

MINUTE of MEETING of the COUNCIL EXECUTIVE held within MS TEAMS VIRTUAL MEETING ROOM, on 15 DECEMBER 2020.

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

Apologies – Councillors Janet Campbell, Harry Cartmill and Cathy Muldoon

1. DECLARATIONS OF INTEREST

Agenda Item 9 (Travelling Funfairs (Licensing) (Scotland) Bill) - Councillor Chris Horne declared an interested in that he was personally acquainted with someone who was involved in running a fun fair so would not participate in the item of business

Agenda Item 14 (Consultation on the M8 and M9 Trunk Roads) - Councillor Chris Horne declared an interest in that he was a council appointed member of SESTran for which an exclusion from the Standards Commission applied so would participate in the item of business;

Agenda Item 16 (Town Centre Fund – Capital Grants) - Councillor Chris Horne declared an interest in that he was a board member of One Linlithgow so would not participate in the item of business;

Agenda Item 16 (Town Centre Fund – Capital Grants) - Councillor Tom Conn declared an interest in that he was a council appointed member of One Linlithgow so would not participate in the item of business; and

Agenda Item 16 (Town Centre Fund – Capital Grants) - Councillor Charles Kennedy declared an interest in that he was a council appointed member of Bathgate Business Improvement District (BID) so would not participate in the item of business.

2. ORDER OF BUSINESS

Council Executive noted that agenda items 23 to 27 were for information only. The Chair advised that he wished officers to present the report at Agenda Item 25 (Councillors Local Disbursement Fund). Therefore committee agreed that in accordance with Standing Order 5(3) that all other items were to be taken as read and their recommendations approved without any further consideration.

Council Executive also noted that in relation to Agenda Item 6 (Petition) that Mr Lorenzo Franchitti, who had organised the petition, had an automatic right to address committee in accordance with recently approved changes to Standing Orders.

Council Executive also agreed to hear a deputation request received from

Mr Steven Egan in relation to Agenda Item 16 (Town Centre Fund). In light of this agreement the Chair ruled in terms of Standing Order 11 that he would therefore promote this particular item of business so that it would be considered immediately following agenda item 6 (Petition)

3. MINUTE

The Council Executive confirmed the minute of its meeting held on 17 November 2020. The minute was thereafter signed by the Chair.

4, CORRESPONDENCE

The Council Executive noted correspondence arising from previous decisions of committee.

5, PETITION - REMOVE 20MPH SPEED LIMITS FROM MAIN ROADS ACROSS WEST Lothian

The Council Executive considered a petition (details of which had been circulated) and which called upon on the council to remove 20mph speed limits from main roads across West Lothian.

Mr Lorenzo Franchitti who had organised the petition then spoke in support of the petition which had been signed by 4881 at the time of submission to the council.

Mr Franchitti expressed his concerns for the implementation of the Spaces for People Programme and in particular the introduction of 20mph speed limits across most main roads in West Lothian and the impact this was having on residents and local businesses. He felt that the changes had been implemented following consultation with as few as 471 people (or 0.25% of the population of West Lothian's adult population)

Mr Franchitti continued by saying that he understood that the council had on its website a speed limit review strategy which seemed the most appropriate and methodical way forward as to the setting of road speed limits should there be an requirement to make changes.

He concluded his presentation by stating that he felt that the scheme constituted a large waste of public funds with immense negative feedback and that communities would like to see these limits removed and any changes to roads should be made on a case-by-case basis with the appropriate methodology behind them.

Mr Franchitti then responded to question from members.

The Chair thanked Mr Franchitti for his presentation and for responding to the questions posed.

Decision

1. To note the contents of the petition;
2. To thank Mr Franchitti for his presentation to Council Executive; and
3. To refer the petition to a future meeting of the Environment Policy Development and Scrutiny Panel.

6. TOWN CENTRE FUND - CAPITAL GRANTS

Councillors Tom Conn, Charles Kennedy and Chris Horne took no part in the following item of business having previously declared an interest, which required them to leave the meeting.

Deputation

The Council Executive heard from Mr Steven Egan, Chair of Eliburn Community Council who spoke in support of application reference ELI20-01 (Livingston North Ward) which was for the installation of a footpath to access Peel Primary School. It was noted that the application was being recommended for grant but was a conditional offer.

Mr Egan explained that the work was necessary due to the way in which access to the school was organised both during school hours and out with school hours and was a matter of safety for those accessing the school as at the moment they had to walk across a grass verge. He also suggested that with better pedestrian access parents and those visiting the school premises were more likely to walk than use a vehicle.

Mr Egan continued to explain that the Community Council had been approached by the PTA and other users of the community facilities at the school about the matter. They subsequently detailed the communities concerns via Facebook and they received a great response on the matter hence the reason they submitted the application to the town centre fund.

Mr Egan responded to question from Council Executive

The Chair thanked Mr Egan for his presentation

Report by Head of Planning, Economic Development and Regeneration

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration setting out revised proposals for the reallocation of Town Centre Capital Grant 2019/20 where that money remains unspent, and to seek approval for project funding from the 2020/21 allocation for those local area committees where the committee itself was not able to make the funding decision.

Council Executive were advised by the Head of Planning, Economic Development and Regeneration that there was a mistake in section D3 of the Livingston North report in that three local members had declared an interest in the item of business.

It was recommended that Council Executive:-

1. Agrees that any unused funding from the 2019/20 funding round can now be carried forward and added to the funding available within the same ward for 2020/21;
2. Notes that as projects are implemented the detail and associated costs may change and so delegates the Head of Planning, Economic Development & Regeneration to agree such changes and to re-allocate any money that becomes available as a result from funding for both years to other projects in the ward, both so long as projects remain within the aims, purposes and overall intent of the original applications and approvals; and
3. Approves the recommended set out in the attached report to Linlithgow Local Area Committee as that committee was unable to make a decision on the recommendations (Appendix 1).
4. Approves the recommended set out in the attached report to Bathgate Local Area Committee as that committee was unable to make a decision on the recommendations (Appendix 2).
5. Approves the recommended set out in the attached report to Livingston North Local Area Committee as that committee was unable to make a decision on the recommendations (Appendix 3).

Motion

To approve Recommendation 1 and 2 of the report and to deal with Recommendations 3, 4 and 5 as individual applications

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan

Amendment

To approve Recommendation 1 of the report and to replace Recommendation 2 with the following :-

Initially any unused money was to go back out for consultation with the community, on a ward basis, for funding for either existing or new applications, and if it remained unallocated then refer back to the relevant officer for delegated allocation

- Moved by Councillor Frank Anderson and seconded by Councillor Carl John

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

Motion

David Dodds
Angela Doran
Lawrence Fitzpatrick
Andrew McGuire
George Paul
Kirsteen Sullivan

Amendment

Frank Anderson
Peter Heggie
Carl John
Damian Timson

Decision

Following a vote the motion was successful by 6 votes to 4, with 3 members absent, and it was agreed accordingly.

Council Executive then unanimously agreed recommendations 3, 4 and 5 of the report and recorded its support for the application from Eliburn Community Council reference ELI20-01

7. COVID-19: DELAY OF INTEGRATION SCHEME REVIEW

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive to seek approval for a further delay to review of the Integration Scheme due to the ongoing Covid-19 pandemic.

It was recommended Council Executive :-

1. 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, by 16 June 2020;
2. Note that on 21 January 2020 Council Executive agreed an indicative timetable and procedure for the review which can no longer be met due to the risks, precautions and legal restrictions arising from COVID-19;
3. Note that a decision was taken on 21 April 2020 under Standing Order 31 (reported to Council Executive on 26 May 2020) to abandon the process due to the ongoing COVID-19 pandemic and to revisit the review process in Autumn 2020; and
4. Agree to further delay the review due to the continuing pressures created by the COVID-19 pandemic and to return to the review in Spring 2021.

Decision

To approve the terms of the report.

8. CONSULTATION ON THE FAIR RENTS (SCOTLAND) BILL

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services seeking approval for a council response on the Fair Rents (Scotland) Bill.

It was recommended that Council Executive:

1. Notes the overview of the proposed Bill and the current position in relation to this;

2. Notes the summary of consultation matters in relation to the proposed Bill;
3. Approves the proposed response to the consultation on the Fair Rents (Scotland) Bill as set out in the report

Decision

To approve the terms of the report and the consultation response.

9. TRAVELLING FUNFAIRS (LICENSING) (SCOTLAND) BILL - CALL FOR VIEWS

Councillor Chris Horne took no part in the following item of business having previously declared an interest, which required him to leave the meeting

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising to the Scottish Parliament's call for views on the Travelling Funfairs (Licensing) (Scotland) Bill and to invite the Council Executive to consider the draft response appended to this report.

It was recommended Council Executive approves the proposed response to the call for views on the Bill.

Decision

To approve the terms of the report and the proposed response.

10. PROCUREMENT APPROVAL

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to enter into contracts where committee authorisation was required by Standing Orders.

It was recommended that the Council Executive approves a direct award to Tunstall Healthcare (UK) Ltd Healthcare (UK) Ltd for a contract with a start date of 14 January 2021 for a period of 5 years to 13 January 2026 to the value of £159,863.

Decision

To approve the terms of the report.

11. CONSULTATION - RENEWING SCOTLANDS FULL POTENTIAL IN A DIGITAL WORLD

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

circulated) by the Depute Chief Executive advising of the Scottish Governments consultation, which commenced in October, on the revised focus for a refreshed Digital Strategy in collaboration with Local Government, and to agree a response to be returned by 23 December 2020.

It was recommended that the Council Executive:

1. Notes the report;
2. Comments on the content of the proposed consultation response at Appendix 2; and
3. Agrees a response will be submitted to the Scottish Government by the deadline of 23 December.

Decision

To approve the terms of the report and the proposed response

12. ENDO WARRIORS WEST LOTHIAN

The Council Executive considered a report (copies of which had been circulated) by the Head of Education (Learning, Policy and Resources) providing details of support to Endo Warriors West Lothian and to seek approval for continued council support of the local group and national Endometriosis Awareness Week in March 2021.

The Council Executive was asked to:

1. Note that officers were instructed to investigate how the local group could be supported following a motion at full Council on 19 November 2019;
2. Note that officers have continued to provide support as detailed in section D.2 of the report;
3. Give approval for the lanterns in the roof of the Civic Centre to be turned yellow as part of the 'Light Up Yellow' campaign during Endometriosis Awareness Week in March 2021 (5 to 7 March 2021); and
4. Note the participation of Howden Park Centre in the 'Light Up Yellow' campaign and West Lothian Leisure's support for a 'Thinking Tree' to be located within the walled garden situated beside Howden Park Centre.

Decision

To approve the terms of the report

13. OPEN SPACE PLAN 2020 - 2024

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to adopt the Open Space Plan for the period 2020-2024 and to highlight to the Executive the plans for the document going forward

The Council Executive was asked to approve the following :-

1. The content and adoption of the Open Space Plan 2020-2024.
2. The plan to incorporate, through the introduction of Annexes, the full range of service areas under the Open Space Asset Category, these include Food Growing, Cemeteries, Play Areas, Parks and Woodlands, Core Paths, Bio/Geo Diversity, Green and Blue Networks, Sports Facilities and Public Art.

Decision

To approve the terms of the report

14. CONSULTATION ON THE M8 AND M9 TRUNK ROADS (NEWBRIDGE TO HERMISTON GAIT) (ACTIVELY MANAGED HARD SHOULDER SPEED LIMIT) REGULATIONS

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing a response on Transport Scotland's consultation on the M8 and M9 trunk roads (Newbridge to Hermiston Gait) (actively managed hard shoulder and speed limit) Regulations 2021

It was recommended that the Council Executive agrees Appendix 1 as the Council's response to Transport Scotland's consultation on the M8 and M9 trunk roads (Newbridge to Hermiston Gait) (actively managed hard shoulder and speed limit).

Decision

1. To approve the terms of the report and the proposed response; and
2. To agree that the response include concerns as expressed by the RAC and the AA and to ensure that a review period was stipulated by Transport Scotland if and when the proposal was implemented.

15. WEST LOTHIAN LOCAL DEVELOPMENT PLAN (LDP): ACTION PROGRAMME (FIRST REVIEW) 2020

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval of the first annual update of the West Lothian Local Development Plan Action Programme. The updated Action Programme was attached as Appendix 2.

It was recommended that the Council Executive:

1. Agrees the responses to comments received during consultation on the Action Programme (Appendix 1);
2. Approves the content of the LDP Action Programme – First Review which supports and underpins the infrastructure requirements and further supplementary and planning policy guidance for the adopted LDP (Appendix 2);
3. Notes that the council is required to submit an annual update of the Action Programme to Scottish Ministers and publish it;
4. Notes that current COVID restrictions mean that the Action Programme - First Review will be published electronically;
5. Approves the 'Screening Report' (Appendix 3) which is to be submitted to the SEA Gateway and the Consultation Authorities and which sets out the council's justification that the guidance is exempted from additional Strategic Environmental Assessment because it will not in itself have any significant environmental effects;
6. Delegates authority to the Head of Planning, Economic Development and Regeneration to timeously issue a 'Screening Determination' in the event that the SEA Gateway and the Consultation Authorities confirm their agreement that the guidance will not in itself have any significant environmental effects, and to report the outcome of the SEA screening process to a future meeting of the Council Executive for information; and
7. Subject to approval of the Action Programme – First Review, delegates authority to the Head of Planning, Economic Development & Regeneration to make the necessary arrangements to:
 - a. Send copies of the Action Programme – First Review to Scottish Ministers;
 - b. Publish the Action Programme on line and alert public libraries to this.

Decision

1. To approve the terms of the report; and
2. To agree that if so required officers would produce a simple guide/summary for members on what developments were proposed for their ward

16. PROPOSED AMENDMENTS TO THE SCHEME OF DELEGATION AND OTHER PLANNING PROCEDURES

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration setting out proposed changes to the scheme of delegation for planning applications and other consents. A review of the scheme of delegation was required by legislation. Only minor changes to the scheme

of delegation were proposed.

The Head of Planning, Economic Development and Regeneration then advised Council Executive that there were a couple of typographical errors in Appendix 3, Part B, Point 6 which should refer to paragraphs 5a to 5d and Point 7 which should refer to paragraph 5e and not 5d.

It was recommended that the Council Executive:

1. Notes the proposed changes to the scheme of delegation and the reasons for them;
2. Approves the revised schemes of delegation in relation to planning applications and other consents and enforcement cases (Appendix 3);
3. Notes that if approved by Council Executive, the proposed changes to Part A of the scheme require to be submitted to the Scottish Ministers for approval;
4. Agrees that all proposed changes (Part A and Part B) will come into place the day following approval by the Scottish Ministers; and
5. Notes that if for any reason the Scottish Ministers do not approve the revised scheme the matter will be referred back to Council Executive for further consideration.

Decision

To approve the terms of the report

17. UK - EU EXIT UPDATE - REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT AND REGENERATION (HEREWITH)

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing an update on the on-going negotiations between the European Union (EU) and United Kingdom (UK) to reach a trade deal and to identify potential implications for West Lothian and the local community in the event of a No Deal Brexit.

It was recommended that Council Executive

1. Notes the update on the UK's trade negotiations following the UK's withdrawal from European Union
2. Notes the work of the Brexit Working Group;
3. Notes the potential impacts on the economy; and
4. Agrees to further updates being provided to future meetings of the Council Executive

Decision

To approve the terms of the report

18. UPDATE ON UK SPENDING REVIEW AND SCOTTISH GOVERNMENT AND COUNCIL COVID-19 FUNDING

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services updating members in relation to the announcements contained in the Chancellor of the Exchequer's UK Spending Review, on Scottish Government Covid-19 funding and on investment by the council to support individuals, families, communities and businesses in West Lothian during the pandemic, and to consider allocation of outstanding resources.

It was recommended that the Council Executive:

1. Notes the Chancellor's statement on 2021/22 spending plans and that a full UK budget is expected in March 2021;
2. Notes a Scottish Budget for 2021/22 will be announced on 28 January 2021;
3. Notes the update on the Barnett Consequentials that have been provided to the Scottish Government in relation to the Covid-19 pandemic;
4. Notes how Covid-19 resources have been invested to date in West Lothian to support individuals, families, communities and businesses, including the significant work undertaken by council staff in this regard;
5. Notes the balance of resources available still to be spent and the parameters for use of the flexible fund for those at financial risk;
6. Agrees the proposed allocation of the balance of resources of £1.052 million to support individuals, families and communities and businesses in West Lothian as set out on page 6 and Appendix 5;
7. Notes the Scottish wide funding announcements for which the council has yet to receive confirmation of distribution;
8. Agrees that the Head of Finance and Property Services should continue to report to Council Executive on relevant UK and Scottish Government funding and spending announcements;
9. Agrees that the Head of Finance and Property Services should ensure that information contained within this report is taken into account when updating the council's revenue budgets for 2021/22 and 2022/23,

Motion

To approve the terms of the report

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan

Amendment

To allocate £1.052m from the current reserves figures and allocate to identified services to allow the council to double the amount committed to each of those identified services including school clothing grant; equipment; fuel poverty; support for those facing redundancy and mental health network.

- Moved by Councillor Frank Anderson and seconded by Councillor Carl John

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

Motion

Tom Conn
David Dodds
Angela Doran
Lawrence Fitzpatrick
Peter Heggie
Chris Horne
Charles Kennedy
Andrew McGuire
George Paul
Kirsteen Sullivan
Damian Timson

Amendment

Frank Anderson
Carl John

Decision

Following a vote the motion was successful by 11 votes to 2 and it was agreed accordingly.

19. 0.326 HECTARES (0.806 ACRES) AT BURNHOUSE INDUSTRIAL ESTATE, WHITBURN - PROPOSED SALE TO GROUND EQUIPMENT HIRE LIMITED

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for the sale of 0.326 hectares (0.806 acres) of land at Burnhouse Industrial Estate, Whitburn to Ground Equipment Hire Limited for £82,000.

It was recommended that Council Executive:

1. Approves the sale of 0.326 hectares (0.806 acres) of land at Burnhouse Industrial Estate, Whitburn to Ground Equipment Hire Limited for the sum of £82,000 subject to the terms and conditions set out in this report.
2. Authorises the Head of Finance and Property Services to carry out any further negotiations with the purchaser in respect of the sale terms of the property, on the basis that any revised terms and conditions still represent the achievement of best value for the council.

Decision

To continue the item of business to the next scheduled meeting of Council

Executive to allow for colour photographs and more information on the nature and condition of the site to be included in the report.

20. WEST LoTHIAN LOCAL CHILD POVERTY ACTION REPORT 2019/20

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services informing members of progress on the delivery of the Local Child Poverty Action Report (LCPAR) 2019/20 for West Lothian.

It was recommended that Council Executive approves the draft LCPAR for 2019/20(as set out in appendix 1) and notes the intention to publish the report on the council website

21. WEST LoTHIAN COMMUNITY CHOICES - UPDATE ON DELIVERY - REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES (HERWITH)

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services outlining the approaches being undertaken to develop West Lothian Community Choices, as well as highlighting areas of further development.

It was recommended that the Council Executive:

1. Notes discussions with COSLA and the Scottish Government on the 1% target timescale and the impact of Covid-19 the approaches to Community Choices;
2. Notes the budget areas which will be part of the West Lothian Community Choices process;
3. Notes the progress, approaches and the timescales as set out in section D.4;
4. Considers the areas of further development to help facilitate the processes and enhance community engagement set out in section D.5;
5. Agrees that a further update on the progress towards West Lothian Community Choices will be presented to Council Executive in early 2021/22, highlighting areas of learning and best practice from the West Lothian Community Choices processes;

Decision

To approve the terms of the report

22. SUPPORT FOR THOSE AFFECTED BY REDUNDANCY

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing an overview of the support being provided to those affected by redundancy and the additional resources being provided to support those facing unemployment.

It was recommended that the Council Executive;

1. Notes the additional resources allocated to West Lothian to support residents affected by redundancy and unemployment as a result of the pandemic; and
2. Notes the partnership approach being taken to support residents and local businesses.

Decision

To note the contents of the report

23. COVID-19 RESPONSE TO ECONOMIC IMPACT

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration updating members of the projected impact of COVID-19 on the wider West Lothian economy and council services, and the council's response to the associated issues and challenges this presents

It was recommended that the Council Executive:

1. Notes the projected impact of COVID-19 on the wider West Lothian economy and on council services
2. Notes actions to be taken by officers in response to the issues and challenges as part of the council's economic recovery planning

Decision

To note the contents of the report

24. COUNCILLORS' LOCAL DISBURSEMENT FUND

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising of expenditure from the Councillors' Local Disbursement Fund for the period 1 April 2020 to 30 September 2020.

It was recommended that Council Executive note the expenditure from the Councillors' Local Disbursement Fund for the period 1 April 2020 to 30 September 2020

Decision

To agree that a pro-rata share be allocated to the three remaining Livingston South ward members from when the vacancy arose in the ward to the time of the by-election.

25. COVID-19 LEVEL 4 RESTRICTIONS: USE OF EMERGENCY DECISION-MAKING POWERS

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive reporting on the use of emergency and other delegated powers in responding to the introduction of level 4 restrictions and precautions.

Council Executive was asked to note the use made of delegated powers in dealing with the Level 4 restrictions and precautions introduced on 20 November 2020.

Decision

To note the contents of the report

26. NOTE THE ACTION TAKEN IN TERMS OF STANDING ORDER 31 (URGENT BUSINESS)

The Council Executive noted the action taken in terms of Standing Order 31 (urgent business) to provide approval for the implementation of further rent deferment support for Tenanted Non-Residential Property (TNRP) portfolio tenants who were eligible, apply and demonstrated hardship as a consequence of the Covid-19 Level 4 restrictions applied to West Lothian, as recommended by the Head of Finance and Property Services in his report dated 30 November 2020 (copies of which had been circulated).