

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, LIVINGSTON, on TUESDAY 12 JANUARY 2010.

Present – Councillors Peter Johnston (Chair), Councillors Frank Anderson (Vice-Chair), Gordon Beurskens (substitute for Robert De Bold, William Boyle, John Cochrane, Martyn Day, Neil Findlay, Ellen Glass, Isabel Hutton, Andrew Miller, Graeme Morrice, Jim Walker.

Apologies – Councillor Robert De Bold.

In Attendance – Provost Tom Kerr, Councillors Stuart Borrowman, Tom Conn, Bruce Ferrie, Lawrence Fitzpatrick, John McGinty and John Muir.

1. ORDER OF BUSINESS, INCLUDING NOTICE OF URGENT BUSINESS

The Chair ruled in terms of Standing Order 7 that the following reports be taken as urgent business and that the order of business be changed to accommodate these items as undernoted:-

- (1) Adverse Weather Conditions – Support to Vulnerable People – Report by Head of Social Policy – to be taken immediately following the Minute of Meeting (Agenda Item 5)
- (2) Snow Clearing and Gritting Operations – Report by Head of Operational Services – to be taken immediately following the report by the Head of Social Policy.
- (3) Committee and Other Agendas – Circulation – Report by Head of Support Services – to be taken at the end of the meeting.

In relation to items (1) and (2) above, the Chair advised that all elected members would be invited to ask questions, or to make comments to appropriate officers, but that only members of the Council Executive would participate in the decision-making.

2. DECLARATIONS OF INTEREST

Discretionary Rates Relief Scheme (Agenda Item 8) – Councillor Findlay declared a non-financial interest as Company Secretary for Fauldhouse Community Development Trust.

Snow Clearing and Gritting Operations (Agenda Item 6) – Councillor Hutton declared a non-financial interest arising from her former husband's employment within West Lothian Council's Operational Services.

3. MINUTE OF MEETING OF COUNCIL EXECUTIVE

The Council Executive approved the minute of its meeting held on 22nd December 2009. The minute was then signed by the Chair.

4. MINUTE OF MEETING OF WEST LoTHIAN COMMUNITY HEALTH AND CARE PARTNERSHIP BOARD

The Council Executive noted the minute of the meeting of the West Lothian Community Health and Care Partnership Board held on Tuesday 13th October 2009.

5. URGENT BUSINESS – SNOW CLEARING AND GRITTING OPERATIONS

(a) Adverse Weather Conditions – Support to Vulnerable People

The Council Executive considered a report (copies of which were tabled at the meeting) by the Head of Social Policy informing elected members of the measures taken to maintain essential social work service provision to all vulnerable and dependent people in West Lothian during the extreme weather conditions of the previous few weeks.

The Head of Social Policy reported that staff had kept in close touch with all providers of care at home, shopping services and meal delivery services and essential services had been maintained throughout the period of severe weather.

Social work centres and the Social Care Emergency Team (SCET) had responded throughout to situations where vulnerable people not previously known to the service, were experiencing difficulty. Providers in every sector had worked imaginatively and creatively across service boundaries to ensure that the most vulnerable were not adversely affected by the extreme conditions. Contingency plans had been put in place to ensure that providers had appropriate transport if they had difficulty reaching vulnerable people who had a critical need, for example, both the police and Red Cross had indicated that they could make available four wheel drive vehicles (and if necessary drivers). Although it had not been necessary to take up these offers, the contingency arrangements were a source of re-assurance to staff working in these circumstances.

Fortunately no member of staff had reported incurring personal injury due to their dedicated efforts.

The report went on to provide a summary of the position for the following key service areas:-

Children and Families Services

Careline
 Domicillary Care/Meals/shopping
 Community Care Practice Teams
 Community Care Provisions

The Head of Social Policy reported that, despite the extreme weather conditions of the previous few weeks, essential social work services had continued to be delivered to all vulnerable and dependent people with no reports of anyone not receiving a service during the period. This had been achieved by the dedication and commitment of staff, including those working for external providers, and the strong partnership ethos that had been established in West Lothian between all the main public agencies.

The Chair then suggested that elected members in attendance consider the report by the Head of Operational Services entitled "Winter Service Activities 2009/10". Thereafter, a decision would be taken by members of the Council Executive in relation to these two reports.

(b) Winter Service Activities 2009/10

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services entitled "Winter Service Activities 2009/10" updating elected members on the provision of winter maintenance services during the recent adverse weather conditions.

A brochure entitled "Winter Services in West Lothian" was attached as Appendix 1 to the report. The brochure outlined the priority system employed to treat both carriageways and footways. The Council had 16 primary carriageway routes which covered the entire "A" and "B" class road network and also included some more minor routes with high traffic volumes or specific problems. The policy for treating these road types was reflected in the brochure. In relation to secondary carriageway routes, the brochure explained that, along with residential areas, secondary routes could only be treated during working hours under normal circumstances.

The brochure also dealt with the treatment of footways, under the categories "primary routes" and "secondary routes" and explained the council's policy in relation to Grit Bins.

The report went on to examine the position in relation to (i) Staff Standby Arrangements, (ii) Equipment Resources, (iii) Salt and Other De-Icing Materials, and (iv) Weather Forecasts.

Dave Pringle, Roads Manager, spoke of the adverse weather conditions which began on 17th December 2009 with the first fall of

snow. He referred to the 24 hour and 2-5 day text weather forecasts received from the Met Office for the period from 16th December to 20th December, copies of which were attached as Appendix 3 to report. The daily 24-hour forecast information clearly showed that snow showers were forecast for some days over the initial period. However, the 2-5 day advanced forecasts were changing regularly but did not consistently forecast heavy accumulations of snow. The main issue within these forecasts was the severe low temperatures. There were no forecasts or indications from forecasters throughout this initial period that the spell of adverse weather would be prolonged and that the council would be dealing with the worst conditions in over 30 years.

Appendix 2 to the report examined the numbers of staff working on all days during the period 17th December 2009 to 8th January 2010, and Appendix 4 to the report summarised the categories of work carried out over the period.

Finally, the Roads Manager outlined the current position in relation to salt supplies. He also outlined the spend to date position for winter maintenance. As at 3rd January 2010 spend was £1.574 million and, based on the pattern of winter maintenance spend in the previous year, it was projected that spend to 31st March 2010 would be £3.194 million. Against this, there was a budget resources of £2.052 million available, which included a £300,000 winter maintenance contingency held within the service. Therefore, currently there was a very material overspend projected of £1.142 million. This projection was dependent on the weather between January and 31st March 2010 and it was important to note that there was clearly a risk that if the severe winter weather continued, the overspend would be significantly higher than the £1.142 million forecast.

The Council Executive was asked to note that further adverse weather conditions would create an additional overspend to be managed and it was therefore vital that there was clear authority given on what level of winter maintenance service was provided in these circumstances. It was important that officers had the authority to deploy the required resources appropriate to manage the circumstances to be faced.

It was recommended that the Council Executive:-

- noted the contents of the report.
- agreed to give clear authority to continue to employ the required levels of resources to address outstanding issues or confirm what level of winter maintenance services was to be provided.

Motion

“West Lothian Council expresses our sincere thanks to staff from Roads, Grounds, Cleansing, Building and Works, Children and Families, Social Care Emergency Team, Customer Contact Centre, Members Services, Careline, Domiciliary Care and Community Care Practice Teams for their tremendous efforts to keep West Lothian roads and communities safe and clear during the most extreme winter weather experienced for upwards of 30 years.

Council notes that there were no forecasts, or indications from forecasters, throughout the initial period that the spell of adverse weather would be prolonged and that the council would be dealing with the worst conditions in over 30 years.

Council asserts that throughout this period staff have worked round the clock in extremely difficult conditions to ensure our roads and streets have been kept as clear and safe as possible and that the elderly and vulnerable have been fully supported.

Council notes that during the whole of a “normal” winter period in West Lothian 10,000 tonnes of salt would be utilised. To date, from 17th December to 8th January, around 13,000 tonnes have been used treating primary and secondary routes. Council further notes that the extreme temperatures and fluctuating weather patterns required primary routes to be treated upwards of 5 times a day and that, as a result, whilst every effort was made to maximise the service provided on the secondary route network during this period a combination of factors restricted our ability to treat residential areas:

- Severe weather restricted the use of standby crews to primary routes.
- The non-availability of in-house staff due to the holiday period.
- The non-availability of contracting staff due to the winter shut down.

Council further notes that during this period, up to 50 members of staff were deployed in refilling nearly 400 of the 2000 West Lothian grit bins each day.

Council notes that since 5th January, all available private contractors have been engaged to supplement council staff in clearing and gritting residential areas and that significant progress is being made within these areas.

Council congratulates officers for the strong partnership working which has ensured safe access to St. John’s Hospital and to local health centres across West Lothian.

Council notes that staff kept in close touch with all providers of care at

home, shopping services and meal delivery services and that essential services have been maintained throughout this period of severe weather. Every effort was made to ensure that service users received the services they needed and this was due in large part to the dedication of the staff, who at times went above and beyond the call of duty. This involved working on days off; doing extra shifts, working flexibly and generally ensuring that the people for whom they were responsible were looked after in what has been, at times, unprecedented weather conditions.

Council further notes that Social work centres and the Social Care Emergency Team (SCET) were available throughout to respond to situations where vulnerable people, not previously known to the service, were experiencing difficulty. Providers in every sector worked imaginatively and creatively across service boundaries to ensure that the most vulnerable were not adversely affected by the extreme conditions.

Council notes that contingency plans were in place to ensure that providers had appropriate transport if they were having difficulty reaching vulnerable people who had a critical need and that both the police and Red Cross had indicated that they could make available four wheel drive vehicles (and if necessary drivers). Although it wasn't necessary to take up these offers, these contingency arrangements were a source of reassurance to staff working in these circumstances.

Council notes that despite the extreme weather conditions experienced over the last weeks essential social work services have continued to be provided to all vulnerable and dependant people in West Lothian and comments the strong partnership ethos of our public agencies and the strong community spirit which has seen members of the public assist neighbours and relatives.

Council deplores the blatant misrepresentation of council policy and actions by members of the Labour Group.

In particular Council deplores,

1. **The Labour Group demand for the council's winter policy to be "suspended" to allow out of hour work in residential areas.**

Council asserts that this "demand" was empty political posturing and totally without foundation as the unanimously agreed council policy expressly provides for officers to direct out of hours work during periods of adverse weather and officers used this discretion to the full.

2. **The Labour Group claims that council budget cuts are responsible for lack of work in residential areas.**

Council asserts that such claims are wholly untrue. The truth is that as a direct result of officers using the discretion to authorise additional staff and hours, that a projected budget overspend of

£1.142 million is currently projected with spend to 31st March 2010 anticipated to reach £3.194 million.

Council resolves,

1. To give clear authority to continue to employ the required levels of resources to fully address all outstanding issues and problems caused by the severe weather.
2. To instruct officers to report to appropriate PDSP's on the details of the council's response to this severe weather to facilitate consideration of service improvements and strengthened partnership working."

Moved by the Leader of the Council, seconded by Councillor Glass.

Amendment

"West Lothian Council Labour Group believes that the people of West Lothian have lost confidence in the council's SNP-led Administration over their mishandling of the recent council's winter maintenance.

Whilst we accept this has been an unusually bad spell of weather, and have nothing but praise for our hard working and dedicated staff who have been involved in winter maintenance duties, we nevertheless deplore the complacency of the SNP in refusing to respond to our requests – made before and since Christmas – for the current winter maintenance policy to be suspended so that the council gritters could attend housing estates to treat the roads and footpaths during evenings and at weekends, if they couldn't be tackled during the normal working day, which was generally the case.

Many people – particularly older and disabled people – were effectively trapped within the homes and unable to get out of their housing estates due to the lack of snow clearing and gritting.

This was a very unique set of circumstances and the council should have immediately evoked emergency planning procedures and applied maximum flexibility to respond to the hundreds of calls for assistance we received throughout West Lothian since the adverse weather situation began on 17th December.

We therefore condemn the council's SNP-led administration for inaction and fiddling while West Lothian froze.

Moreover, in light of the significant drain on council resources in providing the winter maintenance services, council resolves to contact the Scottish Government seeking additional resources."

Moved by Councillor Morrice, seconded by Councillor Findlay.

Decision

On a vote being taken, the motion was successful by 10 votes to 2 votes and it was agreed accordingly.

In so agreeing, Councillor Cochrane joined the Council Leader in recording appreciation of the work carried out by dedicated staff within Social Policy and staff in other services who were involved in winter maintenance duties. These sentiments were echoed by Councillor Morrice on behalf of the Labour Group.

At this point in the meeting, the Chair ruled that the meeting be adjourned for lunch and that the meeting be reconvened at 1.45 pm.

6. REVISED PROPOSALS FOR SCOTTISH PARLIAMENTARY REGIONS -

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive informing members of the revised proposals for Scottish Parliamentary Regions and that the consultation period of these proposals would end on 7th February 2010.

The Chief Executive advised that the Boundary Commission's revised proposals placed both the Almond Valley and Linlithgow constituencies in a Lothian region. The matter had been considered by the Partnership and Resources Policy Development and Scrutiny Panel on 8th January 2010 and the Panel had recommended that the Council accepted the revised proposals.

Finally, the report advised that maps of the proposals were available for public inspection at the Civic Centre, Bathgate CIS Office, County Buildings and Whitburn CIS Office.

Decision

To agree to accept the Boundary Commission's revised proposal which placed both the Almond Valley and Linlithgow constituencies in a Lothian region, and to respond to the consultation accordingly.

7. DISCRETIONARY RATES RELIEF SCHEME

The Council Executive considered a report (copies of which had been circulated) setting out a proposal to extend the Discretionary Rates Relief Scheme to include two further groups of ratepayers. These were Credit Unions and Community Interest Companies (C.I.C.).

The report explained that recent developments had highlighted that these two types of organisations were not catered for within the Council's existing scheme.

At present there were two Credit Unions who operated as non-profit organisations and therefore were able to receive rates relief within the

provisions of the legislation if included in the council's scheme. These were Livingston Credit Union Limited and Capital Credit Union.

Currently there were no CICs currently liable for business rates in West Lothian, their inclusion within the council's scheme was required before they could be eligible for discretionary rate relief.

The proposed amendment to the scheme would assist these organisations to meet the needs of the West Lothian Community in their sphere of activity.

The Council Executive was asked to approve extensions to the Discretionary Rates Relief Scheme to include two further groups of ratepayers:-

- 1) Credit Unions
- 2) Community Interest Companies (C.I.C.)

Decision

To approve the terms of the report.

8. PROCUREMENT ARRANGEMENTS - SUPPLY OF PLANT AND MACHINERY EQUIPMENT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance seeking approval to award a contract for the supply of Plant and Machinery Equipment.

The Head of Finance advised that the council's requirement had been advertised in accordance with the European Union Directives. Invitations to tender had been issued to 35 potential suppliers, 17 of whom had returned a tender for evaluation. The evaluation criteria, which had been specified in the contract notice and tender documents, was listed in the report.

The Council Executive was asked to approve the award of nine month contract running from 26th January 2010 until 25th October 2010, with a nine month contract extension option in accordance with Appendix 1 to the report to:-

Alpha Plus
 Alex McDougall
 Alstons BC Ltd
 Bryson Tractors
 Fairways GM Ltd
 Garden Machinery Services
 Henderson Grass Machinery Ltd
 Hamilton Bros Ltd
 Premier Parts UK

Scot JCB Ltd
Thomas Sheriff Ltd

The estimated contract value over the initial nine month terms was £290,000.

In the pursuit of best value for money, the ideal situation was to award the contract to as few suppliers as possible. However, due to the wide range of equipment being tendered, suppliers had been unable to quote for all specifications and this was reflected in the large number of suppliers who would receive orders on the basis of the tender evaluation.

Decision

To approve the terms of the report.

9. CONSULTATION ON UK EQUALITY BILL - PUBLIC SECTOR SPECIFIC DUTIES

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy outlining the council's draft response to the Scottish Government consultation on the UK Equality Bill – Public Sector Specific Duties.

The Head of Social Policy explained that the council had been invited to respond to the second consultation on the Equality Bill following the consultation on the Socio-Economic Duty to which the council had responded in October 2009. The deadline for response to the second consultation was 15th January 2010.

It was recommended that the Council Executive approved the draft consultation response.

Decision

1. To approve the terms of the report.
2. To record appreciation to staff with the Equalities Unit for the work undertaken in relation to the UK Equality Bill.

10. DRAFT PLANNING BRIEF FOR SITE AT BRIDGE PLACE (WEST), BROXBURN

The Council Executive considered a report (copies of which had been circulated) by the Planning Services Manager advising of the details of a draft planning brief that had been prepared for a site at Bridge Place, Broxburn. The report also set out the results of the consultation exercise undertaken in relation to the brief.

The Planning Services Manager advised that the site was in council

ownership. It was located to the north of Broxburn town centre, east of Broxburn Primary School and comprised what was previously considered to be an underutilised section of the existing Greendykes Road car park. The site had been allocated for residential development in the adopted West Lothian Local Plan, reference HUB28 and the planning brief had been designed to accommodate five units.

The report went on to describe the key elements of the planning brief and provided a summary of consultation responses. A copy of the responses/representations which had been received was provided as Appendix 2 to the report.

The Planning Services Manager concluded that the existing car park was long underutilised and the basic premise for originally having allocated part of it for redevelopment was not sustainable at this time. He recommended that, for the time being, the planning brief should be noted, but not progressed and not adopted, and that the Property Manager should be instructed not to pursue the disposal of this site, at least at the present time. If and when circumstances changed, the development of this allocated local plan site could be revisited and further consideration could be given to it. There would also be opportunity to consider and review the status of the housing allocation when the local plan was reviewed through preparation of the Local Development Plan.

It was recommended that the Council Executive:-

- noted the planning brief but agreed not to progress with the adoption of the brief or the disposal of the site at this time.

Decision

To approve the terms of the report.

11. PLANNING BRIEFS FOR APPROVAL: SITES IN EAST CALDER, LIVINGSTON AND FAULDHOUSE

The Council Executive considered a report (copies of which had been circulated) by the Planning Services Manager seeking approval from the Council Executive for five planning briefs:

HEc4 Former Millbank Depot, East Calder;
 HEc7 Calderhall Terrace, East Calder;
 HLv26 Eliburn East 5B, Ballantyne Place, Livingston;
 HLv111 Kirkton North 10B, Livingston;
 95-97 Former Cinema Site, Main Street, Fauldhouse

The five sites were in council ownership and had been identified by service units as surplus to requirements. Property Management had considered them suitable for marketing to support the council's capital programme.

The Planning Services Manager advised that the proposed uses for the five sites accorded with the adopted West Lothian Local Plan 2009.

The planning briefs indicated how the council, as planning authority, anticipated that they would be developed, including the physical and financial contribution requirements that had to be met. The report provided a draft planning brief and location plan for each of the sites. The report also examined the local plan background and key considerations relating to each sites, as well as the representations received and the responses to points made.

The Planning Services Manager recommended that the Council Executive approved the planning briefs to allow Property Management to market the sites when it was deemed appropriate.

In relation to the draft planning brief for site HLv26 Eliburn East 5B, the Council Executive heard a suggestion by Councillor Miller relating to the contribution which would be required from the developer for improving facilities at Peel Park. In response, Colin Miller, Development Planning Manager, undertook to amend the planning brief accordingly.

Decision

To approve the terms of the report, but subject to a change to the brief for site HLv26 Eliburn East 5B as undernoted:-

The third bullet point in the planning brief to be replaced with:-

“A contribution of £500 per house will be required from the developer for improving facilities at Peel Park.”

12. ENFORCEMENT CHARTER

Under section 158A of the Planning etc. (Scotland) Act 2006., the Council was required to publish an Enforcement Charter, setting out its enforcement policies and providing guidance on how members of the public would report possible planning breaches and how the council would deal with a suspected breach.

The Council Executive considered a report (copies of which had been circulated) providing a copy of the council's Enforcement Charter, and seeking approval for its publication.

The Council Executive was asked to approve the charter for publication and distribution.

Decision

To approve the terms of the report.

13. SCOTTISH GOVERNMENT CONSULTATION ON "CONSERVE AND SAVE - THE ENERGY EFFICIENCY ACTION PLAN FOR SCOTLAND"

The Council Executive considered a joint report (copies of which had been circulated) by the Head of Development and Regulatory Services and Head of Property Services updating members on the Scottish Government's consultation on the "Energy Efficiency Action Plan for Scotland".

The report explained that in mid October 2009 the Scottish Government had launched a major consultation on an energy efficiency plan for Scotland. This arose from previous ambitious proposals within the new Climate Change Bill. The consultation ended in early January 2010.

Appendix 1 to the report set out the Scottish Government questions on the "Consultation on the Energy Efficiency Action Plan for Scotland" and proposed West Lothian Council responses.

The report examined aspect of the consultation under the following headings:-

- Introduction and Strategic Context
- Current Trends in Energy Use
- Barriers to Improving Energy Efficiency and Reducing Energy Consumption
- Energy Efficiency Targets and Issues around Data and Monitoring
- Changing Attitudes and Behaviours
- Making Scotland's Homes more Energy Efficient – Strategic Issues
- Making Scotland's Existing Homes More Energy Efficient – the Role of Regulatory Standards for Housing
- Energy Efficiency in Non-Domestic Buildings and Processes
- The Public Sector
- Cross-cutting Issues relating to the Built Environment
- Changing How We Use Our transport System
- Enterprise and Skills – Innovation, Investment and Opportunity
- Key Partners and Responsibilities
- Conclusions and Next Steps
- West Lothian Council View on the Consultation

In his conclusion, the Head of Development and Regulatory Services considered that, in West Lothian, while there was support for many of the proposed new measures on energy efficiency, there would need to be concerted and sustained central government financial support and guidance to ensure that a "step change" was delivered.

It was recommended that the Council Executive endorsed the responses to the Scottish Government's consultation questions (listed in Appendix 1 to the report) on the forthcoming Action Plan on Energy Efficiency as West Lothian Council's response.

Decision

To approve the terms of the report.

14. FORTH CROSSING PARLIAMENTARY BILL

The Scottish Government had deposited a Bill in parliament seeking powers to construct the Forth Replacement Crossing (FRC). The proposals included changes to the road network on the southern approach to the Firth of Forth.

The Council Executive considered a report (copies of which had been circulated) by the Transportation Manager presenting to the Executive, the benefits, opportunities and risks to West Lothian resulting from the FRC proposals.

The report explained that the new crossing would be a cable-stayed bridge with three towers. Construction would start in 2011 and the new crossing was planned to open in 2016. The southern approaches would be from an extended A90 and from the A904. Junction 1a of the M9 would be upgraded to an all-ways junction. The bridge would carry a two-lane dual carriageway with hard shoulders and it would be classified as a trunk road. The crossing would not have footways or cycleways. A map indicating the crossing and approach road layout was provided in Appendix 2 to the report.

The report went on to set out the benefit to West Lothian and to highlight a number of public transport concerns. It was noted that several meetings with Transport Scotland had been held where the councils' joint concerns regarding the lack of public transport measures were raised. A joint position had been agreed by officers and members of SEStran, Fife Council, City of Edinburgh Council and West Lothian Council and the joint position was attached as Appendix 3 to the report.

As an update to his report, the Transportation Manager advised that Queens Council opinion was that West Lothian Council had a right to formally object to the parliamentary committee on the grounds that the Council was a mandatory consultee and that it would be adversely affected by the proposals.

The report noted that, of particular concern to the Newton Community Council was the omission of a direct link between the M9 and the new crossing. The community considered that the omission of this link posed a risk to them and had advised council officers that they would like any council response to parliament to highlight the omission of a direct link as the key issue.

The report also noted that Environmental Health officers had identified a number of concerns with the Bill and the Code of Construction Practice.

The concerns were detailed in Appendix 5 to the report.

The Transportation Manager informed the Council Executive that the closing date for the objection period was 26th January and it was proposed that officers draft a formal objection to the parliamentary committee highlighting, (1) that the council welcomed the crossing; (2) objected at the lack of public transport provision and submitted a joint statement with SEStran, Fife Council and Edinburgh Council; (3) objected to the lack of a direct link between the M9 and FRC and the subsequent consequences for Newton without mitigation measures; and (4) objected to the shortcomings of the Code of Construction practice.

It was recommended that the Council Executive:-

1. considered the report and recommended it for approval. The focus of this being the lack of adequate public transport provision, the lack of a direct trunk road link between the M9 and the FRC and the subsequent impact on Newton village, and; the inadequacy of the Code of Construction Practice to defend vulnerable communities.
2. approved the Joint Position Statement of the new Forth crossing;
3. authorised officers to lodge an objection by the council to the Hybrid Bill at Stage 1 of the parliamentary process, and to do so in partnership with SEStran and some or all of its constituent authorities if so advised;
4. noted that the SEStran Board approved a report setting out its position on the Hybrid Bill at its meeting on 4th December 2009, and
5. noted that further reports would be brought forward to advise of the outcome of Stage 1 of the parliamentary process and to seek authority for actions needed to represent the council's interests at later stages of that process.

Decision

To approve the terms of the report and to note the additional information provided by the Transportation concerning Queens Council opinion.

15. A801, AVON GORGE, TRANSPORT MODELLING AND ECONOMIC ASSESSMENT

The council in partnership with Falkirk Council and SEStran had been promoting the delivery of the completion of the A801, linking the M8 and M9 motorways for many years. Both councils regarded the Avon Gorge as a 'missing link'.

The Council Executive considered a report (copies of which had been circulated) by the Transportation Manager presenting the findings of a recent modelling and economic appraisal that would then be used to form

the basis of a letter to the Transport Minister.

The report provided details of the traffic modelling and economic assessment. The study findings showed that the project had considerable benefits for the local and national economy. The benefits could be realised early if the project was constructed as advanced works for the FRC and at a fraction of its cost.

To inform Government of the report findings, officers from both councils would take this forward and draft a joint letter to the Transport Minister requesting funding support and early delivery of this nationally important project.

It was recommended that the Council Executive approved the report and delegated responsibility to officers to work with SEStran and Falkirk Council to draft a letter to the Minister informing him of the findings of the updated modelling and economic appraisal work and requesting early delivery of the project.

Decision

To approve the terms of the report.

16. COSLA ANNUAL CONFERENCE AND EXHIBITION 2010, WEDNESDAY 3RD - FRIDAY 5TH MARCH 2010, ST ANDREWS

The Council Executive considered attendance at the COSLA Annual Conference and Exhibition 2010 to be held in St Andrews on 3rd to 5th March 2010.

Decision

To approve attendance by the Council appointees to COSLA and the two COSLA Spokespersons, namely

Council Leader Peter Johnston, Councillors Anderson, Day, Hutton and Morrice.

17. CIPFA SCOTLAND ANNUAL CONFERENCE AND EXHIBITION: VOYAGE OF DISCOVERIES - THURSDAY 18TH AND FRIDAY 19TH MARCH 2010, DUNDEE

The Council Executive considered attendance at the CIPFA Scotland Annual Conference and Exhibition to be held in Dundee on 18th and 19th March 2010.

Decision

To approve attendance by the Council Leader and Councillor Beurskens.

18. URGENT BUSINESS - COMMITTEE AND OTHER AGENDAS - CIRCULATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Support Services setting out proposals relating to the circulation of agendas and reports for meetings of council, committees and other council bodies.

The Head of Support Services explained that the circulation of paper copies of agendas and reports for meetings used significant quantities of paper and staff resources in the form of printing copies, assembling committee papers and their delivery. There were over 40 bodies serviced through Committee Services. Each had its own particular membership and many had their own specific circulation list for hard copies of agendas and reports.

The report examined the current practice in relation to circulation of papers to members of the public, the press and elected members. On 8th January 2010, the Partnership and Resources Policy Development and Scrutiny Panel had considered changes to the present practice and the views of the Panel members present were reflected in the report.

Within the framework of legal requirements, the Head of Support Services considered that there was scope for streamlining the circulation arrangements and reducing the staffing and consumable costs associated with the provision of agendas and reports for council bodies.

It was recommended that, with immediate effect, the practice for the circulation of agendas and reports for meetings of bodies in the council's decision-making structure should be as follows:-

1. For elected members:-
 - a. All members would receive hard copies of agendas and reports for meetings of full council;
 - b. For other bodies in the council's decision-making structure (committees, sub-committees, Policy Development and Scrutiny Panels and working groups), only members appointed to the body concerned would receive hard copies of agendas and reports;
 - c. For meetings of the Council Executive, the Education Executive and the Policy Development and Scrutiny Panels, members not appointed to the body concerned would receive intimation of the meeting and the business to be transacted through an email containing a web-link to the relevant page on the council's website from which the agenda and public reports would be accessed and printed if necessary. The Chief Solicitor would have a discretion to authorise the provision of a

hard copy in exceptional circumstances.

- d. For meetings of other bodies in the council's decision-making structure and for "private" papers to be dealt with at meetings of the Council Executive, the Education Executive and the Policy Development and Scrutiny Panels, Committee Services would provide copies on request and in accordance with the rules which governed members' rights to access council information. As a general rule, that would be done by way of an e-mail with a web-link or an electronic copy, but the Chief Solicitor would have a discretion to authorise the provision of a hard copy in exceptional circumstances; and
 - e. No spare copies of agendas and report would be produced for the use of members who omitted to bring their papers to a meeting of a body in the council's decision-making structure.
2. For officers, as a general rule, those who requested to be on the circulation list for the meetings of a body in the council's decision-making structure would receive intimation of the meeting and the business to be transacted through an e-mail containing a web-link to the relevant page on the council's website from which the agenda and public reports may be accessed and printed if necessary, but the Chief Solicitor would have a discretion to provide a hard copy where deemed appropriate.
 3. For the press, as a general rule, those organisations or individuals who requested to be on the circulation list for the meetings of a body in the council's decision-making structure would receive intimation of the meeting and the business to be transacted through an e-mail containing a web-link to the relevant page on the council's website from which the agenda and public reports would be accessed and printed if necessary, but the Chief Solicitor would have a discretion to provide a hard copy where deemed appropriate.
 4. For the public, Committee Services would continue to provide a reasonable number of hard copies for the use of members of the public in attendance at meetings of bodies in the council's decision-making structure in accordance with legislative requirements.

Motion

To approve the terms of the report.

Moved by the Leader of the Council, seconded by Councillor Anderson.

Amendment

To agree that, in relation to recommendation 1c, provision should be made for an elected member who was not a member of a committee/body, to receive a hard copy of an agenda and reports from Committee Services on request.

Moved by Councillor Morrice, seconded by Councillor Findlay.

Decision

On a vote being taken, the motion was successful by 8 votes to 2 votes and it was agreed accordingly.