

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 10 JANUARY 2012.

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

Apologies – Councillor Isabel Hutton

1 ORDER OF BUSINESS, INCLUDING NOTICE OF URGENT BUSINESS

The Chair ruled that Agenda Item 7 (Procurement Arrangement – Uplift Treatment and Disposal of Residual Waste) was to be replaced, and the replacement paper was circulated.

The Chair ruled that Agenda Item 22 (Review of Public Art Strategy 2008-2011) would be considered immediately following approval of the Minute.

Additionally the Chair ruled that Agenda Item 19 (Objections to Disabled Persons' Parking Order Variation No.2) had been withdrawn and would be re-submitted to the next meeting of the Council Executive.

2 DECLARATIONS OF INTEREST

a) Agenda Item 21 (Museums Service Acquisition and Disposal Policy 2012-2017) – Councillor Miller declared a non-financial interest in that he was a Trustee of Almond Valley Heritage Trust.

b) Agenda Item 21 (Museums Service Acquisition and Disposal Policy 2012-2017) – Councillor Cochrane declared a non-financial interest in that he was a Trustee of Almond Valley Heritage Trust.

3 MINUTE

The Council Executive approved the Minute of its meeting held on 13 December 2011. The Minute was thereafter signed by the Chair.

4 REVIEW OF PUBLIC ART STRATEGY 2008 – 2011 AND NEW PRESERVING AND DECOMMISSIONING PUBLIC ART POLICY

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services providing an update on the Public Art Strategy 2008-2011 and seeking approval for a Preserving and Decommissioning Public Art Strategy Policy.

The report advised that 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) encouraged local planning authorities in preparing local plans, to consider public art supplementary guidance and to adopt policies that encouraged originality and innovation and would also protect against poor design.

The establishment of the West Lothian Public Art Fund, initiated by the Public Art Strategy in conjunction with the Supplementary Planning Guidance (2010), which was currently under review by planning services, outlined the requirements of contributions from developers towards public art provision. Contributions to Public Art to date totalled approximately £200,000.

The report further advised that the Public Art Strategy 2008-2011 established the Public Art Strategy Group as the core advisory and working group which directed the workings of public art developments in West Lothian. The report detailed projects that were successfully realised since 2009 and projects still in development. Appendix 1 to the report detailed the new Public Art Strategy Action Plan 2011-2012.

The report went on to explain that West Lothian Council had an extensive legacy of public artworks, many of which were commissioned and established by the former Livingston Development Corporation and that provision of care 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 were many newly commissioned artworks being progressed within the county.

A draft Preserving and Decommissioning Public Art Policy was developed to provide guidelines for preserving, repairing and decommissioning public artworks in order to meet the long time needs of the artworks and to ensure the safety and protection of the public who interacted with them. Appendix 2 to the report contained the Preserving and Decommissioning Public Art Policy and Appendix 3 to the report contained the Public Art Commissioning Process.

In conclusion the report advised that the updated Public Art Strategy Action Plan 2011-2012 would build on the success of the Public Art Strategy 2008-2011 and the Preserving and Decommissioning Public Art Policy would enable the council to make provision for all ongoing maintenance of new and existing public artworks in West Lothian.

It was recommended that the:-

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.

Decision

To approve the terms of the report.

5 CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – PUBLIC ENTERTAINMENT LICENCES

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising of the draft resolution regarding Public Entertainment Licensing in light of a change in legislation. Appendix 1 to the report contained a copy of the draft Public Entertainment Resolution.

The report advised that the Scottish Government had intended bringing the provisions of the Civic Government (Scotland) Act 1982, which required forms of entertainment that were provided free of charge to be licensed as from 1 April 2012. In view of the change in legislation Legal Services sought to review the council's public entertainment resolution which listed the type of activities which were required to be licensed by the council.

The report went on to advise that legislation provided that premises where public entertainment took place would require to be licensed and that premises also included land. However, the resolution would require to provide a list of activities which required to be licensed rather than types of premises to be licensed.

In order to change the council's resolution a draft resolution must be advertised and 28 days allowed for representations to be made. The council must consider the representations made before passing the final form of resolution. Licensing can not be made mandatory for new activities covered by the resolution until at least nine months after the making of the resolution.

A consultation document was sent to the council's advisors in relation to public entertainment licensing and relevant stakeholders for comment. The responses received were considered by Legal Services and incorporated into a revised resolution as set out in Appendix 1.

In conclusion the report advised that the revised resolution would provide the council with an updated policy which would provide the appropriate provisions for the licensing of premises as places of public entertainment.

It was recommended that the Council Executive approve the revised resolution appended to the report.

Decision

To approve the terms of the report.

6 UPDATE ON TAX INCREMENT FINANCING

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates and Head of Planning and Economic Development providing details of the outcome of the assessment by Scottish Government of bids for additional pilot Tax Increment Financing (TIF) schemes.

The report advised that in February 2011, Council Executive agreed that Council would submit a proposal to the Scottish Government that the Armadale CDA be selected as a pilot TIF scheme.

The Armadale CDA was one of 16 proposals submitted to the Scottish Government as potential TIF Schemes. On 1 November 2011, the Scottish Government announced that four additional TIF schemes had been selected to proceed to the development of a full business case and unfortunately the Armadale CDA was not one of the schemes selected.

The report went on to explain that a copy of a letter received from the Cabinet Secretary advised that the Scottish Government may bring forward primary legislation before the end of the Parliamentary Session to roll out TIF more widely across Scotland.

The Council Executive was also advised that officers from Planning Services and Estates had 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.

In conclusion the report advised that the council would continue to explore potential for the use of TIF in West Lothian as there was potential for TIF to be rolled out more widely across Scotland.

It was recommended that the Council Executive:-

1. Note that the Armadale CDA was not selected by the Scottish Government as a pilot TIF scheme;
2. Note that the Scottish Government may bring forward primary legislation before the end of the Parliamentary Session to roll out TIF more widely across Scotland;
3. Note that the Scottish Government had indicated that there may be further opportunities to progress those bides not announced as successful before primary legislation was introduced; and
4. Note that the Chief Executive had written to the Cabinet Secretary

for Infrastructure and Capital Investment, to confirm that West Lothian Council remained 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.

Decision

To approve the terms of the report.

7 PROCUREMENT ARRANGEMENT – UPLIFT TREATMENT AND DISPOSAL OF RESIDUAL WASTE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking 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. The anticipated start date of the contract was 1 August 2012.

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

The report advised that it was intended 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/disposal sites by the council.

The output specification formed part of the contract which would assist the authority 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.

An Open Procedure was proposed, establishing a contract divided into two Lots with potential contractors able to submit bids for one or both lots. It was therefore recommended that the price be set no higher than 60% to allow for adequate weighting to be given to Quality of Service which had a direct impact on reducing land fill costs.

The report went on to advise that a budget of £5.1m existed covering the uplift and disposal of residual waste to landfill. The budget included an allowance for landfill tax which was payable at the rate of £56 per tonne in 2011/2012, escalating at a rate of £8 per tonne per year.

It was recommended that the Council Executive approve the application of the evaluation methodology for the tendering of the Uplift Treatment and Disposal of Residual Waste PS1408.

Decision

To approve the terms of the report.

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

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval to use Scottish Borders Council procurement framework for the supply of Fresh Fruit, Vegetables & Bakery Products.

The report advised that the council currently had its own contract for supply of fresh fruit, vegetables and bakery products and this contract was due to expire on 22 February 2012.

The Head of Finance and Estates explained that the tender for the framework was issued and evaluated by Scottish Borders Council on behalf of a number of local authorities which included West Lothian. The pricing within the framework was fixed for a three month period following agreement between the suppliers and the participating authorities in January, April, July and October each year. Further evaluation would take place at regular intervals to determine which supplier offered best value to the council.

The report further advised that the cost of providing fruit, vegetables and bakery products in 2010/11 using the previous supplier was £397,614 and the total catering budget excluding school milk, for financial year 2011/12 was £2,750,371.

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

Decision

To approve the terms of the report.

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

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval to commence tendering procedures for the procurement of four Waste Roller/Packer Machines and associated servicing.

The report recommended that the Council Executive approve the

application of the weighted evaluation criteria as the award methodology for the tender to supply four Waste Roller/Packer machines and associated servicing.

The report advised that in line with operational requirements, Operational Services had 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 currently leased by Operational Services were approaching the end of their useful service period and required to be replaced.

These machines would be sourced as a one off purchase using the OJEU tender process, while the associated servicing of the machines would be tendered for a period of three years. The estimated value of the contract was £300,000.

The report further advised that the machines would be leased over eight years at approximately £37,000 per annum and the servicing of the roller packers was expected to be £30,000 per year for three years and that the cost would be met from existing Operational Services revenue budgets.

It was recommended that the Council Executive approve the application of the weighted evaluation criteria as the award methodology for the tender to supply four Waste Roller/Packer machines and associated servicing.

Decision

To approve the terms of the report.

10 PROCUREMENT ARRANGEMENTS – GROUND INVESTIGATION SURVEY

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval to commence tendering procedures for the procurement of a Ground Investigation Survey for the proposed site of the Service Centre at Caputhall Road, Deans, Livingston.

The report advised that a requirement for a Ground Investigation Survey had arisen as part of the New Service Centre project to investigate the Caputhall Road site for risks associated with shallow mine workings and would seek to identify the presence of any chemical contamination within the soil or groundwater.

It was anticipated that the tender would be advertised and issued by 27 January 2012 with a tender return date of 13 March 2012 and that the estimated value of the contract would be £170,000.

The report recommended that the Council Executive approve the application of the weighted evaluation criteria 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.

Decision

To approve the terms of the report.

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

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for the grant of an eight year lease to Coral Racing Limited.

The Head of Finance explained that the property was currently leased to Martin's Newsagents, who had served notice to terminate their lease on the contractual lease date of 29 April 2012. Terms had provisionally been agreed with Martin's Newsagents to accept an earlier surrender, conditional on a new lease being granted to Coral Racing Limited.

The agreement of a lease to Coral Racing Limited would avoid the risk of potential void property costs in May 2012 while the proposed lease length ensured that the market rent was covered until expiry of the council's lease on 29 February 2020.

In conclusion the report advised that it was 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 in the report.

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

Decision

To approve the terms of the report.

12 0.10 HECTARES AT FERGUSON WAY, KNIGHTSRIDGE, LIVINGSTON – PROPOSED GRANT OF GROUND LEASE TO KNIGHTSRIDGE NEIGHBOURHOOD NETWORK

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for the grant of a 25 year ground lease to Knightsridge Neighbourhood Network.

The Head of Finance advised that the Knightsridge Neighbourhood Network managed a number of projects within Knightsridge. It was proposed that the subject property would be used as a site to locate a single story prefabricated building which would be used as a changing facility.

In conclusion the report advised that it was considered to be in the council's interest to grant the ground lease to Knightsridge Neighbourhood Network in accordance with the terms and conditions set

out in the report.

It was recommended that the Council Executive approve a 25 year lease in respect of 0.10 hectares at Ferguson Way, Knightsridge, Livingston to Knightsridge Neighbourhood Network. The report detailed the main terms of the ground lease.

Decision

To approve the terms of the report.

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

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to amend the council's Scheme of Delegation to Officers to allow better administration of Company Secretarial matters of incorporated companies that the council had an interest in.

The report advised that Legal Services had considered ways in which to improve the administration of incorporated companies either through the involvement of officers or through 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. The four companies identified were as follows:

- West Lothian Enterprise Limited
- WL Ventures Group Limited
- Business Gateway West Lothian Limited
- Visit West Lothian

It was also advised that it would be beneficial for the future administration, for one person to be appointed as Company Secretary for all four companies. That person would carry out the functions of a company secretary with the support and advice of legal services.

In conclusion the report advised that in order to provide an efficient and statutorily compliant secretarial service changes as detailed were required to be made. This would result in greater certainty in the decision-making of the companies and would ensure the companies, and their officers were not exposed to any problems caused by lack of compliance with companies' legislation.

It was recommended that the Council Executive:-

1. 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. 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.

Decision

To approve the terms of the report.

14 CONSULTATION RESPONSE: ENERGY PERFORMANCE OF BUILDINGS

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development providing the draft response to the Scottish Government's consultation on the Energy Performance of Buildings Directive recast, and Section 63: Energy Performance of existing non-domestic buildings; Climate Change (Scotland) Act 2009. Appendices to the report contained the following information:-

- Energy Performance Certificate description
- Section 63 Regulations Flow Chart
- Consultation Response Section 63
- Consultation Response Directive 2010/31/EU

The report advised that the Scottish Government had 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, relevant to proposals concerning EPCs within the consultation on Section 63; Energy Performance of existing non-domestic buildings: Climate Change (Scotland) Act 2009.

The report went on to advise that officers agreed 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 would need to be of a standard that robust business cases for energy efficiency improvements could be made.

The additional buildings that would require EPCs under the proposals had resource and financial implications for the council and therefore would

require the Scottish Government to provide clear guidance on timescales for implementation and clarity on the implications of the Green Deal for local authorities.

The report recommended that the Council Executive note the content of the report and approve the response for submission to the Scottish Government.

Decision

To approve the terms of the report.

15 REVIEW OF DEVELOPER CONTRIBUTIONS

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development advising of the outcome of the consultation on proposed changes to developer contribution requirements which were aimed at encouraging new development and promoting economic development.

The report advised that on 13 January 2009 West Lothian Council adopted the Local Plan. The plan proposed major growth and as a consequence substantial developer contributions were 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 had declined significantly and development activity had been adversely affected.

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 two year period was now up and had been proposed to continue the suspension of this contribution requirement until 24 November 2012, given that the development industry had not recovered since the decision was initially taken to suspend these contributions.

The proposed suspension of this contribution attracted some comments and these were summarised in appendix 1 to the report, together with responses, and it was therefore proposed to make one change as a result of concerns raised. To ensure consistency with changes proposed to public art contributions it was now proposed to suspend the contribution requirement for a travel plan co-ordinator to 9 January 2014.

In conclusion the report recommended that the requirement for a travel plan co-ordinator be suspended until 9 January 2014 and that the level of public art contributions were reduced until 9 January 2014. It was also proposed that the council be prepared to waive or reduce public art contributions where it was satisfied that there was a need to ensure that a proposed development was financially viable.

It was recommended that the Council Executive:-

1. Note the outcome of the consultation;

2. Agree to suspend the requirement for travel plan co-ordinator contributions until 9 January 2014;
3. Agree 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 could demonstrate that the contribution would result in the proposed development not being financially viable; and
4. Note that Planning Services would 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 were considered by the Council Executive.

Decision

To approve the terms of the report.

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

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising that new recycling branding had been developed by Zero Waste Scotland.

The report advised that Zero Waste Scotland had 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.

The “Recycle” brand was already being used in England and Wales and had high recognition with the public as it was used on a large number of branded everyday products. The brand had been designed to help refresh recycling communications, without the need to completely change the existing approach of local authorities.

Zero Waste concluded research, which showed that this brand was already recognised by 45% of people in Scotland. Zero Waste Scotland was keen to introduce the campaign in conjunction with local authorities to enhance their goals of making recycling easier and reduce the amount of waste that was sent to landfill in Scotland.

Zero Waste was offering local authorities grant funding to commence the conversion process if the brand was acceptable. It was recognised that this funding would only allow for the start of the conversion process and West Lothian should convert across to the brand as and when the opportunity arose for future publicity.

The report went on to advise that West Lothian had been offered £22,000 of funding, but there were set timescales for this to be spent. The money would be provided as an up front lump sum. The purpose of the revenue

grant was to provide local authorities in Scotland with funding support for communications resources that would aid the brand recognition of “Recycle For Scotland”.

The report recommended that the Council Executive agree to adopt the new branding on future recycling literature.

The Chair moved that the “Waste Aware West Lothian” logo that was currently used by West Lothian Council be changed to “Recycle for West Lothian” as opposed to “Recycle for Scotland” as recommended in the report.

Decision

To unanimously agree to the Chair’s motion and adopt the “Recycle for West Lothian” branding.

17 PROPOSED WAITING RESTRICTIONS, TERRACE CAR PARK, ALMONDVALE, 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 introduce waiting restrictions in the Terrace Car Park, Almondvale, Livingston.

The report advised that over the last year or so concerns had been raised about indiscriminate parking within the Terrace Car Park. At some locations parking near to junctions, on corners and adjacent to pedestrian access links inhibited access for both drivers and pedestrians.

It was proposed that “No waiting at any time” restrictions around corners, junctions and pedestrian access points were imposed to ensure access and road safety for pedestrians and drivers.

Lothian and Borders Police and local ward members had been consulted.

It was recommended that the Council Executive approve the initiation of the statutory procedures to promote a traffic order to introduce “No waiting at any time” restrictions in parts of the Terrace Car Park, Almondvale, Livingston.

Decision

To approve the terms of the report.

18 PROPOSED INTRODUCTION OF PERMITTED FOOTWAY PARKING, DRUMSHORELAND ROAD, PUMPHERSON

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to initiate the statutory procedures to introduce permitted footway parking on parts of Drumshoreland Road, Pumpherston.

The report advised that planning permission 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 30mph to 20mph in the proposed traffic calmed area on Drumshoreland Road.

During consultation for the proposed traffic calming measures the subject of vehicles indiscriminately parking on the footway was identified. To improve safety for pedestrians along Drumshoreland Road it was proposed that permitted parking was formalised on the footways. Seven permitted parking areas were proposed, five on the north footway and two on the south with dropped kerb accesses constructed along the whole length of each of these areas.

In conclusion the report advised that permitted footway parking bays on Drumshoreland Road would formalise the areas where vehicles could be parked, leaving clear space for pedestrians to walk.

It was recommended that the Council Executive approve the initiation of the statutory procedures to promote a traffic order to introduce permitted footway parking bays on parts of Drumshoreland Road, Pumpherston.

Decision

To approve the terms of the report.

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

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to initiate the statutory procedures to reduce the existing 40mph speed limit to 30mph on Balmuir Road, Bathgate. The proposed amendments would 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.

On 6 January 2010 planning permission was granted for the erection of 11 houses on the site of the former Woodthorpe Garden Centre, Balmuir Road Bathgate. Appendix 1 to the report identified the speed limit proposal and the adjacent development area. The extension of the 30mph speed limit reflected the ongoing development on this approach to Bathgate and related to the urban boundary identified in the finalised West Lothian Local Plan.

Lothian and Borders Police and local ward members were consulted and it was noted that officers were asked to 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.

The Chair advised that the report before them was in relation to making a decision on the initiation of the statutory procedures to promote a traffic order only and therefore suggested that a report on the subject of the footpaths be submitted to the Local Area Committee for consideration. The officer undertook to provide this report.

In conclusion the report advised that the reduction of the speed limit of 40mph to 30mph would further reduce speeds at the start of the extended urban envelope of Bathgate and would ensure that the speed limit was appropriate for the mix of pedestrian and vehicle uses in the area.

It was recommended that the Council Executive approve the initiation of the statutory procedures to promote a traffic order to reduce the existing speed limit from 40mph to 30mph on Balmuir Road, Bathgate.

Decision

To approve the terms of the report.

20 MUSEUMS SERVICE ACQUISITION AND DISPOSAL POLICY 2012-2017

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services presenting the Museums Service Acquisition and Disposal Policy 2012-2017 for adoption and which was contained in Appendix 1 to the report.

The report advised that it was a core requirement of the National Accreditation Scheme for Museums as revised in October 2011 that the museum had an approved acquisition and disposal policy. The policy must include themes and priorities for collecting information about the legal and ethical framework for acquisition and disposal of items. West Lothian Council adopted such a policy in 1994 which was then revised in 1999 and 2006. Appendix 3 to the report contained details of the Accreditation Scheme for Museums and Galleries.

In conclusion it was advised that the acquisition and disposal policy involved only slight changes in content and emphasis from the 2006-11 policy, however adoption of the policy would 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.

It was recommended that the Council Executive:-

1. Note the National Museum Accreditation Scheme which obliged West Lothian Council Museums Service to have an Acquisition and Disposal Policy (ADP) which conformed to Accreditation Standards in form and content and was adopted by West Lothian Council;
2. Note that the revisions to the Museums Service Acquisition and Disposal Policy necessitated by changes in the Accreditation

Standard model ADP was revised in 2010; and

3. Adopt the Museums Service Acquisition and Disposal Policy 2012-17.

Decision

To approve the terms of the report.

21 VOLUNTARY ORGANISATIONS BEST VALUE REVIEW - OUTCOMES FROM THE 2011 CYCLE

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services seeking approval of the recommendations for the outcomes from the 2011 cycle for the Best Value Review (BVR) of services provided by the voluntary and not-for-profit sector.

The report advised that the principles of the Best Value Review process were determined following consultation with the voluntary sector, which included the following principles:

- The completion by organisations of a folder of evidence that provided details 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;
- 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; and
- The following scoring criteria:

80 and above recommended for 3-year funding agreement

50 to 70 recommended for 1 year funding with action plan

Under 50 recommended for 6 months funding with action plan.

The Local Government (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. The key aim of the Council was to ensure a focus on continuous improvement in the authority and across its partner relationships and to deliver Best Value services for West Lothian.

It was noted that a review of best value was carried out to ascertain whether the present BVR system was still appropriate. The review examined other options such as external quality marks, self-assessment or a combination of these options with the present BVR system. This included consultation with the sector, which was on-going at the time of the meeting. A further report with firm proposals would be submitted to a meeting of the PDSP in early 2012. It was proposed that a moratorium be introduced regarding new BVR submissions during 2012, however, this was not applied to organisations that did not achieve a 3-year funding outcome in the 2011 cycle. These organisations were required to develop an action plan to inform the development of their portfolio for a 2012 resubmission. The following four organisations were required to resubmit portfolios for 2011:

- Blackburn Family Centre;
- Breich Valley Information Service;
- Daisy Drop In; and
- The Regal Community Theatre.

Social Policy subsequently confirmed that Blackburn Family Centre be removed from the 2011 cycle due to operational reasons. It was recommended that Blackburn Family Centre be given a minimum extension of 6 months for submission of a BVR portfolio and as a consequence of non-submission it was put on 6-month funding with effect from April 2011, although 12-month funding had 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.

It was recommended that the Council Executive approve:-

1. The Regal Community Theatre – Score 81 and recommended for a 3- year funding agreement;
2. 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;
3. The Knightsridge Adventure Project – Score 70 and recommended for a 1-year funding with an action plan for improvement to be developed by the organisation and agreed with the Link Officer;
4. Breich Valley Information Service – Score 28 and recommended for 6 months (12 months funding in the 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 would be invited to a meeting early in 2012 to determine current challenges affecting performance and what support would be provided;

5. Introduction of a moratorium regarding new BVR submissions for 2012; and
6. No moratorium applied to organisations that had not achieved a 3 year funding outcome in the 2011 cycle and that these organisations were required to develop an action plan to inform the development of their portfolio for 2012 resubmission.

Decision

To approve the terms of the report.

22 VOLUNTARY SECTOR: HEALTH CHECK PROPOSAL

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services seeking approval for the replacement of the current annual monitoring system to a new "Health Check" approach.

The report advised that at the PDSP meeting held in September 2011 it was reported that the current annual monitoring system being used by the council did not adequately highlight potential areas of risk, nor did it effectively monitor performance or identify good practice. It was agreed that a more robust 'Health Check' approach should replace the monitoring system and a formal consultation process would be carried out with West Lothian voluntary sector through the West Lothian Compact Working Group. It was also noted that any new monitoring approach would have to be subject to Internal Audit being satisfied that the proposed approach was robust enough to meet the legislative requirements of Following the Public Pound and Best Value.

A consultation process was carried out and the final draft of the 'Health Check' proposal was attached as appendix 1 to the report. Internal Audit suggested some minor amendments to the detail of the framework which were incorporated into the final draft, however, they were satisfied with the proposed approach.

Officers also engaged in formal consultation with the West Lothian voluntary sector on the 'Health Check' approach, details of which were contained in appendix 2 to the report. This highlighted that the council had already started the consultation process through the sector's representatives on the West Lothian Compact working Group and with organisations themselves at the 23rd September 2011 meeting of the Voluntary Sector Forum. In addition, the VSGWL had also distributed the September PDSP report on the topic of the Health Check to those attending the September Voluntary Sector Forum meetings.

The report advised that at a meeting of the Compact Working Group held on 14th September 2011, the VSGWL had agreed to circulate the council's

consultation – Health Check Approach (appendix 2) using its e-Bulletin and web site. On 14th October 2011 the council contacted the VSGWL to ask for any responses to the consultation, however, no reply was received from them. On 17th November, 2011 the council was advised by voluntary sector representatives at the Compact Working Group meeting that the consultation had not been issued, but were unable to explain why. Since then, one voluntary sector Compact Working Group representative had offered constructive comment on the Health Check proposal.

It was 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 was delayed into the start of 2012 until approval was sought from Council Executive.

In conclusion the Council Executive expressed its thanks to the officers involved in the work that was carried out to replace the current annual monitoring system with the new “Health Check” approach.

It was recommended that that the Council Executive approve the Health Check approach.

Decision

To approve the terms of the report.

23 DEVELOPING A CUSTOMER SERVICES STRATEGY

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services advising of the development of a Customer Services Strategy for the Council.

The report explained that the Customer Services Strategy was an integral part of a suite of strategies that would ensure that the Council had customer service at the heart of service development. This was within the context of reducing resources and a need to move customers to more effective and efficient service delivery channels.

The Customer Service Strategy (a copy of which was attached as Appendix 1 to the report) had been developed around four themes:

1. Customer Involvement
2. Excellent Customer Service
3. Improving Access
4. Transforming Services

The Council Executive was informed that the strategy had been informed by both staff and customers. Customer focus groups had been held with members of the Citizens Panel, tenants network and parent councils to develop the key issues that needed to be addressed. A report on this engagement was attached as Appendix 2.

In conclusion the report advised that the Strategy would support the delivery of outcomes for West Lothian citizens.

It was recommended that Council Executive:-

- Agree the Customer Service Strategy for West Lothian Council; and
- Note that the Modernisation Programme Board would oversee the implementation.

In conclusion the Council Executive expressed its thanks to the officers involved in the work that was carried out to develop a Customer Service Strategy.

Decision

To approve the terms of the report.

24 CONTROLLING ILLEGAL ADVERTISING ON THE PUBLIC ROAD

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services highlighting the issues associated with the control of advertising on the public road network and to seeking approval for the enforcement strategy proposed.

The report advised that illegal advertising had significantly increased and the economic downturn was considered a significant reason for this increase. Advertising was regulated by both planning and roads related legislation and by the council in respect of its own land and property. Control of advertising had been generally more effective since 2006.

The report went on to explain that despite success in controlling the problem the increase in illegal advertising remained difficult to resource. Fly posting and vehicle based advertising presented the greatest concern although the issue of "A" Boards on footways in town centres was becoming a problem and required to be more tightly controlled.

Work had begun to improve co-ordination between those services involved in the control of illegal advertising. Feedback from proprietors of locally based small businesses had identified a need for more cost effective advertising opportunities. It was noted in the report that there was a possibility that the council could facilitate this which would then benefit of local businesses as well as potentially generating additional income for the council.

It was recommended that the Council Executive 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 the report.

Decision

To approve the terms of the report.

25 FAULDHOUSE COMMUNITY COUNCIL

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to decrease the prescribed number of members on Fauldhouse Community Council from 12 members to 8 due to a reduction in the number of elected and co-opted community councillors.

The report advised that in the Community Council Scheme the prescribed number of community councillors on Fauldhouse Community Council was 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 5000 would be 12.

Community councils had to have at least 50% of their prescribed number of members at all times and for Fauldhouse council the number of members was 12 which then required a minimum of 6 members to keep it operational. Unfortunately, as the number of members had fallen below that level an interim election was advertised locally and the deadline for nominations was set at 1st December 2011. Only 2 nominations were received taking the total number of members to 5.

To ensure that the community council could continue to operate it was recommended that the Council Executive approve a decrease in the prescribed number of members from 12 to 8. The community council had formally requested that their numbers were reduced to allow it to continue to operate.

It was recommended that the Council Executive agree to decrease the number of prescribed members on Fauldhouse Community Council from 12 to 8 members.

Decision

To approve the terms of the report.

26 COSLA ANNUAL CONFERENCE & EXHIBITION 2012 (HEREWITH).

The Council Executive considered attendance at the undernoted conference and approved attendance as shown:-

Cosla Annual Conference & Councillor Peter Johnston
Exhibition 2012

Councillor Frank Anderson

Councillor Martyn Day

