

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, CIVIC CENTRE, on TUESDAY 22 DECEMBER 2009.

Present – Councillors Peter Johnston (Chair), Frank Anderson (Vice-Chair), William Boyle, John Cochrane, Neil Findlay, Ellen Blaney Glass, Andrew Miller, Graeme Morrice, Jim Walker.

Apologies – Councillors Martyn Day, Robert De Bold, Isabel Hutton.

1. RECOGNITION OF ACHIEVEMENT: SANDRA MOLLOY, FINANCE SERVICES

The Chair welcomed Sandra Molloy to the meeting, Team Leader, Revenues Unit. Sandra had successfully passed the Institute of Revenues, Rating and Valuation Professional Qualification in June 2009.

Sandra had joined West Lothian Council from City of Edinburgh Council in September 2000 and had begun studying for the IRRV professional qualification.

It was noted that Sandra was now in an elite group as there were only 75 people in Scotland with the qualification including 3 who worked for the council.

On behalf of the Council the Chair congratulated Sandra on her achievement and presented her award.

2. ORDER OF BUSINESS, INCLUDING NOTICE OF URGENT BUSINESS

The Chair ruled in terms of Standing Order 7 that a Notice of Motion, which concerned a review of care provided to dementia patients placed in care homes throughout West Lothian, would be taken as urgent business at the end of the meeting.

3. DECLARATIONS OF INTEREST

(a) Agenda Item 32 – 11 Inchmuir Road, Bathgate – Proposed Lease – Councillor Walker declared a non-financial interest in that the applicant was a personal friend and therefore would not participate in the discussion or voting on the item of business.

(b) Agenda Item 31 – Howden Park Centre – Proposed Lease – Councillor Miller declared a non-financial interest in that he was board member of Firefly Arts and therefore would not take any part in the discussion or the voting on the item of business.

(c) Agenda Item 6 – West Lothian Toy Appeal – Councillor Boyle

declared a non-financial interest in that he was a council appointed member of the Voluntary Action West Lothian who were responsible for running the appeal and therefore he would not participate in the discussion or voting on the item of business.

- (d) Agenda Item 21 –Speed Limit, Torphichen Road, Bathgate – Councillor Boyle declared a non-financial interest in that he had commented on the proposals on a number of occasions and therefore would not participate in the discussion or voting on the item of business.
- (e) Agenda Item 31 – Howden Park Centre – Proposed Lease – Councillor Boyle declared a non-financial interest in that he was a council appointed member of Firefly Arts and therefore would not participate in the discussion or voting on the item of business.

3. MINUTE

The Council Executive approved the minute of its meeting held on Tuesday, 24 November 2009. The minute was then signed by the Chair.

4. WEST LOTHIAN TOY APPEAL

The Council Executive considered a letter (copies of which had been circulated) received from the Co-ordinator, West Lothian Toy Appeal inviting the council to make a donation to the appeal.

Decision

To agree that the Council donate £3,000 to the West Lothian Toy Appeal.

6. BROXBURN, UPHALL AND WINCHBURGH LOCAL AREA COMMITTEE

The Council Executive considered a report (copies of which had been circulated) by the Lead Officer for the Broxburn, Uphall and Winchburgh Local Area Committee seeking to ratify the resolutions made by the inquorate meeting of the Broxburn, Uphall and Winchburgh Local Area Committee which had taken place on 30th November 2009.

The report advised that Standing Orders required any actions recommended by an inquorate meeting of a Local Area Committee to be reported to the Council Executive for ratification.

The meeting of the Broxburn, Uphall and Winchburgh Local Area Committee proceeded with only two of the four elected members present and attached to the report at Appendix 1 was the Minute from the inquorate meeting held on 30th November 2009.

It was further noted that the minute had not yet been approved by the

Local Area Committee, which was not due to meet until 28th January 2010.

The report concluded that the actions determined by the inquorate meeting of the Broxburn, Uphall and Winchburgh Local Area Committee required to be ratified by the Council Executive in order that officers could take the necessary action to implement them.

It was recommended that the Council Executive ratify the actions recommended by the Broxburn, Uphall and Winchburgh Local Area Committee following its' meeting held on 30th November 2009.

Decision

To approve the terms of the report.

7. CHANCELLOR'S PRE-BUDGET REPORT 2009

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance, which provided an update in relation to the announcements made in the Chancellor of the Exchequers 2009 Pre-Budget Report and to provide an indication of the measures that could have financial implications for the council.

The Head of Finance advised that the Chancellor delivered his 2009 Pre-Budget Report to the House of Commons on 9th December 2009 and that the report presented updated assessments and forecasts of the economy and public finances and how, in the face of a downturn, the Government aimed to deliver support to the economy, businesses and households to secure the recovery and provide a platform for growth and opportunity.

The report then outlined the overall economic position forecasts for 22nd April 2009 and compared these to the recent forecasts of 9th December 2009 and advised that if the forecast levels were not reached there would be a requirement to either raise taxes or reduce public spending.

It was further advised that in terms of future spending the Chancellor announced new efficiencies and reforms across the public sector aimed at delivering almost £20 billion of savings by 2012/2013.

The Head of Finance continued by outlining the main implications of the pre-budget announcement on West Lothian Council and included overall funding and national insurance contributions.

The Head of Finance concluded that the Chancellor had set out his 2009 Pre-Budget Report against a background of political uncertainty and financial shortages and that it was certain that there would be severe constraints on public spending from 2011/2012 to 2013/2014.

It was recommended that the Council Executive note that the 2009 Pre-Budget Report confirmed that the overall economic situation provided

context for public expenditure now and in the next spending review period 2011/2012 to 2013/2014.

Decision

To note the terms of the report.

8. LOCAL GOVERNMENT FINANCE SETTLEMENT 2010/2011

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance, which provided an update in relation to the Scottish Government Finance Settlement for 2011/2012 announced in the Scottish Parliament on 26th November 2009.

The Head of Finance advised that the revenue grant funding for the council for 2010/2011 was £318.039 million, which equated to an increase of 1.5% compared to the 2009/2010 revenue grant. As part of the overall revenue funding grant was £70 million to continue to freeze council tax in 2010/2011, of which £2.090 million had been allocated to West Lothian.

The Head of Finance continued that he would report back to a future meeting of the Council Executive with regards to both the Revenue Budget and Capital Budget for 2010/2011 and would take into consideration the Scottish Government funding confirmed.

The report also advised that future revenue grant figures would not be known until the next UK Comprehensive Spending Review was undertaken but it was anticipated that the outlook for public spending for the period 2011/2012 to 2013/2014 would be very difficult.

The Head of Finance recommended that the Council Executive :-

- Note the current position regarding the Local Government Finance Settlement for 2010/2011;and
- Agree that the Head of Finance took account of the content of the finance settlement in the 2010/2011 revenue budget report to Council in early 2010.

Decision

To approve the terms of the report.

9. PROCUREMENT ARRANGEMENTS – SUPPLY OF BITUMINOUS ROAD SURFACING MATERIALS

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance seeking approval to award a contract for the supply of bituminous road surfacing materials.

The Head of Finance advised that the council's requirement had been advertised in accordance with European Union Directives and that invitations to tender had been issued to 9 potential suppliers, of whom 5 returned a tender evaluation.

The report listed the evaluation criteria and attached to the report at Appendix 1 was an evaluation breakdown for the successful suppliers of bituminous coated road stone and at Appendix 2 was an evaluation breakdown for the successful suppliers for dry road stone.

The Council Executive was asked to approve the award of a 2-year framework contract running from 1st February 2010 to 31st January 2012, with a 2-year contract extension option to Bardon Aggregates, Cemex, Leiths (Scotland) and Tarmac Ltd for the supply of coated road stone and dry road stone. The estimated contract value over the initial 2-year period was £3,600,000.

Decision

To approve the terms of the report.

10. FOSTER CARER SMOKING POLICY

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy seeking approval to revise the Smoking Policy contained in the Carer Information Pack in relation to approved carers who looked after children in their care.

The Head of Social Policy advised that as a result of changing circumstances there was a critical need to review the existing policy in relation to foster carers who smoked and that it was increasingly important that authorities who recruited foster carers needed to give protection to the health of the children in their care a higher priority.

The council's existing policy adopted by Social Policy was that children under two years old were not to be placed in smoking households unless this was to facilitate a sibling placement. However in accordance with the British Association of Adoption and Fostering practice guidelines, which had recently been adopted by The Fostering Network it was recommended that no children under the age of 5 years old should be placed with carers who smoked.

In addition to age being a determining criterion, it was also recommended that children with disabilities or respiratory problems or heart related illnesses should never be placed with carers who smoked.

The report further advised that to ensure that there was a clear understanding in respect of expectations placed upon carers, consultation had taken place with the Carer Consultative Group and a questionnaire

had been sent out to every carer. In general there had been a positive response from carers who acknowledged issues both around passive smoking and the critical need to provide good role models for children in their care.

The Head of Social Policy concluded that the implementation of the change to policy was the need to promote and improve the health of looked after children whilst at the same time being realistic with regards to the difficulties faced if only non-smokers were allowed to register as foster carers.

It was recommended that the Council Executive approve that the existing Smoking Policy adopted in West Lothian be changed to be compliant with the guidelines adopted by BAAF and Fostering Network.

Councillor Cochrane then raised concerns with regards to a similar policy having been introduced to the local authority areas of Redditch and South Lanarkshire where difficulties had been encountered with the retention and recruitment of Foster Carers.

The Chair therefore suggested that the proposed change to the Smoking Policy for Foster Carers be referred to the Social Policy Policy Development and Scrutiny Panel to allow for further discussions on the implementation of such a policy whilst taking into consideration the experiences of other local authority areas.

Decision

1. Agreed that the proposed policy change be referred to the Social Policy Policy Development and Scrutiny Panel to allow for further discussions on the implications of such a policy in relation to the retention and recruitment of Foster Carers; and
2. Agreed that officers take into consideration the experiences of other local authority areas, these being South Lanarkshire and Redditch, with regards to the introduction of such a policy.

11. PUBLIC HEALTH (SCOTLAND) ACT 2008 – DESIGNATION OF LOCAL AUTHORITY COMPETENT PERSONS

The Council Executive considered a report (copies of which had been circulated) by Environmental Health & Trading Standards Manager to request approval for the Environmental Health & Trading Standards Manager to be designated as West Lothian Council's competent person in terms of the Public Health etc. (Scotland) Act 2008, and subsequently to be able to designate competent person status to other suitability qualified environmental health officers.

The report advised that Section 5 of the Public Health etc (Scotland) Act 2008, required local authorities to designate a sufficient number of

competent persons for the purpose of exercising, on behalf of the authority, the functions relating to the protection of public health contained within the act.

The act contained a number of provisions regarding the control of premises and other matters presenting a risk to public health through disease, infection or other contamination, which could only be sanctioned by the council's competent person.

The Environmental Health & Trading Standards Manager concluded that the enforcement of public health legislation was necessary to ensure conditions intended for public safety, well being and protection were met.

Therefore it was recommended that the Council Executive approve the designation of competent person to the Environmental Health & Trading Standards Manger, and subsequently other qualified officers, to ensure the measures necessary for public health protection contained within the Public health etc (Scotland) Act 2008 could be achieved.

Decision

To approve the terms of the report.

12. MAINTENANCE AND ADOPTION OF OPEN SPACE WITHIN PRIVATE HOUSING AREAS

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services which advised of the positive progress made to ensure that open spaces within private residential estates was maintained in a manner compliant with planning requirements, of the requirement to review the council's existing open space adoption policy criteria and the outcome of discussions with a number of social enterprise agencies with regard to the future maintenance of open space within private residential estates.

The Head of Operational Services advised that the provision of a good quality of finish to all open spaces within a development was a crucial step in providing an attractive environment for the new residents of a housing development.

The report continued that where the council's enforcement service became aware of deficiencies in open space provision the developer was required to rectify the original failings.

However the Council along with most councils offered developers and formally constituted residents groups an open space adoption service where aspects of the management and maintenance of communal open space was permanently transferred to the council on receipt of a commuted sum equivalent to ten times the annual maintenance costs.

However it had become increasingly apparent that with rising costs and

low interest rates the council's commuted sum calculation was no longer financially viable and therefore it was suggested that this be increased from ten to thirty times the annual maintenance costs plus compounded interest.

The proposed revision would have an impact upon a number of residents groups who were currently exploring the possibility of signing an adoption agreement with the council, details of which were outlined in Appendix 1 to the report. And whilst it was understood that the revised calculation criterion would likely make it more difficult for the residents groups it must be balanced with the need to ensure that any arrangements entered into were financially viable for the council.

The Head of Operational Services continued to advise on discussions that had taken place with a number of social enterprise agencies to explore options to provide an alternative means of providing developers, factors and residents groups with grounds maintenance services, details of which were outlined in Appendix 2 to the report.

The report concluded that whilst the Development Management Manger had managed to address concerns raised by residents regarding the quality of open space, there remained a need for the council to offer an adoption facility but this needed to be financially viable for the council.

It was recommended that the Council Executive: -

1. Note the progress made in ensuring that the maintenance of open spaces within privately maintained residential estates was being carried out to a standard that complied with planning requirements;
2. Agree the revised open space adoption fee, increasing the current commuted sum calculation from ten times the annual maintenance costs plus annual indexation to thirty times the annual maintenance costs plus annual indexation, to ensure that future agreements were more financially viable from the council's perspective; and
3. Note the outcome of discussions with a number of social enterprise agencies.

Motion

To approve the terms of the report.

- Moved by the Chair and seconded by Councillor Walker.

Amendment

To maintain the existing scheme and honour the commitment made to residents where a quote had already been provided with a view to reviewing the scheme at a later date.

- Moved by Councillor Morrice and seconded by Councillor Findlay.

Decision

Following a vote the motion was successful by 7 votes to 2 and it was agreed accordingly.

13. LIBRARY SERVICES CHANGE OF NAME

The Council Executive considered a report (copies of which had been circulated) by Library Services Manger seeking approval for the change of name from Library Services to Library and Heritage Services.

The reason for this change of name included: -

- To reflect the wider remit of the service area
- To raise the profile of Heritage Services operating within Library Service; Museums, Local History and the Archives and Records Centre.
- To support the ongoing joint working arrangements of the Heritage Group working within Library Services (including the production of a Heritage services newsletter, joint disaster planning arrangements and the joint biannual History Fair).
- To support the creation of a West Lothian wide Heritage Strategy and enlist the support of Heritage sector colleagues across West Lothian.
- To take forward Heritage Planning within the context of Community Planning and also to aid bidding for funding for future joint heritage initiatives.
- To support the creation of a network of Heritage Hub developments across West Lothian.

The change of name was all about acknowledging all the professional service areas, which operated within the area of Library Services.

The Library Services Manager recommended that the Council Executive approve that Library Services become Library and Heritage Services reflecting the wider aspects of the service.

Decision

To approve the terms of the report.

14. IMPLEMENTATION OF THE EUROPEAN SERVICES DIRECTIVE

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

circulated) by the Chief Executive to invite the Council Executive to approve the policy changes in relation to the introduction of proportionate and transparent fee structures, which were required in order to comply with the European Services Directive, which came into effect on 28 December 2009.

The report outlined the European Services Directive, which was adopted by EU countries in December 2006, and was intended to open up the internal market in services through the removal of unjustifiable barriers to service provision.

The main objective of the Directive was to ensure that by 28 December 2009, any authorisations/licence approvals that were required from local authorities in order to supply services in their area were capable of being obtained electronically.

The report outlined the implications of the directive and included, Review of authorisation schemes, Online processing of licence applications, On-line payments, Licensing Fees and Deemed Grants.

The European Services Directive would simplify the process of obtaining licences from local authorities including ensuring that applications were capable of online submission, however it was unclear at this stage as to what extent the provision of the European Services Directive would result in the council receiving an increased number of applications.

The Head of Support Service recommended that the Council Executive approve the policy changes which were required in order to comply with the requirement for services to introduce proportionate and transparent fee structures in terms of the European Services Directive.

Decision

To approve the terms of the report.

15. ANNUAL REVIEW OF REMUNERATION FOR LOCAL AUTHORITY COUNCILLORS

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive, which provided details of the recommendations arising from the Scottish Local authorities Remuneration Committee 2009 Report, and to outline the proposed scope to the 2010 review in order to enable a response to a Scottish government consultation on the 2009 Report.

The Head of Support Services advised that the 2009 Report from the Scottish Local Authorities Remuneration Committee (SLARC), had made a number of recommendations on the remuneration levels for the next 2 years, 2010 to 2012, and on the publication of information on councillor's salaries, allowances and expenses and on the monitoring of civic heads'

expenditures.

The report from SLARC had made fifteen recommendations in total, four of which would have an impact on existing practice in West Lothian and details of which were summarised in Appendix 2 to the report and included, Civic Head Expenses, Publication of Salaries, Allowances & Expenses, Publication and Ease of Accessibility.

The SLARC review also contained further information regarding Joint Boards, Standards Commission, Arms Length Companies, Salary Levels, the Number of Senior Councillors and Workload Issues and Council Banding details of which were outlined in the report.

The Head of Support Services concluded that the 2009 SLARC report had made a number of recommendations on the remuneration levels for the next two years and on the publication of information on councillor's salaries, allowances and expenses and on the monitoring of civic heads' expenditure, which would provide for greater clarity and transparency on councillor remuneration, allowances and expenses.

Therefore it was recommended to note the content of the report and to endorse the recommendations arising from the Scottish Local Authorities Remuneration Committee 2009 Report in order to enable a response from the council to the Scottish Government by 7 January 2010.

Decision

To approve the terms of the report.

16. OBJECTION TO TRAFFIC CALMING SCHEME – PROPOSED ROAD HUMPS, B7015 SHEEPHOUSEHILL, FAULDHOUSE

The Council Executive was considered a report (copies of which had been circulated) by Transportation Manager advising of two objections received to the statutory advertisement procedures for the traffic calming measure proposed on B7015 Sheepphousehill, Fauldhouse and to recommend a council response.

The Transportation Manger advised that the Council Executive considered an objection to the original traffic calming measures proposed for Sheepphousehill, Lanrigg Road and Eastfield Road, Fauldhouse at its meeting on 20th May 2008. The item of business was continued for further consideration by the Local Area Committee, Environment Policy Development and Scrutiny Panel and consultation with disabled and access groups.

The Council Executive again considered the introduction of traffic calming measures on the B7015 Sheepphousehill, Fauldhouse at a further meeting on 11th November 2008 and approved an option to introduce speed tables and initiate statutory procedures for this option.

Further community consultation was undertaken details of which were attached to the report in a series of appendices and from which two objections were received. The report then summarised details of the two objections.

The report concluded the proposals had been developed through extensive consultation with the Fauldhouse community and that the public survey undertaken indicated strong support for the introduction of traffic calming features on Sheepphousehill and, in particular, support for the use of speed table.

It was recommended that the Council Executive dismiss the outstanding objections and give approval to proceed with the construction of the traffic- calming scheme proposed in Fauldhouse.

Decision

To approve the terms of the report.

17. PROPOSED STOPPING UP OF A SECTION OF SCHOOL HOUSE ROAD DEANS SOUTH, LIVINGSTON

The Council Executive considered a report (copies of which had been circulated) by the Transport Manager providing information to commence the statutory procedures to stop up a section of School House Road, Deans South where it passed over the Bathgate to Edinburgh railway line in Livingston.

The Transportation Manager advised that the early commencement of the statutory procedures was necessary to implement the new proposals and that there were no transport objections in principle to the proposed alternative arrangement to stop up a section of School House Road.

The report further advised of access requirements at the location and, following discussion with the owner of the old school house and the land owner on the south side of the railway, it was now proposed that alternative arrangements would require planning permission.

The report advised that consultation had been undertaken with ward members, roads services and the police who concurred with the recommendation contained in the report.

The Council Executive was asked to approve the commencement of the statutory procedures to stop up the relevant section of School House Road, subject to due consideration of the planning application and a grant of planning permission by the council as planning authority.

Decision

To approve the terms of the report.

18. PROPOSED UPGRADING OF PRIVATE ROAD PUMPHERSTON ROAD, MID CALDER

The Council Executive considered a report (copies of which has been circulated) by the Chief Executive seeking authorisation to use funds from the Upgrading of Private Road Scheme capital budget to upgrade a section of private street at Pumpherston Road, Mid Calder to adoptable construction standards and to adopt the road for future maintenance purposes

The Environment Policy Development and Scrutiny Panel considered a report at its meeting of 15 June 2009 regarding the proposed upgrading to adoptable standards of a section of private road at Pumpherston Road, Mid Calder. The road gave access to three houses, number 25, 29 and 31 and also to the public park. The road was privately owned although the council held rights of access to allow maintenance vehicles etc entry to the adjacent park. Additionally, the public gained access to the park via the road for general access and also for events such as the Mid Calder Gala Day, football matches etc.

The estimated cost of the works to upgrade the road to adoptable standards was £16,000. The Upgrading of Private Roads Scheme Notes for Guidance gave details of the criteria used in assessing the level of grant that the Council would make.

The Environment Policy Development and Scrutiny Panel agreed to recommend to council Executive that it approve the upgrading of this section of private street accessed from Pumpherston Road, Mid Calder, on the basis of a one-off relaxation of the normal policy rules with the council funding the major costs of the work and residents only contributing £1,000 each towards the costs.

The Council Executive was asked to approve the recommendation from the Environment Policy Development and Scrutiny Panel to upgrade a section of private street at Pumpherston Road, Mid Calder with the council meeting an increased share of the costs. The Council Executive was asked to approve this one off relaxation of the normal policy rules enabling the council to fund the major costs of the upgrading works with a significantly reduced contribution from the three residents.

Additionally there are sufficient funds contained within the Upgrading of Private Roads Scheme budge to enable these works to be undertaken.

Decision

To approve the terms of the report.

19. PROPOSED DISABLED PERSONS PARKING BAYS AND LIMITED

WAITING BAYS, HOCHSAUERLAND BRAE, CIVIC CENTRE, LIVINGSTON

The Council Executive considered a report (copies of which had been circulated) by the Transportation Manager seeking approval to initiate the statutory procedures to introduce disabled persons parking bays, limited waiting bays and remove “no waiting at any time” restrictions on Hochsauerland Brae at the Civic Centre in Livingston.

The Transportation Manager advised that since the opening of the Civic Centre in Livingston advisory disabled persons parking bays and limited waiting bays have been in operation at the visitor’s entrance on Hochsauerland Brae. However the general public, visiting the Civic Centre, had abused these parking bays.

Therefore it was proposed to promote a traffic order to introduce seven disabled parking bays with no time limit and that these bays would be for the use of drivers or passengers displaying a blue badge.

In addition it was proposed to introduce nineteen limited waiting bays with waiting limited to 45 minutes and no return within 2 hours and that “no waiting at any time” restrictions along the length of the parking bays would require to be removed as part of the proposals.

The report further advised that Lothian & Borders Police, Disability West Lothian and local members had been consulted and supported the proposals.

The Transportation Manager concluded that the proposed disabled persons parking bays and limited waiting bays would improve facilities for blue badge holders and the general public visiting the Civic Centre and provide a fairer allocation of parking spaces.

Therefore it was recommended that the Council Executive approve the initiation of the statutory procedures to promote a traffic order to: -

1. Introduce seven disabled persons parking bays;
2. Introduce nineteen limited waiting bays; and
3. Remove the “no waiting at any time” restrictions over a section of Hochsauerland Brae, Civic Centre, Livingston.

Decision

To approve the terms of the report.

20. PROPOSED EXTENSION OF 30MPH SPEED LIMIT, B792, TORPHICHEN ROAD, BATHGATE

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

circulated) by the Transportation Manager seeking approval to initiate the statutory procedures to extend the existing 30mph speed limit on the B792, Torphichen Road, Bathgate.

The Transportation Manager advised that following a review of all Class A and B roads, it had been identified that several locations required further investigation where the existing speed limit did not meet the relevant criteria and therefore the speed limit should be changed.

The review recommended that the 30mph speed limit on the B792 Torphichen Road, Bathgate be extended to the north of Mavis Bank. The section had an existing 40mph speed limit in force.

Lothian & Borders Police had been consulted on the proposals and had made no comments on the proposals.

Local ward members had also been consulted on the proposals and whose comments were outlined in the report.

The Transportation Manager concluded that the extension of the 30mph speed limit should improve road safety in the vicinity of the accesses to Bathgate Sports Centre, Mavis Bank, The Glen and Glenmavis House.

Therefore it was recommended that the Council Executive approve the initiation of the statutory procedures to promote a traffic order to extend the 30mph speed limit approximately 350 metres northwards on the B792 at Torphichen Road, Bathgate.

Decision

To approve the terms of the report.

21. PROPOSED POLICY TO CONTROL MESSAGES ON VARIABLE MESSAGE SIGNS, LIVINGSTON

The Council Executive considered a report (copies of which had been circulated) by the Transportation Manager seeking approval for a policy to manage and control the messages used on the variable message signs located at four locations around Livingston Town Centre.

The Transportation Manager advised that the four variable message signs displayed defaulted messages including "Welcome to Livingston" and "Fair Trade" and were also used to advise of delays and major roadworks on Almondvale Boulevard.

However there was an increasing demand to use the signs, to provide information on events in Livingston, and therefore it was considered that policy guidance on what messages would be permitted was required.

It was further noted that the signs were erected as road traffic information signs to help manage traffic movements in and around Livingston town

centre and therefore their use to advertise events was not considered appropriate.

Therefore Road Services, who co-ordinated all road works would control the messages displayed and they would be used to give advance notice to drivers of car parking levels in the town centre and particular traffic issues associated with the football stadium. Finally the signs would be used on the rare occasions to request information from the general public, such as a serious road accident or contact details for the Police in relation to a missing child search.

The Transportation Manager concluded that the messages displayed on the Variable Message Signs should be restricted and prioritised and that there should be a specific approval mechanism to allow the signs to be used in emergencies.

The Council Executive was invited to approve the policy principles for the control of messages used on the Variable Message Signs in Livingston.

In answer to a question raised the Chair recommended that a further report detailing the usage of electronic road signs for income generation be prepared and presented to the next appropriate meeting of the Environment Policy Development Scrutiny Panel.

Decision

1. To approve the terms of the report;
2. Agreed that a further report, outlining the usage of electronic road signs for income generation, be presented to the next appropriate meeting of the Environment Policy Development and Scrutiny Panel.

22. B7069 WEST MAIN STREET, WHITBURN – CYCLING, WALKING AND SAFER STREETS (CWSS) TRAFFIC CALMING/SPEED MANAGEMENT MEASURES

The Council Executive considered a report (copies of which had been circulated) seeking approval to progress the preferred traffic calming option for the B7069 West Main Street, Whitburn.

The report advised that following Council Executive approval to further consult with affected parties on traffic calming/speed management options for West Main Street, Whitburn, three options were drawn up and included Option 1, Speed Tables, Option 2 Footpath build outs and Option 3 a combination of speed tables and footpath build outs.

A letter was sent out to residents and businesses on West Main Street and included an information leaflet and survey form. The survey form and leaflet were also made available in the library, CIS offices and to members of the public attending the “drop-in” evening.

The feedback received from the survey identified 94% of those who responded supported the introduction of traffic calming measures with Option 1 the method most favoured by the community.

A report was then presented to a meeting of the Whitburn and Blackburn Local Area Committee who endorsed Option 1 as the most favourable method for introducing traffic calming measures on the B7069 West Main Street.

The Transportation Manager concluded that through extensive consultation with the local community and businesses of Whitburn it had been identified that there were concerns regarding vehicle speeds and road safety on the B7069 West Main Street and that the Local Area Committee had indicated its support for the proposal to initiate the detailed design for Option 1.

It was recommended that the Council Executive approve the initiation of statutory procedures to implement speed tables on B7069 West Main Street and note that the Whitburn and Blackburn Local Area Committee and the local community supported Option 1.

Decision

To approve the terms of the report.

23. FROM GRANTS TO COMMISSIONING

The Council Executive considered a report (copies of which had been circulated) by the Head of Cultural, Communities and Economic Development Services advising of the council's investment in the voluntary sector and the need to move from grant aid to commissioning.

The report advised that a short life working group was set up in June 2009 to look at the quantum and nature of the council's investment in the voluntary sector and recommended to the Voluntary Organisations Policy Development and Scrutiny Panel in September 2009 a general move from grants to commissioning with specific exceptions.

The report produced by the Short Life Working Group, attached to the report at Appendix 1, noted that the majority of the council's investment in the Voluntary Sector in 2008/2009 was based on Best Value Service Level Agreements or service contracts and that this funding would be left in place.

However of the remaining 20% of the funding, some £3.7m, it was recommended that for those 20 organisations receiving more than £50K per year they would move to needs led, to better define the services provided with intended outcomes and for those 50+ organisations receiving under £50k per year would move to a more formal funding

agreements with specific outputs.

The Short Life Working Group report also made a number of additional recommendations, which were summarised in the report.

A consultation on the proposals from the Short Life Working Group was undertaken with the Voluntary Sector Strategic Group. Whilst they generally understood and were supportive of the move from grants to commissioning, some concerns had been expressed, details of which were outlined in the report. Further meetings would continue to be held with the voluntary sector to allay any concerns and clarify the councils approach on the process being followed.

The Head of Cultural, Communities and Economic Development Services recommended that the Council Executive agree the general approach of moving from making grants to commissioning work, linked to service level agreements or contracts with more robust outputs or preferably, outcomes as recommended by the Short Life Working Group in Voluntary Sector Funding.

Additionally the Council Executive was asked to agree the following specific recommendations from the Short Life Working Group on Voluntary Sector Funding: -

- Identify and implement needs led service priorities for council investment via the voluntary sector;
- Move from historical annual/rolling grants made to voluntary sector organisations, to the commissioning of services, as a general principle, that resulted in clear (“hard” and “soft”) measurable outcomes for the users of those services;
- Develop and implement a consistent policy of outcome focused contracts for voluntary sector investment as a general principle, competitively tendered where appropriate, as determined by the services(s);
- Identify and examine opportunities for presently stand alone organisations to combine to deliver future services through some form of federated service provision or merger;
- Establish a standing working group of experienced practitioners within the council to ensure consistency in on-going monitoring and evaluation of significant sums invested in voluntary organisations for the purchase or delivery of services;
- Instruct the Short Life Working Group to mitigate any adverse consequences arising from council funding decisions upon the sector;
- Support policy with a commissioning system that treated, as one contract, multiple funding streams from the council. The benefits of

which would be greater clarity concerning who contributed what and from which part of the council; and

- No longer include the Voluntary and Not for Profit Organisations Funding and other Support Report as part of the West Lothian Council Revenue Budget as the allocations outlined within that report were already in the approved budgets of services.

Decision

1. Agree recommendations 1,2,3,4,6,7,8, of the report; and
2. Agree that recommendation 5 of the report's recommendation to state "Establish a standing working group of experiences practitioners within the council to ensure consistency in on-going monitoring and evaluation of significant sums invested in voluntary organisations for the purchase or delivery of services and to report to the appropriate Policy Development Scrutiny Panel".

24. VOLUNTARY ORGANISATIONS BEST VALUE REVIEW 2009

The Council Executive considered a report (copies of which had been circulated) by the Head of Cultural, Communities and Economic Development Services, which advised the members of the outcome from the 2009 Best Value Review of services provided by the voluntary and no-for-profit sector, in line with the requirements of the Local Government in Scotland Act 2003

The report highlighted compliance by individual voluntary organisations with the best value principles as defined in the council's Best Value Review process. The review recognised the quality of service provided by voluntary organisations rather than simply looking at financial matters.

The report continued to advise that the scope of the 2009 review included organisations from across the sector that had either not gone through previous reviews or those that had been awarded one year or six month funding and were working to an improvement plan.

Details of the organisations involved were outlined in the report and it was noted that two of the organisations, Enable and Epilepsy West Lothian were recommended for a rolling three-year funding agreement. A further four of the organisations were recommended for one year funding with conditions. The remaining two organisations had been deferred, due to operational reasons, until 2010.

The Head of Cultural, Communities and Economic Development Services concluded that the Best Value Review of the voluntary sector continued to highlight the high quality of service delivered by the sector to the communities of West Lothian and of the partnership with West Lothian Council and other Community Planning Partners.

It was recommended that the Council Executive agree: -

- That the organisations outlined in the report, which had demonstrated Best Value in the 2009 review and achieved the threshold be awarded rolling three-year Funding Agreement to take effect from 1st April 2010, with the details of the agreement to be negotiated with the organisation by the designated Link Officer. At the end of the agreement's first year, such organisations would undergo an annual review, prior to the agreement being rolled forward for a further year and this would be subject to the availability of council budgets, continued need and a positive monitoring outcome. The three-year funding agreement gave organisations more long-term security and enabled them to make better use of external funding opportunities;
- That the arrangements be reviewed in light of the shift from grants to commissioning;
- Organisations that had fallen just below the threshold required for a three-year agreement to be awarded a one-year agreement with conditions attached, which would compel them to reach the required standard within that year. Provided they reached that standard they would be put forward for the award of a three-year agreement.
- Organisations that had fallen well below the threshold be given 6 months funding, with strict guidelines on performance improvement and if they failed to improve their performance, then the council would consider whether funding should continue;
- Funding was withdrawn from organisations that had failed to comply with the Best Value process;
- Services facilitate and support the development by organisations of an action plan that consolidated strengths, addressed area of weakness and ensured a focus on continuous improvement. Outcomes, outputs and SMART (specific, measurable, achievable, realistic and time-limited) targets would be agreed with the organisation by the designated Link Officer;
- The qualitative and quantitative information provided by organisations during the review would be used by services as the basis for further rigorous annual reviews of performance; and
- Updated guidance for the support and monitoring of organisations was issued to Link Officers annually to ensure consistency of approach across the sector and that it was the Link Officers responsibility to ensure that it was implemented.

Decision

To approve the terms of the report.

25. BROXBURN AND UPHALL PUBLIC REALM DESIGN GUIDE

The Council Executive considered a report (copies of which had been circulated) by the Planning Services Manager advising of the content of the Broxburn and Uphall Public Realm Design Guide that had been prepared for the council by Ironside Farrar, as attached to report at Appendix 1.

The design guide established a vision for the public realm in Broxburn and Uphall, set out good practice in promoting good quality urban design and set out the priorities for public realm improvements, which could be addressed through capital investment in the town by the council and its partners.

The guide set out eight key design principles and related them to design guidelines for development management, details of which were outlined in the report.

Each of the design principles were then translated into design guidelines for development management decisions and were summarised as follows:

-

- Detailed guidance for new development on enhancing accessibility/connectivity, respecting traditional urban structure, public realm landscape, scale and massing, elevational treatment, materials, adaptability and energy efficiency;
- Shopfront improvement guidance including advice on fascias, materials, colours, signage, security measures and illumination;
- Advice on creating key gateways into the towns in order to create a sense of arrival and a high quality profile and image for the town.

In addition to the design principles and public realm guidelines the guide also identified a “shopping list” of potential projects capable of contributing to place quality through investment by the council and its partners, details of which were summarised in the report.

The report concluded that the guide provided a sound basis for improving the public realm and building design within the town and identified priority actions for future public investment in the town.

The Planning Services Manager recommended that the Council Executive endorses the content of the public realm design guide and approves the design framework as supplementary planning guidance.

Decision

To approve the terms of the report.

26. SUPPLEMENTARY PLANNING GUIDANCE – DEVELOPMENT CONTRIBUTIONS FOR A REPLACEMENT ARMADALE LIBRARY

The Council Executive considered a report (copies of which had been circulated) by the Planning Services Manager seeking approval for new supplementary planning guidance, as attached to the report at Appendix 1, that would set out how developer contributions would be secured to help fund the provision of a replacement Armadale Library.

The Planning Services Manager advised that in its 10-year capital investment plan the council had programmed to provide a new library facility for Armadale and which would be an extension to the existing community centre.

The cost of the scheme was £775,000 with developer contributions totalling £275,000 and which would be required retrospectively.

The report advised that the contributions would go towards meeting of the cost of providing library facilities that would meet the needs of the new population arising from the 2,070 houses to be developed in the Armadale Core Development Area, with the developer contribution being £133 per unit.

The Planning Services Manager explained that the draft Supplementary Planning Guidance had been circulated to developers, local area committee members and the community council for a six-week consultation period. Two developers had expressed concern over the proposed requirement to provide a contribution towards the library, details of which were contained in Appendix 2 to the report.

The report concluded that a new library facility was required at Armadale and that as the library was designed to serve the new population in addition to the existing population, a developer contribution of £133 per residential unit was required.

The Council Executive was invited to approve the content of the Supplementary Planning Guidance, “Developer Contributions for a Replacement Armadillo Library”.

Decision

To approve the terms of the report.

27. DETERMINING PLANNING APPLICATIONS THAT DEPART SIGNIFICANTLY FROM THE DEVELOPMENT PLAN OR OTHERWISE GIVE RISE TO UNPLANNED RESOURCE IMPLICATIONS FOR THE COUNCIL

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive outlining suggested changes to some of the council's procedures for dealing with certain types of applications for planning permission as a further consequence of the Planning, etc (Scotland) Act 2006 and in relation to applications which had a significant and unplanned resource implications for the council.

The Chief Executive explained that at the heart of the new planning system was that planning decisions must be in accordance with the development plan unless material consideration indicated otherwise. Therefore the new regulations meant that "major" planning applications, as defined in Appendix 1 to the report and that were significantly contrary to the development plan would be determined by full council. This would allow the applicant and those who had made representations to appear before and be heard by a committee of the council.

The report continued to advise that determining what was a significant development plan departure would require to be founded on a clear and robust professional planning judgement and would require to be assessed against a framework, as set out in Appendix 2 to the report.

Following assessment based upon the proposed criteria, if the Head of Development and Regulatory Service considered that such an application was one that was significantly contrary to the development plan it would not be placed on the agenda for the Development Management Committee, rather it would be submitted to a meeting of full council that would be specifically constituted for the purpose of conducting the pre-determination hearing.

Additional meetings of the full council, which would be known as West Lothian Council Planning Committee, would require to be scheduled within every 6 weekly cycle to allow for the pre-determination hearing to take place followed by a meeting of full council, in order to deliver expeditiously the final determination.

The report then went on to advise that it was also necessary to carry out a six monthly review of determination of planning applications that were not significantly contrary to the development plan but could equally give rise to unplanned financial implications for the council.

Therefore if the Head of Development and Regulatory Services deemed that a planning application would give rise to unplanned financial implications for the council the application would be recommended for refusal and then placed on the weekly list of delegated applications Local Members and the Chair of Development Management Committee would continue to have the ability to have the application "called-in" but this would be referred to full council and not the Development Management Committee.

The changes proposed would subsequently require changes to the

council's Standing Orders, the Scheme of Administration and the Scheme of Delegation.

The Chief Executive recommended that the Council Executive :-

- a) Note the contents of the report and agree its terms as the basis of identifying those "major" applications that would be determined to be a significant departure from the development plan;
- b) Note the terms of the report and agree on a revised procedure for the determination of other applications that would give rise to adverse financial resource implications for the council;
- c) Approve the necessary change to Standing Orders, the Scheme of Administration and the Scheme of Delegation;
- d) Refer to the next meeting of the full council the establishment of the West Lothian Planning Committee for the purpose of dealing with certain applications under the new procedures and the determination of meeting arrangements for it; and
- e) Authorise officers to seek the necessary approval from Scottish Ministers to vary the terms of the statutory Scheme of Delegations to the Appointed Person approved in June 2009.

Decision

1. Approve recommendation 1 of the report;
2. Approve recommendations 3,4, and 5 of report in so far that they related to recommendation 1 of the report;
3. Agreed that a further report be prepared and submitted to the next appropriate meeting of the Development and Transport Policy Development and Scrutiny Panel, to which all elected members were to be invited, to discuss a revised procedure for the determination of "other" planning application that would give rise to adverse financial implications for the council; and
4. Agreed that in the meantime the status quo was to remain, in relation to "other" planning applications but any reports being presented to the Development Management Committee were to include details of any resource implications for the council.

28. HARPERRIGG RESEVOIR – PROPOSED LOCAL NATURE RESERVE DESIGNATION

The Council Executive considered a report (copies of which had been circulated) by the Planning Services Manager to inform the members of the outcome of the public consultation in the summer of 2009 on the proposed Local Nature Reserve around Harperrigg Reservoir and to seek

approval of the local management plan, attached to the report at Appendix 1 and agree to promote the designation of a Local Nature Reserve at Harperrigg.

The report advised that the Harperrigg Reservoir Management Group, which consisted of local farmers, local owners, nearby residents and officers of West Lothian Council, City of Edinburgh Council, Pentland Hills Regional Park Ranger Service, The Forestry Commission and Scottish Natural Heritage, had finalised a management plan for the area known as Harperrigg Reservoir.

The report continued that the finalised report was issued for public consultation and that only one formal written response from a local resident had been received and who supported the principles and ambition to create a local nature reserve.

Further details were contained within the report of the access and woodland improvements that would be carried out in accordance with the Management Plan and that funding from the Scottish Government and the LEADER programme would be sought to assist with the proposed improvements.

The Planning Services Manager concluded that there had long been efforts to improve the management of the Hampering Reservoir that would aid the conservation of the area and that the designation of the site as a local nature reserve and the adoption of a management plan would allow the management group to apply for funding to carry out further improvements over the next five years.

It was recommended that the Council Executive: -

- Note the outcome of the public consultation on the Harperrigg Reservoir Finalised Management Plan that accompanied the proposed Local Nature Reserve (LNR) designation and endorse the Management Plan;
- Endorse the proposed response to the comments received following public consultation and further consideration by the Environment PDSP;
- Endorse the proposal to promote the declaration of a designation of Harperrigg Reservoir as a Local Nature Reserve; and
- Instructs Legal Officers to progress the formal declaration of the LNR order.

Decision

To approve the terms of the report.

PROPOSED SALE TO MR SCOTT GRAHAM

The Council Executive considered a report (copies of which had been circulated) by the Head of Property Services seeking approval to the terms and conditions of sale of the former Deans House, Glen Road, Deans, Livingston to Mr Scott Graham for the purposes of residential conversion.

The report advised that the council had declared the property surplus to requirement and it was subsequently vacated following the transfer of the facility to new purpose built accommodation nearby.

The property was placed on the open market for a period of six weeks and invited offers over £150,000. At the closing date no offers had been received however subsequent interest resulted in a second closing date of Friday 11th December 2009 being set, at which time two offers were received.

The main terms and conditions of the higher offer received were outlined in the report and included approval of delegated powers to be granted to the Head of Property Services to conclude any further negotiations which would be required with the purchase, including any required amendment to the purchase price provided any amendment represented the best capital receipt for the council.

The Head of Property Services recommended that the Council Executive approve the sale of the former Deans House, Glen Road, Deans, Livingston to Mr Scott Graham for the sum of £160,000, subject to the terms and conditions outlined in the report.

Decision

To approve the terms of the report.

30. THE HOWDEN PARK CENTRE, LIVINGSTON – PROPOSED LEASE OF ACCOMMODATION TO FIREFLY ARTS

The Council Executive considered a report (copies of which had been circulated) by the Head of Property Services seeking approval to lease accommodation within the Howden Park Centre to Firefly Arts.

The Head of Property Services advised that Firefly Arts worked in partnership with the Council and until recently had operated from council-owned facilities known as The Playshed. However as these premises were no longer fit for purpose an agreement in principle was reached whereby Firefly Arts would relocate to facilities within the Howden Park Centre.

The terms and conditions of the lease of facilities within the Howden Park Centre were summarised in the report and included details of the length of

the lease and the initial rent that would be paid.

The Head of Property Services recommended that the Council Executive approve the lease of accommodation within the Howden Park Centre, Livingston to Firefly Arts for a period of 25 years at an initial rental of £5,500 per annum.

Decision

To approve the terms of the report.

31. 11 INCHMUIR ROAD, WHITEHILL INDUSTRIAL ESTATE, BATHGATE – PROPOSED LEASE TO DRILLING, CONTRACTING AND ENVIRONMENTAL SERVICES LTD

The Council Executive considered a report (copies of which had been circulated) seeking approval to lease the industrial unit at 11 Inchmuir Road, Whitehill Industrial Estate, Bathgate to Drilling, Contracting and Environmental Ltd for a period of 3 years.

The Head of Property Services explained that Drilling, Contracting and Environmental Ltd occupied two sites in West Lothian from private landlords and that the company had expressed a need to amalgamate operations onto one site to facilitate more efficient working practices and retain staff.

Therefore the Council had identified a site at 11 Inchmuir Road, Whitehill Industrial Estate as suitable for the relocation of the company and that following negotiation it was proposed to grant a lease of the unit in accordance with the terms and conditions summarised in the report.

The report concluded that the 3-year lease in favour of Drilling, Contracting and Environmental Ltd represented the best opportunity to the council of securing a long-term rental from the asset.

The Head of Property Services recommended that the Council Executive approve the lease of the industrial unit at 11 Inchmuir Road, Whitehill Industrial Estate, Bathgate to Drilling, Contracting and Environmental Ltd for a period of three years at an initial rental of £24,960 per annum.

Decision

To approve the terms of the report.

32. EQUALITIES MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Chair of the Corporate Working Group on Equality, which provided information on the equalities monitoring for the period 1st October 2008 to 30th September 2009 and to advise on measures being

taken to implement the councils Equality Schemes.

The report explained that the council had a statutory duty as a public sector employee to annually publish employment monitoring statistics by Race, Disability and Gender and that as an education authority it was also required to publish monitoring information in relation to the make-up of pupil population and attainment levels using similar classifications.

The report enclosed a series of appendices, which set out a series of employment monitoring statistics for the period 1st October 2008 to 30th September 2009.

It was recommended that the Council Executive note the content of the Equalities Monitoring Report.

Decision

To note the contents of the report.

33. ACTION TAKEN IN TERMS OF STANDING ORDER 31 -

- (a) The Council Executive was advised of action taken in terms of Standing Order 31 (urgent business) to provide approval for the submission of a response to a Scottish Government consultation in relation to high hedges and other nuisance vegetation, as recommended by the Environmental Health and Trading Standards Manager in his report dated 24th November 2009.
- (b) The Council Executive was advised of action taken in terms of Standing Order 31 (urgent business) to provide approval for the submission of the council's Strategic Housing Investment Plan to the Scottish Government, as recommended by the Head of Housing and Building Services in her report dated 1st December 2009.
- (c) The Council Executive was advised of action taken in terms of Standing Order 31 (urgent business) to provide approval for the submission of a response to a Scottish Government consultation in identity management and privacy principles as recommended by the Head of Customer Services in her report dated 21st October 2009

Decision

To note the action taken in terms of Standing Order 31 (urgent business)

35. CLOSING REMARKS

The Chair took the opportunity to wish all a Merry Christmas and a Happy

New Year.