

MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 5 FEBRUARY 2019.

Present – Councillors Lawrence Fitzpatrick (Chair), Kirsteen Sullivan, Frank Anderson, Harry Cartmill, David Dodds, Peter Heggie, Charles Kennedy, Tom Kerr (substituting for Chris Horne), Dave King (substituting for Tom Conn), Cathy Muldoon, George Paul and Damian Timson

Apologies – Councillors Tom Conn, Chris Horne and Peter Johnston

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. ORDER OF BUSINESS

The Chair ruled in terms of Standing Order 7 that an urgent motion concerning “Proposed Car Parking Charges” would be considered as a decision was required on the matter to provide the Head of Finance and Property Services with clarity and direction when it came to preparing for the council’s budget setting meeting called for 19 February 2019.

The Chair ruled in terms of Standing Order 7 that an additional item of business concerning a study visit to Manchester and Liverpool by the Chair of Development Management Committee would be considered as the trip was due to take place on 21 and 22 February 2019.

Both items would be considered at the end of the agenda.

3. MINUTE

The Council Executive confirmed the Minute of its meeting held on 15 January 2019 as a correct record. The Minute was thereafter signed by the Chair.

4. CORRESPONDENCE

The Council Executive noted correspondence arising from previous decisions.

5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - TAXI FARE REVIEW

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services providing an update on the review of the council’s table of taxi fares and associated charges.

The report advised that under section 17 of the Civic Government (Scotland) Act 1982 the council as a licensing authority was required to fix fares for the hire of taxis in its area, and all other charges in connection

with the hire of a taxi or arrangements for its hire, and to review its fare table every 18 months.

The current fare table came into force on 5 October 2017 and required to be reviewed by April 2019.

In accordance with previous practice, consultation with representatives of the West Lothian Taxi Owners Association and West Lothian Taxi and Private Hire Car Owners and Drivers Association was carried out. There were no requests to change the current fare table in the consultation responses. Therefore no changes were proposed to the scales and charges set out in the current fare table.

In conclusion the report advised that as a licensing authority the council was required to comply with section 17 of the 1982 Act by reviewing its fare table every 18 months in consultation with local trade organisations and thereafter to publish notice of any proposed changes to its fare table and to consider any representations made in writing regarding proposed changes.

It was recommended that the Council Executive :-

1. Notes that a review of the fare table had been undertaken, as required, under section 17 of the Civic Government (Scotland) Act 1982 (“the 1982 Act”);
2. Notes that consultation had taken place with the relevant trade organisations, as required under section 17(4A)(a) of the 1982 Act;
3. Notes that the notice of the proposed new fare table, explaining that there was no change to the current fare table, had been published in a newspaper circulating in the council’s area, as required under section 17(4A)(c) of the 1982 Act;
4. Notes that the council must consider any representations made in writing regarding its proposed new fare table received within the period specified in the notice, as required under section 17(4A)(d) of the 1982 Act;
5. Notes that no representations were received within the statutory period; and
6. Approves the proposed new fare table, containing no changes to the current fare table, contained in Appendix 1.

#### Decision

To approve the terms of the report

6. PURCHASE OF GROUND LEASE 9 INCHMUIR ROAD, WHITEHILL INDUSTRIAL ESTATE, BATHGATE

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

circulated) by the Head of Finance and Property Services seeking approval for the purchase of the ground lease of 9 Inchmuir Road, Whitehill Industrial Estate, Bathgate.

The Head of Finance and Property Services advised committee that the land at 9 Inchmuir Road comprised of 0.519 Ha (1.28 Acres) and had been let on a ground lease from 18 September 1978 for a term of 99 years with an expiry date of 17 September 2077. There were ten yearly rent reviews with the next one due in September 2019. The current rent was £14,000 per annum and the land was currently let to National Grid Property Holdings Limited (NGPH).

The land had been developed by the tenant to provide an office building of approximately 630sqm and a secure surfaced yard. The property was sub-let to National Grid Gas Plc (NGG) on full repairing and insuring lease until 9 February 2021 at a rent of £35,000 per annum.

NGPH as part of a major rationalising of property assets had offered to surrender the ground lease to the council and sell the building and secure yard, subject to the lease remaining in place, for a purchase price of £21,000 plus VAT.

West Lothian had a limited supply of yards with premises and whilst it was likely that NGG would ask to extend their lease beyond February 2021, should this not occur officers were of the opinion that re-letting or disposal should be reasonably straightforward.

The proposed acquisition would be funded from within the existing Commercial Property Portfolio resources and through the securing of the additional £35,000 per annum up to February 2021.

The proposed terms and conditions were summarised in the report.

It was recommended that Council Executive :-

1. Approve that the purchase of the ground lease at 9 Inchmuir Road, Whitehill Industrial Estate, Bathgate for £21,000 (twenty one thousand pounds); and
2. Authorises the Head of Finance and Property Services to negotiate any further terms and conditions or changes to those outlined in the report on the basis that these continue to represent achievement of the best value for the council.

### Decision

To approve the terms of the report

## 7. LAND AT 28 STATION ROAD, ARMADALE - PROPOSED SALE TO PARVINDER KUMAR

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking

approval for the sale of land extending to approximately 0.162 acres (656sqm) or thereby at 28 Station Road, Armadale to Mr Parvinder Kumar.

The land located at 28 Station Road, Armadale had been vacant for a number of years and had been declared surplus to council requirements by the Council Executive at its meeting on 15 January 2019.

The property has been marketed as a residential development opportunity since April 2018. Following suitable interest a closing date was set for 17 January 2019 with three offers received.

After evaluation officers were recommending the offer from Parvinder Kumar for £70,000 (seventy thousand pounds) as it represented the best value offer received.

The main terms and conditions of the sale were summarised in the report.

It was recommended that Council Executive :-

1. Approves the sale of land extending to 0.162 (656sqm) or thereby at 28 Station Road, Armadale to Parvinder Kumar for the sum of £70,000 (seventy thousand pounds) subject to the terms and conditions set out in the report; and
2. Authorises the Head of Finance and Property Services to carry out any further negotiations with the purchaser in respect of the sale of the property, on the basis that any revised terms and conditions still represented the achievement of best value for the council.

### Decision

To approve the terms of the report

## 8. SALE OF FORMER WAVERLEY DEPOT, WAVERLEY STREET, BATHGATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for the sale of the former Waverley Depot, Waverley Street, Bathgate to Weslo Housing Management Limited.

The report recalled that following the completion of the new Whitehill Service Centre, the former Waverley Depot became surplus to requirements and was vacated in May 2018. The site extended to approximately 0.75 acres. The Depot was held on the Housing Revenue Account and the Tenant Panel had agreed to the sale of the property.

Weslo Housing Management Limited, a Registered Social Landlord operating in the West Lothian area, was working in partnership with Almond Housing Association (AHA) to develop a nearby property in Waverley Street, Bathgate. Therefore given the locational economies of scale, Weslo and AHA had expressed an interest in the former depot to

develop both sites in tandem.

Following this approach the council commissioned an independent valuation from the District Valuer who valued the property at £105,000 on the basis of the use being restricted to affordable housing and reflecting development costs associated with the demolition of the existing buildings, removal of fuel tanks and appropriate contamination allowances.

The main terms and conditions of the sale were outlined in the report.

It was recommended that Council Executive :-

1. Approves the sale of the former Waverley Depot, Waverley Street, Bathgate which extended to approximately 0.75 acres to Weslo Housing Management Limited for the sum of £105,000 (on hundred and five thousand pounds); and
2. Authorises the Head of Finance and Property Services to carry out further negotiations with the purchaser in respect to the property, on the basis that any revised terms and conditions still represented best value for the council.

#### Decision

To approve the terms of the report

#### 9. APSE SCOTLAND BUILDING AND HOUSING SEMINAR 2019

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services seeking approval of the appropriate elected member attendance at the APSE Scotland Building and Housing Seminar 2019 at Dunblane Hydro, Perthshire on 7 and 8 February 2019.

The council were members of APSE and the Executive Councillor for Services for the Community was also the Chair of the APSE Scotland Building and Housing Advisory Group.

The Building and Housing Seminar 2019 was the premier Scottish APSE event in the year and included the annual apprentice awards dinner.

This year's APSE Scottish Building and Housing Seminar was being held in Dunblane Hydro, Perthshire on 7 and 8 February 2019, with a copy of the programme attached to the report at Appendix 1.

The seminar would bring together a range of Scottish wide specialists from council's, academics and others sharing award winning good practice in the promotion and delivery of effective and efficient local authority services.

It was recommended that Council Executive approves attendance by the Executive Councillor for Services for the Community and Councillor Frank

Anderson at the APSE Scotland Building and Housing Seminar 2019, with appropriate officer support.

Decision

To approve the terms of the report

10. SCOTTISH GOVERNMENT HATE CRIME CONSULTATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services advising of a Scottish Government consultation on consolidating all Scottish hate crime legislation into one new hate crime statute including the expansion of the current statutory aggravations.

The Scottish Government appointed Lord Bracadale to conduct an independent review of Hate Crime Legislation in Scotland. The report was published in May 2018 and considered a number of themes which were outlined in the report.

The Scottish Government responded to the publication of the independent review of hate crime legislation recommendations by consolidating all Scottish hate crime legislation into one new statute and committed to consult on the detail of what would be included in the new hate crime bill.

To ensure the response from the council to the consultation was as comprehensive as possible, officers from across the council worked collaboratively on a proposed response.

A copy of the consultation documents along with the proposed response was attached to the report as a series of appendices.

The Council Executive was invited to approve the consultation response as set out in the appendix to the report which had to be submitted to the Scottish Government by 24 February 2019.

Decision

1. To approve the terms of the report and the proposed consultation response; and
2. To agree that in the response to Question 8 reference was also to be included to "misandry".

11. WEST LOTHIAN LOCAL DEVELOPMENT PLAN (LDP): DEVELOPMENT PLAN SCHEME NO.11

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of Development Plan Scheme (DPS No.11) for the West Lothian Local Development Plan (LDP2).

The report recalled that Section 20B of the Planning, etc (Scotland) Act 2006 required planning authorities to prepare a development plan scheme (DPS) at least annually for the local development plan (LDP). The DPS set out the programme for preparing reviewing and consulting on the LDP and was to be in place by 31 March each year.

A draft DPS No.11 for the new West Lothian LDP (LDP2) was attached to the report at Appendix 1. This may require to be amended to reflect a decision by Scottish Ministers on whether or not to approve Strategic Development Plan No.2. Other influencing factors were the progression of the Planning Bill which could alter the approach taken to the preparation of the development plan.

DPS No.11 set out a programme for preparation of a new LDP (LDP2) to meet the requirements of SDP2. The project stages set out in the draft DPS No.11 were based on Scottish Government Circular 6/2013: Development Planning. However these could alter as a result of legislative changes arising from progress with the Planning Bill and the approval of SDP2.

The report also provided a brief overview of the new Planning Bill which had completed its Stage 2 consideration in November 2018.

It was recommended that the Council Executive approves the content of Development Plan Scheme No.11 (DPS) for submission to the Scottish Government.

#### Decision

To approve the terms of the report

#### 12. WEST LOTHIAN LOCAL DEVELOPMENT PLAN (LDP): ACTION PROGRAMME 2018

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the updated Action Programme in support of the West Lothian Local Development Plan (LDP); a copy of the Action Programme was attached to the report.

The Action Programme was the main mechanism for monitoring the performance of the LDP and triggering any changes to the development strategy in order to maintain the planned investment in future growth in West Lothian over the plan period. The LDP and Action Programme would inform the future spending priorities of the council and its planning partners as well as other public, private and voluntary sector bodies.

The Action Programme contained a list of actions required to deliver the LDP's policies and proposals, identifying appropriate parties to carry out the actions and providing indicative timescales for completion. It covered four main topic areas: education, transportation, green infrastructure and community services.

The report concluded that the action plan was considered an important document marking the transition from the plan-making stage to the delivery stage, focusing on the specific infrastructure required to facilitate the implementation of the West Lothian LDP.

It was recommended that Council Executive :-

1. Notes that the council was required to submit an Action Programme to Scottish Ministers and publish it within three months of the date of the adoption of the LDP;
2. Adopts the Action Programme which supports and underpins the infrastructure requirements and further supplementary and planning policy guidance for the adopted LDP (Appendix );
3. Notes the comments received in response to the consultation on the Action Programme (Appendix 2);
4. Notes that if approved by Council Executive, the Head of Planning, Economic Development and Regeneration would be required to make the necessary arrangements to :-
  - i. Send two copies of the adopted Action Programme to Scottish Ministers
  - ii. Place copies of the adopted Action Programme in all public libraries and online; and
  - iii. Publish the adopted Action Programme, including electronically

#### Decision

To approve the terms of the report

### 13. ANNUAL PROCUREMENT REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services presenting the Annual Procurement Report for the period 1 January 2017 to 31 March 2018, a copy of which was attached to the report at Appendix 1.

The Procurement Reform (Scotland) Act 2014 required that all Contracting Authorities who were eligible to prepare and publish a procurement strategy, must publish an annual procurement report which reported on :-

- Actual and planned regulated procurement activities;
- Achievement of community benefits;
- Activity with supported businesses; and



- Any regulated procurement i.e. above £50,000 for goods and services and £2,000,000 for works contracts that did not comply with the procurement strategy.

This was a new requirement and the first time the council had prepared such a report. The first report covered the period 1 January 2017 to 31 March 2018, however future reports would cover a specific financial year.

The report set out the number and value of the council's regulated procurements over the period and reinforced the council's commitment to achieving superior procurement performance through advanced sustainable procurement practices for the benefit of the council and its stakeholders.

The report confirmed that all regulated procurement activity across the council was undertaken in accordance with the Contract Standing Orders for the Regulation of Contracts, the Corporate Procurement Procedures and relevant legislation, ensuring that all regulated procurement were compliant with the Corporate Procurement Strategy.

The report would be published on the council's internet page and on publication the council must also notify the Scottish Government.

It was recommended that the Council Executive notes the Annual Procurement Report.

#### Decision

1. To note the contents of the report and the Annual Procurement Report; and
2. To request that the Head of Corporate Services provided Council Executive members with details of local companies awarded council contracts.

#### 14. STUDY VISIT - MANCHESTER AND LIVERPOOL

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval for the Chair of the Development Management Committee to attend a Scottish Government funded planning study visit to Manchester and Liverpool on 21 and 22 February 2019.

The Head of Planning, Economic Development and Regeneration advised committee that the Scottish Government organised an annual meeting for planning chairs. Following discussion at the last meeting, the Scottish Government and the Scottish Futures Trust had organised a study visit for planning chairs to look at developments in Manchester and Liverpool.

The study visit would focus on the build to rent sector and would look at some of the opportunities and planning challenges that this rapidly

emerging sector of the housing market was creating.

It was recommended that Council Executive agree that the Chair of Development Management Committee attend the study visit to Manchester and Liverpool on 21 and 22 February 2019.

#### Decision

To agree the terms of the report

#### 15. URGENT MOTION - PROPOSED CAR PARKING CHARGES

The Council Executive considered an urgent motion in the following terms :-

“Members are asked to note that at Partnership & Resources PDSP at its meeting on 1<sup>st</sup> February 2019 members considered the report to :-

- Note a wider review of the management of parking (both on and off street) will be progressed to ensure a comprehensive approach to parking controls in West Lothian; and
- Note that the review will consider the various models for the delivery of parking controls.

Members are reminded in this context that as regards the 5 year revenue plan for 2018/19 to 2022/23 on 13<sup>th</sup> February 2018, included a proposal for charging for council owned car parks giving a saving (related to income generation) of £260,000 from 2019/20.

Council Executive agrees that car parking charges are not to be introduced in the 5 year period ending 2022/23 and that officers should undertake the wider parking review on that basis. It is noted that this will result in a £260,000 recurring loss of income.

The Head of Finance and Property Services is instructed to take this into account in preparing a balanced budget for 2019/20,

The Head of Finance and Property Services has verified the financial consequences of this motion.

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan

#### Amendment

That any proposals on car parking charges were not to be decided on by Council Executive but were to be considered as part of the overall budget setting meeting of West Lothian Council which was due to take place on 19 February 2019.

- Moved by Councillor Damian Timson and seconded by Councillor Charles Kennedy

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

Motion

Harry Cartmill

David Dodds

Lawrence Fitzpatrick

Cathy Muldoon

George Paul

Kirsteen Sullivan

Dave King

Decision

Following a roll call vote the motion was successful by 7 votes to 5 (1 member absent) and it was agreed accordingly.

Amendment

Frank Anderson

Peter Heggie

Charles Kennedy

Tom Kerr

Damian Timson