

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 28 FEBRUARY 2017.

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

Apologies – Councillor Danny Logue

1. DECLARATIONS OF INTEREST

Agenda Item 17 (South East of Scotland Regional Transport Partnership) – Councillor Tony Boyle declared a non-financial interest in that he was a council appointed member of SESTran for which a dispensation applied and would therefore participate in the item of business.

Agenda Item 8 (Appointments to West Lothian Leisure Board) – Councillor Jim Dixon declared a non-financial interest in that he was a council appointed member of the West Lothian Leisure Board of Management but would participate in the item of business.

Agenda Item 8 (Appointments to West Lothian Leisure Board) – Councillor Dave King declared a non-financial interest in that he was a council appointed member of the West Lothian Leisure Board of Management but would participate in the item of business.

Agenda Item 10 (Developing a Museum Strategy for West Lothian) – Councillor Anne McMillan declared a non-financial interest in that she was a trustee on the Board of Almond Valley Heritage Trust and therefore would not participate in the item of business.

Agenda Item 17 (South East of Scotland Regional Transport Partnership) – Councillor Cathy Muldoon declared a non-financial interest in that he was a council appointed member of SESTran for which a dispensation applied and would therefore participate in the item of business.

2. MINUTE

The Council Executive confirmed the Minute of its meeting held on 14 February 2017 as a correct record. The Minute was thereafter signed by the Chair.

3. WEST LOTHIAN VILLAGES IMPROVEMENT FUND

The Council Executive considered a report (copies of which had been circulated) by the Fauldhouse & Breich Valley Local Area Committee Lead Officer seeking approval of the West Lothian Villages Fund

applications contained in Appendix 1 to the report.

The report advised that the Fauldhouse and Breich Valley Local Area Committee considered the report and applications at its meeting on 21 February 2017. The report recommended distribution of funds from the Village Improvement Fund for the Fauldhouse and Breich Valley ward.

The two members present agreed with the report, however as the meeting was inquorate, the committee could not approve the proposals. In such cases the Lead Officer is required to present the report to the Council Executive for approval.

The report recommended that Council Executive approve the report.

Decision

To approve the terms of the report.

4. PROCUREMENT ARRANGEMENTS – WHITBURN PARTNERSHIP CENTRE

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to commence tendering for the procurement of a contractor to complete the works for the Whitburn Partnership Centre project, employing the evaluation methodology and criteria detailed in the report.

The report explained that Whitburn was one of five main towns within West Lothian which had three buildings delivering council services; the Burgh Halls, the Library & Museum and the Community Centre.

There was major expansion for Whitburn underway which would see over 2,000 houses built over the next 20 years and it was anticipated that the growth in population would lead to regeneration of the town centre and the Partnership Centre would have a key role to play in this process.

West Lothian had a track record of developing and delivering Partnership Centres in key locations including Strathbrock (Broxburn), Civic Centre (Livingston), Bathgate Partnership Centre and Fauldhouse Partnership Centre. As one of the key towns in the area it was considered vital that Whitburn was afforded the same opportunity.

The current cost indicators for the construction work were £3.6m - £3.8m. Therefore given the proximity of the revised budget to the threshold for works contracts of £4,104,394 as defined by the EU Procurement Directives it was being recommended that the tender was conducted in accordance with the Restricted Procedures for Tenders over the threshold.

The report then provided a summary of in-house capabilities noting that whilst the construction work would be tendered for part of the design team had been resourced in house. The requirement would also be tendered for in accordance with European Union Directives and a criterion of 70%

for Price and 30% for Quality would be applied.

Sustainability and budget implications were also outlined in the report.

It was recommended that Council Executive approves :-

1. The use of the Restricted Procedure whereby a pre-qualification process would be used to select a maximum of six appropriately qualified and experienced organisations to tender for the contract; and
2. The following award criteria would be applied at the tender stage – 70% for Price and 30% for Quality.

Decision

To approve the terms of the report.

5. PROCUREMENT ARRANGEMENTS – PROVISION OF DOMESTIC FURNITURE AND FURNISHINGS

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to commence procurement of new domestic furniture and furnishings from the Scotland Excel Framework, employing the methodology and criteria detailed in the report.

The report recalled that the council had a contract with Broxburn based First Furnishings Ltd who was appointed to Scotland Excel's current and previous framework agreements. The council had awarded a contract via a further competition called a "mini-competition" to First Furnishings Ltd. The contract term was from September 2014 to May 2017.

Since contract award First Furnishings Ltd had been the primary source of domestic furniture and furnishings provided in connection with the Scottish Welfare Fund via Crisis Grants and Community Care Grants.

The current contract model had been successful in delivering a number of key objectives for the council as follows :-

- Fixed pricing, which aided budget monitoring and minimised invoicing issues;
- Electronic ordering and invoicing;
- Flexibility of service delivery, including emergency cover; and
- Single supplier, reducing contract management and administration

The current contract with First Furnishings Ltd was for the provision of new domestic furniture and furnishings only and there were a number of advantages to retaining this approach and these were explored in the report.

The report continued that the Scotland Excel Framework allowed two procurement options; these being direct award and mini competition. A mini competition based on a framework had to be made or conducted in such a way that it did not distort competition. Therefore it was being recommended that the original framework award criteria was retained in accordance with Scotland Excel's framework recommendations as follows :-

- ❖ Quality – 20%
- ❖ Service Provision – 20%
- ❖ Price – 60%

Sustainability and budget implications were also considered in the report.

It was recommended that the Council Executive approve :-

1. The use of the mini-competition procedure for new domestic furniture and furnishings in accordance with the framework rules, whereby all suppliers on the relevant framework lot would be invited to submit a bid; and
2. The award criteria as set out in Section D of the report

Decision

To approve the terms of the report.

6.. APPOINTMENTS TO WEST LoTHIAN LEISURE BOARD

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive inviting the Council Executive to appoint an additional two elected members as Council Directors on the West Lothian Leisure Board from 1 April 2017.

The report recalled that on 17 January 2017 the Council Executive agreed that West Lothian Leisure (WLL) Board be asked to approve amendments to WLL's Articles of Association relating to board membership and composition. One such amendment was to increase the maximum number of Council Directors which could be appointed to WLL Board from three to five.

On 23 February 2017 the West Lothian Leisure Board approved the amendments to WLL's Articles of Association including increasing the maximum number of Council Directors that could be appointed to the WLL Board.

The revised membership and composition of WLL Board required to be in place for 1 April 2017, in line with the implementation date for the transfer of facilities and functions to WLL as agreed by the Council Executive on 25 October 2016. There were already three members appointed and an

additional two appointments were required.

The report also provided guidance to Council Executive on the appointment of members to Arm's Length External Organisations (ALEO's).

It was recommended that the Council Executive appoints an additional two elected members as Council Directors to the WLL Board from 1 April 201

Decision

To appoint Councillors Tony Boyle and John McGinty to be the additional two members of the WLL Board.

7. FIRST WORLD WAR COMMEMORATION

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive providing an update on the commemorative activities which were due to take place on 2017 to mark the centenary of the First World War, and to consider a commemoration of the Battle of Arras.

The report recalled that the 4 August 2014 marked the 100 year anniversary of the start of the First World War and West Lothian Council had undertaken to co-ordinate a programme of events in partnership with other relevant organisations in West Lothian to commemorate the centenary of the Great War through to the centenary of Armistice Day on 11 November 2108.

The report advised that a service was being arranged by the Chief Executive's Office in conjunction with Legion Scotland Livingston Branch to commemorate the centenary of the start of the Battle of Arras.

The event would be held on the morning of 9 April 2017 at the War Memorial at the entrance to West Lothian Civic Centre in Livingston. The service would be led by Reverend Nigel Anderson, Legion Scotland Livingston Branch Chaplain.

This would be a public event and people from all over West Lothian were welcome to attend. In addition the Lord-Lieutenant, West Lothian Council elected members, representatives from armed services organisations and the council's partner agencies would be invited.

Ongoing activities by schools included educational visits to the Western Front battlefields, remembrance assemblies and participation in community remembrance activities.

The report went on to advise that there were a number of future events currently being considered to mark significant centenaries and the Chief Executive's Officer was co-ordinating a future programme in collaboration with local organisations.

The report recommended that the Council Executive agree the planned activities for 2017 to commemorate the centenary of the First World War and advise of any further action to be taken.

Motion

West Lothian Council is proud to mark the outstanding service provided by Britain's armed forces over the years, and the work of all associations and individuals who are engaged both in commemorating the brave sacrifices made by the armed services and in caring for, and supporting, current and former service men and service women.

Council Executive notes the events and activities which have taken place in West Lothian to mark the centenary of the Battle of the Somme and wishes to thank the Royal British Legion, Armed Forces Day committee, cadet forces, war memorial committees and all others who have taken leading roles in organising and supporting these events.

Council Executive further notes the outstanding Somme Commemoration event organised in Linlithgow in October 2016 by the Ancre Somme Association and commends the Association and its members on the valuable contribution they made to Remembrance in West Lothian.

Mindful of the great sacrifices also made in subsequent conflicts, the Council also wishes to pay tribute to others who are also involved in providing care, support and assistance to current and former service personnel including the Scottish Veterans Association and the Armed forces Advice Project.

Council Executive commends the continuing events and activities planned to commemorate the sacrifices made by the people of West Lothian who served in the armed forces in the Great War and subsequent conflicts, recognises the vital role these play in encouraging community remembrance and in educating our young people, and agrees the activities planned for 2017.

- Moved by Councillor George Paul and seconded by Council John McGinty.

Decision

To approve the terms of the motion.

8. DEVELOPING A MUSEUM STRATEGY FOR WEST LOTHIAN

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services advising of proposals to commission a study to develop plans for a museum based heritage service for West Lothian in partnership with third sector organisations.

The report recalled that the council's museum service was located at the Kirkton Service Centre with the service storing and managing historic artefacts belonging to the council which were relevant to West Lothian. The council did not have a central museum to display these artefacts but instead used a number of community museum spaces located in libraries. In addition the service supported voluntary-led museums run by Almond Valley Heritage Trust, Linlithgow Heritage Trust and the Bennie Museum.

In April 2016 the council agreed to reshape the heritage service delivery in order to achieve an agreed saving of £102,000. The Council Executive remitted to officers to negotiate with relevant third sector heritage organisations to achieve the agreed changes.

Over several meetings with the Almond Valley Heritage Trust, officers had explored the possibility of transferring the museum service in order to widen access to museums and local history across West Lothian and ensure greater synergies were developed. The Trust agreed that this was something that they would be keen to develop further and were also keen to lead on this development.

The Almond Valley Heritage Trust had therefore engaged with other museum organisations to form the Museum Forum and was proposing to make a bid for funding from Museums and Galleries Scotland (MSG) to support an independent museums consultant to explore options for a museum based heritage service. MSG had indicated they would welcome a joint funding application to their Partnerships Fund which would potentially contribute a 75% grant towards a project estimated to cost £10,000. MSG had also stated that they would wish to see a financial and written commitment to the project from the council.

Details of the scope of the study were attached to the report at Appendix 1. It was expected that the study would provide a framework and an agreed plan of action that would enable an extended service agreement between the Trust and the council. This could also create opportunities to secure project grant funding towards new and re-shaped services.

Details of the current funding provided to three organisations that ran museums in West Lothian were outlined in the report along with the risks associated with the proposal.

The Council Executive was asked to :-

1. Note the progress made with delivering the agreed savings;
2. Note the scope of the project brief detailed in Appendix 1
3. Agree that a bid to Museums and Galleries Scotland was progressed by Almond Valley Heritage Trust and the Council's Museum Service for project funding; and
4. Agree that the council would fund 25% of the project up to £2,500.

Decision

To approve the terms of the report

9. ACCESSIBILITY SCHEMES 2016-17 TO 2017-18 (TRANCHE 2)

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to proceed with the implementation of the accessibility schemes identified in Appendix 1 attached to the report.

The report recalled that at its meeting on 17 January 2017, Council Executive approved a programme of accessibility schemes for Tranche 1 and that this report brought forward schemes as part of Tranche 2.

The Head of Operational Services further explained that officers had attended meetings with the Disability West Lothian Access Group on 8 February 2017 to agree the programme for Tranche 2 and Appendix 1 listed the requests recommended to proceed by the Disability West Lothian Access Group.

Officers were already assessing a further tranche of schemes that would complete the current list of requests. This would be presented to the Disability West Lothian Access Group in March and a report presented to Council Executive thereafter.

It was recommended that Council Executive agrees the recommendation of officers and Disability West Lothian Access Group and the programme of schemes.

Decision

To approve the terms of the report

10. TABLES AND CHAIRS PERMITS

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval for a scheme of conditions pertaining to permits for tables and chairs on the public road.

Section 59 of the Roads (Scotland) Act 1984 prohibited the placement of anything on the public road that could constitute an obstruction unless the written consent of the Roads Authority was given. The legislation did also allow the Roads Authority to attach any reasonable conditions to a consent that they saw fit.

A request was recently received from a business to place tables and chairs on the footway outside their premises. An investigation established the council as Roads Authority did not have a formal permit process in place for such instances. In order to consistently deal with future requests and to ensure that access to the public road was not inappropriately restricted it was proposed to introduce a scheme of conditions.

The proposed scheme of conditions was attached to the report at Appendix 1. These had been developed in consultation with Legal Services, Planning Services and the Financial Management Unit and followed established local authority practice.

The introduction of permits for tables and chairs would result in additional administration and site inspection costs being incurred by the council. Initially it was not proposed to charge for such permits however it was proposed that officers monitor costs incurred over the 12 months following introduction, with the intention to introduce a fixed annual permit fee in April 2018 to recover any costs incurred.

It was recommended that Council Executive approves the Tables and Chair Annual Agreement a copy of which was attached to the report at Appendix 1.

Decision

To approve the terms of the report

11. LITTER POLICY 2017-18 – CLEANER COMMUNITIES

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising of the details of the Cleaner Communities proposed Litter Policy for 2017-18

The Head of Operational Services explained that the Environmental Protection Act 1990 imposed a statutory duty on local authorities and certain other landowners and occupiers to keep specified land clear of litter and refuse as far as practicable. The Act also placed a duty on local authorities or Scottish Ministers to keep public roads clear as far as practicable. The Act was also supported by The Code of Practice on Litter and Refuse.

The report explored aspects of the Code of Practice noting that it recommended that Local Authorities develop a Litter Policy to demonstrate how they would deliver the requirements of the Act and that this was to be reviewed and approved annually.

The proposed Litter Policy for 2017-18, attached to the report at Appendix 1, was based on the Code of Practice guidance and the current service standards and frequencies of service. The policy also explained the application of this in the West Lothian Council area and the service levels provided to ensure operational planning provided a routine level of service to the zoned areas.

The report continued by explaining how the policy would be delivered throughout 2017 and how performance would be monitored noting that the national target for cleanliness was set at 90% for local authorities and the average statutory performance indicator for all local authorities for 2015-16 was 93.4%.

Further information was contained in the report with regards to a review of the Code of Practice by the Scottish Government noting that it was intended for the review to be completed by September/October 2017 after which local authorities would have eighteen months to change policies and/or service standards.

It was recommended that the Council Executive notes the performance in relation to Street Cleansing and approves the proposed Litter Policy for 2017-18 as set out in Appendix 1.

Decision

To approve the terms of the report

12.. POLICY OF RELEASE OF CHINESE/SKY LANTERNS AND BALLOONS

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services outlining the hazards posed by the release of Chinese/sky lanterns and helium filled balloons and the growing evidence of the damage they could cause.

The Head of Operational Services explained that following intimations by the National Union of Farmers Scotland (NFUS) to consider a ban on the release of helium filled balloons and Chinese/sky lanterns, an internal consultation exercise was undertaken to determine the effects of their release across a variety of council service areas and a policy in support of the request from NFUS was devised.

The release of helium filled balloons and Chinese/sky lanterns had increased in recent years and these posed a threat to wildlife and livestock causing injury and death. Lanterns could also cause injury to humans, damage to buildings, woodland, agricultural land and cause callouts to the Fire and Rescue Services.

The report then went on to explore what would constitute a “balloon” and “lanterns” in terms of the proposed policy. The practice in other local authorities was also summarised in the report.

Many balloons and lantern release events were planned for fundraising and celebrations and it was being proposed that West Lothian Council support alternative methods to this whilst enforcing the bad. The Marine Conversation Society had provided local authorities with alternative celebration methods and these were summarised in the report.

A Policy Statement had been prepared, a copy of which was attached to the report at Appendix 1, detailing how West Lothian Council proposed to ban the release of both lanterns and helium filled balloons on council owned and leased land and property by council staff, leaseholders and the public. The ban would also apply at events endorsed or supported by the council.

The policy would be enforced through the issuing of fixed penalty notices

under the Environmental Protection Act 1990 for littering, where positive identification was made. In addition leasing arrangements would incorporate the policy into their conditions of use.

It was recommended that the Council Executive support and approve :-

1. The Policy Statement set out in Appendix 1 attached to the report and prohibit the use of all council land and property for the release of helium filled balloons and Chinese style lanterns; and
2. That West Lothian Council raise awareness of environmental consequences of balloon and Chinese/sky lantern releases and promote alternatives.

Decision

To approve the terms of the report

13. SURFACE WATER ACTION PLANS

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising that officers had been invited to work collaboratively with Scottish Water in respect of six Surface Water Action Plans proposed for industrial estates across the council's administrative area.

The Head of Operational Services advised the members that river water quality was monitored by SEPA and was quantified as either being High, Good, Moderate, Poor or Bad. Ambitious targets had been set for rivers with an objective of 94% to be of Good or High status by 2027 or recovering to good soon after.

Based on monitoring data SEPA had identified the Bog Burn, Boghead Burn, Bathgate Water & Couston Water, Brox Burn and Lochshott Burn as each failing to achieve Good status as required by the European Water Framework Directive. Therefore as a result of regulatory pressure from SEPA Scottish Water was currently scoping six Surface Water Action Plans which it was proposing to prepare for implementation in its next investment period.

The council had been invited to collaborate with Scottish Water and SEPA on a number of projects which aimed to identify sources of pollution and put in place action plans to improve water quality.

An exploratory meeting had been held between officers from both Scottish Water and the council to establish the extent to which there maybe potential for collaboration and where there could be particular synergies. Officers had also been able to assist Scottish Water with the provision of data associated with some of the areas in question. It had also been tentatively suggested that the River Forth Fisheries Trust might have a role in some of the project's engagement activities.

The report concluded that the invitation to work alongside Scottish Water

on these projects was welcome however it was unclear exactly what would be expected of the council beyond the co-operation of relevant officers. However it was considered to be beneficial to accept Scottish Water's invitation to collaborate so officers could perhaps influence the format of the Action Plans and the implications for Stakeholders.

It was recommended that the Council Executive :-

1. Notes the request from Scottish Water to work collaboratively on surface water action plans; and
2. Approve the proposal to accept the invitation.

Decision

To approve the terms of the report

14. SUSTAINABLE DRAINAGE RETROFITTING IN INDUSTRIAL ESTATES

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising that officers had been invited to collaborate in a research study into the potential retrofitting of source control and sustainable drainage systems into existing industrial estates.

The Head of Operational Services advised the members that the council had been invited to work together on a study along with Edinburgh University, School of Geosciences, Heriot-Watt University, School of Energy, Geosciences and Society and Brian D'Arcy, an independent consultant to look at the potential to retrofit sustainable drainage systems into existing industrial estates.

A bid to fund the study had been submitted to Scotland's Centre for Expertise for Waters (CREW) with the project aim to review the potential for the retrofit of source control and conveyance sustainable drainage systems (SUDS) in industrial estates through the use of carefully selected case study sites, which would represent typical issues that were common to other industrial estates.

If the bid for funding was successful it was anticipated that a short-life working group would be established to help with issues of ownership, access, pollution history and risks. A number of potential case study sites within West Lothian had been identified as easy to reach by research staff from Edinburgh and already had a great deal of research history associated with them.

Should the study proceed then it was expected that there would be extensive engagement with stakeholders trading or operating from the selected site. And there had already been a tentative approach by one of the researchers to the Business Gateway for help with the study.

The Council Executive were further advised that officers had been consulted in the preparation of the bid and had been supportive in so far

as the aims of the study were aligned to the council's own objectives to reduce flood risks, improve the quality of water in our rivers and enhance the water environment.

It was therefore recommended that the Council Executive :-

1. Notes the invitation to participate in a research study looking at retrofitting source control and sustainable drainage systems into existing industrial estates; and
2. Approves the proposal to accept the invitation.

Decision

To approve the terms of the report

15. SOUTH EAST OF SCOTLAND REGIONAL TRANSPORT PARTNERSHIP

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising of a consultation by the South East of Scotland Regional Transport Partnership (SESTran) seeking the view of the council on the proposal for SESTran to change to a "Model 3" Regional Transport Partnership (RTP) in accordance with the provisions of the Transport (Scotland) Act 2005.

Members were advised that currently SESTran operated as a "Model 1" Regional Transport Partnership Transport Authority and had as its base function, the requirement to produce a regional transport strategy. This meant that SESTran had no statutory powers to deliver any public transport functions but did deliver a number of softer initiatives such as One-Ticket and Real Time Passenger Information Systems throughout SE Scotland.

The Transport (Scotland) Act 2005 permitted by means of an order under Section 10 of the Act for the transfer of powers from local authorities to the Regional Transport Partnership. "Model 2" and "Model 3" Regional Transport Partnerships were possible under the transfer powers permitted by the Act and details of what these entailed were summarised in the report.

At the meeting of the SESTran Partnership on 2 December 2016 the Board considered the matter of SESTran moving to a "Model 3" RTP the driver for which had been discussions related to the Edinburgh Region City Deal. The Partnership Board also considered a paper "*PTA Models of Organisation for Regional Transport Governance*" commissioned by SESTran from Professor Tom Rye of the Transport Research Institute of Napier University.

The report by Professor Tom Rye was a high level assessment of the function and delivery performance of "Model 3" RPT, Combined Authorities (CA) and Transport for London/Continental PTA. However there were a number of key points which needed to be considered in the

context of the proposal before the council could respond to the consultation request from the SESTran Board; a summary of those points that needed further consideration were summarised in the report. Officers therefore considered that the partnership board report was incomplete in a number of areas.

The report concluded that whilst a “Model 3” RTP could offer a different regional approach to transport planning the range and change of functions needed to be fully identified before any change could be supported.

It was recommended that Council Executive should advise SESTran that :-

1. It was premature to support the proposed change to a “Model 3” authority at this time because the case for a change had not been made; and
2. That detailed information on the benefits locally and on a regional basis of the proposed change to a “Model 3” authority should be provided to allow partnership authorities to make an informed decision.

Decision

To approve the terms of the report

16. CONSULTATION ON UNIVERSAL CREDIT (CLAIMS AND PAYMENTS) (SCOTLAND) REGULATIONS 2017

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval of a response to a Scottish Government consultation regarding Universal Credit Payments.

The Scotland Act, which received Royal Assent on 23 March 2016 included provisions to devolve eleven benefits to Holyrood and it also gave Holyrood the power to top up any benefits, reserved or devolved, provided the funding was met by the Scottish Government.

In addition, although Universal Credit (UC) was reserved to the UK Government some powers in relation to the Housing Support element of UC and issues concerning payment of UC were devolved.

The Scottish Government planned to introduce a Social Security Bill in the first year of this Parliament and would start work to establish a new Social Security Agency. It was however recognised that some elements of devolved welfare could take some time to implement and that the relationship between devolved and reserved benefits would necessitate close working with the DWP and other local partners.

In January 2017 the Scottish Government issued the draft regulations and invited partners and others to respond to the consultation exercise by 13

March 2017. There were two questions posed in the consultation and the Council Executive was invited to note the contents of the consultation and approve the proposed response.

It was suggested that an additional comment be included on the consultation response expressing concern that payments could be delayed for six weeks.

Decision

To approve the terms of the report and the additional comments in respect of concern that payments could be delayed for 6 weeks.

17. ESTABLISHING A COMMUNITY DEVELOPMENT FINANCE INSTITUTION (CDFI) IN WEST LOTHIAN

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the procurement exercise to commission a Community Development Finance Institution (CDFI) provider to establish a not-for-profit lending operation in West Lothian.

The Head of Finance and Property Services explained that following recommendations in the “Proposals to Promote Financial Inclusion” agreed at Council Executive on 28 October 2014, a feasibility study was commissioned into the creation of a CDFI in conjunction with Falkirk and Fife Councils.

A CDFI was a social enterprise which offered affordable loans and budgeting advice and supported people to engage with other financial services such as savings with institutions like credit unions and debt management services. A CDFI also provided an affordable alternative to high cost short term lenders and mainstream financial service providers.

The feasibility study confirmed the strong case for intervention via a CDFI and that the options to develop an in-house solution or expand credit unions were not a viable means of delivering the objectives of the project.

The report continued by advising that a procurement exercise was led by Fife Council’s Procurement Service on behalf of the three councils, details of which were contained in the report. The tender attracted a number of expressions of interest that had resulted in two formal bids being received in mid-December 2016. The bid assessment process involved two officers from each local authority and following the formal scoring process “Five Lamps” was identified as the preferred bidder.

Further information was contained in the report on the proposed CDFI supplier, funding, complementary services including credit unions, risks, sustainability and governance.

The report concluded that the provision of a CDFI across Falkirk, Fife and West Lothian was intended to complement and support existing money management services and offer a competitive, socially responsible

alternative to non-standard lenders for those who needed it most.

It was recommended that Council Executive :-

1. Approves the award of a contract to Five Lamps to deliver CDFI services in West Lothian;
2. Agrees that officers should continue to work together with Falkirk and Fife Councils, pending their own decisions, to implement and manage the initiative;
3. Notes the potential for up to 15 local jobs being created across the three local authority areas including a modern apprentice in each area; and
4. Notes the potential social impact of £2.5m which was the amount saved for customers against using other credit providers and the opportunity to support vulnerable households to become more financially included.

Decision

To approve the terms of the report

18. ST JOHN'S HOSPITAL STAKEHOLDER GROUP

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive inviting the Council Executive to note the terms of the Minutes of the St John's Hospital Stakeholder Group meetings held on 21 December 2016 and 18 January 2017, copies of which were attached to the report.

Decision

To note the terms of the report

19. PRIVATE SESSION

The committee resolved under Section 50(A) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting during consideration of the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 11 of Schedule 7A of the Act.

20. SINGLE STATUS – EQUAL PAY CASES

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising of the present position in relation to equal pay cases raised against the council, in particular those covering the period following the council's implementation of the Single Status agreement on 1 October 2017 and to seek authority

to settle those cases through negotiations with claimants' solicitors.

It was recommended that Council Executive :-

1. Note the present position in relation to equal pay claims raised against the council;
2. Agree that the council should proceed to negotiate settlement for the period after implementation of Single Status on 1 October 2007; and
3. Delegate to the Head of Corporate Services authority to negotiate and conclude a settlement in the best possible terms on relation to those cases.

Decision

To approve the terms of the report