



## ***West Lothian Council***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

9 May 2024

A hybrid meeting of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre, Livingston, EH54 6FF on Tuesday 14 May 2024 at 10:00am.**

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. Deputation Request from Wilson Chowdhry, Kerry MacKintosh and Ashleigh Mitchell on behalf of UK RAAC Campaign Group
5. Mind and Mission presentation by Kirsty Ritchie, Co-Founder and Director
6. Minutes :-
  - (a) Confirm Draft Minutes of Meeting of West Lothian Council held on Tuesday 19 March 2024 (herewith)

- (b) Correspondence arising from previous decisions (herewith)
- (c) Note Minutes of Meeting of Education (Quality Assurance) Committee held on Tuesday 05 March 2024 (herewith)
- (d) Note Minutes of Meeting of Audit Committee held on Friday 19 January 2024 (herewith)
- (e) Note Minutes of Meeting of West Lothian Leisure Advisory Committee held on Monday 25 March 2024 (herewith)
- (f) Note Minutes of Meeting of Performance Committee held on Monday 05 February 2024 (herewith)
- (g) Note Minutes of Meeting of Performance Committee held on Monday 25 March 2024 (herewith).

**Public Items for Decision**

- 7. Election Business
- 8. Governance and Risk Committee - Non- Councillor Member - report by Chief Executive (herewith)
- 9. Scheme of Administration - Reserved Matters - report by Chief Executive (herewith)
- 10. Notice of Motion - The Outsider - submitted by Councillor Janet Campbell (herewith)
- 11. Notice of Motion - Link the State Pension to the Adult Minimum Wage - submitted by Councillor Diane Calder (herewith)
- 12. Notice of Motion - Exemption from Brown Bin Charging for Community Gardeners - submitted by Councillor Veronica Smith (herewith)
- 13. Notice of Motion - Linlithgow Rose Women's Football Team - submitted by Councillor Pauline Orr (herewith)
- 14. Notice of Motion - Congratulations to St Kent's S2 Pupils - Cyberfest Competition - submitted by Councillor Mary Dickson (herewith)
- 15. Notice of Motion - Linlithgow Rose Maroon 2010 U14's - submitted by Councillor Pauline Orr (herewith)
- 16. Notice of Motion - Dental Practice for Blackburn - submitted by Councillor Kirsteen Sullivan (herewith)
- 17. Notice of Motion - European Youth Brass Band - submitted by Councillor Pauline Stafford (herewith)

DATA LABEL: Public

18. Notice of Motion - RAAC - submitted by Councillor Damian Doran-Timson (herewith)
19. Notice of Motion - Repeal the Hate Crime Act - submitted by Councillor Damian Doran-Timson (herewith)
20. Notice of Motion - Opposition to Minimum Service Levels - submitted by Councillor Janet Campbell (herewith)
21. Notice of Motion - Heritage in West Lothian - submitted by Councillor Sally Pattle (herewith)
22. Notice of Motion - Asylum Dispersal - submitted by Councillor Pauline Stafford (herewith)
23. Notice of Motion - Royal Bank of Scotland - submitted by Councillor Pauline Stafford (herewith)

**Public Items for Information**

24. Documents for Execution
25. Reinforced Autoclaved Aerated Concrete (RAAC) in Council Housing - Update - report by Head of Housing, Customer and Building Services (herewith)
26. Bathville Flats Project - Question to Executive Councillor for Housing Services - submitted by Councillor Stuart Borrowman (herewith)
27. No Compulsory Redundancy Policy - Question to Council Leader - submitted by Councillor Stuart Borrowman (herewith)
28. LGBT in Schools - Question to Executive Councillor for Education - submitted by Councillor Damian Doran-Timson (herewith)
29. Language Provision in Secondary Schools - Question to Executive Councillor for Education - submitted by Councillor Sally Pattle (herewith)

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NOTE      **For further information please contact Val Johnston, Tel No.01506 281604 or email [val.johnston@westlothian.gov.uk](mailto:val.johnston@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](mailto:james.millar@westlothian.gov.uk)
- Carol Johnston, Chief Solicitor and Depute Monitoring Officer, 01506 281626, [carol.johnston@westlothian.gov.uk](mailto:carol.johnston@westlothian.gov.uk)
- Committee Services Team, 01506 281604, 01506 281621  
[committee.services@westlothian.gov.uk](mailto:committee.services@westlothian.gov.uk)

January 2022

MINUTE of MEETING of WEST LOTHIAN COUNCIL held within Council Chambers, West Lothian Civic Centre, Livingston, EH54 6FF, on 19 March 2024.

Present – Depute Provost Peter Heggie (Chair); Councillors Alison Adamson, Stuart Borrowman, Tony Boyle, William Boyle, Diane Calder, Harry Cartmill, Pauline Clark, Tom Conn, Robert De Bold, Angela Doran-Timson, Damian Doran-Timson, Lawrence Fitzpatrick, Carl John, Lynda Kenna, Danny Logue, Maria MacAulay, Andrew McGuire, Moira McKee Shemilt, Anne McMillan, Craig Meek, Andrew Miller, Pauline Orr, Sally Pattle, George Paul, Tony Pearson, Veronica Smith, Pauline Stafford; and Kirsteen Sullivan

Apologies – Councillors Cathy Muldoon (Provost), Janet Campbell, Jim Dickson; and Mary Dickson

1. DECLARATIONS OF INTEREST

Agenda Item 6 (Consideration of Standards Commission Findings) - Councillors Sullivan (complainer), John (witness), McKee Shemilt (witness); and Willie Boyle (subject) all declared an interest in that they were referenced in the report so would not take part in the item of business

Councillor Orr stated that she was a Scottish Government employee.

Councillor Logue stated that he was an NHS Lothian employee

2. ORDER OF BUSINESS

Councillor Orr advised Council that she was withdrawing her motion at Agenda Item 11.

Councillor Angela Doran-Timson advised Council that she was withdrawing her motion at Agenda Item 18.

3. MINUTES

- a) The Council approved the Minute of its meeting held on 23 January 2024
- b) The Council approved the Minute of its special meeting held on 22 February 2024
- c) The Council noted correspondence arising from previous decisions
- d) The Council noted the Minute of the Audit Committee held on Friday 3 November 2023
- e) The Council noted the Minute of the Education (Quality Assurance) Committee held on Tuesday 16 February 2024
- f) The Council noted the Minute of the Performance Committee held

on Monday 13 November 2023

- g) The Council noted the Minute of the Governance and Risk Committee held on Monday 11 December 2023
- h) The Council noted the Minute of the West Lothian Leisure Advisory Committee held on Tuesday 28 November 2023

4. ELECTION BUSINESS

To agree changes to various bodies in the Scheme of Administration as undernoted :-

- Councillor Meek to replace Councillor Muldoon on Economy, Community Empowerment and Wealth Building Policy Development and Scrutiny Panel
- Councillor Meek to replace Councillor Muldoon on Environment and Sustainability Policy Development and Scrutiny Panel

5. CONSIDERATION OF STANDARDS COMMISSION FINDINGS

Councillor Willie Boyle, John, McKee Shemilt and Sullivan having all declared an interest earlier in the meeting took not part in the following item of business.

The Council considered a report (copies of which had been circulated) by the Monitoring Officer advising of the Standards Commission's findings in a complaint against a West Lothian councillor.

Council was asked: -

1. To note the findings of the Standards Commission, in the appendix, that there had been no breach of the Councillors' Code of Conduct in relation to a complaint against Councillor Willie Boyle.
2. To consider the Commission's findings as required by section 18(2) of the Ethical Standards in Public Life etc. (Scotland) Act 2000 and to note that the outcome of that consideration will be reported back to the Commission.

Decision

To note the content of the report

6. CAPITAL STRATEGY 2024/25 TO 2032/33

The Council considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval of the updated capital strategy for 2024/25 to 2032/33, including the



requirements of the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code) and associated performance indicators.

It was recommended that the Council: -

1. Notes the requirements from the CIPFA Prudential Code in relation to the council's capital strategy;
2. Approves the updated capital strategy for 2024/25 to 2032/22, as set out in Appendix 1 of the report.

#### Decision

To approve the recommendations of the report

### 7. PRIVATE SESSION

The Council agreed to hear Agenda Item 9 (Notice of Motion - Asbestos Report) in private in terms of Paragraph 2 and 12 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.

### 8. NOTICE OF MOTION - ASBESTOS REPORT

The Council considered a motion (copies of which had been circulated) submitted by Councillor De Bold in the following terms: -

“Further to the death of a West Lothian Council tenant who died due to the presence of asbestos in her property, West Lothian Council requests an immediate report be brought to the next Housing Services Policy & Development Scrutiny Panel setting a direction of an urgent investigation and remediation into asbestos reported issues.”

- Moved by Councillor De Bold and seconded by Councillor John

#### Amendment

1. An urgent motion on this issue was submitted to the Council meeting on 24 January 2024 and the Provost ruled in terms of Standing Order 11 that the urgent motion from Councillor De Bold would not be dealt with by Council as the matter had been known prior to the deadline for the submission of motions for inclusion on the agenda. Additionally, the subject matter included significant personal and legal information that councillors needed to be aware of before it could be discussed in a public meeting.
2. The family of a council tenant lodged a personal injury claim against the Council claiming that she was exposed over decades to asbestos fibres in her council house which led to her death from Cancer and mesothelioma in 2019. The council had to rely on records inherited from predecessor local authorities going back (according to media reports) to 1976. Council officers are not aware of any other claims on the same basis.

3. The claim was handled by the Council's insurers and controlled by them. The insurers' lawyers settled the claim on a without admission of liability basis. A compromise was reached based on the particular circumstances of the case.
4. Council officers were not involved in the decision. The claim did not proceed to a hearing of the evidence. There has therefore been no determination by the court and no admission by or on behalf of the council that the tenant's death was due to the presence of asbestos in the council house. There has been no admission of liability by or for the council.

It is important that no admission or acceptance of liability is made. That may prejudice the council in relation to similar claims in future. It may affect the insurers' acceptance of claims under the insurance policy.

5. A report on the council's Insurance Risks was considered at Governance & Risk Committee on 11 December 2023. It included information on asbestos-related claims, insurance reserves and the actuarial assessment of potential liability. The Council has robust procedures and processes in place for the management and handling of asbestos. Information can be presented to a PDSP meeting which can deal with the report in private if necessary.

Council is asked to agree to the proposal that a report is brought to a meeting of the Housing Services PDSP, to provide an update on the asbestos management and inspection regime in place and consider any requirement for update of processes or procedures. But subject to two qualifications: -

- a) The motion calls for a report to the next PDSP meeting. The next meeting is on 25 April and so will come too soon to allow a properly considered report to be prepared therefore the report will be put to the following PDSP
- b) The PDSP consider the report in private due to the personal information and legal advice that will be involved

- Moved by Councillor Paul and seconded by Councillor Fitzpatrick

Councillor De Bold advised Council that in view of the content of the amendment he was withdrawing his motion.

### Decision

To unanimously agree the terms of the amendment

## 9. NOTICE OF MOTION - LIVI SKATE PARK - SUBMITTED BY COUNCILLOR MOIRA MCKEE SHEMILT

The Council considered a motion (copies of which had been circulated) submitted by Councillor McKee Shemilt in the following terms: -

“Council celebrates the information received from Historic Environment Scotland (HES), on 28 February 2024 that our Livi Skatepark has been deemed to meet the criteria of special architectural or historic interest and has decided to list our Skaty as a category B building. Buildings listed at category B are defined as *“buildings of special architectural or historic interest which are major examples of a particular period, style or type”*. This is a moment of celebration for our communities as well as one of reflection.

Council notes that, on 28 September 2021, I put forward a motion regarding Livi Skatepark.<sup>1</sup> I requested that work already initiated by CLD Youth Services and Community Regeneration Officers to highlight and celebrate the park in its fortieth year be continued and consolidated. In my motion, I asked for a plan to be drawn up for the longer-term conservation, restoration and improvement of the Livi Skatepark, considering the views of all stakeholders. In particular, I asked that WLC investigate the possibilities of Historic Status for our world renowned Skaty.

Council notes that, despite the opposition of the Labour group, my motion was passed by 14 votes to 12.

Council recognises my acknowledgment in my original motion that the idea for the pursuance of Historic Status generated from conversations with skateboarders. It was not mine alone. The skateboarding community is the heart of the Skatepark. People care about it. Council, therefore, recognises that it is imperative that the skateboarding community is at the heart of decision making in relation to the Skatepark. To some extent, the skateboarding community represents elements of a subculture and holds particular values, beliefs, practices and goals. Council recognises that all of these must be taken into account in the short, medium and longer term, in relation to the conservation, restoration and improvement of the Skatepark.

Council is aware that skateboarding is now an Olympic sport. Skateparks across our communities are free, accessible and affordable. Council also understands that not only skateboards are utilised in parks but also BMX bikes and inline scooters. Council recognises that the involvement of the Active Schools initiative in a sports programme of activity involving Skateparks across our communities would not only help to build confidence and skills in skateboarding but also afford the same value as other Olympic sports

Therefore, I ask council to consider:

1. A celebration of the granting of Historical Status to the Livi Skatepark, including consideration of a relaunching of the successful, “*Carving Concrete*” exhibition at Howden Park Centre.
2. A methodology for listening to and working with the skateboarding

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<sup>1</sup> [Microsoft Word - MOTION LIVI SKATE PARK.docx \(westlothian.gov.uk\)](#)

community, going forward.

- a. A report on the above two items to be provided to the Economy, Community Empowerment and Wealth Building PDSP on 4 June 2024.
3. A report to the Education PDSP, 6 April 2024, on the challenges, opportunities and possible action plan for the creation of an Active Schools programme involving skateboarding, and associated sporting apparatuses.
4. A report to the Council Executive, on 16 April 2024, from the relevant council officers, on the process for the appointment of a specialist contractor for any works on the Skatepark. The appointment to be at the discretion of the Executive.
5. An ongoing quarterly update to Council Executive on the progress of the restoration, conservation and improvement of the Livi Skatepark.

Upon moving her motion Councillor McKee Shemilt advised Council that with respect to points 1 and 2 these were to be considered together as part of the report to the PDSP.

Councillor Fitzpatrick indicated that he had an amendment that Councillor Sullivan would second, but that he would be willing to composite with Councillor McKee Shemilt. The Depute Provost agreed to a short adjournment to allow discussions to be undertaken after which the following composite motion was agreed :-

#### Composite Motion

“West Lothian Council welcomes the confirmation received from Historic Environment Scotland (HES) on 28 February, that Livi Skatepark has been awarded listed status as a category B building defined as a “building of special or architectural or historic interest which are major examples of a particular period, style or type”.

In recognition of the fantastic achievement of Livi Skatepark achieving listed status, the Council is asked to agree that an exhibition celebrating the designation of Livi Skatepark will be launched later this year. The exhibition, which can be accommodated within existing resources, will explore the development of the skatepark and will celebrate the awarding of listed structure status.

The Council recognises the need for ongoing engagement with the skateboarding community, other community groups and park users and the requirements for restoration and improvement of the skatepark to protect the park for future generations.

The Council recognises the need for ongoing engagement with the skateboarding community, other community groups and park users and the requirements for restoration and improvement of the skatepark to protect the park for future generations.

There are existing arrangements for the engagement with the skateboarding community and other stakeholders. Open space capital

projects including any planned improvements to skateparks are subject to public consultation via the Community Choices (Participatory Budgets) model.

Going forward the skateboarding community and other stakeholders will be invited to participate in any future Community Choices consultations on the future use of the park and /or any park improvements or conservation projects.

To support the restoration of Livi Skatepark and to help address the current issues with concrete defects, the council is asked to note that the appointment of a specialist contractor was completed in accordance with council standing orders in December 2023.

Repairs works with an estimated cost of £120,000 are planned to start in early Spring 2024. The repairs will be funded from the 2024/25 approved General Services Capital Programme.

Council is asked to agree that updates on the progress of the planned repairs and any future restoration, conservation and improvement works to Livi Skatepark are included in the General Services Capital Programme reports to Council Executive.

Active Schools officers already engage with school PE and health and wellbeing staff, in order to explore all opportunities for outdoor activity and learning across West Lothian's wealth of Open Space assets, including Liv Skatepark, and council is asked to note that this successful approach will continue.

Council agrees that a report be presented to a future meeting of the Education PDSP, on the challenges, opportunities and possible action plan for the creation of an Active Schools programme involving skateboarding, and associated sporting apparatuses.

- Moved by Councillor McKee Shemilt and seconded by Councillor Fitzpatrick

#### Decision

To unanimously agree the terms of the composite motion

#### 10. NOTICE OF MOTION - COMMERCIAL WASTE CONTAINERS - SUBMITTED BY COUNCILLOR WILLIE BOYLE

The Council considered a motion (copies of which had been circulated) submitted by Councillor Willie Boyle in the following terms noting that Councillor Boyle advised that his intention was for all the points listed in his motion to be covered in the report to PDSP: -

"West Lothian is seeing a problem with commercial waste containers cluttering streets and pavements in our towns and villages. Where there is an obvious requirement for commercial waste disposal the demand is not being managed in a respectful way to compliment the efforts to keep our

streets attractive to customers and new businesses.

Large waste containers, which can be over 1000 litres in size, are regularly left out on the pavements and streets as a permanent fixture. There are no restrictions in planning terms specific to the placing of these bins.

In other local authorities' restrictions have already been put in place to address such matters. Where there is no off-street storage, containers should be restricted to standard two wheel "wheelie" bins of 240 or 360 litres. These, or smaller containers, can be taken into premises overnight and not left out on the streets.

Businesses should no longer be permitted to permanently store their waste containers in public, and will be required to present rubbish and recycling during timed collection windows only. This may require more regular collections dependant on the waste demands of different businesses.

Council agrees to bring forward a report to the appropriate PDSP in regard to this matter in order to clean up our streets of these large waste containers",

- Moved by Councillor Willie Boyle and seconded by Councillor Stafford

#### Decision

To unanimously agree the terms of the motion

#### 11. NOTICE OF MOTION - COUNCIL TAX PENALTIES AND EXEMPTIONS - SUBMITTED BY COUNCILLOR WILLIE BOYLE

The Council considered a motion (copies of which had been circulated) submitted by Councillor Willie Boyle in the following terms: -

"Council agrees to bring a report to the appropriate PDSP with proposals that will introduce clear communications with regard to the responsibilities require in relation to Council Tax Penalties and Exemptions.

This report will set requirements for when and how tenants, residents and property owners will be informed of these responsibilities.

Furthermore, agreed notification times will be specified prior to any change of such penalties or exemptions

Notifications will be specifically sent in regard to any penalty or exemption coming to an end.

Such notification times will apply to both those responsible for the properties and the Council themselves.

Any change of tenant, resident or property owner will be notified of any penalty or exemption against the property on such change coming to the attention of the council.”

- Moved by Councillor Willie Boyle and seconded by Councillor Orr

#### Amendment

“The motion is not clear on what Council Tax “penalties” or “exemptions” are being referred to

There are 27 statutory Council Tax exemption classes and in terms of the reference to “penalties”, there are statutory civil penalties for the failure to return information but West Lothian has never imposed such penalties. There are also costs added by the Sheriff upon granting a summary warrant for non-payment of Council Tax which may also be commonly referred to as penalties.

However, without absolute clarification, my assumption is that the motion is referring to the statutory increase in the Council Tax charge for a long-term empty property. The increase in the Council Tax charge in such cases is not commonly referred to as a “penalty”, it is a statutory charge.

Council is asked to note :-

1. The Council Tax (Variation for Unoccupied Dwellings) (Scotland) Regulations 2013, defines a long-term empty property for Council Tax purposes as a property that has been unoccupied continuously for a period of 12 months or more.
2. Local authorities have the statutory power to increase the Council Tax charge by up to 100% (twice the full charge) for long term empty properties. West Lothian has raised increased charges of 100% for long term empty properties since 1 April 2018.
3. Under the regulations local authorities are unable to raise the increased charge for long term empty properties in the following prescribed cases :-
  - The property is a purpose-built holiday home, where a 50% Council Tax discount is applicable.
  - The property is a job-related dwelling, where a 50% Council Tax discount is applicable
  - The property is being actively marketed for sale or let where a 50% Council Tax discount is applicable for up to 24 months from the date last occupied, before the 100% increase is charged.
  - A property which is undergoing or requires major repair work to render it habitable and the person liable for Council Tax has **purchased** the property within the last 6 months. A 50% Council Tax discount is applicable for up to six months from the date of purchase.

4. **With effect from 1 April 2024**, under The Council Tax (Variation for Unoccupied (Dwellings) (Scotland) Amendment Regulations 2023 local authorities are unable to raise the increased charge for long term empty properties in the following additional prescribed case:-

- A property which is undergoing repairs or renovations that contribute to the improvement of the property and the person liable for Council Tax has **purchased** the property within the last 6 months (or such longer period as may be agreed). A 50% Council Tax discount is applicable for a period of 6 months (or such longer period as may be agreed) from the date of purchase.

With the introduction of the new regulations from 1 April 2024 a full review of the processes, procedures and communications relating to the identification and raising of long-term empty property charges for Council Tax is planned to be undertaken. This is the case when any new regulations are introduced.

Council is asked to agree that following the completion of the review and implementation of any revised changes to the processes, procedures and communications relating to long term empty property charges a report will be brought to the Corporate Policy and Resources PDSP to provide members with an update.

- Moved by Councillor Fitzpatrick and seconded by Councillor Sullivan

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

#### Motion

William Boyle  
Diane Calder  
Pauline Clark  
Robert De Bold  
Lynda Kenna  
Carl John  
Maria MacAulay  
Moirá McKee Shemilt  
Andrew Miller  
Pauline Orr  
Veronica Smith  
Pauline Stafford

#### Amendment

Alison Adamson  
Stuart Borrowman  
Harry Cartmill  
Tony Boyle  
Tom Conn  
Angela Doran-Timson  
Damian Doran-Timson  
Lawrence Fitzpatrick  
Peter Heggie  
Danny Logue  
Andrew McGuire  
Anne McMillan  
Craig Meek  
Sally Pattle  
George Paul  
Tony Pearson  
Kirsteen Sullivan

#### Decision

Following a vote, the amendment was successful by 17 votes to 12 with 4



members absent and it was agreed accordingly.

12. NOTICE OF MOTION - RAAC IN HOUSING - SUBMITTED BY COUNCILLOR ROBERT DE BOLD

The Council considered a motion (copies of which had been circulated) submitted by Councillor De Bold in the following terms. Before moving his motion, Councillor de Bold advised that he had been unable to agree a composite position with Councillor Angela Doran-Timson in relation to agenda item 17: -

“Council recognises that a number of Council-owned and privately-owned homes in West Lothian will required remediation due to the presence of RAAC structural elements in order to continue to be habitable.

Council notes that a programme is in place to remediate Council-owned homes, and that the owners of physically adjoining privately owned properties have been informed. However, Council also notes with concern that there is an unquantified number of privately-owned former council houses that contain RAAC structural elements which have not been surveyed and likely constitute a risk to the occupants.

Council agrees that given that West Lothian Council is the housing provider of last resort, any situation that causes an increase in owner-occupier properties or private tenanted properties becoming uninhabitable invariably results in an increased pressure on the need for homelessness provision and council housing

Council resolves that it is in the interests of all parties for West Lothian Council to take leadership in identifying the greater problem of RAAC structural elements in all homes in West Lothian, quantifying the extent of the problem, and working with owners to develop solutions to mitigate the potential for significant increased pressure on homelessness resources and council house rehoming resources.

Council therefore agrees to instruct officers to prepare an options report to be sent to the next Housing Services Policy Development and Scrutiny Panel detailing the resources required to implement the above.

- Moved by Councillor De Bold and seconded by Councillor Smith

Councillors Paul and Angela Doran-Timson intimated that they had agreed an amendment. The Depute Provost allowed a short adjournment for them to finalise its terms.

Amendment

1. Council notes with huge concern the finding of RAAC in Council dwellings and concerned that this may apply to some private homes as well.

It is noted that a programme of support for council tenants by

way of a RAAC management/remedial programme is in progress as reported to Housing Services PDSP on 9 February 2024 and that a provision of £4.3m has been made in the Housing Capital Investment Programme over the next 2 years.

2. Homeowners are responsible for the upkeep and maintenance of their own properties, including addressing any potential issues like RAAC. While the council cannot directly offer financial assistance for RAAC identification and quantification in private homes due to legislative limitations, we are committed to supporting homeowners in other ways through awareness-raising, and advocacy.
  3. Council is asked to note that a report as earlier requested will be presented to Housing Services PDSP on 25 April 2024 which will provide an update on the Council's programme together with detailed information on the support that the Council is able to provide to homeowners.
  4. Council instructs the Chief Executive to write to the Scottish Government provide an undertaking that they will fully grant fund condition surveys for suspected RAAC in both council homes and those of owner occupiers
  5. Council agrees that a report on 3 and 4 above be brought to Council at its meeting on 14 May 2024.
- Moved by Councillor Angela Doran-Timson and seconded by Councillor Paul

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

#### Motion

William Boyle  
Diane Calder  
Pauline Clark  
Robert De Bold  
Lynda Kenna  
Carl John  
Maria MacAulay  
Moira McKee Shemilt  
Andrew Miller  
Pauline Orr  
Veronica Smith  
Pauline Stafford

#### Amendment

Alison Adamson  
Stuart Borrowman  
Harry Cartmill  
Tony Boyle  
Tom Conn  
Angela Doran-Timson  
Damian Doran-Timson  
Lawrence Fitzpatrick  
Peter Heggie  
Danny Logue  
Andrew McGuire  
Anne McMillan  
Craig Meek  
Sally Pattle  
George Paul  
Tony Pearson  
Kirsteen Sullivan

#### Decision

Following a vote, the amendment was successful by 17 votes to 12 with 4 members absent and it was agreed accordingly

13. NOTICE OF MOTION - HAPPY 21ST BIRTHDAY VSG - SUBMITTED BY COUNCILLOR KIRSTEEN SULLIVAN

The Council considered a motion (copies of which had been circulated) submitted by Councillor Sullivan in the following terms: -

“Council notes the recent celebration of the Voluntary Sector Gateway’s 21<sup>st</sup> birthday.

Council further notes that as West Lothian’s Third Sector Interface, the Voluntary Sector Gateway (VSG) has provided invaluable support and advice to hundreds of local charities, social enterprises and community organisations over the past 21 years. Furthermore, the VSG plays a key role in engaging with various public bodies including West Lothian Council and the Community Planning Partnership, providing scrutiny and input to policy development in the spirit of co-operation and partnership, as well as advocating on behalf of third sector organisations.

Council acknowledges the many challenges that have faced our local communities and residents over the years, most recently with the Covid-19 pandemic and the ongoing cost of living crisis. Council agrees that the VSG has provided vital support and leadership to charities, social enterprises and community groups which have rallied to support those most in need at times of crisis.

Council congratulates the Voluntary Sector Gateway on reaching this milestone birthday and thanks it for its work to support local third sector organisations, community groups and indeed residents across West Lothian. Council sends its very best wishes for the next 21 years

Council instructs the Chief Executive to write to the Voluntary Sector Gateway’s Chief Executive, Alan McCloskey in these terms.

- Moved by Councillor Sullivan and seconded by Councillor Fitzpatrick

Decision

To unanimously agree the terms of the motion

14. NOTICE OF MOTION - FUNDING FOR WEST LOTHIAN COUNCIL - SUBMITTED BY COUNCILLOR DAMIAN DORAN-TIMSON

The Council considered a motion (copies of which had been circulated) submitted by Councillor Damian Doran-Timson in the following terms: -

“The recent budget from the SNP Scottish Government is a disaster for West Lothian communities as it is for communities across Scotland.

COSLA president Shona Morrison has stated that due to the SNP underfunding local government, this will cause cuts in every community.

On top of the underfunding of West Lothian Council, the authoritarian council tax freeze has placed even more pressure on West Lothian Council and the services that are provided. COSLA, councils across Scotland and independent financial institutions have stated that the funding provided for the Council Tax freeze does not fully fund the freeze. Indeed, when the £63 million core revenue budget cut is taken into account, the council tax funding only amounts to a 2.8% council tax increase. The Deputy First Minister has written to West Lothian Council stating that the council tax freeze has not been fully funded.

This is despite the largest block grant in history being made to the Scottish Government at around £41 billion a year for 2022-2025. This means that for every £100 per person the UK Government spends in England on matters devolved to Scotland, the Scottish Government will receive around £126 per person in Scotland.

The mismanagement of the Public Finances by this SNP Scottish Government is a travesty and is severely damaging every community across West Lothian.

Recently, Michael Gove, Secretary of State for Levelling Up, Housing and Communities for the UK has expressed a desire to work with councils in Scotland to mitigate the atrocious SNP cuts.

Therefore, Council instructs the Chief Executive to write to:

1. Michael Gove, requesting to meet and discuss ways in which the UK Government can assist West Lothian Council to ease the financial pressure caused by a failing SNP Government.
  2. Jeremy Hunt, Chancellor of the Exchequer, requesting that consideration is given in future UK budgets to provide more funding to local councils in Scotland, bypassing the Scottish Government.
- Moved by Councillor Damian Doran-Timson and seconded by Councillor Angela Doran-Timson

#### Amendment

“UK Governments have only ever failed Scotland. They impose upon us governments we do not vote for, policies we do not vote for, and then when we attempt to use devolution to pass legislation to deal with our differences, they ride roughshod over democracy with attempts at killing it stone dead - and Cllr Timson’s motion is testimony to that mindset

The economic difficulties we as a council find ourselves facing have not been caused by the Scottish Government - they have been caused by the economic policy failings of both Labour and Tory governments for decades.

More recently, the Westminster Tory economic policy of austerity to reduce spending on public services since 2010 has drastically reduced spending in real terms, and we know that because as the provider of many public services we have had to deal with the consequences of this damaging policy.

Due to UK government mismanagement, the neoliberal policy of slashing public services, Brexit and the disastrous Liz Truss mini budget, councils the length and breadth of these isles are crying out for more money - many are not just cutting services to the bone, they are now amputating those bones - many are facing bankruptcy.

But here in Scotland we do have a lifeline in the shape of a lifeboat that can enable our escape from the sinking ship Britannia - and that lifeboat is called Independence.

Following 14 years of an austerity driven, democracy exterminating reign of political sabotage at the hands of the Conservative Party in Westminster, and with the prospect of a change of name on the door of number 10 making not one iota of a difference, Council instructs the Chief Executive to write to Prime Minister Rishi Sunak to demand he honours the will of the Scottish Parliament and immediately enters into discussion with the First Minister to start negotiations for a second independence referendum”.

- Moved by Councillor Clark and seconded by Councillor Stafford

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

#### Motion

Alison Adamson  
Stuart Borrowman  
Harry Cartmill  
Tony Boyle  
Tom Conn  
Angela Doran-Timson  
Damian Doran-Timson  
Lawrence Fitzpatrick  
Peter Heggie  
Danny Logue  
Andrew McGuire  
Anne McMillan  
Craig Meek  
Sally Pattle  
George Paul  
Tony Pearson  
Kirsteen Sullivan

#### Amendment

William Boyle  
Diane Calder  
Pauline Clark  
Robert De Bold  
Lynda Kenna  
Carl John  
Maria MacAulay  
Moiria McKee Shemilt  
Pauline Orr  
Veronica Smith  
Pauline Stafford

#### Decision

Following a vote, the motion was successful by 17 votes to 11 with 5 members absent and it was agreed accordingly.

15. NOTICE OF MOTION - RAAC IN PRIVATELY OWNED PROPERTIES - SUBMITTED BY COUNCILLOR ANGELA DORAN-TIMSON

Councillor Angela Doran-Timson advised Council that she was withdrawing her motion in light of the decision taken earlier in the meeting at Agenda Item 14.

16. NOTICE OF MOTION - PHARMACY APPLICATIONS: NATIONAL APPEAL PANEL - SUBMITTED BY COUNCILLOR TOM CONN

Councillor Conn advised Council that he was withdrawing his motion in light of new information that been made known to him prior to the start of the meeting.

17. DOCUMENTS FOR EXECUTION

The Chief Solicitor presented 94 documents for execution

18. EMPTY CHARGE RATES - QUESTION TO THE COUNCIL LEADER - SUBMITTED BY COUNCILLOR MARIA MACAULAY

A written question had been asked regarding empty charge rates and a written answer provided, both of which had been circulated in advance of the meeting.

Councillor MacAulay indicated she wished to put supplementary questions as provided for in Standing Orders. She did so and Councillor Fitzpatrick indicated he would provide a written answer to the supplementary questions to all members in due course.

Decision

1. To note the written question and the written answer provided.
2. To note the supplementary questions put and that a written answer would be provided to all members in due course.

19. AVONDALE LANDFILL - QUESTION TO EXECUTIVE COUNCILLOR FOR ENVIRONMENT AND SUSTAINABILITY - SUBMITTED BY COUNCILLOR PAULINE ORR

A written question had been asked regarding Avondale landfill (copies of which had been circulated). A verbal answer was provided by Councillor Conn at the meeting

Councillor Orr indicated she did not wish to put supplementary questions as provided for in Standing Orders.

Decision

To note the question put and the verbal answer provided

20. RAAC - QUESTION TO EXECUTIVE COUNCILLOR FOR HOUSING SERVICES - SUBMITTED BY COUNCILLOR ROBERT DE BOLD

A written question had been asked regarding RAAC and a written answer provided both of which had been circulated in advance of the meeting.

Councillor De Bold indicated he wished to put a supplementary question as provided for in Standing Orders. He did so and Councillor Paul indicated he would provide a written answer to the supplementary question to all members in due course.

Decision

1. To note the written question and the written answer provided.
2. To note the supplementary question put and that a written answer would be provided in due course.

21. COMMUNITY RECYCLING CENTRES AND WASTE BIN CHARGES - QUESTION TO EXECUTIVE COUNCILLOR FOR ENVIRONMENT AND SUSTAINABILITY - SUBMITTED BY COUNCILLOR SALLY PATTLE

A written question had been asked regarding community recycling centres and waste bin charges (copies of which had been circulated). A verbal answer was provided by Councillor Conn at the meeting

Councillor Pattle indicated she wished to put supplementary questions as provided for in Standing Orders. She did so and Councillor Conn provided a verbal response.

Decision

1. To note the written question and the verbal answer provided.
2. To note the supplementary questions put and the verbal answers provided.

22. NATIONAL CARE SERVICE - QUESTION TO EXECUTIVE COUNCILLOR FOR SOCIAL WORK AND HEALTH - SUBMITTED BY COUNCILLOR SALLY PATTLE

A written question had been asked regarding the National Care Service and a written answer provided both of which had been circulated in advance of the meeting.

Councillor Pattle indicated she did not wish to put supplementary questions as provided for in Standing Orders.

Decision

To note the written question and the written answer provided.

23. NATIONAL ENDOMETRIOSIS AWARENESS MONTH - QUESTION TO  
EXECUTIVE COUNCILLOR FOR SOCIAL WORK AND HEALTH -  
SUBMITTED BY COUNCILLOR SALLY PATTLE

A written question had been asked regarding the National Endometriosis Awareness Month and a written answer provided both of which had been circulated in advance of the meeting.

Councillor Pattle indicated she did not wish to put supplementary questions as provided for in Standing Orders.

Decision

To note the written question and the written answer provided.





**Chief Executive Office**

West Lothian Civic Centre  
Howden South Road  
Livingston  
West Lothian  
EH54 6FF

Our Ref: CEO/MH 190324  
Your Ref:

**Contact: Graham Hope**  
Tel: 01506 281697  
email: [graham.hope@westlothian.gov.uk](mailto:graham.hope@westlothian.gov.uk)

**Private and Confidential**  
The Rt Hon Jeremy Hunt MP  
Chancellor of the Exchequer  
House of Commons  
London  
SW1A 0AA

21 March 2024

Dear Chancellor

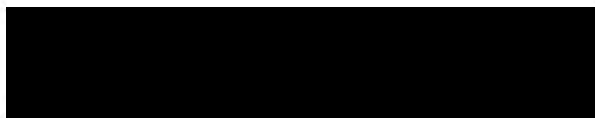
**Funding for West Lothian Council**

A meeting of West Lothian Council took place on Tuesday 19 March 2024 at which there was discussion regarding the above.

Under the terms of the Motion, it was agreed that I write to you on behalf of the council to request that consideration is given in future UK budgets to provide more direct funding to local councils in Scotland.

I have enclosed a copy of the relevant Notice of Motion for your information and I look forward to receiving your response at the earliest opportunity.

Yours sincerely,



**Graham Hope**  
**Chief Executive**

Encl



## Chief Executive Office

West Lothian Civic Centre  
Howden South Road  
Livingston  
West Lothian  
EH54 6FF

Our Ref: CEO/MH  
Your Ref:

**Contact: Graham Hope**  
Tel: 01506 281697  
email: [graham.hope@westlothian.gov.uk](mailto:graham.hope@westlothian.gov.uk)

### Private and Confidential

Shona Robison MSP  
Deputy First Minister of Scotland  
[dfmcsf@gov.scot](mailto:dfmcsf@gov.scot)  
(letter sent electronically only)

27 February 2024

Dear Deputy First Minister

### RAAC Costs - St Kentigern's Academy

A meeting of West Lothian Council took place on Thursday 22 February 2024 at which the Asset Management Strategy and General Services Capital Programme 2024/25 to 2032/33 was approved. I have enclosed a copy of the relevant Notice of Motion.

The council faces costs of £77 million to deal with RAAC issues mainly within schools but also other community facilities. Over the last few years, the council has committed £50 million of its own limited capital resources to meet these costs but this leaves a £15 million shortfall to meet the costs of the £35 million remedial works required at St Kentigern's. I am writing to you to request that the Scottish Government provides £15million to meet the shortfall.

The RAAC area and adjacent buildings that are currently being demolished represent around 60% of the usable building footprint. Due to the condition of the RAAC and the health and safety aspect, the council was left with no alternative than to demolish the existing building and construct a new building on a similar area as quickly as possible.

The council have dealt with the extremely challenging situation and has managed to keep the school operational throughout, but having exhausted funding options available, additional cuts will be required to council services and investment if the £15 million requested from the Scottish Government is not provided.

I look forward to receiving your response.

Yours sincerely



**Graham Hope**  
**Chief Executive**

Encl.



**Chief Executive Office**

West Lothian Civic Centre  
Howden South Road  
Livingston  
West Lothian  
EH54 6FF

Our Ref: CEO/MH FC190324  
Your Ref:

**Contact: Graham Hope**  
Tel: 01506 281697  
email: [graham.hope@westlothian.gov.uk](mailto:graham.hope@westlothian.gov.uk)

**Private and Confidential**  
Humza Yousaf MSP  
First Minister of Scotland  
[firstminister@gov.scot](mailto:firstminister@gov.scot)  
(letter sent electronically only)

21 March 2024

Dear First Minister

**RAAC**

A meeting of West Lothian Council took place on Tuesday 19 March 2024 at which the above was discussed. I have enclosed a copy of the relevant Notice of Composite Motion for your information.

I am writing to you on behalf of West Lothian Council to request that the Scottish Government provide an undertaking that it will fully grant fund condition surveys for suspected RAAC in both council homes and those of owner occupiers.

I look forward to receiving your response at the earliest opportunity.

Yours sincerely



**Graham Hope**  
**Chief Executive**

Encl



**Chief Executive Office**

West Lothian Civic Centre  
Howden South Road  
Livingston  
West Lothian  
EH54 6FF

Our Ref: CEO/MH 190324  
Your Ref:

**Contact: Graham Hope**  
Tel: 01506 281697  
email: [graham.hope@westlothian.gov.uk](mailto:graham.hope@westlothian.gov.uk)

**Private and Confidential**

The Rt Hon Michael Gove MP  
Secretary of State for Levelling Up, Housing and Communities,  
and Minister for Intergovernmental Relations  
House of Commons  
London  
SW1A 0AA

21 March 2024

Dear Secretary of State

**Funding for West Lothian Council**

A meeting of West Lothian Council took place on Tuesday 19 March 2024 at which there was discussion regarding the above.

I am writing to you on behalf of the council to request a meeting to discuss ways in which the UK Government can assist West Lothian Council to ease financial pressure.

I have enclosed a copy of the relevant Notice of Motion for your information and I look forward to receiving your response at the earliest opportunity.

Yours sincerely,



**Graham Hope**  
**Chief Executive**

Encl



**Chief Executive Office**

West Lothian Civic Centre  
Howden South Road  
Livingston  
West Lothian  
EH54 6FF

Our Ref: CEO/MH FC190324  
Your Ref:

**Contact: Graham Hope**  
Tel: 01506 281697  
email: [graham.hope@westlothian.gov.uk](mailto:graham.hope@westlothian.gov.uk)

Alan McCloskey  
Chief Executive  
Voluntary Sector Gateway West Lothian  
Sent electronically:  
[alan.mccloskey@vsgwl.org](mailto:alan.mccloskey@vsgwl.org)

21 March 2024

Dear Alan

**Happy 21<sup>st</sup> Birthday Voluntary Sector Gateway**

A meeting of West Lothian Council took place on Tuesday 19 March 2023 at which the recent celebration of the Voluntary Sector Gateway's 21<sup>st</sup> birthday was noted. I have attached a copy of the relevant Notice of Motion for your information.

I am writing on behalf of West Lothian Council to congratulate you on this significant milestone birthday and thank you for the work of VSGWL to support local third sector organisations, community groups and residents across West Lothian.

With best wishes for the next 21 years,



**Graham Hope**  
**Chief Executive**

Encl

**From:** [Alan McCloskey](#)  
**To:** [Hewitt, Morgan](#)  
**Subject:** RE: Happy 21st Birthday Voluntary Sector Gateway - [OFFICIAL]  
**Date:** 21 March 2024 16:13:48  
**Attachments:** [image001.png](#)  
[image002.png](#)

---

Hi Morgan

Many thanks for this. I've shared this positive endorsement of our work and achievements with our staff and trustees.

Best wishes

Alan

Alan McCloskey

Chief Executive Officer

Tel No 01506 650111 / 07712 521848

Promoting, Supporting and Developing West Lothian's Voluntary Sector



**From:** Hewitt, Morgan <Morgan.hewitt@westlothian.gov.uk>  
**Sent:** Thursday, March 21, 2024 2:54 PM  
**To:** Alan McCloskey <alan.mccloskey@vsgwl.org>  
**Subject:** Happy 21st Birthday Voluntary Sector Gateway - [OFFICIAL]

**DATA LABEL: OFFICIAL**

Good afternoon Alan

Please find attached a letter on behalf of the Chief Executive, Graham Hope.

Kind regards

Morgan

**Morgan Hewitt**

Project Officer

Chief Executive Office

West Lothian Council, Civic Centre, Howden South Road, Livingston, EH54 6FF

[morgan.hewitt@westlothian.gov.uk](mailto:morgan.hewitt@westlothian.gov.uk)

01506 281080

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<http://www.westlothian.gov.uk>

**Cabinet Secretary for Education and Skills**  
 Rùnaire a' Chaibineit airson Foghlam agus Sgilean  
**Jenny Gilruth MSP/BPA**



**Scottish Government**  
 Riaghaltas na h-Alba  
 gov.scot

T : 0300 244 4000  
 E : scottish.ministers@gov.scot

Graham Hope  
 Morgan.hewitt@westlothian.gov.uk

Our Reference: 202400401665  
 Your Reference: RAAC Costs - St Kentigern's Academy

25 March 2024

Dear Graham,

Thank you for your email of 27th February to the Deputy First Minister and Cabinet Secretary for Finance regarding RAAC. I am replying as the school estate sits within my portfolio.

As you know, Scottish Government officials and Scottish Futures Trust had the opportunity to visit schools which contain RAAC in West Lothian, including St Kentigern's Academy, last year. I am grateful for the ongoing work West Lothian Council and the school have undertaken to keep learners and staff safe, whilst ensuring that there is minimal disruption to pupils' learning.

Regarding funding for RAAC remediation, the Scottish Government is currently facing capital budgetary challenges and as a result, any future decisions on funding will need to be considered within this context. As has previously been set out, once the Scottish Government can it be assured that we have a comprehensive understanding of the scope and nature of what we are dealing with we will give consideration to the issue of funding.

Any request for funding would need to be assessed on a proportionate and equitable basis taking into account all relevant factors. However, my officials continue to engage with UK Government counterparts to discuss issues concerning RAAC, including funding for remediation. The Cabinet Secretary for Social Justice reconfirmed in the Scottish Parliament on 5th March that we have not yet received any funding from the UK Government for RAAC.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

Tha Ministearanna h-Alba, an luchd-comhairleachaidh sònraichte agus Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh [www.lobbying.scot](http://www.lobbying.scot)

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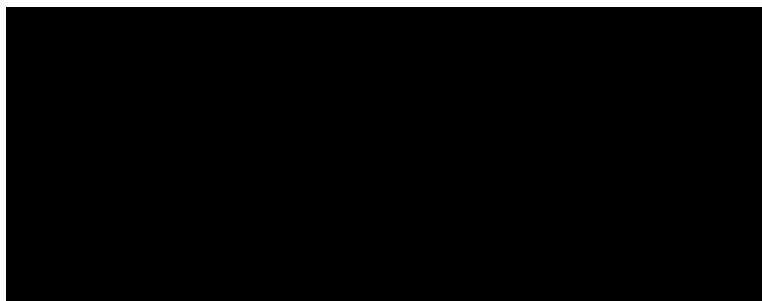




In 2024-25, West Lothian Council will receive £428.7 million to fund local services, which equates to an extra £23.8 million to support vital day to day services or an additional 5.9% compared to the 2023-24 budget. In addition, all Councils will receive their fair share of the currently undistributed sum of £201.1 million following agreement with COSLA.

My officials and Scottish Futures Trust will continue to engage with West Lothian Council regarding their school estate and RAAC remediation, as well as the situation at St Kentigern's Academy moving forward.

Yours sincerely,



**JENNY GILRUTH**

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

Tha Ministearanna h-Alba, an luchd-comhairleachaidh sònraichte agus Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh [www.lobbying.scot](http://www.lobbying.scot)

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[www.gov.scot](http://www.gov.scot)



**Minister for Housing**  
 Ministear airson Taigheadas  
**Paul McLennan MSP/BPA**



**Scottish Government**  
 Riaghaltas na h-Alba  
 gov.scot

T : 0300 244 4000  
 E : scottish.ministers@gov.scot

Morgan Hewitt  
 Morgan.hewitt@westlothian.gov.uk

Our Reference: 202400405886  
 Your Reference: FAO First Minister - RAAC - [OFFICIAL]

16 April 2024

Dear Graham,

Thank you for your letter of 21 March 2024 to the First Minister in relation to homes in West Lothian that have been identified as containing RAAC. I am replying as the Minister with lead responsibility in these matters.

I would like to thank you for the work that West Lothian Council has undertaken so far to identify RAAC in the homes that it owns. Building owners are responsible for maintaining their properties. This includes any work required to identify or remediate RAAC present in buildings. Therefore, any costs involved in surveying properties or any other maintenance work that West Lothian Council carries out to homes it owns should be funded from within existing budgets. Homeowners are also responsible for maintenance costs in their own homes and for their share of work on any common elements of a shared building. This will include any work required to survey for or to remediate unsafe RAAC. As you will be aware, local authorities are required to have in place a scheme of assistance statement which sets out the assistance that will be provided to private home owners. Assistance may be provided on such terms as the authority thinks fit (subject to the provisions set out in the Housing (Scotland) Act 2006, Section 71). Ultimately it will be for the local authority to determine what support can be made available for homeowners in these circumstances, taking into account local circumstances and priorities.

As you will be aware, previously the Chancellor had committed to 'spend what is necessary' to deal with the issue of RAAC. However, no funding has been forthcoming, including in the recent budget. In addition, as the UK Government has failed to inflation-proof their capital budget. This has resulted in a nearly 9% real terms cut in our capital funding between 2023-24 and 2027-28. We will continue to call on this UK Government, and any future incoming UK Government, to commit to this funding as previously pledged. RAAC is an issue that the Scottish Government takes very seriously. We want

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everyone to be safe in their homes. I am committed to working in partnership with West Lothian Council to ensure that this issue is dealt with effectively and to ensure that the affected households are supported appropriately.

I am pleased to note that you are preparing a report to be presented to your Housing Services Policy Development and Scrutiny Panel which will provide an update on the council's programme together with detailed information on the support that the council is able to provide to homeowners. Once this report is complete, I would be delighted to meet with council leaders to understand the next steps and discuss the options available to the council.

I look forward to hearing further from you as your options appraisal process continues.

Yours sincerely



**PAUL MCLENNAN**  
**Minister for Housing**

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

Tha Ministearanna h-Alba, an luchd-comhairleachaidh sònraichte agus Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh [www.lobbying.scot](http://www.lobbying.scot)

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HM Treasury, 1 Horse Guards Road, London, SW1A 2HQ

Graham Hope  
Chief Executive  
West Lothian Council  
West Lothian Civic Centre  
Howden Road South  
Livingston  
West Lothian  
EH54 6FF

Your ref: CEO/MH 190324  
23 April 2024

Dear Mr Hope,

Thank you for your letter of 21 March on behalf of West Lothian Council. I am replying as the Minister responsible for public spending.

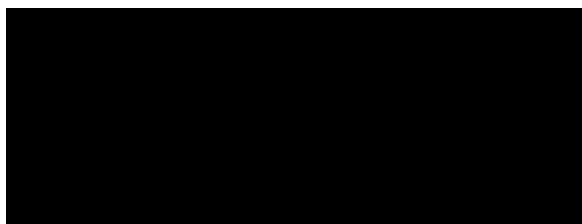
Funding for Local Authorities is devolved and therefore it is the responsibility of the Scottish Government. The Barnett formula is a key part of the arrangements for pooling and sharing risks and resources across the UK. It is for the devolved administrations, including the Scottish Government, to allocate their funding in devolved areas as they see fit. They can therefore take their own decisions on managing and investing available resources, reflecting their own priorities and local circumstances, and they are accountable to the devolved legislatures for these decisions. It is the role of the Scottish Parliament, to provide scrutiny over the Scottish Government's management of their funding and resources.

The 2021 Spending Review announced the largest real-terms annual block grants of any Spending Review settlement since devolution in 1998. This provided £41 billion per year for the Scottish Government. The Scottish Government is receiving around 25 per cent more funding per person than equivalent UK Government spending in other parts of the UK. That translates to £8.5 billion more per year on average.

The UK Government has also provided significant investment directly in Scotland, including £471 million of funding in Scotland through the three rounds of the Levelling Up Fund and around £1.49 billion for twelve City and Growth Deals covering all parts of Scotland.

I hope that this has been helpful and I appreciate you sharing your concerns.

Yours sincerely,



RT HON LAURA TROTT MP  
CHIEF SECRETARY TO THE TREASURY



MINUTE of MEETING of the EDUCATION (QUALITY ASSURANCE) COMMITTEE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 5 MARCH 2024.

Present – Councillors Peter Heggie (Chair), Andrew McGuire, Stuart Borrowman, Tony Boyle, Pauline Clark, Moira McKee Shemilt and Sally Pattle; Appointed Members Kent Ballantyne, Peter Doolan and Lynne McEwen

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTES

The committee confirmed the Minutes of its meeting held on Tuesday 16 January 2024 as a correct record. The Minute was thereafter signed by the Chair.

3. EDUCATION SCOTLAND REPORT: BROXBURN ACADEMY

The committee considered a report (copies of which had been circulated) by the Head of Education (Secondary, Community Learning and Inclusion) informing of the outcome of the Education Scotland (HMI) Inspection at Broxburn Academy.

The report was presented by officers, and the committee informed that the Chair of the Parent Council was unable to attend the meeting. However, the Chair wished to advise that the Parent Council considered the inspection's high-level findings unbalanced, focusing primarily on the improvement required and not the many positive actions that had taken place across the school.

Officers then responded to questions from members on: the identified areas for improvement noted within the report, embedding strategies, assessment of attainment over the medium term, the school's anti-bullying policy and approaches, primary to secondary school transition, the practical steps taken for subject improvement, staff support and learning for leading improvement, staff morale and readiness to take improvement forward, consistency of lesson delivery, and classroom observations.

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

Decision

To note the contents of the report.

4. EDUCATION SCOTLAND REPORT: DECHMONT INFANT SCHOOL

The committee considered a report (copies of which had been circulated) by the Head of Education (Primary, Early Years and Resources) informing of the outcome of the Education Scotland (HMI) Inspection at Dechmont Infant School.

Kirsty McLaren, Head Teacher, informed members that she was proud of the school community and the recognition of the continued school improvement journey. The school welcomed the identified strengths, and the staff team were enthusiastic to build upon the positive improvement journey. The committee were advised that approaches to build on Mathematics was a key feature of the school improvement plan, while project-based learning would support learner independence. Sharing of effective practice and accurate self-evaluation was undertaken, and there was a focus on helping children achieve their full potential with the appropriate challenge and support for their learning, which provided the best experience for children and the school community.

The Head Teacher then responded to committee questions on their dual Head Teacher role at Kirkhill and Dechmont Primary Schools and teaching techniques considering the significant difference in the two school rolls and on the subject of Mathematics.

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

Decision

To note the contents of the report and update from the Head Teacher.

5. EDUCATION SCOTLAND REPORT: KIRKHILL PRIMARY SCHOOL AND KIRKHILL NURSERY SCHOOL

The committee considered a report (copies of which had been circulated) by the Head of Education (Primary, Early Years and Resources) informing of the outcome of the Education Scotland (HMI) Inspection at Kirkhill Primary School and Kirkhill Nursery School.

Kirsty McLaren, Head Teacher, introduced the report and advised she was delighted with the inspection outcome and elated for the school community. There was a focus on approaches to equity and reducing the cost of school day, which was identified as highly effective. The next steps would include the continuation of play-based approaches to learning within the classroom and outdoors, which the school had previously identified and was working on before the inspection, with staff enthusiastic to continue to develop the approaches further. Moving on to the nursery, the committee were advised questioning skills were worked on, leading to a recognised improvement in supporting and challenging children's learning experiences. In acknowledging the inspection process was undertaken with a relatively new nursery team, the Head Teacher advised



of the positive steps taken to develop consistency within the team.

Colin Matthews, Chair of the Parent Council, then spoke of his positive experience with the school, mentioning the dedicated staff, the nurturing environment, strong staff commitment to high-quality learning, promotion of equity, positive relationships, the school's inclusive approach and the positive learning environment which led to enhanced outcomes for children.

The Head Teacher then responded to questions from members on subjects that included: the identified areas for improvement, the use of British Sign Language, and any noted difference in children born during the COVID-19 pandemic due to lesser socialisation throughout that time.

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

#### Decision

To note the contents of the report and update from the Head Teacher.

#### 6. VALIDATED SELF-EVALUATION: HOLY FAMILY PRIMARY SCHOOL AND EARLY LEARNING AND CHILDCARE (ELC) SETTING

The committee considered a report (copies of which had been circulated) by the Head of Education (Primary, Early Years and Resources) bringing to their attention Holy Family Primary School and ELC's validated self-evaluation and identified areas for improvement for session 2023-2024.

Colette Murray, Head Teacher, presented the report and informed members of the arrangements and support provided to children and families during the school's move into its new building and highlighted the benefits of the new environment for the increasing school roll. The Head Teacher also outlined the measures in place to address the identified areas for improvement and was confident the school's self-evaluation process would enable the identification of strengths and the capacity for improvement.

Discussion followed and led to the Head Teacher responding to questions on: the transition process, the use and benefits of the new school space, integration of pupils into stages, the effect on learning and teaching as a result of the new school areas, the improvement journey and approaches, and school capacity.

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

#### Decision

To note the contents of the report and update from the Head Teacher.

7. WORKPLAN

A workplan had been circulated for information.

Decision

To note the workplan.

MINUTE of MEETING of the AUDIT COMMITTEE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 19 JANUARY 2024.

Present – Councillors Angela Doran-Timson (Chair), Lawrence Fitzpatrick, Lynda Kenna and Kirsteen Sullivan; Lay Member Moira Glencorse

Apologies – Councillor Pauline Orr

In attendance – Graham Hope (Chief Executive), Patrick Welsh (Head of Finance and Property Services), Donna Adam (Strategic Resource Manager), Robin Allen (Senior Manager, Social Policy), Brian Battison (Audit Scotland), Kim Hardie (Health and Safety Manager), Graham Jack (Auditor), Sharon Leitch (Senior Auditor), James Millar (Governance Manager), Kenneth Ribbons (Audit, Risk and Counter Fraud Manager), Stuart Saunders (Senior Compliance Officer), and Kenny Wilson (Auditor)

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. ORDER OF BUSINESS

The committee agreed that to enable officers to provide complete data, agenda item 9 (*Internal Audit of Controls in Relation to Pupil on Pupil Violence*) would be withdrawn from the agenda and presented at a future Audit Committee meeting.

3. MINUTES

The committee confirmed the Minute of its meeting held on held on Friday 03 November 2023 as a correct record. The Minute was thereafter signed by the Chair.

4. COMMITTEE SELF-ASSESSMENT

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager inviting members to review and renew the arrangements for carrying out a self-assessment of its administrative arrangements and activity.

The use of “adequate” within the self-assessment document was highlighted, with a suggestion that an alternative description be used. The Audit, Risk and Counter Fraud Manager would review the adjective and consider one more appropriate.

It was recommended that the committee:

1. consider the statements set out in the appendix to the report; and

2. agree that, subject to any changes it considered appropriate, the statements be circulated to Audit Committee members with a view to the results being reported back to the Committee at its next meeting on 26 April 2024.

#### Decision

1. To approve the contents of the report; and
2. To note officers would review the adjective "adequate" within the self-assessment document and consider one more appropriate.

### 5. INTERNAL AUDIT INTERIM REPORT

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager informing of progress in relation to the internal audit plan for 2023/24.

Further information was sought on the non-compliant contract award, referred to in the appendix under the Procurement Audit, with the circumstances explained and the committee informed of the service's assurance that it would not be repeated. The Audit, Risk and Counter Fraud Manager would arrange for the circulation to members of a written response further explaining the situation and why it led to the non-compliant outcome.

In response to a question concerning the expected completion date for the outstanding audit of asbestos management within Housing, Customer and Building Services, the Audit, Risk and Counter Fraud Manager advised he would anticipate completion by March 2024. Members agreed that an update on this audit would be provided at the next Audit Committee meeting on 26 April 2024.

It was recommended that the committee:

1. note progress on the 2023/24 internal audit plan as set out in section D.1 of the report; and
2. approve the change to the plan as set out in section D.2 of the report.

#### Decision

1. To approve the contents of the report;
2. To agree that an update regarding the audit of the management of asbestos within Housing, Customer and Building Services, referred to in section D1, would be reported at the committee's next meeting on 26 April 2024, and;
3. To note officers would circulate to members a written response concerning the circumstances that led to the non-compliant

contract award referred to in the appendix under the Procurement Audit.

6. RISK ACTIONS ARISING FROM AUDIT AND INSPECTION REPORTS

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager advising of progress in the implementation of agreed actions arising from audit and inspection reports.

Having been asked about the Education Services system change and related technical challenges referred to in the appendix, officers advised this related to school admissions. The committee was informed that pending implementation of the CivTech product in December 2024, the existing system would be available to mitigate the identified risk, with reverting to paper applications possible, if necessary.

It was recommended that the committee note that there were two outstanding risk actions arising from audit and inspection reports which were due for completion on or before 31 March 2023.

Decision

To note the contents of the report.

7. COUNTER FRAUD INTERIM REPORT (APRIL 2023 TO DECEMBER 2023)

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager informing of the performance and activities of the Counter Fraud Team for the period from 1 April 2023 to 31 December 2023.

Further information was sought, with the procedures subsequently explained concerning referrals not accepted by Counter Fraud, specifically regarding those out with council hours and the process for dealing with anti-money laundering cases.

It was recommended that the committee note the performance and activities undertaken by the Counter Fraud Team during the first nine months of financial year 2023/24.

Decision

To note the contents of the report.

8. SOCIAL POLICY POLICIES AND PROCEDURES REVIEW

The committee considered a report (copies of which had been circulated) by the Head of Social Policy providing an update on the progress and outcomes of the review of Social Policy policies and procedures.

Officers were asked whether the 31 January 2024 deadline was achievable, and it explained that this date was for the identification of procedures that required action, with some already established. Those requiring to be reviewed would be added to a workplan to monitor update activity.

It was recommended that the committee note the progress that had been made in reviewing and updating policies and procedures.

#### Decision

To note the contents of the report.

MINUTE of MEETING of the WEST LOTHIAN LEISURE ADVISORY COMMITTEE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 25 MARCH 2024.

Present – Councillors Craig Meek (Chair), Cathy Muldoon, Alison Adamson, Anne McMillan and Andrew Miller

In attendance

Patrick Welsh – Head of Finance and Property Services, WLC

Alan Colquhoun – Strategic Partnership Manager, WLC

Christine Bohne – Finance and Property Services, WLC

Ben Lamb – Chief Executive Officer, WLL

Andrew Heron – Head of Finance, WLL

1 DECLARATIONS OF INTEREST

There were no declarations of interest made.

2 MINUTES

The committee approved the minute of its meeting held on 5 February 2024 as a correct record. The Chair thereafter signed the minute.

3 PRIVATE SESSION

The committee resolved under Section 50(A)(4) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting during consideration of the following items of business as it involved the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7A of the Act.

4 WEST LOTHIAN LEISURE FINANCIAL POSITION

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update of West Lothian Leisure's (WLL) financial position.

It was recommended that the committee note:

1. WLL's financial performance for the ten months to 31 January 2024.
2. WLL's Updated financial forecast for 2023/24.
3. WLL's budgeted financial performance for the year to 31 March 2025.
4. That the funding agreement between West Lothian Council ("council") and WLL for the year to 31 March 2025 had been

signed.

During discussion, funding parameters of WLL's management fee were further explained. WLL also assured members that membership prices were at an appropriate level, which customer feedback seemed to confirm.

#### Decision

To note the terms of the report.

### 5 MONITORING REPORT: OPERATIONAL PERFORMANCE

The committee considered a report (copies of which had been circulated) by the Depute Chief Executive providing an update on the operational performance of services and activities delivered by West Lothian Leisure (WLL) and providing updates on notable operational, business development and property matters.

It was recommended that the committee note the updates on WLL's operational performance and related matters outlined in the report.

More information was then provided on health referrals by General Practitioners and it was clarified that funding for referrals was provided for 12 weeks by the Health and Social Care Partnership, while a discounted health membership continued to be provided by WLL beyond the 12 weeks.

In response to a question from members, WLL advised that a number of ways to communicate with employees had been developed, which included an engagement survey, appointment of a staff representative on WLL's Board of Directors, and formation of an employee forum. Updates to the committee would continue to be provided as communications with employees progressed.

It was also confirmed that WLL employees' free gym membership did not extend to their families.

The process regarding frozen memberships and cancellations was then explained and WLL's commitment to customer retention was reiterated.

#### Decision

To note the terms of the report.



MINUTE of MEETING of the PERFORMANCE COMMITTEE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, EH54 6FF, on 5 FEBRUARY 2024.

Present – Councillors Peter Heggie (Chair), Danny Logue, Tony Boyle, Carl John; and Maria MacAulay

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. MINUTE

The committee approved the minute of its meeting held on 13 November 2023. The Chair thereafter signed the minute.

3. SERVICE PERFORMANCE AND WLAM OUTCOME REPORT - ANTI-POVERTY SERVICE

The Committee considered a report (copies of which had been circulated) by the Depute Chief Executive providing an overview of a service assessment from the West Lothian Assessment Model process (2022/25). It also provided a summary of recommendations from the officer-led scrutiny panel that had been identified for action and were to be delivered by the service.

The committee were then provided with a presentation by the Anti-Poverty Manager who summarised key activities and key challenges for the service noting how delivery of service had changed significantly during the Covid-19 pandemic and which included digitisation and automation of many key services.

It was noted that the service was experiencing a greater demand due to increasing levels of poverty, the cost of living crises, increased complexity of need. Therefore, it needed to better manage resources to meet these increased pressures.

Increased use of digital technologies would be key to improving the way the service was delivered to its customers and would promote independence through self-help, better referral and tracking and use of data to deliver targeted interventions.

The presentation concluded with a Performance Dashboard providing a range of statistics on service delivery and performance to date.

Members then took the opportunity to explore with officers the ongoing digitisation of applying for services online such as the blue badge scheme and being able to contact the council in the event of their application being unsuccessful.

The Anti-Poverty Manager explained that the letter to those applying for a

blue badge had recently been reviewed and updated to make it clearer those options available with respect to their application and how to appeal any decisions.

Members were also keen to ensure that for those who did not wish to engage with technology and apply for services online then face-to-face appointments were still available. The Anti-Poverty Manager assured the committee that personal drop-in appointments were still available and were very popular with residents.

The Anti-Poverty Manager continued to explain to members that guidance had been issued to local authorities by Transport Scotland with regards to the management and issuing of blue badges and that it was about mobility rather than the particular illness. Training had been delivered to elected members in recent months on the scheme and this could be repeated if members felt that would of a benefit.

On a final note, members were keen to learn if the nature of the service delivery had changed in the past 12 months. The Anti-Poverty Manager explained that initially there had been the remobilisation of staff to recommence face-to-face appointments and that they were now starting to see more in-work poverty including enquiries around mortgage debt and those with assets.

The Chair thanked the officer's for the very informative presentation.

It was recommended that the committee :-

1. Note the outcome from the WLAM and Review Panel process
2. Note the recommendations for improvement
3. Agree any other recommendation that may improve the performance of the service

#### Decision

1. To note the content of the report and presentation
2. To agree that the Anti-Poverty Manager circulate to all members the training notes/guidance on the management and issue of blue badges.

#### 4. SERVICE PERFORMANCE AND WLAM OUTCOME REPORT - REVENUES

The Committee considered a report (copies of which had been circulated) by the Depute Chief Executive providing an overview of a service assessment from the West Lothian Assessment Model process (2022/25). It also provided a summary of recommendations from the officer-led scrutiny panel that had been identified for action and were to be delivered by the service.

The Committee were then provided with an overview of the key achievements of the Revenues Unit and which included improved council tax collection rates; development and implementation of a council tax customer portal; and delivery of council tax cost of living payments.

The presentation continued by explaining the demand for skills and automation given higher customer expectations, increased demand and better use of resources and technology. This was all in a backdrop of increasing regulations including political reform of local taxation.

The presentation concluded with a series of statistics including a 97.22% collection rate of council tax in 2022/23 and 3.7 being the average number of days to process council tax and business rate refunds, which was down from a high of 21.3 days some years previously.

Members then explored options for payment of council tax and housing rent for those who were less confident using online options. The Revenues Service Manager explained that over the last two years the council had introduced over 100 Pay Points which tended to be more local for residents to access; had longer opening hours and therefore were more convenient for customers processing payments to the council. The council continued to promote this option and others widely across all West Lothian communities.

Committee continued discussion around returning customers calls and those leaving voice mail messages and how this was best managed to ensure that contact was made at the earliest opportunity with the customer. The Revenues Service Manager explained that every attempt was made to return the call the same day and that a total of three attempts were made. However, that did not necessarily translate into having spoken to the customer. Committee asked if in future the performance indicator could make clear if contact was made with the customer or a voice mail message was left for them, during those three attempts.

The Revenues Manager continued to assure members by explaining that the unit would make better use of resources and realign staff to increase council tax collection rates and council tax aged debt.

The Chair thanked the officer's for the very informative presentation.

It was recommended that the committee :-

4. Note the outcome from the WLAM and Review Panel process
5. Note the recommendations for improvement
6. Agree any other recommendation that may improve the performance of the service

#### Decision

1. To note the content of the report
2. To ask the Revenues Services Manager to review KPI REV030\_9b to better reflect returning a voice mail message within 1 working day and speaking to the customer.

5. COMPLAINT PERFORMANCE REPORT QUARTER 2 2023/24

The Committee considered a report (copies of which had been circulated) by the Depute Chief Executive providing the quarterly analysis of closed complaints in Quarter 2: 2023/24.

The Committee noted that the number of complaints attributable to Operational Services had increased but this was in the context of three significant service changes; these being moving to a 7-day waste collection service; changes to CRC operating hours; and implementation of the contamination waste reduction strategy. Additionally, because the nature of the service provided affected every household in West Lothian the proportion of complaints was typically greater in number.

It was further noted that it would be difficult to confirm when complaints would see a downward trend in light of the council having to continue to make difficult decisions around the manner in which it delivered many council services. Management of complaints received would continue to be critical in terms of whether complaints were upheld or not and any service improvement actions that could be taken in cognisance of complaints received and which would include training, education and communication.

The Council would continue to use The Bulletin and social media to communicate service changes but would also use more nuanced methods such as running pilots in certain areas, the implementation of the contamination waste reduction strategy being just one example of such a recent scenario.

It was recommended that the committee :-

1. Note the corporate and service complaint performance against the standards outlined in the council's complaint handling procedure; and
2. Continue to monitor complaint performance and request information from services as required.

Decision

To note the content of the report

6. CORPORATE STRATEGIES 2023-2028 - CUSTOMER STRATEGY

The Committee considered a report (copies of which had been circulated)

by the Depute Chief Executive providing a copy of the Corporate Strategy, one of four new corporate strategies that would support delivery of the council's new Corporate Plan and Budget Strategy in 2023/24 to 2027/28.

It was recommended that the committee ;-

1. Notes the content of the corporate strategy, including the four outcomes and planned actions;
2. Notes the process for the development of the corporate strategies;
3. Notes that the corporate strategy commenced in 2023;
4. Notes that the strategy will provide an annual update on the progress of actions and performance to the Corporate Policy and Resources PDSP and Performance Committee.

#### Decision

To note the content of the report



MINUTE of MEETING of the PERFORMANCE COMMITTEE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, EH54 6FF, on 25 MARCH 2024.

Present – Councillors Peter Heggie (Chair), Danny Logue, Tony Boyle, Carl John; and Maria MacAulay

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. MINUTE

The committee approved the minute of its meeting held on 5 February 2023. The Chair thereafter signed the minute.

3. SERVICE PERFORMANCE AND WLAM OUTCOME REPORT – CUSTOMER AND COMMUNITIES

The Committee considered a report (copies of which had been circulated) by the Depute Chief Executive providing an overview of a service assessment from the West Lothian Assessment Model process (2022/25). It also provided a summary of recommendations from the officer-led scrutiny panel that had been identified for action and were to be delivered by the service.

The committee then received a presentation from the Customer and Community Service Manager who summarised key activities and key challenges for the service. He spoke of how delivery of services had changed significantly during the pandemic and of the work that had been undertaken or was planned to increase footfall in libraries and community centres and face to face CIS appointments back to pre-pandemic levels.

The committee heard of the work that had been undertaken with a variety of partners to ensure the services offered were more inclusive. This had included working with Heriot Watt University, Dear Action West Lothian and the Scottish Book Trust. Members then received information on the activities that were planned to be carried out between 2024-2028 to strengthen customer engagement; development and involvement of employees; increase learning and benchmarking opportunities; increase collaborative working; and explore digital options to promote self-service systems.

The presentation moved on to provide a synopsis of the review of front-line services to maximise resources and increase collaborative working and of the various digital solutions to support Customer Self Help Self Serve.

The presentation concluded with a Performance Dashboard providing a range of statistics on service delivery and performance to date.

Members took the opportunity to explore the excellent customer satisfaction results in more detail and asked whether the QR code customers used to submit comments could be adapted and questions changed to fit the service being offered.

The Service Manager confirmed that there were 4 corporate questions included in all customer satisfaction questionnaires but that other service specific questions had been added, such as Registration who required additional information from customers and Libraries to gather the thoughts of users from hard to reach groups to learn what was needed to ensure services were inclusive.

Members were keen to hear of the support that was in place for those who customers who could not or did not wish to engage with technology. The Service Manager gave an assurance to the committee that face to face appointment would always be available.

In response to a question, the Service Manager explained that 40% of staff in libraries and CIS offices had undertaken the British Sign Language course and spoke of the plan to encourage greater uptake of the course, particularly by members of the public.

Members were delighted to see the use of digital technology had remained high since the pandemic and sought assurances that back-ups that were in place should technology fail. The Service Manager advised members that the Business Continuity Plan for the service set out how services could still be delivered mechanically and manually from minor to major areas across all functions of the service. They were also made aware of the annual testing that took place, particularly around the threat of a cyber-attack.

The Service Manager then provided members with an overview of the online booking system on trial at East Whitburn Community Centre and Whitburn Partnership Centre and spoke of the plans to roll it out across all community facilities. The system would allow customers to reserve and pay for bookings online, provide a 360-degree walkthrough of spaces for hire and suggest alternatives if the room was already booked.

Members then went on to gain a better understanding of the facilities on offer in libraries since the pandemic. They heard that the books and digital services on offer were based on customer usage. The Service Manager would explore whether audio books were available in a format other than on CD.

On a final note, members were keen to learn about the drop in Leadership in the employee satisfaction study. The Service Manager provided members with a summary of the work that was underway by a small working group that included frontline staff to identify and address failings. The Service Manager concluded his presentation with an overview of sickness absence across the service.

The Chair thanked the officer for the very informative presentation.



It was recommended that the committee :-

1. Note the outcome from the WLAM and Review Panel process;
2. Note the recommendations for improvement; and
3. Agree any other recommendation that may improve the performance of the service.

#### Decision

To note the content of the report and presentation

#### 4. COMPLAINT PERFORMANCE REPORT QUARTER 3 2023/24

The Committee considered a report (copies of which had been circulated) by the Depute Chief Executive providing the quarterly analysis of closed complaints in Quarter 3: 2023/24.

The Committee noted that Operational Services and Housing, Customer and Building Services continued to be the main complaint generators by service, accounting for 85.2% (932) of all recorded complaints (1094) in Quarter 3. They heard that whilst complaints were up on the same period in the previous year, they were lower when compared against the previous quarter. Members heard that three out of five complaints were not upheld. The committee noted that waste management generated most complaints for Operational Services. Members were assured that the service had published lots of information in advance of the various waste management changes that had recently come into effect. Officer felt that the challenge moving forward would be around encouraging customers to change personal waste disposal and recycling habits.

In response to a question about the number of poor communication complaints, members were given an example of an issue that had been identified within Housing, Building and Customer Services and heard of the work that was underway to learn how the service could communicate more effectively with customers, particularly around missed repair appointments. The service was exploring how it could ensure the process for intimating appointments with customers was improved.

Discussion then centred around missed bin collections of an entire street. The Depute Chief Executive explained that resourcing pressures meant occasionally bins on certain beats might not manage to be collected. However, details of streets affected by missed beats were posted daily to the council's website and householders asked to leave their bins by the roadside until they were emptied. The Depute Chief Executive responded to a question surrounding the impact of missed appointments on annual gas safety checks. He explained that the council had a duty to carry out annual gas compliance checks, spoke of the work that was done to engage with tenants to facilitate access and assured members that, where this was not possible, a forced entry would be carried out should

tenants failed to respond.

Discussion concluded around whether the delivery of Bulletin led to an increase in complaints regarding the articles set out in it. The Depute Chief Executive explained that negative comments generally increased as a result of social media posts rather than publication of the Bulletin, with complaints generally rising when services changed and customers did not consider the council had made the right decision. Communication was key to ensuring customers were notified and made aware of service changes.

It was recommended that the committee :-

1. Note the corporate and service complaint performance for Quarter 3 against the standards outlined in the council's complaint handling procedure; and
2. Monitor complaints to identify potential service improvement activity.

#### Decision

To note the content of the report

### 5. FACTFILE 2023

The Committee considered a report (copies of which had been circulated) by the Depute Chief Executive presenting the council's annual performance report Factfile 2023.

Arising from the discussion, officers undertook to seek information for members on the reasons for the reduction in the number of local planning and other applications or consents determined within the statutory periods compared to last year and whether penalties applied if applications were not processed within the statutory timescales. Members were assured that over the last 6 months, officers within the planning service had been working on reviewing their processes to improve performance in this area.

It was recommended that the committee note the content of Factfile 2023.

#### Decision

To note the content of the report

### 6. WORKPLAN

A workplan had been circulated for information.

#### Decision

To note the workplan.





DATA LABEL: PUBLIC

**WEST LOTHIAN COUNCIL****GOVERNANCE & RISK COMMITTEE – NON-COUNCILLOR MEMBER****REPORT BY CHIEF EXECUTIVE****A. PURPOSE OF REPORT**

To extend the appointment of the non-councillor member of the Governance & Risk Committee for three years.

**B. RECOMMENDATIONS**

To extend the appointment of the current non-councillor member of Governance & Risk Committee for three years from 28 September 2024.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Open, honest and accountable
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Scheme of Administration. Local Code of Corporate Governance
<b>III Implications for Scheme of Delegations to Officers</b>	None
<b>IV Impact on performance and performance Indicators</b>	Good governance contributes to good performance and good decisions
<b>V Relevance to Single Outcome Agreement</b>	N/a
<b>VI Resources - (Financial, Staffing and Property)</b>	Within existing resources
<b>VII Consideration at PDSP</b>	Not required
<b>VIII Other consultations</b>	None

**D. TERMS OF REPORT**

- 1** The Scheme of Administration provides for the appointment of a lay or non-councillor member to Governance & Risk Committee. The lay member is a non-voting member of the Committee. The appointment is made to enhance the committee's scrutiny function by bringing a different experience and perspective to the table. Ann Pike was appointed by council on 28 September 2021 following an interview process.

- 2 The initial period of the appointment is three years. At the end of the three-year period, council may offer to extend the appointment for another three years or to seek a new member. Ms Pike has expressed a desire to continue as a member of the committee. Accordingly, council is asked to extend the appointment for a further three years.

**E. CONCLUSION**

The presence of a lay member on the Governance & Risk Committee enhances the committee's ability to scrutinise the council's risk and governance arrangements.

**F. BACKGROUND REFERENCES**

- 1 Scheme of Administration
- 2 West Lothian Council, 28 September 2021

Appendices/Attachments: None

Graham Hope, Chief Executive

James Millar, Governance Manager/Monitoring Officer, 01506 281613,  
[james.millar@westlothian.gov.uk](mailto:james.millar@westlothian.gov.uk)

Date of meeting: 14 May 2024

DATA LABEL: PUBLIC

**WEST LOTHIAN COUNCIL****SCHEME OF ADMINISTRATION – RESERVED MATTERS****REPORT BY CHIEF EXECUTIVE****A. PURPOSE OF REPORT**

To amend the Scheme of Administration to add to the list of decisions reserved to full council by statute.

**B. RECOMMENDATIONS**

To agree the additions to the Scheme of Administration (shown in the appendix) to the matters reserved by law to full council.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Open, honest and accountable
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Standing Orders; Town & Country Planning (Scotland) Act 1997; Education (Scotland) Act 1980; Local Government (Scotland) Act 1973
<b>III Implications for Scheme of Delegations to Officers</b>	The Scheme will be updated as appropriate
<b>IV Impact on performance and performance Indicators</b>	Good governance contributes to good performance and good decisions
<b>V Relevance to Single Outcome Agreement</b>	N/a
<b>VI Resources - (Financial, Staffing and Property)</b>	Within existing resources
<b>VII Consideration at PDSP</b>	None required
<b>VIII Other consultations</b>	Planning Services

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

- 1.1 The Scheme of Administration (the Scheme) shows the remits, powers, membership and meeting arrangements for council and its committees and policy development and

scrutiny panels. It is one of the elements in the council's Standing Orders. The Scheme can only be amended by full council.

- 1.2 The remit for full council records matters which are reserved to it for consideration and decision. Those come from statutory provisions or from previous council decisions that decision-making by committees would not be appropriate. This report proposes a small number of additions to those reserved matters which are required by law.

## **2 Local development plan procedures**

- 2.1 The council is in the process of putting its new local development plan into place. New statutory provisions set out the process which must be followed. Some of the decisions required can only be made by full council. Those proposed additions to the Scheme are shown in the appendix. They are:-

- Evidence Report - aims to clearly inform what to plan for before the Proposed Plan looks at where development should take place. It will provide the baseline data to ensure there is sound evidence to inform a deliverable, place-based and people-focused local development plan
- Local Development Plan - identifies where new development should take place and where it should not. It can articulate ambitions and priorities for future development and should coordinate development and service provision and infrastructure
- Local Development Plan Delivery Programme - detailed and practical way to secure development on the ground

- 2.2 Those should be added to the list of reserved matters in the Scheme to make decision-making arrangements clear. The need to make these changes was notified in a report to Council Executive on 12 March 2024 in relation to the Development Plan Scheme. The Scheme of Delegations to Officers has already been amended accordingly.

## **3 Educational endowments**

- 3.1 Separately, there are longstanding statutory provisions concerning educational endowments and their organisation and administration. An educational endowment is a gift of money or other property to be used for educational purposes, held separately from the council's own funds through trust deed arrangements.
- 3.2 Legislation reserves decisions on their reorganisation and amendment to full council. That reservation should also be added to the Scheme. The proposed addition is shown in the appendix. The Scheme of Delegations to Officers will also be amended to show that function as the responsibility of the Depute Chief Executive (Education, Planning and Economic Development).

## **E. CONCLUSION**

Approval of this report will ensure that the council's Standing Orders more accurately reflect statutory requirements.

## **F. BACKGROUND REFERENCES**

- 1 Council Executive, 12 March 2024
- 2 Scheme of Administration and Scheme of Delegations to Officers
- 3 Town & Country Planning (Scotland) Act 1997, sections 16B(6), 18(1C), 21(4C)



4 Education (Scotland) Act 1980, section 112(3A)

Appendices/Attachments: Proposed additions to the Scheme of Administration

Graham Hope, Chief Executive

James Millar, Governance Manager/Monitoring Officer, 01506 281613,  
[james.millar@westlothian.gov.uk](mailto:james.millar@westlothian.gov.uk)

Date of meeting: 14 May 2024

## APPENDIX

### ADDITIONS TO SCHEME OF ADMINISTRATION FOR FULL COUNCIL

(y) Local development plan – constitution, modification and amendment of the Local Development Plan, and approval of the Evidence Report and the Local Development Plan Delivery Report (S) (Town & Country Planning (Scotland) Act 1997, sections 16B(6), 18(1C), 21(4C))
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(z) Educational endowment organisation schemes (S) (Education (Scotland) Act 1980, section 112(3A))
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# West Lothian Council SNP Group

**Leader:** Cllr Janet Campbell  
**Depute Leader:** Cllr Robert De Bold  
**Secretary:** Cllr Mary Dickson

*Dico Tibi Verum, Libertas Optima Rerum Nunquam Servili!*



**West Lothian Council Meeting Tuesday 14<sup>th</sup> May 2024**

Agenda Item 10

## **Motion: THE OOTSIDER**

Winchburgh man John Keogh had taken up wild swimming, in part to raise awareness and funds for Sarcoma Cancer, a rare form of the disease that mostly impacts younger people. Any wild swimmer in Scotland will tell you that not only do you need to wear a woolly hat in the water in the winter months – you also need a changing robe in order to get back into warm dry clothes as quickly as possible.

So when John met with a man who was homeless and living on the streets one December, after buying him some hot food and having a blether he was inspired to do more to support the homeless community – not just by donations on a one off basis – but in a longer term, ongoing way.

The Ootsider was therefore born on 23<sup>rd</sup> December 2021. The Ootsider is so named because the rough sleepers wearing the garment would be sleeping *outside* but at the same time *toasty* warm and dry inside their sleeping coat .....and also because often those people sleeping on the streets find themselves *outside* society.

Since then John has registered the company as **The Ootsider CIC**, a community interest company where the community are the people from all of our communities who, for whatever reason, find themselves sleeping on the streets. Based on this ethos, John has gone on to create a range of own brand garments for use in the great outdoors – wild swimmers, campers, dog walkers, festival goers, cyclists and hill walkers. All net profits are reinvested in the manufacture and distribution of the Ootsiders completely free of charge to the people sleeping on the streets or in local parks – in fact anywhere they can find a place to lay their head.

All of the Ootsider garments are hand made solely in Scotland, as we continue to focus towards net-zero omissions and the circular economy. Supporting our environment and creating local jobs in Scotland.

The Ootsider has mainly been distributed in Scotland, some have also been given out in England. However, the Ootsider has also found itself in Ukraine following the invasion and in Turkey following the earthquake in the east of the country.

West Lothian Council therefore agrees to:

- Write to John Keogh commending him on this inspired product, born in West Lothian, which has the potential to make life easier for so many people.
- Invite John to meet with the Economic Development team with a view to supporting him with the next steps for his SCIO which again has the potential to create real and lasting local jobs with an ethos with which West Lothian Council identifies.

**Cllr Janet Campbell SNP Group Leader**

Received on 8 March 2024 at 12:13



# West Lothian Council SNP Group

**Leader:** Cllr Janet Campbell  
**Depute Leader:** Cllr Robert De Bold  
**Secretary:** Cllr Mary Dickson

*Díco Tíbi Verum, Libertas Optima Rerum Nunquam Servilí!*



Agenda Item 11

## Council Meeting Tuesday 14<sup>th</sup> May 2024

### Motion: Link the State Pension to the adult minimum wage

Our pensioners are paid a pittance compared to pensioners from other countries. The UK Government pay's the lowest state pension in the western world.

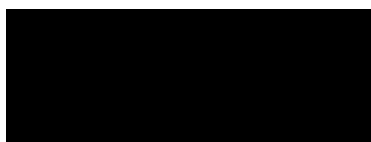
Council calls on the Westminster Government to increase the state pension to the same rate as the minimum wage based on a forty-hour week  $\text{£}11.44 \times 40 = \text{£}457.60$  per week. The UK Government has spent sixty-six billion pounds on Brexit to date therefore why can we not afford to pay decent pensions?

We can afford to pay, value and respect our pensioners for fifty years of working and contributing to Britain's economy.

The financial year 2022-203 saw the largest year-on-year drop in living standards since records began in the 1950s. Relative pensioner poverty is at one of its highest rates (almost 18%) this century and is more than four percentage points higher than a decade ago. It means that 2.1 million pensioners in the UK have an income that is less than 60% of the national average.

Latest figures show that a single person will need  $\text{£}12,800$  a year to achieve the minimum living standard,  $\text{£}23,300$  a year for moderate, and  $\text{£}37,300$  a year for comfortable.

Council therefore agrees to write to the Secretary of State for Work and Pensions Mel Stride MP and the Chancellor of the Exchequer Jeremy Hunt MP to request a full and urgent review of the UK State Pension.



Cllr Diane Calder

Broxburn Uphall & Winchburgh Ward

Received on 23 April 2024 at 14:56





# West Lothian Council SNP Group

**Leader:** Cllr Janet Campbell  
**Depute Leader:** Cllr Robert De Bold  
**Secretary:** Cllr Mary Dickson

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Agenda Item 12

## West Lothian Council Meeting -Tuesday 14<sup>th</sup> May 2024

### **Motion: Exemption from Brown Bin Charging for Community Gardeners**

Throughout West Lothian there are people who contribute much of their time and energy to ensure that the community that they live in remains attractive and welcoming.

These people include the litter pickers who are out every week to collect the rubbish that others discard.

Then there are the community gardeners who cut the grass, weed the borders, prune the shrubs and plant out the bedding plants for the benefit of the community - so that all can reap the health benefits of an attractive environment to stay.

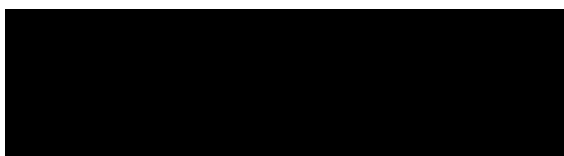
West Lothian Council works in partnership with the litter pickers and ensures that all the rubbish collected into the clear bags left at pick-up points are lifted and disposed of properly.

However, the introduction of charging for garden waste has meant many of these community gardeners are being asked to buy permits for the brown bins for garden waste that is being generated on behalf of the community. Some may have 6 bins which at a cost of £150 for a permit would be prohibitive for these volunteers.

Council asks that West Lothian Council look into how an exemption can be applied to these community gardeners to ensure that the brown bins used for this purpose are lifted free of charge from the implementation date.

This will ensure that these volunteers who are working hard on behalf of their communities are not being penalised and the contribution they make to enhancing their communities continues.

The cost to West Lothian Council is the loss of income to uplift these brown bin of £50 per permit for two bins. Difficult at this stage to quantify the number of bins the service would need to put a process in place for. However, the return to the communities of the work of volunteers and a nicer environment is far higher.



**Councillor Veronica Smith**  
**East Livingston & East Calder Ward (SNP)**

Received on 24 April 2024 at 9:18







# West Lothian Council SNP Group

**Leader:** Cllr Janet Campbell  
**Depute Leader:** Cllr Robert De Bold  
**Secretary:** Cllr Mary Dickson

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Agenda Item 13

## Full Council Meeting 14<sup>th</sup> May 2024

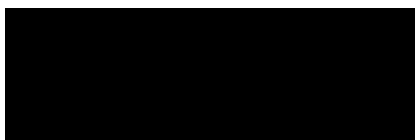
### Motion – Linlithgow Rose Women's Football Team

Council extends its congratulations to Linlithgow Rose for lifting the Scottish Women's Football League Plate after a ten-goal thriller. The win secured their first silverware and is a fantastic achievement. It also recognises the growth, strength and determination in women's football at a local level.

Council recognises the significant efforts by everyone involved in the club. Coaches, sponsors and volunteers have worked tremendously hard to support these ladies and will continue to do so in the coming seasons.

Linlithgow Rose continues to make a substantial contribution to the wider community in Linlithgow through a number of local initiatives to encourage greater participation and diversity in grassroots football.

Council instructs the Chief Executive to write to Linlithgow Rose Football Club Women's Team to extend its congratulations for their success and to thank them for their significant contribution within women's football.



**Councillor Pauline Orr**  
**Councillor for Linlithgow Ward (SNP)**

Received on 24 April 2024 at 11:17am





# West Lothian Council SNP Group

**Leader:** Cllr Janet Campbell  
**Depute Leader:** Cllr Robert De Bold  
**Secretary:** Cllr Mary Dickson

*Dico Tibi Verum, Libertas Optima Rerum Nunquam Servili!*



Agenda Item 14

## West Lothian Council Meeting -Tuesday 14<sup>th</sup> May 2024

### **Motion: To Congratulate St Kent's S2 Pupils -Cyberfest Competition**

West Lothian Council would like to congratulate a group of S2 girls from St Kentigern's Academy in Blackburn who are among the best in the UK in the mainly male-dominated world of cyber security. The team of four were among 28 S2 pupils at St Kent's who took part in the competition sponsored by Morgan Stanley.

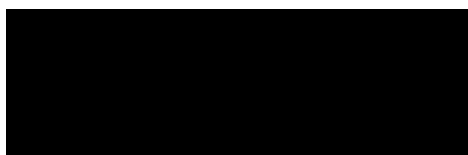
In a national cyber competition run by the National Cyber Security Centre – part of the top-secret GCHQ Government communications centre the team has been named Scottish Champions.

There were 3,608 teams from 750 schools a total of 12,500 and enormous congratulations should be given to St. Kentigern's who won first place in this Cyberfest contest.

As Scottish Champions they were invited to Oxford to attend the CyberFirst winners' event. The girls met with winners from each of the four nations, explored Oxford University and attended an awards ceremony and gala dinner.

They have won prizes and plaudits for the Blackburn secondary- one of the largest schools in the county.

We ask that the Chief Executive of West Lothian Council write to the Cyberfest winners at St. Kentigerns Academy congratulating them on their massive achievement.



**Councillor Mary Dickson**

**Whitburn & Blackburn Ward (SNP)**

Received on 24 April 2024 at 12:20





# West Lothian Council SNP Group

**Leader:** Cllr Janet Campbell  
**Depute Leader:** Cllr Robert De Bold  
**Secretary:** Cllr Mary Dickson

*Díco Tíbi Verum, Libertas Optima Rerum Nunquam Servíli!*



Agenda Item 15

## Full Council Meeting 14<sup>th</sup> May 2024

### Motion – Linlithgow Rose Maroon 2010 U14's

Council extends its congratulations to Linlithgow Rose Maroon 2010 U14's their achievements in the Holland Easter Tour 2024 which was organised by ISL Football Events. Representing the Linlithgow Community at such a young age is a fantastic achievement, particularly as they were the only team in their age group to represent Scotland at the event.

Playing against predominantly Dutch teams, though they did not win the tournament but did win 3 of their 6 matches, many lessons being learned from the football they played and the friendships they made whilst there. This has encouraged them to think of the future and to participating in a tournament in Barcelona in 2025.

Council recognises the significant efforts by everyone involved; the players, 5 coaches and 3 volunteers and their families whose hard work training and fund raising allowed them to be there.

Over the years Linlithgow Rose has provided a stepping stone for young players to hone skills and start journeys into professional league football. Broadening horizons to include opportunities further afield in Europe is something that should be recognized.

Council instructs the Chief Executive to write to Linlithgow Rose Maroons to extend its congratulations for their achievements and to thank them for embracing the opportunities given to them.



**Councillor Pauline Orr**  
**Councillor for Linlithgow Ward (SNP)**

Received on 26 April 2024 at 11:45am





## **WEST LOTHIAN COUNCIL LABOUR GROUP**

### **Notice of Motion from Councillor Kirsteen Sullivan for the meeting of West Lothian Council on 14th May 2024**

#### **Dental practice for Blackburn**

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Council notes that the Blackburn Partnership Centre opened in 2018 with a space specifically set aside for a dental practice. Council further notes that since opening, a dental practice has never been secured for the centre, leaving local residents to travel outwith the village to Bathgate, Whitburn and beyond to access vital dental services.

Council agrees that with a dedicated space available in the Partnership Centre in the heart of the Blackburn community, Blackburn residents should have access to a dentist within the village.

Council understands that the process for securing a dental practice has been delayed for various reasons, including during the Covid-19 pandemic, and agrees that this should be viewed as a priority for the village. Therefore, Council agrees the following:

- To instruct the Chief Executive to write to the Director of Primary Care NHS Lothian, Jenny Young, to request a detailed plan and timescales for the delivery of a dental practice within the Blackburn Partnership Centre to meet the needs of the Blackburn community.



**Councillor Kirsteen Sullivan**

**Councillor for the Whitburn & Blackburn ward  
West Lothian Council Labour Group**

Received on 26 April 2024 at 13:35







# West Lothian Council SNP Group

**Leader:** Cllr Janet Campbell  
**Depute Leader:** Cllr Robert De Bold  
**Secretary:** Cllr Mary Dickson

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Agenda Item 17

## Full Council Meeting 14<sup>th</sup> May 2024

### Motion – European Youth Brass Band

Council congratulates Emma Brown from Bathgate Band as one of only two players selected to represent Scotland at the 20th European Youth Brass Band in May 2024.

Delegates have been selected from 15 countries and will meet in Palanga, Lithuania where they will perform at a series of events including the European Composer Competition, the Opening Ceremony and the Grand Gala Concert.

Council recognises the huge achievement of Emma Brown in being selected, the important musical and cultural opportunities afforded to young players through this event and also acknowledges the years of dedicated teaching and support provided in West Lothian to support young musicians to realise their potential and develop their skills.

Council instructs the Chief Executive to write to Emma Brown congratulating her on this achievement and extending Council's best wishes for her future musical journey.



**Councillor Pauline Stafford**  
**Councillor for Bathgate Ward (SNP)**

Received on 29 April 2024 at 8:39







## **WEST LOTHIAN CONSERVATIVE AND UNIONIST COUNCIL GROUP**

**West Lothian Council  
14<sup>th</sup> May 2024  
Motion RAAC**

There is much stress and anxiety amongst our communities following the discovery of RAAC in Council owned properties, RSL owned properties and privately-owned properties.

Understandably, there are different approaches depending on property ownership and conditions of properties.

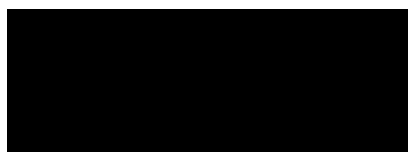
It is to be expected that this situation will take a considerable time to be resolved.

At the last Full Council meeting, following a Conservative motion, the Chief Executive wrote to the Scottish Government requesting funding to support condition surveys and to bring a report to the Housing Services PDSP on 25<sup>th</sup> April.

The stress and anxiety of those living in a house with or potentially with RAAC has not been alleviated by minimal engagement with residents/owners by West Lothian Council and Residential Social Landlords.

Therefore;

1. West Lothian Council are to organise a public meeting, for those affected by RAAC or likely to be affected by RAAC, in each area identified as RAAC being present and this meeting to be attended by relevant Council Officers. These meetings to be held without delay and to ensure the facts regarding RAAC are communicated to attendees.
2. Council to strongly request the presence of RSLs at the meeting in areas where they have properties identified with RAAC (such as Almond Housing in Craigshill).



**Cllr Damian Doran-Timson  
East Livingston and East Calder Ward**

Received on 29 April 2024 at 8:40







## **WEST LOTHIAN CONSERVATIVE AND UNIONIST COUNCIL GROUP**

West Lothian Council  
14<sup>th</sup> May 2024  
Motion - Repeal the Hate Crime Act

Earlier this month the Hate Crime Act came into law.

This act can include remarks made in the privacy of one's home and potentially stage performers could fall foul of this incompetent piece of legislation.

Along with the incorrect way this act was introduced, the language within the act is incompetent. It is vague, the language used is not defined and open to interpretation and this act is not fit for purpose.

Academics, lawyers, women right's group and journalist all have stated they fear that by quoting legitimate and lawful opinion this could result in police investigation and prosecution.

An under resourced Police Scotland have been instructed they will investigate all reports of hate crime and this is stretching the police way beyond capacity. In the first two week of this act, 9,000 reports of hate crime were reported to Police Scotland.

Due to underfunding of Police Scotland by the SNP, Police Scotland have already announced they will not respond to every 'minor crime'.

A non-crime hate incident is recorded when a complaint does not meet the threshold for a crime but is perceived to be "motivated (wholly or partly) by malice and ill-will towards a social group", according to Police Scotland guidance. What will be the result of a person having this on their record?

We have seen over a number of years this desperate and incompetent SNP government fail with trying to introduce poor legislation. From the Gender Recognition Reform bill to the deposit return scheme and now the Hate Crime Act, this SNP government is failing Scotland.

This Hate Crime Act is not what the people of West Lothian want.

Therefore:

The Chief Executive is to write to the First Minister, Humza Yousaf, (or whoever is the First Minister at the time of this Full Council meeting) and ask for the Hate Crime Act to be repealed.



Cllr Damian Doran-Timson  
East Livingston and East Calder Ward

Received on 29 April 2024 at 8:40





# West Lothian Council SNP Group

**Leader:** Cllr Janet Campbell  
**Depute Leader:** Cllr Robert De Bold  
**Secretary:** Cllr Mary Dickson

*Dico Tibi Verum, Libertas Optima Rerum Nunquam Servili!*



## West Lothian Council Meeting -Tuesday 14<sup>th</sup> May 2024

### Motion: Opposition to Minimum Service Levels

Agenda Item 20

Trade unions stand as a cornerstone of Scottish democracy. The right to strike is a fundamental freedom of the Scottish workforce which is protected by international law; this can be seen in the Human Rights Act, Article 11 of the European Convention on Human Rights, the International Labour Organization's Convention 87 and Article 6(4) of the European Social Charter;

The Strikes (Minimum Service Levels) Act 2023, introduced by a reactionary Tory Government which was resoundingly rejected by the people of Scotland, sets out that when employees in relevant sectors democratically vote to strike, they can be required to work by use of a "work notice" and sacked if they don't comply. An amendment tabled in the Lords would have exempted Scotland and Wales by adding the phrase "but applies only to England" to the bill. However, all six Tory MPs from Scotland voted to ensure the act will apply to Scotland.

The Joint Committee on Human Rights has expressed concern that this legislation is not compatible with the UK's (current) commitments to human rights for workers and trade union members and further the Regulatory Policy Committee determined that the impact assessment for this law at the Bill stage was 'not fit for purpose'.

West Lothian Council believes the Strikes (Minimum Service Levels) Act 2023 is a direct attack on the fundamental freedoms which generations of Unions have won for ordinary working people, the right to withdraw our labour and further that this Government, instead of tackling the causes of the cost-of-living crisis, are attempting to cut through the recent wave of strikes by trying to shift the blame from profiteering bosses who have manufactured unsustainable levels of inflation, on to ordinary workers who are exercising their right to fight for dignity and fair pay at work and in their lives.

The Scottish Government is vehemently opposed to this draconian legislation and have officially communicated with the Westminster Tory Government stating the position in Scotland. Scottish Ministers have already stated they will not enforce any minimum service obligations upon employers. However, the Scottish Government is unable to intervene if staff working on cross border rail services or border security staff (for instance) seek their legitimate and hard won right to strike.

West Lothian Council agrees to write to Sir Keir Starmer and demand he pledges an incoming Labour government to reverse fines and other measures taken against any union under the terms of the Strikes (Minimum Service Levels) Act 2023, including all with any members in Scotland affected by this unnecessary and hostile piece of legislation.



Received on 29 April 2024 at 8:43

Cllr Janet Campbell- SNP Group Leader







**WEST LoTHIAN COUNCIL****14<sup>th</sup> MAY 2024****MOTION****HERITAGE IN WEST LoTHIAN**

Council recognises that West Lothian is home to a huge variety of heritage attractions and sites of cultural and historical significance that have the potential to attract tourists from within the region and around the world.

Council further recognises that many heritage sites in West Lothian are now under threat and face an uncertain future due to factors including wear and tear or loss of operator.

Council agrees that the legal mechanisms to preserve and transform such sites is available through legislation including but not limited to the Community Empowerment Act, as well as through increased use of powers such as Community Asset Transfers and Compulsory Purchase Orders. Unfortunately, to date, only two Community Asset Transfers have been completed in West Lothian.

Council also notes the fact that Visit Scotland have recently announced their intention to close their remaining 25 information centres in Scotland by March 2026. Visit Scotland claim this is because they are transitioning to a digital first approach which most tourists now use.

Finally, it is unclear how West Lothian Council is currently contributing to a West Lothian-wide tourism strategy, digitally or otherwise. A brief look at the Visit West Lothian website reveals information that is either woefully out of date (Linlithgow Palace is listed as closed – it reopened 10 months ago), or it is incorrect (the listing for a Print Making Workshop in May contains no booking or venue information, and the link to the organiser's website doesn't work). Other than the website, it is not clear what work is happening to advance tourism in West Lothian, despite the many fantastic amenities we have to offer visitors in our area.

Council therefore calls for:

1. the formation of a short-life working group to investigate what can be done to increase awareness and use of the Community Empowerment Act to improve the conservation of heritage sites across West Lothian
  - the group to be comprised of 1 Labour Councillor, 1 SNP Councillor, 1 Conservative Councillor, 1 Liberal Democrat Councillor, 1 Independent Councillor, 1 Council Officer and up to 3 outside members.
2. a report to be brought to the Economy, Community, Empowerment and Wealth Building PDSP on current and future plans for a West Lothian-wide tourism strategy.

  
 COUNCILLOR SALLY PATTLE

LIBERAL DEMOCRAT, LINLITHGOW WARD

  
 COUNCILLOR PAULINE ORR

SNP, LINLITHGOW WARD

Received on 29 April 2024 at 8:43



# West Lothian Council SNP Group

**Leader:** Cllr Janet Campbell  
**Depute Leader:** Cllr Robert De Bold  
**Secretary:** Cllr Mary Dickson

*Díco Tíbi Verum, Libertas Optima Rerum Nunquam Servilí!*



Agenda Item 22

## Full Council Meeting 14<sup>th</sup> May 2024

### Motion – Asylum Dispersal

Recent polling found that 80% of the British public want to see an asylum system that is well managed, fair and compassionate. There is a willingness from local authorities and communities in Scotland to participate in asylum dispersal and support those seeking International protection. However, the UK's current dysfunctional, costly and cruel system puts significant pressure on their ability to do this.

More than ten years after it was first published the Scottish Government have just refreshed the 'New Scots Refugee Integration Strategy'. Council agrees that the strategy's core principles are more vital than ever in the face of an increasingly chaotic and cruel UK asylum system that seeks to undermine the human rights of those seeking safety and sanctuary in the UK, sow division in communities and shamefully abandon the principles of the 1951 Refugee Convention to which the UK was a founding signatory.

Developed jointly by the Scottish Government, COSLA and the Scottish Refugee Council the 'New Scots' strategy has at its core the belief that an asylum policy should treat people with dignity and respect and uphold our International and moral obligations to those seeking safety and sanctuary.

The 'New Scots' strategy would ensure people can integrate and contribute to our communities from day one of arrival. The wasted human potential and lost benefits to our wider community and local economies resulting from current UK policies is evident. The 'New Scots' strategy aims to improve outcomes for asylum seekers and communities alike.

Council asserts that the current asylum seeker dispersal system, currently reserved to Westminster, is not fit for purpose and serves neither the local authorities involved, their communities and economies or the needs and rights of asylum seekers and is leading to poor outcomes for all.

Council instructs the council leader to write to the Home Secretary calling on him to:

- 1) Ensure local authorities have formal oversight of and full accountability from the private companies running dispersal accommodation services;
- 2) Ensure the UK Home Office provides adequate funding to local authorities and third sector organisations to enable them to meet their statutory obligations in relation to asylum seekers and refugees, as well as supporting people to settle into their new local communities;

3) Amend legislation to permit those registered as asylum seekers and awaiting a decision for longer than 6 months to work or study;

Council further wishes to express its support for the vision and purpose of the 'New Scots Integration Strategy' and believes this approach is the right one to build a fair and equal Scotland where human rights are respected and protected.



**Councillor Pauline Stafford**  
**Councillor for Bathgate Ward (SNP)**

Received on 29 April 2024 at 10:18



# West Lothian Council SNP Group

**Leader:** Cllr Janet Campbell  
**Depute Leader:** Cllr Robert De Bold  
**Secretary:** Cllr Mary Dickson

*Díco Tíbi Verum, Libertas Optima Rerum Nunquam Servíli!*



Agenda Item 23

## Full Council Meeting 14<sup>th</sup> May 2024

### Motion – Royal Bank of Scotland

Council expresses its dismay at the announcement that the Royal Bank of Scotland, owned by Natwest, plans to close its Bathgate branch. This will have a detrimental impact on the local community meaning that RBS will have closed all of its branches in the Linlithgow and East Falkirk Constituency, leaving just one full time bank branch in the town and requiring RBS customers throughout Bathgate and the surrounding area to travel to Livingston to access their nearest branch.

Council recognises that the removal of high street branches will have a significant detrimental impact on Bathgate town centre and those in the community who are unable to use digital banking.

Council requests that the leader writes to Natwest, which is partially publicly-owned, to express our opposition to this proposed closure and ask that they engage in constructive discussions with West Lothian Council to maintain a physical branch presence in Bathgate which prioritises the banking needs of our communities and preserves vital local services.



**Councillor Pauline Stafford**  
**Councillor for Bathgate Ward (SNP)**

Received on 29 April 2024 at 11:30





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## **WEST LOTHIAN COUNCIL**

### **REINFORCED AUTOCLAVED AERATED CONCRETE (RAAC) IN COUNCIL HOUSING UPDATE**

#### **REPORT BY INTERIM HEAD OF HOUSING CUSTOMER AND BUILDING SERVICES**

##### **A. PURPOSE OF REPORT**

The purpose of this report is to provide the Council with an update on the Reinforced Autoclaved Aerated Concrete (RAAC) Remediation Project to address RAAC within the council housing stock and provide information on support available to homeowners.

##### **B. RECOMMENDATION**

The Council is asked to :

1. Note the current actions and progress with the RAAC remediation project;
2. Note the available support available to assist homeowners, and;
3. Note the response received from Scottish Government regarding RAAC funding

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	<ul style="list-style-type: none"> <li>• Caring and Compassionate</li> <li>• Open, Honest and Accountable</li> <li>• Collaborate, Inclusive and Adaptive</li> </ul>
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Housing (Scotland) Act 1987 (Tolerable Standard) (Extension Criterion) Order 2019 and for continued compliance with the Scottish Housing Quality Standard
<b>III Implications for Scheme of Delegation to Officers</b>	None.
<b>IV Impact on performance indicators</b>	None.
<b>V Relevance to Single Outcome Agreement</b>	<p>We live in resilient, cohesive and safe communities.</p> <p>We make the most efficient use of our resources by minimising our impacts on the built and natural environment.</p>
<b>VI Resources - (Financial, Staffing and Property)</b>	Budget provision of £4.3 million is included in the Housing Capital Investment Programme 2024/25 to 2027/28 to address RAAC in council housing stock.

**VII Consideration at PDSP**

The report was considered by Housing Services PDSP on 25 April 2024.

**VIII Other consultations**

Housing, Customer & Building Services; Finance & Property Services; Legal Services

**D. TERMS OF REPORT****D.1 BACKGROUND**

A report was presented to Housing Services Policy Development and Scrutiny Panel on 9 February 2024 outlining the work the council had undertaken to establish the extent of Reinforced Autoclaved Aerated Concrete (RAAC) in council housing stock, and setting out the proposed remediation strategy. A budget of £4.3 million for the remediation work is included in the approved Housing Capital Investment Programme 2024/25 to 2027/28 to address RAAC in council housing stock.

This report provides an update on the ongoing RAAC remediation programme approved by the council on 22 February 2024, and also provides detailed information on the support available to homeowners who may be affected. The remediation programme adheres to the established approach outlined in the previous report presented to Housing Services Policy and Development Scrutiny Panel on 9 February 2024.

The programme focuses on 69 individual properties and 15 blocks of flats (covering 71 properties) in Broxburn, Bathgate, Linlithgow and Craigshill, representing 0.5% of the overall council housing stock.

**D.2 PROGRESS UPDATE**

Officers hand delivered letters to all tenants in affected properties on 2 February 2024 and letters were also sent to neighbouring homeowners providing a foundation for ongoing engagement and addressed immediate concerns. Council tenants and homeowners were encouraged to contact the council if they had any questions or concerns, and 15 enquiries were received of which six were from council tenants and nine from homeowners. Ward Members were also briefed on 2 February 2024 to support residents.

The remediation strategy for council houses has been approved and tender action for remediation works in both individual houses and common blocks commenced on 5 February 2024. Tender completion is anticipated by July 4, 2024.

Work is expected to begin on site in August 2024, and continue through to December 2025. A comprehensive risk management plan will be implemented, and the £4.3 million budget will be closely monitored and adjusted as needed.

The table overleaf sets out the high-level tasks and indicative dates for development and implementation of the RAAC remediation programme.



Task	Start	Finish
<b>Governance &amp; Communication</b>		
Housing Services PDSP – Update Report	25/04/24	25/04/24
West Lothian Council – Update RAAC report	14/05/24	14/05/24
Council Executive – 2023/24 Housing Capital Outturn and Updated 2024/25 to 2027/28 Budget	25/06/24	25/06/24
<b>Remediation Works (houses &amp; common blocks)</b>		
Contract Documentation and Tender Action	05/02/24	04/07/24
Construction Phase	18/08/24	18/12/25
Operation and Closure	19/12/25	19/12/25

Forward planning ensures a sustained financial commitment to address remediation costs, providing a strategic and sustainable approach to managing and resolving the challenges associated with property remediation within the council stock.

Costs and timescales are at present indicative and will be subject to refinement as the detailed work progresses. As the work progresses, updates on programme and budget requirements will be reported in line with approved capital monitoring arrangements.

### **D.3 SUPPORT AVAILABLE FOR HOMEOWNERS**

The council recognises the challenges faced by homeowners in affected properties. The council's approach to supporting these residents aligns with current government policy and legislation and whilst the maintenance and repair of private properties remains the sole responsibility of their respective owners, the council will continue to provide advice and support to homeowners.

Homeowners in affected properties have been notified by letter and the communication included links to the council website with information on RAAC and contact information for homeowners to make enquiries. A small number of enquiries were received following the letter and officers responded individually to those enquiries in line with corporate policy of five working days.

The council's Scheme of Assistance provides homeowners with information and guidance to effectively manage repairs and maintenance in their properties. This includes information on navigating the RAAC remediation process and potential funding options. Further information is available on the council website at <https://www.westlothian.gov.uk/raac-council-housing>

It is recommended that homeowners seek independent legal or financial advice as they navigate the RAAC remediation process for their properties.

A dedicated section listing comprehensive support available to homeowners can be found at Appendix 1 of the report. This includes contact details for relevant organisations and departments, guidance on structural surveys, potential funding options, legal implications of RAAC on property sales, and information for professional bodies like the Royal Incorporation of Chartered Surveyors (RICS) and the Institute of Structural Engineers (IStructE) to find qualified professionals. This information will also be published on the council's website with regular updates added as required.

Regular communication with homeowners throughout the project lifecycle will remain a priority. This will include updates on progress, potential disruptions, and support measures. Additionally, a dedicated point of contact within the council through the mailbox [HIO@westlothian.gov.uk](mailto:HIO@westlothian.gov.uk) is available to address questions and concerns beyond simply technical information. The council remains committed to providing ongoing support to homeowners throughout the RAAC remediation process.

#### **D.4 WIDER CONTEXT**

Developments around RAAC in housing at a national level are ongoing and at this point the Scottish Government have not confirmed any additional funding to meet RAAC costs incurred by local authorities, RSL's and/or private homeowners. Officers continue to liaise with Scottish Government and the Scottish Housing Regulator on RAAC in housing and provide regular updates on the council's RAAC situation in general.

The Scottish Housing Regulator published updated information on 28 March 2024 on the presence of RAAC in social housing. The updated position is set out below:

- 13 landlords, including West Lothian Council have now identified RAAC in some of their properties, affecting 1,994 homes.
- 125 landlords have confirmed no RAAC is present in any of their homes
- 27 landlords continue to investigate whether RAAC is present in any of their homes
- The number of homes currently under investigation is 8,311.

The Regulator is continuing to work with landlords to ensure appropriate management plans are in place for affected homes.

In addition, the council is in regular liaison with Almond Housing Association regarding affected properties in the Craigshill area of Livingston and other Registered Social Landlords as appropriate to ensure there is a coordinated approach to addressing RAAC issues.

#### **D.5 COMPOSITE MOTION**

A composite motion was approved at a meeting of West Lothian Council on 19 March 2024, and is included in Appendix 2 which instructed the Chief Executive to write to the Scottish Government to request an undertaking that they would fully grant fund condition surveys for suspected RAAC in both council houses and those of owner occupiers.

The Chief Executive wrote to Scottish Government following approval of the composite motion on 21 March 2024 and a response was received on 16 April 2024, which is included in Appendix 3.

#### **D.6 CONSIDERATION AT PDSP**

Housing Services PDSP considered an update report on 25 April 2024. In response to questions raised at the PDSP:

- Confirmation was provided to the Panel with the overall individual numbers affected which are as follows:
  - 69 council houses and 71 council flats
  - 139 private houses and 33 private flats

- The Panel were advised that all individual council properties will be fully surveyed prior to any construction work being undertaken, to ensure the proposed remedial work is appropriate for each house.
- Confirmation was also given that the council has followed Institute of Structural Engineers (IStructE) guidance and that none of the occupied council houses has been assessed as at critical risk and that council houses are not deemed unsafe at the present time.
- The Panel were advised that any issues relating to concerns over unsafe buildings should be reported to the council's Building Standards service.

## **E. CONCLUSION**

This report provides an update on the council's approach to addressing RAAC in housing by focusing on the next steps and maintaining a well-coordinated, resident-centred approach.

The RAAC remediation project will positively address safety concerns, improve the quality of social housing, and serve as a model for future similar initiatives. The project programme and communication plans will be kept under review and will be adapted if required to ensure successful implementation.

## **F. BACKGROUND AND REFERENCES**

Reinforced Autoclaved Aerated Concrete (RAAC) in Council Housing report to Housing Services PDSP 9 February 2024

Appendices/Attachments:

Appendix 1 Information for Homeowners

Appendix 2 Composite Motion

Appendix 3 Letter from Scottish Government

Contact Person: Robert Smith, Housing Investment Manager, 01506 282836

Email: [robert.smith@westlothian.gov.uk](mailto:robert.smith@westlothian.gov.uk)

Contact Person: Marjory Mackie, Housing Strategy & Development Manager, 01506 281119

Email: [marjory.mackie@westlothian.gov.uk](mailto:marjory.mackie@westlothian.gov.uk)

**Julie Whitelaw**

**Interim Head of Housing, Customer and Building Services**

**14 May 2024**

## APPENDIX 1

### SUPPORT AND INFORMATION FOR HOMEOWNERS

- Qualified Professionals: Contact information for Chartered Structural Engineers who can assess properties for RAAC and advise on any necessary actions: Royal Institute of Chartered Surveyors <https://www.ricsfirms.com>, Institution of Structural Engineers Website: <https://www.istructe.org/find-an-engineer/>.
- If the original construction drawings are held these can be obtained from the Council Archives where members of the public can view archived drawings. You can find information about the Council Archive at <https://www.westlothian.gov.uk/archives>
- Independent Financial Advice: The following links provide information about available services and assistance. These include areas of financial support, practical support, advice as well as useful information which may assist you to increase or manage your income.
  - Money Advice Service: This free government-backed service provides guidance on a variety of financial topics, including home repairs and improvements. They may be able to offer general advice on potential funding options for RAAC remediation, although they won't provide specific financial advice: <https://www.moneyhelper.org.uk/en>
  - Citizens Advice Scotland: This charity offers free, confidential advice on a range of issues, including housing and finances. They may be able to point homeowners in the direction of relevant resources or support services: <https://www.citizensadvice.org.uk/scotland/>
  - The Advice Shop: The Advice Shop is a free, impartial and confidential service to help the people of West Lothian with a focus to alleviate poverty and to promote inclusion and equality through advice, assistance and advocacy. They may be able to direct homeowners to available support regarding financial wellbeing by maximising income and reducing outgoings: [Advice Shop - West Lothian Council](#)
  - Financial Conduct Authority (FCA): The FCA regulates financial services firms in the UK, including financial advisors. Homeowners can use the FCA's website to check the firms or person they are dealing with is listed on the Register: <https://register.fca.org.uk/s/>
- The [Scheme of Assistance](#) provides homeowners with information and guidance to help them effectively maintain and repair their own properties.
- Information on the council website <https://www.westlothian.gov.uk/raac-council-housing>

## APPENDIX 2

### **Notice of Composite Motion - Councillors Angela Doran-Timson/George Paul For the Council Meeting on 19<sup>th</sup> March 2024**

#### **Item 14 - RAAC in West Lothian Privately Owned Properties**

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1. Council notes with huge concern the finding of RAAC in Council dwellings and concerned that this may apply to some private homes as well.  
It is noted that a programme of support for council tenants by way of a RAAC management/remedial programme is in progress as reported to Housing Services PDSP on 9 February 2024 and that a provision of £4.3m has been made in the Housing Capital Investment Programme over the next 2 years.
2. Homeowners are responsible for the upkeep and maintenance of their own properties, including addressing any potential issues like RAAC. While the council cannot directly offer financial assistance for RAAC identification and quantification in private homes due to legislative limitations, we are committed to supporting homeowners in other ways through awareness-raising, and advocacy.
3. Council is asked to note that a report as earlier requested will be presented to Housing Services PDSP on 25 April 2024 which will provide an update on the Council's programme together with detailed information on the support that the Council is able to provide to homeowners.
4. Council instructs the Chief Executive to write to the Scottish Government provide an undertaking that they will fully grant fund condition surveys for suspected RAAC in both council homes and those of owner occupiers
5. Council agrees that a report on 3 and 4 above be brought to Council at its meeting on 14 May 2024.

**Minister for Housing**  
 Ministear airson Taigheadas  
 Paul McLennan MSP/BPA



**Scottish Government**  
 Riaghaltas na h-Alba  
 gov.scot

T : 0300 244 4000  
 E : scottish.ministers@gov.scot

**Morgan Hewitt**  
 Morgan.hewitt@westlothian.gov.uk

Our Reference: 202400405886  
 Your Reference: FAO First Minister - RAAC - [OFFICIAL]

16 April 2024

Dear Graham;

Thank you for your letter of 21 March 2024 to the First Minister in relation to homes in West Lothian that have been identified as containing RAAC. I am replying as the Minister with lead responsibility in these matters.

I would like to thank you for the work that West Lothian Council has undertaken so far to identify RAAC in the homes that it owns. Building owners are responsible for maintaining their properties. This includes any work required to identify or remediate RAAC present in buildings. Therefore, any costs involved in surveying properties or any other maintenance work that West Lothian Council carries out to homes it owns should be funded from within existing budgets. Homeowners are also responsible for maintenance costs in their own homes and for their share of work on any common elements of a shared building. This will include any work required to survey for or to remediate unsafe RAAC. As you will be aware, local authorities are required to have in place a scheme of assistance statement which sets out the assistance that will be provided to private home owners. Assistance may be provided on such terms as the authority thinks fit (subject to the provisions set out in the Housing (Scotland) Act 2006, Section 71). Ultimately it will be for the local authority to determine what support can be made available for homeowners in these circumstances, taking into account local circumstances and priorities.

As you will be aware, previously the Chancellor had committed to 'spend what is necessary' to deal with the issue of RAAC. However, no funding has been forthcoming, including in the recent budget. In addition, as the UK Government has failed to inflation-proof their capital budget. This has resulted in a nearly 9% real terms cut in our capital funding between 2023-24 and 2027-28. We will continue to call on this UK Government, and any future incoming UK Government, to commit to this funding as previously pledged. RAAC is an issue that the Scottish Government takes very seriously. We want

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

Tha Ministearanna h-Alba, an luchd-comhairleachaidh sònraichte agus Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Falcibh [www.lobbying.scot](http://www.lobbying.scot)

St Andrew's House, Regent Road, Edinburgh EH1  
 3DG  
[www.gov.scot](http://www.gov.scot)



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everyone to be safe in their homes. I am committed to working in partnership with West Lothian Council to ensure that this issue is dealt with effectively and to ensure that the affected households are supported appropriately.

I am pleased to note that you are preparing a report to be presented to your Housing Services Policy Development and Scrutiny Panel which will provide an update on the council's programme together with detailed information on the support that the council is able to provide to homeowners. Once this report is complete, I would be delighted to meet with council leaders to understand the next steps and discuss the options available to the council.

I look forward to hearing further from you as your options appraisal process continues.

Yours sincerely



**PAUL MCLENNAN**  
**Minister for Housing**

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

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WEST LOTHIAN COUNCIL

14 MAY 2024

QUESTION TO EXECUTIVE COUNCILLOR

### BATHVILLE FLATS PROJECT

- The original budget for this project was reported as £3.874m. What is the estimated total cost?
- The original completion date was May 2017. When will the project be completed?
- Originally, it was planned to create twenty-one additional dwellings. How many have been created?
- What is the total number of dwellings created and/or refurbished?
- What is the average cost per dwelling created/refurbished?
- What deficiencies in the Council's management of this project have been identified?
- Has this project demonstrated value for money?



Councillor Stuart Borrowman

Independent

Armadale and Blackridge Ward

Received on 29 April 2024 at 8:33





# WEST LOTHIAN COUNCIL LABOUR GROUP

## West Lothian Council 14 May 2024 Agenda Item 26 – Bathville Flats Project

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I would thank Councillor Borrowman for his questions –

**The original budget for this project was reported as £3.874m. What is the estimated total cost?**

The original project cost estimate in 2014 was £3.874 million which included £2.016 million for refurbishment and £1.859 million for New Build based on completion by May 2017. The total cost of the project, was £8.061 million. This included £5.736 million for refurbishment and £2.325 million for new build and open market acquisitions.

The main reasons for the increase in cost is the scope of the project changing, with additional works being undertaken, and an extended period of the works due to site specific issues and the impact of the COVID-19 pandemic.

**The original completion date was May 2017. When will the project be completed?**

The project completed in August 2023

**Originally, it was planned to create twenty-one additional dwellings. How many have been created?**

The project delivered 21 new units, being 6 new build units and 15 Open Market Acquisitions being provided via the buy back of former council houses within Armadale and Blackridge.

**What is the total number of dwellings created and/or refurbished?**

In addition to the 21 new units, the project delivered 48 fully refurbished flats which are compliant with SHQS and should not require any major capital investment in the next 10 years.

**What is the average cost per dwelling created/refurbished?**

The average cost is £117,000 per unit for the 69 properties included in the project.

**What deficiencies in the Council's management of this project have been identified?**

Large scale regeneration works are recognised as being challenging projects and can often result in increased costs and extended period of works.

The change to the scope of the works to include additional internal works, resulted in an extended period of works and increased cost. The impact of the COVID restrictions on the construction sector have also contributed to the extended period of the works and increased costs and these could not have been anticipated. The service have reviewed the issues that have arisen from this project and will incorporate measures to mitigate similar issues arising in the planning and management of future projects.

**Has this project demonstrated value for money?**

The project delivered 48 fully refurbished flats which are compliant with SHQS and should not require any major capital investment in the next 10 years and has delivered 6 new build units and 15 OMAS properties. The average cost for each unit compares favourably with the costs for the new build properties being delivered over the last 10 years.

**Councillor George Paul**  
**Executive Councillor for Housing Services**



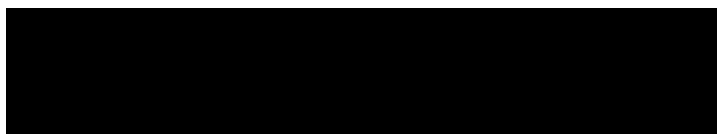
WEST LoTHIAN COUNCIL

14 MAY 2024

QUESTION TO COUNCIL LEADER

**NO COMPULSORY REDUNDANCY POLICY**

Will the present political administration sustain its policy of no compulsory redundancies until May 2027?



Councillor Stuart Borrowman

Independent

Armadale and Blackridge Ward

Received on 29 April 2024 at 8:33





**WEST LOTHIAN COUNCIL LABOUR GROUP****West Lothian Council****14 May 2024****Agenda Item 27 – No Compulsory Redundancy Policy**

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I would thank Councillor Borrowman for his question –

*Will the present political administration sustain its policy of no compulsory redundancies until May 2027?*

Despite the budget position over a number of years and the requirement for the council to make necessary savings, the council has been able to maintain a position of no compulsory redundancies due in part to the provisions of the Workforce Management Policy and Procedure and it is our intention to continue this arrangement. These policies and procedures provide: -

**1. Early Retirement and Voluntary Severance**

The option to request early retirement/voluntary service (ERVS) is explained to employees as part of the formal consultation process in any service restructure and the option to consider ERVS measures exists at all stages of the change process. Decisions to grant are informed by demonstrable benefit to the council, both in terms of total cost and service implications; quality and relevance of the business case made; and the interests of the employee(s) concerned, balanced with the interests of the council.

**2. Redeployment Procedure**

The redeployment procedure provides a means of identifying, wherever possible, suitable alternative employment for employees who have been displaced from their jobs as a result of the organisational change process. A search for suitable alternative employment will be undertaken for a period of up to 9 months from the implementation date of a new structure.

To date, the council has been successful in managing the implications of organisational through ERVS and redeployment.

Compulsory Redundancy would only arise in circumstances where the council is required to implement reductions in the workforce of such a scale that redeployment and other voluntary measures, as set out in the Workforce Management Policy and Procedure, are insufficient to achieve the necessary reductions.

In preparation of such an occasion, the Council Executive approved a draft Redundancy procedure to deal with just this type of scenario, however this draft Redundancy Procedure has been retained as a contingency measure in the event that the council is faced with budgetary pressures of such severity that compulsory redundancy cannot be avoided. Any decision to invoke its implementation would require separate approval from the Council Executive.

**Lawrence Fitzpatrick**  
**Leader of the Council**







## **WEST LoTHIAN CONSERVATIVE AND UNIONIST COUNCIL GROUP**

West Lothian Council

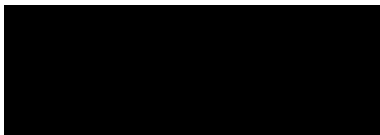
14<sup>th</sup> May 2024

Question to Executive Councillor Education

LGBT in Primary Schools

Across Scotland, the SNP Government have introduced completely inappropriate questions to children as young as 4 and pushing for primary school children to have LGBT champions.

Are children in West Lothian Primary schools being asked what gender they are and what is their sexuality?



Cllr Damian Doran-Timson  
East Livingston and East Calder Ward

Received on 29 April 2024 at 8:40





**Cllr Andrew McGuire  
Executive Councillor for Education**

**Response to Cllr Damian Doran-Timson**

**Question:**

Across Scotland, the SNP Government have introduced completely inappropriate questions to children as young as 4 and pushing for primary school children to have LGBT champions.

Are children in West Lothian Primary schools being asked what gender they are and what is their sexuality?

**Response:**

Thank you to Councillor Doran-Timson for his question.

I can advise that West Lothian schools aim to provide opportunities for all of our children and young people to be the best that they can be and meet their full potential through our rich curriculum offer and policy and guidance frameworks. We ensure equality and celebrate diversity for all and do not ask any child or young person to identify their gender or sexuality. Schools foster an inclusive and supportive ethos for children and young people to support their individual circumstances.

All schools have a Positive Relationships Policy which includes an Equality and Diversity statement providing guidance for all school staff. This includes guidance on the 9 protected characteristics as well as universal supports for all children and young people. This guidance is informed by Respect Me, UNCRC and the GTC Professional Code of Conduct.

To further support school staff, Scottish Government Guidance can be used to provide a flexible framework for schools to make effective decisions about individual circumstances. This guidance is used in line with local authority procedures to support children and young people.

Our Health and Wellbeing Curriculum signposts schools to LGBT Inclusive Education developed by Scottish Government and the Relationships and Sexual Health Programme developed by NHS Scotland.

This approach ensures that all schools have the guidance they need to provide an inclusive ethos where children and young people are not expected to answer questions about their sexuality or gender.



**Cllr Andrew McGuire  
Executive Councillor for Education**



## West Lothian Council Meeting May 14<sup>th</sup> 2024

### Question to the Executive Councillor for Education

1. Can you outline how pupils across West Lothian can access language teaching at exam level, National 5, Higher and Advanced Higher, if the language they would like to study is not available at their secondary school?
  - How are pupils and their families made aware of this provision?



Councillor Sally Pattle

Liberal Democrat Councillor for the Linlithgow Ward

Received on 29 April 2024 at 8:43





**Cllr Andrew McGuire**  
**Executive Councillor for Education**

**Response to Cllr Sally Pattle**

**Question:**

Can you outline how pupils across West Lothian can access language teaching at exam level, National 5, Higher and Advanced Higher, if the language they would like to study is not available at their secondary school?

-How are pupils and their families made aware of this provision?

**Response:**

Thank you to Councillor Pattle for her question.

I can advise that If a modern language is not available in a secondary school then the main source of alternative provision is via Edinburgh College. This provision has been well developed with one secondary school over the past few years with very positive results. This session it has now been extended to all schools (and we have 27 young people learning languages with Edinburgh College – Advanced Higher (AH) French 7, AH German 2, AH Italian 2, AH Spanish 10, Higher (H) French 4, H Spanish 1, National 5 German 1). Learning consists of group lectures as well as small (and individual) speaking groups with access to lecturers at other times in the week. There is no cost associated with this partnership – it is funded through the Scottish Funding Council. The college supports young people from across Scotland. The schools regularly check in with any young people learning this way, support prelims and provide IT and work areas. The college curriculum manager is very passionate and committed to ensuring the correct pathways exist for pupils in modern languages.

Access to other modern languages can also be through individual arrangements made between local schools if required.

All of the information about partnership with Edinburgh college is shared with schools. In turn it can be part of the offer that schools make available as part of course choice procedures. This may depend on language teaching within each individual school that is some schools will share this information with all pupils, or some may only share following a request made by an individual pupil, or where there is a timetable clash.

Schools share course choice information with their parents and also discuss pathways at their curriculum evenings. They will highlight partnerships such as that with the college and other schools.

**Cllr Andrew McGuire**  
**Executive Councillor for Education**