

MINUTE of MEETING of the COUNCIL EXECUTIVE held within MS TEAMS VIRTUAL MEETING ROOM, on 23 MARCH 2021.

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

Apologies – Councillors Lawrence Fitzpatrick (Chair) and David Dodds

## 1 DECLARATIONS OF INTEREST

Councillor Janet Campbell declared an interest in that she was an employee of NHS Lothian. She would participate in all items of business.

### Agenda Item 8 - Consolidation of the Living Wage

Councillor Frank Anderson declared an interest in that he had a family member working for the council but they were not likely to be affected by the changes. He would participate in the item of business.

Councillor Cathy Muldoon declared an interest in that she had two family members working for the council but they were not likely to be affected by the changes. She would participate in the item of business.

Councillor George Paul declared an interest in that he was a paid member of Unite the Union. He would not participate in the item of business.

### Agenda Item 11 – Transfer of Two Sites in Bathgate from the General Services Fund to the Housing Revenue Account

Councillor Harry Cartmill declared an interest in that he had spoken in public about and supported Bathgate Community Council. He would not participate in the item of business.

Councillor Charles Kennedy declared an interest in that he had spoken in public about and supported Bathgate Community Council. He would not participate in the item of business.

### Agenda Item 12 – West Lothian Leisure 2021/22 Funding Agreement

Councillor Tom Conn declared an interest in that he was a council appointed member to the Board of West Lothian Leisure, for which a special dispensation from the Standards Commission applied, so he would participate in the item of business.

Councillor Angela Doran-Timson declared an interest in that she was a council appointed member to the Board of West Lothian Leisure, for which a special dispensation from the Standards Commission applied, so she would participate in the item of business.

Councillor Chris Horne declared an interest in that he was a council appointed member to the Board of West Lothian Leisure, for which a special dispensation from the Standards Commission applied, so he would participate in the item of business.

#### Agenda Item 13 – Discretionary Non-Domestic Rates Relief Scheme

Councillor Frank Anderson declared an interest in that he was Chair of the Craigshill Good Neighbour Network. He would participate in the item of business.

Councillor Harry Cartmill declared an interest in that he was a trustee of the Bennie Museum in Bathgate. He would not participate in the item of business.

Councillor Tom Conn declared an interest in that he was a Council appointee to the Linlithgow Museum. He would not participate in the item of business.

Councillor Chris Horne declared an interest in that he was a member of the Board of River Kids, who were not affected by the change in the paper but receive the non-domestic rates relief. He would participate in the item of business.

#### Agenda Item 18 – The Lanthorn Centre, Livingston - Significant Structural Issues

Councillor Peter Heggie declared an interest in that he was a member of the management committee of the Lanthorn Centre and had participated in meetings and had received messages relating to the report; however, he would participate in the item of business.

## 2 ORDER OF BUSINESS

The Chair ruled that there would be a minute's silence observed at 12 noon to mark the anniversary of the first national lockdown and therefore the meeting would be briefly adjourned at that time.

The Chair ruled in terms of Standing Order 11 that Agenda Item 17 (UK Government Funding) and an additional report that had been circulated to members as item 18 (The Lanthorn Centre, Livingston – Significant Structural Issues) would be considered as urgent items of business due to the timings involved in obtaining information for the reports.

Council Executive noted that agenda items 8 (Consolidation of the Living Wage), 15a (Free School Meal Provision – 1 to 12 March 2021) and 15b (Free School Meal Provision – 15 March to 1 April 2021) were for information only. Councillor Frank Anderson advised that he wished officers to present the reports at all three agenda items.

## 3 MINUTES

The Council Executive approved the minute of its meeting held on 23 February 2021.

#### 4 CORRESPONDENCE

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

#### 5 TIMETABLE OF MEETINGS 2021/22

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive presenting a timetable of meetings to July 2022 of the council, its committees and working groups (including Policy Development and Scrutiny Panels) which met according to a regular timetable.

It was recommended that the Council Executive:

1. Subject to the following, note and approve the arrangements shown in the appendices for meetings of the council, its committees and working groups from August 2021 until July 2022.
2. In relation to Policy Development & Scrutiny Panels (PDSPs):
  - i. Note that their meeting dates are set through Lead Officers and Chairs;
  - ii. Note that although Lead Officers and Chairs had been consulted about the dates proposed in this report, those dates might be subject to later change.
3. In relation to Local Area Committees (LACs):
  - i. Note that each LAC set its own meeting dates and that those in the appendices were not all yet agreed;
  - ii. Delegate authority to the Chief Executive to make any changes required as a result of LACs subsequently agreeing different meeting arrangements.
4. In relation to Members' Training Days:
  - i. Note and agree the proposed dates;
  - ii. Delegate authority to the Chief Executive to adjust those dates and times in the event of a change of circumstances arising.
5. To agree that meetings would continue by remote access until 30 September 2021, with that to be reviewed by Council Executive by the end of August 2021.

### Decision

1. To approve the terms of the report subject to considering an alternative date for the council meeting scheduled for 28 June 2022 in the draft so it would not take place during school holidays and amending the date under delegated powers.
2. Officers to consider size of Education Executive and Culture and Leisure PDSP agendas at agenda setting and, in case of lengthy meetings anticipated, advise Council Executive and West Lothian Leisure Advisory Committee Chairs respectively to amend meeting times.

## 6 INCLUSION AND SUPPORT SERVICE - SCHEME OF DELEGATION TO OFFICERS

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive presenting changes to the Scheme of Delegation to Officers to reflect the management of the new Inclusion and Support Service, which brings together existing teams from within Education Services and Social Policy to enable a holistic approach to early intervention and support for young people and their families.

It was recommended that the Council Executive:

1. Note the service and management changes required to support a revised service delivery model for early intervention and support, and creation of a new Inclusion and Support Service from 19 April 2021; and
2. Agree amendments to the Scheme of Delegations to Officers by conferring overall responsibility and accountability for the new service to the Depute Chief Executive (Health & Social Care Partnership) and otherwise as set out in section D2 of the report.

### Decision

To approve the terms of the report.

## 7 CONSOLIDATION OF THE LIVING WAGE

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive presenting an overview of the changes to the council's pay structure for Scottish Joint Council (SJC) employees that were required to achieve consolidation of the Scottish Local Government Living Wage rate as required by SJC circular 58.

It was recommended that the Council Executive:

1. Note the changes to the pay structure for Scottish Joint Council staff that achieve consolidation of the Scottish Local Government

Living Wage that would become effective from 1 April 2021; and

2. Note that the council was seeking a collective agreement with GMB, UNISON and UNITE on changes to the pay structure that went beyond the scope of SJC circular 58.

#### Decision

To note the terms of the report.

### 8 LEGACY OF THE SLAVE TRADE IN WEST LoTHIAN

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services presenting a proposal to develop a working group to consider the legacy of the slave trade in West Lothian and to provide an update on activity undertaken to date to support the raising of awareness of the legacy of the slave trade in West Lothian.

It was recommended that the Council Executive:

1. Note the activity to date;
2. Approve the development of a working group to consider the legacy of the slave trade in West Lothian; and
3. Agree that a progress report on the work of the group would be presented to Council Executive in December 2021.

#### Decision

1. To approve the terms of the report.
2. To note typographical error in the date in recommendation 3 of the report and that the correct date for a progress report to be presented to Council Executive was October 2021.

### 9 PROCUREMENT APPROVAL REPORT

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

It was recommended that the Council Executive approve a direct award to Trapeze Software UK Ltd of a contract for the Support, Maintenance and Development of the Public Transport Management Information System for a period of up to two years from 1 April 2021 to 31 March 2023, with an estimated value of £47,094.

#### Decision

To approve the terms of the report.

10 TRANSFER OF TWO SITES IN BATHGATE FROM THE GENERAL SERVICES FUND TO THE HOUSING REVENUE ACCOUNT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for the transfer of two sites in Bathgate from the General Services Fund to the Housing Revenue Account (HRA) to support the council's Affordable Housing Delivery programme.

It was recommended that the Council Executive:

1. Approve the transfer of the two sites listed below from the General Services Fund to HRA for the below stated sums.
  - i. Former Community Centre site, in Marjoribanks Street, Bathgate - £165,000 (one hundred and sixty-five thousand pounds).
  - ii. Former Swimming Pool site in Mid Street, Bathgate - £150,000 (one hundred and fifty thousand pounds).
2. Delegate authority to the Head of Finance and Property Services to authorise alterations to the sums listed to reflect recognised abnormal development costs on the basis that values continued to reflect market value.

Motion

To approve the terms of the report.

- Moved by the Chair and seconded by Councillor George Paul.

Councillor Frank Anderson moved an amendment that would have delayed the transfer between the two accounts for a further three months to consider market testing of private developers willing to pay for the sites and any money raised from the sale would be split with the District Valuer's valuation going to the general revenue account and any uplift would go to the housing revenue account, with a further report to be brought to Council Executive after three months.

The Governance Manager advised that a decision had been made by Council Executive on 17 November 2020 for affordable housing delivery and, further, at full council on 16 February 2021, when the housing capital investment programme 2021/22 to 2022/23 was considered and determined, the two sites in question were included in the housing capital investment programme for council housing. After taking advice from the Governance Manager, the Chair ruled that as there had been no material change in the last six months in terms of Standing Order 28 the amendment was not competent.

Decision

To approve the terms of the report.

11 WEST LOTHIAN LEISURE 2021/22 FUNDING AGREEMENT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for the 2021/22 Annual Funding Agreement between the council and West Lothian Leisure (WLL) and approval of the payment of £558,000 to WLL, that being the proportion of additional government grant funding the council had received from the Scottish Government that related to WLL's lost income.

It was recommended that the Council Executive:

1. Approve the 2021/22 Annual Funding Agreement for WLL of £2.682 million;
2. Note the provisional 2022/23 Annual Funding amounts of £2.053 million;
3. Note the £3 million reserve to be held by the council and paid quarterly to WLL to help WLL cope with the continuing demands of Covid-19 over the 2021/22 and 2022/23 financial years;
4. Note the terms and conditions set out in the agreement for all funding to be paid by the council to WLL;
5. Note the updates made to the Annual Funding Agreement;
6. Note the updates on WLL's 2020/21 financial performance and WLL Board approved deficit budgets for 2021/22 and 2022/23;
7. Agree to approve payment of £558,000 to WLL for the proportion of additional Scottish Government grant funding the council has received that relates to WLL's lost income in the 2020/21 financial year; and
8. Note that the 2021/22 Funding Agreement was reported to the West Lothian Leisure Advisory Committee on Thursday 18 March 2021 for information.

Decision

To approve the terms of the report.

12 DISCRETIONARY NON-DOMESTIC RATES RELIEF SCHEME

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval to amend the current Discretionary Non-Domestic Rates Relief Scheme.

It was recommended that Council Executive agree the proposed amendment to widen eligibility under the current Discretionary Non-Domestic Rates Relief Scheme from 1 April 2020 to allow a 20% top-up relief for organisations who operate premises wholly or mainly used as a museum along with any premises that are ancillary to that use.

Decision

To approve the terms of the report.

13 SPRING STATEMENT 2021 AND SCOTTISH BUDGET 2021/22 UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update in relation to the announcements contained in the Chancellor of the Exchequer's Spring Statement 2021 and on the final 2021/22 Scottish Budget approved by the Scottish Parliament.

It was recommended that the Council Executive:

1. Note the latest economic position and key announcements outlined in the Spring Budget 2021;
2. Note the final Scottish Budget approved by the Scottish Parliament on 9 March 2021;
3. Agree that the Head of Finance and Property Services should continue to report to Council Executive on relevant UK and Scottish Government funding and spending announcements and provide quarterly horizon scan reports to Partnership and Resources Policy Development and Scrutiny Panel (PDSP);
4. Agree that the Head of Finance and Property Services should ensure that information contained within the Spring Statements, Autumn Budgets and 2021 Spending Review is taken into account when updating the council's financial plans to 2022/23; and
5. Agree that officers will report on the financial implications of the final Scottish budget for 2021/22 in due course once more information becomes available on the funding being provided to the council and on the outcome of the ongoing discussions between COSLA and the Scottish Government on the service concession fiscal flexibility.

Decision

To approve the terms of the report.

14 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 following:

- a. A further £30 payment to the families of P4 – S6 children and young people eligible for free school meals for the 10-day period from 1 to 12 March 2021.
- b. A further £42 payment to the families of S1–S6 children and young people eligible for free school meals for the 14-day period from 15 March to 1 April 2021.

15 CONTINUATION OF THE REMOVAL OF LOCAL AUTHORITY CHARGES FOR CHILDREN'S BURIALS AND CREMATIONS

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval for the continued removal of local authority charges for burial and cremation of children under 18 years old for a further 3 years from April 2021 to March 2024.

It was recommended that the Council Executive approve the continued removal of local authority charges for burial and cremation of children under 18 years old in accordance with the Scottish Government and COSLA joint commitment of 12 March 2021.

Decision

To approve the terms of the report.

16 UK GOVERNMENT FUNDING

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration informing members of the latest funding being made available from the UK Government following the UK's departure from the European Union. The report provided updates on the UK Shared Prosperity Fund, the UK Community Renewal Fund and Levelling Up Fund.

It was recommended that Council Executive:

1. Note the update on the three funds referenced in the report and the process for making applications;
2. Note that applications would be on a competitive basis;
3. Note that there was an opportunity for the council to submit its own applications and also to work in partnership with neighbouring councils and relevant partners as detailed in the prospectuses;

4. Delegate the Head of Planning & Economic Development & Regeneration to work on applications for the relevant funds; and
5. Agree that proposed applications be brought back to 8 June Council Executive for approval.

#### Decision

To approve the terms of the report.

#### 17 THE LANTHORN CENTRE, LIVINGSTON - SIGNIFICANT STRUCTURAL ISSUES

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing details of the significant structural issues identified at The Lanthorn Centre, Livingston and seeking approval to close The Lanthorn Centre from 2 April 2021 until a solution could be found to remedy the significant structural issues.

It was recommended that the Council Executive:

1. Note that Reinforced Autoclaved Aerated Concrete (RAAC) roof planks were present at The Lanthorn Centre and that structural surveys carried out had identified significant structural issues with these;
2. Note that extensive areas of The Lanthorn Centre were currently closed as safety precaution;
3. Note the potential health and safety risks in areas that were not currently closed due to the inability to safely carry out statutory compliance activities;
4. Approve the temporary closure of The Lanthorn Centre and Church Annexe from 2 April 2021;
5. Approve the immediate temporary initial arrangements for the delivery of Library Services for the Livingston South Ward;
6. Note the commitment to engage with partners and users to relocate user groups to alternative properties;
7. Note that further investigations, appraisals and design development would take place to finalise a programme of works and associated costs to remedy the structural issues with the roof;
8. Note the works were likely to take approximately 24 months to complete and that The Lanthorn Centre and Church Annexe would remain closed during this period; and
9. Note that an update report on timescales and costs would be

provided when the relevant information was available.

Decision

1. To approve the terms of the report.
2. To provide update reports to Local Area Committees as appropriate.