

MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 9 MAY 2023.

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

Apologies – Councillors Janet Campbell, Tom Conn and Danny Logue

Councillor Damian Doran-Timson, having experienced technical difficulties, was unable to continue participation in agenda item 11, *West Lothian Leisure Request for Council Consent to Proposed Change*, following questions and before the introduction of the motion and amendment.

1. DECLARATIONS OF INTEREST

Agenda Item 11 - West Lothian Leisure Request for Council Consent to Proposed Change

Councillor Andrew McGuire stated a connection in that he had an ordinary Xcite membership, however, did not consider this amounted to an interest and would participate in the item of business.

Councillor Angela Doran-Timson stated that she was a member of West Lothian Leisure, however, did not consider this amounted to an interest and would participate in the item of business.

Councillor Robert De Bold stated that his son was a member of Xcite taking swimming lessons, however, did not consider this amounted to an interest and would participate in the item of business.

Councillor Kirsteen Sullivan stated that her children attended swimming lessons, however, did not consider this amounted to an interest and would participate in the item of business.

2. ORDER OF BUSINESS

Council Executive agreed to hear agenda item 9, *Ukraine Refugee Support Schemes*, in accordance with Standing Order 8(3).

With regard to agenda item 11, *West Lothian Leisure Request for Council Consent to Proposed Change*:-

1. The Chair ruled, in accordance with Standing Order 11, that the item would remain as item 11 on the agenda;
2. Council Executive agreed to consider the deputation on the subject; and

3. The Governance Manager advised that Councillor Stuart Borrowman had requested to participate in the item, in accordance with Standing Order 38(2), as the matter was relevant to his ward.

3. MINUTES

- a) The Council Executive confirmed the minute of its meeting held on 25 April 2023 as a correct record. The minute was thereafter signed by the Chair; and
- b) The Council Executive noted correspondence arising from previous decisions.

4. EQUALITY MAINSTREAMING AND EQUALITY OUTCOMES

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services providing a copy of the mid-term progress report on the Council's Equality Outcomes and Mainstreaming Framework 2021- 2025. The mid-term progress report had been prepared in response to the requirements of the Public Sector Equality Duty and proposed next steps for the remaining two years of the current Framework.

The Council Executive was asked to:-

1. note that the report responded to the legislative requirements of Equality Act 2010 Specific Duties (Scotland) Regulations 2012 and the requirement to publish the council's progress towards achievement of its equality outcomes;
2. approve the draft mid-term progress report for the Equality Outcomes and Mainstreaming Framework 2021 – 2025; and
3. agree to the next steps as proposed for the final two years of the framework.

Decision

To approve the terms of the report

5. ENERGY MITIGATION MEASURES 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 review and delivery of energy cost mitigation measures to achieve the budget savings agreed by Council in February 2023. The approach to the energy mitigation measures and Your Say budget reduction measures were approved at Council Executive and full Council in February 2023.

It was recommended that the Council Executive:-

1. note the updated budget position for the energy revenue budgets, set out in section D.2;
2. agree that identified one-off resources of £575,000 were used on a one-off basis to cover approved energy savings in 2024/25 and that a further £115,000 of one-off resources were retained as an energy budget contingency, pending a further review of prices and consumption later in the year;
3. note the progress, set out in section D.3, in planning the delivery of the approved energy mitigations measures, including thermal efficiency works, LED lighting and photovoltaic panels (PV);
4. note that officers would continue to monitor the impact of changing energy consumption and pricing, including the review on swimming pool provision and the wider building estate;
5. note that further updates on progress on the implementation of the approved mitigation measures would be included in quarterly climate change updates to the Environment and Sustainability PDSP, and
6. agree that officers would report to Council Executive prior to 2024/25 budget, setting out the future projected energy purchase price forecasts, projected consumptions levels, the impact on energy budgets and any further action required to ensure that the agreed savings measures for energy were achieved in full.

Decision

To approve the terms of the report.

6. WEST LOTHIAN CIVIC CENTRE - NEW SUB-STATION - PROPOSED GROUND LEASE TO SP DISTRIBUTION PLC

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval to enter into a long ground lease with SP Distribution PLC (Scottish Power) allowing provision of a new sub-station within the grounds of the Civic Centre.

It was recommended that the Council Executive:-

1. agree that the council, given its interest as part owner of the Civic Centre, enters into a long ground lease with SP Distribution PLC for a period of 99 years at an annual rent of £1.00 per annum, for the provision of a new substation, on the terms and conditions outlined elsewhere in the report, and
2. delegate authority to the Head of Finance and Property Services

and the Chief Solicitor to negotiate the detailed terms of the lease agreement and any linked legal agreements and to legally conclude same.

Decision

To approve the terms of the report.

7. APSE SCOTLAND FLEET, WASTE AND GROUNDS SEMINAR 2023

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval for an appropriate elected member to attend the APSE Scotland Fleet, Waste and Grounds Seminar 2023. The event would be held in Aviemore on 23 – 26 May 2023.

It was recommended that the Council Executive:-

1. note that the Fleet Asset and Compliance Support Officer had been shortlisted in the Rising Star awards; and
2. approve the attendance of an appropriate elected member at the APSE Scotland Fleet, Waste and Grounds Seminar 2023 with appropriate officer support from Operational Services.

Decision

1. To approve the terms of the report; and
2. To agree the appropriate elected member to attend was Councillor Tom Conn.

8. UKRAINE REFUGEE SUPPORT SCHEMES

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing an update on the UK Government's Homes for Ukraine Scheme, the Scottish Government's Super Sponsor Scheme and related guidance, and the support available within West Lothian.

It was recommended that the Council Executive:-

1. note the update on the UK Government's Homes for Ukraine Scheme, related funding for councils and support available within West Lothian and the information on the number of households and persons registered;
2. note the update on the Scottish Government Super Sponsor Scheme, related guidance and funding for councils and the update on the work being progressed by the council; and
3. note that further reports would be presented to committee if there

were any material changes to the role of local authorities.

Decision

To note the terms of the report.

9. WEST LOTHIAN LEISURE REQUEST FOR COUNCIL CONSENT TO PROPOSED CHANGE

The Council Executive heard from Colin Williamson, Chair of Howden Community Council, who spoke passionately about the potential loss to the community of Howden Park Centre. Mr Williamson summarised the services that were currently on offer at the centre and how they provided locals with access to art and cultural facilities without the need to travel into the bigger cities of Glasgow or Edinburgh. Mr Williamson informed the Council Executive of how he personally had benefitted from having access to the facilities provided and urged the Council to engage with the wider community regarding both Howden Park Centre and the three Xcite locations.

Mr Williamson responded to questions from Council Executive.

The Chair thanked Mr Williamson for his presentation.

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 and 12 of Part 1 of Schedule 7A of the Act.

Report by Depute Chief Executive

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive seeking consideration of a request by West Lothian Leisure (WLL) for council consent to implement the closure of four facilities, currently operated by WLL under the terms of the Services Agreement. It also highlighted two associated requests for one-off grant funding and future capital investment.

It was recommended that the Council Executive:-

1. consider WLL's request for council consent to implement the closure of Xcite Livingston, Xcite Broxburn Swimming Pool, Xcite Armadale, and Howden Park Centre, as set out in its Proposed Change Paper at Appendix 1 to the report and summarised in Section D.3;
2. note WLL's reasons for the proposed change, the likely impact of the change and its assessment of the impact of the change not

being implemented; and

3. consider the associated requests from WLL for:
 - i. up to a maximum of £500,000 one-off grant funding from the council to support the implementation of the proposed changes; and
 - ii. future capital investment to support the maintenance of the sports and leisure estate.

Motion

Council Executive notes that in the Spring budget on 15th March 2023, the Chancellor of the Exchequer announced funding of £63 million to support swimming pools remaining open in England.

Council Executive further notes that as a result of the Chancellor's announcement, around £70 million of Barnett consequentials in total will go to the Scottish Government and that to date, no funding has been provided by the Scottish Government to specifically support swimming pools.

In light of the recent request from West Lothian Leisure to seek consent from West Lothian Council to close 4 venues, namely Xcite Livingston, Xcite Broxburn Swimming Pool, Xcite Armadale and Howden Park Centre, Council Executive agrees to instruct the Chief Executive to write to Maree Todd MSP, Minister for Social Care, Mental Wellbeing and Sport to request funding to swimming pool operators to support the retention of swimming pools and leisure venues in local communities, and in particular, West Lothian.

Council Executive further agrees that in view of the gravity of the situation, with the needs of the community and jobs at stake, as well as the need for West Lothian Council to respond to the request from the Board of West Lothian Leisure in the near future, the Minister is requested to respond as a matter of urgency.

Furthermore, Council Executive instructs the following:

- Council officers to bring back a report to the meeting of the Council Executive on 23rd May 2023 to address members' questions and concerns.
- Council officers to engage with West Lothian Leisure to explore whether alternative options exist for the retention of facilities to include in the report to Council Executive on 23rd May 2023.
- In parallel, West Lothian Leisure and Council officers to explore alternative commercial and community options for continued provision of services with other interested parties including key community user groups, with an update to be included in the report

to the Council Executive on 23rd May 2023.

- The Chief Executive to write to Angela Constance MSP, Fiona Hyslop MSP, Martyn Day MP and Hannah Bardell MP to request they write to their SNP party colleague Maree Todd MSP, Minister for Social Care, Mental Wellbeing and Sport to demand funding via the Barnett consequentials and any other available funding to enable the retention of local swimming pools and leisure facilities in West Lothian.
- Moved by Councillor Sullivan and seconded by Councillor Fitzpatrick

Amendment

The announced closure of West Lothian Leisure sites is devastating news. The proposals to shut Howden Park Centre, Xcite Livingston (Bubbles), Xcite Broxburn Swimming Pool, and Xcite Armadale are unconscionable. These sites are vital for the health and well-being of our communities.

Council Executive proposes that the Executive implements a moratorium on any decision for at least six months so that a full and detailed assessment of the impacts of the proposed closure of Howden Park Centre, Xcite Livingston (Bubbles), Xcite Broxburn Swimming Pool, and Xcite Armadale can be made. The Council's Emergency Fund to provide gap financing as necessary to facilitate the moratorium and assessment (six months additional costs considered to be approximately £117,000). Each site has unique circumstances and must be considered within its own merits. The assessments will, therefore, return to a future Council Executive meeting as four separate reports.

Council Executive further proposes that any assessment should include: -

- Engagement with Creative Scotland and Firefly Arts Youth Theatre to ensure that West Lothian Council meets its existing funding and contractual commitments at Howden Park Centre.
- Meaningful engagement with the community of regular users of and contributors to Howden Park and of users of Xcite Livingston (Bubbles), Xcite Broxburn Swimming Pool, and Xcite Armadale to develop an understanding of the consequences and impacts of the closures (including a detailed equalities impact assessment and a cost analysis of the health and social financial implications to NHS Lothian if these proposals go ahead).
- Assessment of the opportunities that co-location of creative opportunities and wellbeing services at Howden Park Centre could bring.
- Collaboration with regular community users and interested parties to explore and define alternative means and business models of operating Howden Park Centre, Xcite Livingston (Bubbles), Xcite

Broxburn Swimming Pool, and Xcite Armadale.

In addition, Council Executive also agrees to the: -

- Creation of a working group involving the members of the relevant PDSP retaining the current chair and Lead Officer, the West Lothian Leisure Advisory Committee, community groups, facility user groups, and community councils, with a remit to oversee the process.
- Moved by Councillor De Bold and seconded by Councillor Calder

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

Motion

Tony Boyle
Angela Doran-Timson
Lawrence Fitzpatrick
Andrew McGuire
Anne McMillan
Craig Meek
Sally Pattle
George Paul
Kirsteen Sullivan

Amendment

Diane Calder
Robert De Bold
Carl John

Following a vote, the motion was successful by 9 votes to 3, with one member absent, and it was agreed accordingly.