

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 8 FEBRUARY 2011.

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

1. ORDER OF BUSINESS, INCLUDING NOTICE OF URGENT BUSINESS

The Council Executive agreed to consider Agenda Item 28 (Health and Safety Prosecution) in private as the Clerk considered that the report contained information that was exempt under the relevant paragraphs of Part 1 Schedule 7A of the Local Government (Scotland) Act 1973.

2. DECLARATIONS OF INTEREST

(a) Agenda Item 19 (Consultation on Disability Living Allowance) – Councillor Cochrane declared a non-financial interest in that he was a council appointed member of Disability West Lothian, who had been consulted on the proposals. However he would participate in the item of business.

(b) Agenda Item 23 (Community Sports Hubs) – Councillor Cochrane declared a non-financial interest in that he was a council appointed member of the West Lothian Leisure Board. However he would participate in the item of item.

(c) Agenda Item 23 (Community Sports Hubs) – Councillor Walker declared a non-financial interest in that he was a council appointed member of the West Lothian Leisure Board. However he would participate in the item of item.

3. MINUTE

The Council Executive confirmed the Minute of its meeting held on 11th January 2011. The Minute was thereafter signed by the Chair.

4. PDSP MEMBERSHIP

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive to advise the members of the present rules and arrangements for membership and attendance at meetings of Policy Development and Scrutiny Panels and to invite consideration of using those rules to expand the range of panel members and interests represented at such meetings.

The Chief Executive advised that PDSP's were a form of working group and that as such did not have decision-making powers, but instead made recommendations on the business brought before them. Additionally the full range of Standing Orders did not apply to them

The report continued to advise that the Scheme of Administration allowed for any members, over and above the 6 six elected members, to be appointed by the council or invited to participate by resolution of the panel from time to time and that these could be drawn from a wide range of bodies/organisations including other elected members, representatives of partner bodies, agencies or voluntary organisations.

Therefore each panel was able to invite non-members to attend and participate as it saw fit, as had recently happened as part of the Tough Choices Consultation, but a formal decision by the council or a committee was required to appoint additional members or representatives.

The report concluded that it was open to the council to make additional appointments of individuals to each PDSP or to invite chosen organisations to nominate and send representatives as members. Alternatively either the council or each PDSP could make arrangements for outside members or organisations to be invited to attend on a more permanent basis but without the status of membership. Whatever mechanism was used, training for representatives to ensure that they were familiar with council processes and procedures would be necessary.

The report concluded that powers were available to expand the range of individuals and bodies represented at PDSP meetings and the Council Executive were invited to: -

1. Note the current provisions of Standing Orders in relation to extending the membership of and attendance at meetings of PDSP's; and
2. Determine whether formal arrangements should be made in relation to those matters, and to agree what they should be.

Motion

"The Council Executive notes the current provisions of Standing Orders in relation to extending membership of, and attendance at, meetings of PDSP's and agrees to invite non-members to attend and participate in meetings, encompassing representation from:

- Two representatives from the recognised trade unions
- One representative of the Senior Peoples Forum
- One representative of the Youth Congress
- One representative of the Association of Community Councils

- One representative of Voluntary Sector Gateway West Lothian

The Council Executive further agrees to invite a representative from our schools parent councils to attend and participate in meetings of the Education PDSP and a representative from West Lothian Leisure to attend and participate in meetings of the Culture and Leisure PDSP.

From time to time, when deemed appropriate, representatives from other organisations may also be invited to attend particular PDSP meetings.”

- Moved by the Chair and seconded by Councillor Cochrane

Amendment

To agree the terms of the motion and to additionally agree that the balance of elected members on the PDSP's was to be proportionate to the political balance of the council.

- Moved by Councillor McGinty and seconded by Councillor Muldoon.

Decision

Following a vote the motion was successful by 9 votes to 2 and it was agreed accordingly.

Councillor Hutton did not participate in the above item of business as she had not arrived at the meeting.

5. INDICATIVE FUNDING FIGURES 2012/2013 - 2014/2015

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 revenue budget strategy and the illustrative funding figures for 2012/2013 and 2014/2015 announced by the Cabinet Secretary for Finance and Sustainable Growth on 24th January 2011.

The Head of Finance and Estates explained that following approval by the Council Executive of a balanced revenue budget for 2011/2012 on 11th January 2011, there was further additional funding streams outwith the core finance settlement that had still to be allocated and these were summarised in the report.

Additionally the Head of Finance and Estates advised that the Finance Secretary had written to the Finance Committee of the Scottish Parliament on 24th January 2011 providing the outline funding figures for the Scottish Budget up to 2015, which the Scottish Government intended to be used as a framework within which public sector organisations and stakeholders groups in Scotland could discuss options for the future.

The letter also included Departmental Expenditure Limit (DEL0 budget

information beyond 2011/2012 for portfolio and main programme budgets, details of were illustrated in the report.

The Head of Finance and Estates continued to advise that the revenue budget strategy for 2012/2013 had produced a funding gap of £12.201 million and that the potential options for bridging the gap included budget reduction measures and a council tax increase. Following the Tough Choices consultation there were a number of outstanding action points and service reviews, details of which were attached to the report at Appendix 1, that would continue to inform discussions on future revenue strategy, details of which would be reported back to the relevant PDSP by the end of June 2011.

Risks and uncertainties were also detailed in the report and it was noted that as actual decisions or agreements had not been made with delivery partners and that exact allocations would be subject to change the future of public sector spending would still be tight.

It was recommended that the Council Executive: -

- Note the position regarding the council's share of additional grant funding;
- Note the illustrative budget figures for 2012/2013 to 2014/2015;
- Agree that the Head of Finance and Estates should report to the Council Executive during 2011 on any developments with regard to future Scottish Government funding;
- Agree that prior to the local elections in May 2012, the priority should remain the further development of the revenue budget strategy for 2012/2013;
- Agree that a 2012/2013 budget report should be presented to the Council in early 2012;
- Agree that officers should report to the relevant Policy Development and Scrutiny Panels (PDSP) on the outcome of the various reviews (as set out in Appendix 1) by the end of June 2011;and
- Agree that financial strategy for 2013/2014 onwards should be integrated with corporate planning and should be considered after the local elections in May 2012, whilst noting that there remained a high degree of uncertainty regarding the funding for these years.

Decision

To approve the terms of the report.

6. 2010/2011 GENERAL SERVICES CAPITAL BUDGET - MONTH 9 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates and which provided a month 9 monitoring report on the General Services Capital programme.

The report advised that the approved 2010/2011 capital budget assumed £4 million of over programming in anticipation of slippage in what was a substantial programme and that after taking this level of over programming into account the 2010/2011 capital budget was £57.931 million.

The Head of Finance and Estates then summarised the position with regards to a number of projects that had been delayed due to recent adverse weather, including the replacement of Featurenet and refurbishment of Beecraigs Visitor Centre.

In addition the report provided details of a revision to the capital programme in relation to Whitburn Academy Pavilion.

Also a number of risks had been identified in relation to the General Services Capital Programme and these would continue to be managed by asset lead officers and monitored by Finance and Estate Services.

The Council Executive was asked to: -

1. Note the outcome of the monitoring exercise for month 9;
2. Note that asset lead officers and the Head of Finance and Estates would keep under review factors that impact on our ability to deliver the approved capital programme.
3. Approve the revisions to the General Services capital programme as set out in 3.1 of the report.
4. Note the potential spending requirements as set out in 3.3 of the report.

Decision

To approve the terms of the report.

7. 2010/2011 GENERAL FUND REVENUE BUDGET - MONTH 9 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates setting out the overall financial performance of the General Fund Revenue Budget for the period up to 31st December 2010. The report also provided a year-end financial

forecast, which took account of relevant issues identified in individual service budgetary control returns.

The report provided a table summarising the position in relation to service expenditure along with a brief narrative on the projected outturn for each service.

The Head of Finance and Estates concluded that the projected outturn at month 9 indicated an under spend of £274,000 for 2010/2011, however there were various pressures in the current year that were being managed through the application of one-off monies, notably staff vacancies that were part of the 2011/12 budget reduction proposals.

It was recommended that the Council Executive

- Note the report and agree that Head of Services take all management action necessary to ensure 2010/2011 budgets were managed within approved levels;
- Approves that £5 million, funded by one-off savings from treasury management, should increase the staffing change fund and loan charges rescheduling.

Decision

To approve the terms of the report.

8. 2010/2011 HOUSING REVENUE ACCOUNT - MONTH 9 MONITORING

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing information on the financial position in relation to the Housing Revenue Account for the nine months to 31st December 2010 and which also provided a year-end projection.

As at 31st December 2010 the net financial position was an excess of income over expenditure. The report provided a table summarising the position for the main expenditure heads and provided a predicted outturn. The report also examined the reasons for the material variances from budget.

The Depute Chief Executive advised that a break-even position in 2010/2011 was forecast on the basis of the information available. However there were ongoing pressures in reactive repairs and Housing and Building Services Managers would closely monitor this, however this had been offset by vacancies and reduced loan charges.

It was recommended that the Council Executive: -

- Note the outcome of the Month 9 monitoring exercise;

- Agree that officers should take necessary action to ensure that the projected outturn was contained within the approved budget; and
- Approve the use, if required, of the HRS Reserve to fund the costs of winter pressures on the repairs budget.

Decision

To approve the terms of the report.

9. 2010/2011 HOUSING CAPITAL BUDGET - MONTH 9 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing information on the financial position in relation to the 2010/2011 Housing Capital Programme as at 31st December 2010.

The report provided a table summarising the programme and a commentary on some of the variances and budget headings.

An under spend of £1.037 million was now forecast and the report examined the reasons for the material variances from budget. It was further noted that the under spend was now being forecast largely due to a delay in the start of the new build and the loss of work days due to the severe winter weather.

The programme and funding would continue to be closely monitored however a recovery in future years of council house sales and affordable housing contributions would be crucial to the long term viability of the capital programme.

It was recommended that the Council Executive: -

- Note the outcome of the month 9 monitoring exercise;
- Agree that officers should take the necessary action to ensure that the projected outturn was contained within the approved budget.

Decision

To approve the terms of the report.

10. PROCUREMENT ARRANGEMENTS - BULKY WASTE SEPARATION SERVICES

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 provision of Bulky Waste Separation Services.

The Head of Finance and Estates advised that the council collected bulky waste from households and was usually material that householders could not fit into their normal waste bin.

The report summarised the main activities that three suppliers would be required to undertake and included acceptance of bulky waste, the reporting of quantity recycled and location and type of recycling activity.

The requirement was advertised in accordance with the European Union Directive with invitations to tender issued to sixteen potential suppliers, five of whom returned a tender for evaluation. Additionally the report detailed the evaluation criteria that were adopted following consultation with Operational Services.

It was further noted that the budget for bulky waste collections in 2010/2011 was £153,000 for the year and that the award of the contract would result in savings of £6,672.

Therefore it was recommended that the Council Executive approve the award of a one-year framework contract to provide maximum flexibility outlets for the dropping off of household waste. The contract would be for the period 1st March 2011 to 29th February 2012 with a one-year contract extension to the following companies: -

- Oran Ltd T/A Oran Environmental Solutions;
- Leven Seat Waste Management; and
- Scotwaste Ltd

Decision

To approve the terms of the report.

11. TAX INCREMENTAL FINANCING

The Council Executive considered a joint report (copies of which had been circulated) by the Head of Finance and Estates and the Head of Planning and Economic Development advising of the investigations carried out to establish the potential for the use of Tax Incremental Financing (TIF) in West Lothian and to seek approval to submit an outline proposal to the Scottish Futures Trust (SFT).

The report advised that TIF was a finance mechanism that was designed to promote new development and regeneration and that it permitted the retention of additional non-domestic rates income, generated within a specific area, to support the borrowing necessary to provide essential infrastructure.

The Scottish Government was promoting TIF and the Scottish Futures

Trust who intended to promote six pilot sites was investigating its use.

The report continued to provide details of the TIF model and its potential use in West Lothian, where it could be used in the CDA's. Further information was then explored specifically in relation to the Armadale CDA.

In relation to the Armadale CDA an outline scoping was prepared to examine the potential use of TIF and it was established that there would be a need for £32 million for a distributor road, the widening of the A810 and primary and nursery school provision. However any such development in the CDA would be through partnership working with developers and landowners.

The risks associated with TIF and the next steps that required to be taken by Council Officers were summarised in the report and the report concluded that the primary objective of pursuing TIF for Armadale was to unlock development potential and that the council would essentially act as an independent facilitator to coordinate investment in critical infrastructure.

It was recommended that the Council Executive approve: -

- The submission of an outline business case to the Scottish Future Trust for the use of Tax Incremental Financing to assist in the provision of enabling infrastructure in the Armadale Core Development Area (CDA); and
- Initial discussions with the developers and landowners on the use of TIF to provide enabling infrastructure.

Decision

To approve the terms of the report.

12. DRAFT PLANNING BRIEF - CALDER ROAD, BELLSQUARRY, LIVINGSTON

The Council Executive considered a report (copies of which had been circulated) by the Planning Services Manager seeking approval of a draft planning brief for the council owned development site at Calder Road, Bellsquarry, as attached to the report at Appendix 1.

The Planning Services Manager advised that the site at Calder Road was allocated for housing in the West Lothian local plan and that the planning brief was intended to guide the development of the site and identify key design requirements whilst ensuring respect and amenity of the site and wider area.

Additionally whilst the brief confirmed that housing was the most appropriate use for the site, there could be impediments to

implementation whilst there were capacity issues with the catchment schools. Furthermore access to any housing would be via individual drives from Calder Road and it was intended to ensure ongoing access to the public space to the south for effective maintenance.

Comments received following consultation of the draft-planning brief were contained within the report and included information relating to the retention of a hedgerow along the south side of Calder Road.

It was recommended that the Council Executive: -

1. Note the principles of development contained within the draft planning brief;
2. Note the responses received to the public consultation on the draft; and
3. Approve the draft-planning brief.

Motion

To approve the terms of the report.

- Moved by the Chair and seconded by Councillor Boyle.

Amendment

To approve recommendations 1 and 2 of the report and agree the following additional points: -

- Agree with the proposal from Bellsquarry Community Council that the site be marketed as five single plots.
- Agree that the established hedgerow which was a natural rustic feature of the village be retained and that the planning brief for a single point of access and shared driveway for the five individual plots to be taken from the Eastern end of the site.

Decision

Following a vote the motion was successful by 10 votes to 2 and it was agreed accordingly.

13. DRAFT PLANNING BRIEF - CLARENDON, LINLITHGOW

The Council Executive considered a report (copies of which had been circulated) by the Planning Services Manager seeking approval of a draft planning brief for the building and associated ground at Clarendon, Linlithgow, as attached to the report at Appendix 1.

The Planning Services Manager explained that the listed building at

Clarendon was surplus to requirements and it was intended to dispose of the site for appropriate development, thus generating a receipt for the council.

The planning brief was intended to guide the development of the site, identify key design, environmental and infrastructural requirements of the council whilst ensuring the proper preservation of the character of the listed building and its setting and the amenity of the site and the wider area.

Whilst the brief had identified the site as suitable for residential use, there could be impediments to implementation whilst there were capacity issues with the catchment schools.

Comments received following consultation of the draft-planning brief were summarised within the report and included comments from Linlithgow Civic Trust, Historic Scotland and the owners of neighbouring properties.

It was recommended that the Council Executive: -

1. Note the principles of development contained within the draft planning brief;
2. Note the responses received to the public consultation on the draft' and
3. Approve the draft-planning brief.

Decision

To approve the terms of the report.

14. SUPPLEMENTARY PLANNING GUIDANCE - DEVELOPER CONTRIBUTIONS FOR WHITBURN ACADEMY

The Council Executive considered a report (copies of which had been circulated) by the Planning Services Manager and which was seeking approval for supplementary planning guidance (SPG) on developer contributions for Whitburn Academy.

The purpose of the SPG was to set out details of developer contribution requirements to fund an extension to Whitburn Academy.

The Planning Services Manager advised that Whitburn Academy had capacity for 1,210 pupils and that the school roll was well below that level. However the spare capacity was required to serve committed development within the catchment area, with much of the capacity being taken up by the Heartlands Development.

A feasibility study was carried out to establish how the school could be altered and adapted to increase the capacity to 1,320 and that the

indicative cost for the project would be £1,058,750 based on first quarter 2010 prices. Therefore a developer contribution rate of £1,721 would apply until such time as more detailed cost information was available.

The report continued to advise that based on current forecasts it was estimated that the proposed works Whitburn Academy would not be needed until the Heartlands development was well underway, which afforded the council the time to secure the contributions necessary to fund the extension.

The draft SPG had been subject to consultation with landowners, developers and with other relevant stakeholders over a 6-week period in the autumn of 2010 and a summary of comments received and the proposed council response were attached to the report at Appendix 1.

It was not proposed to change the SPG in light of the comments received however the SPG, attached to the report at Appendix 2 had been updated to include the most up to date school roll forecasts.

It was recommended that the Council Executive notes the outcome of the consultation on the draft SPG and approves the draft SPG as council policy for implementation with immediate effect.

Decision

To approve the terms of the report.

15. DEVELOPER CONTRIBUTIONS UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development providing details of developer contributions following the completion of a nine-month monitoring exercise.

The report advised that the credit crunch and recession were still having a severe impact on the level of development activity and there was limited progress to report in terms of income and expenditure.

Since the last report to the Council Executive, covering the period to 31st December 2010, developer contributions totalling £235,619 had been received and that between months 6 and 9 of financial year 2010/2011, £284,207 had been drawn down. This left a total balance of Development Plan cost centres as at 31st December 2010 of £5,132,474.

A breakdown of contributions by topic and funds drawn down were set out in Appendix 1 to the report.

The Council Executive was invited to note the content of the report.

Decision

To note the terms of the report

16. VOLUNTARY ORGANISATIONS BEST VALUE REVIEW 2010 CYCLE :
RECOMMENDATIONS

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services advising of the outcome from the 2010 Best Value Review of services provided by the voluntary and not-for-profit sector and to seek approval to implement the funding streams for the organisations detailed in the report.

The Head of Area Services explained the Best Value Principles and the context within which the council applied those principles. It was also noted that the council had sought to increase the number of Best Value Assessors from three to twelve but this had proven unsuccessful.

The Head of Area Services continued to advise on the organisations that had been identified for the Best Value Review in 2010 and those organisations that had been subject to re-submissions from the 2009 cycle. A summary was then provided for each of those organisations that had been assessed as part of the 2009 cycle.

The report concluded that it was proposed that a formal review to examine if the Best Value Review system was still appropriate or not and other options would be examined such as external quality marks, self-assessment or a combination, details of which would be subject to a report to the PDSP when the topic had been fully researched by officers.

It was recommended that the Council Executive: -

1. The Lothian Autistic Society, which demonstrated Best Value in the 2010 review and achieved the threshold, was awarded a rolling, three-year Funding Agreement to take effect from 1st April 2011. The details of the agreement to be negotiated with the organisation by the designated Link Officer. At the end of the agreement's first year, the organisation would undergo an annual review, prior to the agreement being rolled forward for a further year. This would be subject to the availability of council budgets, continued need and a positive monitoring outcome. The three-year Funding Agreement would give an organisation more long-term security and enable them to make better use of external funding opportunities
2. The Blackburn Family Centre, Breich Valley Information Service, Daisy Drop In and The Regal Community Theatre that had fallen just below the threshold required for a three-year agreement were awarded a one-year agreement with conditions attached, which would compel them to reach the required standard within that year. Provided they reach that standard they would be put forward for the award of a three-year agreement.

3. The Knightsridge Adventure Project was given 6 months funding, which would be reviewed when their portfolio was submitted. The organisation would be required to submit its portfolio by March 2011.
4. Services facilitated and supported the development by organisations of an action plan that consolidated strengths, addressed areas of weakness and ensured a focus on continuous improvement. Outcomes, outputs and SMART (specific, measurable, achievable, realistic and time-limited) targets would be agreed with the organisation by the designated Link Officer.
5. The qualitative and quantitative information provided by organisations during the review, would be used by services as the basis for further rigorous annual reviews of performance
6. Updated guidance for the support and monitoring of organisations was issued to Link Officers annually to ensure consistency of approach across the sector. It was the Link Officer's responsibility to ensure that this was implemented; and
7. These arrangements were under review in light of the shift from grants to commissioning.

Decision

To approve the terms of the report.

17. 74-76 MID STREET, BATHGATE - BATHGATE LOCAL AREA COMMITTEE - RELOCATION OF BATHGATE REGISTRARS OFFICE TO BATHGATE PARTNERSHIP CENTRE

The Council Executive considered a joint report (copies of which had been circulated) by the Head of Area Services and the Lead Officer for Bathgate Local Area Committee seeking approval to ratify the decision of the Bathgate Local Area Committee to recommend that the Bathgate Registrars Office relocate from Mid Street to the new Bathgate Partnership Centre on South Bridge Street and to formally declare the Bathgate Registrar Office as surplus to requirement and arrange for its disposal.

The Head of Area Services advised that work continued on updating plans to accommodate a move of the registrars office from the existing facility on Mid Street to the new Bathgate Partnership Centre due to open in September 2011. The proposed move would make it easier for customers to connect with a wide range of local facilities, co-located within one building.

The Head of Area Services continued to advise that a recent survey of 43 Bathgate residents indicated that there was 97% approval for the co-

location of council services within the Bathgate Partnership Centre and that it was anticipated that the high demand for the registrar's services to a central location would add to the vibrancy of the new partnership centre as well as delivering a financial efficiency to the council.

1. Ratify the actions recommended by the Bathgate Local Area Committee specific to the relocation of Bathgate Registrars Office from 74-76 Mid Street, Bathgate to the Bathgate Partnership Centre, South Bridge Street, Bathgate; and
2. Confirm that the Bathgate Registrars Office be declared surplus to requirements and as such instruction be given to the Head of Finance and Estates to manage and arrange for its disposal.

Decision

To approve the terms of the report.

18. CONSULTATION OF DISABILITY LIVING ALLOWANCE REFORM

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval for the submission of a response to the UK Government and Department for Work and Pensions on a public consultation on Disability Living Allowance Reform.

The Head of Corporate Services explained that the consultation proposals concentrated on the creation of a new benefit to replace Disability Living Allowance with a Personal Allowance Payment and that the new benefit would be designed to help disabled people lead full and active independent lives and would include an objective assessment of individual need.

The report further advised that the Personal Allowance Payment would continue to be non-means tested, would not depend on having paid National Insurance contributions and that it would be available to people in and out of work.

It was noted that currently almost 3 million people received Disability Living Allowance and that it was forecast to cost £12 billion in 2011/2012, which made it the Department of Work and Pension's second most expensive working age benefit.

The proposed response was attached to the report at Appendix 1 and the Council Executive was invited to approve the draft response for submission to the Department for Work and Pensions by the deadline of 14th February 2011.

Decision

To approve the terms of the report.

19. A89 SOUTH BRIDGE STREET/KING STREET, BATHGATE - CYCLING, WALKING AND SAFER STREETS (CWSS) TRAFFIC CALMING/SPEED MANAGEMENT SCHEME

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval on the development of traffic calming proposals for A89 South Bridge Street/King Street, Bathgate.

The Head of Operational Services advised that three feasibility studies had been carried out in advance of the consultation exercise for the junction of South Bridge Street/King Street, Bathgate, details of which were summarised in the report.

The Head of Operational Services also explained about the consultation that had taken place with the local community on the proposals and which included the distribution of 500 leaflets and questionnaires through Enterprising Bathgate, attendance at meetings with the Town Centre Management Group and a series of drop-in evenings, which had been advertised in the West Lothian Courier and in CIS offices and libraries.

In addition businesses and residents along South Bridge Street and King Street had received letters from the council, along with Disability Scotland, the emergency services and other statutory bodies.

Responses received were detailed in the report and it was noted that of the 148 responses received, 76% supported the introduction of traffic calming measures, with option 3 (a roundabout) being the preferred option.

The Head of Operational Services further advised that at its' meeting on the 17th January 2011 the Bathgate Local Area Committee had endorsed Option 2 as the preferred layout. Statutory consultation would be required for the introduction of the raised junctions and if any objections were received and could not be resolved then a further report would require to be submitted to the Council Executive.

The report concluded that through extensive consultation with the Bathgate community it had been identified that there were concerns regarding road safety on South Bridge Street and King Street and that whilst the majority supported Option 3, from the detailed assessment by officers it was the view that the installation of traffic signals (option 2) had the most benefits.

It was recommended that the Council Executive approve the progression of Option 2 (traffic signals) including the initiation of statutory procedures, to implementation.

Decision

To approve the terms of the report

20. SECURING THE BENEFITS OF SCOTLAND'S NEXT ENERGY REVOLUTION: CONSULTATION RESPONSE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development seeking approval for the submission of a draft response to the Scottish Government's consultation "Securing the Benefits of Scotland's next Energy Revolution".

The Head of Planning and Economic Development advised the members that the consultation was about the revolution of the low carbon economy and the potential of renewable energy to draw upon Scotland's natural resources and provide economic activity and jobs and help meet climate change targets. Additionally the consultation focussed on having a structure in place to enable Scotland to receive a "lasting legacy" from development of renewables on land and sea.

The consultation was attached to the report at Appendix 1 and the Council Executive was invited to note the content of the report and approve for submission to the Scottish Government.

Motion

To approve the terms of the report and agree that the responses to questions 1(a), 1(b) and 1(c) be as follows: -

- 1(a) – to add to the officers response – "The Crown Estate Commission assets and administration in Scotland should be devolved to the Scottish Parliament;
- 1(b) – to add to the officers response – "Devolving the Crown Estate Commission in Scotland to the Scottish Parliament will make it democratically accountable"; and
- 1(c) – the response to be – "Yes. This follows from the responses at 1(a) and 1(b). The Scottish Parliament should decide this, possibly after consultation with stakeholders and interest groups. Not all revenue will be derived from renewables therefore it would be inappropriate at this stage to hypothecate its use".

- Moved by the Chair and seconded by Councillor Boyle

Amendment

To refer the consultation and its response to a meeting of West Lothian Council.

- Moved by Councillor McGinty and seconded by Councillor Muldoon.

Decision

Following a vote the motion was approved by 10 votes to 2 and it was agreed accordingly.

21. SUPPLIER DEVELOPMENT PROGRAMME

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development seeking approval on the proposal to join the Board of the Supplier Development Programme (SDP), which was a partnership of local authorities across Scotland to build awareness and provide information, education and training on public procurement and contract opportunities to local SMEs.

The Head of Planning and Economic Development explained that the SDP was a partnership of 16 local authorities, the third sector and the Scottish Government and that its main priority was to build awareness of public procurement and contract opportunities. Delivery was through a website and a programme of events

A number of businesses had already come forward asking the council to join the scheme so they could take advantage of the programme and that at the moment the programme was providing intensive training and support to those companies looking to bid for contracts such as the Glasgow 2014 Commonwealth Games.

The benefits to both the council and businesses were summarised in the report and it concluded that by joining the SDP the council was further supporting growth of the local business community to develop and build their capacity to ensure that they had a competitive chance in winning new business, which would ensure a strong indigenous business community within West Lothian.

It was recommended that the Council approve that West Lothian Council became a members of the Supplier Development Programme.

Decision

To approve the terms of the report.

22. COMMUNITY SPORTS HUBS

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services advising of the draft proposals for West Lothian's community sports hubs that would be submitted to sportscotland.

Following the establishment of a working group, the two proposals drafted were for Armadale Academy Community Sports Hub, as detailed in

Appendix 1 to the report and Craigswood and East Calder Community Sports Hub, as detailed in Appendix 2 to the report.

The two proposals had proven to be favourable as there was real scope to develop the infrastructure of these facilities and could improve the opportunities for clubs and local people to engage in a healthier and more active lifestyle.

Additionally the working group felt that it was beneficial to have two contrasting projects; one in a school facility and the other leisure based so that later studies could analyse which model or aspects of either model worked best. Any findings would then help with planning and development of future community sports hubs.

The working group also felt that as part of the proposal it would be good to have an integrated marketing campaign to advertise and promote the activities and clubs on offer throughout West Lothian.

It was recommended that the Council Executive approve the submission of the draft proposals for the creation of community sports hubs to sportscotland.

Decision

To approve the terms of the report.

23. ROYAL WEDDING HOLIDAY

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services asking if the council wished to recognise the wedding of His Royal Highness Prince William and Miss Catherine Middleton on Friday 29th April 2011 and if so to further determine whether the day should be designated as a public holiday or an additional day of annual leave for employees.

The Head of Corporate Services advised that the UK Government and the Scottish Government had announced that there was to be an additional one-off public holiday on 29th April 2011 to celebrate the wedding of His Royal Highness Prince William and Miss Catherine Middleton. Additionally the Scottish Joint Circular (SJC/41), a copy of which was attached to the report at Appendix 1, provided that councils may elect to recognise the Royal Wedding by granting either a public holiday or an additional day of annual leave.

The Head of Corporate Services then summarised the position with regards to the closure of local authority schools on the 29th April 2011 and the statutory and contractual position with regards to either providing an additional public holiday or an additional day's paid leave to employees. It was noted that under either option council offices, schools and other buildings would be closed to the public.

Additionally COSLA had confirmed that the majority of councils were planning to recognise the event by granting an additional day's leave to employees to be taken on 29th April 2011 and to provide time off in lieu at an appropriate time for those who were required to work on that day.

It was recommended that the Council Executive approve the recognition of the Royal Wedding on 29th April 2011 by granting an additional day's leave to employees to be taken on 29th April 2011 and to provide time off in lieu at an appropriate date for those employees that were required to work on that day.

Decision

To approve the terms of the report.

24. CIPFA SCOTLAND ANNUAL CONFERENCE & EXHIBITION 2011, 17TH AND 18TH MARCH 2011, CAIRD HALL, DUNDEE - CONSIDER ATTENDANCE

The Council Executive considered attendance at the CIPFA Annual Conference and Exhibition 2011 that would be taking place on 17th and 18th March 2011 in the Card Hall, Dundee.

Motion

For Councillor Johnston to represent West Lothian Council at the conference.

- Moved by the Chair and seconded by Councillor Boyle

Amendment

To agree not to send any representation to the conference.

- Moved by Councillor McGinty and seconded by Councillor Muldoon,

Decision

Following a vote the motion was agreed by 10 votes to 2 and it was agreed accordingly.

25. ACTION TAKING IN TERMS OF STANDING ORDER 31

Consultation on the Christie Commission on the Future of Public Services call for Evidence.

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 The Christie Commission consultation on the review of the future of public

services.

Decision

To note the action taken in terms of Standing Order 31

26. PRIVATE SESSION

The Clerk considered that the following item of business was likely to be taken in private (exempt under the relevant paragraphs of Part 1 of Schedule 7a of the Local Government (Scotland) Act 1973).

27. HEALTH AND SAFETY PROSECUTION

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Construction and Building Services advising of the circumstances concerning a Sheriff's decision in the case of Her Majesty's Advocate v West Lothian Council on 24th January 2011.

The Head of Housing, Construction and Building Services advised that on 2nd July 2009 during the undertaking of works at an address in East Calder, an elderly tenant fell into an uncovered access hole whilst council workmen were carrying out work beneath the floorboards.

Following an investigation by the Health and Safety Executive the council was charged with failing to comply with its duties under Section 3(1) of the Health and Safety at Work, etc Act 1974. After discussions with the HSE and agreeing certain facts with the Procurator Fiscal the council pled guilty to the charge.

In pleading guilty the Sheriff considered that the council had breached the public trust it owed when carrying out works in tenants homes, however it was acknowledged by the Sherriff that there had been no deliberate failures, that the council had taken the incident seriously and had fully cooperated with the HSE and had made genuine efforts to remedy the defect.

The Sheriff also took into account the council's record on health and safety matters and decided that there required to be both punishment and a penalty imposed. However there was a substantial reduction in the level of the fine imposed to reflect the council's cooperation and acceptance of the charge against it.

The council was fined £80,000 and was required to pay the fine within 28 days and the fine would be paid from the Housing Revenue Account.

The Head of Housing, Construction and Building Services concluded that the council had offered an unreserved apology for the failure, which led to the accident. Additionally the council's action plan, following the failure,

had resulted in significant changes to the roles and responsibilities within the service and the HSE had advised that they were reasonably satisfied that practicable steps had been taken by the council.

It was recommended that the Council Executive note the circumstances, which gave rise to the prosecution and the actions identified and taken in cooperation with the Health and Safety Executive to address those circumstances.

Decision

1. To note the terms of the report;
2. Agreed that a report detailing the council's revised risk assessment process and its impact across all council services was to be presented to a future meeting of the Services for the Community Policy Development and Scrutiny Panel; and
3. Agreed that the Chief Solicitor provide all the members of the Council Executive with confirmation that a civil claim, relating to the case, had been lodged with the council.