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FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 18 SEPTEMBER 2013 at 9.30 A.M.

COUNCILLORS:

David Alexander
Colin Chalmers
Adrian Mahoney
Craig Martin
Cecil Meiklejohn
John McLuckie (Convener)
Alan Nimmo
Baillie Joan Paterson
Sandy Turner

OFFICERS:

Shona Barton, Committee Services Officer
Donald Campbell, Development Management Co-ordinator
Kevin Collins, Transport Planning Co-ordinator
Ian Dryden, Development Manager
Rhona Geisler, Director of Development Services
Rose Mary Glackin, Chief Governance Officer
Iain Henderson, Legal Services Manager
Stuart Henderson, Environmental Health Officer
Craig Russell, Roads Development Officer
Russell Steedman, Network Co-ordinator
Richard Teed, Senior Forward Planning Officer

ALSO ATTENDING:

Stuart Grimes and Sean Caswell, SEPA.

P77. APOLOGIES

Apologies for absence were intimated on behalf of Baillie William Buchanan and Councillor Malcolm Nicol.

P78. DECLARATIONS OF INTEREST

No declarations were made.

Prior to consideration of business, the Members below made the following statements:-

- Councillor Mahoney informed the Committee that as he had not attended the site visits relating to planning application P/13/0405/FUL (minute P82) and the previous site visit relating to planning application P/10/0762/FUL (Minute P85) he would not take part in consideration of these items.

- Councillor Alexander informed the Committee that as he had not attended the site visit relating to planning application P/13/0405/FUL (minute P82) he would not take part in consideration of this item.

P79. REQUEST FOR SITE VISIT

Councillor Turner requested that the Committee conduct a site visit prior to consideration of application P/13/0505/75D (minute P87). Having heard from Councillor McLuckie, the Committee agreed that the request would be considered further during discussion of the item.

P80. MINUTES

Decision

- (a) The minute of the meeting of the Planning Committee held on 22 August 2013 was approved; and
- (b) The minute of the meeting of the Planning Committee held On Site on 2 September 2013 was approved.

P81. CHANGE OF USE OF OFFICE (CLASS 2) TO FORM HOT FOOD TAKE-AWAY (SUI GENERIS) AND EXTERIOR ALTERATIONS AT 11 MAGGIE WOODS LOAN, FALKIRK FK1 5HR FOR MR JATESH SANDHU - P/13/0317/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 22 August 2013 (Paragraphs P66 refers), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the said Director on an application for change of use of office (Class 2) to form a hot food take away and exterior alterations at 11 Maggie Woods Loan, Falkirk.

Councillor Chalmers, seconded by Councillor Turner moved that Committee refuse the application on the ground that the proposal is contrary to policy EP9 of the Falkirk Council Local Plan.

By way of an amendment, Councillor McLuckie, seconded by Baillie Paterson moved that Committee grant the application in accordance with the recommendations in the report.

On a division, 4 Members voted for the motion and 5 for the amendment.

Decision

The Committee agreed to grant planning permission subject to the following conditions:-

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.
- (2) Anti-vibration fixings shall be utilised where appropriate with the cooking odour extraction system equipment. A plan of the final layout of the cooking odour extraction system, including the details of the fixings, shall be submitted to and approved in writing by the Planning Authority prior to work commencing on-site.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) To safeguard the environmental amenity of the area.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 and 02.
- (2) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
- (3) Any plant or equipment associated with the completed development should be sited and operated in such a manner as to prevent any noise/odour nuisance occurring at nearby dwellings. If complaints are received about noise/odour from the development, the Environmental Health Unit would be obliged to investigate and take action as necessary if the complaints were found to be justified under Statutory Nuisance legislation contained in the Environmental Protection Act 1990.

P82. ENGINEERING WORKS TO CREATE UNDERGROUND ATTENUATION STORAGE, ASSOCIATED INFRASTRUCTURE AND ACCESS AND BUNDING AT NORTH BROOMAGE PLAYING FIELDS, BROOMAGE CRESCENT, LARBERT FOR FALKIRK COUNCIL - P/13/0405/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 22 August 2013 (Paragraph P70 refers), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the said Director on an application for planning permission for engineering works to create underground attenuation storage, associated infrastructure and access and bunding at North Broomage Playing Fields, Broomage Crescent, Larbert.

Decision

The Committee agreed to grant planning permission subject to the following conditions:-

- (1) Prior to the commencement of development a phasing and implementation programme shall be submitted for the written approval of Falkirk Council including amendments as required. The phasing programme shall confirm the anticipated commencement date, duration of works and completion date. The programme shall also provide details of measures to allow continued pedestrian circulation in the vicinity of the site.
- (2) Prior to the commencement of works details of the restoration of the site and replacement landscaping specifications, including a programme of implementation, shall be submitted for the written approval of the Planning Authority including amendment as required.

Reason(s):-

- (1) To control the approved development.
- (2) In the interests of environmental amenity.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A.

P83. MODIFICATION OF PLANNING AGREEMENT ATTACHED TO PLANNING PERMISSION P/08/0296/FUL REMOVING THE REQUIREMENT TO MAKE A TRANSPORT CONTRIBUTION OF £550,000 AT LAND TO THE WEST OF 21 OLD MILL WAY, KIRKLAND DRIVE, STONEYWOOD FOR MACTAGGART AND MICKEL - P/13/0074/75M (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 22 August 2013 (Paragraph P71 refers), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the said Director on an application for the modification of a planning agreement attached to planning permission P/08/0296/FUL removing the requirement to make a transport contribution of £550,000 at land to the west of 21 Old Mill Way, Kirkland Drive, Stoneywood.

Decision

The Committee refused to modify the Planning Obligation attached to planning permission P/08/0296/FUL for the following reason(s):-

- (1) The agreed transport contribution forming part of the Section 75 Planning Obligation is considered to meet the relevant tests as set out in Planning Circular 3/2012 (Planning Obligations and Good Neighbour Agreements).
- (2) Granting the application would be contrary to Policy TRANS.3 of the Falkirk Council Structure Plan and Policy ST7 of the Falkirk Council Local Plan, which require the identification of suitable measures to mitigate the impact of development proposals on the road network.
- (3) Granting the application is not supported by Falkirk Council's Supplementary Planning Guidance Note for Delivery of Denny Eastern Access Road (DEAR), which sets out a cost sharing approach to the funding of DEAR based on the level of the traffic impact of each development as a percentage of the overall traffic impact from all of the proposed development sites in the area on Denny Cross and/or DEAR. The contribution of the proposed development to the overall traffic impact was identified and agreed in the assessment of planning application P/08/0296/FUL.
- (4) It has not been demonstrated that there has been any change of circumstances to justify granting the application contrary to the terms of the Falkirk Council Development Plan.

P84. DEMOLITION OF EXISTING BUILDINGS AND DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT CASTINGS COMMUNITY SPORTS AND SOCIAL CLUB, ETNA ROAD, FALKIRK FK2 9EG FOR MR MARK AGNEW - P/12/0543/PPP (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 25 June 2013 and 22 August 2013 (Paragraphs P46 and P59 refer), Committee gave (a) further consideration to reports by the Director of Development Services, and (b) considered an additional report by the said Director on an application for planning permission in principle for the demolition of existing buildings and the development of land for residential purposes at Castings Community Sports and Social Club, Etna Road, Falkirk.

Decision

The Committee noted the contents of the additional report, and agreed to continue consideration of the application to a future meeting of the Committee.

P85. TEMPORARY STORAGE, TREATMENT AND DISTRIBUTION OF ORGANIC WASTE INCLUDING LIME TREATMENT AT JAWCRAIG BRICKWORKS, FALKIRK FK1 3AL FOR JAMES MCCAIG FARMS - P/10/0762/FUL (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 1 February 2012, 7 March 2012, 25 June 2013 and 22 August 2013 (Paragraphs P136, P152, P38 and P65 refer), Committee gave (a) further consideration to reports by the Director of Development Services, and (b) considered an additional report by the said Director on an application for full planning permission for the temporary storage, treatment and distribution of organic waste including lime treatment at Jawcraig Brickworks, Falkirk.

Representatives from SEPA were in attendance and were heard in response to questions asked by Members of the Committee.

Decision

The Committee agreed to refuse planning permission on the grounds that the proposed development would have an unacceptable impact on the amenity of the local environment and community in particular in relation to noise, dust, odour, disturbance and traffic impact.

P86. REMOVAL OF CONDITION ATTACHED TO HAZARDOUS SUBSTANCES CONSENT P/10/0582/HAZ TO ALLOW STORAGE OF ETHANOL IN WAREHOUSES M, N AND S, INCREASING THE OVERALL MAXIMUM STORAGE QUANTITY TO 41,000 TONNES AT STORAGE UK, GRANGE LANE, GRANGEMOUTH FK3 8EG FOR DIAGEO (SCOTLAND) LTD - P/12/0597/HAZ

The Committee considered a Report providing feedback from the Chief Medical Officer and Public Health Directorate at the Scottish Government following letters sent to Scottish Ministers on behalf of the Committee asking that a national investigation be undertaken into the effects of black mould on premises in the vicinity of bonded warehouses.

Decision

Noted the contents of the Report.

- P87. DISCHARGE OF PLANNING OBLIGATION WHICH RESTRICTS THE OCCUPANCY OF THE DWELLINGHOUSE APPROVED UNDER PLANNING PERMISSION P/09/0849/FUL TO THE MANAGER, OPERATOR OR OTHER PERSON EMPLOYED OR LAST EMPLOYED FULL TIME, IN THE ADJACENT BUSINESS, PATERSON GARDEN BUILDINGS, KERSIE BANK, KERSIE TERRACE, SOUTH ALLOA, INCLUDING DEPENDANTS OF SUCH A PERSON, AND SHALL BE USED FOR NO OTHER PURPOSE IN ALL TIME COMING AT KERSIE BANK, KERSIE TERRACE, SOUTH ALLOA, STIRLING FK7 7NJ FOR GARY PATERSON – P/13/0505/75D**

The Committee considered a report by the Director of Development Services on an application to modify an existing planning obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 which restricted the occupation of the dwellinghouse (approved under Planning Permission P/09/0849/FUL) to the manager, operator or other person employed or last employed full time in the adjacent business, Paterson Garden Buildings, Kersie Bank, Kersie Terrace, South Alloa.

Copies of the previous Reports to Committee and guidance received from the Chief Planner were also considered.

Councillor C Martin seconded by Councillor Mahoney moved that Committee agree to the discharge of the Section 75 Agreement as per the recommendations in the Report.

By way of an amendment, Councillor Turner seconded by Councillor Chalmers moved that the application be continued to allow an inspection of the site by Committee.

On a division 5 Members voted for the motion and 4 for the amendment.

Decision

The Committee agreed to discharge the Section 75 Agreement on the ground that it was not necessary to make the proposed development acceptable in planning terms.

Councillor Martin left the meeting during discussion of the following item of business.

- P88. ERECTION OF WIND TURBINE, CONSTRUCTION OF SUB-STATION BUILDING AND CRANE PAD AND UPGRADING OF ACCESS TRACK AT GARDRUM FARM, FALKIRK FK1 2DQ FOR WIND HARVEST - P/12/0516/FUL**

The Committee considered a report by the Director of Development Services on an application for planning permission for the erection of a wind turbine, construction of sub-station and crane pad and upgrading of access track at Gardrum Farm, Falkirk.

Decision

The Committee agreed to grant planning permission subject to the following conditions:-

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.
- (2) Prior to operation, the proposed turbine shall be fitted with infrared aviation lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.
- (3) Prior to initiation of development, the applicant shall inform, in writing, the Ministry of Defence of:
 - the date construction will start and end,
 - the maximum height of construction equipment, and
 - the latitude and longitude of the turbine.
- (4) Should complaints of noise be received as a result of the operation of the wind turbine, the operator shall, at its expense, employ an independent consultant (not financially involved) approved by the Planning Authority to assess the level of noise emissions from the wind turbine in relation to that specified in the original application (35dB(A)) at the nearest noise sensitive receptor. The report shall be submitted to the Planning Authority for perusal with a view to prevent noise disturbance.

Reason(s):

- (1) As these drawings and details constitute the approved development.
- (2) The development would not be acceptable without these additional works.
- (3) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (4) To ensure that the occupants of the property are safeguarded against excessive noise intrusion.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 1-35.

- (2) Falkirk Council have determined the application on the basis of available information relating to ground contamination/landfill gas. The responsibility for the safe development and secure occupancy of the site remains with the applicant/developer.

DRAFT**FALKIRK COUNCIL**

MINUTE of the MEETING of the AUDIT COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on MONDAY 23 SEPTEMBER 2013 at 9.30 a.m.

COUNCILLORS: Allyson Black
Steven Carleschi
Tom Coleman
Depute Provost John Patrick
Provost Pat Reid
Roseann Stevenson (Convener)

OFFICERS: Margaret Anderson, Director of Social Work
Hugh Coyle, Insurance Supervisor
Gary Greenhorn, Head of Educational Planning & Resources
Rhona Geisler, Director of Development Services
David McGhee, Head of Resources & Procurement
Brian Pirie, Democratic Services Manager
Bryan Smail, Chief Finance Officer
John Flannigan, Depute Chief Finance Officer
Graham Templeton, Senior Auditor

ALSO ATTENDING: Lisa Duthie, Audit Scotland
Mark Laird, Audit Scotland
Fiona Mitchell Knight, Audit Scotland
Jim Rundell, Audit Scotland

AC8. APOLOGY

An apology was received from Baillie Paterson.

AC9. DECLARATIONS OF INTEREST

No declarations were made.

AC10. MINUTE**Decision**

The minute of the meeting of the Audit Committee held on 24 June 2013 was approved.

AC11. REPORT TO THOSE CHARGED WITH GOVERNANCE ON THE CENTRAL SCOTLAND JOINT FIRE & RESCUE BOARD 2012/13 AUDIT

The Committee considered a report by the Chief Finance Officer presenting the External Auditor's report on the Central Scotland Joint Fire and Rescue Board 2012/2013 Audit.

The Police and Fire Reform Act 2013 established the Scottish Fire and Rescue Authority and wound up on 31 March 2013 the 8 Scottish Fire and Rescue Services and Authorities including Central Scotland Joint Fire and Rescue Board. The residual accounting and reporting obligations for the Board transferred to Falkirk Council.

The Board's audited accounts would be issued on 23 September 2013 and the presentation of the External Auditor's report formally concluded the 2012/2013 audit process. The accounts were unqualified with one small error uncorrected during the audit process.

The Committee sought clarification on the Board's borrowings at 31 March 2013 (£5.541m) and whether there would be any impact of this on the Council's finances. Committee also queried the arrangements for dealing with the Board's reserves.

Members noted that five of the former Scottish Fire and Rescue Services were among the 6 most expensive on the UK according to an Accounts Commission 2012 review. Members questioned the role of Audit Scotland in ensuring that the successor body represents best value.

Decision

The Committee noted the report.

AC12. REPORT TO THOSE CHARGED WITH GOVERNANCE ON THE 2012/13 AUDIT

The Committee considered a report by the Chief Finance Officer on the 2012/2013 Audit.

The International Standard on Auditing 260 (ISA260) requires auditors to report specific matters arising from the audit of financial statements to those charged with governance in order that appropriate action can be taken.

The report set out significant findings together with the proposed independent audit report which confirms that the financial statements give a true and accurate view of the Council as at 31 March 2013.

Committee sought clarification on the increase in net pension's liability and the impact on an increase in employers' contributions on small organisations and in particular when their payroll was decreasing.

The Audit had identified a number of monetary errors. Committee sought further detail on the course and likely impact of these on the Council's expenditure.

Decision

The Committee noted the report.

AC13. ANNUAL ACCOUNTS 2012/13

The Committee considered a report by the Chief Finance Officer presenting the annual accounts 2012/2013.

The audited accounts for 2012/2013 were presented together with the audited accounts for Central Scotland Joint Fire and Rescue Board for review.

Decision

The Committee agreed:-

- 1) to note audited accounts 2012/2013 for the Central Scotland Joint Fire and Rescue Board; and
- 2) to refer the audited accounts to 2012/2013 Council for approval.

AC14. SCOTTISH GOVERNMENT CONSULTATION – LOCAL AUTHORITY ACCOUNTS REGULATIONS

The committee considered a report by the Chief Finance Officer on the Scottish Government consultation on the Local Authority (Scotland) Accounts Regulation's 1985.

The Government had undertaken a consultation on the proposals to amend the 1985 Regulations following a review. In terms of the Council's procedures for dealing with consultations, this was considered to be a technical consultation and as such an 'officer' response had been submitted by the due date. The response was presented for information.

Members sought clarification on the rationale for the review of the Regulations and on the proposal to include, in the remuneration report, the value of cash equivalent transfer value of a person's pension right.

Decision

The Committee noted the report.

AC15. INTERNAL AUDIT PROGRESS REPORT

The Committee considered a report by the Internal Audit Manager on progress with the Audit Plan for 2013/14.

56% of planned audits are complete or in progress. It is anticipated that the audit programme will be completed in full, as planned, by March 2014.

The Committee sought clarification on the assurance for Social Work clients' funds/intermediary work and the planned coverage of Falkirk Townscape Heritage Initiative work.

Decision

The Committee noted the report.

AC16. INTERNAL AUDIT – RECOMMENDATIONS OUTSTANDING

The Committee considered a report by the Internal Audit Manager on recommendations made by Internal Audit that have not been implemented by Services.

109 recommendations remain outstanding with 59 of these beyond their agreed implementation date.

Members recognised that the number of outstanding recommendations actions was decreasing and sought further detail on the actions being undertaken at senior officer level to implement recommendations.

The Committee sought clarification on the respective role of the Audit Committee and the Executive for the oversight of the outstanding recommendations. The Committee asked that the Convener discuss this further with the Chief Executive.

Decision

The Committee noted the report and requested a report by the Chief Executive on the process for reporting outstanding actions to members.

AC17. CORPORATE RISK MANAGEMENT UPDATE

The Committee considered a report by the Director of Development Services on the progress made in implementing the Corporate Risk Management Plan.

The Committee had previously approved the Corporate Risk Management Plan. The report set out the progress made, at 29 September 2013, in implementing the plan, highlighting in particular, the delivery of risk management training and guidance and the review of service risk registers.

In considering the Risk Management Framework, members sought clarification on the role of Community Planning Partnership Board and on the background to this body.

Decision

The Committee noted the report.

AC18. REVIEW OF CORPORATE RISK REGISTER

The Committee considered a report by the Director of Development Services on the review of the Corporate Risk Register.

A review of the Corporate Risk Register had been undertaken and an updated risk register had been developed, with the top 10 risks unchanged. It was now intended that Service Risk Registers would be reviewed and outcomes used to inform future iterations of the high level corporate risk register.

In regard to the risk associated with failure to properly manage assets, members sought an update on the Asset Register.

Members also sought further information and questioned proposals to provide training for members of the Committee.

Decision

The Committee noted the report.

AC19. REVIEW OF WORKING GROUPS

The Committee considered a report by the Director of Development Services on the findings of a review of corporate working groups.

A review of corporate working groups had been undertaken with a view to identifying the Terms of Reference and Remits of each group and developing a reporting structure for such groups.

Members questioned the number of working groups and their value in terms of officer time and output.

Decision

The Committee noted the report and requested that the Corporate Management Team consider the value of the current working groups with the aim of reducing their numbers.

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 25 SEPTEMBER 2013 at 9.30 AM.

COUNCILLORS:

David Alexander	Linda Gow	Malcolm Nicol
David Balfour	Gordon Hughes	Alan Nimmo
Stephen Bird	Steven Jackson	Baillie Joan Paterson
Allyson Black	Charles MacDonald	Depute Provost John
Jim Blackwood	Brian McCabe	Patrick
Baillie William Buchanan	John McLuckie	Provost Pat Reid
Steven Carleschi	John McNally	Ann Ritchie
Colin Chalmers	Adrian Mahoney	Sandy Turner
Thomas Coleman	Craig Martin	
Dennis Goldie	Dr Craig R Martin	
Gerald Goldie	Cecil Meiklejohn	

OFFICERS:

Margaret Anderson, Director of Social Work Services
 Fiona Campbell, Head of Policy, Technology and Improvement
 Douglas Duff, Head of Economic Development & Environmental Service
 Rhona Geisler, Director of Development Services
 Nigel Fletcher, Head of Educational Support and Improvement
 Gary Greenhorn, Head of Educational Planning and Resources
 Rose Mary Glackin, Chief Governance Officer
 Colin Moodie, Depute Chief Governance Officer
 Brian Pirie, Democratic Services Manager
 Mary Pitcaithly, Chief Executive
 Stuart Ritchie, Director of Corporate and Neighbourhood Services
 Bryan Smail, Chief Finance Officer

ALSO PRESENT:

Maureen Campbell, Chief Executive, Falkirk Community Trust

FC31. SEDERUNT

The sederunt was taken by way of a roll call. Apologies were intimated on behalf of Councillors Murray, Oliver and Spears.

FC32. DECLARATIONS OF INTEREST

Provost Reid; Baillie Paterson and Councillors Gow, Nicol and Dr CR Martin each declared a non financial interest in agenda item 12(5) as directors of Falkirk Community Trust, but did not consider that this required them to recuse themselves from consideration of the item, having had regard to the objective test in the Code of Conduct and the relevant specific exclusion contained in the Code.

FC33. SUSPENSION OF STANDING ORDERS

Prior to consideration of business, Councillor Meiklejohn, seconded by Councillor Coleman, moved the suspension of Standing Orders to allow Council to discuss the decision making structure.

Councillor C Martin, seconded by Councillor Nicol, moved that Standing Orders are not suspended and that the matter is not discussed.

Provost Reid stated that, in terms of Standing Order 36.3, Council could suspend only Standing Order if:-

- “(i) either due notice had been given, or Council agrees that it is a case of urgency; and
- (ii) the motion to suspend a Standing Order is moved, seconded and carried without discussion by at least two thirds of the Councillors present and voting at the meeting and an absolute majority of the whole Council.”

The Provost determined that there was general agreement among all members present at the meeting that the matter was urgent. The motion to suspend Standing Orders was therefore put to the vote.

In terms of Standing Order 22.4.1, a vote was taken by roll call, there being 29 members present with voting as undernoted:-

For (13) – Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Ritchie and Turner.

Against (15) – Depute Provost Patrick; Baillie Buchanan and Paterson; Councillors Black, Blackwood, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, Martin, CR Martin, Nicol and Nimmo.

Abstention (1) – Provost Reid.

Accordingly, the motion fell.

FC34. MINUTES AND INFORMATION BULLETIN

- (a) The minute of the meeting of Council held on 26 June 2013 was submitted for approval.

Provost Reid moved the minute as a correct record with the exception of reference to item FC25. The Provost acknowledged a degree of uncertainty among members over disposal of this item at the previous meeting as a consequence of which he had decided that it should be added to the agenda for this meeting. Councillor Nicol seconded the motion.

By way of an amendment, Councillor Coleman, seconded by Councillor Jackson, moved the minute as a correct record subject to deletion of the answers by the Leader of the Council to question no.1 shown on page 24 of the agenda regarding item EX23 on the basis that they were an inaccurate record of the answers actually given.

Councillors Meiklejohn, McCabe and Alexander each gave notice of further amendments.

In terms of Standing Order 22.4.(i) a vote was taken by roll call, there being 29 members present with voting as undernoted.

For the motion (16) – Provost Reid; Depute Provost Patrick; Baillie Buchanan and Paterson; Councillors Black, Blackwood, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, Martin, CR Martin, Nicol and Nimmo.

For the amendment (13) – Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Ritchie and Turner.

The motion was agreed and became the substantive motion.

Councillor Alexander, seconded by Councillor Bird, moved an amendment in substitution for the substantive motion that the answer by the Education portfolio holder to the supplementary question on page 29 of the agenda relating to item EE8 should be amended to read “The portfolio holder intimated he would ask the Director to answer that point at which point he was advised that under Standing Orders he had to provide the answer”.

In terms of Standing Order 21.4(1) a vote was taken by roll call, there being 29 members present with voting as undernoted:-

For the motion (16) – Provost Reid; Depute Provost Patrick; Baillies Buchanan and Paterson; Councillors Black, Blackwood, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, C Martin, Dr C R Martin, Nicol and Nimmo.

For the amendment (13) – Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Ritchie and Turner.

Decision

The minute of the meeting held on 26 June 2013 was agreed as a correct record subject to the deletion of item FC25.

- (b) Volume of Minutes – Volume 2 2013/2014.

Decision

The Volume of Minutes – Volume 2 was noted.

- (c) Information Bulletin – Volume 2 2013/2014

Decision

The Information Bulletin – Volume 2 2013/2014 was noted.

The Provost stated that the report ‘Ethical Standards in Public Life Etc (Scotland) Act’ which had been circulated prior to the meeting within a supplementary agenda would be taken at this point in the proceedings, the Provost having determined that the matter was urgent in light of the uncertainty previously referred to and the requirements of the said Act.

FC35. ETHICAL STANDARDS IN PUBLIC LIFE ETC (SCOTLAND) ACT

Council considered a report by the Chief Governance Officer on a review by the Standards Commission of a complaint against Baillie Buchanan.

Council was required to consider the findings, which followed a hearing on 17 April 2013. The findings were appended to the report.

Councillor C Martin, seconded by Councillor D Goldie, moved that Council notes the findings of the Standards Commission.

Councillor Meiklejohn, seconded by Councillor Balfour, moved in substitution for the motion that “Baillie Buchanan be removed from the position of Baillie and that he formally apologise to the chamber”.

The Provost ruled that the amendment was not competent. In terms of Standing Order 5.5(i) an appointee will hold office until the next election unless “otherwise decided by the Council by resolution following a Notice of Motion in terms of Standing Order 29”.

As no notice under Standing Order 29 had been given, the Provost ruled that the amendment was not competent.

Councillor Meiklejohn, seconded by Councillor Balfour moved that the Standing Order be suspended to allow Council to debate the proposed amendment.

Provost Reid stated that, in terms of Standing Order 36.3, Council could suspend any Standing Order if:-

- “(i) either due notice had been given, or Council agrees that it is a case of urgency; and
- (ii) the motion to suspend a Standing Order is moved, seconded and carried without discussion by at least two thirds of the Councillors present and voting at the meeting and an absolute majority of the whole Council.”

The Provost determined that there was general agreement among all members present at the meeting to accept the motion as urgent and to suspend Standing Order 5.5 to allow the amendment to be debated.

Baillie Buchanan then addressed the chamber and apologised.

In terms of Standing Order 21.4(1) a vote was taken by roll call, there being 29 members present with voting as undernoted:-

For the motion (16) – Provost Reid; Depute Provost Patrick; Baillies Buchanan and Paterson; Councillors Black, Blackwood, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, C Martin, Dr C R Martin, Nicol and Nimmo.

For the amendment (13) – Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Ritchie and Turner.

Decision

Council noted the findings of the Standards Commission.

Council then adjourned at 10.55 am, reconvening at 11.05 am with all members present as the sederunt.

FC36. QUESTIONS

In terms of Standing Order 32.1, 22 written questions had been submitted to the Leader of the Council and/or the portfolio holders. Of these 21 were answered at the meeting. Question 14 as set out in agenda was not asked. The answers are recorded at appendix 1.

FC37. SCRUTINY COMMITTEE - 12 SEPTEMBER 2013 – SCRUTINY PLAN

Council considered a report by the Chief Governance Officer presenting recommendations from the Scrutiny Committee in regard to the Annual Scrutiny Plan.

The Scrutiny Committee had on 12 September 2013 discussed potential areas for scrutiny. The committee, mindful of experience from the pilot scrutiny panel, had recommended that no more than one scrutiny panel is established at any one time (subject to the proviso that this maximum can be increased to two at the discretion of the committee). The committee also identified two areas for scrutiny as part of the annual plan: the appointment of members to outside bodies and the process for reporting to Council; and the adequacy of consultation with the public and community engagement more generally. The committee had also recommended that a third area for scrutiny be left to the discretion of the committee (with preference to be given to an area identified by the members of the opposition on the committee).

Baillie Paterson, seconded by Councillor McLuckie, moved the recommendations set out in the report.

By way of an amendment, Councillor Meiklejohn, seconded by Councillor Coleman, moved that, in addition, Council requests the Chief Governance Officer to bring a report to the next meeting of Council providing options on mechanisms by which the Scrutiny Committee could scrutinise issues in advance of meetings of the Executive and Education Executive and make recommendations to them.

Councillor McCabe gave notice of a further amendment.

Following discussion, Councillor G Goldie, seconded by Councillor Gow, moved that the question now be put.

In terms of Standing Order 22.4 (i) a vote was taken by roll call, there being 29 members present with voting as undernoted.

For the motion (16) – Provost Reid; Depute Provost Patrick; Baillie Buchanan and Paterson; Councillors Black, Blackwood, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, Martin, CR Martin, Nicol and Nimmo.

For the amendment (13) – Councillors Alexander, Balfour, Bird, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Ritchie and Turner.

The motion was agreed and became the substantive motion.

Councillor McCabe, seconded by Councillor Jackson moved, in substitution for the motion:-

- (i) that the role of the Scrutiny Committee is identified as being one of genuine scrutiny;
- (ii) Scrutiny Panels will be convened at the discretion of the Scrutiny Committee in singularity:-
 - (i) with a remit to investigate all issues of the Scrutiny Committee,
 - (ii) based upon the Annual Scrutiny Plan;

- (iii) membership of the Scrutiny Panels will be open to all members not members of the Executive Committee; and
- (iv) all reports of the Scrutiny Panels are reported back to the Scrutiny Committee prior to submission to full Council.

The Provost ruled that in terms of Standing Order 35, part (iv) of the amendment was not competent as a decision on the reporting process had been agreed by Council on 24 April (minute reference FC7) which was within 6 months of the date of the meeting.

Councillor Meiklejohn, seconded by Councillor Balfour, moved suspension of the Standing Orders in order to allow the amendment to be considered.

Provost Reid repeated the tests to suspend Standing Orders and, with no notice of the motion having been given, the first test was that of urgency. Council therefore voted on whether the matter was urgent, with 13 members for and 16 against.

Accordingly, the motion to suspend Standing Orders fell.

Council then adjourned for lunch and reconvened at 2.20pm with all members present as per the sederunt.

Provost Reid confirmed that the motion to suspend Standing Orders had fallen prior to the adjournment. This being so the further amendment by Councillor McCabe was incompetent. The motion therefore stood unopposed.

Decision

Council agreed:-

- 1) that no more than one scrutiny panel will operate at any one time subject to the proviso that the maximum can be increased to two at the discretion of the Scrutiny Committee;
- 2) the appointment of elected members to outside organisations and the process for reporting to Council,
- 3) the adequacy of consultation with the public and community engagement more generally; and
- 4) that the Scrutiny Committee should agree a third area for scrutiny with preference given to a subject suggested by opposition members in the event that they participate in the scrutiny process.

FC38. AUDIT COMMITTEE – 24 SEPTEMBER - ANNUAL ACCOUNTS 2012/13

The Audit Committee had, on 24 September 2013, considered the Council's audited accounts 2012/13 and had agreed to recommend them to Council for approval.

Council considered a report by the Chief Finance Officer presenting the Council's audited accounts, which were unqualified for 2012/13.

Decision

Council approved the Annual Accounts 2012/13.

FC39. WEB CASTING COUNCIL MEETINGS

Council had previously requested that officers investigate the likely cost to provide an internet streaming package for all principal Council meetings. The package would include the ability to archive footage for public access.

Details were given of a review of those packages used elsewhere in Scottish local authorities: The City of Edinburgh Council, Highland Council and Moray Council; highlighting key issues arising from their experiences and setting out factors which be likely to influence the system requirements and costs.

Decision

Council agreed to request a detailed, costed options paper including additional support costs.

FC40. SINGLE OUTCOME AGREEMENT 2013-2015

Council considered a report by the Chief Executive presenting the draft Single Outcome Agreement for 2013-15.

The Community Planning Partnership had prepared a Single Outcome Agreement (SOA) for the period 2013 to 2015. Each partner was required to approve the SOA prior to its publication. The draft Single Outcome Agreement had been submitted to the Scottish Government in June 2013 and subsequently subjected to an assurance process by an independent panel appointed by the Scottish Government. Following positive feedback, a revised Single Outcome Agreement had been approved by the Minister of the Local Government and Planning and thereafter signed off by the Community Planning Leadership Board on 19 September 2013.

Details were also given of a forthcoming audit of the Falkirk Community Planning Partnership by Audit Scotland. It was intended that the audit, the fourth such audit in Scotland, would take place between October and December 2013.

Decision

Council noted the forthcoming community planning audit by Audit Scotland and approved the Single Outcome Agreement 2013-2015.

FC41. PROGRAMME OF MEETINGS 2014

Council considered a report by the Chief Governance Officer presenting the programme of meetings for 2014 for approval.

Council had agreed its decision making structure in March 2013 and had also agreed a programme of meetings for the remainder of the year. The programme for 2014 was now presented for approval. The programme set dates for meetings of the Council and its Committees (excluding the Appeals and Appointments Committee and the Planning Review Committee whose meetings are ad hoc) and highlighted that further, additional meetings could be arranged in terms of Standing Orders.

Decision

Council:-

- (i) approved the programme of meetings of 2014, subject to inclusion in the programme of the Performance Panel, and
- (ii) noted that special meetings of Council and its committees may be called as necessary.

FC42. APPOINTMENTS TO COMMITTEES AND OTHER BODIES

Council had, in June 2012, been advised of vacancies on various bodies and had made appointments to some of the organisations. Vacancies remained on the East of Scotland European Consortium (ESEC) and the South East Scotland Transport Authority (SEStran). Vacancies also remained on the Licensing Board and Civic Licensing Committee.

Councillor MacDonald had resigned as the Council nominee on the Braveheart Association and Council was invited to appoint to the vacant position.

In considering the report members were mindful of the decision taken earlier in the meeting to set up a scrutiny panel to examine membership of outside organisations (minute reference FC37).

Decision

Council agreed to:-

- 1) appoint Councillor Black to the Braveheart Association;
- 2) appoint Councillor Oliver to the East of Scotland European Consortium;
- 3) defer any appointment to SEStran pending the Scrutiny Committee's review of member appointments on Outside Bodies; and
- 4) note the vacant positions on the Licensing Board and the Civic Licensing Committee and to request the Chief Governance Officer to report back to Council on the membership of these bodies and whether they should be reduced in size.

FC43. APPOINTMENTS TO THE SCRUTINY COMMITTEE

Council had agreed, on 19 March 2013, to establish a Scrutiny Committee comprising 6 members from the administration and 4 from the opposition. Councillors McCabe, Meiklejohn and Oliver and Turner were thereafter appointed on behalf of the opposition but had subsequently intimated their resignations from the committee.

Decision

Council noted the resignations of Councillors McCabe, Meiklejohn, Oliver and Turner from the Scrutiny Committee.

FC44. EXECUTION OF DEEDS

Council considered a report by the Chief Governance Officer detailing those deeds that had been signed by her since the last meeting.

Decision

Council noted the report.

FC45. MOTIONS

(a) PVG Scheme Membership

Council considered the following motion by Councillor Alexander, seconded by Councillor Meiklejohn:-

In March 2012, Council agreed that the cost of PVG membership for members of the Council's Education and Social Care Committees would be spread across the whole Council.

This principle was broadly acceptable to all sides as both committees were selected on a proportional basis.

However, the scrapping of proportionality for the Executive means that the SNP have paid 41% of the cost of the PVG membership but have only 16% of the places on the committee.

Council agrees that this is clearly an unfair subsidy for the Administration and therefore agrees to calculate the PVG membership on the basis of Executive Committee membership and refund the balance to groups overcharged for this session.

By way of an amendment, in substitution for the motion, Councillor C Martin, seconded by Councillor D Goldie, moved that Council maintain its current position in regard to the payment for members' PVG membership.

On a division 16 members voted for the amendment and 13 voted for the motion.

Decision

Council agreed to maintain the current position in regard to the payment for members' PVG membership.

With regard to the remaining motions on the agenda, the Provost stated that they related to matters within the remit of the Executive and, having consulted with the Council Leader and the Leader of the Opposition in accordance with Standing Order 31.1, he was not of the opinion that special circumstances existed requiring an exception to be made to that general rule. Consequently, the motion stood referred to the Executive.

Councillor Meiklejohn then withdrew notices (3) Supply of chicken products to Falkirk Council Schools; (4) Falkirk Council Tenancy Agreement; (5) Falkirk Community Trust; (6) Transport; (7) Falkirk Gateway; (8) Council Housing and (9) Extensions to council houses.

Councillor McCabe withdrew motion (2) Zero Hours Contracts.

FC46. EXCLUSION OF PUBLIC

The Council agreed, in terms of s50A(4) of the Local Government (Scotland) Act 1973 to exclude the press and public from the meeting for the following item of business on the ground that it would involve the likely disclosure of exempt information as defined in paragraph 9 of Part 1 of Schedule 7A of the said Act.

Councillor McCabe left the meeting prior to the following item of business.

FC47. ARNOTDALE HOUSE, DOLLAR PARK

Council had previously agreed, on 26 June 2013, to continue consideration of a proposal to refurbish Arnotdale House and to enter into a proposed lease agreement.

Further detail was provided on the background to the phased refurbishment of the property and on the proposal to undertake planned refurbishment at a cost of £510,000 and to subsequently lease the property to a day care provider. Details of the financial and legal implications of the proposals were set out.

Councillor D Goldie, seconded by Councillor C Martin, moved that Council does not agree to the proposal to carry out further refurbishment of Arnotdale House for the purpose of leasing the property as set out in the report.

As an amendment, Councillor Meiklejohn, seconded by Councillor Jackson, moved in substitution for the motion that Council continues consideration of the report to allow further information to be provided including reference to Kilns House.

On a division 12 members voted for the amendment and 15 voted for the motion.

Decision

Council did not agree to the proposal to carry out further refurbishment of Arnotdale House for the purpose of leasing the property as set out in the report.