

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST Lothian Council held within COUNCIL CHAMBERS, WEST Lothian Civic Centre, Livingston, on 21 DECEMBER 2010.

Present – Councillors Peter Johnston (Chair), Frank Anderson, William Boyle, John Cochrane, Martyn Day, Robert De Bold, Ellen Glass, John McGinty, Andrew Miller, Cathy Muldoon and Jim Walker

Apologies – Councillor Isabel Hutton

1. PRESENTATION OF CERTIFICATE TO MHAIRI WELSH - INSTITUTE OF REVENUES, RATING AND VALUATION HONOURS EXAMINATION

The Chair welcomed Mhairi Welsh, Revenues Officer, to the meeting. Mhairi had successfully applied to take part in the Revenues Trainee Scheme on 31st January 2005, which was a scheme that allowed trainees to attain the Institute of Revenues, Rating and Valuation (IRRV) corporate qualification.

Mhairi was now in the final year of her traineeship which was the post qualification period and which required Mhairi to undertake management duties within the Collections Team.

It was further noted that including Mhairi there were now 4 fully qualified staff within the Revenues Unit and that Mhairi was one of only 75 fully qualified IRRV practitioners in Scotland.

On behalf of the council the Chair congratulated Mhairi on her achievement and presented her award.

2. MINUTES

- (a) The Council Executive confirmed the Minute of its meeting held on 23rd November 2010. The Minute was thereafter signed by the Chair.
- (b) The Council Executive noted the Minute of the meeting of the West Lothian Community Health and Care Partnership Board held on 7th September 2010.

3. APPOINTMENT OF LAY MEMBER TO THE ADDIEWELL PRISON VISITING COMMITTEE

The Council Executive considered a report (copies of which had been circulated) by the Chief Solicitor seeking approval to appoint Michelle Rodgers as a non-elected member for West Lothian to the Prison Visiting Committee for HMP Addiewell, West Lothian.

The Chief Solicitor advised that the principal role of the Visiting Committee was to satisfy itself as to the state of and administration of the prison and in particular the treatment of prisoners.

The report continued to advise that the council had appointed 3 lay members and 2 elected members, Councillor Muir and Boyle. However Councillor Boyle had recently intimated his resignation from the Visiting Committee due to pressure of other commitments. Accordingly there was a vacancy on the Prison Visiting Committee.

The present lay members were appointed following a recruitment campaign earlier in the year and as only three appointments could be made at that time, Michelle Rodgers was considered to be first reserve.

The Chair of the Visiting Committee was satisfied that Michelle Rodgers was an appropriate person to be appointed.

It was recommended that the Council Executive approve the appointment of Michelle Rodgers as a non-elected member for West Lothian to the Prison Visiting Committee for HMP Addiewell, West Lothian.

Decision

To approve the terms of the report.

4. AMENDMENT TO THE SCHEME FOR ESTABLISHMENT OF COMMUNITY COUNCILS IN WEST LoTHIAN - LINLITHGOW AND LINLITHGOW BRIDGE COMMUNITY COUNCILS

The Council Executive considered a report (copies of which had been circulated) by the Chief Solicitor to invite the members to agree to the amalgamation of the two existing areas of Linlithgow and Linlithgow Bridge Community Councils and the formation of one new community council for the area to be known as Linlithgow and Linlithgow Bridge Community Council.

The Chief Solicitor advised that the Council Executive had been previously advised of a request from Linlithgow and Linlithgow Bridge Community Councils that the two community councils be merged due to falling membership numbers.

In line with the legislative requirements when conducting a full review of the scheme, three separate rounds of public consultation took place on the proposed amalgamation of the two community councils, details of which were outlined in the report.

The report then detailed the next steps that would be undertaken if the proposal to merge the two community councils were approved.

The report concluded that the amalgamation of Linlithgow and Linlithgow

Bridge Community Council to create one community council would ensure that there continued to be an active and effective community council operating to represent the interests of the areas of Linlithgow and Linlithgow Bridge.

It was recommended that the Council Executive: -

1. Agree to amend the Scheme for Establishment of Community Councils in West Lothian by approving the amalgamation of Linlithgow and Linlithgow Bridge Community Councils into Linlithgow and Linlithgow Bridge Community Council;
2. Set the prescribed number of members on Linlithgow and Linlithgow Bridge Community Council at 12;
3. Note that the two existing community councils would be invited to hold dissolution meetings to agree, amongst other things, the use of funds retained at the dates of their dissolution before the inaugural meeting of the new community council; and
4. That officers make arrangements for the election of members to serve on the new Community Council for the period from the dissolution of the two existing community councils to September/October 2013.

Decision

To approve the terms of the report.

5. LOCAL GOVERNMENT FINANCE SETTLEMENT 2011/12

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates and which provided an update in relation to the Local Government Finance Settlement for 2011/2012.

The Head of Finance and Estates advised that following the Council Executive decision of 23rd November 2010 to agree to the package of measures as outlined in the draft budget, as announced by the Cabinet Secretary for Finance and Sustainable Growth, Finance Circular 14/2010 had set out the updated distribution of revenue grant funding for 2011/2012.

The key elements of the package were summarised in the report and it was noted that the revenue grant for West Lothian Council for 2011/2012 was £317.423 million. Therefore there had been a 0.36% reduction in real terms however West Lothian Council had received the lowest grant reduction of any Scottish local authority, which was a result of the demographics of the area.

The report continued to provide information relating to funding for the

council tax freeze and the impact of any changes to the Scottish poundage rate on non-domestic rates.

With regards to General Services Capital Grant for 2011/2012 the Head of Finance and Estates explained that this would be provided direct to councils as capital grant and that West Lothian Council would receive a grant of £13.523 million in 2011/2012 and a Cycling, Walking and Safer Streets specific grant of £246,000.

The report concluded that detailed provisional funding for 2011/2012 was set out in the Scottish Government finance circular 14/2010 and that these figures would be incorporated into the 2011/2012 revenue budget. Additionally it was anticipated that the Cabinet Secretary for Finance and Sustainable Growth would make an announcement towards the end of January 2011 with illustrative budget figures for the three years 2012/12 to 2014/2015, details of which would be reported to the Council Executive.

It was recommended that the Council Executive: -

1. Notes the outcome of the Local Government Finance Settlement in respect of revenue and capital funding for 2011/12;
2. Agrees that the Head of Finance and Estates should take account of the content of the finance settlement in the 2011/2012 revenue budget report to Council in early 2011;and
3. Agrees that the Head of Finance and Estates would report to the Council Executive when illustrative grant figures for the years 2012/2013 to 2014/2015 were published by the Scottish Government in 2011.

Decision

To agree the terms of the report.

6. PROCUREMENT ARRANGEMENTS - CATERING FRANCHISE AGREEMENT, LINLITHGOW BURGH HALLS

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval to award a contract for the supply of Catering Services to West Lothian Council at Linlithgow Burgh Halls.

The Head of Finance and Estates explained that the requirement was advertised in accordance with the European Union Directive and invitations to tender were issued to five potential suppliers, four of whom returned a tender for evaluation.

Set out in Appendix 1 to the report was a list of the successful tenders based on the evaluation criteria.

The Head of Finance and Estates further advised that the service would be delivered at no cost to the council and that the value of the contract was based on the anticipated income the contract would generate from the percentage of turnover the contractor would pay the council together with an annual rent of £22,000.

It was recommended that the Council Executive approve the award of a three-year contract for the period 1st February 2011 to 31st January 2014m with a two-year extension option to Glasshouse Hospitality Ltd.

Decision

To approve the terms of the report.

7. FORMER HIGHWAYS YARD, CAMPS INDUSTRIAL ESTATE, EAST CALDER - LEASE TO DAVID PHILIP (COMERCIALS) LTD

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for the lease of the former highways yard at Camps Industrial Estate to David Philip (Commercial) Ltd.

The Head of Finance and Estates advised that the former yard and salt storage building was located on the outskirts of Camps Industrial Estate, East Calder and had been left vacant for a number of years.

The property was placed on the open market and David Philip (Commercials) Ltd had offered to lease the former yard for a period of 25 years with options to break every 5 years.

The council would benefit from securing an income stream with a client of strong financial standing and the lease would be in accordance with the terms and conditions as summarised in the report.

It was recommended that the Council Executive approve the lease of the former highways yard, Camps Industrial Estate, East Calder for a period of 25 years to David Philip (Commercials) Ltd.

Decision

To approve the terms of the report

8. FORMER LIBRARY BUILDING, 88-102 WEST MAIN STREET, ARMADALE - PROPOSED SALE TO TOM LAING FLOORING

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for the sale of the former library building at 88-102 West Main Street, Armadale to Tom Laing Flooring.

The Head of Finance and Estates explained that Armadale Library had been relocated to a purpose-built building alongside the refurbished community centre in Armadale, which had resulted in the former library being declared surplus to requirement.

The building was advertised for sale on the open market and offers over £160,000 were invited.

At the closing date the highest offer received was from a local business for the sum of £160,500, which was considered a fair price given the existing state of the property market.

The report detailed the terms and conditions of the sale.

It was recommended that the Council Executive approve the sale of the former library building at 88-102 West Main Street, Armadale to Tom Laing Flooring for the sum of £160,500.

Decision

To approve the terms of the report.

9. CHANGES TO HOUSING BENEFIT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates to advise the members of the likely impact on the West Lothian community of the UK Government's changes to Housing Benefit.

The Head of Finance and Estates summarised the benefits that would be affected as a result of the Chancellor of the Exchequer's Comprehensive Spending Review, announced on 20th October 2010 from April 2011 onwards. The report plus appendices also detailed the implications for residents in West Lothian.

Additionally the report outlined details of the position with regards to housing benefits from April 2013 onwards when further changes would come into effect.

The report concluded that the changes planned to benefits were extremely wide ranging and would have major implications for West Lothian.

It was recommended that the Council Executive note the content of the report and agrees that further updates on the potential changes and the impact on West Lothian be provided to the Council Executive as required in the period ahead.

Decision

1. To approve the terms of the report; and
2. Agreed that a report was to be forwarded to the January meeting of the Partnership & Resource PDSP with up-to-date information of the proposed changes to the Housing Benefit system and that it was to include details of how best the information/changes could be explained to West Lothian residents, with consideration being given to it being completed in conjunction with council tax letters.

10. FROM GRANTS TO COMMISSIONING: THIRD SECTOR INVESTMENT STRATEGY

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services requesting approval of an Investment Strategy for the Third Sector.

The Head of Area Services advised that a short life working group had been established to look at the quantum and nature of the council's investment in the voluntary sector and had recommended to the Voluntary Organisations Policy Development and Scrutiny Panel that there should be a general move from grant aid to commissioning with specific exceptions.

In light of a changing national policy from grant aid to commissioning West Lothian Council reviewed the value and nature of its investment in the provision of social and community-based services provided in partnership with the third and private sector organisations.

Set out in Appendix 1 to the report were details of a 3-year investment strategy for West Lothian Council and which provided details of the investment to the third sector.

The Head of Area Services further advised that a significant level of the council's budget spend with the third sector, particularly within Social Policy and Education was already commissioned and it was the intention to have virtually all social and community-based services commissioned.

Additionally an exercise was underway to ensure that all voluntary organisations funded through all voluntary organisations budget and were in receipt of more than £50,000 per annum were based on outcome funding agreements by the beginning of 2011/2012 financial year.

The report concluded that the proposed Investment Strategy had been shared with the third sector through the Voluntary Sector Gateway with no substantive comments having been received.

It was recommended that the Council Executive approve the Investment Strategy for the Third Sector.

Decision

1. To approve the terms of the report; and
2. Agreed that further reports on the implementation of the strategy, including details on budget allocations and annual reviews, were to be forwarded to the Council Executive following detailed discussions at the Voluntary Orgs PDSP.

11. APPOINTMENT OF BUILDING STANDARDS VERIFIERS

The Council Executive considered a report (copies of which had been circulated) by the Planning Services Manager to advise members that Scottish Government ministers were considering proposals on the appointment of building standard verifiers to issue building warrants and accept completion certificates and to seek council support for the reappointment of local authorities to carry out the verifier role.

The Planning Services Manager explained that under the current legislation Scottish Ministers had appointed local authorities as sole verifiers for determining applications for Building Warrants and Completion Certificate submissions for a period of 6 years for work in their own geographical area. However this appointment was due to expire on 30th April 2011.

Attached to the report was a report that had been produced by the Scottish Association of Building Standards Managers and which set out the achievement of local authorities as Building Standard Verifiers and provided convincing reasons why Local Authorities should retain the role.

The report also continued to provide information of the role of local authority verifiers and the work they undertook in the interests of the economy, protection of the public interest and continuous improvement and development.

The Planning Services Manager also advised that an options paper that had been prepared for the Scottish Government identified that even if the verification model was retained by local authorities then there could be different models for delivery including the right of an individual to have their application determined by a local authority out with the area in which the development was located and the option for delivering the service on a shared services basis across two or more local authority areas.

The report concluded that local authorities were best placed to deliver the verifier role for Scottish Ministers and there was a compelling case to support the campaign to urge Scottish Ministers to reappoint Scotland's 32 local authorities as sole verifiers without limit of time, subject to satisfactory performance monitoring.

It was recommended that the Council Executive: -

1. Instructs officers to make representation to Scottish Ministers and COSLA in support of the reappointment of Scotland's 32 local authorities as sole verifiers for their geographical area; and
2. Supports the Scottish Association of Building Standards Measures (SABSM) campaign to retain the verifier role, acting on behalf of all 32 local authorities.

Decision

To approve the terms of the report.

12. SCHEME OF ASSISTANCE FOR PRIVATE SECTOR HOUSING - OCCUPATIONAL THERAPY SERVICE CRITERIA FOR SERVICE PROVISION

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy (Interim) which advised the members of the overspend of the budget for the Scheme of Assistance for Private Sector Housing and to propose restricting grant approval for adaptations to applications that were assessed as "critical" or "substantial" under the Occupational Therapy Service Eligibility criteria.

The Head of Social Policy (Interim) advised that the scheme provided grants for the provision of internal adaptations and works to meet the needs of people with disabilities and to assess eligibility an initial assessment was carried out by the Council's Occupational Therapy (OT) Service.

However after the first quarter of the financial year it had become clear that the demand for grants for adaptations was significantly exceeding the available budget and therefore management action required to be taken to minimise the budget pressure.

Therefore it was proposed that in order to operate within the available budget that the provision of internal adaptations and works to meet the needs of people with disabilities should only be approved where applications had been assessed by Occupational Health as either Critical or Substantial.

In practice this would see some applications, which would normally be approved being rejected. However this would not mean that the applicant was exposed to unacceptable risk to their health or well being.

The report concluded that the current over-spend on adaptations for private sector housing was unsustainable and that by limiting approval to applications that were assessed by OT as either "critical" or "substantial" it would be possible to manage demand within the available budget.

It was recommended that the Council Executive approve the proposal to

restrict grant approval for adaptations to applications that were assessed as “critical” or “substantial” under Occupational Therapy Service eligibility criteria.

Decision

Agreed that the report be remitted back to the Social Policy PDSP to allow for the opportunity for an equality impact assessment to be carried out on the proposal, to allow for further consultations and to clarify the position with regards to the method and manner in which applications were assessed.

13. CONSULTION ON THE SEXUAL OFFENCES ACT 2003 (REMEDIAL) (SCOTLAND) ORDER 2010

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy (Interim) which advised of a consultation that was being undertaken by the Scottish Government to address the issue of how long Registered Sex Offenders remained on the Sex Offender Register.

The report advised that the Police were the statutory authority who had responsibility to administer the Sex Offender Notification Scheme and there currently was no legal process to review life notification or as it was known “indefinite” notification.

Therefore following a challenge the remedial order sought to rectify the matter by introducing a process in Scotland whereby the Police reviewed all indefinite notifications within specified time periods. This process would be informed by MAPPAs. If the Police then concluded that the offender should remain on the register a further review would be set up not to exceed 15 years.

The report concluded that there was general agreement with the terms of the act but clarification was sought on a variety of points as summarised in the report.

It was recommended that the Council Executive approve the consultation response for submission to the Scottish Government.

Decision

To approve the terms of the report.

14. PROPOSED DISABLED PERSONS' PARKING PLACES - VARIOUS OFF-STREET CAR PARKS

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to initiate the statutory procedures to introduce new disabled persons’

parking bays in various off-street car parks in West Lothian.

The Head of Operational Services advised that requests had been received for the provision of disabled parking facilities at the following locations: -

- Crofthead Community Centre, Livingston (4 spaces);
- Whitburn Civic Space (3 spaces); and
- New commuter car park at Linlithgow Sports Club (5 spaces)

Consequently it was proposed to promote a traffic order to create these disabled bays, which would be advertised and objections invited. Any unresolved objections would be reported back to the Council Executive before any orders were determined.

Lothian & Borders Police had been consulted on the proposals and had made no adverse comments.

Disability Scotland had been consulted on the proposals and had confirmed that they were content with the proposals.

Additionally ward members were consulted and the report detailed the comments received.

The report concluded that the proposed disabled persons' parking bays would improve facilities for blue badge holders seeking to use the facilities at the designated locations.

It was recommended that the Council Executive approve the initiation of the statutory procedures to promote a traffic order to introduce enforceable disabled persons parking bays within council owned car parks at Crofthead Community Centre, Whitburn Civic Space and the new commuter car park at Linlithgow Sports Club.

Decision

To approve the terms of the report.

15. PROPOSED STOPPING-UP ORDER - FOOTPATH ADJACENT TO WHITBURN ROAD, BATHGATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to initiate the statutory procedures to stop-up a section of public footpath and verge adjacent to Whitburn Road, Bathgate that would facilitate the development of 28 sheltered flats with associated access road, car parking and landscaping.

The Head of Operational Services advised that Maple Oak Ltd proposed

to construct 28 sheltered flats for the elderly on a site adjacent to Whitburn Road, Bathgate and that it was proposed to stop-up part of an existing footpath and verge made redundant by the proposed development.

Lothian & Borders Police had been consulted on the proposals and had made no objections to the proposal.

Local ward members had also been consulted on the proposals details of which were contained in the report.

It was recommended that the Council Executive approve the statutory procedures to stop-up a section of the public footpath and verge adjacent to Whitburn Road, Bathgate.

Decision

To approve the terms of the report

16. WRAPAROUND CARE CHARGING

The Council Executive considered a report (copies of which had been circulated) by the Head of Services-Schools with Education Support to advise the members of the need to review an aspect of the Wraparound Care Charging arrangements in relation to recent exceptional weather.

The report advised that due to the recent severe weather recently experienced an aspect of the terms and conditions for Wraparound Care had been highlighted and required to be addressed.

The terms and conditions of the wraparound service included a provision for the payment of service where it was necessary for the Council to suspend the service due to reasons beyond the control of the centre i.e bad weather. This was in recognition that the council would continue to bear the staffing provisions.

However given the recent experience of extended severe weather and the need for the council to suspend provision over a number of days and the possibility for further suspension of service in the event of further severe weather, officers considered that it would be appropriate to clarify this provision in the contract.

Therefore it was proposed that where it was necessary for the council to suspend the wraparound service due to severe weather over an extended period of time then no charge would be made to customers. The adjustment would be made to the terms and conditions and a letter issued to all customers advising them and their invoices would be adjusted accordingly.

The change would result in a loss of some £11,000 of income per week and whilst it would not be possible to accurately assess the impact on the

service financial model until the severe weather had concluded it was anticipated that this could be accommodated through the increased efficiency in the operation of the service.

It was recommended that the Council Executive amend the provisions of the terms and conditions to note that where exceptional weather prevented service provision over an extended period of time then no charge would be made.

Decision

To approve the terms of the report.

17. ACTION TAKEN IN TERMS OF STANDING ORDER 31

Submission of West Lothian Council's Strategic Housing Investment Plan 2011-2016

The Council Executive was advised that approval had been provided in terms of Standing Order 31 for the submission of West Lothian Council's Strategic Housing Investment Plan (SHIP) 2011-2016 to the Scottish Government.

Decision

To note the action taken in terms of Standing Order 31