

MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 17 JANUARY 2023.

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

Apologies – Councillor Janet Campbell

1. DECLARATIONS OF INTEREST

Agenda item 5 - Procurement Approval Report

Councillor Tom Conn declared an interest as a member of Linlithgow Day Care Centre Committee and as such would not participate in the item of business.

Agenda item 11 - Deans South, Livingston - Regeneration and Compulsory Purchase Update

Councillor Andrew McGuire declared an interest in that his housing association employer had been involved in discussions regarding the site. Should the report be subject to consideration he would withdraw from the item of business.

2. ORDER OF BUSINESS

Council Executive agreed, in accordance with Standing Order 8(3), that agenda items 10-12 were to be taken as read and their recommendations noted without further consideration.

3. MINUTES

The Council Executive confirmed the minute of its meeting held on 20 December 2022 as a correct record. The minute was thereafter signed by the Chair

4. PROCUREMENT APPROVAL REPORT

Having previously declared an interest Councillor Tom Conn left the meeting taking no part in this item of business.

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 an exemption from Contract Standing Orders for a direct award for the period of 2 years

with the option to extend for a further 12 month period for older people's day care at:

- a) Acredale House Day Care Centre provided by Acredale House. A direct award would be effective as of 1 April 2023 until 31 March 2025 with an option to extend for a further 12 month period with an estimated total value of £317,448;
- b) Answer House Day Care Centre provided by Answer Project limited. A direct award would be effective as of 1 April 2023 until 31 March 2025 with an option to extend for a further 12 months with an estimated total value of £227,964;
- c) Linlithgow and District Day Care Centre provided by Linlithgow and District Community Day Care Centre. A direct award would be effective as of 1 April 2023 until 31 March 2025 with an option to extend for a further 12 months with an estimated total value of £219,339; and
- d) Rosebery Day Care Centre provided by the Rosebery Centre. A direct award would be effective as of 1 April 2023 until 31 March 2025 with an option to extend for a further 12 months with an estimated total value of £148,977.

#### Motion

To approve the terms of the report.

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

#### First Amendment

To not agree the terms of the report. To update the report for consideration at the next meeting of the Council Executive and include information relating to the service purchased from each of the providers detailed.

Moved by Councillor Robert De Bold and seconded by Councillor Carl John.

#### Second Amendment

To approve the terms of the report subject to adding that should more funding become available via the Integration Joint Board (IJB), after the initial two year contract period, more funding can be put into the services at the extension period.

Moved by Councillor Damian Doran-Timson and seconded by Councillor Angela Doran-Timson.

A roll call vote was taken on the motion and the first amendment moved. The result was as follows :-

Motion

First Amendment

Abstain

Lawrence Fitzpatrick  
 Danny Logue  
 Andrew McGuire  
 Anne McMillan  
 Sally Pattle  
 George Paul  
 Kirsteen Sullivan

Robert De Bold  
 Carl John

Angela Doran-Timson  
 Damian Doran-Timson

The motion was successful by 7 votes to 2 with 2 abstentions and 1 member absent.

A second roll call vote was taken on the motion (the surviving position) against the second amendment. The result was as follows :-

Motion

Lawrence Fitzpatrick  
 Danny Logue  
 Andrew McGuire  
 Anne McMillan  
 George Paul  
 Kirsteen Sullivan

Second Amendment

Robert De Bold  
 Angela Doran-Timson  
 Damian Doran-Timson  
 Carl John  
 Pauline Orr  
 Sally Pattle

Decision

Following a vote, for which the motion and second amendment received 6 votes each, the Chair used his casting vote in favour of the motion and it was agreed accordingly.

5. SCOTTISH BUDGET, LOCAL GOVERNMENT FINANCE SETTLEMENT AND REVENUE BUDGET UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update in relation to the Scottish Budget presented to the Scottish Parliament on 15 December 2022, and the local government finance settlement for 2023/24, as published in Finance Circular 11/2022 dated 21 December 2022 and revised on 10 January 2023, and an update on the council's latest revenue budget position.

It was recommended that the Council Executive:

1. note the issue of the Scottish Draft Budget 2023/24, which included Scottish Government departmental spending plans for 2023/24;
2. note the provisional outcome of the local government finance settlement in respect of revenue and capital funding for 2023/24;
3. note the provisional position in relation to anticipated revenue grant funding for West Lothian contained in the settlement, including assumed amounts for recurring funding yet to be distributed, was £409.960 million;

4. note the net reduction in core revenue funding to the council since 2014/15 and the significant savings that had been required since 2007/08;
5. note the current estimated budget gap before savings for 2023/24 to 2027/28 of £47.6 million taking account of revised council tax assumptions and latest local government finance settlement;
6. agree that the Head of Finance and Property Services updated the 2023/24 revenue budget report taking account of the outcome of the finance settlement and latest circumstances and updated the capital programme taking account of latest funding position and circumstances;
7. agree that the uncommitted General Fund balance of £2 million was retained until the council's budget setting meeting in February 2023; and
8. agree that the Head of Finance and Property Services would keep the position regarding all aspects of the budget model under review, including Scottish Government funding and report to elected members on any developments or as part of the revenue budget report.

### Motion

To approve the terms of the report.

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

### Amendment

Council Executive regrets the continued imposition of Westminster Austerity and the subsequent budgetary pressures for the Scottish Government and Scottish local authorities.

However, despite this, Council Executive welcomes that the Scottish Government Budget has protected and significantly increased Health and Social Care funding and Social Justice, Housing, and Local Government funding.

Council Executive further welcomes that the local government settlement represents a total cash increase of £570 million or 4.5%, which is equivalent to a real term rise of 1.3% to support vital council services and follows the most challenging Scottish Budget settlement since devolution.

Council Executive therefore resolves to agree the recommendations in the paper subject to including these additional recommendations (and renumbering the recommendations accordingly): -

After 1: Notes the £1.117 billion or 6.2% increase in Health and Social Care funding and the £1.453 billion or 8.6% increase in funding to Social Justice, Housing, and Local Government funding.

After 4: Notes that the Gross Movement in total Revenue Grant Funding for West Lothian Council, which includes core funding and ring-fenced funding, since 2014/15 is an additional £78.439 million per year.

Further after 4: Notes that the 2023/24 Recurring Grant Funding for West Lothian Council from the Scottish Government has increased by £18.691 million or 4.8% which comprises £3.489 million additional in core funding and £15.202 million additional in ring-fenced funding, which itself includes £9.811 million for the 2022/23 Pay Award, £2.902 million for Health and Social Care, and £1.240 million for Children and Young People.

Council Executive also appreciates the recent quote by Deputy First Minister John Swinney noting, “We are building flexibility and autonomy into how budgets can be spent, but a more fundamental shift is required”, and looks forward to the additional budgetary options this will provide especially in relation to the spending of ring-fenced funds.

- Moved by Councillor Robert De Bold and seconded by Councillor Carl John.

An electronic vote was conducted. The result was as follows:

Motion

Tom Conn  
Angela Doran-Timson  
Damian Doran-Timson  
Lawrence Fitzpatrick  
Danny Logue  
Andrew McGuire  
Anne McMillan  
Sally Pattle  
George Paul  
Kirsteen Sullivan

Amendment

Robert De Bold  
Carl John  
Pauline Orr

Decision

Following a vote, the motion was successful by 10 votes to 3 and it was agreed accordingly.

6. MUSEUMS ACCESS POLICY REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services requesting that they approve the draft Museums Access Policy, 2022-2027.

It was recommended that the Council Executive approve the draft Museums Access Policy, 2022-2027.

Decision

To approve the terms of the report.

7. APSE SCOTTISH BUILDING AND HOUSING SEMINAR 2023

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 2023, incorporating the Apprentice of the Year Awards. The event would be held in Glasgow on the 16 and 17 February 2023.

It was recommended that the Council Executive:

1. note that a council Building Services apprentice 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 2023 with appropriate officer support from Housing, Customer and Building Services.

Decision

1. To approve the terms of the report; and
2. To unanimously agree that Councillor George Paul was the appropriate elected member to attend the APSE Scottish Building and Housing Seminar 2023.

8. PEST CONTROL TREATMENT SERVICE - REVISION OF CUSTOMER FEES AND CHARGES

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration making them aware of proposed updates to fees and charges for the provision of pest control treatment services offered by the council, and seeking approval for the updated fees and charges set out in Appendix 1 of the report.

This report was not connected to a motion agreed at the West Lothian Council on 22 November 2022 requesting a report be provided to the Public and Community Safety PDSP regarding rats and statutory nuisance. As requested by the motion a separate report was being prepared for the PDSP.

It was recommended that the Council Executive:

1. note the content of the report; and
2. approve the proposed changes to fees and charges for delivery of the pest control treatment service set out in Appendix 1 of the

report.

Decision

To approve the terms of the report.

9. WEST LOTHIAN COMMUNITY CHOICES UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the development and delivery of Community Choices (Participatory Budgeting) in West Lothian.

It was recommended that the Council Executive:

1. note the content of the action plan in Appendix 1 and the range of projects currently subject to Community Choices processes; and
2. note the training plan for officers, elected members and community partners, to be delivered in the first quarter of 2023.

Decision

To note the terms of the report.

10. DEANS SOUTH, LIVINGSTON - REGENERATION AND COMPULSORY PURCHASE UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services updating on the proposed regeneration of Deans South, Livingston and the ongoing negotiations to purchase the remaining privately-owned properties within the Deans South regeneration site.

It was recommended that the Council Executive:

1. note the background and current position in relation to the wider regeneration of Deans South, Livingston;
2. note the current position in relation to negotiations between the council and the owners of the privately-owned properties in Deans South, Livingston to acquire these by mutual agreement;
3. note the current position in relation to council officers proceeding with the requirements of promoting a Compulsory Purchase Order in the event that acquisition by mutual consent could not be achieved; and
4. note that further updates would be provided as the negotiations and redevelopment of Deans South, Livingston was progressed.

Decision

To note the terms of the report.

11. PLANNING GUIDANCE: HISTORIC BATTLEFIELD - SITE OF BATTLE OF LINLITHGOW BRIDGE (1526) (ALLOCATED HOUSING SITE H-LL 13 AT KETTLESTOUN MAINS, LINLITHGOW BRIDGE)

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 Planning Guidance for the development of land embracing LDP allocated housing site H-LL 13 which was also part of the Battle of Linlithgow Bridge battlefield site. The guidance had previously been reported and was approved by Council Executive in November 2022.

It was recommended that the Council Executive:

1. note that the Strategic Environmental Assessment (SEA) Consultation Authorities agreed with the council's conclusions set out in the relevant "screening report", Appendix 1, that the guidance would have no significant environmental effects;
2. note that the Head of Planning, Economic Development and Regeneration had since issued a "screening determination", Appendix 2, in relation to the guidance document 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; and
3. note that the identified guidance document, Appendix 3, was adopted on 6 January 2023.

Decision

To note the terms of the report.