

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN HOUSE, on TUESDAY 23 JUNE 2009.

Present – Council Leader Peter Johnston (Chair), Councillors Frank Anderson (Vice-Chair), Janet Campbell (substitute for Jim Walker), John Cochrane, Martyn Day, Lawrence Fitzpatrick (substitute for Willie Dunn), Ellen Glass, Andrew Miller, Graeme Morrice, John Muir (substitute for Isabel Hutton).

Apologies – Councillor William Boyle, Robert De Bold, Willie Dunn, Isabel Hutton, Jim Walker.

1. ORDER OF BUSINESS, INCLUDING NOTICE OF URGENT BUSINESS

Urgent Business -

The Chair ruled in terms of Standing Order No. 7 that a report by the Chief Executive, concerning Planning Reform: Statutory Scheme of Delegations to Officers, be taken as urgent business later in the meeting.

Request for a Deputation to be Heard -

The Chair advised that a request had been made, in terms of Standing Order 13, by Kevin Loudon, Secretary of West Lothian Taxi Owners Association, to address the meeting in relation to agenda item 13 which concerned 'Suitable Vehicles for Use as Taxis'. The Council Executive unanimously agreed that the deputation be heard at the start of the meeting and that the report by the Chief Solicitor be considered immediately following the deputation.

2. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - SUITABLE VEHICLES FOR USE AS TAXIS

(a) Deputation

Mr Kevin Loudon, Secretary of the West Lothian Taxi Owners Association addressed the meeting in relation to the proposals set out in the report by the Chief Solicitor. Mr Loudon asked the Council Executive to consider the introduction of a "sunset clause" to allow a taxi operator who was intending to retire within the next few years the opportunity to change his vehicle for a non-accessible vehicle prior to the end of the phasing in period in January 2015.

Mr Loudon responded to questions raised by elected members.

(b) Report by Chief Solicitor

The Council Executive considered a report (copies of which had been circulated) by the Chief Solicitor seeking approval for a list of

vehicles which were considered suitable to be licensed as taxis, together with a phasing in period for the current taxi fleet to move to such vehicles. The list of 14 vehicles were set out in the report.

The Chief Solicitor also proposed that all vehicles would have the following features installed to the satisfaction of the Cab Inspector in order to be suitable to be licensed as taxis:-

- Side loading
- Wheelchair accessible by means of suitable ramps
- High visibility interior features
- Interior grab rails
- A step
- A loop system for the hard of hearing
- Auto door locks which operated when the vehicle was moving

The report explained that consultation had been undertaken with the Hire Car Consultative Group (comprising representatives of the West Lothian Taxi Owner's Association, the West Lothian taxi and Private Hire Car Owners and Drivers Association), Lothian and Borders Police, the Taxi Examination Centre, the West Lothian Disability Forum and the Environmental Health and Trading Standards.

In addition, the Environment Policy Development and Scrutiny Panel of 15th June 2009 had considered the proposals. The Panel had endorsed the Chief Solicitor's recommendations subject to two additional recommendations.

It was now recommended that the Executive approves the list of vehicles as recommended by the Chief Solicitor as being suitable to be licensed a taxis, together with an accessibility standards and a phasing in period for the current taxi fleet to move to such vehicles.

Decisions

1. To approve the list of 14 vehicles as being suitable to be licensed as taxis as recommended by the Chief Solicitor;
2. To approve the accessibility standard as suggested in the report by the Chief Solicitor;
3. To agree that the West Lothian taxi fleet should move to being fully accessible by January 2010 and that subject to the introduction of a "sunset clause", only accessible vehicles as determined by the Council should be approved for new taxi licences and replacement vehicles with immediate effect and that all other licensed taxis should be replaced with vehicles which meet the new Council standards within a 5 year period from January 2010.

4. To agree that a “sunset clause” be introduced as undernoted:-

The Cab Office must be satisfied that –

- the licence holder was aged 60 or over as at January 2010.
- the vehicle required to be replaced as it was uneconomic to repair either as a result of mechanical failure or as a result of an insurance write off.

5. To agree that, if these conditions were not met to the satisfaction of the Cab Officer, an adverse report on the application for the replacement vehicle would be prepared which would go before the Licensing Committee to be determined.
6. To agree that the Hire Car Consultative Group should meet annually to update the approved list and that the power to update the list following recommendations from the Group be delegated to the Chief Solicitor and reported to the Council Executive.
7. To agree a suggestion by Councillor Anderson that the Council approves the use of hybrid and electric vehicles as private hire cars.

3. DECLARATIONS OF INTEREST

Edinburgh and the Lothians Structure Plan 2015: Annual Housing Monitor 2008 (Agenda Item 22)

Councillor Day declared a non-financial interest as a council appointee to the Edinburgh and Lothians Structure Plan Joint Liaison Committee.

4. MINUTE

The Council Executive approved the minute of its meeting held on 19th May 2009. The minute was thereafter signed by the Chair.

5. MULTI-MEMBER WARD PROTOCOL - MEMBERS

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive providing a revised and updated version of the Appendix to the Multi-Member Ward Protocol for Members (Use of Council Facilities by Councillors).

The report recalled that in December 2008, the Partnership and Resources Policy Development and Scrutiny Panel had looked at the terms of the Appendix to the Protocol for Members to see if, in the light of experience since May 2007, it remained fit for purpose. At that meeting,

the Panel had asked officers to review the use of mailshots by councillors and for a paper to be brought back to the Panel in due course.

The report advised that, on 5th June 2009, the Partnership and Resources Policy Development and Scrutiny Panel considered a proposed revised Appendix to the Protocol for members. The Panel had made one additional suggestion, which was to add a requirement that unsolicited mailshots to 8 or more constituents should be copied to ward members at the same time. That notification requirement was in the current version but only in relation to mailshots of more than 150.

The report provided the following appendices:-

Appendix 1 – Extracts from Code of Conduct and Guidance

Appendix 2 – Current Appendix to Multi-Member Ward Protocol for Members

Appendix 3 – Proposed Revised Appendix to Multi-Member Ward Protocol for Members.

The Chief Executive recommended that the Council Executive:-

1. Reviews the terms of the 'appendix to the Multi-member Ward Protocol for Members (Use of Council Facilities by Councillors) adopted in June 2007, and set out in Appendix 2 to this report;
2. Adopts the revised and updated version set out in Appendix 3, and that with effect from 1st July 2009.

The Chief Executive concluded that the updating and revision of the guidelines on use of council facilities, including mailshots, would result in a clearer and modern set of rules to assist members and council officers in the appropriate use of council facilities.

Motion

To approve the terms of the report

Moved by the Chair, seconded by Councillor Cochrane.

Amendment

To retain the 'status quo' in relation to the use of mailshots by councillors.

Moved by Councillor Morrice, seconded by Councillor Fitzpatrick

Decision

On a vote being taken, the motion was successful by 8 votes to 2 votes and it was agreed accordingly.

6. REVISED PROPOSALS FOR SCOTTISH PARLIAMENTARY CONSTITUENCIES AND PROPOSALS FOR SCOTTISH PARLIAMENTARY REGIONS

A report had been circulated by the Chief Executive informing elected members that the Boundary Commission for Scotland was continuing the process of reviewing Scottish Parliamentary boundaries. Revised proposals for Constituency boundaries and proposals for Regions had been published on 21st May and there was a consultation period of one month.

In relation to the Revised Constituency Proposals, the report explained that the council's main objection to the original proposals arose because Whitburn and Fauldhouse were placed in a constituency with parts of North and South Lanarkshire. The revised constituency proposals were for two constituencies wholly within West Lothian. These had been called Almond Valley and Linlithgow.

In relation to the Region Proposals, the Boundary Commission proposed that the Almond Valley constituency remained in the Lothian Region and Linlithgow was placed in an East Centre Scotland region. This would mean that list MSPs from two Regions would cover West Lothian.

The report went to advise that the revised proposals had been considered by the Partnership and Resources PDSP on 5th June. All elected members had been invited to attend the meeting. Based on comments by Panel members, the Chief Executive now recommended:-

1. That the revised proposals for Scottish Parliamentary constituencies be accepted.
2. That consideration be given to a different name being proposed for the Almond Valley constituency.
3. That consideration be given to an alternative Region proposal, shown in the report, which keeps the constituency of Linlithgow as part of the Lothian Region.

Motion

1. To agree that the revised proposals for Scottish Parliamentary constituencies be accepted as recommended.
2. To suggest to the Boundary Commission that 'Livingston' be adopted as an alternative name for the 'Almond Valley' constituency.
3. To submit an alternative proposal to the Boundary Commission, as shown in the report, which would keep the constituency of Linlithgow as part of the Lothian Region with East Lothian

remaining with the Scottish Borders in the South Scotland Region.

Moved by the Chair, seconded by Councillor Cochrane.

Amendment

To submit an alternative proposal to the Boundary Commission which would keep the constituency of Linlithgow as part of the Lothian Region and, at the same time, would keep East Lothian in the Lothian region.

Decision

On a vote being taken, the motion was successful by 8 votes to 2 votes and it was agreed accordingly.

7. LOCAL REVIEW BODY

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive finalising the arrangements by which the West Lothian Council Local Review Body would operate.

The Chief Executive recalled that the Local Review Body had already been formally constituted and the general principles about its operation had been established. There remained four areas where decisions were still required, and these were:-

- Provision of planning and legal advice
- Training for LRB members
- Procedures for meetings of the LRB
- Selection of members for meetings

Decisions on these remaining aspects of the functioning of the Local Review Body would ensure that it was ready to operate in time for its first meeting in September 2009.

The Chief Executive recommended:-

1. That planning and legal advice to the Local Review Body should be provided by officers of the council, subject to the condition that officers providing advice to the Local Review Body should not have played any part in the making of the decision on the particular planning decision which was under review;
2. (a) That the Chair, Vice-Chair and members of the Local Review Body should be required to attend the courses of training currently available to the Chair, Vice-Chair and members of the Development Control Committee, together with further induction/training sessions on the Local Review Body to be arranged by officers to take place in August and September 2009,

and

(b) To note that power had already been delegated to the Director of Development and Environmental Services to arrange that training;

3. (a) That, subject to legal restrictions and the council's Standing Orders, where the legislative scheme for Local Review Bodies does not provide a right of participation by the parties, the Local Review Body's meeting arrangements should allow applicants, interested parties and the council's Appointed Person the opportunity to address the Local Review Body and to answer questions from its members before any significant decision was taken on the review application, and
 - (b) To delegate to the Chief Solicitor, in consultation with the Chair of the Local Review Body, the preparation of appropriate rules for such participation;
4. To approve the procedure for calling members to meetings of the Local Review Body set out in Appendix 1; and
5. To amend the council's Standing Orders and Scheme of Delegations to Officers accordingly.

Decision

To approve the terms of the report.

8. STANDING ORDERS REGULATING CONTRACTS - AMENDMENTS

The Council Executive considered a report (copies of which had been circulated) by the Chief Legal Officer advising that a Working Group of Officers had reviewed the council's Standing Orders regulating contracts for both building and civil engineering works and for the supply of services. The Working Group had proposed amendments to the Standing Orders and these were contained in appendix 1 to the report.

The amendments agreed by the Working Group were:-

- Paragraph 9 had been added to Part 1 of the Standing Orders for the Regulation of Contracts to direct attention to the council's Procurement Policy and Strategy.
- The competitive tender thresholds for lower value Works contracts detailed in 8. Competitive Tenders for Building and Civil Engineering Works of Part 2 of the Standing Orders for the Procurement of Building and Civil Engineering Consultancy Services and Works had been increased from £2,000 to £10,000 in 8(2) and 8(6) and from £50,000 to £100,000 in 8(3) and 8(4). A

rise in the quotation threshold for lower value Supplies and Services contracts detailed in 7. Purchasing (6) of Part 3 of the Standing Orders for the Procurement of Supplies and Services had already been agreed by the Council Executive from £9,999 to £29,999 and from £10,000 to £30,000, as shown in Appendix 1.

- In paragraph 1(6) of Part 3, Standing Orders for the Procurement of Supplies and Services, “supplies or” had been added between “the” and “services” in the third sentence.

The Chief Legal Officer recommended that the Council Executive approves the revised Standing Orders, as detailed in Appendix 1 to the report, for implementation with effect from 1st July 2009.

Decision

To approve the terms of the report.

9. COUNCIL'S CODE OF CORPORATE GOVERNANCE

The Council Executive considered a report (copies of which had been circulated) by the Chief Legal Officer advising of the outcome of the annual review of the council's compliance with its Code of Corporate Governance.

The report explained that the working Group of Officers on Corporate Governance had gathered evidence of compliance with the whole Code across the council during 2008/09. It had concluded that the governance arrangements contained in the Code continued to operate satisfactorily within the council and that compliance with the Code's requirements remained at a high level overall in 2008/09.

An annual statement of compliance had been made by the relevant responsible officer on a number of issues, and copies of these annual statements were contained in Appendix 4 to the report.

The Chief Legal Officer recommended that the Council Executive:-

1. notes that the governance arrangements contained in the council's Code of Corporate Governance continued to operate satisfactorily and that the requirements of the Code continued to be substantially met.
2. notes that the corporate governance arrangements within the council would continue to be a key strategic priority for the council in the year ahead.
3. agrees that the focus in 2009/10 should be on developing and implementing a new Code of Corporate Governance reflecting the Delivering Good Governance in Local Government Framework

issued by CIPFA and SOLACE.

Decision

To approve the terms of the report.

10. COMMUNITY COUNCIL SPECIAL PROJECT GRANT APPLICATION

The Council Executive considered a report (copies of which had been circulated) by the Chief Solicitor advising that Bathgate Community Council had requested a special project grant of £500 to allow them to purchase No Cold Calling street signs, explanatory leaflets, red cards and to produce a letter for residents to get the initiative started in Bathgate and Boghall.

The community council had indicated that it would make a financial contribution of £200 towards the project from the balance of funds it retained. Given that this contribution exceeded 10% of the project costs, it was recommended that the application be approved.

The Council Executive was invited to approve the application received from Bathgate Community Council for £500 and award a special project grant of £500.

Decision

To approve the terms of the report.

11. FINALISED SCHEME FOR ESTABLISHMENT OF COMMUNITY COUNCILS IN WEST LOTHIAN

The Council Executive considered a report (copies of which had been circulated) advising that, at a meeting held on 5th June 2009, the Partnership and Resources PDSP had endorsed a Finalised Scheme for Establishment of Community Councils in West Lothian, Constitution, Standing Orders, Code of Conduct and Community Council Boundaries.

The report advised that the Scottish Government had issued the national Model Community Council Scheme, Constitution, Standing Orders and Code of Conduct on 23rd March following endorsement by COSLA. The Finalised Scheme for Establishment of Community Councils in West Lothian (Appendix 1 to the report), Model Constitution (Appendix 2), Model Standing Orders (Appendix 3), and Code of Conduct (Appendix 4) had been produced taking full account of the key elements of the Scottish Government national Model documents. The finalised community council boundary maps were available upon request from Committee Services. Appendix 5 to the report listed the names of the Community Councils in West Lothian, together with the prescribed numbers for each.

A few additional provisions had been incorporated into the finalised West

Lothian Scheme, and the differences between the Scottish Government Model documents and the finalised West Lothian Council documents were clearly marked in the appendices to the report.

Finally, the report advised that, once the Council Executive had approved the finalised scheme and associated documents, statutory notices would appear in the local press advising of the adoption of the finalised documents. The report also set out arrangements for having the finalised documents issued to community councillors.

It was recommended that the Council Executive:-

1. approves the finalised West Lothian Scheme for Establishment of Community Councils, Model Constitutions, Model Standing Orders, Model Code of Conduct and boundaries.
2. agrees to place statutory notices in the local press advising of the adoption of the finalised West Lothian Scheme for Establishment of Community Councils.

Decision

To approve the terms of the report.

12. INTRODUCTION OF A LICENSING SCHEME FOR KNIFE DEALERS UNDER THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982

The Council Executive considered a report (copies of which had been circulated) by the Chief Solicitor seeking approval to introduce a mandatory scheme of licensing for knife dealers.

The report explained that legislation had been passed which provided that a licence was required for the carrying on of business as a dealer in any article listed below:-

- a) knives (other than those designed for domestic use)
- b) knife blades (other than those designed for domestic use)
- c) swords
- d) any other article (i) which had a blade; or (ii) which was sharply pointed, and which was made or adapted for use for causing injury to the person.

A consultation on Licensing of Knife Dealers conducted by the Scottish Government had resulted in a number of mandatory conditions of licence, and these were set out in the report.

The report went on to advise that a number of suggestions raised in the consultation had not been made mandatory conditions by the Government.

It was recommended that the undernoted conditions suggested by the

Scottish Government be mandatory conditions in all knife dealer licences granted by the Council:-

- a requirement to maintain a register of individuals refused a purchase – this condition would be included in West Lothian’s standard conditions to bring it into line with other age-restricted products such as fireworks and tobacco.
- a ban on public displays of knives – it was not considered that a blanket ban on public display was necessary but it was recommended that displays visible from outside the premises be banned.
- a requirement that there be a minimum age of 18 for those selling knives – it was recommended that a condition that such sales should be supervised/authorised by someone over 18 (similar to alcohol sales) should be included in West Lothian’s standard conditions.

The Chief Solicitor recommended that the Council Executive:-

1. Approves the introduction of a mandatory scheme of licensing for knife dealers.
2. Approves three additional mandatory conditions to be imposed in all knife dealer licences and two further possible conditions which may be imposed if recommended by advisers in relation to particular applications.
3. Delegates authority to the Chief Solicitor to set the application fee as long as it was between £100 and £200.

Decision

To approve the terms of the report.

13. RESPONSE TO THE DEPARTMENT FOR TRANSPORTS CONSULTATION ON IMPROVING ACCESS TO TAXIS

A report had been circulated by the Chief Solicitor advising that the Council had submitted a provisional response, by the deadline of 24th April 2009, to a consultation document from the Department for Transport entitled “Consultation on Improving Access to Taxis”.

The Chief Solicitor recommended that the Council Executive approves the provisional response to the Department for Transport, a copy of which was appended to the report. The provisional response had been endorsed by the Environment Policy Development and Scrutiny Panel at its meeting held on 15th June 2009.

Decision

To approve the terms of the report.

14. POLICY ON APPLYING DISCRETIONARY PENSION PROVISIONS - REVISED

The Council Executive considered a report (copies of which had been circulated) by the Head of Support Services informing members of revisions to the council's Policy on Applying Discretionary Pension Provisions arising from the introduction of the new Local Government Pension Scheme on 1st April 2009.

The report advised that a number of general discretionary provisions contained within the council's existing policy remained largely unchanged under the new pension scheme regulations and required only an updated reference to the new regulations. The material changes to the policy were summarised in the report under the following headings:-

Awarding Additional Membership (Augmentation) – regulation 12
 Flexible Retirement – regulation 18
 Voluntary Early Retirement Between Age 50 and 60 – regulation 30
 Award of Additional Pension – regulation 13

Part 2 of the report dealt with Discretionary Powers (Early Retirement and Voluntary Severance).

The policy statement, which was appended to the report, met the requirement for the council to have a policy in place by 30th June 2009 confirming how it would exercise general discretionary powers available to it under the new local government pension scheme regulations effective from 1st April 2009.

It was recommended that the Council Executive approves the revised council Policy on applying Discretionary pension provisions set out in the Appendix 1 to this report pending consideration of further discretionary provisions available under the relevant regulations.

Decision

To approve the terms of the report.

15. GENERAL SERVICES CAPITAL BUDGET 2009/10 TO 2012/13

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance providing an update on the general services capital investment programme.

The report recalled that in November 2007, the Council had approved a ten year capital investment and asset management strategy for 2008/09 to 2017/18. Within the capital investment programme there were a

number of block budgets that required to be allocated to specific projects for the five year period 2008/09 to 2012/13 and it had been agreed that the nine Local Area Committees would be used as forum for the discussion of the block allocations to be reported to the Council Executive. Consultation had been undertaken with the LAC's before the detailed allocations were presented to the Council Executive in April 2008 for approval.

During 2008, it had become clear that the economic downturn was impacting on the council's capital receipts disposal programme and a report setting out the implications of the recession on the existing capital programme and strategies had been considered by the Council Executive in December 2008.

The report went on to advise that the final outturn position showed expenditure for 2008/09 of £92.678 million, which was £373,000 less than the revised budget after overprogramming. The summarised final outturn position shown in the table within the report.

The report provided the following appendices:-

Appendix 1 – A summary of the main action points from the Local Area Committee held in June 2009.

Appendix 2 – Detailed General Services Capital Plan 2009/10 to 2012/23.

Appendix 3 – Asset Management Strategic Reviews.

It was recommend that the Council Executive:-

1. Approves the capital budgets for 2009/10 to 2012/13, as set out in the report;
2. Agrees that necessary additional budget should be identified to enable a new Pumpherstons and Uphall Station Primary School to proceed, and instructs the Head of Finance to report to the Council Executive on funding options for this project;
3. Agrees that, following conclusion of consultation with the Parent Council as to the scope of refurbishment works at Meldrum Primary School, the Head of Finance should report to the Council Executive on the resulting budgetary implications and associated funding options for Meldrum Primary School;
4. Agrees that asset management reports for each asset category be reported to the relevant Policy Development and Scrutiny Panel on an annual basis.

The Head of Finance then referred to recommendation 1 and asked for a correction to be noted as follows:- '2008/09' should read '2009/10'.

Motion

'West Lothian council executive congratulates all staff for their efforts in delivering the 2008-09 Capital programme of £92.678 million – the largest ever council annual investment in our community.

The Council Executive agrees to:-

1. Approve the capital budgets for 2008-09 to 2012-13 as set out in the report.
2. Proceed with the Pumpherston and Uphall Station Primary School and accept that as additional budget provision is required for this project that the Head of Finance be instructed to consider all available resources and to then report to the Council Executive on funding options from such resources and the resulting budgetary implications.
3. Proceed with the full refurbishment of Meldrum Primary School and accept that as additional budget provision is required for this project that the Head of Finance be instructed to consider all available resources and to then report to the Council Executive on funding options from such resources and the resulting budgetary implications.
4. Agrees that asset management reports for each asset category be reported to the relevant Policy Development and Scrutiny Panel on an annual basis.'

Moved by the Chair, seconded by Councillor Miller.

Decision

To unanimously agree the terms of the motion by the Chair.

16. REVIEW OF FINANCIAL REGULATIONS

The Council Executive considered a report by the Head of Finance setting out proposed revisions to the Financial Regulations.

The Executive was informed that there was a requirement to review the financial regulations at least once every administrative term. The report provided a summary of the main changes as follows:-

The changes resulted from new operating arrangements within the council.

The updated financial regulations reflected the new ten-year capital planning processes for General Services and Housing and revised budgetary control frameworks and procedures in place for General Services and HRA revenue and capital budgets.

Also, the move to the PECOS, the council's on-line procurement system, had meant changes to the orders for works, goods and services and payment procedures.

The Head of Finance advised that the proposed revisions had been endorsed by the Partnership and Resources Policy Development and Scrutiny Panel.

It was recommended that the Council Executive approves the revisions to the Financial Regulations, as set out in Appendix 1 of the report.

Decision

To approve the terms of the report.

17. 2008/2009 OUTTURN AND STATEMENT OF ACCOUNTS

The Local Government Accounts (Scotland) Regulations required that the unaudited 2008/09 Statement of Accounts be submitted to the authority, and to the Controller of Audit, by 30th June 2009.

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance advising of the 2008/09 budget out-turn and of the arrangements in place to make the unaudited Statement of Accounts available to members.

The General Fund underspend in 2008/09 was £122,000 comprising a net service overspend of £254,000, and under spend of £42,000 for Joint Boards and a favourable variance in relation to funding of £334, mainly as a result of improvement in Council Tax collection levels and a saving in council tax benefits.

In relation to the General Fund Balance, it was reported that the balance was £4.602 million as at 31st March 2009 and included earmarked resources of £2.105 million as detailed within the report.

The uncommitted General Fund balance was £2.496 million. The council's agreed target minimum General Fund balance was £2 million but, taking account of the very difficult financial climate to be faced in the years ahead, the Head of Finance recommended retention of the £2.496 million in the General Fund balance.

The report also set out the position in relation to the General Services Capital out-turn and the Housing Capital out-turn.

The Head of Finance advised that the unaudited Statement of Accounts was completed in early June 2009 and copies were available to all elected members on request to the Head of Finance. A copy of the Statement of Accounts had also been submitted to the Controller of Audit.

It was recommended that the Council Executive:-

1. Notes the budget out-turn as at 31st March 2009;
2. Notes the arrangements in place to make the 2008/09 Statement of accounts available to members;
3. Agrees to apply the General Fund balance as set out in section 2 (b) of the report and retain the uncommitted part of the General Fund balance.

Motion

1. To note the budget out-turn as at 31st March 2009;
2. To note the arrangements in place to make the 2008/09 Statement of Accounts available to members;
3. To restate the council policy of maintaining a minimum General Fund Balance of £2 million.

Moved by the Chair.

Decision

To unanimously agree the terms of the motion by the Chair.

18. PROCUREMENT UPDATE 1ST APRIL 2008 TO 31ST MARCH 2009

The Council Executive considered a report by the Head of Finance recalling that a Procurement Strategy for 2008-2011 had been approved by the Council Executive in April 2008. The report advised on progress in relation to the five Strategic Objectives contained in the strategy.

There were two Strategic Objectives where progress had been less than planned. These were Strategic Objective 1 which related to collaborative contracts and Strategic Objective 5 which related to the environmental and social aspects of procurement.

The Head of Finance concluded that the first year of the Council's Procurement Strategy had produced some mixed results. Procurement Scotland and Scotland Excel's performance in the past year had clearly influenced these results. Although progress had not been made on all Strategic Objectives significant progress had been made on others as detailed in Appendix A to the report, Key Performance Indicators.

Procurement Services would continue to progress the Procurement Strategy and the ongoing support of all Heads of Service was required to ensure continuous improvement was achieved in all aspects of the Council's Supply Chain.

Finally, the Council Executive was informed that the Strategy and been endorsed by the Partnership and Resources Policy Development and Scrutiny Panel on 4th June 2009.

The Council Executive was asked to approve the proposed update to the Procurement Strategy and note the progress made to date.

Decision

To approve the terms of the report.

19. OUTCOME OF CONSULTATION ON RETAIL CAPACITY STUDY

The Council Executive considered a report (copies of which had been circulated) by the Planning Services Manager advising members of the comments received during the consultation on the council's retail capacity study and setting out key considerations which would be taken into account in assessing individual proposals for supermarkets.

The Planning Services Manager explained that the purpose of the consultation was to seek any comments, suggestions, or observations on the Retail Capacity Study and, in particular, stakeholders were asked of two which retail floorspace options they thought the council should progress (i.e. scenario 1: maximum floorspace, or scenario 3: precautionary).

A summary matrix of technical points raised by respondents was attached as Appendix 1 to the report. Appendix 2 "Retail Capacity Study Comments: Halcrow Response" provided a response to the issues raised during consultation with regard to the West Lothian retail Capacity Study and the report of 26th November 2008 to the Development and Transport Policy and Development Scrutiny Panel.

Four scenarios had been devised in the study to consider varying degrees of retention of spend. In all these scenarios it had been assumed that Almondale Livingston was importing too much expenditure and targets should be set for the other catchments based upon the retention of expenditure. Of these, two scenarios had been taken forward for consultation, and these were:-

Scenario 1 (Maximum floorspace): 80% retention for Bathgate and Linlithgow; 70% retention for Others

Scenario 3 (Precautionary) : 80% retention for Bathgate and Linlithgow; 60% retention for Others.

It was recommended that scenario 1 should be taken forward as the council's optimum scenario for retention of spend in each catchment. Scenario 1 was summarised within the report.

The report examined the relevant Edinburgh and the Lothians Structure Plan policies for convenience retailing proposals in West Lothian, together with the relevant West Lothian Local Plan policies.

The Planning Services Manager considered that, when assessing individual planning applications for retail development, development plan policies and other material considerations would require to be considered. Where there were competing sites within the same town, the assessment of sites in relation to the sequential approach would be a key factor.

It was recommended that Council Executive:

1. agrees that the optimum scenario for retention of spend in each catchment was scenario 1 (maximum floorspace);
2. agrees that the retain needs of Armadale and Whitburn should be addressed separately; and
3. notes the factors which would be taken into account when assessing individual planning applications for retail development.

Decision

To approve the terms of the report.

20. SEPA DRAFT RIVER BASIN MANAGEMENT PLANS & FORTH AREA MANAGEMENT PLAN

The Council Executive considered a joint report (copies of which had been circulated) by the Planning Services Manager and the Head of Operational Services informing members of the draft river basin management plan for Scotland and the supporting draft Forth Area Management Plan that had been prepared by the Scottish Environment Protection Agency (SEPA).

The Council had been invited to respond to SEPA, by end of June 2009, on the first draft River Basin Management Plan for Scotland and the various supporting Area Manage Plans. These plans heralded a new era in the sustainable management of the water environment.

The report provided two appendices:-

Appendix 1 was the Forth Area Management Plan boundary. It showed that there were 185 surface water bodies in the Forth area, of which 29% were currently considered to be achieving "good or high" ecological status.

Appendix 2 provided a suggested council response to a number of questions posed by SEPA in the consultation draft.

The Planning Services Manager concluded that the river basin planning and supporting area management plans process involved a wide group of water users, managers and landowners in a partnership approach to managing the water environment. It aimed to integrate existing regulation with other measures to improve the water environment while protecting its sustainable use for business and recreation.

In West Lothian, while suffering from historic mining and industrial activity, the Council had driven forward a number of water quality improvement schemes over the last few years with its partners. There was continued scope for improvements e.g. producing a Linlithgow Loch Catchment Management Plan but this would take sustained effort and resources from various national and local partners over the next decade and beyond.

It was recommended that the Council Executive:

- notes the contents of the draft river basin management plan for Scotland and the supporting draft Forth Area Management Plan and how, in particular, it related to West Lothian; and
- supports the forth Area Management Plan, subject to the comments on the draft plan listed in appendix 2 that should be forwarded to SEPA.

Decision

To approve the terms of the report.

21. EDINBURGH AND THE LOTHIAN STRUCTURE PLAN 2015 : ANNUAL HOUSING MONITOR 2008

The preparation of annual monitor of the housing land supply was a requirement of the Edinburgh and the Lothians Structure Plan 2015.

The Council Executive considered a report (copies of which had been circulated) summarising the Annual Housing Monitor 2008 for the Edinburgh and the Lothians Structure Plan area and to advising members of the conclusion reached by the Edinburgh and Lothians Structure Plan Joint Liaison Committee, at a meeting on 16th March 2009, that no additional land should be brought forward for residential development in relation to policy HOU10 of the structure plan.

In his conclusion, the Planning Services Manager advised that the five-year effective land supply (land programmed for development over the next five years) was below the requirement in the E&LSP. This was due to the house building industry being unable to develop and market current housing sites at previous levels, rather than a lack of un-constrained land. Under these circumstances, he considered that it was not appropriate to make additional land releases as such a response would do little to

increase the house building rates.

It was recommended that the Council Executive:-

1. Notes the findings of the fourth Edinburgh and the Lothians Structure Plan 2015 Annual Housing Monitor;
2. Notes that whilst the five year effective housing land supply was below the structure plan requirement, this was for marketing reasons rather than a lack of un-constrained land identified for housing; and
3. Endorses the conclusion of the Edinburgh and Lothians Structure Plan Joint Liaison Committee not to bring forward additional land for residential development, in relation to policy HOU10 of the structure plan.

Decision

To approve the terms of the report.

22. SCOTTISH PLANNING POLICY : THE CONSOLIDATED SPP CONSULTATIVE DRAFT

The Council Executive considered a report (copies of which had been circulated) by the Planning Services Manager explaining how the recent reform of the planning system also embraced national planning policy, specifically how it was presented and expressed, and to advise members of the resultant consultation exercise launched by the Scottish Government on the Consultative Draft of Scottish Planning Policy (SPP).

The report advised that the Scottish Government consultation invited responses on twenty nine specific questions and, at the same time, welcomed more general views about the document. These questions, together with suggested responses, were copied as Appendix 1 to the report. All responses would then be considered by the Scottish Government, along with any other available evidence, and would help shape the final version of the SPP. Responses were to be lodged with the Scottish Government by 24th June 2009.

The SPP, when published in its final form, would sit alongside the National Planning Framework and would supersede the following thematic SPPs and NPPGs:- SPP2, SPP3, SPP4, SPP6, SPP7, SPP8, SPP10, SPP11, NPPG13, NPPG14, SPP15, SPP16, SPP17, NPPG19, SPP21, SPP22, SPP23.

It was proposed that the council indicated broad support for the new SPP, albeit with an intimation that it had reservations/concerns about certain matters. These had been incorporated into the draft response to the questions posed by the Scottish Government and produced as Appendix 1 to the report.

It was recommended that the Executive endorses the draft response set out in Appendix 1 which had already been subject to internal consultation and was reported to a meeting of the Development and Transport PDSP on 11th June 2009.

Decision

To approve the terms of the report.

23. DEVELOPER CONTRIBUTIONS FOR A SOUTHERN PARK AND RIDE FACILITY AT THE PROPOSED ARMADALE STATION

At a meeting of the Development and Transport PDSP held in February 2008, officers had been asked to prepare supplementary planning guidance (SPG) setting out the developer contributions required to provide a southern park and ride facility at the proposed Armadale Station. Furthermore, consultation was to be carried out on the SPG and then a report prepared for the Council Executive.

The Council Executive considered a report (copies of which had been circulated) by the Head of Development and Regulatory Services advising of the consultation comments received and the council's response, and seeking approval of the SPG.

The consultation comments received were detailed in the report, together with recommended council responses.

The SPG appended to the report had been prepared to explain the developer contributions required to provide a southern Park and Ride facility at the new Armadale Station. This southern P&R facility was needed to serve the increased population and workforce arising from the development of the CDA. Employment developers would contribute £105,000 and housing developers £315,000. Houses and employment premises less than 800 metres walking distance from the station would be exempt.

It was recommended that the Council Executive:-

- endorses the recommended responses to the comments received; and
- approves the content of the SPG: Developer Contributions for a Southern Park and Ride Facility at Armadale Station (as appended to the report).

Decision

To approve the terms of the report.

24. CYCLING, WALKING AND SAFER STREETS (CWSS) PROGRAMME 2008/2009 TO 2011/2012 (YEAR 2) - PROPOSED TRAFFIC CALMING/SPEED MANAGEMENT SCHEMES

In May 2008, the Council Executive had approved the Cycling, Walking and Safer Streets programme for 2008/09 to 2010/11. Within this programme, funding was allocated to deliver traffic calming/speed management measures. Six locations had been selected for further investigation.

The Council Executive considered a report (copies of which had been circulated) by the Transportation Manager informing of progress made in the development of schemes identified in the "investigation pool", as approved in the Council Executive report dated 20th May 2008.

The report provided the results of speed surveys carried out by independent consultants along the section of roads concerned. The accident rate was calculated for each section of road where requests for measures had been received. These rates had been compared with the national average accident rate for the class and characteristic of the section of road concerned. Appendix 2 to the report detailed the findings.

It was proposed that three schemes be taken to wider consultation with local residents, businesses, the LACs, West Lothian Disability and other affected parties. These schemes were those with accident rates higher than the national average. The public perception surveys carried out at each of these locations asked the public for their preferred traffic calming solution and these views would now be taken into account when developing the traffic calming/speed management schemes. An On Street Questionnaire Form Example was provided at Appendix 3 to the report.

The Transportation Manager recommended that the Council Executive approves the schemes proposed for further development through consultation to wider consultation with local residents, local businesses, the LACs, West Lothian Disability and other affected parties. These schemes being:

- A89 South Bridge Street/King Street, Bathgate;
- West Main Street, Whitburn; and
- West Main Street, Uphall.

Motion

To approve the terms of the report.

Moved by the Chair, seconded by Councillor Anderson.

Amendment

'West Lothian Council Labour Group seeks the replacement of the

proposal for speed restriction measures on West Main Street, Uphall to consideration of alternative proposals for Loaninghill Road, Uphall, Station Road, Broxburn and East Main Street/Edinburgh Road (from East Mains Industrial Estate to Blairmuir Terrace), Broxburn, and that a further report is brought back to a subsequent meeting of the Council Executive on evaluation, costings, etc.'

Moved by Councillor Morrice, seconded by Councillor Fitzpatrick.

Decision

On a vote being taken, the motion was successful by 8 votes to 2 votes and it was agreed accordingly.

25. DISABLED PERSONS' PARKING (SCOTLAND) ACT 2009

The Council Executive considered a report (copies of which had been circulated) by the Transportation Manager advising that the Disabled Person's Parking (Scotland) Act 2009, which would come into force on 1st October 2009, placed new statutory duties on the council as roads authority.

In relation to on-street parking, the Act required the council to identify all existing advisory on-street disabled persons' parking bays and decide whether they were still required. For all bays which were retained, it would be necessary to promote a traffic regulation order and erect signs and markings to make the bays enforceable by the police.

On an ongoing basis, the council needed to identify a suitable parking place when a qualifying person made a request for one near their home. The qualifying person must be a blue badge holder and their address must be the same as the address of the "registered keeper of a vehicle suitable for the carriage of the individual." It was noted that this was significantly different from the current criteria operated by the Council which required the applicant to be the driver of the vehicle.

In relation of off street parking, the Act required to the council to identify all off-street disabled person's parking places and write to the owners seeking an arrangement to make the bays enforceable. If the owners agree, the council must then make a traffic regulation order and have appropriate signs and markings installed.

The report went on to explain the requirements of the Act in relation to new developments and reporting.

Appendix 1 to the report provided details of estimated costs. As there was currently no indication of any additional funding being made available from the Scottish Government, it was therefore necessary that the implementation of the Act be funded through the reprioritisation of existing capital resources.

It was recommended that the Council Executive:

1. notes the contents of the report; and
2. agrees that the financial implications of the Act be met through re-prioritisation of existing capital resources.

Decision

1. To approve the recommendations by the Transportation Manager; and
2. To note advice by the Chair that, in relation to the re-prioritisation of existing capital resources, this would be dealt with in a future report to the Council Executive on the Capital Programme.

26. APPLICATION FOR ROAD CONSTRUCTION CONSENT AT OVERBRIDGE 35 STATION ROAD, ARMADALE

The Council Executive considered a report (copies of which had been circulated) by the Transportation Manager advising of an objection to an application by Network Rail as part of the Bathgate-Airdrie reopening for Road Construction Consent at Over bridge 35, Station Road, Armadale. The report provided (i) copies of correspondence relating to the objection and (ii) a location map.

The report advised that the area referred to in the objector's letter was for the purposes of constructing a three metre wide cycleway that rejoined the B8084 in a southerly direction.

The land referred to in the objector's letter had been secured under the Airdrie-Bathgate railway and Linked Improvements Act 2007. consequently, the Transportation Manager considered that the Construction Consent should be granted.

Finally, the Transportation Manager informed the Executive that the objector had been invited to attend the meeting but had declined the invitation.

It was recommended that the Road Construction Consent be granted.

Decision

To approve the terms of the report.

27. ACCIDENT INVESTIGATION AND PREVENTION (AIP) - CASUALTY REDUCTION PROGRAMME 2009/2010

The Council Executive considered a report (copies of which had been

circulated) seeking approval for a list of proposed prioritised casualty reduction schemes for the 2009/10 programme.

The report recalled that the Council Executive had allocated £2.7 million in the ten year capital investment programme to road casualty reduction schemes. Appendix 1 to the report provided a list of schemes that had been introduced since the programme commenced in 2007/08.

For the 2009/10 programme, officers had identified over 80 sites in west Lothian where there were four or more accidents in a five year period. In addition, five routes identified through the Speed Limit Review had been investigated.

The report went on to advise that the accident patterns at each of these sites for concern were investigated and a total of 24 sites taken forward for development of remedial measures. These remedial measures had been prioritised based upon value for money criteria. Appendix 2 to the report showed the list of schemes taken forward and prioritised.

The available funding would allow the introduction of around 15 schemes in 2009/10, subject to final scheme costs. As the accident data was analysed on an annual basis, the programme would be re-ordered next year to take account of up-to-date accident problems.

Finally, the report provided details of members comments at the meeting of the Environment Policy Development and Scrutiny Panel on 15th June 2009.

The Transportation Manager then responded to a concern raised by Councillor Fitzpatrick, on behalf of Councillor Findlay, which related to the project ranked 13, A706 at Blaeberryhill Road, Whitburn.

The Transportation Manager recommended that Council Executive approves the list of prioritised casualty reduction schemes for implementation in 2009/10.

Decision

To approve the terms of the report.

28. 14 LIMEFIELD ROAD, POLBETH - LEASE EXTENSION TO MUNIR KHAN

The Council Executive considered a report (copies of which had been circulated) by the Head of property Services setting out a proposal to extend an existing lease at 14 Limefield Road, Polbeth to Mr Munir Khan.

The Head of Property Services advised that this council property was located between two privately owned shops at Limefield Road. The private shops on either side were both owned by Mr Khan, who had acquired the tenancy of the council's shop by way of an assignation from

the original tenant. Over the years various physical alterations had been carried out which allowed all three shop units to trade as a single convenience store. The current lease was due to terminate on 14th May 2009 and Mr Khan now wished to secure a long-term lease of the council interest and requested a 15-year lease extension. Terms for a new lease had been agreed and these were outlined within the report.

It was recommended that the Council Executive approves that the lease of 14 Limefield Road, Polbeth to Mr Munir Khan, be extended for a further 15 years from 15th May 2009 until 14th May 2024, at a commencing rental of £3,000 per annum.

Decision

To approve the terms of the report.

29. LAND AT HEN'S NEST ROAD, WHITBURN - PROPOSED SALE TO MR BRIAN EDWARDS

The Council Executive considered a report (copies of which had been circulated) by the Head of Property Services seeking approval for the sale of land at Hen's Nest Road, Whitburn.

The report recalled that in February 2008, the Council Executive had approved a recommendation to conclude a sale of the site to Mr Brian Edwards for the sum £120,000. However, the sale never concluded after the intended buyer withdrew.

In February 2009, Mr Edwards had renewed his interest in purchasing the site and the other two parties who had also offered at the original closing date had been invited to re-offer. A second closing date for receipt of offers was set for 26th February 2009 and, of the two offers received, Mr Edwards was the higher of the two. In April 2009, the Council Executive approved the recommendation to conclude a sale of the site to Mr Brian Edwards for the sum of £115,000 as this offer was the most financially beneficial to the Council.

Prior to the sale concluding, Mr Edwards had raised concerns that the foundations from the previous structure had not been totally removed from the site and that the estimated cost in having this work carried out would exceed £5,000. Mr Edwards was willing to make a revised offer of £110,000 to reflect the costs envisaged in carrying out any works required to remove remaining foundations from site.

The Head of Property Services considered that it was in the Council's best interests to conclude a sale of the site to Mr Edwards, subject to the terms of the report. It was therefore recommended that the Executive authorises the sale of the land extending to 520 square metres (0.13 acres) or thereby at Hen's Nest Road, Whitburn to Mr Brian Edwards for the sum of £110,000.

Decision

To approve the terms of the report.

30. PROPOSED TEN YEAR OFFICE ACCOMMODATION STRATEGY

The Council Executive considered a report (copies of which had been circulated) by the Head of Property Services advising on the proposed strategy for office accommodation over the next ten years.

The Head of Property Services explained that West Lothian Council currently used 38 offices to accommodate staff. The preparation of a Ten Year Office Strategy had been undertaken as part of the council's asset management process to establish the feasibility of delivering efficiency savings, in particular reducing the number of offices (with resultant revenue and capital savings). The Office Strategy, including the Civic Centre, was also a key element of the Modernisation agenda and efficiency strategy approved by council in February 2009.

The proposed office strategy brought together projects already agreed within the currently approved capital plan and introduced additional office rationalisation opportunities to generate significant revenue and capital budget savings over the medium to long term. The Council Executive was asked to note that the implementation of the strategy particularly in later years relied heavily on the successful introduction of flexible working for council staff.

The report went on to examine the financial implications and the benefits associated with the Ten Year Office Strategy.

The Head of Property Services concluded that the strategy set out in the report would reduce the number of offices being used from 38 currently to 16 via a strategic capital investment programme and a co-ordinated series of changes, supported by extensive use of flexible working for staff. This was likely to prove very challenging but had the potential to produce substantial revenue savings over the medium to long term which would assist in meeting the challenge of a difficult financial position. Sources of funding had been identified to meet the capital costs associated with the strategy and additional receipts would be generated as a result of the sale of surplus sites resulting.

It was recommended that the Council Executive approves:-

1. The proposed Ten Year Office Strategy, including the disposal of various surplus sites arising over the period;
2. The estimated capital and revenue costs, and sources of funding associated with the strategy;
3. Any additional future office accommodation changes not covered in

this strategy must be subject to a Business Case to be prepared by the Asset manager and service areas which would then require the approval of the Capital Planning and Asset Management Working Group, Corporate management Team and Council Executive.

Decision

To approve the terms of the report.

31. PROPOSAL FOR SHORT LIFE WORKING GROUP IN VOLUNTARY SECTOR FUNDING

The Council Executive considered a report (copies of which had been circulated) by the Head of Cultural, Community and Economic Development Services setting out a proposal for a Short Life Working Group on Voluntary Sector Funding to be established on the recommendation of the Voluntary Organisation Policy Development and Scrutiny Panel (PDSP).

The report explained that the PDSP had identified the need for a short life working group to be formed to take forward “an assessment of the quantum of support provided to the voluntary and not for profit sector” and also to investigate some of the broader issues around funding of voluntary and not for profit organisations. The group would include officers from Community Planning and Regeneration, Financial Management Unit and Social Policy. A draft remit was set out in Appendix 1 to the report.

It was recommended that the Council Executive approves the establishment of a Short Life Working Group (SLWG) on Voluntary Sector Funding comprising officers from relevant services.

Decision

To approve the terms of the report.

32. THE DEVELOPMENT OF A COMPACT INVOLVING WEST Lothian COUNCIL AND THE VOLUNTARY SECTOR

A Compact had been developed to advance working relationships between the Voluntary Sector, the Statutory sector, Community Planning Partners and other appropriate stakeholders in West Lothian. The Compact was based on the following underpinning principles: Transparency, Accountability, Communication, Equity and Respect between partners.

The Council Executive considered a report (copies of which had been circulated) by the Head of Cultural, Community and Economic Development Services providing a copy of the Final Draft Compact Principles document. The Voluntary Organisation Policy Development and Scrutiny Panel had endorsed the document and agreed that it be

referred to the Council Executive for approval.

It was recommended that the Council Executive approves the Compact Principles document, and notes that other partners would put the document through their own approval process.

Decision

To approve the terms of the report.

33. TOWN CENTRE REGENERATION FUND

The Council Executive considered a report (copies of which had been circulated) by the Head of Cultural, Communities and Economic Development Services providing details of the application submitted for eligible West Lothian town centres to the Scottish Governments £60m Town Centre Regeneration Fund.

The two bids were summarised as follows:-

WLC/Enterprising Bathgate partnership application covering Bathgate Town Centre. £990,000 had been applied for from the TCRF with an additional £260,000 from West Lothian Council Capital Programme/Enterprising Bathgate being used as leverage.

WLC Thematic and multi-town application covering Almondvale, Armadale, Broxburn/Uphall, Linlithgow and Whitburn. £1,955,000 had been applied for from the TCRF with an additional £540,000 from WLC Capital Programme being used as leverage. The value of the package for each town was:

Armadale - £385,000
 Broxburn/uphall - £510,000
 Linlithgow - £935,000
 Whitburn - £410,000
 Almondvale - £255,000

Appendix 1 to the report showed the project details specific to each town as submitted as part of the application.

The Council Executive was informed that, prior to the announcement on successful awards, preparatory work would take place to allow for work to begin early August 2009 should a successful outcome be achieved.

It was recommended:-

1. that the Council Executive endorses the package of projects forming the applications for the 2009/10 Town Centre Regeneration Fund bid. The results of the TCRF bid would be reported to a future meeting of the Executive.

2. that over the period 2008/09 to 2012/13 inclusive, the Council capital programme funding for Town centres would be deployed equally in financial terms across the five traditional towns.

Decision

To approve the terms of the report.

34. FUTURE JOBS FUND

The Council Executive considered a report (copies of which had been circulated) by the Head of Cultural, Community and Economic Development Services seeking approval for the Council to lead on the development and submission of proposals for the Future Job Fund initiative.

The initiative, which had been launched by the UK Government in response to the recession, was described within the report and summarised as follows:-

- the creation of an additional 150,000 job opportunities across UK aimed primarily at 18-24 year olds who had been out of work for a year. The West Lothian share of FJF jobs would be approximately 460.
- 100,000 jobs would be targeted at 18-24 year olds. The remaining 50,000 would be more flexibly deployed for residents in unemployment “hotspots” where unemployment was 1.5% above the GB average. Bidders would define their own “hotspot” targeting.
- Submission of competitive bids to the DWP, preferably by Council led local partnerships.
- work opportunities to be created through projects which benefited the community including environment and sustainability type projects.
- Maximum support from DWP for each job would be £6,500 (for 6 months). Minimum hours for the jobs created were 25 hours per week.

The report explained that proposals should be submitted to the Department of Work and Pensions by end of June/early July for a programme start in October 2009.

The report went on to examine a potential West Lothian package, and financial considerations.

The Head of Cultural, Community and Economic Development Services

considered that, despite the significant practical challenges and need for further development work, the council should agreed to take a lead in developing a West Lothian FJF package.

It was recommended that the Council Executive confirms that West Lothian Council leads on the development of a Future Jobs Fund (FJF) package for west Lothian, and submits an initial proposal to the DWP for the creation of 50 additional jobs from autumn 2009 onwards.

Decision

To approve the terms of the report.

35. ARCHIVES ACQUISITION POLICY

The Council Executive considered a report (copies of which had been circulated) by the Head of Cultural, Communities and Economic Development informing members of the development of an Archives Acquisitions Policy which all local authorities, by law, were required to have in place. The purpose of the policy, a copy of which was appended to the report, was to define the scope and responsibilities for the acquisition of records, and preservation of the archives of West Lothian Council, its predecessor authorities and other bodies.

It was recommended that the Council Executive approves the content of the report and notes the contribution that Archives made both as a public service and in support of the work of the Council.

Decision

To approve the terms of the report.

36. PUBLIC TRANSPORT BUDGET

The Council Executive considered a report (copies of which had been circulated) by the Public Tansport Manager advising members of cost pressures within the public transport budget for local bus services; summarising requests for additional bus services and their financial implications; and seeking approval for the allocation of the additional £85,000 budget growth provided in the approved council budget for 2009/10.

The report advised that a total of £2.75m was allocated to local bus service support in 2009/10. A comprehensive review of the 2009/10 budget position had demonstrated that the budget would be fully committed. An additional £85,000 had been made available in the council's 2009/10 budget for additional investment in public transport services and the intention of the report was to outline various cost pressures, requests for service changes and likely demand led pressures

against this. The report included a recommended allocation of the £85,000.

It was proposed that three services be funded on an ongoing basis from the additional funding. These were:-

- Linlithgow town service L1: there was no existing budget provision available for replacing this withdrawn commercial service needed as part of the council's commitment to town bus service improvement. A temporary replacement service subsidised by the council since February 2009 was accommodated due to the one off underspend in the 2008/09 budget. It was estimated that the full year contract cost for this services would be £26,000 although this would be dependent on the outcome of a procurement process.
- Fauldhouse – Edinburgh : peak hour service X33 used for work journeys, similar to the example above a temporary contract was put in place from February 2009. It was estimated that the full year contract cost of the service would be £20,000, again subject to the outcome of a procurement process.
- Livingston – Murieston circular Monday to Saturday: this contract was terminated early which required a replacement by the variation of an existing contract, the introduction of which had been delayed. The service now cost £39,000 per annum more than previously with effect from November 2008.

The total estimated cost of supporting these three services was estimated to be £85k.

The report went on to advise that council members had come forward in recent months seeking additional improvements to bus services throughout West Lothian. These services, with a total potential cost of £99,000, were detailed in the report.

Members had also come forward in recent months seeking the reinstatement of other withdrawn services for which there was no approved funding. These services, with a total potential cost of £220,000, were detailed in the report.

The Public Transport Manager advised that the Development and Transport Policy Development and Scrutiny Panel had considered the proposal on 16th April 2009 and had recommended that it be forwarded to the Council Executive for approval.

It was recommended that, in view of the findings of the Development and Transport Policy Development and Scrutiny Panel on 16th April, the Council Executive:-

- notes the continued trend in the withdrawal of commercial bus services, which was a constant budget risk;

- approves the proposed allocation of the £85,000 available for investment in public transport to meet unavoidable cost pressures;
- notes that there were a number of requests for bus service replacements which could not be met from the budget available;
- approves the development of an evaluation framework to help prioritise services for support which would be report to the PDSP and Council Executive in due course.

Motion

To approve the terms of the report.

Moved by the Chair.

Amendment

An amendment by Councillor Morrice (copies of which were circulated) was ruled incompetent by the Chair on the basis that all monies available had already been allocated by the council and in particular, through the decision at agenda item 16 relating to the General Services Capital Budget 2009/10 to 2012/13. The Chief Legal Officer then advised that this ruling was within the parameters of the Chair's discretion since the distinction between capital and revenue expenditure was no longer as distinct as in the past.

Decision

To approve the terms of the report.

37. SUSTAINING OUR COMMUNITIES - ALLOCATION POLICY REVIEW AND PROPOSALS FOR RENTAL STRATEGY FOR NEW BUILD HOUSING

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing and Building Services setting out proposed changes to the Allocations Policy and Procedures in relation to (i) Homelessness and (ii) Allocation of New Build Housing. The report also set out a proposal for the rental strategy in relation to New Build Housing.

In relation to Homelessness, it was recommended that:-

- applicants assessed as homeless with priority need, continued to receive two officers of permanent accommodation before the council discharged its duty under homeless legislation.
- the council continued to make best use of resources across West Lothian ensure need was met, utilising both high demand and low

demand areas.

- applicants assessed as homeless would be able to state a preference of area. However they would be advised that whilst every attempt to meet this preference would be made, they would automatically be considered for communities within all 9 ward areas and would be offered housing to meet their needs within these areas.

For new build houses, it was recommended that the lettings model for the allocation of New Build would be through a Transfer Led Lettings Model. The model was described within the report.

The report advised that following identification of options for change in relation to the allocation of New Build properties, a consultation exercise had been carried out. This ensured that all applicants on the housing list and West Lothian Council tenants had the opportunity to comment on proposals and allowed the council to consider the results (both positive and negative) when formalising the policy.

The outcome of the response demonstrated that, on average 75% of respondents had agreed with the proposed options for change in the allocation of New Build properties.

The report also advised that the outcome of the consultation had been considered by the Services for the Community Policy Development and Scrutiny Panel at its meeting held on 16th June 2009. A summary of the discussion at that meeting was contained in the report.

In relation to the rental strategy for New Build, it was recommended that the Council Executive agrees to Council adopting a rental strategy for new build that set the rent for each property type at 10% above the current highest local rents for that type of property. The report provided a table showing that setting the rents for the new build at 10% higher than the current highest rent for similar properties in the local communities would:

- Ensure affordability
- Promote a mixed and sustainable community, and avoid trapping tenants on benefits
- Minimise the increase in rent differentials
- Allow the Council to fund an additional 25 new council housing through prudential borrowing.

It was recommended that Council Executive:-

1. approves the proposed changes to the Allocation Policy and Procedures in relation to Homelessness and Allocation of New Build Housing, as set out in the report, and
2. recommends to Council the adoption of the rental strategy for New Build Housing, as set out in the report.

Motion

To approve the terms of the report.

Moved by the Chair, seconded by Councillor Day.

Amendment

'West Lothian Council Labour Group calls for the council's allocations policy and procedures in relation to new build housing to be based on the principle of providing to those in greatest housing need, e.g. young couples with children staying with parents in overcrowded accommodation, etc.

Further, the Labour Group opposes an arbitrary 10% higher rental to those allocated new build properties and demands that new build rent levels remained the same as for the council's existing housing stock – the £164,566 from 2010/11 onwards to be found from reprioritising measures in the housing revenue account.'

Moved by Councillor Morrice, seconded by Councillor Fitzpatrick.

Decision

On a vote being taken, the motion was successful by 8 votes to 2 votes and it was agreed accordingly.

38. BUYING BACK OF FORMER COUNCIL HOUSES

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing and Building Services setting out proposed amendments to the current scheme to buy back former council houses and seeking agreement to participate in the national mortgage to rent scheme. The report also informed the Executive of a consultation document on the forthcoming Housing (Scotland) Bill which, amongst other things, would cover reforming the right buy including ending the right to buy for new supply social housing, ending the right to buy for new tenants and reforms to pressured area designations.

The report outlined the current policy on buying back former Council houses and explained that, in the current economic climate, the option was providing to be of interest to growing numbers of people.

It was proposed that the Council should now undertake a formal valuation as part of the scheme. The offer price would then be the lesser of the actual selling price or 80% of the current market value. In addition where the three year discount liability period applied (i.e. three years or less from the date of the original sale), given that the owner needed to sell back the property to the council, the council would not seek to implement this requirement. Any previous discount which an owner had obtained,

however, would still be taken account of in any future right-to-buy purchase in terms of the legislation. It was also proposed that at this stage the scheme would only apply to the original purchasers.

The report went on propose that the council should take part in the National Mortgage to Rent Scheme and offer to become a landlord for applicants who met the national criteria. The criteria included person and financial circumstances and limits on the value of the property.

Finally, the report proposed that a further report be brought forward giving a council response to the draft Housing (Scotland) Bill including reforming the Right to Buy.

It was recommended that the Council Executive agrees:-

- Amendments to the current scheme to buy back former council houses that the price would be the lesser of the actual selling price or 80% of current market value. The council would meet reasonable legal expenses of the seller.
- As part of the buy back scheme in circumstances where the seller was obliged to repay discount the council would not seek to implement this.
- That the council would participate in the national mortgage to rent scheme offering home owners the opportunity to become council tenants subject to the terms and conditions of the scheme.
- That a further report be brought forward giving a council response to the draft Housing (Scotland) Bill including reforming the Right to Buy.

Decision

To approve the terms of the report.

39. INTEGRATED EQUALITY SCHEME 2009-2012

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy providing a copy of the council's Integrated Equality Scheme 2009-12 for approval.

The report advised that the Corporate Working Group on Equality had developed an integrated, outcome focused, equality scheme that would ensure that efforts were target at the areas of most need. All actions within the Scheme were linked to the local outcomes with the West Lothian Single Outcome Agreement 2009 to 2011. Taken together, the thirteen outcomes would tell the service most clearly whether one group of people enjoyed life chances equal to another; and whether, year on year, the community, of any group within it, was experiencing greater

equality or not.

Over the life of the scheme identification of specific actions related to each of the seven strands of equality (age, disability, gender, gender identify, race, religion or belief, sexual orientation) would be directly identified under each of the thirteen outcomes as appropriate.

This was an ongoing and pro-active commitment. It was likely that the outcomes, indicators and actions would be amended on a continual basis to reflect best practice and legislative changes during the life of the Scheme.

The Council Executive was asked to approve the Integrated Equality Scheme 2009-2012 in order to comply with the Race Relations (Amendment) 2000; Disability Discrimination Act 2005 and the General Equality Duty 2006.

Decision

To approve the terms of the report.

40. BATHGATE INFORMAL TWINNING ARRANGEMENT WITH CRAN GEVRIER, FRANCE

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy advising of a letter received from the Mayor of Cran Gevrier, the terms of which had been considered by the Bathgate Local Area Committee on 25th May 2009.

The report advised that a four person delegation from Cran Gevrier had visited Bathgate in May 2009 and were welcomed by elected members, the Leader of the Council and various Bathgate groups including schools and Enterprising Bathgate. They had identified Bathgate as a potential partner due to its similar population size and its strong cultural identity.

The letter from the Mayor of Cran Gevrier, which was appended to the report, was addressed to Councillor Walker and extended an invitation to a delegation from Bathgate "in order to further the desire to exchange between our two towns and to define the way forward".

The Head of Social Policy considered that this provided an excellent opportunity for Bathgate to explore an informal twinning arrangement with Cran Gevrier which may lead to further mutual benefit in the areas of education, culture and sport.

It was recommended that the Council Executive:-

1. notes the content of the report.
2. approves further dialogue with representatives from Cran Gevrier in support of an informal twinning arrangement between the two

towns.

3. agrees that the three Bathgate elected members and one council officer or community representative take up the invitation from the major of Cran Gevier and agrees to fund a proposed four day trip in October 2009.

Motion

To approve the terms of the report.

Moved by the Council Leader, seconded by Councillor Day.

Amendment

To agree recommendations, but subject to elected members paying their own way in relation to the proposed four day trip.

Moved by Councillor Fitzpatrick, seconded by Councillor Morrice.

Decision

On a vote being taken, the motion was successful by 8 votes to 2 votes and it was agreed accordingly.

41. WEST LOTHIAN HUMAN TRAFFICKING PROTOCOL (FOR WOMEN AND CHILDREN WHO MAY HAVE BEEN TRAFFICKED FOR SEXUAL EXPLOITATION)

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy seeking approval for the adoption of a West Lothian Human Trafficking Protocol (For Woman and Children who may have been trafficked for sexual exploitation).

The Head of Social Policy advised that the protocol, a copy of which was appended to the report, aimed to address the concern for and promotion of the safety, human rights and best interests of victims within the Scottish legal framework.

The report concluded that the protocol was an agreement between the main partner agencies in the Violence Against Women Strategic forum which sat within the Community Safety Forum. The protocol provided a partnership approach to service provision and a framework for sharing information for people aged 16 and over who had been trafficked for the purpose of sexual exploitation, including forced prostitution and their children.

It was recommended that the Council Executive approves the protocol.

Decision

To approve the terms of the report.

42. FIXED PENALTY NOTICE PROVISIONS - ENVIRONMENTAL PROTECTION ACT 1990 AS AMENDED BY PUBLIC HEALTH (SCOTLAND) ACT 2008

The Council Executive considered a report (copies of which had been circulated) by the Environmental Health and Trading Standards Manager advising of changes to the Environmental Protection Act 1990. The changes allowed the environmental health service to serve fixed penalty notices on individuals who had failed to comply with the terms of a statutory nuisance abatement notice.

The Environmental Health and Trading Standards Manager considered that the use of fixed penalty notices had the potential benefit of ensuring a more efficient application of public health protection.

It was recommended that the Council Executive notes the content of the report and authorises the head of Development and Regulatory Services, and officers authorised by him, to issue fixed penalty notices on behalf of the council under section 80 of the Environmental Protection Act 1990 as amended by section 113 of the Public Health etc (Scotland) Act 2008, and to amend the Scheme of Delegation to officers accordingly.

Decision

To approve the terms of the report.

43. FOOD SERVICE PLAN 2009/2010

The preparation and council approval of a food service plan was a requirement of the framework agreement on food law enforcement introduced by the Food Standards Agency.

The Council Executive considered a report (copies of which had been circulated) by the Environmental Health and Trading Standards Manager seeking approval of the Food Service Plan 2009/2010. A copy of the draft plan for 2009/2010 was available from Committee Services.

The report described the structure of the food service plan, commented on issues during 2008/09 and set out the key challenges for 2009/2010.

It was recommended that the Council Executive notes the content of, and approves, the Food Service Plan 2009/2010.

Decision

To approve the terms of the report.

44. URGENT BUSINESS - PLANNING REFORM: STATUTORY SCHEME OF DELEGATIONS TO OFFICERS

The following item of business, which concerned Planning Reform: Statutory Scheme of Delegations to Officers, had been ruled urgent by the Chair under Standing order No. 7.

The Council Executive considered a report (copies of which were tabled) by the Chief Executive recalling that one aspect of the recent changes to the planning system was the principle that local development applications should largely be decided by officers, and the council was required to make a Scheme of Delegations for that purpose. The report went on to advise that a Scheme of Delegation to Officers had been prepared, approved by the council, and submitted to the Scottish Ministers for approval. That approval had now been given and this report covered the last stages of the process of adoption.

The Chief Executive recommended that the Council Executive:-

1. notes that the Scottish Ministers had approved the council's statutory Scheme of Delegations to Officers in terms of section 43A of the Town and Country Planning (Scotland) Act 1997 and Regulation 4 of the Town and Country Planning (Schemes of Delegation and Local Review Procure) (Scotland) Regulations 2008;
2. adopts that Scheme of Delegations in terms of said Regulation 4;
3. notes that copies of the adopted Scheme shall thereafter be available for inspection at West Lothian House, Livingston, and when appropriate at the Civic Centre in Livingston; at County Buildings, Linlithgow, at all public libraries in West Lothian; and shall be published on the council's website;
4. notes that the Scheme would come into effect for applications for local development submitted on or after 3rd August 2009; and
5. amends the council's Scheme of Administration and Scheme of Delegations to Officers accordingly.

Decision

To approve the terms of the report.

45. DEVELOPER CONTRIBUTIONS UPDATE

The Council Executive considered a joint report (copies of which had been circulated) by the Head of Development and Regulatory Services and the Head of Finance updating members on developer contributions received during 2008/09 and advising members of projects progressed

during 2008/09 as a result of developer contributions having been made.

The report advised that, to date, the Council Executive had been kept up to date about progress with developer contributions through the Head of Finance's reports on capital planning. Going forward, it was proposed to prepare a separate report on developer contributions at periods 4, 6 and 9 so that more detailed information could be presented to members. This was the first such report and it set out the position on developer contributions for the financial year 2008/09.

The Council Executive was informed that 2008/09 had been a difficult year for developers as the credit crunch had had a severe impact on development activity with house completions down significantly on normal levels. Lack of liquidity in the banking system had also made it difficult for developers to progress new projects. As a consequence, the level of developer contributions received during 2009/09 was considerably less than would have been the case under better economic circumstances.

During 2008/09, £2,807,986 had been received as developer contributions and £1,230,166 had been spent on various projects using funds received as developer contributions. The total closing balance of Development Plan cost centres at the end of the financial year was £5,364,878. A breakdown of contributions by topic and funds drawn down was set out in Appendix 1. The key points were summarised within the report.

It was recommended that the Council Executive notes the report.

Decision

To note the terms of the report.

46. ASSET MANAGEMENT IN LOCAL GOVERNMENT

The Council Executive considered a report (copies of which had been circulated by the Head of Property Services advising that the Accounts Commission had published the report 'Asset Management In Local Government' on 7th May 2009. The overall aim of the study was to evaluate the extent to which councils managed their assets to ensure effective service provision and achieve value for money. The report focused on property and did not examine other asset types such as council housing, roads, fleet, open space or ICT.

The Head of Property Services explained that the Accounts Commission's report had contained a number of key messages and recommendations. Progress in addressing these recommendations was shown in the report.

In his conclusion, the Head of Property Services advised that the council had made significant progress in embedding asset management as a key corporate function. Many of the key messages/recommendations in the

Accounts Commission report had already been considered that investment over the next ten years would significantly improve the condition, suitability and public access within the property portfolio and performance indicators were in place and being reported that would demonstrate this.

It was recommended that the Council Executive notes the progress in addressing the key recommendations.

Decision

To note the terms of the report.

47. SINGLE STATUS

The Council Executive considered a report (copies of which had been circulated) by the Head of Support Services concerning the outcome of the Single Status appeals process. The report provided an update on the current level of red circled posts after application of the 2009 pay award and the conclusion of appeals process; and updated on general measures being taken by service areas to address the impact of red circling which might still exist at the end of the four year protection period.

The report advised that, of the 402 appeals considered that the hearing stage, 214 appeals had been upheld, of these 68 had resulted in a change to the salary band of the appellant, resulting pay increase totalling £111,000 for the period from 1st October 2007 to 31st March 2009, and an annual impact of £57,000 in 2009/10.

As at 1st April 2009, there were 105 red circled posts and it was currently anticipated that, by the end of the four-year protection period in 2011, the maximum remaining number of red-circled posts was unlikely to exceed 50.

As services continued to adjust structures to ensure the delivery of modern and efficient services, they would continue, in consultation with employees and the trade unions, to look at measures to address remaining re-circled posts. This would include changing the duties of the jobs where there was a service requirement, ensuring that the employees affected were given additional training as necessary to facilitate a move into a higher graded post, and ensuring that priority was given in the recruitment process a appropriate where possible suitable vacancies arise.

The Council Executive was asked to note:

- The position in relation to the conclusion of the appeals process
- The current position in relation to red circling; and

- The measures being taken by service areas to address the impact of red circling by the conclusion of the four-year protection period.

Decision

To note the terms of the report.

48. COUNCILLORS' CODE OF CONDUCT

The Council Executive considered a report (copies of which had been circulated) by the Chief Legal Officer concerning the Councillors' Code of Conduct. The report explained that the council's Code of Corporate Governance required an annual training session for councillors to be held, and an annual report to the Council on the operation of the Councillors' Code of Conduct.

The report provided details of training sessions held on 28th October 2008. In relation to the Register of Members' Interests, the Chief Legal Officer advised that six monthly reminders had been issued to members on 2nd June 2008 and 3rd November 2008 to enable them to keep their entries up to date. However, it was the duty of each councillor to intimate to the Chief Legal Officer any change in their entries in the Register of Interests, including receipt of any gifts and hospitality, within one month of any change taking place.

The report advised that, since the Code came into operation in May 2003, there had been a total of 22 complaints against West Lothian councillors. Of these 22 cases, two were still under investigation by the Chief Investigating Officer. Of the other 20 cases, 19 complaints had led to a finding by the CIO of no breach of the Code, while of one these cases had resulted in a finding of a breach of the Code through failure to declare a financial interest in a planning matter.

The Chief Legal Officer considered that the council would wish to see high standards of conduct maintained in the future and to assist in doing so, more briefing sessions for members would be arranged where necessary in order to continue to promote observance of the Code and assist members to observe the Code.

The Council Executive was invited to note the report.

Decision

To note the terms of the report.

49. FREEDOM OF INFORMATION - ANNUAL REPORT

The Council Executive considered a report (copies of which had been circulated) by the Chief Legal officer informing members of the outcome of

the annual review of the council's compliance with the Freedom of Information (Scotland) Act 2002 (FOISA).

The report contained tables providing detailed information as undernoted:-

Table 1 – Number of FOI requests received since 1st January 2005.

Table 2 – Number of requests received each year by Service Area.

Table 3 – Performance in meeting 20-day time limit for the period 2006 – 2009.

Table 4 - Summary of request for Internal Review in 2008/09.

Table 5 – summary of appeals to Scottish Information Commissioner in 2008/09.

The report also analysed the types of applicant for 2008 and the first three months of 2009 and the subject matters covered by FOI requests.

The Chief Legal Officer went on to report on the Publication Scheme, Information Management and Scottish Information Commissioner's Enforcement Powers and Issues for the Future.

In his conclusion, the Chief Legal Officer advised that in 2008 there had been a significant increase in the number of FOI requests and internal reviews being received by the Council. There had also been an increase in the first three months of 2009 in comparison to 2008. At the same time, there had been a fall in the council's performance in meeting the 20 working day time limit. There had not been an increase in the number of appeals to the Scottish Information Commissioner.

The Council Executive was asked to note the report.

Decision

To note the terms of the report.

50. ACTION TAKEN IN TERMS OF STANDING ORDER 31 (URGENT BUSINESS) -

(A) NUCLEAR FREE LOCAL AUTHORITIES

The Council Executive was advised that approval had been provided for attendance by Councillor McCarra at the meeting of the Nuclear Free Local Authorities on 18th and 19th June 2009 in Shetland.

Decision

To note the action taken in terms of Standing Order 31 (Urgent Business).

(B) PROCUREMENT OF MAINTENANCE AND SUPPORT SERVICES – ALTERIAN MEDIASURFACE CONTENT MANAGEMENT SYSTEM

The Council Executive was advised that approval had been provided for the procurement of maintenance and support services from Alterian Technology Ltd for the period June 2009 to May 2012, with a possible extension for one further year to May 2013, as recommended by the Head of Finance in his report dated 27th May 2009.

Decision

To note the action taken in terms of Standing Order 31 (Urgent Business).