

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, LIVINGSTON, on 11 JANUARY 2011.

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

Apologies – Leader of the Council Peter Johnston and Councillor Isabel Hutton

1. REQUEST FOR A DEPUTATION IN RELATION TO THE REPORT ON APPLICATION FOR ROAD CONSTRUCTION CONSENT AT THE WOODLAND, WESTERLEA, LINLITHGOW (AGENDA ITEM 9) - CONSIDER REQUEST LODGED BY MR IAIN MOIR (OBJECTOR) AND MR JOHN AMOS (APPLICANT)

A request for a deputation in terms of Standing Order 13 had been received from both Mr Iain Moir and Mr John Amos in relation to a request for Road Construction Consent at The Woodland, Westerlea, Linlithgow. The committee unanimously agreed to hear the deputation following consideration of Agenda Item 9, which was the report concerning the Road Construction Consent.

2. MINUTE

The Council Executive confirmed the Minute of its meeting held on 21st December 2010. The Minute was thereafter signed by the Chair.

Matters Arising were dealt with as follows: -

The Head of Services, Schools with Education Support advised the Council Executive that in relation to Minute Item 16, Wraparound Care Charging, the extended period of time referred to would be more than 3 days.

3. WEST LoTHIAN LOCAL DEVELOPMENT PLAN - DEVELOPMENT PLAN SCHEME NO.3 CALL FOR SITES

The Council Executive considered a report (copies of which had been circulated) by the Planning Services Manager, which advised the members of the preparation of updated timescales for the development of the draft Strategic Development Plan and of the updated Development Plan Scheme.

The Planning Services Manager advised that Section 20B of the Planning, etc (Scotland) Act 2006 required planning authorities to prepare a Development Plan Strategy at least annually for the Strategic Development Plan and the Local Development Plan and for it to be

published on an annual basis by the 31st March each year.

The report then detailed the timetable for the proposed Development Plan Scheme No.3 for the West Lothian Local Development Plan a draft of which was attached to the report at Appendix 1.

The Development Plan Scheme set out the latest position with regard to the development plan in West Lothian and had been written in an accessible style, which encouraged people to register their interest in the Local Development Plan process.

The report concluded that the Development Plan Scheme No.3 required to be submitted to Scottish Ministers by 31st March 2011 and that prior to submission hard copies would be made available in libraries and CIS Offices and at County Buildings and the Civic Centre as well. Following this publication, consultation seeking Expressions of Interest would be sought.

It was recommended that the Council Executive: -

1. Notes and endorses the draft DPS No.3 for the West Lothian LDP and delegates any potential minor changes to the DPS No.3 to the Planning Services Manager;
2. Notes and endorses the approach outlined in the report to take the LDP forward; and
3. Delegates to the Planning Services Manager arrangements for moving forward on the LDP as detailed in the report.

Motion

To approve the terms of the report and to agree that if minor changes were required to the Development Plan Scheme No.3 then these were to be done so in consultation with local members

- Moved by the Chair and seconded by Councillor Day

Amendment

Prior to implementation of the recommendations of the report that further consultation was to be carried out with Community Councils.

- Moved by Councillor McGinty and seconded by Councillor Muldoon.

Decision

Following a vote the motion was successful by 8 votes to 2 and it was agreed accordingly.

4. DRAFT PLANNING BRIEF - ELV39 ROSEBANK (EAST), LIVINGSTON

The Council Executive considered a report (copies of which had been circulated) by the Planning Services Manager, which advised the members of the terms of a draft planning brief for a site at Rosebank (East), Kirkton Campus, Livingston.

The Planning Services Manager advised that the site was located within the high amenity Kirkton Campus area, opposite Alba Campus and that under the terms of the adopted West Lothian Local Plan was allocated for high amenity business uses falling within use classes 4 & 5.

The brief, attached to the report at Appendix 1, was intended to guide the development of the site and identify key design, environmental and infrastructural requirements of the council.

The report also provided details of objections received in relation to the planning brief and included a council response.

The report concluded that as the building, Rosebank House, had been subject to vandalism there were no immediate plans to market the site and that Property Services were considering the demolition of the property subject to a full survey being undertaken.

It was recommended that the Council Executive: -

1. Approve the draft planning brief; and
2. Note that if the site were marketed, the brief would form part of the marketing particulars for the site.

Decision

To approve the terms of the report.

5. HARPERRIGG RESERVOIR: PROPOSED LOCAL NATURE RESERVE DESIGNATION - FINALISED AGREEMENT WITH CITY OF EDINBURGH COUNCIL

The Council Executive considered a report (copies of which had been circulated) by the Planning Services Manager to inform the members of a proposed agreement with City of Edinburgh Council, for a Local Nature Reserve (LNR) around Harperrigg Reservoir.

The Planning Services Manager explained that the Harperrigg Reservoir had changed ownership from Scottish Water to City of Edinburgh Council as part of the Water of Leith Flood Prevention Scheme. As part of that change a Management Plan had been produced and included designating the reservoir as a local nature reserve.

The report continued to explain that a local nature reserve was a protected area of land designated by a local authority because of its special natural interest/educational value. The local nature reserve process also encouraged community involvement in the management of locally important spaces, along with conserving and enhancing their wildlife.

Following a resolution by Council Executive in December 2009 to pursue a draft agreement with City of Edinburgh as landowners, discussions had now been held and attached to the report at Appendix 1 was the draft agreement with the landowner for the creation of a local nature reserve at Harperrigg Reservoir.

The report also contained information relating to access to the site and woodland improvements.

The report concluded that the designation of the site as a Local Nature Reserve through a formal agreement with the landowner, City of Edinburgh Council, would allow the management group to apply for future grants to carry out further improvements around Harperrigg Reservoir.

It was recommended that the Council Executive: -

1. Endorse the draft agreement related to promoting the declaration of a designation of Harperrigg Reservoir as a Local Nature Reserve; and
2. Refers the draft agreement to City of Edinburgh Council for their consideration.

Decision

To approve the terms of the report.

6. APPLICATION FOR ROAD CONSTRUCTION CONSENT AT THE WOODLAND, WESTERLEA, LINLITHGOW

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development seeking approval to set aside an objection received following the receipt of an application for a Road Construction Consent for the construction of an access road to serve a residential development at The Woodland, Westerlea, Linlithgow.

The report explained that detailed Road Construction Consent was sought by David R Murray & Associates for the construction of an access road approximately 120 metres long to serve a residential development of 3 detached houses. The new access road would also provide an upgraded access to the existing property known as Westerlea and would also form a new junction at the corner of Friars Brae and Friars Way.

Neighbour Notification was carried out under the terms of the Road (Scotland) Act 1984 to which one letter of objection was received from Mr Iain Moir of Westerlea, 61 Friars Brae, Linlithgow, a copy of which was attached to the report at Appendix 2.

There then followed a series of meetings between Mr Iain Moir, David R Murray & Associates and West Lothian Council to try and resolve the objections raised, details of which were summarised in the report.

However Mr Moir confirmed that he was continuing with his objections to the Road Construction Consent application.

It was noted that the issues that Mr Moir was continuing to object to related to planning matters that were not relevant to the Road Construction Consent

The report concluded that the proposals and access arrangements for the residential access at The Woodland, Westerlea, Linlithgow were acceptable in terms of road geometry and complied with the councils design standards for a development of this scale. The objection received had been fully considered, however was not considered to be sufficient enough to withhold granting the Road Construction Consent.

It was recommended that the Council Executive set aside the objection and grant the Road Construction Consent.

The Council Executive then heard Mr Iain Moir speak in support of his objections to the Road Construction Consent.

The Council Executive then heard Mr John Amos, the applicant, speak in support of the request to grant road construction consent.

Decision

To approve the terms of the report.

7. MULTI USE GAMES AREA (MUGA) ASSET MANAGEMENT PLAN

The Council Executive considered a joint report (copies of which had been circulated) by the Head of Operational Services and Head of Area Services advising of the council's approach to the management and development of the Multi Use Games Area assets and to seek approval for the standards as detailed in the report.

The report advised that a Multi Use Games Area was defined as an enclosed games area, finished with non-natural grass surface and which accommodated principally small-sided games. Many of these areas in West Lothian were also enclosed with a fenced structure and finished with a variety of surfaces. Most such facilities were normally situated adjoining schools, community centres, within open spaces such as parks or within

housing estates.

Provision of such assets had, historically, lacked a strategic approach and had resulted in some of the sites being below an acceptable standard in some instances. Therefore a Strategic Outline Business Case has been produced as part of the Open Space Asset Capital Programme investment allocation and this had resulted in a condition survey being undertaken.

The report continued to advise that all the MUGA sites had been reviewed in terms of addressing any health and safety issues and that any further works required would be programmed within available resources.

Additionally the outcome of the surveys would be analysed as appropriate in order to inform decision making on the future management of the MUGA Assets.

In answer to a question officers confirmed that floodlighting for such facilities would also be reviewed as part of the overall survey.

It was recommended that the Council Executive noted and approved the contents of the MUGA Asset Management Plan including accessibility standards for provision as detailed in the plan, attached to the report.

Decision

To approve the terms of the report.

8. 63 SOUTH BRIDGE STREET, BATHGATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Construction and Buildings Services advising that the property at 63 South Bridge Street, Bathgate was surplus to requirement and required to be placed on the open market.

The Head of Housing, Construction and Building Services explained that the property at 63 South Bridge Street, Bathgate was a traditional semi-detached two storey dwelling house built in 1901 and had until recently been used as emergency accommodation by Social Policy.

The property had been empty for some time and internally the decoration was tired and required freshening up. In general the property was dated and required substantial investment to the level of £15,000 to modernise, upgrade and repair.

In addition DVS Property Specialists had surveyed the property with a view to consider if it would be viable to rent the property or place it on the open market. DVS Property Specialists had concluded that within the current market and with vacant possession the value on the property would be approximately £95,000.

Therefore to limit the council's exposure to the current and future maintenance costs, the most appropriate course of action would be to declare the property surplus to requirement and place it on the open market. This recommendation was in view of the council building 113 new family units in the Bathgate area.

It was recommended that the Council Executive agree to declare the property at 63 South Bridge Street, Bathgate surplus to requirement and agree to place the property on the open market.

Decision

To approve the terms of the report.

9. PROPOSALS FOR THE RENTAL STRATEGY FOR NEW BUILD COUNCIL HOUSES AT FORREST WALK, UPHALL

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Construction and Building Services asking the members to determine the rent strategy and rent levels in relation to new build council housing at Uphall.

The Head of Housing, Construction and Building Services explained that there was a general legal requirement that rents be set at a reasonable level and best practice suggested that the key objectives to any rent setting strategy should be: -

- To support the councils wider commitment to social and financial inclusion; and
- Based on fairness and consistency, with the highest rent charges for better quality and higher amenity properties.

Therefore it was reasonable to make a link between levels of rent and the quality of housing provided, such that rents charged for new build housing should be higher than the range of rents currently charged by the council for similar property types in local communities.

The report went on to explain that a consultation exercise was carried out in May 2009 to ensure that all applicants on the housing list and all West Lothian Council tenants had the opportunity to comment on proposals related to allocating and rent setting for new council house build homes. Of the 21,000 questionnaires sent out, 1,658 responses were received and of which 55% agreed that it was reasonable to charge a higher rent for new build houses.

The Head of Housing, Construction and Building Services continued to explain that the first phase of the council's new build programme was now complete and the rents set were based upon the policy approved by Council. Therefore it was proposed that the rents for the seven properties

at Uphall were set on the same basis, details of which were summarised in the report.

Once the rents has been set the new build council houses would be subject to the council's annual rent increase process and no differential rent increase would be made for new build properties.

The report also contained details of rent comparisons with the private sector housing market and Almond Housing Association and it was further noted that an Equalities Impact Assessment had been completed.

It was recommended that the Council Executive adopt the rental strategy agreed by the Council Executive in 15th September 2009 for new council house build at Uphall and which would set the rent for each property at 10% above the current highest council rents for the type of property in the local communities.

Motion

To approve the terms of the report.

- Moved by the Chair and seconded by Councillor Glass

Amendment

To not support the position of raising the rent levels to 10% higher than the current highest rent for similar property types in local communities.

Decision

Following a vote the motion was successful by 8 votes to 2 and it was agreed accordingly.

10. PROCUREMENT ARRANGEMENTS - SUPPLY OF FIRST AID AND MEDICAL SUPPLIES

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for the council to use the Midlothian Consortium Framework Agreement for the procurement of first aid and medical supplies.

The Head of Finance and Estates advised that there was a council wide requirement for first aid and medical supplies and that the existing contract for such items was due to expire on 31st December 2010.

However Midlothian Consortium had advertised such a requirement in accordance with the European Union Directives and invitations to tender had been issued to thirty-nine potential suppliers, nine of whom returned a tender for evaluation.

Details of the evaluation criteria were summarised in the report and it was

further noted that the cost of the contract would result in annual savings of £5,673 which would contribute towards the proposed £3 million procurement savings target for 2011/2012 to 2013/2014.

It was recommended that the Council Executive approve the council's use of the Midlothian Consortium three year contract for the supply of First Aid and Medical Supplies commencing on 1st January 2011, with a one-year contract extension option and accordingly award the contract to Fast-Aid Products Ltd.

Decision

To approved the terms of the report.

11. CONSULTATION ON PROPOSED REGULATION OF DROPPED KERBS AND PAVEMENT PARKING (SCOTLAND) BILL

Prior to consideration of the following item of business the Head of Operational Services tabled a revised report, which better reflected the discussions that had taken place at the Environment Policy Development and Scrutiny Panel meeting on 16th December 2010.

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services to provide a response to the initial consultation on The Regulation of Dropped Kerbs and Pavement Parking (Scotland) Bill.

The Head of Operational Services advised that the proposed Bill sought to allow universal enforcement of "no-parking" enforcement across dropped kerbs and pavements in Scotland, details of which were attached to the report at Appendix 1.

The Head of Operational Services continued to explain that the council received regular complaints from members of the public about obstructive parking on footways and across dropped kerbs. And that whilst enforcement by the Police was possible it was difficult due to a lack of clear regulation and definitions on "obstruction".

Therefore whilst the objective of the proposed Bill was supported there still needed to be considerable clarification on the proposed mechanism for implementing the universal prohibition and the importance of local authorities maintaining flexibility to adapt to local circumstances. Additionally it was important that the costs for implementing the Bill were minimised.

The response to the consultation was attached to the report at Appendix 2 and it was recommended that the Council Executive approved the proposed response to the consultation.

In relation to a question asked, officers confirmed that the issue of dropped kerbs at disabled bays would be part of an additional report to a

future meeting of the Environment Policy Development and Scrutiny Panel, which would be addressing the provision of dropped kerbs for private driveways.

Decision

To approve the terms of the report.

12. ACTION TAKEN IN TERMS OF STANDING ORDER 31

Consultation on Amendments to the Carbon Reduction Commitment (CRC) Energy Efficiency Scheme

The Council Executive was advised that approval had been provided in terms of Standing Order 31 for the submission of a response in relation to a Scottish Government consultation on amendments to the Carbon Reduction Commitment (CRC) Energy Efficiency Scheme.

Decision

To note the action taken in terms of Standing Order 31.