

MINUTE of MEETING of WEST LOTHIAN COUNCIL held within Council Chambers, West Lothian Civic Centre, Livingston, EH54 6FF, on 18 March 2025.

Present – Provost Councillors Cathy Muldoon (Chair), Depute Provost Peter Heggie (Vice Chair); Councillors Alison Adamson, Tony Boyle, William Boyle, Janet Campbell, Mike Carlin, 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, Susan Manion, Craig Meek, Andrew Miller, Pauline Orr, Sally Pattle, George Paul, Tony Pearson, Veronica Smith; and Pauline Stafford

Absent – Councillor David Russell

1. DECLARATIONS OF INTEREST

Councillor Campbell stated that she was an employee of NHS Lothian

Councillor McMillan stated she was an employee of Kirsteen Sullivan MP

2. ORDER OF BUSINESS

The Provost ruled in terms of Standing Order 11 (Chairs Rulings) that with respect to items 15 to 19 (Questions) she would take these items of business immediately after item 7 (Capital Strategy 2025-26 to 2032-33) in accordance with the actions agreed at the Provosts Elected Member Cross-Party Working Group.

Urgent Motion concerning the closure of Rosemount Gardens café - The Provost ruled in terms of Standing Orders 7 and 11 that the urgent motion from Councillor W Boyle would not be dealt with by Council as the motion did not make clear why the matter was considered to be urgent and if discussed then hearing the motion would mean that officers could not give advice. As the Chair ruled that the matter was not urgent, it shall be included as an item for the next ordinary meeting, unless withdrawn or dealt with in some other way before then.

3. MINUTES

- a) The Council approved the Minute of its meeting held on 21 January 2025
- b) The Council approved the Minute of its special meeting held on 17 February 2025
- c) The Council approved the Minute of its special meeting held on 25 February 2025
- d) The Council noted correspondence arising from previous decisions

- e) The Council noted the Minute of Meeting of Education (Quality Assurance) Committee held on Tuesday 14 January 2025
- f) The Council noted the Minute of Meeting of Performance Committee held on Monday 18 November 2024
- g) The Council noted the Minute of Meeting of Governance and Risk Committee held on Monday 09 December 2024
- h) The Council noted the Minute of Meeting of West Lothian Leisure Advisory Committee held on Tuesday 12 November 2024
- i) The Council noted the Minutes of Meeting of Employee Appeals Committee (Private) held on Friday 29 November 2024
- j) The Council noted the Minutes of Meeting of Employee Appeals Committee (Private) held on Friday 31 January 2025

4. BY-ELECTION RETURN - BROXBURN, UPHALL & WINCHBURGH WARD BY-ELECTION HELD ON THURSDAY 13 MARCH 2025

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

5. ELECTION BUSINESS

To note the appointment of Councillor Carlin to the Asset Transfer Committee

To note the appointment of Mike Carlin to the Environment and Sustainability Policy Development and Scrutiny Panel.

To note that Councillor Pearson had resigned as Chair of Licensing Committee

Licensing Committee - Chair

Nominations

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

Jim Dickson – Proposed by Councillor Campbell, seconded by Councillor

Stafford

An electronic roll call vote was taken. The result was as follows:-

Tony Boyle

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

Jim Dickson

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

Decision

Following a vote, it was agreed by 17 votes to 15 votes, with 1 member absent, that Councillor Tony Boyle be appointed as Chair of the Licensing Committee

6. CAPITAL STRATEGY 2025/26 TO 2032/33

The Council considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval of the updated capital strategy for 2025/26 to 2032/33, including the requirements of the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code) and associated performance indicators.

It was recommended that the Council:

1. Notes the requirements from the CIPFA Prudential Code in relation to the council's capital strategy;
2. Approves the updated capital strategy for 2025/26 to 2032/33, as set out in Appendix 1 of the report.

Motion

To approve the recommendations of the report

- Moved by Councillor Fitzpatrick and seconded by Councillor Manion

Amendment

To approve the recommendations of the report; and to bring back a report to Council outlining how the council provides an equal opportunity for all tenants to participate in any rent review consultation.

- Moved by Councillor Campbell and seconded by Councillor Willie Boyle

An electronic roll call vote was taken. 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  
 Susan Manion  
 Andrew McGuire  
 Anne McMillan  
 Craig Meek  
 Cathy Muldoon  
 Sally Pattle  
 George Paul  
 Tony Pearson

Amendment

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

Decision

Following a vote, the motion was successful by 17 votes to 15 votes, with 1 member absent, and it was agreed accordingly.

7. RATS FROM THE RIVER ALMOND - COUNCIL RESPONSE - QUESTION TO EXECUTIVE COUNCILLOR FOR ENVIRONMENT AND SUSTAINABILITY - SUBMITTED BY COUNCILLOR MARIA MACAULAY

A written question had been asked regarding rats from the River Almond (copies of which had been circulated). A verbal answer was provided by Councillor Conn at the meeting

Councillor MacAulay indicated she wished to put supplementary questions as provided for in Standing Orders. She did so and Councillor Conn provided a verbal response to the first supplementary question and indicated he would provide a written answer to the second supplementary question to all members in due course.

Decision

1. To note the written question and the verbal answer provided.
2. To note the supplementary questions put and the verbal answer provided to the first supplementary question and that a written answer would be provided to all members to the second supplementary question.

8. PEST CONTROL AND PREVENTION ALONG THE RIVER ALMOND - QUESTION TO EXECUTIVE COUNCILLOR FOR ENVIRONMENT AND SUSTAINABILITY

A written question had been asked regarding pest control and prevention along the River Almond (copies of which had been circulated). A verbal answer was provided by Councillor Conn at the meeting

Councillor MacAulay indicated she wished to put supplementary questions as provided for in Standing Orders. She did so and Councillor Conn provided a verbal response to the first supplementary question and indicated he would provide a written answer to the second supplementary question to all members in due course.

Decision

1. To note the written question and the verbal answer provided.
2. To note the supplementary questions put and the verbal answer provided to the first supplementary question and that a written answer would be provided to all members to the second supplementary question.

9. PRINTING "WEST LOTHIAN COUNCIL" ON BIN BAGS - QUESTION TO EXECUTIVE COUNCILLOR FOR ENVIRONMENT AND SUSTAINABILITY - SUBMITTED BY COUNCILLOR PAULINE ORR

A written question had been asked regarding the printing of "West Lothian Council" on bin bags. A verbal answer was provided by Councillor Conn at the meeting.

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

Decision

1. To note the written question and the verbal answer provided.
2. To note no supplementary questions were asked as provided for in Standing Orders.

10. RATES FOR THE BURGH HALLS - QUESTION TO COUNCIL LEADER SUBMITTED BY COUNCILLOR PAULINE ORR

A written question had been asked regarding the rates for the Burgh Halls and a written answer provided both of which had been circulated in advance of the meeting

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

Decision

1. To note the written question and the written answer provided.
2. To note no supplementary questions were asked as provided for in Standing Orders.

11. WINCHBURGH LIBRARY - QUESTION TO COUNCIL LEADER - SUBMITTED BY COUNCILLOR ANGELA DORAN-TIMSON

A written question had been asked regarding Winchburgh Library and a written answer provided both of which had been circulated in advance of the meeting.

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

Decision

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

12. NOTICE OF MOTION - TEACHERS BACK PAY/TAX - SUBMITTED BY COUNCILLOR PAULINE CLARK

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

“Following acceptance of a significant pay offer in March 2023 a number of teachers throughout Scotland subsequently fell into a higher earnings tax band in 2023/24 meaning any earnings over £43,663 from April 2023 onwards were taxed at 42%.

However, the pay increase was backdated to April 2022 and as such it was expected that the backdated amount would be taxed at the relevant rate for that period. This required an element of adjustment from the relevant authority’s payroll department. To date 17 Local Authorities in

Scotland have undertaken the necessary work to ensure all affected teachers received the correct back-pay tax as of 2022/2023.

West Lothian council is not one of these 17 councils and as such a large number of our teachers appear to be owed approximately £400 on average from HMRC.

Council request that a report is presented to the next Corporate Policy and Resources Policy Development and Scrutiny Panel, detailing all steps taken and any options that may have been available and/or considered by West Lothian Council on this matter.

Council also requests West Lothian Council investigate what actions would be required, including writing to HMRC, in order to ensure the backdated tax is refunded to teachers in West Lothian”.

- Moved by Councillor Clark and seconded by Councillor MacAulay

#### Amendment

1. Council notes that the 2022/23 Teachers pay award was agreed in March 2023. The details of the agreed pay award was circulated by COSLA to West Lothian Council on 15 March 2023. As that left insufficient time for the council to process the award in March's pay run, the pay award and associated back pay were applied in full to April's pay, which was the next available pay run.
2. Whilst pay discussions are conducted at national level, the council was aware that tax implications were discussed with trade unions, and that an interim payment of 5%/£3000 was offered to avoid this issue. The interim payment came with a condition to suspend industrial action and was rejected by the Educational Institute for Scotland (EIS)
3. Following agreement of the pay award, the EIS prepared frequently asked questions on the payment arrangements. This included the following statement:  
***“The final date of the pay settlement means that there could be challenges for local authorities to pay backpay in time for implementation in the 2022/23 tax year. This could result in some payment of backpay occurring in the 2023/24 tax year. Tax will be deducted in line with your personal allowance in operation at that time. If you believe that you have overpaid tax when the arrears are paid you will need to contact HMRC directly.”***
4. The council correctly applied the tax bands in operation in the 2023 tax year; this position was supported by advice from the council's tax advisers. This has also been the consistent approach to all backdated pay awards that the council has processed.
5. The council has reiterated the position above in response to queries received from individual Teachers and directed them to

HMRC. Whilst HMRC have in some cases advised Teachers that they must seek redress from the council, we are aware that both their advice and approach has been inconsistent. As the council has received a higher than normal volume of changes in tax codes for Teachers from HMRC since this award, it would suggest that individuals may have already had a review of their tax payments through this route, although the council are unable to confirm this.

6. The council is aware that a number of other councils were also unable to process the pay award in the 2022/23 tax year as a result of payroll processing dates. To date, the council understands that only one other council has amended the Teachers' back pay to the 2022/23 tax year and was able to do this as a result of a move to a new payroll system. Those others that were able to pay in advance of 31 March 2023 could do so because of local payroll processing timetables.
  7. It continues to be the Council's position that the relevant legislation and guidance has been adhered to, the returns being correct and submitted on time, and the liabilities paid to HMRC. Council agrees that this approach is consistent with that being taken by the other councils who also applied the backdated payments in April 2023.
  8. Council agrees to instruct the Chief Executive to write to HMRC requesting it takes expedient action to ensure that backdated tax is refunded to teachers in West Lothian in accordance with HMRC policy.
- Moved by Councillor Fitzpatrick and seconded by Councillor Manion

An electronic roll call vote was taken. The result was as follows:-

Motion

William Boyle  
 Janet Campbell  
 Mike Carlin  
 Pauline Clark.  
 Robert De Bold  
 Jim Dickson  
 Mary Dickson  
 Carl John  
 Lynda Kenna  
 Maria MacAulay  
 Moira McKee Shemilt  
 Andrew Miller  
 Pauline Orr  
 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  
 Susan Manion  
 Andrew McGuire  
 Anne McMillan  
 Craig Meek  
 Cathy Muldoon  
 Sally Pattle  
 George Paul  
 Tony Pearson

Decision

Following a vote, the amendment was successful by 17 votes to 15 with 1 member absent and it was agreed accordingly.

13. NOTICE OF MOTION - CONGRATULATIONS TO HANNAH EVANS - 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 Hannah Evans for her amazing artworks which have been recently displayed in Livingston.

If you have not heard of Hannah before, she is an incredible young lady who is a neurodiverse and visually impaired artist

Hannah’s passion for colour has been truly expressed in all of her artwork.

I am sure you will agree that Hannah is an inspiration to us all, and particularly to the community in her home town – Linlithgow

I ask that the Provost write to Hannah to congratulate her for the amazing things she is achieving”.

- Moved by Councillor Orr and seconded by Councillor Willie Boyle

Decision

To unanimously agree the terms of the motion

14. NOTICE OF MOTION - BULKY WASTE BUILD-UP AND REMOVAL SOLUTIONS - SUBMITTED BY COUNCILLOR MARIA MACAULAY

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

“Council Notes:

That residents across West Lothian are increasingly concerned about bulky waste piling up in gardens and communal areas due to limited and costly disposal options. This leads to environmental risks, attracts vermin, and negatively affects communities.

Council Further Notes:

That high special uplift costs prevent many residents from disposing of large items, causing long-term waste accumulation

Council Believes:

- Residents should have access to affordable bulky waste removal.

- Waste build-up poses public health and environmental risks.
- The Council must explore practical solutions to help residents manage waste properly.

#### Council Resolves To:

1. Review bulky waste services to assess the scale of the issue and barriers to disposal.
  2. Consider subsidised or free uplifts for households in financial hardship.
  3. Explore periodic community collection days or waste amnesty schemes.
  4. Improve public awareness of disposal options, including recycling and reuse schemes.
  5. Report back to Full Council with recommendations for a long-term solution”.
- Moved by Councillor MacAulay and seconded by Councillor Orr

#### Amendment

West Lothian Council notes that it provides two options for the disposal of bulky waste items:

- A household bulky uplift collection service which provides for up to 5 items to be collected for a total charge of £38.59
- Household community recycling centres at five locations throughout West Lothian, which provides opening hours every day of the week.

All Scotland's' 32 councils provide a chargeable household bulky uplift service. The average charge across these councils of providing a similar collection service to the council in 2024/25 was £41.91 compared to our councils charge of £38.59. In addition, Council agreed at the Revenue Budget setting meeting of 25 February 2025 to freeze the 2025/26 charge at the current year's level.

This year it is estimated that it will cost the council £240,000 to operate a bulky uplift service. By comparison, income from bulky uplifts is approximately £135,000 a year. A charge of £38.59 therefore represents a significant subsidy applied to all service users, which covers around only 56% of the cost of providing the service.

There are other options available to households when disposing of large bulky items. Local charities such as Home Aid may be able to collect some items for free. If items are still usable, households may wish to consider re-use and offer them to a friend or neighbour, or advertise them for sale online.

These options fit in well with the Scottish Governments recycling and reuse principles, as set out in their Circular Economy Scotland Bill.

However, noting the SNP Group's concerns Council instructs the Chief

Executive to write to the First Minister John Swinney and Cabinet Secretary for Finance and Local Government Shona Robison and request that the Scottish Government fully funds West Lothian Council and all Scottish local authorities, or directly targeted additional funding, so that they can remove bulky uplift service charges, brown bill collection charges and extend the opening hours of Household Waste Recycling Centres (HWRCs) and address the concerns of the West Lothian Council SNP Group.

In addition, the Chief Executive copies correspondence to both West Lothian Constituency MSPs, Cabinet Secretary for Justice and Home Affairs Angela Constance and Cabinet Secretary for Transport Fiona Hyslop.

- Moved by Councillor Conn and seconded by Councillor Manion

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

Motion

William Boyle  
Janet Campbell  
Mike Carlin  
Pauline Clark  
Robert De Bold  
Jim Dickson  
Mary Dickson  
Carl John  
Lynda Kenna  
Maria MacAulay  
Moira McKee Shemilt  
Andrew Miller  
Pauline Orr  
Sally Pattle  
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  
Susan Manion  
Andrew McGuire  
Anne McMillan  
Craig Meek  
Cathy Muldoon  
George Paul  
Tony Pearson

Decision

Following a vote, for which the motion and amendment received 16 votes each, with 1 member absent, the Provost cast her vote in favour of the amendment and it was agreed accordingly.

15. NOTICE OF MOTION - SCOTCH WHISKY INDUSTRY - SUBMITTED BY COUNCILLOR JANET CAMPBELL

To note that the motion had been withdrawn by Councillor Campbell

16. NOTICE OF MOTION - SINGLE SEX SAFE SPACES - SUBMITTED BY COUNCILLOR ANGELA DORAN-TIMSON

The Council considered a motion (copies of which had been circulated)

submitted by Councillor Angela Doran-Timson in the following terms:-

“Single-sex spaces are not adequately protected.

As I am sure all councillors would agree with me we only have two sexes, we have male and female.

I am shocked that the First Minister John Swinney, believes transgender people, have the right to use female facilities. This is wrong on so many levels.

Single-sex safe spaces are a must for young girls and woman; whether this is in a female school changing room, school toilets, school showers, public toilets, public showers all young girl and woman’s safe spaces.

It is imperative that woman rights are protected and a clear message is given that men however, they choose to self-identify, however, they dress, whatever pronouns they use, cosmetic surgery they have and how strong they feel that they are woman inside, should NOT try to use spaces provided for the dignity and privacy of biological woman

In the UK many spaces designed woman-only are becoming mixed-sex leaving woman and young girls vulnerable. This was clearly not the intention of either the GRA or the equality act.

Therefore, Council kindly asks the Chief Executive Graeme Hope to write to the First Minister and request that he ensures the protection of biological woman’s safe spaces.

Writes to the two West Lothian MPs, Gregor Poynton and Kirsteen Sullivan demanding they press the UK Government to protect biological woman and young girls’ safe spaces”.

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

#### Amendment

“The SNP Group notes the Scottish Government fully upholds the Equality Act 2010, all public bodies are required to comply with this law. We welcome the role of the Equalities and Human Rights Commission in providing codes of practice and guidance.

The SNP Group are concerned that this motion may be in breach of The Equalities Act 2010 (amendment) Regulations 2023, implemented from 1 January 2024.

The SNP group therefore move to reject this paper in its entirety.

Please support the amendment.

- Moved by Councillor Orr and seconded by Councillor Campbell

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

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

#### Decision

Following a vote, the amendment was successful by 16 votes to 4 with 12 abstentions and 1 member absent and it was agreed accordingly.

#### 17. NOTICE OF MOTION - CONGRATULATIONS TO PAM NORRIS - 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 removing the word “over” from the first paragraph. Therefore, the motion was in the following terms :-

“Council notes the upcoming retirement of Pamela Norris, a key figure in West Lothian Leisure Xcite Broxburn, for nearly 40 years.

Pamela has worked tirelessly to support individuals, families and the wider community of Broxburn, Uphall and Dechmont. Pamela joined Broxburn Xcite in 1986 and retires March 2025.

Council extends its sincere gratitude to Pamela for her dedication and commitment to supporting the West Lothian Community and wishes her a long happy healthy retirement.

Council therefore, kindly requested that:-

The Provost Cathy Muldoon, write to Pamela expressing our gratitude for the dedication and commitment Pamela has always shown for the past 39 years of services.”

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

### Decision

To unanimously agree the terms of the motion

### 18. NOTICE OF MOTION - NURSERY CLOSURES - SUBMITTED BY COUNCILLOR PAULINE STAFFORD

The Council considered a motion (copies of which had been circulated) submitted by Councillor Stafford. However, prior to moving her motion Councillor Stafford intimated she wished to make a minor change to bullet point no.3. Therefore, the motion was in the following terms :-

“Council notes that there was ample opportunity for proper planning by West Lothian Council for the welcome expansion by the Scottish Government of early learning and child care funded hours. Council also acknowledges that forewarning of a drift from council to private provision was communicated by parents and carers through early consultation procedures.

Unfortunately, the administration did not heed these warnings and neglected to take the forecasted choice of provision into strategic account. This neglect has led to the current unrest and upset currently being experienced by parents, carers, council and private ELC providers and, indeed, small children in relation to the need for 9 council-run ELC settings to close in order to achieve savings within the education budget.

Council is aware of the excellent standard of provision delivered within the local authority ELC centres in West Lothian. We also recognise that parents have a right to and often need the flexibility of quality private provision. Council agrees that it is the Labour administration’s poor planning, policy delivery and lack of oversight in this policy area that needs to be addressed.

Therefore, council requests that:

- A root and branch review takes place as to the planning and provision of the expansion of ELC hours in West Lothian. This should include, but is not restricted to, consultation procedures and procurement practices, the efficient future use of public funds for the infrastructure of council nurseries, staff planning and resources and ELC wider stakeholder management and partnerships and, going forward, the potential impact of changes to Employer’s National Insurance Contributions to the sustainable rates paid to partner providers by the council.
- The review should include all relevant stakeholders, including parents and carers, ELC staff and union representatives and private sector providers. The aim would be to establish a systemic,

cohesive approach across both council and private practices which can best future proof early learning and childcare for our youngest children and their families.

- The root and branch review proposed will be undertaken within an appropriate timescale and at the earliest opportunity to inform the next Early Learning and Childcare Delivery Plan in 2027”.
- Moved by Councillor Stafford and seconded by Councillor MacAulay.

#### Amendment

“Council is asked to note that its Early Learning & Childcare Delivery Plan has been approved by Education Executive in November 2023 and more recently on 4 March 2025. On both occasions the plans were approved across the Chamber with no amendments to the plan presented. Council is asked to note that this is a critical matter.

Council accepts Scottish Government requirement that funding follows the child. Therefore, local authority settings can no longer be prioritised over private partner providers relative to our statutory duty to ensure funding that early learning and childcare setting entitlement is made available for eligible children in its local area.

Council is asked to note that six years ago we had 68 funded nursery/ELC options, 61 council and 7 partners; that was for 4,290 eligible 3 and 4-year olds of which 88% came to council settings. There are now 95 funded nursery/ELC options; 62 council and 32 partners for 4,884 eligible 3 and 4-year olds; 78% came to council settings. Council is asked to note there was a rise in private providers. Council is asked to note that these clear numbers give evidence there is an over-provision in ELC options In West Lothian.

Council is asked to note that budget pressures continued from 2024/25 as a result of the increase in partner provider places and the over-provision in council settings based on demand. Council is asked to note that the period 9 budget monitoring report presented to Council Executive on 4 February 2025 projected an in-year over-spend in ELC of £597,000 and a recurring pressure of £1.34m. Council is asked to note that this was agreed across the Chamber. Council agrees to reject this motion and to accept that the process we have gone through in planning ahead strategically for ELC is solid and follows full consultation and look forward to the timescale already agreed”.

- Moved by Councillor Fitzpatrick and seconded Councillor Manion

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

#### Motion

William Boyle  
Janet Campbell  
Mike Carlin

#### Amendment

Alison Adamson  
Tony Boyle  
Harry Cartmill

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

Tom Conn  
Angela Doran-Timson  
Damian Doran-Timson  
Lawrence Fitzpatrick  
Peter Heggie  
Danny Logue  
Susan Manion  
Andrew McGuire  
Anne McMillan  
Craig Meek  
Cathy Muldoon  
George Paul  
Tony Pearson

### Decision

Following a vote, for which the motion and amendment received 16 votes each, with 1 member absent, the Provost cast her vote in favour of the amendment and it was agreed accordingly.