



Council Executive

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

2 September 2021

A meeting of the **Council Executive** of West Lothian Council will be held within the **Virtual Meeting Room** on **Tuesday 7 September 2021** at **11:30am**.

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 Minutes of Meeting of Council Executive held on Tuesday 17 August 2021 (herewith)

Public Items for Decision

5. West Lothian Licensing Board - Gambling Policy Consultation - report by Chief Executive (herewith)
6. Her Majesty's The Queen's Platinum Jubilee 2022 - report by Chief Executive (herewith)

7. Employee Gender Based Violence Policy - report by Head of Corporate Services (herewith)
8. All Party Parliamentary Group Definition of Islamophobia - report by Head of Corporate Services (herewith)
9. Procurement Approval Report - report by Head of Corporate Services (herewith)
10. Afghan Citizens Refugee Resettlement Scheme - report by Depute Chief Executive (herewith)
11. Social Policy Medication Policy Review - report by Head of Social Policy (herewith)
12. 2021/22 General Services Capital Budget - Month 4 Monitoring - report by Head of Finance and Property Services (herewith)
13. 2021/22 General Fund Revenue Budget - Month 4 Monitoring Report - report by Head of Finance and Property Services (herewith)
14. Review of Financial Regulations - report by Head of Finance and Property Services (herewith)
15. Asbestos, Fire Safety and Legionella Policies and Management Plans - report by Head of Finance and Property Services (herewith)
16. Proposed Acquisition of Premises at 12 Almondvale South, Livingston - report by Head of Finance and Property Services (herewith)
17. Proposed Lease - Unit 101, The Centre, Livingston (Community Learning and Development Youth Services) - report by Head of Finance and Property Services (herewith)
18. Proposed Commercial Property Portfolio Strategy and Management Plan 2021/22 to 2027/28 - report by Head of Finance and Property Services (herewith)
19. Proposed 40mph Speed Limit - A801 Boghead Roundabout, Bathgate - report by Head of Operational Services (herewith)
20. West Lothian Cycle Circuit - report by Depute Chief Executive (herewith)
21. Platinum Jubilee Civic Honours Competition - Livingston City Status - report by Head of Planning, Economic Development and Regeneration (herewith)
22. Planning Guidance and Supplementary Guidance Update on the Processing of Various Guidance - report by Head of Planning, Economic Development and Regeneration (herewith)
23. Covid-19 - Free Meal Provision Contingency Arrangements - report by

Depute Chief Executive (herewith)

Public Items for Information

- 24. 2021/22 Housing Capital Report - Month 4 Monitoring Report - report by Depute Chief Executive (herewith)
- 25. 2021/22 Housing Revenue Account - Month 4 Monitoring Report - report by Depute Chief Executive (herewith)
- 26. Action taken in terms of Standing Order 31 (urgent business) :-
 - (a) Education Quality Assurance Committee Meeting Timetable - report by Depute Chief Executive (herewith)
 - (b) School Clothing Grant Update - report by Head of Finance and Property Services (herewith)

NOTE **For further information please contact Val Johnston, Tel No.01506 281604 or email val.johnston@westlothian.gov.uk**

CODE OF CONDUCT AND DECLARATIONS OF INTEREST

This form is to help members. It is not a substitute for declaring interests at the meeting.

Members should look at every item and consider if they have an interest. If members have an interest they must consider if they have to declare it. If members declare an interest they must consider if they have to withdraw.

NAME	MEETING	DATE

AGENDA ITEM NO.	FINANCIAL (F) OR NON- FINANCIAL INTEREST (NF)	DETAIL ON THE REASON FOR YOUR DECLARATION (e.g. I am Chairperson of the Association)	REMAIN OR WITHDRAW

The objective test is whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor.

Other key terminology appears on the reverse.

If you require assistance, please ask as early as possible. Contact Julie Whitelaw, Monitoring Officer, 01506 281626, julie.whitelaw@westlothian.gov.uk, James Millar, Governance Manager, 01506 281695, james.millar@westlothian.gov.uk, Carol Johnston, Chief Solicitor, 01506 281626, carol.johnston@westlothian.gov.uk, Committee Services Team, 01506 281604, 01506 281621 committee.services@westlothian.gov.uk

SUMMARY OF KEY TERMINOLOGY FROM REVISED CODE

The objective test

“...whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor”

The General Exclusions

- As a council tax payer or rate payer or in relation to the council's public services which are offered to the public generally, as a recipient or non-recipient of those services
- In relation to setting the council tax.
- In relation to matters affecting councillors' remuneration, allowances, expenses, support services and pension.
- As a council house tenant, unless the matter is solely or mainly about your own tenancy, or you are in arrears of rent.

Particular Dispensations

- As a member of an outside body, either appointed by the council or later approved by the council
- Specific dispensation granted by Standards Commission
- Applies to positions on certain other public bodies (IJB, SEStran, City Region Deal)
- Allows participation, usually requires declaration but not always
- Does not apply to quasi-judicial or regulatory business

The Specific Exclusions

- As a member of an outside body, either appointed by the council or later approved by the council
- The position must be registered by you
- Not all outside bodies are covered and you should take advice if you are in any doubt.
- Allows participation, always requires declaration
- Does not apply to quasi-judicial or regulatory business

Categories of “other persons” for financial and non-financial interests of other people

- Spouse, a civil partner or a cohabitee
- Close relative, close friend or close associate
- Employer or a partner in a firm
- A body (or subsidiary or parent of a body) in which you are a remunerated member or director
- Someone from whom you have received a registrable gift or registrable hospitality
- Someone from whom you have received registrable election expenses

MINUTE of MEETING of the COUNCIL EXECUTIVE held within VIRTUAL MEETING ROOM, on 17 AUGUST 2021.

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

Apologies – Councillor Janet Campbell

1. OPENING REMARKS

The Council Executive observed a minute's silence following the recent passing of former councillor Eddie Malcolm. The Chair welcomed members to reflect on the contributions he had made to the lives of his constituents and the communities which he had served.

2 DECLARATIONS OF INTEREST

Agenda Item 13 - Letter of Comfort for West Lothian Leisure

Councillor Tom Conn declared an interest as a council-appointed director of West Lothian Leisure, for which a dispensation from the Standards Commission applied; he would therefore participate in the item of business.

Councillor David Dodds declared an interest in that his son was an employee of West Lothian Leisure; as his interest was remote, he would participate in the item of business.

Councillor Chris Horne declared an interest as a council-appointed director of West Lothian Leisure, for which a dispensation from the Standards Commission applied; he would therefore participate in the item of business.

Agenda Item 22 - Low Emission Zone for the City of Edinburgh: West Lothian Council's Consultation Response on Edinburgh's Preferred Proposal

Councillor Lawrence Fitzpatrick declared an interest as a council representative on Edinburgh and South East Scotland City Region Deal Oversight Committee, for which a dispensation from the Standards Commission applied; he would therefore participate in the item of business.

Councillor Chris Horne declared an interest as a council-appointed member of SEStran, for which a dispensation from the Standards Commission applied; he would therefore participate in the item of business.

Councillor Cathy Muldoon declared an interest as a council-appointed member of SEStran, for which a dispensation from the Standards Commission applied; she would therefore participate in the item of business.

Agenda Item 23 - Legal Challenge - Scottish Planning Policy and Planning Advice Note (PAN) 1/2020 and the West Lothian Housing Land Position

Councillor Lawrence Fitzpatrick declared an interest as a council representative on Edinburgh and South East Scotland City Region Deal Oversight Committee, for which a dispensation from the Standards Commission applied; he would therefore participate in the item of business.

Councillor Cathy Muldoon declared an interest as a council representative on Edinburgh and South East Scotland City Region Deal Oversight Committee, for which a dispensation from the Standards Commission applied; she would therefore participate in the item of business.

3 MINUTES

The Council Executive approved the minute of its meeting held on 22 June 2021, subject to amending Councillor Peter Heggie's declaration of interest to show he was a member of the Lanthorn Management Committee.

4 CORPORATE GOVERNANCE - ANNUAL REPORT 2020/21

The Council Executive considered a report (copies of which had been circulated) by the Governance Manager providing assurance in relation to compliance with the council's Local Code of Corporate Governance and related governance matters.

It was recommended that the Council Executive:

1. Note the terms of the annual governance statement approved at Governance and Risk Committee on 14 June 2021 (Appendix 1) and in particular the conclusion that although there were areas where improvement could be made, the council and the West Lothian community could be assured that the council's corporate governance standards had been substantially met in 2020/21;
2. Note that in approving the annual governance statement, Governance and Risk Committee considered full versions of the annual compliance statements provided by senior officers, the fully populated Local Code of Corporate Governance, and a progress report on a running list of governance issues previously identified;
3. Note that the governance issues identified in this year's annual governance statement would be added to the list considered by

Governance and Risk Committee and that interim progress reports would be made to that committee as part of its work plan; and

4. Agree that in future years this report should be made to full council in order that it be brought to the attention of all elected members.

Decision

To approve the terms of the report.

5 COVID-19: PUBLIC INSPECTION OF DOCUMENTS - SUSPENSION OF DUTIES

The Council Executive considered a report (copies of which had been circulated) by the Governance Manager asking members to review and extend the temporary suspension of statutory duties to make documents open to the public for physical inspection and copying.

It was recommended that the Council Executive:

1. Note the powers given to the council to provide alternative means of access to documents instead of complying with statutory duties to allow physical access for inspection and copying, and their further extension until 31 March 2022;
2. Note that the temporary suspension of these duties in relation to the documents listed in the appendix had last been implemented through Council Executive on 23 February 2021, to last until 30 September 2021; and
3. Agree, in light of the extension of those powers by the Scottish Parliament, to continue the council's exercise of its discretionary power to extend the suspension of these duties until 31 March 2022.

Decision

To approve the terms of the report.

6 MEMBERS' TRAINING - POLITICAL MENTORING DEVELOPMENT PROGRAMME

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services asking members to consider attendance by elected members at the Improvement Service's 'Political Mentoring Development Programme' in August/September this year.

It was recommended that the Council Executive authorise appropriate attendance at the Improvement Service's 'Political Mentoring Development Programme' at a cost of £75 per member enrolled.

Decision

1. To approve the terms of the report.
2. It was agreed that each political party would put forward two members for attendance at the Programme.

7 INTEGRATION SCHEME REVIEW

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive (Health and Social Care Partnership) with the purpose of ensuring compliance with the council's duty to carry out a full review of the Integration Scheme for the West Lothian Integration Joint Board.

It was recommended that the Council Executive:

1. Note the statutory requirement, and the related statutory process, to fully review the Integration Scheme for the West Lothian Integration Joint Board every five years;
2. Note that the initial review process to ensure statutory compliance, agreed in January 2020, had been delayed and postponed on several occasions due to the diversion of resources to deal with the coronavirus pandemic; and
3. Now agree the indicative review process and timeline set out in Part D.3 of the report.

Decision

To approve the terms of the report.

8 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 contracts where Committee authorisation was required by Standing Orders.

It was recommended that the Council Executive approve:

1. A direct award of a contract to Food Train for a personalised food shopping service for a period of 5 years from 1 February 2022 to 31 January 2027, with an estimated value of £467,008; and
2. A direct award for a period of 12 months for Mental Health Supported accommodation provision provided by The Wheatley Group. A direct award would be effective as of 1 October 2021 until 30 September 2022, with an estimated total value of £715,530.

Decision

To approve the terms of the report.

9 FUTURE CONDUCT OF COUNCIL, COMMITTEE AND PDSP MEETINGS

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services and the Governance Manager asking members to consider how meetings of council, committees and Policy Development and Scrutiny Panels should take place after 30 September 2021.

It was recommended that the Council Executive:

1. Agree an interim continuation of meetings by remote access until 30 November 2021, to recognise the council's continuing duty to ensure that staff and customers are safe, the Scottish Government guidance in relation to continued homeworking and the current level of COVID infections in West Lothian;
2. Determine whether meetings of council, committees and Policy Development and Scrutiny Panels after 30 September 2021 should in principle be convened through current remote access arrangements, or by a return to physical meetings where coronavirus regulations and guidance allowed, or by hybrid arrangements;
3. If hybrid arrangements were to be introduced, to implement those through the replacement of the existing audio system within the council chamber with the audio visual system and equipment as described in parts D4 and D5 of this report with an initial capital cost of £150,000, an ongoing revenue cost of £42,196 per annum, and an optional additional revenue cost of £4,000 for electronic voting; and
4. Note that hybrid arrangements, video broadcast and electronic voting all required changes to Standing Orders and the procurement of the system and equipment would therefore not be progressed until after those changes were made by full council.

Decision

To approve the terms of the report, subject to officers providing a demonstration to all councillors on how the electronic voting function would work in the proposed hybrid platform before a final decision to spend £4,000 on electronic voting was made.

10 COMMUNITY COUNCIL SPECIAL PROJECT GRANTS

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services inviting members to consider an application for a special project grant which had been received from the Joint Forum of Community Councils in West Lothian on behalf of all community councils in West Lothian.

It was recommended that the Council Executive determine the application received from the Joint Forum of Community Councils in West Lothian as detailed in the appendix.

Decision

To approve the terms of the report.

11 COMPLEX CARE HOUSING DEVELOPMENT - UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services and the Head of Social Policy providing an update on the progress of the new Complex Care Housing Development and recognising the increase in costs.

It was recommended that the Council Executive:

1. Note the progress to date on the delivery of the Complex Care Housing Development, Cawburn Road, Pumpherston;
2. Notes the projected increase in cost, the causes for this and the measures implemented to mitigate any further budgetary pressures;
3. Approve the revised budget for the project as set out in the report, noting that additional prudential borrowing would meet the increase in costs;
4. Note the revised delivery timescales and project milestones; and
5. Note the delivery of the project was required to support the modernisation of services for people with complex disabilities and to provide them with better life outcomes together with delivering revenue savings.

Decision

To approve the terms of the report.

12 LETTER OF COMFORT FOR WEST LOTHIAN LEISURE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval to provide a letter of comfort to West Lothian Leisure (WLL) to assist their auditor, Azure, with their audit opinion for 2020/21.

It was recommended that the Council Executive agree that the Head of Finance and Property Services should provide a letter of comfort to WLL, covering financial year 2021/22 only, incorporating the wording and context as set out in section D.3 of the report.

Decision

To approve the terms of the report.

13 59 MAIN STREET, BLACKRIDGE - PROPOSED SALE TO MR GARY DRUMMOND

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for the disposal of 59 Main Street, Blackridge to Mr Gary Drummond.

It was recommended that the Council Executive:

1. Approve the sale of 59 Main Street, Blackridge to My Gary Drummond for the sum of £5,000 (Five Thousand Pounds) subject to the terms and conditions set out in the report; and
2. Authorise 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 still represented best value for the council.

Decision

To approve the terms of the report.

14 FERNBANK, LADYWELL, - PROPOSED SALE OF 0.077 HECTARES (0.19 ACRES) TO KR WEST LOTHIAN LTD

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 0.077 hectares (0.19 acres) of land at Fernbank, Ladywell, to KR West Lothian LTD.

It was recommended that the Council Executive:

1. Approve the sale of 0.077 hectares (0.19 acres) of land at Fernbank, Ladywell, to KR West Lothian Ltd for £125,000 (one hundred and twenty-five thousand) subject to the terms and conditions set out in the report; and
2. Agree to provide delegated authority to the Head of Finance and Property Services to carry out any further negotiations and conclude the sale of the property, on the basis that any revised terms and conditions still represented best value for the council.

Decision

To approve the terms of the report.

15 DISPOSAL OF LAND AT EAST END, CLEUCH BRAE, WEST CALDER OF APPROXIMATELY 0.089 HECTARES (0.22 ACRES) TO KEITH AND LINDA BURNS

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 0.089 hectares (0.22 acres) of land at East End, Cleuch Brae, West Calder to Keith and Linda Burns.

It was recommended that the Council Executive:

1. Approve the sale of 0.089 hectares (0.22 acres) of land at East End, Cleuch Brae, West Calder to Keith and Linda Burns for £60,000 (sixty thousand pounds) subject to the terms and conditions set out in the report; and
2. Authorise the Head of Finance and Property Services to negotiate any further terms and conditions or changes to those outlined in the report on the basis that these continued to represent the achievement of best value for the council.

Decision

To approve the terms of the report.

16 HEARTLANDS BUSINESS PARK - PROPOSED SALE OF APPROXIMATELY 3.44 HECTARES (8.5 ACRES) TO TJ MORRIS 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 disposal of land extending to approximately 3.44 Ha (8.5 acres) at Heartlands Business Park to TJ Morris Limited.

It was recommended that the Council Executive:

1. Approve the proposed disposal to TJ Morris Limited of 3.44 Ha (8.5 acres) of land at Heartlands Business Park, Whitburn generating a capital receipt for the council of approximately £438,900 (minus abnormal, legal and professional fees); and
2. Delegate authority to the Head of Finance and Property Services to finalise negotiations including the variation of terms as necessary to conclude the transaction noting that these would not materially differ from the terms set out in the report.

Decision

To approve the terms of the report.

17 LEASE EXTENSION TO HOWDEN JOINERY PROPERTIES LIMITED
FOR UNIT 19, MILL ROAD INDUSTRIAL ESTATE, LINLITHGOW
BRIDGE, LINLITHGOW

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for a lease extension to Howden Joinery Properties Limited for Unit 19 Mill Road Industrial Estate, Linlithgow Bridge, Linlithgow.

It was recommended that the Council Executive:

1. Approve the lease extension of Unit 19, Mill Road Industrial Estate, Linlithgow Bridge, Linlithgow to Howden Joinery Properties Limited for a period of ten years on the terms outlined in the report; and
2. Authorise the Head of Finance and Property Services to negotiate any further terms and conditions or changes to those outlined in the report on the basis that these continued to represent the achievement of best value for the council.

Decision

To approve the terms of the report.

18 WORKPLACE PARKING LICENSING CONSULTATION ON
REGULATIONS & GUIDANCE - PROPOSED RESPONSE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services informing members of Transport Scotland's consultation on the Workplace Parking Licensing Regulations & Guidance and presenting a proposed response for approval.

It was noted that timescales for the consultation had not allowed for the report to be considered at a meeting of the Partnership & Resources PDSP. The report has been circulated to Panel members for comment and comments were received as follows:

The trade unions representative noted their support for the council's decision not to implement a workforce parking licensing scheme and had no further comments on the response.

The community councils representative noted support for the proposed response and the council's policy position regarding the workforce parking levy.

It was recommended that the Council Executive:

1. Note the content of the report and the proposed consultation

response;

2. Note that at a meeting of West Lothian Council on 19 February 2019 it had been agreed that powers to exercise any Workplace Parking Levy would not be exercised, and
3. Approve the response for submission to Transport Scotland.

Decision

To approve the terms of the report.

19 CONSULTATION - POLICE SCOTLAND BODY WORN VIDEO CAMERAS

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services informing members of the Police Scotland Consultation on their 'Body Worn Video (BWV) cameras, which set out the national 12-week public consultation on providing body worn video cameras to more police officers and staff across Scotland.

It was recommended that the Council Executive approve the proposed response to the Police Scotland Consultation to their national 12-week public consultation on providing body worn video cameras to police officers and staff as set out in Appendix 1 of the report and submit it by 20 August 2021.

Decision

To approve the terms of the report.

20 CONSULTATION - SCOTTISH GOVERNMENT - NEW LEGISLATION ON THE SALE AND USE OF FIREWORKS IN SCOTLAND AND TACKLING THE MISUSE OF PYROTECHNICS

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services informing members of the Scottish Government Consultation on the introduction of new legislation on the sale and use of fireworks in Scotland, and tackling the misuse of pyrotechnics. This was an 8-week public consultation commenced on 20 June 2021.

It was recommended that the Council Executive approve the proposed response to the Scottish Government Consultation on the introduction on the sale and use of fireworks in Scotland, and tackling the misuse of pyrotechnics as set out in Appendix 1 of the report, and submit the response by 18 August 2021.

Decision

To approve the terms of the report.

21 LOW EMISSION ZONE FOR THE CITY OF EDINBURGH: WEST
LOTHIAN COUNCIL'S CONSULTATION RESPONSE ON EDINBURGH'S
PREFERRED PROPOSAL

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services outlining the City of Edinburgh Council's Low Emission Zone (LEZ) preferred proposal for the City and suggesting a formal response to the public consultation on the preferred LEZ proposal.

It was recommended that the Council Executive note the contents of the report, support the introduction of the preferred Low Emission Zone proposal for Edinburgh and submit the responses contained in Section D6 of the report as the Council's formal response to the City of Edinburgh Council's consultation.

Decision

To approve the terms of the report.

22 LEGAL CHALLENGE - SCOTTISH PLANNING POLICY AND PLANNING
ADVICE NOTE (PAN) 1/2020 AND THE WEST LOTHIAN HOUSING
LAND POSITION

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising members of a partially successful legal challenge resulting in the reduction of the Scottish Government's recent changes to Scottish Planning Policy (SPP) and the associated Planning Advice Note (PAN) 1/2020 which detailed a methodology for the calculation of the 5-Year Effective Housing Land Supply.

The Head of Planning, Economic Development and Regeneration advised members that two items of correspondence relevant to the recommendations in the report had been received since the drafting of the report:

The first item of correspondence was relevant to recommendations 4 and 5 and was from the Scottish Government indicating that it would not challenge the court's decision but would focus on policy and guidance to be presented through the forthcoming National Planning Framework; consultation on the Framework was scheduled for later in the year.

A second item of correspondence, relevant to recommendation 6 in the report, had been received on 16 August 2021 from Burges Salmon Solicitors on behalf of a number of clients expressing concern about certain aspects of the interpretation of the court's decision set out in the report and also about the terms of the housing land position statement in

the appendix to the report.

It was recommended that the Council Executive:

1. Note the terms of the grounds of challenge to Scottish Planning Policy and PAN 1/2020;
2. Note that ground 1 of challenge had been successful and that, as a consequence, the changes to Scottish Planning Policy and the introduction of PAN 1/2020 could not now be implemented;
3. Note that the challenge had been unsuccessful in respect to grounds 2 to 7;
4. Note that it was unclear at that point in time what action, if any, would be taken by the Scottish Government to address the situation;
5. Agree that officers should write to the Scottish Government seeking clarification on what action was proposed to address issues raised by the decision and the timescale for doing so; and
6. Agree that no changes, other than the removal of references to PAN1/2020 and the updated SPP were required to the West Lothian Housing Land Position Statement, which had been approved by Council Executive on 23 February 2021.

Decision

The Council Executive agreed to continue the matter to a future Council Executive meeting in order for officers to clarify legal matters arising from recently received correspondence relating to the report; a report providing an update would be brought to an appropriate future meeting of Council Executive.

23 YOUNG PERSON'S GUARANTEE

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 Young Person's Guarantee and seeking approval to increase the capacity of current delivery to support the delivery of the guarantee in West Lothian.

It was recommended that the Council Executive:

1. Note the introduction of the Young Person's Guarantee and additional resources being provided to support delivery;
2. Approve the range of interventions to be delivered in 2021/22 to support the Young Person's Guarantee; and
3. Approve the change of wage rate for the Steps n2 Work

programme from national minimum wage to Living Wage.

Decision

1. To approve the terms of the report.
2. To track participants in the scheme for two years in order to better assess long-term impact of the scheme on employment.

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

WEST LOTHIAN LICENSING BOARD – GAMBLING POLICY CONSULTATION

REPORT BY CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To report to the panel the council's proposed response to West Lothian Licensing Board's consultation on its gambling policy.

B. RECOMMENDATIONS

To consider and approve the proposed response to the consultation by West Lothian Licensing Board in relation to the review of their Gambling Policy.

C. SUMMARY OF IMPLICATIONS

I.	Council Values	<ul style="list-style-type: none">• Making best use of our resources• Working in partnership
II.	Policy and Legal	Gambling Act 2005
III.	Implications for Scheme of Delegations to Officers	None
IV.	Impact on performance and performance indicators	None
V.	Relevance to Single Outcome Agreement	None
VI.	Resources (Financial, Staffing and Property)	From existing resources
VII.	Consideration at PDSP/ Executive Committee required	Report noted at Partnership & Resources PDSP (20 August 2021)
VIII.	Details of consultations	Relevant Heads of Services

D. TERMS OF REPORT

In terms of section 349 of the Gambling Act 2005 the Licensing Board is required to prepare a Statement of Gambling Policy and publish it every three years. This statement sets out the principles applied by the Board in relation to the exercise of its functions under the Gambling Act 2005. The current policy covers the period 31 January 2019 to 30 January 2022.

A new statement of policy is to be prepared and published by the Board to take effect for the period 31 January 2022 to 30 January 2025. A review of the policy has now commenced and the council has been consulted as a stakeholder.

The consultation is being conducted online.

E. CONCLUSION

This report ensures that members are aware of the response proposed to be issued on behalf of West Lothian Council, subject to committee approval.

F. BACKGROUND REFERENCES

West Lothian Licensing Board's Statement of Principles – Gambling Act 2005 (31 January 2019 – 30 January 2022) – available [here](#).

Appendices/Attachments: 1

Appendix 1: Proposed response to be submitted on behalf of West Lothian Council to the online consultation

Contact Person: Caitlin Hirst, Project Officer, Chief Executive Office
Caitlin.Hirst@westlothian.gov.uk
01506 281278

Graham Hope
Chief Executive

Date of meeting: 7 September 2021

West Lothian Licensing Board Gambling Policy Consultation 2021

Available via: <https://app.surveyhero.com/s/82bfb6e>

Proposed Response

This response, once approved and finalised, will be submitted on behalf of the Chief Executive via the SurveyHero website.

Part 1

1.	Are you responding as a...	Body/person representing members of the public (e.g. councillors, community council)
----	----------------------------	--

Part 2

	<i>To what extent would you agree or disagree with the following statements:-</i>	
	<ul style="list-style-type: none"> Strongly agree Agree Neither Disagree Strongly disagree 	
1.	There are gambling related problems in my area.	Disagree
2.	Access to gambling by children, young people and other vulnerable persons is a problem in my area.	Disagree
3.	I am aware of where to get advice or support locally / nationally for gambling related problems.	Agree

Part 3

1.	Are there any changes you would wish to see to the Board's current statement of gambling policy?	No
2.	Are there any matters you would wish to see addressed in the Board's gambling policy which are not addressed in its current statement of gambling policy?	No
3.	Do you consider that there are gambling associated risks which especially affect: <ul style="list-style-type: none"> West Lothian Parts of West Lothian e.g. a particular town, village or area Parts of the population in West Lothian 	No
4.	Do you consider that there are problems arising from access to gambling premises in West Lothian?	West Lothian Council is not aware of any such problems. The council does not operate any licensed gambling premises. Where such premises form part of the council's commercial property portfolio (i.e. betting shops) the responsibility

		for compliance with licencing requirements rests with the tenants.
5.	Are you aware of any problems that have occurred as a result of gambling premises being located in close proximity to sensitive buildings e.g. schools, colleges, children's play areas, treatment centres for drug, alcohol and other addictions?	No
6.	Are you aware of any premises where problems have occurred as a result of gaming machines being made available to the public?	No
7.	Do you have any local data you wish to provide related to gambling for the Board to consider in preparing its new statement of gambling policy?	No. Gambling has not been raised as a concern to the council in relation to anti-social behaviour or serious organised crime within West Lothian.
8.	Are there any factors in particular you think the Board should take into account when considering applications for gambling licences, permits or permissions or deciding whether to review a gambling licence?	None that the Board won't already be considering.
9.	When considering applications for gambling licences, permits or permissions, are there any principles you wish the Board to apply with regard to the proposed location of the premises and the three licensing objectives?	The current principles and objectives are adequate.
10.	Is there anything else you wish the Board to consider in preparing its new statement of gambling policy including any Equality issues in relation to the policy and gambling generally in West Lothian?	<ul style="list-style-type: none"> • West Lothian Council appreciates that many tools to regulate the impacts of gambling are the responsibility of national governments however the local Board may wish to consider harms associated with deprivation as well as the potential harms to children and young people before approving significant expansions or opportunities to enable greater access to gambling in West Lothian. • On gambling more generally, discussion and consultation within schools and amongst young people should be undertaken to ascertain if there is an increase in the amount of online gambling via mobile devices. If so, perhaps there should be a requirement for more input from education services. • West Lothian Council, along with other partners, continue to endorse the 'Best Bar None' scheme and support premises to attain the accreditations and accolades associated with this worthwhile scheme. • The Citizens Advice Bureau has been funded by Gambleaware to raise awareness of the issues and signpost to those that can help and support. The funding has been

		<p>in place from 2019 and finishes in 2022, covering the Lothians, Fife and the south of Scotland. The funding helps to provide training which covers awareness raising activities relating to gambling harms, describing how the impact of gambling might impact on communities, explaining the best way to discuss these matters with a person who is experiencing gambling harms as well as making frontline workers aware of the specialist services available to clients in need of help. Neither WLC nor CAB are reporting an increase in referrals for gambling support despite the raising awareness campaign.</p>
--	--	--

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

HER MAJESTY THE QUEEN'S PLATINUM JUBILEE 2022

REPORT BY CHIEF EXECUTIVE

A. PURPOSE OF REPORT

1. To seek the Council Executive's approval for the council participating in the series of beacons that are being lit across the United Kingdom to celebrate Her Majesty The Queen's Platinum Jubilee on Thursday 2 June 2022, and for consideration to be given to any other engagements to take place during the Platinum Jubilee weekend 2 to 5 June 2022.
2. The Council Executive is also requested to determine whether the council wishes to recognise The Queen's Platinum Jubilee by granting an additional day of annual leave for employees on Friday 3 June 2022.

B. RECOMMENDATION

1. It is recommended that the Council Executive approve the council's participation in the series of beacons that are being lit across the United Kingdom to celebrate The Queen's Platinum Jubilee on 2 June 2022, and that consideration be given to any other engagements to take place during the Platinum Jubilee weekend, and that arrangements for this be remitted to the Chief Executive, in consultation with the Provost and Leader of the Council.
2. It is also recommended that the Council Executive approve the following:
 - a) that The Queen's Platinum Jubilee is recognised in the same manner as the Diamond Jubilee Celebrations in 2012, by granting an additional day of annual leave for employees on Friday 3 June 2022.
 - b) time-off in lieu is provided at an appropriate date for those who are required to work on Friday 3 June 2022; and
 - c) no action is taken in respect of the further option to move to an alternative public holiday on Thursday 2 June 2022; and
 - d) to note that Education Executive is being asked to agree arrangements for schools at the earlier meeting held today.

C. SUMMARY OF IMPLICATIONS

I Council Values

Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; making best use of our resources; working in partnership

II Policy and Legal (including Events)

Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)

Should the council wish to participate in the lighting of a beacon, appropriate health and safety assessments and risk assessments will be undertaken prior to the event, and the council's Corporate Health and Safety Team, Licensing Services and Insurance Team will be consulted.

Additional Holiday

Employees in the council have a contractual entitlement to 7 general and public holidays per annum. As such there is no automatic entitlement to a further public/bank holiday in respect of The Queen's Platinum Jubilee. The council will adopt the same approach as that adopted for the Diamond Jubilee Celebrations on 5 June 2012, by ensuring that all employees are treated equitably in relation to the granting of an additional day's leave.

III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	None.
VI	Resources - (Financial, Staffing and Property)	<p>Any proposed Civic Event to mark this occasion can be met from existing civic hospitality budget provision.</p> <p>Any financial implications of an additional day's leave for employees will be accommodated within existing budgets.</p>
VII	Consideration at PDSP	N/A
VIII	Other consultations	<p>West Lothian's Lord-Lieutenant.</p> <p>Consultation on an additional day's leave for employees has been undertaken with the council's recognised Trade Unions.</p>

D. TERMS OF REPORT

D.1 BACKGROUND

In 1952, following the death of King George VI, Her Majesty was proclaimed Queen. Her Majesty is the longest serving British Monarch and 2022 will be the seventieth year of her reign. There will be year-long Platinum Jubilee celebrations throughout the United Kingdom, the Commonwealth and around the world.

There are a number of UK wide events which are being organised by the Cabinet Office, the Department for Digital, Culture, Media & Sport (DCMS) and the Royal Household with support from Officials in the Devolved Administrations, including the Scottish Government.

Noted below are the UK wide initiatives which are planned currently:

- **Bank Holiday** - The UK Government have announced changes to some of the Bank Holidays in 2022. The late May Bank Holiday in 2022 has been moved from Monday 30 May to Thursday 2 June and an additional Bank Holiday created on Friday 3 June, resulting in a long weekend.
- **Thursday 2 June 2022, Platinum Jubilee Beacons** - Following the long tradition of celebrating Royal Jubilees, Weddings and Coronations with the lighting of beacons, the Platinum Jubilee will also be marked in this way. Beacons will be lit throughout the United Kingdom, Channel Islands, Isle of Man and UK Overseas Territories. For the first time, beacons will also be lit in each of the capital cities of the Commonwealth countries.
- **Sunday 5 June The Big Jubilee Lunch** - Every year since the idea began in 2009, The Big Lunch has encouraged communities to celebrate their connections and get to know each other a little bit better, coming together in a spirit of fun and friendship. In 2022 The Big Lunch will bring the Jubilee celebrations into the heart of every community. People are invited to share friendship, food and fun with neighbours as part of the Platinum Jubilee celebrations.
- **Platinum Jubilee Civic Honours Competition** - Launched on 8 June 2021, this includes competitions for City status and Provost status. City status and Lord Mayor or Provost status are civic honours granted by The Queen acting on the advice of Her Ministers under the Royal Prerogative. The granting of both City status and Lord Mayor or Provost status are purely honorific and come with no additional funding or powers. Since the 1970's, these awards have been granted through competitions and are usually held to coincide with Jubilee years, most recently for Her Majesty's Diamond Jubilee in 2012. A separate report to Council Executive will be considered in respect of this initiative at today's meeting.
- **The Queen's Green Canopy** - This initiative is led by Cool Earth in partnership with the Woodland Trust and the UK Government. Communities, charities, schools, scout groups, councils and landowners will be invited to create a network of individual or specimen trees, tree avenues, copses and woodlands. The campaign will encourage the planting of healthy native trees that will thrive, enhancing our environment and the landscape for generations to come. Council Executive agreed to the council's participation in this initiative at its meeting on 22 June 2021. Council Executive agreed to progressing the proposed West Lothian site at Nelson Park, Armadale; and to delegate authority to the Head of Planning, Economic Development and Regeneration to identify and agree with landowners if necessary a suitable ancient tree in West Lothian to also mark the Platinum Jubilee and inform elected members.

D.2 CIVIC EVENT(S)

The council has one beacon which is located at Beecraigs Country Park.

The council may wish to give consideration to hosting a Civic Event at Beecraigs, similar to the event which took place for the Diamond Jubilee in 2012, with the lighting of a beacon featuring as part of this event. Should the Council Executive wish to approve this, it is recommended that arrangements for this be remitted to the Chief Executive, in consultation with the Provost and Leader of the Council.

The Council Executive may also wish to give consideration to any other engagements to take place during the Platinum Jubilee weekend 2 June to 5 June 2022.

D.3 DIAMOND JUBILEE CELEBRATIONS 2012 – COUNCIL’S POSITION

In addition to beacon lighting ceremonies and other events on the Jubilee weekend in 2012, the council supported the Jubilee celebrations by approving an additional day of annual leave for all employees to be taken on 5 June 2012. Employees required to work on that day were granted a day off in lieu to be taken on another date in line with service need.

The council chose to grant an additional day of annual leave for all employees rather than introducing an additional public holiday day for the following reasons:

- ‘By designating an additional day as a public holiday, the council would also be contractually obliged to pay public holiday enhancement rates which would equate to a premium of double time, or in certain circumstances double time plus a day in lieu’; and
- The option of an additional day of annual leave would have ‘minimal cost implications for the council’.

In addition, the council chose not to move any of the existing public holiday dates to the weekend of the Diamond Jubilee for the following reason:

- ‘The late May bank holiday is one of the five statutory holidays that this council has already re-designated as annual leave and therefore the option of moving that holiday is not a relevant consideration for the council.’

D.4 PLATINUM JUBILEE CELEBRATIONS 2022 – PROPOSAL

It is proposed that the council recognise the Queen’s Platinum Jubilee in 2022 in a similar manner to the celebrations for the diamond jubilee in 2012 by granting an additional day of annual leave to all employees to be taken on Friday 3 June 2022.

The additional day of annual leave would be granted on the following basis:

- All employees, regardless of status or length of service, will be eligible and this should be managed as a service 'shutdown' on Friday 3 June 2022.
- The exception to this will be where essential services require to remain open, in which case employees required to work will be granted one day off to be taken on an alternative date in line with service need.
- Employees who do not normally work a Friday will be granted an alternative day off to be taken in line with their individual working arrangements and service need.
- Only employees in the council's employment on Friday 3 June 2022 will qualify for the leave.

This approach, as taken in 2012 is considered to be preferable to designating Friday 3 June as an additional public holiday as it will have minimal cost implications for the council.

The alternative approach of designating Friday 3 June as an additional public holiday would have additional cost implications resulting from the contractual requirement to pay public holiday enhancements to any employees required to work on the public holiday to deliver essential services.

D.5 ADDITIONAL CONSIDERATIONS

In line with previous Royal Celebrations, the Scottish Government would be required to give authority for an exceptional closure of local authority schools. Confirmation has been received from the Scottish Government in respect of this.

Under proposed arrangements to grant an additional day of annual leave on Friday 3 June 2022, all council offices, schools and other buildings would be closed to the public, however, it would be for services to ensure staffing levels commensurate with the delivery of services on standard public holidays.

Education Executive will consider the arrangements for schools at a meeting held earlier today.

E. CONCLUSION

It is recommended that the Council Executive approve the council's participation in the series of beacons that are being lit across the United Kingdom to celebrate The Queen's Diamond Jubilee on 2 June 2022. It is also recommended that, if approved by the Council Executive, that the arrangements for this be remitted to the Chief Executive, in consultation with the Provost and Leader of the Council.

In addition, and following the decision of the UK Government to include a four day bank holiday weekend, moving the late May bank holiday to Thursday 2 June 2022 and an additional bank holiday on Friday 3 June 2022, in recognition of the Queen's Platinum Jubilee, the Council Executive is required to determine whether it will recognise the event.

Taking into account the options available to the Council Executive, it is considered that the same approach taken by the council in regard to the Diamond Jubilee Celebrations on 5 June 2012 should again apply and that an additional day of annual leave is granted to employees on Friday 3 June 2022.

F. BACKGROUND REFERENCES

Council Executive report on Her Majesty The Queen's Diamond Jubilee 2012 - 15 November 2011

Appendices/Attachments: None

Contact Persons: Carrie Heron, Executive Project Officer, 01506 281675
carrie.heron@westlothian.gov.uk

Sophie McKinney, HR Advisor, 01506 281432
Sophie.mckinney@westlothian.gov.uk

Graham Hope
Chief Executive

Date of meeting: 7 September 2021

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

EMPLOYEE GENDER BASED VIOLENCE POLICY

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To present to Council Executive a draft Employee Gender Based Violence Policy.

B. RECOMMENDATION

It is recommended that Council Executive approve the draft Employee Gender Based Violence Policy.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Providing equality of opportunities; developing employees
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The Employee Gender Based Violence policy will assist the Council to advance the Equality Act 2010 - Public Sector Equality Duty. The policy and guidance demonstrate the council's commitment to responding to and preventing gender based violence
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	The proposals will support the Council's Equality and Diversity Outcomes and Mainstreaming Framework
V	Relevance to Single Outcome Agreement	N/A
VI	Resources - (Financial, Staffing and Property)	N/A
VII	Consideration at PDSP	The draft Policy was considered at P & R PDSP on 20 August 2021
VIII	Other consultations	Services via representatives on the Corporate Working Group on Equality, Corporate Management Team, recognised Trade Unions.

TERMS OF REPORT

D.1 Background

The Council recognises that as an employer it has a responsibility for the health, safety and welfare at work of employees. The Council is committed to ensuring gender equality in the workplace and preventing violence against women. By increasing awareness of the signs of gender based violence and providing a safe and supportive working environment, the council can help to support the welfare of an employee experiencing gender based violence.

D.2 Employee Gender Based Violence Policy

To support the welfare of staff affected by current or previous gender based violence (GBV) a draft Employee Gender Based Violence policy and guidance have been developed and is attached at Appendix 1. The Policy focuses on the fact that, whilst men may be affected by abuse or violence, it is women who are disproportionately affected by abuse or violence as a result of their gender.

The draft Policy and guidance encourages managers to support employees to assess their level of risk and devise a personal safety plan in cases of GBV.

The definition of GBV contained in the Policy is from the Scottish Government's "Equally Safe 2016: Scotland's strategy for preventing and eradicating violence against women and girls". This definition has also been used in the Council's Gender Based Violence Strategy 2021/2024.

The draft Policy focuses on staff who may be experiencing or who have experienced GBV whilst stating that "Where any of our employees have perpetrated violence/abuse the Council will take all necessary steps to investigate these matters which may result in disciplinary action being taken".

The Policy includes a requirement for managers to seek advice from Human Resources prior to commencing any discussion with employees who disclose that they are suffering or have suffered GBV.

D.3 Current Policy Provision

The draft policy and guidance will supplement current policy provisions already in place including the:

- Four Pillars of Wellbeing Toolkit that signposts employees to support in relation to physical, mental, financial and workplace wellbeing
- Employee Assistance Programme which provides access to confidential counselling
- Right to Request Flexible Working which would support an employee in requesting a temporary or permanent change to working times, pattern or location.

D.4 Consideration at PDSP

The draft Policy was considered at the meeting of Partnership and Resources Policy PDSP on 20 August. The Panel asked that the definition of gender based violence include reference to coercive control. The draft policy has been revised accordingly.

CONCLUSION

The draft Gender Based Violence Policy confirms the council's commitment to creating an environment where employees feel safe to disclose their experience of abuse in order to access support and increase safety for themselves and others.

F. BACKGROUND REFERENCES

Equally Safe 2016: Scotland's strategy for preventing and eradicating violence against women and girls [Equally Safe: Scotland's strategy to eradicate violence against women - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/equally-safe-2016/pages/default.aspx)

Appendices/Attachments:

Appendix 1 - Draft Employee Gender Based Violence Policy and Guidance

Contact Person: Pamela Roccio, Equality and Diversity Officer,
pamela.roccio@westlothian.gov.uk

Julie Whitelaw
Head of Corporate Services

7 September 2021



EMPLOYEE GENDER BASED VIOLENCE

POLICY AND GUIDANCE

September 2021

CONTENTS

Section	Page
1. Policy statement and principles	3
2. Aims	3
3. Definition	3
4. Indicators	4
5. Guidance for employees	4
6. Guidance for managers	5
7. Further information, monitoring and review	5
Appendix 1 – Indicators of Gender Based Violence	
Appendix 2 – Useful Contacts	

1. POLICY STATEMENT AND PRINCIPLES

- 1.1 West Lothian Council is committed to ensuring gender equality in the workplace and preventing violence against women. We know that the impact of gender based violence (GBV) on the health and wellbeing of staff is a serious and recognisable problem. By increasing awareness of the signs of gender based violence, and providing a safe and supportive working environment, the Council can help to support the welfare of an individual experiencing or who has experienced gender based violence.
- 1.2 The Policy recognises a gendered analysis of gender-based violence. This analysis does not exclude men, but rather recognises that women and girls are disproportionately affected by particular forms of abuse/violence that they experience because they are women and girls.

2. AIMS

- 2.1 This policy aims to:
- provide guidance and support quickly, positively and in confidence to any employee experiencing GBV in their personal lives
 - raise awareness of GBV as a serious health and social issue including its hidden nature and the impact on those affected by it
 - reinforce West Lothian Council's commitment to tackling GBV and send a clear message to all employees that they will be listened to and supported
 - assist managers to identify and support employees currently (or previously) experiencing GBV
- 2.2 The aims of this Policy are designed to align with the Scottish Government's Equally Safe 2016: Scotland's strategy for preventing and eradicating violence against women and girls and the Council's Gender Based Violence Strategy 2021/2024.
- 2.3 Where any of our employees have perpetrated violence/abuse the Council will take all necessary steps to investigate these matters which may result in disciplinary action being taken.

3. DEFINITION

- 3.1 Gender Based Violence is a term which encompasses a spectrum of abuse experienced disproportionately by women and perpetrated predominantly by men. It is defined within Equally Safe 2016 as:

"Gender based violence is a function of gender inequality and abuse of male power and privilege. It takes the form of actions that result in physical, sexual and psychological harm or suffering to women and children or affront to their human dignity, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life. It is men who predominantly or exclusively carry out such violence and women who are predominantly the victims of such violence. By referring to violence as 'gender-based' this definition highlights the need to understand violence within the context of women's and girl's subordinate status in society. Such violence cannot be understood, therefore, in isolation from the norms and social structure and gender roles within the community, which greatly influence women's vulnerability to violence - including:

- domestic abuse

- rape and sexual assault
- childhood sexual abuse
- harassment and stalking
- commercial sexual exploitation
- honour based violence
- female genital mutilation
- forced marriage

This policy recognises that the Domestic Abuse (Scotland) Act 2018 makes domestic abuse a crime. This means that a person who engage in a pattern of abusive behaviour towards a partner or ex-partner can be prosecuted and punished by law. This covers a wide range of behaviours such as psychological and emotional abuse (this includes what is commonly known as 'coercive control').

4. INDICATORS

- 4.1 Every case is unique and people deal with difficult personal situations in different ways. As a result, an employee may not disclose, or even feel that they are the victim of GBV. Below are a range of indicators which may suggest an employee is exposed to GBV:

- **Psychological indicators** such as changes in behaviour, mood, emotional resilience and a reluctance to discuss their personal life.
- **Physical indicators** such as repeated injuries, increased fatigue and changes in their presentation and clothing.
- **Productivity indicators** such as persistent late coming, high absenteeism and a decline in standard of work produced.

More detail on each of these categories of indicators can be found in **Appendix 1**.

- 4.2 Please keep in mind that this is not an exhaustive list nor should these indicators be seen in isolation. Furthermore, these indicators may be indicative of other concerns unrelated to abuse, therefore it is important to consider the context within which they occur.

5. GUIDANCE FOR EMPLOYEES

- 5.1 Employees are encouraged to act if they suspect that a colleague is experiencing or perpetrating abuse. Employees may not want to discuss the suspected abuse with the other employee but concerns should be raised in confidence with a Human Resources adviser or manager.
- 5.2 Employees who disclose experiencing GBV should be assured that the information they provide is confidential and will not be shared with other members of staff without their permission. Please note however, that there are some circumstances in which anonymity cannot be assured. These occur when there are concerns about the safeguarding of children or vulnerable adults or where the council needs to act to protect the safety of employees.
- 5.3 Managers should be sensitive to employee's reticence to report abuse related to sexual orientation where they haven't previously disclosed their sexual orientation.
- 5.4 Witnessing a colleague experiencing domestic abuse can be traumatic and an employee may feel unable to help. Support can be sought independently and confidentially from the following:

- A line manager, other manager or Human Resources
- The council's Domestic and Sexual Assault Team (DASAT)
- External specialised support such as the organisations **listed in Appendix 2**.

6. GUIDANCE FOR MANAGERS

6.1 Staff experiencing GBV may choose to disclose, report or seek support from trade union representatives, a line manager or colleague. We do not expect colleagues, line managers and trade union representatives to counsel victims but instead offer information and workplace support while signposting to other organisations. When supporting employees, advice and guidance should be sought from Human Resources before any discussions with employees take place.

6.2 Managers can help support staff by:

- Being aware of the possibility that staff members could be affected by past or current abuse
- Recognising potential signs of abuse
- Initiating discussion if you have concerns about abuse
- Respecting an employee's choice on whether to accept support or not
- Responding sensitively to disclosure of abuse
- Encouraging and supporting your staff member to assess their level of risk and devise a safety plan in cases of domestic abuse
- Consider what work place support you could provide within the scope of current policy provision
- Encourage employees to access the [Employee Financial Support Service](#)
- Provide contact information of support organisations or agencies. (**see Appendix 2**)
- Agree arrangements for contact with the employee in the event that they are unexpectedly absent from work.

6.3 A range of workplace support that could be offered includes:

- [Four Pillars of Wellbeing Toolkit](#)
- Special paid leave for relevant appointments e.g. solicitors, to rearrange housing or childcare and court appointments
- Temporary or permanent changes to working times and patterns – using existing policies such as the [Right to Request Flexible Working](#)
- Changes to specific duties, for example to avoid potential contact with an abuser in a customer facing role
- Redeployment or relocation where requested and where possible
- Measures to ensure a safe working environment e.g. change a telephone number to avoid harassing phone calls
- Counselling services via our [Help Employee Assistance Programme](#)

7. FURTHER INFORMATION, MONITORING AND REVIEW

7.1 The implementation of this policy is accompanied by training via [My Learning](#)

7.2 This policy and guidance will be reviewed in conjunction with the Domestic and Sexual Abuse Team and the West Lothian Violence Against Women and Girls Partnership every five years, or earlier where there are changes in legislation, best practice or other organisation policies that impact on its effectiveness.

Appendix 1

INDICATORS OF GENDER BASED VIOLENCE

Psychological indicators

- Changes in behaviour: may become quiet and withdrawn, avoid interaction, making acquaintances or friends at work; may always eat alone
- Uncharacteristic distraction, problems with concentration
- May cry at work or be very anxious
- Obsession with time
- May exhibit fearful behaviour such as startled reactions
- Fear of partner/references to anger
- Is seldom or never able to attend social events with colleagues
- Expresses fears about leaving children at home alone with partner
- Secretive regarding home life
- Appears to be isolated from friends and family

Physical indicators

- Repeated injuries such as bruises that are explained away; explanations for injuries that are inconsistent with the injuries displayed
- Frequent and/or sudden or unexpected medical problems/sickness absences
- Sleeping/eating disorders
- Substance use/dependence
- Depression/suicide attempts
- Fatigue
- Change in the way the employee dresses, e.g. excessive clothing in summer; unkempt or dishevelled appearance, change in the pattern or amount of make-up worn

Productivity indicators

- Persistently late without explanation; needing to leave work early
- Constraints on work schedule; employee may be dropped off and picked up from work and unable to attend work related events
- High absenteeism rate without explanation
- Needing regular time off for 'appointments'
- Changes in quality of work performance for unexplained reasons, e.g. may start missing deadlines and show additional performance difficulties despite a previously strong record
- Interruptions at work, e.g. repeated upsetting calls/texts/e-mails; Reluctance to turn off mobile phone at work
- Increased hours being worked for no apparent reason, e.g. very early arrival at work or working late

Appendix 2

EXTERNAL SUPPORT AGENCIES

- [Abused Men in Scotland](#)
- [Disclosure Scheme for Domestic Abuse Scotland](#)
- [Domestic and Sexual Assault Team \(DASAT\)](#)
- [Edinburgh Rape Crisis Centre](#)
- [Fearless Domestic Abuse Service](#)
- [Forced Marriage Unit](#)
- [LGBT Domestic Abuse Scotland](#)
- [LGBT Youth – Domestic Abuse](#)
- [Men's Advice Line](#)
- [Police Scotland – Domestic Abuse](#)
- [Samaritans](#)
- [Scotland's Domestic Abuse and Forced Marriage Helpline](#)
- [Scottish Trans Alliance](#)
- [Scottish Women's Rights Centre](#)
- [Shakti Women's Aid](#)
- [Survivor Scotland](#)
- [Victim Support](#)
- [Wellbeing Scotland](#)
- [West Lothian's Women Aid](#)
- [Women's Support Project](#)



COUNCIL EXECUTIVE

ALL PARTY PARLIAMENTARY GROUP DEFINITION OF ISLAMOPHOBIA

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

The report asks Council Executive to consider adopting the United Kingdom (UK) All-Party Parliamentary Group (APPG) definition of Islamophobia.

B. RECOMMENDATION

It is requested that Council Executive consider adopting the terms of the UK All-Party Parliamentary Group (APPG) definition of Islamophobia.

C. SUMMARY OF IMPLICATIONS

I Council Values	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.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 .
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	None
V Relevance to Single Outcome Agreement	Indicators have been mainstreamed and aligned with existing activity towards the council's Corporate Plan, People Strategy and the West Lothian Local Outcomes Improvement Plan where appropriate.
VI Resources - (Financial, Staffing and Property)	N/A
VII Consideration at PDSP	N/A

VIII Other consultations

None

D. TERMS OF REPORT

D.1 BACKGROUND

In April 2018, the UK All-Party Parliamentary Group (APPG) on British Muslims conducted an inquiry to develop a working definition of Islamophobia. This involved listening to, understanding and taking on board views across the spectrum: from the Muslim Council of Britain and the Federation of Student Islamic Societies, to The Network of Sikh Organisations and The National Secular Society. Academics, community representatives, legal professionals and politicians at different levels of government all came together to assist in the formation of a definition of Islamophobia that was not only useful and accurately defined the type of racism Muslims and those who are perceived to be Muslim face, but also, crucially, to ensure that this had the trust of the very communities it was designed to support. The group agreed a working definition of Islamophobia that notes 'Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness.' (APPG 2017) This definition is endorsed by all political parties in the Scottish Parliament and adopted by the Liberal Democrats, UK Labour, Plaid Cymru, SNP Westminster Group and the Muslim Council of Britain.

In April 2018 the Scottish Parliament's Cross-Party Group (CPG) on Tackling Islamophobia was established, bringing together politicians from all parties and beginning an inquiry into the issue of Islamophobia in Scotland. The inquiry included an online survey and invited submissions of written evidence. The terms of reference for the inquiry asked individuals and organisations about the nature and extent of Islamophobia in Scotland, the role of the media, the impact on children, young people and families and what steps could be taken to challenge and overcome Islamophobia.

The inquiry report [Scotland's Islamophobia](#) was prepared by Peter Hopkins from the University of Newcastle. It supports the use of the APPG definition and contains a number of recommendations for the Scottish Government and for local authorities. One recommendation is that the Scottish Government should work towards adopting a formal definition of Islamophobia to promote understanding, to encourage reporting and to indicate their commitment to addressing it. Whilst there is a recommendation that all political parties in Scotland should proactively adopt a "no tolerance" approach to Islamophobia, there are no specific recommendations for Local Authorities to adopt the definition. The recommendations aimed at Councils were generally in relation to creating safe spaces in schools for e.g. discussion, prayer and reflection and delivering staff training.

D.2 DEFINITION OF ISLAMOPHOBIA

The Council is already committed to tackling discrimination, advancing equality of opportunity and promoting good relations both in our workforce and community, through the Equality and Diversity Framework 2021 – 2025, which ensures compliance with the public Sector Equality Duty which was established by the Equality Act 2010. The 2010 Act prohibits discrimination in relation to protected characteristics, which includes a prohibition against discrimination on the grounds of religion. It should therefore be noted that adopting the definition of Islamophobia will not detract from or add to the council's responsibility and commitment to the [The Public Sector Equality Duty](#).

If the definition is adopted it will require a commitment to ensuring a shared understanding of its meaning within the council and wider community. For some the

above definition may not be clear. Muslimness may be a concept that many people are not familiar with.

It should be noted that there are other definitions of Islamophobia. For example, the Runnymede Trust defines Islamophobia as 'anti-Muslim racism' (Elahi & Khan, 2017: 1) and offers a longer version that uses the United Nations' definition of racism, i.e. : "Islamophobia is any distinction, exclusion, or restriction towards, or preference against, Muslims (or those perceived to be Muslims) that has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life".

It should also be noted that Council has already adopted the International Holocaust Remembrance Alliance's (IHRA) definition of anti-Semitism. This was agreed at the meeting of West Lothian Council on 28 January 2020.

E CONCLUSION

Adopting the All-Party Parliamentary Group (APPG) definition of Islamophobia should support a shared understanding of the definition of Islamophobia

F. BACKGROUND REFERENCES

March 2021- Muslim Council of Britain [Defining Islamophobia: A Contemporary Understanding of how Expressions of Muslimness is targeted.](#)

West Lothian Council 28 January 2020 [West Lothian Council Committee Information - View Committee Document](#)

Contact Person: Pamela Roccio, Equality and Diversity Officer

pamela.roccio@westlothian.gov.uk

Julie Whitelaw, Head of Corporate Services

7 September 2021

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

PROCUREMENT APPROVAL REPORT

REPORT BY THE HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval to enter into contracts where Committee authorisation is required by Standing Orders.

B. RECOMMENDATION

It is recommended that the Council Executive approve:

1. A direct award of a contract to Circle Scotland to provide support to children affected by parental substance abuse for a period of 3 years from 1 April 2022 to 31 March 2025, with an estimated total value of £383,544.
2. A direct award of a contract to Action for Children to provide family support for a period of 9 months from 4 October 2021 to 30 June 2022, with an estimated total value of £276,000.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Standing Orders of West Lothian Council and the Public Contracts (Scotland) Regulations 2015.
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	Our public services are high quality, continually improving, efficient and responsive to local

people's needs.

VI	Resources - (Financial, Staffing and Property)	All the proposals were included in the 2021/22 budget;
VII	Consideration at PDSP	N/A
VIII	Other consultations	See section D of the report

D. TERMS OF REPORT

D.1 SUPPORT FOR CHILDREN AFFECTED BY PARENTAL SUBSTANCE ABUSE

The current provider of support for children affected by parental substance abuse, Circle Scotland, works in partnership with West Lothian Health & Social Care Partnership as well as other relevant organisations to deliver services to some of our most vulnerable families. Their contract commenced on 1st April 2017 for a two year period until 31st March 2019 with an available 12 month extension until 31st March 2020. A direct award for 1 year was approved in 2020 with a further one year extension applied in 2021 due to the impact of Covid-19 on the delivery of the contract. Circle Scotland has now fully remobilised the contract and is now providing a consistent and continuous service for all those supported. The current contract ends on 31st March 2022 with no further extension available.

In 2020/21, 43 families of the target 45 families, identified by the statutory services within the Health and Social Care Partnership, were supported. Provider Performance Reports demonstrate that families achieved good outcomes in the following 5 areas:

- Families living conditions are considered to be a safe environment
- Parents/carers are able to recognise and meet their child's physical & emotional needs
- Parents have increased control and involvement over their recovery journey
- Families are more nurturing
- Parents and children are involved in activities together and in the community

Circle Scotland receive match funding of £26,773 from the CORRA Foundation which enables an enhanced service to be delivered. The grant funds an additional staff member. The CORRA Foundation is a charitable grant giving organisation, previously part of the Lloyds banking group, set up to distribute 1% of the Banks profit to make a difference to the lives of people and communities. This funding would be lost if the current service is ended as the monies are directly secured by Circle Scotland for this purpose and would not be transferred to another provider. Also, Circle Scotland's West Lothian Family Support Project, in partnership with Change Grow Lives' Recovery Service, has secured 50% funding for 3 years from September 2021-24, from the CORRA Foundation towards a full time Fathers Support Worker post. Circle Scotland has also put in a note of interest for Match funding through the 'Children and Families Fund', part of the National Drugs Mission Fund. This is a collective proposal with West Lothian Drug and Alcohol Partnership. All of the aforementioned funding bids are specific to Circle and enable them to provide an enhanced service within West Lothian at this time.

Additionally, there is uncertainty on how the Scottish Government will roll out the

Whole Family Approach National Strategy and associated funding at this time. The parameters around the allocation of this funding is unclear. Therefore, it would be inappropriate to tender without full knowledge of the strategic landscape and association funding in terms of expectations of delivery or outputs. It would be prudent for the Partnership to be clear on requirements to ensure any future service is appropriate and can deliver the National and Local Objectives

Regulation 3 (10) of the Public Procurement (Scotland) Regulations 2016 makes provision for the aggregation of public contracts where the value of all contracts for similar supplies and services awarded during the previous 12 months must be aggregated. The aggregated value determines whether the contract is over the Government Procurement Agreement (GPA) threshold. The contract value over the previous year is £127,848 and the value of the proposed award is £383,544. The combined value of £511,392 is below the Light Touch Regime threshold (£663,540) and therefore, in line with the Scottish Government guidance on the Procurement of Care and Support, the Council can choose not to seek offers for Social Care and Other Related Services contracts on a case by case basis. Whilst the Council's Standing Orders permit the Head of Corporate Services to approve the direct award, they may opt to seek approval from Council Executive. Council Executive is, therefore, requested to approve a direct award of a contract to Circle Scotland to provide support to children affected by parental substance abuse for a period of 3 years from 1 April 2022 to 31 March 2025, with an estimated total value of £383,544.

D.2 FAMILY SUPPORT

The Pupil Equity Funding (PEF) forms part of the £750m Attainment Scotland Fund, invested over the current Parliamentary term. Funding provides targeted support for children and young people affected by poverty to achieve their full potential. The funding is focused on activities and interventions that will lead to improvements in literacy, numeracy and health and wellbeing. Leadership; learning and teaching; and families and communities must be considered when determining interventions.

The Family Support contract with Action for Children, funded by PEF, expires on 3rd October 2021, with no options to extend or alternative contracts or frameworks available to meet the needs of the exact service requirements.

Although, it is anticipated that PEF funding will cease in June 2022, the scope of requirements increased from 319 hours in 2020 to 340 hours 2021, to ensure additional support is made available, as identified via usage of the current contract. Therefore, a contract to June 2022 is required to accommodate services.

Regulation 3 (10) of the Public Procurement (Scotland) Regulations 2016 makes provision for the aggregation of public contracts where the value of all contracts for similar supplies and services awarded during the previous 12 months must be aggregated. The aggregated value determines whether the contract is over the Government Procurement Agreement (GPA) threshold. The contract value over the previous year is £312,057 and the value of the proposed award is £276,000. The combined value of £588,057 is below the Light Touch Regime threshold (£663,540) and therefore, in line with the Scottish Government guidance on the Procurement of Care and Support, the Council can choose not to seek offers for Social Care and other Related Services contracts on a case by case basis. Whilst the Council's Standing Orders permit the Head of Corporate Services to approve the direct award, they may opt to seek approval from Council Executive.

Council Executive is, therefore, requested to approve a direct award of a contract to Action for Children to provide family support for a period of 9 months from 4 October 2021 to 30 June 2022, with an estimated total value of £276,000.

E. CONCLUSION

It is recommended that the Council Executive approves the procurement set out in the report, which will support delivery of effective Council Services.

F. BACKGROUND REFERENCES

None

Appendices/Attachments: None

Julie Whitelaw
Head of Corporate Services

7 September 2021

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

AFGHAN CITIZENS REFUGEE RESETTLEMENT SCHEME

REPORT BY DEPUTE CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To provide the Council Executive with an update on the UK Government's Afghan Citizen's Refugee Resettlement programme and related issues.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes the update on the Afghan Citizen's Refugee Resettlement programme.
2. Authorises the Depute Chief Executive to enter into formal discussions with the Home Office to progress a phased implementation of the council's proportionate share of refugees and to report back to the committee.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on customers' needs, being honest, open and accountable, making best use of resources, working in partnership.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	None
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	People most at risk are protected and supported to achieve improved life chances
VI	Resources - (Financial, Staffing and Property)	Resource implications are at this stage unquantified.
VII	Consideration at PDSP	Not applicable
VIII	Other consultations	Members of the Corporate Management Team and related senior officers

D TERMS OF REPORT

D.1 Background

The UK Government has been running a scheme to support locally engaged staff in Afghanistan in recognition of the commitment and bravery they have shown in supporting UK forces. The scheme enables them to relocate to the UK with their dependants. Due to the withdrawal of NATO forces in recent months there has been a need to accelerate the relocation process and the UK Government has asked local authorities to urgently offer up accommodation to support the scheme.

People coming to the UK under the Afghan Locally Employed Staff (LES) scheme are not refugees but come under a visa that allows them to live and work in the UK for up to five years. After completing five years limited leave, they can apply for permanent residence in the UK, free of charge, ensuring that they can settle permanently in the UK.

The severity of the situation in Afghanistan has escalated very quickly, and the UK and other nations have now left Afghanistan. The UK Government has now announced a new refugee resettlement scheme that will see 20,000 Afghan refugees being relocated to the UK over the coming years. Local authorities in Scotland will be required to consider the role that they are able to play in supporting this new scheme.

D.2 Current Position

The operation to evacuate people by air has now ended. It is reported that more than 123,000 civilians have been evacuated but it's unclear exactly how many of those were Afghan nationals. The US has advised that it flew nearly 80,000 civilians out of Kabul and of those, about 5,500 were Americans and more than 73,500 were either Afghans or other foreign nationals. The UK Ministry of Defence, which ended its evacuations on 28 August 2021, has advised that it had flown out more than 15,000 people and some 8,000 of them were Afghans.

Given the scale of the scheme and the rapid escalation of the situation in Afghanistan, the Home Office have procured hotels as contingency accommodation. Afghan families arriving through the scheme will stay in those while more permanent accommodation is found across the UK. The Home Office estimate that there is likely to be the need for approximately 4000+ hotel bed spaces across the UK.

The hotels procured so far have all been in England, but the Home Office has now started to look to the devolved nations. COSLA is coordinating engagement between the Home Office and any councils where potential hotels have been identified for use. To date there has been no contact with the council.

Given previous concerns expressed by COSLA and local authorities in Scotland, particularly in relation to the provision of accommodation for asylum seekers, it is recognised that the use of hotels for the housing of migrant communities is far from ideal. However, due to the nature of the situation in Afghanistan, the Home Office has indicated that there is no alternative to their use.

It should be noted that local authorities will not be required to find houses for the people staying in hotels. This will continue to be the role of the Home Office. However, there will likely be challenges associated with longer stays in hotels given that families are likely to build connections with the areas in which they are staying through, for instance, the social connections being made by their children if they are in school.

D.3 Syrian Refugee Resettlement Scheme

The council has significant experience in the resettlement of refugees. In November 2015, Council Executive agreed that the council would participate in the Syrian Refugee Resettlement Scheme and would accommodate a proportionate share of refugees, which based on the UK and Scottish Government commitments would provide for up to approximately 60 persons over the five-year period.

At the time officers reviewed available and suitable accommodation from within the existing council house stock, with consideration being given to existing pressures on council housing and potential education constraints that may exist with school capacity. Meetings were also held with the main Registered Social Landlords (RSLs) based and/or operating within West Lothian, which led to the families being accommodated within RSL properties.

The council has provided a wide range of support to the families over the last five-year period covering the following areas:

- Interpretation and translation – to ensure that the families will have the interpretation and translation services they require to access essential services and resources.
- Housing – to provide safe, secure and suitable housing for the families to allow them to settle and progress with family life.
- Employment, Benefits and Financial Inclusion – to support the families to access benefits, entitlements, financial, training and employment opportunities to enable them to progress with family and working life.
- Health & Social Care – to ensure that the families receive the health and social care services that they may need.
- Early Years, Schools and Further/Higher Education – to ensure that children and young people are fully integrated into West Lothian early years, schools, colleges and universities and receive the support and learning required.
- Social and Community – to ensure that the families receive the required social and community support they need to integrate and participate fully in community life.
- Culture and Faith – to ensure that families have the opportunity to participate in a range of cultural and faith activities to suit their needs.
- Safety and Stability – for the families to feel and be safe in their homes and communities.

The council has supported 71 people (15 families) in total under the scheme, with 11 people (2 families) having moved out of the area. It is envisaged that the proposed Afghan Citizens Resettlement Scheme will require the same areas of support and the council and partners would be well placed to contribute to the scheme.

D.4 Afghan Citizens Resettlement Scheme

In response to the refugee crisis that has arisen in the light of the events in Afghanistan the UK Government has announced a new scheme to resettle 20,000 Afghan refugees over the coming years. This is being referred to as the Afghan Citizens Resettlement Scheme. At time of writing, we do not have full details of the nature of the scheme, but understand that it will include the following elements:

- An aspiration to resettle 5,000 people in the first year of the scheme;
- Resettlement of refugees both from Afghanistan and the surrounding countries to which people have fled;
- Prioritising of women, children, religious and other minorities, as well as people who worked for the UK but who do not qualify for the Afghan LES scheme.

D.5 Council Support for the Afghan Citizen Resettlement Scheme

Scottish Local Government is already supportive of the existing UK Resettlement Scheme (UKRS) and individual councils continue to receive refugees through that global programme, albeit that numbers of arrivals have decreased since the end of the Vulnerable Persons Relocation Scheme, primarily due to the COVID pandemic.

However, what is not yet clear is how this new scheme will dovetail with the UKRS and whether the 20,000 commitment is in addition to the UKRS commitment. Nor is there clarity regarding the funding regime and whether it will also dovetail with what is already in place for UKRS i.e. a five-year tariff of support.

The Afghan Citizens Resettlement Scheme is seeking to accommodate the same number of persons as the Syrian Refugee Resettlement Scheme and as such the council's proportionate level of support would be up to 60 persons. Subject to committee approval, officers would enter into formal discussions with the Home Office to progress this proposal.

E. CONCLUSION

Over recent weeks the severity of the situation in Afghanistan has escalated very quickly. The Ministry of Defence evacuation of people from Afghanistan has concluded and a reported 8,000 Afghans have been evacuated. The council has played an active role in supporting the Syrian Refugee Resettlement Scheme and is well placed to support the proposed Afghan Citizens Resettlement Scheme.

Appendices/Attachments: None

Contact Person: graeme.struthers@westlothian.gov.uk – Tel No: 01506 281776

Graeme Struthers
Depute Chief Executive
7 September 2021

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

SOCIAL POLICY MEDICATION POLICY REVIEW

REPORT BY HEAD OF SOCIAL POLICY

A. PURPOSE OF REPORT

The purpose of the report is to provide the Council Executive with an update on the proposed changes to the Medication Management Policy, which requires to be reviewed on a three-yearly basis.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. Notes the content of the report to outline the changes to the medication policy based on the three-year review cycle.
2. Approves the recommended changes to the policy in section D.6 of the report

C. SUMMARY OF IMPLICATIONS

I Council Values	<ul style="list-style-type: none">– Focusing on our customers' needs– Being honest, open and accountable– Making best use of resources– Working in partnership
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 Adults with Incapacity (Scotland) Act 2000
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	The policy provides the framework for appropriate medication management in social care settings.
V Relevance to Single Outcome Agreement	Older people are able to live independently in the community with an improved quality of life. We live longer, healthier Live and have reduced health inequalities
VI Resources - (Financial, Staffing and Property)	No additional cost - within existing resources

VII Consideration at PDSP	The Medication Management Policy was considered at the Health and Care PDSP on 19 th August 2021
VIII Other consultations	Medication Advisory Group Social Policy Group Managers and Operational Managers WLC Insurance Officer WLC Health & Safety Care Homes, Housing with Care, Care at Home, Young people Centre, Learning Disability Centre

D. TERMS OF REPORT

D.1 The current Medication Management Policy was approved by the Council Executive on the 23rd January 2018 and it was agreed that the policy would be subject to review on a three-yearly basis.

D.2 The policy is applicable to all registered social care services and seeks to ensure best practice in all aspects of medication management.

D.3 The policy provides the overarching principles for the management of medication for all service areas and is underpinned by operational procedures which are customised to each service area and the model of service provided. This approach provides flexibility to respond to changing circumstances whilst remaining compliant with the principles of the policy.

D.4 The Medication Management Advisory Group oversee practice developments and are responsible for ensuring compliance with the policy. The membership of this group includes operational managers from both adult and children social work services and key health professionals.

D.5 Current Position

The three-yearly review of the Medication Management Policy has been completed and the policy has been updated.

D.6 There were no major legislative or major practice changes identified therefore the policy has not significantly changed but it has been updated based on the engagement process to reflect comments and areas of improvement as follows:

- The explanation of a 'Near Miss' was expanded on and examples included
- Emphasised the requirement to communicate with secure communication methods
- Reference to the agreed NHS Service Level Agreement was included in the 'Responsibility for Medication' paragraph
- The Minor Ailments Service was replaced by the Pharmacy First Service
- Advice can be obtained from the pharmacy prior to administration taking place of covert medication and the information provided should be in writing for future reference
- Additional guidance around the safe management of medication on excursions and outings

- Included the Royal Pharmaceutical Society definition of Secondary Dispensing
- Errors and Near Misses reporting was updated to reflect the council's incident reporting system Sphera
- Training was updated to explain which staff receives level 1, 2 and 3 training.

The revised policy was considered at the Health and Care PDSP on 19th August 2021. A question was raised regarding any impact on Education Services in relation to children with healthcare needs. It has been confirmed that Education Services have their own medication policy and recent updates to the Social Policy Medication Policy do not impact upon their policy.

E. CONCLUSION

The revised draft policy reflects changing service needs as well as legislative, practice and regulatory requirements.

Its implementation is overseen by operational management and is supported by training delivered by the Customer and Community Team within the Business Support Service.

F. BACKGROUND REFERENCES

None.

Appendix 1: Draft Medication Management Policy

Contact Person: Robin Allen
Senior Manager, Adult Services

Tel: 01506 281851

Email: Robin.Allen@westlothian.gov.uk

Jo Macpherson, Head of Social Policy

Date: 7th September 2021



West Lothian Council

SOCIAL POLICY

MEDICATION MANAGEMENT POLICY

Date	Version	Considered By	Outcome	Review Date
01/07/21	1	Medication Advisory Group	Agreed	
21/07/21	1	SPMT	Agreed	
19/08/21	1	HCPDSP	Agreed	
07/09/21	1	Council Executive	Approved	

CONTENTS	PAGE
1. Glossary of Definitions / Interpretations	3
2. Introduction	4
3. Policy Objectives	4
4. Roles and Responsibilities	5
5. Assessment, Care Planning and Support Planning	6
6. Responsibility for Medication	6
7. Refusal to take Medication	8
8. Covert Medication	8
9. Record Keeping	9
10. Over the Counter Medication/ Alternative Remedies	10
11. PRN ('as required') Medication	11
12. Invasive Treatments	11
13. Other Procedures	12
14. Excursions and Outings	13
15. Rectal Diazepam/ Buccal Midazolam	14
16. Secondary Dispensing	14
17. Controlled Drugs	15
18. Notification On Controlled Drugs	15
19. Errors and Near Misses	16
20. Medication Advisory Group	16
21. Capacity and Incapacity	16
22. Contracted Services	18
23. Training	19
24. Policy Monitoring	20
25. Review Arrangements	20
26. Appendix A: Treatment Table	21
27. Appendix B: Legislation	23
28. Appendix C: References	24

1. GLOSSARY OF DEFINITIONS / INTERPRETATIONS WHICH APPLY

Providing support in relation to the management on medication includes all of the following

Prompting

Prompting of medication is reminding a person of the time and asking if they have or are going to take their medicines. The person is still in control of their medicines and may decide not to take them or to take them later.

Assisting

A person may be able to retain control of his or her medicines but needs assistance with simple mechanical tasks.

Assisting with medicines can include:

- Ordering repeat prescriptions from the GP's surgery
- Picking up medications from the GP's surgery
- Collecting dispensed medicines from pharmacy
- Bringing packs of medicines to a person *at their request* so that the person can take their medicines
- Opening bottles or packaging including multi-compartmental compliance aids at the request and direction of the person who is going to take the medicine
- Reading labels and checking the time at the request of the person who is going to take the medicine
- Ensuring the individual has a drink to take his or her medication

Administering

Administering medication as per the GP or pharmacy instruction one or all, or a combination of the care worker doing the following:

- Deciding which as required medicine(s) have to be taken or applied following the protocols in place for the administration of this medication.
- Being responsible for selecting medicines
- Giving a person medicines to swallow, apply or inhale, where the person receiving them does not have capacity to know what the medication is for or identify it
- Giving medicines even at the request of the person receiving care where a degree of skill is required to be exercised by the care worker to ensure this is given in the correct way.

Near Miss

A "near-miss" can be defined as an event not causing harm, but has the potential to cause harm, injury or ill health. A near miss must be recorded and reported to managers/supervisors to take corrective preventative action. Thereafter the Managers/supervisor will investigate the cause of the near miss in order to ensure the risk of this happening again is removed or mitigated before a similar incident occurs.

An example being; Medication wrongly prescribed but not given to a service user; or a medication is prescribed without considering the patient's allergies. In many, but not all, situations the patient, pharmacist or staff member recognises the risk in time.

2. INTRODUCTION

Support with the management of medication is a key aspect for service users in a wide range of care and support services. Where the service user is able to order/ store/ administer/ dispose of their own medication independently, they should be encouraged to do so.

For those service users who do require staff intervention in some or all of the areas of managing their medication, this policy and the associated procedures have been designed to provide clear guidance for staff.

For the purposes of this policy, West Lothian Council (WLC) adopts the operating definition of medication used by the Care Inspectorate:

“Any substance or combination of substances presented as having properties for treating or preventing disease in human beings;

Any substance or combination of substances which may be used in or administered to human beings either with a view to restoring, correcting or modifying physiological functions by exerting a pharmacological, immunological or metabolic action, or to making a medical diagnosis.”

It should be understood that such diagnosis can only be determined by a qualified medical practitioner. Similarly, the question of mental capacity/ incapacity must be determined by a medical practitioner and, where incapacity is established, particular arrangements must be put in place to manage medication. These are outlined later in this Policy and the Service Procedure.

Additionally, the Policy and Procedures also address some medical *procedures* that may be undertaken by social care staff.

The Procedures are intended to encompass most medication issues arising in social care settings, but it cannot predict every situation that might arise. If in doubt about the right course of action to take, staff must always consult their line manager, the GP and/or pharmacist.

Additionally, the policy is agreed with the council's insurers and all staff must be aware of the list of treatments and the conditions specified to ensure that no location is working outside the policy cover. Insurance cover for specific tasks out with the terms of the overarching policy can be negotiated by separate arrangement.

3. POLICY OBJECTIVES

The primary objective of the Policy and associated Procedure is to promote best practice in meeting the needs of service users through compliance with current guidance and the legislative framework.

The National Care Standards indicate that service users should be confident that staff in services will: *keep accurate, up-to-date records of all the medicines that have been ordered, taken or not taken, and disposed of; monitor medication and the condition for which it has been prescribed; seek the service user's permission to get medical advice if there are any changes or concerns about the medication, including side effects, or the service user's condition*

For the purposes of service delivery, this Policy and the supporting Procedures are structured to address each successive stage of staff involvement in the management of service users' medication and will seek to;

- Ensure medication **ordering** is efficient and effective
- Promote **storage** arrangements that are safe and secure
- Support medication **administration** arrangements that deliver the best possible care to service users
- Provide staff with clear guidance on **recording** practice requirements
- Ensure that the **disposal** of unwanted medicines is undertaken safely and lawfully
- Advise staff on **legal requirements** in relation to the administration of medicines for service users unable or unwilling to give consent

4. ROLES AND RESPONSIBILITIES

CHIEF EXECUTIVE AND DEPUTY CHIEF EXECUTIVE

To oversee the strategic approach of the Policy and Framework Procedure for the management of medication in Social Policy services in West Lothian Council (WLC) and in services contracted to WLC and to approve the arrangements in place. To ensure that sufficient resourcing is available to implement the strategy.

HEAD OF SOCIAL POLICY

To oversee the development and implementation of the Policy and Framework Procedure for the management of medication in Social Policy services in WLC and ensure arrangements are in place for commissioned services to comply with the requirements of the policy and framework.

SENIOR MANAGERS

To oversee the development and implementation of the Policy and Framework Procedure for the management of medication within their field of responsibility in Social Policy and in those services contracted to their field of responsibility and approve the arrangements in place.

GROUP MANAGERS

To oversee the implementation of the Policy and the development of Service Procedures for the management of medication for those services within their field of responsibility and approve the arrangements in place.

UNIT / TEAM MANAGERS

To oversee the implementation of the Policy by staff and to take the lead in the development and subsequent implementation of an in-house Framework Procedure for the management of medication within their service. This oversight is to be exercised by a routine of planned auditing of the ordering/ storage/ administration/ recording/ disposal arrangements within the

service. Unit / Team managers must ensure that all staff with a supervisory responsibility are aware of how they can access specialist information, including access to current British National Formulary (BNF) / Mimms reference literature

CARE STAFF

To implement the Policy and Service Procedure for the management of medication, in line with their training and direction.

5. ASSESSMENT, CARE AND SUPPORT PLANNING

The assessment of the need for medication must be undertaken by appropriately qualified staff employed or contracted by the Health Board. Staff employed in social care settings are not authorised to determine whether medicines can or should be administered (please also see section 9 on Over the Counter Medicines and Alternative Remedies).

Social care staff must include the management of medication or medical procedures in the care plan only when medically trained staff has determined their use. In most cases, the planning of medication management will be pre-determined (e.g. a prescription will describe what the medicine is, the dosage level, and when it should be applied). In these circumstances the task for social care staff will be to support the administration of medication as directed, this may be by prompting, assisting or administering. (see definitions section).

Where there is an arrangement for Anticipatory Care Planning with local Health services, service staff will engage with health colleagues to review existing care arrangements, including current medication arrangements, and pro-actively consider service users' health requirements. This may happen on an ad-hoc basis, where the existing arrangements may need to be altered due to a change in circumstances, or it may happen on a planned basis, even where there have been no changes over the previous twelve-month period.

Where an Anticipatory Care Plan does not exist, and service users have been taking medication regularly, social care staff are still encouraged to seek a review of that medication on at least an annual basis.

Please see Appendix A for details of the Treatment Table of current procedures and the appropriate level of Insurer cover. Prior to undertaking a listed procedure staff require to be trained and deemed competent by a suitably qualified person. Regular periodic refresher training must also be undertaken with ongoing competency confirmed.

6. RESPONSIBILITY FOR MEDICATION

Medication is the legal property of the person for whom it has been prescribed and dispensed. Consequently, it cannot be shared with other service users, even where the medicines are identical. Care staff have a responsibility to comply with current legislation and good practice guidance issued by the Regulators, the Council, this Policy and related Procedures in managing the service user's medicine for the service user's benefit.

HEALTH CARE PROFESSIONALS with the appropriate qualifications have responsibility for prescribing medication, the form in which it comes, and assessing the interaction with other

medicines. They will also be responsible for some procedures that require health training to administer (e.g. injections). They also have responsibility for determining questions of capacity/ incapacity and issuing if required an S.47 certificate in order to provide non-emergency treatment to an adult who lacks capacity to give or refuse consent.

The supplying PHARMACIST has legal and ethical responsibilities relating to the safe supply of medicines. These include, but are not restricted to accurate dispensing of medication and medicinal products. All dispensed items must detail: the medication including name, strength and form; the frequency of administration; any cautions or warnings. Labelling requirements also include the name of the service user; dispensing date and the details of the supplying community pharmacist. Where the supplying community pharmacy is contracted to NHS Lothian's Primary Care Contractors Organisation through a locally negotiated service to provide support and advice on the safe storage and administration of medicines, there is a requirement for the pharmacist or other authorised qualified individual to visit the service per the timescales set out in the agreed NHS Lothian Service Level Agreement (SLA) i.e. quarterly to review the arrangements for medication management.

CARE STAFF have the responsibility to administer medication in line with the prescribed/ labelled instructions and to ensure that the administration is recorded appropriately. Medication must also be administered in a way that respects the autonomy, human rights, privacy, and cultural and spiritual beliefs of the service user and takes full account, where appropriate, of the wishes of their family and carers. People with capacity must give consent (which may be written, verbal or non-verbal) before medicine is administered.

Care Plans and/or Medication Administration Records (MAR) sheets must include clear guidance on the applications of creams and ointments. The instruction must provide dosage instructions, the site of application (arms, legs etc) and an expected review date for treatment.

Council employees must not make clinical decisions/judgements regarding the administration of medication. The service user's doctor, and the carer or proxy (nominated person) must always be consulted. Some employees within the council are qualified nurses but are not employed within this role (with very few specific exceptions). Council insurance cover does not apply to making clinical decisions, unless staff have been explicitly employed to undertake such nursing tasks and these tasks are outlined in their job description. It is the expectation of the professional body, the Nursing and Midwifery Council, that their members have a responsibility for their own accountability. Staff must seek further advice should they be unsure of their position in this matter.

Contacts with the GP and pharmacist by secure communication methods, (correspondence by e-mail must be from a gov.uk e-mail address) can be made by staff designated to do so in the Service Procedure to discuss whether different prescribing decisions, or forms of medication, are suitable for the service user that might remove or reduce the need for assistance in e.g. respite care and day support services.

West Lothian Council employees must only administer medication prescribed or approved by a medical practitioner. Medication may be dispensed in a monitored dosage compliance aid (e.g. Nomad or Dosette), which may help the safe and accurate management of medication, particularly in cases where significant quantities of medication are prescribed. In other cases, the supplying pharmacist may dispense the medication in individually labelled original

packs with a calendar marking. This arrangement is explicitly approved by the Care Inspectorate and will help ensure that essential medicines are received in a container that assists staff to chart how many doses have been received and how many dispensed, giving an early alert to possible problems.

Residential care services must comply with care inspectorate guidance and must hold a copy of the medication prescription for individual service user. Community based services should comply with best practice guidance

7. REFUSAL TO TAKE MEDICATION

Any refusal to take medication must be recorded and appropriate advice sought from the GP and/ or the supplying pharmacist. Council employees, when involved in providing support to service users, must only carry out duties in accordance with their authority and training.

A service user with capacity may refuse medication and that decision must be respected by care staff, although we would seek to persuade them to accept medication prescribed for their benefit. If a service user without capacity refuses the administration of medication, the following steps must be followed:

- Social Work employees must not force individuals to take their medication
- Staff have a duty to preserve life using the least restrictive means possible
- Consultation must be undertaken with an appropriate medical practitioner about the consequences of the failure to take the medication and, if required, this must be recorded in the care plan
- The person **who has legal authority** to consent on the service user's behalf must be contacted and informed of the situation
- In an emergency, staff should phone 999

Where possible, Protocols must be agreed in advance with the service user's medical practitioner with regards to what to do when medication is refused. The Protocol must be clearly set out in the care plan.

8. COVERT MEDICATION

Medication administered covertly could be considered an assault on the service users and must not be disguised unless on the specific instruction and guidance of the medical practitioner with the agreement of the carer and the multi-disciplinary team. Staff must have regard to the fact that some medication loses effectiveness when its form is changed – e.g. some tablets are unsuitable for crushing.

There may be circumstances in which there has been a determination for a Compulsory Treatment Order to be in place. Implementation of such an order must comply strictly with the legislation and the advice of staff in council mental health services must be sought.

The administration of covert medication is only compatible with the existence of a certificate issued by a qualified medical practitioner under Section 47 (S.47) of the Adults with

Incapacity Act (see also Section 19 on Capacity/ Incapacity) and therefore medication must not be administered covertly except where such authority pre-exists. Where an S.47 is in place a copy should be held in the persons file and recorded on their care plan.

Advice can be obtained from the pharmacy prior to administration taking place of covert medication and the information provided should be in writing for future reference.

9. RECORD KEEPING

Each service must have clear systems for maintenance of records and their eventual safe destruction to maintain confidentiality.

Personal medicine records will be incorporated into, or appended to, the service user's file. Day to day medication management records (e.g. Kardex/ Medication Administration Records (MAR's)) will be easily accessible for care staff to use daily. Sets of records must be stored in a secure place. Computerised records will be backed up at least weekly according to a schedule and method agreed with Information Services and stored off site.

Residential Care services are required to retain a copy of every prescription (GP10) that is presented to the pharmacy including prescriptions received via the Pharmacy first Service in order to cross reference, should the need arise. Similarly, any medicines that are returned to the community pharmacy for disposal must always be receipted by the authorised person receiving the returned medication and the receipt retained by the residential care service for the appropriate length of time.

If no such local agreement exists for creating and maintaining a copy of the GP10 for the supported person in a community-based service (e.g. support at home), then various sources of information may be used by the care service to create and maintain their own recording charts/system.

- Sight of prescription (e.g. GP10s) - may not be possible in many cases
- Communication with the GP or other healthcare prescriber
- Information from the person's usual pharmacy
- Communication with another healthcare professional involved in the person's care e.g. community nurse
- Information from the supported persons family

The care service framework procedure will need to demonstrate how it will create and maintain an up to date record of current medicines.

A worked example of the type of recording chart and any paperwork used in the service will be held in the care service framework procedure in an appendix.

"Template for Review of Medication Management Procedures in Care at Home Services"

Where medicines need to be stored in chilled conditions the drug fridge temperatures must be monitored daily using a digital fridge thermometer which shows minimum, maximum and current temperatures over a 24-hour period. These three readings require to be recorded

along with any corrective actions taken if the temperature falls out with the optimum range in any 24-hour period. The temperature must be in the range 2 – 8 degrees Celsius and staff must be aware of the escalation process if temperatures are outwith these parameters. Note – the thermometer requires to be reset after each 24-hour period.

In addition to the daily checking of drug fridge temperatures the room / area in which the drug cupboard is located also requires to have its temperature checked and recorded daily to ensure the optimum temperature which is below 25 degrees is maintained at all times.

Obsolete personal records and unit medication records will be removed to the area social work office or approved depository, archived for the appropriate length of time, then treated as confidential waste and destroyed.

Where the service user requires help with medication and, subject to their consent, current medication lists can be requested from GPs if required. GP's print the list from their computer records, so the request should not generate a significant workload.

For the purposes of service development and improvement, services must also record 'near misses.

A "near-miss" can be defined as an event not causing harm, but has the potential to cause harm, injury or ill health. A near miss must be recorded and reported to managers/ supervisors to take corrective preventative action. Thereafter the Managers/supervisor will investigate the cause of the near miss in order to ensure the risk of this happening again is removed or mitigated before a similar incident occurs.

Emphasis is less about blame and more about learning from mistakes.

Some examples might include: drugs found to be stored under wrong conditions; stock drugs found to be passed expiry date; error noted in drug labelling; failure to record allergy to medication identified; failure to document medication administration identified; drug trolley found to have been left unlocked'

10. OVER THE COUNTER (OTC) MEDICATION/ ALTERNATIVE REMEDIES

Some non-prescription OTC medicines are readily available and can be obtained from pharmacies, shops, supermarket or local garage without a prescription, such as paracetamol and aspirin containing pain killers, cough mixtures, indigestion remedies, herbal and homeopathic, remedies, vitamin supplements etc. People with capacity, and who are mobile, can purchase and consume these products at their own discretion. Care staff are advised to encourage such service users to seek medical or pharmaceutical advice when doing so in addition to taking prescribed medication.

However, West Lothian Council employees must not purchase, recommend, assist with, or administer OTC medication to service users (with or without capacity) without seeking medical advice. The risks involved in doing so include:

- Issues with dosage
- Effects upon any other medication taken by a service user

- Unknown allergies
- Possible side effects

Unless prescribed by a medical practitioner, West Lothian Council employees must not administer such medication and this may include preparations that use alternative medicinal approaches (e.g. homeopathic remedies). There can be problems distinguishing between the effect of an error in administration and an unexpected side effect of a drug. In light of this, social care staff will avoid the potential for uncertainty and ensure that they only administer medication that has either been prescribed or approved for use following medical or pharmaceutical advice. Where appropriate some service areas may use the Pharmacy First Service for over the counter medication, however any medication dispensed must be clearly labelled by the pharmacist and in line with West Lothian Council guidelines. These arrangements would *not* include preparations made with some household ingredients (e.g. a hot drink made with honey and lemons) and if staff are uncertain, they must consult with their manager in the first instance.

11. PRN (AS REQUIRED) MEDICATION

Some medications are prescribed to be used on an occasional basis. Pro Re Nata (“*as the thing is needed*”) medications require particular attention because care staff will need to make a judgement about when that need has arisen. In order to ensure a degree of consistency in approach, care services must prepare a Protocol for the use of PRN medications. The Protocol will outline explicit guidance for staff to address three stages:

1. The circumstances under which the PRN meds will be administered, including description of the dose/ frequency. This may require setting out triggers that describe physical or behavioural conditions.
2. The expected consequence of the administration of the medication: what should happen and how long that should take
3. What action should be taken if the desired outcome has not been achieved.

Staff must record the effects/outcome of the as required medication onto the medication recording sheet

12. INVASIVE TREATMENTS

Some medications require administration inside the body, such as the administration of diazepam per rectum. West Lothian Council employees must not administer invasive treatments to a service user unless:

- a clear negotiated care and support plan is in place detailing such a requirement
- care staff have received relevant training via an appropriately qualified and competent trainer
- their training is confirmed as being up to date, by their service manager and it is documented they have been assessed as being competent

Most social care staff are not able to administer injections, although some may, *if they have been trained and are qualified to do so*. The management of Diabetes can involve the use of

a Glaucometer, which can provide a reading of blood/ sugar levels. Where appropriate training has been provided, social care staff may be able to use such equipment for monitoring purposes to help determine whether medical assistance needs to be sought. There are no circumstances under which social care staff will be able independently to determine a clinical response to a given situation.

Other, potentially life-saving emergency procedures have been granted approval by the Councils insurers, subject to strict conditions: The approved procedures include:

- adrenaline emergency treatment (e.g. EpiPen or Jext)
- rectal diazepam
- oral (buccal) midazolam

These procedures are used in accordance with a service users care plan provided that the member of staff has been properly trained. The service must retain records of the training sessions including who provided the training, who attended the training, the signatures of those involved and the date individual competency was confirmed plus date by which refresher training is needed. Refresher training must be carried out at intervals in accordance with best practice and similar records held.

Some treatments are presently considered too risky, rare or complex for social care staff to administer. Service users who need help with these therapies are unable to fully access certain community activities or services without the presence of a nurse.

The council shall continue to keep under review the provision by social care staff of other therapies that are currently provided by health care staff in West Lothian and by social care staff in other agencies.

13. OTHER PROCEDURES

Certain care processes and procedures do not involve the use of medication but require varying degrees of precaution and training, such as the change of stoma bags or assistance with prostheses. The policy for infection control outlines general precautions.

The self- administration of Oxygen Therapy can be supported in social care settings with staff being able to offer assistance i.e. adjusting and fitting the nasal cannula if staff have been trained to do so. Such training can include a demonstration in its use by either medically qualified staff or equipment technicians. The administration of oxygen by social care staff however must not be undertaken.

Approval by the unit manager and instruction by an appropriately qualified health professional is required for all staff required to carry out any task involving unfamiliar procedures, complex equipment, intimate care or contact with bodily fluids. This must be supported with a written care plan, including a protocol outlining the tasks and precautions to be undertaken.

Managers and staff need to be alert to service users who may have received radiotherapy treatment and the potential for exposure to themselves. Although the likelihood of

occurrence of exposure is low, the consequences, particularly where there is repeated exposure, for the individual carer and Council may be high.

14. EXCURSIONS AND OUTINGS

Responsibility and standards relating to the safe management of medication is the same as at any other times.

Planning for the management of medication during excursions and outings must always be done in advance. This must include ensuring there is sufficient medication available to last for the duration of the planned excursion / outing with extra supplies as contingency for travel delay and spoilt doses. Where possible, staff must take medication in the original container with full labelling.

In addition, prior to embarking on an excursion a risk assessment must be completed for each person who is unable to manage their own medication with an agreed plan of action being in place prior to departure.

If a service user is going on an outing with a family member and requires prescribed medication an inhouse procedure should be introduced to cover the administration of any prescribed medication that may be required during this time.

Staff may want to consider taking copies of Care Plans (or extracts of care plans) for individuals for reference and guidance purposes. Mobile phones can be pre-programmed with local clinic numbers at destination and knowledge of location of clinics/hospitals may be pre-planned depending on risk.

During transportation, although the need for emergency administration is unlikely to occur, there is always a possibility. Depending on the criteria provided by the prescribing GP every effort must be made by the driver and escort to call on the assistance of the emergency service.

The risk assessment will serve to demonstrate which service users are likely to require emergency treatment and under what circumstances. The outcome must inform management action to ensure that staff are available and suitably trained to provide treatment. Escorts must be provided during transportation where there is a significant likelihood of emergency action being required.

In addition, prior planning requires provision to be made for the safe keeping of medication whilst on excursions / outings e.g. locked box, container, cupboard. Records also require to be available and kept up to date.

15. RECTAL DIAZEPAM/ ORAL (BUCCAL) MIDAZOLAM

For the safety of the service user and the guidance of staff, it is essential that a Protocol is established for the use of these medications (see also Section 10 PRN Medication and take into account the occasional need for medications). The prescribing practitioner must provide clear instructions setting out when they should be used, how much should be given and any

precautions necessary. Those instructions will form the basis for the Protocol and the use for these medicines.

Only members of staff trained and competent in carrying out the procedures are permitted to make the judgement as to whether it is an emergency. If there is no approved or suitably trained member of staff available the emergency services must be called. The service user's privacy and dignity must be protected as far as possible in all circumstances.

It is the responsibility of the senior care worker on duty to ensure that the service user is placed in safe and well-supervised surroundings and that any urgent medical / nursing intervention is easily accessible if necessary.

Written consent must be sought from the service user (if they have capacity) or the Welfare Guardian or Welfare Power of Attorney of a person likely to require emergency medication to control convulsions, setting out their agreement for social care staff to undertake the procedure as necessary. In the case of rectal administration, information about the preferred gender of the staff member undertaking the procedure must also be sought. For those not able to express a preference, same sex administration should apply. In an emergency, the absence of the appropriate gender staff should not delay administration.

It shall always be preferable for two staff to be present when emergency administration is being carried out. Again, however, the absence of a second member of staff should not delay the administration.

In a public place, removed from the establishment, the emergency services (ambulance) should be called out. If due to unforeseen circumstances, the situation becomes potentially life threatening, administration of rectal diazepam may be conducted within the criteria set by the GP while providing the maximum privacy possible.

At all times the necessary universal precaution (protective clothing, gloves etc) must be worn to minimise the risk of any infection.

16. SECONDARY DISPENSING

The Royal Pharmaceutical Society (RPS) has defined secondary dispensing as 're-packaging a medicine that has already been dispensed by a pharmacist or a dispensing doctor' As a general rule 'secondary dispensing' is not considered good practice and will not be undertaken by staff. The exception being when staff are supporting a service user in the community who is able to understand what their medication is for but requires assistance from staff e.g. may require assistance to open medicine container due to dexterity or visual impairment. In such instances at the request of the service user and following a risk assessment staff can remove medicines from the original packaging and leave for the service user to take later on i.e. medicine to help them sleep but they want to watch T.V. and asks the member of staff to leave for them to take later. *Note in such instances it must be recorded in the service users record "left for self-administration".

For the avoidance of doubt, secondary dispensing is *not the same* as staff collating several medicines into a single container immediately before handing that pot to the service user for ease of handling and instant consumption.

Where possible, services must consider whether the service user is able to store and administer the medication independently. This may include the use of a monitored dosage system for storing and dispensing tablets. Systems are also available to manage liquid medication in this way too. As well as enhancing the service user's independence, this approach reduces the need for dispensing and stock control/auditing.

Monitored Dosage Systems (MDS) can be helpful to staff in services or in the service user's own domestic premises and support staff to reduce the need for unnecessary storage or handling arrangements.

17. CONTROLLED DRUGS (CDs)

Controlled Drugs, by their nature, require more careful management and staff are advised to ensure that all steps in the process of managing CD's are managed jointly with a colleague wherever possible. The requirement for control is based on the potential for significant impact through use of these drugs (e.g. to induce a dependency) and/ or on their toxicity. Consequently, there are special arrangements in place for the storage/ administration/ recording/ disposal of Controlled Drugs. These are set out in each service's Medication Framework Procedure.

Activities that control the manufacture, supply and possession of controlled drugs are governed by the Misuse of Drugs Act 1971. Penalties applied to offences involving different drugs are graded according to the harmfulness attributable to a drug when it is misused. The drugs are legally defined into three classes; Class A, Class B and Class C and are medically defined into Schedules 1 - 5. Drugs included in these classes are listed in the current *British National Formulary* (BNF).

People who are authorised to supply and possess Controlled Drugs while acting in their professional capacity, and the conditions under which these activities may be carried out, are defined in the Misuse of Drugs Regulations 2001. The drugs within each schedule, and an overview of the requirements that apply, are also identified in the *BNF*.

See Appendix B for a list of Controlled Drugs. **Please note that this list is subject to change and staff should therefore be alert to the need to ensure current information is accurate.** A link to a current list is included on Appendix B.

18. NOTIFICATION ON CONTROLLED DRUGS

Services are required from the 1st of April 2015 to alert the Care Inspectorate of any adverse events and concerns involving schedule 2,3,4,5 controlled drugs used in care settings when they occur.

(Care Inspectorate Publication OPS-0415-311)

19. ERRORS AND NEAR MISSES

In seeking emergency medical support (e.g. where it is suspected that medicine has been wrongly administered), staff can seek advice and assistance from: the service user's GP; NHS 24 (if out of hours); the supplying pharmacist; local NHS nurse or using the 999 system.

Mistakes and/or adverse reactions may occasionally happen for various reasons. Every employee has a duty to report any breach of this policy and the associated procedures or untoward incidents. Managers will encourage staff to report/ record all incidents, however minor. The incident will be dealt with in a constructive manner that addresses the underlying reason for the incident and prevents recurrence.

All incidents of error in the management, control and administration of medication and medical processes, including near misses are to be reported on the council's electronic incident reporting system (Sphera) in accordance with the council's Incident Reporting Guidance. In addition to meeting the Health & Safety reporting requirement, these details are fed into centrally held computer systems and will provide information to managers to assist them to take any necessary action to reduce future risks. Records are to be completed as soon as possible after the event and, in all cases, before staff finish their shift.

The circumstances relating to errors must always be investigated, the level of investigation being proportionate to the individual circumstance and context. This will assist managers to differentiate between those cases where there was a genuine mistake, where the error may have resulted due to pressure of work or where reckless practice was undertaken and concealed. With regard to near miss incidents, all instances must also be recorded on sphera. Regular analysis of the outcomes of error investigations and review of near misses will assist the service to identify trends and consider what supportive or corrective interventions are required.

20. MEDICATION ADVISORY GROUP

This Policy has been prepared in conjunction with a Framework Procedure. That Framework Procedure is intended to guide all WLC social care services about the way in which the Medication Procedure for that service will be structured in order to implement the policy.

In order to maintain oversight of the Policy/ Framework Procedure/ local procedures, a Medication Advisory Group will be convened on a regular basis by a nominated Senior Manager to review the efficacy of current guidance, best practice developments and any practice issues that might benefit from detailed discussion.

21. CAPACITY AND INCAPACITY

Where a service user is managing and self administering their prescribed medication and is clearly able to do so without assistance (in any setting), there is no requirement for the

intervention of West Lothian Council staff. However, there is an expectation that keyworkers will monitor the continuing ability of the service user to cope with their medicines.

If the person has the capacity but not the physical ability, the key worker must record this and provide instruction(s) with regards their medical needs. By doing this, potential risks to service users, employees and the council will be reduced.

Service users with capacity will be given information about granting a Power of Attorney to a named person or persons in the event that their condition may deteriorate, in order that their Financial or Welfare interests can be protected even when their own capacity to do so may reduce. This is normally a fairly simple process requiring input from a solicitor, and can be done at the same time as a will. Most people would prefer to name people they know and trust to take responsibility for their welfare and finances rather than leave it to the Courts to appoint someone.

Where service users have capacity and are able to provide or withhold informed consent to treatment being provided, those views and wishes of those service users must be respected.

Many of the service users in social care settings may be unable to give informed consent to medical treatment due to their condition (e.g. those suffering from a significant level of dementia). In these circumstances, the administration of medical treatment without consent may constitute an offence. The *Adults with Incapacity Act* (AWI Act) sets out in Part 5 detailed guidance regarding medical treatment and incapacity.

In circumstances where a service user is unable to give informed consent, arrangements need to be made in order for that treatment to be administered. These arrangements may include the designation of someone authorised to give consent on the service user's behalf (e.g. a Welfare Guardian or a Welfare Power of Attorney) and the arrangements may include the issuing of a certificate under Section 47 (S.47) of the AWI Act. S.47 certificates can only be issued by a qualified medical practitioner who has determined that the service user requires treatment and is unable to make an independent and informed decision about giving or withholding consent.

Any treatment administered under the AWI Act must be able to meet the principles attaching to that legislation:

- The intervention must be of **benefit** to the individual
- The intervention must be to the **minimum level** to achieve the desired outcome
- It must take account of the adult's **wishes and feelings**
- It must have involved **consultation** with significant others
- It must encourage **exercise of residual capacity** in the individual

Treatment under Part 5 is subject to exceptions. It cannot authorise certain treatments and can only authorise others subject to additional requirements. There is a standard appeals procedure under Part 5 for resolving disputes. This can be invoked by any person who is directly involved.

The service user is deemed incapable of giving consent, if he or she is incapable of:-

- acting; or
- making decisions; or

- communicating decisions; or
- understanding decisions; or
- retaining the memory of decisions

to safeguard or promote his/her interests in, his/her property, financial affairs or personal welfare, and is likely to continue to be so incapable.

Incapacity may be by reason of mental disorder or (following the exploration of all alternative forms of communication) of inability to communicate because of physical disability.

A wide range of sources can inform assessments of incapacity. Doctors have principal responsibility for assessments of capacity where formal interventions under the Act are being considered, but any assessment must involve all key members of the multi-disciplinary Team.

If a member of staff believes that an adult has areas of their life where they do not have full capacity, then they will need to examine what measures are in place to address these issues. Where there appear to be gaps this must be discussed with their appropriate line manager. Consideration must be given to the need to seek advice from the AWI/MHO team.

The AWI Act allows for intervention only in matters where the adult lacks capacity. It is necessary to consider whether the adult lacks capacity in relation to the relevant matter each time a decision or action fails to be taken.

Assessing the capability of people with *fluctuating* capacity (for example resulting from delirium or hypomanic conditions) will present particular issues. In such cases, it may be best that a S.47 certificate of incapacity should be of short duration to ensure that the patient's freedom is not restricted more than necessary. If a decision can reasonably be deferred until the adult is likely to regain sufficient capacity then in accordance with the principles of implementation set out above, it must be deferred.

Issues regarding the matter of capacity can be discussed with the AWI Team.

Social work staff must obtain a copy of the Court Order granting the Guardianship Order or Intervention Order. In the case of Welfare Attorneys, social work staff must request an authorised copy of the document conferring the power of attorney.

22. CONTRACTED SERVICES

All Service Providers (SP) contracted to work on behalf of WLC require their individual medication policies to be compliant with the council's policy and confirm evidence of compliance through the contract commissioning process. Commissioned services must keep abreast of legislation changes and current best practice throughout the duration of their contract.

WLC will provide all relevant information in relation to the management of medication upon referral to SP's contracting with WLC to provide care and support to service users. Complaints or concerns regarding the service provided will be channelled through the Council's formal complaints process. Where this involves a contracting SP, it will require to

be addressed as detailed within the agreed contract terms and conditions. The SP will for the avoidance of doubt be required to provide a concluding statement outlining how the situation has been investigated and where necessary improvements made.

Services must ensure that the arrangements with contracted services for the disposal of products arising from medical treatment, including clinical waste and radioactive products ensures the safety of service users, service staff and contracted staff. Additional advice must be sought as necessary from Health services.

23. TRAINING

There are significant training and supervision implications for managers and staff in implementing the Policy and associated Procedures and achieving full compliance. A suitably experienced pharmacist must be involved in the design and delivery of all medication training. The following training needs have been identified:

Level 1 – All care staff will receive policy training

Level 2 – Staff who have responsibility for administering medication will receive face to face training delivered via WLC by external providers

Level 3 – Unit managers and service managers provide enhanced in-house training to ensure knowledge is consolidated and appropriately applied in practice which includes the medication journey and recording processes

ALL STAFF

General staff induction must incorporate basic medicine awareness, and an introduction to the medication procedures. A copy of this policy will be made available as part of the induction pack.

Unit induction shall include a hands-on introduction to unit level documentation, protocols, and procedures appropriate for that service setting.

Staff authorised and trained to carry out specific high-risk procedures e.g.:

Rectal diazepam administration- staff shall following training receive close on-the-job supervision from their line manager or trainer on the first 3 occasions where possible when the drug is administered. Refresher training will require to be undertaken every 2 years in line with current guidance.

Controlled drug administration- staff shall following training receive close on-the-job-supervision from their line manager or trainer for the first 3 months. If they have not carried out the procedure for 12 months, further close supervision must be provided and recorded in their personal development plan. Refresher training in the administration of controlled drugs is incorporated within medication administration refresher training which requires to be undertaken every 3 years.

MANAGERS, SUPERVISORY STAFF AND STAFF IN SOLE CHARGE

Advanced practitioner training in these procedures, followed by close supervision by the line manager for at least three months, is required for any staff member likely to be in a position of responsibility or sole charge, including night staff and outreach workers.

CONTINUOUS LEARNING

There will be top-up training provided in the event of any significant changes in legislation, practice, procedures or new medications. Medicine management, including a full discussion of areas for improvement, will form a regular agenda item at individual supervision and staff team meetings.

TRAINING DOCUMENTATION

All training must be properly documented with copies in the individual staff file and in the unit training file.

24. POLICY MONITORING

The monitoring arrangements for the various aspects of this policy are set out above at Section 3 (Roles and Responsibilities).

The Head of Social Policy will have responsibility for ensuring that the policy and the associated Framework Procedure are reviewed and revised where necessary at intervals not exceeding three years. Subordinate to those arrangements, Group Managers will have responsibility for ensuring that Service Procedures are reviewed and revised where necessary at intervals also not exceeding three years.

All services will undertake a programme of internal and peer practice audit, at intervals to be agreed between the Group Manager and the Senior Manager. The audit will consider all steps in the process of acquiring, storing, administering, recording and disposal of medicines.

25. NEXT REVIEW DATE: COMPLETION BY NOT LATER THAN MAY 2024

Appendix A: Treatment Table

Procedure/Activity/Use of	Cover Available
Acupuncture	No
Anal plugs	No
Apnea monitoring	Yes – in respect of monitoring via a machine following written guidelines. There is no cover available in respect of visual monitoring
Bathing	Yes – following training and in accordance with written guidelines
Blood samples	Yes – but only by Glucometer following written guidelines
Buccal midazolam	Yes – following written guidelines
Bladder wash out	No
Catheters	Yes – following written guidelines for the changing of bags and the cleaning of tubes. There is no cover available for the insertion of tubes
Colostomy/Stoma care	Yes – following written guidelines in respect of both cleaning and changing of bags
Chest drainage exercise	Yes – following written health care plan provided under the direction of a medical practitioner
Dressings	Yes – following written health care plan for both application and replacement of dressings
Defibrillators/First Aid only	Yes – following written instructions and appropriate documented training
Denture cleansing	Yes – following appropriate training
Ear syringe	No
Ear/Nose drops	Yes - following written guidelines
Enema suppositories	No
Eye care	Yes – following written guidelines for persons unable to close eyes
First Aid	Yes – Should be qualified first aiders and applies during the course of the business for the benefit of employees and others
Gastronomy tube – Peg feeding	Yes – cover available in respect of feeding and cleaning following written guidelines but no cover available for tube insertion
Hearing aids	Yes – for assistance in fitting/replacement of hearing aids following written guidelines
Inhalers, and nebulisers	Yes – for both mechanical and held following written guidelines
Injections	Yes - but only for the administering of pre-packaged doses on a regular basis pre-prescribed by a medical practitioner and written guidelines
Medipens	Yes – following written manufacturers guidelines / instructions with a preassembled medipen
Mouth toilet	Yes
Naso-gastric tube feeding	Yes - following written guidelines but cover is only available for feeding and cleaning of the tube. There is no cover available for tube insertion or reinsertion which should be carried out by a medical practitioner.
Occupational therapy	No
Oral medication	Yes - subject to being pre-prescribed by a medical practitioner and written guidelines. Where this involves children, wherever possible Parents/Guardians should provide the medication prior to the

child leaving home. A written consent form will be required from Parent/Guardian and this should be in accordance with LEA procedure on medicines in schools etc

Similar consideration should be given when asked to administer “over the counter” medicines.

Yes – but only in respect of assisting user following written guidelines, i.e. applying a mask

No

No

Yes – following written guidelines

Yes – following written guidelines and 2 members

Yes – following written guidelines and 2 members of staff must be present

No

Yes – as directed by a medical practitioner

No

No

No other than rectal diazepam and midazolam.

Yes – following written guidelines

No – other than oral following written guidelines

Yes – following written guidelines

No – Cover is only available for cleaning around the edges of the tube only following written guidelines

Yes – following written guidelines

Oxygen – administration of

Pessaries

Physiotherapy

Pressure bandages

Rectal midazolam in pre-packaged dose

Rectal diazepam in pre-packaged dose

Rectal Paraldehyde

Splints

Suction machine

Syringe drivers- programming of

Suppositories

Swabs – External

Swabs – Internal

Toe nail cutting

Tracheostomy

Ventilators

Appendix B: Legislation

An extensive (not exhaustive) list of drugs controlled under the misuse of drugs legislation and their respective classifications under both the Misuse of Drugs Act 1971 and the Misuse of Drugs Regulations 2001 can be found at

<https://www.gov.uk/government/publications/controlled-drugs-list>

There are legal requirements for the receipts, storage, recording and administration of these medicines. These requirements do not apply to every care setting and do not apply when a person looks after and takes their own medicines.

The Controlled Drug (CD) Schedules

- Schedule 1:** **No recognised medicinal use.** Possession and supply prohibited except in accordance with Home Office authority
- Schedule 2:** For example; methadone, diamorphine, morphine, pethidine, fentanyl.
Schedule 2 Controlled Drugs are subject to safe storage requirements and should be returned to a community pharmacy for destruction
- Schedule 3:** For example; midazolam and temazepam. Schedule 3 drugs are subject to safe storage requirements.
- Schedule 4:** For example; diazepam.
- Schedule 5:** For example; dihydrocodeine, co-codamol and codeine linctus

Appendix C: References

A Care Home page set up by NHS Lothian and provides information on referrals, training, news etc. This page provides links to up to date training resources and legislation changes too.

<https://services.nhsllothian.scot/CareHomes/Pages/default.aspx>

The Care Inspectorate hub has a full list of individual guidance documents.

<https://hub.careinspectorate.com/>

[Royal Pharmaceutical Society Standards and Guidelines](#)

[Professional Guidance on the administration of medicines in Healthcare Settings](#)

Nursing & Midwifery Council, “The Code – Professional standards of practice and behaviour for nurses, midwives and nursing associates (NMC 2018)

<https://www.nmc.org.uk/standards/code/>

Nursing & Midwifery Council’s “Medicines optimisation in care homes”

<https://www.rpharms.com/resources/pharmacy-guides/medicines-optimisation-hub>

Working in care homes guide

<https://www.rpharms.com/resources/pharmacy-guides/working-in-care-homes-a-guide>

Health and Social Care Standards relating to Medication

<https://hub.careinspectorate.com/media/2544/sg-health-and-social-care-standards.pdf>

Misuse of Drugs Act 1971

<https://www.legislation.gov.uk/ukpga/1971/38/contents>

Medicines Act 1968

<https://www.legislation.gov.uk/ukpga/1968/67>

The Care Inspectorate hub has a full list of individual guidance documents.

<https://hub.careinspectorate.com/>

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

2021/22 GENERAL SERVICES CAPITAL BUDGET – MONTH 4 MONITORING REPORT

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To provide the Council Executive with a report on the financial position in relation to the General Services capital programme following the completion of the month 4 monitoring exercise.

B. RECOMMENDATIONS

It is recommended that Council Executive:

1. Notes the outcome of the month 4 monitoring exercise, the progress in delivery of the overall programme and the projected outturn;
2. Agrees that Asset Lead Officers and the Head of Finance and Property Services keep under review factors that impact on delivery of the approved capital programme.

C. SUMMARY OF IMPLICATIONS

I. Council Values	Focusing on customers' needs, being honest, open and accountable, making best use of our resources, working in partnership.
II. Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The council's General Services capital programme is managed within the stringent requirements set out in the Prudential Code.
III. Implications for Scheme of Delegations to Officers	None.
IV. Impact on performance and performance indicators	Effective capital implementation is vital to service performance.
V. Relevance to Single Outcome Agreement	None.
VI. Resources (Financial, Staffing and Property)	Capital expenditure of £85.010 million is projected in 2021/22.
VII. Consideration at PDSP	None.
VIII. Other consultations	The capital monitoring exercise has involved consultation with Depute Chief Executives, Heads of Service, Asset Lead Officers and capital project managers.

D. TERMS OF REPORT

D.1 Background

The report provides Council Executive with an update on the 2021/22 General Services capital programme based on the results of a comprehensive monitoring exercise. The approved 2021/22 capital budget is £78.809 million, which assumes £4 million of overprogramming.

D.2 Summary of Month 4 Financial Information

The summarised committed and projected asset expenditure at month 4 is shown below:

Asset Type	2021/22 Approved Budget £'000	Committed Expenditure at Month 4 £'000	2021/22 Projected Outturn £'000	2021/22 Projected Variance £'000
Property	58,028	66,330	64,875	6,847
Roads	14,117	2,928	13,709	(408)
Open Space	3,988	1,032	3,872	(116)
ICT	6,676	3,935	6,554	(122)
	82,809	74,225	89,010	6,201
Remaining Overprogramming	(4,000)	N/A	(4,000)	0
TOTAL	78,809	74,225	85,010	6,201

Good progress is being made on a number of projects with the committed expenditure as a percentage of projected outturn at 87%. In overall terms, the monitoring exercise indicates projected outturn is £85.010 million, assuming there is slippage of £4 million between now and the year end. This represents accelerated spend of £6.201 million compared to budget. If the programme progresses with no further slippage, the outturn will be £89.010 million and the additional accelerated spend will be funded by accelerated use of agreed capital resources.

D.3 Summary of Forecasts and Pressures

A forecast is provided below for each asset type, including details of material movements and pressures that have been identified:

Property

Despite the ongoing challenges of the pandemic, there continues to be good progress in the delivery of an ambitious property investment programme for 2021/22. The overall programme is showing accelerated expenditure of £6.847 million based on current projections.

Property Planned Improvements

The programme consists of a wide range of individual property investments that materially affect the condition of the council's estate. Within schools, the traditional summer programme delivered 59 individual projects totalling over £1.919 million, demonstrating the council's continued commitment to investing in our learning estate. Notable planned improvements include a new roof at St Ninian's primary, pupil toilet upgrades at Springfield and Westfield primary schools, suitability improvement works at Williamston primary school and cladding replacement at the Holy Family primary school in Winchburgh.

In support of the free school meals expansion programme, Eastertoun primary school, St Andrew's primary school in Howden and Murrayfield primary school have all had kitchen expansions with investment of £693,000.

Property Projects

On Property Projects, significant progress has been made with the new £14 million two stream Calderwood Primary School which supports the East Calder Core Development Area and will open in September 2021. Despite work being stopped for a period of five months on this project during the Covid-19 pandemic, the school will be delivered shortly after the beginning of the new term. Pupils are being temporarily located at Mid Calder primary until this time. The design of the school has already attracted attention from other local authorities and will be amongst the best learning environments available.

Considerable progress continues to be made on the construction of the new £62 million co-located learning estate development at Winchburgh. This will see the new Winchburgh and Sinclair Academies delivered, together with a new Holy Family Primary School. In keeping with the ambitions of the council to have amongst the best learning estate in the country these new schools are innovative and incorporate modern learning environments and resources.

Under operational buildings, progress continues to be made on the delivery of the new £5 million Whitburn Partnership Centre which is due for completion in late Spring 2022 despite the appointed contractor going in to administration and other general challenges faced as a result of the Covid-19 pandemic. This project will assist the regeneration of the town centre and represents the council's commitment to delivery of local services within communities.

Roads and Other Related Assets

Projected outturn expenditure in 2021/22 is £13.709 million, resulting in forecast slippage of £408,000. In terms of actual spending, £2.928 million of expenditure has been incurred at period 4, representing 21% of the 2021/22 projected outturn.

Roads and Footways

Commitment to date is currently 19% of the forecasted outturn, which is less than expected at month 4. An overspend has been identified at Polbeth Community Centre however this can be accommodated in the overall agreed budget. There is potential for a saving to be made on the A71 West Calder Main Street project as estimated costs of the works are lower than agreed budget. The contract for pothole repairs is currently out to tender and will be awarded by the end of September.

Cycling, Walking and Safer streets projects (CWSS) are reporting to be completed by the end of the financial year and are currently forecast as on budget. There are 11 projects which have been identified for 2021/22, with three footway provision projects at Armadale, Livingston and Bathgate already complete. Design works for various routes at Whitdale Roundabout and Stoneyburn are progressing well and an assessment of pedestrian crossing sites along with footway provision is expected to be completed at the B7015 in Mid Calder by the end of this financial year.

Road Lighting

At month 4 the committed spend is £621,000 which is 21% of the forecasted spend figure of £2.921 million. There has been good progress made in relation to the Energy, efficiency and behaviour change – LED replacement project which is nearing completion. The procurement of LED material has been split into five supply packages with the first supply already been delivered to the contractor which has allowed for works to continue. The remaining packages will be delivered on a monthly basis. Asset lead officers are predicting completion by the end of the financial year and revised estimates are highlighting a possible saving of £222,000. A total of 46,000 street lights will have been replaced with LED material by the end of the project.

Braehead Avenue and Stewart Avenue works in Linlithgow are currently on site and reporting a potential saving of £50,000.

Structures and Transportation

Good progress has been made within adopted and non-adopted bridges with 18 projects already complete at month 4 including Guildiehaugh Railway Bridge in Bathgate. Slippage of £75,000 has been identified in relation to bridge joint replacements due to difficulties in obtaining resources, along with the materials of this work requiring suitable weather conditions.

Open Space

The monitoring exercise indicates that projected outturn expenditure in 2021/22 is £3.872 million with a net underspend of £116,000 is forecast at month 4. This represents 27% of the 2021/22 projected outturn with £1.032 million of expenditure incurred to date.

The main areas of slippage include restoration works of the synthetic pitch at Inveralmond High school where £245,000 has been identified for this project. Tender work is scheduled to be completed in this financial year with the work programmed to commence from Easter 2022. In addition, slippage of £35,000 has been identified at Craigton Park. This is due to ongoing discussion in relation to the lease of the land on which the park sits. The position is being clarified before further spend can be undertaken.

There are a number of planned park refurbishments which are currently being tendered via quick quote including Almond Park, Letham, Bellsquarry, King George V in Uphall and Langton. Once tenders are received, contracts are likely to be awarded and works completed within the current financial year as planned. However, there are currently pressures across the construction industry in relation to both the availability of contractors and materials to undertake works which may have an impact on costs and timescales.

Similar to park refurbishments, there is a lag in relation to the manufacture and delivery of new play equipment which may impact on the delivery timescales of the play park refurbishment programme. However, it is hoped that early action taken by the service to place orders will ensure delivery in the current financial year.

ICT

Projected outturn expenditure in 2021/22 is £6.554 million. In terms of actual spending to date, £1.283 million of expenditure, representing 20% of the 2021/22 projected outturn, has been incurred at period 4. The level of expenditure is lower than anticipated at month 4 however this is related to the current increase in lead times for hardware due to lack of materials available. School ICT projects are forecast to outturn on budget with equipment for Local Area Network (LAN) and central firewall refresh now on site allowing works to progress.

D.4 Risks

The month 4 forecast represents all current information held on the projects being undertaken in 2021/22. There are a number of risks which can be summarised as follows:

A programme wide risk that should be noted is the impact of Covid-19. The construction industry as a whole has been greatly impacted and, as a result, the market has seen a sharp rise in the pricing of raw materials as it is becoming increasingly difficult for suppliers to source stock. In addition, various asset categories have noted difficulty in securing skilled workers across all trades. This could have a direct impact on delivering projects within the expected budget and timescale therefore will be closely monitored to ensure that the delivery of the programme is not affected.

In addition, there is a programme wide risk that overspends in current year projects across all asset categories will have an impact on the ability to deliver future agreed projects. Asset Lead officers will ensure that projects are closely monitored and value engineering is carried out wherever necessary to try and ensure projects can be delivered within budget.

Property Assets

The Complex Care Housing Development project is reporting slippage of £867,000. Whilst the asbestos and Japanese Knotweed mentioned in previous reports has now been removed, a review of tenders identified that values are higher than the approved budget. A report on the project was agreed by Council Executive on 17 August 2021 and the project will be closely monitored with relevant safeguards in place to mitigate any avoidable further cost increases.

The project for the Single Person Homeless Accommodation & Assessment Centre is being noted as a potential risk for 2021/22. Following refusal of planning permission, other options are being considered to deliver the project.

Roads and Other Related Assets

The project on Edinburgh Road in Bathgate from the train station to Guildiehaugh roundabout has been identified as a potential risk for 2021/22. The project will receive partial funding from the Places for Everyone initiative by Sustrans Scotland whose approval panel do not meet for the next stage of applications until November 2021. Delay in receipt of funding will likely have an impact on the progression of the project.

Open Space Assets

The project at Polbeth Ball Court has been identified as a potential risk for 2021/22. This is due to further work being undertaken on the community expectations of the project, with more discussions to take place on the project delivery model and the lead time.

ICT

There is a general risk of deliverability within agreed timescales throughout the ICT programme. IT Services continue to monitor progress to ensure that vital business systems are not unnecessarily delayed.

Itrent, the new HR and Payroll system continues to be one of the vital systems that is monitored with any potential overspend being reviewed and discussed with the project board.

D.5 Resources

Resources are closely monitored over the financial year to ensure projected spend is matched by available capital resources and that funding represents the best value for money option available. The 2021/22 capital programme is funded from a variety of sources comprising:

Funding Source	£'000
Capital Grants	11,535
Other Grants and Contributions (Developer Contributions & Capital Fund)	41,172
Borrowing	32,116
Capital Receipts	187
Total Resources	85,010

In overall terms, officers have assessed that the resource projections are achievable, although there are various risks that require ongoing monitoring.

D.6 Developer Contribution Update

During the first five months of financial year 2021/22, developer contribution income of £3.994 million was received. Further details are set out in appendix 2. The balance in the developer contributions accounts at the end of month four is £34.059 million, however the approved ten year capital investment programme includes developer funded projects totalling £63.109 million.

D.7 Other Strategic Issues

The Prudential Code requires the council to take into account a number of factors when agreeing capital spending plans. These factors are summarised as follows:

Risk Management and Uncertainty

The budget monitoring process focuses attention on risks to the performance of the approved capital investment programme.

Long Term Affordability, Prudence and Sustainability

In overall terms, I would assess that the current capital programme remains affordable. Resource assumptions are achievable, although there are various risks that require careful management including the ability to deliver an ambitious asset disposal programme, Scottish Government grant funding, delays in receipt of contributions creating cash flow implications and movements in interest rates. The treasury forecasts are at the absolute maximum levels of affordability, with additional revenue resources potentially required in the latter years of the programme to ensure ongoing affordability. Officers continue to refine treasury planning assumptions to help ensure that the programme remains affordable and sustainable over the longer term.

Stewardship of Assets

The council's strategic approach to capital planning involves integration with asset management planning. Progress against each area of the Corporate Asset Management Plan is reported annually to elected members.

Value for Money and Best Value

All aspects of the programme are geared towards securing Best Value and are undertaken in accordance with the council's Best Value Framework.

E. CONCLUSION

Following the month 4 monitoring process, the 2021/22 outturn forecast is £85.010 million. Good progress is being made on delivery of the programme and, at the end of month 4, committed expenditure to date accounts for 87% of the projected forecast spend for the year. A number of key risks in relation to the delivery of the General Services capital programme have also been identified and will continue to be managed by asset lead officers and monitored by the Council Executive.

F. BACKGROUND REFERENCES

General Services Capital Investment Strategy 2021/22 to 2027/28 Update – Report by Head of Finance and Property Services to Council Executive 22 June 2021

Appendices/Attachments:

Appendix 1 – General Services Capital Period 4 Monitoring

Appendix 2 – Developer Contributions Period 4 Monitoring

Contact Person:

Kirsty West, Accountant

Email: Kirsty.West2@westlothian.gov.uk

Donald Forrest

Head of Finance and Property Services

7 September 2021

APPENDIX 1 - 2021/22 GENERAL SERVICES CAPITAL BUDGET - PERIOD 4

	Annual Budget 2021/22 £'000	Total known commitment to year end £'000	P4 forecast 2021/22 £'000	P4 variance 2021/22 £'000	Variance Analysis	Project Status
<u>PROPERTY ASSETS</u>						
<u>Planned Improvements and Statutory Compliance</u>						
Nursery Schools	25	2	25	0	On Budget	On Schedule
Primary Schools	909	170	924	15	On Budget	Behind Schedule
Balbardie PS - Roof Works	550	2	300	(250)	Slippage	Behind Schedule
Secondary Schools	345	81	345	0	On Budget	On Schedule
Special Schools	20	0	20	0	On Budget	On Schedule
School General Planned Improvements	770	308	635	(135)	Slippage	Behind Schedule
Render & Roof Replacement - Greenrigg PS	200	87	200	0	On Budget	On Schedule
Roof Replacement & Repair - St Ninians PS, Livingston	350	0	350	0	On Budget	On Schedule
Other School Estate Wide Planned Improvements	1,160	411	1,110	(50)	Slippage	On Schedule
Social Policy	273	33	273	0	On Budget	On Schedule
Partnership Centres	1,490	46	1,490	0	On Budget	On Schedule
Tenanted Non Residential Properties	280	82	280	0	On Budget	On Schedule
General Statutory Compliance & Miscellaneous	2,911	682	3,041	130	Accelerated	On Schedule
Total Planned Improvements	9,283	1,904	8,993	(290)		
<u>Property Projects</u>						
<u>Schools General Projects</u>						
ASN Strategy - New Cedarbank School, Livingston	4,088	6,482	5,000	912	Accelerated	On Schedule
ASN Strategy - Pinewood School, Blackburn	3,092	7,838	5,000	1,908	Accelerated	On Schedule
New Non-Denom Secondary in Winchburgh	1,182	72	1,182	0	On Budget	On Schedule
ELC - Howden St Andrews PS, Livingston	509	0	650	141	Overspend	On Schedule
ELC - Kirkhill PS, Broxburn	525	0	500	(25)	Slippage	On Schedule
Other School Projects	4,995	4,843	4,300	(695)	Slippage	On Schedule
	14,391	19,235	16,632	2,241		

APPENDIX 1 - 2021/22 GENERAL SERVICES CAPITAL BUDGET - PERIOD 4

	Annual Budget 2021/22 £'000	Total known commitment to year end £'000	P4 forecast 2021/22 £'000	P4 variance 2021/22 £'000	Variance Analysis	Project Status
<u>Schools Projects - Developer Funded</u>						
New Secondary in Winchburgh - denominational	8,726	12,977	11,000	2,274	Accelerated	On Schedule
New Secondary in Winchburgh - non-denominational	7,000	12,061	11,000	4,000	Accelerated	On Schedule
New Non-Denominational PS (Single Stream/Pre-School) - Calderwood	2,708	5,695	3,000	292	Accelerated	On Schedule
Holy Family PS, Winchburgh - new school	5,533	9,065	5,533	0	On Budget	On Schedule
Various Projects	880	78	622	(258)	On Budget	On Schedule
	24,847	39,876	31,155	6,308		
<u>Operational Buildings</u>						
Complex Care Housing Development	1,867	332	1,000	(867)	Slippage	Behind Schedule
Single Person Homeless Accommodation & Assessment Centre	245	42	50	(195)	Slippage	Behind Schedule
Whitburn Partnership Centre	3,634	3,328	3,328	(306)	Slippage	Behind Schedule
Other Operational Buildings	1,534	889	1,490	(44)	Slippage	On Schedule
	7,280	4,591	5,868	(1,412)		
Miscellaneous Projects	2,227	724	2,227	0	On Budget	On Schedule
Total Property Projects	48,745	64,426	55,882	7,137		
TOTAL PROPERTY ASSETS	58,028	66,330	64,875	6,847		

APPENDIX 1 - 2021/22 GENERAL SERVICES CAPITAL BUDGET - PERIOD 4

	Annual Budget 2021/22 £'000	Total known commitment to year end £'000	P4 forecast 2021/22 £'000	P4 variance 2021/22 £'000	Variance Analysis	Project Status
<u>ROADS AND RELATED ASSETS</u>						
<u>Roads and Footways</u>						
A Class Roads	434	12	348	(86)	Saving	On Schedule
B Class Roads	658	38	658	0	On Budget	On Schedule
C Class Roads	411	86	411	0	On Budget	On Schedule
U Class Roads	1,198	398	1,202	4	Accelerated	On Schedule
Non Adopted Roads & Footways	184	62	194	10	Accelerated	On Schedule
Adopted Footways	197	4	197	0	On Budget	On Schedule
Cycling, Walking & Safer Streets/Active & Sustainable Travel	802	290	802	0	On Budget	On Schedule
Spaces for People	166	108	166	0	On Budget	On Schedule
Community Recycling Centres Refresh	93	81	93	0	On Budget	On Schedule
Disabled Parking Act Implementation	54	8	54	0	On Budget	On Schedule
General Roads Projects	1,627	(6)	1,627	0	On Budget	On Schedule
	5,824	1,081	5,752	(72)		
<u>Flood Prevention and Drainage</u>						
Almond Barriers	621	23	621	0	On Budget	On Schedule
Bathgate Watercourse Restoration	50	0	50	0	On Budget	On Schedule
Broxburn Flood Prevention Scheme	209	85	209	0	On Budget	On Schedule
Riverlife Heritage Lottery Fund	0	41	0	0	On Budget	On Schedule
Risk Management Non Domestic Premises Review	70	2	70	0	On Budget	On Schedule
	950	151	950	0		
<u>Road Lighting</u>						
	3,192	621	2,921	(271)	Saving	On Schedule
<u>Structures</u>						
Adopted & Non Adopted Bridges - Backlog & Lifecycle Investment	1,910	764	1,845	(65)	Slippage	On Schedule

APPENDIX 1 - 2021/22 GENERAL SERVICES CAPITAL BUDGET - PERIOD 4

	Annual Budget 2021/22 £'000	Total known commitment to year end £'000	P4 forecast 2021/22 £'000	P4 variance 2021/22 £'000	Variance Analysis	Project Status
Town Centres and Villages Improvement Fund	2,241	311	2,241	0	On Budget	On Schedule
TOTAL ROADS ASSET	14,117	2,928	13,709	(408)		
Open Space Assets						
Public Art Programme	55	36	51	(4)	On Budget	On Schedule
Management and Regeneration of Woodlands	200	184	200	0	On Budget	On Schedule
Other Open Space and Sports Facility Projects	1,326	256	1,333	7	Overspend	On Schedule
Open Space and Sports Facility Planned Improvements	645	169	640	(5)	On Budget	On Schedule
Children's Play Areas	509	353	509	0	On Budget	On Schedule
East Calder 3G Pitch	728	1	750	22	Accelerated	On Schedule
Other Synthetic Turf Pitches	404	2	268	(136)	Slippage	Behind Schedule
Cemeteries	100	31	100	0	Overspend	On Schedule
Land Decontamination	21	0	21	0	On Budget	On Schedule
TOTAL OPEN SPACE ASSET	3,988	1,032	3,872	(116)		
ICT Assets						
Corporate and Modernisation	4,588	2,102	4,466	(122)	Slippage	On Schedule
School Specific Spend	2,088	1,832	2,088	0	On Budget	On Schedule
TOTAL ICT ASSET	6,676	3,935	6,554	(122)		
TOTAL	82,809	74,225	89,010	6,201		
Overprogramming	(4,000)	0	(4,000)	0		
TOTAL - ALL ASSETS	78,809	74,225	85,010	6,201		

APPENDIX 2 - 2021/22 DEVELOPER CONTRIBUTIONS - MONTH 4 MONITORING

A breakdown of contributions by policy is set out below.

Policy	Opening Balance 01/04/21	Income 2021/22	Draw downs 2021/22	Balance at 31/07/21	Approved GS Capital Project Budget to be funded by Developer Contributions	Details of Committed Funds
	£	£	£	£		
Affordable Housing	58,221			58,221		Resource for council house building
Armada Academy	9	166,978		166,987		Committed to the General Services Capital programme
Winchburgh Denom Secondary	742					Will be used to build provision for denominational secondary school at Winchburgh
Denominational Secondary School Infrastructure	7,521,081	1,442,995		8,964,076	18,537,000	Will be used to extend/build provision for denominational secondary sector
Travel Co-ordinator	47,908			47,908		Will be used to fund travel co-ordinator post
Winchburgh Primary School	6,959			6,959	9,000	Will be used to fund extension and nursery at Winchburgh Primary school
A801 Dualling	110,920			110,920		Committed to dualling of A801
A71 Developer Contributions	174,579	4,197		178,776		Committed to A71 Works
Cemetery Provision	121,980	13,207		135,187	490,000	Committed to fund costs of extending cemeteries in West Lothian to support development
Public Art	270,233	25,975		296,208	632,000	Committed to provision of public art
St Nicholas PS, Broxburn	54			54		Will be used to fund extension to St. Nicholas Primary School.
St Paul's PS, East Calder	2,401,950	824,126		3,226,076	5,204,000	Will be used to fund extension to St. Paul's Primary School
Denominational Primary Winchburgh	2,584			2,584	8,685,000	Will be used to build provision for denominational primary school in Winchburgh
Play Areas	863,951	167,882		1,031,833	115,000	Committed to providing/improving play areas at the sites for which contribution was received
St Mary's PS, Polbeth	240,376	72,056		312,432	4,080,000	Will be used to fund extension of St Mary's Primary School
Pumpherston & Uphall PS	1,484			1,484	5,550,000	Will be used to fund the extension of Pumpherston & Uphall Primary School
Parkhead PS Extension	535,228	22,308		557,536	787,000	Will be used to fund the extension of Parkhead Primary School
Linlithgow Academy	227,996			227,996		Fund for extension of Linlithgow Academy
Bathgate Academy	537,911			537,911		Will be used to fund Bathgate Academy extension
Whitburn Academy	600,268			600,268	750,000	Will be used to fund Whitburn Academy extension

Kirknewton PS	40,441			40,441		Will be used to fund extension of Kirknewton
A71 Wilkieston Bypass	125,943			125,943		Committed to A71 Works
Almondell & Calderwood Country Park	150,800			150,800		Committed to improving Almondell & Calderwood Country Park
Armada Library Replacement	4,123	18,877		23,000		Armada Library
East Calder Park	1,125,286			1,125,286	79,000	Committed to improving East Calder Park
East Calder Public Car Park	123,431			123,431		Committed to improving East Calder Public Car Park
Armada Station Park & Ride	9,186	41,958		51,144		Armada Station Park & Ride
Public Transport	630,645	28,411		659,056		Will be used to fund Public Transportation works.
St Paul's Primary School Footpath	173			173		St Paul's Primary School Footpath
East Calder Primary School	1,072,475			1,072,475		Will be used to fund increased capacity at East Calder Primary School
Town & Village Centre Policy	601,841	31,329		633,170		Town & Village Centre Policy.
Park & Ride, West Calder	78,841	5,079		83,920		West Calder Park and Ride
A71 Bus Priority Measures	16,131			16,131		Committed to A71 Bus Priority works
St Anthony's Primary School Armada	9	31,192		31,201	98,000	Will be used to fund the second phase of the extension at St Anthony's Primary School
Armada Primary School	26	454,749		454,775		Armada Primary School
Wester Inch, Bathgate	367,588			367,588		Comprises contributions for education, play areas & transportation. Is being used to extend Simpson Primary School, develop play areas, support bus route
Off site environmental works, West Mains	199,731			199,731		Will be used to fund off site works
Non-denominational Primary, Bathgate	4,212			4,212		Will be used to fund education infrastructure in Bathgate
Livingston Town Centre Variable Messaging System	93,450			93,450		Will be used to upgrade the Livingston Town Centre Variable Messaging System
Calders Non Denominational Secondary School	9,078,812			9,078,812		Calders Non Denominational Secondary School
Winchburgh Secondary	7,002	151,283		158,285	14,136,000	Will be used towards funding a new secondary school in Winchburgh
Murrayfield PS	326,649			326,649		Contributions to be used towards infrastructure costs for Redhouse Non-denominational Primary School

Our Lady of Lourdes	21,792			21,792		Contributions to be used towards infrastructure costs for Redhouse Denominational Primary School
Greendykes Junction, Broxburn	36,655			36,655		Contributions to be used towards works at Greendykes Junction, Broxburn.
Non-denominational Primary, Broxburn	157			157		Contributions to be used towards infrastructure costs for Broxburn Non-denominational Primary School
Calderwood Non Denominational Primary School	857	491,035		491,892	3,117,000	Will be used towards funding a new primary school in East Calder
Mill Roundabout, Eliburn	94,133			94,133		Will be used to fund improvements at the roundabout
Open Space Cont S69	490,844			490,844	139,999	Will be used to fund Open Space projects in various sites
Livingston Village PS S75	638,316			638,316	700,000	Will be used to fund an extension to Livingston Village Primary School
Kirknewton Park & Ride	52,950			52,950		Kirknewton Park & Ride
Local Infrastructure Fund	949,244			949,244		
TOTAL	30,066,177	3,993,637	0	34,059,072		

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

2021/22 GENERAL FUND REVENUE BUDGET - MONTH 4 MONITORING REPORT

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

This report provides Council Executive with an update on the outcome of the General Fund revenue budget monitoring exercise at month 4, including additional cost implications as a result of the Covid-19 pandemic, an update on material budget pressures, progress being made with the delivery of approved budget savings for 2021/22 and 2022/23 and expenditure against time limited resources in 2021/22 and 2022/23.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes the outcome of the month 4 monitoring exercise, which is a breakeven position for 2021/22;
2. Notes the recurring pressures of £4.452 million and the updates from relevant Heads of Service on progress against agreed actions to mitigate these pressures;
3. Agrees that further update on management and control of each of the pressures will be provided in the month 6 monitoring report to Council Executive;
4. Agrees budgets for time limited spend are realigned for 2021/22 and 2022/23 to reflect latest forecasts included in this report;
5. Notes the good progress in the delivery of approved budget savings for 2021/22 and 2022/23;
6. Agrees that Heads of Service take all management action necessary to ensure, wherever possible, that 2021/22 expenditure is managed within budgeted resources;
7. Notes that officers continue to engage with Scottish Government and COSLA on government funding in relation to Covid-19 and other new policies to ensure the cost implications are fully funded.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on customers' needs, being honest, open and accountable, making best use of resources, working in partnership.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	None.
III	Implications for Scheme of Delegations to Officers	No implications at this stage.

IV	Impact on performance and performance Indicators	Ongoing funding restraint is likely to have implications for performance.
V	Relevance to Single Outcome Agreement	None.
VI	Resources - (Financial, Staffing and Property)	The forecast position for 2021/22 is breakeven based on the month 4 risk-based monitoring exercise. Recurring pressures are estimated to be £4.452 million and action is being taken to mitigate these for future years.
VII	Consideration at PDSP	Financial Performance is reported biannually to PDSPs
VIII	Other consultations	Depute Chief Executives, Heads of Service, Service Managers and Transformational Change Team

D. TERMS OF REPORT

D.1 Background

West Lothian Council approved a revenue budget for 2021/22 to 2022/23 in February 2021, with total savings for the two-year period being £18.944 million. The budget also included significant time limited resources to address the Covid-19 pandemic in 2021/22 and 2022/23 as well as additional time limited investment for other council priorities.

In line with the agreed budgetary control framework and procedures, the monitoring of the council's full revenue budget, is undertaken on a quarterly basis and reported to Council Executive. This includes an update on material pressures, progress made on the delivery of approved budget savings and implementation of the approved programme of one off investment. A risk based monitoring exercise is carried out on both the revenue budget and approved budget savings out with the quarterly monitoring exercises. This strategic approach to monitoring ensures that risks are identified at an early stage and allows areas to be identified for management action. This report provides an update on the full budget monitoring exercise of service budgets at month 4, a full monitoring of approved savings for the two years 2021/22 to 2022/23 and an update on the delivery of one-off resources for 2021/22 and 2022/23.

The next update to Council Executive will be the outcome of the month 6 budget monitoring exercise which will be reported in November 2021.

D.2 2021/22 Budget

D.2.1 2021/22 Summary Position

Based on the outcome of the monitoring exercise at month 4 a breakeven position is anticipated at this early stage in 2021/22 against the core recurring revenue budget. There are material recurring pressures in Operational Services, Housing, Customer and Building Services, Social Policy and Education and these total £4.452 million.

As outlined in the following table, overspends are forecast in a number of services. There are also areas where forecast underspends are helping to offset overspends elsewhere and it is important that underspends in such areas are preserved to achieve a balanced budget position. The following table summarises the forecast position following the budget monitoring exercise:

Service	Revenue Budget 2021/22	Forecast 2021/22	Projected Variance 2021/22
	£'000	£'000	£'000
Education	188,883	189,552	669
Planning, Economic Development and Regeneration	3,902	3,902	0
Operational Services	57,049	57,152	103
Housing, Customer and Building Services	8,628	9,248	620
Corporate Services	10,488	10,608	120
Social Policy – IJB	78,833	78,833	0
Social Policy – Non IJB	34,407	34,177	(230)
Chief Executive, Finance and Property	26,299	26,285	(14)
Joint Valuation Board	1,287	1,287	0
Service Expenditure – Total	409,776	411,044	1,268
Non-Service Expenditure	43,937	43,342	(595)
Council Tax Income	(89,189)	(89,862)	(673)
TOTAL NET EXPENDITURE	364,524	364,524	0

D.2.2 Summary update on 2021/22 material pressures

As at month 4, key material pressures total £4.452 million. The main elements are pressures in homelessness costs of £1.091 million as a result of the ongoing demand for temporary accommodation, additional overtime costs for absence cover in Older People Care Homes of £589,000, ongoing pressures for residential school placements of £305,000, £550,000 for Additional Support Needs (ASN) and medical transport costs, and £1.184 million for Early Learning & Childcare provision resulting mainly from additional demand for partner provider places. A number of these pressures are due to Covid-19 and are being funded from time limited resources agreed for Covid-19 related spend.

One-off budget has been provided to help manage the additional costs in homelessness, however it is anticipated that this will not fully mitigate the pressure. In addition, it is estimated that around £900,000 of the material pressures identified are a consequence of Covid-19, including £400,000 for additional homelessness presentations and £500,000 as a result of capacity shortages in the market for ASN transport. These costs will be funded from the one off resources earmarked to mitigate the adverse financial implications of the pandemic.

There is further information on the pressures and actions to manage these within Appendix 1. A further detailed update on what is being done to manage and control each of the pressures will be provided in the month 6 monitoring report to CMT, with a focus on explaining the drivers for the pressure, and how the pressure can be mitigated from 2022/23 onwards.

D.2.3 Summary update on One Off Resources for 2021/22 and 2022/23[

The approved revenue budget for 2021/22 to 2022/23 includes one-off resources to address the Covid-19 pandemic in 2021/22 and 2022/23 and additional time limited investment for other council priorities.

Progress is ongoing to deliver these initiatives and following an initial review there is some revision to phasing of the investment mainly as a result of updated phasing of staffing costs where contracts have been awarded part way through the financial year.

There are two areas of projected underspend relating to a lower than anticipated spend requirement in school cleaning of £795,000 to meet enhanced cleaning specifications agreed, and Covid-19 investment related to IJB functions where, based on Scottish Government guidance, costs for 2021/22 can be claimed against the Health and Social Care Mobilisation plan and, as such, will free up council funding of £662,000.

However, additional pressures have been highlighted in the period 4 monitoring exercise that relate to the impact of Covid-19 restriction measures and the recovery from the pandemic. These additional costs set out in the table below can be funded by the areas of underspend.

	£'000
ASN Transport Costs	500
Waste Collection	121
Re phase delivery of Waste Collection Saving	136
Homelessness Costs	400
Planning Income	300
Total	1,457

There is uncertainty around the ongoing impact of Covid-19 so the additional spend will be kept under close review and further changes to how Covid-19 one off funding is used to meet actual costs incurred may be required. It is recommended that the phasing of the spend is revised to reflect the updated position.

D.2.4 Education

The revenue budget for Education is currently forecast to overspend by £669,000, mainly as a result of additional expenditure being incurred in relation to the Early years expansion plan of £565,000. All three year olds and four year olds and eligible two year olds have been offered 1,140 hours of early learning and childcare provision since 19 April 2021. The increase in flexibility and choice for parents and carers, as required by Scottish Government policy, has resulted in a significant increase in the parental choice for funded placements in private providers which has subsequently placed pressure on the revenue budget. The spend required to deliver the Early Learning & Childcare Policy is not currently covered by Scottish Government funding and officers have been actively working on this with COSLA and Scottish Government to seek additional funding from 2022/23. A further update will be provided on this once the recommendations of the working group are available.

In addition, there is an emerging pressure arising from costs in repairs and vandalism at the PPP1 and PPP3 schools. These budgets are managed by Finance and Property Services and further work will be undertaken by officers to identify any mitigating actions that can be implemented to reduce the forecast costs. These pressures are partially offset by savings from staff vacancies across the service. Schools have submitted their first budget forecasts of the year and the early indication is that the DSM carry forward balance is expected to reduce to around £950,000 by 31 March 2022. Current budgets are allocated based on projected pupil rolls and these will be reviewed following completion of the school census in September 2021.

In addition to the funding received in 2020/21 for education recovery, the Scottish Government has provided funding in 2021/22 for 38 additional teachers and 19 support staff for West Lothian and funding to end charges to parents and carers for the core curriculum and instrumental music tuition in schools from August 2021. Funding at this stage has only been confirmed for the 2021/22 academic year and in terms of instrumental music will allow existing levels of provision to be maintained. Further work will be ongoing to establish a sustainable approach and level of

funding for instrumental music tuition in future years to take account of expected increase in demand.

Summer of Play funding supported a range of activities for children and young people and their families over the summer and the introduction of the Scottish Milk and Healthy Snack scheme from August 2021 will provide a daily portion of milk and a healthy snack for preschool children to support the development of healthy eating habits for later life.

Finally, West Lothian Leisure's (WLL) latest forecast shows a deficit of £825,000 for 2021/22 and minimum cash balance of £550,000 in February 2022. Some uncertainty remains due to the ongoing Covid-19 restrictions. The council has agreed a £3 million contingency to help WLL cope with the continuing demands of Covid-19 over 2021/22 and 2022/23. Quarterly Business Gateway Reviews are being undertaken to assess WLL's need for additional funding from this reserve and payments will be made accordingly. To date, payments of £375,000 has been made in each of Quarters 1 & 2 in 2021/22. Council Executive agreed at its meeting of 17 August 2021 to provide a letter of comfort to WLL to assist WLL's auditor, Azure, with their audit opinion for 2020/21. The letter of comfort has been issued to WLL.

D.2.5 Planning, Economic Development and Regeneration

A breakeven position is forecast for Planning, Economic Development and Regeneration. Lower planning application income of £300,000 is anticipated due to the ongoing complications associated with the pandemic, as well as other factors linked to the housing market. It is proposed that the under recovery in income is funded from the one off resources earmarked to mitigate the adverse impact of Covid-19.

D.2.6 Operational Services

An overspend of £103,000 is forecast for Operational Services.

Pressures in Nets, Land & Countryside total £161,000 mainly due to higher variable costs, largely relating to grounds maintenance.

Public Transport is forecast to underspend by £148,000 reflecting an increase in costs in Medical Transport of £50,000 offset by savings in Local Buses and Concessionary Rail. The recent transport contract re-tendering exercise has increased the forecast within ASN by £500,000 resulting from capacity shortages in the market which can be attributed to the impact of Covid-19 and, as such, these additional costs will be offset against one off resources earmarked to mitigate the impact of the pandemic on the revenue budget. Public Transport are working with Education to seek to reduce these pressures going forward.

The Recycling & Waste Services budget is forecast to breakeven although it should be noted that staffing cost pressures have been identified of £121,000 as temporary staff have been required to deal with staff shortages caused by Covid-19. In addition, there has been a rephasing of the implementation of the shift pattern and road end collection budget saving measures which has resulted in the current year savings being reduced by £136,000. These Covid-19 related costs will be offset against one off resources earmarked to mitigate the impact of the pandemic on the revenue budget.

Facilities Management is forecast to have a pressure of £70,000 as a result of pressures in contractor costs of £38,000 and miscellaneous income of £23,000.

Roads & Transportation, Community Transport, Fleet and Inprint are currently forecast to be on budget.

D.2.7 Housing, Customer and Building Services

An overspend of £620,000 is forecast across the service area, due principally to existing pressures in Homelessness.

Homelessness is forecast to overspend by £1.124 million as a result of the ongoing demand for temporary accommodation. On average 144 clients per night were accommodated in B&B for the period from April to July 2021.

One-off budget of £550,000 was originally agreed to help mitigate the pressure in B&B spend and a further £400,000 in one off budget for B&B costs in 2021/22 is proposed from one off Covid-19 resource. Despite this, an overspend of £191,000 is still anticipated in this area. Further one-off budget of £186,000 in private sector rent is providing an additional staffing resource and mitigating some of the pressure in private sector rent spend. Pressures elsewhere in the budget i.e. employee costs, repairs, furniture and void rent loss, are the other main factors in the overspend. Homelessness transport costs, previously an area of overspend, are now expected to be within budget however there are risks of increased demand and/or increased contract costs when the costs start coming through following the schools reopening in August.

Funding for Rapid Rehousing Transition Plans (RRTPs) has been confirmed by the Scottish Government with £312,000 allocated for West Lothian in 2021/22. The RRTP is a multi-year plan to reduce the numbers of people presenting as homelessness as well as rehousing people who are homeless quicker and reducing the length of stay in temporary accommodation and B&B accommodation.

The council's approved Housing Capital programme includes provision for additional housing stock through the new build projects, open market acquisitions and the mortgage to rent scheme, all of which are intended to mitigate some of the pressures on the homelessness budget as more housing stock becomes available to be let.

The General Services Capital Programme includes funding for a new homeless unit and a site is being considered for the unit.

Further actions will also be required to reduce expenditure on a recurring basis and fully mitigate the budget pressure, including increasing the number of lets in the private sector and increasing the sharing spaces in the council's own stock.

Customer & Community Services is forecast to underspend by £45,000. This position is supported by one-off resource of £83,000 to mitigate the impact of the pressure on Registration activity income. Underspends of £18,000 and £41,000 respectively are anticipated in the Community Safety Unit and Customer Service Centre due to staffing vacancies and turnover.

D.2.8 Corporate Services

An overspend position of £120,000 is forecast. There are continuing service pressures within medical fees and procurement rebates. There is a further pressure within Procurement due to sickness absence, which has resulted in employing agency staff to cover these posts at a cost to the service. There is also an under recovery of income in Legal Services, partially mitigated by the additional funding ringfenced to mitigate Covid-19 related pressures.

D.2.9 Social Policy

The forecast position for IJB delegated functions is break even, and the forecast position for non-IJB social care functions is an underspend of £230,000.

There remain a number of pressure areas in IJB delegated functions, which are offset by underspends and future savings.

Internal care homes for older people continue to be a recurring pressure, where additional agency and locum costs are being incurred to cover for staff absence and vacancies. Internal care at home services also have significant agency costs in order to support hospital discharges and reduce the level of unmet need. In both areas there is a focus on recruitment in order to reduce costs.

In external care homes, the opening of a new elderly care home in Livingston is expected to increase costs in this area, and allowance for this has been built into the forecast. There is also high demand for care at home services for elderly and learning disabilities in particular, with higher than expected growth in this area.

Additional costs relating to Covid-19 included in the IJB Mobilisation Plan for social care are currently forecast to be in the region of £4.052 million for 2021/22, which includes sustainability and PPE payments for care providers, lost income and staff costs for sickness cover and remobilisation. This is being closely monitored with actual additional costs still subject to uncertainty around the ongoing implications of Covid-19 over the remainder of 2021/22. The forecast reflects the assumption that this will be fully funded through IJB reserves and additional funding from the Scottish Government.

For Non-IJB areas, there is a recurring pressure in external residential schools. This is due to a high number of placements over the last financial year, where there was a lack of alternative options.

There is also a pressure in Continuing Care, where there are young adults who would normally transition from the Child Disability Service to an adult resource, but this has been affected by the rephasing of the new complex care unit in Livingston. This is being managed in the short term through staffing underspends relating to future savings.

D.2.10 Chief Executive, Finance and Property Services

The overall service budget is currently forecasting an underspend of £14,000 due to staff savings.

D.2.11 Joint Valuation Board

A break-even position is forecast.

D.2.12 Non-Service Expenditure

Non-service expenditure is forecast to underspend by £595,000. There is a current pressure for the Council Tax Reduction Scheme (CTRS) which can be offset against the additional one off Covid-19 related funding available in 2021/22.

There is a forecast underspend of £347,000 in housing benefits. There is a continuing decrease in housing benefits caseloads as people who require additional assistance with Housing Costs claim universal credit unless they meet specific criteria.

D.2.13 Council Tax Income

Council Tax income is currently forecast to over recover by £673,000 at month 4. The 2021/22 collection rates have increased for both in year and all years when comparing to 2020/21. A comparison has also been done to 2019/20, and the in year collection rate is 0.4% higher in

2021/22 compared to 2019/20 and all years collection rates are 0.3% higher in 2021/22 compared to 2019/20. The outturn position is a forecast over recovery in income of £673,000, based on a bad debt provision of 2.25%, in line with last year's forecast assumptions.

D.2.14 Modernisation Fund

The balance of the Modernisation Fund is £4.679 million. Currently there are spend commitments of £106,000 against the Modernisation Fund for ERVS costs and £536,000 for Digital and Service Transformation leaving a balance of £4.036 million. It was previously agreed that where the Modernisation Fund is available for ERVS cases, in certain cases where costs are significant, the service may have to meet the ERVS cost through one off resource. It is important to note that the Modernisation Fund will be needed to meet future ERVS costs and investment costs going forward, particularly the enhanced use of digital technologies, and is a key element in ensuring the council's medium-term financial plan is sustainable.

D.3 Delivery of Approved 2021/22 to 2022/23 Budget Savings

D.3.1 Summary update on outcome monitoring of approved savings 2021/22 to 2022/23

West Lothian Council approved a revenue budget for 2021/22 to 2022/23 in February 2021, with total savings for the two-year period being £18.944 million. In line with the council's agreed budgetary control framework and procedures, a review of the delivery of budget reductions for the period 2021/22 to 2022/23 was completed by Heads of Service and has demonstrated that good progress is being made. Based on the exercise carried out, for the two year period to 2022/23, 56% of reductions are categorised as green which indicates that Heads of Service consider that the saving is achieved or achievable. The remaining 44% of reductions are categorised as amber, meaning that an achievable plan is still to be agreed or existing/emerging issues require additional actions to be undertaken. No reductions are considered unachievable, however work is ongoing in relation to the two reductions in relation to channel shift and digital transformation of £123,000 and the consolidation and reduction in council IT systems of £75,000 to identify how the reductions can be fully delivered from 2022/23.

D.4 Future budget issues and risks

There remains significant risks and uncertainties associated with the financial assumptions in the council's budget which continue to be monitored, including the continuing impact of Covid-19 and the recovery from it. Ongoing negotiations around the 2021/22 pay award are also a significant risk particularly if any agreement results in additional recurring costs.

In terms of looking ahead, there remains a risk and uncertainty around the financial position including material pressures of £4.452 million. It is therefore essential that these savings are progressed to implementation and where material pressures remain, mitigating actions are taken to ensure existing pressures are managed on a recurring basis. Future pay awards will also be a key risk going forward.

E. CONCLUSION

The outcome of the risk-based monitoring exercise at month 4 is a breakeven position.

Good progress is being made in the delivery of approved budget reductions with 94% of savings in 2020/21 categorised as green. For 2022/23, a number of savings still require further development and these should be progressed to implementation in line with agreed plans.

F. BACKGROUND REFERENCES

Draft 2020/21 General Fund Revenue Budget Outturn and Update on Unallocated 2021/22 One-Off Funding/Resources – Report by Head of Finance & Property Services – 22 June 2021

Revenue Budget 2021/22 - 2022/23 - Report by Head of Finance and Property Services – 25 February 2021

Appendices/Attachments:

Appendix 1 Update on Material Pressures

Contact Person: Fiona Russell, Group Accountant

Email: fiona.russell@westlothian.gov.uk Tel 01506 281312

Donald Forrest
Head of Finance and Property Services
7 September 2021

DATA LABEL: PUBLIC

Appendix 1 – Update on Material Budget Pressures

Update on agree actions in relation to the pressure		Potential Recurring Pressure at Month 4	
2021/22 Forecast Variance at Month 4	£'000	£'000	
1. Housing, Customer and Building Services – Homelessness - B&B Accommodation			
191	1,141	Average homeless numbers per night are 144 for the year to 8 August 2021. On that date there were 135 clients in bed and breakfast. Due to the impact of Covid-19 there was an increase in the number of homeless presentations throughout 2020/21 and this continued into 2021/22. This will also be affected by the impact on the availability of suitable temporary and permanent accommodation meaning that the demand of emergency accommodation is likely to increase, thus putting more pressure on the budget. The RRTTP sets out a plan to reduce the number of homelessness people requiring accommodation. As this is a multi-year plan, additional budget of £700,000 has been provided in 2021/22, £550,000 has been allocated to the B&B budget with the balance of £150,000 in the wider Homelessness budget. A further £400,000 in one off budget for B&B costs in 2021/22 is proposed from one off Covid-19 resources. Agreement has been reached with the four main RSL partners on targets for percentage of social lets to homeless and is being monitored. The Scottish Government RRTTP funding allocation for 2021/22 is £312,000. This, added to the balance of funding carried over from 2020/21, will support the increased pace of work around local rapid rehousing transition plans as recovery from the pandemic continues.	
2. Housing, Customer and Building Services – Other Homeless Provision			
533	683	Outwith B&B costs, the main homeless budget pressures are rent payments to external providers £204,000, repairs costs £55,000, void rent loss £152,000 and furniture £40,000. The RRTTP sets out a plan to reduce the number of homelessness people requiring accommodation. As this is a multi-year plan, additional budget of £700,000 has been provided in 2021/22, £550,000 has been allocated to the B&B budget with the balance of £150,000 in the wider Homelessness budget.	

3. Operational Services – Public Transport ASN/Medical Transport		
50	550	Following the outcome of the recent retendering exercise, the ASN transport pressure has increased from £200,000 to £500,000 in 2021/22. It is thought that capacity shortages within the market, as a result of the current pandemic, has contributed to increased contract prices. Public Transport are engaging with colleagues in Education Services to establish the reason for the increased pressure and how it may be mitigated. Medical transport is now forecast to be overspent by £50,000 in 2021/22. Public Transport and Education Services have identified that this pressure has arisen due to a change in the criteria for determining who is eligible for Medical Transport. Work is ongoing to seek ways to mitigate this pressure. £500,000 in one off budget for ASN Transport costs in 2021/22 is proposed from one off Covid-19 resources.
4. Social Policy – Older People Care Homes – Absence Cover		
465	589	Staffing continues to be an issue with recruitment ongoing to increase staff numbers and reduce the need for agency staff. An action plan for recruitment has been created and includes on-the-job training for those without the former qualification requirements, in order to attract new people into the care industry.
5. Social Policy – Residential Schools		
305	305	Current placements in external residential schools are higher than planned due to lack of alternative options during 2020/21 and there are savings of £515,000 to be delivered from this budget in 2022/23. Plans are underway to reduce the number of children in placements and to bring expenditure back into budget for 2021/22.
6. Education – Early Learning & Childcare Provision		
565	1,184	<p>The increase in flexibility and choice for parents/carers, as required by Scottish Government policy, has resulted in a significant increase in the parental choice for funded placements in private providers. This has subsequently placed pressure on the revenue budget. The number of placements where parents have chosen a private provider has risen from 221 to 622 over the last three years. The spend required to deliver the ELC policy is not currently covered by the Scottish Government funding and officers have been actively working on this with COSLA / SG to get more funding next year. Measures to address the pressure are being identified by the service and include:</p> <ul style="list-style-type: none">• Ongoing review of efficient staffing levels across all council settings, whilst maintaining regulatory ratios.• Engagement with Scottish Government regarding council funding for the delivery of early learning and childcare from 2022/23 onward.• Development of blended options that may encourage increased use of council settings.



COUNCIL EXECUTIVE

REVIEW OF FINANCIAL REGULATIONS

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To enable the Council Executive to consider updated financial regulations.

B. RECOMMENDATION

It is recommended that Council Executive approves the revised financial regulations, as set out in Appendix 1 of this report.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on customers' needs, being honest, open and accountable, making the best use of our resources, working in partnership.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The financial regulations form a key component of governance and internal control arrangements within the council. It is important that they incorporate the requirements of any new legislation, regulations and reflect updated structures or changed circumstances within the council.
III	Implications for Scheme of Delegations to Officers	The financial regulations operate in parallel with the framework set out in the council's Scheme of Delegation. The Scheme was updated after adoption of the Financial Management Code in February 2021. No further changes are required.
IV	Impact on performance and performance Indicators	The financial regulations assist in providing a governance framework that will facilitate effective financial control.
V	Relevance to Single Outcome Agreement	None.
VI	Resources - (Financial, Staffing and Property)	The financial regulations provide a framework for securing best value in the use of resources.
VII	Consideration at PDSP	Council Executive approved actions to comply with the new Financial Management Code and these are now being incorporated into the financial regulations. No consideration is required at PDSP.
VIII	Other consultations	The Governance Manager has been consulted.

D. TERMS OF REPORT

1. Introduction

Financial regulations are essential to conduct business efficiently, secure best value, and to ensure proper administration of financial affairs in accordance with the Local Government (Scotland) Act 1973. The Head of Finance and Property Services is responsible for maintaining a continuous review of the financial regulations; issuing procedures, guidance and advice to underpin the financial regulations; and investigation of any breach of the regulations. Depute Chief Executives are responsible for ensuring that Heads of Service are aware of and put in place arrangements for their services to comply with the financial regulations.

Changes to the financial regulations, other than those of a minor nature, are to be submitted to Council Executive for approval. The financial regulations are required to be reviewed once per administrative term, and the last review was reported to Council Executive on 9 February 2018. The next review will be due in the administrative term which begins May 2022; this report sets out specific updates to the financial regulations to incorporate the provisions of the new Financial Management Code.

2. Background to Changes

The council has approved revisions to comply with the Chartered Institute of Public Finance and Accountancy (CIPFA) Financial Management Code, which were reported to Council Executive on 9 February 2021. The Code builds on established CIPFA Prudential and Treasury Management Codes, and is designed to support good practice in financial management and to assist in demonstrating the local authority's financial sustainability. These changes require the financial regulations to be updated.

There is also a further unrelated change to remove the requirement that the contract for mainstream banking services is tendered at least every five years, as the Corporate Procurement Unit has advised that this is no longer a requirement.

3. Summary of Changes made to the Updated Financial Regulations

The changes to the financial regulations are summarised as follows:

Section 1 - Introduction

- 1.2 Update to refer to the CIPFA Financial Management Code, which requires the council to demonstrate how its processes comply with the principles of good financial management.

Financial Regulation A: Financial Management & Planning

A.2 General Accounting Framework

- 2.3 Update to reference the requirement for a long-term perspective, which will demonstrate financial sustainability and resilience, and to develop a high-level ten-year revenue and capital financial strategy.
- 2.6 Update to reference the requirement for long-term revenue and capital budgets, and compliance with the CIPFA Financial Management Code.

A.3 Revenue Budget

- 3.1 Update to reflect that the council has agreed to develop a high-level ten-year revenue and capital financial strategy, with a five-year financial plan and detailed budgets for three years.

A.4 Capital Budget

- 4.2 Minor change to wording.

Financial Regulation B – Risk Management & Control of Resources

B.7 Banking Arrangements

- 7.1 Update to remove the requirement that the contract for mainstream banking services is tendered at least every five years.

The additions are highlighted in the appendix and the text to be removed is also noted so Council Executive can clearly see the proposed changes.

E. CONCLUSION

The financial regulations are required to be updated in order to incorporate the changes made to comply with the CIPFA Financial Management Code. The updated financial regulations are attached in Appendix 1 for approval.

F. BACKGROUND REFERENCES

CIPFA Financial Management Code – report to Council Executive on 9 February 2021
Review of Financial Regulations – report to Council Executive 9 February 2018
Local Government in Scotland Act 2003
Local Authority Accounts (Scotland) Regulations 2014
Public Sector Internal Audit Standards

Appendices/Attachments:

Appendix 1 – Financial Regulations Update 7 September 2021

Contact Person: Niall Blair, Accountant
Email: niall.blair@westlothian.gov.uk, Tel: 01506 282649

Donald Forrest
Head of Finance and Property Services
Date of meeting: 7 September 2021

DATA LABEL: PUBLIC



STANDING ORDERS

FINANCIAL REGULATIONS

Updated 7 September 2021

FINANCIAL REGULATIONS

1. INTRODUCTION

- 1.1 West Lothian Council is committed to delivering high quality, integrated services in conjunction with Community Planning partners. The council has adopted modern business processes, enabled by technology, so that services are organised around the needs of citizens.
- 1.2 In order to conduct its business efficiently, the council must have sound financial management policies that are strictly adhered to. The requirement for sound financial management is further reinforced by the Local Government (Scotland) Act 1973 that stipulates that every local authority must make arrangements for the proper administration of its financial affairs and by the CIPFA Prudential Code for Capital Finance in Local Authorities (the 'Prudential Code') which stipulates that councils must be able to demonstrate, on an on-going basis, that capital spending and associated borrowing is affordable, prudent and sustainable. In addition, the CIPFA Financial Management Code builds on the established CIPFA Prudential and Treasury Management Codes and requires the council to demonstrate how its processes comply with the principles of good financial management. This approach will assist in determining whether, in applying the standards of financial management, the council is financially sustainable. Principles of good financial management should be proportionate to the risks faced to financial sustainability given the pressures of reducing financial resources and rising demand for services. The council also has a duty to make arrangements which secure best value. The best value obligation applies both to elected members and officers. For these reasons it is essential for the council to establish financial regulations and supporting procedures.
- 1.3 The 1973 Act also requires that each authority appoints a proper officer to take responsibility for the administration of its financial affairs. The council has resolved that the proper officer is the Head of Finance and Property Services.
- 1.4 The Accounts Commission has stated that a regime of good governance for a local authority includes the creation and implementation of procedures for the effective discharge of the statutory responsibilities of the proper officer in relation to the overall financial management of the council. In addition to setting out these responsibilities, the financial regulations and associated procedures also provide clarity about the financial accountabilities of other officers within the council.
- 1.5 Members and officers have a responsibility for fostering the culture and attitudes that are necessary for good governance. Full details of the relevant roles and responsibilities are set out in the council's Code of Corporate Governance.
- 1.6 The financial regulations operate in parallel with the framework set out in the council's Scheme of Delegation. This includes the delegated authority of the Chief Executive and Depute Chief Executives to authorise other senior officers in their service who are appropriately qualified to use their delegated powers under these regulations, unless they cannot do so by law or because of specific provisions of the Scheme of Delegation.

DATA LABEL: PUBLIC

1.7 Reference in the regulations to 'Depute Chief Executives' means:

- Depute Chief Executive – Education and Planning Services
- Depute Chief Executive – Corporate, Operational and Housing Services
- Depute Chief Executive – Health and Social Care Partnership

1.8 Reference in the regulations to 'Heads of Service' means:

- Head of Finance and Property Services
- Head of Education (Learning, Policy and Resources)
- Head of Education (Curriculum, Quality Improvement and Performance)
- Head of Planning, Economic Development and Regeneration
- Head of Housing, Customer and Building Services
- Head of Corporate Services
- Head of Operational Services
- Head of Social Policy

DATA LABEL: PUBLIC

2. STATUS OF FINANCIAL REGULATIONS

- 2.1 The financial regulations provide the framework for managing the council's financial affairs. They apply to every member and officer of the council and everyone acting on its behalf. Additionally, all members and officers have a general responsibility for ensuring that the use of the council's resources is legal, properly authorised and provides value for money.
- 2.2 The Head of Finance and Property Services is responsible for maintaining a continuous review of the financial regulations, including the financial limits contained in the regulations and submitting any changes, other than of a minor nature, to the Council Executive for approval. The council's Code of Corporate Governance requires the financial regulations to be reviewed at least once every Administrative term.
- 2.3 The Head of Finance and Property Services is also responsible for issuing procedures, guidance and advice to underpin the financial regulations, and for investigating any breach of the regulations.
- 2.4 Depute Chief Executives are responsible for ensuring that Heads of Service are aware of and put in place arrangements for their services to comply with the financial regulations.

DATA LABEL: PUBLIC

3. FORMAT OF FINANCIAL REGULATIONS

- 3.1 The financial regulations cover all aspects of the administration of the council's financial affairs and have been grouped in accordance with the main elements of financial administration as follows:

Financial Regulation A: Financial Management and Planning

- A.1 Introduction
- A.2 General Accounting Framework
- A.3 Revenue Budgets
- A.4 Capital Budgets
- A.5 Final Accounts
- A.6 Partnerships and Joint Arrangements
- A.7 Bids for External Funding
- A.8 Grants to External Organisations

Financial Regulation B: Risk Management and Control of Resources

- B.1 Introduction
- B.2 Internal Audit
- B.3 Risk Management and Business Continuity
- B.4 Counter Fraud
- B.5 Insurance
- B.6 Custody and Security of Assets, Stocks and Stores
- B.7 Banking Arrangements
- B.8 Treasury Management

Financial Regulation C: Systems and Procedures

- C.1 Introduction
- C.2 Income
- C.3 Salaries and Wages
- C.4 Allowances and Expenses
- C.5 Orders for Work, Goods and Services
- C.6 Payment Procedures
- C.7 Value Added Tax

DATA LABEL: PUBLIC

FINANCIAL REGULATION A – FINANCIAL MANAGEMENT AND PLANNING

A.1 INTRODUCTION

1.1 Financial Management and Planning incorporates the various elements associated with the development, maintenance and monitoring of the council's financial strategy and financial position. These are:

- General Accounting Framework
- Revenue Budgets
- Capital Budgets
- Final Accounts

A.2 GENERAL ACCOUNTING FRAMEWORK

2.1 The Local Government (Scotland) Act 1973 (section 93) requires a local authority to have a General Fund and the Housing (Scotland) Act 1987 (section 203) makes specific provision for the local authority to keep a separate Housing Revenue Account (HRA). Section 95 of the 1973 Act states that every local authority shall make arrangements for the proper administration of its financial affairs and the proper officer is responsible for determining the form of, and maintaining, the council's accounting control systems and accounting records. The proper officer in West Lothian is the Head of Finance and Property Services.

2.2 The Head of Finance and Property Services must ensure that adequate systems of accounting control are maintained throughout the council and that services conform with council policy, legislation and codes of practice on these matters.

2.3 The Head of Finance and Property Services is responsible for coordinating the preparation of the revenue and capital budgets on an annual basis as part of the council's approach to **medium-term** revenue and capital financial planning. The CIPFA Financial Management Code stipulates that to be able to demonstrate financial sustainability, a long-term perspective is essential. The greater the uncertainty over central government policy, the greater the need to demonstrate long-term financial resilience. Financial planning activity is undertaken within the parameters of the council's financial planning principles approved by Council Executive. These principles are:

- The council should develop a high-level ten-year revenue and capital financial strategy
- the council should have a **medium-term** five-year financial plan, aligned with political administrations, and three year detailed revenue budgets
- estimated budget gaps for at least three future years should be reported to elected members before local elections
- the Corporate Plan and revenue, capital and treasury plans should continue to be considered and agreed at the same Council meeting
- future financial plans should be subject to public consultation
- public consultations should cover priorities, taxation and saving measures

2.4 The Local Government in Scotland Act 2003 sets out that it is the duty of a local authority to determine the maximum amount it can afford to allocate to capital expenditure and that, in discharging this duty, the authority must comply

DATA LABEL: PUBLIC

with capital expenditure regulations. The capital expenditure regulations state that councils must comply with the provisions of the Prudential Code.

- 2.5 The Prudential Code stipulates that councils must be able to demonstrate, on an on-going basis, that capital spending and associated borrowing is affordable, prudent and sustainable and complies with Best Value requirements. The council's role, in this regard, is fulfilled by approving, annually, a series of prudential indicators for West Lothian and ensuring that there are suitable arrangements for monitoring the indicators on an on-going basis. In addition, when considering, agreeing and implementing a capital investment strategy, the Prudential Code requires councils to take account of a variety of factors such as value for money, asset management planning, practicality and achievability. The Head of Finance and Property Services is responsible for reporting to the council on all relevant matters that are required to be taken into account by the council when setting prudential indicators. The Head of Finance and Property Services is also responsible for establishing procedures for monitoring prudential indicators.
- 2.6 It is the responsibility of the Head of Finance and Property Services to ensure appropriate procedures and instructions are issued for:
- developing, maintaining and reviewing the overall budget strategy
 - producing the annual medium- and long-term revenue and capital budgets, in compliance with the Provisions of the Prudential Code and the CIPFA Financial Management Code
 - producing annual activity budgets
 - budgetary control of revenue and capital expenditure
 - budget monitoring of prudential indicators
 - storage and disposal of financial records
 - producing financial management information
 - submission of statistical returns
 - completion of the Statutory Abstract of Accounts
- 2.7 Effective budgetary control arrangements are essential to ensure the council meets its objectives and outcomes within available resources. The council's budgetary control for revenue and capital budgets is focused on a risk-based approach that ensures time is prioritised to high risk areas of the council's budget. A key element in this approach to budget monitoring is that a comprehensive zero-based budgeting exercise is undertaken each year for all staffing and non-staffing budgets. In addition, Heads of Service are responsible for identifying and agreeing material budget risk areas with the Head of Finance and Property Services, which are monitored on a monthly basis.
- 2.8 The Head of Finance and Property Services is responsible for the verification of completed external funding grant claims. Heads of Service are responsible for timeously providing information required by the Head of Finance and Property Services for this purpose.
- 2.9 Committee reports must contain a statement of financial implications, and confirmation that the Head of Finance and Property Services has verified the financial content of the report.

DATA LABEL: PUBLIC

A.3 REVENUE BUDGETS

3.1 General Fund Revenue Budget Planning Process

The council is required to approve a balanced revenue budget for each financial year. Over the medium term the council will face a range of expenditure pressures and continuing funding constraints and therefore effective prioritisation of resources will be essential to achieving balanced budgets. The Accounts Commission, Audit Scotland and the Chartered Institute of Public Finance and Accountancy (CIPFA) have identified that public bodies must focus on their medium- to long-term financial sustainability to ensure effective public services in the future, and they have advised that this is best achieved through having a financial strategy covering a minimum of five years, supported by detailed plans covering a minimum of three years. It is therefore very important that the councils' financial strategies are based on defined and agreed priorities and there is clarity as to how budgets will be managed. In compliance with the CIPFA Financial Management code the council has agreed to develop a high-level ten-year revenue and capital financial strategy, with a five-year financial plan and detailed budgets for three years.

Delivering council priorities should underpin the medium- ~~to long-~~ term financial strategy and help ensure that constrained resources are allocated to achieve desired outcomes and value for money.

The medium-term financial plan and detailed three-year revenue budgets are integrated with the council's Corporate Plan. The Corporate Plan provides the corporate and strategic framework for delivering agreed priorities. The medium-term financial strategy fully incorporates the resources needed to deliver the councils priorities, and includes plans for savings and efficiencies to ensure that the council can continue to deliver essential services to communities whilst resources are constrained.

To ensure appropriate scrutiny of budget saving measures, saving proposals required to address any remaining or increased budget gap during the five-year period 2018/19 to 2022/23 will be considered by the relevant Policy Development and Scrutiny Panel (PDSP) before approval by Council or Council Executive. Where timescales permit, all additional future saving measures will be considered by PDSP before approval by Council or Council Executive, with the only exceptions relating to factors out with the council's control such as late amendments to the local government finance settlement.

For all revenue budget reduction measures which are agreed by the full council, further decisions by members which substantially change or delete these measures must also be made at the full council.

3.2 General Fund Revenue Budget

Preparation

The Head of Finance and Property Services is responsible for co-ordinating the preparation of the revenue budget on an annual basis as part of a medium-term revenue financial plan. The Head of Finance and Property Services is also responsible for preparing prudential indicators in line with the provisions of the Prudential Code. The prudential indicators cover both the General Fund and the Housing Revenue Account (HRA). The revenue budget is integrated with

DATA LABEL: PUBLIC

the capital budget, the Treasury Management Plan, and the Corporate Plan. Heads of Service are responsible for preparing their service budgets and activity budgets in accordance with approved budget control totals.

The Head of Finance and Property Services is responsible for submitting the revenue budget and prudential indicators to the Corporate Management Team for consideration prior to presentation to the council.

Approval

The Head of Finance and Property Services is responsible for presenting, annually, a revenue budget and prudential indicators to the full council. The council shall consider and approve a revenue budget, approve prudential indicators and set a council tax level for the following year. The council tax setting must, by law, take place before 11 March in any year.

Budgetary Control

The council is responsible for establishing a monitoring and control framework that complies with the requirements of the Prudential Code. Budgetary control frameworks and procedures are in place for General Services and HRA revenue budgets.

The council's budgetary control framework and procedures set out a risk-based approach to budget monitoring. A full zero based budgeting exercise for all spend and income is undertaken annually to ensure a robust base budget is in place as a realistic guide to actual spend and income for the year.

As part of the risk-based approach to budget monitoring, Heads of Service are responsible for identifying and agreeing material budget risk areas with the Head of Finance and Property Services. Risk schedules will be prepared for these areas and relevant budgets monitored on a monthly basis.

The budgetary control frameworks confirm the budgetary control responsibilities of council officers and elected members. In terms of budgetary control, elected members have overall responsibility for proper governance and monitoring of public funds and for ensuring effective services are provided within the constraints of agreed budgets.

The Head of Finance and Property Services is responsible for ensuring that appropriate procedures and instructions are issued for budgetary control. The Head of Finance and Property Services is also responsible for providing appropriate financial information to enable budgets to be monitored effectively.

Heads of Service are responsible for the implementation of budgetary control procedures within their services and for ensuring the budgetary control process is carried out.

Heads of Service have primary responsibility for the budgetary control process within their service and are responsible for confirming budget projections, updating Risk Schedules and submitting these to the Head of Finance and Property Services. The Head of Finance and Property Services is responsible for monitoring the overall budget and reporting on the financial position to the Corporate Management Team, and to the Council Executive for periods 4, 6 and 9 each year. The reports to the Council Executive should include monitoring of prudential indicators.

DATA LABEL: PUBLIC

Outwith periods 4, 6 and 9, the focus of budget monitoring will be on risk areas identified and monitored through the monthly update of Risk Schedules.

The Head of Finance and Property Services is responsible for ensuring monthly budgetary control reports are available to budget holders.

At the financial year end, the Head of Finance and Property Services is responsible for reporting the final outturn report to the Corporate Management Team and the Council Executive.

In addition to the reports to Council Executive, the Head of Finance and Property Services reports the financial performance to Policy Development and Scrutiny Panels for period 6 and the final outturn for the year.

Budget Virements

Budget virements within service areas are processed in agreement with the relevant Head of Service and Head of Finance and Property Services. The virement must be within the parameters of the approved service budget. In the event of inter-service virements, authorisation for the virements should be confirmed by the relevant Depute Chief Executives and/or Heads of Services, where appropriate. All virements between Devolved School Management (DSM) budget headings are subject to the DSM Scheme of Delegation.

3.3 HRA Revenue Budget

Preparation

The Depute Chief Executive – Corporate, Operational and Housing Services is responsible for preparing a revenue budget for the Housing Revenue Account as part of a medium-term revenue budget and rent strategy. This budget is based on financial information provided by the Head of Finance and Property Services. The Housing revenue budget is integrated with the Housing capital budget.

Approval

The Depute Chief Executive – Corporate, Operational and Housing Services is responsible for presenting a HRA revenue budget to a meeting of the full council. The council shall consider and approve a budget, and set rent levels for all council housing stock and service charges at this meeting. Under section 25 of the Housing (Scotland) Act 2001, this must be done in sufficient time as to give tenants at least four weeks notice of any increased rent due to be paid. The legislation also provides for social landlords to consult tenants and take account of their views prior to making decisions on rent increases.

Budgetary Control

The council is responsible for establishing a monitoring and control framework that complies with the requirements of the Prudential Code. Budgetary control frameworks and procedures are in place for General Services and HRA revenue budgets. The Depute Chief Executive – Corporate, Operational and Housing Services is responsible for reporting on the financial position of the HRA budget to the Corporate Management Team and the Council Executive based on financial information provided by the Head of Finance and Property Services. The reports to the Council Executive are presented for periods 4, 6 and 9 each year. A risk based approach to monitoring focusing on the use of Risk Schedules is undertaken for the HRA revenue budget. The Depute Chief Executive – Corporate, Operational and Housing Services is also responsible

DATA LABEL: PUBLIC

for reporting a final outturn report to the Corporate Management Team and the Council Executive.

Budget Virements

Budget virements are processed in agreement with the Depute Chief Executive – Corporate, Operational and Housing Services and Head of Finance and Property Services. The virement must be within the parameters of the approved HRA budget.

A.4 CAPITAL BUDGETS

4.1 Capital Strategy

The Head of Finance and Property Services is responsible for preparing and maintaining a Capital Strategy, and reporting this to Council for consideration and approval. The Capital Strategy provides the following:

- a high-level overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of services
- an overview of how the associated risk is managed
- the implications for future financial sustainability

It also sets out the governance and monitoring arrangements, whereby the outcomes will be monitored by the Capital Asset Management Board and reported to the Corporate Management Team, Partnership and Resources PDSP and Council Executive on an annual basis.

4.2 General Services Capital Planning Process

The Head of Finance and Property Services is responsible for preparing and maintaining a ten-year asset management plan and General Services capital investment programme and presenting this to the Corporate Management Team for approval prior to its consideration by Council. The capital planning strategy is integrated with asset management planning, strategic planning and option appraisal and takes account of the council's duty to comply with the Prudential Code. Capital investment decisions are based on Strategic Outline Business Cases and prioritise investment based on council priorities, asset management principles, legal requirements and financial and non-financial benefits. The capital plan is fully integrated with the council's medium-term revenue budget **plan strategy**, the Treasury Management Plan, and Corporate Plan. Investment within the capital plan is split between four asset category types, each of which has a specific Asset Lead Officer. Depute Chief Executives are responsible for designating Asset Lead Officers to fulfil all aspects of work for the specified asset categories.

4.3 General Services Annual Capital Budget

Preparation

The Head of Finance and Property Services is responsible for ensuring that a detailed General Services capital budget is prepared annually taking account of the detailed allocation of block budgets. Asset Lead Officers are responsible for preparing their asset category capital budgets in accordance with approved annual budget totals. The Head of Finance and Property Services is

DATA LABEL: PUBLIC

responsible for co-ordinating the capital budget. The budget should be supported by information required under the provisions of the Prudential Code.

Approval

The Head of Finance and Property Services is responsible for presenting, annually, a General Services capital budget to the Council Executive which shall consider and approve a budget.

Budgetary Control

The council is responsible for establishing a monitoring and control framework that complies with the requirements of the Prudential Code. Budgetary control frameworks and procedures are in place for General Services capital budgets.

The capital budgetary control framework and procedures set out a risk based approach to budget monitoring.

As part of the risk based approach to budget monitoring, Heads of Service are responsible for identifying and agreeing material capital investment risks with the Head of Finance and Property Services. Risk Schedules will be prepared for these areas of investment and relevant budgets monitored on a monthly basis.

The budgetary control frameworks confirm the budgetary control responsibilities of council officers and elected members. In terms of budgetary control, elected members have overall responsibility for proper governance and monitoring of public funds and for ensuring effective services are provided within the constraints of agreed budgets.

The Head of Finance and Property Services is responsible for ensuring that appropriate procedures and instructions are issued for budgetary control. The Head of Finance and Property Services is also responsible for providing appropriate financial information to enable budgets to be monitored effectively. Asset Lead Officers are responsible for the implementation of budgetary control procedures. It is the responsibility of Asset Lead Officers to control income and expenditure within their areas of responsibility and to monitor net expenditure against the agreed budget.

The Head of Finance and Property Services is responsible for reporting on the financial position of the General Services capital programme to the Corporate Management Team and to the Council Executive for periods 4, 6 and 9 each year. The reports should include the information required to comply with the provisions of the Prudential Code.

Outwith periods 4, 6 and 9, the focus of budget monitoring will be on investment risk areas identified and monitored through the monthly update of Risk Schedules.

At the financial year end, the Head of Finance and Property Services is responsible for reporting the final outturn and budget roll forward report, taking into account slippage or accelerated spend within the capital programme, to the Council Executive.

In addition to the reports to Council Executive, the Head of Finance and Property Services reports the financial performance to Policy Development and Scrutiny Panels for period 6 and the final outturn for the year.

DATA LABEL: PUBLIC

The Head of Finance and Property Services is responsible for ensuring monthly budgetary control reports are available to Asset Lead Officers.

Budget Virements

In consultation with the Head of Finance and Property Services, Asset Lead Officers are authorised to approve virements between capital projects within their section of the capital programme.

However, if it is proposed to add a new capital project, delete an approved capital project from the programme, or materially change a capital project from the scope set out in the Strategic Outline Business Case then Asset Lead Officers must notify the Head of Finance and Property Services who must report for approval to the Council Executive.

4.4 Housing Capital Planning Process

The Deputy Chief Executive – Corporate, Operational and Housing Services is responsible for ensuring that the council agrees and implements a medium-term Housing capital investment and planning process that fully complies with the provisions of the Prudential Code.

The capital planning process will include appropriate links with asset management planning, strategic planning, treasury planning and option appraisal and will take account of the council's responsibility to adhere to the Social Housing Quality Standard.

4.5 Housing Annual Capital Budget

Preparation

The Deputy Chief Executive – Corporate, Operational and Housing Services is responsible for ensuring that the Housing capital budget is prepared annually as part of the agreed capital investment and planning process based on financial information provided by the Head of Finance and Property Services. The Deputy Chief Executive will also consult the Head of Finance and Property Services on the implications for prudential indicators when preparing the budget.

Approval

The Deputy Chief Executive – Corporate, Operational and Housing Services is responsible for presenting, annually, a Housing capital budget to a meeting of the full council which shall consider and approve a budget including any revenue consequences. The budget report should include the information required under the provisions of the Prudential Code.

Budgetary Control

The Deputy Chief Executive – Corporate, Operational and Housing Services is responsible for the Housing capital programme and for reporting to the Corporate Management Team and the Council Executive based on financial information provided by the Head of Finance and Property Services. The reports are presented to the Council Executive for periods 4, 6 and 9 each year. The reports should include the information required to comply with the provisions of the Prudential Code. A budgetary control framework and procedures are in place for Housing capital budgets. These set out a risk based approach to budget monitoring.

DATA LABEL: PUBLIC

Budget Virements

The Depute Chief Executive – Corporate, Operational and Housing Services, as Asset Lead Officer for Housing, is authorised to approve virements between capital projects within the capital programme.

However, if it is proposed to add a new capital project, delete an approved capital project from the programme, or substantially alter a capital project the Depute Chief Executive – Corporate, Operational and Housing Services must report for approval to the Council Executive.

A.5 FINAL ACCOUNTS

- 5.1 The Head of Finance and Property Services is responsible for ensuring that the statutory Annual Accounts, encompassing General Fund and HRA, are produced in compliance with council policy, relevant legislation and accounting requirements.
- 5.2 The Head of Finance and Property Services submits a copy of the unaudited Annual Accounts to the Audit Committee for consideration prior to submission to the appointed auditor in accordance with the agreed timetable but, in any event, by the prescribed date.
- 5.3 The Head of Finance and Property Services submits a copy of the audited Annual Accounts and the Auditor's Annual Report to Council for consideration and to approve the accounts for signature.
- 5.4 Heads of Service are required to provide information in accordance with instructions on the Annual Accounts issued annually by the Head of Finance and Property Services.

A.6 PARTNERSHIPS AND JOINT ARRANGEMENTS

- 6.1 Working in partnership with a wide range of other organisations is a key policy and priority of the council. It is essential that appropriate accounting and control arrangements are in place to regulate the operation of all arrangements involving third parties. In relation to funding of external organisations, the council complies with the 'Code of Guidance on Funding External Bodies and Following the Public Pound' issued by the Accounts Commission and the Convention of Scottish Local Authorities (COSLA).
- 6.2 Heads of Service must consider the overall corporate governance arrangements when arranging contracts with external bodies. They must consult with the Head of Finance and Property Services in respect of financial issues and ensure that financial risks have been fully appraised before agreements are entered into.
- 6.3 Heads of Service are responsible for ensuring that appropriate approvals are obtained in relation to work with external bodies.
- 6.4 The Head of Finance and Property Services must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory and provide for effective internal control.

DATA LABEL: PUBLIC

A.7 BIDS FOR EXTERNAL FUNDING

- 7.1 To assess the financial implications Heads of Service must consult with the Head of Finance and Property Services regarding the financial content of all bids and business cases for external funding prior to them being submitted by the council. This applies, for example, to Scottish Government and European Union funding. In accordance with the internal procedures on External Funding Reporting Arrangements, proposals for the use of funding should be discussed and agreed with the Head of Finance and Property Services.
- 7.2 The Head of Finance and Property Services is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the authority's accounts.

A.8 GRANTS TO EXTERNAL ORGANISATIONS

- 8.1 Approval of grants to external organisations must be made within the terms of council policy.

DATA LABEL: PUBLIC

FINANCIAL REGULATION B – RISK MANAGEMENT AND CONTROL OF RESOURCES

B.1 INTRODUCTION

- 1.1 It is essential that robust systems are developed and maintained for identifying and evaluating on an integrated basis all significant strategic and operational risks to the council. This involves the proactive participation of all those associated with planning and delivering services.

B.2 INTERNAL AUDIT

- 2.1 The Local Authority Accounts (Scotland) Regulations 2014 requires that the council operate a professional and objective internal auditing service in accordance with recognised standards and practices in relation to internal auditing. Internal audit is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.
- 2.2 The council has established an Audit Committee which meets at least four times per year. The Committee undertakes a corporate review of the council's control environment, including financial and non-financial controls. The Committee's remit and powers are set out in the council's Scheme of Administration.
- 2.3 The council has established an Audit, Risk and Counter Fraud Unit which includes an internal audit function. Internal audit operates in accordance with the Public Sector Internal Audit Standards issued by CIPFA in collaboration with the Chartered Institute of Internal Auditors.
- 2.4 The internal audit charter sets out the role and responsibilities of internal audit and is approved by the Audit Committee. The internal audit function is free from interference in determining the scope of internal auditing, performing work, and communicating results.
- 2.5 The Audit, Risk and Counter Fraud Manager is responsible for internal audit and reports directly to the Head of Finance and Property Services. The Audit, Risk and Counter Fraud Manager has the right of direct access to the Chair of the Audit Committee and the Chief Executive, and may consult with the Monitoring Officer at any time about any matter within their remit.
- 2.6 The role of internal audit is to review, appraise and report on the:
- effectiveness of systems of financial and non-financial control
 - extent of compliance with approved policies, plans and procedures
 - extent of compliance with regulations and legislation
 - degree to which the council's assets are properly accounted for and safeguarded
 - suitability and reliability of management data and performance information
 - effectiveness of management in discharging its responsibility for ensuring best value

DATA LABEL: PUBLIC

2.7 The Audit, Risk and Counter Fraud Manager prepares an annual risk based audit plan in consultation with senior council officers. The Audit Committee approves the annual internal audit plan before being issued.

2.8 Subject to any necessary prior consultation internal audit staff have authority to:

- enter at all reasonable times council premises or land
- access all records, documents and correspondence relating to any aspect of the internal audit's remit
- require and receive such explanations as are necessary concerning any matter under examination
- require any employee of the council to produce cash, stores or any other council property under that person's control

The Audit, Risk and Counter Fraud Manager determines what prior consultations may be necessary. The Local Authority Accounts (Scotland) Regulations 2014 place a duty on any officer or member of a local authority to cooperate and provide such documentation or information as those undertaking internal auditing consider necessary for that purpose.

2.9 At the end of each financial year the Audit, Risk and Counter Fraud Manager prepares an annual report which sets out internal audit's performance for the year and which includes an opinion on the effectiveness of the council's framework of governance, risk management and control. The annual report is submitted to the Audit Committee.

B.3 RISK MANAGEMENT AND BUSINESS CONTINUITY

3.1 The council's policy on risk management is to effectively mitigate risks to the achievement of its objectives by implementing robust risk management strategies, procedures and guidance, which enable managers to effectively identify, assess, and mitigate risk.

3.2 The council has established a Governance and Risk Committee which meets at least four times per year. The Committee undertakes a corporate review of the council's corporate governance and risk management arrangements. The Committee's remit and powers are set out in the council's Scheme of Administration.

3.3 The council has established a Governance and Risk Board with responsibility for oversight of the council's risk management arrangements. The Governance and Risk Board ensures that the council has effective risk management and business continuity arrangements in place.

3.4 The Audit, Risk and Counter Fraud Manager is responsible for developing, maintaining and reviewing the corporate risk management framework, including providing guidance on business continuity planning. In doing so the Audit, Risk and Counter Fraud Manager consults with the Governance and Risk Board and the Risk Management Working Group.

3.5 The Audit, Risk and Counter Fraud Manager prepares an annual risk management plan in consultation with the Governance and Risk Board and the

DATA LABEL: PUBLIC

Risk Management Working Group. The Governance and Risk Committee approves the annual risk management plan before being issued.

- 3.6 The Executive Management Team is responsible for oversight of the council's strategic risks and ensures that these are effectively identified, recorded and managed.
- 3.7 Heads of Service are responsible for managing their service's risks in accordance with the corporate framework and ensure that significant risks to service objectives are effectively identified, recorded and managed.
- 3.8 Heads of Service are responsible for business continuity arrangements for their service. They are responsible for ensuring that effective business continuity plans are in place to support the delivery of critical services within their remit. This includes ensuring that I.T. applications are appropriately backed up, and that effective disaster recovery arrangements are in place.

B.4 COUNTER FRAUD

- 4.1 The council has an approved Anti-Fraud and Corruption Policy and has a zero tolerance approach to all forms of fraud, theft and corruption.
- 4.2 The council has established an Audit Risk and Counter Fraud Unit which includes a counter fraud team which investigates allegations of fraud and irregularity. The term fraud for this purpose includes, but is not restricted to, criminal offences such as theft, corruption, bribery, and embezzlement. An irregularity is defined as a breach of council policy or procedure which does not involve the commission of a criminal offense but may constitute a significant failure or omission in the management of the council's internal systems and/or corporate governance arrangements.
- 4.3 Wherever any matter arises which involves, or is thought to involve, a fraud, or irregularity that affects the affairs of the council, the relevant Head of Service must immediately notify the Audit, Risk and Counter Fraud Manager.
- 4.4 In accordance with the provisions of the council's Disclosure of Information by Employees (Whistle Blowing) Policy, the counter fraud team operates a whistle blowing hotline.
- 4.5 Referrals received by the counter fraud team, from whatever source, are investigated in accordance with Audit Risk and Counter Fraud Unit's procedures for the investigation of suspected fraud and irregularities.
- 4.6 The Audit, Risk and Counter Fraud Manager prepares an annual counter fraud plan. The Audit Committee approves the annual counter fraud plan before being issued.
- 4.7 Subject to any necessary prior consultation, counter fraud staff have authority to:
 - enter at all reasonable times council premises or land
 - access all records, documents and correspondence relevant to any counter fraud investigation

DATA LABEL: PUBLIC

- require and receive such explanations as are necessary concerning any matter under investigation
- require any employee of the council to produce cash, stores or any other council property under that person's control

4.7 The Audit, Risk and Counter Fraud Manager determines what prior consultations may be necessary.

B.5 INSURANCE

5.1 The Head of Finance and Property Services is responsible for reviewing risks annually and determining the balance between insurance through external cover and self-insurance. Insurance cover will be placed following a tendering process.

5.2 The Head of Finance and Property Services will maintain an Insurance Fund in accordance with legislation and accounting rules.

5.3 Heads of Service must immediately notify the Head of Finance and Property Services in writing of any loss, liability or damage or any event likely to lead to a claim and must inform the police where appropriate, in accordance with the claim procedures provided by the Head of Finance and Property Services.

5.4 The Head of Finance and Property Services negotiates all claims in consultation with Heads of Service and the council's insurers, where applicable.

5.5 Heads of Service consult the Head of Finance and Property Services and the Chief Solicitor regarding the terms of any indemnity that the council is required to give.

B.6 CUSTODY AND SECURITY OF ASSETS, STOCKS AND STORES

6.1 The Head of Finance and Property Services is responsible for maintaining a register of all land and buildings ensuring that all material fixed assets are included in the council's asset register.

6.2 Heads of Service are responsible for maintaining proper security, care and custody of all buildings, stocks, stores, furniture, equipment, cash and other property including that owned by third parties.

6.3 Heads of Service should ensure that cash holdings within each service unit are minimised, held in accordance with the council's cash procedure, and do not exceed relevant insurance limits.

6.4 Heads of Service are responsible for maintaining and regularly updating an inventory for all stocks and fixed assets in every establishment within their service in accordance with guidelines issued by the Head of Finance and Property Services.

6.5 Disposals or write-offs of stores, plant, furniture and equipment must be carried out in accordance with procedures issued by the Head of Finance and Property Services.

DATA LABEL: PUBLIC

- 6.6 Council property must not be removed from council premises other than for council purposes except in accordance with council policy.

B.7 BANKING ARRANGEMENTS

- 7.1 The Head of Finance and Property Services is responsible for ensuring that arrangements are made for the provision of mainstream banking services. ~~and that the contract is tendered at least every five years.~~
- 7.2 The Head of Finance and Property Services makes arrangements regarding the opening and operation of all council bank accounts and use of banking services in the name of the council. The Head of Finance and Property Services must authorise the opening of bank accounts for the use of petty cash.
- 7.3 For third party bank accounts operated by council staff as part of their council duties, cheques must be signed by two delegated signatories unless agreed otherwise by the Head of Finance and Property Services.
- 7.4 All arrangements for Clearing House Automated Payment system (CHAPS) payments will be made under the arrangements approved by the Head of Finance and Property Services. Heads of Service are responsible for authorising non-commercial payments and CHAPS payment forms. Whenever Heads of Service delegate responsibility for authorisation, they must notify the Head of Finance and Property Services in writing of the officers with delegated authority. A specimen signature for delegated officers must also be provided.

B.8 TREASURY MANAGEMENT

- 8.1 The council's treasury management policy statement is as follows:
- Treasury management is the management of the council's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.
 - The council regards the successful identification, monitoring and control of risk to be the prime criteria by which the effectiveness of its treasury management activities will be measured. Accordingly, the analysis and reporting of treasury management activities will focus on their risk implications for the organisation.
 - The council acknowledges that effective treasury management will provide support towards the achievement of its business and service objectives. It is therefore committed to the principles of achieving best value in treasury management, and to employing suitable performance management techniques, within the context of effective risk management.
- 8.2 For the cornerstones for effective treasury management, the council will create and maintain:
- a treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities

DATA LABEL: PUBLIC

- suitable treasury management practices (TMPs), setting out the manner in which the council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities
- 8.3 The content of the policy statement and TMPs will follow the recommendations contained in Sections 6 and 7 of the CIPFA Treasury Management Code, subject only to amendment where necessary to reflect the particular circumstances of this organisation. Such amendments will not result in the organisation materially deviating from the CIPFA Treasury Management Code's key principles.
- 8.4 The council has responsibility for the implementation and regular monitoring of its treasury management policies and practices. The council delegates responsibility for the execution and administration of treasury management decisions to the Head of Finance and Property Services, who will act in accordance with the organisation's policy statement and TMPs and CIPFA's Standard of Professional Practice on Treasury Management where they are a CIPFA member.
- 8.5 The Head of Finance and Property Services will prepare the annual treasury management plan in advance of the year for approval by full council. A mid-year report will be presented to full council for consideration, along with an annual outturn report by 30 September of the following financial year.
- 8.6 To demonstrate that the council's borrowing decisions are compliant with the Prudential Code's requirement that borrowing is prudent, affordable and sustainable, the Head of Finance and Property Services will prepare and monitor prudential indicators. Prudential indicators will be approved annually by Council and updates provided in the treasury management reports.
- 8.7 The council adopts in full both the CIPFA Treasury Management Code and the CIPFA Prudential Code.
- 8.8 All investments of money under its control shall be made in the name of the council. All money held by the council will be aggregated for the purposes of treasury management and shall be under the control of the Head of Finance and Property Services. Investments can only be in organisations included in the permitted investments list approved by Council.

DATA LABEL: PUBLIC

FINANCIAL REGULATION C – SYSTEMS AND PROCEDURES

C.1 INTRODUCTION

- 1.1 Sound systems and procedures are essential for an effective framework of accountability and control.

C.2 INCOME

- 2.1 The recovery and collection of all money due to the council is undertaken in accordance with guidelines issued by the Head of Finance and Property Services. The guidelines include procedures for issuing accounts, recording income, paying in cash, under and over banking, security and insurance of cash, cash transfers, personal cheques and the supply of receipts and tickets.
- 2.2 Services must ensure that where income is received by payment card, that the council's Payment Card Industry (PCI) compliance procedures are followed.
- 2.3 The corporate debt policy backed up by procedures sets out the terms of the joined up approach the council will take with debtors who, in particular, have multiple debts due to the council.
- 2.4 Accounts should be issued for sums due to the council, unless alternative arrangements have been agreed with the Head of Finance and Property Services. Heads of Service must:
- ensure the prompt rendering of accounts in connection with work done, goods supplied or services rendered
 - ensure that all money received by the council is paid directly to the council's bank account
 - provide such information as is required to establish income due to the council
- 2.5 Where accounts have not been issued other appropriate arrangements must be adopted and promptly initiated in line with the guidelines issued by the Head of Finance and Property Services.
- 2.6 Arrangements for payment of accounts due by instalment are at the discretion of the relevant Head of Service, except for council tax and non-domestic rates where there are statutory rights to pay in instalments.
- 2.7 In consultation with Heads of Service, the Head of Finance and Property Services is authorised to write off miscellaneous debt of up to £3,000 where the council has tried all reasonable means of debt collection and there is no prospect of recovery. Miscellaneous debt for this purpose excludes council tax, non-domestic rates, and any other debt write off specifically delegated to another officer.
- 2.8 In consultation with Heads of Service, the Head of Finance and Property Services is authorised to write off any amount of miscellaneous credit where all attempts to trace the creditor has failed (if the creditor is subsequently traced the action will be reversed and the credit refunded).

DATA LABEL: PUBLIC

- 2.9 In addition, the Head of Finance and Property Services, in consultation with Heads of Service, is authorised to write off any amount of miscellaneous debt that cannot be recovered where the debtor:
- has been sequestrated (declared bankrupt and, where possible, a suitable claim has been made); or
 - is a company in liquidation, receivership, administrative receivership, dissolution, or has been struck off the register of companies (and, where possible, a suitable claim has been made); or
 - cannot be traced; or
 - is deceased and there are no funds in the estate; or
 - the debt is prescribed (i.e. outwith the legal time limit for collection).
- 2.10 With regard to council tax and non-domestic rates debts that cannot be recovered, the Head of Finance and Property Services is authorised to write off:
- debts up to £3,000 in any one case;
- or any amount where the debtor:
- has been sequestrated (declared bankrupt and, where possible, a suitable claim has been made); or
 - is a company in liquidation, receivership, administrative receivership, dissolution, or has been struck off the register of companies (and, where possible, a suitable claim has been made); or
 - cannot be traced; or
 - is deceased and there are no funds in the estate; or
 - the debt is prescribed (i.e. outwith the legal time limit for collection).
- 2.11 In addition, the Head of Finance and Property Services is authorised to write off any amount of council tax and non-domestic rates where all attempts to trace the creditor has failed (if the creditor is subsequently traced the action will be reversed and the credit refunded).
- 2.12 The Deputy Chief Executive – Corporate, Operational and Housing Services is authorised to write off HRA rent arrears of up to £3,000 in any one case where the council has tried all reasonable means of debt collection and there is no prospect of recovery.
- 2.13 In addition, the Deputy Chief Executive – Corporate, Operational and Housing Services is authorised to write off any amount of HRA rent arrears that cannot be recovered where the debtor:
- has been sequestrated (declared bankrupt and, where possible, a suitable claim has been made); or
 - cannot be traced; or
 - is deceased and there are no funds in the estate; or
 - the debt is prescribed (i.e. outwith the legal time limit for collection).
- 2.14 Where there are valid social work reasons for so doing, and in accordance with council policy and legislative requirements, the Deputy Chief Executive - Health and Social Care Partnership is authorised to write off debts of up to

DATA LABEL: PUBLIC

£3,000, where the council has tried all reasonable means of debt collection and there is no prospect of recovery. This debt relates to:

- charges based on the Department of Work and Pensions or National Assistance Act regulations for residential or domiciliary care
- any other Social Work client contributions calculated through the charging policy.

C.3 SALARIES AND WAGES

3.1 The Scheme of Delegation to Officers provides for the appointment of employees. This establishes basic pay. Depute Chief Executives are responsible for authorising any variations to pay, and for ensuring that:

- all documents authorising variations to pay are submitted in accordance with conditions of service, council policies and other statutory provisions
- the Head of Corporate Services is provided with such information as is required to complete council and statutory returns

3.2 The Head of Corporate Services is responsible for:

- processing and payment of salaries, compensation and other emoluments to employees and elected members or retiring allowances to former employees
- maintaining appropriate internal controls in HR and payroll processes
- ensuring that there is adequate segregation of duties between the HR and payroll functions
- paying pension contributions to the City of Edinburgh Council and the Scottish Public Pensions Agency, and tax and National Insurance contributions to HM Revenue and Customs

C.4 ALLOWANCES AND EXPENSES

4.1 The Head of Corporate Services is responsible for:

- submitting a draft scheme of members' allowances to the Council Executive annually prior to the start of the financial year
- administering the scheme of members' allowances in accordance with the relevant statutory provisions
- publishing details of payments to individual members by 1 June each year for the preceding financial year

4.2 The Head of Corporate Services is responsible for:

- the reimbursement of travelling and subsistence expenses to officers and elected members
- Maintaining appropriate internal controls over the processes for reimbursement of travelling and subsistence expenses

4.3 Heads of Service are responsible for ensuring that:

- claims for expenses are submitted in accordance with conditions of service, council policies and other statutory provisions

DATA LABEL: PUBLIC

- the Head of Corporate Services is provided with such information as is required to complete council and statutory returns

C.5 PROCUREMENT OF ORDERS FOR WORK, GOODS AND SERVICES

- 5.1 The Council operates a Corporate Procurement Unit and services are required to make use of the Unit. Corporate Procurement maintains a contract register and can be contacted for advice on any type of purchase. This service will consist of the provision of purchasing advice, compliance with council standing orders for the regulation of contracts, national and European procurement regulations, and disposal of equipment.
- 5.2 All procurement and purchasing must comply with the council's standing orders for the regulation of contracts.
- 5.3 All contracts and orders must adhere to council payment terms which are 30 days from receipt of a valid invoice. Any exceptions to the council's payment terms must be approved in advance by the Head of Finance and Property Services.
- 5.4 Each Head of Service shall be responsible for all orders emanating from their service and shall ensure they fully observe all guidance issued by the Head of Finance and Property Services.
- 5.5 Heads of Service must ensure that proper security and control arrangements are implemented and must comply with the council's information security policy and guidelines.
- 5.6 Orders are only to be issued for supplies, services or works which have been procured in compliance with the council's standing orders for the regulation of contracts, and only if the cost is covered by a budget allocation or by a specific financial provision.
- 5.7 Orders for supplies, services or works must be processed in accordance with the council's Purchase to Pay Systems Procedure. Orders must be placed in advance of the supplies, services or works being received.
- 5.8 Heads of Service must ensure that records of all officers with responsibility for creating and approving orders on all council purchase to pay systems are maintained.
- 5.9 It is the responsibility of the Head of Service to satisfy themselves that an order represents a valid supply of supplies, services or works prior to authorising it.
- 5.10 Orders for supplies and services subject to contract must be placed with the contracted supplier. For works contracts, orders shall only be placed with organisations subject to the outcome of a competitive procurement exercise, and which hold a relevant construction industry registration certificate.
- 5.11 Before entering into leasing agreements, Heads of Service must consult with the Head of Finance and Property Services to establish the correct accounting treatment for the lease.

DATA LABEL: PUBLIC

C.6 PAYMENT PROCEDURES

- 6.1 The Head of Finance and Property Services will issue procedures covering payments to third parties. This will include procedures and guidance on use of the most appropriate purchase to pay system, purchase cards, e5 cheque facility, CHAPS and cash. Heads of Service are responsible for ensuring compliance with these procedures.
- 6.2 Heads of Service are responsible for entering goods received and invoice details into the relevant purchase to pay system to enable payment to be made.
- 6.3 An invoice must be matched to a pre-authorised order held on the relevant purchase to pay system. The Head of Service is responsible for ensuring that an invoice represents a valid liability of the council before authorising it for payment. The council's payment terms are 30 days from receipt of a valid invoice. Invoices must be processed without delay to ensure the council's payment terms are complied with.
- 6.4 Payment must not be made prior to the receipt of supplies and services without the approval of the Head of Service. Where a payment requires to be made in circumstances where there is no supply of goods or services, e.g. grant payments and refunds, then such payments must be made in accordance with procedures issued by the Head of Finance and Property Services.
- 6.5 The standard method of payment of money due from the council is by electronic bank transfer such as BACS and CHAPS drawn on the council's bank account. The only exceptions are payments made by cheque, petty cash and other payments from advance accounts. Payments must only be made by cheque and petty cash when other methods of payment are not appropriate. The council e5 cheque facility and cash procedures detail spend that can be processed by cheque and petty cash.
- 6.6 All cheques, excluding those required for authorised imprest accounts are printed only on the authority of the Head of Finance and Property Services who makes proper arrangements for their ordering, issuing and safe custody.
- 6.7 Cheques drawn on the council's main bank accounts must bear the facsimile signature of the Head of Finance and Property Services, or be signed by one of the following officers: Head of Finance and Property Services, Corporate Finance Manager, Delegated Group Accountant, Revenues Manager and Benefits Manager.
- 6.8 Cheques for over £50,000 drawn on the council's main bank accounts must bear the facsimile signature of the Head of Finance and Property Services and be signed by one of the following officers: Head of Finance and Property Services, Corporate Finance Manager, Delegated Group Accountant, Revenues Manager and Benefits Manager.

C.7 VALUE ADDED TAX

- 7.1 The Head of Finance and Property Services is responsible for issuing guidance on the application of value added tax rules.
- 7.2 Heads of Service are responsible for identifying and accounting properly for both their input and output value added tax.

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

ASBESTOS, FIRE SAFETY AND LEGIONELLA POLICIES AND MANAGEMENT PLANS

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To provide details of proposed amendments to the Asbestos, Fire Safety and Legionella Policies and Management Plans in relation to the council's statutory obligations in respect of property assets.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Approves the revised statutory compliance Policies and Management Plans.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable;
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>Amend existing policy for Asbestos Management, Fire Safety and Legionella Management</p> <p>Health and Safety at Work Act 1974; The Control of Substance Hazardous to Health Regulations 2002; The Management of Health and Safety at Work Regulations 1999; Fire (Scotland) Act 2005; Fire Safety (Scotland) Regulations 2006; Practical Fire Safety Guidance; HSE Approved Code of Practice L8 – Control of Legionella in Water Systems; Control of Asbestos Regulations 2012; The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR); Construction Design and Management Regulations 2015.</p>
III	Implications for Scheme of Delegations to Officers	The Scheme of Delegation to officers will be amended to reflect the revised policies.
IV	Impact on performance and performance Indicators	None

V	Relevance to Single Outcome Agreement	We live in resilient, cohesive and safe communities.
VI	Resources - (Financial, Staffing and Property)	The Capital budget contains an allocation for Asbestos, Fire Safety and Legionella within the council.
VII	Consideration at PDSP	Revised Policies and Management Plans were considered at the Partnership and Resource PDSP on 20 th August 2021 with no adverse comments received.
VIII	Other consultations	<p>Consultation has taken place with the recognised trade unions.</p> <p>Consultation has also taken place with council services through the Property Compliance Working Group including: Health and Safety; Education; Social Policy; Housing Customer and Building Services.</p>

D. TERMS OF REPORT

D.1 Introduction

The Council has a duty of care to ensure employees and other parties entering council premises are not at risk of the dangers associated with Asbestos, Fire and Legionella. The existing policies have been reviewed to ensure they reflect the requirements of existing legislation and best practice guidance.

The revised policies and management plans are located in appendices to this report.

D.2 Legislative Context

The council's duties and obligations for Asbestos management; Fire safety and Legionella management are detailed within the following legislative frameworks:

Health and Safety at Work Act 1974; The Control of Substance Hazardous to Health Regulations 2002; The Management of Health and Safety at Work Regulations 1999; Fire (Scotland) Act 2005; Fire Safety (Scotland) Regulations 2006; Practical Fire Safety Guidance; HSE Approved Code of Practice L8 – Control of Legionella in Water Systems; Control of Asbestos Regulations 2012; The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR); Construction Design and Management Regulations 2015.

The exposure to risks associated with Asbestos; Fire Safety and Legionella and how to control and minimise those risks to comply with legislation has formed the basis of the Councils approach and are detailed within each of the revised policy and management plans.

D.3 Asbestos Policy & Management Plan

The amended Asbestos Management Policy and Management Plan has been developed and reviewed in line with current legislation and guidance.

The main changes to the proposed policy include:

- Additional reference to provide clarity between the relationship of the Council Health and Safety Policy and the Asbestos Policy.
- The addition and clarification of responsibilities concerning the role of Council employees and in particular persons in control of works and persons in control of property including Responsible Persons; standby duty officers and Property Services staff
- Updating of Officer Roles and Titles to reflect current circumstances.
- Addition and clarification of the roles and responsibility of contractors.
- Clarification the policy applies to all council premises (including PPP).

The main changes to the proposed Management Plan include:

- Additional reference to provide clarity between the relationship of the Council Health and Safety Policy and the Asbestos Policy.
- Clarification of roles including persons in control of work; persons in control of property; Property Services staff.
- Clarification of changes for Asbestos awareness training.
- Inclusion of contractor competence; training and their obligations in relation to asbestos compliance and employer requirements.
- Inclusion of additional measures taken to remind contractors of the risks associated with asbestos.
- Further detail provided in relation to Asbestos survey types and sampling.
- Clarification of process and procedure regarding incidents and near misses including an annual performance report and analysis.
- Clarification of service specific arrangements and reference to those supplementary procedures.
- Confirmed and clarified the position on programming of minor works (including asbestos surveys) being undertaken in operational premises and phasing of enabling works in parallel with asbestos surveying activities.
- The introduction of four new appendixes including Asbestos awareness training Guidance; Mandatory Requirements & Specification for Removal & Disposal of ACMs – Employer requirements; Asbestos work request form guidance and Process for repair and maintenance within restricted areas.

D.4 Fire Safety Policy & Management Plan

The amended Fire Safety Policy and Management Plan has been developed and reviewed in line with current legislation and guidance.

The main changes to the proposed policy include:

- Addition of responsibilities for the Head of Service for Finance and Property Services, Capital Programme and Projects team managers and Persons in Control of Maintenance Work.

The main changes to the proposed Management Plan include:

- Amended list of supporting documents in Premises Management to reflect those applicable.
- Amended terminology to provide greater clarity in relation to the review of risks to include significant change in use or design.
- Inclusion of list of Performance Measures.

D.5 Legionella Policy & Management Plan

The amended Legionella Management Policy and Management Plan has been developed and reviewed in line with current legislation and guidance.

The main changes to the proposed policy include:

- Amended wording of the Chief Executive responsibilities to align with other policies
- The addition and clarification of responsibilities concerning the role of duty holders between Property Services (Operational Property) and Housing, Customer and Building Services (Domestic)
- The addition and clarification of responsibilities concerning the role of the Legionella Responsible Persons including the role of Health & Safety Advisers.
- Clarification the policy applies to all council premises (including PPP).

The main changes to the Management Plan include:

- The development and addition of the Domestic Property Management Plan
- The Operational Property plan has been revised, with the main changes as follows:
 - removal of references to housing now included in the domestic plan,
 - The frequency of risk assessments has been aligned with Performance Measures.
 - Clarification on what is included in Written Scheme,
 - Clarification of what are considered Prohibited Items that require Depute Chief Executive approval,
 - details of Planned Preventative Maintenance schedules added,
 - control parameters stated and improved contractor management requirements.
 - Clarification on compliance monitoring of the policy and management plan for all council premises.

E. CONCLUSION

The Policies and Management plans contained in this report will ensure ongoing compliance with legislation.

These policies set out key responsibilities and accountabilities consistent with other council policies.

F. BACKGROUND REFERENCES

None

Appendices/Attachments:

Appendix 1: Asbestos Management Policy
Appendix 2: Asbestos Risk Management Plan
Appendix 3: Fire Safety Policy
Appendix 4: Fire Safety Management Plan
Appendix 5: Legionella Management Policy
Appendix 6: Legionella Management Plan (Operational property)
Appendix 7: Legionella Management Plan (Domestic Property)

Contact Person:

Lauren McGuinness, Statutory Compliance Manager

07557077198 Lauren.mcguinness@westlothian.gov.uk

Donald Forrest

Head of Finance and Property Services

Date of meeting: 7th September 2021

Appendix 1



Asbestos Management Policy

Document title	Issuing Department	Issue Date	Author(s)	Next review date
Asbestos Policy	Health and Safety	June 2012	Marion Johnstone	June 2015
Asbestos Management Policy	Construction & Design Services	February 2016	Lauren McGuinness	February 2019
Asbestos Management Policy	Property Services	June 2021	Lauren McGuinness	June 2024

Data Label - Official

1. Policy Statement

The council has a duty of care to ensure those employees and other parties who use and have access to all council premises and properties are not exposed to the harmful effects of asbestos. The council will take all necessary steps to discharge this duty under the Control of Asbestos Regulations 2012, and any future amendments made to the Regulations.

2. Policy Objectives

The objectives of the Policy are to:

- Set clear responsibilities for ensuring employees and other parties who have access to council premises and properties are not exposed to the harmful effects of Asbestos Containing Materials (ACMs).
- Set clear responsibilities for communicating and promoting the council's commitment to prevent exposure to asbestos fibres through adequate information, instruction and training.
- Ensure strict compliance with the council's Asbestos Management Plan.

3. West Lothian Council Health and Safety Policy

The Health and Safety Policy is a requirement under the Health and Safety at Work Act and details how West Lothian Council will manage Health and Safety. It is the principle Policy on Health and Safety. Corporate Health and Safety provide topic specific information in the form of procedural documents which supplement the Health and Safety Policy. Services will then formulate service specific guidance and procedures commensurate with their activities. The Asbestos Policy and the Asbestos Risk Management Plan form part of those supplementary documents.

4. Policy Implementation

The objectives of this Policy will be implemented through the council's Asbestos Management Plan

5. Asbestos Work Undertaken by Council Employees

- Only suitably trained and authorised employees of Building Services may undertake work on non-licensed ACMs as defined in the Control of Asbestos Regulations.
- The nature and scope of the non-licensed work to be undertaken will be agreed by the Depute Chief Executive for Corporate, Operational and Housing Services and the Head of Service for Housing, Customer and Building Services in conjunction with the HR Manager (Health and Safety) and with reference to the Health and Safety Executive (HSE) Asbestos Essentials Booklet.
- Non-licensed work will only be undertaken where it is clear from a suitable and sufficient risk assessment that the exposure of an employee to ACMs will not exceed the control limit set out in the Control of Asbestos Regulations.
- Work on licensed asbestos materials and notifiable non-licensed material is not permitted by any council employee.

6. Asbestos Work Undertaken by Contractors

- Contractors may undertake work on licensed ACMs only if they hold an HSE asbestos license.

- Work on non-licensed and notifiable non-licensed ACMs may be undertaken by contractors only if the persons undertaking the work are suitably trained, all requirements of the Control of Asbestos Regulations are complied with and the work is authorised by the council. The contractor undertaking the work will be responsible for notifying licensed and notifiable non-licensed work to the HSE.
- The council will ensure that adequate information is made available to those contractors regarding the presence and type of known or presumed ACMs which may be encountered during the work and ensure that contractors engaged in work with ACMs have conducted their own risk assessment prior to work starting.

7. Responsibilities

In accordance with the council's Scheme of Delegation to Officers, the Chief Executive is responsible for ensuring that there are appropriate policy, management plan and procedures in place for management of asbestos.

Depute Chief Executives

Depute Chief Executives are accountable and responsible to the Chief Executive for ensuring the implementation of this Policy within their portfolio of services.

Head of Finance and Property Services

The Head of Finance and Property Services is responsible to the Chief Executive for ensuring the implementation of this Policy.

Heads of Service

Heads of Service are responsible to the appropriate Depute Chief Executive for implementing this Policy by ensuring that all employees and others who may be affected within their service are protected from the hazards associated with ACMs.

Service Managers/Head Teachers

Service Managers are responsible to the appropriate Head of Service for ensuring strict controls are maintained where the presence of ACMs is established and that employees receive asbestos training as necessary in relation to the risks and the procedures to be adopted in those circumstances. Implementing their service communication plans and where necessary developing Emergency Communication Process Maps and Works Process Maps for their service areas.

Property Services Manager

The Property Services Manager is responsible to the Head of Finance and Property Services for implementing this policy by ensuring that all employees and others who may be affected within their service are protected from the hazards associated with ACMs.

Statutory Compliance Manager

The Statutory Compliance Manager is responsible to the Property Services Manager for managing asbestos across the council in line with the following key responsibilities.

- Ensuring the management of projects and programmes for the removal or management of ACM's are in accordance with the Asbestos Management Plan and procedures.
- Ensuring services comply with the Policy, management plan and procedures.
- Providing guidance and advice on asbestos management and risk assessments.
- Ensuring adequate asbestos databases for non-domestic council properties and domestic council properties are in place and maintained.
- Determining the frequency for monitoring the condition of all identified ACMs and presumed ACMs and ensuring this is undertaken.
- Monitoring the performance of contractors and consultants engaged in asbestos work.
- Ensuring suitable asbestos work is undertaken by competent contractors
- Monitoring the provision of appropriate information, instruction, training and record keeping.
- Developing and publishing the council's Asbestos Management Plan.
- Liaising with the HR Manager (Health and Safety) on all aspects of asbestos management.
- Developing systems to ensure contractors have sufficient information on ACMs prior to work commencing

Persons in Control of Construction or Maintenance Work

Persons in control or managing construction or maintenance work are responsible for ensuring that work will be carried out safely. They shall ensure that prior to commencing any work that will disturb the fabric of the building the Asbestos Register and associated supporting documents are checked and a risk assessment for asbestos is completed. They shall also ensure that where required, all asbestos surveys, asbestos removal or remediation work is requested via the Statutory Compliance Manager and all relevant asbestos information passed to the persons, tradespersons or contractors carrying out the work. They shall also ensure that the contractor is aware of their obligations under the West Lothian Council Asbestos Policy.

They shall also be responsible for ensuring that no goods/materials are purchased that contain ACMs.

Stand-By Duty Officers

All stand by duty officers and allocated operatives shall comply with the out of hours procedure as noted in the Risk Management Plan and Health and Safety HR toolkit.

Property Management and Development Staff

Individual employees within Property Services who have responsibility for the management of Tenanted Non-Residential Properties will ensure that tenants receive information regarding asbestos that may be present in their property, and are advised of their obligations in relation to asbestos on the date of entry. This may include updated information which the property manager can pass to the tenant in electronic or hard copy format.

Property Services staff are also responsible for ensuring the outgoing tenant provides the updated asbestos register (including annual re-inspection updates) and any other asbestos related documentation (surveys, air testing reports etc) as part of the pre-termination

checks.

Persons in Control of Property (Head Teachers, Building Managers and Persons or groups in control of building lets)

Responsible persons in control of each property are responsible for ensuring that contractors engaged to undertake work in their premises check and review the asbestos register and any other supporting documents (asbestos hand book) prior to commencing work.

Responsible persons shall also ensure that all contractors to attend their premises sign into the contractors log within the compliance log book.

Responsible persons shall allow access to the Statutory Compliance Manager or their delegate for the purposes of fulfilling the obligations under this policy and the supporting asbestos risk management plan.

Any person or third party in control of a let of a building or any part thereof, shall ensure that those lets or any of their activities do not interfere with, disturb or alter the fabric of the building or known asbestos materials recorded in the site asbestos register.

HR Manager (Health and Safety)

The Health and Safety Manager is responsible to the Head of Corporate Services for reporting asbestos incidents to HSE, leading and co-ordinating investigations in line with the Health and Safety policy and incident investigation procedures. The Health and Safety manager will appoint an appropriate officer to carry out asbestos related incident investigations as required.

Whilst, the development, publishing and maintenance of the Asbestos Management Policy and Asbestos Risk Management Plan will be undertaken by the Statutory Compliance Manager these will be undertaken in consultation with the Health and Safety Manager.

Health and Safety Advisers

Health and Safety Advisers will have the following responsibilities.

- Supporting services with advice and guidance in relation to the implementation of requirements of this policy.
- Carrying out investigations into asbestos related incidents as directed by the Health and Safety Manager.
- Provide support and carry out training in accordance with the asbestos training program for West Lothian Council.

Employees

All employees shall comply with this policy, the asbestos risk management plan and service specific asbestos procedures. Including complying with any information instruction and training that is provided, reporting near misses and incidents and following service specific communication/ emergency procedures,

Contractors

All contractors shall comply with the councils asbestos policy and risk management plan. Including ensuring that they have a safe systems of work in place to avoid the risks from

asbestos, ensure that they have suitable and sufficient asbestos training and that emergency procedures are in place and up to date.

8. Business Continuity

Services should include appropriate procedures in their Business Continuity Plan to deal with an unplanned disturbance of ACMs.

9. Review of Policy

The Statutory Compliance Manager will review the Policy as appropriate in conjunction with the HR Manager (Health and Safety), and in consultation with recognised Trade Unions and other relevant parties.

- Full reviews of this policy shall be carried out at least once every 3 years;
- Interim reviews will be carried out when appropriate and, in particular, when there are:
 - changes to the underlying legislation or, supporting guidance or documents.
 - significant changes in the awareness of risk.

Appendix 2



West Lothian Council Asbestos Management Plan

Document title	Issuing Department	Issue Date	Author(s)	Next review date
Asbestos Management Plan	Health and Safety	June 2012	Marion Johnstone	June 2015
Asbestos Risk Management Plan	Construction & Design Services	February 2016	Lauren McGuinness	February 2019
Asbestos Risk Management Plan	Property Services	June 2021	Lauren McGuinness	June 2024

Content

1	Purpose.....	3
2	WLC Health and Safety Policy	3
3	Background.....	3
4	Roles & Responsibilities.....	3
5	Training.....	7
6	Contractor training, competence and obligations.....	8
7	Service Communication Plan	11
8	Surveys.....	12
9	Duty to Manage.....	13
10	Asbestos Register	14
11	Asbestos Risk Assessments	15
12	Works – Preventing Exposure to Asbestos	16
13	Emergency Services – Preventing Exposure to Asbestos	17
14	Work With Asbestos	17
15	Managing Asbestos Incidents.....	18
16	Housing Customer and Building Services – asbestos procedure.....	21
17	Operational Services – asbestos procedure.....	22
18	Tenanted Non-Residential Property (TNRP) – asbestos procedure.....	22
19	Compliance Auditing	22

1 Purpose

The Asbestos Management Plan describes how the Council will effectively manage asbestos in all council premises and the actions that will be taken to prevent council employees, contractors and other persons from being exposed to asbestos fibres.

The council has a legal duty of care to prevent or avoid the risk of exposure to asbestos to employees and all other relevant parties as defined in the Asbestos Management Policy.

The council's failure to comply with this duty could result in serious illness and death of anyone exposed to asbestos fibres. It may also result in criminal prosecution and civil claims against those held to be responsible.

2 West Lothian Council Health and Safety Policy

The Health and Safety Policy is a requirement under the Health and Safety at Work Act and details how West Lothian Council will manage Health and Safety. It is the principle Policy on Health and Safety. Corporate Health and Safety provide topic specific information in the form of procedural documents which supplement the Health and Safety Policy. Services will then formulate service specific guidance and procedures commensurate with their activities. The Asbestos Policy and the Asbestos Risk Management Plan form part of those supplementary documents.

3 Background

Asbestos is the common name used for a number of naturally occurring inorganic silicates. It is an internationally recognised hazard to health. Its fibres, when released to atmosphere and inhaled, can accumulate in the lung and may cause severe irritation leading to serious illness and death.

Asbestos was a useful product due to its durability, chemical, sound and heat resistance and consequently it is found in a range of construction materials. It can be found in diverse materials from floor tiles to roof boards and from storage heaters to ironing boards. Construction materials containing asbestos are referred to as Asbestos Containing Materials (ACMs). Where ACMs are damaged or their condition deteriorates they are liable to release asbestos fibres into the environment. Some ACMs will release fibres more readily than others.

4 Roles & Responsibilities

Those with responsibilities under the Asbestos Management Policy should note the dangers associated with asbestos and must not in any way underestimate the fact that exposure to ACMs can be fatal.

Every reasonable precaution must be taken to ensure that exposure to asbestos fibres is prevented or, where prevention is not possible, controlled using suitable and sufficient measures. Work with ACMs, even under controlled conditions, is still considered to be exposure to asbestos fibres to those undertaking the works.

Risks must be adequately controlled when work is carried out on or near ACMs. All employees who are liable to be exposed to ACMs, or who supervise such employees, must be given adequate information, instruction and training regarding the precautions to be taken.

4.1 Chief Executive

The Chief Executive is responsible for ensuring the council has an appropriate policy, management plan and procedures in place for management of asbestos..

4.2 Depute Chief Executives

Depute Chief Executives are accountable and responsible to the Chief Executive for ensuring the implementation of the Policy within their portfolio of services.

4.3 Head of Finance and Property Services

The Head of Finance and Property Services is responsible to the Chief Executive for ensuring the implementation of the Policy in relation to the responsibilities of that area.

4.4 Heads of Service

Heads of Service are responsible to the appropriate Depute Chief Executive for implementing the Policy by ensuring that all employees and others who may be affected within their service are protected from the hazards associated with asbestos, reviewing their service's compliance with the corporate Health and Safety Policy and where appropriate developing service procedures, emergency communication process and a communications plan.

4.5 Service Managers/Head Teachers

Service Managers/Head Teachers are responsible to the appropriate Head of Service for ensuring strict controls are maintained where the presence of asbestos is established and that employees receive asbestos training as necessary in relation to the risks and the procedures to be adopted in those circumstances and for the implementation of the service communication plan. They are also responsible for developing, where necessary service procedures, emergency communication process maps and works process maps.

4.6 Property Services Manager

The Property Services Manager is responsible to the Head of Finance and Property Services for implementing this policy by ensuring that all employees and others who may be affected within their service are protected from the hazards associated with ACMs.

4.7 Statutory Compliance Manager

The Statutory Compliance Manager is responsible to the Property Services Manager for ensuring that the relevant Asbestos Policy, Management Plan and associated are current and that their requirements are met by the Council. The postholder will lead the team responsible for the corporate management of Asbestos.

The Statutory Compliance Manager has the following key responsibilities for managing asbestos:

- Ensuring the management of projects and programmes for the removal or management of ACM's are in accordance with the Asbestos Management Plan and procedures.
- Ensuring services comply with the Policy, management plan and service procedures.
- Providing guidance and advice on asbestos management and risk assessment.
- Ensuring adequate up-to-date asbestos databases for non-domestic council properties and domestic council properties are in place and maintained.
- Determining the frequency for monitoring the condition of all identified ACMs and presumed ACMs and ensuring this is undertaken.

- Monitoring the performance of contractors and consultants engaged in asbestos work.
- Ensuring suitable asbestos work is undertaken by competent contractors.
- Monitoring the provision of appropriate information, instruction, training and record keeping. Developing and publishing the council's asbestos management policy and management plan.
- Liaising with the HR Manager (Health and Safety) on all aspects of asbestos management.
- Developing systems to ensure work orders and instructions warn contractors in writing if asbestos is liable to be present in the premises where work is to take place and ensure that relevant asbestos information held is passed to the contractor prior to carrying out any works.

The Statutory Compliance Manager will have a unique email account: asbestos@westlothian.gov.uk to ensure that urgent contact can be responded to. The Statutory Compliance Team Manager's telephone number during normal working hours will be found in the staff telephone directory. The out-with working hours telephone number is (01506) 280000.

4.8 Persons in Control of Construction or Maintenance Work

Persons in control or managing construction or maintenance work are responsible for ensuring that work will be carried out safely and that prior to commencing any work that will disturb the fabric of the building the Asbestos Register and associated supporting documents are checked and a risk assessment for asbestos is completed. They shall also ensure that where required, all asbestos surveys, asbestos removal or remediation work is requested via the Statutory Compliance Manager and all relevant asbestos information passed to the persons, tradespersons or contractors carrying out the work. They shall also ensure that the contractor is aware of their obligations under the West Lothian Council Asbestos Policy.

They shall also be responsible for ensuring that no goods/ materials are purchased that contain ACMs.

4.9 Stand By Duty Officers

All stand by duty officers and allocated operatives shall comply with the out of hours procedure as noted in the Risk Management Plan and Health and Safety HR toolkit.

4.10 Property Services Staff

Individual employees within Property Services who have responsibility for the management of Tenanted Non-Residential Properties will ensure that tenants receive information regarding asbestos that may be present in their property, and are advised of their obligations in relation to asbestos on the date of entry. This may include updated information which the property manager can pass to the tenant in electronic or hard copy format.

Property Services staff are also responsible for also ensuring the outgoing tenant provides the updated asbestos register (including annual re-inspection updates) and any other asbestos related documentation (surveys, air testing reports etc) as part of the pre-termination checks.

4.11 Persons in Control of Property (Head Teachers, Building Managers and Persons or groups in control of building lets)

Responsible persons in Control of each property are responsible for ensuring that contractors engaged to undertake work in their premises check and review the asbestos register and any other supporting documents (asbestos hand book) prior to commencing work.

Responsible persons shall also ensure that all contractors to attend their premises sign into the contractors log within the compliance log book.

Responsible persons shall allow access to the Statutory Compliance Manager or their delegate for the purposes of fulfilling their councils obligations under this policy and the supporting asbestos risk management plan.

Any person or third party in control of a let of a building or any part thereof, shall ensure that those lets or any of their activities do not interfere with, disturb or alter the fabric of the building or known asbestos materials recorded in the site asbestos register.

4.12 HR Manager (Health & Safety)

The HR Manager (Health and Safety) is responsible to the Head of Corporate Services for reporting asbestos incidents to HSE, leading and co-ordinating investigations in line with the Health and Safety policy and incident investigation procedures.

The Health and Safety manager will appoint an appropriate officer to carry out asbestos related incident investigations as required. The development, publishing and maintenance of the Asbestos Management Policy and Asbestos Risk Management Plan will be undertaken by the Statutory Compliance Team Manager in consultation with the Health and Safety Manager.

4.13 Health and Safety Advisers

Health and Safety Advisers will have the following responsibilities.

- Supporting services with advice and guidance in relation to the implementation of requirements of this policy.
- Carrying out investigations into asbestos related incidents as directed by the Health and Safety Manager.
- Provide support and carry out training in accordance with the asbestos training program for West Lothian Council.

4.14 Employees

All employees shall comply with this policy, the asbestos risk management plan and service specific asbestos procedures. Including complying with any information instruction and training that is provided, reporting near misses and incidents and following service specific communication/ emergency procedures.

4.15 Contractors

All contractors shall comply with the councils asbestos policy and risk management plan. Including ensuring that they have a safe system of work in place to avoid the risks from asbestos, ensure that they have suitable and sufficient asbestos training and that emergency procedures are in place and up to date.

5 Asbestos Awareness Training

5.1 Provision of Training

The council will provide training on Asbestos Awareness and/or Management to all necessary employees. Refresher training will be provided and the frequency will follow HSE guidelines. Services should identify those people who are potentially at risk from exposure to ACMs or as being key in the management of asbestos and provide them with information, instruction and training in line with the requirements of the Control of Asbestos Regulations 2012. Services can find guidance on this in Appendix 14. In addition the following areas of awareness and management will be covered:

- The council's Asbestos Management Policy and Risk Management Plan including service specific procedures.
- The council's Asbestos Register; its accessibility, use and limitations.
- The types of asbestos surveys and the scope/ limitations of each.
- Hard copy and electronic location of asbestos related information (i.e. site management plans, asbestos survey reports, removal certification, air test reports
- Requesting asbestos related works.
- Current asbestos works provision within West Lothian Council.

Training for those who are liable to directly encounter ACM's in the workplace will additionally cover:

- Refresh training in all of the above areas as per HSE guideline frequencies or service training needs analysis.
- Regular re-enforcement of training through toolbox talks, group site and depot seminars including the sharing of good and bad practices and any near misses/ incident investigations.
- Changes in asbestos regulations and other health and safety regulations.

Services shall be responsible for retaining up to date records on those employees who have attended asbestos awareness training as well as supporting the Statutory Compliance Manager in the reporting of performance information in relation to those annual training targets.

All existing Managers will be trained in their responsibilities to ensure that no staff member is put at risk through ignorance or duress. It will stress:

- Manager responsibility for taking appropriate action to prevent risks.
- Manager responsibility for producing and implementing the Health and Safety - Safety Arrangements Booklet and to ensure that the delegated responsibilities for ACMs in their area are written into it and communicated to those with responsibilities.
- Managers should ensure that those employees with delegated responsibilities have access and are made aware of the content of the Safety Arrangements Booklet.

All existing staff out-with identified risk groups will be directed by their line manager, in relation to asbestos procedures and any delegated tasks they have been asked to carry out.

6 Contractor Competence, Training and Obligations

- 6.1 All contractors shall comply with the councils asbestos policy and risk management plan. Including ensuring that they have a safe system of work in place to avoid the risks from asbestos, ensure that they have suitable and sufficient asbestos training and that emergency procedures are in place and up to date.
- 6.2 All contractors shall ensure that they have developed a clear communication plan and procedures in relation to asbestos. Contractors shall ensure that they communicate effectively with West Lothian Council regarding asbestos.
- 6.3 Persons in control or managing construction or maintenance work shall ensure that competency checks are carried out of all contractors (including all construction/non asbestos contractors). Evidence of suitable asbestos training (including asbestos awareness and refresher) shall be obtained from all prospective contractors who are engaged by WLC in construction, repair, maintenance work and are potentially at risk from exposure to ACMs as part of their works. Guidance on asbestos awareness training can be found in Approved Code of Practice (ACOP) L143 Work with Materials Containing Asbestos. Guidance on the competence of contractors managing asbestos works can be found in Appendix 15- Asbestos Management in Construction Works – Employer requirements.

Property Services shall write to all relevant term maintenance contractors and framework consultants on a 6 monthly basis to remind them of the risks associated with asbestos, remind them of their obligations in terms of asbestos when working in West Lothian Council Operational Premises. This written reminder shall include as a minimum:

- All contractors must review the asbestos register prior to undertaking any work.
- To reinforce the importance and legal requirement to have a safe system of work and risk assessment in place.
- All contractors must have asbestos emergency procedures in place including communication strategy.
- All contractors must have appropriate asbestos awareness training.

Property Services shall provide all relevant contractors with the “Asbestos – What you need to know” induction to working in West Lothian Council premises. This induction includes:

- the councils duty to manage asbestos,
- safe systems of works and avoiding the risk from asbestos,
- a summary of the premises asbestos handbook,
- a summary of the asbestos register and
- the importance of having asbestos emergency procedures.

This induction shall be provided on an annual basis to all term maintenance contractors for them to include in their own company training regime with a compliance declaration sought from each that they have incorporated this.

This induction may also be provided ahead of appointment of a contractor as part of tender documentation, it may be provided in support of the Property Services Employer Design Requirements document or it may be provided at pre-start phase and minuted to ensure that all newly appointed contractors are captured.

Property Services shall have asbestos compliance as a standing item on all relevant contractor pre start and progress meeting agenda's.

6.4 Asbestos Contractors Requirements

The council will put in place robust selection, monitoring and management of all contractors employed to carry out work with asbestos materials. This includes surveys, sampling & analysis and asbestos removal. Guidance on minimum competence requirements on each of these areas can be found in Appendix 15.

Asbestos Contractor Requirements

Services will ensure that all contractors engaged to work with asbestos are from those recognised by the Statutory Compliance Team as competent and, where necessary, appropriately licensed to do so. Where applicable, each Service area will ensure documented procedures are in place to select, monitor and manage contractors who work with asbestos. In general, this will include:

- The Statutory Compliance Manager being responsible for the selection of competent contractors
- Guidance on minimum competence requirements can be found in Appendix 15
- Only competent removal contractors, and who hold an HSE asbestos license and have adequate insurance will be employed to undertake licensed asbestos work.
- Performance and quality monitoring of contractors will be undertaken by the Statutory Compliance Team who will develop an audit system covering tendering, operation, health and safety and quality control.
- Contract monitoring will be done in conjunction with the Corporate Procurement Unit.
- Contractor's training records must be available on request.
- Risk assessments and safe systems of work must be assessed as adequate by the Statutory Compliance Team or by the main contractor (where applicable) and in place prior to any works taking place. Where these are part of larger construction works the Corporate Health and Safety Team should also be consulted on the adequacy of the risk assessment and method statement.
- Contractors who undertake asbestos sampling or surveying must conform to the requirements in ISO17020. The council will ensure all contractors engaged for this purpose are fully accredited by UKAS and compliant with all legislation.
- Contractors who undertake air testing as part of the Certificate for Re-occupation must conform to the requirements in ISO17025. The council will ensure all contractors engaged for this purpose are fully accredited by UKAS and compliant with all legislation.
- Contractors who undertake air measurements and employee exposure monitoring must conform to the requirements of ISO17025. The council will ensure all contractors engaged for this purpose are fully accredited by UKAS and compliant with all legislation.
- Contractors will conform to the CDM Regulations 2015 and any versions thereafter. Where these are part of larger construction works the Corporate Health and Safety Team should also be consulted.
- The Statutory Compliance Team will ensure that whenever two or more contractors work with ACMs or could come into contact with ACMs at the same time or are working in the same premises that they co-operate with each other and those they could affect.

6.5 Asbestos surveyors/ analysts/ removal contractors role and responsibilities

All asbestos contractors general roles and responsibilities are included but not limited to those set out in Appendix 15

6.6 Provision of asbestos information to contractors

All third-party contractors and West Lothian Councils Building Services will be alerted to the presence of ACMs and the controls being used to prevent exposure to asbestos, by the person(s) in control of construction or maintenance work, including emergency and standby operations AND by reviewing the site specific asbestos management plan or available asbestos information (applies to domestic premises only).

Contractors must be advised of the standards expected and procedures to be followed prior to carrying out any asbestos works. This will be done by the 'person(s) in control of or key in the management / instruction of construction or maintenance work'.

The Statutory Compliance Team will implement systems to ensure work orders and instructions warn contractors in writing if ACMs are liable to be present in the premises where work is to take place. Please refer to the work order example on the intranet – Health and Safety HR toolkit.

Every WLC operational site has an Asbestos Management Handbook.

- This is for use by WLC staff and external contractors.
- It is located at the front desk/ reception/ main office.
- It is coupled with the compliance log book and contractor sign in.
- It is the Responsible Persons responsibility to keep in good order.

The site specific asbestos handbook will contain the asbestos management plan (register) and other asbestos related documents as noted below:

Section 1 - Site specific management plan and asbestos register

- Summary of known asbestos in the building
- Condition of asbestos
- Controls in place
- Layout plans

Section 2 - Asbestos survey reports

- Technical reports (Management survey- baseline) for normal occupation
- Technical reports (targeted intrusive refurbishment survey) for specific projects
- Scope of survey, non asbestos data and negative samples within report

Section 3 - Air analytical reports (following asbestos removal/ remediation)

- Technical report following asbestos work confirming area fit for re-occupation.

Services should ensure that contractors who are engaged in work with ACMs have conducted their own risk assessments prior to work starting. Guidance, support and training on managing contractors and evaluating risk assessments are available from the Statutory Compliance Team.

7 Service Communication Plan

The council will ensure that all council employees receive the asbestos information they require to carry out their tasks safely to prevent exposure to asbestos fibres.

7.1 Service Communication Plan

Each service will develop a communication plan and procedures for those at risk and those who could create a risk covering the following areas:

- Awareness of the council's policy, risk management plan and service procedures.
- Awareness of issues regarding contact with ACMs.
- General information on asbestos in domestic premises for housing tenants
- Specific asbestos information for premises requested by housing tenants,
- Information for lessees (where required).
- Work process maps for staff and contractors.
- Emergency communication and incident/ near miss process maps (please refer to the HR toolkit for current service communication process). Services shall consider the minimum steps for inclusion in their emergency process which are noted in section 14 – managing asbestos incidents and near misses,

Services are required to provide the Statutory Compliance Manager and HR Manager (Health and Safety) with up to date copies of their service procedures, emergency communication and incident/ near miss process map and general work process maps.

These service procedures should be reviewed annually as minimum, when there is a change in legislation or any asbestos incidents.

The communication plan will deliver key clear messages about asbestos without causing unwarranted alarm while still ensuring that care is always taken and everybody has the information they need to do their job safely, manage the safety of others.

These key messages are:

- Safety and Statutory Compliance is the main priority of the council.
- The council will act in an open and honest way.
- Asbestos was widely used in the construction industry and is present in many homes, factories and other buildings.
- Asbestos is not a risk if left in situ, in satisfactory condition.
- Asbestos may pose a risk if disturbed.
- All WLC staff who might come into contact with asbestos as part of their normal work will receive appropriate asbestos awareness training on how to recognise it and the steps they should take.
- The council takes the issue of asbestos extremely seriously and will act immediately if concern is expressed about suspect or known asbestos materials.
- Identification, removal and disposal of asbestos requires specialist contractors.
- The council will update, review and carry out a programme of asbestos re-inspection surveys in line with the purpose for which the properties are held and in accordance with the survey strategy/programme.
- Asbestos registers and survey information will be accessible to all relevant persons.
- The council will provide accurate and useful information on asbestos to tenants and lessees.
- The council will ensure that a risk assessment for asbestos is carried out prior to all works,
- The council is a responsible landlord and has a comprehensive system to identify risks and measures required to protect tenants against exposure to asbestos whilst

carrying out work in their home whilst ensuring work complies with the requirements of health and safety legislation.

- The council works within the guidelines set out by the Health and Safety at Work Act and the Control of Asbestos Regulations and all other health and safety Regulations, Approved Codes of Practice, guidance etc.

7.2 Service specific procedures

Each service, where appropriate, will develop, implement and revise service specific asbestos procedures to take cognisance of the updated Asbestos Management Policy and Management Plan and will provide a copy to the Statutory Compliance Manager and HR Manager (Health and Safety).

8 Asbestos Surveys and Sampling

Asbestos surveys and sampling will be carried out in line with the latest guidance from HSE, HSG264 Asbestos – The Survey Guide and WLC asbestos surveying criteria and surveying strategies. The types of surveys undertaken will include anything from management, specified refurbishment, full refurbishment or demolition surveys in non-domestic and domestic properties. The requirement for, the type and scale of survey will be determined by the person in control or key in the management of the proposed work. The Statutory Compliance Manager will ensure competent contractors undertake these surveys and the correct survey is undertaken.

Management Surveys

Please refer to HSG 264 (Asbestos – the survey guide) for a full definition of an asbestos management survey.

This is a baseline survey which has been conducted to cover normal occupancy of the building or minor non-intrusive maintenance work.

A management survey shall typically include a room by room inspection of the premises including the externals. This will include immediate surfaces and accessible void spaces only that may be affected by normal occupancy or minor maintenance only. Therefore restricted void spaces, confined spaces, live plant and equipment are not subject to inspection under the remit of an asbestos management survey.

All operational non domestic premises (including domestic communal areas) shall have a management survey undertaken on them to comply with the Asbestos Policy and risk management plan.

Refurbishment Surveys

Please refer to HSG 264 (Asbestos – the survey guide) for a full definition of an asbestos refurbishment survey.

This can be a targeted or premises wide survey which has been conducted to fulfil a specific scope of works. It includes destructive and intrusive inspections into the building fabric to allow inspection for concealed asbestos materials.

For all construction, repair or maintenance work that may disturb the fabric of the building a Refurbishment survey is likely to be essential. This would include the site investigation of proposed new builds i.e. soil and contaminated land investigations.

Construction, refurbishment and maintenance work may require investigation of the whole building or be restricted to the area of the building work and, where necessary, adjacent areas.

The Statutory Compliance Team shall arrange the correct level of survey to be carried out and report findings to be released to the person in control of the works. The person in control or key in the management of the works is also responsible for disseminating the relevant asbestos information on to those conducting the works prior to works commencing.

Demolition surveys

Please refer to HSG 264 (Asbestos – the survey guide) for a full definition of an asbestos demolition survey.

This is a premises wide survey which has been conducted to fulfil the demolition of a premises inclusive of the grounds and boundaries. It includes fully destructive and intrusive inspections into the building fabric to allow inspection for concealed asbestos materials.

All demolition work will require a demolition asbestos survey. Demolition work shall require investigation of the whole premises or be restricted to a defined area of the premises and, where necessary, adjacent areas.

For work involving any construction, repair, alteration or maintenance where the Construction Design and Management Regulations (CDM 2015) apply, the pre-construction information shall identify whether ACMs are present or not and will provide details of ACM locations.

The Construction, Designer and Management (CDM) Procedural Guidance for each service can be made available on request to Property Services.

Those responsible for the maintenance or any asbestos information will make arrangements for access to be given to those who require it through council systems.

9 Duty to Manage

The duty to manage applies to all non-domestic properties and communal parts of domestic properties.

Under the Control of Asbestos Regulations 2012, anyone who is a 'duty-holder' is required to ensure that steps are taken to identify asbestos that may be present within premises and to ensure that it is adequately managed.

A duty holder is anyone who, by virtue of contract or tenancy, has a responsibility for the maintenance of non-domestic premises or, where no contract exists, anyone who is in control of premises and/or controls access to premises, or has control of the common parts of domestic premises.

The council will comply with the duty to manage asbestos by:

- Identifying asbestos within our non-domestic and the common parts of domestic premises and adequately managing it.
- Creating a property Asbestos Register and site-specific asbestos management plan for all premises to which the duty to manage applies, record and assess the condition of the ACMs and record the management actions to be taken for each ACM identified or presumed along with the priority, frequency and target date for completion of action.
- Ongoing monitoring to check for damage or deterioration in condition of ACMs by competent persons.

Where an ACM exists in council property under our control, and the ACM is in satisfactory condition and unlikely to be damaged or disturbed the council will leave the asbestos in place and maintain it in a satisfactory condition.

10 Asbestos Register

Where asbestos has been identified, a record will be created in the Asbestos Register for all premises to which the duty to manage applies. An example of a register is available on the intranet -Health and Safety HR toolkit.

This will record, by each ACM found or presumed, the location, nature and type of ACM along with its condition and assessed risk of asbestos fibre release. The condition of each ACM will be assessed as part of the material and priority risk assessment score. This score is taken from HSE guidance (HSG 227) and applied by the surveying contractor or competent person. The contractor or competent person will also give a recommended action plan :

Database Code	Action Plan
1	Monitor
4	Encapsulate
9	Enclose
3	Remove
5	ACM Removed
2	Remedial
7	Prohibited Access
6	Management arrangement
10	Alert – Prohibited Access
8	Access and survey

The date of next re-inspection will be recorded in the Asbestos Register and, where the material risk, priority risk or action plan of an ACM has changed the Asbestos Register will be updated as appropriate.

At the time of any asbestos assessment preventative or risk reducing action plans will be identified, prioritised and recorded in the Asbestos Register and site specific Management Plan. These action plans will be implemented in order of priority.

The Asbestos Register and its Site-Specific Management Plan will be reviewed a minimum of every 12 months.

11 Asbestos Risk Assessments

No construction or maintenance work will proceed without a suitable and sufficient risk assessment to determine if the work is liable to disturb ACMs that may be present. This includes asbestos surveys and inspections. Due consideration shall be given to avoiding ACMs where possible during construction works which may include altering the works accordingly.

The risk assessment will address the following points:

- Is asbestos liable to be present?
- Is the proposed work liable to disturb any asbestos that may be present?
- Are suitable control measures in place to allow work to proceed safely?
- If not, then the works must not proceed.

and include the following key aspects:

- A determination of the age of the premises where work is to take place(i.e. post 2000 and / or does not fall within conditions for post 2000 premises set by HSE) ;
- An appraisal of the proposed work and identification of parts of premises likely to be disturbed;
- An appraisal of any existing asbestos information held e.g. Asbestos Register and/or survey; and
- Where it is determined that asbestos is liable to be present in areas that are likely to be disturbed by the work AND whether the existing information available is insufficient to confirm or refute this determination, if so, then a Refurbishment OR Demolition Survey must be carried out.

A check of the current Asbestos Register and available survey reports MUST be made prior to undertaking / instructing construction or maintenance works.

An example of Building Services Health and Safety Risk Assessment can be made available on request from Building Services.

As part of a suitable and sufficient assessment the existing asbestos register, survey reports and any other relevant asbestos information shall be checked by at least one of the following:

- The person issuing the work instruction / order.
- Person(s) in control or key in the management/ instruction of construction or maintenance work, including emergency and standby operations,
- Persons in control of premises
- The contractor carrying out the proposed work.

If insufficient information is available or if asbestos is required to be removed a request for a survey/ removal shall be made by completing the form AWR01 available on the intranet – Health and Safety HR toolkit and also the Property Services (Statutory Compliance team) page.

Those in control of the work shall give due consideration to the guidance around completion of the AWR01 (Appendix 16) and specifically the scale, complexity, programme and scope of the proposed construction work. A detailed scope of works shall be provided on the AWR01.

Arrangements will be made to allow access to all asbestos related documentation (Asbestos Registers, survey reports, air testing reports etc) for domestic and non-domestic properties to those who require it.

12 Works – Preventing Exposure to Asbestos

The council operates a number of in-house services. Each service that requires to prevent exposure to asbestos will develop detailed procedures making clear the roles, responsibilities, processes and precautions, communication plan to be followed covering those who could be at risk, those who could create the risk, avoiding the risk from asbestos as well as the action to be taken on discovering or disturbing asbestos. The following types of work should be covered:

- Work during planned work/maintenance work.
- Construction projects.
- Standby / out of hours.
- Work following incidents or emergencies.

Minor works including asbestos surveys may only be being undertaken within buildings that are operational with the consent of the responsible person and authorisation by Property Services. Surveying activities that may result in the identification of asbestos containing materials or any other deleterious materials is prohibited within buildings that are operational and must be undertaken either at weekends, evenings, holidays or other periods where there is no immediate operational use (i.e. through relocation of operational activity).

Testing and survey activities following any enabling works that may identify asbestos or any other deleterious materials must be undertaken immediately after or in parallel to the enabling works. Areas where such works are undertaken should have access prohibited until the surveying activities or testing has confirmed areas are safe to be re-occupied.

13 Emergency Services – Preventing Exposure to Asbestos

The emergency services may need access during an emergency situation and in these instances the person in control of the premises should be contacted immediately.

Scottish Fire and Rescue Service are aware that the council have an Asbestos Register for all their non-domestic properties and common parts of domestic properties. The emergency services should not be delayed from entering the building/room if there is risk to life.

An updated emergency asbestos register is also issued at the same stage as the updated asbestos management plan and the responsible person is instructed to insert this as part of the property emergency response pack. The emergency services shall also be provided with the emergency response pack which includes a copy of the up to date asbestos register and layout plans for the property.

Stand by / Out of Hours

All stand by operatives and duty officers shall comply with the out of hours procedures and refer to the emergency out of hour's procedure on the intranet Health and Safety HR toolkit <https://intranet.westlothian.gov.uk/article/27167/Asbestos-Management-in-Buildings>

Advice shall be sought from the out of hours suppliers and this advice shall include how to protect the person(s) or employees, whether background monitoring is required, what remediation or make safe arrangements are required and if decontamination procedures are necessary.

14 Work With Asbestos

All decisions, activities and work involving asbestos surveys, asbestos removal/remediation and asbestos analytical work must be taken by the Statutory Compliance Manager. Asbestos work will be managed and monitored in accordance with current regulations, codes of practice and HSE guidance.

14.1 Management of Asbestos Work

The Statutory Compliance Manager shall have systems in place for managing asbestos work (surveys, removal and analytical). This will include:

- Suitable and sufficient contractual arrangements are in place for the procurement and management of asbestos related services/ works,
- Representative desk top review and authorisation of asbestos survey related documentation (e.g. survey plans, survey reports).
- Desk top review and authorisation of all asbestos removal/ analytical documentation (e.g. risk assessment, method statement, programme),
- Site scoping prior to asbestos survey works where deemed appropriate,
- Representative site audits during asbestos work to monitor compliance of contractors with the instructed work and in accordance with compliant risk assessment and method statement,
- Provision of satisfactory completion paperwork following asbestos removal/ remediation work and permission to re-occupy the former work areas.

- Provision of compliance advice to all staff.

Further construction works or re-occupation following asbestos works must not be authorised until such time as the Statutory Compliance Manager has given such authorisation to the appropriate person(s).

15 Managing Asbestos Incidents and near misses

The Health and Safety Manager is responsible to the Head of Corporate Services for reporting asbestos incidents to HSE, leading and co-ordinating investigations in line with the Health and Safety policy and incident investigation procedures.

The Health and Safety manager in consultation with the Statutory Compliance Manager will appoint an appropriate officer to carry out asbestos related incident investigations as required.

The Health and Safety manager in conjunction with the Statutory Compliance Manager will determine the requirement to report any incident to the Health and Safety Executive under the requirements of the RIDDOR regulations.

Managers will ensure that all asbestos incidents and near misses are recorded on Sphera in line with timescales outlined in the incident recording procedures.

An investigation will be undertaken and reports distributed to Heads of Service and Managers as agreed by the HR Manager (Health and Safety) and Statutory Compliance Manager.

An annual performance report on all asbestos related incidents and near misses shall be produced and distributed with an analysis for the previous financial year. This report should include a narrative on root cause of the incident, any trends, action taken and lessons learned.

15.1 Suspected Asbestos Discovered During Work

Where a material suspected to contain asbestos is discovered during any work the service specific emergency procedure MUST be followed:

- The service specific Asbestos Emergency Communication Process will be activated.
- All persons must cease any activity that may disturb the material found.
- All external trades persons and contractors shall immediately implement their own emergency procedure for dealing with asbestos.
- As a minimum the emergency process shall include:
 - Restrict access to the area and leave all equipment and material in situ.
 - Inform your own line manager.
 - Inform the corporate health and safety team and your service health and safety adviser.
 - Inform WLC instructing officer or the Statutory Compliance Team where appropriate – as a minimum provide the following information:
 - Property name
 - Location reference/ room use
 - Material type discovered/ disturbed
 - How was the suspect material discovered?
 - What activity caused the discovery? Power tools/ manual tools etc?

- Confirmation that company own emergency procedure is being implemented and followed.
 - Stay on site – do not enter site vehicles or site accommodation.
- The Statutory Compliance Manager shall be contacted and will provide any relevant advice and arrange for the relevant checks and surveys to be carried out to confirm if asbestos is present
- The Statutory Compliance Team shall provide support and assistance to assess the suspect material prior to work re-commencing.
- No work may re-commence work until the contractor has been instructed to do so by the Statutory Compliance Manager or a delegate of theirs. This may include an asbestos compliance officer, asbestos surveyor, analyst, asbestos removal contractor or a designated WLC officer. This will be following confirmation that the material is non asbestos or it has been removed/ remediated.
- If it is a domestic property then the Community Housing Manager/ Officer and the local Housing Investment Officer (HIO – where capital works) should also be advised. It will be the duty of the Community Housing Officer/ Manager to liaise with the affected tenant and arrange alternative accommodation, if applicable. The tenant will be informed in line with the services communication plan. .

15.2 Suspected or known Asbestos Disturbed During Work

Where a material suspected or known to contain asbestos is disturbed during any work the service specific emergency procedure MUST be followed:

- The service specific Asbestos Emergency Communication Process will be activated.
- All persons must cease all activity that may cause further damage to the material.
- All external trades persons and contractors shall immediately implement their own emergency procedure for dealing with asbestos.
- As a minimum the emergency process shall include:
 - Restrict access to the area and leave all equipment and material in situ.
 - Inform your own line manager.
 - Inform the corporate health and safety team and your service health and safety adviser.
 - Inform WLC instructing officer or the Statutory Compliance Team where appropriate – as a minimum provide the following information:
 - Property name
 - Location reference/ room use
 - Material type discovered/ disturbed
 - Was it damaged and was any debris generated as a result of the action?
 - What activity caused the damage? Power tools/ manual tools etc?
 - Confirmation if there is any contamination of operatives.
 - Confirmation that company own emergency procedure is being implemented and followed.
 - Stay on site – do not enter site vehicles or site accommodation.
- The Statutory Compliance Manager shall be contacted and will provide relevant advice and arrange for the appropriate checks and surveys to be carried out to confirm if asbestos is present.
- The Statutory Compliance Team shall provide support and assistance to assess the suspect material prior to work re-commencing.
- Do not re-commence work until you have been instructed to do so by the Statutory Compliance Manager or a delegate of theirs This may include an asbestos compliance officer, asbestos surveyor, analyst, asbestos removal contractor or a designated WLC officer. This will be following confirmation that the material is non asbestos or it has been removed/ remediated.

- In non-domestic premises the person in control of the building must be advised of the incident.
- If it is a domestic property then the Community Housing Manager/ Officer and the local Housing Investment Officer (HIO – where capital works) should also be advised. It will be the duty of the Community Housing Officer/ Manager to liaise with the affected tenant and arrange alternative accommodation, if applicable. The tenant will be informed in line with the services communication plan. .
- All operatives will leave the work area and proceed to another agreed location to be decontaminated. Preferably this will be an external area, with a view to minimising the spread of asbestos fibres. Potential exposure of persons in adjoining areas should be considered and avoided.
- Operatives should begin decontamination procedures described in the HSE Guidance Task Manual - HSG210 Asbestos Essentials – (EM8 personal decontamination) without waiting for confirmation of asbestos being present. The work area should be considered contaminated and, where possible, access restricted to reduce the chance of asbestos fibres spreading and to ensure that no one else can enter.
- All routes and areas used by operatives who are potentially contaminated with asbestos should also be considered contaminated and access restricted accordingly.
- Warning signs should be deployed indicating there is a restriction in place and the area is not to be entered by unauthorised personnel until advised by the Statutory Compliance Manager.

15.3 Record incident / near miss in incident reporting system

All asbestos incidents or near misses shall be recorded by the service via the councils incident reporting system.

Services shall follow the incident reporting and investigation procedure and support the HR Manager (Health and Safety) and the Statutory Compliance Manager during incidents and comply with guidance for investigating incidents and near misses.

15.4 Asbestos Confirmed

Where ACMs are confirmed to be present in the material discovered or disturbed the Statutory Compliance Manager will decide on any further actions required such as:

- Confirming / Extending the restricted area.
- Issuing alert email on restricted status and controls in place,
- Confirming removal of personnel working nearby and other occupants.
- Arranging for the area/materials to be made safe by the term removal contractor.
- Arranging for any contaminated personnel to be decontaminated.
- Background air monitoring and remediation work.
- Updating the Asbestos Register as necessary.

15.5 Employees Exposed to Asbestos

Where ACMs are confirmed a list of those persons exposed (as defined by the Property Service procedure note 4.06 RIDDOR – Criteria for reporting an asbestos incident) will be recorded by Health & Safety. Health and Safety will complete an “Employee Record Form for Contact with Asbestos” for each employee and file accordingly. The employee is to be given Part 1 of the Form as a record of exposure with instructions that the note should be kept indefinitely. This form can be found on the intranet – Health and Safety HR toolkit.

15.6 Contaminated Areas or designated respirator zone

A 'Contaminated Area' or designated respirator zone contains either respirable asbestos fibres or asbestos which has been deemed in poor condition that may lead to the exposure or spread of asbestos. It will be deemed as prohibited access and no one shall be permitted to enter/re-enter until remediation / removal undertaken by a suitably qualified asbestos removal contractor. And an Asbestos Analyst has issued a Certificate of Re-occupation or air test report relevant to the works. This will be agreed with the Statutory Compliance Manager.

15.7 Restricted areas or Safe Access routes

A 'restricted area' is an area which may be under restriction following discovery of a suspect ACM or the disturbance of a known / suspect ACM which may lead to the exposure to or spread of asbestos. It will be deemed as restricted access and no one shall be permitted to enter/ re-enter until remediation/ removal is undertaken by a suitably qualified asbestos removal contractor. And an Asbestos Analyst has issued a Certificate of Re-occupation or air test report relevant to the works. The extent of the restricted area will be determined by the Statutory Compliance Manager. This may be a full, partial room or area of a premises.

A 'safe access route' is an area which has been designed and constructed by a licensed asbestos removal contractor to provide safe access for essential repair and maintenance only in an area which has a temporary restriction. It will be determined by the Statutory Compliance Team Manager and appropriate service area.

Please refer to 'Appendix 17 – Asbestos – Repair and Maintenance within restricted areas' for guidance on this.

15.8 Incidents/ Near Misses involving external contractors

All contractors must ensure that their own asbestos awareness training shall include the general procedures to deal with an asbestos emergency:

- Discovery of previously unknown suspected asbestos materials
- Uncontrolled release or disturbance of known or suspected asbestos
- All near misses shall be reported to the Statutory Compliance Manager in the first instance who will determine the need for any further action in consultation with the HR (Health and Safety) Manager.

16 Housing Customer and Building Services – Asbestos Operational Procedure

Housing Customer and Building Services is committed to providing employees with a safe working environment and protection of other parties who may be affected by works undertaken by them. The service has developed and implemented operational procedures to support the service in ensuring compliance with the Asbestos Policy and Risk Management Plan. This will ensure a strategic approach is applied to asbestos compliance across the service, that asbestos procedures and work practices are satisfactory and provide staff with operational information and guidance.

[Housing, Customer and Building Services Asbestos Operational Procedure](#)

17 Operational Services – Asbestos Operational Procedure

Operational Services has developed and implemented operational procedures to support the service ensuring compliance with the Asbestos Policy and Risk Management Plan. This will also provide guidance to all functional areas within Operational Services ensure reasonable steps are taken to avoid the risks from asbestos, all employees have the appropriate information, instruction and training and that work activities are risk assessed.

[Operational Services Control of Asbestos Procedure](#)

18 Tenanted Non-Residential Property (TNRP)

Property Services manage and let a large portfolio of commercial premises including shops, industrial units, work shops and offices. The lease arrangements and use of these premises is managed in line with the standard terms and conditions of lease. Asbestos compliance is included within these arrangements and the services has developed and implemented operational procedures to support this.

These procedures are available on request from Property Services.

19 Compliance Auditing

The Statutory Compliance Manager reserves the right and authority to interrogate systems, processes, actions and locally produced documentation in any part of the council or outside contractor to ensure compliance with CAR and with this Asbestos Management Policy, Risk Management Plan and Procedures.

Copies of the asbestos audit documentation can be found on the intranet – Health and Safety HR toolkit <https://intranet.westlothian.gov.uk/article/27167/Asbestos-Management-in-Buildings>.

19.1 Health & Safety Publications

Information is available on <http://www.hse.gov.uk/asbestos/index.htm>

Appendix 3



Fire Safety Policy

Document title	Issuing Department	Issue Date	Author(s)/Reviewers	Next review date
Fire Safety Policy	Construction and Design Services	June 2014	Iain Dunbar	June 2017
Fire Safety Policy	Property Services	June 2021	Derek Hume	June 2024

Introduction

The council has general responsibilities for overseeing aspects of fire safety within the community ie the regulation of building design and construction provided by Building Standards and authority for enforcement with regard to fire safety under the Fire (Scotland) Act 2005 ie for particular sports stadia.

This policy document however is primarily concerned with the management of safety in buildings where the council has direct responsibilities as owners, occupiers or managers.

1. Policy Statement

This Policy shall allocate legal and functional responsibility for compliance under the Fire (Scotland) Act 2005 in the provision of safety in case of fire for persons employed by the council and for other persons using premises owned, occupied or managed by the council.

2. Policy Aims

The aims of the Policy are:

- To ensure safety by the provision of an effective system of management control in the identification of risk and the provision of safety control measures for the reduction of risk from fire within the estate, and other premises, owned, occupied or managed by the council.
- To support the safety and health of the local communities, and protect the environment, by the avoidance or reduction of fire incidents.

3. Policy Objectives

The Objectives of this Policy are to provide systematic management control that will:

- allow demonstration of compliance to the Fire (Scotland) Act 2005
- allow external audit by the enforcing authorities
- allow internal audit of fire safety performance
- provide organisational accountability
- allow the allocation of resources proportionate to risk throughout the council estate
- enable the programming of improvements in the provision of fire safety.

4. Policy Responsibilities

In accordance with the council's Scheme of Delegation to Officers, the Chief Executive is responsible for ensuring the council has in place a policy, management plan and procedures to manage compliance with the Fire (Scotland) Act 2005 and Fire Safety (Scotland) Regulations 2006.

Depute Chief Executives

Depute Chief Executives are accountable and responsible to the Chief Executive for ensuring the implementation of this Policy within their portfolio of services.

Head of Finance and Property Services

The Head of Finance and Property Services is responsible to the Chief Executive for ensuring the implementation of this Policy.

Heads of Service

Heads of Service are responsible to the appropriate Depute Chief Executive for implementing this Policy by ensuring that all employees and others who may have duties and responsibilities under the policy are appropriately enabled to fulfil their duties and responsibilities.

Property Services Manager (Designated Person)

The Property Services Manager is responsible to the Head of Finance and Property Services for ensuring the implementation of this Policy by ensuring that risk, associated with responsibilities and duties under the Fire (Scotland) Act 2005 on the council are discharged and prioritised for appropriate action. They will ensure there is a recognised authorised person to undertake the management of fire safety and that duties relating to compliance with the Fire (Scotland) Act 2005 are undertaken.

Statutory Compliance Manager (Authorised Person)

The Statutory Compliance Team Leader is responsible to the Property Services Manager for ensuring and managing the identification of risk in line with the following key responsibilities:

- Monitoring Service Areas compliance
- Providing guidance and advice on the identification and management of risk from fire
- Monitoring the performance of contractors and consultants engaged in fire risk assessment and related activities
- Ensuring suitable fire risk assessments are undertaken by appropriate persons or competent contractors
- Monitoring progress and completion of remedial works
- Monitoring the provision of appropriate information, instruction and training
- record keeping
- Developing and publishing the council's Fire Safety Risk Management Plan
- Liaising, cooperating and coordinating with other persons as required to ensure the identification and reduction of risk from fire in all properties owned, occupied or managed by the council
- Liaising with the HR Manager (Health and Safety) on all aspects of fire safety risk management.

Fire Officer, WLC

The Fire Officer, WLC, is responsible to the Statutory Compliance Manager for ensuring the implementation of this policy and provides support and guidance in all aspects of fire safety to Service Users and Maintenance Inspectors. The Fire Officer shall:

- Provide guidance and advice on the identification and management of risk from fire.
- Undertake fire risk assessments for the identification of risk from fire

- Undertake interim fire safety risk assessments where required
- Where appropriate, make arrangements for and monitor the provision of appropriate information, instruction and training
- Liaise with Health and Safety on all aspects of fire safety risk management
- Liaise, cooperate and coordinate with other persons as required to ensure the identification and reduction of risk from fire in all properties owned, occupied or managed by the council.

Maintenance Inspectors

Maintenance Inspectors shall:

- Undertake fire risk assessments for the identification of risk from fire
- Respond appropriately where informed of risk
- Prioritise works and actions required for the reduction of risk
- Allocate works or actions to relevant Service Areas and Responsible Persons
- Implement works as directed in accordance with the management of risk
- Where appropriate, inform relevant 3rd parties of the identification of risk
- Monitor the delivery of Action Plan remedial works or actions
- Monitor progress and completion of remedial works identified through fire risk assessments.

Capital Programme & Projects Principle

Capital Programme & Projects Principle are responsible to the Property Services Manager for ensuring that construction projects are designed to meet the requirements of the Building Standards as described in the Technical Handbook

Persons in Control of Construction or Maintenance Work

Persons in control of construction or maintenance work are responsible for ensuring that work carried out in accordance with Building Standards as described in the Technical Handbook

Persons in Control of Property (Responsible Persons)

Persons in control of premises are responsible for:

- Ensuring that a fire log book is present on site and available to contractors.
- Ensuring a copy of the most recent Fire Safety Risk Assessment is available for inspection.
- Undertaking annual fire risk assessments for the identification of risk from fire
- Ensuring that allocated Action Plan recommendations are implemented and completed as directed
- Respond appropriately where informed of risk.

Commercial Portfolio Manager

The Commercial Portfolio Manager shall ensure that relevant fire safety information is provided to TNRP tenants in accordance with their duties as landlord.

HR Manager (Health and Safety)

The HR Manager (Health and Safety) is responsible to the Head of Corporate Services for:

- Reporting fire safety incidents to HSE
- Leading and co-ordinating investigations in line with the Health and Safety Policy and incident investigation procedures
- Where appropriate, ensuring the provision of training for compliance to the Fire (Scotland) Act 2005
- Ensuring, where appropriate, the production and dissemination of relevant staff safety information
- Developing and coordinating an appropriate Unwanted Fire Alarm Signals reduction programme
- Liaising with the Scottish Fire and Rescue Service where appropriate.

The development, publishing and maintenance of the Fire Safety Policy and Fire Safety Risk Management Plan will be undertaken by the Statutory Compliance Manager in consultation with the HR Manager (Health and Safety) and the Fire Safety Officer.

Health and Safety Advisers

Health and Safety Advisers will have the following responsibilities.

- Supporting services with advice and guidance in relation to the implementation of requirements of this policy.
- Carrying out investigations into fire related incidents as directed by the Health and Safety Manager.
- Provide support and carry out training where appropriate.

5. Business Continuity

Services should include appropriate procedures in their Business Continuity Plan to deal with a range of fire incidents of all sizes including room size fires, wing/dept closure, and total building shutdown.

All fire incidents occur without warning or notice and continuity arrangements must be sufficiently robust to allow rapid deployment of response measures.

6. Review of Policy

The Statutory Compliance Manager will review the Policy as appropriate in conjunction with the Maintenance and Planned Improvements Manager, HR Manager (Health & Safety) and in consultation with recognised trade unions and other relevant parties.

- Full reviews of this policy shall be carried out at least once every 3 years;
- Interim reviews will be carried out when appropriate and, in particular, when there are:
 - changes to the underlying legislation or, supporting guidance or documents.
 - significant changes in the awareness of risk.
 - Legislative changes.

Appendix 4



Fire Safety Risk Management Plan

Document title	Issuing Department	Issue Date	Author(s)/Reviewers	Next review date
Fire Safety Policy	Property and Design Services	June 2014	Iain Dunbar	June 2017
Fire Safety Policy	Property Services	June 2021	Derek Hume	June 2024

Index

sect

(i) Introduction

(ii) Scope

1.0 Enforcement Authorities

1.1 Building Standards

1.2 Fire (Scotland) Act 2005

1.3 Risk Awareness

1.4 Contact with Enforcing Authorities

2.0 Fire Documents

3.0 Fire Procedure

4.0 Responsibilities

4.1 Employees

4.2 Visitors

5.0 FSRA

5.1 5 year FSRA + AFSRA

5.2 FSRA Review

5.4 Action Plan

5.5 Performance Indicators

sect

6.0 Training

7.0 Drills

8.0 Records

8.1 Nominated Records

8.2 Records Retention

8.3 Records Storage

9.0 Business Continuity

10.0 Compliance Monitoring

10.1 External Audit

10.2 Internal Audit

11 Policy Review

(i) **Introduction**

Safety from fire is the responsibility of the owners, occupiers, and managers of a premises.

Maintenance of appropriate standards of safety may be demonstrated by compliance with the Fire (Scotland) Act 2005 and Fire Safety (Scotland) Regulations 2006. The Act and associated regulations outline the duties, responsibilities and measures to be taken for compliance with the Act.

(ii) **Scope**

The council has general responsibilities for the control of fire safety within the community e.g. Building Standards, however, fire safety for the West Lothian Council (WLC) estate is provided by Property Services.

This document is primarily concerned with the management of safety in existing premises within the council estate but also in other premises where the council has direct responsibilities as owners, occupier or managers.

1.0 Enforcement Authorities

1.1 Building Standards

Newbuild design, and alterations of existing buildings, are provided through WLC Property Services in compliance with:

- the Building (Scotland) Act 2003, and
- the Building (Scotland) Regulations 2004

Building Standards are described in the Technical Handbook which recognises that, for the provision of fire safety, building users may require to adhere to 'other' legislative standards.

It should be noted by building users that building works, including the erection or dismantling of partitions, may require appropriate approval prior to the commencement of works. Where necessary appropriate advice as to intended works may be gained from the premises Maintenance Inspector.

1.2 The Fire (Scotland) Act 2005

The properties owned, occupied or managed by the council may feature a varied range of responsibilities under the 2005 Act. Some building use may have overlapping or multiple responsibilities ie a school may have a clear defined role during normal operating hours but have separate control arrangements for 'out of hours' lets.

All persons with responsibilities or duties under the Fire (Scotland) Act 2005 ie all persons with control of buildings, or persons within buildings, require to coordinate and cooperate in the identification and reduction of risk from fire.

The assessment of risk from fire is generally enforced by the Scottish Fire and Rescue Service using the Fire (Scotland) Act 2005 and the Fire Safety (Scotland) Regulations 2006; however there are other enforcing authorities with regard to fire, explosion or injury eg the Health and Safety Executive are the enforcing authority for fires in buildings under Property or major refurbishment. Formal advice and guidance is available from the Scottish Government and the HSE.

1.3 Risk Awareness

For clarity, there is a general duty of all staff in relation to any concerns regarding risk of fire, or safety in the event of fire, to advise the relevant Responsible Officer for the building, health and safety, or Property Services Statutory Compliance Team. Members of staff should consult their line manager or supervisor. Members of the public or other visitors may request assistance from any member of staff.

1.4 Contact with Enforcing Authorities

All direct contact to building users (occupiers) from the Fire Service, or other authorities, that is directly related to fire safety enforcement activities eg letters regarding intended fire service audit, deficiencies notices, and similar, should be reported immediately to the HR Manager (Health and Safety) and Property Services Statutory Compliance Manager.

2.0 WLC Suite of Fire Documents

The current documents listed below are provided within WLC to support the identification and reduction of risks from fire.

See - WLC intranet homepage/ Service Areas/ Corporate Services/ HR services/ Health Safety and Welfare.

Emergency Procedures – Fire and Security

WLC intranet homepage/ Service Areas/ Corporate Services/ HR services/ Health Safety + Welfare/ Emergency Procedures – Fire and Security

- Emergency Evacuation Guidance
- Personal Emergency Evacuation Plan (PEEP) template
- Annual Fire Safety Risk Assessment
- Fire Safety Policy
- Fire Risk Management Plan
- Responsible Person Checklist
- Fire Awareness (Preventative Measures) Guidance
- Fire Alarm Test Procedures
- Fire Alarm Weekly Test Procedure
- Fire Alarm Receiving Centre (ARC) Process
- Fire Alarm Impairment Procedure

Premises Management

WLC intranet homepage/ Service Areas/ Corporate Services/ HR services/ Health Safety and Welfare/ Premises Management

- Fire Safety Policy
- Fire Safety Risk Management Plan
- Premises Management Handbook
 - Supporting Documentation
 - Contact List Key Holders
 - Property Services Staff Register
 - Contractor Visitor Register
 - Emergency Lighting System Maintenance record sheet
 - Fire Alarm Activations and Events record sheet
 - Smoke Ventilation Checks

- Fire Alarm System Maintenance record sheet
- Fire Hydrant Maintenance record sheet
- Fire Equipment Checks
- Weekly Fire Alarm Checks
- Fire Marshalls and Warders record sheet
- FSRA and Drills record sheet
- Fuel and Oil storage record sheet
- Weekly Checks for Building Closed to the Public
- Gas Boiler & Gas Equipment Maintenance
- Lift maintenance record sheet
- Maintenance request sheet
- Fire Refresher Training record sheet
- Emergency Incident Response Pack
- Emergency Shut Down Procedures
- New Start Building Induction Health and Safety checklist
- Key Holder Form template
- Security Control Room Evacuation
- FMA Work Task Sheet

3.0 Fire Procedure

A Fire Procedure or Emergency Action Plan should be formulated by the building occupier or Responsible Person to ensure that all persons are able to escape in the event of fire.

Where the council is the owner or manager for common areas, or the building fabric, a Fire Procedure shall be supplied to the occupier(s) outlining the Designated Escape Routes, and where appropriate, the relevant escape strategy for the building.

Where the property is in sole occupation by a tenant, the tenant should produce a Fire Procedure for the premises consistent with information supplied by the owner.

Where a multi occupied premises is owned or managed by the council, the council shall provide a Fire Procedure for the building and coordinate with occupiers / tenants to ensure effectiveness of the Procedure.

All persons producing a Fire Procedure should include details of functional limits ie restrictions of the building access, support required by the occupier that is necessary for effective performance of the Procedure, limits on building use with regard to flammable materials, ignition sources, user group profile, occupant numbers, support necessary for disabled persons, and effectiveness of building systems for non-standard use e.g. lone workers.

The Fire Procedure or Emergency Action Plan should ensure that all persons are able to escape in the event of fire. Where appropriate, or in case of doubt, further assistance may be obtained from the relevant Maintenance Inspector.

4.0 Responsibilities

In addition to the organisational responsibilities and duties outlined in the Policy document, the following responsibilities and duties should be noted:

4.1 Employees, Indirect Employees, & Contractors

Employees, Indirect Employees, & Contractors resorting to, using, or carrying out works in buildings owned, occupied or managed by WLC shall:

- in the event of fire follow directions as outlined in the Fire Action Notices, Emergency Action Plan, and Fire Procedures
- inform a member of staff or supervisor where risk of fire, or harm from fire, or potential risk of harm, is identified
- ensure that their actions, or omissions, do not put other persons at risk of harm from fire or place a building at risk from fire.

4.2 All Building Users including Visitors, Industrial Visitors and the Public

Persons using any building owned, occupied or managed by WLC shall:

- in the event of fire follow directions as outlined in the Fire Action Notices, Emergency Action Plan, and Fire Procedures
- inform a member of staff where risk of fire, or harm from fire, or potential risk of harm, is identified.

5.0 Fire Risk Assessment and Reviews

5.1 5 Year Fire Safety Risk Assessment (FSRA)

A Fire Safety Risk Assessment shall be carried out, where relevant, by Property Services for buildings within the council estate.

5.2 Annual FSRA review

A Fire Safety Risk Assessment shall be carried out each year by the appropriate Responsible Officer or Nominated Person for each building.

5.3 Review of Risk

A Review of Risk may be carried out by Property Services where it is considered appropriate; where there has been a significant change in the use or design of the building or following a fire incident or changes in legislation.

5. Action Plan / Remedial Works

A fire risk assessment may identify areas of risk and the appropriate works or actions required to reduce or remove the risk. Remedial works or actions may be delegated to Responsible Persons, or other 'assigned' persons, with a suitable timetable for completion. The Heads of Service shall be responsible for ensuring the completion of actions. Any person with responsibilities for works or actions who feels they may be unable to complete assigned actions should contact Property Services as soon as possible (not waiting until

the timetable suggested has expired). They can do this either through the Property Helpdesk, the building Maintenance Officer or the Statutory Compliance Team in Property Services.

5.5 Performance Indicators

Performance indicators are required for the following:

- P:CSg 430_9b.1a. Percentage of Properties with a Five Yearly Fire Safety Risk Assessment (FSRA) updated within required timescales.
- P:CSg 431_9b.1a. Percentage of Properties where an annual review of the Fire Safety Risk Assessment (FSRA) has taken place within the last 12 months
- P:CSg 432_9b.1a. Percentage of Properties where an annual review of the Fire Safety Risk Assessment (FSRA) has taken place within reporting month.

6.0 Training

The training of council employees in fire safety shall be carried out in accordance with the documents below:

- Fire Awareness (Preventative measures)
- Evacuation Procedures (Fire and Security)

Health and Safety provide a range of suitable fire safety training courses. If necessary advice may be obtained from the Health and Safety advisers.

Fire-fighting equipment training can be provided in house through contacting Operational Services.

Persons with direct responsibilities for management, supervision, or employment of non-council employees, indirect employees, self-employed persons and contractors should ensure that appropriate training is provided to ensure the safety of all persons within the building.

Information, and where appropriate training, may be supplied by West Lothian Council to support the safety of indirect employees and other persons in the event of fire within the building.

All persons utilising council property shall follow appropriate direction or instruction to ensure safety in the event of fire.

7.0 Drills

A scheduled drill should be carried out in West Lothian Council buildings at least once every six months and in schools at least once every term.

Drills shall be carried out for buildings where the rehearsal of evacuation and consolidation of training can support safe evacuation of the building.

8.0 Records

8.1 Records to be Kept

The following records shall be kept:

- Staff Training
- Drills
- Fire Safety Risk Assessments

The Responsible Person will ensure that these records are kept

Test, Maintenance and Repair Records related to the following areas shall be retained:

- Emergency Lighting
- PAT tests
- Periodic Electrical Circuit Testing
- Automatic Fire Alarm
- Fire Alarm actuated equipment
- Fire Operated Vents
- Equipment required to support escape (eg Evac Chairs)
- Lifts, where appropriate
- Suppression Systems
- Fixed Systems eg Wet / Dry Risers, Foam Inlets,
- Hydrants, where relevant
- Portable Fire Fighting Equipment

The Statutory Compliance Manager and Team will ensure that these records are kept.

8.2 Records Retention

Retention of records should reflect the cycle of relevance ie:

- Short term: records of for example drills, training, weekly or daily checks, fire extinguisher maintenance, should be kept for at least 3 years.
- Medium term: where the cycle of examination is extended, or occurring only at a period of three years or more eg some PAT tests, periodic electrical mains testing records, should be kept for at least ten years or three times the interval of inspection, whichever is greater.
- Long term: records of adjustment to electrical main circuits, emergency lighting, fire alarm systems, ducting systems, compartmentation and non-standard compliance of FSRA should, where feasible, be kept for the life of the building.

8.3 Record Repositories

Copies of reports and certificates will be:

- Kept on site in the Compliance Logbook; or,
- Stored electronically in the electronic record management system.

9.0 Business Continuity

Services should include appropriate procedures in their Business Continuity Plan to deal with a range of fire incidents from room size fires, wing/dept closure, to total building shutdown. An assessment of impact of fire damage may include identification of critical features within dept or building use.

All fire incidents occur without warning or notice and continuity arrangements must be sufficiently robust to allow rapid deployment of services.

10.0 Compliance Performance Monitoring

10.1 External Audit

The Scottish Fire and Rescue Service may audit fire safety risk assessments as part of a programmed schedule of inspections, or following a fire incident.

10.2 Internal Audit of Fire Safety Risk Assessments

Monitoring of the consistency of fire risk assessments and of delivery of the Action Plan recommendations and any associated works shall be carried out by Property Services.

The Statutory Compliance Manager will put systems in place to ensure fire risk assessments are reviewed when necessary and that fire risk assessment records are kept.

11 Policy Review

The Fire Safety Policy and Risk Management Plan will be reviewed as necessary by the Authorizing Person in consultation with the recognized trade unions and other relevant parties as determined by the Council.

- Full reviews of this policy shall be carried out at least once every 3 years;
- Interim reviews will be carried out when appropriate and, in particular, when there are:
 - changes to the underlying legislation or, supporting guidance or documents.
 - significant changes in the awareness of risk.
 - Legislative changes

Appendix 5



Legionella Management Policy

Document title	Issuing Department	Issue Date	Author(s)/Reviewers	Next review date
Legionella Management Policy	Construction and Design Services	Sept 2013	Colin McConville	Oct 2016
Legionella Management Policy	Construction and Design Services	July 2016	Colin McConville Reviewed	Oct 2019
Legionella Management Policy	Property Services	June 2021	Ross Macdonald	June 2024

1. Policy Statement

The council has a duty of care to ensure employees and other parties accessing or in the vicinity of all council premises are not exposed to legionella bacteria. The council will take all necessary steps to discharge this duty by complying with Health & Safety Executive Approved Code of Practice L8: The control of legionella bacteria in water systems

2. Policy Aims

The aims of the Policy are to prevent the exposure to legionella bacteria by:

- Setting clear responsibilities for ensuring those employees and other parties accessing or in the vicinity of council premises, are not exposed to legionella bacteria in a breathable form.
- Setting clear responsibilities for communicating and promoting the council's commitment to prevent exposure to legionella bacteria through adequate information, instruction and training.
- Ensuring strict compliance with the council's Legionella Management Plans.

3. West Lothian Council Health & Safety Policy

The councils Health & Safety Policy is the overarching policy for the management of health and safety. This Legionella Policy supplements the councils Health & Safety Policy.

4. Policy Implementation

The aims of this Policy will be implemented through the council's Legionella Management Plans

5. Responsibilities

Chief Executive

In accordance with the council's Scheme of Delegation to Officers, the Chief Executive is responsible for ensuring that there is the appropriate policy and management plan for the control of legionella.

Depute Chief Executives

Depute Chief Executives are accountable and responsible to the Chief Executive for ensuring the implementation of this Policy within their portfolio of services.

Head of Finance and Property Services

The Head of Finance and Property Services is responsible to the Chief Executive for ensuring the implementation of this Policy which seeks to establish the framework to ensure that all employees and others who may be affected within their service are protected from the hazards associated with legionella bacteria.

Property Services Manager (Duty Holder – Operational Property)

The Property Services Manager is responsible to the Head of Finance and Property Services for implementing this Policy by ensuring that there is a Legionella Responsible Person for operational property to develop, implement, manage and monitor the appropriate Legionella Policy and associated Management Plan. The aim of the Legionella Policy and Management Plan is to ensure that all employees and building users together with others who may be affected within their service are protected from the hazards associated with legionella bacteria in line with the following key responsibilities:

Head of Housing, Customer and Building Services (Duty Holder – Housing & Domestic)

The Head of Housing, Customer and Building Services is responsible for managing legionella safety in the council's domestic properties in line with the following key responsibilities:

- Ensuring there is a Legionella Responsible Person for housing and domestic properties.
- Ensuring Housing, Customer and Building Services staff comply with the Legionella Management Policy and the Legionella Management Plan (Housing & Domestic).
- Ensuring suitable legionella risk assessments are undertaken
- Ensuring that a suitable water monitoring regime is in place for Housing and Domestic properties
- Ensuring appropriate records of testing and works are kept.
- Ensuring that processes are in place to report legionella concerns
- Monitoring the performance of contractors and consultants engaged in water services installation and design activities for housing and other domestic properties.

Statutory Compliance Manager (Legionella Responsible Person – Operational Property)

The Statutory Compliance Manager (supported by the Maintenance and Planned Improvements Manager) is responsible to the Property Services Manager for managing legionella in operational properties in line with the following key responsibilities:

- Ensuring legionella management is part of the councils' corporate risk governance regime.
- Ensuring services comply with the Legionella Management Policy and the Legionella Management Plan (Operational Property).
- Ensuring suitable legionella risk assessments are undertaken
- Ensuring that a suitable water monitoring regime is in place
- Record keeping.
- Ensuring that processes are in place to report legionella concerns
- Monitoring the performance of contractors and consultants engaged in water services installation and design activities for operational properties.
- Providing guidance and advice on legionella management and risk assessment.
- Monitoring the provision of appropriate information, instruction and training.
- Ensuring that contractors employed to carry out water monitoring are competent and suitably trained to carry out their duties in a safe and proper manner.
- Developing and publishing the council's Legionella Management Plan (Operational Property).
- Liaising with the HR Manager (Health and Safety) on all aspects of legionella management.

Whilst the Statutory Compliance Manager will have the responsibility for corporate oversight, policy development and performance reporting the implementation of works and

the management of specialist legionella contractors will be the responsibility of the Property Maintenance and Planned Improvements Manager.

Housing Investment Manager (Legionella Responsible Person – Housing & Domestic)

The Housing Investment Manager is responsible to the Housing Strategy & Development Manager for managing legionella in housing and domestic properties in line with the following key responsibilities:

- Providing guidance and advice on legionella management and risk assessment.
- Monitoring the provision of appropriate information, instruction and training.
- Ensuring that contractors employed to carry out water monitoring are competent and suitably trained to carry out their duties in a safe and proper manner.
- Developing and publishing the council's Legionella Management Plan (Housing & Domestic Property).
- Liaising with the HR Manager (Health and Safety) on all aspects of legionella management.

Capital Programme & Projects Principal (Depute Legionella Responsible Person – Operational Property)

The Capital Programme & Projects Principal is responsible to the Property Services Manager for ensuring that construction projects are designed to meet the requirements of HSE ACOP L8.

Persons in Control of Construction or Maintenance Work

Persons in control of construction or maintenance work are responsible for ensuring that work carried out to water systems is in accordance with HSE ACOP L8.

Persons in Control of Premises (Responsible Officers)

Persons in control of premises are responsible for ensuring that a Water Log Book is present on site and made available to legionella control contractors who visit the premises to carry out monitoring and testing of water systems. Persons in control of premises are also responsible for identifying little used water outlets, carrying out regular flushing of these outlets and recording the action in the appropriate section of the Water Log Book.

HR Manager (Health and Safety)

The HR Manager (Health and Safety) is responsible to the Head of Corporate Services for reporting legionella incidents to HSE, leading and co-ordinating investigations. This will include appointing an officer to lead the investigation in agreement with the Statutory Compliance Manager. The development, publishing and maintenance of the Legionella Management Policy and Legionella Management Plans will be undertaken by Statutory Compliance Manager in consultation with the HR Manager (Health and Safety).

Health and Safety Advisers

Health and Safety Advisers shall be responsible for carrying out investigations as required by the Health and Safety Manager and Statutory Compliance Manager .

6. Business Continuity

Services should include appropriate procedures in their Business Continuity Plan to deal with an unplanned legionella incident.

7. Review of Policy

The HR Manager (Health and Safety) will review the Policy as appropriate in conjunction with the Statutory Compliance Manager, and in consultation with recognised trade unions and other relevant parties.

Appendix 6



Legionella Management Plan (Operational Property)

Document title	Issuing Department	Issue Date	Author(s)/Reviewers	Next review date
Legionella Management Plan	Construction and Design Services	Oct 2013	Colin McConville	Oct 2016
Legionella Management Plan	Construction and Design Services	July 2016	Colin McConville Reviewed	Oct 2016
Legionella Management Plan	Construction and Design Services	Oct 2016	Colin McConville Reviewed	Oct 2019
Legionella Management Plan	Property Services	June 2021	Ross Macdonald	June 2024

Data Label: Internal Only

INTRODUCTION

Legionellosis is a collective term for diseases caused by legionella bacteria including the most serious Legionnaires' disease, as well as the similar but less serious conditions of Pontiac fever and Lochgoilhead fever. Legionnaires' disease is a potentially fatal form of pneumonia and everyone is susceptible to infection. The risk increases with age but some people are at higher risk including:

- people over 45 years of age
- smokers and heavy drinkers
- people suffering from chronic respiratory or kidney disease
- diabetes, lung and heart disease
- anyone with an impaired immune system

Any water system that has the right environmental conditions could potentially be a source for legionella bacteria growth.

The councils Water Safety Plan has been prepared prevent or control the risk of exposure to legionella. It includes the following:

- The Legionella Management Policy
- Legionella Management Plan (Operational Property)
- Legionella Management Plan (Housing & Domestic)

1.0 RISK ASSESSMENT

1.1 Identifying the Risk

West Lothian Council have reviewed the potential sources of legionella bacteria based on the following:

- Is it known already that legionella bacteria are present?
- Is water held between 20-45°C?
- Is there a means of creating and disseminating breathable water droplets?
- Will there be people present who may be exposed, especially in premises where occupants are particularly vulnerable?

The following have been identified as potential risks:

- Hot & cold-water systems within operational property used by the council
- Swimming Pools and Spa baths

All water systems with potential to cause infection will be subject to ongoing risk assessment and legionella control regimes.

1.2 Assessing the Risk

Legionella risk assessments for hot and cold-water systems will be carried out in accordance with HSG 274: Control of legionella bacteria in water systems.

Legionella risk assessments for swimming pools and spa pools will be carried out in accordance with HSG284: Control of legionella and other infectious agents in spa-pool systems.

The risk assessment will be carried out by a competent, appointed specialist legionella contractor.

1.3 Review of Risk Assessments

Risk assessments will be reviewed every 30 months or at any time it is known or suspected that they are no longer valid. A risk assessment may no longer be valid where:

- There are changes to the water system or its use;
- There are changes in the use of the building in which the water system is installed;
- New information is available about risks or control measures;
- The results of checks indicate that control measures are no longer effective;
- A case of Legionnaires' disease/legionellosis is associated with the system.

The Statutory Compliance Manager will put systems in place to ensure that risk assessments are reviewed as and when necessary and that risk assessment records are kept.

Performance measure P:CSG450_9B.1a is used to record the percentage of operational properties with a legionella risk assessment that is less than 30 months old.

1.4 Written Scheme

The Approved Code of Practice requires that each water system has a Written Scheme for controlling the risk. The Written Scheme for each site contains the following:

Schematic Plan of the Water System

An up-to-date schematic plan must be included showing the layout of the water. This plan should indicate any parts temporarily out of use.

Operation and Management of the Water System

A description will be given of how to correctly and safely operate the water system to which the written scheme refers.

Risk Assessment and Recommendations

The risk assessment should identify potential colonisation of the water system and identify the remedial actions required.

1.5 Remedial Actions Identified in Risk Assessments

The Property Maintenance & Planned Improvements Manager shall ensure that a risk minimization plan is developed to record the recommendations identified in the risk assessments and the remedial actions or works as appropriate are undertaken.

1.6 Location of Risk Assessments on Concerto

Risk Assessments are stored electronically. Detail so how to find copies of the risk assessment are contained within the site Water Log Book.

2.0 PROHIBITED ITEMS

The following are deemed Prohibited Items:

- Room humidifiers
- Hose reel systems
- Cooling towers
- Spa baths
- Ornamental Water Features

Use of the above items is prohibited unless there has been approval from the Depute Chief Executive on submission of a Business Case Exemption.

A central record of approved Business Case Exemptions will be held by the Statutory Compliance Team.

3.0 MONITORING & TESTING

All water systems will be subject to ongoing monitoring and testing to ensure preventive and precautionary measures are effective.

An appointed specialist legionella contractor will carry out regular monitoring and testing of each water system in accordance with the PPM Schedule below. This is currently undertaken using the Legionella Monitoring App.

The Legionella Monitoring App contains a list of all the sites that are part of the monitoring and testing programme. The contractor completes the information on the PPM Schedule on the app and the results are e-mailed to West Lothian Council for review.

3.1 Planned Preventative Maintenance (PPM) Schedule

Hot & Cold-Water Systems

HSG 274: Part 2 The control of legionella bacteria in hot and cold-water systems provides details of the actions and frequencies that should form the PPM Schedule. Full details can be found in Table 2.1

Swimming Pools & Spa Pools

The PPM Schedule can be found in Appendix 1

3.2 Water Sampling for Total Viable Count of Bacteria

Water sampling for total viable count of bacteria is undertaken on a monthly basis at the following site:

- Swimming Pools and Spa Pools
- Sites without a direct water supply (e. Beecraigs Country Park)

3.3 Water Sampling for Legionella

Water sampling for the presence of legionella is undertaken on a quarterly basis at the following sites:

- Spa Pools

3.4 Location of Water Monitoring Records

Water monitoring results are stored electronically. Detail so how to find copies of the water monitoring results are contained within the site Water Log Book.

3.5 Control Parameters

Control parameters are currently:

- Hot water stored at 60°C and distributed at 50°C
- Cold water distributed at 20°C.

Monitoring and testing results out-with these control parameters will be considered unsatisfactory and appropriate remediation actions will be undertaken.

3.6 Unsatisfactory Results

Unsatisfactory results of monitoring and testing are reported by the contractor using the Legionella Monitoring App.

Corrective action

When unsatisfactory monitoring and testing results have been identified, immediate remedial action is necessary to ensure that the risk of exposure to legionella is reduced.

A record of the remedial action undertaken will be stored.

3.7 Reporting Faults and Repairs

All faults and requests for repair works should be raised through the Property Helpdesk

4.0 CONTRACTOR MANAGEMENT

4.1 Contractor Competency

All contractors carrying out risk assessments or monitoring and testing will be assessed as part of the procurement process prior to appointment.

Contractors shall be:

- A member of the Contractors Health and Safety Assessment Scheme [CHAS] or equivalent.
- Able to demonstrate their experience within their field and details of the training and competence of individual employees.
- Members of trade associations, for example, the Legionella Control Association or equivalent.

Ongoing monitoring, contract management and performance controls will be undertaken during the terms of contractors appointment.

4.2 Specialist Legionella Contractor

The current contractor employed to carry out risk assessments and monitoring and testing is:

SPIE
1 Rutherglen Links
Rutherglen Links Business Park
Glasgow
G73 1DF

The Operations Manager is:

Steve Austin
Tel: 0141 613 7400

4.3 Specialist Pool Plant Contractor

The current contractor employed to carry out maintain pool plant and equipment is:

CMM Pools
Unit 7E Bandeath Industrial Estate
Throsk
Stirlingshire
FK7 7NP

The Operations Manager is:

Glenn Reid
Tel: 01786 613618

4.4 Risk Assessments & Method Statements for PPM Schedule

The contractor carrying monitoring and testing must have risk assessments and method statements for carrying these tasks. These are reviewed by West Lothian Council on an annual basis.

4.5 Specialist Contractor Training Records

The contractor carrying monitoring and testing must provide details of staff training and qualifications to ensure they have the necessary competencies to carry out the works. These will be reviewed by West Lothian Council on an annual basis.

4.6 Test Equipment Calibration Results

The contractor carrying monitoring and testing must have risk assessments and method statements for carrying out these tasks. These will be reviewed by West Lothian Council on an annual basis.

4.7 Site Audits

Regular site audits will be carried out to ensure that the contractor is carrying out the PPM Schedule correctly and that risks are being managed.

Site audits will be carried out using the HSE Control of legionella bacteria in water systems – Audit Checklist No3 hot and cold-water services.

4.8 Performance Indicators

Performance indicators are required for the following:

- Number of instances where Total Viable Count of Bacteria readings have been recorded above safe levels in water (monthly)
- Percentage of remedial works identified in monitoring & testing that have been completed on time. (monthly)
- Number of site audits carried out.

5.0 MANAGEMENT

5.1 Procedure Notes

The following procedure notes have been developed and form part of the Property Services Toolkit:

- Legionella Risk Assessments
- Legionella Monitoring
- Legionella Emergency Shutdown
- Commissioning & Handover

5.2 Alteration to Existing Water Systems

In order to avoid expensive remedial works, it is vitally important that there is design control in order to build in best practice when altering existing water systems.

5.3 New Water Systems

In order to avoid expensive remedial works, it is vitally important that there is design control in order to build in best practice when designing water systems.

Water system design should seek to eliminate the storage of water. If elimination is impossible then careful design and selection of water systems is required.

5.4 Commissioning Procedures

On completion of new water installations (both hot and cold) the installing contractor, or suitably qualified Water Hygiene Contractor, must chemically disinfect the systems in accordance with BS 6700:2006.

On completion of the disinfection, a Certificate of Chlorination must be provided by the contractor and kept in the Water Log Book.

6.0 RECORDS

6.1 Records to be Kept

The following records shall be kept:

- Written Scheme for each site
- Legionella risk assessments
- Details of remedial works identified in risk assessments
- Plans or schematics of water systems
- Results of monitoring and testing
- Details of any remedial action taken in response to unsatisfactory monitoring & testing results
- Flushing little used outlets.
- Results of chemical analysis of the water.
- Cleaning and disinfection certificates.
- Details of any potential human exposure to legionella
- Details of actual exposure to legionella of identifiable Council employees
- Details of actual exposure to legionella of non-employees
- Minutes of meetings between WLC and the appointed contractor
- Information on other hazards e.g. treatment chemicals
- Training records for Duty Holder, Responsible Person and Authorised Person

6.2 Record Retention Periods

West Lothian Council has adopted the policy that all records relating to legionella control will be retained whilst they are current plus 5 years thereafter.

Records relating to actual exposure to legionella shall be retained for at least 40 years

6.4 Water Log Books

All premises subject to legionella controls will have a Water Log Book.

The site Water Log Book will contain the following:

- Details of how to access the electronic copy of the legionella risk assessment
- Details of how to access the water monitoring records carried out by the term maintenance contractor.
- Location of little used outlets and a record of when they have been flushed.
- Details of any changes to the water system carried out
- Certificate of Chlorination

7.0 EXPOSURE TO LEGIONELLA BACTERIA

7.1 Action on Becoming Aware of Human Exposure to Legionella Bacteria

How might a failure be discovered?

In Scotland, a doctor making a diagnosis of legionnaires disease is required to notify the local health board's Consultant in Public Health Medicine (CPHM). The CPHM will decide if a legionella outbreak is to be declared or an investigation launched to establish the source of infection.

If an investigation is launched it will be a joint operation that may include representatives from the local health board, WLC Environmental Health and/or the Health & Safety Executive [the enforcing authorities]. As its purpose is to try and discover the source of infection it may result in testing of water systems operated by West Lothian Council.

Investigation by enforcing authorities

In the event of an investigation, West Lothian Council and all employees must cooperate with the enforcing authorities.

As part of the outbreak investigation and control, the following requests and recommendations may be made by the enforcing authority:

- To shut down any processes that are capable of generating and disseminating airborne water droplets and keep them shut down until sampling procedures and any remedial cleaning or other work has been done. Final clearance to restart the system may be required.
- To take water samples from the system before any emergency disinfection is undertaken. This will help the investigation of the cause of the illness. The investigating officers may take water samples themselves or require them to be taken by the owner of the water system.
- To request access to employee health records to discern whether there are any further undiagnosed cases of illness, and to help prepare case histories of the people affected.
- To co-operate fully in an investigation of any plant that may be suspected of being involved in the cause of the outbreak. This may involve, for example:
 - Tracing of all pipework runs;
 - Detailed scrutiny of all operational records;
 - Statements from plant operatives and managers;
 - Statements from water treatment contractors or consultants

Any infringements of relevant legislation may be subject to a formal investigation by the appropriate enforcing authority, which could result in prosecution.

Shut down procedures

Water systems suspected as being the source of infection will need to be shut down. The appointed specialist legionella contractor will ensure that the water systems are isolated. The Person in Control of the Premises must ensure that the area/system/equipment is not used.

The appointed specialist legionella contractor will take samples of the potential source and carry out clean/chlorination of the system.

Business Continuity

Shutting down water systems in operational premises may disrupt their use as a workplace or disrupt the ability to continue to provide services. Property Services will be able to provide advice on the consequences and duration of shutdowns. Dependent upon the severity of disruption, unit / service managers will require to judge whether they should invoke Business Continuity Plan Procedures or if local arrangements will suffice.

Services must ensure that as part of their Business Continuity planning that appropriate contingency plans are in place that can be implemented to mitigate the impact on service delivery of a loss of water systems in an operational property.

8.0 TRAINING

Duty Holder

The Duty Holder should ensure they have the necessary understanding of Legionella Management and the risks associated to fulfil the role.

Legionella Responsible Person/Deputy Responsible Person

The Responsible Person should undertake regular training to ensure they have the necessary skills and knowledge to fulfil the role.

Statutory Compliance Officers and Maintenance Inspectors

Statutory Compliance Officers and Maintenance Inspectors should undertake regular training equivalent to the role of the Authorised Person.

Persons in Control of Construction or Maintenance Works

All persons in control of Construction or Maintenance Works should receive regular awareness training

Staff Carrying Out Flushing Regimes

Nominated staff at each property with responsibility for carrying out flushing regimes should receive basic legionella awareness training and, in particular, must be aware of the risk to them when carrying out their duties and what precautions are to be taken. Regular refresher training will be required.

Persons in Control of Premises

All persons in control of Construction or Maintenance Works should receive regular awareness training

9.0 AUDIT & REVIEW

9.1 Compliance Audit

The Statutory Compliance Manager reserves the right and authority to interrogate systems, processes, actions and locally produced documentation in any part of the council or outside contractor to ensure compliance with the Legionella Policy and Management Plan.

The policy and management plan for Legionella will be subject to audit in accordance with the level of risk associated with the volume of result failures or any incidents occurring. This audit will inform the review of any alterations required to the Management Policy and Management Plan.

9.2 Policy and Management Plan Review

This policy and management plan will be reviewed as necessary by the Legionella Responsible Person in consultation with the recognised trade unions and other relevant parties as determined by the Council.

- Full reviews of this policy shall be carried out at least once every 3 years.
- Interim reviews will be carried out when appropriate and, in particular, when there are:
 - Changes to the underlying legislation;
 - Changes to the Approved Code of Practice;
 - Significant change in the use of premises; and
 - Significant changes in the design, use and demand on water systems.

APPENDIX 1: SWIMMING POOL & SPA POOL PPM SCHEDULE

Each Swimming Pool and Spa Pool will receive an annual visit in September and six-monthly visit in March

1. FILTRATION SYSTEM

Annually

- Inspect the external and internal surfaces of the filter vessels for corrosion or issues.
- Carry out a backwash and check fluidisation of the filter media bed.
- Each filter vessel will be opened and the media bed inspected for problems with the filter media, eg mud balling, fissures, uneven bed. (Media should go no longer than 5 years before replacement)
- The depth of the filter media bed will be taken and a filter vessel written report produced with photographic evidence on the condition of the filter vessels. Examine and check all instrumentation, flowmeters and pressure/temperature gauges for correct operation and accuracy.
- Balance tank will be inspected, cleaned and debris removed. Inner surfaces brushed down 10mg/l of chlorinated water. The surfaces will be flushed and all remaining water pumped out before the system is put online.

Six Monthly

- Inspect the main circulating pumps with particular regard being given to the state of the seals and bearings.
- Check the strainer body, baskets and joint rings.
- Check air scour blower system and clean air filter.
- Inspect all external pipework which is exposed in the filtration system.
- Check operation of all valves in the filtration system.
- Inspect all instruments, flow meters and pressure gauges
- Check all pool fittings, i.e., grilles, diffusers, inlets and outlets etc.
- Check the bottom and the corners of the pool for filter media.
- Inspect probes and/or floats from level control system/s. Simulate operation and check action of actuated level control valves.
- Inspect all pool fittings
- Open & Close all valves to check they are operating correctly
- Check operation of automatic/manual air release systems.

2. CHEMICAL DOSING EQUIPMENT

Six Monthly

- Flush out chemical dosing lines with low pressure warm water.
- Flush out pump heads and check diaphragms
- Strip and clean chemical dosing pumps and check operation and action of pressure relief valves.
- Check all instruments including all alarm functions
- Remove, inspect and clean all injection fittings.
- Remove, inspect and clean suction foot valves / tablet hoppers (reservoir).
- Inspect chemical bulk storage vessels, bunds and fittings.
- Inspect chemical day tanks, bunds and fittings
- Recalibrate controllers
- Clean and check all sample cartridge filters & any probes or cells.

- Automatic chemical dosing control equipment and monitoring equipment maintained and calibrated in accordance with manufactures recommendations using simulators and buffer solutions.
- Check all instrumentation and telemetry pertaining to the chemical control system.
- Check all alarm functions including high and low chemical levels, flow and power.
- Carry out full pool water test including and water balance test, record readings on the facilities pool test sheet and advise adjustments as necessary.
- Carry out turbidity and aluminium test, record readings on the facilities pool test sheet and advise adjustments as necessary.
- Remove all inline strainers, inspect, clean and refit.
- Check water chemical balance

Annually

- Clean chemical solution tank

Every two years

- Replace all chemical dosing lines.

3. JACUZZI / SPA POOLS (In addition to Filtration and Chemical Dosing Equipment Servicing)

Six Monthly

- Check performance of whirlpool pumps.
- Check performance of jet pumps.
- Check all thermostatic cut-outs.
- Check booster pump

4. SAUNA & STEAM ROOM ASSOCIATED PLANT

Six Monthly

Sauna

- Check cabin internal surface's for splintering or any other hazards that may result in personal injury
- Check the support system for all benches and sauna heater
- Check sauna heater
- Check electrical connections for overheating in cable insulation & contactor condition
- Inspect element condition for signs of deterioration
- Check element guards for collection of loose and damaged coals, remove if required
- Check condition of sauna coals.

Steamroom

- Check steam generator controls
- Check operation of temperature control
- Check operation of high temperature cut-out if fitted

Data Label: Internal Only

5. ULTRA VIOLET PLANT

Six Monthly

- Check and inspect UV chamber, in/out connections, drains, valves and connecting pipework for any issues.
- Check and inspect all the electrical system for any issues.
- Check Physical damage / corrosion
- Check O rings seals, termination points
- Check wiper mechanism, motor, limit switches.
- UV lamps to be fitted every 4000 hrs or in accordance with manufactures recommendations Using only genuine manufacturers spares when servicing this equipment. Intensity recalibrated two hours after new lamp fitted.
- Remove inline strainers, inspect, clean and refit.
- Check the performance and operation of the UV monitor and system.
- Check all electrical interlocks and alarms.

Annually

- A new quartz sleeve, wiper mechanism and seals to be fitted. Using only genuine manufacturers spares when servicing this equipment
- Inspect the internal surfaces of the chamber for wear and tear.



Housing Customer and Building Services (HCBS)

Control of Legionella Management Plan

July 2021



Contents

1.0 INTRODUCTION 3

2.0 BACKGROUND..... 3

3.0 LEGAL AND REGULATORY REQUIREMENTS..... 3

4.0 PROCEDURE 4

 4.1 Risk Assessment and Treatment..... 4

 4.2 Actions in the event of a positive result for Legionella 5

 4.3 Action to be taken in the event of a Legionella outbreak 5

5.0 MANAGEING, MONITORING AND REVIEW..... 5

6.0 SUMMARY..... 5

- Appendix A: Organizational Structure
- AppendIX B: Risk Assessment Process Map
- Appendix C: Temperature Monitoring Process Map

1.0 INTRODUCTION

Legionella is a naturally occurring bacteria and is common within environmental water sources such as rivers, lakes and reservoirs, usually in low numbers. These bacteria can survive under a wide variety of environmental conditions, but growth is more prolific between temperatures of 20°C and 45°C. Due to the fact that the bacteria are common within the environment, it is almost certain that at some time they will enter the majority of manufactured systems, such as water distribution pipe work. In order to reduce the possibility of creating conditions in which the risk of exposure to Legionella bacteria is increased, it is important to control the risk by introducing measures which do not allow the bacteria to breed.

This document sets out procedures for West Lothian Council Housing stock in relation to the control of Legionella bacteria in water systems within property owned by West Lothian Council Housing Service.

2.0 BACKGROUND

Legionnaire's disease is a potentially fatal form of pneumonia which can affect anybody, but which principally affects those who are susceptible because of age, illness, or have a pre-existing lung condition. Contracting Legionella can be fatal or cause serious illness.

The disease is normally contracted by inhaling deep into the lungs, the Legionella bacteria, either in tiny droplets of water in the form of aerosols, or in droplet nuclei which are particles left after water containing the Legionella bacteria has evaporated. Not everyone who is exposed will develop symptoms of the disease.

The incubation period is between 2 – 10 days.

3.0 LEGAL AND REGULATORY REQUIREMENTS

HCBS has responsibilities under the Health and Safety at Work act 1974, The Control of Substances Hazardous to Health Regulations 2002, The Management of Health and Safety at Work Regulations 1999 and the practical advice and guidance given in The Approved Code of Practice (L8)

To comply with its legal duties HCBS will:

- Identify and assess sources of risk
- Implement a programme of regular checks and monitoring of its water systems
- Ensure suitable and sufficient resources are available
- Implement, monitor and manage all control measures identified
- Keep records of all such measures
- Nominate employees and others with responsibility for implementing this procedure
- Review this procedure at least every two years

HCBS will take all reasonably practical steps to ensure the risk of Legionella contaminating water systems under its ownership is minimised. However, should a situation arise where Legionella bacteria are detected within these systems, and the potential for an outbreak exists, then the remedial measures outlined in this document will be implemented?

This procedures will apply to all buildings and individuals employed or engaged by West Lothian Council's Housing Customer and Building Services (HCBS) department.

4.0 PROCEDURE

4.1 Risk Assessment and Treatment

HCBS will carry out risk assessments of water systems in order to categorise the level of risk to residents, staff and visitors, from Legionella bacteria in water systems, in domestic properties owned and managed by HCBS. These risk assessments will be reviewed every two years or following significant changes of occupancy and/or services installation that could affect the risk rating of the property.

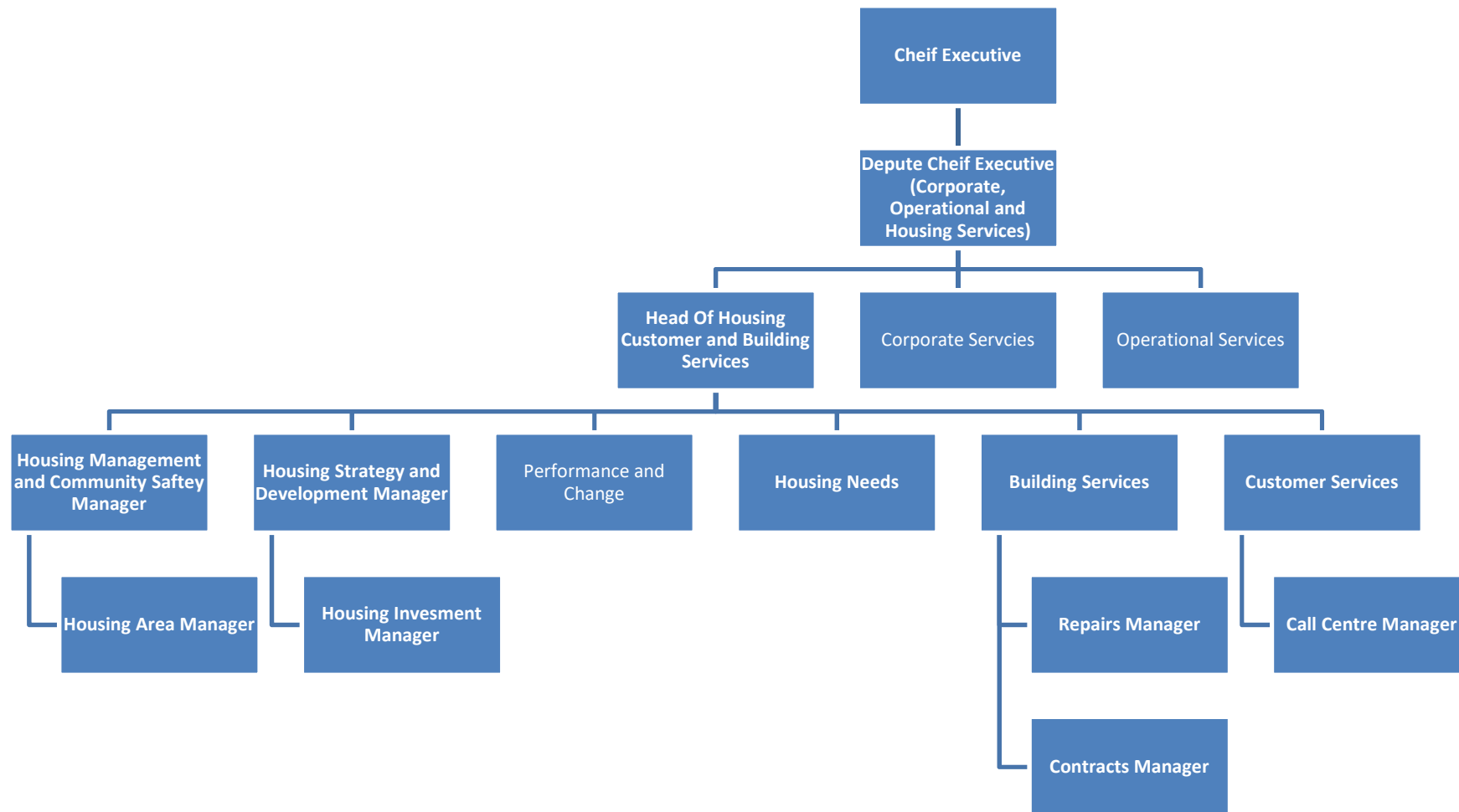
The risk assessment process map is set out in Appendix B

Risk Level	Definition	Control Measure
High	This generally applies to hospitals or buildings with cooling towers.	N/A
Medium	Communal parts of sheltered housing schemes and hostel accommodation with cold water storage, and hot water supplied via a separate cylinder	<ul style="list-style-type: none"> Review Risk assessments every two years. Chlorination to be carried out by a specialist water quality consultants Monthly temperature monitoring to be undertaken by individual site managers Inspections of stored water tanks every six months to be carried out by a water quality specialist. A log to be kept on site for recording results of temperature monitoring and inspections. The log will be validated during each inspection by the specialist water quality consultant
Low	Low Risk: Domestic premises including blocks of flats with self - contained living units. Typically the water systems are of the domestic type with high turnover, i.e. with a cold water gravity-feed tank to a conventional copper storage cylinder or mains water system with a combination boiler.	<ul style="list-style-type: none"> Generally these systems will only be dealt with when they become void. Renew or sterilize shower heads prior to re occupation Drain down and flush stored water systems <p>A Temperature monitoring process map is shown in Appendix C</p>

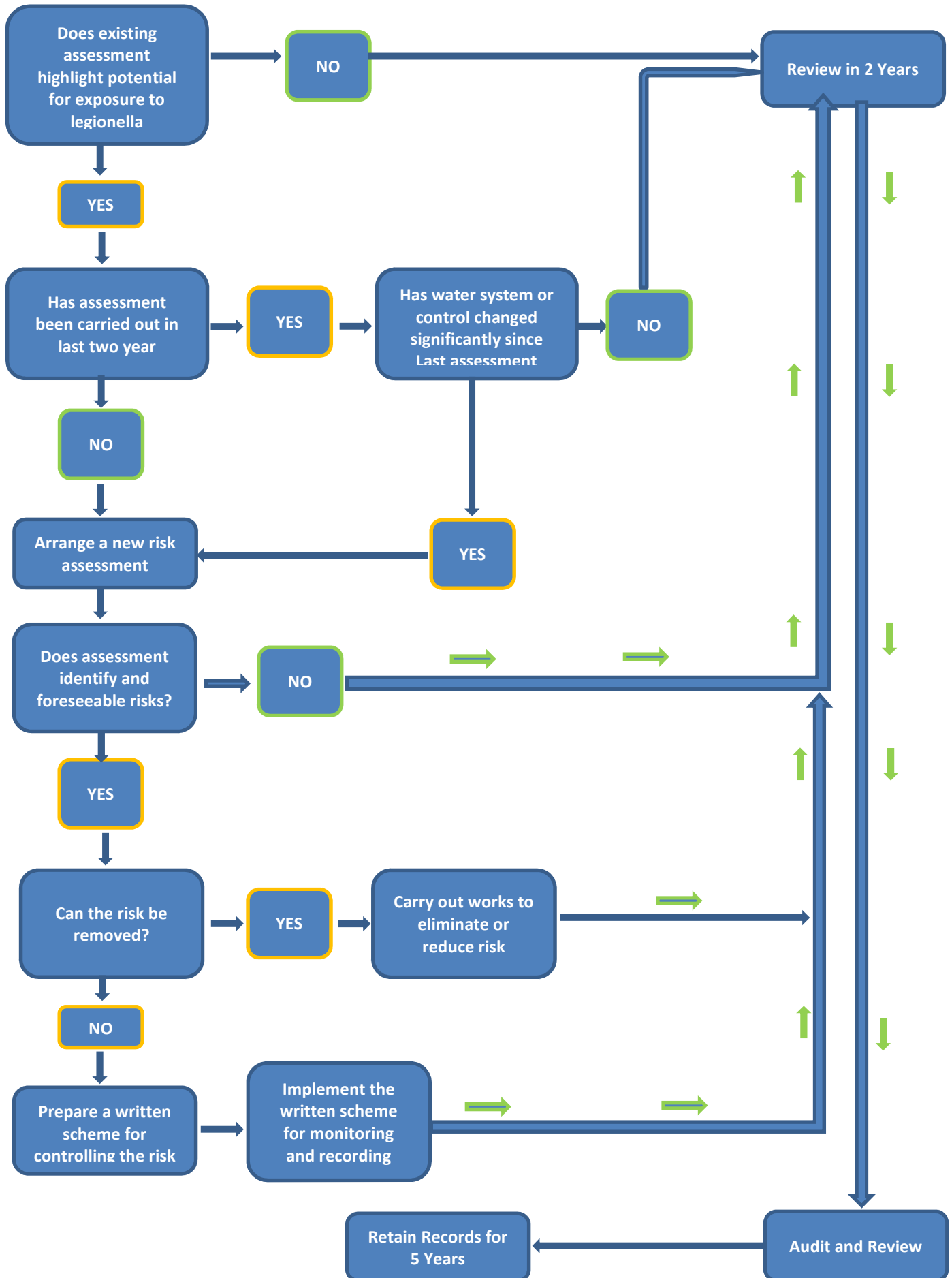
<p>4.2 Actions in the event of a positive result for Legionella</p>
<p>A water quality consultant will notify the relevant duty holder at HCBS as soon as the test results are known. The Duty Holder at HCBS will notify the Services Health & Safety Officer and the Council's Environmental Health Department, and then, dependent on the magnitude of the results, the following actions should be taken:</p> <p>Legionella Bacteria More than 100 but Less than 1000 cfu/litre</p> <p>Action Required</p> <ol style="list-style-type: none"> 1. If only one or two samples are positive, the system will be re sampled. If a similar count is found, a full Review of the control measures and risk assessment will be carried out to identify any remedial actions. 2. If the majority of samples are positive, the system may be colonized, albeit at a low level, with Legionella. Disinfection of the system will be considered and an immediate review of control measures and risk assessment will be carried out to identify any other remedial measures to be carried out. <p>More than 1000</p> <ol style="list-style-type: none"> 1. The systems will be re-sampled and an immediate Review of control measures and risk assessment will Be carried out to identify remedial actions including Possible disinfection of the system
<p>4.3 Action to be taken in the event of a Legionella outbreak</p>
<p>An outbreak is defined by the Public Health Laboratory Services as two or more confirmed cases of Legionellosis occurring in the same locality within a six month period.</p> <p>In the event of a suspected outbreak within the HCBS's premises, the following procedure will be followed:</p> <p>The HCBS duty holder will immediately arrange for the premises to be sampled as per the procedure above, and an urgent review of control measures and risk assessment will be carried out to identify any other remedial action required.</p>
<p>5.0 MANAGING, MONITORING AND REVIEW</p>
<p>This procedure will be reviewed every two years.</p> <p>A report will be presented to HCBS annually indicating compliance with this policy and procedures document.</p> <p>Details of the HCBS organisational structure is given in Appendix A, showing the duty holders with delegated operational responsibility</p>
<p>6.0 SUMMARY</p>
<p>As per the Risk Assessment information above all WLC HCBS Housing stock is deemed to be of low risk and the 3 control measures should be implementing only when properties become void.</p>

Appendix A

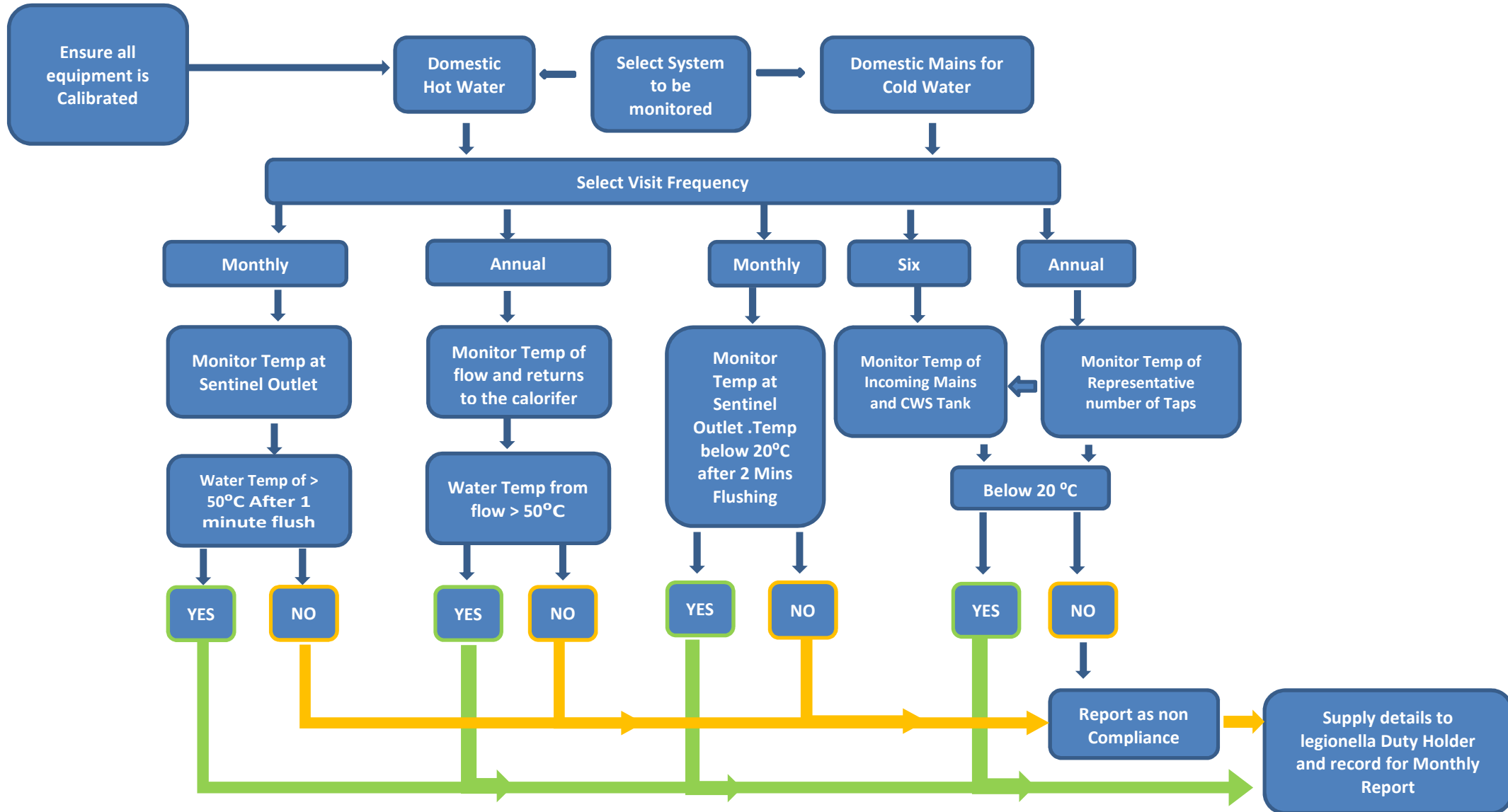
Organizational Structure



Risk Assessment Process Map



Temperature Monitoring Process Map



Appendix D

Legionella Risk Control Action Plan

No	Description	Deadline	Lead Officer
1.	Clarify Duty Holders and training to ensure that they are aware of their duties, and have suitable competence and training.	Oct 2018	R. Smith
2.	Agree information to be sent out to the most vulnerable Tenants regarding the risks of Legionella		
3.	Agree general information to be sent out to all Tenants regarding the risks of Legionella		
4.	Establish a comprehensive list of all properties where risk assessments are required		
5.	Establish a programme for regular analysis of stored water systems.		
6	Establish a programme of training for Handymen and Supported Housing workers to carry out regular checks for record purposes.		
7.	Implementation of a programme of carrying out regular checks		
8	Review Void Management Policy to include Legionella risk control		
9.	Establish a procedure for maintaining records of actions taken to mitigate risk of Legionella		

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

PROPOSED ACQUISITION OF PREMISES AT 12 ALMONDVALE SOUTH, LIVINGSTON

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval for the acquisition of commercial premises at 12 Almondvale South, Livingston.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes the council has a right of pre-emption over commercial premises at 12 Almondvale South, Livingston and that the owner has offered to sell the property to the council in accordance the provisions of that right of pre-emption.
2. Agrees that the council should exercise its right of pre-emption and in doing so acquire the property at 12 Almondvale South, Livingston for £305,000 (three hundred and five thousand pounds) and on the terms set out in this report.
3. Agrees to provide delegated authority to the Head of Finance and Property Services to carry out any further negotiations and conclude the acquisition of the property, on the basis that any revised terms and conditions still represent best value for the council.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; Being honest, open and accountable; Making the best use of our resources.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>It is proposed that the council should exercise its legal right of pre-emption and in doing so acquire the premises on the terms set out in this report.</p> <p>The acquisition of this property would enhance the council's Commercial Property (Tenanted Non-Residential) portfolio and support the approved aims of the Commercial Property Portfolio Strategy and Management Plan.</p>
III Implications for Scheme of Delegations to Officers	The report seeks approval for delegation to the Head of Finance and Property Services to carry out any further negotiations and conclude the acquisition of the property, on the basis that any revised terms and conditions still represent best value for the council.

IV	Impact on performance and performance Indicators	The acquisition of this property would contribute towards revenue income targets for the Commercial Property portfolio.
V	Relevance to Single Outcome Agreement	<p>We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p> <p>Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.</p>
VI	Resources - (Financial, Staffing and Property)	<p>It is anticipated that the acquisition of this property would generate an additional revenue income of £43,000 per annum from commercial lettings from the 2022/23 financial year onwards.</p> <p>The purchase price of £305,000 will be met from within the existing Commercial Property Portfolio / Tenanted Non-Residential Property budgets.</p>
VII	Consideration at PDSP	None.
VIII	Other consultations	<p>Legal Services and Finance Services</p> <p>The local elected members for the ward have been provided a copy of this report for information.</p>

D. TERMS OF REPORT

D.1 Background

In 1988, the former Livingston Development Corporation (LDC) sold a site extending to 0.14 Hectares at Almondvale South to the Bank of Scotland. The Bank of Scotland subsequently developed the site and built the commercial premises that stand today at 12 Almondvale South, Livingston. Those premises are shown hatched in black on the location plan at Appendix 1 of this report.

That sale by LDC included a "Right of Pre-emption" whereby, in the event of the Bank of Scotland seeking to sell the property, LDC (or their successors) would have the right to purchase the property "at the same price as the best offer received by the seller when advertising the building for sale."

The Bank of Scotland have recently marketed the property for sale and the best offer received at the closing date was for a price of £305,000. In accordance with the provisions of the aforementioned Right of Pre-emption, the Bank of Scotland have formally offered to sell the property to the council (as the successor authority to LDC) at that price.

The property comprises 538m² of modern business space and includes dedicated car parking spaces.

Having considered the offer received from the Bank of Scotland and noted that the council already owns much of the surrounding area, officers are of the view that the purchase of 12 Almondvale South, Livingston would be a prudent acquisition both in terms of strategic land assembly and as an addition to the council's Commercial Property (Tenanted Non-Residential) portfolio, where it is anticipated that the property could generate £43,000 per annum of additional revenue income for the council.

The acquisition of the property would be funded from an existing, approved Commercial Property (Tenanted Non-Residential Property) Portfolio resources.

D.2 Proposed Acquisition Terms

The proposed acquisition terms are as follows:

1. Seller: The Bank of Scotland
2. Purchaser: West Lothian Council
3. Subjects: 12 Almondvale South, Livingston
4. Purchase Price: £305,000 (three hundred and five thousand pounds sterling) excluding VAT.
5. Legal and Professional Fees: Each party shall pay their own legal and professional fees.

E. CONCLUSION

It is considered to be in the council's best interests to accept the offer received from The Bank of Scotland and to acquire the property at 12 Almondvale South, Livingston for inclusion in the council's Commercial Property (Tenanted Non-Residential Property) portfolio.

F. BACKGROUND REFERENCES

None.

Appendices/Attachments:

Appendix 1: Location Plan – 12 Almondvale South, Livingston

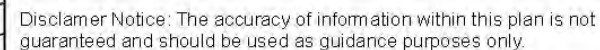
Contact Person: Scott Hughes, Asset Manager

Tel: 01506 281825, e-mail: scott.hughes@westlothian.gov.uk

Donald Forrest

Head of Finance and Property Services

Date of meeting: 7 September 2021



DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

PROPOSED LEASE - UNIT 101, THE CENTRE, LIVINGSTON (COMMUNITY LEARNING AND DEVELOPMENT YOUTH SERVICES)

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES AND HEAD OF EDUCATION (LEARNING, POLICY AND RESOURCES).

A. PURPOSE OF REPORT

To seek Council Executive approval for the lease in of unit 101 The Centre, Livingston to provide a Community Learning and Development (CLD) youth facility.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Approves the lease in of Unit 101, The Centre, Livingston on the terms set out in this report;
2. Authorises the Head of Finance and Property Services to carry out any further negotiations in respect of the lease of the property on the basis that any revised terms and conditions still represent the achievement of best value for the council;
3. Notes that Mitie Property Services (UK) Ltd will undertake the works required to fit out the proposed unit at no cost to the council, as part of their fulfilment of their community benefit obligations;
4. Notes that all costs for the establishment of the facility including fit out and ongoing operational costs are fully funded from external sources and existing Community Learning Development (CLD) Youth Services resources; and
5. Notes the establishment of the facility will seek to provide accommodation for council services and partner organisations to support young people through better community engagement, maximising the opportunities to develop their potential and alleviate the challenges of anti-social behaviour.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; providing equality of opportunities; working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>The duty to obtain best value in all property transactions and for our property assets to be of a suitable standard to meet service needs.</p> <p>The project will support the delivery of a number of initiatives that will meet the challenges of community inequalities including</p>

those associated with anti-social behaviour.

III	Implications for Scheme of Delegations to Officers	The report seeks approval for the Head of Finance and Property Services to negotiate further terms and conditions for the let
IV	Impact on performance and performance Indicators	The proposed CLD youth facility will support the delivery of services aimed at tackling anti-social behaviour, improve life choices and tackle inequalities and will positively impact a number of related performance measures.
V	Relevance to Single Outcome Agreement	We live in resilient, cohesive and safe communities. People most at risk are protected and supported to achieve improved life chances.
VI	Resources - (Financial, Staffing and Property)	<p>The market rent of £35,000 per annum will be forgone in lieu of the non-financial community benefits that will be derived from the facility. Other property costs associated with the lease including those relating to service charge, non-domestic rates, maintenance and insurances etc will be met from within existing CLD Youth Services resources.</p> <p>Mitie Property Services (UK) Ltd will deliver with their supply chain all fit-out works associated with the unit as part of fulfilling their Community Benefits obligations under the Hard Facilities Management Contract. There will be no cost to the council for the physical works. Professional design and construction quality services will be provided by Property Services.</p> <p>Staff and service delivery costs will be fully funded through a combination of existing Community Learning and Development Youth Services resources (£50,000) and additional support secured from NHS Lothian Healthy Respect fund (£11,000); the Social Isolation and Inclusion fund (£4,000); Young Persons Guarantee Fund (£20,000) and Youth Work Education Recovery resources (£38,600)</p>
VII	Consideration at PDSP	None
VIII	Other consultations	<p>Education Services, Finance and Property Services, Corporate Services and external partner agencies including the NHS and those supporting the project including as Mitie and The Centre have been consulted.</p> <p>Local Elected members have been provided a copy of the report for information.</p>

D. TERMS OF REPORT

D.1 BACKGROUND

The council's CLD Youth Services team were approached by The Centre, Livingston to ask for help to address the issue of young people congregating in the shopping mall and participating in anti-social behaviour. CLD Youth Services working in partnership with The Centre and other partners including the NHS and Police Scotland identified that the preferred approach to resolve issues would be to establish a physical presence at The Centre to enable pro-active and direct engagement with the young people in a positive environment. It was also determined that the facility could contribute to the delivery of wider services focused on community learning and development, health, training and development and others associated with social behaviour challenges. It was considered important to operate the service from a unit at the mall in order to be able to engage directly with the young people who congregate there.

To deliver the proposed facility and to demonstrate their commitment to partnership working to resolve the issues, The Centre have offered the council a unit to establish the dedicated hub from which CLD Youth Services and partner organisations will offer community support activities.

The unit is located on the north side of the mall and has direct external access. The location is shown within Appendix 1.

D.2 PROPOSED LEASE TERMS

The proposed lease terms for the unit have been negotiated and provisional agreement has been reached. The proposed terms are as follows:

Term: Three years from date of entry (date to be agreed).

Break option: Mutual break for tenant and landlord at any time after twelve months with thirty days' notice

Rent: The annual rent will be £1.00 per annum (if asked) exclusive of VAT.

Other Outgoings: The council will be responsible for all other outgoings associated with the occupation of the unit. This includes annual service charge, non-domestic rates and utilities costs (VAT will be payable on all outgoings).

Repairs: The council will have a full repairing responsibility for the unit and will pay a proportional share of the costs associated with repairs and maintenance to the communal parts of The Centre.

Fit-Out: The council is responsible for the works undertaken to fit out the unit and for reinstating the premises to their original condition at expiry.

Insurance: The Centre will insure the building together with communal parts and recover the cost of the premium from the tenant. The council will be responsible for all other insurances associated with their use of the premises (e.g. contents and public liability etc).

Legal Costs: Each party shall be responsible for their own legal costs.

D.3 CONSENTS

The unit is offered as a standard retail “shell” and unfurnished. It is the responsibility of the council as the tenant to design, obtain the necessary statutory consents and undertake the necessary fit out works to enable the beneficial use proposed.

The layout, schedule of works and design have been prepared working in partnership with CLD Youth Services. Planning consent was obtained in June 2021 for the change of use and proposals. Building Warrant has been applied for and will continue to be progressed.

D.4 FIT OUT COSTS AND WORKS DELIVERY

The council have secured the commitment of Mitie Property Services (UK) Ltd (Mitie) to undertake the fit out works required as part of fulfilling their Community Benefit commitments under the Hard Facilities Management contract they have with the council. The costs associated with the fit out have been estimated at approximately £255,000 (exclusive of fees) and will be undertaken by Mitie and their supply chain contractors at no cost to the council.

Property Services will continue to develop the detail of the design with Mitie and CLD Youth Services and will oversee the undertaking of the work. The quality of the works will be monitored by the councils appointed Clerk of Works.

The costs associated with the provision of furniture, furnishings and equipment are included within the resources for the projects which include those from Community Learning Development Youth Services, external supports (i.e. NHS) and one-off resources such as the Social Isolation and Inclusion fund.

D.5 PARTNERSHIP WORKING AND FUNDING

Working in partnership with The Centre, the NHS and other community partners CLD Youth Services have developed the project to not only seek to resolve the initial anti-social behaviour challenges being experienced but also to deliver a range of youth services support.

Staff resources and financial support has been secured both internally and externally to ensure the viability of the project. Resources include NHS Lothian Healthy Respect fund (£11,000); the Social Isolation and Inclusion fund (£4,000) and Youth Work Education Recovery resources (£38,600).

CLD Youth Servies have committed £50,000 towards initial project set up and ongoing operating costs from within existing service resources.

The Centre have agreed to forego the annual rent for the unit which equates to £35,000 per annum (exclusive of VAT and other outgoings).

It is the intention of CLD Youth Services and partners to apply for additional support and resources where these become available or can be secured to enhance the project in terms of scope and scale. This will also seek to ensure its sustainability.

Regular updates on the progress of the project and its success on delivering against its outcomes will be provided to members as part of CLD Youth Services performance reporting.

E. CONCLUSION

The proposed project with the provision of bespoke premises at unit 101, The Centre, Livingston will create the opportunity for CLD Youth Services and partners to deliver a collaborative range of services to tackle the challenges of anti-social behaviour and wider youth support activities.

The opportunity has been realised through the provision of the Unit at no rental cost to the council and the provision of the fit out works at no cost to the council. It is therefore considered to be in the council's interests to progress the lease and delivery of the project on the basis of the recommendations set out in the report.

F. BACKGROUND REFERENCES

None

Appendices/Attachments: Appendix 1 - Location plan

Contact Persons:

Jacqueline Steven, Commercial Property Surveyor

Tel: (01506) 283405 E-mail: jacqueline.steven@westlothian.gov.uk

Beverley Akinlami, CLD Youth Services Manager

Tel: (01506) 281093 E-mail: beverley.akinlami@westlothian.gov.uk

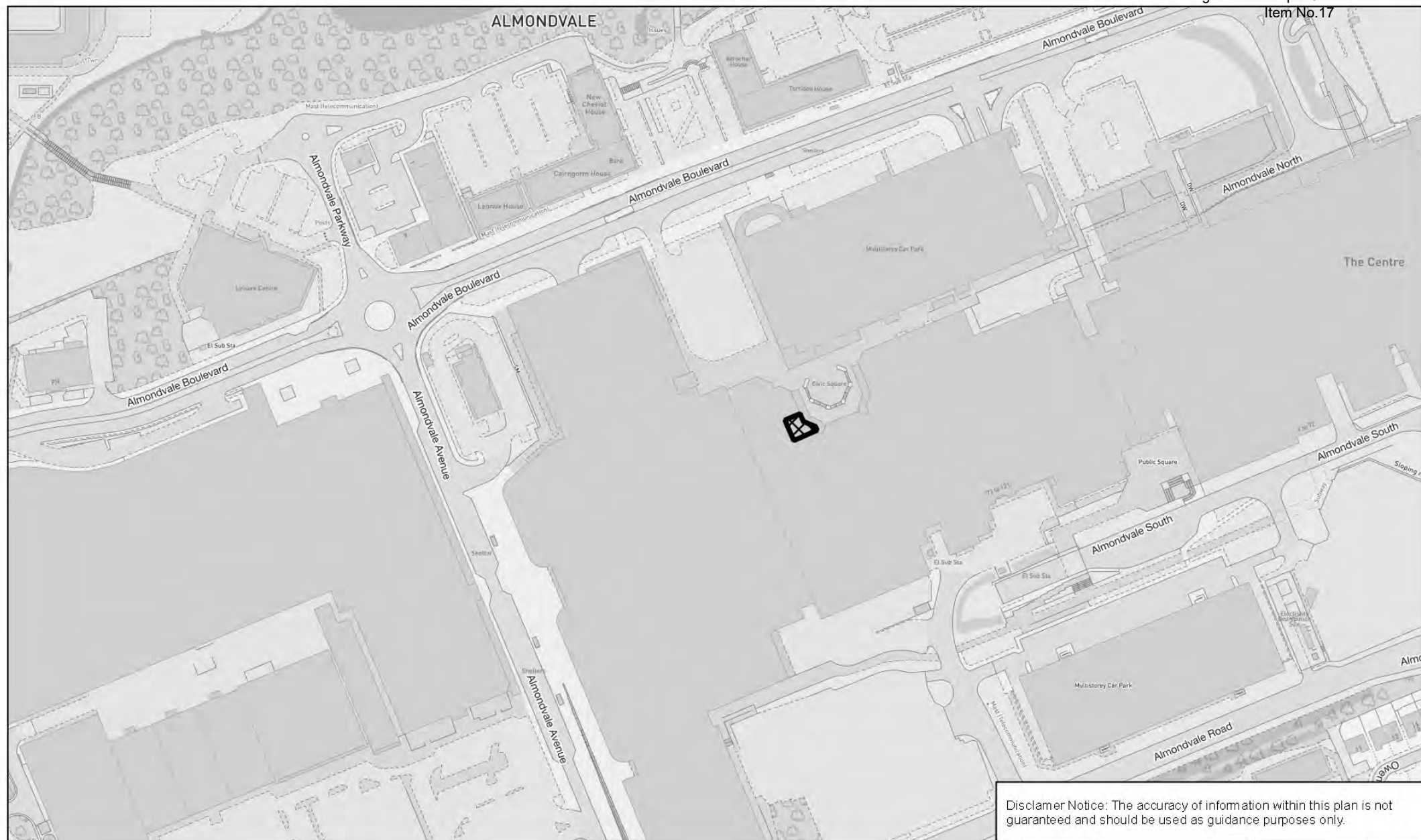
Donald Forrest

Head of Finance and Property Services

James Cameron

Head of Education (Learning, Policy and Resources)

Date of meeting: 7 September 2021



Unit 101 Almondvale Centre, Livingston

Property Management, West Lothian Civic Centre, Livingston, EH54 6FF

28/5/2021

Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. ©Crown copyright. All rights reserved. Licence 100037194 2021

Not to Scale

A4



DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

PROPOSED COMMERCIAL PROPERTY PORTFOLIO STRATEGY AND MANAGEMENT PLAN 2021/22 TO 2027/28

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to seek Council Executive approval of the proposed Commercial Property Portfolio Strategy and Management Plan 2021/22 to 2027/28.

B. RECOMMENDATION

It is recommended the Council Executive:

1. Approves the content of the report.
2. Considers and approves the implementation of the proposed Commercial Property Portfolio Strategy and Management Plan 2021/22 to 2027/28 as set out in the appended report.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; working in partnership.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The disposal and leasing of property is governed by S74 (2) of the Local Government (Scotland) Act 1973 and the Disposal of Land by Local Authorities (Scotland) Regulations 2010.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	<p>There are currently a number of performance indicators related to the performance of the Commercial Property Portfolio and these are outlined in the strategy. Additional performance measures are proposed to be introduced and these are outlined in the strategy together with initial targets.</p> <p>The strategy will provide a framework for demonstrating the performance of the council's commercial property assets.</p>

V	Relevance to Single Outcome Agreement	We make the most efficient and effective use of resources by minimising our impact on the built and natural environment. Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.
VI	Resources - (Financial, Staffing and Property)	The strategy focuses on the steps to improve the performance of the portfolio and enhance the performance indicator mechanisms required to quantify measurement.
VII	Consideration at PDSP	The proposed Commercial Property Portfolio Strategy and Management Plan 2021/22 to 2027/28 was presented to the Partnership and Resources Policy Development and Scrutiny Panel on 20 August 2021 with no adverse comments.
VIII	Other consultations	None.

D. TERMS OF REPORT

D.1 Background

West Lothian Council has a substantial history of providing quality commercial property to support the local and national economy whilst accommodating a significant number of businesses ranging from small independent local companies to national and international organisations.

The council's non-operational portfolio, also known as the Tenanted Non-Residential Portfolio (TNRP) comprises over 730 leased or licenced properties, 570 of those are offered for lease on commercial terms which form part of the core Commercial Property Portfolio (CPP). The CPP mainly consists of traditional commercial property regularly transacted such as retail, office, industrial and other lettable land and property assets.

The management of the CPP has developed alongside the council's corporate aims and objectives which builds upon a consistent approach to the established principles of the Corporate Asset Management Strategy and Property Asset Management Plan (PAMP). The proposed CPP Strategy and Management Plan will build upon these and provide a framework for the management and governance applicable to the unique nature of commercial property assets.

D.2 Summary of the Commercial Property Portfolio (CPP) Strategy and Management Plan

D.2.1 Strategy Vision

The CPP Strategy and Management Plan comprises a series of activities and associated performance measures to demonstrate the council's vision '*to manage assets efficiently and effectively to support the achievement of corporate priorities and outcomes*'.

The specific aims and objectives for the CPP Strategy and Management Plan are as follows;

- Enable the council to support/influence economic development and regeneration activities.
- Support local, national and international business requirements and market led business space requirements.
- Support local employment and business growth.
- Effectively and efficiently manage the portfolio to sustain its performance over the long term to provide a legacy for future generations to benefit.
- Provide valuable recurring and consistent revenue income to support wider council service delivery.
- Supporting where appropriate transformation of other services.

The strategy seeks to encompass best practice and guidance for the management of commercial property whilst supporting business space provision and economic development.

D.2.2 Priorities, Actions and Targets

The CPP Strategy and Management Plan reflects the council's corporate approach to asset management. It incorporates the council's approved Corporate Asset Management priorities and a number of other strategic priorities applicable to commercial property performance. The strategy and management plan identifies a number of activity themes, performance measures and actions to measure progress. These are designed to sustain and where possible enhance performance. The priority outcomes and performance measures are as follows:

Compliance	Properties are statutorily and regulatory compliant.
Condition	Properties are in satisfactory or better condition.
Suitability	Properties are suitable for letting and use.
Sufficiency and Utilisation	The portfolio is sufficient to meet demand and not underutilised (voids).
Accessibility	Properties are accessible for people with disabilities and also available across the county in communities where private provision is insufficient.
Financial	The portfolio will provide sustained and increasing valuable revenue for the council.
Sustainability	Properties and agreements are suitable to attract tenants and a diverse range of business uses.
Economic Regeneration	The portfolio will contribute positively and influence business space provision in West Lothian and support economic development and regeneration priorities.
Good Estate Management	The portfolio will be managed in accordance with recognised effective and efficient commercial property principles and reflect Council Values.

Performance indicators, current and future actions have been identified for each priority performance outcome and are outlined the relevant sections of the proposed CPP Strategy and Management Plan.

In order to monitor progress against the outcome targets, performance and actions will be reported annually throughout the course of the strategy life cycle further determining the efficient management of the CPP.

E. CONCLUSION

The council owns substantial commercial property assets that support economic development in West Lothian. The proposed Commercial Property Portfolio Strategy and Management Plan will build upon existing council asset management strategies by providing a specific framework for the effective and efficient management of commercial property. The priority performance outcomes and identified actions establish the focus activities and will be used to monitor progress.

F. BACKGROUND REFERENCES

Council Corporate Plan 2018/19 to 2022/23.
Corporate Asset Management Strategy 2018/19 to 2027/28.
Property Asset Management Plan 2018/19 to 2027/28.

Appendices/Attachments:

Commercial Property Portfolio Strategy and Management Plan 2021/22 to 2027/28.

Contact Person: David Metcalf, Commercial Portfolio Manager, Property Services.
Tel: 01506 283 287. E-mail: david.metcalf@westlothian.gov.uk

Donald Forrest

Head of Finance and Property Services

Date of meeting: 7 September 2021

Data label: Public

COMMERCIAL PROPERTY PORTFOLIO STRATEGY AND MANAGEMENT PLAN

2021/22 to 2027/28



Welcome to the Commercial Property Portfolio Strategy

West Lothian Council has a long substantial history of providing quality commercial property to support the local and national economy. It has accommodated a significant number of businesses ranging from independent local companies and small to medium enterprises to established national and international businesses and organisations. The commercial property portfolio has developed and evolved over several years to meet varying economic challenges and opportunities.

The purpose of the Commercial Property Strategy is to provide a clear statement of the council's continued aspirations, aims and objectives to ensure the commercial property portfolio supports the local and national economy. This will be achieved through the provision of the best possible commercial premises that are managed effectively and efficiently for our customers and stakeholders together with providing a valuable revenue income to support wider council services.

The overall non-operational property portfolio, also known as the Tenanted Non-Residential Portfolio (TNRP) comprises over 730 leased or licensed properties. Within the TNRP there are over 570 properties that are offered for lease on commercial terms which form the core Commercial Property Portfolio (CPP). The CPP mainly consists of traditional commercial property types that are regularly transacted such as retail, office, industrial and other lettable land and property assets.

This document sets out the council's forward planning of the CPP and establishes the strategy and framework to sustain and where possible improve performance.

To ensure a consistent approach to the management of the CPP as with other property assets the principles of the strategy and plan contained within this document reflect the priorities and performance frameworks established by the approved Corporate Asset Management Strategy and Property Asset Management Plan (PAMP). The PAMP comprises property to support the direct delivery of services (operational property) and the TNRP (incorporating the CPP).

The Corporate Asset Management Strategy and the Property Asset Management Plan set out a number of activities and associated performance outcomes to demonstrate the council's vision *"to manage assets efficiently and effectively to support the achievement of corporate priorities and outcomes"*. The CPP shares this vision.

In summary, the wider specific aims and objectives for the CPP are to:

- ◆ Enable the council to support/influence economic development and regeneration activities.
- ◆ Support local, national and international business requirements and market led business space requirements.
- ◆ Support local employment and business growth.
- ◆ Effectively and efficiently manage the portfolio to sustain its performance over the long term to provide a legacy for future generations.
- ◆ Provide valuable recurring and consistent revenue income to support wider council service delivery.
- ◆ Supporting where appropriate transformation of other services.

The strategy seeks to encompass best practice and guidance for the management of commercial property; to support business space provision and economic development. It establishes the framework to actively manage and improve the performance of the CPP to meet the council's strategic and management aims.

Corporate Overview and Management Strategy

1 CORPORATE OVERVIEW

The council has an approved Corporate Plan, which sets out eight priorities that have been developed in consultation with our local communities, partner organisations, stakeholders, staff and trade unions. These priorities, inform the activities that the council will undertake in order to achieve better outcomes for West Lothian.

A well-managed commercial property portfolio is essential for the council to support its Corporate Plan which includes the following relevant strategic priorities:

- ◆ Minimizing poverty, the cycle of deprivation and promoting equality.
- ◆ Improving the employment position in West Lothian.
- ◆ Protecting the built and natural environment.

1.1 Corporate Asset Management Strategy

The council has a corporate asset management strategy and corporate asset management plan that establishes the framework for performance of operational and non-operational property assets.

Performance outcomes include; Statutory Compliance, Condition, Suitability, Sufficiency, Utilisation and Accessibility, Sustainability, Financial, Economic Regeneration and Good Estate Management. The successful management of the CPP will be measured against these outcomes and associated priorities which will also be utilised for the prioritisation of budget allocations.

This document sits within the Council's corporate strategic asset management hierarchy and helps to define the framework on which all commercial property decisions and management operations should be based to ensure a consistent approach in the planning, management and reporting of the CPP;

- ◆ Council Corporate Plan 2018/19 to 2022/23.
- ◆ Corporate Asset Management Strategy 2018/19 to 2027/28.
- ◆ Property Asset Management Plan 2018/19 to 2027/28.
- ◆ CPP Strategy and Management Plan 2020/21 to 2027/28.

In addition to supporting strategic aims, the Council is also committed to a process of risk management including identification, management and mitigation of key risks, protecting and making best use of assets, to ensure that the CPP is capable of delivering its strategic aims and objectives.

Strategic Context, Aims and Outcomes

2. STRATEGIC CONTEXT, AIMS AND OUTCOMES

2.1 Strategic Context

The council's strategic vision for the CPP is to *"manage the assets efficiently and effectively to support the achievement of corporate priorities and outcomes whilst delivering growing rental and capital values"*.

The CPP strategy and management plan will help realise the investment of expenditure and resource in the portfolio. The strategy will be implemented immediately however there is a requirement to ensure it maintains flexibility to react and overcome challenges that are yet to materialise.

The Commercial Property Portfolio incorporates 570 lettable interests with a gross annual rent of approximately £4.1million. It includes geared ground leases, ground rents, head leases, industrial units, offices, shops, utilities and commercial yards. Excluded from the strategy are let parts of operational property, service delivery leases, agricultural/grazing leases and community benefit leases.

2.2 Strategic Aims

To deliver the vision a number of strategic aims and objectives have been established, these are:

- ◆ Provision of business space capacity and supporting local employment opportunities to meet our communities' aspirations and to respond to evolving needs.
- ◆ Supporting wider corporate priorities as set out in the Corporate Plan and Single Outcome Agreement.
- ◆ Provision of both revenue income and capital growth.

2.3 Strategic Outcomes

To achieve the strategic aims the portfolio requires to be effectively and efficiently managed and sustained. It is envisaged that this will be undertaken via the following activities;

- ◆ Management of the portfolio in the manner that it will maximise income and capital growth.
- ◆ Management of the portfolio in accordance with good estate management practices and all formally approved council policy and procedures.
- ◆ Ensuring robust and transparent governance arrangements are in place.
- ◆ Deployment of effective property management information systems and manage portfolio records efficiently.
- ◆ Ensuring properties are fit for purpose and compliance is well managed.
- ◆ Providing property in accessible locations and supporting tenant accessibility improvements.
- ◆ Evolving the CPP to preserve and enhance where possible the long-term viability and vitality of the assets.

- ◆ Management in accordance with the council's Climate Change Strategy and mitigate the portfolio's impact upon the environment.

To measure achievement and progression towards strategic outcomes, a series of performance measures have been developed and are outlined in the following Strategic Context, Aims and Outcomes section.

Strategic Context, Aims and Outcomes

3 PERFORMANCE OUTCOMES

Performance outcomes and measures have been developed that will demonstrate achievement of the strategic aims and outcomes to the performance of the CPP. The Commercial Property Portfolio Strategy and Management Plan has ten outcomes as follows:



The following section provides a more in-depth rationale and understanding of these specific performance outcomes.

1 Outcome - Statutory Compliance

The purpose of the Statutory Compliance Outcome is to demonstrate that commercial properties comply with statutory and regulatory requirements. This outcome ensures all properties are safe and available for use where possible by conducting regular inspections and retaining compliance logs.

The council has an undertaking to ensure premises are safe and compliant where possible prior to agreeing a formal lease. Properties not fit for purpose or compliant are unlikely to be let and achieve a market rent.

Vacant or void premises are managed by the council however flexible arrangements are in place for elements of the estate whereby the council will continue to ensure compliance for tenanted premises. Dependant on individual lease terms either the tenant or landlord will be responsible for certain repairing and maintenance obligations. In order to reinforce and ensure tenants are aware of their lease obligations a Tenant Handbook is also provided to each new tenant.

The council endeavours to let property in a satisfactory condition and provides records of condition and compliance to all new tenants at the date of entry. New leases contain a photographic schedule of condition to distinguish between the condition at the date of entry and the date of expiry/termination date.

Activities:

The main activities of the service during the period of the strategy will be:

- ◆ Ensuring that statutory compliance certification is produced for properties under the management of the council.
- ◆ Conduct landlord inspections to determine that the appropriate compliance information for the premises is available and in line with contractual obligations.
- ◆ Obtain confirmation of statutory compliance if under obligation of the tenant.
- ◆ All tenants are provided outset of their lease with a handbook that outlines the obligations for statutory compliance.

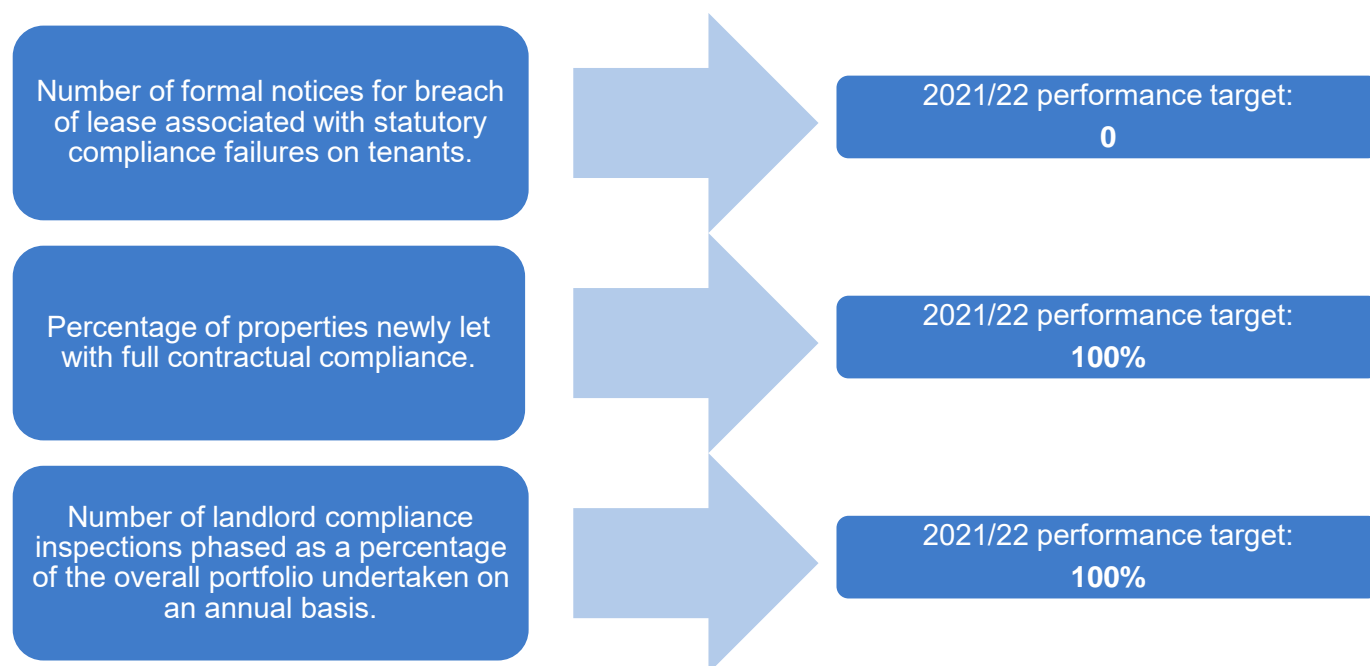
Performance Indicators:

The main indicators of the service during the period of the strategy will be:

Main Performance Indicators	Reporting Period
Number of formal notices for material breach of lease associated with statutory compliance failures on tenants	Annually
Percentage of properties newly let with full contractual compliance	Annually
Number of landlord compliance inspections phased as a percentage of overall portfolio undertaken on an annual basis	Annually

Key performance indicators:

We have identified the key measures of the success for this outcome and will track, monitor and report on our progress in these performance indicators throughout the lifetime of our strategy:



Performance measures will be reported upon from 2021/22 onwards and form the basic framework for demonstrating the achievement of statutory compliance for the portfolio. These will be kept under review and should further key performance measures associated with statutory compliance be required or adapted these will be added and reported upon.

2 Outcome - Condition

The purpose of the Condition Outcome is to demonstrate that properties are maintained in a satisfactory or better condition to support the delivery of adequate properties to support businesses, minimising the number of days our premises are unavailable for letting purposes. Ensuring premises are maintained in a reasonable condition can prolong the life expectancy of the units negating an earlier requirement to replace or repair.

The council where possible, ensures premises are in a satisfactory or better condition prior to the date of entry to the incoming tenant. Properties which are not in a reasonable condition are unlikely to achieve a market rent. Vacant or void premises are managed by the council however tenants of occupied premises have an obligation to ensure the premises are maintained in a good and tenantable condition throughout their period of their occupation.

The council lets property that is in safe and compliant condition whereby records of condition and compliance are made available to tenants. All new leases have photographic schedules of condition appended to ascertain condition at the date of entry.

This outcome measures the condition of all property assets to ensure that they meet the minimum criteria for commercial lettings.

Activities:

The main activities of the service during the period of the strategy will be:

- ◆ Ensuring new lettings are subject to a standard schedule of condition being prepared to capture the current condition of the premises at the date of entry.
- ◆ Undertaking an 'assessment of lettable condition' survey of assets to ascertain condition category and potential need for investment.
- ◆ Continually review and improve turnaround timescales in which properties are defined as being in a lettable condition and made 'available' to let.

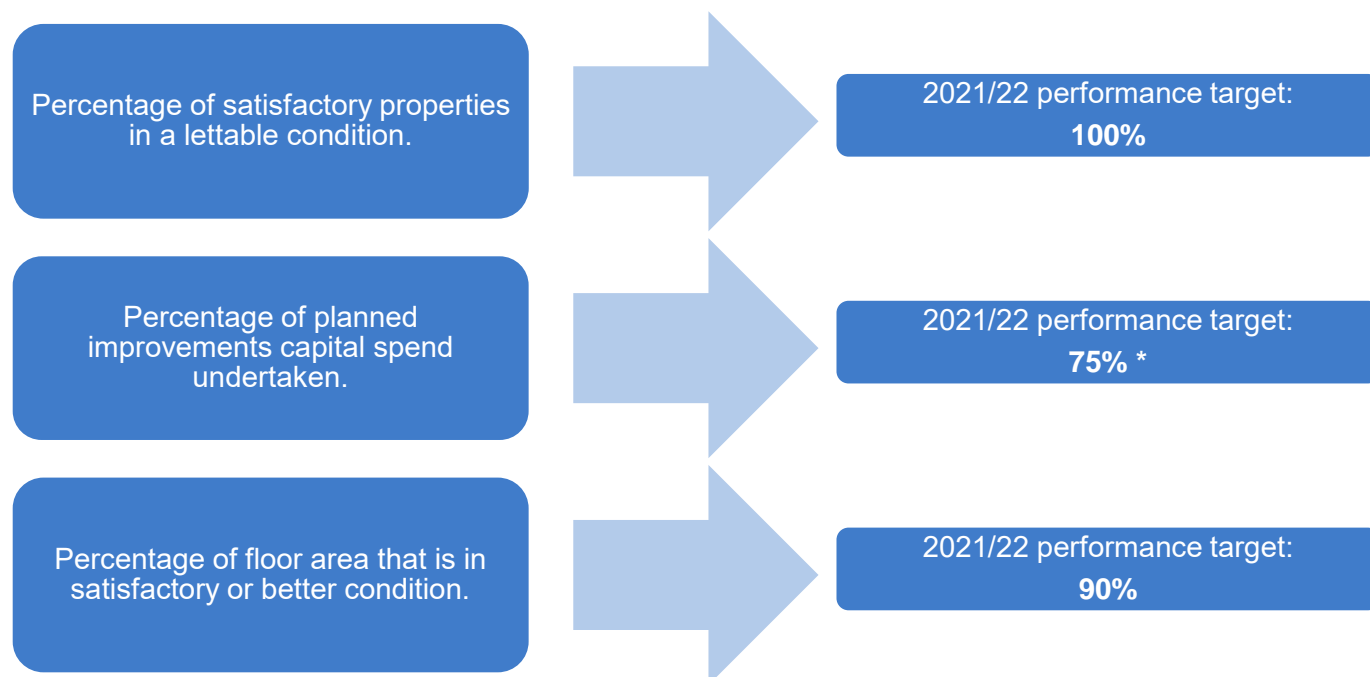
Performance Indicators:

The main indicators of the service during the period of the strategy will be:

Main Performance Indicators	Reporting Period
Percentage of satisfactory properties in a lettable condition	Annually
Percentage of planned improvements capital spend undertaken.	Annually
Percentage of floor area that is in satisfactory or better condition.	Annually

Key performance indicators:

We have identified the key measures of the success for this outcome and will track, monitor and report on our progress in these performance indicators throughout the lifetime of our strategy:



** Reflects current Covid-19 pandemic and business restriction challenges from 2022/23, it is intended that this will return to 95%.*

Performance measures will be reported upon from 2021/22 onwards and form the basic framework for demonstrating the achievement of a satisfactory Condition Outcome for the portfolio. These will be kept under review and should further key performance measures associated with condition be required or adapted these will be added and reported upon.

3 Outcome – Suitability

The Suitability Outcome demonstrates that properties and agreements are suitable to attract tenants and a diverse range of business uses.

The council seeks to ensure that properties let are suitable to existing and prospective tenant business requirements wherever reasonable possible and practicable.

We engage with tenants to adapt units to suit their individual requirements and enable alterations of a non-structural nature within lease agreements. Whilst there may be costs associated with these in terms of works and obtaining both statutory and landlord consents that must be met by tenants the council will where ever possible provide landlord consent subject to the application of certain reasonable conditions to preserve the long-term suitability and compliance of the property.

Activities:

The main activities of the service during the period of the strategy will be:

- ◆ Ensuring tenants are returning the premises suitable for letting at the end of their lease reducing risk to the council, methods to undertake this successfully include the provision of landlord inspections and schedules of condition appended to the lease.
- ◆ Ensuring properties are suitable for commercial use (Office/ Retail/ Industrial).
- ◆ Conducting customer surveys biennially to ascertain suitability of premises from a tenant perspective.
- ◆ Reviewing vacant property assets suitability to market.

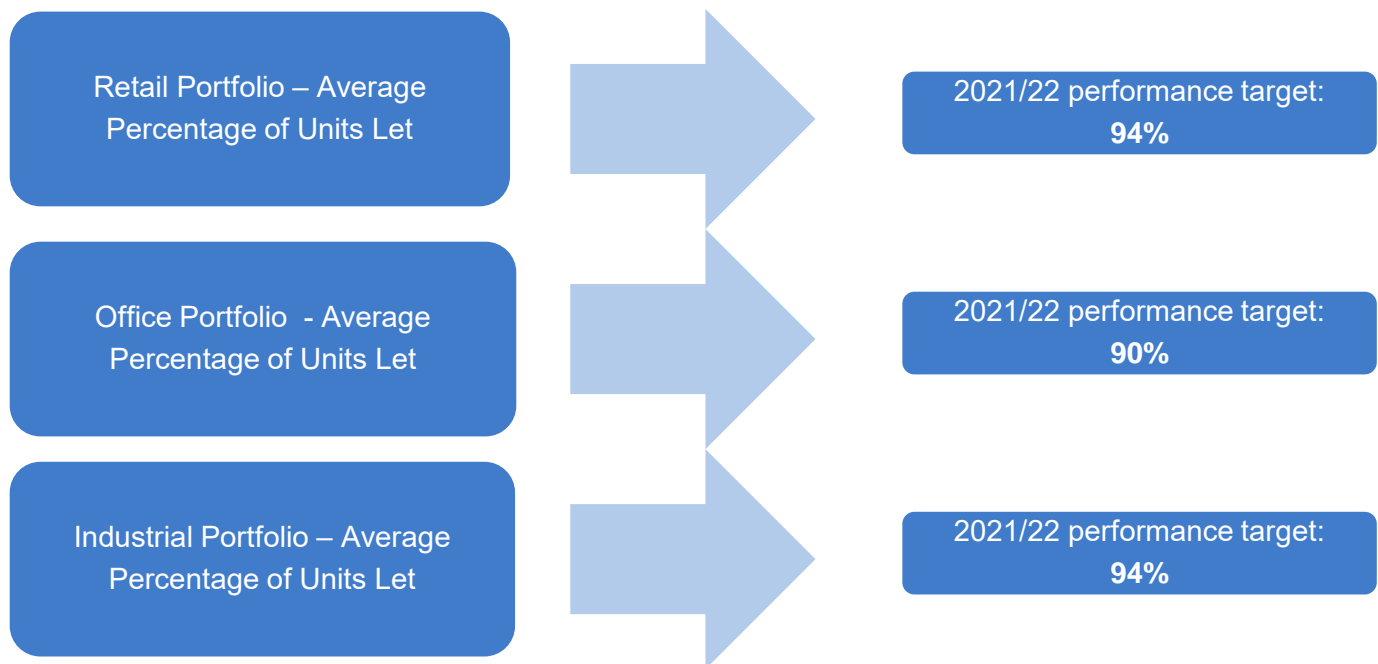
Performance Indicators:

The main indicators of the service during the period of the strategy will be:

Main Performance Indicators	Reporting Period
Retail Portfolio - Percentage of Total Units Let	Reported Monthly
Industrial Portfolio - Percentage of Total Units Let	Reported Monthly
Office Portfolio - Percentage of Total Units Let	Reported Monthly
Retail Portfolio – Average Percentage of Units Let	Reported Annually
Industrial Portfolio – Average Percentage of Units Let	Reported Annually
Office Portfolio – Average Percentage of Units Let	Reported Annually

Key performance indicators:

We have identified the key measures of the success for this outcome and will track, monitor and report on our performance in these performance indicators throughout the lifetime of our strategy:



Performance measures will be reported upon from 2021/22 onwards and form the basic framework for demonstrating the achievement of a satisfactory Suitability Outcome for the portfolio. These will be kept under review and should further key performance measures associated with suitability be required or adapted these will be added and reported upon.

4 & 5 Outcome - Sufficiency and Utilisation

The Sufficiency and Utilisation Outcome demonstrates that the portfolio is managed in such a way to sustain business space capacity, support local employment and provide business space in key settlement areas. Continued collaboration and support between council and government services/initiatives will assist with new employment and business opportunities to ensure continued utilisation by local businesses and the wider community.

Sufficient levels of commercial property influence the local economy and the provision of business space in key settlements/areas. Where appropriate, acquisition of non-council owned property may be undertaken subject to a suitable business case being presented adhering to corporate priorities and outcomes.

Activities:

The main activities of the service during the period of the strategy will be:

- ◆ Ensuring properties support economic development.
- ◆ Consideration of opportunities to add new space where there is a lack of sufficiency.
- ◆ Improvement of the utilisation of business space.
- ◆ Establishment of a process to determine both latent and emerging demand.

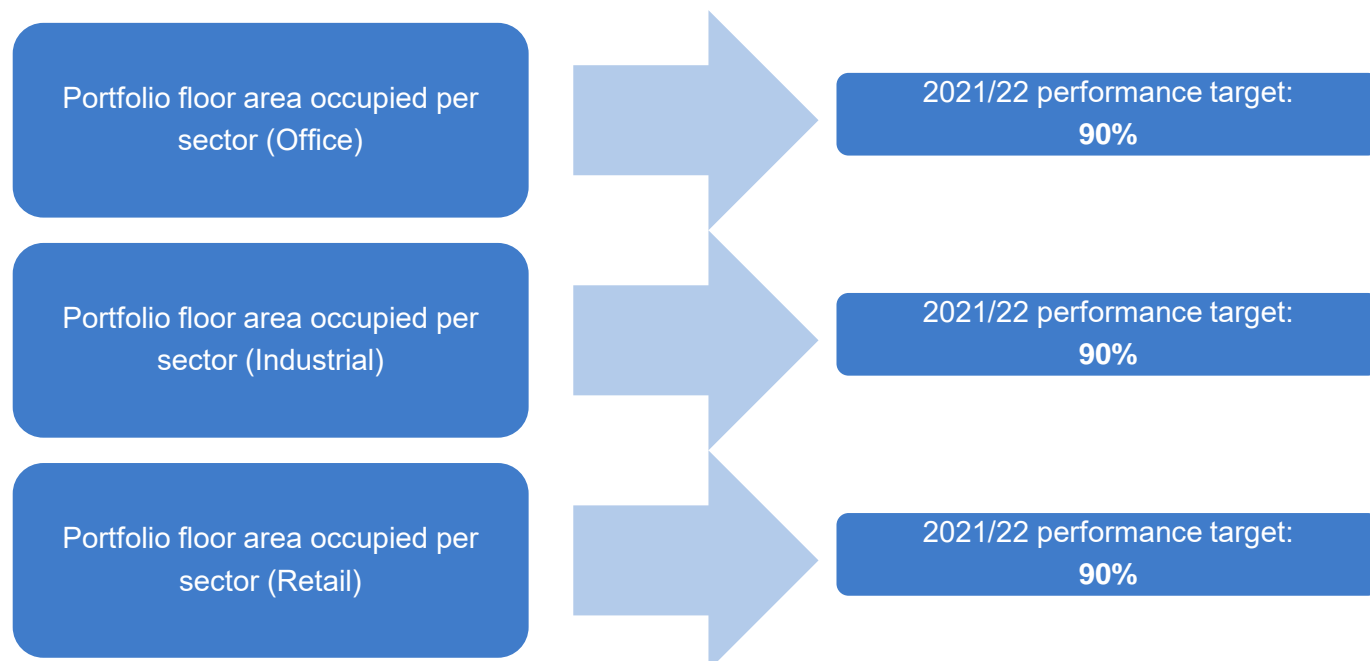
Performance Indicators:

The main activities of the service during the period of the strategy will be:

Main Performance Indicators	Reporting Period
Portfolio floor area occupied per sector (Offices)	Reported Monthly
Portfolio floor area occupied per sector (Industrial)	Reported Monthly
Portfolio floor area occupied per sector (Retail)	Reported Monthly
Office Portfolio - Percentage of Total Units Let	Reported Monthly
Industrial Portfolio - Percentage of Total Units Let	Reported Monthly
Retail Portfolio - Percentage of Total Units Let	Reported Monthly

Key performance indicators:

We have identified the key measures of the success for this outcome and will track, monitor and report on our progress in these performance indicators throughout the lifetime of our strategy:



Performance measures will be reported upon from 2021/22 onwards and form the basic framework for demonstrating the achievement of a satisfactory Sufficiency and Utilisation Outcome for the portfolio. These will be kept under review and should further key performance measures associated with sufficiency and utilisation be required or adapted these will be added and reported upon.

6 Outcome - Accessibility

The Accessibility Outcome demonstrates that our commercial property portfolio provides accommodation which is accessible, is in accessible locations and we are able to support tenant accessibility improvements.

Although occupiers are responsible for adhering to issues such as the Disability Discrimination Act (DDA) compliance and alterations whether structural or non-structural, the council is supportive of tenants' requirements where possible, securing tenants for as long a period as possible and reduce barriers for tenants needs for accessibility issues.

Tenants are supported to ensure that the service they provide is accessible (this includes landlord's consent to alterations as required by the Tenant).

Activities:

The main activities of the service during the period of the strategy will be:

- ◆ Providing support to tenants to make premises fully accessible for their requirements.
- ◆ Providing business space property opportunities in locations that are accessible to communities.

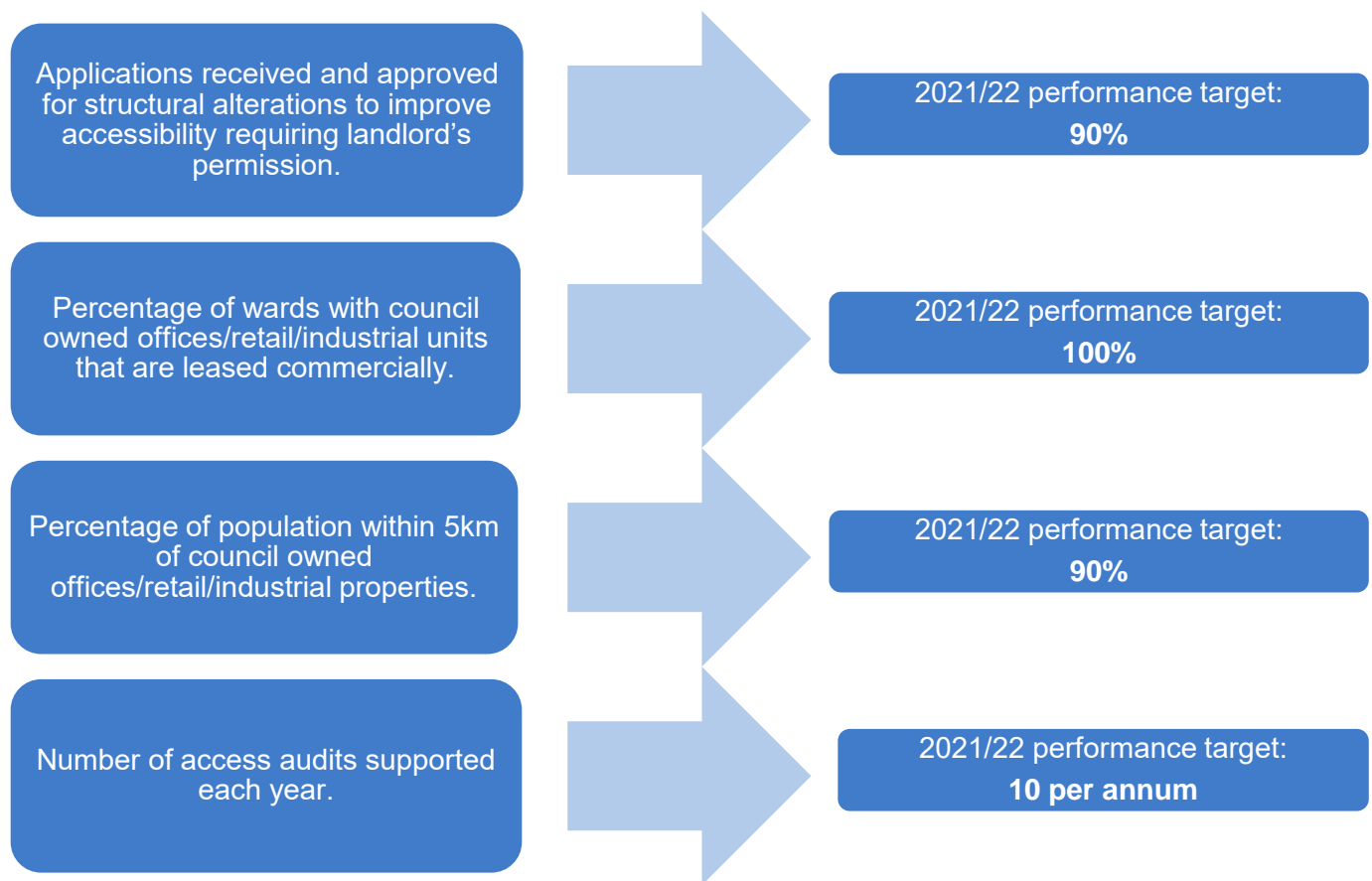
Performance Indicators:

The main performance indicators of the service during the period of the strategy will be:

Main Performance Indicators	Reporting Period
Percentages of industrial, office and retail properties currently let.	Monthly Report
Applications received and approved for structural alterations to improve accessibility requiring landlord's permission.	Annual Report
Percentage of wards with council owned offices/retail/industrial units that are leased commercially.	Annual Report
Percentage of population within 5km of council owned offices/retail/industrial properties.	Annual Report
Number of access audits supported each year.	Annual Report

Key performance indicators:

We have identified the key measures of the success for this outcome and will track, monitor and report on our progress in these performance indicators throughout the lifetime of our strategy:



Performance measures will be reported upon from 2021/22 onwards and form the basic framework for demonstrating the achievement of a satisfactory Accessibility Outcome for the portfolio. These will be kept under review and should further key performance measures associated with accessibility be required or adapted these will be added and reported upon.

7 Outcome - Sustainability

The Sustainability Outcome demonstrates the performance of the commercial property portfolio in terms of the impact upon the environment.

Consistent with council policies, the commercial property portfolio is required to minimise impact upon the environment where possible whilst preserving the long-term viability and vitality of its performance. Sustainable properties are in a good and tenable condition, suitable for modern business needs and have good basic energy performance. Sustainable properties will be more likely to achieve greater income and support economic development throughout the life of the property.

It is recognised that energy efficient premises will have a lower impact upon the environment and adaptations should be considered where possible. The energy performance of our commercial property portfolio is monitored and improvements are undertaken where financially viable and technically feasible.

Activities:

The main activities of the service during the period of the strategy will be:

- ◆ Planned improvements being undertaken to enhance the sustainability of the property portfolio.
- ◆ Energy efficiency monitoring through Energy Performance Certificates being available for all appropriate properties.
- ◆ Supporting tenants with guidance on energy efficiency via the council's energy management team.
- ◆ Supporting tenants (through planned improvements and landlord consent requests) to improve the energy efficiency of the property.

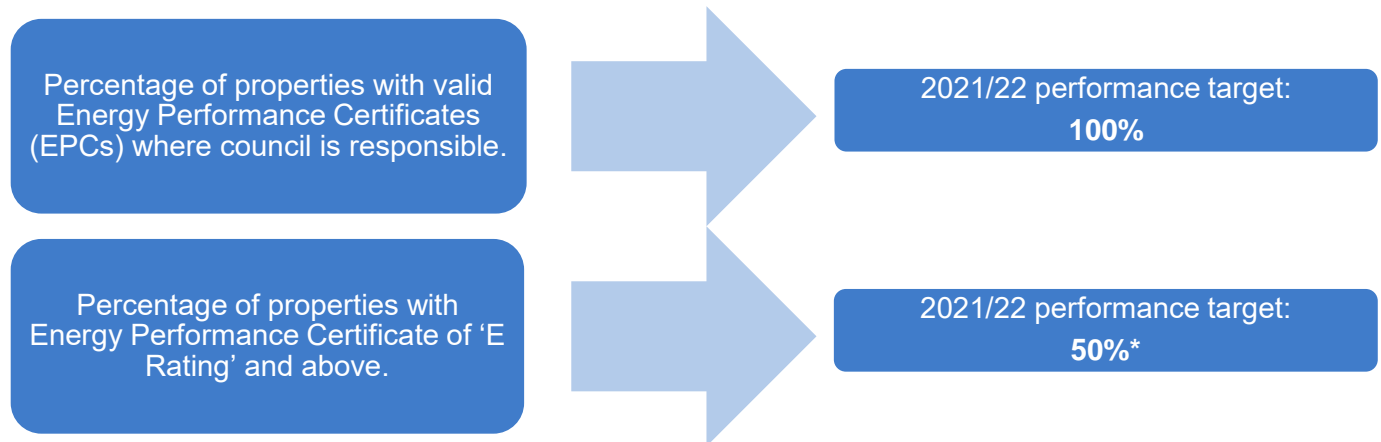
Performance Indicators:

The main performance indicators of the service during the period of the strategy will be:

Main Performance Indicators	Reporting Period
Percentage of properties with valid Energy Performance Certificates (EPCs) where the council is responsible.	Annual Report
Percentage of properties with Energy Performance Certificate of 'E Rating' and above.	Annual Report
Percentage for Industrial/retail/offices properties with current EPC.	Annual Report

Key performance indicators:

We have identified the key measures of the success for this outcome and will track, monitor and report on our progress in this performance indicator throughout the lifetime of our strategy:



**Estimated at 50% on initial review and will be updated upon completion of formal energy performance assessments.*

Performance measures will be reported upon from 2021/22 onwards and form the basic framework for demonstrating the achievement of a satisfactory Sustainability Outcome for the portfolio. These will be kept under review and should further key performance measures associated with sustainability be required or adapted these will be added and reported upon.

8 Outcome – Financial

The Financial Outcome demonstrates the commercial property portfolio is being proactively and efficiently managed to maximise rental income and capital growth.

The generation of rental income provides the council with a significant revenue stream that it can deploy for the delivery of services. The charging of market rents ensures that the council is compliant with Disposal of Land by Local Authorities (Scotland) Regulations 2010 and all tenants are treated equally.

Procedures for the management of rental income and arrears are in place and well established to ensure that the financial aspect of property management is undertaken effectively within legal parameters.

Professional guidance from the RICS and other regulatory bodies is adhered to in order to ensure effective estate management practices are adopted.

Activities:

The main activities of the service during the period of the strategy will be:

- ◆ Undertaking valuations in line with RICS guidance for rent and capital valuations
- ◆ Best practice is adhered to for new leases, rent reviews and lease renewals.
- ◆ Rent reviews and lease renewal opportunities are used to increase rents wherever market conditions will allow.
- ◆ “Easy in – Easy out” leases will continue to be provided enabling the ability to occupy property quickly and to terminate leases expediently.
- ◆ Debt management is continually monitored and reviewed monthly.
- ◆ Financial management performance measures of the portfolio will be regularly reviewed and reported.

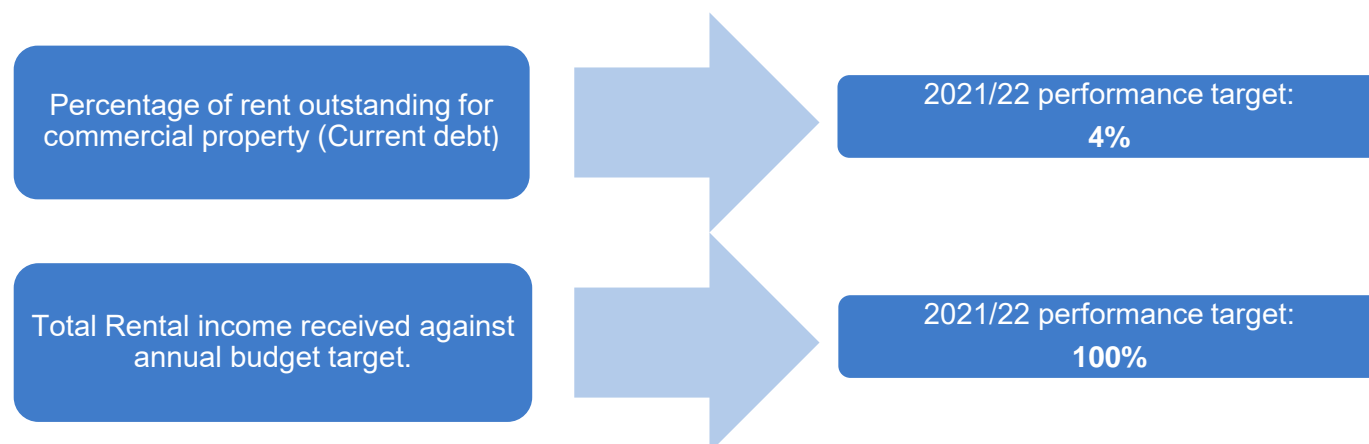
Performance Indicators:

The main performance indicators of the service during the period of the strategy will be:

Main Performance Indicators	Reporting Period
Percentage of rent outstanding for commercial property (Current debt).	Monthly Report
Percentage of rent outstanding (Historic debt) for commercial property.	Monthly Report
Total rental income received against annual budget target.	Annual Report
All Risks Yield (return on capital).	Annual Report
Retail Portfolio - Percentage of Total Units Let	Reported Monthly
Office Portfolio - Percentage of Total Units Let	Reported Monthly
Industrial Portfolio - Percentage of Total Units Let	Reported Monthly

Key performance indicators:

We have identified the key measures of the success for this outcome and will track, monitor and report on our progress in these performance indicators throughout the lifetime of our strategy:



Performance measures will be reported upon from 2021/22 onwards and form the basic framework for demonstrating the achievement of a satisfactory Financial Outcome for the portfolio. These will be kept under review and should further key performance measures associated with finance be required or adapted these will be added and reported upon.

9 Outcome – Economic Regeneration

The Economic Regeneration Outcome demonstrates that the commercial property portfolio is being proactively and efficiently managed to maximise economic growth and development within the local authority area.

Whilst representing a small proportion of the areas business space capacity the portfolio does provide the council with the ability to influence the local economy. The provision of commercial property by the council occurs in some locations which are unattractive to the private sector and therefore meets market failure. The provision of a range of business space properties enables the council to support business start-ups, expanding businesses and those rationalising accommodation.

The portfolio will continue to be managed to sustain and enhance business space capacity and local employment opportunities promoting the local authority area with increased inward investment.

Activities:

The main activities of the service during the period of the strategy will be:

- ◆ Continued regular engagement between Property Services and Economic Development to support companies on business space matters.
- ◆ Continuation of lease terms on the majority of the portfolio being flexible (month to month basis) and arrangements are on an “easy in / easy out basis”.
- ◆ Continued commercial presence in locations where limited numbers of competitive commercial properties exist.
- ◆ Engagement with new businesses; Property Services and Economic Development will encourage start-ups to produce a business plan establishing viability prior to being granted a lease.

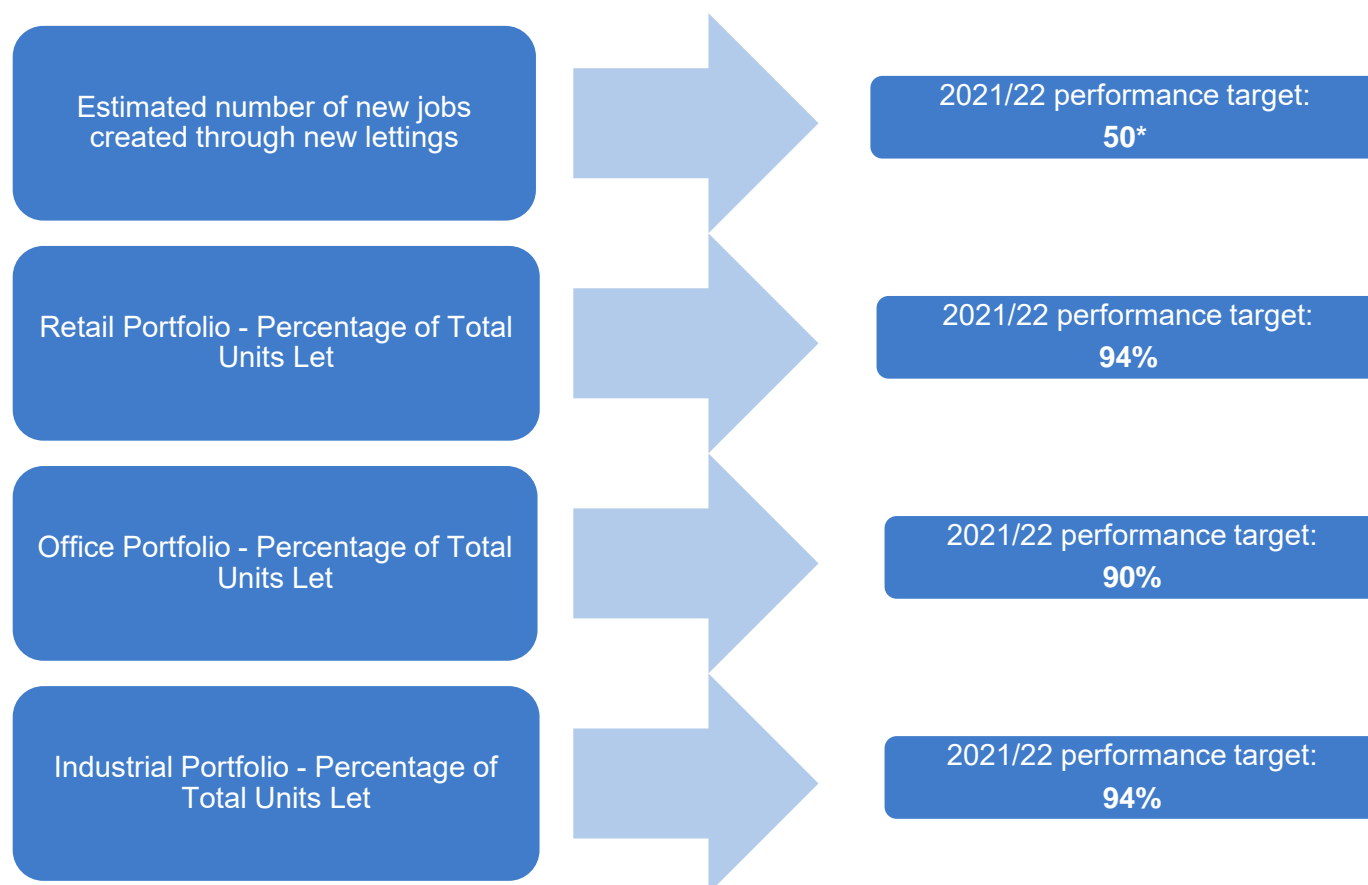
Performance Indicators:

The main performance indicators of the service during the period of the strategy will be:

Main Performance Indicators	Reporting Period
Estimated number of jobs in the portfolio	Annual Report
Estimated number of new jobs created through new lettings	Annual Report
Retail Portfolio - Percentage of Total Units Let	Monthly Report
Office Portfolio - Percentage of Total Units Let	Monthly Report
Industrial Portfolio - Percentage of Total Units Let	Monthly Report
Percentage of population within 5km of council owned offices/retail/industrial properties.	Annual Report

Key performance indicators:

We have identified the key measures of the success for this outcome and will track, monitor and report on our progress in these performance indicators throughout the lifetime of our strategy:



**Assessment of current target performance for new jobs created through new lettings to be developed.*

Performance measures will be reported upon from 2021/22 onwards and form the basic framework for demonstrating the achievement of a satisfactory Economic Regeneration Outcome for the portfolio. These will be kept under review and should further key performance measures associated with economic regeneration be required or adapted these will be added and reported upon.

10 Outcome – Good Estate Management

The Good Estate Management Outcome demonstrates the commercial property portfolio is being proactively and efficiently managed with good estate management practices to maximise and enhance the efficiency and delivery of the service.

Effective management of the portfolio in accordance with guidance from RICS, ACES and CIPFA ensures that the council is compliant and maximising the benefits from the portfolio. By applying council approved policies and practices in relation to the CPP, tenants can also be secure in the knowledge that the council is operating in line with the best practice available and in an open and transparent manner.

Continued development of staff and internal practices contributes towards efficient and customer focused service delivery.

Activities:

The main activities of the service during the period of the strategy will be:

- ◆ Deployment of policies and practices in the management of the portfolio and regular reviews to reflect statutory; council requirements including governance and best practice advocated by professional organisations.
- ◆ Staff members deployed in the management of the portfolio are appropriately qualified and have training and development plans in place to ensure continued professional development, compliance and awareness of best practice.
- ◆ Flexibility in leasing structures allow for 'easy in easy out' agreements at short notice.
- ◆ Introduction and review of systems and digital information management within the service.
- ◆ Undertaking regular tenant/customer surveys to ascertain effectiveness of services and provision of commercial real estate.

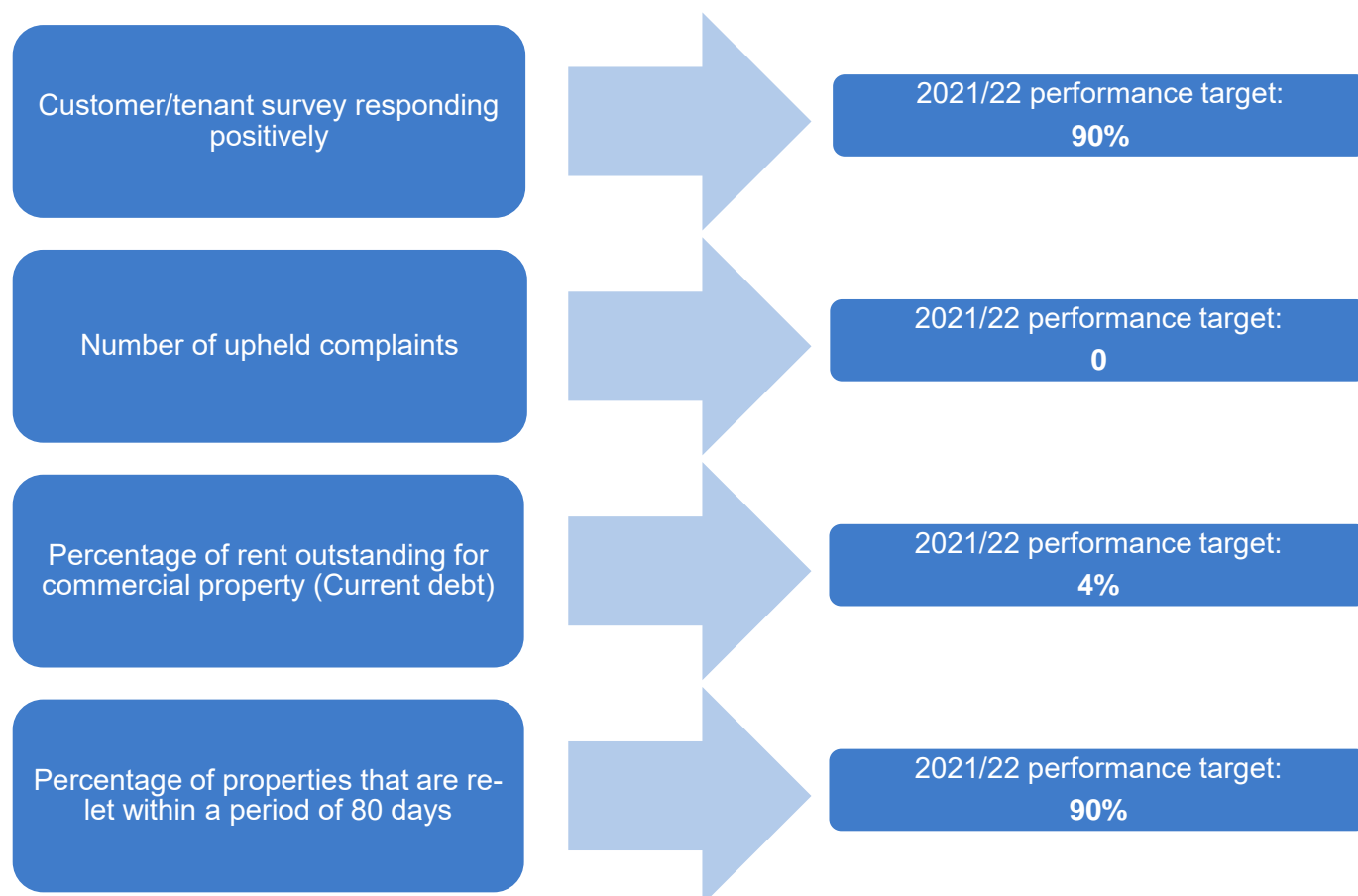
Performance Indicators:

The main performance indicators of the service during the period of the strategy will be:

Main Performance Indicators	Reporting Period
Number of Direct Debits as a percentage of overall portfolio	Annual Report
Customer/tenant survey responding positively	Annual Report
Number of upheld complaints	Annual Report
Percentage of rent outstanding for commercial property (Current debt)	Monthly Report
Percentage of rent outstanding (Historic debt) for commercial property	Annual Report
Total rental Income	Annual Report
Percentage of commercial property revenue income against target	Annual Report
Percentage of properties that are re-let within a period of 80 days	Annual Report

Key performance indicators:

We have identified the key measures of the success for this outcome and will track, monitor and report on our progress in these performance indicators throughout the lifetime of our strategy:



Performance measures will be reported upon from 2021/22 onwards and form the basic framework for demonstrating the achievement of a Good Estate Management Outcome for the portfolio. These will be kept under review and should further key performance measures associated with good estate management be required or adapted these will be added and reported upon.

Strategy influences, governance and progress reporting

The Commercial Property Portfolio Strategy was developed to support the delivery of the Council's Corporate Plan, Corporate Asset Management Strategy and Corporate Asset Management Plan and in particular priorities for built and natural environment and economic development. It reflects a range of factors which can then be distilled to individual commercial assets through the Commercial Property Portfolio Management Plan.

The next ten years will be a period of significant change and challenge for commercial property in general and the council's own commercial property portfolio. However, the council has clearly defined long term aims relating to the development of high quality services, designed to meet the needs of its customers.

Influences:

There will be many internal and external factors that influenced the CPP strategy. The more prominent include;

- ◆ Existing performance of the portfolio.
- ◆ National and local economic conditions.
- ◆ Legal and regulatory frameworks
- ◆ Financial and budgetary priorities.
- ◆ Competition in market place.

Strategy governance		
Group	Governance Scrutiny role	Reporting Frequency
Council Executive	a) Engagement on the strategy and outcomes b) Updates to the Council Executive on the progress of specific aspects of the strategy. c) Approval of appropriate transactions.	◆ Annual ◆ As appropriate ◆ As appropriate
Partnership and Resources PDSP	a) Engagement on the strategy and outcomes b) Updates to the PDSP on the progress of specific aspects of the strategy.	◆ Annual ◆ As appropriate ◆ As appropriate
Corporate Management Team	a) Engagement on ad-hoc appropriate policies procedures and transactions. b) Regular updates to the Corporate Management Team on the progress of specific programmes of work	◆ As appropriate ◆ Annual strategy review
Scheme of Delegation	a) Decision making at appropriate levels on transactions and management practices.	◆ As appropriate

Reporting Progress and Updates:

The strategy was developed using a range of information to ensure that outcomes, activities, resources and influences are aligned.

The strategy lead is responsible for delivering and monitoring progress in the strategy and will ensure that appropriate arrangements are in place to track and monitor in-year progress.

An annual review will be undertaken and reported to the Partnership and Resources PDSP and Council Executive. This will include an update on the agreed performance scorecard and action plan and will also be published on the performance pages of the council website.

An interim review of the strategy will be undertaken at the end of year three with a final review in the last year of the strategy a further review to report on the achievements in the outcomes and final position in the performance indicators (against the target) and the agreed actions.

Appendix 1: Strategy Scorecard

The council will undertake a range of actions to support delivery of corporate priorities and objectives, improve services and deliver transformation.

Key Performance Indicators					
Strategy Outcome	PI Code & Short Name		Current Value	Current Target	Short Term Trend Arrow
Statutory Compliance	Being developed	Number of landlord compliance inspections phased per annum as a percentage of overall portfolio. (Reported Annually).	N/A	100%	^
	Being developed	Percentage of properties newly let with full contractual compliance. (Reported Annually).	N/A	100%	^
	Being developed	Number of formal notices for breach of lease associated with statutory compliance failures on tenants. (Reported Annually).	N/A	0	-
Condition	Being developed	Percentages of satisfactory properties in lettable condition. (Reported Annually).	N/A	100%	^
	Being developed	Percentage of floor area that is in satisfactory or better condition. (Reported Annually).	N/A	90%	^
	Being developed	Percentage of planned improvements capital spend undertaken. (Reported Annually).	N/A	75%*	^

Key Performance Indicators					
Strategy Outcome	PI Code & Short Name		Current Value	Current Target	Short Term Trend Arrow
Suitability	P:PMD162_9b.1a	Retail Portfolio - Percentage of Total Shops Let. (Reported Monthly).	93.2%	94%	-
	P:PMD163_9b.1a	Office Portfolio - Percentage of Office Units Let. (Reported Monthly).	94.44%	90%	-
	P:PMD161_9b.1a	Industrial Portfolio - Percentage of Total Units Let .(Reported Monthly).	98.28%	90%	-
	Being developed	Retail Portfolio – Average Percentage of Units Let. (Reported Annually).	N/A	94%	^
	Being developed	Industrial Portfolio – Average Percentage of Units Let. (Reported Annually).	N/A	90%	^
	Being developed	Office Portfolio – Average Percentage of Total Units Let. (Reported Annually).	N/A	94%	^
Sufficiency and Utilisation	P:PMD162_9b.1a	Retail Portfolio - Percentage of Total Units Let (Reported Monthly).	93.2%	94%	-
	P:PMD163_9b.1a	Office Portfolio - Percentage of Total Units Let (Reported Monthly).	94.44%	90%	-
	P:PMD161_9b.1a	Industrial Portfolio - Percentage of Total Units Let (Reported Monthly).	98.28%	90%	-
	Being developed	Portfolio floor area occupied per sector (Industrial). (Reported Monthly).	N/A	90%	^
	Being developed	Portfolio floor area occupied per sector (Retail). (Reported Monthly).	N/A	90%	^
	Being developed	Portfolio floor area occupied per sector (Offices). (Reported Monthly).	N/A	90%	^

Key Performance Indicators					
Strategy Outcome	PI Code & Short Name		Current Value	Current Target	Short Term Trend Arrow
Accessibility	P:PMD162_9b.1a	Retail Portfolio - Percentage of Total Shops Let. (Reported Monthly).	93.2%	94%	-
	P:PMD163_9b.1a	Office Portfolio - Percentage of Office Units Let. (Reported Monthly).	94.44%	90%	-
	P:PMD161_9b.1a	Industrial Portfolio - Percentage of Total Units Let .(Reported Monthly).	98.28%	90%	-
	Being developed	Applications received and approved for structural alterations to improve accessibility requiring landlord's permission. (Reported Annually).	N/A	90%	^
	Being developed	Percentage of wards with council owned offices/retail/industrial units that are leased commercially. (Reported Annually).	N/A	100%	^
	Being developed	Percentage of population within 5km of council owned offices/ retail/ industrial properties. (Reported Annually).	N/A	90%	^
	Being developed	Number of access audits supported each year. (Reported Annually).	N/A	10*	-
Economic Regeneration	Being developed	Estimated number of jobs in the portfolio (Reported Monthly).	N/A	50*	-
	P:PMD162_9b.1a	Retail Portfolio - Percentage of Total Shops Let. (Reported Monthly).	93.2%	94%	-
	P:PMD163_9b.1a	Office Portfolio - Percentage of Office Units Let (Reported Monthly).	94.44%	90%	-
	P:PMD161_9b.1a	Industrial Portfolio - Percentage of Total Units Let (Reported Monthly).	98.28%	90%	-

Key Performance Indicators					
Strategy Outcome	PI Code & Short Name		Current Value	Current Target	Short Term Trend Arrow
Good Estate Management	Being developed	Customer/tenant survey responding positively. (Reported Bi-annually).	N/A	90%	^
	Being developed	Number upheld complaints. (Reported Annually).	N/A	0%	-
	P:PMD164_9b.1c	Percentage of rent outstanding for commercial property (Current debt). (Reported Monthly).	8.14%	4%	^
	Being developed	Void period - Percentage of properties that are re-let within a period of 80 days. (Reported Annually).	N/A	90%	^

Appendix 2: Strategy Action Plan

The council will undertake a range of actions to support delivery of corporate priorities and objectives, improve services and deliver transformation.

Actions 2021/22 & 2022/23							
Action	Description	Planned Outcome	Owner(s)	Start	End	Status	Update
Compliance	Review of compliance management processes and procedures.	Improved compliance processes and procedures.	Commercial Portfolio Manager	April 2021	March 2022	Planned	Ongoing
Condition	Review and refine processes for reactive and preventative maintenance.	Works are completed within agreed timescales.	Commercial Portfolio Manager	April 2021	March 2022	Planned	Ongoing
Condition	Implement programme of inspections.	Prioritise planned improvement and investment.	Commercial Portfolio Manager	April 2021	March 2022	Planned	Ongoing
Suitability	Review Customer/tenant Surveys.	Ascertain suitability of premises for tenants/customers.	Commercial Portfolio Manager	December 2021	June 2022	Planned	To be commenced
Sufficiency and Utilisation	Review portfolio and occupancy levels to establish latent and anticipated demand.	Improve levels of efficiency and identify opportunities to evolve portfolio.	Commercial Portfolio Manager	April 2022	March 2023	Planned	To be commenced
Accessibility	Developing policies and procedures to assist improvements in accessibility.	Improves accessibility of portfolio.	Commercial Portfolio Manager	April 2022	March 2023	Planned	To be commenced

Actions 2021/22 & 2022/23

Action	Description	Planned Outcome	Owner(s)	Start	End	Status	Update
Sustainability	Review of current EPC ratings and opportunities for improvements.	Improve energy performance of portfolio.	Commercial Portfolio Manager	April 2021	August 2022	Planned	Ongoing
Financial	Review debt management policies and processes.	Reduced rent arrears.	Commercial Portfolio Manager	April 2021	March 2022	Planned	Ongoing
Financial	Review Financial performance measures including capital return and revenue growth.	Demonstrate Best Value.	Commercial Portfolio Manager	April 2021	March 2022	Planned	Ongoing
Economic Regeneration	Review of communications and enquiries to align with Economic Development priorities.	Improving business support for new and existing tenants.	Commercial Portfolio Manager	April 2021	March 2022	Ongoing	Ongoing

Actions 2021/22 & 2022/23

Action	Description	Planned Outcome	Owner(s)	Start	End	Status	Update
Good Estate Management	Review existing marketing strategy.	Improved letting performance.	Commercial Portfolio Manager	April 2021	March 2022	Ongoing	Ongoing
Good Estate Management	Review existing Policies, Practices and Procedures.	Ensure relevance and alignment with corporate, social and statutory requirements.	Commercial Portfolio Manager	April 2021	March 2022	Ongoing	Ongoing
Good Estate Management	Review information systems.	Streamline existing processes to enhance efficiency.	Commercial Portfolio Manager	April 2021	March 2022	Ongoing	Ongoing

Commercial Property Portfolio Strategy 2021/22 to 2027/28

West Lothian Council

September 2021

For more information please contact:

David Metcalf, Commercial Portfolio Manager

Email: david.metcalf@westlothian.gov.uk

Telephone: 01506 283387

West Lothian Civic Centre
Howden South Road | Livingston | West Lothian | EH54 6FF



COUNCIL EXECUTIVE

PROPOSED 40MPH SPEED LIMIT - A801 BOGHEAD ROUNDABOUT, BATHGATE

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 install a 40mph speed limit on the A801 Boghead Roundabout.

B. RECOMMENDATION

It is recommended that Council Executive approves the initiation of the statutory procedures to install a 40mph speed limit on the A801 Boghead Roundabout.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs. Being honest, open and accountable.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Policy – none. Legal – The introduction of the amended 40mph speed limit will require the promotion of a traffic order in line with the Road Traffic Regulation Act 1984.
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	None.
V Relevance to Single Outcome Agreement	The introduction of the 40mph speed limit will support Outcome no. 4 – We live in resilient, cohesive and safe communities.
VI Resources - (Financial, Staffing and Property)	The cost of promoting and implementing the speed limit will be funded through the 2021/2022 Accident Investigation and Prevention budget.
VII Consideration at PDSP	None.
VIII Other consultations	Police Scotland and the local ward members have been consulted.

D. TERMS OF REPORT

As part of the annual Accident Investigation Programme for 2021/2022, which was approved by Council Executive on the 22 June 2021, the A801 Boghead Roundabout was highlighted as a site of concern based on the accidents recorded at this roundabout.

The A801 Boghead Roundabout is currently subject to a de-restricted national speed limit of 60mph. The six roads served by this junction are rural in nature, however there are two roads that are currently subject to lower speed limits. The A7066 is subject to a speed limit of 50mph and B792 is subject to a speed limit of 40mph.

The Scottish Government Circular 'ETLLD 01/2006 - Setting Local Speed Limits' suggests that roundabout junctions be subject to the speed limit applicable on the majority of exits, however, it is considered that reducing the speed limit to 40mph will be beneficial in terms of approach, circulatory and exit speeds.

The speed of circulatory and exiting traffic was observed as being higher than desired and the potential contribution to accidents prompted a recommendation to introduce the lower of the approach speed limits at the roundabout. This is in line with best practice and is considered an integral part of the scheme to reduce accident frequency and severity at the junction.

The extent of the proposed 40mph speed limit is shown on in Appendix 1.

The statutory process will allow an opportunity for any formal objections to be raised through the statutory process. Any unresolved objections will be brought back to the Council Executive for consideration.

Police Scotland have been consulted and support this proposal.

The local ward members have been consulted and also support this proposal.

E. CONCLUSION

The introduction of a 40mph speed limit on the A801 at Boghead Roundabout will contribute to providing a safer environment for all road users.

F. BACKGROUND REFERENCES

None

Appendices/Attachments:-

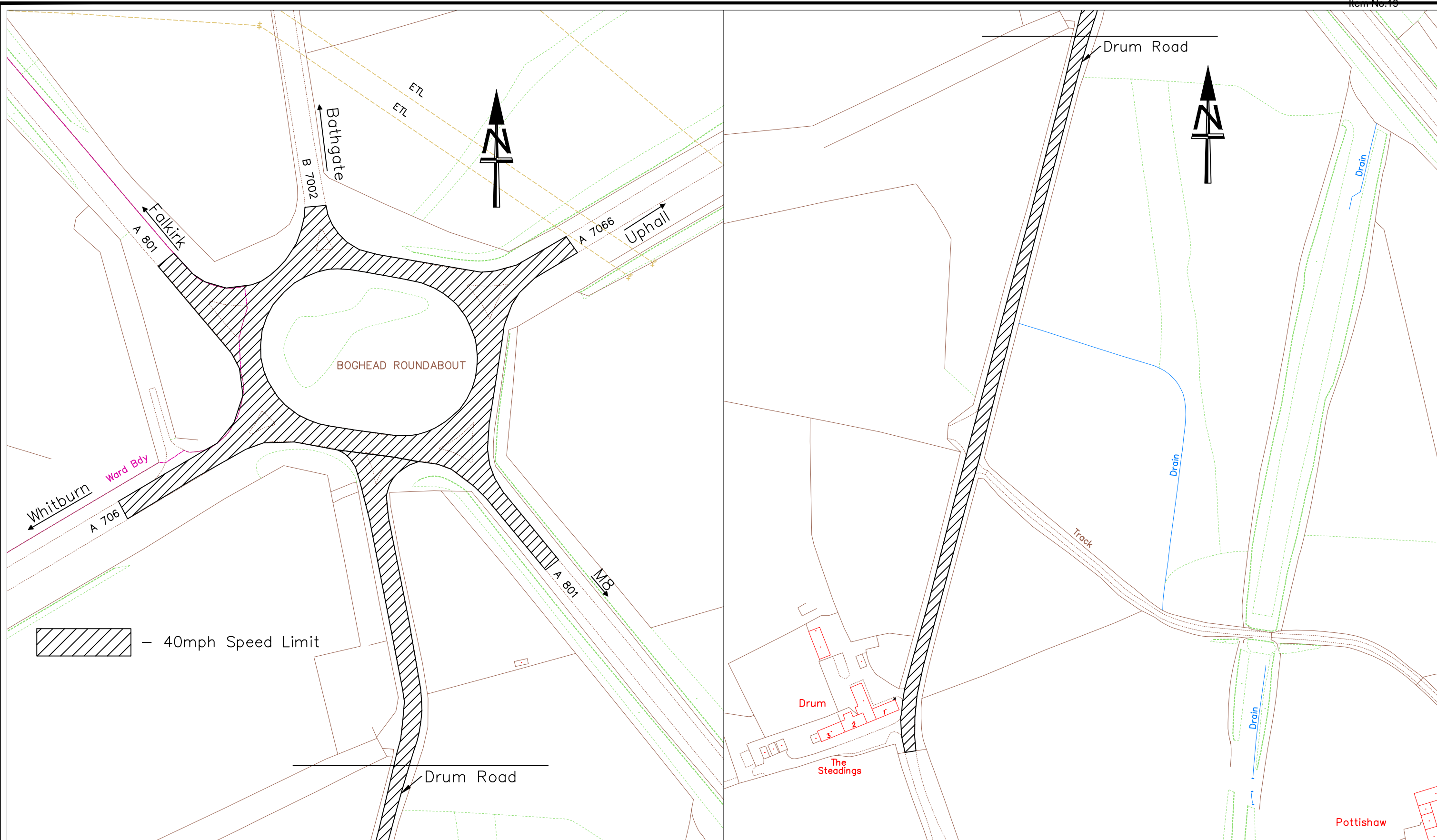
Appendix 1 – A801 Boghead Roundabout – Proposed 40mph speed limit

Contact Person: Gordon Brown, Roads Network Manager, WHSC, 4 Inchmuir Road, Whitehill Industrial Estate, Bathgate, West Lothian,

Tel: 01506 282340, e-mail: gordon.brown@westlothian.gov.uk

Jim Jack,

Date of meeting: 7 September 2021



DATA LABEL: -JUL 2021

Based upon the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
Licence No.: 100037194

WEST LoTHIAN COUNCIL
OPERATIONAL SERVICES

ROADS & TRANSPORTATION MANAGER
WHITEHILL SERVICE CENTRE
WHITEHILL INDUSTRIAL ESTATE
BATHGATE EH48 2EP
TEL 01506 282351

TRANSPORTATION
ROAD SAFETY AND
AND TRAFFIC MANAGEMENT

A801 BOGHEAD ROUNDABOUT
PROPOSED 40MPH SPEED LIMIT

DATE: - JUL 2021
SCALE: - NTS

DRAWN BY: - SG
CHECKED BY: GB

Drg. No.: RSTM/05/W8/009-001

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

WEST LOTHIAN CYCLE CIRCUIT

REPORT BY DEPUTE CHIEF EXECUTIVE, (EDUCATION AND PLANNING SERVICES)

A. PURPOSE OF REPORT

This report provides an update to the Council Executive on developments with the proposed West Lothian Cycle Circuit at Kettilstoun Mains, Linlithgow. It makes recommendations which, if approved, would secure additional, external funding for the project; allow the project to be progressed through the procurement stage towards construction; and confirm the approach to working with key partners to develop the operating model, business plan and activity programmes for the facility.

B. RECOMMENDATIONS

1. To note sportscotland's offer of £636,011 of additional funding to the council for the West Lothian Cycle Circuit project from the national Cycling Facilities Fund.
2. To agree that the Depute Chief Executive (Education and Planning Services) and Culture & Sport Manager be authorised to accept the offer of award on behalf of the council.
3. To agree that the council progresses the project through the procurement stage towards construction, consistent with the approach utilised for other significant sports facility construction projects in the capital investment programme.
4. To agree to a 'gateway review' point following the conclusion of the tender exercise and that officers report back to the Council Executive with a project update prior to the award of the construction contract.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs. Being honest, open and accountable. Providing equality of opportunities. Making best use of our resources. Working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Work underway to identify and develop lease, legal, service and/or other agreements necessary to progress project through procurement towards construction and facilitate community-led operating model.
III Implications for Scheme of Delegations to Officers	None.

- | | |
|--|---|
| IV Impact on performance and performance Indicators | Facility and programme developments will positively impact on sports and leisure participation rates as well as supporting improved outcomes in outdoor learning, health and well-being, community and performance sport, active lifestyles and green travel. |
| V Relevance to Local Outcome Improvement Plan | <p>We live longer, healthier lives and have reduced health inequalities.</p> <p>We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p> <p>We live in resilient, cohesive and safe communities.</p> |
| VI Resources - (Financial, Staffing and Property) | Secured funding between the key partners of £572,923, of which £307,000 is allocated to the project in the council's approved General Services Capital Investment Programme. Funding award offer to the council from sportscotland of £636,011 from the Cycling Facilities Fund. Section D.3 contains further detail. |
| VII Consultation at PDSP | Previous reports to Local Area Committee (27/11/18) and Council Executive (14/02/17). |
| VIII Other consultations | Executive Management Team, Education Services, Property Services, Legal Services, Culture & Sport, West Lothian Leisure, Linlithgow Community Development Trust, sportscotland, Scottish Cycling. |

D. TERMS OF REPORT

D.1 West Lothian Cycle Circuit (the project)

The partners involved in this project alongside the council are Linlithgow Community Development Trust (LCDT), West Lothian Leisure (WLL), sportscotland, Scottish Cycling, West Lothian Clarion Cycling Club, and a network of associated sports clubs, community organisations and charities.

The partners share a collective vision to further improve the active infrastructure in West Lothian. The national Cycling Facilities Fund (see section D.2 below) is considered to provide a once-in-a-generation opportunity to deliver a lasting legacy of inspiring generations of new and existing cyclists to make cycling a sport for life, by re-energising an ambitious masterplan for enhanced outdoor sports, leisure and recreational facilities at Kettilstoun Mains, Linlithgow (adjacent to Xcite Linlithgow).

The primary component of the masterplan vision is a project to construct a 1km closed-road, multi-loop cycling circuit – the West Lothian Cycle Circuit.

The intended aims of the project are to provide a safe, challenging and fun active infrastructure, and facilitate an associated programme of participation opportunities, in order to support improved outcomes across outdoor learning, health and well-being, community and performance sport, active lifestyles and green travel. Such aims are considered to fully align to the key strategic, organisational and operational goals of each key local partner and the wider Community Planning Partnership (CPP):

- WLC - Improving attainment, delivering positive outcomes on health and improving the built and natural environment.
- LCDT - To make the area a better place to live and work, through a community led plan of action which provides services, amenities and/or financial support to local initiatives.
- WLL - Improving lives and communities through getting more people more active to improve health and reduce health inequalities.
- CPP - We live longer, healthier lives and have reduced health inequalities.

D.2 Cycling Facilities Fund (CFF)

The CFF was launched in October 2020 and aims to deliver a lasting impact from Scotland hosting the Cycling World Championships in 2023 by inspiring new and existing cyclists to make cycling a sport for life.

The CFF seeks to support partners across the sporting system to build on a record increase in the number of people participating in cycling during the COVID-19 pandemic. It is focussed on the development of facilities which will ensure safe learning environments for all, and associated programmes which will provide pathways in to organised sport and physical activity, to sustain the sport for life journey. As well as the positive impact cycling has on physical and mental health and wellbeing, the CFF is intended to support developments which will positively encourage active lifestyles and green travel.

Although the guidelines state that applications should only be made for funding up to a maximum of £0.5million, sportscotland and Scottish Cycling acknowledged that this project is a strategic priority for cycling infrastructure and, as such, agreed to consider an Expression of Interest (EOI) to pursue funding which exceeded that maximum. The EOI was positively acknowledged in April 2021 and thereafter an application was prepared and submitted to the CFF with support from LCDT's Development Officer and sportscotland's facilities development team.

Further details about the value and status of the application to the CFF are provided in the below.

D.3 Project design, budget, costs and progressing to procurement

The proposed design for the circuit allows for a 6m wide and 1km long closed-road cycling circuit in four loops (in accordance with current guidance from sportscotland, Sport England and British Cycling).

This affords cyclists a road that is of similar width to a single lane of a two-way road and the length allows for variety in gradients and bends as well as accommodating larger field and group sizes around the track. The design includes floodlighting, perimeter security fencing with access gates, a tarmacked entrance area, access path, storage unit and disabled parking spaces to supplement the car parking already available adjacent to the site.

Detailed costings for the full 1km circuit and associated works - based on Stage 3 planning drawings, governing body design advice and council contractor framework rates - were prepared by LCDT's design consultant (MAC Consulting) and reviewed by Property Services in advance of the launch of the CFF in September 2020. At that stage the total construction cost was estimated to be £1,208,934 and these costs informed the EOI and resultant funding application to the CFF.

The amount sought in the application made to the CFF was £636,011. It should be noted that this is approximately 27% higher than the maximum award value detailed in the fund guidelines and that this was being sought in addition to a historical award to the project from sportscotland of £100,000. The pre-application funding position is shown in the table below:

Funding	(£)	%
Funding secured		
WLC	307,000	
sportscotland	100,000	
Barrs Charitable Trust*	30,000	
Scottish Cycling*	20,000	
Benzies Charitable Foundation*	20,000	
EBSotland*	18,400	
Community fundraising*	77,523	
Funding secured TOTAL	572,923	47%
Funding to secure	636,011	53%
TOTAL	1,208,934	
funding secured for the project by LDCT*		

In June 2021 sportscotland advised that it intended to make a formal offer of award from the CFF to the council of £636,011 in addition to its historical £100,000 award from a different fund.

Since that time there have been ongoing discussions with sportscotland around the conditions which would be attached to said award. Most notably, these relate to the proposed dates by which the award should be accepted by the council and for commencement of facility construction, the approach to progressing the required development work associated with the facility, the need to jointly agree the arrangements for any public announcements at key project stages, and potential future endeavours to further support the development of cycling infrastructure in the area.

On 26 August 2021 the council received the formal offer of award from sportscotland at the value previously advised. The project conditions attached to the award are in accordance with those discussed with sportscotland in recent weeks and, having been subject to a final review, are considered by officers to be acceptable for this type and level of funding, and to be deliverable within the scope of the overall project. As such, Council Executive approval is now being sought for the Depute Chief Executive (Education and Planning Services) and Culture & Sport Manager to be authorised to accept the offer of award on behalf of the council.

It should be noted that work is underway with MAC Consulting, Property Services, sportscotland and Scottish Cycling to update the estimated project costs, given the length of time to progress through the funding application process and in view of the increases being experienced in other construction projects with the purchase of raw materials - both in the wake of the COVID-19 pandemic. Crucially, this work will also focus on aligning the budget and costs position through identifying opportunities for value engineering, refinement of specifications and/or removing any non-critical aspects of the design or slipping them into a future phase of yet to be scoped/funded works.

Once that work has been satisfactorily concluded, a tender package would be prepared and tenders invited for the construction work. Given the aforementioned challenge with raw material costs, the fixed positions with the council's capital budget allocation and the level of secured and proposed funding from sportscotland, and, as it is not anticipated that further external funding can be secured by the partners for the project in the short-term, it is further recommended that an update on the outcome of the tender exercise be reported to Council Executive prior to any decision being made to award a contract.

This would not only provide a 'gateway review' point for project viability before the council progresses to facility construction but also an opportunity to align the timescales for development of the facility operating model, which requires to form part of the facility

Business Plan, and to seek any related decisions on matters such as the terms and timing of lease or other agreements needed to facilitate the preferred operating model.

D.4 Approach to project delivery

The opportunity for the council to secure significant additional funding for this project from the CFF and the acknowledgement of the facility's strategic significance to local, regional and national cycling infrastructure, has necessitated fresh consideration of the approach to project delivery and the roles and responsibilities of the main partners during key project stages.

It is the case that the pending funding award described in section D.3 is predicated on the council procuring and delivering the construction of the project through the council's established governance and procurement routes. This approach is the preferred position of the main partners and is supported by officers from relevant services. Indeed, such an approach is consistent with the project delivery approach used successfully by the council and which is in place for other significant sports facility investments currently in the council's capital programme.

There is further consistency in that there are pro-active community organisations seeking to develop a sustainable community-led model to manage and operate the facilities which are being procured and constructed by council.

As with the other projects, officers would be working to a requirement for any operating model to ensure the needs of both the council and the organisations are fully met, with binding provisions in place to ensure the new facilities are self-sufficient, properly maintained, repaired and ultimately replaced as necessary at nil cost to the council going forward. This is also another significant factor in aligning the decision making on the Business Plan, any associated agreements involving the council, to the construction contract award.

For completeness, officers understand that LDCTs position at this stage is to seek to firstly establish a robust community-led operating model underpinned by a community benefit lease for the ground and facility, as opposed to pursuing a full Community Asset Transfer application. There is an appetite from LCDT to explore such an option in the future, but not in the initial period of operation. Indeed, the approach outlined above would not prohibit a CAT application in accordance with the council's policy for such and through the established process at a later point.

In order to provide clarity for stakeholders in the event that the Council Executive is agreeable to the council accepting sportscotland's offer of award and thereafter progressing the project through procurement towards construction in the terms outlined previously, officers consider the following to be the most effective demarcation of the significant duties and responsibilities relating to the project between the main local partners:

- Council - Finalisation of design/specification, cost planning, procurement, construction, coordination of facility commissioning, Active Schools and Community Sport development support – consistent with other capital programme sports facility investments.
- LCDT - Project scoping and master-planning, design development, community engagement, securing community and external funding not available to the council, development and implementation of community-led operating model, Business Plan preparation including the necessary Growth Development Plan, Protected Characteristics Development Plan and development of activity programmes.
- WLL - Day-to-day management support for facility operations, programming and maintenance in terms of agreement with LDCT, supporting the development of activity programmes and alignment of facility provision to WLL's outdoor learning and activity offer.

- West Lothian Clarion Cycling Club - Anchor sports club, Club Development Officer support for facility (funded by Scottish Cycling) and supporting the development of activity programmes.

It should be noted that the above demarcation has been informed by 'in-principle' discussions with the partners in recent weeks. Such discussions have also explored the practical options to appropriately include partners in project governance and management arrangements through the procurement and construction stages. Also how best to align the existing Project Steering Group, which is led by LCDT and has a remit to develop the facility operating model and Business Plan.

Indeed, officers consider that a continued and meaningful partnership approach to overseeing the development, planning and implementation of the project, aligned to the aforementioned aims and scope, and having a joint approach to the consideration of risks, issues and mitigating measures, will be critical to the successful delivery of the project.

To that end, it is the intention to meet collectively with the project partners immediately following publication of this report in order to formally discuss its contents and capture feedback. A verbal update from that discussion will be provided to the Council Executive by the Culture & Sport Manager at the time of presenting this report. There will also be follow up discussions with partners in short order to update them on Council Executive consideration and to agree immediate next steps.

At this stage, the most significant risks relate to the work which will be required to finalise the design, associated specifications and cost plan. As the project progresses towards and through construction, there will also be risks associated with potential increases in construction costs. There is already a clear commitment from partners to collectively develop and implement appropriate mitigating actions, in order to jointly manage key risks, issues and challenges, and, as such, if the report recommendations are agreed one of the key initial tasks would be to hold a joint risk workshop in order to inform the preparation of the risk register for the project.

D.5 Outline programme

Key milestones	Indicative timescales
Conclude design development and cost planning	September / October 2021
Procurement, Business Plan development and 'gateway review'	November 2021 / February 2022
Construction commencement	March 2022
Facility commissioning	October 2022

E. CONCLUSION

The funding award offer from the CFF is a hugely positive development which can move this project forward in a way that has not been possible before now. Council Executive agreement to the recommendations in this report would not only demonstrate the council's clear commitment to work with community partners to deliver the facility, but also to improving key outcomes for communities. Such a commitment is also considered by officers to provide a significant springboard for partners' efforts to lever in further external funding for other potential developments in the area, or indeed, to further support facility development and operations going forward.

F. BACKGROUND REFERENCES

Reports on project to Local Area Committee (27/11/18) and Council Executive (14/02/17) and most recent Capital Investment Strategy report to Council Executive (22/06/21).

Appendices: None

Contacts: Alan Colquhoun
Culture & Sport Manager
07825 928618 / alan.colquhoun@westlothian.gov.uk

Elaine Cook

Depute Chief Executive, (Education and Planning Services)

7 September 2021

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

PLATINUM JUBILEE CIVIC HONOURS COMPETITION - LIVINGSTON CITY STATUS

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to seek approval for entering the Platinum Jubilee Civic Honours Competition in seeking city status for Livingston.

B. RECOMMENDATION

It is recommended that Council Executive:

1. agrees to Livingston being entered into the competition to gain City Status;
2. agrees the work of the Working Group in taking forward the application and an associated programme of community engagement; and
3. agrees that an update on the application for Livingston will be considered by Council Executive on 7 December 2021

C. SUMMARY OF IMPLICATIONS

I	Council Values	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
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The report itself does not raise any strategic environmental assessment, equality or risk issues.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	Our children have the best start in life and are ready to succeed.

We are better educated and have access to increased and better-quality learning and employment opportunities.

Our economy is diverse and dynamic, and West Lothian is an attractive place for business.

VI Resources - (Financial, Staffing and Property)

There is no entry fee to enter the Platinum Jubilee Civic Honours Competition and this is open to all Local Authorities in any part of the United Kingdom.

A short-term working group has been created to assist with submitting West Lothian Council's application.

VII Consideration at PDSP

N/A.

VIII Other consultations

There will be a community engagement exercise undertaken as part of the application process as noted in the report.

D. TERMS OF REPORT

D.1 BACKGROUND

Following the announcement on 8 June 2021 regarding the Platinum Jubilee Civic Honours Competition, a letter was received from Lord True CBE seeking bids for city status. Entry guidance and an application have been published and the closing date is 8 December 2021.

This report is seeking approval to apply for city status for Livingston. It is proposed that a short-term working group is established to look at the contents of the application. It is further proposed that an action plan be drafted in line with the terms of the application form and that stakeholders within the community can also have the opportunity to provide contributions in support of the city bid.

The application looks at the following 8 key areas: -

1. Distinct Identity;
2. Civic Pride;
3. Cultural infrastructure, interesting heritage, history and traditions;
4. Vibrant and welcoming community,
5. Record of innovation;
6. Sound governance and administration;
7. Associations of Royalty; and
8. Other particular distinctive features such as residents or communities who have made widely recognised significant contributions to society and cultural infrastructure.

D.2 LIVINGSTON

With Livingston's 60-year anniversary of gaining a new town status approaching next year, this competition is a perfectly fitting way of demonstrating and emphasising Livingston's unique and distinct identity.

Over the last 60 years, Livingston has been transformed from 3 villages and only 60

households to a large, culturally vibrant town. The town's residents came to Livingston from the Lothians, Glasgow and beyond and from a range of economic and cultural backgrounds. Livingston is not however a town of disparate identities. Despite differences, residents have a strong sense of community and live, work and learn together. Over the years, the community have developed a shared love of Livingston and are proud to call themselves Livingstonians.

In the early days of the town, the Livingston Development Corporation (LDC) built more than houses and factories; they invested in the cultural fabric of the town. Through the appointment of a town artist, to the development of the Mews Theatre and many other ventures, LDC created a cultural hub for West Lothian. Today, the Howden Park Centre is one of Central Scotland's major cultural venues and the town is home to a thriving arts scene.

Although one of the UK's youngest towns, Livingston is proud of its heritage and the community have come together to celebrate the town's important anniversaries from its 10th birthday in 1972 to more recently in 2012 when the town celebrated its 50th anniversary. In 1977, Her Majesty The Queen visited Livingston, joining the local community in celebrating its Silver Jubilee year.

Next year, Livingston will celebrate both the town's Diamond Jubilee and the Queen's Platinum Jubilee. The gaining of city status would be the perfect way to mark both occasions and for the community to celebrate together once more.

Gaining city status for Livingston would also positively boost Livingston economically, encouraging potential inward investment from companies wanting to expand their business. With this economic boost, this would create potential employment opportunities for inhabitants of Livingston and further afield, reducing unemployment.

Livingston is home for some of the best companies in West Lothian. Mitsubishi has had an engineering presence in Livingston for over 40 years. Mitsubishi employs over 1,300 staff and is now the UK's largest manufacturer of air-source heat pumps. In Q2 we have Scotland's largest life sciences business with over 1,000 staff. In other key sectors, Sky Television has operated in Livingston since 1989 and is our largest commercial employer. Another major brand operating in Livingston is Glenmorangie. The business invested in a world-class bottling facility on the Alba Campus more than 10 years ago. Livingston is also home to Shin-Etsu Handotai Scotland's only volume manufacturer of semiconductors. The business was established in Livingston in 1984. Almost 20 years ago, an ambitious biotechnology business chose Livingston as it's UK headquarters. That business is now Valneva, based at Oakbank and best known as a developer of a Covid vaccine.

Livingston is currently the largest town in West Lothian with a population of over 57,000 in 2016. This is set to increase significantly over the next 20 years. The target population for a new town was 100,000 and Livingston is on target to reach this.

When compared to other existing places in Scotland with city status such as Stirling, Inverness, and Perth, there is no reason as to why Livingston which is larger than these named cities should not be next in gaining city status.

From being a village, to a new town and centre of regional development, the next logical step for Livingston would be to gain city status. The original vision for Livingston was always the creation of a Garden City; city status would finally fulfil this vision.

D.3 COMMUNITY ENGAGEMENT

Community participation and involvement, including input from local elected members, local schools and West Lothian's Lord-Lieutenant will help to showcase the many strengths of Livingston in support of the application process. To this end, it is proposed that a community engagement plan is developed to ensure that the application is fully encompassing of all those who live, work and have an interest in all things associated with Livingston.

E. CONCLUSION

By applying for City Status for Livingston, this would fulfil the original vision for town, it is the next logical step in the ongoing development to realise the full potential that Livingston has to offer its local communities and wider West Lothian.

It is proposed that the draft bid is reported back to Council Executive at its meeting on 7 December 2021, prior to the bid being submitted by the deadline on 8 December 2021.

F. BACKGROUND REFERENCES

N/A

Appendices/Attachments: None.

Contact Person:

Alice Mitchell, Economic Development & Regeneration Manager, alice.mitchell@westlothian.gov.uk

Craig McCorriston, Head of Planning, Economic Development & Regeneration

Date of meeting: 7 September 2021



COUNCIL EXECUTIVE

PLANNING GUIDANCE AND SUPPLEMENTARY GUIDANCE: UPDATE ON THE PROCESSING OF VARIOUS GUIDANCE

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to advise Council Executive of the outcome of the SEA screening determination process relative to several non-statutory Planning Guidance (PG) and statutory Supplementary Guidance (SG) documents which have previously been reported to and approved by Council Executive.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. notes that the Strategic Environmental Assessment (SEA) Consultation Authorities agreed with the council's conclusions set out in the relevant "screening reports" that the guidance identified in Section D1 would have no significant environmental effects;
2. notes that the Head of Planning, Economic Development and Regeneration has since issued a "screening determination" in relation to each of the identified guidance documents which concluded that a separate SEA was not required and which confirmed that no separate SEA would therefore be prepared to accompany the published guidance;
3. notes that all of the Supplementary Guidance documents were separately submitted to the Scottish Ministers for consideration prior to being adopted (as statutorily required) but raised no objection or direction requiring amendments; and
4. notes that all of the identified guidance documents have been adopted.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	New non-statutory Planning Guidance and statutory Supplementary Guidance is replacing Supplementary Planning Guidance (SPG) which had previously supported the superseded West Lothian Local Plan.

The new guidance supports the Local Development Plan and the development management process.

The new guidance explicitly supports a range of policies of the adopted LDP.

It had previously been determined that none of the new guidance was in itself likely to have significant environmental effects and it was therefore not anticipated that there would be a requirement to make it the subject of separate Strategic Environmental Assessment (SEA). The required screening procedures have however been satisfactorily concluded, validating these earlier assumptions.

There are no equality, health or risk assessment issues associated with the guidance and there are no risk assessment issues.

III	Implications for scheme of delegation	None.
IV	Impact on performance and performance indicators	None.
V	Relevance to Single Outcome Agreement	<p>Outcome 3 - Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.</p> <p>Outcome 4 - We live in resilient, cohesive and safe communities.</p> <p>Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>
VI	Resources - (Financial, Staffing and Property)	None.
VII	Consultations at PDSP & Council Executive	All of the guidance identified in this report has previously been reported to meetings of the Development and Transport PDSP and to Council Executive and the relevant dates are identified in Section D1.
VIII	Other consultations	None

D. TERMS OF REPORT

D1 Background

Reports have been made to a number of meetings of Council Executive and on various dates over the last 9 months seeking approval of new non-statutory Planning Guidance and statutory Supplementary Guidance.

Each of the guidance documents which are the subject of this report can be accessed by clicking on their title.

Title of Guidance	Date reported to D&T PDSP	Date reported to Council Executive
<u>Non-statutory Planning Guidance (PG)</u>		
<u>Urban Design Framework for The Vennel & Former Watergait Re-development Area, Linlithgow</u>	04/09/2020	06/10/2020
<u>Areas of Built Heritage and Townscape Value: The Shale Miners Rows</u>	20/06/2019	06/10/2020
<u>Non-employment Uses in Employment Areas</u>	11/02/2020	17/11/2020
<u>The Historic Environment</u>	04/09/2020	09/02/2021
<u>Soil Management & After use of Soils on Development Sites</u>	04/09/2020	09/02/2021
<u>Statutory Supplementary Guidance (SG)</u>		
<u>Planning & Education</u>	02/04/2019	19/01/2021
<u>Wind Energy</u>	11/02/2021	20/04/2021
<u>Renewables & Low Carbon Energy Development (Excluding Wind Energy)</u>	01/12/2020	18/05/2021
<u>Developer Contributions Towards Cemetery Provision</u>	20/06/2019	19/01/2021

The guidance supports a wide range of policies of the West Lothian Local Development Plan

A consolidated list of all guidance that has been adopted in relation to the LDP at 31 August 2021 is provided for information as Appendix 1 to the report.

While Council Executive approved all of the guidance for adoption it nevertheless instructed the Head of Service to report the outcome of the subsequent SEA screening determination process to a future meeting of the Council Executive for information and this consolidated report fulfils that requirement.

D2 Screening Process

Local authorities have been required to undertake strategic environmental assessment of their plans and proposals (SEA) since July 2004.

The process is regulated by the EU Directive 2001/42/EC, the Environmental Assessment of Plans and Programmes (Scotland) Regulation 2004 and the Environmental Assessment (Scotland) Act 2005.

Screening is the means to judge the likely impact on the environment of a public plan (in this case planning guidance) and prior to being adopted, new planning guidance requires to be subjected to a screening process in order to determine whether there is a likelihood of it having any significant environmental effects.

Scottish Government has prescribed the process to be followed and it has oversight of this through the SEA Gateway, an agency responsible for coordinating the formal correspondence between the council and the three 'Consultation Authorities' i.e. SEPA, NatureScot (formerly Scottish Natural Heritage) and Historic Environment Scotland (HES).

The council prepared a "screening report" for each guidance document which explained its purpose, scope and effect and which argued that no further strategic environmental assessment required to be prepared.

The council has consistently expressed the view that planning guidance is simply to help interpret and provide further detail in respect of policies that are already set out in the adopted West Lothian Local Development Plan and which was itself the subject of a full Strategic Environmental Assessment. As a consequence, additional strategic environmental assessment is neither required nor justified.

The guidance and the relevant screening reports were submitted to the 'Consultation Authorities' for independent scrutiny, to allow them to bring their individual environmental expertise to the assessment process, and in every instance, they concurred with the council's view that a SEA was not required.

The council has since formalised and published its decisions that the guidance should be exempted from a separate strategic environmental assessment and has issued "screening determinations" to this effect. The screening report and the screening determination for each of the guidance documents have been made public and can be viewed on the [council's web site](#).

E. CONCLUSION

The guidance identified in Section D1 was produced with the intent of being adopted as either non-statutory Planning Guidance (PG) or statutory Supplementary Guidance (SG) in support of the West Lothian Local Development Plan. Guidance was reported to Council Executive and subsequently secured its approval.

Having then subjected the guidance to a screening process it was established that it did not require to be accompanied by a strategic environmental assessment and it was, in the case of Planning Guidance, adopted, or, in the case of Supplementary Guidance, submitted to Scottish Ministers for scrutiny before being adopted.

F. BACKGROUND REFERENCES

- Adopted West Lothian Local Development Plan (2018)
- Reports to D&T PDSP and Council Executive (see relevant dates in Section D1)

Appendices/Attachments: 1

Appendix 1: Consolidated List of Adopted Guidance (at 31 August 2021)

Contact Person: Steve Lovell, Principal Planning Officer, Development Planning, 01506 282430

Email: steve.lovell@westlothian.gov.uk

Craig McCorriston
Head of Planning, Economic Development & Regeneration

7 September 2021

Appendix 1

CONSOLIDATED LIST OF ADOPTED GUIDANCE (at 31 August 2021)

Non-statutory Planning Guidance (PG)	
<u>West Lothian Active Travel Plan: Making Active Connections</u>	Adopted April 2016
<u>Health Impact Assessment</u>	Adopted March 2017
<u>Air Quality</u>	Adopted April 2019
<u>Controlling Obtrusive Lighting</u>	Adopted March 2020
<u>Planning for Nature: Development Management & Wildlife</u>	Adopted April 2020
<u>Mobile Snack Bars</u>	Adopted May 2020
<u>Shopfronts and Advertisements in Conservation Areas</u>	Adopted May 2020
<u>House Extension & Alteration Design Guide</u>	Adopted October 2020
<u>Areas of Built Heritage and Townscape Value: The Shale Miners Rows</u>	Adopted November 2020
<u>Urban Design Framework for The Vennel & Former Watergait Re-development Area, Linlithgow</u>	Adopted November 2020
<u>Non-employment Uses in Employment Areas</u>	Adopted January 2021
<u>The Historic Environment</u>	Adopted April 2021
<u>Soil Management & After use of Soils on Development Sites</u>	Adopted April 2021

Statutory Supplementary Guidance (SG)

<u>Planning and Noise</u>	Adopted February 2019
<u>Development in the Countryside</u>	Adopted March 2019
<u>Residential Development Guide (RDG)</u>	Adopted April 2019
<u>Flooding and Drainage</u>	Adopted April 2019
<u>Affordable Housing</u>	Adopted May 2019
<u>Developer Contributions Towards Public Art</u>	Adopted January 2020
<u>Minerals (Including Restoration Bonds)</u>	Adopted February 2020
<u>Developer Obligations for General Infrastructure Site Delivery</u>	Adopted September 2020
<u>Planning & Education</u>	Adopted May 2021
<u>Wind Energy</u>	Adopted June 2021
<u>Renewables & Low Carbon Energy Development (Excluding Wind Energy)</u>	Adopted July 2021
<u>Developer Contributions Towards Cemetery Provision</u>	Adopted August 2021

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

COVID19 – FREE SCHOOL MEAL PROVISION CONTINGENCY ARRANGEMENTS

REPORT BY DEPUTE CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To seek Council Executive approval to amend the free school meal provision contingency arrangements to reflect the changes to universal free school meal provision to P4 and P5 pupils during the 2021/22 school year and to extend the provisions to eligible children impacted by circumstances of individual self-isolation as a consequence of a positive COVID19 test result.

B. RECOMMENDATIONS

The Council Executive is asked to approve:

1. From 17 August 2021 a payment of £3 per pupil per school day to the families of P5-S6 children and young people eligible for free school meals; and P1-P4 pupils in receipt of school clothing grant impacted as a consequence of national COVID19 restrictions on the opening of schools, or an individual requirement to self-isolate due to a positive COVID19 test result; and
2. From 6 January 2022 a payment of £3 per pupil per school day to the families of P6-S6 children and young people eligible for free school meals; and P1-P5 pupils in receipt of school clothing grant impacted as a consequence of national COVID19 restrictions on the opening of schools, or an individual requirement to self-isolate due to a positive COVID19 test result.

C. SUMMARY OF IMPLICATIONS

I	Council Values	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
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Continued provision for children entitled to free school meals. Educational Continuity Directions and related statutory guidance; non-statutory Scottish Government guidance.
III	Implications for Scheme of Delegations to Officers	None

IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	Our children have the best start in life and are ready to succeed.
VI	Resources - (Financial, Staffing and Property)	The cost of this contingency arrangement would be funded from council resources.
VII	Consideration at PDSP	None
VIII	Other consultations	Head of Finance and Property Services, Financial Management Unit, Education Services; Operational Services, Anti-Poverty Service

D. TERMS OF REPORT

D.1 Background

The provision of free school meals to all eligible children and young people has been a key policy objective of the council during the period of school closures. This support has been continued during subsequent school holiday periods, in recognition of the ongoing detriment to low income families caused by the coronavirus pandemic.

D.2 Council Executive Approvals

A decision was made through Standing Order 31 on 10 September 2020, reported to Council Executive on 6 October 2020, to provide all children entitled to free school meals with a take away packed lunch or hot meal and a take away breakfast cereal bar/cereal during the remaining school holidays (excluding public holidays) within the current financial year 2020/21.

In response to the changing circumstances that have evolved since that date, a number of subsequent approvals have enabled direct payments to families of P4-S6 children and young people eligible for free school meals; and P1-P3 pupils in receipt of school clothing grant during periods of home learning as a consequence of national COVID19 restrictions on school openings.

Most recently on 23 March 2021, Council Executive approved contingency arrangements for whole school closures or class groups undertaking home learning as a consequence of COVID19 whereby a payment of £3 per pupil per school day is made to the families of P4-S6 children and young people eligible for free school meals; and P1-P3 pupils in receipt of school clothing grant.

D.3 Free School Meal Expansion

From August 2021 the universal free meal provision has been extended to include all P4 pupils, and will be extended further at all P5 pupils in January 2022.

In order to ensure that there is consistency with the expansion of free meal provision the contingency arrangements will require to be amended to ensure that from 17 August 2021 families of P5-S6 children and young people for free school meals; and P1-P4 pupils in receipt of school clothing grant receive a payment of £3 per child for each day that their child has been unable to attend school as a consequence of national COVID19 restrictions on the opening of schools, or an individual requirement to self-isolate due to a positive COVID19 test result.

There will be a further requirement to amend the provisions from 6 January 2022 to reflect the expansion of universal free meal provision to all P5 pupils.

E. CONCLUSION

The provision of free school meals to all eligible children and young people has been a key policy objective of the council during the period of school closures, and subsequent holiday periods. The proposed amendments to the contingency arrangements will further extend the support offered to children and young people in low income families, and avoid problems of access for children and young people.

F. BACKGROUND REFERENCES

- Council Executive – Free School Meals Holiday Provision - 6 October 2020.
- Council Executive – Free School Meal Provision – School Holidays (2020/21 Academic Year) – 17 November 2020
- Guidance: school re-opening arrangements for January 2021 - <https://www.gov.scot/publication/school-re-opening-arrangements-for-january-2021/>
- Council Executive - Free School Meal Provision – 5 to 15 January 2021 (by SO31 on 23 December 2020)
- Council Executive - Free School Meal Provision – 18 to 29 January 2021 (by SO31 on 8 January 2021)
- Council Executive - Free School Meal Provision – 1 to 12 February 2021 (by SO31 on 29 January 2021)
- Council Executive - Free School Meal Provision – 22 to 26 February 2021 (by SO31 on 17 February 2021)
- Council Executive - Free School Meal Provision – 1 to 12 March February 2021 (by SO31 on 26 February 2021)
- Council Executive - Free School Meal Provision – 15 March to 1 April 2021 (by SO31 on 5 March 2021)
- Council Executive – Free School Meal Provision Contingency Measures

Appendices – None

Contact: graeme.struthers@westlothian.gov.uk

Graeme Struthers
Depute Chief Executive
7 September 2021

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

2021/22 HOUSING CAPITAL REPORT – MONTH 4 MONITORING REPORT

REPORT BY DEPUTE CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To provide the Council Executive with a report on the financial position in relation to the Housing Capital Programme following the completion of the month 4 monitoring exercise.

B. RECOMMENDATION

It is recommended that Council Executive note the outcome of the month 4 Housing capital monitoring exercise and the projected outturn for 2021/22.

C. SUMMARY OF IMPLICATIONS

I. Council Values	Focusing on customers' needs, being honest, open and accountable, making best use of our resources, working in partnership.
II. Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The council's Housing Capital Programme is managed within the stringent requirements set out in the Prudential Code.
III. Implications for Scheme of Delegations to Officers	None.
IV. Impact on performance and performance Indicators	None.
V. Relevance to Single Outcome Agreement	"Outcome 10 – We live in well designed, sustainable places where we are able to access the services we need."
VI. Resources - (Financial, Staffing and Property)	Council Executive approved a revised two year capital programme of £89.191 million for 2021/22 to 2022/23 on 22 June 2021. The 2021/22 revised budget is £49.027 million.
VII. Consideration at PDSP	Not applicable.
VIII. Other consultations	Consultation has taken place with Housing Customer and Building Services, tenants and Finance & Property Services.

D. TERMS OF REPORT

D.1 Introduction

The Council approved a two year programme for Housing capital investment in February 2021. An updated 2021/22 Housing capital investment programme of £49.027 million was approved by Council Executive on 22 June 2021, taking account of the 2020/21 outturn, the most recent assumptions available regarding the potential effect of the Covid-19 situation on the programme for 2021/22 and updated phasing profiles. This report contains detail of expenditure to date in the Housing capital programme and provides a projected outturn for the financial year.

D.2 Summary of Month 4 Financial Information

The summarised position for actual and projected expenditure is shown below. The table shows actual investment of £11.864 million in the housing stock to 31 July 2021. The forecast expenditure for the year is £49.572 million. The investment programme comprises the creation of new build social housing and refurbishment of existing stock, which includes large scale housing projects, energy efficiency works and planned programmes, much of which is undertaken by Building Services.

Table 1	2021/22 Revised Budget £'000	Actual Expenditure at Month 4 £'000	2021/22 Projected Outturn £'000	2021/22 Projected Variance £'000
New Housing Supply	29,123	6,943	29,123	0
Major Refurbishment	1,452	493	1,531	79
Major Elemental Upgrades	3,434	987	3,872	438
Planned Programmes	2,775	501	2,775	0
Environmental Upgrading	569	85	568	(1)
Compliance Works	10,945	2,789	10,974	29
Miscellaneous	729	66	729	0
Total	49,027	11,864	49,572	545

New Housing Supply

Significant resources continue to be invested in the creation and acquisition of new homes, with budgeted resources of £29.123 million in 2021/22. New housing supply includes increasing the existing council housing stock through new builds, open market acquisitions and mortgage to rent properties.

The Covid-19 shutdown period had a major impact on new build provision during 2020/21, with planned construction works being halted for approximately three months, and further delays incurred due to ongoing restrictions. However, works are now progressing well at the sites programmed for 2021/22, with the new supply programme forecasting to spend on budget at month 4. The on site works are continuing at Eliburn in Livingston, with handovers expected in late summer 2021 and, at Standhill in Bathgate, the construction works that began during 2020 are ongoing and handovers are forecast for autumn 2021. Work commenced at sites at Deans South and Eagle Brae in Livingston in April and May 2021, with the first handovers expected by March 2022. Projects at Wellhead Farm and Mossend in Livingston are now underway, and first handovers at these sites are expected by winter 2021.

As at 31 July 2021, 10 houses have been acquired through the Open Market Acquisitions scheme, with further acquisitions currently in progress. This is in addition to the 225 open market acquisitions that have been added to the housing stock in previous years since the scheme was introduced.

Major Refurbishments

Major refurbishment works include planned works on streets, beyond traditional roof and render renewal works. Expenditure of £1.531 million is expected on these projects during 2021/22. Both projects programmed for 2021/22, at Bathville in Armadale and at the Lochs scheme in Whitburn, are progressing well.

It is proposed to extend the project to refurbish properties at the Lochs scheme in Whitburn to include properties recently acquired through the open market acquisition scheme, which will result in additional costs for the project. Additional capital resources and/or savings resulting from efficiencies elsewhere in the programme will be earmarked to mitigate these additional costs as they are identified through the budget monitoring process during 2021/22.

Major Elemental Upgrades

Planned expenditure of £3.872 million is expected on major elemental upgrades in 2021/22. Projects largely include roof and roughcasting work undertaken, or managed, by Building Services. Most of the programme is expected to be delivered substantially to budget, with accelerated spend expected at the project in Fallas Place, Walker Road and Main Street in Fauldhouse.

Similarly to the Lochs scheme project noted above, it is proposed to extend the approved projects at Drummond Place in Blackridge and Strathlogie, Westfield to include recent open market acquisition properties, with the additional costs expected to be incurred to be funded from additional capital resources and/or underspends elsewhere in the programme.

Planned Programmes

Planned programmes maintain the safety of houses and components, with expenditure of £2.775 million expected across the programme during 2021/22. This includes new kitchens and bathrooms, window and door refurbishments and renewals, stair upgrades, fencing programmes and high value repairs.

The programme consists of approximately: 100 kitchens and bathrooms, external painting, rhone cleaning and upgrading and internal decoration to a combined total of 2,968 properties, and various common stair upgrades such as painting and new security entrance doors in 22 blocks.

Environmental / External Upgrading

Forecast expenditure of £568,000 is anticipated on environmental programmes and external upgrading in 2021/22. These works encompass a range of environmental, street improvement and drainage projects, planned in conjunction with tenants and other council services, and works have restarted and are progressing well at various sites throughout West Lothian.

Compliance Works

Compliance works to housing stock include asbestos management works, legionella upgrades, periodic testing and electrical upgrades and a number of energy efficiency projects aimed at meeting the requirements of Scotland's Energy Efficiency Standard for Social Housing (EESH) regulations. These works include central heating upgrades, enhanced investment in external wall insulation and PV panels. The 2021/22 programme consists of 1,100 central heating replacements, periodic testing of 5,728 houses and the installation of hard wired smoke detectors in 3,780 properties.

As an integral part of the council's Energy Efficiency Standard for Social Housing Programme (EESH), an air source heat pump project is to be undertaken in all none gas areas to improve energy efficiency, which will include over 50 properties being fitted with new air source heat pump heating systems.

External Wall Insulation (EWI) is being progressed in the last remaining council houses in the Dedridge, Eliburn, Polbeth, and Fauldhouse areas, with works being carried out in conjunction with the HEEPS:ABS programme.

Miscellaneous

Works are ongoing in various miscellaneous projects throughout West Lothian, which includes feasibility studies, the home safety service, the home security for older people and provision for works required as a result of new unsuitable accommodation legislation introduced by the Scottish Government, with anticipated spend of £729,000 in 2021/22.

D.3 Capital Resources

The table below shows the capital resources available to fund the housing capital programme in 2021/22. It should be noted that the investment programme is largely funded through a mix of borrowing and Capital Funded from Current Revenue (CFCR), with additional funding sources from council house sales, government grants and council tax on second homes.

The mix between CFCR and Borrowing is largely dependent on the required level of borrowing and associated capital financing charges as well as the level of CFCR affordable to the Housing Revenue Account, and is subject to confirmation at the end of the financial year.

Table 2	2021/22 Revised Budget £'000	2021/22 Income to Month 4 £'000	2021/22 Projected Outturn £'000	2021/22 Projected Variance £'000
CFCR	11,162	3,859	11,576	414
Borrowing	29,154	9,612	28,837	(317)
Government Grants	8,286	3,458	8,286	0
Developer Contributions	250	0	250	0
Council Tax (Second Homes)	75	190	190	115
Capital Receipts	100	433	433	333
Total Income	49,027	17,552	49,572	545

CFCR

At this stage, the contribution of Capital from Current Revenue (CFCR) is anticipated to be £11.576 million. This is due to forecast underspends within the housing revenue account which are being partially offset by an anticipated under recovery of rental income as a result of Covid-19 related delays in new housing supply over 2020/21 and 2021/22.

It should be noted the final CFCR contribution can be subject to capital borrowing requirements and related costs, as well as affordability within the Housing Revenue Account, subject to pressures such as rent arrears and reactive repair costs, and the anticipated CFCR contribution will be reviewed when Treasury forecasts are updated.

Borrowing

The programme approved in June 2021 outlined anticipated borrowing requirements of £29.154 million. At this stage it is anticipated that £28.837 million of borrowing will be required to meet projected expenditure levels, taking into account the forecast increase in CFCR noted above.

D.4 Risks

The housing capital investment programme was reviewed and updated in June 2021, in light of current Covid-19 guidance and restrictions in place at the time, estimates of when these restrictions were likely to be eased and the likely impact that these changes would have on the various types of projects required to be carried out as part of the housing capital investment programme. However, there remain substantial risks which will continue to be monitored throughout the year.

The ongoing effect of the pandemic and resulting restrictions continues to be a significant risk to both the affordability and deliverability of the housing capital programme. There are continuing risks around increases in construction costs due to longer programmes and need to implement measures relating to infection control and social distancing, and lead in times for the supply of building components are increasing due to backlogs created by the restrictions and lockdown periods. There have been significant price increases in building components, particularly timber, concrete and UPVC windows and doors. A national reduction in availability of trade resources is also having a negative impact on the delivery of the programmes. Although identified savings from within the programme have been used to offset assumed increased costs as a result of the pandemic, the full impact of any increased costs is not likely to be known for months or possibly years as contractors and the supply chain for resources recover from the events of the past year.

As well as risks related to the pandemic, the UK's exit from the EU also continues to cause uncertainty and risk around affordability and deliverability. Construction contracts remain sensitive to further risks around price inflation and availability of materials due to the knock-on effect on supplier pricing and volatility in major commodity markets that are priced in euros or US Dollars.

E. CONCLUSION

Good progress is being made in the 2021/22 Housing capital programme, following restrictions and construction shutdown periods throughout 2020/21 as a result of the Covid-19 pandemic. Within the new housing supply projects, work has commenced on a number of new sites, and the programme is expected to be delivered as planned at month 4.

Significant investment is also being made in the housing stock to both improve the overall standard of the stock, meet energy efficiency standards and to increase the number of available houses for West Lothian residents. Much of the focus of this work in 2021/22 continues to be on work undertaken, where possible and within the terms of the Best Value framework, by Building Services.

As set out in the updated budget report to Council Executive in June 2021, although the capital programme has been reviewed and updated based on current guidance and assumptions, there remains a material risk that circumstances may change, with any further restrictions as a result of the pandemic likely to have a detrimental impact on the deliverability of the approved programme for 2021/22.

There also remains a substantial risk around the affordability of the current approved programme, with both the ongoing effects of the pandemic and the UK's exit from the EU causing substantial risk and uncertainty around the cost and supply of resources.

Given the ongoing uncertainty around the Covid-19 situation, officers will continue to review the programme and will continue to report on the impact to Council Executive as part of the established budget monitoring exercise. Officers will also endeavour to pursue all options for delivery of the programme and to minimise any delays that emerge where possible. All project budgets will continue to be closely monitored and the position managed by appropriate lead officers.

Appendices/Attachments: One

Contact Person: pamela.bell@westlothian.gov.uk – Tel No: 01506 281282

Graeme Struthers
Depute Chief Executive
7 September 2021

West Lothian Council
Housing Capital Programme Month 4 Monitoring
Council Executive

APPENDIX 1

EXPENDITURE	Annual Budget 2021/22	Actual to Date 2021/22	Projected Outturn 2021/22	Projected Variance 2021/22	Variance Analysis
NEW HOUSING SUPPLY					
New Build	23,770	5,753	23,770	0	On budget
Open Market Acquisition Scheme	5,253	1,132	5,253	0	On budget
Mortgage to Rent	100	58	100	0	On budget
NEW SUPPLY TOTAL	29,123	6,943	29,123	0	
REFURBISHMENT AND INVESTMENT					
Major Refurbishment					
Bathville Flats, Armadale	1,002	177	1,002	0	On budget
Harrison Houses - Loch Scheme, Whitburn	450	316	529	79	Overspend
	1,452	493	1,531	79	
Major Elemental Upgrades					
Anderson Avenue, Armadale	10	22	17	7	Overspend
Badallan Place, Fauldhouse	74	80	75	1	Overspend
Balbardie Avenue, Bathgate	0	2	0	0	On Budget
Church Place, Fauldhouse	277	114	277	0	On Budget
Croftmalloch Estate - Harrison Houses, Whitburn	500	149	500	0	On Budget
Dedridge Area, Livingston	1,453	433	1,453	0	On Budget
Drummond Place, Blackridge	320	182	490	170	Overspend
Fallas Place, Walker Road, Main Street, Fauldhouse	220	0	450	230	Accelerated Spend
Preston Area - Linlithgow	292	0	292	0	On Budget
Race Road & Glasgow Road, Bathgate	3	0	3	0	On Budget
Strathlogie, Westfield	285	5	315	30	Overspend
	3,434	987	3,872	438	
Planned Programmes					
Assisted Decoration and Internal Upgrade Scheme	250	6	250	0	On budget
Common Access Door Upgrades	50	2	50	0	On budget
Common Stair Upgrades	100	14	100	0	On budget
Fencing	100	20	100	0	On budget
Kitchens and Bathrooms	400	143	400	0	On budget
Painting	200	65	200	0	On budget
Planned Reactive/ HIO Investment	811	232	811	0	On budget
Rainwater Goods Testing and Upgrading	150	13	150	0	On budget
Windows & Doors Refurbishment / Renewal	714	6	714	0	On budget
	2,775	501	2,775	0	
Environmental / External Upgrading					
Aerial Upgrades	25	17	25	0	On budget
Bin Store Improvements	78	0	78	0	On budget
Play Areas	50	0	50	0	On budget
Programmed Drainage	100	19	100	0	On budget
Tenant Environmental Projects	316	49	315	(1)	Slippage
	569	85	568	(1)	
Compliance Works					
Aids and Adaptations - Building Services	426	214	455	29	Accelerated Spend
Aids and Adaptations - Occupational Therapists	150	53	150	0	On Budget
Asbestos Management	945	151	945	0	On Budget
Central Heating	3,841	508	3,841	0	On Budget
Energy Efficiency/PV Panels	371	30	371	0	On Budget
Stock Condition Surveys/Energy Performance Certificates	217	52	217	0	On Budget
External Wall Insulation	1,632	1,205	1,632	0	On Budget
Firewalls	10	0	10	0	On Budget
Smoke and heat detector upgrades	1,088	326	1,088	0	On Budget
Periodic testing and Electric Upgrades	1,825	249	1,825	0	On Budget
Orlit Remedial Upgrades	250	1	250	0	On Budget
The Vennel Remedial Works	190	0	190	0	On Budget
	10,945	2,789	10,974	29	
Miscellaneous					
Deans South, Livingston	40	23	40	0	On Budget
Feasibility Surveys	20	3	20	0	On Budget
Home Safety Service	170	0	170	0	On Budget
Home Security for Senior People	20	0	20	0	On Budget
IT	150	4	150	0	On Budget
Unsuitable Accommodation Works	329	36	329	0	On Budget
	729	66	729	0	
REFURBISHMENT & INVESTMENT TOTAL	19,904	4,921	20,449	545	
TOTAL HOUSING CAPITAL INVESTMENT PROGRAMME	49,027	11,864	49,572	545	

On Budget	46,926	10,996	46,926	0
Slippage	316	49	315	(1)
Accelerated Spend	646	214	905	259
Saving	0	0	0	0
Overspend	1,139	605	1,426	287
	49,027	11,864	49,572	545

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

2021/22 HOUSING REVENUE ACCOUNT – MONTH 4 MONITORING REPORT

REPORT BY DEPUTE CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To provide the Council Executive with a report on financial performance following the month 4 monitoring exercise.

B. RECOMMENDATION

It is recommended that Council Executive notes the outcome of the month 4 monitoring exercise and the projected outturn.

C. SUMMARY OF IMPLICATIONS

I. Council Values	Focusing on customers' needs, being honest, open and accountable, making best use of resources, working in partnership.
II. Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	None.
III. Implications for Scheme of Delegations to Officers	None.
IV. Impact on performance and performance Indicators	None.
V. Relevance to Single Outcome Agreement	None.
VI. Resources - (Financial, Staffing and Property)	A breakeven position is projected at this stage.
VII. Consideration at PDSP	Not applicable.
VIII. Other consultations	Head of Finance & Property Services.

D. TERMS OF REPORT

D.1 Introduction

The Council approved a £56.576 million Housing Revenue Account (HRA) budget on 16 February 2021. This report provides information on the financial position in relation to the HRA as at 31 July 2021 and provides a projection to the year end.

D.2 Summary of Month 4 Financial Information

The table below summarises the position for the main expenditure headings and provides a projected outturn:

	2021/22 Budget £'000	Committed Expenditure to 31 July £'000	2021/22 Projected Outturn £'000	2021/22 Projected Variance £'000
Employee Costs	5,145	4,833	4,901	(244)
Premises Costs	19,241	3,785	19,034	(207)
Transport Costs	92	39	92	0
Supplies & Services	2,672	1,492	2,609	(63)
Third Party Payments	127	60	127	0
Transfer Payments	2,279	205	1,780	(499)
Support Services	2,552	851	2,552	0
Capital Financing	13,306	4,435	13,306	0
CFCR	11,162	3,721	11,576	414
Total Expenditure	56,576	19,421	55,977	(599)
Income	(56,576)	(19,527)	(55,977)	599
Net Expenditure	0	(106)	0	0

Employee Costs

Employee costs are forecast to underspend by £244,000, mainly as a result of vacant posts and staff turnover. The 2021/22 budget included provision for the establishment of a customer experience team and appointments have now been made to these posts.

There have also been a number of vacancies due to staff turnover, which have resulted in one off savings during the recruitment period to fill these posts.

Premises Costs

Based on current information, premises costs are anticipated to underspend by £207,000. This is mainly a result of lower spend forecasts for insurance repairs and an underspend in estates management due to staff turnover.

Expenditure on repairs also remains a key risk area; it is demand led and reactive to customer requirements, and any adverse weather can also materially impact on expenditure. There is also some evidence that tenants may have held off reporting repairs in 2020/21 due to Covid-19 and are requesting them now. This potential volatility will require the budget to be closely monitored during the remainder of 2021/22.

Supplies & Services

Supplies and Services are forecast to underspend by £63,000 due to a combination of savings across a number of budget headings, including legal fees and printing costs. This is, in part, a consequence of restricted activity due to Covid-19.

Transfer Payments

Transfer payments comprise void losses, irrecoverable rents and bad debt provision for rents. They also include additional costs incurred as a consequence of Covid-19, such as additional signage and personal protective equipment for staff in both Housing Services and in Building Services, and additional vehicle hires for Building Services operatives in order to maintain social distancing.

The forecast underspend of £499,000 in transfer payments is a consequence of updated estimates for the level of bad debt provision, partly offset by Covid-19 additional costs.

Capital Financing & CFCR

The CFCR is the amount of income raised through the housing revenue account that is not spent directly on revenue costs, but is earmarked to fund capital works, mainly consisting of refurbishment and upgrade programmes to maintain and improve the housing stock. The mix between borrowing and CFCR is largely dependent on the required level of borrowing and associated capital financing charges as well as the level of CFCR affordable to the HRA.

The level of CFCR is also subject to confirmation dependant on other movements within the HRA revenue account, principally in relation to expenditure on reactive repairs and levels of housing rent. At this stage, the forecast CFCR contribution is £11.576 million.

Income

Income budgets for 2021/22 relate to the estimated level of rent and other miscellaneous charges due to the HRA. Forecast income has been projected based on the latest information relating to housing stock, taking account of new build completions.

Based on the 2020/21 rental income outturn, and factoring in stock changes during 2021/22, chargeable income is forecast to be £599,000 under budget. This is in part due to Covid-19 restrictions delaying additions to the housing stock via new build completions and open market acquisitions.

The change to the benefits system means that those tenants who are entitled to housing benefit now receive the housing cost element of their entitlement directly as part of their lump sum Universal Credit payment rather than this being paid directly to the council, which has resulted in uncertainty in relation to rent payments. It is possible to partly mitigate this through tenants applying for Managed Payments or Scottish Flexibilities, however the council has no control over these as ongoing financial arrangements and the tenant can cancel the arrangements at any time.

The change to the system has also meant that the council is no longer involved in benefit claim processing for tenants claiming Universal Credit, meaning that there is no knowledge of new claims until tenants begin to accumulate arrears. Staff had previously assisted with the claim process, and ensured that the housing cost elements of the claim were correct, verified and evidenced. This change has had the effect of delaying early advice and support for tenants struggling to manage their finances, with the service continuing to reshape processes to enable these interventions as early as possible where arrears occur. Both of these factors directly caused by the implementation of Universal Credit have impacted on rent collection rates and the level of current tenant arrears.

The value of current tenant arrears at 1 August was £3.730 million (6,191 cases), with the equivalent position in 2020/21 of £3.931 million. Arrears and their impact on the financial position of the HRA will continue to be closely monitored.

The committed income noted above at month 4 includes house rent, garage rent, insurance recoveries, factoring income and other general recoverable charges, and is an assessment of the total income due to 31 July 2021. The £19.995 million in rental income collected in cash to 1 August 2021 is £1.290 million higher than the £18.705 million of rental income collected in cash at the same stage in 2020/21, and equates to a cash collection rate of 96% at month 4.

E. CONCLUSION

A breakeven position is forecast on the basis of the information available.

Appendices/Attachments: None

Contact Person: stephen.ross@westlothian.gov.uk – Tel No: 01506 281311

Graeme Struthers
Depute Chief Executive
7 September 2021

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

EDUCATION QUALITY ASSURANCE COMMITTEE MEETING TIMETABLE

REPORT BY DEPUTE CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To seek Council Executive approval for the cancellation of the Education Quality Assurance Committee scheduled for 31 August 2021.

B. RECOMMENDATION

The Council Executive is asked to agree to the cancellation of the Education Quality Assurance Committee, scheduled for 31 August 2021, in light of the postponement of individual school scrutiny and inspections from Education Scotland during the Covid-19 pandemic in academic session 2020-21.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; Being honest, open and accountable; Developing employees; Making best use of our resources; Working in partnership
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Education (Scotland) Act 1980 Children and Young People (Scotland) Act 2014 Education (Additional Support for Learning) (Scotland) Act 2014 Coronavirus (COVID-19); Guidance on reducing risks from COVID-19 in schools (Various versions issued throughout 2020-21)
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	Education Scotland quality indicators are used to measure the performance of schools – How Good Is Our School?4 (HGIOS?4).
V Relevance to Single Outcome Agreement	Positive inspection reports are used as a key outcome measure in the Single Outcome Agreement. Positive is measured by satisfactory or better in the quality indicators used by Education Scotland.
VI Resources - (Financial, Staffing and Property)	None
VII Consideration at PDSP	None

VIII Other consultations

Chair, Education (Quality Assurance) Committee

D. TERMS OF REPORT

D1 Background

The Education (Quality Assurance) Committee carries out a scrutiny role in relation to internal and external schools' assessment and inspection reports. It provides a dedicated and specialised forum for scrutiny of performance and inspection outcomes for schools and educational establishments.

D2 Impact of Covid-19 on school inspections and Validated Self-Evaluation Programme

Since March 2020, following the first national lockdown and period of school closure, Education Scotland, which provide the national scrutiny body, postponed all individual school inspection activities.

The council's Quality Improvement Team has engaged in alternatives methods for ensuring ongoing improvements in West Lothian schools, which was reported to Education (Quality Assurance) Committee on 9 March 2021. Covid restrictions and risk mitigations has resulted in the West Lothian Validated Self-evaluation (VSE) programme being limited.

Education Scotland's national scrutiny inspection report outcomes and West Lothian VSE outcomes form the core business of the Education (Quality Assurance) Committee and these have been significantly affected by the pandemic. This led to the cancellation of Education (Quality Assurance) Committee on 8 June 2021 and there has been no change to the national position for scrutiny since this.

At this time, Education Scotland are continuing to engage with local authorities and national bodies to review and plan for the resumption of elements of scrutiny, however the date for individual school inspections remains unknown.

E. CONCLUSION

Education (Quality Assurance) Committee's scrutiny role, in relation to internal and external schools' assessment and inspection reports, has been impacted due to the postponement of Education Scotland inspections and therefore has no business to scrutinise at the committee meeting scheduled for 31 August 2021.

F. BACKGROUND REFERENCES

EQAC Report – Impact of Quality Improvement Team Supporting School Closure Period, Re-opening of Schools and Remote Learning

<https://coins.westlothian.gov.uk/coins/viewDoc.asp?c=e%97%9Di%8Ej%7E%8A>

Appendices/Attachments: None

Contact: elaine.cook@westlothian.gov.

Elaine Cook
Depute Chief Executive
17 August 2021

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

SCHOOL CLOTHING GRANT UPDATE

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

The purpose of the report is to inform the Council Executive of the Scottish Government's proposal to increase the national minimum award of School Clothing Grants to £120 for primary school pupils and £150 for secondary school pupils by August 2021 and to set out proposals for clothing grant rates for West Lothian for 2021/22.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes the intention of Scottish Government to increase the national minimum award for School Clothing Grants and notes the change to the funding arrangements.
2. Notes that West Lothian Council currently pays £125 for primary school pupils and £135 for secondary school pupils.
3. Notes that the funding and distribution in relation to the new national minimum grant was agreed at the COSLA Leaders Meeting on 25 June 2021; and
4. In light of the material change of circumstances outlined in this report since council agreed the current payments on 28 February 2021, agrees to increase the West Lothian School Clothing Grant to £150 for primary school pupils and £180 for secondary school pupils for 2021/22.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; making best use of our resources.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The Education (Scotland) Act 1980. The Child Poverty (Scotland) Act 2017. Clothing Grant Policy.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance	Actions taken to increase access to school clothing grants will impact positively on a

	Indicators	number of performance indicators
V	Relevance to Single Outcome Agreement	Our children have the best start in life and are ready to succeed. We have tackled significant inequalities in West Lothian society. We take a pride in a strong, fair and inclusive society.
VI	Resources - (Financial, Staffing and Property)	Increase in funding from the Scottish Government will fully offset the proposed increase in the school clothing grant with no additional cost to the council.
VII	Consideration at PDSP	None.
VIII	Other consultations	Education Services; Governance Manager.

D. TERMS OF REPORT

D1 Background

On 25 May 2018, COSLA and the Scottish Government announced a joint commitment to a £100 national minimum school clothing grant in Scotland, with 50% of the costs met by local authorities and 50% by Scottish Government. The commitment to a national minimum school clothing grant was effective from academic year 2018/19. This meant that each local authority provided a contribution to the costs of £50 per eligible pupil.

Currently, 22 local authorities provide the £100 school clothing grant. West Lothian Council has one of the highest school clothing grant allowances in Scotland with £125 for primary pupils and £135 for secondary pupils. The current spend on clothing grants for 2020/21 up to May 2021 is £1.041 million. To date, there have been 8,092 children in receipt of grants: comprising 5,094 primary pupils and 2,998 secondary pupils.

D2 Proposed Change

On 26 May 2021, the Scottish Government set out its priorities for government which included a commitment to increase the national minimum award of School Clothing Grants to £120 for primary school pupils and £150 for secondary school pupils by August 2021. It is also intended that funding for school clothing grants will rise with inflation each year in order that families are supported.

The Scottish Government has been in discussion with COSLA on the funding arrangements going forward for school clothing grants. COSLA's position is that for new policies of this nature the policy could place pressure on existing budgets and COSLA's view is that new commitments need to be fully funded by the Scottish Government given the current constraints on local government funding.

The Scottish Government is proposing to provide £70 for every eligible primary child and £100 for every eligible secondary child which will fully cover the additional cost of the introduction of the national minimum of £120 for primary children and £150 for secondary children. This means there will be no additional cost to local authorities and local authorities would continue to provide £50 per eligible pupil. It is proposed that the funding will be provided through a redetermination of the General Revenue Grant to local authorities in March 2022. The Scottish Government also proposes to increase the school clothing grant for primary and secondary pupils annually in line with inflation. To support delivery of this annual increase, the Scottish Government will

meet the additional costs associated with the increased levels for primary and secondary pupils.

COSLA Leaders, at their meeting on 25 June 2021, agreed the funding and distribution of the proposed move to the new minimum amount of School Clothing Grant of £120 for primary and £150 for secondary school pupils.

The West Lothian Anti-Poverty Strategy is focussed on how to maximise financial resources of households on low incomes. Feedback from focus groups with young people and our Experts by Experience panel, along with stakeholders, centred on costs around the school day and, in particular, school uniform. West Lothian Council already awards more than the minimum amount set by Scottish Government; primary school pupils receive £125 and secondary pupils £135. It is proposed to utilise all of the increase in Scottish Government funding, which had been set aside to pay for the school clothing grant contribution, to increase the amount West Lothian Council will award to £150 for primary school pupils and £180 for secondary school pupils.

The decision at this late stage to increase the national minimum School Clothing Grant to coincide with the start of the new academic year in August 2021 places a considerable administration burden on local authorities. Applications for the next academic year are normally opened in May of each year with the majority of parents completing their application by the beginning of the school summer holiday. Early application supports parents to make the most of retail offers on school clothing. This year, applications for School Clothing Grant will be opened at the beginning of July. Every effort will be made to process the school clothing grant as quickly as possible, however, there may be some households which will not receive their grant until the new term has started.

E. CONCLUSION

West Lothian Council has one of the highest rates of School Clothing Grant in Scotland. The recent changes in central funding mean that there has been a material change of circumstances since council set the current payments on 28 February 2021. The proposal in this report to increase the grant beyond the new national minimum will further support households on a low income at a time of economic uncertainty. The proposed increase will contribute to outcomes of the Community Planning Partnership's Anti-Poverty Strategy and will evidence action taken in response to the concerns raised by parents and carers about the cost of the school day and, in particular, the cost of school uniforms.

F. BACKGROUND REFERENCES

None.

Appendices/Attachments: None.

Contact Person: Elaine Nisbet, Anti-Poverty Manager, elaine.nisbet@westlothian.gov.uk
01506 282921

Donald Forrest
Head of Finance and Property Services
25 June 2021