

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 15 APRIL 2014.

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

Apologies – Councillor Cathy Muldoon

1. ORDER OF BUSINESS

The Chair ruled in terms of Standing Order 11 that Agenda Item 18 (Local Fire & Rescue Plan) and Agenda Item 19 (Local Police Plan) would be considered immediately following consideration of the Minute to facilitate attendance of representatives of Police Scotland and the Scottish Fire & Rescue Service.

2. DECLARATIONS OF INTEREST

- Agenda Items 26 & 27 (Community Health and Care Partnership Board Minute and St John's Hospital Stakeholder Minute) – Councillor Danny Logue declared an interest in that he was an NHS Lothian employee;
- Agenda Items 15 & 26 (Medication Policy & Community Health and Care Partnership Board Minute) – Councillor Frank Toner declared a non-financial interest arising from his position as Chair of the Community Health and Care Partnership and as a Lothian Health Board Member for which a dispensation from the Standards Commission applied;
- Agenda Item 22 (Pentland Hills Regional Park) – Councillor Frank Toner declared a non-financial interest in that he was a council appointed member of the Pentland Hills Regional Committee; and
- Agenda Item 26 & 27 (Community Health and Care Partnership Board Minute and St John's Hospital Stakeholder Minute) – Councillor Peter Johnston declared a non-financial interest 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 a non-financial interest as COSLA's spokesperson for Health and Well-Being Strategic Group.

3. MINUTE

The Council Executive confirmed the Minute of its meeting held on 18 March 2014. The Minute was thereafter signed by the Chair.

4. CONSULTATION ON THE LOCAL FIRE AND RESCUE PLAN FOR WEST LoTHIAN 2014-17

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Construction and Building Services attaching a copy of the West Lothian Local Fire and Rescue Plan for 2014-17.

The report recalled that at the meeting of the Services for the Community Policy Development and Scrutiny Panel held on 5 February 2014, the Scottish Fire and Rescue Service had been asked to make a number of additional amendments to the draft Plan. These were to demonstrate enhanced alignment to the priorities of the Single Outcome Agreement, the inclusion of specific and measurable improvement targets for West Lothian.

The Head of Housing, Construction and Building Services informed the Council Executive of the changes made to the Plan since the February 2014 meeting. He considered that with the addition of the amendments, the Plan had been strengthened to ensure a strong local emphasis on partnership, delivery and adequate scrutiny.

The report recommended that the Council Executive approve the West Lothian Local Fire Plan 2014-17.

Decision

To approve the terms of the report.

5. WEST LoTHIAN LOCAL POLICING PLAN 2014-17

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Construction and Building Services attaching the amended West Lothian Local Policing Plan for 2014-17.

The report recalled that the draft West Lothian Local Police Plan 2014-2017 had been considered by the Services for the Community Policy Development and Scrutiny Panel at its meeting held on 5 February 2014, when the Panel had requested three amendments to the plan:-

- Increased linkages to the West Lothian Single Outcome Agreement
- Local performance targets for West Lothian
- A West Lothian Resource Plan

Following positive discussions between council officers and Police Scotland, the revised plan addressed each of the above, in that the plan included improved alignment to the Single Outcome Agreement, specific local performance targets and a section on police resources.

The report recommended that the Council Executive approve the West Lothian Local Policing Plan 2014-17.

### Decision

To approve the terms of the report.

#### 6. TWINNING - INVITATION TO VISIT HOCHSAUERLANDKREIS IN 2014 - REPORT BY CHIEF EXECUTIVE (HEREWITH)

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive advising of an invitation that had been received from the Landrat, Hochsauerlandkreis for an official delegation from West Lothian to visit Hochsauerland from 23 to 26 October 2014.

The Chief Executive advised that in line with established practice it was customary for the council to receive such an invitation every four years.

In 2010 there were eight people in the delegation; four councillors, one official and three representatives of the West Lothian Twinning Association.

Therefore it was recommended that the Council Executive :-

1. Give consideration to responding to the invitation; and
2. If the invitation was accepted, consideration be given to :-
  - The size of the delegation
  - The composition of the delegation; and
  - The names if individuals taking part to be remitted to the Chief Executive in consultation with the Provost of Leader of the Council.

### Motion

“Council Executive welcomes the invitation from the Landrat Hochsauerlandkreis for an official delegation from West Lothian to visit Hochsauerlandkreis later this year and agrees :-

- To accept the invitation
  - To send a delegation of 8 people
  - That the composition of the delegation will be 4 councillors, 1 official and 3 representatives of the West Lothian Twinning Association.
  - That the names of the individuals taking part be remitted to the Chief Executive in consultation with the Provost and Leader of the Council.
- Moved by the Chair and seconded by Councillor King

Decision

To unanimously approve the terms of the motion.

7. 5TH GENERAL REVIEW OF LOCAL GOVERNMENT ELECTORAL ARRANGEMENTS - PROPOSAL ON COUNCIL SIZE

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive advising of the Local Government Boundary Commission for Scotland (LGBCS) proposals for councillor numbers, which was part of the 5<sup>th</sup> Review of Local Government Electoral Arrangements.

The Chief Executive explained that the Local Government Boundary for Scotland had started their 5<sup>th</sup> General Review of local government electoral arrangements in Scotland. The review had started with recommendations being made for the number of councillors on each council and would go on to review the number and boundaries of wards for the election of councillors. They aimed to report on the review by 2016 so that any resulting wards would be available for the local government elections in Scotland which were planned for 2017.

The LGBCS was proposing that the number of councillors in West Lothian increase from 33 to 34.

The proposal was based on a methodology that took account of population distribution and levels of deprivation. The methodology provided five categories into which each council could fall. Further details of the methodology were summarised in the report.

The LGBCS was consulting councils on their recommendations on council size before carrying out a public consultation. The expected timetable for the review was detailed in the report.

In considering a response to the LGBCS, as well as considering the proposal itself, the Council Executive may wish to consider the methodology used by the LGBCS and could include :-

- Whether the Executive agree with the inclusion of deprivation in the methodology given that no evidence had been provided to support a view that higher deprivation levels in an area had a significant impact on the workload of councillors; and
- That the requirement for electoral parity meant that an increase or decrease in councillor numbers would be reflected across a council area and not concentrated in areas of high or low deprivation.

A response was to be submitted to the LGBCS by 23 April 2014.

It was recommended that the Council Executive agree a response to the LGBCS on their proposal to increase the number of councillors in West Lothian by one, from 33 to 34.

### Motion

“Council Executive notes the 5<sup>th</sup> Review of Local Government Electoral Arrangements and the proposal of the Local Government Boundary Commission to increase the number of councillors within West Lothian from 33 to 34.

The Council Executive agrees that a formal response is sent to the commission in the following terms :-

- ❖ That the council notes that no evidence has been provided by the commission in relation to the correlation of incidence of deprivation and elected member workload, is unconvinced by the proposal for the use of area deprivation as a basis for determination of the number of councillors, and agrees to write to the commission to ask them to share the evidence that underpins the proposal.
  - ❖ That the council does not believe that in the current economic climate an increase in the number of councillors at individual council level is justified.
  - ❖ That the council believes that the current council of 33 elected members remains an appropriate size for West Lothian
- Moved by the Chair and seconded by Councillor Fitzpatrick”

### Amendment

“Council Executive agrees to respond to the LGCBS by making the following points :-

- The Council Executive accepts that the increased West Lothian population requires consideration be given to the appropriate number of councillors to be elected.
- The Council Executive accepts that electoral parity will require a review of current multi member ward boundaries.
- The Council Executive emphasises the need for any review of ward boundaries to take full account of the natural communities identified by this council and to maintain these communities as the building bricks for all wards.
- The Council Executive does not accept the inclusion in the methodology given that no evidence has been provided to support the view that deprivation levels in the area have a significant impact on the workload of councillors.
- The Council Executive further rejects the inclusion of deprivation in the methodology as the requirement for electoral parity means that an increase or decrease in councillor numbers, due to deprivation being part of the methodology, will not be reflected in areas of deprivation but instead will be spread across the whole council

area thus defeating the logic underpinning the call for deprivation to be considered within the methodology

- Moved by Councillor Johnston and seconded by Councillor Anderson

It was agreed that a Roll Call Vote be taken which resulted as follows :-

Motion

Amendment

Tom Conn

Frank Anderson

Jim Dixon

Peter Johnston

Lawrence Fitzpatrick

Dave King

Danny Logue

John McGinty

Anne McMillan

Angela Moohan

Frank Toner

George Paul

Decision

The motion was successful by 10 votes to 2 and it was agreed accordingly

8. GENERAL SERVICES CAPITAL BLOCK BUDGET ALLOCATIONS

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval of the allocation of block budgets to specific projects within the general services capital programme.

The Head of Finance and Estates recalled that on 29 January 2014 the council had approved a five year asset management and general services capital programme for 2013-14 to 2017-18. This was a culmination of an exercise involving updated business cases for investment and a corporate prioritisation process.

It was explained that block budgets were allocated to specific projects for 2013/14 and 2014/15 with a commitment that proposals for allocating remaining block budgets from the approved programme for 2015/16 to 2017/18 would be prepared and presented to Local Area Committees for consultation.

The report set out the proposed allocation of block budgets for 2015/16 to 2017/18, as well as proposed updates to the 2014/15 block budget programme for Road and Related assets.

Proposed allocations of block budgets to individual schemes for 2015/16 to 2017/18 had been undertaken by officers on a needs basis to ensure that the council had appropriate assets for service delivery and attainment of priorities.

The total proposed investment from the allocation of the remaining block budgets was £31.196 million, split by asset type as follows:-

Property Assets	9,382
Roads & Other Related Assets	18,223
Open Space Assets	3,591
<b><u>Total</u></b>	<b><u>31,196</u></b>

The Head of Finance and Estates explained that the report set out the proposed allocation of block budgets within the capital programme for 2015/16 to 2017/18 and amendments to the approved allocations for 2014/15. Approval of the programme would allow on-going implementation of the capital plan to proceed resulting in significant improvements to services provided by the council and to the overall asset infrastructure throughout West Lothian.

The report recommended that the Council Executive:-

1. Approve the allocation of capital block budgets to specific projects for 2015/16 to 2017/18;
2. Approve the revised block budget allocations for Roads and Related Assets for 2014/15, updated to take account of latest asset condition information.

#### Decision

To approve the terms of the report.

#### 9. CHANCELLOR'S BUDGET 2014

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates providing an update in relation to the announcements contained in the Chancellor of the Exchequer's 2014 Budget, and to provide an indication of financial implications for the council.

The report advised that the Chancellor delivered his 2014 Budget Statement to the House of Commons on 19 March 2014. The statement built on the measures previously set out in the 2013 Autumn statement.

The 2014 Budget announcement provided further detail on the UK Government's deficit reduction plans and set out plans for economic growth. The Budget also included updated assessments from the Office for Budget Responsibility (OBR) on the forecasts for growth and borrowing.

The Government believed that the current long-term economic plan had provided foundations for economic recovery. The Budget was intended to set out further action to secure the recovery, build a resilient economy and support businesses to invest, export and create jobs.

The Head of Finance and Estates provided details of the overall economic position, which included OBR Projections, General Economic Outlook and Unemployment. The report contained tables setting out details of Revenue Expenditure, Capital Expenditure and the Scottish Government Block Budget. Information was also provided on Pay Assumptions and Pay Progression Reviews, Building a Stronger Economy, Welfare Reform and Pension Reforms.

The Head of Finance and Estates also advised that the Scottish Government would determine the distribution of revised departmental spending figures following the 2014 Budget announcement. Through the Barnett Formula, Scotland would receive an additional £63 million from the spending proposals included within the Budget; however discretionary funding from the UK Government had been reduced in real terms.

On 1 April 2014 John Swinney made an announcement which included the allocation of the UK Budget Barnett consequentials for Scotland which included; funding for councils over the next two years to develop the capital infrastructure needed to increase early learning and childcare provision, funding to local government in 2015/16 to further fund the provision of free school meals for P1-P3 pupils, funding for Help to Buy (Scotland) in 2014/15, funding to further enhance existing measures to support youth employment and funding to provide further support for those affected by Welfare Reforms. COSLA continued to discuss a range of issues around funding with the Scottish Government.

The report went on to provide brief details on other announcements in the Budget such as Fuel Duty, Alcohol Duty, Coinage, Savings, Tax-free Childcare and Corporation Tax.

In conclusion the report advised that the Chancellor's 2014 Budget was intended to build on measures announced in previous budgets, the 2013 Autumn statement and the Plan for Growth. The budget focussed on securing a sustained recovery and building a resilient economy.

Changes to public sector expenditure plans would be passed on to the Scottish Budget through the Barnett Formula and it was for the Scottish Government to decide how to allocate the total Scottish Block Budget.

The on-going commitment to reducing the UK deficit by 2017 meant that the financial outlook for public finances remained challenging. Public finances would continue to be constrained and there was a continuing risk



that geo-political instability could lead to further pressure on the UK economy. The overall financial position outlined in the 2014 Budget Statement re-emphasised that the period ahead remained challenging to the public sector in Scotland.

The report recommended that the Council Executive:-

1. Note the content of the report.
2. Agree that the Head of Finance and Estates would take account of the measures which impacted on the council.

### Motion

To approve the terms of the report.

- Moved by the Chair and seconded by Councillor Fitzpatrick

### Amendment

“Council Executive notes with serious concern the imposition of a cap on welfare spending by the Westminster Parliament.

Council Executive asserts that this cap will inevitably force the most vulnerable in our society, including children and the elderly and disabled, into further hardship and poverty.

Council Executive therefore agrees to write to the Leaders of all the Westminster political parties expressing the views of the this council on this cap and requesting their support for its removal”.

- Moved by Councillor Johnston and seconded by Councillor Anderson

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

### Motion

Tom Conn

Jim Dixon

Lawrence Fitzpatrick

Dave King

Danny Logue

John McGinty

Anne McMillan

Angela Moohan

Frank Toner

### Amendment

Frank Anderson

Peter Johnston

George Paul

Decision

Following a vote the motion was successful by 10 votes to 2 and it was agreed accordingly.

10. LAND AT ALDERSTONE ROAD, LIVINGSTON

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 0.49HA of land at Alderstone Road, Livingston to Lidl UK GmbH Ltd and the relinquishment by Lidl of rights over adjoining land.

The report advised that the subject land at Alderstone Road, which was shown, hatched on the plan and which extended to a total of 0.49HA or thereby, formed part of an option agreement between Livingston Stadia Management Ltd (LSM) and the council.

While discussions were taking place with LSM for the renunciation of the option agreement, Lidl UK GmbH approached the council with a proposal to purchase the subject land, between their existing unit and Alderstone Road. Lidl was proposing to develop a new superstore for circa 10,000sqft in their new format. Following completion the existing store would be refurbished and reconfigured to facilitate a letting to a third party.

The Head of Finance and Estates advised that Lidl was considered a special purchaser in this case as there was an element of marriage value between the subject property and their existing property by virtue of the existing car park which would enable Lidl to use the subject property more extensively than other potential purchasers.

Given the specific property characteristics and that the Lidl proposal would increase economic activity in the area it was decided that it was appropriate, in this case, to negotiate direct with Lidl.

The land was currently let to LSM under the terms of the ground lease but would be returned to the council on 1 July 2014; however the rights that had been granted made the land of limited use and as a consequence of little value to the council.

With the removal of these rights, the council would have an unencumbered site that was available for letting or sale and would therefore have a significantly higher value in future. The renunciation of rights would only occur with Lidl's agreement.

The purchase price of the subject land along with the relinquishment of Lidl's existing rights over the additional area of land would provide an aggregated value to the council in line with the external valuation that had been obtained.

The report provided details of the proposed terms of the sale and special conditions.

In conclusion the Head of Finance and Estates advised that the overall state of the property market and the specific circumstances of this case, it was considered to be in the council's best interest to sell the site at Alderstone Road in accordance with the recommendations of the report.

The report recommended that the Council Executive:-

1. Approve the sale of land at Alderstone Road, Livingston to LIDL UK GMBH for £800,000 subject to the terms and conditions set out in the report.
2. Grant delegated powers to the Head of Finance and Estates Services to agree to any changes required to the current terms in order to conclude the transaction, on the basis that any revised terms and conditions still represented best value for the council.

#### Decision

To approve the terms of the report.

#### 11. 0.72HA LAND AT HARDIE ROAD, DEANS, LIVINGSTON - PROPOSED SALE TO JASON CRAIG DALY

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 a residential site for development of four Eco dwelling houses.

The report advised that the subject land was a small gap site in Deans, Livingston which was bordered by a woodland strip to the west and Knowepark Caravans to the east. It was currently vacant and had generated no income for a number of years. Planning Services produced a detailed Planning Brief for the site with planning permission supporting up to four residential units.

The land was placed on the market for sale in December 2013 with a closing date of 14 February 2014. No offers were received and it was remarketed without a closing date. As a result of further marketing a formal offer was received, and the terms were outlined in the report.

In conclusion the Head of Finance and Estates advised that given the length of time the land had been marketed for and the lack of offers received, it was considered to be in the best interest of the council that the land was sold to Jason Craig Daly to be developed in accordance with the associated planning brief.

The report recommended that the Council Executive:

1. Approve the sale of 0.72HA land at Hardie Road, Livingston to Jason Craig Daly for £150,000, subject to terms and conditions set

out; and

2. Authorise 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 condition represented the best capital receipt for the council.

### Decision

To approve the terms of the report.

## 12. SUPPORT TO CREDIT UNIONS IN WEST LOTHIAN

The Council Executive considered a joint report (copies of which had been circulated) by the Head of Finance and Estates and the Head of Area Services which set out the proposals for one off funding in 2014/15 for financial and other support to be provided to the two local credit unions in West Lothian (West Lothian Credit Union and Blackburn, Seafield and District Credit Union)

The report advised that it was recognised that credit unions were an extremely important mechanism to help people affected by financial exclusion and therefore at risk of poverty, to save and borrow. In addition the Edinburgh based Capital Credit Union had a common bond that allowed it to operated throughout West Lothian.

It was explained that officers had consulted separately and jointly with the credit unions to identify a package of support from West Lothian Council which would:-

- Increase adult membership
- Increase young persons' membership
- Increase the number of community access points
- Expand the range of support and partnership working.

West Lothian Credit Union would have a presence in the following areas:-

Bathgate, Broxburn, East Calder, Linlithgow & Bridgend, Livingston East, Livingston North, Livingston South, Uphall and Winchburgh.

Constructive discussions took place with Blackburn and Seafield Credit Union on how best to support their organisation. A separate report would be presented to the Council Executive in June 2014 which would outline the support to Blackburn and Seafield District Credit Union.

The report went on to advise that it was proposed that through the Anti-Poverty Strategy Board, the council, community planning partners and the credit unions would work in partnership to deliver services as follows:-

- A. Publicising credit union services. This would include a range of activities

such as:-

- Joint promotion/write ups in the Bulletin and on council Facebook and Twitter pages;
  - Closer working with Advice Shop and other council services to promote credit union membership; and
  - Promotion through payslips, on plasma screens and on public access computers.
- B. Facilitating opportunities in a range of locations to enable new members to join credit unions:-
- By March 2015, one or both credit unions would have a significant presence in each of the nine council wards that would increase their accessibility to members and potential members. This would include regular open sessions in council facilities where people could access credit union services.
- C. Facilitating staff in the council and community planning partners to join.
- D. Training and information for staff in West Lothian Council and Community Planning Partners that would increase the number of membership referrals from customer facing staff.

In conclusion the report advised that local credit unions had a valuable and valued part to play in alleviating poverty among vulnerable people in West Lothian, through helping them save and allow them to borrow small amounts of money for essential needs.

Non-financial help from the council and community planning partners would allow the two local credit unions and Capital Credit Union build membership in West Lothian and increase accessibility to potential members.

The report recommended that the Council Executive:-

1. Note that officers were working with Blackburn, Seafield and District Credit Union on strategies to support their development which would be reported at a later date;
2. Agree to grant West Lothian Credit Union £46,385 to support the development of their service;
3. Agree to provide in kind, support to the above credit unions and to Capital Credit Union to develop and promote their services to make them more accessible to potential customers in all council wards in West Lothian; and
4. Agree to provide West Lothian Credit Union with a one off grant of £20,000 to support the delivery of the Choices Loan project.

Decision

To approve the terms of the report.

13. EAST OF SCOTLAND INVESTMENT FUND - REPORT BY HEAD OF PLANNING AND ECONOMIC SERVICES (HEREWITH)

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning & Economic Development providing an update on the performance of the East of Scotland Investment Fund (ESIF) and to seek authority to appoint the Head of Planning & Economic Development as a Director of ESIF.

The report advised that the East of Scotland (ESIF) was formed in 2010/11 as a company limited by guarantee with founding and subscribing members comprising ten local authorities. The funding model consisted of loans from member authorities and matching European Regional Development Funding (ERDF).

ESIF worked by each local authority making secured loans to viable local businesses to help with investment and job creation. Le by the council's Business Gateway service ESIF lending had helped lever in additional private funding of over £3.5 million to date for local firms.

In the past three years the council made loans totalling £673,000 to local firms. The average loan value was in the range of £30,000 to £40,000. Loans were secured against company assets; personal guarantees were often taken for the duration of the loan which was typically three years.

Participation in ESIF was supported by the Development & Transport PDSP and approved by Council Executive in 2010. An EISF member's agreement was concluded in 2010 for the ten founding local authorities. As a result of the recent appointment of the Head of Planning & Economic Development it was necessary to appoint the post holder as a Director of EISF. No specific delegation for this appointment existed.

The report recommended that the Council Executive:-

1. Note the performance of ESIF.
2. Approve the appointment of the Head of Planning & Economic Development as a Director of ESIF.
3. Amend the Scheme of Delegation to allow for the appointment of the Head of Planning & Economic Development.

Decision

To approve the terms of the report.

14. LINLITHGOW 3RD GENERATION SYNTHETIC PITCH PROJECT

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

circulated) by the Head of Area Services seeking approval for the submission of a £300,000 Cashback for Communities funding application, to the Scottish Government, for a full-size 3<sup>rd</sup> generation synthetic turf pitch at Linlithgow Leisure Centre.

The report advised that an opportunity had arisen to apply to the Cashback for Communities scheme administered via the Scottish Government, Sportscotland, Scottish Football Association (SFA) and the Scottish Rugby Union (SRU) for £300,000 toward a full-size, fenced and floodlit 3<sup>rd</sup> Generation synthetic turf pitch which would accommodate football training, matches and full-contact rugby.

Initial discussions with the SFA and SRU led to the recommendation that Linlithgow was the preferred locality to receive a submission to the fund due to the strength of the football and rugby clubs in the town and the number of active participants the clubs supported.

The Head of Area Services recommended that West Lothian Leisure manage the proposed facility given its expertise in leisure management and facility operation. This would require an amendment to the West Lothian Leisure lease to include the site of the proposed project which the Head of Finance and Estates would progress.

The total budget requirement for this project was estimated to be £650,000 as detailed on page 8 of Appendix 1 to the report.

- West Lothian Council                    £200,000
- Cashback for Communities        £300,000
- Scottish Football Partnership    £ 50,000
- **Total £550,000**

Further discussion was being progressed with the Scottish FA and Sportscotland over the projected funding deficit and sources to address that. In addition, West Lothian Leisure had advised that an allocation to the project would be considered in a paper to be presented to the West Lothian Leisure Board for consideration on 24 April 2014.

The £200,000 West Lothian capital funding would be sourced from an existing, approved project in the Open Space Capital programme (the Doomsdale Park Project). The project aimed to deliver a full-size natural grass pitch on the Doomsdale Park site. Feasibility studies identified that ground conditions and topography at this site were unsuitable.

It was concluded that a £200,000 investment to achieve a £650,000 synthetic turf facility, which provided significantly more hours of use represented better value for money and a better facility for local people.

There would be no revenue consequence for this project, assuming Council Executive agree that West Lothian Leisure operated the facility under an amendment to the existing West Lothian Leisure Lease.

Decision

To approve the terms of the report.

15. SCOTTISH GOVERNMENT CONSULTATION - CARERS LEGISLATION - CONSULTATION ON PROPOSALS

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy providing details of the consultation relating to the Scottish Government's proposal for the development of Carers Legislation.

The report advised that the Scottish Government was committed to supporting unpaid carers and young carers through the national carers and young carers' strategies, Caring Together and Getting it Right for Young Carers.

The care provided by unpaid carers was estimated to save the health and social care services over £10 billion every year in Scotland. Ministers had made it clear that they planned to accelerate the pace of change so that both adult carers and young carers were fully supported and achieved better outcomes as a result. They indicated that they saw a crucial role for new carers' legislation in raising the bar and providing further impetus to this important agenda. A consultation was launched which set out the Scottish Government's proposals on how to improve outcomes for carers and young carers across Scotland.

It was advised that the draft response from West Lothian Council was formulated following engagement with Carers of West Lothian, West Lothian Council staff, carers and young carers. The Carers Consultation event took place on 5 March 2014 and the National Council Officer Consultation event was being held on 31 March 2014.

In conclusion the report advised that West Lothian was committed to supporting Carers and Young Carers and was demonstrated by the development and implementation of the West Lothian Carers and Young Carers Strategies. In framing this consultation response consideration was given to the Carers Rights Charter which was due to be published mid-year.

The report recommended that the Council Executive:-

1. Note the current consultation relating to the development of Carers Legislation.
2. Consider the draft response and agree that it be submitted to the Scottish Government.

Decision

To approve the terms of the report.



16. MEDICATION POLICY - SOCIAL POLICY

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy providing details of the revisions to the policy on the Management of Medication in social care services in West Lothian.

The report recalled that the previous Community Care Medication Management Policy was approved by the Council and implemented in January 2009. Since the policy was approved there had been some key developments. Further guidance was issued by the Care Inspectorate in relation to Medication Management in registered care settings for Children and Young People in 2011 and for adult care settings in 2012. The council's insurers commissioned an independent audit of Medication Management, which included not only the content of the policy and procedural guidance but also overall deployment and compliance. The report was presented to the Council's Governance and Risk Board in November 2013. No areas of high risk were identified.

The report advised that the revised framework took into account new guidance and audit recommendations as well as recommendations from key professionals in health. The overarching medication policies for Children and Families and Community Care services were combined to better facilitate document control.

In conclusion, the report advised that the council had robust arrangements in place for medication management and this had been confirmed by independent audit. A process of continuous improvement, overseen by the Medication Advisory Group, ensured that operational guidance was up to date. It was anticipated that the overarching policy framework would be subject to review at least every three years.

The report recommended that the Council Executive:-

1. Approve the revised policy on the Management of Medication
2. Agree that the policy would be reviewed every three years.

Decision

To approve the terms of the report.

17. 1,000 NEW BUILD COUNCIL HOUSES PROGRAMME

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Construction and Building Services updating the Panel on progress with the 1,000 New Build Council Houses Programme.

The report recalled that the Council Executive had approved an initial list of eight sites on 26 February 2013 with potential to accommodate 603 houses. These were contained in List A in Appendix 1 to the report.

A further list of 14 sites capable of accommodating 371 houses had been approved by Council Executive in June 2013. These were contained in List B in Appendix 1 to the report.

The report provided an update on progress relating to Lots 1 & 2

A revised list of sites was attached as Appendix 2. This remained an indicative list as there continued to be some uncertainty about the availability/deliverability of a number of the sites. From the list of 22 sites previously approved by Council Executive, it was now recommended that two sites be removed and that four sites be moved to the reserve list. The proposed sites to be removed were James Young High School (20 units) and Former Depot, East Calder (30 units). The four sites to be moved to the reserve list were:-

Armadale CDA (40 units)  
Former Bowling Green, Philipstoun (5 units)  
Glen Road, Deans (20 units)  
Rear of new Deans House (10 units)

It was also recommended that the site at Drove Road, Armadale (80 units) be removed from the reserve list as there were school capacity constraints which were unlikely to be resolved in the short term. It was also recommended that the Candleworks site in Broxburn be removed from the reserve list as Tesco had recently decided not to go ahead with its proposed supermarket in this location.

Seven new sites were recommended for inclusion in the programme, and these were listed in the report. With the exception of Deans South, plans of the proposed new sites were included in Appendix 3 to the report.

Appendix 4 to the report showed how each was affected by the proposed changes.

The report went on to advise that the financial model for the programme continued to be updated to reflect changes in circumstances, and at this stage, the programme remained affordable.

The Head of Housing, Construction and Building Services considered that the proposed change in sites would enable the council to meet the 1000 new build programme, with all wards continuing to be represented in the proposed programme. The timescales for procurement and delivery of the new build programme remained challenging and early Council Executive approval for the new sites would enable the programme to progress.

The report recommended that the Council Executive:

1. Note the progress with Lots 1 and 2 and the indicative timescale for progressing Lots 3-5.
2. Approve the proposed changes to the list of sites to be included in the New Build Council Housing Programme;

3. Approve the transfer of the sites required for the new build programme from General Services to HRA and note that Scottish Government approval for such transfers would be required; and
4. Note the financial matters highlighted in the report and that at this stage the new build programme remained affordable.

### Motion

To approve the terms of the report and agree all four recommendations contained within the report and agree a fifth recommendation in that officers were to continue to search for suitable sites in Armadale and Breich and to report back on progress to a future meeting of the Services for the Community Policy Development and Scrutiny Panel.

- Moved by the Chair and seconded by Councillor King

### Amendment

“West Lothian Council SNP Group notes the continuation of the SNP initiative to build council houses within West Lothian for the first time in over 30 years. Notes however, that not a single brick has been laid of any of Labour’s proposed houses, after 2 years in administration. Also notes that the programme has been delayed from building commencing next month to January 2015 before the first brick is laid.

It is recommended that Council Executive :-

- Notes the delay to the building programme and notes the indicative timescale for progressing lots 3-5
  - Remove the trim track, Livingston and replaces with site on Alderstone Road, Livingston
  - Approves the transfer of sites required for the new build programme from the General Services to HRS and notes that Scottish Government approval for such transfers will be required.
  - Includes within the lots 3-5 tender process that all properties must have PV panels installed, where possible.
  - That no 1 bed flats are buildt”
- Moved by Councillor Anderson and seconded by Councillor Johnston

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

### Motion

Tom Conn

Jim Dixon

### Amendment

Frank Anderson

Peter Johnston

Lawrence Fitzpatrick

Dave King

Danny Logue

John McGinty

Anne McMillan

Angela Moohan

Frank Toner

George Paul

### Decision

Following a vote the motion was successful by 10 votes to 2 and it was agreed accordingly.

## 18. HOUSING ALLOCATION POLICY REVIEW

The Council Executive considered a report (copies of which had been circulated) by the Head of Housing, Construction and Building Services providing an update on the progress of the review of the Council's Housing Allocation Policy and Points framework.

The Council Executive was informed that the current Allocations Policy had been in place since 2005 (amended in 2010). The policy met legislative requirements, was needs based, and allocated houses to applicants with the highest need points award. There were 3 priority groupings and a transfer-led policy for new build.

There were four main areas which should be considered as part of the Housing Allocations Review. These were outlined in the report. Examination of the existing Housing Allocation Policy had identified a range of areas for consideration for change. These were examined in the report under the following headings:-

1. Introduce a new system to allocate housing
2. Review the Points framework
3. Review allocation approach for Homeless applicants
4. Promoting Re-housing of Transfer Applicants
5. Lettings Plan
6. Sensitive Letting Approach

A summary of the advantages and disadvantages of the proposals were

set out in a table within the report.

Finally, the report provided indicative timescales for the various steps in the approval process.

The Head of Housing, Construction and Building Services concluded that the areas identified and proposals for change would build on and further enhance the council's approach and develop innovative solutions to meet the needs of a greater proportion of people seeking housing in West Lothian whilst, at the same time promoting balanced and sustainable communities.

The report recommended that the Council Executive endorse the proposals to change the Housing Allocations Policy and agree that the report proceed to an agreed period of consultation.

#### Motion

“Council Executive notes the proposals to change the Housing Allocation Policy as set out in the report, and agrees to the commencement of the consultation programme on the proposals, subject to the proposals being amended to retain the age of eight for separate bedrooms for children”

- Moved by Councillor Paul and seconded by the Chair

#### Decision

To unanimously agree the terms of the motion.

### 19. VILLAGES IMPROVEMENT FUND UPDATE

The Council Executive considered a report (copies of which had circulated) by the Head of Planning and Economic Development providing an update on the full allocation of the Village Improvement Fund for 2014 to 2017 and to set out a revised proposal of the delivery and operation of the fund.

At the Council Executive in May 2013 there was agreement for a one year allocation of funding to establish the Village Improvement Fund. This was a total of £490,000 (£430,000 for Improvements and £60,000 for shop fronts) leaving a balance of £1.16m to be allocated from 2014-15 to 2017-18.

The Head of Planning and Economic Development explained that there was no proposal to change the criteria or administration from last year's report however it was important to highlight that there had been some concerns raised about the capability of local organisations to incur capital expenditure within their area.

At present the local community regeneration officers were working with some of the communities to work up projects and to ensure that any match funding or revenue to support projects on an on-going basis was in place. It was acknowledged that this was taking longer than first

estimated.

Therefore in order to keep control of expenditure and to ensure effective liaison across the different services involved with projects it was proposed to use existing officer resources within Economic Development to support and co-ordinate the projects and act as liaison between Community Regeneration Officers, local communities and other council services, such as planning. Further details of the proposed expenditure were outlined in Appendix 1 attached to the report.

Reports would continue to be ratified by the relevant Local Area Committee.

There was no change to the shop front improvement scheme previously agreed by the Council Executive in May 2013.

It was recommended that the Council Executive :-

1. Agree to the continuation of the fund and split over the eligible areas; and
2. Agree to the differing delivery role i.e. community led or council led depending on each areas needs and requirements.

#### Decision

To approve the terms of the report.

## 20. SESPLAN SUPPLEMENTARY GUIDANCE FOR HOUSING

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development advising on progress with the preparation of Supplementary Planning Guidance (SPG) on Housing as required by Scottish Ministers in approving the Strategic Development Plan and to seek ratification of the decision of the SESPlan Joint Committee to submit the SPG to Scottish Ministers for approval.

The Head of Planning and Economic Development explained that the SESPlan Strategic Development Plan was approved by Scottish Ministers with modifications on 27 June 2013 but in approving the SDP Scottish Ministers required that SESPlan prepare supplementary planning guidance on housing which would provide detailed information for Local Development Plan's as to how much of the overall SESPlan housing land requirement should be met in each of the six member authority areas.

The SESPlan Joint Committee comprising of representatives from City of Edinburgh, East Lothian, Fife, Midlothian, Scottish Borders and West Lothian Councils met on 10 March 2014 and considered a report by SESPlan on Supplementary Guidance for Housing Land

Consultation on the draft SPG was undertaken with a wide range of consultees including key agencies such as SEPA, Scottish Water and

Historic Scotland and also with community councils, developers and landowners. Comments received related to the scale of housing land proposed through the draft SPG and the distribution of this across the SESPlan area.

In response SESPlan advised that housing completion levels across the SESPlan area would require to be increased and this presented a considerable challenge for SDP's and LDP's. To achieve this, SESPlan together with the six member authorities would continue to work with the development industry, key agencies and the Scottish Government to increase housing delivery rates. It was noted that with regards to West Lothian, whilst the area was showing an upward trend, a substantial increase in build rates upon current levels would be required to meet SESPlan requirements in the area.

Once approved the SPG guidance would set the housing land requirement for each of the SESPlan member authorities. SESPlan were required to submit the guidance to Scottish Ministers for approval and then Scottish Ministers had 28 days in which to approve the guidance.

It was recommended that the Council Executive :-

1. Note the summaries of the consultation response to the Draft Supplementary Guidance and the SESPlan responses as set out in Appendices A and B;
2. Note the findings of the updated Strategic Environmental Assessment Report;
3. Note the findings of the Draft Habitat Regulations Assessment record;
4. Support the minor editorial changes to the Supplementary Guidance and Technical Note approved by SESPlan Joint Committee on 10 March 2014 and as set out in Appendix C;
5. Support the SESPlan Joint Committee decision to submit the Supplementary Guidance to Scottish Ministers for approval; and
6. Support adoption of the Supplementary Guidance on Housing, subject to there being no direction not to adopt by Scottish Ministers.

#### Decision

To approve the terms of the report.

21. PENTLAND HILLS REGIONAL PARK - A PROPOSAL TO EXTEND THE REGIONAL PARK BOUNDARY

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development providing information on the recent proposal by an MSP for a Bill to extend the

existing Pentland Hills Regional Park (PHRP) boundary.

The report advised that West Lothian Council co-operated with City of Edinburgh and Mid Lothian Councils in the management of the Pentland Hills Regional Park. The area of the park in West Lothian was only around 10% of the designated area. The Pentland Hills Regional Park Ranger Service was managed by City of Edinburgh Council.

The Head of Planning and Economic development explained that the aims of the Pentland Regional Park as set out in its designation order were:-

- To retain the essential character of the hills as a place for the peaceful enjoyment of the countryside;
- Caring for the hills so that the landscape and the habitat was protected and enhanced;
- Within this caring framework to encourage responsible public enjoyment of the hill; and
- Co-ordination of these aims to co-exist with farming and other land uses within the Pentland Hills Park.

To sustain the management of the park, following local government reorganisation, a Minute of Agreement was entered into by the three local authorities in 1997, and in 2004 this agreement was amended to enable the City of Edinburgh Council to become the lead authority through its management of a single ranger service previously shared with Midlothian Council.

The Regional Park management was overseen by a Joint Committee made up of elected members from City of Edinburgh, Midlothian and West Lothian councils.

The Joint Committee recently agreed to rationalise its meetings from four to two per year and realign the Consultative Forum meeting to which elected members were invited to attend. It was at the most recent forum in February 2014 that Christine Grahame, MSP set out her extension proposal.

The report went on to provide details on the proposed extension to the park, and the existing characteristics of the proposed park extension area. The proposed response to the consultation was attached as Appendix 2 to the report. Details of the following three main issues identified for West Lothian were contained in the report:-

- Financial
- Elected Representation
- Landscape Protection

In conclusion the report advised that land managers and residents within



the park area benefited from the involvement of the Pentland Hills Regional Park Ranger Service in a wide range of management and recreational and ecological issues. The Pentland Hills remained an important visual backdrop and open landscape for the whole district.

While it was the view of officers that West Lothian Council should in principle, embrace the proposed Regional Park extension for landscape protection, recreational and habitat protection reasons there remained concerns about the future funding and representation.

However, organisational support from West Lothian Council would only be forthcoming if there was a sound business case for any additional management resources required, as they were not currently available from the council and also that arrangements for local authority representation on any potential future charitable trust formed to manage the park, were safeguarded.

The report recommended that the Council Executive:-

1. Note the proposal for a Bill from Christine Grahame, MSP to extend the area covered by the existing Pentland Hills Regional Park designation;
2. Note that the extended area proposed would cover a greater area of West Lothian than presently covered by the regional park and extend over the whole Pentland Hills range and into South Lanarkshire and Scottish Borders;
3. Note that there was still insufficient detail to fully assess the financial impact which any extension would have and any extension of the park that required additional financial support from West Lothian was unlikely to be supported;
4. Note that, notwithstanding the lack of detail available at the moment, there were, in principle; landscape, recreational and nature conservation issues that would support the extension of the regional park within West Lothian and over the whole Pentland Hills range;
5. Agree the proposed responses to the boundary extension consultation questions outlined in Appendix 2, as the council's formal response to the consultation; and
6. Note that a further report on the extension to the park would be presented to the Environment PDSP and Council Executive if the Bill was submitted to Parliament.

### Decision

To approve the terms of the report.

## 22. PEST CONTROL - SERVICE REVIEW

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development advising of the desire to widen the range of treatments offered by pest control in order to provide a more comprehensive service as requested by customers.

The report advised that the pest control service currently offered treatment and proofing advice for insects of public health significance plus vermin (rats and mice). It did not currently offer treatment for a wider range of mammals such as moles, squirrels or rabbits.

Demand for such treatments was infrequent but customers were disappointed that services were not available for this un-met demand at the same charge as agreed for treatment of other vermin.

It was explained that a further service which caused concern was the need for customers to provide evidence of infestation. This was currently handled by the customer submitting a sample of the infestation to the pest control service via their local housing officer or CIS point.

This had implications for a wide range of services and it was proposed to replace this by offering an advisory and assessment visit. The cost implications of this were unable to be quantified at this time.

In conclusion the report advised that a review of customer comments had identified a demand to update the range of pests which were currently treated and improve the service by offering an advisory and assessment visit. The report sought the permission for the Environmental Health & Trading Standards Manager to increase the scope of service delivered. Due to the low volume of such requests it was anticipated that this would be deliverable within existing resources.

The report recommended that the Council Executive note the content of the report and approve the proposed expansion of Pest Control Treatments offered.

### Decision

To approve the terms of the report.

## 23. PROPOSED RESPONSE TO THE SCOTTISH GOVERNMENT CONSULTATION ON THE SCOTTISH REGULATOR STRATEGIC CODE OF PRACTICE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development providing details of the proposed response to a consultation document on the Scottish Regulator Strategic Code of Practice.

The report advised that the Scottish Government was determined to

promote in all Scottish regulators a broad and deep alignment with the Government's purpose of promoting sustainable economic growth. This would mean building a dynamic and growing economy that would provide prosperity and opportunities for all, whilst ensuring that future generations enjoy a better quality of life.

The Head of Planning and Economic Development explained that Section 5 of the Regulatory Reform (Scotland) Bill gave Scottish Ministers the power to issue a Code of Practice in support of the duty on regulators to contribute to sustainable economic growth. There were four main themes within the Code:-

- Regulators as enablers
- Risk and enforcement
- Understanding who to regulate
- Clear and effective communication

Introduction of the code would take effect at the same time as the enactment of the Bill and would apply to all regulators listed in schedule 1 of the Regulatory Reform (Scotland) Bill in respect of their regulatory functions as defined in the Bill – this covered all council functions with the exception of the role as a Planning Authority. Appendix A to the report contained a set of questions in relation to the code and the proposed responses.

The report advised that the code placed a number of duties on the regulators and it was anticipated that most regulators within the council already applied these principles therefore only minor changes to policy documents were likely to be required.

The report went on to provide a list of particular measures that the code would require of regulators.

In conclusion the report advised that the code was designed to ensure implementation of good practice in regulatory functions whilst promoting economic growth. It aligned with West Lothian Council's aims of promoting the economy and would have an impact on all regulatory functions within the council with the exception of the functions as a Planning Authority. The proposed response to the consultation therefore welcomed the production of the code.

The report recommended that the Council Executive:-

1. Note the detail of the consultation;
2. Approve the report and appendices as the council's response to the consultation for submission to the Scottish Government within the response timescale of 28 April 2014.

### Decision

To approve the terms of the report.

24. AUTHORISATION OF ENFORCEMENT STAFF - ENVIRONMENTAL HEALTH & TRADING STANDARDS

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development advising of the need to amend the authority of the Head of Planning and Economic Development within the Scheme of Delegation to Officers to ensure that both council staff and in certain limited circumstances non-council employees, were appropriately authorised under relevant legislation to protect West Lothian residents and businesses.

The report advised that Environmental Health & Trading Standards engaged with cross-boundary enforcement units such as the Scottish Scambusters team and the Scottish Illegal Money Lending Unit to deliver specialist protection activities within West Lothian. The cross-boundary agencies were currently employed by other local authorities such as Glasgow and Dundee, but could at some point transfer to Trading Standards Scotland which was not a local authority.

Legislation allowed councils to appoint officers to carry out their statutory functions and those individuals appointed did not have to be employees of the council concerned.

The report explained that there were no provisions in the existing Scheme of Delegation to Head of Planning and Economic Development or the Environmental Health & Trading Standards Manger to authorise such non-WLC employees, which meant that the authority to deliver the protection desired could be open to question should legal proceedings be required.

The purpose of the report was to ensure that such protection was afforded and to prevent any legal/administrative challenge to individuals working to protect West Lothian residents and businesses.

The report went on to advise that the current scheme was last updated on 31 October 2013. Section 12.7 identified the particulars of the delegation applicable to the Head of Planning and Economic Development in relation to the Environmental Health & Trading Standards, and Section 12.8 identified those applicable to the Environmental Health & Trading Standards Manager.

It was proposed that Section 12.8 be amended to read:-

“The competent person for the purposes of exercising the council’s functions relating to the application of Environmental Health & Trading Standards enforced legislation aimed at protecting the public and businesses within West Lothian, designating and authorising suitably qualified individuals to assist in this function as required. In addition, to specifically identify competent persons under the Public Health (Scotland) act 2008, section 5.

The report recommended that the Council Executive approve the proposed additions to the Scheme of Delegations to Officers as per the details set out in the report.

Decision

To approve the terms of the report.

25. WEST LOTHIAN COMMUNITY HEALTH AND CARE PARTNERSHIP

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 West Lothian Community Health and Care Partnership meeting held on 28 January 2014, a copy of which was attached to the report.

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 & Care Partnership, inviting the Council Executive to note the terms of the Minute of the St John's Hospital Stakeholder Group meeting held on 12 February 2014, a copy of which was attached to the report.

Decision

To note the terms of the report.

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

The Council Executive noted that approval had been provided to commence the tendering procedure for the procurement of a 1 year framework agreement for the provision of local bus services as outlined in the Head of Finance and Estates report.