

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 18 MARCH 2014.

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

Apologies – Councillor Peter Johnston

1. DECLARATIONS OF INTEREST

Agenda Item 16 (Steps N2 Work Resource Allocation) – Councillor Muldoon declared a non-financial interest in that her son was employed by the council as part of the graduate work experience programme;

Agenda Item 16 (Steps N2 Work Resource Allocation) – Councillor McMillan declared a non-financial interest in that her nephew was employed by the council as part of the graduate work experience programme; and

Agenda Item 6 (West Lothian Response regarding Health Inequalities and Early Years) – Councillor Logue declared a non-financial interest in that he was an NHS Lothian employee.

2. MINUTE

The Council Executive approved the Minute of its meeting held on 4 March 2014 as a correct record. The Minute was thereafter signed by the Chair.

3. MARY, QUEEN OF SCOTS STATUE

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive concerning a request from the Marie Stuart Society to contribute to the costs of a project to erect a statue of Mary, Queen of Scots at Linlithgow Palace

The Chief Executive advised that the Marie Stuart Society was an international history society founded in Scotland in 1992 and was dedicated to the study of the life and times of Mary, Queen of Scots.

The society was embarking on a project to erect a statue to the Queen at the place of her birth at Linlithgow Palace. The Society was working in partnership with Historic Scotland who was supporting the plans. Historic Scotland had also donated a site beside the palace for a statue and was paying for the foundations, the upkeep and maintenance.

A copy of the request from the Marie Stuart Society was attached to the report at Appendix A and the project was estimated to cost £80,000.

It was also noted that there was a statue of Mary, Queen of Scots located within the gardens of Annet House in Linlithgow.

Decision

Unanimously agreed to donate £1,000 to the Marie Stuart Society to contribute towards the erection of a statue of Mary, Queen of Scots.

4. WEST LOTHIAN REPOSE TO CALL FOR EVIDENCE FROM THE SCOTTISH PARLIAMENT HEALTH AND SPORT COMMITTEE REGARDING HEALTH INEQUALITIES AND EARLY YEARS

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy seeking approval of a response to the call for evidence from the Scottish Parliament Health and Sport Committee regarding health inequalities and early years.

The report provided a summary of the questions that were being posed by the Health and Sport Committee and a proposed response was attached to the report at Appendix A.

The Council Executive was invited to approve the response for submission to the Scottish Parliament Health and Sport Committee.

Decision

To approve the terms of the report.

5. WEST LOTHIAN REPOSE TO CALL FOR INFORMATION FROM THE EQUAL OPPORTUNITIES COMMITTEE ON FATHERS AND PARENTING

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy seeking approval of a response to the call for information from the Equal Opportunities Committee on Fathers and Parenting.

The Head of Social Policy explained that the Equal Opportunities Committee was keen to hear about the experiences of single fathers and fathers with shared residence of children, identifying the key challenges they faced in day-to-day life and the quality of support available.

The Equal Opportunities Committee was also keen to hear from statutory services and organisations that provided support to single fathers. Areas of interest included :-

- The provision of services and support groups;
- Societal attitudes towards lone/unmarried fathers; and
- Issues around parental responsibilities and rights for fathers.

Attached to the report at Appendix A was a proposed response and the Council Executive was invited to approve the response for submission to the Equal Opportunities Committee on Fathers and Parenting.

Decision

To approve the terms of the report.

6. SELF-DIRECTED SUPPORT UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy providing an update on progress being made to prepare for the introduction of the Social Care (Self-Directed Support) (Scotland) Act 2013 and the actions being taken to ensure compliance with the legislation when it came into force on 1 April 2014.

The Head of Social Policy explained that Self Directed Support (SDS) was the term that described the ways in which individuals and families could have informed choice about the way support was provided to them. The aim was to achieve improvements in the outcomes people could achieve by giving them greater choice and control over how their support needs were met and by whom.

The wider policy aims were to ensure that services and support became more flexible and responsive to meets people's needs and outcomes and to drive a cultural shift around the delivery of support that viewed people as equal citizens with rights and responsibilities rather than simply passive recipients of services.

The Social Care (Self Directed Support) (Scotland) Act 2013 would come into force on 1 April 2014 and therefore Local Authorities would be under a legal requirements to ensure that options for Self-Directed Support and the associated duties detailed in the Act were part of the assessment and review processes for every service user. The report provided a summary of the duties of the Act. Further details of the options which the local authority must offer in accordance with the Act were also summarised in the report.

The Head of Social Policy continued to explain that West Lothian recognised that Self-Directed Support could not be delivered in isolation but must take account of the wider public services landscape, including early intervention and prevention, working in partnership to maximise the use of available resources, building community capacity and developing the market. Therefore West Lothian had chosen to implement the Self-Directed Support within a context of personalisation and outcome focussed support and the project had been developed to meet six objectives, details of which were outlined in the report.

The report concluded that the introduction of the Social Care (Self-Directed Support) Act on the 1 April 2014 would afford eligible service users with greater involvement and choice in relation to their assessment

and the provision of support and services and that the introduction of new legislation placed statutory duties on the council with good progress being made to ensure that the council was ready by 1 April 2014.

It was recommended that the Council Executive :-

- Review the progress which was being made to deliver solutions to achieve the six key objectives for the implementation of the Self-Directed Support in West Lothian;
- Approve the budget and resource allocation arrangements proposed which had been designed with the objective that care and support needs could be provided to all eligible service users within available resources; and
- Note that an update report on the provisions being made under each of the Self-Directed Support options would be prepared for the Social Policy Policy Development Scrutiny Panel meeting in August 2014, when the Statutory Guidance, to be published on 1 April 2014, had been given further consideration.

Decision

To approve the terms of the report.

7. SCHEME OF ELECTED MEMBERS REMUNERATION, ALLOWANCES AND REIMBURSEMENT OF EXPENSES

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval for the adoption of a Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses for 2014-15.

The Head of Corporate Services advised that the council's Code of Corporate Governance required the Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses (the Scheme) to be reviewed annually by committee.

The Scheme was based on the Local Government (Scotland) Act 2004 (Remuneration) Regulations and Amendment Regulations 2008 and the Local Government (Allowances and Expenses) (Scotland) Regulations 2007 and Amendment Regulations 2010, 2011 and 2013.

With regards to 2014-15 pay levels these were set by the Scottish Government and in accordance with the Local Government (Scotland) Act 2004 (Remuneration) Amendment Regulations 2013 which had recently come into force included a pay increase of 1% to basic levels from 1 April 2014.

With regards to the 2014-15 Scheme, a copy of which was attached to the report at Appendix 1, this had been updated to reflect the removal of the provisions that existed to remunerate conveners and vice-conveners of joint boards responsible for police and fire and rescue matters. In addition

the claims procedure and guidance note contained in the scheme attached to the report at Appendix 1 had been updated to reflect the provision and use of iPads.

It was recommended that the Council Executive adopt the revised Scheme of Elected Members Remunerations, Allowances and Reimbursement of Expenses for 2014-15 as set out in Appendix 1 attached to the report.

Decision

To approve the terms of the report.

8. LOTHIAN BUSES - REGIONAL SUBCOMMITTEE MEMBERSHIP

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to appoint representatives to the Lothian Buses Limited Regional Subcommittee.

The Head of Operational Services advised that the Council Executive had already approved a report authorising the council's Chief Solicitor to enter into a Minority Shareholder Agreement with Transport for Edinburgh Limited, Lothian Buses, The City of Edinburgh Council and the minority shareholders of Lothian Buses (East Lothian, West Lothian and Midlothian Councils).

The requirement to set up a Regional Subcommittee was a specific part of the Minority Shareholders Agreement as summarised in the report. In terms of the Minority Shareholder Agreement each minority shareholder was able to appoint at least one representative. Discussions had been held with representatives of other minority shareholders regarding the appropriate representation and accordingly it was proposed that each minority shareholder appoints an elected member.

It was recommended that the Council Executive :-

- Nominate the Executive Councillor for Development and Transportation and the Head of Operational Services to the Lothian Buses Limited Regional Subcommittee;
- Agree that the Vice Chair of the Development and Transport Policy Development and Scrutiny Panel and the council's Public Transport Manager were nominated deputies; and
- Requests that regular reports on the outcomes of the Regional Subcommittee and main Board meetings were submitted to the Development and Transport Policy Development Scrutiny Panel for their information.

Decision

To approve the terms of the report

9. CORPORATE COUNTER FRAUD ARRANGEMENTS

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates advising of current best practice in relation to protecting the council's resources against the risk of fraud and to advise of proposed revisions to the council's corporate counter fraud arrangements.

The Head of Finance and Estates advised that the next few years would see significant reform within the welfare system with income related working age benefits and tax benefits being replaced by a Universal Credit and the introduction of the Department of Work and Pensions (DWP) Single Fraud Investigation Services (SFIS). Therefore with the impending transfer of responsibility for investigation of social security benefits to SFIS this provided the opportunity for the council to review its approach to investigating fraud across all areas of the council's services and to redeploy staff currently working in benefits fraud investigation to corporate counter fraud work.

The council had already invested in a counter fraud service resource for Housing Benefit purposes and it was proposed that this specialist investigative resource be transferred to the Audit and Risk Management Unit from April 2014, initially on a temporary basis for 2014-15. This would allow a more proactive approach in relation to tackling the risks of corporate fraud in areas including prevention, detection and investigation.

The counter fraud resources within the Revenues Unit were partly funded by DWP's administration subsidy paid to the council. The future amount of funding was set to be confirmed and would influence the scope of the counter fraud operation within the council. Additionally the DWP had confirmed that additional funding was to be made available to local authorities through the Scottish Government for non-benefit counter fraud work. However the overall amount of funding and the council's share of this had yet to be confirmed.

It was recommended that the Council Executive :-

- Approve the move of the counter fraud team to the Audit and Risk Management Unit as set out in the report;
- Approve the action plan attached to the report as an appendix; and
- Agree that the Audit and Governance Committee be advised of this report and be updated on progress against the action plan.

Decision

To approve the terms of the report

10. PROCUREMENT ARRANGEMENTS - PROVISION OF LOCAL BUS SERVICES

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 one year framework agreement, with an anticipated start date of 1 October 2014, with a possible three year extension for a council-wide local bus service.

The Head of Finance and Estates explained that the services being tendered, as detailed in Appendix 1 attached to the report, were a direct replacement of current council local bus which were due to expire on 30 September 2014. The tender represented an interim contract to allow for the re-aligning of all council wide local bus services so that they ended within the same timescales.

The Head of Finance and Estates further explained that historically the council had awarded passenger transport contracts on a “minimum subsidy” basis, whereby the council paid a fixed amount per month to the contractor and the contractor retained any fares revenue taken. However in this instance tenderers would be invited to submit bids on a “minimum cost” basis (whereby the tender price was the price required to operate the service and all fare revenues were submitted to the council) as well as the traditional minimum subsidy basis. This strategy had been used in previous tenders and had proven beneficial in delivering savings to the council.

The report continued to provide information on in-house capabilities, procurement issues, sustainability considerations and budget implications.

It was recommended that Council Executive approve :-

- The use of the Open Procedure whereby all suppliers expressing an interest in the council wide local bus services contract would be invited to tender; and
- The award criteria set out in the report.

Decision

To approve the terms of the report

11. DATA CENTRE, CAIRD STREET, HAMILTON - LICENCE OF USE OF SPACE FOR DISASTER RECOVERY OF IT SERVICES

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval to enter into a licence agreement with South Lanarkshire Council and to delegate powers to the Head of Finance and Estates to conclude negotiations in relation to a licence to access space within a shared data centre for the purpose of disaster recovery of IT Systems.

The Head of Finance and Estates advised that the council’s existing agreement in relation to use of space for IT disaster recovery services terminated on 31 March 2014. Therefore it was imperative that a new

agreement was in place from 1 April 2014 to ensure continuity in the event of any failure requiring recovery.

The proposed licence would commence on 1 April 2014 and expire on 31 March 2017. The council would have an option to renew the licence for two further periods of one year, beyond 31 March 2017. The main terms and conditions of the licence were summarised in the report.

It was recommended that the Council Executive :-

1. Approve the council entering into a licence agreement with South Lanarkshire Council for a period of three years, with an option to renew the licence for two further periods of one year, for the purpose outlined in the report, at an initial licence fee of £80,850 per annum (exclusive of VAT); and
2. Grant delegated powers in this instance to the Head of Finance and Estates to conclude negotiations and formalise the licence agreement.

Decision

To approve the terms of the report.

12. 3 YOUNGS ROAD, EAST MAINS INDUSTRIAL ESTATES, BROXBURN - PROPOSED LEASE TO GORDON BOW PLANT HIRE LTD

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for a lease of 3 Youngs Road, East Mains Industrial Estate, Broxburn to Gordon Bow Plant Hire Ltd.

The Head of Finance and Estates advised that 3 Youngs Road was a serviced yard extending approximately an acre in size and could be used for storage and distribution services. The property had recently been marketed for a number of weeks with an offer received from Gordon Bow Plant Hire Ltd by the closing date.

Gordon Bow Plant Hire Ltd was a highly successful local company established in 1981 specialising in the hire of plant machinery, structural engineering and blacksmith work. The business currently employed 140 staff and was seeking to expand their operations in East Mains Industrial Estates. Their existing site was full to capacity and in order to expand they required additional storage space.

The proposed new lease would provide the council with certainty of income at 3 Youngs Road through to 2019 and potentially through to the lease end in 2024. The main terms and conditions were outlined in the report.

It was recommended that the Council Executive approve a ten year lease of the one acre yard at 3 Youngs Road, East Mains Industrial Estate, Broxburn to Gordon Bow Plant Hire Ltd at an initial rental of £13,000 per

annum.

Decision

To approve the terms of the report.

13. LAND AT WEST CALDER HIGH SCHOOL - PROPOSED GRANT OF SERVITUDE RIGHT TO SCHRODERS PROPERTY UNIT TRUST

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval to enter into a servitude agreement with Schrodgers Property Unit Trust to allow them access for a proposed residential development.

The Head of Finance and Estates explained that Schrodgers Property Unit Trust (SPUT) owned the majority of the Brucefield Industrial Estate, West Calder including the fields laying between the industrial estate and West Calder High School that were bounded by the railway line to the south and the tree belt fronting the A71 to the north. The tree belt was owned by The Woodland Trust.

SPUT proposed to develop the fields and had submitted a planning application for 180 residential units that the council was minded to grant with negotiations over the Section 75 agreement nearing completion. As part of the legal agreement, SPUT would, amongst other things, transfer land for affordable housing and land specifically for a proposed school extension. In order to make their development commercially viable, SPUT required access to the A71. Therefore SPUT had approached the council with a view to agreeing a right of servitude across council land that would allow them and their successors in title, access to their site off the A71 via a shared access to the school.

In order to facilitate the proposed shared access, it was likely that a separate egress from the school would be required which may in turn necessitate the relocation of the bus stop/by-pass on the A71 that lay adjacent to the proposed egress. In creating the egress, it was considered that there would be an opportunity to upgrade and extend the school bus parking provision.

Following negotiations with SPUT it had been provisionally agreed that the council would grant SPUT a servitude right of access and egress over council land to allow access for the housing development. The granting of the servitude would be linked to requirements in relation to the construction of the enabling works. In return for being granted the servitude, SPUT would pay the council the sum of £625,000 of which approximately £260,000 could be required to pay for the enabling work for the new access.

It was recommended that the Council Executive :-

- Approve the granting of servitude rights to Schroder Property Unit Trust, the owners of the land adjacent to West Calder High School, for the sum of £625,000 subject to the terms and conditions

outlined in the report;

- Agree to the council managing certain enabling works, as required, in connection with the granting of the servitude, the estimated costs of which were £260,000; and
- Authorise the Head of Finance and Estates to instruct the council's Chief Solicitor to enter into the aforementioned agreement on behalf of the council, on the basis that the terms and conditions outlined on the report represented the best outcome for the council.

Decision

To approve the terms of the report

14. STEPS N2 WORK RESOURCE ALLOCATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services providing an overview of the performance of the Steps N2 Work programme and detailing how the programme could be enhanced in 2014-15.

The Head of Area Services provided a summary of the various work streams that were being undertaken by the council to create additional opportunities for young people to help address some of the employability challenges faced by this particular client group and included the Wage Subsidy Programme, West Lothian Jobs Fun, Modern Apprentices (Non Trade) and the Graduate Work Experience Programme details of which were summarised in a table within the report. It was noted that with the exception of the Voluntary Sector Wage Subsidy programme all elements of the programme had exceeded their targets.

The Voluntary Sector Wage Subsidy programme had proved challenging to deliver in terms of the uptake of places within the sector and feedback to date had indicated that organisations did not have the match funding for the positions. To address this issue it was recommended that £50,000 was diverted from the Voluntary Sector Wage Subsidy programme to the Social Economy Network for 2014-15.

The Head of Area Services continued to explain that officers had undertaken an evaluation of the Graduate Work Experience Programme after the creation of the 12 pilot places and number of positive points had been highlighted by the focus group which were summarised in the report. The possible improvements highlighted included (a) all opportunities to start around the same time and (b) the possibility of spending some time in other similar services. Therefore given the feedback it was proposed that the Steps N2 Work continue the Graduate Experience opportunities in 2014-15. Also given the uptake of the Voluntary Sector wage subsidy opportunities previously highlighted it was being recommended that £100,000 was made available from this area of the programme to create 12 places in the graduate work experience programme in 2014-15

It was further reported that the budget for the Voluntary Sector Wage Subsidy programme was £270,000 until March 2018 and that £36,000 had been committed up to February 2014. If the recommendations contained within the report were approved then the remaining spend for the Voluntary Sector Wage Subsidy Programme would be £84,000.

It was recommended that the Council Executive note the performance of the Steps N2 Work programme and approve the following :-

- £50,000 was diverted from the Voluntary Sector Wage Subsidy programme to the Social Enterprise Network to build the capacity of the sector to provide substantive employment for young people in future years; and
- £100,000 was diverted from the Voluntary Sector Wage Subsidy programme to create 12 Graduate Work Experience places in 2014-15

Decision

To approve the terms of the report.

15. WEST LOTHIAN ANTI POVERTY STRATEGY 2014-2017

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services presenting the revised West Lothian Anti Poverty Strategy 2014-2017, a copy of which was attached to the report.

The revised strategy reflected the decision of the Council Executive on 29 October 2013 that the strategy be revised to include the actions in the council's welfare reform action plan, to outline actions to promote financial and digital inclusion amongst people in West Lothian in and at risk of poverty and to reflect growing concerns around in-work poverty.

The report provided the following appendices:-

Appendix 1	The revised Draft West Lothian Anti Poverty Strategy 2014-2017
Appendix 2	Anti Poverty Strategy: Proposed Governance: Terms of Reference and Membership
Appendix 3	Anti Poverty Strategy Action Plan 2013-2014
Appendix 4	Welfare Reform Action Plan
Appendix 5	Draft Anti Poverty Strategy Communication Plan 2014/17

The Council Executive was informed that the implementation of the strategy was dependent on good communication with all partners and the public.

The Head of Area Services concluded that the revised West Lothian Anti Poverty Strategy outlined the response of West Lothian Community Planning Partnership to reducing and alleviating poverty in West Lothian. The revised strategy:

- Allowed closer cooperation among local community planning partners.
- Incorporated the work being done within West Lothian Council on the local responses to welfare reforms.
- Recognised that poverty could be alleviated by helping people at risk of poverty become better financially and digitally included.

It was recommended that the Council Executive accepted the report and agreed to adopt the strategy as council policy.

Decision

To approve the terms of the report.

16. HOME ENERGY EFFICIENCY PROGRAMME FOR SCOTLAND (HEEP)

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Construction and Building Services advising of available funding to West Lothian that would be used for insulation and other energy efficiency projects which would help with carbon savings and potentially reduce fuel poverty in private sector houses.

The Head of Housing, Construction and Building Services explained that in April 2013 the council had made a successful bid to the new Home Energy Efficiency Programmes for Scotland (HEEPS):Area Based Schemes (ABS) and had been awarded £1.13m. In addition the council had recently been awarded a further £1.082m for 2014/15. This funding remained conditional on being able to lever-in funding from the Energy Company Obligation (ECO).

Since April 2013 the council had engaged with Changeworks, a local environmental charity and social enterprise company, to prepare submissions for West Lothian and establish in general terms what work could be carried out on private sector housing. Work would focus on areas including Broxburn, Bathgate, Armadale, Whitburn, Fauldhouse and Livingston South and 400+ potential addresses had been identified in these areas.

On behalf of the council and as part of a consortium of local authorities Changeworks had prepared a tendering exercise based on experience

and quality to identify suitable companies to carry out the works in West Lothian for the 2013-14 programme. Seven companies had been invited to tender for this work. Tenders were to be returned by 17 March 2014

In addition Almond Housing Association in Livingston had identified an area in Howden where the housing stock was of a “no-fines” construction and was of relatively poor levels of thermal insulation. Almond Housing Association envisaged that available funding would support work to around about 138 private houses however to ensure that the project was successful they were seeking £7,500 per private house from the HEEPS:ABS fund administered by the council.

The Head of Housing, Construction and Building Services continued to explain that an opportunity had also arisen for the HEEPS:ABS money to fund a feasibility study into the opportunity of introducing a gas supply into the community of Westfield. This was one of the few remaining areas of West Lothian which did not have a mains gas supply and to date had always been deemed too expensive to provide. It was proposed that the council should proceed with the study through Scottish Gas Networks and report back on the feasibility study. The study was expected to cost in the region of £17,380.

The Head of Housing, Construction and Building Services concluded that there were significant opportunities offered by the HEEPS:ABS funding, primarily for private housing, and that from a council perspective it was better to be involved in the process, particularly in setting the strategic direction and in due course the council would have to carry out quality control checks on any work undertaken.

The Council Executive was invited to :-

1. Note the awards of £1.13m for 2013-14 and £1.82m for 2014-15 for the West Lothian local authority area under the government’s Home Energy Efficiency Programme for Scotland (HEEPS);
2. Agree that procurement arrangements should continue for 2013-14 projects with a view to committing all of the available funding to :-
 - a) Identified area based insulation projects in West Lothian primarily in areas set out in the original proposal (Broxburn, Bathgate, Armadale, Polbeth, Fauldhouse, Whitburn and Livingston South) with the projects to be delivered after the completion of a mini tendering exercise;
 - b) External wall insulation work in the Howden area of Livingston as part of the 2013-14 project established by Almond Housing Association; and
 - c) A feasibility study on the provision of a gas supply to the village of Westfield in West Lothian;

3. Agree that the council should remain part of the consortium of local authorities working to deliver HEEPS projects and that negotiations be started with Changeworks to seek to appoint them to continue to manage the project on behalf of West Lothian Council in 2014-15 on a similar basis on which they had managed the 2013-14 project. This would include preparation of the submission to the Scottish Government due on 11 April 2014; and
4. Agree that the council should review its approach to energy efficiency projects, given that substantial resources were likely to be available over the medium term for investment in energy efficiency measures and help address fuel poverty.

Decision

To approve the terms of the report.

17. HIGH HEDGES (SCOTLAND) ACT 2013 - ADDITION TO THE COUNCIL'S SCHEME OF DELEGATION AND FEE SETTING

The Council Executive considered a report (copies of which had been circulated) by Head of Planning and Economic advising of the introduction of new legislation aimed at controlling high hedges as contained within the High Hedges (Scotland) Act 2013 and which would come into effect on 1 April 2014.

The report explained that, on 1 April 2014, the High hedges (Scotland) Act 2013 would come into force. The legislation was intended to deal with problems of loss of light which a householder believed was caused by a hedge over two metres in height on land owned by a neighbour. It was intended to be used when discussions between the two parties had failed to bring about a resolution.

Under the legislation, a householder would be able to apply to the council to serve a High Hedge Notice on a neighbour whose hedge was affecting the daylight reaching his/her property. The process to be carried out by the Council on receiving such an application was outlined in the report.

The Council Executive was informed that changes to the Scheme of Delegation were required to allow the processing determination of applications for High hedge Notices.

Additionally, the Act required the council to set its own fee for the applications submitted in respect of high hedges. The fee for a small scale planning application was currently £382 and it was recommended that the fee for a High Hedges Notice application was set at this level. The fee should be raised in line with other rises in planning fees as set by the Scottish Government.

The Head of Planning and Economic Development concluded that the proposed changes to the Scheme of Delegation were required to allow

the processing and determination of applications for High hedge Notices, and the proposed fee was required in order to ensure that there was no additional cost to the council in dealing with the new legislation.

It was recommended that the Council Executive:

- Note the terms of the new legislation as set out in the report;
- Not that the legislation was being enacted earlier than previously anticipated;
- Approve the proposed changes to the Scheme of Delegation with immediate effect; and
- Approve the proposed fee for processing a High Hedge Notice.

Decision

To approve the terms of the report

18. PLANNING BRIEF - WEST CALDER WORK SPACE, SOCIETY PLACE, WEST CALDER

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development seeking approval of a planning brief for West Calder Workspace, West Calder, a copy of which was attached to the report at Appendix 1.

The Head of Planning and Economic Development explained that West Calder Workspace was currently vacant following a decision by the Council Executive on 13 November 2012 to agree the acquisition of a site at Dickson Street to re-locate the businesses from the Workspace.

The workspace comprised one large brick built building to the east and a former stable block of traditional construction to the west all within a courtyard setting. There was a single access from Society Place. The buildings were not listed or within a conservation area.

Following the decision by the Council Executive a planning brief was prepared which indicated how the council, as planning authority, expected the site to be developed. The development would be consistent with the West Lothian Local Plan and as far as could be determined there was sufficient infrastructure to cope with redevelopment. The proposed use for the property included residential development, offices, nursery or assembly and leisure uses including a dance hall or gym.

Local members had been consulted on the terms of the planning brief and no comments had been received. Consultation with West Calder and Harburn Community Council, adjacent proprietors, Network Rail and West Calder and Harburn Community Development Trust in addition to statutory stakeholder was also undertaken which resulted in four responses being received from local residents. The response raised no direct objections but concern was expressed over the uncertainty of the

outcome of the redevelopment of the site.

The report concluded that the draft planning brief had been prepared for the site at West Calder Workspace and that reuse of the site would provide a suitable development opportunity within West Calder as well as avoiding the potential of the site slipping into disuse and dereliction.

It was recommended that the Council Executive approve the terms of the report and planning brief.

Decision

To approve the terms of the report.

19. CONFERENCE & COURSES - ATTENDANCE AT LEADER CONFERENCE

The Council Executive approved attendance at the undernoted conference as follows :-

Scottish LEADER Conference 2014 – “Inspire – Be Inspired” on 20 March 2014, Glasgow	Councillor David Dodds
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20. PRIVATE SESSION

The Council Executive resolved under Section 50(A)(4) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting during consideration of the following item of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 3 of Schedule 7A of the Act.

21. LAND AT NORTH STREET, ARMADALE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates advising of an opportunity that had arisen for the council to purchase Volunteer Park in North Street, Armadale and to seek approval for the acquisition of the property on the terms set out in the report.

The Head of Finance and Estates advised that the ownership of Volunteer Park currently rested with Armadale Thistle Football Club Ltd (ATFCL). ATFCL was dissolved as a trading company some years ago, leaving behind Volunteer Park as its sole asset. However the company had recently been restored to the Register of Companies by Jackson Carmichael Liquidators Ltd (JCLL). The liquidators role was to raise capital from the disposal of any assets held by the failed company and in this instance were seeking to raise funds using the security held over Volunteer Park

JCLL had indicated that once a legal process had completed, the

outcome of which would result in them securing a clear title to Volunteer Park, they had confirmed a willingness to sell it directly to the council. The main terms of the proposed acquisition were outlined in the report.

It was recommended that the Council Executive :-

1. Approve the acquisition of Volunteer Park in North Street, Armadale on the terms set out in the report; and
2. Authorise the Head of Finance and Estates to finalise the negotiations with the sellers and instruct the council's Chief Solicitor to conclude the transaction.

Decision

1. To approve the terms of the report;
2. Agreed that once the acquisition was complete the Head of Finance and Estates engage with the all of the footballing fraternity in Armadale on the future use of the facilities.