



## ***Council Executive***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

16 January 2020

A meeting of the **Council Executive** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Tuesday 21 January 2020** at **11:00am**.

For Chief Executive

### **BUSINESS**

#### **Public Session**

1. Apologies for Absence
2. Declarations of Interest - Members should declare any financial and non-financial 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, declarations of interest in any urgent business and consideration of reports for information.  
  
The Chair will invite members to identify any such reports they wish to have fully considered, which failing they will be taken as read and their recommendations approved.
4. Confirm Draft Minutes of Meeting of Council Executive held on Tuesday 17 December 2019.(herewith).

#### **Public Items for Decision**

5. West Lothian Enterprise Limited - Voluntary Striking Off - Report by Head of Planning, Economic Development and Regeneration (herewith).
6. Integration Scheme Review - Report by Depute Chief Executive (Health & Social Care Partnership) (herewith).

7. APSE Scotland Building and Housing Seminar 2020 - Report by Head of Housing, Customer and Building Services (herewith).
8. Construction Charter - Report by Head of Corporate Services (herewith)
9. Procurement Arrangements - Provision of Taxibus Demand Responsive Transport Services - Report by Head of Corporate Services (herewith).
10. Procurement Arrangements - Direct Award to the City of Edinburgh Council - Report by Head of Corporate Services (herewith).
11. Proposed 30MPH Speed Limit Extension A706 North of Whitburn - Report by Head of Operational Services (herewith).
12. Petition for Litter Bin to be Sited on Main Street, East Whitburn - Report by Head of Operational Services (herewith).
13. B8020 Niddry Road and the U18 Niddry Farm Road, Winchburgh - Proposed Traffic Calming and Extension of the Existing 30MPH Speed Limit - Report by Head of Operational Services (herewith).

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NOTE      **For further information please contact Eileen Rollo on 01506 281621 or email [eileen.rollo@westlothian.gov.uk](mailto:eileen.rollo@westlothian.gov.uk)**

MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 17 DECEMBER 2019.

Present – Councillors Lawrence Fitzpatrick (Chair), Kirsteen Sullivan, Tom Conn, David Dodds, Angela Doran (substituting for Harry Cartmill), Peter Heggie, Carl John (substituting for Frank Anderson), Peter Johnston, Tom Kerr (substituting for Charles Kennedy), Cathy Muldoon, George Paul and Damian Timson

Apologies – Councillors Harry Cartmill, Chris Horne and Charles Kennedy

Absent – Councillor Frank Anderson

1. DECLARATIONS OF INTEREST

Agenda Item 14 (Procurement Arrangements – Provision of “Hard” Facilities Management Services in Secondary Schools and Partnership Centres) - Councillor George Paul declared an interest in that he was a paid member of the Unite Union who had contacted all members of the Council Executive on the report.

2. ORDER OF BUSINESS

The Council Executive agreed, in accordance with Standing Order 8(3), that agenda items 5, 7, 23, 24 and 25 were to be taken as read and their recommendations noted without further consideration.

The Council Executive agreed that in future the “Councillors Code of Conduct – Annual Review” report would be submitted to meetings of West Lothian Council; and

The Council Executive agreed that they would consider three deputation requests, one of which had been received late, and which concerned Agenda Item 9 (Deans South). The Chair then ruled in terms of Standing Order 11 that the Head of Housing, Customer and Building Services report, on the same subject matter, would be considered at the top of the agenda alongside the three deputations.

3. DEANS SOUTH : PROPOSED LAND ASSEMBLY ARRANGEMENTS

Deputations

The Council Executive heard from Kerry McIntosh, who was a home owner on the Deans South estate. Ms McIntosh expressed her disappointment that the council was proposing a further round of consultation in the New Year with the remaining home owners when a consultation had recently concluded without resolution. She also advised that in her opinion the only solution was for the remaining home owners to accept the offer from Springfield Properties.

The Council Executive heard from Jack Freeman, a home owner on the

Deans South estate who expressed his disappointment that no progress had been made following the recent consultation and that the council was proposing to conduct a further consultation in the New Year when there was nothing new to discuss. Mr Freeman also expressed his concerns that the use of a CPO was not being ruled out and was in effect being used as a threat to the remaining home owners.

The Council Executive then heard from Phil Cavan, a home owner on the Deans South estate, who explained that he had had a change of opinion and was now willing to accept the offer made by Springfield Properties. He urged the council to engage with Springfield Properties and the Wheatley Group so a resolution could be found that was suitable to all parties and the residents.

#### Report by Head of Housing, Customer and Building Services

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services providing an update on the outcome of the recent engagement with all nine private owners in Deans South with respect to the council's financial offer and to make recommendations on the way forward and to seek approval for the proposed next steps outlined in the report.

It was recommended that Council Executive :-

1. Notes the position with respect to the redevelopment of the Deans South Phase 2 site, which would provide around 24 new homes for social rent;
2. Notes that there were ten remaining privately owned properties in the core area of Deans South, with the location of the properties shown in Appendix 1;
3. Notes the outcomes of the recent engagement carried out with all nine remaining private owners, whereby none of the owners were currently interested in accepting the council's financial offer;
4. Noted the progress with discussions with the Wheatley Housing Group; and
5. Notes and approves and the approved next steps for reporting to committee.

#### Motion

1. To thank Kerry McIntosh, Jack Freeman and Phil Cavan for their presentation(s);
2. To approve the terms of the report; and
3. To agree an additional recommendation in that officers were to engage with all West Lothian based Registered Social Landlords through housing partnership meetings on their involvement in the continued development of the Deans South estate.

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan

#### Amendment

“West Lothian SNP Group note, that the Deans South report recommends further talks with the home owners over the period Jan-March 2020. We also note that there is nothing new being offered to owners, the offer of talks is on the exact same basis as was rejected by all the owners during the summer. As there appears to be nothing new to negotiate with the individual owners, then we should make better use of this 3 month period by not going over the same ground which we have only just concluded this summer.

Council, therefore, agrees to initiate a tripartite meeting with Springfield, Wheatley and the Council, as a matter urgency, to explore the following:-

- The veracity of the “home for home” offers which have been made to the home owners
  - The potential options available to assist the completion of those offers which have been accepted
  - The options available to the Council to move the issue forward, including developing the site with some owners still in situ, transferring the site to RSL for development (aware of current situation), retaining the site for Council houses; and
- Moved by Councillor Peter Johnston and seconded by Councillor Carl John

At the request of Councillor Damian Timson, Councillor Peter Johnston agreed to the inclusion of a fourth bullet point in his amendment, which was as follows :-

- Simultaneously engage with other RSL’s for the development of the site and for a report to brought back to a future meeting of West Lothian Council”.

The Chair confirmed that the Governance Manager confirmed the adjusted amendment was competent.

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

#### Motion

Tom Conn  
David Dodds  
Angela Doran  
Lawrence Fitzpatrick  
Cathy Muldoon  
George Paul  
Kirsteen Sullivan

#### Amendment

Peter Heggie  
Carl John  
Peter Johnston  
Tom Kerr  
Damian Timson

#### Decision

Following a vote the motion was successful by 7 votes to 5 and it was agreed accordingly.

4. MINUTE

The Council Executive agreed the Minute of its meeting held on 3 December 2019. The Minute was thereafter signed by the Chair.

5. LIBRARY EFFICIENCIES : NEW MODEL SERVICE DELIVERY

Prior to consideration of the following item of business Councillor Damian Timson sought clarification as to why the item of business had not been placed before a meeting of West Lothian Council as it concerned an approved revenue budget reduction measure, as previously agreed by Council at its budget setting meeting. This course of action was approved by Council on 19 March 2019.

The Governance Manager advised Council Executive that the Motion approved by Council on 19 March 2019, referred to deletions or “substantial” departures from budgetary decisions made by Council at its budget setting meeting, not to all changes. Such changes could arise in relation to any or all of the value of the saving, timescales, the scope of the measure, the FTE figure or its significance in the range of saving measures.

The Chief Executive confirmed that the advice provided by the Governance Manager was correct. In the first instance it was for the Head of Service to assess what was “substantial” and report to Council or committee accordingly. the decision was ultimately one to be made at the committee or Council meeting based on advice from officers.

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services seeking approval for the measures designed to enable Library Services achieve the council approved Transforming Your Council efficiencies through a new model of service delivery.

It was recommended that Council Executive note and consider the following recommendations for approval :-

1. Notes the findings of the review and the opportunities for development/efficiencies;
2. Approves the recommendation to deliver the approved savings; and
3. Notes the petition (Craigshill says no to Saturday closing) and the comments in response in part D3 of the report.

Motion

To approve the terms of the report.

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan

#### First Amendment

“West Lothian Council SNP Group note, the proposal contained in this paper does nothing to help achieve either closing the attainment gap, access to computers, nor tackle poverty. The proposed closure of libraries on a rota basis affects our most deprived areas disproportionately.

Council therefore agrees to reject these proposals and calls on officers to look for alternative savings elsewhere, which don't impact on our most deprived areas nor affects Council's aspiration to both raise attainment and close the attainment.”

- Moved by Councillor Carl John and seconded by Councillor Peter Johnston

#### Second Amendment

“In many parts of our communities the library is the only indoor public space that is open to all and offering a variety of services. Rarely is it just about books, but often a café is connected, computers for all to use and in many areas such as Craigshill are vital for children to study and do homework, and is a place of peace and quiet for those that require it.

By reducing the hours libraries are open, West Lothian Council are restricting the times young people can study, others can access the internet and those that enjoy the sanctuary of a library can access.

The proposed new times for closure/self-service do not appear to be aimed at assisting people but rather aimed at making a saving fit the service.

Therefore West Lothian Council are to look at methods of not reducing library opening hours, by introducing more self-service times, opening/closing at different times, and using funds from other areas that are underspent, or any other such methods.

A report with these new revised efficiencies is to be brought to West Lothian Council at the earliest opportunity.

- Moved by Councillor Damian Timson and seconded by Councillor Peter Heggie

Councillors Carl John and Damian Timson intimated that they could agree a composite amendment.

Following a short adjournment, the following composite amendment was submitted :-

#### Composite Amendment

“West Lothian Council SNP Group note, the proposal contained in this paper does nothing to help achieve either closing the attainment gap, access to computers, nor tackle poverty. The proposed closure of libraries on a rota basis affects our most deprived areas disproportionately.

Council therefore agrees to reject these proposals and calls on officers to look for alternative savings elsewhere, which don't impact on our most deprived areas nor affects Council's aspiration to both raise attainment and close the attainment.”

In many parts of our communities the library is the only indoor public space that is open to all and offering a variety of services. Rarely is it just about books, but often a café is connected, computers for all to use and in many areas such as Craigshill are vital for children to study and do homework, and is a place of peace and quiet for those that require it.

By reducing the hours libraries are open, West Lothian Council are restricting the times young people can study, others can access the internet and those that enjoy the sanctuary of a library can access.

The proposed new times for closure/self-service do not appear to be aimed at assisting people but rather aimed at making a saving fit the service.

Therefore West Lothian Council are to look at methods of not reducing library opening hours, by introducing more self-service times, opening/closing at different times, and using funds from other areas that are underspent, or any other such methods, subject to the condition that no library should close for a full day or a half day.

A report with these new revised efficiencies is to be brought to West Lothian Council at the earliest opportunity”.

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

Motion

Tom Conn  
David Dodds  
Angela Doran  
Lawrence Fitzpatrick  
Cathy Muldoon  
George Paul  
Kirsteen Sullivan

Amendment

Peter Heggie  
Carl John  
Peter Johnston  
Tom Kerr  
Damian Timson

Decision

Following a vote the motion was successful by 7 votes to 5 and was agreed accordingly.

6. HOUSING ALLOCATION POLICY REVIEW

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



circulated) by the Head of Housing, Customer and Building Services advising of the proposed changes to the council's Housing Allocation Policy.

The report recommended that the Council Executive:

1. Note and approve the proposed changes for the purpose of the review of the council's Allocation Policy and to approve commencement of consultation;
2. Note and approve the proposed consultation timeline;
3. Note and approve the proposal to explore Choice Based Lettings approach;
4. Note and approve the proposal to review the Transfer Led approach; and
5. Note and approve the alignment with the Rapid Rehousing Transition Plan (RRTP) timescales.

#### Decision

1. To approve the terms of the report;
2. To agree that the Head of Housing, Customer and Building Services provide all members of Council Executive (and substitute members) with information and guidance for ascertaining whether homelessness was deemed intentional or not.

#### 7. NEW BUILD TEMPORARY ACCOMMODATION PROVISION IN WEST LOTHIAN

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services providing an update on the options for new build temporary provision in West Lothian identified in the West Lothian Rapid Rehousing Transition Plan (RRTP)

The report recommended that the Council Executive:

1. Note and approve the proposals for a 12 person supported accommodation unit for young people;
2. Note that subject to the availability of funding, there may be an opportunity to build either 12 or 16 mainstream flats;
3. Note that through the preferred site at Deans, Livingston, would deliver the full project within the budget of £4 million; and
4. Note and approve the proposal to reconfigure Newlands House, Bathgate to four self-contained flats.

#### Decision

To approve the terms of the report.

8. PLANA GAIDHLIG COMHAIRLE LODAINN AN LAR/WEST LOTHIAN COUNCIL GAELIC LANGUAGE PLAN

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services providing a draft Gaelic Language Plan for West Lothian Council, in accordance with the terms of the Gaelic Language (Scotland) Act 2005.

The report recommended that the Council Executive approve the draft Gaelic Language Plan for West Lothian Council.

Decision

To approve the terms of the report.

9. PROCUREMENT ARRANGEMENTS - DIRECT AWARD TO IDOX

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 to IDOX Software Ltd for the provision of a Planning Services Integrated Mapping System for a three year period with the option to extend for a period of a further twelve-months.

The report recommended that the Council Executive approve an award to IDOX Software Ltd for a period of three years commencing 1 April 2020 with the option to extend for a further period of 12 months.

Decision

To approve the terms of the report.

10. PROCUREMENT ARRANGEMENTS - PROVISION AND MAINTENANCE OF SECURITY, CCTV AND FIRE ALARM SYSTEMS

The Council Executive considered a report (copies of which had been circulated) seeking approval to commence tendering procedures for a three-year contract for the Provision and Maintenance of Security, CCTV and Fire Alarm Systems, with the option to extend for up to two further one year periods.

The report recommended that the Council Executive approves the commencement of tendering procedures for the Provision and Maintenance of Security, CCTV and Fire Alarm Systems, employing the evaluation methodology and criteria outlined in Section D of the report at a total cost of £1.480 million.

Decision

To approve the terms of the report.

11. PROCUREMENT ARRANGEMENTS - SUPPLY OF "HARD" FACILITIES MANAGEMENT SERVICES IN SECONDARY SCHOOLS AND PARTNERSHIP CENTRES

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 procurement of a new five year contract with an option for a further two extension periods of up to 12 months each, for the supply of "hard" facilities management (FM) services for West Lothian Secondary Schools (excluding PPP and DBFM) and Partnership buildings).

The report recommended that the Council Executive approves:

1. The use of the Restricted Procedure whereby a shortlist of capable suppliers would be invited to tender for the procurement of an initial five year contract, with an option for a further two extension periods of up to 12 months each, for the supply of "hard" FM services for West Lothian Secondary Schools (excluding PPP and DBFM) and Partnership buildings.
2. The award criteria to be applied at the tender stage as set out in Section D of the report.

Decision

To approve the terms of the report.

12. PROCUREMENT ARRANGEMENTS - DIRECT AWARD TO EDINBURGH UNIVERSITY FOR THE PROCUREMENT OF SPECIALIST FROEBEL TRAINING

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 to Edinburgh University for specialist Froebel Early Years practitioner training for sixty Early Learning and Childcare practitioners.

The report recommended that the Council Executive approves a direct award of £51,000 to Edinburgh University for specialist Froebel Early Years practitioner training for sixty Early Learning and Childcare practitioners within the council and Partner Providers.

Decision

To approve the terms of the report.

13. PLANNING GUIDANCE : MOBILE SNACK BARS

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval of Planning Guidance: Mobile Snack Bars.

The report recommended that the Council Executive:

1. Approve the content of the Planning Guidance on mobile snack bars as attached as Appendix 1 to the report; and
2. Delegates the Head of Planning, Economic Development and Regeneration, to agree and conclude a “screening determination” as to whether a SEA was required having taken account of the views offered by the Consultation Authorities.

#### Decision

To approve the terms of the report.

14. PLANNING GUIDANCE : SHOP FRONTS AND ADVERTISEMENTS IN BROXBURN & UPHALL, LINLITHGOW, KIRKNEWTON, LIVINGSTON, MID CALDER AND TORPHICHEN CONSERVATION AREAS

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the outcome of consultation on draft Planning Guidance relating to Shopfronts and Advertisements in Broxburn & Uphall, Linlithgow (Palace and High Street), Kirknewton, Livingston Village, Mid Calder and Torphichen Conservations Areas and to seek approval of the guidance.

The report recommended that the Council Executive:

1. Agree the responses to the consultation comments as appended to the report at Appendix 1;
2. Approve the content of the Planning Guidance on Shopfronts and Advertisement in Broxburn & Uphall, Linlithgow (Palace and High Street), Kirknewton, Livingston Village, Mid Calder and Torphichen Conservation Areas as set out in Appendix 2; and
3. Delegates the Head of Planning, Economic Development and Regeneration to agree and conclude a “screening determination” as to whether a SEA was required having taken account of the views offered by the Consultation authorities.

#### Decision

To approve the terms of the report.

15. CITY REGION DEAL ANNUAL REPORT AND OPERATIONAL

### ARRANGEMENTS FOR THE PREPARATION OF A REGIONAL GROWTH FRAMEWORK AND REGIONAL SPATIAL STRATEGY

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising on the content of the first City Region Deal Annual Report and to set out proposed operational arrangements for the preparation of the next City Region Vision and the associated Regional Spatial Strategy.

It was recommended that the Council Executive :-

1. Notes the progress made in the first year of the Edinburgh and South East Scotland City Region Deal as detailed in the report;
2. Agrees to the operational arrangements for the preparation of a regional spatial strategy; and
3. Notes that these arrangements continue to ensure that policy and funding decisions in relation to growth in West Lothian were made by West Lothian Council and the Joint Committee.

#### Decision

To approve the terms of the report

#### 16. PETITION - LOCAL BUS PROVISION LADYWELL WEST

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising of a petition submitted by residents of Ladywell regarding Public Transport within the Ladywell West area.

The report recommended that the Council Executive:

1. Note the submission of the petition;
2. Note that the public transport budget was fully committed within the current financial year and in future years;
3. Note that the existing local bus provision available to Ladywell West area was in line with the current council strategy and performance indicators;
4. Note the petition was considered at Development and Transport PDSP on 5 November 2019;
5. Note the intent of a local operator to divert a commercial service into Ladywell West from early 2020; and
6. Instruct officers to respond to the petition stating that the request of the petition could not be met.

Decision

To approve the terms of the report.

17. PETITION - WESTER INCH SCHOOL BUS TO BATHGATE ACADEMY

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising of a petition that had been submitted by residents of Wester Inch requesting the introduction of a school bus between Wester Inch and Bathgate Academy.

The report recommended that Council Executive:

1. Note the submission of the petition;
2. Note that the Public Transport school budget was fully committed within the current financial year and in future years;
3. Note that the existing school transport provision within the Wester Inch area was in line with the Transport to and from Schools Mainstream Policy;
4. Note the petition was considered at Development and Transport PDSP on 5 November 2019; and
5. Instruct officers to respond to the petition stating that the request of the petition could not be met.

Decision

To approve the terms of the report.

18. PETITION - LOCAL BUS PROVISION BROXBURN TOWN CENTRE

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising of a petition submitted by residents of Broxburn regarding Public Transport within the Broxburn and Uphall areas.

The report recommended that the Council Executive:

1. Note the submission of the petition;
2. Note that the public transport budget was fully committed within the current financial year and future years;
3. Note the availability of commercial bus services along Uphall and Broxburn main street;
4. Note the petition was considered at Development and Transport PDSP on 5 November 2019;

5. Instruct officers to respond to the petition stating that the request of the petition could not be met.

### Decision

To approve the terms of the report.

## 19. FOOD POVERTY UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the progress being made to support low income households which were experiencing food insecurity to access help, advice and food.

The report also informed the Council Executive on the progress being made in response to the motion agreed at Council on 14 May 2019, namely that the Anti-Poverty service:

1. Convene a Food Summit, bringing together council members, council officers, the public sector, the third sector and the business community to look at the issues of food poverty in West Lothian and potential solutions.
2. Maps the issues of food insecurity and available support resources within West Lothian.
3. Develops a food action plan in conjunction with community partners to work towards a hunger free West Lothian.
4. Align/incorporates the food action plan with the existing Anti-Poverty Strategy and Food Growing Strategy.

The report recommended that the Council Executive note:

1. The activity undertaken by council services in West Lothian (Appendix 1) to support households which were experiencing the impact of food insecurity;
2. The intention to submit a separate report on early years meals and snacks and school holiday food programme to the Education PDSP in December 2019;
3. The range of support provided by partners analysed at ward level (Appendix 2) and the intention to create an interactive map to help increase access and help;
4. The intention to host a "Food With Dignity" conference in Spring 2020 to consider the issue of food hunger and to develop a local food action plan; and
5. The emerging work being undertaken with the Scottish Government and Fareshare on EU exit related food insecurity.

The report also recommended that the Council Executive approve:

1. The allocation of anti-poverty time limited funding of £150,000 to focus on creating a food network and to move from crisis intervention to longer term intervention; and
2. The intention to align the proposed local food action plan with the Community Planning Partnership's Anti-Poverty Strategy and the proposed Food Growing Strategy.

Decision

To note and approve the terms of the report.

20. WHITE RIBBON SCOTLAND BESPOKE COSLA LEADERS PLEDGE

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive advising of the decision taken at COSLA Leaders to commit to the elements of action outlined on the bespoke COSLA Leaders White Ribbon Action Pledge as a key part of COSLA'S 16 Days Campaign.

The report recommended that the Council Executive notes the decision taken at COSLA Leaders to commit to the elements of action outlined on the bespoke COSLA Leaders White Ribbon Action Pledge.

Decision

To note the terms of the report.

21. AFFORDABLE HOUSING DELIVERY UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services providing an update on various initiatives to increase the supply of affordable housing in West Lothian.

The report recommended that the Council Executive note the progress being made on delivering 3,000 affordable homes in West Lothian over the period 2012-2022.

Decision

To note the terms of the report.

22. COUNCILLORS' CODE OF CONDUCT - ANNUAL REVIEW 2018/19

The Council Executive considered a report (copies of which had been circulated) advising some of the significant issues in relation to the Councillors' Code of Conduct in 2018/19.



The report recommended that the Council Executive:

1. Note the summary of the issues arising in relation to the Councillors' Code of Conduct 2018/19.
2. Note that the annual presentation to members on the Code would take place before the council meeting on 28 January 2020.

Decision

1. To note the terms of the report; and
2. To agree that in future the Councillors' Code of Conduct Annual Review would be presented to meetings of West Lothian Council.

23. SCOTTISH PUBLIC SERVICES OMBUDSMAN : ANNUAL REPORT 2018

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive providing an update on the Scottish Public Services Ombudsman's annual report 2018-2019.

The report recommended that the Council Executive:

1. Note the Scottish Public Services Ombudsman's (SPSO) annual report 2018-2019;
2. Note West Lothian Council's performance in relation to the number of complaints received by the SPSO and the outcome; and
3. Note the learning from SPSO complaints which was appended to the report for information.

Decision

To note the terms of the report.

24. UPDATE TO STATUTORY LIST OF PUBLIC ROADS

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing an up-to-date position on the statutory list of public roads with the inclusion of roads which had been added between 1 July 2018 and 30 November 2019.

The report recommended that Council Executive notes the addition of the road contained in appendix 1 to the statutory list of public roads.

Decision

To note the terms of the report.





## **COUNCIL EXECUTIVE**

### **WEST LOTHIAN ENTERPRISE LIMITED - VOLUNTARY STRIKING OFF**

#### **REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION**

##### **A. PURPOSE OF REPORT**

The purpose of this report is to seek authority from Council Executive to proceed with the voluntary winding-up of a council-owned company, West Lothian Enterprise Ltd. This formal process concludes with the voluntary striking off the business at Companies House.

##### **B. RECOMMENDATION**

It is recommended that Council Executive:

1. Notes the terms of the report; and
2. Agrees the formal voluntary winding-up and striking off process for West Lothian Enterprise Ltd.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs Being honest, open and accountable Making best use of our resources
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<b>Legal:</b> Ensures compliance with the Companies Act 2006 and the duties of the directors.  There are no strategic environmental assessment, equality, health or risk issues raised by the proposal.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	The reference to West Lothian Enterprise Ltd in the Scheme will be deleted.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.

<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Fees and costs for voluntary strike-off £450.
<b>VII</b>	<b>Consideration at PDSP</b>	Not required.
<b>VIII</b>	<b>Other consultations</b>	Finance colleagues have been consulted on the voluntary striking off proposal.  Specialist company secretarial advice has been provided by West Lothian Enterprise Ltd's external auditors, Mazars LLP.

## **D. TERMS OF REPORT**

### **D.1 Background**

West Lothian Enterprise (WLE) is a company limited by guarantee. It is a single member company, the sole member being West Lothian Council. WLE was established in 1989 having formerly traded as Bathgate Area Support for Enterprise (BASE). WLE's historical purpose was to provide equity investment to early stage technology businesses.

From 1998 to 2006, WLE was dormant. New directors were appointed to the company and its sister company West Lothian Ventures Group (WLVG) in 2007. The focus at that time was on secured lending to local firms. This was achieved through WLVG.

As at January 2020, WLE has three directors; Councillors Fitzpatrick, Horne and Tait. WLVG has two directors, Councillors Fitzpatrick and Horne.

### **D.2 WLE winding-up and voluntary strike-off**

The directors of WLE recognised that the market for equity and/or loan funding to firms had matured and is well served. The Scottish Investment Bank (SiB) and Business Loans Scotland (BLS) being two of the main public sector providers. As such, the directors agreed that there is no longer a requirement for WLE to operate.

It is considered prudent for WLVG to remain as a possible funder of last resort. Should SiB or BLS decline to support a local firm, WLVG may intervene in a funding round. WLVG has just over £430,000 in available funds.

WLE has been inactive for a number of years and has no assets or liabilities. There are no legal or financial reasons to prevent the voluntary striking off.

As a council-owned company, only Council Executive can provide authority to proceed with the voluntary striking off.

Subject to Council Executive's approval to voluntarily strike the company off, the timescale for completing the process at Companies House is likely to be late March 2020.

## **E Conclusion**

West Lothian Enterprise is a dormant company with no assets or liabilities with its role having been superseded by other investment vehicles.  
In view of this the directors of the company have agreed that it should be voluntarily struck-off.

Appendices/Attachments: None

Contact Person: Jim Henderson, Business Development Manager, 01506 283084  
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**Craig McCorriston**  
**Head of Planning, Economic Development & Regeneration**

**21 January 2020**





## **COUNCIL EXECUTIVE**

### **INTEGRATION SCHEME REVIEW**

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

##### **A. PURPOSE OF REPORT**

To ensure compliance with the council's duty to carry out a full review of the Integration Scheme for the West Lothian Integration Joint Board in relation to statutory requirements.

##### **B. RECOMMENDATIONS**

1. To note the requirement of the Public Bodies (Joint Working) (Scotland) Act 2014 to fully review the Integration Scheme for the West Lothian Integration Joint Board every five years
2. To note the statutory requirements for such a review process
3. To agree the indicative review process and timeline for the review

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Being honest, open and accountable; making best use of our resources; working in partnership
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Public Bodies (Joint Working) (Scotland) Act 2014, sections 44-47; West Lothian Integration Scheme
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	N/A
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	N/A

<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	No implications
<b>VII</b>	<b>Consideration at PDSP</b>	Not required
<b>VIII</b>	<b>Other consultations</b>	NHS Lothian; West Lothian Integration Joint Board

## **D. TERMS OF REPORT**

### **1 Background**

- 1.1 The Public Bodies (Joint Working) Scotland Act 2014 imposed statutory duties on 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.
- 1.2 The council and NHS Lothian (health board) agreed an Integration Scheme which 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 Ministers for approval. It was duly approved in June 2015 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 Requirement to review**

- 2.1 There is a legal requirement to review the Integration Scheme under which the West Lothian IJB was established and is run. This duty lies on the council and the health board. The IJB does not share that duty.
- 2.2 The review must be carried out within 5 years of the Ministers giving the Scheme formal approval. The current Scheme was approved by the Ministers on 16 June 2015. Since there is a statutory process of review, and since that process includes obtaining Ministerial approval and publication, the review must be completed in that 5 year period. The mandatory review must therefore be completed on or before 16 June 2020.
- 2.3 The council and health board went through the formal process of reviewing the integration scheme to make a reference in it to duties created in the Carers' (Scotland) Act 2016 and a revised Scheme was approved by Ministers on 19 September 2019. However, this review did not constitute a full review as required by the legislation. It therefore remains that this must be carried out and concluded before 16 June 2020.

### **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 The current [Integration Scheme](#) contains a mechanism for dispute resolution.
- In the event of a failure by the council and health board to reach agreement between or amongst themselves in relation to any aspect of the Scheme or the integrated functions, the Chief Officer shall use their best endeavours to reach a resolution through discussion and negotiation with both parties.
- In the event that the matter remains unresolved, a meeting to seek a resolution shall take place amongst the Chief Executives of the council and health board, the Chair of the health board, the Leader of the council, the Chief Officer and the Chair and Vice-Chair of the Board within 21 days.
- In the event that the matter remains unresolved after this stage the parties will proceed to mediation.
- In the event that mediation is unsuccessful then the parties can choose to resubmit the current version of the Scheme for approval or will notify Scottish Ministers and seek a direction in accordance with s52 of the Act.
- 3.6 Legislation contains a list of professional and representative groups and stakeholders who must be consulted. There will be a public consultation as part of the review process and anyone is able to participate and express views. The West Lothian IJB will be asked to contribute. All views expressed must and will be considered and taken into account before proceeding.

- 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 Coordination between council and health board will be required. Each body will have to plan for several touches at council, board or committee before completing the process. The indicative timeline is as follows, although it may be subject to slight changes depending on the issues raised and the need to coordinate reporting with the health board. The health board have agreed to the indicative timeline:-

<b>COUNCIL EXECUTIVE TIMELINE</b>	
Council Executive, 21 January	Authority sought to commence Stage 1 of the consultation process following initial discussions between Chief Executives of council and health board
31 March 2020	Close of Stage 1 consultation, report prepared for committee
Council Executive, 21 April 2020	Consideration of responses and draft amendments to Integration Scheme
27 April 2020	Commencement of Stage 2 of the consultation process
25 May 2020	Close of Stage 2 of the consultation process, report prepared for committee
Council Executive, 9 June 2020	Outcome of review process reported and authority sought for finalised amended Integration Scheme
10 June 2020	Submission of revised Integration Scheme to Scottish Ministers

## **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**

- 1 West Lothian Integration Scheme - [https://westlothianhscp.org.uk/media/9964/West-Lothian-Integration-Scheme/pdf/Integration\\_Scheme\\_between\\_West\\_Lothian\\_Council\\_and\\_NHS\\_Lohtian.pdf?m=637140804108030000](https://westlothianhscp.org.uk/media/9964/West-Lothian-Integration-Scheme/pdf/Integration_Scheme_between_West_Lothian_Council_and_NHS_Lohtian.pdf?m=637140804108030000)
- 2 Public Bodies (Joint Working) (Scotland) Act 2014, ss45-47, incorporating ss3-6
- 3 Public Bodies (Joint Working) (Health Professionals and Social Care Professionals) (Scotland) Regulations 2014
- 4 Public Bodies (Joint Working) (Prescribed Consultees) (Scotland) Regulations 2014
- 5 Council executive, 26 March 2019 and 23 April 2019

Appendices: None

Contact Person: Lorna Kemp, Project Officer – IJB, [lorna.kemp@westlothian.gov.uk](mailto:lorna.kemp@westlothian.gov.uk), 01506 283519

Allister Short, Depute Chief Executive

Date of meeting: 21 January 2020





## **COUNCIL EXECUTIVE**

### **APSE SCOTLAND BUILDING AND HOUSING SEMINAR 2020**

### **REPORT BY HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES**

#### **A. PURPOSE OF REPORT**

The report seeks Council Executive approval for the attendance of appropriate elected member attendance at the APSE Scotland Building and Housing Seminar 2020 incorporating the Apprentice of the Year Awards which this year is being held in Dunblane Hydro, Perthshire on the 6 & 7 February 2020.

#### **B. RECOMMENDATION**

It is recommended that Council Executive:

1. Approves the attendance of appropriate elected member attendance at the APSE Scotland Building and Housing Seminar 2020 with appropriate officer support from Housing Customer & Building Services.

#### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; developing employees; working in partnership
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	None.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	None.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	The cost for individual attendance at the seminar for APSE members is £289 + VAT.
<b>VII</b>	<b>Consideration at PDSP</b>	None.

**D. TERMS OF REPORT**

**D1 Background**

The Council are members of APSE and in previous years the council were represented by the Executive Councillor for Services for the Community who is also the Chair of the APSE Scotland Housing and Building Advisory Group and Councillor Anderson who is a member of APSE's National Council and also the Chair of the Scottish Roads & Highways Advisory Group.

The Building and Housing Seminar 2020 is the premier Scottish APSE event of the year including the annual apprentice awards dinner. Building Services apprentice plumber Jack Neil has been shortlisted in one of the apprentice categories.

This year's APSE Scottish Building and Housing Seminar is being held in Dunblane Perthshire on 6 & 7 February, a copy of the programme is attached as Appendix 1.

The APSE Scottish Building and Housing Seminar 2020 brings together a range of Scotland wide specialists from council's, academics and others sharing award winning good practice in the promotion of the delivery of effective and efficient local authority services.

The main topics on the programme cover –

- Safeguarding our workforce and communities
- Helping to meet the ambitious affordable homes targets
- New innovations and methods of working

**E. Conclusion**

The Council Executive confirms the appropriate elected members to attend the APSE Scotland Building and Housing Seminar 2020 at Dunblane Perthshire on 6 & 7 February.

**F. Background References**

Appendices/Attachments: Seminar Programme

Contact Person: AnnMarie Carr - 01506 281355

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AnnMarie Carr

Head of Housing, Customer and Building Services

21 January 2020



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# Programme

## Thursday 6 February 2020

09:00 - 10:00 Registration

10:00 - 11:15 **Session 1: "Question Time"**

### Question Time

A panel discussion featuring senior local authority leadership figures on building and maintaining better, safer and sustainable communities. Topics will include climate change emergency, meeting the affordable homes target and how Council services will be delivered and developed in the future.

11:15 - 11:45 Refreshments and exhibition viewing

11:45 - 12:45 **Session 2: Safeguarding our workforce and communities**

### Here to listen: suicide prevention and helping to keep people safe

- The importance of raising awareness
- Providing staff with the correct support and skills
- Working in our communities to help tackle this important issue

**Speaker: David Doran, Health & Safety Advisor, East Ayrshire Council**

### How can we do more for our communities

- Changing the nature of our business
- Helping to meet the challenges of changing community risk
- Partnership and collaborations

**Speaker: Representative, Scottish Fire and Rescue Service**

### Audience question and answer session

12:45 - 13:45 Lunch and exhibition viewing

13:45 - 15:15 **Session 3: Helping to meet the ambitious affordable homes targets**

### Implementation of our Housing Asset Management Framework

- Impact on delivery of SHIP and HIP
- Strategic Partnership with CCG
- Homes for the future

**Speaker: Blair Millar, Housing Services Manager, East Ayrshire Council**

### Our modular build journey

- Why choose modular construction?
- Benefits achieved
- Challenges and lessons learnt

**Speaker: Representative, Clackmannanshire Council**

### Deep retrofit: How Renfrewshire are making homes fit for the future

- Why Renfrewshire are looking at their existing stock
- Why a whole house approach?
- The barriers and benefits to a deep retrofit

**Speaker: Chris Morgan, Director / Architect, John Gilbert Architects Ltd**

### Audience question and answer session

15:15 - 15:45 Refreshments and exhibition viewing

15:45 - 16:30 **Session 4: New innovations and methods of working**

### Face-fit testing

- Identification and testing of those most at risk
- Our procedures for employee maintenance and care of masks
- Review and monitoring of employees and sub-contractors

**Speakers: Dougie McMillan, Planning & Resource Manager and John Walsh, Plant & Transport Officer, South Lanarkshire Council**

### Advantages of inhouse training

- Types of training and qualifications for our trainers and frontline staff
- The importance of tailoring bespoke training to suit your business needs
- Costs and savings

**Speaker: Neil MacGregor, Team Manager, Fife Council**

### Audience question and answer session

19:00 Drinks reception

19:30 Annual dinner and Apprentice Awards (sponsored by Jordan Electrics)

## Friday 7 February 2020

09:30 - 11:30 **Session 5: Building Maintenance & Housing Clinic**

### Discussion Forum

Topics including:

- Virtual Reality Health & Safety demonstration from Jacobs

**Chaired by: Colin McInnes, Associate, APSE**

11:30 Seminar close



# About the seminar

The setting of building maintenance and housing services continues to develop and change at a fast pace. APSE's 2019 joint publication with the TCPA "Housing for a fairer society: The role of councils in ensuring stronger societies" sets out recommendations for Governments to enable councils to deliver more and better homes of all tenures. As well as this, local authorities continue to face ongoing budget pressures and other big policy issues which make the challenges our important services face even more difficult to overcome. Specifically, this conference will provide the opportunity for delegates to pose their questions on current and future challenges for local authorities in terms of the affordable housing targets and climate change emergency as well as other related building and housing issues to an expert panel of Chief Executives and Elected Members. During the event we will also look at how local authorities are helping to meet the ambitious affordable homes targets, with presentations on implementing Housing Asset Management Frameworks and discussing "Deep retrofit" and the whole house approach. As well as this we will be looking at the importance of safeguarding our workforce and communities with presentations on suicide prevention and meeting the challenges of changing community risk. In addition, we will be looking at health and safety training with presentations on face-fit testing and the advantages of providing training in-house. Finally, we will have our building maintenance and housing clinic which provides colleagues attending the opportunity to discuss and debate the issues which are affecting their service areas. This year we will be making this session even more interactive with a Virtual Reality Health & Safety training demonstration from Jacobs, with colleagues invited to try out the virtual reality training for themselves.

## Who should attend?

- Elected Members
- Service Directors
- Maintenance and Repairs Managers
- Housing and Building Services Officers
- Asset Management Officers
- Contractors and Suppliers

**Reserve your place now by completing the booking form and emailing it back to [lmcnab@apse.org.uk](mailto:lmcnab@apse.org.uk) or by completing the online booking form at [www.apse.org.uk](http://www.apse.org.uk)**

## The venue

**DoubleTree by Hilton Dunblane Hydro**  
**Perth Road**  
**Dunblane**  
**Perthshire**  
**FK15 0HG**

The hotel is located in over ten acres of picturesque landscaped grounds, overlooking Dunblane and its 12th century cathedral with the Perthshire countryside in the distance. Michelin star-winning celebrity chef Nick Nairn was invited to head up the new Kailyard Restaurant with his inspirational Scottish menu.

## Directions

### Roads and Parking

Directions from Glasgow - Follow the signs to Stirling (M80). Merge with the M9 at Stirling and leave at junction 11 for Dunblane. Drive for half a mile on the dual carriageway. Go straight over the next two roundabouts and Dunblane Hydro hotel is 200 yards on the right.

### Train

Dunblane train station is 1 mile away from the venue.

## Contact details

Contact name	Authority
Address	
Postcode	
Email	Telephone

Please detail any special dietary or access requirements for the delegates listed below (including vegetarian/vegan)

### Delegate Packages Exclusive of accommodation costs

*What's included: The delegate fee covers seminar attendance, delegates' documentation, lunches and light refreshments and dinner on the evening of 6 February. Accommodation is not included.*

**Full seminar attendance including evening function**  
APSE members: **£219 +VAT**

APSE members special offer: **£50 for one morning or afternoon only seminar place for every two full paying delegates**

Non member LAs / Commercial organisations: **Please contact us at 01698 459051 for prices**

### Accommodation Bookings allocated on 'first come' basis

**Option A:** 1 night accommodation

Date: 6 February 2020 **Cost (B&B) £70\***

**Option B:** 1 night accommodation (sharing)

Date: 6 February 2020 **Cost (B&B) £50 per person \***

(\*) APSE will invoice delegates for the accommodation cost at the appropriate rate. All the above rates are exclusive of VAT. All extras must be paid direct to the hotel on departure.

## Payment details

- ☐ Please find enclosed cheque made payable to APSE
- ☐ Please invoice me (if required please include purchase order number) \_\_\_\_\_
- VAT registration number 671 447 720

## Delegate details

Delegate name	Position	Email	Accommodation	Offer Place
			Yes / No / Sharing	Yes / No
			Yes / No / Sharing	Yes / No
			Yes / No / Sharing	Yes / No
			Yes / No / Sharing	Yes / No

- ☐ **Please confirm that you are happy for APSE to retain your details so that we can send you information relevant to your area of interest. Your data will be used for sign in sheets, delegate lists and hotel lists (where relevant). If you are making a booking on behalf of other delegates please confirm that you have their permission to be included on our database. Our GDPR policy is available on our website: [www.apse.org.uk](http://www.apse.org.uk).**

CANCELLATION & REFUND POLICY: Reservation is a contract. Substitution of delegates is acceptable any time in writing by post, email to [lmcnab@apse.org.uk](mailto:lmcnab@apse.org.uk) or fax to 01698 200316. Cancellations must be made in writing at least 10 working days before the event, and will incur a 20% administration fee. No refunds can be given for cancellations received less than 10 working days before the event or for non-attendance. In the unlikely event of cancellation by the organisers, liability will be restricted to the refund of fees paid. The organisers reserve the right to make changes to the programme, speakers or venue should this become necessary.

Register for the seminar:

1

**Online form:**  
[www.apse.org.uk](http://www.apse.org.uk)

2

**Email this form to:**  
[lmcnab@apse.org.uk](mailto:lmcnab@apse.org.uk)



**COUNCIL EXECUTIVE**

**CONSTRUCTION CHARTER**

**REPORT BY HEAD OF CORPORATE SERVICES**

**A. PURPOSE OF REPORT**

To present to the Council Executive a Construction Charter for West Lothian Council.

**B. RECOMMENDATION**

It is recommended that the Council Executive approves the Construction Charter for West Lothian Council.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; providing equality of opportunities; making best use of our resources.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	None
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	None
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	None
<b>VII</b>	<b>Consideration at PDSP</b>	Partnership and Resource PDSP on 6 December 2019.
<b>VIII</b>	<b>Other consultations</b>	Teaching and non teaching Unions; Heads of Service.

## **D. TERMS OF REPORT**

### **D.1 Background**

The development of a Construction Charters is a Unite initiative across the UK aimed at Local Authorities to encourage minimum standards, conditions and expectations for companies who tender for their construction contracts. Local Authorities are considering implementing Charters independently, but in partnership with trade unions, when approached.

Some Local Authorities in Scotland, such as North Lanarkshire Council, City of Edinburgh Council and North Ayrshire, have already published charters. They don't all use the Unite wording but have agreed wording in consultation with the Trade Union, to ensure that they don't say anything in breach of regulations or that the council could not enforce or implement.

Unite has now approached the Council with a view to the development of a West Lothian Council Construction Charter. After review of the Charters which have been agreed with other Local Authorities, a Construction Charter for West Lothian Council has been developed and is attached at Appendix 1. It includes principles similar to those adopted by other local authorities and incorporates principles that are already embedded in West Lothian Councils Corporate Procurement Strategy, through the Sustainable Procurement Duty, and which are adopted into the contract tender documentation. For example, Fair Work Practices, Living Wage, Apprenticeships, Local Employment, Local SMEs, Trade Union Recognition and Community Benefits. It has also been updated to include, where applicable, feedback from consultation with Service Areas and Trade Unions.

It should be noted that the principles of the charter will only be enforceable to the extent permitted by law.

The terms of the West Lothian Council Construction Charter were considered at the Partnership and Resource PDSP on 6 December 2019. The panel noted the limitations on the Council in terms of complying with legislative provisions and the enforcement of the charter.

## **E. CONCLUSION**

The development of the West Lothian Council Construction Charter would reinforce the fair working practices which the Council is already adopting in its contract tender documentation.

## **F. BACKGROUND REFERENCES**

None

Appendices/Attachments: 1

Contact Person: Angela Gray, Procurement Manager

Email: [angela.gray@westlothian.gov.uk](mailto:angela.gray@westlothian.gov.uk)

**Julie Whitelaw**  
**Head of Corporate Services**

Date of meeting: 21 January 2020

## **WEST LoTHIAN COUNCIL - CONSTRUCTION CHARTER**

As a Local Authority we directly procure a wide range of construction projects. We promote and support the positive workforce practices set out in this charter on all construction projects which we procure.

### **Health and Safety**

The Health and Safety of all workers on our construction projects is paramount. We expect all contractors and sub-contractors to ensure that:

- Health and safety regulations and standards are rigorously implemented and adhered to. This includes safe systems of work to protect the public and construction workers alike, continuous safety improvements and ensure that behaviours are managed to drive a safety performance culture;
- Welfare facilities for construction workers are appropriate for the 21<sup>st</sup> century, including reasonable standards for toilets, amenities and drying facilities in accordance with the Construction, Design and Management Regulations 2015.

### **Employment Standards**

We require the highest standards of project delivery in order to ensure that the aspirations of the people of West Lothian are met and the projects serve our communities well in the years to come. Mindful of the construction industry skills shortages, we expect the industry to train the next generation of skilled workers for the future by:

- Carrying out appropriate checks, and retaining documentary evidence for audit purposes, so as to be able to demonstrate the skill level of their employees on any construction projects if required to do so;
- Complying with the employment and skills requirements set out in our tender documents;
- Engaging with hard to reach and under-represented groups through provision of employment, training and skills initiatives;
- Working with us to support initiatives aimed at promoting and improving opportunities in education and training of employers and employees engaged on all construction projects within our authority;
- Ensuring fair and transparent recruitment practice.

## **Employment Rights**

This Council is a Living Wage employer and encourages all construction companies working on its contracts to adhere to that policy and to register with the Scottish Living Wage Accreditation Initiative.

This Council encourages direct employment by contractors and sub-contractors on a PAYE Class 1 National Insurance basis.

We expect that employees and workers have access to:

- Paid Holidays;
- Statutory Sick Pay;
- Auto-enrolment in a pension scheme.

We encourage contractors and sub-contractors to provide employees and workers with access to:

- A sickness benefit scheme;
- Accident Compensation;
- Death in service benefits.

## **Responsible Sourcing**

This Council supports responsible sourcing to benefit society and the economy, while minimising damage to the environment. [Government Buying Standards \(GBS\)](#) are part of public procurement policy, with individual standards developed with input from across government, industry and wider stakeholders. The standards have been extensively reviewed with market research and analysis to establish criteria that take long-term cost effectiveness and market capacity into account.

Many of these buying standards will be embedded in our tender process through use of the [European Single Procurement Document Scotland \(ESPDS\)](#) and we encourage all contractors to source responsibly to support our aims.

## **Community Benefits**

This Council considers [community benefits](#) for all regulated procurements to support in delivering our sustainable procurement duty. Community benefits can contribute to a range of national and local outcomes relating to employability, skills and tackling inequalities by focusing on under-represented groups. Many of our tender processes will include community benefits and we encourage contractors to consider how they can embed community benefits into their organisation.

### **Trade Unions**

As an employer, West Lothian Councils policies fully support Trade Unions duties and activities. We believe that Trade Unions can play an important role in creating a safe and productive worksite and developing good industrial relations. We therefore encourage our contractors and sub-contractors, within the context of the contract let, to:

- Employ workers under recognised industry collective agreements;
- Promote the benefits of belonging to a recognised Trade Union;
- Recognise the role that on-site Shop Stewards can play in achieving and promoting good industrial relations;
- Invite Trade Unions to have input into the development of Health and Safety policy;
- Encourage the election of Health and Safety Representatives and support their role in helping to ensure a safe site;
- Provide equality of opportunity for all.

West Lothian Council looks forward to working with contractors to help support the aims set out in this Charter.

12 September 2019





DATA LABEL: OFFICIAL



**COUNCIL EXECUTIVE**

**PROCUREMENT ARRANGEMENTS – PROVISION OF TAXIBUS DEMAND  
RESPONSIVE TRANSPORT SERVICES**

**REPORT BY HEAD OF CORPORATE SERVICES**

**A. PURPOSE OF REPORT**

To seek Council Executive approval to commence tendering procedures for the procurement of a two year framework agreement with an anticipated start date of 1 May 2020 and an option to extend up to a further 24 months in total, for demand-responsive transport (DRT) services, as detailed in Appendix 1, employing the methodology and criteria detailed in Section D.

**B. RECOMMENDATION**

It is recommended that Council Executive approves:

- 1) The use of an Open Procedure whereby all suppliers expressing an interest in the demand-responsive transport (DRT) services contract will be invited to tender.
- 2) The award criteria as set out in Section D of the report.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Tenders will be issued, received and analysed in accordance with Standing Orders of West Lothian Council, and The Public Contracts (Scotland) Regulations 2015 and The Procurement (Scotland) Regulations 2016
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	The contract will help provide a more responsive transport service in support of the council's public transport provision.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	None
<b>VI</b>	<b>Resources – (Financial, Staffing and Property)</b>	The council has an annual revenue budget of £57,000 for supporting the demand

responsive transport services detailed in Appendix 1. The contract shall run for a period of two years with the option to extend up to 24 months, as needed.

**VII Consideration at PDSP**

None

**VIII Other consultations**

The specification has been provided by Operational Services, who will also participate in the evaluation. The Financial Management Unit, Legal Services, Risk and Insurance and Internal Audit have been consulted. External consultations were carried out with Perth & Kinross council, Stirling Council and Strathclyde Partnership Transport.

**D. TERMS OF REPORT**

**D.1 Background**

The Passenger Transport Strategy outlines the council's commitment to maintaining a public transport network that meets the majority of transport needs within its geographic boundary and provides connections to neighbouring areas. The council will actively seek to deploy revenue and capital resources to provide direct financial support for public transport operations in West Lothian which cater for social needs that would otherwise be unmet and which represent good value for the community.

The Transport Act (1985) provides Local Authorities with powers to secure local bus services which are deemed to be socially necessary and not provided by the free market. The council's Taxibus services are one form of DRT; specifically designed to provide a cost-effective alternative to conventional bus services at times, and in locations, where traditional bus services cannot be justified, thus promoting efficiencies and reducing the environmental impact of on-going travel. Effectively these services offer almost the same attributes for the user as a bus service, contributing to the council's public transport Key Performance Indicator (KPI) by providing residents with an hourly or better daytime passenger transport service Monday to Saturday, by entering into fixed priced contracts with passenger transport companies for the provision of these services, based on passenger usage.

The current Demand Responsive transport service Framework expires in April 2020 driving the need for approval to go out to the market to ensure continuation of service.

The services being tendered are detailed in Appendix 1 and are based on like-for-like replacements of the existing nine Taxibus services, which are currently in use. This is in line with the current public transport strategy, and as agreed by Council Executive on 7 February 2012, whereby all existing Taxibus schemes will remain in operation, as long as they are used, and as long as existing funding allows.

**D.2 In House Capability**

The council does not have an in-house capability to provide this requirement.

**D.3 Procurement Considerations**

This report seeks approval to tender via an open procedure inviting all interested parties to submit a tender whereby all ESPD compliant parties will be evaluated with the top five scoring operators per lot being awarded a two year contract with an option to extend up to a further 24 months in total. As the DRT contract has not previously generated huge interest, the requirement has been advertised in advance on PCS with a Prior Information Notice (PIN). The PIN has recorded nine companies who have registered their interest, with a third of these attending a Meet the Buyer event on 4 November.

Following approval from Council Executive, this requirement will be advertised in accordance with the European Union Directives. It is proposed that the Open Procedure is used to generate interest from SME's who may not have the skills or resources to submit a professional pre-qualification tender and whereby all suppliers expressing an interest in the contract will be invited to tender:

It is proposed that the following award criteria will be applied at the tender stage:

Price 0% (80 points)  
Quality 20% (20 points)

Community Benefits will be evaluated by awarding 4% of points within the quality criteria. Scored community benefits shall have a direct link to the core purpose of the contract and will not discriminate against businesses.

All known routes will be tendered and awarded on a fixed price basis with annual reviews based on the Consumer Price Indexation (CPI). Additional routes required at a later date will go through the council's mini competition process to identify best value suppliers who will be awarded a fixed price contract for the remaining term of the contract, or timescale as required by Public Transport Unit. Fixed price contracts will reduce the strain on council resources and the supply chain by awarding long term contracts, with fixed pricing throughout the term, with exception to annual reviews.

#### **D.4 Budget Implications**

An annual revenue budget of £57,000 per year is available within Operational Services for the provision of support demand-responsive transport (DRT) services detailed in Appendix 1

#### **D.5 Risks**

There are a number of risks identified in this tendering process and framework, including the lack of interest by the supply chain. Risks are being managed through supplier engagement, publishing a PIN notice raising awareness of the contract opportunity and inviting suppliers to a Meet The Buyer event.

### **E. CONCLUSION**

It is recommended that the Council Executive approves the application of the evaluation methodology detailed in Section D above for the tendering of the contract for demand responsive transport, to award a fixed price contract.

### **F. BACKGROUND REFERENCES**

A copy of the tender specification for this contract is available on request from the Corporate Procurement Unit.

One

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**Julie Whitelaw**

**Head of Corporate Services**

**21 January 2020**

## **Appendix 1**

**Demand Responsive Transport Services – Summary of services to be tendered which are currently in use.**

<b>Route Ref.</b>		<b>Route Description</b>
1	WL DRT TB1A	Newton – South Queensferry & Dalmeny Station
2	WL DRT TB2	Roman Camp & Drumshoreland - Broxburn
3	WL DRT TB3	Harburn & Crosswoodhill – West Calder
4	WL DRT TB4	Westwood – West Calder
5	WL DRT TB5	Broxburn – Deans Industrial Estate
6	WL DRT TB6	Gowanbank – Bathgate
7	WL DRT TB7	Beecraigs - Linlithgow
8	WL DRT TB8	Breich – West Calder
9	WL DRT TB29	Westfield – Armadale





**COUNCIL EXECUTIVE**

**PROCUREMENT ARRANGEMENTS – DIRECT AWARD TO THE CITY OF EDINBURGH COUNCIL**

**REPORT BY HEAD OF CORPORATE SERVICES**

**A. PURPOSE OF REPORT**

To seek Council Executive approval to make a Direct Award to The City of Edinburgh Council for KeyComm Lothian Communication Technology Service for the provision of a regional specialist service for supporting children and young people who use Augmentative and Alternative Communication.

**B. RECOMMENDATION**

It is recommended that the Council Executive approves a direct award to The City of Edinburgh Council for KeyComm Lothian Communication Technology Service for the funding of the regional specialist service for the period 1 April 2020 to 31 March 2021. The anticipated contract value is £31,500.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources.
<b>II</b>	<b>Policy and Legal (Including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Direct awards will be made in accordance with Standing Orders of West Lothian Council and the Public Contracts (Scotland) Regulations 2015.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	None
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	The annual budget for 2020/2021 is £31,500.
<b>VII</b>	<b>Consideration at PDSP</b>	None.

## **VIII Other consultations**

Education Services and the Corporate Procurement unit have been consulted and the Corporate Finance Manager has been consulted on budget implications.

### **D. TERMS OF REPORT**

#### **D.1 Background**

KeyComm Lothian Communication Technology Service is presently funded by the City of Edinburgh Council and NHS Lothian. The council's Education Services presently has a Service Level Agreement with the City of Edinburgh Council to provide children who have communication impairments with technology to contribute to and control their environments. The technology supports Alternative and Augmentative Communication (AAC).

Keycomm Lothian Communication Technology Service provide a number of core services including:

- A complete communication technology assessment ;
- An extensive loan bank of equipment ;
- Training courses throughout the year ;
- Support to develop communication technology programmes and their implementation.

Service Level Agreements between Local Authorities for the provision of regional AAC centres exist across Scotland making use of local organisations which implement AAC care pathways across the regional areas to ensure equitable and timeous provision of equipment and support for children and young people who require to use AAC. Keycomm Lothian Communication Technology Service is the existing specialist AAC Service facilitating delivery of service to all Local Authorities within NHS Lothian. Whilst the council published a Prior Information Notice in September 2019 to gauge likely market interest and there were four expressions of interest, these organisations do not offer services to meet council requirements.

#### **D.2 In House Capability and Business Case Exemption**

There is no in house capability to undertake this service.

Whilst the proposed value is below the threshold to be subject to the EU Public Contracts Directive 2014, it is noted that Part 3 section 6 (1) (b) (ii) of the Procurement (Scotland) Regulations 2016 provides for circumstances in which a contract can be awarded without competition due to competition being absent for technical reasons.

Section 2.3 of the Council's Standing Orders for the Regulation of Contracts also provide for derogation on the basis of technical or sole supplier arrangements.

With aggregated expenditure in excess of the level whereby the Head of Corporate Services is permitted to authorise, Council Executive is required to consider the terms of this Report which is compliant with procurement Regulations.

Future contracting activity arrangements will be pursued in advance of 1 April 2021.



**E. CONCLUSION**

It is recommended that the Council Executive approves a direct award to The City of Edinburgh Council for the funding of the regional specialist service (Keycomm Lothian Communication Technology Service) for the period 1 April 2020 to 31 March 2021.

**F. BACKGROUND REFERENCES**

None.

Appendices/Attachments: None.

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**Julie Whitelaw**  
**Head of Corporate Services**

**21 January 2020**





## **COUNCIL EXECUTIVE**

### **PROPOSED 30MPH SPEED LIMIT EXTENSION A706 NORTH OF WHITBURN**

### **REPORT BY HEAD OF OPERATIONAL SERVICES.**

#### **A. PURPOSE OF REPORT**

The purpose of this report is to seek approval to initiate the statutory procedures to extend the existing 30mph speed limit on the A706 in Whitburn northwards to include Whitdale Roundabout and 132 metres or thereby of its arm towards Bathgate.

#### **B. RECOMMENDATION**

It is recommended that Council Executive approves the initiation of the statutory procedures to extend the 30mph speed limit on the A706 northwards to include Whitdale Roundabout and its approaches.

#### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs.  Being honest, open and accountable.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Policy – none.  Legal – The introduction of the 30mph speed limit extension will require the promotion of a traffic order in line with the Road Traffic Regulation Act 1984.
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	None.
<b>V Relevance to Single Outcome Agreement</b>	The introduction of the 30mph speed limit extension will support Outcome no. 4 – We live in resilient, cohesive and safe communities.
<b>VI Resources - (Financial, Staffing and Property)</b>	The cost of promoting and implementing the speed limit will be joint-funded by Sustrans as part of the proposed Whitburn to Armadale Cycle Path project. Maintenance costs relating to the road signage will require to be accommodated in future revenue budgets.
<b>VII Consideration at PDSP</b>	None.

## **VIII Other consultations**

Police Scotland and the local ward members have been consulted and comments are in the report.

## **D. TERMS OF REPORT**

On 23 October 2019, officers received confirmation from Sustans that they were to award to the council £452,000 of Places for Everyone funding towards the construction of a 3m wide cyclepath from Whitdale Roundabout alongside the B8084 to Southdale Way and onwards to Armadale Railway Station.

As part of the proposals, a new toucan crossing is to be installed on the A706 arm of Whitdale Roundabout and the existing 30mph speed limit extended 132 metres or thereby eastwards along the A706. This will ensure the safe crossing of the A706 for cyclists and walkers.

A location plan is attached which shows the 30mph speed limit proposal (Appendix 1).

The statutory process will allow an opportunity for any concerns to be raised.

Police Scotland has been consulted and fully supports the proposal.

The local ward members have been consulted and fully support the proposal.

## **E. CONCLUSION**

The extension of the 30mph speed limit northwards out of Whitburn on the A706 will make a safer traffic environment for all users and supports the approved cycle path between Whitburn and Armadale.

## **F. BACKGROUND REFERENCES**

None

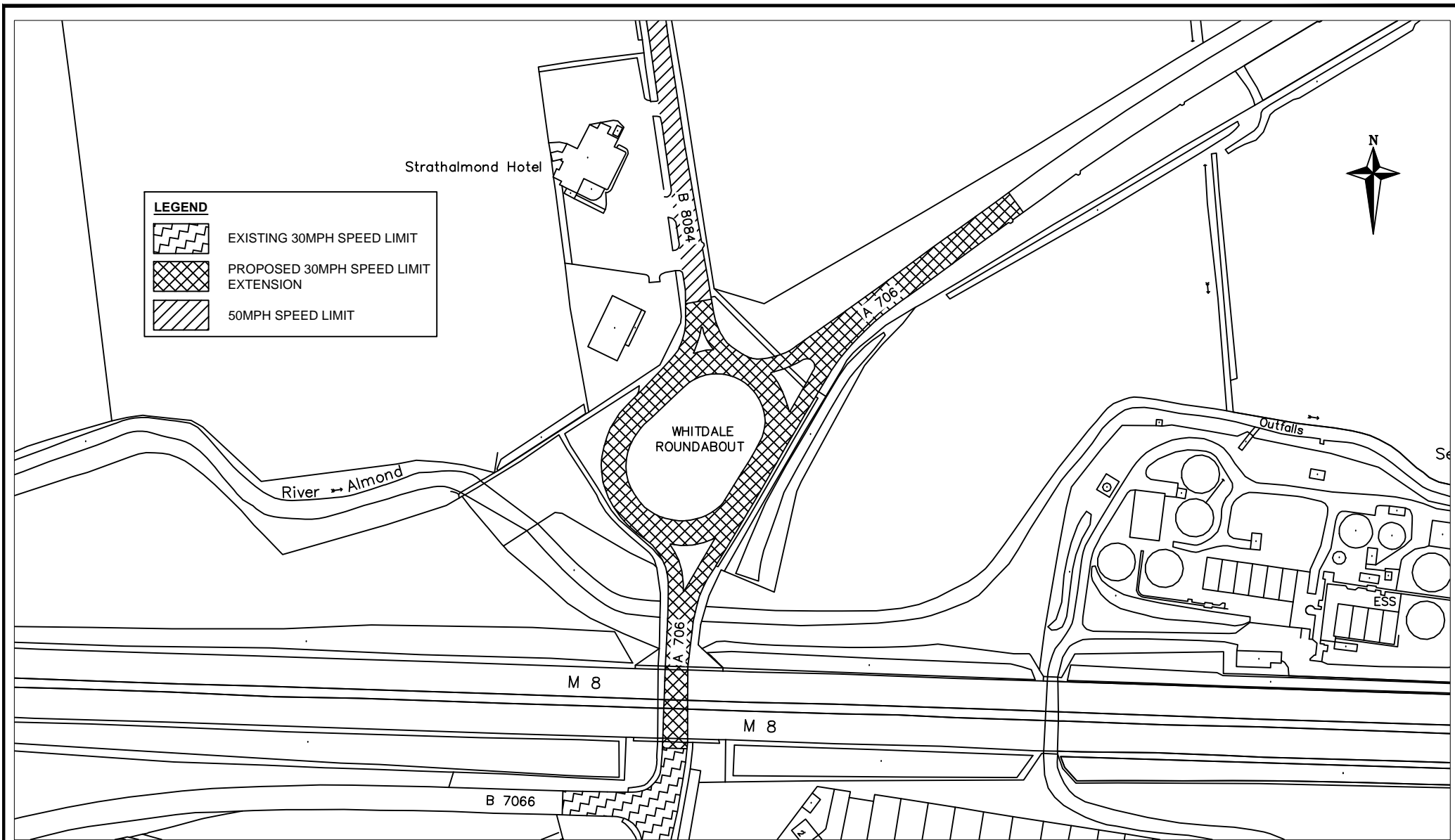
Appendices/Attachments:-

Appendix One – A706 North of Whitburn - 30mph speed limit extension (DRG No TP/7054036/TRO/01)

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Jim Jack,

Date of meeting: 21 January 2020



DATA LABEL:- Public

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WEST LoTHIAN COUNCIL

OPERATIONAL SERVICES

ROADS & TRANSPORTATION MANAGER  
WHITEHILL SERVICE CENTRE  
WHITEHILL INDUSTRIAL ESTATE  
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TEL 01506 282351

TRANSPORTATION  
PROJECTS  
TEAM

A706 NORTH OF WHITBURN  
30MPH\_SPEED\_LIMIT\_EXTENSION

DATE:- NOVEMBER\_2019  
SCALE:- 1:2000\_AT\_A4

DRAWN BY:- M\_WILKINSON  
CHECKED BY:- R\_FISHER

Drg. No.:- TP/7054036/TRO/01





**COUNCIL EXECUTIVE**

**PETITION FOR LITTER BIN TO BE SITED ON MAIN STREET EAST WHITBURN**

**REPORT BY HEAD OF OPERATIONAL SERVICES**

**A. PURPOSE OF REPORT**

The purpose of the report is to inform the Council Executive of the details relating to a petition requesting the siting of an additional litter bin on the main street in East Whitburn near the entrance to the Gothenburg Convenience Store.

**B. RECOMMENDATION**

It is recommended that the Council Executive agree with the recommendation of the report that there is no requirement for an additional litter bin on Main Street East Whitburn.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	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
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Environmental Protection Act 1990 (Section 89) Code of Practice on Litter and Refuse (Scotland) 2018
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	The Policy will ensure that the service is delivered in a consistent and efficient manner which will meet existing performance targets and service standards.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Cleaner Communities have an annual budget of £2.3m to carry out their statutory duties under the Environmental Protection Act 1990 (Section

89).

**VII Consideration at PDSP** None. The Council Executive meeting of 3 December 2019 instructed officers to submit a report to the next appropriate meeting of the Council Executive.

**VIII Other consultations**

**D. TERMS OF REPORT**

**D1 Background.**

There was a council litter bin located within the car park of the 'Gothenburg' Convenience Store, East Whitburn (see Appendix 1). The bin was sited in the car park for a period of approximately 8 years. However, in February 2019, the Cleaner Communities Senior Operative for the area raised concerns that there had been regular occurrences of waste bags being left on top of the bin.

This led to discussions with the shop owner regarding the waste bags when it was identified that the litter bin had been wrongly sited within the private car park of the convenience store.

As the convenience store has their own private litter bin at the entrance to the store (see Appendix 1), and the council bin was there to service the wider community, a decision was taken by officers to remove the council litter bin as it was being used to service a private convenience store and not the wider community of East Whitburn as intended.

The council does not have a duty to provide litter facilities on private land or on behalf of private businesses on their property. With respect to waste generated by an organisation or business, every organisation and business has a **Duty of Care** (a legal responsibility) for waste they generate. This also means businesses are responsible for the litter generated by their customers.

Following the removal of the council litter bin, the shop owner contacted the council requesting an explanation for the removal of the litter bin.

The Cleaner Communities Supervisor then attended the premises in February 2019 to explain that the removal was due to the litter bin being sited on private ground and that there was not a littering issue in the area. However the shop owner does not accept this explanation.

The shop has since requested that the bin is re-sited on the council footpath near to the entrance to their store stating that the reason for the litter bins request is that there is an ongoing littering issue within the area.

From February 2019, the council has received 5 enquiries from the convenience store alleging there were littering issues on Main Street, East Whitburn, more specifically in the vicinity of the War Memorial. The council has not received any enquires from the wider community of East Whitburn regarding littering issues on Main Street.



Cleaner Communities staff who are responsible for cleansing the area investigated the littering enquires and found no evidence of littering within the area to support the shop owners claims. Therefore on the basis that there is no evidence to support claims that there is a littering issue within the area and that there are a further two litter bins within close proximity of the area (see Appendix 2), the request for the litter bin to be re-sited was refused.

Officers also asked the owners of the Convenience Store if they could provide images from their CCTV cameras in relation to litter being dropped near the front of their store before confirming the decisions; the store replied that the areas in which they referred to were out with the shops carpark and as such their CCTV does not cover it.

## **D2 Current Position**

Officers have considered the shop owners request for an additional litter bin in the area. Currently there are two litter bins located within close walking distance on the main street to the east at the bus stops on either side of the road; and west next to the entrance to the woodland (see Appendix 2).

The Cleaner Communities Senior Operative for the area has confirmed that there has not been an increase in litter on the pavement out with the shop/ car park area since the council removed the litter bin. The main street is currently litter picked 3 times per week.

Therefore, it has been determined by officers that there is not a requirement for an additional bin in the area.

## **E. CONCLUSION**

As the council litter bin was located within a private car park in East Whitburn, it was removed as the council do not provide bins on private ground.

Since the litter bin was removed in February 2019, the area has been monitored by the street cleansing team that cover East Whitburn and they have noted that they have not seen an increase in street litter in the area.

There are alternative litter bins within close proximity to the shop and officers do not see a requirement for any additional bins in the area.

It is recommended by officers that the bin is not re-sited in east Whitburn

## **F. BACKGROUND REFERENCES**

None

Appendices/Attachments:

Appendix 1 - Google map showing bins within car park

Appendix 2 - Location map of current litter bins to proximity of convenience store

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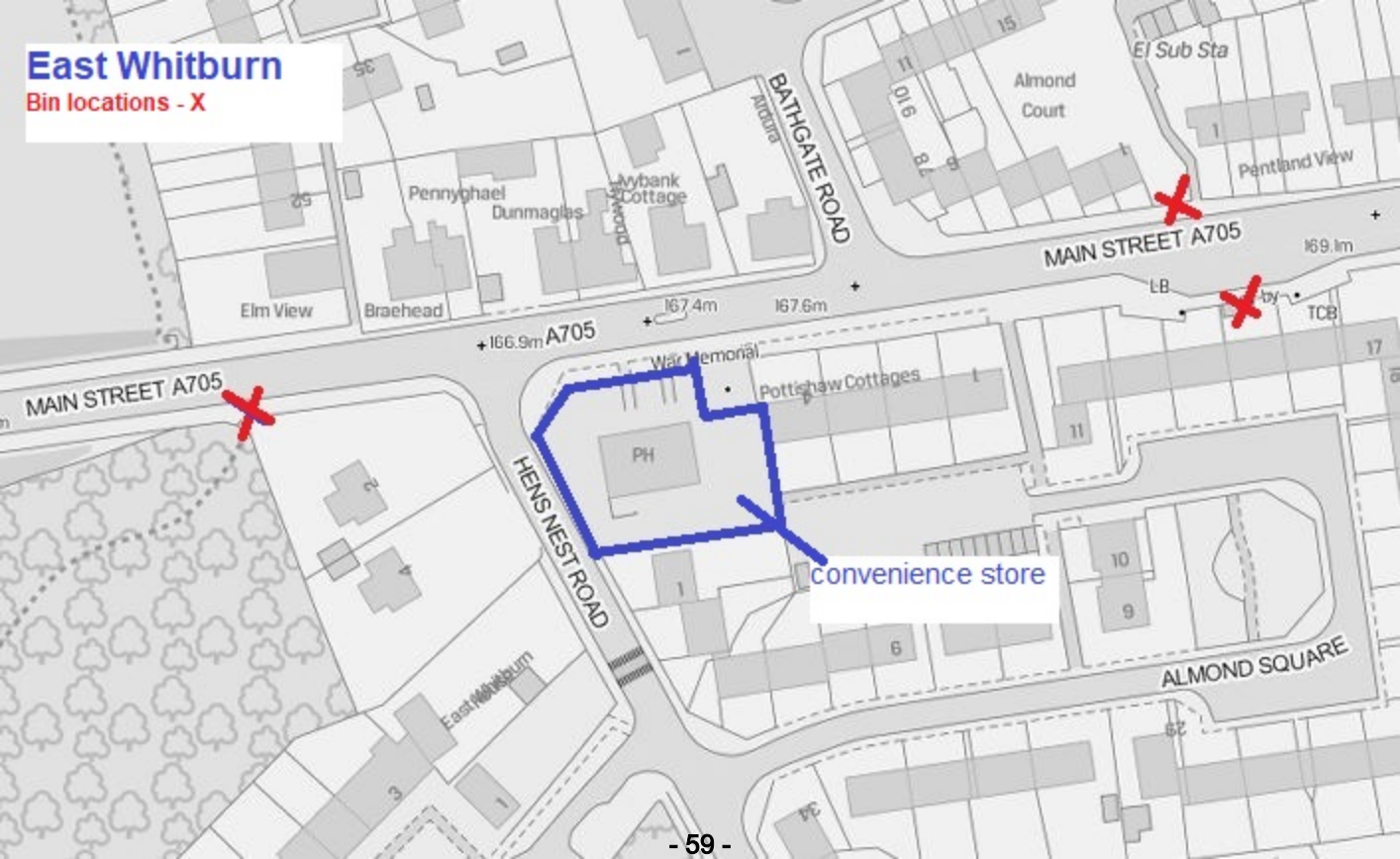
**Jim Jack**

**Head of Operational Services**

Date of meeting: 21 January 2020

## East Whitburn

Bin locations - X







Council bin

Shop bin





## **COUNCIL EXECUTIVE**

### **B8020 NIDDRY ROAD AND THE U18 NIDDRY FARM ROAD, WINCHBURGH – PROPOSED TRAFFIC CALMING AND EXTENSION OF THE EXISTING 30MPH SPEED LIMIT**

## **REPORT BY HEAD OF OPERATIONAL SERVICES**

### **A. PURPOSE OF REPORT**

The purpose of this report is to seek approval to initiate the required statutory procedures to install new traffic calming features on the B8020 Niddry Road and the U18 at Niddry Farm Cottages, Winchburgh and to extend the existing 30mph speed limit.

### **B. RECOMMENDATION**

It is recommended that the Council Executive approves :

1. the commencement of the statutory procedures to install traffic calming features on the B8020 Niddry Road and U18 Niddry Farm Road, Winchburgh; and
2. extending the existing 30mph speed limit on the U18 Niddry Farm Road, Winchburgh.

### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	<ul style="list-style-type: none"><li>• Focusing on our customers' needs; and</li><li>• Being honest, open and accountable;</li></ul>
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	<b>Legal:</b> The proposed traffic calming measures will require advertisement under Road Hump Regulations.
<b>III Implications for Scheme of Delegations to Officers</b>	None
<b>IV Impact on performance and performance Indicators</b>	None
<b>V Relevance to Single Outcome Agreement</b>	The project will contribute to outcomes: "We live in resilient, cohesive and safe communities."

**VI Resources - (Financial, Staffing and Property)**

**Financial:** The introduction of these measures will be delivered using a 50/50 shared split in construction costs using the Roads and Transportation revenue budget and Winchburgh Developments Ltd private funding.

**Staffing:** External consultancy.

**Property:** None.

**VII Consideration at PDSP**

None.

**VIII Other consultations**

Local Ward Members and Police Scotland have been consulted and support these proposals.

**D. TERMS OF REPORT**

**D1 Background**

For some time now, the residents at Niddry Farm Cottages, Winchburgh have been raising speeding concerns on the 30mph unlit stretch of the U18 Niddry Farm Road from the B8020 eastwards to the derestricted rural speed limit.

With the on-going development in Winchburgh traffic volumes have been rising. More vehicles are using the U18, particularly during peak times, to avoid Broxburn town centre when travelling to and from Edinburgh.

Due to the speeding issues raised, Police Scotland have carried out hand held radar speed detection at Niddry Farm Road and have detected vehicles travelling in excess of the 30 mph speed limit with an average of 35-45 mph. They have advised that there have been several reported incidents from residents on the U18 and the B8020.

There have also been speeding issues raised regarding vehicles on the B8020 travelling from Broxburn entering the 30mph speed limit and not reducing their speed until the left hand bend at the U18 Niddry Farm Road junction.

The predicted traffic flows for both directions on the B8020 are 388 in the morning peak and 378 in the evening peak. It is anticipated that after the construction of 600 houses, these traffic flows will increase by 65 and 58 vehicles respectively. These figures will continue to increase as development progresses in Winchburgh.

Officers have previously carried out minor improvement works at the 30mph signage on the B8020 by trimming back the surrounding vegetation to the 30mph speed limit signs and providing upgraded signage. Unfortunately these improvements have not resulted in improved driver compliance of the speed limit when entering Winchburgh.

**D2 Site assessment**

It is council policy that new traffic calming schemes on the public road network are installed through the council's Accident Investigation and Prevention (AIP) programme or by external funded development. The accident statistics for these two routes have not been sufficient to require engineering interventions through the AIP programme.

An accident retrieval for the last five year period (up to the 31 May 2019) has been carried out for both the B8020 and U18 sections and there have been no recorded injury accidents.



Police Scotland have been carrying out patrols and monitoring vehicle speeds at both locations. They are aware of speed limit non-compliance by drivers, however have not reported a large number of ticketed offenders. The Police are concerned that the issue will get worse if no improvements are carried out given the increase in new housing in the surrounding area as the route used to access the A89, M8 and M9 motorways for commuters.

Through discussions with Winchburgh Developments Ltd there has been information provided which shows an increase in traffic volumes on these routes owing to the ongoing development in Winchburgh. Winchburgh Developments Ltd is keen to support the wider community as they continue to build. They see merit in the proposals and are willing to contribute to the improvements.

### **D3 Proposals for the U18 Niddry Farm Road**

The U18 Niddry Farm Road is increasingly used as a 'rat run', particularly in the peak times with vehicles avoiding Broxburn town centre and a high number of vehicles travel in excess of the speed limit.

The existing 30mph terminal speed limit signage on the U18 at Niddry Farm cottages is directly at a private vehicular access. To assist in slowing vehicle speeds approaching the residential properties, it is considered appropriate to relocate the limit further eastwards.

Appendix 1 (drawing number RSTM/01/W2/041) shows the proposal to install three round top road humps on the U18 Niddry Farm Road. The addition of these road humps will reduce vehicle speeds and the extension of the 30mph speed limit will slow speeds prior to the existing residential properties. The installation of a system of street lighting along this stretch will make it part of the Winchburgh urban environment.

### **D4 Proposals for the B8020 Niddry Road**

Speeding vehicles travelling from Broxburn northwards to Winchburgh on the B8020 have been highlighted. It has also been noted that a large number of vehicles do not slow down sufficiently when entering the existing 30mph speed limit.

There is an existing narrow footway adjacent to the properties but residents feel vulnerable when using it due to the vehicle speeds.

Appendix 2, (drawing number RSTM/01/W2/041A) shows the proposal to install a speed reducing traffic calming feature on the B8020 to reduce vehicle speeds. As this route is a B class road, a six metre flat top road hump is proposed to slow vehicle speeds.

### **D5 Consultation**

Police Scotland have been consulted and support the introduction of traffic calming features on both routes to assist in reducing the speed of vehicles and improving driver compliance.

All four ward members have been consulted and support these proposals. Councillor Calder commented that she is delighted that speed mitigation measures are being introduced in these locations.

The affected frontagers and the Community Council will be consulted through the standard statutory procedure for the implementation of the road humps.

## **E. CONCLUSION**

Due to the increase in vehicles using both the U18 Niddry Farm Road and B8020 in Winchburgh, associated with the on-going development in Winchburgh, it is proposed to install traffic calming measures. The measures will assist with improving driver compliance to the speed limits and will address the speeding concerns that have been raised by members of the public.

The traffic calming works will be joint-funded and delivered by Winchburgh Developments Ltd upon satisfactory completion of the road hump order statutory process.

## **F. BACKGROUND REFERENCES**

None.

### **Appendices/Attachments:**

Appendix 1 – Drawing number RSTM/01/W2/041 – U18 Niddry Farm Road, Winchburgh.

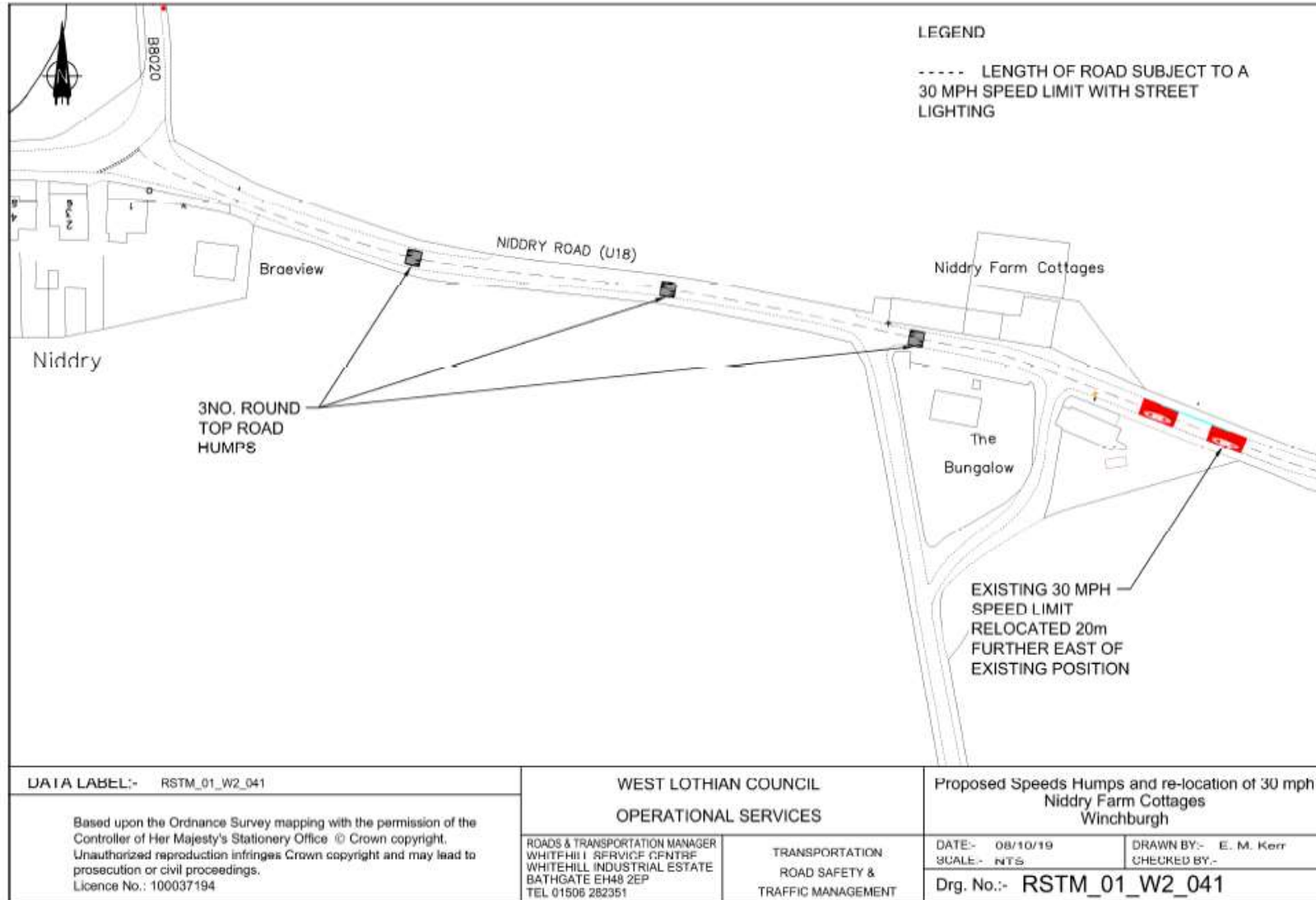
Appendix 2 – Drawing number RSTM/01/W2/041A – B8020 Niddry Road, Winchburgh.

Contact Person: Gordon Brown, Roads Network Manager, tel: 01506 282340, e-mail: [gordon.brown@westlothian.gov.uk](mailto:gordon.brown@westlothian.gov.uk)

Jim Jack, Head of Operational Services, Whitehill Service Centre, Whitehill Industrial Estate, Bathgate, West Lothian, EH48 2EP

Date: 21 January 2020

APPENDIX 1 – Drawing number RSTM/01/W2/041



## APPENDIX 2 – Drawing number RSTM/01/W2/041A

