

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 28 JUNE 2011.

Present – Leader of the Council Peter Johnston (Chair), Councillors Frank Anderson, William Boyle, John Cochrane, Martyn Day, Ellen Glass, Isabel Hutton, John McGinty, John Muir (substituting for Robert De Bold) and Cathy Muldoon.

Apologies – Councillors Robert de Bold, Andrew Miller and Jim Walker

## 1. ORDER OF BUSINESS

The Council Executive considered a request that had been received in relation to a deputation, in terms of Standing Order 13, concerning Agenda Item 27 (Almond Valley Heritage Trust – Land for Additional Parking) and a deputation, in terms of Standing Order 13, concerning Agenda Item 24 (Draft Planning Brief – Almondvale Roundabout South West, Livingston).

The Council Executive unanimously agreed to hear both deputations and that they would be dealt with as the first two items of business of the agenda.

Additionally Councillor McGinty requested that the Chief Executive provide an update at the end of the meeting concerning a recent fire incident in the Whitburn area.

### Decision

1. Agreed to hear the deputation regarding Agenda Item 24 (Draft Planning Brief – Almondvale Roundabout South West, Livingston) and Agenda Item 27 (Almond Valley Heritage Trust – Land for Additional Parking); and
2. Agreed that the Chief Executive provide the members with an update on a recent fire incident in the Whitburn area.

## 2. DECLARATIONS

- (a) Agenda Item 8 (Access Fund Application) – Councillor Cochrane declared a non-financial interest in that he was council appointed member of Disability West Lothian however he would participate in the item of business; and
- (b) Agenda Item 27 (Almond Valley Heritage Trust – Land for Additional Parking) - Councillor Cochrane declared a non-financial interest in that he was council appointed member of Almond Valley Heritage Trust, West Lothian, however he would

participate in the item of business.

3. MINUTE

The Council Executive approved the Minute of its meeting held on 14<sup>th</sup> June 2011.

4. ALMOND VALLEY HERITAGE TRUST - LAND FOR ADDITIONAL PARKING

Deputation

Mr Bill Percy, Chair of Almond Valley Heritage Trust addressed the Council Executive with regards to his wish to acquire land for additional car parking for visitors to the centre and that to ensure the continued viability of the visitor centre for future generations it was essential that the trust had a suitable lease agreement with the council that allowed for the centre to develop and create a stable future.

Report by Head of Finance and Estates

The Council Executive then considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for the extension of the existing leased area at Almond Valley Heritage Trust to allow for proposed additional parking provision at the site.

The Head of Finance and Estates explained that the current lease with Almond Valley Heritage Trust (AVHT) dated from 1991 and that part of the discussions between the Council and AVHT with regards to the extension to the lease was additional land for car parking and the operation of a miniature railway. The Trust had developed their car parking plans in such a way that part of the development site HLv106 would be required. Whilst every effort had been made to avoid the loss of this development site it had not been possible to provide an alternative car park layout and therefore it was proposed to proceed with the scheme developed by AVHT and that apart from a slight increase to the total area being leased to the Trust all other terms and conditions contained in the current agreement would remain unchanged.

It was therefore recommended that the Council Executive :-

- a. Approve the lease of an additional area of 960sqm or thereby at Millfield, Livingston Village, Livingston as shown on the plan attached to the report to Almond Valley Heritage Trust, to be incorporated in the existing lease with no further changes save for the extent of the subjects let;
- b. Consider entering into a separate lease with the Trust in relation to

the remainder of the adjoining development site (HLv106) to allow it to be used for overflow car parking until 2017 or such time as it was brought forward for development; and

- c. Instruct officers to examine the existing car parking resources to see what alternatives, if any, could be brought forward to increase existing parking resources.

#### Decision

1. Agreed to approve recommendations a and c of the report and that recommendation b of the report was to reflect the following :-
2. Agreed to enter into a separate 10 year lease for the remainder of the adjoining development site HLv106 to allow it to be used for over flow car parking by Almond Valley Heritage Trust..

#### 5. DRAFT PLANNING BRIEF - ALMONDVALE ROUNDABOUT SOUTH WEST, LIVINGSTON

Councillor Muir, a local ward member, did not participate in the following item of business

#### Deputation

Mr Jim Wilkie addressed the Council Executive with regards to his concerns for any proposed development of the site identified to the south west of the Almondvale Roundabout. Mr Wilkie expressed his regret that if the site was developed an important green belt site, used and enjoyed by the local community would be lost forever. He also explained that it was essential that the area was maintained in its current form to allow for peace and serenity to those visitors at the nearby cemetery and as a natural haven for wildlife.

Mr Wilkie also submitted a petition that had been signed by members of the local community.

#### Report by Planning Services Manager

The Council Executive considered a report (copies of which had been circulated) by the Planning Services Manager advising of the terms of a draft planning brief for a site at the Almondvale Roundabout South West, Livingston, as attached to the report at Appendix 1.

The Planning Services Manager advised that under the terms of the Local Plan, adopted in 2005, the site was allocated for town centre uses and that such an allocation allowed for a broad range of uses including retail, leisure, offices, business, recreation and housing (including flats).

The brief was intended to guide development of the site and identify key design, environmental and infrastructural requirements of the council as

well as any additional community benefits that would be required as a result of development. As was standard practice with planning briefs it had been subject to extensive consultation, which had concluded on 10<sup>th</sup> June 2011, and responses received were outlined in the report. It was noted that three community councils, Bellsquarry, Dedridge and Livingston Village had all been consulted on the proposal and no comments had been received.

Further details were contained within the report regarding the proposed responses to any issues that had been raised throughout the consultation period, including matters concerning the Adambrae Cemetery and the impact on wildlife.

In conclusion the draft planning brief allowed for a range of uses on the site and would act as a guide for potential purchasers. However Finance and Estates had in the meantime advised that there were no immediate plans to market the site.

It was recommended that the Council Executive :-

- Approve the draft planning brief;
- Note that if the site was marketed, the brief would form part of the marketing particulars for the site; and
- Delegate authority to the Planning Services Manager to make any non-substantive revisions to the planning brief as matters arose.

At the invitation of the Chair Councillor Lawrence Fitzpatrick, a local ward member, addressed the Council Executive in terms of the report.

#### Motion

To approve the terms of the report and agree the terms of the draft planning brief.

- Moved by the Chair and seconded by Councillor Day

#### Amendment

To not approve the draft planning brief and to review the status of the site in terms of the Local Plan.

- Moved by Councillor McGinty and seconded by Councillor Muldoon.

#### Decision

Following a vote, the motion was successful by 6 votes to 2, with 1 abstention, and it was agreed accordingly.

6. REVISED LETTING REGULATIONS - EDUCATIONAL PREMISES: HALLS AND SCHOOLS INCORPORATING THE PROTECTION OF VULNERABLE GROUPS (SCOTLAND) ACT 2007

The Council Executive considered a report (copies of which had been circulated) by the Head of Service – Schools With Education Support, which provided an update on the revised Letting Regulations – Education Premises: Halls and Schools, to incorporate the Protection of Vulnerable Groups (PVG).

The report advised that as from 28<sup>th</sup> February 2011 the Protection of Vulnerable Groups (PVG) Scheme would be phased in over a four year period to replace Enhanced Disclosures. Vetting arrangements for all adults working, helping or supervising activities with young people under the age of 18 must be done through either:

1. Enhanced Disclosure if work began prior to 28<sup>th</sup> February 2011; or
2. PVG Scheme membership if work began after 28<sup>th</sup> February 2011.

It was noted that valid Enhanced Disclosures would be acceptable, however, registration with the PVG Scheme would be required upon their expiry. During years two to four, all adults working, helping or supervising activities with young people under the age of 18 would be asked to become PVG Scheme members and to ensure they were all PVG Scheme members by the end of year four.

The revised Letting Regulations – Education Premises: Halls & Schools were attached as appendix 1 to the report which provided details of the Terms and Conditions of Let.

Therefore it was recommended that the Council Executive approve the revised Letting Regulation - Education Premises : Halls and Schools to incorporate the Protection of Vulnerable Groups (Scotland) Act.

Decision

To approve the terms of the report.

7. STRATEGY FOR TACKLING UNDER-AGE DRINKING/DIVERSIONARY ACTIVITIES FOR YOUNG PEOPLE - FAULDHOUSE AND THE BREICH VALLEY WARD

The Council Executive considered a report (copies of which had been circulated) by the Lead Officer for Fauldhouse and Breich Valley Local Area Committee seeking ratification of the resource allocations for tackling under-age drinking and the provision of diversionary tactics for young people as recommended by the inquorate meeting of the Fauldhouse and Breich Valley Local Area Committee

The Lead Officer advised that funding requests had been received from Polbeth Youth Provision and The Pitstop, Addiewell. The report then set out the funds which were available for allocation in respect of these projects, and summarised the achievements of the projects to date. The report then set out the plans for development of the projects, and the priorities of the schemes.

It was recommended that the Council Executive approve the allocation of resources set out within the report and as endorsed by the Fauldhouse and Breich Valley Local Area Committee at its meeting on 24<sup>th</sup> May 2011.

#### Decision

To approve the terms of the report.

### 8. ACCESS FUND APPLICATIONS

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services, seeking approval for an application from Food Train West Lothian for a grant of £1,000.00 to provide a mobile ramp for ease of access for volunteers using wheelchairs working in the Food Train Bathgate office. The ramp would enable full access for volunteers with disabilities from the pavement to the office.

It was recommended that the Council Executive approve the application from Food Train West Lothian as outlined in the report.

#### Decision

To approve the terms of the report

### 9. DESIGNATION OF ADDITIONAL TAXI STANCE IN BATHGATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to initiate the statutory procedures to formalise the designation of an additional part time taxi stance (rank) in Bathgate town centre.

The report advised that Bathgate Local Area Committee had recommended that an additional part time taxi stance be located in Livery Street, Bathgate to be used during late evenings and early mornings to service the late night economy in that area of the town centre. The LAC considered that an additional stance at this location would assist the swift dispersal of persons at weekends following the closure of late night entertainment premises and pubs near to Livery Street in Bathgate.

A potential site in Livery Street had been identified by Roads Services. The site had not been formally measured, however, it was expected to be able to accommodate two to three taxis.

The Bathgate Local Area Committee had recommended that approval be given to the Chief Solicitor to carry out the required consultations with the local taxi trade and the police and that the outcome of the consultations be reported back to the Bathgate Local Area Committee and also to the Environment PDSP.

It was recommended that the Council Executive :-

1. Approve that the Chief Solicitor be authorised to consult with the Police and the local trade associations representing taxi operators regarding the proposed formal designation of an additional part time taxi stance in Livery Street, Bathgate; and
2. Approve that the Chief Solicitor be instructed to report the outcome of such consultation to the Bathgate Local Area Committee and also to the Environment PDSP.

#### Decision

To approve the terms of the report.

#### 10. LICENSING ENFORCEMENT - DELEGATION OF AUTHORITY TO CHIEF SOLICITOR

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services, which requested approval for the licensing enforcement duties placed upon West Lothian Council to be delegated to the Chief Solicitor and subsequently to officers within Legal Services.

The report advised that the Licensing Standard Officers were employed and managed within Legal Services. A change to the previous authorisation was required to allow the officers to continue enforcing specific licensing requirements of the Licensing (Scotland) Act 2005 on behalf of the West Lothian Licensing Board, and other licensing enforcement requirements on behalf of the Council.

The enforcement of licensing legislation was necessary in ensuring that licenses in place were appropriate and in ensuring compliance with licensing conditions intended for public safety and protection.

It was recommended that the Council Executive approve the delegation of authority to the Chief Solicitor to enable licensing enforcement to be carried out by officers within Legal Services.

#### Decision

To approve the terms of the report.

11. 2010/11 HOUSING CAPITAL BUDGET - OUT-TURN

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive, which provided details of the 2010/11 Housing Capital programme as at 31<sup>st</sup> March 2011.

The report advised that any projects not completed in 2010/11 were carried forward into the 2011/12 Housing Capital Programme. Management improvements were also introduced to ensure that the programme was maximised.

Appendix 1 of the report provided an analysis of expenditure and highlighted that there was an under-spend of £2.603 million which was due to a number of projects being delayed until 2011/12. This was largely as a result of revised start dates on phase 2 of the new build and design, contract and homeowner issues, as well as the severe winter weather which resulted in the loss of working days.

The report highlighted that house sales income was £329,000 higher than budgeted, while the level of CFCR was £688,000 higher than budget due to savings in revenue loans charges. As a result of these factors borrowing was £3.620 million less than budget.

The report also provided details of the following:

- Capital Expenditure;
- Capital Resources;
- Management Improvements; and
- Strategic Issues.

In conclusion, it was noted that a recovery in future year council house sales and affordable housing contributions would be crucial to the long term viability of the capital programme. A review of capital resources was being undertaken to consider the most appropriate balance of resources over the medium and longer terms.

It was recommended that the Council Executive note :-

- The 2010/2011 HRA budget out-turn as at 31<sup>st</sup> March 2011;
- That any projects not completed in 2010/2011 would be carried forward into the 2011/2012 Housing Capital Programme; and
- That management improvements be introduced to ensure that the programme was maximised.



Decision

To approve the terms of the report.

12. 2010/11 HOUSING REVENUE ACCOUNT - OUT-TURN REPORT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive which provided information on the financial out-turn in relation to the Housing Revenue Account (HRA) as at 31<sup>st</sup> March 2011.

The report advised that the HRA showed a breakeven position for 2010/11. A summary of the main expenditure heads was provided and details of employee costs, premises costs, capital financing and CFCR and income were outlined in the report.

Ongoing pressures in reactive repairs were reported, however, these were offset by vacancies and increased insurance recoveries. The reduced loans charges allowed for an increased CFCR charge which reduced the level of borrowing required to fund the capital programme.

Subject to agreement by the Council Executive, the HRA surplus of £926,000 would be retained as in previous years to cover any exceptional costs, such as the impact of severe winter weather on repairs.

It was recommended that the Council Executive :-

1. Note the 2010/2011 HRA budget out-turn as at 31<sup>st</sup> March 2011; and
2. Agree to maintain an uncommitted HRA surplus of £926,000

Decision

To approve the terms of the report.

13. FIXED PENALTY PROVISIONS - TOBACCO AND PRIMARY MEDICAL SERVICES (SCOTLAND) ACT 2010

The Council Executive considered a report (copies of which had been circulated) by the Environmental Health & Trading Standards Manager seeking authorisation for the Head of Planning and Economic Development to apply procedures in respect of the issuing of Fixed Penalty Notices (FPNs) for certain offences under the Tobacco and Primary Medical Services (Scotland) Act 2010.

The report advised that on 1<sup>st</sup> April 2011, the Tobacco and Primary Medical Services (Scotland) Act 2010 introduced new offences in respect of the sale and supply of tobacco and tobacco products and gave local authorities the power to issue FPNs in relation to said offences. The

main purpose of the Act was to make tobacco less attractive and less accessible to children and young people under eighteen.

The Scottish Government had recently published 'Tobacco Sales – Guidance for Local Authorities – Enforcement Guidance and Protocols', providing guidance to local authorities on the various aspects of enforcement of the Act, which included a suggested standard template FPN. Some of the key aspects covered were:

- That, as a general rule, FPNs would be issued in relation to all relevant offences under the Act. In limited circumstances, the investigating officer may choose not to issue an FPN but to recommend the submission of a report to the Procurator Fiscal.
- The development of procedures for obtaining authorisation for exemption from offences of purchasing or attempting to purchase tobacco products or cigarette papers under Section 5 (2) of the Act.
- To ensure that a risk assessment to avoid any risk to the welfare and safety of the young volunteer was carried out.
- To identify the Environmental Health & Trading Standard Manager (or nominee) as the 'deciding official' in the consideration of any 'representations' made by the recipient of a FPN.

In conclusion, approval was sought to change the amend the Scheme of Delegation to Officers to authorise the Head of Planning and Economic Development to issue FPNs, withdraw FPNs, put in place procedures to consider 'representations' made in respect of FPNs and authorise officers from Environmental Health & Trading Standard to enforce the relevant provisions of the Tobacco and Primary Medical Services (Scotland) Act 2010.

#### Decision

To approve the terms of the report.

#### 14. GARDEN CITY, BENTS - DEALING WITH LOW MAINS WATER PRESSURE

The Council Executive considered a report (copies of which had been circulated) by the Environmental Health & Trading Standards Manager seeking approval to recommendations made by the Partnership & Resources PDSP to deal with low water pressure concerns affecting houses in Garden City, Bents.

The report advised that there were 57 houses in Garden City, previously owned by the Coal Authority. The Coal Authority did not retain any legal responsibility for the water supply pipe work when the properties were sold and concerns were expressed by a number of residents of very poor water pressure in their homes. The water supply pipe work in Garden

City had never been adopted by Scottish Water and Scottish Water did not have legal responsibility for this pipe work.

A number of recommendations were made following investigations by council officers in response to an agreed motion at the meeting of West Lothian Council on 26<sup>th</sup> April 2011. Environmental Health staff identified a small number of houses which had unsatisfactory water pressure, which caused them to be considered sub-standard. Legal action was required to be taken and notices served on the owners of these properties to ensure that the water supply problems were resolved.

It was recommended that a satisfactory resolution was reached to ensure that the problem was resolved, with the legal responsibility being firstly with the owners of the houses. The following recommendations were made:

1. That the owners of the houses take the necessary steps to engage contractors, as previously suggested by Scottish Water, to ensure a connection from the main supply, including a toby, to their own property. This would ensure a desired solution, avoid legal action being taken against them and avoid additional costs should works in default be undertaken by West Lothian Council;
2. Should recommendation 1 above not be undertaken then West Lothian Council would serve works notices on those owners to ensure that the work would be undertaken to provide an adequate water supply to their home. If steps were not taken to comply with the notice, West Lothian Council would proceed to the completion of works in default, and ensure all costs involved were recovered from owners.
3. The costs of works in default would be recovered by repayment charges on the properties. Based on the protracted nature of the problems encountered by the residents, and the limited value of the possible loans, the council would, as a singular exception, not seek to recover interest on the debt.

The residents who attended the meeting of the Partnership & Resources PDSP on 21<sup>st</sup> June 2011 indicated their desire for the council to move directly to recommendation 2 above. This was agreed as appropriate. It was also appropriate to allow those not represented the opportunity, as outlined in recommendation 1, before the council considered proceeding to recommendation 2. It was also noted that individual owners were responsible for seeking advice as appropriate.

In conclusion, West Lothian Council was not legally obliged to fund repair work to private homes. However, in determining the undertaking of works in default in the future it retained the right to consider the potential size of financial burden and likelihood and terms of recovery of such.

It was recommended that the Council Executive :-

- Note the action taken by officers;

- Note that any investigations indicated no legal responsibility for the water supply in Garden City remained with the Coal Authority or had been passed to Scottish Water;
- Note that the responsibility for the water supply pipe work within Garden City was that of the residents;
- Note the findings of the house survey by environmental health in determining a small number of properties affected by low water pressure that this time in Garden City;
- Note that the power of well-being did not enable a local authority to do anything which was by its virtue a limiting provision unable to do and that there were limiting provisions with regard to loans in the Housing (Scotland) Act 2006 which prevent the use of the power of well-being to provide loans;
- Note that financial assistance was not available in these circumstances in terms of the council's current Scheme of Assistance;
- Agree that residents ensure repair to the water supply to their properties and if failing to do so were served with works notices and were subject to the legal obligations and requirements of such; and
- Agree that the council waive the right to charge interest on any repayments, where the costs of works in default were pursued. All other costs would apply.

### Decision

To approve the terms of the report.

## 15. APPROVAL OF PARTNERSHIP AGREEMENTS WITH COMMUNITY EDUCATION CENTRES

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services which advised the members of the development of Partnership Agreements between the council and Community Education Management Committees.

The Head of Area Services explained that Partnership Agreements were being developed between the council and management committee's of Community Education Centre's and were in recognition of the role Community Education Centre's contributed to the educational, social and cultural needs of communities. It was further explained that Partnership Agreements sought to define the relationship between the council and Community Education Associations and that they set out the roles and responsibilities of both.

Attached to the report at Appendix was a Partnership Agreement for Seafeld Community Education Centre, which was an example of such Partnership Agreements that would be utilised in the future.

It was therefore recommended that the Council Executive:-

1. Note the positive progress made on Partnership Agreements with management committees and most recently with Seafeld Community Education Centre;
2. Approve that Partnership Agreements would be reported to the appropriate Local Area Committee and Culture and Leisure Partnership and Scrutiny Development Panel; and
3. Delegate authority to the Head of Area Services to sign off such Partnership Agreements in future on behalf of the council.

#### Decision

1. To approve the terms of the report; and
2. Agreed that the Head of Area Services would review the statements made within the sample Partnership Agreement at points 5.2, 7.3 and 8.2.

#### 16. LOCAL CONFERENCE ON WELFARE REFORM

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services which provided details of an outline proposal for the development and implementation of a local conference on the impact of the UK Coalition Government Welfare Reform Bill 2011.

The report advised that the Welfare Reform Bill was introduced to Westminster Parliament on 16<sup>th</sup> February 2011. The Bill included a wide range of changes to the UK welfare system for over 60 years, the key elements of which were:

- The introduction of a system of Universal Credit to provide a single streamlined benefit;
- An amended approach to management of fraud reduction and error with stronger penalties for serious offences;
- The creation of a new “claimant commitment” outlining the expectations of claimants while within the benefit system;
- Replacement of Disability Living Allowance with a new Personal Independence Payment for people with disabilities;

- Significant amendment to entitlement and assessment for housing benefit;
- Reviewed management arrangements for the Social fund system to provide more flexibility for local authorities;
- Change to Employment and Support Allowance with the intention of shifting resources to those identified as in greatest need; and
- Significant change of the child benefit system.

It was noted that each individual change outlined would have a significant impact on thousands of West Lothian citizens. It was proposed that the council would host a public conference in order to provide citizens with information about how the changes would affect them. The event would also be aimed at practitioners from across the community planning partnership in order to ensure that employees and partners were fully informed about how these changes would impact upon their work and priorities going forward.

Officers proposed that a conference hosted towards the end of September 2011 would provide sufficient time for both citizens and practitioners to consider the detail of the Bill and to act upon the information as appropriate.

It was recommended that the Council Executive approve the hosting of a conference on Welfare Reform.

#### Decision

To approve the terms of the report.

#### 17. PROVISION OF YOUTH, COMMUNITY, ADVICE AND INFORMATION SUPPORT FACILITIES IN CRAIGSHILL

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services which provided details of the proposed works to Riverside Primary Community Wing and Shiel House, Craigshill to support the provision of improved youth, community, advice and information support facilities and to also advise on the progress made on Craigsfarm to secure it's long term sustainability. Details of the plans of the proposed works were outlined in appendix 1 and 2 of the report.

Consultations were carried out with a number of groups, services and organisations who were considering using and occupying the proposed accommodation. The proposals for Riverside would involve the installation of disabled access lifts to permit access to the main hall, stage, gymnasium and canteen areas. These would be made available for community use out-with school hours and during holidays. Redecoration, new toilets and some minor works would also be

undertaken to the existing community wing.

The proposals for Shiel House would involve the partial renovation and redevelopment of the ground floor to provide meeting rooms (including interview rooms), vocational training rooms (including an IT suite), new library, small café and seating area, drop in facility/play area, centralised reception facility and community notice board together with office accommodation for the Citizens Advice Bureau. The first floor would be modernised to provide improved office accommodation and meeting rooms.

The relocation of the Library would also provide the opportunity to establish a more modern facility and allow the space currently occupied at Almondbank to be utilised either by West Lothian 16+ project or for the future expansion of Beatlie. The NHS Child Development Centre located in one wing of Almondbank may also have expansion requirements. The reuse of Almondbank would be explored further by officers.

The report also advised that Craigsfarm Management Committee and Council Officers had been working collaboratively over the past few months to develop a vision plan for the facility and had jointly engaged private consultants to prepare a business plan to hopefully secure the future viability of the subjects and investigate the potential for community asset transfer. The business plan for the future of Craigsfarm would be reported back to members for determination when finalised.

The report outlined the proposed projects which would support the delivery of five of the six identified desires from the community consultation. In summary these were as follows:

- Investment in a community centre;
- Facilities for young people;
- Information and advice services;
- Vocational training;
- Open space development; and
- Pre-fives and after school services

In conclusion, the proposed projects highlighted in the report would deliver improved community facilities in Craigshill and support the delivery of improved advice, information and training.

It was recommended that Council Executive :-

1. Approve the proposed disabled access works to Riverside Primary school and minor renovation works to the Community Wing at a cost of £200,000;
2. Approve the proposed renovation of the ground floor and redecoration of the first floor at Sheil House, Craigshill to facilitate

the centralisation of a number of community support, information and advice services including the relocation of the existing library from Almondbank at a cost of approx £1m;

3. Instruct officers to progress proposals for the re-use of Almondbank; and
4. Note the continued partnership working with Craigsfarm Management Committee to develop their business plan proposals including the option of transferring the facility to community ownership subject to approval by the Council Executive.

### Decision

To approve the terms of the report.

## 18. TRAINING AND EMPLOYMENT OPPORTUNITIES FOR 16-19 YEAR OLDS

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services which provided an update on the proposals to commission additional pre-employment training opportunities for young people.

The report advised that the More Choices More Chances (MCMC) challenge remained a key priority for the Council and Community Planning partners. The Single Outcome Agreement (SOA) also identified the lack of training capacity in West Lothian.

On average there were over 950 16-19 year olds in West Lothian in need of MCMC and not in any positive destination. The economic downturn had resulted in there being non significant change in this figure over the last three years. The report highlighted the need for greater training and employment opportunities.

The GRfW was the main Scottish Government training programme for young people aged 16-18 who had additional support and development needs before they could progress into mainstream training, learning or job opportunities. The programme consisted of a period of off-the-job training and activity followed by an extended placement with an employer. The young person would receive a trainee allowance of £55 per week.

The report also provided details on the following information:

- Other support to the More Choices More Chances group, which included information on the Modern Apprenticeships (MAs) programme, which was the other main government funded programme for young people;
- Investment by West Lothian Council to create additional opportunities; and



- The Employability and Skills Pipeline, further details of which were outlined in appendix 1 of the report.

In conclusion, the proposals had been developed to make a real difference in increasing the opportunities open to young people on leaving school.

It was recommended that the Council Executive agree to the commission of additional pre-employment training opportunities for young people as outlined in the paper.

### Decision

To approve the terms of the report.

## 19. CIVIC CENTRE CAR PARKING

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates providing information on car parking issues at the Civic Centre. The report had been compiled in response to a remit from West Lothian Council at its meeting of 25<sup>th</sup> January 2011.

The Head of Finance and Estates provided a summary of the available car parking assets at the Civic Centre or in close proximity. Details were also contained within the report concerning parking in the town centre and at the terraced car park.

Following a consultation exercise and a staff survey a number of proposals were outlined in the report with regards to the future management and operation of the car parks at the east entrance and west entrance of the Civic Centre. Reference was also made to the council's green transport strategy.

Therefore the following list of improvements and further action were proposed and recommended for approval by the Council Executive :-

1. Introduction of CCTV coverage in the Terrace Car Park and on pedestrian access routes between this car park and the Civic Centre. These works were estimated to cost £68000.
2. Improvements to footpath lighting between the Civic Centre and the car park at Livingston Football Club. These works were estimated to cost £6000.
3. A review of lighting and CCTV coverage on other car parks in close proximity to the Civic Centre.
4. Introduce the use of St Margaret's Academy bus parking area as overflow car parking during school holiday periods.

5. Increase in locker capacity in male and female shower rooms to ease capacity issues. These works would cost £1500.
6. West Car Park (elected members) – use of car park, or part of it, say 15 spaces for restricted visitors to the Civic Centre (e.g. business meetings, wedding parties and other visiting Registration Services, senior representatives from other organisations visiting the building, Heads of Service and Managers from other council buildings) except on days when Council Executive or Full Council met or at other peak times.
7. West Car Park (disabled spaces) – divert those disabled badge holders who already had a designated space or access to an alternative disabled space to those areas in order to free up the maximum number of disabled spaces for public use.
8. Carry out a review of the Civic Centre Travel Plan to try and identify further opportunities for alternative means of travel and/or changes to work practices for staff working in the Civic Centre to reduce both demand for car parking and carbon emissions.
9. Worksmart West Lothian would promote mobile and flexible working and encourage workers to change the way they undertook their work through the use of drop-in desks and remote technical access to corporate systems. Mobile and flexible workers would also be encouraged to sign up and make use of these facilities to reduce journeys wherever possible.

#### Decision

1. Approved the terms of the report;
2. Agreed to delete proposal no.7 from the list of recommendations; and
3. Agreed that the Head of Finance and Estates give consideration to using the east side of the elected members car park for use by visiting dignitaries, wedding parties, etc.

#### 20. BATHGATE FAIRTRADE TOWN AND WEST LOTHIAN FAIRTRADE ZONE APPLICATIONS

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services which provided information on Bathgate Fairtrade Town Steering Group's current bid for Fairtrade Town status. Agreement was also requested to nominate elected member representation on the Steering Group.

The report advised that the Steering Group had met regularly for over a year and planned or helped to promote a number of events throughout the

year, in particular during Fairtrade Fortnight 2011, which saw up to 100 Fairtrade related activities going on around the county in school, churches, work and public places.

As a result of the work carried out the West Lothian Fairtrade Zone Steering Group was of the view that the criteria set out by the Fairtrade Foundation had been achieved and was in the process of submitting its application for Zone Status:

It was recommended that the Council Executive support the Bathgate application to bid for Fairtrade Town status and agree to nominate elected member representation on the Steering Group.

#### Decision

To approve the terms of the report and agreed that the three local ward members, Councillors William Boyle, John McGinty and Jim Walker be nominated to sit on the local steering group.

### 21. LOCATION OF AUTOMATIC PUBLIC CONVENIENCE

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services asking the Council Executive to select a location for a new automatic toilet, which would form an amendment to the Public Convenience Strategy, approved in 2005.

The Head of Operational Services explained that the council was currently contracted with JC De Caux for the provision of 14 automatic toilets for 20 years, with 13 having been installed to date.

Two communities had since identified a demand for a toilet, these being Argyll Court in Broxburn and Eliburn Park, both of which were explored in detail in the report. It was noted however that a further option existed in that the council did not proceed with the installation of the 14<sup>th</sup> toilet at either location but “buy out” the contractual obligation from the supplier for an indicated sum of £75,000.

The Council Executive were further advised that the proposal had been placed before the meeting of the Environment Policy Development and Scrutiny Panel at its meeting on 7<sup>th</sup> April 2011 and at that meeting those members in attendance were undecided on their preferred option.

Therefore the Head of Operational Services recommended that the Council Executive choose a preferred location where a new Automatic Public Convenience could be sited, these being either Option A – Argyll Court, Broxburn or Option B – Eliburn Park or alternatively, Option C – to progress a buy out of the council’s obligation to install the toilet, as a 4 year spend to save efficiency, thus not choosing to install the toilet at either location.

#### Decision

Agreed to install the automatic public convenience at Eliburn Park.

22. EQUALITY ACT - ROADS NETWORK IMPROVEMENTS TRANCHE 2 PROGRAMME OF WORKS (2011/2012)

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to proceed with the works programme for tranche 2 of the implementation of the road and footpath accessibility improvements.

The report advised that the programme of works for tranche 1 was approved by the Council Executive on 12<sup>th</sup> April 2011. It was noted in the April report that approval would be sought for the programme of works for tranche 2 when requests had been assessed by the Access Improvement Working Group (AIWG).

Agreement had been reached with DWLAG on the programme of works for the second tranche, which was detailed in appendix 1 to the report. This would deal with a further 22 requests, equating to a total of 58 requests that would be implemented this financial year out of 78 requests received. The remaining requests would be considered as part of the final tranche and delivered next financial year.

In conclusion, the report highlighted that the tranche 2 programme of works would further improve our road and footway network for those with mobility difficulties.

The Council Executive was recommended to agree to the programme of tranche 2 works 2011/12 for road and footpath accessibility improvements.

Decision

To approve the terms of the report.

23. DEANS SOUTH LIVINGSTON - PROPOSED 20MPH SCHOOL ZONE

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 provide a 20 mph school zone on Deans South, which would form part of the associated traffic calming project outside Deans Primary School.

The report advised that the proposed 20 mph school zone on Deans South would form part of the associated traffic calming project outside Deans Primary School, which was funded by Education as part of the refurbishment works at the school.

Deans South ran east/west to the south of Deans Primary School and presently had a 30 mph speed limit with no traffic calming currently in place. The proposal to provide a 20 mph school zone on Deans South outside Deans Primary School would complement the proposed associated traffic calming project, which comprised raised pedestrian crossing tables, a parking layby and footway links to the school. The proposed length of 20 mph school zone extending from a point approximately 35 metres east of the junction of Deans South and Deans South extending west for a distance of approximately 270 metres, which would include the residential street Arran.

In conclusion, the proposed 20 mph school zone on Deans South would further highlight the presence of Deans Primary School and its pupils to passing vehicles.

It was recommended that the Council Executive approve the initiation of the statutory procedures to promote a traffic regulation order to provide a 20 mph school zone from a point approximately 35 metres east of the junction of Deans South and Deans South extending west for a distance of approximately 270 metres which included the residential street Arran.

#### Decision

To approve the terms of the report.

24. DRAFT PLANNING BRIEFS - WEST MAIN STREET (EAST), BLACKBURN (HBB10), WEST MAIN STREET (WEST) BLACKBURN (HBB11)

The Council Executive considered a report (copies of which had been circulated) by the Planning Services Manager which advised the terms of the draft planning briefs for two sites in West Main Street, Blackburn. Copies of the draft briefs and site plans were detailed in appendices attached to the report.

The report covered two separate sites; West Main Street (west HBB10), Blackburn and West Main Street (east HBB11), Blackburn, which were allocated as housing sites in the adopted West Lothian Local Plan 2009 (WLLP). The sites were in close proximity geographically and had similar characteristics. Given the similarities, the report covered both sites.

The sites were located in the southwest of Blackburn and located immediately to the north of West Main Street. They were bound to the north, west and east by existing housing. The sites were currently in use as areas of open space with a number of semi-mature trees located on both sites. Both sites also had adopted footpaths located within their site boundaries. Under the terms of the adopted West Lothian Local Plan (WLLP) the sites were identified as housing sites (Policy HOU1), which contributed to meeting the housing requirements over the local plan period, and the longer term.

In accordance with the WLLP, the draft briefs proposed that housing would be the preferred use for the sites. The briefs were the subject of consultation with interested parties. Local members were consulted prior to a wider consultation being carried out, which encompassed neighbouring properties and Blackburn Community Council. One comment was received from the occupier of a neighbouring property regarding the impact the development of these sites would have on the visual amenity of the area.

In conclusion, the draft planning briefs allowed for the development of the sites for residential use in accordance with Policy HOU1 and the adopted WLLP. The briefs acted as a guide to potential purchasers and would be used in the formal marketing of the sites at some future date.

The Council Executive was recommended to:

- approve the draft planning briefs;
- to note that, if the sites were marketed, the briefs would form part of the marketing particulars for the sites; and
- delegate authority to the Planning Services Manager to make any non-substantive revisions to the planning brief as matters arise.

#### Decision

To approve the terms of the report

#### 25. 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 and which advised the members of an update to the Development Plan Scheme No.3 document to reflect slippage in the progress of the Strategic Development Plan and to also advise of the number of sites and issues submitted by third parties under the “call for sites” process for the West Lothian Local Development Plan

The Planning Services Manager advised that due to changes in timescales for taking forward the Strategic Development Plan it was proposed to alter the timescale for taking forward the Local Development Plan, details of which were summarised in the report. As a consequence of the changes, publication of the Main Issues Report and the Local Development Plan would be delayed for approximately 3 months.

The Planning Services Manager further advised that following Council Executive approval, a “call for sites” was issued with a deadline of 6<sup>th</sup> May 2011. 225 submissions were received in total for consideration to be allocated to the Local Development Plan, details of which were

summarised in Appendix 1 attached to the report. The officer also noted that whilst the report detailed that the estimated total residential units were 20,300 it was 39,000 following a further evaluation.

The report concluded that the Development Plan Scheme No.3 for the West Lothian Local Development Plan required to be updated in terms of timescales for key stages in its preparation to reflect slippage in the progress of the Strategic Development Plan and sites submitted under the “call for sites” would be subject to further analysis and reported back to the Panel.

It was recommended that the Council Executive :-

- Notes and approved the changes in the anticipated timescales for progress of the West Lothian Local Development Plan as set out in the revised Development Plan Scheme No.3; and
- Notes the submissions made under the “call for sites” process for the Local Development Plan.

#### Decision

1. To approve the terms of the report;
2. Agreed that the following council interest sites would not be progressed :-
  - EOI-0082, EOI-0088, EOI-0091, EOI-0097, EOI-0102, EOI-0146, EOI-0150, EOI-0155 through to EOI-0160 (inclusive), EOI-0174, EOI-0176, EOI-0177, EOI-0178, EOI-0180 and EOI-0189
3. Agreed that further progress on the sites that remained would be progressed and consulted on through Local Area Committee as appropriate.

#### 26. CLARENDON HOUSE 30 MANSE ROAD, LINLITHGOW LEASE OF LAND AND OUTBUILDINGS

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for the proposed lease to Linlithgow Town Management Group of an area of land and out buildings in the grounds of Clarendon House, Manse Road, Linlithgow.

The report advised that the land and buildings formed part of the grounds of Clarendon House, Manse Road, Linlithgow, which was now closed and to be disposed of in due course. Linlithgow Town Management Group (Burgh Beautiful) had been looking for a new long term home for the project and part of the ground of Clarendon House had been identified as suitable for their needs. The proposed lease terms were outlined in the

report and the draft plan of the grounds and outbuildings referred to in appendix 1 to the report.

It was recommended that the Council Executive approve the lease of the land and outbuildings at Clarendon House, Manse Road, Linlithgow, to Linlithgow Town Management Group for a period of twenty years at an initial rental of £100 per annum and subject to the other terms and conditions contained in the report.

#### Decision

To approve the terms and conditions contained in the report.

#### 27. FORMER WHITDALE ANNEXE & GROUNDS, EAST MAIN STREET, WHITBURN, PROPOSED SALE TO ALMOND HOUSING ASSOCIATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance & Estates seeking approval for the disposal of the former Whitdale Primary School Annexe building and its associated grounds on East Main Street, Whitburn.

The report advised that at a meeting of the Enterprise and Development Committee on 8<sup>th</sup> November 2005 the sale of the former Whitdale Primary School Annexe building and its associated ground to Almond Valley Home Limited (AVHL) was approved for the sum of £1,246,000. Missives contained various suspensive conditions, which had to be purified before the transaction concluded. Unfortunately, this coincided with the credit crunch and the extreme downturn in the UK residential property market. Despite council officer's best efforts to settle the transaction, it finally collapsed in 2010 when the purchaser repeatedly failed to agree the terms of a Section 75 agreement and planning permission was formally refused.

The property was subsequently remarketed and two offers to purchase were received at a new closing date in November 2010. The higher offer of £475,000 was received from Edinburgh Health Studio (No.2) Limited, however, the company failed to follow up its interest and the offer was subsequently disregarded. The Council then contacted the only other bidder, which was Almond Housing Association.

Almond Housing Association offered £460,000 to purchase the property and their proposals would see the site redeveloped for social housing. The former annexe building would be converted into 10 flats and 36 new residential units would be built in the former school grounds. The local Planning Officer had indicated that the proposed scheme is in keeping with the terms of the current planning brief.

In conclusion, it was considered to be in the Council's best interests to conclude a sale to Almond Housing Association for the sum of £460,000.

The Council Executive was recommended to:-



- approve the sale of the former Whitdale Primary School Annexe building and its associated grounds extending to 1.29 hectares on East Main Street, Whitburn to Almond Housing Association for the sum of £460,000 subject to the main terms and conditions; and
- to authorise the Head of Finance & Estates to carry out any further negotiations with the purchaser in respect of the sale of the site, which included any required alteration of the purchase price, due to the discovery of abnormal costs, or the loss of developable units at the detailed planning stage, but only on the basis that any amended purchase price still represented the best capital receipt for the Council.

### Decision

To approve the terms of the report.

## 28. 2010/2011 OUTTURN AND STATEMENT OF ACCOUNTS

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates Services which provided information of the 2010/11 budget outturn and the arrangements made to make the 2010/11 Statement of Accounts available to members.

The report outlined the overall financial performance of the General Fund Revenue Budget for 2010/11 and provided information on how the outturn position had been arrived at for inclusion in the council's Statement of Accounts. The report provided a breakdown of the following areas:-

1. 2010/11 General Fund Outturn Position;
2. Summary of Service Expenditure Outturn Position, which included Education, Planning and Area Services; Community Health & Care Partnership and Social Policy; Corporate, Operational and Housing Services; Chief Executive, Finance & Estates Services and Joint Boards;
3. Non Service Expenditure, which included housing and council tax benefits administration, the staffing change fund and insurance and pension costs;
4. Funding in 2010/11;
5. General Fund Balance;
6. General Services Capital; and
7. Housing Accounts.

It was noted that a net underspend of £692,000 remained. Adding this sum to the uncommitted General Fund Balance resulted in an

uncommitted General Fund Balance of £3.322 million as at 31<sup>st</sup> March 2011. The council's target minimum figure was £2.5 million.

In conclusion, the unaudited Statement of Accounts was completed in June 2011 and was submitted to the Clerk of the Council on 22<sup>nd</sup> June 2011. Copies were available to all elected members on request to the Head of Finance and Estates and a copy of the Statement of Accounts was submitted to the Controller of Audit.

The Council Executive was recommended to:-

- note the 2010/11 budget outturn as at 31<sup>st</sup> March 2011;
- note the arrangements for making the 2010/11 Statement of Accounts available to members;
- note the Insurance Fund surplus of £2.5 million, which arose from a fund revaluation, and agreed that this would be transferred to the capital fund to be used as funding towards planned capital expenditure; and
- note the uncommitted General Fund Balance of £3.322 million detailed in the report, as at 31 March 2011.

#### Decision

To approve the terms of the report.

#### 29. GENERAL SERVICES CAPITAL PROGRAMME

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for an updated general services capital budget for 2011/2012 to 2017/2018 following consultation with Local Area Committees.

The Head of Finance and Estates advised that the final outturn position as detailed in a table contained within the report demonstrated that expenditure in 2010/111 was £46.740 million. This had resulted in a net slippage, after over programming of £8.618 million which was largely as a result of adverse conditions experience during the winter which had impacted upon access and ground conditions.

The report detailed the consultation that had been undertaken through the Local Area Committee, details of which were attached to the report at Appendix 2. The report also provided commentary on the additional capital investment that had been undertaken in 2010/2011, the updated capital plan, capital resources for period 2011/2012 to 2017/2018 and the corporate asset management plan, details of which were attached to the report.

The Head of Finance and Estates concluded that the report set out the

detailed capital investment programme for the seven years 2011/2012 to 2017/2018 and progress was being made on implementing the original ten year capital investment strategy.

It was recommended that the Council Executive approve the capital budgets for 2011/2012 to 2017/2018 as set out in the report.

#### Decision

To approve the terms of the report.

An amendment moved by Councillor McGinty was ruled incompetent by the Chair, in accordance with Standing Order 11.

### 30. 2011/12 BUDGET REDUCTIONS - UPDATE ON PROGRESS TOWARDS IMPLEMENTATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates Services which provided details on the progress made towards the achievability and implementation of approved 2011/12 budget reductions.

The report outlined the position regarding the implementation and achievability of approved 2011/12 budget reduction measures. Substantial work had been undertaken since the 2011/12 budget was approved by Council on 11<sup>th</sup> January 2011 on implementing the significant level of budget reductions required to achieve a balanced budget for 2011/12. An important element of this was identifying and agreeing with services exactly where the reductions would be made in their budgets and seeking to confirm that expenditure would be reduced/income increased in accordance with the value of each individual measure. This had taken into account the matching of staffing budget reduction to vacant posts and staff who had taken early retirement/voluntary severance.

The report outlined the budget reduction monitoring return provided by Heads of Service which covered each individual budget reduction. A summary of the progress was provided which highlighted areas achieved/certain to be achieved (green) and areas expected to be achieved, ongoing review required (amber). It was noted that £965,000 of budget reductions were assessed as amber, which were still assessed as being achievable, however, further review would be required. None of the budget reduction measures were assessed by Heads of Services as being unachievable (red).

In conclusion, the monitoring of progress in achieving 2011/12 budget reduction measures had demonstrated that good progress was being made. £15.780 million of budget reductions had already been achieved or had been assessed as certain to be achieved. The remaining reductions of £965,000 had been classed as amber and as such were expected to be achieved. These measures would continue to be closely monitored throughout the financial year to ensure they were delivered in

full.

The Council Executive was recommended to note the report and the progress made in implementing 2011/12 budget reductions and agree that Heads of Service take the necessary management action to ensure 2011/12 budget reduction measures were achieved.

#### Decision

To approve the terms of the report.

### 31. MODERNISING PROCUREMENT REVIEW

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates providing a summary of the findings and recommendations of a comprehensive review of procurement within West Lothian Council.

The Head of Finance and Estates recalled that in 2010 the Council Executive had agreed that a comprehensive review of all council Procurement be undertaken.

Therefore the Council Executive considered the report which provided a summary of the findings and recommendations of the review of procurement all of which were contained within a detailed report entitled 'Modernising Procurement – Shaping the Future' which was appended to the report.

The findings and recommendations included the following:-

- Corporate approach to procurement
- Procurement roles and responsibilities
- Standing Orders and compliance
- Procurement Capability Assessment/McClelland Recommendations
- Contract spend and management
- Collaborative procurement
- Performance management
- Marketing procurement

The Head of Finance concluded that implementing the recommendations from the report would result in improvements to governance, leadership, processes and skills. Furthermore, greater emphasis would be placed on both procurement cashable savings, leading to a consistent approach to the procurement of supplies, services and works, improving service delivery and achieving Best Value from all council procurement activity.

It was recommended that the Council Executive :-

- Note the findings of the Modernising Procurement Review;

- Approve the recommendations set out in the review;
- Instruct officers to implement all the recommendations in the review by March 2013;
- Approve the proposed Corporate Procurement Strategy as set out in the Appendix F to the review;
- Note that appropriate revisions to council standing orders to reflect the revised management arrangements in the report would be considered by the Working Group on Contracts Standing Orders and reported to the Partnership and Resources PDSP; and
- Agree that a report on the issues surrounding incorporating a “living wage” requirements into contracts was prepared for the Partnership and Resources PDSP.

### Decision

To approve the terms of the report.

## 32. RISK MANAGEMENT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates advising of action taken to implement the council’s Risk Management Plan during 2010/11 and for the Council Executive to consider the plan for 2011/2012.

The Head of Finance and Estates explained that the council’s Risk Management Policy and Strategy required an annual report to the Council Executive. He then provided a summary of the main areas of the policy and the objectives associated with each of these areas and which included improvement to sickness absence levels, ensure that partnerships were properly maintained and supported, motor fleet risks and health and safety.

The report then went on to provide a summary of the work that would be carried out in 2011/2012.

The report concluded that there had been encouraging progress in areas such as sickness absence management, business continuity management, housing fires, the reduction in the number of accidents and of legal liability claims and that further work would be undertaken to ensure that business continuity management arrangements were effective and kept up to date.

It was therefore recommended that the Council Executive :-

1. Note the activities undertaken in 2010/2011 in pursuit of the Risk Management Policy and Strategy; and

2. Approve the Risk Management Plan for 2011/2012.

### Decision

To approve the terms of the report.

## 33. METHODS OF PAYMENT

The Council Executive considered a report (copies of which were circulated) by the Head of Finance and Estates providing an update on the findings of the working group that had been set up to develop options for methods of payment across the authority.

Options for immediate consideration were:-

- Direct Debit Campaign
- Revised Council Tax arrears procedure
- Removal of standing order option for Council Tax
- New tenants being encouraged to pay by Direct Debit.

Options for future consideration were:-

- Redesign of Council online payments – greater use of IT solutions
- Rationalisation of payment facilities accepting cash payments and greater use of other payment sites e.g. Post Office and Payzone
- Automated telephone payments facility
- Self serve terminals
- Put cash collection out to tender

Each of the options was examined in detail within the report.

The Head of Finance and Estates concluded that, by modernising the range of payment options available to West Lothian Council customers, while still providing a convenient mix of options across the county, there was the opportunity to realise significant savings while not adversely impacting on the customer's ability to pay. It was also felt that it was not necessary to progress the option of tendering for cash collection at this time.

It was recommended that the Council Executive note the findings of the working group and approve the immediate changes as detailed in Section 4 of the report.

### Decision

1. To approve the terms of the report; and
2. Agreed that a report would be forwarded to a meeting of the Partnership and Resource PDSP within six months time providing an update on those that had moved from Standing Order to Direct

Debit as a method of payment and that the report would also explore the possibility of using incentives to encourage people to switch from Standing Orders to Direct Debit.

#### 34. STRATHBROCK BUNGALOW

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 Short Break Care and Management Services for Children and Young Adults.

The report advised that over a number of years, West Lothian Council had explored options for the local delivery of a service which provided short breaks from caring for the families of children and young people with disability. This service would avoid the need for many children to use services outwith West Lothian, which incurred additional disruption to families and additional transport costs.

The opportunity had recently arisen to use the council owned bungalow adjacent to Strathbrock Family Unit for this purpose. The bungalow had been modified to meet the Care Commission's standards for registration and options on the best way to manage and operate this service were considered. It was decided to seek the partnership of an experienced external agency to operate the service on behalf of the council.

Invitations to tender were issued to thirty-five potential suppliers, six of whom returned a tender for evaluation. The evaluation process was adopted following consultation with the service to ascertain the submissions that offered best value to the council. An evaluation panel was set up and carried out independently, without discussion with other evaluators and scoring was based on content and not presentation skills.

In conclusion, it was envisaged that the ability to provide families coping with the demands of a disabled child with regular short breaks within West Lothian would help maintain the child in the family home. This would result in a reduction in high cost residential packages later on in the child's life. As a result of the tender evaluation it was recommended that the contract be awarded to Barnardo's.

The Council Executive was recommended to approve the award of a three year contract, with an estimated value of £345,000 for the period 12<sup>th</sup> July 2011 to 11<sup>th</sup> July 2014, with a three year contract extension option in accordance with appendix 1 to the report, to Barnardo's.

#### Decision

To approve the terms of the report

35. COUNCIL'S CODE OF CORPORATE GOVERNANCE - ANNUAL REVIEW

The Council Executive considered a report (copies of which had been circulated) by Chief Legal Officer advising of the outcome of the annual review of the council's compliance with its Code of Corporate Governance.

The Chief Legal Officer recalled that a new Framework had been produced by CIPFA/SOLACE which had changed the emphasis of corporate governance from one focused on the rigour of processes to one focused on achieving outcomes. In June 2010 the council had adopted a revised Code based on the new Framework. Under the Code, the Chief Legal Officer was designated to oversee the implementation and monitoring of the Code and to co-ordinate and carry out the annual review of compliance with the Code, which required a report to the council annually within three months of the end of the financial year.

The Chief Legal Officer explained that the new Code required assessment in considerably more detail and whereas the old Code comprised of 148 individual items, the new Code had 370 items assessed across three aspects – approach, deployment and review. Each item of the Code had been assessed in turn in respect of the approach aspect using a scoring structure.

The individual scores and supporting evidence for each item were contained in a separate full assessment report which was available for inspection from Committee Services.

The Corporate Governance Working Group had addressed a number of specific issues during 2010/11, and these were examined within the report. One of the issues related to the committee report template used by services for submitting reports to committee.

The report provided the following appendices:-

Appendix 1 – A summary of percentage scores for corporate governance approach.

Appendix 2 – Annual statements of compliance on policies or procedures by the relevant responsible officer.

The Chief Legal Officer concluded that the council's arrangements for corporate governance had operated well and the approach requirements of the council's revised Code of Corporate Governance had been substantially met in 2010

During the year ahead, the focus would be on ensuring that the revised Code was embedded across the whole council and the necessary reviews of governance systems and procedures took place when required.

It was recommended that the Council Executive :-



1. Note that the revised Code had increased the number of governance requirements significantly compared to the previous Code, and that the governance approach requirements of the code had been substantially met in 2010/11;
2. Agree that the items in the current Code identified by the Corporate Governance Working Group as no longer required be deleted for 2011/12;
3. Note that the Corporate Management Team (CMT) had agreed that the current guidance relating to the committee report template should be expanded, to reflect the requirement for committee reports to identify:
  - Any changes required to the council's Scheme of Delegation to Officers;
  - Implications for implementation of the Single Outcome Agreement; and
  - Implications for performance indicators service delivery
4. Note that the corporate governance arrangements within the council would continue to be a key strategic priority for the council in the year ahead, particularly having regard to the current financial climate of reduced funding and increased demand for services.
5. Agree that the focus in 2011/12 should be on ensuring that the revised Code was embedded across the whole council and the necessary reviews of governance systems and procedures took place when required.

## 36. FREEDOM OF INFORMATION - ANNUAL REPORT

The Council Executive considered a report (copies of which had been circulated) by the Chief Legal Officer advising of the annual review of the council's compliance with the Freedom of Information (Scotland) Act 2002 (FOISA)

The report contained tables providing detailed information as undernoted:-

Table 1 – Number of FOI requests received since 1<sup>st</sup> January 2005.

Table 2 – Number of requests received each year by service areas

Table 3 – Performance in meeting required timescale for 2009, 2010 and for the period to 31<sup>st</sup> March 2011

Table 4 – Number of refusals for 2009/10 and for the period to 31<sup>st</sup> March 2011

Table 5 – Reasons for refusals

Table 6 - Summary of requests for Internal Review for the period April 2009 - March 2011

Table 7 – Breakdown of internal reviews by service.

Table 8 – Outcome of Internal Reviews in 2010/11

Table 9 – Details of the subject matter and outcome of internal reviews in 2010/2011

Table 10 – Number of outcome of appeals for the periods 2008/09, 2009/10 and 2010/11.

Table 11 – Appeals to Scottish Information Commissioner in 2010/11

The Chief Legal Officer then referred to the Action Plan that had been produced by the Scottish Information Commissioner (OSIC) in July 2010. The key issues for improvement identified were -

- Improving performance in meeting the 20 working days deadline;
- Using Frontline as the corporate system for logging and processing information requests and producing a complete audit trail
- Refresher training on FOISA, to include information requests under the Environmental Information Regulations.

The report went on to provide an update on implementation of the recommendations. In addition, the Panel was informed that, based on the council's response, OSIC had now intimated that no further action was required by the council and they had closed their practice assessment process.

In his conclusion, the Chief Legal Officer highlighted that good progress had been made in implementing the recommendations in OSIC's Good Assessment Report following the audit in July 2010, with outstanding recommendations on training on EIR requests due to be completed by the end of August 2011.

It was recommended that the Council Executive :-

1. Note the information contained within the report;
2. Heads of Service to continue to monitor their services' performance in meeting the 20 day deadline for processing FOI requests in order to continue to achieve the corporate management target of 85%; and
3. Relevant Officers to take appropriate action to complete the outstanding recommendations in OSIC's Assessment Action Plan.

### Decision

To approve the terms of the report.

### 37. CONFERENCES AND COURSES

The Council Executive considered attendance at the under noted conference and approved representation as shown :-

APSE Seminar, The Virtuous Green Councillor Frank Anderson  
Circle, How to Reap the Benefits of  
Solar PB, 14<sup>th</sup> July 2011, North  
Lanarkshire Council, Motherwell.

### 38. COUNCILLORS CODE OF CONDUCT

The Council Executive considered a report (copies of which had been circulated) by the Chief Legal Officer concerning the Councillors' Code of Conduct. The report explained that the council's Code of Corporate Governance required an annual training session to councillors to be held, and an annual report to the council on the operation of the Councillor' Code of Conduct.

The report went on to provide details of a further training session that had been held on 2<sup>nd</sup> February 2011 for the WLC Planning Committee.

In accordance with guidance from the Standards Commission, six monthly reminders had been issued to members on 1<sup>st</sup> June 2010 and 1<sup>st</sup> December 2010 to enable them to keep their entries up to date.

It was noted that, since the Code came into operation in 2003, there had been a total of 29 cases of complaint made against West Lothian councillors. The report provided an analysis of the cases in 2010/11 and set out the key points arising from the CIO decision on the complaint received.

The Chief Legal Officer concluded that, although the council had experienced 29 complaints since the start of the Code of Conduct in 2003, only two cases had resulted in a finding of a breach of the Code by the CIO. As the council would no doubt welcome the drop in number of complaints against councillors in 2010/11 and would wish to see high standards of conduct maintained in the future, more briefing sessions for members would be arranged where necessary in order to continue to promote observance of the Code and assist members to observe the Code.

It was recommended that the Council Executive note the terms of the

report.

Decision

To note the terms of the report.

39. EARLY RETIRAL / VOLUNTARY SEVERANCE - 9 MONTH SUMMARY

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services providing details of the number of employees who were granted early retirement/voluntary severance from the council during the nine month period from July 2010 through to March 2011.

The Head of Corporate Services explained that in accordance with the policy, all cases approved in the stated period were dependent on the establishment of a business case which ensured that costs of releasing the employee were recoverable within a period of 2 years.

Attached to the report at Appendix 1 were details of those employees who had been granted early retirement/voluntary severance, which amounted to 332 non teaching and 26 teaching employees.

In relation to a question raised the Human Resources Manager undertook to provide all the members of the Council Executive with details of the number of dismissals for the period July 2010 through to March 2011.

It was recommended that the Council Executive note the terms of the report and the details as set out in the appendix.

Decision

1. To note the terms of the report; and
2. Agreed that the Human Resources Manager would provide all the members of the Council Executive with the number of dismissals for the period July 2010 through to March 2011.

40. FEEDBACK ON WEST LOTHIAN COUNCIL'S STRATEGIC HOUSING INVESTMENT PLAN 2011-2016

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Construction and Building Services providing feedback received from the Scottish Government (Housing Supply Division) on the Strategic Housing Investment Plan 2011-2016 (SHIP) which had been submitted in December 2010.

The Head of Housing, Construction and Building Services advised that

the Scottish Government required all local authorities to provide a SHIP on an annual basis and whose major objective for local authorities in conjunction with Registered Social Landlords was to ascertain the viability of current and future social housing investment opportunities.

The report continued to advise that officials from the Scottish Government had met with council officers to provide the necessary feedback and the key points following the meeting were summarised in the report and included that the SHIP was a strong and competent document with a clear commitment to new supply of housing.

In conclusion the SHIP had been assessed very positively and that it fitted very well with the Local Housing Strategy and the Strategic Outcome Agreement between the council and Central Government.

It was recommended that the Council Executive note the positive feedback received from the Housing Supply Division of the Scottish Government as detailed in the letter attached to the report at Appendix 1.

#### Decision

To note the terms of the report.

#### 41. 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 for 2010/2011.

The report advised that Developer Contributions enabled the council to ensure that developments were properly provided with infrastructure, services and facilities and to also enable developments to proceed that might otherwise have been refused planning permission.

Total income during 2010/2011 was £2,485,658, which equated to an increase on the £1,564,127 received during 2009/2010. Total expenditure during 2010/2011 was £1,700,002, which equated to an increase of £1,399,625 spent during 2009/2010. Therefore there was a closing balance of £6,315,036 as at end of March 2011.

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.

42. PENTLAND HILLS REGIONAL PARK SERVICE WORK PLAN 2011/12 AND CONSULTATION BY THE REGIONAL PARK JOINT COMMITTEE ON CAR PARKING CHARGES WITHIN THE REGIONAL PARK

The Council Executive considered a report (copies of which had been circulated) by the Planning Services Manager, advising of the Pentland Hills Regional Park Service Plan for 2011/2012 and a consultation from the Regional Park Joint Committee on charging for car parking in the Regional Park.

The report advised that there had been long established co-operation between West Lothian, Midlothian and the City of Edinburgh Council's to support the aims of the Pentland Hills Regional Park that covered a unique area of countryside in the Lothian's used by West Lothian residents.

The Service Plan for 2011/12 outlined the wide range of tasks that the ranger staff would carry out across the regional park area in the coming year to continue to progress the aims within the 207-2017 Regional Park Plan.

It was recommended that the Council Executive note :-

1. The Pentland Hills Regional Park Service for 2011/2012; and
2. Pentland Hills Regional Park proposal for charging for car parking in several larger car parks within the Regional Park in Edinburgh Council and Midlothian areas.

Decision

To note the terms of the report.

43. LINLITHGOW LOCH CATCHMENT MANAGEMENT ACTION PLAN

The Council Executive considered a joint report (copies of which had been circulated) by the Head of Planning & Economic Development and Head of Operational Services advising of the ongoing work being undertaken by the Linlithgow Loch Catchment Management Group.

The report advised that Linlithgow Loch was formed from a block of ice left behind by retreating glaciers at the end of the last ice age and was one of only two remaining natural lowland lochs in the Lothian's and provided the setting for Linlithgow Palace. It was also a key part of the tourist destination experience and was well used by local residents.

The report continued to advise that the Loch was a designated Site of Special Scientific Interest by Scottish Natural Heritage for its botanical interests that were characteristic of a naturally eutrophic loch and was

owned and administered by Historic Scotland.

The report went on to advise that in recent years the appearance of a seasonal blue/green algal bloom on the surface of the loch had led to concerns about potential public health issues and a serious deterioration in water quality that had led to the formation of the blooms.

A working group of stakeholders was therefore established to tackle the algal bloom issue and to provide a forum to allow environmental issues relating to the loch to be explored.

The working group met quarterly and it was noted that the following items had formed the basis of many discussions over the years and included :-

- Two academic studies of Linlithgow Loch;
- Linlithgow Loch Flood Risk Management issues;
- Yellow Fish Campaign;
- Future issues and the way forward – establishment of a charitable trust; and
- Awareness raising

In conclusion the report advised that Linlithgow Loch was an important asset to the town and to West Lothian generally. However, its location, previous uses and complex series of interrelated issues had affected the water quality of the loch and under certain conditions there could also be a risk of flooding to some surrounding property.

The Linlithgow Loch Catchment Group had been working to better understand these issues and where possible, progress improvements. After the completion of recent academic studies, now may be the time to establish a more formal vehicle, such as a Linlithgow Loch Trust dedicated to raising awareness and securing funds to improve water quality.

It was recommended that the Council Executive note :-

- The update on the two recent studies related to Linlithgow Loch; and
- The Environment PDSP's consideration that the potential formation of a charitable trust would be effective in promoting improvements in water quality and the environment of the Loch and that officers would report back on the legal and fundraising potential of such a trust.

### Decision

To note the terms of the report.

44. CENTRAL SCOTLAND GREEN NETWORK (CSGN)

The Council Executive considered a report (copies of which had been circulated) by the Planning Services Manager which advised on the concept of the Central Scotland Green Network, recent successful funding applications and future issues.

The report advised that the Scottish Governments second National Planning Framework identified 14 national developments. While most were site specific, infrastructure related such as a new Grangemouth Freight Terminal, a replacement Forth Road Bridge crossing the final priority was a Central Scotland Green Network.

The report went on to detail the schemes secured in the Central Scotland Green Network Development Fund 1 (2010/11) and which included the following 5 studies across West Lothian:

- Short Rotation Forestry on Vacant and Derelict Land;
- Blue/Green Network projects;
- Breich Valley Village Gateways;
- Easter Inch Moss and Seafield Law LNR – Integrated Management Plan; and
- Broxburn and Winchburgh Green Infrastructure links.

The report further advised on various other projects in adjacent authorities, proposed schemes for the Development Fund 2 (2011/12) and flagship projects.

In conclusion the report advised that the Central Scotland Green Network was a central government initiative that currently formed the largest environmental transformation project in north western Europe

It was recommended that the Council Executive note:-

- The update on the Central Scotland Green Network; and
- The new schemes endorsed by the Environment PDSP, detailed in section 5.0 of the report and submitted for consideration to the CSGN Development Fund.

Decision

To note the terms of the report.

45. ITEM NOT ON ORIGINAL AGENDA - UPDATE ON THE FIRE AT



WHITBURN MINERS CLUB

The Chief Executive provided the Council Executive with a briefing concerning a fire incident that had occurred in the early hours of Monday 27<sup>th</sup> June 2011 at Whitburn Miner's Club, West Main Street, Whitburn.

The Chief Executive explained that during the outbreak of the fire, which at one point was being tackled by 50 fire fighters a decision was taken to evacuate the residents of nearby Weavers Court, which was a Hanover Housing Association sheltered accommodation establishment for elderly residents.

As a result of the extensive fire damage the building had been part demolished and that the council would be serving a notice on the building to have the remainder demolished.

In the meantime the Head of Social Policy would be contacting Hanover Housing Association with regards to the action taken on the night in question.

Decision

To note the update from the Chief Executive.