

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 20 MARCH 2012.

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

1. DECLARATIONS OF INTEREST

- (a) Agenda Item 22 (Funding Request – Children’s Heart Scan Machine, St John’s Hospital) – Councillor Johnston declared a non-financial interest as a Non-Executive Director of NHS Lothian for which a specific exclusion applied and as a Non-Executive Director of Healthcare Improvement Scotland for which a specific exclusion applied;
- (b) Agenda Item 22 (Funding Request – Children’s Heart Scan Machine, St John’s Hospital) – Councillor Cochrane declared a non-financial interest as a Non-Executive Stakeholder of NHS Lothian for which a specific exclusion applied;
- (c) Agenda Item 10 (Public Entertainment Licences) – Councillor McGinty declared a non-financial interest in that his wife was Treasurer of the Bathgate Highland Games but he would participate in the item of business; and
- (d) Agenda Item 23 & 24 (Children’s Hearing System Consultation Responses) – Councillor Miller declared a non-financial interest in that he was a board members of SCRA but he would participate in the items of business.

2. MINUTE

The Council Executive confirmed the Minute of its meeting held on 21st February 2012 as a correct record but subject to the following amendment :-

Councillor Muldoon declared a non-financial interest in Agenda Item 19 (Transport Scotland “Rail 2014” Consultation) in that she was employed by East Coast Trains.

3. REVIEW OF UK PARLIAMENTARY CONSTITUENCIES

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive advising of the secondary consultation on the Boundary Commission’s initial proposals for UK Parliamentary constituencies.

The Chief Executive explained that the Boundary Commission for

Scotland was conducting its sixth review of the UK Parliament Constituencies in Scotland and that the review had now entered its secondary consultation stage. Any interested party could submit remarks on the comments and representations received during the initial consultation period.

The report went on to detail the initial consultation stage and the main differences and proposals to the boundary between the two constituencies of Livingston and Falkirk East. The report then provided a summary of the representations that had been received covering the West Lothian area further details of which were contained in Appendix 1 to the report.

Following the secondary consultation stage on the initial proposals, the Boundary Commission for Scotland would publish revised proposals followed by another consultation period of the revised proposals in late 2012, with final recommendations being published before 1 October 2013.

It was recommended that the Council Executive consider the comments and representations on the initial proposals for constituencies in West Lothian and agree a response to the secondary consultation.

Decision

To agree to make no representation in relation to the consultation.

4. REFERENDUM CONSULTATIONS - YOUR SCOTLAND, YOUR REFERENDUM AND SCOTLAND'S CONSTITUTIONAL FUTURE

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive advising of two consultations that had been received; a consultation on the Scottish Government's proposals for a referendum on independence and "Scotland's Constitutional Future" which was a consultation by the UK Government on proposals for a referendum on independence.

The Chief Executive advised that the Scottish Government had launched a consultation entitled "Your Scotland Your Referendum" and which was designed to consult with the public on the Scottish Government's proposals for a referendum on independence. The consultation sought a response to nine questions as summarised in the report. The consultation document was considered at a meeting of the Partnership and Resources Policy Development Scrutiny Panel on 2 March 2012 and the panel agreed to an approach which would allow for a diversity of views held by elected members to be represented. Therefore Leaders of the political groups and those elected members not belonging to a political group were invited to submit their views on the nine specific questions. Details of the responses received were attached to the report at Appendix A.

At its meeting on 6 March 2012, West Lothian Council passed a motion which detailed the response to be submitted to the Scottish Government. This was attached to the report at Appendix B.

The Chief Executive continued to advise that the UK Government had launched a consultation document entitled "Scotland's Constitutional Future" and was designed to consult with the public on proposals for a referendum on independence. The consultation response sought a response to nine questions as summarised in the report. The consultation document was considered at a meeting of the Partnership and Resources Policy Development Scrutiny Panel on 2 March 2012 and the panel agreed to an approach which would allow for a diversity of views held by elected members to be represented. Therefore Committee Services contacted Leaders of the political groups and those elected members not belonging to a political group advising of the timescale for responses and suggesting that as it was not possible for the Council Executive to consider the response within the timescale, political groups should make submissions direct.

Therefore it was recommended that the Council Executive :-

1. Notes the response for submission to the Scottish Government that was approved by the meeting of West Lothian Council held on 6 March 2012; and
2. Agrees that responses to the UK Government's consultation should be sent in directly by Political Groups and by those elected members not belonging to a political group.

Motion

"The Council Executive -

1. Notes the response agreed by the Council at its meeting on 6 March 2012 as its response to the Scottish Government's consultation "Your Scotland Your Referendum"
2. Notes the views, as detailed in the Appendix, expressed at the meeting of the Partnership and Resources Policy Development and Scrutiny Panel on 2 March 2012 in response to that Panel's consultation exercise on this matter, and agrees to send them to the Scottish Government for information.
3. Agrees that responses to the UK Government's consultation "Scotland's Constitutional Future" should be sent in directly by political groups, and by those elected members not belonging to a political group."

- Moved by the Chair and seconded by Councillor Day

Amendment

To approve the terms of the report

- Moved by Councillor McGinty and seconded by Councillor Muldoon.

Decision

Following a vote the motion was successful by 9 votes to 3 and it was agreed accordingly.

5. TIMETABLE OF MEETINGS 2012/2013

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive seeking approval for a timetable of meetings to July 2013, as attached to the report at Appendix 1.

The report advised that the pattern of meetings followed the same cycle as before and that account had been taken as far as practicable of public and schools holidays. Additionally in consultation with HR Services (Learning and Development) a number of training days had been identified and included in the timetable. These would be in addition to the induction and training opportunities for members following the election on 3 May 2012.

The Council Executive were also advised that the report contained a minor error in that two additional meeting dates for the Whitburn and Blackburn Local Area Committee, these being 20th August 2012 and 20th May 2013, had been included but these were to be deleted from the timetable.

It was recommended that the Council Executive :-

1. Notes and approves the arrangements shown in Appendix 1 of meetings of the council, its committees and working groups from August 2012 until July 2013;
2. Notes that the dates for meetings of the Policy and Development Scrutiny Panels may be subject to change after consideration by Chairs and Lead Officers and that any changes shall be incorporated into the calendar;
3. Authorises the Chief Executive to adjust the arrangements in Appendix 1 in the event of any changes being advised by Lead Officers for Local Area Committee before 30 June 2012; and
4. Notes and approves the dates proposed for Members' Training Days.

Decision

1. To approve the terms of the report; and
2. Agreed to delete the two additional meetings of the Whitburn and Blackburn Local Area Committee proposed for 20th August 2012 and 20th May 2013 and which were accidentally included in the timetable of meetings.

6. SCHEME OF ELECTED MEMBERS REMUNERATION, ALLOWANCES

AND REIMBURSEMENT OF EXPENSES

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval for the adoption of a Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses for 2012/2013.

The Head of Corporate Services advised that the Council's Code of Corporate Governance required the Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses to be reviewed annually. The Scheme was based on the Local Governance (Scotland) Act 2004 (Remuneration) Regulation 2007 and Amendment Regulations 2008 and the Local Government (Allowances and Expenses) (Scotland) Regulations 2007 and Amendment Regulations 2010 and 2011.

In 2010 the Cabinet Secretary for Finance and Sustainable Growth set the Scottish Local Authorities Remuneration Committee (SLARC) a remit to review the remuneration levels paid to all councillors and to consider whether present levels of remuneration, including those paid to senior members of Joint Board and Community Justice Authorities were appropriate.

The review findings were presented to the Cabinet Secretary for Finance and Sustainable Growth in March 2011 and included 31 recommendations for change. In December 2011 the Cabinet Secretary for Finance and Sustainable Growth advised that on the basis of affordability he had decided not to implement any further recommendations of the 2010 Review, but would look at it again with regard to 2013/2014 and what was affordable and sustainable. Therefore councillors pay would remain frozen in 2012/2013 in line with other areas of the public sector.

The Council Executive was asked to adopt the revised Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses for 2012/2013.

Decision

To approve the terms of the report.

7. ACTION ON PAY

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services providing an update on the action to alter the existing Band A of the council's pay structure, in consultation with trade unions and to seek approval for the proposals to introduce a pay supplement for those employees presently on Band A in the council's pay and grading structure.

The Head of Corporate Services advised that at a meeting of West Lothian Council on 11 January 2012 the council resolved to alter the

existing Band A of the council's pay structure in consultation with the trade unions to deliver a consolidated salary increase to 748 lower paid staff at a cost of £191,000 in 2012/2013.

Following the decision of the council, officers held a series of discussions with the relevant trade union representatives to explore the most appropriate mechanism for implementing the increase in low pay. Of paramount importance to the council was the ability to deliver the proposal which would meet the objective of action on low pay, whilst at the same time preserving the council's equal pay structure and protecting it as far as possible from challenge.

The report then went on to provide information relating to the effect the proposal would have on the incremental steps contained within Band A and that following agreement with the trade unions each of the relevant employees covered by the proposed pay supplement would receive a letter advising of the changes to their hourly rate effective from 1 April 2012.

In conclusion the proposal met the objective of providing all existing Band A employees with an increase in their pay and would have a positive effect on the council's gender pay gap.

It was recommended that the Council Executive agree to the proposal to implement changes to the pay, with effect from 1 April 2012, which would result in the payment of a supplement to all employees on Band A to bring their hourly rate of pay to £6.85.

Motion

- 1) To approve the terms of the report and agree to implement a pay supplement to those employees on Band A pay structure with effect from 1st April 2012; and
- 2) The Council Executive notes :-
 - a) The 2012/13 Revenue Budget, approved by West Lothian Council on 11 January 2012, included a commitment to deliver action on pay for the council's lowest paid employees.
 - b) That progress achieved by officers and the relevant trade unions in negotiating a proposal would deliver action on low pay for 748 council employees from 1 April 2012

The Council Executive agrees to take further action on low pay and instructs officers to enter into further negotiations with the relevant trade unions to explore the introduction of the Living Wage, currently £7.20 per hour, from April 2013/14.

The Council Executive further notes that In progressing the introduction of the Living Wage there will be a requirement for officers and the relevant trade unions to provide for a consolidated payment, which preserves the council's equal pay structure and mitigates the council's exposure to any Equal Pay claims.

The Council Executive instructs officers to report back to a future meeting of the Council Executive with progress on these matters.

- Moved by the Chair and seconded by Councillor Day

The Chair then ruled that an amendment moved by Councillor McGinty was incompetent in terms of Standing Order 28 in that it was attempting to change a decision by council within six months.

Decision

To approve the terms of the Motion.

8. PUBLIC ENTERTAINMENT LICENSES

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services inviting consideration of the representations received following the advertising of the council's proposed resolution regarding public entertainment licensing.

The Head of Corporate Services advised that a change in the law was being introduced by the Scottish Government from 1 April 2012 and that from this date the definition of public entertainment would be amended to delete the words "on payment of money or money's worth". This would mean that free public events may require to be licensed if they fell within the definition of public entertainment and were contained within the council's resolution.

The revised definition of "place of public entertainment" meant that any place where members of the public were admitted or may use the facilities for the purposes of entertainment or recreation, subject to a number of exceptions.

In view of the legislative change the council wished to take the opportunity to review the public entertainment resolution which listed the type of activities which required to be licensed within West Lothian. Therefore following Council Executive approval on 10 January 2012 a draft Public Entertainment Resolution was advertised and representations were invited; a list of representations received plus officer's responses were detailed in Appendix 4 attached to the report.

In terms of Section 9 of the 1982 Act, the council prior to approving the resolution may make modifications to the proposed resolution in light of the representations received provided that the modifications did not extend its scope. If no modifications were proposed then the council could proceed to make a new resolution to replace the existing one. It was also to be noted that the legislative change would come into effect from 1 April 2012 which would mean that events which were free to attend would require to be licensed from that date if the event involved activities contained within the council's current resolution.

In conclusion the overall purpose of licensing was to protect the public

and the review of the resolution was undertaken to include activities where there were seen to be risks to the persons taking part or the public attending such events. Additionally if a revised resolution was approved by the Council Executive the new activities contained within would not require a licence until nine months after the date of that decision.

It was recommended :-

1. That the Council Executive notes the representations received following the advertising of the draft resolution which were contained in Appendix 4 and the comments of the Environment Policy Development and Scrutiny Panel;
2. That the Council Executive approves the draft resolution contained in Appendix 3; and
3. That the Council Executive notes that any new resolution would not be effective until nine months after the date of approval.

Motion

“The Council Executive notes the representations received in response to the consultation process and the comments of the Environment PDSP members.

The overall purpose of public entertainment licensing is to protect the public and the Council Executive therefore approves the draft public entertainment resolution set out in Appendix 3 of the report, subject to the following amendments :-

- 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.

Being replace with

- Indoor or open air **music** concerts or other events involving the erection of temporary raised structures
- Open air concerts where in excess of **250** persons are present.

And notes that this revised resolution will not come into effect until 9 months from the date of this decision.

The Council Executive also notes that with effect from 1 April 2012 any individual or group, subject to the exemptions set out in Appendix 2 of the report, will be required to be licensed for any event which falls within the definition of public entertainment as set out in Appendix 1 of this report, to be replaced by the list of events set out in Appendix 3, in 9 months time, as amended by this motion.

Council Executive agrees to remove the financial costs of obtaining a

public entertainment licence for voluntary and community groups based within West Lothian, and instructs officers to introduce an amendment to the licensing fee policy, whereby licensing shall not be payable in relation to applications for public entertainment licences for :-

- Events organised by gala day committees and committees organising Marches Day and Newlands Day.
- Fund raising events organised by other non profit distributing voluntary and community groups based within West Lothian.

The Council Executive also instructs the council's Events Co-ordinator Officer to write to all community councils and gala day committees advising of this decision."

Decision

1. To unanimously approve the terms of the motion; and
2. To record a note of thanks to Audrey Watson for all her efforts on the matter.

9. DRAFT PLANNING BRIEF - FORMER SWIMMING POOL AND REGISTRARS SITE, MID STREET, BATHGATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development seeking approval of a planning brief for the site of the former swimming pool and the former registrars building and grounds at Mid Street, Bathgate.

The Head of Planning and Economic Services explained that the site was in council ownership and had been identified as surplus to requirements. Although not allocated for residential development in the WLLP it would potentially be suitable for infill residential development as it lay within the settlement boundary of Bathgate. Acceptable uses for the site included residential, financial, professional and other services including healthcare, food and drink consumption, business, residential institutions, non-residential institutions and leisure use.

Local ward members, Bathgate Community Council and neighbouring residents had been consulted on the draft planning brief and no comments had been received.

It was recommended that the Council Executive :-

1. Notes the principles of development contained within the draft planning brief; and
2. Approves the draft planning brief.

Decision

To approve the terms of the report.

10. SESPLAN - PROPOSED CHANGE SESPLAN CONSTITUTION AND SCHEME OF DELEGATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development seeking approval to the SESPlan Scheme of Delegation and Constitution.

The Head of Planning and Economic Development explained that the Joint Committee agreed amendments to the Scheme of Governance with the intention that they would speed up the plan preparation and ratification process. The current Scheme of Governance was approved by SESplan JC in August 2008 and was subsequently ratified by all six member authorities. However it was agreed at that time to keep the arrangements under review. This review had now been carried out and the SESplan member authorities were asked to ratify the decision of the SESplan JC to amend the SESplan Constitution, Scheme of Delegation and Financial Regulations.

The effect of the proposed amendments to the Constitution would allow greater efficiency in the operational working of SESplan and covered such matters as membership, powers and duties of the SESplan JC and resourcing. Additionally it was proposed that the constitution be amended to allow the SESplan JC to meet not less than two times per year. A number of other changes were also proposed to the constitution as detailed in the report.

Details were also contained in the report of the proposed changes to the SESplan Scheme of Delegation and the Financial Regulations.

It was recommended that the Council Executive :-

1. Ratifies the decision of the Edinburgh and South East Scotland Strategic Development Plan Joint Committee (SESplan JC) of 5 December 2011 to approve changes to the SESplan constitution as detailed in the report;
2. Ratifies the decision of SESplan JC of 5 December 2011 to approve changes to the SESplan Scheme of Delegation but subject to an amendment made by SESplan JC when it met on 5 March 2012 as detailed in the report; and
3. Note the proposed changes to the SESplan Financial Regulations.

Decision

To approve the terms of the report.

11. HOMELESSNESS - THE ABOLITION OF THE PRIORITY NEED TEST

The Council Executive considered a report (copies of which had been circulated by the Head of Housing, Construction and Building Services advising of the progress towards meeting the Scottish Government's

target, that by 31 December 2012, all unintentionally homeless households would be entitled to settled accommodation and to present a proposal to abolish the homeless priority need test from 1 April 2012.

The Head of Housing, Construction and Building Services explained that West Lothian Council had a statutory duty to assist people who were either threatened with homelessness or who were homeless and to develop a range of approaches to prevent homelessness occurring in the first place. Currently all homeless applicants were assessed in order that a decision on their individual circumstances could be made. This assessment comprised of 4 'tests', one of which was the Priority Need test.

To date, eight local authorities had already abolished the Priority Need test in 2011, with a further 2 authorities planning to abolish the test early in 2012. In order that the Council continued to make progress towards meeting the 2012 target, it was proposed that West Lothian Council abolish the Priority Need test from 1 April 2012.

Based on analysis of 2010/11 data this would mean an additional 153 homeless cases to whom the Council would have a duty to secure settled accommodation in 2012/13. It was acknowledged that there were positive factors and risks associated with the abolition of the priority need, and these were examined within the report.

In conclusion West Lothian Council continued to make significant progress however in order that further progress was made it was recommended that the Council Executive agree to the proposal to abolish use of the priority need test in West Lothian with effect from 1 April 2012

Decision

To approve the terms of the report.

12. LIVINGSTON'S 50TH ANNIVERSARY COMMUNITY

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services to seek approval to launch a Community Award as part of the celebrations for Livingston's 50th Anniversary.

The Head of Area Services advised that the New Town of Livingston was designated on 17 April 1962 and would therefore celebrate its 50th anniversary in 2012 with the occasion being marked with both official and community events. The official celebration was planned to be held in Livingston Town Centre over the weekend 13 to 15 April 2012.

It was proposed that alongside the many events which were being planned to celebrate the anniversary that a special award scheme would be launched to recognise citizens who had contributed to life in Livingston over the last fifty years. The award would be launched through all the available community channels on Tuesday 20 March 2012 and the nomination period would run until the close of business on Wednesday 4

April 2012

It was proposed that the judging panel would consist of the Council Leader, the Chief Executive, Marjory Kerr from the West Lothian Courier and the Lord-Lieutenant with the judging taking place immediately after the nomination period closed.

It was recommended that the Council Executive :-

1. Approves the launch of a Community Award to recognise citizens who had contributed to life in Livingston;
2. Agrees the nomination process and eligibility criteria;
3. Approves the formation of the judging panel; and
4. Agrees that the awards would be presented during the Civic Concert which was to be held in the foyer of the Civic Centre on Friday 13 April 2012.

Decision

To approve the terms of the report.

13. WEST LOTHIAN ARMED FORCES COVENANT

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services seeking agreement to support the West Lothian Armed Forces Covenant along with representatives of seven key partner organisations/agencies and to further agree to have the Covenant signed by the 1 April 2012 at an event hosted by West Lothian Council.

The Head of Area Services advised that a new reinforced Armed Forces Covenant was published in May 2011 on the basis of a moral obligation between the country, the Government and the Armed Forces. To complement this Covenant the Ministry of Defence launched a parallel Community Covenant which reciprocated the relationship between the nation and the Armed Forces by building a code of understanding and support between the Armed Forces and the communities in which they were based.

To underpin the Armed Forces Community Covenant the MOD had allocated up to £30 million for the UK over the next four years to a Community Covenant Grant Scheme. Local communities where formal Covenants existed would be able to apply for funding grants of between £100 and £250,000 to run projects that strengthened the bonds between the Armed Forces and the local population including service personnel, their families and veterans.

Edinburgh Garrison and Mid Lothian had successfully completed their respective Covenants and the Brigadier Commander had requested that Covenants be signed by 1 April 2012.

In conclusion in signing the Covenant West Lothian Council would be taking a lead responsibility to work with partners to promote understanding of the needs of the Armed Forces, their families and veterans and in doing so provide support to meet their needs where feasible.

It was recommended that the Council Executive :-

1. Agrees to the Chief Executive signing the Armed Forces Covenant on behalf of West Lothian Council and the future development of the Armed Forces Community Covenant Action Plan; and
2. Agrees hosting the signing of the Covenant at the Civic Centre prior to 1 April 2012 and provide a lunch to those attending.

Decision

1. To approve the terms of the report including the official signing ceremony planned before 1st April 2012;
2. Agreed that the item of business also be remitted to a future meeting of the Partnership and Resources Policy Development and Scrutiny Panel to further discuss how best to meet the needs of armed forces families and veterans living in West Lothian;
3. Agreed that the signed covenant would be included in the documentation; and
4. Agreed that officers ensure that all references made to either Midlothian or East Lothian in the documentation was changed to reflect to West Lothian.

14. VOLUNTARY SECTOR - BEST VALUE REVIEW & QUALITY STANDARDS

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services seeking approval to move away from the present Best Value Review (BVR) system for Voluntary Sector organisations funded by the council to a suite of externally accredited quality standards and to make a financial contribution of up to £20,000 to support quality measures.

The Head of Area Services advised that officers undertook to examine alternative options to the Best Value Review approach for the voluntary sectors needs including looking at quality standards such as PQASSO or a quality framework such as EFQM Excellence Model. In examining options officers reviewed the principal of off-the-shelf UK quality approaches available to and being used by voluntary and community organisations.

The report then provided further information on standards, costs and linking quality to outcomes and monitoring. It was also reported that

officers would engage in formal consultation with the West Lothian Voluntary Sector on the matter.

The next steps in the process would be to develop the proposals and to have further discussions regarding the proposals with the voluntary sector representatives on the West Lothian Compact Working Group.

It was recommended that the Council Executive :-

1. Approves the shift away from the present Best Value Review system to quality standards; and
2. Approves a financial contribution by council of up to £20,000 to support quality measures.

Decision

To approve the terms of the report.

15. REPLACEMENT FOR ADVENTURE ACTIVITY LICENSING

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services seeking approval for a response to be submitted to the Scottish Government on developing a safety system for adventure activities in Scotland.

The Head of Area Services advised that the UK Government had decided to abolish the Adventure Activity Licensing Authority (AALA), the organisation responsible for licensing a number of adventure activities to young people across the UK. A statutory system would therefore be replaced with a voluntary system in England.

Scottish Ministers appreciated that adventure activities had an inherent risk which needed to be manageable and their view was for the replacement for the AALA in Scotland to be robust and reassuring. The Scottish Government was keen to increase opportunities for outdoor activities and had set out what they considered were possible options for creating a safe system for adventure activities in Scotland.

The Scottish Advisory Panel for Outdoor Activities (SAPOE) advocated that any solution must incorporate an inspection system with an increase in the number of activities which would be included in the scope of the new arrangements. Therefore the current indication was that the statutory scheme was the preferred option for Scotland.

A copy of the proposed response was attached to the report at Appendix 1 and the Council Executive was invited to approve the response to the Scottish Government's consultation on the licensing of adventure activities in Scotland.

Decision

To approve the terms of the report.

16. 24 ROYAL TERRACE, LINLITHGOW, PROPOSED SALE TO MR & MRS A FRICKLETON

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 vacant plot of land at 24 Royal Terrace, Linlithgow for the development of a single house.

The report advised that the site was previously occupied by Rivaldsgreen Centre, the roof of which collapsed in December 2010 due to heavy snow falls and after much investigation it was agreed that it was uneconomic to repair. The property was subsequently declared surplus to requirement and was placed on the open market for sale at the end of January 2012.

The report then summarised details of the main terms and conditions of the highest offer received at the closing date.

It was recommended that the Council Executive :-

1. Approves the sale of the single house plot at 24 Royal Terrace, Linlithgow to Mr and Mrs A Frickleton for the sum of £74,000 subject to the terms and conditions detailed in the report; and
2. 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.

17. WINCHBURGH RECREATION GROUND, PROPOSED 15 YEAR LEASE FROM HOPETOUN ESTATES

The Council Executive considered a report (copies of which had been circulated) seeking approval for the renunciation of the existing lease in favour of a new lease of Winchburgh Recreation Ground for a period of 15 years from Hopetoun Estate.

The Head of Finance and Estates explained that the 7.72 acre site was currently leased from Hopetoun Estates for a thirty year term which was due to expire in May 2016 with no guarantee that the lease would be renewed at that date. Currently located on the site were a playing field, play park and five-a-side court.

Recent enquiries to Hopetoun with regards to a longer term lease had proven positive with Hopetoun offering a 15-year lease at an initial rental of £3,500 per annum from May 2012 with annual rent reviews. This was an increase of £2,000 per annum on the existing rent. The increase would be funded from Operational Services/Land Services Management.

It was recommended that the Council Executive :-

1. Approves the renunciation of the existing lease in favour of a new lease of Winchburgh Recreation Ground for a period of 15 years from May 2012 from Hopetoun Estates subject to the terms and conditions detailed in the report; and
2. Authorises the Head of Finance and Estates to carry out any further negotiations with the landlord in respect of the lease of the site, including any required alterations of the rental, but only on the basis that any amended rental still represented the best rental for the council.

Decision

To approve the terms of the report.

18. LAND AT ARROL SQUARE, DEANS, LIVINGSTON, DISPOSAL OF 1.05 ACRES TO BUCHANAN SKIP HIRE LTD

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 industrial land at Arrol Square, Deans, Livingston.

The Head of Finance and Estates advised that Buchanan Skip Hire Ltd was a local skip hire and recycling business based at Arrol Square, Deans Industrial Estate, Livingston. However after trading successfully for 21 years the depot was now full to capacity. The business had since identified two plots belonging to the council which would assist with the reconfiguration of their existing site and provide space for expansion.

The council's normal practice would be to place the property on the open market and invite offers unless there were specific mitigating circumstances, in this instance supporting the growth of an expanding local business. Therefore under the approved policy and procedure for sale of land allocated for business and industry, land could be disposed of without marketing provided the sale price was market value.

The report then provided a summary of the heads of term that had been negotiated with the company for the sale of the land.

It was recommended that the council :-

1. Approves the sale of the land at Arrol Square, Deans Industrial Estate, Livingston to Buchanan Skip Hire Ltd for the sum of £104,000 subject to the terms and conditions detailed in the report; and
2. Authorises the Head of Finance and Estates to carry out any further negotiations with the purchaser in respect of the sale of the site, including any required alteration to the purchase price, but only on the basis that any amended purchase price still

represented the best capital receipt for the council.

Decision

To approve the terms of the report.

19. KHARIS COURT - RACE ROAD, BATHGATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy seeking approval for the proposal of three one-bedroom flats located at Kharis Court to be allocated as start-up flats to provide short-term accommodation for young people leaving care.

The Head of Social Policy explained that in February 2009 the Council Executive approved the sale of Race Road to Bethany Christian Trust to develop the property for the provision of supported accommodation for young homeless people. Bethany Christian Trust provided a range of services in West Lothian at Kharis Court to help support young people between the ages of 16-25 to live in the community and to develop the life skills which enabled independent living. Kharis Court opened in January 2011 and the council contracted a number of services with the Bethany Christian Trust.

The services provided by Bethany Christian Trust at Kharis Court supported West Lothian Council's strategic outcomes, particularly in relation to preventing homelessness and ensuring young people had the best start in life and ready to succeed. They also positively contributed to service users' outcomes through improving access to suitable housing with the appropriate support based on individual need, increasing service user confidence and improving take up of health services.

Since the date of opening positive outcomes had been received from members of the local community which were attributed to the development work undertaken at Kharis Court. Given the positive outcomes of the first two phases the three self-contained single bedroom flats offered an opportunity for the council and Bethany to develop and finalise the third phase of the development ensuring the development's potential use was maximised. The Council would also undertake a review of all the contracted service provisions at Kharis Court within a year of the implementation of Phase 3, the findings of which would be reported back to committee.

The report concluded that the sale of Race Road by the council to Bethany Christian Trust and the subsequent development of the property and services at Kharis Court had demonstrated successful outcomes for service users and the local community.

It was recommended that the Council Executive :-

1. Notes the successful outcomes of the service provision at Kharis Court for service users and the local community;

2. Notes the proposal for three one-bedroom flats located at Kharis Court to be allocated as start-up flats for young people leaving care to enable independent living and that discussions would be held with Bethany Christian Trust regarding the proposal; and
3. Agrees an extension to the current service at Kharis Court based on the success of Phase 1 and 2 of the development.

Decision

To approve the terms of the report.

20. FUNDING REQUEST - CHILDREN'S HEART SCAN MACHINE FOR ST JOHN'S HOSPITAL

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy seeking approval to award the St John's Hospital Children's Heart Fund £20,000 to support the purchase of equipment and the development of a local cardiology service for babies and children in West Lothian.

The Head of Social Policy explained that the St John's Hospital Children's Heart Fund was dedicated to raising money to fund a children's heart scan machine for St John's Hospital, Livingston. This was a local group of doctors, nurses, play specialists and local families raising money to fund additional care and support to children and families with heart disease in West Lothian. The key objective of the group was to improve access and quality for care of children and young people with heart disease by providing equipment and expertise at St John's Hospital.

Their aim was to purchase a state of the art children's heart scan machine and to fund its ongoing running costs. The Sick Kids Foundation and other partners had already been very generous towards this cause and local fundraising was planned to coincide with the 50th Anniversary celebration of Livingston in April 2012.

In addition to providing better care for babies the equipment would provide the same care for older children with a range of issues such as family screening for inherited heart problems and the diagnosis of heart murmurs. It would also enable shared follow up care at St John's with the tertiary cardiac centre for children after cardiac surgical procedures, allowing more care and follow-up locally.

In conclusion the purchase of the equipment would ensure that families in West Lothian had access to a high quality paediatric cardiology service close to home and would result in shorter waiting times for diagnosis and treatment and reduce the incidence of inappropriate transfer of patients.

It was recommended that the Council Executive :-

1. Notes the request for support from St John's Hospital Children's Heart Fund; and

2. Agrees that £20,000 be awarded to the St John's Hospital Children's Heart Fund to support the purchase of equipment and the development of a local cardiology service for babies and children in West Lothian.

Decision

To approve the terms of the report.

21. SCOTTISH GOVERNMENT CONSULTATION - THE CHILDREN'S HEARING (SCOTLAND) ACT 2011 - THE SECURE ACCOMMODATION (SCOTLAND) REGULATIONS 2012

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy seeking approval for a response to be submitted to the Scottish Government on the draft Secure Accommodation (Scotland) Regulations 2012.

The Head of Social Policy advised that Section 152 of the Children's Hearings (Scotland) Act 2011 effectively replicated Section 75(1) (a) of the Children's Scotland (Scotland) Act 1995 and enabled Scottish Ministers to make provision in the regulations specifying the circumstances in which children may be placed in secure accommodation if a relevant order or warrant was in force.

It was also noted that the consultation was asking for comments on the new draft regulations which was a contrast to previous consultations which had posed questions around specific themes.

A copy of the proposed response was attached to the report at Appendix 1 and the Council Executive was invited to approve the proposed council response.

Decision

To approve the terms of the report.

22. CHILDREN'S HEARINGS SCOTLAND CONSULTATION - PROPOSED NATIONAL STANDARDS FOR SCOTLAND'S CHILDREN'S

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy seeking approval for a response to be submitted to the Scottish Government on proposed national standards for Scotland's Children's Panel.

The Head of Social Policy explained that the Children's Hearings (Scotland) Act was introducing significant changes to the way in which panel members were recruited, inducted, trained, supported, appraised and re-appointed. However fundamentally the ethos of the system and the role of Panel Members who participated in hearings would not change.

The Children's Hearings Scotland consultation document set out a series of standards for the work of Panel Members, Area Support Teams, the National Convener and Children's Hearings Scotland staff and board members. The standards, which were driven by a core set of values, were being developed to help realise the Children's Hearings Scotland's vision and mission statement. The report provided a summary of the eight proposed standards. It was further noted that Children's Hearing's Scotland had stated that the standards would come into place in September 2012.

The report concluded that the implementation of the proposed standards would play an important part in achieving the intended aim of providing a clear, robust and value driven framework for Panel Members and to all those who applied.

A copy of the proposed response was attached to the report at Appendix 1 and the Council Executive was invited to approve the proposed council response.

Decision

To approve the terms of the report.

23. SCHEME OF DELEGATION TO OFFICERS - REVIEW

The Council Executive considered a report (copies of which had been circulated) by the Chief Legal Officer advising of the outcome of the work of the Working Group of Officers set up to review the council's Scheme of Delegation to Officers.

The report explained that under the council's Code of Corporate Governance, the council was required to review its Scheme of Delegation to Officers once in every administrative term. A Working Group had been set up to undertake the review and the objectives of the review were as follows:-

- To bring the current Scheme up to date to reflect recent legislation and delete obsolete provisions.
- To reflect the current remits of senior officers.
- To make improvements to the general terms of the Scheme to clarify responsibility for significant corporate policies and strategies such as equalities and information security, and
- To streamline the Scheme to make it easier to read by restricting references to particular sections of legislation to statutory appointments requiring to be made and legislation authorising the undertaking of specific statutory action affecting individual's rights such as issuing fixed penalty notices.

A revised Scheme of Delegation to Officers had been produced and a

copy was attached as Appendix 1 to the report. Amendments to the existing Scheme were shown in red italics while deletions were scored through. The main changes were examined within the report.

It was recommended that the Council Executive approve the revised Scheme of Delegation to Officers as detailed in the appendix to the report hereto with immediate effect.

Decision

To approve the terms of the report.

24. SICKNESS ABSENCE - 9 MONTH PERIOD TO 31 DECEMBER 2011

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 1 April to 31 December 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 the last quarter, this was a similar trend to that experienced in previous years. However at 3.52% the SPI remained significantly lower than the 4.33% reported for the period to December 2010. This reduction equated to 13,518 fewer days of sickness absence, the equivalent of 59.8 FTE.

Attached to the report was a series of appendices detailing sickness absence rates for the whole of the council, by services area and graphs specifically for Operational Services and Domiciliary Care.

The Head of Corporate Services continued to provide information relating to the on-going management of sickness absence 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. A series of tables provided a demonstration of the numbers of staff on sickness absence and how these were being managed through the process.

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 9 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.

Decision

To note the contents of the report.

25. COMMUNITY PLANNING PARTNERSHIP BOARD

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive, Community Health and Partnership advising the members of meetings of the Community Planning Partnership Board held on 15 August 2011, 21 November 2011 and 16 January 2012.

The Depute Chief Executive advised that the West Lothian Planning Partnership Board met on a quarterly basis and involved partners across the private, public, voluntary and community sectors.

It was recommended that the Council Executive note the minutes of the meetings of the Community Planning Partnership Board held on 15 August 2011, 21 November 2011 and 16 January 2012.

Decision

To note the terms of the report.

26. ST JOHN'S HOSPITAL STAKEHOLDER GROUP

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive, Community Health and Care Partnership inviting the Council Executive to note the terms of the Minute of the St John's Hospital Stakeholder Group meeting held on 11 January 2012 a copy of which was attached to the report.

Decision

To note the terms of the report.

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

The Council Executive noted that approval had been provided for Councillor Anderson to attend the "National Roads, Highways and Street Lighting Seminar – Improving and Developing Roads and Lighting Services" held on 8th and 9th March 2012 at the Holiday Inn, Newcastle.