

MINUTE of MEETING of the COUNCIL EXECUTIVE held within VIRTUAL MEETING ROOM, on 7 SEPTEMBER 2021.

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

Apologies – Councillors Frank Anderson, Janet Campbell and Tom Conn

1. DECLARATIONS OF INTEREST

Agenda Item 20 (West Lothian Cycle Circuit) - Councillor Chris Horne declared an interest in that he was a member of Linlithgow Development Trust who were involved in the project therefore he would not participate in the item of business

2. ORDER OF BUSINESS

The Council Executive agreed, in accordance with Standing Order 8(3), that agenda items 22, 24, 25, 26a and 26b were to be taken as read and their recommendations noted without further consideration.

3. MINUTE

The Council Executive approved the Minute of its meeting held on 17 August 2021.

4. WEST LOTHIAN LICENSING BOARD - GAMBLING POLICY CONSULTATION

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive proposing a response to the West Lothian Licensing Board's consultation on its gambling policy.

Council Executive was asked to consider the proposal and approve the response and to the West Lothian Licensing Board's consultation on its gambling policy.

Decision

To approve the terms of the report

5. HER MAJESTY'S THE QUEENS'S PLATINUM JUBILEE 2022 - REPORT BY CHIEF EXECUTIVE (HEREWITH)

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive to seek 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.

Council Executive was 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.

1. It was 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 was 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
 - c) No action is taken in respect of the further option to move to an alternative public holiday on Thursday 2 June 2022
 - d) To note that Education Executive is being asked to agree arrangements for schools at the earlier meeting held today

The Chief Executive advised Council Executive that Education Executive had agreed at its meeting on 7 September 2021 2(d) of the recommendation.

Decision

To approve the terms of the report

6. EMPLOYEE GENDER BASED VIOLENCE POLICY

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services presenting a draft Employee Gender Based Violence Policy.

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

Decision

To approve the terms of the report

7. ALL PARTY PARLIAMENTARY GROUP DEFINITION OF ISLAMOPHOBIA

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services asking Council Executive to consider adopting the United Kingdom (UK) All-Party Parliamentary Group (APPG) definition of Islamophobia.

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

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 is required by Standing Orders.

It was 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.

Decision

To approve the terms of the report

9. AFGHAN CITIZENS REFUGEE RESETTLEMENT SCHEME

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing an update on the UK Government's Afghan Citizen's Refugee Resettlement programme and related issues

It was 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.

Motion

Council Executive notes the tragic plight of those who have fled Afghanistan in fear for their lives, many of whom bravely supported the work of UK forces in full awareness of the risks to their own personal safety,

Council Executive welcomes the proposal for West Lothian to support all those settled here via the Afghan Citizens Resettlement Scheme and notes the success of the Syrian Refugee Settlement Scheme which provided safety and stability for those who fled war torn Syria.

Council Executive agrees the recommendations set out in the report and instructs council officers to:-

- Work with local third sector partners, faith groups and other community partners to co-ordinate a response to support the afghan refugees to come to West Lothian, including but not limited to collecting donations of clothes and household items.
- Facilitate offers of support from local organisations.

Decision

1. To approve the terms of the report; and
2. To unanimously approve the terms of the motion

10. SOCIAL POLICY MEDICATION POLICY REVIEW

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy providing an update on the proposed changes to the Medication Management Policy, which requires to be reviewed on a three-yearly basis.

It was recommended that the Council: -

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

Decision

To approve the terms of the report

11. 2021/22 GENERAL SERVICES CAPITAL BUDGET - MONTH 4 MONITORING

The Council Executive considered a report (copies of which had been circulated) by the head of Finance and Property Services providing a report on the financial position in relation to the General Services capital programme following the completion of the month 4 monitoring exercise.

It was 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.

Decision

To approve the terms of the report

12. 2021/22 GENERAL FUND REVENUE BUDGET - MONTH 4 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated by the Head of Finance and Property Services providing 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.

It was 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

Decision

To approve the terms of the report

13. REVIEW OF FINANCIAL REGULATIONS

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval of updated financial regulations.

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

Decision

To approve the terms of the report

14. ASBESTOS, FIRE SAFETY AND LEGIONELLA POLICIES AND MANAGEMENT PLANS

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing 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.

It was recommended that Council Executive approves the revised statutory compliance Policies and Management Plans.

Decision

To approve the terms of the report

15. PROPOSED ACQUISITION OF PREMISES AT 12 ALMONDVALE SOUTH, LIVINGSTON

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking

approval for the acquisition of commercial premises at 12 Almondvale South, Livingston

It was 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.

Decision

To approve the terms of the report

16. PROPOSED LEASE - UNIT 101, THE CENTRE, LIVINGSTON (COMMUNITY LEARNING AND DEVELOPMENT YOUTH SERVICES)

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for the lease-in of Unit 101, The Centre, Livingston to provide Community Learning and Development (CLD) youth facility.

It was 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.

Decision

1. To approve the terms of the report; and
2. To instruct the Chief Executive to write a letter of thanks to the management of The Centre, Livingston to thank them for the initiative.

17. PROPOSED COMMERCIAL PROPERTY PORTFOLIO STRATEGY AND MANAGEMENT PLAN 2021/22 TO 2027/28 - REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval of the proposed Commercial Property Portfolio Strategy and Management Plan 2021/22 to 2027/28.

It was recommended that Council Executive: -

1. Approves the content of the report; and
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.

Decision

To approve the terms of the report

18. PROPOSED 40MPH SPEED LIMIT - A801 BOGHEAD ROUNDABOUT, BATHGATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval to initiate the statutory procedures to install a 40mph speed limit on the A801 Boghead Roundabout.

It was recommended that Council Executive approves the initiation of the statutory procedures to install a 40mph speed limit on the A801 Boghead Roundabout

Decision

To approve the terms of the report

19. WEST LOTHIAN CYCLE CIRCUIT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing an update on developments with the proposed West Lothian Cycle Circuit at Kettilstoun Mains, Linlithgow. If approved, it 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.

Council Executive was asked: -

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.

Decision

To approve the terms of the report

20. PLATINUM JUBILEE CIVIC HONOURS COMPETITION - LIVINGSTON CITY STATUS

The Council Executive considered a report (copies of which had been circulate) by the Head of Planning, Economic Development and Regeneration seeking approval for entering the Platinum Jubilee Civic Honours Competition in seeking city status for Livingston.

It was 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.

Decision

To approve the terms of the report

21. COVID-19 - FREE MEAL PROVISION CONTINGENCY ARRANGEMENTS

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive seeking 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.

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.

Decision

To approve the terms of the report

22. PLANNING GUIDANCE AND SUPPLEMENTARY GUIDANCE UPDATE ON THE PROCESSING OF VARIOUS GUIDANCE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the outcome of 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.

It was recommended that 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.

Decision

To note the content of the report

23. 2021/22 HOUSING CAPITAL REPORT - MONTH 4 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing a report on the financial position in relation to the Housing Capital Programme following the completion of the month 4 monitoring exercise.

It was recommended that Council Executive note the outcome of the month 4 Housing capital monitoring exercise and the projected outturn for 2021/22.

Decision

To note the content of the report

24. 2021/22 HOUSING REVENUE ACCOUNT - MONTH 4 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing a report on financial performance following the month 4 monitoring exercise.

It was recommended that Council Executive notes the outcome of the month 4 monitoring exercise and the projected outturn.

Decision

To note the content of the report

25. ACTION TAKEN IN TERMS OF STANDING ORDER 31 (URGENT BUSINESS)

1. To note approval provided for the cancellation of the Education (Quality Assurance) Committee on 31 August 2021 as recommended by the Depute Chief Executive in her report dated 17 August 2021; and
2. To note approval provided for proposals relating to school clothing grants in West Lothian as recommended by the Head of Finance and Property Services in his report dated 25 June 2021

Decision

To note the action taken in terms of Standing Order 31 (Urgent Business)