

MINUTE of MEETING of WEST LOTHIAN COUNCIL held within Council Chambers, West Lothian Civic Centre, Livingston, on 30 May 2023.

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

Apologies – Councillors Harry Cartmill and Carl John

1. DECLARATIONS OF INTEREST

- Councillors Campbell and Logue stated that they were NHS Lothian employees
- Councillor Pauline Orr declared an interest in that she was a Scottish Government employee and with respect to Agenda Item 21 she would not participate in the item of business as it involved agricultural which was her area of employment
- Agenda Items 5, 15 and 26 - Councillors Andrew McGuire, Tom Conn and Damian Doran-Timson all stated that they were council appointed members to the Integration Joint Board

With regards to Agenda Item 5 members stated a connection with regards to their union membership as follows :-

- ❖ Unison – Councillors Janet Campbell, Maria MacAulay, Craig Meek and Andrew McGuire
- ❖ GMB – Councillors Stuart Borrowman, Kirsteen Sullivan and Angela Doran-Timson
- ❖ Unite – Councillor Tony Boyle, Lawrence Fitzpatrick, Tony Pearson, Danny Logue and George Paul

2. ORDER OF BUSINESS

The Council agreed to hear the deputation request on behalf of the Joint Trade Unions on IJB proposals for care homes and care-at-home.

3. PRESENTATION FROM THE SCOTTISH WOMEN'S BUDGET GROUP BY HEATHER WILLIAMS

The Provost welcomed to the meeting Heather Williams from Scottish Women's Budget Group who had been invited to the meeting to provide an overview of the work of the group.

The Council was informed that Scottish Women's Budget Group had been provided with funding to work with local authorities across Scotland to look at how gender budgeting can be used to reduce inequalities across Scotland.

Focus of the group was on budgets as this was the most important tool that linked to gender responsive policies. Decisions taken on budgets had different impacts on men and women because they led different lives; women's needs, experiences and priorities were different because they often had obligations for un-paid care work; more likely to work part-time; and have periods of being economically inactive.

Ms Williams continued by explaining what gender budgeting actually meant and how it was not about setting a budget specifically for women but to challenge assumptions that budgets are gender neutral; examine the allocation of public resources for its impact on men and women; use impact assessments, analyse data to reveal different outcomes for men and women; and challenge established economic models to eliminate discriminatory outcomes.

The presentation continued by explaining the principles of gender impact assessment.

Ms Williams concluded the presentation by advising that the organisation could provide training for both elected members and officials around gender budgeting and could include more bespoke training for specific council policies.

Ms Williams then responded to questions raised by elected members. In doing so it was suggested that a training video that the organisation had produced be forwarded to the Clerk so this could be shared with elected members.

Finally, the Provost thanked Ms Williams for the very informative presentation.

#### Decision

1. To note the content of the presentation by Scottish Women's Budget Group; and
2. To agree that a training video produced by the organisation be sent to the Clerk for sharing with elected members.

#### 4. DEPUTATION REQUEST BY THE JOINT TRADE UNIONS (UNISON, GMB AND UNITE) ON IJB PROPOSALS FOR CARE HOMES AND CARE-AT-HOME

The Council heard from Jane Ridgway on behalf of the Joint Trade Unions who expressed their concerns at recent decisions taken by West Lothian Integration Joint Board with respect to the funding it was providing to care homes given the aging population of West Lothian.

Ms Ridgway explained that the IJB's recent decisions were predicated on the National Care Home Contract as a way of making budget efficiencies. However, as COSLA and the National Care Home Contract had still not yet agreed suitable fees this was considered a high risk proposal by the IJB.

The transfer of care to the private sector was no guarantee of stability as they encountered many of the same challenges as the public sector including the recruitment of social care staff and their terms and conditions tended to be less favourable. Concerns were also expressed with regards to the quality of care provided in private care homes noting the difference between the two sectors with regards to Adult Protection Referrals over the past five years.

On a final note Ms Ridgway concluded that the closure or privatisation of care homes in West Lothian could see a potential job loss of 83 fte's positions, the majority of which were part-time roles held by women. And many families remain concerned for their relatives with the possibility of them having to move.

Ms Ridgway then responded to questions from elected members.

The Provost thanked Ms Ridgway for her presentation.

### Decision

To note the content of the presentation on behalf of the Joint Trade Unions concerning IJB proposals for care homes and care-at-home.

## 5. MINUTES

- a) The Council approved the Minute of its meeting held on 14 March 2023 subject to correcting both Minutes 7 and 8 (pages 197 to 201) to reflect that the Motion was agreed; not the Amendment.
- b) The Council noted correspondence arising from previous decisions
- c) The Council noted the Minute of Education (Quality Assurance) Committee held on 7 March 2023
- d) The Council noted the Minute of Performance Committee held on 6 February 2024
- e) The Council noted the Minute of Performance Committee held on 27 March 2023
- f) The Council noted the Minute of Employee Appeals Committee held on 24 February 2023
- g) The Council noted the Minute of Employee Appeals Committee held on 31 March 2023

- h) The Council noted the Minute of Audit Committee held on 20 January 2023

6. ELECTION BUSINESS

Council noted the resignation of Councillor McMillan from the Integration Joint Board.

Council noted that no nominations were made to fill the vacancy, and that the Governance Manager advised that the council had a duty to appoint four members and so the vacancy would be raised again at the next meeting

7. CORPORATE PLAN 2023/24 TO 2027/28

The Council considered a report (copies of which had been circulated) by then Deputy Chief Executive asking the Council to agree a Corporate Plan for 2023/24 to 2027/28, setting out the council's strategic priorities for the next five years.

It was recommended that Council: -

1. Notes that the five strategic priorities have been identified through consultation feedback from the public, staff and partners;
2. Notes a refreshed Purpose, Vision and Values for the Council that will support a more customer and performance focused culture;
3. Notes that the Corporate Plan would commence in 2023; and
4. Agrees the new Corporate Plan.

- Moved by the Provost and seconded by Councillor Fitzpatrick

Decision

To unanimously approve the recommendations of the report

8. NOTICE OF MOTION - LINLITHGOW ROSE FOOTBALL CLUB - SUBMITTED BY COUNCILLOR PAULINE ORR

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

"West Lothian Council congratulates Linlithgow Rose Football Club on winning the Premier Division of the East of Scotland Football League Premiership 2022/23. This sealed the club's first championship in ten years. With just 2 defeats in 28 league games the Rose have shown an incredible transformation under their new manager Gordon Herd and the Championship Title is just reward for their hard work.

The Linlithgow Rose team were:

Binnie, Webb, Allison, Stowe, Doherty, McMullan, McKenzie, Ogilvie, Sneddon, Cunningham, MacPherson, Baxter, Heaver and Allan with substitutes Thom, Davidson, Gillespie and McMinn on hand.

Council instructs the Chief Executive to write to Linlithgow Rose Football Club with the Council's congratulations and best wishes for the year ahead."

- Moved by Councillor Orr and seconded by Councillor Jim Dickson

#### Decision

To unanimously approve the terms of the motion

9. NOTICE OF MOTION - ACCEPTING CASH AT CIVIC CENTRE CAFE - SUBMITTED BY COUNCILLORS STUART BORROWMAN AND SALLY PATTLE

The Council considered a joint motion (copies of which had been circulated) submitted by Councillors Stuart Borrowman and Sally Pattle in the following terms: -

"Council recognises that during the various periods of restrictions that were in place for everyone's health & safety during the pandemic, it was perhaps easier for the Civic Centre Café to stop accepting cash payments, as many other establishments did. Thankfully, the time for those restrictions has long past, and there is therefore no public health reason for the Civic Centre Café to continue the exclusionary practice of card only payments.

Unfortunately, we are now experiencing a Cost of Living crisis, which means many people are budgeting and returning to cash as a means of payment to help them live within their means. At a time when West Lothian Council should be enabling people to access food & drink at reasonable prices wherever possible, by only accepting card payments at the Civic Centre Café, they are excluding many potential customers.

Livingston Civic Centre claims to be the biggest Partnership Centre of its kind in the United Kingdom. Not only is it the headquarters of West Lothian Council, it also houses other public sector organisations serving the area, including:

- Police Scotland,
- Livingston Sheriff Court and Justice of the Peace Court,
- Crown Office and Procurator Fiscal Service,
- Scottish Children's Reporter Administration,
- Scottish Fire and Rescue Service
- West Lothian Health and Social Care Partnership.

The Civic Centre is therefore well-used by public sector workers, and members of the public accessing any of the varied services listed above. Council recognises that regular customers can use the iPayimpact

system, however for visitors to the Civic Centre, this is obviously not an option.

There are myriad reasons why someone may not have access to a functioning credit or debit card, but they may have two or three pounds in cash which they can use in the Café. By only accepting card payments, the Civic Centre Café is losing out on potential revenue. In addition, because the card machine provider charges a flat fee for all transactions, any transactions of less than £5 are therefore disproportionately charged, which is another loss of revenue for the Café. Therefore, this motion has the potential to increase the profitability of the Civic Centre Café, which will increase the lease value going forward.

West Lothian Council's own mission statement includes the following aims:

- focusing on our customers' needs
- providing equality of opportunities
- making best use of our resources

At a fundamental level, while the Civic Centre Café is not accepting cash payments, it is not focusing on all of its customer's needs, it is not providing equality of opportunity for all, and it is certainly not making the best use of its resources.

West Lothian Council therefore agrees to instruct Officers to explore all the options regarding the Civic Centre Café resuming acceptance of cash payments again, including surveying café users, and report back to the appropriate PDSP, and Full Council".

- Moved by Councillor Borrowman and seconded by Councillor Pattle

### Decision

To unanimously approve the terms of the motion

#### 10. NOTICE OF MOTION - HAPPY 10TH BIRTHDAY OPAL - SUBMITTED BY COUNCILLOR KIRSTEEN SULLIVAN

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

"Council notes the recent 10<sup>th</sup> birthday celebrations held by OPAL (Older Lives, Active People) in the Almondvale Suite, bringing together volunteers, staff members and clients to enjoy a Par-Tea with an afternoon of entertainment and dancing

Council understands that over the past 10 years, OPAL has supported more than 2000 older people from across West Lothian to increase their independence and well-being through a variety of social, leisure and community activities such as singing, lunch clubs, cooking and quizzes. Council further notes that OPAL also offers remote support to those

unable to meet in person or who prefer to be involved remotely, via online groups, telephone befriending and monthly activity packs.

Council instructs the Chief Executive to write to Billie Hamilton, OPAL Community Worker, to extend congratulations to all the staff and volunteers on behalf of West Lothian Council and to wish OPAL all the best for the next 10 years of supporting elderly citizens in West Lothian.”

- Moved by Councillor Sullivan and seconded by Councillor McMillan

#### Decision

To unanimously approve the terms of the motion

#### 11. NOTICE OF MOTION - MINISTER FOR OLDER PEOPLE - SUBMITTED BY COUNCILLOR ANNE MCMILLAN

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

“Council notes that the First Minister has appointed a Minister for Equalities, Migration and Refugees but has not appointed a named Minister for Older People.

Council further notes that there is now a Minister for Independence, a post newly created by the First Minister, while the priorities of older people now have a lower priority than the quest for Independence.

Council is disappointed that the importance of older people’s issues will receive less of the necessary and important focus at a time when Scotland’s population is ageing and facing a growing number of serious challenges.

AGE Scotland, along with 15 partner organisations, have written an open letter to the First Minister, Humza Yousaf, calling for the reinstatement of a named Older People’s Minister.

Council therefore agrees:

- to support the Age Scotland campaign
- to instruct the Chief Executive to write to the First Minister to ask for the reinstatement of a named Older People’s Minister.”

- Moved by Councillor McMillan and seconded by Councillor Logue

#### Amendment

“The SNP group acknowledges and understands older peoples’ concerns following the removal of the words ‘Older People’ in the Scottish Government Minister for Equalities, Migration and Refugees, Emma Roddick’s title. However, the SNP group are reassured that the Minister’s portfolio, as listed on the Scottish Government’s website, still includes the remit for older people and the Scottish Government remain committed to ensuring our older people are a priority.

However, we also note Age Scotland are requesting a Commissioner for Older People be introduced in Scotland, like in Wales and Northern Ireland. We further note a members Bill has been introduced in the Scottish Parliament requesting Scotland also create a dedicated post of Commissioner for Older People.

The SNP welcomes the First Minister's positive comments that this Bill will be considered once the details are known and request the Chief Executive Officer writes on behalf of Council to the First Minister acknowledging his positive comments and that we look forward to a robust and thorough debate on the topic".

- Moved by Councillor Clark and seconded by Councillor De Bold

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

#### Motion

Alison Adamson  
Stuart Borrowman  
Tony Boyle  
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  
Lynda Kenna  
Maria MacAulay  
Moirra McKee Shemilt  
Andrew Miller  
Pauline Orr  
Veronica Smith  
Pauline Stafford

#### Decision

Following a vote, the motion was successful by 17 votes to 14, with 2 members absent and it was agreed accordingly.

#### 12. NOTICE OF MOTION - DISPOSABLE VAPES - SUBMITTED BY COUNCILLOR JANET CAMPBELL

Prior to moving her motion Councillor Campbell advised that she had agreed a composite motion with Councillor Pattle, which would address agenda item 16 as well, in the following terms :-

"Council notes with concern the serious and damaging environmental impacts of disposable vapes and recognises an increase in these electronic devices being discarded in communities and public spaces across the West Lothian council area. Research by Material Focus, an

independent not-for-profit organisation, identified in 2022 that at least 1.3 million so called “disposable” vapes are littered and binned each week.

Council recognises the findings of ASH Scotland that these products are harmful to health, in particular of children and young people. Disposable vapes contain highly addictive nicotine, and a single disposable vape can last for “600 puffs”, the equivalent of smoking a pack of 20 cigarettes, while many vapes contain chemicals that have not been safely tested for inhalation so that long term health impacts are unknown. Recent estimates put the number of young people, under the age of 18, taking up smoking vapes as up to 40%.

West Lothian Council further notes a December 2022 report by Keep Scotland Beautiful, which identified significant public concerns around littering, with plastic pollution and potential leakage of toxic chemicals from discarded vapes adversely impacting our communities and the local environment. Notes that vapes contain a range of precious materials, including lithium and copper which can be collected if recycled in a safe and appropriate manner. Council also considers there is heightened risk of damage to infrastructure due to the potential combustion of batteries contained in the devices both at Council run facilities and within communities.

Further anticipates the publication of the Scottish Government’s urgent review into the environmental impact of disposable vapes, currently being undertaken by Zero Waste Scotland.

In light of these findings, West Lothian Council agrees:

- To instruct the Chief Executive to write to the Scottish Government expressing our support for the introduction on a nationwide ban on the sale of disposable vapes and to do so as soon as practically possible, to help move Scotland toward a sustainable circular economy and protect children and young people from risks to their long-term health;
  - That this position informs our response to the ongoing Evidence Review on the Impact of Single Use Vapes conducted by Zero Waste Scotland;
  - To support communication campaigns promoted by relevant partners and stakeholders, such as NHS Lothian, ASH Scotland, and Keep Scotland Beautiful, that highlight the public health and environmental impacts of disposable vapes;
  - To promote the work of Trading Standards in preventing the sale of e-cigarettes and vapes to those aged under 18.
- Moved by Councillor Campbell and seconded by Councillor Pattie

### Decision

To unanimously approve the terms of the composite motion

13. NOTICE OF MOTION - CAMHS (CHILDREN & ADOLESCENT MENTAL HEALTH SERVICES) - SUBMITTED BY COUNCILLOR PETER HEGGIE

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

“Mental health services in Scotland are currently at crisis point. West Lothian has one of the youngest populations in Scotland and I have become aware of the horrendous waiting times for young people requiring support. I have spoken to families across West Lothian desperately seeking this vital support and heard their frustrations that their young people are missing opportunities to attend educational facilities and are potentially becoming more isolated every day that they wait for help.

The target set by the Scottish Government for 2022 was that 90% of patients referred to CAMHS should be seen within 18 weeks. Currently, the Scottish Government has only achieved an average of 70.1%.

I ask that the Chief Executive write to the Cabinet Secretary for NHS Recovery, Health, and Social Care Mr Michael Matheson and First Minister Mr Humza Yousaf to ask when our young people in West Lothian and those across Scotland on this waiting list for life changing support will receive the support they and their families deserve.”

- Moved by Councillor Heggie and seconded by Councillor Angela Doran-Timson

Amendment

Council acknowledges the rise in demand for Mental Health services including Child and Adolescent Mental Health Services (CAMHS). It is however encouraging to note that CAMHS in Lothian have managed to reduce their waiting lists considerably with both the number of children waiting over 18 weeks and the longest waiting times significantly reduced from the 2nd quarter of 2022 to the third quarter of 2022/23 with publication of the 4th quarter scheduled for June.

Council commends the Scottish Government's investment in CAMH services which has resulted in an increase of 19% of children and young people starting treatment between December 2021 and December 2022, with 1 in 2 children starting their treatment within an average of 9 weeks. There was a 27.6% reduction in the number of children waiting from Dec 2021 to December 2022. This is despite an increase in the numbers of children and young people being referred to CAMHS compared to the same period in the previous year.

[Child and Adolescent Mental Health Services \(CAMHS\) waiting times - Quarter ending December 2022 - Child and Adolescent Mental Health Services \(CAMHS\) waiting times - Publications - Public Health Scotland](#)

Council further notes an increase of 79.3% Whole Time Equivalents staff employed in NHS Scotland CAMHS since 2006. However, Council also recognises the workforce challenges faced by NHS Scotland as a

consequence of the UK's withdrawal from the European Union

[07 June 2022 CAMHS | Turas Data Intelligence \(nhs.scot\)](#)

Council instructs the WLC's Chief Executive Officer to write to Michael Matheson, Cabinet Secretary for NHS Recovery, Health and Social Care to congratulate the Scottish Government on the significant improvements made within NHS Scotland's CAMH Services and to also ask what actions Government are taking in developing the workforce strategy to counteract the Brexit deficit.

- Moved by Councillor Clark and seconded by Councillor MacAulay

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

Motion

Alison Adamson  
Stuart Borrowman  
Tony Boyle  
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  
Lynda Kenna  
Maria MacAulay  
Moiria McKee Shemilt  
Andrew Miller  
Pauline Orr  
Veronica Smith  
Pauline Stafford

Decision

Following a vote, the motion was successful by 17 votes to 14, with 2 members absent and it was agreed accordingly.

14. NOTICE OF MOTION - CARE AND CARE HOMES - SUBMITTED BY COUNCILLOR STUART BORROWMAN AND COUNCILLOR SALLY PATTLE

The Provost ruled in terms of Standing Order 28 (Changing a Decision) that the motion would not be considered as Council Executive considered a report on 23 May 2023 about the IJB's consultation on its proposals and it had made a decision that established the council's position on both those matters.

15. NOTICE OF MOTION - RAILWAY STATION FOR WINCHBURGH -

SUBMITTED BY COUNCILLOR ANGELA DORAN-TIMSON

The Council considered a motion (copies of which had been circulated) submitted by Councillor Angela Doran-Timson. However, prior to moving her motion Councillor Angela Doran-Timson intimated she wished to make a minor change by replacing “West Lothian Conservative Group” with “West Lothian Council”.

“West Lothian Conservative Group notes that it is a huge concern, with a growing population of Winchburgh that they may not get the planned Railway Station that was in the original development plan. A major attraction for families buying houses at the new development in Winchburgh, was that they believed a station would be built, as promised 15 years ago from SNP Scottish Government, that would connect them to Edinburgh and Glasgow.

Obviously, such a station would improve transport links, reduce car usage and help with Scottish Government’s Net zero targets.

By the end of this development, Winchburgh Village will have a population of around 12,000 and a train station is a must. The developer has said that they are happy to invest in a station however, they require support from the SNP Scottish Government, Transport Scotland, West Lothian Council and Network Rail.

On the 6<sup>th</sup> December 2022 Jenny Gilruth Minister for Transport instructed Transport Scotland and Network Rail to come up with a proper design and a cost of a Railway Station for Winchburgh, now in May 2023 nothing has come forward to get this moving. We need all stakeholders to get around the table and agree on how a train station can be delivered as quickly as possible.

West Lothian Council therefore instructs the Chief Executive to the following –

1. To write to the Scottish Government, Transport Scotland, Winchburgh Developments Ltd, Network Rail with the aim of arranging a meeting, along with West Lothian Council and agree on how a train station can be delivered as quickly as possible,
2. Write to Network Rail asking for a cost of a proper design costed model for a railway station for Winchburgh to be shared with West Lothian Council as a matter of urgency with a time scale given to ensure best value and share best practice
3. Write to MSP Minister for Transport, asking that the SNP Scottish Government commit to their share of funding to this project.
4. For the relevant Council Officers to produce a report following the meeting and for this report to go to Environment & Sustainability PDSP and subsequently this report to be presented to Full Council for information.

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

### Amendment

“West Lothian SNP Group are a bit confused and dismayed that the Motion seeks to alarm Winchburgh residents and beyond that there may not be a Railway Station in Winchburgh delivered.

Arrangements and discussion for the delivery of a Railway Station in Winchburgh are ongoing and our MSP Fiona Hyslop met with the then Transport Minister Jenny Gilruth on 6 Dec 2022 to discuss this project.

Fiona had requested the Transport Minister take the lead in arranging a stakeholders meeting to see how this project can be progressed and it was positive that she agreed to personally convene bringing together the different interests.

Transport Scotland acknowledged the ambitions for a station at Winchburgh but noted that these were always predicated on the assumption that the station would be developer funded. Winchburgh Development Ltd noted there was a significant affordability gap between their affordability limit and the Network Rail estimate for delivery and that is why they are now seeking funding from other sources.

There is clearly a significant increase in the cost of delivering this project. Network Rail noted that constructing the Station would be substantially cheaper on the Winchburgh – Dalmeny Line versus the Edinburgh – Glasgow Main Line but that the former would take longer to build and there is now a preference from all parties that the station, for a number of reasons, be built on the main Glasgow- Edinburgh line.

It was agreed that all parties should work together to identify and quantify costs to inform potential funding mechanisms. The following actions were agreed:

- Network Rail to provide Transport Scotland and Winchburgh Development Ltd. with a cost estimate of taking the development of Winchburgh Station to Outline Design.
- Transport Scotland to provide further details to West Lothian Council of the funding model used for delivery of Robroyston Station.
- Transport Scotland to consider the possibility of funding development of the project to outline design, subject to the availability of budget.

I understand that point 2 has been completed and points 1 & 3 are ongoing and work is still ongoing to pull everyone together to build the collective momentum to make this happen”

- Moved by Councillor Calder and seconded by Councillor Campbell

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

Motion

Alison Adamson  
Stuart Borrowman  
Tony Boyle  
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  
Lynda Kenna  
Maria MacAulay  
Moirá McKee Shemilt  
Andrew Miller  
Pauline Orr  
Veronica Smith  
Pauline Stafford

Decision

Following a vote, the motion was successful by 17 votes to 14, with 2 members absent and it was agreed accordingly.

16. NOTICE OF MOTION - RESPITE CARE - SUBMITTED BY COUNCILLOR JANET CAMPBELL

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

“Caring can be a full-time job and carers are often in need of time off for themselves. The benefits of having time off from caring can be enormous, allowing for the opportunity to catch up on sleep, visit friends, do some shopping, or just spend a few quiet hours doing what you want to do.

There can be difficulties in taking a break from caring. The person being looked after may be reluctant to accept care from anyone else or the carer might feel that the alternatives on offer are not appropriate to their loved one’s needs. The carer often feels guilty about spending time away from the person they care for. But it is important that respite from caring is available to safeguard the carer’s health and enable them to continue to cope. The person being cared for can also benefit from a change in surroundings, and a chance to meet new people.

We know therefore that having a short break can make an enormous difference to both carers and the people they care for by providing the space to rest, be themselves, pursue a hobby, catch up with friends or just relax and recharge.

When you get an adult carer support plan or young carer statement under the Carers Act (Scotland), your local authority must consider whether any support to be provided to you should include a break from caring.

This is why it is vital that we have adequate respite facilities within West Lothian, to enable this vital function to take place as close to the person being cared for own home as possible.

West Lothian Council, therefore, agrees to a report being brought to the next meeting of the Health & Care PDSP outlining the respite provision currently offered in West Lothian, to ascertain whether this is enough to meet the demands of this Local Authority with a rising elderly population”.

- Moved by Councillor Campbell and seconded by Councillor Clark

### Decision

To unanimously approve the terms of the motion.

#### 17. NOTICE OF MOTION - LICENSING OF NAIL BARS - SUBMITTED BY COUNCILLOR PAULINE STAFFORD

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

“The increased popularity of acrylic nail extensions, manicures and other treatments in recent years has seen a rapid expansion in the number of nail bars in West Lothian.

While, for many, this is a relatively low-cost procedure which they purchase frequently there are a number of issues associated including health and safety risks and the potential for some of these businesses to attract human trafficking and exploitation. At a local level, we have powers available to ensure these businesses operate to as high a standard as possible through licensing these businesses under the Civic Government (Scotland) Act 1982 as already done in other local authorities. Yet currently in West Lothian, these businesses remain unlicensed

One major issue arising from the expansion of nail bars is a rise in the number using unqualified technicians as well as the use of an alternative polymerising agent called methyl methacrylate, or MMA. This agent is banned in nail bars in the United States, Australia and New Zealand, but there is no such ban in this country. The attractions of MMA to the operative is that it is much cheaper than EMA (ethyl methacrylate) at between a third and a sixth of the price, and that it forms the extensions more quickly, enabling non-standard nail bars to undercut the prices of the more reputable businesses. The risks associated with the use of MMA include respiratory problems, allergic reactions and partial or permanent damage to the nail bed

Council, therefore, agrees to bring a report through the relevant PDSP to the council executive exploring the possibility of licensing businesses

undertaking nail treatments by introducing the requirement for a public entertainment licence under the Civic Government (Scotland) Act 1982.

While it is right that the presumption of licensing should be towards enabling businesses and economic growth West Lothian Council also has a duty to proactively respond to concerns to ensure the health and wellbeing of staff, clients and members of the public in relation to these businesses.”

- Moved by Councillor Stafford and seconded by Councillor Willie Boyle

#### Decision

To unanimously approve the terms of the motion

#### 18. NOTICE OF MOTION - CRC USAGE - SUBMITTED BY COUNCILLOR PAULINE ORR

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

“Constituents across West Lothian are concerned at the new restricted opening times at Council Recycling Centres. There are fears that it will be more difficult to access sites as reduced opening times may mean longer waiting times for slots.

Many elderly or infirm constituents rely on the goodwill of friends and neighbours often from out with the area to help with access to our CRC facilities. Restricted access will put a serious strain on this goodwill. Council must ensure that these constituents are not being disadvantaged in any way by these new measures.

There are also concerns as to how staff will be able to identify what is or is not commercial waste particularly if the vehicle is unmarked. We do recognise that more and more families have vans and rightly need access however we believe that council needs to address the issue of commercial vehicles masquerading as residential vehicles. Their taking residential slots in these reduced opening times will greatly affect our constituent’s ability to recycle domestic waste

Council Officers should monitor the vehicle movements in the CRC locations to establish the number of Vans, Pickups, Trailers and Cars. This information should be used to form a report to PDSP and Council Executive.

Analysis of such data can be used to establish an appropriate fee for all vehicles other than private un-liveried cars using CRC facilities. It is regrettable that such a blanket measure should be introduced but abuse by some requires intervention to protect the vulnerable.

Any new system introduced should be regularly monitored and figures made available to establish further usage of sites.

West Lothian needs to provide and encourage recycling facilities at the same time as supporting businesses in the safe responsible disposal of waste.”

- Moved by Councillor Orr and seconded by Councillor Willie Boyle

### Decision

To unanimously approve the terms of the motion

19. NOTICE OF MOTION - BEECRAIGS COUNTRY PARK - SUBMITTED BY COUNCILLOR VERONICA SMITH

The Provost ruled in terms of Standing Order 28 (Changing a Decision) that the motion would not be considered as on 21 February 2023 Council agreed a budget saving measure involving closure of the animal attraction. The saving was to be achieved in 2023/24 and delivered by officers as an operational measure and there had been no material change in circumstances since that decision

20. NOTICE OF MOTION - SCRAPPING AGE RELATED SOFT TOUCH SENTENCING - SUBMITTED BY COUNCILLOR ALISON ADAMSON

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

“Council notes that under new court guidance, criminals under the age of 25 are being treated more leniently because of their alleged brain immaturity. Guidelines were drawn up by the Scottish Sentencing Council, which was set up by the SNP Government

A Community Payback Order (CPO) is a sentence available to most courts and can consist of a number of individual elements, known as requirements. There are ten requirements that may be imposed as part of a CPO such as treatment (drugs/alcohol), unpaid work, and supervision. CPO's can be made for a period of between 6 months and 3 years with the exception of where a CPO consists solely of an unpaid work or other activity requirement. The most common requirements issued are unpaid work and supervision. A supervision requirement focuses on desistance and must be imposed as part of an individual's CPO requirements if they are under the age of 18.

Council notes the following position in West Lothian:

- In 2022/23 there were 24,473 community payback order hours imposed with an unpaid work requirement in West Lothian.
- Where a person has been convicted of a domestic abuse offence and is subject to social work supervision a requirement to complete the UP2U domestic abuse behaviour change programme can be added to their CPO. This programme enables offence focused

work and is responsive to the risks and needs of the individual.

- There is a well-established multi-agency Gender Based Violence Committee in West Lothian which is focused on supporting the prevention and protection of people from gender-based violence.

Hundreds of domestic abusers and more than a dozen killers have been given CPO's in Scotland. Recently we have seen CPO's being handed down rather than custodial sentences for brutal and serious crimes such as murder, rape and sexual assault leaving victims let down at a time when they deserve to be given compassion and understanding. Many victims will be traumatised by the crimes committed, subsequent interviews and giving evidence in court. They deserve to be heard, considered and supported. This new light sentencing places the well-being of the perpetrators above that of the victims.

Council acknowledges the massive overcrowding issue we have within our Scottish prisons however this should not detract from applying the most appropriate sentence to fit the crime. Council notes that CPO's have an important and significant part to play in sentencing and agree that this these should only be considered for lower level (lower tariff) crime. It should be noted that 1 in 4 CPOs are not completed amounting to 700,000 hours still to be completed. CPO's are routinely being written off nationally.

Council welcomes the decision of the Lord Advocate to appeal a sentencing decision made recently on the grounds that it was unduly lenient and instructs the Chief Executive to write to First Minister Humza Yousaf and Justice Secretary Angela Constance calling for a review of these sentencing guidelines with a view to scrap them so that serious criminals do not avoid prison because they are under 25.

- Moved by Councillor Adamson and seconded by Councillor Meek

#### Amendment

"Council notes the judiciary in Scotland is quite rightly independent of the Scottish Government and the sentencing guidelines are the responsibility of the Scottish Sentencing Council; however, this does not preclude the full range of sentencing options that remain open to courts when sentencing a young person.

These guidelines were subject to comprehensive public consultation in 2020 which attracted a considerable amount of interest and comments that informed the guidelines which were approved by the High Court in 2021. The Sentencing Council has a statutory duty to review the sentencing guidelines that it produces and it is the High Court that decides whether to approve the guidelines or not.

Council also notes that the statutory review by the Sentencing Council enables them to react promptly to any unexpected or undesirable consequences.

Council further notes that 98% of all those who were convicted of rape in Scotland between 2018 and 2021 received a prison sentence and since the implementation of the sentencing guidelines nearly 1,000 under 25's were imprisoned in 2022

Council understands that the Lord Advocate, the chief legal officer of the Scottish Government has determined that the sentence referenced in the Conservative motion is to be appealed on the grounds of undue leniency

Council understands that the Lord Advocate, the chief legal officer of the Scottish Government has determined that the sentence referenced in the Conservative motion is to be appealed on the grounds of undue leniency."

- Moved by Councillor Smith and seconded by Councillor Kenna

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

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

### Decision

Following a vote, the motion was successful by 16 votes to 14, with 1 abstention and 2 members absent and it was agreed accordingly.

## 21. NOTICE OF MOTION - DIFFERENT HOUSE TYPES - SUBMITTED BY COUNCILLOR FITZPATRICK

Prior to moving his motion Councillor Fitzpatrick intimated that he had agreed a composite motion with Councillor Willie Boyle in the following terms :-

"Council is asked to note that: -

National Planning Framework 4 (NPF4) gives broad support for a range of house types to meet all needs of the community which include bungalows

or dwellings on ground floor level.

NPF4 does not however provide any detail on how this can be achieved or delivered and that this creates a difficulty as in planning legislation there is no distinction of house types with the exception of flats and houses.

Council acknowledges that this creates a real difficulty for council planning authorities to require developers to provide a range of house types through the planning process.

Council is aware of numerous observations particularly from elderly/disabled constituents as regards the shortage of bungalows on the housing market and near absence of such in new housing developments.

Council therefore agrees to instruct the Chief Executive to write to the Planning Minister requesting this deficiency is addressed through a change to planning legislation and regulations to allow planning authorities to require specific house types in considering planning applications or in the allocation of sites in Local Development Plans.

In addition, West Lothian Council agrees to include an expectation of such mixed house types in regard to new development areas in the preparing of the emerging Local Plan. This will reflect the broad support given in NPF4 until more specific changes in the legislation are put in place.

Developer contributions of Social Housing should also reflect a proportionate mix of house types.

- Moved by Councillor Fitzpatrick and seconded by Councillor Willie Boyle

#### Decision

To unanimously approve the terms of the composite motion

#### 22. NOTICE OF MOTION - INVESTING IN VOLUNTEERS AWARDS - SUBMITTED BY COUNCILLOR LAWRENCE FITZPATRICK

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

“Council congratulates the Anti-Poverty Service and its committed group of volunteers on successfully achieving the Investing in Volunteers Accreditation.

Council expresses its deep gratitude for the many volunteers who give up their time to assist those in need.”

- Moved by Councillor Fitzpatrick and seconded by Councillor McMillan

Decision

To unanimously approve the terms of the motion

23. NOTICE OF MOTION - DECLARATION OF A NATURE EMERGENCY -  
SUBMITTED BY COUNCILLOR LAWRENCE FITZPATRICK

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

“Council agrees to declare a Nature Emergency. Recognising the current state of nature and our dependence on the natural world in providing crucial ecosystem services. It is proposed this declaration sit alongside the Council’s Climate Emergency (2019) declaration. Given the interconnectedness of climate change as one of the main factors in biodiversity loss council agrees there is an urgent need to act in favour of nature recovery and restoration to help address the issue and meet key targets.

Council is asked to note that there is a large body of evidence highlighting an alarming degree of biodiversity loss throughout the world:

- State of Nature Report, Scotland 2019: <https://www.nature.scot/doc/state-nature-scotland-report-2019> “the abundance and distribution of Scotland’s species has on average declined over recent decades and most measures indicate this decline has continued in the most recent decade.”
- WWF Living Planet Report 2022: <https://livingplanet.panda.org/en-GB/> “global wildlife populations have plummeted by 69% on average since 1970”
- The PREDICTS (Projecting Responses of Ecological Diversity in Changing Terrestrial Systems) team at the Natural History Museum has calculated a global Biodiversity Intactness Index (BII) to assess each area’s biodiversity. A BII of 90% or more means the area has enough biodiversity to be a resilient and functioning ecosystem. Under 90%, biodiversity loss means ecosystems may function less well and less reliably. If the BII is 30% or less, the area's biodiversity has been depleted and the ecosystem could be at risk of collapse. The UK has a BII of 53%, which is in the bottom 10 percent globally. <https://www.nhm.ac.uk/our-science/data/biodiversity-indicators.html>

Council agrees that nature has an intrinsic value to humans, and plays an integral role in our culture and society, our health, wellbeing, and economy, this being demonstrated through literature, music, art, placemaking, green prescribing, scientific research, food, energy, water regulation, air quality regulation, etc.

Nature plays a key role in meeting climate targets, with respect to

adaptation, resilience and mitigation.

The final decision text at COP 27 recognises the interlinked crises of climate change and biodiversity loss, and recognises the “vital importance of protecting, conserving, restoring and sustainably using nature and ecosystems for effective and sustainable climate action” [https://unfccc.int/sites/default/files/resource/cma2022\\_L21\\_revised\\_adv.pdf](https://unfccc.int/sites/default/files/resource/cma2022_L21_revised_adv.pdf).

Council notes that the revised national [Scottish Biodiversity Strategy](#) (draft) and upcoming Natural Environment Bill will provide statutory targets for public bodies, including local authorities, will require them to meet the challenges of the nature crisis.

The [Kunming-Montreal Global Biodiversity Framework \(GBF\)](#) agreed at COP15 in December 2022, presents 23 global biodiversity targets with long term goals including maintaining, enhancing or restoring “the integrity, connectivity and resilience of all ecosystems, substantially increasing the area of natural ecosystems by 2050”; and “Biodiversity is sustainably used and managed and nature’s contributions to people, including ecosystem functions and services, are valued, maintained and enhanced, with those currently in decline being restored, supporting the achievement of sustainable development, for the benefit of present and future generations by 2050.

The key role of subnational governments and local communities in realising delivery of the GBF over the coming decade is acknowledged in the [Edinburgh Declaration](#), signed on behalf of West Lothian Council in Nov 2021.

Council has already committed to addressing the nature crisis through signing the Edinburgh Declaration and having established a new Ecology and Biodiversity Team (in place since Oct 2021). This team is working with council colleagues and external partners to halt biodiversity loss (the national target is to halt loss by 2030), highlight and prevent wildlife crime, enforce the mitigation hierarchy in development, ensure space for nature through updated policies and spatial plans, and enrich biodiversity through the protection of species and habitats and through the creation of nature networks. A new 10-year Local Biodiversity Action Plan is underway, which we plan to publish at the end of 2023, helping us to attain the national target of restoring and improving biodiversity (in comparison with 1990 levels) by 2045.

Council further agrees that in declaring a Nature Emergency shows West Lothian Councils recognition of the current state of nature and its inherent value, as well as our continued commitment to aiding in the recovery and restoration of the natural environment to help realise our climate targets.

Council agrees to incorporate the ‘Declaration of Nature Emergency’ into the workings and reports to the Environment PDSP.”

- Moved by Councillor Fitzpatrick and seconded by Councillor

McMillan

Decision

To unanimously approve the terms of the motion

24. NOTICE OF MOTION - WEST LOTHIAN INTEGRATION JOINT BOARD -  
SUBMITTED BY COUNCILLOR LAWRENCE FITZPATRICK

The Provost ruled in terms of Standing Order 28 (Changing a Decision) that the motion would not be considered as Council Executive considered a report on 23 May 2023 about the IJB's consultation on its proposals and it made a decision that established the council's position on both those matters.

25. DOCUMENTS FOR EXECUTION

The Chief Solicitor presented 94 documents for execution.

26. INVESTMENT IN IT - QUESTION TO COUNCIL LEADER SUBMITTED  
BY COUNCILLOR STUART BORROWMAN

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

Councillor Fitzpatrick indicated that he had an updated response to the questions. The Provost ruled in terms of Standing Order 7 that these be circulated at the meeting.

Following circulation of the updated response Councillor Borrowman indicated he wished to put supplementary questions as provided for in Standing Orders. He did so and Councillor Fitzpatrick indicated he would provide a written answer to the supplementary questions in due course

Decision

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

27. COMMUNITY CENTRES UPDATE - QUESTION TO COUNCIL LEADER  
SUBMITTED BY COUNCILLOR MARIA MACAULAY

A written question had been asked seeking an update on the review of 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.

28. ACTIVE TRAVEL PLAN - QUESTION TO EXECUTIVE COUNCILLOR FOR ENVIRONMENT & SUSTAINABILITY SUBMITTED BY COUNCILLOR PAULINE STAFFORD

A written question had been asked concerning an update on the Active Travel Plan 2023-2028 (copies of which had been circulated). A verbal answer was provided by Councillor Conn at the meeting

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

Decision

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