

MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 28 FEBRUARY 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, Craig Meek (substituting for Councillor George Paul), Sally Pattle and Pauline Stafford (substituting for Councillor Janet Campbell)

Apologies – Councillors Janet Campbell and George Paul

1 OPENING REMARKS

Council Executive agreed to request that the Provost send a letter of condolence to the family of fairtrade champion Andy Mount, following his recent passing.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 ORDER OF BUSINESS

Council Executive agreed to hear agenda item 18 in accordance with Standing Order 8(3).

4 MINUTES

The Council Executive approved the minute of its meeting held on 7 February 2023. The Chair thereafter signed the minute.

5 SCOTTISH GOVERNMENT CONSULTATION - ELECTORAL REFORM

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive asking members to consider a proposed response to the Scottish Government's Electoral Reform Consultation.

It was recommended that the Council Executive consider the draft response in the appendix to the report and agree a council response to the Scottish Government's consultation on Electoral Reform.

Decision

To approve the terms of the report.

6 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 an exemption from Contract Standing Orders for:

1. A direct award for independent advocacy services for looked after children to Who Cares? for a period of 2 years with the option to extend for a further 24 months, effective from 1 August 2023 until 31 July 2027 with a total estimated value of £250,000; and
2. A direct award for independent support and counselling for those that had suffered trauma and abuse to Wellbeing Scotland for a period of 3 years with the option to extend for 24 months, effective from 1 June 2023 until 31 May 2028 with a total estimated value of £216,000.

Decision

To approve the terms of the report.

7 CORONATION OF HIS MAJESTY KING CHARLES III - ADDITIONAL LEAVE DAY

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services providing information on national plans to celebrate the coronation of His Majesty King Charles III in May 2023 and proposals for the council to grant an additional day of annual leave to all employees to be taken, where possible, on Monday 8 May 2023.

It was recommended that the Council Executive:

1. Note the national plans for a 'coronation weekend';
2. Note that further guidance was expected from the Scottish Government around school closures;
3. Note the arrangements made to celebrate the diamond and platinum jubilees in 2012 and 2022; and
4. Approve the proposal to grant an additional day of annual leave to all employees to be taken, where possible, on Monday 8 May 2023.

Decision

To approve the terms of the report.

8 PENSIONS DISCRETIONS - SHARED ADDITIONAL VOLUNTARY CONTRIBUTIONS

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising members of the requirement to amend the council's Policy Statement on Local Government Pension Scheme Discretionary Provisions in relation to the introduction of shared cost Additional Voluntary Contributions (AVCs) as part of the Council's Employee Benefits Scheme.

It was recommended that the Council Executive:

1. Note the required changes to the Policy Statement; and
2. Approve the Policy Statement.

Decision

To approve the terms of the report.

9 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 providing an update on the work of the Elected Members Equality and Diversity Working Group (EMEDWG) and presenting an action plan of recommendations to address barriers which might present themselves to prospective, new and incumbent elected members with protected characteristics. The report also set out proposed arrangements for expanding the remit of the short life Working Group following agreement of the composite motion at the meeting of West Lothian Council on 24 January 2023.

It was recommended that the Council Executive:

1. Note that the work undertaken by the EMEDWG to carry out an integrated impact assessment on the common procedures and practices of elected members was complete (Appendix 2 of the report);
2. Agree that the council take forward the actions recommended by the EMEDWG members and that updates on progress with actions be reported to Corporate Policy and Resources PDSP on an annual basis (Appendix 3 of the report);
3. Note the set of suggested actions that fell out with the control of the council and agree that these should be forwarded to relevant stakeholders for their consideration. (Appendix 4 of the report);
4. Agree that the Chief Executive write to the Scottish Government requesting that the Local Government (Scotland) Act 1973 be amended to permit an Elected Member on family leave to nominate

one other Elected Member to act as their proxy at meetings of full council;

5. In accordance with a decision of full council on 24 January 2023, agree an expanded remit for the short life Working Group to consider the impact of the National Planning Framework 4 across the protected characteristics (Appendix 5 of the report);
6. Consider the membership of the Working Group;
7. Following the conclusion of the work required under the group's original remit, agree that the Head of Planning, Economic Development and Regeneration would now be Lead Officer for the Working Group in relation to its work under the expanded remit with continued support/input from the council's Equalities Officer;
8. Agree that the Working Group should meet as soon as reasonably practicable and thereafter as agreed by the lead officer in consultation with the Chairs; and
9. Note that, as instructed by full council on 24 January 2023, that the Lead officer would produce a report to a future meeting of the Economy Empowerment and Wealth Building PDSP.

Decision

To approve the terms of the report, subject to expanding recommendation 6 to include the Liberal Democrats group member and the Independent member in the working group membership.

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 special project grant which had been received from the Kirknewton Community Council.

It was recommended that the Council Executive determine the application received from Kirknewton Community Council as detailed in the appendix to the report.

Decision

To approve the terms of the report.

11 NON-DOMESTIC RATES EMPTY PROPERTY RELIEF POLICY

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval of the Non-Domestic Rates Empty Property Relief Policy effective from 1 April 2023, as detailed in Appendix 1 of the report.

It was recommended that the Council Executive:

1. Note the need for local authorities to have a Non-Domestic Rates Empty Property Relief Policy under the Community Empowerment (Scotland) Act 2015 to allow the continued award of empty property relief from 1 April 2023;
2. Approve the Non-Domestic Rates Empty Property Relief Policy detailed in Appendix 1 of the report, effective from 1 April 2023; and
3. Note that a further report would be brought to Council Executive during 2024/25 following a full review of the policy and setting out any proposed changes from 1 April 2025.

Decision

To approve the terms of the report.

12 FAULDHOUSE PARTNERSHIP CENTRE - REINFORCED AUTOCLAVED AERATED CONCRETE ROOF 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 delivery of the Reinforced Autoclaved Aerated Concrete (RAAC) roof replacement to the hall within Fauldhouse Partnership Centre, and seeking approval to progress through financial close to construction as outlined in the report.

It was recommended that the Council Executive:

1. Approve acceptance of the finalised proposed construction cost of £830,000;
2. Note the proposed delivery timescales and key project milestones including completion by August 2023; and
3. Delegate authority to the Head of Finance and Property Services to execute and deliver the final design and build development agreement (DBDA) and associated documentation on behalf of the Council at Financial Close.

Decision

To approve the terms of the report.

13 CIH SCOTLAND HOUSING FESTIVAL

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 attendance of the appropriate elected member(s)

to attend the CIH (Chartered Institute of Housing) Scotland's Housing Festival on 7–8 March at the SEC Glasgow.

It was recommended that the Executive Councillor for Housing Services attend the CIH Scotland Housing Festival on the 7–8 March 2023.

Decision

1. To approve the terms of the report.
2. To provide an update report following the CIH Scotland Housing Festival to a future meeting of Housing Services PDSP.

14 ADOPTION OF NATIONAL PLANNING FRAMEWORK 4 (NPF4)

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration fulfilling a commitment given to Council Executive at its meeting in December 2022 to provide an update on the adoption of National Planning Framework 4 (NPF4).

It was recommended that the Council Executive:

1. Note the adoption of NPF4 on 13 February 2023;
2. Note that on adoption of NPF4, Scottish Planning Policy (2014) and the Edinburgh & South East Scotland Strategic Development Plan (SDP) had been superseded;
3. Note that transitional guidance had been produced by the Scottish Government on the transition to the new development plan system and on some policy considerations;
4. Note the material consequences of this for planning decisions and the development plan process, particularly during the transitional period; and
5. Agree that a further report on the Minimum All Tenure Housing Land Supply approach should be brought to a future meeting of Council Executive for consideration.

Decision

To approve the terms of the report.

15 INTERVENING SAFELY POLICY FOR CHILDREN'S RESIDENTIAL SERVICES

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy seeking approval for an Intervening Safely Policy for children's residential services.

It was recommended that the Council Executive:

1. Note the content of the report; and
2. Approve the Intervening Safely Policy for use in West Lothian Council's Children's Residential Services.

Decision

To approve the terms of the report.

16 STATUTORY OFFICER ROLES IN THE SCHEME OF DELEGATIONS

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive asking members to consider an updated set of role descriptions for significant statutory posts and related amendments to the Scheme of Delegations to Officers.

It was recommended that the Council Executive:

1. Agree the updated and revised role descriptions in the appendix to the report for the statutory officer posts of Head of Paid Service, Chief Financial Officer, Monitoring Officer, and Chief Social Work Officer, and a new role description for the Data Protection Officer;
2. Amend the Scheme of Delegations by inserting those new descriptions in its Appendix 3 and by making the necessary additions and amendments elsewhere in the Scheme to reflect those new descriptions;
3. Delegate authority to the Chief Executive to make temporary or interim appointments to the posts as and when required, and (except for the Monitoring Officer post) appoint deputies in consultation, where practicable, with the relevant postholder;
4. In light of current changes being implemented in relation to Information Governance responsibilities, delegate authority to the Chief Executive to make a permanent new appointment to the post of Data Protection Officer; and
5. Appoint the Governance Manager to be Monitoring Officer on a permanent basis.

Decision

To approve the terms of the report.

17 SCHEME OF DELEGATIONS - ELECTRONIC COMMUNICATIONS DETERMINATION

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

circulated) by the Governance Manager seeking approval to amend the Scheme of Delegations to enable non-alcohol licensing schemes to be processed more easily and flexibly through electronic communication as an alternative to hard copy documents.

It was recommended that the Council Executive amend the Scheme of Delegations to Officers by authorising the Chief Solicitor to make and vary the council's Electronic Communications Determination in relation to all non-alcohol licensing schemes under the Civic Government (Scotland) Act 1982, as set out in paragraph D5 of the report.

Decision

To approve the terms of the report.

18 QUICK BUILD HOUSING

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services providing an update on concepts and funding regarding quick build solutions, including the use of cabins and containers, to assist with the homeless situation and as an alternative to B&B/Hotel accommodation.

It was recommended that the Council Executive:

1. Note the council's proactive approach to reducing homelessness;
2. Note the temporary accommodation provision;
3. Note the position on funding of temporary accommodation;
4. Note the key findings of a review of quick build concepts and the work being undertaken to reduce the use of B&B/Hotel accommodation; and
5. Note the next steps.

Councillor Angela Doran-Timson moved a verbal motion that would have set up a working group as referenced in D7 of the report and that a report should be brought to full council and not Council Executive. The Governance Manager advised that in its current form the motion was not competent as it did not cover the elements required under Standing Order 52.

Motion

Council Executive recognises that there is an imbalance between the supply and demand for permanent social rented accommodation in West Lothian and there remains a high number of people applying to the council for permanent housing through the council's allocations policy as well as permanent and temporary accommodation required for homeless applicants to enable the council to discharge its statutory homeless duty.

Council Executive is asked to note that whilst container/cabin houses have been used to meet specific housing need in certain circumstances within the United Kingdom, this represents a very small element of addressing homelessness and comes at a comparable cost to traditional build council houses.

Council Executive also notes that the Cabinet Secretary for Social Justice, Housing and Local Government has invited councils to come up with innovative ideas for the homeless crisis as regards quick build provision but that there is no Scottish Government funding provision for the capital costs of temporary accommodation, including quick build solutions.

Council Executive therefore agrees to establish a short life working group to consider innovative options for quick build housing in West Lothian which can be introduced speedily and cost effectively to help to reduce the number of homeless applicants who are required to be accommodated in hotels and Bed and Breakfast.

Council Executive further agrees to:

- The membership of 1 Labour (Executive Councillor for Housing), 1 SNP and 1 Conservative member to the working group and associated officers;
- Appoint the Executive Councillor for Housing to be chair;
- Appoint a vice-chair;
- The Head of Housing Customer and Building Services being the Lead Officer for the working group;
- The Lead Officer in consultation with the chair making arrangements for the working group meetings and agenda; and

The Lead Officer reporting back on the working group's findings and recommendations to a future meeting of the Housing Services PDSP and thereafter to an appropriate meeting of Council Executive.

- Moved by Councillor Andrew McGuire and seconded by Councillor Kirsteen Sullivan.

Amendment

Council Executive recognises that there is an imbalance between the supply and demand for permanent social rented accommodation in West Lothian and there remains a high number of people applying to the council for permanent housing through the council's allocations policy as well as permanent and temporary accommodation required for homeless applicants to enable the council to discharge its statutory homeless duty.

Council Executive is asked to note that whilst container/cabin houses have been used to meet specific housing need in certain circumstances within the United Kingdom, this represents a very small element of

addressing homelessness and comes at a comparable cost to traditional build council houses.

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Council Executive further agrees to:

- The membership of 1 Labour (Executive Councillor for Housing), 1 SNP and 1 Conservative member to the working group and associated officers;
- Appoint the Executive Councillor for Housing to be chair;
- Appoint a vice-chair;
- The Head of Housing Customer and Building Services being the Lead Officer for the working group;
- The Lead Officer in consultation with the chair making arrangements for the working group meetings and agenda; and

The Lead Officer reporting back on the working group's findings and recommendations to a future meeting of the Housing Services PDSP and thereafter to an appropriate meeting of West Lothian Council.

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

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

<u>Motion</u>	<u>Amendment</u>	<u>Abstain</u>
Tom Conn	Angela Doran-Timson	Carl John
Lawrence Fitzpatrick	Damian Doran-Timson	Robert De Bold
Danny Logue		Pauline Stafford
Andrew McGuire		
Anne McMillan		
Craig Meek		
Sally Pattle		
Kirsteen Sullivan		

Decision

1. Following a vote, the motion was successful by 8 votes to 2 with 3

abstentions and it was agreed accordingly.

2. Council Executive unanimously agreed to appoint Councillor Angela Doran-Timson as Vice-Chair to the working group.