

Council Executive

West Lothian Civic Centre Howden South Road LIVINGSTON EH54 6FF

21 March 2019

A meeting of the Council Executive of West Lothian Council will be held within the Council Chambers, West Lothian Civic Centre on Tuesday 26 March 2019 at 10:00am.

For Chief Executive

BUSINESS

- Apologies for Absence
- Declarations of Interest Members should declare any financial and nonfinancial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest
- 3. Order of Business, including notice of urgent business and declarations of interest in any urgent business

Public Session

4. Confirm Draft Minutes of Meeting of Council Executive held on Tuesday 26 February 2019 (herewith).

Public Items for Decision

- 5. Timetable of Meetings 2019/20 Report by Chief Executive (herewith)
- 6. Carers (Scotland) Act 2016 Integration Scheme Review Report by Depute Chief Executive (Health and Social Care Partnership) (herewith)
- 7. Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses Report by Head of Corporate Services (herewith)

DATA LABEL: Public

- 8. Update on Home Energy Efficiency Programmes for Scotland : Area Based Schemes (HEEPS:ABS) 2018/19 and 2019/20 (herewith)
- 9. Procurement Arrangements Direct Award to Barratt Homes for Construction of 33 houses Report by Head of Corporate Services (herewith)
- Procurement Arrangements Legal Advisors and Specialist
 Diplapidations Surveyors Report by Head of Corporate Services (herewith)
- 11. Procurement Arrangements Direct Award to The Scholar Forum Partnership Report by Head of Corporate Services (herewith)
- 12. Procurement Arrangements Direct Award to Housing Partnership Ltd Report by Head of Corporate Services (herewith)
- 13. Procurement Arrangements Supply of Care at Home Services Report by Head of Corporate Services (herewith)
- 14. Consultation on Scottish Government Good Food Nation Proposals for Legislation Report by Head of Social Policy (herewith)
- 15. Scottish Government Consultation Transforming Parole in Scotland Report by Head of Social Policy (herewith)
- 16. Carmondean Ability Centre/Carmondean Connected Co-Location Joint Report by Head of Social Policy and Head of Housing, Customer and Building Services (herewith)
- 17. Offer of Gift of Woodland at Cathlawhill, Bathgate Hills Joint Report by Head of Finance and Property Services and Head of Operational Services (herewith)
- 18. Local Bus Review Update Report by Head of Operational Services (herewith)
- 19. Watson Park, North Street, Armadale Report by Head of Finance and Property Services (herewith)
- 20. Lease of 9 School Lane, Mid Calder Report by Head of Finance and Property Services (herewith)
- 21. West Lothian Leisure 2019/20 Funding Agreement Report by Head of Finance and Property Services (herewith)
- 22. Spring Statement 2019 Report by Head of Finance and Property Services (herewith)

Public Items for Information

23. St John's Hospital Stakeholder Group - Report by Depute Chief

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Executive (Health and Social Care Partnership (herewith)

24. Standing Order 31 (Urgent Business) - To note approval provided for attendance by Councillor George Paul to the CIH Scotland 2019 Housing Festival on 12 and 13 March 2019 - Report by Head of Housing, Customer and Building Services (herewith)

Public Items for Decision

25. PRIVATE SESSION - The Clerk considers that the following business is likely to be taken in private (exempt under the relevant paragraphs of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973).

Private Items for Decision

- 26. Closing Order for a House 17 Esk Drive, Livingston Report by Head of Planning, Economic Development and Regeneration
- 27. Closing Order for a House 37 Esk Drive, Livingston Report by Head of Planning, Economic Development and Regeneration

NOTE For further information please contact Val Johnston, Tel no.01506 281604 or email val.johnston@westlothian.gov.uk



MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 26 FEBRUARY 2019.

<u>Present</u> – Councillors Lawrence Fitzpatrick (Chair), Kirsteen Sullivan, Frank Anderson, Harry Cartmill, Tom Conn, David Dodds, Peter Heggie, Chris Horne, Cathy Muldoon, George Paul, Damian Timson, Pauline Clark (substituting for Peter Johnston), Tom Kerr (substituting for Charles Kennedy).

Apologies – Councillor Peter Johnston, Charles Kennedy

1. DECLARATION OF INTEREST

Agenda Item 15 – Discretionary Non Domestic Rates Relief Scheme - Councillor Frank Anderson declared an interest in Agenda Item 15 in that he was the Chair of Open Door and a member of Craigshill Good Neighbour Network and advised he would leave the meeting during consideration of this item of business.

<u>Agenda Item 15 – Discretionary Non Domestic Rates Relief Scheme</u> - Councillor Harry Cartmill declared an interest in Agenda Item 15 in that he was a Board Member of Homeaid and advised he would leave the meeting during consideration of this item of business.

<u>Agenda Item 15 – Discretionary Non Domestic Rates Relief Scheme</u> - Councillor Tom Conn declared an interest in Agenda Item 15 in that he was a council appointee to Linlithgow Heritage and advised he would remain during consideration of this item of business.

<u>Agenda Item 15 – Discretionary Non Domestic Rates Relief Scheme</u> - Councillor George Paul declared an interest in Agenda Item 15 in that he was a member of West Lothian Youth Foundation and advised he would leave the meeting during consideration of this item of business.

Agenda Item 15 – Discretionary Non Domestic Rates Relief Scheme - Councillor David Dodds declared an interest in Agenda Item 15 in that he was a member of Fauldhouse Development Trust and advised he would leave the meeting during consideration of this item of business.

<u>Agenda Item 15 – Discretionary Non Domestic Rates Relief Scheme</u> - Councillor Lawrence Fitzpatrick declared an interest in Agenda Item 15 in that he was a member of Livingston Cricket Club and left the meeting during consideration of this item of business.

<u>Agenda Item 15 – Discretionary Non Domestic Rates Relief Scheme</u> - Councillor Tom Kerr declared an interest in Agenda Item 15 in that he was a council appointed member to West Lothian Leisure Board of Directors for which a specific dispensation applied.

Agenda Item 15 – Discretionary Non Domestic Rates Relief Scheme - Councillor Chris Horne declared an interest in Agenda Item 15 in that he was a council appointed member to West Lothian Leisure Board of Directors for which a specific dispensation applied.

ORDER OF BUSINESS

The Chair ruled in terms of Standing Order 7 that an urgent report concerning Procurement Arrangements – Tender for Additional Private Early Learning and Childcare Providers would be considered as a decision was required to allow Education Services to progress the early year's expansion programme.

This item of business would be considered at the end of the agenda.

3. MINUTE

The Council Executive confirmed the Minute of its meeting held on 5 February 2019 as a correct record. The Minute was thereafter signed by the Chair.

4. <u>FORTH ESTUARY LOCAL PLAN DISTRICT - FLOOD RISK</u> MANAGEMENT INTERIM REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing an update on the progress made against the actions agreed by the council in the Forth Estuary Local Plan District's Local Flood Risk Management Plan.

The report advised that as required by the Flood Risk Management (Scotland) Act 2009, progress against the actions would be published in the Interim Report. The council's progress was summarised in the report and included an update on the recently completed Whitburn study.

In addition the report advised of the recent publications of the 2018 National Flood Risk Assessment (NFRA), the Cycle 2 (2016-2022) Potentially Vulnerable Areas and the impact this had on the council.

As required under s37 of the Act, Falkirk Council had prepared the Draft Interim Report in collaboration with the other Responsible Authorities in the area which consisted of 13 local authorities, The Scottish Environment Protection Agency, Scottish Water, Network Rail, Transport Scotland and Forestry Commission Scotland. The statutory deadline for publication of the final Interim Report was June 2019.

The report went on to provide a summary of the status of the actions which were categorised as follows:

Red – The action was behind programme and/or over budget with key dates unlikely to be met.

Amber – The action was behind programme and/or over budget, but the key dates were expected to be met.

Green – The action was on programme and within budget.

A series of appendices was attached to the report, with Appendix 1 showing a summary of the status of all actions across the Forth Estuary and Appendices 2-4 detailing progress which all responsible authorities had made against each action in the PVA (Potentially Vulnerable Areas).

It was recommended that the Council Executive :-

- Notes the progress which had been made by the council towards the actions agreed in the 2016 Forth Estuary Local Flood Risk Management Plan; and
- 2. Approves the draft Interim Report for publication.

Decision

To approve the terms of the report.

CONSULTATION ON PRISONER VOTING

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive informing the members of the Scottish Government consultation on prisoner voting, which set out proposals for ensuring compliance with the European Convention on Human Rights on the matter of prisoners voting.

The European Court of Human Rights (ECHR) found in 2005 that the UK's ban on any convicted prisoners voting in elections breached their human rights.

The Scottish Parliament's Equalities and Human Rights Committee published a report on Prisoner Voting in Scotland on 14 May 2018. The committee asked the Scottish Government to consider a wide range of views on this issue going forward and to consult as many stakeholders as possible.

The consultation set out the background to the issue and sought views on a proposal to allow only those prisoners sentenced to short sentences to vote. The Scottish Government's view was that it was not appropriate to give all prisoners the right to vote.

The options examined in the consultation paper were as follows:-

- To link disenfranchisement to the length of a prisoner's custodial sentence;
- To make disenfranchisement an additional sentencing option, to be applied at the discretion of the sentencing judge;
- To link disenfranchisement to the type of crime committed; and
- To link a prisoner's regaining the right to vote to the length of time remaining on this custodial sentence.

The report continued by providing a summary of the questions being posed in the consultation. It was also noted that the consultation paper was proposing that prisoners would not be able to vote in person but would need to register for a postal or a proxy vote in the same way that prisoners on remand currently did.

The Council Executive was further advised that electoral administrators had offered no view on whether prisoners should be entitled to vote as that was a matter of policy for legislatures to determine. However they had previously highlighted a number of issues and these were outlined in the report.

The Electoral Management Board for Scotland was collating feedback on a number of practical issues from electoral administrators across Scotland and would respond to the consultation from this perspective.

It was not anticipated that there would be any significant impact on council resources. There could be a very small proportionate increase in the number of postal votes to be issued and counted and awareness raising activities would have to take into account any changes in voting rights.

The Council Executive was asked to consider the Scottish Government's consultation and determine the terms of any response by the council.

<u>Motion</u>

Council Executive notes the Scottish Government's proposal for ensuring compliance with the European Commission on Human Rights on the matter of prisoner's voting.

At present it is recognised that voting rights extended to prisoners on remand, parole or home detention curfew.

Council Executive understands that the UK Parliament legislates on voting rights for UK elections and agrees that there should be total consistency on voting rights for prisoners between UK Parliament, Scottish Parliament and local government elections in Scotland.

Council Executive agrees that the consultation response should be sent in these terms.

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan

Decision

To approve the terms of the motion.

6. CORPORATE PROCUREMENT STRATEGY 2019/20 TO 2022/23

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services presenting the Corporate Procurement Strategy 2019/20 to 2022/23, a copy of which was attached

to the report.

The Head of Corporate Services explained that the Corporate Procurement Strategy 2019/20 to 2022/23 had been developed to support the delivery of the priorities in the council's Corporate Plan. The Strategy was intended to ensure that there was sound governance and a framework to help the council meet national and local obligations including targets defined by the Scottish Government.

The Strategy supported the council's vision for procurement to achieve superior procurement performance through advanced sustainable procurement practices for the benefit of the council and its stakeholders.

The Corporate Procurement Strategy built upon previous strategies. There were five outcomes in the strategy and these were set out in the report under the headings of Contracts; Compliance; Accessibility; Community Benefits; and Sustainability. The Outcomes would also target an increased percentage of council suppliers paying the living wage however it was to be noted that the council was not authorised to enforce payment of the living wage by suppliers.

Key measures of the success for each outcome had been identified and these would be used to track, monitor and report on performance throughout the lifetime of the strategy. An annual review would be undertaken and reported to the council's Corporate Management Team and to the Partnership and Resources Policy Development and Scrutiny Panel.

There were 31 actions that had been identified to support the delivery of the Corporate Procurement Strategy outcomes. Progress against these actions would be included in the monitoring arrangements for the strategy.

It was recommended that the Council Executive approves the strategy attached as an appendix to the report.

Decision

To approve the terms of the report

7. <u>PROCUREMENT ARRANGEMENTS - DIRECT AWARD TO OLM</u> SYSTEMS LTD

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to make a direct award of a contract to OLM Systems Ltd for a 3 year support and maintenance contract to the existing SWIFT social care case management system.

The Council Executive was advised that SWIFT was the system used by Social Policy as its case management system which contained details of client referral assessments, care plans and related financial information and was therefore critical in terms of ensuring appropriate information was recorded and shared with other staff in the service. The current contract

with OLM was due to expire on 30 April 2019.

A report seeking approval to commence tendering procedures for the supply and support of a replacement Social Care case management system was approved by Council Executive on 21 August 2018. However due to shifts in market conditions, resource and change issues within Social Policy, the SWIFT Replacement Project Board sought approval from the ICT Programme Board to fully consider implications of options and agree the next steps.

The SWIFT system was currently being supported on version 29, which was now out of date. There was a risk that should WLC continue to operate with v29, the OLM could at any time withdraw support for this outdated version and insist West Lothian Council upgrade to v32 for support.

In addition the Swift Replacement Project Board has noted that Scotland Excel had published a Procurement Information Notice (PIN) advising of their intention to procure a framework that would allow local authorities to buy a replacement Social Policy system. Given that West Lothian Council have not as yet commenced tendering for a new system, the time taken to upgrade the current system would also allow time to review how the Scotland Excel procurement progresses and may at a later point be a more appropriate vehicle with which to purchase a new Social Policy system.

As the current contract with OLM expires in April 2019 there was a requirement to enter into a new contract with them. Discussions had taken place with OLM to ascertain the possibility of agreeing a 2 year contract with option to extend for 1 further year. OLM have advised that due to the risk and cost a shorter contract poses for them they would only consider a 3 year agreement. If a 3 year contract was secured with OLM at this point, to upgrade the current system to the latest version (v32), support and maintenance costs had been quoted as £78,112.15 per annum, which was a reduction from previous year's payments of £87,000. OLM have also previously advised that should the council proceed to market without a new support and maintenance contract in place then the council should budget for £500,000 to cover the costs over a minimum 3 year term.

Dependent on the procurement route, the process to the point of contract signing could take 6 months, which would allow 2 years to implement a new system. It was to be noted that the council did not have the in-house capability to provide the requirements.

Other procurement issues and budget implications were also explored in the report.

It was recommended that the Council Executive approves a direct award of a contract to OLM Systems Ltd, for a 3 year support and maintenance contract to the existing SWIFT social care case management system with a total value not exceeding £350,000

Decision

To approve the terms of the report

8. <u>PROPOSED 30MPH SPEED LIMIT EXTENSION A89 WEST OF ARMADALE ACADEMY</u>

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to initiate the statutory procedures to reduce the existing 50mph speed limit to 30mph on A89 Armadale to the west of Armadale Academy.

The Head of Operational Services explained that planning permission 0047/FUL/16 was granted on 23 November 2017 for the erection of 110 houses at Standhill South, Armadale. The site was allocated in the Local Development Plan and formed part of the Armadale Core Development Area.

Access was proposed to be taken from A89 west of Armadale Academy. Initially access for the south site would be from a priority junction but enough land had been set aside for a roundabout as there was a proposal for a further 290 housing units to the north of the A89.

The extension to the 30mph speed limit would reflect the ongoing development on the western approach to Armadale and relates to the urban boundary identified in the Local Development Plan.

A location plan attached to the report identified the area where the 30mph speed limit was proposed.

It was recommended that Council Executive approves the initiation of the statutory procedures to reduce the 50mph speed limit to 30mph speed limit extension on A89 to the west of Armadale Academy.

Decision

To approve the terms of the report subject to the additional wording being added to the recommendation of the report as follows:

"as per the extent delineated in appendix 1"

9. <u>CONSULTATION ON PROPOSALS TO IMPROVE THE OUT OF HOME</u> FOOD ENVIRONMENT IN SCOTLAND

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing the proposed response to the Food Standards Consultation on proposals to improve the out of home food environment in Scotland. Appendix 1 to the report contained a copy of the proposed response

The report recalled that on 22 November 2018, Food Standards Scotland (FSS) issued a consultation on proposals to improve the Out of Home

Food Environment in Scotland. The proposal to develop the strategy was included in the Scottish Government Diet and Health Weight Delivery Plan.

The consultation document recognised that the Scottish Government had already issued a consultation on proposal covering the promotion and marketing of foods high in fats, sugar or salt. The FSS consultation proposal were not intended to duplicate these but looked at means of providing better information to consumers.

The proposals in the FSS consultation covered a range of measures with a range of establishments details of which were included in the report.

In conclusion the report advised that the national resources and finances required to address the issues of poor diet on personal health were significant. The report noted that the proposals in the consultation were well intentioned but would not be implemented without adequate resource, clarity and practicality.

It was recommended that the Council Executive :-

- 1. Notes the content of the report and the proposed consultation response detailed in Appendix 1 attached to the report; and
- 2. Approves the proposed response contained in Appendix 1 attached to the report.

Decision

To approve the terms of the report

10. <u>SESPLAN BUDGET UPDATE 2018/19, RATIFICATION OF OPERATIONAL BUDGET FOR 2019/20 AND STRATEGIC DEVELOPMENT PLAN 2 UPDATE</u>

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the SESPlan Operating Budget for 2019/20 following its approval by the SESPlan Joint Committee in November 2018 and to provide an update on the preparation of the Strategic Development Plan 2 (SDP2)

The Council Executive was advised that the SESPlan Financial Rules set out that Operating Budgets for the next financial year should be proposed by the SDP Manager, approved by the SESPlan Joint Committee and that decision ratified by the member authorities by the end of the calendar year.

In compliance with these rules, the SESPlan Joint Committee, at its meeting on 27 November 2017 agreed to approve the Operating Budget for 2018/19 in principle and intimated that a review of SESPlan expenditure and future budgets would be brought to a future meeting. Fulfilling this undertaking, the latest position on the SESPlan Operating

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Budget for 2018-19 as at November 2018 was attached to the report at Appendix 1.

Across the entire Operating Budget for 2018/19, the updated position was for a forecast underspend of £79,686. This represented a 43% saving on the approved Operating Budget for 2018/19.

Over the first few months of the 2019/20 financial year, the SESPlan work programme would be focussed on finalising Supplementary Guidance on the Green Network Priority Area for submission to Ministers, preparation of draft Supplementary Guidance on Transport and Developer Contributions and preparation of post approval documents such as the post adoption SEA statement, Habitats Regulation Appraisal and the Action Programme. The latter was required to be prepared within three months of the approval of the second Strategic Development Plan (SDP2).

The report continued by providing details of were the main expenditure costs would come from in the budget for 2019/20.

The Council Executive was also advised of the consultation that was underway on the future of the Scottish Planning System, which set out that strategic development plans should be removed from the system. The Planning Bill was published on 16 November 2018 and whilst this bill was being progressed the work, role and remit of SESPlan beyond 2019/20 was not yet clear.

It was also noted that following a year of nil contributions, unless SESPlan as an authority was formally wound down over the next year, member contributions would be required for 2020/21, as the reserves built up would have been used in 2019/20. However more would be known as the Planning Bill progressed.

The report also provided an overview of progress on the second Proposed Strategic Development Plan (SDP2), noting that 800 representations had been received in relation to this and responses prepared. It had also been agreed by the Joint Committee not to make any modifications to the Plan and it was subsequently submitted for examination on 26 June 2017. That process concluded just over 12 months later and the report on examination considered 25 issues arising from the representations and for the most part was only recommending minor modifications to wording to provide clarity. Ministers then had a further 2 months in which to consider the report on examination, but this was indicative only. The two month period concluded in September 2018 but a decision had yet to be issued.

It was recommended that Council Executive :-

 Notes the decision by the SESPlan Joint Committee on 26 November 2018 to agree the update forecast expenditure against the approved Operating Budget for SESPlan over the financial year 2018/19;

- 2. Ratifies the Operating Budget for SESPlan for the financial year 2019/20, as agreed by the SESPlan Joint Committee on 26 November 2018;
- 3. Notes that no member authority contributions were required for financial year 2019/20;
- 4. Notes that an Operating Budget for 2020/21 would be brought to a meeting of the SESPlan Joint Committee in late 2019; and
- 5. Notes progress made to date on the preparation of the second South East Scotland Strategic Development Plan (SDP2)

Decision

To approve the terms of the report

11. <u>PROPOSED AMENDMENTS TO SUPPLEMENTARY GUIDANCE:</u> RESIDENTIAL DEVELOPMENT GUIDE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of proposed changes to the council's Residential Development Guide (RDG) in advance of it being submitted to Scottish Ministers.

The Council Executive was advised that the RDG had been prepared as statutory Supplementary Guidance (SG) to support the new West Lothian Local Development Plan and was approved by Council Executive at its meeting on 24 October 2017. However it had not been possible to submit the SG to Scottish Ministers at that time as the LDP had still to be formally adopted and this hiatus had created the opportunity to make refinements to some elements of the text.

The RDG, a copy of which was attached to the report at Appendix 1, identified many different requirements to be addressed by developers of new build residential development but there were three areas which it was proposed to amend prior to submission to the Scottish Government, one of which had already been agreed by Council Executive on 18 December 2018 and concerned electric vehicle charging facilities. The other changes related to household waste collection provision in new residential developments and the development thresholds relating to the submission of a Health Impact Assessment; the report provided a summary on these two issues.

The report concluded that the RDG would be amended to incorporate the changes described in the report and would then be submitted to Scottish Ministers for approval as Statutory Guidance and part of the Local Development Plan.

It was recommended that Council Executive :-

- Agrees revisions to the RDG in relation to developer obligations relative to the provision of domestic household waste facilities in new residential development;
- Agrees revisions to the RDG in relation to the threshold for requiring applicants for planning permission to submit a Health Impact Assessment (HIA) to align it with separate approved Planning Guidance on Health Impact Assessments;
- Agrees that the RDG (as amended) should be the definitive version submitted to Scottish Ministers for approval as part of the statutory development plan; and
- 4. Delegates to the Head of Planning, Economic Development and Regeneration to agree and conclude a "screening determination" as to whether a SEA was required, having taken into account the views offered by the Consultation Authorities.

Decision

To approve the terms of the report

12. 2018/19 HOUSING CAPITAL - MONTH 9 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing the financial position in relation to the Housing Capital Programme following the completion of the month 9 monitoring exercise.

A table contained within the report demonstrated that there had been investment of £24.429 million in housing stock as at 31 December 2018. The forecast expenditure for the year was £40.806 million. The report then provided a summary of the new build council house programme and planned maintenance and refurbishment programmes.

The report advised that significant resources continued to be invested in the creation and acquisition of new homes with budget resources of £22.207 million in 2018/19. New housing supply included the existing council housing stock through new builds, open market acquisitions and mortgage to rent properties.

It was recommended that the Council Executive note the outcome of the month 9 monitoring exercise and projected out-turn for 2018/19.

Decision

To approve the terms of the report

13. <u>2018/19 HOUSING REVENUE ACCOUNT - MONTH 9 MONITORING</u>

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

circulated) by the Depute Chief Executive providing financial performance in relation to the Housing Revenue Account (HRA) following the month 9 monitoring exercise.

The report provided a summary of the position for the main expenditure headings and provided a projected out-turn.

It was noted that employee costs were forecast to underspend by £306,000 mainly as a result of vacant posts and staff turnover. Other costs were also summarised in the report and included premises costs, supplies & services, third party payments, capital borrowing and income.

The report concluded that a breakeven position was forecast on the basis of the information available.

It was recommended that the Council Executive note the outcome of the month 9 monitoring exercise and the projected outturn.

Decision

To approve the terms of the report

14. DISCRETIONARY NON DOMESTIC RATES RELIEF SCHEME

Having declared an interest Councillors Anderson, Cartmill, Dodds, Fitzpatrick and Paul left the meeting during consideration of this item of business.

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising of the criteria relating to the current Discretionary Non Domestic Rates Relief Scheme in relation to charitable organisations and those who were assisting in the delivery of the Anti-Poverty Strategy.

The Head of Finance and Property Services explained that West Lothian Council was responsible for the administration of Non Domestic Rates as the rating authority. Relief was available to ratepayers under both mandatory and discretionary schemes and the council was required to determine a scheme for discretionary relief.

The Local Government (Financial Provisions, etc) (Scotland) Act 1962 provided for discretionary rate relief to be given to:-

- Registered Scottish charities where the ratepayer was entitled to 80% mandatory relief
- Organisations not established or conducted for profit; and
- Clubs or societies not established or conducted for profit

The current grant scheme was amended following the Council meeting on 20 November 2018 to provide relief from rates for Foodbanks. The current scheme was effective from 1 April 2018 and was set out in Appendix 1

attached to the report. A detailed list of organisations that currently received discretionary non domestic rates relief was set out in Appendix 2, also attached to the report.

The Head of Finance and Property Services continued to provide details of organisations that received either discretionary or mandatory rates relief of either 80% or 100% and included organisations such as West Lothian Credit Union, Open Door Accommodation Project and The Bridge Community Project.

It was proposed that the current scheme be amended from 1 April 2018 to provide a 20% discretionary relief top up to an 80% mandatory relief entitlement as a Scottish registered charity for :-

- Organisations who were a Community Development Financial Institution (CDFI) registered with the Financial Conduct Authority (FCA) and whose charitable objects included the prevention of relief of financial hardship through the provision of affordable personal loans to financially excluded individuals; and
- Citizens Advice Bureau West Lothian

The additional cost of just under £2,000 in 2018-19 could be met from the existing revenue budget.

The report concluded that the proposed amendment to the current discretionary non domestic rates relief scheme would allow the council to continue to assist those organisations previously targeted, as well as targeting other partners assisting in the delivery of the Anti-Poverty Strategy.

It was recommended that Council Executive :-

- Agrees the proposed amendment to the current Discretionary Non Domestic Rates Relief Scheme to allow a 20% "top up" relief for those organisations registered as a Scottish charity and with the Financial Conduct Authority as a Community Development Financial Institution whose charitable objects include the prevention or relief of financial hardship through the provision of affordable personal loans to financially excluded individuals.
- 2. Agrees the proposed amendment to the current Discretionary Non Domestic Rates Relief Scheme to a 20% "top up" relief for Citizens Advice Bureau West Lothian.

Decision

To approve the terms of the report

15. <u>2018/19 GENERAL FUND REVENUE BUDGET - MONTH 9</u> <u>MONITORING REPORT</u>

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

circulated) by the Head of Finance and Property Services providing the financial position in relation to the General Fund Revenue Budget, following completion of the 9 month monitoring exercise.

The report set out the overall financial performance of the General Fund Revenue Budget for the period to 31 December 2018 and provided a year-end financial forecast which took account of relevant issues identified in individual service budgetary control returns.

The report also provided a table summarising the position in relation to service expenditure. A number of pressures had previously been reported to Council Executive and as agreed monitoring reports to Council Executive would continue to have a significant focus on the extent of recurring pressures, how these were being managed and action required to address the pressures. An update from the relevant Head of Service on progress against agreed actions was contained in the appendix to the report.

Since month 6, the value of the recurring pressure had increased from £3.894 million to £4.047 million, mainly as a net increase in the cost of homelessness and confirmation of recurring pressures in relation to recycling gate fees. In all cases actions had been agreed and were being progressed, some of which were expected to be fully mitigated by 1 April 2019.

The report continued by providing a summary of the main issues in service expenditure budgets.

The report concluded that a net overspend of £200,000 was forecast for 2018/19 after taking account of significant early achievement of savings within Social Policy and a one-off underspend as a result of lack of care home capacity from external providers. Good progress was being made in the delivery of approved budget reductions, in particular for 2018/19 with 90% of approved savings considered achieved or achievable.

It was recommended that Council Executive :-

- 1. Notes that the outcome of the month 9 monitoring exercise was a forecast overspend of £1.252 million for 2018/19, which was partly offset by £1.052 million early delivery of budget reductions within Social Policy to give a net 2018/19 variance of £200,000, a decrease of £100,000 from the position reported to Council Executive at month 6:
- Notes the level of recurring pressures of £4.047 million and the update from Heads of Service on progress against agreed actions to mitigate these measures;
- Notes the potential additional pressure estimated from the last pay award offers was included within the forecast for the current year and the requirement to meet these costs for future years through recurring staffing savings in each service;

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4. Notes the progress in delivering approved savings for 2018/19 to 2020/21; and

5. Agrees that Heads of Service take all necessary actions to control spend and ensure that, wherever possible, expenditure was managed within the 2018/19 forecast position, take all possible opportunities to deliver agreed savings as early as possible, and deliver mitigating actions so that recurring cost pressures were addressed in line with agreed action plans.

Decision

To approve the terms of the report

16. <u>2018/19 GENERAL SERVICES CAPITAL BUDGET - MONTH 9</u> MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing information on the financial position in relation to the General Services Capital Programme following completion of the month 9 monitoring exercise.

The report provided an update on the 2018/19 General Services Capital Programme based on the results of a comprehensive monitoring exercise. The approved 2018/19 capital budget was £29.811 million which assumed £4 million of over programming.

Good progress was being made on the capital programme with the committed expenditure as a percentage of projected outturn at 68%. In overall terms the monitoring exercise indicated that the projected outturn was on budget at £29.811 million based on further over-programming of £375,000 being assumed. However if the programme progressed with no further slippage, the balance in resources would be funded by accelerated use of the capital fund, which could be accommodated within Treasury Management forecasts.

The report provided a summary of the forecast for each asset type and details of material movements and pressures that had been identified under the headings of Property, Roads and Other Related Assets, Open Space, and ICT.

Risks, resources, developer contributions and other strategic issues were also covered in the report.

It was recommended that Council Executive :-

- 1. Notes the outcome of the month 9 monitoring exercise and the projected outturn;
- 2. Agrees that Asset Lead Officers and the Head of Finance and Property Services keep under review factors that impacted on

delivery of the approved capital programme; and

3. Agrees the allocation of an additional £60,000 in 2018/19 to West Lothian Leisure for Broxburn and Livingston Pools.

Decision

To approve the terms of the report

17. <u>FORMER DEANS FLEET CLEANSING DEPOT, NAIRN ROAD, LIVINGSTON - PROPOSED SALE TO LOTHIAN BUSES LTD</u>

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 Former Deans Fleet and Cleansing Depot, 5 Nairn Road, Livingston to Lothian Buses Ltd.

The report advised that the property located at 5 Nairn Road, Livingston was vacated in 2018 as part of the council's modernisation of depots and stores. The services relocated to the new Whitehill Service Centre, Bathgate. The disposal receipt contributed to the business case for the new Whitehill Service Centre.

The site had been marketed since November 2017 with limited interest due to its former use and condition. In 2019 three parties expressed an interest and a closing date was set for 21 February 2019 with two offers received.

After evaluation officers were recommending the offer from Lothian Buses for £700.000 as it represented the best value offer received.

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

The report recommended that the Council Executive:-

- Approve the sale of the former depot at 5 Nairn Road, Livingston to Lothian Buses Ltd for £700,000 subject to terms and conditions set out in the report.
- Authorises the Head of Finance and Property Services to carry out further negotiations with the purchaser, on the basis that any revised terms and conditions still represent the achievement of best value for the council.

Decision

To approve the terms of the report.

18. PROCUREMENT ARRANGEMENTS - TENDER FOR ADDITIONAL PRIVATE EARLY LEARNING AND CHILDCARE PROVIDERS WITHIN WEST LOTHIAN

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to commence tendering procedures for the provision of additional private early learning and childcare for a one year contract term.

The Head of Corporate Services explained that the Scottish Government published "Funding Follows the Child" and the National Standard for Early Learning and Childcare Providers: Principles and Practice" on 18 December 2018. This joint publication with COSLA set out the final version of the Funding Follows the Child approach and the National Standard that underpinned it.

This new approach was designed to be "provider neutral". All providers would be required to meet the National Standard and have a contractual relationship and quality assurance relationship with a local authority. Scotland Excel had been engaged by the Scottish Government to report o possible procurement arrangements with new guidance expected to be published in March 2019.

The report went on to advise that Education Executive approved the second phase of early learning and childcare expansion on 15 January 2019 which required officers to progress with enabling additional private early learning childcare providers to offer funded places if they met the National Standard.

The new invitation to tender would supplement the council's existing contract for Early Learning and Childcare and would enable the council to continue to offer parents/carers more flexibility and choice of care for their children.

The requirement would be advertised in accordance with the European Union Directives and it was proposed that the Open Procedure was used whereby all suppliers expressing an interest in the contract would be invited to tender. The provisions offered by the Light Touch Regime would be applied to allow service providers who could meet the entire quality requirements to apply to be awarded a place on the framework at defined intervals.

Criteria of 100% for Quality would be applied at the tender stage. The existing hourly rate would be stipulated within the tender with the anticipated start date for the contract was 1 August 2019.

Decision

To approve the terms of the report

DATA LABEL: Public



COUNCIL EXECUTIVE

TIMETABLE OF MEETINGS 2019/20

REPORT BY CHIEF EXECUTIVE

A. PURPOSE OF REPORT

The approval of a timetable of meetings to July 2020 of the council, its committees and working groups (including Policy Development and Scrutiny Panels) which meet according to a regular timetable.

B. RECOMMENDATIONS

- Subject to the following, to note and approve the arrangements shown in the appendices for meetings of the council, its committees and working groups from August 2019 until July 2020
- 2. In relation to Policy Development & Scrutiny Panels (PDSPs):-
 - To note that their meeting dates are set through Lead Officers and Chairs
 - ii. To note that although Lead Officers and Chairs have been consulted about the dates proposed in this report those dates may be subject to later change
- 3. In relation to Local Area Committees (LACs):-
 - To note that each LAC sets its own meeting dates and that those in the appendices are not all yet agreed
 - ii. To delegate authority to the Chief Executive to make any changes required after LACs have agreed their meeting arrangements
- 4. In relation to Members' Training Days:
 - i. To note and agree the proposed dates
 - ii. To delegate authority to the Chief Executive to adjust those dates in the event of a change of circumstances arising

C. SUMMARY OF IMPLICATIONS

Focusing on our customers' needs, being honest, open and accountable, making best use of our resources

II Policy and Legal Council's Standing Orders and Scheme of

(including Strategic Administration Environmental

Assessment, Equality Issues, Health or Risk Assessment)

Local Code of Corporate Governance

III Implications for Scheme None of Delegations to Officers

IV Impacts on performance None and performance indicators

V Relevance to Single None Outcome Agreement

VI Resources – (Financial, None Staffing and Property

VII Consideration at PDSP None

VIII Other Consultations Chairs and Lead Officers; Committee Services;

Corporate Management Team

D. TERMS OF REPORT

1 Background

- 1.1 The council is required to agree a timetable of meetings for the council, its committees and working groups that meet according to a regular timetable. On 6 March 2018 the Council Executive approved that timetable for the period until July 2019. In accordance with a recommendation by Internal Audit, and recent practice, a timetable of meetings for the next year is produced for consideration and approval. It has followed past practice so far as practicable in the general pattern and frequency of meetings of bodies in the council's decision-making structure. To assist members, the same information found in Appendix 1 is presented in alternative formats in Appendices 2 and 3.
- 1.2 Additionally meetings have been arranged in accordance with a decision taken by council on 26 September 2017 which concerned Family Friendly Working Arrangements and 7 November 2017 which concerned resulting Changes to Standing Orders. Meeting arrangements have been proposed that avoid the main school holiday periods and avoid starting before 9.30 am or after 3.30 pm.
- 1.3 Meetings fixed by some other bodies, for instance, the Licensing Board, West Lothian Integration Joint Board, St John's Hospital Stakeholder Group, Community Planning Partnership Board and Community Safety Board are set independently and they have been shown in Appendix 1, where known, for information purposes only.

2 Council and committees

2.1 In general, meetings of council and its committees have been arranged on the same pattern as before.

2.2 Council instructed a review of its decision-making arrangements on 13 February 2018. In progressing that through Partnership & Resources PDSP members suggested that the frequency of committee meetings should reflect the business that required to be done. That has been taken into account in proposing the dates shown in the appendices. There is already flexibility in Standing Orders in relation to committees where business is less predictable, such as Employee Appeals Committee and West Lothian Planning Committee.

3 PDSPs

- 3.2 Under the council's Scheme of Administration, meetings of Policy Development and Scrutiny Panels are to be fixed by the Clerk in consultation with the Chairs and Lead Officers. Those arrangements have been completed with both the Chair and Lead Officer having been consulted on and agreed the proposed dates for Policy Development Scrutiny Panels. They may be subject to change from time to time.
- In progressing the review of decision-making arrangements through Partnership & Resources PDSP members suggested that meetings of PDSPs and committees should be arranged to better facilitate the flow of business. That suggestion has been taken into account. It has not been possible to ensure the ideal for all PDSPs. However, everything practicable has been done to ensure that is the case for the PDSPs that tend to generate the most committee business.

4 LACs

- 4.1 Local Area Committees are required to agree each year a schedule of regular meetings for the succeeding twelve months to be submitted to the Council Executive for approval. Most of these proposed dates have been agreed by the LAC's, but some remain outstanding, and provisional dates are included for those bodies in the appendices.
- 4.2 In progressing the review of decision-making arrangements through Partnership & Resources PDSP members were of the view that the frequency of meetings should reflect the business that required to be done, and that in relation to LACS, quarterly meetings were most appropriate. It is however for each LAC to make its own local arrangements.
- 4.3 In the course of that same review members were advised that the venue for LAC meetings was for each LAC to determine. Holding meetings outwith the Civic Centre would however be subject to finding appropriate and accessible premises and to budget considerations.
- 4.4 It is recommended that authority is delegated to the Chief Executive to make any changes required for Local Area Committees and to incorporate those details in the timetable in the appendices.

5 Training Days

- As has been recent practice, a number of dates have also been identified for the purpose of elected member training. These are proposed as follows:-
 - Tuesday 13 August 2019
 - Thursday 7 November 2019
 - Wednesday 4 March 2020

- Wednesday 6 May 2020
- 5.2 Identifying and setting aside these dates for training and member development will assist in the planning and delivery of training. it is hoped that they may lead to an increase in the uptake of the training opportunities offered.
- 5.3 In case changed circumstances require a training day to be rearranged, authority is sought to allow the Chief Executive to change the dates where required.

E. CONCLUSION

Setting dates and times for meetings of full council, committees and other bodies will ensure compliance with the Code of Corporate Governance and Internal Audit's recommendations, and will assist in the forward planning of council business.

F. BACKGROUND REFERENCES

Standing Orders and Scheme of Administration.

West Lothian Council, 26 September 2017

Appendices: 1 List of Meetings 2019/2020

2 Calendar of Meetings 2019/2020

3 Summary of meeting arrangements 2019/2020

Contact Person: Carol Johnston, Chief Solicitor

Graham Hope, Chief Executive

26 March 2019

SCHEDULE OF MEETINGS 2019/2020

| DATE | MEETING | TIME | VENUE |
|------------|---|-------|------------------|
| | <u>AUGUST 2019</u> | | |
| 01/08/2019 | IJB Strategic Planning Group | 14.00 | Strathbrock PC |
| 07/08/2019 | Licensing Committee | 9.30 | Council Chambers |
| 09/08/2019 | Licensing Board | 10.00 | Council Chambers |
| 13/08/2019 | Integration Joint Board | 14.00 | Blackburn PC |
| 14/08/2019 | Development Management Committee | 10.00 | Council Chambers |
| 15/08/2019 | Asset Transfer Review Body | 14.00 | Council Chambers |
| 19/08/2019 | Bathgate Local Area Committee | 10.00 | Bathgate PC |
| 20/08/2019 | Council Executive | 10.00 | Council Chambers |
| 20/08/2019 | Services for the Community PDSP | 14.00 | Council Chambers |
| 21/08/2019 | Local Review Body | 11.00 | Council Chambers |
| 22/08/2019 | West Lothian Council Planning Committee | 10.00 | Council Chambers |
| 22/08/2019 | West Lothian Council (Planning) | 11.00 | Council Chambers |
| 23/08/2019 | Partnership & Resources PDSP | 9.30 | Council Chambers |
| 26/08/2019 | Asset Transfer Committee | 10.00 | Council Chambers |
| 26/08/2019 | Governance & Risk Committee | 14.00 | Council Chambers |
| 27/08/2019 | Linlithgow Local Area Committee | 9.30 | Linlithgow PC |
| 27/08/2019 | Education PDSP | 14.00 | Council Chambers |
| 28/08/2019 | Placing in School Appeals Committee | 9.30 | CR3 |
| 29/08/2019 | Culture & Leisure PDSP | 9.30 | Council Chambers |
| 29/08/2019 | West Lothian Leisure Advisory Committee | 10.00 | Council Chambers |
| 29/08/2019 | Health & Care PDSP | 14.00 | Council Chambers |

| 30/08/2018 | Employee Appeals Committee | 10.00 | Council Chambers |
|------------|--|-------|------------------|
| | SEPTEMBER 2019 | | |
| 02/09/2019 | Community Planning Partnership Board | 10.00 | TBC |
| 03/09/2019 | Development & Transport PDSP | 9.30 | Council Chambers |
| 03/09/2019 | Environment PDSP | 11.00 | Council Chambers |
| 03/09/2019 | Education Quality Assurance Committee | 14.00 | Council Chambers |
| 04/09/2019 | Licensing Committee | 9.30 | Council Chambers |
| 05/09/2019 | Livingston South Local Area Committee | 9.30 | Council Chambers |
| 05/09/2019 | IJB Strategic Planning Group | 14.00 | Strathbrock PC |
| 06/09/2019 | Social Policy PDSP | 9.30 | Council Chambers |
| 09/09/2019 | Whitburn & Blackburn Local Area Committee | 10.00 | TBC |
| 09/09/2019 | Performance Committee | 14.00 | Council Chambers |
| 10/09/2019 | Education Executive | 10.00 | Council Chambers |
| 10/09/2019 | Council Executive | 11.00 | Council Chambers |
| 11/09/2019 | Local Review Board | 11.00 | Council Chambers |
| 11/09/2019 | IJB Audit, Risk & Governance Committee | 14.00 | Council Chambers |
| 12/09/2019 | East Livingston & East Calder Local Area Committee | 9.30 | Council Chambers |
| 12/09/2019 | Asset Transfer Review Body | 14.00 | Council Chambers |
| 13/09/2019 | Licensing Board | 10.00 | Council Chambers |
| 16/09/2019 | Community Safety Board | 14.00 | Council Chambers |
| 18/09/2019 | Development Management Committee | 10.00 | Council Chambers |
| 19/09/2019 | West Lothian Council Planning Committee | 10.00 | Council Chambers |
| 19/09/2019 | West Lothian Council (Planning) | 11.00 | Council Chambers |
| 19/09/2019 | Armadale &- Blackridge Local Area Committee | 14.00 | Armadale PC |

| 20/09/2019 | Livingston North Local Area Committee | 9.30 | Council Chambers |
|------------|---|-------|------------------|
| 20/09/2019 | Broxburn, Uphall & Winchburgh Local Area Committee | 9.30 | ТВС |
| 23/09/2019 | Asset Transfer Committee | 10.00 | Council Chambers |
| 23/09/2019 | Joint Consultative Group | 14.00 | Council Chambers |
| 24/09/2019 | West Lothian Council | 10.00 | Council Chambers |
| 25/09/2019 | Integration Joint Board | 14.00 | Blackburn PC |
| 26/09/2019 | Voluntary Organisations PDSP | 9.30 | Council Chambers |
| 26/09/2019 | Placing in School Appeals Committee | 9.30 | CR3 |
| 27/09/2019 | Employee Appeals Committee | 10.00 | Council Chambers |
| 30/09/2019 | Joint Consultative Group (Teaching) | 14.00 | Council Chambers |
| | OCTOBER 2019 | | |
| 01/10/2019 | Fauldhouse & the Breich Valley Local Area Committee | 9.30 | Council Chambers |
| 01/10/2019 | Services for the Community PDSP | 14.00 | Council Chambers |
| 02/10/2019 | Licensing Committee | 9.30 | Council Chambers |
| 04/10/2019 | Partnership & Resources PDSP | 9.30 | Council Chambers |
| 07/10/2019 | Audit Committee | 14.00 | Council Chambers |
| 08/10/2019 | Council Executive | 10.00 | Council Chambers |
| 09/10/2019 | Local Review Body | 11.00 | Council Chambers |
| 10/10/2019 | Health & Care PDSP | 14.00 | Council Chambers |
| 11/10/2019 | Licensing Board | 10.00 | Council Chambers |
| 16/10/2019 | Development Management Committee | 14.00 | Council Chambers |
| 22/10/2019 | Council Executive | 10.00 | Council Chambers |
| 22/10/2019 | Education PDSP | 14.00 | Council Chambers |
| 24/10/2019 | West Lothian Leisure Advisory Committee | 10.00 | Council Chambers |

| 24/10/2019 | Asset Transfer Review Body | 14.00 | Council Chambers |
|------------|--|-------|------------------|
| 25/10/2019 | Employee Appeals Committee | 10.00 | Council Chambers |
| 28/10/2019 | Asset Transfer Committee | 10.00 | Council Chambers |
| 28/10/2019 | Governance & Risk Committee | 14.00 | Council Chambers |
| 29/10/2019 | Placing in Schools Appeals Committee | 9.30 | CR3 |
| 30/10/2019 | Licensing Committee | 9.30 | Council Chambers |
| 31/10/2019 | West Lothian Council Planning Committee | 10.00 | Council Chambers |
| 31/10/2019 | West Lothian Council (Planning) | 11.00 | Council Chambers |
| 31/10/2019 | IJB Strategic Planning Group | 14.00 | Strathbrock PC |
| | NOVEMBER 2019 | | |
| 01/11/2019 | Social Policy PDSP | 9.30 | Council Chambers |
| 05/11/2019 | Development & Transport PDSP | 9.30 | Council Chambers |
| 05/11/2019 | Environment PDSP | 9.30 | Council Chambers |
| 05/11/2019 | Education Quality Assurance Committee | 14.00 | Council Chambers |
| 06/11/2019 | Local Review Body | 11.00 | Council Chambers |
| 08/11/2019 | Licensing Board | 10.00 | Council Chambers |
| 11/11/2019 | Asset Transfer Committee | 10.00 | Council Chambers |
| 11/11/2019 | Performance Committee | 14.00 | Council Chambers |
| 12/11/2019 | Education Executive | 10.00 | Council Chambers |
| 12/11/2019 | Council Executive | 11.00 | Council Chambers |
| 13/11/2019 | Development Management Committee | 10.00 | Council Chambers |
| 14/11/2019 | Livingston South Local Area Committee | 9.30 | Council Chambers |
| 15/11/2019 | Broxburn, Uphall & Winchburgh Local Area Committee | 9.30 | TBC |
| 18/11/2019 | Community Planning Partnership Board | 10.00 | TBC |

| 18/11/2019 | Joint Consultative Group (Teaching) | 14.00 | Council Chambers |
|------------|---|-------|------------------|
| 19/11/2019 | West Lothian Council | 10.00 | Council Chambers |
| 20/11/2019 | Placing in School Appeals Committee | 9.30 | CR3 |
| 21/11/2019 | West Lothian Council Planning Committee | 10.00 | Council Chambers |
| 21/11/2019 | West Lothian Council (Planning) | 11.00 | Council Chambers |
| 21/11/2019 | Asset Transfer Review Body | 14.00 | Council Chambers |
| 22/11/2019 | Livingston North Local Area Committee | 9.30 | Council Chambers |
| 25/11/2019 | Bathgate Local Area Committee | 10.00 | Bathgate PC |
| 26/11/2019 | Linlithgow Local Area Committee | 9.30 | Linlithgow PC |
| 26/11/2019 | Integration Joint Board | 14.00 | Blackburn PC |
| 27/11/2019 | Licensing Committee | 9.30 | Council Chambers |
| 28/11/2019 | Culture & Leisure PDSP | 9.30 | Council Chambers |
| 28/11/2019 | West Lothian Leisure Advisory Committee | 10.00 | Council Chambers |
| 29/11/2019 | Employee Appeals Committee | 10.00 | Council Chambers |
| | DECEMBER 2019 | | |
| 02/12/2019 | Placing in School Appeals Committee | 9.30 | CR3 |
| 02/12/2019 | Whitburn & Blackburn Local Area Committee | 10.00 | ТВС |
| 03/12/2019 | Council Executive | 10.00 | Council Chambers |
| 04/12/2019 | Employee Appeals Committee | 10.00 | Council Chambers |
| 05/12/2019 | East Livingston & East Calder Local Area Committee | 9.30 | Council Chambers |
| 05/12/2019 | Asset Transfer Review Body | 14.00 | Council Chambers |
| 06/12/2019 | Partnership & Resources PDSP | 9.30 | Council Chambers |
| 09/12/2019 | Community Safety Board | 14.00 | Council Chambers |
| 10/12/2019 | Fauldhouse & the Breich Valley Local Area Committee | 9.30 | Council Chambers |

| 10/12/2019 | Services for the Community PDPS | 14.00 | Council Chambers |
|------------|--|-------|------------------|
| 11/12/2019 | Development Management Committee | 10.00 | Council Chambers |
| 11/12/2019 | IJB Audit, Risk & Governance Committee | 14.00 | Council Chambers |
| 12/12/2019 | Voluntary Organisations PDSP | 9.30 | Council Chambers |
| 12/12/2019 | Armadale & Blackridge Local Area Committee | 14.00 | Council Chambers |
| 12/12/2019 | IJB Strategic Planning Group | 14.00 | Strathbrock PC |
| 13/12/2019 | Licensing Board | 10.00 | Council Chambers |
| 16/12/2019 | Asset Transfer Committee | 10.00 | Council Chambers |
| 16/12/2019 | Performance Committee | 14.00 | Council Chambers |
| 17/12/2019 | Council Executive | 10.00 | Council Chambers |
| 17/12/2019 | Education PDSP | 14.00 | Council Chambers |
| 18/12/2019 | Licensing Committee | 9.30 | Council Chambers |
| 19/12/2019 | Health and Care PDSP | 14.00 | Council Chambers |
| | JANUARY 2020 | | |
| 10/01/2020 | Licensing Board | 10.00 | Council Chambers |
| 14/01/2020 | Education Quality Assurance Committee | 14.00 | Council Chambers |
| 15/01/2020 | Licensing Committee | 9.30 | Council Chambers |
| 16/01/2020 | West Lothian Council Planning Committee | 10.00 | Council Chambers |
| 16/01/2020 | West Lothian Council (Planning | 11.00 | Council Chambers |
| 17/01/2020 | Employee Appeals Committee | 10.00 | Council Chambers |
| 20/01/2020 | Asset Transfer Committee | 10.00 | Council Chambers |
| 20/01/2020 | Joint Consultative Group | 14.00 | Council Chambers |
| 21/01/2020 | Education Executive | 10.00 | Council Chambers |
| 21/01/2020 | Council Executive | 11.00 | Council Chambers |

| 21/01/2020 | Integration Joint Board | 14.00 | Blackburn PC |
|------------|---|-------|------------------|
| 22/01/2020 | Development Management Committee | 10.00 | Council Chambers |
| 23/01/2020 | Livingston South Local Area Committee | 9.30 | Council Chambers |
| 23/01/2020 | Asset Transfer Review Body | 14.00 | Council Chambers |
| 24/01/2020 | Social Policy PDSP | 9.30 | Council Chambers |
| 27/01/2020 | Audit Committee | 14.00 | Council Chambers |
| 28/01/2020 | West Lothian Council | 10.00 | Council Chambers |
| 29/01/2020 | Local Review Body | 11.00 | Council Chambers |
| 30/01/2020 | Placing in School Appeals Committee | 9.30 | CR3 |
| 31/01/2020 | Livingston North Local Area Committee | 9.30 | Council Chambers |
| | FEBRUARY 2020 | | |
| 03/02/2020 | Performance Committee | 14.00 | Council Chambers |
| 04/02/2020 | Council Executive | 10.00 | Council Chambers |
| 04/02/2020 | Services for the Community PDSP | 14.00 | Council Chambers |
| 06/02/2020 | Health & Care PDSP | 14.00 | Council Chambers |
| 07/02/2020 | Partnership & Resources PDSP | 9.30 | Council Chambers |
| 10/02/2020 | Community Planning Partnership Board | 10.00 | TBC |
| 10/02/2020 | Joint Consultative Group (Teaching) | 14.00 | Council Chambers |
| 11/02/2020 | Development & Transport PDSP | 9.30 | Council Chambers |
| 11/02/2020 | Environment PDSP | 11.00 | Council Chambers |
| 11/02/2020 | Education PDSP | 14.00 | Council Chambers |
| 12/02/2020 | Licensing Committee | 9.30 | Council Chambers |
| 13/02/2020 | West Lothian Council Planning Committee | 10.00 | Council Chambers |
| 13/02/2020 | West Lothian Council (Planning) | 11.00 | Council Chambers |

| 14/02/2020 | Licensing Board | 10.00 | Council Chambers |
|------------|--|-------|------------------|
| 19/02/2020 | Development Management Committee | 10.00 | Council Chambers |
| 20/02/2020 | Placing in School Appeals Committee | 9.30 | CR3 |
| 20/02/2020 | Asset Transfer Review Body | 14.00 | Council Chambers |
| 20/02/2020 | IJB Strategic Planning Group | 14.00 | Strathbrock PC |
| 21/02/2020 | Social Policy PDSP | 9.30 | Council Chambers |
| 24/02/2020 | Asset Transfer Committee | 10.00 | Council Chambers |
| 24/02/2020 | Governance & Risk Committee | 14.00 | Council Chambers |
| 25/02/2020 | Council Executive | 10.00 | Council Chambers |
| 26/02/2020 | Local Review Body | 11.00 | Council Chambers |
| 27/02/2020 | Culture and Leisure PDSP | 9.30 | Council Chambers |
| 27/02/2020 | West Lothian Leisure Advisory Committee | 10.00 | Council Chambers |
| 28/02/2020 | Employee Appeals Committee | 10.00 | Council Chambers |
| | MARCH 2020 | | |
| 02/03/2020 | Whitburn & Blackburn Local Area Committee | 10.00 | ТВС |
| 03/03/2020 | Education Quality Assurance Committee | 14.00 | Council Chambers |
| 04/03/2020 | IJB Audit, Risk & Governance Committee | 14.00 | Council Chambers |
| 05/03/2020 | East Livingston & East Calder Local Area Committee | 9.30 | Council Chambers |
| 06/03/2020 | Broxburn, Uphall & Winchburgh Local Area Committee | 9.30 | ТВС |
| 06/03/2020 | Livingston North Local Area Committee | 9.30 | Council Chambers |
| 09/03/2020 | Bathgate Local Area Committee | 10.00 | Bathgate PC |
| 10/03/2020 | Linlithgow Local Area Committee | 9.30 | Linlithgow PC |
| 10/03/2020 | Integration Joint Board | 14.00 | Blackburn PC |
| 11/03/2020 | Development Management Committee | 10.00 | Council Chambers |

| 12/03/2020 | Asset Transfer Review Body | 14.00 | Council Chambers |
|------------|---|-------|------------------|
| 12/03/2020 | Fauldhouse & the Breich Valley Local Area Committee | 9.30 | Council Chambers |
| 13/03/2020 | Licensing Board | 10.00 | Council Chambers |
| 16/03/2020 | Community Safety Board (Provisional) | 14.00 | Council Chambers |
| 17/03/2020 | West Lothian Council | 10.00 | Council Chambers |
| 18/03/2020 | Licensing Committee | 9.30 | Council Chambers |
| 19/03/2020 | Voluntary Organisations PDSP | 9.30 | Council Chambers |
| 19/03/2020 | Armadale & Blackridge Local Area Committee | 14.00 | Council Chambers |
| 20/03/2020 | Employee Appeals Committee | 10.00 | Council Chambers |
| 23/03/2020 | Placing in School Appeals Committee | 9.30 | CR3 |
| 23/03/2020 | Performance Committee | 14.00 | Council Chambers |
| 24/03/2020 | Education Executive | 10.00 | Council Chambers |
| 24/03/2020 | Council Executive | 11.00 | Council Chambers |
| 24/03/2020 | Services for the Community PDSP | 14.00 | Council Chambers |
| 25/03/2020 | Local Review Body | 11.00 | Council Chambers |
| 26/03/2020 | West Lothian Council Planning Committee | 10.00 | Council Chambers |
| 26/03/2020 | West Lothian Council (Planning) | 11.00 | Council Chambers |
| 26/03/2020 | IJB Strategic Planning Group | 14.00 | Strathbrock PC |
| 27/03/2020 | Social Policy PDSP | 9.30 | Council Chambers |
| 30/03/2020 | Asset Transfer Committee | 10.00 | Council Chambers |
| 30/03/2020 | Audit Committee | 14.00 | Council Chambers |
| 31/03/2020 | Development & Transport PDSP | 9.30 | Council Chambers |
| 31/03/2020 | Environment PDSP | 11.00 | Council Chambers |
| 31/03/2020 | Education PDSP | 14.00 | Council Chambers |
| | | | |

| | APRIL 2020 | | |
|------------|---|-------|------------------|
| 02/04/2020 | Health and Care PDSP | 14.00 | Council Chambers |
| 03/04/2020 | Partnership & Resources PDSP | 9.30 | Council Chambers |
| 15/04/2020 | Licensing Committee | 9.30 | Council Chambers |
| 16/04/2020 | West Lothian Council Planning Committee | 10.00 | Council Chambers |
| 16/04/2020 | West Lothian Council (Planning) | 11.00 | Council Chambers |
| 17/04/2020 | Licensing Board | 10.00 | Council Chambers |
| 20/04/2020 | Asset Transfer Committee | 10.00 | Council Chambers |
| 20/04/2020 | Joint Consultative Group | 14.00 | Council Chambers |
| 21/04/2020 | Council Executive | 10.00 | Council Chambers |
| 21/04/2020 | Integration Joint Board | 14.00 | Blackburn PC |
| 22/04/2020 | Development Management Committee | 10.00 | Council Chambers |
| 23/04/2020 | Asset Transfer Review Body | 14.00 | Council Chambers |
| 24/04/2020 | Employee Appeals Committee | 10.00 | Council Chambers |
| 28/04/2020 | Placing in Schools Appeals Committee | 9.30 | CR3 |
| 28/04/2020 | Education Quality Assurance Committee | 14.00 | Council Chambers |
| 29/04/2020 | Local Review Body | 11.00 | Council Chambers |
| 30/04/2020 | West Lothian Leisure Advisory Committee | 10.00 | Council Chambers |
| | MAY 2020 | | |
| 04/05/0000 | | | |
| 01/05/2020 | Livingston North Local Area Committee | 9.30 | Council Chambers |
| 07/05/2020 | Livingston South Local Area Committee | 9.30 | Council Chambers |
| 08/05/2020 | Licensing Board | 10.00 | Council Chambers |
| 11/05/2020 | Community Planning Partnership Board | 10.00 | ТВС |

| 11/05/2020 | Community Safety Board (provisional) | 14.00 | Council Chambers |
|------------|---|-------|------------------|
| 12/05/2020 | West Lothian Council | 10.00 | Council Chambers |
| 13/05/2020 | Licensing Committee | 9.30 | Council Chambers |
| 14/05/2020 | Placing in School Appeals Committee | 9.30 | CR3 |
| 15/05/2020 | Social Policy PDSP | 9.30 | Council Chambers |
| 19/05/2020 | Education Executive | 10.00 | Council Chambers |
| 19/05/2020 | Council Executive | 11.00 | Council Chambers |
| 20/05/2020 | Development Management Committee | 10.00 | Council Chambers |
| 21/05/2020 | Voluntary Organisations PDSP | 9.30 | Council Chambers |
| 21/05/2020 | Asset Transfer Review Body | 14.00 | Council Chambers |
| 25/05/2020 | Asset Transfer Committee | 10.00 | Council Chambers |
| 25/05/2020 | Performance Committee | 14.00 | Council Chambers |
| 26/05/2020 | Fauldhouse & the Breich Valley Local Area Committee | 9.30 | Council Chambers |
| 26/05/2020 | Linlithgow Local Area Committee | 9.30 | Linlithgow PC |
| 26/05/2020 | Education PDSP | 14.00 | Council Chambers |
| 27/05/2020 | Placing in Schools Appeals Committee | 9.30 | CR3 |
| 27/05/2020 | Local Review Body | 11.00 | Council Chambers |
| 27/05/2020 | IJB Audit, Risk & Governance | 14.00 | Council Chambers |
| 28/05/2020 | West Lothian Council Planning Committee | 10.00 | Council Chambers |
| 28/05/2020 | West Lothian Council (Planning) | 11.00 | Council Chambers |
| 28/05/2020 | Placing in School Appeals Committee | 13.00 | CR3 |
| 29/05/2020 | Employee Appeals Committee | 10.00 | Council Chambers |
| | JUNE 2020 | | |
| 01/06/2020 | Whitburn and Blackburn Local Area Committee | 10.00 | TBC |

| 01/06/2020 | Joint Consultative Group (Teaching) | 14.00 | Council Chambers |
|------------|--|-------|------------------|
| 02/06/2020 | Development & Transport PDSP | 9.30 | Council Chambers |
| 02/06/2020 | Environment PDSP | | Council Chambers |
| 02/06/2020 | Services for the Community PDSP | 14.00 | Council Chambers |
| 03/06/2020 | Placing in Schools Appeals Committee | 9.30 | CR3 |
| 04/06/2020 | East Livingston & East Calder Local Area Committee | 9.30 | Council Chambers |
| 04/06/2020 | Armadale &Blackridge Local Area Committee | 14.00 | Council Chambers |
| 05/06/2020 | Partnership and Resources PDSP | 9.30 | Council Chambers |
| 08/06/2020 | Placing in School Appeals Committee | 9.30 | CR3 |
| 08/06/2020 | Joint Consultative Group | 14.00 | Council Chambers |
| 09/06/2020 | Council Executive | 10.00 | Council Chambers |
| 09/06/2020 | Education Quality Assurance Committee | 14.00 | Council Chambers |
| 10/06/2020 | Licensing Committee | 9.30 | Council Chambers |
| 11/06/2020 | Placing in School Appeals Committee | 13.00 | CR3 |
| 11/06/2020 | West Lothian Council Planning Committee | 10.00 | Council Chambers |
| 11/06/2020 | West Lothian Council (Planning) | 11.00 | Council Chambers |
| 11/06/2020 | IJB Strategic Planning Group | 14.00 | Strathbrock PC |
| 12/06/2020 | Licensing Board | 10.00 | Council Chambers |
| 15/06/2020 | Placing in School Appeals Committee | 9.30 | CR3 |
| 15/06/2020 | Bathgate Local Area Committee | 10.00 | Bathgate PC |
| 15/06/2020 | Governance and Risk Committee | 14.00 | Council Chambers |
| 17/06/2020 | Placing in School Appeals Committee | 9.30 | CR3 |
| 17/06/2020 | Development Management Committee | 10.00 | Council Chambers |
| 18/06/2020 | Placing in School Appeals Committee | 9.30 | CR3 |
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Appendix 1

| Culture and Leisure PDSP | 9.30 | Council Chambers |
|--|---|---|
| West Lothian Leisure Advisory Committee | 10.00 | Council Chambers |
| Health and Care PDSP | 14.00 | Council Chambers |
| Broxburn, Uphall & Winchburgh Local Area Committee | 9.30 | Council Chambers |
| Asset Transfer Committee | 10.00 | Council Chambers |
| Audit Committee | 14.00 | Council Chambers |
| Placing in School Appeals Committee | 13.00 | CR3 |
| Education Executive | 10.00 | Council Chambers |
| Council Executive | 11.00 | Council Chambers |
| Livingston North Local Area Committee | 14.00 | Council Chambers |
| Placing in School Appeals Committee | 9.30 | CR3 |
| Local Review Body | 11.00 | Council Chambers |
| Asset Transfer Review Body | 14.00 | Council Chambers |
| Employee Appeals Committee | 10.00 | CR3 |
| Integration Joint Board | 14.00 | Blackburn PC |
| JULY 2020 | | |
| Licensing Committee | 9.30 | Council Chambers |
| Development Management Committee | 10.00 | Council Chambers |
| Licensing Board | 10.00 | Council Chambers |
| | West Lothian Leisure Advisory Committee Health and Care PDSP Broxburn, Uphall & Winchburgh Local Area Committee Asset Transfer Committee Audit Committee Placing in School Appeals Committee Education Executive Council Executive Livingston North Local Area Committee Placing in School Appeals Committee Local Review Body Asset Transfer Review Body Employee Appeals Committee Integration Joint Board JULY 2020 Licensing Committee Development Management Committee | West Lothian Leisure Advisory Committee 10.00 Health and Care PDSP 14.00 Broxburn, Uphall & Winchburgh Local Area Committee 9.30 Asset Transfer Committee 10.00 Audit Committee 14.00 Placing in School Appeals Committee 13.00 Education Executive 10.00 Council Executive 11.00 Livingston North Local Area Committee 9.30 Local Review Body 11.00 Asset Transfer Review Body 14.00 Employee Appeals Committee 10.00 Integration Joint Board 14.00 JULY 2020 Licensing Committee 9.30 Development Management Committee 10.00 |

| | | | | | Appendix 2 |
|----------------|---|---|---|---|---|
| A | lugust 2019 | | | August 2019 Mo Tu We Th Fr Sa Su 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 26 27 28 29 30 31 | September 2019 Mo Tu We Th Fr Sa Su 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 |
| | Monday | Tuesday | Wednesday | Thursday | Friday |
| | 29 Jul | 30 | 31 | 1 Aug | 2 |
| 29 Jul - 2 Aug | | | | School 14:00 JB Strategic Planning Group | Holidays: |
| | 5 | 6 | 7 | 8 | 9 |
| | | | School Holiday | | |
| 5 - 9 Aug | | | 09:30 Licensing Committee | | 10:00 Licensing Board |
| | 12 | 13 | 14 | 15 | 16 |
| ĺ | | · | School Holiday | | |
| 12 - 16 Aug | | 09:30 Members Training 14:00 Integration Joint Board (IJB) | 10:00 Development Management Committee | 14:00 Asset Transfer Review Body | 10:00 Licensing Board Review |
| | 19 | 20 | 21 | 22 | 23 |
| 19 - 23 Aug | 10:00 Bathgate Local Area Committee | 10:00 Council Executive 14:00 Services for the Community PDSP | 11:00 Local Review Body | 10:00 West Lothian Council Planning Committee 11:00 West Lothian Council (Planning) | 09:30 Partnership & Resources PDSP |
| | 26 | 27 | 28 | 29 | 30 |
| 26 - 30 Aug | 10:00 Asset Transfer Committee 14:00 Governance & Risk Committee | 09:30 Linlithgow Local Area Committee 14:00 Education PDSP | 09:30 Placing in School Appeals Committee (am) | 09:30 Culture & Leisure PDSP 10:00 West Lothian Leisure Advisory Committee 14:00 Health & Care PDSP | O9:30 Employee Appeals Committee |

| September | 2019 |
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September 2019 October 2019 Mo Tu We Th Fr Sa Su Mo Tu We Th Fr 54 50 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 2 3 4 5 6 9 10 11 12 13 16 17 18 19 20 23 24 25 26 27 7 14 21 28

| Monday | Tuesday | Wednesday | Thursday | Friday |
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| 2 Sep | 3 | 4 | 5 | 6 |
| 10:00 Community Planning Partnership Board | 09:30 Development & Transport PDSP 11:00 Environment PDSP 14:00 Education Quality Assurance Committee (EQAC) | 09:30 Licensing Committee | 09:30 Livingston South Local Area Committee 14:00 IJB Strategic Planning Group | 09:30 Social Policy PDSP |
| 9 | 10 | 11 | 12 | 13 |
| 10:00 Whitburn & Blackburn Local Area Committee 14:00 Performance Committee | 10:00 Education Executive 11:00 Council Executive | 11:00 Local Review Body 14:00 IJB Audit, Risk & Governance Committee | 09:30 East Livingston & East Calder Local Area Committee 14:00 Asset Transfer Review Body | 10:00 WL Licensing Board |
| 16 | 17 | 18 | 19 | 20 |
| 14:00 Community Safety Board | Holiday | 10:00 Development Management Committee | 10:00 West Lothian Council Planning Committee 11:00 West Lothian Council (Planning) 14:00 Armadale & Blackridge Local Area Committee | 09:30 Broxburn, Uphall & Winchburgh Local Area Committee 09:30 Livingston North Local Area Committee |
| 23 | 24 | 25 | 26 | 27 |
| 10:00 Asset Transfer Committee 14:00 Joint Consultative Group (JCG) | 10:00 West Lothian Council | 14:00 Integration Joint Board (IJB) | 09:30 Voluntary Organistions PDSP 13:00 Placing in School Appeals Committee (am) | Cosla Leader Meeting 09:30 Employee Appeals Committee |
| 30 | 1 Oct | 2 | 3 | 4 |
| 10:00 Council Executive Agenda Setting 14:00 Joint Consultative Group (JCG Teaching) | | | | |

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| October 2019 | | | | November 2019 | | | | | | | | | |
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| | Monday | Tuesday | Wednesday | Thursday | Friday |
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| | 30 Sep | 1 Oct | 2 | 3 | 4 |
| 20 3ap - 4 Oct | | 09:30 Fauldhouse & the Breich Valley Local Area Committee 14:00 Services for the Community PDSP | 09:30 Licensing Committee | | 09:30 Partnership & Resources PDS |
| | 7 | 8 | 9 | 10 | 11 |
| ייד סרו | 14:00 Audit Committee | 10:00 Council Executive | 11:00 Local Review Body | 14:00 Health & Care PDSP | 10:00 WL Licensing Board |
| | 14 | 15 | 16 | 17 | 18 |
| | | | School Holiday | | |
| 130 OT - 47 | | | 10:00 Development Management Committee | | |
| | 21 | 22 | 23 | 24 | 25 |
| Ī | School Holiday | 10:00 Council Executive | 10:00 Licensing Board Review | 10:00 West Lothian Leisure Advisory | Cosia Leader Meeting |
| 77 - 77 OCL | | 14:00 Education PDSP | | Committee 14:00 Asset Transfer Review Body | 09:30 Employee Appeals Committee |
| | 28 | 29 | 30 | 31 | 1 Nov |
| AON T - 170 07 | 10:00 Asset Transfer Committee 14:00 Governance & Risk Committee | 09:30 Placing in School Appeals Committee (am) | 09:30 Licensing Committee | 10:00 West Lothian Council Planning Committee 11:00 West Lothian Council (Planning) 14:00 IJB Strategic Planning Group | |

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| November 2019 | December 2019 | | December 201

| Monday | Tuesday | Wednesday | Thursday | Friday |
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| 28 Oct | 29 | 30 | 31 | 1 Nov |
| | | | | 09:30 Social Policy PDSP |
| 4 | 5 | 6 | 7 | 8 |
| | 09:30 Development & Transport PDSP 11:00 Environment PDSP 14:00 Education Quality Assurance Committee (EQAC) | 11:00 Local Review Body | 09:30 Members Training | 10:00 WL Licensing Board |
| 11 | 12 | 13 | 14 | 15 |
| 10:00 Asset Transfer Committee 14:00 Performance Committee | 10:00 Education Executive 11:00 Council Executive | 10:00 Development Management Committee | 09:30 Livingston South Local Area Committee | 09:30 Broxburn, Uphall & Winchburgh Local Area Committee |
| 18 | 19 | 20 | 21 | 22 |
| 10:00 Community Planning Partnership Board 14:00 Joint Consultative Group (JCG Teaching) | 10:00 West Lothian Council | 09:30 Placing in School Appeals Committee (am) | 10:00 West Lothian Council Planning Committee 11:00 West Lothian Council (Planning) 14:00 Asset Transfer Review Body | 09:30 Livingston North Local Area Committee |
| 25 | 26 | 27 | 28 | 29 |
| 10:00 Bathgate Local Area Committee | 09:30 Linlithgow Local Area Committee 14:00 Integration Joint Board (IJB) | 09:30 Licensing Committee | 09:30 Culture & Leisure PDSP 10:00 West Lothian Leisure Advisory Committee | Cosla Leader Meeting 10:00 Employee Appeals Committee |

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| Monday | Tuesday | Wednesday | Thursday | Friday |
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| 2 Dec | 3 | 4 | 5 | 6 |
| 09:30 Placing in School Appeal Committee (am) 10:00 Whitburn & Blackburn Loca Area Committee | 10:00 Council Executive | 09:30 Employee Appeals | 09:30 East Livingston & East Calder Local Area Committee 14:00 Asset Transfer Review Body | 09:30 Partnership & Resources PDSI |
| 9 | 10 | 11 | 12 | 13 |
| 10:00 Council Executive Agenda Setting 14:00 Community Safety Board | 09:30 Fauldhouse & the Breich Valley Local Area Committee 14:00 Services for the Community PDSP | 10:00 Development Management Committee 14:00 UB Audit, Risk & Governance Committee | 09:30 Voluntary Organisations PDSP 14:00 Armadale & Blackridge Local Area Committee 14:00 IJB Strategic Planning Group | 10:00 WL Licensing Board |
| 16 | 17 | 18 | 19 | 20 |
| 10:00 Asset Transfer Committee 14:00 Performance Committee | 10:00 Council Executive 14:00 Education PDSP | 09:30 Licensing Committee | 14:00 Health & Care PDSP | |
| 23 | 24 | 25 | 26 | 27 |
| 9 | chool Holiday | Publi | ic Holiday | School Holiday |
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January 2020

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| | Monday | Tuesday | Wednesday | Thursday | Friday |
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| 30 Dec | | 31 | 1 Jan 20 | 2 | 3 |
| | | | Put | olic Holiday | School Holiday |
| 6 | | 7 | 8 | 9 | 10:00 WL Licensing Board |
| 13 | | 14 14:00 Education Quality Assurance | 15 09:30 Licensing Committee | 16 10:00 West Lothian Council Planning | 17 |
| | | Committee (EQAC) | 0330 deelsing committee | Committee 11:00 West Lothian Council (Planning) | 09:30 Employee Appeals Committe |
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| 1 | t Transfer Committee Consultative Group (JCG) | 10:00 Education Executive 11:00 Council Executive 14:00 Integration Joint Board (IRB) | 10:00 Development Management Committee | 09:30 Livingston South Local Area Committee 14:00 Asset Transfer Review Body | 09:30 Social Policy PDSP |
| 27 | | 28 | 29 | 30 | 31 |
| 14:00 Audi | t Committee | 10:00 West Lothian Council | 11:00 Local Review Body | 09:30 Placing in School Appeal Committee (am) 10:00 Licensing Board Review | O9:30 Livingston North Local Area Committee |

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February 2020

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| 14:00 Performance Commi | ttee 10:00 Council Executive 14:00 Services for the Communit PDSP | у | 14:00 Health & Care PDSP | 09:30 Partnership & Resources PDS |
| 10 | 11 | 12 | 13 | 14 |
| 10:00 10:30 Community Pla | | 09:30 Licensing Committee | 10:00 West Lothian Council Planning | School Holiday |
| Partnership Board 14:00 Joint Consultative Gr Teaching) | PDSP 11:00 Environment PDSP 14:00 Education PDSP | | Committee 11:00 West Lothian Council (Planning) | 10:00 WL Licensing Board |
| 17 | 18 | 19 | 20 | 21 |
| | School Holiday | 10:00 Development Management Committee | 09:30 Placing in School Appeals Committee (am) 14:00 Asset Transfer Review Body 14:00 IJB Strategic Planning Group | 09:30 Social Policy PDSP |
| 24 | 25 | 26 | 27 | 28 |
| 10:00 Asset Transfer Comm 14:00 Governance & Risk Co | | 11:00 Local Review Body | 09:30 Culture & Leisure PDSP 10:00 West Lothian Leisure Advisory Committee | Cosla Leader Meeting 09:30 Employee Appeals Committee |

| March 2020 | | | | | | | | A | April 2020 | | | | |
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| Monday | Tuesday | Wednesday | Thursday | F.44 |
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| 2 Mar | 3 | 4 | 5 | Friday 6 |
| 10:00 Whitburn & Blackburn Local Area Committee | 14:00 Education Quality Assurance Committee (EQAC) | Q9:30 Members Training 14:00 UB Audit, Risk & Governance Committee | 09:30 East Livingston & East Calder Local Area Committee | 09:30 Broxburn, Uphall & Winchburgh Local Area Committee 09:30 Livingston North Local Area Committee |
| 9 | 10 | 11 | 12 | 13 |
| 10:00 Bathgate Local Area Committee | 09:30 Linlithgow Local Area Committee 14:00 Integration Joint Board (IJB) | 10:00 Development Management Committee | 09:30 Fauldhouse & the Breich Valley Local Area Committee 14:00 Asset Transfer Review Body | 10:00 WL Licensing Board |
| 16 | 17 | 18 | 19 | 20 |
| 14:00 Community Safety Board (Provisional) | 10:00 West Lothian Council | 09:30 Licensing Committee | 09:30 Voluntary Organisations PDSP 14:00 Armadale & Blackridge Local Area Committee | 09:30 Employee Appeals Committee |
| 23 | 24 | 25 | 26 | 27 |
| 09:30 Placing in School Appeals Committee (am) 14:00 Performance Committee | 10:00 Education Executive 11:00 Council Executive 14:00 Services for the Community PDSP | 11:00 Local Review Body | 10:00 West Lothian Council Planning Committee 11:00 West Lothian Council (Planning) 14:00 JJB Strategic Planning Group | O9:30 Social Policy PDSP |
| 30 | 31 | 1 Apr | 2 | 3 |
| 10:00 Asset Transfer Committee 14:00 Audit Committee | 09:30 Development & Transport PDSP 11:00 Environment PDSP 14:00 Education PDSP | | | |

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| Monday | Tuesday | Wednesday | Thursday | Friday |
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| 30 Mar | 31 | 1 Apr | 2 | 3 |
| | | 10:00 Licensing Board Review | 14:00 Health & Care PDSP | 09:30 Partnership & Resources PDSI |
| 6 | 7 | 8 | 9 | 10 |
| | Sch | ool Holiday | | Good Friday - Public Holiday |
| | | | | |
| 13 | 14 | 15 | 16 | 17 |
| Easter Monday - Public Holida | | | nool Holiday | |
| | 10:00 Council Executive Agenda Setting | 09:30 Licensing Committee | 10:00 West Lothian Council Planning Committee 11:00 West Lothian Council (Planning) | 10:00 WL Licensing Board |
| 20 | 21 | 22 | 23 | 24 |
| 10:00 Asset Transfer Committee 14:00 Joint Consultative Group (JC | 10:00 Council Executive 14:00 Integration Joint Board (JB) | 10:00 Development Management Committe | 14:00 Asset Transfer Review Body | Cosla Leader Meeting 09:30 Employee Appeals Committee |
| 27 | 28 | 29 | 30 | 1 May |
| | 09:30 Placing in School Appeals Committee (am only) 14:00 Education Quality Assurance Committee (EQAC) | 11:00 Local Review Body | 10:00 West Lothian Leisure Advisory Committee | |

| May | 20 | 20 |
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| May 2020 | June 2020 | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa | Su | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 7 | 8 | 9 | 10 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 11 | 12 | 13 | 14 | 11 | 12 | 13 | 14 | 11 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 29 | 30 | | Sune 2020 | Sun

| | Monday | Tuesday | Wednesday | Thursday | Friday |
|-------------|--|--|---|--|---|
| | 27 Apr | 28 | 29 | 30 | 1 May |
| A THE THIRD | | | | | 09:30 Livingston North Local Area Committee |
| | 4 | 5 | 6 | 7 | 8 |
| | Public Holiday | School Holiday | 09:30 Members Training | 09:30 Livingston South Local Area Committee | 10:00 WL Licensing Board |
| | 11 | 12 | 13 | 14 | 15 |
| | _ | 10:00 West Lothian Council | 09:30 Licensing Committee | 09:30 Placing in School Appeals Committee (am) | 09:30 Social Policy PDSP |
| 1 | 14:00 Community Safety Board (Prov | | | | |
| | 18 | 19 | 20 | 21 | 22 |
| | School Holiday | 10:00 Education Executive 11:00 Council Exeucutive | 10:00 Development Management Committee | 09:30 Voluntary Organisations PDSP 14:00 Asset Transfer Review Body | 10:00 Licensing Board Review |
| | 25 | 26 | 27 | 28 | 29 |
| (m 2 | 10:00 Asset Transfer Committee 14:00 Performance Committee | 09:30 Fauldhouse & the Breich Valley Local Area Committee 09:30 Linlithgow Local Area Committee 14:00 Education PDSP | 09:30 Placing in School Appeals Committee (full day) 11:00 Local Review Body 14:00 IJB Audit, Risk & Governance Committee | 10:00 West Lothian Council Planning Committee 11:00 West Lothian Council (Planning) 13:00 Placing in School Appeals Committee (pm) | Cosia Leader Meeting 09:30 Employee Appeals Committee |

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| 22 | 23 30 | 24 | 25 | 26 | 27 | 28 | 13 20 27 | 14 21 28 | 15 22 29 | 16 23 30 | 17 24 | 18 25 | 19 26 |

| Monday Tuesday | | Wednesday | Thursday | Friday | |
|----------------|--|--|--|--|--|
| | 1 Jun | 2 | 3 | 4 | 5 |
| UNC C = T | 10:00 Whitburn & Blackburn Local Area Committee 14:00 Joint Consultative Group (JCG Teaching) | 09:30 Development & Transport PDSP 11:00 Environment PDSP 14:00 Services for the Community PDSP | 09:30 Placing in School Appeals Committee (full day) | 09:30 East Livingston & East Calder Local Area Committee 14:00 Armadale & Blackridge Local Area Committee | 09:30 Partnership & Resources PDSI |
| | 8 | 9 | 10 | 11 | 12 |
| 0 - 12 Jun | Newlands Day 09:30 Placing in School Appeals Committee (full day) 14:00 Joint Consultative Group (JCG) | 10:00 Council Executive 14:00 Education Quality Assurance Committee (EQAC) | 09:30 Licensing Committee | 10:00 West Lothian Council Planning Committee 11:00 West Lothian Council (Planning) 13:00 Placing in School Appeals Com 14:00 JB Strategic Planning Group | 10:00 WL Licensing Board |
| | 15 | 16 | 17 | 18 | 19 |
| IIDC CT - CT | 09:30 Placing in School Appeals Committee (full day) 10:00 Bathgate Local Area Committe 14:00 Governance & Risk Committee | Linlithgow Marches | 09:30 Placing in School Appeals Committee (full day) 10:00 Development Management Committee | 09:30 Culture & Leisure PDSP 09:30 Placing in School Appeals Committee (full day) 10:00 West Lothian Leisure Advisory Committee 14:00 Health & Care PDSP | 09:30 Broxburn, Uphall & Winchburgh Local Area Committee |
| | 22 | 23 | 24 | 25 | 26 |
| UNC 07 - 77 | 10:00 Asset Transfer Committee 14:00 Audit Committee | 10:00 Education Executive 11:00 Council Executive 13:00 Placing in School Appeals Committee (pm) 14:00 Livingston North Local Area Committee | 09:30 Placing in School Appeals Committee (full day) 11:00 Local Review Body | 14:00 Asset Transfer Review Body | Cosla Leader Meeting 09:30 Employee Appeals Committee |
| | 29 | 30 | 1 Jul | 2 | 3 |
| 1000 | Schoo | 14:00 Integration Joint Board (IJB) | | | |

| 1 2020 | | | July 2020 | Appendix 2 |
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| uly 2020 | | | Mo Tu We Th Fr Sa Su | Mo Tu We Th Fr Sa Su |
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| Monday 29 Jun | Tuesday | Wednesday | Thursday | Friday |
| 29 Juli | 30 | 1 Jul | 2 School Holiday | 3 |
| | | 09:30 Licensing Committee | Scrool Holiday | |
| 6 | 7 | 8 | 9 | 10 |
| | | School Holiday | | |
| | | 10:00 Development Management Committee | | 10:00 WL Licensing Board |
| 13 | 14 | 15 | 16 | 17 |
| | | School Holiday | | |
| | | | | |
| 20 | 21 | 22 | 23 | 24 |
| | | School Holiday | | |
| | | | | |
| 27 | 28 | 29 | 30 | 31 |
| School Holiday | | | | |
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COMMITTEE TIMETABLE 2019-20 - SUMMARY

| Asset Transfer Committee | Monday mornings; 26/08/2019, 23/09/2019, 28/10/2019, 11/11/2019, 16/12/2019, 20/01/2020, 24/02/2020, 30/03/2020, 20/04/2020, 25/05/2020 and 22/06/2020 |
|---|---|
| Asset Transfer Review Body | Thursday afternoons; 15/08/2019, 12/09/2019, 24/10/2019, 21/11/2019, 05/12/2019, 23/01/2020,20/02/2020, 12/03/2020, 23/04/2020, 21/05/2020 and 25/06/2020 |
| Armadale and Blackridge Local Area Committee | Thursday afternoons; 19/09/2019, 12/12/2019, 19/03/2020 and 04/06/2020 |
| Audit Committee | Monday afternoons; 07/10/2019, 27/01/2020, 30/03/2020 and 22/06/2020 |
| Avoidance of Disputes Committee | Ad hoc |
| Bathgate Local Area Committee | Monday mornings; 19/08/2019, 25/11/2019, 09/03/2020 and 15/06/2020 |
| Broxburn, Uphall and Winchburgh Local Area Committee | Friday mornings; 20/09/2019, 15/11/2019, 06/03/2020 and 19/06/2020 |
| Community Planning Partnership Board | Monday mornings; 02/09/2019, 18/11/2019, 10/02/2020 and 11/05/2020 (provisional) |
| Community Safety Board | Monday afternoons; 16/09/2019, 09/12/2019, 16/03/2020 and 11/05/2020 |
| Council Executive | Tuesday mornings; 20/08/2019, 10/09/2019, 08/10/2019, 22/10/2019, 12/11/2019, 03/12/2019, 17/12/2019, 21/01/2020, 04/02/2020, 25/02/2020, 24/03/2020, 21/04/2020, 19/05/2020, 09/06/2020 and 23/06/2020 |
| Culture and Leisure Policy Development and Scrutiny Panel | Thursday mornings; 29/08/2019, 28/11/2019, 27/02/2020 and 18/06/2020 |
| Development and Transport Policy Development and Scrutiny Panel | Tuesday mornings @ 9.30am; 03/09/2019, 05/11/2019, 11/02/2020, 31/03/2020 and 02/06/2020 |
| Development Management Committee | Wednesday mornings; 14/08/2019, 18/09/2019, 16/10/2019, 13/11/2019, 11/12/2019, 22/01/2020, 19/02/2020, 11/03/2020, 22/04/2020, 20/05/2020, 17/06/2020 and 08/07/2020 |
| East Livingston and East Calder Local Area Committee | Thursday mornings; 12/09/2019, 05/12/2019, 05/03/2020 and 04/06/2020 |
| Education Executive | Tuesday mornings; 10/09/2019, 12/11/2019, 21/01/2020, 24/03/2020, 19/05/2020 and 23/06/2020 |
| Education Quality Assurance Committee | Tuesday afternoons; 03/09/2019, 05/11/2019, 14/01/2020, 03/03/2020, 28/04/2020 and 09/06/2020 |
| Education Policy Development and Scrutiny Panel | Tuesday afternoon; 27/08/2019, 22/10/2019, 17/12/2019, 11/02/2020, 31/03/2020 and 26/05/2020 |
| Employee Appeals Committee | Friday mornings; 30/08/2019, 27/09/2019, 25/10/2019, 29/11/2019, 04/12/2019, 17/01/2020, 28/02/2020, 20/03/2020, 24/04/2020, 29/05/2020 and 26/06/2020 |

| Environment Policy Development and Scrutiny Panel | Tuesday mornings @ 11.00am; 03/09/2019, 05/11/2019, 11/02/2020, 31/03/2020 and 02/06/2020 |
|--|---|
| Fauldhouse and The Breich Valley Local Area Committee | Tuesday mornings; 01/10/2019, 10/12/2019, 12/03/2020 and 26/05/2020 |
| Governance and Risk Committee | Monday afternoons; 26/08/2019, 28/10/2019, 24/02/2020 and 15/06/2020 |
| Health and Care Policy Development and Scrutiny Panel | Thursday afternoons; 29/08/2019, 10/10/2019, 19/12/2019, 06/02/2020, 02/04/2020 and 18/06/2020 |
| Joint Consultative Group (Non-Teaching) | Monday afternoons; 23/09/2019, 20/01/2020, 20/04/2020 and 08/06/2020 |
| Joint Consultative Group (Teaching) | Monday afternoons; 30/09/2019, 18/11/2019, 10/02/2020 and 01/06/2020 |
| Licensing Committee | Wednesday mornings; 07/08/2019, 04/09/2019, 02/10/2019, 27/11/2019, 18/12/2019, 15/01/2020, 12/02/2020, 18/03/2020, 15/04/2020, 13/04/2020, 10/06/2020 and 01/07/2020 |
| Linlithgow Local Area Committee | Tuesday mornings; 27/08/2019, 26/11/2019, 10/03/2020 and 26/05/2020 |
| Livingston North Local Area Committee | Friday mornings; 20/09/2019, 22/11/2019, 31/01/2020, 06/03/2020, 01/05/2020 and 23/06/2020 (Tues pm) |
| Livingston South Local Area Committee | Thursday mornings;05/09/2019, 14/11/2019, 23/01/2020 and 07/05/2020 |
| Local Review Body | Wednesday mornings; 21/08/2019, 11/09/2019, 09/10/2019, 06/11/2019, 29/01/2020, 26/02/2020, 25/03/2020, 29/04/2020, 27/05/2020 and 24/062020 |
| Miscellaneous Appeals Committee | Ad hoc |
| Partnership and Resources Policy Development and Scrutiny Panel | Friday mornings; 23/08/2019, 04/10/2019, 06/12/2019, 07/02/2020, 03/04/2020 and 05/06/2020 |
| Performance Committee | Monday afternoon; 09/09/2019, 11/11/2019, 16/12/2019, 03/02/2020, 23/03/2020, 25/05/2020 |
| Senior Officer Appointment Committee | Ad hoc |
| Services for the Community Policy Development and Scrutiny Panel | Tuesday afternoons; 20/08/2019, 01/10/2019, 10/12/2019, 04/02/2020, 24/03/2020 and 02/06/2020 |
| Social Policy, Policy Development and Scrutiny Panel | Friday mornings; 06/09/2019, 01/11/2019, 24/01/2020, 21/02/2020, 27/03/2020 and 15/05/2020 |
| St John's Hospital Stakeholder Group | Wednesday afternoons; 28/08/2019 and 23/10/2019 (meeting dates set by the group for each calendar year and this group will transfer back to the council in the summer of 2020) |
| Voluntary Organisations Policy Development and Scrutiny Panel | Thursday mornings;26/09/2019, 12/12/2019, 19/03/2020 and 21/05/2020 |
| West Lothian (Placing In Schools) Appeals Committee | 28/08/2019, 26/09/2019, 29/10/2019, 20/11/2019, 02/12/2019, 30/01/2020, 20/02/2020, 23/03/2020, 28/04/2020, 14/05/2020 plus block appeals 27/05/2020, 28/05/2020, 03/06/2020, 08/06/2020, 11/06/2020, 15/06/2020, |

| | 17/06/2020, 18/06/2020, 23/06/2020 and 24/06/2020 |
|---|--|
| West Lothian Integration Joint Board | Tuesday afternoon; 13/08/2019, 25/09/2019 (Weds mtg), 26/11/2019, 21/01/2020, 10/03/2020, 21/04/2020 and 30/06/2020 (to be agreed by the IJB) |
| West Lothian Integration Joint Board Appointments Committee | Ad hoc |
| West Lothian Integration Strategic Planning Group | Thursday afternoons; 01/08/2019, 05/09/2019, 31/10/2019, 12/12/2019, 20/02/2020, 26/03/2020 and 11/06/2020 (to be agreed by the SPG) |
| West Lothian Integration Audit, Risk & Governance | Wednesday afternoons; 11/09/2019, 11/12/2019, 04/03/2020 and 27/05/2020 |
| West Lothian Council | Tuesday mornings; 24/09/2019, 19/11/2019, 28/01/2020, 17/03/2020 and 12/05/2020 |
| West Lothian Council (Planning) Committee | Thursday mornings @ 10.00; 22/08/2019, 19/09/2019, 31/10/2019, 21/11/2019, 16/01/2020, 13/02/2020, 26/03/2020, 16/04/2020, 28/05/2020 and 11/06/2020 |
| West Lothian Council (Planning) | Thursday mornings @ 11.00; 22/08/2019, 19/09/2019, 31/10/2019, 21/11/2019, 16/01/2020, 13/02/2020, 26/03/2020, 16/04/2020, 28/05/2020 and 11/06/2020 |
| West Lothian Leisure Advisory Committee | Thursday morning; 29/08/2019, 24/10/2019, 28/11/2019, 27/02/2020, 30/04/2020 and 18/06/2020 |
| West Lothian Licensing Board | Friday mornings; 09/08/2019, 13/09/2019, 11/10/2019, 08/11/2019, 13/12/2019, 10/01/2020, 14/02/2020, 13/03/2020, 17/04/2020, 08/05/2020, 12/06/2020 and 10/07/2020 |
| Whitburn and Blackburn Local Area Committee | Monday mornings; 09/09/2019, 02/12/2019, 02/03/2020 and 01/06/2020 |



COUNCIL EXECUTIVE

CARERS (SCOTLAND) ACT 2016 - INTEGRATION SCHEME REVIEW

REPORT BY DEPUTE CHIEF EXECUTIVE (HEALTH & SOCIAL CARE PARTNERSHIP)

A. PURPOSE OF REPORT

To agree a process and timeline for carrying out a limited review of the Integration Scheme for the West Lothian Integration Joint Board in relation to statutory duties created by the Carers (Scotland) Act 2016.

B. RECOMMENDATIONS

- 1. To note the requirement arising from the Carers (Scotland) Act 2016 to review the Integration Scheme for the West Lothian Integration Joint Board
- 2. To note the statutory requirements for such a review process
- To agree the review process and timeline set out in Appendix 2 of the report, and in particular to delegate to officers the consideration of responses at the end of the first stage and the instigation of the second stage of the process
- 4. To note that a report concerning any resulting amendments to the current Integration Scheme will be brought to Council Executive on 23 April 2019 with a view to concluding the review process

C. SUMMARY OF IMPLICATIONS

| I | Council Values | Being honest, open and accountable; making best use of our resources; working in partnership |
|-----|--|--|
| II | Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | Public Bodies (Joint Working) (Scotland) Act 2014; West Lothian Integration Scheme; Carers (Scotland) Act 2016 |
| III | Implications for Scheme of Delegations to Officers | None |
| IV | Impact on performance and performance Indicators | N/A |

V Relevance to Single N/A

Outcome Agreement

VI Resources - (Financial, No implications

Staffing and Property)

VII **Consideration at PDSP** Not required

VIII Other consultations NHS Lothian

TERMS OF REPORT D.

1 Background

- The Public Bodies (Joint Working) Scotland Act 2014 imposed statutory duties on 1.1 councils and health boards to integrate specified health and social care services. That was to be achieved by formal delegation through an integration scheme of statutory duties by council and health board to an integration authority. The integration authority then has responsibility for making a strategic plan, receiving budget payments from council and health board and directing councils and health boards how to deliver the delegated functions and with what resources. The integration authority has oversight of the delivery of those functions and has to publish a statutory performance report each year.
- The council and NHS Lothian (health board) agreed an Integration Scheme which 1.2 delegated functions for adults and older people and retained children's services and criminal justice services within the council and health board. It was approved at Council Executive in May 2015 and then submitted to the Scottish Minsters for approval. It was duly approved and the West Lothian Integration Joint Board was formally established by the Scottish Parliament in September 2015. It has since then carried out its statutory duties of strategic planning, oversight and direction of the delegated health and social care services.

2 New duties to carers

- 2.1 Since that delegation of functions the Scottish Parliament enacted the Carers (Scotland) Act 2016. It imposed new statutory duties on the council and health board in relation to carers. Some of those are new duties, some add to existing duties and others are replacements for duties in place under earlier legislation. The principal duties imposed on council and health board by the 2016 Act are in Appendix 1.
- 2.2 The Scottish Parliament added the duties set out in the 2016 Act to the list of functions that must or may be delegated to integration authorities. Council officers' view of the effect of the legislation is that the duties which are relevant to the West Lothian Integration Joint Board are automatically incorporated into the list of delegated functions, by operation of law. A different view has been taken by the Scottish Ministers and by the health board. As a result, it is recommended that the council and health board go through the formal process of reviewing the integration scheme to make a reference in it to these duties and to the 2016 Act.
- 2.3 Most of the new duties became effective on 1 April 2018. Members may be assured that these duties have been implemented and complied with through the integration joint board and council and health board. There has been no gap in service provision or delivery.

3 The proposed review

3.1 The review process is set out in the 2014 Act. It is carried out by the council and health board and not by the integration joint board. It is a three-stage process, and in summary:-

3.2 Stage 1:-

- Consultation must take place with the persons and groups specified by the Ministers and with others identified by council and health board
- Council and health board must take account of views expressed before proceeding to decide if changes are required
- 3.3 Stage 2, if council and health board decide changes are required:-
 - Council and health board prepare a revised Scheme
 - Council and health board consult again with the same people and groups
 - Council and health board must take account of views expressed before proceeding to finalise the Scheme

3.4 Stage 3:-

- Council and health board submit the revised Scheme to the Scottish Ministers for approval
- Once approved, the amended Scheme is republished and the changes take effect
- 3.5 Legislation contains a list of professional and representative groups and stakeholders who must be consulted. Members of the public may be part of the process and anyone is able to participate and express views. All views expressed must be considered and taken into account before proceeding.
- 3.6 Because the consultation is about formal changes to the Integration Scheme to reflect statutory changes it is proposed to implement a short consultation timescale with a view to having changes made, if so minded, as quickly as possible. It is also recommended that the consideration of the views expressed in Stage 1 and the wording of any amendments proposed to the Scheme as a result are delegated to officers rather than being reported back to committee. The proposed timeline and consultation arrangements are set out in Appendix 2.
- 3.7 Because the statutory duty to review the Scheme lies on council and health board, the consultation will be carried out jointly. Each organisation will have to comply with its own internal decision-making arrangements.
- 3.8 There is a statutory duty on council and health board to review the Integration Scheme five years after its inception. That duty will arise in 2020 when it is intended to carry out a wider-scale review of the Scheme to build on the experience of integration here and elsewhere in Scotland.

E. CONCLUSION

1 Carrying out the statutory review process will ensure compliance with the council's statutory duties and will inform decision-making about amending the Integration

Scheme in relation to these duties.

F. BACKGROUND REFERENCES

- West Lothian Integration Scheme http://www.westlothianchcp.org.uk/media/9964/West-Lothian-Integration-Scheme.pdf
- Public Bodies (Joint Working) (Scotland) Act 2014, ss45-47, incorporating ss3-6
- Public Bodies (Joint Working) (Health Professionals and Social Care Professionals) (Scotland) Regulations 2014
- 4 Public Bodies (Joint Working) (Prescribed Consultees) (Scotland) Regulations 2014

Appendices: 1. Carers (Scotland) Act 2016 duties

2. Timeline and review process

Contact Person: James Millar, Governance Manager, <u>james.millar@westlothian.gov.uk</u>, 01506 281613

Jim Forrest, Depute Chief Executive

Date of meeting: 26 March 2019

Appendix 1

Relevant Carers (Scotland) Act 2016 duties

| COUNCIL DUT | IES |
|-------------|--|
| Section 6 | Duty to prepare adult carer support plan |
| Section 12 | Duty to prepare young carer statement |
| Section 21 | Duty to set local eligibility criteria |
| Section 24 | Duty to provide support |
| Section 25 | Provision of support to carers: breaks from caring |
| Section 31 | Duty to prepare local carer strategy |
| Section 34 | Information and advice service for carers |
| Section 35 | Short breaks services statements |

| HEALTH BOARD DUTIES | | |
|---------------------|---------------------------------------|--|
| Section 12 | Duty to prepare young carer statement | |
| Section 31 | Duty to prepare local carer strategy | |

Appendix 2

Consultation and review process

| TIMELINE | |
|-------------------------------------|---|
| Completed | Early engagement with designated consultees to alert them to the imminent statutory consultation process |
| Council Executive, 26 March 2019 | Authority sought to commence Stage 1 of the consultation process with delegated powers to officers to move to Stage 2 |
| 3 April 2019 | Close of Stage 1 consultation and consideration of responses |
| 5 April 2019 | Commencement of Stage 2 of the consultation process |
| 14 April 2019 | Close of Stage 2 of the consultation process, report prepared for committee |
| Council Executive, 23 April 2019 | Outcome of review process reported and authority sought for finalised amended integration scheme |
| 24 April 2019 | Submission of revised Integration scheme to Scottish Ministers |

| STATUTORY CONSULTEES |
|---|
| Health professionals (as defined in 2014 regulations) |
| Users of health care |
| Carers of users of health care |
| Commercial providers of health care |
| Non-commercial providers of health care |
| Social care professionals (as defined in 2014 regulations) |
| Users of social care |
| Carers of users of social care |
| Commercial providers of social care |
| Non-commercial providers of social care |
| Staff of the Health Board and local authority who are not health professionals or social care professionals |
| Non-commercial providers of social housing |
| Third sector bodies carrying out activities related to health or social care |

| City of Edinburgh Council |
|---------------------------|
| East Lothian Council |
| Midlothian Council |



COUNCIL EXECUTIVE

SCHEME OF ELECTED MEMBERS REMUNERATION, ALLOWANCES AND REIMBURSEMENT OF EXPENSES

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To allow the adoption of a Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses for 2019/20.

B. RECOMMENDATION

The Council Executive is asked to adopt the revised Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses for 2019/20 as set out in Appendix 1.

C. SUMMARY OF IMPLICATIONS

| I | Council Values | Being honest, open and accountable |
|------|---|---|
| II | Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | The council's Code of Corporate Governance requires the Scheme to be reviewed annually by Committee. |
| Ш | Implications for Scheme of Delegations to Officers | None |
| IV | Impact on performance and performance Indicators | None |
| V | Relevance to Single Outcome Agreement | None |
| VI | Resources - (Financial, Staffing and Property) | Elected Members remuneration, allowances and expenses will be resourced from within the 2019/20 Revenue Budget. |
| VII | Consideration at PDSP | None |
| VIII | Other consultations | In accordance with the Council's Financial Regulations, the Head of Finance and Estates has been consulted. |

D. TERMS OF REPORT

D.1 Background

The Council's Code of Corporate Governance requires the Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses (the Scheme) to be reviewed annually by Committee.

The Scheme is based on the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 and Amendment Regulations 2019, and the Local Government (Allowances and Expenses) (Scotland) Regulations 2007as amended.

D.2 2019/20 Pay Levels

Elected members remuneration is set by the Scottish Government. The Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2019, were laid before the Scottish Parliament on 1st February 2019 are due to come into force on 1st April 2019. These Regulations amend the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 and substitute increased annual amounts of local authority remuneration to members. The changes will come into effect from 1 April 2019 and are set out below:

| Post | 2018/19 | 2019/20 | Increase |
|-----------------------------|------------|------------|----------|
| | Salary (£) | Salary (£) | (£) |
| Leader of the Council | 33,992 | 34,944 | 952 |
| Civic Head | 25,494 | 26,208 | 714 |
| Senior Councillors | 24,785 | 25,478 | 693 |
| Councillors of Joint Boards | | | |
| - Convenors | 21,245 | 21,840 | 595 |
| - Vice Convenors | 20,183 | 20,748 | 565 |
| Councillors | 16,994 | 17,470 | 476 |

D.3 2019/20 Scheme

The council's Code of Corporate Governance requires the Scheme of Elected Members Remuneration, Allowance and Reimbursement of Expenses (the scheme) to be reviewed annually.

The only other change to the scheme is the inclusion of training offered free of charge by bodies, such as the Improvement Service and Audit Scotland, as agreed by Council Executive on 11 September 2018.

E. CONCLUSION

The Council is required to adopt a Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses for the incoming year.

The Council will be fulfilling the obligations set out in the Code of Corporate Governance by reviewing the Scheme and adopting the proposed changes.

F. BACKGROUND REFERENCES

The Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 and Amendment Regulations 2019, and the Local Government (Allowances and Expenses) (Scotland) Regulations 2007 and Amendment Regulations 2010 and the Finance Act 2019.

Appendices/Attachments: 2

Appendix 1: Scheme of Elected Members Remuneration, Allowances and Reimbursement of

Expenses 2019/20.

Contact Person: Katrina Daly, HR Operations Manager Email: Katrina.daly@westlothian.gov.uk

Tel: 01506 281402

Julie Whitelaw Head of Corporate Services

Date of Meeting: 26 March 2019

WEST LOTHIAN COUNCIL

SCHEME OF ELECTED MEMBERS REMUNERATION, ALLOWANCES AND REIMBURSEMENT OF EXPENSES 2019/20

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APPENDIX 3 - TEMPLATE FOR PUBLICISING ELECTED MEMBERS REMUNERATION, ALLOWANCES AND EXPENSES

WEST LOTHIAN COUNCIL

SCHEME OF ELECTED MEMBERS REMUNERATION, ALLOWANCES AND REIMBURSEMENT OF EXPENSES

1 INTRODUCTION

The scheme is based on the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 and Amendment Regulations 2019, and the Local Government (Allowances and Expenses) (Scotland) Regulations 2007 as amended.

2 ELECTED MEMBER POSITIONS AND REMUNERATION ARRANGEMENTS

2.1 Positions

Remuneration levels for Elected Members are dependent on the responsibilities held. With the exception of the position of basic Councillor, levels of payment are determined by a banding system. For remuneration purposes West Lothian Council is placed in Band B.

Leader of the Council - Each local authority will have one Council Leader post.

Civic Head – Each local authority will have one Civic Head post and has scope to determine the level of salary paid up to a maximum of 75% of the remuneration paid to the Council Leader.

Senior Councillor – Individual authorities have the flexibility to determine which positions should be considered Senior Councillor meriting a higher level of remuneration. In doing so, the restrictions set out in the regulations that should be considered are:

- the limit on the number of posts that each council may have (West Lothian Council limit of 14);
- the total budget available for paying Senior Councillors;
- that payment cannot be more than 75% of the remuneration paid to the Leader.

Councillors - Elected Members who do not hold the position, for remuneration purposes, of Leader, Civic Head or Senior Councillor will receive remuneration set at the basic level.

2.2 West Lothian Council – Levels of Remuneration

The scope for determining levels of remuneration for Elected Members is set out in the regulations. The Council's Code of Corporate Governance requires the Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses to be reviewed annually by committee. Any increases notified by the Scottish Government within the annual reporting cycle will be applied administratively.

2.3 Joint Boards and Community Justice Authorities

Conveners of joint boards and community justice authorities shall be paid a total yearly amount of £21,840 (this includes the salary they receive as a councillor). The vice-convener will be paid a total yearly amount of £20,748 (this includes the salary they receive as a councillor). If the convener or vice-convener receives greater remuneration as a Senior Councillor, the greater amount will be payable.

2.4 Renouncing all or part of a salary

Any Elected Member, regardless of level of payment, will be able to renounce receipt of all or any part of his/her salary if he/she wishes to do so. If an Elected Member chooses to renounce all or part of the payment due they should advise the Head of Corporate Services in writing.

3 CLAIMING ALLOWANCES & EXPENDITURE

3.1 West Lothian Council Business

Elected Members are required to complete the standard form, as set out in the regulations, for claims for reimbursement of travel, subsistence and expenses costs. Claim forms are available from the Member Services Administration team or can be downloaded from http://www.westlothian.gov.uk/media/1856/Elected-Members-Claim-Form/excel/claimformelectedmember.xlsx

Completed forms should clearly indicate the approved duty undertaken. For ease of administration the reference letters allocated in Appendix 1 can be used. It is only necessary to detail times if a claim for subsistence is made.

Claim forms should be completed and submitted on a monthly basis. Dates for submitting forms for payment will be provided to the Member Services Administration team and are published on http://www.westlothian.gov.uk/media/3089/Elected-Members-Payment-Dates.pdf

3.2 Joint Board Business

For councillors who are also members of joint boards, there is a requirement to report expenses relating to this business separately. The standard claim form for reimbursement of travel, subsistence and expenses costs for joint board business is available from the Member Services Administration team or can be downloaded from http://www.westlothian.gov.uk/media/1859/Joint-Board-Travel-and-Subsistence-Claim-Form/excel/claimformjointboard.xlsx

3.3 Submission and Publication

It is the responsibility of each individual Elected Member to complete forms accurately and duly sign the declaration. Completed forms should be passed to Corporate Services for processing.

As the Council is required to publish information on Elected Members' salaries, allowances and expenses by 1 June each year, expenses claims for that year must

be submitted no later than 10 April. Expenses claims submitted after this date will only be reimbursed in exceptional circumstances to be determined by the Head of Corporate Services.

4 TRAVEL ALLOWANCES

Elected Members are expected to adopt the most cost effective method of travel.

Payment of travel allowances will be paid to Elected Members in accordance with the Local Government (Allowances and Expenses) (Scotland) Regulations 2007 and Amendment Regulations 2010.

Travel allowances will be paid at the rates set by the regulations for journeys necessarily incurred for the purpose of performing approved duties. The list of approved duties is set out in Appendix 1.

4.1 Private Car, Van, Motorcycle or Bicycle

Work Travel

Where the method of travel is by private car, van, motorcycle or bicycle the mileage claimed should commence from the point of departure on Council business and should be on the basis of excess mileage incurred on approved duties.

Rates of mileage allowance are set in the Regulations and are as follows:

| Mode of Transport | Amount Per Mile |
|---|-------------------------|
| Car or Van Motorcycle Bicycle Additional passenger rate (per passenger) | 45p 24p 20p 5p |

HM Revenue and Customs have set the maximum statutory tax free rate of mileage allowance at 45p per mile. PAYE will not be payable on mileage allowance claims.

In addition to mileage, the following associated costs will be reimbursed:

- Parking charges receipted costs of expenditure incurred
- Road and bridge tolls
- Road pricing/congestion charges receipted costs of expenditure incurred
- Ferry fares for car, motorcycle or bicycle receipted cost of expenditure incurred

Home to Work Travel

Home to work mileage claims for Elected Members who live more than 20 miles outside the council's boundary will be the subject of taxation.

Mileages incurred should be so detailed to provide a suitable trail for audit purposes. In this respect, details of each port of call must be entered on the claim form.

Elected Members have an obligation to claim the shortest route for each journey undertaken irrespective of the miles actually travelled.

4.2 Public Transport

Where the method of travel is by public transport, the following expenses may be claimed:

- Buses and trams expenses incurred, including season ticket/passes where this is considered more cost effective.
- Taxis, trains, air travel, ferry travel receipted cost of fare.

Travel by taxi should only be in cases of urgency or when no public service is reasonably available. If an Elected Member requires to travel by taxi on a regular basis, the principle of this should be agreed beforehand with the Head of Corporate Services.

It is expected that travel by public transport should be by standard or economy class.

5 SUBSISTENCE

5.1 Meals

Where an Elected Member is required to carry out Council business outwith his or her own ward, or outwith council premises in the local authority area of which they are a member, actual receipted cost of reasonable expenses may be reimbursed up to the levels detailed below:

Breakfast* £8 Lunch £12 Dinner £25

5.2 Overnight Subsistence

In the case of an absence overnight from the usual place of residence the maximum rates of receipted reimbursement are:

Standard £110 London £131

This reimbursement covers the cost of bed and breakfast whether accommodation is booked on a "room only" or "bed and breakfast" basis.

Friends or Family £25

Where overnight accommodation away from home is taken with friends or family a rate of £25 per night is payable. Any claim relating to this allowance must include the accommodation address and the name(s) of the friends or family with whom the Elected Member stayed. In the circumstances where a claim of this kind is made, no other overnight allowance is payable.

^{*}Reimbursement of breakfast costs cannot be claimed in addition to overnight subsistence and are only payable when there is a requirement to travel some distance.

Where the Council itself purchases places for Elected Members at a residential conference or other event, no overnight subsistence will be payable.

5.3 Overseas Accommodation

Where travel overseas is required, the maximum level of receipted reimbursement will generally be equivalent to the London rate.

Overseas £131

6 CIVIC HEAD ALLOWANCE

The Civic Head, or persons deputising for the Civic Head, may be reimbursed actual and receipted expenditure incurred in carrying out civic duties up to a maximum of £3,000 in a 12-month period running from the date of election.

7 TELEPHONES, COMPUTERS AND OTHER EQUIPMENT

Guidance on the provisions available in relation to telephone, computers and other equipment and the costs that will be reimbursed and the arrangements for doing so is set out in Appendix 2.

8 PAYMENT ARRANGEMENTS

The payment of travel and subsistence allowances and Civic Head expenses will be paid monthly on the last Thursday of the month. Payments will be made directly to the Elected Member's bank account.

9 TAXATION

Any Elected Member wishing information on the tax implications of specific allowances should seek advice from the HR Operations Section of Corporate Services.

10 CHECKS AND CONTROLS

Elected Members should annually submit a valid driving licence and car insurance certificate for inspection at the start of each financial year to Corporate Services. The car insurance should cover Council business use.

Total claims for subsistence and mileage will be reported to the Leader of the Council on a 3-monthly basis. Elected Members will also be provided with details of their own cumulative claim totals.

Corporate Services staff will ensure the arithmetical accuracy of the form and will vouch travel allowances claimed for Committee attendance.

Corporate Services staff will ensure that all claims submitted adhere to the details contained in this Scheme otherwise the claim will be returned to the Elected Member.

DATA LABEL: PUBLIC

11 PUBLICATION

Information on Elected Members salaries, allowances and expenses will be published on the Council's website by 1 June each year. This information will include any ICT related costs and costs for transport, subsistence and attendance at conferences paid for directly by the Council on behalf of Elected Members. This information will also be available for inspection at council offices when requested in writing by a member of the public. Appendix 3 sets out the template for publicising Elected Members Remuneration, Allowances and Expenses.

DATA LABEL: PUBLIC

- 75 -

CORPORATE SERVICES POINTS OF CONTACT

| Name | Designation | Telephone | Location |
|-----------------|------------------------------|--------------|--------------|
| | | | |
| Katrina Daly | HR Operations Manager | 01506 281402 | Civic Centre |
| | | | |
| Margaret Mullen | Acting Team Leader - Payroll | 01506 281436 | Civic Centre |

WEST LOTHIAN COUNCIL

APPROVED DUTIES

Allowances are payable for the purpose of an approved duty, the Local Government (Scotland) Act 1973 defines an approved duty as:

- Attendance at meeting of the body or any of its committees or sub-committees, and
- The doing of any other thing approved by the body, or anything of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the body or of any of its committees or sub-committees.

The term body used above includes the Convention of Scottish Local Authorities, West Lothian Council and Joint Boards of which the council is a participant.

The "approved duties" approved by the council in terms of section 46 of the Local Government (Scotland) Act 1973 are listed hereunder, viz:

REFERENCE APPROVED DUTY

- a) Attendance at a duly constituted meeting of the Council and Committees or Sub Committees thereof, Policy Development & Scrutiny Panels and Local Committees.
- b) Attendance in the capacity as a member of the Council at meetings, functions or ceremonies at the invitation of non-party political organisations.
- c) Attendance by Chair of Committee or Sub-Committee of the council, or an Executive Elected Member (portfolio holder), as the Council's representative at any event, function or visit whose matter is closely related to the function of that committee or Sub-Committee or Portfolio.
- d) Attendance at scheduled surgeries.
- e) Attendance at surgeries outwith a member's own ward, where necessary.
- f) Attendance by an Elected Member at specified place and at a prearranged time for the purpose of being available for consultation by constituents on problems arising in connection with the discharge of the functions of the council or any of its committees or subcommittees. Attendance for consultation with constituents at a place within the area of West Lothian Council other than at fixed or specified locations.
- g) Attendance at meetings of other bodies as a duly appointed delegate of the council.

REFERENCE APPROVED DUTY

- h) Attendance at a conference or course as a duly appointed delegate of the Council.
- i) Attendance by a Chair of a Committee or Sub-Committee of the Council, or an Executive Elected Member (portfolio holder), or their nominees at meetings which have to be arranged on occasions with officials of the Council.
- j) Attendance by the Provost, Deputy Provost and Leader of the Council at his or her office to undertake official duties.
- k) Attendance at any other function or ceremony with prior approval of the Council or appropriate Committee or Sub-Committee.
- Attendance of a local member of the Council at a meeting called by the Provost or Chair of Committee or Sub-Committee of the Council, or an Executive Elected Member (portfolio holder), and/or an officer of the council to discuss business of a competent nature.
- m) Undertaking a duty in connection with the Council's functions, provided it has been approved in advance by the appropriate Committee or Sub-Committee, with the proviso that when a duty of an emergency nature arises which cannot be dealt with by telephone or correspondence, that emergency duty will be reported to the next meeting of that Committee or Sub-Committee for consideration as an "approved duty".
- n) Attendance at duly notified meetings of Elected Members of the political group.
- o) Attendance of Elected Members of the Council at area offices following a surgery in pursuance of any enquiry made to the local member by a constituent at the surgery.
- p) Attendance of Elected Members of the Council at properly constituted meetings of Community Councils and Parent Councils established within their ward.
- q) Attendance at Council premises for the purpose of carrying out clerical research and correspondence duties in relation to matters raised with Elected Members by constituents. Such duties will occur as required, but shall constitute "approved duties" on not more than one occasion in each working day.
- r) Attendance of political group officers, namely, Leader, Deputy Leader, Secretary and Whip to carry out work on behalf of the group on the basis of not more than five occasions in a calendar month.
- s) Attendance at training offered free of charge by bodies, such as the Improvement Service and Audit Scotland.

WEST LOTHIAN COUNCIL

ELECTED MEMBER TELEPHONE, COMPUTER AND OTHER EQUIPMENT ALLOWANCES

CLAIMS PROCEDURE AND GUIDANCE NOTE

This guidance note sets out the provision available in relation to the costs that will be reimbursed and the arrangements for doing so.

1. Computers

Each Elected Member will be provided with a desktop PC or laptop computer for business use.

2. Home Telephones

Elected Members may choose to have either:

- A secondary (business) home telephone line installed and administered by the Council; or
- 50% of receipted line rental and itemised billing charges reimbursed for a home telephone which is used for both business and personal use.

Where a telephone package involves payment of line rental and a fixed sum in relation to call charges, reimbursement will be for 50% of the line rental charges plus any identified business call costs only.

3. Mobile Telephone and iPad

The Council will provide a mobile telephone and an iPad to Elected Members from a supplier of the Council's choice. The Council will be responsible for the following costs:

- Telephone equipment
- Line rental/charge
- The actual cost of business

The use of mobile telephones and IPads is restricted to Council business only. On receipt of these devices Elected Members will be required to provide a written undertaking regarding restrictions of use. In exceptional circumstances, an Elected Member may use the mobile telephone for a private call. In such cases he or she will be required to repay the full cost of the call to the Council.

As international roaming is not included in the contract for iPads, if an Elected Member requires to use their iPad whilst abroad, this must only be done in areas where free wifi is available. Elected Members must contact IT Services prior to

taking the iPad abroad in order to get the international bar lifted. This bar must be reinstated on return.

4. Broadband Internet Services

Broadband internet services will be made available to Elected Members based on business need to be determined in conjunction with the Head of Corporate Services.

When requesting installation Elected Members will be required to provide an written undertaking regarding restrictions of use.

5. Remote Secure Access (RSA) Tokens

RSA Tokens will be made available to Elected Members based on business need in circumstances where an Elected Member requires secure remote access to network drives. Business need shall be determined in conjunction with the Head of Corporate Services.

6. Payment of Accounts

Home Telephones for Business and Personal Use

The Elected Member will be responsible for paying accounts for home telephones used for business and personal use to the provider of the service.

Secondary Phone Line for Business Use

The Council will administer the payment of secondary phone lines installed for business use only.

Mobile Telephones and iPad

The Council will administer the payment of mobile telephone and iPad accounts.

Broadband Internet Services

Where broadband internet services are provided via a home telephone package the Elected Member will be responsible for paying accounts for the broadband internet service. The Council will administer the payment of broadband internet services installed for business use only.

7. Reimbursement of Costs

Elected Members must submit a receipted telephone account and/or broadband internet service account to Corporate Services, before any reimbursement of costs can be made. Where an Elected Member has opted to use one phone line for business and personal use, then receipted accounts must be accompanied by a statement of business calls being claimed.

Elected Members paying telephone and/or broadband internet service accounts by direct debit or budget account must submit the payment invoice received from the provider of the service.

Reimbursement will be made through the payroll system.

8. Taxation

PAYE

Home Telephones

Reimbursements of home telephone rentals are subject to tax under PAYE. Tax is calculated at the time of payment and is deducted at source from the rental cost. Business telephone calls are not liable to tax. This however is subject to appropriate controls being in place.

Elected Members are required to keep records of private and business calls and they have a responsibility to keep itemised call billing statements and any other supporting evidence where reimbursement is being sought for business calls.

• Mobile Telephones

No tax charge arises from the use of mobile telephones. The Council will retain copies of mobile telephone accounts and itemised call billing statements for inspection purposes.

Broadband Internet Services

No tax charge arises for the reimbursement of broadband internet service accounts which are provided for business purposes. The council will retain copies of billing statements for inspection purposes.

VAT

Elected Members will be reimbursed for the VAT component of rental and business calls subject to provision of a receipted telephone account and/or broadband internet service account. The actual receipted account must be submitted, as copies are not sufficient for the Council to reclaim the VAT element. Where Elected Members pay telephone accounts and/or broadband internet service accounts by direct debit or budget account, the actual payment invoice received from the provider of the service must be submitted.

9. Other Matters

Elected members may wish to have home telephone features that are additional to the basic services listed above. Where this is the case, Elected Members will be responsible for meeting the full cost of these features with no reimbursement being provided by the Council.

Additional mobile telephones purchased for private use will be the responsibility of Elected Members, with no reimbursement of any aspect of the cost being made, even where occasional business use is incurred.



COUNCIL EXECUTIVE

<u>UPDATE ON HOME ENERGY EFFICIENCY PROGRAMMES FOR SCOTLAND: AREA BASED SCHEMES (HEEPS:ABS) 2018/19 AND 2019/20</u>

REPORT BY HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES

A. PURPOSE OF REPORT

To provide an update on the progress made for the 2018/19 HEEPS:ABS programme of External Wall Insulation and seek approval for proposals for the 2019/20 programme.

B. RECOMMENDATION

It is recommended that Council Executive:

- 1. Notes that the final funding allocation for the 2018/19 HEEPS:ABS programme is £1,093,645;
- 2. Notes that it is anticipated that the Scottish Government will allocate £1 million to West Lothian for 2019/20 HEEPS:ABS programme;
- Approves the proposal to provide HEEPS:ABS funding to home owners in the Knightridge area during 2019/20 in conjunction with the EWI work the council will be doing to its own stock;
- 4. Agrees to the Head of Housing, Customer and Building Services having delegated powers to make non-substantive changes to the 2019/20 HEEPS:ABS programme.

C. SUMMARY OF IMPLICATIONS

| I | Council Values | Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; making best use of our resources; working in partnership |
|-----|--|---|
| II | Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | No policy or legal risks have been identified and all Health and Safety and Risk Assessment issues will be managed by adhering to CDM Regulations |
| III | Implications for Scheme of Delegations to Officers | None |
| IV | Impact on performance and performance Indicators | Will assist in improving the energy efficiency of the general housing stock and reduce the number of households living in Fuel Poverty. |

V Relevance to Single Outcome Agreement

Will help to reduce households living in Fuel Poverty.

VI Resources - (Financial, Staffing and Property)

A WLC capital budget of £1,726,000 to support the EWI work for the council owned houses in 2018/19 was approved by West Lothian Council on 13th February 2018. The Council budget for EWI for 2019/20 is £1,674,000.

The HEEPS:ABS budget for 2018/19 was £1,093,645. Staffing costs are met through the HEEPS:ABS funding and a budget of

£1,000,000 is anticipated for 2019/20.

VII Consideration at PDSP

Services for the Community considered a report on HEEPS:ABS on 19 March 2019.

VIII Other consultations

Finance

D. TERMS OF REPORT

Background

The 2019/20 proposed HEEPS programme will be the seventh year HEEPS:ABS funding is available to West Lothian Council. The HEEPS:ABS programme has now been successfully managed in-house from January 2016 following the end of the management contract with Changeworks. By May 2019 a total of 1078 privately owned properties will have received EWI through HEEPS funding; whilst an additional 456 WLC properties have received EWI as part of Capital upgrade programmes. Appendix 1 attached summarises where these properties are as well as areas where further investment in EWI will be possible subject to funding being available.

Sources of Funding

HEEPS:ABS brings together several sources of funding in order to deliver the EWI programme to streets of mixed tenure stock. The different funding sources are:

- HEEPS:ABS
- Energy Company Obligation (ECO)
- Warmer Homes Scotland (WHS)
- Home Owners Contribution
- WLC Capital Funding

HEEPS:ABS funding is provided by the Scottish Government to all Local Authorities on an annual basis to deliver energy efficiency improvement works, with a focus on solid wall insulation, to privately owned homes to reduce levels of fuel poverty. Funding is capped at £7,500 for detached/semi-detached homes, £7,000 for terraced homes and £6,500 for flats. Funding cannot be used for a local authority's own stock.

ECO funding is provided by large utility companies (those with over 250,000 customers) to households to install energy efficiency measures in order to reduce CO2 emissions and is a UK Government initiative. ECO funding can be used for any property regardless of tenure.

Warmer Homes Scotland has been developed to provide energy efficiency measures to private households determined to be the most vulnerable to living in fuel poverty. This is separate from the HEEPS:ABS programme, however it is possible for a household to receive grant funding for EWI through this scheme. There is a set of eligibility criteria that households have to meet (see Appendix 2) in order to receive support through Warmer Homes Scotland.

Home Owners are required to pay a contribution toward the works owners of flats / bungalows are charged £525 and owners of houses being charged £1,050, on average, the total cost of the EWI measure is not covered by the HEEPS:ABS and ECO funding alone.

The council's own Capital is used to meet the cost of the works to the council's own stock.

Progress on HEEPS:ABS 2018/19

For 2018/19 the council was awarded £1,093,645 HEEPS:ABS funding which is being used to target privately owned properties of No Fines construction and is being fully spent in:

- Lenzie Avenue
- Kenmore Avenue
- Elie Avenue
- Jubilee Avenue

Everwarm Ltd has been awarded the contract to perform the External Wall insulation to the properties and work commenced on site week commencing 8th September 2018.

A total of 120 owners have been offered HEEPS:ABS funding. A further £186,400 is anticipated in Energy Company Obligation (ECO) funding as well as £100,500 in contributions from home owners.

The council has included 235 of its own properties in the project with £1,726,000 budgeted for in the Housing Capital Programme that will be fully spent by March 31st 2019.

Proposed programme for 2019/20

It is proposed to provide any HEEPS:ABS funding the council is awarded to support home owners where the council will be doing EWI to its own households of No Fines construction. In 2019/20 as part of the Housing Capital Programme, a new EWI scheme for council houses will be started in Knightsridge. The focus for HEEPS:ABS funding for 2019/20 should therefore be directed to Knightsridge to achieve economies of scale and continue with the area based approached.

Officers have identified these properties requiring EWI in order to improve their energy efficiency performance in order to achieve compliance with the Energy Efficiency Standard for Social Housing (EESSH). A Capital budget of £1.674m for 225 WLC properties has been approved for these works.

Including private home owners in the streets the council will be doing EWI will allow for increased economies of scale to be achieved and allow for more efficient contract management rather than running separate contracts for the same work in different areas.

In order to align this approach with the main focus of HEEPS:ABS, which is to address and reduce levels of fuel poverty, officers have assessed the streets proposed to be included to determine the most vulnerable households to fuel poverty; this is based on information from SIMD, the EPC Register, Council Tax Banding and Home Analytics.

It is proposed to prioritise funding to households in the streets that are identified to have the highest probability of households living in fuel poverty. It is proposed to prioritise funding to streets in the order below:

- 1. Davidson Way
- 2. Ferguson Way
- 3. Fells Rigg
- 4. Sutherland Way
- 5. Camps Rigg

It is recommended that the Head of Housing, Customer and Building Services retain delegated powers over the management of the programme for non-substantive changes, following approval of the programme by Council Executive.

Changes to Current Approach

The UK Government has updated Energy Company Obligation (ECO) Scheme known as ECO3. This came into effect from 1st October 2018. The main update to the scheme is to align eligibility criteria with the Affordable Warmth Scheme.

A requirement of HEEPS:ABS is to maximise ECO funding to ensure funding for as many households as possible. Under previous ECO schemes, all households would be eligible for ECO funding by being invited to take part in the council's HEEPS: ABS project. With the changes under ECO3, not all households will be eligible for funding. Due to the more stringent eligibility criteria, the main update to the scheme was an alignment of the eligibility criteria with the Affordable Warmth Scheme (see Appendix 2). This has meant a Statement of Intent has had to be published to allow all home owners to take part in future HEEPS:ABS projects when invited to by the council.

Officers will continue to direct home owners towards Warmer Homes Scotland (WHS) so that those eligible will receive funding through the WHS scheme. By doing so, it is intended to identify those households not eligible for WHS funding so that they can be offered HEEPS:ABS funding and can then contact the council's Advice Shop to register their interest in the scheme. The combined use of these programmes would allow for more households to be offered funding overall.

E. CONCLUSION

The council continues to successfully deliver the HEEPS:ABS scheme to help alleviate fuel poverty in West Lothian and there has been minor changes in the way the scheme is managed in order to maximise the benefit from the funding received. This report is based on the information provided from Scottish Government and on the current situation with regards to HEEPS:ABS which may change.

F. BACKGROUND REFERENCES

Services for the Community PDSP 19 March 2019 – Update on the HEEPS:ABS Programme for 2018/19 and 2019/20

Council Executive October 2018 – Energy Company Obligations (ECO) Scheme Flexible Eligibility Statement of Intent

Services for the Community PDSP September 2018– Energy Company Obligations (ECO) Scheme Flexible Eligibility Statement of Intent

Council Executive February 2018 - Update on Home Energy Efficiency Programmes for Scotland: Area Based Schemes (HEEPS:ABS) 2017/18 and 2018/19

Services for the Community PDSP February 2017 – Update on Home Energy Efficiency Programmes for Scotland: Area Based Schemes (HEEPS:ABS) 2017/18 and 2018/19

Council Executive February 2017 - Update on Home Energy Efficiency Programmes for Scotland: Area Based Schemes (HEEPS:ABS) 2016/17 and SEEP Projects

Services for the Community PDSP February 2017 – Update on Home Energy Efficiency Programmes for Scotland: Area Based Schemes (HEEPS:ABS) 2016/17 and SEEP Projects

Services for the Community PDSP October 2016 – Update on Energy Efficiency Programmes and Proposals

Services for the Community PDSP June 2016 – Update on Energy Efficiency Programmes and Proposals

Council Executive November 2015 Home Energy Efficiency Programmes for Scotland (HEEPS) 2015/16

Council Executive June 2014 Home Energy Efficiency Programmes for Scotland (HEEPS) 2014/15

Services for the Community PDSP April 2014 Home Energy Efficiency Programmes for Scotland (HEEPS) 2014/15

Council Executive March 2014. Home Energy Efficiency Programmes for Scotland (HEEPS)

Services for the Community PDSP April 2013 Home Energy Efficiency Programmes for Scotland

Council Executive February 2015 – Home Energy Efficiency Programmes for Scotland (HEEPS)

Appendices/Attachments: Two

Contact Person: Robert Smith, Housing Investment Manager, 01506 28386, robert.smith@westlothian.gov.uk

Ann Marie Carr

Head of Housing, Customer and Building Services

Date of meeting: 26 March 2019

AREAS OF NO FINES PROPERTIES RECEIVED EWI

AREAS OF NO FINES PROPERTIES TO HAVE EWI

| Street | WLC Properties | Owner Properties | Area | Street | WLC Properties | Owner Properties | Area |
|------------------|----------------|------------------|--------------|------------------|----------------|------------------|---------------|
| East Glen Avenue | 21 | 34 | Deans | Lenzie Avenue* | 69 | | Deans |
| West Glen Avenue | 9 | 26 | Deans | Jubilee Avenue* | 48 | 124 | Deans |
| Birkenshaw Way | 29 | 75 | Armadale | Huntly Avenue* | 44 | 79 | Deans |
| Woodend Walk | 0 | 90 | Armadale | Kenmore Avenue* | 33 | 59 | Deans |
| McCallum Court | 18 | 33 | Armadale | Elie Avenue* | 30 | 73 | Deans |
| Denholm Grove | 5 | 27 | Armadale | Deanswood Park* | 59 | 169 | Deans |
| Peveril Rise | 23 | 88 | Dedridge | Sutherland Way | 87 | 234 | Knightsridge |
| Templar Rise | 4 | 38 | Dedridge | Ferguson Way | 43 | | Knightsridge |
| Kirk Brae | 20 | 29 | Longridge | Fells Rigg | 32 | | Knightsridge |
| Heaney Avenue | 22 | | Pumpherston | Davidson Way | 26 | | Knightsridge |
| Erskine Way | 38 | | Knightsridge | Camps Rigg | 24 | | Knightsridge |
| Gordon Way | 31 | | Knightsridge | Quentin Rise | 29 | | Dedridge |
| Calgary Avenue | 0 | | Howden | Palmer Rise | 21 | | Dedridge |
| Edmonton Avenue | 0 | 34 | Howden | Staunton Rise | 13 | | Dedridge |
| Fergus Avenue | 0 | 80 | Howden | Talisman Rise | 4 | | Dedridge |
| Labrador Avenue | 0 | 9 | Howden | Gowanbank | 28 | | Ladywell |
| Nelson Avenue | 1 | 81 | Howden | Eagle Brae | 10 | | Ladywell |
| Quebec Avenue | 0 | 14 | Howden | Quarry Road | 19 | | Fauldhouse |
| Toronto Avenue | 0 | 42 | Howden | Beech Place | 32 | 101 | Eliburn |
| Vancouver Avenue | 0 | 40 | Howden | Langside Gardens | 59 | | Polbeth |
| Granby Avenue | 0 | | Howden | Letham Grove | 3 | | Pumpherston |
| Cunigar Gardens | 0 | | Mid Calder | TOTAL | 713 | | · ampirerston |
| TOTAL | 221 | 958 | | | 713 | 2213 | |

^{*} Current Year

Appendix 2

WARMER HOMES SCOTLAND

Who is the scheme for?

Warmer Homes Scotland is designed to help vulnerable people make their homes warmer and more comfortable by installing a range of energy saving measures. The Scottish Government is offering assistance to homeowners and private sector tenants struggling to heat their home, who have lived in their property for at least twelve months, and who meet the qualifying criteria. For more information about the scheme, and to check if you qualify, please contact Home Energy Scotland on **0808 808 2282** and an energy advisor will be happy to assist you.

What support is available?

The measures offered will depend on a survey of the property. If you have had assistance through a Government programme before, you can still apply for Warmer Homes Scotland if you meet the qualifying criteria.

Assessors will come to your home to survey it and will recommend measures suitable for the property, which could include a range of insulation and heating measures and in most cases costs will be met by the Scottish Government.

There will be a need for customer contributions in some instances for certain more expensive measures, such as solid wall insulation. If you are a private sector tenant your landlord will be made aware of the measures that are able to be funded by the Scottish Government and which ones they may be required to fund. Their permission is required to be given prior to any measures being installed.

Potential measures include:

- Wall insulation
- Loft insulation
- Draught-proofing
- Central heating
- Renewables

An interest free loan is available to help meet the costs of the customer contribution. The loan, which is managed by the Energy Saving Trust, is subject to a credit check, and successful loans will include an administration fee. Further details on the loan will be provided if your offer includes a customer contribution.

From 1 August 2017, restrictions will be applied to the measures available under Warmer Homes Scotland (WHS) to customers living in privately rented properties. Private Rented Sector properties covered by the statutory Repairing Standard will no longer receive measures that a landlord is legally obliged to provide. These customers will still be eligible for other measures available under the scheme if they are recommended for the property.

Who is eligible?

The eligibility criteria is summarised below. If you do not meet the criteria for Warmer Homes Scotland you might be eligible for assistance through the interest free loan scheme or one of the many area-based schemes. One call to Home Energy Scotland on 0808 808 2282 will put you in touch with an advisor who can advise on what support you can benefit from.

The household must meet all of the following criteria.

- Be homeowners or the tenants of a private-sector landlord;
- Live in the home as their main residence;
- Have lived there for at least 12 months (unless in receipt of a DS1500 certificate);
- Live in home with an energy rating of 64 or lower and which is not more than 230 square metres in floor size.

Meet one of the following conditions

- Be of pensionable age, have no working heating system and be in receipt of a passport benefit;
- Be aged over 75 and in receipt of a passport benefit;
- Pregnant and/or have a child under 16 and in receipt of a passport benefit;
- Have a disability and be in receipt of any level of Personal Independent Payment (PIP);
- Have a disability and be in receipt of high rate Disability Living Allowance (DLA) (care or mobility component);
- Have a disability and be in receipt of low/medium rate Disability Living Allowance (DLA) (care
 or mobility component) and be in receipt of an income related benefit;
- Be a carer in receipt of Carers Allowance;
- Have been injured or disabled serving in the Armed Forces and be in receipt of Armed Forces Independence Payment/War Disablement Pension;
- Have an injury or disability from an accident or disease caused by work and be in receipt of Industrial Injuries Disablement Benefit.

The passport benefits are:

- Guarantee element of the Pension Credit;
- Attendance Allowance;
- Universal Credit or any of the benefits due to be replaced by Universal Credit (Income Based JSA, Child Tax Credit, Working Tax Credit, Employment and Support Allowance, Income Support, Housing Benefit);
- Council Tax Reduction (excluding 25% discount for single occupancy);
- Carer's Allowance;
- Disability Living Allowance (DLA) or Personal Independence Payment (PIP)
- Armed Forces Independence Payment;
- War Disablement Pension;
- Industrial Injuries Disablement Benefit.

What is the process?

Simply call the **Home Energy Scotland hotline** on **0808 808 2282** to see what you are eligible for and they will guide you through the complete process that will include booking the survey of your property and referring you to the Warmer Homes Scotland managing agent (Warmworks Scotland).



COUNCIL EXECUTIVE

<u>PROCUREMENT ARRANGEMENTS – DIRECT AWARD TO BARRATT HOMES FOR</u> CONSTRUCTION OF 33 HOUSES

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval to make a direct award to Barratt Homes for the construction of 33 homes at a site in Brucefield, Livingston as part of the new build council houses programme.

B. RECOMMENDATION

It is recommended that Council Executive approves the direct award to Barratt Homes for the construction of 33 homes at a site in Brucefield, Livingston, with a total cost not exceeding £4.4million.

C. SUMMARY OF IMPLICATIONS

| I | Council Values | Focusing on our customers' needs |
|-----|---|---|
| | | Being honest, open and accountable |
| | | Providing equality of opportunities |
| | | Making best use of our resources |
| | | Working in partnership |
| II | Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | Award will be in accordance with Standing Orders of West Lothian Council, and the Public Contracts (Scotland) Regulations 2015 |
| III | Implications for Scheme of Delegations to Officers | None |
| IV | Impact on performance and performance Indicators | None |
| V | Relevance to Single Outcome Agreement | None |
| | | |

VI Resources - (Financial, Staffing and Property)

The agreed cost of the project is £4.4 million, which is included in the new build council houses budget of £51.05 million, approved by full Council on 19th February 2019.

VII Consideration at PDSP

The proposed development forms part of the council's 250 new build houses programme which was approved on 13 February 2018. Regular updates on the programme are considered by the Services for the Community PDSP.

VIII Other consultations

External and internal legal advice has been sought as to using this procedure. The specification has been provided by Housing. The Corporate Finance Manager was consulted on budget implications.

D. TERMS OF REPORT

D1 Background

West Lothian Council has embarked on three new build council house programmes over the past ten years. Lessons have been learned from each phase and there is considerable experience to draw upon to inform the procurement approach for the next phase of new build council housing.

The direct award to Barratt Homes of £4.4 million, is being progressed as part of the approved housing capital programme for 250 houses across West Lothian. The agreed budget for completion of the 33 homes at Brucefield, Livingston, is £4.4 million.

D2 In House Capability

The scale of the build is too large for Building Services and therefore requires to be procured externally.

D3 Procurement Issues

In accordance with the council's Affordable Housing Supplementary Guidance, housing developers are required, subject to certain conditions, to make land available for the development of affordable housing.

Barratt Homes are transferring the land at Brucefield to the council and have investigated the opportunity of the developer building and handing over completed affordable units at an agreed price. The reasons for recommending this approach address the following practical challenges:-

• The availability of grant from Scottish Government, to assist in the construction of affordable housing units is, at present, only committed until

March 2021. Any delay in projects, which complete beyond this period may compromise this funding stream.

- The proposed affordable housing site can only be accessed directly through the greater housing development, controlled by Barratt Homes. This grants Barratt Homes exclusive rights to the land within the timescale we have for accessing and spending the Scottish Government grant.
- The house types and layout submitted by Barratt for the affordable housing site have been agreed with council officers and the project has been submitted for planning approval. Any alternative proposition by a third party will require full re-design, a separate planning submission and a tendering exercise to secure a successful alternative contractor. It is estimated that this process would delay site start by 12-18 months, by which time the grant will be inaccessible. The option of a second builder setting up a compound and developing new housing in such a constrained environment would present several health and safety challenges, which would be difficult to overcome. This would also not be possible in a timescale to suit access to the grant.

Independent advice has been sought from construction cost consultants to check the price offered and the scheme offers value for money against current market rates. Barratt Homes have indicated the affordable housing site could commence development in spring 2019, with a project completion in 2020, which would be within the timescale to access the grant.

The housing mix would be as follows:

11 x 3 bedroom terraced houses

16 x 2 bedroom cottage flats

6 x 2 bedroom bungalows

These are Barratt house types, however their normal specification has been amended slightly to meet the council's requirements.

External legal advice, has been sought prior to recommending this procurement route. Direct award was noted as the only route as Barratt Homes have exclusive rights of ownership of / access to the development site and the wider land of which the site forms part, all of which means that Barratt Homes is the only party with whom the Council can contract for the affordable housing works. The direct award proposed will allow work to start in 2019 with the grant being spent within its timescales. It should be noted that the construction price offered by Barratt Homes is below OJEU level spend (£4,551,413) but above regulated spend (£2,000,000). Council Executive approved a similar direct award to Bellway Homes on 18 December 2018.

Standing orders state for this level of spend (£4.4 million) 5 tenders should be sought or Council Executive approval obtained for other procurement processes. Council Executive approval is sought to make the direct award to Barratt Homes following the negotiated procedure for exclusive rights reasons under Procurement

Regulation 33 (1).

D4 **Sustainability Considerations**

> Barratt Homes is currently building private homes on the adjacent site, resulting in less impact on the environment and the local community due to there only being

one set of contractors' traffic on the site and surrounding area.

Budget Implications D5

The agreed cost of the project is £4.4 million, which is included in the overall

budget of £51.05 million approved by full Council on 19 February 2019

Consideration at PDSP D6

> As this report is simply seeking authority to make a direct award for the construction of houses, there is no requirement for consideration at PDSP. However, regular updates on the progress of the four year housing capital programme will continue to

be presented to Services for the Community PDSP.

E. **CONCLUSION**

> It is recommended that the Council Executive approves the direct award to Barratt Homes for the construction of 33 houses for the price of £4.4million, as detailed in

Section D above.

F. **BACKGROUND REFERENCES**

A copy of the specification for this contract is available on request from Corporate

Procurement.

Appendices/Attachments: None

Contact Person: Catriona Peden, Procurement Specialist

Email: Catriona.peden@westlothian.gov.uk

tel: 01506 283312

Julie Whitelaw

Head of Corporate Services

Date: 26 March 2019

4



COUNCIL EXECUTIVE

<u>PROCUREMENT ARRANGEMENTS – LEGAL ADVISORS AND SPECIALIST</u> DILAPIDATIONS SURVEYORS

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

The purpose of the report is to seek Council Executive approval to progress with the procurement of Legal Advisors and Dilapidations Surveyors, to support officers in their negotiations with both landlord and tenant commercial compensation claims relating to the Mill Centre, Blackburn.

B. RECOMMENDATION

It is recommended that Council Executive approves the procurement of Legal Advisors and Dilapidations Surveyors, to support officers in their negotiations with both landlord and tenant commercial compensation claims relating to the Mill Centre, Blackburn. using the evaluation and methodology detailed in Section D of the report.

C. SUMMARY OF IMPLICATIONS

I Council Values

Being honest, open and accountable; and Making best use of our resources

II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)

Standing Orders of West Lothian Council and the Public Contracts Scotland (Regulations) 2015.

- III Implications for Scheme of None.

 Delegations to Officers
- IV Impact on performance and None. performance Indicators

V Relevance to Single None. Outcome Agreement

VI Resources - (Financial, Staffing and Property)

The funding for the proposed commissions will be managed within existing commercial property and capital programme resources. This is

anticipated to be £100,000 in total.

VII Consideration at PDSP None.

VIII Other consultations Corporate Procurement Unit

Local elected members for the ward have received a copy of this report for information.

D. TERMS OF REPORT

D.1 Background

The council currently has a head-lease agreement at the Mill Centre, Blackburn whereby the private sector own the property and lease it to the council, with the individual units then leased out to individual tenants. The head-lease with Associated Trustees of G. Dunbar & Sons (Builders) Limited Small Self-Administered Retirement and Death Benefit Scheme (the Pension Trustees) is due to expire in February 2020.

The agents acting on behalf of the landlord have now served the council with a schedule of dilapidations that outlines a range of repairs, replacements and renewals that in their opinion the council is liable to undertake or pay them compensation for.

From an initial review of the schedule of dilapidations served on the council, officers are of the view that significant items are not appropriate, over-priced or not in accordance with lease terms.

The responsibility for dilapidation works and costs at the expiry of a lease can be complex due to the reliance on contractual, case law and common law aspects. Even where a lease is clear and unambiguous, there are other aspects such as costs, quantity and quality of works that also require to be considered. Given these complexities, it is considered prudent for the council to appoint specialist Legal Advisors and Dilapidations Surveyors, to support negotiations on both landlord and tenant obligations.

D.2 Procurement of Legal and Surveying Advisors

To engage suitably qualified and experienced legal and surveying advisors, it is proposed that a combination of framework and open tender processes are used.

Those applicable are as follows:

Legal Advisors

The council has a shared framework with the City of Edinburgh Council for the appointment of specialist solicitors, to support determination for liabilities under the various lease agreements. A mini competition will be issued to all companies on the framework. The framework allows for adjustment of the weighting and re-scoring to recognise the particular requirements of the mini competition. The proposed weighting is

Price - 30%

Quality - 70%

The estimated cost for the commission is approximately £30,000.

Should the council require to appoint Counsel to provide expert and specialist legal advice this will be undertaken through a further mini competition on the framework with submissions evaluated on the basis of :-

Price - 30%

Quality - 70%

Dilapidations Surveyors

The council has a framework for the provision of a range of standard building surveying services such as condition surveys, cost evaluation and project advisory services. For dilapidations, whilst some of the companies on the framework can undertake the basic scope of the commission, officers consider that due to the complex nature of the leases, that an open tender is considered appropriate to enable specialist dilapidation surveyors to tender for the work. Existing framework surveying companies will be invited to tender for the commission.

The framework allows for adjustment of the weighting and re-scoring to recognise the particular requirements of the mini competition. The proposed weighting is

Price - 30%

Quality - 70%

The estimated cost of the commission is approximately £50,000 plus a fixed percentage of the savings made against the schedule of dilapidations made by the landlord. This could result in a total cost of up to approximately £70,000. A scoring evaluation for the savings incentive element will be incorporated within the tender documents.

As outlined in the foregoing sections the proposal is to evaluate all the appointments of legal and surveying advisors on the basis of a seventy percent quality, thirty percent price basis. Whilst the normal approach would be fifty percent price / fifty percent quality or sixty percent quality / forty percent price, given the complexity and commercial nature of the leases and the negotiations required, officers are of the view that the overriding priority is to secure experience and knowledge.

E. CONCLUSION

Due to the commercial nature of the Mill Centre leases and the complex dilapidation negotiations that will be undertaken prior to the lease expiry the appointment of specialist advisors to support officers is essential. The proposed weighting for the evaluation of tenders will ensure that the best possible support is provided whilst also reflecting best value requirements.

F. BACKGROUND REFERENCES

Council Executive 26 June 2018 - Mill Centre Blackburn Expiry of Lease

Appendices/Attachments:

None

Contact Person: Catriona Peden

Tel: (01506) 283312 - Email: catriona.peden@westlothian.gov.uk

Julie Whitelaw Head of Corporate Services

Date of meeting: 26 March 2019



COUNCIL EXECUTIVE

<u>PROCUREMENT ARRANGEMENTS - DIRECT AWARD TO THE SCHOLAR FORUM</u> PARTNERSHIP

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval to make a Direct Award to The Scholar Forum Partnership for the provision of e-Learning Support Services for a 3 year period.

B. RECOMMENDATION

It is recommended that the Council Executive approves a direct award to The Scholar Forum Partnership for the next 3 years commencing 1 April 2019 to 31 March 2022. The anticipated contract value is £77,274.

C. SUMMARY OF IMPLICATIONS

| I | Council Values | Focusing on our customers' needs; making best use of our resources; working in partnership |
|-----|--|---|
| II | Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | Direct awards will be made in accordance with Standing Orders of West Lothian Council and the Public Contracts (Scotland) Regulations 2015. |
| III | Implications for Scheme of Delegations to Officers | None. |
| IV | Impact on performance and performance Indicators | None. |
| V | Relevance to Single Outcome Agreement | Giving children the best start in life. |
| VI | Resources - (Financial, Staffing and Property) | The annual revenue budget is £26,000 |
| VII | Consideration at PDSP | None. |

VIII Other consultations

The Corporate Procurement Unit has been consulted and the Corporate Finance Manager has been consulted on budget implications.

D.1 TERMS OF REPORT

D2

Background

The SCHOLAR Forum is a legal not-for-profit partnership between Heriot-Watt University and ADES (the Association of Directors of Education in Scotland), with the Education Authorities as members paying an annual subscription.

Membership of The SCHOLAR Forum includes but is not limited to :

- Subscribers have an annual licence to use the SCHOLAR e-learning content
- 33 CfE courses at National 5, Higher and Advanced Higher
- Teachers are able to access materials in PDF format
- Print on Demand Study Guides are available for purchase
- Continuing Professional Development Events for Teachers and Pupils
- Live and recorded on line homework and revision sessions
- Usage data provision
- Technical support documentation
- Evaluation on the impact of SCHOLAR on attainment.

Membership of The SCHOLAR Forum particularly enhances the delivery of STEM subjects and modern languages. It encourages independent study and promotes flexibility and choice within our curriculum. SCHOLAR also supports parental engagement through Parental Evening support sessions. SCHOLAR is used extensively in all 11 Secondary Schools as both a teaching and study resource.

Exemption from the council's Standing Orders for the Regulation of Contracts is required as there is no known comparable service provider. Scholar is the only service provider who is able to combine high quality on line courses, blended learning, instant feedback, progress reports, revision planning, on line tutor sessions and printed study guides.

D3 In House Capability and Business Case Exemption

There is no in house capability to undertake this service.

As the Head of Corporate Services is unable to authorise this level of expenditure, Council Executive is required to consider the terms of this Report.

E. CONCLUSION

It is recommended that the Council Executive approves the direct award for the SCHOLAR Forum Partnership of £77,274 over a three year period.

F. BACKGROUND REFERENCES

None.

Appendices/Attachments: None.

Contact Person: Tom Henderson, Category Manager

Tel: 01506 281805

Email: Tom.Henderson@westlothian.gov.uk

Julie Whitelaw Head of Corporate Services Date of meeting: 26 March 2019



COUNCIL EXECUTIVE

PROCUREMENT ARRANGEMENTS - DIRECT AWARD TO HOUSING PARTNERS LTD

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval to make a Direct Award to Housing Partners Ltd for the provision of mutual exchange services for social rented tenants in West Lothian.

B. RECOMMENDATION

It is recommended that the Council Executive approves a direct award to Housing Partners Ltd for a period of one year, commencing 27 March 2019 to 26 March 2020. The contract value is £7,100.

C. SUMMARY OF IMPLICATIONS

| I | Council Values | Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; developing employees; making best use of our resources; working in partnership |
|------|--|---|
| II | Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | Direct awards will be made in accordance with Standing Orders of West Lothian Council. The Public Contracts (Scotland) Regulations 2015 are not relevant as the total spend will be under regulated level of £2m. |
| III | Implications for Scheme of Delegations to Officers | None |
| IV | Impact on performance and performance Indicators | N/A. |
| V | Relevance to Single Outcome Agreement | We live in resilient, cohesive and safe communities. |
| VI | Resources - (Financial, Staffing and Property) | The anticipated contract value is £7,100 for 2019/20 to be funded from the HRA revenue budget. |
| VII | Consideration at PDSP | None |
| VIII | Other consultations | Housing, Customer and Building Services, |

D. TERMS OF REPORT

D1. Background

Homeswapper is a national online platform system used by Housing, Customer and Building Services to enable customers to register their interest in mutually exchanging their council tenancies. Scottish Secure Tenants are entitled to apply to exchange their tenancies ("swap homes") with other Scottish Secure Tenancies. The council purchases the system on behalf of tenants to support the mutual exchange process.

Tenants who wish to swap their homes can use the Homeswapper system to put information on the system about their homes as well as information on properties they are looking for. It enables tenants to register free of charge and therefore further their housing options for those who wish to move.

Homeswapper is an important part of the mutual exchange process for council tenants and the platform is used by a significant number of tenants. There are currently 926 total council homes registered on the Homeswapper system. In the past 12 month period 51 properties have been mutually exchanged.

D2. In-House Capability and Procurement Issues

As part of the council wide digitisation strategy, it is proposed to move to an inhouse mutual exchange registration platform by March 2020. Due to delays with the digitisation of the on-line housing application form, the move to the in-house provision for the mutual exchanges platform has been delayed and programmed for 2019/20. The online housing application form is currently programmed to go live in early summer 2019.

Between 2007/08 and 2018/19 business case exemptions have been applied with a total aggregated value of £51,306. For the last four year period the total value of the contracts was £34,715. The impact of replacing Homeswapper at this stage without the ability to fully develop an internal service would be significant in terms of time and resources to retain existing users and revise processes and procedures. This would have an impact on the council's tenants and the services they receive from the council.

It is therefore recommended that Council Executive approve a direct award to Housing Partners Ltd, to ensure continuity of service to tenants as well as ensuring effective use of council resource during the development of the in-house system.

E. CONCLUSION

It is recommended that Council Executive approves a direct award to Housing Partners Ltd to ensure continuity of service to council tenants from 27 March 2019 to 26 March 2020.

F. BACKGROUND REFERENCES

None

Appendices/Attachments: None

Contact Person: Pippa Clark, Category manager, pippa.clarke@westlothian.gov.uk;

Tel: 01506 282614

Julie Whitelaw

Head of Corporate Services, 26 March 2019



COUNCIL EXECUTIVE

PROCUREMENT ARRANGEMENTS – SUPPLY OF CARE AT HOME SERVICES

REPORT BY HEAD OF CORPORATE SERVICES

PURPOSE OF REPORT A.

To seek Council Executive approval to commence tendering procedures for:

- 1. The procurement of a two year flexible framework agreement, for Care at Home Services, with an option to extend for a further one year, plus one
- 2. The procurement of two block contracts of one year, with an option to extend for a further one year.

RECOMMENDATION В.

It is recommended that the Council Executive approves the commencement of the tendering procedures for a two year flexible framework and two block contracts using the evaluation and methodology detailed in Section D of the Report

C. SUMMARY OF IMPLICATIONS

| <u> </u> | | |
|----------|---------|------|
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Focusing on our customers' needs; Being honest, open and accountable; Providing equality of opportunities; Developing employees; Making best use of our resources: Working in partnership

Ш **Policy** and Legal (including Strategic **Environmental** Assessment. Equality Assessment)

Tenders will be issued, received and analysed in accordance with the Standing Orders of West Lothian Council and the Public Contracts (Scotland) Regulations 2015 and the Public Issues, Health or Risk Contracts (Scotland) Regulations 2016.

Ш **Implications** for Scheme of Delegations to Officers

None.

IV Impact on performance and performance **Indicators**

None.

V Relevance to Single None. **Outcome Agreement**

VI Resources - (Financial, Staffing and Property)

The total contract value is £9.0m. The funding source for these contracts includes the following 2019/20 revenue budgets: Elderly - £6.2m, Adults with Learning Disability - £0.7m, Adults Mental Health - £0.45m, Adults Physical

Disability - £1.65m.

VII Consideration at PDSP None.

VIII Other consultations Social Policy and The Corporate Procurement

Unit were consulted. The Corporate Finance Manager was consulted on budget implications.

D. TERMS OF REPORT

D.1 Background

Care at Home services provide personalised care, including social and emotional support to enable people to continue or resume residing in their own home. The purpose of the service is to ensure quality of life for the individual, while enabling them to retain their independence. Successful delivery of the service involves putting the person at the centre of the decisions about the way they live and the support that they want to receive.

This is seen as the first stage in a long term contract strategy to ensure the availability of a reliable service supply which can adapt to meet surges in demand from critical areas such as hospital discharge and crisis care. It is also designed to encourage the development of responsive services in rural areas which traditionally, are difficult to source. It aims to build on existing good practice through collaborative work with providers.

D.2 Proposed New Care at Home Contract Arrangements

A contract model based on a flexible framework will operate in tandem with two small block contracts that constitute a "Test for Change".

It has also been recognised that within existing framework CC4647 Care At Home there are opportunities to further develop relationships with the care providers and that these should be capitalised on in any new contract.

The new framework agreement and the block contracts will incorporate Electronic Call Monitoring (ECM) into the service provision. This will require providers to electronically log their visits when they arrive and leave the service user's property. This will provide data to evidence that vulnerable service users are receiving the care that they require to stay safely in their own homes. The ECM system will also flag up at an early stage if the provider has been unable to attend or if the service user has declined the service on that day for any reason.

All care packages will be commissioned based on the assessed needs of the individual client. The provider will be paid on a banding basis which is based on multiples of 15 minute bands for the actual care time delivered in compliance with the tasks and needs identified in the individual's care plan, rather than the current practice which is based on commissioned hours.

The council has approved savings of £975,000 in relation to the introduction of ECM.

D.3 In House Capability

The main provision of Care at Home Services has been undertaken by our partner providers and it is proposed that this arrangement should continue.

D.4 Sustainability

In accordance with the Community Benefits in Procurement Procedure approved by the Council Executive on 4 June 2013, bidders will be required to detail any social, economic and environmental benefits which they will provide as part of their offer over the contract period.

Whilst the Council's Community Benefits Officer will be consulted regarding identifying any specific Community Benefits for this contract, as a minimum, a generic, non-evaluated Community Benefits clause will be included within the contract documentation. While this element does not form part of the Quality Scoring criteria, the council will expect the successful contractor to deliver such benefits as part of the contract, and will be monitored as such.

D.5 Procurement and Contracting Issues

It is proposed that two separate, concurrent procurements are advertised for Care at Home services:

- 1. A flexible framework agreement for the provision of services on a call-off basis across the entire West Lothian area. The framework will be for a 2 year period with the potential for a further one plus one year extension.
- 2. Two block contracts, each one equivalent to 330 service hours per week.

The evaluation will be based solely on Quality with no price evaluation.

A fixed hourly rate will be established taking into account the requirement to pay the National Living Wage and enhanced monitoring requirements for care providers.

The requirement will be advertised in accordance with the European Union Directives. It is proposed that the Open Procedure is used whereby all suppliers expressing an interest in the contract will be invited to tender.

D.6 Budget Implications

It is anticipated that the future cost of the contract and care demands will be met within budget resources available. The annual budget is £9m per annum.

E. CONCLUSION

It is recommended that the Council Executive approves the proposed procurement route and evaluation of methodology detailed in Section D for the tendering of the contract.

F. BACKGROUND REFERENCES

Appendices/Attachments: None

Contact Person: Tom Henderson

Category Manager, Corporate Procurement Unit

Tel: 01506 281805

Email: Tom.Henderson@westlothian.gov.uk

Julie Whitelaw, Head of Corporate Services 26th March 2019



COUNCIL EXECUTIVE

CONSULTATION ON SCOTTISH GOVERNMENT GOOD FOOD NATION PROPOSALS FOR LEGISLATION

REPORT BY HEAD OF SOCIAL POLICY

A. PURPOSE OF REPORT

The purpose of the report is to advise the Council Executive of the Scottish Government's Consultation on Good Food Nation Proposals for Legislation.

B. RECOMMENDATION

It is recommended that the It is recommended that the Council Executive:

 notes and considers the proposed response to the Scottish Government's consultation on Good Food Nation Proposals for Legislation, approves the proposed response and agrees to its submission to the Scottish Government.

C. SUMMARY OF IMPLICATIONS

Focusing on our customers' needs
being honest, open and accountable
providing equality of opportunities
making best use of our resources
working in partnership

II Policy and Legal None (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)

III Implications for None
Scheme of Delegations
to Officers

IV Impact on performance None and performance Indicators

V Relevance to Single

Outcome Agreement

We live longer, healthier lives and have

reduced health inequalities.

VI Resources - (Financial, Staffing and Property)

None

VII Consideration at PDSP

Social Policy, Policy Development and

Scrutiny Panel 22 March 2019

VIII Other consultations

Operational Services, Education Services, Corporate Procurement and Health

Improvement Team

D. TERMS OF REPORT Background

The Scottish Government launched their consultation on 21st December 2018 seeking views on how best to achieve the outcomes in relation to the Good Food Nation ambition, including the development and implementation of legislation in this area.

The consultation will inform the further development of policy in this important and cross-cutting policy area.

The timing of the consultation response has meant that there is a very short timescale between the Social Policy PDSP (22nd March 2019) and the Council Executive (26th March). Therefore any comments made by the PDSP will be highlighted verbally at the Council Executive and in the final response submitted to Scottish Government.

The National Food and Drink Policy – Becoming a Good Food Nation

The National Food and Drink Policy – Becoming a Good Food Nation was published in 2014. The policy set a new and exciting vision for Scotland to be a Good Food Nation where people from every walk of life take pride and pleasure in, and benefit from, the food they produce, buy, cook, serve, and eat each day. The Good Food Nation vision recognised that change is required to achieve this ambitious aim and that legislation might be one way to achieve the culture shift required to help Scotland become a Good Food Nation.

The aim was to work to ensure that:

- It is the norm for Scots to take a keen interest in their food, knowing what constitutes good food, valuing it and seeking it out whenever they can.
- People who serve and sell food from schools to hospitals, retailers, cafes and restaurants – are committed to serving and selling good food.
- Everyone in Scotland has ready access to the healthy, nutritious food they need.
- Dietary-related diseases are in decline, as is the environmental impact of our food consumption.
- Scottish producers ensure that what they produce is increasingly healthy and environmentally sound.
- Food companies are a thriving feature of the economy and places where people want to work.
- Other countries look to Scotland to learn how to become a Good Food Nation.

To help develop this policy, a non-statutory Scottish Food Commission was established to provide advice to the Cabinet Secretary on the existing and future challenges facing Scotland's food culture and how these might be addressed.

Scottish Ministers published the "Good Food Nation Programme of Measures" on 11 September 2018. This highlights the significant range of work that is already being done – or is planned - to develop the Good Food Nation ambition in Scotland.

The first recommendation of the Scottish Food Commission in their report to Scottish Ministers, was that the focus should be on a straightforward framework placing responsibilities on Scottish Ministers and selected public bodies with regard to food, in line with the principles and practices of the Good Food Nation policy.

Whilst it is recognised that legislation is not the **only** way to make progress, Scottish Ministers propose that there is a place for legislation to underpin the significant work already being done.

A statement of policy would be required to cover food production and consumption issues relating to, for example and where applicable, the growing, harvesting, processing, marketing, sale, preparation and consumption of food, and disposal of waste arising from this; and access to affordable, local, nutritious and culturally appropriate food, and food in the public sector. Compatibility with relevant EU obligations would be essential. Particular account would need to be taken of the implications of Brexit, not just in relation to anticipated impacts on producers but in relation to the rights, well-being and food security of the general public.

The proposal is that whilst the general framework principles would be set out in primary legislation, the detailed provisions would be contained in secondary legislation, making it easier to amend and update.

Proposed West Lothian Position.

The consultation asks four questions and responses to these have been sought from Operational Services, Education Services, Procurement and Health Improvement. The draft consultation response detailed in Appendix 1 notes that the service areas consulted were generally cautious in relation to the proposed legislation.

They were clear that the legislation should not be confined to public sector organisations and that if the culture change required is to be successful the legislation would need to be holistic and include all public, private and parental buyin.

There would need to be support for implementation of any policy and a means of making it sustainable. Organisations require resource to assist in developing and managing the policy and report on implementation. It was also noted that the government's proposals could see increased costs to local authorities and consideration should be taken in how these will be funded (regulation, inspection and compliance).

E. CONCLUSION

Changing a food culture is complex and needs a coordinated and holistic approach. Since the Diet Action Plan for Scotland was launched in 1996 there has been a plethora of policies and action plans aimed at improving diet and health in Scotland. The bringing together of current policies underpinned by legislation could provide the basis to achieving the outcomes for a Good Food Nation.

F. BACKGROUND REFERENCES

Consultation on Good Food Nation Proposals for Legislation Scottish Government December 2018

Appendices/Attachments: West Lothian Consultation on Good Food Nation

Proposals for Legislation

Contact Person: Pamela Main, Senior Manager,

Community Care Assessment & Prevention

Tel: 01506 281936

Pamela.Main@westlothian.gov.uk

Jo MacPherson, Head of Social Policy(Interim)

Date of meeting: 26 March 2019

Consultation on Good Food Nation Proposals for Legislation Contributors- Health Improvement; Education; Corporate Procurement; Operational Services;

Consultation question 1:

To what extent do you agree with the framework proposals for Ministers and public authorities to prepare statements of policy, have regard to them in the exercise of relevant functions, and report on implementation, with regard to international obligations and guidance?

Strongly agree
Agree
Neither agree nor disagree
Disagree
Strongly disagree

Please explain your answer.

We acknowledge that there is a requirement to change the culture and behaviours regarding food consumed in Scotland and realise the health, economic, community, environmental and sustainability benefits of doing so. There is a consensus that any policy must be cross cutting and include all aspects of food and health from farm to fork. We agree legislation will help in doing this but that any policy should be easily translated at local level and include relevant local outcomes.

Any new legislation should be flexible and take account of the wide range of policies already in existence that would support the delivery of the aspirational aims of the Good Food Nation policy. For example, procurement legislation already makes reference to the provision of food, and is part of the current Corporate Procurement Strategy; Education refer directly to the National Child and Infant /NHS guidance of Setting the Table to inform the way they deliver learning experiences relating to food and the provision of food within Early Years settings. For this reason there needs to be recognition that current legislation exists that covers some of the proposals within the Good Food Nation so there needs to be a clear links within the policy to other policies and action plans rather than duplication.

Changing a food culture is complex and there needs to be a coordinated approach. Therefore any policy development should be progressed from an early identification of shared outcomes and indicators so that the effect of actions can be maximised and a stronger sense of partnership developed. Organisations require resources to assist in developing and managing the policy and report on implementation. The proposals may see increased costs to local authorities and consideration should be taken in how these will be funded (regulation, inspection and compliance)

Consultation question 2:

Whilst we do not plan to require all sectors to prepare statements of policy on food, they do all have a role to play in achieving our Good Food Nation ambition. To what extent do you agree that Government should encourage and enable businesses in particular to play their part?

Strongly agree
Agree
Neither agree nor disagree
Disagree
Strongly disagree

Please explain your answer.

A shift in culture to become a 'Good Food Nation' will not be achieved by only focussing on public sector organisations and requires a holistic approach to food consumption which involves all public, private and some form of parental buy-in.

We all agree that working with areas such as the food industry, would have a greater impact but would require a more sustained effort to achieve the desired outcomes. Without the backing or involvement of the major food producers, retailers and wider community we are not going to have the desired impact and progress will be limited.

We agree that government and local authorities can lead by example; however they are a minority in terms of food provision/ access. To bring a cultural change we need the whole environment to change for our population. Again in order to bring businesses on board caution needs to be taken to make sure there are no duplications of current policies and/or legislation that businesses currently have to adhere to i.e. nutritional or food production standards. Either one policy to fit all or clear and concise links to existing policy would be required.

Consultation question 3:

To what extent do you agree with the proposed approach to accountability of Scottish Ministers and specified public authorities?

Strongly agree
Agree

Neither agree nor disagree
Disagree
Strongly disagree

Please explain your answer.

We agree, provided accountability was within the control of public authorities and Scottish Ministers, it would be reasonable to legislate accordingly. Depending on the extent to which the nature of the work proposed is, or what the priority is locally and nationally, reporting will only be welcomed if it leads to improvement.

There is concern that as a cross cutting policy there may be reporting differences and challenges in gathering a wide range of information. This needs to be acknowledged and support given to ensure that there is a clear vision where this policy should sit and who drives it.

Consultation question 4:

To what extent do you agree with the proposal for targeted legislation relevant to specific policy areas as an alternative to a single piece of legislation?

Strongly agree
Agree
Neither agree nor disagree

Disagree Strongly disagree Please explain your answer.

We agree that targeted legislation relevant to specific policy areas would be beneficial to influence where direct improvement is required. Secondary legislation (rather than primary legislation) will ensure that it is easier to amend and update. The legislation needs to have a "golden thread" through other legislation such as school meal nutrition, etc.

Consultation on Good Food Nation Proposals for Legislation



FOREWORD



In September 2018, we published our "Good Food Nation Programme of Measures" which highlights the many different activities we are doing, or plan to do, across Government to further our vision and aims as a Good Food Nation.

The Programme of Measures is a document which confirms this Government's continuing commitment to Scotland becoming a Good Food Nation where the people of Scotland have improved access to, and understanding of, the benefits of healthy local foods; our progressive food industry is clearly operating in a sustainable way; and our reputation as a Good Food Nation is widely understood and used as an example from which other countries can learn. In other words, we build on our already world-renowned reputation of our food and drink industry and ensure that the people of Scotland also benefit from, and understand, the quality produce on their doorsteps.

We are well on our way to becoming a Good Food Nation and as the Programme of Measures demonstrates, legislation is not essential in order to deliver action. We acknowledge, however, that there is value in having legislation to underpin the considerable work that is already being done to realise our Good Food Nation goals. During a parliamentary debate in September 2018, we undertook to introduce legislation. This consultation takes forward that promise.

This consultation sets out our proposals for legislation around the Good Food Nation ambition. I am keen to hear your views on our proposals and invite you to respond to this consultation.

Fergus Ewing
Cabinet Secretary for the Rural Economy
December 2018

PART 1 - GOOD FOOD NATION POLICY

The National Food and Drink Policy – Becoming a Good Food Nation was published in 2014. The policy set a new and exciting vision for Scotland, by 2025, to be a Good Food Nation where people from every walk of life take pride and pleasure in, and benefit from, the food they produce, buy, cook, serve, and eat each day.

The Good Food Nation vision recognised that change is required to achieve this ambitious aim. The aim was to work to ensure that:

- It is the norm for Scots to take a keen interest in their food, knowing what constitutes good food, valuing it and seeking it out whenever they can.
- People who serve and sell food from schools to hospitals, retailers, cafes and restaurants are committed to serving and selling good food.
- Everyone in Scotland has ready access to the healthy, nutritious food they need.
- Dietary-related diseases are in decline, as is the environmental impact of our food consumption.
- Scottish producers ensure that what they produce is increasingly healthy and environmentally sound.
- Food companies are a thriving feature of the economy and places where people want to work.
- Other countries look to Scotland to learn how to become a Good Food Nation.

To help develop this policy, a non-statutory Scottish Food Commission was established in 2015 to provide advice to the Cabinet Secretary on the existing and future challenges facing Scotland's food culture and how these might be addressed. The Food Commission was also tasked with advocating the importance of good food to our health and wellbeing, environment and quality of life.

The Food Commission worked hard over three years to deliver on its remit.

It was recognised that legislation might be one way to achieve the culture shift required to help Scotland become a Good Food Nation. The Scottish Government's Programme for Government 2017-18 therefore included a commitment to "consult on proposals for the Good Food Nation Bill". Scottish Government is grateful to members of the Food Commission who worked hard to deliver on their objectives, culminating in the Good Food Nation Summit in September 2017, which brought together representatives from different sectors to discuss the potential scope and nature of legislation and inform the public consultation.

The Food Commission used the considerable output from the Summit, together with knowledge from deliberations of the Food Commission over its lifetime, to develop recommendations for a Good Food Nation Bill. These recommendations were submitted to Scottish Government in December 2017.

PART 2 – PROGRAMME OF MEASURES AND COMMITMENT TO LEGISLATION INCLUDING ON THE RIGHT TO FOOD

Programme of Measures

Scottish Ministers remain committed to the concept and reality of Scotland as a Good Food Nation. As work on the Good Food Nation policy has progressed, it has become increasingly clear that Ministers have already driven and overseen the development of a wide range of policies across Government that are contributing to the delivery of the Good Food Nation ambition.

A great deal of work is already happening now to make a real and positive difference to the lives of the people of Scotland: helping to improve their access to, and understanding of, the benefits of healthy local foods; ensuring sustainability of our food industry; and looking to grow Scotland's reputation as a Good Food Nation from which other countries can learn.

Scottish Ministers published the "Good Food Nation Programme of Measures" on 11 September 2018. This highlights the significant range of work that is already being done – or is planned - to develop the Good Food Nation ambition in Scotland across the five key areas identified by the Food Commission, i.e. Health, Social Justice, Knowledge, Environmental Sustainability and Prosperity.

Commitment to legislation

The Good Food Nation Programme of Measures is evidence that the delivery of policy actions can often mean quicker and more tangible results than are possible through legislation. There is more to be done and so we will continue to take forward work that does not require legislation but is making a real difference to the lives of people in Scotland.

Whilst legislation is not the **only** way to make progress, Scottish Ministers recognise that there is a clear place for legislation to underpin the significant work already being done. Ministers made this point strongly during a debate in the Scottish Parliament on 13 September 2018 to celebrate Scotland's food and drink success story. The nature of the debate underlined the importance of food and drink in Scotland to the economy, to the environment and to all of us.

This consultation invites your views on the means to achieve the outcomes we are seeking in relation to the Good Food Nation ambition, including through legislation. The consultation will inform our further development of policy in this important and cross-cutting policy area.

Right to food

There has been long-standing interest amongst human rights campaigners and civil society organisations regarding the possibility of "incorporating" the right to food into domestic law.

¹ https://beta.gov.scot/publications/good-food-nation-programme-of-measures/

The UK, on becoming a Party to the International Covenant on Economic, Social and Cultural Rights² in 1976, agreed to recognise the right of everyone to an adequate standard of living for themselves and their families, including adequate food.

Scottish Ministers undertook, in response to recommendations from the Short Life Working Group on Food Poverty in 2016, to explore whether a right to food might potentially be reflected in domestic legislation.

This consultation proposes that the legislation which establishes the Good Food Nation framework will have regard to the international human rights framework, in line with Scotland's well-established human rights obligations. Rather than seeking to incorporate a right to food in isolation from any larger package of human rights measures, the Good Food Nation framework will focus on embedding processes for ensuring that the substance of the right to food has effect as a matter of everyday good practice.

The option of exploring a right to food which is directly enforceable as a matter of Scots law has not been ruled out. It is best considered, however, as part of the wider work on incorporation currently being done by the First Minister's Advisory Group on Human Rights Leadership. The Group reported in December 2018 and full account will be taken of its recommendations, including in relation to incorporation of the right to food.

We are, of course, fully committed to ensuring that Scotland respects, protects and fulfils the human rights set out in United Nations and other international treaties. This includes practical action which tackles both the symptoms and the causes of food insecurity.

Scottish Ministers have already sought to embed food rights at the heart of public policy by continuing to challenge directly the causes of food insecurity. This includes mitigating the impact of UK welfare reform policies such as the bedroom tax, promoting the living wage, and by embedding a rights-based approach in the design and delivery of our new Scottish social security system. Through the Fair Food Transformation Fund, we are supporting communities to put dignity at the forefront of responses to food insecurity. Our approach is further informed by our vision for a Fairer Scotland.

In addition, human rights and the UN Sustainable Development Goals have now been integrated within Scotland's new National Performance Framework. This ensures that human rights, equality and specific rights such as the right to food will be increasingly located at the centre of policy-making and delivery, not only for the Scottish Government but also for the wider public sector.

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² Article 11, International Covenant on Economic, Social and Cultural Rights (ICESCR): https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx

PART 3 – PROPOSALS FOR LEGISLATION

Framework legislation - background

The first recommendation of the Scottish Food Commission in their report to Scottish Ministers, was that framework legislation should be the basis of Good Food Nation legislation. Scottish Ministers agree.

Scottish Ministers believe that legislation to underpin work on the Good Food Nation ambition should be simple and clear. The focus should be on a straightforward framework placing responsibilities on Scottish Ministers and selected public bodies with regard to food, in line with the principles and practices of the Good Food Nation policy.

The Food Commission also suggested placing similar requirements on private food-related businesses. We have considered this proposal carefully and we are concerned that it would place significant additional costs on businesses operating in Scotland and unfairly disadvantage them compared to their competitors. The conclusion is that the requirement to set out a statement on food policy should not be imposed on private companies but should be limited to Scottish Ministers and specified public bodies. While Scottish Ministers and specified public bodies would provide a public lead on the delivery of the Good Food Nation policy, in doing so they would provide an example for other organisations, including private businesses, to follow.

Framework legislation - outline

The proposal is that whilst the general framework principles would be set out in primary legislation, the detailed provisions would be contained in secondary legislation, making it easier to amend and update. The statutory duties would operate along the following lines (with much of this detail being for secondary legislation):

Scottish Ministers

- Requirement for Scottish Ministers to set out a statement of policy on food.
- The statement of policy would be required to cover food production and consumption issues relating to, for example and where applicable, the growing, harvesting, processing, marketing, sale, preparation and consumption of food, and disposal of waste arising from this; and access to affordable, local, nutritious and culturally appropriate food, and food in the public sector. Compatibility with relevant EU obligations would be essential. Particular account would need to be taken of the implications of Brexit, not just in relation to anticipated impacts on producers but in relation to the rights, well-being and food security of the general public.
- Scottish Ministers would be required, in setting out their statement of policy, to include indicators or measures of success. This could draw on the work of the

Scottish Food Commission and Scottish Government.³ A number of food-related national indicators already form part of the refreshed National Performance Framework and could be further strengthened in this context.

- Scottish Ministers would be required, in the exercise of their functions, to have regard to the statement of policy on food.
- Scottish Ministers would be required to consult on a draft statement and to have regard to the consultation responses.
- Scottish Ministers would be required to publish the statement of policy and to lay it before the Scottish Parliament, for information rather than approval.
- Scottish Ministers would be required to review the statement of policy every 5
 years and any revision would be subject to the same requirements as the initial
 statement.
- Scottish Ministers would be required to report every two years on implementation of the policy and to set out information on the indicators or measures of success. This would include actions taken to give effect to international obligations and implement good practice, and should address measures of availability; stability (of food supply); accessibility; sustainability; and adequacy.⁴ This report would be published and laid before the Scottish Parliament in order to ensure transparency and accountability.
- There would be a statutory requirement to have regard to relevant international obligations and guidance. This should apply when developing the statement of policy, when exercising relevant functions and in reporting on implementation of the policy. Relevant instruments and guidance would be specified in secondary legislation but would include, where appropriate, relevant aspects of the International Covenant on Economic, Social and Cultural Rights (ICESCR)⁵.
- It would also be possible to specify guidance such as the Voluntary Guidelines to support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security published by the Food & Agriculture Organization of the United Nations in 2004.

Specified public authorities

- Similar requirements would be placed on specified public authorities with relevant food-related functions, possibly including local authorities and Health Boards.
- Specified public authorities would be required to set out a statement of food policy (including indicators or measures of success); have regard to specified

³ https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2016/06/indicators-good-food-nation/documents/13972aef-bfa7-431a-8d7a-c9fe18050b62/13972aef-bfa7-431a-8d7a-c9fe18050b62/govscot%3Adocument

Food and Agriculture Organization of the United Nations http://www.fao.org/3/a-i3448e.pdf

⁵ https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx. The UK, on becoming a Party to the International Covenant on Economic, Social and Cultural Rights in 1976, agreed to recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food.

international instruments in doing so; have regard to that statement of policy in the exercise of certain functions; and report on progress to Scottish Ministers. The statement of policy might include the origin and sourcing of food by the public authority; food waste; the emphasis on balanced and healthy food; access to affordable food; training in food preparation and purchase etc.; the specific approach taken in e.g. schools (including food education) and nursery schools, hospitals and public buildings.

Scottish Ministers and public authorities

 Scottish Ministers and specified public bodies would be required to collaborate to ensure a joined up approach to delivery of a Good Food Nation in Scotland.

The aim is to ensure an open and, where necessary, joined up approach to delivery of a Good Food Nation in Scotland.

Consultation question 1:

To what extent do you agree with the framework proposals for Ministers and public authorities to prepare statements of policy, have regard to them in the exercise of relevant functions, and report on implementation, with regard to international obligations and guidance?

Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree

Please explain your answer.

Consultation question 2:

Whilst we do not plan to require all sectors to prepare statements of policy on food, they do all have a role to play in achieving our Good Food Nation ambition. To what extent do you agree that Government should encourage and enable businesses in particular to play their part?

Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree

Please explain your answer.

Oversight of the Good Food Nation policy area

Good Government requires strong accountability and therefore it is important to ensure appropriate accountability for the performance of statutory functions that might be placed on Scottish Ministers and specified public authorities. This is the reason for proposing a requirement for regular reports to be made to the Scottish Parliament, and to Scottish Ministers in the case of specified public authorities.

The proposal is that Scottish Ministers and specified public authorities would be required to publish a statement of policy. Scottish Ministers would lay their statement before the Scottish Parliament and specified public authorities would submit their statements to Scottish Ministers. Scottish Ministers and specified public authorities would also be required to report every two years on implementation of the policy, including setting out information on the indicators or measures of success. This report would be published and laid before the Scottish Parliament, or submitted to Scottish Ministers in the case of specified public authorities.

We do not see value in establishing an independent statutory body for the purpose of overseeing the Good Food Nation policy. Scottish Ministers have a presumption against the establishment of new statutory bodies in all but exceptional cases. This is not such a case. We consider that the establishment of a new body is unnecessary given the arrangements explained above and it would bring additional cost and bureaucracy.

Consultation question 3:

To what extent do you agree with the proposed approach to accountability of Scottish Ministers and specified public authorities?

Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree

Please explain your answer.

Other provisions

Scottish Ministers were grateful to the Scottish Food Commission for their work and their recommendations for legislation. Full consideration has been given to the recommendations, many of which are already being taken forward through policy developments across Government. The Good Food Nation Programme of Measures confirmed the extent of that cross Government work.

Where legislation is potentially required to deliver policy intentions in areas which could be seen to contribute to the Good Food Nation ambition, for example in relation to health, diet or food waste, then Scottish Ministers believe this should be taken forward through targeted legislation rather than the framework legislation proposed in this consultation. The detail of any targeted legislation would be subject to full consultation at the appropriate time.

This approach recognises the wide range of policy developments and legislation that can be said to deliver results that impact on the Good Food Nation vision. This does not diminish the value of legislative provisions and it provides a flexibility that would not be possible through the development of a single piece of legislation.

Consultation question 4:

To what extent do you agree with the proposal for targeted legislation relevant to specific policy areas as an alternative to a single piece of legislation?

Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree

Please explain your answer.

Evidence base

The Good Food Nation Programme of Measures published in September acknowledged the importance of understanding what works in terms of achieving our Good Food Nation ambition. Separately, therefore, we will be considering how best to build an appropriate evidence base.

PART 4 - NEXT STEPS

Once we have received responses to this consultation, the results will be analysed and will inform the further development of our plans for policy action and legislation. The intention then will be to prepare draft provisions for inclusion in legislation.

Responding to this Consultation

We are inviting responses to this consultation by 29th March 2019.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (http://consult.gov.scot). Access and respond to this consultation online at https://consult.gov.scot/food-and-drink/good-food-nation/. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 29th March 2019.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form to:

Good Food Nation Scottish Government Food and Drink Division Saughton House Broomhouse Drive Edinburgh, EH11 3XD

Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy: https://beta.gov.scot/privacy/

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at http://consult.gov.scot. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at goodfoodnation@gov.scot

Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: http://consult.gov.scot. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.



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www.gov.scot



COUNCIL EXECUTIVE

SCOTTISH GOVERNMENT CONSULTATION – TRANSFORMING PAROLE IN SCOTLAND

REPORT BY HEAD OF SOCIAL POLICY

A. PURPOSE OF REPORT

The purpose of this report is to advise the Council Executive of Scottish Government's consultation on Transforming Parole in Scotland.

B. RECOMMENDATION

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VI

Resources - (Financial,

Staffing and Property)

It is recommended that the Council Executive:

1. notes and considers the proposed response to the Scottish Government's consultation on Transforming Parole in Scotland, approves the proposed response and agrees to its submission to the Scottish Government.

Focusing on our customers' needs.

C. SUMMARY OF IMPLICATIONS

Council Values

| • | Council values | Focusing off our customers needs. | |
|----|---|--|--|
| | | Being honest, open and accountable. | |
| | | Making best use of our resources. | |
| | | Working in partnership | |
| II | Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | None | |
| Ш | Implications for Scheme of Delegations to Officers | No implications. | |
| IV | Impact on performance and performance Indicators | Percentage of offenders seen within 1 day of release from custody | |
| V | Relevance to Single Outcome Agreement | We live in resilient, cohesive and safe communities | |
| | | People most at risk are protected and supported to achieve improved life chances | |

None

VII Consideration at PDSP Social Policy, Policy Development and Scrutiny

Panel 22 March 2019

VIII Other consultations None

D. TERMS OF REPORT

The consultation regarding 'Transforming Parole in Scotland' was launched in December 2018 and is seeking to obtain views on a commitment to increase the openness and transparency of the parole system. The Scottish Government focus on;

- Improving the experience of victims in the parole process
- Increase openness and transparency of the parole board for Scotland and
- Ensure the independence of the parole board is maintained

Parole is a process that enables prisoners to be released on licence in the community under the supervision of a community-based social worker. If a prisoner is released on licence, they are liable to be recalled to prison at any time during the remainder of their sentence if they breach the terms of their licence. Parole is only granted if the evidence reviewed by the Parole Board demonstrates that the risk presented by the person concerned can be managed in the community.

The Parole Board consists of members appointed by the Scottish Ministers and appointments are currently made under the auspices of the Commissioner for Ethical Standards in Public Life. This ensures the process for making appointments is independent and fair. There are currently 37 Parole Board members including the Chair of the Parole Board. Members are drawn mostly from the legal, social work, prisons, police, medical and mental health professions.

The timing of the consultation response has meant that there is a very short timescale between the Social Policy PDSP (22nd March 2019) and the Council Executive (26th March). Therefore any comments made by the PDSP will be highlighted verbally at the Council Executive and in the final response submitted to Scottish Government.

The consultation was grouped into the following six topics

- 1. Questions on strengthening the voice of victims in the parole process
- 2. Questions on ensuring transparency
- 3. Questions on improving support for decision making
- 4. Questions on information for prisoners on the parole process
- 5. Questions on supervision, review and recall
- 6. Questions on independence and governance

QUESTIONS ON STRENGTHENING THE VOICE OF VICTIMS IN THE PAROLE PROCESS

The response provided agreed in principle that victims should have a greater voice and that the victim notification scheme should be more robust. The view that victims should attend parole boards was not supported as this would restrict decision making and undermine professional assessment. The consultation response stated that the current range of licence conditions was adequate.

The response states that victims should be given notification on decisions but not the full reasoning behind them. This is because it may undermine and affect safe risk management in the community. It could also compromise confidential information.

QUESTIONS ON ENSURING TRANSPARENCY

The respond states that West Lothian would not support 'others attending parole hearings or sharing of information with 'others'. The consultation did not define what was meant by the term 'others'. Publishing information regarding decisions was not supported as it would undermine risk management planning in the community.

The consultation response does state that the parole board could work harder to make itself more visible.

QUESTIONS ON IMPROVING SUPPORT FOR DECISION-MAKING

The view that the parole board should have an investigatory function was not supported as this would significantly undermine its independent role and that of agencies who have a statutory role to investigate and assess.

QUESTIONS ON INFORMATION FOR PRISONERS ON THE PAROLE PROCESS

The response highlights that prisoners are often not well enough informed in order that that they may positively participate in the parole process. Whilst prisoners are informed regarding any potential license conditions, more can always be done to ensure they understand them and the consequences of failure to comply which can result in recall to prison.

QUESTIONS ON SUPERVISION, REVIEW AND RECALL

The consultation asked whether there was a need to add additional processes in relation to reviews. The response has taken the view that there is no benefit to changing the current process as it works well. It also asked whether criminal justice social workers should be able to refer directly to the parole board in relation to revocation of licenses. There has been a revised throughcare guidance developed over the last year which works well. As a consequence there was no value seen in changing the system again.

QUESTIONS ON INDEPENDENCE AND GOVERNANCE

The consultation asked whether the Parole Board should be transferred to Scottish Tribunals and whether a review and appeals process should be available. The response states that the independence of the Parole Board is important and therefore disagrees with the suggestion. It does however agree that an appeal process should be in place for prisoners, possibly outwith the existing justice framework.

E. CONCLUSION

The consultation follows a commitment by Scottish Government in its programme for government 2018-19 to increase the openness and transparency of the parole system and to consult on any proposals.

The response highlights a number of key issues. These can be summarised as:

1. Victims' rights are important and there are ways in which they should be better informed. This should not however extend to attending parole boards and

- commenting on licence conditions. This would seriously undermine professional assessment and ability to appropriately risk assess and supervise prisoners on release.
- 2. The independence of the parole board is critical to a fair judicial process. A transfer to, for example, the Tribunals Service would undermine this.
- 3. Moving to a process where risk management is too heavily influenced by victims is flawed and maximising the impact of professionals in undertaking this task should be encouraged

F. BACKGROUND REFERENCES

None

Appendices/Attachments: Appendix 1 Consultation response

Contact Person: Tim Ward

Senior Manager

Young People and Public Protection

Tim.Ward@westlothian.gov.uk

01506 281235

Jo Macpherson, Head of Social Policy (Interim)

Date: 26th March 2019

Consultation -

Transforming Parole inScotland

December 2018



CONSULTATION - TRANSFORMING PAROLE IN SCOTLAND

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MINISTERIAL FOREWORD



I am delighted to launch this consultation, which seeks your views on improving the parole process in Scotland.

Parole is a critical part of our criminal justice system - and probably one of the least understood. The Parole Board for Scotland members do a difficult and complex job. The decision whether to release an individual from custody and to consider the conditions they must abide by, requires careful judgement. The Parole Board's expertise and experience in assessing risk is essential.

Parole processes in Scotland are robust and fair, with a keen focus on public safety. As part of this Government's commitment to a progressive justice system, we want to explore what more we can do to make parole processes in Scotland the best they can be.

This consultation highlights areas for improvement and suggests some new ideas for a better system.

I have been clear that I want the needs of victims to be at the centre of the criminal justice system. That is why this consultation focuses on strengthening the voice of victims in the parole process. I believe that victims and their families should have the opportunity to make representations to the Parole Board, in whatever format they are most comfortable. It is vitally important that victims and their families have confidence that their safety and security are taken into account when the Parole Board makes its decisions, including in relation to licence conditions.

I also want to make sure that parole processes are as open and transparent as possible. Not only will this help victims, their families and the wider public to better understand the Parole Board's decisions and the reasons behind them, it should also help to maintain public confidence. This consultation seeks your views on how best we can do that.

It is important that everyone involved in the parole process has access to the information they need to participate fully. This includes Parole Board members, the organisations that support the Parole Board and victims and their families.

It is also important that prisoners have the information they need to participate in their parole hearings. This underpins a fair, just and proportionate system, which recognises the need to provide opportunities for rehabilitation and reintegration once an individual has served their sentence and is deemed not to pose an unacceptable risk. This consultation therefore, also seeks views on the information prisoners should be provided with, to enable them to understand what is required of them.

The Parole Board for Scotland is independent from Scottish Ministers. Ministers cannot interfere with, or influence, the Parole Board's decisions. That is entirely right and I want to make sure that we do all we can to underline and maintain the Parole Board's independence. This consultation therefore seeks views on options for doing that, including a proposal that the Parole Board transfers to the Scottish Tribunals.

This is your opportunity to shape the future of parole in Scotland. It is really important that we hear a wide range of views and I would encourage everyone to have their say.

Thank you for taking the time to respond. I look forward to hearing your views.

Cabinet Secretary for Justice

CONSULTATION - TRANSFORMING PAROLE IN SCOTLAND

WHY ARE WE CONSULTING?

The Programme for Government 2018-2019¹ set out the Scottish Government's commitment to increase the openness and transparency of the parole system, and to consult on specific proposals.

The aim of this consultation is to seek your views on further reforms we are considering to improve the experience of victims in the parole process, increase openness and transparency of the Parole Board for Scotland ("the Parole Board") and ensure the independence of the Parole Board is maintained.

We wish to make further improvements to the parole process and the way the Parole Board operates. In particular, this consultation seeks views on how we can give victims a stronger voice in the parole process, how we can better support the Parole Board's decision-making and how to make the parole processes as open and transparent as possible. The consultation also seeks views on how we can further augment the Parole Board's independence, including seeking views on the option of transferring the Parole Board to the Scottish Tribunals (as created by the Tribunals (Scotland) Act 2014).

The proposals in this consultation document are underpinned by a continuing commitment to the key statutory role of the Parole Board in considering the release of a prisoner to serve the remainder of their sentence in the community, subject to appropriate licence conditions. In making these decisions, the Parole Board is independent of Scottish Government and impartial in its duties.

Consultation is an essential part of the policy-making process. We will consider the views expressed in response to this consultation to help inform the Scottish Government's decisions. An easy read summary of this consultation can be found at **Annex A**.

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¹ https://www.gov.scot/publications/delivering-today-investing-tomorrow-governments-programme-scotland-2018-19/

1. CURRENT ARRANGEMENTS

Background to the Parole Board for Scotland

- 1.1 The Parole Board was first established by the Criminal Justice Act 1967. It is a tribunal Non Departmental Public Body that operates independently from the Scottish Ministers.
- 1.2 The Parole Board has a number of statutory functions, largely set out in the Prisoners and Criminal Proceedings (Scotland) Act 1993 ("the 1993 Act"). As part of their role, the Parole Board aim to protect the public by considering if a prisoner can be released into the community on licence. The Parole Board will also consider any licence conditions that should be imposed on a person on their release into the community, to minimise any risk associated with that. The Parole Board undertake risk assessments which are evidence-based, rigorous, fair and timely and which can contribute to the rehabilitation of prisoners and ultimately reduce reoffending.
- 1.3 A prisoner does not apply for parole. The type of sentence imposed by the court determines the point in the sentence that the Parole Board will consider the prisoner's release and the procedures that will be followed during that consideration. **Annex B** provides information on custodial sentence types.
- 1.4 There is no role for the Parole Board in sentencing a prisoner as that is a matter for the courts. Neither can the Parole Board decide whether a sentence was fair in a particular case.
- 1.5 Parole is a process that enables prisoners to be released on licence in the community under the supervision of a community-based social worker. If a prisoner is released on licence, they are liable to be recalled to prison at any time during the remainder of their sentence if they breach the terms of their licence. Parole is only granted if the evidence reviewed by the Parole Board demonstrates that the risk presented by the person concerned can be managed in the community.
- 1.6 It should be noted that those prisoners sentenced to a long-term determinate sentence (i.e. 4 years or more), prior to 1 February 2016, may remain in prison until they have served two-thirds of their sentence, at which point they are released automatically on licence. This would also apply to long-term determinate sentence prisoners subject to an extended sentence, with a custodial term of 4 years ormore.
- 1.7 For those sentenced on or after 1 February 2016, the Prisoners (Control of Release) (Scotland) Act 2015 ended the previous system of automatic early release. If not otherwise released by the Parole Board, long-term determinate sentence prisoners will be released automatically six months before the expiry of the sentence, provided that they are not subject to an extended sentence. In this instance, the prisoner is released into the community on a licence for the remaining six months of their sentence but is subject to be recalled to prison to serve the remaining term if they breach the terms of their licence.

otherwise would be the case.

5

² Extended sentences are issued under section 210A of the Criminal Procedure (Scotland) Act 1995 (c46) consist of a custodial term and an extension period with the overall purpose of such a sentence to ensure a longer period of supervision in the community than

1.8 Where an extended sentence has been imposed on a long-term prisoner, sentenced on or after 1 February 2016, they will serve their entire custodial term in custody, unless the Parole Board has authorised early release. When released at the end of their custodial term, they will be on licence for the whole of the extension period and will be subject to be recalled to prison to serve the remaining extension period, if they breach the terms of their licence.

Who sits on the Parole Board?

1.9 The Parole Board consists of members appointed by the Scottish Ministers and appointments are currently made under the auspices of the Commissioner for Ethical Standards in Public Life. This ensures the process for making appointments is independent and fair. There are currently 37 Parole Board members including the Chair of the Parole Board. Members are drawn mostly from the legal, social work, prisons, police, medical and mental health professions.

How does the Parole Board for Scotland Currently Operate?

1.10 The way in which the Parole Board considers cases is determined by the Parole Board (Scotland) Rules 2001, as amended ("the 2001 Rules")³. There are two main routes of consideration - either Part III cases (casework meetings) or Part IV cases (tribunal hearings). In certain circumstances, the Parole Board may decide to convene an oral hearing in a Part III case.

Part III Cases (casework meeting/oral hearing)

1.11 The following are the main cases regularly considered under Part III of the 2001 Rules: -

| Case type | Parole Board role |
|--|---|
| Children & Young People serving less than 4 years | Make recommendations for release on licence up to half way point of sentence Consideration of recall and rerelease Recommend and consider |
| | amendment to licence conditions |
| Children & Young People serving more than 4 years | Make recommendations for release on licence up to the two-thirds point Consideration of recall and rerelease Recommend and consider amendment to licence conditions |
| Short-term Determinate Sentence Sex Offenders serving less than 4 years | Consideration of recall and rerelease |
| Long-term Determinate Sentence serving more than 4 years | Make recommendations on release on licence at Parole Qualifying Date |

³ Parole Board (Scotland) Rules 2001: http://www.legislation.gov.uk/ssi/2001/315/contents/made

| | (PQD) and thereafter Recommend and consider amendment to licence conditions Consideration of recall and rerelease |
|---|--|
| Extended Sentence where custodial part is less than 4 years | Recommend and consider amendment to licence conditions Consideration of recall and rerelease |
| Extended Sentence where custodial part is more than 4 years | Make recommendations on release at PQD and thereafter Recommend and consider amendment to licence conditions Consideration of recall and rerelease |
| Life Sentence (who are already in the community) | Consider variation of licence conditions |
| Order for Lifelong Restriction (OLR) (who are already in the community) | Consider variation of licence conditions |

- 1.12 At a casework meeting Parole Board members assess cases in closed session on the basis of written material (in the form of a dossier) that is provided to them by the Scottish Ministers, in practice this is done by the Scottish Prison Service (SPS) in their role as an executive agency of the Scottish Government.
- 1.13 The prisoner can make written representations that are included in the material considered by the Parole Board but neither the prisoner nor their legal representative (if they have one) is present.
- 1.14 Rule 15A of the 2001 Rules provides that oral hearings can occur in certain Part III cases where the Parole Board consider it is within the interests of justice to do so, these are:
 - In the case of a revocation of licence to which section 17 of the 1993 Act applies;
 - In the case of a decision regarding the release of a person at the half way point of their long-term sentence under section 1(3) of the 1993 Act; and
 - In the case of considering the release of a person subject to an extended sentence who has been recalled to custody and is serving the custodial part of that extended sentence.

Observers are not permitted to attend oral hearings.

Part IV Cases (tribunal hearings)

1.15 Part IV of the 2001 Rules detail the procedures for arranging and conducting tribunals, including the obligations on the parties. These are usually attended by the prisoner but they can waive their right to attend the hearing. Cases considered by the Parole Board sitting as a Tribunal include consideration of:

- recalled extended sentence prisoners (where the prisoner is serving their extension period); and
- life sentence and OLR prisoners (initial release, recall and re-release on licence).
- 1.16 For the purposes of the types of cases mentioned above, the Parole Board will only grant release where it is satisfied that it is no longer necessary for the protection of the public from serious harm that the prisoner should be confined (the former category); or that it is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined (the latter category). The point at which the Parole Board will consider release of a prisoner and the procedures for review are determined by the original sentence imposed. Further information about sentence types can be found in **Annex B**.

Decisions

1.17 Currently, the Parole Board's decisions are not published and reasons for the decisions are not provided, except where the Chair of the Parole Board or the Chair of the Tribunal may allow or in connection with any court proceedings.

Licence conditions

1.18 The purpose of licence conditions recommended by the Parole Board when a prisoner is approved for release are to protect the public, to prevent re-offending and to help secure successful re-integration back into the community. Licence conditions are intended to be preventative rather than punitive. If a person is released on licence, there are nine commonly used conditions which may be applied as follows:

The person:-

- shall report on the day of release to the officer in charge of the office at the address notified to the person at the time of release;
- shall be under the supervision of the officer nominated for the purpose of supervision and from time to time by the Head of Service with responsibility for criminal justice social work of the relevant local authority involved;
- shall comply with such requirements as the supervising officer may specify for the purposes of risk management;
- shall inform the supervising officer immediately if they are detained, arrested or questioned by the police;
- shall keep in touch with the supervising officer as instructed by that official;
- shall inform the supervising officer if they change their place of residence or gain employment or change or lose a job;
- shall be of good behaviour and shall keep the peace; and
- shall not travel outside the United Kingdom without the prior permission of the supervising officer and subject to any restrictions that the supervising officer may impose.
- shall reside only in suitable accommodation, supported or otherwise, as approved by the supervising office and subject to any restrictions that the supervising officer may impose.

- 1.19 Although these are the most common licence conditions, it is for the Parole Board to recommend whether all or some are applied. The Parole Board are not bound by these conditions and can recommend any condition they feel is appropriate.
- 1.20 In exercising their judgement, the Parole Board will also consider whether other licence conditions may be appropriate such as exclusion from a certain area, mandatory drug or alcohol treatment or restrictions on internet use. All recommendations are made on a case-by-case basis and the recommendations of the Parole Board are binding on the Scottish Minsters.
- 1.21 The supervising officer may also request an additional licence condition. In this case, evidence has to be provided as to why this is appropriate and why the additional condition is necessary.

The role of the Scottish Ministers and the Scottish Prison Service

1.22 The Parole Board has no statutory powers to consider the case of a prisoner unless the case has been referred to it by the Scottish Ministers. In matters relating to Parole, this is done by the SPS, an executive agency of the Scottish Government. In practice, this means they refer a dossier of material containing information to enable the Parole Board to assess the risk the prisoner might pose if released into the community. These documents can include, a report from the judge who presided at the trial; details of any previous convictions; reports from prison staff; a psychologist or psychiatric report; and a report from the prison based social worker. The dossier should also include up-to-date reports on the individual's plans for release or re-release. The prisoner also has the right to make representations as a party to the proceedings.

Parole Reform and the Management of Offenders (Scotland) Bill

In 2017, the Scottish Government consulted on changes to the parole system, which emerged from the Parole Reform Programme. These changes are being taken forward through the Management of Offenders (Scotland) Bill which was introduced to the Scottish Parliament in February 2018. The provisions in the Bill make technical amendments to existing legislation, amend the tenure of Parole Board members, reinforce the independence of the Parole Board and provide for the administrative and accountability arrangements of the Parole Board to be set out in secondary legislation. The remainder of this document sets out the case for further reforms and seeks views on options for specific improvements to the parole process.

⁴ Management of Offenders (Scotland) Bill: http://www.parliament.scot/Management%20of%20Offenders%20(Scotland)%20Bill/SPBill27S052
018
.pdf

2. THE CASE FOR CHANGE

- 2.1 A robust, evidence-based parole process is an essential part of an effective, progressive justice system, which balances protecting public safety alongside providing opportunities for rehabilitation.
- 2.2 It is right that we continually review procedures to ensure that the parole process is fit for purpose. We must also ensure that the Parole Board has the tools it needs to continue to balance the interests of victims and prisoners and protect public safety. It is equally important that individuals who have served their sentence, who are assessed as no longer representing a risk to public safety, and are ready to make a positive contribution to their communities, be given the opportunity to do so.
- 2.3 This consultation focuses on four main areas where we feel that improvements can, and should, be made.

Firstly, we feel that the **voice of victims** should be strengthened in the parole process so that they can more directly inform the Parole Board's considerations. We also believe that victims have a right to have the reasons for parole decisions explained to them, so they can understand why the decision was reached.

Secondly, we consider that improvements should be made to better support the Parole Board's **decision-making and the transparency of those decisions**. This includes improving how the Parole Board's decisions are communicated to victims and the wider public. We also think that there should be improvements in the way information is provided to prisoners so they are prepared for parole hearings and understand the conditions of their parole (if granted) and what that will mean on release.

Thirdly, we believe that improvements can be made to the **supervision and recall of individuals.** We want to consider the wider parole procedures by looking at licence conditions that could improve the safety and security of victims, reviewing compliance with licence conditions and by speeding up processes for recall where a person has breached their licence. We want to continue to ensure there are clear and robust mechanisms to return individuals to custody quickly should they breach their licence conditions.

Finally, we want to strengthen the **independence**, **governance** and **accountability** arrangements of the Parole Board. We are proposing that this could be supported by transferring the Parole Board to the Scottish Tribunals (as created by the Tribunals (Scotland) Act 2014). It has been suggested that the Parole Board would benefit from being part of a structure that has clear lines of accountability and that this would further augment and underline the independence of the Parole Board.

3. STRENGTHENING THE VOICE OF VICTIMS IN THE PAROLE PROCESS What

we want to see?

- 3.1 We believe victims should have more opportunity to be heard in the parole process. We also consider they should receive more information on how the parole process operates and about the parole decisions that affect them. We also believe victims should be given information so they understand the reasons behind Parole Board decisions.
- 3.2 We recognise that all cases are different and that not all victims are affected in the same way, or want to be involved in the parole process. We have listened to feedback from victims and their families and we understand that some find the fact that they cannot speak directly to Parole Board members at a tribunal hearing frustrating and upsetting. At the moment, it is only in the case of a prisoner serving a life sentence that victims and families can speak to a Parole Board member (although not a member directly involved in the case). We also understand that the lack of information provided about the parole process, the decisions and reasons behind them, can leave some victims and their families feeling as though their experience and views do not count sufficiently. We want to change that.
- 3.3 We want to implement improvements that provide a clearer route for victims and their families to be heard in the parole process with access to the support and information they need to do that. We want the victim to feel there is an opportunity to give their views on matters of safety and security that affect them when a prisoner is released, including in the consideration of possible exclusion zones.
- 3.4 We also recognise the need to balance victim involvement with the need to ensure a fair, just and proportionate system. The parole process should also provide the opportunity for reintegration and rehabilitation, once a prisoner has served their sentence and no longer poses an unacceptable risk.

Victims and Parole – what happens now?

- 3.5 A central aim of the Parole Board is to protect public safety by making their decisions on the basis of risk.
- 3.6 In making those decisions, the Parole Board will consider the impact on the victim(s) in a particular case. However, there is currently no specific mechanism for victims and their families to speak directly to the Parole Board members who are deciding on parole in their particular case. In the case of a life prisoner, however, they can make oral representations to the Parole Board (although not to a member of the Parole Board that is considering their case).
- 3.7 It is important to recognise that not all prisoners are referred to the Parole Board for consideration of release. For example, prisoners sentenced to less than four years in prison will usually either be released at the half-way point of their sentence (known as the Earliest Date of Liberation or EDL) or some may be released up to six months earlier on Home Detention Curfew. This is managed by the Scottish Prison Service.

Victim Notification Scheme

- 3.8 In all criminal cases where the offender has been sentenced to 18 months imprisonment or more, victims and, in certain circumstances, their family members have the right to receive certain information about the prisoner in their case through the Victim Notification Scheme (VNS)⁵. The VNS has two parts and victims and/or their families can sign up to one or both.
- 3.9 Part 1 gives the victim and/or their family the right to be informed of certain information about the offender. The information will only be provided where the recipient wants to receive it and has advised the Scottish Ministers accordingly. The victim and/or their family members will be told the following information:
 - the date of the offender's release (other than temporary release) (but not their location after release):
 - if the offender dies before being released, the date of their death;
 - if the offender is transferred out of Scotland;
 - if the offender is for the first time entitled to be considered for temporary release e.g. for training programmes or home leave;
 - if the offender escapes or absconds (doesn't come back when recalled);
 - if the offender, after having been released, returns to custody for any reason to continue serving their sentence;
 - if a certificate has been granted giving the offender unescorted suspension of detention from hospital for the first time or where such a certificate has been granted and then revoked. (This certificate means they can leave hospital for specific periods of time, without an escort or supervision.)
- 3.10 Part 2 of the VNS gives victims and/or family members the right to make written representations to the SPS about the release of the prisoner on licence and any prospective licence conditions. This right applies where the prisoner is a short-term, long-term or life prisoner.
- 3.11 Support for victims and families is also available through Victim Support Scotland.
- 3.12 People must register with the VNS to receive information or make representations. If someone is eligible, it is up to them to decide whether to register for the Scheme.
- 3.13 Where the offender is sentenced to life imprisonment, victims and/or their families, who are registered with the VNS, have the right to make oral representations to the Parole Board when the prisoner becomes eligible for release on licence. The oral representations can only be made to a member of the Parole Board who is not dealing with the prisoner's case and can be related to the release of the prisoner or any prospective licence conditions.

⁵ Victim Notification Scheme (VNS) - https://www.mygov.scot/after-the-verdict/victim-notification-schemes/

- 3.14 In the case of the Parole Board, it will consider these representations along with other information on the offender's case before reaching a decision. If the Parole Board does decide to release, then representations from victims and/or their families may assist in deciding the licence conditions that will be imposed. This might include conditions which limit the prisoner contacting named individuals, or entering certain areas, so called 'exclusion zones'.
- 3.15 For victims of offenders sentenced to less than 18 months imprisonment they are entitled to know only the date of the release or escape of the offender and any licence conditions imposed on the offender following release. The victims can contact the SPS if they want to receive this information. This notification scheme does not extend to the victim's family members.
- 3.16 The 2001 Rules currently do not allow disclosure of information about a case to any person not involved in the proceedings or to the public, except where the Chair of the Parole Board or the Chair of the Tribunal direct otherwise or where it is in connection with any court case. Whilst such directions are rarely asked for and equally rarely given, they have been used previously to provide victims with a summary of the reasons for a decision.
- 3.17 Under Part 2 of the VNS, victims and in certain circumstances their family members have the right to be informed of any licence conditions which relate to contact with the victim or the victim's family. Under the notification scheme for victims of offenders sentenced to imprisonment for less than 18 months, the victim is entitled to be informed about licence conditions which have been imposed for the protection of the victim.

Options for Change

- 3.18 We want to ensure victims and their families know what to expect during the parole process and that information is provided to them at the earliest opportunity in a clear and accessible format.
- 3.19 We want to seek views on how we can improve the current arrangements to make it easier for victims and their families to make representations to the Parole Board. For example, should there be a mechanism to allow victims and their families to attend hearings in person or via a live link? Alternatively, should victims and family members be able to give their statement to a Parole Board member who is directly involved in their case?
- 3.20 We also want to make sure we carefully consider the security, data protection and logistical arrangements, which would need to be put in place to support wider attendance at Parole hearings.
- 3.21 We recognise that victims do not always feel that their safety and security is taken into account in the decision to grant parole. We would therefore like to get views on whether the Parole Board should routinely impose conditions which specifically exclude prisoners from certain areas. If so, what would the implications of such a condition be and how this could be monitored and managed.

3.22 In addition, we would also like to consider mechanisms which may allow the Parole Board to communicate decisions, and the reasons behind them, to victims and their families (see Section 4) in addition to the information they can already receive around licence conditions.

QUESTIONS ON STRENGTHENING THE VOICE OF VICTIMS IN THE PAROLE PROCESS

| | process? | u mink vi | cums and their families should have a greater voice in the |
|--|--|---|--|
| Yes | $\Box x$ | No | |
| | s, what more of why not? | could be | done to help victims and their families be heard? |
| does r | not superse | ded the | equires to be carefully managed so that the needs of victims efforts made by offenders to address their risks factors to anaged in the community. |
| helpfu inform inform concer of lice | l if both P ation derive ation in rel rns, victims | BSW/Co d from to ation to geograp ons to er | rviewed by a Parole Board member. It would however be immunity Based Social Work had sight of key outcome this interview when developing a risk management plan as the impact on victims and their families such as safety whical location etc. would allow for better planning in respectations are victims feel protected and safe when perpetrators are |
| hearin | gs in person | ? | ctims and their families should be entitled to attend parole |
| Yes | | No | $\Box x$ |
| suppo | | | ations would be necessary to manage this process, what and who should be responsible for providing that support? If |
| safely individed imprised and te social through | managed in the lual has conment, end sting. Their workers with the property conditions | n the complete gagemer risks are hin the occass in preclude | hearings is to determine whether an offender's risks can be ommunity. This decision is based on the work that the d during their custodial sentence, behaviour during at in offending behaviour programmes, community access a assessed via accredited risk assessment tools by qualified community and prison. The safety of victims is considered terms of where the individual will be housed on release and ling contact with the victim, entering certain areas or being as e.g. alcohol treatment. |
| | Board shou | | nere should be clear criteria on the kinds of information the er in relation to the safety and welfare of victims and their |
| Yes | $\Box x$ | No | |
| If Yes | , in your view | what sh | ould that criteria be? If No, why not? |

Yes - I think there should be a core set of questions with an opportunity for victims to provide more personalised impact information. As stated above, the purpose of the Parole Board is to determine whether an individual is safe to be released. Therefore the

information sought from victims and their families should meet that criterion. Information covering the ongoing impact of the event on the victims and their families is important to consider when considering risk management. The core information should also include their geographic location, which would not be shared with the prisoner but would allow the Board and professionals involved in release planning to set appropriate licence conditions and considered where an individual should be housed on release. The Victims Notification Scheme is currently able to provide some information in respect of victim location if victims and their families are signed up to VNS. Therefore this system could be better promoted and consideration to an opt-out process.

| use of | , | tions (inc | ore could be done to strengthen the Parole Board's current luding conditions to exclude individuals from certain areas, |
|--------|-----------------------------|------------|---|
| Yes | | No | $\Box x$ |
| | , what would the community? | • | ations be of extending this and how could this be managed y not? |

No - There are already a wide range of regularly used licence conditions that cover risk management concerns including, mental health, addictions, victim safety, geographical exclusions, electronic monitoring, internet use and engagement in offence focused work. Further, community and prison based social work can request any additional conditions that they require to effectively manage an individual in the community so long as they can evidence that such a condition is fair, proportionate and required for effective risk management.

| | , | | at victims and their families should receive information on the 's decisions in their case? |
|-----|---------------------------------------|----|---|
| Yes | | No | $\Box \mathbf{x}$ |
| • | what kind of ired? If No , why | | on would be most helpful and how should that be |

No - Basic information could be provided to victims and their families in respect of the outcomes of the Parole Board decisions. This might alleviate some of the fears and concerns that victims and their families have when an individual is released from custody. However, this would require clear parameters to ensure that information that may be detrimental to the prisoner's rehabilitation or personal information that was not relevant in respect of victim safety was not shared (i.e. that they were not released due to health or addictions issues).

4. ENSURING TRANSPARENCY AND IMPROVING SUPPORT FOR DECISION-MAKING

Ensuring Transparency

What do we want to see?

- 4.1 We believe the parole process should be more open and transparent but this is not without difficulty. There is a delicate and important balance to be struck in ensuring all those with an interest in the decision receive the information they need, whilst also protecting their safety and security. We must also ensure that the independence of the Parole Board is maintained and protected.
- 4.2 This needs careful consideration, but we believe that implementing change, which will make the Parole Board and parole processes more open, will increase public confidence in the system.

What happens now?

- 4.3 Currently, the Parole Board's decision is informed by the evidence set out in a dossier provided to them by SPS and the representations by or on behalf of the prisoner or any persons attending the hearing, where applicable. Once they have considered all the evidence before them, the Parole Board will make a decision in private and relay that decision to the prisoner.
- 4.4 In Scotland, rule 9 of the 2001 Rules does not allow disclosure of information given to the Parole Board about a case to any person not involved in the proceedings, or to the public. Rule 9 does allow an exception to this where the Chair of the Parole Board or the Chair of the Tribunal directs otherwise or in relation to any court proceedings. Such directions have been used previously to provide victims with a summary of reasons for a decision, but they are not asked for or given often.
- 4.5 Following the case of *R. ex parte DSD and NBV and others versus The Parole Board of England and Wales and others [2018]* (otherwise known as the Worboys case)⁶, the rule in England (Rule 25 of the Parole Board Rules 2016 which absolutely barred any disclosure) was challenged in the High Court of Justice and was subsequently changed⁷.
- 4.6 Rule 25 of the Parole Board Rules 2016 now requires the Parole Board for England and Wales to provide decision summaries to victims who request it (unless it is considered that exceptional circumstances exist against the disclosure of such a summary) and to third parties who request one (e.g. public / media), where it is considered that disclosure is justified and in the interests of open justice.

⁶ Worboys case and the Parole Board – Lord Chancellors statement: https://hansard.parliament.uk/commons/2018-03-28/debates/1CA8B88F-214F-4196-A98F-F9886BD82014/WorboysCaseAndTheParoleBoard

⁷ The Parole Board (Amendment) Rules 2018: http://www.legislation.gov.uk/uksi/2018/541/made

Options for Change

- 4.7 We would like to develop mechanisms which provide victims and their families with information on parole decisions relating to their case, and also provide the public with more information on how the Parole Board reach their decisions. These mechanisms would also need to take account of the need to protect the safety of the prisoner and their ability to reintegrate successfully in their local community, once the Parole Board have deemed them to be suitable for release. We will therefore also need to carefully consider the circumstances in which information should not be released to the victim or family, or to the wider public.
- 4.8 The Parole Board's role is not well understood and we recognise that a more transparent system would support greater public confidence in the process.
- 4.9 In the interests of openness and transparency, we could consider extending the option to attend a parole hearing to others, such as the media or general public. Other factors would need to be considered if doing so, such as prison accommodation, security, and imposition on Parole Board members, SPS and social work staff.

QUESTIONS ON ENSURING TRANSPARENCY

| Question 6: Should others be routinely entitled to attend parole hearings? Yes |
|---|
| □ No □x |
| If Yes , who should be able to attend, in what circumstances and for what part of the proceedings? If No , why not? |
| No - As already stated, the purpose of parole hearings is to decide on the suitability of individuals for release from/recall to custody. Ultimately this decision is underpinned by whether someone's risks of further offending and harm can be safely managed in the community. Currently, anyone who can provide relevant information in respect of the aforementioned test is invited to attend and give evidence. |
| During Parole Hearing there is often significant personal information discussed in respect of the prisoner, their family etc. Their release plans are also discussed which includes where they will reside and services with whom they require to engage. |
| Question 7: Should information be routinely shared with others? Yes |
| □ No □x |
| If Yes, what level of information should be shared or what more could be done? If No, why not? |
| No - This question is somewhat vague in that whether information should routinely be shared requires knowledge of what information would be shared and with whom. |
| For instance, a brief description of how the Parole Board has reached a decision in a case being shared with the victim and their family seems reasonable. Rationale for decision being shared with the wider public in certain instances could also be justified in a generic way rather than individual cases. |
| In relation to data sharing, all key agencies involved in the Parole process car undertake this within the parameters of the current data laws. In addition professionals in certain disciplines already have a duty to share relevant and proportionate information. This can on occasions include public disclosure. |
| Question 8: Do you feel that some information regarding parole decisions should be published proactively? |
| Yes □x No □ |
| If Yes, what level of information do you feel should be published? If No, why not? |

Yes - Annual reporting that included a summary of decisions in a generic manner, notes of particular interest in relation to patterns nationally, general compliance issues and crucially success stores where positive outcomes are achieved.

| Question 9: Do yo | ou think th | e work of the | Parole Board | d is sufficiently | visible? | Yes |
|--------------------|-------------|-----------------------|---------------|-------------------|----------|-----|
| | No | $\Box x$ | | | | |
| If Yes, why do you | ı think tha | t? If No , wha | at more could | be done? | | |

No – I think more can be done to provide the public with general information as to what the Parole Board does and how they come to reach decisions, however I don't think this should be specific to any individual case. More should be done to promote positive outcomes. The vast majority of cases end positively however as with most of the criminal justice landscape, most of what the public hear is in relation to the failures.

Improving Support for Decision Making

What do we want to see?

4.10 We want to make sure that the Parole Board has access to the most robust evidence possible to help inform their decisions. We also want to ensure that the organisations supporting the development of the parole dossier have access to the information they need, so that the Parole Board has this information in time for its consideration of the case to prevent avoidable delays in the system.

What happens now?

- 4.11 Currently the Parole Board primarily relies on the parole dossier to provide sufficient information to inform its decisions.
- 4.12 Where more detailed information is required but is missing or inadequate in the dossier, the Parole Board may have to seek further information from different sources. This process can be time-consuming and may lead to delays in decisions being reached.

Options for Change

- 4.13 We want to make sure that the Parole Board and the organisations supporting them have access to all the information they need to make robust and evidence- based decisions. We also want to make sure this process is as streamlined as possible to prevent delays in the process.
- 4.14 We would welcome views on whether the role of the Parole Board and other organisations involved in compiling information for the parole dossier could be widened. This might, for example, entail investigating and collating information from other bodies such as the NHS, the Crown or the police.

QUESTIONS ON IMPROVING SUPPORT FOR DECISION-MAKING

| availab | , | e Board | nat consideration should be given to widening the information by establishing a function to investigate and collate s? |
|---------|----------|---------|--|
| Yes | $\Box x$ | No | |
| | • | | nat function and in what circumstances? If No , what other information gathering? |

Yes - As with any decision making process, the more relevant, accurate and reliable information, the more robust and evidence based the resulting decision. As such, the Parole Board should be able to obtain information from other bodies if they have information that is required to reach a fair and informed decision.

However, key statutory agencies should have a legal responsibility similar to MAPPA, e.g. Responsible authorities and duty to co-operate agencies where the Board can demonstrate that the information requested would support the prevention and detection of crime e.g. risk management. Health in particular should share information where there is a clear link to risk management, regardless of whether the prisoner give their consent.

5. INFORMATION FOR PRISONERS ON THE PAROLE PROCESS What

do we want to see?

- 5.1 If the parole process is to be robust and effective, it is essential that all those affected know what to expect from it and are kept informed. That includes the prisoner who, at present, is likely to be the only party appearing before the Parole Board. Ill-prepared prisoners can lead to adjournments of hearings at a cost to the public purse.
- 5.2 We would like to bring about changes which ensure prisoners know what to expect at a parole hearing. These measures should help to prevent undue delays in the process. Further measures to explain conditions of release to prisoners could also ensure that prisoners are aware of the licence conditions of their parole and the consequences for breaching these.

What happens now?

- 5.3 Currently, the prisoner is provided with the parole dossier. The dossier can include a report from the judge who presided at the trial; details of any previous convictions; reports from prison staff; a report from those involved in providing any counselling in custody; a report from the prison-based social worker; and a report from a community based social worker or any other relevant information or documents. The information should be up to date and accurate so as a complete picture is provided covering the prisoners background and journey through prison which helps inform the Parole Board's assessment of risk.
- 8.4 Rule 6⁸ of the 2001 Rules makes provision where the Scottish Minsters or, as the case may be, the Parole Board, consider that any written information or a document contains "damaging information" that should not be sent or disclosed to the prisoner. Where such information is identified, the Scottish Minsters or, as the case may be, the Parole Board are not required to send a copy of the damaging information to the prisoner. Where any information or documentation is withheld from a prisoner, they must be informed that this has occurred by way of written notice. The non-disclosure of any information or document does not impact the ability of the Parole Board to take the damaging information into account when considering the prisoner's case.
- 5.5 When the decision to release is made, the prisoner is given a copy of the decision letter along with the relevant licence conditions imposed.
- 5.6 Some support for prisoners is available from the Lifer Liaison Officers (LLO) (role may be combined with role of Early Release Liaison Officers (ERLO)) who is appointed at establishments holding life sentence prisoners. The duties include management of prisoners and their progression, and submitting an overview report that is included in dossiers for consideration at a Tribunal. The ERLO is appointed at establishments with long-term determinate sentence prisoners and is responsible for overseeing the preparation of dossiers and associated matters.

⁸ Rule 6(1)(i) - (v) contains the grounds in which information may be damaging.

Options for Change

- 5.7 We want to make sure that the parole system is more open and transparent for everyone. That includes prisoners whose cases are considered by the Parole Board. We are therefore considering whether changes should be made to the information that is provided to prisoners in relation to the parole process.
- 5.8 The Parole Board makes binding recommendations on an individual's licence conditions and also considers whether the person should be recalled for breaching those conditions. It may be appropriate for the Parole Board to explain the conditions of release to the person concerned. This additional measure could help to ensure that prisoners clearly understand their licence conditions and the consequences of breaching them. It could be that a meeting with a Parole Board member would help to ensure that prisoners fully understand the detail of their licence conditions. The meeting could take place after the hearing which directed release and could focus on ensuring that the person has clearly understood what is expected of them.
- 5.9 It also may be possible to do more to explain the detail of licence conditions and implications of breach through the LLO or ERLO role.
- 5.10 Alternatively, an official could be appointed under section 21 of the 1993 Act, which allows the Scottish Ministers to appoint people to give information to prisoners or former prisoners about their release on licence under Part 1 of the 1993 Act or their return to prison under the Act. These provisions are not currently used, but the appointment of an official may help to prepare a prisoner for release and could help to ensure they fully understand the licence conditions recommended by the Parole Board and what it means if they are recalled to custody.

QUESTIONS ON INFORMATION FOR PRISONERS ON THE PAROLE PROCESS

| Question 11: Do you think that prisoners currently receive the information they need to enable them to participate in the parole process? | | | |
|---|----------|----|--|
| Yes | $\Box x$ | No | |
| If Yes , why do you think that? If No , what information or help do you consider should be provided to help prisoners understand the parole process and their licence conditions? | | | |

Yes – There is an extensive process of sharing information about Parole which begins at the induction stage and continues throughout the sentence management process. This is led by various staff including Case Managers/Personal Officers, Prison Based Social Work and Early Release Liaison Officers. The process is also discussed through the Integrated Case Management (ICM) process.

Community Based Social Work also play a role within this process whilst undertaking the Home Background Report.

With regards to licence conditions, these are explained by both Case Manager/Personal Officer and Prison Based Social Work. They are often also discussed at the pre-release ICM if available and they are explained again at the point of release when they are signed for. On release, the Community Based Social Work would also again explain the requirements. However, as with many statutory or legal processes, the challenge is to provide the right information at the right time and in the right format.

| | • | | nat more could be done to make sure that prisoners understand he consequences of breaching them? |
|-----|---|----|---|
| Yes | | No | $\Box x$ |
| • | | | ne best approach to ensure prisoners understand the terms of placed to provide information? If No , why not? |

No – As previously mentioned, this is discussed many times with the prisoners with the support of various staff. The pre-release process facilitates this and it is followed up until the point of liberation. Again as above, when, where and how this is done will vary from establishment/authority. Each prisoner's personal capacity and understanding should also be tested to ensure they fully understand.

6. SUPERVISION, REVIEW AND RECALL

What we want to see?

6.1 Parole licence conditions are intended to protect public safety. It is therefore very important that there is a high compliance rate with these conditions and that there are robust mechanisms in place to ensure that is the case. Where individuals do not comply, it is critical that there are streamlined and fast-moving procedures to recall them to custody.

What happens now?

- 6.2 Supervision to ensure compliance with licence conditions is carried out by criminal justice social workers in accordance with the National Outcomes and Standards for Social Work Services in the Criminal Justice System⁹. The Parole Board currently has no role in supervision after release and nor would it be appropriate for it to be involved directly in supervision. This function is carried out by supervising officers who can make recommendations for variation or amendment of licence conditions as appropriate.
- 6.3 In relation to recall, the supervising officer prepares a licence breach report and submits it to the Scottish Ministers. A judgement is made on whether the need for recall requires an immediate decision by the Scottish Ministers or whether the report should be referred to the Parole Board for a decision.
- 6.4 There is potential for delay in the current system between the supervising officer concluding that the risks posed by the individual on licence have become unacceptable, a decision being made to recall the individual and the recall order being prepared and provided to police.

Options for Change

6.5 Emerging evidence from problem solving approaches in court ¹⁰ and the children's hearings system suggest that regular reviews help improve outcomes as progress is reported and views are expressed. Early compliance is likely to lead to longer-term success in relation to adherence to licence conditions.

6.6 We would like you to consider whether measures should be introduced to regularly, and formally, review individuals on parole licence to ensure compliance with conditions. An additional review hearing, carried out by the Parole Board, may help ensure compliance with licence conditions in the initial months following release. Following the review, the Parole Board could consider adjusting the licence conditions accordingly, based on evidence of riskposed.

⁹ National Outcomes and Standards for Social Work Services in the Criminal Justice Social Work System: https://www2.gov.scot/resource/doc/925/0103556.pdf

Problem Solving Approach review report: https://www.gov.scot/publications/review-aberdeen-problem-solving-approach-report/

- 6.7 Regular reviews may also support criminal justice social work supervision as it would provide an opportunity for developing difficulties to be dealt with before they escalate, potentially helping to avoid recall to custody. It would also provide the opportunity for good conduct to be recognised and supported.
- 6.8 A post-release review process may lead to fewer recalls if issues could be addressed quickly and appropriately. Currently, when an individual has been released on licence, and is not detained in custody for any other matter, their licence may be revoked and they may be recalled to prison. This process does not give them the opportunity to make representation or present their case, even when there could be mitigating circumstances.
- 6.9 In relation to revocation of licence and recall to custody, we would like you to consider whether there is a more effective way to speed up the process of identifying when the risk becomes unacceptable and expediting the return of the person concerned to prison (if required).
- 6.10 One option could be to give the Supervising Officer the power to refer cases directly to the Parole Board for consideration, without necessarily needing to revoke the licence. This approach may improve the process by bringing individuals back quicker before the Parole Board.

| deemed to be at increased risk was at large in the community. |
|---|
| QUESTIONS ON SUPERVISION, REVIEW AND RECALL |
| Question 13: Is there a requirement for an additional review process (at least initially)? |
| Yes □ No □X |
| If Yes, who should carry out that review and what would you see as the advantages or disadvantages of an additional review? If No, why not? |
| No - All cases in the community have a statutory review after 12weeks where compliance is reviewed, risk assessment updated and a case management or risk management plan agreed for the next period. Depending on the RoSH, further reviews are planned normally 3-6 months' intervals. In addition, some cases will be managed under MAPPA. It is important to allow Community Social Workers to develop professional relationships and establish case management authority in this period and unless a critical event, not rely on recall as the first option. Prisoners who are recalled and serve their full sentence present greater risk management challenges than those who engage in the process. |
| Question 14: In relation to revocation of licence and recall to custody. Do you consider social workers should be able to refer directly to the Parole Board? |
| Yes □ No □x |
| If Yes, what are the implications of this change and how could this be managed? If No, why not? |
| No - The current system appears to works well and does what is required. |

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7. INDEPENDENCE AND GOVERNANCE

Transfer of Parole Board for Scotland to the Scottish Tribunals What

do we want to see?

- 7.1 The Parole Board is a tribunal Non Departmental Public Body (NDPB) and, as such is independent of Scottish Ministers. It is essential that this independence is maintained and supported in order that the Parole Board can discharge its judicial functions.
- 7.2 A possible option to further enhance the independence of the Parole Board could be for it to transfer to the Scottish Tribunals, as established by the Tribunals (Scotland) Act 2014 ("the 2014 Act").

What happens now?

- 7.3 Article 5(4) of the European Convention of Human Rights provides that: "Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by 'a court' and his release ordered if the detention is notlawful."
- 7.4 The criteria for 'a court' are independence of government and the parties, impartiality and a power to give a legally binding judgement concerning release. There is no doubt the Parole Board satisfies the criteria of 'a court'.
- 7.5 However, the Scottish Government currently sponsors the Parole Board and this may give the impression of influence over the Parole Board's decisions. That is not the case, but to put that perception beyond any doubt, a solution which removes the Parole Board from any appearance of interference or influence is sought.
- 7.6 As mentioned before, the Parole Board is already a tribunal NDPB which carries out functions of a judicial nature and as such, it has much in common with the Scottish Tribunals. Currently the functions of the Parole Board are mostly set out in the 1993 Act and the procedure it follows are governed by the 2001 Rules. The Parole Board is supported by dedicated staff who have built up expertise in the area.
- 7.7 There is currently no route to appeal a Parole Board decision and the only type of review available is that of judicial review.
- 7.8 The Parole Board's primary function is to decide, based on risk, whether to release prisoners to be supervised in the community for the remainder of their sentence and these decisions have always been made independently of Government.

Options for Change

7.9 If the Parole Board were to transfer to the Scottish Tribunals, the functions, as set out in the 1993 Act, would largely remain the same. There would require to be some changes to fit in with the Scottish Tribunals structure and the Parole Board as

it is currently known would be abolished. The parole jurisdiction may become part of an existing Chamber or alternatively form a dedicated Chamber within the Scottish Tribunals led by a Chamber President.

- 7.10 The Parole Board would continue to follow its own rules of procedure although these would need to be re-drafted to reflect the move to the Scottish Tribunals and change in the Parole Board's name.
- 7.11 In addition, the Parole Board jurisdiction could continue to receive the same dedicated expert support from staff who could transfer over to the Scottish Courts and Tribunals Service (SCTS) under the Transfer of Undertakings (Protection of Employment) Regulations 2006 or the Cabinet Office Statement of Practice on Staff Transfers in the Public Sector, as appropriate and applicable.
- 7.12 It has been proposed that transferring the Parole Board to the Scottish Tribunals would help to underline the Parole Board's independence as a quasi- judicial body 11. Such a move would also provide clearer lines of accountability. The Lord President, as head of the Scottish Tribunals and as the most senior judge in Scotland, would bring a wide breadth of experience to the leadership of the parole jurisdiction and to its members. Risk assessment and protection of the public are already an integral part of the court structure and being part of that would bring the advantage of mutual training and development opportunities.
- 7.13 Furthermore, there would be a wider pool of judiciary to provide support to members and a vast array of experience to call upon. In addition, existing (suitably qualified) members of the Scottish Tribunals, who meet the criteria for appointment, could be assigned to the 'Parole Chamber' (see para 7.9 and Annex C), with the approval of, the President of Tribunals, the receiving Chamber President and the individual concerned, negating the need to go through a separate recruitment round. There may even be the possibility of utilising court judiciary.
- 7.14 There would also be a wider pool of non-legal members within the Tribunal structure, including those with medical expertise such as psychiatrists and mental health specialists.
- 7.15 There are wider possible practical benefits with the possibility that the Parole Board could make use of the SCTS's venues, technology and infrastructure which could make attendance at hearings more accessible, including for victims and their families.

Appeal Mechanism

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7.16 Importantly, transferring the Parole Board to the Scottish Tribunals could also allow for a new review process and a new appeal procedure, which does not currently exist. The provisions in the 2014 Act allow the tribunal to review a decision made by it where for example, an administrative error has occurred, the tribunal has erred in law or the tribunal has erred in fact. A review avoids the need to appeal the

¹¹ http://www.parliament.scot/S5 JusticeCommittee/Inquiries/MO-SheriffsAssociation.pdf

decision as the tribunal may correct any accidental errors and issue a fresh decision notice. Although the Parole Board can currently regulate its own procedure, the 2014 Act's review process would allow a party in the case to request a review. In reaching a decision on whether to grant a review the tribunal may also decide to take no action or set aside the original decision.

- 7.17 The review process could consider errors of fact but it would not be a mechanism to appeal the decision as such, but rather an opportunity to correct mistakes and quickly remedy them. If the Parole Board were to transfer to the Scottish Tribunals it would be able to utilise this review process.
- 7.18 Currently there is no route to appeal a Parole Board decision, although a judicial review of a decision may be possible. If the Parole Board were to transfer to the Scottish Tribunals decisions could be appealed. The 2014 Act provides that any appeal would be on a point of law only. The First-tier Tribunal can consider whether an appeal to the Upper Tribunal on a point of law is justified and may give approval to proceed or refuse that application. If the First-tier Tribunal refuse, an application can be made directly to the Upper Tribunal. A decision of the Upper Tribunal may be appealed to the Court of Session on a point of law only if it raises an important point of principle or practice or if there is some other compelling reason for allowing the appeal to proceed.
- 7.19 The concept of transferring the Parole Board to the Scottish Tribunals is not a new one. The proposal had been considered as part of the consultation on tribunal reform in 2012¹² and the Parole Board was included in that consultation as a tribunal that would be considered for transfer at a future date. This proposal also fits in with the Scottish Government's policy for a unified tribunal system in Scotland.
- 7.20 Further information about the Scottish Tribunals can be found in **Annex C**, along with a diagram of the current structure (proposed and actual transferred jurisdictions) illustrating where the Parole Board might fit in (it should be noted that no decision has been taken on this and no decision will be taken without discussion with the Lord President, the SCTS and the Parole Board itself).

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¹² Consultation - Scottish Government's Proposals for a New Tribunal System for Scotland http://www.gov.scot/Resource/0039/00390274.pdf

QUESTIONS ON INDEPENDENCE AND GOVERNANCE

| | | , | Parole Board? |
|--|---|--|---|
| Yes | | No | □ x |
| | • | lo you c l o , Why | onsider the advantages and disadvantages would be with such a not? |
| from e that c avoid appea signif | externa an be cable faint al processicantly | Il polition explore ilures i ess as | ard should remain independent. It is important to retain autonomy cal or public influence. There is an existing judicial review processed however without significant evidence to support persistent or in the current system, there would be a likely probability that the described above could be open to misuse. This could impact amunity resources where the focus should be on risk management on. |
| | | | w and appeal are available in the Scottish Tribunals. Do you consider uld be available for the Parole Board? |
| Yes | | No | □ x |
| | | | penefits of having these processes available? If No , why should these de available in the case of the Parole Board? |

No - As noted above, all Parole and Life licences are already reviewed in the community by the responsible officer (Social Worker). In addition, Category 1 and 3 offenders are managed under MAPPA. It is unclear what if any additionality further scrutiny would bring. In addition, failures in this process, if any, are reviewed either through the Serious Incident Reporting or Significant Case Review process. There would also be significant financial implications to support this process both from custody and the community

EASY READ SUMMARY OF CONSULTATION

This paper sets out the Scottish Government's ideas to make the **parole process in Scotland** easier to understand.

This paper also has ideas to make it easier for victims and their families to have their say.

Some of the ideas in the paper are about **doing some things better** and others are about **finding new ways of doing things** and **sharing information**.



This paper is a **consultation**. That means that the Scottish Government wants to know what you think about its ideas. They also want to know if you have other ideas that will make things better.



When a person commits a crime, they are sometimes sent to

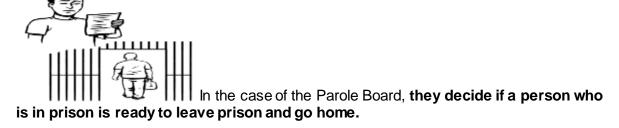
A **victim** is a person who has had a crime committed against them. This can mean someone harmed them, attacked them or stole from them. This can also affect the **victim's family**.



Parole Board for Scotland

The Parole Board for Scotland is a tribunal.

As a tribunal, the **Parole Board makes decisions** about people who are sent to prison.



The Parole Board will not let anyone go home until it is safe for them to do so. This means that the Parole Board has to be sure that the person will not harm anyone else or do anything that would make them go back to prison.

The Scottish Government has some **ideas to improve the parole process** for victims, their families and prisoners.

This paper gives you information about the Parole Board and asks some questions.

There are four areas the Scottish Government are thinking of changing. These are:

1. How to make it easier for victims and their families to be part of the parole process.

We want to make sure that victims and their families are **listaned to** and they are able to give their views to the Parole Board in new ways. We are asking how they can do that.

This is what we want to know:

- Do you think victims and their families should always be able to tell the Parole Board how they feel?
- Should victims and their families be able to go to a parole hearing?
- How can we do things better to protect victims and their families?
- What more could be done to keep people who are released from prison out of certain areas or away from certain people?
- Should victims and their families be told why a person has been released from prison?

2. Making it easier for people to understand the decisions the Parole Board make.



We want to make sure everyone understands about parole and that people have the information they need.

This is what we want to know:

- Other than victims and their families, who else should be able to go to a parole hearing?
- Should information be shared with other people?
- Should information be made public for anyone to see?
- Do you feel you know enough about the Parole Board?
- 3. Changing the way the Parole Board does things to make them better.



We are looking for better ways of

doing things to help people.

This is what we want to know:

- How can we help prisoners understand parole?
- How can we help people understand what will happen if they do something wrong once they are home?
- Would a meeting with someone who knows how parole works help people understand?
- Is there another way to stop people returning to prison?
- 4. Moving the Parole Board to sit with other tribunals who also make decisions about people's lives.



to do freely.

We want to make sure the Parole Board can decide what

One way is to move them to sit with other tribunals who also make decisions.

When a person thinks something is wrong with a decision we want to make sure people can do something to fix it. This is called an **appeal**.

What we want to know?

- Do you think it is a good idea to move the Parole Board to sit with other tribunals?
- Do you think people should be able to fix things when they are wrong?

What can you do to help?

The Scottish Government would like to hear your views on these things.

You can tell us what you think by responding to the consultation through **Citizen Space**. **Annex E**, tells you how to do this.

If you cannot respond through Citizen Space, **you can email** your views with the form in **Annex F** to **ParoleConsultation@gov.scot**

If you have any questions, you can email ParoleConsultation@gov.scot or write to us at:

Reintegration and Rehabilitation Team Community Justice Division Scottish Government GW.R St Andrew's House EDINBURGH, EH1 3DG

Please send us your views before FRIDAY, 27 MARCH 2019

PRISON SENTENCES

The following information ¹³ is provided to explain how prison sentences work and to provide background information on the different types of prison sentence available in Scotland.

How prison sentences work

A custodial sentence means more than just time in prison. In most cases, people will serve part of their sentence in the community. If they commit an offence while serving their sentence in the community, the court can order their return to prison. If they spent any time in custody while their case went through the court process, the judge must take this into account. The judge can backdate their sentence to start from the time they first went into custody or any time after that.

Determinate and indeterminate sentences

Sentences that are set for a certain length of time are called determinate sentences. Sentences that do not have an end point, such as a life sentence, are called indeterminate sentences.

Determinate Sentences

Determinate prison sentences are split into two kinds:

- Short term less than four years
- Long term four years or more.

Short term sentences

People given a short term sentence will normally be automatically released from prison into the community after serving half the time in prison. For example, offenders sentenced to two years' imprisonment will be released to serve the rest of their sentence in the community after one year. The person isn't normally supervised by a social worker unless they are a sex offender convicted on indictment (more serious crime), or is placed on a supervised release order.

Long term sentences

A person given a long term sentence can serve all but the final 6 months of the sentence in prison, unless the Parole Board for Scotland recommends that they should be released earlier into the community. The Parole Board will only start to consider whether or not to release the person into the community as they approach the halfway point of their sentence - the earliest point at which they can normally be

¹³ Information courtesy of the Scottish Sentencing Council. Further information about sentencing is available at: www.scottishsentencingcouncil.org.uk

released. If an offender is not released, the Board will re-consider parole within 16 months.

When people serving a long term sentence (and people sentenced for sexual offences to a period of six months or more) are released into the community, they will be 'on licence' until their sentence finishes. They can be recalled to prison if they commit an offence or otherwise breach the terms of this licence.

Indeterminate sentences

These are sentences that do not have a set end point, such as a life sentence. However, the judge will set a punishment part for such sentences which is the minimum time an offender must spend in prison. After that time, they can be considered for release on licence by the Parole Board for Scotland. Each time release from prison is not recommended, it will be reconsidered within two years.

Life sentences

Life sentences must be given for murder under the law, but they can also be given for other extremely serious offences such as repeated rape. If a person is sentenced to life imprisonment, the judge must, by law, set a punishment part of the sentence. This is the minimum time the person must spend in prison before they can be considered for release into the community by the Parole Board for Scotland.

Depending on the circumstances of the case, the punishment part can be lengthy. To date, the longest punishment part given in Scotland is 37 years. If a person sentenced to life imprisonment is released into the community, they will be on licence for the rest of their life and can be recalled to prison if they breach the terms of their licence.

Order for Lifelong Restriction (OLR)

An OLR is a lifelong sentence put in place to protect the public. It is a sentence of imprisonment which can be imposed on people convicted of serious violent or sexual offences, other than murder, at the High Court. The judge must set a 'punishment part' of the OLR which is the minimum time the offender must spend in prison before being considered by the Parole Board for Scotland for release into the community. If offenders are considered to be safe to serve the rest of their sentence in the community, they will remain under the intensive supervision of a criminal justice social worker. If the person commits another crime, they can be sent back to prison.

Supervised Release Order (SRO)

A judge can impose a SRO on people convicted of an offence on indictment (more serious crime) to come into force once they have been released from prison. It is put in place in order to protect the public and can last up to 12 months. It orders the offender to be under the supervision of a criminal justice social worker and follow any conditions that have been set, such as a requirement to attend drug counselling.

Offenders who breach a SRO can be returned to prison. A judge can only use the Order if an offender is sentenced to a short term sentence (less than four years in custody) and the offence is not a sexual one.

Extended sentence

An extended sentence combines a period in prison with a further set time of supervision in the community (the extension part). It is used to protect the public and can be given to offenders who have been convicted, on indictment (more serious crime), of a sexual or violent crime, or abduction. For a violent crime or abduction, the custodial term of the sentence must be four years or more. The person serves the full prison part of the sentence unless the Parole Board for Scotland recommends early release. When released they are on licence until the end of the extension part of the sentence and can be recalled to prison if they breach the terms of their licence. The extension period of the sentence in the community can be up to 5 years for sheriff court cases and up to 10 years for High Court cases.

MORE ABOUT THE SCOTTISH TRIBUNALS

AIM OF THE TRIBUNALS (SCOTLAND) ACT 2014

The main aim of the Tribunals (Scotland) Act 2014 ('the Act') is to create a simplified framework that provides coherence across the disparate tribunals' landscape. It brings improvements to the structure, management and organisation of tribunals.

In particular, the Act creates a simple two-tier structure and introduces a common system of appointments, practices and procedures, bringing judicial leadership under the Lord President. (See illustration below showing where a the Parole Board might fit within the Chamber structure. Red indicating tribunals that have already transferred)

OVERVIEW

The Act:

- Creates two new tribunals the First-tier Tribunal for Scotland (which, generally speaking, will hear cases at first instance) and the Upper Tribunal for Scotland (primarily for appeals) to be known collectively as the Scottish Tribunals.
- Allows, through regulations, for the creation of 'Chambers' to house the tribunals in the First-tier – grouped by similar subject jurisdiction and led by Chamber Presidents, who will have responsibility for business within their Chamber. The Chamber Presidents' role will be filled by the existing judicial heads who will transfer-in to the new structure. Chamber Presidents may also be assisted by a Deputy Chamber President, if required.
- Allows, through regulations, for the creation of 'divisions' in the Upper Tribunal.
 The functions of the Upper Tribunal will be allocated between divisions in a
 similar manner as the First-tier is organised into Chambers.
- Makes the Lord President of the Court Session, Head of the Scottish
 Tribunals, bringing judicial leadership of the Scottish Tribunals within his remit.
- The Lord President is directly responsible for representing the views of the members of the Scottish Tribunals to the Scottish Ministers and the Scottish Parliament. He is also responsible for producing rules on conduct and discipline.
- The Lord President may delegate some of his functions to the President of the Scottish Tribunals (e.g. making arrangements to secure the efficient disposal of business and ensuring the welfare of members). The Lord President has assigned the Right Honourable Lady Smith to the role.
- Brings tribunal appointments under the remit of the Judicial Appointments Board for Scotland (only for tribunals within the new structure).
- Gives responsibility for making tribunal rules to the Scottish Civil Justice Council (to be commenced when the Lord President feels the Council is ready to take on this additional work).

Scottish Tribunals Chamber Structure

The Lord President

The Court of Session

Upper Tribunal

President of Scottish Tribunals

N9S Appeals

- 181 -

Composite Division

Appeals from the First-tier Tribunal

Upper Tribunal Land Division Land Tribunal for Scotland

Social

Security

Chamber

Social

Security

Benefits

November 18

First-tier Tribunal

Health and General (possible) **Mental Health Housing and** Tax Education Regulatory **Parole** Chamber **Property Chamber** Chamber Chamber Chamber Chamber Additional **Parole** Private Rented Tax Appeals **Charity Appeals** Support Needs Mental Health hearings Sector April 17 January 18 January 18 December 16 Education Homeowner Appeals Housing Appeals Lane Appeals December 16 Pharmaceutical Police Appeals Lists Appeals

HANDLING OF PERSONAL DATA

Data Protection Act 2018

The data protection legislation has changed and the Data Protection Act 2018 gives you greater powers to protect your own privacy, and place greater responsibility on those processing your data for any purpose. The following is to explain your rights and give you the information you will be entitled to under the new legislation. Please note that this section only refers to your personal data (your name, address and anything that could be used to identify you personally) not the content of your response to the consultation.

The identity of the data controller and contact details of our Data Protection Officer

The Scottish Government is the data controller. The Data Protection Officer for the Scottish Government can be contacted at dataprotectionofficer@gov.scot.

Why we are collecting the data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

Legal basis for processing the data

Part 2 of the Data Protection Bill (subject to change before it becomes an Act) provides that as a government department, the Scottish Government may process personal data as necessary for the effective performance of a task carried out in the public interest eg. a consultation.

With whom we will be sharing the data

We will not be sharing personal data outside of the Scottish Government.

Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a) To see what data we have about you
- b) To ask us to stop using your data, but keep it on record
- c) To have all or some of your data deleted or corrected
- d) To lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at https://ico.org.uk/, or telephone 0303 123 1113.

The Scottish Government will not send your personal data out with the European Economic Area. This data will not be used for any automated Decision-making. This data will be stored in a secure government IT system.

RESPONDING TO THIS CONSULTATION

We are inviting responses to this consultation by Friday 27 March 2019

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (http://consult.gov.scot). Access and respond to this consultation online at https://consult.gov.scot/justice/transforming-parole-in-scotland. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of **Friday**27 March 2019.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form to:

Reintegration and Rehabilitation Team Community Justice Division Scottish Government GW.R St Andrew's House EDINBURGH, EH1 3DG

Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document (Annex F).

To find out how we handle your personal data, please see our privacy policy: https://beta.gov.scot/privacy/

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at http://consult.gov.scot. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at ParoleConsultation@gov.scot.

Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: http://consult.gov.scot. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

ANNEX F



CONSULTATION: TRANSFORMING PAROLE IN SCOTLAND

RESPONDENT INFORMATION FORM

Place Note this form must be completed and returned with your response

| Please Note this form must be completed and returned with your response. | | | | | | |
|---|--|--|--|--|--|--|
| To find out how we handle your personal data, please see our privacy policy: https://beta.gov.scot/privacy/ | | | | | | |
| Are you responding as an individual or an organis | ation? | | | | | |
| ☐ Individual | | | | | | |
| Organisation | | | | | | |
| Full name or organisation's name – West Lothian Council Phone – 01506 280999 Address – West Lothian Civic Centre, Howden South Road, Livingston, EH54 6FF | | | | | | |
| The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference: | Information for organisations: The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published. | | | | | |
| XPublish response with namePublish response only (without name) | If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report. | | | | | |

| | Do not publish response |
|----------------|---|
| may be future, | Il share your response internally with other Scottish Government policy teams who e addressing the issues you discuss. They may wish to contact you again in the but we require your permission to do so. Are you content for Scottish Government to tryou again in relation to this consultation exercise? |
| | Yes |
| | No |



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COUNCIL EXECUTIVE

CARMONDEAN ABILITY CENTRE / CARMONDEAN CONNECTED CO-LOCATION

JOINT REPORT BY HEAD OF SOCIAL POLICY AND HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES

A. PURPOSE OF REPORT

The purpose of the report is to seek approval for the relocation of Library and Customer Information Services from Carmondean Connected to a redeveloped Ability Centre.

In addition, the report seeks approval to commence community and stakeholder engagement on the proposed layout and design of the new partnership centre facility.

B. RECOMMENDATION

It is recommended that Council Executive:

- Approves the proposed relocation of services currently delivered from Carmondean Connected to a redeveloped Ability Centre to create a new partnership centre facility;
- Approves progressing with stakeholder and community engagement on the initial outline design proposals and notes the findings will be used to finalise the design of the new facility;
- 3. Notes that the final design will be reported to Council Executive prior to the commencement of the actual construction phase of the project;
- 4. Notes the requirement for the temporary decant of the Ability Centre during construction works to enable the redevelopment and modernisation of the facility to be undertaken with minimum disruption to service users:
- 5. Notes that Deans Community High School, Livingston will be utilised for temporary decant accommodation; and
- 6. Notes finalised project delivery timescales will be reported to Council Executive following conclusion of the community and stakeholder engagement.

C. SUMMARY OF IMPLICATIONS

I Council Values Focusing on our customers' needs.

Being honest, open and accountable. Making best use of our resources.

II Policy and Legal (including None.
Strategic Environmental
Assessment, Equality Issues,
Health or Risk Assessment)

III Implications for Scheme of None.

Delegations to Officers

IV Impact on performance and performance Indicators

The provision of satisfactory or better condition and suitable property assets performance measures will improve as a consequence of the proposed project.

V Relevance to Single Outcome Agreement The significant investment in the partnership centre will support a number of services which deliver against single outcome agreement performance measures including:

We make the most efficient and effective use of resources by minimising our impact on the built environment.

VI Resources - (Financial, Staffing and Property)

Within the General Services Capital Programme for 2018/19, 2019/20 and 2020/21 there is a total of £1m available for the delivery of the project.

Staff required for the management of the project will be provided from existing resources.

VII Consideration at PDSP

Not Applicable

VIII Other consultations

The report outlines consultations with stakeholders.

The local elected members for the ward have been provided with a copy of this paper for their information.

D. TERMS OF REPORT

D1 Introduction

The council is committed to supporting the delivery of modern accessible services within our communities. To achieve this, a number of partnership centres with collocated services and involving partner organisations have been developed across the local authority area. The partnership centre model is widely recognised as being successful and has delivered a wide range of positive benefits for the communities of West Lothian.

The proposed project will continue this successful approach and will see the relocation of the existing services delivered from Carmondean Connected within a redeveloped Ability Centre which is immediately located to the east.

Council Executive in February 2018, approved the redevelopment of the Ability Centre to enable the relocation of the existing Carmondean Connected and Library facility and agreed a budget allocation of £1m. The project was also included General Services Capital Programme 2019/20 to 2027/28 approved by Council on 19 Feb 2019.

D2 Project Development and Feasibility

From an initial review and design feasibility, officers have been able to develop the project and an outline design which demonstrates the co-location of the existing services based in Carmondean Connected and the Ability Centre within a single location based on a redeveloped Ability Centre to create a partnership centre is feasible.

The key findings of the initial review were as follows:

- Accommodation within the existing Ability Centre exceeds the requirements for the existing services based in the building and therefore is underutilised;
- Accommodation within Carmondean Connected in terms of layout is not considered optimum for modern of library, customer information and advocacy service delivery;
- A survey of the Ability Centre has highlighted that the existing ground floor is suitable to accommodate library book shelves with upper floor suitable for main staff areas, partner advocacy area, general purpose and ancillary accommodation;
- Existing café at Ability Centre has limited potential for increasing customer numbers; and
- Ability Centre condition whilst satisfactory would benefit from planned improvements including mechanical and electrical improvements, roof works and internal decoration and floor covering replacements.

D3 Partnership Centre Proposal

In considering the proposals for the relocation of existing services from Carmondean Connected within a redeveloped Ability Centre to create a partnership centre officers through engagement with staff have developed an outline internal layout which will provide accommodation that meets existing and future service requirements. Accommodation proposed includes the following:

- Ability centre Large and small therapy rooms, dedicated lounge area, staff office, training kitchen and quiet room.
- Library / CIS Library shelving area (including dedicated childrens library area), public access PC's, staff and workroom and interview room.
- Communal enlarged café area (with commercial kitchen), central reception and waiting area, central seating and reading area, workstations, shower and changing room, disabled toilets and baby change.
- Partners Dedicated MacMillan area and pod, worksmart area together with a general purpose room (available for group and community use) and

The proposed layout is shown in Appendix 1. The centre will be served by the existing dedicated and local parking provision. Within the dedicated parking and access provision will be made for disabled parking and mini-bus drop off.

D4 Benefits of Partnership Centre Proposal

As experienced across West Lothian at other partnership centre developments such as Strathbrock, Bathgate, East Calder, Armadale and Linlithgow the co-location of services and the collaboration with other partners enables greater positive benefits to be delivered for our communities. For this project these include:

- Modernisation of Ability Centre accommodation and service delivery;
- Modernisation of Library / CIS accommodation and service delivery;

- Expansion and improved sustainability of café which is proposed to be operated to enable training, development and employment opportunities;
- Greater collaboration between Social Policy and CIS services in terms of supporting existing and future Ability Centre users;
- Opportunity for partners and community groups to have presence in the new partnership centre;
- Provision of worksmart enabling a wider range of council staff to deliver services within the North Livingston community; and
- Improvement of Ability Centre condition, suitability, accessibility, sustainability and energy efficiency.

D5 Stakeholder Engagement

Whilst initial consultation with Ability Centre and Carmondean Connected staff has been undertaken to develop an initial layout it is proposed that a wider stakeholder and community engagement is undertaken to ensure the design is as comprehensive as possible. This wider engagement will consist of a range of methods of communication including the following:

- Design boards showing the initial layout design erected at both the Ability Centre and Carmondean Connected;
- Direct engagement of both Ability Centre and Carmondean Connected users by staff as part of service delivery communications;
- Dedicated project e-mail address to submit queries, comments and views;
- Dedicated web-page on council website with design and project information together with frequently asked questions and answers; and
- Meetings with identified stakeholder groups

The engagement proposed will provide all stakeholders the opportunity to feedback on the outline design and project proposals which will enable the design team and services to consider. The report seeks approval to progress with community and stakeholder engagement and to report back on the findings prior to progressing with construction works. A number of initial frequently asked questions and answers have been included in Appendix 3 for information. These will be added to as the engagement progresses and published on the dedicated project webpage.

D6 Decant

Due to the extent of the works and to ensure the minimum of disruption on service users it is proposed that the existing Ability Centre provision is re-provisioned temporarily for up to ten months during which time the full delivery of existing services will continue. The accommodation required for the decant has been advised by the Ability Centre and comprises in summary the following:

- Accommodation comprising of four rooms for service user group activities including access to computer workstations;
- Staff office, access to staff welfare facilities and storage space;
- Disabled toilet provision (with shower facilities);
- Access to kitchen facilities;
- Access to dining facilities;
- Access to medical / quiet room;
- · Off-street parking and drop off for cars and mini buses; and
- Preference for Livingston.

A number of options were considered for the temporary decant however, due to the good compatibility with the service requirements accommodation within Deans Community High School is considered to be the most suitable. The accommodation is outlined within Appendix 2.

It is proposed that the Ability Centre will have exclusive use of the accommodation highlighted and will be able to access the wider facilities within the school. This will include access to teaching spaces (i.e. home economics, craft design and technology and sports facilities). The proposed decant can be achieved with minimum disruption to the existing accommodation uses. There is no impact on teaching facilities or curriculum delivery.

All users that will be subject to the decant are normally transported to the Ability Centre and therefore there is minimum disruption due to the temporary change of location. Deans Community High School is approximately. 0.5km from the existing facility.

As part of the wider engagement for the project school representatives and the Parent Council will be engaged. The report recommendation notes the intention to utilise Deans Community High School for the temporary decant.

D7 Planned Improvements

The Ability Centre was constructed in 2000/2001 and whilst been subject to regular maintenance works it is now reaching a stage in its lifecycle where it would benefit from extensive planned improvements. Improvements are proposed to be undertaken as part of the project and are required irrespective of whether the project progresses.

The works identified include roof refurbishment, mechanical and electrical upgrades and replacements together with both internal and external fabric improvements. Whilst these works could be undertaken on a phased basis their nature is such that disruption to service users would likely occur (i.e. noise, vibration, dust etc). It is proposed that the planned improvement works are undertaken as part of the project to maximise the benefit of the decant and ensure that significant works to modernise the building are not required for some time.

D8 Next Stages / Timescales

The proposed project timescales and key stages are as follows:

Project Approval and Engagement

- Council Executive 26 March
- Engagement 27 March to 30 April
- Council Executive 21 May

Project Delivery and Construction

- Main Tender issue, evaluation and award Complete by August 2019
- Completion of Decant Accommodation Commissioning July 2019
- Decant of Ability Centre to Dean Community High School August 2019
- Commencement of main project works September 2019
- Completion of main project works May 2020
- Carmondean Connected Relocation to redeveloped facility June 2020
- Return of Ability Centre to redeveloped facility June 2020
- Partner and 3rd party moves June 2020
- New partnership centre fully operational June 2020

The foregoing timescales are indicative and will be finalised as part of the projects development. It is proposed that as part of the report to Council Executive on 13 May that the project delivery and construction timescales and stages will be confirmed.

E. CONCLUSION

This project and the proposed layout will enable the maximum utilisation of the redeveloped Ability Centre to be achieved and support the modernisation of all services involved. The report highlights the approach proposed for community and stakeholder engagement which will allow the design to be developed further to ensure the project is compatible with users requirements.

The proposed project will build upon the successful partnership centre model that has been delivered elsewhere in West Lothian. The collocation and integrated delivery of services has proven to be successful and deliver positive benefits to our communities.

F. BACKGROUND REFERENCES

Revenue Budget Strategy2018/19 to 2022/23 approved by Council Executive 6 Feb 2018

Corporate Asset Management Strategy and General Services Ten Year Capital Investment Strategy 2018/19 2027/28 approved by Council 13 Feb 2018

Asset Management Strategy and General Services Capital Programme 2019/20 to 2027/28 approved by Council 19 Feb 2019

Appendices/Attachments:

Appendix 1 – Proposed Layout

Appendix 2 – Decant Accommodation

Appendix 3 – Frequently Asked Questions and Answers

Contact Person: Paul Kettrick, Corporate Estates Manager, Finance and Property Services

Tel: 01506 281826 e-mail: paul.kettrick@westlothian.gov.uk

AnnMarie Carr, Head of Housing Customer and Building Services Jo MacPherson, Head of Social Policy

Date of meeting: 26 March 2019

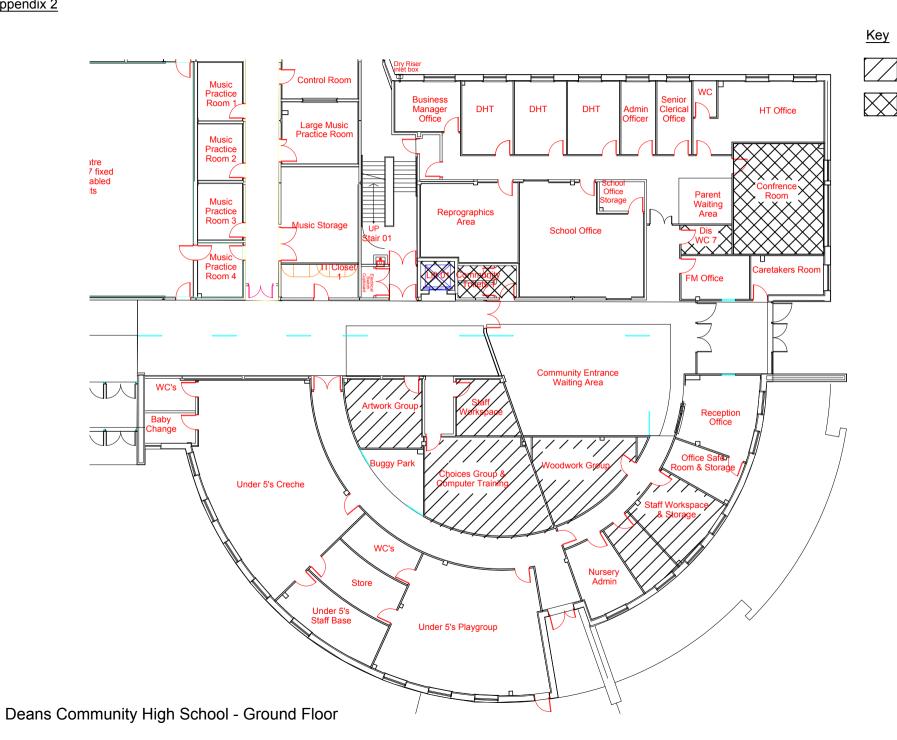
Appendix 1 General Purpose Lounge Primary Entrance

Proposed Ground Floor Plan Office Space

Proposed I Floor Plan

Diagonal Hatch Denotes Potential Dedicated Areas

Cross Hatching Denotes Potential Shared Areas



APPENDIX 3 - FREQUENTLY ASKED QUESTIONS

Q. Is Carmondean Connected closing?

A. No. All services currently at Carmondean Connected, such as the library, Macmillan, public access PCs and council information services, are proposed to be re-located the very short distance to the Ability Centre.

Q. Why is the move taking place?

A. West Lothian Council has a strong track record of delivering improved services and making savings through our partnership centre model. The integration and modernisation of services has proven successful in other parts of the county including Armadale, Bathgate, East Calder, Broxburn, Fauldhouse and Linlithgow.

Q. What about services at the Ability Centre? Is there enough space?

A. The current Ability Centre was under-utilised in terms of floor space with a number of empty or unused spaces, so the services from Carmondean Connected can be accommodated comfortably. There will be a slight reduction in dedicated space, however the circulation spaces and meeting room spaces will be increased.

Q. What improvement will be made to the Ability Centre?

A Over £1 million will be invested in renovating the Ability Centre to facilitate the move and ensure the centre meets existing and future client / customer requirements.

The renovated Ability Centre will enable integrated service delivery by adding a new café area, the relocated Library, Customer Information Service, MacMillan Cancer Support and other ancillary uses such a community meeting rooms and staff accommodation to existing services.

Q. What benefits will the move bring?

A. The partnership centre model has been very successful across West Lothian, with customers taking the opportunity to access a variety of services in one location. Library based activity usage has increased after the move to partnership centres in other parts of West Lothian. The new centre will provide a greater range of services for the community and create a new hub for services in the north of Livingston. The addition of a café and spacious seating area will encourage social integration.

Q. Are any services being lost or downgraded?

A. No, all activities and services currently provided by both the Ability Centre and Carmondean Connected are being retained.

Q. What will happen to the current Carmondean Connected building?

A. The current Carmondean Connected will no longer be required for the delivery of services, so will be declared surplus and subject to the council's approved Surplus Property Procedures.

Q. Why do you need to make savings and how much money will the move save?

A. West Lothian Council needs to make savings as the Scottish Government revenue grant funding we receive is not sufficient to meet increasing costs and demand for council services by the area's growing young and older populations. Based on budget assumptions, the council faces a significant revenue budget gap of over £65million over a five year period.

In this instance, the savings achieved through vacating the current Carmondean Connected building will only partially fund the £1 million cost of renovating the Ability Centre, so the move is an overall investment in community services for Livingston North.

Q. Will the Macmillan at Carmondean service still be available?

A. Yes, local residents will still be able to access Macmillan services such as benefit advice over two days at the new location of the Ability Centre.

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

OFFER OF GIFT OF WOODLAND AT CATHLAWHILL, BATHGATE HILLS

JOINT REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES AND HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval to accept an offer by Mr and Mrs Gibbs to gift to the council 41.60 Ha. of woodland at Cathlaw Hill in the Bathgate Hills, adjacent to Beecraigs Country Park.

B. RECOMMENDATION

It is recommended that Council Executive:

- 1. Notes the offer from Mr and Mrs Gibb to gift 41.60 Ha. of woodland at Cathlawhill, Bathgate to the council.
- 2. Agrees to accept the gift and authorises the Head of Finance and Property Services to instruct the Chief Solicitor to conclude the transaction.
- 3. Agrees that the council will pay Mr. and Mrs. Gibbs' reasonable legal fees in relation to the conveyance of the property.

C. SUMMARY OF IMPLICATIONS

I Council Values

Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.

II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)

Disposal of property governed by S74 (2) of the Local Government (Scotland) Act 1973.

West Lothian Council Open Space Strategy 2005 (currently undergoing review). The council has a duty to provide safe, accessible greenspace in which its residents and visitors can enjoy the outdoors.

West Lothian Local Development Plan (2018) policies: ENV1 Landscape Character; ENV8 Green Networks; ENV9 Woodland, Forestry Trees and Hedgerows all support the proposal.

Supplementary Planning Guide: West Lothian place-based Green Networks (2016) includes the requirement to link areas of natural and semi-natural land to create corridors for wildlife and for public access.

National Planning Framework for Scotland 3 (2014) promotes a step change in the creation and management of a robust green network through Central Scotland.

Edinburgh and Lothians Forestry & Woodland Strategy (2012-17) includes aims of creating a strong, sustainable economy, promoting a high quality environment and securing resilience to climate change through the sustainable management of woodland. It also encourages the use of woods for recreation, community involvement and education to enhance people's quality of life.

III Implications for Scheme of Delegations to Officers

None.

IV Impact on performance and performance Indicators

None

V Relevance to Single Outcome Agreement

Outcome 8: We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.

Outcome 3: Our economy is diverse and dynamic and West Lothian is an attractive place for doing business.

Outcome 6: we live longer, healthier lives and have reduced health inequalities.

VI Resources - (Financial, Staffing and Property)

There will be minimal additional management costs as the site can be integrated into the management of the neighbouring, council owned woodland and access facilities at Beecraigs Country Park, Witch Craig and the Korean War Memorial.

Future path upgrading would be funded from external grants and timber revenues.

Legal costs involved in the conveyance can be found from the capital budget 2018/19 for the Sustainable Management of West Lothian Council's Woodland.

An estimated schedule of costs and income is attached.

VII Consideration at PDSP

Not applicable.

VIII Other consultations

The Head of Planning, Economic Development and Regeneration and the Chief Solicitor have been consulted.

A copy of this report has been provided to the local elected members for information.

D. TERMS OF REPORT

D1. Background

Mr. and Mrs. Gibbs own 41.60 Ha. (103 acres) or thereby of land at Cathlawhill in the Bathgate Hills. The land is predominantly woodland and it lies immediately south of council-owned land at Beecraigs Country Park and to the east of the Korean War Memorial and Witch Craig area. The extent of the land is shown hatched in black on the plan forming Appendix 1 of this report.

The land rises to a high point of 290m, close to the historic "Refuge Stone", which is contained within the property. This is one of several carved stones set out in the 12th century to demarcate the area around the nearby Torphichen Preceptory.

The land offers panoramic views over the surrounding countryside and is an excellent place to view the landform of the Bathgate Hills. To interpret this to visitors, a Geological Wall was built on the land with all the types of stone in the area, together with an informative panel created by the local Regionally Important Geological Sites Group.

The lower slopes of the land were planted with mixed conifers and broadleaves over 20 years ago, as a result of Mr. and Mrs. Gibbs' desire to improve the biodiversity of the area and to provide an informal recreation resource for the public. The woods have established well and create an attractive landscape with a variety of trees and shrubs. A number of grass walking routes have been maintained through the woods that are well used by the public.

Mr. and Mrs. Gibbs are now retired and are keen to secure the wood's long term future. To this end, they have approached officers with the offer to gift the land at Cathlawhill to the council.

D2. Benefits of Acquisition of Cathlawhill to the council

Council ownership will:

- help to safeguard the important local features of the Geological Wall viewpoint, the Refuge Stone and an attractive area of mixed woodland.
- allow the council to apply for external grants to improve the paths to link Beecraigs with these features, the Korean War Memorial and also via a quiet country road to Cairnpapple Hill that is under the guardianship of Historic Environment Scotland.
- provide greater capacity to absorb and disperse the increasing numbers of visitors using the country park.
- allow for the future possibility of providing additional car parking at the southern end of the country park and thereby helping to disperse people around the park with an entrance closer to Bathgate.

 provide a key link in providing an off-road path between Bathgate and the country park and then onwards to Linlithgow, which is a longstanding aspiration of both communities. (This will require future acquisitions/ agreements on the Bathgate side).

D3. Additional Costs and Liabilities

There would be relatively few additional costs involved in acquiring and maintaining this additional land as Countryside Parks staff are already operating on the adjacent sites and their rangers already patrol public access routes.

As the trees grow older, there will be need to monitor the safety of trees along the Bathgate Road and along paths. This would be accommodated with tree safety surveys undertaken along the boundaries of Beecraigs.

The council's insurance brokers have confirmed that there will be no additional premiums required for public liability or fire insurance cover.

It is likely that some upgrade of paths will be required and the signage improved to provide better links with the country park and improve several slippery steep sections. External grant funding would be sought to undertake this work with a small amount of match funding from timber income produced from the normal management of the woodland. Likewise, the creation of a car park within the area next to the Korean War Memorial, previously used as a schooling area by the Riding for the Disabled group, would require a similar funding package and would be available for events at the war memorial.

It has provisionally been agreed that the council will meet Mr. and Mrs. Gibbs' reasonably incurred legal fees in the transfer of this land into council ownership and it is anticipated that these fees can be covered from receipts from timber sales from the Beecraigs woods.

A schedule of the estimated costs and potential funding sources over the next twenty years is attached in Appendix 2.

E. CONCLUSION

The Council welcomes the gift from Mr and Mrs Gibb with the land at Cathlawhill being a valuable addition to the land at Beecraigs Country Park.

NET's & Land Services consider that the additional costs of management would be minimal and will be managed within existing resources.

It is considered to be in the council's best interests to accept the offer and the council should meet all legal fees associated with the conveyance of this land.

F. BACKGROUND REFERENCES

West Lothian Council Open Space Strategy and Interim Review https://www.westlothian.gov.uk/article/2448/Open-Space-Strategy

Supplementary Planning Guide – West Lothian place-based Green Networks https://www.westlothian.gov.uk/media/4790/West-Lothian-Placed-Green-NetworksAugust2014.pdf

National Planning Framework for Scotland 3 (2014)

http://www.gov.scot/Publications/2014/06/3539

Edinburgh and Lothians Forestry & Woodland Strategy (2012-17) http://www.lfgnp.org.uk/wp-content/uploads/2016/07/elws_final_strategy_sept12.pdf

Information on Beecraigs Country Park on Council's website https://www.westlothian.gov.uk/beecraigs

Information on Witchcraig and the Korean war Memorial on Council's website https://www.westlothian.gov.uk/article/8841/Witchcraig-Woodland--Korean-War-Memorial

Appendices/Attachments: Appendix 1: Location Plan

Appendix 2: Schedule of estimated costs and funding sources.

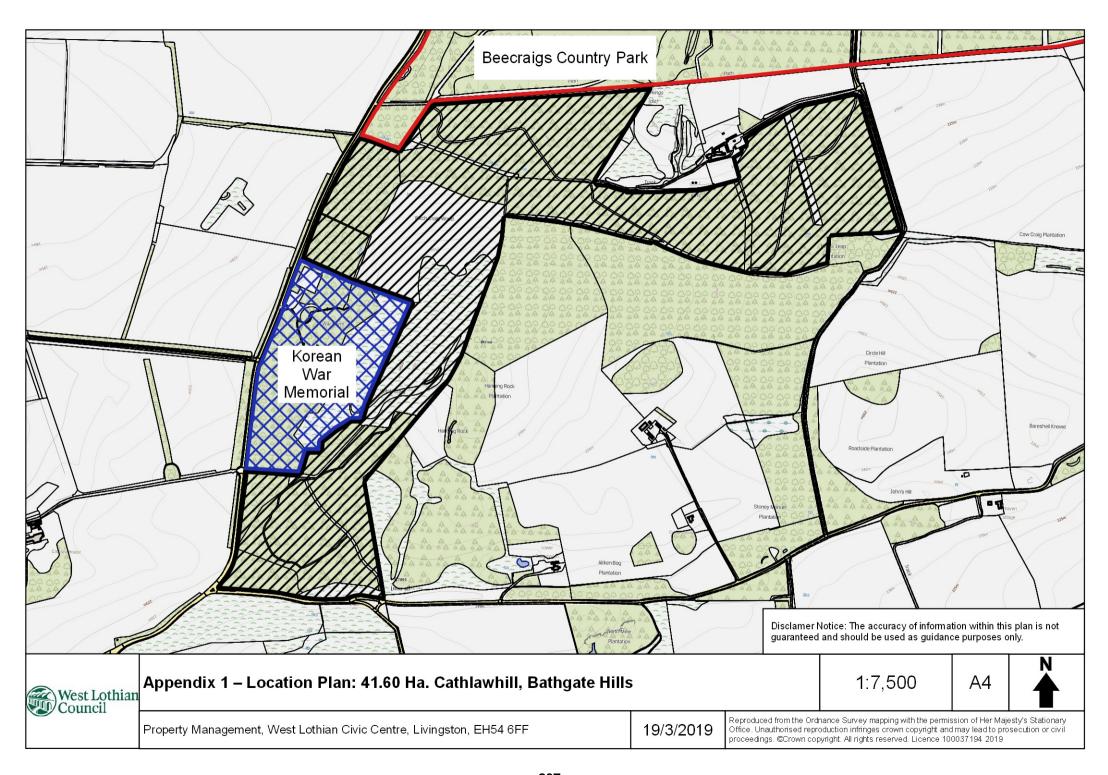
Contact Person:

Niall Carlton, Commercial Property Surveyor, Property Management and Development

Email: niall.carlton@westlothian.gov.uk Tel: (01506) 283287

Donald Forrest, Head of Finance and Property Services
Jim Jack, Head of Operational Services

Date of meeting: 26 March 2019



Appendix 2

Acquisition of Cathlawhill Woods Outline Management Plan for first twenty years with estimated expenditure and income

| Item | Comments | Frequency | Rate | Estimated additional costs: First ten years (£) | Estimated costs: Second ten years (£) |
|--|--|-----------|------|---|---------------------------------------|
| Legal fees | WLC Legal services – Registration dues | One off | | 600 | |
| | Current owners' conveyance fees | One off | | 4,000 | |
| Insurance Council's insurers have confirmed that this would be absorbed under the current scheme at no additional premium | | | | 0 | 0 |
| Routine | | | | | |
| Management and Maintenance | | | | | |
| Ranger patrols WLC Rangers - Area adjacent to Beecraigs Country Park and Witchcraig (existing WLC sites) and staff will be able to use Cathlawhill site as a link between the sites | | Monthly | | 0 | 0 |
| Tree safety inspection | WLC Tree Inspector - Along the public road. Most of woodland comprises young trees and therefore will be low risk for many years | comprises | | 0 | 0 |
| Tree safety work | WLC Tree & Woodland Team - Estimated 2-4 trees / large branches may require attention | 5 yearly | | 0 | 0 |
| | WLC Tree & Woodland Team - Pruning back branches along road side as part of work at Beecraigs | 5 yearly | | 0 | 0 |
| | Traffic management for the above | 5 yearly | 400 | 800 | 800 |
| Preparation of initial woodland management plan Cathlawhill and added to the Beecraigs Longterm Forest Plan | | Once | | 0 | |
| Update plan | Update plan As above | | | | 0 |
| WLC rangers when patrolling / volunteers - Trimming back small branches obstructing path | | 5 yearly | | 0 | 0 |
| Entrances Improve entrance signs to match country park metal signs. | | 2 signs | 300 | 600 | 0 |

| Item | Comments | Frequency | Rate | Estimated additional costs first ten years (£) | Estimated costs second ten years (£) |
|--|---|-------------------------------|------|--|--------------------------------------|
| Waymarking | WLC Country Parks Maintenance Team - installation of waymarked trail in same style as country park. Materials only. Grants to be applied for. | 15 | | 0 | 0 |
| Woodland management works | Removal of tree shelters. The current owner has expressed an interest in continuing to carry out small maintenance tasks within the wood. She and other volunteers would be capable of undertaking many of the smaller tasks. | | | 0 | 0 |
| Thinning | Consider managing as extended coppice for firewood with standards. Coppice 20ha - 3000m3 sold standing. (Opportunity for social enterprise/volunteer work.) Thin remaining 20ha - 600m3 | | | | (15,000) |
| | Timitemaning 2011a 000113 | | | | (3,000) |
| Project Work | All subject to funding from external grants and small contribution from Beecraigs timber income. | | | | |
| Redundant fence removal | nce Removal of redundant fences - at least 3km. Grants may be available and most of the work could be done by volunteers with Park Maintenance staff. | | | 0 | |
| Path improvement work Upgrade of muddy paths together with improved signage linking sites. External funding from SRDP and / LandTrust would be sought for capital work together with small amount from Beecraigs timber income. | | One off capital project | | 0 | |
| Improvement of Korean War Memorial car park | WLC site adjacent to Cathlawhill Woods. Existing plans to improve this car park to alleviate the lack of car parking at Beecraigs at peak periods and to allow better access into the south west area of the park. If WLC does not acquire Cathlaw Woods then an access agreement would be required. External funding would be sought to cover most of the cost as above. | One off capital project | | - | |

| Installation of new | To enable timber to be extracted as the | One off | | 20,000 |
|---------------------|--|-------------|-------|--------|
| entrances from | size of logs and volume produced | capital | | |
| publichighway | increases. | project x 2 | | |
| | Tarmac bell-mouth and crushed stone entrance with gates. | | | |
| Estimated net | | | 6,000 | 800 |
| budget | | | 0,000 | 800 |
| | | | | |
| Estimated net | As the trees grow larger revenues from | | | 340 |
| annualised cost | the timber would help fund future | | | |
| over first twenty | woodland and public access work. | | | |
| vears | | | | |

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

LOCAL BUS REVIEW - UPDATE

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

To advise Council Executive of the ongoing changes to the local bus network and to seek approval for extensions to a number of subsidised bus services until the review of the entire network is completed.

B. RECOMMENDATION

It is recommended that Council Executive:

- 1. note the changes to the local bus network
- 2. note the requirement to review the council subsidised local bus services to remove duplication with commercial services
- 3. agrees that a report is submitted to the Development and Transportation PDSP to discuss changes to the subsidised network
- 4. agrees a four month extension to council subsided additional bus services outlined in appendix 1 of the report
- 5. agrees that the cost of the contract extensions (£100,000) will be funded from a projected underspend in the 2018/19 winter maintenance budget

C. SUMMARY OF IMPLICATIONS

Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; and working in

partnership

II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) The council has a policy of supporting public transport services where resources permit. The Transport (Scotland) Act 1985 states that it is the duty of the council, in exercising their power, to conduct themselves as not to inhibit competition in the commercial market.

III Implications for Scheme of Delegations

None

to Officers

| IV | Impact on performance and performance Indicators | The council has a target KPI for Public Transport of having 90% of residents with access to an hourly or better daytime service Monday to Saturday. It is possible that changes in the commercial and subsidised network could impact this KPI. |
|-----|--|---|
| V | Relevance to Single Outcome Agreement | The local bus network contributes to a number of outcomes by connecting communities with services and employment. |
| VI | Resources - (Financial, Staffing and Property) | The cost of extending the routes as outlined in appendix 1 for a four month period will cost £100,000 and it is proposed that this is funded by an anticipated underspend on winter maintenance in 2018/19. |
| VII | Consideration at PDSP | None |

D. TERMS OF REPORT

Other consultations

VIII

The local bus network is provided through a combination of commercial services (80% of the network) and council subsidised services (20% of the network).

Finance and Property Services, Procurement

Services and Governance Manager.

The commercial network underwent significant and largely positive changes in 2018, as First Bus revised its services and Lothian Country extended theirs.

As a result, commercial services are now serving our communities differently. This has resulted in a number of route and timetable overlaps between the commercial and subsidised network.

Whilst there is potential for further commercial changes, the level of overlap is such that the council is now legally required to adjust its subsidised services. Work is now underway to identify the required charges and a revised subsidised local bus service.

This work could not be started earlier as the commercial market was changing frequently and any modelling work undertaken would have been negated as the next phase of changes was made.

A report will be submitted to the Development and Transportation PDSP to discuss the changes required to remove the overlaps and to maintain a sustainable subsisted service which contributes to the council's overarching public transport strategy. The outcome will be reported to the Council Executive.

To maintain the current level of subsidised service until the review is completed requires the extension of the time limited additional services agreed at Council Executive on the 6 February 2018. These contracts are listed in appendix 1. It is

proposed that these contracts are extended for a further four months until 31 July 2019 at a cost of approximately £100,000.

The General Fund Revenue Budget month 9 monitoring position reported to Council Executive on 26 February 2019 was a forecast overspend of £200,000. Since the month 9 position was reported, the largely mild weather has continued and it is now anticipated that the winter maintenance budget will underspend by approximately £100,000 in 2018/19. It is proposed that this underspend is preserved for the cost of extending the time limited additional services for four months in 2019/20. The movement in the forecast position is in addition to that reported at month 9 and therefore could be used to address the time limited funding for four months until the review is complete, without increasing the overall position reported at month 9. This has been verified by the Head of Finance and Property Services.

E. CONCLUSION

The changes to the commercial bus network have been significant and, as a result, there is a legal requirement for the council to review its subsidised services. This work is underway and the outcome will be considered by the Development and Transportation PDSP prior to seeking Council Executive approval for the required changes. However there is a need to extend the time limited town centre contracts for 4 months to allow the review to be completed and agreed.

F. BACKGROUND REFERENCES

Revenue Budget Strategy 2018-19 to 2022-23 - Report by Head of Finance and Property Services to Council Executive on 6 February 2018

Revenue Budget 2018/19 - 2022/23 - Report by Head of Finance and Property Services to West Lothian Council on 13 February 2018

Draft 2017/18 General Fund Revenue Budget Outturn - Report by Head of Finance and Property Services on 26 June 2018

Appendices/Attachments: Appendix 1 – Time Limited Town centre Bus Contracts

Contact Person: Nicola Gill, Nicola.gill@westlothian.gov.uk,

Public Transport Manager, Tel: 01506 282317

Head of Service Jim Jack, Head of Operational Services

Date of meeting: 26 March 2019

Appendix 1 – Time Limited Additional Bus Services

| Route Number | Route Description | Operator | Details of Additional Service |
|--------------|--------------------------------------|---------------|--|
| LBS 1 | Linlithgow Town Service | SD Travel | Additional 3 hours afternoon operation Monday – Saturday |
| LBS 5 | Bathgate Town Service | E&M Horsburgh | Additional 3 hours afternoon operation Monday – Saturday |
| LBS 6 | Armadale Town Service | E&M Horsburgh | Additional 3 hours afternoon operation Monday – Saturday |
| LBS 31 | Livingston – Bathgate via Linlithgow | E&M Horsburgh | Additional pick up in Dechmont and others |



COUNCIL EXECUTIVE

WATSON PARK, NORTH STREET, ARMADALE

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to advise Council Executive of the results of a community consultation undertaken on proposals for the development of new sports facilities at Watson Park, North Street, Armadale and to seek approval for a revised capital investment project at Watson Park in light of that consultation.

B. RECOMMENDATION

It is recommended that Council Executive:

- 1. Notes the results of a community consultation undertaken on proposals for the development of new sports facilities at Watson Park, North Street, Armadale.
- Approves a revised capital investment project at Watson Park, North Street, Armadale that would see the delivery of a new 3G sports pitch and modular changing facilities at that location.

C. SUMMARY OF IMPLICATIONS

Focusing on our customers' needs; Being honest, open and accountable; Making best use of our resources; Working in partnership.

II Policy and Legal
(including Strategic
Environmental
Assessment, Equality
Issues, Health or Risk
Assessment)

None.

III Implications for Scheme of Delegations to Officers

None.

IV Impact on performance and performance Indicators

None.

V Relevance to Single Outcome Agreement Outcome 1- Our children have the best start in life and are ready to succeed; Outcome 4 – We live in resilient, cohesive and safe communities; Outcome 7 – We live longer, healthier lives and have reduced health inequalities; Outcome 8 – We make the most

efficient and effective use of our resources by minimising our impact on the built and natural

environment.

VI Resources - (Financial, Staffing and Property)

Any amendments to the Watson Park capital investment project will be delivered via existing

approved budgets.

VII Consideration at PDSP None.

VIII Other consultations

Countryside Land and Services,

Education (Sports Development).

The local elected members have been provided with a copy of this report for their

information.

D. TERMS OF REPORT

D.1 Background

The council's General Services Capital Investment Strategy 2018/19 to 2027/28 was approved at a meeting of the full West Lothian Council on 13 February 2018. Included in that Strategy is an approved budget of £947,000 for the provision of a new sports changing pavilion and drainage improvement works to the existing grass pitch at Watson Park, North Street, Armadale.

Council Executive on 15 January 2019 agreed that officers should undertake a brief period of community consultation on alternative proposals submitted by Armadale Community Football Club (ACFC) for the provision of a new synthetic 3G sports pitch and modular changing facilities at Watson Park. It was noted that the results of the consultation would be reported to Council Executive on 26 March 2019, along with any recommended alterations to the approved capital project.

D.2 Community Consultation

In accordance with Council Executive instructions, a community consultation exercise was undertaken by officers experienced in the consideration, development and implementation of open space, sport and outdoor recreation activities to ensure that all aspects of the wider park were considered. The consultation was comprehensive, sought to engage as many stakeholders as possible, and was also suitably focused to ensure that conclusions could be presented within the required timescales.

The primary means of engagement was an online stakeholder survey that was published during February 2019 and which closed on 10 March 2019. That survey was widely publicised on social media via the council's Facebook page and Twitter feed. Direct emails were also issued to a wide range of targeted local community groups inviting them to participate in the survey. Those groups included local sports clubs, the community council, youth clubs, support groups, the gala committee, West Lothian Leisure and each of the five local schools.

The survey sought to gauge support for ACFC's proposals within the wider Armadale community. Participants were also asked specifically asked for their views on the suitability or otherwise of Watson Park as the proposed location for those new facilities.

In addition to the online survey, officers also hosted a public information event at Armadale Academy on the evening of 7 March 2019. At that meeting members of the public and represented groups were fully briefed on ACFC's proposals, with council officers and ACFC officials taking questions and inviting comments from the audience. The council's online survey was publicised at that meeting and those in attendance were encouraged to participate in that survey.

A total of 295 survey responses were received prior to closure and a detailed analysis of those responses has yielded the following results:

- 1. 95.90% of the participants stated that they supported ACFC's proposal for a new 3G sports pitch and modular changing facilities at Watson Park. 4.10% of the participants stated that they did not support the proposal.
- 2. 94.50% of the participants stated that they considered Watson Park to be a good location for a new 3G sports pitch. 5.50% of the participants stated that they did not consider Watson Park to be a good location for a new 3G sports pitch.

A summary of those survey results and details of the participant's comments is included at Appendix 1 of this report.

D.3 Recommended amendment to the approved capital project

The council has previously identified the need for new sports facilities at Watson Park and an approved budget has been secured for the delivery of those facilities as part of the General Services Capital Investment Strategy 2018/19 to 2027/28.

As the primary end user of those new facilities, ACFC has presented a proposal that they consider best meets the existing and future needs of their community. In support of that proposal they have produced a fully costed business plan that demonstrates how they would lease, manage and maintain the proposed new 3G sports pitch and modular changing pavilion. Subject to a competitive tendering exercise, ACFC has also shown how those new facilities could be delivered within the existing approved capital budget.

The local community has been consulted on ACFC's proposal and has come out overwhelmingly in support of it. The community has also confirmed its clear support for Watson Park as the location for those new sports facilities.

In light of the foregoing, it is recommended that Council Executive agrees that the approved £947,000 capital investment budget for new sports facilities at Watson Park, North Street, Armadale be used to deliver a new 3G sports pitch and modular changing pavilion at that location.

E. CONCLUSION

It is in the council's best interests that the approved capital budget for new sports facilities at Watson Park, North Street, Armadale be used to deliver a new 3G sports pitch and modular changing pavilion at that location.

F. BACKGROUND REFERENCES

Corporate Asset Management Strategy and General Services Ten Year Capital Investment Strategy 2018/19 to 2027/28 (page 57) – West Lothian Council 13 February 2018.

Council Executive – 15 January 2019 – Watson Park, North Street, Armadale

Appendices/Attachments: Appendix 1: Summary of online survey results

Contact Person: Scott Hughes, Asset Manager, Finance and Property Services

Tel. (01506) 281825; Email – scott.hughes@westlothian.gov.uk

Donald Forrest, Head of Finance and Property Services

Date of meeting: 26 March 2019

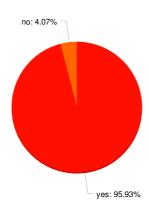
1. Do you support Armadale Community Football Club's proposal for a new 11-a-side 3G sports pitch? *

Number of participants:

295

283 (95.9%): yes

12 (4.1%): no



2. 2. Please provide comments as to why you do / do not support the club's proposal.

Number of participants: 199

- The clubs future growth could depend on a new facility as there are a lack of facilities in Armadale at the moment to meet the clubs requirements. Teams already have to use facilities in Fauldhouse, Whitburn and Blackburn for training purposes as there are not enough facilities in Armadale. With the number of houses being built in the local area and the rise in population football for the younger kids may depend on a new purpose built facility in Armadale.
- I support the clubs proposal do the following reasons:-
- 1. This facility is vital for the clubs growth.
- 2. There are many other groups who will also benefit from this new facility.
- 3. The club can take in more kids as the present facilities aren't enough.
- Armadale Community FC need a place to call home like the other teams in West Lothian. It's not before time.
- I do support because my brother plays in one of the Armadale teams and they deserve to have a decent playing ground and some decent changing rooms
- Armadale is one if the only towns that don't have there own facility for football for young people. These teams need to

have a facility like this, we be good for the Teams

- This 3G provision would be a boon for the local boys football teams. My grandson plays with Armadale Blues and the home games are played either Wood Park or Blackridge Park with alternative at back Park at Academy. It would be an enhancement to the sport availability of Armadale.
- Dog owners may clean up their dog mess
- There are so many teams from west lothian that have this and armadale needs it as thwre are a few teams longing for it I support the proposal as my son plays for one of the club's teams and an additional 3G pitch would benefit the club in
- allowing more games to be played in the winter when the grass pitches are frozen also it will provide additional training facilities.

Improved facilities mean improvement in players abilities

- It's long over due to upgrade the facilities for the kids community football , and obviously enhancing the whole town. It is
- a much needed facility within the community to enhance grassroots football.
- Having been involved with Armadale sports club then Armadale community club for a large number of years this is a well
- overdue requirement for the local community. As with other facilities at Broxburn and Blackburn all other sports and recreation would have use of the club house and opening it to the wider community

I would support this as currently I live beside Wood Park and when football is on our street becomes blocked with cars

-

I would support this as currently I live beside Wood Park and when football is on our street becomes blocked with cars and residents cannot get in and out of the street. This pitch and better parking facilities may mean less games played at Wood Park and better safety on the roads surrounding it.

- I believe that these new facilities will encourage the children to be more active and will also make the area much nicer.

 There are a shortage of good facilities for the clubs in and around Armadale to host 11 aside games and this site is idea
- for the proposed site.

The availability of as many playable pitches, summer and winter, is vital to the survival of youth football.

- Great for the kids and the community. Giving the kids something to do .
- My son plays for Armadale Community and i find it shocking that they don't have a home ground to play in like other teams,
- the amount of driving we have to do is terrible and family & friends can't come support the team as we are always away matches so Yes i fully support a new 3g pitch.
- Decent football pitches are required to get more kids active and take up sports all year round. Grass pitches are
- unplayable in the winter months so a new 3g facility is much needed.

More kids are turning to there computers and staying indoors as the current facilities in Armadale do not meet the demand from local sports clubs.

The football club is a sustainable resource to the community in and around Armadale. It attracts sponsors from the

- business community too. The club provides a safe sports learning facility to many youngsters and anything the Council can do to encourage this should be done. In this time when knife crime and violence is on the rise, a facility for educating youths in team spirit and bodily wellbeing must be a priority.

Watson Park is needing improving and has for years give the local kids a decent 3G surface to play on

- Although I am concerned as to how this will impact civic week and gala day as this space is used widely for these events
- The benefits of having an all year round facility for our youth would be fantastic. So much football is cancelled each winter because of water logged pitches, it is a no brainer.
- The business case has merit. I'd also really like to see some decent tennis courts in Armadale.

 I support the clubs proposal because young boys need a all weather pitch to play on as there are not enough of them in
- West Lothian.
- This would be deemed as a true home Park for ACFC teams, replicating models from local towns such as Blackburn and Broxburn. This would hopefully provide a facility for local kids and teams to train and play matches on. This would
- compliment the 3G facility already located at the Academy and provide addition training facilities where floodlights are required when daylight / clock changes are constraints.
- It would be a fantastic addition to the town and one that hopefully locals would take enormous pride in.

Armadale is a great community club and a facility that all teams could use would be beneficial to all. Means my boys won't come home with dog poo as people who own dogs don't always pick it up.

- This is much needed for the community and being next to the excite is an ideal location

Having 3 boys two of whom play and 1 who coach within ACFC I have witnessed first hand the frustration of having
- substandard pitches espyduri g winter months hampering progress of our clubs.

In addition travelling away from home I have seen the massive benefit of having community facilities as suggested in this proposal. BCFC is one such example to model this on.

Approx £1 million for something that will only benefit 400 kids is a bit much.

The money can be better spend on giving ALL kids in Armadale eg a play park, skate / bike park

Use some of the money on the black moss to get more people involoved in nature & the great outdoors as they do at beecraigs & Polkemmet Country Park

The size of community Armadale is and to only have the academy facility's is stopping Armadale from producing youth teams as we have not availablity to train. Kids from this town are having to travel to smaller towns in West Lothian who

- have better facilities that can facilitate the kids of our town.

Armadale community club desperately need this facility to help the kids of this town play football.

My son currently plays with ACFC as does many of his friends. Facilities such as this would improve the availability of training and game venues. The existing pitch at Watson park is often used by dog walkers nd as such there is often so

- mess on the pitch, this would not happen with the proposed 3g facilities. There would also be nochance if it becoming waterlogged.

I think this a much needed facility for all the local children to play sports, and improve the health of the area for years to come

- Good for the town. Good for the youth of the town to have such a facility.

-

- My son plays in one of the teams that comes under the arnadale community football club umbrella, but we currently have to travel to a neighbouring town to train and play games. I think the proposed plan would be an excellent addition to the town and encourage the grass roots football enjoyed by so many of armadales kids.
- I agree with the proposals as this is similar to facilities in other local areas that work well
- There are no enough 3g facilities in armadale and clubs struggle to get training pitches as well as match day facilities. All facilities use at present fail to provide changing facilities.

My children would get great use of this

- Desperately needed. The west of West Lothian is often forgot about when it comes to facilities for the towns. Armadale is one of if not the only town in the county not to have this facility other than the schools' pitch which is often booked out
- Yes because the pitch the now is not in great condition and by adding a new 3G pitch it will make the pitch more useful as it will be able to be used in worse conditions and the pitch will be better to play on as well because the surface will be flat
- For the prosperity of local sports
- It will help all in football and give young ones somewhere to go
- Armadale in desperate need of something like this, my sons play football and armadale is so far behind compared to some of the clubs we have been to
- The club's proposal for a 3G will ensure that children can enjoy playing football throughout the year. It is very difficult to try and run a football team with only grass pitches because for a lot of the year they are unplayable due to weather conditions and dark nights. This is an excellent proposal, I just wish Whitburn had done the same at KGV park before they built the pavilion. 3G facilities are very sought after for many many teams and the income raised will pay for the upkeep three fold in my opinion. Good Luck!
- As it will help the community teams get better and provide more for all ages
- Think this would be good for the young children and keeping them active and keep them busy instead of walking the streets.
- ⁻ 3G is a more reliable surface. The risk of games being called off due to an inadequate pitch are massively reduced therefor meaning no backlog of games. There is also a saving in maintenance although there would need to be money set aside to save to replace the surface as they wear out quickly when being used continuously.
- Both my kids play for Armadale teams and there are lots of kids wanting play football and not enough facilities!
- It is vitally important that youths have access to these facilities to lower obesity rates as well as lower crime rates. These kids train hard and all kids deserve to be able to access quality facilities.
- My son has played within the community club for the last 8 years. It would be an amazing extra facility for the area.
- It is most definitely needed in the town. We have a fantastic community football team and this would be a fantastic resource.
- It would bring Armadale F.C up to the standards of other local community football clubs.

 It's a real statement of intent for the local area to provide 1st class facilities for generations to come.
- Healthy children have somewhere to play/train
- For a town with so many young footballers, this proposal would be greatly beneficial. Not only would it be playable more in bad weather(compared to grass pitch), it would open up better opportunities for the teams to get better training times during the week, as space and times are at a premium at the academy
- I think the town needs something like this. There is nothing to do just now so another 3G can only be a good thing
- Support the children in the community , keep them occupied , give them the facilities they need /deserve
- The current facilities, grass pitches are not great for 11s. Uneven, covered in dog mess and water logged for much of the season. 3g facilities are greatly needed in the community, given the size of the youth football community. It would be a great asset to the town.
- Badly needed facility within the town & 3G pitch better availability than grass pitch in winter
- A facility of this kind is long overdue in the town.
- Facilities will support local children and adults in getting involved in football and associated benefits such as improved fitness levels and proven links to mental wellbeing. Facility will allow Armadale to host events currently being held elsewhere with economic benefit to local businesses.
- This is a public park for all the community not just the football teams. I assume this 3 G park would be fenced off meaning a reduction of around 50% green space for all other users of the park, this is unfair and unacceptable.
- ACFC needs this facility as there are so many teams in the town but not enough pitches for them to train on. To have a 4G pitch would be great and would be used most days.
- This will be a much used much needed community facility
- I completely agree with this as football is a massive interest for kids and can teach them many valuable lessons.

I completely agree with this as football is a massive interest for kids and can teach them many valuable lessons.

- Because my 12 year old son plays for Armadale community and it is a big part of our family life
- Watson park has always been free for kids to have a kick about and play whatever sport they fancy on. Making it a 3G pitch will do away with this and make it available to either those who can afford it or those who are in a sports team. Creating
- this sporting hub tonfurther serve the community as a whole is essential to help encourage and develop the members of not only ACFC but also the wider community.
- The addition of a new pitch would provide further opportunities for womens, disabled and walking football. In addition the three local schools could use the facility during the day for a number of sports. There is an opportunity here to create almost a hub in this area with the partnership centre, swimming pool, bowling, volunteer park, good for the town
- With the kids of today spending more and more time sitting indoors, it's sad that kids are being turned away because of lack of facilities
- Good facilities for the growing members of the community
- My son plays for one of the ACFC clubs but has to train at Whitburn due to lack of facilities in Armadale. This would be available to use all year round and given the town is growing, we need more facilities.
- As a coach of one of the ACFC 2005 teams I am in favour of the creation of this facility. ACFC is a thriving community club and the addition of a new purpose built facility can only enhance the club and draw additional members
- My son plays for Armadale 2009 and i feel a new 3g would be hugely beneficial for the full Armadale Community. The parents who don't drive would be able to come support their kids on match days also the revenue the 3g would create would be massive as festivals would be able to be held, football parties etc.
- Just being able to have a home ground and not doing all the travelling.
- The club do a great job with youngsters right up through the age groups and to have games cancelled at short notice is not good for the kids morale and confidence
- Numbers of people benefited and cost savings / plan b if cost over run I.e a business case needs to be socialised
- I fully support this, as a parent who uses the 3G facilities in local towns it is much needed for our community football club. The boys have nowhere decent to play with changing facilities it will be well used
- A 3G pitch is better for all weather conditions and has easier upkeep. It will be of great value to the community
- I go to football at the 3g
- Having two young children I feel this facility would be a fantastic idea going forward.

We need a good facility that can be used by the whole community.

- There is already a pitch at Armadale Academy and two basket ball courts sitting barely used
- This is badly required to let the children continue to grow and play football for Armadale
- The whole community will benefit from this, from the boys and girls using it to mum's and Dad's using it. Will also benefit the local streets and reduce to ball activity on roads and paths.
- Much needs facility for armadale. There are a huge number if football teams in armadale all trying to train and play on 1 small 3g pitch attached to the local school. Thwee ste often over booked meaning that armadale teams are training and playing outside of armadale.
- These facilities will hopefully keep the current players involved with the community clubs and encourage many more to join. It will also out acfc on a level poaching field in terms of attracting additional events to the area, football tournaments etc.
- Armadale community football club are a big club and have a large amount of different age group teams. These facilities will
- help to improve the kids at these clubs and other clubs that will probably be able to start up with this support.

 I currently coach a 2007's Armadale team and we need to train in Whitburn due to the demand for 3G at Armadale Academy. The community group do all they can to accommodate us but there is only so far they can stretch the limited
- resources. With 80% of the side being from Armadale we are worried the increase travel will result in us not having a side and 14 boys, from Armadale, not being able to play the sport they love.
- Armadale is way behind in sports facilities and it is long over due, there are towns with smaller population than armadale with a 3g pitch.
- A good use of the community space.
- The more sports facilities we have the better. Broxburn and Blackburn are both examples of growing clubs as a result of
- the investment in their facilities.
- There's definitely a lack of football facilities in Armadale compared to many other towns in West Lothian. This would be great for the local community and help to raise the profile of Armadale within West Lothian.
- I am a coach for Armadale under 16s and there is a severe lack of training facilities and to keep boys of this age interested in football and off the streets .

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interested in football and off the streets .

We need a complex which is available in all weathers , too many parks get called of with rain .

- that money was ringfenced if not now please explain and who has changed this names of councillors under freedom of information act
- This would be a great facility for the children somewhere you know they can go to and enjoy playing football
- I prefer 3G pitches as they are better in the winter because they don't freeze up as easy as grass pitches
- Great for the kids, let's the town have a facility that they can be proud off. This can used for everyone in the town. My
- . son plays football with the local tram and this would be a great addition to the community
- . I think this is a great idea and would be great for the kids from Armadale plus all the other kids that play for the Armadale teams!
- Armadale require a facility to match other towns in West Lothian so that the community have the best available facilities to play and train on.
- . My son plays with Armadale CFC but we have to travel to Whitburn for training and competitive games
- Would also like facilities for kids who dont play football.
- _ I do because i play with armadale united 04s
- My done plays with Armadale 2005's and the Park just now is covered in dogs dirt and all bumpy for playing on just now.
- New expanded facilities are required to keep encouraging and expanding the community football club for the future generations
- Good for the town, armadale youngsters and adults need to exercise more. More facilities can only help.
- Be good for schools to have access which I think proposal from club suggested
- The pitch as it stands just now is not the best playing surface. So the proposed 3G pitch would make a huge difference. Anything that improves the towns facilities is a welcome idea
- . The model works well in other areas & allows for pretty much all year round use. Given we are trying to get football
- played for most of the year, a 3G/artificial pitch makes most sense. If lighting is also factored in, then can allow for night time use and another revenue stream.
- We used to play on the pitch and it would be better if it was an 3G pitch because the grass pitch was bumpy and dog . droppings on the pitch
- We need more playing fields to encourage young players to develop there football skills get fit and out the hous and create more community spirit..
- Benefit to local kids with somewhere good to get involved in football
- I support Armadale community football club as I like to see children develop in football and have a great time playing it, I
- think it would be a great idea to build a new 3G pitch so there is more space for the kids to play their football.
- To get more kids playing football in armadale
- . 3g are the best option to keep kids playing football throughout the year...
- . The pitch/ pitches have been needed for years . As has the changing facilities needed demolished/ upgraded.. Blackburn
- have shown how well it can work for the Community.
- A facility which is generally an all weather facility never goes wrong in the development of young footballers
- It's a fantastic place for sports, for both young & old.
- Teams struggle with pitches and there is never anywhere to play, 3G pitches can also be played on in bad weather
- Smaller towns and villages within west lothian already have more than 1 3G facility. Armadale as a growing community
- within west lothian surely should have similar capital investments whether a community group should be left with the financial burden of making the facility pay is anothet matter.
- I would support this 3G to give the ever growing community of Armadale the best chance of developing kids into talented footballers
- I would like to see this new 3G pitch go ahead as it would fully benefit the footballing community. My son plays for 1 of
- the Armadale teams and we are travelling to Fauldhouse twice a week for training and also 'home' games are played there aswell. I feel that if you play for your home town team then you should play and train in that town. Hopefully they get the green light for this! I will look forward to hearing the outcome.
- My son plays with one of the Armadale community football clubs and at times the 3G at the academy can be really busy.
- A new 3G pitch gives options to the coaching staff of the clubs .
- Participation in sport has many advantages for young kids. To gain maximum benefit from participating requires top quality facilities.
- Almost £1m on a sporting facility which is used by a fairly small proportion of the population when Council Tax is being raised way above inflation for everybody seems somewhat unnecessary.
- I support the decision as it is essential for the wellbeing of our children to be provided good amenities to support and

encourage them into sport. Scotland is severely lacking in sportspeople & providing a healthy environment for our children. Good facilities will help promote sport.

The facilities will probably mean visitors to the town for different events too boosting the local economy - visitors are likely to use local facilities for food/drink/essentials.

- Armadale does not have enough football facilities to accommodate the teams in Armadale just now for both playing and training so there is a definite need for more
- ⁻ It will great for all the kids to use including my boys
- I fully support this proposal, I feel that these facilities will raise the attainment and fitness of young people living in the local area.
- For a town like Armadale, this would be an ideal opportunity to bring the kids and adults teams together as a community. The school facilities are good but the kids have been let down by those running the facilities there in recent times Armadale needs more pitches, my son plays for 2010s and the have to play in bathgate
- Both my sons play football 2006's and 2012's, we are in desperate need for better facilities to help them grow.
- ⁻ Be grateful for the young kids in local area
- More support for the clubs
- No budget and already a 3G pitch at academy
- We need to continue improving the town & create better & more facilities people can use for fitness, sports. These
- places give people a sense of community.

This is a great community football club

- Think it would be good for all the local teams
- A facility that can be utilised throughout the year will bring Armadale many benefits. The present 3g at Armadale Academy
- is over subscribed and therefore it makes perfect sense to support ACFC in this move.

The community needs this facility

- My son has played for an Armadale team for 5 years... we live in fauldhouse an travel here. This would be so good for
- youth football and armadale

It would b great to have our own facility at least pitch fees would go direct to community club rather than paying academy

Much cleaner than current field. Great place for groups to meet and for children up make use of.

- As a coach of 1 of our local youth teams I support this proposal as a town of Armadale's size are in much need of a new 3g
- sports pitch as we just don't have the facilities to cope with all the local teams to play football and think it would be beneficial for the community.

If you need to pay to use it then why is it a community project? Who's going to maintain it? There's a 3G pitch in wester

- inch that's free to use.

My child is a member of an Armadale team which currently trains in Fauldhouse as there are too many teams to fit into the - schedule with current facilities.

The community and town does require this facility and has done for several years. 3G enables games to be played in the - winter that would otherwise be called off due you winter weather.

This new pitch would also be a revenue generator for the community with teams paying use the facility for training and for games. I am firm believer that 3G pitches are the way for forward for our youth to develop their skills. The surfaces are improving all the time and with this may players and teams in the community it is only right that the town has our own facility.

Broxburn and Blackburn are excellent example of what can be done. The facilities are great and are long overdue in Armadale.

I feel this is a great opportunity to give more children the opportunity to play sports keep them active and healthy

- alongside learning new skills. It will also boost the community spirit and may even start gathering more teams.
- A town the size of Armadale should have this type of facility. As part of a local youth football team, I see facilities other
- towns have and Armadale is currently lagging behind. I think it would encourage other kids to take part.

My son plays football with Armadale under 16s and we definitely need more facsilities for the games as we don't have

- enough for all the teams.

Trying to keep kids at this age into football is a challenge especially with all the other distractions they have nowadays. A 3 g ouch would serve our town greatly and is so much needed.

I support the clubs proposal because it's for young teams to get out and do what they love

I play for Armadale blacks fc 2005 and we need a better pitch

- I play for Armadale blacks fc 2005 and we need a better pitch
- Community needs it
- more opportunities for teams etc.
- I think it will benefit the full town.
- . This is a good idea because it is right in the middle of Armadale and the high school 3G pitch wouldn't get used as much. So many ways the money could be put to better use
- . It will keep people active
- _ Because it's a great team and would be sad to see it not have this
- Synthetic pitches cost less to maintain in the long run. They are also high performance
- As a parent and coach involved with ACFC I know how much this facility will benefit local kids. 3G pitches allow kids to play when weather takes its toll on grass surfaces.

Cause it's gettign rid of nature

- Any facility which encourages youngsters to be involved in sports would be welcome. The ACFC's proposal would certainly
- provide something more visible for the amount of money being spent, benefits youngsters and perhaps brings visitors in to Armadale which I am sure the shops etc would appreciate
- All weather pitches are the way forward 3g has an estimated life span between 15 20 years frees up council employees
- from cutting grass on a daily basis .games are very rarely cold off. And income being made from the rental.

I do because it will be good training space

- . Consideration must be given towards a fully costed out maintenance programme to ensure the 3g pitch remains in
- excellent condition throughout the lifespan of the pitch. The lifespan of a properly maintained 3g pitch is at best 10 years but depending on usage this figure can be significantly reduced to around 7 years. Consequently, a futures fund to replace the pitch at the end of its lifespan needs to be fully considered.

Effective security fencing will need to be installed to prevent the pitch and facilities being vandalised as petty vandalism can be an issue in the town.

Theres lots of kids that would benefit from this. Hopefully improving our youth football teams.

- I think this should happen because I need to walk a longer distance to get to the 3g at the academy
- I have a son who plays 11 aside at present and another son who will 8n future and very limited places in Armadale for
- them to play 11 aside

More matches would be able to be played when the weather is bad

- This would be an excellent opportunity for more people to be able to take part in physical activity. From young children to
- older adults, many would benefit.
- It would be great to see the park brought back to life and more people use it.
- I think would be great for the local community. We have very little for all the local football teams, when you go to other
- towns they have great facilities.
- It would be a great asset for rhe football clubs in Armadale and also for the kids....
- I support this as it would bring another activity for both children and adult to do for a fun day out or just a kick around. I
- support them because they deserve it.
- It has better grounds
- It makes a bit for people to come play football
- _ A more robust playing surface for the increasing numbers of players using it in the future.
- . We need to have one for lots of reasons for football pe kids playing
- Its a good thing for the whole community and allows a place for people to go and play football.
- Would benefit all who use it hugely
- Will be used to it's full effect
- Would look better and more modern
- _ This would greatly improve Armadales football heritage.
- It would also be cost effective as hire monies would not only help with the upkeep. But would also be an investment for West Lothian Council.
- . Great for the community
- _ Beneficial for full community
- It would be valuable and much needed assest to the coaches and players currently within Armadale Community Football Club. In addition it will be a fantastic asset for the wider community in both Armadale and West Lothian in ensuring that young footballers of all ages have the opportunity to be involved in a large community club and to also importantly enhance their health and wellbeing by allowing them to participate in a positive sporting activity under the control of qualified coaches. The community club is run very well and the facility would be looked after accordingly.

My son has been part of the club since aged 10 and he is now 17.

- I have 2 children who play for the Armadale community club and I'm also a foster Carer who's children enjoy the club as well there are so many Armadale teams they should have there own 3G facility just like Blackburn.
- I do support it because there are lots of football teams in the area and lots of young people playing football games . There needs to be proper facilities to get changed , toilets etc and to be able to welcome opposing teams to our town . I think it would be a fantastic facility and would be well used .
- 3G pitches seem to be the best surface option for the Scottish climate and cause less game cancellations than grass pitches.
- Armadale has a growing community and needs facilities to best benefit it's needs now and for future generations. Every
- other community this size is getting the 3 g and there's plenty teams in the town struggling to find somewhere to play and train
- The clubs growth and ability to provide football for future generations depends on a new facility.
- Great facilities for football teams to benefit from using.
- Somewhere for kids to be kept busy instead of causing trouble.
- I support the proposal , it would allow and encourage more kids to enjoy sport and help keep them healthier and fitter . A growing town like armadale should have this kind of facility

This would be an invaluable asset to the community and will promote a healthy living style.

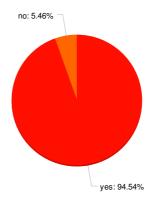
- My son plays for under 16 just now and we have been hoping for better facilities for a few years now so would be good to
- have something in place for younger teams coming up Great for all the boys in the area.
- Armadale Bowling CLub do agree we must do everything to help our young people. Even looking to the future and doing
- the same at our park bearing in mind all the new builds in this area.
- 3. 3. Do you agree that the site of the existing 11-a-side grass pitch at Watson Park, North Street, Armadale (shown outlined in the red on the plan provided) is a good location for the proposed new 3G sports pitch? *

Number of participants:

293

277 (94.5%): yes

16 (5.5%): no



4. 4. Please provide comments as to why you do / do not agree that this site is a good location for the proposed new 3G sports pitch.

Number of participants: 165

- There is a large amount of ground to provide a new facility with good parking and access. It has a good central location which would be accessable for the primary schools to use if required.
- The site is in a great location which is well known for football, it has a good patlrking facility and is easy for anyone to get to.
- Great central location, good parking and would regenerate the current area
- It's in a good central location with many options for parking

- I would say that it's not the best grass pitch avail and to upgrade to 3g where it can be played on most weather is a better idea
- Great location for this facility.
- I think this is a good location as it is easily accessible.
- It's already been a local football ground so known to all
- Perfect location in the heart of the town
- It is centrally located with good access for the community.
- Good access and better parking
- . Easy access to the site is key and parking facilities should be made adequate enough for players and spectators.
- The north end of the current park should be used for the new 3g pitch and the existing grass pitch should be kept. The more pitches for sports, the better for the community.
- I think it is because it is a central location, with good road links nearby for visiting teams. As is vommon with local parks, it could (and should) be maintained to a better standard. But with government cash constraints, this probably not going to happen. But it remains a good venue for the football team.
- Easy access to this area and decent space for spectators
- Same as above
- Will the new pitch be fenced off? How will the new pitch affect the delivery of Gala Day?
- I think this is a good site because Armadale was a lot of young players. There is a car park next to the pitch and it is already used as a grass football park. It would be good to be able to use it in all weather.
- Is in a good location for local teams to use, although consideration to resurfacing the parking area would also be beneficial and subject to available budget.
- Great location
- Location excellent with parking facilities
- Near the excite sports facility and central location
- There is parking at this facility and the area currently cannot be fully utilised by the community due to the condition of the current grass area. At present this attracts youth to the area causing social disorder. This would help prevent this issue. It is an area that will not directly affect local housing or business.
- As said above this site could be used for for I have highlighted skate / bike ./ playpark for ALL kids not " just a few "
- I think this is an area that needs to be used to the best it can be, it already has an access road, parking, close to the
- centre of the town.
- Allows for existing areas of the park to be used for non football activities going forward.
- Ideal location for this facility, accessible for people in the area, and also great as it already has shelter from any wind.
- Ideal location. Available to all and near bowling green and children's park. A social venue.
- The location is ideal as there is already parking facilities there and is close to other recreational facilities.
- Its a perfect space. Currently a grass putch which doesnt suit the needs of our teams and 3g would be much better all year round.
- This is an existing football pitch area therefore not taking away any further green belt areas. It's central to the town centre.

Possible problems would be parking.

Food for thought there is talk of building a new school in this area too. Couldn't the 3g be used for the school also and save on playing field provision and cost for the school, also couldn't the changing facilities be part of the school and again being used more often and saving overall the cost for both the AFCC and education.

Perfectly situated and in need of upgrade, even Judy Murray tweeted WLC to act on the lack of facilities in the town for

Because it is replacing a old pitch which means that it isn't using up land which other things can be built on.

- Easy access and parking.
- It's in street view
- It is not too far from town centre so when visiting teams are playing there it will generate income to local businesses. As
- there replacing it with all weather and better faculties
- Yes that's a good location but next to Armadale academy would be better as away from main area and not so central for
- vandalism xx

It's already being used for sports so it makes sense to continue to use it for this purpose.

-

- Space which isn't used often and good parking facilities close by to allow more people to make use of the area!
- It's easy to find; close to the community centre
- It's very central within the town & will provide ample parking spaces with minimal disruption to the local community. As
- long as there is cctv as to much crap has been going on
- Easy access off Main Street, plenty space to have it there
- . There is plenty of ground down that way.
- _ Central location and necessary space
- It's central to the town and has some level of parking facilities. the current grass pitch can be in a shocking condition at times and is not fit for purpose.
- _ Existing location so limited change to local residents.
- _I assume this 3 G park would be fenced off meaning a reduction of around 50% green space for all other users of the park, this is unfair and unacceptable.
- . The current pitch is not secure and used by dogs for a toilet
- Watson park is in the centre of the town & an ideal location. There is some parking nearby which will also help. Where would the gala day tents etc be located if it is placed here?
- I agree on the location because it is central and there is room to improve for parking
- Watson park is currently a well used facility. Any 3G surface should be built in addition to the facilities already available at Watson Park.
- Will this be a secure area so no damage can be made to the park?,
- Having been involved in amatuer football for many years Watson Park has taken severe punishment from hosting the travelling shows and it not fit for kids or adults to participate in a technical standard of football. The ground is severely uneven and the drainage is non-existent meaning that for many months of the year no sporting participation will take place. Having an artificial pitch will mean that this can be used all year round which will increase traffic to the area and help support the local business's around the area.
- The area provides space for further development, transport links are suitable with parking nearby.

 As for comments on the gala day, we are talking about one day a year against 52 weeks use. Other places in the town used before for galaday as well as others available, dog track etc
- The area is already being used for football but is quite boggy therefor the 3g option may be a better option. I hope that this does not encroach on the show park at the bottom. I think the car park and paths will need to be upgraded also. It's already used as s sports venue
- ⁻ It's a good central location within the town.
- ⁻ Central within Armadale and easily accessable with on-site parking
- It is in a good area as the school changing facilities are close by and there is parking available
- It is central to the town and I feel to spend money improving drainage is a waste or time when the 3G would be of more
- benefit.

Easy access, middle of town, next to play park, perfect

- It is a good location for it because the grass pitched there are terrible and bumpy
- It is already used for football therefore no facilities are being lost.
- It seems an ideal opportunity to upgrade what's there already.
- This area is also used by dog walkers and the pitch will interfere with available space when the shows and tents go up for
- the Galaday

Perfect location as park is already used a lot

- Security will be an issue
- It has ease of access and is not directly in a housing estate.
- It's a very large area currently under utilised perfect for this development. There is parking nearby which may need to be
- increased. Its not in the towns main street but close enough that hopefully it will generate some extra income to the local shops also.

I think its a great site for the proposed as it is very central and an area that isnt used as much as it should be.

- There is so much space here a 3G and several 7 a side pitches could be added on the remaining grounds to increase the
- use from the facilities on site, potentially there could even be a 11 a side grass park here also

Watson park is an ideal place for a new pitch, it wouldn't take much to upgrade the parking next to the tennis

- courts (which never get used)

It has good access and a lot of space around the pitch which could also be used in good weather.

- Ideal right in the centre of town.

-

Good location and easy to find for travelling teams .

- Excellent area
- Nice and central easy to find
- Location is good and away from the town centre Helps with the traffic
- Easy to get access to it, close to town centre with nearby amenities
- I really think all this space is the perfect place for a new 3G pitch there is so much space down there and it's in a great location!
- Excellent central location
- This pitch is in an ideal location with ample parking as well
- We also have another park up at Bathville, which could be used. The moss area is always forgotten about. Except being used as a large toilet for dogs!
- The grass pitches tgere are not used and are not the best
- Great location for the community
- This site will be ideal for a new 3g pitch to compliment the existing facilities
- Good location with other facilities around,. Still plenty room at park for galaday with partnership centre and volunteer for galaday.
- Losing the current grass pitch I personally don't think is much of a sacrifice, given it ranks pretty low in the table for the grass pitches in Armadale & I don't think is used as much as the others.
- It's a good location because there is also changing rooms aswell
- It's in a central location for people to access and easy to get to
- I think it is a good location as it is very easy to get to, it also has good parking at the location and the centre in next to it for the toilets cafe etc
- Just just think it's good for all
- If there is a possibility of building a new School in the Area in the future it can work on all counts.
- Watson Park is the hub of Armadale Annual Childrens Gala Day and activities that take place during the Gala week and on the day itself may not be compatible with a 3G pitch. Wood Park is a worthy alternative
- It's a good site because it's a good size and a location that is easily accessible to all
- To be honest there are no other viable options .. why were so many armadale pitches shut down by west lothian council .namely st anthonys ash floidlit pitch .nelsons pitch and drove road pitch the watson park kick pitch, the community also lost a cricket pitch to housing , who agreed to the closure off these facilities .
- Great central place for 3G pitch replacing tired grass pitch
- It's a good location as it is quite central in the town plus it is just across the road for the Armadale Juniors park!
- It's a substantial piece of land which is bit more protected from the weather than the academy.
- Parking on North Street around Watson Park already causes significant congestion for road users on this busy section of road including busses.
- Perfectly close to the Partnership centre
- The area is not being utilised to its full potential and by upgrading it I think it would be well used. It is also in a good part of the town and is easily accessible
- Perfect area for all parts of Armadale to get access
- It can become a hub area for sports and recreation.
- Good location, but could do with more parking. Please factor that in
- Good location as it's a big open space
- It's a perfect central location for the town
- Great location or next to Armadale Academy would also be good.
- Heart of the community
- . Whilst I disagree with the building of a 3G pitch being funded by the council, I cannot disagree with the location
- . It would be nice to keep it near the sports centre / community centre. I'm
- Sure the Southdale end of town will grow in other ways.
- I think its a good idea also generate some income for hire .
- Although I prefer grass pitches, Watson Park has and always will be poorly maintained and open as a public thoroughfare.

 A fenced off facility would be a significant improvement.
- This is a good area and great location.... currently a bit bumpy as a playing surface but after development this would be great

- Great location but for the cost I still think more could b done for the money that's available also hope this will b floodlit area
- Suitable area
- Fantastic location centre of town with easy access.
- Clear space for it. Easily accessible.
- The pitch has been a football hub for teams in Armadale. It is the perfect size and has parking options. There is the opportunity develop around the pitch also. I can think of no other location in the town that would suit this that already has sufficient infrastructure to accommodate a new 3G facility and the required parking facilities.
- I feel this is very easy to get to for not only local kids but also for travelling teams. It gives enough space for spectators and would minimise traffic nearer the town centre.
- I think there is a lot of wasted land at Watson Patk.
- Easy to find for away teams, easy accessible for the public, near town centre and community hub.
- I thinks it's a good place for the pitch to be placed because there's a lot of space
- There are no easy access points and no place for parking
- As it would be good to have somewhere to play in the winter
- . That pitch isnt used often
- _ easy to locate
- It is a central location in the town
- It is accessible
- Because then they have better grounds to play on
- Because if a grass pitch is fine there, then so is a synthetic pitch
- I just don't
- Central location, fairly easy access. Hopefully a provision for parking will be included. Possibly the site of the existing wooden garages could be turned into a car park. Very few of the garages seem to be in use and the ones that are in use could possibly be relocated to one area.
- The pitch is in the centre allowing dog walkers and the community the use of the surrounding areas.
- Because it's big space and good location
- Watson Park is probably as good a location as any to place this facility. However, it is worth noting that the park is located on the site of a former quarry plus there were numerous pits located around this area which means the whole area is subject to subsidence. The park also backs onto an area of moss land which during prolonged periods of inclement weather can see significant flooding on the current pitch especially as the pitch sits lower than the level of the moss. The modular changing facilities could be a suitable solution as a concrete plinth maybe required to counter any issues associated with subsidence with regard to a more permanent pavilion. An anticipated lifespan of 20 years means that the replacement of the modular facilities would need to be considered within a futures fund to allow the structures to be replaced at the end of their lifespan. In addition the current access from McNeil is clearly adequate as the street is quite congested at this point in time. Therefore a new access route from North Street may be required.

Because this grass pitch is no good for kids football its used for everything other than football.

- because armadale dosent have great facilities x
- Lots of room
- Since this is already an area where football is played, i see no problem in the new 3G being built in the same place. It is
- also easily accessible to the wider public and is an excellent meet up point for friends.

A good location with a grass pitch next to it.

- It is a very central location for all teams to use.
- Great site as its near the centre of Armadale and has easy access....
- This would be a good position as the football pitch here is in desperate need for renewal and would be a substantial upgrade so the community could play in whatever weather.
- Because waston park is a good place to place the 3G pitch.
- The location of the pitch was never in question.
- Very local
- Its empty and not being used. Its easy to find and can be accessed by all.
- Not close to any main roads

Won't be distrusting anything

Accesssble parking

- More accessible

- The site is away from immediate local housing and has parking availability next to the pitch for game days. It is a large enough area to build a 3g facility and would replace a current grass pitch which is currently not fit for purpose due to its surface. In my opinion an excellent location. It is unfortunate that the local Armadale Thistle junior football team have not considered this as a joint option.
- It looks in the first instance to be a good location but so not know the proposals well to make an informed judgement on impact to housing/local residents.
- This is a good central area with parking and still leaving the top end for the galaday gayer.
- It's the perfect area, there is still plenty of space for grass pitch around it.
- Since this is the site of the existing pitch it makes sense to site the proposed new 3G pitch here. It has easy access to a car park and the current location of amenities whilst leaving a large section of grass untouched for local use.
- ⁻ Park facilities all there
- ⁻ A good central location in the town.
- Down beside the grass pitch
- I agree because Watson park needs to be modernised to give kids the opportunity to take part in sport
- Traditional area for sports in the town with an upgrade. Allows a safer and all season surface to be used.
- Local and easy access
- I think this site is very central



COUNCIL EXECUTIVE

LEASE OF 9 SCHOOL LANE, MID CALDER

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval for a three year lease of 9 School Lane, Mid Calder to Abby J's Cakes.

B. RECOMMENDATION

It is recommended that Council Executive:

- 1. Approves a new three year lease of 9 School Lane, Mid Calder to Abby J's Cakes (Chris and Gillian Liddle) at an initial rent of £8,400 per annum.
- Authorises the Head of Finance and Property Services to agree to any changes required to the current terms in order to conclude the transaction, on the basis that any revised terms and conditions still represent best value for the council.

C. SUMMARY OF IMPLICATIONS

| I | Council Values | Being honest, open and accountable and making best use of our resources; | | |
|-----|--|--|--|--|
| II | Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | Local Government (Scotland) Act 1973 and the Disposal of Land by Local Authorities (Scotland) | | |
| III | Implications for Scheme of Delegations to Officers | None. | | |
| IV | Impact on performance and performance Indicators | Will contribute to the council's annual budget for rental income. | | |
| V | Relevance to Single Outcome Agreement | Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business | | |
| VI | Resources - (Financial, Staffing and Property) | The annual rent received will be secured for three year. | | |
| VII | Consideration at PDSP | Not Applicable | | |

VIII Other consultations

A copy of this report has been provided to the local elected members for information.

D.1 TERMS OF REPORT

The Council Executive approved 9 School Lane, Mid Calder as surplus at the meeting on 6 March 2018, with the intention of securing an income producing lease of the building and preserving community access. The location of the property is shown highlighted on the plan attached.

The property was marketed and a closing date set, with the highest offer accepted for a hairdressing business. However, the transaction did not conclude as the prospective tenant pulled out following local objections received as part of their planning application for change of use.

The property was remarketed and following interest from a number of enquirers a closing date in January 2019 was set with four offers received.

D2 Offers Received

Officers have carefully evaluated all offers received and information on the two highest offers received in terms of rental are outlined in the following sections.

D2.1 Proposed Offer for Acceptance

The offer proposed to be accepted is from Abby J's Cakes, who intend to use the property as a café and cheesecake shop. The company has advised within their submission that they are committed to enabling community access and events by utilising the hall and group space in a multi-function manner. The changing rooms will continue to be made available for use by the Mid Calder Colts.

The proposed use will require minimal works to be undertaken to the property to enable use as a café and cheesecake shop whilst remaining suitable for community use.

The lease of the subjects is proposed on the following terms.

- 1. Lessee: Abby J's Cakes (Chris and Gillian Liddle)
- 2. Initial Rent: £8,400 per annum (excluding VAT)
- 3. Use: Café, Cheesecake Shop and Community Use
- 4. Lease Term: three years.
- 5. Lease commencement date: To be agreed between the two parties.
- 6. Each party is to meet their own legal costs.
- 7. Repairing obligations the lease will be on a full repairing and insuring basis, with the tenant being responsible for all repairs to the property.

8. Other conditions -

- a. Whilst it was not a criteria for offers, the proposals from this party will involve minimum changes to the current building layout
- The continued use by Mid Calder Colts will be enabled (subject to normal council letting charges and let conditions being applied if appropriate)

Officers believe this offer represents best value for the council taking into account all circumstances. Whilst it will not achieve the highest rental it would preserve the current building layout which reduces the risk of future liabilities for the council and also enables use by the community.

D2.2 Other Offer

The highest offer in terms of rental proposed is from an established company. However, research as part of the business plan appraisal process identified associated companies that have been subject to debt actions. This offer also does not provide a commitment to enable community access beyond that of Mid Calder Colts. Due to the historic nature of the property if circumstances resulted in business failure the council could be exposed to substantial reinstatement work costs.

The proposed offer from the party concerned was on the following terms.

- 1. Proposed Lessee: Name Withheld
- 2. Initial Rent: £10,200 per annum (excluding VAT)
- 3. Use Beautician and Therapy Centre
- 4. Lease Term: three years, with possible extension to five years.
- 5. Lease commencement date: To be agreed between the two parties.
- 6. Each party is to meet their own legal costs.
- 7. Repairing obligations the lease will be on a full repairing and insuring basis, with the tenant being responsible for all repairs to the property.
- 8. Other conditions
 - a. The continued use by Mid Calder Colts will be enabled (subject to normal council letting charges and let conditions being applied if appropriate)

As part of the proposal significant internal alternations would be required to form treatment rooms and ancillary accommodation. The council's consent to the alterations if this offer were to be considered further would be predicated on the basis of a substantial reinstatement bond which would be prohibitive to the business plan submitted.

E. CONCLUSION

It is considered in the council's best interest to enter into the three year lease at 9 School Lane, Mid Calder to Abbey J's Cakes (Chris and Gillian Liddle) on the basis of the terms outlined in this report.

F. BACKGROUND REFERENCES

None.

Appendices/Attachments: Location Plan

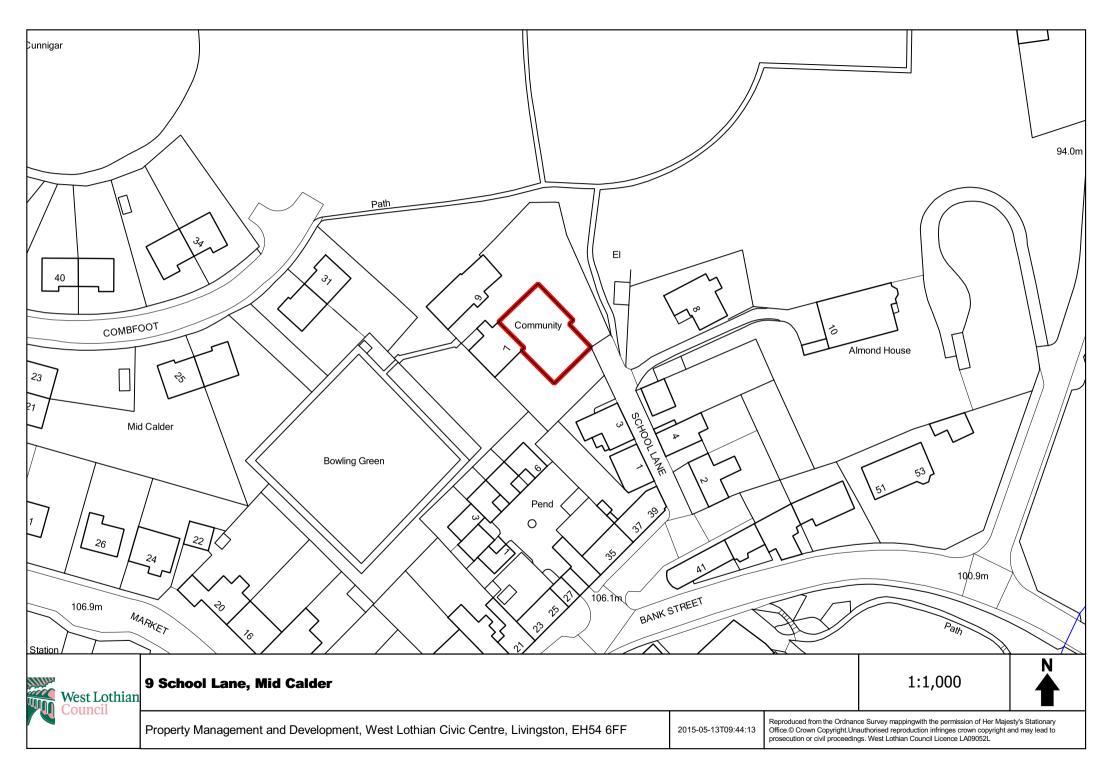
Contact Person:

Hannah Sturgess, Commercial Property Surveyor, Property Management and Development

Email: <u>Hannah.Sturgess@westlothian.gov.uk</u> Tel: 01506 283405

Donald Forrest, Head of Finance and Property Services

Date of meeting: 26 March 2019



DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

WEST LOTHIAN LEISURE 2019/20 FUNDING AGREEMENT

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

This report seeks Council Executive approval for the 2019/20 Annual Funding Agreement between West Lothian Leisure (WLL) and West Lothian Council.

B. RECOMMENDATION

It is recommended that Council Executive:

- 1. Approves the 2019/20 Annual Funding Agreement for WLL.
- 2. Notes the terms and conditions set out in the agreement for all funding to be paid by the council to WLL.
- 3. Notes the updates made to the Annual Funding Agreement.
- 4. Notes the updates on WLL's Three Year Plan and 2018/19 financial performance.
- 5. Notes that the 2019/20 Funding Agreement will be reported to the West Lothian Leisure Advisory Committee on Thursday 28 March 2019 for information.

C. SUMMARY OF IMPLICATIONS

| I | Council Values | Focusing on customers' needs, being honest, open and accountable, making best use of resources, working in partnership. | | |
|-----|--|---|--|--|
| II | Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | Local Government (Scotland) Act 1975, Section 90: Following the Public Pound. | | |
| III | Implications for Scheme of Delegations to Officers | Authority for agreeing minor changes to the management fee for WLL is delegated to the Head of Finance and Property Services. | | |
| IV | Impact on performance and performance Indicators | The council funding for WLL enables the provision of a range of cultural and leisure services. | | |
| V | Relevance to Single Outcome Agreement | Effective prioritisation of resources will be essential to achieving the targets contained in the Single Outcome Agreement. | | |
| VI | Resources - (Financial, Staffing and Property) | The council is providing WLL with core funding of £2.943 million in 2019/20. | | |

VII Consideration at PDSP None.

VIII Other consultations Education Services.

Ongoing discussions with West Lothian Leisure.

D. TERMS OF REPORT

D.1 Introduction

The updated Annual Funding Agreement between the council and WLL sets out the agreed management fee to be paid to WLL by the council for 2019/20. The agreement is attached in appendix 1. It details the terms and conditions for payment of the management fee, including provision of services by WLL in accordance with the Service Agreement.

The 2019/20 agreement outlines monitoring and scrutiny of the financial performance of WLL by the council and covers termination and disputes, insurance and indemnity and governance.

D.2 2019/20 WLL Management Fee

The 2019/20 WLL Management Fee is £2.943 million and is the fee paid to WLL for the provision of sports and leisure services within West Lothian in accordance with the Service Agreement.

The management fee includes £87,463 to support curricular swimming and £220,000 for landlord maintenance.

The management fee will be paid quarterly in advance, subject to the terms and conditions set out in the Annual Funding agreement being met by WLL.

D.3 Updates to the Annual Funding Agreement

As agreed previously by Council Executive, to further support WLL in achieving their three year financial strategy, council officers have discussed with WLL a proposal to reschedule the debt paid by WLL through self-financing. Total repayments due by WLL to the council will not change, instead, the total debt has been combined and it is proposed that this total debt will be paid back in equal instalments each year by WLL. This will result in no change to the total overall repayments due by WLL to the council but will provide for reduced repayments for WLL over the period of the three year financial strategy. This proposal was approved by the WLL Board on 28 February 2019 and has been taken into account in calculating the proposed management fee for 2019/20.

The management of sport and leisure facilities within the three PPP1 high schools (Bathgate, Broxburn and Whitburn) was due to transfer to WLL on 1 April 2017. The process to gain permission from the PPP1 operators to complete the transfer is still ongoing. As such, the income budget for the three schools has been removed from the management fee, increasing the amount to be paid to WLL. The council continues to manage the sport and leisure facilities at the three schools.

D.4 WLL 2018/19 Financial Update and Three Year Plan for 2019/20 to 2021/22

WLL have forecast a surplus position of £264,000 for the 2018/19 financial year. WLL have provided an update on the savings measures for 2018/19 with WLL confident that the savings will be achieved.

The surplus has increased by £214,000 when compared to WLL's previous financial report, which can be attributed to forecast membership income increasing and

forecast staffing, energy and irrecoverable VAT costs decreasing.

The 2018/19 cash position is being monitored closely with ongoing discussions between WLL and the council to ensure risk is kept to a minimum.

On 28 February 2019, WLL's board approved a detailed balanced budget for the 2019/20 financial year, with the WLL Financial Plan for the period 2019/20 to 2021/22 having been approved at its previous meeting on 13 December 2018.

Progress continues to be made on the delivery of WLL's Three Year Plan with the board having approved the price increases for 2019/20 at their meeting on 28 February 2019. Monthly monitoring of all initiatives is planned by WLL, allowing for a quick reaction to any underperforming areas.

E. CONCLUSION

The updated Annual Funding Agreement between WLC and WLL sets out the agreed management fee to be paid to WLL by the council for 2019/20. This details the terms and conditions to be adhered to for payment of the management fee, including provision of services by WLL in accordance with the Services Agreement.

The 2019/20 agreement details monitoring and scrutiny of the financial performance of WLL by the council and covers termination and disputes, insurance and indemnity and governance.

WLL's board have approved a detailed, balanced, budget for 2019/20 and progress to implement WLL's Three Year Plan continues to be made.

F. BACKGROUND REFERENCES

West Lothian Leisure Financial Plan update - Report by Head of Finance and Property Services and Head of Education (Learning, Policy and Resources) to Council Executive 4 December 2018

West Lothian Leisure Four Year Plan 2019-20 to 2022-23 - Report by Head of Finance and Property Services to Council Executive 11 September 2018

Update on West Lothian Leisure Financial Position 2017/18 and 2018/19 - Report by Head of Finance and Property Services to Council Executive 26 June 2018

Performance Reports to WLLAC in 2017/18 and 2018/19

Appendices/Attachments:

Appendix 1 – Annual Funding Agreement between WLC and WLL

Appendix 2 – WLL Financial Reporting Arrangements

Contact Person: Esma Brownlee, Accountant Email: esma.brownlee@westlothian.gov.uk

Tel no: 01506 281285

Donald Forrest Head of Finance and Property Services 26 March 2019 **DATA LABEL: OFFICIAL - SENSITIVE**

Appendix 1

Annual Funding Agreement Document

Between

West Lothian Council

And

West Lothian Leisure

For the provision of facilities for recreational, sporting, cultural and social activities in terms of sections 14, 15 and 16 of the Local Government and Planning (Scotland) Act 1982.

1 April 2019 to 31 March 2020

ANNUAL FUNDING AGREEMENT DOCUMENT

FOR THE DELIVERY OF

RECREATIONAL, SPORTING, CULTURAL AND SOCIAL ACTIVITIES

Between

WEST LOTHIAN COUNCIL established under the Local Government etc (Scotland) Act 1994 and having its principal offices at West Lothian Civic Centre, Howden South Road, Livingston, West Lothian EH54 6FF

And

WEST LOTHIAN LEISURE a company which is a Scottish charity (Scottish charity number SC027470) incorporated under the Companies Acts (company number SC543017) and having its registered office at Xcite Bathgate, Balbardie Park, Torphichen Road, Bathgate, West Lothian EH48 4LA

1. MANAGEMENT FEE

- 1.1 The council agrees, subject to the terms and conditions set out in the Agreement, to pay the management fee to the West Lothian Leisure (WLL) in consideration for the provision of services by WLL in accordance with the Services Agreement.
- 1.2 The management fee due in respect of each financial year shall be payable by the council to WLL quarterly in advance, in four equal instalments, subject to receipt by the council of a valid VAT invoice issued by WLL relating to that element of the management fee. The 2019/20 management fee is shown below:
 - The council will pay £2.943 million in 2019/20 for services in relation to the WLL's role
 in utilising its professional management and leisure skills to manage the council's
 sport and recreational facilities on its behalf and for the outcomes and services
 detailed in the Service Specification.
 - The management fee includes a contribution towards the cost of the following specific projects in 2019/20:
 - Learn To Swim Plus programme (£87,463)
 - Landlords Capital Maintenance (£220,000)
- 1.3 The sum will be reviewed in advance of each subsequent financial year, and a management fee will be agreed by the council as part of the council's revenue budget for the year ahead.
- 1.4 Authority for agreeing minor revisions to the management fee with WLL is delegated to the council's Head of Finance and Property Services.
- 1.5 In the event of there being any overpayment by the council for any reason, including where it has been determined that the council has over-compensated for provision of services, the council shall be entitled to recover any sums due either by repayment by WLL to the council or by deduction from future sums due by the council to WLL under this or any other agreement between the parties.
- 1.6 WLL shall keep secure and maintain until two years after the final payment of all sums due under the Agreement, full and accurate records of all expenditure incurred by the

WLL in its performance of those services, and of all payments made to it by the council, by service users or by third parties in that regard.

2. 2018/19 ADDITIONAL FINANCIAL SUPPORT FOR ONE-OFF STAFFING COSTS

- 2.1 The council paid WLL £270,000 of additional funding in 2018/19 to cover one-off staffing costs required to deliver the 2018/19 savings, as agreed by Council Executive.
- 2.2 WLL will repay the additional funding, to cover one-off staff costs, in eight equal annual instalments commencing in 2020/21 and ending in 2027/28, via a deduction to the annual management fee.

3. RESCHEDULING OF DEBT PAID THROUGH SELF-FINANCING

3.1 As part of the 2019/20 funding agreement, the council has rescheduled debt due to the council from WLL, paid through self-financing. Total repayments due by WLL to the council have not changed, the total debt has been combined and will be paid back in equal instalments each year by WLL starting from 2019/20.

4. MONITORING

- 4.1 The council is obliged to set, and thereafter monitor and control, the amount of management fee paid and/or payable by the council to WLL.
- 4.2 WLL will maintain financial records in relation to work planned and undertaken and will provide the following financial information to the council on a regular basis:
 - Forecast trading account and balance sheet
 - Projected Cash-flow for the remainder of the financial year
 - Key assumptions used to complies forecasts
 - Update on key risk areas e.g. income generation from memberships
 - Material movements from previously reported position
 - Potential impact of the projected financial position on the council
- 4.3 Generally this reporting will be two monthly in line with committee timetables, to allow a separate finance report to be prepared and presented to the West Lothian Leisure Advisory Committee by the council's Head of Finance and Property Services. Council Executive revenue budget monitoring reports at period 4, 6 and 9 will contain a specific section on WLL to give an update on financial performance.
- 4.4 An annual timetable will be provided to WLL by the council prior to the start of the financial year confirming when the financial information will need to be submitted. Timescales will be in line with the approved committee cycle meetings of the West Lothian Leisure Advisory Committee.
- 4.5 The annual timetable will include the requirement for WLL to provide a detailed and balanced budget for the following financial year and the requirement for longer term budget strategy to ensure financial sustainability of the organisation.
- 4.6 The annual timetable will be updated as required to reflect any conditions agreed by Council Executive.
- 4.7 WLL will submit to the council as soon as possible, but not later than mid September each year, its annual report and accounts audited by a qualified accountant, and will allow inspection of its accounting records by officers of the council if requested, within 14 days notice of receiving a written request to that effect.

- 4.8 Financial performance will be reviewed in depth on an annual basis. The annual review will build on the regular meetings of the council/WLL review group and liaison between the liaison officers. This review will use the WLL final accounts and related audit reports.
- 4.9 WLL will demonstrate, to the reasonable satisfaction of the council, the existence and implementation of internal quality assurance systems to ensure effective working practices and robust financial systems are in place and appropriate to the standards required by the council and the needs and wishes of the service users.
- 4.10 WLL will demonstrate, to the reasonable satisfaction of the council, the existence and implementation of budgetary control processes which enable effective monitoring and quality financial control of the Service.
- 4.11 When requested by the council in writing, WLL will provide in a form agreed with the council, all and any information and documentation relevant (and no matter in what form that information is stored), in the reasonable opinion of the council, to demonstrate the quality of the service and to allowing the council to monitor, assess and evaluate the Provision of the Service by WLL.
- 4.12 WLL shall provide to the council all inspection reports or any other documents making recommendations by or setting out requirements from the Office of the Scottish Charity Regulator relating to the Services, and of any proposals by the Commission to cancel WLL's registration, within seven working days of receipt by the WLL.
- 4.13 The council reserves the right to commission, at its own cost, internal or external evaluations of the financial performance of WLL to which WLL will provide any information requested.

5. TERMINATION AND DISPUTES

- 5.1 This agreement may be terminated by either party giving the other six months' notice in writing of its intention to do so.
- 5.2 If WLL has a receiver or administrator appointed, becomes insolvent, apparently insolvent, or is sequestrated or signs a Trust Deed for the behoof of its creditors, or goes into liquidation (other than voluntary liquidation for the purposes of reconstruction or amalgamation) or is wound up by the Court or is voluntarily wound up by creditors or by members, the council may terminate the Agreement by written notice with immediate effect.
- 5.3 If in the opinion of the council, WLL commits a material breach of the terms and conditions of the Annual Funding Agreement document then the council may terminate the Agreement by written notice with immediate effect.

6. INSURANCE AND INDEMNITY

- 6.1 WLL shall be responsible for ensuring that appropriate and adequate insurance is maintained throughout the duration of the funding agreement for employer's liability, public liability, professional liability, malpractice, building and contents, and will on request provide evidence to the Purchaser that such cover has been affected and all due premium payments have been paid.
- 6.2 If WLL has motor vehicles utilised for the purposes of the service users therein, they shall maintain appropriate vehicle and passenger insurance and shall supply to the purchaser, on request, copies of all or any of the relative policies with confirmation that all due premium payments have been paid.
- 6.3 WLL shall indemnify the purchaser fully against all claims, proceedings, actions, damages, legal costs, expenses and any other liabilities in respect of any financial loss,

death or personal injury, or loss of or damage to property unless WLL is able to demonstrate that such financial loss, death or personal injury or loss of or damage to property was not caused or contributed to by their negligence or default or the negligence or default of their staff or any circumstances within their control. WLL shall effect and maintain with a reputable insurance company a policy or policies of insurance providing an adequate level of cover in respect of these risks.

7. GOVERNANCE

7.1 In signing this agreement WLL is agreeing to the conditions of funding as set out in this Annual Funding Agreement and in the Services Agreement.

| Signed on behalf of the Council | | | |
|---|--|--|--|
| Signature: | | | |
| Name: | | | |
| Position: Head of Finance and Property Services | | | |
| Date: | | | |
| | | | |
| Signed on behalf of WLL | | | |
| Signature: | | | |
| Name: | | | |
| Position: | | | |
| Date: | | | |

Appendix 2

2019/20 FINANCIAL REPORTING ARRANGEMENTS WITH WEST LOTHIAN LEISURE

FINANCE REPORT ON WEST LOTHIAN LEISURE BY COUNCIL TO WEST LOTHIAN LEISURE ADVISORY COMMITTEE

1. BACKGROUND

The council's Head of Finance and Property Services will present a financial report to the West Lothian Leisure Advisory Committee (WLLAC) at each of its meetings covering the financial performance of West Lothian Leisure (WLL). The various reports presented over the course of the year will include an update on budget development and approval, WLL audit reports and projected outturns in relation to the trading and cash-flow, focussing on key risks and potential implications for the council.

2. REPORTING ARRANGEMENTS FOR REMAINDER OF 2018/19 COMMITTEE CYCLE

Committee meetings are scheduled for 28 March, 16 May and 27 June. The financial information to be covered in the reports at each of the meetings will include the following:

| Date of WLLAC Meeting | Key areas to be covered in financial report for WLLAC | Financial Information to be provided by WLL to WLC |
|--------------------------|--|--|
| 28 March 2019 | Approved budget for 2019/20 Update on WLL three year plan Review of Scrutiny arrangements for the financial performance of WLL WLL Annual Funding Agreement | Latest projected outturn report for 2018/19 including trading account, balance sheet and cash-flow Approved budget for 2019/20 |
| 16 May 2019 | Projected Outturn for 2018/19 Projected Outturn for 2019/20 | Latest projected outturn report for 2018/19 including trading account, balance sheet and cash-flow |
| 27 June 2019 | Final accounts for 2018/19 Projected Outturn for 2019/20 Update on three year plan | Report on final accounts for 2018/19 including trading account, balance sheet and cash-flow Projected outturn report for 2019/20 including trading account, balance sheet and cash-flow |

The following timetable outlines the key dates and tasks required to allow reports to be prepared and presented to the WLLAC for approval at these remaining meetings:

| WLL to provide latest | WLC/WLL Review | Agree Financial | Financial | Present |
|-----------------------|------------------|------------------|--------------|-------------|
| financial information | Group Meeting ** | report with Head | Report to | Report at |
| to WLC * | | of Finance & | Committee | WLLAC |
| (Head of Finance, | | Property | Services | Meeting |
| WLL) | | Services | (E Brownlee) | |
| | | (F Russell/ | | (D Forrest) |
| | | E Brownlee) | | |
| 06/03/19 | 12/03/19 | 20/03/19 | 21/03/19 | 28/03/19 |
| 26/04/19 | 30/04/19 | 08/05/19 | 09/05/19 | 16/05/19 |
| 12/06/19 | 18/06/19 | 19/06/19 | 20/06/19 | 27/06/19 |

^{*}financial information to be provided to Esma Brownlee, Accountant in WLC four working days prior to WLC/WLL review Group Meeting

3. REPORTING ARRANGEMENTS FOR 2019/20 COMMITTEE CYCLE

The timetable below outlines the key dates for 2019/20 financial reporting and the areas to be covered within each report. This will be updated once consultation with WLL on future meeting dates is complete.

| Information to be reported* | WLL to provide | WLC/ WLL | Agree Financial | Financial Report to | WLLAC Meeting |
|---|-------------------|-------------|-------------------------|------------------------|------------------|
| reported | latest | Review | report with | Committee | Meeting |
| | financial | Group | Head of | Services | (D Forrest) |
| | information | Meeting** | Finance & | (E Brownlee) | |
| | to WLC | | Property | | |
| | (Head of Finance, | | Services (F Russell/ | | |
| | WLL) | | E Brownlee) | | |
| Period 3 forecast 19/20 | August 2019 | TBC | TBC | TBC | TBC |
| Period 5 forecast 19/20 | October 2019 | TBC | TBC | TBC | TBC |
| Period 7 forecast 19/20 | November 2019 | TBC | TBC | TBC | TBC |
| Detailed budget for 20/21 | December 2019 | TBC | TBC | TBC | TBC |
| Period 9 forecast 19/20 | February 2020 | TBC | TBC | TBC | TBC |
| Period 11 forecast | April 2020 | TBC | TBC | TBC | TBC |
| 19/20 Budget update | | | | | |
| 20/21 | May 2020 | TDC | TDC | TDC | TDC |
| Draft accounts 19/20 Latest forecast 20/21 | May 2020 | TBC | TBC | TBC | TBC |

^{*}information not to be restricted to this and may include other relevant financial updates which will be requested in advance

The approved budget and final outturn will be presented to the WLLAC meeting immediately after these tasks are finalised by WLL. In addition to these tasks, each committee meeting will consider the latest forecast position from WLL. The financial information required for each meeting in respect of the latest projected outturns should include:

^{**}includes discussion on financial performance

^{**}exact dates to be confirmed, but meeting will be held in advance of the deadline for agreeing the financial reporting information with the Head of Finance and Property Services

- Forecast trading account and balance sheet
- Projected cash-flow for the remainder of the financial year
- Key assumptions used to compile forecasts
- Update on key risk areas e.g. income generation from memberships
- Material movements from previously reported position
- Potential impact on the council

The financial information should be provided by the Head of Finance of West Lothian Leisure to the Accountant for Education (Esma Brownlee) a minimum of four working days prior to the WLC/WLL Review Group. In addition, it would be helpful where possible if financial statements could be provided in excel format.

In addition to the existing routine monitoring and scrutiny to the WLLAC, the Head of Finance and Property Services will include updates on the WLL financial position to the Council Executive within the Revenue Budget monitoring reports at period 4, 6 and 9 throughout the 2019/20 financial year and beyond.

4. ADDITIONAL INFORMATION TO BE PROVIDED

WLL will submit to the council by mid September each year its annual report and accounts audited by a qualified accountant, and will allow inspection of its accounting records by officers of the council if requested, within 14 days notice of receiving a written request to that effect. This will allow further review of WLL's annual financial performance at the WLL Review Group before being reported to WLLAC.

In addition, with the agreement of the WLL Chief Executive, future audit reports will be presented to the WLLAC once these become available.

5. ADDITIONAL FUNDING

This document will be updated as required if any additional funding for 2019/20 is agreed by Council Executive.



COUNCIL EXECUTIVE

SPRING STATEMENT 2019

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To provide the Council Executive with an update in relation to the announcements contained in the Chancellor of the Exchequer's Spring Statement 2019.

B. RECOMMENDATION

It is recommended that the Council Executive:

- 1. Notes the latest economic position outlined in the Spring Statement 2019;
- 2. Notes the Chancellor's statement on future public spending and that a detailed spending review will be undertaken in 2019 and announced as part of the Autumn Budget 2019;
- Agrees that the Head of Finance and Property Services should continue to report to Council Executive on relevant UK and Scottish Government funding and spending announcements and provide quarterly horizon scan reports to Partnership and Resources Policy Development and Scrutiny Panel (PDSP);
- 4. Agrees that the Head of Finance and Property Services should ensure that information contained within the Spring Statements, Autumn Budgets and 2019 Spending Review is taken into account when updating the council's financial plans to 2022/23.

C. SUMMARY OF IMPLICATIONS

I Council Values

Being honest, open and accountable, making best use of our resources.

II Policy and Legal
(including Strategic
Environmental
Assessment, Equality
Issues, Health or Risk
Assessment)

The council is required to approve a balanced revenue budget for each financial year. Audit Scotland and Chartered Institute of Public Finance and Accountancy (CIPFA) best practice guidance recommends financial plans are prepared for at least five years in duration, and detailed budgets are prepared for at least three years.

III Implications for Scheme of Delegations to Officers

None.

IV Impact on performance and performance Indicators

Ongoing restraint in relation to government funding inevitably has implications for the council's budget and performance.

V Relevance to Single Outcome Agreement

Government funding provides the resources necessary to help deliver the Single Outcome Agreement, Corporate Plan priorities and council activities. Effective prioritisation of resources is essential to achieving key outcomes.

VI Resources - (Financial, Staffing and Property)

Spending decisions made by the UK Government impact on the Scottish Government's budget through the Barnett formula. This in turn has implications for available resources for the council through the local government finance settlement received from the Scottish Government.

The economic and fiscal position outlined in the announcement emphasises the importance of proactive financial planning, linked to priorities and outcomes, to address public spending challenges.

VII Consideration at PDSP

Quarterly horizon scan reports on the latest economic indicators and announcements and the council's estimated revenue budget position are considered by Partnership and Resources PDSP.

VIII Other consultations

This report is part of the ongoing process of briefing elected members on issues relating to future year funding and the council's financial strategy to 2022/23.

D. TERMS OF REPORT

D.1 Introduction

The Chancellor of the Exchequer delivered his Spring Statement to the House of Commons on 13 March 2019. As previously outlined by the Chancellor, the UK Government's approach has changed to a single fiscal event each Autumn with major tax and spending changes being made once a year.

The Spring Statement is not a budget update, as has been the case previously, but provides a more general statement on the UK economy and the Office for Budget Responsibility (OBR) economic forecasts. The statement also sets out details on other forthcoming government policies.

D.2 Overall Economic Position

The Chancellor's Spring Statement 2019 included the OBR's updated projections for the economy, growth and government borrowing.

In summary, the key economic announcements were as follows:

- Since Autumn 2018 there has been a slowdown in economic growth both in the UK and globally. This has resulted in the OBR revising down its forecast for growth for 2019, with little change for the medium term. This is based on the assumption of a managed Brexit.
- Consumer Price Index (CPI) inflation is expected to be 2.1% in 2019 and then fall below the target of 2% in 2020, before rising to be back in line with target for the remainder of the period to 2022/23.
- The UK is borrowing less than forecast this year due to higher income tax receipts and lower debt interest costs.

 Even with the downgrade to GDP growth the fiscal balance has improved. This is largely attributed to higher than expected income tax and national insurance receipts.

The revised projections compared to the Autumn Budget 2018 are as follows:

| Autumn Budget 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |
|-----------------------------|-------|-------|-------|-------|-------|
| Growth (GDP) | 1.6% | 1.4% | 1.4% | 1.5% | 1.6% |
| Public Sector Net Borrowing | £32bn | £27bn | £24bn | £21bn | £20bn |
| Government Debt (% GDP) | 82.8% | 79.7% | 75.7% | 75.0% | 74.1% |

| Spring Statement 2019 | 2019 | 2020 | 2021 | 2022 | 2023 |
|-----------------------------|-------|-------|-------|-------|-------|
| Growth (GDP) | 1.2% | 1.4% | 1.6% | 1.6% | 1.6% |
| Public Sector Net Borrowing | £29bn | £21bn | £18bn | £14bn | £14bn |
| Government Debt (% GDP) | 82.2% | 79.0% | 74.9% | 74.0% | 73.0% |

When published, the Charter for Budget Responsibility, had three fiscal rules:

- Public finances should be returned to balance as early as possible in the next UK Parliament and by 2025, and that borrowing should be below 2% of GDP by the end of this Parliament in 2020/21.
- Public sector net debt as a share of GDP should be falling in 2020/21.
- Maintain welfare spending within a cap set by the UK Government; this includes a continuation of a freeze on working ages benefits in 2019/20.

The OBR has assessed that, based on current policy; the broader balanced fiscal objective in 2025/26 looks challenging, particularly taking into account an ageing population which is exerting additional pressure on spending. However, the chances of the government balancing the budget by 2025/26 have improved since the October 2018 forecasts. As monitored by the OBR, welfare spending continues to be maintained within the set cap.

The OBR has stressed that the forecast has been produced against the backdrop of uncertainty in the Brexit process and, in line with government policy, the forecast has been based on the assumption that the UK makes an orderly departure from the EU on 29 March 2019 with a transition period that lasts until the end of 2020.

The OBR has reiterated that the biggest short-term risk to the forecasts set out above is a 'no deal' Brexit, however the exit from the EU is one step in the process as the UK future relationship with the EU has still to be negotiated which will determine the eventual impact of Brexit on the economy and public finances.

D.3 Public Services and Public Spending

The Spring Statement did not include any substantial changes to UK spending. No major tax or spending policies were announced in the Spring Statement as changes of this nature now take place in the Autumn budget announcements.

The Chancellor announced that the UK Spending Review will be announced in line with the Autumn Budget in late 2019. The Spending Review will set out an indicative path for the future five years with 1.2% per annum real terms growth in public services. The Institute for Fiscal Studies (IFS) has estimated that an extra £15 billion a year in addition to the government's current plans could allow for a real terms growth of unprotected budgets in the Spending Review, while largely meeting the fiscal targets set out earlier in this report.

The launch of the Spending Review process is due to commence before summer recess, assuming that a Brexit deal is agreed over the coming weeks. The Chancellor suggested that if an orderly Brexit deal was agreed there is a potential additional £26 billion of "deal divided" which will be considered for release to

increase public spending.

The following tables set out the changes to UK public spending for 2019/20 to 2022/23 compared to the Autumn Budget 2018.

| Revenue Expenditure – Cash Figures | 2019/20 £'bn | 2020/21 £'bn | 2021/22 £'bn | 2022/23 £'bn | 2 |
|------------------------------------|-----------------|-----------------|-----------------|-----------------|---|
| Autumn Budget 2018 | 751.9 | 773.6 | 798.1 | 824.4 | |
| Statement 2019 | 752.6 | 772.1 | 797.2 | 824.0 | Г |
| Difference | 0.7 | -1.5 | -0.9 | -0.4 | Г |

| Capital Expenditure – Cash Figures | 2019/20 | 2020/21 | 2021/22 | 2022/23 | 2 |
|------------------------------------|---------|---------|---------|---------|---|
| | £'bn | £'bn | £'bn | £'bn | |
| Autumn Budget 2018 | 89.7 | 93.5 | 95.2 | 97.2 | |
| Spring Statement 2019 | 88.1 | 93.0 | 94.5 | 97.0 | |
| Difference | -1.6 | -0.5 | -1.0 | -0.2 | |

The movement in the above forecasts is following the effect of a number of changes, most notably reduced Retail Price Index (RPI) inflation has reduced debt interest payments and revenue departmental budgets (RDEL) are now forecasting greater underspends than originally expected.

For the next spending review, the Chancellor made a commitment of annual average growth of 1.2% in departmental spending budgets. Based on the NHS commitment, the majority of that increase will be directed to health. It is expected that this increase will feed through to the Scottish block grant, however given the commitment to health at a UK and Scottish level, it is anticipated that non protected areas will not see real terms increases in budget.

D.4 Other Key Announcements

The UK Government has launched a number of consultations on future policies ahead of the Budget 2019. Views are being sought on the following:

- Planning for future high streets consultation on potential changes and use of planning tools for local areas to support their local high streets.
- Future of Mobility Urban Strategy, setting out an approach to make the UK at the forefront of mobility.
- National Living Wage Low pay commission and Professor Dube to review international evidence on minimum wages.
- Financial Services legislation consultation following leaving the EU.
- Future Homes Standard to be introduced by 2025, future-proofing new build homes with low carbon heating and world-leading levels of energy efficiency.
- Insurance Premium Tax review
- VAT simplification and the Public Sector exploring a potential reform to VAT refund rules, with the aim of reducing administrative burdens and improving public sector productivity.

D.5 Main Implications for Scotland

The Chancellor made no substantial changes to public sector spending; therefore there are no updated Departmental Expenditure Limits (DEL) and minimal additional Barnett Consequentials for Scotland. As outlined in previous reports, if there were any changes to Scotland's DEL through the application of the Barnett Formula, the

Scottish Government would determine the distribution of these changes.

The Scottish Government is required to determine the distribution of departmental spending figures, including the additional funding received through Barnett Consequentials. The Cabinet Secretary for Finance, Economy and Fair Work and the Health Secretary have publicly announced that the funding arising from the NHS commitment, will be directed to health in Scotland. It is anticipated that health will be interpreted to incorporate all aspects of health and social care.

Following the transfer of income tax responsibilities to Scotland, the block funding provided by the UK Government only represents a proportion of the total resources available to the Scottish Government, and it is for the Scottish Government to decide changes to Scottish tax revenues. However recent analysis undertaken by the Fraser of Allander Institute (FoA) on Scottish earnings related taxes presents a risk for future Scottish Government finances, with income per capita growth slower in Scotland than the rest of the UK in 2017/18 as well as the first half of 2018/19.

Scottish tax revenue growth is more vulnerable that the rest of the UK and this was already reflected in the Scottish Fiscal Commission (SFC) forecasts for the 2019/20 Scottish Budget. If 2017/18 and 2018/19 tax forecasts by the Scottish Government are not achieved there is the potential that the Scottish Government could face a significant pressure to reconcile its budgets in 2020/21 and 2021/22 reflecting the difference between the forecast when the budgets were set and the actual outturn data. According to the SFC latest forecast, the differences could potentially be a shortfall of £145 million in 2020/21 and £472 million in 2021/22, which would impact adversely on future funding levels.

D.6 Main Implications for West Lothian

Due to the lack of Barnett Consequentials, the Spring Statement does not have an impact on the level of funding confirmed for West Lothian Council. Any future changes to the Scottish Block and the Scottish Government's allocation of this funding will be reported to the Council Executive to consider within the context of the council's financial strategy to 2022/23 which was approved on 19 February 2019. With a UK Government spending review scheduled for later this year and with the Scottish Government commitment to providing a three year funding settlement it is anticipated that by the end of 2019 a three year funding position will be known for West Lothian Council.

Audit Scotland and CIPFA have both identified the need for public bodies to focus on their medium to long term financial sustainability. This means that councils are expected to produce medium to long term financial strategies. In addition, the Accounts Commission believe that all councils should have a long term financial strategy and that these long term strategies should be supported by detailed plans.

The council has complied with this best practice by agreeing a long term financial plan for five years and detailed revenue budgets for 2019/20 and 2020/21. This plan is based on a number of income and expenditure assumptions, providing a framework to deliver local services required to support the Corporate Plan and bridge the anticipated budget gap. This approach provides a sound foundation to deliver services, allowing the council to be clear regarding its future financial and corporate planning assumptions. Agreement of the long term financial plan also allows the council to respond proactively to the magnitude of the challenge in delivering essential services whilst financial resources are constrained.

In line with other local authorities, and as outlined in the council's approved five year financial plan to 2022/23, West Lothian Council continues to face substantial budget challenges. The council has an approved financial plan but there remains a high level of uncertainty regarding the council's financial position. In addition to Brexit potentially impacting on economic growth, and therefore public sector funding, there are a number of specific risks related to the assumptions in the budget model. In

particular, developments such as increased pay awards, recurring service budget pressures and greater than anticipated increases in energy costs could all have a substantial negative impact on the council's financial position. Should these risks transpire, with no corresponding increase in government grant funding, it is likely that additional budget saving measures, over and above the current forecast gap of £4.4 million, may be required over the period to 2022/23.

Officers continue to review budget model assumptions in line with developments and announcements. Information contained within Spending Review 2019, Autumn Budget 2019 and the Scottish Government Budget announcements will be taken into account when updating the council's financial plans to 2022/23.

E. CONCLUSION

The Chancellor's Spring Statement 2019 provides an update on the UK's economic position whilst also providing an update on the OBR's economic forecasts. The statement does not include any major tax and spending changes.

The economic forecasts included within the statement are slightly more positive than previously anticipated, however the impact of uncertain economic factors, such as Brexit, and the desire of the UK Government to reduce the deficit means that it remains a challenging position for the UK economy and public sector spending.

A UK spending review has been confirmed and will coincide with the Autumn Budget 2019, with the potential that if the economy continues on the current trajectory, there could be some improvement in public sector funding. The results of this review will be reported to Council Executive, including the potential impact on the council's resources.

The continued uncertain economic outlook, and its effect on public sector expenditure, emphasises the importance of the council having a robust financial strategy. This strategic and integrated approach to corporate and financial planning helps the council to ensure that outcomes are achieved and balanced budgets are delivered.

F. BACKGROUND REFERENCES

Spring Statement 2019 - Published on HM Treasury website

Office for Budget Responsibility Economic and Fiscal Outlook March 2019 – Published on OBR website

Autumn Budget 2018 – Report by Head of Finance and Property Services to Council Executive on 13 November 2018

Appendices/Attachments: None.

Contact Person: Ailsa MacKerrow, Accountant

Email: ailsa.mackerrow@westlothian.gov.uk, Tel: 01506 281306

Donald Forrest Head of Finance and Property Services26 March 2019

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

ST JOHN'S HOSPITAL STAKEHOLDER GROUP

REPORT BY DEPUTE CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To update members on the business and activities of St John's Hospital Stakeholder Group.

B. RECOMMENDATION

To note the terms of the minute of the meetings of St John's Hospital Stakeholder Group held on 25 April 2018 and 24 October 2018 attached as an appendix to the report.

C. SUMMARY OF IMPLICATIONS

Focusing on our customers' needs

I Council Values

Being honest, open and accountable

Working in partnership.

II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)

Council requires the activities of certain outside bodies to be reported to elected members on a regular basis, as part of its Code of Corporate Governance.

III Resources - (Financial, Staffing and Property)

None.

IV Consultations

None required.

D. TERMS OF REPORT

On 29 June 2010 the Council Executive decided that the activities of certain outside bodies should be reported within the council to ensure all elected members are aware of the business of those bodies and to help to ensure their activities are more effectively scrutinised.

In accordance with that decision the business of St John's Hospital Stakeholder Group was to be reported to this meeting by the production of its minutes. The relevant documents are produced as appendices to this report.

E. CONCLUSION

This report ensures that members are kept appraised of the activities of St John's Hospital Stakeholder Group as part of the council's Code of Corporate Governance.

F. BACKGROUND REFERENCES

West Lothian Council Code of Corporate Governance.

Council Executive, 29 June 2010

Appendices/Attachments: 1

Minutes of meetings of St John's Hospital Stakeholder Group held on 25 April and 24 October 2018.

Contact Person: Jim Forrest, Depute Chief Executive, Health and Care Partnership 01506 281977

Jim.Forrest@westlothian.gov.uk

Date: 26 March 2019



MINUTE of MEETING of the ST JOHN'S HOSPITAL STAKEHOLDER GROUP of WEST LOTHIAN COUNCIL held within BOARD ROOM 1, ST JOHN'S HOSPITAL, LIVINGSTON, on 25 APRIL 2018.

Present

Councillor Harry Cartmill (Chair)
Councillor Tom Kerr
Councillor Dom McGuire
Martin Connor, Non-Executive Members, NHS Lothian
Alex Joyce, Non-Executive Members, NHS Lothian

In Attendance

Jacquie Campbell, Chief Officer, Acute Services, NHS Lothian Michelle Carr, St John's Hospital, NHS Lothian Anne Smith, St John's Hospital, NHS Lothian Fiona Mitchell, Director of Women's and Children's Services, NHS Lothian Agnes Ritchie, St John's Hospital, NHS Lothian

1. DECLARATIONS OF INTEREST

Councillor Dom McGuire declared an interest that his mother was Head of Manual Handling at St John's Hospital

2. MINUTE

The group confirmed the Minute of its meeting held on 31 January 2018 as a correct record.

3. <u>PAEDIATRIC SERVICES/PAEDIATRIC OUTPATIENT CLINIC WAITING TIMES - UPDATE</u>

Jacqui Campbell, Chief Officer, Acute Services commenced the presentation by advising the group that NHS Lothian remained committed to a 24/7 model for the paediatric unit at St John's Hospital.

Seven consultants had been recruited by NHS Lothian and would be working between St John's Hospital and the Sick Kids as part of their ongoing training. At the moment out of the seven consultants, one was on maternity leave and another was not due to start until August 2018. This left 5 on the rotation schedule.

Over and above this two Advanced Practitioner Nurses (APN's) were due to complete their training towards the end of 2018 and they would then start working at the paediatric unit.

Ms Campbell continued to advise that at a recent meeting of the Paediatric Programme Board (PBB) the focus had very much been on

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creating a safe and sustainable model for the unit with a model of mixed skills the most desirable. The Clinical Team at John's Hospital had been tasked to go and away and look at possible models and to report back to a future meeting of the PBB. One particular issue they had been asked to look at was enhancing and promoting the APN role, which was proving vital to the success of the unit.

The members then asked a series of questions in relation to the appropriate skill mix to cover all the available shifts and Fiona Mitchell, Director of Women's and Children's Services advised that it was important to service provision that the role of APN's be promoted with less reliance on consultants. NHS Lothian was keen to see candidates apply for these enhanced APN roles, however Ms Mitchell explained that it would take the right type of candidate, with suitable seniority and skill level, to take on the training as it was very intense. Additionally medical supervision was essential as part of the training and this too needed to be organised.

Ms Mitchell also explained that at the moment 21 shifts out of an available 39 were covered and that the APN grade was the most flexible when it came to covering the out of hours shifts so were vital to service delivery.

Ms Campbell continued to advise the group that whilst NHS Lothian would go out to recruitment next month for APN's most applicants tended to be internal and then not all candidates would be suitable, given the intense training involved as previously described.

In relation to keeping the residents of West Lothian up-to-date with what the latest position was with the service provision at the unit Ms Campbell advised that she would be happy to arrange for a briefing note to be issued to all West Lothian Community Councils and Parent Councils and would be happy to liaise with West Lothian Council colleagues for assistance with this.

With regards to Outpatient Clinic Waiting Times, Ms Mitchell advised the group that as of the end of March 2018 there were 89 patients from the Sick Kids waiting more than 12 weeks and 88 at St John's Hospital. It was explained that this was not normal but was clearly the result of the severe winter pressures that most hospitals had been subjected to since the start of 2018. The figure for April 2018 for St John's was 61 waiting more than 12 weeks.

NHS Lothian was running extra clinics to try and deal with the backlog and many of the cases being presented were typical of those for the time of year.

In relation to a question asked about the "beast from the east" at the end of February/start of March 2018, Mrs Campbell advised the group that the staff at St John's Hospital and across all NHS Lothian services, had been fantastic in keeping vital services going and had made sure most patients were seen within appropriate timescales. Non-essential appointments had however been cancelled as a precaution. Additionally many staff had stayed over at the hospital when the weather had been at its worst to ensure they were on duty/available. Many partners including council

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colleagues had also been of great assistance when it came to the use of 4x4 vehicles to help people get in and out of the hospital.

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The Chair thanked Ms Campbell and Ms Mitchell for the very informative update on the paediatric unit at St John's Hospital.

Decision

- 1. To note the update in relation to the current service provision level of the paediatric unit, St John's Hospital;
- To agree that the Chief Officer, Acute Services issue a briefing to residents of West Lothian, via Community Council's and Parent Council's with regards to the current service provision level at the paediatric unit;
- 3. To note the current position with outpatient clinic waiting times; and
- 4. To note the update in relation to how staff and patients coped with the severe weather experienced in February/March 2018.

4. <u>FUTURE MEETING DATES</u>

The Clerk advised the group that there were two more meetings scheduled for 2018; these being 22 August 2018 and 24 October 2018.

The Clerk continued to advise that from the August meeting onwards and for the next two years responsibility for chairing and clerking the meetings would transfer to NHS Lothian in accordance with the remit of the group, approved when the group was first established in 2008.

The Chair then took the opportunity to thank everyone for the support that had been provided to him during his tenure as Chair of the group.

Decision

- 1. To note the two meetings scheduled to take place for the remainder of 2018; and
- 2. To note that the responsibility for chairing and clerking the meetings for the next two years would transfer to NHS Lothian, from the summer of 2018 onwards.





West Lothian Civic Centre Howden Road South Livingston EH54 6FF Waverley Gate 2-4 Waterloo Place Edinburgh EH1 3EG

Minute of Meeting of the St John's Hospital Stakeholder's Group held in the Boardroom, St. John's Hospital, Livingston on 24 October 2018.

Present:

Mr Martin Connor, Non-Executive (in the Chair) Councillor Harry Cartmill Councillor Tom Kerr

In Attendance:

Miss Lyndsay Baird, Committee Administrator
Ms Jacquie Campbell, Chief Officer, Acute Services, NHS Lothian
Mr Jim Forrest, Director, West Lothian H&SCP
Ms Fiona Mitchell, Director, Women's and Children's Services, RHSC
Mr Aris Tyrothoulakis, Site Director, SJH

Apologies:

Ms Agnes Ritchie, Site Chief Nurse, SJH
Councillor Dom McGuire
Ms Anne Smith, General Manager St John's Hospital, Pan Lothian Endoscopy
Service and PAEP
Mr Alex Joyce, Employee Director & Non- Executive.

The Chair welcomed those present to the October meeting of the St. John's Stakeholder's Group.

The Chair reminded Members that they should declare any financial and non-financial interests they had in the items of business for consideration, identifying the relevant agenda item and the nature of their interest. Nobody declared an interest.

- Minutes of the previous meeting held on 22 August 2018 The minutes of the previous meeting held on 22 August 2018 were accepted as an accurate record.
- 2. Matters Arising There were no matters arising from the previous minute.
- Paediatric Services/ Paediatric Outpatient Clinical waiting Times Update Ms
 Mitchell advised that in October 2016 there were 39 patients waiting over 12
 weeks. At October 2018 there were 21 patients sitting over 12 weeks. She
 had checked the figure in advance of attending the meeting and of those 21
 patients, 6 were still waiting; appointments for the remaining patients had been
 made for November 2018.

- 3.1 The improvement against the waiting list and future oversight of the waiting list to mitigate spikes during peak holiday periods was welcomed by Members.
- 4. <u>Paediatric Programme Board</u> It was noted that the Paediatric Programme Board's (PBB) continued to meet on a monthly basis to consider improvements made and the suitability of the workforce plan for paediatric services in Lothian.
- 4.1 Ms Mitchell reiterated that the consultant lead model was no longer viable and the Board would look to proposals that utilize APN grades to cover the out of hours shifts.
- 4.2 Members welcomed the appointment of 3 APNs. Ms Mitchell anticipated that successful candidates would be in post by November; once in post training would commence. Building on recent successes the Board would seek to recruit additional ANPs to support a sustainable service in West Lothian.
- 4.3 A programme work to review the Paediatric Consultant posts at St. John's Hospital was underway. NHS Lothian sought to develop a programme and job descriptions that would attract specialist in epilepsy and neonatology. It was hoped that the balance between working between St John's and the Royal Hospital for Sick Children would provide variety and maintain essential skillsets making remaining within the region more attractive to potential candidates.
- 4.4 There was some discussion on the investment of training in staff and how NHS Lothian proposes maintaining a sustainable service. Ms Campbell acknowledged that staff moving on was inevitable due to personal circumstances however, NHS Lothian would work to ensure that job plans were attractive.
- 4.6 Councillor Cartmill noted the opportunity to share some good new with the general public in West Lothian and questioned whether formal communication would come from NHS Lothian. Members agreed that it was important that a statement come from the NHS Lothian, as to reaffirm the Boards dedication to reopening a sustainable Paediatric Unit at St John's Hospital. Ms Mitchell agreed to liaise with Communications to produce a newsletter that Mr Forrest's team could disseminate.

FΜ

- 4.7 Ms Campbell drew the Group's attention to work that would assess the footprint of St. John's Hospital and how NHS Lothian could maximise services for children in the area within the current structure.
- 5. <u>East Region Short Stay Elective Centre (SSEC), SJH, Livingston</u> Following the approval of the initial agreement, work to develop a full business case for the 12 additional theatres, and supporting infrastructure was in progress.

- 5.1 The Board had opted for a tight timeline for the programme of work anticipating completion of the build by early 2022. Ms Campbell assured the Group that the proposed teaching facility would be ring fenced for short stays and would bring colorectal, urology, orthopaedics, and general surgery, gynaecology services to St John's; In addition to an expansion of existing head and neck services. Plans included the utilisation of cutting edge technology as part of NHS Lothian's programme of work to attract professionals to the region.
- 5.2 Members noted that the large scale investment saw NHS Lothian was making a clear commitment to improving the long-term standing of facilities in West Lothian and should go some way to alleviating local fears.
- 5.3 The Group noted the update on the proposed short stay elective unit at St. John's Hospital.
- 6. Any Other Competent Business
- 6.1 Management Team, St. Johns Hospital Members noted that in light of the plans to expand the site and a noted difference in management of other sites, a case could be made to strengthen the management team at St. John's. Plans to recruit a General Manager for Unscheduled Care and a dedicated Clinical Director for the Emergency Department were underway. Job Planning for the General Manager would see the successful candidate take on responsibility for the expansion of St John's, to include the Short stay Unit and improvement of the Front door to ensure adherence to the 4 Hour emergency access standard.
- 6.1.1 Members welcomed to move to bring the St. John's Management team in line with all other sites in Lothian.
- 6.2 <u>Tippethill</u> Councillor Kerr expressed concerns surrounding plans that would see the Day Care Centre and the Scottish Ambulance Centre vacate the Tippethill site. He questioned whether the security of the site and the future of the one business that remained. Mr Forrest advised that this was a matter for the Integrated Joint Board (IJB) to discuss and agreed to pass Councillors Kerr's concerns on to IJB colleagues.

JF

7. <u>Date of the Next Meeting</u> – The next meeting of the St. John's Stakeholder Group was scheduled for 23 January 2019 at 14:30 in the Boardroom, St. John's Hospital, Livingston.

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COUNCIL EXECUTIVE

CIH SCOTLAND 2019 HOUSING FESTIVAL

REPORT BY HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES

A. PURPOSE OF REPORT

The purpose of the report is to seek approval from Council Executive for the attendance of the Executive Councillor for Services for the Community to attend the CIH (Chartered Institute of Housing) Scotland Housing Festival on the 12th-13th March at the SEC Glasgow.

B. RECOMMENDATION

It is recommended that the Executive Councillor for Services for the Community attends the CIH Scotland Housing Festival on the 12th – 13th March in Glasgow.

C. SUMMARY OF IMPLICATIONS

I Council Values

Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; developing employees; making best use of our resources; working in partnership

II Policy and Legal (Including Strategic Environmental Assessment, Equality Issues, Health or Risk None.

Assessment)

implications for Scheme of Delegations to Officers

None.

IV Impact on performance and performance Indicators

None.

V Relevance to Single Outcome Agreement

None.

VI Resources - (Financial, Staffing and Property) The cost of attendance on the 12th – 13th March £456.00 (excl vat).

VII Consideration at PDSP The matter has not been considered by a PDSP.

VIII Other consultations

D. TERMS OF REPORT

The CIH Scotland 2019 Housing Conference "Scotland's Housing Festival" is the sector leading annual conference and exhibition and Scotland's largest social housing event.

This key event provides delegates with the opportunity to learn and network, with speakers on all of the key issues affecting the sector and new developments in policy, practice and implementation.

The conference takes place at the SEC in Glasgow on 12-13 March 2019

E. CONCLUSION

It is proposed that the Council Executive approve the attendance of the Executive Councillor for Services for the Community to attend the CIH Scotland Housing Festival at the SEC, Glasgow on the 12-13 March 2019.

F. BACKGROUND REFERENCES

CIH Conference prospectus.

http://www.cih.org/resources/PDF/Scotland%20Event%20Pdfs/housing%20festival%202019/SHF%20programme%20for%20web.pdf

Appendices/Attachments: CIH Scotland 2019 Housing Festival Programme.

Contact Person: Annmarie Carr 01506 281355; annmarie.carr@westlothian.gov.uk

Responsible CMT member: Annmarie Carr, Interim Head of Housing Customer and Building Services





12 & 13 March 2019 SEC, Glasgow #housingfestival

MAIN STAGE

| 08:30 | Event registration and exhibition viewing | | |
|-------------------------|---|--|---|
| 09:30 | Welcome from Chair | | |
| 09:45 | Keynote address Kevin Stewart, minister for Local Government, Housing and Planning | Sponsored by: | Wheetis Group |
| 10:00 | Keynote debate: What does a 21st century housing provider look like? The world is changing and so is the role of the sector. In this session, our expert speakers explore what 21st century housing providers should be doing to deliver high quality, affordable homes for everyone. Kevin Stewart MSP, minister for Local Government, Housing and Planning Terrie Alafat, chief executive, CIH George Walker, chair, Scottish Housing Regulator Jon Tumer, chief executive, Link Group | Sponsored by: | Wheatie |
| 11:00 | Refreshments and exhibition viewing | | |
| 11:30 | Side stage theatres open for breakouts | | |
| 12:30 | Lunch and exhibition viewing | | |
| | | | |
| 13:30 | Housing at the Heart Jack Monroe, author and food poverty campaigner Jack is an award winning food writer and bestselling author who works with charchildren's centres to teach people to cook and eat well on a low income. At this I the politics of austerity, poverty and why the growth of food banks across the UK | rities, food banks keynote Jack will | talk about |
| 13:30 | Jack Monroe, author and food poverty campaigner Jack is an award winning food writer and bestselling author who works with char children's centres to teach people to cook and eat well on a low income. At this I | rities, food banks keynote Jack will | s, schools and talk about |
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| 14:30 15:30 | Jack Monroe, author and food poverty campaigner Jack is an award winning food writer and bestselling author who works with char children's centres to teach people to cook and eat well on a low income. At this is the politics of austerity, poverty and why the growth of food banks across the UK Side stage theatres open for break outs Refreshments and exhibition viewing Economy keynote Douglas Fraser, business and economy editor, BBC Scotland Douglas Fraser has been business and economy editor at BBC Scotland since October 2008 and was previously political editor at The Herald and at the Sunda departure from the EU, Douglas will discuss the current political and economic of | rities, food banks keynote Jack will is a national sha Sponsored by: y Herald. Ahead context, the impli cotland. | Wheatley of our cations of |
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| 14:30 15:30 16:00 | Jack Monroe, author and food poverty campaigner Jack is an award winning food writer and bestselling author who works with char children's centres to teach people to cook and eat well on a low income. At this is the politics of austerity, poverty and why the growth of food banks across the UK Side stage theatres open for break outs Refreshments and exhibition viewing Economy keynote Douglas Fraser, business and economy editor, BBC Scotland Douglas Fraser has been business and economy editor at BBC Scotland since October 2008 and was previously political editor at The Herald and at the Sunda departure from the EU, Douglas will discuss the current political and economic of BREXIT as well as exploring the public spending challenges facing the UK and S Exhibition drinks reception Join us in the exhibition hall after the conference sessions close for netwo prosecco and craft ale van, with entertainment from the Pantasy Steel Ban | rities, food banks keynote Jack will is a national sha Sponsored by: y Herald. Ahead context, the impli cotland. | Wheatley of our cations of |

TUESDAY BREAKOUT SESSIONS

| | Morning session | COUNCIL |
|------------------|---|---|
| 11:30 - 12:30 | Young people at the heart of housing policy | |
| .2.50 | Young people need to be involved in decision making services but young people are not a homogenous grand hear how young people are co-producing service the housing sector. Lesley McVeigh, Taylor Wimpey West Scotland Fiona Steel, operational director, children services, A Riana Jones, service user and expert by experience, Lindsay Roches, performance and service Improvem | roup with the same views, priorities or aspirations. Come ses, providing leadership and getting their voices heard in ction for Children Action for Children |
| | Afternoon session | ant once, addens cross riousing Association |
| 14:30 - 15:30 | Is housing a human right? | |
| | If shelter is a human right why not create a national h none? Come hear from our panel who will discuss the everyone the right to a warm affordable home. | ousing service to provide homes for those who have e need and benefits of a change in legislation to give |
| | Tony Cain, policy manager, ALACHO Judith Robertson, Scottish Human Rights Commissio | |

| | Morning session |
|------------------|---|
| 11:30 - 12:30 | Ah Vienna! Social renting as a life choice In Vienna, recently voted the most liveable city in the world, 60% of the population live in subsidised housing Is this a model that Scotland should be looking to replicate? Home ownership is still the aspiration for most people - would significantly increasing the supply of affordable rented housing come at a cost of reducing home ownership and could we make that change? Karin Ramser, CEO, Wiener Wohnen (Vienna's Municipal Housing Co) Michaela Kauer, joint coordinator, European Housing Partnership |
| | Afternoon session |
| 14:30 - 15:30 | What is the future of placemaking? When most people think about a new home, whether they are renting or buying, their options are usually limited to what is already available on the market - but should we be encouraging people to have more of a say in the design of their homes and the way they live together? Is it time to start thinking about housing development and place making in a new, more inclusive way? John McNairney, chief planner, Scottish Government Alastair Parvin, co-founder, Wiki House Stephen Tolson, Penington Co-Housing |

TUESDAY BREAKOUT SESSIONS

| | Morning session | | |
|------------------|--|--|--|
| 11:30 - 12:30 | Tenants at the heart of cultural change | | |
| | We know that customer engagement is at the heart of providing good services - but in an increasingly digital world, are we keeping up with how people want to communicate? In this session, the Democratic Society will present findings from its newly published research, Democracy Begins at Home, setting out innovative engagement techniques from across the world and Wheatley Group will lead a discussion on what the findings mean for its tenants and customers and the wider housing sector. | | |
| | Democratic Society (speaker TBC) Elaine Melrose, group director of resources, Wheatley Group | | |
| | Afternoon session | | |
| 14:30 - 15:30 | Everything you ever wanted to know about private renting but were afraid to ask | | |
| 13.30 | As more social landlords branch out, providing homes and services to private tenants, and as the private rented sector is becoming increasingly regulated, there may be much that each can learn from the other. This will be an opportunity to discuss the new private tenancy, ensuring high standards, professional challenges and working cross sectorally. | | |
| | John Blackwood, chief executive, Scottish Association of Landlords Carolyn Hirst, housing mediation development worker, University of Strathclyde Mike Bruce, chief executive, Weslo Housing Management | | |

| Innov | ation theatre |
|------------------|--|
| | Morning session |
| 11:30 - 12:30 | Tackling fuel poverty |
| | Despite significant investment and a target to eradicate fuel poverty by 2016, 25% of households in Scotland are still living in fuel poverty. The Scottish Government has now introduced a Bill to set a new target for reducing fuel poverty and is consulting on new energy efficiency standards for social housing – EESSH2. This session will explore some innovative projects that are improving the energy efficiency of homes in urban and rural settings across Scotland. |
| | lan Hutchcroft, innovation director, Energiesprong UK Robert Leslie, energy officer, Orkney Housing Association Chris Morgan, director/architect, John Gilbert Architects |
| | Afternoon session |
| 14:30 - 15:30 | Securing your systems |
| | Jason Hart is an ethical hacker who provides advice and guidance around the world to global companies including BBC, ITV, CNN and Fox News. A founder and visionary of some of the leading security solutions and packages including cloud based security authentication services, come along and hear Jason talk and find out how you can improve the security of your systems and data. |
| | Jason Hart, ethical hacker |





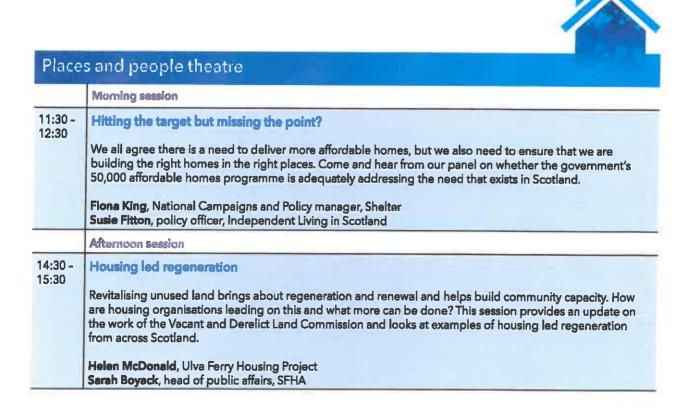
12 & 13 March 2019 SEC, Glasgow

MAIN STAGE

| 10:00 Fracticating child poverty: housing at the heart ff child poverty is to be eradicated, we need to address both the levels of stock as well as the quality of housing to ensure every child grows up in a decent home. This session will hear from JRF chief executive Campbell Robb who will reflect on the Scottish Government's ambition to end child poverty in Scotland and the role that housing has to play in making this vision a reality. Campbell Robb, chief executive, Joseph Rowntree Foundation Alleen Campbell MSP, cabinet secretary for Local Government and Communities 11:00 Refreshments and exhibition viewing | 08:30 | Event registration and exhibition viewing | | |
|--|-------|--|--|---|
| Jim Strang, president of CIH 10:00 Eradicating child poverty: housing at the heart If child poverty is to be eradicated, we need to address both the levels of stock as well as the quality of housing to ensure every child grows up in a decent home. This session will hear from JRF chief executive Campbell Robb who will reflect on the Scottish Government's ambition to end child poverty in Scotland and the role that housing has to play in making this vision a reality. Campbell Robb, chief executive, Joseph Rowntree Foundation Alleen Campbell MSP, cabinet secretary for Local Government and Communities 11:00 Refreshments and exhibition viewing 11:30 Side stage theetres open for breakouts Lunch and exhibition viewing The relationship between landlord and tenant is constantly evolving, but can it ever be a traditional customer relationship or does being a landlord mean doing things differently? What can housing organisations learn from other sectors which have transformed the way they work to meet the needs of their customers? In this session Linda Moir, Virgin Atlantic's former director of customer service. Linda is a motivating speaker who will make you think differently about how service leads to growth and development. Linda Moir, former director of Customer Service Virgin Atlantic and head of event services, London 2012 Olympic Games 14:30 Side stage theetres open for break outs Refreshments and exhibition viewing Debate: How do we move to rapid rehousing? The Housing and Rough Sleeping Action Group recommended that the housing sector needs to move towards a most of the program and ack of affordable housing, with screate a conflict between trying to move people out of temporary accommodation more quickly and making sure people get the home they need in the right location? What about the needs of others on wait lists for social housing? In this session we will get an update on progress towards rapid rehousing and Housing First and explore some of the challenges that lie ahead. Patrick MacKay, opera | 09:30 | Welcome from Chair | | |
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| 17:00 End of day two | | Anna Evans director Indigo House | | |

WEDNESDAY BREAKOUT SESSIONS

| | Morning session | COUNCILL |
|------------------|--|--|
| 11:30 - 12:30 | Make a Stand: what housing can do to support of the stands | rganisations to put policies in place to support victims of can we affect long-term and meaningful change? |
| | Afternoon session | |
| 4:30 - 5:30 | Our ageing future: planning for an ageing polywer know that ageing is one of the biggest challenged to deliver sustainable and adaptable accommaintain their independence for as long as possible Angela O'Brien, head of Housing and Independent James Battye, associate improvement advisor - Pla Simon Fitzpatrick, strategic development director, | ges facing the housing sector. As we all live longer, we nodation and services to ensure people can live well and le. Is the sector meeting this challenge? It Living Team, Scottish Government ce, Home and Housing, ihub |



WEDNESDAY BREAKOUT SESSIONS

| The d | ay job theatre |
|------------------|--|
| | Morning session |
| 11:30 - 12:30 | Using nudge theory to influence behaviour Find out how behavioural insights can help you cut rent arrears, deal with the roll-out of Universal Credit, manage demand for your repairs service and accelerate digital take-up. |
| | Anna O'Halloran, Social Housing Behavioural Insights and Behaviour Change consultant Afternoon session |
| 14:30 – 15:30 | The day job for housing professionals is changing all the time and we continually need to find new and better ways to engage with service users. This hands-on session will provide a preview of CIH Scotland's updated Frontline Futures development programme which aims to support people to develop the skills, experience and resilience they need now and in the future. Melys Phinnemore, Development and OD Partner Dorothy Bulmer, Development and OD Consultant |

| | Morning session |
|------------------|--|
| 11:30 - 12:30 | Magic show |
| | What if we could show you how to make Universal Credit rent arrears disappear before your very eyes using just the power of thought and maybe a little bit of magic? Is it a trick, or just some very creative thinking? In this session, Martin Polhammer, chief executive of East Lothian Housing Association (ELHA) will reveal how thinking the unthinkable has been combined with digital innovation to create a very different reality alongside Universal Credit and build a whole new relationship with tenants. |
| | Martin Polhammer, chief executive, East Lothian Housing Association |
| | Afternoon session |
| 14:30 - 15:30 | Public health reform: housing at the heart Improving public health will require a whole system approach and housing has a crucial contribution to make to both strategic vision and operational activity. Come and hear from our experts who will set the scene for |
| | housing's contribution to improving health and tackling health inequalities, and the role of innovation in housing, from place standards to new technology, in addressing these challenges. |
| | Clare Mailer, Head of Housing, Perth and Kinross Council |
| | Dr Linda de Caestecker, NHS Greater Glasgow and Clyde Johnny Cadell, Architecture and Design Scotland |