

MINUTE of MEETING of the COUNCIL EXECUTIVE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 11 JUNE 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 and Pauline Stafford

1 DECLARATIONS OF INTEREST

Agenda Item 9 – Young Persons Supported Housing Unit and the Almondvale Crescent Affordable Housing Project Update

Councillor Craig Meek stated that he was the director of the Open Door Accommodation Project.

Agenda Item 15 – Low Port Centre, Blackness Road, Linlithgow – Response to Historic Environment Scotland (HES) Consultation

Councillor Tom Conn declared an interest in that he was a trustee of the Low Port Centre. He would therefore not participate in this item of business.

2 ORDER OF BUSINESS

Council Executive agreed, in accordance with Standing Order 8(3), to ask questions on agenda item 16 (*West Lothian Local Housing Strategy 2023–2028 Update*), which was on the agenda for information only.

Council Executive agreed, in accordance with Standing Order 8(3), that agenda item (*Disabled Persons' Parking Places (Scotland) Act 2009 – Annual Report for Period 1 April 2023 to 31 March 2024*) was to be taken as read and its recommendations noted without any further consideration.

3 MINUTES

- a. The Council Executive approved the minute of its meeting held on 28 May 2024 subject to correcting the duplication of Councillor Pauline Orr's name in the sederunt. The Chair thereafter signed the minute.
- b. The Council Executive noted correspondence arising from previous decisions.

4 WEST LOTHIAN LICENSING BOARD – GAMBLING POLICY CONSULTATION

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive advising of the council's proposed response to West Lothian Licensing Board's consultation on its gambling policy review.

It was recommended that the Council Executive consider and approve the proposed response to the consultation by West Lothian Licensing Board in relation to the review of their Gambling Policy

Decision

To approve the terms of the report.

5 COSLA ANNUAL CONFERENCE AND EXHIBITION 2024

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive asking members to consider attendance at the COSLA Annual Conference and Exhibition 2024 and, if agreed, to consider which members should attend.

It was recommended that the Council Executive:

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

Decision

To approve the terms of the report.

6 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 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; and
2. A direct award of a contact to Vodafone UK for the period 30

August 2024 to 29 August 2026 for Public Switched Telephone Network Lines & Minutes with a total estimated value of £200,000.

Decision

To approve the terms of the report.

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

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 a further update 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.

It was recommended that the Council Executive:

1. Note 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. Approve 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 the report;
3. Delegate 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. Note that a Letter of Intent had been 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. Approve 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. Note that the current projected cost for the Hub South East portion of works was £28 million;
7. Note that the current projected costs were £35 million for the

overall works at St Kentigern's Academy, associated with the RAAC panels and constructing a new replacement building;

8. Note that discussions were ongoing with the Scottish Government to seek support to fund the works at St Kentigern's Academy;
9. Note the next steps and the proposed delivery timescales including completion in June 2026 for the new replacement building; and
10. Note that, at the next key project milestone in early 2025, prior to financial close and construction commencement of the main works, a further report would be presented to Council Executive for consideration.

Decision

To approve the terms of the report.

8 YOUNG PERSONS SUPPORTED HOUSING UNIT AND THE ALMONDVALE CRESCENT AFFORDABLE HOUSING PROJECT UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services and the Head of Finance and Property Services providing an update 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 seeking approval on the affordability cap to be able to progress with a letter of intent to maintain the programme delivery date.

It was recommended that the Council Executive:

1. Note that planning consent had been granted;
2. Approve the affordability cap for the project of £9.845 million;
3. Note that a Letter of Intent was 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. Approve 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 had been in ownership of West Lothian College;
7. Note the next steps in the delivery of the project; and
8. Note that an update would be provided to Council Executive in August 2024 following conclusion of Stage 2 procured through Hub South East.

Decision

To approve the terms of the report.

9 WEST CALDER HIGH SCHOOL EXTENSION - 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 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.

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

It was recommended that the Council Executive:

1. Note the 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. Note that the capital cost was fully funded by developer contributions;
3. Approve 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. Note that two Letters of Intent had been executed by the Head of Finance and Property Services in relation to procurement for early work packages and enabling works;
5. Note the next steps and the proposed delivery timescales including completion in August 2025 for the new replacement building; and
6. Note that prior to financial close and construction commencement

of the main works, a further report would be presented to Council Executive for consideration in August 2024.

Decision

To approve the terms of the report.

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

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval to grant additional servitude rights to Avant Homes Scotland over council-owned land at Millburn Park, Armadale.

It was recommended that the Council Executive:

1. Approve 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 the report; and
2. 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.

Decision

To approve the terms of the report.

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

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 0.15 hectares of land at Church Street, Broxburn to Mr. Bryce Stewart for the sum of £100,000.

It was recommended that the Council Executive:

1. Approve 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 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

represent the achievement of best value for the council.

Decision

To approve the terms of the report.

12 WEST LOTHIAN COUNCIL OPEN MARKET ACQUISITION SCHEME REVIEW

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services seeking approval from Council Executive following a review of the Open Market Acquisition Scheme including proposals for a programme of selling council owned units which became void in mixed tenure blocks where the council was a minority owner.

It was recommended that the Council Executive:

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

Decision

To approve the terms of the report.

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

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services seeking approval 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.

It was recommended that the Council Executive:

1. Note that the UK Government had updated the Energy Company

Obligation (ECO) Scheme to include GBIS;

2. Note that the qualifying criteria for ECO-Flex were no longer defined by Local Authorities, and guidance was set by OFGEM;
3. Note councils were 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. Note that the proposed Statement of Intent had been presented to Housing Services Policy Development and Scrutiny Panel on 6 June 2024; and
5. Approve the publishing of the Statement of Intent on the council's website.

Decision

To approve the terms of the report.

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

Having declared an interest, Councillor Tom Conn did not take part in this item of business.

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking 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.

It was recommended that the Council Executive approve the proposed response set out in Appendix 7 of the report and agree that it be submitted to HES by the extended due date of 13 June 2024.

Decision

To approve the terms of the report.

15 WEST LOTHIAN LOCAL HOUSING STRATEGY 2023-2028 UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Customer and Building Services updating members on progress on the West Lothian Local Housing Strategy 2023–2028.

It was recommended that the Council Executive:

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

Decision

To note the terms of the report.

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

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

It was recommended that the Council Executive note 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 were contained in Appendix 1 of the report and would be submitted to Scottish Ministers prior to the deadline of 30 June 2024.

Decision

To note the terms of the report.