.

Capital investment decisions are aligned to the assessment of available capital resources, which is a key element of the capital strategy. The funding sources for capital investment are summarised as:

- General Capital Grant – the capital grant distributed by the Scottish Government.
- Other Capital Grants – including grants that are for a specific purpose, for example Cycling, Walking and Safer Streets and other ring-fenced capital grants. The council has been successful in leveraging additional grant funding to support capital investment, especially within areas such as transportation and open space and for specific property projects. Asset Lead Officers are committed to continuing to investigate opportunities for additional grant funding.
- Capital Receipts – this is income received from the sale of surplus land and property assets.
- Core Borrowing and Prudential Borrowing – core borrowing is the underlying need to borrow for capital expenditure (capital financing requirement) net of receipts, grant income, capital funded from current revenue (CFCR) and other sources of income such as developer contributions. Prudential Borrowing is borrowing which is financed from revenue savings. More detail on borrowing is set out in outcome 2.
- Developer Contributions – investment that will be funded by developers through Supplementary Planning Guidance (SPG).
- Capital Fund - the level of treasury management costs in any given year will be influenced by a variety of factors and is likely to fluctuate. For sustainability of capital and treasury activity, the council has a capital fund which provides a reserve to meet future needs and cover budget fluctuations.

Capital investment decisions are based on an approved approach whereby an assessment is undertaken to determine the level of potential capital resources available for the relevant period. SOBCs are prepared following consultation with service areas focussing on the needs of service delivery. The SOBCs are then reviewed, scored and prioritised to produce the list of investment proposals for each asset category. This process is an aid to decision making for officers and elected members rather than a definitive and absolute method of arriving at ranking for investment decisions.

For housing assets, investment decisions are based on the outcomes included in the Strategic Housing Investment Plan and Local Housing Strategy, as well as the Housing Rent Consultation and Capital Investment Strategy which outline proposals to be taken forward in relation to new housing supply and housing infrastructure.

Capital investment contributes substantially to West Lothian's local community via the employment of council staff engaged in supporting the delivery of the capital investment, as well as providing opportunities to local businesses to deliver capital works.

Approved capital investment over the period 2023/24 to 2032/33 for each asset category is set out below and is allocated in line with the revenue financial strategies, which also link with capital investment to ensure that the council achieves its priorities and supports service delivery and transformational changes. Note that Housing Capital approved investment is to 2027/28.

	2023/24 £'million	2024/25 to 2027/28 £'million	2028/29 to 2032/33 £'million	Total Investment £'million
Property	53.844	93.421	18.425	165.690
Roads and Related Assets	9.508	26.340	28.650	64.498
Open Space	2.763	11.967	13.734	28.464
ICT	2.741	7.601	11.658	22.000
Housing	26.592	131.380	0	157.972
Total Investment	95.448	270.709	72.467	438.624

As noted in the general services capital programme 2023/24 to 2032/33, projected capital resources over the next ten years are significantly less than the previous ten years. This is due to various factors including constrained capital grant funding from the Scottish Government and reduced availability of revenue resources to support the cost of prudential borrowing.

A full-scale review of the capital programme was undertaken with key consideration being to consider potential options to maximise resources from other areas such as capital receipts and council holdings. Consideration was also given to options to reduce the requirement for asset related expenditure, for example the rationalisation or transfer of assets.

Fleet has been assessed against best value criteria and leasing of vehicles continues to represent the best value and therefore is not part of capital investment for this period.

Activity 2 – Effective and Efficient Asset Management

The council's Corporate Asset Management Strategy closely aligns to the capital strategy, focussing on investment in assets that supports essential services to meet the council's priorities. All asset investment decisions are considered within the overall systematic appraisal system outlined above.

The council's assets are critical to supporting service delivery in our communities, and underpin all of the council's corporate priorities. An integrated Corporate Asset Management Strategy and Capital Strategy are therefore essential in ensuring we achieve our priorities.

Due to the large and diverse nature of the council's asset portfolio, nearly every citizen, visitor, employee and organisation in West Lothian will have access to the council's assets, whether that be schools, roads and bridges or the council's website. Further information on target customer groups is included in individual asset management plans.

The council's approach to asset management provides appropriate structures and governance arrangements to ensure assets are utilised appropriately in support of service delivery. To demonstrate that assets are being managed efficiently and effectively, strategic performance outcomes and activities demonstrate the effective implementation of the corporate asset management strategy and capital strategy. Strategic outcomes are summarised as follows:

- **Compliance** – ensuring assets comply with statutory and regulatory requirements.
- **Condition** – maintaining assets to a satisfactory condition to support service delivery.
- **Suitability** – ensuring assets are fit for purpose.
- **Sufficiency** – ensuring available assets meet current and expected service demands.
- **Utilisation** – ensuring assets are used to maximum benefit.
- **Accessibility** – ensuring assets are as accessible as possible to all service users.
- **Sustainability** – maintaining assets to ensure maximum operational life and minimising the potential negative impact on the environment.

Activity 3 – Scrutiny

The Capital Strategy, linking with the Corporate Asset Management Strategy, provides a strategic framework for securing best value in the use of the council's capital resources and asset infrastructure. To ensure that the strategy is translated into ongoing delivery at operational level, the council has the following governance arrangements:

- Project management based approach to the identified areas of capital investment, ensuring appropriate project controls, including financial controls, are followed.
- Officers complete a monthly risk based exercise to monitor progress on asset management and the capital programme.
- Quarterly monitoring reports are presented to the Council Executive outlining progress on the asset strategy and capital programme.
- Officers report to Local Area Committees on progress on capital investment in each ward on an annual basis.
- Officers report to the relevant PDSP on asset management plans for each of the six asset categories annually.
- Reports of asset performance for each of the six asset categories are presented to the appropriate PDSP on an annual basis.

Key performance indicators

We have identified the key measures of the success for this strategy outcome and will track, monitor and report on our performance in these performance indicators throughout the lifetime of our strategy:





Outcome 2 – Compliant Debt Management, Borrowing and Treasury Management

Description

The CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code) controls capital spending in a system based on self-regulation by authorities. The key objectives of the Prudential Code are to ensure that capital expenditure plans are affordable, external borrowing is prudent and sustainable, and that treasury management decisions are taken in accordance with professional good practice.

Capital investment plans and the treasury function are intrinsically linked. The council cannot borrow to fund revenue expenditure (other than for cash flow purposes) but can borrow to fund capital expenditure. The treasury management operation needs to ensure that cash flow is adequately planned and cash is available when needed, for either revenue or capital purposes.

The annual treasury management plan must be submitted to Council for approval in advance of the forthcoming financial year to comply with the revised Treasury Management Code and Scottish Investment Regulations.

In accordance with the Standing Orders, Financial Regulations and Local Government Investments (Scotland) Regulations 2010, an interim report on the operation of the treasury management function for the six months to 30 September must be presented to the Council for consideration, and an annual report on the operation of the treasury management function must also be presented.

Outcome 2 in the capital strategy is focused on borrowing and investment plans, which are based on approved capital budgets.

Activities

The main activities of the council during the period of the strategy will be:

Activity 1 – Borrowing

Borrowing Plans

Borrowing requirements are based on the latest approved general services and housing capital budgets. For new borrowing, council officers, in conjunction with the council's external treasury advisors Link Group, continually monitor prevailing interest rates and market forecasts to identify the most opportune time for borrowing during the year. It is generally anticipated that replacement borrowing will be undertaken when existing borrowing matures, subject to available interest rates.

The uncertain economic outlook means that interest rates for borrowing remain volatile. The increase in Public Works Loans Board (PWLB) rates and the effect this has on borrowing decisions will be kept under review. The council is committed to considering all funding options that provide best value, including continuing to monitor PWLB rates to take advantage of any opportunities to borrow that may arise, borrowing from other sources (within the parameters set out in the treasury plan) and the use of internal borrowing. The council continues to liaise with Link Group to identify opportunities to secure borrowing.

It is important to note that the strategy is flexible and is continually monitored against changes in money and capital market sentiments. Should there be any divergence between the actual position and the interest rates forecast then action would be taken to minimise the risk to the council. The cost of servicing the council's borrowing requirements is measured on an annual basis and includes both the cost of borrowing (the interest) and the expense in relation to managing the borrowing.

Statutory Repayment of Loans Fund Advances

The council is required to set out its policy for the statutory repayment of loans fund advances prior to the start of the financial year. The repayment of loans fund advances ensures that the council makes a prudent provision each year to pay off an element of the accumulated loans fund advances made in previous financial years.

Based on the latest approved capital budgets, the balance on the loans fund is forecast to be £723.2 million by the end of 2022/23. The current projected profile of future loans fund repayments is as follows:

Loans Fund Account Repayments from 2023/24	General Fund £m	HRA £m	Total £m
2024/25	10.2	5.7	15.9
2025/26 – 2028/29	53.3	29.1	82.4
2029/30 – 2033/34	104.3	54.6	158.9
2034/35 – 2038/39	96.5	64.7	161.2
2039/40 – 2043/44	89.1	83.2	172.3
2044/45 – 2048/49	46.5	84.4	130.9
2049/50 – 2053/54	30.5	75.1	105.6
2054/55 – 2058/59	19.1	61.2	25.0
2059/60 – 2063/64	1.4	44.7	46.1
2064/65 – 2068/69	0	15.6	15.6
Total	450.9	518.3	969.2

The current projection of loans fund debt levels is as follows:

Projected Loans Fund Debt Levels	General Fund £m	HRA £m	Total £m
31 March 2024	439.4	299.4	738.8
31 March 2025	432.2	317.6	749.8
31 March 2029	387.3	379.6	766.9
31 March 2034	283.1	429.0	712.1
31 March 2039	186.6	364.2	550.8
31 March 2044	97.4	281.0	378.4
31 March 2049	51.0	196.6	247.6
31 March 2054	20.5	121.4	141.9
31 March 2059	1.4	60.3	61.7
31 March 2064	0	15.5	15.5
31 March 2069	0	0	0.0

External v Internal Borrowing

As outlined in the treasury management plan each year, council officers, in conjunction with treasury advisors Link Group, continually monitor prevailing interest rates and market forecasts to identify the most opportune time for borrowing during the year. In some years, this can mean that the council has an under borrowed position at the year end, which means that council reserves have been used to finance the capital programmes rather than actually borrowing the full amount required. This can also be referred to as internal borrowing, as this is utilising existing internal resources rather than borrowing additional external resources. This position allows authorities to consider whether it is more beneficial to undertake external borrowing or pay for the capital programme with internal borrowing by reducing existing investments. Reducing investments would limit exposure to counterparty risk but could increase liquidity risks where the council's reserves and balances are not cash backed.

The council is currently maintaining an under-borrowed position. This means that the capital borrowing needed, the capital financing requirement (CFR), has not been fully funded with loan debt as cash supporting the council's reserves, balances and cash flow has been used as a temporary measure. This strategy is prudent as medium and longer dated borrowing rates are expected to fall from their current levels once prevailing inflation concerns are addressed by tighter near-term monetary policy. Interest rates will be monitored and a pragmatic approach to changing circumstances adopted. This allows the council to secure good rates to ensure that the capital plans to 2032/33 are not compromised due to increased borrowing rates in the future.

Borrowing in Advance

The Local Government Investments (Scotland) Regulations 2010 require local authorities to set out their approach to borrowing in advance in the treasury management plan. Borrowing in advance is defined in the Regulations as any borrowing undertaken that results in total external debt exceeding the capital financing requirement for the following twelve-month period.

The council will not borrow more than, or in advance of its needs, purely in order to profit from the extra sums borrowed. Any decision to borrow in advance will be considered carefully to ensure value for money can be demonstrated and that the council can ensure the security of funds temporarily invested. Any advance borrowing will be reported as part of the next treasury management report to the Council, however it is not planned that the council will borrow in advance in the short term. This is due to the current low interest rate and high inflation environment creating a cost of carry, meaning that the cost of borrowing funds in advance would far outweigh any interest that would be received by investing the funds.

Activity 2 – Investment

Investment Plans

The Local Government Investments (Scotland) Regulations 2010 came into force in April 2010. The Regulations require local authorities to consider the totality of their investment activity and, as such, have a wider application than the CIPFA Treasury Management Code. The Regulations apply to a range of investments including temporary surplus funds with banks and similar institutions, shareholding in companies or joint ventures, loans to group undertakings and third parties and investment properties. The Regulations require local authorities to manage risks to the capital sum invested and optimise the return consistent with those risks.

The council's investment priorities are the security of capital and the liquidity of its investments. The council aims to achieve the optimum return on its investments commensurate with appropriate levels of security and liquidity. The risk appetite of the council is low in order to give priority to security of its investments. Investment instruments identified for use are listed in the treasury management plan as permitted investments. Any investment not listed will be ultra vires in line with the Regulations and will not be entered into by the council. Before any new investment mechanism can be used, approval would be required by the Council to amend the permitted investment list. The treasury management plan details the permitted investments and maximum amounts that can be invested in them. It also includes reference to associated treasury risks and mitigating controls. Permitted investments include current investments in long term investments, share capital in companies and loans to third parties.

The average rate of return for council investments is measured on a quarterly basis and is benchmarked with the Link Benchmarking Club. The benchmarking model compares portfolio weighted average rate of returns by adjusting for the maturity risks and credit risks that are inherent in cash portfolios. The target is the expected rate of return as advised by the external investment advisers and is based on current investments and risk profile and general economic conditions in the quarter. The aim of this activity is to achieve maximum returns for the council's investments and is dependent on the prevailing economic situation at that time.

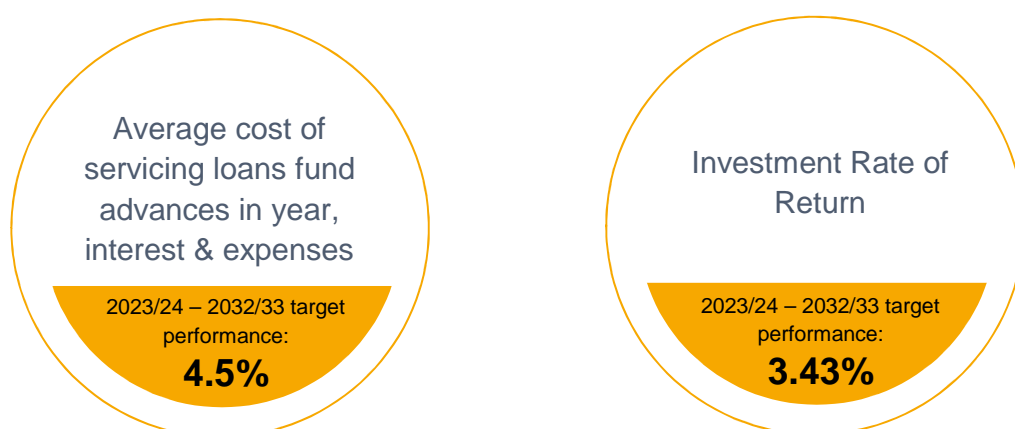
Permitted Investments

Investments are subject to a number of risks which require to be effectively managed. The risks, and the controls to mitigate them, are summarised as follows:

- **Credit and Counterparty Risk Management** – this is the risk of a counterparty failing to meet its contractual obligations, effectively the risk of default. The council has always invested with appropriately rated UK banks and building societies. The council also uses AAA rated money market funds and other local authorities, as these are regarded as unlikely to default. This policy is considered risk averse. There is no change proposed to this policy.
- **Liquidity Risk Management** – this is the risk that cash will not be available when required creating additional unbudgeted costs. The council has effective cash flow forecasting up to twelve months in advance, which accurately forecasts the cash requirements. A proportion of the council's reserves and balances will be used in the coming years, with drawdowns being built into the council's medium and long term cash flow forecasts. The use of highly liquid money market funds, and the council's overnight account for some shorter term investments, also ensures that this risk is minimised.
- **Market Risk** – this is the risk to the capital amount of the investment, effectively creating a loss of capital (i.e. the council would not receive back the amount originally invested). The council will not invest in any product which risks the value of the capital sum. For certificates of deposit, the council will hold certificates until maturity to ensure that the full amount invested is returned to the council.
- **Interest Rate Risk** – this is the risk that fluctuations in the levels of interest rates create an unexpected or unbudgeted burden on the organisation's finances. The council has set limits for its fixed and variable rate exposure in its treasury indicators and manages this risk by having a view of the future course of interest rates and having a treasury management strategy which aims to maximise investment earnings consistent with control of risk while seeking to minimise expenditure on interest costs on borrowing.
- **Legal and regulatory risk** – this is the risk that the organisation itself, or an organisation with which it is dealing in its treasury management activities, fails to act in accordance with its legal powers or regulatory requirements, and that the organisation suffers losses accordingly. The council will not undertake any form of investing until it has ensured that it has all necessary powers and also complied with all regulations.

Key performance indicators

We have identified the key measures of the success for this outcome and will track, monitor and report on our performance in these performance indicators throughout the lifetime of our strategy:





Outcome 3 – Appropriate Commercial Activity to Support Council Services and Objectives

Description

Commercial investment is investment in other financial assets, including loans and property with the primary focus of investment for financial return. This type of commercial investment is not part of the treasury management activity set out within outcome 2 of this strategy.

Outcome 3 in the capital strategy is focused on the utilisation of expert advice in the formulation of commercial activities. The council does not borrow to finance capital expenditure to invest primarily for a commercial return. Where appropriate, expert advice will be sought when commercial activity is a consideration.

Activities

The main activities of the council during the period of the strategy will be:

Activity 1 – Commercial Activity Consideration

The council does not make investments for a financial return. The council only invests in assets that support service delivery. However, during the period of the strategy, where appropriate, commercial activity may be considered.

The council's annual treasury management plan outlines the council's approach to investments. It outlines permitted investments and identified risks for permitted investments. The plan outlines the council's intentions in relation to investments, including detailing service based investments. The council's investment priorities are the security of capital and the liquidity of its investments. The council will also aim to achieve the optimum return on its investments commensurate with appropriate levels of security and liquidity. The 2023/24 treasury management plan was agreed on 21 February 2023.

The council uses external advisers for treasury management. Use of external advisers is detailed in the council's Treasury Management Practices (TMP) Schedules. Procurement of external advisers is subject to the council's procurement procedures. When the council embarks on new initiatives the council utilises external expert advice where required, and where appropriate this will be considered for any future commercial activity considerations.



Outcome 4 – Robust Risk Management and Assessment of Future Financial Sustainability

Description

Effective risk management arrangements, including consideration of the future financial sustainability of capital investment, are part of the process of prioritising capital investment which is directly linked to strategic priorities. This includes consideration of specialist knowledge and skills required to implement the capital strategy.

Outcome 4 in the capital strategy is focused on ensuring that governance arrangements and suitable skills are in place to fully implement the capital strategy.

Activities

The main activities of the council during the period of the strategy will be:

Activity 1 – Robust Risk Management

The Head of Finance and Property Services is the owner of the capital strategy and is responsible for ensuring effective and efficient capital investment, asset management and capital resourcing. The Head of Finance and Property Services has other key responsibilities in relation to capital investment and asset management which are as follows:

- Chair of the Capital and Asset Management Board (CAMB), which is a corporate forum of officers to oversee the operational management of the council's General Services Capital Programme and the management of each asset category and to make decisions and recommendations to the Executive Management Team and Corporate Management Team. The Board includes all asset lead officers and representatives from a range of council services.
- Ensuring asset management planning occurs across all service areas and is compliant with associated statutory requirements, including the need to demonstrate best value
- Chair of the Community Asset Transfer Officer Board (CATOB), an officer Board that considers, analyses and evaluates community asset transfer applications received by the council and makes a recommendation to the Community Asset Transfer Committee.
- Delegated senior officer for the management of the council's designated Common Good assets.

In support of the Head of Finance and Property Services role, each asset category has an Asset Lead Officer (ALO) with the following areas of responsibility:

- Preparing asset management plans
- Coordinating business cases for investment
- Performance monitoring and management
- Monitoring resource deployment

The Asset Lead Officers are as follows:

Asset Lead Officers	
Asset Category	Responsible Officer
Property	Property Services Manager
Roads and Related Assets	Roads and Transportation Manager
Open Space	NETS, Land and Countryside Manager
ICT	IT Manager
Fleet	Fleet, Recycling and Waste Services Manager
Housing	Housing Strategy and Development Manager

A risk based approach is undertaken with risks being identified through the monitoring process and reported to the Capital Asset Management Board for consideration of mitigating actions. This process involves Asset Lead Officers, Heads of Service and other service representatives. The identified risks are then reported to the Council Executive to ensure that elected members are fully appraised on the delivery of the capital strategy for each asset category.

Activity 2 Deployment of Appropriate Knowledge and Skills

Capital investment and treasury management activities require a range of specialist skills. When developing capital investment and treasury plans consideration is given to the knowledge and skills that will be required to deliver the plans along with consideration of access to specialist advice. This includes access to treasury management advice. The table below considers the knowledge and skills available within the council and what specialist knowledge and skills are available to be accessed externally to the council.

Knowledge or Skill Requirement	Description	Internal or External
Strategic Overview of Financial Position	Understanding of the council's full financial position, how budgets and treasury management are interlinked as well as the political environment.	Internally available through Head of Finance and Property Services as well as the Depute Chief Executives and Chief Executive.
Asset condition, suitability & performance investment requirements	Knowledge and skills required to assess asset condition, suitability and performance to determine investment requirements as well as asset modernisation to support changes to service delivery.	Internally available via the Asset Lead Officers and technical service areas who carry out inspections and appraisals as well as maintain asset registers. Service representatives at the CAMB also have knowledge of service requirements to support ALOs.
Treasury Management	Undertaking of day to day treasury management as well as making strategic treasury investment and debt management decisions.	Internally and externally available. The council has significant internal treasury management knowledge and skills which is complemented with access to external treasury advice. Use of external advisers is also detailed in the council's Treasury Management Practices Schedules. Procurement of external advisers is subject to the council's procurement procedures.

Project Management	Management of the capital investment programme ensuring that the programme is delivered within budget and within statutory requirements.	Internally and externally available. The council has considerable project management knowledge and expertise, however on a number of projects, or elements of projects, it is acknowledged that specialist knowledge and skills will be required. Where additional needs are identified external provision will be sourced via external contractors and organisations.
Training Requirements	Identification of training needs for both elected members and council officers.	Elected member training is available for all financial budgets and processes. Monitoring and governance arrangements also provide additional informative training. Through robust project management approaches, and end of project reviews, officer training is identified along with the completion of the council's Appraisal, Development and Review process.

Activity 3 Pipeline Investment

Looking beyond 2033 involves a significant amount of uncertainty around both the funding of local government, the services which it will deliver and the nature of those services. However, based on past investment and current service delivery, there will be a continuing need for capital investment in the council's assets. The cost and implications of any borrowing required to fund continuing investment will be part of the council's ongoing approach to integrated financial management and planning and will be considered in conjunction with all future capital and revenue plans.

A key element of asset management and the capital strategy is the consideration of asset life and condition. This means that through the asset register and monitoring of asset condition, suitability, compliance, sufficiency, utilisation, accessibility and sustainability, the future investment requirements beyond 2032/33 are given initial consideration. This includes each ALO being aware of the potential future pipeline investment requirements and involves a rolling programme of reviewing assets to ensure conditions do not significantly deteriorate. ALOs are also mindful of potential service delivery changes, such as property rationalisation, demographic changes and statutory or regulatory requirements. The activity is undertaken by ALOs and their teams as part of the asset inspection programmes and contributes towards the delivery of the corporate asset management strategy and the individual asset management plans.

Key performance indicators

We have identified the key measures of the success for this outcome and will track, monitor and report on our performance in these performance indicators throughout the lifetime of our strategy:



Developing the strategy and reporting progress

The strategy was developed to support the delivery of the council's Corporate Plan and to take account of a range of factors that are likely to impact the delivery of council services in the next six years.

Context

The coming years will be a period of significant challenge for the council with ongoing spending constraints expected to continue. However, the council has clearly defined long term aims relating to the development and maintenance of quality services, designed to meet the needs of its customers. These long term aims are captured in the Local Outcome Improvement Plan, Community Plan and in the council's Corporate Plan. Together these strategic plans shape and inform the work of council services.

The development of the Corporate Plan to 2028 has been directly influenced by the views of the

people living and working in West Lothian, ensuring that are focused on meeting the needs of a growing and vibrant community. The Corporate Plan sets the strategic priorities for the council and this will be the continued focus for all council services during the period.

This will help to ensure that we continue to tackle the most important issues for West Lothian. Also, that we invest in and prioritise the services which make the most significant contribution to the achievement of positive outcomes.

Influences

Influences affecting the strategy include:

- The CIPFA Prudential Code for Capital Finance in Local Authorities
- The CIPFA Treasury Management in Public Services Code of Practice and Guidance
- The CIPFA Financial Management Code
- Scottish Investment Regulations
- The council's transformational change programme
- Scottish Government legislation and initiatives
- Scottish Government grant funding and Investing for Jobs: Capital Spending Review 2021/22 to 2025/26
- Local Government in Scotland Act 2003 and the council's Best Value Framework
- Demographic growth
- Developer Contributions received via Statutory Planning Guidance

Strategy development process

The strategy was developed using a range of information to ensure that outcomes, activities and resources are aligned. The strategy reflects the council's agreed approach to asset management and capital investment covering the following key elements:

- Estimate overall available resources
- Prepare SOBCs for potential capital investment
- Consider all potential investment

- Scoring of the SOBCs to undertake a prioritisation exercise using the agreed methodology, based on the following four categories –
 - Non-financial considerations
 - Service delivery
 - Corporate priorities
 - Financial assessment
- Use of the above information to help prepare a recommended capital investment programme, including treasury management, for consideration by elected members

The process and timescales for the development, publication and review of the strategy is set out, including consultation with the appropriate stakeholders.

Strategy governance		
Group	Governance Scrutiny role	Reporting Frequency
West Lothian Council	a) Approval of the strategy – including approval of the corporate asset management strategy and supporting capital investment programmes	◆ Annual
Corporate Policy and Resources PDSP	a) Regular updates to PDSP on the progress of specific programmes of work	◆ Annual strategy review ◆ End of strategy review
Capital Asset Management Board	a) Engagement b) Monitoring c) End of strategy review	◆ Consultation ◆ Annual strategy review ◆ End of strategy review
Corporate Management Team	a) Engagement on the strategy and strategy outcomes at the development stage b) Regular updates on the progress of specific programmes of work	◆ Consultation
Stakeholders	a) Engagement on the strategy and strategy outcomes at the development stage	◆ Consultation
Customers (internal)	a) Engagement on the strategy and strategy outcomes at the development stage	◆ Consultation

Strategy monitoring

The Head of Finance and Property Services and the Corporate Management Team will ensure that appropriate arrangements are in place to track and monitor in-year progress.

An end of strategy review will be undertaken in the final year of the strategy to report on the achievement in the outcomes and final position in the performance indicators (against the target) and the agreed actions.

Supporting the delivery of council priorities

This strategy will support the delivery of the council's Corporate Plan

Corporate strategies are designed to support the delivery of the Corporate Plan by improving the culture, agility, resilience and performance of the council. Each strategy has clearly defined outcomes and measurable indicators of success and actions for the period. The capital strategy aligns with the council's priorities by investing in each of the council's asset categories; this is outlined in the table below.

Council Priority	Supporting Asset Categories
1. Improving attainment and positive destinations	<p>Property – council investment in the condition and suitability of the school estate helps to maintain an effective learning environment.</p> <p>Roads and Related Assets – investment in this area ensures safe routes to schools and the maintenance of school playgrounds.</p> <p>Open Space – open space investment ensures our school playing fields are maintained and improved where necessary to support play and education provision.</p> <p>ICT – ICT investment plays a significant role in supporting education across all learning environments, including schools. Technology skills gained through use of ICT equipment is crucial to enabling positive future destinations.</p>
2. Delivering positive outcomes and early intervention for early years	<p>Property and ICT – through the development of early years provision, partnership centres and modernising community properties and ICT assets, the council has an infrastructure in place that facilitates the delivery of services aimed at supporting younger children.</p>
3. Minimising poverty, the cycle of deprivation and promoting equality	<p>Property – property assets that support service delivery are accessible to customers and provide accommodation for services that support those living in poverty.</p> <p>Open Spaces and Roads and Related Assets – assets within this category are accessible to those with disabilities. The improvement of open spaces and public areas has a direct link with residents' perceptions of West Lothian and provides diversionary activities for young people.</p> <p>Fleet – within this asset category, vehicles are provided to transport clients who have accessibility limitations.</p> <p>Housing – the council's housing stock includes houses that are fully accessible for those with disabilities, as well as providing good quality affordable housing for those on lower incomes.</p>
4. Improving the quality of life for older people	<p>Property, ICT and Housing – the council's operational property and housing assets include care homes, housing for the elderly, sheltered housing and community facilities that are used by older people. Ensuring these facilities are fit for purpose, and investing in new facilities, supports the delivery of services aimed at improving the quality of life for older people.</p>

Council Priority	Supporting Asset Categories
5. Improving the employment position in West Lothian	All Asset Categories – the council's capital investment programme represents a significant level of expenditure in the local economy. This investment supports job creation and retention in our communities.
6. Delivering positive outcomes on health	All Asset Categories – maintaining our partnership centres in conjunction with NHS Lothian and other community health partners supports the delivery of joint services aimed at improving the health of local communities. Community assets advocate physical activity and the provision of good quality open spaces encourages exercise and active recreation.
7. Reducing crime and improving community safety	All Asset Categories – council investment will sustain and improve community safety through projects such as improved street lighting, road safety improvements and provision of youth facilities to reduce anti-social behaviour.
8. Protecting the built and natural environment	All Asset Categories – investment in the council's assets will contribute positively to the built and natural environment of local communities, by continuing to provide valued property, housing, roads and related assets and open space assets. Protecting the built environment through reducing CO2 emissions and facilitating green travel.

This section will be updated as required to reflect the priorities in the new Corporate Plan to be approved in 2023.

Appendix 1: Strategy Scorecard

The council will report on the following key measures of the success throughout the lifetime of our strategy.

OUTCOME 1 – EFFECTIVE AND EFFICIENT CAPITAL EXPENDITURE		
Indicators	Target 2023/24	Target 2024/25-2032/33
Annual capital budget approval within set deadlines	100%	100%
Budget monitoring compliance with timescales for formal reporting	100%	100%

OUTCOME 2 – COMPLIANT DEBT MANAGEMENT, BORROWING AND TREASURY MANAGEMENT		
Indicators	Target 2023/24	Target 2024/25-2032/33
Average cost of servicing loans fund advances in year, interest & expenses	4.5%	4.5%
Investment Rate of Return	3.43%	3.43%

OUTCOME 4 – ROBUST RISK MANAGEMENT AND ASSESSMENT OF FUTURE FINANCIAL SUSTAINABILITY		
Indicators	Target 2023/24	Target 2024/25- 2032/33
Percentage of projects delivered on time	100%	100%
Percentage of capital investment delivered in year	100%	100%
Asset valuations undertaken within agreed timescales	100%	100%

Appendix 2: Strategy Action Plan

The council will undertake a range of actions to support delivery of corporate priorities and objectives, improve services and deliver transformation.

Actions 2023/33						
Action	Description	Planned Outcome	Owner(s)	Start	End	Status Update
Strategic Action - Capital Investment	Annual review of capital investment	Effective and up to date capital investment profile	Asset Lead Officers	April 2023	March 2033	Planned
Strategic Action - Scrutiny	Annual review of project and budget controls	Effective project and budget controls mitigating risks of overspend and significant programme slippage	Asset Lead Officer	April 2023	March 2033	Planned
Strategic Action – Treasury Management	Annual review of treasury management function	Ensure that the treasury management function remains within set parameters	Head of Finance and Property Services	April 2023	March 2033	Planned
Strategic Action –Risk Management	Annual review of risk management ensuring that procedures remain appropriate and that the strategy is in line with the council's approach to risk	Effective risk management procedures	Head of Finance and Property Services	April 2023	March 2033	Planned
Strategic Action – Best Value	Best Value assessment to be undertaken	Ensure the council is compliant with the Best Value Framework and Local Government (Scotland) Act 2003	Head of Finance and Property Services	April 2023	March 2033	Planned
Strategic Action – Future investment considerations	Annual review of potential pipeline investment needs	Ensure robust future financial planning	Head of Finance & Property Services / Asset Lead Officers	April 2023	April 2033	Planned

Capital Strategy 2023/33

West Lothian Council

March 2023

For more information:

Email address: Donald.Forrest@westlothian.gov.uk

Telephone number: 01506 281294

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

DATA LABEL: PUBLIC



WEST LOTHIAN COUNCIL

APPOINTMENT OF A LAY MEMBER TO THE AUDIT COMMITTEE

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To ask the Council to extend the appointment of the lay member of the Audit Committee for a further three years.

B. RECOMMENDATION

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

C. SUMMARY OF IMPLICATIONS

I Council Values	Being honest, open and accountable, making best use of our resources.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The Scheme of Administration provides for the council to appoint a lay member of the Audit Committee after a recommendation from an interview panel chaired by the Chair of the Audit Committee.
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	None.
V Relevance to Single Outcome Agreement	Our public services are high quality, continually improving, efficient and responsive to local people's needs.
VI Resources - (Financial, Staffing and Property)	None.
VII Consideration at PDSP	None.
VIII Other consultations	None.

D. TERMS OF REPORT

The Scheme of Administration provides for the appointment of a lay member to the Audit Committee. The lay member is a non-voting member of the Committee, with a period of appointment of three years. The current lay member, Moira Glencorse, was appointed by the Council on 17 March 2020 following an interview process.

The terms of the original appointment allow the Council to extend the appointment for another three years. Moira Glencorse has expressed a desire to continue as a lay member of the Audit Committee. Accordingly, Council is asked to extend the appointment for a further three years.

E. CONCLUSION

The presence of a lay member on the Audit Committee enhances the Committee's ability to scrutinise the council's internal control arrangements.

F. BACKGROUND REFERENCES

Report to West Lothian Council 17 March 2020: Appointment of a Lay Member to the Audit Committee

Appendices/Attachments: None.

Contact Person: Kenneth Ribbons, kenneth.ribbons@westlothian.gov.uk Tel No. 01506 281573

Donald Forrest
Head of Finance and Property Services
Date of meeting: 14 March 2023

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Robert De Bold
Secretary: Cllr Mary Dickson

Díco Tíbi Verum, Libertas Optima Rerum Nunquam Servilí!



Agenda Item 8

West Lothian Council meeting 21 March 2023

Motion- Celebrating Volunteers in Our Communities

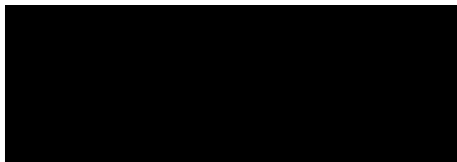
Council recognises the considerable achievements of a local man John West as Co-Founder of Winchburgh Growers and Winchburgh Wombles over the last few years.

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.

Received on 23 Feb 2023 at 16:21



Cllr Diane Calder

Broxburn Uphall & Winchburgh Ward.

WEST LOTHIAN COUNCIL LABOUR GROUP

Notice of Amendment from Councillor Kirsteen Sullivan for the Council meeting on 14th March 2023

WASPI WEST LOTHIAN GROUP

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 means 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

Received on 27 Feb 2023 at
10:17am

Councillor Kirsteen Sullivan
West Lothian Council Labour Group

WEST LOTHIAN COUNCIL LABOUR GROUP

Notice of Motion from Councillor Andrew McGuire for the Council Meeting on 14th March 2023

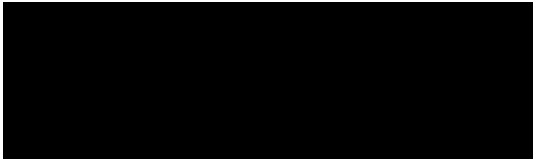
Scottish Government Interference

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.



Received on 27 Feb 2023
at 11:28am

Cllr Andrew McGuire
Armadale and Blackridge Ward



Notice of Motion from Councillor Sally Pattle for Council on March 14th 2023

MAKING IT MANDATORY FOR BELLS TO BE FITTED ON BICYCLES (AND FOR CYCLISTS TO USE THEM)

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.

Received on 27 Feb 2023 at
11:31am



Councillor Sally Pattle

Liberal Democrat Councillor for the Linlithgow Ward



WEST LoTHIAN CONSERVATIVE AND UNIONIST COUNCIL GROUP

West Lothian Council

14 March 2023

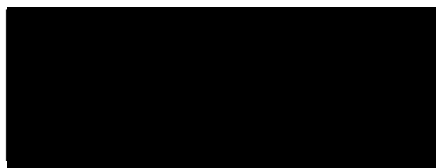
Action on disabled parking in West Lothian

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.



Received on 27 Feb 2023 at
11:32am



Councillor Alison Adamson
Livingston North Ward
West Lothian Council Conservative Group



WEST LOTHIAN CONSERVATIVE AND UNIONIST COUNCIL GROUP

West Lothian Council

14 March 2023

Gender Recognition Bill

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.

Received on 27 Feb 2023 at 11:32am

Councillor Angela Doran-Timson
Broxburn Uphall and Winchburgh Ward
West Lothian Council Conservative Group



WEST LOTHIAN CONSERVATIVE AND UNIONIST COUNCIL GROUP

West Lothian Council

14 March 2023

Halt the Deposit Return Scheme

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 be 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.

Received on 27 Feb 2023 at 11:32am

Councillor Damian Doran-Timson
Conservative Group Leader
East Livingston & East Calder Ward
West Lothian Council Conservative Group

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Robert De Bold
Secretary: Cllr Mary Dickson

Díco Tíbi Verum, Libertas Optima Rerum Nunquam Servíli!



Agenda Item 15

Motion – Council Meeting Tues 14th March 2023

Traffic Management in Bathgate

West Lothian Council is running a consultation on New-Road-Footpath-and-Cyclepath-Development with the intention of delivering a twin cycle lane from Guildiehaugh Roundabout along Edinburgh Road past the station into King Street.

Where this initiative is to be welcomed, subject to a successful consultation and is an obvious priority, there are concerns that it is not enough.

There will most likely be significant knock on effects to other parts of the town centre with traffic at peak times looking to take alternative routes. In addition to this project there also need to be a serious consideration to where the users of the cycle route are directed safely through the town centre and beyond.

Bathgate needs to capitalise on this long-awaited project and welcomes the incentive to look at the bigger picture.

West Lothian Council therefore agrees to a full and comprehensive Traffic Management study into the pedestrian, cycling/wheeling and traffic flows through and around Bathgate. To look to implement segregation, traffic calming, one-way systems and other issues to address the chaos that is prevalent in Bathgate at present.

This should be in conjunction with the people of Bathgate and the people who use Bathgate, so areas can be identified and prioritised.

Received on 27 Feb 2023 at 11:38am

Cllr. Wm. H. Boyle

West Lothian Council SNP Group

Leader:

Depute Leader:

Secretary:

Dico Tibi Verum, Libertas Optima Rerum Nunquam Servili!



Cllr Janet Campbell

Cllr Robert De Bold

Cllr Mary Dickson

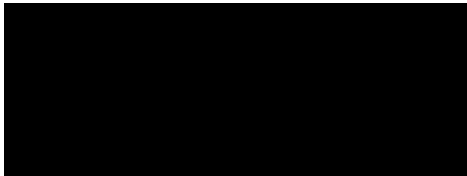
Agenda Item 17

Question for Full Council on 14th March, 2023.

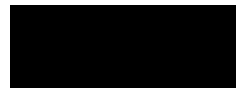
To the Leader of the Council

We enter the second year of this cruelty by the Government in Russia on the people of Ukraine. This is an illegal war on the people who have had to flee their country often women and children in order to protect themselves against the Russian invasion.

Is West Lothian Council still actively trying to help the people of Ukraine who have left their country with very little in order to survive and how is this help proceeding?



Received on 27 Feb 2023 at
10:13am



Cllr Mary Dickson

26th February, 2023.

WEST LOTHIAN COUNCIL LABOUR GROUP

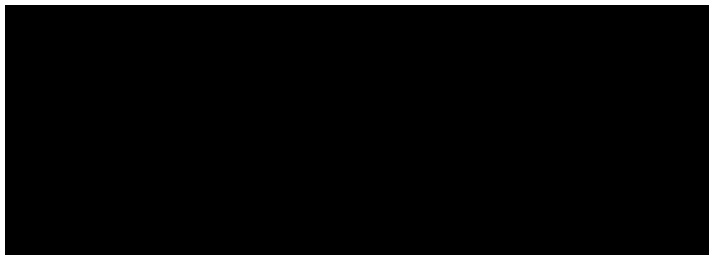
Response to the Question from Councillor Mary Dickson for the Council meeting on 14th March 2023

Supporting the People of Ukraine

I would like to thank Councillor Mary Dickson for her question.

Q	<p>We enter the second year of this cruelty by the Government in Russia on the people of Ukraine. This is an illegal war on the people who have had to flee their country often women and children in order to protect themselves against the Russian invasion.</p> <p>Is West Lothian Council still actively trying to help the people of Ukraine who have left their country with very little in order to survive and how is this help proceeding?</p>
A	<p>Currently there are approximately 100 Ukrainian people placed in hotels in West Lothian. There are well-established drop-ins available within these hotels for people to gain support; twice weekly within both the Mercure and Houston House Hotels.</p> <p>West Lothian Council services provide a range of support at these drop ins including:</p> <ul style="list-style-type: none"> • Tenancy Sustainment Officers (TSO's) • Housing Options Officer • Social policy staff (Social Work, Family Placement Team where private fostering assessment is needed) • Adult Education for ESOL • Access to Employment • Advice Shop <p>The Scottish Government has employed staff, through a recruitment agency, to support with the matching process and ensure that displaced Ukrainians, placed within hotel accommodation, are matched to local hosts as quickly as possible.</p> <p>There are approximately 50 hosting placements with communities across West Lothian. Social Policy staff and Tenancy Support Officers arrange initial visits between the local host and matched Ukrainian families. Tenancy Support Officers are currently in the process of contacting all guests within the community to offer support and signpost to all of the available supports to assist with maintaining host arrangements and ensuring that there is access to all of the local information required. There is also support with mediation between guest and hosts if any issues arise. It should also be noted that should there be a host breakdown, support is provided with Housing Options including rehosting where required.</p>

	<p>The Council has been offered 25 properties from local Registered Social Landlords for displaced Ukrainians that are being allocated to people on the Scottish Super Sponsor Scheme. To date 3 of these properties have been allocated with the aim of allocating the remaining 22 in the next month once they have been furnished.</p> <p>The introduction of the Tenancy Support Officer support within the community has been very positive and the council's Access to Employment Service has indicated that there has been a rise in referrals since the community focused support commenced. The Advice Shop offer appointments on a weekly basis and Adult Education support with ESOL (English for Speakers of Other Languages) classes.</p> <p>The Ukraine Working Group, chaired by Alison White, the Council's Depute Chief Executive, meets fortnightly and has a membership which includes Social Policy, Housing Needs, Education, Finance, Asset Management, the Advice Shop, third sector, DWP, Access to Employment and Adult Education.</p> <p>Monitoring information is provided to the Scottish Government on a quarterly basis to inform the funding required to support displaced Ukrainian people supported in West Lothian.</p> <p>Update reports on the Ukrainian Refugee Support Scheme have been provide to the Council Executive, the most recent report being considered on 15th November. An update was also provided to the Housing Services PDSP on 26th January as part of the Homelessness Update report. It is proposed that further report will be submitted to the Council Executive on 9th May 2023.</p>
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Councillor Lawrence Fitzpatrick
Leader of the Council

West Lothian Council Meeting March 14th 2023

Question to Executive Councillor for Corporate Policy and Resources

Question

1. With regards to the Have Your Say consultation that was carried out in 2022 to help inform the future direction of the Council and on specific Officer budget proposals for the next five years, was an Easy to Read version made available, during Phase one and Phase two?
 - What attempts were made to consult with young people during both stages of the process?



Received on 27 Feb 2023 at 11:31am



Councillor Sally Pattle

Liberal Democrat Councillor for the Linlithgow Ward

WEST LOTHIAN COUNCIL LABOUR GROUP

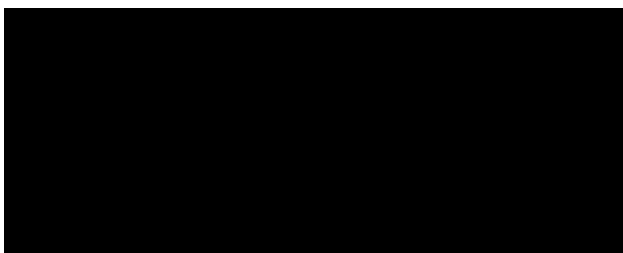
Response to the Question from Councillor Sally Pattle for the Council meeting on 14th March 2023

Have Your Say Consultation

I would like to thank Councillor Sally Pattle for her question.

Q	<p>With regards to the Have Your Say consultation that was carried out in 2022 to help inform the future direction of the Council and on specific Officer budget proposals for the next five years, was an Easy to Read version made available, during Phase one and Phase two?</p> <p>What attempts were made to consult with young people during both stages of the process?</p>
A	<p>The council used a range of methods to promote the consultation and to engage with customers, staff and partners on the consultation.</p> <p>The Phase 1 and Phase 2 consultation documents were promoted as both an online survey and a pull-out in the Summer Edition of Bulletin delivered to all households.</p> <p>The online version of the consultation was promoted via the council's website and social media channels, and key partners were provided with the details of the online consultation and were encouraged to participate.</p> <p>The council's website includes the Recite Me accessibility application which provides users with access to a range of functions to assist in accessing information on the website:</p> <ul style="list-style-type: none"> • Having text on our website read aloud (including PDFs) • Downloading the text as an MP3 file to play it where and when it suits you • Changing font sizes and colours • Customising background colour • Translating text into more than 100 different languages <p>Parents received the link to both phases via Group Call messages to be sent from schools and Head Teachers were encouraged to promote to senior school forums.</p> <p>As in previous consultations the council had a proactive engagement programme with specific groups to promote the consultation and to support the groups in their participation and completion of the consultation either online or via a paper copy. One on one support with supervision was also available to specific groups as required to assist in the completion of the consultation.</p> <p>In addition to the general promotion through the council's website, social media, Bulletin and Group Call there was a programme of targeted engagement with young people across a range of council activities:</p>

	<ul style="list-style-type: none"> • Social Policy with Action for Children, Through Care, and Children's & Families services. • Community Regeneration Services engaged with a variety of groups including The Vennie, and the Wee croft, Stoneyburn. • Education Services engaged with young people participating in More Choices More Chances services (Skills Training programme), mainstream youth clubs and the Glitter Cannons LGBT Youth Group. During the Phase 1 consultation young people participating in the summer of play programme were engaged.
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Councillor Lawrence Fitzpatrick
Leader of the Council



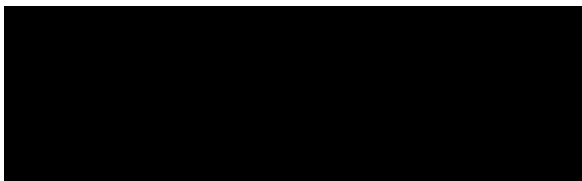
WEST LOTHIAN CONSERVATIVE AND UNIONIST COUNCIL GROUP

West Lothian Council

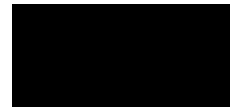
14 March 2022

Question to Leader of the Council

How much does it cost West Lothian Council in debt collection fees in regards to rent and council tax debts?



Received on 27 Feb 2023 at 11:32am



Cllr Angela Doran-Timson

**East Livingston & East Calder Ward
West Lothian Council Conservative Group**

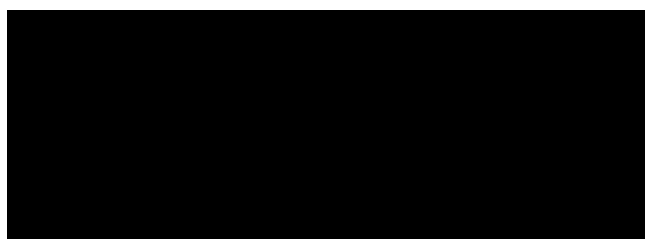
WEST LOTHIAN COUNCIL LABOUR GROUP

Response to the Question from Councillor Angela Doran-Timson for the Council meeting on 14th March 2023

Debt Collection Fees

I would like to thank Councillor Angela Doran-Timson for her question.

Q	How much does it cost West Lothian Council in debt collection fees in regards to rent and council tax debts?
A	<p>External collection of Council Tax debt is carried out by the Sheriff Officers, Alex M. Adamson. Under contract terms there is a 0% commission rate to the council on debt payments collected, therefore, no debt collection fees are paid.</p> <p>Debt collection fees for rent are:</p> <p>2017/18 - £108,999.78 2018/19 - £48,023.47 2019/20 - £64,396.12 2020/21 - £8,675.20 2021/22 - £7,287.06 2022/23 (to date) - £28,198.52</p> <p>The COVID legislation prohibited any recovery action from being taken and that therefore resulted in a reduction in debt collection fees in 2020/21 and 2021/22. Debt recovery activity has recommenced in 2022/23.</p>



Councillor Lawrence Fitzpatrick
Leader of the Council



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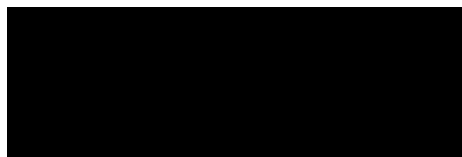
West Lothian Council

14 March 2022

Question to Leader of the Council

How many hours per annum are Union Representatives engaged on union duties and what is this as an annual cost in salaries to West Lothian Council?

Received on 27 Feb 2023 at 11:32am



**Councillor Damian Timson
Conservative Group Leader
East Livingston & East Calder Ward
West Lothian Council Conservative Group**

WEST LOTHIAN COUNCIL LABOUR GROUP

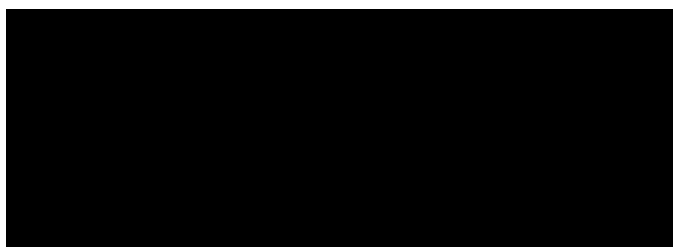
Response to the Question from Councillor Damian Doran-Timson for the Council meeting on 14th March 2023

Union Costs

I would like to thank Councillor Damian Doran-Timson for his question.

Q	How many hours per annum are Union Representatives engaged on union duties and what is this as an annual cost in salaries to West Lothian Council?										
A	<p>The council believes in the principle of collective bargaining at both national and local level (on matters including organisational change and other employee relations across the council) and recognises the important role of trade unions in promoting and developing good industrial relations, robust health and safety practices and an effective learning environment.</p> <p>The council also recognises that trade union representatives are entitled to reasonable time off to fulfil their functions and to undertake approved training relevant to those functions. Therefore, the council's Policy on Time Off for Trade Union Duties and Activities establishes rules and procedures which allow requests for time off to be dealt with in a fair and consistent manner.</p> <p>In line with the council's policy, reasonable time off with pay is granted to trade union representatives, subject to the exigencies of the service. Where requests for time off are made on an ad hoc basis the trade union representative is required to: Give as much notice as possible, normally not less than 5 working days; State the purpose of the time off; State the intended location of the duties; and Indicate the timing and expected duration of the time off.</p> <p>The council recognises that some trade union representatives have a wider role in the union organisation and may undertake trade union duties and activities on a council-wide basis or have additional union responsibilities within a single service. It is further recognised that some trade union representatives have additional responsibilities at Scottish and National level.</p> <p>With this in mind, relevant Depute Chief Executives have in some cases agreed pre-approved facility time for certain senior trade union representatives to undertake their extended role. The council has agreed pre-approved facility time on this basis as follows:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>TRADE UNION</th><th>FACILITY TIME</th></tr> </thead> <tbody> <tr> <td>GMB</td><td>0.8 FTE</td></tr> <tr> <td>UNITE</td><td>1.5 FTE</td></tr> <tr> <td>UNISON</td><td>2FTE</td></tr> <tr> <td>EIS</td><td>1FTE</td></tr> </tbody> </table>	TRADE UNION	FACILITY TIME	GMB	0.8 FTE	UNITE	1.5 FTE	UNISON	2FTE	EIS	1FTE
TRADE UNION	FACILITY TIME										
GMB	0.8 FTE										
UNITE	1.5 FTE										
UNISON	2FTE										
EIS	1FTE										

	<p>The council is required to publish an annual report of all trade union facility time, providing information on the number of trade union representatives; the percentage of time spent on facility time; and the percentage of the council's pay bill spent on facility time. The published reports for the period 1 April 2021 – 31 March 2022 are set out in Appendix 1.</p> <p>The levels of Facility Time in 2020/21 and 2021/22 also include the time undertaken by the Trade Unions in supporting the council on staff related matters during the COVID pandemic.</p> <p>This information is also on the council's website and are reported in the mid-year accounts report.</p> <p>For comparison purposes, published facility time report from Falkirk Council is provided in Appendix 2. West Lothian Council reports for the period 1 April 2022 – 31 March 2023 will be prepared for the publication deadline of 31 June 2023.</p>
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Councillor Lawrence Fitzpatrick
Leader of the Council

Appendix 1

FACILITY TIME REPORT FOR 1 APRIL 2021 – 31 MARCH 2022

Table 1

Relevant union officials

What was the total number of your employees who were relevant union officials during the relevant period?

<i>Number of employees who were relevant union officials during the relevant period</i>	<i>Full-time equivalent number</i>
35	32.9

Table 2

Percentage of time spent on facility time

How many of your employees who were relevant union officials employed during the relevant period spent a) 0%, b) 1%-50%, c) 51%-99% or d) 100% of their working hours on facility time?

<i>Percentage of time</i>	<i>Number of employees</i>
0%	20
1% - 50%	10
51% - 99%	4
100%	1

Table 3

Percentage of pay bill spent on facility time

<i>First Column</i>	<i>Figures</i>
Provide the total cost of facility time	£130,309.47
Provide the total pay bill	£143,911,145.21
Provide the percentage of the total pay bill spent on facility time, calculated as: (total cost of facility time ÷ total pay bill) x 100	0.09%

Table 4

Paid trade union activities

As a percentage of total paid facility time hours, how many hours were spent by employees who were relevant union officials during the relevant period on trade union activities?

<i>Time spent on paid trade union activities as a percentage of total paid facility time hours calculated as: (total hours spent on paid trade union activities by relevant union officials during the relevant period ÷ total paid facility time hours) x 100</i>	3.96%
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FACILITY TIME REPORT FOR 1 APRIL 2021 – 31 MARCH 2022 (EDUCATION)

Table 1

Relevant union officials

What was the total number of your employees who were relevant union officials during the relevant period?

<i>Number of employees who were relevant union officials during the relevant period</i>	<i>Full-time equivalent number</i>
13	12.5

Table 2

Percentage of time spent on facility time

How many of your employees who were relevant union officials employed during the relevant period spent a) 0%, b) 1%-50%, c) 51%-99% or d) 100% of their working hours on facility time?

<i>Percentage of time</i>	<i>Number of employees</i>
0%	4
1% - 50%	8
51% - 99%	0
100%	1

Table 3

Percentage of pay bill spent on facility time

<i>First Column</i>	<i>Figures</i>
Provide the total cost of facility time	£73,379.07
Provide the total pay bill	£167,368,633.36
Provide the percentage of the total pay bill spent on facility time, calculated as: (total cost of facility time ÷ total pay bill) x 100	0.04%

Table 4**Paid trade union activities**

As a percentage of total paid facility time hours, how many hours were spent by employees who were relevant union officials during the relevant period on trade union activities?

<i>Time spent on paid trade union activities as a percentage of total paid facility time hours calculated as: (total hours spent on paid trade union activities by relevant union officials during the relevant period ÷ total paid facility time hours) x 100</i>	0%
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Appendix 2

EXTRACT FROM FALKIRK COUNCIL AUDITED ACCOUNTS 2021/22

Falkirk Council – Facility Time Report for 1 April 2021 – 31 March 2022

Education 2020/21	Other 2020/21		Education 2021/22	Other 2021/22
18	24	Number of employees who were relevant union officials during the relevant period	17	26
16.3	20.93	Number of full-time equivalent employees	15.45	22.96
		Number of employees analysed by % of time spent on Facility Time		
6	6	• 0%	3	5
11	15	• 1%-50%	13	17
-	1	• 51%-99%	-	2
1	2	• 100%	1	2
£82,170	£126,990	Total cost of Facility Time	£89,456	£139,032
0.06%	0.1%	% of Total pay bill spent on Facility Time	0.06%	0.14%
18.9%	0.8%	% Time spent on paid trade union activities as % of total paid facility hours	17%	8.3%