

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST Lothian Council held within COUNCIL CHAMBERS, WEST Lothian Civic Centre, on 5 AUGUST 2014.

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

Apologies – Councillor Angela Moohan

1. DECLARATIONS OF INTEREST

- a) Agenda Item 9 (Application to Challenge Fund) – Councillor Tony Boyle declared a non-financial interest in that he was a council appointed member of the Lothian and Borders Criminal Justice Authority;
- b) Agenda Item 6 (Alcohol Diversionary Activities) – Councillor Jim Dixon declared a non-financial interest in that he was a council appointed member of the Board of Firefly Arts Ltd; and
- c) Agenda Item 7 (Alcohol Diversionary Activities) – Councillor Jim Dixon declared a non-financial interest in that he was a council appointed member of the Board of West Lothian Youth Action.

2. MINUTE

The Council Executive approved the Minutes of its meeting held on 19 June 2014 as a correct record. The Minute was thereafter signed by the Chair.

3. WEST Lothian Local Development Plan Main Issues Report

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning and Economic Development seeking delegated authority to the Head of Planning and Economic Development, in consultation with the Leader of the Council and Executive Councillor for Development and Transport to make non-substantive amendments to the Main Issues Report for the West Lothian Local Development Plan (LDP) and associated documents prior to public consultation.

The Head of Planning and Economic Development explained that the Main Issues Report (MIR) for the West Lothian LDP was approved by the Council Executive on 19 June 2014 for public consultation, together with associated documents. The consultation was anticipated to commence on 25 August 2014 for an eight week period to 17 October 2014 and arrangements had now been put in place for this to commence.

Ordinarily the Head of Service would have sought delegated authority to make non-substantive changes to the MIR text and associated documents to correct any errors and omissions which had come to light when finalising the documents for publication. However a request for such delegated was omitted from the report to Council Executive on 19 June 2014.

Therefore it was recommended that the Council Executive agree to delegate authority to the Head of Planning and Economic Development in consultation with the Leader of the Council and Executive Councillor to make non-substantive changes to the Main Issues Report for the West Lothian Local Development Plan (LDP) and associated documents prior to public consultation.

Decision

To approve the terms of the report.

4. ALCOHOL DIVERSIONARY ACTIVITIES

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy seeking approval for the release of funds to undertake activities in relation to the Alcohol Diversionary Fund, as detailed in the four applications attached to the report.

The Head of Social Policy advised that a new governance process for the Alcohol Diversionary Fund was approved by the Council Executive on 21 January 2014, placing the responsibility for the funding with Social Policy.

As part of that approved process the four applications detailed in the report had proceeded through their Local Area Committee and had met the West Lothian Drug Partnership Joint Commissioning Plan outcomes. The four applications were as follows :-

<u>Project Name</u>	<u>Funding Request 2014/15</u>
Late Lounge Club Nights	£5,304
Your are Here	£12,220
Friday Night Project	£11,140
Polbeth Drop-In	£6,800

It was recommended that the Council Executive agree the release of £35,464 from the Alcohol Diversionary Fund to support the applications submitted by Linlithgow Young People's Project, Firefly Arts Ltd, Deans Community High School and West Lothian Youth Action Project.

Decision

To approve the terms of the report

5. ALCOHOL DIVERSIONARY ACTIVITIES

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy seeking approval to release funds from the Alcohol Diversionary Fund in accordance with the application submitted by West Lothian Youth Action Project.

Attached to the report at Appendix 1 was an application received from West Lothian Youth Action Project seeking £11,414 for the project known as "Craigshill – Offbeat". The application had proceeded through the Local Area Committee and had met the West Lothian Alcohol Drug Partnership Joint Commissioning Plans outcomes, who had assessed the merits of the application at its meeting on 24 July 2014.

Therefore it was recommended that the Council Executive agree to the release of £11,414 from the Alcohol Diversionary Fund to support the application submitted by West Lothian Youth Action Project.

Decision

To approve the terms of the report.

6. APPLICATION TO CHALLENGE FUND

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy seeking approval for funding to be released from the Challenge Fund following the recommendation of the Senior People's Forum Sub-Group and the Social Policy, Policy Development and Scrutiny Panel.

A copy of the application, received from Dementia Friendly West Lothian, was attached to the report and if approved the proposal was to develop an initial dementia friendly community in Bathgate and to roll out concept elsewhere to fit with local and national strategies.

The application was considered to have met the Challenge Fund criteria.

It was recommended that the Council Executive approve the release of monies from the Challenge Fund to support the application received from Dementia Friendly West Lothian for the sum of £29,501 for a one year period.

Decision

To approve the terms of the report

7. REPORT ON WEST LOTHIAN COUNCIL'S RESPONSE TO SCOTTISH GOVERNMENT SUPPLEMENTARY CONSULTATION ON "COMMUNITY JUSTICE REDESIGN" (APRIL 2014)

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

circulated) by the Head of Social Policy seeking approval for a response to be submitted to the Scottish Government consultation on Community Justice Redesign.

The Head of Social Policy explained that this consultation was a follow-up to an earlier consultation and that the draft response acknowledged that the proposed way forward met the general aspirations of justice partners in West Lothian and that the explicit commitment to a locally-managed model for future delivery of community justice services was welcome.

It was recommended that the Council Executive :-

1. Note that the proposed model was in general terms similar to that endorsed by the council and its partners in 2013;
2. Agree to the submission of the consultation response to the Scottish Government; and
3. Acknowledge that updates on Scottish Government planning on the matter would be provided as they became available.

Decision

To approve the terms of the report

8. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - TAXI FARE REVIEW

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services advising of the outcome of the consultation with regard to taxi fares and to seek approval for no changes to be made to the current fare table.

The report recommended that the Council Executive:-

- Note that consultation had taken place with the relevant trade organisations as required in terms of section 17(4A)(a) of the Civic Government (Scotland) Act 1982;
- Note that notice of the proposal had been published in a newspaper circulated in the council's area as required in terms of section 17(4A)(d) of the 1982 Act;
- Note that in terms of section 17(4A)(d) of the 1982 Act, that the council was obliged to consider any representations made in writing regarding its proposal received within a month of the date on which the notice of the proposal was published;
- Note that at the meeting on 19 June 2014 the Environment PDSP agreed to recommend to the Council Executive that the proposal that no changes should be made to the current fare table was approved; and
- Agree that in all the circumstances no changes be made to the

current fare table and to approve a new fare table containing the same maximum fare scales which had been in place since October 2012.

The report advised that under Section 17 of the Civic Government (Scotland) Act 1982, the council as licensing authority was required to fix maximum fares for taxis in West Lothian and to review the fare table on a regular basis. The current taxi fare table for West Lothian came into force on 22 October 2012 and required to be reviewed.

Section 17(4A)(a) of the 1982 Act required the council, in carrying out a taxi fare review, to first consult with persons or organisations appearing to be representative of the operators of taxis operating within the area. Therefore in accordance with previous practice the Licensing Team consulted with representatives of the West Lothian Taxi Owners Association and West Lothian Taxi and Private Hire Car Owners and Drivers Association. Each of the organisations indicated to the council that they did not wish there to be any changes to be made to the taxi fare table in West Lothian.

Also in accordance with Section 17(4)(c) of the 1982 the Licensing Team arranged for a notice to be published in the West Lothian Courier on 15 May 2014. A copy of the notice was attached to the report at Appendix 1.

As there were no proposed changes to the fare table the Taxi Examination Centre would not require to reconfigure taxi meters to a new fare table.

In conclusion the Council Executive was asked to note that the fare table referred to in the report, would apply for a period of 18 months from 5 September 2014 and to approve the level of maximum fares.

Decision

To approve the terms of the report.

9. COMMUNITY COUNCIL SPECIAL PROJECTS GRANT APPLICATION 2014/15

The Council Executive considered a report (copies of which had been circulated) providing details of an application for a special project grant received from Blackridge Community Council.

The report advised that a special project grant scheme currently operated for community councils in West Lothian to allow them to carry out projects in their areas. The scheme allowed community councils to apply for a maximum of £750 special project funding in each financial year. The total budget for the financial year 2014-15 was £3,000 with a balance of £450

The report went on to advise that an application for funding had been received from Blackridge Community Council. Full details of the project were contained in Appendix 1 to the report.

It was further noted that if the application was granted as recommended there would be no further special project grant funds available for the remainder of the current financial year.

It was recommended that the application received from Blackridge Community Council for £600 to allow the continued production of the community council newsletter be approved and part-funded to the sum of £450.

Decision

To approve the terms of the report

10. PROCUREMENT ARRANGEMENTS - TRAFFIC SIGNAL MAINTENANCE AND ANCILLARY SUPPORT SERVICES

The Council Executive considered a report (copies of which had been circulated) seeking approval to utilise an external four year collaborative framework agreement, tendered by the City of Edinburgh on behalf of all 32 Scottish Local Authorities for the provision of Traffic Signal Maintenance and Ancillary Support Services, where the evaluation criteria for provision was below the recommended 50% weighting.

The report advised that Roads and Transportation Services provided an integrated service to construct, manage and maintain the road, footpath and transportation network in West Lothian in the safest way possible.

In 2009, West Lothian Council tendered on behalf of eight local authorities for the provision of traffic signal maintenance contract. The evaluation criteria applied at the time of tendering was 40% Price and 60% Quality. The Council Executive approved the award of a three year collaborative contract from 1 December 2009 with a two year extension option and which was due to expire on 30 November 2014 with no further extensions available.

The Head of Finance and Estates explained that on 20 May 2014 the City of Edinburgh tendered for the provision of Traffic Signal Maintenance and Ancillary Support Services. The requirement was advertised in accordance with the European Union Directives and took the form of an Open Procedure whereby all suppliers expressing an interest were allowed to tender.

The award criteria applied at tender stage was Price 30% and Quality 70%, reflecting the importance of overall cost of provision of the services whilst placing significant importance on service quality, health and safety and sustainability elements of the evaluation.

Local Authorities who intended to use this framework could conduct mini competitions across the appointed framework suppliers for their own scope of work. The criteria for awarding contracts would be the same as set out in the framework agreement.

The Head of Finance and Estates advised that an annual revenue budget of £124,000 per year was available within Operational Services for the provision of Traffic Signal Maintenance and Ancillary Support Services.

The report recommended that the Council Executive approve:-

1. The use of this external collaboration framework agreement;
2. The award criteria as set out in Section D of the report for all contract awards emanating from the use of this external collaborative framework agreement.

Decision

To approve the terms of the report.

11. PROCUREMENT ARRANGEMENTS - KING GEORGE V SKATE PARK

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Estates seeking approval to carry out a tendering process for the procurement of a wheeled sports facility using the open tendering procedure, taking account that the evaluation criteria for price was below the recommended 50% weighting for the criteria set out in the report.

The Head of Finance and Estates explained that under National Planning Policy Guidelines the council undertook an audit in which parks were scored according to quality, condition and functionality criteria. This audit informed the open space strategy to improve the King George V Park, Whitburn. Community placemaking consultations were held and a wheeled sport facility was identified as a facility that would be beneficial for people of all ages to exercise, relax, learn and socialise.

The design of a wheeled sports facility was of a specialist nature which required experienced design input. The project would be managed in-house by the relevant Briefing & Liaison Officer who would prepare all the necessary contract documentation (including project brief) and manage the contract during on-site operations.

The requirement would be advertised in accordance with the European Union Directive and as this market was relatively limited, it was proposed that the Open Procedure would be used whereby all suppliers expressing an interest in the contract would be invited to tender. It was also being recommended that the award criteria for quality was rated higher than the price to ensure the design was rated high and therefore it was proposed to apply the weighting of 30% for price and 70% for quality. The anticipated start date for the contract was October 2014.

Further information pertaining to the contract concerning budget implications and sustainability considerations were detailed in the report.

It was recommended that the Council Executive approve :-

1. The use of the Open Procedure for the procurement of a specialist contractor for the design and works of a skate park at the King George V Park using the evaluation weighting of 30% price/70% quality; and
2. The award criteria as set out in Section D of the report.

Decision

To approve the terms of the report.

12. PROVISIONAL LOCAL GOVERNMENT FINANCE SETTLEMENT 2015/16

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 provisional local government finance settlement for 2015-16 as published in Finance Circular No.6/2014 dated 7 July 2014.

The Head of Finance and Estates advised that the Scottish Government published Local Government Finance Circular No.6/2014 on 7 July 2014 which provided details of revenue and capital grant allocations for 2015-16. The circular had been issued for information only at this stage and as such the figures were only provisional.

The figures provided an update on those contained in the letter to councils by the Cabinet Secretary for Finance, Employment and Sustainable Growth of 21 February 2014 but had been updated to take account of new funding for the implementation of the early learning and childcare commitments and supply teachers' pay.

The circular also set out the amount of money that would be held back from individual councils who did not set a council tax freeze for 2015-16. The amount that could be held back for West Lothian Council was £2.084 million. There were no other requirements included in the finance circular.

It was recommended that the Council Executive :-

1. Note the outcome of the local government finance settlement in respect of provisional revenue and capital funding for 2015-16;
2. Note that the figures contained in the settlement would be incorporated into revenue and capital financial planning assumptions; and
3. Note that the Scottish Government would confirm final revenue and capital funding allocations for 2015-16 following conclusion of their budget consultation process later in 2014.

Decision

To note the terms of the report.

13. 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 meetings held on 7 May 2014 and 4 June 2014, copies of which were attached to the report.

Decision

To note the terms of the report

14. PRIVATE SESSION

The committee resolved under Section 50 (A)(4) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting during consideration of the following item of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 3 of Schedule 7A of the Act.

15. SOCIAL WORK COMPLAINTS REVIEW COMMITTEE RECOMMENDATIONS

The Council Executive considered a report (copies of which had been circulated) by the Head of Social Policy advising of the outcome of a meeting of the Social Work Complaints Review Committee held on 30 June 2014 and to ask the Council Executive to note the outcome of the review.

The Head of Social Policy explained that the council was required by legislation and statutory guidance to have a Social Work Complaints Review Committee in place to deal with complaints by users of social work services. The committee was made up of one councillor and two independent members who were to have a background in social work, tribunal processes or legal/judicial experience. The committee could not make decisions but could make recommendations as to actions it considered the council should take

On 30 June 2014 the Social Work Complaints Review Committee met to consider a complaint made by a Grandmother in relation to the provision of council services for her Granddaughter who had been placed in her temporary care on 23 July 2013, following an incident the previous day. The grounds of the complaint were summarised in the report.

The committee found that the grounds of the complaint had not been substantiated in that the requests for information from the Grandmother were dealt with appropriately and that Social Work had met the Grandmother on several occasions to provide as much information as possible taking into consideration data protection legislation and that the Grandmother had no parental rights.

Therefore the committee made no recommendations for actions or steps to be taken by the council. Nevertheless in terms of the guidance about the statutory complaints system there was an expectation that elected members were made aware of the outcome of hearings of the committee.

Therefore it was recommended that the Council Executive note that the Social Work Complaints Review Committee met on 30 June 2014 and heard a statutory complaint and decided that the grounds of the complaint were not upheld and that no recommendations were to be made to the council.

Decision

To note the terms of the report