

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 12 MARCH 2013.

Present – Councillors John McGinty (Chair), Frank Anderson, Tom Conn, Jim Dixon, Lawrence Fitzpatrick, Peter Johnston, Danny Logue, Anne McMillan, Angela Moohan, Frank Toner substituting for Dave King, Tony Boyle substituting for Cathy Muldoon and Harry Cartmill substituting for George Paul

Apologies – Councillor Cathy Muldoon, Dave King, George Paul

1. ORDER OF BUSINESS, INCLUDING NOTICE OF URGENT BUSINESS

The Chair ruled in terms of Standing Order 7 that Agenda Item 28, Kirknewton Community Development Trust (Food Waste Collection Trial) be ruled urgent as a decision was required by 31st March 2013 to allow funding to continue.

The Chair also ruled that a replacement report in respect of Agenda Item 20 (Consultation on the Proposed Disabled Persons' Parking Badges (Scotland) Bill), would be circulated.

2. DECLARATIONS OF INTEREST

Councillor Peter Johnston declared a non-financial interest in Agenda Item 24 as a Non-Executive Director of NHS Lothian and as a Non-Executive Director of Healthcare Improvement Scotland, for which a specific exclusion applied. Councillor Johnston also declared an interest as COSLA's spokesperson for Health and Well-Being Strategic Group.

Councillor Danny Logue declared a non-financial interest in Agenda Item 24 as he was an NHS Lothian Employee.

Councillor Frank Toner declared a non-financial interest in Agenda Item 24 arising from his position as Chair of CHCP and as a Lothian Health Board member and for which a dispensation from the Standards Commission applied.

3. MINUTE

The Council Executive confirmed the Minute of its meeting held on 26 February 2012 as a correct record. The Minute was thereafter signed by the Chair.

4. TIMETABLE OF MEETINGS 2013/2014

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 2014, 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.

Meetings fixed for bodies such as the Community Health & Care Partnership Board and the Licensing Board were set independently and were shown in Appendix 1 where known for information purposes.

Due to a backlog of business a greater number of meetings of the Employee Appeals Committee were scheduled to try to avoid any significant delays in dealing with appeals against dismissal or Stage 3 grievances.

The report recommended that authority was delegated to the Chief Executive to make any changes required to Local Area Committees and to incorporate those details in the timetable in the appendices.

The report further advised that in order to accommodate a meeting of Council Executive just before the summer recess in 2014, it was proposed to use 24 June of that year. As the last meeting of full council before the summer recess also fell on that date it was proposed that Council Executive meet at 2.00pm with full council proceeding at 10.00am as usual.

A meeting of full council had been scheduled to take place on 18 June 2013 which was also the day of Linlithgow Marches; therefore it was proposed that the meeting of full council be moved to Thursday 20 June 2013 at 10.00am.

In conclusion the report advised that an additional meeting of the Education Executive would be required before the summer recess in 2013 to update the members on the outcome of the public consultation to make changes and improvements to the provision for pupils who had significant additional learning needs and a high level of vulnerability based in Cedarbank School.

It was recommended that the Council Executive :-

1. Note and approve the arrangements shown in Appendix 1 of meetings of the council, its committees and working groups from August 2013 until July 2014.
2. Note that dates proposed for meetings of Policy Development and Scrutiny Panels may be subject to change after consideration by Chairs and Lead Officers, and that any changes would be incorporated into the calendar.
3. Authorise the Chief Executive to adjust the arrangements in Appendix 1 in the event of any changes being advised by Lead

Officers for Local Area Committees before 30 June 2013.

4. Agree to change the Council Meeting schedule for 18 June 2013 to Thursday 20 June 2013 at 10.00am.
5. Agree to an additional Education Executive meeting on Thursday 27 June 2013 at 9.00am.
6. Note in particular the proposed meeting of the Council Executive on 24 June 2014 at 2.00pm rather than 10.00am.

Decision

To approve the terms of the report;

5. LINLITHGOW AND LINLITHGOW BRIDGE COMMUNITY COUNCIL – PRESCRIBED NUMBERS

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services seeking approval to increase the prescribed number of councillors on Linlithgow & Linlithgow Bridge Community Council from 8 to 18 members.

The report advised that when the Scheme for Establishment of Community Council's was adopted in 2009, Linlithgow and Linlithgow Bridge Community Councils merged to form one community council and the prescribed number was set at 18.

On 24th September 2009 the Council Executive agreed to reduce the prescribed number to 12 as during the 2009 Community Council Elections only 9 nominations were received for election to the community council. In September 2012 the Council Executive agreed to further reduce the prescribed number to 8 as the community council members fell below the prescribed minimum numbers.

The Head of Corporate Services advised that there was renewed interest in the community council and that 7 new members had come forward. Due to the restriction on the number of members who could be co-opted, an interim election would be arranged.

In view of the level of interest and to accommodate other new members, when the interim election was advertised it was considered prudent to recommend that the number of prescribed members be increased back up to 18.

In conclusion the report advised that it was important that the council reacted to changes in circumstances and alter the prescribed number of community councillors as and when the levels of interest increased or decreased.

The report recommended that the Council Executive approve an increase in the prescribed number of members on Linlithgow and Linlithgow Bridge Community Council from 8 members to 18 members.

Decision

To approve the terms of the report.

6. CONSULTATION ON NATIONAL APPLICABILITY OF LICENCES

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services providing a draft response to the consultation by the Department of Business Innovation & Skills (BIS) on behalf of the UK Government entitled "Provision of Services Regulations 2009: national applicability of licences consultation". A copy of the consultation document was contained within Appendix 1 to the report.

The report advised that the consultation document was seeking views on changes to the law which potentially would have a large impact on the Licensing Team and police licensing officers.

The following types of licences/registrations/certificates would be affected by the proposals:-

- Itinerant Metal Dealers – Civic Government (Scotland) Act 1982
- Metal Dealers Licence – Civic Government (Scotland) Act 1982
- National Registration Scheme for Private Landlords – Antisocial Behaviour (Scotland) Act 2004
- Second Hand Dealers Licence in terms of the Civic Government (Scotland) Act 1982
- Street Traders Licence in terms of the Civic Government (Scotland) Act 1982
- Window Cleaners Licence in terms of the Civic Government (Scotland) Act 1982
- Performing Animals Registration – Performing Animals (Regulation) Act 1925
- Weighbridge Operator Certificate in terms of the Weights and Measures Act 1985

The Head of Corporate Services advised that the consultation document stated that the proposals related to the need for UK legislation to be compliant with the terms of the EU Services Directive 2006 (the Directive) which was introduced principally to make it easier for service providers to sell their services anywhere in Europe. This applied to most of the

licensing schemes administered by the council.

Recently the European Commission had expressed concern over a potential violation by the UK of the Directive in the area of national applicability of authorisations or licences to provide services. Article 10(4) of the Directive specified that a licence granted by a competent authority (including a local authority) should be effective nationwide unless there were good reasons otherwise. The report then went on to provide further details of the Commission's concerns.

To address the EU Commissions concerns BIS proposed to introduce a requirement that licensing authorities must recognise an equivalent licence granted by another authority, whether within the same part of the UK or where they were located in different parts.

The report further advised that the Government did not believe it would be possible for the UK to achieve full compliance with the Services Directive without amending the Regulations

The consultation contained the following three questions which required to be answered by the council :-

- Do you have any views on the extension of legal powers to competent authorities in the above circumstances?
- Do you foresee any unintended consequences resulting from this approach to national applicability?
- Can you provide a list of personal licences where national applicability would be inappropriate?

A draft response to the consultation was contained in Appendix 2 to the report.

The report advised that the Licensing Team were opposed to the extension of powers to force local authorities to recognise licences/registrations/certificates issued by other local authorities for the following reasons:-

- In all of these cases parliament had decided that the businesses concerned contained an element of risk to the public and therefore regulation was required.
- There were two distinct systems of law in the UK and it was not feasible to expect licences/registrations/certificates to be interchangeable across the UK when their legal basis was different.
- The purpose of issuing most licences/registrations/certificates was protection of the public by enabling an authority to apply control to a business activity deemed suitable by the government for regulation.

The report recommended that the Council Executive approve the proposed response to the consultation document as set out in Appendix

3.

Decision

To approve the terms of the report subject to an amendment to include Street Traders, Window Cleaners and Second Hand Dealers.

7. PUBLIC SECTOR EQUALITY DUTY REGULATIONS

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services providing an overview of the requirements of the new public sector equality duty regulations implemented by the Scottish Parliament on 27 May 2012 and the council's approach to meeting the new requirements. Appendices to the report contained the council's draft Corporate Equality Outcomes, Equality Mainstreaming Report and Equal Pay Statement.

The report advised that the Equality Act (Specific Duties) (Scotland) Regulations 2012 came into force on 27 May 2012. The UK Government's Equality Act 2012 simplified, and where appropriate, harmonised the various different pieces of equality legislation. The Equality Act 2010 contained a public sector equality duty covering the relevant protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. The duty replaced earlier public sector duties to promote equality relating to race, disability and gender equality.

The Head of Corporate Services advised that since 2002, the council had implemented various equality schemes, action plans, policies and initiatives to ensure compliance with the previous public sector duties around disability, gender and race equality.

These council initiatives were harmonised by the introduction of the council's Integrated Equality Scheme in 2009, rationalising action plans and linking equality initiatives to the Single Outcome Agreement.

As a result of the implementation of the new public sector general duty in April 2011, the Council Executive approved the development and implementation of a one-year interim Equality Scheme for June 2011 to May 2012. This approach enabled the council to comply with the existing legislative framework while awaiting clarification and publication of the new specific duties.

The report then went on to detail the key changes and publications resulting from the new Regulations.

In conclusion the report advised that the Public Sector Equality Duty required the council to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. The specific duties were focused on outcomes and encouraged the integration of equality considerations in the core business of public authorities.

The report recommended that the Council Executive note the contents of the report and the implications of the Regulations for the council; and approve the draft Corporate Equality Outcomes, Equality Mainstreaming Report and Equal Pay Statement.

Decision

To approve the terms of the report.

8. 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 to consider the adoption of a Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses 2013/14.

The report advised that the Council's Code of Corporate Governance required the Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses (the Scheme) to be annually reviewed.

The Scheme was based on the Local Governance (Scotland) Act 2004 (Remuneration Regulations 2007 and Amendment Regulations 2008, and the Local Government (Allowances and Expenses (Scotland) Regulations 2007 and Amendment Regulations 2010 and 2011).

The Scottish Local Authorities Remuneration (SLARC) was established under the provisions of the Local Governance (Scotland) Act 2004 to assist the Scottish Government to bring forward regulations and guidance on councillor salaries, allowances and expenses.

In response to the 2010 review, the Cabinet Secretary for Finance and Sustainable Growth advised that councillors pay would remain frozen in 2012/13 and that no formal remit would be set for the committee during that period.

The Head of Corporate Services advised that as the members of SLARC were coming to the end of their term in office, it was ministers intention to stand the committee down until such time as further review work was required.

The report went on to explain that the response issued by the Cabinet Secretary for Finance and Sustainable Growth to the 2010 review also advised that he would look at the recommendations again with regard to 2013/14 and what was affordable and sustainable. To date no information on an increase to councillors pay had been received.

In conclusion the report advised that the council was required to adopt a Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses for the incoming year. In the absence of any change the Scheme would remain unchanged.

The report recommended that the Council Executive adopt the revised Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses for 2013/14 as set out in appendix 1 to the report.

Decision

To approve the terms of the report.

9. REMOVAL OF PART TIME 20MPD ZONES AT THE OLD UPHALL STATION AND PUMPHERSTON PRIMARY SCHOOLS

The Council Executive considered a report (copies of which had been circulated by the Head of Operational Services seeking approval to remove existing part time 20mph zones outside the old Uphall Station and Pumpherston Primary schools.

The report advised that due to the recent opening of the new Pumpherston and Uphall Station Community Primary School, the existing part time 20mph speed zone at the old Uphall Station and Pumpherston Primary schools were no longer required or justified.

To reduce confusion on the B8046 Pumpherston Road for road users, the existing part time 20mph legal order required to be varied to formally remove these two part time speed limits.

The B8046 would therefore automatically revert to a formal 30mph speed limit without variation to any further traffic regulation orders and would not require any further signage to be installed.

The Head of Operational Services advised that the existing signage and electrical connections associated with these speed limits would be removed and made safe. Once the signs were removed from both schools they would be re-erected to provide new part time 20mph zones at St Kentigerns Academy in Blackburn and St Margaret's Academy in Livingston.

The report recommended that the Council Executive approve the commencement of the necessary statutory procedures to allow the removal of part time 20mph speed limits from the old Uphall Station and Pumpherston Primary schools.

Decision

To approve the terms of the report.

10. ST ANTHONY'S PS, ARMADALE ACCESS ROAD – PROPOSED 20MPH SPEED LIMIT

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval of the

commencement of statutory procedures to introduce a 20mph speed limit on the proposed new access road to St Anthony's Primary School, Armadale.

The report advised that as part of the extension to St Anthony's Primary School, Armadale, it was proposed to construct a new access road and dropping-off area to the south side of the school. This access road would link in to the existing access to Armadale Industrial Estate and provide access to the school from Lower Bathville.

The proposal was that the new road would include traffic calming and, in line with roads around other schools, be subject to a 20mph speed limit.

The report recommended that the Council Executive approve the initiation of the statutory procedures to introduce a 20mph speed limit on the proposed new access road at ST Anthony's Primary School, Armadale.

Decision

To approve the terms of the report.

11. APPLICATION FOR MOTORWAY TOURIST SIGNPOSTING – LIVINGSTON DESIGNER OUTLET AND DOBBIES GARDEN WORLD

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval of an application for tourist signs to two destinations from the M8.

The report advised that two tourist destinations had made an application to the council for additional tourist signs on the M8. The destinations were Livingston Designer Outlet in the centre of Livingston and Dobbies Garden World on the A89 at Dechmont roundabout.

The national policy required that applications for signs on the motorway must comply with the local authority's tourist signposting policy before being considered. West Lothian Council's criteria stated that signs would normally be permitted from the nearest main road (A Class Road). In this case the applications did not comply because there was already existing signing from the nearest main road.

Officers reviewed the applications and were of the view that there were sufficient traffic management grounds to recommend exceptions to the normal requirements in these cases. Details of the sign locations and legends were still to be finalised but Appendix 3 to the report included an example of how the motorway sign would look.

The Head of Operational Services advised that it should be noted that there were existing signs for Almond Valley Heritage Centre and the applicants would be required to include this destination on new signs. All costs of providing the signs would be met by the applicants.

In conclusion the report advised that it was considered that an exception to the normal criteria for tourist signs was warranted in this case and the

applications for signs from the M8 should be supported.

The report recommended that the Council Executive approve the application for submission to BEAR Scotland.

Decision

To approve the terms of the report.

12. 0.15HA AT CALDERWOOD, EAST CALDER – PROPOSED SALE TO STIRLING DEVELOPMENTS LIMITED

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for the sale of 0.15 hectares at Calderwood, East Calder.

The report advised that the West Lothian Local Plan 2009 allocated Calderwood in East Calder as a major new mixed use development site. The area formed part of the wider Livingston and Almond Valley Core Development Area (CDA) and its development was key to delivering the stated objectives of that CDA.

The Head of Finance advised that Stirling Developments Limited (SDL) were the lead developers at Calderwood and the council was minded to grant consent for their proposed development, subject to completion of a Section 75 Planning Obligations Agreement to secure delivery of infrastructure. Stirling Developments Limited's overall Calderwood development would deliver:-

- Approximately 2,300 new homes
- A mixture of retail commercial and industrial space
- A new community secondary school
- Two new primary schools
- Upgraded and improved local road networks.
- A new park and ride facility
- New cemetery facilities

In compliance with the reserved matters set out in the planning permission, Phase 1 of the development was scheduled to begin on site in the summer of 2013, and would see approximately 275 new homes built at Calderwood over the next four years.

The report went on to explain that approved access into Phase 1 was via an old farm road that SDL planned to upgrade. SDL would control the solum of that road, but in order to widen it they would need to acquire council owned land either side of their current ownership. The land they wished to acquire from the council extended to approximately 0.15

hectares in total.

Cost based negotiations took place between the parties and an agreement in principle was reached to sell this land to SDL on the following terms:-

1. The subjects would comprise the 0.15 hectares (or thereby) as shown on plan attached to the report.
2. The sale price would be £117,000 exclusive of VAT.
3. Payment of the purchase price would be structured as follows:-
 - a. Payment 1: £29,250 payable at date of entry.
 - b. Payment 2: £29,250 payable at the earlier of either (i) the date of occupation or the twenty-fifth house within the development; or (ii) the date of the first anniversary of the date of entry.
 - c. Payment 3: £29,250 payable at the earlier of either (i) the date of occupation of the fiftieth house within the development; or (ii) the date of the second anniversary of the date of entry.
 - d. Payment 4: £29,250 payable at the earlier of either (i) the date of occupation of the seventy-fifth house within the development; or (ii) the date of the third anniversary of the date of entry.
4. The date of entry would be on conclusion of legal formalities.
5. The purchaser would satisfy himself as to the suitability of the subjects for the intended purpose.
6. Each party would meet their own legal costs in the transaction.

In conclusion the report advised that given the capital receipt which the council would receive from the sale of the land it was considered to be in the council's interest to conclude a sale to Stirling Developments Limited for the sum of £117,000.

The report recommended that the Council Executive approve the sale of 0.15 hectares at Calderwood, East Calder for the sum of £117,000 to Stirling Developments Limited.

Decision

To approve the terms of the report.

13. PROCUREMENT ARRANGEMENTS – TERM CONTRACT FOR REPAIR AND REPLACEMENT OF CCTV SYSTEMS

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 an initial three year contract, with option for a further two one-year extension periods, for

the maintenance, repair and replacement of CCTV systems.

The report advised that the contract was initially established following the publication of the Cullen Report 1996, and recommendations contained therein. The continued provision of this service would ensure CCTV equipment was well maintained and reflected improvements in unit standards.

The requirement would be advertised in accordance with the European Union Directives. It was proposed that the Open Procedure was used, whereby all suppliers who expressed an interest in the contract would be invited to tender.

The following award criteria would be applied at the tender stage:-

Price - 70%

Quality - 30%

The evaluation criteria were proposed following consultation with the service areas concerned.

The Head of Finance advised that in financial year 2011/12 the council incurred costs of approximately £120,000 on the repair, maintenance and replacement of CCTV systems with the existing contracted supplier. The expenditure was incurred by services with budgets in the General Fund, HRA and Capital.

The report recommended that the Council Executive approve:-

1. The use of the Open Procedure whereby all suppliers expressing an interest in the contract would be invited to tender for an initial three year contract, with the option for a further two one-year extension periods, for the maintenance, repair and replacement of CCTV systems.
2. The award criteria as set out in Section D of the report.

Decision

To approve the terms of the report.

14. PROCUREMENT ARRANGEMENTS – SHERIFF OFFICER AND DEBT COLLECTION SERVICES

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 three year contract for Sheriff Officer Debt Collection Services.

The report advised that at the moment neither West Lothian nor Falkirk Council had a contract in place but were using a Sheriff Officer for debt recovery.

West Lothian Council and Falkirk Council were seeking to secure the services of an external contractor to carry out effective debt recovery and diligence services in pursuit of; Council Tax, Non Domestic Rates, Housing Benefit Overpayments, Sundry Debt Invoices, Housing Rent Arrears.

The following award criteria would be applied at the tender stage:-

Price -	40%
Contract Changeover & Contract Strategy -	12%
Project Team Structure -	6%
Methodology -	16.5%
Management & Performance Monitoring -	18%
Innovation -	7.5%

The Head of Finance and Estates advised that in financial year 2011/12 the council incurred costs of approximately £380,000 on Sheriff Officer and Debt Collection Services with the existing supplier.

The report recommended that the Council Executive approve:-

1. The use of the Open Procedure whereby all suppliers expressing an interest in the contract would be invited to tender for a three year contract for Sheriff Officer and Debt Collection Services. This was a collaborative contract with Falkirk Council.
2. The award criteria as set out in Section D of the report.

Decision

To approve the terms of the report.

15. PROCUREMENT ARRANGEMENTS – EMPLOYERS AGENT TO DELIVER THE NEW BUILD COUNCIL HOUSING PROGRAMME

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 five year contract, for the procurement of an Employers Agent to deliver the new build council housing programme.

The report advised that there was an identified need for quality affordable housing throughout West Lothian and the council was committed to continuing with its investment in the delivery of new homes throughout the area. To date the council had agreed to construct 1,000 new build council houses. This programme represented the council's biggest undertaking in

council house additional social rented stock.

The council wished to employ the provision of Employer's Agent to carry out the following activities throughout the anticipated five year period of tendering, planning and delivery of all anticipated units.

The Head of Finance and Estates advised that the requirement would be advertised in accordance with the European Union Directives. It was proposed that the Open Procedure was used, whereby all suppliers who expressed an interest in the contract would be invited to tender.

The following criteria was proposed following consultation with the service area concerned:-

Price - 60%

Quality - 40%

The evaluation criteria was proposed following consultation with the services concerned and the anticipated start date was 1 July 2013.

The report recommended that the Council Executive approve:-

1. The use of the Open Procedure whereby all suppliers expressing an interest in the contract would be invited to tender for a five year contract for an Employers Agent for the new build council house programme.
2. The award criteria as set out in Section D of the report.

Decision

To approve the terms of the report.

16. PROCUREMENT ARRANGEMENTS – TERM CONTRACT FOR THE SUPPLY AND MAINTENANCE OF FIRE FIGHTING EQUIPMENT

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 an initial three year contract, with an option for a further two one-year extension periods, for the supply and maintenance of fire fighting equipment.

The report advised that the contract would encompass the annual inspection, service and maintenance of hand held fire-fighting equipment and the repair or replacement of defective equipment following the annual maintenance visit or operational use. The contractor would inspect, service, maintain and test the fire fighting appliances contained within each property generally in accordance with regulation BS 5306: 2009 commissioning and maintenance of portable extinguishers.

The Head of Finance and Estates advised that in financial year 2011/12 the council incurred costs of approximately £47,000 on the supply and

maintenance of fire fighting equipment with the existing contracted supplier, M & S Fire Protection. The expenditure was incurred by services with budgets in the General fund, HRA and Capital.

The report recommended that the Council Executive approve:-

1. The use of the Open Procedure whereby all suppliers expressing an interest in the contract would be invited to tender for an initial three year contract, with the option for a further two on-year extension periods, for the supply and maintenance of fire fighting equipment.
2. The award criteria as set out in Section D of the report.

Decision

To approve the terms of the report.

17. PROCUREMENT ARRANGEMENTS – MONTH 9 MONITORING

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates providing the month 9 monitoring report.

The report advised that following agreement of the Modernising Procurement Review quarterly monitoring reports on procurement, activities would be provided to the Council Executive.

The Head of Finance and Estates advised that work had been carried out in provision of new contracts to assist in increasing the percentage of contracted spend. This work had resulted in 25 contracts being let or adopted in the last quarter. Appendix 1 to the report provided a list of these contracts.

Further work to identify and input contracts not included in the Corporate Contract Management System had taken place which resulted in 75% of spend being captured. The target for the end of the final quarter had been set at 80%.

As a result of the contract management approach, closer working relationships were being developed with service areas to identify and deliver savings through better contracting practices. The estimated savings identified for 2012/13 were currently sitting at £837,000 of the £900,000 target and further savings before the end of this financial year would take savings to the target level.

The report went on to provide a short narrative on the following:-

- Progress Against Procurement Review and Strategy
- Collaborative Arrangements
- Improving Procurement Capabilities and Capacity

- Community Benefits
- Delivering Effective Procurement Work Stream

In conclusion the report advised that it was the aim of the Corporate Procurement Unit to lead significant improvements in procurement performance over the coming months through the progress to date and the implementation plans that were in place going forward.

The report recommended that the Council Executive

1. Note the contracts let since October 2012 and savings achieved to date in 2012/13.
2. Note the work in progress to ensure all contracts already in place were recorded in the Corporate Contract Management System.
3. Note the continued work on implementing the actions of the Modernising Procurement Review and ensure community benefits were successfully incorporated into the procurement process across the council.

Decision

To note the terms of the report.

18. DISCRETIONARY RATES RELIEF

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval for the replacement of the existing discretionary rates relief scheme from 1 April 2013.

The report advised that the council was responsible for the administration of Non Domestic Rates as the rating authority. Relief was available to ratepayers under both mandatory and discretionary schemes and the council was required to determine a scheme for discretionary relief.

The report provided details of the existing scheme which had been in force for a five year period from 1 April 2008.

The proposed scheme was detailed as follows:-

- An additional 20% discretionary relief for organisations already in receipt of mandatory relief where they:-
 - were mainly concerned with working with youths (under 19 years of age; or
 - operated a museum and did not charge entry; or
 - provided community facilities in village halls and community

centres; or

- would otherwise qualify for 100% discretionary rates relief as a club, society or other organisations that did not have a licence to sell alcohol, was not conducted for profit and was used mainly for recreational purposes.
- 80% discretionary relief to be granted to clubs, societies or other organisations that had a licence to sell alcohol, were not conducted for profit and were used mainly for recreational purposes.
- 80% discretionary relief to be granted to British Legion Clubs and Miners Welfare Clubs.
- 100% discretionary relief to be granted to clubs, societies or other organisations that did not have a licence to sell alcohol, were not conducted for profit and were used mainly for recreational purposes.
- 80% relief to be granted to Community Interest Companies designed to promote community benefits and interests.
- 100% discretionary relief to be granted to all clubs which were recognised as a sporting activity by Sports Scotland.
- 100% discretionary relief to be granted to Credit Unions who operated as non-profit making organisations.

The report recommended that the Council Executive approve the discretionary rates relief scheme as set out in Appendix 1 and agree that the scheme would be subject to review at least once in every council Administration term.

Decision

To approve the terms of the report.

19 CONSULTATION ON THE PROPOSED DISABLED PERSONS' PARKING BADGES (SCOTLAND) BILL

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services providing the council's response to the consultation on the proposed Disabled Persons' Parking Badges (Scotland) Bill.

The report advised that the Blue Badge Scheme was introduced in 1971 and was established to provide a national arrangement of parking concessions for on street parking for people with severe walking difficulties who travelled either as drivers or passengers.

The provisions relating to the Blue Badge Scheme were set out in UK primary legislation, the Chronically Sick and Disabled Persons Act 1970. Under this Act Scottish Ministers made secondary legislation, the

Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000. The Scottish Government passed further amendment regulations in 2000, 2002, 2007, 2011 and 2012.

A consultation on the proposed Disabled Persons' Parking Badges (Scotland) Bill was issued to all local authorities. The bill was being proposed to strengthen the Blue Badge Scheme enforcement powers, including powers to cancel and confiscate badges in certain circumstances and provide an appeals process for applicants when an application is refused on eligibility grounds. Appendix 1 to the report contained the full proposed bill and Appendix 2 contained the proposed response to the 10 consultation questions.

The Head of Area Services advised that the blue badge scheme continued to be administered within the boundaries of legislation and associated guidance from the Scottish Government. Whilst the eligibility was driven by legislation, the team responsible for administering the scheme was constantly reviewing their procedures relating to the application process to make this as customer-centric as possible. Any legislation that provided additional powers to local authority enforcement officers, police officers and traffic wardens to enforce blue badges was a positive step and should be supported.

However it was advised that if a statutory right of appeal was introduced through legislation this could result in an increase to current or new costs relating to the administration of the scheme within the council. This could also result in further mobility assessment costs depending on the outcome of, or process associated with, an appeal. The council would expect any additional costs to be fully funded by the Scottish Government.

The report recommended that the Council Executive note the update on the reforms of the Blue Badge Scheme and approve the response to the 10 consultation questions set out in Appendix 2 of the report.

Decision

To approve the terms of the report.

20. DRAFT SUBMISSION TO THE SCOTTISH PARLIAMENT LOCAL GOVERNMENT AND REGENERATION COMMITTEE INQUIRY INTO DELIVERY OF REGENERATION IN SCOTLAND

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services providing an update on the continued inquiry into Public Sector Reform undertaken by the Scottish Parliament Local Government and Regeneration Committee and the proposed council submission.

The report advised that the Scottish Government's regeneration strategy Achieving a Sustainable Future was published on 12 December 2011. The Local Government and Regeneration Committee, following its consideration of regeneration aspects of the Scottish Government Draft

Budget 2013-14 agreed to build on the scrutiny and undertake a detailed inquiry into the area of regeneration policy.

The remit of the inquiry was to identify and examine best practice and limitations in relation to the delivery of regeneration in Scotland.

The proposed response contained in Appendix 1 to the report was prepared following discussion and input from different service areas.

The main points underpinning the response were:-

- The three strands of regeneration ie; physical, social and economic should be delivered as an integrated package.
- Regeneration projects should be planned holistically across their total duration and beyond, with specific emphasis on involving local communities as early as possible and supporting them for as long as required.
- The funding landscape was complex and particularly difficult for smaller voluntary and community organisations to understand and consideration should be given as to how this could be simplified.
- There was a need for both capital and revenue funding and there was often a link between these. There should be sufficient funding to support full management and maintenance costs in the period after completion to allow the regeneration to take root.
- Partnership working was essential for successful generation before, during and after the formal regeneration project life.
- A key outcome was to ensure that the local community had sufficient capacity and resilience to influence and benefit from the regeneration.
- Outcomes should focus on the impact on the local community and the improvement made in their lives, rather than quantitative measures such as the number units built.

In conclusion the report advised that the proposed response provided comments on best practice and limitations in relation to the delivery of regeneration in Scotland.

The report recommended that the Council Executive approve the submission of the proposed response to the request from the Scottish Parliament's Local Government and Regeneration Committee.

Decision

To approve the terms of the report.

REFORM

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive providing an update on the continuing inquiry into new ways of delivering services strand of Public Sector Reform undertaken by the Scottish Parliament Local Government Regeneration Committee and the proposed council submission.

The report advised that West Lothian Council had submitted evidence to Scottish Parliament's Local Government and Regeneration Committee's enquiry on public sector reform in February 2012. This was a three strand enquiry, each of which examined specific aspects to public sector reforms as they related to local government in Scotland.

The council further contributed to the enquiry with updated evidence to the first two strands during 2012 and by hosting a visit by the Committee to the West Lothian Community Planning Partnership in March 2012.

The Head of Area Services advised that the Local Government and Regeneration Committee had now requested updated evidence on Strand 3 of the enquiry.

The overall remit and objectives for Strand 3 were to examine progress in relation to the development of shared services and other innovative ways of achieving economies of scale and harnessing the strengths and skills of key public sector partners to deliver the best possible quality services in local areas.

Appendix A to the report contained the draft response to the Local Government and Regeneration Committee. The draft response incorporated the previous response on February 2012 and provided updated evidence on Strand 3 of the enquiry. This was prepared following discussion and input from a range of staff.

The report recommended that the Council Executive note the proposed submission by the council to the Scottish Parliament and recommended that the proposed response was submitted to the Scottish Parliament for inclusion in the inquiry.

Decision

To approve the terms of the report.

22. COMMISSION FOR ETHICAL STANDARDS IN PUBLIC LIFE IN SCOTLAND

The Council Executive considered a report (copies of which had been circulated) by the Chief Legal Officer providing a response to the Scottish Government's consultation on a proposed restructure of the Commission for Ethical Standards in Public Life in Scotland.

The report advised that the Scottish Government had issued a

consultation paper on a proposal to restructure the Commission for Ethical Standards in Public Life in Scotland. This Commission was currently made up of two Commissioners, the Public Standards Commissioner (PSC) who investigated complaints alleging breaches of the Code of Conduct for councillors, members of devolved public bodies and MSPs, and the Public Appointments Commissioner (PAC) who regulated how appointments were made to the boards of public bodies. This proposal was made at the request of the Presiding Officer of the Scottish Parliament on behalf of the Scottish Parliament Corporate Body.

The consultation paper posed the following two questions:-

- Do you agree with the proposal to replace the Commission for Ethical Standards in Public Life in Scotland with a single Commissioner, thereby ensuring that the functions of the Public Standards Commissioner for Scotland and the Public Appointments Commissioner for Scotland were carried out instead by a single Commissioner?
- Do you have any other comments about the proposed new arrangements for carry out these functions?

In response the following comments were offered:-

- To welcome the reduction in public bodies and commissioners as saving public money, but to note that the net annual savings estimated at £44k were small and hardly justify the proposed change;
- To agree that the respective remits and roles of the PSC and PAC were based on the common ground of ethical standards involving the adherence to fair and open procedures and the prevention of conflicts of interest.
- To highlight that there was a significant difference in the roles of PSC and PAC in that the former's role was re-active, i.e.: responding to complaints made to him, while the latter's was both re-active in responding to complaints but also pro-active with the power to examine any appointments made by Scottish Minister without any complaint made;
- To note and welcome that there would be no dilution of the current functions and protections in legislation; and
- To welcome the appointment under the proposed statutory Order of the current PSC as the new Commissioner, since he had been fulfilling the combined roles effectively in the past year.

In conclusion the Chief Legal Officer advised that the Scottish Government proposed to replace the current Commission for Ethical Standards in Public Life in Scotland and the two Commissioners who made up that Commission, with a single Commissioner for Ethical Standards in Public Life in Scotland, in order to improve efficiency,

effectiveness and economy in the delivery of public functions, without any dilution of existing powers and protections.

The report recommended that the Council Executive respond to the consultation in terms of the comments contained in the report.

Decision

To approve the terms of the report.

23. BLACKBURN PARTNERSHIP CENTRE– COUNCIL ACCOMMODATION SCHEDULE

The Council Executive considered a report (copies of which had been circulated) by the Head of Area Services providing an update on the progress with the Blackburn Partnership Centre and seeking approval of the Council's accommodation schedule.

The report advised that the Council, NHS Lothian and the community had demonstrated a shared aspiration for a partnership centre in Blackburn. The development was identified in West Lothian Community Health & Care Partnership Joint Premises Strategy and was consistent with the Council's Customer Service Strategy and Corporate and Property Asset Management Strategies.

It was intended to facilitate a local service provision model, focussed on delivering priority outcomes for individuals and the community by:-

- Providing a central "hub" for the community to access a range of public services;
- Encouraging joint working, shared services and greater collaboration between agencies;
- Better aligning resources; and
- Improving assessment and information sharing processes across agencies.

The partnership centre development was included in the initial programme of hub projects for the South East Scotland hub territory. The South East Scotland hub (hubSES) programme involved public sector organisations working collaboratively and in partnership with a private sector development partner in a new joint venture company (hubCo) in order to benefit communities through more effective efficient procurement and delivery of key capital projects.

NHS Lothian was the lead public authority in the initial programme of hub projects for Blackburn Partnership Centre development and the project was being procured and delivered as part of a "bundle" of three projects across Lothian. This meant that any of the three bundled projects could

only progress through certain key project milestones at the rate of the slowest project.

The report went on to provide information on the following:-

- Project Progress
- Community Engagement
- Modelling of the existing community programme
- Consideration at LAC and PDSP meeting
- Proposed council accommodation schedule
- Estimated cost and budget position

The Head of Area Services advised that following site investigations the area to the rear of the existing Mill Centre had been identified as the preferred site for the development. This site was in Council ownership and would allow for the creation of a link between the shopping centre and the partnership centre. This was subject to agreement with the owners of the Mill Centre.

The report advised that the next step following approval of the Council's accommodation schedule was to formally engage hubCo through the submission of a New Project Request. This would support the development of the Business Case with NHS Lothian. As part of the process, and following appointment of the project's design team, further consultations would be undertaken with the community, user groups, staff and service representatives on matters including accommodation layout, design and functionality.

The report recommended that the Council Executive:-

1. Note progress on the delivery of the proposed Blackburn Partnership Centre and that the Initial Agreement document had been approved by the Scottish Government;
2. Note that the next key project milestone was the approval of the Council's accommodation schedule and that, until this was approved the project could not progress to the next stage of development;
3. Note the analysis of responses to the consultation conducted on the draft accommodation schedule, which included responses from officers, featured in Appendix 1 to this report;
4. Note the work undertaken to model the existing community centre programme into the proposed accommodation schedule, outlined in Section D4 of the report;

5. Approve the Council's accommodation schedule for Blackburn Partnership Centre; and
6. Note that following approval of the accommodation schedule, the design team for the project would be appointed and further consultations would be undertaken with community, user groups, staff and service representatives on matters including accommodation layout, design and functionality.

Motion

To add at "B" – Recommendations

7. Agree to provide the Community Education Association with funding of £7,500 per annum, for a period of two years from the opening of the Partnership Centre, to assist in offsetting the impact of a reduction in handball income.
- Moved by the Chair and seconded by Councillor Lawrence Fitzpatrick

Decision

To unanimously approve the terms of the report and the motion.

24. POLICE HEADQUARTER FUNCTIONS

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive providing an update of the Police Service of Scotland plans for the location of headquarters functions of the Policing Division which would cover Mid, East and West Lothian and the Scottish Borders.

The report advised that the legislative arrangements for the operation of the new Scottish Police Service were set out in the Police & Fire Reform (Scotland) Act 2012. The Act set out a variety of appointments, principles, priorities, strategies and plans through which policing was to be planned and delivered.

The Council Executive considered a report on the 18 December 2012 which outlined the proposal to create a unitary police division covering West Lothian, East Lothian, Mid Lothian and Scottish Borders which would commence on 1 April 2013. In agreeing to support the new arrangements for policing this was conditional on the Policing Division headquarters being in Livingston.

The report went on to advise that the Assistant Chief Constable Local Policing (East) had recently written to advise that following an independent assessment of the options for the location of headquarter functions, Dalkeith had been identified as the most appropriate for a number of reasons.

Discussions with the Assistant Chief Constable and the Chief Superintendent recognised that this decision would raise concerns locally over the perception of diminished partnership working and engagement between the police and senior personnel of the community planning partnership and a number of steps were taken to address these concerns.

It was also recognised that the new Lothian's and Scottish Borders division would not focus its entire infrastructure at the divisional headquarters and a number of functions associated with the back office support to policing would be distributed across the division. This would mean that the number of Officers operating from the Civic Centre would increase. The Detective Chief Inspector would continue to operate from Livingston and the Divisional Crime Intelligence Unit would also operate from the Civic Centre.

In conclusion the report advised that the new model of divisional policing would provide an enhanced capacity at divisional level, but this was based on a larger division. It was disappointing that it had not been considered appropriate for the divisional headquarters to be based in Livingston.

The report recommended that the Council Executive:

1. Note that the headquarters functions of the Policing Division which would cover Mid, East and West Lothian and the Scottish Borders would be based in Dalkeith.
2. Note that as a result of the deployment plan additional police resources would be located in West Lothian including the Divisional Crime Intelligence Unit.

Decision

To note the terms of the report.

25. 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 9 January 2013, a copy of which was attached to the report

26. ACTION TAKEN IN TERMS OF STANDING ORDER 31 (URGENT BUSINESS) – AGREEMENT FOR THE SUPPORT OF THE CENTRAL

AND WEST LOTHIAN AREA SUPPORT TEAM FOR THE CHILDREN'S HEARING SYSTEM

The Council Executive was advised that approval had been provided in terms of Standing Order 31 to note progress with the establishment of a joint Area Support Team between West Lothian Council, Falkirk, Stirling and Clackmannanshire Councils, to approve the terms of the service level agreement for the support of the joint Area Support Team and delegate authority to the Head of Corporate Services to sign the agreement on behalf of the council and that this delegation was reflected in the council's Standing Orders.

27. KIRKNEWTON COMMUNITY DEVELOPMENT TRUST (FOOD WASTE COLLECTION TRIAL)

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services seeking approval to provide a collection and treatment service for the Kirknewton Community Development Trust (KCDT) Food Waste Collection Trial from 1 April 2013 through to the roll out of the council's own Food Waste Collection Service within Kirknewton.

The report advised that the Kirknewton Community Development Trust had successfully operated an opt-in food waste collection service since March 2011 facilitated through grant funding from West Lothian Council. They worked in conjunction with a third party service provider MITIE, to offer a weekly collection of food waste from the Kirknewton area.

The scheme had diverted 23.85 tonnes of food waste from landfill, in 2012 and had provided a local source of knowledge and data which had been used to assist the council in planning the roll out of its own food waste collection service.

The Head of Operational Services advised that the scheme was only ever designed to run until the council had introduced its own food waste collection service to the area, which was why the grant funding was initially only provided till March 2013. The current phasing of the council's food waste collection service would not reach Kirknewton until mid 2014.

The continuation of the trial with appropriate support was seen as beneficial to the environment, the local residents and to the council by providing a control group external to the Design Phase which would commence in April 2013.

There were two options for allowing the scheme to continue:-

1. Provision of grant funds to allow KCDT to use MITIE for collection and treatment of food waste.
2. Utilise a portion of time currently available within the Council's Food Waste Design Phase, on a Saturday to service the Kirknewton scheme.

In conclusion the report advised that from the proposal laid out within the report Option 2 would provide the local community of Kirknewton and the council with an unbroken food collection service assisting the council in meeting statutory requirements and providing valuable comparator data for the Design Phase of the Food Waste Collection Service.

The report recommended that the Council Executive approve provision of support through the in-house collection and onward transportation for treatment of food waste generated by the Kirknewton Community Development Trust Food Waste Collection Trial Area.

Decision

To approve Option 2 and the terms of the report.