

MINUTE of MEETING of the COUNCIL EXECUTIVE held within MS TEAMS VIRTUAL MEETING ROOM, on 8 FEBRUARY 2022.

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

Apologies – Councillors Janet Campbell, David Dodds and Peter Heggie

1 DECLARATIONS OF INTEREST

Agenda Item 8 – APSE Scottish Building and Housing Seminar 2022

Councillor George Paul stated that he was a council-appointed member of APSE. As there was no requirement for appointments to outside bodies to be declared, he would participate in the item of business.

2 ORDER OF BUSINESS

1. Council Executive agreed, in accordance with Standing Order 8(3), that agenda item 17 (*Scottish Public Services Ombudsman: Annual Report 2020-21*) was to be taken as read and its recommendations noted without any further consideration.
2. The Chair ruled in terms of Standing Order 11 that agenda item 10 (*Request for a 30MPH Speed Limit on the B8046 Westfield Road, the B792 Slackend and Cathlaw Lane in Torphichen*) would be considered immediately after agenda item 4 (*Confirm Draft Minutes of Meeting of Council Executive held on Tuesday 18 January 2022*).

3 MINUTES

The Council Executive approved the Minute of its meeting held on 18 January 2022.

4 REQUEST FOR A 30MPH SPEED LIMIT ON THE B8046 WESTFIELD ROAD, THE B792 SLACKEND AND CATHLAW LANE IN TORPHICHEN

The Chair advised that Councillor Stuart Borrowman was in attendance and wished to take part in this item.

The Governance Manager advised that Councillor Borrowman could attend the meeting for this item as a local ward councillor with an interest in the item under the terms of Standing Order 38.

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services informing members of the

outcome of the recent investigation work carried out in relation to a deputation which had been remitted to the Environment PDSP from the West Lothian Council meeting on 26 January 2021. The deputation had sought for the existing 40mph speed limits on the B8047 Westfield Road, the B792 Slackend and Cathlaw Lane to be reduced to 30mph.

It was recommended that the Council Executive approve that there was no justification for the reduction of the existing 40mph speed limits on the B8047 Westfield Road, the B792 Slackend and Cathlaw Lane in Torphichen at this time. These routes would continue to be monitored through the council's annual Accident Investigation and Prevention programme.

Motion

“Council Executive notes the advice by officers but remains concerned that the risks to the safety of the community are serious enough that they nevertheless require to be considered in more detail and with fuller knowledge of the legal and financial issues involved.

Council Executive instructs officers to bring a report to the next meeting of Council Executive setting out the statutory procedures and rules in relation to changing speed limits at these locations, on both an immediate temporary basis and a permanent basis, the likely costs and timescales involved in both cases, whether there is a budget available to fund any such works and the impact on the existing accident reduction programme previously agreed by committee.”

- Moved by Councillor Andrew McGuire and seconded by Councillor Tom Conn.

Amendment

“At Full Council on 29th September 2020 it was agreed that the Council will monitor the impact of temporary speed restrictions by method of accident statistics, traffic convictions and complaints and not just on accident data, and for this method to be used in future instead of the ‘no serious accidents being recorded’.

It has recently come to light that the method of just using accident data to introduce speed reduction measures is failing with this strategy being one of the few Council strategies that is in the ‘red’, the latest figures having a target of 43 serious accidents but a figure of 69 recorded.

This is failing the people of West Lothian.

Therefore, Council Executive agrees:

To review the request for a 30mph speed limit on the B8046, and by using all data, accidents, police interventions and complaints by the public bring back to Full Council this information for Council to make a decision.”

- Moved by Councillor Damian Doran-Timson and seconded by Councillor Charles Kennedy.

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

Motion

Harry Cartmill

Tom Conn

Lawrence Fitzpatrick

Andrew McGuire

Cathy Muldoon

George Paul

Kirsteen Sullivan

Amendment

Alison Adamson

Frank Anderson

Damian Doran-Timson

Chris Horne

Carl John

Charles Kennedy

Decision

Following a vote, the motion was successful by 7 votes to 6 and it was agreed accordingly.

5 LOCAL GOVERNMENT ELECTION UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive seeking agreement for a change of polling place for polling district LVL2G and for a back-up polling place for polling district LVA4G for the local government elections to be held in May 2022.

It was recommended that the Council Executive agree to change to the polling scheme to be used for the local government elections in May 2022 and use Uphall Community Centre for LVL2G, and to use Williamston Primary School for LVA4G if Murieston Scout Hall was not available.

Decision

To approve the terms of the report.

6 ELECTED MEMBERS EQUALITY AND DIVERSITY WORKING GROUP

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking agreement for arrangements for the short-term working group on breaking down barriers to inclusion and participation for elected members.

It was recommended that the Council Executive:

1. Note council's decision of 25 January 2022 in relation to the development of a short-term working group (Appendix 1 of the

- report), subject to it being confirmed as part of the approved minute at the next meeting of council;
2. Note the provisions of Standing Order 52 in relation to working groups involving members (Appendix 2 of the report);
 3. Agree that the working group be called the Elected Members Equality and Diversity Working Group;
 4. Agree the remit for the Working Group (Appendix 3 of the report);
 5. Appoint appropriate elected members to the Working Group;
 6. Appoint the Chair and Vice-Chair of the Working Group from the elected members appointed;
 7. Invite one representative from Disability Access West Lothian, Enable and Faith and Race Forum, or like organisations, to be members of the Working Group;
 8. Agree that the Head of Corporate Services would be the Lead Officer for the Working Group;
 9. Agree that the Working Group should meet as soon as reasonably practicable and thereafter as required by its work, with the aim of reporting to the meeting of full council on 22 June 2022; and
 10. Agree that the Working Group should cooperate with and coordinate its work with the Partnership & Resources PDSP and should avoid, where possible, any duplication of work and resources.

Motion

“To agree recommendations 1, 2, 3, 4, 8, 9 and 10.

In relation to recommendation 5, to appoint two members from each of the three political groups, with names to be advised today or to the Clerk afterwards, noting that substitutes are allowed.

In relation to recommendation 6, to be determined at the next Council Executive following discussion between the appointed members.

In relation to recommendation 7, to invite one representative from Disability Access West Lothian, Enable and Faith and Race Forum, or like organisations, to be members of the Working Group, and, to ensure that input is available in relation to all the protected characteristics, to invite representatives of other organisations to take part as are identified by the Lead Officer in consultation with the Chair and Vice-Chair of the Working Group.”

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan.

Decision

To unanimously approve the terms of the motion.

7 EDUCATION QUALITY ASSURANCE COMMITTEE TIMETABLE

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive seeking approval for the cancellation of the Education Quality Assurance Committee scheduled for 8 March and 26 April 2022.

It was recommended that the Council Executive agree to the cancellation of the Education Quality Assurance Committee, scheduled for 8 March and 26 April 2022, in light of the postponement of individual school scrutiny and inspections by Her Majesty's Inspectors of Education (HMIE) as a result of the ongoing COVID-19 pandemic.

Decision

To approve the terms of the report.

8 APSE SCOTTISH BUILDING AND HOUSING SEMINAR 2022

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services seeking approval for the appropriate elected members attendance at the APSE Scottish Building and Housing Seminar 2022, incorporating the Apprentice of the Year Awards. The event would be held in Glasgow on 17 and 18 February 2022.

It was recommended that the Council Executive:

1. Note that three council Building Services apprentices had been shortlisted for the APSE Apprentice of the Year Awards; and
2. Approve the attendance of appropriate elected members at the APSE Scottish Building and Housing Seminar 2022 with appropriate officer support from Housing, Customer & Building Services.

Decision

1. To approve the terms of the report.
2. To agree that the current council-appointed APSE members – Councillors Frank Anderson, Tom Conn and George Paul – would attend the APSE Scottish Building and Housing Seminar 2022.

9 REGIONAL TRANSPORT STRATEGY 2035 CONSULTATION RESPONSE

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

circulated) by the Head of Operational Services providing an update on the completion of SEStran's draft Regional Transport Strategy 2035 and providing a draft consultation response to the associated consultation (Appendix 1 of the report).

The report also provided a short update on the national Strategic Transport Projects Review 2 (STPR2) process, which contained priorities for regional mobility that would shape the content of the Regional Transport Strategy (RTS) and outlined the next steps in the process. In addition, the relationship of the emerging RTS to the ongoing development of the STPR2 was considered.

It was recommended that the Council Executive note the draft Regional Transport Strategy 2035 and approve the suggested draft consultation response (Appendix 1 of the report) for submission to SEStran.

Decision

To approve the terms of the report, subject to making the following amendments to the consultation response:

- Propose a commuter cycle network between West Lothian and Edinburgh.
- Question 30 – Include bridge at Kirknewton Station, with possibility of a lift installed.
- Question 39 – Change the response to 'very high'.

10 REQUEST FOR SPEED REDUCTION MEASURES IN MAIN STREET, MID CALDER

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services informing members of a deputation which had been remitted to the Environment PDSP from the West Lothian Council meeting on 23 November 2021. The deputation was seeking for the introduction of traffic calming measures on Main Street, Mid Calder.

It was recommended that the Council Executive approve that Main Street in Mid Calder continue to be monitored through the annual AIP programme and any accident trends or changes be analysed accordingly through this programme.

Motion

To approve the terms of the report.

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan.

Amendment

“At Full Council on 29th September 2020 it was agreed that the Council

will monitor the impact of temporary speed restrictions by method of accident statistics, traffic convictions and complaints and not just on accident data, and for this method to be used in future instead of the 'no serious accidents being recorded'.

It has recently come to light that the method of just using accident data to introduce speed reduction measures is failing with this strategy being one of the few Council strategies that is in the 'red', the latest figures having a target of 43 serious accidents but a figure of 69 recorded.

This is failing the people of West Lothian.

Therefore, Council Executive agrees:

To review the request for speed reduction measures in Main Street, Mid Calder, and by using all data, accidents, police interventions and complaints by the public bring back to Full Council this information for Council along with the options of speed reduction measures and the associated costs."

- Moved by Councillor Damian Doran-Timson and seconded by Councillor Carl John.

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

Motion

Harry Cartmill

Tom Conn

Lawrence Fitzpatrick

Andrew McGuire

Cathy Muldoon

George Paul

Kirsteen Sullivan

Decision

Following a vote, the motion was successful by 7 votes to 6 and it was agreed accordingly.

Amendment

Alison Adamson

Frank Anderson

Damian Doran-Timson

Chris Horne

Carl John

Charles Kennedy

11 CONSULTATION RESPONSE TO SCOTLAND'S PAVEMENT PARKING PROHIBITIONS

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services informing members of the consultation that was being carried out by the Scottish Government in relation to Scotland's Pavement Parking Prohibitions. The report

suggested a Council response to the consultation questions.

It was recommended that the Council Executive note the content of the Scotland's Pavement Parking Prohibitions consultation document and approve the proposed response detailed in Appendix 1 of the report.

Decision

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

12 PLACE BASED INVESTMENT PROGRAMME PROPOSAL AND UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval for a proposed Place Based Investment Programme application process for the forthcoming year, 2022–23 estimated at £1,000,000, and providing an update on the allocation of £1,302,000 from the programme for the year 2021–22.

It was recommended that the Council Executive:

1. Agree to the process proposed for 2022/23 for applications, engagement, assessment, decision-making, monitoring and reporting, as set out in the report;
2. Agree to the 2022–23 funding to be split 50:50 between Community Wealth Building and Town Centre Capital investment;
3. Delegate authority to the Head of Planning, Economic Development and Regeneration to implement the process;
4. Agree that a recommendation on the award of Community Wealth Building funding would be made to a subsequent meeting of Council Executive;
5. Agree that recommendations to approve the Town Centre Capital applications would be made to Local Area Committees (LAC) for their final decision or to the Council Executive should the LAC be unable to agree on part or all of the ward allocation;
6. Note that allocation was under way for the five successful projects for 2021–22; and that regular contact was ongoing; and
7. Note that regular contact would be made with awardees for 2022–23 to monitor project progress.

Motion

To approve the terms of the report.

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan.

Amendment

To replace 'Council Executive' with 'Full Council' under recommendation 4.

- Moved by Councillor Damian Doran-Timson and seconded by Councillor Charles Kennedy.

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

| <u>Motion</u> | <u>Amendment</u> |
|----------------------|---------------------|
| Harry Cartmill | Alison Adamson |
| Tom Conn | Frank Anderson |
| Lawrence Fitzpatrick | Damian Doran-Timson |
| Andrew McGuire | Chris Horne |
| Cathy Muldoon | Carl John |
| George Paul | Charles Kennedy |
| Kirsteen Sullivan | |

Decision

Following a vote, the motion was successful by 7 votes to 6 and it was agreed accordingly

13 HOUSING NEEDS AND DEMAND ASSESSMENT 3

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 full report of the Housing Needs and Demand Assessment 3 (HNDA3) and seeking approval to submit the HNDA3 report to the Scottish Government's Centre for Housing Market Analysis (CHMA) for assessment with a view of achieving a 'robust and credible' status.

It was recommended that the Council Executive:

1. Note the progress of the third South East Scotland HNDA, designed to inform Local Housing Strategies and Local Development Plans in the City of Edinburgh, East Lothian, Fife, Midlothian, Scottish Borders and West Lothian; and
2. Agree to the submission of HNDA3 to the Scottish Government's CHMA for formal assessment.

Decision

To approve the terms of the report.

14 REMEMBERING TOGETHER

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing an update on developments with the Remembering Together programme to commission artists to work collaboratively with a range of partners, communities, groups and those most affected by COVID in all 32 local authority areas to create appropriate memorial projects.

It was recommended that the Council Executive:

1. Note the update on, and scope of, the national Remembering Together programme and the funding available for project development and delivery in West Lothian;
2. Agree with the proposed approach and scope for the West Lothian project, and the associated principles, outlined in Section D.3 of the report; and
3. Agree that officers report back to the Council Executive with a project update prior to the project progressing the commissioning of project Phase 2.

Decision

To approve the terms of the report.

15 SCOTTISH GOVERNMENT CONSULTATION ON BAIL AND RELEASE FROM CUSTODY ARRANGEMENTS IN SCOTLAND

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy informing members of the Scottish Government's consultation on Bail and Release from Custody Arrangements in Scotland and seeking agreement that the proposed response be submitted to the Scottish Government on behalf of the council.

It was recommended that the Council Executive consider the draft response to the consultation and agree its submission to the Scottish Government.

Decision

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

16 SCOTTISH PUBLIC SERVICES OMBUDSMAN: ANNUAL REPORT 2020

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive providing an update on the Scottish Public Services Ombudsman's annual report 2020–2021.

It was recommended that the Council Executive:

1. Note the Scottish Public Services Ombudsman's (SPSO) annual report 2020-2021;
2. Note West Lothian Council's performance in relation to the number of complaints received by the SPSO and the outcome; and
3. Note the learning from SPSO complaints which was appended to the report for information.

Decision

To note the terms of the report.