



Council Executive

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

6 June 2024

A hybrid meeting of the **Council Executive** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre, Livingston** on **Tuesday 11 June 2024 at 10:30am** or at the conclusion of West Lothian Council (whichever is the later).

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. Minutes
 - (a) Confirm Draft Minutes of Meeting of Council Executive held on Tuesday 28 May 2024 (herewith)
 - (b) Correspondence arising from previous decisions (herewith)

Public Items for Decision

5. West Lothian Licensing Board - Gambling Policy Consultation - Report by

Chief Executive (herewith)

6. COSLA Annual Conference and Exhibition 2024 - Report by Chief Executive (herewith)
7. Procurement Approval Report - Report by Head of Corporate Services (herewith)
8. St Kentigern's Academy, Blackburn - Enabling Works Update and Stage 1 - Report by Depute Chief Executive (Education and Planning) and Head of Finance and Property Services (herewith)
9. Young Persons Supported Housing Unit and the Almondvale Crescent Affordable Housing Project Update - Report by Head of Housing, Customer and Building Services and Head of Finance and Property Services (herewith)
10. West Calder High School Extension - Update - Report by Depute Chief Executive (Education and Planning Services) and Head of Finance and Property Services (herewith)
11. Millburn Park, Armadale: Proposed Servitude Rights in Favour of Avant Homes Scotland - Report by Head of Finance and Property Services (herewith)
12. Proposed Sale of 0.15 Hectares at Church Street, Broxburn to Mr Bryce Stewart - Report by Head of Finance and Property Services (herewith)
13. West Lothian Council Open Market Acquisition Scheme Review - Report by Head of Housing, Customer and Building Services (herewith)
14. Update to Energy Company Obligation (ECO) Scheme Flexible Eligibility Statement of Intent - Report by Head of Housing, Customer and Building Services (herewith)
15. Low Port Centre, Blackness Road, Linlithgow - Response to Historic Environment Scotland (HES) Consultation - Report by Head of Planning, Economic Development and Regeneration (herewith)

Public Items for Information

16. West Lothian Local Housing Strategy 2023-2028 Update - Report by Head of Housing, Customer and Building Services (herewith)
17. Disabled Persons' Parking Places (Scotland) Act 2009 - Annual Report for Period 1 April 2023 to 31 March 2024 - Report by Head of Operational Services (herewith)

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

DATA LABEL: Public



CODE OF CONDUCT AND DECLARATIONS OF INTEREST (2021)

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

Interests must be declared at the meeting, in public.

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

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

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

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

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

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

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

More detailed information is on the next page.

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

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

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

A connection does not exist where:-

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

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

If the connection amounts to an interest then:-

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

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

The relevant documents are:-

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

If you require assistance, contact:-

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

January 2022

MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 28 MAY 2024.

Present – Councillors Lawrence Fitzpatrick (Chair), Kirsteen Sullivan, Janet Campbell, Tom Conn, Angela Doran-Timson, Damian Doran-Timson, Danny Logue, Anne McMillan, Craig Meek, Pauline Orr, Sally Pattle, George Paul, Pauline Stafford, Craig Meek, Pauline Orr and Pauline Stafford

1 OPENING REMARKS

The Council Executive observed a minute's silence for Councillor Stuart Borrowman, who had recently passed away. Members then had the opportunity to pay tribute to Councillor Borrowman.

2 DECLARATIONS OF INTEREST

Agenda Item 9 – Museums Accreditation

Councillor Pauline Orr stated that she was a trustee and treasurer of the Linlithgow museum.

3 ORDER OF BUSINESS

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

Council Executive agreed, in accordance with Standing Order 8(3), that agenda items 14 (*Publication of Elected Members Remuneration, Expenses and Allowance Information 2023/24*) and 16 (*Universal Credit and European Nationals*) were to be taken as read and their recommendations noted without any further consideration.

4 MINUTES

The Council Executive approved the minute of its meeting held on 7 May 2024. The Chair thereafter signed the minute.

5 PROCUREMENT APPROVAL REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to enter into contracts where Committee authorisation was required by Standing Orders.

It was recommended that the Council Executive approve an exemption from Contract Standing Orders for:

1. A direct award of a contact to Early Steps Nursery for the period 12 August 2024 – 11 November 2024 for Early Learning and Childcare Services with a total estimated value of £63,000; and
2. A direct award of a contact Wee Gems Broxburn for the period 12 August 2024 – 11 November 2024 for Early Learning and Childcare Services with a total estimated value of £62,000.

Decision

To approve the terms of the report.

6 HAWKHILL PRIMARY SCHOOL AND ELC UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive (Education, Planning Economic Development and Regeneration Services) and the Head of Finance and Property Services providing an update on the delivery of the new non-denominational primary school and ELC (Hawkhill site), due to further growth in the Winchburgh core development area, and seeking approval to proceed through the financial close process and deliver the new primary school and ELC for opening in the new academic term in August 2025.

It was recommended that the Council Executive:

1. Approve acceptance of the finalised proposed construction cost of £15.97m against a previously reported affordability cap of £15.5m;
2. Note the proposed delivery timescale of August 2025 and project milestones including those relating to the conclusion of the side letter to the S75 and the seller's works transaction;
3. Note that there had been no objections to the proposed school as an outcome of the statutory education consultation;
4. Note that a Letter of Intent had been executed by the Head of Finance and Property Services in relation to the supply of materials and price fluctuations;
5. Note that the capital cost was fully funded by developer contributions; and
6. Delegate authority to the Head of Finance and Property Services to execute and deliver the final design and build development agreement (DBDA) and associated documentation on behalf of the Council at Financial Close.

Decision

To approve the terms of the report.

7 FUTURE WINTER-THEMED EVENTS AT BEECRAIGS COUNTRY PARK, LINLITHGOW

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services and the Head of Finance and Property Services advising members of the outcome of an exercise to openly market a commercial license opportunity that would enable the delivery of an annual winter-themed event at Beecraigs Country Park, Linlithgow for a five-year period commencing in 2024 and seeking approval to grant that commercial licence to GC Live Limited on the terms set out in the report.

It was recommended that the Council Executive:

1. Note the outcome of an exercise to openly market a commercial license opportunity that would enable the delivery of an annual winter-themed event at Beecraigs Country Park, Linlithgow for a five-year period commencing in 2024;
2. Approve the granting of that commercial license to GC Live Limited on the terms set out in the report; and
3. Authorise the Head of Finance and Property Services to carry out any further negotiations in respect of the license terms, on the basis that any revised terms and conditions still represented the achievement of best value for the council.

The Chair advised that if members had evidence of concern regarding any operational issues, these should be communicated to the appropriate level in the council.

Decision

To approve the terms of the report.

8 PROPOSED SALE OF ARROCHAR HOUSE, ALMONDVALE BOULEVARD, LIVINGSTON TO PRESTIGE LEISURE UK LIMITED

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for the sale of Arrochar House, Almondvale Boulevard, Livingston to Prestige Leisure UK Limited.

It was recommended that the Council Executive:

1. Approve the sale of Arrochar House, Almondvale Boulevard to Prestige Leisure UK Limited for £807,786 on the terms set out in the report; and
2. Authorise the Head of Finance and Property Services to carry out any further negotiations in respect of the terms of sale for the property, on the basis that any revised terms and conditions still

represented the achievement of best value for the council.

Decision

To approve the terms of the report.

9 MUSEUMS ACCREDITATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services seeking approval for key museum documents produced as part of the council's compliance with the UK Museums Accreditation Scheme.

It was recommended that the Council Executive approve the following suite of documents:

1. Museums and Archives Service Forward Plan, 2024–2027;
2. Documentation Policy Statement; and
3. Conservation and Collections Care Policy Statement.

Decision

To approve the terms of the report.

10 HOUSING (SCOTLAND) BILL

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services advising members of the introduction of the Housing (Scotland) Bill by the Scottish Government to the Scottish Parliament on 26 March 2024. The report provided an overview of the proposed changes to the law in relation to housing, the anticipated outcomes, impacts on service delivery in West Lothian and associated risks.

It was recommended that the Council Executive consider the following recommendations:

1. Note the content, timescales and impacts as assessed by officers of the new Housing (Scotland) Bill; and
2. Consider and provide comment on the content and impacts of the Housing (Scotland) Bill consultation as set out in the report.

Motion

Council Executive notes recommendations B1 & 2.

It is the case that Local Authorities across Scotland are experiencing significant pressures in meeting demand for social housing.

To date Argyll and Bute Council, City of Edinburgh Council, Glasgow City Council and Fife Council have all declared a housing emergency. In July 2023, SOLACE, ALACHO and COSLA made a call for an emergency response to the emerging housing supply pressures. They have published a report, 'Housing in Scotland: Current Context and Preparing for the Future' which details their assessment of the housing emergency in Scotland and the steps needed to address it.

The Scottish Housing Regulator has also recently upgraded its risk assessment of the ability for social housing providers to meet their statutory duties, and has warned of imminent spread of systematic and sustained failure within the system.

During a Labour led debate at the Scottish Parliament on 15 May 2024, the Scottish Government eventually declared a national housing emergency. This follows on from the Scottish National Party having previously voted against a Labour motion declaring a housing emergency in November 2023.

The imbalance between supply and demand for permanent social rented accommodation continues to be a key challenge in West Lothian. There remains a high number of people applying to the council for permanent housing through the council's allocations policy, as well as accommodation required for homeless applicants to enable the council to discharge its statutory homeless duty. As of April 2024, the service holds a total of 11,269 applications for council housing, with an average of over 350 new applications each month. The service has a current live caseload of 1392 homeless cases. Throughout 2023/24 an average of 177 clients per night were accommodated in B&B/hotels at an average cost of £84 per night.

Council notes with great concern the extreme pressures on housing and homelessness in West Lothian and the additional resource implications and accommodation costs likely to arise from the implementation of the proposals contained within the Housing (Scotland) Bill introduced to the Scottish Parliament on 26 March 2024.

Council also notes with concern that:

- Despite the issue of a national housing emergency having been proposed by the Scottish Labour Party in November 2023 that it is only now that the Scottish Government have decided to acknowledge this position, and that there is no information from the Scottish Government on the specific actions to be undertaken to address this position;
- Despite the approval by Council Executive on 7 November 2023 of a suite of measures to avoid costs related to the provision of accommodation for people presenting as homeless and increase in the number of properties available for let to homeless applicants, the number of households assessed as homeless and waiting for a tenancy and the number of families with children in temporary

accommodation remains high;

- West Lothian continues to face difficulties in meeting its statutory duties in regard to homelessness;
- West Lothian did not receive any of the additional £2million revenue funding for temporary accommodation announced by the Scottish Government prior to December 2023;
- The level of Scottish Government revenue grant funding provided to support the delivery of the council's Rapid Rehousing Transition Plan (RRTP) is only £280,000 in 2024/25, a reduction from the £297,000 provided in 2023/24; and
- The significant overall reduction in the national Affordable Housing Programme made by the Scottish Government, which will have a detrimental impact on the Council's own new build affordable housing programme and that of the other registered social landlords within West Lothian.

The Council therefore agrees to:

1. Note the Scottish Government's declaration of the national housing emergency, but in recognition of the specific challenges facing the council and local registered social landlords declare a Housing Emergency in West Lothian;
 2. Instructs the Chief Executive to write to the Scottish Government Minister for Housing, Paul McLennan MSP, to:
 - Advise of the declaration of the Housing Emergency in West Lothian.
 - Request an urgent meeting with the Minister, whereby the Council is represented by the Executive Councillor for Housing Services and appropriate senior officers.
 - Request that the Scottish Government increases the revenue grant funding made available to the council in 2024/25 to £297,000 in support of the council's RRTP.
 - Request that the Scottish Government to reverse its decision to cut the affordable housing programme budget by 26%.
 3. Instructs the Head of Housing, Customer and Building Services to provide a report to a subsequent meeting of the Housing Services PDSP on the outcome of the meeting with the Minister for Housing and the requests on the council's RRTP funding and the affordable housing programme funding.
- Moved by Councillor George Paul and seconded by Councillor Lawrence Fitzpatrick

Amendment

To accept the motion, with the addition that the Chief Executive write to the UK treasury and demand the £1.9 billion removed from the Scottish capital budget be immediately reinstated.

- Moved by Councillor Janet Campbell and seconded by Councillor Pauline Orr.

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

Motion

Amendment

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

Janet Campbell
Pauline Orr
Pauline Stafford

Decision

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

11 SOCIAL POLICY MEDICATION POLICY REVIEW

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy advising of the proposed changes to the Social Policy Medication Management Policy and asking members to note and consider the recommendation.

It was recommended that the Council Executive approve the proposed changes to the social policy medication management policy, as set out in appendix 1 to the report.

Decision

To approve the terms of the report.

12 INTERCOUNTRY ADOPTION ASSESSMENT FEES

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy providing details on West Lothian fees for intercountry adoption assessments and asking members to note and consider the recommendations.

It was recommended that Council Executive approve the proposed increase in fees.

Decision

To approve the terms of the report.

13 NETWORK RAIL OVERBRIDGE AGREEMENT IN WINCHBURGH

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking authority to enter into a tripartite agreement with Network Rail and Winchburgh Developments Ltd. for the provision of an overbridge on the new core road through Winchburgh.

It was recommended that the Council Executive:

1. Agree that the council should enter into a tripartite agreement with Network Rail and Winchburgh Developments Ltd. for the provision of an overbridge on the new core road through Winchburgh as part of the arrangements required for Winchburgh town centre and providing a main route to access new schools, community facilities and retail facilities there; and
2. Delegate authority to the Head of Operational Services, in consultation with the Chief Solicitor, to negotiate and conclude the final terms of the agreement to protect the council's interests as local roads authority and to finalise the property arrangements required.

Decision

To approve the terms of the report.

14 PUBLICATION OF ELECTED MEMBERS REMUNERATION, EXPENSES AND ALLOWANCE INFORMATION 2023/24

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services informing members of the levels of Elected Members Remuneration, Allowances and Expenses paid from 1 April 2023 to 31 March 2024 and providing details of training undertaken during this period.

It was recommended that the Council Executive note the terms of the report and display the attached schedules as per the Appendices on the Council's website.

Decision

To note the terms of the report.

15 THE VENNEL, LINLITHGOW – PROPOSED REDEVELOPMENT PRE-DEVELOPMENT UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the outcome of meetings and discussions held by officers with community groups in relation to the proposed redevelopment of The Vennel, Linlithgow and providing an update on the next stages of the process to market the earmarked sites.

It was recommended that the Council Executive:

1. Note the background and current position in relation to the recent discussions with the community groups on the redevelopment of The Vennel, Linlithgow;
2. Note that a formal marketing exercise would be undertaken during the summer of 2024 to determine if transformative redevelopment could be secured from the earmarked sites; and
3. Note that further updates would be provided to Council Executive after the summer recess once the formal marketing exercise had been completed and any offers resulting from this exercise had been discussed with the community.

Decision

To note the terms of the report.

16 UNIVERSAL CREDIT AND EUROPEAN NATIONALS

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the recent Supreme Court decision in relation to European Union Nationals (EU) claiming Universal Credit (UC) if they have Pre-Settled Status under the EU Settlement Scheme established by the UK Government.

It was recommended that the Council Executive:

1. Note the content of the report and the financial impact on EU Nationals; and
2. Note the potential impact on West Lothian Council in providing support to those impacted.

Decision

To note the terms of the report.

Chief Executive Office

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

Our Ref: CEO/CHI CoEx280524
Your Ref:

Contact: Graham Hope
Tel: 01506 281697
email: graham.hope@westlothian.gov.uk

Private and Confidential
Paul MacLennan MSP
Minister for Housing
scottish.ministers@gov.scot
(letter sent electronically only)

28 May 2024

Dear Minister,

Housing (Scotland) Bill

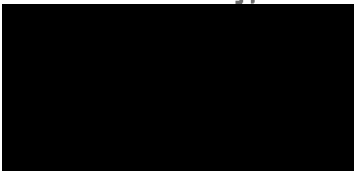
A meeting of West Lothian Council Executive took place on Tuesday 28 May 2024. At the meeting there was discussion regarding the local housing position and I have enclosed a copy of the relevant Notice of Motion for your information.

I write to advise you that West Lothian Council has now declared a Housing Emergency. I also write to request an urgent meeting with yourself, which would be attended by the council's Executive Councillor for Housing Services and appropriate senior officers. I would be grateful if your office could please contact me to arrange a suitable date and time for this meeting to take place as soon as possible.

On behalf of the council I am also writing to request that the Scottish Government increase the revenue grant funding made available to the council in support of the council's Rapid Rehousing Transition Plan (RRTP), and to request that the Scottish Government reverse its decision to cut the affordable housing programme budget.

I would be grateful to receive your response at the earliest opportunity.

Yours sincerely,



Graham Hope
Chief Executive

Encl

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

WEST LOTHIAN LICENSING BOARD – GAMBLING POLICY CONSULTATION

REPORT BY CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To report the council's proposed response to West Lothian Licensing Board's consultation on its gambling policy review.

B. RECOMMENDATIONS

To consider and approve the proposed response to the consultation by West Lothian Licensing Board in relation to the review of their Gambling Policy.

C. SUMMARY OF IMPLICATIONS

I.	Council Values	<ul style="list-style-type: none"> • Making best use of our resources • Working in partnership
II.	Policy and Legal	Gambling Act 2005
III.	Implications for Scheme of Delegations to Officers	None
IV.	Impact on performance and performance indicators	None
V.	Relevance to Single Outcome Agreement	None
VI.	Resources (Financial, Staffing and Property)	From existing resources
VII.	Consideration at PDSP/ Executive Committee required	This report was circulated to members of Corporate Policy & Resources PDSP for consideration as timescales did not allow for it to be considered at the next meeting.
VIII.	Details of consultations	Relevant Heads of Service

D. TERMS OF REPORT

In terms of section 349 of the Gambling Act 2005 the Licensing Board is required to prepare a Statement of Gambling Policy and publish it every three years. This statement sets out the principles applied by the Board in relation to the exercise of its functions under the Gambling Act 2005. The current policy covers the period 31 January 2022 to 30 January 2025.

A new statement of policy is to be prepared and published by the Board to take effect for the period 31 January 2025 to 30 January 2028. A review of the policy has now commenced and the council has been consulted as a stakeholder.

The consultation is being conducted online and the deadline for participating is 5 June 2024. An extension has been granted to the council to allow this draft response to be considered at Council Executive on 11 June 2024.

E. CONCLUSION

This report ensures that members are aware of the response proposed to be submitted on behalf of West Lothian Council, subject to committee approval.

F. BACKGROUND REFERENCES

West Lothian Licensing Board's Statement of Principles – Gambling Act 2005 (31 January 2022 – 30 January 2025) – available online:

https://www.westlothian.gov.uk/media/51503/Gambling-Statement-of-Principles-2022-2025/pdf/Gambling_Statement_of_Principles_2022-2025.pdf

Appendices/Attachments: 1

Appendix 1: Proposed response to be submitted on behalf of West Lothian Council to the online consultation

Contact Person: Caitlin Hirst, Project Officer, Chief Executive Office
Caitlin.Hirst@westlothian.gov.uk
 01506 281278

Graham Hope
Chief Executive

Date of meeting: 11 June 2024

WEST Lothian LICENSING BOARD

GAMBLING POLICY CONSULTATION 2024

West Lothian Licensing Board is consulting on its gambling policy in order to prepare a new statement of gambling policy. The Board would like to hear from anyone with an interest in gambling licensing in West Lothian.

Through its policy the Board wishes to regulate gambling in the public interest in West Lothian, with regard to the following three licensing objectives:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
- ensuring that gambling is conducted in a fair and open way
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Board is responsible for issuing licences and permits for gaming machine use and gambling activities at premises in West Lothian for the following types of premises/activities:

- bingo
- betting shops
- tracks
- adult gaming centres
- licensed family entertainment centres
- unlicensed family entertainment centres
- alcohol licensed premises
- club gaming permits
- travelling fairs
- small society lotteries

The Board does not have the power to regulate gambling operators and remote gambling and so cannot include this in its policy. Remote gambling includes online and mobile phone gambling. Please consider this when responding to this consultation, as the Board will not be able to take into consideration responses which are concerned with matters which it does not have the power to regulate.

A copy of the Board's current statement of gambling policy can be accessed via the following link:

https://www.westlothian.gov.uk/media/51503/Gambling-Statement-of-Principles-2022-2025/pdf/Gambling_Statement_of_Principles_2022-2025.pdf

As part of the consultation the Board will invite representations from a wide range of stakeholders including Police Scotland and NHS Lothian. This online consultation is also available to anybody in West Lothian should they wish to make a representation. If you wish to obtain a hard copy of the consultation document please contact the Licensing Team at licensing@westlothian.gov.uk telephone number 01506 281632, or by writing to the Licensing Team at West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF

There are three parts to the online consultation as detailed below. This consultation will run from 5 April 2024 to 5 June 2024. The consultation has been designed for a wide range of people, bodies and organisations. Please note that you can respond to the consultation without answering all of the questions. If there are any questions you do not wish to

Thanks for taking the time to complete this consultation document, your answers will be considered by the Board when it is reviewing its gambling policy.

1. **Part 1**

Are you responding as a (please tick the relevant box)



- ☐ Gambling premises licence holder
- ☐ Member of the public
- ☐ Gambling permit holder
- ☐ Local business
- ☐ Alcohol Premises licence holder
- ☐ Body representing licence holders/clubs
- ☐ Gambling Personal licence holder
- ☐ Body/person representing members of the public (e.g. councillors, community council)
- ☐ Club premises certificate holder
- ☒ Other organisation or group


2. **Part 2**

To what extent would you agree or disagree with the following statements: 

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
There are gambling related problems in my area	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Access to gambling by children, young people and other vulnerable persons is a problem in my area	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
I am aware of where to get advice or support locally/nationally for gambling related problems	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

3. **Part 3**


Are there any changes you would wish to see to the Board's current statement of gambling policy? 

☐ Yes

☒ No

4. If yes, please say what changes and why

Enter your answer

5. Are there any matters you would wish to see addressed in the Board's gambling policy which are not addressed in its current statement of gambling policy? 

☐ Yes

☒ No


6. If yes please say what matters and why

7. Do you consider that there are gambling associated risks which especially effect [Please tick appropriate box]:

- ☐ West Lothian
- ☐ parts of West Lothian e.g. a particular location, town, village or area
- ☐ parts of the population in West Lothian

8. If yes, please say what risk(s), which part(s) of West Lothian and which part(s) of the population in West Lothian


There is insufficient data to evidence any areas of risk. The council would welcome additional information where available, for example regarding numbers of self-excluded gamblers from premises, in order to further develop its understanding of the risk of problem gambling across West Lothian and in particular localities.

9. Do you consider that there are problems arising from access to gambling premises in West Lothian? 

- ☐ Yes
- ☒ No

10. If yes, please say what problem(s) and why


West Lothian Council is not aware of any such problems.
The council does not operate any licensed gambling premises. Where such premises form part of the council's commercial property portfolio (i.e. betting shops) the responsibility for compliance with licensing requirements rests with the tenants.

11. Are you aware of any problems that have occurred as a result of gambling premises being located in close proximity to sensitive buildings e.g. schools, colleges, children's play areas, treatment centres for drug, alcohol and other addictions? 

- ☐ Yes

12. If so please provide further information

Enter your answer


13. Are you aware of any premises where problems have occurred as a result of gaming machines being made available to the public? 

☐ Yes

☒ No

14. If so please provide further information

Enter your answer


15. Do you have any local data you wish to provide related to gambling for the Board to consider in preparing its new statement of gambling policy? 

☐ Yes

☒ No

16. If so please provide the data in your response together with any observations you wish to make regarding it

Gambling has not been raised as a concern to the council in relation to anti-social behaviour or serious organised crime within West Lothian.


17. Are there any factors in particular you think the Board should take into account when considering applications for gambling licences, permits or permissions or deciding whether to review a gambling licence? 

☐ Yes

☒ No

18. If so please say what factor(s) and why

Enter your answer


19. When considering applications for gambling licences, permits or permissions, are there any principles you wish the Board to apply with regard to the proposed location of the premises and the three licensing objectives? 

☐ Yes

☒ No

20. If so please say which objective(s), what principle(s) and why

The council considers that the current principles and objectives are adequate, especially principles 22-25 which refer to avoiding school locations.

21. Is there anything else you wish the Board to consider in preparing its new statement of gambling policy including any Equality issues in relation to the policy and gambling generally in West Lothian? 

☒ Yes

☐ No

22. If so please say what else you wish the Board to consider and why

- From a planning perspective, the council notes that National Planning Framework 4 (NPF4) ^{Item 5} has now been adopted as part of the development plan for West Lothian. NPF4 introduces some new controls on some activities which will require a licence. Currently, it is difficult to control the density of licensed premises through any of our normal regulatory controls – most notably planning. Planning legislation sees the density of licensed premises as being controlled through other legislation, or normal market forces / competition. So, for example, at the moment we couldn't reasonably refuse planning consent for a pub, or bookmakers, on the basis that there was already provision in the local area. However NPF4 proposes (as Policy 27c) that development proposals for non-retail uses in town and local centres will not be supported if further provision of these services will undermine the character or amenity of the area or the health and wellbeing of the community, particularly in disadvantaged areas. It is not clear how health and wellbeing will be assessed and, similarly, it is not clear how areas of disadvantage (for the purposes of applying the policy) will be defined, but these may well be considerations for licensing as well as planning. This is something the council can look to progress through the LDP process, but this will be two or three years before it becomes a workable policy.
- From an environmental assessment perspective, noise complaints from licensed establishments are received and investigated by Environmental Health staff. Any concerns will normally be considered in terms of statutory nuisance. There is no evidence to suggest a particular issue with noise from licensed premises is due to density, as most cases are site-specific and tend to relate to noise from within the establishment, e.g. amplified music. It is, however, recognised that whilst statutory nuisance is not always evident in terms of noise, the impact of noise on neighbouring domestic properties is something the board should be mindful of. To reduce the impacts of licensed establishments, Environmental Health suggest that the board should introduce a policy of inaudibility for licensed establishments, where noise sources can be properly managed, controlled or avoided. This would allow the function of the establishment to continue whilst providing for a less disruptive impact on neighbouring domestic properties.

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DATA LABEL: PUBLIC

**COUNCIL EXECUTIVE****COSLA ANNUAL CONFERENCE AND EXHIBITION 2024****REPORT BY CHIEF EXECUTIVE****A. PURPOSE OF REPORT**

To consider attendance at the COSLA Annual Conference and Exhibition 2024 and, if agreed, to consider which members should attend.

B. RECOMMENDATION

It is recommended that the Council Executive:

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

C. SUMMARY OF IMPLICATIONS

I	Council Values	Open, honest and accountable; Collaborative, inclusive and adaptive
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Local Government (Scotland) Act 1973; council's Standing Orders; Local Governance (Scotland) Act 2004 (Allowances and Expenses) Regulations 2007; Local Government (Allowances and Expenses) (Scotland) Amendment Regulations 2008
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	None
VI	Resources - (Financial, Staffing and Property)	The cost can be met from existing budget provision.
VII	Consideration at PDSP	No prior consideration required.
VIII	Consultations	None required.

D. TERMS OF REPORT

The 2024 COSLA Annual Conference will take place on 19 and 20 September 2024. This event will be held at Crieff Hydro Hotel in Perthshire and will explore the question “What is Local Government’s role in society?”.

All accommodation options are set out in Appendix 1. Bookings must be arranged through COSLA, with early booking encouraged.

Following established practice, it is suggested that the following elected members, who have been appointed to represent the council on COSLA, or their nominated substitute, attend this conference:

- Councillor Lawrence Fitzpatrick
- Councillor Kirsteen Sullivan
- Councillor Janet Campbell
- Councillor Damian Doran-Timson

E. CONCLUSION

The Council Executive is asked to consider and agree attendance at the 2024 COSLA Annual Conference and Exhibition.

F. BACKGROUND REFERENCES

Council Executive Meeting 25 April 2023
 Council Executive Meeting 7 December 2021
 Council Executive Meeting 20 August 2019
 Council Executive Meeting 21 August 2018

Appendices/Attachments: 1

Appendix 1: COSLA Annual Conference and Exhibition Flyer

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

Graham Hope
Chief Executive
11 June 2024



What is Local Government's role in society?



**COSLA Annual Conference
& Exhibition 2024**

Thursday 19 - Friday 20 September 2024
Crieff Hydro Hotel, Perthshire

Foreword



**Councillor
Shona Morrison
President of COSLA**



**Councillor
Steven Heddle
Vice President of
COSLA**

As COSLA's President and Vice President, we are delighted to welcome you back to the Local Government event of the year, COSLA's Annual Conference.

This year's event will be held at Crieff Hydro on the 19 and 20 September, where delegates have the opportunity to network in-person, hear from inspiring leaders and experts, and debate political hot topics.

This year's conference will be looking to answer the question – **What is the role of Local Government in society and in unlocking Scotland's potential?**

This builds on from COSLA's successful "Councils are Key" Budget Lobbying Campaign.

As we see in the media, there has never been such a focus on the importance of local services, how they are funded and the role of Local Government in Scotland. With a UK General Election expected shortly after our Conference, there will be opportunities to focus on what this means for Scottish Local Government, and how Councils and their partners can work to support the best possible outcomes for our communities.

We all know that there is more to do to tackle child poverty, to support a just transition to net zero, and to ensure public services are sustainable into the future.

Scottish Local Government has always been the voice of the people and the champion of communities. It had this role pre-devolution, and it is a role that will never change no matter who forms the Government in Westminster or Holyrood.

Given that the COSLA 2024 Annual Conference will take place close to the upcoming UK General Election, it provides an excellent opportunity to collectively consider and explore how this will impact Local Government.

Key Questions:

- Communities are at the heart of everything we do - how will the result of the General Election affect both councils and communities?
- Will the role of Local Government as community champions be enhanced or weakened depending on the result of the General Election?
- In what ways could Local Government be more agile and transformative in meeting community needs and what would this require of both Westminster and Holyrood?
- Would a change in Government impact on our relationship with Scottish Government and Holyrood? And what impact would it have on the Verity House Agreement?
- How can Local Government improve the way it connects with individuals, businesses and the third sector?
- How can Local Government and partners support increasingly diverse communities as *they* respond to challenges, from climate change to the ongoing cost of living crisis?
- How can Local Government Leaders be at the forefront of the change required to improve outcomes for communities?
- During times of significant challenge and constrained resources, what do communities and businesses expect of local leaders?
- What can we learn from other countries in further improving services for the communities we represent?

Do not miss the opportunity to be part of this essential debate. Book your place now for our Conference at Crieff Hydro Hotel on Thursday 19 and Friday 20 September 2024

Conference Information

The 2024 Fee includes:

As a member Authority, attending as a full residential conference delegate will cost **£475** plus VAT.

Included in the full residential conference delegate fee is one nights' accommodation on Thursday, 19 September, the fee includes attendance at the COSLA Excellence Awards, Pre-Dinner Reception, Dinner and Ceremony on Thursday 20 September. It also includes attendance at all Conference sessions including tea/coffee and lunch on 19 and 20 September.

Plenary Sessions

The conference will start at 9.30a.m. on Thursday, 19 September and concludes at 2.00p.m on Friday, 20 September. This is your chance to contribute to the debate on key issues in Scotland.

The conference is an invaluable opportunity to network in an informal situation.

Accommodation

This year's event will be held at the Crieff Hydro Hotel in Perthshire and it is anticipated that all conference delegates will be accommodated within the Hotel.

All accommodation must be booked through COSLA by Monday 26 August 2024.

We are unable to guarantee places for forms received after this date.

For further information regarding the Hotel or accommodation, please contact Linda Bruce on 0131 474 9228 or email Linda@cosla.gov.uk.

Hotel Information

Set in dramatic Perthshire countryside above the market town of Crieff, our four star estate is just an hour from both Glasgow and Edinburgh and 30 minutes from Perth. It's the perfect venue to get some quality fresh air with breathtaking country views without asking everyone to travel too far.

Delegate Attendance Options

The following flexible attendance options allow you to attend the conference on a basis which best suits your needs. These

changes are in response to customer demand and reflect delegates' increasing workplace commitments. Please read the options and mark your choices on the booking form.

OPTION 1

Full residential conference delegate

Accommodation on 19 September and attendance at all sessions, including tea/coffee and lunch on 19 and 20 September. Pre-Dinner Reception, Awards Ceremony and Dinner on 19 September.

OPTION 2

Day delegate on Thursday 19 September

Attendance at all sessions, tea/coffee and lunch on 19 September. Does NOT include accommodation or attendance at dinner.

OPTION 3

Day delegate on Friday 20 September

Attendance at all sessions, tea/coffee and lunch on 20 September.

OPTION 4

Accommodation on Wednesday 18 September

Bed and breakfast at Crieff Hydro Hotel on the night of 18 September.

OPTION 5

Accommodation on Thursday 19 September

Bed and breakfast at Crieff Hydro Hotel on the night of 19 September.

OPTION 6

Pre-Dinner Reception Excellence Awards Ceremony and Dinner on Thursday 19 September

Attendance at the Pre-Dinner Reception, Excellence Awards Ceremony and Dinner on 19 September.

Exhibiting

The exhibition is an integral part of the Conference, attracting a wide variety of organisations working in the public, private and voluntary sectors. Refreshments will be served in the exhibition areas to ensure that exhibitors have the chance to meet with delegates.

Further information is available from Alex Shirlaw on 0131 474 9215 or email alex@cosla.gov.uk.

Advertising

The official conference handbook contains essential programme and speaker information and is distributed to all delegates attending the Conference. There is a limited amount of advertising space available in the handbook which will be A4 size and printed in full colour.

The following rates will apply:

Full page	£450 plus VAT
Half page	£300 plus VAT
Quarter page	£200 plus VAT

For technical specifications, please contact Linda Bruce on 0131 474 9228 or email Linda@cosla.gov.uk.

Sponsorship

Sponsoring one particular aspect of the conference brings its own list of benefits and related costs. Organisations may also contribute to the cost of one of the options shown below with recognition in the Conference Handbook.

For estimated costs or to discuss your contribution, **please contact Linda Bruce on 0131 474 9228 or email Linda@cosla.gov.uk**

OPTIONS

Excellence Awards Ceremony Dinner
Evening Pre-Dinner Reception
Lunch(es)
Refreshment Breaks
Complimentary Gifts
Delegate Writing Pads
Delegate Pens
Delegate Conference Bags
Conference Fringe Sessions

Promotional Literature and/or Complimentary Gifts

An opportunity exists for including promotional literature or small complimentary gifts in the Delegate Bag at a cost of £300 + VAT per item. We would require you to supply approximately 300 copies or gifts.

Please contact Linda Bruce on 0131 474 9228 or email Linda@cosla.gov.uk for further information.

Delegate Booking Form

Please scan this form for each delegate attending and return it to:

Linda Bruce at COSLA, Verity House, 19 Haymarket Yards, Edinburgh, EH12 5BH.

T: 0131 474 9228

E: Linda@cosla.gov.uk

by **Monday 26 August 2024**

Delegate Details

First Name	_____	Email	_____
Surname	_____	Address for Correspondence	_____
Job Designation	_____		_____
Organisation	_____		_____
Telephone	_____		_____

Attendance Options and Costs

Delegates are invited to 'pick and choose' the most appropriate options. For a description of all the options, please refer to the notes overleaf. We regret that **NO REFUNDS** can be made, although delegates may substitute, providing reasonable notice is given. It is also important to note that it is **NOT** possible for delegates to 'share' a conference place.

Prices are shown excluding VAT.

Full Conference Option (please tick)	Member*	Non-Member
1. Full residential conference delegate (includes everything listed below EXCEPT accommodation on 18 September)	<input type="checkbox"/> £475	<input type="checkbox"/> £550
2. Day delegate on Thursday 19 September	<input type="checkbox"/> £195	<input type="checkbox"/> £225
3. Day delegate on Friday 20 September	<input type="checkbox"/> £195	<input type="checkbox"/> £225
4. Accommodation on Wednesday 18 September	<input type="checkbox"/> £199	<input type="checkbox"/> £220
5. Accommodation on Thursday 19 September	<input type="checkbox"/> £199	<input type="checkbox"/> £220
6. Pre-Dinner Reception, Excellence Awards Ceremony and Dinner on Thursday 19 September	<input type="checkbox"/> £80	<input type="checkbox"/> £90

***Member** – Denotes Elected Members and Officers from Scotland's 32 Local Authorities

Payment

Please invoice my organisation

Authorised Signatory
(please print name) _____

Amount payable £ _____

Please add VAT at 20% £ _____

Total amount due to COSLA £ _____

A VAT Invoice will be sent separately and a confirmation letter closer to the date of the conference.

Special Requirements

	Comment
Diet?	
Audio?	
Visual?	
Access?	

Further information is available from Linda Bruce on 0131 474 9228
or email Linda@cosla.gov.uk

DATA LABEL: PUBLIC

**COUNCIL EXECUTIVE****PROCUREMENT APPROVAL REPORT****REPORT BY THE HEAD OF CORPORATE SERVICES****A. PURPOSE OF REPORT**

To seek Council Executive approval to enter into contracts where Committee authorisation is required by Standing Orders.

B. RECOMMENDATION

It is recommended that Council Executive approve an exemption from Contract Standing Orders for :

1. a direct award of a contact to a third sector consortium lead by The Larder for the period 1 July 2024 to 30 September 2024 for the provision of specialised employment support for West Lothian parents with a total estimated value of £75,000;
2. a direct award of a contact to Vodafone UK for the period 30 August 2024– 29 August 2026 for Public Switched Telephone Network Lines & Minutes with a total estimated value of £200,000.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Caring and Compassionate Open, Honest and Accountable Collaborative, Inclusive and Adaptive
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Standing Orders of West Lothian Council and the Public Contracts (Scotland) Regulations 2015.
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	Improving the employment position in West Lothian, Minimising poverty, the cycle of deprivation and promoting equality

VI	Resources - (Financial, Staffing and Property)	See section D of the report
VII	Consideration at PDSP	N/A
VIII	Other consultations	IT Services, Planning, Economic Development and Regeneration, Financial Management Unit, The Corporate Procurement Unit and the Local Employability Partnership were consulted.

D. TERMS OF REPORT

D1. THE PROVISION OF SPECIALISED EMPLOYMENT SUPPORT FOR WEST LOTHIAN PARENTS

Background and context

This work was commissioned as part of the 2023-2024 No One Left Behind (NOLB) Investment plan. This supports the drive of NOLB policy to support a mixed economy of provision. Parental employability support is a key strand of work supported by the Scottish Government Grant. The NOLB approach is person centred and aims to deliver a system that is more tailored and responsive to the needs of parents looking to join or progress within the labour market.

Contract provision allows support for the following eligible categories of parents:

- Lone parent ;
- Parent from an ethnic minority ;
- Parent of a child under the age of 1;
- Parent of 3+ children ;
- Parent/child with a disability ;
- Parent aged under 25.

As Lead Accountable Body representatives of WLC Economic Development manage the contract providing support and ongoing liaison with the provider. This includes performance and monitoring meetings, along with operational integration project meetings to ensure a complementary and seamless approach for those seeking employment support across the Local Employability Partnership area. To date the project is performing at a level expected.

The contract is due to end on 30 June 24 and it was expected that an Open Procurement Procedure tender process would be undertaken with an opportunity for the current consortia to bid again for commissioned services planned in the NOLB 24-25 investment plan. Secondary to the delay and subsequent partial award of the NOLB grant from the Scottish Government to the lead accountable bodies, the commissioning has not been progressed. Currently an award of 25% of total year funds has been offered by Scottish government. However, there is no certainty of funding thereafter and the consortia partners do not have an opportunity to bid to allow continuation of the project. A pro rata award directly equal to £75,000 would allow seamless continuation while we await confirmation of the further NOLB grant for 24-25 and therefore the ability to commission services again or otherwise.

Procurement and legislative considerations

The Public Contracts Scotland Regulations (Regulation 33) “Use of the negotiated procedure without prior publication” 1 (c) allows for where (but only if it is strictly necessary) for reasons of extreme urgency brought about by events unforeseeable by the Contracting Authority, the time limits for open procedure, restricted procedure or competitive procedure with negotiation cannot be complied with. As the council were not able to foresee this event and intend undertaking a fresh tendering opportunity if grant funding has been confirmed, Council Executive are asked to consider making a short term direct award.

Public procurement legislation and Contract Standing Orders require advertising of contracts for supplies and services of £50,000 and above. The aggregated contract value including previous expenditure over the past 12 months is £375,000. The estimated value for a period of 3 months effective from 1 July 2024 is £75,000. With aggregated expenditure in excess of the level whereby the Head of Corporate Services is permitted to authorise Council Executive is, as permitted by Section 6A of Contract Standing Orders, requested to approve.

D2. PUBLIC SWITCHED TELEPHONE NETWORK LINES and MINUTES

The council currently utilise analogue PSTN phone lines for connectivity across multiple council sites, the use case for the majority of this is for simple telephony services such as making and receiving telephone calls. In addition, there are other uses for this type of technology such as alarm lines, emergency lift phone lines, broadband and fax lines.

The council is currently progressing migration of services to appropriate alternative digital technologies as a result of the “Analogue PSTN Switch Off”, the initial switch off date was December 2025 but a recent announcement by BT Openreach on the 16 May 2024, has delayed this migration process to January 2027. This timeline extension provides additional time for the council to complete its current migration process, providing a grace period beyond the expected completion target date to allow for any delays due to supplier or 3rd party technology requirements.

The existing contract provision is currently with Vodafone UK, which has provided the council with competitive pricing during the lifetime of the contract. However, as a result of the PSTN switch off programme, local telephone exchanges are now unable to accept new PSTN connections, therefore any procurement activity to switch service to another supplier is not possible and would require a new service to be installed resulting in additional cost to the council. In addition, the council doesn't need to replace all our existing services with a like for like alternative solution, the council will migrate a significant amount of telephony users to the councils existing corporate IP telephony system and alarm lines, lift lines etc are already making good progress to competitive digital alternatives.

Council Executive are asked to consider a new 24 month direct award with Vodafone UK which allows the council to continue to consume the existing PSTN services, allowing for time to migrate from analogue to digital services without the need for additional resources whilst also consolidating or reducing any service no longer required.

Procurement and legislative considerations

Regulation 33 (1) of the Public Contracts (Scotland) Regulations 2015 allows a Contracting Authority to make a direct award of a public contract following a negotiated procedure without prior publication where competition is absent for technical reasons. With no other provider able to meet this requirement and with aggregated expenditure in excess of the level whereby the Head of Corporate Services is permitted to authorise, as permitted by Section 6A of Contract Standing Orders, Council Executive is now requested to approve an exemption from Standing Orders, for a direct award of a contract to Vodafone UK for a period of 2 years, effective from 30 August 2024 until 29 August 2026 with an estimated total value of estimated total value of £200,000.

Public procurement legislation and Contract Standing Orders require advertising of contracts for supplies and services of £50,000 and above. The aggregated contract value including previous expenditure over the past 12 months is £296,899.

With aggregated expenditure in excess of the level whereby the Head of Corporate Services is permitted to authorise Council Executive is, as permitted by Section 6A of Contract Standing Orders, requested to approve :

1. A direct award of a contract to the third sector consortium lead by the Larder for a period of 3 months effective from 1 July 2024 and with a total estimated value of £75,000.
2. A direct award of a contract to Vodafone UK for a period of 2 years effective from 30 August and with a total estimated value of £200,000

E. CONCLUSION

It is recommended that the Council Executive approves the procurement set out in the report, which will support delivery of effective Council Services.

F. BACKGROUND REFERENCES

None.

Appendices/Attachments: None

Contact Person: Tom Henderson Corporate Procurement Manager (Acting)
 Telephone: 01506 281805 e-mail:
 Tom.Henderson@westlothian.gov.uk

Lesley Henderson
Interim Head of Corporate Services

11 June 2024



COUNCIL EXECUTIVE

ST KENTIGERN'S ACADEMY, BLACKBURN – ENABLING WORKS UPDATE AND STAGE 1

JOINT REPORT BY THE DEPUTE CHIEF EXECUTIVE (EDUCATION AND PLANNING SERVICES) AND HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to provide a further update to Council Executive in relation to the works associated with the Reinforced Autoclaved Aerated Concrete (RAAC) Panels at St Kentigern's Academy, including the progress made in relation to the construction works and design, with approval requested to put in place a Design and Build Development Agreement (DBDA) to allow further enabling works to proceed and to allow officers to continue through the next stage of the design process with Hub South East.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes the good progress made at St Kentigern's Academy in terms of the enabling works and the long-term solution, whilst maintaining an operational school;
2. Approves the next stage of the enabling works through a Design and Build Development Agreement (DBDA) contract, up to a value of £7.33 million as set out in Section D.2 of this report;
3. Delegates authority to the Head of Finance and Property Services to execute and deliver the enabling works DBDA and associated documentation on behalf of the Council;
4. Notes that a Letter of Intent was executed by the Head of Finance and Property Services in relation to the demolition of the RAAC building following removal of the RAAC planks and asbestos;
5. Approves the formal submission of a New Project Request (NPR) to Hub South East for the delivery of the new replacement building and associated enabling works;
6. Notes that the current projected cost for the Hub South East portion of works is £28 million;
7. Notes that the current projected costs are £35 million for the overall works at St Kentigern's Academy, associated with the RAAC panels and constructing a new replacement building;
8. Notes that discussions are ongoing with the Scottish Government to seek support to fund the works at St Kentigern's Academy;
9. Notes the next steps and the proposed delivery timescales including completion in June 2026 for the new replacement building; and

10. Notes that, at the next key project milestone in early 2025, prior to financial close and construction commencement of the main works, a further report will be presented to Council Executive for consideration.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Caring and compassionate; open, honest and accountable; collaborative, inclusive and adaptive.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The Local Government etc (Scotland) Act 1994; Education (Scotland) Act 1980 and related regulations; The Standards in Schools (Scotland) Act 2000; The School Education (Amendment) (Scotland) Act 2002; Procurement Reform (Scotland) Act 2014; Standing Orders for the Regulation of Contracts.
III	Implications for Scheme of Delegations to Officers	Recommendation 3 seeks approval to delegate authority to the Head of Finance and Property to execute and deliver the enabling works DBDA and associated documents to allow the construction of the new car park and associated works.
IV	Impact on performance and performance Indicators	Pending approval, the enabling works will support various performance measures contained in the Corporate Asset Management Strategy and Property Asset Management Plan, including those relating to Compliance, Condition, Suitability, Sufficiency, Sustainability and Accessibility.
V	Relevance to Single Outcome Agreement	Outcomes positively supported include: Our children have the best start in life and are ready to succeed; We are better educated and have access to increased and better-quality learning and employment opportunities; people most at risk are protected and supported to achieve improved life chances; we make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
VI	Resources - (Financial, Staffing and Property)	<p>The project will be funded from the approved RAAC budget of £35 million for St Kentigern's Academy.</p> <p>These works, will be managed through existing staff resources and supported by funded internal staffing and external technical consultants from within the council's financial resources.</p>
VII	Consideration at PDSP	None required.

VIII Other consultations

Financial Management Unit and Education.

D. TERMS OF REPORT**D.1 Background and Current Status**

Regular updates have been provided to Council Executive on the situation at St Kentigern's Academy in relation to the RAAC panels. Officers have made good progress in terms of the long-term solution required that consists of a scope of demolishing the existing RAAC building and accommodation directly linked into that area of the school, that will be followed by the construction of a new replacement building.

A key objective for officers is to deliver the new wing as quickly as possible and in order to get to this stage, careful phasing and further enabling works is required in order to minimise disruption to the operation of the school.

Details of these enabling works along with an update on the long-term option and reaching the milestone of Stage 1 of the Hub process are contained in the next sections of this report.

D.2 Enabling Works

At Council Executive on 15 August 2023, enabling works up to the value of £5.966 million were approved to remove the RAAC roof panels and associated asbestos and the construction of a permanent plant area located to the East of the school site.

The majority of these works are now complete and it is imperative that construction works can continue to undertake the new car park works so it is available for use when the school returns for the start of the new academic term in August 2024.

The new car park works and associated drainage was competitively market tested through Hub South East, returning a cleansed cost of £1.9 million. This can be met within the budget allocation for this portion of the works.

A key priority for the council is to deliver the new building as quickly as possible, given the disruption the school has encountered with the RAAC issue. Officers, in conjunction with the project team have been looking at ways for works to continue on site, whilst obtaining all statutory consents and allowing adequate time for the design to develop and elements of work to be fully market tested to achieve best value for the council. It is the intention to instruct in the substructure and steel frame elements once they have been fully designed and market tested through an enabling works DBDA, that will initially cover the new car park works and the demolition scope included under a letter of intent that is already in place.

In order to maintain the programme phased in conjunction with the removal of the RAAC panels and asbestos, a letter of intent was required to be in place for the demolition of the RAAC building and accommodation directly linked to this area. This was executed on 2 December 2023 and is due to expire on 19 June 2024. Once the enabling works DBDA is executed then the letter of intent becomes subsumed into this contract pending the date of execution being met prior to the date of expiry. The value of the letter of intent is £730,000 with the demolition package competitively market tested and tenders reviewed by the cost advisor.

The main works DBDA isn't due to be executed until 11 February 2025 so being able to progress with the substructure and steel frame prior to this will provide an overall betterment to the delivery programme, that is currently projected to be 10 June 2026.

This reduction in programme is yet to be finalised and work is ongoing to identify what this will be.

A breakdown of the elements of work to be contained in the enabling works DBDA is summarised in the table below:

Item	Capital Cost
1. New car park works and associated drainage.	£1.90 million
2. Substructure and steel frame	£3.60 million
3. Associated non-prime costs (fees and surveys)	£1.10 million
4. Demolition works – letter of intent	£0.73 million
Total	£7.33 million

The costs of £7.33 million set out in the table would all have been incurred as part of the project costs and will be met from the already approved budget of £35 million for St Kentigern's Academy as set out under Section C, Item VI of this report.

This report seeks approval to formally accept the proposed construction cost up to a total value of £7.33 million, pending value for money being achieved for the council through a rigorous market testing process for the substructure and steel frame elements.

It is proposed that the Head of Finance and Property Services is provided with delegated authority to conclude the appropriate commercial and legal agreements, to progress the enabling works DBDA to financial close on the basis that there is no material change in costs or timescales and any alterations continue to represent best value.

D.3 Stage 1

Following approval at Council Executive on 3 October 2023 to proceed with the next stage of design for the new building through to the end of Hub Stage 1, this point of the development stage has now been achieved.

To progress the project to the next stage and to refine and finalise the total costs, together with confirming proposed contractual delivery timescales, the council requires to issue a formal New Project Request to Hub South East. This will establish the affordability cap, delivery timescales, accommodation brief and milestones for measuring progress. In addition, this part of the process notifies the supply chain that the project is confirmed for delivery and that detailed market testing and tendering can be undertaken.

This report seeks approval to formally issue the New Project Request to Hub South East on the basis of the estimated total costs and timescales outlined in this report.

Through the Stage 1 process, the brief has become more defined with accurate costings reflecting the current design status. The Hub affordability cap is estimated to be £28 million, with the overall estimated development cost for the council remaining as £35 million, as per previous reports to Council Executive. Items such as the temporary units, the temporary kitchen and the refurbishment of the Almond Suite to convert to CDT workshops sit out with the Hub scope and therefore the council has made provision for these costs separately to arrive at the £35 million budget.

It should be noted that the current estimated cost of £35 million as an overall development cost is extremely challenging and officers are continuing to work very hard with the project

team appointed through Hub South East and the Tier-1 contractor to maintain that position.

Discussions remain ongoing with the Scottish Government around funding support to deliver the works required at St Kentigern's Academy. To date, no funding support has been confirmed.

D.4 Next Stages and Project Milestones

In terms of statutory consents, planning approval for the new car park works and building warrant approval has been awarded. Planning for the new building is due to be submitted by the end of July 2024, with a staged warrant process being worked through.

The key focus, pending approval, is to proceed through Stage 2 of the Hub process in accordance with the following outline programme for delivery:

Project Stage / Milestone	Projected Date
Stage 2 submission	14 January 2025
Financial close	11 February 2025
Construction commencement on site (excluding enabling works items)	26 February 2025
Construction completion	10 June 2026

E. CONCLUSION

Good progress has been made in what continues to be challenging circumstances for the council. Complex phasing is required that takes into account the site constraints with the minimal amount of disruption considered throughout to the operation of the school.

A further report on St Kentigern's Academy will be provided to Council Executive in early 2025 where it is expected that Stage 2 of the Hub process will have been reached and financial close for the main works DBDA due shortly thereafter. Although the situation in relation to the impact of the RAAC panels has been testing, with officers having to deal with various challenges, it will result in a much improved education facility once the construction phase is complete and the new building operational.

F. BACKGROUND REFERENCES

Reinforced Autoclaved Aerated Concrete Roofs - Report to Council Executive 22 June 2021

Reinforced Autoclaved Aerated Concrete Roofs – Report to Council Executive 21 June 2022

Reinforced Autoclaved Aerated Concrete Roofs – Report to Council Executive 20 December 2022

Structural Projects, Learning Estate – Report to Council Executive 7 February 2023

Reinforced Autoclaved Aerated Concrete Panels, Relocation of Craft, Design and Technology Department – Report to Council Executive 25 April 2023

Reinforced Autoclaved Aerated Concrete Panels and Urgent Requirement for Temporary Accommodation – Report to Council Executive 25 April 2023

Reinforced Autoclaved Aerated Concrete Panels, Proposed Options to Provide a Long-term Solution – Report to Council Executive 23 May 2023

Reinforced Autoclaved Aerated Concrete Panels, Curriculum, Learning and Teaching Provision – Report to Education Executive 23 May 2023

Reinforced Autoclaved Aerated Concrete Panels, Advanced Works – SO31 Report to Council Executive 15 August 2023

Reinforced Autoclaved Aerated Concrete Panels, Enabling Works – Report to Council Executive 15 August 2023

Reinforced Autoclaved Aerated Concrete Panels, Long Term Proposal – Report to Council Executive 3 October 2023

Appendices/Attachments: None

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Dr Elaine Cook, Depute Chief Executive (Education and Planning)

Patrick Welsh, Interim Head of Finance & Property Services

11 June 2024

DATA LABEL: PUBLIC**COUNCIL EXECUTIVE****YOUNG PERSONS SUPPORTED HOUSING UNIT AND THE ALMONDVALE CRESCENT AFFORDABLE HOUSING PROJECT UPDATE****JOINT REPORT BY THE HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES AND THE INTERIM HEAD OF FINANCE AND PROPERTY SERVICES****A. PURPOSE OF REPORT**

The purpose of this report is to update Council Executive on the progress in delivery of the Young Person's Supported Housing (YPSH) and the Affordable Housing Project, both located at Almondvale Crescent, Livingston and to seek approval on the affordability cap to be able to progress with a letter of intent to maintain the programme delivery date.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes that planning consent has been granted;
2. Approves the affordability cap for the project of £9.845 million;
3. Notes that a Letter of Intent is due to be executed by the Head of Finance and Property Services in relation to securing orders, off site manufacturing and early substructure works;
4. Approves Stage 2 of the design process subject to officers concluding the review process and agreement reached on the content;
5. Approves the formal submission of a New Project Request (NPR) to Hub South East for delivery of the project pending agreement of Recommendation 4;
6. Notes the conclusion of the work to acquire the land that was in ownership of West Lothian College;
7. Notes the next steps in the delivery of the project; and
8. Notes that an update will be provided to Council Executive in August 2024 following conclusion of Stage 2 procured through Hub South East.

C. SUMMARY OF IMPLICATIONS**I Council Values**

Being caring and compassionate; open, honest and accountable; collaborate, inclusive and adaptive.

II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The Housing (Scotland) Act 1987 as amended and in accordance with the Homelessness (etc) Act 2003. Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014, Housing (Scotland) Act 2001 and Housing (Scotland) Act 2014.
III Implications for Scheme of Delegations to Officers	N/A.
IV Impact on performance and performance Indicators	<p>Ensuring property assets are safe (compliance), are in satisfactory condition and available for use (utilisation) are performance measures that will be updated accordingly.</p> <p>When defined the project will reduce expenditure on additional homeless services and reduce the use and length of stay in Bed and Breakfast accommodation.</p>
V Relevance to Single Outcome Agreement	We live in resilient, cohesive and safe communities.
VI Resources - (Financial, Staffing and Property)	<p>The total cost of £9.845 million for the project can be met within total budget resources available taking account of the 2023/24 roll forward of General Fund and Housing Capital budgets.</p> <p>The YPSH costs met through General Fund capital, including £1.2 million of Scottish Government grant funding, are £5.315 million. The Affordable Housing costs, met through the Housing Capital budget are £4.530 million.</p> <p>The project will be managed through existing staff resources and supported by funded internal posts and external technical consultants from within the project's financial resources</p>
VII Consideration at PDSP	None.
VIII Other consultations	Planning and Development, Financial Management Unit and the Scottish Government More Homes Division.

D. TERMS OF REPORT

D.1 Background

The Almondvale Crescent, Livingston development was approved at Council Executive on 3 October 2023 to proceed through a combined Stage 1 and 2 process via the Hub South East procurement route. This utilises modular construction with the majority of works constructed off site, with Connect Modular the contractor appointed through Hub South East to deliver the project.

The scope remains as 28 units for the YPSH element, flexible office space with overnight staff facilities and 20 affordable units, consisting of a mix of two and three bedroom houses. All housing units will have parking provision and external spaces in line with planning guidance.

D.2 Project Update

One of the risks the council has faced on this project was gaining planning consent, when previous site locations were looked at. On 4 October 2022 at Council Executive, the site at Almondvale Crescent was approved and planning consent granted on 6 February 2024. There are a number of conditions that the project team is working their way through with good progress being made in this regard. Officers have been working with Hub South East and their contractor through the design stages and the market testing process is now concluded.

The Stage 1 cost estimate undertaken by the Hub South East cost advisor indicated that based on the client's brief requirements and the design status at that point, the project could be delivered within a cost of £9.185 million. Now that the market testing process has been undertaken, the overall cost is estimated to be £9.845 million. This is split as £9.349 million for the Hub South East cost and £496,000 for council direct costs.

The primary reasons for the increase in cost are due to the current market conditions and statutory obligations that are required to be met due to the installation of an acoustic fence to meet planning requirements and a change to the technical standards in relation to electrical vehicle charging points. The project has been benchmarked against similar projects, both modular and traditional construction and the cost of £9.845 million is reflective of the market position for this type of scope and scale of development and therefore demonstrates value for money for the council. Officers seek approval to proceed with this increased affordability cap of £9.845 million with the revised cost fully met through budgets available in the current general services and housing capital programmes taking account of the 2023/24 budget roll forwards.

In order to maintain the programme to allow construction to commence off site for the manufacture of house types C and D, substructure works on site and to secure the market testing prices received to avoid further increases in cost, a letter of intent is required to be in place for the 12 June 2024 and will be due to expire on 20 August 2024. Once the DBDA is executed, that is planned for 14 August 2024, then the letter of intent becomes subsumed into the main contract. The value of the letter of intent is £2.2 million as a not to exceed cap. All work packages have been competitively market tested and tenders reviewed by the cost advisor.

The Stage 2 submission was made by Hub South East in May 2024. Officers are currently in the midst of reviewing the design and other technical information to ensure it meets the council's requirements. The date for concluding this is 31 July 2024 where approval is sought to issue Stage 2 acceptance to Hub South East pending officers being content that the brief requirements are met and the Stage 2 information is reflective of the design, specification and costs as agreed.

Subject to the acceptance and conclusion of the Stage 2 information, the council requires to issue a formal New Project Request (NPR) to Hub South East. This will finalise the affordability cap, delivery timescales, accommodation brief and milestones for measuring progress. This report seeks approval to formally issue the New Project Request to Hub South East following conclusion of a satisfactory Stage 2 process.

In order to achieve the desired optimum layout for this project, it has been necessary for officers to engage with West Lothian College as an adjoining landowner to discuss the acquisition of an area of land, (extending to approximately 524m²). The land was not required by the college and terms were agreed between the parties for the acquisition of that land by the council for a fee of £5,000, which officers considered represented best value for the council.

That acquisition is now concluded under the provisions of the delegated powers held by the Head of Finance and Property Services and the associated costs met from the project's existing approved budget.

D.3 Next Steps

Officers will continue to work with the project team to conclude the Stage 2 process, including defining the programme, design and cost to achieve certainty around these areas and ensure best value is achieved for the council.

Finalising this will arrive at a fixed price sum prior to contract award, which de-risks future price fluctuations for the council through the construction period. Officers will ensure that the brief requirements are met at all times.

Statutory approvals in terms of closing out the pre-commencement planning conditions and the relevant building control approvals will be prioritised to enable the proposed site start date of 24 June 2024, along with further survey and site investigation work required to supplement the design information.

The current programme indicates the following timescales:

Project Stage / Milestone	Projected Date
Letter of Intent to facilitate material orders for long lead-in items, off site manufacturing for Type C and D units and early substructure works	12 June 2024
Start on site for letter of intent works and off-site manufacturing	24 June 2024
Stage 2 Approval from the council	31 July 2024
Financial Close	14 August 2024
Construction Completion; Phase 1	4 March 2025
Construction Completion; Phase 2	18 April 2025
Construction Completion; Phase 3	6 June 2025
Construction Completion; Phase 4	1 August 2025
Phase 5; full practical completion and demobilise from site	4 September 2025

Please refer to Appendix A – the Key Dates Plan for the proposed phasing sequence.

Officers will continue to work with the project team to explore opportunities in achieving a betterment to the overall completion date and potential cost reductions, prior to acceptance of the Stage 2.

E. CONCLUSION

Pending approval of the contents of this report, the council continues to be at the forefront of new methods of construction and would be one of the few councils to deliver this scale of project utilising off-site construction. There are many benefits that this brings in comparison to traditional construction and the quality control that can be obtained in an enclosed environment, away from any inclement weather.

It is intended to report to Council Executive in August 2024 following conclusion of Stage 2 of the hub process.

F. BACKGROUND REFERENCES

Site Selection for New Build Housing for Young People in West Lothian - Council Executive 4 October 2022

Young Persons Supported Housing Unit and the Almondvale Crescent Affordable Housing Project Update - Council Executive 23 May 2023

Young Persons Supported Housing Unit and the Almondvale Crescent Affordable Housing Project Update - Council Executive 3 October 2023

Appendices/Attachments: Appendix A – Key Dates Plan

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Julie Whitelaw

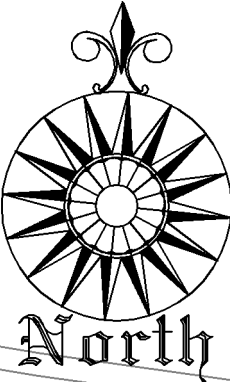
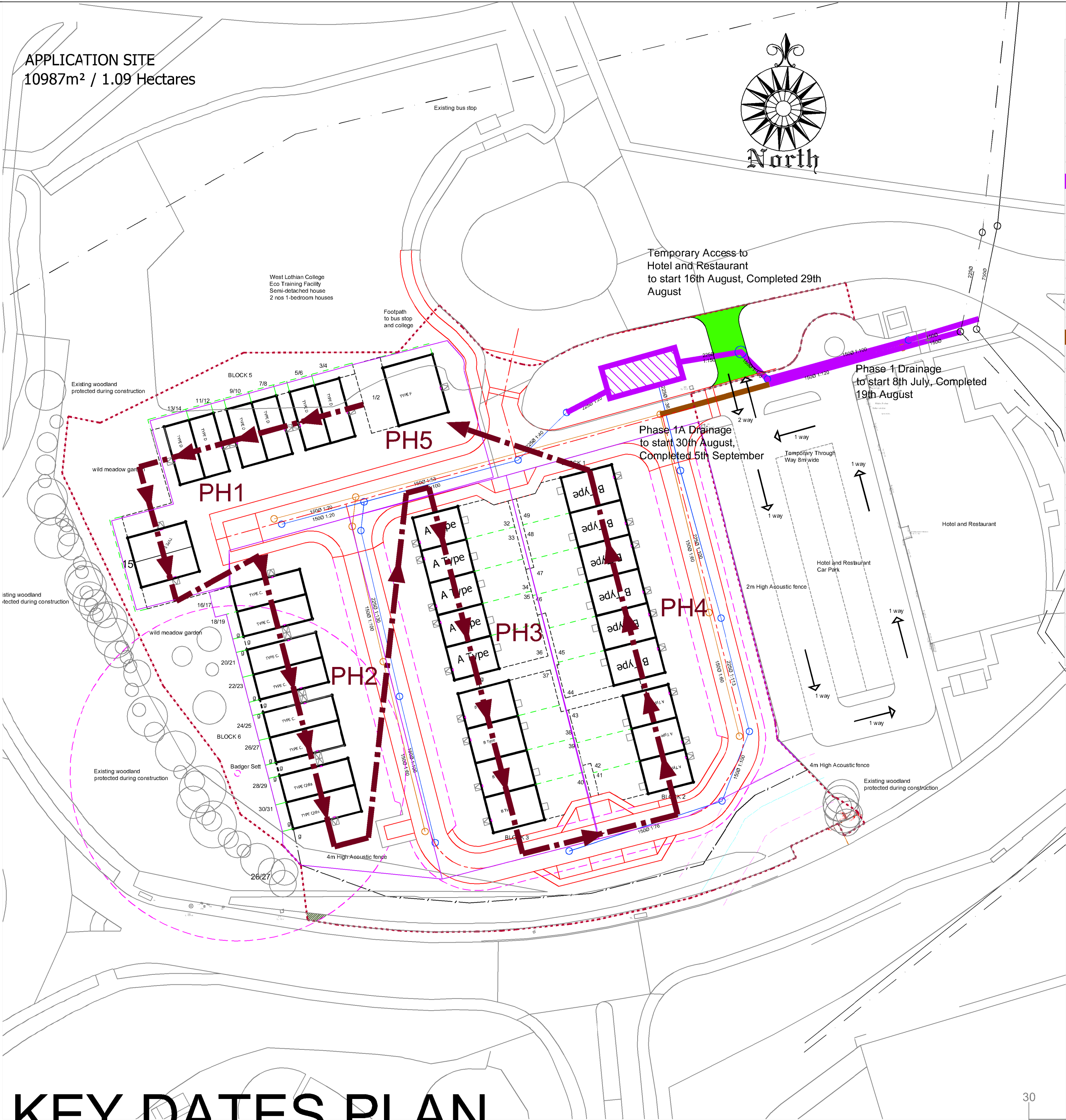
Head of Housing, Customer and Building Services

Patrick Welsh

Interim Head of Finance and Property Services

Date of Meeting: 11 June 2024

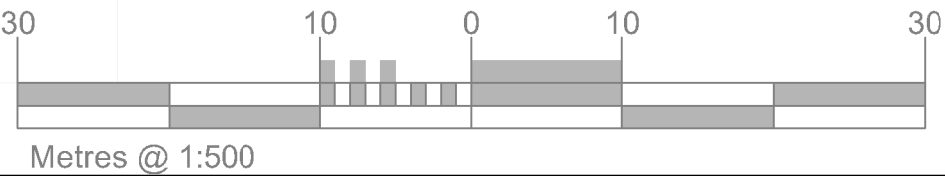
APPLICATION SITE
10987m² / 1.09 Hectares



Almondvale Crescent - Housing Development - Key Dates

Date	Milestone
17 June 2024	Small presence on site to begin surveys and health and safety documentation Set up site compound, secure site.
01 July 2024	Meet with stakeholders to discuss access requirements and traffic management throughout the project
08 July 2024	Start drainage works from main sewer alongside hotel entrance Phase 1 Drainage
23 July 2024	Complete foul drainage works alongside the hotel Phase 1
16 August 2024	Start construction of temporary access road for hotel and restaurant customers
19 August 2024	complete surface drainage alongside the hotel
29 August 2024	Complete temporary access road
30 August 2024	Pick up foul drainage and run across carpark entrance Phase 1A
05 September 2024	Complete foul drainage works at carpark entrance Phase 1A
16 September 2024	Start of phase 1 groundworks
23 October 2024	Start of phase 2 groundworks
25 November 2024	Start of phase 3 groundworks
04 March 2025	Full handover of phase 1 to WLC
18 April 2025	Full handover of phase 2 to WLC
06 June 2025	Full handover of phase 3 to WLC
01 August 2025	Full handover of phase 4 to WLC
04 September 2025	Full practical completion and demobilise from site
Note	During the works above there will be a requirement for traffic to be managed by temporary traffic lights to manual stop go boards Connect Modular will work with all stakeholders to minimise disruption at all times. Once the temporary access road has been constructed this will only be used by suppliers and customers of the hotel and restaurant. There will be no access for construction traffic.

KEY DATES PLAN



RevisionDateDetail

Project :
Residential Development
Almondvale, Livingston

Client :
WLC & Hub South West

Connect
Modular

Block 2, Caponacre Industrial Estate, Cumnock KA18 1SH
t: 01292 591715
e: enquiries@theweehousecompany.co.uk
www.theweehousecompany.co.uk

Drawing :
KEY DATES PLAN

Drawn/Checked By :
A.G.C.

Scale :
1:500

Date :
24/04/2024

Project Ref :
WLC/HSW

Drawing Number :
WLC KDP A2@1-500

Revision :
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COUNCIL EXECUTIVE

WEST CALDER HIGH SCHOOL EXTENSION - UPDATE

JOINT REPORT BY THE DEPUTE CHIEF EXECUTIVE (EDUCATION AND PLANNING SERVICES) AND HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to update Council Executive on the developer funded extension to West Calder High School, including the progress made to date and the next steps in the development process to deliver the construction project.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes the procurement route of delivering the extension through the existing Design, Build, Finance and Maintain (DBFM) contract for the West Calder High School, utilising the high value change mechanism within the conditions of contract;
2. Notes that the capital cost is fully funded by developer contributions;
3. Approves the current projected cost for the Hub South East portion of works at £10.15 million with an overall development amount for the council of £11 million;
4. Notes that two Letter's of Intent were executed by the Head of Finance and Property Services in relation to procurement for early work packages and enabling works;
5. Notes the next steps and the proposed delivery timescales including completion in August 2025 for the new replacement building; and
6. Notes that prior to financial close and construction commencement of the main works, a further report will be presented to Council Executive for consideration in August 2024.

C. SUMMARY OF IMPLICATIONS

I Council Values	Caring and compassionate; open, honest and accountable; collaborative, inclusive and adaptive.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The Local Government etc (Scotland) Act 1994; Education (Scotland) Act 1980 and related regulations; The Standards in Schools (Scotland) Act 2000; The School Education (Amendment) (Scotland) Act 2002; Procurement Reform (Scotland) Act 2014; Standing Orders for the Regulation of Contracts.

III	Implications for Scheme of Delegations to Officers	None required.
IV	Impact on performance and performance Indicators	Pending approval, the project will support various performance measures contained in the Corporate Asset Management Strategy and Property Asset Management Plan, including those relating to Compliance, Condition, Suitability, Sufficiency, Sustainability and Accessibility.
V	Relevance to Single Outcome Agreement	Outcomes positively supported include: Our children have the best start in life and are ready to succeed; We are better educated and have access to increased and better-quality learning and employment opportunities; people most at risk are protected and supported to achieve improved life chances; we make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
VI	Resources - (Financial, Staffing and Property)	<p>The capital cost of the project will be fully funded from developer contributions estimated to be a total of £11 million. All project costs to support additional housing development increases in capacity are fully recoverable from developers.</p> <p>These works, will be managed through existing staff resources and supported by funded internal staffing and external technical consultants from within the council's financial resources.</p>
VII	Consideration at PDSP	None required.
VIII	Other consultations	Financial Management Unit, Planning and Development and Education.

D. TERMS OF REPORT

D.1 Background

The West Calder High School extension project was identified in the Developer Funded Schools Council Executive report approved on the 23 May 2023. The school capacity is currently 1,100 pupils and by providing this building extension this will take the capacity up to 1,320 pupils. This is required to meet demand as part of the Livingston and Almond Valley Core Development Area and is due to be constructed for August 2025.

The project has progressed through the design stages, with further details on the procurement route and the financial aspects contained in the next sections of this report.

D.2 Current Status and Procurement

The current West Calder High School, constructed in 2018 was procured through a Design, Build, Finance and Maintain (DBFM) funding model through the Scottish Government's Schools for the Future programme. Private sector investment was used to front fund the capital cost of the build, with the council paying a unitary charge over a 25-year concession period that pays back the council's share of the capital funding and facilities management services in relation to maintaining the building, that were conditions of securing the Scottish Government investment.

Given the complexity involved in the way that the existing school was funded, there were limited options available in terms of the procurement routes available to construct an extension to address the capacity issues. Funder approval to extend the existing school was obtained with the most straightforward way of delivering this was to utilise the high value change process that is contained within the existing DBFM contract using the Hub South East Scotland Limited partnership route and the same Tier-1 contractor that delivered the current school.

The parties involved are all familiar with the site and the current building, so this represented the least risk for the council and the funder.

The high value change schedule outlined in the DBFM sets out a structured process that needs to be followed that is very similar to the standard Hub procurement route. It consists of a Stage 1 and Stage 2, with a financial close that will result in a Design and Build Development Agreement (DBDA) being in place between the council and the DBFM company that will cover the new extension works.

The current status of the development is that the project has been through Stage 1 and Stage 2 of the process. The design, aligned with the council's requirements has been through a rigorous market testing process to ensure value for money is achieved for the council.

D.3 Financial

With the requirement for this extension due to growth in the Livingston and Almond Valley Core Development Area, the capital cost will be fully funded from developer contributions. Following the market testing process undertaken through Hub and the Tier-1 contractor, their portion of the works is £10.15 million. Including client direct costs that are required as part of the construction works, £11 million is estimated as an overall development cost for the council to deliver this project.

The council is content that this represents value for money and therefore seeks approval to proceed with the overall £11 million cost. Upon financial close, the £10.15m becomes a fixed price which significantly de-risks the project for the council.

Two separate letter's of intent were required to be put in place and executed by the Head of Finance and Property Services. The first one covered the procurement of the grouting works in the sum of £81,855 and was signed on 5 March 2024. The second letter of intent was executed on 31 May 2024 at a not to exceed value of £1.32 million that includes various enabling works and procurement of early work packages.

Both of these were critical to get in place to allow works to be undertaken during the school summer holiday period to avoid disruption to the school and to maintain the price from receipt of the tender submissions to the date of financial close of 28 August 2024, when the contract becomes legally binding. The grouting and enabling works will commence on site from 3 June 2024. Once the DBDA is executed then the letter's of intent become subsumed into the main contract.

D.4 Next Stages and Project Milestones

In terms of statutory consents, planning approval was granted on 27 May 2024 and a staged building warrant process being worked through. Stages 1 and 2 of the building warrant are expected imminently.

The key focus, pending approval, is to proceed through financial close of the Hub process in accordance with the following outline programme for delivery:

Project Stage / Milestone	Projected Date
Financial close	28 August 2024
Main construction works commence on site (excluding grouting and enabling works items)	16 September 2024
Construction completion	25 August 2025

It is acknowledged that the construction completion date falls after the start of the new academic term. This has been dictated by the fact that grouting and enabling works weren't able to commence until the end of school exams. Officers will continue to work with Hub South East and the Tier-1 contractor to try and reduce the construction programme where possible to enable an earlier completion date.

E. CONCLUSION

Investment in West Lothian Council's learning estate continues with this project within the Livingston and Almond Valley Core Development Area and illustrates that the council is committed to investing in the learning estate to improve performance and to enhance teaching environments. The developer will fully fund the cost of the delivery of this project.

The delivery of this project will enable the continued provision of high-quality facilities for the pupils, staff, stakeholders and the wider West Lothian community.

Pending approval, officers will continue to work through the next stage of the project, through to financial close and will provide a further report to Council Executive in August 2024.

F. BACKGROUND REFERENCES

Developer Funded Schools – Report to Council Executive 23 May 2023

Appendices/Attachments: None

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Tel: 01506 281120, e-mail: cameron.laura@westlothian.gov.uk

Dr Elaine Cook, Depute Chief Executive (Education and Planning)

Patrick Welsh, Interim Head of Finance & Property Services

11 June 2024

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

MILLBURN PARK, ARMADALE: PROPOSED SERVITUDE RIGHTS IN FAVOUR OF AVANT HOMES SCOTLAND

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to seek Council Executive approval to grant additional servitude rights to Avant Homes Scotland over council-owned land at Millburn Park, Armadale.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Approves the granting of additional servitude rights in favour of Avant Homes Scotland over council-owned land at Millburn Park, Armadale to facilitate drainage infrastructure works, on the terms set out in this report.
2. Grants delegated authority to the Head of Finance and Property Services to negotiate and agree any necessary changes to the terms and conditions, provided that any amended terms continue to represent best value for the council.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Caring and compassionate. Open, honest, accountable and collaborate. Inclusive and adaptive.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The proposed transaction complies with the disposal of property governed by S74 (2) of the Local Government (Scotland) Act 1973 and the Disposal of Land by Local Authorities (Scotland) Regulations 2010.
III	Implications for Scheme of Delegations to Officers	Delegated authority is sought to enable the Head of Finance and Property Services to negotiate any changes to the terms and conditions on the basis that any amendments represent best value for the council.
IV	Impact on performance and performance Indicators	A consideration of £95,000 payable by Avant Homes Scotland would contribute towards the Housing 2024/25 capital receipts target.

V	Relevance to Single Outcome Agreement	Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business
VI	Resources - (Financial, Staffing and Property)	A receipt of £95,000 would be received by the council's Housing Capital Fund during the 2024/25 financial year.
VII	Consideration at PDSP	None.
VIII	Other consultations	NETs Land and Countryside Services, Housing & Customer & Building Services, Tenants panel. The local elected members for the ward have received a copy of this report for their information.

D. TERMS OF REPORT

D1. Background

Millburn Park in Armadale is an area of public open space that is owned by the council and held as an open space asset. The extent of the park is shown hatched in black on the location plan at Appendix 1 of this report.

Officers have been made aware of damage caused to Millburn Park and subsequent investigations have established that the damage has been caused as a result of unauthorised drainage works undertaken by Avant Homes Scotland (AHS) in connection with their adjacent residential new-build development. As a result of those works, the surface of the park has been significantly disrupted and underground drainage pipes and five new manhole covers have been installed by AHS across the park. Those manhole covers are currently protruding above ground level and are impacting upon the public's ability to safely use the park and affecting the council's ability to maintain it.

AHS have acknowledged their error, citing a misinterpretation of servitude rights granted previously by the council over an adjacent area of land. The granting of that previous servitude was approved by Council Executive on 23 June 2020. Officers have therefore engaged with AHS with a view to rectifying and regulating matters as soon as possible.

Following a series of meetings and discussions between AHS and officers from Property Services and NETs Land and Countryside Services, a proposed solution has been identified that would, if approved, meet the needs of both AHS and the council. Under that proposed solution, the drainage infrastructure works undertaken by AHS would remain in place, but with the five new manhole covers being reset and recessed by AHS to below ground level and suitably turfed over. The terms of the previous servitude agreement (granted by the council in 2020 over an adjacent area) would be updated and extended to include the recent works undertaken by AHS at Millburn Park and AHS would immediately undertake an agreed program of remedial works to reinstate the park to the council's satisfaction.

D2. Park reinstatement plan

Officers from Property Services and NETs Land and Countryside Services have provisionally agreed a reinstatement plan with AHS that would see AHS reinstate Millburn Park to its original condition. A copy of that reinstatement plan is included at Appendix 2 of this report. The main provisions of the plan can be summarised as follows:

- The area outlined in black on the plan at Appendix 2 will be fenced off for the duration of the remediation to allow the new grass seed to take and minimise impact on the land during the growing period. This area will be fenced off for a period of approximately two months.
- The five protruding manhole covers will be lowered below ground to return the park to a level surface, with a combination of a membrane and flush turf finish as denoted on the plan at Appendix 2.
- All disturbed land (shown cross-hatched in black at Appendix 2) will be remediated by way of hydroseeding and turfing to ensure a grass surface in keeping with the surrounding area.

AHS have confirmed that remediation works would commence on site as a priority should Council Executive approve the terms of this report. AHS have also confirmed that a fifteen month defects liability period would be provided by them to ensure the reinstatement works are successful.

D3. Revised servitude rights

In order to facilitate and regulate the drainage works recently undertaken by AHS at Millburn Park, the parties have agreed, subject to Council Executive approval, that the previous servitude agreement (granted by the council in 2020) should be updated and extended to include the following commercial terms:

- An additional payment of £95,000 will be payable by AHS to the council to reflect their use of the council's land at Millburn Park.
- AHS shall be responsible for the payment of the council's legal fees in connection with the preparation and execution of the servitude documentation.
- The servitude shall be granted in favour of AHS and their nominees.

The Council Executive is recommended to approve the granting of the revised servitude on the terms set out in this report. Council Executive is also recommended to grant delegated authority to the Head of Finance and Property Services to negotiate and agree any necessary changes to the terms and conditions, provided that any amended terms continue to represent best value for the council.

E. CONCLUSION

It is in the council's best interests to approve the granting of a revised servitude in favour of Avant Homes Scotland on the terms set out in this report and to grant delegated authority to the Head of Finance and Property Services to negotiate and agree any necessary changes to the proposed terms, provided that any amended

terms continue to represent best value for the council.

F. BACKGROUND REFERENCES

23 June 2020 Council Executive Report – Property Disposals: Standhill North, West Main Street, Armadale – Proposed Drainage Servitude

Appendices/Attachments:

Appendix 1 – Location plan



Appendix 2 – Millburn Park reinternment plan

Contact Person: Darren Stenhouse (Group Property Surveyor)
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Tel. 07901114394
E-mail: Darren.Stenhouse@westlothian.gov.uk

Patrick Welsh
Interim Head of Finance and Property Services

Date of meeting: 11 June 2024



	Appendix 1 – Millburn Park, Armadale	Not to Scale	A4	
Property Services, West Lothian Civic Centre, Livingston, EH54 6FF	28/5/2024	Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. ©Crown copyright. All rights reserved. Licence AC0000849533 2024		



Item 11

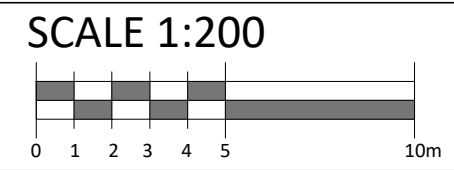
INDICATIVE AREA TO BE
TURFED / HYDRO-SEEDED

(ALL PREVIOUSLY DISTURBED
LAND TO BE REINSTATED).

FOUL MANHOLE F22A AND
SURFACE MANHOLES S114A &
S115 TO BE REDUCED TO
ADJACENT GROUND LEVELS
AND FINISHED FLUSH WITH
TURF.

FOUL MANHOLE F23 TO BE
REDUCED TO MINIMUM 100MM
BELOW ADJACENT FINISHED
GROUND LEVEL WITH A
TERRAM MEMBRANE OVER TO
PROTECT COVER.

LOCATION OF TEMPORARY
HERRAS FENCING TO PROTECT
AREA OF HYDRO-SEEDING /
TURFING UNTIL ESTABLISHED.
(APPROXIMATELY 2 MONTHS
FROM IMPLEMENTATION).



APPENDIX 2

A	28.05.2024	JL	Updated as per WLC comments
REV	DATE	BY	AMENDMENTS

AVANT
homes

Avant Homes
Argyll Court,
The Castle Business Park,
Stirling, FK9 4TT
Tel: 01786 477777
Fax: 01786 477666
www.avanthomes.co.uk

DATE:	16.05.24	SCALE:	1/200 @ A3	DRAWN BY:	EA
DWG TITLE:	Reinstatement Layout Plan				
PROJECT:	Armadale Phase 2				
DWG No.	ARM/REINSTATE/001				Rev. A

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

PROPOSED SALE OF 0.15 HECTARES AT CHURCH STREET, BROXBURN TO MR. BRYCE STEWART

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to seek Council Executive approval for the sale of 0.15 hectares of land at Church Street, Broxburn to Mr. Bryce Stewart for the sum of £100,000.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Approves the sale of 0.15 hectares of land at Church Street, Broxburn to Mr. Bryce Stewart for £100,000 on the terms set out in this report.
2. Authorises the Head of Finance and Property Services to carry out any further negotiations in respect of the terms of sale for the property, on the basis that any revised terms and conditions still represent the achievement of best value for the council.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Caring and compassionate, open, honest, accountable and collaborate, inclusive and adaptive.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Disposal of property governed by S74 (2) of the Local Government (Scotland) Act 1973 and the Disposal of Land by Local Authorities (Scotland) Regulations 2010.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	The sale of this land would contribute towards the council's 2024/25 capital receipts target.
V	Relevance to Single Outcome Agreement	We make the most efficient and effective use of resources by minimising our impact on the built and natural environment. Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.

VI	Resources - (Financial, Staffing and Property)	A capital receipt of £100,000 would be received during the 2024/25 financial year for the Housing Revenue Account.
VII	Consideration at PDSP	Not applicable.
VIII	Other consultations	Housing Customer and Building Services The Tenant's Panel The local elected members for the ward have received a copy of this report for their information.

D. TERMS OF REPORT

D1. Background

The proposed subjects of sale comprise the site of a former sports changing pavilion off Church Street, Broxburn. The site, which is owned by the council and is held on Housing Revenue Account (HRA), extends to 0.15 hectares and is shown crosshatched in black on the location plan at Appendix 1 of this report. The property was declared surplus to requirements by Council Executive at its meeting on 15 August 2023, at which time officers were authorised to openly market it for disposal in accordance with the council's approved Surplus Property Procedure. The Tenant's Panel have been consulted on the proposed disposal of this HRA property and have raised no objections.

Officers subsequently advertised the site for sale and set a closing date for offers to purchase of 31 January 2024. One offer was received at that closing date. Upon review, officers concluded that the offer did not represent best value for the council and a decision was taken to remarket the site with a revised closing date of 30 April 2024.

A number of commercial offers were received at that second closing date and, following detailed appraisal of these, officers consider that the offer to purchase received from Mr. Bryce Stewart for the sum of £100,000 represents the best terms reasonably obtainable by the council. Mr. Stewart proposes to build a single residential property on the site (to be used as his own family home), however his offer is not conditional upon him securing planning permission for that proposed development.

The offer submitted by Mr. Stewart was not the highest offer received at the closing date. An alternative, higher offer of £151,000 was received, however that higher offer is conditional upon the purchaser securing planning permission for a development of five new-build houses and is also subject to abnormal development costs being deducted from the purchase price. Advice from planning colleagues has confirmed it is unlikely that planning permission for a development of five houses would be granted at this location and this, coupled with the aforementioned deductible costs, has led officers to conclude that the unconditional offer of £100,000 received from Mr. Stewart represents the best terms reasonably obtainable by the council.

There were no offers or expressions of interest received from community groups at the closing date and no community asset transfer requests have been received for this property.

D2. Proposed terms of sale

The proposed terms of sale can be summarised as follows:

Seller:	West Lothian Council
Purchaser:	Mr. Bryce Stewart
Subjects:	0.15 hectares at Church Street, Broxburn
Purchase price:	£100,000 (excluding any VAT payable)
Date of entry:	Upon conclusion of the legal conveyance in favour of the purchaser.
Legal fees:	Each party shall meet their own fees.
Suspensive conditions:	The sale is not conditional upon the purchaser securing planning permission for his proposed development of the subjects.
Clawback:	In the event of the purchaser securing planning permission for a development of more than two residential units, then a "clawback" provision shall apply and an additional sum shall be payable to the council by the purchaser.

Delegated authority is sought for the Head of Finance and Property Services to negotiate detailed terms and conditions, provided that these do not materially affect the offer outlined above and that the transaction continues to represent best value for the council.

In accordance with statutory requirements relating to the disposal of HRA assets, the £100,000 price received from the sale of this site would be retained by HRA.

E. CONCLUSION

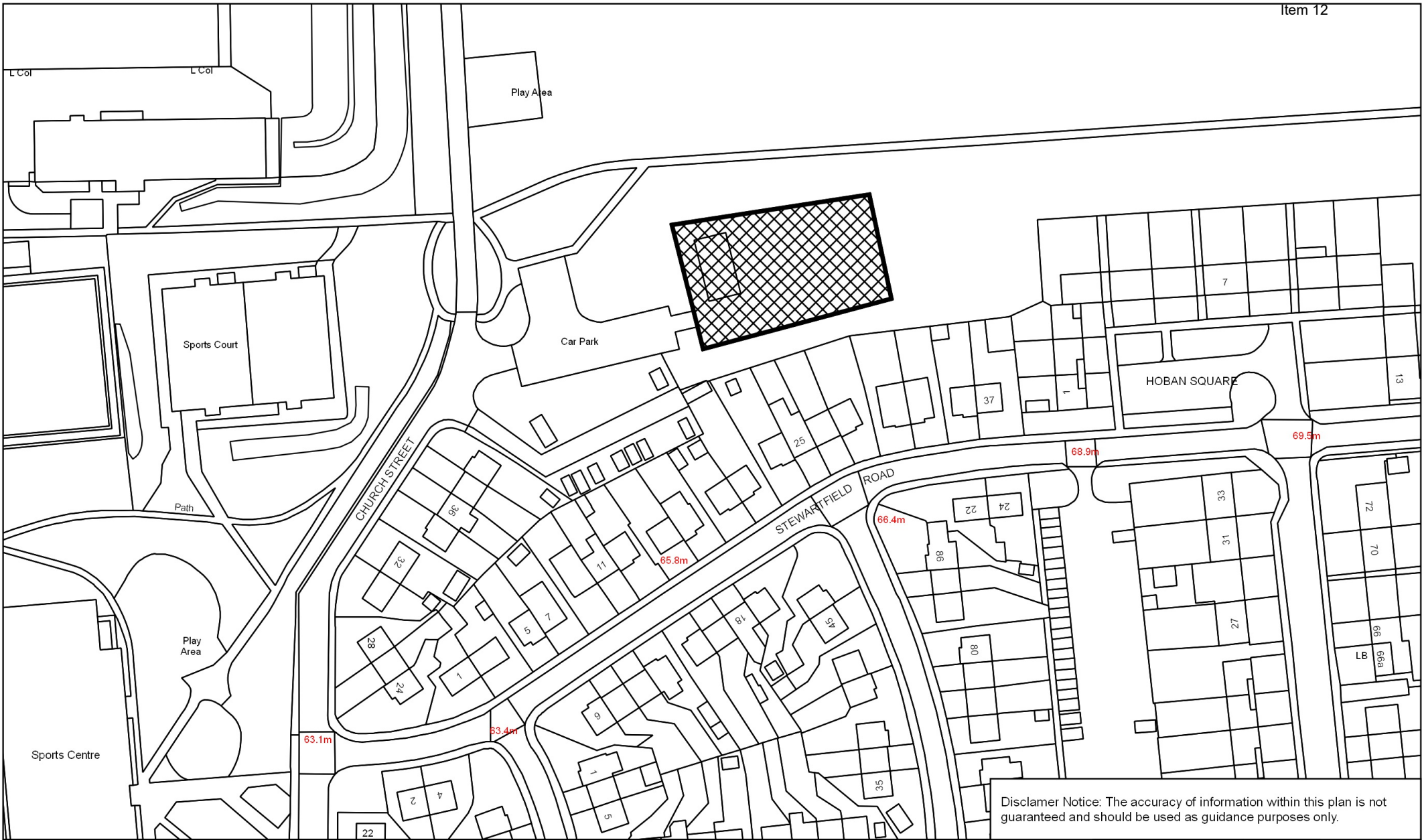
The offer received from Mr. Bryce Stewart for £100,000 represents the best terms reasonably obtainable by the council from the sale of the 0.15 hectare site at Church Street, Broxburn. Council Executive is therefore recommended to approve the sale of that site to Mr. Stewart on the terms set out in this report.

Appendices/Attachments: Appendix 1 - Location plan

Contact Person: Jacqueline Steven (Commercial Property Surveyor)
Property Services, West Lothian Council
Tel. 07901114348
E-mail: jacqueline.steven@westlothian.gov.uk

Patrick Welsh
Interim Head of Finance and Property Services

Date of meeting: 11 June 2024



	Appendix 1: Location Plan Land at Church Street, Broxburn	Not to Scale	A4	
Property Services, West Lothian Civic Centre, Livingston, EH54 6FF 5	24/5/2024	Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. ©Crown copyright. All rights reserved. Licence AC0000849533 2024		

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

WEST LOTHIAN COUNCIL OPEN MARKET ACQUISITION SCHEME REVIEW

REPORT BY HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to seek approval from Council Executive following a review of the Open Market Acquisition Scheme including proposals for a programme of selling council owned units which become void in mixed tenure blocks where the council is a minority owner.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes that since the council's Open Market Acquisition Scheme was last reviewed in 2021, 97 former council houses have been bought back under the terms of the scheme between 2021/22 and 2023/24;
2. Notes the proposed changes would be to declare as surplus for disposal on the open market, property where the Council (i) is the minority owner in a tenement block of mixed ownership; and (ii) there is no sitting tenant in the council owned property to allow such property to be sold with vacant possession, and;
3. Approves the proposed changes to the policy.

C. SUMMARY OF IMPLICATIONS

I	Council Values	<ul style="list-style-type: none"> • Caring and Compassionate • Open, Honest and Accountable • Collaborate, Inclusive and Adaptive
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The Open Market Acquisition Scheme was agreed at Council Executive on 19 January 2021.
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None

V	Relevance to Single Outcome Agreement	We make the most efficient use of our resources by minimising our impacts on the built and natural environment.
VI	Resources – (Financial, Staffing and Property)	<p>The Housing Capital Investment Programme 2024/25 to 2027/28 approved by West Lothian Council on 22 February 2024 includes £4.484 million for Open Market Acquisitions.</p> <p>Scottish Government grant of at least £40,000 per unit is available for Open Market Acquisitions in West Lothian during 2024/25.</p>
VII	Consideration at PDSP	The proposed changes to the Open Market Acquisition Scheme were reported to Housing Services PDSP on 6 June 2024.
VIII	Other consultations	Legal Services; Tenants Panel

D. TERMS OF REPORT

D.1 Background

In 1997 the council agreed a policy of buying back former council houses. When the policy was first introduced, the purchase price was the original selling price and included reasonable legal costs of the transaction.

On 15 June 2009, the policy was changed and it was agreed that the council would carry out a formal valuation of each property being considered for buy back. It was agreed that the offer price would be the lesser of the actual selling price or 80% of the current market value. Only three properties had been bought back using this policy since 2009.

The policy was reviewed in 2016 and again in 2021, as a means to increase purchases and as a result increase West Lothian Council's lettable stock. On 19 January 2021 the reviewed policy was agreed by Council Executive. The current policy has seen continued success with 97 properties purchased between 2021/22 and 2023/24.

While the open market acquisition scheme has demonstrably increased council-owned properties, further considerations are necessary for optimal housing stock management in relation to the mixed tenure estate.

D.2 Challenges in Tenements with Minority Ownership

The Right to Buy scheme has resulted in some tenements where the Council owns only a small portion of the properties. This scenario can create difficulties when addressing essential repairs to common areas due to the involvement of private owners. Addressing these challenges requires a multifaceted approach and a clear policy regarding funding for essential maintenance remains crucial.

The council's commitment lies in upholding the condition of all council tenanted properties, regardless of complexities arising from mixed ownership. Situations where council properties suffer from issues due to unrepaired shared areas (such as roofs)

solely because of disagreements with private owners regarding repair costs are unacceptable.

The council acknowledges the challenges associated with maintaining properties in mixed-ownership tenements and on the 5 October 2021 the council approved changes to the Scheme of Assistance.

The revised Scheme of Assistance clarified the council's approach to repairs in mixed tenure estate buildings and included the use of the Tenement Management Scheme by the council where the council has majority share.

Whilst the use of this Legal framework has strengthened the council's ability in to address situations where council tenants suffer solely because of disagreements with private owners regarding repair costs, obstacles remain when the council is in a minority ownership position, and is faced with private owner resistance taking responsibility for their financial contributions towards shared repair costs.

D.3 Proposed Changes to the Current Policy

In situations where the council is in minority ownership or where reaching an agreement with private owners regarding necessary repairs proves impossible and the property becomes void it is proposed to designate the property as surplus to requirement and offer the property for sale on the open market once it naturally becomes vacant.

All disposals of Housing Revenue Account (HRA) assets must strictly adhere to relevant statutory obligations and Scottish Ministers' requirements, and as such it is proposed to incorporate a disposal element into the existing Open Market Acquisition Scheme (OMAS) policy.

This addition would provide the council with the flexibility to address situations where specific properties no longer align with long-term housing requirements. Furthermore, it could potentially free up resources for investment in areas experiencing higher demand or property types with greater need, through further open market acquisitions or new build council housing.

D.4 Proposed criteria of the Open Market Acquisition Scheme

The essential criteria for purchasing back properties are as follows:

- The property must have originally been part of West Lothian Council or Livingston Development Corporation (LDC) housing stock;
- The property must be sold with vacant possession and be empty at the time of completion of purchase;
- The seller must have made their own arrangements for re-housing;
- We cannot accept properties where a tenant would have to leave the property to enable a sale;
- Properties should be for sale on the open market and each party will bear the costs of their own legal and valuation fees;
- A value for money assessment will be carried out, considering the combined cost of purchase and improvements/repairs. The council would seek to secure the best value price that does not exceed the Home Report valuation plus a repairs allowance of £8,500;
- The property must be located in an area where there is demand for the type and size of property being purchased.

The desirable criteria for buying back properties are as follows:

- The property for sale is in one of the highest demand areas in West Lothian;
- The purchase of the property would result in the council being the sole owner in a block;
- The purchase of the property would result in a long-term empty home brought back into use.

The proposed criteria for disposal of a council property are as follows:

- The council is in minority ownership within the tenement block;
- Reaching an agreement with private owners regarding necessary repairs has proven unsuccessful;
- The property has naturally become void;
- Funds received from any disposal would be re-invested into new supply.

D.5 Funding

The existing capital budget for OMAS will continue to be used to purchase former local authority houses. Scottish Government grant of at least £40,000 per unit is available for buying back former council houses in West Lothian during 2024/25.

It is anticipated that there will be an allowance for legal fees and marketing, which would be netted off any income received, with all surplus income being re-invested in new council housing supply to ensure there would be no reduction in council housing stock through this policy.

E CONCLUSION

In conclusion, the proposed changes aim to strengthen the council's control over its housing stock, address repair challenges in mixed-tenure situations, and guarantee adequate housing for its tenants. The proposed changes support effective asset management of the council housing estate and will ensure properties continue to meet Scottish Housing Quality Standards.

F. BACKGROUND AND REFERENCES

West Lothian Council's Open Market Acquisition Scheme – Report to Council Executive by Head of Housing, Customer and Building Services – January 2021

West Lothian Council's Open Market Acquisition Scheme – Report to Council Executive by Head of Housing, Customer and Building Services – 11 October 2016

Open Market Acquisitions – Report to Services for the Community PDSP – 22 November 2016

Appendices/Attachments: Appendices/Attachments: None

Contact Person: Marjory Mackie, Housing Strategy and Development Manager
Tel: 01506 281119 Email: Marjory.Mackie@westlothian.gov.uk

Julie Whitelaw
Head of Housing, Customer and Building Services
11 June 2024

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

UPDATE TO ENERGY COMPANY OBLIGATION (ECO) SCHEME FLEXIBLE ELIGIBILITY STATEMENT OF INTENT.

REPORT BY HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to seek approval from Council Executive on the updated Statement of Intent for West Lothian Council for the Energy Company Obligation (ECO) fifth iteration (ECO4) and the new Great British Insulation Scheme (GBIS), and updated Flexible Eligibility criteria for both schemes.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Notes that the UK Government has updated the Energy Company Obligation (ECO) Scheme to include GBIS;
2. Notes that the qualifying criteria for ECO-Flex is no longer defined by Local Authorities, and guidance is set by OFGEM;
3. Notes councils are expected to publish and maintain an up-to-date Statement of Intent for the ECO4 flexible eligibility scheme as a condition of Area Based Scheme (ABS) grant funding;
4. Notes that the proposed Statement of Intent was presented to Housing Services Policy Development and Scrutiny Panel on 6 June 2024, and;
5. Approves the publishing of the Statement of Intent on the council's website.

C. SUMMARY OF IMPLICATIONS

I	Council Values	<ul style="list-style-type: none"> • Caring and Compassionate • Open, Honest and Accountable • Collaborate, Inclusive and Adaptive
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	No policy or legal risks have been identified.
III	Implications for Scheme of Delegations to Officers	None

IV	Impact on performance and performance Indicators	Will assist in improving the energy efficiency of the general housing stock and reduce the number of households living in Fuel Poverty
V	Relevance to Single Outcome Agreement	Will help to reduce households living in Fuel Poverty
VI	Resources - (Financial, Staffing and Property)	Publishing a Statement of Intent will not require additional resources.
VII	Consideration at PDSP	The report was considered by Housing Services PDSP on 6 June 2024
VIII	Other consultations	West Lothian Advice Shop

D. TERMS OF REPORT

D.1 BACKGROUND

The Energy Company Obligation (ECO) was introduced by the UK Government in 2013 to fund energy efficiency measures throughout the UK. The Energy Company Obligation is a levy which works by placing a Home Heating Cost Reduction Obligation (HHCRO) on the medium and large-scale energy suppliers which is now deemed to be those with over 150,000 customers.

The funds generated by this levy are used by those companies to meet carbon reduction targets set by the Office of Gas and Electricity Markets (OFGEM). These companies achieve these targets by providing funding towards domestic energy efficiency improvement projects. In addition to the carbon targets these companies are also set targets to ensure that funding is targeted towards low income households to help reduce fuel poverty.

The scheme has been through 4 previous iterations ECO, ECO1, ECO2 and ECO3. This new iteration, ECO4, will run through to the 31 March 2026.

D.2 ECO-Flex

The previous iteration of ECO, introduced the ECO-Flex scheme which enabled private households to access funding for energy efficiency measures if they met a set eligibility criteria.

Under the new ECO4 regulations ECO-Flex eligibility criteria are now set by OFGEM regulations which cover all Local Authorities. There are four routes through which funding can be accessed. The new regulations also allow for other organisations to refer households in fuel poverty or provide a declaration. Local Authorities and Suppliers will now also have to collect and retain evidence of eligibility and compliance requirements for the ECO-Flex scheme which can be audited by OFGEM.

The Home Energy Efficiency Programme Scotland: Area Based Schemes (HEEPS:ABS) has in the past accessed ECO funding to help reduce cost of works for owner occupiers. This will still be possible however the blending of ECO funding with other government

funding is no longer permitted. Funding for individual measures which meet the criteria can be used on a whole house approach within the Area Based Scheme replacing ABS funding for that property.

D.3 STATEMENT OF INTENT

The Statement of Intent is included in Appendix 1 of this report. In this document the council sets out the eligibility criteria for the ECO4 & GBIS scheme.

The ECO4 eligibility criteria which has been provided by OFGEM has been broken down into 4 routes with Route 2 requiring at least two proxies to be met.

Proxy is the term used by OFGEM in defining the qualifying criteria under route 2 to be met along with the required SAP rating as indicated in the table below.

The Routes to eligibility are set out on the table below:

Route	Explanation
Route 1: Household Income	Households living in private tenure SAP band D, E, F or G homes and with a gross annual income less than £31,000. This cap applies irrespective of the property size, composition or region and is from all sources of income, including both non-means tested and means tested benefits.
Route 2: Proxy Targeting	<p>SAP bands E-G households that meet a combination of two of the following proxies:</p> <p>Proxy 1) Homes in Scotland in “data zone” 1-3 on the Scottish Index of Multiple Deprivation 2020¹</p> <p>Proxy 2) Householders receiving a Council Tax rebate (rebates based on low income only, excludes single person rebates).</p> <p>Proxy 3) Householders vulnerable to living in a cold home as identified in the National Institute for Health and Care Excellence (NICE) Guidance. Only one from the list can be used, excludes the proxy ‘low income’.</p> <p>Proxy 4) A householder receiving free school meals due to low income.</p> <p>Proxy 5) A householder supported by a LA run scheme, that has been named and described by the LA as supporting low income and vulnerable households for the purposes of NICE Guideline.</p> <p>Proxy 6) A household referred to the LA for support by their energy supplier or Citizen's Advice or Citizen's Advice Scotland, because they have been identified as struggling to pay their electricity and gas bills.</p>

¹ [Scottish Index of Multiple Deprivation 2020 - gov.scot \(www.gov.scot\)](https://www.gov.scot/scottish-index-of-multiple-deprivation-2020/)

	<p>Proxy 7) Households identified through supplier debt data. This route enables obligated suppliers to use their own debt data to identify either Non-Pre-Payment meter households (non-PPM), or Pre-Payment meter households (PPM).</p> <p>Non-PPM customers: These are customers who have been in debt for more than 13 weeks ending with the day on which the declaration is made, and are in a debt repayment plan with their energy supplier or repaying their fuel debt through 3rd party deductions.</p> <p>PPM customers: Suppliers may also identify PPM households who: have either self-disconnected or received supplier Discretionary/Friendly credit within the last 13 weeks ending with the day on which the declaration is made; or are in a debt repayment plan with their energy supplier; or repaying their fuel debt through 3rd party deductions.</p> <p>* Note: proxies 1 & 3 and proxies 6 & 7 cannot be used in combination with each.</p>
Route 3: NHS Referral	<p>SAP bands D-G households that have been identified by their doctor or GP as low-income and vulnerable, with an occupant whose health conditions may be impacted further by living in a cold home. These health conditions may be cardiovascular, respiratory, immunosuppressed, or limited mobility related.</p> <p>This is because the Council has identified a positive correlation between households who suffer from long-term health conditions and living off a low-income, with living in poorly insulated homes.</p>
Route 4: Bespoke Targeting	<p>SAP band D-G owner-occupied households and private rented sector E-G households that are referred under Route 4: Bespoke Targeting.</p> <p>Suppliers and LAs can submit an application to BEIS where they have identified a low income and vulnerable household, who are not already eligible under the exiting routes.</p>

D.4 CONCLUSION

The council continues to support and successfully deliver projects and measures to reduce levels of fuel poverty through improved energy efficiency for private households.

The publishing of an updated Statement of Intent based on the new ECO4 criteria will allow the council to continue to do this by better targeting the available funds at those in the most need.

F BACKGROUND REFERENCES

Council Executive 25 April 2023 Update to Energy Company Obligation (ECO4)
Statement of Intent and Flexible Eligibility Scheme Criteria - Report by Head of Housing,
Customer and Building Services

Appendices/Attachments: One

Contact Person: Robert Smith, Housing Investment Manager 01506 282386,

robert.smith@westlothian.gov.uk

Julie Whitelaw

Head of Housing, Customer and Building Services

25 June 2024

APPENDIX 1**Statement of Intent for Energy Company Obligation (ECO4) and Great British Insulation Scheme (GBIS)****STATEMENT OF INTENT**

Local Authority	West Lothian
Date of Publication	26/06/2024
Publication on Website	26/06/2024
Version	S12000040/00003

This statement sets out West Lothian Council's flexible eligibility criteria for the Energy Company Obligation (ECO4) & Great British Insulation Scheme (GBIS) which will run until March 2026.

ECO4 and GBIS focus on supporting low income and vulnerable households. The schemes will improve the least energy efficient homes helping to meet the Government's fuel poverty and net zero commitments. The GBIS will support the ECO4 scheme in the delivery of predominantly single measures targeted at a wider range of households.

The flexible approach for Local Authorities (LAs) to identifying fuel poor and vulnerable households who may benefit from heating and energy saving measures is referred to as "ECO4 and GBIS Flex".

1. Introduction

1.1 West Lothian Council is committed to tackling Fuel Poverty across the region through various means, as detailed in the Local Housing Strategy (LHS), Strategic Housing Investment Plan (SHIP) and Anti-Poverty Strategy. Adopting the Flexible ECO and GBIS Eligibility Policy will allow ECO support for energy efficiency improvement measures to be made available to more residents living in private sector housing. This Statement of Intent will help to target those households in the highest level of need by targeting households living in fuel poverty or who are living on a low income and are vulnerable to the effects of living in a cold home. Flexible ECO and GBIS is only available to support residents living in private sector housing.

1.2 A household is described as living in fuel poverty, in Scotland, if in order to maintain a satisfactory heating regime; it would be required to spend more than 10% of its income on all household fuel use. If over 20% of income is required, then this is termed as being in extreme fuel poverty.

1.3 This statement is not a guarantee that households will access ECO or GBIS-Flex since this decision rests with the ECO and GBIS provider(s). In addition to the discretion of the ECO and GBIS providers all installations will be subject to appropriate surveys by the ECO and GBIS providers or their agents to confirm that;

- Properties are suitable for specified measures
- Proposed measures fit within the ECO4 or GBIS scheme regulations

- ECO and GBIS providers have funding available

1.4 The level of funding made available by the ECO and GBIS providers may vary and there is no guaranteed minimum funding level. Ultimately West Lothian Council may only facilitate and support households. The final agreement and contract are between the house owner and the ECO or GBIS provider or their agents.

2. West Lothian Council Area

2.1 West Lothian Council was established in 1996 and as of July 2022, served a community of approximately 185,580 citizens in central Scotland*, which is 9th highest population out of all 32 council areas in Scotland and 5th fastest growing population over the last 21 years across the same council areas. West Lothian is projected to continue to grow at an increase of 5.9% population which compares to 1.8% for Scotland as a whole.

There are 83,624 homes* in West Lothian of which about 14,000 are owned by West Lothian Council; of these 83,624 homes there are approximately 18% of households in fuel poverty across West Lothian and of those 9% are in extreme fuel poverty.

(*National Records of Scotland figures [West Lothian Council Area Profile \(nrscotland.gov.uk\)](https://www.nrscotland.gov.uk))

The Council welcomes the introduction of the ECO4 and GBIS Flex eligibility routes as it helps the Council achieve its plans to improve the homes of those in fuel poverty or vulnerable to the cold.

3. ECO4 and GBIS Flex Referral Routes

3.1 The Council is publishing this revised Statement of Intent (Sol), on the **3rd June 2024** to confirm that each of the households declared will adhere to at least one of the four available routes outlined below.

Route 1: Owner-occupied and private rented sector households with a gross annual income less than £31,000. This cap applies irrespective of the property size, composition, or region.

Route 2: Owner-occupied and private rented sector households that meet a combination of two of the following proxies:

Proxy 1) Homes in areas of multiple deprivation within the first, second or third decile of the Scottish Index of Multiple Deprivation 2020. [SIMD \(Scottish Index of Multiple Deprivation\)](#)

Proxy 2) A person living at the premises is entitled to a Council Tax reduction on the grounds of low-income.

Proxy 3) A person living at the premises is considered to be vulnerable to the cold under the National Institute for Health and Care Excellence (NICE) Guidance NG6:

Recommendation 2, for a reason other than their low-income^{2*} [1 Recommendations | Excess winter deaths and illness and the health risks associated with cold homes | Guidance | NICE](#)

Proxy 4) A child living at the premises is eligible for free school meals, due to low-income³

Proxy 5) A person living at the premises is supported by a scheme established by the Local Authority that is named and described within their Statement of Intent and established to support people living on a low-income and considered vulnerable to the cold under NICE Guideline NG6. **West Lothian Council does not currently support this route.**

Proxy 6) A household referred to the LA for support by their energy supplier or Citizens Advice or Citizens Advice Scotland, because they have been identified as struggling to pay their electricity and/or gas bills.

Proxy 7) Households identified through energy supplier debt data. This route enables obligated suppliers to use their own debt data to identify either non pre-payment meter households (non-PPM), or pre-payment meter households (PPM)*.

- a) **Non-PPM customers:** These are customers who have been in debt for more than 13 weeks ending with the day on which the declaration is made, and are in a debt repayment plan with their energy supplier or repaying their fuel debt through 3rd party deductions.
- b) **PPM customers:** Suppliers may also identify PPM households who: have either self-disconnected or received supplier Discretionary/Friendly credit within the last 13 weeks ending with the day on which the declaration is made; or are in a debt repayment plan with their energy supplier; or repaying their fuel debt through 3rd party deductions.*

* Note proxies 1 and 3 cannot be used together.

* Proxy 7 cannot be used in combination with proxy 5 or proxy 6.

* Proxy 7 is identified through energy suppliers and is listed here for information only.

Route 3: NHS Referrals: Owner-occupied and private rented sector households that have an existing SAP bands D-G and have been identified by their doctor or GP as low- income and vulnerable, with an occupant whose health conditions may be impacted further by living in a cold home. These health conditions may be cardiovascular, respiratory, immunosuppressed, or limited mobility related.

This is because the Council has recognised a positive correlation between households who suffer from long-term health conditions and living off a low-income, with living in poorly insulated homes.

Route 4 [applicable to ECO4 Flex only]: SAP band D-G Owner-occupied and private rented sector households SAP band E-G that are referred under Route 4: Bespoke Targeting. Suppliers and LAs can submit an application to the Department for Energy Security and Net Zero where they have identified new methods to identify low-income and vulnerable households. Applications need to demonstrate a number of factors, including that the proposed methodology is more effective at identify households in fuel poverty than

³ Under section 512ZB(4) of the Education Act 1996 or section 53 of the Education (Scotland) Act 1980

the criterion offered under Routes 1 and 2.

West Lothian Council will decide which routes it will apply and with which partners.

All four routes to ECO4 and GBIS flex will require the necessary evidence to be provided to prove any claims. This evidence will be held by the Local authority to provide for any future audits.

4. Home Energy Efficiency Programme Scotland: Area Based Schemes (HEEPS: ABS) and ECO funding

4.1 ECO4 and GBIS funding may not be blended with Scottish Government ABS funded programmes. ECO4 or GBIS financing however may be leveraged in three main ways:

- ECO4 or GBIS funding alongside HEEPS: ABS for separate measures in the same properties
- ECO4 and GBIS finance replaces HEEPS: ABS or other public funding (whole property).
- ECO4 and GBIS finance as part of a separate local ECO and GBIS Flex scheme running in parallel with HEEPS: ABS.

ECO4 funding could therefore be used to complement the HEEPS: ABS scheme and fund the works on eligible houses allowing for more houses to receive the energy efficiency upgrades.

4.2 ECO finance is primarily aimed at domestic owner occupiers and at properties with a SAP banding of D and below. There is a requirement to improve these properties to minimum requirement EPC ratings, with an EPC F and G properties expected to reach a band D, and band D and E properties to reach a minimum of a band C. GBIS is aimed at owner occupiers in homes with EPC ratings of D to G and private rented with EPC ratings of E to G.

5. Referrals

5.1 Referrals for Flexible ECO and GBIS funding will be accepted from both Home Energy Scotland (HES) and via the council's own advocacy service The West Lothian Advice Shop, Citizens Advice Bureau and a Healthcare provider such as General Practitioner or Health Board/ NHS Trust.

All Referrals for Flexible ECO and GBIS funding must be evidenced with the documents outlined in the regulations.

West Lothian Council will sign declarations for eligible households which are carried out by recognised trademark contractors. A link to the council page which has a list of the installers working within West Lothian follows; [ECO Flex Eligibility Questionnaire Info - West Lothian Council](#)

In addition, declarations for ECO and GBIS Flex will be signed using route 2 proxy 7 to try to target the funding to those most in need.

5.2 The delivery of the EES: ABS programme is managed by the Housing Investment team within the council and all EES: ABS enquiries are directed initially to the Housing Investment Officers for Energy who maintain an active referral relationship with HES. Referrals for Flexible ECO funding will also be accepted from contractors appointed to deliver energy efficiency measures as part of the EES: ABS programme.

West Lothian Advice Shop Telephone: 01506 283000

West Lothian Advice Shop Website: <https://www.westlothian.gov.uk/advice-shop>

Home Energy Scotland Telephone: 0808 808 2282

Home Energy Scotland Website: <https://www.energysavingtrust.org.uk/scotland/home-energy-Scotland>

The definition of who can make health referrals is contained within the ECO4 and GBIS regulations.

5.3 All referral information will be handled in accordance with the Data Protection Act and General Data Protection Regulations (GDPR) and retained for the purposes of evidence, monitoring and reporting.

6. Evaluation, Evidence and Reporting

6.1 To facilitate internal monitoring and reporting the council will be required to evidence records to support household eligibility and information received from suppliers or installers on measures installed.

The council will be required to forward information on to OFGEM providing the regulator with:

- The Local Authorities UPRN (Unique Reference Number).
- Whether the referral was made on behalf of another Local Authority.
- The ECOFlex referral routes used.
- The ECOFlex referral proxy's used.
- The date the household became eligible.
- The date of the Sol publication, and
- A link to the Sol.

6.2 The eligibility of the application must be evidenced by one of the following:

- **Route 1 Low Income:** Tax return from the last 3 months payslips from the last 3 months, bank statements from the last 3 months proving income payments.
- **Route 2 Proxy Targeting:** Screen shot confirming that the property is in a SMID area
A signed letter from a Doctor / GP identifying that someone has a medical condition, such as heart disease; a disability that, for instance, stops people moving around to keep warm, or makes them more likely to develop chest infections, following NICE guidance.

Signed letter from local coordinator / local authority that proves the household was eligible for a LA-run scheme.

Eligibility Checking Service (ECS), documentation showing eligibility for free school meals due to low-income provided by the Department for Education or from the school. A signed letter accompanied by proof of gas and electricity debt from the energy supplier or Citizen's Advice, showing that the household has been referred to the LA for utility bill support or supplier provided Pre-payment meter data.

- **Route 3 NHS Referral:** Official letter signed by either an NHS Trust, NHS Trust Board or NHS Primary Care provider. This letter will need to state that the official signing the letter considers someone in the household to be suffering from one of the four health conditions listed below;
 - A cardiovascular condition,
 - A respiratory disease,
 - Limited mobility or,
 - Immunosuppression

7. Review

7.1 The scheme will be reviewed annually or at any point there is a significant change to the scheme or the funding available.

7.2 On the review of the scheme the council has the option to withdraw this statement where the scheme is no longer valid or provides no advantages to the communities of West Lothian.

8. Data Protection Compliance

8.1 The contractor will be responsible for the collection and processing of all necessary evidence from applicants to enable an application to be verified as meeting the necessary criteria as set out in this Sol.

8.2 West Lothian Council will require to view the application information and supporting evidence held by the contractor in order to confirm a household meets the ECO4 scheme's eligibility criteria. It will not hold any identifying personal information. Details of how West Lothian Council complies with Data Protection law can be found on our website - [Data Protection and GDPR - West Lothian Council](#)

8.3 Any party facilitating the sharing of information and evidence with West Lothian Council will need to ensure that it has received an informed consent form from the household for such information to be shared, which complies with their data protection policies and is in line with the Data Protection Act 2018.

8.4 Applicants should not share personal information with a contractor without first receiving a copy of the contractor's privacy notice. The privacy notice should be compliant with the UK GDPR and the Data Protection Act 2018, the Information Commissioner's Office Data Sharing Code of Practice, and the DESNZ guidance. You can find out more about the Act on the Gov.UK website. The Information Commissioner's Office has also issued guidance which you can check to make sure your information is being handled correctly

DECLARATION AND EVIDENCE CHECK CONFIRMATION

All potentially eligible households should apply through West Lothian Council or one of their approved ECO or GBIS installers to ensure that they can either benefit from the scheme or be assessed for eligibility under any other relevant programme.

The officer below will be responsible for checking and verifying declarations and associated evidence submitted on behalf of the local authority:

Name: David Young

Job Title: Housing Investment Officer

Telephone: 01506 282528

Email: ecoflex@westlothian.gov.uk

DEDICATED RESPONSIBLE PERSON MANDATORY SIGNATURE

West Lothian Council will administer the ECO4 Flex scheme according to Electricity and Gas (Energy Company Obligation) Order 2022 (ECO4 Order). The council will also administer the Great British Insulation Scheme Flex according to the Electricity and Gas (Energy Company Obligation) Order 2023 (ECO4A Order)

The CEO (or designated Chief Officer) of the Council will oversee the process of identifying eligible households under ECO Flex and GBIS Flex. The council will notify Ofgem of households that declarations have been issued for via the declaration notification template.

The eligibility information will be stored securely in line with the Council's data protection policy, Information Commissioner's Office Data Sharing Code, and BEIS guidance.

Signature: XXXXXX

Name: Julie Whitelaw

Job Title: Head of Housing, Customer and Building Services

Date of signature: 26/06/2024

For any general enquires relating to this Statement of Intent, please contact:

EcoFlex@westlothian.gov.uk

This West Lothian Council's Flexible Eligibility Statement of Intent supersedes and replaces all previous versions of this document published; ECO4 Flex SOI version S12000040/00002 dated 23 April 2023.

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

LOW PORT CENTRE, BLACKNESS ROAD, LINLITHGOW – RESPONSE TO HISTORIC ENVIRONMENT SCOTLAND (HES) CONSULTATION

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to seek Council Executive approval of an officer drafted response to a consultation received from Historic Environment Scotland (HES) intimating its initial view to confer statutory listed status on the Low Port Centre, Linlithgow.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Approves the proposed response set out in Appendix 7 of this report and agrees that it is submitted to HES by the extended due date of 13 June 2024.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Open, honest and accountable; and collaborate, inclusive and adaptive.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The proposal does not raise any strategic environmental assessment, equality or health issues.
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	Outcome 12 – We value and enjoy our built and natural environment and protect it and enhance it for future generations.
VI	Resources - (Financial, Staffing and Property)	Listed building status may have additional financial implications for maintenance and could potentially impact upon the future value of the site.

VII	Consideration at PDSP	The matter has not been considered at a PDSP.
VIII	Other consultations	Internal consultations with Property Services and Community Arts

D. TERMS OF REPORT

D1 Background

D.1 The site

The Low Port centre was purpose built for Lothian Region Council as a community outdoor education centre with residential facilities and opened in 1988.

The centre occupies a plot of land extending to approximately 0.3 hectares (0.7 acres) at the north-eastern end of Linlithgow High Street. The building is set to the south east of Linlithgow Palace, a scheduled monument, the Peel and Royal Park (which includes Linlithgow Loch), and is within the Linlithgow Palace & High Street Conservation Area. See Appendix 1.

The centre comprises three storeys of residential accommodation at the southern end; offices, kitchen facilities and large gym hall with a rock-climbing wall in the central block; and stores, drying rooms and workshops in the northern end. Externally, it is clad in render and it has a natural slate roof.

D.2 The Architects and the Artist

The Low Port Centre is fundamentally modern in design but with Scottish vernacular influences very much in evidence. These are the signature characteristics of the distinguished post-war architectural practice Wheeler and Sproson (Sir Anthony Wheeler & Frank Sproson) who also had a particular interest in the integration of art and architecture and who won multiple Saltire and Civic Trust Awards and Commendations during their careers.

There are other examples of Wheeler and Sproson's work in West Lothian including Whitburn Academy, Boghall Parish Church and a number of local authority housing developments in Livingston (Howden), Blackburn and Uphall.

It was architect Sir Anthony Wheeler's creative decision to decorate the principal stairwell of the building with a bespoke artwork and who commissioned a public mural from Scottish artist James Cumming (1922–1991). Cumming was an influential Scottish painter and lecturer in the post-war period and is considered by the Royal Scottish Academy (RSA) as having been one of the most talented and original artists practising in Scotland in the 20th century.

The prominent internal mural is titled 'The Community: A Festival of Time'. It measures approximately 6.1m x 9.1m and is painted in acrylic resin. It covers the south-western wall of the two-storey foyer stairwell, opposite the main entrance. It depicts a theme of timeless community life within a colourful town setting and was awarded the Arts and Crafts in Architecture Award of the Saltire Society in 1990. It was also the artist's final mural. An image of the mural can be found [here](#).

Further information is set out in Annex A of the HES consultation (Appendix 2) and an informative and very accessible article written by the Collections Curator of the Royal Scottish Academy was published in the local press in 2016 and is copied as Appendix 3.

D.3 Ownership and Asset Transfer

At local government reorganisation in 1996 new single-tier authorities replaced existing regional and district councils and ownership of the Low Port Centre passed to the new West Lothian Council. The building remained in use as a community and outdoor education centre and was leased to and run by West Lothian Leisure until 2021 when it decided to re-provision its outdoor learning and activity programme. However, it maintained its lease of the building until 31 March 2022 when responsibility for the property and its associated costs reverted to the council.

In August 2021 the council declared the Low Port Centre surplus to requirements as it was no longer needed for the delivery of council services and officers were instructed to market the property in accordance with the council's approved Surplus Property Procedure.

It was openly advertised for sale or lease and a number of commercial interests were received. There was however also interest from a non-commercial/charitable entity, St John's Church, Linlithgow (SJCL) who presented proposals for a range of church and community-focused activities and who ultimately progressed this as a validated community asset transfer request pursuant to Part 5 of the Community Empowerment (Scotland) Act 2015. St John's Church has since created and registered an independent charity called the *Low Port Centre* to oversee and manage activities.

The request was approved by the council's Asset Transfer Committee in June, 2022 and the broad terms of the agreement are that the Low Port Centre charity will initially lease the property from the council for a period of two years (commenced in January 2024) and will at the end of this time have the option to acquire outright ownership for the nominal sum of £1.

It was also made an explicit condition of the transfer of ownership (achieved by way of a conservation burden under Section 38 of the Title Conditions (Scotland) Act 2003) that the charity are required to use 'all reasonable endeavours' to retain and take steps to suitably protect the James Cumming mural at all times during the two year lease period and to likewise retain and protect the internal mural for as long as they own or occupy the Low Port Centre. They are to take steps to the reasonable satisfaction of the Council to ensure any successors in title do likewise.

Furthermore, the charity are required to work with Historic Environment Scotland (HES) to understand, and meet their requirements relative to the James Cumming mural and will adhere to any statutory protection that may be afforded to the mural going forward.

It is therefore the case that the charity were aware of the potential listing of the Low Port Centre prior to entering into the asset transfer agreement and HES's subsequent intention to now confirm the designation should not, therefore, be unexpected.

D.4 Application for Listed Building designation

In the lead up to the decision to declare the Low Port Centre surplus to requirements concerns were raised internally by the council's Museums and Public Art officers about the consequences of this long-term future of the mural and in May 2021, being aware that listed building protection extends to both the inside and outside of a building, officers made application to HES to assess the mural for listed designation.

While considering this matter the HES Designations Team intimated that it was also reviewing the Low Port Centre building in a wider context as a candidate for listed building status.

In October 2021 the council and HES were petitioned to act to have the mural protected by the late artist's daughter Laura Cumming (Appendix 4).

When responding the council provided assurances that the mural would remain in situ at the Low Port Centre whilst HES carried out their assessment and for as long as the council retained ownership of the property. An undertaking was also given that the council would seek to include a conservation burden in the conditions of sale that required the mural to be protected by the building's future owners, Appendix 5.

D.5 Consultation on proposed designation from HES

Having completed its assessment HES has advised that the Low Port Centre meets the [listing criteria](#) of special architectural or historic interest and that it is minded to designate it as a Category B, the definition of which is '*buildings of special architectural or historic interest which are major examples of a particular period, style or type*'.

As part of its concluding process HES is seeking the corporate views of West Lothian Council as the present owners/managers of the facility and as the local authority.

The consultation response template is a very brief document and invites responses to essentially two questions relating to the proposal to list:

- To what extent do you agree with our proposal to list the Lowport Centre
- Do you have any further comments on the impact of listing or the accuracy of the information in the assessment?

Appendix 6 sets out the proposed response to the consultation questions and it is confirmed that this has been discussed with Property Services and Community Arts officers.

The original HES consultation response deadline was very short, closing on 9 May, and it has by mutual agreement been extended to 13 June 2024 to allow for a response to be reported to the meeting of the Council Executive on 11 June for consideration/approval.

E. CONCLUSION

The council resolved in 2021 that it had no further use for the Low Port Centre and declared the property surplus to requirements.

It has since become the subject of a successful community asset transfer and a limited time leasing arrangement has been entered into with the Low Port Centre charity (from January 2024) which will see the building used for a mix of religious and community activities. At the end of this period the lessee will have the opportunity to exercise an option to acquire the property for a nominal fee.

The potential listing was known at the time of progressing the community asset transfer and for this reason and the reasons set out in the report Council Executive is invited to express support for the designation and to approve the consultation response to HES which is provided as Appendix 6.

F. BACKGROUND REFERENCES

- [Report to Council Executive - 28 November 2017 - Community Empowerment \(Scotland\) Act 2015: Community Asset Transfer Policy and Governance Review](#)
- [Report to Council Executive - 20 April 2021 - The Low Port Centre, Blackness Road, Linlithgow](#)
- [Report to Council Executive - 16 November 2021- The Low Port Centre, Blackness Road, Linlithgow \(update report\)](#)
- [Report to Asset Transfer Committee - 20 June 2022](#)

Appendices/Attachments: Six

- (1) Location Plan
- (2) HES Assessment of special architectural or historic interest
- (3) Press article written by Collections Curator of the RSA (2016)
- (4) Letter from Laura Cumming to Chief Executive
- (5) Letter from Chief Executive/Property Services to Laura Cumming
- (6) Proposed response to HES consultation

Contact Person

Steve Lovell, Principal Planning Officer, Development Planning, 01506 282430

Email: steve.lovell@westlothian.gov.uk

Craig McCorriston
Head of Planning, Economic Development & Regeneration

11 June 2024

Listed Building 

Designation consultation



HISTORIC
ENVIRONMENT
SCOTLAND

Item 15
ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

ANNEX A

Assessment of special architectural or historic interest

1. Statutory address

The Low Port Centre, with mural by James Cumming, 1 Blackness Road, Linlithgow

2. Description and historical development

2.1 Description

The Low Port Centre building was designed by Wheeler & Sproson around 1983 and built 1986-88. It is a large, three-storey, irregular plan community outdoor and education centre. It is located within a long plot at the northeastern end of Linlithgow High Street. The building is of painted render with a slate roof and comprises three storeys of residential accommodation at the southern end; offices, kitchen facilities and large gym hall with rock-climbing wall in the central block; and stores, drying rooms and workshops in the northern end of the building.

The building includes a significant mural, painted in 1988 by James Cumming RSA RSW (1922-1991) in the entrance foyer. The artwork, titled 'The Community: A Festival of Time' measures 6.1 by 9.1 meters and is painted in acrylic resin and covers the southwestern wall of the two-storey foyer stairwell, opposite the main entrance.

The mural, located in the foyer, depicts a theme of timeless community with a scene of 39 figures and characters symbolising various aspects of community life within a colourful town setting. At the top of the mural there is a skyline of rounded hills and rooftops including a clocktower depicting 'Measure of Time' and a spire representing 'The Church', while 'The River of Time' runs across the lower portion of the mural. Various industries and professions are represented through figures including 'Teacher', 'Engineer', 'Nursing', 'Fashion' and 'Authority' as well as stages of life such as 'Childhood', 'Youth', 'Old Age', 'The incoming' and 'The outgoing'. A Key to the figures in the scene is attached to the stairwell wall beside the mural.

2.2 Historical development

The Low Port Centre was designed around 1983 by the architectural firm Wheeler & Sproson as a community outdoor and education centre with residential facilities for Lothian Regional Council.

Plans in the Wheeler and Sproson Collection dated to 1983 detail the building and its various facilities and show that it was built substantially as designed (NMRS 551 334/1/2/36/1). The building was built from 1986 and opened on 29 October 1988.



It was the idea of architect (Sir) Anthony Wheeler PPRSA (1919-2013) to decorate the principal stairwell of the building with a bespoke artwork and he commissioned the mural from the artist James Cumming. The mural was funded by the Edwin Abbey Austin Memorial Trust Fund (West Lothian Art). Cumming completed the mural over a four-month period and while working he lived in Linlithgow at the Low Port Centre during the week, integrating himself with the community. The character led theme of the mural is noted to have been developed in consultation with the community who he would speak with while completing the work (Sandy Wood, p 3.).

The building remained in use as a community outdoor education centre until around 2021 and is now in use as a community centre.

3. Assessment of special architectural or historic interest

To be listed a building must be of 'special architectural or historic interest' as set out in the [Planning \(Listed Buildings and Conservation Areas\) \(Scotland\) Act 1997](#). To decide if a building is of special interest for listing we assess its cultural significance using selection guidance which has two main headings – architectural interest and historic interest (see Designation Policy and Selection Guidance, 2019, Annex 2, pp. 11-13).

The selection guidance provides a framework within which judgement is exercised in reaching individual decisions. The special architectural or historic interest of a building can be demonstrated in one or more of the following ways.

3.1 Architectural interest

The architectural interest of a building may include its design, designer, interior, plan form, materials, regional traditions, and setting and the extent to which these characteristics survive. These factors are grouped under two headings:

3.1.1 Design

'The Community: A Festival of Time' is a significant work by the artist James Cumming RSA RSW (1922-1996), who was a master of mural painting and a leading artist and art educator in his lifetime. The collaboration of artist and architect is also significant, as the painting and the Low Port Centre building were conceived by Cumming and Anthony Wheeler together as a set piece.

The Low Port Centre building was designed by Wheeler and Sproson, an award-winning architectural practice. The practice rose to prominence in the 1950s and 1960s for their celebrated contextual approach to the redevelopment of historic urban sites including local authority housing developments in Burntisland (1955-75) and Dysart (1958-1977). Some of the practice's work has been recognised through listing and is representative both of the scope of their approach to contextual modernism as well as their overtly modernist designs. In Fife, there is Sailor's Walk



(LB36358) and Pathhead Medical Centre (LB36399), two listed examples of the practice's conservation and conversion of historic buildings. Two modernist designs of the practice are listed at St Columba's Parish Church in Glenrothes which dates from 1960 listed (LB49999) and the Hunter Building, University of Edinburgh, Edinburgh College of Art, designed in 1971 (LB52563).

The Low Port Centre building was designed towards the end of the practice's body of work. The building displays their characteristic style of combining modern design with influences of Scotland's vernacular and traditional architectural forms. This is shown in the rounded stair tower at the south of the building towards the high street, and the use of slate and painted render. Wheeler and Sproson liked to use a restricted and muted colour and material palette in their buildings, favouring charcoal, dark red, browns and creams. The Low Port Centre is no exception using only cream and browns and the building is substantially unaltered from the design shown in architects' drawings of the site from 1983.

The practice placed great value on the integration of art within their designs commissioning a mural by Alberto Morrocco (1917-1998) for their earliest church design at St Columba's, Glenrothes and a mural by David McClure (1926-1998) for the University of St Andrews, Students' Union in the late 1960s. The collaboration with Cumming at the Low Port Centre reflects their continued interest in the integration of art and architecture in new building projects.

Cumming is regarded as one of the most significant Scottish painters of the later 20th century and a figure of major influence as both an artist and a lecturer at Edinburgh College of Art. Cumming was born in Dunfermline, Fife and won an Andrew Grant Scholarship to attend the Edinburgh College of Art in 1939. His studies were interrupted by the Second World War where he served in the Royal Air Force. He returned to Edinburgh College of Art in 1946 and completed his Diploma and postgraduate degree in 1949 following which he was awarded a Travelling Scholarship, which he used to live and work in the community of Callanish on the Isle of Lewis. The Hebridean paintings he created during this period in the early 1960s were exhibited in Edinburgh, London and New York and helped to establish his international reputation and association with the Edinburgh School of painters. The distinctive semi-figurative style of the Hebridean Paintings and technique of building up images through layers of thinly applied paint would be used and refined throughout his career including in the Low Port Mural.

Cumming was noted for the range of his intellect and interests with some of his abstract paintings inspired by science and microbiology. He also held great importance in the craft of drawing and painting and was regarded for this unrivalled technical ability and knowledge of the chemistry of materials (Firth, p .22)

Cumming taught at Edinburgh College of Art from 1950 until retirement in 1982, teaching both in the Humanities and the Painting school. His students included Sandy Moffat, John Bellany and Richard Wright who won the Turner Prize in 2009.



He was elected Academician of the Royal Scottish Academy in 1970 and acted as its secretary between 1978 and 1980.

Cumming had a particular interest in murals and had been lecturer in mural painting at Edinburgh College of Art, even establishing a mural department there for short time. He had specialist knowledge of the history, materials and technology of this art form and Cumming undertook extensive technical research in choosing the pigments for the large-scale Low Port Centre mural.

The mural 'Community: A Festival of Time' was painted towards the end of Cumming's career and is considered to be 'the triumph of his mature style' (Firth, p. 30). It was his only public mural work and incorporates key themes, motifs and techniques that Cumming developed throughout his career. The mural features a complex layered composition of semi-abstract figures in harmonious colours punctuated by highlights of curvilinear shapes and white outlines. The mural is a major example of Cumming's signature layered technique, using stencils to mark out shapes and areas of colour, and of his continued interest in themes of humanity and community. The mural was awarded the Arts and Crafts in Architecture Award of the Saltire Society in 1990.

3.1.2 Setting

The Low Port Centre is located in a central area of the historic town of Linlithgow at the northeast end of the High Street within Linlithgow Palace and High Street Conservation Area (CA378). The building is set to the south of the scheduled monument Linlithgow Palace, Peel and Royal Park which includes Linlithgow Loch (SM13099) and immediately southwest of the listed Low Port Primary School (LB37358). With the proximity of the building to the adjacent Linlithgow Loch, the outdoor centre had particular focus on water sports with stores and drying rooms located at the northern end of the building.

Although there is no direct depiction of Linlithgow in the mural, the surrounding town setting is a clear influence. Symbolic architectural shapes suggest a historic setting and the figures represent a range of roles and personalities found in a large town or community. This link between the mural, the building's community function and its setting add to its special interest.

3.2 Historic interest

Historic interest is in such things as a building's age, rarity, social historical interest and associations with people or events that have had a significant impact on Scotland's cultural heritage. Historic interest is assessed under three headings:

3.2.1 Age and rarity



Before the 20th century, painted murals in Scotland were most commonly found within buildings such as churches and high-status private houses. Examples of listed buildings which contain significant murals include the Former Catholic Apostolic Church at Mansfield Place which contains extensive murals by Phoebe Anna Traquair of 1893-1901 (LB26849). A notable example of mural in a public building is the large-scale historical murals and astrological ceiling by William Hole in the Scottish National Portrait Gallery, Edinburgh of 1887-1901 (LB27764).

By the mid-20th century art came to be valued as an important part of new public building and housing developments which were largely state sponsored at that time. The commissioning of works such as sculptures and concrete or painted murals for public buildings and spaces reflected a more socially aware approach to public art with the objective of creating a sense of place and identity and of bringing art out of galleries and into people's daily lives. In this context murals came to be commissioned more commonly in public buildings such as community centres and schools. A listed example of a later 20th century mural commissioned for a public building is the Scottish Wildlife Mural by Alasdair at Palacerigg Visitor Centre, Cumbernauld of 1974 (LB52610).

Fixed artworks such as murals which cannot easily be relocated are however vulnerable to redevelopment and easily covered or painted over when decorative schemes are changed. Many mid to later 20th century murals have been lost to demolition or redecoration making surviving examples increasingly rare.

James Cumming was a leading Scottish artist and influential lecturer of the 20th century. While Cumming was a leading figure in advancing the study of mural painting, he painted few known surviving murals with the majority of his output painted canvases. Low Port was Cumming's only public mural and is the only known surviving example of this medium painted by the artist. The Community: A Festival of Time is therefore significant as a rare surviving example of Cumming's mural work.

The Low Port Centre was commissioned towards the end of the heyday of outdoor educational provision and is a relatively rare and unusual example of an outdoor education centre. The majority of outdoor education centres were developed in rural locations with many utilising existing buildings such as former country houses and purpose-built examples often designed as basic residential structures. The Low Port Centre is a rare example of the building type for its bespoke design, urban location and combined residential and community centre function (See section 3.2.2).

3.2.2 Social historical interest

Outdoor education developed in Scotland in the 1960s, reaching its peak of provision in the 1970s and 1980s. Scotland was one of the first countries to formalise outdoor education and the extensive development of this type of education during this period was considered to be of international significance (Higgins). Influenced by a number of Education Acts, local authorities established numerous outdoor education centres



which provided a base for different outdoor activities alongside a residential experience and were typically developed in more rural areas. The commission of the building and the community themed mural are therefore of some social historical significance for what they tell us about the changing aims of public sector educational provision in later 20th century Scotland.

3.2.3 Association with people or events of national importance

There is no association with a person or event of national importance.

4. Summary of assessment

The Low Port Centre meets the criteria of special architectural or historic interest for the following reasons:

- The interest of the collaboration between artist and architect in this bespoke commission for an outdoor education centre.
- The building includes a major example of a later 20th century public mural.
- The building's use of modern design with vernacular influences is characteristic of the work of Wheeler & Sproson
- The mural and building have a high level of authenticity having not been altered or restored.
- The immediate and wider setting of the building contributes to our understanding of the building's modern vernacular form and the mural's community theme which depicts aspects of the historic town centre.
- The mural is a rare and important public work of artist James Cumming that depicts themes and motifs commonly found in his work and techniques developed throughout his career.
- Outdoor education centres are a relatively rare building type, and the Low Port Centre is a notable, purpose-built example.

5. Category of listing

Once a building is found to be of special architectural or historic interest, it is then classified under one of three categories (A, B or C) according to its relative importance. While the listing itself has legal weight and gives statutory protection, the categories have no legal status and are advisory. They affect how a building is managed in the planning system.

Category definitions are found at Annex 2 of Designation Policy and Selection Guidance (2019) <https://www.historicenvironment.scot/designation-policy>.

5.1 Level of importance



The Low Port Centre's level of importance is category B.

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.'

The mural is regarded as major example of the artist's work and the building is relatively rare example of a purpose-built Outdoor Education Centre. Category B is considered to be the most appropriate level of listing.

7. Other Information

N/A

8. References

Canmore: <http://canmore.org.uk/> CANMORE ID 274643

Archives

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Dictionary of Scottish Architects, entry for 'Community outdoor and education centre' https://www.scottisharchitects.org.uk/building_full.php?id=411020 [accessed 19.02.2024].



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https://www.scottisharchitects.org.uk/architect_full.php?id=400444 [accessed 19.02.2024].

Sandy Wood (2016) Black Bitch Issue 44 August, 'Community: A Festival of Time, Masterpiece Mural in Linlithgow', p. 6 [accessed 19.02.2024].

Other Information

Information about James Cumming provided by Laura Cumming (2021).

9. Indicative Map

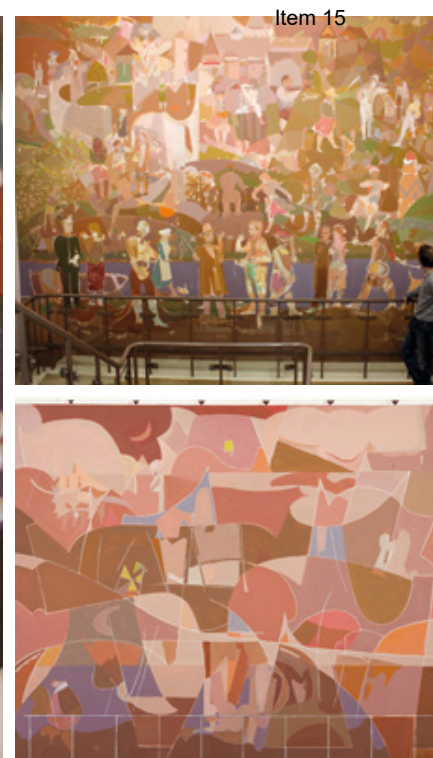
A map of the proposed listed building is attached separately.



1: James Cumming painting 'Community: A Festival of Time', 1988. Copyright the artist's estate, Royal Scottish Academy collections (Cumming Gift).

2: James Cumming, 'Community: A Festival of Time', 1988. Copyright the artist's estate. Image copyright Sandy Wood.

3: James Cumming colour zones chart for 'Community: A Festival of Time', 1987-8. Royal Scottish Academy collections (Cumming Gift). Copyright the artist's estate. Image copyright Chris Park.



Item 15

'COMMUNITY: A FESTIVAL OF TIME' A MASTERPIECE MURAL IN LINLITHGOW

Hidden away in Linlithgow's Low Port Centre is one of the great artistic murals of the late twentieth century. 'Community: A Festival of Time' by renowned Scottish artist **James Cumming RSA (1922-1991)** was completed in 1988 and remains as fresh as when it was first painted. It deserves to be rediscovered and celebrated as a masterpiece of contemporary painting in the town.

The artist James Cumming was nearing the end of an illustrious career when he undertook the task of painting 'Community: a Festival of Time' for the architect Anthony Wheeler. Wheeler's Low Port Centre in Linlithgow had just been completed and he was keen to adorn its stairwell with a bespoke artwork to bring an added dimension and celebrate the building's locality. James Cumming was the perfect artist; he was a painter of unrivalled technical ability and had taught mural painting at Edinburgh College of Art. Cumming's art mixed the abstract with the figurative and he was a master of bringing together complex compositions using harmonies of colour and line.

It took Cumming nearly four months to complete the eighteen foot by twenty foot mural. He worked on it tirelessly, regularly ascending and descending eight feet of scaffolding, which for a man of 66 was no mean feat. Cumming lived at the Centre during the week and was to

become a favourite with the people there, many of whom still remember his colourful wit and personality. He took the idea of developing a community mural seriously, and was clear that it should be something that everybody could connect with and appreciate, no matter what their understanding of art.

Cumming sought to present a timeless scene in the mural, and embody the idea of a town's community. The character-led theme developed through consultation with the people of Linlithgow and the town is represented by a gamut of personalities who enliven the landscape. The foremost figures of the mural stand on the verge of the river of time – at the centre of them, holding a conductor's baton, is the character named 'senior citizen'. He sports Cumming's trademark moustache and is most certainly a humorous representation of the muralist himself, conducting the scene he has imagined. Certain figures have been drawn into groups and associations. One can find 'childhood' at the bottom left and follow it loosely up through 'youth', 'unemployment' and 'graduation', then through the marketplace to 'outgoing' at the top right of the composition. Cumming has inserted wee puzzles and clues here and there and no matter where the eye is drawn there is something for it to be rewarded and intrigued by. This was the skill of Cumming as an artist in any scale: he could always tantalise and surprise. One particular enjoyment is finding the little animals, which are dotted around the composition. The

mural is a conversation between a land and its people, its history, its identity and its origins; in creating it Cumming summed up his fascination with humanity and where we come from, the things we see and experience and the means of communication we use to try and understand it all.

Earlier this year the artist and his amazing mural were celebrated in an exhibition from the collections of the Royal Scottish Academy of Art and Architecture in Linlithgow Burgh Halls. As Collections Curator at the RSA, I was inspired to create the exhibition after seeing the mural for the first time last year. In a town that is steeped in history I was surprised not to find signposts or information pointing out its whereabouts. Hopefully everyone in Linlithgow can now discover their twentieth century masterpiece, perhaps inspiring its location to be made more prominent in the future.

Sandy Wood

Collections Curator
Royal Scottish Academy of
Art & Architecture



View the mural in the Low Port Centre any time the centre is open. Details at: lowport.centre@westlothian.gov.uk.

APPENDIX 4 DATA LABEL - Public

To Whom it May Concern

I have learned from the people of Linlithgow, and from senior figures in Scottish politics and culture, that the future of the Low Port Centre is now in doubt – and with it the fate of the mural painted directly upon its wall by my late father, James Cumming RSA RSW.

This is a work of incalculable value. It was his last and largest masterpiece, the award-winning glory of his celebrated career and ‘the triumph of his mature style’, in the words of the Scotsman’s art critic. Although his paintings are in museums all over the world, from the Scottish National Gallery of Modern Art to the Museum of Modern Art in New York, as well as numerous private collections, this work is unique. It is his only public mural.

It was commissioned for the citizens of Linlithgow precisely to represent their lives as a community – within a community centre. It is a highly original depiction of the very people who would look at it, those who would come in and out of the centre, who would walk up and down the staircase. Past, present and future citizens are united in this great riverbank vision beneath a crescent moon, where time expands to embrace old and young across the centuries. Not for nothing is it called *The Community: A Festival of Time*.

A mural is an exceptional form of communication. It speaks to those who pass, often by chance; it brings art to those who might not ordinarily see it. It can represent a better world – as in Michelangelo’s Sistine Chapel – or fix images in the mind, in the case of Leonardo’s Last Supper. And it can reflect society back to itself, as at the Low Port Centre. Cumming’s mural is not just a work of immense poetic imagination, it is also a historic record of humanity, from the Scottish veteran to the future astronaut.

Murals cannot be treated in the same way as other images because they are painted directly on to the wall. They cannot be separate from the substance on which they are painted; they cannot be taken down like a picture in a frame. To move a mural is to move the whole wall. This has only very rarely been achieved in the history of art, generally in the case of Renaissance murals by Mantegna and Piero della Francesca. It requires million dollar funding and extremely specialised technology.

Any attempt to move James Cumming’s mural in tact upon its wall, from the Low Port Centre, would require this exorbitantly expensive technology.

And any attempt *without* it, on the part of a future owner, would be an unprecedented act of cultural vandalism – for it would amount to nothing less than the destruction of a great and famed work of post-war Scottish art.

For further context, I am attaching the relevant extract from a book on the art of James Cumming and an article by Sandy Wood at the Royal Scottish Academy.

I appeal to you to reconsider all attempts to lose control of this historic building and its mural to a private buyer. Above all, I – and all the signatories below - ask that you guarantee to protect this mural in perpetuity, as a priceless asset and a landmark of cultural heritage, which is now being considered for its Historic Environment Scotland listing.



Laura Cumming, Chief Art Critic, The Observer



Dr Joyce W Cairns PRSA, RSA President



Sandy Wood, RSA Collections Curator



Robbie Bushe RSA, RSA Secretary



Robin Webster RSA, RSA Treasurer

APPENDIX 5Data Label - Public

Sent: 29 October 2021 15:25
To: 'LAURA CUMMING'
Subject: RE: Urgent - from the Royal Scottish Academy re Low Port Centre Linlithgow - [OFFICIAL-Sensitive]

DATA LABEL: OFFICIAL-Sensitive**Email sent on behalf of Graham Hope, Chief Executive**

Dear Ms. Cumming,

Thank you for your correspondence of 19 October 2021.

The significance of your late father's work, "The Community – A Festival of Time" is understood and council officers are currently working with Rebecca McCaig (Senior Designations Officer) at Historic Environment Scotland (HES) to explore the potential for that piece to be afforded listed status. Ms. McCaig and her colleagues visited the site in August of this year to undertake an inspection and recently confirmed that her team's work is currently at the research stage. We look forward to receiving confirmation of HES's findings and of their intended course of action going forward.

Ms. McCaig has confirmed that HES would very much welcome receipt of your own views on the interest of the mural as they progress this case and they invite you to email them directly at designations@hes.scot with any information or comments you may have.

In terms of the Low Port Centre itself, I can confirm that the council has no operational use for the property and as such it was formally declared surplus to requirements by the Council Executive on 20 August 2021. The property was subsequently marketed and a number of offers were received at the closing date on 28 September 2021. Those offers are currently under review and a further report on the disposal of the Low Port Centre will be considered by the Council Executive in due course. In the meantime and whilst HES's work is ongoing, I can confirm that the mural will remain in situ at the Low Port Centre. Any statutory status afforded to the piece going forward will of course be adhered to by the council for as long as the Low Port Centre is in our ownership. Further, in the event of the council selling the Low Port Centre, I can confirm that we would seek to include a conservation burden in the conditions of sale that would require the mural to be protected.

I hope the foregoing is helpful. Should you require further assistance on this matter then please do not hesitate to contact my colleague Scott Hughes (Asset Manager) by email at scott.hughes@westlothian.gov.uk or by telephone on [REDACTED]

Yours sincerely,
Graham Hope
Chief Executive

Finlay Brown
Support Officer
Chief Executive's Office

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



Response to Historic Environment Scotland (HES) Low Port Centre, Linlithgow

The Council's response to an invitation from Historic Environment Scotland to comment on its intention to afford the Low Port Centre, 1 Blackness Road, Linlithgow Category B Listed status is as follows:

Question 6: To what extent do you agree with our proposal to list the Low Port Centre?

Response options are: Strongly Agree, Slightly Agree, Neither Agree nor Disagree, Slightly Disagree, Strong Disagree and Not Answered

Response: Strongly Agree

Question 7: Do you have any further comments on the impact of listing or the accuracy of the information in the assessment?

Response options are Yes, No and Not Answered. The survey asks 'if yes, please explain'.

Response: Yes

West Lothian Council supports the proposed listing.

The Low Port Centre is an exemplar of a modern style of architecture with influences of Scottish vernacular and is typically characteristic of the work of architects Wheeler and Sproson. Moreover, it is considered to be a relatively rare example of this type of purpose - built municipal building in Scotland.

That the building incorporates an internal mural by the late Scottish architect James Cumming significantly reinforces the justification for conserving the structure and internal fabric of the building.

James Cumming was a renowned Scottish artist and the Low Port Centre plays host to one of his last and most recognised works titled 'The Community: A Festival of Time'. The Saltire Society, whose aims are 'to preserve all that is best in Scottish tradition and to encourage every new development, which can strengthen and enrich Scottish cultural life' saw fit to award it its prestigious Arts and Crafts in Architecture Award in 1990.

It is understandable that some may regard the imposition of additional controls on what works can be done to a building as burdensome and the council is also aware of the common misconception that once listed, changes will not be allowed to be made to a building. However, that is not the case.

Like for like repair works will almost certainly not require listed building consent and proposals to alter or extend a listed building may be approved where those alterations or extensions are justified and are concluded not to cause any unnecessary damage to historic structures or diminish its interest and where any additions are in keeping with other parts of the building.

When considering an application for listed building consent the Council will require to have particular regard to [Policy ENV 28](#) of the Adopted West Lothian Local Development Plan (Listed Buildings) and [Policy 7](#) of National Planning Framework 4 (Historic assets and places) and if a proposal conforms to the development plan policies it is reasonable to expect it to be approved unless there are good planning reasons not to do so.

West Lothian Council

11 June 2024

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

WEST LOTHIAN LOCAL HOUSING STRATEGY 2023-2028 UPDATE

REPORT BY HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES

A. PURPOSE OF REPORT

To update Council Executive on progress on the West Lothian Local Housing Strategy 2023 -2028.

B. RECOMMENDATION

It is recommended that Council Executive;

1. Notes the good progress being made implementing the Local Housing Strategy, and;
2. Notes that there has been a significant reduction in the budget from Scottish Government to deliver new housing supply in West Lothian.

C. SUMMARY OF IMPLICATIONS

I Council Values	<ul style="list-style-type: none"> • Caring and Compassionate • Open, Honest and Accountable • Collaborate, Inclusive and Adaptive
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	A Strategic Environmental Assessment pre-screening report and Integrated Impact Assessment were carried out on the Local Housing Strategy.
III Implications for Scheme of Delegations to Officers	N/A
IV Impact on performance and performance Indicators	Performance indicators have been included in the Local Housing Strategy
V Relevance to Local Outcomes Improvement Plan	Creating Sustainable and Affordable Housing Everyone has access to affordable and sustainable housing that meets their needs
VI Resources - (Financial, Staffing and Property)	Resources will be required to implement the Strategy, primarily within the Housing Capital Programme.
VII Consideration at PDSP	An update on the actions in the LHS was reported to Housing Services PDSP on 6 June 2024.

VIII Other consultations

Consultation has taken place with Housing Associations operating in West Lothian, with Scottish Government More Homes Division, Planning Services and with Finance and Property Services.

D. TERMS OF REPORT

D.1 BACKGROUND

The West Lothian Local Housing Strategy 2023-2028 was approved by Council Executive on 20 June 2023. Since then a number of actions have been progressed. This report provides a summary of the key achievements and actions that have been progressed. The report also identifies a number of key challenges ahead. The updated action plan is included in Appendix 1.

D.2 LHS THEMES AND ACHIEVEMENTS

Housing Delivery

Good progress has been made achieving the 1,580 affordable homes target by 2027/28. At 31 March 2024 899 affordable homes had been completed with 462 under construction. The Scottish Government recently announced a reduction in the Affordable Housing Supply Programme Resource Planning Assumption (RPA) for 2024/25 from £15.430m to £11.324m.

This will impact on delivery of future affordable housing projects and delivery of new affordable homes. This presents a risk to the delivery of the proposed affordable housing target of 1,580 affordable homes over the duration of the LHS. The council and Registered Social Landlords (RSLs) are considering options to ensure that delivery of affordable housing continues.

The Strategic Housing Investment Plan (2024--2029) was approved by Council Executive on November 2024 and identifies sites for more than 2,500 affordable homes over the next five years in West Lothian to be built by the council and RSLs, subject to funding being made available. There are also regular meetings with Homes for West Lothian Partnership to engage with RSLs in West Lothian to increase the supply of affordable housing.

Private Rented Housing

An accreditation scheme has been developed for Private landlords in West Lothian with 37 private landlords now registered on the scheme. Private Sector Lease agreements have been revised but the scheme is currently on hold.

Specialist Provision and Health and Social Care Integration

New specialist accommodation was completed for people with complex care needs. This is located at Pumpherston and will provide accommodation for 16 people.

Cairn Housing Association completed a development of 27 bungalows at Blackridge and Places for People have completed 30 bungalows at Calderwood. Ark Housing Association are close to completing a development of 20 units for specialist housing.

There is close working between Housing and Social Policy to identify the needs for specialist housing provision and there is regular engagement with RSLs to encourage them to deliver home that meet a broad range of needs.

Feedback was provided on the Scottish Government consultation on Enhancing the

accessibility, adaptability and usability of Scotland's Homes. The council's design guide for affordable housing will be developed in line with any new standards that are published by Scottish Government.

Placemaking and Communities

An Empty Homes Officer has been appointed and a new Empty Homes Strategy is being developed. Work is ongoing across the council to collaborate on Empty Homes work with the aim of bringing more empty homes back into use. There continues to be large numbers of homes delivered on vacant sites, this has particularly been the case in Livingston on land that was formerly used for business.

Preventing and Addressing Homelessness

The council and its strategic partners continue to implement the West Lothian Rapid Rehousing Transition Plan (RRTP). All of the West Lothian RSLs increased their lets to homeless households in 2023/24 and the council saw a reduction in homeless applications from 2022/23 to 2023/24 by 83 (7%). However, there has been an increase in the percentage of people who have medium and high support needs.

A review of supported accommodation is ongoing, and a new development that will specifically meet the needs of young people who are at risk of homelessness will commence on site in June at Almondvale Crescent, Livingston and will complete in spring 2025.

Fuel Poverty, Energy Efficiency and Climate Change

Through the West Lothian Council Housing Investment Capital Programme and support provided by the Scottish Government the council continues to deliver energy efficiency upgrades to help tenants and residents living in energy inefficient housing to reduce their fuel costs. In 2022/23 93.7% of council homes were compliant with EESSH. All future new build council housing will include net zero emissions housing systems.

House Condition

The West Lothian Council Housing Capital Investment Programme has identified £157.972 million of investment in existing housing stock and new build over the five-year period 2023/24 to 2027/28.

Work is ongoing to ensure that council housing continues to meet the Scottish Housing Quality Standard. At March 2024, 93.79% of council stock met the SHQS. There has been a 3.95% improvement in performance between 2021/22-2022/23. The council ranked two out of 26 Scottish local authorities in 2022/23 and also performed considerably better than both the council's peer group average which was 69.25% in 2022/23 and the Scottish average which was 78.49%.

D.3 KEY CHALLENGES AND ACTIONS FOR 2024/25

Outlined below are the key actions for the council to continue to meet the Local Housing Strategy during 2024/25:

- Continue to progress the council and RSL new build housing programmes and meet as far as possible the target of 1580 affordable homes by 2027/2028.
- Work with RSLs through the Homes for West Lothian Partnership to increase the supply of affordable housing in West Lothian.
- Continue to address homelessness and review the availability of supported accommodation.
- Work with Social Policy to develop and to identify other opportunities for specialist housing provision with RSLs.

- Engage with private landlords to raise awareness on responsibilities on house condition and tenancy matters.
- Continue to improve house condition by meeting requirements on the Scottish Housing Quality Standard and the Energy Efficiency Standard for Social Housing. Consideration will be given to the new Social Housing Net Zero standard when guidance is published.
- Develop new housing that provides improved standards for energy efficiency

E. CONCLUSION

Overall good progress has been made on the actions in the Local Housing Strategy during 2023/24.

New homes continue to be delivered and existing homes improved. There continues to be good collaboration with RSLs to ensure more lets to homeless households.

There has been increased collaboration with Social Policy and RSLs to enable a range of housing providers assist in the development of specialist housing provision.

The development of net zero carbon targets will inform future work on house condition and new build and will be further developed during the course of the Local Housing Strategy period, with particular actions due to progress during 2024/25.

F BACKGROUND PAPERS

West Lothian Local Housing Strategy Update Housing Services PDSP 6 June 2024

West Lothian Local Housing Strategy 2023-2028 Council Executive 20 June 2023

Draft West Lothian Local Housing Strategy 2023-2028 Housing Services PDSP 1st June 2023

Appendices/Attachments: 1

Contact Person: Marjory Mackie, Housing Strategy & Development Manager
marjory.mackie@westlothian.gov.uk

Julie Whitelaw
Head of Housing, Customer and Building Services
25 June 2024

Appendix 1 LHS 2023 - 2028

Outcome & Action Plan

Theme 1 - Housing Delivery					
Action	Baseline	Indicator or Measure	Target	Lead	Update June 2024
Outcome 1.1 Working in partnership we will increase housing supply in West Lothian between 2023/24 and 2027/28.					
1.1.1 Commit to a delivery plan for new affordable housing	1,230 affordable homes built between 2017 and 2022	Number of affordable homes completed	Minimum of 1,580 affordable homes delivered by 2028	WLC/RSL's	2022/23 511 2023/24 325
1.1.2 Private Sector Homes to be delivered.	4,273 Homes built between 2017 and 2022	Number of private sector homes delivered	Housing Supply Targets to be developed through the next Local Development Plan (LDP2)	WLC	2022/23 741 2023/24 790
1.1.3 Continue the Open Market Acquisition programme	208 purchased 2017-2022	Number of open market acquisitions	Purchases to be reviewed annually in light of market conditions Current Target 38 by 2028	WLC	2022/23 35 2023/24 29
Outcome 1.2 Accessible housing is made available by private developers and affordable housing providers					
1.2.1 Agree specialist Housing Supply Targets including wheelchair supply targets	146 wheelchair accessible homes built by WLC & RSL between 2017 and 2022	Number of specialist housing units provided for specialist housing	Review in line with IJB Delivery Plans 10-15% of all new housing to be wheelchair accessible	WLC	2022/23 17 2023/24 75

Theme 1 - Housing Delivery Development Areas	Timescale	Lead	Update June 2024
Provide an updated Strategic Housing Investment Plan 2024/25 – 2028/29	Dec 2023	WLC/RSL's	Complete Nov 2023
Provide an updated Open Market Acquisition Policy and Procedures	Feb 2024	WLC	Planned for June 2024/25

Review and develop new Affordable Housing Policy in line with new Local Development Plan (LDP2)	Sept 2026	WLC	In line with timescale for new LDP currently 2026
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Theme 2 - Private Rented Sector					
Action	Baseline	Indicator or Measure	Target	Lead	Update June 2024
Outcome 2.1 Working with private sector landlords to ensure the sector provides good quality housing options for people in West Lothian					
2.1.1 Review of Private Sector Lease (PSL) Agreements	PSL is in place currently	New PSL lease agreements in place	New PSL least agreements are in place 2023	WLC	Complete
2.1.2 Encourage landlords who have larger properties to participate in PSL	33 PSL properties are 3& 4 bedrooms	Number of larger properties that are taken on through PSL	Increase number of larger properties that have been leased under PSL by 2028	WLC	Decision taken not to increase PSL numbers due to resource pressures of the service

Theme 2 – Private Rented Sector Development Areas	Timescale	Lead	Update June 2024
Develop a landlord accreditation scheme	June 2023	WLC	Complete - 37 landlords registered 2023/24

Theme 3 - Placemaking					
Action	Baseline	Indicator or Measure	Target	Lead	Update June 2024
Outcome 3.1 With our Partners we will ensure that our communities are great places to live and work					
3.1.1 Identify further future affordable housing sites through the forthcoming Local Development Plan (LDP2)	LDP sites identified in current plan	Affordable housing sites to be included to meet identified need through HNDA3	Affordable Housing Sites agreed for inclusion in LDP2	WLC	In line with development of LDP2. Sites identified through the SHIP
3.1.2 Develop housing on vacant/derelict land including public sector land.	New	Number of affordable homes built on vacant/derelict land	Increase the number of units on vacant/derelict land in line with sites identified in the LDP2	WLC	2022/23 204 2023/24 53
3.1.3 Bring empty homes back into use	New	Number of homes brought back into use	In line with development of the Empty Homes Strategy 2023/24.	WLC	To be developed in line with Empty Homes Strategy

Theme 3 – Placemaking Development Areas	Timescale	Lead	Update June 2024
Develop an Empty Homes Strategy	March 2024	WLC	To be developed by August 2024 Empty Homes Officer appointed February 2024
Develop a self-build and custom build register	Sept 2026	WLC	To be developed in line with timescale for LDP2

Theme 4 – Preventing and Addressing Homelessness					
Action	Baseline	Indicator or Measure	Target	Lead	Update June 2024
Outcome 4.1 Homelessness is reduced through a focus on prevention, early intervention and housing options					
4.1.1 Renew focus on housing options advice as part of Housing Options interview through introduction of Housing Options plans and information Packs for applicants.	1,188 homeless presentations 2021/22	10% reduction in homeless demand 2022/23 & 2023/24 (HQSHOM006_9b) • 80% of prevention cases achieve a positive outcome to avoid homelessness (HQSRRTP025_9)	March 2024	WLC	Housing options review now complete. Homeless presentation 2022/23 – 1,252 2023/24 – 1,169 Decrease in homeless application from 2022/23 to 2023/24 by 83 (7%)
4.1.2 Develop early intervention model to prevent homelessness in secondary schools	New	Early intervention model in place an engagement with schools	March 2024	WLC	Intervention model now active in 2 secondary schools in WL to date 526 Young People have been surveyed. 9% have been flagged as at risk of homelessness and 47 young people identified for direct support
Outcome 4.2 People in housing need are given a range of housing solutions to find a settled home					
4.2.1 Maximise the contribution of the private sector and establish a West Lothian Empty Homes Partnership	100 PSL Tenancies	Number of PSL tenancies	110 PSL Tenancies by 2023/24 West Lothian Empty Homes Partnership to be established in 2024	WLC	Empty Homes Partnership being developed. Empty Homes Officer in post 98 PSL in place. Decision taken not to increase with any further properties due

Theme 4 – Preventing and Addressing Homelessness					
					to resource pressures of the service.
4.2.2 Develop and increase partnership with PRS and raise awareness of the tenant find service, with an aim of increasing access to available properties to reduce and prevent homelessness	Current number of landlords using tenant find services	Number of landlords using tenant find services.	March 2024	WLC	31 referrals have successfully moved into a private let and diverted away from the homeless route The introduction of applicants repaying any funds provided, this has enabled the flexible fund to continue and assist other applicants to secure private lets when they did not have the resources for the deposit/1st months' rent. In 2023/24 6 landlords have used the tenant find service with another 2 identified with a view of signing up.
4.2.3 Increase dispersed temporary sharing spaces by additional 30 properties	Current number of sharing spaces	Number of sharing spaces	30 by end of March 2024	WLC	2022/23 – 3 2023/24- 14 At present there are 37 sharing spaces set up for temporary accommodation. The sharing scheme has been paused due to difficulties finding the

Theme 4 – Preventing and Addressing Homelessness					
					right type of properties in the right areas. Properties will be purchased via OMAS for permanent let.
Outcome 4.3 People who experience homelessness find a settled home as quickly as possible					
Action	Baseline	Indicator or Measure	Target	Lead	Update June 2024
4.3.1 Completion of the 383 new affordable council houses targeted over the period 2023 -2028	38 new council homes completed 2021/22	WLC New affordable homes	383 by end of 2027/28	WLC	2022/23 139 2023/24 54
4.3.2 Increase allocation to homeless households to reduce backlog of existing applications	Current % allocation to homeless households	% allocation to homeless households	65% by end of 2023/24 for WLC & 59% for RSLs as per RRTP	WLC	WLC lets to homes 63% RSL lets to homeless 50%
4.3.3 Deliver new build supported accommodation for young people	New	New build development in place	28 new flats completed by end of 2025/26 with associated support	WLC	Work has commenced to clear the site for Young Persons supported housing completion Spring 2025
Outcome 4.4 People are offered a range of housing options with access to the required services and support options					
4.4.1 Quantify the residential accommodation requirements for adults where housing in the community would not be suitable including addictions and mental health.	New	Number of cases identified.	March 2024	WLC	Work is ongoing to review clients who this applies to. A register of people currently in supported accommodation out of area has been developed, to identify where people may be brought home to West Lothian where

Theme 4 – Preventing and Addressing Homelessness					
					that is the appropriate thing to do. Meetings with Housing Officers ongoing to identify other people in mainstream housing who require supported accommodation. A preventative approach will be adopted with interagency working will help prevent the need for supported accommodation and maintain people in their own tenancies.
4.4.2 Review and reconfigure support services to deliver medium to high level support and ensure statutory support duty is met.	In 2021/22, 25% of homeless households had medium support needs and 18% had high support needs	% of households with medium or high support needs receiving support.	July 2023	WLC	In 2022/23, 41% of homeless households had medium support needs and 13% had high support needs. In 2023/24 42% of homeless households had medium support needs and 22% had high support needs

Theme 4 – Preventing and Addressing Homelessness Development Areas	Timescale	Lead	Update June 2024
Review and implement wider approach to Housing Options with area offices and RSL partners	March 2024	WLC/RSL's	Housing Options launched their new teams channel where plans and information are stored for consistent approach

			when dealing with clients.
Develop a choice based letting approach required for the new housing management system	March 2025	WLC	Ongoing
Evaluate and seek to sustain the Housing First Service for Young People in partnership with Social Policy through a new long term funding model	March 2024	WLC	Complete. HOUSING First will now be mainstreamed into housing support services.
Identify triggers of homelessness and referral process for people accessing health and social care services	March 2024	WLC / IJB	Ongoing in line with Prevention duty

Theme 5 – Specialist Provision and Integration					
Action	Baseline	Indicator or Measure	Target	Lead	Update June 2024
Outcome 5.1 Housing responses for specialist housing provision will be determined based on need					
5.1.1 Work with IJB on housing input to Delivery plans for specialist housing for client groups	New	To be determined in line with Delivery Plans	Increased specialist housing provision by end 2028	WLC	2022/23 17 2023/24 75
5.1.2 Prioritise care and housing support to ensure that people can live independently	New	Number of people receiving support at home	To be developed in line with delivery plans.	WLC	Core and cluster provision considered in discussion with RSL partners
5.1.3 Improve understanding of the housing and support needs of Gypsy/Travellers in West Lothian	New	Support & guidance in place for Gypsy/Travellers in West Lothian	Support & Guidance in place by end of 2024	WLC	To be developed
5.1.4 Prioritise adaptations to ensure that people can live independently	13.80 days as per ARC return 2021/22	The average time taken to complete adaptations	To be developed in line with delivery plans	WLC	15.42 days as per ARC return 2022/23

Theme 5 – Specialist Provision and Integration Development Areas	Timescale	Lead	Update June 2024
Develop the West Lothian Standard considering tenure neutral design in new housing	Dec 2024	WLC	Complete

Theme 6 – Climate Change, Energy Efficiency and Fuel Poverty					
Action	Baseline	Indicator or Measure	Target	Lead	Update June 2024
Outcome 6.1 We will work in partnership to reduce the impact of climate change in West Lothian in line with the West Lothian Climate Change Strategy					
6.1.1 West Lothian Council will develop on Local Heat and Energy Efficiency Strategy during 2023	New	LHEES in place	LHEES published December 2023	WLC	Complete and in place
6.1.2 Improve community wellbeing through provision of allotments and orchards in new council development	New	Number of Opportunities for Community allotments identified	New allotment opportunities identified and in place.	WLC	To be considered in line with LDP2
6.1.3 The Council will continue to invest in housing stock to meet EESSH2 by 2032	93.7% homes compliant with EESSH	In line with development of EESSH2 criteria	96.5% by end of 2027/28	WLC	2023/24 93.79% of WLC homes compliant with EESSH
Outcome 6.2 Minimise the number of households in fuel poverty					
6.2.1 The anti-poverty strategy will be reviewed during 2023. This will give an opportunity to shape anti-poverty activity going forward.	New	Indicators to be developed following review of the anti-poverty strategy	Anti-poverty activity to be developed during the course of the LHS	WLC	Complete new Anti-Poverty Strategy in place

Theme 6 – Climate Change, Energy Efficiency and Fuel Poverty	Timescale	Lead	Update June 2024
The council will produce a revised and updated Employer Requirements Design Guide for council housing as part of the council's pathway to net-zero direct greenhouse gas emissions	Dec 2024	WLC	Complete and in place

Theme 7 – House Condition					
Action	Baseline	Indicator or Measure	Target	Lead	Update June 2024
Outcome 7.1 House condition will be improved in the social and private rented sector through the requirement to meet statutory obligations					
7.1.1 Continue to ensure all social rented homes continue to meet the Scottish Housing Quality Standard (SHQS)	89.84%	Annual Return on the Charter (ARC)	Will be reviewed annually - 2% improvement each year	WLC	2023/24 93.79%
7.1.2 Improve stock condition in mixed tenure blocks and estates	New	Scottish House Condition Survey	To be developed	WLC	Ongoing
7.1.3 Ensure owners and private landlords are fully informed and engaged over repairs and maintenance issues and responsibilities.	New	Scottish House Condition Survey	Ongoing through Landlords forums and advice from Private Sector Team and Building Standards Team End of 2027/28	WLC	Ongoing – successfully using Tenement Management Scheme
7.1.4 Work with our RSL partners to continue to improve data gathering and intelligence re stock condition across West Lothian.	New	Annual Return on the Charter (ARC)	Improved stock condition information by end of 2027/2028	RSL's	Ongoing

Theme 7 – House Condition Development Areas	Timescale	Lead	Update June 2024
Review WLC factoring service policies and procedures	Mar 2025	WLC	To be developed

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

DISABLED PERSONS' PARKING PLACES (SCOTLAND) ACT 2009 **ANNUAL REPORT FOR PERIOD 1 APRIL 2023 TO 31 MARCH 2024**

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to inform the Council Executive of the content of the 2023/24 Annual Report, prepared by West Lothian Council, on the implementation of the Disabled Persons' Parking Places (Scotland) Act 2009.

B. RECOMMENDATION

It is recommended that the Council Executive notes the contents of the Annual Report for functions undertaken, as directed by the Disabled Persons' Parking Places (Scotland) Act 2009 for the reporting period 1 April 2023 to 31 March 2024. These are contained in Appendix 1 and will be submitted to Scottish Ministers prior to the deadline of 30 June 2024.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Caring and compassionate; open, honest and accountable; and collaborate, inclusive and adaptive.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Policy: None. Legal: Requirement of the Disabled Persons' Parking Places (Scotland) Act 2009.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	The provision of residential on-street disabled persons' parking places supports the following "Older people are able to live independently in the community with an improved quality of life"
VI	Resources - (Financial, Staffing and Property)	Financial: None Staffing: None. Property: None.

VII Consideration at PDSP	None
VIII Other consultations	Disability West Lothian has been advised of the content of the annual report.

D. TERMS OF REPORT

Introduction

On 1 October 2009, the Disabled Persons' Parking Places (Scotland) Act 2009 came into force. Section 11 of the Act requires that an annual report be prepared detailing functions undertaken by the council.

Content of the Annual Report

Appendix 1 contains the full report which details West Lothian Council's performance in relation to the Disabled Persons' Parking Places (Scotland) Act 2009 over this reporting period. The report is in the format requested by the Scottish Government.

The report summarises actions in terms of works undertaken on-street and off-street in order to provide disabled parking facilities for Blue Badge holders. This is the twelfth annual report and covers the period 1 April 2023 to 31 March 2024.

The most recent Traffic Regulation Order for 89 spaces assessed as being suitable during 2023-24 was started on 30 September 2023 and will be made on 10 June 2024.

Consultation

Disability West Lothian has been advised of the content of the annual report.

E. CONCLUSION

The Disabled Person's Parking Places Annual Report is a statutory requirement set out in the Disabled Person's Parking Places (Scotland) Act 2009 and details the work carried out by the council for the reporting period 1 April 2023 to 31 March 2024. The report was submitted to Scottish Ministers prior to the deadline of 30 June 2024 and also published on the council's website.

F. BACKGROUND REFERENCES

Disabled Persons' Parking Places (Scotland) Act 2009.

Appendices/Attachments:

APPENDIX 1

ANNUAL REPORTS ON LOCAL AUTHORITIES' FUNCTIONS IN RELATION TO
PARKING PLACES FOR DISABLED PERSONS' VEHICLES:
REPORTING PERIOD 2023 – 2024 REPORT

Contact Person: Ming Tsoi, Engineer,
Address: West Lothian Council, Roads & Transportation, Whitehill Service Centre, Inchmuir
Road, Bathgate, EH48 2HA

E-mail: ming.tsoi@westlothian.gov.uk

Jim Jack,
Head of Operational Services,

Date of Meeting : 11 June 2024

PART 1(1) (Note: Part 1(1)(c) and Part 1(1)(e) are initial duties and will not be reported in the Scottish Ministers' report)

(a) Duties under Section 1

	Details of action taken in fulfilment of duty under section 1	<p>West Lothian Council has provided information through various sources in order to reach as much of the community as possible. The following methods have been used to convey information.</p> <ul style="list-style-type: none"> Information on the council web page at all times.
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(b) Designated Parking Places

	Number of parking places designated as being for use only by a disabled person's vehicle by virtue of the 2009 Act (excluding Section 9) (April 2023 – March 2024)	During the 23/24 period 89 parking places for use only by disabled persons' vehicle were designated within West Lothian.
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(d) Duties under Section 5

(i)	Number of requests received under section 5(1)	During the 23/24 period West Lothian Council received a total of 122 applications in relation to 5(1) of the act.
(ii)	Number of parking places identified under section 5(2)(b)	During the 23/24 period West Lothian Council identified a total of 89 disabled parking spaces in relation to 5(2)(b) of the act.

(iii)	Reasons for any decision under section 5(3)(a)	Not applicable.
(iv)	Number of parking places for which the procedure under section 5(3)(b) was started.	During the 23/24 period West Lothian Council started the process detailed in Section 5(3)(b) for 89 parking places.
(v)	Periods between identifying a parking place under section 5(2)(b) and starting the related procedure under section 5(3)(b) (on average)	The average period between marking a parking place as outlined in Section 5(2)(b) and commencing the related procedure as per Section 5(3)(b) was 150 days.

(f) Duties under Section 7

(i)	Number of developments for which a planning permission mentioned in section 7(1) was granted.	6
(ii)	Its reasons for any decision under section 7(3) that it would not have the power to make a disabled off-street parking order.	The council has the power to make a disabled off-street order if it so chooses.

(iii)	Number of premises that include a parking place for which the Council sought arrangements under section 7(5).	Nil.
(iv)	The reasons why it was unsuccessful in making any such arrangements.	Private parking disabled spaces operate without the need for statutory control
(v)	Number of parking places in relation to which the procedure under section 7(6) was started.	Nil.

Duties under Section 8 (relates to disabled off-street parking orders only)

(g)		
(i)	Its reasons for any decision under section 8(2) that the Council would not have the power to make a disabled off-street parking order.	None.
(ii)	Number of premises that include a parking place for which the Council sought arrangements under section 8(4)	None.
(iii)	The reasons why it was unsuccessful in making any such arrangements.	None.
(iv)	The number of parking places in relation to which the Council started the statutory procedure under section 8(5).	None.

(h) Disabled street parking and disabled off-street parking orders

(i)	The number of such orders the making of which the Council started the statutory procedure in accordance with the 2009 Act	1
(ii)	The number of parking places designated as being for use only by a disabled person's vehicle under such an order.	89
(iii)	In relation to each such order, the period between the start of the statutory procedure and the making of the order.	230 days for the Traffic Regulation Order made on 10 June 2024.
(iv)	In respect of each case in which it started the statutory procedure but did not make the order the reasons why not.	None.

PART 1(2)

	A report prepared by a local authority under section 11(1)(a) may contain any other information about its performance of its functions in relation to parking places for disabled persons' vehicles during the reporting period that the authority considers appropriate.	
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