

MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 12 MARCH 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.

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

Councillor Pauline Orr stated that she was an employee of the Scottish Government.

### Agenda Item 11 – West Lothian Leisure 2024/25 Funding Agreement

Councillor Tom Conn stated that he was a council-appointed director on West Lothian Leisure Board.

Councillor Danny Logue stated that he was a council-appointed director on West Lothian Leisure Board.

In response to a question from members, the Governance Manager confirmed that members did not have to declare an interest under agenda item 6 (*Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses*) as the Councillors' Code of Conduct stated that there was no connection when discussing remuneration for councillors.

## 2 ORDER OF BUSINESS

Council Executive agreed, in accordance with Standing Order 8(3), to ask questions on agenda item 17 (*Community Recycling Centres Performance*), which was on the agenda for information only.

## 3 MINUTES

The Council Executive approved the minute of its meeting held on 20 February 2024. The Chair thereafter signed the minute.

## 4 SCOTTISH GOVERNMENT WELLBEING AND SUSTAINABLE DEVELOPMENT (SCOTLAND) BILL CONSULTATION

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive seeking approval for the proposed response to the Scottish Government Wellbeing and Sustainable Development (Scotland) Bill consultation, as detailed in Appendix 1 of the report.

It was recommended that the Council Executive approve the council's response to the Scottish Government consultation.

#### Decision

To approve the terms of the report.

### 5 SCHEME OF ELECTED MEMBERS REMUNERATION, ALLOWANCES AND REIMBURSEMENT OF EXPENSES

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services inviting members to allow the adoption of a Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses for 2024/25.

It was recommended that the Council Executive:

1. Approve the revised Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses for 2024/25 as set out in Appendix 1 of the report; and
2. Note that the Scheme might 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.

In response to a question from members, the Governance Manager clarified that individual councillors could renounce a pay rise if they did not wish to accept it.

#### Motion

To approve the terms of the report.

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

#### Amendment

West Lothian Council Executive notes that the level of remuneration for ordinary councillors, the provost, and the leader of the council is set by the Scottish Government; however, the remuneration of senior councillor positions held by Labour and Conservative councillor's is completely discretionary and determined by the Council itself.

West Lothian Council Executive agrees that given that senior Councillors

will automatically be the beneficiaries of the proposed salary increase for ordinary councilors, it is entirely unacceptable for the senior members of this body to vote themselves a second additional increase over and above the statutory increase set by the Scottish Government.

West Lothian Council Executive resolves to maintain the Council's senior councillor payments for 2024/25 at the current level. i.e. 23/24 levels.

- Moved by Councillor Janet Campbell and seconded by Councillor Carl John.

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

Motion

Amendment

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

Janet Campbell  
Carl John  
Pauline Orr

Decision

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

## 6 TIMETABLE OF MEETINGS 2024/25

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive inviting approval of a timetable of meetings to July 2025 of the council, its committees and working groups (including Policy Development and Scrutiny Panels) which met according to a regular timetable.

It was recommended that the Council Executive:

1. Subject to the following, 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. Note that their meeting dates were set through Lead Officers and Chairs

- ii. Note that although Lead Officers and Chairs had been consulted about the dates proposed in the report those dates might be subject to later change;
3. In relation to Local Area Committees (LACs):
  - i. Note that each LAC set its own meeting dates and that those in the appendices were not all yet agreed
  - ii. 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. Note and agree the proposed dates
  - ii. Delegate authority to the Chief Executive to adjust those dates and times in the event of a change of circumstances arising; and
5. Note that, subject to the exceptions made in Standing Orders and the Scheme of Administration, meetings would continue to be convened on a hybrid basis from the council chamber.

#### Decision

To approve the terms of the report.

### 7 PROCUREMENT STRATEGY 2023/24 – 2027/28

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval for the council's Corporate Procurement Strategy for the period 2023/24 – 2027/28, including planned outcomes and targets.

It was recommended that the Council Executive approve the Corporate Procurement Strategy which is attached as Appendix 1 to the report.

#### Decision

To approve the terms of the report.

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

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 consultation on proposals for a

Heat in Buildings Bill for approval.

It was recommended that the committee note the contents of the report and the school's arrangements for continuing improvement.

It was recommended that the Council Executive:

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

#### Decision

To approve the terms of the report.

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

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking 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 the report.

It was recommended that the Council Executive:

1. Agree 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 the report; and
2. 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 represented the best terms obtainable for the council.

#### Decision

To approve the terms of the report.

### 10 WEST LOTHIAN LEISURE 2024/25 FUNDING AGREEMENT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for the 2024/25 Annual Funding Agreement between the council and West Lothian Leisure (WLL).

It was recommended that the Council Executive:

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

#### Decision

To approve the terms of the report.

### 11 CIRCULAR ECONOMY AND WASTE ROUTE MAP TO 2030: CONSULTATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services informing members of the Scottish Government's Circular economy and waste route map to 2030: consultation and seeking agreement that the proposed responses be submitted to the Scottish Government on behalf of the council.

It was recommended that the Council Executive:

1. Consider the draft responses to the Consultation questions, as set out in Appendix 2 of the report; and
2. Agree the submission of the consultation response to the Scottish Government before the consultation deadline of 15 March 2024.

#### Decision

To approve the terms of the report.

### 12 BEATLIE ROAD UNDERBRIDGE AGREEMENT IN WINCHBURGH

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking 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.

It was 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; and

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.

#### Decision

To approve the terms of the report.

### 13 REVOCAION OF LINLITHGOW AIR QUALITY MANAGEMENT AREA

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising members of the proposal to revoke the air quality management area in Linlithgow and the process involved, and seeking approval for the process to be pursued.

It was recommended that the Council Executive:

1. Note the content of the report;
2. Note that the air quality objectives in Linlithgow had been met continuously over a number of years since the designation of the air quality management area;
3. Approve the proposal to pursue the process of revoking the air quality management area declared in Linlithgow;
4. Agree 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 agreed with the proposal to pursue revocation, agree that council officers begin the process of consultation to produce the final revocation report which would then be presented to the Council Executive for a final determination on revocation.

#### Decision

To approve the terms of the report.

### 14 REVOCAION OF NEWTON AIR QUALITY MANAGEMENT AREA

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising members of the proposal to revoke the air quality management area in Newton and the process involved, and seeking

approval for the process to be pursued.

It was recommended that the Council Executive:

1. Note the content of the report;
2. Note that the air quality objectives in Newton had been met continuously over a number of years since the designation of the air quality management area;
3. Approve the proposal to pursue the process of revoking the air quality management area declared in Newton;
4. Agree 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 agreed with the proposal to pursue revocation, agree that council officers begin the process of consultation to produce the final revocation report which would then be presented to the Council Executive for a final determination on revocation.

#### Decision

To approve the terms of the report.

#### 15 WEST LOTHIAN LOCAL DEVELOPMENT PLAN (LDP): DEVELOPMENT PLAN SCHEME NO.16

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising members of the proposed Development Plan Scheme (DPS No. 16) for the West Lothian Local Development Plan (LDP 2).

It was recommended that the Council Executive:

1. Approve West Lothian Development Plan Scheme No.16 for publication, deposit and copying to Scottish Ministers (Appendix 1); and
2. Delegate the Head of Planning, Economic Development and Regeneration to make any necessary non-substantive edits to the scheme prior to publication.

#### Decision

1. To approve the terms of the report.
2. It was also agreed that officers would arrange for the advertising of



the deadline extension for the submission of local place plans to 31 May on the council's media channels.

## 16 COMMUNITY RECYCLING CENTRES PERFORMANCE

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing performance information across the council's five Community Recycling Centres (CRCs) following the revision to operational practices implemented on 2 October 2023.

It was recommended that the Council Executive:

1. Note the performance information for the period 2 October 2023 to 31 January 2024; and
2. Note that across the five community recycling centres, 105,171 bookings had been made from 2 October 2023 to 31 January 2024, accounting for 87% of the available booking capacity across the four-month period.

### Decision

To note the terms of the report.