

MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 25 APRIL 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 7 – Voluntary Organisations Budget 2023/24 – Service Level Agreements

Councillor Danny Logue stated that he was a Board Member for Youth Action Project.

Councillor Andrew McGuire stated that he was a council appointee on the Citizens Advice Bureau Board.

Councillor Pauline Orr declared an interest as Treasurer and Director of the Linlithgow Heritage Trust. She would therefore not participate in this item of business.

Agenda Item 11 – Directions from West Lothian Integration Joint Board

Councillor Danny Logue stated that he was an employee of NHS Lothian.

2 ORDER OF BUSINESS

The Chair ruled in terms of Standing Order 11 that an urgent item of business, which had been circulated as agenda item 21, *St Kentigern's Academy, Blackburn – Reinforced Autoclaved Aerated Concrete Panels – Relocation of Craft, Design and Technology Department within the School*, would be considered after agenda item 16 due to the tight timescales involved in assessing the works required.

Council Executive agreed, in accordance with Standing Order 8(3), that agenda item 18, *Action Taken in Terms of Standing Order 31 (Urgent Business) - St Kentigern's Academy, Blackburn: Reinforced Autoclaved Aerated Concrete Panels and Urgent Requirement for Temporary Accommodation*, was to be taken as read.

Council Executive agreed to ask questions on agenda item 17, *Councillors' Local Disbursement Fund*, which was on the agenda for information only.

The Chair advised that Councillor Stuart Borrowman had requested to participate in agenda item 20, *Local Bus Services – Commercial Network Changes*, in accordance with Standing Order 38 as the matter was

relevant to his ward.

Council Executive agreed to consider agenda item 20 in private.

3 MINUTES

The Council Executive confirmed the minute of its meeting held on 21 March 2023 as a correct record. The minute was thereafter signed by the Chair.

4 COSLA ANNUAL CONFERENCE AND EXHIBITION 2023

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive asking members to consider attendance at the 2023 COSLA Annual Conference and Exhibition and, if agreed, to consider which members should attend.

It was recommended that the Council Executive:

1. Consider whether the council should attend the conference; and
2. If agreed that the council should attend, nominates those members identified in the terms of the report, in line with established practice.

It was noted that substitutes to the members identified in the report were allowed.

Decision

1. To approve the terms of the report.
2. To note that Councillor Pauline Orr would attend the conference in the place of Councillor Janet Campbell.

5 TWINNING: INVITATION TO VISIT GRAPEVINE IN 2023

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive informing members that an invitation had been received from the City of Grapevine for an official delegation from West Lothian to visit Grapevine, Texas.

It was recommended that:

1. Consideration be given to responding to the invitation; and
2. If the invitation was accepted, it should be agreed that:
 - the Provost is nominated to attend to represent the council as part of the official delegation, and;

- arrangements for the visit be remitted to the Chief Executive, in consultation with the Provost and Leader of the Council.

Decision

To approve the terms of the report.

6 VOLUNTARY ORGANISATIONS BUDGET 2023/24 - SERVICE LEVEL AGREEMENTS

Having declared an interest, Councillor Pauline Orr did not participate in this item of business.

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive (Education, Planning and Economic Development) asking members to agree the proposed changes to existing funding arrangements for two organisations funded through Service Level Agreements via the Voluntary Organisations budget in 2023/24.

It was recommended that the Council Executive:

1. Note the allocation of resources through the Voluntary Sector budget in 2023/24;
2. Agree to the extension of the Service Level Agreement for West Lothian Youth Action Project and the delegated authority to Head of Service to extend that if required as detailed in section D3 of the report; and
3. Agree to change the Service Level Agreement in place for supporting the Third Sector detailed in section D.4 of the report.

Decision

To approve the terms of the report.

7 COMMUNITY WEALTH BUILDING CONSULTATION RESPONSE

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive (Education, Planning and Economic Development) informing members of the proposed response to the Scottish Government's consultation on Community Wealth Building and to agree a response to the returned on the 25 April 2023.

It was recommended that the Council Executive:

1. Note the consultation on Community Wealth Building;
2. Note the intention of the Scottish Government to introduce a duty in relation to Community Wealth Building;

3. Note the proposed response contained within appendix one of the report; and
4. Approve the proposed response to be submitted on behalf of West Lothian Council.

Decision

To approve the terms of the report.

8 CHANCELLOR'S SPRING STATEMENT 2023 AND SCOTTISH FISCAL COMMISSION FINANCIAL SUSTAINABILITY REPORT

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 announcements contained in the Chancellor of the Exchequer's Spring Statement 2023 and also an update on the Scottish Fiscal Commission's Financial Sustainability report.

It was recommended that the Council Executive:

1. Note the latest economic position and key announcements outlined in the Spring Statement 2023;
2. Note the main points from the Scottish Fiscal Commission (SFC) Fiscal Sustainability report;
3. Agree that the Head of Finance and Property Services should continue to report to Council Executive on relevant UK and Scottish Government funding and spending announcements and provide quarterly horizon scan reports to the Corporate Policy and Resources Policy Development and Scrutiny Panel (PDSP); and
4. Agree that the Head of Finance and Property Services should ensure that information contained within the Spring Statements and Autumn Budgets and the Scottish Government Spending Review is taken into account when updating the council's financial plans.

Decision

To approve the terms of the report.

9 PROPOSED SALE OF FORMER BATHGATE SOCIAL WORK CENTRE, 69 WHITBURN ROAD, BATHGATE

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 the former Bathgate Social Work Centre at 69 Whitburn Road, Bathgate to Kaim Park Investments Limited for the sum of £535,000.

It was recommended that the Council Executive:

1. Note the decision of the Asset Transfer Committee on 27 February 2023 to refuse the asset transfer request received from Bathgate Community Development Trust Limited for the former Bathgate Social Work Centre at 69 Whitburn Road, Bathgate and note that the statutory process for that asset transfer request is now at an end;
2. Approve the sale of the former Bathgate Social Work Centre at 69 Whitburn Road, Bathgate to Kaim Park Investments Limited for the sum of £535,000 subject to the terms and conditions set out in the report; and
3. 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

The SNP group are deeply concerned by the proposed sale of the former Bathgate Social Work building at 69 Whitburn for potential use as a "limited service hotel".

Given the scale of West Lothian's current housing crisis there is a likelihood that if this building is sold and converted for the purposes stated then West Lothian Council may quickly find themselves renting these rooms back at great cost to meet the demand for temporary and emergency accommodation.

By January 2023, West Lothian had over 862 homelessness applications and the projected homelessness overspend was £1.79 million. The SNP group calls on West Lothian Council to develop a sustainable plan to house those unlucky enough to find themselves homeless, rather than allow short term and extremely expensive B&B and hotel accommodation to become entrenched as the dominant homeless accommodation model. Each year emergency homeless accommodation drains council funds by an ever increasing amount. This money needs to be spent on an expansion of council housing provision in order to alleviate this crisis.

On January 26th this Council's Labour-Conservative Administration had council officers come back with a report to the Housing Services Policy Development and Scrutiny Panel that considered short term solutions to the homelessness crisis. As part of the report they stated: -

"Officers are working with Property Services and partners to

consider possible quick solutions through the repurposing of existing assets.”

If the potential is there for a commercial developer to repurpose this property, we question the logic of West Lothian Council's strategy that will result in the loss of this prime town centre asset in the long term and ultimately the Council ending up out of pocket.

The SNP group therefore propose that this sale does not go through at the present time and officers instead examine the possibility of this building being repurposed in the short term to provide temporary accommodation to alleviate the present homelessness crisis, which will retain this asset in the possession of West Lothian Council to benefit the town centre economy and community in future years.

- 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.

10 DIRECTIONS FROM WEST LOTHIAN INTEGRATION JOINT BOARD

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive (Health and Social Care Partnership) informing members that the West Lothian Integration Joint Board (IJB):

- Had agreed a three-year budget plan for the period 2023/24 to 2025/26;
- Had agreed its Strategic Plan for 2023/28; and
- Had issued Directions to the council which the council was required to comply with.

It was recommended that the Council Executive:

1. Note that the West Lothian IJB had agreed both a three-year budget for the period 2023/24 to 2025/26 and its Strategic Plan for 2023/28;
2. Note the Directions issued to the council by the IJB;
3. Note the council's legal duty to comply with the Directions; and
4. Agree the proposed reporting arrangements to ensure compliance with the Directions.

Decision

To approve the terms of the report.

11 CONSULTATION ON THE REVIEW OF THE LICENSING BOARD POLICY STATEMENT

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 consultation on the review of the West Lothian Licensing Board policy statement and seeking agreement that the proposed response be submitted to the Licensing Board 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 West Lothian Licensing Board.

Decision

To approve the terms of the report.

12 UPDATE TO ENERGY COMPANY OBLIGATION (ECO4) STATEMENT OF INTENT AND FLEXIBLE ELIGIBILITY SCHEME CRITERIA

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 updated Statement of Intent for West Lothian Council for the Energy Company Obligation (ECO) fifth iteration (ECO4) and updated Flexible Eligibility scheme criteria.

It was recommended that the Council Executive:

1. Note that the UK Government had updated the Energy Company Obligation (ECO) Scheme with the new iteration known as ECO4 and ECO-Flex;
2. Note that the qualifying criteria for ECO-Flex were no longer

defined by Local Authorities, and guidance was set by OFGEM but still must be published in a Statement of Intent document;

3. Note that ECO-Flex would still apply to owner occupier and private rented households;
4. Note that publishing a Statement of Intent would allow for increased numbers of households to benefit from ECO support to improve the energy efficiency of their home and subsequently help tackle levels of fuel poverty in West Lothian;
5. Note that the proposed Statement of Intent had been presented to Housing Services Policy Development and Scrutiny Panel on 28 March 2023; and
6. Approve the publishing of the Statement of Intent on the council's website.

Decision

To approve the terms of the report.

13 WEST LOTHIAN PARKING STRATEGY

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing the completed West Lothian Parking Strategy and supporting documents. These documents highlighted the work carried out and provided the information gathered by the appointed consultants for the West Lothian wide parking strategy as requested by Council Executive on 5 February 2019.

It was recommended that the Council Executive:

1. Note and consider the West Lothian Parking Strategy and documentation attached to the report;
2. Approve the proposed interventions to be progressed at this time and indicative timescales;
3. Approve the further works to be undertaken in relation to decriminalised parking enforcement; and
4. Approve that a future report be brought back to the Environment and Sustainability PDSP highlighting the outcome for delivery of the approved interventions in the strategy and that this report would also consider the financial implications of the approved interventions.

Motion

To approve the terms of the report.

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

Amendment

Insert following additional recommendation: -

5. A full consultation with the communities of the various settlements must be conducted. Individuals, community organisations and businesses should have the opportunity to input into any options of proposals being considered for implementation. These opinions should form part of any further considerations.
- 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
Lawrence Fitzpatrick
Danny Logue
Andrew McGuire
Anne McMillan
Sally Pattle
George Paul
Kirsteen Sullivan

Amendment

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

Decision

Following a vote, the motion was successful by 8 votes to 5 and was agreed accordingly.

14 REVISION OF OPERATIONAL PRACTICES AT COMMUNITY RECYCLING CENTRES

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to implement proposals to revise opening hours for the council's Community Recycling Centres.

It was recommended that the Council Executive:

1. Note the contents of the report; and
2. Agree to implement Option 2 and to introduce a booking system to deliver the revised opening hours and associated savings by September 2023.

Motion

To approve the terms of the report.

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

Having taken advice from the Governance Manager, the Chair ruled in terms of Standing Order 11 that an amendment submitted by Councillor Angela Doran-Timson concerning implementation of Option 1 with an alteration to opening times would not be considered by Council Executive as its financial implications had not been mentioned in it or verified in advance by the Head of Finance and Property Services as required by Standing Orders.

Decision

To approve the terms of the report.

15 NATIONAL STRATEGY FOR 20MPH - ASSESSMENT RETURN

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval for the return of the 20mph assessment form to Transport Scotland. Although the assessment had been requested for 31 March 2023, agreement had been sought from Transport Scotland to submit this as early as possible after the Council Executive meeting of 25 April 2023.

It was recommended that the Council Executive note the consultancy report attached to the report and approve the submission of the assessment form to Transport Scotland.

Decision

To approve the terms of the report.

16 ST KENTIGERN'S ACADEMY, BLACKBURN - REINFORCED AUTOCLAVED AERATED CONCRETE PANELS - RELOCATION OF CRAFT, DESIGN AND TECHNOLOGY DEPARTMENT WITHIN THE SCHOOL

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive (Education, Planning and Economic Development) and the Head of Finance and Property Services seeking approval to allow urgent works to enable the relocation of the Craft, Design and Technology (CDT) department following the need to close areas at St Kentigern's Academy where Reinforced Autoclaved Aerated Concrete (RAAC) Panels were situated. This was to allow the school to continue to deliver the curriculum and would permit longer term measures to be considered.

It was recommended that the Council Executive:

1. Note the current situation on the RAAC panels and the challenges in maintaining an operational school;
2. Approve the works set out in Section D.2 of the report including the

estimated costs of £800,000 to allow these works to commence immediately; and

3. Note that an update would be provided to Council Executive before the summer recess on longer term options to address the situation at St Kentigern's Academy.

Decision

To approve the terms of the report.

17 COUNCILLORS' LOCAL DISBURSEMENT FUND

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising members of expenditure from the Councillors' Local Disbursement Fund for the period 1 April 2022 to 31 March 2023.

It was recommended that the Council Executive note the expenditure from the Councillors' Local Disbursement Fund for the period 1 April 2022 to 31 March 2023.

Decision

To note the terms of the report.

18 ACTION TAKEN IN TERMS OF STANDING ORDER 31 (URGENT BUSINESS) - ST KENTIGERN'S ACADEMY, BLACKBURN: REINFORCED AUTOCLAVED AERATED CONCRETE PANELS AND URGENT REQUIREMENT FOR TEMPORARY ACCOMMODATION

The Council Executive noted the action taken in terms of Standing Order 31 (urgent business) to provide approval for the installation of temporary accommodation following the need to close areas at St Kentigern's Academy where Reinforced Autoclaved Aerated Concrete (RAAC) Panels were situated, in order to allow the school to remain operational and permit short term measures to be put in place.

19 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 Paragraphs 6, 8 and 9 of Part 1 of Schedule 7A of the Act.

20 LOCAL BUS SERVICES - COMMERCIAL NETWORK CHANGES

Councillor Stuart Borrowman took part in this item per his request under the terms of Standing Order 38.

The Governance Manager advised that Standing Order 38 allowed members to observe or participate in the discussion of any item of business being dealt with by a committee that he or she is not a member of if the subject matter related substantially to the Councillor's own ward interest.

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing an impact assessment of the upcoming changes in the commercial local bus network and outlining the options appraisal and agree contract awards in line with the council's Public Transport Strategy.

It was recommended that the Council Executive:

1. Note the upcoming changes in the commercial network;
2. Note the ongoing project workstreams reviewing the current subsidised local bus network and strategies;
3. Note the current capacity limitations within the local bus market;
4. Note the impact of the changes on the subsidised contracts held by McGill's and instruct officers to include the requirements in workstream 1, Local Bus Review project;
5. Instruct officers to include the impact of the removal of early morning, evening and Sunday services in workstream 1, Local Bus Review project;
6. Agree to provide contribution funding to SPT for bus provision continuing a link between Shotts and Whitburn;
7. Agree that a bus link between Blackridge and Bathgate via Armadale should be continued, and to authorise officers to proceed with contract LBS 10 to extend the 21 service in accordance with procurement legislation, Standing Orders for Contracts and the information in Appendix 5 of the report;
8. Note the requirements and timescales of registering services with the Traffic Commissioner; and
9. Note that officers would report to Council Executive in May 2023 with the outcome of the tender exercise for bus services within Winchburgh.

Motion

Council Executive recalls that at the budget setting Council meeting on 21st February 2023 the minority Labour administration moved a motion that, *Inter alia*, rejected the recommendation to remove Council funding supporting subsidised bus and ORT in West Lothian, and fully restored the budget of £1,950,000 plus Indexation of £256,000.

In contrast, the SNP Group moved an amendment to the proposed budget in which, *Inter alia*, they indicated that they would remove funding supporting subsidised bus and ORT in West Lothian by 50%, reducing funding to £975,000 plus Indexation of £128,000.

Council Executive is asked to note that no emergency funding by Scottish Government was offered or refused by the Council.

Given the above it is clear that the SNP Group were willing to see a reduction in the subsidised bus network and communities losing bus services directly as a consequence of their proposal.

Council Executive also notes that the Scottish Government removed COVID recovery support for buses on 31st March 2023 despite representations for this to continue from the Confederation of Passenger Transport, amongst others.

McGill's have intimated that their decision to withdraw from a number of routes is due to the withdrawal of funding by the Scottish Government and the shortage of drivers in the bus industry.

Buses are the predominant mode of public transport in Scotland, responsible for over 75 per cent of all such trips. They are flexible, sustainable, and accessible, taking people to work, school, shopping, social events, railway; they connect Scotland's communities.

Concessionary travel has been hugely successful in Scotland, with people under 22 joining the over-60s and disabled people in having access to free bus travel. Government often cites the concessions scheme as a form of support but, in reality, it is reimbursement for carrying journeys on the government's behalf and is based on the objective that operators should be no better or worse off for doing so.

Supporting concessionary travel without providing equivalent support for operators to retain and grow the bus network will leave some people with a bus pass and no bus to use it on.

The Network Support Grant (NSG) has flatlined at £50m since 2012. Bus accounts for three quarters of all public transport journeys in Scotland and the budget for NSG in the coming year is £50m. In contrast the rail franchise budget is £800m.

Council Executive agrees to;

the recommendations set out in the paper,

and instructs the Chief Executive to write to Kevin Stewart, Minister for Transport, asking him to reinstate the COVID recovery support for buses and expedite the Fair Fares review launched as part of the SNP's power sharing agreement with the Scottish Greens in 2021.

- Moved by Councillor Tom Conn and seconded by the Chair.

Amendment

Council acknowledge and agree proposals in the report and welcome the recent suggestion by the SNP Group to apply funding in the interim to support public transport services.

However, Council notes that these proposals do not fully address all the issues created by the cancellation of transport routes or address the immediate emergency situation in Winchburgh or other areas in West Lothian where residents will be left with no early morning/evening and Sunday services. Areas such as Deans South and Eliburn will have a drastically reduced or virtually no bus service at all.

The interim proposals, where present, do not replace existing services with similar, and, instead, only consider a 7am to 7pm service, Monday to Saturday, which is not suitable for shift workers.

Council therefore agrees that in addition to these proposals Council will: -

- a. Tender for additional services to cover all reduced or cut services over same period with funding to be met through emergency reserves (report to return to Executive as necessary for proposal to meet Council decision-making procedure).
- b. Instruct officers to organise a cross-party group including representatives from local groups to fully understand the impacts of the loss of services to communities with the remit to:
 - i. Determine a policy a strategy for these services to be maintained.
 - ii. Investigate proposals for community transport as a long-term solution.

The group shall comprise the Passenger Transport Manager as lead officer, community representatives co-opted as required, three members from the Administration and Opposition each – an Administration member to chair.

- Moved by Councillor Robert De Bold and seconded by Councillor Pauline Orr.

Councillor De Bold advised that the last paragraph of the amendment should be altered to read:

The group shall comprise the Passenger Transport Manager as lead officer, community representatives co-opted as required, three members from the Labour Group, three members from the SNP Group and either the Liberal Democrats or the Independent member – an Administration member to chair.

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.