

MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 6 SEPTEMBER 2022.

Present – Councillors Lawrence Fitzpatrick (Chair), Kirsteen Sullivan, Alison Adamson (substituting for Councillor Damien Doran-Timson), Tom Conn, Robert De Bold, Carl John, Danny Logue, Andrew McGuire, Craig Meek (substituting for Councillor Anne McMillan), Pauline Orr (substituting for Councillor Janet Campbell), Sally Pattle and George Paul

Apologies – Councillor Janet Campbell, Damian Doran-Timson and Anne McMillan

Absent – Councillor Angela Doran-Timson

1. DECLARATIONS OF INTEREST

Item 6 - Proposed Sale of 3.89 Acres at Dunlop Court, Deans Industrial Estate, Livingston to Mr Stewart

Councillor Andrew McGuire declared an interest in that he had engaged in discussions with an interested party. He would not participate in the item of business.

2. MINUTES

The Council Executive confirmed the Minute of its meeting held on 16 August 2022 as a correct record. The Minute was thereafter signed by the Chair.

3. LAND AT GLENDEVON PARK, WINCHBURGH - PROPOSED SALE TO ALMOND HOUSING ASSOCIATION

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 land at Glendevon Park, Winchburgh to Almond Housing Association for the development of houses for social rent for the sum of £1.00.

It was recommended that the Council Executive:

1. approve the sale of land at Glendevon Park, Winchburgh to Almond Housing Association for the sum of £1.00 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 of the land, on the basis that any revised terms and conditions still represent the achievement of best value for the council.

### Decision

To approve the terms of the report.

#### 4. PROPOSED SALE OF 3.89 ACRES AT DUNLOP COURT, DEANS INDUSTRIAL ESTATE, LIVINGSTON TO MR STEWART

Councillor Andrew McGuire having declared an interest took no part in the following item of business.

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 land extending to 3.89 acres situated at Dunlop Court, Deans Industrial Estate, Livingston to Mr Cameron Stewart for the sum of £400,000.

The report was presented and committee members were provided the opportunity to ask questions. In response to an enquiry regarding the absence from the report of information concerning a bid received from another party, the Governance Manager explained the reasons why details of all bids received were not included within reports of this nature, including disclosure of personal data, disclosure of commercial and financial information about third parties, and prejudice to the council's commercial interests in sales of land and buildings.

It was recommended that the Council Executive:

1. approve the sale of the land extending to 3.89 acres at Dunlop Court, Deans Industrial Estate, Livingston to Mr Cameron Stewart for the sum of £400,000 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 terms of sale on the basis that any revised terms and conditions still represent the achievement of best value for the council.

### Motion

To approve the terms of the report.

- Moved by the Chair and seconded by Councillor Kirsteen Sullivan

### Amendment

Council Executive requests Council officers reassess the recommendation after undertaking a review of the total economic value and community benefit of the two bids and associated land uses to West Lothian and, if the same recommendation is made, then to determine whether suitable land can be found within the Council's property portfolio in order to retain the valued presence of the Monarchs within West Lothian.

- Moved by Councillor Robert de Bold and seconded by Councillor Carl John

The Governance Manager then advised that due to statutory reasons for excluding the public, namely the potential disclosure of exempt information in relation to the proposed terms of sale and of financial and commercial information relating to third parties, the committee should proceed in private and exclude members of the public from the meeting.

The committee resolved under Section 50(A)(4) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting during the remainder of its consideration of this item of business as it involved the likely disclosure of exempt information as defined in Paragraphs 6 and 9 of Schedule 7A of the Act.

The Head of Finance and Property Services provided some further information to aid the discussion and committee debated the motion and amendment.

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

<u>Motion</u>	<u>Amendment</u>
Tom Conn	Alison Adamson
Lawrence Fitzpatrick	Robert de Bold
Danny Logue	Carl John
Craig Meek	Pauline Orr
George Paul	Sally Pattle
Kirsteen Sullivan	

#### Decision

Following a vote, the motion was successful by 6 votes to 5, with 1 member absent and 1 member not participating and it was agreed accordingly.

At the invitation of the Chair, the Governance Manager reminded members that they must keep confidential any exempt information and discussions about it that had arisen during the private session.

## 5. FOOD INSECURITY FUNDING UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services updating on the work of the West Lothian Food Network (WLFN) to support households facing food insecurity and to consider an application from the West Lothian Food Network for £298,679 to support the network over the period from October 2022 to March 2023.

Following discussion, it was suggested that it would be useful for the service provision data detailed to also be provided in both geographic and demographic terms.

It was recommended that the Council Executive:

1. agree the application for £298,679 for the period October 2022 to March 2023 to support West Lothian Food Network to continue to help households experiencing food insecurity;
2. note the increasing numbers accessing the service; and
3. note the development work that had been undertaken to increase provision of fresh vegetables through community and household growing projects.

#### Decision

1. To approve the terms of the report; and
2. To note the request that geographic and demographic data regarding service provision was subsequently provided.

#### 6. PROPOSED POLICIES AND PRACTICES EMPLOYED IN THE MANAGEMENT OF THE COUNCIL'S NON-OPERATIONAL PROPERTY ASSETS (TNRP/ CPP)

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for proposed amendments to the policies and practices employed by the Head of Finance and Property Services in the management of the council's non-operational property assets (otherwise known as the Tenanted Non-Residential Portfolio (TNRP) and Commercial Property Portfolio (CPP)).

It was recommended that the Council Executive approve:

1. the amendments and updated approach to the policies and practices, as contained within the report; and
2. the content of the proposed policies and practices employed in the management of the council's non-operational property assets contained within Appendix 1 of the report.

#### Decision

To approve the terms of the report.

#### 7. INTRODUCTION OF TRAFFIC CALMING AND PROPOSED 30MPH SPEED LIMIT EXTENSION AT THE B708 SIBBALDS BRAE, BATHGATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to initiate the statutory procedures to extend the existing 30mph speed limit and install new traffic calming measures on the B708 Sibbalds Brae in

Bathgate.

Whilst noting that the cost of promoting and implementing the speed limits and traffic calming would be funded by the developer, it was queried whether terms could be added to include the repair of any damage caused by the use of heavy vehicles during development. Committee were advised that the road conditions would be surveyed prior to construction with it requested that the carriageway be returned to existing conditions and specifications following development completion.

It was recommended that Council Executive approve the initiation of the statutory procedures to introduce an extension to the existing 30mph speed limit and also introduce new traffic calming on the B708 Sibbalds Brae in Bathgate.

#### Decision

1. To approve the terms of the report; and
2. To note that prior to construction of the development site a survey of the road condition would be undertaken to ensure the carriageway was returned to the existing condition and specification.

#### 8. PARTICIPATION REQUEST ANNUAL REPORT 2021/22

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration presenting the draft West Lothian Council Participation Request Annual Report for 2021/22.

It was recommended that the Council Executive:

1. note that one Participation Request was submitted during 2021/22 but this was deemed to be ineligible as it was not from a Community Participation Body;
2. approve the Participation Request Annual Report for 2021/22; and
3. agree that the annual report was submitted to the Scottish Government and published on the council's website.

#### Decision

To approve the terms of the report.

#### 9. SCOTTISH GOVERNMENT CONSULTATION - NATIONAL CARE SERVICE (SCOTLAND) BILL

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive updating on the Scottish

Government's consultation on the National Care Service (Scotland) Bill, and seeking approval on the draft consultation response included in Appendix 1.

It was recommended that the Council Executive:

4. note that the Scottish Government were consulting on the National Care Service (Scotland) Bill which made provision for the development of a National Care Service for Scotland which was anticipated to be operational by March 2026;
5. note that the proposals outlined within the consultation document would have significant implications for West Lothian Council and local decision making;
6. note that there were many areas over which the consultation documentation provided little clarity, in particular on Finance, Human Resources implications, the role of council Elected Members and the role of the Chief Social Work Officer; and
7. approve the draft response which was considered at the Social Work and Health PDSP on 18 August 2022 and agree the response to the Scottish Government.

#### Decision

To approve the terms of the report.

#### 10. NATIONAL MENTAL HEALTH AND WELLBEING STRATEGY CONSULTATION RESPONSE

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy providing the draft response to the National Mental Health and Wellbeing Strategy consultation and seeking approval on the content of the response before submission in line with the Scottish Government deadline of 9 September 2022.

It was recommended that the Council Executive:

1. note the contents of the report; and
2. approve the draft response which was submitted to Social Work and Health PDSP on 18 August 2022 for submission to the Scottish Government.

#### Decision

To approve the terms of the report.

#### 11. CONTRIBUTIONS POLICY FOR ADULT NON-RESIDENTIAL SOCIAL CARE

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy informing of the changes made to the contributions policy for adult non-residential social care, which required to be reviewed on an annual basis.

It was recommended that the Council Executive:

1. note the content of the report which outlined the changes to the Contributions Policy for Adult Non-Residential Social Care based on the annual review cycle; and
2. approve the recommended changes to the policy.

#### Decision

To approve the terms of the report.

#### 12. ANNUAL PROCUREMENT REPORT - 1 APRIL 2021 TO 31 MARCH 2022

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services presenting the Annual Procurement Report for the period 1 April 2021 to 31 March 2022 attached at Appendix 1.

It was recommended that Council Executive note the terms of the report.

#### Decision

To note the terms of the report.

#### 13. PRIVATE SESSION

The Council Executive resolved under Section 50(A)(4) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting during consideration of the following items of business as it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A of the Act.

#### 14. CORONAVIRUS (SCOTLAND) (NO.2) ACT 2020 - POWERS TO INTERVENE IN CARE PROVISIONS AS AMENDED BY CORONAVIRUS (EXTENSION & EXPIRY) (SCOTLAND) ACT 2021

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy/Chief Social Work Officer updating on the work of the Care Homes Clinical and Care Professional Oversight Group and the implementation of powers to intervene in care provisions, as set out by the Coronavirus (Extension and Expiry) (Scotland) Act 2021.

It was recommended that the Council Executive:

1. note the work of the Care Home Clinical and Care Professional Oversight Group for West Lothian;
2. note that officers continued to work in partnership with all care providers providing support and seeking assurance regarding care quality;
3. note that it had not been necessary for powers associated with the Coronavirus (Extension and Expiry) (Scotland) Act 2021 in West Lothian; and
4. agree six monthly reporting to Council Executive on the work of the Care Homes Clinical and Care Professional Oversight Group.

Decision

To approve the terms of the report.