

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 13 NOVEMBER 2012.

Present – Councillors John McGinty (Chair), Cathy Muldoon, Frank Anderson, Tony Boyle (Substituting for Dave King) Tom Conn, Jim Dixon, Lawrence Fitzpatrick, Peter Johnston, Danny Logue, Anne McMillan, Angela Moohan and George Paul

Apologies – Councillor Dave King

1. OPENING REMARKS

The Chair welcomed to the meeting a delegation from Falkirk Council who were attending the meeting of Council Executive to view proceedings as part of their fact-finding mission on committee structures.

2. ORDER OF BUSINESS INCLUDING NOTICE OF URGENT BUSINESS

The Chair advised the members that there would be an update on the latest position on the Vion Hall Meat Plant of Broxburn following approval of the Minute.

3. DECLARATIONS OF INTEREST

- 1) Agenda Item 9 (Revised Policy and Procedure on Managing Sickness Absence) - Councillor Tom Conn declared a non-financial interest in that he was a Unison member;
- 2) Agenda Item 27 (Linlithgow Community Development Trust) - Councillor Tom Conn declared a non-financial interest in that he was a Trustee of the Linlithgow Community Development Trust);
- 3) Agenda Item 39 (St John's Hospital Stakeholder Group) - Councillor Danny Logue declared a non-financial interest in that he was an NHS Employee;
- 4) Agenda Item 9 (Revised Policy and Procedure on Managing Sickness Absence) - Councillor Danny Logue declared a non-financial interest in that he was a Unite member;
- 5) Agenda Item 16 (2012-13 General Fund Revenue Budget) - Councillor Danny Logue declared a non-financial interest in that he was a founder of DEEP and the Secretary of DEEP had acted as his election agent and therefore would not participate in the item of business;
- 6) Agenda Item 9 (Revised Policy and Procedure on Managing Sickness Absence) - Councillor Lawrence Fitzpatrick declared

- a non-financial interest in that he was a Unite member;
- 7) Agenda Item 16 (2012-13 General Fund Revenue Budget) - Councillor Lawrence Fitzpatrick declared a non-financial interest in that he regularly attended committee meetings of DEEP and a member of the Board had acted as his election agent and therefore he would not participate in the item of business;
 - 8) Agenda Item 9 (Revised Policy and Procedure on Managing Sickness Absence) - Councillor George Paul declared a non-financial interest in that he was a Ucatt member;
 - 9) Agenda Item 9 (Revised Policy and Procedure on Managing Sickness Absence) - Councillor Tony Boyle declared a non-financial interest in that he was a Unite member;
 - 10) Agenda Item 13 (Proposed Strategic Development Plan) - Councillor Tony Boyle declared a non-financial interest in that he was a council appointed member of SESPlan;
 - 11) Agenda Item 9 (Revised Policy and Procedure on Managing Sickness Absence) - Councillor Angela Moohan declared a non-financial interest in that she was a Unison member;
 - 12) Agenda Item 28 (Voluntary Sector Development Fund) - Councillor Angela Moohan declared a non-financial interest in that she was Chair of The Larder and therefore she would not participate in the item of business;
 - 13) Agenda Item 9 (Revised Policy and Procedure on Managing Sickness Absence) - Councillor Anne McMillan declared a non-financial interest in that she was a Unite member;
 - 14) Agenda Item 9 (Revised Policy and Procedure on Managing Sickness Absence) - Councillor John McGinty declared a non-financial interest in that he was a Unite member;
 - 15) Agenda Item 13 (Proposed Strategic Development Plan) - Councillor Cathy Muldoon declared a non-financial interest in that she was a council appointed member of SESPlan; and
 - 16) Agenda Item 9 (Revised Policy and Procedure on Managing Sickness Absence) - Councillor Peter Johnston declared a non-financial interest in that he was an EIS Union member;

4. MINUTE

The Council Executive confirmed the Minute of the meeting held on 9 October 2012 as a correct record. The Minute was thereafter signed by the Chair.

5. VION HALLS UPDATE BY THE HEAD OF HOUSING, CONSTRUCTION AND BUILDING SERVICES.

The Head of Housing, Construction and Building Services provided the Council Executive with an update with regards to the Vion Hall Meat Plant at Broxburn.

He provided some background information on the plant and explained that the 90-day consultation period had now expired and that the plant was now starting to wind-down.

In response to the situation a Jobs Fair had been organised and took place on Saturday 10 November 2012. A total of 47 exhibitors participated in the Jobs Fair including a range of council services. The fair was very well attended and translation services were available on the day for those whose first language was not English. A series of CV workshops were also held.

The Head of Housing, Construction and Building Services further explained that the Scottish Government Task Force was likely to meet at the end of November but an exact date had yet to be confirmed.

The Chair then took the opportunity to thank and commend all those staff involved in organising and participating in the Jobs Fair.

Decision

Noted the update on Vions Halls Meat Plant of Broxburn

6. ELECTION BUSINESS

The Council Executive considered a letter received from CoSLA who was seeking the appointment of an elected representative to participate in the Sports, Arts and Culture Task Group.

Decision

Agreed to appoint Councillor Dave King to the Sports, Arts and Culture Task Group.

7. EARLY YEARS AND EARLY INTERVENTION CHANGE FUND 2012-2013 - PROPOSED ALLOCATION OF UNDERSPEND

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy seeking approval of the proposals from the Preventative Interventions Board to allocate the under spend on the council's contribution to the Early Years and Early Intervention Change Fund on 2012 – 2013.

The report advised that Community Planning Partners in West Lothian

were committed to the Early Years and Early Intervention agenda. The Early Years Change Fund was established to finance a shift towards a preventative spend model of service delivery and to make a direct contribution to key areas of Scottish Government policy, such as parenting, childcare and family centres.

The Head of Social Policy advised that a number of proposals had been agreed by the multi-agency Children and Families Management Group and the Preventative Interventions Board.

It was previously reported to Council Executive on 18 September 2012 that there would be a one-off under spend this year which was estimated to be £611,000 and it was agreed that the under spend would be earmarked for preventative and early intervention investments.

Proposals from the Preventative Interventions Board for the allocation of the under spend were as follows:-

- Establishment of Early Years and Early Intervention Third Sector Grant Fund - £270,000
- Prolific Offenders Resource Meeting Gaps in Existing Provision - £99,000.
- Extensions to Families Included (1 FTE) and Looked After Children (0.6 FTE) Development Posts - £87,000.
- Support for the Development and Evaluation of a Portfolio of Interventions - £155,000.

The report recommended that the Council Executive approve the proposals from the Preventative Interventions Board for the allocation of the under spend on the council's 2012 – 2013 budget for the Early Years and Early Intervention Change Fund.

Decision

1. To approve the terms of the report; and
2. Agreed that a report detailing all spend on early years and early interventions by both the council and its partners, would be presented to the next available meeting of the Community Planning Partnership Board.

8. REVIEW OF UK PARLIAMENTARY CONSTITUENCIES

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive providing details of the Boundary Commission's revision proposals for UK Parliament constituencies and the final eight week public consultation period.

The report advised that the Boundary Commission started the Sixth

Review of Westminster constituencies in May 2011. Initial proposals were published and were the subject of an initial public consultation in late 2011. The consultation period included public hearings. The Partnership and Resources PDSP and the Council Executive considered the initial proposals and the council's decision was to make no representation and not to attend a public hearing.

A second consultation period started in March 2012 on the comments and representations received as part of the initial consultation. This stage was also considered by the Partnership and Resources PDSP and the Council Executive and the council's decision was to make no representation.

Following on from the earlier stages, revised proposals were published by the Boundary Commission on 13 September 2012 and an eight week final public consultation period commenced.

The report went on to advise that the revised proposals for the West Lothian Council area were unchanged from initial proposals, which split West Lothian into two constituencies. One constituency fell wholly within West Lothian (Livingston – 80,228 electors), and another constituency was split between West Lothian and Falkirk council areas (Linlithgow and Falkirk East – 80155 electors). Maps of the proposals could be seen at www.bcomm-scotland.independent.gov.uk/

The Chief Executive advised that once the review was complete the Boundary Commission would take into account any representations on the revised proposals received during the final eight week consultation period and decide whether any further modifications were required. If modifications were made they would not be required to be published for consultation prior to the submission of the report.

Once each of the 4 Boundary Commissions submitted its report for each part of the United Kingdom, Ministers would be responsible for submitting a draft Order in Council to the United Kingdom giving effect to the recommendations in the 4 reports. The draft Order in Council could then modify the recommendations made by a Boundary Commission, but only if a Commission specified the required modification and would only be done to correct an error.

The report recommended that the Council Executive determine whether the council should submit a response to the final consultation stage, and if so, agree an appropriate response.

Decision

Agreed to note the content of the report and make no further comment on the proposals.

9. ACCESS FUND APPLICATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services presenting three applications to the West Lothian Access Fund.

The report advised that the West Lothian Access Fund was administered by West Lothian Council and supported Disability West Lothian. It was available to charitable and voluntary organisations who wished to improve access to and use of facilities for disabled people at premises in public use.

The West Lothian Access committee, whose membership included elected members, council officers and volunteer members of the public, assessed the eligibility criteria for applications and make recommendations to Council Executive for approval.

The following applications were submitted and endorsed by the Access Committee:-

- Bathgate High Parish Church - £1,500
- Voluntary Sector Gateway, West Lothian - £1,074
- Whitburn Juniors Football Club - £995

The report went on to advise that to date four applications were approved by Council Executive for the financial year, totalling £6,000. Prior to approval of the three applications presented in the report £5,676 remained in the fund for 2012/13.

The report recommended that the Council Executive approve the recommendations by the West Lothian Access Committee.

Decision

To approve the terms of the report.

10. REVISED POLICY AND PROCEDURE ON MANAGING SICKNESS ABSENCE

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services providing a revised council Policy & Procedure for Managing Sickness Absence.

The report advised that at a meeting of the Council Executive on 29 May 2012 a motion was approved instructing officers to enter into consultation with the recognised trade unions to review the Policy and Procedure on Managing Sickness Absence and to report back to the Council Executive no later than September 2012.

The Head of Corporate Services advised that a series of meetings had taken place with the trade unions and that discussions extended beyond the September 2012 target due to the break in business for the teaching unions during the summer recess and the detail of discussions undertaken during this period.

The trade unions identified a range of issues for consideration covering,

the policy and procedure, Occupational Health Services, manager training and guidance, information sharing and trade union participation. The key themes identified were as follows:-

- Early Intervention and support;
- Amendments to the Policy and Procedure;
- Enhancements to Managers Guidance;
- Revisions to standard documentation;
- Amendments to elements of the Occupational Health Service;
- Trade Union participation in the Occupational Health Contract service specification; and
- Trade Union receipt of sickness absence management information.

The report went on to advise that the majority of amendments proposed by the trade unions sought to build upon the amendments approved in December 2011. However, there were a number of proposed amendments where there was either a difference of position between trade unions and/or officers believed the proposals would impact on the effectiveness of the policy and procedure.

A full list of issues raised by the trade unions and the officer recommendations were set out in Appendix 1 to the report and the revised policy and procedure based on the recommendations was set out in Appendix 2 to the report.

In conclusion the report advised that the revised policy and procedure was considered to address the key concerns of the trade unions and other relevant stakeholders. The changes were intended to provide additional flexibility for managers with a more measured application of the policy and procedure in certain prescribed circumstances but without compromising consistency of decision making.

The report recommended that the Council Executive approve the revised Policy and Procedure on Managing Sickness Absence, appended to the report.

Motion

Council Executive notes the outcome of the review of Council Policy and Procedure on Managing Sickness Absence and agrees the revised Policy and Procedure on Managing Sickness Absence as appended to the paper subject to the following amendment :-

The start of the 12 month monitoring period will be the date that the employee returns to work.

Council Executive agrees that the revised policy will be adjusted to reflect this as appropriate.

Council Executive further agrees that the provisions contained in paragraph 5.9.6 of the revised policy concerning Head of Service/Depute Chief Executive discretion will apply with immediate effect to all current Council employees who are subject to a Final Absence Meeting under the Procedure for Managing Sick Absence.

- Moved by the Chair and seconded by Councillor Muldoon.

Decision

To unanimously agree the terms of the Motion.

11. MOBILE DEVICES

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services providing an update on the advances made in securing mobile device technology and to advise on the options should the council deploy this type of device.

The report advised that recent years had seen significant developments in mobile device technology which allowed the production of smaller more powerful devices. The pace of change in this market sector was rapid and was driven in the main by consumer demand for devices which permit access to entertainment and communication both in the home and on the move.

The mobile device market had grown and developed during the last five years and the distinction between the various types of device had become less clear cut.

The Head of Corporate Services advised that the council currently utilised a range of mobile devices and had carried out pilot exercises to determine whether there was justification to extend the range of devices employed or services offered. There were currently over 4,000 Laptop PC's over 550 Blackberry/Smartphones and around 2,000 Mobile Phones in use across the council.

The report went on to provide information in relation to connectivity which included Mobile Data Access and Wireless Access (WiFi).

The report further advised that there had been recent press coverage about decisions by other public sector organisations to distribute iPads to Elected Members and senior employees. IT Services initiated discussion with technical staff within these organisations to understand the business justifications for the allocation of these devices and the types of issues they had resolved and those that were outstanding.

It was also reported that in February 2010 the Partnership and Resources PDSP had commenced a tablet pilot which sought to provide the panel members with technology which would enable them to participate fully in panel meetings without the need for a paper agenda pack.

The devices used were laptop devices with rotating screens which enabled the device to be converted into a tablet device for the viewing and annotation of documents. However it was advised that these devices did not offer the touch screen functionality available in current iPad and other similar tablet/smartphone devices.

Whilst the majority of the pilot group were generally satisfied with the functionality of the tablet PCs the clear consensus was that the tablet PC had neither replaced the need for the standard desktop PC nor the requirement for the need to work with a paper agenda.

The Head of Corporate Services went on to advise that building on the experience of the previous pilot it was proposed that the council undertake a 3 month pilot on the use of iPads by the Partnership and Resources PDSP, Civic Office and the Corporate Management Team/Chief Executive Office.

Costs were estimated based on discussion with suppliers. The cost to provide 27 tablet devices with remote management and wiping was estimated at £21,000. Additional push email and document distribution was a further £6,500 and a further £15,000 for WiFi installation. The cost to provide all 33 Elected Members and Committee Services with devices was estimated at a further £25,000.

In conclusion the report advised that the mobile device market had changed significantly over the last few years and the use of radio wave (3G) technology to permit the transfer of data between these devices and a wider connected network had provided anytime, anywhere access to data.

The proposed iPad pilot would build on the experience of the previous pilot and enable the council to evaluate the use of current mobile technology to improve the effectiveness and efficiency of the strategic management of the council.

The report recommended that the Council Executive approve the implementation of a 3 month iPad pilot incorporating the Elected Members of the Partnership and Resources PDSP, Member Services Business Managers, Civic Office, Corporate Management Team and Chief Executive Office.

Decision

To approve the terms of the report.

12. TAXI STANCES

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services providing an update on the proposals to designate a number of taxi stances and remove a stance which was no longer required.

The report advised that following an earlier review of taxi stances within West Lothian various stances were formally designated in 2009. Since then the stances in Bathgate, Linlithgow and Broxburn had been the subject of further discussions and the stance adjacent to Asda was extended.

A report was approved by the Council Executive on 7 August 2012 authorising the Chief Solicitor to advertise the Council's intention to designate a number of taxi stances and the removal of another which was no longer required. Appendix 1 to the report contained the advert while appendices 2 to 6 contained the taxi stances which the council intended to designate.

In conclusion the report advised that a review of taxi stance provision in Bathgate, Broxburn and Linlithgow had been undertaken and the council's intention to designate a number of stances and remove one which was no longer required had been advertised in line with the statutory requirements. No representations were received regarding these proposals.

The report recommended that the Council Executive approve:-

1. The designation of the taxi stances referred to in the advertisement contained in Appendix 1 of the report and the removal of the larger of the two stances at West Main Street, Broxburn referred to therein and shown in Appendix 6.
2. The initiation of statutory procedures to introduce a weekday day-time loading bay (6am-6pm, Mon-Fri) at the location of the taxi rank in High Street, Linlithgow.
3. The initiation of statutory procedures to amend the existing traffic regulation orders for Broxburn, Livingston and Linlithgow to prohibit waiting by vehicles other than taxi in designated taxi ranks.

Decision

To approve the terms of the report.

13. COMMUNITY COUNCIL SPECIAL PROJECT GRANT APPLICATION 2012-13

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services providing an application for a special project grant received from West Calder & Harburn Community Council and from Uphall Station Community Council.

The report advised that a special project grant scheme currently operated for Community Councils in West Lothian to allow them to carry out projects in their areas. Community Councils could apply for a maximum of £750 special project funding in each financial year. Applications were dealt with on a first come first served basis. Community Councils who

retained more than £75 of their administration grant from the previous financial year were expected to contribute 10% towards the project.

The Head of Corporate Services advised that an application had been received from West Calder & Harburn Community Council and from Uphall Station Community Council both of which were summarised in Appendix 1 to the report.

The report recommended to the Council Executive :-

1. That the application received from West Calder and Harburn Community Council for £75 towards the costs of purchasing an event shelter and banners to allow the community council to set up a display, promotional and contact facilities in the village square to support its community wide consultation exercise be approved; and
2. That the application received from Uphall Station Community Council for £225 towards the costs of purchasing a community council notice board be approved.

Decision

To approve the terms of the report.

14. PROPOSED STRATEGIC DEVELOPMENT PLAN (SDP) - HABITATS REGULATIONS APPRAISAL AND SDP UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Acting Head of Planning and Economic Development advising of the terms of the SESPlan Habitats Regulations Appraisal (HRA) which supported the Strategic Development Plan (SDP) and the terms of the draft Minute from the SESPlan Joint Committee meeting of 29 June 2012 and the latest position with progress on the proposed SDP.

The Acting Head of Planning and Economic Development advised that the purpose of the Habitats Regulation Appraisal (HRA) was to establish if policies in the proposed Strategic Development Plan (SDP) could cause "likely significant effects" which would affect specific sites within and near to the SESPlan area which would form part of the Natura 2000 Network. Thereafter an Appropriate Assessment (AA) would be undertaken where significant effects were identified.

The HRA including the AA were approved by the SESPlan Joint Committee meeting on 29 June 2012 for ratification by the SESPlan Joint Authorities comprising of City of Edinburgh Council, East Lothian, Midlothian, Fife, Scottish Borders and West Lothian Councils. Subject to its ratification by the member authorities, the joint committee also agreed to delegate authority to the SESPlan Project Manager to submit the HRA and AA to Scottish Ministers.

The Acting Head of Planning and Economic Development further explained that SESPlan had undertaken the HRA/AA in close consultation

with Scottish Natural Heritage (SNH) who was formally consulted on the proposed plan and SNH had informed SESPlan that they were content with the HRA. The report then provided further details of those sites identified within West Lothian that were considered a natural environment and that as development sites began to be identified as part of the LDP process and the development strategy for West Lothian was refined the impact of such sites would be further assessed and adequately dealt with through the LDP process.

The report also provided an update in relation to the Strategic Development Plan in that it had been submitted to Scottish Ministers on 10 August 2012 along with a number of supporting documentation, including the Environmental Report, and Equalities & Human Rights Impact Assessment, a Participation Statements and SESPlan Monitoring Report. The Head of Planning and Economic Development reported that since the report had been compiled the Scottish Government had announced that it would be commencing the Examination on 22 October 2012.

The report recommended that the Council Executive:-

1. Note the contents of the report; and
2. Agree to ratify the decision of the SESplan Joint Committee to approve the terms of the HRA in support of the proposed SDP and delegate authority to the SESplan project manager to submit the HRA and Appropriate Assessment to the Scottish Ministers as part of the SDP Examination process.

Decision

To approve the terms of the report.

15. RATIONALISATION OF ARM'S LENGTH COMPANIES OPERATED BY THE COUNCIL

The Council Executive considered a report (copies of which had been circulated) by the Acting Head of Planning and Economic Development advising of the constitution of three arm's length companies operated by the council and to seek the voluntary dissolution of two of these companies.

The Acting Head of Planning and Economic Development explained that Legal Services provided company secretarial support and legal advice to three arm's length companies operated by the council as follows; Business Gateway West Lothian Ltd, West Lothian Enterprise Ltd and WL Venture Group Ltd. Business Gateway West Lothian was incorporated in 2002 as a vehicle to provide the Business Gateway service to clients and although it was classified as a dormant company in 2004 it was not struck off in order to preserve the name. West Lothian Enterprise Ltd and WL Venture Group Ltd both had as their principal object the management of funds designed for investments in industrial and commercial businesses

with a view to promoting economic development.

Therefore it was proposed to remove Business Gateway West Lothian Ltd from the Register of Companies which would involve a cheap and simple exercise involving the completion of a form by its sole Director, which was the Head of Planning and Economic Development.

With regards to West Lothian Enterprise Ltd and WL Ventures Group Ltd these were two companies carrying out a similar function and both of which required audited accounts prepared each year at a cost of £3,000 per company per year in auditors fees. Therefore following consultation with the auditor of both companies, RMS Tenon and as detailed in the letter attached to the report at Appendix 1, it was suggested that of these two companies West Lothian Enterprise Ltd should be struck off rather than WL Ventures Group otherwise it could cost the council in the region of £7,000 to £10,000 in fees.

In conclusion the council was expending funds on annual auditor's fees, statutory filing fees and staff time in managing and administering arm's length companies that had been identified as surplus to requirement. Therefore it was suggested that to dissolve two of the companies would result in considerable savings to be made.

The report recommended that the Council Executive:-

1. Note the changes in the constitution of the three companies; and
2. Agree that the Acting Head of Planning and Economic Development take the necessary steps to strike off the two companies, namely West Lothian enterprise Ltd and Business Gateway West Lothian Ltd.

Decision

To approve the terms of the report.

16. 2012-13 GENERAL SERVICES CAPITAL BUDGET - MONTH 6 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates providing information on the financial position in relation to the General Services Capital Programme following completion of the month 6 monitoring exercise.

The report recommended that the Council Executive:-

1. Note the outcome of the month 6 monitoring exercise and the projected outturn;
2. Agree the revised budget projections for projects which includes the new primary school in Breich and a new Public Transport Management Information System;

3. Agree that asset lead officers and the Head of Finance and Estates must keep under review factors that would impact on delivery of the approved capital programme and must seek to deliver the overall programme within the approved budget.

The report provided an update on the 2012/13 General Services Capital Programme based on the results of a comprehensive monitoring exercise. The approved 2012/13 capital budget was £27.950 million which assumed £4 million of over programming.

Progress was being made on a number of projects with the committed expenditure as a percentage of projected outturn at 48%. In overall terms, the monitoring exercise indicated that the projected outturn was over budget by £49,000 at £27.999 million.

The report provided a summary of forecasts and pressures which indicated that projected expenditure in 2012/13 was over budget at £27,999 million.

The report concluded that following the month 6 monitoring process, the 2012/13 outturn forecast was £27.999 million. Progress was being made on delivery of the programme, and at the end of month 6, expenditure to date accounted for 48% of the projected forecast spend for the year.

A number of key risks in relation to the delivery of the General Services capital programme had also been identified and would continue to be managed by asset lead officers and monitored by Finance and Estates Services.

Decision

To approve the terms of the report.

17. 2012-13 GENERAL FUND REVENUE BUDGET - MONTH 6 MONITORING REPORT

Councillor Fitzpatrick and Logue having previously declared a financial interest did not participate in the discussion or the vote on the following item of business.

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates providing the financial position in relation to the General Fund Revenue Budget, following completion of the 6 months monitoring exercise.

The report set out the overall financial performance of the General Fund Revenue Budget for the period to 30 September 2012 and provided a year end financial forecast which took account of relevant issues identified in individual service budgetary control returns. The report also considered the position regarding the delivery of approved 2012/13 budget reduction measures and the implementation of time limited revenue investment projects. In addition the report set out the value of the uncommitted

2012/13 under spends available.

The report provided a summary of the position in relation to service expenditure and provided a forecast out-turn. An under spend of £3.565 million was forecast for 2012/13 compared to £2.575 million previously reported. There were a number of additional service savings that had contributed to the under spend position and were noted in the narrative for the relevant service area.

The Head of Finance indicated that an under spend of £3.565 million was forecast for 2012/13. Of this sum a report was being prepared for the November Council Executive meeting with options to utilise the £611,000 under spend relating to the Early Years and Early Intervention Change Fund. In addition £200,000 of this sum related to Business Gateway monies and £357,000 was against the ring fenced Time Limited resources. Taking these areas into account would leave an uncommitted balance of £2.397 million available.

It was recommended that the Council Executive :-

1. Note the outcome of the month 6 monitoring exercise and the projected outturn;
2. Agree the revised budget projections outlined in the report including the expenditure on the new primary school in Breich and the Public Transport Management Information System
3. Agree that asset Lead Officers and the Head of Finance and Estates continue to take necessary action to deliver the overall programme.

Motion

“Council Executive notes the month 6 monitoring report and the forecast £422K underspend.

Council Executive therefore agrees to :-

Allocate £60,000 of the underspend to support a request from Dedridge Ecology Project (DEEP) to complete the Lanthorn Pond/Jubilee Pond/Almond Dedridge Delta projects.

Allocate £20,000 of the identified underspend to support a request from the Pitstop Project in Addiewell to assist with the cost of employing a member of staff to focus on developing employability skills and regeneration initiatives.

Allocate £75,000 of the identified underspend to establish a pilot Veterans Employment Programme to help unemployed former armed forces personnel in West Lothian to find a job via a wage subsidy to employers taking on unemployed ex-forces men and women. Council Executive further agrees that a report on the proposed operation of the pilot West Lothian Veterans Employment Programme will be brought to the Development and Transport PDSP.

Council Executive also agrees that a further report on the potential utilisation of any remaining 2012/13 revenue budget underspend will be provided to elected members in due course, including consideration of the already identified risk areas of welfare reforms, modernising council services and workforce planning, along with the need for further interventions on youth employment and any other priorities.

Figures in this Motion have been verified by the Head of Finance and Estates”.

- Moved by the Chair and seconded by Councillor Muldoon.

Amendment

“Council Executive notes that thanks to the pro-active and prudent management of Council finances by the previous SNP led Administration that the 2012/13 revenue budget is on course to fully deliver agreed budget reduction measures of £8.756 million and that further agreed budget reductions for the 2013/14 revenue budget of £5.8 million are already in place.

Council Executive further notes the identification of a further £3.565 million of resources within the 2012/13 revenue budget and that taking account of Executive decisions in September the sum of £422,000 remains uncommitted.

Council Executive re-asserts that the greatest challenge facing public services in this difficult financial climate is to effectively combat the negative outcomes for individuals and communities arising from deep-rooted inequalities and accepts that the most effective response to the challenge is to priorities preventative actions and early interventions to most effectively tackle the root causes of inequality and negative outcomes and so deliver equality, fairness and social justice.

Council Executive further re-asserts that improving the employability prospects for West Lothian young people remains a key priority and welcomes the current council commitment to employability initiatives totalling £5.116 million.

Council Executive therefore agrees :-

1. That Heads of Service take all management action necessary to ensure 2012/13 budgets are managed within forecast levels and approved budget reduction measure are fully achieved.
2. That the sum of £0.422 million be utilised to provide an additional 95 places within the council’s Steps N2 Work programme (wage subsidies element) over the 12/13 – 14/15 period.”

- Moved by Councillor Johnston and seconded by Councillor Anderson.

Decision

Following a vote the motion was successful by 8 votes to 2 and it was agreed accordingly.

18. 2012-13 HOUSING REVENUE ACCOUNT - MONTH 6 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing information on the financial position in relation to the Housing Revenue Account following the month 6 monitoring exercise.

The report provided a table summarising the programme and a commentary on some of the variances and budget headings.

The Depute Chief Executive concluded that a breakeven position was forecast on the basis of the information available. Anticipated savings in employee costs were currently planned to be used to increase the CFCR transfer, however this may be required to offset any pressures if reactive repairs should they arise.

It was recommended that the Council Executive note the outcome of the month 6 monitoring exercise and the projected outturn.

Decision

To note the terms of the report.

19. 2012-13 HOUSING CAPITAL REPORT - MONTH 6 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing information on the Housing Capital Programme following completion of the month 6 monitoring exercise.

The report then provided a table summarising the programme and a commentary on some of the variances and budget headings.

The Depute Chief Executive concluded that at this stage £417,000 of programme management had still to be found and that there were still a number of risks, mainly in new build and threat of severe weather.

It was recommended that the Council Executive :-

1. Note the outcome of the month 6 monitoring exercise and the projected out-turn; and
2. Agree that officers should take the necessary action to ensure that the projected out-turn was contained within the overall budget.

Decision

To approve the terms of the report.

20. 27 ELIZABETH DRIVE, BATHGATE - LEASE TO MANORPORT LTD

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates advising of the conclusion of negotiations in respect of a proposed lease extension of 27 Elizabeth Drive, Bathgate to Manorport Ltd in accordance with the terms and conditions detailed in the report.

The Head of Finance and Estates advised that the property was located on Elizabeth Drive, Bathgate adjacent to the Boghall Health Centre and that its previous use was as a licensed grocer. The existing use of the property was as a pharmacy and had been occupied since 6 November 2009 with a passing rental of £5775 and the tenant was keen to renew the lease for a further 25 years.

It was recommended that the Council Executive authorise the lease of 27 Elizabeth Drive, Bathgate to Manorport Ltd for a period of 25 years at an initial rent of £6,930 per annum.

Decision

To approve the terms of the report.

21. YARDS 1 & 2 INCHCROSS INDUSTRIAL ESTATE, BATHGATE - LEASR TO WHITBURN CAR TRANSPORT SERVICES LTD

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for the lease of yards 1 & 2 Inchcross Industrial Estate, Bathgate to Whitburn Car Transport Service Ltd.

The Head of Finance and Estates explained that Whitburn Car Transport Service Ltd were adjoining owners of an industrial unit and shared a common vehicular right of access with council owned yards 1 & 2 at Inchcross Industrial Estate. Whitburn Car Transport Ltd had offered to lease both yards for a period of 25 years with an option to break every 5 years from 1 December 2022.

The terms and conditions of the proposed lease were summarised in the report.

It was recommended that the Council Executive approve the lease of 1 & 2 Inchcross Industrial Estate, Bathgate to Whitburn Car Transport Services Ltd for a period of 25 years at an initial rent of £8,000 per annum.

Decision

To approve the terms of the report.

22. 0.83 ACRES CAMPS INDUSTRIAL ESTATE, EAST CALDER - LEASE TO MR & MRS A.SUTHERLAND

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates advising of the conclusion of negotiations in respect of a proposed lease extension of 0.83 acres at Camps Industrial Estate, East Calder to Mr and Mrs A Sutherland in accordance with the terms and conditions detailed in the report.

The Head of Finance and Estates advised that the yard was self-contained and fully serviced and ran parallel to the main Camps access road.

Mr and Mrs Sutherland had leased the yard from the council and its predecessors from 1992, During this time the yard had been used for a range of industrial uses connected to their various business operations. Mr and Mrs Sutherland were keen to extend their occupation for a further ten years to grow their timber business.

The terms and conditions of the proposed lease were summarised in the report.

It was recommended that the Council Executive authorise the lease of 0.83 acres at Camps Industrial Estate, East Calder to Mr and Mrs A Sutherland for a period of 10 years at an initial rent of £7,400 per annum.

Decision

To approve the terms of the report.

23. PROPOSED ACQUISITION OF FORMER SURGERY AT DICKSON STREET, WEST CALDER

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for the acquisition of the former surgery building in Dickson Street, West Calder.

The Head of Finance and Estates explained that it had been evident for some time that the Council would have to consider options relating to the future of West Calder Workshops in Society Place, West Calder as many of the 37 lettable spaces were in poor condition internally, particularly due to dampness. Occupancy levels had also deteriorated and less than half the units were currently let.

Therefore opportunities for the replacement of the Workspace in the West Calder area had been investigated, including the potential to build terraces of starter units similar to those in other parts of the county. However the former surgery in Dickson Street would offer a solution for some of the existing tenants in that the accommodation would be more similar to offices than industrial units. The surgery had the potential to provide 17 lettable rooms and a feasibility exercise had been carried out which had confirmed that the internal construction was suitable to allow

separate occupation of these spaces. The current tenants have been advised that the council was investigating alternatives and have been shown round the former surgery.

The Head of Finance and Estates then explained that since the report had been compiled a letter had been received from the local community council expressing some reservations with regards to the proposals including a lack of consultation with the community council. The Head of Finance and Estates then addressed each of the points raised and advised that as a result the recommendations contained within the report had now changed to the following and Council Executive was asked to approve these :-

1. Approve the acquisition of the former surgery at Dickson Street, West Calder from the GPI Group for £150,000;
2. Approve the subsequent closure of the existing West Calder Workspace in Society Place, West Calder; and
3. Agree that officers report back to the Council Executive with options for the future use of the building following consultation with the local community, including West Calder Community Development Trust and the local community council.

Decision

To approve the revised recommendations of the report as summarised by the Head of Finance and Estates.

24. UNITS 7, 8 & 9 NEWYEARFIELD FARM BUSINESS UNITS, HAWK BRAE, LIVINGSTON - PROPOSED LEASE VARIATION - DR KEITH LOVE TRADING AS NEWYEARFIELD DENTAL CARE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for a ten year lease extension at the request of Dr Keith Love trading as Newyearfield Dental Centre.

The Head of Finance and Estates advised that in 2006 the council granted a lease of units 7, 8 & 9 at Newyearfield Farm Business to Keith Love trading as Newyearfield Dental Centre. The lease was for 10 years with a rent review in the fifth anniversary of the date of entry.

Subsequent to the agreement of the rent review in 2011, Dr Love advised that Newyearfield Dental Centre needed to invest in new dental technologies for the benefit of the large and increasing client base. In order to undertake the required investment Dr Love had requested the lease be extended for 10 years until 18 September 2026 with five yearly rent reviews with all the terms and conditions being as specified in the existing lease.

The lease extension would be advantageous to the council in that it would provide additional security of income.

It was recommended that the Council Executive approve a ten year lease extension in respect of units 7, 8 and 9 Newyearfield Business Units, Hawk Brae, Ladywell at an initial rent of £20,500 per annum.

Decision

To approve the terms of the report.

25. LAND AT ELM GROVE, BLACKBURN - PROPOSED LEASE AND DEED OF DEDICATION TO COMMUNITY ACTION BLACKBURN

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for use of a Deed of Dedication and a lease of approximately 600m² or thereby at Elm Grove, Blackburn to Community Action Blackburn.

Community Action Blackburn (CAB) was a community development organisation led by residents in Blackburn and was constituted as a company limited by guarantee with charitable status. With support from council officers and other voluntary organisations CAB had been developing a Wheeled Sports Project for Blackburn over the last 18 months. The project aimed to directly benefit young people in the community aged between 10-18 and those who were at risk of social exclusion.

The proposed site for the facility was within Murrayfield Park in Blackburn and it would make use of an area of open space but at the same time not detract from the surrounding area uses of walking/dog walking and football.

In order for Community Action Blackburn to secure funding from the Big Lottery's Community Spaces programme they required security of tenure for a minimum of 10 years and a "Deed of Dedication" from the landlord stating that the land would not be used for alternative uses during the period in question. The provisional terms of lease were summarised in the report.

Therefore it was recommended that the Council Executive :-

1. Approve the lease of 600m² or thereby and at Elm Grove, Blackburn to Community Action Blackburn for a period of 10 years for the purposes of a wheeled sports facility;
2. Grant a Deed of Dedication in respect of the leased area in favour of the Big Lottery Fund; and
3. Grant delegated powers to the Head of Finance and Estates to conclude any further negotiations related to the detailed conditions required to complete the agreement.

Decision

To approve the terms of the report.

26. PROCUREMENT ARRANGEMENTS - SUPPLY OF OFFICE AND HOUSEHOLD FURNITURE REMOVALS AND STORAGE SERVICE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval to commence the tendering procedures for the procurement of a two year contract for office and household furniture removals and storage, employing the evaluation methodology and criteria summarised in the report.

The Head of Finance and Estates explained that the council required the services of a contractor for the removal of office and household furniture including piano removals and domestic storage. The current contract with Matt Purdie & Sons was due to expire on 30 April 2013.

The requirement would be advertised in accordance with the European Union Directives and it was proposed that the Open Procedure would be used whereby all suppliers who expressed an interest in the contract would be invited to tender. The criteria that would be applied at the tender stage consisted of 60% on price and 40% for methodology and community benefits.

The report also detailed the budget implications for the proposal.

It was recommended that the Council Executive approve the evaluation methodology for the procurement of office and household furniture removals and storage as outlined in the report.

Decision

To approve the terms of the report.

27. PROCUREMENT ARRANGEMENTS - INSURANCE COVER PROVISION

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval to commence tendering procedures for the procurement of a three year contract for insurance cover, employing the evaluation methodology and criteria summarised in the report.

The Head of Finance and Estates explained that the current contract for the provision of insurance services was due to expire in April 2013 and that the contract would include cover for the following areas :-

- Property and Business Interruption covers;
- Legal liabilities; and

- Motor fleet

The requirement would be advertised in accordance with the European Union Directives and it was proposed that the Negotiated Procedure was used, to select between five and ten appropriately qualified and experienced organisations to tender for the contract. The tendering exercise would be carried out by the council's insurance brokers Aon Ltd as part of their brokering services.

The report also detailed the budget implications for the proposal.

It was recommended that the Council Executive approve :- negotiated procedure to select between five and ten appropriately qualified and experienced organisations to tender for the contract

1. The use of the Negotiated procedure to select between five and ten appropriately qualified and experienced organisations to tender for the contract; and
2. The following award criteria be applied at the tender stage :-
 - Cost – 50%
 - Level of cover – 20%
 - Quality and Service Standards – 10%
 - Expertise – 10%
 - Range of services – 10%

Decision

To approve the terms of the report.

28. LAUNCH OF LINLITHGOW COMMUNITY DEVELOPMENT

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services advising of the creation of the Linlithgow Community Development Trust and to seek approval that the Trust be allocated £20,000 as seed corn funding to help establish the Trust in the town and develop its first major project at Kettilstoun Mains.

The Head of Area Services explained that Linlithgow and Linlithgow Bridge Town Centre Management Group had over the past year been working towards establishing a development trust in the town to work with the community to develop projects. Following this work the Linlithgow Community Development Trust had recently been set up with the “aim of building a resilient, inclusive, enterprising and sustainable community” capable of dealing with ongoing change. A list of the Trust's specific objectives was detailed in the report.

The initial project the Trust was focussing on was to develop a sports and community focussed asset on the council owned site at Kettilstoun Mains in Linlithgow. Preliminary discussions had been held with the Trust about the land and the Trust was asked to develop its proposals in consultation with the local community and to prepare a business plan. The Business Plan would make a case for the council dealing with the lease off market and support the Trust's efforts to attract external funding.

To help facilitate the development of the project and act as a test case for the Council's Asset Transfer policy it was proposed to provide seed corn funding of £20,000. As a test case this would benefit both the Trust and help the council develop its mechanisms and the Trust would be able to develop its business plan and to look at the community benefit which was an area that the council was looking to develop in the future.

It was recommended that the Council Executive welcome the creation of Linlithgow Community Development Trust and :-

1. Agree to the allocation of £20,000 to support the Community Development Trust's early stage development;
2. Approve in principle the lease to the Community Development Trust of 17.86 acres at Kettilstoun Mains for sports, leisure and recreational purposes; and
3. Agree to powers being delegated to the Head of Finance and Estates to take forward the leasing arrangements.

Decision

To approve the terms of the report.

29. VOLUNTARY SECTOR DEVELOPMENT FUND

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services advising of the Assessment Panel's recommendations and proposed funding allocations from the second round of the 2012-13 West Lothian Council Voluntary Sector Development Fund (VSDF).

The Head of Area Services advised that West Lothian Council had created a Voluntary Sector Development Fund (VSDF) with a value of £100,000 in the 2011-12 financial years and had made similar provision in the budget for 2012-13. An open application process was held earlier in the year and 10 applications were received. The Assessment Panel comprising of three council officers and three voluntary sector representatives agreed with five applications that scored above "reasonable" and these were recommended for support totalling £68,748.

The Assessment Panel then recommended that the unallocated funding of £31,252 be used for a second round and this was agreed by the Voluntary Sector PDSP and subsequently by the Council Executive.

The intent of the 2012-13 VSDF was to support third sector organisations to improve their capacity and ability to design, deliver and develop preventative spend interventions; it was not intended to provide core funding for services. Therefore priority was given to preventative spend measures targeted on communities in West Lothian most in need of support.

The report then provided details of the allocation process and details of those organisations that had been awarded funding in the first round application. The second round of applications was open to all voluntary organisations in West Lothian other than those who had received funding in the first round. A total of five applications were received as follows :-

Ladywell Neighbourhood Network	£3,000 (towards total cost of £3,000)
Reuse IT	£8,000 (towards total costs of £10,500)
The Larder	£20,000 (towards total cost of £75,000)
Dechmont Senior Youth Club	£3,368 (towards total cost of £3,368)
Boghall Drop-in Centre	£2,000 (towards total cost of £3,269)
TOTAL	£36,368

The Assessment Panel comprising the same council officer and voluntary sector representatives as for Round 1 endorsed three applications that scored above “reasonable” and these were recommended for support totalling £30,000. These being :-

Reuse IT	£8,000
The Larder	£20,000
Boghall Drop-in Centre	£2,000
TOTAL	£30,000

The Assessment Panel also stated that the recommendation for The Larder be contingent upon confirmation of match funding of £55,000 being in place. Assuming the allocations of funding were approved this would leave £1,252 in the Voluntary Sector Development Fund and it was proposed that this be declared as under-spend.

It was recommended that the Council Executive :-

1. Notes the content of the report; and
2. Supports the recommendations of the Assessment Panel and the

proposed funding allocations.

Decision

To approve the terms of the report.

30. FAULDHOUSE & BREICH VALLEY FAIRTRADE ZONE APPLICATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services advising of the work done by the Fauldhouse and Breich Valley Fairtrade Steering Group and to support its bid for Fairtrade Zone Status.

The Head of Area Services explained that over the last two years Fauldhouse and Breich Valley Fairtrade Steering Group had established itself in the local community and had been promoting Fairtrade in the area. It was now in the process of applying to The Fairtrade Foundations for Fairtrade Zone status for the ward. This would complement West Lothian's Fairtrade Zone status and the existing four towns and one village with similar recognition and continue to develop the council's support for Fairtrade that started back in 2003

The council was proud to support Linlithgow' Fairtrade Town application in 2003 and has done so with subsequent application for Bathgate, Livingston, Uphall and Whitburn. Members were also encouraged to support the addition of the villages encapsulated in the Fauldhouse and Breich Valley application.

It was recommended that the Council Executive :-

1. Welcome the work of the Fauldhouse and Breich Valley Fairtrade Steering Group and support its application for Fairtrade Status for the ward; and
2. Nominate elected members from the ward to represent the council on the Steering Group.

Decision

1. To approve the terms of the report; and
2. Agreed that all ward members would be invited to participate in the Steering Group.

31. LINLITHGOW PARTNERSHIP CENTRE

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services advising of plans to develop a Partnership Centre in Linlithgow and seeking agreement for the public consultation to take place on these plans.

The Head of Area Services explained that over the last ten years West

Lothian Council had worked with a range of partners to develop Partnership Centres in Broxburn, Fauldhouse and Bathgate with each of the centres being developed as opportunities arose in that particular community. Additionally the Council's Asset Management Strategy had highlighted the need for the council to rationalise its property portfolio and invest in buildings that were multi functional and fit for purpose.

In Linlithgow there were six buildings (Lowport, Burgh Halls, County Buildings, Annet House and Chalmers Hall) from which the council delivered or supported services as well as a health centre and police station. Some of the buildings were very specific to the services delivered, i.e. Lowport whereas others could be more flexible.

Therefore the first phase of the proposal would see the Library re-located to County Buildings with the intention that the Library and Customer Information Service becoming integrated with a single staff team. The payment office would be removed and customers provided with alternative methods of payment. Additionally the local history library currently located in the main reception area would be relocated to the first floor of County Buildings in the space known as the Dalyell Suite. The building would also benefit from upgraded toilet facilities and would be accessible to the public with a new passenger lift to access the first floor.

The Head of Area Services continued to advise that with the recent relocation of thirty two staff from County Buildings to Whitehill further space had been released which would create a further opportunity to reconfigure the site and use the building to deliver services in a different way. Lothian and Borders Police had also expressed an interest in sharing facilities across West Lothian and they had confirmed that the site in Linlithgow would provide an opportunity to make further progress with this.

The report continued to provide details of the consultation on the proposals that had been undertaken so far including with the Local Area Committee and the Culture and Leisure Policy Development and Scrutiny Panel and it was noted that there were plans to consult with affected staff and the wider community throughout November and December. The results of the consultation would be reported back to the Council Executive on 15 January 2013.

In conclusion West Lothian had a good track record of creating partnership centres that delivered positive benefits for the communities in which they were based and the opportunity to re-invigorate County Buildings whilst delivering a modern customer focussed service in Linlithgow would add to the vibrant town centre.

It was recommended that the Council Executive :-

1. Note the early progress with plans to develop a Linlithgow Partnership Centre;
2. Note the feedback from the Linlithgow Local Area Committee and the Culture and Leisure PDSP; and

3. Agreed that consultation on the plans took place with staff and the local community.

Decision

To approve the terms of the report.

32. SCHOOL ROAD SAFETY SCHEMES

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to implement the School Road Safety Schemes as detailed in the appendix to the report.

The Head of Operational Services explained that at its meeting on 25 June 2012 the Council Executive had approved a budget of £120,000 to provide road safety measures outside schools. This was in response to a number of requests which had been received in connection with safety on the road and footpath networks around schools.

The Head of Operational Services continued to explain that to progress requests, assessments had been carried out based on the existing situation and comments received from the council's health and well-being co-ordinator, Head Teachers and representatives of the parent councils. Additionally account was taken of existing features that could contribute to safety.

Once the initiation of the statutory procedures had commenced members of the public would have a three week period to submit an objection to the proposals. If no objections were received then the schemes would proceed. If any objections raised could not be resolved then a report would be submitted to the Council Executive to determine if the objection should be upheld or not.

Since the matter was reported to the Environment Policy Development and Scrutiny Panel on 11 October 2012, Lothian and Borders Police had been consulted on the proposals and they had supported the recommendations made in the assessment of the schemes.

Therefore in conclusion a total of seven schemes, these being Blackridge PS, Boghall PS, Croftmalloch PS, St Kentigerns Academy, St Margaret's Academy, St Mary's PS and Windyknowe PS were recommended for delivery with a further two schemes, these being Letham PS and St Joseph's PS placed on a reserve list to be delivered if funding became available.

It was recommended that the Council Executive approve :-

1. The programme of School Road Safety Schemes for implementation; and
2. The initiation of the necessary statutory procedures to implement

the schemes.

Decision

To approve the terms of the report.

33. PROPOSED STOPPING-UP ORDER - CARRIAGEWAY BETWEEN CULTSYKEFOOT COTTAGES AND POLKEMMET ROAD, WHITBURN

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to initiate the statutory procedures to stop up a section of public road near Cultsykefoot Cottages, Whitburn in order to allow the implementation of planning consent 0617/ARM/08.

The Head of Operational Services explained that on 2 November 2010 planning consent was granted for the construction of infrastructure works associated with the Heartlands development near Whitburn.

In order to allow the implementation of the consent it was necessary to stop up a length of public road between Cultsykefoot Cottages and Polkemmet Road, Whitburn. The length of road was no longer a through route for vehicles having been closed at some point in the past.

Lothian and Border Police had been consulted on the proposal and had no objections. Local members were also consulted and comments made were detailed in the report.

It was recommended that the Council Executive approve the initiation of the statutory procedures to stop up the section of public road between the eastern end of Cultsykefoot Cottages and Polkemmet Road, Whitburn.

Decision

To approve the terms of the report.

34. PROPOSED AMENDMENTS TO DISABLED PERSONS' PARKING BAYS IN RESIDENTIAL AREAS ACROSS WEST LOTHIAN (NOVEMBER 2012)

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to initiate the statutory procedures to remove enforceable disabled persons' parking place in line with the council's ongoing duties under the Disabled Persons' Parking Places (Scotland) Act 2009.

The Head of Operational Services advised that the Disabled Persons' Parking Places (Scotland) Act 2009 (the Act) placed a duty on the local authority to review enforceable disabled parking bays. Officers undertook to review these spaces every two years in line with the Act. This involved asking all existing applicants if they still required the parking bay. Therefore as a result of the exercise undertaken it was proposed to

remove bays that were no longer required.

The total number of bays to be removed was 12 and as these bays had traffic order regulating them, permission was sought to start the statutory procedure to remove them from the traffic order. Details of the bays proposed for removal were detailed in Appendix 1 attached to the report. It was proposed to advertise in the local press, on the council web site and provide the list of bays and associated plans at CIS Offices over the duration of the advertisement period.

It was further noted that at its meeting on 24 April 2012 the Council Executive agreed to delegate the initiation of the statutory procedures to provide new enforceable residential disabled parking bays to the Head of Operational Services. Providing a similar delegated power for the removal of or to make changes to enforceable residential disabled parking bays would streamline the process, improving customer care and service delivery goals. If the power to initiate the statutory procedures for removal of or changes to residential parking bays was delegated, the Scheme of Delegations to Officers required ward members to be consulted on the proposed bays and their views taken on board. However it was important to note that an objection by a ward member would not prevent the delegated power being used with the statutory procedure.

Both Lothian & Borders Police and Disability Scotland had been consulted on the proposals contained within the report and comments received were summarised within.

It was recommended that the Council Executive approve :-

1. The initiation of the statutory procedures to promote a traffic order to remove disabled persons' parking bays at the locations detailed in Appendix 1 of the report in order that the council satisfied its ongoing duties under the Disabled Persons' Parking Places (Scotland) Act 2009;
2. An exception to the normal advertisement process followed by West Lothian Council, negating the need for individual street bills to be posted in connection with residential disabled parking bays; and
3. That the Scheme of Delegations to Officers be amended to give delegated powers to the Head of Operational Services to initiate the statutory procedures for the removal of or changes to disabled persons' parking places that had been provided for "qualifying persons" as defined by the Disabled Persons' Parking Places (Scotland) Act 2009.

Decision

To approve the terms of the report.

35. DEMOLITION OF BUILDINGS AT FORMER TRAVELLING PERSONS SITE

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Construction and Building Services presenting a proposal regarding the demolition of all of the buildings on the former travelling persons site at Sibbald's Brae, Bathgate.

The Head of Housing, Construction and Building Services explained that on 31 August 2010 the Council Executive approved a recommendation to close the Travelling Persons Site at Sibbald's Brae, Bathgate. Prior to closure the site was in a very poor condition and all services had been cut off and steel shutters erected on all doors and windows of all the properties.

Despite these measures over the last two years the conditions of the properties had continued to deteriorate as a result of constant vandalism with every single property having been subject to vandalism and a number of properties now exposed to the elements.

Although no serious incidents had occurred the council had an obligation to make sure all buildings in its ownership were safe and secure and despite the council's best efforts to secure the buildings for other potential uses vandals had demolished brickworks. To make the area safe there was no alternative but to clear the brick buildings.

Therefore it was recommended that Council Executive approve the demolition of all the buildings within the site are of the former travelling person's site at Sibbald's Brae, Bathgate.

Decision

To approve the terms of the report.

36. HOUSING OPTIONS HUB PROTOCOL

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Construction and Building Services providing an update on the development of the East Housing Option Hub.

The Head of Housing, Construction and Building Services explained that in 2010 the Scottish Government established five regional Housing Option Hubs designed to share learning and knowledge across member local authorities and to work together to make the changes needed to provide a housing options approach to delivering services and meeting housing needs. West Lothian Council was an active partner in the East Housing Options Hub which comprised of local authority representation from West Lothian, Edinburgh, Falkirk, East Lothian, Mid Lothian and Scottish Border.

It was noted that the Hubs were not developing uniformity across the member authorities and it was recognised that each local authority was working within a different context and their homelessness prevention work was at different stages. However there was a shared commitment to making housing options a reality and a success across the East Housing

Options Hub area. Therefore a draft protocol had been developed by the East Housing Options Hub, details of which was attached to the report at Appendix 1 and this set out the partners' joint approach and shared understanding of housing options.

The report then provided a brief summary of the draft protocol, how the housing options approach would be implemented and the achievements to date of the East Housing Options Hub.

It was recommended that the Council Executive approve the draft protocol for the East Housing Options Hub.

Decision

To approve the terms of the report.

37. STRATEGIC LOCAL PROGRAMME FOR AFFORDABLE HOUSING PROVISION IN WEST LOTHIAN

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Construction and Building Services advising of a Strategic Local Programme (SLP) for affordable housing in West Lothian.

The Head of Housing, Construction, and Building Services explained that the Scottish Government had introduced a new planning system for the supply of affordable housing and had requested that a Strategic Local Programme be developed with the idea being that the council and housing association funding streams from central government be brought together into one budget. The council had now received a combined 3-year resource planning assumption of £9,813,000 of which £4.706million was allocated to committed projects. This left £5.107million to be allocated to new projects. The proposed allocation of funding was set out in Appendix 1 attached to the report.

Of the £5.107 future funding it was proposed that £2.570million was allocated to support the second phase of new build Council Housing. It was also proposed that £2.528million would be used to support projects by the West Lothian Development Alliance, notably at Whitdale Annex, Whitburn and a small development at Mid Calder. There was also a small project to provide mid market rented flats at Westgate Towers in Bathgate.

The Head of Housing, Construction and Building Services continued to advise that like other council's West Lothian Council faced a significant reduction in the provision of funding to support affordable housing and therefore the proposals detailed in the appendix to the report sought to make best use of the funding available concentrating on the provision of housing for social rent. The projects detailed in the appendix were considered to be deliverable and represented good value for money.

It was recommended that the Council Executive approve the Strategic Local Programme for submission to the Scottish Government.

Decision

To approve the terms of the report.

38. SERIOUS AND ORGANISED CRIME

The Council Executive considered a joint report (copies of which had been circulated) by the Depute Chief Executive and Chief Superintendent, Lothian & Borders Police seeking approval for a joint strategy between West Lothian Council and Lothian & Borders Police, details of which were attached to the report at Appendix 1.

The report advised that the Scottish Government had established the national Serious and Organised Crime Taskforce in June 2009 to provide a strategic focus for tackling serious and organised crime and to ensure co-ordinated and targeted action. SOLACE had now given a commitment to the national task force that all 32 Scottish Local Authorities would put plans in place to support the "4 D's" strategy – Divert, Disrupt, Deter and Detect.

In support of the strategy an information Sharing Protocol to facilitate the new arrangements and improve outcomes for community safety in West Lothian localities was approved by the Council Executive on 9 October 2012.

Additionally it was recognised that work was currently ongoing with the development of the local Police and Fire Plans and that the timing of the development of the Serious and Organised Crime strategy meant that it would stand alone until the other strands of the Community Safety Plan were at the same stage.

It was recommended that the Council Executive:-

1. Approve the Joint Strategy;
2. Approve a delay to the start time of the Full Council meeting on 11 December 2012 to 10.30am to accommodate a presentation on the Serious and Organised Crime Strategy from Lothian & Borders Police.

Decision

To approve the terms of the report.

39. PROCUREMENT REPORT - MONTH 6 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates providing a monitoring report on procurement activities.

The Head of Finance and Estates advised that since the last report work

had been carried out on the provision of new contracts to assist in increasing the percentage of contracted spend. This work had resulted in 26 contracts being let or adopted in the last quarter details of which were attached to the report at Appendix 1.

Further work to identify and input contracts not included in the Corporate Contract Management System (CCMS) had also taken place resulting in over 65% of spend being captured. The target for the end of third quarter was set at 75% with a target of 80% set for the end of 2012-13.

The report continued to provide information relating to savings target, progress against procurement review and strategy, collaborative arrangements, improving procurement capabilities and capacity and community benefits and living wage.

The Council Executive was asked :-

1. To note the contracts let since August 2012 and savings achieved to date in 2012-13;
2. To note the work in progress to ensure all contracts already in place were recorded in the Corporate Contract Management System (CCMS); and
3. To note the continued work in implementing the actions of the Modernising Procurement Review and ensure that community benefits were successfully incorporated into the procurement process across the council.

Decision

To note the terms of the report.

40. ST JOHN'S HOSPITAL STAKEHOLDER GROUP

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive, Community Health and Care Partnership, inviting the Council Executive to note the terms of the Minute of the St John's Hospital Stakeholder Group meeting held on 6 September 2012, a copy of which was attached to the report.

Decision

To note the terms of the report.

41. COMMUNITY PLANNING PARTNERSHIP BOARD

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive, Community Health and Partnership advising the members of meetings of the Community Planning Partnership Board held on 20 February 2012 and 28 May 2012.

The Depute Chief Executive advised that the West Lothian Planning Partnership Board met on a quarterly basis and involved partners across the private, public, voluntary and community sectors.

It was recommended that the Council Executive note the minutes of the meetings of the Community Planning Partnership Board held on 20 February 2012 and 28 May 2012.

Decision

To note the terms of the report.

42. WEST LOTHIAN COMMUNITY HEALTH AND CARE PARTNERSHIP BOARD

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive, Community Health and Care Partnership, inviting the Council Executive to note the terms of the Minute of the West Lothian Community Health and Care Partnership meeting held on 14 August 2012, a copy of which was attached to the report.

Decision

To note the terms of the report.

43. EARLY RETIRAL/VOLUNTARY SEVERANCE - 6 MONTH SUMMARY

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising of the number of employees who had been granted early retrial/voluntary severance from the council during the 6 month period from 1 April to 30 September 2012.

The Head of Corporate Services advised that the council's policy on Early Retiral/Voluntary Severance required that reports on application of the policy were submitted at regular intervals to the Council Executive.

In accordance with the policy, all cases approved during the period were dependent on the establishment of a business case which ensured that costs of releasing the employee were recoverable within a period of 2 years.

During the period in question, 15 non teaching and 7 teaching employees were granted early retrial/voluntary severance as detailed in Appendix 1 attached to the report.

The Council Executive was asked to note the content of the report which had been prepared in accordance with the reporting requirements of the council's policy on Early Retirement and Voluntary Severance.

Decision

To note the terms of the report.

44. COUNCILLORS' LOCAL DISBURSEMENT FUND

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising of expenditure from the Councillors' Local Disbursement Fund for the period 1 April 2012 to 30 September 2012, as detailed in the appendices attached to the report.

The Head of Corporate Services explained that the budget for the Fund for 2012-13 was £92,358.00. However due to the election each of the 32 members had £240.50 allocated between 1 April and 2 May 2012 (an equal share of one month's proportion of the annual budget). Thereafter the 33 members had £2,565.50 each allocated to them.

It was further noted that members were provided with regular information about sums allocated to them and balances remaining. Additionally members were reminded that for a disbursement to come within the guidelines for the scheme there was to be some evidence in the application of a benefit to the community rather than a benefit to an individual.

The Council Executive was asked to note the expenditure from the Councillors' Local Disbursement Fund for the period 1 April 2012 to 30 September 2012

Decision

To note the terms of the report.