



Council Executive

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

7 March 2024

A hybrid meeting of the **Council Executive** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre, Livingston** on **Tuesday 12 March 2024 at 11:00am**.

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Declarations of Interest - Members must declare any interests they have in the items of business for consideration at the meeting, identifying the relevant agenda items and the nature of their interests.
3. Order of Business, including notice of urgent business, declarations of interest in any urgent business and consideration of reports for information.

The Chair will invite members to identify any such reports they wish to have fully considered, which failing they will be taken as read and their recommendations approved.

4. Confirm Draft Minutes of Meeting of Council Executive held on Tuesday 20 February 2024 (herewith)

Public Items for Decision

5. Scottish Government Wellbeing and Sustainable Development (Scotland) Bill Consultation - Report by Chief Executive (herewith)
6. Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses - Report by Head of Corporate Services (herewith)

7. Timetable of Meetings 2024/25 - Report by Chief Executive (herewith)
8. Corporate Procurement Strategy - Report by Head of Corporate Services (herewith)
9. Response to the Scottish Government Consultation on a Heat in Buildings Bill - Report by Head of Finance and Property Services (herewith)
10. Proposed Lease Extension for Land at Langside Gardens, Polbeth from Andrew Graham and Sons - Report by Head of Finance and Property Services (herewith)
11. West Lothian Leisure 2024/25 Funding Agreement - Report by Head of Finance and Property Services (herewith)
12. Circular Economy Bill - Scottish Government Consultation - Report by Head of Operational Services (herewith)
13. Beatlie Road Underbridge Agreement in Winchburgh - Report by Head of Operational Services (herewith)
14. Revocation of Linlithgow Air Quality Management Area - Report by Head of Planning, Economic Development and Regeneration (herewith)
15. Revocation of Newton Air Quality Management Area - Report by Head of Planning, Economic Development and Regeneration (herewith)
16. West Lothian Local Development Plan (LDP): Development Plan No.16 - Report by Head of Planning, Economic Development and Regeneration (herewith)

Public Items for Information

17. Community Recycling Centres Performance - Report by Head of Operational Services (herewith)

NOTE **For further information please contact Anastasia Dragona on tel. no. 01506 281601 or email anastasia.dragona@westlothian.gov.uk**



CODE OF CONDUCT AND DECLARATIONS OF INTEREST (2021)

This form is a reminder and an aid. It is not a substitute for understanding the Code of Conduct and guidance.

Interests must be declared at the meeting, in public.

Look at every item of business and consider if there is a connection.

If you see a connection, decide if it amounts to an interest by applying the objective test.

The objective test is whether or not a member of the public with knowledge of the relevant facts would reasonably regard your connection to a particular matter as being so significant that it would be considered as being likely to influence your discussion or decision-making.

If the connection does not amount to an interest then you have nothing to declare and no reason to withdraw.

If the connection amounts to an interest, declare it as soon as possible and leave the meeting when the agenda item comes up.

When you declare an interest, identify the agenda item and give enough information so that the public understands what it is and why you are declaring it.

Even if the connection does not amount to an interest you can make a statement about it for the purposes of transparency.

More detailed information is on the next page.

Look at each item on the agenda, consider if there is a “connection”, take advice if necessary from appropriate officers in plenty of time. A connection is any link between the item of business and:-

- you
- a person you are associated with (e.g., employer, business partner, domestic partner, family member)
- a body or organisation you are associated with (e.g., outside body, community group, charity)

Anything in your Register of Interests is a connection unless one of the following exceptions applies.

A connection does not exist where:-

- you are a council tax payer, a rate payer, or a council house tenant, including at budget-setting meetings
- services delivered to the public are being considered, including at budget-setting meetings
- councillors’ remuneration, expenses, support services or pensions are being considered
- you are on an outside body through a council appointment or nomination unless it is for regulatory business or you have a personal conflict due to your connections, actions or legal obligations
- you hold a view in advance on a policy issue, have discussed that view, have expressed that view in public, or have asked for support for it

If you see a connection then you have to decide if it is an “interest” by applying the objective test. The objective test is whether or not a member of the public with knowledge of the relevant facts would reasonably regard your connection to a particular matter as being so significant that it would be considered as being likely to influence your discussion or decision-making.

If the connection amounts to an interest then:-

- declare the interest in enough detail that members of the public will understand what it is
- leave the meeting room (physical or online) when that item is being considered
- do not contact colleagues participating in the item of business

Even if decide your connection is not an interest you can voluntarily make a statement about it for the record and for the purposes of transparency.

The relevant documents are:-

- [Councillors’ Code of Conduct, part 5](#)
- [Standards Commission Guidance, paragraphs 129-166](#)
- [Advice note for councillors on how to declare interests](#)

If you require assistance, contact:-

- James Millar, Interim Monitoring Officer and Governance Manager, 01506 281613, james.millar@westlothian.gov.uk
- Carol Johnston, Chief Solicitor and Depute Monitoring Officer, 01506 281626, carol.johnston@westlothian.gov.uk
- Committee Services Team, 01506 281604, 01506 281621
committee.services@westlothian.gov.uk

January 2022

MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 20 FEBRUARY 2024.

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

Apologies – Councillor Robert De Bold

1. DECLARATIONS OF INTEREST

Councillor Janet Campbell stated that she was an employee of NHS Lothian.

Agenda Item 9 (Scottish Government Water, Wastewater and Drainage Policy Consultation Response)

Cllr Pauline Orr declared an interest as a member of the Scottish Government, working within the Directorate for Transport, Net Zero and Just Transition, and would not participate in the item of business.

2. ORDER OF BUSINESS

Council Executive agreed, in accordance with Standing Order 8(3), that agenda item 14 (*Deans South, Livingston: Regeneration and Compulsory Purchase Update*) was to be taken as read and its recommendations noted without further consideration.

Council Executive agreed, in accordance with Standing Order 8(3), to ask questions on agenda item 15 (*The Vennel, Linlithgow – Proposed Redevelopment Pre-development Update*), which was on the agenda for information only.

3. MINUTES

The Council Executive confirmed the Minutes of its meeting held on Tuesday 6 February 2024 as a correct record. The Minute was thereafter signed by the Chair.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - TAXI FARE REVIEW 2023-2024

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services updating on the review of the council's table of taxi fares and associated charges and asking them to consider the result of consultation that had taken place with holders of

West Lothian taxi licences and decide what changes to the table, if any, should be advertised for public consultation.

It was recommended that the Council Executive:

1. note that a review of the fare table was required under section 17 of the Civic Government (Scotland) Act 1982 ("the 1982 Act");
2. note that consultation had taken place with the relevant trade organisations and holders of West Lothian taxi licences, as required under section 17(4A)(a) of the 1982 Act;
3. note that following the consultation detailed in the report with taxi licence holders the council must propose and publish a new fare table for public consultation whether or not it included any proposed changes to the fare table;
4. note that following a meeting of taxi licence holders a clear majority of those present or who emailed their views were in favour of no change to the fare table; and
5. decide whether a proposed new fare table be advertised for public consultation with no changes to the fares and charges or alternatively whether to advertise a proposed new fare table in line with the changes proposed by The Fellowship.

Motion

'Council Executive at Para.B – recommendation agrees to: -

Note items 1, 2, 3 and 4

And as regards item 5 – Agrees that the proposed new fare table be advertised for public consultation with no changes to the current fares and charges.'

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

Decision

To unanimously agree the terms of the motion.

5. DEMOCRACY MATTERS 2

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive (Education, Planning and Economic Development) seeking approval to submit a response to the 'Democracy Matters 2' consultation.

It was recommended that the Council Executive:

1. approve the submission of the consultation response in appendix

one; and

2. note that any future updates on the Democracy Matters conversations would be brought back to the Council Executive.

Decision

To approve the terms of the report.

6. 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) in supporting households facing food insecurity in 2023/24 and to note future funding via the Shared Prosperity Funding and to agree a further update was provided to Council Executive after the summer recess on WLFN's progress towards transitioning to a new operating model.

It was recommended that the Council Executive:

1. note the work of the West Lothian Food Network Funding in 2023/24;
2. note the additional Shared Prosperity Funding of £100,000 secured by WLFN to support food insecurity in 2024/25 while it transitioned to become a Scottish Charitable Incorporated Organisation (SCIO);
3. note the planned activity in 2024/25 through the Shared Prosperity Funding;
4. note WLFN's Activity Plan, as set out in Appendix 1 of the report; and
5. agree that a further update on WLFN's Activity Plan and transition to new independent, sustainable operating model was provided to Council Executive after the summer recess.

Decision

To approve the terms of the report.

7. SURPLUS PROPERTIES AT 207 AND 209 WEST MAIN STREET, WHITBURN

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval to formally declare surplus two properties that were no longer required by the council for service delivery.

It was recommended that the Council Executive:

1. agree that the two properties listed in section D3 of the report were declared surplus to the council's requirements; and
2. instruct officers to dispose of those properties in accordance with the council's approved Surplus Property Procedures and as outlined in Appendix 1 of the report.

Decision

To approve the terms of the report.

8. SCOTTISH GOVERNMENT WATER, WASTEWATER AND DRAINAGE POLICY CONSULTATION RESPONSE

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 Head of Finance and Property Services presenting a response to the Scottish Government's Water, Wastewater and Drainage Policy Consultation for approval.

During the discussion, it was suggested and agreed that the response be updated to include the need for sewerage plant upgrades to improve the water quality of the River Almond.

It was recommended that the Council Executive:

1. note the content of the report and appendices; and
2. approve the response attached as Appendix 2 for submission to the Scottish Government.

Decision

To approve the terms of the report subject to including mention of possible upgrades to West Lothian sewerage plants to improve the River Almond's water quality.

9. SCOTTISH GOVERNMENT CONSULTATION ON SOCIAL HOUSING NET ZERO STANDARD (SHNZS)

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services reporting that the Scottish Government was undertaking consultation on a new Social Housing Net Zero Standard (SHNZS) and seeking approval for the consultation response and its submission to Scottish Government.

It was recommended that the Council Executive:

1. note the consultation on the Social Housing Net Zero Standard;

2. note the proposed council response to the consultation as set out in Appendix 1; and
3. approve the proposed response to the consultation and submission to the Scottish Government by 8 March 2024.

Decision

To approve the terms of the report.

10. ACCESSIBILITY SCHEMES 2023/24

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval for the proposed list of accessibility schemes for 2023/24.

It was recommended that the Council Executive approve the proposed list of accessibility schemes for 2023/24 which were identified within Appendix 2 for construction.

Decision

To approve the terms of the report.

11. EDINBURGH AND SOUTH EAST SCOTLAND CITY REGION DEAL ANNUAL REPORT 2022/23

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration informing of the content of the Edinburgh and South East Scotland City Region Deal Annual Report 2022/23.

It was recommended that the Council Executive:

1. note the publication of the Annual Report for 2022/23;
2. note the progress made on City Region Deal projects including those in West Lothian;
3. note that West Lothian Council was leading the City Regional Deal Partnership in 2024; and
4. agree that the review of the council's on-going participation would be undertaken in early 2025 rather than November 2024 as previously agreed by Council Executive.

Decision

To approve the terms of the report.

12. PROPOSED STOPPING-UP ORDER – EXISTING RIGHT OF WAY, J4M8 DISTRIBUTION PARK, BATHGATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration inviting them to confirm a stopping up order of a Right of Way which existed within the J4M8 Distribution Park in Bathgate.

The confirmation was required to permit development to take place in accordance with approved planning permissions granted for the development site, including to realign the existing right of way.

It was recommended that the Council Executive:

1. note that the realignment of the Right of Way was necessary to implement a consented planning proposal;
2. note the statutory procedures had been carried out and no representations were received; and
3. confirm the order as unopposed.

Decision

To approve the terms of the report.

13. 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 position in relation to the regeneration of Deans South, Livingston;
2. note the position in relation to negotiations with the owners of the nine privately owned properties in Deans South, Livingston to acquire these by mutual agreement;
3. note the position in relation to council officers potentially 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 a further update would be presented to Council Executive once confirmation was received from Springfield Properties PLC that they held legal title to all nine privately owned properties and

that the implementation of a Compulsory Purchase Order by the council would no longer be required.

Decision

To note the terms of the report.

14. THE VENNEL, LINLITHGOW – PROPOSED REDEVELOPMENT PRE-DEVELOPMENT UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services updating on the outcome of the predevelopment work undertaken by officers in relation to the proposed redevelopment of The Vennel, Linlithgow and outlining the next stages of the pre-development work.

Having been asked to detail the type of owner-occupation, including private, council tenancies, and commercial tenants, in future reports and explain any consequences that may impact redevelopment in that specific context, officers confirmed such information would be collected and incorporated within future updates.

The importance of involving local groups in the process was emphasised, and it was confirmed meetings, consultations, and progress updates would be arranged to ensure their engagement.

It was recommended that the Council Executive:

1. note the background and current position in relation to the pre-development work undertaken to date by council officers in relation to the redevelopment of The Vennel, Linlithgow;
2. note the content of the valuation report and options appraisal provided by external valuation advisors;
3. note that a formal marketing exercise would be undertaken to determine if transformative redevelopment could be secured;
4. further note that should suitable redevelopment opportunities not arise that further potential options to improve The Vennel would be considered; and
5. note that further updates would be provided to Council Executive following the summer recess once the formal marketing exercise had been completed.

Decision

1. To note the terms of the report; and
2. To note officers undertook to engage with community stakeholders through meetings, consultations, and progress updates.

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

SCOTTISH GOVERNMENT WELLBEING AND SUSTAINABLE DEVELOPMENT (SCOTLAND) BILL CONSULTATION

REPORT BY CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To seek Council Executive approval for the proposed response to the Scottish Government Wellbeing and Sustainable Development (Scotland) Bill consultation, as detailed in Appendix 1.

B. RECOMMENDATION

To approve the council's response to the Scottish Government consultation.

C. SUMMARY OF IMPLICATIONS

I Council Values	Caring and Compassionate; Open, Honest and Accountable; Collaborative, Inclusive and Adaptive
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	None.
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	None.
V Relevance to Single Outcome Agreement	None.
VI Resources - (Financial, Staffing and Property)	None.
VII Consideration at PDSP	Corporate Policy and Resources PDSP, 29 February 2024.
VIII Other consultations	None.

D. TERMS OF REPORT

D1 Background

The Scottish Government opened a consultation on 6 December 2023 to seek views to help inform the scope of any legislation for a proposed Wellbeing and Sustainable Development Bill.

The Bill aims to further improve decision making and the implementation of the National Performance Framework to ensure that all policy and delivery is focused on increasing the wellbeing of people living in Scotland, both now and in the future. The consultation also gathers views on further improving accountability and scrutiny of the National Outcomes including the case for a Future Generations Commissioner.

In preparing the council's response to the consultation, comments have been sought from officers in Legal Services; Planning, Economic Development and Regeneration; Community Wealth Building; and the Health and Social Care Partnership. A copy of the proposed response is attached as Appendix 1.

E CONCLUSION

Council Executive is asked to approve the proposed consultation response.

F BACKGROUND REFERENCES

Full consultation paper (Scottish Government, 2023)
[Wellbeing and Sustainable Development Bill: consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/consultations/2023/01/20230120-wellbeing-and-sustainable-development-bill-consultation/consultation-20230120-wellbeing-and-sustainable-development-bill-consultation.pdf)

Appendices/Attachments: 1**Appendix 1: Proposed consultation response**

Contact Person: Morgan Hewitt, Project Officer, 01506 281080
morgan.hewitt@westlothian.gov.uk

Graham Hope
Chief Executive

12 March 2024

5.1 Defining Wellbeing	
Is a statutory definition of wellbeing required?	<p>Yes, a statutory definition is required as the definition of wellbeing is open to subjectivity which could result in high levels of variance or inconsistency service provision. Quality assurance of services, clarity of responsibilities, rights-based practice and clear expectations would all be particularly challenging if there is no statutory definition.</p> <p>In the absence of a statutory definition, courts will look to the plain language meaning of the word, and then to dictionary meanings. Dictionary meanings are mostly about personal wellbeing, involving individual rights and benefits, rather than community or collective wellbeing which is the target of this proposed legislation.</p> <p>The imposition of a statutory duty, especially one which will involve the use of public money and other resources, must make the requirements and limits of that duty clear. A set of guiding principles would also be welcome with the ability to apply local circumstances.</p>
Do you have any views on how 'wellbeing' can be clearly defined in legislation?	<p>Any definition should be simple, clear and workable and should avoid confusion, conflation and/or overlap with wellbeing where it is found in other legislation</p> <p>It should be accompanied by a list of relevant factors and considerations by which actions to implement the duty can be designed and assessed.</p> <p>There is merit in providing Ministers with the power to issue statutory guidance, but only after consultation on its terms. Councils already have a power to advance wellbeing (sections 20-22 of the Local Government in Scotland Act 2003). For councils, it is possible and would be preferable to make links to that power so that the legal power and the legal duty are aligned. In doing so, the statutory guidance on the wellbeing power should be revisited and updated from its still current original 2004 form.</p> <p>The legal duty should not be a stand-alone duty. That will add an unnecessary burden to councils and other public bodies who will have the duty imposed on them. It may lead to "Departments of Wellbeing". The better approach would be to require councils to have regard to the duty to advance wellbeing (as defined) when carrying out their public functions. That would be the same approach taken in relation to the Fairer Scotland duty, and in relation to green/environment duties to address climate change.</p> <p>There are various national approaches to improve the wellbeing of people that are familiar to local governments and which local authorities already have a power to advance. Significant consultation was undertaken when these were being developed and therefore consideration needs to be given to what is already in existence which includes GIRFEC and GIRFE and wellbeing indicators.</p>

	Any wellbeing definition should be rights based, strengths based and holistic.
5.2 Defining sustainable development	
Is a statutory definition of 'sustainable development' required?	<p>Yes, but not without understanding the impact that such a definition may have on current legislation and practice where the term sustainable development (probably undefined) is already used. For example, The Town and Country Planning (Scotland) Act 1997 Section 3ZA – Purpose of Planning states:</p> <p>(1) The purpose of planning is to manage the development and use of land in the long term public interest.</p> <p>(2) Without limiting the generality of subsection (1), anything which—</p> <ul style="list-style-type: none"> (a) contributes to sustainable development, or (b) achieves the national outcomes (within the meaning of Part 1 of the Community Empowerment (Scotland) Act 2015), <p>is to be considered as being in the long term public interest</p> <p>(3) This section applies only to the Scottish Ministers' and planning authorities' exercise of functions under Parts 1A and 2.</p> <p>In addition, consideration needs to be taken on how local authorities will be required to report back and evidence that something that is delivered or any policies developed 'meets the needs of the present without compromising the ability of future generations to their own needs'.</p>
Do you agree with our proposal that any definition of sustainable development should be aligned with the common definition: "development that meets the needs of the present without compromising the ability of future generations to meet their own needs"?	<p>There should be alignment with the common definition. However, that definition is already used within National Planning Framework 4, which although not itself a statute, is part of the Statutory Development Plan.</p> <p>Care would need to be taken to ensure that the definition did not act contrary to other legislative or regulatory frameworks or change the implementation of these frameworks.</p>
Do you have other views on how 'sustainable development' can be clearly defined in legislation?	<p>See responses above on statutory definitions of wellbeing and sustainable development. There are already existing definitions of sustainable development and care would need to be taken to ensure that any 'new' legal definition was consistent with existing definitions.</p> <p>Legislation needs to enable local circumstances and factors to be taken into account.</p>
What future wellbeing issues or challenges do you	The determinants of wellbeing and sustainable development have an impact on and are impacted on through a range of factors already

think legislation could help ensure we address?	<p>covered by policy areas and legislation. There are already powers contained within various pieces of legislation which allow local authorities to advance wellbeing of people as well as national approaches. Any future legislation needs to ensure it is consistent with what is in existence and does not conflict.</p> <p>From a planning perspective, legislation should address environmental wellbeing.</p>
We are aware that the term 'sustainable development' has been set out in various legislation of the Scottish Parliament since devolution in 1999, and that careful consideration will need to be given to how any new definition will impact on these. What impact, if any, would the proposed definition have on other areas of legislation?	<p>See responses above on statutory definitions of wellbeing and sustainable development. There is a need to avoid confusion with the term where it appears in other legislation, and the preference for adopting an existing definition if that is possible.</p> <p>There is a risk of definitions which are inconsistent in law and a greater risk of a national definition which essentially supersedes existing legislative definitions. This runs the risk of practical changes to the implementation and effect of legislation. It is not possible to say what these changes may be at this stage.</p>
5.3 Strengthening duties for the National Outcomes and sustainable development	
How could a legal duty be defined to ensure that public authorities uphold sustainable development and the interests of future generations?	<p>It is already defined in legislation – for example in the Planning Acts and that may provide a model for wider a duty.</p> <p>See above on defining wellbeing (5.1) and sustainable development (5.2).</p>
Are there specific areas of decision making that should be included or excluded from the Bill?	No.
What issues, if any, may result from strengthening the requirement to have regard to National Outcomes?	Note that local authorities are already operating under severe financial pressures, and any additional requirements would need to have regard to this.
5.4 Clarifying to whom the duties apply	
Should any duty apply to the Scottish Government?	Yes.
Do you have any views on the range and type of organisations that any duty should apply to?	<p>There is an argument that it should apply to all organisations including Scottish Government, councils, community planning partnerships and devolved public bodies carrying out public functions in Scotland.</p> <p>It would be prudent to use the list of public bodies subject to the Fairer Scotland duty.</p>

5.5 Defining ways of working	
Do you have any views on how we can better report the achievement of wellbeing objectives which supports clear accountability and scrutiny of public bodies in Scotland?	Reporting needs to match the resources required to deliver the duty. It needs to be simple and enable local circumstances to be taken into account. The imposition of a complicated and onerous reporting or monitoring system has no obvious benefits and would add to the already severe financial pressures under which councils operate. The approach taken to the Fairer Scotland duty would be sensible, whereby public bodies covered by the duty demonstrate their compliance through and during the decision-making process.
What additional steps are needed to ensure collaboration and working across boundaries?	No additional steps are required. Reporting and requirements need to be simple and unless any changes come with additional resources they cannot be too challenging to undertake.
Do you have any views on whether any duty related to ways of working could create conflicts with duties currently placed on you?	The duty could create additional workload in terms of reporting when the aims and principles of wellbeing and sustainable development are already factored into local authority service delivery.
Do you have any views on the additional resource implications necessary to discharge any wellbeing duty in your organisation?	<p>The imposition of a complicated and onerous reporting or monitoring system has no obvious benefits and would add to the already severe financial pressures under which councils operate. Assessing proposals against the wellbeing/sustainable development duty could be reasonably readily absorbed into the existing process of equality impact and Fairer Scotland assessments.</p> <p>Resources will need to be provided to support the additional reporting and any monitoring requirement should new legislation or a duty be placed on local authorities.</p>
5.6 Determining an approach for future generations	
Should Scotland establish an independent Commissioner for Future Generations?	No. The Scottish Government's paper on commissions and commissioners (The role of commissions and commissioners in Scotland and the UK, March 2023) stated that there is very little published research on commissioners, no handbook or blueprint within government for designing the role, and little evaluation exploring the pros and cons of different approaches, powers or ways of working for commissioners. It is not apparent what value a commissioner would add where such a wide-ranging duty of universal application is concerned. A commissioner is likely to bring with it a regime of advice, guidance, monitoring and reporting, and possibly investigation, direction and sanction. The complexity and added cost in time and financial resources for both Scottish Government (maintaining the office) and public bodies (compliance and reporting) outweigh what might be hoped to be benefits but which cannot be guaranteed. The operation of "wellbeing" duties in other contexts generally do not require that kind of regime. Public

	bodies should be required to have regard to the duty in their decision-making and service delivery and face the consequences in terms of complaint, litigation and reputational harm should they fail to do so.
In what ways could an independent Commissioner for Future Generations increase the accountability, scrutiny, and support for decision making?	See previous question and answer.
Are there alternative ways we can increase the accountability, scrutiny, and support for decision making?	See previous answer and references in earlier answers to similar and comparable legal regimes.

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

SCHEME OF ELECTED MEMBERS REMUNERATION, ALLOWANCES AND REIMBURSEMENT OF EXPENSES

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To allow the adoption of a Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses for 2024/25.

B. RECOMMENDATION

1. To approve the revised Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses for 2024/25 as set out in Appendix 1.
2. To note that the Scheme may have to be revisited depending on the Scottish Government's position on recent recommendation by the Scottish Local Authorities Remuneration Committee (SLARC) and anticipated new Standards Commission guidance on the acceptance of gifts and hospitality.

C. SUMMARY OF IMPLICATIONS

I Council Values

Caring and compassionate; open, honest and accountable; and collaborate, inclusive and adaptive.

II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)

The council's Code of Corporate Governance requires the Scheme to be reviewed annually by Committee; Local Governance (Scotland) Act 2004 and related statutory regulations.

III Implications for Scheme of Delegations to Officers

None

IV Impact on performance and performance Indicators

None

V Relevance to Single Outcome Agreement

None

VI Resources - (Financial, Staffing and Property)

Elected Members remuneration, allowances and expenses will be resourced from within the 2024/25 Revenue Budget.

VII Consideration at PDSP

None

VIII Other consultations

In accordance with the Council's Financial Regulations, the Head of Finance and Property Services has been consulted.

D. TERMS OF REPORT

D.1 Background

The Council's Code of Corporate Governance requires the Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses (the Scheme) to be reviewed annually by Committee.

The Scheme is based on the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 and the Local Government (Allowances and Expenses) (Scotland) Regulations 2007, both as amended.

D.2 2024/25 Pay Levels

Elected members remuneration is set by the Scottish Government. The Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2024 (the 2024 Regulations), were laid before the Scottish Parliament on 29th January 2024 and are due to come into force on 1st April 2024. They substitute increased annual amounts of local authority remuneration to members. The changes will come into effect from 1 April 2024 and are set out below:

Post	2023/24 Salary (£)	2024/25 Salary (£)	Increase (£)
Leader of the Council	40,205	42,698	2,493
Civic Head (Provost)	30,154	32,024	1,870
Senior Councillors (12)	29,314	31,131	1,817
Councillors of Joint Boards			
- Convenors	25,128	26,686	1,558
- Vice Convenors	23,872	25,352	1,480
Councillors	20,099	21,345	1,246

D.3 2024/25 Scheme

The council's Code of Corporate Governance requires the Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses (the Scheme) to be reviewed annually.

The Scheme for 2024/25 has been updated to include:

- the revised salary payments set out in Section 2.
- the agreed amendments to the Family Leave Arrangement set out in Section 9 to incorporate the extended provisions for sickness absence. and amend the link to the new Leave Scheme for Elected Members.

There are two ongoing issues which may result in the Scheme being revisited in the coming year. In February 2024 the Scottish Local Authorities Remuneration Committee (SLARC) published its report Recommendations for Councillors' Remuneration and Expenses. The recommendations are with the Ministers for consideration. They deal with issues relevant to the Scheme; remuneration, allowances and expenses, senior councillor numbers, training and induction, and member support. The Standards Commission is considering issuing new guidance in

relation to gifts and hospitality. Those changes may have an impact on the list of approved duties in the Scheme.

D.4 Leave Provisions for Elected Members

The Council Executive approved the adoption of the Family Leave Scheme for Elected members in 2020 which forms part of the Scheme of Elected Member Remuneration, Allowances and Reimbursement of expenses.

As part of those provisions, a further report was presented to Council Executive in June 2023 to consider and approve, as appropriate, an extension to the Scheme to include provisions for suitable cover for portfolio holders and others in receipt of Senior Councillor payments, during periods of sickness absence lasting, or expecting to last, at least 4 weeks. These provisions were approved and incorporated into the Council's Family Leave Scheme for Elected Members, which was also renamed Leave Scheme for Elected Members.

E. BACKGROUND REFERENCES

The Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 and the Local Government (Allowances and Expenses) (Scotland) Regulations 2007, both as amended.

Leave Scheme for Elected Members – Council Executive, 20 June 2023

Appendices/Attachments: 1: Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses 2024/25.

Contact Person: Vera Bole, Interim HR Operations Manager
Email: vera.bole@westlothian.gov.uk

Lesley Henderson
Interim Head of Corporate Services

12 March 2024

WEST LoTHIAN COUNCIL

SCHEME OF ELECTED MEMBERS REMUNERATION, ALLOWANCES AND REIMBURSEMENT OF EXPENSES 2024/25

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Appendix 1 – [Approved Duties](#)

Appendix 2 – [Elected Member Telephone, Computer and Other Equipment Allowances](#)

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WEST LoTHIAN COUNCIL

SCHEME OF ELECTED MEMBERS REMUNERATION, ALLOWANCES AND REIMBURSEMENT OF EXPENSES

1 INTRODUCTION

The Scheme is based on the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 and the Local Government (Allowances and Expenses) (Scotland) Regulations 2007, both as amended.

2 ELECTED MEMBER POSITIONS AND REMUNERATION ARRANGEMENTS

2.1 Positions

Remuneration levels for Elected Members are dependent on the responsibilities held. With the exception of the position of basic Councillor, levels of payment are determined by a banding system. For remuneration purposes West Lothian Council is placed in Band B.

Leader of the Council – Each local authority will have one Council Leader post.

Civic Head – Each local authority will have one Civic Head post and has scope to determine the level of salary paid up to a maximum of 75% of the remuneration paid to the Council Leader.

Senior Councillor – Individual authorities have the flexibility to determine which positions should be considered Senior Councillor meriting a higher level of remuneration. In doing so, the restrictions set out in the regulations that should be considered are:

- the limit on the number of posts that each council may have (West Lothian Council limit of 14);
- the total budget available for paying Senior Councillors;
- that payment cannot be more than 75% of the remuneration paid to the Leader.

Councillors - Elected Members who do not hold the position, for remuneration purposes, of Leader, Civic Head or Senior Councillor will receive remuneration set at the basic level.

2.2 West Lothian Council – Levels of Remuneration

The scope for determining levels of remuneration for Elected Members is set out in the regulations. The Council's Code of Corporate Governance requires the Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses to be reviewed annually by committee. Any increases notified by the Scottish Government within the annual reporting cycle will be applied administratively.

2.3 Joint Boards and Community Justice Authorities

Conveners of joint boards and community justice authorities shall be paid a total yearly amount of £26,686 (this includes the salary they receive as a councillor). The vice-convenor will be paid a total yearly amount of £25,352 (this includes the salary they

receive as a councillor). If the convener or vice-convener receives greater remuneration as a Senior Councillor, the greater amount will be payable.

2.4 Renouncing all or part of a salary

Any Elected Member, regardless of level of payment, will be able to renounce receipt of all or any part of his/her salary if he/she wishes to do so. If an Elected Member chooses to renounce all or part of the payment due they should advise the Head of Corporate Services in writing.

3 CLAIMING ALLOWANCES & EXPENDITURE

3.1 West Lothian Council Business

Elected Members are required to complete the standard claims form, for reimbursement of travel, subsistence and expenses costs. Claim forms are available from the Member Services Administration team or on [My Toolkit](#).

Completed forms should clearly indicate the approved duty undertaken. For ease of administration the reference letters allocated in Appendix 1 can be used. It is only necessary to detail times if a claim for subsistence is made.

Claims should be completed and submitted on a monthly basis. Dates for submitting forms for payment will be provided to the Member Services Administration team and are published on [My Toolkit](#).

3.2 Joint Board Business

For councillors who are also members of joint boards, there is a requirement to report expenses relating to this business separately. The standard claim form for reimbursement of travel, subsistence and expenses costs for joint board business is available from the Member Services Administration team or on [My Toolkit](#).

3.3 Submission and Publication

It is the responsibility of each individual Elected Member to complete forms accurately and duly sign the declaration. Completed forms should be passed to Corporate Services for processing.

As the Council is required to publish information on Elected Members' salaries, allowances and expenses by 1 June each year, expenses claims for that year must be submitted no later than 5 April. Expenses claims submitted after this date will only be reimbursed in exceptional circumstances to be determined by the Head of Corporate Services.

4 TRAVEL ALLOWANCES

Elected Members are expected to adopt the most cost-effective method of travel.

Payment of travel allowances will be paid to Elected Members in accordance with the Local Government (Allowances and Expenses) (Scotland) Regulations 2007 and Amendment Regulations 2010.

Travel allowances will be paid at the rates set by the regulations for journeys necessarily incurred for the purpose of performing approved duties. The list of approved duties is set out in Appendix 1.

4.1 Private Car, Van, Motorcycle or Bicycle

Work Travel

Where the method of travel is by private car, van, motorcycle or bicycle the mileage claimed should commence from the point of departure on Council business and should be on the basis of excess mileage incurred on approved duties.

Rates of mileage allowance are set in the Regulations and are as follows:

Mode of Transport	Amount Per Mile
Car or Van	45p
Motorcycle	24p
Bicycle	20p
Additional passenger rate (per passenger)	5p

HM Revenue and Customs have set the maximum statutory tax-free rate of mileage allowance at 45p per mile. PAYE will not be payable on mileage allowance claims.

In addition to mileage, the following associated costs will be reimbursed:

- Parking charges – receipted costs of expenditure incurred
- Road and bridge tolls
- Road pricing/congestion charges – receipted costs of expenditure incurred
- Ferry fares for car, motorcycle or bicycle - receipted cost of expenditure incurred

Home to Work Travel

Home to work mileage claims for Elected Members who live more than 20 miles outside the council's boundary will be the subject of taxation.

Mileages incurred should be so detailed to provide a suitable trail for audit purposes. In this respect, details of each port of call must be entered on the claim form.

Elected Members have an obligation to claim the shortest route for each journey undertaken irrespective of the miles actually travelled.

4.2 Public Transport

Where the method of travel is by public transport, the following expenses may be claimed:

- Buses and trams – expenses incurred, including season ticket/passes where this is considered more cost effective.
- Taxis, trains, air travel, ferry travel – receipted cost of fare.

Travel by taxi should only be in cases of urgency or when no public service is reasonably available. If an Elected Member requires to travel by taxi on a regular basis, the principle of this should be agreed beforehand with the Head of Corporate Services.

It is expected that travel by public transport should be by standard or economy class.

5 SUBSISTENCE

5.1 Meals

Where an Elected Member is required to carry out Council business out with his or her own ward, or out with council premises in the local authority area of which they are a member, actual receipted cost of reasonable expenses may be reimbursed up to the levels detailed below:

Breakfast*	£8
Lunch	£12
Dinner	£25

*Reimbursement of breakfast costs cannot be claimed in addition to overnight subsistence and are only payable when there is a requirement to travel some distance.

5.2 Overnight Subsistence

In the case of an absence overnight from the usual place of residence the maximum rates of receipted reimbursement are:

Standard	£110
London	£131

This reimbursement covers the cost of bed and breakfast whether accommodation is booked on a "room only" or "bed and breakfast" basis.

Friends or Family	£25
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Where overnight accommodation away from home is taken with friends or family a rate of £25 per night is payable. Any claim relating to this allowance must include the accommodation address and the name(s) of the friends or family with whom the Elected Member stayed. In the circumstances where a claim of this kind is made, no other overnight allowance is payable.

Where the Council itself purchases places for Elected Members at a residential conference or other event, no overnight subsistence will be payable.

5.3 Overseas Accommodation

Where travel overseas is required, the maximum level of receipted reimbursement will generally be equivalent to the London rate.

Overseas	£131
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6 CIVIC HEAD ALLOWANCE

The Civic Head, or persons deputising for the Civic Head, may be reimbursed actual and receipted expenditure incurred in carrying out civic duties up to a maximum of £3,000 in a 12-month period running from the date of election.

7 TELEPHONES, COMPUTERS AND OTHER EQUIPMENT

Guidance on the provisions available in relation to telephone, computers and other equipment and the costs that will be reimbursed and the arrangements for doing so is set out in Appendix 2.

8 PAYMENT ARRANGEMENTS

The payment of travel and subsistence allowances and Civic Head expenses will be paid monthly on the last Thursday of the month. Payments will be made directly to the Elected Member's bank account.

9 LEAVE ARRANGEMENT

This [Scheme](#) sets out the circumstances under which the council has agreed that Elected Members may take a leave of absence, and ensures that reasonable and adequate arrangements are in place to provide cover for portfolio holders and others in receipt of Senior Councillor payments during any period of leave taken.

10 TAXATION

Any Elected Member wishing information on the tax implications of specific allowances should seek advice from the HR Operations Section of Corporate Services.

11 CHECKS AND CONTROLS

Elected Members should annually submit a valid driving licence and car insurance certificate for inspection at the start of each financial year to Corporate Services. The car insurance should cover Council business use.

Total claims for subsistence and mileage will be reported to the Leader of the Council on a 3-monthly basis. Elected Members will also be provided with details of their own cumulative claim totals.

Corporate Services staff will ensure the arithmetical accuracy of the form and will vouch travel allowances claimed for Committee attendance.

Corporate Services staff will ensure that all claims submitted adhere to the details contained in this Scheme otherwise the claim will be returned to the Elected Member.

12 PUBLICATION

Information on Elected Members salaries, allowances and expenses will be published on the Council's website by 1 June each year. This information will include any ICT related costs and costs for transport, subsistence and attendance at conferences paid for directly by the Council on behalf of Elected Members. This information will also be available for inspection at council offices when requested in writing by a member of the public. Appendix 3 sets out the template for publicising Elected Members Remuneration, Allowances and Expenses.

CORPORATE SERVICES
POINTS OF CONTACT

Name	Designation	Telephone	Location
Claire Wallace	Interim HR & Support Services Manager	01506 281447	Civic Centre
Vera Bole	Interim HR Operations Manager	01506 281435	Civic Centre

WEST LoTHIAN COUNCIL

APPROVED DUTIES

Allowances are payable for the purpose of an approved duty, the Local Government (Scotland) Act 1973 defines an approved duty as:

- Attendance at meeting of the body or any of its committees or sub-committees, and
- The doing of any other thing approved by the body, or anything of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the body or of any of its committees or sub-committees.

The term body used above includes the Convention of Scottish Local Authorities, West Lothian Council and Joint Boards of which the council is a participant.

The “approved duties” approved by the council in terms of section 46 of the Local Government (Scotland) Act 1973 are listed hereunder, viz:

REFERENCE	APPROVED DUTY
a)	Attendance at a duly constituted meeting of the Council and Committees or Sub – Committees thereof, Policy Development & Scrutiny Panels and Local Committees.
b)	Attendance in the capacity as a member of the Council at meetings, functions or ceremonies at the invitation of non-party political organisations.
c)	Attendance by Chair of Committee or Sub-Committee of the council, or an Executive Elected Member (portfolio holder), as the Council's representative at any event, function or visit whose matter is closely related to the function of that committee or Sub-Committee or Portfolio.
d)	Attendance at scheduled surgeries.
e)	Attendance at surgeries out with a member's own ward, where necessary.
f)	Attendance by an Elected Member at specified place and at a pre-arranged time for the purpose of being available for consultation by constituents on problems arising in connection with the discharge of the functions of the council or any of its committees or sub-committees. Attendance for consultation with constituents at a place within the area of West Lothian Council other than at fixed or specified locations.
g)	Attendance at meetings of other bodies as a duly appointed delegate of the council.

REFERENCE	APPROVED DUTY
h)	Attendance at a conference or course as a duly appointed delegate of the Council.
i)	Attendance by a Chair of a Committee or Sub-Committee of the Council, or an Executive Elected Member (portfolio holder), or their nominees at meetings which have to be arranged on occasions with officials of the Council.
j)	Attendance by the Provost, Deputy Provost and Leader of the Council at his or her office to undertake official duties.
k)	Attendance at any other function or ceremony with prior approval of the Council or appropriate Committee or Sub-Committee.
l)	Attendance of a local member of the Council at a meeting called by the Provost or Chair of Committee or Sub-Committee of the Council, or an Executive Elected Member (portfolio holder), and/or an officer of the council to discuss business of a competent nature.
m)	Undertaking a duty in connection with the Council's functions, provided it has been approved in advance by the appropriate Committee or Sub-Committee, with the proviso that when a duty of an emergency nature arises which cannot be dealt with by telephone or correspondence, that emergency duty will be reported to the next meeting of that Committee or Sub-Committee for consideration as an "approved duty".
n)	Attendance at duly notified meetings of Elected Members of the political group.
o)	Attendance of Elected Members of the Council at area offices following a surgery in pursuance of any enquiry made to the local member by a constituent at the surgery.
p)	Attendance of Elected Members of the Council at properly constituted meetings of Community Councils and Parent Councils established within their ward.
q)	Attendance at Council premises for the purpose of carrying out clerical research and correspondence duties in relation to matters raised with Elected Members by constituents. Such duties will occur as required, but shall constitute "approved duties" on not more than one occasion in each working day.
r)	Attendance of political group officers, namely, Leader, Deputy Leader, Secretary and Whip to carry out work on behalf of the group on the basis of not more than five occasions in a calendar month.
s)	Attendance at training offered free of charge by bodies, such as the Improvement Service; or Audit Scotland, without the prior approval of the Council or appropriate Committee or Sub-Committee.

WEST LoTHIAN COUNCIL

ELECTED MEMBER TELEPHONE, COMPUTER AND OTHER EQUIPMENT ALLOWANCES

CLAIMS PROCEDURE AND GUIDANCE NOTE

This guidance note sets out the provision available in relation to the costs that will be reimbursed and the arrangements for doing so.

1. Computers

Each Elected Member will be provided with a desktop PC or laptop computer for business use.

2. Home Telephones

Elected Members may choose to have either:

- A secondary (business) home telephone line installed and administered by the Council; or
- 50% of receipted line rental and itemised billing charges reimbursed for a home telephone which is used for both business and personal use.

Where a telephone package involves payment of line rental and a fixed sum in relation to call charges, reimbursement will be for 50% of the line rental charges plus any identified business call costs only.

3. Mobile Telephone and iPad

The Council will provide a mobile telephone and an iPad to Elected Members from a supplier of the Council's choice. The Council will be responsible for the following costs:

- Telephone equipment
- Line rental/charge
- The actual cost of business

The use of mobile telephones and iPads is restricted to Council business only. On receipt of these devices Elected Members will be required to provide a written undertaking regarding restrictions of use. In exceptional circumstances, an Elected Member may use the mobile telephone for a private call. In such cases he or she will be required to repay the full cost of the call to the Council.

As international roaming is not included in the contract for iPads, if an Elected Member requires to use their iPad whilst abroad, this must only be done in areas where free Wi-Fi is available. Elected Members must contact IT Services prior to taking the iPad abroad in order to get the international bar lifted. This bar must be reinstated on return.

4. Broadband Internet Services

Broadband internet services will be made available to Elected Members based on business need to be determined in conjunction with the Head of Corporate Services.

When requesting installation Elected Members will be required to provide a written undertaking regarding restrictions of use.

5. Remote Secure Access (RSA) Tokens

RSA Tokens will be made available to Elected Members based on business need in circumstances where an Elected Member requires secure remote access to network drives. Business need shall be determined in conjunction with the Head of Corporate Services.

6. Payment of Accounts

- Home Telephones for Business and Personal Use

The Elected Member will be responsible for paying accounts for home telephones used for business and personal use to the provider of the service.

- Secondary Phone Line for Business Use

The Council will administer the payment of secondary phone lines installed for business use only.

- Mobile Telephones and iPad

The Council will administer the payment of mobile telephone and iPad accounts.

- Broadband Internet Services

Where broadband internet services are provided via a home telephone package the Elected Member will be responsible for paying accounts for the broadband internet service. The Council will administer the payment of broadband internet services installed for business use only.

7. Reimbursement of Costs

Elected Members must submit a receipted telephone account and/or broadband internet service account to Corporate Services, before any reimbursement of costs can be made. Where an Elected Member has opted to use one phone line for business and personal use, then receipted accounts must be accompanied by a statement of business calls being claimed.

Elected Members paying telephone and/or broadband internet service accounts by direct debit or budget account must submit the payment invoice received from the provider of the service.

Reimbursement will be made through the payroll system.

8. Taxation (PAYE)

- **Home Telephones**

Reimbursements of home telephone rentals are subject to tax under PAYE. Tax is calculated at the time of payment and is deducted at source from the rental cost. Business telephone calls are not liable to tax. This however is subject to appropriate controls being in place.

Elected Members are required to keep records of private and business calls and they have a responsibility to keep itemised call billing statements and any other supporting evidence where reimbursement is being sought for business calls.

- **Mobile Telephones**

No tax charge arises from the use of mobile telephones. The Council will retain copies of mobile telephone accounts and itemised call billing statements for inspection purposes.

- **Broadband Internet Services**

No tax charge arises for the reimbursement of broadband internet service accounts which are provided for business purposes. The council will retain copies of billing statements for inspection purposes.

- **VAT**

Elected Members will be reimbursed for the VAT component of rental and business calls subject to provision of a receipted telephone account and/or broadband internet service account. The actual receipted account must be submitted, as copies are not sufficient for the Council to reclaim the VAT element. Where Elected Members pay telephone accounts and/or broadband internet service accounts by direct debit or budget account, the actual payment invoice received from the provider of the service must be submitted.

9. Other Matters

Elected members may wish to have home telephone features that are additional to the basic services listed above. Where this is the case, Elected Members will be responsible for meeting the full cost of these features with no reimbursement being provided by the Council.

Additional mobile telephones purchased for private use will be the responsibility of Elected Members, with no reimbursement of any aspect of the cost being made, even where occasional business use is incurred.

DATA LABEL: Public



COUNCIL EXECUTIVE

TIMETABLE OF MEETINGS 2024/25

REPORT BY CHIEF EXECUTIVE

A. PURPOSE OF REPORT

The approval of a timetable of meetings to July 2025 of the council, its committees and working groups (including Policy Development and Scrutiny Panels) which meet according to a regular timetable.

B. RECOMMENDATIONS

1. Subject to the following, to note and approve the arrangements shown in the appendices for meetings of the council, its committees and working groups from August 2024 until July 2025
2. In relation to Policy Development & Scrutiny Panels (PDSPs):-
 - i. To note that their meeting dates are set through Lead Officers and Chairs
 - ii. To note that although Lead Officers and Chairs have been consulted about the dates proposed in this report those dates may be subject to later change
3. In relation to Local Area Committees (LACs):-
 - i. To note that each LAC sets its own meeting dates and that those in the appendices are not all yet agreed
 - ii. To delegate authority to the Chief Executive to make any changes required as a result of LACs subsequently agreeing different meeting arrangements.
4. In relation to Members' Training Days:-
 - i. To note and agree the proposed dates
 - ii. To delegate authority to the Chief Executive to adjust those dates and times in the event of a change of circumstances arising
5. To note that, subject to the exceptions made in Standing Orders and

the Scheme of Administration, meetings will continue to be convened on a hybrid basis from the council chamber.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Caring and compassionate; open, honest and accountable; collaborate, inclusive and adaptive
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Council's Standing Orders and Scheme of Administration Local Code of Corporate Governance
III	Implications for Scheme of Delegations to Officers	None
IV	Impacts on performance and performance indicators	None
V	Relevance to Single Outcome Agreement	None
VI	Resources – (Financial, Staffing and Property)	None
VII	Consideration at PDSP	None
VIII	Other Consultations	Chairs and Lead Officers; Committee Services; Corporate Management Team

D. TERMS OF REPORT

1 Background

- 1.1 The council is required to agree a timetable of meetings for the council, its committees and working groups that meet according to a regular timetable. In accordance with a recommendation by Internal Audit, and recent practice, a timetable of meetings for the next year is produced for consideration and approval. It has followed past practice so far as practicable in the general pattern and frequency of meetings of bodies in the council's decision-making structure. To assist members, the same information found in Appendix 1 is presented in an alternative format in Appendix 2. Subject to a small number of exceptions in Standing Orders, meetings will continue to be convened on a hybrid basis from the council chamber.
- 1.2 Additionally, meetings have been arranged in accordance with a decision taken by council on 26 September 2017 which concerned Family Friendly Working Arrangements and 7 November 2017 which concerned resulting Changes to Standing Orders. Meeting arrangements have been proposed that meet the requirements of Standing Orders. Except where required for

regulatory committees the main school holiday periods have been avoided and meetings do not start before 9.30 am or after 3.00 pm.

- 1.3 Meetings fixed by some other bodies, for instance, the Licensing Board, West Lothian Integration Joint Board, St John's Hospital Stakeholder Group, Community Planning Partnership Board and Community Safety Board are set independently and they have been shown in Appendix 1, where known, for information purposes only.

2 Particular meeting arrangements

- 2.1 In general, meetings of council and its committees have been arranged on the same pattern as before and in accordance with specific rules in the Scheme of Administration.
- 2.2 Under the council's Scheme of Administration, meetings of Policy Development and Scrutiny Panels are to be fixed by the Clerk in consultation with the Chairs and Lead Officers. Those arrangements have been completed with both the Chair and Lead Officer having been consulted on and agreed the proposed dates for Policy Development Scrutiny Panels. They may be subject to change from time to time.
- 2.3 Local Area Committees are required to agree each year a schedule of regular meetings for the succeeding twelve months to be submitted to the Council Executive for approval. Most of these proposed dates have been agreed by the LACs, but some remain outstanding, and provisional dates are included for those bodies in the appendices.
- 2.4 It is recommended that authority is delegated to the Chief Executive to make any changes required for Local Area Committees and to incorporate those details in the timetable in the appendices.

3 Training Days

- 3.1 As has been recent practice, a number of dates have also been identified for the purpose of elected member training. These are proposed as follows:-
- Wednesday 4 September 2024 at 10am
 - Monday 4 November 2024 at 10am
 - Wednesday 22 January 2025 at 10am; and
 - Monday 17 March 2025 at 10am
- 3.2 Identifying and setting aside these dates for training and member development will assist in the planning and delivery of training. In case changed circumstances require a training day to be rearranged, authority is sought to allow the Chief Executive to change the dates where required. Additional *ad hoc* sessions will continue to be arranged as appropriate.

E. CONCLUSION

Setting dates and times for meetings of full council, committees and other bodies will ensure compliance with the Code of Corporate Governance and Internal Audit's recommendations, and will assist in the forward planning of

council business.

F. BACKGROUND REFERENCES

Standing Orders and Scheme of Administration.

West Lothian Council, 26 September 2017, 13 February 2018, 19 November 2019, 28 September 2021 and 23 June 2022

Appendices: 1 Calendar of Meetings 2024/2025

2 Summary of meeting arrangements 2024/2025

Contact Person: Carol Johnston, Chief Solicitor
Graham Hope, Chief Executive

12 March 2024

August 2024

Monday	Tuesday	Wednesday	Thursday	Friday
29 July	30 July	31 July	1 School Holiday	2 School Holiday
5 School Holiday	6 School Holiday	7 School Holiday	8 School Holiday 9:30 Placing in School Appeals Committee 14:00 West Lothian Integration Joint Board	9 School Holiday 10:00 West Lothian Licensing Board
12 School Holiday	13 10:00 Council Executive	14 9:30 Licensing Committee	15 10:00 West Lothian Council Planning Committee; and 11:00 West Lothian Council (Planning) 14:00 Housing Services PDSP	16 14:00 Joint Consultative Group (Non-Teaching)
19 9:30 Bathgate Local Area Committee 14:00 Asset Transfer Committee	20 9:30 Linlithgow Local Area Committee 9:30 West Lothian Leisure Advisory Committee 14:00 Education PDSP	21 10:00 Development Management Committee	22 9:30 Livingston South Local Area Committee 14:00 Social Work & Health Policy PDSP	23 9:30 Corporate Policy & Resources PDSP
26 9:30 Placing in School Appeals Committee 14:00 Community Safety Board	27 9:30 Armadale & Blackridge Local Area Committee 14:00 Public & Community Safety PDSP	28 11:00 Local Review Body	29 9:30 East Livingston & East Calder Local Area Committee 14:00 Asset Transfer Review Body	30 9:30 Employee Appeals Committee

September 2024

Monday	Tuesday	Wednesday	Thursday	Friday
2 9:30 Whitburn & Blackburn Local Area Committee 14:00 Joint Consultative Group (Teaching)	3 10:00 Education Executive 11:00 Council Executive 14:00 Education Quality Assurance Committee	4 10:00 Members Training	5	6 9:30 Livingston North Local Area Committee
9 10:00 Community Planning Partnership Board 14:00 Performance Committee	10 9:30 Economy, Community Empowerment & Wealth Building PDSP 11:00 Environment & Sustainability PDSP 14:00 Fauldhouse & the Breich Valley Local Area Committee	11 9:30 Licensing Committee	12 9:30 Placing in School Appeals Committee 14:00 IJB Audit, Risk & Governance Committee	13 School Holiday 10:00 West Lothian Licensing Board
16 School Holiday	17 School Holiday 14:00 West Lothian Integration Joint Board	18 10:00 Development Management Committee	19 10:00 West Lothian Council Planning Committee; and 11:00 West Lothian Council (Planning)	20 9:30 Broxburn, Uphall & Winchburgh Local Area Committee
23 14:00 Asset Transfer Committee	24 10:00 West Lothian Council	25 11:00 Local Review Body 14:30 Livingston Youth Trust	26 14:00 Asset Transfer Review Body	27 9:30 Employee Appeals Committee
30 14:00 Governance & Risk Committee				

October 2024

Monday	Tuesday	Wednesday	Thursday	Friday
30 September	1 10:00 Council Executive	2	3	4 9:30 Corporate Policy & Resources PDSP
7	8 9.30 West Lothian Leisure Advisory Committee 14:00 Education PDSP	9 9:30 Licensing Committee	10 9:30 Placing in School Appeals Committee 14:00 Social Work & Health Policy PDSP	11 10:00 West Lothian Licensing Board
14 School Holiday	15 School Holiday	16 School Holiday	17 School Holiday	18 School Holiday
21 School Holiday	22 10:00 Council Executive 14:00 Public & Community Safety PDSP	23 10:00 Development Management Committee	24 10:00 West Lothian Council Planning Committee; and 11:00 West Lothian Council (Planning) 14:00 Housing Services PDSP	25 9:30 Audit Committee 9:30 Employee Appeals Committee
28 14:00 Asset Transfer Committee	29 9:30 Armadale & Blackridge Local Area Committee 14:00 Education Quality Assurance Committee	30 11:00 Local Review Body	31 14:00 Asset Transfer Review Body	

November 2024

Monday	Tuesday	Wednesday	Thursday	Friday
28 October	29 October	30 October	31 October	1
4 10:00 Members Training	5 10:00 Education Executive 11:00 Council Executive	6 9:30 Licensing Committee	7 9:30 Livingston South Local Area Committee	8 10:00 West Lothian Licensing Board
11 9:30 Bathgate Local Area Committee 14:00 Performance Committee	12 9:30 Economy, Community Empowerment & Wealth Building PDSP 11:00 Environment & Sustainability PDSP 14:00 West Lothian Leisure Advisory Committee	13 9:30 Placing in School Appeals Committee 14:30 Livingston Youth Trust	14 10:00 West Lothian Council Planning Committee; and 11:00 West Lothian Council (Planning)	15 9:30 Broxburn, Uphall & Winchburgh Local Area Committee
18 14:00 Joint Consultative Group (Teaching)	19 10:00 West Lothian Council	20 10:00 Development Management Committee	21 14:00 Joint Consultative Group (Non-Teaching)	22 9:30 Livingston North Local Area Committee
25 14:00 Asset Transfer Committee	26 9:30 Linlithgow Local Area Committee 14:00 West Lothian Integration Joint Board	27 11:00 Local Review Body	28 14:00 Asset Transfer Review Body	29 9:30 Employee Appeals Committee

December 2024

Monday	Tuesday	Wednesday	Thursday	Friday
2 10:00 Community Planning Partnership Board	3 9:30 Corporate Policy & Resources PDSP 14:00 Public & Community Safety PDSP	4 9:30 Licensing Committee	5 9:30 East Livingston & East Calder Local Area Committee 14:00 Social Work & Health Policy PDSP	6 9:30 Placing in School Appeals Committee
9 9:30 Whitburn & Blackburn Local Area Committee 14:00 Governance & Risk Committee	10 10:00 Council Executive 14:00 Fauldhouse & the Breich Valley Local Area Committee	11 10:00 Development Management Committee	12 10:00 West Lothian Council Planning Committee; and 11:00 West Lothian Council (Planning) 14:00 Housing Services PDSP	13 10:00 West Lothian Licensing Board
16 9:30 Employee Appeals Committee 14:00 Asset Transfer Committee	17 14:00 Education PDSP	18	19 10:00 IJB Audit, Risk & Governance Committee 14:00 Asset Transfer Review Body	20
23 School Holiday	24 School Holiday	25 School Holiday	26 School Holiday	27 School Holiday
30 School Holiday	31 School Holiday			

January 2025

Monday	Tuesday	Wednesday	Thursday	Friday
30 December School Holiday	31 December School Holiday	1 School Holiday	2 School Holiday	3 School Holiday
6	7	8 9:30 Licensing Committee	9	10 10:00 West Lothian Licensing Board
13	14 10:00 Education Executive 11:00 Council Executive 14:00 Education Quality Assurance Committee	15 10:00 Development Management Committee	16 9:30 Placing in School Appeals Committee	17 9:30 Audit Committee
20 14:00 Asset Transfer Committee	21 10:00 West Lothian Council	22 10:00 Members Training	23 10:00 West Lothian Council Planning Committee; and 11:00 West Lothian Council (Planning)	24
27 14:00 Joint Consultative Group (Teaching)	28 9:30 Economy, Community Empowerment & Wealth Building PDSP 11:00 Environment & Sustainability PDSP	29 11:00 Local Review Body 14:00 West Lothian Integration Joint Board	30 14:00 Asset Transfer Review Body	31 9:30 Employee Appeals Committee

February 2025

Monday	Tuesday	Wednesday	Thursday	Friday
3 9:30 Whitburn & Blackburn Local Area Committee 14:00 Performance Committee	4 10:00 Council Executive 14:00 Education PDSP 14:00 West Lothian Leisure Advisory Committee	5 9:30 Licensing Committee	6 9:30 Livingston South Local Area Committee 14:00 Housing Services PDSP	7 9:30 Livingston North Local Area Committee
10 School Holiday	11 School Holiday	12 School Holiday	13 School Holiday	14 School Holiday 10:00 West Lothian Licensing Board
17 School Holiday	18 10:00 Council Executive 14:00 Fauldhouse & the Breich Valley Local Area Committee	19 10:00 Development Management Committee	20 14:00 Social Work & Health Policy PDSP	21 9:30 Corporate Policy & Resources PDSP
24 9:30 Placing in School Appeals Committee 14:00 Asset Transfer Committee	25 9:30 Armadale & Blackridge Local Area Committee 14:00 Public & Community Safety PDSP	26 11:00 Local Review Body	27 10:00 West Lothian Council Planning Committee; and 11:00 West Lothian Council (Planning) 14:00 Asset Transfer Review Body	28 9:30 Employee Appeals Committee

March 2025

Monday	Tuesday	Wednesday	Thursday	Friday
<p>3 9:30 Bathgate Local Area Committee 14:00 Governance & Risk Committee</p>	<p>4 10:00 Education Executive 11:00 Council Executive</p>	<p>5 9:30 Licensing Committee 14:30 Livingston Youth Trust</p>	<p>6 9:30 East Livingston & East Calder Local Area Committee</p>	<p>7</p>
<p>10 9:30 Placing in School Appeals Committee 14:00 Joint Consultative Group (Non-Teaching)</p>	<p>11 9:30 Linlithgow Local Area Committee 14:00 Education Quality Assurance Committee</p>	<p>12 14:00 IJB Audit, Risk & Governance Committee</p>	<p>13</p>	<p>14 10:00 West Lothian Licensing Board</p>
<p>17 10:00 Members Training</p>	<p>18 10:00 West Lothian Council</p>	<p>19 10:00 Development Management Committee</p>	<p>20 10:00 West Lothian Council Planning Committee; and 11:00 West Lothian Council (Planning) 14:00 Asset Transfer Review Body</p>	<p>21 9:30 Audit Committee</p>
<p>24 14:00 Asset Transfer Committee</p>	<p>25 9:30 West Lothian Leisure Advisory Committee 14:00 West Lothian Integration Joint Board</p>	<p>26 11:00 Local Review Body</p>	<p>27</p>	<p>28 9:30 Employee Appeals Committee 9:30 Broxburn, Uphall & Winchburgh Local Area Committee</p>
<p>31 14:00 Performance Committee</p>				

April 2025

Monday	Tuesday	Wednesday	Thursday	Friday
31 March	1 9:30 Placing in School Appeals Committee 10:00 Council Executive 14:00 Education PDSP	2 9:30 Licensing Committee	3 14:00 Social Work & Health Policy PDSP	4 9:30 Employee Appeals Committee
7 School Holiday	8 School Holiday	9 School Holiday	10 School Holiday	11 School Holiday 10:00 West Lothian Licensing Board
14 School Holiday	15 School Holiday	16 School Holiday	17 School Holiday	18 School Holiday
21 School Holiday	22 9:30 Economy, Community Empowerment & Wealth Building PDSP 11:00 Environment & Sustainability PDSP 14:00 Fauldhouse & the Breich Valley Local Area Committee	23 10:00 Development Management Committee	24 10:00 West Lothian Council Planning Committee; and 11:00 West Lothian Council (Planning) 14:00 Housing Services PDSP	25 9:30 Asset Transfer Review Body
28 9:30 Whitburn & Blackburn Local Area Committee 14:00 Asset Transfer Committee	29 10:00 Council Executive 14:00 Education Quality Assurance Committee	30 9:30 Licensing Committee 14:00 Joint Consultative Group (Teaching)		

May 2025

Monday	Tuesday	Wednesday	Thursday	Friday
28 April	29 April	30 April	1 9:30 East Livingston & East Calder Local Area Committee 14:00 West Lothian Integration Joint Board	2 9:30 Corporate Policy & Resources PDSP
5 School Holiday	6 School Holiday	7 11:00 Local Review Body 14:00 Joint Consultative Group (Non-Teaching)	8 9:30 Livingston South Local Area Committee	9 10:00 West Lothian Licensing Board
12 9:30 Armadale & Blackridge Local Area Committee 14:00 Performance Committee	13 10:00 Education Executive 11:00 Council Executive 14:00 Public & Community Safety PDSP	14	15 9:30 Placing in School Appeals Committee	16 9:30 Employee Appeals Committee
19 School Holiday	20 10:00 West Lothian Council	21 10:00 Development Management Committee	22 10:00 West Lothian Council Planning Committee; and 11:00 West Lothian Council (Planning) 14:00 Asset Transfer Review Body	23 9:30 Livingston North Local Area Committee
26 9:30 Bathgate Local Area Committee 14:00 Asset Transfer Committee	27 9:30 Linlithgow Local Area Committee 9:30 West Lothian Leisure Advisory Committee 14:00 Education Quality Assurance Committee	28 9:30 Licensing Committee	29	30 9:30 Broxburn, Uphall & Winchburgh Local Area Committee

June 2025

Monday	Tuesday	Wednesday	Thursday	Friday
2	3 10:00 Council Executive	4 11:00 Local Review Body 14:00 IJB Audit, Risk & Governance Committee	5 9:30 Placing in School Appeals Committee (Block) 14:00 Social Work & Health Policy PDSP	6 9:30 Employee Appeals Committee
9 Bathgate Local Holiday	10 9:30 Economy, Community Empowerment & Wealth Building PDSP 11:00 Environment & Sustainability PDSP 14:00 Education PDSP	11 9:30 Placing in School Appeals Committee (Block) 14:30 Livingston Youth Trust	12 9:30 Placing in School Appeals Committee (Block) 14:00 Housing Services PDSP	13 10:00 West Lothian Licensing Board
16 9:30 Placing in School Appeals Committee (Block) 14:00 Governance & Risk Committee	17 Linlithgow Marches	18 9:30 Placing in School Appeals Committee (Block) 10:00 Development Management Committee	19 10:00 West Lothian Council Planning Committee; and 11:00 West Lothian Council (Planning) 14:00 Asset Transfer Review Body	20 9:30 Corporate Policy & Resources PDSP
23 9:30 Placing in School Appeals Committee (Block) 14:00 Performance Committee	24 10:00 Education Executive 11:00 Council Executive 14:00 Public & Community Safety PDSP	25 9:30 Licensing Committee	26 9:30 Placing in School Appeals Committee (Block) 14:00 West Lothian Integration Joint Board	27 9:30 Audit Committee
30 School Holiday 9:30 Placing in School Appeals Committee (Block) 14:00 Asset Transfer Committee				

July 2025

Monday	Tuesday	Wednesday	Thursday	Friday
	1	2	3	4
7	8	9	10	11 10:00 West Lothian Licensing Board
14	15	16 10:00 Development Management Committee	17 10:00 West Lothian Council Planning Committee; and 11:00 West Lothian Council (Planning)	18
21	22	23 9:30 Licensing Committee	24	25
28	29	30	31	

COMMITTEE TIMETABLE 2024-25 - SUMMARY

Asset Transfer Committee	Monday afternoons; 19/08/24, 23/09/24, 28/10/24, 25/11/24, 16/12/24, 20/01/25, 24/02/25, 24/03/25, 28/04/25, 28/05/25 & 30/06/25
Asset Transfer Review Body	Thursday afternoons; 29/08/24, 26/09/24, 31/10/24, 28/11/24, 19/12/24, 30/01/25, 27/02/25, 20/03/25, Friday 25/04/25 , 22/05/25 & 19/06/25
Armadale and Blackridge Local Area Committee	Tuesday mornings; 27/08/24, 29/10/24, 25/02/25 & Monday 12/05/25
Audit Committee	Friday morning; 25/10/24, 17/01/25, 21/03/25 & 27/06/25
Avoidance of Disputes Committee	Ad hoc
Bathgate Local Area Committee	Monday mornings; 19/08/24, 11/11/24, 03/03/25 & 26/05/25
Broxburn, Uphall and Winchburgh Local Area Committee	Friday mornings; 20/09/24, 15/11/24, 28/03/25 & 30/05/25
Community Planning Partnership Board	Monday mornings; 09/09/24 & 02/12/24
Community Safety Board	TBC
Corporate Policy and Resources Policy Development and Scrutiny Panel	Friday mornings; 23/08/24, 04/10/24, 03/12/24, 21/02/25, 02/05/25 & 20/06/25
Council Executive	Tuesday mornings; 13/08/24, 03/09/24 , 01/10/24, 22/10/24, 05/11/24 , 10/12/24, 14/01/25 , 04/02/25, 18/02/25, 04/03/25 , 01/04/25, 29/04/25, 13/05/25 , 03/06/25 & 24/06/25 (mtgs in bold will commence @ 11am as same day as Education Executive)
Economy, Community Empowerment and Wealth Building Policy Development and Scrutiny Panel	Tuesday mornings @ 9:30am; 10/09/24, 12/11/24, 28/01/25, 22/04/25 & 10/06/25
Development Management Committee	Wednesday mornings; 21/08/24, 18/09/24, 23/10/24, 20/11/24, 11/12/24, 15/01/25, 19/02/25, 19/03/25, 23/04/25, 21/05/25, 18/06/25 & 16/07/25
East Livingston and East Calder Local Area Committee	Thursday mornings; 29/08/24, 05/12/24, 06/03/25 & 01/05/25
Education Executive	Tuesday mornings; 03/09/24, 05/11/24, 14/01/25, 04/03/25, 13/05/25 & 24/06/25
Education Quality Assurance Committee	Tuesday afternoons; 03/09/24, 29/10/24, 14/01/2025, 11/03/25, 29/04/25 & 27/05/25
Education Policy Development and Scrutiny Panel	Tuesday afternoon; 20/08/24, 08/10/24, 17/12/24, 04/02/25, 01/04/25 & 10/06/25
Employee Appeals Committee	Friday mornings; 30/08/24, 27/09/24, 25/10/24, 29/11/24, 16/12/24, 31/01/25, 28/02/25, 28/03/25, 04/04/25, 16/05/25 & 06/06/25
Environment & Sustainability Policy Development and Scrutiny Panel	Tuesday mornings @ 11:00 10/09/24, 12/11/24, 28/01/25, 22/04/25 & 10/06/25
Fauldhouse and The Breich Valley Local Area Committee	Tuesday afternoons; 10/09/24, 10/12/24, 18/02/25 & 22/04/25
Governance and Risk Committee	Monday afternoons; 30/09/24, 09/12/24, 03/03/25 & 16/06/25

Housing Services Policy Development and Scrutiny Panel	Thursday mornings; 15/08/24, 24/10/24, 12/12/24, 06/02/25, 24/04/25 & 12/06/25
Joint Consultative Group (Non-Teaching)	16/08/24, 21/11/24, 10/03/25 & 07/05/25 (all mtgs are scheduled for the afternoon)
Joint Consultative Group (Teaching)	02/09/24, 18/11/24, 27/01/25 & 30/04/25 (all mtgs are scheduled for the afternoon)
Licensing Committee	Wednesday mornings; 14/08/24, 11/09/24, 09/10/24, 06/11/24, 04/12/24, 08/01/25, 05/02/25, 05/03/25, 02/04/25, 30/04/25, 28/05/25, 25/06/25 & 23/07/25
Linlithgow Local Area Committee	Tuesday mornings; 20/08/24, 26/11/24, 11/03/25 & 27/05/25
Livingston North Local Area Committee	Friday mornings; 06/09/24, 22/11/24, 07/02/25 & 23/05/25
Livingston South Local Area Committee	Thursday mornings; 22/08/24, 07/11/24, 06/02/25 & 08/05/25
Local Review Body	Wednesday mornings; 28/08/24, 25/09/24, 30/10/24, 27/11/24, 29/01/25, 26/02/25, 26/03/25, 07/05/25 & 04/06/25
Miscellaneous Appeals Committee	Ad hoc
Performance Committee	Monday afternoons; 09/09/24, 11/11/24, 03/02/25, 31/03/25, 12/05/25 & 23/06/25
Public and Community Safety Policy Development and Scrutiny Panel	Tuesday afternoons; 27/08/24, 22/10/24, 03/12/24, 25/02/25, 13/05/25 & 24/06/25
Senior Officer Appointment Committee	Ad hoc
Social Work & Health Policy Development and Scrutiny Panel	Friday mornings; 22/08/24, 10/10/24, 05/12/24, 20/02/25, 03/04/25 & 05/06/25
St John's Hospital Stakeholder Group	TBC
West Lothian (Placing in Schools) Appeals Committee	08/08/24, 26/08/24, 12/09/24, 10/10/24, 13/11/24, 06/12/24, 16/01/25, 24/02/25, 10/03/25, 01/04/25 & 15/05/25 PLUS Block Appeals ; 05/05/25, 11/06/25, 12/06/25, 16/06/25, 18/06/25, 23/06/25, 26/06/25 & 30/06/25
West Lothian Integration Joint Board	08/08/24, 17/09/24, 26/11/24, 29/02/25, 25/03/25, 01/05/25 & 26/06/25 (still to be approved by the IJB)
West Lothian Integration Joint Board Appointments Committee	Ad hoc
West Lothian Integration Audit, Risk & Governance	Wednesday afternoons; 12/09/24, Thursday 19/12/24 (am) , 12/03/25 & 04/06/25 (still to be approved by the AR&GC committee)
West Lothian Council	Tuesday mornings; 24/09/24, 19/11/24, 21/01/25, 18/03/25 & 20/05/25
West Lothian Council (Planning) Committee	Thursday mornings @ 10:00am; 15/08/24, 19/09/24, 24/10/24, 14/11/24, 12/12/24, 23/01/25, 27/02/25, 20/03/25, 24/04/25, 22/05/25, 19/06/25 & 17/07/25
West Lothian Council (Planning)	Thursday mornings @ 11:00am; 15/08/24, 19/09/24, 24/10/24, 14/11/24, 12/12/24, 23/01/25, 27/02/25, 20/03/25, 24/04/25, 22/05/25, 19/06/25 & 17/07/25
West Lothian Leisure Advisory Committee	Tuesday morning; 20/08/24, 08/10/24, 12/11/24, 04/02/25 , 25/03/25 & 27/05/25 (mtgs in bold will commence at

	2pm; all others will commence at 9:30am
West Lothian Licensing Board	Friday mornings; 09/08/24, 13/09/24, 11/10/24, 08/11/24, 13/12/24, 10/01/25, 14/02/25, 14/03/25, 11/04/25, 09/05/25, 13/06/25 & 11/07/25
Whitburn and Blackburn Local Area Committee	Monday mornings; 02/09/24, 09/12/24, 03/02/25 & 28/04/25
Members Training	04/09/24, 04/11/24, 22/01/25 & 17/03/25 (all sessions are scheduled to start at 10am)

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

PROCUREMENT STRATEGY 2023/24 – 2027/28

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to seek Council Executive approval for the council's Corporate Procurement Strategy for the period 2023/24 – 2027/28, including planned outcomes and targets.

B. RECOMMENDATION

It is recommended that Council Executive approves the Corporate Procurement Strategy which is attached as Appendix 1.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Caring and compassionate; open, honest and accountable; and collaborate, inclusive and adaptive.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	
III	Implications for Scheme of Delegations to Officers	
IV	Impact on performance and performance Indicators	A Strategy Performance Scorecard has been developed to support the delivery of the strategy outcomes. This is used to track and monitor performance of key indicators throughout the period of the strategy and reported publicly
V	Relevance to Single Outcome Agreement	All of the priorities identified in the Single Outcome Agreement are supported by an effective Corporate Procurement Strategy
VI	Resources - (Financial, Staffing and Property)	The Strategy supports the implementation of Best Value in the council's procurement activity.

VII	Consideration at PDSP	Considered at the Corporate Policy & Resources PDSP on 29 February 2024.
VIII	Other consultations	The strategy was developed in consultation with council services and a range of external stakeholders identified within Appendix 2.

D. TERMS OF REPORT

D.1 Background

Legislation governs how Scottish Public Bodies buy their goods, services or works and requires them to publish a procurement strategy to set out how they plan to carry out regulated procurements. Regulated procurements are contracts of values of £50,000 and above for goods and services and of £2 million and above for works.

D.2 Corporate Procurement Strategy 2023/24 – 2027/28

Recognising that effective and efficient procurement will positively support West Lothian Council in achieving its priorities, this Corporate Procurement Strategy, which was considered at Corporate Policy and Resources PDSP on 29 February 2024, has been developed to provide a corporate vision, direction and focus for all procurement activity in the authority and set out how regulated procurement will be carried out.

The Corporate Procurement Strategy is intended to ensure that there is sound governance and a framework for the Council's Procurement Continuous Improvement Plan. This Plan will detail the actions necessary to support improvement in the council's procurement capability, processes and ultimately performance.

Building on the previous Corporate Procurement Strategy 2019/20 – 2022/23 the general vision of the Procurement Strategy is to support the achievement of corporate priorities and to ensure that resources deployed have maximum benefit. To support the achievement of this, the following strategic outcomes are identified:

1. Contract Implementation and Management;
2. Compliance and Governance;
3. Business and Community;
4. Sustainable Procurement.

For each outcome a number of performance measures are used to monitor and measure achievement and progress against these strategic outcomes.

D.3 Strategy Performance Scorecard

The Strategy Performance Scorecard contains a number of Outcome measures and the council will report throughout the lifetime of the Strategy, targeting performance improvement against the baseline year (2022/23). Reference Appendix 3.

An update on performance will be reported to PDSP on an annual basis.

E. CONCLUSION

The Corporate Procurement Strategy is designed to support the council's aim of managing procurement activity effectively and efficiently to support the delivery of services. This Strategy builds on the previous Corporate Procurement Strategy 2019/20 – 2022/23 ensuring that resources deployed have maximum benefit.

F. BACKGROUND REFERENCES

Corporate Procurement Strategy 2019 to 2023

Appendices/Attachments:

Appendix 1 : Corporate Procurement Strategy

Appendix 2 : Stakeholder Consultation

Appendix 3: Strategy Performance Scorecard

Contact Person: Tom Henderson, Acting Corporate Procurement Manager,
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Lesley Henderson
Interim Head of Corporate Services

12 March 2024

Appendix 2

External Stakeholder Consultation

Chinese Community Hub

Scottish Procurement

Scotland Excel

West Lothian Chamber of Commerce

Supplier Development Programme

Homes for Scotland

BASE in UK

BASE in Scotland

Voluntary Sector Gateway West Lothian

Crown Commercial Services

Road Freight Transport Association

Federation of Small Business

Faith Forum

Race Forum

West Lothian Disability Forum

African Womens Forum (Eunice Simpson)

NHS Lothian

Scottish Enterprise

West Lothian IJB

Police Scotland

Scottish Fire and Rescue Service

West Lothian College

Scotland's Rural College

JobCentreplus

West Lothian Leisure,

WL Joint Forum of Community Councils

Skills Development Scotland

Scottish Natural Heritage

Historic Environment Scotland

Scottish Sports Council

Visit Scotland

Department of Work and Pensions

Sustran

Appendix 3 :Strategy Performance Scorecard

The council will report on the following key measures of the success throughout the lifetime of our strategy, targeting performance improvement against the baseline year (2022/23)

OUTCOME 1 – CONTRACT IMPLEMENTATION AND MANAGEMENT						
Indicators	Baseline Performance 2022/23	Target 2023/24	Target 2024/25	Target 2025/26	Target 2026/27	End of Strategy Performance Target 2027/28
Percentage of all influenceable council expenditure	93%	99%	99%	99%	99%	99%
Percentage of Category A & B frameworks utilised from the total number of available collaborative contracts	85%	85%	86%	88%	88%	90%
Percentage of contracts awarded as a framework	60%	60%	68%	70%	72%	74%

OUTCOME 2 – COMPLIANCE AND GOVERNANCE						
Indicators	Baseline Performance 2022/23	Target 2023/24	Target 2024/25	Target 2025/26	Target 2026/27	End of Strategy Performance Target 2027/28
Percentage of Relevant Compliant Council Expenditure	93%	99%	99%	99%	99%	99%

OUTCOME 3 – BUSINESS AND COMMUNITY						
Indicators	Baseline Performance 2022/23	Target 2023/24	Target 2024/25	Target 2025/26	Target 2026/27	End of Strategy Performance Target 2027/28
Percentage of External customers who rated the overall quality of the service provided by the Corporate Procurement Unit as good or excellent.	100%	100%	100%	100%	100%	100%
Number of contracts with Community Benefits awarded as a percentage of all contracts awarded.	32%	36%	50%	54%	57%	60%

OUTCOME 4 – SUSTAINABLE PROCUREMENT

Indicators	Baseline Performance 2022/23	Target 2023/24	Target 2024/25	Target 2025/26	Target 2026/27	End of Strategy Performance Target 2027/28
Sustainability Framework Assessment score assigned to West Lothian Council.	Level 2	Level 2	Level 2	Level 2	Level 2	Level 3

Corporate Procurement Strategy 2023/24 – 2027/28



Welcome to the Corporate Procurement Strategy

The Corporate Procurement Strategy sets out the key outcomes, activities and behaviours that the council will pursue in support of our corporate priorities.

Recognising that effective and efficient procurement will positively support West Lothian Council in achieving its priorities, this Corporate Procurement Strategy will provide a corporate vision, direction and focus for all procurement activity in the authority and set out how regulated procurement will be carried out

The council's vision for procurement is "to achieve superior procurement performance through advanced sustainable procurement practices for the benefit of the council and its stakeholders". The council's Corporate Procurement Strategy will therefore help to demonstrate best value, continuous improvement, sound performance management, partnership working, the attainment of Community Benefits and sustainable development in compliance with the Sustainable Procurement Duty.

The Corporate Procurement Strategy identifies the positive outcomes that we aim to achieve, it explains how we will deliver these outcomes and in doing so, the main challenges that we will face across the next five years.

As with all public sector organisations, the council is facing significant financial pressures. Council procurement activity will be paramount in delivering service provision that has the greatest positive impact upon the citizens of West Lothian whilst also supporting the creation of wealth locally. The Corporate Procurement Strategy provides a clear and consistent framework to ensure that procurement activity supports all services to meet the council's priorities.

In alignment with the Public Procurement Strategy for Scotland and the Sustainable Procurement Duty this Corporate Procurement Strategy aims to be : good for businesses and employees ; good for society ; good for places and communities and open and connected.

This Corporate Procurement Strategy advocates the positive role that robust procurement activity has in allowing the council to continue to deliver effective and efficient services and to support the council's broader aims and objectives.

Lesley Henderson
Interim Head of Corporate Services

Strategy Outcomes

The Corporate Procurement Strategy sets out how the council's vision of superior procurement performance will be advanced, whilst maintaining strong governance and a robust framework for effective, compliant procurement activity.

World class organisations have a long-term vision of what they want to achieve and how they want to succeed. They will share that vision and instil a collective focus on achievement at every level of their operation. This will be evident in the strategic decisions that are taken, down to the day-to-day actions of their people.

The council has a clear mission, values and strategic outcomes. These influence every part of the way that we operate but also, how we evaluate our success as an organisation.

In order to succeed in improving the quality of lives for people in West Lothian, we must ensure that results that will be critical success factors for our priorities are identified and that we carefully manage cause and effect.

Vision:

Improving the quality of life for all of those living, working and learning West Lothian

The council's priorities:

- Raising Educational Attainment ;
- Strengthening Care and Support for Children, Adults and Older People ;
- Investing in Skills and Jobs ;
- Helping to Create Strong and Sustainable Communities ;
- Tackling Homelessness, Poverty and Inequality

The Corporate Procurement Strategy has 4 outcomes and these are:



The four outcomes in the Corporate Procurement Strategy are required to enable superior procurement performance in support of achieving corporate priorities and outcomes.

The outcomes will be progressed and monitored by the council's Corporate Procurement Board which will conduct scheduled reviews to ensure that the council remains focused and on track to deliver the outcomes and that these continue to be relevant to the council and the achievement of corporate priorities.

Purpose

The Corporate Procurement Strategy is intended to ensure that there is sound governance and a framework for the council's Procurement Continuous Improvement Plan. This Plan will detail the actions necessary to support improvement in the council's procurement capability, processes and ultimately performance.

The Corporate Procurement Strategy also provides a framework to help the council to meet national and local obligations. This includes targets defined by the Scottish Government and also targets objectives that have been agreed by the council in strategic plans, such as:

- ◆ Delivering procurement activities that achieve Best Value and support the five priorities in the Corporate Plan and the delivery of positive outcomes in West Lothian's Local Outcomes Improvement Plan.
- ◆ Achieving professional excellence (against national policy and standards) including but not limited to participating in the Procurement and Commercial Improvement Programme Pulse Assessment and working to improve performance year on year.
- ◆ Following national procurement legislation, policy and guidance to ensure compliance in all our procurement activities.
- ◆ Enabling delivery of the council's contracting activity by supporting strategic procurement for efficient and effective use of the council's assets and resources. This approach will include maximising opportunities to engage in collaborative or shared procurement and to work across traditional and functional and professional boundaries.

Scope of the Strategy

The Corporate Procurement Strategy covers all categories of procurement activity in the council. It has been subject to consultation with the Corporate Procurement Board, key stakeholders and approved by Council Executive.

The Corporate Procurement Strategy covers the period 2023/24 to 2027/28, and builds on activity in the Corporate Procurement Strategy 2019-2023.

Regulated Procurement and General Policy

Whilst subject to change, the council estimate that approximately £1.261 billion of expenditure will be incurred over the period of the Corporate Procurement Strategy, and estimations are set out in Table 1 below.

Table 1

2023/24	2024/25	2025/26	2026/27	2027/28
237 projects £365m	104 projects £275m	54 projects £121m	101 projects £333m	92 projects £167m

The council is committed to obtaining value for money in all of its procurement activity and to ensuring that it meets its legal responsibilities under the Procurement Reform (Scotland) Act 2014.

In conjunction with the council's Standing Orders for the Regulation of Contracts 2012, the Corporate Procurement Procedures and relevant regulation and legislation, all staff with authority to procure are committed to conducting their procurement activities taking into consideration the council's wider responsibilities. These include, but are not limited to, legal, moral, social, sustainable development, economic, environmental impact (including reducing emissions and climate change emergency responsibilities), circular economy considerations, cyber security and Community Benefits. As part of our commitment towards the transition of a more resource efficient, lower carbon economy, the council will also prioritise and take account of climate and circular economy in our procurement activity and use our expenditure to support climate and circular economy ambitions, signposting sources of support to embed the national policy in practice. Effective procurement will support the council priorities and incorporate what do we need to do to limit global warming and act on the climate emergency.

Throughout the duration of the Corporate Procurement Strategy the council will maximise economic and social benefits through procurement, applying Fair Work First practices and adopt a people-centred approach to Community Wealth Building to support the retention and creation of wealth locally redirecting wealth back into the local economy and the associated multiplier effect, and placing control and benefits into the hands of local people. This commitment is part of a strategic approach to creating a wellbeing economy, empowering West Lothian communities and supporting local and regional economic development. The four outcomes within the Corporate Procurement Strategy will contribute to the ambitions of Community Wealth Building by creation of the conditions to support wealth circulating within the local West Lothian economy thereby transforming communities.

Legal Compliance and Governance

To comply with legislation, the council must observe a number of general duties and comply with specific obligations. The council is committed to meeting its obligations under the Procurement Reform (Scotland) Act 2014 and in accordance with this has included a statement on each of these as set out below.

The council will ensure that:

- ◆ its regulated procurements will contribute to the carrying out of its functions and achievements of its purposes;
- ◆ its regulated procurements will be carried out in compliance with its duty to treat economic operators equally and without discrimination;
- ◆ its regulated procurements will be carried out in compliance with its duties to act in a transparent and

- proportionate manner;
- ◆ it complies with the Sustainable Procurement Duty.

All procurement staff involved in the procurement process are fully aware of the procurement rules and all council officers involved in the procurement process undertake mandatory training. Procurement staff also incorporate the Scottish Government's Sustainable Procurement Tools within procurement contract strategies for regulated procurement activity to ensure that sustainable procurement is always considered. Procurement staff also undertake ongoing training keeping abreast of any legislative changes and best practice. The council's internal procedures, processes and documentation are adapted to reflect this.

A strategic and transactional approach has been adopted by the Corporate Procurement Unit which is aligned with the service areas of the council. This allows regulated procurement activity to align with local and national outcomes.

All regulated procurements will be conducted in compliance with the principles of equal treatment, non-discrimination, transparency, proportionality and mutual recognition.

The council will utilise portals including PCS and PCS-T to publish its procurement opportunities and will strive to provide well defined specifications which consider climate change ambitions and clear selection and award criteria to promote innovation where relevant and proportionate to do so. The council will also seek to use the developments in PCS as appropriate and to read the relevant guidance before use.

The council will undertake regulated procurement activity in compliance and to maximise the impact of the Sustainable Procurement Duty and due consideration will be given to environmental, social and economic issues.

The council will place focus upon life cycle impacts including evaluating impacts of raw materials and reducing demand in products, delivery and end of life considerations.

The council will consider the appropriate use of lotting to increase accessibility to as many bidders as possible including local suppliers, SMEs, third sector and supported businesses.

The council will also investigate possibilities for local suppliers to bid for Quick Quote opportunities.

The council will require supply chain transparency from contractors to ensure appropriate ethical standards, Modern Slavery requirements are incorporated and avoid use of sanctioned countries and individuals.

Equality Diversity and Inclusion

In compliance with the Sustainable Procurement Duty, the council will, prior to making procurement decisions, think about how it can improve the social, environmental and economic wellbeing of the area in which it operates, with a particular focus on reducing inequality.

The council will also ensure that it's regulated procurement activity will incorporate the spirit and the practice of The Equality Act 2010 and The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 by promoting a culture of respect and dignity and actively challenging discrimination, should it ever arise.

Whilst always complying with procurement legislation, where appropriate, the council will seek to award contracts to providers who promote equality and diversity and promote a culture that actively values

difference and recognises that people from different backgrounds and experiences can bring valuable insights to the workplace.

Providers may be asked to provide evidence of providing equal opportunities throughout employment including in the recruitment, training and development of employees, and to pro-actively tackling and eliminating discrimination.

Value for Money

The council will ensure that its regulated procurements will deliver value for money.

In making regulated procurement contract awards, a combination of sustainability factors, quality and cost criteria will be used to identify the most economically advantageous tender. Weightings and award criteria will be adapted to suit each individual contract ensuring the council obtains value for money.

The council will make use of appropriate collaborative contracting arrangements (i.e. national, sectoral or local framework agreements or contracts) to deliver best value contracts for the council that have improved contract terms, sustainable procurement outcomes and deliver value for money.

The council will make conscious and considered decisions that achieve best value and will continue to focus on delivery of quality and value for money procured services while supporting and encouraging use of local supply chains and quality employment opportunities.

The council will work with anchor institutions to explore further opportunities for more local spend.

The council will remain connected to support development of best practice throughout procurement activity.

General Policy Statements

Community Benefits

For every procurement over £4m, all Public Bodies are legally required to consider Community Benefits and how they can improve the economic, social or environmental wellbeing of their area through the inclusion of Community Benefit Clauses. West Lothian Council believes that Community Benefits are a key step in meeting our corporate objectives and outcomes and will therefore consider Community Benefits for all relevant and appropriate regulated procurement projects.

West Lothian Council will engage with the voluntary sector and the third sector to identify the best use of Community Benefits to secure by contract. Community Benefits will be implemented through various forms and will include contributions to community projects, work placements, training opportunities and sub-contracting opportunities. The council will monitor their delivery and local impact over the lifespan of the contract and a new Community Benefits process is planned to be introduced in year 2024/25. The intended effect will be that regulated procurement activity will deliver additional benefits to the local community.

Consultation

The development of this Corporate Procurement Strategy has involved engagement and consultation with both internal and external stakeholders and feedback obtained has been welcomed. Ongoing monitoring of outcomes and incorporating feedback will ensure that intended outcomes are achieved.

For each procurement undertaken, consideration will be given to the community affected by the resultant contract to ensure any affected persons or organisations are consulted and listened to. For example, community representatives and users of the public services. A new contract for health and social care may impact the users of the service, their families and their carers and consultation and engagement will be duly targeted.

The level of consultation will be context dependant and any consultations will always be proportionate to the procurement requirement as the council understand the requirement for engaging with communities to understand local needs and requirements to help shape procurement activity.

The council will also continue working with the Supplier Development Programme to raise awareness of future requirements and potential future contract opportunities.

Fair Work Practices and the Living Wage

The council recognises the value of fair work practices and the positive impact that has on employees which increases the likelihood of delivering a higher quality service. A workforce that is well-motivated, well led and has appropriate opportunities for training and skills development are important for workforce recruitment and retention, and thus continuity of service.

The council has adopted workforce policies as well as offering staff benefits and practices to meet these requirements. The policies include:

- ◆ A pay policy that is focused on tackling poverty (e.g. through a commitment to paying at least the living wage);
- ◆ Fair employment practices;
- ◆ No inappropriate use of zero hour's contracts.

It is recognised that the payment of the Living Wage is a significant indicator of an employer's commitment to fair work practices and demonstration of this clearly shows an employer's positive approach to their workforce.

The council implements and promotes Fair Work First in all relevant procurement processes and encourages suppliers to pay the Living Wage. In order to ensure the highest standards of service quality in council contracts we expect suppliers whose workers work alongside ours to take a similarly positive approach to Fair Work First as part of a fair and equitable employment and reward package. As such, a Fair Work First question is included as part of the evaluation for all relevant contracts.

Health and Safety

West Lothian Council is committed to contracting only with suppliers that comply with all appropriate and relevant legislation, including the Health and Safety at Work Act 1974. Where appropriate, and on a contract by contract basis, the council will assess the legislation applicable to a procurement and take steps to ensure that bidders comply with such legislation. Where appropriate, the compliance of sub-contractors may also be assessed.

Fair and Ethical Trading

The council is in support of the sourcing of goods that are fairly and ethically traded and this is considered when developing procurement contract strategies. Where relevant, the appropriate standards and labels will be included in a procurement to take account of fair and ethical trading considerations.

Emergency Situations

The council have responded well to previous emergencies and humanitarian situations, and will endeavour to provide innovative, effective and efficient responses to future emergency situations

Provision of Food

The council is committed to finding practical ways to supply healthy, fresh, seasonal and sustainably grown food which also meets ethnic requirements and represents value for money and improves the health, wellbeing and education of communities. The procurement of food will continue to focus on developing contracts that meet nutritional quality, health and wellbeing whilst minimising the environmental impact such as packaging and sourcing coupled with promoting the highest standards of animal welfare, sustainable production and waste reductions throughout the procurement process to improve community health, wellbeing and education in accordance with relevant legislation.

The council's facilities management services aim to provide the highest professional standards of catering services and provide a choice of meals for schools, social care establishments and council staff. This includes for example, supporting school learning/projects by delivering seasonal and themed catering and encouraging healthy eating in support of health and BEBL (Better Eating Better Learning).

Prompt Payment

The council complies with Late Payment legislation and will review on a contract by contract basis whether such obligations should be enforced and monitored further down the supply chain.

The council's contractual terms and conditions include a prompt payment clause which is payment within 30 days from receipt of a valid invoice. Suppliers are required to apply the same terms and conditions with their sub-contractors who are delivering and supporting the council contract.



Outcome 1 – Contract Implementation and Management

Description

The council spends on average £252m annually with suppliers. Outcome 1 is focused on ensuring that all spend that can be positively influenced by procurement activity has been subject to competitive activity and contracted suppliers are effectively managed and the performance of contracts is maximised. The council's Corporate Contract and Supplier Management Framework supports the management of these contracts and a consistent proportional approach to contract management which ensures contracts are administered effectively through positive decision making which maximises efficiencies, improves value for money and delivers the right outcomes are achieved.

Activities

The main activities of the council during the period of the Strategy will be to:

- ◆ Continue to develop fair and ethical contracts, in line with best value requirements and all applicable procurement legislation, considering the use of available framework agreements or collaborative contracts where applicable ;
- ◆ Service Areas to manage contracts in line with the Corporate Contract and Supplier Management Framework.

Key Performance Indicators

We have identified the key measure of the success for this outcome and will track, monitor and report on our performance with this performance indicator throughout the lifetime of our strategy:

Performance Indicator	2023/24 Target
Percentage of Relevant Compliant Council Expenditure	99%
Percentage of Category A & B frameworks utilised from the total number of available collaborative contracts	85%
Percentage of contracts awarded as a framework	60%



Outcome 2 – Compliance and Governance

Description

Outcome 2 is focused on ensuring that all procurement activity complies with statutory and regulatory requirements and the council's Standing Orders for the Regulation of Contracts 2012.

With the backdrop of complex procurement legislation, and in response to the challenging financial pressures across the public sector, compliance and governance is important to ensure that procedural arrangements are in place to achieve common goals for procurement, including compliance with all applicable procurement legislation and internal processes and procedures. Through the councils Standing Orders for the Regulation of Contracts and Corporate Procurement Procedures, ensuring compliance and good governance leads to efficient and effective procurement, with transparently sourced contracts which achieve value for money, in a competitive environment, whilst supporting open access for all suppliers to our contracts.

Activities

The main activities of the council during the period of the strategy will be to:

- ◆ Review systems and processes to further enhance devolved procurement;
- ◆ Promote consistent use of tools, toolkits, platforms, systems, processes, guidance and templates;
- ◆ Develop our use of systems to exploit sustainable outcomes and support reporting;
- ◆ Ensure support and guidance on processes and procedures are accessible across the council through self-help tools, training and awareness raising;
- ◆ Remain alert to new and emerging legislative requirements;
- ◆ Look for new opportunities across service areas for collaboration on contracts;
- ◆ Continue to review all contract spend to ensure contract compliance.

Key Performance Indicators

We have identified the key measures of success for this outcome and will track, monitor and report on our performance in these performance indicators throughout the lifetime of our strategy:

Performance Indicator	2023/24 Target
Percentage of Relevant Compliant Council Expenditure	99%



Outcome 3 – Business and Community

Description

Outcome 3 is focused on improving local businesses and our community. Prompt payment of suppliers and our commitment to Fair Work principles, including payment of the living wage, can help to support equality and build wealth within communities by providing opportunities for Small and Medium Enterprises (SME's), third sector and supported businesses to bid for public contracts and participate in public sector supply chains. The council will consider how procurements are conducted and contracts are developed, to reduce barriers and enable participation for SMEs, Third Sector organisations, and Supported Business. Council tender processes are fully developed to incorporate opportunities to consider social, environmental and economic factors and we will strive to create opportunities to realise Community Benefits which can support the development of inclusive and sustainable communities in West Lothian. The council also are committed to a Community Wealth Building (CWB) approach which is designed to harness the economic leverage of local 'anchor' organisations (such as local councils, health, universities, colleges, housing associations, or large local private sector employers) to tackle long standing systematic challenges and structural inequalities within our communities. The council wants to encourage local communities and people to own, have a stake in, access and benefit from the wealth the West Lothian economy generates through procurement. By adopting the CWB approach, it is envisaged that this will deliver better jobs, business growth, community-owned assets and shorter supply chains, creating greater resilience and supporting net zero ambitions. The council also wants to minimise the burden on business and will endeavour to ensure that processes are streamlined and will examine best practice initiatives used by other public bodies to proactively encourage more businesses to bid for council contracts.

Activities

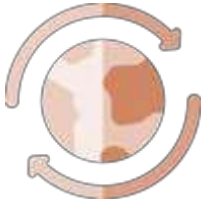
The main activities of the council during the period of the strategy will be:

- ◆ Influence service areas to embed social, economic and environmental factors including Fair Work principles into their strategies and project planning;
- ◆ Increase opportunities for realising Community Benefits which support the development of inclusive and sustainable communities in West Lothian;
- ◆ Provide relevant supplier and stakeholder training in collaboration with partners including the Supplier Development Programme (SDP);
- ◆ As procurement legislation does not allow the council to insist on requiring that suppliers pay the Living Wage within tenders, as the council is keen to support the maximisation of social benefits through procurement, the council encourages the payment of the Living Wage within our tender activity with particular emphasis on care services;
- ◆ To make it easier for suppliers to bid for council contracts and in doing business with the council.

Key Performance Indicators

We have identified the key measure of success for this outcome and will track, monitor and report on our performance in this performance indicators throughout the lifetime of our strategy:

Performance Indicator	2023/24 Target
Percentage of External customers who rated the overall quality of the service provided by the Corporate Procurement Unit as good or excellent.	100%
Number of contracts with Community Benefits awarded as a percentage of all contracts awarded.	36%



Outcome 4 – Sustainable Procurement

Description

Outcome 4 is focused on ensuring that the council is committed to implementing its Sustainable Procurement Duty and maximising the benefits delivered from procurement activities and contracts awarded to achieve value for money on a whole life cycle basis in terms of generating benefits, not only to the council, but also to the community, society, the economy and the environment. By promoting sustainable procurement through routine consideration of whole life costing to ensure value for money in procurement, environmental damage will be minimised whilst maximising socio-economic benefit.

Sustainable procurement is an evolving area and as the approach to climate change develops nationally, the council will be prepared for future potential measurement and reporting of scope 3 emissions in the journey towards net zero. The council will respond to changes to our climate which have happened over the last few decades and will prepare for the challenges ahead as our climate continues to change and this will be considered for specific contracts that may be vulnerable to climate change. Procurement professionals will continue to show leadership in influencing emissions reductions and climate change decisions and will use their skills to capture and drive opportunities to contribute to climate change ambitions through procurement. Officers will share knowledge and be involved in the planning and development stages of projects and assist with creating a culture and ways of working that support a circular economy using national Sustainable Procurement Tools to identify priorities where an impact can be made.

The council recognise that there is a social, moral, economic and legal obligation to tackle the climate emergency and will make informed decisions through early supplier engagement to create and champion innovative solutions to positively respond to the climate crisis. By eliminating waste throughout supply chains where possible, the council aim to act to secure net zero emissions through a Just Transition and promote a circular economy. The council will also recycle waste and energy to maximise the value of any waste that is generated.

In the interim, before any make/buying decision (whether to buy, what to buy, how to buy, and how much to buy), the council will continue with its commitment to implement the Sustainable Procurement Duty and maximise the benefits delivered from sustainable procurement and contracting activities ensuring a minimum burden on suppliers. The council will consider whether refurbished, repaired or pre-used rather than new where appropriate and consider buying future-proofed solutions or take advantage of emerging climate-related innovations.

Activities

The main activities of the council during the period of the strategy will be:

- ◆ Influence service areas to embed sustainable procurement, climate change and ways of working that support a circular economy into the culture of the organisation to become the norm.

Key Performance Indicators

We have identified the key measure of success for this outcome and will track, monitor and report on our performance in this performance indicator throughout the lifetime of our strategy:

Performance Indicator	2023/24 Target
Sustainability Framework Assessment score assigned to West Lothian Council.	Level 2

Developing the strategy and reporting progress

The strategy supports the delivery of the Council's Corporate Plan and takes account of a range of factors that are likely to impact the delivery of council services in the next five years.

Context

The period 2023/28 will be a time of significant challenge for the council with ongoing spending constraints expected to continue. However, the council has clearly defined long term aims relating to the development of high-quality services, designed to meet the needs of its customers. These long-term aims are captured in the Local Outcome Improvement Plan, Community Plan and in the council's Corporate Plan and together these strategic plans determine the work of the council's services.

The development of the Corporate Plan 2023/28 has been directly influenced by the views of the people living and working in West Lothian, ensuring that all employees are focused on meeting the needs of a growing and vibrant community. The Corporate Plan sets the strategic priorities for the council up to 2027/28 and this will be the continued focus for all council services during the period.

This will help to ensure that we continue to tackle the most important issues for West Lothian and that we invest in and prioritise the services which make the most significant contribution to the achievement of positive outcomes whilst utilising the economic levels available to create the maximum impact

Strategy Development Process

The Corporate Procurement Strategy builds on the previous Corporate Procurement Strategy 2019/2023 and in particular on the actions progressed under that Strategy, recognising the delivery of an effective and compliant procurement service, focusing on key activities to support the council's commitment to deliver sustainable procurement which makes a positive impact on those living, working and doing business in West Lothian.

The strategy actions have been reviewed and developed taking account of best practice guidance for procurement within the public sector, as prescribed through Scotland's Public Procurement Reform Programme, whilst also acknowledging the role of procurement in supporting service delivery and realising council priorities. The actions will be delivered throughout the lifetime of the Strategy.

The process and timescales for the development, consultation, publication and review of the strategy is set out below.

Strategy governance		
Group	Governance Scrutiny role	Reporting Frequency
Council Executive	a) Approval of the strategy	<div>◆ Approval</div> <div>◆ End of Strategy Review</div>

Partnership and Resources PDSP	<ul style="list-style-type: none"> b) Engagement on the strategy and strategy outcomes at the development stage c) Regular updates to the Corporate Management Team on the progress of d) specific programmes of work 	<ul style="list-style-type: none"> ◆ Consultation ◆ Annual strategy review ◆ End of strategy review
Corporate Management Team	<ul style="list-style-type: none"> e) Engagement on the strategy and strategy outcomes at the development stage f) Regular updates to the Corporate Management Team on the progress of g) specific programmes of work 	<ul style="list-style-type: none"> ◆ Consultation ◆ Annual strategy review
Stakeholders	<ul style="list-style-type: none"> h) Engagement on the strategy and strategy outcomes at the development stage 	<ul style="list-style-type: none"> ◆ Consultation
Customers (internal)	<ul style="list-style-type: none"> i) Engagement on the strategy and strategy outcomes at the development stage 	<ul style="list-style-type: none"> ◆ Consultation

Strategy Monitoring

The strategy lead and the Procurement Board will ensure that appropriate arrangements are in place to track and monitor in-year progress.

An annual review will be undertaken and reported to the council's Corporate Management Team and to the relevant PDSP. This will include an update on the agreed performance scorecard and action plan and will also be published on the performance pages of the council website.

An end of strategy review will be undertaken in the final year of the strategy to report on the achievement in the outcomes and final position in the performance indicators (against the target) and the agreed actions.

Appendix 1: Strategy Scorecard

The council will report on the following key measures of the success throughout the lifetime of our strategy, targeting performance improvement against the baseline year (2022/23)

OUTCOME 1 – CONTRACT IMPLEMENTATION AND MANAGEMENT						
Indicators	Baseline Performance 2022/23	Target 2023/24	Target 2024/25	Target 2025/26	Target 2026/27	End of Strategy Performance Target 2027/28
Percentage of all influenceable council expenditure	93%	99%	99%	99%	99%	99%
Percentage of Category A & B frameworks utilised from the total number of available collaborative contracts	85%	85%	86%	88%	88%	90%
Percentage of contracts awarded as a framework	60%	60%	68%	70%	72%	74%

OUTCOME 2 – COMPLIANCE AND GOVERNANCE						
Indicators	Baseline Performance 2022/23	Target 2023/24	Target 2024/25	Target 2025/26	Target 2026/27	End of Strategy Performance Target 2027/28
Percentage of Relevant Compliant Council Expenditure	93%	99%	99%	99%	99%	99%

OUTCOME 3 – BUSINESS AND COMMUNITY						
Indicators	Baseline Performance 2022/23	Target 2023/24	Target 2024/25	Target 2025/26	Target 2026/27	End of Strategy Performance Target 2027/28
Percentage of External customers who rated the overall quality of the service provided by the Corporate Procurement Unit as good or excellent.	100%	100%	100%	100%	100%	100%
Number of contracts with Community Benefits awarded as a percentage of all contracts awarded.	32%	36%	50%	54%	57%	60%

OUTCOME 4 – SUSTAINABLE PROCUREMENT						
Indicators	Baseline Performance 2022/23	Target 2023/24	Target 2024/25	Target 2025/26	Target 2026/27	End of Strategy Performance Target 2027/28
Sustainability Framework Assessment score assigned to West Lothian Council.	Level 2	Level 2	Level 2	Level 2	Level 2	Level 3

Appendix 2: Strategy Action Plan

The council will undertake a range of actions to support delivery of corporate priorities and objectives, improve services and deliver transformation.

Actions 2023/27						
Action	Description	Planned Outcome	Owner(s)	Start	End	Status Update
Outcome 1 Contract Development	Continue to develop contracts for each area of spend identified through the five year procurement delivery plans and resulting annual procurement delivery plans.	Ensure Best Value across the council for all procurement requirements.	Corporate Procurement Manager	1.4.2023	31.3.2028	Active
Outcome 1 Contract Cashable Savings	Continue to ensure that all contracts achieve best market price at the time of tender.	Maximise opportunities to achieve savings through procurement.	Corporate Procurement Manager	1.4.2023	31.3.2028	Active
Outcome 1 Efficient Ordering and Invoicing	Continue to review ordering and invoicing techniques to ensure that they continue to support effective payment performance for invoices and reduced costs to the council and its suppliers for the purchase to pay process.	Maximise ordering and invoicing performance.	Corporate Procurement Manager	1.4.2023	31.3.2028	Active
Outcome 1 Category A, Category B and UK Government contracts	Continue to review the relevance and best value delivery of: – Scottish Procurement and Commercial Directorate Category A contracts, – Scotland Excel's Category B contracts – Government's Procurement Service contracts.	Maximise use of collaborative contracts where Best Value can be delivered.	Corporate Procurement Manager	1.4.2023	31.3.2028	Active
Outcome 1 Framework Contracts	Continue to evaluate the option of using framework contracts to ascertain if they will deliver best value.	Maximise use of framework contracts where Best Value can be delivered.	Corporate Procurement Manager	1.4.2023	31.3.2028	Active

Actions 2023/27

Action	Description	Planned Outcome	Owner(s)	Start	End	Status Update
Outcome 1 Collaborative Contract Opportunities	Continue to review collaborative opportunities available for Category C1 contracts.	Maximise use of collaborative contracts where Best Value can be delivered.	Corporate Procurement Manager	1.4.2023	31.3.2028	Active
Outcomes 1, 2 and 3 Accessible procurement information	Regular review of procurement information on the Internet and Intranet.	Maximise accessibility of council procurement information for both internal and external customers.	Corporate Procurement Manager	1.4.2023	31.3.2028	Active
Outcome 2 Compliance Review - High Value and High Risk Contracts	Continued review of high value and high risk contracted suppliers spend to ensure compliance with standing orders and the corporate procurement procedures.	Maximise levels of compliance with council standing orders and procurement procedures for high value and high-risk contracts.	Corporate Procurement Manager	1.4.2023	31.3.2028	Active
Outcome 2 Supplier Rationalisation Exercise	Continue to review spend against non-contracted suppliers and a regular supplier rationalisation exercise to reduce their availability and ensure compliance with contracted suppliers.	Decreased levels of spend against non-contracted suppliers.	Corporate Procurement Manager	1.4.2023	31.3.2028	Active
Outcome 2 Contract Strategies	Continue to complete contract strategies for all tender opportunities, including community benefits, market research, financial review, defining need and specification review.	Comprehensive contract strategies in place for all council procurement requirements.	Corporate Procurement Manager	1.4.2023	31.3.2028	Active

Actions 2023/27

Action	Description	Planned Outcome	Owner(s)	Start	End	Status Update
Outcome 2 Digital processes	Continue to digitise and automate procurement processes and guidance to increase efficiency and compliance levels.	Maximise automation and self-service to increase efficiency and improve ease of access for customers.	Corporate Procurement Manager	1.4.2023	Ongoing	Active
Outcome 2 Procurement Training	Continue to deliver Procurement Training to ensure that appropriate and suitable training provision is delivered.	Greater competence and skill levels of staff carrying out procurement activities.	Corporate Procurement Manager	1.4.2023	31.3.2028	Active
Outcome 2 Online Training	Online training courses will continue to be developed and implemented to provide procurement fundamentals training across the council.	Increased accessibility to procurement training for all council staff.	Corporate Procurement Manager	1.4.2023	31.3.2028	Active
Outcome 2 Procurement Competency Framework	A Procurement Competency Framework will continue to be used to identify procurement skills gaps across the council.	A Procurement Competency Framework will be used to identify procurement skills gaps across the council.	Corporate Procurement Manager	1.4.2023	31.3.2028	Active
Outcome 3 Small Lots	'Small Lot' provision will continue to be used where appropriate to provide local suppliers and SMEs with contract opportunities.	Maximise number of Small Lot provisions where Best Value can be delivered.	Corporate Procurement Manager	1.4.2023	31.3.2028	Active
Outcome 3 Supplier Development Programme	Supplier Development Programme training events will be signposted to SME's, the third sector and WLC businesses. The council will also utilise the services of the Supplier Development Programme within tendering activity supplier training sessions,	Increased information and awareness to SMEs regarding local authority procurement.	Corporate Procurement Manager	1.4.2023	31.3.2028	Active

Actions 2023/27

Action	Description	Planned Outcome	Owner(s)	Start	End	Status Update
Outcome 3 Reserved Contracts	'Reserved Contract' arrangements will continue to be considered.	Maximise number of Reserved Contract provisions where Best Value can be delivered.	Corporate Procurement Manager	1.4.2023	31.3.2028	Active
Outcome 3 Reducing Barriers to Doing Business	Continue to consult with local and SME business to identify and reduce barriers to doing business.	Increased contract opportunities for local and SME businesses.	Corporate Procurement Manager	1.4.2023	31.3.2028	Active
Outcome 4 Contract Strategies - Community Benefits	Continue to complete contract strategies for all contracts, in line with the Community Benefits Procedure, to include the following Community Benefits considerations.	Community Benefits taken into account for all contract strategies.	Corporate Procurement Manager	1.4.2023	31.3.2028	Active
Outcome 4 Contract Strategies – Sustainability	Contract strategies will continue to be completed for all contracts.	Social, Environmental and Economic considerations taken into account for all contract strategies	Corporate Procurement Manager	1.4.2023	31.3.2028	Active
Outcome 4 Sustainable Procurement Training	Sustainable procurement awareness and training, including whole life costing will continue to be promoted to ensure that procurement officers integrate sustainability into major purchasing decisions.	Increased awareness of sustainable procurement by staff.	Corporate Procurement Manager	1.4.2023	31.3.2028	Active
Outcome 4 Sustainable Procurement Supplier Engagement and Partnership Events	Supplier training will continue to be promoted to encourage and guide businesses to adopt sustainable development principles and practices. Support will also continue to be provided for the implementation of sustainable procurement practices throughout the council and supply chains.	Increased awareness and use of sustainable development principles and practices by West Lothian businesses.	Corporate Procurement Manager	1.6.2024	31.3.2028	Planned

Actions 2023/27

Action	Description	Planned Outcome	Owner(s)	Start	End	Status Update
Outcome 4 Living Wage	Promote the implementation of payment of the Living Wage through a West Lothian Council webpage.	Increased awareness and uptake of the Living Wage by West Lothian businesses.	Corporate Procurement Manager	1.4.2023	31.3.2028	Active
Outcome 4 Sustainable Action Plan	Actions from the West Lothian Council Sustainable Action Plan will continue to be implemented to ensure that the council achieves level four within the Sustainability Flexible Framework Assessment.	Maintain level two within the Scottish Government Sustainability Flexible Framework Assessment.	Corporate Procurement Manager	1.4.2023	31.3.2028	Active

Corporate Procurement Strategy

2023/28

West Lothian Council

March 2024

For more information:

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COUNCIL EXECUTIVE

RESPONSE TO THE SCOTTISH GOVERNMENT CONSULTATION ON A HEAT IN BUILDINGS BILL

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to present to the Council Executive a response to the Scottish Government's consultation on proposals for a Heat in Buildings Bill for approval.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. Notes the content of the report and appendices, and;
2. Approves the response attached as Appendix 1 for submission to the Scottish Government.

C. SUMMARY OF IMPLICATIONS

I Council Values	Being honest, open and accountable; making best use of our resources; working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>The council is legally bound to comply with duties for public sector bodies within the Climate Change (Scotland) Act 2009. The duties require that the council must, in exercising its functions, act:</p> <p>(a) in the way best calculated to contribute to the delivery of the targets set in or under Part 1 of the Act;</p> <p>(b) in the way best calculated to help deliver any programme laid before the Scottish Parliament under section 53;</p> <p>(c) in a way that it considers is most sustainable.</p> <p>This report does not raise any equality issues, although any policy resulting from the consultation or actions relating to it may require to be assessed.</p>
III Implications for Scheme of Delegations to Officers	None

IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	Outcome 4 – We live in resilient, cohesive and safe communities. Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
VI	Resources - (Financial, Staffing and Property)	The transition to clean heating sources referenced in the consultation will require significant capital investment and has potential consequences for revenue due to higher operating costs. These are as yet unquantified and the expectation is that that any additional costs resulting will be fully funded by the Scottish Government.
VII	Consideration at PDSP	The report has not been considered at PDSP, but was circulated to members of the Environment and Sustainability PDSP for review and comment. No amendments were suggested.
VIII	Other consultations	Housing, Customer and Building Services; Planning Services.

D. TERMS OF REPORT

D.1 Background

The Scottish Government are currently seeking views on proposals for a future Heat in Buildings Bill. The proposed legislation is seen as a key contributor to achieving the net-zero ambition set out in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. The council's Local Heat & Energy Efficiency Strategy (LHEES) published in December 2023 recognises that heat is a significant source of emissions in Scotland. Decarbonising heating and increasing the energy efficiency of our buildings will be a significant step on the journey to keeping warming below 1.5°C. The consultation sets out the requirement to move away from traditional heating systems powered by gas, oil and other carbon-based fuels to “clean” alternatives – primarily heat pumps and heat networks at this stage, with the potential for renewable hydrogen use in future.

Council officers have participated in a number of meetings and events relating to the consultation, including a Scottish Government hosted discussion session on 6 February. A separate consultation on the Social Housing Net Zero Standard has been running in parallel to this, a response to which was agreed at the meeting of the Council Executive on 20 February.

D.2 Consultation Summary

The council's proposed response is attached as Appendix 1.

The Scottish Government's plans for legislation include:

- Reconfirming that the use of polluting heating systems will be prohibited after 2045;
- As a pathway to 2045, requiring those purchasing a home or business premises to end their use of polluting heating systems within a fixed period following completion of the sale;
- introducing a new law that will require homeowners to make sure that their homes meet a reasonable minimum energy efficiency standard (the Heat in Buildings Standard) by 2033, and;
- requiring private landlords to meet this minimum energy efficiency standard by 2028.

Minimum Energy Efficiency Standard

It is proposed in the consultation that the minimum energy efficiency standard for domestic properties would be based on implementing a simplified list of measures. Any home owner who had installed these measures – or as many of them as are feasible for the type of home they live in – would be considered to have reached a good level of energy efficiency and meet the new standard. While owner occupied homes that have ended their use of polluting heating systems by 2033 will not be required to meet the standard, private rented properties will even where clean heating systems have been installed. This is on the basis that most tenants don't have the power to improve the energy efficiency of their rented homes.

There are no proposals to prohibit the sale of properties that do not meet the standard by, or after, the backstop dates. However, properties in the private rented sector which don't meet the energy efficiency standard by the end of 2028 would not be allowed to be leased to a new tenant.

At this stage there are no proposals to implement a minimum energy efficiency standard for non-domestic buildings or for social rented properties.

Property Purchases

While the prohibition of property sales is not being considered, those purchasing a property will be required to comply with the prohibition on polluting heating within a specified amount of time following completion of the sale. The requirement to upgrade to a clean heating system will be identified through the existing Home Report/Energy Performance Certificate (EPC) system. Once a sale is registered, a grace period would be in place to provide time for building assessments and works to be carried out. Examples of how measures could be funded are set out in the consultation, with further details in the Scottish Government's Green Heat Finance Taskforce Report Part One published in November 2023. This requirement will only apply after the proposed Bill has been considered and approved by the Scottish Parliament and further regulations for implementing the proposals have been developed and consulted upon.

Heat Networks

Heat networks are one of the clean heating systems that will be able to be used to comply with the Heat in Buildings Standard due to the fact that All heat networks will be required to generate most of their heat from renewables or bioenergy by 2045. The council's LHEES identified fourteen potential Heat Network Zones across West Lothian, all of which will be subject to further review during 2024. There are two clear proposals impacting on local authorities in relation to heat networks. These are that:

- local authorities and the Scottish Ministers will be provided with powers to require buildings within a Heat Network Zone to end their use of polluting heating systems (by a certain date, and with a minimum notice period), and;

- local authorities or the Scottish Ministers will be provided with powers that require developers to connect new buildings within Heat Network Zones to a heat network.

It is also proposed that any buildings within a Heat Network Zone will not need to meet the Heat in Buildings Standard following a property purchase. A separate consultation is to be brought forward to consider whether a new duty should be placed on public sector organisations to connect their buildings to local heat networks.

Monitoring and Enforcement

The preferred approach to monitoring is through a combination of the use of EPC's and sampling. EPC's are an existing and well understood mechanism for assessing efficiency and form part of a national register. The onus would be on the homeowner, landlord or business to arrange and pay for any required EPC assessment.

Enforcement being proposed includes civic penalties for private landlords who do not meet the minimum energy efficiency standard after 2028. While wider civic penalties are not being considered at this stage, it is likely that provision for their introduction would be included in any Bill. Prior to any introduction there would be further consultation on the detailed parameters and proposals.

In order to ensure that any new standard is fairly and equitably applied, it is planned that criteria will be set for exemptions and extensions of time to comply with requirements where necessary.

Public Sector Buildings

As noted previously, there are no proposals to implement a minimum energy efficiency standard for non-domestic buildings. There is, however, a requirement for all buildings owned by Scottish Public Authorities to be using clean heating systems by the end of 2038. While it is clear that this would be a positive step in reducing carbon emissions and encouraging growth in the supply chain, there are considerable implications from both a capital and revenue budgeting perspective in replacing existing heating systems with clean equivalents. A long-term plan should be put in place to support the public sector and provide certainty on the funding required to take works forward.

In addition, consideration is being given to placing further duties on public authorities in relation to the replacement of existing fossil fuel plant, the development of decarbonisation plans and statutory reporting duties on reporting progress. Details of these are set out in section 6.5 of the consultation document, a link to which is provided in the Background References.

E. CONCLUSION

The proposed Heat in Buildings Bill has significant implications on the way we heat our homes and other buildings in future. The council's response to the consultation supports the net-zero objectives which are set out in legislation while highlighting some of the potential challenges that will need to be overcome to implement any recommendations successfully. Further consultations are expected on a range of specific areas within the proposed Bill and these will be responded to as and when they are presented. It is intended that the Heat in Buildings Bill will be passed by the end of this term of the Scottish Parliament but at this stage there are no specific dates about when the new laws would apply should they be passed by the Scottish Parliament.

F. BACKGROUND REFERENCES

[Heat in Buildings Bill – Full Consultation Document](#)

[Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019](#)

[West Lothian Council Local Heat & Energy Efficiency Strategy 2023-2028](#)

[Green Heat Finance Taskforce: report part 1 - November 2023](#)

[Council Executive Meeting 20 April 2021 - Draft Heat in Buildings Strategy Proposed Consultation Response](#)

Appendices/Attachments:

Appendix 1: Proposals for a Heat in Buildings Bill Consultation Response

Contact Person:

Peter Rogers, Energy & Climate Change Manager. Peter.rogers@westlothian.gov.uk ; 07920 244936

Patrick Welsh

Interim Head of Finance & Property Services

Date of Meeting:

12 March 2024

Changing the way we heat our homes and buildings – A consultation on proposals for a Heat in Buildings Bill



Scottish Government
Riaghaltas na h-Alba
gov.scot

Respondent Information Form

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:

<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- ☐ Individual
- ☒ Organisation

Full name or organisation's name

West Lothian Council

Phone number

01506 280000

Address

West Lothian Civic Centre
Howden South Road
Livingston

Postcode

EH54 6FF

Email Address

energy@westlothian.gov.uk

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- ☒ Publish response with name
- ☐ Publish response only (without name)
- ☐ Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- ☒ Yes
- ☐ No

Questionnaire

Question 1

To what extent do you support our proposal to prohibit the use of polluting heating systems in all buildings after 2045?

- ☒ Strongly support
- ☐ Somewhat support
- ☐ Neither support nor oppose
- ☐ Somewhat oppose
- ☐ Strongly oppose
- ☐ Don't know

Please include any additional comments below.

The pace of change required to mitigate and adapt to the impacts of climate change mean that urgent change is required. 2045 should be considered as the absolute latest point for the transition to clean heating systems, with as many properties moved over as quickly as possible. Failure to do so jeopardises the achievement of national net-zero objects. Consideration should be given to introducing an accelerated timeline where realistic.

Question 2

To what extent do you agree that we should introduce a minimum energy efficiency standard to be met by private sector landlords by the end of 2028 (even if they are already using clean heating)?

- ☐ Strongly support
- ☒ Somewhat support
- ☐ Neither support nor oppose
- ☐ Somewhat oppose
- ☐ Strongly oppose
- ☐ Don't know

Please include any additional comments below.

While it is important that there is a target date for minimum energy efficiency standards in the private rented sector, consideration must be given to the potential implications, particularly in relation to the impacts on the supply of private rented properties. Prohibiting the reletting of social housing that does not meet the minimum fabric efficiency standard can be an effective way to improve energy efficiency in social housing and reduce energy bills for tenanted properties. However, there are potential issues with this approach, such as a shortage of social housing units, a financial burden on landlords, and an inequitable impact on current and future tenants. This can address these issues by implementing a phased approach, providing financial assistance to landlords, considering exemptions for certain properties, enhancing monitoring and enforcement, providing technical assistance to landlords, collaborating with stakeholders, and promoting energy-efficient appliances and practices among tenants.

We believe that the Scottish Government should work with landlords to identify and address any barriers to meeting the standard. This could include providing financial assistance or technical guidance.

We also believe that the Scottish Government should consider providing temporary exemptions for properties that cannot meet the standard due to technical and financial constraints. These exemptions should be time-limited and subject to a clear plan to bring the property up to the standard.

Question 3

To what extent do you agree that we should introduce a minimum energy efficiency standard to be met in owner occupied homes (which still have a polluting heating system) by the end of 2033?

- ☒ Strongly support
- ☐ Somewhat support
- ☐ Neither support nor oppose
- ☐ Somewhat oppose
- ☐ Strongly oppose
- ☐ Don't know

Please include any additional comments below.

It is logical to focus on energy efficiency as a first step to reducing overall heat demand.

Question 4

Do you agree with our proposal to set a minimum energy efficiency standard that can be met by either installing a straightforward list of measures, or showing a good level of energy efficiency based on a reformed EPC fabric efficiency metric?

- ☒ Strongly support
- ☐ Somewhat support
- ☐ Neither support nor oppose
- ☐ Somewhat oppose
- ☐ Strongly oppose
- ☐ Don't know

Please include any additional comments below.

Generally supportive, see responses to following questions for further details.

Question 5

What is your view on the initial proposed list of measures to meet the minimum energy efficiency standard?

- ☐ Strongly support
- ☒ Somewhat support
- ☐ Neither support nor oppose
- ☐ Somewhat oppose
- ☐ Strongly oppose
- ☐ Don't know

Please include any additional comments below.

The list of measures is a practical start, but does seem somewhat limited. It is also unclear what support would be provided to install the more expensive physical measures that have longer payback periods such as loft, cavity wall and floor insulation. The principals of a just transition should be maintained, and there is a risk that some households where all measures are “feasible” would be disproportionately affected financially.

Householders should be encouraged through consistent messaging from government and partners to maximise the number of measures installed. Community groups should also be engaged to help provide information and training to those who wish to implement measures such as draught proofing themselves.

Question 6

Do you think that properties for which most or all of the measures on the initial proposed list are not relevant should be required to meet an equivalent minimum energy efficiency standard?

- ☐ No – these properties should be considered compliant once they have installed all the measures that are appropriate for their building type, even if this is few or no measures.
- ☐ Yes – they should be required to meet the standard and additional measures should be included on the list (such as solid wall insulation, solid floor insulation and flat roof insulation), and they should be required to install all of these where feasible
- ☒ Yes – they should be required to meet the standard and additional measures should be included on the list (such as solid wall insulation, solid floor insulation and flat roof insulation), but they should only be required to install some of these where feasible and cost effective
- ☐ Yes – they should be required to meet the standard and additional measures should be included on the list (such as solid wall insulation, solid floor insulation and flat roof insulation), but they should only be required to install some of these where feasible, and they should be allowed additional time to do so

Please include any additional comments below.

Financial support should be considered for those whose properties are harder to treat and are not suitable for more basic measures as they would have to incur additional expense simply to achieve the equivalent standard in other house types. Feasible and cost-effective would require an explicit definition to ensure consistent application. Additional time to implement measures should also be considered.

Question 7

Do you think that an alternative approach to setting the minimum energy efficiency standard is required?

- ☐ Yes
- ☒ No
- ☐ Don't know

Please include any additional comments below.

No further comment.

Question 8

Do you agree that the use of bioenergy should continue to be permitted in certain circumstances?

- ☐ No, it should be prohibited in all cases
- ☐ Yes, it should be permitted for those buildings already using it
- ☐ Yes, it should be permitted for those buildings who have no other clean heating system available.
- ☒ Yes, it should be permitted for those buildings already using it and for those buildings who have no other clean heating system available.
- ☐ Yes, it should be used in wider circumstances (please describe these). Please include any additional comments below.

Question 9

To what extent do you support the requirement to end the use of polluting heating following a property purchase?

- ☐ Strongly support
- ☒ Somewhat support
- ☐ Neither support nor oppose
- ☐ Somewhat oppose
- ☐ Strongly oppose
- ☐ Don't know

Please include any additional comments below.

The requirement for the onus to be placed on the buyer of the property rather than the seller seems reasonable. Information for buyers in terms of what will be required within the agreed timescale, how that might be funded and what support might be available should all be clear at point of sale. Some concern that those in less energy efficient properties may find it difficult to sell without taking on some of the works themselves. This potentially discriminates against those who cannot afford to pay the often significant costs.

Question 10

We are proposing to give those purchasing a property a 'grace period' to end their use of polluting heating. Do you agree with this proposal?

- ☐ Yes - the grace period should be two years
- ☒ Yes – the grace period should be three years
- ☐ Yes – the grace period should be four years
- ☐ Yes – the grace period should be five years
- ☐ No, please provide reasons for your view.

Three years should give buyers sufficient time to implement any measures that have been identified at the point of purchase. Exceptions could be considered in circumstances such where there is a requirement for electricity grid upgrades.

Consideration should also be given as to how this would work where a property changes hand on multiple occasions in a short period – i.e., if a buyer sells after two years and the next purchaser does the same, it could up to 7 years after the point of the original recommendation that measures are actually implemented.

Question 11

To what extent do you support our proposal to apply a cost-cap where people are required to end their use of polluting heating following a property purchase?

- ☐ Strongly support
- ☐ Somewhat support
- ☐ Neither support nor oppose
- ☒ Somewhat oppose
- ☐ Strongly oppose
- ☐ Don't know

Please provide reasons for your view.

While a cost cap would assist in assessing whether measures are financially reasonable, there are too many variations across the supply chain and geographically to ensure consistency of application across the country. It would also require to be kept under constant review and would therefore be resource intensive and potentially suppress competition between suppliers.

Question 12

Which of the following methods of applying a cost-cap do you support?

- ☐ A flat cost-cap
- ☐ A size-based cost-cap
- ☐ A purchase price-based cost-cap
- ☒ None
- ☐ Another, please suggest below

Please provide alternative

See response to Q11.

Question 13

To what extent do you support the proposal that the Scottish Ministers should be given powers to extend the circumstances in future (beyond a property purchase) in which people could be required to end their use of polluting heating?

This could be, for example, preventing the installation of new fossil fuel boilers when replacing the heating in your home or business premises.

- ☐ Strongly support
- ☒ Somewhat support
- ☐ Neither support nor oppose
- ☐ Somewhat oppose
- ☐ Strongly oppose
- ☐ Don't know

Please include any additional comments below.

The council is supportive of making provision within the proposed Bill on the basis that the consultation document makes it clear that this would be an issue for a future government to decide on and that any proposals would be subject to further consultation and Parliamentary consent.

Question 14

To what extent do you support our proposal to provide local authorities (and Scottish Ministers) with powers to require buildings within a Heat Network Zone to end their use of polluting heating systems by a given date?

- ☐ Strongly support
- ☒ Somewhat support
- ☐ Neither support nor oppose
- ☐ Somewhat oppose
- ☐ Strongly oppose
- ☐ Don't know

Please include any additional comments below.

While it is agreed that certainty of customers (and particularly those with high heat demand) would be beneficial to heat network operators in their business case development and planning processes, significant consideration needs to be given to the timing of any changes for existing buildings and the support that will be made available to ensure there are no unintended consequences. This is particularly relevant from a consumer protection perspective. Due to the nature of heat networks and the resulting lack of choice for heat consumers, stringent controls must be proved to be in place that will protect customers and give certainty over not only connection costs but also long-term heat tariffs.

It is noted that buildings connected to heat networks will not be required to meet the Heat in Buildings Standard, but it is important that a focus is still on energy efficiency and the efficient use of heating even where that is from a “clean” heat network.

Question 15

To what extent do you support our proposal to provide powers to local authorities (or Scottish Ministers) that require developers to connect new buildings within Heat Network Zones to a heat network?

- ☒ Strongly support
- ☐ Somewhat support
- ☐ Neither support nor oppose
- ☐ Somewhat oppose
- ☐ Strongly oppose
- ☐ Don't know

Please include any additional comments below.

The availability of connection to a heat network provides certainty for developers of new buildings and can contribute to the further development and expansion of networks. As referenced in response to Q14, this must be balanced with appropriate consumer protection.

Question 16

To what extent do you support our proposal to require occupiers of non-domestic properties to provide information about unused heat on their premises?

- ☒ Strongly support
- ☐ Somewhat support
- ☐ Neither support nor oppose
- ☐ Somewhat oppose
- ☐ Strongly oppose
- ☐ Don't know

Please include any additional comments below.

Waste heat is a potentially valuable resource for use in heat networks and should be utilised where it is practically able to do so. Understanding the availability and quantity of waste heat being produced is an important part of network planning, although cognisance should be given to the potential volatility of using waste heat as a source when businesses can choose to close or move premises.

Question 17

To what extent do you support our proposal to potentially require buildings with unused heat to provide this to a local heat network?

- ☒ Strongly support
- ☐ Somewhat support
- ☐ Neither support nor oppose
- ☐ Somewhat oppose
- ☐ Strongly oppose
- ☐ Don't know

Please include any additional comments below.

While supporting the principal of this, there are risks. Building owners/operators may not wish to commit to long term contracts for the supply of heat, particularly where there are penalties for removing that as a source. As noted in response to Q16, waste heat can be a volatile source, with inconsistent supply and the risk that businesses could chose to relocate operations to areas where they would not be compelled to join networks.

Question 18

We will need to have a way to monitor if people are meeting the Heat in Buildings Standard, and discussed two options for this. Which do you support?

- ☐ Submitting EPCs alone
- ☐ Sampling a percentage of buildings
- ☒ A combination of the two
- ☐ None, there should be no monitoring
- ☐ Another method, please suggest below or explain your selected answer

No additional comments.

Question 19

We will need to have a way to enforce the Heat in Buildings Standard. We discussed possible options to help achieve compliance. What are your views on these ideas?

- ☐ I support relying on market and financial product mechanisms such as mortgages or home/ building insurance
- ☐ I support extra Council Tax and Non-domestic Rates charges, in future, for those who don't comply

- ☐ I support the introduction of civil penalties, in future, if compliance is not achieved
- ☒ I support a mixture of the above options
- ☐ I do not support any form of enforcement

Please explain your answer:

It is likely that some form of enforcement will be required at a future point, but as noted in the consultation this should not be considered in the early stages of introducing new standards. Where enforcement is being considered, further consultation should be undertaken which sets out the outcomes of discussions with mortgage providers, insurers etc and details what any proposed penalties might be.

Question 20

To what extent do you support our proposals to modify the Standard or exempt certain people from the need to meet the Heat in Buildings Standard?

- ☐ Strongly support
- ☒ Somewhat support
- ☐ Neither support nor oppose
- ☐ Somewhat oppose
- ☐ Strongly oppose
- ☐ Don't know

Please include any additional comments below.

For comments see Q21.

Question 21

Which people, businesses, or types of buildings, if any, should be eligible for a modified standard or exemptions?

Modifications or exemptions should only be considered in relatively limited circumstances. Building types should be restricted to those where it is not financially or practically suitable to implement required measures (within defined parameters). As set out in the consultation document, those experiencing fuel poverty or child poverty, as well as the elderly and disabled and those on low incomes could be considered for exemptions or additional support.

Question 22

To what extent do you support our proposals to give certain people extra time to meet the Heat in Buildings Standard?

- ☒ Strongly support
- ☐ Somewhat support
- ☐ Neither support nor oppose
- ☐ Somewhat oppose
- ☐ Strongly oppose
- ☐ Don't know

Please include any additional comments below.

For comments see Q23.

Question 23

Which people, businesses or types of buildings, if any, should be eligible for extra time?

Agree that those using sustainable bioenergy should be given additional time due to the often significant investment that has previously been encouraged in biomass as a carbon reduction measure (as previously demonstrated through Scottish Government procurement frameworks. Additional time should also be given to those where there is currently no practical solution for meeting new standards and where significant enabling works are required (for example, upgrades to electricity distribution systems).

Other potential building groups include those that are listed or in conservation areas where options may be limited at present.

Question 24

To what extent do you support our proposal to require all buildings owned by a Scottish public authority to be using clean heating systems by 2038?

- ☐ Strongly support
- ☒ Somewhat support
- ☐ Neither support nor oppose
- ☐ Somewhat oppose
- ☐ Strongly oppose
- ☐ Don't know

Please include any additional comments below.

The setting of a clear target date for non-domestic buildings gives certainty to supply chains and provides the early boost to emissions reductions that will be required to reach net zero targets. There are significant concerns, however, that there is currently no long-term plan for financial and resource support to enable public authorities to carry out the required works. Financial support needs to be considered for both capital and revenue to offset the potentially higher cost of operating clean heating systems.

Question 25

We are considering the following further duties on public sector organisations to support planning for the transition by 2038:

- ☐ Placing a new duty on public sector organisations which would, from 2025, prevent them from replacing a polluting heating system with another (unless impractical)
- ☒ Creating a new duty for each public body to develop and implement a plan to decarbonise their buildings
- ☒ Placing a new statutory reporting duty on public sector organisations to demonstrate progress towards their 2038 objective (with the potential for the 2038 then to be non-statutory); and/or
- ☐ Placing no further statutory requirements on public sector organisations (instead relying on their ability to plan alongside our delivery and funding programmes to meet the 2038 objective)

Please tell us which option(s) you would support.

Please include any additional comments below.

It would be particularly challenging to prevent public bodies from replacing existing heating systems with an equivalent by a date as early as 2025 without significant capital and revenue support to do so. There is currently a substantial cost gap not only in the purchasing and installation costs of clean heating plant, but also in the added impact of potentially higher energy costs in their operation. Given significantly constrained budgets within the public sector, it is unlikely that this would be a sustainable or practical solution. In addition, consideration would need to be given to situations such as PPP and DBFM contracts where there are existing contractual requirements in relation to plant maintenance, repair and replacement.

The suggestions of creating a new duty for each public body to develop and implement a plan to decarbonise their buildings and for a new statutory reporting duty on public sector organisations to demonstrate progress towards their 2038 objective are reasonable steps, but support would need to be provided to help in the development of those plans and reporting mechanisms. Consideration could be given to support being provided through new or existing consultancy frameworks with clearly defined requirements for what the outcomes of any plan would be. This would provide consistency across the public sector in a similar way to the guidance and support offered during the LHEES process.

Additionally, plans would need to be supported by clearly defined long-term funding streams.

Question 26

Do you agree with our proposals to include powers in the proposed Heat in Buildings Bill to change the current requirement in legislation for a narrowly-defined renewable heat target?

- ☒ Yes
- ☐ No
- ☐ Don't know

Please include any additional comments below

It is unlikely that current targets are achievable or aligned with proposed changes set out in the consultation, so changing these to new metrics that would reflect the updated position seems realistic.

Question 27

Do you agree that the Heat Networks (Scotland) Act 2021 should be amended in light of the passage of the Energy Act 2023?

- ☒ Yes
☐ No
☐ Don't know

Please include any additional comments below

Logical step which will help resolve some of the issues around regulation and consumer protection referenced in previous answers.

Question 28

Are there any further amendments to the Heat Networks (Scotland) Act 2021 that the Scottish Government should consider?

No further amendments suggested.

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

PROPOSED LEASE EXTENTION FOR LAND AT LANGSIDE GARDENS, POLBETH FROM ANDREW GRAHAM AND SONS

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to seek Council Executive approval for the council to extend its existing lease of land for a kick-pitch and public open space at Langside Gardens, Polbeth from Andrew Graham and Sons for a period of twenty years on the terms set out in this report.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Agrees that the council should extend its existing lease of land for a kick-pitch and public open space at Langside Gardens, Polbeth from Andrew Graham and Sons for a period of twenty years on the terms set out in this report.
2. Authorises the Head of Finance and Property Services to carry out any further negotiations in respect of the terms of lease on the basis that any revised terms and conditions still represent the best terms obtainable for the council.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Caring and compassionate, open, honest, accountable and collaborate, inclusive and adaptive. Focusing on our customers' needs, Making best use of our resources.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The proposed leasing arrangements comply with legal requirements to obtain the best terms obtainable under the 1973 and 2003 Local Government (Scotland) Acts.
III	Implications for Scheme of Delegations to Officers	Recommendation B2 above seeks delegated authority for the Head of Finance and Property Services to carry out further negotiations on the basis that any revised terms continue to represent the best terms obtainable for the council.
IV	Impact on performance and performance Indicators	None

V	Relevance to Single Outcome Agreement	<p>We live longer, healthier lives and have reduced health inequality.</p> <p>We make the most efficient and effective use of resources by minimising our impact on the built environment.</p> <p>We live in resilient, cohesive and safe communities.</p>
VI	Resources - (Financial, Staffing and Property)	None.
VII	Consideration at PDSP	None.
VIII	Other consultations	<p>NETs Land and Countryside Services.</p> <p>The local elected members for the ward have received a copy of this report for their information.</p>

D. TERMS OF REPORT

D.1 Background

West Lothian Council has leased land at Langside Gardens, Polbeth from Andrew Graham and Sons since 2004 for use as a kick-pitch and public open space. The area extends to 0.54 hectares or thereby and is shown crosshatched in black on the plan at Appendix 1 of this report. There is currently a secure, multi-use ballcourt on the site, which is surrounded by public open space. The existing lease is due to expire on 31 March 2024. The council has an ongoing operational need for the facilities and as such officers wish to extend the lease for a further twenty year period on the terms set out in this report.

Under the proposed lease, the members of the public would continue to be able to access the subjects of let for recreational purposes, free of charge.

D.2 Proposed lease terms

Following discussions, the following Heads of Terms have been provisionally agreed between the parties:

Subjects:	0.54 hectares at Langside Gardens, Polbeth shown crosshatched in black at Appendix 1.
Landlord:	Andrew Graham and Sons.
Tenant:	West Lothian Council.
Lease term:	Twenty years.
Date of entry:	1 st April 2024.
Use:	The subjects will be used as public open space for recreational purposes.
Rent:	£1 per annum, if asked.
Break Clause:	The lease shall contain a “break clause” whereby the lease may be terminated in the event of the landlord seeking to develop the land. The landlord would be required to give the council twelve month’s notice prior to the vacation date. The trigger date for that notice period would be the date upon which the landlord submits a change of use planning application. Should the landlord secure planning permission before the end of that twelve month period, then the vacation date shall be the date upon which planning permission is granted.
Legal expenses:	The council will meet the landlord’s reasonable legal costs up to a maximum of £1,250 (excluding VAT).
Other lease terms:	All other existing lease terms would remain unchanged.

It is recommended that Council Executive authorises the Head of Finance and Property Services to carry out any further negotiations in respect of the terms of lease on the basis that any revised terms and conditions still represent the best terms obtainable for the council.

E. CONCLUSION

The council has an ongoing operational need for the open space facilities at Langside Gardens, Polbeth. Council Executive is therefore recommended to agree that the council should extend its existing lease of the kick-pitch from Andrew Graham and Sons for a period of twenty years on the terms set out in this report

Council Executive is also recommended to authorise the Head of Finance and Property Services to carry out any further negotiations in respect of the terms of lease on the basis that any revised terms and conditions still represent the best terms obtainable for the council.

F. BACKGROUND REFERENCES

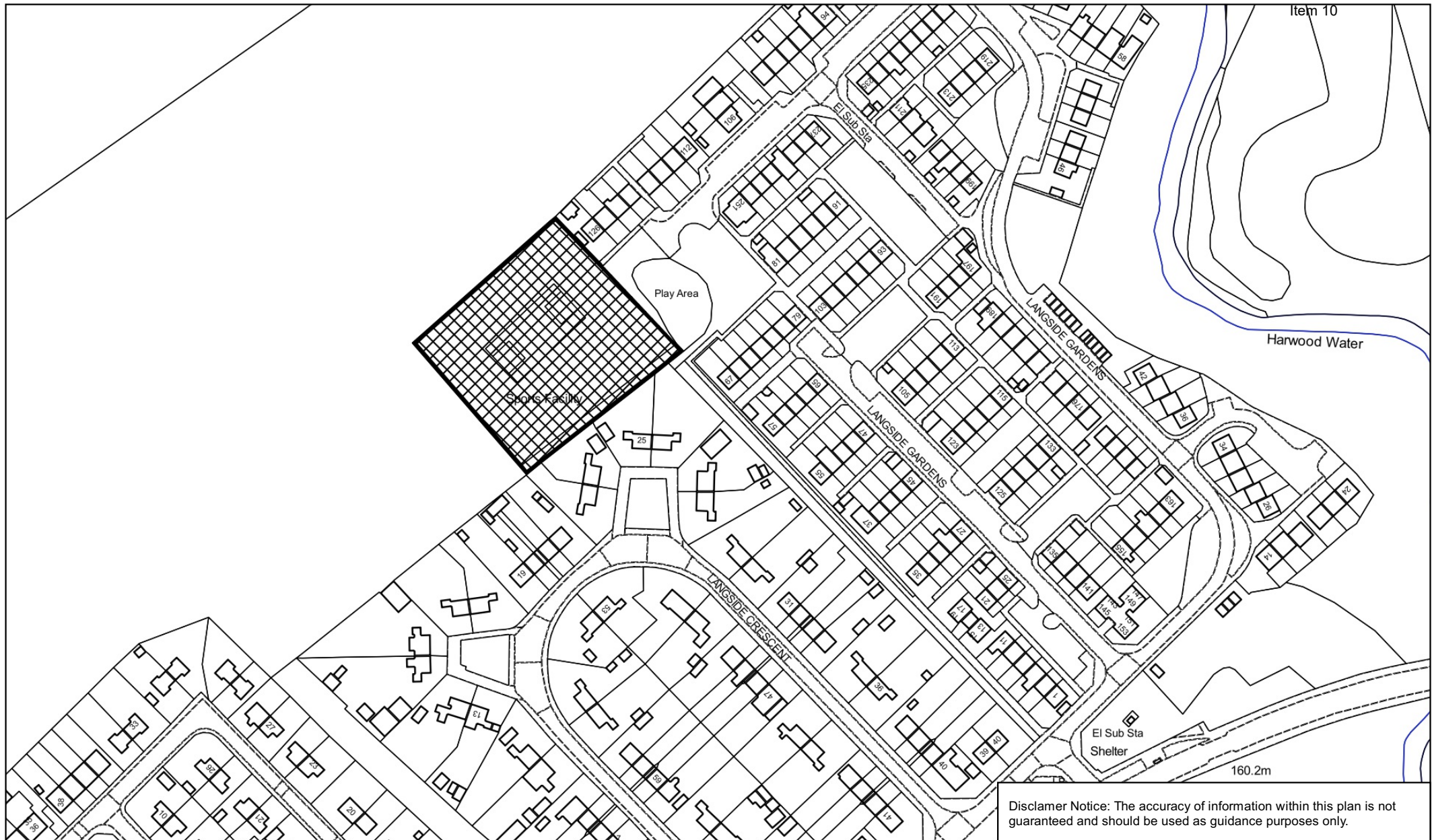
None.

Appendices/Attachments: Appendix 1 – Location Plan

Contact Person: Rachel Donald
Property Modernisation and Community Empowerment Officer
Finance and Property Services
Tel: 07979 724459
Email: Rachel.Donald2@westlothian.gov.uk

Patrick Welsh
Interim Head of Finance and Property Services

Date of meeting: 12 March 2024



Disclaimer Notice: The accuracy of information within this plan is not guaranteed and should be used as guidance purposes only.



Appendix 1 – Kick Pitch, Langside Gardens, Polbeth

Not to Scale

A4



Property Services, West Lothian Civic Centre, Livingston, EH54 6FF

27/2/2024

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DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

WEST LOTHIAN LEISURE 2024/25 FUNDING AGREEMENT

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

This report seeks Council Executive approval for the 2024/25 Annual Funding Agreement between the council and West Lothian Leisure (WLL).

B. RECOMMENDATION

It is recommended that Council Executive:

1. Approves the 2024/25 Annual Funding Agreement for WLL of £2.048 million;
2. Notes the terms and conditions set out in the Annual Funding Agreement for all funding to be paid by the council to WLL;
3. Notes the updates made to the Annual Funding Agreement;
4. Notes the updates on WLL's 2023/24 financial performance and 2024/25 budget.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on customers' needs, being honest, open and accountable, making best use of resources, working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Local Government (Scotland) Act 1975, Section 90: Following the Public Pound.
III Implications for Scheme of Delegations to Officers	Authority for agreeing minor changes to the management fee for WLL is delegated to the Head of Finance and Property Services.
IV Impact on performance and performance Indicators	The council funding for WLL enables the provision of a range of cultural and leisure services.
V Relevance to Single Outcome Agreement	Effective prioritisation of resources will be essential to achieving the targets contained in the Single Outcome Agreement.
VI Resources - (Financial, Staffing and Property)	The council is providing WLL with core funding of £2.048 million in 2024/25.
VII Consideration at PDSP	None.

VIII Other consultations

Education Services.
West Lothian Leisure.

D. TERMS OF REPORT**D.1 Introduction**

The updated Annual Funding Agreement between the council and WLL sets out the agreed management fee to be paid to WLL by the council for 2024/25. The agreement is attached in appendix 1 with the 2024/25 Financial Reporting Arrangements with WLL attached in appendix 2.

These detail the terms and conditions for payment of the management fee, including the provision of services provided by WLL in accordance with the Service Agreement, outline the monitoring and scrutiny of the financial performance of WLL to be undertaken by the council and cover termination and disputes, insurance and indemnity and governance.

D.2 2024/25 WLL Management Fee

The proposed annual management fee for 2024/25, along with the actual fee for 2023/24, is detailed below.

	2023/24	2024/25
	£'000	£'000
Core Funding Prior Year	1,972	2,118
Contribution to Real Living Wage increase	146	132
Approved Incremental Budget Saving	0	(250)
Core Funding Current Year	2,118	2,000
Voluntary Severance Advance Funding	(132)	(132)
Landlord Maintenance	180	180
Total Annual Management Fee	2,166	2,048

The 2024/25 WLL management fee is £2.048 million and is the fee paid to WLL for the provision of sports and leisure services within West Lothian in accordance with the Service Agreement.

The core funding element of the management fee less the repayment of the voluntary severance advance funding will generally be paid half yearly in advance, subject to the terms and conditions set out in the Annual Funding agreement continuing to be met by WLL.

The landlord maintenance element of the management fee are expected to be made at the start of 2024/25.

A timetable has been agreed with WLL to ensure current and relevant financial information is provided to the council. All financial information is regularly monitored and analysed by council officers and will continue to be reported to the West Lothian Leisure Advisory Committee, with a focus on implications for the council. WLL continue to closely monitor their financial position and implement mitigating action, within the current parameters, to minimise the impact of the financial pressures and risks.

D.3 WLL's 2023/24 Financial Performance and 2024/25 Budget

2023/24 Financial Performance

WLL latest financial forecast for 2023/24 was reported to its Board meeting on 21 February 2024. This shows a trading deficit of £570,000 and a year-end closing cash balance of £1.55 million. WLL originally budgeted a trading deficit of £1.18 million for 23/24, based on WLL continuing to operate all venues throughout 2023/24 but this has reduced significantly mainly due to WLL ceasing to operate 4 venues (three swimming pools and Howden park Centre) during 2023/24.

2024/25 Budget

WLL approved its 2024/25 budget at its Board meeting on 21 February 2024. This shows a trading deficit of £199,000 compared to the 2023/24 forecast trading deficit of £570,000 with the key movements resulting from a combination of the full year impact of ceasing to operate Xcite Livingston, Xcite Broxburn, Xcite Armadale and Howden Park Centre on 31 August 2023 and WLL ongoing plans for income generation and operational efficiency being partially offset by cost increases, particularly payroll and utilities. The 2024/25 budget shows a year-end cash balance of £1.80 million compared to the 2023/24 year-end cash balance of £1.55 million with the variance mainly relating to the annual trading deficit being more than offset by timing differences and non-cash items.

E. CONCLUSION

The updated Annual Funding Agreement between the council and WLL (i) sets out the agreed management fee to be paid to WLL by the council for 2024/25, (ii) details the terms and conditions regarding the payment of the management fee and potential other funding, including provision of services by WLL in accordance with the Services Agreement, (iii) sets out monitoring and scrutiny of the financial performance of WLL by the council and (iv) covers termination and disputes, insurance and indemnity and governance.

F. BACKGROUND REFERENCES

Performance Reports to WLLAC in 2023/2024

WLL Annual Funding Agreement 2023/24 – Report by Head of Finance and Property Services to Council Executive 21 March 2023

Revenue Budget Report 2023/24 – Report by Head of Finance and Property Services – West Lothian Council 21 February 2023

Revenue Budget Report 2024/25 – Report by Head of Finance and Property Services – West Lothian Council 22 February 2024

Appendices/Attachments:

Appendix 1 – Annual Funding Agreement between WLC and WLL
Appendix 2 – WLL Financial Reporting Arrangements

Contact Person: Robert Young, Senior Service Accountant
Email: robert.young@westlothian.gov.uk

Patrick Welsh
Interim Head of Finance and Property Services

12 March 2024

Annual Funding Agreement Document

Between

West Lothian Council

And

West Lothian Leisure

**For the provision of facilities for recreational, sporting,
cultural and social activities in terms of sections 14, 15
and 16 of the Local Government and Planning (Scotland)
Act 1982.**

1 April 2024 to 31 March 2025

**ANNUAL FUNDING AGREEMENT DOCUMENT FOR 2023/24
FOR THE DELIVERY OF
RECREATIONAL, SPORTING, CULTURAL AND SOCIAL ACTIVITIES**

Between

WEST Lothian Council established under the Local Government etc (Scotland) Act 1994 and having its principal offices at West Lothian Civic Centre, Howden South Road, Livingston, West Lothian EH54 6FF

And

WEST Lothian Leisure a company which is a Scottish charity (Scottish charity number SC027470) incorporated under the Companies Acts (company number SC543017) and having its registered office at Xcite Bathgate, Balbardie Park, Torphichen Road, Bathgate, West Lothian EH48 4LA

1. MANAGEMENT FEE

- 1.1 The council agrees, subject to the terms and conditions set out in the Agreement, to pay the management fee to the West Lothian Leisure (WLL) in consideration for the provision of services by WLL in accordance with the Services Agreement.
- 1.2 The management fee due in 2024/25 shall be payable by the council to WLL subject to receipt by the council of a valid VAT invoice issued by WLL relating to that element of the management fee. The 2024/25 management fee is shown below:
 - The council will pay £1,868,169 for services in relation to the WLL's role in utilising its professional management and leisure skills to manage the council's sport and recreational facilities on its behalf and for the outcomes and services detailed in the Service Specification. This element of the management fee shall be paid in two instalments as follows:
 - First instalment for £934,084.50, to be invoiced at the start of the first quarter of 2024/25.
 - Second instalment for £934,084.50 to be invoiced at the start of the third quarter of 2024/25.
 - A contribution towards the cost of the following specific projects in 2024/25, to be invoiced at the start of the first quarter of 2024/25:
 - Landlord's Capital Maintenance (£180,000).
- 1.3 The sum will be reviewed in advance of each subsequent financial year, and a management fee will be agreed by the council as part of the council's revenue budget for the year ahead.
- 1.4 Authority for agreeing minor revisions to the management fee with WLL is delegated to the council's Head of Finance and Property Services.
- 1.5 In the event of there being any overpayment by the council for any reason, including where it has been determined that the council has over-compensated for provision of services, the council shall be entitled to recover any sums due either by repayment by WLL to the council or by deduction from future sums due by the council to WLL under this or any other agreement between the parties.

- 1.6 WLL shall keep secure and maintain until two years after the final payment of all sums due under the Agreement, full and accurate records of all expenditure incurred by the WLL in its performance of those services, and of all payments made to it by the council, by service users or by third parties in that regard.

2. 2018/19 ADDITIONAL FINANCIAL SUPPORT FOR ONE-OFF STAFFING COSTS

- 2.1 The council provided WLL £270,000 of additional funding in 2018/19 in a re-profiling of the management fee to cover one-off staffing costs required to deliver the 2018/19 savings, as agreed by Council Executive.
- 2.2 The management fee provided by the council will be reduced in eight equal annual instalments of £33,750 commencing in 2021/22 and ending in 2028/29. This £33,750 reduction has been taken into account in determining the management fee noted on Section 1.2.

3. 2019/20 ADDITIONAL FINANCIAL SUPPORT FOR ONE-OFF STAFFING COSTS

- 3.1 The council provided WLL £783,000 of additional funding in 2019/20 in a re-profiling of the management fee to cover one-off staffing costs required to deliver the 2019/20 savings, as agreed by Council Executive.
- 3.2 The management fee provided by the council will be reduced in eight equal annual instalments of £97,875 commencing in 2021/22 and ending in 2028/29. This £97,875 reduction has been taken into account in determining the management fee noted on Section 1.2.

4. RESCHEDULING OF DEBT PAID THROUGH SELF-FINANCING

- 4.1 As part of the 2019/20 funding agreement, the council rescheduled debt due to the council from WLL, paid through self-financing. The total overall value of repayments due by WLL to the council has not changed. The total debt has been combined and will be paid back in equal instalments over the period 2019/20 to 2041/42 (other than in 2020/21 when no amount was paid back).

5. MONITORING

- 5.1 The council is obliged to set, and thereafter monitor and control, the amount of management fee paid and/or payable by the council to WLL.
- 5.2 WLL will maintain financial records in relation to work planned and undertaken and will provide the following financial information to the council on a regular basis:
 - Actual and forecast trading account and balance sheet
 - Forecast cashflow for the remainder of the financial year
 - Key assumptions used to compile forecasts
 - Update on key risk areas e.g. income generation from memberships
 - Material movements from previously reported position
 - Potential impact of the projected financial position on the council
 - Actions being taken to manage the impact on WLL of the proposed reductions in funding over the period 2023/24 to 2027/28
- 5.3 Generally, this reporting will be every two months in line with committee timetables, to allow a separate finance report to be prepared and presented to the West Lothian Leisure Advisory Committee by the council's Head of Finance and Property Services. Council Executive revenue budget monitoring reports at period 4, 6 and 9 will contain a specific section on WLL to give an update on financial performance.

- 5.4 An annual timetable will be provided to WLL by the council prior to the start of the financial year confirming when the financial information will need to be submitted. Timescales will be in line with the approved committee cycle meetings of the West Lothian Leisure Advisory Committee.
- 5.5 The annual timetable will include the requirement for WLL to provide a detailed and balanced budget for the following financial year and the requirement for longer term budget strategy to ensure financial sustainability of the organisation.
- 5.6 The annual timetable will be updated as required to reflect any conditions agreed by Council Executive.
- 5.7 WLL will submit to the council as soon as possible, but not later than mid-September each year, its annual report and accounts audited by a qualified accountant, and will allow inspection of its accounting records by officers of the council if requested, within 14 days' notice of receiving a written request to that effect.
- 5.8 Financial performance will be reviewed in depth on an annual basis. The annual review will build on the regular meetings of the council/WLL review group and liaison between the liaison officers. This review will use the WLL final accounts and related audit reports.
- 5.9 WLL will demonstrate, to the reasonable satisfaction of the council, the existence and implementation of internal quality assurance systems to ensure effective working practices and robust financial systems are in place and appropriate to the standards required by the council and the needs and wishes of the service users.
- 5.10 WLL will demonstrate, to the reasonable satisfaction of the council, the existence and implementation of budgetary control processes which enable effective monitoring and quality financial control of the Service.
- 5.11 When requested by the council in writing, WLL will provide in a form agreed with the council, all and any information and documentation relevant (and no matter in what form that information is stored), in the reasonable opinion of the council, to demonstrate the quality of the service and to allowing the council to monitor, assess and evaluate the Provision of the Service by WLL.
- 5.12 WLL shall provide to the council all inspection reports or any other documents making recommendations by or setting out requirements from the Office of the Scottish Charity Regulator relating to the Services, and of any proposals by the Commission to cancel WLL's registration, within seven working days of receipt by the WLL.
- 5.13 The council reserves the right to commission, at its own cost, internal or external evaluations of the financial performance of WLL to which WLL will provide any information requested.

6. TERMINATION AND DISPUTES

- 6.1 This agreement may be terminated by either party giving the other six months' notice in writing of its intention to do so.
- 6.2 If WLL has a receiver or administrator appointed, becomes insolvent, apparently insolvent, or is sequestrated or signs a Trust Deed for the behoof of its creditors, or goes into liquidation (other than voluntary liquidation for the purposes of reconstruction or amalgamation) or is wound up by the Court or is voluntarily wound up by creditors or by members, the council may terminate the Agreement by written notice with immediate effect.
- 6.3 If in the opinion of the council, WLL commits a material breach of the terms and conditions of the Annual Funding Agreement document then the council may terminate the Agreement by written notice with immediate effect.

7. INSURANCE AND INDEMNITY

- 7.1 WLL shall be responsible for ensuring that appropriate and adequate insurance is maintained throughout the duration of the funding agreement for employer's liability, public liability, professional liability, malpractice, building and contents, and will on request provide evidence to the Purchaser that such cover has been affected and all due premium payments have been paid.
- 7.2 If WLL has motor vehicles utilised for the purposes of the service users therein, they shall maintain appropriate vehicle and passenger insurance and shall supply to the purchaser, on request, copies of all or any of the relative policies with confirmation that all due premium payments have been paid.
- 7.3 WLL shall indemnify the purchaser fully against all claims, proceedings, actions, damages, legal costs, expenses and any other liabilities in respect of any financial loss, death or personal injury, or loss of or damage to property unless WLL is able to demonstrate that such financial loss, death or personal injury or loss of or damage to property was not caused or contributed to by their negligence or default or the negligence or default of their staff or any circumstances within their control. WLL shall affect and maintain with a reputable insurance company a policy or policies of insurance providing an adequate level of cover in respect of these risks.

8. GOVERNANCE

- 8.1 In signing this agreement WLL is agreeing to the conditions of funding as set out in this Annual Funding Agreement and in the Services Agreement.

Signed on behalf of the Council

Signature:

Name: Patrick Welsh

Position: Interim Head of Finance and Property Services

Date:

Signed on behalf of WLL

Signature:

Name: Ben Lamb

Position: Chief Executive

Date:

DATA LABEL: PUBLIC**2024/25 FINANCIAL REPORTING ARRANGEMENTS WITH WEST LoTHIAN LEISURE****FINANCE REPORT ON WEST LoTHIAN LEISURE BY COUNCIL TO WEST LoTHIAN LEISURE ADVISORY COMMITTEE****1. BACKGROUND**

The council's Head of Finance and Property Services will present a financial report to the West Lothian Leisure Advisory Committee (WLLAC) at each of its meetings covering the financial performance of West Lothian Leisure (WLL). The various reports presented over the course of the year will include an update on budget development and approval, WLL audit reports and projected outturns in relation to the trading and cash-flow, focussing on key risks and potential implications for the council.

2. REPORTING ARRANGEMENTS FOR REMAINDER OF 2023/24 COMMITTEE CYCLE

Committee meetings have been scheduled for 25 March 2024 and 21 May 2024. A further meeting is expected to be scheduled for August 2024. The financial information to be covered in the reports at each of the meetings will include the following:

Date of WLLAC Meeting	Key areas to be covered in financial report for WLLAC	Financial Information to be provided by WLL to WLC
25 March 2024	<ul style="list-style-type: none"> Approved budget for 2024/25 Update on 2023/24 WLL performance 	<ul style="list-style-type: none"> Approved budget for 2024/25 Latest projected outturn report for 2023/24 including trading account and cash-flow
21 May 2024	<ul style="list-style-type: none"> Draft accounts for 2023/24 	<ul style="list-style-type: none"> Report on draft accounts for 2023/24 including trading account and cash-flow
Expected to be scheduled for August 2024	<ul style="list-style-type: none"> Final accounts for 2023/24 	<ul style="list-style-type: none"> Report on final accounts for 2023/24 including trading account, balance sheet and cash-flow

The following timetable outlines the key dates and tasks required to allow reports to be prepared and presented to the WLLAC for approval at these remaining meetings:

WLL to provide latest financial information to WLC * (Head of Finance, WLL)	WLC/WLL Review Group Meeting **	Agree Financial report with Head of Finance & Property Services (C Bohne)	Financial Report to Committee Services (C Bohne)	Present Report at WLLAC Meeting (R Young)
07/03/24	11/03/24	18/03/24	18/03/24	25/03/24
07/05/24	06/05/24	13/05/24	14/05/24	21/05/24
TBC	TBC	TBC	TBC	TBC

*financial information to be provided to Christine Bohne, Accountant in WLC four working days prior to WLC/WLL review Group Meeting

**includes discussion on financial performance

3. REPORTING ARRANGEMENTS FOR 2024/25 COMMITTEE CYCLE

The timetable below outlines the key dates for 2024/25 financial reporting and the areas to be covered within each report. This will be updated once consultation with WLL on future meeting dates is complete.

Information to be reported*	WLL to provide latest financial information to WLC	WLC/ WLL Review Group Meeting**	Agree Financial report with Head of Finance & Property Services	Financial Report to Committee Services	WLLAC Meeting
Period 3 forecast 24/25	August 2024	TBC	TBC	TBC	TBC
Period 5 forecast 24/25	October 2024	TBC	TBC	TBC	TBC
Period 7 forecast 24/25	November 2024	TBC	TBC	TBC	TBC
Detailed budget for 25/26	December 2024	TBC	TBC	TBC	TBC
Period 9 forecast 24/25	February 2025	TBC	TBC	TBC	TBC
Period 11 forecast 24/25 Budget update 25/26	April 2025	TBC	TBC	TBC	TBC
Draft accounts 24/25 Latest forecast 25/26	June 2025	TBC	TBC	TBC	TBC

*information not to be restricted to this and may include other relevant financial updates which will be requested in advance

**exact dates to be confirmed, but meeting will be held in advance of the deadline for agreeing the financial reporting information with the Head of Finance and Property Services

The approved budget and final outturn will be presented to the WLLAC meeting immediately after these tasks are finalised by WLL. In addition to these tasks, each committee meeting will consider the latest forecast position from WLL. The financial information required for each meeting in respect of the latest projected outturns should include:

- Forecast trading account and balance sheet
- Projected cash-flow for the remainder of the financial year

- Key assumptions used to compile forecasts
- Update on key risk areas e.g. income generation from memberships
- Material movements from previously reported position
- Potential impact on the council

The financial information should be provided, in excel format, by the WLL Head of Finance of West Lothian Leisure to Christine Bohne (Accountant, Financial Management Unit) a minimum of four working days prior to the WLC/WLL Review Group.

In addition to the existing routine monitoring and scrutiny to the WLLAC, the Head of Finance and Property Services will include updates on the WLL financial position to the Council Executive within the Revenue Budget monitoring reports at period 4, 6 and 9 throughout the 2024/25 financial year and beyond.

4. ADDITIONAL INFORMATION TO BE PROVIDED

WLL will submit to the council by mid-September each year its annual report and accounts audited by a qualified accountant, and will allow inspection of its accounting records by officers of the council if requested, within 14 days' notice of receiving a written request to that effect. This will allow further review of WLL's annual financial performance at the WLL Review Group before being reported to WLLAC.

In addition, with the agreement of the WLL Chief Executive, future audit reports will be presented to the WLLAC once these become available.

5. ADDITIONAL FUNDING

This document will be updated, as required, if any additional funding for 2024/25 is agreed by Council Executive.

DATA LABEL: PUBLIC

**COUNCIL EXECUTIVE****CIRCULAR ECONOMY AND WASTE ROUTE MAP TO 2030: CONSULTATION****REPORT BY HEAD OF OPERATIONAL SERVICES****A. PURPOSE OF REPORT**

The purpose of the report is to inform the Council Executive of the Scottish Government's Circular economy and waste route map to 2030: consultation and to seek agreement that the proposed responses are submitted to the Scottish Government on behalf of the Council.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. Considers the draft responses to the Consultation questions, as set out in Appendix 2 of the report:
2. Agrees the submission of the consultation response to the Scottish Government before the consultation deadline of 15 March 2024.

C. SUMMARY OF IMPLICATIONS

I Council Values	Caring and compassionate; open, honest and accountable; collaborate, inclusive and adaptive
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The route map sets out strategic direction for delivering the Scottish Government's vision for Scotland's circular economy from now to 2030. There are updated assessments of the potential impacts on equality, socio-economic considerations, island communities, business and regulation, and the environment in accordance with legislative requirements.
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	None
V Relevance to Local Outcome Improvement Plan	We make the most efficient and effective use of resources by minimising our impact on the built and natural environment
VI Resources - (Financial, Staffing and Property)	The Bill is likely to place additional financial burden on the council which will require to be fully funded by the Scottish Government.
VII Consultation at PDSP	Due to the consultation timescales, it has not been possible to submit the draft response for consideration at PDSP.

VIII Other consultations

NETS, Land and Countryside – Regarding Fixed Penalty Notice Proposals

Roads and Transportation Services and Building Services – Regarding Embedding Circular Construction Practices

D. TERMS OF REPORT**D.1 Background**

The Circular Economy (Scotland) Bill (the Bill) and its associated Route Map are designed to create a sustainable system that eliminates waste and keeps resources in use. This in turn creates social, economic and environmental benefits. The route map sets out the Scottish Government's strategic direction for delivering their system-wide, comprehensive vision for Scotland's circular economy from now to 2030.

The Scottish Government published the draft Circular Economy and Waste Route Map for consultation on 18 January 2024. The consultation seeks views to build on insights gathered in the initial route map consultation in 2022, including the feedback from many participants.

The Route Map outlines plans for new national circular economy targets for reuse and recycling from 2025, alongside the priority actions needed between now and the end of the decade to help drive Scotland's transition to a circular economy.

Proposals include:

- a new product stewardship plan to target the most environmentally problematic materials;
- supporting greater reuse in the construction sector;
- co-design processes for household and commercial waste and recycling;
- a review of compliance with commercial recycling requirements;
- and working with the sector on a new residual waste plan to 2045.

The proposals are designed to empower individuals and businesses to make sustainable choices, while also enabling businesses to capitalise on the economic opportunities presented by a circular economy.

The consultation can be found on the [ScotGov website](#) and will close on 15 March 2024. Following analysis of consultation feedback, the Route Map will be finalised later in 2024.

Appendix 1 provides a list of the Circular Economy and Waste Route Map measures. The actions are grouped into tables for each of the Route Map's strategic aims and objectives, and provides target delivery dates where available. Priority measures are in bold.

These are the measures that the Scottish Government consider critical to unlocking progress, and intend to focus on. This prioritisation is based on a review of the evidence, including feedback from the previous consultation, and the potential role of the priority actions in driving progress to 2030. The plan is to deliver all priority measures, though this will be dependent on decisions taken when setting future Scottish budgets.

Each section also sets out the further actions that the Government seek to take. These actions are designed to complement the priority actions.

Annex 2 provides the proposed responses to the consultation questions.

Background References contain links to the response to the Council Executive Report Scottish Government Consultation on Delivering Scotland's Circular Economy Route Map and Circular Economy Bill 16 August 2022 and the committee report to the Scottish Government Call for Evidence on the Circular Economy (Scotland) Bill on 15 August 2023.

Local authorities have a key role in delivering Governments' aspirations and the Bill includes proposals which will impact Local Authorities, some of which are statutory duties.

The consultation opened on 18 January 2024 and responses must be submitted by 15 March 2024. Therefore, there will not be opportunity to consider the consultation at Environment and Sustainability PDSP.

An Executive Summary of the consultation, as well as the consultation and supporting documents can be accessed here:

[Executive summary - Circular economy and waste route map to 2030: consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot/executive-summary-circular-economy-and-waste-route-map-to-2030-consultation)

D.2 Overview

The proposals set out in the consultation are grouped under four strategic aims:

Reduce and reuse: Reducing waste and reusing resources are the top goals of the waste hierarchy and central to changing our relationship with materials and products. Building an economic system that moves away from being based on items that are designed to be disposable brings significant environmental benefits. Measures aim to promote responsible consumption, production and re-use, while outlining pathways to reduce waste, particularly food waste, and embedding circular construction practices.

Modernise recycling: Increasing the amount of materials recycled and increasing the proportion of these recycled in Scotland will deliver emission reductions, reduce the environmental impacts associated with extracting new raw materials, and create a range of important economic opportunities to reprocess and reuse materials. Measures aim to improve recycling from households and commercial businesses.

Decarbonise disposal: While our focus is to prevent materials from becoming waste in the first place, we want to ensure that materials that cannot be avoided, reused or recycled are managed in a way that minimises environmental and climate impacts, encourages management of materials further up the waste hierarchy, and minimises broader societal impacts.

Strengthen the circular economy: We must maintain a strategic approach to the delivery of a circular economy, ensuring the right structures and support are in place to enable action across the economy, robustly monitoring and evaluating progress.

Appendix 1 provides tables summarising the actions and ambitions government will seek to take to accelerate progress and drive the delivery of sustainable resource use and a circular economy in Scotland to 2030. The actions are grouped into tables for each of the Route Map's strategic aims and objectives above, and provides target delivery dates where available.

Priority actions are those considered critical, so the intention is to focus on delivering these. They are based on a review of the evidence under each strategic aim across the waste hierarchy, and their potential role to drive progress through collaboration and partnership to 2030. This will be dependent on decisions at future budgets, parliamentary timelines and support, and the outcomes of wider consultation, where appropriate. Each section also sets out the further action's government seek to take. These actions are designed to complement the priority actions.

High-level partial and screening impact assessments have been developed and updated to accompany the Route Map, and feedback through consultations will help inform future impact assessments for specific interventions, as required. For example, measures may need to further consider individual and cumulative impacts on the environment, public spending, the cost to business including small and medium-sized enterprises, consumer choice and affordability, equality, socio-economic and island communities impacts.

Where appropriate, individual measures set out in the draft Route Map may be subject to further public consultation, for example where secondary legislation is needed. Alongside this draft Route Map, an Environmental Report has been published, which contains further information on the Strategic Environmental Assessment (SEA) process and the findings on the likely environmental implications arising from the measures set out within the Route Map with reference to topic areas.

Scotland's Circular Economy and Waste Route Map to 2030 Strategic Environmental Assessment - Environmental Report (www.gov.scot)

D.3 Draft Response to The Consultation:

As in our previous consultation response, overall the Council is supportive of the principles of the Route Map for the Circular Economy and welcomes the positive benefits this will have, however there are shortcomings.

The proposals will have wide-ranging impacts on local authorities including new statutory duties and more ambitious performance targets and penalties.

The measures relating to local authorities mostly focus on addressing waste at the point of disposal, rather than eliminating waste through strategic measures at the point of production and consumption.

Statutory Powers, such as Extended Producer Responsibility (EPR), should be introduced requiring producers, and every other agent in the supply chain, selling household furnishings such as furniture, bedding, mattresses, carpets etc to provide a delivery system for new goods and collection of old goods to be disposed of sustainably, rather than councils taking on the burden of disposal, or commercial flytipping etc.

This is particularly important for items containing Persistent Organic Pollutants (POPs), such as Waste Upholstered Domestic Seating (WUDS), especially as the number of common items effected has the potential to grow. The requirement for EPR for WUDS containing POPs, to remove the burden on councils and place this onto the supply chain is in our response to Question 4 '*Undertake a review of waste and recycling service charging. By 2024/25*'. The Waste Electrical and Electronic Equipment (WEEE) supply chain already have an EPR scheme in place, so pay for their disposal through a collection scheme or recycling centres and there are moves to extend this to online sales.

To ensure that this responsibility lies fully with the supply chain, a UK wide EPR scheme for a combined uplift of furnishings such as furniture, bedding, mattresses, carpets etc from household and commercial premises could be funded by the supply chain in the future. This would reduce the number of vehicles and emissions. Moving responsibility of waste collection and sustainable disposal onto the supply chain will encourage the development of new recycling processes and provide opportunities for growth of reuse. It will also encourage the design of items for reuse/ recyclability for the future.

Targets can be useful in promoting action and maintaining political buy in, but services must be fully funded, so that targets can be achieved and sustained. There is limited provision to fund the extra costs of disposal measures, so the financial burden is likely to fall to local authorities. A range of alternatives are possible so the burden does not have to be met by central government either, the most logical approach would be to fund disposal costs through measures at the point of production, purchase and consumption.

The Route Map for the Bill will allow more powers to deal with contamination. However, investment in resource and training will be required to carry this out and it is unclear how easy it will be to obtain/carry out the penalty regime under regulation 46 of the EPA 1990. This investment will be key to achieving any targets that will be imposed around 2030 to avoid a penalty, which is currently an unknown amount imposed by the Scottish Government.

Local authorities will need to comply with a statutory Code of Practice on household waste, currently voluntary and Scottish Ministers can set statutory recycling targets.

Local authorities must be given the tools necessary to affect change, including not only financial support to implement change, but also additional enforcement powers to counter misuse of recycling services.

Poorly performing local authorities in Scotland will require enhanced support and particular attention if statutory recycling targets are to be implemented from 2030 onwards.

The Route Map has been updated to reflect that referenced research on international examples of Direct Variable Charging models which have now been published. There are no plans to implement direct variable charging in Scotland, however the research reinforces the importance of the co-design process in actively considering ways to consistently incentivise the minimisation of residual waste by households.

Communication and education for householders on their new responsibilities will be key. It is currently unclear whether this will be funded by the Scottish Government or local authorities, especially if targets need to be met by local authorities. With regards to commercial waste collections by third parties, they must be registered as a waste carrier. However, this does not indicate if they are disposing of the waste correctly and will need to be revised by regulators on how this 'loophole' can be closed.

The changes required to be made by local authorities must be fully supported by Scottish Government to ensure targets are met.

Particular attention is drawn to the following draft responses in Appendix 2:

- Undertake a review of waste and recycling service charging. By 2024/25

It is essential that the review considers that councils who charge for garden waste or uplift of larger items (bulky uplifts) will need to be fully reimbursed by the Scottish Government for loss of income should the ability to charge be removed, to ensure that we can continue to provide services and any future statutory Code of Practice should also take this into account. The review of charging also needs to consider the impact that removing charging will have on the levels of demand for services such as bulky uplifts, and funding needs to also take this fully into account.

- Strengthen Householder's duty of care in relation to waste. By 2025/26

Feasibility of this is still unclear as additional resources will be required to carry out these checks and/or to issue Fixed Penalty Notices (FPN's).

As in our previous response, to carry out enforcement will require an additional resource that would come at cost and should be fully funded by the Scottish Government. There will also be the ongoing issue if householders refuse to pay, which will place a burden on other parts of the council.

- Develop and publish a Product Stewardship Plan to tackle the environmental impact of priority products (by 2025/26)

Although we agree with what is proposed in principal, we do not agree the priority products (mattresses, tyres and textiles) currently being considered are highest environmental impact. There are more pressing priority products having a direct impact on Local Authorities that have been identified recently. Due to the majority containing Persistent Organic Pollutants (POPs), Waste Upholstered Domestic Seating (WUDS) should be a priority environmental impact product as they now have additional handling and disposal requirements. This burden has fallen on councils to pay the additional costs for management of the POPs waste, not the industry that created them.

Although we understand the importance of collection of textiles, it is currently unclear how separate collection of textiles could be carried out efficiently and how implementation would be funded.

- Review the feasibility of setting reuse targets from 2025

We cannot agree to targets without infrastructure and outlets being in place.

- Facilitate a co-design process with local government for high quality, high performing household recycling and reuse services. Across 2024/25 and 2025/26

Although we agree that the code of practice should be co-designed with local government and the wider waste industry for high quality, high performing household recycling and reuse services, consideration should be given how to transition materials from no market to recyclable until markets are established and how it will be funded.

The impact on councils from officers working on the essential co-design process should be considered. Not just the financial impact of having to secure resource to support their existing duties, but also the ability to get temporary experienced resource that can do this without leaving a void, especially at a time when there are many conflicting requirements on officer time with short turnaround times.

- Review of compliance with commercial recycling requirements (**2025**)

Although the Council supports the proposed measures, other than supplying the recycling services for commercial organisations to utilise, councils do not currently have the resources to enforce the use of these services by its customers, so this priority is unlikely to happen unless this is properly resourced.

- Introduce statutory recycling and reuse local performance targets for household waste services. From 2030

As in our previous consultation response we do not agree that statutory recycling and reuse targets should be introduced as these would impose obligations or duties on councils in ways that would be outside of their capacity to deliver.

Such targets should apply to all organisations in the waste and resource sector and producers, so all parties are trying to achieve the same aims and there is no conflict of interests.

It is difficult to see how targets can be set for councils and achieved with the backdrop of so many legislative changes on multiple waste streams over the next few years. Some common household items may also no longer be able to be recycled, so may need to be incinerated instead as a result of Persistent Organic Pollutants (POPs), so any targets would need to be adjusted accordingly to recognise this, so councils would not be penalised.

The ability to reach any targets is less likely without reasonable adjustments to the lead in time. It is also concerning what impact statutory targets will have on budgets at this time

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1125015/Resources_and_Waste_Provisional_Common_Framework_Command_Paper.pdf

Appendices: Appendix 1: Circular Economy and Waste Route Map measures
 Appendix 2: Draft Response to Scotland's Circular Economy and Waste Route Map to 2030 Consultation

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12 March 2024

Appendix 1: Circular Economy and Waste Route Map measures

These tables summarise the actions and ambitions the Scottish Government will seek to take to accelerate progress and drive the delivery of sustainable resource use and a circular economy in Scotland to 2030. The actions are grouped into tables for each of the Route Map's strategic aims and objectives, and provides target delivery dates where available.

(1) Reduce and Reuse

Measure (Priority measure in bold)	Target delivery date
Responsible consumption, production and reuse	
Develop and publish a Product Stewardship Plan to identify tackle the environmental impact of priority products	By 2025/26
Deliver a prioritised approach to the introduction of environmental charges for problematic products	By 2025/26
Introduce a charge for single-use disposable cups	By 2025
Consult on actions regarding the environmental impacts of single-use vapes	Ongoing
Review the feasibility of setting reuse targets	From 2025
Develop restrictions on the destruction of unsold consumer goods	From 2024
Develop measures to improve the reuse experience for consumers	Ongoing
Deliver behaviour change-based approaches focused on sustainable consumption, aligned to Let's Do Net Zero communications	Ongoing
Identify ways to expand business models that prolong product lifespan	Ongoing
Reduce food waste	
Deliver an intervention plan to guide long-term work on household food waste reduction behaviour change	By 2025
Develop with stakeholders the most effective way to implement mandatory public reporting for food waste and surplus by businesses	By 2025/26
Strengthen data and evidence	Ongoing
Review the rural exemption for food waste recycling, as part of recycling co-design process	2024/25 and 2025/26
Investigate feasibility of voluntary food waste reduction action plans	After 2025
Deliver enhanced support for businesses	Ongoing
Embed circular construction practices	
Support the development of regional Scottish hubs and networks for the reuse of construction materials and assets	From 2025, feasibility research in 2024/25
Develop new and promote existing best practice standards in circular practices within the construction sector, and assess the options for both voluntary and mandatory compliance	By 2026/27
Investigate and promote ways to reduce soil and stones disturbance, movement and volumes going to landfill	By 2026/27
Review opportunities to accelerate adoption of climate change and circular economy focussed purchasing in construction	From 2024
Consider how devolved taxes can incentivise the use of recycled aggregates and support circular economy practices	Ongoing

(2) Modernise Recycling

Measure (Priority measure in bold)	Target delivery date
Household recycling	
Facilitate a co-design process with local government for high quality, high performing household recycling and reuse services	Across 2024/25 and 2025/26
Develop a statutory code of practice for household waste services	By 2025/26
Introduce statutory recycling and reuse local performance targets for household waste services	From 2030
Strengthen Householder's duty of care in relation to waste	By 2025/26

Give local authorities more tools to support household recycling and reduce contamination	By 2025/26
Undertake a review of waste and recycling service charging	By 2024/25
Review the monitoring and reporting framework for local authority waste services	By 2025/26
Develop options and consult on the introduction of end destination public reporting of household recycling collected	By 2027/28
Commercial Recycling	
Review of compliance with commercial recycling requirements	By 2025
Co-design measures to improve commercial waste service provisions	By 2026/27
Conduct a national compositional study of waste from commercial premises	By 2025/26
Investigate further steps to promote business-business reuse platforms	By 2027

(3) Decarbonise Disposal

Measure (Priority measure in bold)	Target delivery date
Develop and deliver a Residual Waste Plan to 2045	Develop by 2025/26
Facilitate the development of a Sector-Led Plan to minimise the carbon impacts of the Energy from Waste Sector	By 2025/26
Support the inclusion of energy from waste in the UK Emissions Trading Scheme (ETS), and investigate other fiscal measures to incentivise low carbon disposal	From 2028
Review and target materials currently landfilled to identify and drive alternative management routes	From 2024
Facilitate the co-production of guidelines for effective community engagement Process underway from 2024 Increase the capture of landfill gas	By 2025/26

(4) Strengthen the Circular Economy

Measure (Priority measure in bold)	Target delivery date
Develop a Circular Economy strategy every five years	From 2025 onwards
Set new circular economy targets	Determined from 2025
Review and refresh Scotland's Waste Data Strategy's action plan	Alongside development of circular economy monitoring framework
Maintain a programme of research on waste prevention, behaviour change, fiscal incentives and material-specific priorities	Ongoing
Develop public procurement opportunities to reduce the environmental impact of public spending, including scoping new legislative circular economy requirements for contracting authorities under section 82 and 82A of the Climate Change (Scotland) Act 2009	Ongoing commissioning research to identify potential candidate products from 2024/25
Support greater uptake of green skills, training and development opportunities	Ongoing

Appendix 2: Draft Response to Scotland's Circular Economy and Waste Route Map to 2030 Consultation

Consultation questions are highlighted in bold. The proposed draft responses to consultation questions are in italics.

1: REDUCE AND REUSE

Question 1: To what extent do you agree with the priority actions proposed within the reduce and reuse strategic aim? Please provide evidence to support your answer if possible.

[Strongly agree / Agree / **Neither agree nor disagree** / Disagree / Strongly disagree / Not answered]

- **Develop and publish a Product Stewardship Plan to tackle the environmental impact of priority products (by 2025/26)**

Proposed Response - Although we agree with what is proposed in principal, we do not agree the priority products -mattresses, tyres and textiles- currently being considering are the highest environmental impact.

Although we would welcome better waste minimisation and outlets, for reuse, recycling etc of these materials through the supply chain, there are more pressing priority products having a direct impact on councils as a result of higher environmental impact that have been identified recently.

Due to the majority containing Persistent Organic Pollutants (POPs), Waste Upholstered Domestic Seating (WUDS) should be a priority environmental impact product as they now have additional handling and disposal requirements. This burden has fallen on councils to pay the additional costs for management of the POPs waste, not the industry that created them. Therefore, there is no disincentive to stop the manufacture of domestic seating using chemicals that are similar in nature, which previous experience shows may also be identified as POPs in the future. The Waste Electrical and Electronic Equipment (WEEE) industry have already taken on the burden of POPs in their products, so those in the upholstered domestic seating industry chain should be doing the same.

As there are potentially many other common household and commercial items that may be identified as containing POPs and therefore have higher environmental impact in the future, it is particularly important that the Product Stewardship Plan tackles POPs.

Although we understand the importance of collection of textiles, it is currently unclear how separate collection of textiles could be carried out efficiently and how implementation would be funded.

- **Deliver an intervention plan to guide long-term work on household food waste reduction behaviour change (by 2025)**
- **Develop with stakeholders the most effective way to implement mandatory reporting for food waste and surplus by businesses (by 2025/26)**

Proposed Response - We agree with these actions

- **Support the development of regional Scottish hubs and networks for the reuse of construction materials and assets (from 2025/26)**

Proposed Response - We agree with this action, although we have the same concern for the reuse network as in our response to 'Review the feasibility of setting reuse targets from 2025' below.

Infrastructure and outlets need to be in place. The existing construction recycling facilities will be better placed to take on the development of reuse. If this is expected to be councils, then this will require additional investment in space to receive and store items at recycling centres or other storage facilities,

as well as operational changes to the way councils collect and transport items, to ensure they can be reused.

Reduce and reuse - further actions to 2030

Question 2: To what extent do you agree with the further actions to 2030 listed across the reduce and reuse strategic aim? Please provide evidence to support your answer if possible.

[Strongly agree / Agree / **Neither agree nor disagree** / Disagree / Strongly disagree / Not answered]

We agree with some, but not all further actions:

Responsible consumption, production and reuse

- **Deliver a prioritised approach to the introduction of environmental charges for problematic products. By 2025/26**
- **Develop restrictions on the destruction of unsold consumer goods. From 2024**
- **Identify ways to expand business models that prolong product lifespan - ongoing**

Proposed Response - We welcome the above measures, including the introduction of a charge for single-use disposable cups by 2025 and actions to minimise the environmental impacts of single-use vapes and their eventual ban and changes in the WEEE regulations for non-single use vapes.

We suggest an environmental charge could be levied against upholstered domestic seating sales to pay for POPs and any other future products identified as containing POPs and any other product placed on the market, existing or new, that suddenly becomes a problem product.

In the future, we suggest not to allow a product to be placed on the market until their safety through the whole life cycle, including disposal, has been determined, and a successful reuse or recycling methodology and outlet has been put in place from the start. If this had happened for vapes from the start, they would not have become a problematic product or caused fires across the waste industry.

- **Review the feasibility of setting reuse targets from 2025**

Proposed Response - We cannot agree to targets without infrastructure and outlets being in place. In order to increase reuse councils will require additional investment in space to receive and store items at recycling centres or other storage facilities, operational changes to the way councils collect and transport items, to ensure they can be reused, such as not compacting waste or using different collection vehicles to avoid damage, so they are suitable for reuse. Councils will also need sustainable organisation to accept and refurbish these materials and sustainable outlets to reuse them. A formal nationwide, or UK wide, reuse network would help develop and establish storage, refurbishment organisations, outlets and transport items between areas and where they are needed.

- **Develop measures to improve the reuse experience for consumers**
- **Deliver behaviour change-based approaches focused on sustainable consumption, aligned to Let's Do Net Zero communications**

Proposed Response - We agree with these actions

Reduce food waste:

- **Strengthen data and evidence. Ongoing**
- **Investigate feasibility of voluntary food waste reduction action plans. After 2025**
- **Deliver enhanced support for businesses. Ongoing**

Proposed Response - We agree with the above measures

- **Review the rural exemption for food waste recycling, as part of recycling co-design process. 2024/25 and 2025/26**

Proposed Response - We only agree with the review and potential to remove the above measure if the ability to charge for the collection of garden waste is maintained and the ability to collect comingled food and garden waste.

West Lothian collected food (weekly) and garden waste (4 weekly) separately until the end of September 2019. However, the food waste collection service was not well used. In order to increase the efficiency of our services, we commenced collections of comingled food and garden waste every 2 weeks. As well as increasing the frequency of garden waste collections, this allowed us to provide a service to rural households. In the first 6 months of the new comingled service, i.e. prior to lockdown, the tonnage collected increased by 600 tonnes compared to both streams separately collected in same period in previous year. After the dramatic increase caused by lockdown has subsided, the comingled food and garden waste has returned to approximately the same increased tonnage, as we saw in the first 6 months of the new service, so it appears that this increased tonnage will be sustained. Therefore, we would recommend that the ability to continue to collect food and garden waste comingled is retained as part of the co-design process. Also, if garden waste collections become a statutory collection service, then councils must be fully funded by the Scottish Government for the loss of discretionary income they currently receive.

- **Develop new and promote existing best practice standards in circular practices within the construction sector, and assess the options for both voluntary and mandatory compliance. By 2026/27**
- **Investigate and promote ways to reduce soil and stones disturbance, movement and volumes going to landfill. By 2026/27**
- **Review opportunities to accelerate adoption of climate change and circular economy focussed purchasing in construction. From 2024**
- **Consider how devolved taxes can incentivise the use of recycled aggregates and support circular economy practices. Ongoing**

Proposed Response - We agree with these proposals and work to identify barriers to reuse. Most of our construction materials are already recycled. Regulation can be a barrier to recycling. For example, if roads material contains coal tar, there are no outlets for its disposal in Scotland. We suggest that this should be reused at the site it came from, blended with other materials, when relaying the road. It is therefore encapsulated in situ, avoiding its transportation and disposal. We did agree this with SEPA, but this was following much discussion.

2: MODERNISE RECYCLING

Question 3: To what extent do you agree with the priority actions proposed within the Modernise Recycling strategic aim? Please provide evidence to support your answer if possible.

[Strongly agree / Agree / **Neither agree nor disagree** / Disagree / Strongly disagree / Not answered]

- **Facilitate a co-design process with local government for high quality, high performing household recycling and reuse services. Across 2024/25 and 2025/26**

Proposed Response - We agree that the code of practice should be co-designed with local government and the wider waste industry for high quality, high performing household recycling and reuse services. MRFs, reprocessors, off-takers etc need to be involved in the discussion to feed into the process and ensure there are sustainable outlets for the materials in the waste stream, otherwise they cannot be recycled or reused. Consideration should be given how to transition materials from no market to recyclable until markets are established and how it will be funded. Councils may need funding for the less commonly recycled or hard to recycle materials until markets develop.

Although significant investment using the Recycling Improvement Fund (RIF) is mentioned, this is only for capital, so revenue funding will also need to be provided to reduce contamination, provide communications, engagement, enforcement and visits and educational promotion etc.

The impact on councils from officers working on the essential co-design process should be considered. Not just the financial impact of having to secure resource to support their existing duties, but also the ability to get temporary experienced resource that can do this without leaving a void, especially at a time when there are many conflicting requirements on officer time with short turnaround times, like POPs, Circular Economy Bill and Route Map, Code of Practice review, Deposit Return Scheme and RS, and Extended Producer Responsibility for Packaging (pEPR). For example, could Zero Waste Scotland provide greater support for ongoing activities by developing and providing a bank of experienced staff that can be accessed to provide temporary support to councils while their staff are working on the codesign process. Project Management for all the changes is required to set out a clear plan for what is to be achieved, by whom and when, so reasonable achievable timelines are agreed.

- **Review of compliance with commercial recycling requirements (2025)**

Proposed Response - Although the Council supports the proposed measures, other than supplying the recycling services for commercial organisations to utilise, councils do not currently have the resources to enforce the use of these services by its customers, so this priority is unlikely to happen unless this is properly resourced.

- Co-design measures to improve commercial waste service provisions (**From 2026/27**)

Proposed Response - For the same reasons as the codesign for household waste response, we agree that the code of practice should be co-designed with local government and the waste industry to improve commercial waste service provisions.

Question 4: To what extent do you agree with the further actions to 2030 listed across the Modernise Recycling strategic aim? Please provide evidence to support your answer if possible.

[Strongly agree / Agree / **Neither agree nor disagree** / Disagree / Strongly disagree / Not answered]

- Develop a statutory code of practice for household waste services. By 2025/26

Proposed Response - As in our previous consultation response, West Lothian supports the principles of this proposal, however there are challenges in its implementation.

Waste and recycling services are currently designed by local authorities, who are directly accountable to residents of their area. This has led to continued diversity in service provision, reflecting the needs and choices of each area. Mandatory compliance would remove the scope for councils to operate collection services that meet local needs, transferring more control of how services are provided by central government while applying greater accountability on councils.

As in our response to question 2, we would recommend that the ability to continue to collect food and garden waste comingled is retained as part of the co-design process. Also, if garden waste collections become a statutory collection service, then it is essential that councils who charge for garden waste are fully compensated by the Scottish Government for their loss of income.

- **Introduce statutory recycling and reuse local performance targets for household waste services. From 2030**

Proposed Response - As in our previous consultation response we do not agree that statutory recycling and reuse targets should be introduced. It is unclear how new targets will be assessed, but may include consumption, reducing waste, reuse and recycling locally and nationally, and consider both material-specific and emission-based targets.

Such targets would impose obligations or duties on councils in ways that would be outside of their capacity to deliver. Targets should apply to all organisations in the waste and resource sector and producers, so all parties are trying to achieve the same aims and there is no conflict of interests. This ends waste policy being driven by 'end of pipe' solutions. As most of the environmental impacts of products have already occurred at the point of disposal, a more effective approach to driving performance will be to apply circular economy targets closer to the point at which resources are committed and products are created – product design, production etc, rather than tackling the problem when the resource has become waste.

Councils provide recycling and waste collections as a result of what is placed on the market.

It is difficult to see how targets can be set for councils and achieved with the backdrop of so many legislative changes on multiple waste streams over the next few years such as DRS and pEPR and changes to the WEEE Regulations changing what is placed in bins and collected at recycling centres and how much. Some common household items may also no longer be able to be recycled, so may need to be incinerated instead as a result of POPs, so any targets would need to be adjusted accordingly to recognise this, so councils would not be penalised.

Time has also moved on since the previous consultation, so the ability to reach any targets is less likely without reasonable adjustments to the lead in time.

It is also concerning what impact statutory targets will have on budgets at this time of constraints, especially if funding from pEPR is not ringfenced to be used for waste management. The RIF fund is mentioned in the consultation, but most has been allocated and this only provides capital, if there is no additional revenue funding to promote correct use and change entrenched behaviour, recycling performance targets will fail. Outlets for the materials must also exist.

If targets are set, consideration must be given to harmonising what is counted as recycled across the 4 nations, but also take availability of local infrastructure available to some, but not financially viable to others, to prevent unfair comparison and unachievable targets.

- **Strengthen Householder's duty of care in relation to waste. By 2025/26**

Proposed Response - Feasibility of this is still unclear as additional resources will be required to carry out these checks and/or to issue Fixed Penalty Notices (FPN's).

As in our previous response, to carry out enforcement will require an additional resource that would come at cost and should be fully funded by the Scottish Government. There will also be the ongoing issue if householders refuse to pay, which will place a burden on other parts of the council. Carrying out checks for whether waste has been transferred properly leaves an opening for traders to be registered, but not necessarily be disposing the waste correctly, which may still leave a small loophole for 'rogue traders'. Greater communication to the wider public from Scottish Government will be required, so householders understand what information they are required to check and what proof they have to provide to demonstrate they have complied with the new legislative requirements. The Registration of Waste Carriers is a function of SEPA, who provide a list online, so changes may be required to allow LA's to determine whether companies are legitimate or not.

Apart from additional resource as highlighted above it is unclear whether other costs may be incurred by the LA, for example on other departments for burden of proof e.g. nuisance, pursuing non-payment of fines etc, which would undoubtedly incur additional cost.

- **Give local authorities more tools to support household recycling and reduce contamination. By 2025/26**

Proposed Response - If this is to be statutory, there needs to be a national campaign through radio/TV/ social media. This is beyond the financial ability of councils. Again, it is unclear how councils will be able to use enforcement powers with lack of resources.

- **Undertake a review of waste and recycling service charging. By 2024/25**

Proposed Response - It is essential that the review considers that councils who charge for garden waste or uplift of larger items (bulky uplifts) will need to be fully reimbursed by the Scottish Government for loss of income should the ability to charge be removed, to ensure that we can continue to provide services and any future statutory Code of Practice should also take this into account. The review of charging also needs to consider the impact that removing charging will have on the levels of demand for services such as bulky uplifts, and funding needs to also take this fully into account.

The new EPR packaging scheme that is mentioned is only designed to provide funding for packaging waste by Producers and cannot be considered as a potential revenue stream for any other streams or actions. As discussed in response above, an EPR scheme for WUDS should be implemented, as the majority contain POPs, to pay for the additional burdens that councils are facing.

Statutory Powers, such as Extended Producer Responsibility (EPR), should be introduced requiring producers, and every other agent in the supply chain, selling household furnishings such as furniture, bedding, mattresses, carpets etc to provide a delivery system for new goods and collection of old goods to be disposed of sustainably, rather than LA's taking on the burden of disposal, or commercial flytipping etc.

To ensure that this responsibility lies fully with the supply chain, a UK wide EPR scheme for a combined uplift of furnishings such as furniture, bedding, mattresses, carpets etc from household and commercial premises could be funded by the supply chain in the future. This would reduce the number of vehicles and emissions. Moving responsibility of waste collection and sustainable disposal onto the supply chain will encourage the development of new recycling processes and provide opportunities for growth of reuse. It will also encourage the design of items for reuse/ recyclability for the future.

The inclusion of research alongside this consultation with international examples of direct variable charging models and lessons is noted as a tool to minimise household residual waste. Although there are no plans to implement direct variable charging in Scotland, if this is considered in the future, UK wide charging across all councils should also be considerations to avoid the variation in charges currently experienced.

- **Review the monitoring and reporting framework for local authority waste services. By 2025/26**
- **Develop options and consult on the introduction of end destination public reporting of household recycling collected. By 2027/28**

Proposed Response - As in our previous response, the Council supports the principle of publicly reporting performance, but believes that this can be achieved more effectively by other methods. Placing the primary responsibility on councils will create additional cost and sub-optimal outcomes which could be avoided by placing a parallel duty on all stages in the reprocessing chain.

As the proposals stand, each local authority would need to work with their reproprocessors on an individual basis to establish end destinations. However, many reproprocessors work with multiple councils, therefore they would suffer an administrative burden of answering the same request received many times in many different formats. It would be beneficial to place the duty on all reproprocessors based in Scotland, creating a homogenised system, which would also incorporate commercial and industrial waste. The overall burden on the reproprocessors will be lower as they will only have to conduct the data reporting exercise once and can provide the data to their multiple customers, for example through a national public database.

The duty would still be applied to local authorities at the same time, thereby ensuring that material exported out of Scotland is also covered. This would lead to a cheaper system with better data, covering all sources of waste creation in Scotland.

Waste tracking should enable a more comprehensive approach to tracking waste which may lead to the end of WDF. If so, it is still unclear for Waste tracking how targets will be reported.

3: DECARBONISE DISPOSAL

Question 5: To what extent do you agree with the priority actions proposed within the Decarbonise disposal strategic aim? Please provide evidence to support your answer if possible.

[Strongly agree / Agree / **Neither agree nor disagree** / Disagree / Strongly disagree / Not answered]

- **Develop and deliver a Residual Waste Plan to 2045 (develop by 2025/26)**
- **Facilitate the development of a Sector-Led Plan to minimise the carbon impacts of the Energy from Waste Sector (by 2025/26)**

Proposed Response - Although we agree that Sector-led planning is necessary for residual waste disposal and minimisation of carbon impacts, uncertainty remains for councils. As there are currently no alternative technologies to EFW or infrastructure for sorting residues, the lead time for research and development is a concern. Carbon impacts will only be minimised if the producers make materials that can be recycled and there are sustainable markets for them.

We are pleased to see this will include how we manage unavoidable wastes, such as those containing POPs, but once again councils should not have to bear the burden of costs for such materials at a time of budget constraints. EPR should pay for this and act as a deterrent.

Councils usually have medium to long term EFW contracts, so clarity is essential to allow adaptation and to ensure that existing facilities (including those planned but not yet built) can adapt.

Question 6: To what extent do you agree with the further actions to 2030 listed across the Decarbonise disposal strategic aim? Please provide evidence to support your answer if possible.

[Strongly agree / Agree / Neither agree nor disagree / **Disagree** / Strongly disagree / Not answered]

- **Support the inclusion of energy from waste in the UK Emissions Trading Scheme (ETS), and investigate other fiscal measures to incentivise low carbon disposal (from 2028)**
- **Review and target materials currently landfilled to identify and drive alternative management routes (from 2024)**

Proposed Response - For the above actions, councils introduced recycling services and moved from landfill to energy from waste (EFW) where they could with the introduction of the landfill tax. However, there are currently no viable alternative technologies to EFW for councils to move to once this tax is in place and it is unlikely that these technologies will be in place for the start of ETS in 2028. It is also unlikely that much pre-treatment required could be retrofitted in time or at all. As in responses above, there is concern that as time has moved on, it is less likely that the required infrastructure will be in place in time to meet the aim.

Therefore, once DRS and EPR are in place and all material that have viable and sustainable markets have been removed, the remaining materials will still require a disposal route, so ETS will act like a tax with financial impact on councils, which they have no viable way of avoiding. As stated elsewhere, councils do not have the ability to influence the waste produced, we provide collections for the resulting waste stream generated by others.

Consideration should also be given to the financial impact on councils of changes such as POPs, with many items now required to be disposed by EFW, which could previously be partly recycled, and the potential extension of this into other common household items and as further chemicals are found to be POPs. If items must be sent to EFW, then there should be no financial penalty for this.

As the waste sector is such a small part of ETS, councils and indeed the Scottish Government could have very little influence over future decisions. Care must be taken when choosing Carbon Capture

Technologies. Technologies that simply pump carbon into voids in the hope that it stays there should not be considered.

Ongoing management of risks from carbon capture facilities needs to be identified and defined and clear mitigation of risks identified. For example, ensure there are no leaks occurring, but if there is, what will be done. Capacity of storage facilities should be considered and seepage of ground water. This displaces gas and promotes escape. Associated constraints in the vicinity like future building works or mining should also be considered. It therefore far better to avoid the need for carbon capture than use it. Funding of agreed, viable carbon capture infrastructure by the industry should be included i.e. cost to achieve targets without funding coming from Government.

It would be better to consider use of carbon from Energy from waste plants after cleaning for example for farming, such as use in enclosed spaces/ green houses to promote plant growth.

- **Facilitate the co-production of guidelines for effective community engagement (process underway from 2024)**
- **Increase the capture of landfill gas (by 2025/26)**

Propose Response - We agree with the above measures.

4: STRENGTHEN THE CIRCULAR ECONOMY

Question 7: To what extent do you agree with the priority actions proposed within the Strengthen the circular economy strategic aim? Please provide evidence to support your answer if possible.

[Strongly agree / Agree / **Neither agree nor disagree** / Disagree / Strongly disagree / Not answered]

- **Develop a Circular Economy strategy every five years (from 2025)**

Proposed Response - We agree there is merit in having an agreed strategic approach, ensuring Ministers must have regard to this when developing wider policies and proposed legislation to avoid unintended consequences. This strategy must involve and recognise interdependency of the whole waste industry. There is insufficient detail to be able to comment on the impact on councils.

- **Set new circular economy targets (determined from 2025).**

Proposed Response - We welcome the move away from weight-based targets, but as in responses above to Q4, it is unclear how new targets will be assessed, but may include consumption, reducing waste, reuse and recycling locally and nationally, and consider both material-specific and emission-based targets.

Such targets would impose obligations or duties on councils in ways that would be outside of their capacity to deliver. Targets should apply to all organisations in the waste and resource sector and producers, so all parties are trying to achieve the same aims and there is no conflict of interests. However, with regard to recycling targets, there should be none set without the identification and existence of sustainable outlets.

Question 8: To what extent do you agree with the further actions to 2030 listed across the Strengthen the circular economy strategic aim? Please provide evidence to support your answer if possible.

[Strongly agree / **Agree** / Neither agree nor disagree / Disagree / Strongly disagree / Not answered]

- **Review and refresh Scotland's Waste Data Strategy's action plan**

Proposed Response - As above in response to Question 7, we agree there is merit in having an agreed strategic approach, so reviewing and refreshing this should be part of the process.

- **Maintain a programme of research on waste prevention, behaviour change, fiscal incentives and material-specific priorities**
- **Develop public procurement opportunities to reduce the environmental impact of public spending, including scoping new legislative circular economy requirements for contracting authorities under section 82 and 82A of the Climate Change (Scotland) Act 2009**
- **Support greater uptake of green skills, training and development opportunities**

Proposed Response - We agree with the above actions.

Question 9: Please provide any further information or evidence that should be considered in the accompanying Equalities Impact Assessment

Proposed Response - No further information or evidence.

Question 10: Please provide any further information or evidence that should be considered in the accompanying Fairer Scotland Assessment

Proposed Response - As well as disability, the Fairer Scotland Assessment should factor in race and cultural differences, impacts on residents which have restrictions on waste storage, such as flatted properties and how to include the travelling community.

Question 11: Please provide any further information or evidence that should be considered in the accompanying Island Communities Impact Assessment.

Proposed Response - No further information or evidence.

Question 12: Please provide any further information or evidence that should be considered in the accompanying Business and Regulatory Impact Assessment.

Proposed Response - The BRIA states it is not apparent to what extent different sectors and groups would be impacted and that more detailed analysis of the costs and benefits associated with the specific measures would be needed. However, there will be more enforcement costs and the introduction of new services for increasingly expensive options for councils. At a time of efficiencies impacting budgets, funding needs to be provided for the Circular Economy to be successful. This should include pEPR and other EPR schemes should be created to pay for the waste created by the supply chain and encourage its reduction, reuse and recycling. If funding is not provided, then the Circular Economy will not be achieved.

The impact on MRF's re-processors, off-takers should be considered further in the BRIA. As in response to question 3 they play an essential part in ensuring there are sustainable outlets for the materials in the waste stream, otherwise they cannot be recycled, reused etc and targets can't be met. Consideration should be given how to transition materials from no market to recyclable until markets are established. Like LA's, they will have to adapt to multiple changes such as POPs, CE Bill and Route Map, COP review, DRS, pEPR and ETS in a short time period, so timelines need to be reasonable and achievable.

The capacity of the reuse sector to uplift, transport and process materials should also be considered. With the length of time it will take to develop and build viable alternative technologies to EFW, it is unlikely that these technologies will be in place for the start of ETS in 2028 and pre-treatment required could be retrofitted in time or at all. Market engagement is needed to meet the decarbonise disposal aims. As in responses above, there is concern that as time has moved on, it is less likely that the required infrastructure will be in place to meet the aim.

Question 13: What are your views on the accuracy and scope of the environmental baseline set out in the SEA Environmental Report?

Proposed Response - Regarding Table 1 - Summary of overall results of the SEA in the report, we note that although some (significant) positive impacts are expected, the majority are 'Impacts are expected to be mostly positive but may be offset to some extent by potential negative impacts.' The council does not have the expertise to competently comment on the SEA, but are pleased to note that there will be continued monitoring and assessment of further impacts that have not currently been considered in this SEA once the interventions have been fully defined and detailed to maximise positive environmental impacts and to support and enhance the wider aims of the Route Map.

We are also pleased to note it is recommended that all measures are implemented with consideration to alignment with other relevant environmental plans, programmes, and strategies, such as Scotland's Environment Strategy, Biodiversity Strategy and the National Litter and Flytipping Strategy.

Question 14: What are your views on the predicted environmental effects of the draft Circular Economy and Waste Route Map as set out in the SEA Environmental Report? Please give details of any additional relevant sources.

Proposed Response - None

Question 15: What are your views regarding potential reasonable alternatives, in reference to the approach set out in the SEA Environmental Report?

Proposed Response - None

Question 16: What are your views on the approach to mitigation, enhancement and monitoring of the environmental effects set out in the SEA Environmental Report?

Proposed Response - None



COUNCIL EXECUTIVE

BEATLIE ROAD UNDERBRIDGE AGREEMENT IN WINCHBURGH

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to seek authority to enter into a tripartite agreement with Network Rail and Winchburgh Developments Ltd. for the provision of an underbridge at Beatlie Road in Winchburgh.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. Agree that the council should enter into a tripartite agreement with Network Rail and Winchburgh Developments Ltd. for the provision of an underbridge at Beatlie Road in Winchburgh as part of the arrangements required for the newly constructed M9 slip road into Winchburgh town centre and providing a main route to access new schools, community facilities and retail facilities there.
2. Delegate authority to the Head of Operational Services, in consultation with the Chief Solicitor, to negotiate and conclude the terms of the agreement to protect the council's interests as local roads authority.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Caring and compassionate; open, honest and accountable; and collaborate, inclusive and adaptive.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Roads (Scotland) Act 1984.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	None.

V	Relevance to Single Outcome Agreement	None.
VI	Resources - (Financial, Staffing and Property)	Future road maintenance will be carried out with existing Roads and Transportation Capital and Revenue budgets.
VII	Consideration at PDSP	None.
VIII	Other consultations	Legal services, Finance & Property Services

D. TERMS OF REPORT

D1 Background

As a result of major new development within Winchburgh, works to upgrade and improve areas of existing infrastructure were required to facilitate connections onto newly developed areas.

The B8020 leading to Beattie Road as part of the master plan would become the main route from the newly constructed M9 slip road into Winchburgh town centre and provide a main route to access new schools, community facilities and retail facilities.

The proposals included significant upgrade of the B8020 and part of the design included a change to the level of the road to tie onto new connections as well as improved drainage. Beattie bridge an existing network rail structure crossed the B8020 with the road passing underneath. The new road is scheduled, subject to final inspection to be formally adopted by West Lothian Council April 2024.

As a result of the change to the road level and works required under and around a network rail owned structure, a tripartite agreement was required between West Lothian Council Roads Authority, Network Rail & Winchburgh Developments Ltd.

D2 The draft agreement

The proposed tripartite agreement details the responsibilities that the council, Winchburgh Developments Ltd (WDL) and Network Rail (NR) will have in relation to this rail over road underbridge. The location and design of the bridge and the works the agreement refers to are shown in the appendices. In summary:-

- The land affected and the bridge are owned by WDL and NR and will remain in their ownership. NR will be entitled to remove and relocate the bridge;
- WDL are responsible for the construction of the works around the bridge and other related structures in accordance with a separate agreement and specifications and to NR's satisfaction;
- WDL will have full responsibility for road and maintenance during construction and the 12-month pre-adoption period. Any defects inspected will be rectified before formal adoption by the council;

- The council will be responsible for maintaining, repairing and renewing the road and associated services to a reasonable standard and are to keep the road clean, tidy and lit, and gritted in accordance with council policy;
- NR is to be responsible for maintaining, repairing and renewing the bridge substructure and superstructure;
- The council may seek to improve the bridge but only with NR's consent and subject to the council bearing the cost; and
- There are indemnity and limitation of liability provisions and other clauses typically found in such commercial agreements.

Upon adoption, future maintenance that may be required to the structure of the road will be met by existing Capital and Revenue Roads and Transportation budgets. Legal Services have provided advice about the proposed terms. The council's Insurance Officer has been consulted on the liability and indemnity provisions. Officers are satisfied with the rights and obligations which will be created by the terms proposed.

E. CONCLUSION

The conclusion of the proposed agreement will contribute to the continued development of the Winchburgh area and improve areas of existing infrastructure required to facilitate connections onto newly developed areas.

F. BACKGROUND REFERENCES

None.

Appendices/Attachments:

Appendix 1 – Location Plan

Appendix 2 - Drawings currently in Schedule Parts 1, 2, 3 and 4

Contact Person: Gordon Brown, Roads and Transportation Manager, Whitehill Service Centre, Bathgate, tel 01506 282340

Jim Jack, Head of Operational Services

12 March 2024

APPENDIX 1 – LOCATION PLAN

APPENDIX 2 – DRAWINGS CURRENTLY IN SCHEDULE PARTS 1, 2, 3 AND 4



DATA LABEL: —Public

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WEST LOTHIAN COUNCIL
OPERATIONAL SERVICES

ROADS & TRANSPORTATION MANAGER
WHITEHILL SERVICE CENTRE
WHITEHILL INDUSTRIAL ESTATE
BATHGATE EH48 2EP
TEL 01506 282351

TRANSPORTATION
D.M.T.P

BEATLIE ROAD UNDERBRIDGE DMY/001
WINCHBURGH
LOCATION PLAN

DATE: — DEC 2023
SCALE: — N.T.S

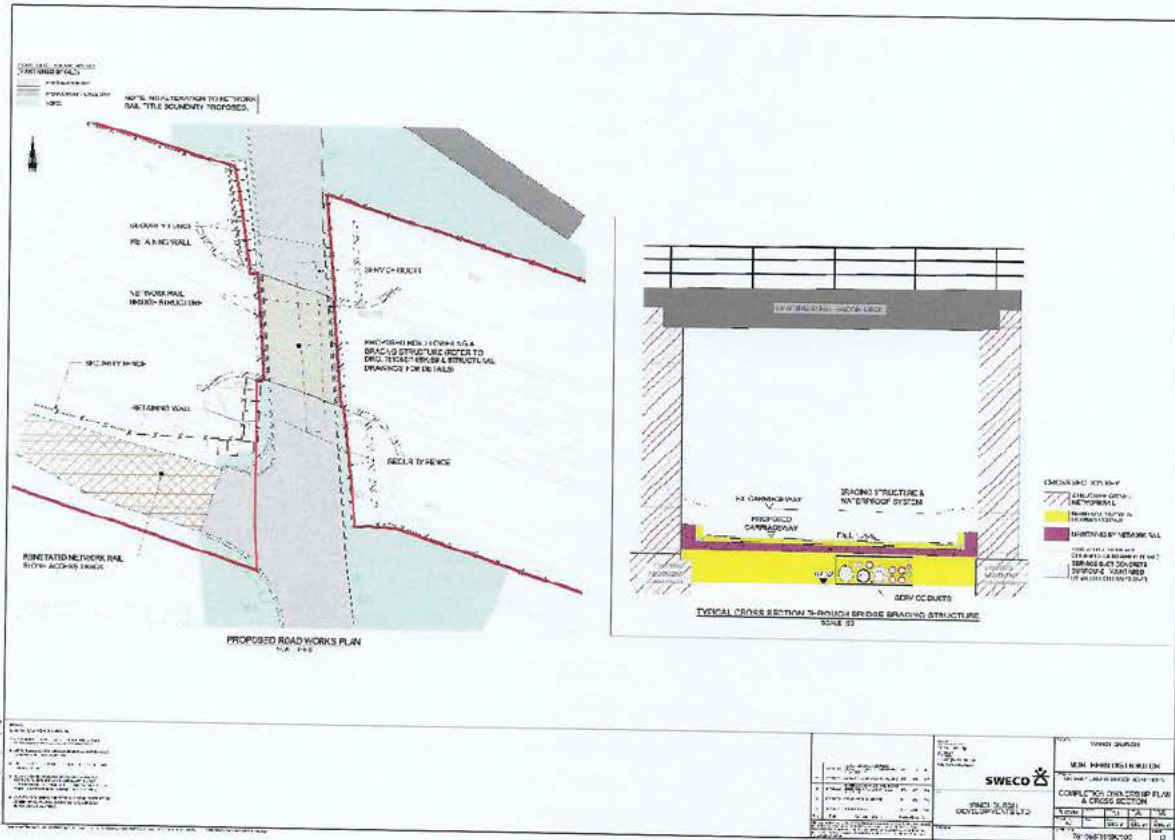
DRAWN BY: — W.C
CHECKED BY: — W.M

Drg. No.: — APPENDIX 1

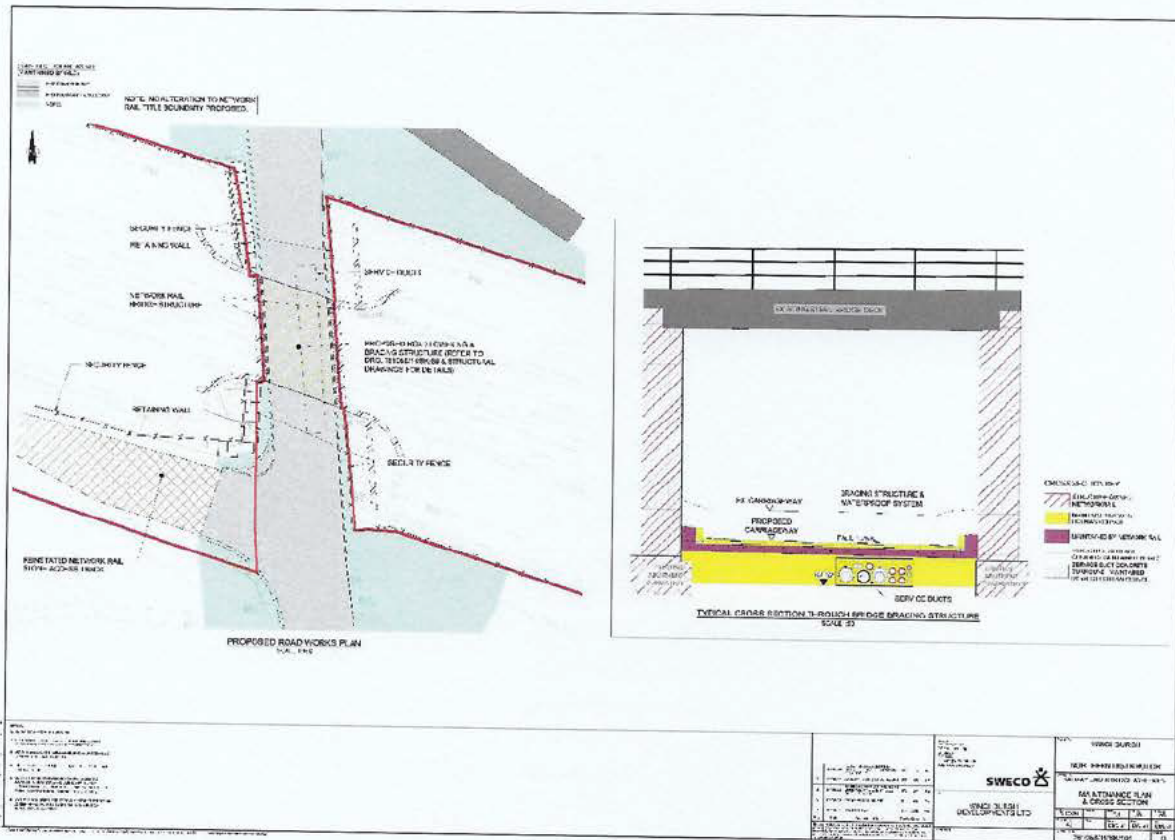
SCHEDULE PART 1 – PLAN OF EXISTING BRIDGE



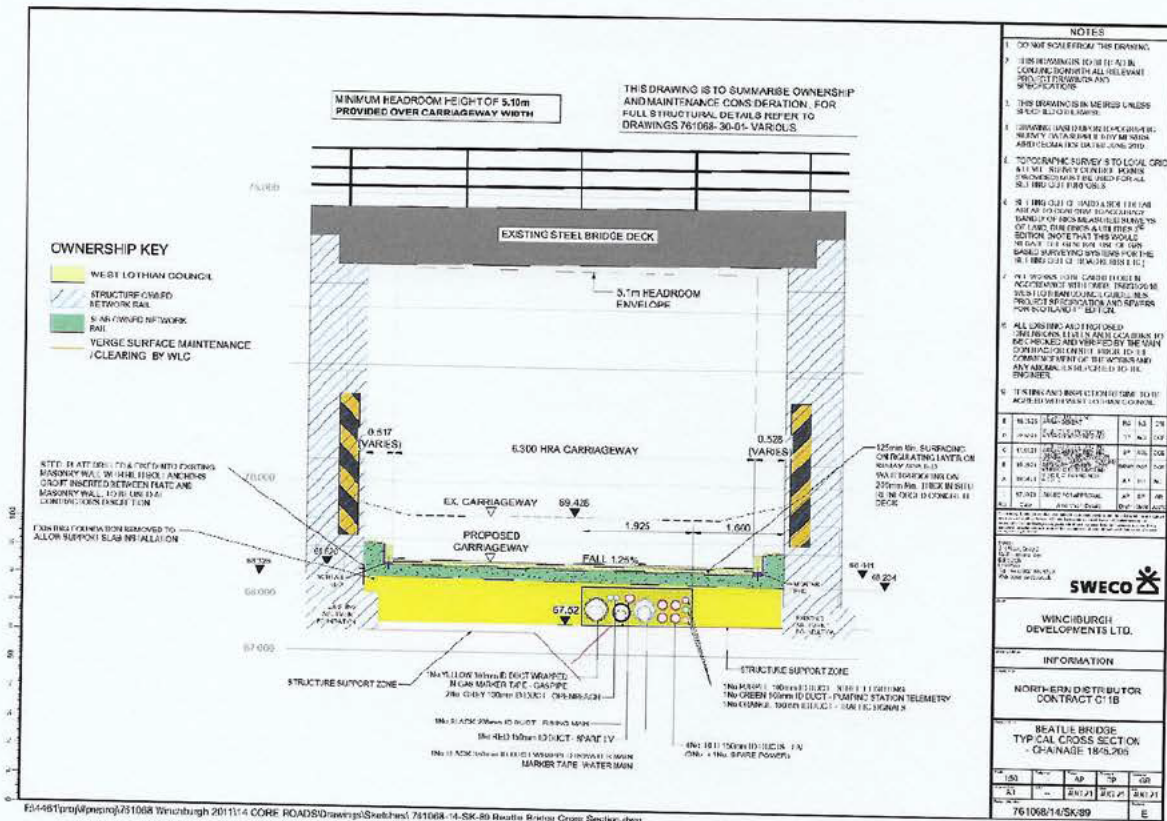
SCHEDULE PART 2 – PLAN OF OWNERSHIP OF LAND AROUND BRIDGE



SCHEDULE PART 3 – DRAWING OF BRIDGE AFTER COMPLETION OF THE WORKS



**SCHEDULE PART 4 – DRAWING SHOWING MAINTENANCE RESPONSIBILITIES OF
NETWORK RAIL AND WEST LOTHIAN COUNCIL AFTER COMPLETION OF THE
WORKS**



DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

REVOCATION OF LINLITHGOW AIR QUALITY MANAGEMENT AREA

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of the report is to make Council Executive aware of the proposal to revoke the air quality management area in Linlithgow and the process involved, and to seek approval for the process to be pursued.

B. RECOMMENDATION

It is recommended that Council Executive:

1. notes the content of the report;
2. notes that the air quality objectives in Linlithgow have been met continuously over a number of years since the designation of the air quality management area;
3. approves the proposal to pursue the process of revoking the air quality management area declared in Linlithgow;
4. agrees that council officers from Environmental Health and Trading Standards submit the report in Appendix 1 to Scottish Government seeking agreement to pursue the process of revoking the air quality management area in Linlithgow; and
5. if the Scottish Government agree with the proposal to pursue revocation, agrees that council officers can begin the process of consultation to produce the final revocation report which will then be presented to the Council Executive for a final determination on revocation.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Caring and compassionate; Open, honest and accountable; Collaborative, inclusive and adaptive.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	West Lothian Council has legal obligations in regards to monitoring air quality, and putting in place actions to ensure air quality objectives are met. The council has a duty to report progress on achieving air quality objectives and activities being carried out to the Scottish Government.
III	Implications for Scheme of Delegations to Officers	There are no implications for the Scheme of Delegation.

IV	Impact on performance and performance Indicators	There is no direct impact on performance.
V	Relevance to Single Outcome Agreement	<p>We live longer, healthier lives and have reduced health inequalities.</p> <p>We make the most efficient and effective use of resources by minimising our impact on the built and natural environment</p>
VI	Resources - (Financial, Staffing and Property)	Monitoring is carried out using existing resources. External funding bids are sought from the Scottish Government for equipment, additional studies or action plans.
VII	Consideration at PDSP	A report was presented to the Public and Community Safety PDSP on 27 February 2024. The panel was advised the report would be submitted to Council Executive with a recommendation to pursue the process of revocation and submit a report to Scottish Government for agreement to proposal. No changes were suggested following consideration by the panel.
VIII	Other consultations	No other consultations have taken place at this stage in the process.

D. TERMS OF REPORT

D1 Background

West Lothian Council has statutory obligations to monitor air quality and to take corrective action where specified pollutant concentrations are above permitted objective levels. The council has a statutory duty to provide an annual progress report to the Scottish Government in regard to air quality standards and any action being taken by the council to fulfil statutory obligations.

The air quality objectives being monitored are Nitrogen Dioxide (NO₂) and particulate matter which is 10 microns (µ) or smaller, and 2.5 microns (µ) or smaller (referred to as PM₁₀ and PM_{2.5} respectively).

Due to historical exceedances of air quality objectives, three air quality management areas were declared in West Lothian. Due to the improvements in air quality in Broxburn, the Council Executive agreed that the air quality management area within that location should be revoked. Two air quality management areas remain in place for specific locations in Linlithgow and Newton. These air quality management areas were declared in 2016. However, monitoring data has been showing a continuing improvement, and in recent years, levels consistently below the air quality objectives. There is no specifically identifiable reason for improvements in air quality over this time, but it is reasonable to assume that as vehicle pollution is the most significant factor causing poorer air quality, the “greening” of vehicles and newer, less polluting vehicles on our roads will have had a significant effect. This could also be considered alongside changes in driving behaviour, move from diesel vehicles, less vehicle use and similar.

There was also a noticeable change in air quality during periods of limited social engagement and people movement during the COVID pandemic.

Air quality management areas are not intended to be in place for any longer than is necessary. As air quality improves, and air quality objectives are being met there is an expectation that local authorities will take steps to revoke these controlled areas, in part or fully. As trends of improving air quality have been noted in previous annual progress reports, the Scottish Government are recommending that the council completes a review with a mind to revoke air quality management areas.

The review of the remaining air quality management areas in Linlithgow and Newton have been completed and are deemed suitable for revocation. The revocations for both will be addressed separately through a process of reporting to the Public and Community Safety PDSP, the Council Executive and appropriate consultation with local members and other interested parties.

D2 Linlithgow Air Quality Management Area Revocation

The Linlithgow Air Quality Management Area was declared for NO₂ and PM₁₀ on 20 April 2016 by The West Lothian Council (Linlithgow) Air Quality Management Area Order 2016. A link to the order is provided in Section F of this report. The order provides a map with the details of the area covered by the air quality management area.

As air quality within the air quality management area has been improving and meeting air quality objectives it is appropriate for the council to begin the process to revoke this order and remove the air quality management area within Linlithgow. A key early step in this process will be to seek Scottish Government agreement to the proposal to revoke. The report provided in Appendix 1 of this report will be submitted to the Scottish Government as evidence of the review completed to determine that revocation is appropriate for this air quality management area.

It is necessary for this process to be agreed and approved by the Council Executive, and if Scottish Government agree with the proposal to revoke then further consultation will be required with local elected members and other interested parties before a final report is presented to the Council Executive for determination. Appendix 2 of this report provides an overview of the consultation and determination process.

There is an ongoing budget impact for the council in meeting air quality monitoring obligations in terms of equipment and staff time. These impacts are increased when fulfilling obligations in terms of air quality management areas. So, it is important that steps are taken to reduce, or ensure proper focus of, the burden on the council, particularly when evidence shows that air quality standards and objectives are being achieved. Scottish Government would prefer that the council continue monitoring to some degree, but that obligation will be reliant on either Scottish Government providing grant funding, or budget and staff being provided at the expense of other public health priority obligations. Further consideration of this will be addressed during the consultation process, but it is not in itself a determining factor in whether the air quality management area should be revoked.

E. CONCLUSION

It is positive to note that air quality in Linlithgow is meeting air quality objectives and has improved since the air quality management area was established in 2016. It is important to now take steps to acknowledge that and follow the process to revoke the air quality management area.

F. BACKGROUND REFERENCES

1. [The West Lothian Council \(Linlithgow\) Air Quality Management Area Order 2016.](#)

Appendices/Attachments: Two

Appendix 1 – Report to Scottish Government – Proposed revocation of the West Lothian Council (Linlithgow) Air Quality Management Area Order 2016. (Provided separately to report).

Appendix 2- Process for consultation and determination of revocation of Linlithgow air quality management area.

Contact Person: Craig Smith, Environmental Health & Trading Standards Manager, 01506 282385, craig.smith@westlothian.gov.uk

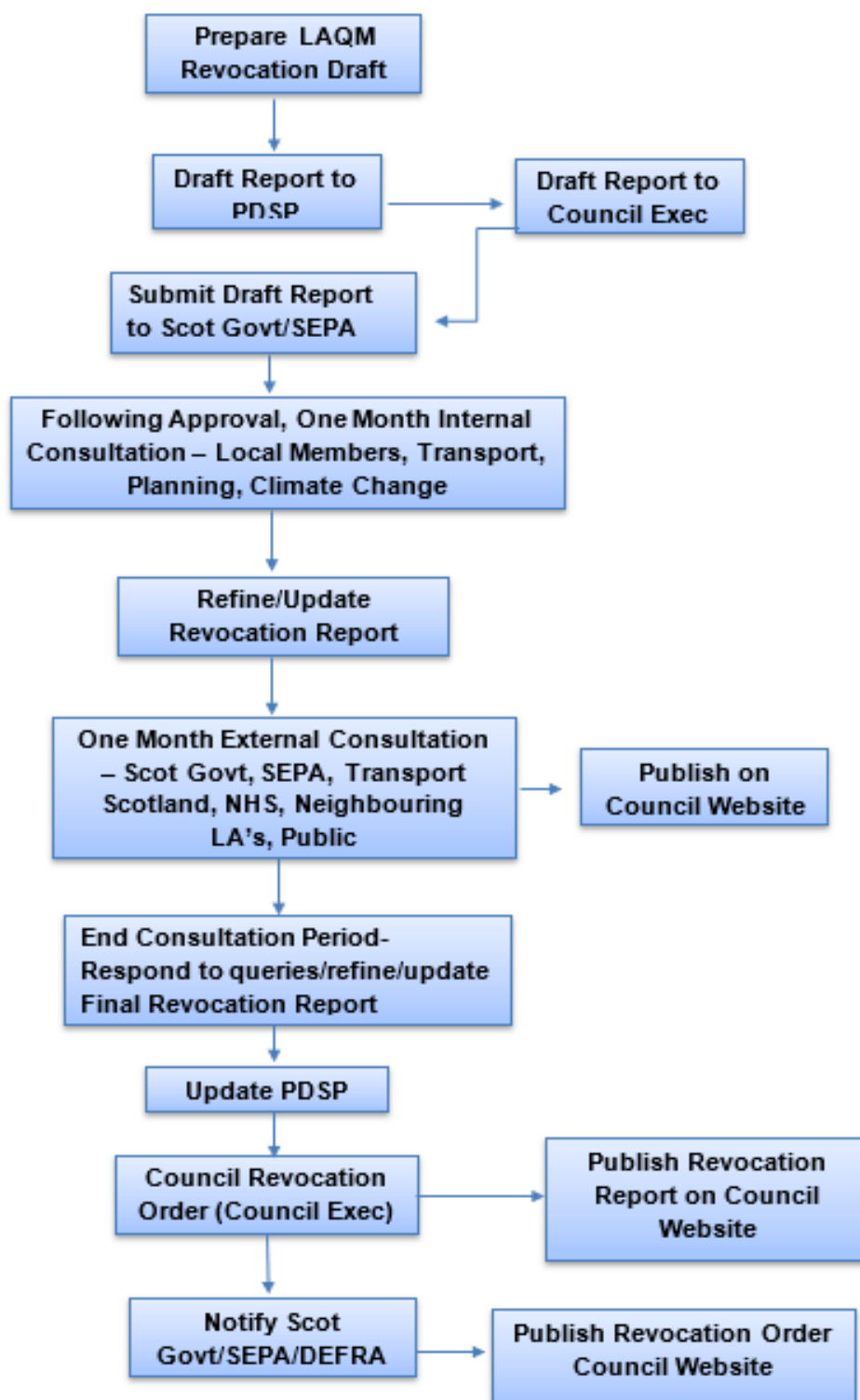
Craig McCorriston
Head of Planning, Economic Development and Regeneration

12 March 2024

Appendix 1

Attached separately.

Appendix 2 – Process for consultation and revocation



West Lothian Council



Revocation of The West Lothian Council (Linlithgow) Air Quality Management Area Order 2016

**In fulfilment of Part IV of the Environment Act 1995 Local
Air Quality Management (LAQM)**

January 2024

Department	Environmental Health & Trading Standards
Officer	Brian Carmichael
Address	Civic Centre, Howden South Road, Livingston, EH54 6FF
Telephone Number	01506 282 372
Email	brian.carmichael@westlothian.gov.uk
Report Reference	5503
Date	January 2024

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1. Introduction

Part IV of the Environment Act 1995 required the UK Government and the devolved administrations, to publish a national Air Quality Strategy (see Ref.1) and establish the system of Local Air Quality Management (LAQM) and Air Quality Objectives for specified pollutants.

The air quality objectives for Scotland are set out in;

- The Air Quality (Scotland) Regulations 2000 (Ref. 2);
- The Air Quality (Scotland) Amendment Regulations 2002 (Ref. 3); and
- The Air Quality (Scotland) Amendment Regulations 2016 (Ref. 4).

The LAQM process places an obligation on all local authorities to regularly review and assess air quality in their areas, and to determine whether or not the air quality objectives are likely to be achieved. Where an exceedance is considered likely, the local authority must declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives.

West Lothian Council fulfils its LAQM duties by maintaining 3 automatic air quality stations across its area. There is also a network of passive NO₂ diffusion tubes. Results from this monitoring are assessed and an annual progress report is produced each year in line with statutory guidance.

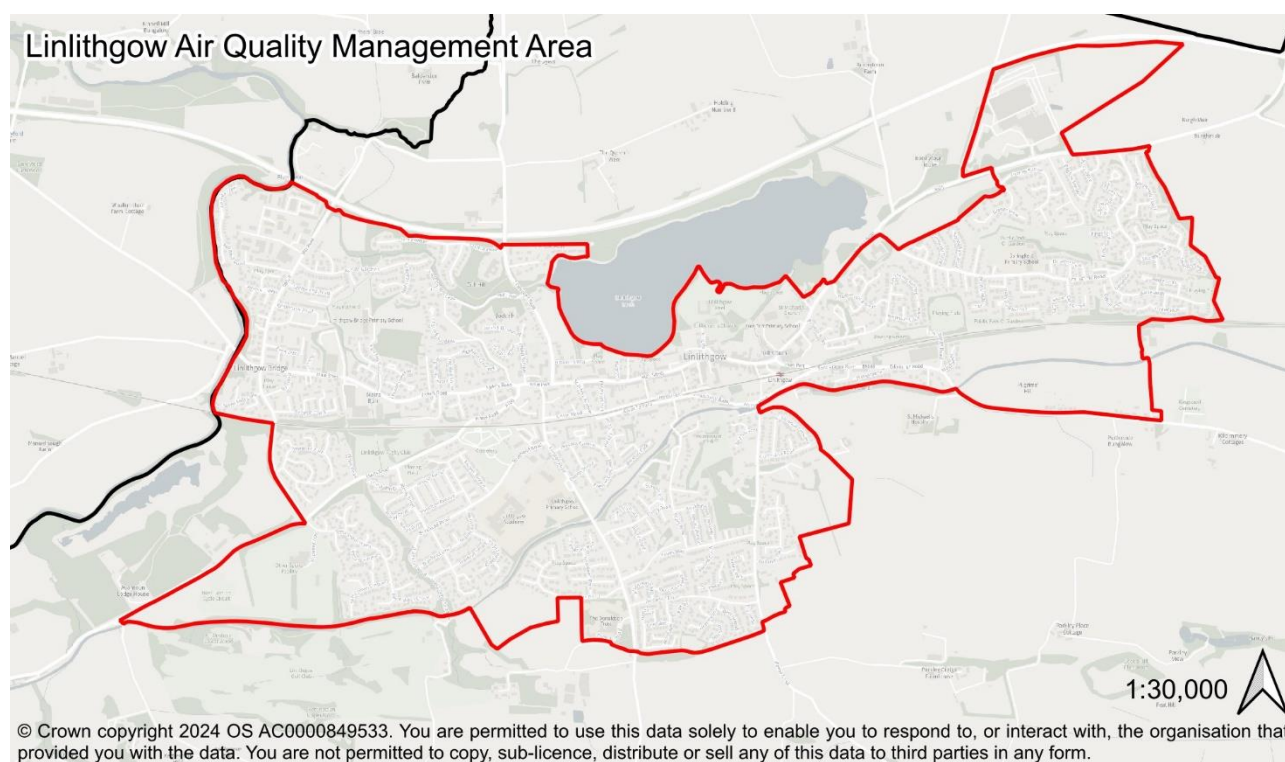
Due to the potential for the air quality objective to be breached, three AQMAs were declared within West Lothian. One of these AQMA's is in Linlithgow town centre – see Map 1 for an outline of the AQMA. Following monitoring, modelling and extensive consultation, this AQMA was declared on 25th April 2016 by issuing **The West Lothian Council (Linlithgow) Air Quality Management Area Order 2016** (see Ref. 6). The AQMA was declared for exceedances of the Scottish annual mean Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀) objectives.

Following completion of the most recent annual progress report (see Ref. 9), and a review of historic monitoring data over previous years, it was noted that the annual mean objectives (see Table 1) for both NO₂ and PM₁₀ have been met within the Linlithgow AQMA for several consecutive years as highlighted in Figures 1 and 2.

As such, West Lothian Council consider it appropriate to revoke the Linlithgow AQMA Order 2016 for both NO₂ and PM₁₀. This report brings together all of the relevant monitoring information to support the revocation.

Table 1 – Summary of Air Quality Objectives for NO₂ and PM₁₀ in Scotland

Pollutant	Air Quality Objective Concentration	Air Quality Objective Measured as	Date to be Achieved by
Nitrogen dioxide (NO ₂)	200 µg/m ³ not to be exceeded more than 18 times a year	1-hour mean	31.12.2005
Nitrogen dioxide (NO ₂)	40 µg/m ³	Annual mean	31.12.2005
Particulate Matter (PM ₁₀)	50 µg/m ³ , not to be exceeded more than 7 times a year	24-hour mean	31.12.2010
Particulate Matter (PM ₁₀)	18 µg/m ³	Annual mean	31.12.2010
Particulate Matter (PM _{2.5})	10 µg/m ³	Annual mean	31.12.2021

Map 1 – Linlithgow Air Quality Management Area

2. Monitoring Equipment in Linlithgow

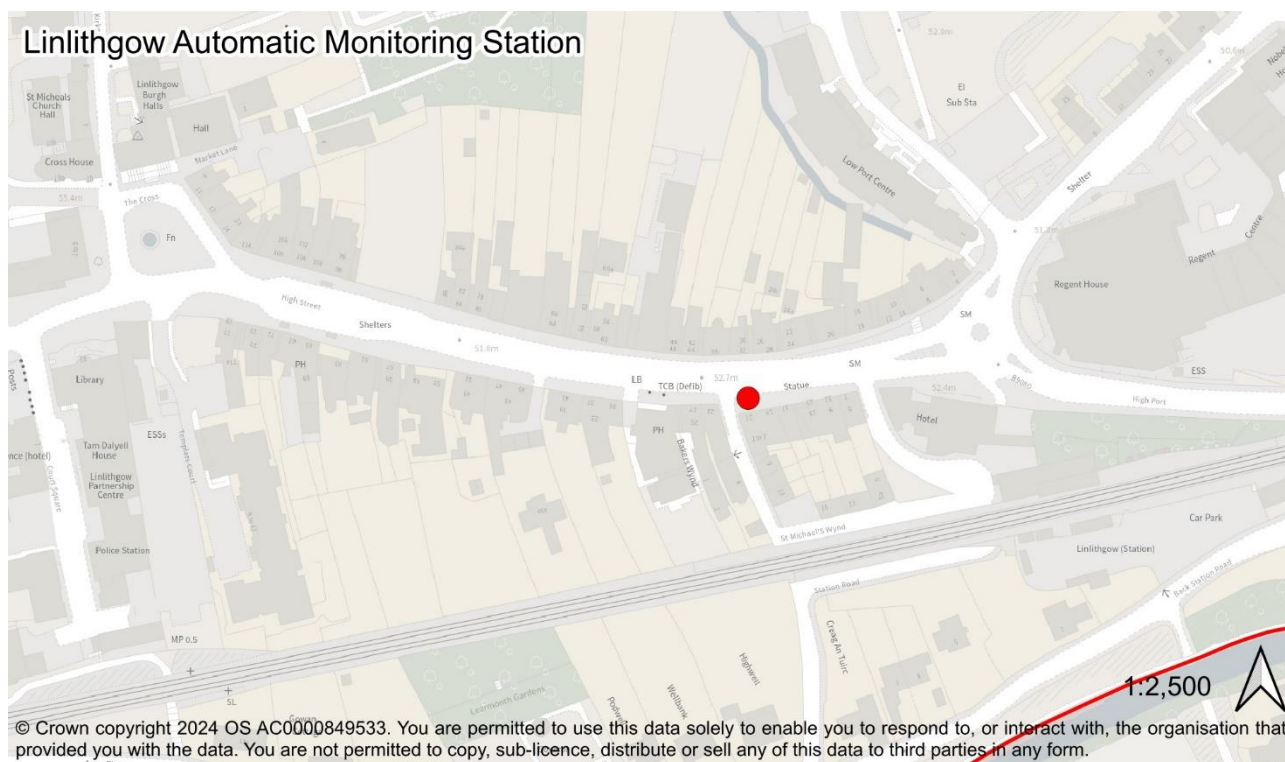
Table 2 provides details of the monitoring equipment which is currently installed at our Linlithgow automatic air quality monitoring site. It also displays details of previous monitoring equipment.

Table 2 – Linlithgow Air Quality Station - Automatic Monitoring Equipment (Current and Historical)

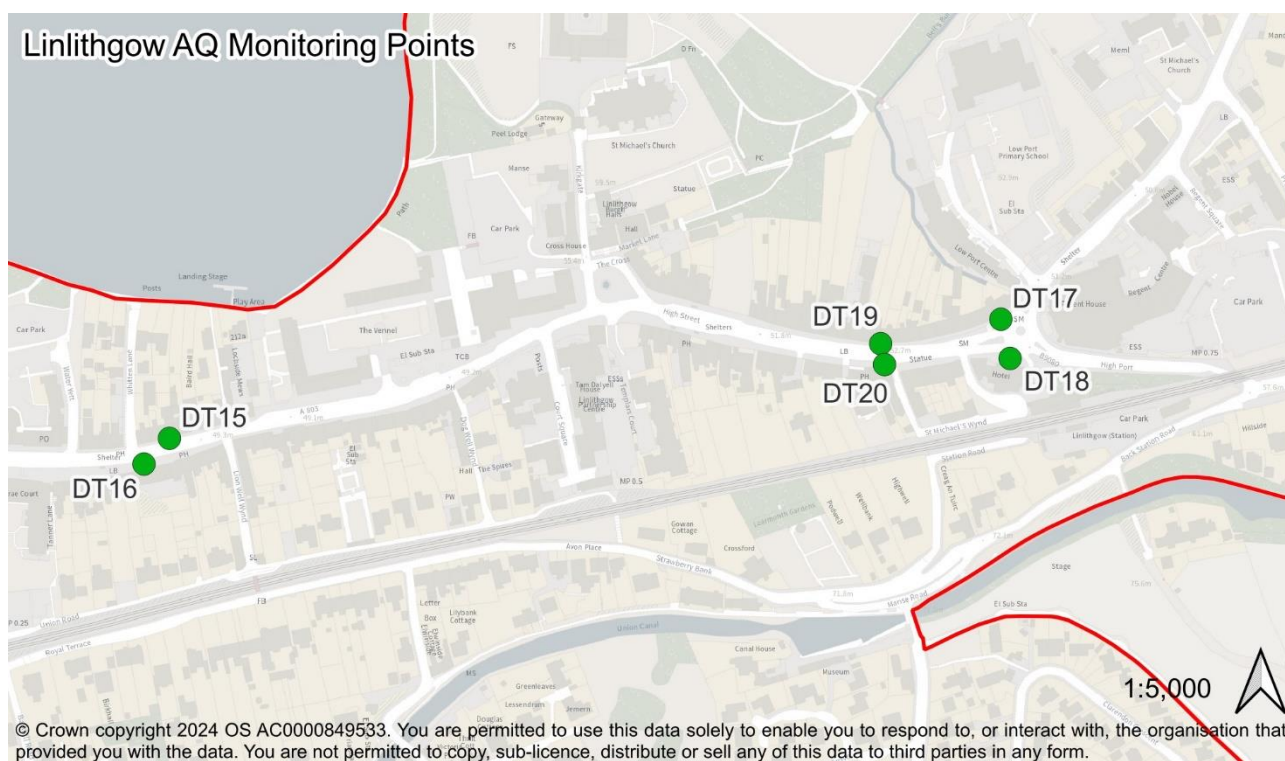
Site ID	Site Type	Grid Ref	Pollutants Measured	Equipment	Distance to relative exposure (m)	Distance to kerb of nearest road (m)	Inlet height (m)	Date of Installation
CM1 Linlithgow High Street	Roadside	300426, 677172	NO ₂ , PM ₁₀ ; PM _{2.5}	FIDAS 200; T200 API NO _x Analyser (Current)	4	1.36	2.32	2016
CM1 Linlithgow High Street	Roadside	300426, 677172	NO ₂ , PM ₁₀	TEOM/FDMS	4	1.36	2.32	30.10.2013 (relocated)
CM1 Linlithgow High Street	Roadside	299992, 677091	NO ₂ , PM ₁₀	TEOM/FDMS	5.5	7	2.4	2008
CM1 Linlithgow High Street	Roadside	299992, 677091	NO ₂ , PM ₁₀	TEOM analyser	5.5	7	2.4	Installed in December 2005

There are also 3 diffusion tubes co-located at the current automatic monitoring site. The location of the Linlithgow automatic monitoring station is shown in Map 2 below;

Map 2 – Location of Linlithgow Automatic Monitoring Station



Map 3 - Map of Diffusion Tube Locations in Linlithgow



3. Air Quality Management Area – NO₂ (annual mean objective)

In 2016, a Detailed Assessment of NO₂ in Linlithgow (Ref. 5) was completed. It used available monitoring data from 2014 and found exceedances of the annual mean objective of 40 µgm⁻³ at four of the diffusion tube monitoring sites within Linlithgow. NO₂ diffusion tube monitoring results from 2012 and 2013 are shown in Table 3 below.

Table 3 – NO₂ diffusion tube monitoring results during 2012 and 2013

Site	Site Type	2012 Annual Mean (µgm ⁻³)	2013 Annual Mean (µgm ⁻³)
Diffusion Tube (DT14)	R	NA	44
Diffusion Tube (DT15)	R	43	40
Diffusion Tube (DT16)	R	42	45
Diffusion Tube (DT17)	R	35	33
Diffusion Tube (DT18)	R	31	41
Diffusion Tube (DT19)	R	41	40
Diffusion Tube (DT20)	R	45	42
R = Roadside site (1-5m from the kerb).			

Annual Mean NO₂ values for the year were then modelled for the Linlithgow study area and the findings compared to the results of NO₂ monitoring. The modelling exercise found that NO₂ concentrations at various residential receptors within the study area, had been estimated to exceed the annual mean objective of 40 µgm⁻³ for the 2016 calendar year. As such, West Lothian Council declared an AQMA for NO₂ in the Linlithgow study area.

3.1 More Recent NO₂ monitoring results

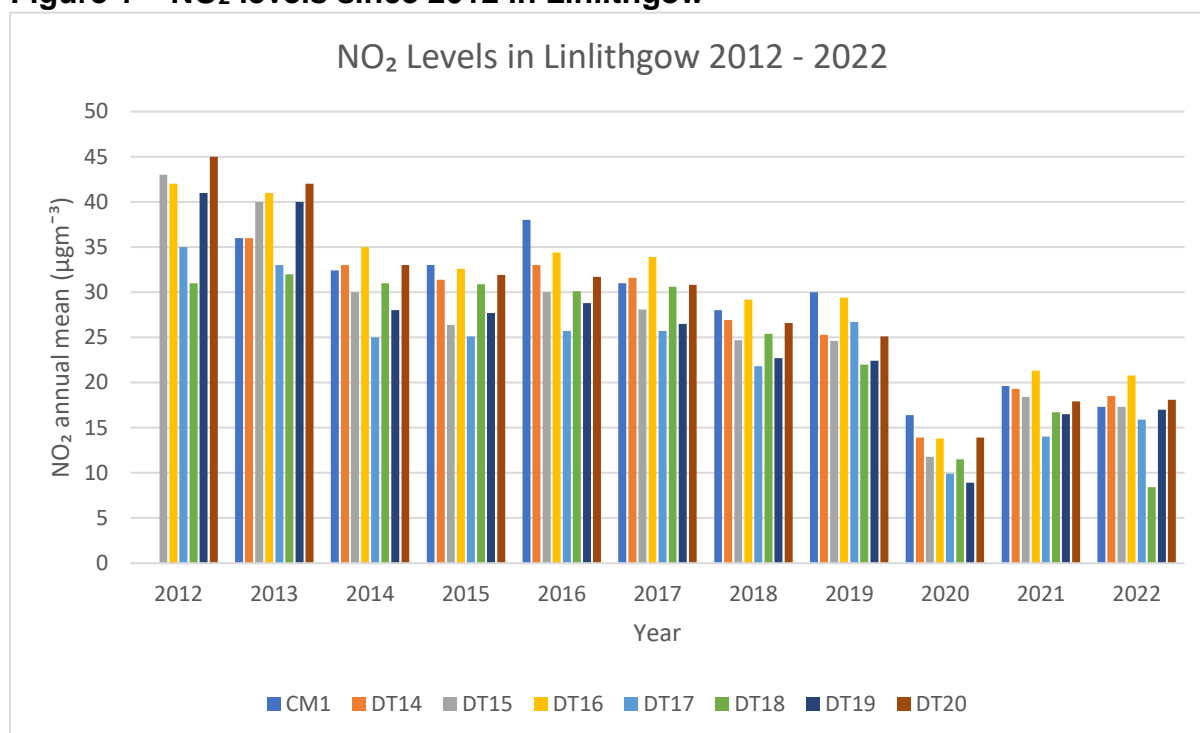
Over a number of years, it has been noted in the Councils Annual Progress report, that NO₂ levels have been consistently below the Air Quality Objective annual mean level of 40 µgm⁻³ at both the automatic monitoring site and diffusion tube sites within Linlithgow. The results of previous years monitoring are shown in Table 4 below.

Table 4 – NO₂ monitoring results since 2012 in Linlithgow (annual mean µgm⁻³)

Site	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Linlithgow Automatic Monitor (CM1)	n/a	36(44.5)	32.4	33	38	31	28	30	16.4	19.6	17.3
Linlithgow CNC (3 co-located tubes) (DT14)	n/a	36	33	31.4	33	31.6	26.9	25.3	13.9	19.3	18.5
Linlithgow NW High St (DT15)	43	40	30	26.4	30	28.1	24.7	24.6	11.8	18.4	17.3

Linlithgow SW High Street (DT16)	42	41	35	32.6	34.4	33.9	29.2	29.4	13.8	21.3	20.8
Linlithgow High Street NE (DT17)	35	33	25	25.1	25.7	25.7	21.8	26.7	9.9	14	-
Linlithgow High Street SE (DT18)	31	41	31	30.9	30.1	30.6	25.4	22	11.5	16.7	-
Linlithgow High Street N (DT19)	41	40	28	27.7	28.8	26.5	22.7	22.4	8.9	16.5	-
Linlithgow High Street S (Old Post Office pub) (DT20)	45	42	33	31.9	31.7	30.8	26.6	25.1	13.9	17.9	18.1

It is evident that measured levels have been significantly below the Annual Air Quality Objective for many years. Measured results for 2020 are lower due to the Coronavirus pandemic, however, several years of data before this have remained below the objective level. As the pandemic eased and traffic levels increased in 2021, it is notable that the measured NO₂ level, started to increase again.

Figure 1 – NO₂ levels since 2012 in Linlithgow

4. Air Quality Management Area – PM₁₀ (Annual Mean)

Following exceedances of the air quality objective noted in the 2014 annual progress report (see Table 5), the updated 2016 detailed assessment considered whether an air quality management area should be declared for PM₁₀ as well as NO₂. The detailed assessment utilised modelling to determine PM₁₀ levels at different receptors throughout the Linlithgow study area. The modelling exercise found that PM₁₀ concentrations at various residential receptors within the study area, had been estimated to exceed the annual mean objective of 18 µgm⁻³ for the 2016 calendar year. The detailed assessment concluded that an AQMA should be declared an AQMA for PM₁₀ in High Street, Linlithgow. As a result, WLC declared an AQMA for PM₁₀ in 2016.

Table 5 – PM₁₀ monitoring results in 2014

Site	Site Type	Data Capture (%)	2014 Annual Mean (µgm ⁻³)
High Street (Automatic Monitor)	R	95	18.1

4.1 More recent PM₁₀ monitoring results

Over a number of years, within the Councils Annual Progress reports, it has been noted that PM₁₀ levels have been consistently below the Scottish Air Quality Objective annual mean level of 18 µgm⁻³ at the Linlithgow automatic monitoring site. An annual mean concentration equal to the Scottish 18µgm⁻³ objective was last measured in Linlithgow in 2014 which was just prior to the declaration of the AQMA. The results of previous years monitoring are shown in Table 6 below.

Table 6 – PM₁₀ monitoring results since 2011 (annual mean µgm⁻³)

Site	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Linlithgow Automatic Monitor (CM1)	13	12	18	18	15	14	9.9	12.1	13.2	8.4	9.6	13.1
Numbers in bold indicate an exceedance of the Air Quality Objective (18µgm ⁻³)												

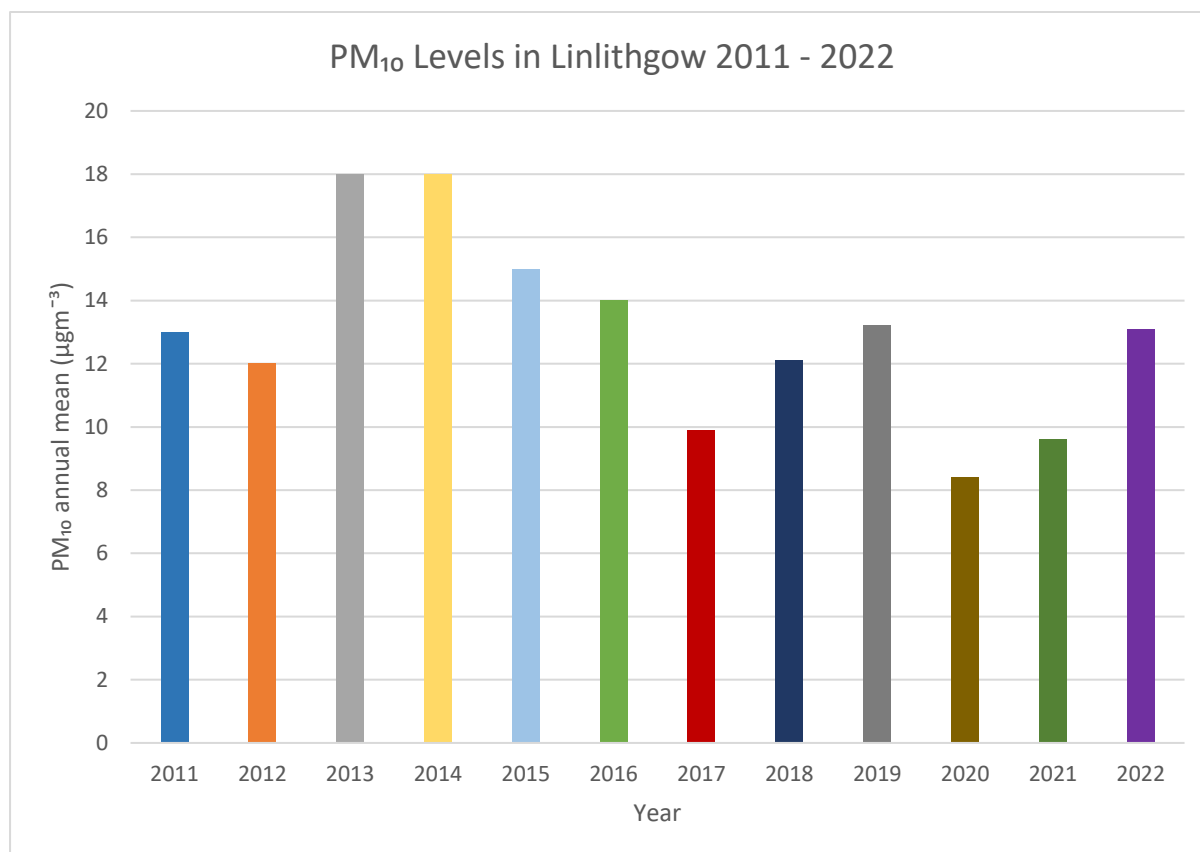
It is clear that measured levels over a number of recent years have been significantly below the Annual Air Quality Objective. Measured results for 2020 are lower due to the Coronavirus pandemic. As the pandemic eased and traffic levels increased in 2021, it is notable that the measured PM₁₀ started to increase.

4.2 Particulate Matter Monitoring

The accurate measurement of particulate matter (PM) represents a significant challenge particularly where concentrations can generally be considered to be low. Ambient concentrations of PM₁₀ and PM_{2.5} reported by different MCERT equivalent instruments in the same environments can vary by several micrograms (as an annual mean). Such differences represent a particular problem when considering compliance with air quality standards, especially in situations where a change in instrumentation results in a step-change reduction in reported concentrations. This prompted the Scottish Government to conduct a Pilot Research Study.

The aim of the study was to help identify whether measurement techniques used in Scotland were providing accurate measurements that government could rely on when making policy decisions. The study was carried out between July 2021 and June 2022 and the focus was on the main method for monitoring PM₁₀ measurements - the FIDAS 200 which the council utilises.

The research report was published in May 2023 with the Scottish Government issuing guidance for local authorities. There were a number of points including the requirement to apply a correction factor to data obtained by the FIDAS particulate monitors. FIDAS 200 PM₁₀ data collected within the Scottish Air Quality Database (SAQD) should be corrected by dividing ratified data by 0.909. The data in Table 6 has had this correction factor applied to measurements taken since 2017.

Figure 2 – PM₁₀ Levels Since 2011 in Linlithgow

5. Air Quality Action Plan 2017

During 2017, a draft air quality action plan was developed for Linlithgow (see Ref. 4). The development of an action plan is a statutory requirement, following the declaration of an AQMA. A steering group across West Lothian Council was established and a number of strategic measures were outlined. These measures were also the subject of a public consultation exercise. Some of the measures set out in the action plan have been actioned since 2017. For example;

- Supplementary guidance on air quality and planning has been produced (see Ref. 8);
- The ECO stars scheme has expanded its membership across West Lothian;
- Electric vehicle charging points have continued to be installed, both by the Council and via planning conditions for residential and commercial developments;
- Developers have been encouraged to include active travel measures into their plans – included in air quality and planning guidance and general planning condition requirements;
- Environmental Health have continued to deal with environmental nuisance (including dust and smoke) complaints across the Council's area.

6. Detailed Assessment 2022

In considering whether the revocation of the Linlithgow AQMA was appropriate, a detailed assessment of air quality in Linlithgow was also undertaken and subsequently published in October 2022 (see Ref. 7). The detailed assessment considered;

- A review of measured NO₂ and PM₁₀ concentrations within the AQMA over recent years;
- Detailed dispersion modelling of NO₂, PM₁₀ and PM_{2.5} concentrations for a baseline year of 2017;
- A sensitivity analysis of potential fluctuations in annual mean pollutant concentrations attributable to meteorological conditions;
- Detailed dispersion modelling of NO₂, PM₁₀ and PM_{2.5} concentrations in a future year of 2024 reflecting anticipated changes in traffic levels associated with projected growth or planned local developments.

The detailed assessment concluded that West Lothian Council may wish to:

1. Consider revocation of the Linlithgow Air Quality Management Area for exceedances of the NO₂ annual mean objective;
2. Delay revoking the AQMA for exceedances of the PM₁₀ annual mean objective until Scottish Government guidance regarding AQMA revocation and the use of FIDAS analysers for particulate measurements is updated.

This study has now been completed and a report has been published. PM₁₀ data presented in this report has had the appropriate correction factor applied in line with the research recommendations.

7. Conclusion

The Linlithgow AQMA was declared in April 2016 after monitoring and modelling found exceedances of NO₂ and PM₁₀ air quality objective levels at various residential receptors in the Linlithgow study area. Since the AQMA was declared, measured concentrations of both NO₂ and PM₁₀ have consistently been below the air quality objectives for several consecutive years; 8 years for NO₂ and 7 years for PM₁₀.

As stated within the Air Quality in Scotland (LAQM) website in relation to AQMA Revocation: 'Where a local authority feels that it has sufficient evidence to justify the need to amend/revoke an AQMA at any time, it should submit that evidence to the Scottish Government for appraisal.

The Scottish Governments Policy Guidance PG(S) 23 states that there are no set criteria on which an amendment or revocation decision will be based, but each request will be considered on a case-by-case basis. A minimum requirement however will normally be at least three consecutive years where the objectives of concern are being achieved and where monitoring data demonstrates that further exceedances of the objectives are unlikely to occur. For those authorities that have continuous monitoring, the Scottish Government would expect them to keep the AQMA under regular review, and to act where necessary, rather than await the next round of reviews and assessments.'

In considering all the information available from several years of monitoring and from modelling carried out in the most recent 2022 detailed assessment, West Lothian Council intend to revoke the AQMA for both NO₂ and PM₁₀. The Council will, however, continue to monitor NO₂ and PM₁₀ within Linlithgow. If measured levels remain below the objective levels, West Lothian Council may utilise the monitoring equipment at other potential areas of poorer air quality within the Council area.

As previously mentioned pilot research by RICARDO (Scottish Government air quality consultants), which investigated particulate matter monitoring techniques in Scotland has now been completed.

The research report was published in May 2023. This required a correction factor to be applied to data obtained by the FIDAS particulate monitors which the council utilises.

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10. References

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11. The Air Quality (Scotland) Regulations 2000 (31st March 2000, The Scottish Government)
12. The Air Quality (Scotland) Amendment Regulations 2002 (11th June 2002, The Scottish Government)
13. The Air Quality (Scotland) Amendment Regulations 2016 (1st April 2016, The Scottish Government)

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

REVOCATION OF NEWTON AIR QUALITY MANAGEMENT AREA

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of the report is to make Council Executive aware of the proposal to revoke the air quality management area in Newton and the process involved, and to seek approval for the process to be pursued.

B. RECOMMENDATION

It is recommended that Council Executive:

1. notes the content of the report;
2. notes that the air quality objectives in Newton have been met continuously over a number of years since the designation of the air quality management area;
3. approves the proposal to pursue the process of revoking the air quality management area declared in Newton;
4. agrees that council officers from Environmental Health and Trading Standards submit the report in Appendix 1 to Scottish Government seeking agreement to pursue the process of revoking the air quality management area in Newton; and
5. if the Scottish Government agree with the proposal to pursue revocation, agrees that council officers can begin the process of consultation to produce the final revocation report which will then be presented to the Council Executive for a final determination on revocation.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Caring and compassionate; Open, honest and accountable; Collaborative, inclusive and adaptive.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	West Lothian Council has legal obligations in regards to monitoring air quality, and putting in place actions to ensure air quality objectives are met. The council has a duty to report progress on achieving air quality objectives and activities being carried out to the Scottish Government.
III	Implications for Scheme of Delegations to Officers	There are no implications for the Scheme of Delegation.

IV	Impact on performance and performance Indicators	There is no direct impact on performance.
V	Relevance to Single Outcome Agreement	<p>We live longer, healthier lives and have reduced health inequalities.</p> <p>We make the most efficient and effective use of resources by minimising our impact on the built and natural environment</p>
VI	Resources - (Financial, Staffing and Property)	Monitoring is carried out using existing resources. External funding bids are sought from the Scottish Government for equipment, additional studies or action plans.
VII	Consideration at PDSP	The report was presented to the Public and Community Safety PDSP on 27 February 2024. The panel were advised the report would be submitted to the Council Executive with a recommendation to pursue the process of revocation and submit a report to Scottish Government for agreement to proposal. No changes were required to the report following consideration by the panel.
VIII	Other consultations	No other consultations have taken place at this stage in the process.

D. TERMS OF REPORT

D1 Background

West Lothian Council has statutory obligations to monitor air quality and to take corrective action where specified pollutant concentrations are above permitted objective levels. The council has a statutory duty to provide an annual progress report to the Scottish Government in regard to air quality standards and any action being taken by the council to fulfil statutory obligations.

The air quality objectives being monitored are Nitrogen Dioxide (NO₂) and particulate matter which is 10 microns (µ) or smaller, and 2.5 microns (µ) or smaller (referred to as PM₁₀ and PM_{2.5} respectively).

Due to historical exceedances of air quality objectives, three air quality management areas were declared in West Lothian. Due to the improvements in air quality in Broxburn, the Council Executive agreed that the air quality management area within that location should be revoked. Two air quality management areas remain in place for specific locations in Linlithgow and Newton. These air quality management areas were declared in 2016. However, monitoring data has been showing a continuing improvement, and in recent years, levels consistently below the air quality objectives. There is no specifically identifiable reason for improvements in air quality over this time, but it is reasonable to assume that as vehicle pollution is the most significant factor causing poorer air quality in Linlithgow, the “greening” of vehicles and newer, less polluting vehicles on our roads will have had a significant effect. This could also be considered alongside changes in driving behaviour, move from diesel vehicles and less vehicle use.

There was also a noticeable change in air quality during periods of limited social engagement and people movement during the COVID pandemic. In the case of Newton specifically, a reduction in coal burning in the village has been a major contributing factor.

Air quality management areas are not intended to be in place for any longer than is necessary. As air quality improves, and air quality objectives are being met there is an expectation that local authorities will take steps to revoke these controlled areas, in part or fully. As trends of improving air quality have been noted in previous annual progress reports, the Scottish Government are recommending that the council completes a review with a mind to revoke air quality management areas in West Lothian.

The review of the remaining air quality management areas in Linlithgow and Newton have been completed and are deemed suitable for revocation. The revocations for both will be addressed separately through a process of reporting to the Public and Community Safety PDSP, the Council Executive and appropriate consultation with local members and other interested parties.

D2 Newton Air Quality Management Area Revocation

The Newton Air Quality Management Area was declared for PM₁₀ on 30 June 2016 by The West Lothian Council (Newton) Air Quality Management Area Order 2016. A link to the order is provided in Section F of this report. The order provides a map with the details of the area covered by the air quality management area.

As air quality within the air quality management area has been improving and meeting air quality objectives it is appropriate for the council to begin the process to revoke this order and remove the air quality management area within Newton. A key early step in this process will be to seek Scottish Government agreement to the proposal to revoke. The report provided in Appendix 1 of this report will be submitted to the Scottish Government as evidence of the review completed to determine that revocation is appropriate for this air quality management area.

It is necessary for this process to be agreed and approved by the Council Executive, and if Scottish Government agree with the proposal to revoke then further consultation will be required with local elected members and other interested parties before a final report is presented to the Council Executive for determination. Appendix 2 of this report provides an overview of the consultation and determination process.

There is an ongoing budget impact for the council in meeting air quality monitoring obligations in terms of equipment and staff time. These impacts are increased when fulfilling obligations in terms of air quality management areas. So, it is important that steps are taken to reduce, or ensure proper focus of, the burden on the council, particularly when evidence shows that air quality standards and objectives are being achieved. Scottish Government would prefer that the council continue monitoring to some degree, but that obligation will be reliant on either Scottish Government providing grant funding, or budget and staff being provided at the expense of other public health priority obligations. Further consideration of this will be addressed during the consultation process, but it is not in itself a determining factor in whether the air quality management area should be revoked.

E. CONCLUSION

It is positive to note that air quality in Newton is meeting air quality objectives and has improved since the air quality management area was established in 2016. It is important to now take steps to acknowledge that and follow the process to revoke the air quality management area.

F. BACKGROUND REFERENCES

1. [The West Lothian Council \(Newton\) Air Quality Management Area Order 2016](#)

Appendices/Attachments: Two

Appendix 1 – Report to Scottish Government – Proposed revocation of the West Lothian Council (Newton) Air Quality Management Area Order 2016. (Provided separately to report).

Appendix 2- Process for consultation and determination of revocation of Newton air quality management area.

Contact Person: Craig Smith, Environmental Health & Trading Standards Manager, 01506 282385, craig.smith@westlothian.gov.uk

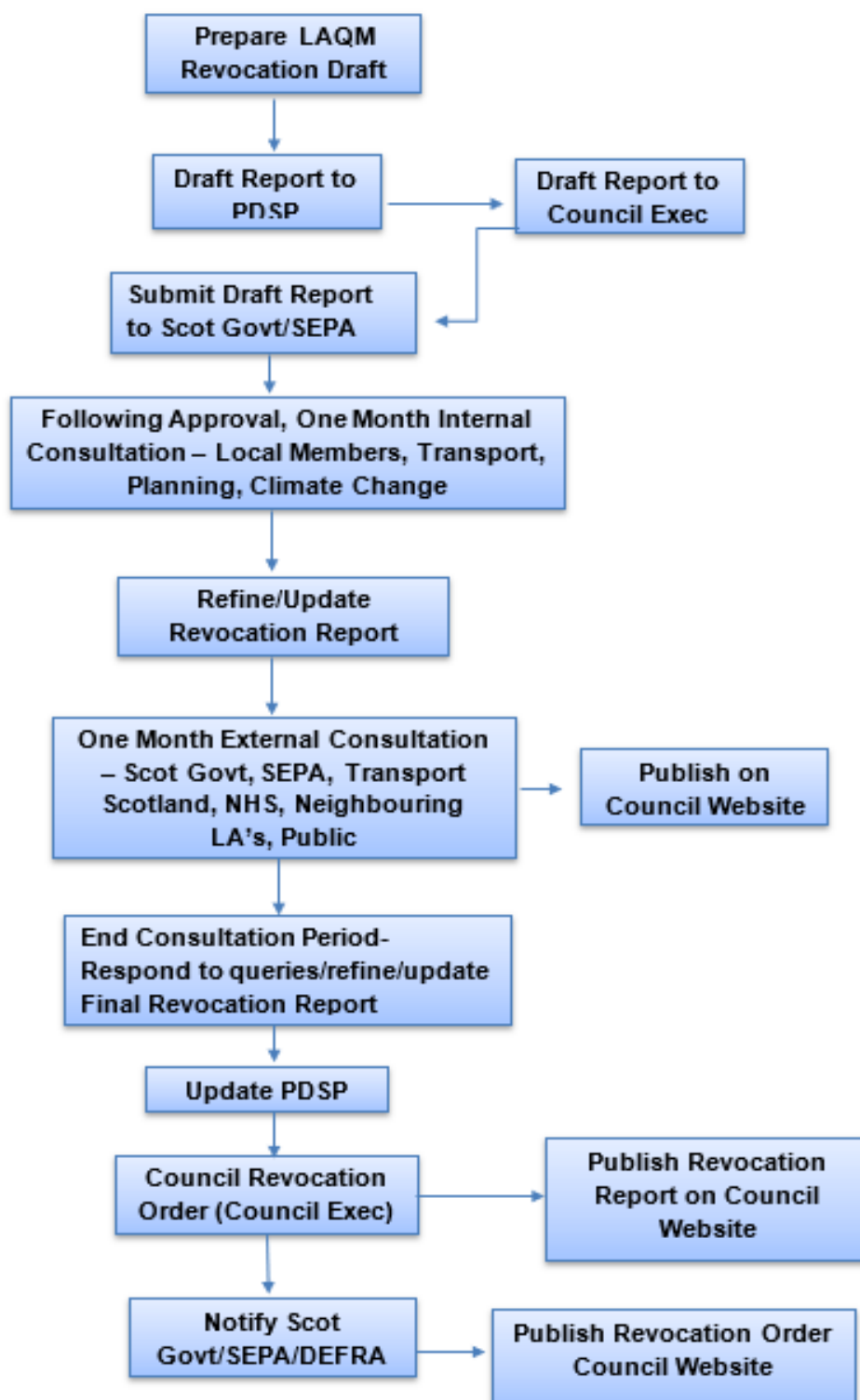
Craig McCorriston
Head of Planning, Economic Development and Regeneration

12 March 2024

Appendix 1

Attached separately.

Appendix 2 – Process for consultation and revocation



West Lothian Council



Revocation of The West Lothian Council (Newton) Air Quality Management Area Order 2016

**In fulfilment of Part IV of the Environment Act 1995 Local
Air Quality Management (LAQM)**

January 2024

Department	Environmental Health & Trading Standards
Officer	Brian Carmichael
Address	Civic Centre, Howden South Road, Livingston, EH54 6FF
Telephone Number	01506 282 372
Email	brian.carmichael@westlothian.gov.uk
Report Reference	5504
Date	January 2024

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1. Introduction

Part IV of the Environment Act 1995 required the UK Government and the devolved administrations, to publish a national Air Quality Strategy (see Ref.1) and establish the system of Local Air Quality Management (LAQM) and Air Quality Objectives for specified pollutants.

The air quality objectives for Scotland are set out in;

- The Air Quality (Scotland) Regulations 2000 (Ref. 2);
- The Air Quality (Scotland) Amendment Regulations 2002 (Ref. 3); and
- The Air Quality (Scotland) Amendment Regulations 2016 (Ref. 4).

The LAQM process places an obligation on all local authorities to regularly review and assess air quality in their areas, and to determine whether or not the air quality objectives are likely to be achieved. Where an exceedance is considered likely, the local authority must declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives.

West Lothian Council fulfils its LAQM duties by maintaining 3 automatic air quality stations across its area. There is also a network of passive NO₂ diffusion tubes. Results from this monitoring are assessed and an annual progress report is produced each year in line with statutory guidance.

Due to the potential for the air quality objective to be breached, three AQMAs were declared within West Lothian. One of these AQMA's covers the whole of the village of Newton – see Map 1 for an outline of the AQMA. Following monitoring, modelling and extensive consultation, an AQMA was declared in July 2016 by issuing **The West Lothian Council (Newton) Air Quality Management Area Order 2016** (Ref. 5). The AQMA was declared for exceedances of the Scottish annual mean Particulate Matter (PM₁₀) objectives.

Following completion of the most recent annual progress report (Ref. 1), and a review of historic monitoring data over previous years, it was noted that the annual mean objectives (see Table 1) for PM₁₀ have been met within the Newton AQMA for several consecutive years as highlighted in Figures 1 and 2.

As such, West Lothian Council consider it appropriate to revoke the Newton AQMA Order 2016 for PM₁₀. This report brings together all the relevant monitoring information in support of the revocation.

Table 2 – Newton Air Quality Station - Automatic Monitoring Equipment (Current and Historical)

Site ID	Site Type	Grid Ref	Pollutants Measured	Equipment	Distance to relative exposure (m)	Distance to kerb of nearest road (m)	Inlet height (m)	Date of Installation
Newton CNC	Roadside	309258, 677728	NO ₂ , PM ₁₀ , PM _{2.5}	Serinus NOx analyser	1.8	1.92	2.41	July 2022
Newton CNC	Roadside	309258, 677728	NO ₂ , PM ₁₀ , PM _{2.5}	FIDAS 200; Serinus 40 NOx analyser	1.8	1.92	2.41	October 2019
Newton CNC	Roadside	309258, 677728	PM ₁₀ , PM _{2.5}	TEOM/FDMS NOx analyser	1.8	1.92	2.41	2011

There are also 3 diffusion tubes co-located at the automatic monitoring site. The location of the Newton automatic monitoring station and diffusion tube is shown in Maps 2 and 3 below respectively.

Map 2 – Location of Newton Automatic Monitoring Station



Map 3 – Location of Newton Diffusion Tube



3. Air Quality Management Area – PM₁₀ (Annual Mean)

Following exceedances of the air quality objective noted in the 2014 Annual Progress Report (Table 5), a detailed assessment was carried out in 2016. This considered whether an air quality management area should be declared for PM₁₀. The detailed assessment utilised modelling to determine PM₁₀ levels at different receptors throughout the Newton study area. The modelling exercise found that PM₁₀ concentrations exceeded the annual mean objective of 18 µgm⁻³ in most of Newton. As a result, West Lothian Council declared an AQMA for PM₁₀ in the Newton study area in 2016.

Table 3 – PM₁₀ monitoring results 2014

Site	Site Type	Data Capture (%)	Annual Mean (µgm ⁻³)
Newton (Automatic Monitor)	R	97.4	22.45
R = Roadside site (1-5m from the kerb)			

3.1 More recent PM₁₀ monitoring results

Over a number of years, within the Councils Annual Progress reports, it has been noted that PM₁₀ levels are consistently below the Scottish annual mean objective level of 18 µgm⁻³ at the Newton automatic monitoring site. The results of a number of years

of monitoring are shown in Table 4 below;

Table 4 – PM₁₀ monitoring results since 2013 (annual mean µgm⁻³)

Site	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Newton Automatic Monitor (CM3)	19	22	16	15	15	14	14	12.1	12.4	11.3*

*** Annualised mean due to 40% data capture for 2022.**

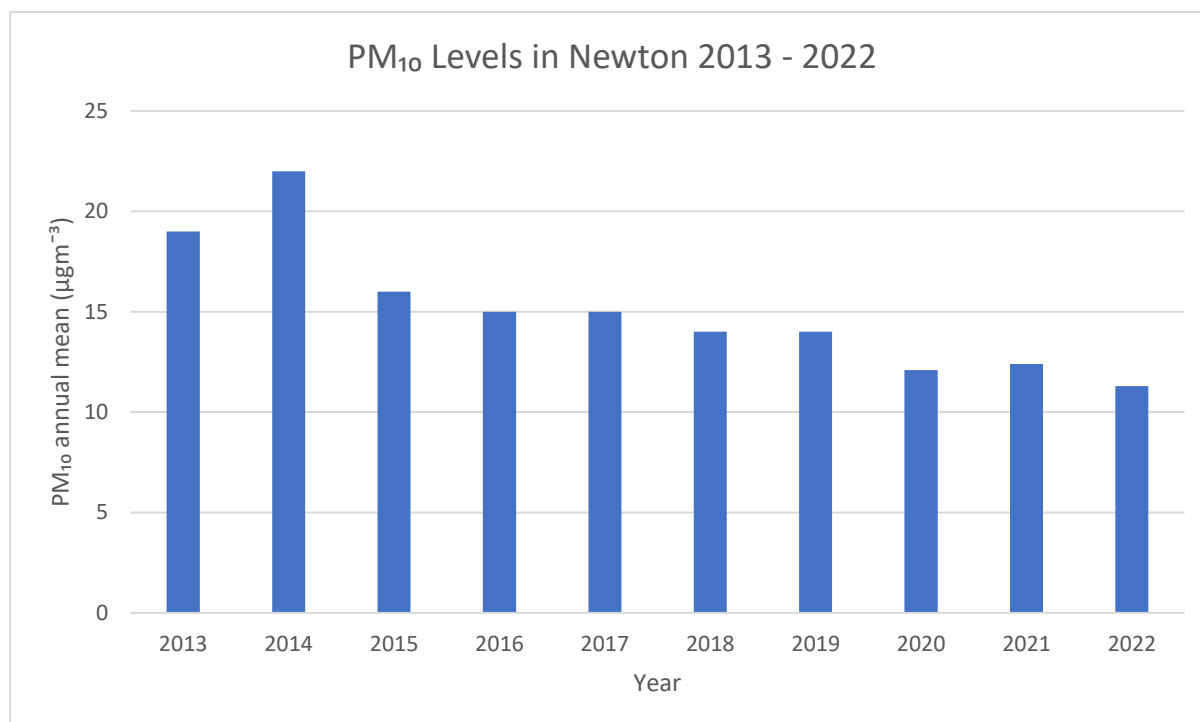
It is clear that measured levels over a number of recent years have been significantly below the annual mean Objective. Measured results for 2020 are lower due to the Coronavirus pandemic.

3.2 Particulate Matter Monitoring

The accurate measurement of particulate matter (PM) represents a significant challenge particularly where concentrations can generally be considered to be low. Ambient concentrations of PM₁₀ and PM_{2.5} reported by different MCERT equivalent instruments in the same environments can vary by several micrograms (as an annual mean). Such differences represent a particular problem when considering compliance with air quality standards, especially in situations where a change in instrumentation results in a step-change reduction in reported concentrations. This prompted the Scottish Government to conduct a Pilot Research Study.

The aim of the study was to help identify whether measurement techniques used in Scotland were providing accurate measurements that government could rely on when making policy decisions. The study was carried out between July 2021 and June 2022 and the focus was on the main method for monitoring PM₁₀ measurements - the FIDAS 200 which the council utilises.

The research report was published in May 2023 with the Scottish Government issuing guidance for local authorities. There were a number of points including the requirement to apply a correction factor to data obtained by the FIDAS particulate monitors. FIDAS 200 PM₁₀ data collected within the SAQD should be corrected by dividing ratified data by 0.909. The data in Table 4 has had this correction factor applied to measurements taken in 2020 and 2021.

Figure 1 – PM₁₀ Levels Since 2013 in Newton

4. Air Quality Action Plan 2017

During 2017, a draft air quality action plan was developed for Newton (Ref. 3). The development of an action plan is a statutory requirement following the declaration of an AQMA. A steering group across West Lothian Council was established and a number of strategic measures were outlined. These measures were also the subject of a public consultation exercise. Many of the measures set out in the action plan have been actioned since 2017. For example;

- Supplementary guidance on air quality and planning has been produced (see Ref. 7);
- The ECO stars scheme has expanded in its membership across West Lothian;
- Electric vehicle charging points have continued to be installed, both by the Council and via planning conditions for residential and commercial developments;
- Developers have been encouraged to include active travel measures into their plans – included in air quality and planning guidance and general planning condition requirements;
- Environmental Health have continued to deal with environmental nuisance (including dust and smoke) complaints across the Councils area; and
- West Lothian Council own 12 properties within Newton and have gradually been upgrading the heating systems to Air Source Heat Pumps. Five of the properties are still heated via solid fuel because some tenants have refused to accept an alternative heating system. Of those non-solid fuel heated houses, six were upgraded between 2018-2020 and 1 in 2008. This project has been on

hold as ASHP's have been in short supply due to Covid and there haven't been any new installs since 2020.

5. Detailed Assessment 2022

In considering whether the revocation of the Newton AQMA is appropriate, a detailed assessment of air quality in Newton was undertaken and subsequently published in July 2022 (see Ref. 6). The detailed assessment considered;

- A review of measured NO₂ and PM₁₀ concentrations within the AQMA over recent years;
- Detailed dispersion modelling of PM₁₀ and PM_{2.5} concentrations for a baseline year of 2017;
- A sensitivity analysis of potential fluctuations in annual mean pollutant concentrations attributable to meteorological conditions;
- Detailed dispersion modelling of PM₁₀ and PM_{2.5} concentrations in a future year of 2024 reflecting anticipated changes in traffic levels associated with projected growth or planned local developments.

The detailed assessment concluded that West Lothian Council may wish to:

1. Delay revoking the AQMA for exceedances of the PM₁₀ annual mean objective until Scottish Government guidance regarding AQMA revocation and the use of FIDAS analysers for particulate measurements is updated. This study has now been completed and a report has been published which will be discussed in the conclusion.

6. Conclusion

The Newton AQMA was declared in July 2016 after monitoring and modelling found exceedances of PM₁₀ air quality objective levels at various receptors in the Newton study area. Since the AQMA was declared, measured concentrations of PM₁₀ have consistently been below the air quality objectives for several consecutive years.

As stated within the Air Quality in Scotland (LAQM) website in relation to AQMA Revocation: 'Where a local authority feels that it has sufficient evidence to justify the need to amend/revoke an AQMA at any time, it should submit that evidence to the Scottish Government for appraisal.

The Scottish Governments Policy Guidance PG(S) 23 states that there are no set criteria on which an amendment or revocation decision will be based, but each request will be considered on a case-by-case basis. A minimum requirement however will normally be at least three consecutive years where the objectives of concern are being achieved and where monitoring data demonstrates that further exceedances of the objectives are unlikely to occur.

For those authorities that have continuous monitoring, the Scottish Government would expect them to keep the AQMA under regular review, and to act where necessary, rather than await the next round of reviews and assessments.'

In considering all the information available from several years of monitoring and from modelling carried out in the 2022 detailed assessment, West Lothian Council intend to revoke the AQMA for PM₁₀. The Council will, however, continue to monitor PM₁₀ within Newton. If measured levels remain below the objective levels, West Lothian Council may utilise the monitoring equipment at other potential areas of poorer air quality within the Council area.

As previously mentioned pilot research by RICARDO (Scottish Government air quality consultants), which investigated particulate matter monitoring techniques in Scotland has now been completed.

The research report was published in May 2023. This required a correction factor to be applied to data obtained by the FIDAS particulate monitors which the council utilises. This factor has been applied to the relevant data in this report.

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DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

WEST LOTHIAN LOCAL DEVELOPMENT PLAN (LDP): DEVELOPMENT PLAN SCHEME No.16

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to advise Council Executive of the proposed Development Plan Scheme (DPS No. 16) for the West Lothian Local Development Plan (LDP 2).

B. RECOMMENDATION

It is recommended that Council Executive:

1. Approves West Lothian Development Plan Scheme No.16 for publication, deposit and copying to Scottish Ministers (Appendix 1); and
2. Delegates the Head of Planning, Economic Development and Regeneration to make any necessary non-substantive edits to the scheme prior to publication.

C. SUMMARY OF IMPLICATIONS

I Council Values

Caring and compassionate; open, honest and accountable; and collaborate, inclusive and adaptive.

II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)

The Planning (Scotland) Act 2019 requires the council, when preparing the Development Plan Scheme, to seek the views of the public on what the content of the Participation Statement should be and have regard to any views expressed. This edition of the Development Plan Scheme reflects new local development planning regulations and guidance published in 2023.

An Equalities Impact Assessment is not required because the report does not propose a change or revision to existing policies or practices. An environmental assessment is not applicable to this report because it does not directly impact the environment.

III	Implications for Scheme of Delegations to Officers	The Scheme will be updated by the Governance Manager to incorporate the powers referred to in D.2 of the report.
IV	Impact on performance and performance Indicators	The West Lothian LDP provides the policy and development framework to support improving opportunities in West Lothian and sustainable growth. The Development Plan Scheme sets out a programme for replacement of the LDP.
V	Relevance to Single Outcome Agreement	Outcome 3 - Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business. Outcome 6 – We live longer healthier lives and have reduced health inequalities. Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
VI	Resources - (Financial, Staffing and Property)	Preparation of the Development Plan Scheme is part of Planning Services' established work programme and is prepared within existing resources. Much of the development identified as part of LDP 2 will require new supporting infrastructure. Infrastructure is expected to be funded in part by the council through the capital programme but also by the development industry itself. The council's City Region Deal may also have a part to play in assisting with forward funding some improvements.
VII	Consideration at PDSP	Due to time constraints DPS No. 16 has not been reported to the Economy, Community Empowerment and Wealth Building Policy Development and Scrutiny Panel. Panel members have, however, been consulted on the terms of the report.
VIII	Other consultations	Head of Finance and Property Services, Chief Solicitor, Governance Manager have been consulted in the preparation of this report.

D. TERMS OF REPORT

D1 Background

Section 20B of the Planning etc. (Scotland) Act 2006 requires all planning authorities to prepare a Development Plan Scheme (DPS) at least annually or when directed by Scottish Ministers.

The DPS explains what a Development Plan is. It sets out the programme for preparing, reviewing and consulting on the next LDP and it explains how the public at large can get involved in preparing the LDP.

The DPS must be in place by 31 March each year. Once agreed it requires to be publicised and lodged with Scottish Ministers.

LDP 1, prepared in the context of the [Edinburgh and South East Scotland Strategic Development Plan \(SDP\)](#), was adopted by the council on 4 September 2018 and is now more than 5 years old. It continues to provide the spatial land use policy and development framework for West Lothian but there is now a statutory requirement to replace it.

The council's strategy for preparing the next LDP requires to be informed by and be compliant with, the Planning (Scotland) Act 2019 which was enacted in July 2019 and which makes substantive changes to the Town & Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

The most significant relevant changes include:

- removing the requirement to prepare Strategic Development Plans (SDP);
- making the National Planning Framework (NPF4) part of the Development Plan;
- introducing Regional Spatial Strategies (RSS) to provide long term spatial development frameworks at a regional level; and
- introducing the potential for local communities to prepare new Local Place Plans

Following the removal of SDP's, the Planning (Scotland) Act 2019 establishes a duty for a planning authority, or planning authorities acting jointly, to prepare and adopt a Regional Spatial Strategy (RSS) setting out strategic development priorities for their region. While the new duty to produce a RSS will be enacted with the publication of statutory guidance, now anticipated in 2024, the council has in the interim collaborated with the other former SESplan member authorities to prepare a draft RSS and which helped inform the new National Planning Framework 4 (NPF4).

National Planning Framework 4 was adopted on 13 February 2023 and is now part of the statutory development plan alongside the current West Lothian LDP and its associated planning guidance.

To assist with the implementation of the Planning (Scotland) Act 2019, Local Development Planning Guidance setting out the Scottish Ministers' expectations for implementing the system of local development plans - so that they deliver new-style, place-based, people-centred and delivery-focussed plans was published in May 2023.

Another element introduced by the Planning (Scotland) Act 2019 and which requires to be addressed in LDPs is 'Local Place Plans' (LPPs). While LPPs are not part of the development plan they are intended to stimulate and encourage debate in local communities about the future of a place and the planning authority is required to have regard to them in the preparation of LDPs. Guidance on the preparation of LPPs was published by the Scottish Government in January 2022. LPPs are the communities' plans and it is important to be aware that planning authorities do not have the lead role in this process.

D2 Development Plan Scheme No.16

LDP 2 requires to be progressed and adopted under the new regulatory regime introduced by The Planning (Scotland) 2019 Act.

The policy framework to which LDP 2 requires to adhere to is set out in NPF4 (which was adopted in February 2023) and [the Town and Country Planning \(Development Planning\) \(Scotland\) Regulations 2023](#) which were enacted in May of 2023.

The timetable proposed in DPS No.16 (Appendix 1) for progressing LDP 2 reflects our understanding of the various stages and processes that have been identified in regulations and guidance.

Legislation requires that the Evidence Report, the Local Development Plan and the Delivery Programme are dealt with by full council. They cannot be delegated to a committee.

Since there is potential for movement in the proposed timetable those issues will be brought to council through established procedures in Standing Orders for calling special meetings, rather than fixing dates at this stage which may have to be changed.

Amendments to the Scheme of Administration will be progressed by the Governance Manager in due course to show these new statutory reservations to full council. Additional PDSP meetings may be required as well, and those will be arranged using the existing procedures in Standing Orders

Legislation also states that the council's Head of Paid Service (the Chief Executive) has the duty to prepare the proposed delivery programme. The Scheme of Delegations will be updated accordingly to reflect that, as well as the additional authority being delegated to the Head of Planning, Economic Development and Regeneration in connection with the whole LDP process.

Officers in the Development Planning and Environment team are presently gathering data for the Evidence Report (ER) and have drafted a *Participation Statement*.

Preparation of the ER will be a key focus of community engagement and the *Participation Statement* will identify when consultation is likely to take place and with whom. and its likely form, including the steps to be taken to involve the public at large.

DPSs must include a Participation Statement which identifies how and with whom consultation on the plan will take place. It should also explain how the council will involve the public and stakeholders in the preparation of the plan. The Statement will be used when the LDP is submitted to Scottish Ministers for examination to demonstrate how the council has conformed with the Participation Scheme's proposed means of engagement.

The Planning (Scotland) Act 2019 requires the council, when preparing the DPS, to seek the views of the public on what the content of the Participation Statement should be and have regard to any views expressed. In October 2023 the council initiated a series of LDP 2 related online consultations including one which invited views on how people would prefer to be engaged in the process and the content of the Participation Statement.

A summary of that exercise is provided as Appendix 2 and shows that 26 responses were received. There was a preference for communication by e-newsletters, via the council's web site and also by direct email to subscribers of a bespoke LDP 2 contact mailing list. Social media and public notices/advertisements were less favoured. When asked about engagement methods, respondents expressed a preference for web-based surveys, workshops and exhibitions in accessible locations. Traditional 'hard copy' surveys were of least interest.

Appendix 3 tabulates the actual responses to Questions 4,5 & 8 of the participation statement and some of the recurring themes include a desire for the DPS to be more precise about when consultation will take place and for the scheduling of engagement events to be explicitly timetabled. It was also evident that there is an appetite, particularly in the development industry, to become involved in the formative stages of LDP plan preparation.

The Participation Statement in this new DPS has accordingly sought to take these responses into account. The proposed methods of engagement are also based on experience and consistent with the draft guidance on effective community engagement in development planning published by the Scottish Government in 2023.

LDP 2 continues to be programmed to be adopted by the Council in 2026. The LDP regulations state that the DPS is to indicate the anticipated timetable for constitution of the local development plan and must specify when the Council expects to:

- (a) publish its evidence report and its proposed local development plan;
- (b) submit its proposed local development plan to the Scottish Ministers; and
- (c) adopt the proposed local development plan.

The anticipated milestone dates for LDP 2 between now and adoption are shown in the table below. Changes from the timescales identified in Development Plan Scheme No.15 have been precipitated by (a) the DPS regulations and guidance changing to adopt financial year quarters and (b) a necessary review of the LDP 2 project plan precipitated by additional demands of NPF4, particularly consultation requirements allied to Play Sufficiency Statements.

DPS No.15	PLAN PREPARATION STAGE	DPS No.16
Ongoing	Evidence Report & Early engagement	Ongoing
Q1 2024	Council approval of Evidence Report	Q3 2024 (October to December)
Q2 2024	Submission to Scottish Ministers and 'gatecheck' process	Q3 2024
Q3 2024	Preparation of Proposed Plan and 'call for ideas'	Q4 2024 Q3 2025
Q2 2025	Council approval and publication of the Proposed Plan	Q3 2025
Q2 2025	Proposed Plan consultation period	Q3 2025
Q4 2025	Submission of Proposed Plan for examination	Q1 2026
Q4 2025 Q1 2026	Examination	Q1 2026 Q2 2026

E. CONCLUSION

DPS No.16 discharges the council's legislative requirement to publish its DPS at least annually. It includes information on the changes to development planning coming from the Planning (Scotland) Act 2019 and it sets out the council's programme for preparing and reviewing the LDP and indicating what will be involved at each stage. Once the council has agreed and adopted the DPS it will require to be given publicity and sent to Scottish Ministers.

F. BACKGROUND REFERENCES

[West Lothian Local Development Plan \(LDP 1\)](#)

Appendices/Attachments: Three

- (1) West Lothian Local Development Plan Development Plan Scheme No.16 (DPS No.16)
- (2) Participation Survey Responses to Questions 1,2,3,6 & 7
- (3) Schedule of responses received to Participation Statement Survey Questions 4,5 & 8

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Craig McCorriston

Head of Planning, Economic Development & Regeneration

12 March 2024

WEST LoTHIAN

Development Plan Scheme and Participation Statement

DPS No.16 - 2024



West Lothian
Council

Approved by West Lothian Council Executive, 12 March 2024

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During the plan-making process, regular progress updates will appear on the council's [website](#).

What is a Development Plan Scheme (DPS)?

A Development Plan Scheme (DPS) sets out the timetable for preparing and reviewing a Local Development Plan (LDP) and sets out what is likely to be involved at each stage. It also includes a *Participation Statement* outlining when and how consultation on the plan will take place.

As a local planning authority, West Lothian Council is required by planning law to prepare a DPS at least annually. The previous DPS (No.15) was published in March 2022 and is now replaced by this sixteenth edition of the West Lothian Development Plan Scheme.

What is a Development Plan?

Development plans set out how places will change into the future, including the long-term vision for where development should and shouldn't happen. Development plans show where new homes and workplaces will be built, how services and facilities such as schools and travel will be provided, and identify the places and buildings we value and want to protect.

The planning system in Scotland is 'plan-led', meaning that decisions are made in accordance with the 'Development Plan' unless material considerations indicate otherwise.

The Current Development Plan for West Lothian (LDP 1)

The adopted 'development plan' for West Lothian consists of:

- [National Planning Framework 4, \(NPF4\)](#) [Adopted 13th February 2023]
- [West Lothian Local Development Plan 2018](#) (LDP 1) [Adopted 4 September 2018]
- [Supplementary Guidance](#) associated with West Lothian Local Development Plan (2018).

The council has also prepared and adopted a suite of [Planning Guidance](#) associated with the adopted LDP. These do not have the elevated status as being a part of the statutory 'development plan', however they will continue to be material considerations and will be taken into consideration when assessing planning applications.

Following the adoption of NPF4 on 13 February 2023 all Strategic Development Plans (SDPs) and any associated SG ceased to have effect and no longer forms part of the 'development plan'. For West Lothian, this included SDP [\(SESplan\)](#) [Adopted 2013] and its associated [Housing Land Supplementary Guidance](#) [Adopted November 2014].

The Planning (Scotland) Act 2019

The [Planning \(Scotland\) Act 2019](#) set the future structure of the modernised planning system. The Act introduced significant changes to the way LDPs are to be prepared including:

- arrangements for the preparation of ‘new style’ development plans
- proactive master planning
- development management procedures and considerations
- strengthening enforcement
- a focus on improved performance and positive outcomes

The Planning (Scotland) Act 2019 also increased the time period of LDPs from five years to ten years with opportunity for interim reviews on certain matters such as housing.

The process has also been streamlined and front-loaded. ‘New style plans’ are expected to be place-based with a greater emphasis on maps, site briefs and masterplans, with minimal policy wording. It is envisaged that the policies and proposals within the LDP will be focused on places and locations, working within the context provided by NPF4.

The Town and Country Planning (Development Planning) (Scotland) Regulations 2023 and new **Local Development Planning Guidance** came into force in May 2023 and set out the Scottish Ministers' expectations of new style LDPs.

Planning authorities have five years from May 2023 to replace their current Local Development Plan with a new style Local Development Plan. This means the Council must prepare and adopt a new Local Development Plan by no later than May 2028.

National Planning Framework 4 (NPF4)

National Planning Framework 4 (NPF4) sets out the Scottish Ministers’ policies and proposals for the development and use of land. It details their long-term spatial strategy, spatial principles, priority actions and National Developments, looking ahead to 2045. It also provides national planning policy to guide decision making on planning applications.

NPF4 was formally adopted on 13 February 2023.

In advance of the new style LDP’s being in place, **transitional arrangements** have been published by the Chief Planner and the Minister for Public Finance, Planning and Community Wealth to aid decision making. The successful implementation and delivery of NPF4 over its lifetime is of crucial importance. To support this, Scottish Government has published the **NPF4 Delivery Programme**.

Regional Spatial Strategy (RSS)

Regional Spatial Strategies (RSS) provide a long-term spatial development framework at regional level which identify strategic development needs and priorities. While they will not form part of the Development Plan, they must be taken account of when preparing LDPs.

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West Lothian Council has worked collaboratively with SESplan/City Deal partner authorities to prepare an [interim RSS](#) for South East Scotland and this was submitted to Scottish Government at the end of 2021 to help inform what was at that time the emerging NPF4.

There is currently no agreed timescale for a formal version and the relevant section of the Planning (Scotland) Act 2019 has not yet been brought into effect.

Local Place Plans (LPPs)

One of the key innovations introduced by the 2019 Planning Act has been to give community bodies a new way to feed into the planning system through the preparation of *Local Place Plans*. Whilst LPPs do not form part of the Development Plan they must be taken into account by the council when preparing a LDP.

Local Place Plans are a new type of plan which give people an opportunity to develop proposals for the development and use of land in the place where they live. Local Place Plans are to be community-led and prepared through inclusive and robust community engagement. They will quite intentionally not be council authored documents and the role of the council is not to administer their preparation and production.

There is potential for any 'community body' to prepare and submit a Local Place Plan to West Lothian Council. This includes, but is not limited to, established community councils. The Community Empowerment (Scotland) Act 2015 sets out the legal definition of a [community-controlled body](#).

Guidance on preparing a Local Place Plan is available on the council's [website](#). Scottish Government guidance to communities and planning authorities on the preparation, submission and registration of Local Place Plans is contained in [Circular 1/2022: Local Place Plan](#).

The Council formally issued an invitation to local communities to prepare a Local Place Plan following the adoption of new local development plan regulations and guidance in May 2023. Community councils were asked to let us know if they were intending to prepare a LPP for their particular area and we are appreciative of having received a number of responses. This information helps us anticipate and be better prepared to manage the processing of such submissions.

An online register of validated Local Place Plans in West Lothian has subsequently been established so that you can readily see if there is a Local Place Plan in your area.

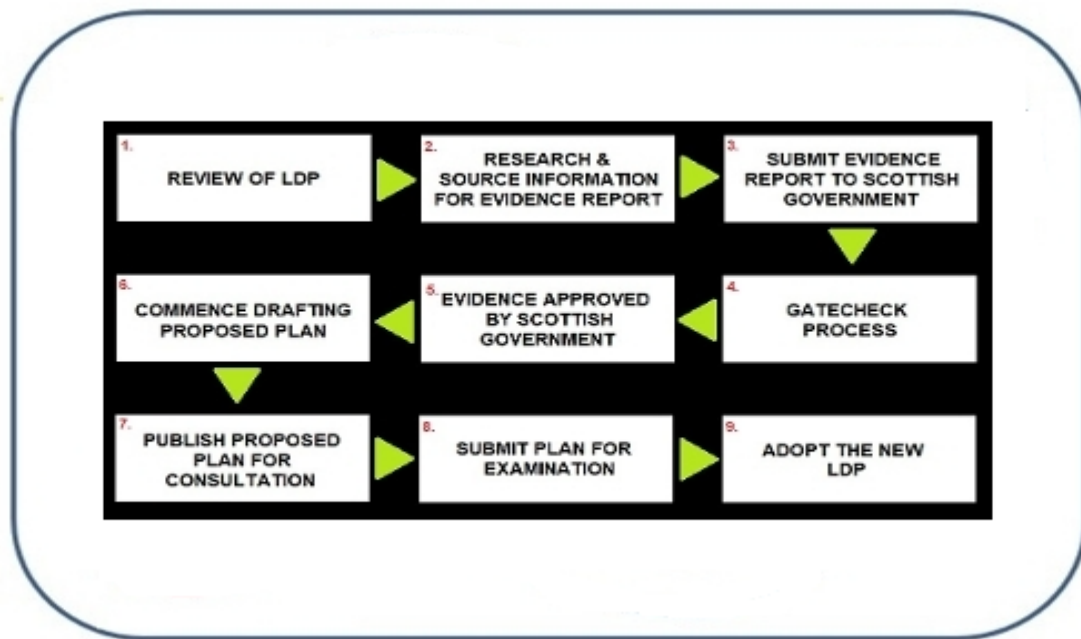
Once completed and then registered by the council, Local Place Plans are to be taken into account in the preparation of the new Local Development Plan.

If you have any questions about Local Place Plans, please contact us at DPgeneral@westlothian.gov.uk

The new Local Development Plan process

The council is preparing a new Local Development Plan (LDP 2) to replace the current LDP, adopted in 2018. This 'new style' plan will address a wide range of policy issues and guide future development within West Lothian for a ten-year period starting from when it is adopted.

Preparation of the next Local Development Plan for West Lothian will follow the process set out within the Planning (Scotland) Act 2019.



The Evidence Report (ER)

The first main stage in producing the next West Lothian Local Development Plan (LDP 2) is preparation of an Evidence Report. The ER aims to clearly inform *what* to plan for before the Proposed Plan looks at *where* development should take place. The ER will provide the baseline data to ensure LDP 2 is based on sound evidence to inform a deliverable, place-based and people-focused LDP.

The baseline information will include the Council's views on a number of key elements including the characteristics of the land use and population of the plan area as well as housing, education, health and infrastructure matters, amongst others. It will also include an assessment of the sufficiency of play opportunities for children.

Preparation of the ER will also be a key focus of stakeholder and community engagement with the aim of establishing what data is available and its sufficiency in enabling us to prepare our proposed plan.

There are particular legislative requirements to seek the views of key agencies (e.g. SEPA, NatureScot), children and young people, disabled people, Gypsies and Travellers, Community Councils and 'the public at large' in the preparation of the ER. This is to enable it to include proportionate information about the lived experience of those who live and work here and what the needs and aspirations are for places in West Lothian over the next 10-20 years.

Where there is disagreement on the sufficiency of the baseline evidence, then the Evidence Report process allows for communities or stakeholders to submit a 'dispute' to the council. We hope that engagement will allow us to discuss and resolve any disputes that arise before we submit our Evidence Report to Scottish Ministers for the Gate Check process.

The council has prepared a *Participation Statement* which outlines when consultation is likely to take place, with whom and its likely form, including the steps to be taken to involve the public at large. To inform the Participation Statement the council has sought the views of the public on what the content of the Participation Statement should be, and will have regard to those views expressed.

The Evidence Report requires to be agreed by the council prior to submission to Scottish Ministers for the Gate Check.

Gate Check

The assessment of the Evidence Report, known as the Gate Check, provides an independent evaluation of whether the planning authority has sufficient information to prepare an LDP and whether key matters have been considered and engagement and all consultation requirements have been met.

The Gate Check will be carried out by a person appointed by Scottish Ministers, usually a Reporter from the Directorate for Planning and Environmental Appeals (DPEA).

Should the Reporter decide there is sufficient information, the planning authority may then move to prepare and publish their Proposed Plan. However, if it is concluded that there is not, the planning authority will be required to address any deficiencies or 'disputes' before progressing the plan further.

It is intended that the Gate Check process should reduce the level of debate arising at a subsequent Examination at the end of the plan preparation period, and generally make for a better evidence-led plan.

The Gate Check and Examination have an important relationship but these are two distinct processes with different purposes. Evidence found to be sufficient is not expected to be revisited at the Examination stage. The Examination is instead intended to focus on unresolved issues raised in relation to the Proposed Plan.

The Gate Check is an independent process and the council as planning authority is therefore not in control of timings. While it is anticipated that the Gate Check will take approximately 3 months to complete it is important to be aware that it could take longer depending on the number of issues that are disputed.

Proposed Plan

The Proposed Plan will identify where new development should take place and where it should not. It can articulate the ambitions and priorities for the future development of the plan area. It should coordinate development and service provision and an 'Infrastructure First' approach should inform its preparation and support its delivery.

New style plans are expected to be place-based. There should be greater emphasis on maps, site briefs and masterplans, and because NPF4 now provides most of the general policies for development management purposes the policy content is anticipated be limited and of a bespoke localised nature.

As part of the preparation of the proposed plan, the council may undertake a 'Call for ideas'. This would be open to anyone to suggest ideas for any aspect of the new LDP, including specific proposals for allocating land for development.

Once the plan is published, there will be a 12-week consultation period to allow representations from everyone including all stakeholders and interested parties on the Proposed Plan to be submitted to the Council.

Following the close of the period for representations on the Proposed Plan, the council may make modifications to the plan to take account of representations, consultation responses or correct minor drafting and technical matters. A Modification Report will set out any modifications made and explain the reasons for making them and for not making changes where matters have been raised in significant numbers.

The Proposed Plan will then be republished and submitted to Scottish Ministers, who will examine any unresolved representations via a formal Examination.

Examination

The examination process is carried out by a person appointed by Scottish Ministers, (a Reporter from the Scottish Government's Planning and Appeals Division, DPEA). It provides the opportunity for independent consideration of any issues raised during the formal consultation on the Proposed Plan that have not been resolved through modifications.

The Reporter will also consider if the consultation and involvement of the public in the preparation of the plan meets or exceeds the requirements of the Participation Statement.

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The scope of the examination is limited only to issues raised in unresolved representations. These issues will be set out in the summary of issues prepared by the planning authority and it is the Reporter who will determine the form the Examination will take. Only where the Reporter feels they do not have all the information they need to make a proper assessment of an issue will they request further information from any person.

If, having completed the examination, the Reporter is, for example, not satisfied that the Proposed Plan allocates sufficient land to meet the Local Housing Land Requirement (LHLR), instead of preparing an examination report, they may issue a notice that requires the planning authority to prepare another Proposed Plan.

The notice must include a statement that the Proposed Plan is unsatisfactory, perhaps because it fails to address identified housing needs, but it must in any event explain the appointed person's reasons for coming to that conclusion.

If the Reporter is however satisfied that the Proposed Plan allocates sufficient land to meet the LHLR, then the Reporter will publish an Examination Report containing their conclusions and recommendations for each of the unresolved issues identified at the start of the Examination process.

Upon receipt of the Examination Report the council must accept the Reporter's recommendations, (except in some very limited circumstances) and it will modify the Proposed Plan as directed.

Adoption and Delivery

Once the examination is complete and any changes have been incorporated the council will proceed to adopt the Local Development Plan, which alongside NPF4 will be the basis against which to make decisions on planning applications. This is when it becomes a formal part of the development plan and the current Local Development Plan (LDP 1) will be revoked.

The focus of the new LDP should be on delivery. As such, the planning authority is required to produce a Delivery Programme which is detailed and practical and leads to development on the ground. The Delivery Programme will be published alongside the Evidence Report and the Proposed Plan. The council, as planning authority, must monitor the implementation of the delivery programme to determine whether commitments in the LDP are being met.

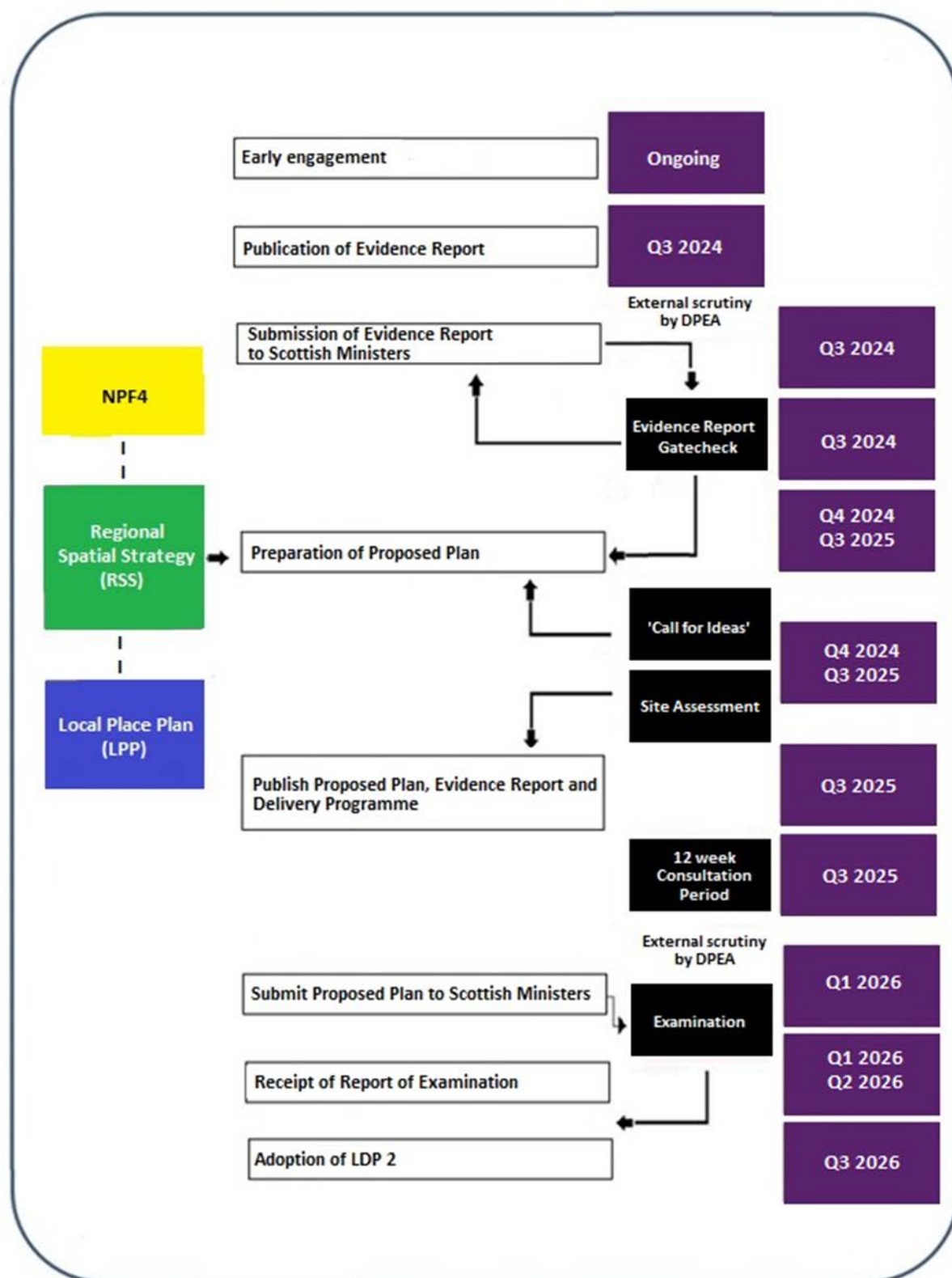


Plan Preparation Stage	Expected Date (DPS No.16)	Change from DPS No.15
Evidence Report and Early engagement	Ongoing	
Council approval of Evidence Report	Q3 2024 (October to December)	Previously Q1* 2024
Submission to Scottish Ministers and 'gate check process'	Q3 2024 (October to December)	Previously Q2* 2024
Preparation of Proposed Plan and 'call for ideas'	Q4 2024 to Q3 2025 (October to December 2025)	Previously Q3* 2024
Council approval and publication of the Proposed Plan	Q3 2025 (October to December)	Previously Q2* 2025
Proposed Plan consultation period	Q3 2025 (October to December)	Previously Q2* 2025
Submission of Proposed Plan for examination	Q1 2026 (April to June)	Previously Q4* 2025
Examination	Q1 2026 (April to June) to Q2 2026 (July to September)	Previously Q4* to Q1* 2026
Adoption of LDP 2	Q3 2026 (October to (December 2026)	Previously Q2* 2026

* New regulations and guidance specify the date convention to be used is fiscal year quarters. Q1 = April to June, Q2 = July to September, Q3 = October to December and Q4 = January to March. Previously the DPS has used calendar year quarters.

The changes since DPS No.15 (2023) reflect a reassessment of the original timeline and the implications of the Town and Country Planning (Development Planning) (Scotland) Regulations 2023 and guidance published in 2023.

Indicative diagram indicating the Local Development Plan Preparation Process with timetable



Participation Statement

The Participation Statement sets out the Council's commitment to encourage everyone with an interest in West Lothian to become involved in the preparation of the new Local Development Plan.

West Lothian's LDP 2 will influence where people live, work, shop, play and travel in West Lothian and local people and organisations have unique knowledge and insight which can help the council better understand key issues and enable it to create a much better plan.

Engagement objectives

Across informal and formal consultation phases, the council will attempt to:

- Identify and feedback on the key issues facing West Lothian, the main challenges that need to be addressed and the areas of consensus and conflict;
- Establish what realistic and achievable planning related actions would make the most effective difference to tackling these issues;
- Reach a more diverse cross-section of stakeholders and deploy a variety of consultation methods that help it reach audiences that have not typically felt engaged;
- Define a bespoke planning policy for West Lothian over the time frame of the next Local Development Plan.

The council is continually exploring different options for consultation and welcomes any comments or suggestions that you may have to make this the process as inclusive as possible. Please send them to wlldp@westlothian.gov.uk

Audiences

A number of distinct audiences have been identified as being critical to the success of the Local Development Plan consultation process. These audiences encompass those specifically set out in Scottish Government's Local Development Plan regulations, including disabled people, children and young people and community councils.



Key Principles

- The council will publish an updated Development Plan Scheme (DPS) at least once every year, setting out how and when people can get involved in the preparation process.
- The council will consult on the Participation Statement to gather a range of views on how to engage in development plan preparation.
- We have invited all community councils and community bodies to prepare Local Place Plans.
- The Planning (Scotland) Act 2019 puts particular emphasis on empowering and engaging with local communities in the preparation of local development plans, and the council is committed to adhering to these principles.
- The council will seek to ensure people and communities are aware of the Local Development Plan process and of the opportunities to comment at key stages in its production.
- The council will make use of a range of platforms including its website, social media platforms, press adverts and articles to achieve this. It will also employ its extensive community planning network and will work with community councils to share and distribute information.

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- The council will seek to ensure that participation in the plan-making process is inclusive and open to everyone.
- The council will engage with communities and stakeholders and initiate a programme of consultation events when it is meaningful to do so to.
- The council is mindful of its responsibilities to be as inclusive and will make a particular effort to reach out to previously 'hard to reach' groups and overcome barriers to their participation.
- The council wishes to ensure that anyone taking the time and making the effort to actively engage in the process can do so in the knowledge that their contribution matters and can make a difference.
- This will include an explanation of **why** the council is consulting, **how** it will be consulting and **what** will happen with the responses that it hopes to receive.
- The council will make every effort to produce clear, concise and accessible documents that are written in non-technical everyday language which people can readily understand.
- While it is anticipated that an increasing amount of engagement and exchange of information is likely to take place via the internet, it is recognised that not everyone has access to an online facility or broadband and that some people may choose not to use them. We will therefore seek to adopt and offer alternative consultation and engagement methods wherever possible.
- Above all, the council is committed to actively engaging and involving all communities and all stakeholders in the preparation of the second West Lothian Local Development Plan.

Engaging with the preparation of the new LDP

There will be a number of opportunities to become involved in the preparation of LDP 2 and these will be clearly advertised through social media, updates on our websites and in local newspapers and notified to everyone who has subscribed to the LDP 2 Newsletter or registered to be included on our contact mailing list.

There are three distinct stages of the LDP process where participation can perhaps most directly influence the new plan. These are:

- through early engagement in the preparation of the Evidence Report,
- the 'Call for Ideas' at the beginning of the Proposed Plan stage; and,
- following the publication of the Proposed Plan.

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We are currently at the early engagement stage of preparing the Evidence Report. To date we have:

- Initiated early engagement online with communities in West Lothian through a range of surveys 'How good is your place?'
- Carried out a public engagement exercise 'We need to talk about LDP2' with 10 drop-in sessions across West Lothian.
- Initiated engagement with key stakeholders such as the Key Agencies.
- Begun 'place-based' collaborative work with other WLC services to identify and collate evidence relating to climate change, flooding, biodiversity, the natural environment, forestry and woodlands, transport, affordable housing need, open space and play sufficiency.

As part of the preparation of the Evidence Report we also intend to carry out direct engagement with:

- Community councils and other community organisations alongside wider public engagement,
- Disabled people, children and young people; and the gypsy traveler community and other under-represented groups, and,
- Relevant stakeholders on key evidence report themes.

A schedule of engagement opportunities is set out in the table below:

If you have any questions specifically relating to this Development Plan Scheme or to the preparation of LDP 2 generally please;

- visit the Local Development Plan website at:
<https://www.westlothian.gov.uk/developmentplans>
- email us at:
wlldp@westlothian.gov.uk
- phone us on:
[01506 280000](tel:01506280000)
- write to us at:
[Development Planning & Environment, Civic Centre, Howden South Road, Livingston, West Lothian, EH54 6FF](#)

Schedule of engagement events prior to submission of Evidence Report

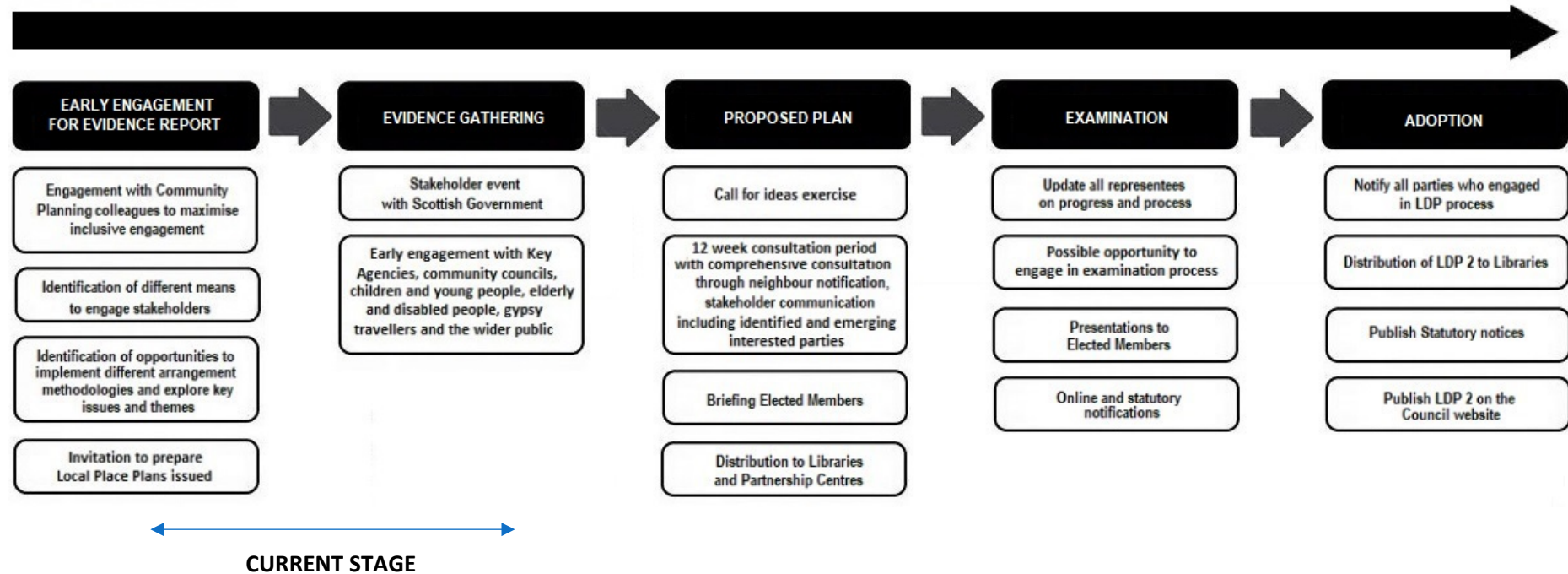
Event	Dates	Format
Community Councils and wider public engagement including key groups	April – May 2024	In person and online events to reach a wide range of stakeholders. Evidence gathering survey
Key Agencies and other statutory stakeholders	April 2024	Workshop Evidence gathering survey
Placed based LDPs and Local Living	April 2024	Series of workshops
Housing Development and Site Selection Criteria	May 2024	Workshop / event Evidence gathering survey
Housing Need and Demand	May 2024	Workshop Evidence gathering survey
Climate Change and Biodiversity	May 2024	Workshop
Energy and Renewables	May 2024	Online session
Commercial Needs and Business Land	May 2024	Online session
Transport and Connectivity	May 2024	Online session
Play Sufficiency	May/June 2024	Consultation
Forestry and Woodland Strategy	Late 2024	Consultation

West Lothian Local Development Plan 2 PARTICIPATION STRATEGY

Dedicated email address for contacting the LDP 2 Team
wldp@westlothian.gov.uk

Dedicated postal address for contacting the LDP 2 Team
WLC Development Planning and Environment Team
Civic Centre, Howden South Road, Livingston, EH54 6FF

Regularly post progress updates online





Development Planning & Environment (DP&E)
Approved 12 March 2024

APPENDIX 2

SUMMARY OF RESPONSES RECEIVED TO PARTICIPATION STATEMENT SURVEY QUESTIONS 1, 2, 3, 6 & 7

West Lothian Local Development Plan (LDP 2) Participation Statement Survey

26

Responses

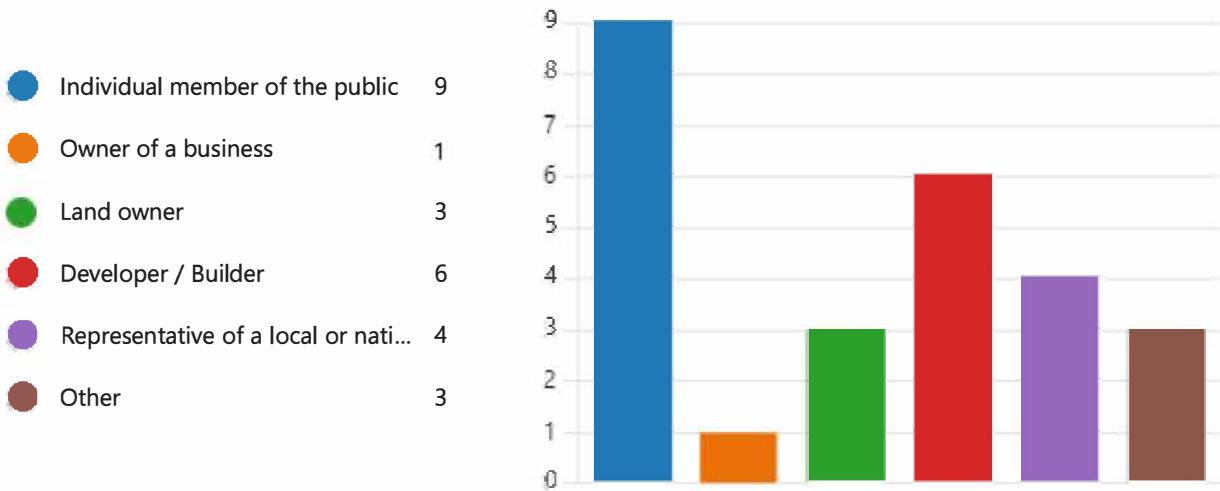
365:26

Average time to complete

Closed

Status

1. Which of the following descriptions serves to best describes who you are?



2. If you are responding to this survey on behalf of an organisation please provide its name

26

Responses

Latest Responses

"Taylor Wimpey East Scotland "

"BDW Trading"

"Robertson Residential Group Ltd (RRG)/ Robertson Homes Ltd"

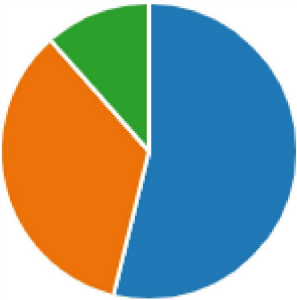
 Update

4 respondents (17%) answered **Ltd** for this question.

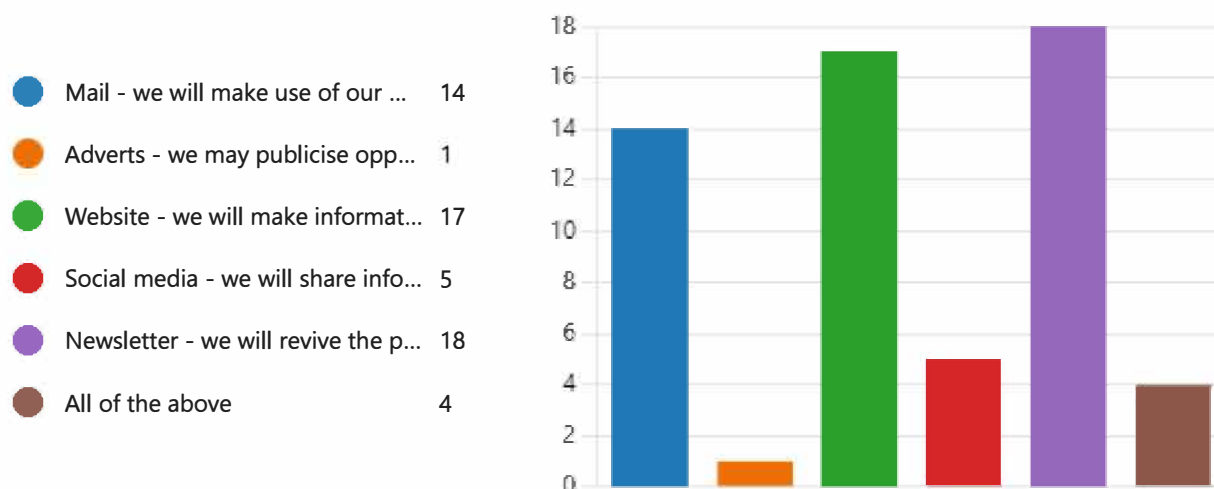


3. Did you, or the organisation you represent engage with the council on the previous LDP 1?

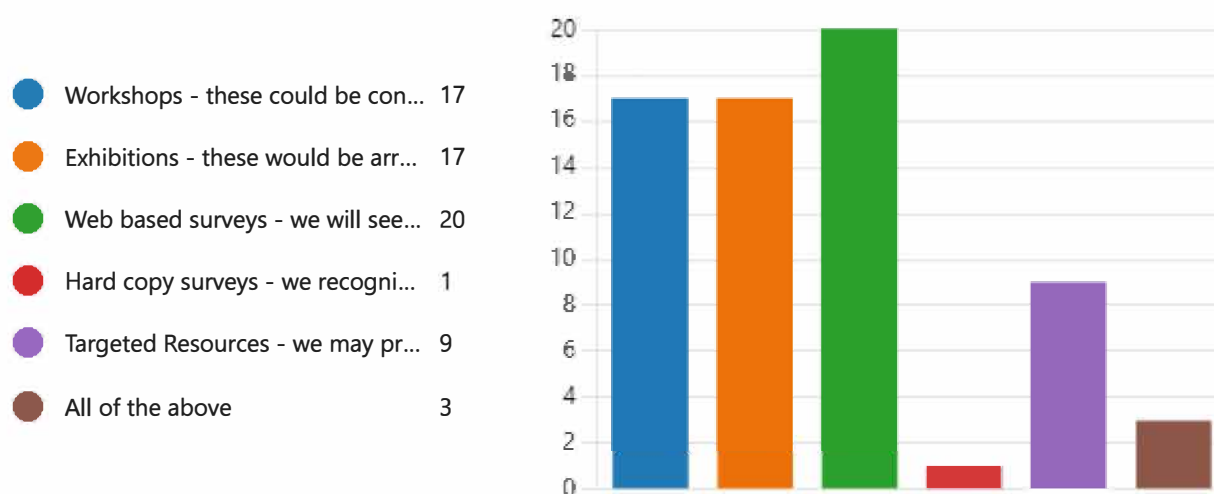
	Yes	14
	No	9
	Don't know	3



6. We intend to use a wide range of **publicity methods** to raise awareness and encourage participation in the preparation of LDP 2 but which of the following methods are likely to work best for you or your organisation?



7. We intend to use a wide range of **engagement methods** to raise awareness and encourage participation in the preparation of LDP 2 but which of the following methods are likely to work best for you or your organisation?



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APPENDIX 3

SCHEDULE OF RESPONSES RECEIVED TO PARTICIPATION STATEMENT SURVEY QUESTION 4

Q4. What barriers do you or your organisation think you might encounter when trying to engage and get involved with the preparation of LDP 2 and is there any one thing in particular that would discourage you the most?

REF	RESPONDENT	COMMENTS RECEIVED
001	Springfield Properties Ltd	Feedback following engagement with officers would eliminate issues such as a perception that the engagement was only one way.
002	Anonymous	Communication. I don't like the use of Council Jargon and terms.
003	Murieston Community Council	As long as updates are in a timely manner there should be no issue.
004	Anonymous	Online consultation is always important, (as well as 'in person') as '24 hour access to consultation materials will encourage more people to participate.
005	Anonymous	None that I'm aware of.
006	Anonymous	--
007	Anonymous	None
008	Shin-Etsu-Handotai Europe Ltd	Over complexity of reporting the progress and outcomes.
009	Anonymous	Lack of confidentiality and the non-ability to make an appointment/site visit with a planning officer without having to pay in advance for the meeting to take place. It is an undemocratic way to conduct business. The planning department should be available free of charge to give advice and guidance.
010	Anonymous	Failure of the Council to interact in depth, and over-simplistic averaging of views.
011	Scottish Enterprise	None

012	Anonymous	The barriers are obvious. They include the Councillors, the Council Planning Department, the DPEA, the Land Developers, the Construction industry and Government. Between them, they control everything that goes on in the County. They all have their own agenda and appear to work very well together helping each other achieve their objectives. The residents really don't have much of a say. Yes, they can be given a legal platform like the LDP2 consultation to submit their opinions, but seriously, who's listening? Naturally, as an individual, I feel that my opinions will have very little influence on the ultimate outcome of the final LDP2. Past experience shows that the DPEA always has the final say. For example I and hundreds of others were opposed to the Wellhead Farm housing development on Murieston Road. The elected council also opposed it, but the Planning Department failed miserably to defend the Council's planning decision when the developer appealed to the DPEA. I personally warned Councillors and the Planning Department that would happen because their method of calculating the five-year housing land requirement had been rejected by the DPEA during earlier appeals. But no one was listening. Thus, it came as no surprise when the developers won their appeal. I wonder to this day why the Planning Department were so determined to follow a known losing strategy, and also managed to convince the Ombudsman that it was the correct decision, when it clearly failed to persuade the DPEA reporter (surprise, surprise!). It was a winning strategy advertised well in advance by the developer and identified by the DPEA as their main reason for siding with the developers.
013	Anonymous	The inadequacies of the response form itself. I prefer to prepare my responses on Word, then copy and paste onto your form. It does not work for some reason. Try it yourself please.
014	Hallam Land Management	No
015	Miller Homes	--
016	Springfield Properties	We consider the need for face to face engagement as being necessary.
017	Anonymous	Elected members pushing things through without proper consultation with the people plans effect. If plans have major implications on people and place the should be directly informed.
018	Anonymous	--
019	Anonymous	The plans on display are not clear on what has and has not been developed already.
020	Anonymous	Barriers: Not being aware that I can participate or the times at which I must participate (deadlines). Main discouraging factor: Lack of awareness that the planning is happening and that I can participate.

021	Homes for Scotland	<p>As detailed in our response to Question 5, Homes for Scotland (HFS) is keen to build on the positive engagement we have had with West Lothian Council.</p> <p>It is positive that the Evidence Report Preparation stage of the Development Plan Scheme (DPS) sets out that the Council will seek views on the gathered evidence from key agencies and stakeholders. HFS is ideally placed to represent the home building industry as a key stakeholder and would ask that we be engaged in both contributing information to the Evidence Report, and the review of this evidence base. HFS have been included by other local authorities as a named stakeholder for Local Development Plan (LDP) engagement.</p> <p>The socio-economic benefits of home building cannot be understated. Our members contribute millions of pounds annually to infrastructure investment across the district and their role as a principal funder of future investments must be fully recognised, as should their role in the journey towards net zero through the delivery of increasingly energy efficient homes as well as local living neighbourhoods.</p>
022	Lauriston Planning	Would be interested on how the LDP would deal with non-strategic (commercial & leisure) sites e.g. 'ad-hoc' sites that become available for redevelopment during the LDP Process or 10 year life span of the adopted LDP.
023	Tiss Holdings	Timely dissemination of LDP 2 information that might help or affect the land holding and its most effective potential future usage for the community
024	Roberston Residential Group	Inclusion in consultative processes for LDP review. RRG would wish to be considered as a key stakeholder for the purposes of the next LDP review and to be invited to engage in all consultative processes in the review.
025	BDW Trading	--
026	Taylor Wimpey East Scotland	We would welcome greater clarity on when there will be opportunities to engage and what topics the engagement will cover. There is a lack of clarity in the Participation Statement on when engagement will be undertaken as part of the Evidence Report. We consider that it is essential that the Evidence Report is consulted upon before it is submitted for the Gate Check.

SCHEDULE OF RESPONSES RECEIVED TO PARTICIPATION STATEMENT SURVEY QUESTION 5

Q5. Do you have any suggestions or recommendations about what West Lothian Council could do to help you overcome these barriers?

REF	RESPONDENT	COMMENTS RECEIVED
001	Springfield Properties Ltd	Regular meetings with the housebuilding industry throughout the process.
002	Anonymous	Keep the wording simple and avoid the use of council speak.
003	Murieston Community Council	See answer to Q4 above.
004	Anonymous	See answer to Q4 above.
005	Anonymous	None
006	Anonymous	--
007	Anonymous	No
008	Shin-Etsu-Handotai Europe Ltd	Make a clear concise summary at each stage
009	Anonymous	Yes, take away the upfront fees for meetings. Also, ensure that a Planning Officer is available to meet with landowners/interested parties within a 2 week period or other specified period of time.
010	Anonymous	Interact rather than just ask
011	Scottish Enterprise	None
012	Anonymous	The Council, both elected members and employees, must change their attitude and accept once and for all that they are not there to rule us and dictate everything. They are there to represent the residents and business owners in West Lothian and must stop pandering to the developers whose main objective is to make money using the assets, particularly the land assets, of the County. Whilst I understand the need for the Planning Department to maintain good relationships with developers and the building industry, their opinions must never be accepted in preference to those of the residents whom they represent. By failing to do so, the Council clearly give the impression that we residents and business owners have no opinions that are relevant for the most important decisions that are to be made for the County. I would think that of the "barriers" I list above, when it comes to planning, all of them perceive the residents of the County as obstructive trouble makers who, because of their bias and/or ignorance of planning law, continually create problems for them. Because of that attitude, the residents opinions are mostly ignored.
013	Anonymous	Address the issue I mention in Q4 above.
014	Hallam Land Management	--
015	Miller Homes	--
016	Springfield Properties	Arrange in person engagement with developers.
017	Anonymous	Direct mail the resident some of these plans have a direct impact on.

018	Anonymous	Very good
019	Anonymous	Provide up to date information.
020	Anonymous	Leaflets through doors at times when participation is required, with links to information and, critically, deadlines by which participation must be completed.
021	Homes for Scotland	<p>HFS is keen to build on the positive engagement we've recently had with West Lothian Council through the housing land audit process. This should take the form of, ideally, in-person meetings between HFS and its members and the ability for two-way communication between us and the council in the form of phone calls and emails as appropriate.</p> <p>Establishing a deliverable housing land pipeline as part of the proposed plan is critical to ensure that West Lothian's next Local Development Plan is able to deliver the range and quantum of new homes required. HFS is keen to build on the positive engagement work being undertaken as part of the annual housing land audit process to assist the council in allocating, and de-allocating where appropriate, future housing sites.</p> <p>More detail is required regarding how the engagement of key stakeholders will take place. In reference to the evidence-gathering stage, Local Planning Authorities (LPAs) are expected to undertake early and proactive engagement with stakeholders, including key agencies, to ensure collaboration and evidence-gathering. It would be beneficial for all parties if HFS and the wider home-building industry were involved at the earliest possible stage.</p> <p>During the Evidence Report stage, we would like to see more information on how the engagement of key stakeholders will take place, and who the Council considers would have a key role in the meeting of the legislative requirements of the Evidence Report. We would also like to see a reference to what other local authorities have termed "expert groups". These will be stakeholders with key expert knowledge in an industry. HFS can act as this stakeholder for the home building industry.</p>
022	Lauriston Planning	Policy should be flexible to consider new, non-strategic, sites.
023	Tiss Holdings	Where possible, the future updates on LDP 2 especially its draft Maps showing the Maps and respective planned/proposed usages.
024	Roberston Residential Group	Include RRG as a key stakeholder
025	BDW Trading	--
026	Taylor Wimpey East Scotland	Producing a clear programme of engagement opportunities specifying their timing and what they will cover.

SCHEDULE OF RESPONSES RECEIVED TO PARTICIPATION STATEMENT SURVEY QUESTION 8

Q8. The council recently published a draft Participation Statement as part of the Development Planning Scheme No.15. This can be accessed at <https://www.westlothian.gov.uk/article/33809/Local-Development-Plan-Scheme-DPS>. If there are any specific comments you wish to make about this document please provide them below.

REF	RESPONDENT	COMMENTS RECEIVED
001	Springfield Properties Ltd	None
002	Anonymous	I don't see any mention of the 2018 plan. Would that not be a good starting point? See how it functions and where it needs to be readdressed.
003	Murieston Community Council	None
004	Anonymous	Consider it important that changes brought about by the 2019 Planning Act are explained fully.
005	Anonymous	None
006	Anonymous	--
007	Anonymous	No
008	Shin-Etsu-Handotai Europe Ltd	No
009	Anonymous	--
010	Anonymous	I would like to see more specifics on how the Council will take into account Local Place Plans. Linlithgow has had one for some years, and the Council have ignored it.
011	Scottish Enterprise	Please add me to your mailing/contact list as I will be representing Scottish Enterprise in respect to all LDPs in our area. Thanks. [REDACTED] Peter Noad, Project Manager (Innovation and Place)
012	Anonymous	It's never too late - for you. Unfortunately, it is for me. I'm in my mid-eighties, and unlikely to be around when the new plan is implemented. Sorry, but my many years on this planet has unfortunately made me a cynic, but I can't think of many organisations more deserving of my cynicism than government, central, devolved and local, and the gobbledygook they publish.
013	Anonymous	No response
014	Hallam Land Management	Draft Participation Scheme is good and we are encouraged by your commitment to consult everyone. We look forward to participating in the preparation of the forthcoming PLDP.

015	Miller Homes	Beyond the "How good it your place" surveys, engagement with the development industry and their representative body would be welcomed during preparation of the Evidence Report to gauge the level of agreement around the evidence base and whether further evidence should be provided or developed as per Local Development Planning Guidance 2023. Particularly in relation to the evidence informing the amount of housing to be provided for (indicative LHRL) from the adoption of LDP2. The call for ideas is welcomed and should be progressed to ensure that the Council is fully informed about the availability of land in the Council area for a potential change of use.
016	Springfield Properties	We consider that the Council should commit to undertake a 'Call for ideas and sites'. This would be open to anyone to propose ideas for any aspect of the new LDP.
017	Anonymous	None
018	Anonymous	Good
019	Anonymous	None
020	Anonymous	None
021	Homes for Scotland	<p>National Planning Framework 4 (NPF4) requires LPAs to undertake a green belt review and we would expect a full review of land currently identified as countryside to be assessed against countryside objectives at the Evidence Report stage. Land not meeting countryside objectives should be considered for release.</p> <p>Establishing a coherent Site Assessment Methodology will require significant engagement with HFS and our members. Given the restricted capacity for non-allocated sites to come forward in the post-NPF4 landscape, it is vital that every site that is allocated is delivered within the plan period. Failing to ensure a robust assessment methodology to measure these prospective sites against will inevitably weaken the Plan's capacity to deliver the number and range of new homes required.</p> <p>To adapt the Housing Need and Demand Assessment (HNDA) figure into a Local Housing Land Requirement (LHRL) figure will also require significant engagement with HFS and our membership. There must be open and transparent dialogue on setting the LHRL including which other factors should be considered in order that the LHRL exceeds the Minimum All-Tenure Housing Land Requirement (MATHLR) as required by NPF4.</p>

		<p>The current HNDA process and toolkit are fundamentally flawed and significantly underestimate the true need and demand for housing. This is primarily due to it taking a very limited view of what constitutes existing need and demand. Household projections are used to predict future demand; however, these are overly influenced by negative trends associated with the period following the global financial crisis. A robust approach to the HNDA process must include undertaking primary research to identify actual household groups in need (e.g., families in over-crowded homes, young people still living with parents, and older people in homes that are unfit for their changing needs) and in-depth analysis of the existing housing stock in terms of its energy efficiency and quality. It should also undertake research on affordability pressures, ambitions for demographic change, and economic growth. The HNDA process as a base tool for determining minimum housing numbers needs to be more robust, transparent, and tested, with a strong evidence base for housing needs being part of the Evidence Report stage. We support any primary research that an LPA may wish to undertake and would expect the LPA to give significant weight to any external primary research that is carried out.</p> <p>The recently published LDP Guidance gives external stakeholders, such as the home building sector, the opportunity to collate and submit our own evidence as part of the Evidence Report process. As a sector we are considering how we can undertake and/or enhance household data work that may be lacking through existing formal HNDA processes in order to represent housing need more accurately and as a result, likely increase the overall housing numbers via a robust evidence base.</p> <p>This could include undertaking independent supplementary household data collection, which we would then require to be included within the evidence gathering process. The industry is also keen to work with LPAs on agreeing this work and methodology, through HFS.</p> <p>With regards to the LHLR, it is vital to note that this should start from the date of LDP adoption; completions prior to then cannot contribute to the LHLR.</p> <p>With the Early Engagement Preparation Stage of the DPS and the Council's approval of the evidence report and submission to the Scottish Ministers anticipated date being 2024 is ambitious. It is key that between these two stages and before the submission to the Scottish Ministers that HFS is consulted. HFS cautiously encourage the Council's timetable to progress the LDP – subject to appropriate engagement and evidence gathering taking place. We also welcome the intention to adopt in Q2 2026; well in advance of the May 2028 target.</p>
--	--	--

022	Lauriston Planning	Very Informative.
023	Tiss Holdings	Not yet. Thank you
024	Roberston Residential Group	<p>As a housebuilder with land interests in the LDP2 area key to the plan's preparation will be the sites assessment methodology implemented by the Council. RRG would wish to be specifically engaged in this process and with Homes for Scotland would wish to assist the Council in ensuring the metrics to be used are transparent, accountable and have a key focus on site deliverability.</p> <p>RRG also considers that a Call for Ideas stage in the Plan's preparation should be undertaken as early as possible and welcomes Moray Council's approach of introducing this part of the process from the outset of its next LDP's preparation. We hope this can be replicated in West Lothian so that investment opportunities are fully understood by the Council prior to the Plan's strategic direction emerging through the Evidence Gathering/ reporting processes.</p>
025	BDW Trading	<p>BDW welcomes engagement on the preparation of the Local Development Plan, both directly and through our industry representative Homes for Scotland. We refer to Homes for Scotland's submission to this consultation, which we support.</p> <p>It is important that evidence on housing need is taken into account at an early stage of considering the housing requirements to be included in LDP2. A robust evidence base will help to more accurately represent housing need and this should include consideration of additional evidence on housing need, such as the primary data collection which is being collated by Homes for Scotland.</p> <p>Whilst NPF4 sets out the minimum requirements in the 'MATHLR' the Council must consider whether a higher figure is required in order to meet true need and also the number of allocations required to ensure delivery of this requirement including the need for affordable homes.</p> <p>We would support a consultation on the draft Evidence Report and look forward to having the opportunity to engage at this stage as well as at the draft Proposed Plan stage. We also welcome the opportunity to submit detailed site-specific information to a 'Call for Sites' exercise as part of the proposed 'Call for Ideas' held prior to preparation of the Proposed Plan.</p>

		<p>We would also welcome engagement on the preparation of any site assessment methodology. This would support the authority in their assessment of prospective development allocations particularly by providing information on deliverability as required to be demonstrated by the new Development Planning Guidance.</p> <p>Following adoption of the plan, we believe an annual assessment of the delivery of the plan would be appropriate. This would include an assessment of whether the proposed program of housing delivery is being met and whether the pipeline should be adjusted to address any change.</p>
026	Taylor Wimpey East Scotland	<p>There are elements in the Participation Statement and Development Planning Scheme which we support. However, overall, there is a lack of clarity. We would welcome a clearer indication on when consultations will occur and what they will cover, particularly at the Evidence Report stage.</p> <p>We agree with the following statements emphasis on the importance of meaningful consultation. “The council will encourage everyone with an interest in West Lothian to become involved in the preparation of the new Local Development Plan. Meaningful consultation and engagement are considered essential if the new plan is to secure confidence and ownership. The LDP has the potential to affect where people live, work, shop, play and travel in West Lothian and local people and organisations have unique knowledge and insight which can help the council better understand key issues and enable it to create a much better plan.”</p> <p>While the key stages of the LDP2 preparation are outlined the opportunities for consultation are not clear. For instance, the DPS 15 states that “Following the Evidence Report and Gate Check, the council may decide to undertake a ‘Call for ideas’”. There should be a firmer commitment to this as it will allow interested parties to submit their views as part of a genuine consultation rather than waiting until the Proposed LDP is published for a representation period and is already the settled will of the Council.</p> <p>The new planning system will present challenges for the Council and interested parties alike. A clear explanation of when and what consultations will take place will allow parties to keep submissions as focused as possible knowing that there will be future opportunities to comment upon other issues.</p> <p>We consider that the Council should produce a schedule of the evidence it intends to prepare and when it will be consulted upon. As the Gate Check process is to focus on issues where the Council and an Interested Party is not agreed we consider that it will be essential that the draft Evidence Report is consulted upon before it is submitted to the Gate Check. This will ensure meaningful consultation and ensure that areas of common ground and difference are clear to the Reporter.</p>

DATA LABEL: PUBLIC

**COUNCIL EXECUTIVE****COMMUNITY RECYCLING CENTRES PERFORMANCE****REPORT BY HEAD OF OPERATIONAL SERVICES****A. PURPOSE OF REPORT**

To provide the Council Executive with performance information across the council's five Community Recycling Centres (CRC's) following the revision to operational practices implemented on 2 October 2023.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. Notes the performance information for the period 2 October 2023 to 31 January 2024;
2. Notes that across the five community recycling centres, 105,171 bookings have been made from 2 October 2023 to 31 January 2024 accounting for 87% of the available booking capacity across the four-month period.

C. SUMMARY OF IMPLICATIONS

I Council Values	Caring and compassionate; open, honest and accountable; collaborate, inclusive and adaptive
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>All activities within Recycling & Waste Services ensure the council is compliant with statutory requirements at Scottish, UK and EU level with respect to the collection, recovery, treatment and disposal of household waste</p> <p>The Refuse Disposal (Amenity) Act 1978 requires that Local Authorities provide sites where a person can dispose of refuse free of charge. The exception to this is refuse generated by business activities.</p> <p>An appraisal of the risks posed by lone working has been undertaken and CRC hours and working patterns ensure that two operatives are on site during operational hours.</p>
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	<p>Potential for impact of varying degrees on recycling rates due to the reduction in Recycling Centre operating hours and drop in access.</p> <p>Potential for increased complaints due to perceived reductions in the level of service offered.</p>

V	Relevance to Local Outcome Improvement Plan	We live longer, healthier lives and have reduced health inequalities. We live in resilient, cohesive and safe communities
VI	Resources - (Financial, Staffing and Property)	<p>A budget reduction of £336,000 from 2023/24 was approved by Council on 21 February 2023.</p> <p>A reduction of 9FTE in staffing at the Recycling Centres has been implemented.</p> <p>All five Recycling Centres have been retained.</p>
VII	Consultation at PDSP	A performance report on the period 2 October 2023 to 31 December 2023 was presented to the Environment and Sustainability Policy Development and Scrutiny Panel on 30 January 2024.
VIII	Other consultations	HR Services, Financial Management Unit, Corporate Transformation Team, NETs, Land and Countryside Services

D. TERMS OF REPORT

D.1 Background

On 21 February 2023 Council agreed to review the Community Recycling Centre (CRC) opening hours to achieve a saving of £336,000 delivered within 2023/24. The proposal provided a 9.0 FTE reduction in staffing at the CRC's achieving the required saving.

This was discussed at Environment and Sustainability Policy Development and Scrutiny Panel on 28 March 2023 where officers received comments on the proposed options.

On 25 April 2023 Council Executive agreed to maintain all five CRC's and reduce the operating hours from 280 hours per week to 144 hours per week to make the saving required. Revised operational practices were implemented on 2 October 2023.

Table 1: Operating Hours from 2 October 2023

Location	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday		Sunday	
Oakbank	Open	X	Open	X	Open	Open		Open	
Whitburn	Open	X	Open	X	Open	Open		Open	
Blackburn	X	Open	X	Open	X	Open		Open	
Broxburn	X	X	X	Open	X	X	Open	Open	X
Linlithgow	X	Open	X	X	X	Open	X	X	Open

Bookings can be made to visit the CRC's between the hours of 10:00 – 18:00, with the exception of weekends at Linlithgow and Broxburn when bookings are accepted 10:00 - 14:00, or 14:00 - 18:00

Prior to this change, all five of West Lothian's CRC's had been open from 10am to 6pm, seven days a week. This pattern had been in place since 01 June 2020 when the CRC's reopened following the Covid-19 pandemic closure.

The CRC's have undergone significant changes since 2015. Operating hours were reduced in 2015 under Delivering Better Outcomes. Deans Recycling Centre was closed in 2018 as

part of the move to Whitehill Service Centre. As part of the Transforming Your Council savings measures the operating hours at the CRC's were further reduced in 2019. A motion at the budget meeting in February 2020 provided additional funding to reinstate standardised and extended opening hours across all five CRC's, which was implemented in June that year.

Finally, the changes agreed by Council Executive in April 2023, reduced the operating hours to the current 144 hours per week, which was introduced from 2 October 2023.

Performance information on the first three months, October 2023 to December 2023, of the revised operating arrangements was reported to the Environment and Sustainability PDSP on 30 January 2024. This report provides additional performance information for January 2024.

D.2 Communication of Changes

In advance of the change being made, multiple dedicated posts were made on Social Media, large banners were installed at every CRC and the operatives began handing out information cards to customers to raise awareness.

The council website has been updated throughout, with a new page created to link to the booking system and answer several Frequently Asked Questions: <https://www.westlothian.gov.uk/crcbooking>.

Information on the changes has appeared in the last three editions of Bulletin and in the local press. It has also been disseminated through Community Council and Local Area Committee meetings.

Recycling & Waste continue to engage with anyone visiting the CRC's who has not booked in advance and provide them with information and guidance on how to make a booking.

D.3 Customer Booking

Following the implementation of reduced hours in May 2019, to deliver a saving of £321,000, the Council's five Recycling Centres operated within a pattern that meant all five CRC's were open for a total of 132 hours a week. These operating hours were in place from May 2019 to March 2020. The operational experience garnered during this period established the need for additional traffic control measures to accompany any similar reduction in operating hours.

All vans and cars towing trailers have been required to make an online booking in advance to visit a CRC since August 2020. The requirement to book was extended to include all vehicle types on 2 October 2023. In accordance with Health and Safety advice, pedestrian access is not permitted at any of the CRC sites.

The CRC booking system ensures customers have guaranteed access and reduced waiting times. It also enables the Council to manage and prevent unauthorised commercial use or use from households from outwith the West Lothian area. This approach has been successfully implemented in neighbouring authorities.

The standard time slots for those visiting in a car are 30 minutes long. Each slot can be booked by between 20 and 30 customers, depending upon the capacity of the CRC. A 30-minute slot allows people the time to attend if they are delayed leaving or arriving at the site and allows operatives time to carry out operational tasks. This also minimises queueing outside or inside the CRCs, as there is not space for all vehicles booked in each 30 minutes to arrive or park at the same time, and they may want to use the same containers. Capacity has to be retained to recover from closing the site to safely operate compaction equipment, enable containers to be exchanged, or external contractors to uplift materials or service containers. Overloading the time slots will result in less capacity being available for those visiting to dispose of their waste.

The table below outlines the total number of booking slots that have been available across the five CRCs in the first four months of the revised operating model. It confirms that there has been overall sufficient capacity available each month with bookings accounting for 78% of available capacity in October, 85% in November, 90% in December 2023 and 94% in January. These figures include booking 'no shows' where a booking has been made but a customer has subsequently not appeared for their slot.

Table 2: Summary of CRC Bookings October 2023 to January 2024

	Oct 23	Nov 23	Dec 23	Jan 24	Total
Maximum slots available	29,404	30,328	30,805	30,458	120,995
Bookings Made	22,981	25,843	27,731	28,616	105,171
Remaining availability	6,423	4,485	3,074	1,842	15,824
No shows	1,987 (9% of bookings)	1,319 (5% of bookings)	1,900 (7% of bookings)	1,906 (7% of bookings)	7,112 (7% of bookings)
% Slots booked	78%	85%	90%	94%	87%
% Slots available	22%	15%	10%	6%	13%
% Slots used (exc. no shows)	71%	81%	84%	88%	81%

The initial limits were set using the average number of vehicles each site received per hour during 2022. Based on observation of traffic flow, the number of bookings per half hour available at Linlithgow and Broxburn was increased from originally 10 per half hour in October 2023 to 15 per half hour in November 2023 and to 20 per half hour in January 2024. The flow of traffic will continue to be monitored across all sites and the number of bookings available per time slot increased where it is operationally feasible to do so and can be sustained.

In 2022/3, the CRCs averaged 45,000 visits per month. There is currently capacity for 30,328 bookings per month to be made, equivalent to 67% of the previous average number of visits. The booking system has enabled traffic flow to be managed to maximise capacity whilst operating hours have been reduced by 49% to achieve the required saving.

The tables below provide details of booking availability, bookings made and no shows per individual CRC site between October 2023 and January 2024.

Table 3 – Total Slots available per CRC

	Oct 23	Nov 23	Dec 23	Jan 24	Total
Blackburn	6,652	6,652	6,435	6,250	25,989
Broxburn	1,356	1,994	2,215	2,132	7,697
Linlithgow	1,532	1,818	1,845	2,212	7,407
Oakbank	9,932	9,932	10,155	9,932	39,951
Whitburn	9,932	9,932	10,155	9,932	39,951
Total	29,404	30,328	30,805	30,458	120,995

Table 4 – Total bookings made per CRC

	Oct 23	Nov 23	Dec 23	Jan 24	Total	% of slots booked
Blackburn	5,271	5,853	5,885	6,025	23,034	89%
Broxburn	1,279	1,947	2,182	2,123	7,531	98%
Linlithgow	1,511	1,793	1,814	2,096	7,214	97%
Oakbank	9,142	9,791	10,075	9,818	38,826	97%
Whitburn	5,778	6,459	7,775	8,554	28,566	72%
Total	22,981	25,843	27,731	28,616	105,171	87%
% of slots booked	78%	85%	90%	94%	87%	

Table 5 – Total No Shows per CRC

	Oct 23	Nov 23	Dec 23	Jan 24	Total
Blackburn	402	277	286	511	1,476
Broxburn	266	406	346	305	1,323
Linlithgow	135	135	297	168	735
Oakbank	756	214	557	209	1,736
Whitburn	428	287	414	713	1,842
Total	1,987	1,319	1,900	1,906	7,112

Table 6 – % of No Shows / Bookings made

	Oct 23	Nov 23	Dec 23	Jan 24	Total
Blackburn	8%	5%	5%	8%	6%
Broxburn	2%	21%	16%	14%	18%
Linlithgow	9%	8%	16%	8%	10%
Oakbank	8%	2%	6%	2%	4%
Whitburn	7%	4%	5%	7%	6%
Total	9%	5%	7%	6%	7%

On average, 7% of bookings that have been made over the last four months did not result in a visit to the CRC, with Broxburn Recycling Centre having the highest percentage of no shows at 18%. All customers booking online receive a confirmation and a reminder email, both of which contain links to amend or cancel bookings. When a booking is cancelled the place automatically becomes available for someone else to book.

New slots are released on a rolling basis, one day at a time, for a fortnight ahead. This helps to minimise the number of no shows by ensuring bookings are made closer to the intended visit and based on an established need rather than a prospective requirement.

Across the first four months of the changes, the average percentage of bookings made against slots available is 87%. Excluding no shows, the average attendance at CRC's over the four months is 81% of capacity. Officers will continue to engage with customers using our communication channels to encourage customers who don't intend to use their allocated booking slot, to cancel them on the booking system which has the potential to free up more available slots.

D.4 Recycling and Waste Collected

The table below provides a comparison of the total tonnages of waste collected at each CRC from October 2023 to January 2024, compared to the same period in 2022/23.

Table 7: Tonnes Collected October 2023 – January 2024

	Blackburn	Broxburn	Linlithgow	Oakbank	Whitburn	TOTAL
Oct22 to Jan23	1,385.97	884.73	660.09	2,293.77	1,499.00	6,723.56
Oct23 to Jan24	1,051.82	435.56	418.99	1,608.08	1,215.90	4,730.34
Tonnage change	-334.16	-449.17	-241.09	-685.70	-283.10	-1,993.22
% change	-24%	-51%	-37%	-30%	-19%	-30%

It is not possible to provide a recycling rate before recovery from mixed waste collected has taken place and figures are verified by SEPA.

The options presented to deliver the approved savings required the staffing budget to be supported by a reduction in waste disposal costs. This reduction was expected to amount to £70,000 per annum, due to improved control of commercial businesses and residents of other Local Authority areas using West Lothian's recycling centres. Based on the reduction in tonnes collected to date this target should be met.

D.5 Flytipping Activity

A flytipping campaign was launched in September 2023 with the aim of raising public awareness to improve reporting of incidents.

As reported to the Environment and Sustainability PDSP on 31 January 2024, the weight of fly tipping collected during the first quarter of the new CRC operating arrangements was consistent with the equivalent period in 2022.

The flytipping that the council collects is generally of a commercial nature. The reduction of 1,993 tonnes of waste collected at the five CRCs has not coincided with an increase in flytipping tonnages. This further supports the evidence that flytipping tends to be commercial in nature and does not provide a direct link between flytipping and recycling centres.

D.6 Enquiries and Complaints

As outlined in table 2, there have been 105,171 successful CRC bookings during October 2023 to January 2024. The overwhelming majority of these are through the online booking system. Contact Service Centre advisors logged a total of 1,226 enquiries by telephone relating to CRC bookings from October to January.

Table 7: Contact Service Centre Calls

	Oct 23	Nov 23	Dec 23	Jan 24	Total
Operational Services Calls Offered	2,042	1,821	1,532	2,227	7,622
Calls logged to CRC Bookings Line	403	337	290	196	1,226

The number of enquiries by telephone are decreasing each month. Not all calls result in a booking being made, however, the number of calls logged represent 1.17% of the 105,171 bookings made.

A total of 137 CRC enquiries were raised in CONFIRM from October to January, categorised as follows:

Table 8: CONFIRM Customer Enquiries and Complaints

Common issues	Oct	Nov	Dec	Jan	Total
Complaint reduced operating hours	8	6	5	5	24
Query van/trailer access	7	5	11	3	26
Query missing address/ postcode	6	4	1	4	15
Query access policy	3	4	1	4	12
Query booking confirmation	4	4	3	9	20
Query on materials accepted	2	3	2	3	10
Query to cancel booking	2	3	3	2	10
Vehicle details do not match DVLA database	2	2	0	2	6
Complaint- site closing early	0	2	0	0	2
Complaint- can't get through on phone	0	1	0	0	1
Complaint- abusive member of public	1	0	0	0	1
Query to amend booking	1	0	4	2	7
Complaint- faulty QR code	1	0	0	0	1
Query- order of booking system	1	0	0	1	2
	38	34	30	35	137

The total represents 0.13% of the total number of bookings made.

E. CONCLUSION

On 2 October 2023 CRC opening hours were reduced from 280 hours per week to 144 hours per week, and a 9.0 FTE reduction in staffing at the five sites implemented to make the £336,000 saving required. All five CRCs have been retained.

Across the five sites, 105,171 bookings were made between 02 October and 31 January 2024, from the 120,995 slots that were available. There has been a total of 7,112 no shows during the four-month period. Officers continue to remind customers of the importance of cancelling their booking if they do not intend to utilise it.

Officers will continue to review CRC performance, including opening times, patterns of demand and use of the booking system and will provide updates to the Environment and Sustainability PDSP and Council Executive as previously instructed.

F. BACKGROUND REFERENCES

Revision of Operational Practices at Household Waste Recycling Centres – Transforming Your Council – Report by Head of Operational Services to Environment PDSP 30 October 2018 and Council Executive 15 January 2019

Revenue Budget 2023/24 to 2027/28 - report by Head of Finance and Property Services to Council 20 February 2023

Revision of Operational Practices at Community Recycling Centres – Report by Head of Operational Services to Environment and Sustainability PDSP 28 March 2023 and Council Executive 25 April 2023

Revision of Operational Practices at Recycling Centres – Report by Head of Operational Services to Environment and Sustainability PDSP 30 January 2024

Appendices: None

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