



West Lothian
Council

Council Executive

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

5 January 2012

A meeting of the **Council Executive** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Tuesday 10 January 2012** at **11:00am**.

For Chief Executive

BUSINESS

PUBLIC SESSION

1. Apologies for Absence
2. Order of Business, including notice of urgent business
3. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest.
4. Minutes of Meeting of Council Executive held on 13 December 2011 (herewith).

PUBLIC ITEMS FOR DECISION

5. Civic Government (Scotland) Act 1982 - Public Entertainment Licences - Report by Head of Corporate Services (herewith).
6. Update on Tax Increment Financing - Report by Head of Finance and Estates and Head of Planning and Economic Development (herewith).
7. Procurement Arrangements - Uplift Treatment and Disposal of Residual Waste - Report by Head of Finance and Estates (herewith).

8. Procurement Arrangements - Supply of Fresh Fruit, Vegetables & Bakery Products - Report by Head of Finance and Estates (herewith).
9. Procurement Arrangements - Supply of Four Roller/Packer Machines and Associated Servicing - Report by Head of Finance and Estates (herewith).
10. Procurement Arrangements - Ground Investigation Survey - Report by Head of Finance and Estates (herewith).
11. Unit 1, the Mill Centre, Blackburn - Proposed Lease to Coral Racing Limited - Report by Head of Finance and Estates (herewith).
12. 0.10 Hectares at Ferguson Way, Knightsridge, Livingston - Proposed Grant of Ground Lease to Knightsridge Neighbourhood Network - Report by Head of Finance and Estates (herewith).
13. Company Secretarial Matters of Incorporated Companies - Change to Scheme of Delegation to Officers - Report by Head of Corporate Services (herewith).
14. Consultation Response: Energy Performance of Buildings - Report by Head of Planning and Economic Development (herewith).
15. Review of Developer Contributions - Report by Head of Planning and Economic Development (herewith).
16. Waste Services - Use of New Zero Waste Scotland "Recycle For Scotland" Branding - Report by Head of Operational Services (herewith).
17. Proposed Waiting Restrictions, Terrace Car Park, Almondvale, Livingston - Report by Head of Operational Services (herewith).
18. Proposed Introduction of Permitted Footway Parking, Drumshoreland Road, Pumpherston - Report by Head of Operational Services (herewith).
19. Objections to Disabled Persons' Parking Order, Variation No.2 (PTO-11-05) and Update - Report by Head of Operational Services (herewith).
20. Proposed Change of Speed Limit - 40MPH to 30MPH on Balmuir Road, Bathgate - Report by Head of Operational Services (herewith).
21. Museums Service Acquisition and Disposal Policy 2012-2017 - Report by Head of Area Services (herewith).
22. Review of Public Art Strategy 2008-2011 and Consideration of New Preserving and Decommissioning Public Art Policy - Report by Head of Area Services (herewith).
23. Voluntary Organisations Best Value Review: Outcomes from the 2011 Cycle - Report by Head of Area Services (herewith).

DATA LABEL: Public

24. Voluntary Sector: Health Check Proposal - Report by Head of Area Services (herewith).
25. Developing a Customer Services Strategy - Report by Head of Area Services (herewith).
26. Controlling Illegal Advertising on the Public Road - Report by Head of Operational Services (herewith).
27. Fauldhouse Community Council - Prescribed Numbers - Report by Head of Corporate Services (herewith).
28. Cosla Annual Conference & Exhibition 2012 (herewith).

NOTE **For further information please contact Eileen Rollo on 01506 281621 or email eileen.rollo@westlothian.gov.uk**

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 13 DECEMBER 2011.

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

Apologies – Councillors Isabel Hutton and Cathy Muldoon

1. ORDER OF BUSINESS, INCLUDING NOTICE OF URGENT BUSINESS

The Chair ruled that two additional items of business as detailed in a Supplementary Agenda and concerning the Local Government Finance Settlement 2012/13 to 2014/2015 and the Use of the Challenge Fund would be taken as urgent business and would be considered at the end of the main agenda.

Additionally the Chair ruled that Agenda Item 22 (Drake Music Application to the Challenge Fund) would be considered immediately following approval of the Minute to allow for the presentation of a DVD on the subject matter.

2. DECLARATIONS OF INTEREST

- (a) Agenda Item 10 (European, British or Scottish Pipe Band Championship Bid) – Councillor McGinty declared a financial interest in that his wife was treasurer of the Bathgate and West Lothian Highland Games Association and therefore he would not participate in the item of business.
- (b) Agenda Item 21 (Scottish Government Consultation – The Children’s Hearings (Scotland) Act 2011 – Draft Safeguarder Panel Regulations) – Councillor Miller declared a non-financial interest in that he was a Board Member of SCRA however he would still participate in the item of business.

3. MINUTE

The Council Executive approved the Minute of its meeting held on 15th November 2011. The Minute was thereafter signed by the Chair.

4. DRAKE MUSIC APPLICATION TO CHALLENGE FUND

The Council Executive was shown a DVD presentation that demonstrated the work of Drake Music who was a registered Scottish Charity and an established national arts organisation which worked with people with disabilities.

The DVD presentation had shown Drake Music working with residents from The Rosebery Centre, which catered for older people with dementia.

Following the conclusion of the DVD presentation the Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy outlining the contents of an application made by Drake Music to the Challenge Fund which sought to provide and invest in music therapy for older people who had suffered from a stroke or dementia.

The report advised that at the invitation of West Lothian Council's Arts Development Officer a pilot project was run during 2011 in an older peoples day centre (The Rosebery Centre) which catered for older people with dementia. A subsequent evaluation of the project demonstrated that Drake Music had helped to increase participant's self-esteem and confidence as well as their awareness and connection with their surroundings.

As a consequence of the positive impact further Day Centres had indicated that they wished the work undertaken by Drake Music to provide their service users with a similar opportunity over a six month period (December 2011 – May 2012). It was envisaged that music sessions would be made available at Braid House (Livingston), Rosebery Centre (Livingston), St Michael's Centre (Linlithgow) and Acredale House (Bathgate) using conventional instruments and accessible music technology.

It was recognised that sustainability beyond the six month extension would require to be considered and it was Drake's intention to train day centre staff in the use of Soundbeam technology. Training would also be offered to a West Lothian based musician who would then subsequently be able to provide the day centre staff with future refresher training as well as support and mentoring. All equipment purchased would remain locally owned and hence accessible to staff working within the services that were trained in its use.

A presentation in relation to the work which was undertaken during the pilot project was given to the Senior Peoples Forum on 13th October 2011. On the basis of the presentation a vote was taken with the members supporting the application on a majority basis (vote 11/10 in favour). A number of questions were also raised in response to the presentation by the Forum members on the day, which were subsequently clarified in discussion with Drake Music.

The report further advised that the application submitted to the Challenge Fund plus Drake Music's subsequent response to the questions raised provided a comprehensive picture as to what was being proposed in terms of how the organisation operated and the benefits that could be realised for this vulnerable client group.

In conclusion the Head of Social Policy advised that by supporting the application and providing funding via the Challenge Fund it would enable the work undertaken during the six month pilot to be extended, enabling

more vulnerable adults with dementia to similarly benefit in both the short and the longer term.

It was recommended that the Council Executive support the application from Drake Music and approve the release of £18,266 from the Challenge Fund.

Decision

1. To approve the terms of the report; and
2. Agreed to instruct officers to prepare a report for presentation to a future meeting of the Social Policy Policy Development and Scrutiny Panel/Council Executive outlining a similar provision for all West Lothian Care Homes.

5. CHANCELLOR'S AUTUMN STATEMENT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates providing an update in relation to the announcement contained in the Chancellor of the Exchequer's 2011 Autumn Statement and to provide an indication of the measures that may have financial implications for the council.

The Head of Finance and Estates explained that the Chancellor had delivered his 2011 Autumn Statement to the House of Commons on 29th November 2011, alongside the publication of the Office for Budget Responsibility's (OBP) updated forecasts for growth and borrowing.

The announcement included permanent reductions in spending to ensure that the UK met its fiscal targets, with some of the savings being used in the short term to fund infrastructure to help generate growth. The Chancellor outlined that the three key aspects of the statement were :-

- Protecting the economy;
- Building a stronger economy for the future; and
- Fairness

The Head of Finance and Estates then went on to explain the overall economic position, the effect on public services including pay assumptions and local pay reviews and the main implications for West Lothian Council. It was also noted that the announcement also included details on pensions, fuel duty, benefits and supporting business.

In conclusion the Chancellor's 2011 Autumn Statement included substantial changes to the economic growth and borrowing projections in the 2011 budget and that these changes were as a result of the substantial uncertainty in the economy, higher than expected inflation and the emerging reality that the boom growth before the financial crises was unsustainable.

Therefore to help ensure that the Government met its fiscal rules, the Chancellor announced spending reductions of 0.9% per year in real terms for 2015/2016 and 2016/2017, which would mean that public sector expenditure would be constrained over the medium term.

It was recommended that the Council Executive note that the 2011 Autumn Statement confirmed that the overall economic situation provided a challenging context for public expenditure in the current and following spending reviews.

Decision

To note the terms of the report.

6. PROCUREMENT ARRANGEMENTS - MOBILE TELEPHONY

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval to award a one-year contract for mobile telephony as outlined in the report.

The Head of Finance and Estates explained that the council's current mobile phone contract, provided through the Buying Solutions Framework was due to expire on the 31st December 2011. However it was to be noted that a number of mobile phone subscribers would have their rental agreement outstanding when the contract expired and if the contract was changed to an alternative supplier this would incur a termination fee. The termination value could be reduced over the coming twelve months by rationalising the end date of individual subscriber accounts and that by allowing for a new competition exercise to be undertaken could allow for savings of 15% per annum.

Therefore it was proposed that through the Buying Solutions Framework a new one-year telephony contract be procured with a start date of 1st January 2012 with an anticipated value of £332,000 over the year. It was further noted that during the course of the year a procurement exercise to replace the existing Framework Agreement would be undertaken and that by reducing the number of subscribers the target savings of 15% per annum could be realised.

It was recommended that the Council Executive :-

- Approve the award of a one-year contract under the Government Procurement Service (OGC Buying Solutions) Framework Agreement RM526/L1 for Mobile Data and Voice Calls to Vodafone Ltd; and
- Agree that the Procurement Service work with IT Services to reduce the number of mobile telephony subscribers and to create a tailored requirement specification in line with Government Procurement Service (Buying Solutions) tender exercise to target future savings of £50,000 per annum.

Decision

To approve the terms of the report.

7. METHODS OF PAYMENT AND UPDATE ON COUNCIL TAX COLLECTION

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates providing an update on the movement of Council Tax payers from standing order to direct debit, to explore the use of incentives to encourage movement from standing order to direct debit and to provide an update on Council Tax collection.

The Head of Finance and Estates explained that on 28th June 2011 the Council Executive considered a report on Methods of Payment at which time it was agreed to remove standing order as a method of payment for council tax with immediate effect for new payers and from 1st April 2012 for existing standing order payers. It was also requested that a report go to the Partnership and Resources PDSP within six months providing an update on the progress of moving current standing order payers to direct debit.

The Head of Finance and Estates then advised that of the 569 Council Tax standing order payers, 113 had moved to direct debit with the remaining 456 Council Tax standing order payers being made aware that if they did not change to direct debit a payment card would be issued to them at the time of the 2012/2013 annual bill.

The report then went on to explain the incentives that were being employed to encourage Council Tax standing order payers to move to direct debit and included paying over a twelve month period or by weekly direct debit which could assist households to better manage their budgets. Additionally a concerted campaign with the assistance of the council's media team would be undertaken to incentivise customers to move to direct debit.

The report continued to provide information relating to the Council Tax Statutory Recovery Process and it was noted that for the period April 2011 to October 2011 there had been an increase of 18%, on the same period for 2010, in the number of recovery notices being issued.

The Head of Finance and Estates then provided information relating to Council Tax Budgeting and Collection and included information on factors that impacted on the collection rate of council taxes.

In conclusion the initial progress in transferring customers from standing order to direct debit would realise savings of approximately £2000 per year and that by designing a clear and concise campaign around the proposals outlined in the report it was envisaged that the benefits of direct debit to our customers would become more of an incentive for them to change their method of payment. Additionally the Revenues Unit continued to work hard to achieve the current collection rate set for

Council Tax of 97.75%.

It was recommended that the Council Executive :-

1. Note the progress in the Council Tax standing orders payer moving to direct debit;
2. Agree to the implementation of the proposals set out in the report to incentivise customers to move to direct debit; and
3. Note the current Council Tax collection position.

Decision

To approve the terms of the report.

8. 6-10 GLASGOW ROAD, BATHGATE - FORMER ADULT LEARNING CENTRE - PROPOSED SALE TO DERRICK FINDLAY

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for the disposal of the former Bathgate Adult Learning Centre building to Mr Derrick Findlay for use as offices, showroom and workshops.

The Head of Finance and Estates advised that following the transference of staff from the former Adult Learning Centre in Glasgow Road, Bathgate to the new Bathgate Partnership Centre, the council declared the property as surplus to requirement.

Therefore the property was placed on the open market for sale at the beginning of October 2011 and after receiving a number of notes of interest, a closing date of 16th November 2011 was set. The main terms and conditions of the highest offer were detailed in the report.

It was recommended that the Council Executive :-

- Approve the sale of the former Bathgate Adult Learning Centre buildings, 6-10 Glasgow Road, Bathgate to Mr Derrick Findlay for the sum of £210,267 subject to the terms and conditions set out in the report; and
- Authorises the Head of Finance and Estates to carry out any further negotiations with the purchaser in respect of the sale of the site, on the basis that any revised terms and conditions still represented the best capital receipt for the council.

Decision

To approve the terms of the report.

9. REVISED POLICY AND PROCEDURE ON MANAGING SICKNESS ABSENCE

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval for a revised council Policy & Procedure for Managing Sickness Absence.

The Head of Corporate Services advised that whilst the current policy and procedure had resulted in more effective sickness absence management concerns had been raised that it lacked sufficient flexibility and discretion for managers to apply in certain prescribed circumstances. The absence of clear timescales in the procedure for conducting formal meetings was also identified by the trade unions as having a detrimental effect on their members by unduly extending the length of sickness absence monitoring periods.

Following consultation with both teaching and non-teaching trade unions a number of refinements were planned to the current policy and procedure, details of which were summarised in the report and included information on trigger levels, medical referrals, Stage 1 & 2 Absence meetings and counselling.

In conclusion the revised policy and procedure was considered to address the key concerns of the trade unions and other relevant stakeholders and the changes were intended to provide flexibility for managers by replacing a rigid “one size fits all” approach.

It was recommended that the Council Executive approve the revised Policy and Procedure on Managing Sickness Absence as attached to the report.

Decision

To approve the terms of the report, which would be implemented with immediate effect.

10. EUROPEAN, BRITISH OR SCOTTISH PIPE BAND CHAMPIONSHIPS BID

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services advising of a potential bid by Bathgate & West Lothian Highland Games Association (BWLHGA) to hold the 2013, 2014 and 2015 European, British or Scottish Pipe Band Championships in Bathgate and to seek approval to support the bid by financially underwriting the event at a capped level.

The Head of Area Services explained that the Royal Scottish Pipe Band Association (RSPBA) was responsible for organising the major national and international Pipe Band Championships i.e. World, European, British and Scottish and that the hosting for these events was decided through a bidding process.

The report went on to explain the scale and benefits from hosting such an event and included the experiences of Belfast who were currently hosting the European Championships and Dumbarton who had hosted

the Scottish Pipe Band Championships for the past nine years.

The Head of Area Services further advised that the Bathgate Bid would emphasise the public/private partnership between Enterprising Bathgate, West Lothian Council and Visit West Lothian and would highlight the town's strong links with piping. Key elements of the bid were summarised in the report and included information on local facilities, local transport, accommodation and financial support for the bid. The current proposal was to hold the Championships the week after the West Lothian and Bathgate Highland Games which would allow for some of the costs to be shared.

Advisors from Business Gateway and Visit West Lothian had met the Bid Team to support the development of their business plan. The business plan would concentrate on demonstrating broader viability of staging the championship and had been developed to support and inform the final bid document. Once the championships had been awarded then the plan would be further developed to cover the more detailed aspects of the operational planning.

The largest item of expenditure was the payment to the Royal Scottish Pipe Band Association for prize money, organising the event and marketing to the bands via their website. The main source of income would be ticket sales, sponsorship and fees for pitches on the day. Sponsorship of £10,000 had already been agreed with a well known local company and it was anticipated that total sponsorship in excess of £25k would be generated for each of the three years.

Bathgate and West Highland Games Association intended to submit their final bid document to the Royal Scottish Pipe Band Association in late January/early February 2012.

It was recommended that the Council Executive :-

1. Note the proposal from Bathgate & West Lothian Highland Game Association to host the 2013-2015 European, British or Scottish Pipe Band Championships in Bathgate and the potential economic and social impact of the event on West Lothian; and
2. Agree that if the bid was successful, the Council would financially underwrite the event, capped at £30,000 per year for each of the 3 years 2013, 2014 and 2015 to cover any potential annual losses which directly resulted from staging the event and which could not be covered by the reserves of Bathgate and West Lothian Highland Games Association (currently £30,000). Additionally the Council would be asked to indicate their backing of the bid in a letter of support which be used to strengthen the bid to bring the championships to West Lothian.

Decision

To approve the terms of the report but only on the condition that the event did not coincide with the Bathgate Procession.

11. VOLUNTARY AND NOT FOR PROFIT ORGANISATIONS FUNDING AND OTHER SUPPORT FOR 2012/2013

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services which provided information on the significant progress made in moving from funding activities through grants to voluntary and community organisations to funding which purchased agreed outcomes to meet service objectives. The appendix to the report outlined the changes in the structure of the Voluntary Organisations Budget Report (VOBR).

The Head of Area Services advised that West Lothian council invested £20 million annually in voluntary organisations and that the council had been working towards replacing grants to voluntary and community organisations for activities with funding that purchased agreed outcomes. This provided clearer details on what the council purchased from voluntary organisations.

As previously reported the target was to have all organisations receiving £50,000 or more per annum on contracts or outcome based funding agreements by the end of 2011/2012 and that this would be extended to all organisations receiving £15,000 or more per annum by the end of 2012/2013. This change had been supported through additional training and workshops on outcomes for both organisations within the third sector and council link officers.

The Head of Area Services continued to provide information relating to the proposed financial support for voluntary and not for profits organisations for 2012/2013 and it was noted that following an announcement by the Cabinet Secretary for Finance, Employment and Sustainable Growth, on 21st September 2011, which concluded that the revenue for funding for local government would, in cash terms, be similar to 2011/12 it was considered appropriate to provide a similar settlement to all organisations funded through the VOBR in 2012/2013.

The report continued to provide information relating to the conditions of funding including meeting the Best Value Review criteria and details of the Voluntary Sector Development Fund which would focus on preventative spend by seeking to address problems earlier, thus reducing overall intervention costs and improving life chances.

It was recommended that the Council Executive reaffirm its commitment to supporting the Voluntary Sector to agree that funding included in the 2011/12 VOBR be retained at the same level for 2012/13 and that the Council Executive also note the following :-

- The significant progress made in moving voluntary organisations from grants to outcome-based contracts or robust funding agreements and the removal of these organisations from the Voluntary Organisations Budget Report (VOBR) as per previous Council Executive decisions;

- The proposed allocation of £761,238 to the organisations in receipt of grants and small grant funds remaining in the VOB as per Appendix 1, which was the same level of funding for each organisation as for 2011/2012;
- The addition of three organisations to the VOB reflecting the inclusion of two projects previously funded through the Fairer Scotland Fund and one newly in receipt of funding, increasing the VOB by £112,000 from 2011/12;
- The removal of the Scottish Refugee Council, Out of School Care Grants, Housing Strategy and Development Miscellaneous Grants due to operational changes;
- That all organisations included in the 2011/2012 VOB would receive the same level of funding in 2012/2013 with the exception of those specified in bullet point 4;
- A progress report on further moves to outcome based commissioning and a number of related issues would be presented to the Voluntary Organisations Policy Development and Scrutiny Panel in the first half of 2012/2013; and
- The £100,000 Voluntary Sector Development Fund created by the council in 2011/2012 would continue in 2012/2013 with a focus on preventative spend and increasing use of quality standards by the sector.

Decision

To approve the terms of the report

12. SCOTTISH GOVERNMENT CONSULTATION - PUTTING LEARNERS AT THE CENTRE : DELIVERING OUR AMBITIONS FOR POST-16 EDUCATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services advising of a consultation that had been received from the Scottish Government on achieving ambitions for the delivery of Post-16 Education. A copy of the proposed response was attached to the report at Appendix 1.

The Head of Area Services advised that the consultation placed more weight on young people and aimed to radically enhance the offer to all 16-19 year olds with a guaranteed place in education or training, as appropriate to their needs, and that whilst much of the consultation was centred on the role of colleges there were cross-cutting questions relevant to a number of partners who contributed to the post-16 employability, learning and skills agenda.

It was believed that in West Lothian the CPP model was demonstrably the best in Scotland, already linking private sector, businesses, employers,

NHS, Jobcentre Plus, Skills for Scotland and the Voluntary Sector Gateway and that where budgets could be brought to the table with joint accountability, greater outcomes could be achieved, encompassing the true meaning of partnership working for the benefit of West Lothian and the wider economy of Scotland.

In conclusion the issues raised in the consultation document were significant for the delivery of post-16 provision and many of the proposals were to be welcomed. There was however the potential to create a innovative new model of joined up delivery based on outcomes for skills and employability.

It was recommended that the Council Executive approve the response to the Scottish Government's consultation on the delivery of post-16 education and submit it by the 23rd December 2011.

Motion

To approve the terms of the report and to insert a response at Consultation Question 8 with the wording to be agreed between the Chair, Councillor Miller and the Depute Chief Executive (Education, Planning and Area Services).

- Moved by the Chair and seconded by Councillor De Bold.

Amendment

"Add at a) Efficient, Flexible Leaner Journeys

West Lothian Council believes that a key stone to ensure the delivery of an appropriate place in post-16 learning for all 16-19 year olds is to have properly resourced local college provision. West Lothian Council therefore notes with concern the Scottish Government's proposal to cut the budget for West Lothian College and the unacceptable impact that this will have on the availability of training and learning places for local young people. West Lothian Council agrees that the Scottish Government should withdraw these proposed budget cuts to help ensure the delivery of appropriate places in post 16 learning.

Add at f) Effective and Sustainable Delivery

West Lothian Council believes that West Lothian council should continue to operate as a stand alone, West Lothian based provider and should not be expected to accept any merger which will do nothing to improve the effective and sustainable delivery of training and learning opportunities."

- Moved by Councillor McGinty and seconded by Councillor Fitzpatrick.

It was agreed that a roll call vote be taken, which resulted as follows :-

Motion

Frank Anderson

Amendment

John McGinty

William Boyle

Lawrence Fitzpatrick

John Cochrane

Martyn Day

Robert De Bold

Ellen Glass

Peter Johnston

Andrew Miller

Jim Walker

Decision

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

13. WEST LOTHIAN FAIRTRADE ZONE

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services advising of the successful campaign to make West Lothian a Fairtrade Zone and to ask the Council Executive to fully support the continued development of the ongoing campaign to maintain the status.

The Head of Area Services advised that West Lothian Council had supported Fairtrade since 2003 and committed in February 2010 to the establishment of a Steering Group to pursue the aim of achieving Fairtrade Zone status for West Lothian.

Following an 18 month campaign West Lothian had recently achieved Fairtrade Zone status with each of the five goals set by the Fairtrade Foundation having been met. The key achievements over the campaign were :-

- The establishment of a local steering group that met regularly to develop the campaign;
- Identification of 50 retail and 38 catering outlets across West Lothian that stocked at least 2 Fairtrade products;
- An extensive programme of events during Fairtrade Fortnight 2011 involving local schools, churches, town and village groups and an on-going media campaign. Highlights included the school poster campaign, visit from a coffee producer from Uganda and penalty shoot-out at Livingston FC;
- The commitment of the Centre to become our Flagship Employer;

and

- The success of Bathgate's own town bid.

Having achieved Fairtrade Status the Steering Group had to keep the campaign going and further develop its support across the county. Additionally it would be necessary to reapply after one year, in September 2012, and thereafter every two years. West Lothian Council was also committed to continue to support the existing 4 Fairtrade Town's and 1 Fairtrade Village to maintain their status and support new town and village groups in their campaigns.

It was recommended that the Council Executive confirms its commitment to support Fairtrade and continue to develop support for Fairtrade both across the county and within the council's own procurement arrangements.

Decision

1. To approve the terms of the report; and
2. To record a note of thanks for all the Officers efforts in relation to the achievement.

14. SCOTTISH GOVERNMENT CONSULTATION ON THE REGISTRATION OF CIVIL PARTNERSHIPS SAME SEX MARRIAGE

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services concerning a Scottish Government consultation on the registration of civil partnerships same sex marriage. A draft response to the consultation was appended to the report.

The consultation outlined options for same sex couples to have the same opportunities as opposite sex couples to formalise their relationship. In summary the options were:-

- Status quo with same sex couples only able to have a civil partnership;
- Same sex couples able to have either a civil partnership or religious partnership; and/or
- Same sex couples are able to marry either in a civil ceremony or religious ceremony.

It was suggested that all couples, no matter what their sexual orientation, should be able to have the same choice as to how they formalised that relationship. The legal duty in the Equalities Act 2010 provided significant support to the approach outlined in the draft response to the consultation. The council's position on the consultation was also supported by the Human Rights Act 1998, under Article 8 (right to respect for private and family life, home and correspondence) and Article 14 (non-discrimination).

Finally, the Council Executive was informed that the impact on the registration service in West Lothian would be minimal.

It was recommended that the Council Executive agree that a response was made to the Scottish Government in the terms as detailed in the appendix to the report.

Motion

To approve the terms of the report

- Moved by the Chair and seconded by Councillor Anderson.

Amendment

As the deadline for submission of the consultation response had passed no further action was to be taken.

- Moved by Councillor McGinty and seconded by Councillor Fitzpatrick

Decision

Following a vote the Motion was agreed by 8 votes to 2, with 1 abstention, and it was agreed accordingly.

15. SCOTTISH GOVERNMENT CONSULTATION: FEED-IN TARIFFS FOR SOLAR PHOTOVOLTAICS

The Council Executive considered a report (copies of which had been circulated) providing a draft response to the UK Department of Energy and Climate Change (DECC) consultation on feed-in tariffs (FITs) for Solar Photovoltaics (PV).

The Head of Planning and Economic Development advised that the Feed in Tariff (FIT) Scheme was introduced in April 2010 and was designed to promote the uptake of small-scale, low-carbon, electricity technologies by the public and communities. However a comprehensive UK Government review was looking into all aspects of the FIT Scheme including the ability of the scheme to operate within the spending parameters confirmed in the Spending Review.

The Head of Planning and Economic Development proceeded to explain the key proposals contained within the consultation including a reduction in the level of support for all new solar PV installations with a total installed capacity of 50kW or less and its impact upon the council.

In conclusion the Solar PV consultation proposed a significant reduction in tariffs and a multiple installation tariff which would impact on the council's future business cases for implementing Solar PV as part of its efforts to reduce carbon emissions and meet national renewable energy targets.

A proposed response to the consultation was contained within the report and it was recommended that the Council Executive approve the consultation response for submission to the UK Department of Energy and Climate Change (DECC)

Decision

To approve the terms of the report.

16. DRAFT PLANNING BRIEF - SCHOOL ROAD (FORMER COMMUNITY CENTRE SITE), LONGRIDGE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development advising of the details of a draft planning brief that had been prepared for the former Community Centre Site at School Road, Longridge, details of which were summarised in Appendix 1 to the report.

The Head of Planning and Economic Development explained that the site was owned by the council and had recently become surplus to requirement.

The site was shown in the adopted West Lothian Local Plan (WLLP) as open space and any proposal to develop or change the use of open space would be assessed against the following criteria contained within the WLLP:-

- A locational justification for the development;
- The importance of the open space for recreation or amenity
- Disturbance and loss of trees, woodlands and wildlife habitats or green corridors; and
- The availability and accessibility of alternative suitable open space, including suitability of any replacement provision proposed by a developer

The report further advised that whilst the site was allocated for residential development in the WLLP, the site would potentially be suitable for infill residential development as it lay within the settlement boundary of Longridge.

Therefore to allow developers to consider how the site may be developed, a draft planning brief had been prepared which indicated how the council as planning authority anticipated that it would be developed, including the physical and financial contribution requirements that would have to be met.

Contained within the report were a number of comments received from local ward members and local residents following consultation on the planning brief. Officers proposed responses to those comments were also

included. In addition comments had been received from Scottish Water and therefore as a result the planning brief had been amended accordingly to take into consideration these comments which concerned low water pressure in the area.

The report concluded that the draft planning brief had been prepared for the former community centre site at School Road, Longridge and that once approved the planning brief would be a material consideration in the determination of future planning applications for the site.

It was recommended that the Council Executive :-

- Note the principals of development contained within the draft planning brief;
- Note the response received from Scottish Water; and
- Approve the draft planning brief

Decision

To approve the terms of the report.

17. INSTALLATION OF CCTV EQUIPMENT ON BUILDINGS

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development detailing proposed supplementary planning guidance (SPG) on the installation of CCTV equipment on buildings, as attached to the report at Appendix A.

The Head of Planning and Economic Development explained that the draft planning brief had been previously discussed at a meeting of the Development and Transport Policy Development and Scrutiny Panel on 4th August 2011. The panel had endorsed the draft SPG for external consultation and agreed that prior to presentation to the Council Executive officers were to give consideration to including a passage within the report concerning making licensing matters a part of the planning conditions. Therefore in response to this discussion the SPG had been amended (Section 2.11 Point 8) to state that before making any decisions applicants had to ensure that all other regulatory requirements, including licensing requirements had been addressed.

External consultation then ran for a period of 6 weeks from 15th August to 30th September 2011 and the council received one representation from Ironside Farrar Ltd who was generally supportive of the SPG. Further details of their response were attached to the report at Appendix B.

In conclusion and in light of the discussion at the Development and Transport Policy Development and Scrutiny Panel and the responses received during the consultation period it was recommended that the Council Executive :-

- Note the principals of guidance contained within the SPG;

- Note the responses received to the external consultation on the draft SPG; and
- Approve the Supplementary Planning Guidance.

Decision

To approve the terms of the report.

18. REPLACEMENT OF TRAFFIC CALMING MEASURES, BATHGATE SPORTS CENTRE ACCESS ROAD

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval for the replacement of the road humps on the access road to Bathgate Sports Centre.

The Head of Operational Services explained that as part of this year's roads maintenance programme, the access road to Bathgate Sports Centre had been resurfaced. During the design of the scheme it was identified that the road humps that were in place did not meet the current traffic calming regulations.

Therefore following consultation with Legal Services, officers agreed that it would be necessary to advertise the road humps, as the dimensions of the replacement road humps would be different to those originally constructed. The road humps would be 3.7m in length and 75mm high but would be installed at the same locations on the access road to the previous ones.

It was recommended that the Council Executive approve the initiation of the statutory procedures to allow the replacement of the road humps on the access road to Bathgate Sports Centre.

Decision

To approve the terms of the report.

19. CLARENDON AREA, LINLITHGOW - PROPOSED EXPERIMENTAL PARKING SCHEME

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 re-advertise the experimental parking scheme without permits for Clarendon Road and Clarendon Crescent, Linlithgow as detailed in the appendices to the report.

The Head of Operational Services explained that at its meeting on 22nd March 2011, the Council Executive had considered objections to the proposed experimental traffic order which aimed to control commuter parking in the Clarendon area of Linlithgow. On considering the objections

the Council Executive agreed not to proceed with the experimental order at that time and instructed that a further report detailing options for a West Lothian wide parking permit scheme be incorporated into a review of car parking charges and presented to a meeting of the Development and Transport Policy Development and Scrutiny Panel.

The Head of Operational Services then explained that the previously advertised experimental scheme consisted of a 1-hour restriction on parking between 10am and 11am, Monday to Friday. This would effectively prevent all-day commuter parking whilst minimising the impact upon residents, most of whom had off-street car parking facilities. The cost of implementing such a scheme would be minimal and would be easy to administer and enforce.

However objections had been raised on the basis that some residents would be unduly inconvenienced because they either had no off-street car parking or had more cars than available off-street parking. Therefore in line with a recommendation from Development and Transport Policy Development and Scrutiny Panel, who discussed the issue at its meeting on 6th October 2011, officers had investigated the possibility of providing residents' permits as an add-on to the previously advertised scheme.

The report went on to explain how a residents' parking permit scheme would operate and included information on costs of implementing proposed residents parking scheme with and without parking permits.

In conclusion officers had investigated in greater detail the potential for including residents' parking permits within the previously advertised experimental scheme for the Clarendon Area, however the additional cost of introducing permits could not be accommodated within existing budgets.

It was recommended that the Council Executive approve the initiation of the statutory procedures to re-advertise the experimental parking scheme without permits for Clarendon Road and Clarendon Crescent, Linlithgow.

Decision

Agreed to initiate the statutory procedures to re-advertise the experimental parking scheme in the Clarendon Area of Linlithgow with the addition that it included residents' parking permits.

20. PROPOSED STOPPING-UP ORDER, FERNBANK, LADYWELL, LIVINGSTON

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to initiate the statutory procedures to stop up a section of public car park and verge in Fern bank, Ladywell, Livingston to facilitate the development of a new pharmacy.

The Head of Operational Services advised that in order to implement planning permission for a 135sqm retail pharmacy on land at Fernbank,

Ladywell, it was necessary to stop-up the area of land which was currently public car park and associated verge.

Lothian and Borders Police had been consulted and had no issue with the proposal. Local Members had also been consulted and their comments were detailed in the report.

It was recommended that the Council Executive approve the statutory procedures be undertaken to stop-up a section of public car park and verge in Fernbank, Ladywell, Livingston.

Decision

To approve the terms of the report.

21. SCOTTISH GOVERNMENT CONSULTATION - THE CHILDREN'S HEARINGS (SCOTLAND) ACT 2011 - DRAFT SAFEGUARDERS PANEL REGULATIONS 2012

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy seeking approval for the submission of a proposed response to the Scottish Government consultation on the draft Safeguarders Panel Regulations 2012.

The report advised that Safeguarders were appointed by children's hearings or sheriffs when they thought there was a requirement to safeguard the interest of the child in proceedings. The Safeguarder provided the hearing or court with an independent assessment of what was in the child's best interest. Safeguarders were self employed and independent from all other agencies involved in the Children's Hearings system and that independence was a crucial aspect of the role.

Under the Children (Scotland) Act 1995, the council had a duty to maintain a Safeguarder panel with sufficient numbers on the panel to meet the needs of the Hearing System in West Lothian. However, the new Children's Hearings (Scotland) Act 2011 introduced significant changes to the management of Safeguarders and would see the removal of the responsibility from each local authority to establish a local Safeguarder panel with a view to the establishment of a national Safeguarders panel. The intention to move to a national Safeguarders Panel was to introduce clear and consistent arrangements for the management and oversight of the Safeguarder service across Scotland.

The consultation requested a response to a number of questions, each of which related to specific sections of the draft regulations. The consultation also provided background information for each question to help respondents understand the Scottish Government's views and aims for the regulations. The proposed council response to the consultation was detailed within the appendix to the report.

In conclusion, the proposed response highlighted the well developed practices and processes for the recruitment and selection of Safeguarders in West Lothian and sought to ensure that these were reflected in the new

national arrangements. The response also emphasised that West Lothian had and continued to ensure that Safeguarders were competent to serve the best interest of the child (i.e. they had the required qualifications, skills, experience and knowledge to carry out such an important role. This principal should also be the key driver in the development of any new national arrangements.

It was recommended that the Council Executive approve the draft response to the Scottish Government consultation on the draft Safeguarders Panel Regulations 2012.

Decision

To approve the terms of the report.

22. SCOTTISH GOVERNMENT CONSULTATION ON THE RIGHTS OF CHILDREN AND YOUNG PEOPLE'S BILL

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy seeking approval of the proposed council response to the Scottish Government consultation on The Rights of Children and Young People Bill

The Head of Social Policy explained that the United Nations Convention on the rights of the Child (UNCRC) was adopted by the General Assembly of the United Nations in 1989 which highlighted the basic rights of children up to the age of 18. The UNCRC consisted of 54 Articles which encompassed the civil, political, economic, social and cultural rights of children and young people. The UK ratified the UNCRC in 1991 and was bound in international law by its terms.

The purpose of the Rights of Children and Young People Bill was to put the UNCRC on a statutory footing, which placed a duty on the Scottish Ministers to have due regard to the UNCRC when exercising any of their functions. This Bill would be followed by the Children's Services Bill in 2013, which provided the opportunity to translate the above provisions for children into specific powers or duties on either Ministers or public bodies in relation to the delivery of children's services.

Social Policy, Education staff and the Children's Rights Officer were consulted on the content of the document and their contribution was reflected in the proposed response. West Lothian Council shared the ambition of the Government that children's rights were recognised, respected and promoted throughout society and highlighted the following key points:

- West Lothian welcomed the legislation to ensure that the UNCRC improved the quality of life for all our children;
- The level of "due regard" fell short of a mechanism to ensure compliance with the UNCRC;
- The duty should extend from Ministers to public bodies whose work

directly affected children and young people;

- The duty should apply to all functions of Ministers; and
- The proposal to extend the duty to those under 21 who had been looked after was welcomed.

In conclusion, it was agreed that the Bill supported West Lothian Council's determination to ensure that the rights of all children and young people were respected and that they were valued, consulted and included in the decision making process.

It was recommended that the Council Executive approve the proposed council response to the Scottish Government consultation on the draft The Rights of Children and Young People Bill.

Decision

To approve the terms of the report.

23. CONSULTATION ON ALCOHOL (MINIMUM PRICING) (SCOTLAND) BILL

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy providing a draft response to the Scottish Parliament's Health and Sport Committee calling for written evidence on the general principles of the Alcohol (Minimum Pricing) (Scotland) Bill, which was introduced by the Scottish Government on 31st October 2011.

The report recalled that in February 2010 the Council Executive had supported the main provision of the Alcohol etc (Scotland) Bill which also included a commitment to a minimum sales price for a unit of alcohol and had submitted evidence to that effect.

The Head of Social Policy recommended that the council again contributed to the call for evidence in support of the minimum pricing provisions of the Bill. Appendix 1 to the report provided the recommended submission.

The Council Executive was invited to approve the proposed council response to the Scottish Parliament's Health and Sport Committee call for written response on the general principles of the Alcohol (Minimum Pricing) (Scotland) (Bill).

Decision

To approve the terms of the report.

24. SICKNESS ABSENCE REPORT

The Council Executive considered a report (copies of which had been

circulated) by the Head of Corporate Services advising of the sickness absence rates within the council for the period 1st April to 30th September 2011 and to advise on the measures being taken to implement the council's Policy and Procedure on Managing Sickness Absence.

Attached to the report at Appendix 1 was the sickness absence Statutory Performance Indicator (SPI) for the council and it was noted that whilst there had been a slight increase in September 2011, at 3.38%, the SPI was significantly lower than in September 2010 (4.29%) This reduction equated to 9,856 fewer days of sickness absence, the equivalent of 43.6 FTE.

Attached to the report at Appendix 2 was the sickness absence SPI for each service area for the period 1st April to 30th September 2011. Appendix 3 of the report included full details of benchmarking between local authorities for teaching and non-teaching posts.

The Head of Corporate Services continued to provide information relating to the on-going management of sickness absences cases and it was noted that the absence management team within HR continued to work closely with managers across the council, providing advice and guidance on the management of sickness absence and monitoring the application of the Policy Procedure on Managing Sickness Absence.

Information was also contained within the report on the Nurse Led Call Centre that was operating within Nets and Land Services and Domiciliary Care. Charts demonstrating the performance of these two services were also provided as an appendix to the report.

In conclusion the continuing reduction in the number of days lost to sickness absence during 2011/2012 represented a significant achievement for the council not least as the reduction had led to the SPI remaining below the council target of 4% throughout the first 6 months of 2011/2012. However it was noted that two service areas remained above 4% and the HR Absence Management Team continued to closely work with managers in these areas.

It was recommended that the Council Executive note the contents of the report.

Decision

To note the contents of the report.

25. DEVELOPER CONTRIBUTIONS UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development providing an update on developer contributions following the completion of the month 6 monitoring exercise.

The report advised that developer contributions enabled the council to ensure that developments were properly provided with infrastructure,

services and facilities and enabled developments to proceed that might otherwise have been refused planning permission.

The report further advised that following a start at the Armadale CDA and the approval of several planning applications for council house building, substantial developer contributions had been made during the period August to September 2011 with income at £2,152,349 and expenditure at £363,000. A closing balance at 30th September 2011 was £7,986,011. A breakdown of contributions was set out in appendix 1 to the report.

In conclusion developer contributions received during August and September 2011 were much higher than had been experienced in recent months due to a start being made at the Armadale CDA and progress being made with the proposals for council house building.

It was recommended that the Council Executive note that during the period of August to September 2011 income was £2,152,349 and expenditure was £363,000.

Decision

To note the terms of the report.

26. ACTION TAKEN UNDER TERMS OF STANDING ORDER 31 (URGENT BUSINESS) -

(a) SLAED Conference, 24th to 25th November 2011, Dundee

The Council Executive noted that approval had been provided for Councillor Martyn Day to attend the Scottish Local Authorities Economic Group Annual Conference on 24th and 25th November 2011.

(b) Sustainable Housing – Proposals to Install Photo-Voltaic Panel in New Build Council Housing at Ladeside Avenue, Blackburn

The Council Executive noted that approval had been provided for the installation of photo-voltaic (PV) panels on 10 new build council houses and flats at Ladeside Avenue, Blackburn.

27. LOCAL GOVERNMENT FINANCE SETTLEMENT 2012/2013 TO 2014/2015

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates which provided an update in relation to the Local Government Finance Settlement for 2012/2013 to 2014/2015 as announced in the Scottish Parliament on 8th December 2011.

The Head of Finance and Estates advised that the Local Government Finance Settlement set out in Finance Circular 11/2011, outlined provisional revenues and capital funding allocations for individual local

authorities for 2012/2013 to 2014/2015 and that the provisional allocations would form the basis of the annual consultation between the Scottish Government and COSLA.

The report provided a table of contents which demonstrated the provisional allocations for the whole of Scotland and more specifically for West Lothian. And it was noted that funding allocations to individual local authorities were arrived at using the established distribution methodology.

The Head of Finance and Estates proceeded to outline the package of measure relating to 2012/2013 revenue grant and it was noted that the terms of the conditional funding offer for 2012/2013 required individual local authority Leaders to write to the Cabinet Secretary by 20th December 2011 indicating whether or not they agreed to the full package of budget measures.

The specified commitments included in the funding offer were as follows :-

- To maintain a council tax freeze in each of the three years of the Spending Review;
- To maintain the teacher numbers in line with pupil numbers;
- To secure places for all probationers who required one under the teacher induction scheme;
- To pass on the full flat cash share of funding to Police Boards in line with existing agreed levels for 2011/2012 as a contribution to maintaining police numbers in Scotland at least at 17,234 throughout 2012 to 2015.

The report continued to provide information on non-domestic rates, capital grants and the revenue budget for 2012/2013.

It was recommended that the Council Executive :-

1. Note the outcome of the Local Government Finance Settlement in respect of provisional revenue and capital funding for 2012/2013 to 2014/2015; and
2. Agree that the Head of Finance and Estates should take account of the content of the finance settlement in the 2012/2013 revenue budget report to Council in early 2012.

Motion

“West Lothian Council notes the outcome of the Local Government Finance Settlement and asserts that, given the reductions imposed by the Westminster Government on the Scottish Government budget, that Scottish local government is receiving a fair and equitable settlement.

Council notes the requirement for Council Leaders to write to the Cabinet Secretary, by 20th December 2011, indicating their agreement, or otherwise, to the following commitments:

1. To maintain a council tax freeze in each of the three years of the spending review;
2. To maintain teacher numbers in line with pupil numbers;
3. To secure places for all probationers who require one under the teacher induction scheme; and
4. To pass on the cash share of funding to Police Board in line with agreed levels for 2011/2012 as a contribution to maintaining police numbers in Scotland at least at 17234 throughout 2012-2015.

Council agrees that each of the four points above are essential components of this council's budgets for the 2012-15 period and authorises the Leader of The Council to write to the Cabinet Secretary.

1. Indicating the agreement of West Lothian Council to each of these points
2. Providing a formal assurance, once the 2012/13 budget has been set, that the budget approved includes provision to deliver across all the specified commitments".

Decision

To approve the terms of the report and the terms of the Motion.

28. USE OF CHALLENGE FUND

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy seeking approval for the revised criteria for accessing the Challenge Fund and the revised governance arrangements for its use.

The Head of Social Policy advised that at a recent meeting of the Senior Peoples Forum discussion took place with regards to adopting a more strategic approach to the use of the Challenge Fund and that in order to achieve this, the existing criteria to access the fund would require to be revised.

The aim of producing a revised set of criteria was to :-

1. Create a good strategic fit with the Re-shaping Care for Older People agenda;
2. Complement the activities supported by the Challenge Fund;
3. Support wider access to the Fund; and
4. Achieve a closer alignment with all the partner's strategic priorities.

In addition it was agreed that it would be more effective if a subgroup,

consisting of members from the main group, was established with representation from the Seniors Forum to support and oversee the process. It was proposed that the subgroup would be chaired by Councillor Isabel Hutton and that the vice chair would be a nominated senior officer of the council.

Additionally it was proposed that a two-tier system of accessing the Challenge Fund be introduced. Tier 1 would be for requests smaller/one-off sums of money up-to £1000 and Tier 2 for requests over £1000.

Further details of the proposed criteria for accessing the Challenge Fund were summarised in the report.

In conclusion the Head of Social Policy explained that the recommendations outlined in the report provided a transparent framework for processing future applications made to the Challenge Fund, allowing the potential resulting benefits to be maximised across all council services. In addition the revised criteria would allow for easier access to the fund.

It was recommended that the Council Executive :-

1. Approve the revised criteria for the use of the Challenge Fund; and
2. Approve the proposed arrangements to create a subgroup to agree the allocation of the Challenge Fund.

Decision

To approve the terms of the report.



West Lothian
Council

COUNCIL EXECUTIVE

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - PUBLIC ENTERTAINMENT LICENCES

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To submit to the Council Executive for consideration a revised resolution regarding Public Entertainment Licensing.

B. RECOMMENDATION

That the Council Executive approves the revised resolution, appended to this report.

C. SUMMARY OF IMPLICATIONS

I	Council Values	<ul style="list-style-type: none">• Focusing on our customers' needs• Being honest, open and accountable• Working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Section 41 of the Civic Government (Scotland) Act 1982, as amended by Section 176 of the Criminal Justice and Licensing (Scotland) Act 2010
III	Implications for Scheme of Delegations to Officer	None
IV	Impact on performance and performance indicators	None
V	Relevance to Single Outcome Agreement	None
VI	Resources - (Financial, Staffing and Property)	From within existing service budgets.
VII	Consideration at PDSP	Environment PDSP on 21 December 2011
VIII	Consultations	<ul style="list-style-type: none">• The council's advisors in relation to public entertainment licensing (Lothian and Borders Police, Lothian and Border Fire and Rescue Service, Development Management, Environmental Health and Trading Standards and Building Standards)• All local Gala Day Committees• Community Councils

- Public Entertainment Licence Holders
- The Showmen's Guild
- The Health and Safety Executive
- Heads of Service

D. TERMS OF REPORT

D.1 Background

In February 2011 the Scottish Government advised that it intended on bringing the provisions of the Act, which required forms of entertainment which were provided free of charge to require to be licensed, into effect from 1 April 2011. The Scottish Government then corrected its guidance and stated that the changes would come into effect on 1 April 2012.

In view of the change in legislation Legal Services sought to take the opportunity to review the council's public entertainment resolution which lists the type of activities which are required to be licensed by the council.

D.2 Changes in Resolution

The legislation provides that premises where the public entertainment takes place are to be licensed, and premises include land. However the resolution must contain a list of activities which require to be licensed rather than a list of types of premises. It is also a legal requirement that the resolution must specify clearly the categories of activity covered and a general, unspecific resolution is not enough.

In order to change the council's existing resolution, a draft resolution must first be advertised and 28 days allowed for representations to be made. The council must then consider the representations made before passing the final form of resolution (which cannot include additional activities not referred to in the draft resolution).

A consultation document was sent to the council's advisors in relation to public entertainment licensing and relevant stakeholders (local gala day committees, community councils, the Showmen's Guild, all current public entertainment licence holders and Heads of Service) for comment. The responses received were considered by Legal Services and incorporated into a revised resolution, set out in Appendix 1.

D.3 Environment PDSP Consultation

At the meeting of the Environment PDSP on 7 April 2011 the Panel considered a report which set out the detail of the consultation that had been undertaken and the responses that had been received to date.

At the meeting of the Environment PDSP on 21 December 2011 the Panel were advised that there had been no additional responses from consultees and the Panel unanimously agreed to recommend the publication of the revised resolution to the Council Executive.

E. CONCLUSION

Due to changes in the relevant legislation and the age and content of the council's present resolution for public entertainment licences a review of the council's present policy was required.

Officers have consulted with the council's advisors in relation to public entertainment licensing (Lothian and Borders Police, Lothian and Border Fire and Rescue Service, Development Management, Environmental Health and Trading Standards and Building Standards) and relevant stakeholder groups.

The revised resolution will provide the council with an updated policy which provides the appropriate provisions for the licensing of premises as places of public entertainment.

F. BACKGROUND REFERENCES

The Criminal Justice and Licensing (Scotland) Act 2010

Report to the Environment Policy Development and Scrutiny Panel on 7 April 2011 regarding Public Entertainment Licences.

Report to the Environment Policy Development and Scrutiny Panel on 21 December 2011 regarding Public Entertainment Licences.

Appendices/Attachments: Appendix 1: Draft Resolution

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Graeme Struthers

Head of Corporate Services

Date: 10 January 2012

**WEST LoTHIAN COUNCIL
PUBLIC ENTERTAINMENT DRAFT RESOLUTION**

West Lothian Council, the appropriate local authority under the Civic Government (Scotland) Act 1982 ("the Act"), is satisfied that the existing Resolution concerning Section 41 of the Act, which makes provision for the licensing of premises as places of public entertainment, should be amended.

Therefore West Lothian Council, in exercise of the powers conferred upon it by Sections 9 and 41 of the Act, hereby makes the following Resolution:

1. Section 41 of the Act relating to public entertainment licences shall continue to have effect throughout the local government area of West Lothian
2. Subject to the provisions of Section 41 and Schedule 1 of the Act, a Public Entertainment Licence shall be required for the use of premises specified in Clause 4 as places of public entertainment as from [insert date nine months after resolution]
3. With effect from [insert date following the making of resolution], a Public Entertainment Licence shall no longer be required for the use of premises specified in Clause 5.
4. The premises in West Lothian which require to be licensed under this resolution are those offering any of the following types of entertainment or recreation:-
 - Public dance halls including disco dancing establishments
 - Premises with mechanical rides or simulators intended for entertainment or amusement unless the rides are for the exclusive use of children under the age of five whilst supervised by an adult
 - Circuses
 - Exhibition of persons or performing animals
 - Fun fairs, including merry-go-rounds, roundabouts, swings, switchback railways, skittle alleys, coconut shies, hooplas, shooting galleries, mechanical riding, driving or boating apparatus, or anything similar to any of the foregoing
 - Indoor or open air concerts or other events involving the erection of temporary raised structures
 - Open air concerts or other events where in excess of 100 persons are present
 - Clay pigeon shooting
 - Paintball
 - Sports or activities involving the transportation or propulsion of persons whether by mechanical or other means including gravity
 - Any exhibition to which the Hypnotism Act 1952 applies
 - Any activity involving inflatable structures
 - Any activity involving shooting
 - Archery
 - Indoor play areas for children
 - Wrestling
 - Cage fighting

- Mechanical bowling alleys
 - Premises used for laser displays or laser games
 - Firework displays or bonfires
 - Adult entertainment - defined as “any form of entertainment which involves a person performing an act of an erotic or sexually explicit nature, and is provided wholly or mainly for the sexual gratification or titillation of the audience”
5. The following premises and types of entertainment or recreation shall no longer require a Public Entertainment Licence:-
- Video machine parlours or other parlours with automatic or other machines intended for entertainment or amusement
 - Billiard, Snooker or Pool Halls
 - Saunas
 - Massage Parlours
 - Health Clubs
 - Gymnasiums
 - Variety/Musical shows or performances
 - Concert Halls
6. This resolution may be cited as the West Lothian Council Public Entertainment Resolution 2012
7. The West Lothian District Council Places of Public Entertainment Resolution 1983 shall be revoked with effect from [insert date nine months after resolution]

Given under the Seal of the West Lothian Council on the day of Two Thousand and

Authorised Signatory
 Legal Services
 West Lothian Council
 West Lothian Civic Centre
 Howden South Road
 Livingston



COUNCIL EXECUTIVE

UPDATE ON TAX INCREMENT FINANCING

REPORT BY HEAD OF FINANCE AND ESTATES AND HEAD OF PLANNING AND ECONOMIC DEVELOPMENT

A. PURPOSE OF REPORT

This report provides the Council Executive with details of the outcome of the assessment by Scottish Government of bids for additional pilot Tax Increment Financing (TIF) schemes.

B. RECOMMENDATION

It is recommended that the Council Executive:

- (1) notes that the Armadale CDA was not selected by Scottish Government as a pilot TIF scheme;
- (2) notes that Scottish Government may bring forward primary legislation before the end of the Parliamentary Session to roll out TIF more widely across Scotland;
- (3) notes that Scottish Government has indicated that there may be further opportunities to progress those bids not announced as successful before primary legislation is introduced; and
- (4) notes that the Chief Executive has written to the Cabinet Secretary for Infrastructure and Capital Investment to confirm that West Lothian Council remains interested in progressing a TIF scheme in West Lothian and to request a meeting with the Minister to explore how this could be taken forward.

C. SUMMARY OF IMPLICATIONS

I Council Values

Focusing on our customers' needs;
being honest, open and accountable;
making best use of our resources; and
working in partnership.

II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)

Enabling legislation is in place in Scotland to facilitate the roll out of TIF schemes.

III	Implications for Scheme of Delegation to Officers	None.
IV	Impact on performance and performance indicators	None.
V	Relevance to Single Outcome Agreement	Outcome 10 – We live in well-designed, sustainable places where we are able to access the services we need.
V1	Resources - (Financial, Staffing and Property)	A TIF scheme has the potential to provide additional resources for supporting development in West Lothain.
VII	Consideration at PDSP	None.
VIII	Other Consultations	Scottish Futures Trust.

D. TERMS OF REPORT

D1 Background

In February 2011, Council Executive agreed that the Council should submit a proposal to Scottish Government that the Armadale CDA should be selected as a pilot TIF scheme.

The Armadale CDA was one of 16 proposals submitted to Scottish Government as potential TIF schemes. On 1 November 2011, Scottish Government announced that four additional pilot TIF schemes had been selected to proceed to the development of a full business case. This was one more scheme than expected as, previously, Scottish Government had indicated that only three additional schemes would be selected. Unfortunately, the Armadale CDA was not one of the schemes selected.

The four selected schemes are:

Falkirk Council – road improvements and flood defences;

Fife Council – extend and improve transport links to Fife Energy Park;

Argyll and Bute Council – extend Oban’s north pier; and

Aberdeen Council – City Garden Project (note that approval of this project is subject to public support for the proposal being demonstrated).

D2 Letter from Cabinet Secretary for Infrastructure and Capital Investment

A copy of a letter received from the Cabinet Secretary for Infrastructure and Capital Investment dated 1 November 2011 is attached as Appendix 1. The letter states that Scottish Government may bring forward primary legislation before the end of the Parliamentary Session to roll out TIF more widely across Scotland. There may also be further opportunities to progress those bids not announced before then.

D3 Feedback from Scottish Futures Trust on Armadale CDA proposal

Officers from Planning Services and Estates have met with officers from Scottish Futures Trust (SFT) to obtain feedback on the council's TIF bid. SFT indicated that the Armadale CDA proposal was an interesting proposal due to the hybrid nature of the proposal which relied on income from Non – Domestic Rates and developer contributions. It was confirmed that the Armadale CDA proposal scored 5th highest of the 16 bids, coming only 3-4 points behind the proposed TIF schemes recommended by SFT.

D4 What happens next?

The full business cases will now be developed for the selected additional TIF schemes.

Whilst it is disappointing that the Armadale CDA was not selected as one of the TIF schemes to progress to development of full business case, it is encouraging that the bid scored well and that there could be potential for TIF to be rolled out more widely across Scotland.

Given the positive feedback from SFT, the Chief Executive has written to the Cabinet Secretary for Infrastructure and Capital Investment to confirm that West Lothian Council remains interested in progressing TIF and requests a meeting with the Minister to explore how this could be taken forward.

E. CONCLUSION

Armadale CDA has not been selected as a pilot TIF scheme. The council should continue to explore potential for the use of TIF in West Lothian as there is potential for TIF to be rolled out more widely across Scotland.

F. BACKGROUND REFERENCES

Report to Council Executive 'Tax Increment Financing' – 8 February 2011

Report to Council Executive 'West Lothian Local Infrastructure Fund – Selection of short list of projects' – 4 October 2011

Appendices/Attachments: One – Letter from Cabinet Secretary dated 1 November 2011

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Steve Field, Head of Planning and Economic Development

Donald Forrest, Head of Finance and Estates

Date : 10 January 2012

T: 0845 774 1741
E: scottish.ministers@scotland.gsi.gov.uk

Cllr Peter Johnston, Leader
Graham Hope, Chief Executive
West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

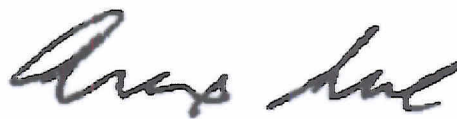
1st November, 2011

Dear Peter, Dear Graham

I am writing to thank you for submitting an outline proposal to the Scottish Futures Trust (SFT) for one of the remaining TIF pilot projects. We received sixteen applications from fifteen local authorities.

Peter Reekie, Neil Rutherford or Lynne-Marie Thom from SFT (contact details attached) will be in contact with you shortly to offer feedback regarding your application.

In the mean time, I should like to thank you for the work that you have undertaken to prepare a proposal for a potential TIF pilot project. You may be interested to note that, depending on progress with TIF pilots, we will bring forward primary legislation before the end of this Parliamentary session to roll out TIF more widely across Scotland. There may also be further opportunities to progress those bids not announced as successful, to ensure good geographical spread, before then.



ALEX NEIL

SFT contact details/over

Peter Reekie
Director of Finance & Structures
Scottish Futures Trust
Peter.Reekie@scottishfuturestrust.org.uk
0131 5100802
07740639966

Neil Rutherford
Associate Director
Scottish Futures Trust
Neil.Rutherford@scottishfuturestrust.org.uk
0131 5100825
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Lynne-Marie Thom
Manager
Scottish Futures Trust
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07590 230 647



West Lothian
Council

COUNCIL EXECUTIVE

PROCUREMENT ARRANGEMENTS – UPLIFT TREATMENT AND DISPOSAL OF RESIDUAL WASTE

REPORT BY HEAD OF FINANCE AND ESTATES

A. PURPOSE OF REPORT

To seek Council Executive approval to commence tendering procedures for the procurement of a two year and one month contract, with the potential to extend by 24 months if required, for the Uplift Treatment and Disposal of Residual Waste for West Lothian Council, to provide plant and road haulage services in respect of municipal waste from the Deans Waste Transfer Station to an appropriately licensed landfill or waste treatment site, employing the evaluation methodology and criteria detailed in Section D below.

B. RECOMMENDATION

The Council Executive is requested to approve the evaluation methodology for the above tender as set out in section D of the report.

C. SUMMARY OF IMPLICATIONS

I Council Values	<p>Focusing on our customers' needs</p> <p>Being honest, open and accountable</p> <p>Making best use of our resources</p> <p>Working in partnership</p>
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>Tenders will be issued, received and analysed in accordance with Standing Orders of West Lothian Council and the Public Contracts (Scotland) Regulations 2006.</p> <p>Health and Safety Criteria have been included by the Operational Services Health and Safety Advisor/ CDM based on Guidance provided by the Health and Safety Executive for waste management sites</p>
III Implications for Scheme of Delegations to Officers	None.

IV Impact on performance and performance Indicators	Waste Services Report performance indicators linked to recycling, percentage of Municipal waste and household waste recycled, percentage of material recycled at recycling centre's and cost of collection and disposal. This contract encourages variant bids to divert waste from landfill, which. reduces the impact of rising landfill tax and assists in meeting targets set out in the Scottish Government's Zero Waste Plan and anticipated Zero Waste (Scotland) Regulations.
V Relevance to Single Outcome Agreement	Waste Services has two Single Outcome Agreements. "The proportion of municipal solid waste recycled and "Tonnage of Municipal solid waste to landfill".
VI Resources - (Financial, Staffing and Property)	There is a budget of £5.1m covering the uplift and disposal of residual waste to landfill.
VII Consideration at PDSP	None.
VIII Other consultations	The specification has been provided by Waste Services who will participate in the evaluation. The Corporate Finance Manager was consulted on budget implications

D. TERMS OF REPORT

Background Information

West Lothian Council is currently working to develop a long term solution for waste management in the council area to comply with the requirements of the Landfill Directive and the anticipated Zero Waste (Scotland) Regulations. The council is in the closing stages of a procurement process designed to deliver a residual waste treatment facility, which is expected to become operational during 2014.

Until then, the council will need to continue interim measures to ensure that adequate waste disposal arrangements are in place until the new facility is available.

The council intends to appoint one contractor to provide plant and road haulage services in respect of waste from the transfer station at Deans to an appropriately licensed waste management facility and up to four contractors to receive waste collected and delivered direct to contractor's treatment and / or disposal sites by the council. Variant bids reducing the amount of residual waste going to landfill by removing material by pre-treatment are encouraged.

This output specification forms part of the contract which will assist the council in implementing its Integrated Waste Management Plans, production of Biennial reports and discharging their duties under section 53(1) of the Environmental Protection Act 1990 and other relevant legislation.

This Output specification contains a statement of the council's Requirements

The council is seeking to make contractual arrangements to provide for the:-

- Provision of a loading shovel, to be based at the Deans depot
- Transportation of waste from the designated transfer station (Deans)
- Depending on the location of the disposal site(s), the council may deliver residual waste directly to the site(s)
- Treatment and / or disposal of residual municipal waste

A formal contract is currently in operation and will expire on 31 July 2012.

Procurement Issues

An Open Procedure is proposed, establishing a contract divided into two lots. Potential contractors may submit bids for one or both lots.

The lots proposed are for:

Lot 1: The council intends to appoint one contractor to provide plant and road haulage services in respect of waste from the transfer station at Deans to an appropriately licensed waste management facility.

Lot 2: The council intends to appoint up to four contractors to receive waste collected and delivered direct to contractor's treatment and / or disposal sites by the Authority. The number of contractors appointed will be dependent on the location of treatment and /or disposal sites.

It is recommended price be set no higher than 60% to allow for adequate weighting to be given to Quality of Service which have a direct impact on reducing land fill costs and helping achieve targets set out in the anticipated Scottish Government's Zero Waste (Scotland Regulations) .

On this basis the proposed evaluation criteria for each of the Lots are:

Costs / Price - 60%
 Quality of Service 40%, comprising:
 Diversion of waste from landfill: 5%
 Service Provision: 12.5%
 Health & Safety – 18%
 Management Information: 1%
 Contingency 2.5%
 Environmental Procurement: 1%

The requirement will be advertised in accordance with the European Union Directives. Invitations to tender will be issued to all interested parties.

The evaluation criteria listed are proposed following consultation with Waste Services.

The anticipated start date for the contract is 1 August 2012, for two years and one month (to tie in with the current timescales for the long term Waste Project Procurement Process), with an option to extend up to a further 24 months if needed.

Budget Implications

A budget of £5.1m exists covering the uplift and disposal of residual waste to landfill. This budget includes an allowance for landfill tax which is payable at the rate of £56 per tonne in 2011/2012, escalating at a rate of £8 per tonne per year.

The council is currently progressing the procurement of a waste treatment facility with the objective of meeting Scottish Government targets to significantly reduce landfill, whilst increasing recycling levels. As part of the procurement process, it has been assumed that the council's current budget for landfill costs will be required to fund the treatment costs associated with the waste treatment facility.

Therefore, it is proposed that any savings arising from the tender be retained to meet the costs of treating residual waste through this facility.

E. CONCLUSION

It is recommended that the Council Executive approves the application of the evaluation methodology detailed in Section D above for the tendering of the Uplift, Treatment and Disposal of Residual Waste PS1408.

F. BACKGROUND REFERENCES

A copy of the tender specification for this contract is available on request from the Corporate Procurement Unit.

Appendices/Attachments: None.

Contact Person: Maria Dick, Procurement Specialist. Email: maria.dick@westlothian.gov.uk
Tel: (01506) 281803

Donald Forrest

Head of Finance and Estates

Date: 10 January 2012



West Lothian
Council

COUNCIL EXECUTIVE

PROCUREMENT ARRANGEMENTS – SUPPLY OF FRESH FRUIT, VEGETABLES & BAKERY PRODUCTS

REPORT BY HEAD OF FINANCE AND ESTATES

A. PURPOSE OF REPORT

To seek the Council Executive's approval to use the Scottish Borders Council procurement framework for the supply of Fresh Fruit, Vegetables & Bakery Products for West Lothian Council.

B. RECOMMENDATION

It is recommended that the Council Executive approve the use of the Scottish Borders Council procurement framework for the purchase of fresh fruit, vegetables and bakery products from 23 February 2012 until 31 October 2013.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs
		Being honest, open and accountable
		Providing equality of opportunities
		Making best use of our resources
		Working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Tenders were issued, received and analysed in accordance with Standing Orders of West Lothian Council and the Public Contracts (Scotland) Regulations 2006.
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None

V	Relevance to Single Outcome Agreement	None
VI	Resources - (Financial, Staffing and Property)	The estimated contract value is £400,000 per annum. The cost will be met by existing General Fund catering budgets.
VII	Consideration at PDSP	None
VIII	Other consultations	<p>The specification was created by Scottish Borders Council in conjunction with West Lothian Council Corporate Procurement Unit, Operational Services, and representatives of a number of neighbouring local authorities.</p> <p>The Corporate Finance Manager was consulted on budget implications.</p>

D. TERMS OF REPORT

Background

West Lothian Council is committed to utilising collaborative procurement opportunities especially where there are financial benefits.

The council currently has its own contract for supply of fresh fruit, vegetables, and bakery products. This contract is due to expire on 22 February 2012.

Procurement Issues

The tender for the framework was issued and evaluated by Scottish Borders Council on behalf of a number of local authorities including West Lothian Council in September 2010. The tender was advertised in accordance with EU directives. The tender documentation stated that West Lothian council would be eligible to join the framework on expiry of its current contract.

The following award criteria were applied at the tender stage:

Quality	53%
Price	30%
Sustainability	10%
Environmental	5%
Health & Safety	2%

The evaluation criteria followed consultation with all participating local authorities.

Two suppliers are available to choose within this framework. This includes the current supplier to the council, as well as a supplier used by the council in the past.

Further evaluation will take place at regular intervals during the life of the framework agreement to determine which supplier offers best value to the council.

The pricing within the framework is fixed for a three month period following agreement between the suppliers and the participating authorities in January, April, July and October of each year.

Budget Implications

The cost of providing fruit, vegetables and bakery products in 2010/11 using the previous supplier was £397,614. The total catering budget, excluding school milk, for financial year 2011/12 is £2,750,371; this includes catering budgets for care home and school kitchens.

Although there will be no initial saving, the element of competition and fixed term pricing will ensure ongoing focus on value in an area of continuing inflationary pressure and volatile pricing.

E. CONCLUSION

It is recommended that the Council Executive approve the use of the Scottish Borders Council procurement framework for the purchase of fresh fruit, vegetables and bakery products.

F. BACKGROUND REFERENCES

A copy of the specification for this contract is available on request from the Corporate Procurement Unit.

Appendices/Attachments: None

Contact Person: Steven Menzies, Category Manager

Email: steven.menzies@westlothian.gov.uk

Tel: 01506 281808

Donald Forrest

Head of Finance and Estates Services.

Date: 10 January 2012



West Lothian
Council

COUNCIL EXECUTIVE

**PROCUREMENT ARRANGEMENTS – SUPPLY OF FOUR ROLLER/PACKER
MACHINES AND ASSOCIATED SERVICING.**

REPORT BY HEAD OF FINANCE AND ESTATES

A. PURPOSE OF REPORT

To seek the Council Executive's approval to commence tendering procedures for the procurement of four Waste Roller/Packer Machines and associated servicing.

B. RECOMMENDATION

The Council Executive is requested to approve the application of the following weighted evaluation criteria set out in Section D as the award methodology for the tender for the supply of four Waste Roller/Packer machines and associated servicing.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs
		Being honest, open and accountable
		Providing equality of opportunities
		Making best use of our resources
		Working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Tenders will be issued, received and analysed in accordance with Standing Orders of West Lothian Council and the Public Contracts (Scotland) Regulations 2006.
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome	None

Agreement

VI	Resources - (Financial, Staffing and Property)	The machines will be leased over eight years at approximately £37,500 per annum. The maintenance cost associated with this equipment is expected to be in the region of £30,000 per year. The cost of this will be met from existing revenue budgets.
VII	Consideration at PDSP	None
VIII	Other consultations	The specification has been provided by Operational Services who will participate in the evaluation. The Corporate Finance Manager was consulted on budget implications.

D. TERMS OF REPORT

Background

In line with operational requirements, Operational Services have a requirement to source machinery capable of compressing waste and moving skips to replace four machines currently in use at Community Recycling Centres (CRC). The four machines that are currently leased by Operational Services are approaching the end of their useful service period and need to be replaced.

These machines will be sourced as a one off purchase using the OJEU tender process. The associated servicing of these machines will be tendered for a period of three years. A detailed specification has been prepared for inclusion with the tender.

The estimated value of the contract will be £300,000.

Procurement Issues

The requirement will be advertised in accordance with the European Union Directives. Invitations to tender will be issued to all interested parties using the Open Procedure. The evaluation criteria listed below are to be adopted following consultation with the service and to ascertain the submissions that offer best value to the council

Price – 60%
Quality of Specification – 30%
Health & Safety – 10%

It is anticipated that the tender will be advertised and issued to suppliers by 13 January 2012 with a tender return date of 27 February 2012 in line with prescribed EU timescales. Following evaluation of all bids received and observance of a statutory standstill period a contract award date of 16 March 2012 is envisaged.

Budget Implications

The machines will be leased over eight years at approximately £37,500 per annum. The

servicing of the roller packers is expected to be £30,000 per year for three years. This cost will be met from existing Operational Services revenue budgets.

E. CONCLUSION

It is recommended that the Council Executive approves the application of the evaluation criteria detailed in section D above for the forthcoming tender for the supply of four Roller/Packer machines and associated servicing.

F. BACKGROUND REFERENCES

A copy of the tender specification is available on request from the Corporate Procurement Unit.

Appendices/Attachments: None

Contact Person: Steven Menzies, Category Manager.

Email: steven.menzies@westlothian.gov.uk

Tel: 01506 281808

Donald Forrest

Head of Finance and Estates Services.

Date: 10 January 2012



West Lothian
Council

COUNCIL EXECUTIVE

PROCUREMENT ARRANGEMENTS – GROUND INVESTIGATION SURVEY.

REPORT BY HEAD OF FINANCE AND ESTATES

A. PURPOSE OF REPORT

To seek the Council Executive's approval to commence tendering procedures for the procurement of a Ground Investigation Survey for the proposed site of the Service Centre at Caputhall Rd, Deans, Livingston. The Service Centre will provide a purpose built location for Operational Services.

B. RECOMMENDATION

The Council Executive is requested to approve the application of the weighted evaluation criteria set out in Section D as the award methodology for the tender for a contract to carry out a Ground Investigation Survey on the proposed site of the New Service Centre.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs
		Being honest, open and accountable
		Providing equality of opportunities
		Making best use of our resources
		Working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Tenders will be issued, received and analysed in accordance with Standing Orders of West Lothian Council and the Public Contracts (Scotland) Regulations 2006.
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None

V	Relevance to Single Outcome Agreement	None
VI	Resources - (Financial, Staffing and Property)	The contract is expected to cost £170,000. The cost of this will be met from within the existing approved Capital Budget resources.
VII	Consideration at PDSP	None
VIII	Other consultations	The specification has been provided by Operational Services who will participate in the evaluation. The Corporate Finance Manager was consulted on budget implications.

D. TERMS OF REPORT

Background

A requirement for a Ground Investigation Survey has arisen as part of the New Service Centre project. The survey will investigate the Caputhall Road site for risks associated with shallow mine workings and will seek to identify the presence of any chemical contamination within the soil or groundwater. The results of the Survey will provide parameters for the remediation of the site which will inform the geotechnical design for the proposed development of the site.

The estimated value of the contract will be £170,000.

Procurement Issues

The requirement will be advertised in accordance with the European Union Directives. Invitations to tender will be issued to all interested parties using the Open Procedure. The evaluation criteria listed below are to be adopted following consultation with the service and to ascertain the submissions that offer best value to the council

Price – 60%

Quality – 30%

Environmental/Sustainability – 10%

It is anticipated that the tender will be advertised and issued to suppliers by 27 January 2012 with a tender return date of 13 March 2012 in line with prescribed EU timescales. Following evaluation of all bids received and observance of a statutory standstill period a contract award date of 9 April 2012 is envisaged.

Budget Implications

The estimated value of the contract will be £170,000. The approved capital budget for the New Service Centre is £12.609 million, the cost of the site investigation works will be met from the project budget.

E. CONCLUSION

It is recommended that the Council Executive approves the application of the evaluation criteria detailed in section D above for the forthcoming tender for a Ground Investigation Survey.

F. BACKGROUND REFERENCES

A copy of the tender specification is available on request from the Corporate Procurement Unit.

Appendices/Attachments: None

Contact Person: Steven Menzies, Category Manager.

Email: steven.menzies@westlothian.gov.uk

Tel: 01506 281808

Donald Forrest

Head of Finance and Estates Services.

Date: 10 January 2012



West Lothian
Council

COUNCIL EXECUTIVE

UNIT 1 THE MILL CENTRE, BLACKBURN
PROPOSED LEASE TO CORAL RACING LIMITED

REPORT BY HEAD OF FINANCE AND ESTATES

A. PURPOSE OF REPORT

To seek Council Executive approval for the grant of an eight year lease to Coral Racing Limited.

B. RECOMMENDATION

Council Executive is recommended to approve an eight year lease to 29 February 2020 in respect of Unit 1 The Mill Centre, Blackburn to Coral Racing Limited.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Making best use of our resources
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	None.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	None.
VI	Resources - (Financial, Staffing and Property)	The council will receive an initial rent of £9,800 per annum, which is subject to a single review in March 2015.
VII	Consideration at PDSP	Not applicable.
VIII	Other consultations	Local members have been provided with a copy of report for information.

D. TERMS OF REPORT

The subject property is currently leased to Martin's Newsagents, who have served notice to terminate their lease on the contractual lease end date of 29 April 2012. Terms have provisionally been agreed with Martins Newsagents to accept an earlier surrender of their lease, conditional on a new lease being granted to Coral Racing Limited.

Subject to the lease being granted, Coral Racing Limited, propose to relocate their existing operation at 63 Bathgate Road, Blackburn (opposite The Mill Centre) into unit 1 The Mill Centre.

The council hold a head lease until 29 February 2020 over the 12 units that comprise The Mill Centre. Under the terms of the head lease the council pays a market rent for the development, which is subject to five yearly rent reviews, the next review being in March 2015. Unit 10 is occupied by Blackburn Connected and the remaining 11 units are underlet by the council at market rents.

The agreement of a lease to Coral Racing Limited avoids the risk to the council of potential void property costs in May 2012. The proposed lease length also ensures that the market rent in respect of unit 1 is covered until the expiry of the council's lease on 29th February 2020.

The main terms of the lease would be as follows:

1. The lease will be for a term from the agreed date of entry up to 29 February 2020.
2. The subjects of the lease shall be Unit 1 The Mill Centre, Blackburn shown hatched black on the attached plan.
3. The rent shall be £9,800 per annum payable quarterly in advance.
4. The rent shall be reviewed on 1 March 2015 to market rent (the same review date as the head lease review).
5. The tenant will be responsible for securing all statutory consents required in connection with their use of the subjects.

E. CONCLUSION

It is considered to be in the council's best interest to grant the lease to Coral Racing Limited in accordance with the terms and conditions set out above.

F. BACKGROUND REFERENCES

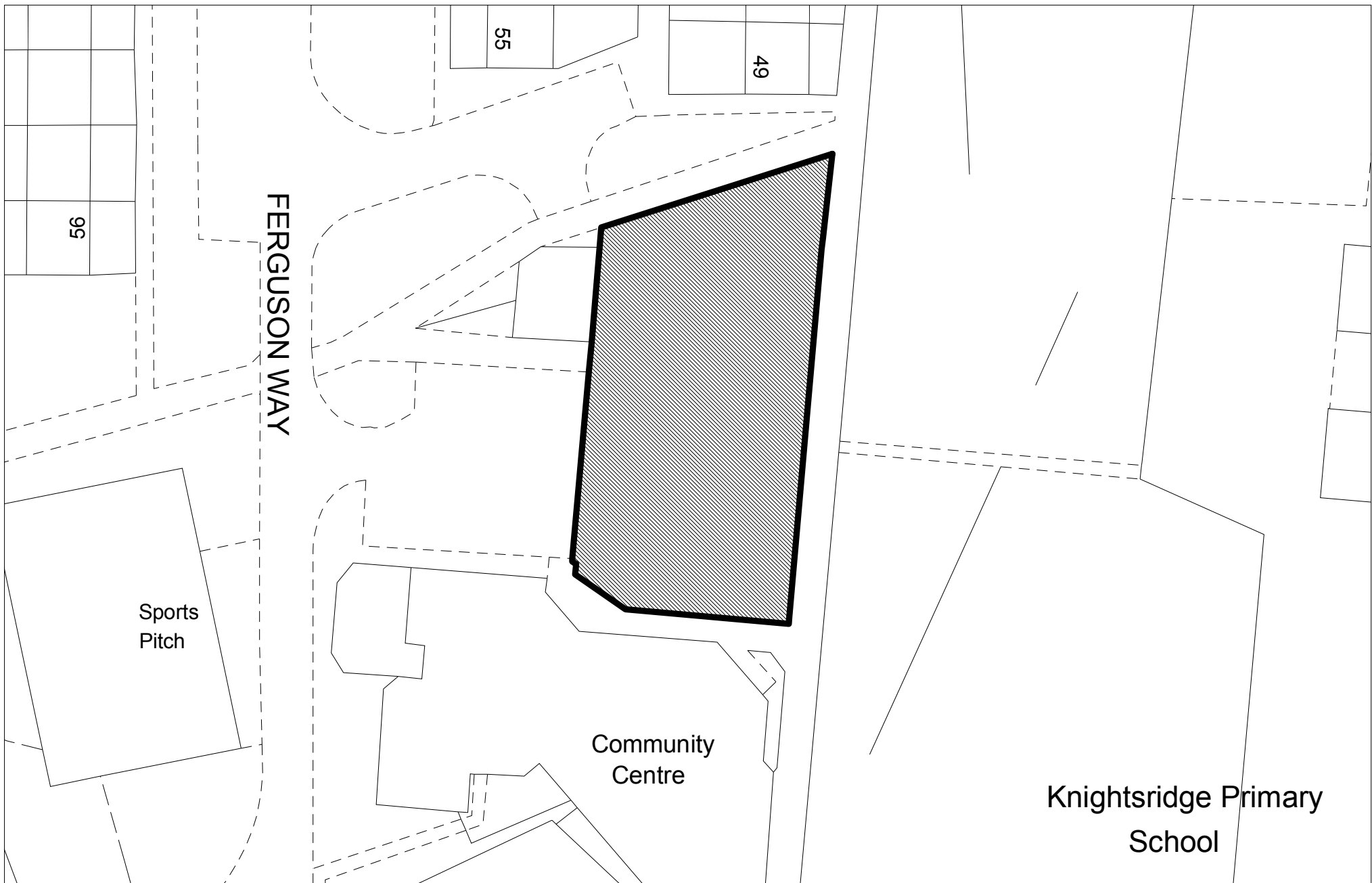
None

Appendices/Attachments: Location plan attached

Contact Person: Stephen Letch, Commercial Property Surveyor, Direct Dial: (01506) 281122
Stephen.letch@westlothian.gov.uk

Donald Forrest, Head of Finance and Estates

Date: 10 January 2012



	Site at Ferguson Way, Knightsridge, Livingston	1:500	
	Property Management & Development, Civic Centre, Livingston, West Lothian, EH54 6FF.	13:53 13/12/2011	



West Lothian
Council

COUNCIL EXECUTIVE

0.10 HECTARES AT FERGUSON WAY, KNIGHTSRIDGE, LIVINGSTON
GRANT OF GROUND LEASE TO KNIGHTSRIDGE NEIGHBOURHOOD NETWORK

REPORT BY HEAD OF FINANCE AND ESTATES

A. PURPOSE OF REPORT

To seek Council Executive approval for the grant of a 25 year ground lease to Knightsridge Neighbourhood Network.

B. RECOMMENDATION

Council Executive is recommended to approve a 25 year ground lease in respect of 0.10 hectares at Ferguson Way, Knightsridge, Livingston to Knightsridge Neighbourhood Network.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Making best use of our resources
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	None.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	None.
VI	Resources - (Financial, Staffing and Property)	The council will receive an initial rent of £680 per annum, which is subject to five yearly indexed reviews.
VII	Consideration at PDSP	Not applicable.
VIII	Other consultations	Local members have been provided with a copy of this report for information.

D. TERMS OF REPORT

The subject property was the site of the former Knightsridge Early Years Centre.

The Knightsridge Neighbourhood Network manage a number of projects within Knightsridge including Knightsridge Sports Association. It is proposed that the subject property will be used as a site upon which to locate a single story, prefabricated building, which the Association will use as changing facilities.

These changing facilities will service sports pitches between Mosswood Community Centre and The Vennie. Whilst there are existing changing facilities at Mosswood Community Centre, these are of limited capacity and are not up to the required standard.

The prospective tenant has lodged a funding bid with Sport Scotland to cover the majority of the capital costs likely to be incurred in bringing this project forward.

The main terms of the ground lease would be as follows:

1. The lease will be for a term of 25 years from the agreed date of entry.
2. The subjects of the lease shall be the 0.10 hectares at Ferguson Way, Knightsridge, Livingston shown hatched in black on the attached plan.
3. The rent shall be £680 per annum payable annually in advance.
4. The rent shall be reviewed every fifth anniversary of the agreed date of entry, by way of indexation, using the retail price index (RPI).
5. The subjects shall be used to locate a prefabricated structure to provide changing facilities. The land will not be used for any other purpose without the council's prior consent.
6. The tenant shall be responsible for the repair, maintenance and upkeep of the subjects and all costs attributable thereto (including the existing boundary fence and gates)
7. The tenant will be responsible for securing all statutory consents required in connection with their use of the subjects and the tenant will be required to hold suitable public liability insurance in connection with their use of the subjects.
8. The council shall have no responsibility, financial or otherwise for the prefabricated building or the running of it. The tenant shall be entirely responsible for its operation, insurance, and maintenance.

E. CONCLUSION

It is considered to be in the council's best interest to grant the ground lease to Knightsridge Neighbourhood Network in accordance with the terms and conditions set out above.

F. BACKGROUND REFERENCES

None

Appendices/Attachments: Location plan attached

Contact Person: Scott Hughes, Surveyor, Direct Dial: (01506) 281825

Email: Scott.hughes@westlothian.gov.uk

Donald Forrest, Head of Finance and Estates

Date: 10 January 2012



West Lothian
Council

COUNCIL EXECUTIVE

**COMPANY SECRETARIAL MATTERS OF INCORPORATED COMPANIES – CHANGE TO
SCHEME OF DELEGATION TO OFFICERS**

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To obtain Council Executive approval for the amendment of the Council's Standing Orders, Scheme of Delegation to Officers, for the better administration of Company Secretarial matters of incorporated companies that the Council has, or may have, an interest in.

B. RECOMMENDATION

- (1) To authorise the Head of Corporate Services to be named as the appointed Company Secretary of West Lothian Enterprise Limited, WL Ventures Group Limited, Visit West Lothian and Business Gateway West Lothian Limited and to act as such and their name be entered in the relevant company books.
- (2) To authorise the Chief Solicitor to sign company documents such as resolutions, minutes and other documents on behalf of the Council as sole member of West Lothian Enterprise Limited, WL Ventures Group Limited and Business Gateway West Lothian Limited and other incorporated bodies where the Council is sole member, as appropriate.
- (3) To amend the Scheme of Delegations accordingly.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs
	Being honest, open and accountable
	Developing employees
	Making best use of our resources
	Working in partnership
II Policy and Legal (including Strategic Environmental)	Compliance with Companies Act 2006

Assessment, Equality Issues, Health or Risk Assessment)	
III Implications for Scheme of Delegations to Officers	Corporate Functions of Head of Corporate Services to be extended to include appointment as Company Secretary of incorporated bodies; Corporate Functions of Chief Solicitor to be extended to include signing resolutions, minutes and other documents on behalf of the Council as sole member of incorporated bodies.
IV Impact on performance and performance Indicators	No impact
V Relevance to Single Outcome Agreement	None
VI Resources - (Financial, Staffing and Property)	Corporate Services have identified that staff from legal services will be required to provide legal support and training to the Head of Corporate Services in order to assist them in carrying out their new functions within the existing resources of legal services.
VII Consideration at PDSP	N/A
VIII Other consultations	Legal Services, the Head of Corporate Services and the Head of Planning and Economic Development have been consulted on the terms of the legislation and the implications of the proposal

D. TERMS OF REPORT

Legal Services have considered ways in which to improve the administration of incorporated companies that the Council has an interest in, either through the involvement of officers or through the membership of the Council as a member of the company.

Four companies were identified where the Council had such an interest and where it was felt that the companies would benefit from further support and advice from legal services. These four companies are West Lothian Enterprise Limited, WL Ventures Group Limited, Business Gateway West Lothian Limited and Visit West Lothian.

It was identified that it would be beneficial for the future administration of these four companies if one person was appointed as the Company Secretary of all four companies. That person would then carry out the functions of a company secretary with the support and advice of legal services, ensuring consistency and compliance with company legislation. Staff within legal services have the necessary training and expertise to ensure such compliance

A company has both members and directors. Directors manage the day-to-day running of the company on behalf of the members.

In relation to the companies where West Lothian Council is named as sole member (Visit West Lothian has a subscription membership and the Company registers reflect this) it is necessary to now nominate an officer to be able to sign minutes, resolutions and other documents on behalf of the Council as sole member. The type of resolution that the sole member might be required to pass would be a resolution to approve the accounts of the company (once certified by the directors) or a resolution to change the name of the company. The Chief Solicitor has been identified as the person best placed to carry out this function.

E. CONCLUSION

In order to provide an efficient and statutorily compliant company secretarial service, the changes set out above require to be made. This will result in greater certainty in the decision-making of these companies and will also ensure that the companies and their officers are not exposed to any problems caused by a lack of compliance with companies legislation

F. BACKGROUND REFERENCES

Companies Act 2006

Council's Scheme of Delegation to Officers

Appendices/Attachments: None

Contact Person: Joyce Moss, Legal Services, Tel: 01506 281600 e-mail joyce.moss@westlothian.gov.uk

Graeme Struthers, Head of Corporate Services.

Date: 10th January 2012



West Lothian
Council

COUNCIL EXECUTIVE

CONSULTATION RESPONSE: ENERGY PERFORMANCE OF BUILDINGS.

REPORT BY HEAD OF PLANNING AND ECONOMIC DEVELOPMENT

A. PURPOSE OF REPORT

The purpose of this report is to provide the Council Executive with a draft response to the Scottish Government's consultations on The Energy Performance of Buildings Directive – recast, and Section 63: Energy Performance of existing non-domestic buildings: Climate Change (Scotland) Act 2009.

B. RECOMMENDATION

It is recommended that the Council Executive notes the content of the report, and approves the response to the consultations appended to the report, for submission to the Scottish Government.

C. SUMMARY OF IMPLICATIONS

- | | |
|---|--|
| I Council Values | Being honest, open and accountable

Making best use of our resources

Working in Partnership |
| II Policy and Legal (including Strategic Environmental Assessment (SEA), Equality Issues, Health or Risk Assessment) | <p>a) Policy - Meeting energy and carbon reduction targets is part of Scottish Government's policy to develop a sustainable low carbon economy. It clearly links to the council's Corporate Plan and West Lothian's Single Outcome Agreement.</p> <p>b) Legal – This relates to the council's duties under the Climate Change (Scotland) Act 2009.</p> <p>c) SEA – none.</p> <p>d) Equality Issues – none.</p> <p>e) Health & Safety – none.</p> |

	f) Risk Assessment – none.
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	The implications of the proposals are to decrease energy consumption and therefore cost and carbon emissions from properties.
V Relevance to Single Outcome Agreement	Responding to climate change and reducing carbon emissions from the council's activities links to West Lothian's Single Outcome Agreement, in particular Outcome 14: We reduce the global and local impact of our consumption and production.
VI Resources - (Financial, Staffing and Property)	<p>a) Financial – the proposal is to extend the number of properties requiring Energy Performance Certificate inspections. Undertaking the necessary surveys will result in one-off costs of approximately £30,000.</p> <p>b) Staffing – proposals to increase the number of Energy Performance Certificates and undertake actions from identified action plans will have impact on time and resources of officers in Finance and Estates.</p> <p>c) Property – the proposals will require non-domestic and domestic council property over 250m² to be assessed and have action plans to reduce carbon emissions.</p>
VII Consideration at PDSP	Environment PDSP 21 December.
VIII Other consultations	Climate Change Policy Officer, Energy Manager and Building Standards Officer.

D. TERMS OF REPORT

1.0 Background

The Scottish Government has issued two consultations relating to energy performance of buildings. The consultations below relate to each other and therefore are being considered together within this report. The closing date for responses to the consultations is 20 January 2012.

1.1 EU Directive on the Energy Performance of Buildings

- Proposal to implement Directive 2010/31 which revises Directive 2002/91/EC on the Energy Performance of Buildings Directive (EPBD).
- Developments for the delivery of Energy Performance Certificates (EPC). (Refer to Appendix A for more information on EPCs).

1.2 Section 63 Climate Change (Scotland) Act: Energy Performance of existing non-domestic buildings

- Under Section 63, 'Energy Performance of Non-Domestic Buildings' of the Climate Change (Scotland) Act 2009, Scottish Ministers must by regulations provide for the assessment of the energy performance of non-domestic buildings and the emissions of greenhouse gases produced and require owners of such buildings to improve the energy performance of such buildings and reduce such emissions.
- Section 63 is targeted at reducing energy use and emissions from individual existing non-domestic buildings, although there is an option to record and monitor overall energy use (operational ratings).

2.0 Main proposals

2.1 EU Directive on the Energy Performance of Buildings

The European Parliament and Council agreed to a revision of the Energy Performance of Buildings Directive (EPBD), referred to as a 'recast'. The recast, which was published on 19 May 2010, extends the scope of the original Directive and proposes:

- Extending the use of the Standard Assessment Procedure (SAP) for the energy rating of dwellings.
 - The reduced data SAP (RdSAP) is currently used for assessment of existing dwellings. The proposal is to enable the use of the SAP for some dwellings.
- Information on the primary energy for a building to be included within EPCs and their accompanying reports.
- Further development of energy standards within building regulations to deliver a practical definition, applicable to all new buildings, of what constitutes a 'nearly zero-energy new building'.
- From 2020, all new buildings to be nearly zero energy buildings, with an earlier target date of 2018 for new buildings owned and occupied by a public authority.
- An EPC be issued for public buildings with a total floor area threshold of 500m² (previously 1,000m²), with a further reduction to 250m² in 2015.
- The maximum validity of an EPC be retained at ten years.
- The EPC continue to offer cost effective recommendations on how an assessed building might be improved
- The EPC is revised to include an improved rating graph, identifying both current and potential rating, and a 'Green Deal' status text box.
- Production of an EPC for any domestic dwelling will be on the basis of assessment of another representative building.

- Independent annual check of 2% from all certificates/ inspection reports is carried out by a body appointed by the Scottish Government.

2.2 Section 63 Climate Change (Scotland) Act: Energy Performance of existing non-domestic buildings

- The main proposal is that eligible existing non-domestic buildings be subject to an Assessment of Carbon and Energy Performance (ACEP) which would consist of:
 - Energy Performance Certificate (EPC).
 - Recommendations report; and an
 - Action Plan
- The council would carry out physical improvement work to the building or make arrangements to measure, report and display operational ratings. The council must implement the building measures identified in the Action Plan within 3.5 years.
- Section 63 regulations would apply to public and private buildings at the point of sale, lease to a new tenant or lease renewal to an existing tenant.
- Should the council choose not to undertake any physical improvement measures on buildings it must report annual operational ratings until a decision is made to implement improvement measures.
- The flow chart in Appendix D sets out the manner in which the regulations would work for the council. It highlights the proposed type, age and size of non-domestic buildings subject to assessment and trigger points for assessment.
- It is proposed that buildings participating in the Green Deal be exempt from Section 63. (Information on the Green Deal is within Appendix A).

3.0 Summary of response to consultation

3.1 EU Directive on the Energy Performance of Buildings

- As all new properties use the full SAP it would make sense that existing properties also have the facility to use this software to enable a better comparison of energy performance in buildings.
- The definition of a 'nearly zero-energy new building' should be: "A building that has a very high energy performance with the low amount of energy required covered to a significant extent by energy from renewable sources produced on-site".
- The maximum validity of an EPC should be retained at ten years, with the option to re-evaluate and undertake another EPC within that period. For example, re-evaluation may take place following energy improvements works which would show the improvement in EPC rating.
- If EPCs are being produced for single family dwellings based on assessment of another representative building care should be taken to ensure that the specification and fabric of the buildings are identical.

- In the revised format of the EPC it would be advantageous to explain the term 'cost-effective improvements' and include a further 'overall potential' of the building if measures, including those deemed not cost effective, are undertaken. This will be necessary if the current proposal on the revision to the Feed-In Tariff Scheme for solar PV is accepted and all buildings must have an energy rate of C above, or risk qualifying for a lower FIT payment. Council's will need to be aware of how to reach C and therefore determine whether this is cost effective in the holistic sense of the ability to apply renewable technology.
- There will be additional costs, of approximately £30,000, to survey and manage the EPC process for the additional sixty-two buildings between 250m2 and 1000m2 and it is not clear yet when this is required, or a timetable for implementation. The £30,000 is one-off money to produce the certificates.

3.2 Section 63 Climate Change (Scotland) Act: Energy Performance of existing non-domestic buildings

Officers agree with the proposal but have the following concerns:

- The quality of information within the EPCs is a concern and, therefore, so is their ability to directly inform Action Plans, as is intended under Section 63.
- It is not clear how the regulations impact sub leases, which has caused some confusion in the existing EPC arrangements.
- More clarity on what the Green Deal will involve and provide for participating buildings is required before the impact of Section 63 for the local authority is fully understood.

E. CONCLUSION

The Scottish Government has issued two consultations relating to energy performance of buildings. The proposal of changes to Energy Performance Certificates (EPCs) within consultation on The Energy Performance of Buildings Directive (EPBD) – recast, is relevant to proposals concerning EPCs within the consultation on Section 63: Energy Performance of existing non-domestic buildings: Climate Change (Scotland) Act 2009. Therefore the response to both consultations is considered within this report.

Officers agree with the proposals to change the format of the EPCs as proposed in the EPBD consultation and to include these within a formal assessment structure as proposed by the consultation on Section 63 of the Climate Change (Scotland) Act. However the quality of information with the recommendations from EPCs will need to be of a standard that robust businesses cases for energy efficiency improvements can be made. The additional buildings that will require EPCs under the proposals has resource and financial implications for the council, therefore the council will require the Scottish Government to provide clear guidance on timescales for implementation and clarity on the implications of the Green Deal for local authorities in order that the council can efficiently work within the policy context to reach desired outcomes of energy efficiency and carbon reduction.

F. BACKGROUND REFERENCES

Consultations may be accessed from: <http://www.scotland.gov.uk/Topics/Built-Environment/Building/Building-standards/publications/pubconsult>

Appendices/Attachments: four

Appendix 1 – Energy Performance Certificate description

Appendix 2 – Section 63 Regulations Flow Chart

Appendix 3 – Consultation response Section 63

Appendix 4 – Consultation response Directive 2010/31/EU

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Steve Field, Head of Planning and Economic Development, County Buildings, Linlithgow, EH49 7EZ.

Date: 10 January 2012

Appendix 1

Energy Performance Certificate (EPC)

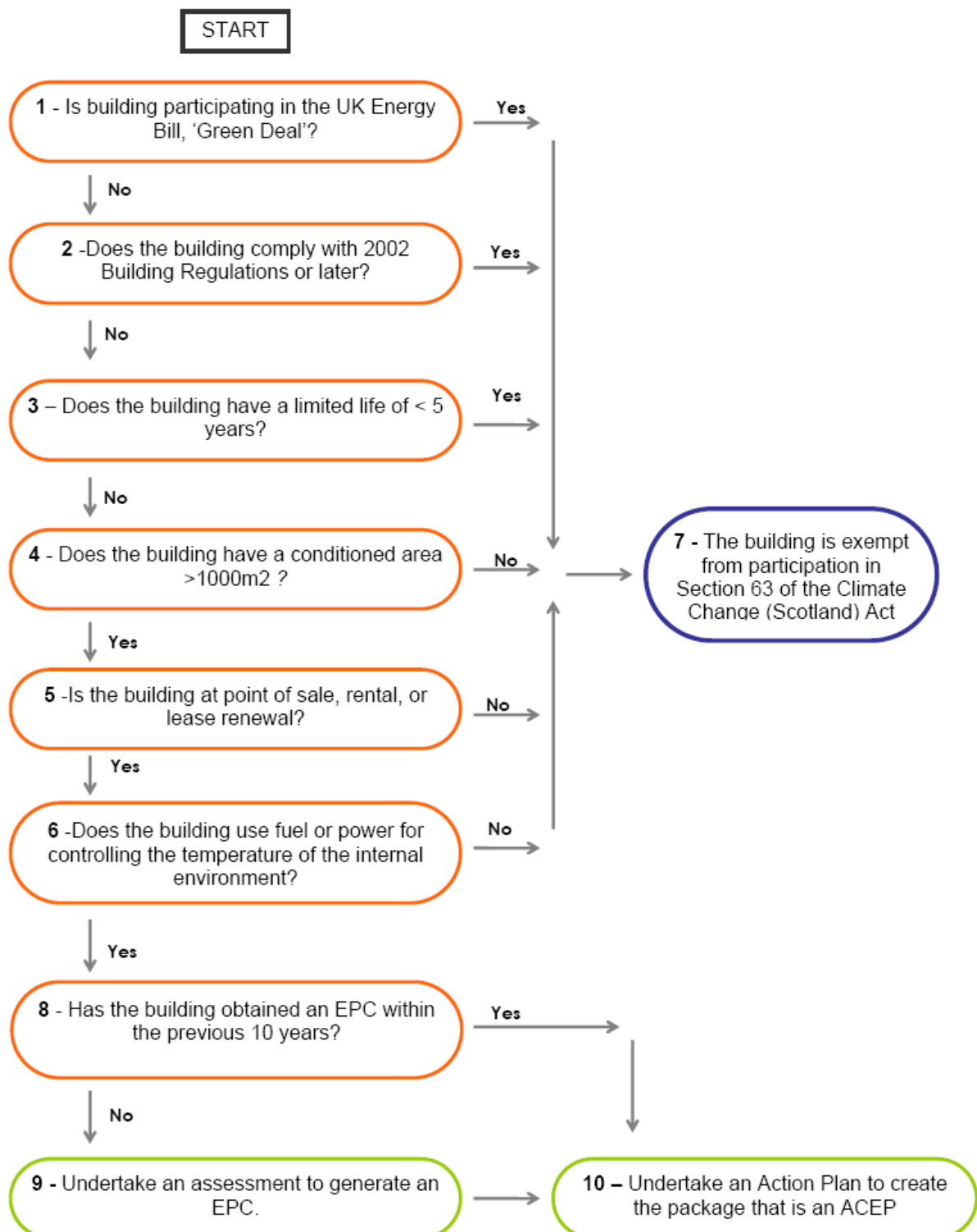
EPC's are required to be carried out for non-domestic buildings in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008. The EPC shows the energy demand and CO2 emissions for the building and determines an asset rating for the building's fabric and fixed building services which is a representation of the CO2 emitted from the building.

Green Deal

The Green Deal is a new finance framework intended to reduce carbon emissions by providing householders and businesses with the upfront capital to carry out energy efficiency improvements to their properties and repay through their energy bill. This is to be achieved by attaching a Green Deal charge to the electricity meter at the property concerned with the protection of the Green Deal "Golden Rule", that is, any charge attached must be less than the expected savings from the retrofit.

The Green Deal can be provided by commercial companies, social enterprises and local authorities, acting alone or in partnership. Further details on proposals for the Green Deal are set out in the Department of Energy and Climate Change's (DECC's) consultation which opened on 23 November 2011 and closes on 18 January 2012. Officers are preparing a response to this.

Appendix 2
Section 63 Regulations Flow Chart



10 Undertake an Action Plan to create the package that is an ACEP.



11 – Building owner to implement the measures outlined in the regulations/guidance or alternative measures, including operational ratings as per the Action Plan.



12 – The building owner must implement the building measures identified in the Action Plan within 3.5 years



13 – If the building owner elects to implement operational ratings they must establish a protocol to report year on year operational energy and CO₂ emissions as part of the Action plan, until the building measures in '12' are carried out.

14 – It is intended that Scottish Government will carry out a review within 10 years and consider amending regulations and guidance

Appendix 3

Consultation Questions and response

CLIMATE CHANGE (SCOTLAND) ACT 2009: SECTION 63 REGULATIONS AND GUIDANCE FOR NON DOMESTIC BUILDINGS

Question1 (Assessment methodology)

Do consultees consider that the assessment methodology used to produce EPCs offers a practical route to assess the energy performance of existing buildings to deliver the requirements of the Section 63 regulations?

No.

Given EPCs already satisfy legislation under the Energy Performance of Buildings (Scotland) Regulations 2008 it seems satisfactory not to provide duplication. However the information produced through EPCs is not currently of an adequate standard to fully inform an Action Plan. Further to this the files used for the production of West Lothian Council's EPC's are with the consultant and there would be an issue with another company picking up this data to produce further reports if details (as were found to be the case) are incorrect. Therefore, it may require a new EPC for each site, particularly if some of the recommendations are incorrect or have now been implemented.

Question 2 (Eligibility – Green Deal)

Are consultees content that a building 'participating' in the UK Energy Bill's 'Green Deal' should be exempt from the Section 63 regulations?

Yes

There are indications that the focus of the Green Deal for non-domestic properties would be on small to medium enterprises due to other sectors being addressed by other initiatives such as the CRC Energy Efficiency Scheme.

It seems that the Green Deal would cover energy efficiency improvements which would ensure compliance with Section 63. Should it therefore not be the case that buildings under CRC would be exempt from Section 63 regulations?

More clarity on what the Green Deal will involve and provide for participating buildings is required before this question can be fully answered and the impact for the local authority fully understood.

Question 3 (Eligibility – building performance)

a) Do consultees consider that buildings constructed to the 2002 building standards or more recent standards should be exempt from the Section 63 regulations?

No

Quite often it is the newer buildings with more air conditioning etc that use more energy than the buildings they replace.

b) Do consultees consider that pre 2002 buildings that have been built to or improved to meet recent energy standards should be exempt from the Section 63 regulations?

No

Quite often it is the newer buildings with more air conditioning etc that use more energy than the buildings they replace.

Question 4 (Sale or rental)

a) Do consultees consider that the assessment required as part of the regulations should be undertaken at the point of sale of a building?

Yes

b) Do consultees consider that the assessment required as part of the regulations should be undertaken at the point of lease to a new tenant of a building?

Yes

c) Do consultees consider that the assessment required as part of the regulations should be undertaken at the point of lease renewal to an existing tenant of a building?

No

Yes. This allows a clear cut off point where it is easy to identify that an assessment is required. It then allows any incoming owner or tenant to program what works if any are required and to be aware of these matters up front.

No. This will only affect a small number of local authority buildings being sold or leased. There may be a month lease then a renewal, so if an assessment has been done in say the last five years, it should be exempt.

It should also be clarified how this impacts on sub leases, which has caused some confusion in the existing EPC arrangements.

Question 5 (Building size)

a) When read in conjunction with question 4 do consultees consider that all public and private buildings with a conditioned floor area greater than 1000 m² should be subject to the Section 63 regulations?

No

The experience of EPCs has been that these do not provide a good investment in terms of coming up with energy efficiency projects. This would therefore require the council to invest large amounts of money to produce the package of energy documents, instead of being used to fund energy reduction.

b) Do consultees consider that the regulations should align with the area limitations for public buildings within the EPB (Scotland) Regulations, albeit not to the same timeline?

No

Dependant on the action plan and any enforcement of this would affect the answer to this question. It makes sense to tie the two procedures as close as possible relative to the timeframe.

Question 6 (Limited life, temporary and low energy demand buildings)

a) Do consultees consider 'limited life buildings should be exempt from the regulations?

No

b) Do consultees consider temporary buildings should be exempt from the regulations?

No

(a&b)

Verifiers are aware of the difficulty in removing limited life buildings within the original timescales. By this you are in effect creating disposable buildings. To reduce carbon emissions has to be a means of picking up limited life or temporary buildings which in effect become permanent in some cases.

c) Do consultees consider 'low energy demand' buildings should be exempt from the regulations?

Yes

Question 7 (Assessment of Carbon and Energy Performance)

a) Do consultees consider that a building that has already obtained an EPC qualifies as having been assessed under the Section 63 regulations?

Yes.

b) Do consultees support the 10 year validity period of an EPC in the context of the section 63 regulations?

Yes.

Question 8 (Action Plan and implementation of steps to improve the building)

a) Do consultees support the proposals for an Action Plan?

The council is concerned that the recommendations from the EPC's do not carry enough detailed information to fully inform an Action Plan and that there would be further costs associated with getting the detail of information required to produce meaningful action plans.

b) Do consultees consider that if owners and tenants agree a protocol for identifying operational ratings within the Action Plan then they would require to report year on year operational energy use and CO₂ emissions?

No. It is not clear how this could be monitored and the costs associated with monitoring year on year use and carbon emissions.

c) Do consultees consider that the prescribed improvement measures should be used to set the target emissions reductions/energy performance for alternative measures?

Yes

d) Do consultees support the alternative measures approach prepared for the Action Plan?

Yes. The council seeks reassurance that this adds to work being undertaken as part of the CRC Energy Efficiency Scheme and is not a duplication of this.

e) *Do consultees support that Low and Zero Carbon Technologies should be part of the alternative measures?*

Yes.

Question 9 (Timescale for implementation of improvement measures)

a) *Do the consultees consider the proposed time period reasonable for building owners to implement the Action Plan?*

Yes

b) *Do the consultees consider that a revised Action Plan should meet the original Action Plan period?*

No. This is unrealistic and timescales for revised actions will need to be appropriate to the new actions being taken forward and affordability, and not determined by previous studies.

Question 10 (Looking to the Future)

a) *Do the consultees consider that mandatory implementation of fabric and service improvement measures may be required at a future date as part of the regulations?*

Yes

b) *Do the consultees consider that any mandatory implementation should be run in tandem with the Green Deal roll out, to allow an alternative financing option?*

Yes. Details and ability for this to happen would need to be clear, fully explored and applicable for local authorities.

Question 11 (Requirements for Assessors and Approved Organisations)

Do consultees consider that utilising and improving the existing structures/frameworks for assessors of EPCs is the most practical method for implementing Section 63?

Yes

Question 12 (Enforcement)

Do consultees consider that utilising the local authorities as the enforcement authorities is the most practical solution for Section 63?

Yes

Question 13 (General)

Do consultees have any other comments on the proposals?

Consideration needs to be given to sites where the cost effective EPC recommendations have been completed, or have found that the measures identified are incorrect or not cost effective to allow exemptions.

The council will be reliant on the information gathered several years ago to produce an Action Plan that contains measures that have already been addressed in some cases, so may result in another EPC being required.

Appendix 4

Consultation Questions and response

CONSULTATION ON DIRECTIVE 2010/31/EU ON THE ENERGY PERFORMANCE OF BUILDINGS (RECAST)

Question 1:

Extending the use of SAP

In addition to enhancements to improve the flexibility of RdSAP, do you consider it would be beneficial to have the facility to assess existing dwellings using full SAP?

YES ☒ NO ☐

Please provide commentary in support of your view.

The use of full SAP will give a true like for like comparison against properties of a different age if both are assessed using the same software. The use of the existing RdSAP uses too many generic assumptions which provide a figure of little meaning unless used as a like for like comparison with another RdSAP figure. A comparison between the existing RdSAP and full SAP is not a true comparison of energy usage or rating. As long as the proposed revisions give a truer reflection of the energy usage or rating then this could be more accurately compared. As all new properties use the full SAP it would make sense that existing properties also have the facility to use this software to enable a truer comparison than that possible using any RdSAP. It should be noted that there would be a time and therefore cost implication in gaining the inputs needed for full SAP.

Question 2:

Primary Energy Indicator

Do you have any views on the presentation of information documenting primary energy and delivered energy in the EPC or supporting reports?

YES ☒ NO ☐

If so, please outline your views.

You can have the most efficient building asset in the world, but unless it is being run well, it won't be "energy efficient". Similarly, an old inefficient asset could be efficiently managed.

Question 3:

Exemptions from Articles 4 & 12

Are consultees content that the scale of current exemptions is not increased?

YES ☒ NO ☐

If not, please outline your views.

N/A

Question 4:

Article 7 – Existing Buildings

Do you agree that ‘major renovation’ should be defined by the cost of works rather than relating it solely to renovation of the building envelope?

YES ☒ NO ☐

If not, please outline your views.

N/A

Question 5:

Article 9 - Nearly zero-energy buildings

It is proposed that further development of energy standards within building regulations will deliver a practical definition, applicable to all new buildings, of what constitutes a ‘nearly zero-energy new building’.

To inform these discussions, we would welcome consultee views on what should constitute such a definition, at present and in the future.

Each site should look at all renewable options in order to meet the heat and electrical load and where cost effective and practical to do so, should be met on site.

The definition of a ‘nearly zero-energy new building’ should be: “A building that has a very high energy performance with the low amount of energy required covered to a significant extent by energy from renewable sources produced on-site”.

Question 6:

Requirement for an EPC

It is proposed that the EPC will continue to offer cost effective recommendations on how an assessed building might be improved.

Do you agree with this proposal?

YES ☒ NO ☐

If not, please outline your views.

This does need improvements in the current system though to ensure it is applicable to the building. Some of the improvements highlighted will help. EPC measures need to be cost effective to do if there is going to be a requirement for the public sector to undertake these.

Question 7:

EPC validity period

It is further proposed that the maximum validity for an EPC be retained at ten years.

Do you agree with this proposal?

YES ☒ NO ☐

If not, please outline your views.

- - The maximum validity of an EPC should be retained at ten years, with the option to re-evaluate within that period. For example re-evaluation may take place following energy improvements works which would show an improvement in EPC rating.

Question 8: (applicable from 31 October 2011)

Format of EPC

We would welcome views on the revised format of both EPCs and recommendations report. In particular, is presentation, language and the level of information clear and informative?

(Note in responding, that presentation of information specific to other UK initiatives within recommendation reports are not the subject of this consultation).

It is encouraging to see that the revised format includes the potential rating. It would be advantageous to explain the term 'cost-effective improvements' and include a further 'overall potential' of the building if measures, including those deemed not cost effective, are undertaken. This will be necessary if the current proposal on the FIT for solar PV is accepted and all buildings must have an energy rate of C above, or risk qualifying for a lower FIT payment. Council's will need to be aware of how to reach C and therefore determine whether this is cost effective in the holistic sense of the ability to apply renewable technology.

If the EPC can be tailored to include information for the public then it would be advantageous

Question 9:

Representative sampling

Subject to robust checking by assessors, should we allow the production of an EPC for any single family dwelling the basis of assessment of another representative building?

YES ☒ NO ☐

Please include an explanation of any view you may have.

This can only legitimately be used by volume builders if the specification is the same for all house types and is actually used during the construction.

A similar house type being build on different plots by individuals has more chance of the specifications being altered for each plot and should be subject to a site specific individual

EPC.

Question 10:

Article 12 - Issue of energy performance certificates

Do you agree with both the level of information that should be presented in commercial media and also with the proposed description of commercial media in this respect?

YES ☒ NO ☐

Please include an explanation of any view you may have.

If it is important that the EPC has to be produced it should be shown to people interested in the property and it seems reasonable to include this in commercial media. The information to be provided is straightforward and very limited in that only the banding need be provided.

Question 11:

Article 13 - Display of Energy Performance Certificates

From experience to date, do you consider guidance on what constitutes a public building needs any refinement?

YES ☒ NO ☐

Please outline any specific views you may have.

It has to be made clear that buildings frequently visited by the public can include shops, malls, cinemas etc. and are not limited to public authorities which would be the natural assumption. Clarification is also needed as to whether paying a cost or a membership negates the building being classed as public. E.g. trade warehouses, gyms, nurseries etc.

Question 12:

Extension of the need to display EPCs

Do you agree that guidance on "frequently visited by the public" should be based upon the description given above?

YES ☒ NO ☐

Please include an explanation of any view you may have.

-

Question 13:

Article 15 - Inspection of Air-Conditioning Systems

We would welcome your views on how to promote and encourage the benefits of joint inspection (e.g. air-conditioning & 'f-gas').

If a database exists for the certification, make it a requirement to capture the air

conditioning information and recommendations within this every few years.

Question 14:

Article 16 - Reports on the inspection of heating and air-conditioning systems

Do you consider that, in future, it would be beneficial to record these inspections in a standard electronic format and require lodgement on a central register?

YES ☒ NO ☐

Please include an explanation of any view you may have.

If the information is produced it makes sense to record it centrally where comparison and uses can be found for this information. This would ensure that we can see at a glance what has been surveyed and what needs to be done for each property.

Question 15:

Energy Performance Certificates (EPC) and Air Conditioning Inspection reports for Existing Buildings

Do you have any views on the development and standardisation of requirements for Approved Organisations and Protocol Organisations in Scotland?

YES ☐ NO ☒

If yes, please provide your comments.

-

Question 16:

Energy Performance Certificates (EPC) - New Buildings

We recognise that change to the process of EPC production and lodgement for new buildings will affect all those currently submitting applications through the building warrant system.

We welcome your views on this proposal.

Again this makes sense that it is an accredited person carrying out the assessment. However there are implications for the reasonable inquiry relative to the building standards verification system in that does this accredited person become part of a certifier of construction scheme or certifier of design as at present.

Question 17:

Article 18 - Independent control system

We welcome your views on these proposals and on how you consider the quality assurance regime asserted by the Directive might best be delivered.

An independent audit body should perform the sample checking as outlined.

Question 18:

Article 27 - Penalties

Do you consider the current fiscal penalties are appropriate?

YES ☒ NO ☐

Please provide commentary in support of your views.

-

Question 19:

Article 27 - Penalties

Do you agree that penalties/sanctions applicable to assessors should be consistently and clearly defined within the operating requirements of all assessor Schemes?

YES ☐ NO ☒

Please provide commentary in support of your views.

Air conditioning report fine on the high side compared to EPC fine.

Question 20:

Views and comments on the proposed transposition of the recast Directive.

Whilst we have identified a number of specific questions in relation to proposals under the recast, we also welcome your general views and comments on the proposals contained within this document.

We also welcome comment on any further issues you feel should be highlighted to the Scottish Government in taking forward this work.

Please provide commentary in support of your views.

The existing EPC's have limited value and meant that further survey work was required to ascertain whether these are correct and the costs of doing these. Issue like this need resolved.

There will be additional costs to survey and manage the process for the buildings between 250m² and 1000m² and it is not clear yet when this is required, or a timetable for implementation.

There should be national framework contracts that allow each measure to be progressed upon identification, even where these are not part of the "Green Deal".



COUNCIL EXECUTIVE

REVIEW OF DEVELOPER CONTRIBUTIONS

REPORT BY HEAD OF PLANNING AND ECONOMIC DEVELOPMENT

A. PURPOSE OF REPORT

The purpose of this report is to advise Council Executive of the outcome of consultation on proposed changes to developer contribution requirements which are aimed at encouraging new development and promoting economic growth.

B. RECOMMENDATION

It is recommended that Council Executive:

- (1) notes the outcome of the consultation;
- (2) agrees to suspend the requirement for travel plan co-ordinator contributions until 9 January 2014;
- (3) agrees to reduce the level of contributions for public art until 9 January 2014 and to the introduction of a further reduction or exemption from this contribution if the applicant can demonstrate that the contribution would result in the proposed development not being financially viable; and
- (4) notes that Planning Services will carry out a review of other developer contributions and bring forward any proposed changes to the Development and Transport PDSP in advance of consultation being carried out and before any further changes are considered by Council Executive.

C. SUMMARY OF IMPLICATIONS

I Council Values

Focusing on our customers' needs;
being honest, open and accountable;
making best use of our resources; and
working in partnership.

II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)

The implementation of the West Lothian Local Plan (WLLP) will require substantial funding for infrastructure and substantial developer contributions. It is a key requirement of the WLLP and the approved Edinburgh and the Lothians Structure Plan (E&LSP) that

development should not proceed beyond existing infrastructure capacity and that planning permission should not be granted until relevant infrastructure is provided or committed.

Policy IMP 17 of the WLLP indicates that planning agreements (section 75s) will be entered into where appropriate and that developer contributions will be sought in accordance with circular 12/1996 - Planning Agreements (this circular has been replaced by circular 1/2010).

Developer contributions may also be obtained through section 69 agreements under the Local Government (Scotland) Act 1973.

The council has approved various supplementary planning guidance (SPG) on developer contributions to support the implementation of the adopted local plan.

III	Implications for Scheme of Delegation to Officers	None.
IV	Impact on performance indicators	None.
V	Relevance to Single Outcome Agreement	<p>Outcome 1 – We make West Lothian an attractive place for doing business in Scotland.</p> <p>Outcome 10 – We live in well-designed, sustainable places where we are able to access the services we need.</p>
VI	Resources - (Financial, Staffing and Property)	<p>The changes will result in reduced developer contributions being received by the council.</p> <p>Reduced developer contribution levels should result in a modest increase in some capital receipts where the council is disposing of land for development.</p>
VII	Consideration at PDSP	The proposed changes were reported to the Development and Transport PDSP on 4 August 2011. The panel agreed that consultation should be carried out and that the outcome should be reported to Council Executive.
VIII	Other consultations	<p>Internal: Education, Finance and Estates, Legal, Transportation, Area Services, Housing</p> <p>External: Community councils, developers, landowners and Homes for Scotland.</p>

D. TERMS OF REPORT

D1 Background

West Lothian Council adopted the West Lothian Local Plan on 13 January 2009. The plan proposes major growth and, as a consequence, substantial developer contributions are required to support the strategy.

The local plan was prepared at a time of strong economic growth but, as a consequence of the credit crunch, the strength of the national and local economy has declined significantly and development activity has been adversely affected.

D2 The need for a review of developer contributions

The council has recognised the serious nature of the credit crunch and the impact it has had on development activity in West Lothian and has introduced a number of initiatives to encourage house building and promote economic growth.

The council has forward funded school extensions, agreed interim infrastructure solutions to reduce initial capital costs, allowed developers to phase developer contributions, suspended the requirement for some developer contributions and set up a West Lothian Local Infrastructure Fund.

Despite these initiatives, development activity levels remain low compared with the years leading up to the credit crunch.

It is anticipated that it will take several years to return to pre-credit crunch levels of development activity. Nevertheless, it is considered that reviewing contribution levels will send out positive signals which may assist with speeding up recovery.

Whilst some contributions will remain essential and non-negotiable, there is scope to relax others without compromising the overall development strategy or causing financial difficulties for the council.

The need for a review was highlighted in a CDA update report to the Development and Transport PDSP in December 2010. The PDSP considered proposed changes on 4 August 2011.

D3 The proposed changes

Travel co-ordinator

On 25 November 2008, Council Executive agreed to suspend requests for developer contributions for the appointment of a travel co-ordinator for a two year period. The contribution rate set out in SPG was £20 per residential unit. The two year period is up and it is now proposed to continue the suspension of this contribution requirement until 24 November 2012 given that the development industry has not recovered since the decision was initially taken to suspend the request for these contributions.

The proposed extension of the suspension of this contribution attracted some comments and these are summarised in Appendix 1, attached, together with proposed responses. It is proposed to make one change as a result of concerns raised. To ensure consistency with changes proposed to public art contributions, it is proposed to suspend the contribution requirement for travel plan co-ordinator requirements to 9 January 2014, rather than to 24 November 2012.

Public Art

The council approved SPG for Public Art in June 2006. It is considered that a temporary reduction in the contribution levels can be made without compromising the overall quality of developments. At present, retail and housing developers are required to make contributions towards public art. The following changes are proposed:

Single development of retail floorspace over 5000m²

– reduce contribution from £15 per m² to £12 per m² (a reduction of 20%).

Single development of retail floorspace 1500 - 4999m²

– reduce contribution from £10 per m² to £8 per m² (a reduction of 20%).

Single development of retail floorspace 500 – 1499 m²

– reduce contribution level from £5 per m² to £4 per m² (a reduction of 20%).

Single development of residential schemes of 50 houses or more

– reduce contribution level from £250 per unit to £190 per unit (a reduction of 24%).

Single development of residential schemes 10 – 49 units

– reduce contribution level from £150 per unit to £110 per unit (a reduction of around 27%).

The level of reduction for housing developments is higher than that proposed for retail developments given the severe impact that the credit crunch has had on the house building industry.

In all cases, actual contributions would be indexed to changes indicated in the Building Tender Price Index using first quarter 2006 as the base date.

The requirements in Core Development Areas (CDAs) would be negotiated with the above standards as a guide.

The proposed changes to the level of public art contribution attracted some comments and these are summarised in Appendix 1, attached, together with proposed responses. It is not proposed to make further changes to the proposed levels of contribution as a result of the consultation. However, in recognition of the fact that it is becoming more difficult to make proposed developments financially viable, it is proposed to allow applicants to submit viability statements which seek to justify why the required contribution should be reduced or removed.

It is proposed that the following text is added to the SPG:

‘If it can be demonstrated to the satisfaction of the council that the benefits of developing a site which is financially marginal outweighs the requirements for a full public art contribution, then this will be a material consideration in determining any planning application. The council will be prepared to waive or reduce public art contributions where the council is satisfied that this is needed to ensure that a proposed development is financially viable. Applicants who wish to seek a relaxation from making the full public art contribution will be required to submit development viability statements so that the council can assess if a relaxation is justified’.

If the proposed changes to the public art SPG are approved, it is recommended that these levels be set for a period of two years from the date of approval. After that period, a further review will be carried out to establish if the contribution levels should be changed.

Affordable Housing

The Chief Planner at Scottish Government wrote to all Heads of Planning on 15 March 2011 regarding developer contribution requirements for affordable housing. A copy of his letter is attached. Given the current economic climate and the lower levels of public funding that are likely to be available to support the development of affordable housing in the coming years, the Chief Planner suggested that authorities should consider:

- Whether contributions of 25% or more are likely to be deliverable in the current economic climate. Levels of affordable housing requirement that act to stifle overall levels of housing development are likely to be counter-productive. In certain cases the effect could be that development would not proceed at all.
- The nature of affordable housing need in an area and the extent to which this can be met by proposals capable of development with little or no public subsidy. It is counter-productive to secure land for proposals requiring high levels of subsidy unless the authority is confident that a source for this subsidy can be identified.

The council's policy on affordable housing already contains a degree of flexibility and considers development viability issues. However, since the SPG on affordable housing was approved, the West Lothian Local Plan has been adopted and the inquiry reporters recommended that the council should revise its SPG. Additionally, the Scottish Government Circular on affordable housing has been updated since the SPG was approved.

The review of the SPG on affordable housing recommended by the inquiry reporters was put on hold so that it could be linked with the review of the Local Housing Strategy. The Local Housing Strategy review is now underway so the review of the affordable housing SPG can now progress.

It is intended that a detailed report on any proposed changes to the Affordable Housing SPG will be reported to a future meeting of the Development and Transport Scrutiny Panel in advance of consultation being carried out and before any proposed changes are considered by Council Executive.

Housing Recovery Conference

The council held a Housing Recovery Conference on 28 November 2011. A report and Action Plan are currently being prepared for the Development and Transport PDSP meeting on 2 February 2012, addressing the key issues raised at the conference. The Action Plan will be reported to Council Executive following consideration by PDSP.

Elected members will have a further opportunity to consider if any further changes to developer contribution requirements should be made to address concerns raised at the conference.

E. CONCLUSION

It is recommended that the requirement for contributions for a travel plan co-ordinator

is suspended until 9 January 2014 and that the level of public art contributions are reduced until 9 January 2014, as set out in this report. It is also proposed that the council should be prepared to waive or reduce public art contributions where it is satisfied that this is needed to ensure that a proposed development is financially viable.

A further report on any proposed changes to the council's SPG on affordable housing will be reported to a future meeting of the Development and Transport PDSP.

F. BACKGROUND REFERENCES

Edinburgh and the Lothians Structure Plan 2015.

West Lothian Local Plan.

SG Circular 1/2010 - Planning Agreements.

Report to Development and Transport PDSP 9 October 2008 - The Effect of the Credit Crunch on the West Lothian Local Plan.

Report to Education Executive on 16 June 2008 - Education Strategy to support the West Lothian Local Plan including pre-adoption modifications.

Report to Council Executive on 22 March 2011 – Funding key infrastructure.

Report to Council Executive on 25 November 2008 – Proposed interim changes to supplementary planning guidance.

Report to Council Executive on 19 May 2009 – West Lothian Local Infrastructure Fund.

Report to Development and Transport PDSP on 9 December 2010 – CDA Update.

Report to Development and Transport PDSP on 4 August 2011 – Review of Developer Contributions

Appendices/Attachments: Two – summary of consultation responses and recommended council response and letter from Chief Planner dated 15 March 2011

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Steve Field, Head of Planning and Economic Development

10 January 2012

APPENDIX 1

WEST LoTHIAN COUNCIL SUPPLEMENTARY PLANNING GUIDANCE – REVIEW OF DEVELOPER CONTRIBUTIONS

SOURCE	SUMMARY OF COMMENTS	PROPOSED RESPONSE	ACTION REQUIRED
Homes for Scotland (HfS)	The guiding principles for this SPG were drawn from Circular 12/1996, but this has now been replaced by Circular 1/2010. There are significant differences between the Circulars, most significantly the requirement that developer obligations must now meet <u>all five</u> policy tests as set out in paragraphs 11 – 22.	It is accepted that developer contribution requirements should be assessed against circular 1/2010. The council is satisfied that the obligations in relation to travel plan co-ordinator and public art satisfy the tests of the circular . There is also development plan support for these obligations.	None.
	The key consideration is whether a contribution is so essential that, without it, planning consent could not be granted. In HfS's view, neither of the contributions to a Travel Co-ordinator nor to public art meet these tests. Indeed, there are several other obligations under West Lothian's SPGs which do not meet the tests either.	See comments above. The consultation was limited to proposed changes to obligations for travel plan co-ordinator and public art. The council may carry out consultation on proposed changes to other SPG during 2012.	Consider if there is a need to review other SPG.
	In the current economic context, development cannot pay for an extensive list of obligations sought by councils. It is acknowledged that WLC is seeking ways of deferring or rescheduling payments to meet obligations, but the wider question has not been asked – are these obligations actually necessary to make development acceptable in planning terms?	The council acknowledges that economic circumstances are difficult and will consider if further changes to SPG are required.	Consider if there is a need to review other SPG.

	<p>HfS would be happy to work with West Lothian and other councils to review obligations in SPG in light of the Circular and the economic context.</p> <p>The proposed relaxations of contributions to travel co-ordinator and public art are so insignificant as to be almost irrelevant. The cost savings to developers are £20 for travel co-ordinator and £40-60 for public art. In the context of a range of obligations which could amount to tens of thousands of pounds per house, on top of on-site infrastructure costs, this is a derisory amount which will make no impact on decisions to pursue planning consent or proceed with development.</p> <p>Planning authorities need to ask themselves what is absolutely essential to make development acceptable, and what is merely desirable. Our view is that, other than on site servicing, the only obligations which may pass the five policy tests of Circular 1/2010 are: water and drainage infrastructure, roads and transport, education.</p> <p>There are ways of managing capacity and demand for facilities in the short-term to deal with community facilities, and indeed the principle of managing existing capacity and demand should extend to transportation and education as a first response, with new provision a last resort. Those major cost items are the ones where efforts to reduce costs, reschedule payments or share the risks of funding are most important.</p>	<p>Noted. The council wishes to engage in dialogue with Homes for Scotland on these matters. The Housing Recovery Conference held on 28 November 2011 was a useful forum to obtain the views of Homes for Scotland and its members.</p> <p>The council is aiming to bring forward a number of initiatives to make housing development more viable in West Lothian.</p> <p>Given the difficult economic circumstances that currently prevail, it is now proposed to allow applicants to put forward a case for having public art contributions further reduced or waived.</p> <p>The council will consider if further changes to SPG are required.</p> <p>The council will assess these issues on a case by case basis with a view to minimising the need for capital expenditure during the early stages of development.</p>	<p>To build on the success of the Housing Recovery Conference and engage more frequently in dialogue with Homes for Scotland.</p> <p>Change SPG to allow applicants to submit viability statements to justify why public art contributions should be waived or reduced.</p> <p>Consider If there is a need to review other SPG.</p> <p>Case by case assessment of requirements.</p>
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	<p>HfS's view is that the SPGs on Travel Co-ordinator and Public Art should now be withdrawn totally, not simply suspended or reduced.</p> <p>The following SPGs no longer meet the five policy tests and should also be withdrawn:</p> <p>Cemetery provision Co-location of community facilities Professional services Town centre improvements Park and ride A71 A801 Health impact assessment</p> <p>Affordable Housing HfS welcomes the intention to review the SPG on affordable housing. The context for the delivery of affordable housing has changed fundamentally, in terms of the Government's housing priorities, budgets and benchmarks for subsidy. The approach to delivering affordable housing nationally has switched emphasis to innovative funding models and public/private partnerships.</p> <p>Planning affordable housing policies based on a percentage target for affordable housing on development sites are now more difficult to implement as a result of the diversity of approaches to affordable housing. The "equivalent value" principle in paragraph 22 of PAN 2/2010 becomes critical in this context, where different types and tenures of affordable housing carry different costs to the developer, and the percentage deliverable on a site will vary according to the type of affordable housing and the funding model available to deliver it.</p>	<p>The council does not intend to withdraw the travel plan co-ordinator and public art SPG.</p> <p>The council may carry out consultation on proposed changes to other SPG during 2012.</p> <p>The council will consult Homes for Scotland on any proposed changes to its Affordable Housing SPG.</p>	<p>None</p> <p>Consider if there is a need to review other SPG.</p> <p>Consult Homes for Scotland.</p>
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	<p>SPG on affordable housing therefore has to be much more sophisticated in its understanding of the delivery context. The housing industry will be pleased to assist the Council in drafting workable guidance.</p> <p>It is now time for WLC, and others, to accept that the economic context has fundamentally altered since the adoption of its development plan. A number of the obligations it seeks from developers are firstly, unaffordable now, but more critically, are not acceptable under the tests applied by Government. The number of SPGs in West Lothian should be reduced, in order to focus only on the essential infrastructure needed to make developments acceptable in land-use planning terms. In so doing, West Lothian helps make its own area more competitive in terms of attracting new investment and development. HfS would be pleased to work with the council to undertake a full review of the need for developer obligations contained within the council's SPG.</p>	<p>The council may carry out consultation on proposed changes to other SPG during 2012.</p> <p>WLC wishes to continue discussions with Homes for Scotland on arrange of initiatives that will help to bring about an increased rate of house building in West Lothian.</p>	<p>Consider if there is a need to review other SPG.</p> <p>To build on the success of the Housing Recovery Conference and engage more frequently in dialogue with Homes for Scotland.</p>
<p>Ashdale Property Company Ltd / Barton Willmore</p>	<p>Barton Willmore fully endorse the representations prepared by Homes for Scotland, on behalf of the Scottish home building industry, in response to the proposed review of developer contributions in respect of travel co-ordinator, public art and affordable housing.</p> <p>Travel Co-ordinator</p> <p>It is unlikely that the development industry will recover to an extent that would justify a developer contribution of £20 per residential unit over the coming years. On a more practical note and in light of the present economic downturn, the council could deal with the assessment of sustainable travel issues for new development utilising existing council resources and, thereby, remove the requirement for unnecessary financial contributions.</p> <p>On this basis, it can be justifiably argued that the requirement for a developer contribution in this respect should be withdrawn in its entirety.</p>	<p>See comments above.</p> <p>It is proposed to extend the period over which the travel plan co-ordinator obligation is suspended until 9 January 2014.</p>	<p>See comments above.</p> <p>Extend suspension period until 9 January 2014.</p>

	<p>Public Art</p> <p>The requirement to contribute £250 per residential unit for developments over 50 units is wholly unreasonable e.g. 350 unit residential development would be required to pay £87,500. This is a large financial sum, which in the present economic climate acts as an impediment to the viability of residential developments in West Lothian.</p> <p>Considering the proposed amendment (reduction) to contributions levels from £250n per unit to £190 per unit, this remains a substantial and unviable sum in the present economic climate. The council must suspend, or fully withdraw, the requirement for Public Art contributions. Moreover, in the context of supporting housing development throughout West Lothian, the requirement for Public Art is not deemed to be of crucial importance.</p> <p>Affordable Housing</p> <p>The impending review of the SPG must have regard to the content of the Chief Planner's letter 15 March in relation to affordable housing. Cognisant of the credit crunch, it is imperative that the council fully appreciates the extent to which the implementation of affordable housing provision requirements on residential development can greatly hinder viability and thus deliverability of housing.</p> <p>For CDAs, the council must review their present position in respect of affordable housing provision. It is a somewhat high expectation for CDAs to deliver in the present economic climate.</p> <p>The council's proposed changes fall well short of a package of measures that will make any real difference and what is called for is a fundamental review/re-think of the full extent of potential planning gain requirements which go well beyond the three topics covered by this review.</p>	<p>The council will be prepared to waive or reduce public art contributions where the council is satisfied that this is needed to ensure that a proposed development is financially viable.</p> <p>Consultation on proposed changes to the Affordable Housing SPG will be carried out in due course.</p>	<p>Change SPG to allow applicants to submit viability statements to justify why public art contributions should be waived or reduced.</p> <p>Consult on SPG changes.</p>
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	<p>It is imperative that the council pay particular attention to the issues raised by the Scottish housing development industry in terms of the unviable developer contribution requirements are having on the delivery of residential developments and the wider economic growth.</p>		
<p>Mansell Homes & Davison and Robertson / Rick Finc Associates</p>	<p>Whilst it is recognised that contribution levels need to be rationalised these measures are long overdue and emphasise the need for Policy IMP 17 and the Circular 1/2010 to be interpreted in a responsible manner, with each case treated on its own merits. It is not disputed that some items are essential but nothing should be non negotiable as suggested in the report if a truly flexible approach is to apply.</p> <p>The reductions proposed in respect of Public Art are relatively marginal in nature. Whilst it is acknowledged that these are for guidance only in CDAs we would question the value and use of these contributions in a period of severe difficulty.</p> <p>It is arguable that the cost benefit associated with this policy is not effective in that it creates delay and results in considerable workload for the council in terms of cost administration. Furthermore, it can be seen as a deterrent to applicants and brake on economic development if applied without due discretion.</p> <p>Affordable housing on the other hand is a basic necessity and itself has been subject to recent public spending cuts. The guidance provided by the Scottish Government needs to be reflected within new SPG so that proper consideration is given to releasing constrained development, assisting delivery and ensuring that viability can be maintained across the board. It can also reflect the guidance provided in circular 2/2010 on Housing Audits and Affordable Housing.</p>	<p>The council will be prepared to waive or reduce public art contributions where the council is satisfied that this is needed to ensure that a proposed development is financially viable.</p> <p>Consultation on proposed changes to the Affordable Housing SPG will be carried out in due course.</p>	<p>Change SPG to allow applicants to submit viability statements to justify why public art contributions should be waived or reduced.</p> <p>Consult on SPG changes.</p>

<p>Scottish War Blinded / Smiths Gore</p>	<p>We consider that the level of proposed reductions will not have any significant impact on enabling house building in West Lothian and that many of the requests for developer contributions do not align with the advice and guidance set out by the Scottish Government in Circular 1/10 – Planning Agreements.</p> <p>We recommend that the council should react more positively if they are to encourage housing development and promote economic growth in the short-term, by reviewing the need for education infrastructure contributions if there is already capacity to accommodate new development.</p> <p>Travel Co-ordinator The SPG was prepared prior to the publication of Circular 1/2010 – Planning Agreements. The council should therefore consider the request for contributions in the policy tests set out in the Circular. It is our opinion that the request for contributions towards a Travel Co-ordinator position within the council fails on the grounds set out in the Circular of necessity, planning purpose, and its direct relation to proposed development.</p> <p>Based on the content of Circular 1/10 we are supportive of the council's suspending this requirement however, we request that, there should be no further proposals to continue with these requests.</p> <p>Public Art The SPG is now out-dated by the policies set out in Circular 1/2010. There is no policy requirement in the SPP to state that public art is a requirement for new housing development. Para 16 of Circular 1/10 states that contributions are only required if a development creates a direct need for it. The request is no longer relevant to the planning system.</p> <p>We recommend the council should ensure a higher quality of design through the Development Management process to provide more cost effective solutions to achieving public art</p>	<p>The council is satisfied that the obligations in relation to travel plan co-ordinator and public art satisfy the tests of circular 1/2010.</p> <p>The council is aiming to bring forward a number of initiatives to make housing development more viable in West Lothian.</p> <p>It is proposed to extend the period over which the travel plan co-ordinator obligation is suspended until 9 January 2014.</p> <p>The council will be prepared to waive or reduce public art contributions where it is satisfied that there is needed to ensure that a development is viable.</p>	<p>None.</p> <p>Consider other initiatives that can help encourage housing development and economic growth.</p> <p>Extend suspension period until 9 January 2014.</p> <p>Change SPG to allow applicants to submit viability statements to justify why public art contributions should be waived or reduced.</p>
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	<p>as part of new development e.g landscape features, improved planting, or better quality street furniture and explore alternative funding options for them to be provided.</p> <p>Affordable Housing</p> <p>We welcome and support the council taking full account of the Chief Planner's comments regarding the amount of affordable housing necessary in new developments and urge that the council put in place a realistic policy to enable housing development in the short term. The policy should be flexible and realistic in relation to the timescale in which they expect affordable housing to be delivered.</p>	<p>Consultation on proposed changes to the Affordable Housing SPG will be carried out in due course.</p>	<p>Consult on proposed changes to SPG.</p>
<p>Achadonn Properties Ltd / Blueprint Planning & Development</p>	<p>My clients have found in relation to their redevelopment application of a major brownfield site within the Armadale CDA that the assistance referred to in the committee report (review of developer contributions, Page 2) differs from their experience in Armadale.</p> <p>The committee report that seeks to review developer contributions does not send out a positive signal in our view. A £20 reduction from the travel co-ordinator and a £60 reduction in public art payments per unit makes no attempt to improve development activity.</p>	<p>The council has taken a flexible approach to infrastructure provision in Armadale and this has contributed to a site start getting under way at Armadale Station.</p> <p>The council is aiming to bring forward a number of initiatives to help make housing development in Armadale more viable.</p>	<p>Continue to explore how other parts of the Armadale CDA can be brought forward.</p> <p>Consider other initiatives that can help encourage housing development and economic growth.</p>

	<p>The council refer to the Chief Planner's letter to all councils and the scope to reduce affordable housing contributions. This could make a significant difference, however WLC have deferred their recommendation on this for future report and future committee date. We would request that this is given immediate attention.</p> <p>The report should also take account of the acknowledged difference in cost of developing brownfield sites when compared with greenfield sites. When contributions are the same per unit for brownfield and greenfield sites, Greenfield sites will be developed first. This provides no support to the local area as the housing developer will move on to other more straight forward sites in other towns and other council areas due to the cost differential.</p>	<p>The council will bring forward proposals when it is in a position to do so.</p> <p>The council will be prepared to waive or reduce public art contributions where it is satisfied that this is needed to ensure that development is viable.</p> <p>The council may carry out consultation on proposed changes to other SPG during 2012.</p>	<p>Complete review of Affordable Housing SPG.</p> <p>Change SPG to allow applicants to submit development viability statements to justify why public art contributions should be waived or reduced.</p> <p>Consider if other SPG should be reviewed.</p>
Ecosse Regeneration / McInally Associates	<p>The overall approach to relax contributions is welcomed, however we would submit that it is of the utmost importance that a degree of flexibility is incorporated into any such policy and proposed policy changes concerning developer contributions. Given the current economic climate it is submitted that flexibility should be applied to all policies in order to ensure development is encouraged and not restricted. It is submitted that adopting such a flexible policy will enable developments to be considered on a case by case basis allowing contribution levels to be negotiated to take into account the viability of the overall development. In all regards a flexible approach will help encourage development and subsequently economic growth.</p>	<p>The council will be prepared to waive or reduce public art contributions where it is satisfied that this is needed to ensure that development is viable.</p> <p>The council will consider if further changes are required to SPG.</p>	<p>Change SPG to allow applicants to submit development viability statements to justify why public art contributions should be waived or reduced.</p> <p>Consider if other SPG should be reviewed.</p>

	<p>Given that it is submitted that a viability statement as suggested below should be included in every council SPG / Report concerning developer contributions:</p> <p><i>“What if the requirement for financial contributions affects the viability of the development?”</i></p> <p>With reference to the prevailing economic conditions and circumstances, if it can be demonstrated to the satisfaction of the council that the benefits of developing a site which is financially marginal, outweighs the requirements for [insert specific developer provision or contribution], then this will be a material consideration in determining any planning application”</p> <p>With specific regard to the review of the West Lothian Council Affordable Housing SPG it is submitted that, as stated, this should be in compliance with the Chief Planner’s letter and Scottish Government Planning Advice Note 2/2010 on affordable housing, especially in terms of the range and types of tenure that can contribute to affordable housing (as outlined in para 5, page 2 of PAN 2/2010).</p>	<p>The council is not willing to introduce a viability test for all SPG contributions. For example, if housing development proceeded without contributions for education infrastructure, the council would not be in a position to provide school capacity for the proposed development. However, the council is willing to introduce such a test for public art contributions.</p> <p>The council is willing to make this change to the SPG in relation to public art contributions.</p> <p>Consultation on proposed changes to the Affordable Housing SPG will be carried out in due course.</p>	<p>Change SPG.</p> <p>Change SPG</p> <p>Consult on proposed changes to SPG.</p>
Ironside Farrar Ltd	<p>Developer contributions have become a significant constraint on development and investment. It is understood that WLC are promoting a more flexible response but the scale of the market restructuring and changes in development value suggest that any change needs to be radical and time limited to have any impact or incentive. Securing the objective of the review would need all developer contributions to Travel Co-ordinator/Public Art/Towns and Villages Centre Improvements/Library Facilities/Wider strategic transport aspirations/cemeteries to be suspended for a 3 year period and reviewed thereafter.</p>	<p>The council may carry out consultation on further changes to SPG during 2012.</p> <p>It is proposed to extend the period over which the travel plan co-ordinator obligation is suspended until 9 January 2014.</p>	<p>Consider if other SPG should be reviewed.</p> <p>Extend suspension to 9 January 2014.</p>

	<p>Specific to the consultation paper. We welcome the relaxation of some developer contributions in order to encourage house building and promote economic growth and would appreciate being made aware of any future consultation documentation in particular with respect to affordable housing. Furthermore we welcome the ability to negotiate the public art contribution in core development areas. We do however consider that there should be scope to negotiate all contributions across the council area taking into account the current economic climate and issues of development viability.</p>	<p>The council will be prepared to waive or reduce public art contributions where it is satisfied that this is needed to ensure that a development is viable.</p>	<p>Change SPG to allow applicants to submit viability statements to justify why public art contributions should be waived or reduced.</p>
<p>Taylor Wimpey / Holder Planning</p>	<p>Our response reflects submissions made by Homes for Scotland and the Walker Group.</p> <p>The recently issued SPGs are based on out dated policy – Circular 12/1996. Circular 1/2010 requires that developer contributions must now meet all five policy tests as set out in paragraphs 11-22.</p> <p>The key consideration is whether a contribution is so essential that, without it, planning consent could not be granted. In our view, neither of the contributions to a Travel Co-ordinator nor to public art meets these tests.</p> <p>In the current economic context, development cannot pay for an extensive list of obligations sought by councils. It is acknowledged that WLC is seeking ways of deferring or rescheduling payments to meet obligations, but the wider question has not been asked – are these obligations actually necessary to make development acceptable in planning terms?</p> <p>The proposed relaxations of contributions to travel co-ordinator and public art are so insignificant as to be almost irrelevant. The cost savings to developers are £20 for travel co-ordinator and £40-60 for public art. In the context of a range of obligations which could amount to tens of thousands of pounds per house, on top of on-site infrastructure costs,</p>	<p>See responses made in relation to Homes for Scotland comments.</p>	<p>See responses made in relation to Homes for Scotland comments.</p>

	<p>this is a derisory amount which will make no impact on decisions to pursue planning consent or proceed with development.</p> <p>Planning authorities need to ask themselves what is absolutely essential to make development acceptable, and what is merely desirable. Our view is that, other than on site servicing, the only obligations which may pass the five policy tests of Circular 1/2010 are: water and drainage infrastructure, roads and transport, education.</p> <p>There are ways of managing capacity and demand for facilities in the short-term to deal with community facilities, and indeed the principle of managing existing capacity and demand should extend to transportation and education as a first response, with new provision a last resort.</p> <p>In our view the SPGs on Travel Co-ordinator and Public Art should now be withdrawn totally, not simply suspended or reduced.</p>		
Overton Farm Developments Ltd / Holder Planning	<p>Our response reflects submissions made by Homes for Scotland and the Walker Group.</p> <p>The recently issued SPGs are based on out dated policy – Circular 12/1996. Circular 1/2010 requires that developer contributions must now meet all five policy tests as set out in paragraphs 11-22. The key consideration is whether a contribution is so essential that, without it, planning consent could not be granted. In our view, neither of the contributions to a Travel Co-ordinator nor to public art meets these tests.</p> <p>In the current economic context, development cannot pay for an extensive list of obligations sought by councils. It is acknowledged that WLC is seeking ways of deferring or rescheduling payments to meet obligations, but the wider question has not been asked – are these obligations actually necessary to make development acceptable in planning terms?</p>	<p>See responses made in relation to Homes for Scotland comments.</p>	<p>See responses made in relation to Homes for Scotland comments.</p>

	<p>The proposed relaxations of contributions to travel co-ordinator and public art are so insignificant as to be almost irrelevant. The cost savings to developers are £20 for travel co-ordinator and £40-60 for public art. In the context of a range of obligations which could amount to tens of thousands of pounds per house, on top of on-site infrastructure costs, this is a derisory amount which will make no impact on decisions to pursue planning consent or proceed with development.</p> <p>Planning authorities need to ask themselves what is absolutely essential to make development acceptable, and what is merely desirable. Our view is that, other than on site servicing, the only obligations which may pass the five policy tests of Circular 1/2010 are: water and drainage infrastructure, roads and transport, education.</p> <p>There are ways of managing capacity and demand for facilities in the short-term to deal with community facilities, and indeed the principle of managing existing capacity and demand should extend to transportation and education as a first response, with new provision a last resort.</p> <p>In our view the SPGs on Travel Co-ordinator and Public Art should now be withdrawn totally, not simply suspended or reduced.</p>		
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Heads of Planning

15 March 2011

Dear Colleague

PLANNING FOR AFFORDABLE HOUSING

Further to my letter of 29 October 2010 about the provision of an effective supply of land for housing, I am writing to you now regarding requirements for developers to contribute towards affordable housing. In particular I would like to raise the importance the Scottish Government attaches to planning policies, and the implementation of these policies, reflecting the current economic climate.

Scottish Planning Policy (SPP) states that where a need for affordable housing is identified, it should be addressed in the development plan as part of the housing land allocation. It goes on to say that innovative and flexible approaches will be required to deliver affordable houses in suitable numbers. The SPP makes it clear that affordable housing policies should be realistic and take into account considerations such as development viability and the availability of funding. The SPP states that the development plan may seek 25% of the total number of housing units within new housing developments to be affordable, where this is justified by a housing need and demand assessment. But if evidence points to a different figure, then the 25% does not apply. Further advice on the range of options for providing affordable housing is contained in PAN 2/2010 on affordable housing and housing land audits.

My letter of 29 October 2010 stressed the importance the Scottish Government places on removing constraints to the development of housing land in the current economic climate. Authorities will also be aware of the significantly lower levels of public funding that are likely to be available to support the development of affordable housing in the coming years. In these circumstances I suggest that authorities, in drawing up and implementing planning policies on affordable housing, should consider:

- Whether contributions of 25% or more are likely to be deliverable in the current economic climate. Levels of affordable housing requirement that act to stifle overall levels of housing development are likely to be counter-productive. In certain cases the effect could be that development would not proceed at all.
- The nature of affordable housing need in an area and the extent to which this can be met by proposals capable of development with little or no public subsidy. It is counter-productive to secure land for proposals requiring high levels of subsidy unless the authority is confident that a source for this subsidy can be identified.

I am aware that several development plan policies on this topic already build in a consideration of development viability, and that many authorities have demonstrated a willingness to respond flexibly to the changes in circumstances that we are facing. Nothing in this letter should be taken as a change in the Scottish Government's policy on the role of the planning system in delivering affordable housing. The SPP already contains references to realism and flexibility and my purpose in writing is only to highlight these to you as you prepare, implement and monitor your affordable housing policies.

Yours faithfully

A handwritten signature in black ink, reading "James Mackinnon". The signature is written in a cursive, slightly slanted style.

JAMES G MACKINNON
Chief Planner



West Lothian
Council

COUNCIL EXECUTIVE

WASTE SERVICES - USE OF NEW ZERO WASTE SCOTLAND “RECYCLE FOR SCOTLAND” BRANDING

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

New recycling branding has been developed by Zero Waste Scotland. This report requests the Council Executive agreement to adopting the new Recycle for Scotland branding, in place of Waste Aware West Lothian logo, on future recycling publicity.

B. RECOMMENDATION

That the Council Executive agree to taking this branding on future recycling literature

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs
	Being honest, open and accountable
	Providing equality of opportunities
	Making best use of our resources
	Working in partnership
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	To date West Lothian has used the Waste Aware and Reduce Reuse Recycle brand on recycling literature. This proposes a change to new “Recycle For Scotland” national branding.
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	Waste Services report performance indicators which are linked to recycling rate's – Percentage of municipal waste and household waste recycled per quarter, percentage of material recycled at recycling centres. The aim is for a Scotland wide campaign which will boost recycling rates and minimise waste to landfill.
V Relevance to Single Outcome Agreement	Waste Services has 2 SOA's “The proportion of municipal solid waste recycled” and “Tonnage of

	municipal solid waste landfilled”. The aim is for a Scotland wide campaign which will boost recycling rates and minimise waste to landfill.
VI Resources - (Financial, Staffing and Property)	Potential £22,000 grant funding provided by Zero Waste Scotland to start the conversion of materials to Recycle for Scotland
VII Consideration at PDSP	Environment Policy Development and Scrutiny Panel 21 st December agreed to note the terms of the report and refer to Council Executive for approval
VIII Other consultations	Corporate Communications are being kept up to date with developments. They will approve the correct use of proposed designs and development/ use of any publicity from the national campaign for use by West Lothian Council. FMU have been made aware of the offer of grant funding.

D. TERMS OF REPORT

1. Introduction

Zero Waste Scotland has developed new recycling branding “Recycle for Scotland”. Zero Waste Scotland was established to support the actions set out in the Zero Waste Plan and to provide support for the move towards a Zero Waste society.

2. Background

The “Recycle” brand (Appendix 1. Scottish version of “Recycle” brand) is already used in England and Wales and has high recognition with the public as it is used on a large number of branded, everyday products. The brand has been designed to help refresh recycling communications, without the need to completely change the existing approach of Local Authorities.

Zero Waste has conducted research which has shown that this brand is already recognised by 45% of people in Scotland (compared to a 13% recognition rate for the Waste Aware brand). Zero Waste Scotland are keen to introduce the campaign in conjunction with Local Authorities in order to enhance their goals of making recycling easier and reducing the amount of waste that is sent to landfill in Scotland.

A key part of this process is for Local Authorities to adopt the campaign imagery.

Local Authorities do not have to convert to “Recycle For Scotland” branding and can therefore continue to use their existing branding e.g. Waste Aware/ Reduce, Reuse, Recycle, if they wish. However, this brand is now considered “defunct”. See Appendix 2. West Aware West Lothian brand. The benefit of converting across to “recycle for Scotland” will be utilising a national brand which is already well recognised and West Lothian will benefit from any Zero Waste Scotland national campaigns and support available.

3. Discussion

3.1 Offer of Grant Funding

Zero Waste Scotland is offering Local Authorities grant funding to start the conversion process if the brand is accepted. It is recognised that this funding will only allow for the start of the conversion process and West Lothian should convert across to the brand as and when the opportunity arises for future publicity. West Lothian Council has been offered £22,000, but there are set timescales for this to be spent. This money will be provided in one up-front lump sum. The purpose of the Revenue Grant is to provide local authorities in Scotland with funding support for communications resources that will aid the brand recognition of “Recycle for Scotland”. Invoices must be provided to provide evidence of payments and utilisation. For more information, see Appendix 3. Zero Waste Scotland: Local Authority “Recycle for Scotland” Revenue Grant Guidance.

This can be spent on resources that include Recycle for Scotland branding; are public facing; and have a shelf life of longer than 4 weeks.

Some suggested resources that could be funded are listed below. Note this is not an exclusive list.

- Signage at recycling centres or bring sites
- Removable, flexible vehicle signage/ panels
- Permanent bus shelter advertising (shelter tops)
- Guidance leaflets for householders
- Posters for display in community/ Council Buildings

3.2 Key Dates:

October 10th 2011: Applications welcomed from this date onwards. Fund allocation is on first come, first served basis.

November 1st 2011: Recycle for Scotland communications materials and brand guidelines available.

February 1st 2012: All funds must be spent.

March 1st 2012: All evidence such as receipts should be received by Zero Waste Scotland.

3.3 Examples of new branding

Appendix 4. Link to examples of new branding provided

3.4 Proposed Projects for Funding

Please note that Waste Services is finalising a list of priorities for this funding to be agreed with Corporate Communications and our Head of Service. Proposed projects:

- Signage on the recycling centres requiring replacement
- Stickers to go on the bottle banks to encourage correct use of banks
- Remaining funding to provide livery on the new refuse collection vehicles promoting recycling (funding unlikely to purchase all required),

Note that if the use of Recycle for Scotland branding is agreed, then this will be incorporated into new publicity, such as recycling calendars, by replacing the current Waste Aware branding

E. CONCLUSION

The use of the Recycle for Scotland branding is recommended to allow West Lothian to utilise a brand which is already well recognised and West Lothian will benefit from any Zero Waste Scotland national campaigns and support available.

F. BACKGROUND REFERENCES

Appendix 1. Scottish version of “Recycle” brand



Appendix 2. West Aware West Lothian brand



Appendix 3. Zero Waste Scotland : Local Authority “Recycle for Scotland”

Revenue Grant Guidance



Local Authority
Recycle Now Grant For

Appendix 4. Link to examples of new branding provided

<http://www.zerowastescotland.org.uk/node/9018/download/86029eeaf92e8a06379aa77901c0159c>

Contact Person: Karen King, Waste Strategy Officer, Unit 6, Nairn Road, Deans Industrial Estate, LIVINGSTON karen.king@westlothian.gov.uk ext 7805

Jim Jack, Whitehill House, 7 Whitestone Place, Whitehill Industrial Estate, BATHGATE, EH48 2HA

Date: 21st December 2011



West Lothian
Council

COUNCIL EXECUTIVE

PROPOSED WAITING RESTRICTIONS
TERRACE CAR PARK, ALMONDVALE, LIVINGSTON

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to seek approval to initiate the statutory procedures to introduce waiting restrictions in Terrace Car Park, Almondvale, Livingston.

B. RECOMMENDATION

It is recommended that the council executive approves the initiation of the statutory procedures to promote a traffic order to introduce "No waiting at any time" restrictions in parts of Terrace Car Park, Almondvale, Livingston.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Promotion of a permanent Traffic Regulation Order.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	The waiting restrictions scheme supports outcomes 9 and 10.
VI	Resources - (Financial, Staffing and Property)	Promotion of the Traffic Regulation Order and associated works will be funded by Finance and Estate Services.
VII	Consideration at PDSP	None.
VIII	Other consultations	Lothian and Borders Police and the local ward members have been consulted and no adverse comments have been received.

D. TERMS OF REPORT

Over the last year or so concerns have been raised about indiscriminate parking within Terrace Car Park, Almondvale, Livingston. At some locations parking near to junctions, on corners and adjacent to pedestrian access links inhibits access for both drivers and pedestrians.

"No waiting at any time" restrictions are proposed around corners, at junctions and pedestrian access points within the car park. This should improve access and road safety for both drivers and pedestrians.

Lothian and Borders Police have been consulted and have no issues with the proposals.

The local ward members have been consulted and comments received are noted below:

- Councillors Fitzpatrick, Johnston and Muir support the proposals.
- Councillor Logue has made no comments.

If the council executive approves the recommendation, the traffic order will be advertised and objections invited. Any unresolved objections will then be reported back to the council executive for determination before the order can be confirmed.

E. CONCLUSION

The recommended proposals should improve access and road safety for both drivers and pedestrians within Terrace car park.

F. BACKGROUND REFERENCES

None.

Appendices/Attachments: Drawing No. RSTM/05/W4/005.

Contact Person: Tom Bryceland, Engineer, Road Safety & Traffic Management, Operational Services, County Buildings, Linlithgow, EH49 7EZ.

Jim Jack, Head of Operational Services, Whitehill House, 7 Whitestone Place, Whitehill Industrial Estate, Bathgate, West Lothian, EH48 2HA.

Date: 10 January 2012



West Lothian
Council

COUNCIL EXECUTIVE

**PROPOSED INTRODUCTION OF PERMITTED FOOTWAY PARKING
DRUMSHORELAND ROAD, PUMPHERSTON**

REPORT BY HEAD OF OPERATIONAL SERVICES.

A. PURPOSE OF REPORT

The purpose of this report is to seek approval to initiate the statutory procedures to introduce permitted footway parking on parts of Drumshoreland Road, Pumpherston.

B. RECOMMENDATION

It is recommended that the council executive approves the initiation of the statutory procedures to promote a traffic order to introduce permitted footway parking bays on parts of Drumshoreland Road, Pumpherston.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Promotion of a permanent Traffic Regulation Order.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	None.
V	Relevance to Single Outcome Agreement	The permitted footway parking scheme supports outcome 9.
VI	Resources - (Financial, Staffing and Property)	Promotion of the Traffic Regulation Order and associated works will be funded from the capital budget from the primary school project. Maintenance costs relating to the road markings and signage will require to be accommodated in future revenue budgets.
VII	Consideration at PDSP	None.

VIII Other consultations

Lothian and Borders Police and the local ward members have been consulted and have made no adverse comments. The proposal was endorsed by the East Livingston and East Calder Local Area Committee on 22 September 2011.

D. TERMS OF REPORT

Planning permission Ref: 0076/FUL/10 was granted on 10 May 2010 for the erection of a community primary school with associated traffic calming on Drumshoreland Road, Pumpherston.

On 22 March 2011 the council executive approved the initiation of the statutory procedures to promote a traffic order to reduce the speed limit from 30 mph to 20 mph in the proposed traffic calmed area on Drumshoreland Road. The proposed traffic calming and 20 mph speed limit should be in place during early 2012.

During community consultation for the proposed traffic calming measures, parking provision along this route was one of the key issues raised. The subject of vehicles indiscriminately parking on the footway was also identified during a walking route assessment to the school undertaken by an officer from the council's Road Safety and Traffic Management team on 27 July 2011.

To improve safety for pedestrians along Drumshoreland Road, it is proposed that permitted parking is formalised on the footways. Seven permitted parking areas are proposed, five on the north footway and two on the south footway. Dropped kerb accesses will be constructed along the whole length of each of these areas.

The proposal was endorsed by the East Livingston and East Calder Local Area Committee on 22 September 2011.

On 23 November 2011 a consultation letter regarding footway parking was forwarded to all frontagers on Drumshoreland Road and Heaney Avenue, however no comments have been received.

Lothian and Borders Police and the local ward members have been consulted and no adverse comments have been received.

If the Council Executive approves the recommendation, the traffic order will be advertised and objections invited. Any unresolved objections will then be reported back to the Executive for determination before the order can be confirmed.

E. CONCLUSION

The introduction of permitted footway parking bays on Drumshoreland Road will formalise the areas where vehicles can park, leaving clear space for pedestrians to walk. This should improve child and adult pedestrian safety along both footways in the vicinity of the school.

F. BACKGROUND REFERENCES

- Planning Approval (Ref: 0076/FUL/10)
- Report by Head of Operational Services to Council Executive
22 March 2011
Proposed Introduction of 20 mph Speed Limit
Drumshoreland Road, Pumpherston

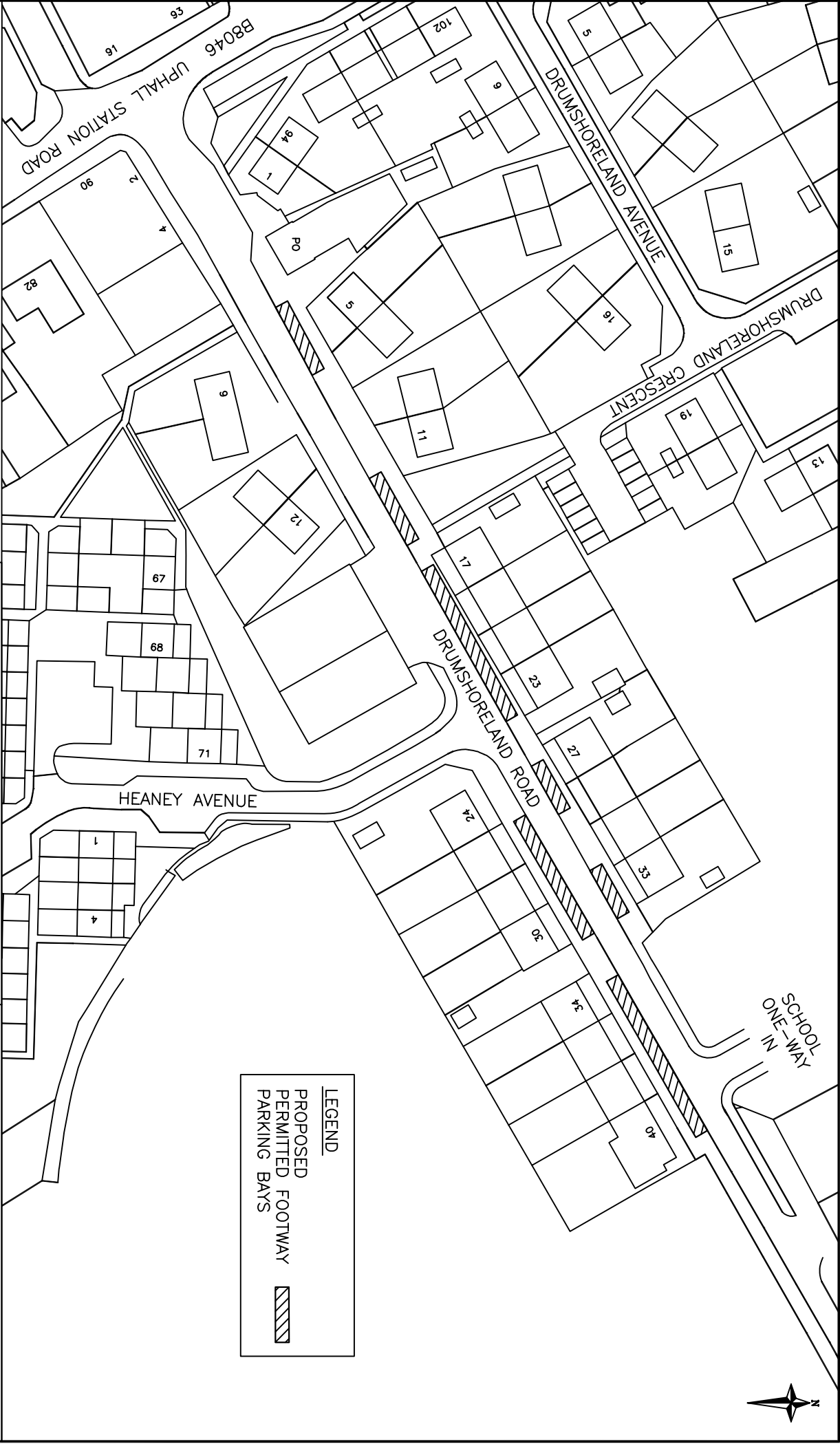
Appendices/Attachments: Drawing No. RSTM/05/W5/002

Contact Person: Tom Bryceland, Engineer, Road Safety & Traffic Management,
Operational Services, County Buildings, Linlithgow.

Tel: 01506 282340, email: tom.bryceland@westlothian.gov.uk

Jim Jack, Head of Operational Services, Whitehill House, 7 Whitestone Place, Whitehill Industrial
Estate, Bathgate, West Lothian, EH48 2HA.

Date: 10 January 2012



LEGEND

PROPOSED
PERMITTED FOOTWAY

PARALLEL
PARKING BAYS

DRAWING NAME:-

Drumshoreland_Parking1.dwg

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WEST LOTHIAN COUNCIL		DRUMSHORELAND ROAD, PUMPHERSTON	
OPERATIONAL SERVICES		PROPOSED PERMITTED FOOTWAY PARKING BAYS	
TRANSPORTATION MANAGER COUNTY BUILDINGS LINTLITHGOW EH49 7EZ TEL No. 01506 282351	TRANSPORTATION ROAD SAFETY & TRAFFIC MANAGEMENT	DATE:- NOV 2011 SCALE:- N.T.S.	DRAWN BY:- T.G.B. CHECKED BY:- K.H.
		Drg. No.:- RSTM/05/W5/002	



West Lothian
Council

COUNCIL EXECUTIVE

OBJECTIONS TO DISABLED PERSONS' PARKING ORDER, VARIATION NO. 2 (PTO-11-05) AND UPDATE

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to allow the council executive to consider three objections which have been made in respect of the proposal to provide enforceable parking places, identified for qualifying persons, in line with the Disabled Persons' Parking Places (Scotland) Act 2011.

B. RECOMMENDATION

It is recommended that the council executive:

1. overrules the objections submitted during the statutory objection period and approves the provision of enforceable disabled parking bays in the vicinity of the following properties :
 - 7 Traprain Crescent, Bathgate (2 parking bays)
 - 11 Scott Place, Fauldhouse (1 parking bay)
 - 121 Birkenshaw Way, Armadale (2 parking bays)
2. notes the reason that the parking bay previously approved for Hopefield Road has not been provided and the reason that the bay at Howley Avenue has not been removed.

C. SUMMARY OF IMPLICATIONS

I Council Values

Focusing on our customers' needs

Being honest, open and accountable

Providing equality of opportunities

Making best use of our resources

Working in partnership

II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>Policy: None</p> <p>Legal: The Disabled Person's Parking Places (Scotland) Act 2009 places duties on the council in relation to the provision of disabled persons' parking bays. Implementation of a Traffic Regulation Order. Statutory advertisement was undertaken between 6 October 2011 and 27 October 2011.</p>
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	The provision of residential on-street disabled persons' parking places supports outcomes 7 (We have tackled the significant inequalities in Scottish society) and 13 (We take pride in a strong, fair and inclusive national identity).
VI	Resources - (Financial, Staffing and Property)	<p>Financial: Promotion of the traffic regulation order and associated works will be funded from the disabled parking capital budget.</p> <p>Maintenance costs relating to the road markings and signage will require to be accommodated in future revenue budgets.</p> <p>Staffing: None.</p> <p>Property: None.</p>
VII	Consideration at PDSP	None
VIII	Other consultations	Lothian & Borders Police, Disability West Lothian and Local Ward Members (Wards 6, 8 and 9)

D. TERMS OF REPORT

Introduction

On 23 August 2011, the council executive approved the commencement of the statutory procedure to provide and remove enforceable disabled parking bays in residential areas, in line with the council's duty under the Disabled Persons' Parking Places (Scotland) Act 2009.

The proposals were formally advertised between 6 October 2011 and 27 October 2011.

The total number of bays finally considered for designation was lower than the projected 180, as indicated on 23 August 2011. This is because one bay was identified as being on land that was unadopted. In this case the roads authority has no power to make a bay in this location. The bay not designated was the bay proposed in Hopefield Road, Blackburn (TRS-DIS-1726).

The total number of bays finally considered for removal was lower than the projected 31, as indicated on 23 August 2011. This is because one bay was identified as being in a convenient location for a new applicant who applied after the 23 August 2011 but before the advertisement period had begun. The bay which remains in place is the bay in Howley Avenue (TRS-DIS-72).

During the statutory advertisement period three written objections were received relating to five proposed parking bays. These objections (attached in Appendices 1, 2 and 3) are still outstanding and are discussed below.

As there were no objections to any other advertised bays, the order has been made in part in respect of the remaining designated and removed parking bays and commenced on 10 November 2011.

Objection to Disabled Parking Bays near 7 Traprain Crescent, Bathgate

There were two parking bays advertised in the vicinity of 7 Traprain Crescent. Whilst the objector made reference to a parking bay allocated to a specific resident, as these parking bays are not allocated to a specific household, it was considered prudent not to proceed with two bays in Traprain Crescent until a decision had been made regarding the objection.

The objector cited the presence of a driveway at number 7 Traprain Crescent and that the vehicle currently parked in one of the spaces does not show a Blue Badge.

The objector also cites existing parking pressure in the street as a reason that the parking place should not be provided.

A copy of this objection is contained in Appendix 1 of this report.

Officer's Response

The parking places in the vicinity of 7 Traprain Crescent, Bathgate, have been applied for by qualifying people, in line with the Disabled Persons' Parking Places (Scotland) Act 2009. Officers have undertaken an assessment of the information provided by the applicants and have deemed it necessary to provide disabled person's parking places in this location.

These parking places are for the use of any Blue Badge holder and are not set aside for any one individual; therefore these parking places are not allocated to any one address. If a traffic regulation order is made in respect of these parking places, vehicles parking in the parking places, which do not show a disabled persons' Blue Badge may incur a penalty.

Therefore, it is recommended that the objection should be overruled and the parking places should be made enforceable as per the original order.

Objection to Disabled Parking Bay near 11 Scott Place, Fauldhouse

A parking place has been advertised in the vicinity of 11 Scott Place in Fauldhouse, the objector cites that she has been granted planning permission to put a runway in her front garden and the disabled bay blocks this. A copy of the full objection is provided in Appendix 2 of this report.

Officer's Response

The objector has been granted planning permission (Ref. No. 0393/H/11) to form a driveway at their property and the disabled parking place currently obstructs the chosen access point.

The planning permission has the following condition applied "The driveway hereby approved shall not be formed until the disabled parking place in the carriageway adjacent to the proposed driveway has been relocated so that it does not conflict with the access for the proposed driveway".

The disabled parking bay was provided at a location which was considered to be safe and in line with the existing parking activity on Scott Place and was provided under the terms of the Disabled Persons' Parking Places (Scotland) Act 2009. The site was confirmed as being convenient by the original applicant and was therefore progressed in that location.

The council had no plans to move the bay before the planning application to form a driveway at this location was received. Following the application, a potential alternative location for the bay has been identified. However, since the objector was aware of the existence of the parking bay when making their planning application and the only reason to move the bay would be due to this application, the costs of moving the bay should be met by the objector. This has been estimated to be £250. The objector has been advised of this by council officers over the last few months however has advised that she does not want to pay to have the bay moved.

Therefore, it is recommended that the objection should be overruled and the parking place should be made enforceable as per the original order.

Objection to Disabled Parking Bay at Birkenshaw Way, Armadale

The objector cited that the proposed disabled parking bays will impede their access for deliveries and trades people as well as affecting the value of the property. In addition the objector also cites the posts that have been provided will attract vandalism and encourage children to play in the vicinity of this property, possibly causing damage to property. The objector requests that the parking bays are located closer to the applicants' homes. A copy of the full objection is provided in Appendix 3 of this report.

Officer's Response

The council has a duty to provide such parking places, if they are requested by qualifying people, in a location that is suitable location for the blue badge holder and which meets the requirements of the Road Traffic Regulation Act 1984. The location where the objector would like the bays located is a turning area which was not originally intended for parking. It would not be appropriate to formalise parking in this area.

The location chosen has been confirmed as being convenient to the original applicant and therefore progressed in that location.

The council is obligated to provide the posts and signs in locations where designated disabled persons' parking places are located. In this specific case, the signage is to be provided on the adopted public footway. The sign face to be provided has been made as small as possible and the located posts are currently 1500mm in height. However, in order to minimise visual intrusion the posts could be reduced to a minimum height of 1150mm.

Therefore, it is recommended that the objection should be overruled and the parking place should be made enforceable as per the original order.

Consultation

As indicated previously, this paper was issued to Lothian and Borders Police, Disability West Lothian and Ward Members (Wards 6, 8 and 9) for comments. The following comments/responses have been received.

Lothian and Borders Police advised that they had no adverse comments to make.

Disability West Lothian commented as follows:

"The objections to the Disabled Parking Bays in PTO 11/05 were considered at the most recent West Lothian Access Committee (14 December 2011) and members were in agreement that the objections should be overruled and that the provision of enforceable disabled parking bays should be created in the vicinity of the properties outlined in the report."

In addition, the following responses were received from ward members :

Councillor Walker advised that he was happy to go along with officer's recommendation.

Councillor Dixon has reviewed the paper and has no comments.

Councillor Borrowman sought reassurance that officers had investigated all options to minimise inconvenience for neighbours.

No other comments were received.

E. CONCLUSION

During the statutory advertisement period for the provision of over 180 new enforceable parking bays, the council received three objections to five of the parking bays.

It is recommended that the objections to the parking bays on Traprain Crescent, Scott Place and Birkenshaw Way should be overruled to provide enforceable disabled parking bays for qualifying people as set out in the Disabled Persons' Parking Places (Scotland) Act 2009.

Since the council executive meeting of 23 August 2011 a number of minor changes have been made in terms of the numbers of new and removed parking bays reported at that time.

F. BACKGROUND REFERENCES

Planning Application No. 0393/H/11

PTO -11-05 Disabled Persons' Parking Places Advert

Appendices/Attachments:

Appendix 1 – Objection 1 – Traprain Crescent, Bathgate

Appendix 2 – Objection 2 – Scott Place, Fauldhouse

Appendix 3 – Objection 3 – Birkenshaw Way, Armadale

Contact Person: Jane Dunlop, Engineer, Road Safety and Traffic Management.

jane.dunlop@westlothian.gov.uk 01506 282338

Jim Jack, Head of Operational Services, Whitehill House, Whitestone Place, Bathgate, West Lothian

Date: 13 January 2012

Dunlop, Jane

From: [REDACTED]
Sent: 20 October 2011 13:52
To: objections.roads
Subject: Reference PTO/11/05

Dear Sirs,

I wish to object to the disabled parking space allocated to number 7 Traprain Crescent, Bathgate, EH48 2BA. My reasons are since they were awarded the disabled space they have had a driveway built at their property. So for this reason alone they should not require an additional disabled parking space. The parking on the street is already quite bad and it's a struggle to get somewhere safe to park. Also the car that's constantly parked in their disabled spot (and is very rarely moved), does not have a disabled parking badge.

May I add I wish to keep in identity private and confidential.

Kind Regards

[REDACTED]

08-10-11

REF PTO/11/05

LEGAL SERVICE
RECEIVED
10 OCT 2011

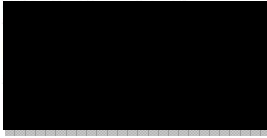
Dear Julie Whitehead

I am writing to object to the disabled bay on Scott Place Fauldhouse. I have been granted planning permission to put a runway into my front garden at the cost of £160 the disabled bay, blocks the entrance into my grounds my grid ref. 293453 660931

Yours Faithfully

Dunlop, Jane

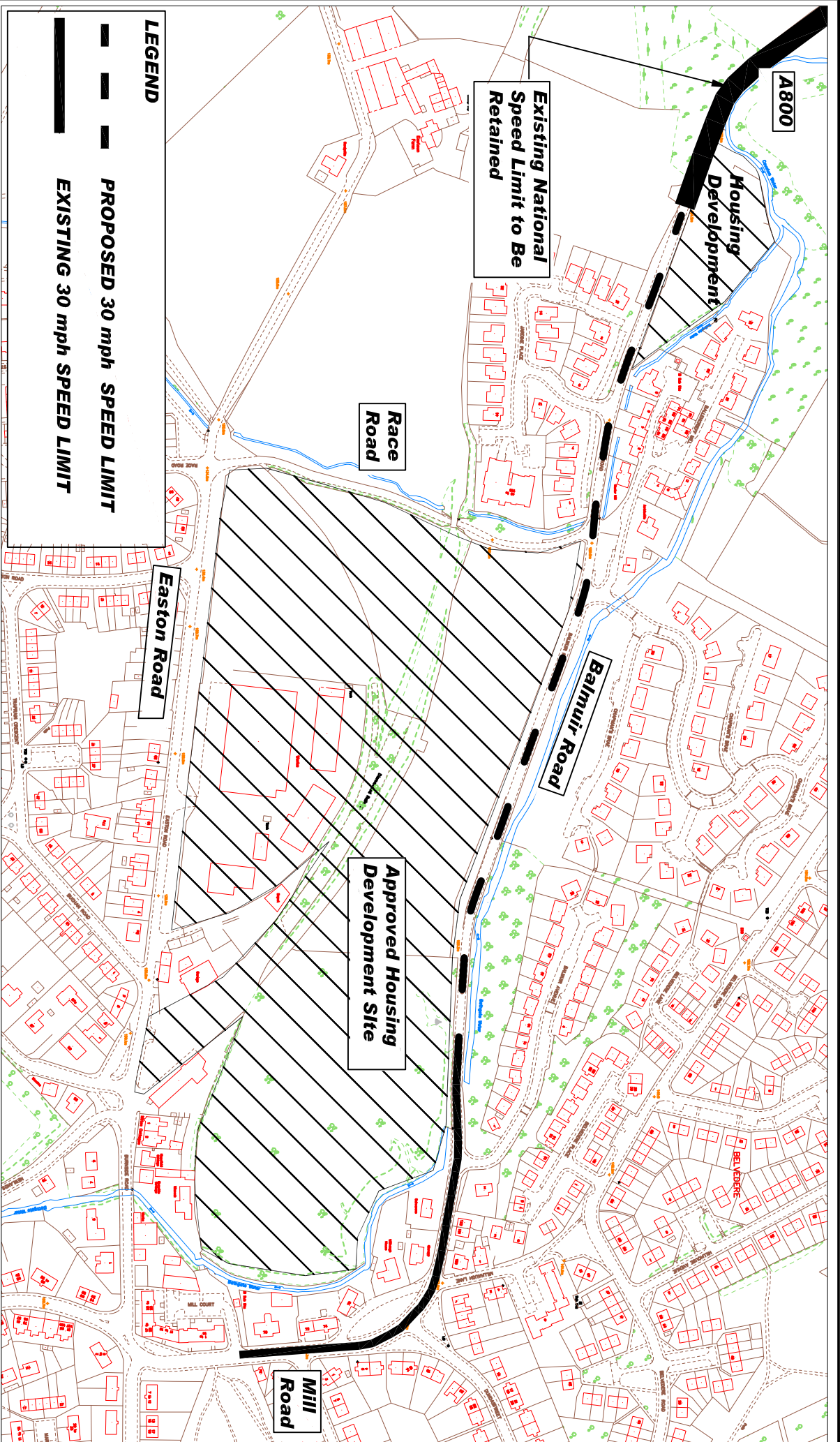
From: [REDACTED]
Sent: 19 October 2011 21:54
To: objections.roads@westlothian.gov.uk
Subject: disabled parking places-all hours



Dear Sir/Madam

Please be aware off my strong objections to you creating two disabled parking bays at the rear of my property it will impede my access for deliveries and trades people and afect the value of the property, I also object to the erection of two large posts at my rear fence, they will be a magnet for vandals and not to mention goal posts for kids playing football in the street causing damage to my property. Please put them outside the disabled badge holders doors.





DRAWING NAME:- Balmuir Road TRO.dwg

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WEST LOTHIAN COUNCIL
OPERATIONAL SERVICES

PROPOSED 30 MPH SPEED LIMIT
BALMUIR ROAD
BATHGATE

TRANSPORTATION MANAGER
COUNTY BUILDINGS
LINLITHGOW EH49 7EZ
TEL No. 01506 775296

TRANSPORTATION
Development Planning

DATE:- Dec 2011
SCALE:- N.T.S.
Drg. No.:- DP/BALMUIR ROAD/1

DRAWN BY:- JHS
CHECKED BY:- JHS



**West Lothian
Council**

COUNCIL EXECUTIVE

**PROPOSED CHANGE OF SPEED LIMIT
40 MPH TO 30 MPH ON BALMUIR ROAD, BATHGATE**

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to seek approval to initiate the statutory procedures to reduce the existing 40 mph speed limit to 30 mph on Balmuir Road, Bathgate. The proposed amendments will facilitate the construction of new development and extend the speed limit to the boundary of the ongoing urban development area in this part of Bathgate.

B. RECOMMENDATION

It is recommended that the council executive approves the initiation of the statutory procedures to promote a traffic order to reduce the existing speed limit from 40 mph to 30 mph on Balmuir Road, Bathgate.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs
		Being honest, open and accountable
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Policy - none
		Legal – The introduction of a 30mph speed limit will require the promotion of a traffic order in line with the Road Traffic Regulation Act 1984.
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	The introduction of the 30mph speed limit will support Outcome no. 9.
VI	Resources - (Financial, Staffing and Property)	Capital works funded by the developer. Maintenance costs relating to the road signage will require to be accommodated in future revenue budgets.

VII Consideration at PDSP	None
VIII Other consultations	Lothian & Borders Police and the local ward members have been consulted.

D. TERMS OF REPORT

Planning permission Ref: 0128/ARM/08 was granted on 6 January 2010 for the erection of 11 houses on the site of the former Woodthorpe Garden Centre, Balmuir Road Bathgate. Access is proposed to be taken about 5 metres west of the of the former Woodthorpe Garden Centre access onto Balmuir Raod.

The extension to the 30 mph speed limit reflects the ongoing development on this approach to Bathgate and relates to the urban boundary identified in the Finalised West Lothian Local Plan. A location plan is attached which shows the speed limit proposal and the adjacent development areas.

Lothian and Borders Police have been consulted and confirm that they have no issues with the proposed speed limit change.

The local ward members have been consulted and comments received are noted below:

Councillor Boyle made no comments.
Councillor Walker has no objections to the proposal.

Councillor McGinty is happy with the proposal to change the speed limit and asked that officers consider the need to widen the single footpath between Ballencrieff Mill and Balmuir Avenue as part of the works and include this in the report.

In response to the matter of footpath widening it should be noted that the purpose of this report is to initiate the statutory procedures for the reduction in the speed limit from 40 mph to 30 mph. The reduced limit is justified to improve road safety as a result of the continuing development in this area of Bathgate.

The development that is funding the speed limit change is not required by planning condition to improve the narrow footway because it was considered at the time of the planning application that the cost was not reasonable for the scale of development proposed. The developer is funding works to complete some footway links around Race Road which will provide pedestrian links from the development site to the existing footway network.

However, as part of the approved development of the Sibcas site (shown on the plan) which is located between Balmuir Road and Easton Road, a footway link will be created that in time will provide access from Balmuir Road at Race Road up to Easton Road, avoiding the need to go along Balmuir Road.

Officers are therefore of the view that it is not appropriate to link the widening of the footway to the proposed 30 mph speed limit.

However, the request for a footway at this location is included on the list of requested schemes held by Transportation.

If the Council Executive approves the recommendation, the traffic order will be advertised and objections invited. Any unresolved objections will then be reported back to the Executive for determination before the order can be confirmed.

E. CONCLUSION

The reduction of the speed limit from 40 mph to 30 mph will further reduce speeds at the start of the extended urban envelope of Bathgate and ensure that the speed limit is appropriate for the mix of pedestrian and vehicle uses in the area.

F. BACKGROUND REFERENCES

Planning Approval (Ref: 0128/ARM/10).

Appendices/Attachments: Drawing No. DP/BALMUIR ROAD/1

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Jim Jack, Head of Operational Services, Whitehill House, 7 Whitestone Place, Whitehill Industrial Estate, Bathgate, West Lothian, EH48 2HA.

Date: 10/01/12



West Lothian
Council

COUNCIL EXECUTIVE

MUSEUMS SERVICE ACQUISITION AND DISPOSAL POLICY 2012 - 2017

REPORT BY HEAD OF AREA SERVICES

A. PURPOSE OF REPORT

To present the Museums Service Acquisition and Disposal Policy 2012 – 2017 (Appendix 1) for adoption by the Council Executive.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. Notes that the national museum Accreditation scheme obliges West Lothian Council Museums Service to have an Acquisition and Disposal Policy (ADP) which conforms to Accreditation standards in form and content and is adopted by West Lothian Council.
2. Notes the revisions to the Museums Service Acquisition and Disposal Policy necessitated by changes in the Accreditation Standard model ADP as revised in 2010.
3. Adopts the Museums Service Acquisition and Disposal Policy 2012-17

C. SUMMARY OF IMPLICATIONS

I Council Values	Being honest, open and accountable
	Making best use of our resources
	Working in partnership
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The amended policy takes account of all current legislation relating to the ownership and provenance of museum collections. Following a Relevance Assessment (Appendix 2) this policy is deemed to have no impact on equality issues.
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	The adoption of this amended policy will enable WLC Museums Service to retain its Fully accredited status under the national Accreditation Standard for Museums as revised October 2011 (Appendix 3). Accreditation status

	qualifies WLC for external funding and object deposits which maintain and enhance the performance of the Museums Service.
V Relevance to Single Outcome Agreement	Outcome12: "We value and enjoy our built and natural environment and protect it and enhance it for future generations". The application of the ADP will ensure protection of WLC's museum collection and so enable its enhancement for future generations.
VI Resources - (Financial, Staffing and Property)	The ADP will be applied by the Museums Development Officer using existing revenue budgets and grant aid for which Accredited museums are eligible. Objects whose collection might incur higher costs would be referred to the Council Executive. Properly applied, the ADP ensures suitable care for WLC heritage assets, both those which form part of the Museum Service collection and those non-museum items which are held in Museum Service stores.
VII Consideration at PDSP	Considered at Culture and Leisure PDSP on 22 nd December and recommended for adoption.
VIII Other consultations	Museums Galleries Scotland; Almond Valley Heritage Trust; Bennie Museum Trust; Linlithgow Heritage Trust; West Lothian Council Planning and Conservation; West Lothian Council Local History Library; West Lothian Council Archives and Records Management; West Lothian Museums Forum.

D. TERMS OF REPORT

It is a core requirement of the national Accreditation Scheme for Museums as revised in October 2011 (Appendix 3) that the museum has an approved acquisition and disposal policy. The policy must include themes and priorities for collecting and information about the legal and ethical framework for acquisition and disposal of items. Such a policy was adopted by West Lothian Council in 1994 and revised in 1999 and 2006.

The national Accreditation scheme is now operated by Arts Council England (ACE), which took over the functions of the abolished Museums Libraries and Archives Council on 1st October. Museums Galleries Scotland remains the inspection body for Scottish museums and the Accreditation scheme stands apart from other ACE functions. West Lothian Council Museums Service will be invited to apply to meet the fourth incremental level of museum Accreditation standards during 2012. As part of that application, an acquisitions and disposal policy, updated in the light of recent legal and ethical developments, must be adopted by the Council and submitted to the Accreditation panel.

Differences from 2006 version (All references are to Appendix 1)

1. The Statement of Purpose of the Museum, approved by its governing body, must now be incorporated into the ADP. The Museums Service Statement of Purpose has been revised in the light of the Single Outcome Agreement, in which WLC community museums are named as contributors to outcome 12: "We value and enjoy our built and natural environment and protect it and enhance it for future generations". (Section 1)
2. Public Art is no longer relevant to the Museum ADP as works have been dealt with under the Public Art Strategy since 2008. (Section 3.4.5)
3. The policy review procedure is unchanged but has been made explicit in the text of the ADP. (Section 6)
4. Museums Galleries Scotland is new name of the body in responsible for monitoring museum standards in Scotland. (Section 6)
5. The section on Treasure Trove takes into account recent administrative changes in the Treasure Trove system in Scotland. (Section 8.6)
6. Object disposal used to be regarded as extremely unethical to the extent that museums were obliged to sacrifice valuable storage space to objects which were inappropriate to the collection or in very poor condition and not accessible. It has now been recognised that good collection management can include disposal if carried out transparently after careful consideration of:
 - The public benefit
 - The effect on the remaining collections
 - Other museums collecting in the same geographical or subject areaClauses have been added to reflect this change. However other clauses have been expanded to emphasise the ethical limitations on methods of disposal including, as a last resort, sale. (Sections 12.1 and 12.6-7; 12.9-10)

E. CONCLUSION

This acquisition and disposal policy involves only slight changes in content and emphasis from the 2006 -11 policy. However recommendation for adoption of the policy by the Council Executive will assist the Museums Service to achieve the 2011 Accreditation standard, remain eligible for grant aid in the Museums sector and continue its high quality collections management work.

F. BACKGROUND REFERENCES

Museums Libraries Archives Council: Acquisition and Disposal Policy for museums participating in the Accreditation Scheme. Revised April 2010.

Appendices/Attachments:

1. Museums Service Acquisition and Disposal Policy 2012 – 2017
2. Equality Impact Relevance Assessment
3. Accreditation Scheme for Museums and Galleries in the United Kingdom: Accreditation Standard. October 2011

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Date: 05/01/2012

APPENDIX ONE

DATA LABEL: PUBLIC

West Lothian Council Museums Service

Governed by West Lothian Council

DRAFT

Acquisitions and Disposal Policy

2012 – 2017

Approved by West Lothian Council: Jan / Feb 2012 tbc

Review date: November 2016

Prepared by: Elizabeth S.H. Henderson
Museums Development Officer
November 2011

1. Statement of Purpose

Mission Statement: To enhance the quality of life in West Lothian by providing a museums service that serves the educational, cultural and leisure needs of our communities now and in the future.

Motto: Preserving the Past for the Present and Future

Key Outcome: WLC requires all its Heritage Services to make heritage resources available to our communities. The Museums Service seeks to fulfil this demand by working to ensure that:

Our citizens have an appropriate museum collection held in trust for them, which is well safeguarded, researched and readily available to them now and in the future.

In pursuit of this outcome the Museums Service prioritises the following activities:

- Collecting, recording and safeguarding artefacts relating to the historical and cultural life of West Lothian
- Encouraging life-long learning, inspiration, inclusion and enjoyment by promoting formal and informal access to West Lothian's museum collections
- Working to quality standards set for West Lothian Council and the national museum sector
- Working in partnership with accredited independent museums open to the public in West Lothian

2. Existing collections

The existing collections of West Lothian Council Museums consist principally of items relating to the social and industrial history of West Lothian from the late 19th century to the present. Particular themes include:

- The history of West Lothian Council and its predecessors, including the civic regalia of the former Burghs
- The history of the self-help movement, in particular Friendly Societies, including banners, regalia and memorabilia
- The social, domestic and industrial history of areas served by community museums, namely Whitburn, Armadale, Broxburn and Blackridge,
- Objects associated with individuals native to, or closely associated with, these areas.

In addition the collections include:

- Geological specimens from the carboniferous period relating to the later coal and shale mining industries
- Archaeological finds illustrating human activity in the West Lothian area from the Bronze Age to the Mediaeval period.
- Photographic prints, negatives and slides, both original and copied from loans, illustrating West Lothian history in relation to the object collections.

3. Future Acquisitions

Set out below are the criteria governing future acquisition policy including the subjects or themes, periods of time and/or geographic areas and any collections which will not be subject to further acquisition.

- 3.1** The Collecting Area for West Lothian Council Museums Service will be the area defined by the boundaries of West Lothian Council as described in Local Government Re-organisation of April 1996. Items relevant to the earlier County of Linlithgowshire but originating outwith the present day boundaries may be collected but in consultation with Accredited museums currently collecting in that area.
- 3.2** The period of time to which the collection relates will be from the Carboniferous period to the present.
- 3.3** Items made in, at some point used within, or otherwise provenanced to the West Lothian Council Museums Service's Collecting Area, may be acquired, regardless of their location at the time of acquisition. Where this involves the collection of items from a place within the geographical sphere of influence of another museum, a principle of open actions and good communications will apply.
- 3.4** The mission of West Lothian Council Museums Service (WLCMS) is to enhance the quality of life by providing a museums service that serves the educational, cultural and leisure needs of the community now and in the future. Its key outcome includes collecting objects appropriate to the heritage of West Lothian and making them readily available to citizens. This happens through exhibitions, but also to a large extent through reminiscence work, school and public handling sessions and other outreach services. Accordingly priority will be given to items suitable for handling and educational use and objects related to areas with community museums. Collecting will continue to take into consideration the collecting policies of other local museums (see ¶ 5 below) as well as constraints of storage and conservation requirements.

Items falling into the following subject areas may be collected, always subject to the availability of suitable storage space and environmental conditions and display capacity:

3.4.1 Civic and Social History

Items in this category relate to the history of local government in West Lothian and the history of the communities, which grew up within its boundaries. These are the most extensive categories within West Lothian Council Museums Service's existing collection and will remain collecting priorities in the future. This category includes items falling into four broad subject areas as defined by the Social History and Industrial Classification (SHIC) published by the Museums Documentation Association, namely.:

Community life; Domestic and family life; Personal life; Working life

3.4.2 Archaeology:

West Lothian Council Museums Service is an approved institution for the distribution of Treasure Trove and will seek to receive items appropriate to its collecting area and storage and display facilities. All archaeological collecting will be in accordance with the relevant current legislation (See ¶8.6 below).

Finds which are not claimed by the Queen & Lord Treasurer's Remembrancer, which have come to light as a result of an excavation undertaken by the Council or as a planning condition imposed by the Council are to be deposited with West Lothian Council Museums Service as part of the project design.

Objects dating to before 1707, the Act of Union of Scotland and England may be considered as archaeological (this date is used by the Royal Commission on Ancient & Historic monuments of Scotland). This therefore covers the following periods: Mesolithic, Neolithic, Bronze Age, Iron Age, Roman, Dark Ages, Mediaeval and Early Modern. Casual finds after this date will be considered for the social history collection unless found on excavation.

For collecting purposes, archaeological objects will be subdivided into three categories:

a) **Artefacts or manuports** - an object which is the product of human art and workmanship, or which has been introduced from outwith the district by human agencies, e.g. pottery, flint, building material etc

b) **Biological specimens** - faunal and floral remains which provide evidence concerning the nature of the environment in which people have lived and which they exploited e.g. wood, grain, pollen, bones etc.

c) **Sites** - the physical remains of permanent or temporary habitation sites. These are often ephemeral and transient and can only practically be preserved in documentary form - in writing, film and drawing. This is nonetheless an essential and integral part of the evidence for human activity in the district. As well as existing in its own right, such evidence must accompany the types of objects outlined in paragraphs a) and b). Evidence in this form will be placed with the West Lothian Council Archives Service for long-term storage and cross referenced to the Sites and Monuments Record maintained by for the council by the West of Scotland Archaeology Service (WOSAS), of which the council is a member and on the archaeological trigger maps prepared by WOSAS for use by the council in the planning process.

3.4.3 Photographs, prints and drawings:

Photographs, topographical prints and other locally relevant material will be collected only for the purpose of enhancing the interpretation of the object collection. West Lothian Council Archives and Records Centre holds the Council's principal collection of original photographs. Original photographs and negatives donated to West Lothian Council Local History Library were in the past accepted by West Lothian Council Museums Service for safekeeping. Such photographs are now deposited with West Lothian Council Archives and Records Centre. Copies of original non-duplicate photographs collected by West Lothian Council Museums Service will be donated to West Lothian Council Local History Library. New work may be commissioned when gaps in the existing collections are identified. The Local History Librarian, the Archivist and the Senior Planner Conservation and Design for West Lothian Council will be informed of such commissions.

3.4.4 Architectural material:

Material including the fabric of a building as well as fixtures and fittings that have been salvaged from West Lothian Council approved demolitions, alterations and maintenance to historic buildings and constructions of

architectural merit. This material has been collected in the past, but limitations on storage will prevent future collecting of all but the smallest examples.

3.4.5 Public Art and Monuments:

All externally situated historic buildings and monuments in the ownership or guardianship of the council are identified on a database established and maintained in partnership by the council's Planning and Conservation Officer, Strategic Planning, Community Arts and Structures. All public art is subject to the Public Art Strategy adopted in 2008 under which Public Art in West Lothian is supervised by the Public Art Strategy Group. The Museums Service will no longer collect such material.

3.4.6 Visual Arts:

West Lothian Council's visual arts collection, housed mainly at County Buildings in Linlithgow, is supervised by the Museums Officer but is not part of the Museum Service's collection. The Museum Service does not seek to collect visual art. However the Museums Service will consider accepting donations of the work of local artists or local subjects which illustrate the historical development of the area, if appropriate storage and display facilities are available at the time. Where the Museum seeks to collect the work of "local" artists, or to acquire "local" views, the area defined at ¶ 3.1 above will normally be used as the basis for decisions.

3.4.7 Numismatics:

There is currently very little numismatic material in the West Lothian Council Museums Service collections. Development of the numismatic collection will be restricted to coins, notes, medals and tokens with a particular connection to West Lothian, or such as may be required for display purposes. Coins recovered from excavations will be accepted with other excavated material.

3.4.8 Geology:

There is a small amount of material in the West Lothian Council Museums Service Collections relating to the geological history of West Lothian. Future collecting of specimens which represent the rich geological heritage of West Lothian may be undertaken, but a comprehensive collection will not be created..

3.4.9 Natural History:

There are currently no natural history specimens in the Museums Services Collections. In the future specimens may be obtained or borrowed for display purposes but given the limited space available for collection storage there is no intention to initiate the collecting of this type of material.

4. Limitations on collecting

- 4.1** West Lothian Council Museums Service recognises its responsibility, in making new acquisitions, to ensure that care, documentation and use of the collections will meet the Accreditation Standard. Accordingly, it will consider limitations on collecting imposed by factors such as inadequate staffing, storage and care of collections arrangements. Where the acquisition of any item would result in significant financial implications, the matter will be referred to West Lothian Council for decision.

- 4.2** The Museums Development Officer as the West Lothian Council's senior museum professional, will normally have delegated authority and responsibility for the acceptance or rejection of potential gifts or bequests to the Museum, for soliciting gifts of material for the collections within the terms of this policy, and for making recommendations and taking action on the purchase of material in accordance with this Policy and within West Lothian Council's normal standing orders.
- 4.3** Items offered to West Lothian Council Museums Service as gifts or bequests will not normally be accepted if they are subject to any restrictive covenant or special conditions, such as that they be displayed in a particular way. In exceptional circumstances, if the Museums Development Officer feels that the item(s) in question are of over-riding importance, West Lothian Council may be asked to approve the acquisition of a specific item to which conditions are attached. A general exception to this rule will be deemed to exist in respect of restrictive covenants or conditions intended only to assure the permanent protection of the item concerned in the Museum's collections, such as restrictions placed upon any legal powers of disposal that the Museum may have; under such circumstances, the Museums Development Officer may reasonably recommend that West Lothian Council accept the gift or bequest in question.
- 4.4** The acceptance of items, on loan, normally for a finite period for display or specific study, may be authorised by the Museums Development Officer acting on West Lothian Council's behalf. In exceptional cases, a privately owned item of major importance that falls within the scope of this Policy may be accepted on a finite long loan, whether or not it is required for immediate display or study. No item will be received on "permanent loan", a term which has no legal status. The period of all loans will normally be agreed in writing between the Museums Development Officer and the owner of the item at the time of deposit and will not normally exceed five years. Where the term of a loan has expired, it may be renewed or extended for further finite periods, at the discretion of both the owner and the Museums Development Officer.

5. Collecting policies of other museums

The museum will take account of the collecting policies of other museums and other organisations collecting in the same or related areas or subject fields. It will consult with these organisations where conflicts of interest may arise or to define areas of specialisms, in order to avoid unnecessary duplication and waste of resources.

Specific reference is made to the following museum(s):

Almond Valley Heritage Trust is recognised as holding a nationally significant collection related to the shale oil industry. The trust also collects objects connected to West Lothian's arable and livestock farming, geology and the engineering and extractive industries.

Linlithgow Heritage Trust defines its collecting area as the geographical area within the boundaries of the Royal Burgh of Linlithgow, the Parish of Linlithgow and historically Linlithgow as County Town of Linlithgowshire.

Bennie Museum Trust defines its collecting area as the administrative boundaries of Bathgate, Boghall and Torphichen Community Councils.

West Lothian Council Archives

All archival collections as defined by the Code of Practice on Archives for Museums in the United Kingdom will be offered to West Lothian Council Archives Service in the first instance. However as West Lothian Council Museums Service holds some archives, including photographs and printed ephemera, it will be guided by the Code of Practice on Archives for Museums and Galleries in the United Kingdom (3rd ed., 2002).

6. Policy review procedure

The Acquisition and Disposal Policy will be published and reviewed from time to time, at least once every five years. The date when the policy is next due for review is noted above.

Museum Galleries Scotland will be notified of any changes to the Acquisition and Disposal Policy, and the implications of any such changes for the future of existing collections.

7. Acquisitions not covered by the policy

- 7.1** Acquisitions outside the current stated policy will only be made in very exceptional circumstances, and then only after proper consideration by the governing body of the museum itself, having regard to the interests of other museums.
- 7.2** In an emergency, and to ensure the preservation locally [and in public ownership] of important material, the Museums Development Officer is exceptionally authorised to collect material from outside the museum's stated collecting area, relating to those parts of the Lothians not yet covered by any museum service. Such material is acquired on the understanding that it may be transferred to other museums at a future time.

8. Acquisition procedures

- 8.1** West Lothian Council Museums Service will exercise due diligence and will make every effort not to acquire, whether by purchase, gift, bequest or exchange, any object or specimen unless the governing body or responsible officer is satisfied that the museum can acquire valid title to the item in question.
- 8.2** In particular, West Lothian Council Museums Service will not acquire any object or specimen unless it is satisfied that the object or specimen has not been acquired in, or exported from, its country of origin (or any intermediate country in which it may have been legally owned) in violation of that country's laws. (For the purposes of this paragraph 'country of origin' includes the United Kingdom).
- 8.3** In accordance with the provisions of the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which the UK ratified with effect from November 1 2002, West Lothian Council Museums Service will reject any items that have been illicitly traded. The Governing body will be guided by the UK national

guidance on the responsible acquisition of cultural property issued by DCMS in 2005.

- 8.4** So far as biological and geological material is concerned, West Lothian Council Museums Service will not acquire by any direct or indirect means any specimen that has been collected, sold or otherwise transferred in contravention of any national or international wildlife protection or natural history conservation law or treaty of the United Kingdom or any other country, except with the express consent of an appropriate outside authority.
- 8.5** The museum will not acquire archaeological antiquities (including excavated ceramics) in any case where the governing body or responsible officer has any suspicion that the circumstances of their recovery involved a failure to follow the appropriate legal procedures.
- 8.6** In Scotland, under the laws of *bona vacantia* including Treasure Trove, the Crown has title to all ownerless objects including antiquities. Scottish archaeological material cannot therefore be legally acquired by means other than by allocation to West Lothian Council Museums Service by the Crown. Where the Crown chooses to forego its title to a portable antiquity, a Curator or other responsible person acting on behalf of West Lothian Council, can establish that valid title to the item in question has been acquired by ensuring that a certificate of 'No Claim' has been issued on behalf of the Crown.
- 8.7** Any exceptions to the above clauses 8.1, 8.2, 8.3, 8.5 or 8.6 will only be because the museum is either:
- acting as an externally approved repository of last resort for material of local (UK) origin; or
 - acquiring an item of minor importance that lacks secure ownership history but in the best judgement of experts in the field concerned has not been illicitly traded; or
 - acting with the permission of authorities with the requisite jurisdiction in the country of origin; or
 - in possession of reliable documentary evidence that the item was exported from its country of origin before 1970.

In these cases the museum will be open and transparent in the way it makes decisions and will act only with the express consent of an appropriate outside authority.

- 8.8** The museum does not hold or intend to acquire any human remains.

9. Spoliation

The museum will use the statement of principles 'Spoliation of Works of Art during the Nazi, Holocaust and World War II period', issued for non-national museums in 1999 by the Museums and Galleries Commission.

10. The Repatriation and Restitution of objects and human remains

The museum's governing body, acting on the advice of the museum's professional staff, if any, may take a decision to return human remains (unless covered by the

“Guidance for the care of human remains in museums” issued by DCMS in 2005) , objects or specimens to a country or people of origin. The museum will take such decisions on a case by case basis; within its legal position and taking into account all ethical implications and available guidance. This will mean that the procedures described in 12.1 -12.4, 12.7 and 12.14 below will be followed but the remaining procedures are not appropriate.

11 Management of Archives

See ¶ 5 above and reference to West Lothian Council Archives

12 Disposal procedures

Disposal preliminaries

12.1 The governing body will ensure that the disposal process is carried out openly and with transparency.

12.2 By definition, West Lothian Council Museums Service has a long-term purpose and holds collections in trust for society in relation to its stated objectives. West Lothian Council therefore accepts the principle that sound curatorial reasons for disposal must be established before consideration is given to the disposal of any items in the museum’s collection.

Reasons for Disposal

12.2.1 To remove from the collections any item which is too badly damaged or deteriorated to be of any further use for the purposes of the museum.

12.2.2 To improve the curatorial care of the collections by the disposal of duplicate or unprovenanced material of low intrinsic relevance to the Acquisition Policy.

12.2.3 To transfer to the ownership of another Accredited museum any item which, by reasons of changes in public, social or educational need, administrative responsibility, development priorities, or the establishment of a new Accredited museum, the Museums Development Officer advises the West Lothian Council would be more appropriately placed elsewhere.

12.3 The museum will confirm that it is legally free to dispose of an item and agreements on disposal made with donors will be taken into account.

12.3.1 Items given or bequeathed will not normally be disposed of without prior consultation with the original donors or their families within the first generation, and wherever possible their approval should be obtained to the course of action proposed. This is, however, a matter of courtesy rather than a legal requirement. The Museums Development Officer shall be entitled to waive this requirement where all reasonable efforts to trace a donor have failed, and additionally where no details of the donor exist.

12.3.2 In appropriate circumstances, having taken account of the procedure set out in paragraphs 12.2-12.3 and 12.7-12.8 of this Policy, the Museums Development Officer may recommend the return of an item to its original donor.

12.4 When disposal of a museum object is being considered, the museum will establish if it was acquired with the aid of an external funding organisation. In

such cases, any conditions attached to the original grant will be followed. This may include repayment of the original grant and a proportion of the proceeds if the item is disposed of by sale.

Motivation for disposal and method of disposal

12.5 When disposal is motivated by curatorial reasons the procedures outlined in paragraphs 12.7-12.15 will be followed and the method of disposal may be by gift, sale or destruction.

12.6 In exceptional cases, the disposal may be motivated principally by financial reasons. The method of disposal will therefore be by sale and the procedures outlined below in paragraphs 12.7-12.13 and 12.15 will be followed. In cases where disposal is motivated by financial reasons, the governing body will not undertake disposal unless it can be demonstrated that all the following exceptional circumstances are met in full:

- the disposal will significantly improve the long-term public benefit derived from the remaining collection,
- the disposal will not be undertaken to generate short-term revenue (for example to meet a budget deficit),
- the disposal will be undertaken as a last resort after other sources of funding have been thoroughly explored.

The disposal decision-making process

12.7 Whether the disposal is motivated either by curatorial or financial reasons, the decision to dispose of material from the collections will be taken by the governing body only after full consideration of the reasons for disposal. Other factors including the public benefit, the implications for the museum's collections and collections held by museums and other organisations collecting the same material or in related fields will be considered. External expert advice will be obtained and the views of stakeholders such as donors, researchers, local and source communities and others served by the museum will also be sought.

12.7.1 Where recommendations concerning the disposal of museum items are to be made, it is understood that there will need to be certain preliminary investigations before a report can usefully be brought before the West Lothian Council. This may include such matters as obtaining valuations, seeking the views of donors, and contacts with other Accredited museums which may be interested in accepting transfers. Within the terms of this policy, it is understood that the Museums Development Officer under the supervision of the Chief Executive Officer has authority to act in this way, without prejudice to West Lothian Council's eventual decision.

Responsibility for disposal decision-making

12.8 No museum item may be disposed of without the specific authority of West Lothian Council, through the acceptance of a minute of the appropriate Committee according to West Lothian Council's normal standing orders. A decision to dispose of a specimen or object, whether by gift, sale or destruction will be the responsibility of the West Lothian Council acting on the advice of the Museums Development Officer, and not of the Museums Development Officer acting alone.

12.8.1 If the disposal of a quantity of similar material is proposed, West Lothian Council may, however, give the Museums Development Officer delegated authority to act in the specific, once a general principle has been approved.

12.8.2 Where recommendations concerning the disposal of museum items are to be made, it is understood that there will need to be certain preliminary investigations before a report can usefully be brought before the West Lothian Council. This may include such matters as obtaining valuations, seeking the views of donors, and contacts with other Accredited museums which may be interested in accepting transfers. Within the terms of this policy, it is understood that the Museums Development Officer under the supervision of the Chief Executive Officer has authority to act in this way, without prejudice to West Lothian Council's eventual decision.

12.8.3 The destruction of a museum item will only be acceptable if it has been seriously damaged, or has deteriorated beyond the point of further usefulness to the collection or for reasons of health and safety. The decision to de-accession in this way must be authorised by the West Lothian Council acting on the advice of the Museums Development Officer. The item will need to be formally de-accessioned and the destruction must be carried out in a discreet, confidential and permanent fashion.

Use of proceeds of sale

12.9 Any monies received by West Lothian Council from the disposal of items will be applied for the benefit of the collections. This normally means the purchase of further acquisitions. In exceptional cases, improvements relating to the care of collections in order to meet or exceed Accreditation requirements relating to the risk of damage to and deterioration of the collections may be justifiable. Any monies received in compensation for the damage, loss or destruction of items will be applied in the same way. Advice on those cases where the monies are intended to be used for the care of collections will be sought from MLA.

12.10 The proceeds of a sale will be ring-fenced so it can be demonstrated that they are spent in a manner compatible with the requirements of the Accreditation standard.

Disposal by gift or sale

12.11 Once a decision to dispose of material in the collection has been taken, priority will be given to retaining it within the public domain, unless it is to be destroyed. It will therefore be offered in the first instance, by gift or sale, directly to other Accredited Museums likely to be interested in its acquisition.

12.12 If the material is not acquired by any Accredited Museums to which it was offered directly as a gift or for sale, then the museum community at large will be advised of the intention to dispose of the material, normally through an announcement in the Museums Association's Museums Journal, and in other specialist journals where appropriate.

12.13 The announcement relating to gift or sale will indicate the number and nature of specimens or objects involved, and the basis on which the material will be transferred to another institution. Preference will be given to expressions of interest from other Accredited Museums. A period of at least two months will be allowed for an interest in acquiring the material to be expressed. At the end of this period, if no expressions of interest have been received, the museum may consider disposing of the material to other interested individuals and organisations giving priority to organisations in the public domain.

12.14 The museum will not dispose of items by exchange.

Documenting disposal

12.15 Full records will be kept of all decisions on disposals and the items involved and proper arrangements made for the preservation and/or transfer, as appropriate, of the documentation relating to the items concerned, including photographic records where practicable in accordance with SPECTRUM Procedure on de-accession and disposal.

Glossary

Collections are defined as:

any item entered in the Accession Registers of West Lothian Council Museums Service, whether as gift, or purchase, together with any item not entered in the Accession Registers, but in the possession of West Lothian Council Museums Service at 1st January 2012 which was donated or purchased with the intention that it should become part of the Collections.

Disposal is defined as:

the permanent removal of an item accessioned into the collection from the ownership of museum's governing body by the process of gift, sale or exchange.

Governing body is defined as:

the organisation which normally owns the collections. If another legally separate organisation has been given powers to acquire and/or dispose of collections on behalf of the governing body, this must be made clear in the policy.

Museums Development Officer is defined as:

the professional officer responsible to West Lothian Council through the Chief Executive Officer for the operation of the Museum according to proper professional standards. The Museums Development Officer must have a relevant degree, or a diploma in museum studies (or equivalent), or experience of the principles and practice of museum operation and management as may be determined to be acceptable by Museums Galleries Scotland.

Public domain is defined as:

represented by organisations which are run by public bodies or operate as charities.

Statement of Purpose: this must be the same as that given in the Forward Plan submitted with the Accreditation application.

Valid Title is defined as:

valid legal ownership.

West Lothian Council Museums Service is defined as:

those premises, staff and collections of original material, which may from time to time be under the control of the Museums Development Officer. At the time of adoption of this Policy, this principally encompasses the buildings in which West Lothian Council Museums Service is housed. (The portrait collection normally held at County Buildings in Linlithgow and the civic regalia normally held in the Bank of Scotland at Linlithgow and at West Lothian Civic Centre in Livingston are generally recognised as being the responsibility of West Lothian Council Museums Service but do not form part of the collections. The term "Museum" is used in a functional sense, and may at all times be taken to subsume the terms "Gallery", "Art Gallery", "Heritage Centre" or otherwise as appropriate.



EQUALITY RELEVANCE ASSESSMENT TEMPLATE

1. Policy details	
Policy Title	Acquisition and Disposal Policy – Museums Service
Policy Lead Officer	Elizabeth Henderson, Museums Officer
Date Relevance Assessment Conducted	2 November 2011
2. Discretion?	
YES	X NO
3. Which groups of people do you think will be, or potentially can be, impacted upon by the implementation of this policy? (Please ✓ below as appropriate)	
People from black and minority ethnic communities and different racial backgrounds	X
Women and men (boys and girls)	X
People with disabilities	X
Older people, children and young people	X
Lesbian, gay and bisexual people (including transgender people)	X
People of different religions or beliefs	X
4. Do you have evidence or reason to believe that this policy will, or may potentially:	
General Duties	Level of impact (high, medium or low)
Eliminate discrimination faced by particular groups	Low
Impact upon the promotion of equality of opportunity between particular groups	Low
Impact upon good relations between particular groups	Low
Promote positive attitudes towards different groups	Low
Increase participation of particular groups in public life	Low
Overall relevance to equality	Low
5. Equality impact assessment required? (All high and medium policies MUST be impact assessed)	
YES	NO X
6. Decision rationale	
<p>This policy relates to museum objects, not to donors or museum visitors. The donor must have legal title to the object before donating it and no other museum should have a prior claim on the object. Decisions to accept objects are based on criteria surrounding the object, not the donor. The object must be associated with West Lothian or be representative of activities commonly carried out in this area. The object must be in reasonable condition and be suitable for public display. The Service must be able to store the object appropriately to ensure its long term survival. In the unlikely event of a planned disposal all donors or their heirs would be contacted.</p>	



Accreditation Scheme for Museums and Galleries in the United Kingdom: Accreditation Standard

October 2011

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Introduction

Accreditation is the UK standard for museums and galleries. It defines good practice and identifies agreed standards, thereby encouraging development. It is a baseline quality standard that helps guide museums to be the best they can be, for current and future users.

This document sets out the requirements museums must meet to gain Accreditation. Although it is a national standard, it is not a 'one size fits all' standard. For each requirement, the expectations vary for museums of different types, sizes and scopes. This is made clear in the assessment guidance document, which you should read alongside this document.

Aims of the Accreditation Scheme

1. To encourage all museums and galleries to achieve agreed standards in:
 - how they are run
 - how they manage their collections; and
 - the experiences of users
2. To encourage confidence in museums as organisations that manage collections for the benefit of society and manage public funds appropriately.
3. To reinforce a shared ethical and professional basis for all museums.

Benefits of taking part in the Accreditation Scheme

Performance

A quality standard that serves as an authoritative benchmark for assessing performance, rewarding achievement and driving improvement.

Profile

It raises awareness and understanding of museums, so building confidence and credibility both within the governing body and among the public.

People

It helps museums to improve their focus on meeting users' needs and interests and developing their workforce.

Partnerships

It helps museums to examine their services and to encourage joint working within and between organisations.

Planning

It helps with forward planning by formalising procedures and policies.

Patronage

It demonstrates that the museum has met a national standard, which strengthens applications for public and private funding and gives investors confidence in the organisation.

These benefits were put forward in a report commissioned in 2011 by the Museums Libraries and Archives Council (MLA) and The National Archives (TNA). The report was written by Janice Tullock and Katrina Thomson, consultants, to develop thinking about an Accreditation Scheme for archives.

Eligibility

To be Accredited, museums must:

- meet the Museums Association's 1998 definition of a museum ('Museums enable people to explore collections for inspiration, learning and enjoyment. They are institutions that collect, safeguard and make accessible artefacts and specimens, which they hold in trust for society')
- hold a long-term collection of artefacts
- have a formal constitution
- provide two years of relevant accounts
- make sure that they meet all relevant legal, ethical, safety, equality, environmental and planning requirements
- be committed to forward planning to improve the service for users

Requirements for Accreditation

1 Organisational health

‘Accredited museums are responsible, responsive and resilient.’

1.1 Clear statement of purpose

The museum must be guided by a statement of purpose that defines why the museum exists and who it is for.

1.2 Acceptable constitution for the governing body

The museum must be a long-term organisation that exists to benefit the public and protect collections. It must have an appropriate and acceptable constitution for the governing body.

1.3 Appropriate management arrangements

The museum must be an effective organisation that is well managed and able to provide evidence of the following:

- 1.3.1** that it has a satisfactory management structure, from the governing body to the user
- 1.3.2** that it has formally approved any authorities or responsibilities the governing body has delegated to sub-committees, members of staff or volunteers
- 1.3.3** that the management structure makes sure there is appropriate professional input into decision making and policy development
- 1.3.4** that succession procedures are sufficient to ensure business continuity and accountability
- 1.3.5** the person or organisation that has powers to approve documents such as the forward plan and policies on managing collections
- 1.3.6** any approved agreement under which a separate organisation runs the museum

1.4 Effective forward planning

The museum must plan effectively for long-term success and to make sure it can adapt in a changing environment in order to survive. Its approved forward plans must include or cover the following:

- 1.4.1** the museum's statement of purpose
- 1.4.2** a review of the previous forward plan
- 1.4.3** an analysis of the environment in which it exists
- 1.4.4** consultation and an analysis of views
- 1.4.5** its key aims
- 1.4.6** the specific objectives beneath each key aim
- 1.4.7** how it will achieve its objectives
- 1.4.8** a resource plan showing the people and money available to meet its objectives
- 1.4.9** the date the plan will be reviewed

1.5 Secure occupancy of all premises containing collections

The terms under which the museum occupies the buildings or sites must be long-term (usually at least 12 months) and be sufficient to keep the collections secure and allow effective forward planning.

1.6 Demonstration of financial basis

The museum must be able to show that it is financially stable and that it meets the relevant financial regulations or standards and the requirements of its constitution.

The museum must have enough funds available, and collections must not be used as security for a loan.

1.7 Appropriate workforce, in numbers and experience, for the museum's responsibilities and plans

The museum must have an appropriate workforce to run it effectively. It must have effective employment procedures and roles in place to meet its responsibilities. The museum must have:

- 1.7.1** an appropriate workforce
- 1.7.2** clear agreements for each member of the workforce, setting out their roles and responsibilities
- 1.7.3** formal induction procedures for new recruits to ensure that all members of the workforce have basic information about the museum and understand their role in it
- 1.7.4** appropriate development opportunities for its workforce

1.8 Access to professional advice and input to policy development and decision making

The museum's governing body must have access to advice and guidance from a museum professional. If the museum does not employ a museum professional, it must have a written agreement between itself and a museum mentor.

1.9 Clear, workable emergency plan

The museum must be able to respond effectively to emergency or disaster situations. It must have an emergency plan, relating to all buildings that house collections and services, which includes or refers to:

- 1.9.1** arrangements for the workforce, visitors and collections
- 1.9.2** risk assessments of threats
- 1.9.3** information about how emergency plans are authorised, maintained, communicated, tested and made available to the workforce and emergency services
- 1.9.4** evidence of how the museum works with the emergency services, and of any other relevant emergency plans
- 1.9.5** an effective procedure for reviewing the emergency plan

1.10 Organisational approach to environmental sustainability

The museum must be environmentally conscious. Its approach to minimising waste and reducing its effect on the environment is a matter for the governing body.

The museum must be guided by a policy statement about its approach to environmental sustainability, and that policy statement must be appropriate to its statement of purpose.

2 Collections

‘Accredited museums manage collections effectively and make them and the information they hold about them available to everyone.’

Collections within a museum must be managed in line with the museum’s statement of purpose, policies and strategic vision.

2.1 Satisfactory arrangements for the ownership of collections

The museum must take responsibility for all the collections it manages.

The museum must be able to provide information on the size of the collections and the proportion of the collections owned by and on loan to it. Any risks relating to collections on loan to the museum should be dealt with through forward planning.

Collections management policies

2.2 Development policy

The museum must have an approved policy for developing collections (also known as an acquisition and disposal policy). The policy must include:

- 2.2.1** the statement of purpose
- 2.2.2** an overview of current collections
- 2.2.3** themes and priorities for future collecting
- 2.2.4** themes and priorities for rationalisation and disposal
- 2.2.5** information about the legal and ethical framework for acquisition and disposal of items

2.3 Documentation policy

The museum must be guided by a documentation policy statement. This may be part of a wider collections information policy.

2.4 Care and conservation policy

The museum must have an approved policy statement to guide its approach to collections care and conservation.

Collections management plans

2.5 Documentation plan

The museum must have plans to improve its collections documentation and documentation systems.

2.6 Care and conservation plan

The museum must have plans to help deliver improvements to collections care and conservation in line with the collections care and conservation policy.

Collections management procedures

2.7 Documentation procedures

The primary SPECTRUM procedures must be in place in the form of a documentation procedural manual that is available for inspection on request.

2.8 Expert assessment of security arrangements

The museum must obtain expert security advice for stored and exhibited collections at least every five years, and earlier if needed. It must plan to act on the advice over time.

3 Users and their experiences

‘Accredited museums are welcoming and accessible. They exhibit collections and have a planned approach to identifying and providing a good-quality service for a broad range of users.’

3.1 Good-quality services and development

The museum must offer and develop good-quality, stimulating services for users and potential users, in order to get the best out of its collections, resources and local area.

The museum must do the following:

- 3.1.1** understand who its users and non-users are
- 3.1.2** evaluate and analyse information to assess users’ needs
- 3.1.3** devise plans to broaden its range of users
- 3.1.4** have a culture of customer care with arrangements in place to make sure all users are treated with courtesy and care
- 3.1.5** take account of users’ needs, guided by a policy statement setting out a commitment to give everyone access to collections and associated information
- 3.1.6** respond to tourism and local priorities where appropriate

3.2 User-focused experience

The museum must provide a welcoming, accessible environment, and appropriate services and facilities.

The museum must:

- 3.2.1** have adequate and accessible facilities to meet the needs of the expected number and range of users or provide information about nearby facilities
- 3.2.2** have appropriate signs and directions inside and outside the building
- 3.2.3** communicate effectively with users and potential users through a range of accessible marketing and promotional activities

3.3 Effective learning experiences

Learning is a core purpose for museums. They use collections and associated information for exhibitions and learning opportunities.

The museum must:

- 3.3.1** exhibit the collections using a variety of interpretative methods
- 3.3.2** provide access to the collections and associated information for research purposes and other forms of engagement
- 3.3.3** provide effective and stimulating learning and discovery experiences focused on the collections

Further information

The Accreditation Committee

The Accreditation Scheme is overseen by the Accreditation Committee, whose members are senior museum and gallery professionals. The members bring a broad spread of knowledge and expertise relating to museums of all types throughout the UK. Accreditation Panels, which are sub-groups of the committee, meet approximately six times a year to consider applications and returns. These decisions are reviewed at annual Accreditation Committee meetings.

The assessing organisations

The organisations that assess museums for Accreditation are:

- **England, Isle of Man and Channel Islands** Arts Council England, www.artscouncil.org.uk
- **Wales** CyMAL: Museums Archives and Libraries Wales (a division of the Welsh Government), www.wales.gov.uk/topics/cultureandsport/museumsarchiveslibraries
- **Scotland** Museums Galleries Scotland, www.museumsgalleriesscotland.org.uk
- **Northern Ireland** Northern Ireland Museums Council, www.nimc.co.uk
- **National museums** Arts Council England, www.artscouncil.org.uk

These organisations assess each museum's application or return. The assessments are passed to the Accreditation Secretariat at Arts Council England, where they are processed, quality assured and scheduled to be presented to an Accreditation Panel.

Additional information about Accreditation is available on the website of each assessing organisation.

Keeping Accredited status

Once a museum has been awarded Accredited status, it must prove that it continues to meet the requirements of the scheme by sending an Accreditation return to the assessing organisation every two to three years, as required.

Changes to the Accreditation standard

Over time, the requirements for the Accreditation standard may change to make sure they remain up to date with developments in the sector and in line with current practice. When changes are made, all Accredited museums will be given reasonable notice of the changes before they are expected to meet the revised requirements.

Changes to Accredited status

If a museum stops meeting the Accreditation requirements, the museum's status may be reduced to 'provisional' or it may lose its Accreditation status altogether. This decision would be taken by an Accreditation Panel after discussing the matter with the museum and the relevant assessing organisation.

If a museum fails to provide their Accreditation returns within the timescale allowed it may lose its Accreditation status.

A museum can ask to be removed from the Accreditation scheme.

Glossary

Access – usually seen in terms of identifying barriers that prevent participation and developing strategies to dismantle them. Barriers come in many forms and may be physical, sensory, intellectual, attitudinal, social, cultural or financial.

Accessible – includes all forms of access – being open to visitors, by appointment, to specific user groups, virtual access, etc.

Acquisition – the process of legally acquiring an item for the long-term collection.

Approval – means that the governing body or delegated authority has made a policy decision to support a proposal and this has been ratified and recorded.

Collection – a body of cultural and heritage material. Collections may be physical, non-tangible or digital.

Collections management – the organisational approach to balancing collections development, care, access and information.

Conservation – methods of care or intervention applied to an item with the aim of slowing the process of degradation and extending the item's life.

Constitution – a legal set of fundamental principles according to which an organisation is governed.

Consultation – formal or informal methods of finding out what users and non-users think, want or need.

Disposal – the process of removing an item from the museum's long-term accessioned collection.

Documentation – the information records about collection items.

Environmental sustainability – how a museum uses its resources responsibly to minimise its detrimental impact on the natural world.

Forward plan – a forward-looking document that sets out the detailed aims and objectives of an organisation, to be achieved within a defined planning cycle. It is sometimes called a business plan.

Forward planning – a considered way of setting strategic direction and overarching ambition by taking stock and prioritising work in line with the organisation's statement of purpose and in consultation with its stakeholders, aligning resources with objectives.

Induction procedures – the formalised process of informing everyone with a role in the museum all about the museum, its purpose and priorities.

Interpretative methods – the way in which ideas and information about the collections are communicated to users.

Key aims – these are the overarching priorities for the museum to deliver the statement of purpose.

Learning – includes both formal and informal learning. It may involve the development or deepening of skills, knowledge, understanding, awareness, values, ideas and feelings, or an increase in the capacity to reflect.

Museum mentors – museum professionals supporting the achievement of Accreditation by smaller, volunteer-run museums.

Non-users – people who do not currently make use of the museum.

Objectives – the tasks that ensure key aims are achieved. They should be SMART – that is, specific, measurable, achievable, relevant and time bound.

Occupancy – the formal terms under which an organisation is based in a building or on a site.

Policies – approved documents or statements that provide strategic direction for the organisation.

Procedures – define standardised processes. They are a practical operational guide and may also be called manuals, handbooks, instructions, etc.

Professional – with a suitable qualification supported by recent relevant experience.

Rationalisation – the process of refining a collection in line with the museum's statement of purpose.

Resilience – the long-term viability of an organisation to survive and adapt in a changing environment.

Resource plan – identifies and quantifies the people and money available to realise objectives within the current forward plan. The resource plan should cover the same years as the forward plan even if figures for years other than the current one are only indicative.

Risk – combination of threat and likelihood of it occurring. Risk is the potential for a chosen action or activity (including the choice of inaction) to lead to a loss.

Sustainable – capacity of the museum for long-term survival as an organisation.

SPECTRUM – the industry standard for collections management, defining agreed procedures for: object entry; acquisition; location and movement control; cataloguing; object exit; loans out and loans in.

Statement of purpose – defines why the museum exists and who it is for. The statement of purpose may be found within the museum's governance document.

Succession procedures – an agreed set of processes to ensure the business continuity and accountability through changes of leadership or of key members of the workforce.

Users – individuals and groups who make use of the museum's resources or facilities in some way.

Workforce – the people, both paid and unpaid, who work at the museum.

Supporting partners:





West Lothian
Council

COUNCIL EXECUTIVE

**REVIEW OF PUBLIC ART STRATEGY 2008-2011 AND CONSIDERATION OF NEW
PRESERVING AND DECOMMISSIONING PUBLIC ART POLICY**

REPORT BY HEAD OF AREA SERVICES

A. PURPOSE OF REPORT

To provide Council Executive with an update on the Public Art Strategy 2008-2011 and to seek approval for a Preserving and Decommissioning Public Art Policy.

B. RECOMMENDATION

1. Council Executive note progress in delivering the Public Art Strategy 2011-2012 and Public Art Fund.
2. Council Executive approve the implementation of the new Preserving and Decommissioning Public Art Policy.

C. SUMMARY OF IMPLICATIONS

I Council Values

- Focusing on our customers' needs
- Being honest, open and accountable
- Making best use of our resources
- Working in partnership

II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)

Updating the Public Art Strategy 2008-2011 and amending it to include a new Preserving and Decommissioning Policy for Public Art will enable the council to deliver its commitment to conserve and make provision for its legacy of public art works.

Policy COM 11 of the adopted West Lothian Local Plan (2009) requires developers of larger housing and retail schemes to fund or contribute to the cost of works of public art.

III Implications for Scheme of Delegations to Officers

None

IV Impact on performance and performance Indicators

None

V Relevance to Single Outcome Agreement	<p>Outcome - 10. We live in well-designed, sustainable places where we are able to access the services we need.</p> <p>Outcome – 11. We have strong, resilient and supportive communities where people take responsibility for their actions and how they affect others.</p> <p>Outcome - 12. We value and enjoy our built and natural environment and protect it and enhance it for future generations.</p>
VI Resources - (Financial, Staffing and Property)	<p>The use of finance accrued in the current Public Art Fund from developer contributions and the allocation of 10% of that fund to be put towards preserving and decommissioning new and existing works of public art.</p>
VII Consideration at PDSP	<p>This was considered by the Culture and Leisure Policy Development and Scrutiny Panel on 22nd December 2011 and recommended to Council Executive for approval.</p>
VIII Other consultations	<p>Planning & Economic Development Finance & Estates Museum Services</p>

D. TERMS OF REPORT

Review of Public Art Strategy 2008-2011

The first Public Art Strategy 2008-2011 adopted by West Lothian Council brought about significant change in the provision of community engagement in the arts through public art funded by developers in West Lothian. Scottish Government national planning policy (SPP1) encourages local planning authorities in preparing local plans, to consider public art in supplementary guidance and to adopt policies *“that encourage originality and innovation and also protect against poor design”*. There is also government support in policy statements on Designing Places as well and in Planning Advice Notes for new residential streets and improving town centres.

As an important partner organisation Creative Scotland has contributed significantly to the cultural landscape of West Lothian. Creative Scotland’s Corporate plan aligns public art to Outcome 10 of the Scottish Government, ‘We live in well-designed, sustainable places where we are able to access the amenities and services we need’. West Lothian Council received partnership funding of £50,000.00 from Creative Scotland for the Grassroots Public Art scheme which ran from 2009-2011.

The establishment of the West Lothian Public Art Fund, initiated by the Public Art Strategy in conjunction with the Supplementary Planning Guidance (2010), which is currently under review by planning services, outlines the requirements of contributions from developers towards public art provision. The Public Art Fund has created a solid financial foundation for the development of public art. Contributions to the Public Art Fund to date total approximately £200,000. The Public Art Fund will allow for the creation of new public art projects and for longer term preserving and decommissioning of public art works.

The Public Art Strategy 2008-2011 also established the Public Art Strategy Group as the core advisory and working group which directs the workings of public art developments in West Lothian. This group comprises officials from Community Arts and Planning, and can include other services such as Transportation (Structures) and Estates & Finance, as appropriate.

Key to the co-ordination and delivery of both the Public Art Strategy and the Public Art Fund has been the appointment of an Arts Development Officer (Visual and Public Art). This post carries out negotiations with developers about the level of their contributions, project manages the delivery of public art projects and manages the Public Art Fund. The post holder supports developers and communities to realise their public art aspirations.

Projects successfully realised since 2009 include:

1. "The Deer", Crematorium, Livingston
2. "Katie Wearie", West Port, Linlithgow
3. "Florum Cultura", Howden Park, Livingston
4. Successful funding application to Creative Scotland for the establishment of the Grassroots public art grant scheme:
 - 3 woodland sculptures, Dedridge, Livingston
 - An oak seating and play sculpture, Boghall
 - 5 mural sites around Broxburn and Uphall
 - A Zen Garden and bronze sculpture, Armadale

Projects still in development include:

1. Glenmorangie final phase, Alba Campus, Livingston
2. River Almond Pebble Mosaic, The Centre, Livingston
3. Wester Inch, Bathgate
4. Robert Burns Restoration Project, Partnership Centre, Bathgate
5. Uphall and Broxburn Regeneration Public Art Project

All of these projects have involved members of the various local communities including The Boghall Drop-In, The Sunnysdale Association in Armadale, Artichange in Uphall and Broxburn, Bathgate Historic Society, Linlithgow Town Centre Management Group, Uphall and Broxburn Town Centre Management Group and Dedridge Ecology & Environment Project (DEEP).

These groups have been supported to commission artists and construction companies to manufacture and install the works which in turn have benefited the local economy.

In addition to the projects delivered there has also been further clarification of the Public Art commissioning process which illustrates the involvement of local residents in an area with reports to the relevant Local Area Committee(s). The new commissioning process map (Appendix 3) clarifies the strands for public art project development which is differentiated by the manner in which developer contributions can be appropriated i.e. by financial contribution to the WLC Public Art Fund or by agreement of a specific financial value which is financially controlled by the developer. This significantly influences how a project can be managed and developed. Developers who retain their public art contribution ultimately control their project development and subsequent local participation in the arts.

Also, newly included in the commissioning process map is a stage of aligning Public Art project development information sharing with area appropriate LAC meetings to ensure local member awareness of a project at 2 stages; at its initiation and just prior to any required planning application submission stage. If a project does not require planning then the second stage LAC meeting attendance will occur once final designs have been agreed by the commissioning group and prior to a projects conclusion.

Public Art Strategy Action Plan for 2011-2012

The new Public Art Strategy Action Plan 2011-2012 (Appendix 1) will build on the successes of the Public Art Strategy 2008-2011 and focus on key new developments;

1. Draft Preserving and Decommissioning Public Art policy has been developed to establish a regular maintenance programme for new and existing artworks.
2. Review of the Grassroots public art grant scheme to consider creating a second round of public art funding opportunities for community groups in West Lothian.
3. Raise the national profile of West Lothian as a centre of excellence for public art.
4. Continue to deliver 3-4 public art projects per year in partnership with developers, the local community and other West Lothian Council service areas.
5. To develop a subsequent 3 year Strategy and action plan for 2013-2016.

Preserving and Decommissioning Public Art Policy

West Lothian Council has an extensive legacy of public artworks. Many of these artworks were commissioned and established by the former Livingston Development Corporation. However, provision for the care of these works was not clearly defined.

With the adoption of the new Public Art Strategy 2008-2011 and with the related Supplementary Planning Guidance for Public Art in West Lothian (2010), there are many newly commissioned artworks being progressed within the county.

A draft Preserving and Decommissioning Public Art Policy has been developed to provide guidelines for preserving, repairing and decommissioning public artworks, in order to meet the long term needs of the artworks and to ensure the safety and protection of the public who interact with them.

It is proposed that 10% of each developer contribution for public art will be set aside from the Public Art Fund to be used for all ongoing and future maintenance. The Preserving and Decommissioning Public Art Policy is attached (Appendix 2).

E. CONCLUSION

The updated Public Art Strategy Action Plan 2011-2012 will build on the successes of the Public Art Strategy 2008-2011. The Preserving and Decommissioning Public Art Policy will enable the council to make provision for all ongoing maintenance of new and existing public artworks in West Lothian.

F. BACKGROUND REFERENCES

None.

Appendices/Attachments:

Appendix 1: Public Art Strategy action plan 2011-2012
Appendix 2: Preserving and Decommissioning Public Art Policy
Appendix 3: The Public Art Commissioning Process.

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Email: Camille.archer@westlothian.gov.uk

Alistair Shaw, Head of Area Services

Date: 11th January 2012

Public Art Strategy Action Plan 2008-2011 Update

	Topic	Task	Output	Timescale	Completion date
1.	Public Art Strategy	Adopt and publish strategy.	Present to council Executive. Strategy published on paper and on council website.	19 August 2008 Autumn 2008	Adopted August 2008 Published January 2010
2.	Supplementary Planning Guidance (SPG): Developer Requirements for Public Art Projects	Adopt and publish supplementary planning guidance. Advise all consultees of adoption.	Present to council Executive. Guidance published on paper and on council website.	19 August 2008 Summer 2008	August 2008
3.	Implement the SPG to ensure the early integration of public art through development proposals	Negotiate public art contributions on relevant planning applications on a case by case basis. Establish effective communication between Planning and Arts Services.	Establish shared server database of public art projects. Establish system for monitoring public art success.	Autumn 2008 Autumn 2008	Ongoing since 2009
4.	Promote SPG and the Strategy externally	Raise awareness to public art consultants, other local authorities, artist and craftspeople, community representatives and experts in the field. Provide feedback to consultees on draft strategy.	Launch Strategy in press etc... Publicity, seminars, distribution of documents. Letters sent to all consultees.	Autumn 2008 Summer 2008 Summer 2008	2009
5.	Promote SPG and the Strategy within the Council	Brief all planning and other relevant staff on strategy and supplementary planning guidance. Publish procedure note for planning staff.	Procedure note for planning staff. Briefing for staff.	Autumn 2008 Autumn/Winter 2008	In service presentation to planning completed October 2010
6.	Public Art Fund	Manage and deploy the Public Art Fund.	Compile annual report of Fund performance. Spend money received within 5 years on receipt.	April 2009 onwards On a case by case basis	Ongoing since 2009
7.	Establish the Public Art Strategy Group (PASG)	To provide a strategic overview and a clear process for identifying, supporting and developing public art projects across West Lothian.	Bring group together. Publish annual programme of meetings.	Winter 2008 April 2009	Ongoing bi monthly meetings
8.	Promote public art strategically within the council	Advocate an integrated approach to public art across business and enterprise, culture and tourism, environment and energy, health and well being, education and learning.	PASG to develop new partnerships and interest within council. Include public art in council projects.	Two new partnerships per annum On a case by case basis	Ongoing
9.	Establish a database for recording public art information	Build a comprehensive database based upon an audit of existing artworks across West Lothian. Make information widely available.	Maintain and update West Lothian database of public art. Provide web access to information on West Lothian public art data.	Database in place by mid 2009 Summer 2009	Database updated and established October 2010
10.	Develop a 'Public Art' page on the council's website	Create a feature on WLC website for public art.	Author and upload pages. Maintain and update pages.	By spring 2009. At regular intervals as required.	Updated August 2011
11.	Establish the position of Public Art Officer within the Council	Appoint a designated Public Art Officer to provide a focus for the continued development of public art in West Lothian.	Public Art Officer appointed 2009.	Subject to resources.	Arts Development Officer (Visual and Public Art) in post
12.	Co-ordinate a marketing programme for West Lothian's public art	Scope plan for progression.	Prepare and implement final Marketing Programme.	By 2009	Ongoing
13.	Publish material relating to public art in West Lothian.	Explore opportunities for guides, brochures, web content and educational material.	Prepare and implement a publication programme.	Summer 2009 onwards	Incomplete

	Topic	Task	Output	Timescale	Completion date
14.	Develop a strategy for temporary exhibitions on public art	Identify appropriate exhibition space across Council venues. Identify programming opportunities.	Prepare and implement a programme of exhibitions on public art.	Spring 2009 onwards	Incomplete
15.	Identify opportunities for public art projects	Identify and liaise with interested parties including Locality Planning teams, Local Area Committees, town centre management groups and others.	Bring forward projects using Public Art Fund. Establish a database of project ideas.	Winter 2008 onwards as funds allow Winter 2008 onwards	Ongoing since 2009
16.	Raise national profile of West Lothian as a centre for public art	Pursue opportunities through conferences, seminars and published articles. Develop formal partnership beyond West Lothian.	Meet with Scottish Arts Council/Creative Scotland and other bodies. Seek recognition through award Schemes.	One meeting per year Awards/positive national profile achieved by 2012	Ongoing
17.	Inform local artists of the Public Art Strategy	Establish effective communication links with relevant local artists.	Distribute Public Art Strategy and other material to artists. Maintain list of local artists.	Summer 2008 Spring 2009	Distribution complete 2010
18.	Evaluation	Establish a long-term evaluation programme for public art projects.	Assess value of impact of public art on West Lothian.	Study and report by 2011	Public Art evaluation form completed Nov 2011
19.	Review the Public Art Strategy	Monitor and record progress on public art projects to inform review.	Report to council Executive.	Summer 2011	Complete October 2011

Public Art Strategy Action Plan 2011 - 2012

1.	Public Art Strategy	<p>Carry out new benchmarking research on current UK council public art policies to review and update a new Public Art Strategy 2013-2016.</p> <p>Develop shared Key performance Indicator for public art with planning services.</p> <p>Publish Public Art Commissioning Process flow chart as part of the review of the Public Art Strategy.</p>	<p>PASG agrees a viable KPI for public art to be included in the Public Art strategy.</p> <p>Complete a new Public Art Strategy 2013-2016.</p>	<p>KPI development Jan/ Feb 2012</p> <p>Benchmarking research March-May 2012.</p> <p>Write and publish public art strategy 2013-2016 Nov 2012.</p>	
2.	Consistent application of the reviewed (Aug 2011) SPG to ensure the early integration of public art through planning development proposals.	<p>Continued negotiation of public art contributions on planning applications on a case by case basis.</p> <p>Continue effective communication between Planning and Arts Services regarding the timing of public art conditions and expected income.</p>	Establish shared server database of public art projects on Meridio.	June 2012.	
3.	Opportunities for new public art projects.	<p>To Identify and liaise with interested parties including Locality Planning teams, Local Area Committees, town centre management groups and others.</p> <p>Review the Grassroots grant process and complete end report as a template for future devolving of funding.</p> <p>Review first stage applications to the Grassroots 2009 project to ascertain whether there are project ideas that</p>	<p>Develop new projects using Public Art Fund.</p> <p>Establish a new database of public art project ideas for future development.</p>	Review potential project database for viable project ideas.	

	Topic	Task	Output	Timescale	Completion date
		can be brought to fruition.			
4.	Public Art Fund	<p>To manage and deploy the Public Art Fund to:</p> <p>Allow for the 10% allocation for the new Preserving and Decommissioning Public Art Policy.</p> <p>To monitor the interest incurred by the Public Art Fund and allocate that interest towards Preserving and Decommissioning Public Art.</p> <p>To spend allocated money on site as required by the public art condition on the planning application.</p>	<p>Review bi-monthly reports of Public Art Fund performance.</p> <p>Maximum 4-5 projects delivered annually projects for 2011-2012:</p> <ol style="list-style-type: none"> 1. Wester Inch 2. Burns restoration 3. Uphall Broxburn Regen 4. Primark pebble mosaic 5. End of Grassroots <p>Spend public art contributions received within 7 years of receipt.</p>	Ongoing.	
5.	Public Art Strategy Group (PASG)	To provide a strategic overview and a clear process for identifying, supporting and developing public art projects across West Lothian.	Community Arts, Planning and Senior officers meet to discuss issues in public art projects. Action notes and agendas produced.	Bi-monthly 2011-2012.	
6.	Current information on the newly established database for public art.	Maintain updates the comprehensive database based upon an audit of existing artworks across West Lothian in partnership with the nominated structural engineer.	Maintain and update West Lothian database of public art.	Update records biannually carried out April and October and as the status of individual artworks change.	
	Marketing				
7.	Raise national profile of West Lothian as a centre for public art.	Pursue opportunities through conferences, seminars & published articles. Develop formal partnerships beyond West Lothian	Meet with Creative Scotland and other public art organisations. Seek recognition through award Schemes.	Web listing of new opportunities on the WLC public art page and Creative Scotland Opportunities page.	Ongoing.
8.	Promote public art strategically within the council.	Advocate an integrated approach to public art across business and enterprise, culture and tourism, environment and energy, health and well being, education and learning. Identify key stakeholders in the above service areas.	PASG to develop new partnerships and interest within council. Presentation of public art to elected members at appropriate Elected member events such as the LAC for each project.		
9.	'Public Art' page on the council's website.	Update regularly on WLC website for public art. Sign post public to the web page for future updates. Develop Grassroots flickr site as archive and legacy and link to PA page.	<p>Author and upload pages. Maintain and update pages. Provide web access to information on West Lothian public art data.</p> <p>Seek alternative web solutions such as flickr, blog spot, facebook as part of social networking for projects as appropriate.</p>	<p>Web page updated Sept 2011 and ongoing for the life of each project.</p> <p>New Public Art Strategy to be downloadable from web page in Nov 2012.</p>	

	Topic	Task	Output	Timescale	Completion date
			Revised (Aug2011) SPG and Public Art Strategy 2008-2011 downloadable from council site.		
10.	Co-ordinate a marketing programme for West Lothian's public art.	Prepare and implement marketing Programme.	Maintain public art seminar email sign up list. Launch events for completed projects. Press releases in advance of project workshops etc.	Ongoing for the life of each project.	
11.	Publish material relating to public art in West Lothian.	Explore opportunities for guides, brochures, web content and educational material.	Prepare and implement a publication programme. Create downloadable handout for teachers CPD on Interpreting public art.	Nov 2011 for Teachers CPD handout. Dec 2012 for West Lothian Public Art booklet.	
	Evaluation				
12.	Monitoring and Evaluating	Establish system for monitoring public art success. Establish a long-term evaluation programme for public art projects.	Outcomes based questionnaire to be implemented in project evaluation process.	Sept 2013	

Preserving and Decommissioning Public Art Policy

1. Preserving West Lothian's Legacy of Public Artworks

- 1.1 With the adoption by the council of the Public Art Strategy 2008-2011 and the Supplementary Planning Guidance for Public Art 2010, a substantial programme of public art projects funded with developer contributions, has been initiated. It is therefore essential that a funding scheme for ongoing preserving and decommissioning is approved.
- 1.2 Poorly maintained artworks will undermine the central role for which they have been commissioned – to improve the local environment of West Lothian's towns and villages – and may result in a negative perception of public art amongst local residents and the wider community. Poorly maintained public art works could also become dangerous and risk injuring members of the public if allowed to deteriorate without mitigation.

2. Funding

- 2.1 There are a number of costs associated with preserving and decommissioning public artworks. These include the cost of removal and storage of artwork, physical destruction or relocation.
- 2.2 Whilst it is unrealistic to expect public art to be maintenance free, it should be remembered that the artist will be contractually required to produce robust, well-constructed artworks and that the maintenance costs will not be significantly different to other items on the council's Asset Register.
- 2.3 For West Lothian Council owned and managed public artworks it is recommended that 10% of the Public Art Fund is set aside and used to pay for any ongoing maintenance.
- 2.4 If a private developer wishes a publicly accessible artwork to be formally adopted by the Public Art Strategy Group (PASG) then the above process should be followed and a contribution to the Public Art Fund for ongoing maintenance agreed.

3. The Process of Preserving and Decommissioning West Lothian's Public Artworks

Preserving and decommissioning process:

- 3.1 For new projects, the artist will provide information on all materials and processes used in the creation of the artwork, its likely maintenance implications and a proposed schedule for this work. The expected lifespan of the artwork will also be assessed by the artist and basic information about the project will be added to the Public Art Database with an attached standardized condition report by the Arts Development Officer (Visual and Public Art).
- 3.2 For existing artworks, where an artist has not provided information, the structural engineer will conduct an inspection and produce a basic condition report. Please see appendix 1 for public art condition report template.
- 3.3. The structural engineer will inspect and risk-assess artworks biannually to identify any structures which could potentially pose a risk to the public. Where a work is considered a risk to the public through structural failure an engineer will undertake a full safety inspection. A list of artworks which may present a risk of structural failure will be included in the Public Art Database.
- 3.4 The maintenance of appropriate types of landscape-based artworks will be carried out by Neighbourhood Environmental Team Services (NETS) and Land Services by agreement. If additional specialist work is required on an occasional basis, as identified by the artist or by the recommendation of the PASG, NETS and Land Services will have access to funding to carry out the necessary works from the Public Art Fund in agreement with the Arts Development Officer (Visual and Public Art) who will be the account manager.
- 3.5 An average annual cost for the maintenance of the artwork will be estimated and agreed between the Arts Development Officer (Visual and Public Art) and the relevant parties. This will be proportionate to the total cost of the artwork but will be estimated to be 10% of the total budget.
- 3.6 The agreed amount of 10% required for maintenance will be included in the project budget from the outset and be added to the Public Art Fund.
- 3.7 The commissioner of privately or community initiated public artworks intended for public land must agree to have public liability insurance for the artwork and to allocate 10% of the project budget to the Public Art Fund. The commissioner must do this upon occupancy of the site or prior to installation, unless the commissioner can prove that they will be carrying out ongoing maintenance. Private owners of the work will be responsible for carrying out their own safety inspections.
- 3.8 In the case of public artworks installed on private land, the risk will be held by the owner/commissioner who will be wholly responsible for all the on-going costs of maintenance and eventual preserving and decommissioning.

4. The Process of Decommissioning Public Artworks on Council Property:

- 4.1 The process of decommissioning can take a number of forms and depends upon the reason for preserving and decommissioning. *Destruction should be a last resort.*

The options are:

- a. Moving artwork to a new and previously identified site
 - b. Removal and donation of artwork to another location/organisation e.g. a charity or school
 - c. Removal and storage of artwork (by the artist or another)
 - d. Dismantling/destruction and recycling or donation of any salvageable materials to appropriate individuals or groups
 - e. Safe disposal of all materials
- 4.2 If there are reports of problems with a particular public artwork it will be discussed by the PASG in relation to the most recent structural survey information available and based on the current Public Art Database that has a baseline of the status of artworks as of October 2010.
- 4.3 If the problem can be solved, the PASG will recommend appropriate remedial action. If the problem cannot be solved, decommissioning will be recommended.

5. The Process of Assessing Public Artworks for Decommissioning:

- 5.1 If, on inspection, a public artwork meets one or more of the following criteria, it must be decommissioned:
- a. if the artwork is severely damaged and deemed by a structural engineer to be either unsafe or no longer functioning effectively as was intended by the artist.
 - b. if the current location for which the artwork was originally created is allocated to be redeveloped. The essential feature of Public Art is its site-specific nature and although a suitable new location for the artwork can often be found – where possible with the involvement of the artist – it may on occasion be inappropriate.
 - c. if the artwork has reached the end of its proposed lifespan and is not deemed suitable for continued maintenance.
 - d. if the condition of an artwork on council property is brought to the attention of the PASG by public complaints and the work is assessed as meeting any of the above criteria.
- 5.2 All heritage structures will receive an inspection every 2 years as agreed by the Officers Capital Working Group. Structural Engineers will carry out this work and update the database with new information and new reports as

appropriate and will keep the PASG informed about their recommendations and work.

- 5.3 Where WLC has been involved in the development of an artwork, either as the commissioner of a project or through the granting of planning permission, consultation will be undertaken between the PASG, the artist, the original commissioner and owner to assess each potential re-siting or preserving and decommissioning case, on its own merits, before a final decision is reached.
- 5.4 If the PASG decides that the work should be decommissioned, they will consult with Transport, Roads and Streets, Property Services and NETS and Land Services to review the decommissioning process and agree how this will be carried out. The particulars of the original funding must be checked at this stage.
- 5.5 The PASG will ascertain if there are any special requirements pertaining to the decommissioning of any artwork as a result of any pre-existing conditions of funding, bequest, etc. If there are any pre-existing conditions the PASG will ensure that they are taken into account throughout the decommissioning process.

6. Process for Decommissioning Where a Contract Does Not Exist:

- 6.1 If the artist is known but a written contract does not exist the artist's moral rights should be respected and all efforts made to contact them and involved them in the decommissioning process. This should be carried out by either the WLC service area involved in the decommissioning process or, if there are no other service areas involved, by the Arts Development Officer (Visual and Public Art).
- 6.2 If the artist is unknown or not contactable, their rights should still be respected in the discussions. For more information on the artists' moral rights please see:
<http://www.tate.org.uk/research/tateresearch/tatepapers/07autumn/digitisationconservation.htm>
- 6.3 In many cases it will not be possible to provide thorough preparation and paperwork for the PASG when it is considering such an artwork. There may be no contract or brief on file or in existence, however, efforts must be made to research the basic level of required information including name, date, material, title of work, etc.
- 6.4 Any approach to the PASG for advice on public art preserving and decommissioning by other council services who are facilitating a public art project or considering decommissioning an artwork should fill out a basic condition report with the most current information about the artwork.
- 6.5 The condition report and recent images should be provided to the PASG by the council service who made the approach, along with any consultation carried out. It may be necessary that the PASG carry out additional consultation.

7. Process for Emergency Decommissioning:

- 7.1 There may be cases where the decommissioning of an artwork is urgent due to rapid physical deterioration, for example, after vandalism or a traffic accident. The site should be made secure and safe by Property Services or the relevant council service best placed to undertake the necessary works required. The PASG will convene to progress the decommissioning process.
- 7.2 In such cases, the on-site officer must make best efforts to contact the PASG who will attempt to contact the artist and inform them of the situation.
- 7.3 Only when an artwork has become a danger to the public and needs to be removed immediately, decommissioning can take place without prior consultation with the PASG.
- 7.4 This “emergency decommissioning” must be seen as a last resort in the most extreme cases. In such cases the decommissioning process should be documented through photography or other digital media.
- 7.5 If any materials are salvageable from the artwork they may be offered to the artist if their whereabouts are known.
- 7.6 The on-site officer should then write a full condition report to be taken to the next PASG meeting.

8. Process for Dispute and Mediation

- 8.1 There may be rare cases where an irreconcilable dispute arises regarding the status of a public artwork. In such cases, a representative from an outside arts organisation such as the Creative Scotland could be asked to mediate.
- 8.2 In exceptional cases independent arbitration may be pursued.

9. Process for Communicating Change in the Status of an Artwork

- 9.1 Every effort will be made to contact Local Elected Members, Local Area Committees, Community Councils, Town Centre Management Groups and other groups that may have been involved in the commissioning of an artwork that decommissioning has been recommended.
- 9.2 The Public Art Database should be updated annually in agreement with the PASG.

For Further Information Please Contact:

The Public Art Strategy Group (PASG) is chaired by the Arts Development Officer (Visual and Public Art) and meets monthly. The remit of the PASG is to monitor and manage the Public Arts Fund and to oversee public art project development throughout West Lothian. The PASG is there to advise and support other council services on public art projects.

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Other useful web links:

For a copy of the Public Art Strategy and the Supplementary Planning Guidance for developers please go to:

<http://www.westlothian.gov.uk/Community-life-and-leisure/arts-and-entertainment/publicart>

September 2011

Appendix 1

Public Art Condition Report Template

'Title of Artwork'

Name of Artist:

Date work completed:

Location:

CONTENTS	PAGE
1.0 INTRODUCTION	1
2.0 BACKGROUND	1
3.0 DESCRIPTION	2
4.0 CONDITION	2
5.0 RECOMMENDATIONS	2

APPENDIX A - PHOTOGRAPHS

APPENDIX B - LOCATION MAP

1.0 Introduction

1.1 The inspection was carried out
on _____ during _____ conditions.

1.2 The sculpture is located at:

2.0 Background information

3.0 Description

3.1

4.0 Condition

4.1 The structural condition is: _____

4.2 Biological growth is: _____

4.3 The overall artistic integrity is: _____

4.4 Signs of corrosion at: _____.

5.0 Recommendations

Priority A – 1 month essential repairs

Priority B – 12 months

Priority C – 24 months

Careful cleaning to remove biological growth without further damage to the paintwork	
Treat and re-paint areas of corrosion to protect the surface of the work.	

Appendix A

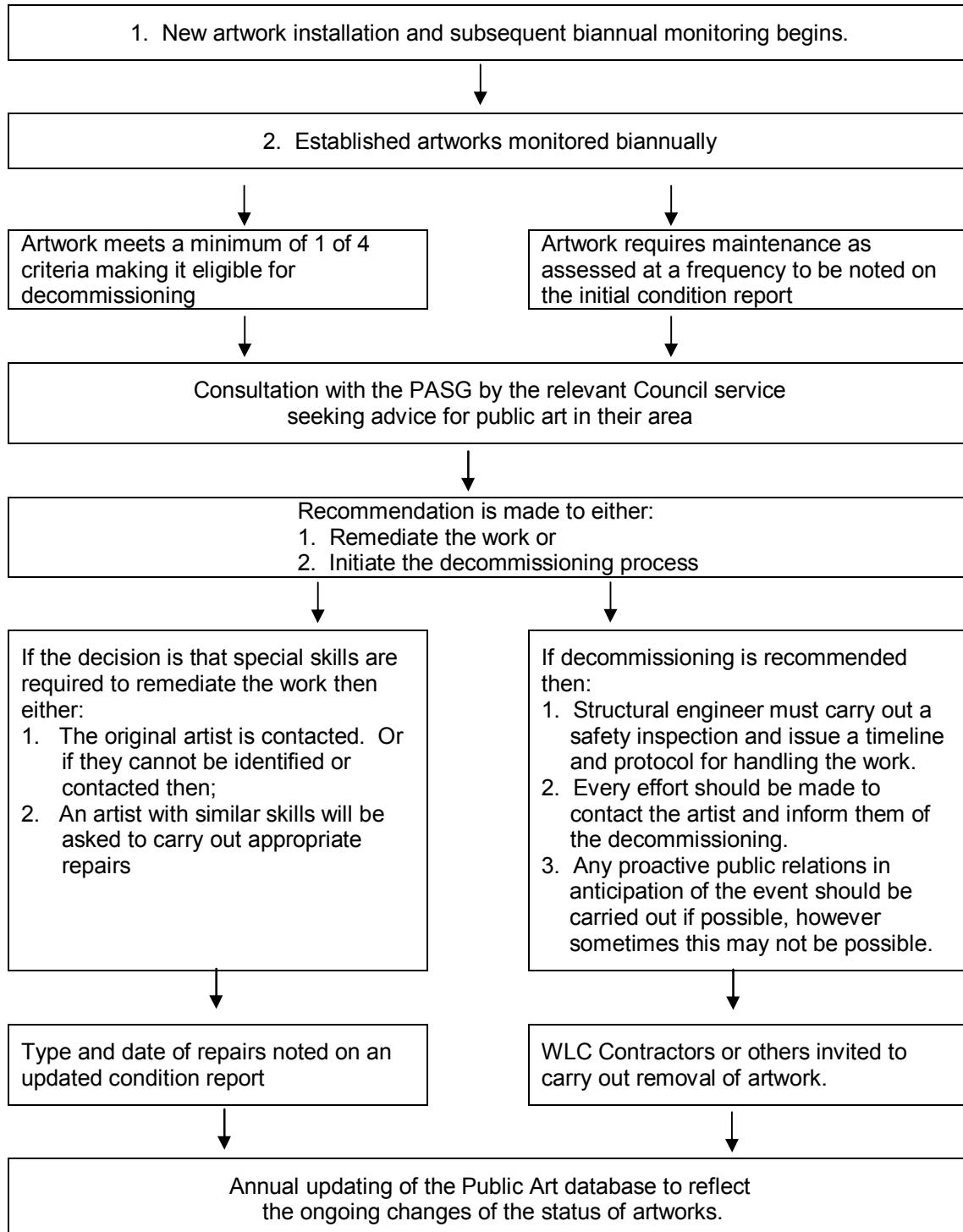
Photographs to be attached

Appendix B

Location Map with red dot to indicate exact area

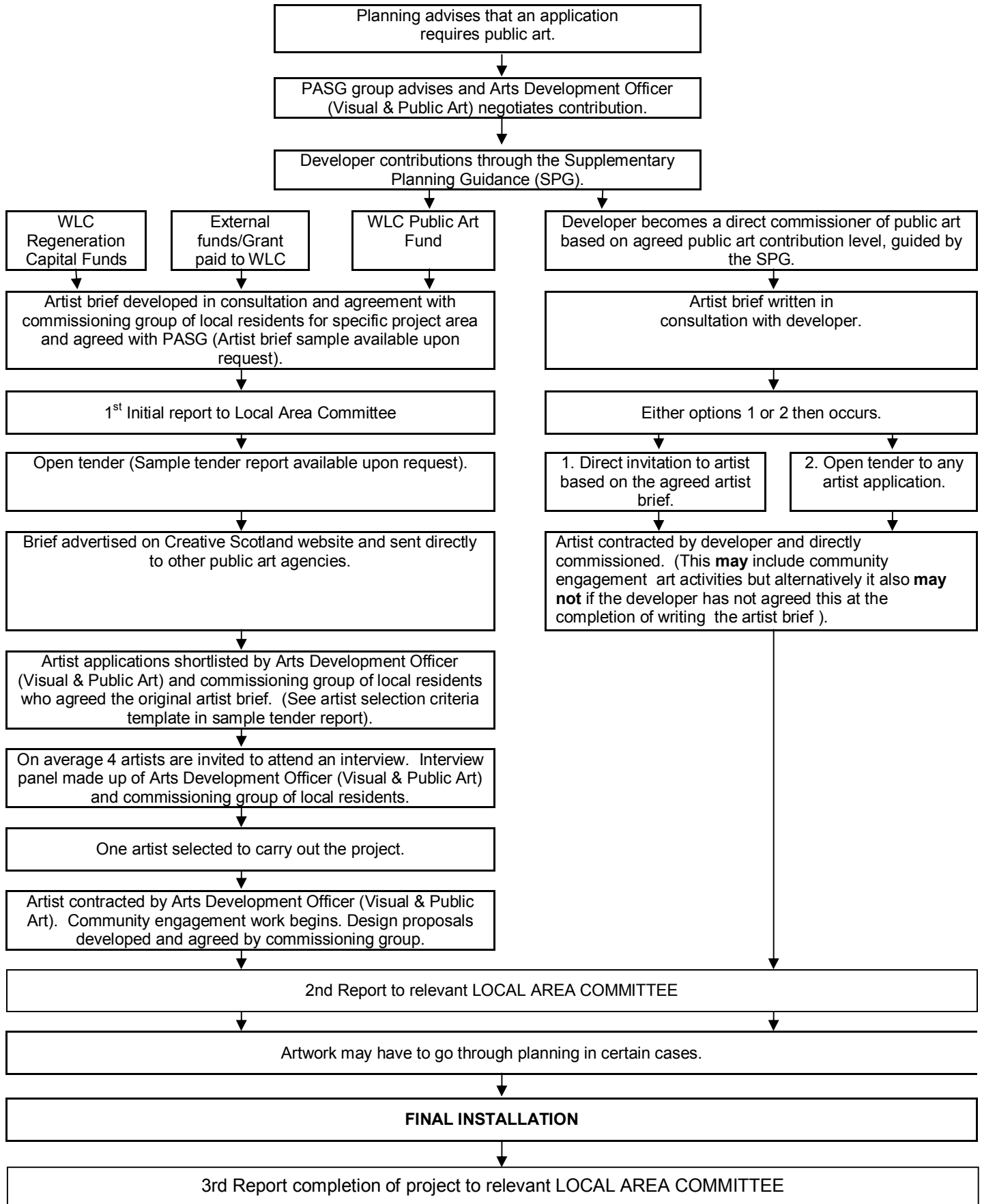
Appendix 2

Preserving and decommissioning Process Chart



West Lothian Council – Community Arts

Public Art Commissioning Process 2011 - Agreed through PASG





West Lothian
Council

COUNCIL EXECUTIVE

VOLUNTARY ORGANISATIONS BEST VALUE REVIEW: OUTCOMES FROM THE 2011 CYCLE

REPORT BY HEAD OF AREA SERVICES

A. PURPOSE OF REPORT

To seek the Executive's approval, on the recommendation of the Voluntary Organisation Policy Development and Scrutiny Panel, for the outcomes from the 2011 cycle for the Best Value Review (BVR) of services provided by the voluntary and not-for-profit sector

B. RECOMMENDATION

1. To request that the Council Executive approve:
 - a) The Regal Community Theatre. Score 81 and recommended for a 3-year funding agreement;
 - b) Daisy Drop In. Score 68 and recommended for 1-year funding with an action plan for improvement to be developed by the organisation and agreed with the Link Officer;
 - c) The Knightsridge Adventure Project. Score 70 and recommended for 1-year funding with an action plan for improvement to be developed by the organisation and agreed with the Link Officer;
 - d) Breich Valley Information Service. Score 28 and recommended for 6-months funding (12-month funding in budget) with an action plan for improvement to be developed by the organisation and agreed with the Link Officer and regular review meetings with the organisation. The organisation will be invited to a meeting in early 2012, to determine current challenges affecting performance and what support can be provided;
 - e) Introducing a moratorium regarding new BVR submissions for 2012;
 - f) No moratorium applied to organisations that did not achieve a 3-year funding outcome in the 2011 cycle and that these organisations are required to develop an action plan to inform the development of their portfolio for a 2012 resubmission.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs Being honest, open and accountable Providing equality of opportunities Developing employees Making best use of our resources Working in partnership
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The duty of Best Value is set out in the Local Government in Scotland Act 2003.
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	None.
V Relevance to Single Outcome Agreement	Contributes to SOA Outcome 11.
VI Resources - (Financial, Staffing and Property)	Cost of review met from within agreed revenue budgets.
VII Consideration at PDSP	Voluntary Organisation Policy Development and Scrutiny Panel on 22 December 2011. Recommended for approval to the Council Executive.
VIII Other consultations	Voluntary Organisations, Link Officers, Best Value Review External Assessment.

D. TERMS OF REPORT

Best Value Review Principles

The principles of the Best Value Review process were determined following consultation with the voluntary sector. In broad terms, this involves:

- The completion by organisations of a folder of evidence that provides information on a number of key areas relevant to the delivery of their service and the management of their performance;
- Self-assessment of organisations' performance against a set of agreed criteria. These criteria consider organisations' contribution to meeting Council or Community Planning priorities, the extent to which their services are customer-focused, their overall efficiency and effectiveness and the degree to which they provide 'added value';
- The completion of a Link Officer's report setting out conclusions and recommendations on an organisation's performance in the BVR;
- An independent assessment of the individual reviews and the overall BVR process;
- The external assessment scoring of the organisations, being taken as the final score that determined the outcome of the BVR;
- The following are the scoring criteria:
 - Score 80 and above recommended for 3-year funding agreement
 - Score 50 to 79 recommended for 1 year funding with action plan
 - Score under 50 recommended for 6 months funding with action plan.

Context

A key aim of Council, consistent with the requirements of the Scottish Government, is to ensure a focus on continuous improvement in the authority and across its partner relationships and to deliver Best Value services for the citizens and communities of West Lothian.

The Local Government in Scotland Act 2003 and the guidance that accompanied it established a statutory framework for Best Value and provided information for local authorities on the requirements to fulfil this new legislative duty. Rather than introduce a new or significant challenge to council's working relationship with the voluntary and not-for-profit sector, the Act re-affirms council's commitment to work with community and voluntary organisations to ensure high quality, customer-focused services in line with agreed local priorities.

Since an introductory seminar in 1998 and through previous Best Value Reviews, business between Council and the voluntary sector has been conducted increasingly on agreed Best Value principles.

Review of Best Value

Given recent experiences of trying to increase the throughput of organisations and increase the number of external assessors, it was considered timely in 2011 to formally review whether the present BVR system is still appropriate. The review has examined other options such as external quality marks, self-assessment or a combination of these options with the present BVR system. That review has included consultation with the sector, which is on-going at the time of writing. A further report with firm proposals will be made to the PDSP in early 2012.

In the meantime, it is proposed that a moratorium be introduced regarding new BVR submissions during 2012.

Further, it is proposed that the moratorium is not applied to organisations that did not achieve a 3-year funding outcome in the 2011 cycle and that these organisations are required to develop an action plan to inform the development of their portfolio for a 2012 resubmission.

Best Value Review 2011 Timetable

The timetable for 2011 was as follows:

- Organisations provide portfolios to Link Officers by no later than 31 October
- Link officers score portfolios by no later than 11 November
- Portfolios submitted for external assessment week commencing 14 November
- External assessment of portfolios 18 November.

Best Value Review Resubmissions 2011

Given the review of Best Value, no new BVR submissions were invited for 2011. However, 4 organisations were required to resubmit portfolios for 2011. These were:

- Blackburn Family Centre
- Breich Valley Information Service
- Daisy Drop In
- The Regal Community Theatre.

Social Policy subsequently confirmed that the Blackburn Family Centre be removed from the 2011 cycle due to operational reasons. As a result, it is recommended that Blackburn Family Centre be given a minimum extension of 6 months for submission of a BVR portfolio and that as a consequence of non-submission it is put on 6-month funding with effect from April 2011, although 12-month funding has been allowed for in the budget.

The Knightsridge Adventure Project BVR portfolio was also externally assessed. However, this was not classed as a re-submission, as the organisation had failed to submit for the 2010 BVR cycle deadline. As a result the Knightsridge Adventure Project was put on to a 6-month funding arrangement, with a requirement to submit its BVR portfolio during 2011. The outcome for the assessment of that organisation's portfolio is show below.

External Assessment Outcomes 2011

The specific outcomes for organisations in the 2011 cycle were:

- The Regal Community Theatre. Score 81 and recommended for a 3-year funding agreement. The assessment noted that there was evidence of improvement, especially in relation to previous comments from assessments and that 3-year funding should give the organisation time to plan ahead with confidence and take on-board suggestions as to how they could improve even further;
- Daisy Drop In. Score 68 and recommended for 1 year funding with an action plan for improvement to be developed by the organisation and agreed with the Link Officer. The assessment noted that this is a strong organisation that provides a service that is well thought of by users. However, there was no real evidence of user involvement in running the organisation and planning future direction. The Business Plan is very unclear and there are large levels of reserves with no plan given as to how they are to be used;
- Knightsridge Adventure Project. Score 70 and recommended for 1 year funding with an action plan for improvement to be developed by the organisation and agreed with the Link Officer. The assessment commented positively on the structure, organisation and content of the portfolio submitted but noted that there was still work to be done in further strengthening the portfolio;
- Breich Valley Information Service. Score 28 and recommended for 6 months funding (12-month funding in budget) with an action plan for improvement to be developed by the organisation and agreed with the Link Officer and regular review meetings with the organisation. The assessment noted that despite repeated offers of assistance to this group and clear indications of how and where they could improve on and evidence the benefits of the service they provide, they have to-date resisted all attempts to change.

Organisations will be offered the opportunity for 1:1 feedback on the assessment outcome.

E. CONCLUSION

1. To request that the Council Executive approve:
 - a. The Regal Community Theatre. Score 81 and recommended for a 3-year funding agreement;
 - b. Daisy Drop In. Score 68 and recommended for 1-year funding with an action plan for improvement to be developed by the organisation and agreed with the Link Officer;
 - c. The Knightsridge Adventure Project. Score 70 and recommended for 1-year funding with an action plan for improvement to be developed by the organisation and agreed with the Link Officer;
 - d. Breich Valley Information Service. Score 28 and recommended for 6-months funding (12-month funding in budget) with an action plan for improvement to be developed by the organisation and agreed with the Link Officer and regular review meetings with the organisation. The organisation will be invited to a meeting in early 2012, to determine current challenges affecting performance and what support can be provided;
 - e. Introducing a moratorium regarding new BVR submissions for 2012;
 - f. No moratorium applied to organisations that did not achieve a 3-year funding outcome in the 2011 cycle and that these organisations are required to develop an action plan to inform the development of their portfolio for a 2012 resubmission.

F. BACKGROUND REFERENCES

Local Government in Scotland Act 2003.

Appendices/Attachments: None

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(Name of responsible CMT member) Alistair Shaw, Head of Area Services

Date: 04/01/2012

APPENDIX 1

FINAL DRAFT

VOLUNTARY ORGANISATIONS HEALTH CHECK

Introduction

The Health Check* is an easy to use monitoring and improvement tool aimed at helping voluntary organisations become more robust and sustainable. The aim is that organisations and Council, as a purchaser, will be better able to identify risks and challenges and spot the early warning signs of a potential problem in the areas of governance, performance against outcomes, the identification and management of risk and financial management. The tool also helps identify where there are areas of good practice that could be shared with the rest of the sector in West Lothian. It also enables performance reporting, at service level, of the Service Outcome and Outcome Indicators agreed by Council's Voluntary Organisation Policy Development and Scrutiny Panel in relation to the Voluntary Sector.

Framework

The Health Check framework looks at 8 key elements of the organisation:

1. Governance
2. Finance
3. Partnerships
4. Performance
5. Policies & Procedures
6. Staffing
7. User Feedback
8. Volunteers.

A series of statements and prompts are provided under each main heading to stimulate thinking. These are then rated by way of a traffic light system. The more 'reds' recorded the greater is the risk to the organisation and the Council as a purchaser of outcomes. The more 'greens' recorded suggests the organisation is less of a risk and may be a source of good practice from which other voluntary organisations could learn.

Performance Against Outcomes Purchased

As well as identifying risks and challenges, the Health Check embraces performance reporting against the outcomes purchased by Council from voluntary organisations. Performance reporting will be achieved through the use of the 'Impact Map', which should be used in parallel with the Health Check.

Voluntary Sector Service Outcome Reporting

The Health Check has also been designed to enable performance reporting, at service level, of the Service Outcome and Outcome Indicators agreed by Council's Voluntary Organisation Policy Development and Scrutiny Panel in relation to the Voluntary Sector. The Health Check framework will allow the collection of data that will inform that reporting.

Who Is Involved?

The senior staff member of the organisation and the Chair of the Board should meet with the designated Link Officer to work through the framework together.

Process

The process requires that each issue be taken in turn and a response agreed. It will help the process if there is agreement on what the rating should be i.e. Red, Amber, Green and what response should be entered in the table. It is recommended that one person is charged with noting the wording of each of the responses. Where appropriate insert "not applicable".

* Adapted from the Development Trusts Association 'Health Check' & 'Fit For Purpose'.

How Long Will It take?

You should devote up to three hours to properly work through the framework on the day and agree responses.

Action Plan

The Health Check responses can be used to inform the subsequent development of an action plan to address areas of concern or further development.

Helpful Documentation

The following is a suggested, though not exhaustive, list of helpful documents to have available for the review meaning:

- Annual report
- Board profiles
- Board handbook/induction process
- Budget for the year
- Employer's Liability Insurance
- Example of a current job description
- Membership of networks
- Memorandum & articles of association
- Minutes of recent Board meeting
- Most recent set of signed and audited accounts
- Most recent set of management accounts
- Newsletters
- Organisational chart
- Policies and procedures such as: governance, finance, human resources, health and safety, staff handbook, equal opportunities, contract of employment (sample), continuing professional development policy
- Project plans and related reports
- Public Liability Insurance
- Partnership agreements
- Promotional materials
- Strategic plan and/or business plan, operating plan
- Surveys or mapping exercises undertaken
- Trustees' Indemnity Insurance
- Written financial regulations/procedures.

Glossary of Terms

The following is a glossary of terms that may arise during the review meaning:

- Aims – aims which have a social emphasis e.g. housing, childcare, youth facilities, elderly care, quality of life, the promotion of good mental/physical health and well-being, family support, social inclusion, participation and interaction.
- Board – management body of the organisation: it may also be called management committee, committee of trustees, etc.
- Business plan – the document prepared and used by an organisation to plan and monitor its activities, usually over three-five years.
- Earned income – income from trading, e.g. payments received from providing services, rental income etc. Does NOT include grant income.
- Financial risk assessment – procedure undertaken regularly (usually annually) to identify financial risks.

- Financial sustainability – the organisation is funded through a diverse mix of *earned income* and grants and no one funder contributes more than 25% of income which secures its long-term future.
- Governing documents – the organisation's 'constitution'; the memorandum and articles of association for a company.
- Running costs – cost of core staff and provision of 'core' services, excluding capital expenditure on specific projects.
- Sensitivity analysis - a technique to estimate what will happen to the organisation's income and expenditure if assumptions and estimates of them turn out to be unreliable. It involves changing the assumptions or estimates to see the impact. In this way, it prepares the Board in case income and/or expenditure do not turn out as expected.
- Stakeholders – all the people who have an interest internally and externally in your organisation such as Board members, staff, the community in the area of benefit, partners, users and funders.
- Turnover – this is all the income of the organisation (including any trading subsidiaries) for a financial year.

DRAFT FOR COMMENT
VOLUNTARY ORGANISATION
HEALTH CHECK FRAMEWORK

Finance	Red	Amber	Green	Prompts	Comments, Follow-up Action (what, who when)
1. Are there written financial procedures for all aspects of the organisation's financial activities, including book keeping, expenses and petty cash, with checks and balances to avoid misuse of funds which are regularly reviewed?	No	Partly	Fully	How are the financial responsibilities allocated to staff and Board, bearing in mind the Board's ultimate responsibility to ensure that there are adequate operational controls in place for all financial processes? Are financial regulations observed?	
2. Does the organisation meet the requirements for dealing with HMRC, VAT, PAYE and pensions?	No	Partial is not permitted	Fully	Is there awareness of VAT thresholds; does the organisation monitor its position? How does the organisation deal with HMRC and PAYE (including pensions)?	
3. Are the finances of the organisation pro-actively managed?	No	Partly	Fully	Does the organisation have an agreed budget for the year, against which income and expenditure are regularly reviewed?	
4. How would you describe the organisation's income and expenditure projections?	Optimistic	Informed by previous year	Conservative with sensitivity analysis	Are the organisation's income and expenditure projections based on real data with fully explained assumptions and include a sensitivity analysis?	
5. How often does the Board review the organisation's income and expenditure during the financial year?	Not at all	Once or Twice	Quarterly or more frequently	Are management accounts presented regularly to the Board? Please provide a copy of the latest set of management accounts . Please note this does not refer to Annual Accounts.	
6. How often does the Board undertake a financial risk assessment?	Never	Every 1 to 2 years	At least annually	What is the Board's attitude and approach to financial risk assessment?	

Finance (cont)	Red	Amber	Green	Prompts	Comments, Follow-up Action (what, who when)
7. What level of reserves does the organisation have on its balance sheet?	0-2 months	3-months	6-months	How does the organisation provide for the need to cover fluctuations in income, current liabilities and un-planned expenditure?	
8. Did suppliers chase for unpaid bills during the previous financial year?	Nearly every day	At least once a week	Not often	How good is the organisation at paying its bills?	
9. Were restricted funds or reserves used to pay debts during the previous financial year?	Frequently	Occasionally	Never	Are funds or reserves used for the purposes stated or for any purpose?	
10. Leading up to pay days, was every scrap of cash chased during the previous financial year?	Always	Sometimes	Rarely or never	How robust is the organisations cash flow?	
11. If it has one, how often did the organisation use its overdraft facility during the previous financial year?	More than once a month	Between once a month and once a year	Not used	Does the organisation have an overdraft facility? How often is it exercised and is it ever exceeded?	
12. When are financial reports presented to the Board?	Late or not at all	Tabled	In advance	How informed are Board members about the organisation's finances?	
13. Is the financial data that is presented to the Board explained?	Never	Sometimes	Always	What level of knowledge and understanding do Board members have of the organisation's financial position?	
14. What proportion of the organisation's income is at risk in the next 12 months?	More than 50%	10 - 50%	Less than 10%	How robust is the organisation's income?	

Finance (cont)	Red	Amber	Green	Prompts	Comments, Follow-up Action (what, who when)
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15. How many significant sources and types of income (i.e. grant, earned income) does the organisation have?	One	Two or three	Four or more	How diversified is the organisation's income streams?	
16. Has the organisation ever sought an income generating opportunity even though it was not central to the organisation's core mission and values?	Yes, The organisation is always open to new opportunities	Yes. It was considered but rejected	No. Opportunities are always evaluated against the organisation's mission	Do you chase any or every opportunity for funding?	
17. Was the organisation in financial surplus or deficit according to its most recent signed annual accounts?	Unplanned deficit stated in accounts	Planned deficit stated in accounts	Achieved planned level of financial surplus	Was the level of financial surplus or deficit planned or did it just happen? By referring to the most recent audited, approved and signed annual accounts , please state either the level of: Financial Surplus £ Financial Year: or Financial Deficit £ Financial Year:	
18. Did the organisation submit accounts on time to OSCR which were independently examined / audited in accordance with OSCR requirements?	Yes	Partial not permitted	No	Was there compliance with the requirements of the charities regulator OSCAR? Were proper accounting records kept?	

Governance	Red	Amber	Green	Prompts	Comments, Follow-up
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					Action (what, who when)
19. Is there a clear understanding of the distinction between Governance and management roles?	No	A bit if a grey area	Yes. Fully documented. Reviewed at least annually by the Board	Are the responsibilities of the Board and management clearly written down, communicated and understood by the Board and management? How often are these reviewed and how?	
20. Do Board members undergo a formal induction process?	No	Informal	Yes. Fully documented. Reviewed at least annually by the Board	Is there an up-to-date documented process to support Board induction?	
21. Do Board members receive formal guidance or training regarding their responsibilities as directors/trustees?	No	Sometimes	Yes. Updates are provided as required at each Board meeting	Is there a structured system of initial and on-going guidance and training in place? If so who provides this?	
22. Do all Board members regularly attend Board meetings?	No	Sometimes	Majority attend regularly. Fully documented. Reviewed at least annually by the Board	Is attendance recorded and monitored?	
23. Are Board meetings managed effectively?	No	Partly	Fully	Are Board meetings properly minuted and contain agreed and allocated actions, which are followed up at subsequent meetings?	
24. Does the mix of Board members reflect the community of users the organisation serves and the particular expertise the Board needs?	No	Partly	Fully	How does the organisation ensure that the make up of the Board is a mix of user-representatives and others who bring particular expertise, such as legal, HR, financial? How does it achieve that balance?	
25. Is the Board is accountable to its community?	No	Partly	Fully	How does the structure of the organisation ensure accountability to the community?	

Governance (cont)	Red	Amber	Green	Notes	Comments, Follow-up Action (what, who when)
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26. Does the organisation have a clear and agreed mission, aims and definition of its target beneficiaries which have been defined through community consultation/ mapping exercise/ evidence of need?	No	Partly	Fully	What is the organisation seeking to achieve? Who benefits from this? How is this understood by all concerned?	
27. Does the organisation keep the community informed of its activities? Does it welcome and act upon input from the community?	No	Sometimes	Fully	How does your organisation ensure the flow of information to and from the community?	
28. Does the Board make all policy decisions?	No. Management makes them.	Sometimes Board, sometimes management	Yes	How does the organisation ensure that the Board ultimately controls policy? If not who makes policy decisions?	
29. What information does the Board get?	None	Some and late or incomplete or tabled	Appropriate, timely and accurate information	Is the Board provided with appropriate, accurate and timely information covering Financial Management, Governance & Human Resources and is it provided in advance of regular Board meetings?	
30. Does the organisation comply with the legal duties and responsibilities that apply to it?	Don't know	Partial is not permitted	Yes. Compliant and fully documented. Reported as required. Reviewed at least annually by the Board	How does the Board know if the main and relevant points of the law that affect voluntary organisations, such as constitutional compliance, charity law, company law, employment law, equal opportunities, health and safety, data protection, etc are being met.	

Governance (cont)	Red	Amber	Green	Notes	Comments, Follow-up Action (what, who when)
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31. Has the Chief Executive ever cancelled a Board meeting during the previous financial year?	More than once	Once	Never	What have been the reasons if such a thing has happened and with what notice?	
32. Does the Board, through its make up, have access to a range of business skills appropriate to the needs of the organisation?	No or not sure	Mainly, but there are some gaps	Yes. Where circumstances demand, specific skills may be bought-in and/or advisors retained.	Does the Board conduct a skills audit?	
33. Do the Chair and Chief Executive have a constructive relationship?	No	Most of the time	Yes	How is that evident, known, demonstrated to other Board members?	
34. In the last 12-months, has the number of Board members been at the minimum number allowed by the constitution?	Yes. It is very difficult to recruit new Board members	No, but have to work hard to get the right people	No. Good people are always keen to join	Is there a high turnover of Board members? Is there an agreed, written process for filling vacancies?	
35. Are Board members able to raise issues and resolve them?	No. Issues are always raised by the same one or two individuals	Issues are raised but not resolved	Yes	How equitable, democratic, open and transparent is the Board and its processes?	
36. When were the organisation's strategic objectives last reviewed by the Board?	More than three years ago	One to three years ago	In the last year	Does the Board have a development day where they look at past performance and look forward?	
37. How was the organisation's governance reviewed during the last 12-months	Not at all	In response to external factors	As part of an on-going internal risk management process	Does the Board review its governance structures in a systematic and documented way at least one per year? If so what was the process? What improvements have been made? Who has benefitted?	

Partnership	Red	Amber	Green	Notes	Comments, Follow-up Action (what, who when)
38. What evidence is there of value-added partnering arrangements with other key agencies and stakeholders?	None	Some	Wide range of formal value-added partnering agreements with key stakeholders	What value-added does the organisation's partnering with other key agencies and stakeholders bring?	
39. Is information on	Not at all	Yes, if it suits	Regular sharing	What interaction is there with other key	

services/activities shared with other key agencies and stakeholders		the organisation to do so		agencies and stakeholders? What information is shared? If shared, why?	
40. How aware and involved is the organisation in relevant local networks?	Not at all	Low level of awareness and engagement	High level of awareness and engagement	How outward looking is the organisation?	
41. Is the organisation aware of the Community Planning Partnership and its priorities?	No	Some awareness	High level of awareness	How aware is the organisation of the wider community context in which it operates?	
42. Does the organisation input to the development of local policies, planning structures or consultations?	Not at all	Yes, if it suits the organisation to do so	Yes, active contributor	How aware is the organisation engage with the wider community context in which it operates?	

Performance	Red	Amber	Green	Notes	Comments, Follow-up Action (what, who when)
43. By referring to the	10% or more, worse	Between 5%	Between 5% worse	Does the Board monitor performance on a	

Outcomes Impact Map attached to this Health Check, what was the organisation's performance against the outcomes purchased by Council for the last quarter or 6-months or 12 months?	than target	and 10% worse than target	& 10% better than target	planned regular basis, take corrective action where performance is below expectations and plan improvements? The period that performance against outcomes is measured over, should be agreed in advance between the Link Officer and the organisation. That period will vary according to the size and nature of the organisation and the outcomes and service delivered.	
Policies & Procedures	Red	Amber	Green	Notes	Comments, Follow-up Action (what, who when)
44. Do the organisation's management information systems provide relevant feedback to indicate how improvements can be made to services?	Never	Sometimes	Regularly	Does management continuously review performance and plan improvements?	
45. What arrangements does the organisation have in place regarding Health and Safety (H&S)	No H&S Policy in place or implemented	H&S Policy and procedures in place but not formally monitored	Policy and procedures in place and Implemented. Formally monitored	What evidence is there that the organisation's arrangements for H&S legislation are current e.g., risk assessments, first aiders, lone working arrangements, a designated H&S officer?	
46. What arrangements does the organisation have in place regarding Employment legislation	No policies or procedures in place or implemented	Policies and procedures in place but not formally monitored	Policy and procedures in place and implemented. Formally monitored	What evidence is there of compliance with Employment legislation e.g., contracts of employment, equal opportunities,	

Staffing	Red	Amber	Green	Notes	Comments, Follow-up Action (what, who when)
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47. If the Chief Executive left tomorrow, would the organisation grind to a halt?	Within three months	Within six months	The organisation would carry on confidently	Does the organisation have a succession plan in place?	
48. Are visitors greeted by smiling, friendly staff?	Not often	Some of the time	Always	What is the attitude toward service users?	
49. What is the rate of staff turnover?	More than 25%	15 - 25%	Less than 15%	What is the level of staff turnover and why?	
50. What measures does the organisation take for retaining and training staff?	None	Measures apply to managers only	Applies to all staff and volunteers. A budgeted CPD programme is in place and formally reviewed annually	How does the organisation anticipate changes in its operating environment and how does it develop staff skills accordingly?	
51. Does the organisation have an organisation chart and does it show a clear line management structure?	No	Yes, but not reviewed for more than 12-months	Yes and reviewed in the last 12-months	Is there an organisation chart? Discussion should be around whether the Board is involved in determining the structure. Whether the Board is involved in looking at any over-burdening of responsibility on any one person. Is the organisational chart meaningful in that, for example, staff actually get supervised and appraised according to the diagram?	
52. Do staff and volunteers have clearly defined roles and responsibilities?	No	Some have	Yes	Does the organisation have clear, up-to-date job descriptions for staff? Are volunteers proactively recruited and inducted around clear roles?	
53. Does the organisation have an appraisal system in place to manage performance of staff and volunteers?	No	Yes, but not implemented	Yes, implemented and reviewed in the last 12-months	How does the organisation manage performance? Do staff and volunteers actually get supervised and appraised?	

Users	Red	Amber	Green	Notes	Comments, Follow-up Action (what, who when)
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54. Does the organisation seek the views of service users?	No	Sometimes	Regular, planned surveys	How does the organisation find out if the service is what service users need?	
55. Does the organisation make changes to its services as a result of user feedback?	No	If we feel like making a change	Yes, within the constraints of the resources available to the organisation	How does the organisation gather evidence of what service users need and what does it do with that?	
56. Does the organisation tell users that it has changed its services as a result of user feedback?	No	Sometimes	Yes, through structured feedback and newsletters or other means	Does the organisation communicate effectively and regularly with its users on service changes?	
Volunteers	Red	Amber	Green	Notes	Comments, Follow-up Action (what, who when)
57. What part do volunteers play in the delivery of the organisation's services?	None	Small part	Critical to the delivery of a quality service	Does the organisation use volunteers? How are they utilised?	
58. Do West Lothian residents volunteer to help in your organisation?	No	Once per year	More than once per year	Please state how many West Lothian residents volunteer 1 or more times per year for x hours per week, month or year?	
59. If your organisation is in an area of deprivation in West Lothian, do West Lothian residents from that area of deprivation volunteer to help in your organisation?	No	Once per year	More than once per year	Please state: How many West Lothian residents in X area of deprivation volunteer 1 or more times per year for X hours per week, month or year?	
TOTALS	Number of Reds:	Number of Ambers:	Number of Greens:		

Name:

Signed:

Date:

Name:

Signed:

Date:

Name:

Signed:

Date:

VOLUNTARY SECTOR SERVICE OUTCOME REPORTING

VOLUNTARY SECTOR SERVICE OUTCOME REPORTING

The following will inform the populating of Outcome Indicators that are reported to Council's Voluntary Organisation Policy Development & Scrutiny Panel (PDSP). Please add an informed commentary in the section below for each of the topics shown.

Topic	Commentary
The organisation reported improved Board governance in 2011/12	
The organisation reported an increase in £x funding from non-council sources in 2011/12	
The organisation reported a financial surplus of £x in 2010/11	
The organisation engaged in X training and development programme options provided by Scottish Business in the Community during the period 09/2011 to 04/2012	
The organisation had X West Lothian residents volunteering 1 or more times per year for X hours per week, month or year	
The organisation had X West Lothian residents from areas of deprivation in West Lothian volunteering in those areas 1 or more times per year for X hours per week, per month or per year	

Name:

Name;

Name:

Signed:

Signed:

Signed:

Date:

Date:

Date:

OUTCOMES IMPACT MAP

WEST Lothian Council
Outcomes Impact Map
Third Sector Service Provider Reporting Template

Year:

Quarterly
or
6 Monthly
(✓ as appropriate)

Quarter:
or
Month:
(complete as appropriate)

Service Provider:		Contact Name/Details:	Date:	Link Officer:	Link Officer Comment/Action:	Date Entered in Monitoring Database:	
Stakeholder	Outputs	Service Level Outcomes	Indicators Description	Indicator Source	Indicator Quantity @ X Quarter Or Y Month	Variation (%) Change from Baseline Quantity @ X Quarter Or Y Month	External contributing factors
Who experiences significant CHANGE as a result of this service?	What Outputs are generated for this stakeholder group?	What CHANGES do this group experience because of the service?	How will this change be measured?	How has this data been collected? / What source has been used for this data?	Express the indicator as a number of something, percentage of something, cost, etc.	What is the % increase/ decrease from the baseline or the last quarter or the previous 6-months??	What outside of the service could be contributing to this change?

Name:

Signed:

Date:

Name:

Signed:

Date:

Name:

Signed:

Date:

Appendix 2

Health Check Consultation

Consultation Intended for Distribution Through VSGWL

At the forum of the Compact Working Group, the VSGWL had agreed to circulate Council's consultation (see below), using its e-Bulletin and web site. However, Council was subsequently advised by voluntary sector Compact Working Group representatives that this had not happened.

West Lothian Council would welcome your comment on proposals for the introduction of a substantially more robust 'Health Check' approach to replace the present annual monitoring system of voluntary organisations. The proposed replacement, called a 'Health Check', can be found by following this link:

<http://coins.westlothian.gov.uk/coins/submissiondocuments.asp?submissionid=12163>

Council has already started the consultation through the sector's representatives on the West Lothian Compact Working Group and with organisations themselves at the 23 September meeting of the Voluntary Sector Forum.

If you have comment on the proposals please send them to the Voluntary Sector Gateway West Lothian as the sector's local interface body and by no later than 12 noon on Wednesday 12 October 2011.



West Lothian
Council

COUNCIL EXECUTIVE

VOLUNTARY SECTOR: HEALTH CHECK PROPOSAL

REPORT BY HEAD OF AREA SERVICES

A. PURPOSE OF REPORT

To seek the Executive's approval, on the recommendation of the Voluntary Organisation Policy Development and Scrutiny Panel, for the replacement of the current annual monitoring system and approach used by Council in relation to voluntary organisations with a new, 'Health Check' approach.

B. RECOMMENDATION

1. To request that the Council Executive approve the Health Check approach.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs
	Being honest, open and accountable
	Providing equality of opportunities
	Developing employees
	Making best use of our resources
	Working in partnership
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The duty of Best Value is set out in the Local Government in Scotland Act 2003.
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	None.
V Relevance to Single Outcome Agreement	Contributes to SOA Outcome 11.
VI Resources - (Financial, Staffing and Property)	Cost of approach met from within agreed revenue budgets.

VII Consideration at PDSP

Voluntary Organisation Policy Development and Scrutiny Panel on 22 December 2011. Recommended for approval to the Council Executive.

VIII Other consultations

Council Services, Link Officers, Voluntary Organisations, West Lothian Compact Working Group, VSGWL.

D.	TERMS OF REPORT	
	Introduction <p>In September 2011 it was reported to the PDSP that the current annual monitoring system and approach used by Council in relation to the voluntary organisations that it invests in does not adequately highlight potential areas of risk, nor does it effectively monitor performance or identify good practice. The report identified that the current approach is very much a 'tick box' exercise.</p> Health Check Approach <p>The September 2011 report proposed to replace the existing monitoring approach with a new, more robust 'Health Check' approach. However, the report noted that any new monitoring approach would have to be subject to Internal Audit being satisfied that the proposed approach is robust enough to meet the legislative requirements of Following The Public Pound and Best Value. The report also noted that Officers engage in formal consultation with the West Lothian voluntary sector on the Health Check approach through the vehicle of the West Lothian Compact Working Group.</p> Outcomes of Consultation <p>Internal Audit was satisfied that the proposed approach is robust enough to meet the legislative requirements of Following The Public Pound and Best Value and commented that the Health Check is absolutely consistent with these and should be an advance on previous arrangements. Internal Audit have recommended that the Voluntary Organisation PDSP formally recommend the framework to the Council Executive for approval, because disbursements to voluntary organisations are still approved by the Executive and the framework has the potential to result in a decision to reduce or withdraw funding. Internal Audit also suggested some minor amendments to the detail of the framework, which have been incorporated into the final draft (Appendix 1). Officers also engaged in formal consultation (Appendix 2) with the West Lothian voluntary sector on the Health Check approach.</p> Timeline <p>The September 2011 report proposed that the new Health Check approach be piloted with all VOBR-funded organisations in the 2011 annual monitoring cycle which was due to take place during November and December 2011. However, this timeline will now be delayed into the start of 2012 until approval is sought from Council Executive.</p>	

E. CONCLUSION

1. To request that the Council Executive approves the Health Check approach.

F. BACKGROUND REFERENCES

Local Government in Scotland Act 2003.

Appendices/Attachments: Appendix 1: Health Check Approach
 Appendix 2: Consultation - Health Check Approach

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Alistair Shaw, Head of Area Services

Date: 11/01/2012



**West Lothian
Council**

COUNCIL EXECUTIVE

DEVELOPING A CUSTOMER SERVICES STRATEGY

REPORT BY HEAD OF AREA SERVICES

A. PURPOSE OF REPORT

To advise the Council Executive of the development of a Customer Services Strategy for the Council.

B. RECOMMENDATION

The Committee is asked to:

- 1) Agree the Customer Services Strategy for West Lothian Council, and
- 2) Note that the Modernisation Programme Board will oversee the implementation

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs
	Being honest, open and accountable
	Providing equality of opportunities
	Developing employees
	Making best use of our resources
	Working in partnership
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Equality Impact Relevance Assessment carried out. Further EQIA will be carried out on specific actions within the Strategy
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	Activity associated with the Strategy should improve Customer Service performance
V Relevance to Single Outcome Agreement	Outcome 15
VI Resources - (Financial, Staffing and Property)	The Strategy will be delivered within existing resources, although the prioritisation may change.

VII Consideration at PDSP	28 October 2011
VIII Other consultations	Staff and customers have been involved in developing the Strategy. The Councils Corporate Management team commented on the draft on 28 Sept 2011. Community Councils have been consulted.

D. TERMS OF REPORT

Background

West Lothian Council developed a Customer Services Strategy in 2006 which set out the direction of travel for developing customer services in the short to medium term. The Strategy was due to be reviewed in 2009. Following various restructuring within the Council, the responsibility for Customer Services now falls within the Area Services remit.

A key area of work within the Area Services Management Plan for 2011-12 is the refreshing of the Customer Services Strategy. We had undertaken to have this fully developed by the end of 2011. It is envisaged that the Strategy will be a succinct document – Appendix 1- with a comprehensive action plan as a separate document - Appendix 2.

Discussion

The Customer Services Strategy is an integral part of a suite of strategies (see page of draft strategy) that in the round will ensure that we have customer service at the heart of service development. This is within the context of reducing resources and a need to move customers to more effective and efficient service delivery channels.

The Customer Service Strategy will ensure our customers, stakeholders and partners are informed about the quality, standards and choice of services available and will empower their participation in the delivery and review of service provision. The Strategy has been developed around 4 themes;

1. Customer Involvement – Our customers are involved in designing, monitoring and evaluating our services
2. Excellent Customer Service – All council services will ensure that customer requests and enquiries are dealt with in a timely, efficient and professional way
3. Improving Access – Our customers are able to access council services in the way most convenient to them
4. Transforming Services – We will change the way we deliver services to ensure our customers journey from start to finish is made by the best route possible

The Strategy has been informed by both staff and customers. A newly created Customer Services Champions Group, chaired by the Head of Area Services, has developed the themes and actions within the Strategy. Customer focus groups have been held with members of the Citizens Panel, tenants network and parent councils to develop the key issues that need to be addressed. A report on this engagement is attached as appendix 3

The Partnership and Resources PDSP on 28 October 2011 agreed that the draft Strategy should be shared with all Community Councils for comment. This was done and at the time of writing this report, one response had been received. The response made some practical suggestions how communication between community councils and the Council could be improved. The PDSP also asked that the full action plan be shared with the Council Executive.

The Corporate Management Team has agreed that the governance and delivery of the Strategy will be overseen by the Modernisation Programme Board. The action plan has been developed with clear outcomes, targets and deliverables against each of the four themes above.

The Plan will be monitored and adapted over the lifetime of the Strategy (2011-14). The actions have been prioritised and detailed implementation plans are being developed.

The Strategy in Appendix 1 is aimed at managers and staff within the Council. A summary document is being developed for customers, highlighting the main themes and standards we would expect to achieve. The Tenants network is helping with the creation of this to ensure it is customer friendly.

Further work is being undertaken to explore opportunities to align our key customer service initiatives to those of the main Community Planning partners in West Lothian. This will again seek to improve customer service and create efficiencies.

E. CONCLUSION

The Strategy will support the delivery of outcomes for West Lothian citizens by ensuring that we design, deliver and improve services based on customers' needs. The key thrusts of the Strategy will ensure we;

- deliver high quality services supported by a 'can do' attitude at all levels;
- achieve better corporate working and improve service co-ordination;
- improve operational efficiency and minimise overheads;
- exploit the business improvement opportunities presented through the ongoing development of new technology; and
- fully value the contributions of our staff , customers and partners.

F. BACKGROUND REFERENCES

Customer Services Strategy 2006-2009

Appendices/Attachments: Draft Customer Services Strategy 2011-14
 Customer Services Strategy Action Plan
 Report on Customer Focus Groups

Contact Person: Karen Cawte, Customer Services Development Manager
(*Name of responsible CMT member*) Alistair Shaw – Head of Area Services

Date: 10 January 2012

Appendix 3

Developing a Customer Services Strategy for West Lothian Council

Results from Customer Focus Groups

Background

West Lothian Council wanted to update its Customer Services Strategy to ensure that the Council was focusing on the right things in order to deliver excellent customer service in the coming years in a climate of reducing resources. The Strategy is to cover the time period 2011-2014.

The Customer Services Development Manager was asked to lead on the development of a new strategy, working with a cross council group the "Customer Services Champions". Integral to the development of the Strategy was the engagement with customers about customer service within and from the Council. The Council prides itself on being inclusive in its decision making and service development, so it was natural that customers would be at the heart of this process.

Methodology

It was agreed that the best way to engage with customers on the strategy development was to use face to face dialogue to ensure that themes could be pursued and dissected. It was felt that Focus Groups was the best methodology to achieve this aim.

Using the Citizens Panel (a West Lothian wide group of 2900 people who regularly comment on Council Services), a random sample of 300 people was drawn and these were invited to attend one of 3 sessions. The sessions were designed to be in different parts of the county – Uphall, Bathgate and Livingston, and at different times of the day – morning, afternoon and evening. This mix of days / times was to try and ensure the maximum numbers of people were able to attend.

In addition, the Tenants network offered to facilitate both a large group discussion and a smaller more focused discussion around the key issues. These took place in Uphall and Blackburn.

The engagement activity took place during August and September 2011. Time constraints for developing the Strategy did not allow for a long customer engagement period.

Information during the discussions was captured using mind mapping techniques captured on large pieces of paper. This allowed discussions to flow, but also showed the inter-connectedness of the issues. The information from these sessions is reproduced in appendix 1.

A draft of the Strategy was shared with participants and further feedback gathered.

Results

From the 300 invitations to Citizen Panel members, 21 people expressed an interest in attending one of the 3 sessions. In addition, the Tenants network had 20 people at the first session and then 5 at the second session.

The discussions were themed around four areas; involving customers; excellent customer service, improving access and transforming services. Views and discussions based on their own experience helped to inform key areas for development under each of these themes. Across the five sessions there were common issues arising which are reproduced below.

Involving customers

- Customers are interested in being involved
- They want to be part of the solution
- We should use customer feedback from a variety of sources to improve services
- The Council needs to be honest and tell them what is not working as well as what is.
- Customers should be able to participate at a level that is comfortable to them
- Some customers may need support to enable them to be involved
- If customers take the time to get involved, we need to tell / show them how their contribution has made a difference. Council Bulletin is a great medium.

Excellent customer service

- Empower staff to be able to deal with issues
- Consistent staff training is vital
- Staff need to take ownership of customer issues
- Letters sent to customers should be in Plain English and easy to understand
- We should honour our service standards, and tell people when there is a delay in responding.
- Customers and staff should be involved in setting standards.

Improving access

- Still need face to face contact. Staff need to be based in communities.
- Some things can be done on-line, but it needs to be easy and straightforward
- Phone system needs to work better – too much waiting around for the “options”.
- Navigation of website poor
- Help people to change the way of doing things – need to train customers. Use Libraries and CIS to do this.

Transforming services

- We need to be more responsive to customer needs
- Invest in technology now – but hard to future proof
- We should not make promises we cant keep
- We need to exceed customer expectations – which means staff need to be motivated to deliver excellent customer service
- We need a variety of ways customers can contact us

Feedback

All the comments and suggestions gathered through the discussions have been used to inform the priorities in the draft Customer Services Strategy 2011-2014.

Members of the Focus Groups were asked how they wanted to learn about what their comments had been used for. All asked to see a copy of the draft Strategy, and a copy of this report. In addition, the Tenants Group asked that the Customer Services Development Manager went back to their network meeting and talked about how the comments had been taken on board. This was arranged for the October meeting.

Other members of the Focus Groups were given the opportunity to attend a further meeting to discuss the draft strategy, as well as giving any written comments.

National Standards for Community Engagement

The engagement around the Customer Services Strategy was planned and delivered using the National Standards for Community Engagement. Using the VOiCE (Visioning Outcomes in Community Engagement) tool the exercise was evaluated. Further feedback about the process was gathered from the second phase meetings with customers.

Standard	Score	Comment
<i>The involvement standard.</i> We will involve the people and organisations with an interest in the focus of the engagement	3.5	Customers were the focus of the engagement – they were involved. We could have involved more customers had time allowed
<i>The support standard.</i> We will identify and overcome any barriers to engagement	3	Meetings were arranged at different times and venues to increase participation. Help was given to the tenants to enable them to engage
<i>The planning standard.</i> We will gather the evidence of the needs and available resources and use this to agree the purpose, scope and timescale of the engagement and actions to be taken.	3	The engagement was planned with staff from different disciplines. With more time, other existing customer groups could have been included

<i>The methods standard.</i> We will agree the methods of engagement that are fit for purpose	3.5	We chose focus groups because we wanted to have dialogue with customers and tease out and explore issues
<i>The working together standard.</i> We will agree and use clear procedures to enable participants to work with one another efficiently and effectively	3.5	The procedures during the focus groups were clear and recording the conversation using mind mapping was transparent. Feedback methods were agreed with participants
<i>The sharing information standard.</i> We will ensure necessary information is communicated between participants	4	All information has been shared with participants
<i>The working with others standard.</i> We will work effectively with others with an interest in the engagement.	3	There are customer groups who have not been involved in this process due to time constraints.
<i>The improvement standard.</i> We will develop actively the skills, knowledge and confidence of all the participants	2.5	The focus of the engagement activity was not around the capacity building of our customers. Although their continued engagement may be sought to support citizen led inspections and then capacity building will be a key activity
<i>The feedback standard.</i> We will feedback the results of the engagement to the wider community and agencies affected.	4	Feedback sessions have been held. All participants have received copies of the reports. Information will be reported through Council committees that are open to the public.
<i>The monitoring and evaluation standard.</i> We will monitor and evaluate whether the engagement meets its purposes and the national standards for community engagement.	4	The NSCE have been used to monitor and evaluate the activity. Customers have had the opportunity to comment on the process.

Customer comments on process

All customers that took part in the Focus Groups were sent copies of this report and the draft strategy. They were given the opportunity to comment either by email, completing a questionnaire and sending it back via post or attending a further focus group. In addition the Customer Services Development Manager presented the results at a tenants housing network meeting. Customers were generally happy with the process and felt that their comments etc had been listened to and planned for in the Strategy.

Lessons learned from the process

A longer timeframe would have allowed more customers to be involved in the process, particularly customers from "equalities" groups that may have specific needs. Some of these will be picked up during the Equality Impact Assessment.

Whilst it was extremely valuable to access the tenants network, other Council service customer groups could have been accessed with the support of relevant staff.

Other methods of engagement such as a web-based questionnaire may have given us access to a variety of other comments, although it would not have been possible to get an in-depth view of these. It may be possible to undertake such a survey before the Strategy is launched to gather baseline data

Customer Service Strategy Citizen's Panel Session Thurs 18 Aug 1pm to 3pm Livingston

Summary of Main Points

- Face-to face
- Local IT/web access points
- Speak to someone who can help me
- Link between customer and service
- Ownership/responsibility
- Right people/right training
- Walk-up/provide service/get service
- Exceed expectation.

Customer Service Strategy Citizen's Panel Session Mon 22 August 10am to 12 Uphall

Summary of Main Points

- Still want offices
- Face-to face
- Want to feel we are human beings and be treated like human beings
- Local IT/web access points
- Speak to someone who can help me
- Link between customer and service
- Ownership/responsibility
- Right people/right training
- Walk-up/provide service/get service
- Exceed expectation.

Customer Focus Group – Bathgate 6pm-8pm Wed 24 August 2011

Summary of main points

- Staff need empathy, be customer orientated and competent.
- Answer the question first time
- Invest in staff training
- Involving customers
- Need to empower customers to do things for themselves
- Feedback to customers on actions taken
- Some people want to get involved , others don't
- Using volunteers is possible to deliver services, but need training
- Need to invest in technology as this is what young people use
- Website information could be improved
- People still want to speak to a person

Customer Focus Group –Blackburn 10am to 12 noon Fri 2 Sept 2011

Summary of main points

- Staff should take ownership of an issue
- Can we have a form for complaints as the points of view doesn't work.
- Need internal customer service standards
- Call centre need to change the options so you can leave a voicemail straight away
- Need a variety of methods
- Interface with new IT systems
- Still need face to face
- Staff should be based in communities
- Keep promises
- Involving people
- Customer expectations are not unrealistic , they want to be kept informed.

PRIORITISED ACTION PLAN FOR CUSTOMER SERVICES STRATEGY

This Plan will be monitored and adapted over the lifetime of the Strategy

Customer Involvement - Outcome - Our customers are involved in designing, monitoring and evaluating our services
Excellent Customer Service Outcome: All Council services will ensure that customer requests and enquiries are delivered in a timely, efficient, professional and satisfactory way
Improving access - Outcome ; Our customers are able to access Council Services in the way most convenient to them
Service transformation – Outcome - We will change the way we deliver services to ensure our customers journey from start to finish is by the shortest route possible

High Priority

	Short term outcome	Activity	Output	Input	Indicator	Target	Lead
ECS 1	Service provision is joined up to limit the number of times that a customer has to contact the council	Review main processes for customer contact Review and revise SLA for responding to enquiries (internal and external) and create monitoring of this	Report detailing access channels and volumes Review carried out – standards agreed	Staff time Staff time	CIS - % Enquiries dealt with at first point of contact CSC - % Enquiries dealt with at first point of contact % of enquiries dealt with within standard	Achieve national standard of 75% for the main customer access points (CIS & CSC) 90%	Customer Services Devt Team / with support from BIL
ECS 5	Where possible use CRM software to connect to customers as a single organisation regardless of the access point to create the Golden Record	Appropriate frontline staff trained to use CRM to record customer enquiries Map where CRM is and is not used across the Council. Investigate how it interfaces with other customer recording software CRM upgrade implemented	Staff trained Report produced Interaction with individual services New version of CRM available	Staff time Staff time Staff time £40k	No of people using CRM	Ongoing Dec 2011 March 2013 March 2012	Customer Services Devt Team IT – link to IT strategy

		<p>monitored on an ongoing basis. Services need to be able to map this activity for themselves</p> <p>Use the information to inform the Customer service outlets proposals</p>					
IA 2	Develop the capacity of the Council's telephony system to handle enquiries	<p>Council offices moved to IPT</p> <p>Queue handling software integrated into system</p>	All Council offices using IPT	<p>Staff time</p> <p>£60k</p>	No of abandoned calls	8% reduction year on year	<p>IT / CSC</p> <p>Link to IT strategy</p>
IA 5	Launch mobile app	App options investigated and costed	Report to EMT	Staff time	<p>App in place</p> <p>No of uses</p>	Dec 2011	Corporate Comms /IT
ST 1	Continue to introduce new working practices, including mobile technology	<p>Worksmart adopted across the Council</p> <p>New services adopt mobile technology eg Optitime to plan and deliver services</p>		<p>Staff time</p> <p>New mobile devices</p>	<p>No of staff signed up to Worksmart</p> <p>Increased productivity</p> <p>No of appointments offered outside core hours</p>		BIL
ST 2	Review of complaints process across the organisation	<p>Complaints review undertaken</p> <p>Improvement plan created</p> <p>Complaints process monitored</p>	<p>Report</p> <p>Plan in place</p> <p>Monthly reports</p>	Staff time	<p>Response time to complaints</p> <p>No of complaints</p> <p>No of escalated complaints</p>	<p>Dec 2011</p> <p>Dec 2011</p>	Quality Team

ST 6	Review CPP partner Customer Service arrangements with a view to joining up the service offering	Information sharing protocols in place Customer service standards reviewed	Strategic agreements on data sharing Customer service standards agreed	Staff time	Review carried out Data Sharing protocols in place Standard set of standards	June 2012 4 in year 1	CSDT with CPP lead
CI 3	Implement a programme of Citizen Led Inspections in council services	Evaluation of pilot phase undertaken Further programme of inspections planned Citizens recruited and trained Inspections undertaken	Inspection team trained and in place	Staff time. Costs of training	No of citizens No of inspections Impact reports	50 2 per year	Dept CE Corporate, Housing and Operational Services with support from Quality Team

Medium priority

	Short term outcome	Activity	Output	Input	Indicator	Target	Lead
CI 1	Utilise the Citizens Panel to undertake service specific consultations	Surveys, focus groups etc are carried out using the Citizens Panel	Annual report on activity and impact	Staff time and costs of any surveys	No of surveys Response rate to surveys	10 per year 75%	Customer services Dev't team
CI 4	Expand the use of co-production in service development and delivery	Report on use of co-production Co-production featured in Management plans	Report	Staff time	Report agreed	Nov 2011 April 2012	Quality team CMT
ECS 3	Core competencies required for customer excellence are identified and incorporated into the recruitment, selection and appraisal systems	Competencies identified and agreed Recruitment and selection process includes customers service questions PRPDPs include customer service criteria	Report Changed application form Changed PRPDP form	Staff time	Job profiles and essential criteria changed	Dec 2012	H/R Link to People Strategy
ECS 4	Develop a comprehensive training programme for customer service excellence	Review different potential training programmes Adopt agreed programme Deliver training programme	Report complete Customer Services training programme in place Programme delivered	Staff time Staff time to develop Cost of certification and training sessions	Baseline of number of staff with Customer services qualifications No of staff completing the course	Feb 2012 June 2012 March 2013	H/R lead with input from Customer Services / Admin team Link to People Strategy
ECS 6	The importance of customer service is prominent across the Council through the use of a cross-service group	Customer service Champions Group formed	Group in place Meetings held	Staff time	No of services represented on Group	15 by March 2012	Customers Services Dev't Manager

		Group meets regularly Group oversee strategy production and delivery and review remit	Update reports to CMT		No of meetings Strategy agreed	8 per year	
ECS 2	Staff add value to a customers enquiry by checking that all possible entitlements are in place for the customer	Review and enhance scripts Further develop CRM Monitor how this is being rolled out	Scripts changed to reflect new focus	Staff time	No of “added value” interactions	March 2012	CSDT
IA 6	Further develop the Customer Service Centre, CIS and Libbraies to undertake corporate email and voicemail enquiries	Map volume and source of email and voicemail traffic Work with services to agree responses Use CSC RIE as basis	SLA in place with CSC and services	Staff (may need to increase staff nos to address volume)	No of emails No of voicemails Response times	June 2012	CSC
IA 9	Services are available through the national entitlement card	NEC cards available to all secondary school pupils Increase Range of services available on NEC cards eg access to libraries / leisure	All pupils have NEC / Young Scot cards Range of services available	Staff time Staff time + budget for hardware	No of Young Scot/NEC No of services available	10,000 by March 2013 2 by March 2013	Education Cust Services devt Team I.T
ST3	Undertake customer journey mapping across the Council	Internal and external Customer journeys mapped	Report and action plan in place	Staff time	No of journeys mapped No of changes made	2 per year	All services
ST 4	Council processes are streamlined	Rapid Improvement Events (RIE) to streamline processes	Events take place		No of processes reviewed	Ongoing	Heads of Service

Low priority

	Short term outcome	Activity	Output	Input	Indicator	Target	Lead
CI 2	Implement the use of VOICE software to plan, monitor and evaluate engagement activity	West Lothian log-in created on VOICE site Services / partners trained in its use User / support group established	Annual report on use of VOICE	Staff time	No of users No of training sessions No of individual records of activity		Community Regeneration with Housing Constructions and Building Services
IA 4	Customers know when they are dealing with services from WL Council	Review and update WL Way Include in Customer services Training Review branding across a range of Council outlets	WL way updated Report	Staff time May be costs associated with re-branding	West Lothian Way included in all induction training Consistent branding in all WL outlets	March 2012 March 2013	Corporate Comms
IA 7	Increase customer advice and transactions from a range of council outlets	Appropriate frontline staff defined and trained to deliver basic advice and transactions eg Blue Badges Identify transactions to move to the frontline Review use of Tellytalk in current locations and investigate the potential for increasing coverage	Standard training package List of transactions Report written	Staff time Training budget Staff time Possible hardware	No of Council buildings where basic enquiries can be dealt with	Increase by 10 per year from March 2012	Cust Services Devt Team / CIS Team / BIL Link to Property strategy

IA 8	Partnership centres and other models of co-locations are developed by working with partners	Partnership centres planned Other co-location opportunities developed	Centres in place	Capital budget	No of centres	2 by March 2014	Head of Area Services
ST 5	Continue to measure customer satisfaction in a meaningful way	Satisfaction questions created and tested with customers for continued relevance Whole Council satisfaction survey undertaken	Satisfaction measures in place Survey results reported and baseline created	Staff time £10k (part of ICS membership)	Overall customer satisfaction scores	90% 65% (industry standard)	Cust Services Devt Team / Quality team

West Lothian Council

Customer Service Strategy

2011 - 2014



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West Lothian
Council

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“ The Customer Service Strategy aims to improve the customer experience for the people living in West Lothian who access our services. ”

Foreword

We are pleased to introduce the Customer Service Strategy for 2011-14 which describes our vision to deliver high quality, customer-centered services for the people of West Lothian, through insight, innovation and partnership.

West Lothian Council is a progressive, efficient and outcome-focused organisation dedicated to delivering excellent services to people and businesses in the local community. We enjoy a strong reputation for good quality, high performing services. This is because the council and our partners have placed the “customer” at the heart of our organisations. We have challenged services to meet the needs of the communities we serve, to provide services that are responsive, first-rate and value for money. We believe that this culture of continuous improvement will help us to achieve real and lasting outcomes for our communities.

The Strategy recognises the value of an engaged, interactive community and encourages services to find new ways to involve local people in the delivery and improvement of local services. In the past few years, activities such as the Tough Choices budget consultation, customer consultation exercises and citizen led inspections have demonstrated the importance of the community voice in the decisions that shape and prioritise service provision.

The council has moved into a new and challenging era for local government. However the rate of change and level of financial restraint has not diminished our desire to be at the forefront of excellence in the UK public sector. We recognise that we must make our services more efficient through innovation, targeting of our resources and effective partnership working. In doing this we will not dilute our commitment to meet the needs and aspirations of people living in West Lothian.

The customer remains at the heart of everything we do and we will build on our success to date to continuously improve the experience of our customers now and in the future. We look forward with confidence to the challenges of the future continue to deliver high quality customer services in West Lothian.



Peter Johnston
Leader of West Lothian Council



Graham Hope
Chief Executive West Lothian Council

Introduction

The Customer Service Strategy will ensure that service provision is designed and delivered to meet local needs and that service improvements are customer-led and outcome focused.

This strategy builds on a solid foundation and complements the work that is already underway in the organisation to support the delivery of customer-focused services. It also re-defines an

improved corporate approach to customer services, one that seeks to enhance the role of the 'customer' in the organisation and in the design and delivery of services.

Strategy Outcomes

The Customer Service Strategy will ensure our customers, stakeholders and partners are informed about the quality, standards and choice of services available and will encourage their participation in the delivery and review of service provision.

The Strategy will support the delivery of outcomes for West Lothian citizens by ensuring that we design, deliver and improve services based on customers' needs.

West Lothian Council will achieve this by:

1. **Customer Involvement** – Our customers are involved in designing, monitoring and evaluating our services
2. **Excellent Customer Service** – All council services will ensure that customer requests and enquiries are dealt with in a timely, efficient and professional way
3. **Improving Access** – Our customers are able to access council services in the way most convenient to them
4. **Transforming Services** – We will change the way we deliver services to ensure our customers journey from start to finish is taken by the best route possible.

These four themes form the basis of the Customer Service Strategy and provide a structured approach to improving the quality and consistency of customer service in West Lothian Council's services.

They also support the delivery of wider organisational aims, through integration with other corporate strategies. The Customer Service Strategy builds on our commitment to continually improve the services we deliver and links to the key council strategies; including the People Strategy, Modernisation Strategy and IT Strategy.



The Customer Service Strategy encompasses all parts of the organisation and puts customers first by elevating their role in the design and delivery of services. Putting the strategy into practice requires us to work together with the local community to ensure that customers receive the same high level of service, wherever and whenever they approach us.

The success of this strategy will be measured when:

Our **CUSTOMERS**

- Have a choice in the way they access services, such as the telephone, online and face-to-face
- Receive excellent service from all their contacts with West Lothian, however they get in touch

- Find our staff enthusiastic, helpful and committed at all times
- Say that they were dealt with efficiently
- Feel they are respected, valued and that their views are taken into account
- Know that staff are accountable and take ownership of customer requests
- Have confidence that we understand their needs and will deliver what we promise
- Recognise that we are driven by our commitments to them
- Are included in discussions about new ways of delivering services.

Our **STAFF**

- Know that they make a positive difference
- Feel they work for an organisation that is genuinely customer-focused
- Know that they are respected, valued, and supported in every way
- Feel empowered to take ownership of customer enquiries
- Accept responsibility for the service they provide
- Know that there is a clear vision for the service, with strong and supportive leadership
- Feel there are opportunities for them to learn, develop and progress
- Receive praise, compliments and constructive feedback about the work they do
- Are motivated and enthusiastic
- Know that they work in an open and honest environment.

Developing this Strategy

This Strategy has been developed by the Customers Services Champions Group, with membership from all service areas within the council. The Strategy has also been informed by engagement with a range of customer groups from tenants groups to focus groups from the Citizen Panel members.

A report on the engagement activity is available separately and the activity has been evaluated using the National Standards for Community Engagement using the VOICE tool.

Customer Involvement

The Customer Service Strategy ensures local people are involved in the design and delivery of services. It will allow us to develop a shared understanding of what our customers want, what matters to them and how we engage with them. It is equally important that we encourage the active participation of our customers to ensure that outcomes are achieved.

It is important to understand what customers are saying and to use the information obtained through consultations, feedback and complaints to change the way we plan and develop services, policies and procedures. Across the organisation there has been a clearly defined approach to ensure that our customers are consulted and engaged in a robust and structured manner.

The Improvement Strategy 2008-10 formalised many of the approaches used for consultation and engagement which supported the organisation in achieving the council-wide Customer Service Excellence Standard in 2010. These activities have helped tailor and improve our services to meet the specific needs of each customer group. Services can demonstrate that service improvement is linked to consultation and engagement activity that is carried out across each key customer group on a regular basis.

Delivering public services should be an interdependant relationship between staff, people using services, their families and their neighbours. We refer to this approach as “co-production”.

Where activities are co-produced in this way, both services and neighbourhoods become far more effective agents of change. We need the active participation of customers to get outcomes achieved.

We already consult customers using a variety of innovative means and methods. We will continue to ensure that the outcomes of all consultations we undertake are shared with and passed on to staff at all levels. There are some areas where our current engagement approach overlaps with the practical application of co-production. These activities include direct involvement and support of service redesign and co-delivery of services including: Tenant Led Inspections (HC&BS), Lay Inspectors (Road Services), play-park design by children (Nets and Land Services), parent participation in Head Teacher recruitment (Education), involvement in the commissioning of work (Social Policy) and management committees in community centres (Area Services). Social Policy commissions or supports a range of services and groups to assist the involvement of key stakeholders for vulnerable groups. To fully implement co-production across the council there will be a requirement to provide a more in-depth and consistent approach to our current involvement and engagement activity. Further details can be found using the following link. [Insert link to co-production report.](#)

NATIONAL STANDARDS FOR COMMUNITY ENGAGEMENT

West Lothian has been at the heart of the development and deployment of the National Standards for Community Engagement; a set of standards by which we can plan, monitor and measure our community engagement activity. During 2009/10 Craigshill took part as one of 10 pilot areas in Scotland to further enhance the use and understanding of the Standards.

A useful online tool has been developed to help services plan, monitor and evaluate their customer engagement. It is called Visioning Outcomes in Community Engagement (VOiCE). Currently, a limited number of services within the Council use this tool. We will widen its use across the Council, and wider community planning partnership, as part of a Community Engagement Strategy.

CITIZENS PANEL

West Lothian has had a Citizens Panel in place since 1999. The Panel has changed its membership every three years, most recently in 2010. The current membership stands at 2,900, and is structured so that it is representative of the West Lothian population at a multi member ward level on the basis of age, gender and property tenure.

The Panel is used by Council services to gather information about customer satisfaction with individual services, as well as gathering information about new service proposals. Every three years a major “Quality of Life” survey is undertaken with input from all community planning partners. This gives a view of citizen’s perceptions of living in West Lothian, as well as their thoughts and feelings on a variety of topics. In 2010, 87% of respondents to the survey said they were satisfied with West Lothian as a place to live. There is scope for the Citizens Panel to be used more widely to help inform the development of services.

CITIZEN LED INSPECTIONS

Citizen Led Inspections (CLIs) is a new customer engagement method that has been implemented in West Lothian Council. This centres on the recruitment of people from the local community to become Citizen Inspectors who evaluate the way services are delivered, assess if they are achieving the expected outcomes and encourage feedback on how they can be improved.

CLI's requires a greater level of participation from customers but provides more in-depth information on the views and ideas of people living in West Lothian and in time, could replace some of the more conventional methods.

The Customer Service Strategy will support:

- the use of a range of methods, techniques and technologies to help us engage with customers, e.g corporate complaints, views & comments system, service specific research, resident conferences and events, focus groups and service workshops, road shows & open days, citizen panel surveys, and citizen led inspections;

- the use of the National Standards for Community Engagement
- council-wide improvements in the way we capture, share and disseminate findings from consultation
- evaluation and feedback to customers.

Consultation is not limited to customers. We will consult all stakeholders involved in service provision.

This includes:

- Trade unions
- Staff
- Community Planning Partners
- Voluntary sector
- Business organisations.

CUSTOMER INVOLVEMENT – OUTCOME 2011-14

Our customers are involved in designing, monitoring and evaluating our services.

Actions:

- Utilise the Citizens Panel to undertake service specific consultations
- Implement the use of VOICE software to plan, monitor and evaluate engagement activity
- Implement a programme of Citizen Led Inspections in council services
- Expand the use of "co-production" in service development and delivery.

Excellent Customer Service

The Customer Service Strategy defines the key drivers that will enable West Lothian Council to deliver 'customer service excellence' to our communities.

West Lothian Council has strong values and a clear set of outcomes that ensure the 'customer' is at the heart of everything we do. We endeavour to deliver high quality, responsive public services that meet local needs and are accessible to the people living in the communities of West Lothian.

The provision of efficient and effective services is an important aim for the council. We must also ensure that we strive to meet customer expectations and deliver an excellent quality of customer service. The customer cares that the service is delivered but they also care how it is delivered.

One experience of bad customer service can be very damaging. Our customers will judge the services they use based on their personal interaction, so we must ensure that there is a high level of quality and consistency for the customer. This means that every service has a responsibility to make sure that customer requests and enquiries are handled in a timely, efficient, professional and satisfactory way – at every stage of every process.

CONSISTENT HIGH QUALITY STANDARDS

Customers' impressions of the levels of service they receive start from the moment they contact us. Our challenge is to ensure we set out the standard of service they can expect from us irrespective of the point of contact. We will ensure customers are treated fairly and are given equal access to services.

Formation of a Customer Services Champions Group will make sure there is a consistent approach across the Council.

CORPORATE SERVICE STANDARDS FOR CUSTOMER SERVICE

- We will deliver a high quality service
- We will deliver the service within an appropriate timescale
- We will provide you with accurate, comprehensive information
- We will keep you informed of the progress of your request
- We will ensure our staff are professional and knowledgeable
- We will ensure our staff are polite and friendly
- We will treat all customers fairly.

DEFINING EXCELLENT CUSTOMER SERVICE

Customers may have different needs, expectations and preferred methods of accessing services, and there are certain standards of customer service that they will expect regardless of the type of enquiry. There are common cultural behaviours and qualities in the way the service is provided and the manner in which it is provided

that should be consistent across the organisation. These are important to the customer and therefore, important to West Lothian Council. West Lothian Council has adopted the key drivers that lead to satisfaction contained in the Customer Service Excellence Standard.

THE FIVE DRIVERS OF CUSTOMER SATISFACTION

DELIVERY	TIMELINESS	INFORMATION	STAFF PROFESSIONALISM	STAFF ATTITUDE
<ul style="list-style-type: none">•the final outcome•the way the service kept its promises•the way the service handled any problems	<ul style="list-style-type: none">•initial wait•how long it takes overall•number of times the customer had to contact the service	<ul style="list-style-type: none">•accuracy•comprehensiveness•being kept informed of progress	<ul style="list-style-type: none">•competent staff•being treated fairly	<ul style="list-style-type: none">•polite and friendly staff•how sympathetic staff were to needs

These 'Five Drivers' are the factors in service delivery that tend to be important to the customer and are used by services to monitor, predict and improve behaviours and performance relating to

customer service. These 'drivers' form the basis of the service standards that we set and will give a clear understanding of the services' ability to meet the commitments made to the customer.

MANAGING THE CUSTOMER RELATIONSHIP

The Customer Relationship Management (CRM) system allows us to understand our customers and provide high quality, joined -up consistent services across a range of delivery methods. We will work towards ensuring that different software systems "speak" to each other, with CRM as the catalyst ,so that we can ensure that the information we have about customers is robust, up to date and accurate, thereby creating "the golden record". Irrespective of the way our external customers choose to interact with us, where appropriate, we will record transactions in CRM in

order to proactively deliver a wide range of services. We want to encourage staff to add value to a customer's enquiry by checking that all possible entitlements are in place.

Staff are helped by scripted question and answer software to resolve a wide range of queries.CRM will also allow us to understand why and how often our customers contact us and give us the ability to manage that relationship in a consistent high quality customer-focused manner.

EXCELLENT CUSTOMER SERVICE – OUTCOME 2011-14

All council services will ensure that customer requests and enquiries are delivered in a timely, efficient, professional and satisfactory way.

Actions:

- Service provision is joined up to limit the number of times that a customer has to contact the council
- Staff add value to a customers enquiry by checking that all possible entitlements are in place for the customer
- Core competencies required for customer excellence are identified and incorporated into the recruitment, selection and appraisal systems
- Develop a comprehensive training programme for customer service excellence
- Where possible use Customer Relationship Management (CRM) software to connect to customers as a single organisation regardless of the access point (CRM), creating the "Golden Record"
- The importance of customer service is reinforced across the Council through the use of a cross-service staff group.

Improving Access to Services

The Customer Service Strategy outlines the commitment to provide choice to the customer in the way services are accessed and provided. This will include innovation, partnership working and optimising the use of technology within resource constraints.

Every customer has different requirements, skills and expectations. Our challenge is to ensure that the first contact gives fast, efficient access to services however, the customer chooses to approach the organisation. Our services will be:

- **EASY TO ACCESS**
- **JOINED UP**
- **ACCESSIBLE IN DIFFERENT WAYS**
- **ADAPTED TO MEET INDIVIDUAL NEEDS**

WHAT WILL BE DELIVERED

We will develop seamless and consistent customer services through face-to-face, telephone and online contact. We will make best use of staff and information technology to ensure that enquiries are resolved at the first point of contact. We will have a co-ordinated and joined up approach to the development and use of different methods of accessing services, built around customer needs and not organisational structures. This will reduce the end-to-end costs of delivering services to customers across multiple methods. This joined-up approach adds value for the customer and the organisation, and ensures best value.

CHANGING CONTACT METHODS

We recognise customers will continue to use a variety of contact methods, perhaps starting off a transaction on the web and then finding it more convenient to talk to someone over the phone to ask for updates on progress. Customers do not expect to explain their problem from the beginning every time they make contact. We will work towards a joined-up approach so that information is available in real time through all the contact methods using our CRM system.

The financial constraints that the Council will face over the coming years means that we may have to rationalise services and encourage people to move to more self service and less costly options such as the telephone. Working within the resource constraints we will endeavour to use methods appropriate to customer need.

The mix of contact methods will change over time with increased acceptance of electronic services and it is important to anticipate and prepare for future changes. The key delivery methods are:

- Face-to-face
- Telephone service
- Online and mobile devices
- Self service (the customer accessing services by themselves) eg. through the internet.
- Delivery through other organisations.

FACE-TO-FACE

Frontline staff will continue to be the main contact for customers visiting offices in person. Where appropriate, front-line staff will be multi-skilled and trained to handle a wide range of enquiry types. In 2010 the Customer Information Services centres handled 113,400 enquiries and 226,500 cash transactions. Staff are able to deal with sensitive enquiries and act as champions and intermediaries where necessary.

With the development of our new Partnership Centres we will continue to deliver a wide range of services in one location. This allows us to take an holistic approach to ensuring we join up services to deal with customers' enquiries. Success will be measured by the end-to-end process being completed to successful conclusion, rather than just through individual services completing their parts successfully.

We recognise that it isn't always easy for our customers to visit offices to access a service. Where we are able to, we will further develop video conferencing capabilities such as Tellytalk to provide an effective means for specialist staff, such as the Advice Shop, to conduct 'virtual interviews' with customers.

We want to make sure that customers get the full benefit of any interaction with staff, and so we will develop staffs capabilities to add value to any transaction by ensuring customers are aware of all their entitlements. The Council is committed to ensuring that customers will continue to be able to interact with us on a face to face basis.

TELEPHONE

Telephone is currently the most popular way for customers to contact West Lothian Council and this is unlikely to change for some time. In 2010, the Customer Service Centre handled around 363,000 calls, with Customer Advisers in the Customer Service Centre acting as intermediaries and champions for customers. To meet its full potential, the Customer Service Centre will be developed to:

- View transactions that customers have entered on the web or through other access channels
- View the complete records of customer transactions, including correspondence and electronic customer files
- Track the progress of customer transactions from the initial contact through to resolution
- Use SMS text messaging/emails to customers as reminders for services promised
- Respond to emails and voicemails on behalf of a wide range of Council services.

SELF-SERVICE

Self-service is by far the most cost effective way of delivering services, and allows customers to access services immediately. One of our biggest challenges is to provide a service in a way that can be easily accessed online and can offer a convenient 24-hour, seven-day a-week service to our customers. Successful delivery through this medium means that the services provided are:

- Quick to access
- Easy to find on the website
- Personalised to meet customers' circumstances and needs
- Fully transactional providing current information from internal systems
- Accessible through home and public use computers
- Accessible through mobile devices.

The council website needs to be intuitive for customers to use. The information on the West Lothian Council website will be enhanced by:

- Grouping topics and making links between content areas
- Ensuring that the content is up to date and relevant
- Improving the reliability, speed and security of the website
- Ensuring information is accessible and understandable for all customers
- Ensuring the website is interactive and transactional
- Ensuring the website meets web2 standards.

Self-service works well for fairly simple queries and transactions but it can never completely replace face-to-face contact when dealing with complex issues. However, it is possible to ask a series of questions, each influenced by the answers to the previous question, using online

forms that can guide customers through issues such as checking entitlement to benefits and reporting repairs.

The Customer Service Centre and frontline centres will be able to access web information in real time, which will enable customers to begin a query on the website and complete via telephone or face-to-face contact.

Whilst we recognise that mobile access to the internet through devices such as smart phones will outstrip home PCs and laptops in the future, we still have the issue that not all households have personal computers. This digital divide will be addressed in partnership with other agencies through:

- Internet access at other agencies premises e.g. Post office, supermarkets
- Internet within community centres and libraries
- Methods to make internet access from mobile devices easier e.g. Apps.

THROUGH OTHER ORGANISATIONS

Some customers with particular needs may prefer to access information through other organisations. West Lothian Council has excellent working relationships with our community planning partners. We will explore how we can utilise these partnerships to further enhance the delivery of services to our customers. The provision of Partnership Centres is now firmly embedded within West Lothian and over the next three years we expect the number of such centres to increase.

We also want to increase the use of the National Entitlement Card (NEC), which currently gives some customers access to free or discounted travel and a range of discounts for Young People via the Young Scot card. There are many other uses for these cards and we want to work with partners to maximise the benefits for customers.

IMPROVING ACCESS TO SERVICES – OUTCOME 2011-14

Our customers are able to access council services in the way most convenient to them.

Actions:

- Analyse trends and costs of different methods of accessing services in order to inform future service delivery design
- Develop the capacity of Councils telephony system to handle enquiries
- Update the council's website to incorporate up-to-date content and increased transactional activity for our customers
- Ensure customers know when they are dealing with services from West Lothian Council
- Further develop the Customer Service Centre to undertake corporate email and voicemail enquiries
- Increase customer advice and transactions from a range of council outlets
- Partnership centres and other models of co-location are developed by working with partners
- Services are available through the National Entitlement Card.

Transforming Services

The Customer Services Strategy will help us to change the way we deliver services utilising the latest technologies and linking to national frameworks

DESIGNING SERVICES AROUND CUSTOMERS

We can only provide customers with excellent access to services if the services themselves deliver to agreed standards. One of our key challenges will be to ensure that the information about our service processes and standards is easily understood and accessible for customers. We will need an in-depth understanding of the overall outcomes we are providing for customers and we will redesign our processes to deliver the required outcomes.

Throughout, the customer will expect to be able to track progress and be kept fully informed about any changes to the delivery they have been promised. Working in this way will be more sustainable – allowing us to become more efficient and deliver the outcomes people want, at costs we can afford.

Transforming services in this way will provide challenges for service managers in prioritising change around those areas that offer the most customer interfaces. This will involve an end-to-end analysis of the key processes and procedures and streamline processes to make them more customer-focused.

The impact on staff could be significant and will require strong leadership and change management skills to support this. West Lothian's Business Improvement Team will work alongside service managers to support the transformation process.

Successful business transformation will be measured in terms of increased efficiency and customer satisfaction.

WORKSMART

Worksmart West Lothian brings together mobile and flexible ways of working. It allows staff to work differently to meet the needs of our customers and reduce 'dead time', such as travelling unnecessarily back to a base office. For staff that are already mobile working, it makes a real difference and allow them to structure their days around their customers' needs rather than locations.

A network of six Worksmart locations has been established at council offices around West Lothian. Staff can book a desk at whichever location suits them. We plan to introduce consistent mobile and flexible working into each service area through a phased approach over years 2010/11 to 2013/14.

COMPLAINTS

It is important to measure and monitor customer services, to allow year-on-year comparison and to ensure we put things right when our customers are dissatisfied. We will undertake a comprehensive review of our corporate complaints process in 2011 and ensure there is a consistent approach to the handling, measurement and reporting of complaints throughout the council.

CUSTOMER SERVICE EXCELLENCE (CSE)

In 2010, all West Lothian Council services achieved the council-wide Customer Service Excellence standard. This was a challenging undertaking, but supported our core value that customers are at the heart of our organisation. The CSE standard challenged our services to engage with customers directly on the issues that are important to them and helped our staff re-design service delivery to reflect customer needs. This has ensured that we continue to provide seamless, high quality public services to the people and communities of West Lothian.

Using the CSE standard, customer focus has been integrated into our performance management culture, helping us to understand customer satisfaction levels across all our services and assess whether we are meeting our customer promise on service delivery. It also challenges services to demonstrate ongoing improvement; through focusing on customer needs, continually assessing and improving access and information about our services and considering how partnerships work and improving their effectiveness.

Over the next three years West Lothian Council has committed to retain this challenging standard to ensure that all our customers continue to receive excellent customer focused services and to help develop new and innovative ways to deliver these services.

CUSTOMER JOURNEYS

A key aim within West Lothian Council is enhanced customer insight to help in the design and delivery of our services. Understanding the customer in this way is a relatively new challenge for West Lothian Council. Customer Journey Mapping is a key strategic tool that will help to meet this challenge. By committing to the Customer Service Excellence standard all areas need to demonstrate how they are improving customers' experiences of services.

Customer Journey Mapping provides services with a tool to develop a deep understanding of their customers and is part of a wider set of tools, including customer satisfaction measurement, which provides insight into customer needs, behaviours and motivations.

“Customer journey mapping is the process of tracking and describing all the experiences that customers have as they encounter a service or set of services, taking into account not only what happens to them, but also their responses to their experiences.”

This activity helps services, particularly those with customers who have complex interactions or multiple needs, or where there are several service providers involved. It can also help to streamline

processes, improve communication and access channels, and reduce timescales for customers and staff.

Many of the customer journeys dealt with by West Lothian Council cross over service boundaries, and it's for journeys like these that customer journey mapping is particularly valuable. It helps to see each activity from the customer viewpoint, and forces services to think beyond their own priorities or policy agenda.

We also need to take a close look at some of the processes we adopt to ensure that they are “lean” and fit for purpose. We will undertake a series of Rapid Improvement Events (RIE) with staff from a range of services to streamline complex processes.

TRANSFORMING SERVICES – OUTCOME 2011-14

We will change the way we deliver services to ensure our customers' journey from start to finish is made by the best route possible

Actions:

- Continue to introduce new working practices, including using mobile technology
- Review the council's complaints process across the whole organisation
- Undertake customer journey mapping across the Council
- Streamline council processes
- Measure customer satisfaction with individual services in a meaningful way.

Next Steps

We need to undertake a number of elements of this strategy to achieve our vision. These will be delivered as part of a phased programme. Delivering the strategy will require us to base our actions on customers' requirements. Resources needed to complete the plans to transform service delivery will need to be prioritised.

The projects to deliver the strategy will be:

- Prioritised to meet our customer needs and thereafter according to customer views and demand so that resources are used most efficiently and effectively
- Managed using effective programme and project management techniques to ensure that progress is made and interdependencies are managed
- Judged on their business case including baseline and forecast customer and cost measures
- Recorded so that everyone can see progress.

A detailed Action Plan has been developed to take forward all activity described in this Strategy. The Action Plan will be monitored and adapted over the strategy's lifetime, and overseen by the Modernisation Programme Board.



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Large print and community languages.
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COUNCIL EXECUTIVE

CONTROLLING ILLEGAL ADVERTISING ON THE PUBLIC ROAD

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

To highlight the issues associated with the control of advertising on the public road network and to seek approval for the enforcement strategy proposed.

B. RECOMMENDATION

To note the recent increase in illegal advertising affecting the public road network in West Lothian and to approve the strategy outlined in the Terms of Report.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; making best use of our resources; and working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The Roads (Scotland) Act 1984; the Town and Country Planning (Control of Advertisement) (Scotland) Regulations 1984 and the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.
III Implications for Scheme of Delegations to Officers	The opportunity to better integrate the control of illegal advertising undertaken by Road Services with related activities undertaken by NETs & Land Services, Planning, and Property Services will be kept under review.
IV Impact on performance and performance Indicators	None
V Relevance to Single Outcome Agreement	We make West Lothian an attractive place for doing business in Scotland; we live our lives free from crime, disorder and danger; we live in

	well-designed, sustainable places where we are able to access the services we need; we have strong, resilient and supportive communities where people take responsibility for their actions and how they affect others; we take pride in a strong, fair and inclusive society; we value and enjoy our built and natural environment and protect it and enhance it for future generations; and our public services are high-quality, continually improving, efficient and responsive to local people's needs.
VI Resources - (Financial, Staffing and Property)	A proportion of any income generated by new advertising is required to bolster enforcement activity.
VII Consideration at PDSP	N/a
VIII Other consultations	Legal, NETs & Land, Development Management, Property Services & Internal Audit.

D. TERMS OF REPORT

1.0 Introduction

- 1.1** Advertising can make a significant impact to the local economy. This position needs to be contrasted, however, with the adverse impact that uncontrolled advertising has on the appearance and safety of our communities and on the public road network in particular.

2.0 The legal context

- 2.1** The Roads (Scotland) Act 1984 makes it a criminal offence to place something on a public road that causes an obstruction, without the consent of the Roads Authority. It is also a criminal offence not to remove the obstruction immediately when asked by the Roads Authority or a uniformed constable. A public road includes a footway (pavement), the road's verge and any bridge or tunnel. The 1984 Act also makes it a criminal offence to display or sell goods (not including newspapers) on or over a road without having a licence to do so. . The Act also allows the Roads Authority to restrict the erection of advertising hoardings where this may cause an obstruction of view at corners, bends and junctions.
- 2.2** The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 permits certain development without the need to apply for planning permission. One such permitted development is the painting of the exterior of a building, but this is not deemed to be permitted if the painting is for the purposes of advertising.

- 2.3** The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 provides for the control of the display of **all** advertisements (subject to some exceptions). Applications for consent for the display of advertisements must be made to the planning authority. Advertisements on enclosed land that are readily visible from a public right of way require consent. Advertisements inside or incorporated in buildings or on moving vehicles (e.g. taxis or vans) are exempt from the requirement for consent. The planning authority has to exercise its powers under the regulations in the interests of amenity and public safety. Conditions apply to the granting of consent and displaying an advertisement in contravention of the regulations is a criminal offence and subject to the imposition of a fine.

3.0 Council-owned land and property

- 3.1** The council may also exercise additional controls over the land and other property (e.g. street furniture) that it owns or manages. Direct action may be taken to deter those found to be advertising on council-owned property without permission. The council currently has two schemes under which permission may be granted for legitimate advertising on council-owned property.

3.2 Commercial property “For sale or Lease” boards

The council will consider applications from commercial property agents for a licence to erect “For Sale or Lease” boards on council land. However, applicants must first obtain Advertising Consent, which includes consultation with the Development Control Roads Engineer. The requirement for a licence was introduced in parallel with the controls on residential property advertising, mentioned below, essentially to deter the previous practice of displaying boards on the road verge. This has proved an effective method of control, as only one licence has been granted.

3.3 Roundabout Sponsorship

This scheme was introduced in 2003, at which time it was externally managed and operated. The management was taken in-house in 2009, and involved several council services. Since April it has been managed by Finance and Estates.

There are currently 33 sponsorship signs across West Lothian, with a further seven about to be manufactured. Seventy percent of these are for local businesses. The scale of charge has recently been reviewed to give incentives to those taking multiple signs. The costs are believed to be competitive with display advertisements in local newspapers.

4.0 Fly-posting

- 4.1** Fly posting is not a permanent problem in West Lothian. From time to time however, extensive campaigns of illegal advertising do take place across much of the council's area. These campaigns can be significant due to the number of advertisements involved and the extent of the campaigns. Many of these campaigns are organised by music promoters. The council makes every effort to respond through direct and coordinated action between the various services involved. Every effort is made to contact the company responsible and point out the illegal nature of their activities and the potential implications. In the context of ‘Tough Choices’ and two particularly extensive campaigns during the last year, the council needs to focus on recovering the costs that it incurs in removing illegally displayed advertisements and (ii) for there to be more serious consequences for those organising such campaigns. This will require officers to be more effective in collating evidence and then reporting offences to the Procurator Fiscal. Whilst this will be very difficult to resource, a successful prosecution and the associated publicity have the potential to be a strong deterrent to others intent on a similar course of action.

5.0 'A'-Board advertisements

- 5.1** 'A' Board advertisements located on public footways and areas of public open space are a growing problem, particularly in our town centres. The issue has been largely ignored in the past but the proliferation of these boards and their increasing size has raised concerns in respect of public safety, particularly where pedestrians are concerned. This issue is not unique to West Lothian. Both Edinburgh and Stirling Councils have recently set up a permit system to help control the problem in their centres. It is proposed that we can learn from this approach with a view to establishing something similar in West Lothian.

6.0 Residential property advertising

- 6.1** The council now enjoys a high-level of compliance amongst solicitors, estate and letting agents advertising residential property in the area. This is in contrast to the unacceptable situation that was faced back in 2006. The improvement is largely the result of producing guidance, communicating with solicitors, estate and letting agents known to operate in the area and taking consistent enforcement action against those that ignore the rules. It is proposed to continue with this strategy.

7.0 Vehicle-based advertising

- 7.1** Illegally displayed vehicle-based advertising, including trailer-ads, is on the rise. The council, as Roads Authority, has been proactive in taking enforcement action against those companies responsible for such advertising on the public road network and will continue to do so. The council's Development Management team has been similarly proactive taking enforcement action in respect of unauthorised trailer adverts which are often placed in fields adjacent to principal routes through West Lothian. Road Services, Transportation Services and the council's Development Management teams continue to work together to provide a more streamlined approach to this problem.

8.0 Other roadside advertising

- 8.1** Some local businesses have taken quite bold steps erecting and displaying small advertising hoardings between redundant sign posts and even erecting their own roadside signs on the verges of some of our principal roads. This has been met with a robust response but demands a lot of resources. It does demonstrate, however, the high value placed on roadside advertising by business and either an ignorance of the law or a willingness to take a chance that the council will not act or will take sufficiently long to do so as to make their investment worthwhile.

9.0 Feedback from the business community

- 9.1** Illegal advertising has proliferated recently, particularly in road corridors. Feedback from proprietors of local businesses confirms that this is largely related to the economic downturn and to some extent the less visible locations from which businesses sometimes operate. Officers have frequent contact with local business people, particularly those that have resorted to advertising illegally. Many businesses have taken exception to the council's approach and consider that they are being unfairly treated. This is a particular issue where direct competitors are also engaged in illegal advertising activity and perceive that they are being treated differently to one another. Companies invariably highlight inconsistency in the control of advertising within the council's area. They also point out that West Lothian Council's approach compares unfavourably with that adopted by some other authorities.
- 9.2** Officers are sensitive to the economic pressures currently affecting local business. Difficult enforcement decisions are being made virtually every working day. Discretion is applied in the way that the rules are enforced which itself is perceived as inconsistent. The extent of discretion that is exercised is influenced by (i) the available resources to monitor the network and take enforcement action and (ii) the powers provided for in the Roads (Scotland) Act and other legislation and (iii) the need to deal sensitively with not-for-profit, charitable or community-based concerns whilst still exercising and abiding by the council's duties regarding these matters.
- 9.3** A number of local businesses against whom enforcement action has been taken have specifically asked that the council consider providing alternative, cost-effective advertising opportunities for local business. As noted above the only current scheme available to local businesses is the roundabout sponsorship scheme. However, some businesses may perceive this as an expensive option compared to illegally displayed advertisements for which they currently make no payment. The same may apply to other options that the council may develop.

10.0 Advertising space

- 10.1** There is currently no statutory duty for the council to provide legitimate advertising space. Clearly, roadside advertising hoardings are currently being considered as a means to generate additional income for the council. Facilitating something on a smaller-scale, perhaps in selected town centres, might be something that could be considered. This could help counter the increasing issue of illegal advertising in our road corridors and the proliferation of 'A'-Boards on footways in our town centres and lessen the resistance of those against whom enforcement action is being taken.
- 10.2** The availability of such opportunities would need to be carefully considered, both in terms of the legislative context, and the cost of managing and promoting schemes relative to the income that might be generated. Opportunities will continue to be investigated by officers.
- 10.3** In this context, roadside advertising is on the programme of issues to be reviewed by the Council's Internal Auditors during the coming 12 months. As well as looking at the current policy regarding enforcement it is hoped that this will provide the opportunity for an impartial view of the potential for a new scheme to promote permitted small-scale advertising.
- 10.4** The prospect of ring-fencing part of the funding generated from the sale of legitimate advertising space has the potential to help achieve more effective control. Effective control of illegal advertising also increases the value of legitimate advertisement.

E. CONCLUSION

Illegal advertising, particularly in our road corridors has increased. The economic downturn is considered a significant reason for this. Advertising is regulated by both planning and roads-related legislation and by the council in respect of its own land and property. Control of advertising on our road corridors has been generally more effective since 2006. Despite success in controlling the problem the increase in illegal advertising remains difficult to resource. Fly-posting and vehicle-based advertising currently present the greatest concern although the issue of 'A'-Boards on footways in our town centres is becoming a problem and needs to be more tightly controlled. Work has begun to improve coordination between those services involved in the control of illegal advertising. Feedback from proprietors of locally-based small businesses, however, has identified a need for more cost-effective advertising opportunities. It might be possible for the council to help facilitate this. This could be to the benefit of local business as well as potentially generating additional income for the council. Value could be added by ring-fencing part of the income to help establish more effective, cross-service control of illegal advertising.

F. BACKGROUND REFERENCES

Unauthorised signs – Report by Head of Operational Services to the Community Safety Committee – 05 September 2006

Unauthorised Signage and Fly Posting - Report by Development Control Manager to the Environment Policy Development and Scrutiny Panel - 04 December 2008

Unauthorised Signage and Fly Posting - Report by Development Control Manager to the Council Executive - 13 January 2009

Enforcement Charter - Report by Development Management Manager to the Development and Transport Policy Development and Scrutiny Panel - 10 December 2009

Enforcement Charter - Report by Development Management Manager Appendix to the Council Executive - 12 January 2010

Delegated Powers Relating to Placard Sign Removal - Report by Planning Services Manager to the Development and Transport Policy Development and Scrutiny Panel - 08 April 2010

Delegated Powers Relating to Placard Sign Removal - Report by Planning Services Manager to the Council Executive - 29 June 2010

Controlling Illegal Advertising on the Public Road – Report by Head of Operational Services to the Environment Policy Development & Scrutiny Panel – 21 December 2011

Appendices/Attachments: None

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Jim Jack – Head of Operational Services

Date: 10 January 2012



**West Lothian
Council**

COUNCIL EXECUTIVE

FAULDHOUSE COMMUNITY COUNCIL – PRESCRIBED NUMBERS

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

The purpose of the report is to seek a decrease in the prescribed number of members on Fauldhouse Community Council from 12 members to 8 members due to a reduction in the number of elected and co-opted community councillors there.

B. RECOMMENDATION

That the Council Executive agrees to decrease the number of prescribed members on Fauldhouse Community Council from 12 to 8 members.

C. SUMMARY OF IMPLICATIONS

I	Council Values	<p>Focusing on our customers' needs</p> <p>Being honest, open and accountable</p> <p>Making best use of our resources</p> <p>Working in partnership</p>
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>Local Government (Scotland) Act 1973</p> <p>Local Government (Scotland) Act 1994</p>
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	None
VI	Resources - (Financial, Staffing and Property)	None
VII	Consideration at PDSP	None
VIII	Other consultations	Fauldhouse and the Breich Valley ward members.

D. TERMS OF REPORT

At its meeting held on 23rd June 2009, the Council Executive adopted the finalised Scheme for Establishment of Community Councils in West Lothian.

In the scheme, the prescribed number of community councillors on Fauldhouse Community Council was set at 12. This was in accordance with the formula set out in the scheme where the prescribed number of members on community councils with a population between 2,001 and 5,000 should be 12.

Community councils must have at least 50% of their prescribed number of members at all times. The number of prescribed members on Fauldhouse Community Council is 12 and the minimum number of members required to keep the community council operational is 6. Unfortunately, as the number of members on Fauldhouse Community Council had fallen below that level, an interim election was advertised locally and the deadline for nominations was set as 1st December 2011. Only 2 nominations were received during the interim election, taking the total number of members on the community council to 5.

To ensure that the community council can continue to operate, it is recommended that the Council Executive approve a decrease in the prescribed number of members on Fauldhouse Community Council from 12 members to 8 members. The community council have formally requested that their numbers be reduced, and the reduction shall ensure the community council will continue to operate.

The three ward councillors were consulted on the proposal to decrease the prescribed number, to which no objections were received.

E. CONCLUSION

It is important that the council reacts to alter the number of community councillors as and when levels of interest increase or decrease in individual communities.

To ensure that the existing community council can continue to operate and represent the interests of the community, it is recommended that the membership numbers be decreased from 12 members to 8 members.

F. BACKGROUND REFERENCES

Minute of Meeting of the Council Executive held on 23rd June 2009

Appendices/Attachments: None

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Graeme Struthers

Head of Corporate Services

10 January 2012



is.
improvement service

Annual Conference & Exhibition 2012



Thursday, 16 - Friday, 17
February 2012
Fairmont, St Andrews

GREAT EXPECTATIONS



Councillor Pat Watters CBE
President
COSLA



Rory Mair
Chief Executive
COSLA



Colin Mair
Chief Executive
Improvement Service

The 2012 COSLA and Improvement Service Annual Conference takes place in February just weeks before the 2012 Scottish Local Government Elections.

Entitled "Great Expectations" the 2012 event will explore a range of relevant issues and topics and look at how we can translate political aspirations into tangible improvements in the lives of people across different communities throughout Scotland.

Councils, and their local partners, face severe spending constraints over the next 4 years. Not only will income fall, but demand for Services will increase sharply as well. If Services and Outcomes are to be protected for communities across Scotland, innovation and change will be necessary if our "Great Expectations" for Scotland's many communities are to be continued to be met.

The COSLA and Improvement Service Annual Conference continues to be the keynote event not only in the Scottish Local Government Calendar but also in the Scottish political context.

As well as providing the opportunity to take stock on local government's achievements in the last electoral term the Conference also provides participants with the chance to look at some of the key issues that will allow us as a society to move closer towards the Scotland that we want to see into the future.

Some of the key issues that "Great Expectations will explore:

- Are the Policy Agendas of Local and National Government different or broadly similar?
- If our aspirations are broadly similar what implementation challenges do we face?
- How do we overcome any such implementation challenges if we are to facilitate real, meaningful local change?
- The demand for services has always been overshadowed by our ability to pay for them, but never has this dichotomy ever been more stark. Therefore, how do we collectively deliver the Great Expectations that the public expect and deserve from us with fewer resources?

In a bid to answer these questions and turn political aspirations into reality the 2012 event will blend both political and managerial perspectives with those of external stakeholders.

The Conference will also be a celebration of excellence within local government in the shape of the Annual Excellence Awards Ceremony which once again has been incorporated within the Annual Conference on the Thursday evening.

The 2012 event will, for the first time, take place over a shorter two day period on Thursday, 16 and Friday, 17 February and will once again be held at Fairmont St Andrews Hotel, Fife.



THE 2012 FEE INCLUDES :

As a member Authority, attending as a full residential conference delegate will cost **£395** plus VAT.

Included in the full residential conference delegate fee is one nights' accommodation on Thursday, 16 February.

The fee includes attendance at the COSLA Excellence Awards Dinner and Ceremony on Thursday, 16 February. It also includes attendance at the pre-dinner reception and Lunch and tea/coffee.

PLENARY SESSIONS

The conference will start at 10.00a.m. on Thursday, 16 February and concludes with an address from the First Minister on Friday, 17 February.

This is your chance to contribute to the debate on key issues in Scotland.

The conference is an invaluable opportunity to network in an informal situation.

ACCOMMODATION

This years' event will be held at the Fairmont St Andrews Hotel and it is anticipated that all conference delegates will be accommodated within the Hotel.

All accommodation must be booked through COSLA by Monday, 30 January 2012. We are unable to guarantee places for forms received after this date.

For further information regarding the Hotel or accommodation, please contact Linda Bruce on 0131 474 9228 or E.Mail Linda@cosla.gov.uk

HOTEL INFORMATION

Fairmont St Andrews, Scotland sits proudly amidst the rugged coastal landscape of East Scotland. It is 50 minutes from Edinburgh and 90 minutes from both Aberdeen and Glasgow. The resort offers an international standard of service and meticulous attention to detail in the comfort and convenience of a modern world class resort. Fairmont, St Andrews, Scotland is approximately 2 miles from St Andrews town centre and 20 minutes from Leuchars Railway Station. Information on Fairmont, St Andrews, Scotland can be obtained from their website www.fairmont.com

DELEGATE ATTENDANCE OPTIONS

The following flexible attendance options allow you to attend the conference on a basis which best suits your needs. These changes are in response to customer demand and reflect delegates' increasing workplace commitments. Please read the options and mark your choices on the booking form.

OPTION 1

Full residential conference delegate

Accommodation on 16 February and attendance at all Conference sessions, including tea/coffee and lunch on 16 and 17 February. Pre-Dinner Reception, Excellence Awards Ceremony and Dinner, on 16 February.

OPTION 2

Day delegate on Thursday, 16 February

Attendance at all sessions, tea/coffee and lunch on 16 February. Does NOT include accommodation or attendance at dinner.

OPTION 3

Day delegate on Friday, 17 February

Attendance at all sessions, tea/coffee and lunch on 17 February. Does NOT include accommodation or attendance at dinner.

OPTION 4

Accommodation on Wednesday, 15 February

Bed and breakfast at the Fairmont St Andrews on the night of 15 February

OPTION 5

Accommodation on Thursday, 16 February

Bed and breakfast at the Fairmont St Andrews on the night of 16 February

OPTION 6

Pre-Dinner Reception, Excellence Awards Ceremony and Dinner on Thursday, 16 February

Attendance at the Pre-Dinner Reception, Excellence Awards Ceremony and Dinner on 16 February

EXHIBITING

The exhibition is an integral part of the Conference, attracting a wide variety of organisations working in both the public and private sectors. Refreshments will be served in the exhibition areas to ensure that exhibitors have the chance to meet with delegates.

Further information is available from Jessica Maloumi on 0131 474 9224 or e.mail Jessica@cosla.gov.uk

ADVERTISING

The official conference handbook contains essential programme and speaker information and is distributed to all delegates attending the Conference. There is a limited amount of advertising space available in the handbook which will be A4 size and printed in full colour.

The following rates will apply :

Full page	-	£450 plus VAT
Half page	-	£280 plus VAT
Quarter page	-	£200 plus VAT

For technical specifications please contact Linda Bruce on 0131 474 9228 or e.mail Linda@cosla.gov.uk

SPONSORSHIP

Sponsoring one particular aspect of the conference brings its own list of benefits and related costs.

Organisations may also contribute to the cost of one of the options shown below with recognition in the Conference Handbook.

For estimated costs or to discuss your contribution, please contact Linda Bruce on 0131 474 9228 or e.mail Linda@cosla.gov.uk

OPTION
Excellence Awards Conference Dinner
Evening Pre-Dinner Reception
Lunch (es)
Refreshment Breaks
Complimentary Gifts
Delegate Writing Pads
Delegate Pens
Delegate Conference Bags

PROMOTIONAL LITERATURE AND/OR COMPLIMENTARY GIFTS

An opportunity exists for including promotional literature or small complimentary gifts in the delegate briefcase at a cost of £150 plus VAT per item. We would require you to supply approximately 300 copies or gifts.

Please contact Linda Bruce on 0131 474 9228 or e.mail Linda@cosla.gov.uk for further information.

DELEGATE BOOKING FORM

Please photocopy this form for each delegate attending and return it to Linda Bruce at COSLA, Verity House, 19 Haymarket Yards, Edinburgh, EH12 5BH.

T: 0131 474 9228 F: 0131 474 9378 E: Linda@cosla.gov.uk by **Monday, 30 January 2012.**

First Name _____	Designation _____
Surname _____	Organisation _____
Telephone _____	Address for Correspondence _____
Facsimile _____	_____
Email _____	_____

ATTENDANCE OPTIONS AND COSTS

Delegates are invited to 'pick and choose' the most appropriate options. For a description of all the options, please refer to the notes overleaf. We regret that **NO REFUNDS** can be made, although delegates may substitute, providing reasonable notice is given. It is also important to note that it is **NOT** possible for delegates to 'share' a conference place. Prices are shown excluding VAT

Full conference option

	<input type="checkbox"/> *Member	<input type="checkbox"/> Non-Member (please tick)
1 Full residential conference delegate (includes everything listed below EXCEPT accommodation on Wednesday, 15 February)	<input type="checkbox"/> £395	<input type="checkbox"/> £450
2 Day delegate on Thursday 16 February	<input type="checkbox"/> £180	<input type="checkbox"/> £230
3 Day delegate on Friday, 17 February	<input type="checkbox"/> £180	<input type="checkbox"/> £230
4 Accommodation on Wednesday, 15 February	<input type="checkbox"/> £145	<input type="checkbox"/> £145
5 Accommodation on Thursday, 16 February	<input type="checkbox"/> £145	<input type="checkbox"/> £145
6 Pre-Dinner Reception, Excellence Awards Ceremony & Dinner on Thursday 16 February	<input type="checkbox"/> £95	<input type="checkbox"/> £95

*Member

*Member – Denotes Elected Members and Officers from Scotland's 32 Authorities including Police and Fire Authorities

PAYMENT

Please choose one of the following payment schemes (A or B)

- A. I enclose a cheque for the amount shown above made payable to COSLA ☐

Amount payable

Please add VAT at 20%

£ _____

Total amount due to COSLA

£ _____

A VAT Invoice will be sent separately and a confirmation letter closer to the date of the conference.

- B. Please invoice my organisation ☐

Authorised signature

Please print name

SPECIAL REQUIREMENTS

	Delegate	Partner
Diet ?		
Audio ?		
Visual ?		
Access ?		

PARTNER BOOKING DETAILS

Partners of all delegates are welcome to attend the conference at an additional cost of £250 plus VAT.

First Name _____

Surname _____

Address for Correspondence _____

Telephone _____

For catering and administrative purposes, please provide details of your planned attendance at the event. All accommodation will be in either a twin or double room with your partner. Access to the leisure facilities at Fairmont St Andrews is also available to Partners.

PARTNER'S ATTENDANCE SCHEDULE

Accommodation on Thursday, 16 February
(double/twin occupancy)

Refreshments and lunch on Thursday, 16 February

Refreshments and lunch on Friday, 17 February

Pre-Dinner Reception, Excellence Awards Dinner and Ceremony on Thursday, 16 February

Amount payable £250.00

Please add VAT at 20% £50.00

Total amount due to COSLA - £300.00

I enclose a cheque for the amount shown above ☐

Further information is available from Linda Bruce on 0131 474 9228 or e.mail Linda@cosla.gov.uk