

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of the PLANNING REVIEW COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 5 NOVEMBER 2013 at 9.30 A.M.

COUNCILLORS: Agenda Item 5 (minute PR31)
Baillie William Buchanan
Adrian Mahoney
Baillie Joan Paterson

COUNCILLORS: Agenda Item 6 (minute PR33)
Baillie William Buchanan
John McLuckie
Cecil Meiklejohn
Malcolm Nicol
Sandy Turner

OFFICERS: Douglas Blyth, Team Leader, Legal Services
Allan Finlayson, Senior Planning Officer (Item PR33 only)
Antonia Sobieraj, Committee Services Officer
Bernard Whittle, Development Management Co-ordinator
(Item PR31 only)

PRC27. APOLOGIES

Apologies for absence were intimated on behalf of Councillor Nimmo in relation to Agenda Item 5 (minute PR31).

PRC28. DECLARATION OF INTEREST

Councillor McLuckie declared a non financial interest in Item 5 (minute PR31) by virtue of his relationship to the appellants through marriage in consequence of which he recused himself from consideration of the item, having regard to the objective test in the Code of Conduct.

PRC29. MINUTE**Decision**

The minute of the meeting of the Planning Review Committee held on 28 August 2013 was discussed and the Committee agreed to defer consideration of the minute to be dealt with by the Planning Review Committee constituted to determine item 6 on the agenda.

In accordance with his declaration of interest, Councillor McLuckie left the meeting prior to consideration of the following item of business.

PRC30. OPENING REMARKS

The Convener welcomed everyone in attendance to this meeting of the Planning Review Committee and indicated the two different sets of members who had originally considered the matters at Committees that there would be a short adjournment between consideration of items on the agenda to allow the different members to enter the meeting. Following this short introduction he then asked Mr Blyth, Team Leader, Legal Services to provide a summary of the procedure to be followed at the Committee.

PRC31. APPLICATION FOR REVIEW – PLANNING APPLICATION P/12/0585/FUL CHANGE OF USE FROM PRIVATE OPEN SPACE TO ENCLOSED GARDEN GROUND, ERECTION OF RAISED DECKING AND ERECTION OF BOUNDARY FENCE (PART RETROSPECTIVE) AT 27 AVONBANK GARDENS, DUNIPACE (CONTINUATION)

With reference to the Minute of Meeting of the Planning Review Committee held on 13 August 2013 (Paragraph PRC18 refers), there were submitted documents (circulated) in relation to the Application for Review for planning application P/12/0585/FUL for the change of use from private open space to enclosed garden ground, erection of raised decking and erection of boundary fence (partly retrospective) at a property at 27 Avonbank Gardens, Dunipace.

The Committee heard a short presentation from Mr Whittle, who provided a summary of the application, the papers before the Committee, referring to the Report of Handling and the reason for refusal of the application now being reviewed.

After discussion, and having heard advice from Mr Blyth and Mr Whittle, the Committee **AGREED** that they had sufficient information (a) within the written submission provided by the Falkirk Council Biodiversity Officer and the applicant's response to this, and (b) from the accompanied inspection of the site in question on 28 August 2013, and considered:-

- (1) Policies EQ27 and SC123 of the Falkirk Council Local Plan;
- (2) the terms of the Falkirk Council Supplementary Planning Guidance Note "Biodiversity and Development";
- (3) the responses from the Falkirk Council Biodiversity Officer;
- (4) information submitted by the applicant in support of the proposal;
- (5) the benefit of the site inspection; and

- (6) the written submission from Biodiversity Officer and the response from the applicant in relation to this.

Accordingly, **AGREED:-**

- (1) to **GRANT** planning permission subject to such conditions as the Director of Development Services shall deem appropriate, including a condition that a concrete block be installed to ensure the stability and safety of the ground; and
- (2) to delegate to the Chief Governance Officer the preparation of the decision notice.

Having failed to gain a seconder for a proposed amendment to uphold the refusal of planning permission, Councillor Mahoney requested that his dissent be recorded.

Following consideration of the foregoing item of business, the Committee **AGREED** to a short adjournment. The meeting thereafter reconvened with different members for the following continued application.

PRC32. OPENING REMARKS

The Convener welcomed everyone in attendance to reconvened meeting of the Planning Review Committee and a short introduction he then asked Mr Blyth, Team Leader, Legal Services to provide a summary of the procedure to be followed at the Committee.

PRC33. MINUTE

Decision

The minute of the meeting of the Planning Review Committee held on 28 August 2013 was approved.

PRC34. APPLICATION FOR REVIEW – PLANNING APPLICATION P/12/0241/PPP, DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES (RENEWAL OF PLANNING APPLICATION P/08/0617/OUT) ON LAND TO THE WEST OF 65 SLAMANNAN ROAD, LIMERIGG (CONTINUATION)

With reference to the Minute of Meeting of the Planning Review Committee held on 28 August 2013 (Paragraphs PRC23 and PRC25 refer), there were submitted documents (circulated) in relation to the Application for Review for planning application P/12/0241/PPP for the development of land for residential purposes (renewal of Planning Application P/08/0617/OUT) on land to the west of 65 Slamannan Road, Limerigg.

The Committee heard a short presentation from Mr Finlayson, who provided a summary of the application, the papers before the Committee, referring to the Report of Handling and the reason for refusal of the application now being reviewed.

After further discussion and having heard advice from Mr Blyth and Mr Finlayson, and having given consideration to the benefit of the accompanied site inspection and intimating they did not have sufficient information to allow them to make a determination and that the meeting, the Committee **AGREED:-**

- (1) that the matter be continued to a future meeting of the Committee on a date to be agreed;
- (2) to conduct a hearing in accordance with the terms of Schedule 1 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 and in relation to the following specified matters:-
 - (a) the processing and consideration of the original planning application and the treatment of the application site under the terms of the Local Plan;
 - (b) the applicability and determination of contributions towards education provision both in respect of the original application and the renewal; and
 - (c) the legal position relating to the determination of the renewal application and the assessment of the imposition of developers contributions.
- (3) that in terms of the Regulations, the applicant and all interested parties be given written notice of the intention to hold a hearing and specifying the matters referred to above;
- (4) that the Director of Development Services, the Chief Governance Officer and the Acting Director of Education or their nominee(s) be given notice of the intention to hold a hearing and requesting them or their nominee(s) to provide further representation or information at the hearing session as follows:-
 - the Director of Development Services in respect of items 2 (a) and (b) above;
 - the Acting Director of Education or their nominee(s) in respect of 2 (b) above; and
 - the Chief Governance Officer in respect of 2 (c) above.
- (5) that those parties notified would have a period of 14 days of the date of the notice to advise in writing of their intention to appear at the hearing session;
- (6) that the date, time and place at which the hearing session is advised to those parties who have indicated their intention to appear at the hearing session; and
- (7) that those parties who have indicated that they intend to appear at the hearing session should supply within the prescribed timescale a hearing statement, which should include any relevant documentation that they wish to make reference to in their submission.

FALKIRK COUNCIL

MINUTE of MEETING of the JOINT CONSULTATIVE COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 6 NOVEMBER 2013 at 9.30 A.M.

COUNCILLORS: Stephen Bird
Gerry Goldie
Adrian Mahoney
Dr Craig R Martin
Cecil Meiklejohn
Depute Provost John Patrick

TRADE UNION REPRESENTATIVES: Gray Allan, UNISON
Margaret Cook, UNISON
Colin Findlay, EIS (Chair)
Margaret Smith, EIS
Herbie Schroder, T&G
David Straiton, GMB
Lynne Tanner, UNISON

OFFICERS: Karen Algie, Head of Human Resources and Customer First
John Flannigan, Depute Chief Finance Officer
Arlene Fraser, Committee Services Officer
Rhona Geisler, Director of Development Services
Tracey Gillespie, Human Resources Manager
Anne Marie Johnstone, Organisational Development Manager
Margo King, Customer Services Manager
Kenny McNeill, Educational Resources Manager

JCC22. APOLOGIES

Councillors David Alexander, David Balfour and Rosie Murray; and Bill Marshall, UNITE.

JCC23. DECLARATIONS OF INTEREST

No declarations were made.

JCC24. MINUTE**Decision**

The minute of the meeting of the Joint Consultative Committee held on 16 September 2013 was approved.

JCC25. EMPLOYEE TURNOVER

The Committee considered a report by the Director of Corporate and Neighbourhood Services detailing the employee turnover figures for the period April 2013 to August 2013 as set against the benchmark comparison figure for public sector organisations of 9.4%.

Decision

The Committee noted the turnover statistics for the period April 2013 to August 2013.

JCC26. SICKNESS ABSENCE

The Committee considered a report by the Director of Corporate and Neighbourhood Services providing updated information on sickness and absence across Services of the Council and the steps being taken to manage absence.

Decision

The Committee noted the sickness absence statistics and the actions to support managers in managing sickness absence.

JCC26. SERVICE BASED FORUMS

The Committee considered a report by the Director of Corporate and Neighbourhood Services presenting minutes from the meetings of Service Based Forums for the period May 2013 to August 2013.

Decision

The Committee noted the minutes of the most recent Service Based Forums.

JCC27. SEVERANCE REPORT – 2012/13

The Committee considered a joint report by the Director of Corporate and Neighbourhood Services and Chief Finance Officer providing a summary of numbers, costs and savings achieved from voluntary severance and ill health retirements in 2012/13.

Decision

The Committee noted the costs and savings achieved from voluntary severance and ill health retirement arrangements for the period 2012/13.

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on MONDAY 11 NOVEMBER 2013 commencing at 9.30 a.m.

COUNCILLORS:

Baillie William Buchanan (Convener)
Steven Carleschi (for item 5 (minute P100))
Colin Chalmers
Adrian Mahoney
Cecil Meiklejohn
Malcolm Nicol
John McLuckie
Sandy Turner

OFFICERS:

Ian Dryden, Development Manager
Stuart Henderson, Environmental Health Officer (for application P/13/0419/FUL (minute P99))
Craig Russell, Roads Development Officer
Antonia Sobieraj, Committee Services Officer
Russell Steedman, Network Co-ordinator
Brent Vivian, Senior Planning Officer (for application P/13/0419/FUL (minute P99))
Karen Quin, Solicitor

P97. APOLOGIES

Apologies were intimated on behalf of Baillie Paterson and Councillors Alexander, C Martin and Nimmo.

P98. DECLARATIONS OF INTEREST

No declarations were made.

P99. FORMATION OF A MULTI USE GAMES AREA COURT (MUGA COURT) AT DUNCAN STEWART PARK, HIGH STREET, BONNYBRIDGE FOR FALKIRK COUNCIL - P/13/0419/FUL

With reference to Minute of Meeting of the Planning Committee held on 30 October 2013 (Paragraph P96 refers), Committee gave further consideration to a report by the Director of Development Services on an application for full planning permission for the formation of a multi use games area court (MUGA Court) at Duncan Stewart Park, High Street, Bonnybridge.

Prior to the commencement of business, the Convener advised the Committee that apologies had been received from the representative of the applicant who was unable to attend due to him having taken ill.

The Senior Planning Officer (B Vivian) outlined the nature of the application.

Mr Irwin, on behalf of his wife, an objector, was heard in relation to the application.

Mr Moffat, on behalf of Bonnybridge Youth Football Club, an objector, was heard in relation to the application.

Mr Welsh, an objector, was heard in relation to the application.

Mr McGrellis, an objector, was heard in relation to the application.

The objections included the following issues:-

- That additional people would be attracted to the park resulting in more stress for residents;
- The exacerbation of the existing littering and anti-social behaviour problems;
- The need for the erection of a more secure boundary fence around neighbouring properties;
- The road safety and parking issues;
- The current regular use of the park for youth football; and
- The effect on the neighbouring astroturf facility.

Questions were then asked by Members of the Committee.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 27 November 2013.

P100. THE FALKIRK COUNCIL (ELPHINSTONE CRESCENT, MAIN STREET AND MILLER PLACE, AIRTH) (PROHIBITION OF WAITING) ORDER 2013

With reference to Minute of Meeting of the Planning Committee held on 30 October 2013 (Paragraph P93 refers), Committee gave further consideration to a report by the Director of Development Services seeking a decision on the Falkirk Council (Elphinstone Crescent, Main Street and Miller Place, Airth) (Prohibition of Waiting) Order 2013.

Objector(s) were not invited to attend the site visit. Equally, while local members may attend the site visit, they should not make any representations to the Committee. The reason for this is that the governing legislation for roads procedures of this nature, the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, sets out strict procedural requirements and timescales for objections to Orders to be made and in relation to hearings. The Regulations require that, where a hearing is called for, it be conducted by an independent reporter appointed by the authority from a list of persons compiled by the Scottish Ministers and in accordance with procedures determined by the reporter. Accordingly, to hear objectors or interested parties at a site visit of this nature would not be in compliance with the procedures set down in the Regulations. Members

of the Planning Committee were, however, fully appraised of the written objections received during the statutory objection period ending on 18 July 2013.

The Network Co-ordinator (R Steedman) outlined the nature of the order.

Questions were then asked by Members of the Committee.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 27 November 2013.

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 13 NOVEMBER 2013 at 9.30 A.M.

COUNCILLORS:

Jim Blackwood
Baillie William Buchanan
Gordon Hughes
Baillie Joan Paterson
Provost Pat Reid (Convener)
Sandy Turner

OFFICERS:

Bryan Douglas, Licensing Co-ordinator
Rose Mary Glackin, Chief Governance Officer
Frances Kobiela, Senior Solicitor
Brian Samson, Licensing Enforcement Officer (for agenda item 5 (minute CL76)
Antonia Sobieraj, Committee Officer

CL72. APOLOGIES

Apologies were intimated on behalf of Depute Provost Patrick and Councillor Ritchie.

CL73. DECLARATIONS OF INTEREST

No declarations were made.

CL74. MINUTE**Decision**

The minute of the meeting of the Civic Licensing Committee on 2 October 2013 was approved.

CL75. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS AND NOTIFICATIONS OF PUBLIC PROCESSIONS RECEIVED IN SEPTEMBER 2013

The Committee considered a report by the Chief Governance Officer detailing (a) applications granted under delegated powers between 1 and 30 September 2013 in terms of the Civic Government (Scotland) Act 1982 and the Marriage (Approval of Places) (Scotland) Regulations 2002, and (b) notifications of public processions received during the same period.

Decision

The Committee noted the Report.

CL76. CIVIC LICENSING ENFORCEMENT – SEPTEMBER 2013

The Committee considered a report by the Chief Governance Officer giving an overview of enforcement action taken with regard to Civic Licensing activities during September 2013.

Decision

The Committee noted the Report.

CL77. EXCLUSION OF PUBLIC

RESOLVED in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public for the following items of business on the ground that they would involve the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7A to the said Act.

CL78. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr A, entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the grant of a new private hire car driver licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received, and (c) detailing the applicant's record.

Mr A spoke in support of the application.

Questions were then asked by Members of the Committee.

Decision

The Committee agreed to grant the private hire car licence for a period of one year subject to the standard conditions.

Councillor Hughes entered the meeting prior to consideration of the following item of business.

CL79. APPLICATION FOR THE GRANT OF A NEW LATE HOURS CATERING LICENCE

Mr K, Regional Manager of applicant parent company, Mr N, Regional Manager of applicant company, Ms W, day to day manager, and Ms M, an objector, all entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the grant of a new late hours catering licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received, and (c) attaching as appendices 1 to 3 respectively, the late hours catering policy, the late hours catering conditions and a location plan.

The applicant's representative, Mr K, advised that he had no preliminary points to make on the competency of the objections, following which the two letters of objection were circulated.

Ms M then spoke in amplification of her objection.

Neither the Members of the Committee nor the applicant's representative had any questions for Ms M.

Mr K was then heard in relation to the objections and to the application.

Questions were asked of the applicant by Members of the Committee and the objector present, Ms M.

AGREED that a short adjournment take place to enable the Committee to consider the submissions.

The applicant's representatives Mr K and Mr N, Ms W and Ms M, left and were then recalled to the meeting.

Decision

The Committee agreed that a departure from the Council's policy was justified and therefore to grant the late hours catering licence for a period of one year subject to (a) there being no hot food sold on the premises after 11 p.m., with the exception of hot non alcoholic drinks such as coffee and tea; (b) to the standard conditions, and (c) officers within the Licensing section monitoring the area for any issues including anti social behaviour.

CL80. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE

The applicant, Mr A, entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the renewal of a late hours catering licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received, and (c) attaching as appendices 1 to 3 respectively, the late hours catering policy, the late hours catering conditions and a location plan.

Mr A spoke in support of the application.

Questions were then asked by Members of the Committee.

Decision

The Committee agreed to renew the late hours catering licence for a period of one year subject to the standard conditions and the following additional conditions:-

- No hot food will be sold on the premises after 1.30am; and
- Between 1.30am and 5am only ready to eat pre-packaged food from the chill cabinet (e.g. sandwiches) will be sold on the premises.

CL81. ORDER OF BUSINESS

In terms of Standing Order 14.2(i), Provost Reid advised of a variation to the order of business from that detailed on the agenda for the meeting. The following items have been recorded in the order that they were taken.

CL82. APPLICATION FOR THE VARIATION OF A SECOND HAND DEALER LICENCE CONDITIONS

The applicant, Mr B, on behalf of the applicant company, entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the variation of second hand dealer licence conditions (a) advising of the background to the application, and (b) detailing the consultations undertaken and the responses received.

Mr B spoke in support of the application.

Questions were then asked by Members of the Committee.

Decision

The Committee agreed to grant the variation of the second hand dealer licence.

CL83. APPLICATION FOR THE GRANT OF A NEW WINDOW CLEANER LICENCE

The applicant, Mr C, together with his employer, Mr F, Inspector D Gibson and PC A Kane, Police Scotland, entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the grant of a new window cleaner licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received, and (c) detailing the applicant's record.

The applicant, Mr C, advised that he had no preliminary points to make on the competency of the objection submitted by Police Scotland, following which the redacted letter of objection was circulated. The Chief Governance Officer clarified procedures in relation to consideration of the applicant's spent conviction, following which the Committee resolved that justice could not be done without admitting said conviction as part of the process. The unredacted letter of objection was therefore circulated to the Committee.

Inspector D Gibson then spoke in amplification of the objection.

Questions were asked of Inspector Gibson by Members of the Committee. The applicant stated that he had no questions for Inspector Gibson.

Mr C was then heard in relation to the objection and to his application.

Questions were asked of the applicant by Members of the Committee and the representative from Police Scotland.

Mr C spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED that a short adjournment take place to enable the Committee to consider the submissions.

The applicant, Mr C, Mr F, Inspector D Gibson and PC A Kane, left and were then recalled to the meeting.

Decision

The Committee agreed to grant the window cleaner licence for a period of six months with a warning letter detailing the standards expected of window cleaners and subject to the standard conditions. The applicant will thereafter return to Committee for any further consideration of a licence

CL84. APPLICATION FOR THE GRANT OF A NEW STREET TRADER LICENCE

The applicant, Mr M, Mr F, business partner, and Mr Cochrane, Area Roads Engineer, Falkirk Council, an objector, entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the grant of a new street trader licence (a) advising of the background to the application, and (b) detailing the consultations undertaken and the responses received.

The applicant, Mr M, advised that he had no preliminary points to make on the competency of the objection submitted by Roads Services, Falkirk Council, following which the letter of objection was circulated.

Mr Cochrane then spoke in amplification of the objection.

Questions were asked of Mr Cochrane by Members of the Committee. The applicant stated that he had no questions for Mr Cochrane.

Mr M was then heard in relation to the objection and to his application.

Questions were asked of the applicant by Members of the Committee and the representative from Roads Services.

AGREED that a short adjournment take place to enable the Committee to consider the submissions.

The applicant, Mr M, Mr F, and Mr Cochrane, left and were then recalled to the meeting.

Decision

The Committee agreed to refuse the application for a street trader licence in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 5(3)(c) (i) on the ground that the premises were not suitable for the conduct of the activity having regard to the location, character or condition of the premises.

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of the SCRUTINY COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 14 NOVEMBER 2013 at 9.30 AM.

COUNCILLORS:

Allyson Black
Charles MacDonald
John McLuckie
Baillie Joan Paterson
Provost Pat Reid (Convener)

OFFICERS:

John Angell, Head of Planning and Transportation
Fiona Campbell, Head of Policy, Technology and Improvement
Douglas Duff, Head of Economic and Environmental Services
Colin Moodie, Depute Chief Governance Officer
Alan Rodger, Planning and Environment Manager

ALSO ATTENDING:

Joe Andrews, Group Manager, Scottish Fire and Rescue Service
Jim Cattanach, Divisional Business Assurance Officer, Police Scotland
David Flynn, Chief Superintendent, Police Scotland
Alistair Mitchell, Town Centre Manager
Martin Togneri, Board Member, Scottish Fire and Rescue Service
Alan Waddell, Chief Inspector, Police Scotland

S29. APOLOGY

An apology was intimated by Baillie Buchanan.

S30. DECLARATIONS OF INTEREST

Councillor Black declared a non financial interest in item S35 (3) as a Director of Falkirk Town Centre Management Ltd and indicated that she would take no part in the discussion or decision making on this item of business.

Councillor McLuckie declared a non financial interest in item S35 (2) as a Director of Falkirk Environment Trust and indicated that he would take no part in the discussion or decision making on this item of business.

S31. MINUTE**Decision**

The minute of the meeting held on 10 October 2013 was approved.

S32. ORDER OF BUSINESS

In terms of Standing Order 4 (i), the convener varied the order of business from that set out on the agenda for the meeting. The following items have been recorded in the order that they were taken at the meeting.

S33. POLICE SCOTLAND - FALKIRK AREA COMMAND - PERFORMANCE REPORT

The committee considered a report by the Director of Corporate and Neighbourhood Services presenting the local performance report by the Local Commander, Police Scotland.

Local Commanders were required, in terms of the Police and Fire Reform (Scotland) Act 2012, to report performance of the local policing as measured against the Local Policing Plan and to provide information about complaints against the police or in regard to policing.

Chief Superintendent Flynn gave a presentation on the detail of the report together with information on Police Scotland's review of its public counter provision and its current consultation on withdrawing its traffic warden services. He also highlighted actions undertaken as a consequence of comments at the previous meeting on 8 August 2013.

In regard to local performance, the committee sought further detail on the recorded increase in scrap metal thefts, the decrease in violent behaviour and in particular whether the introduction of taxi wardens had contributed this reduction.

The committee discussed the recent announcement by Police Scotland that it intended to close a number of local police offices and rationalise its public counter provision. Although no stations in Falkirk were affected, members questioned the rationale behind the decision and sought further information on the consultations undertaken by Police Scotland, on its proposal.

In response to a question as to whether community officers would continue to attend all community council meetings, Chief Superintendent Flynn, reaffirmed his commitment to community policing and stated that the Forth Valley approach had community policing at its heart. The establishment for the command area had now been agreed by Police Scotland and the deployment of resources, therein was his responsibility.

The committee then discussed the role of the police during the INEOS dispute at Grangemouth and sought clarification on how local priorities would be balanced against national directions.

The committee also discussed the influence of alcohol on unlawful behaviour and the relationship between the police service and the Licensing Board, highlighting the value of the local 'safe base' initiative.

Decision

The committee noted the report.

S34. SCOTTISH FIRE AND RESCUE SERVICE – FALKIRK & WEST LOTHIAN COMMAND PERFORMANCE REPORT

The committee considered a report by the Director of Corporate and Neighbourhood Services presenting three reports by the Local Senior Officer, Scottish Fire and Rescue Service;- (1) Realignment of the Falkirk Area Fire related Quarterly Reporting Cycle; (2) Scottish Fire and Rescue Services Strategic Intent (Properties and Infrastructure), and (3) Joint inspections of Licensed Premises within the Falkirk Council area.

Joe Andrews provided a summary of each report and with Mr Togneri answered questions by the committee.

(1) Re-alignment of the Falkirk Area Fire Related Quarterly Reporting cycle.

The committee had previously agreed a reporting schedule for fire performance reports. However it was now proposed that, in order to allow the submission of verified data, the reporting cycle be altered. It was also proposed that police performance reports would be submitted according to the revised schedule (which had yet to be developed).

Decision

The committee agreed to alter the reporting schedule for fire and police performance reporting and instructed officers to develop an appropriate timetable for 2014.

(2) Scottish Fire and Rescue Service Strategic Intent (Properties and Infrastructure)

Details were given of a review by the Scottish Fire and Rescue Service of its properties and infrastructure which was intended to allow the service to rationalise its property assets across Scotland. The main proposals of the review were summarised including the establishment of a national headquarters within the boundaries of the Glasgow – Perth – Edinburgh triangle, four strategically located asset resource centres, three service delivery centres and three control rooms.

The implications of the review for the Falkirk area were set out with emphasis on the closure of the former headquarters at Maddiston at the transfer of the administration functions, stores and workshops and control room from this site.

The committee sought detail on the proposals in regard to Maddiston - in particular on the likely timescales, implications for staff and the local economy. Mr Andrews confirmed that staff would be relocated or redeployed and restated that the SFRS was committed to a compulsory redundancy policy.

In regard to the site of SFRS headquarters members questioned whether the Falkirk area had been proposed and asserted that the area was neglected in terms of the national infrastructure. Mr Togneri confirmed that the Falkirk area could be considered and that he would take the committee's comments to the Fire Authority.

The committee, having been advised that the review did include at frontline service delivery, sought confirmation that, in light of the need for the service to meet its financial challenges, frontline services would not be reviewed. Mr Togneri confirmed that any review would be several years away. He also confirmed that, at this time, there were no plans to replace whole time staff with retained staff.

Decision

The committee noted the report.

(3) Joint Inspections of licensed premises within the Falkirk Council area

Details were given of the Fire Service's responsibility to audit compliance by licensed premises holders of their legislative duties. Currently premises are audited after any incidents. Thematic inspections may also be undertaken by the Service, either following trend analysis, notification of non compliance with legislative duties or as part of seasonal campaigns.

The committee discussed the participation of the former Central Scotland Fire and Rescue Service in joint inspections with the Licensing Board as part of the licensing function and questioned the rationale for withdrawing this involvement upon reform.

Decision

The committee requested a report on the inspection of local licensed premises.

S35. FOLLOWING THE PUBLIC POUND (FPP): PROGRESS REPORT

The Council had previously agreed that the scrutiny of those organisations which received full or part funding be undertaken by the Scrutiny Committee.

The committee considered a report by the Director of Development Services presenting individual reports on 3 organisations which receive support from Development Services list. Each report set out the service provided, the agreed outcomes/objectives, performance information and a breakdown of the organisation's funding streams.

In terms of the Following the Public Pound Framework a monitoring officer had been appointed by the funding service to each of the external organisations.

John Angell and Alan Rodger (Central Scotland Forest Trust and Falkirk Environment Trust) and Douglas Duff and Peter Reid (Falkirk Town Centre Management Trust Ltd) gave an overview of the role of the organisations, their funding arrangements together with performance and risks. Members also heard a presentation by Alistair Mitchell on the role of Falkirk Town Centre Management Ltd highlighting current challenges and recent initiatives.

(1) Central Scotland Forest Trust

Decision

The committee approved the report and acknowledged the progress made in meeting Council objectives.

In accordance with his declaration of interest Councillor McLuckie left the meeting at this point.

(2) Falkirk Environment Trust

Decision

The committee approved the report and acknowledged the progress made in meeting Council objectives.

Councillor McLuckie rejoined the meeting following consideration of the previous item.

In accordance with her declaration of interest Councillor Black left the meeting at this point.

(3) Falkirk Town Centre Management Ltd

Decision

The committee approved the report and acknowledged the progress made in meeting Council objectives.

Councillor Black rejoined the meeting following consideration of the previous item.

S36. PERFORMANCE PANEL

The committee considered a report by the Chief Governance Officer setting out meeting arrangements for the Performance Panel to January 2015.

The committee had previously agreed to establish a standing performance panel on service performance. The panel would comprise a core of 5 members with meetings open to all members of the Council. Depute Provost Patrick, Baillie Paterson and Councillor Black had been appointed and 2 places remained unfilled. A meeting timetable and reporting schedule was presented for approval.

Decision

The committee agreed the timetable of meetings and reporting schedule for the Performance Panel and that the panel would appoint its convener.

S37. SCRUTINY PLAN - UPDATE

The committee considered a report by the Chief Governance Officer seeking inviting the committee to agree the topic of the next scrutiny panel.

The committee had recommended to Council 3 topics for scrutiny – the appointment of elected members to extend organisations and the process for reporting to Council's the adequacy of consultation with the public and community engagement more generally and a third 'slot' to be determined by the committee. Council had approved these as suitable for scrutiny and committee was now invited to select the order in which they would be undertaken and to appoint members to the first panel.

Decision

The committee agreed:-

- (1) to establish a scrutiny panel, with members to be confirmed to the Chief Governance Officer following the meeting, to scrutinise the appointment of elected members to external organisations and process for reporting the Council and;
- (2) that the next topic for scrutiny would be the adequacy of consultation with the public and community engagement more generally, following by a third slot to be agreed by committee, with preference given to a subject suggested by members of the opposition (if these members participate in the scrutiny process).

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of the EXECUTIVE held within the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 19 NOVEMBER 2013 at 9.30 a.m.

COUNCILLORS:

Jim Blackwood
Dennis Goldie
Gerry Goldie
Linda Gow
Adrian Mahoney
Malcolm Nicol
Alan Nimmo
Dr Craig R Martin
Craig Martin (Convener)

OFFICERS:

Margaret Anderson, Director of Social Work Services
Fiona Campbell, Head of Policy, Technology and Improvement
Arlene Fraser, Committee Services Officer
Rhona Geisler, Director of Development Services
Tracey Gillespie, Human Resources Manager
Rose Mary Glackin, Chief Governance Officer
Brian Pirie, Democratic Services Manager
Mary Pitcaithly, Chief Executive
Pete Reid, Manager (Strategic Projects), Development Services
Bryan Smail, Chief Finance Officer
Vivien Thomson, Service Manager, Social Work Services

EX82. APOLOGY

An apology was intimated on behalf of Councillor Robert Spears.

EX83. DECLARATIONS OF INTEREST

Councillors Blackwood and Mahoney each declared a non-financial interest in item EX85 as Falkirk Council's appointed representatives on Denny & Dunipace CAB and Grangemouth & Bo'ness CAB respectively, and indicated that they would take no part in the discussion or decision making on this item of business.

Councillor Gow declared a non-financial interest in item EX84 as a volunteer adviser on Falkirk CAB but did not consider that this required her to rescue herself from consideration of this item, having regard to the objective test in the Code of Conduct.

Councillor Gow declared a financial interest in item EX90 as her spouse is a council employee and stated that she would take no part in the discussion or decision making on this item of business.

EX84. MINUTE**Decision**

The minute of the meeting of the Executive held on 8 October 2013 was approved.

In accordance with their declarations of interest, Councillors Blackwood and Mahoney left the meeting at this point.

EX85. SCRUTINY PANEL CONCLUSIONS AND RECOMMENDATIONS: FALKIRK CITIZENS ADVICE BUREAUX

The Executive considered a report by the Director of Corporate and Neighbourhood Services presenting the Scrutiny Panel's conclusions and recommendations on its review of the role of Citizens Advice Bureaux in the Falkirk Council area.

Details were given on the establishment of the pilot Scrutiny Panel to review the role of Citizens Advice Bureaux in the Falkirk area, the scrutiny process undertaken and the evidence gathered through various presentations, meetings and discussions with a range of stakeholders. The report and recommendations by the Panel, which had been accepted by the Scrutiny Committee, was presented for approval.

Decision

The Executive:-

- (1) noted the process undertaken and the comments from the Citizens Advice Bureaux, and**
- (2) agreed the recommendations at paragraphs 6.1-6.6 in the report from the Scrutiny Panel.**

Councillors Blackwood and Mahoney re-entered the meeting following consideration of this item of business.

EX86. AUTISM STRATEGY

The Executive considered a joint report by the Director of Social Work Services and the Joint Acting Directors of Education presenting the Scottish Strategy for Autism and seeking approval of the Falkirk Autism Strategy which would take forward the recommendations of the national document, at local level.

The Scottish Strategy for Autism states that autism is a national priority. The strategy was the result of extensive consultation at national level on the way to ensure that progress was made across Scotland in the delivery of quality services for those affected by Autism Spectrum Disorder (ASD).

The Falkirk Autism Strategy had been developed by the Community Planning Partnership and had been revised following a number of consultation exercises with partners and stakeholders.

The Falkirk Autism Strategy set out Falkirk's vision of ensuring that every individual with autism in the Falkirk area would have access to services and supports which provide them with the opportunities necessary to fulfil their potential.

Decision

The Executive:-

- (1) noted the recommendations of the Scottish Strategy for Autism;
- (2) agreed the Falkirk Autism Strategy for submission to the Scottish Government, and
- (3) requested the Director of Social Work Services to provide an update on progress on the Falkirk Autism Strategy as appropriate.

EX87. COMMUNITY COUNCIL ELECTIONS 2013 UPDATE

The Executive considered a report by the Chief Executive on the outcome of the extended nomination period for community council elections.

The Executive had previously agreed to extend the nomination period to 30 October 2013 for those community councils where nominations for fewer than two thirds of the vacancies had been received.

Detailed information was given on the outcome of the extended nomination period, detailing the implications for each of the Community Councils.

Decision

The Executive:-

- (1) noted the formation of Polmont community council;
- (2) agreed to permit the following 3 community councils to form with the remaining vacancies being filled by co-option – Blackness; Bonnybridge; and Langlees, Bainsford & New Carron;
- (3) agreed to accept the late nominations received in respect of Lower Braes community council and to permit the community council to form with the remaining vacancies being filled by co-option;

- (4) agreed that the following 6 community councils remain unformed on the basis that insufficient interest in them had been shown: Camelon, Bantaskine & Tamfourhill; Carron & Carronshore; Falkirk Central; Grangemouth; Slamannan & Limerigg, and Whitecross, and
- (5) noted that it remains available for elections to be held at any time if an application is made from 20 electors within a community council area.

EX88. FALKIRK TOWNSCAPE HERITAGE INITIATIVE (THI) UPDATE REPORT

The Executive considered a report by the Director of Development Services on the outcome of the Council's Round 2 bid to the Heritage Lottery Fund (HLF) for funding to establish a Townscape Heritage Initiative (THI) in Falkirk Town Centre, and the programme for delivering the THI going forward.

The Executive had previously approved the Falkirk Townscape Heritage Initiative Round 2 bid and the bid was subsequently submitted to the Heritage Lottery Fund (HLF) by the deadline of May 2013. In September, HLF Trustees approved the detailed Round 2 bid and confirmed an award of £1.949m. .

This funding was in addition to the £1.6m already awarded by Historic Scotland as part of its Conservation Area Regeneration Scheme. As a result of this, and funding from other partners, over £5m would be invested in the Falkirk Town Centre Conservation Area over the next five years.

The Council would be required to make a contribution of £1.304m. Of this, £600k had been allocated from revenue and capital budgets, leaving a funding gap of £704k, to be met from revenue budgets over the 5 years of the THI.

Details were given on the Falkirk THI delivery programme, the Falkirk Town Centre Conservation Area management plan and additional implications.

Decision

The Executive:-

- (1) noted the successful outcome of the Falkirk Townscape Heritage Initiative Round 2 bid to the Heritage Lottery Fund;
- (2) agreed to progress the Townscape Heritage Initiative to the delivery stage as described in the report, and
- (3) agreed to receive further annual reports on the delivery of the THI and any additional implications for the Council.

EX89. TREASURY MANAGEMENT – INTERIM REVIEW 2013/14

The Executive considered a report by the Chief Finance Officer presenting, as part of the Treasury Management Code of Practice requirements, a mid-year review of the Treasury Management function of the Council.

In March 2013, Council had approved the Treasury Management Strategy for 2013/14. It had highlighted that the UK economic outlook remained uncertain, with a key reason being the Eurozone difficulties. Indicators are now suggesting that the economy is recovering but the UK still remains a long way from sustainable strong growth.

The progress and current position in relation to the Council's borrowing strategy, investment strategy and treasury management prudential indicators were summarised.

Decision**The Executive:-**

- (1) noted the progress of the Council's Treasury Management Strategy for 2013/14, and
- (2) agreed to refer the report to Council for consideration.

In accordance with her declaration of interest, Councillor Gow left the meeting at this point.

EX90. NATIONAL PAY AWARD FOR SJC EMPLOYEES

The Executive considered a report by the Director of Corporate and Neighbourhood Services setting out the current position in respect of the national pay negotiations for Scottish Joint Council (SJC) employees and proposing a pay award and living wage rate.

Negotiations had been on-going between the employer's side and the trade unions with the aim of reaching agreement for a 2 year pay offer for the period from 1 April 2013.

At the end of negotiations the unions had been divided over the pay award with GMB and Unite in favour and Unison against. Cosla agreed in October 2013 to implement the proposed pay deal, namely a 1% increase for 2013/14 and 2014/15 effective from 1 April each year.

The report also set out a proposal for the pay uplift to be accompanied by the introduction of the Scottish Government Living Wage of £7.50 per hour for 2013/14 and £7.58 per hour for 2014/15. Unless the Living Wage Foundation rate is higher in which case the latter will be applied.

The Human Resources Manager also updated members on the most recent position in regard to the proposals and, in particular, on the Living Wage Foundation hourly rate which is currently £7.45 but is due to increase to £7.65 with effect from 1 April 2014. She further advised that chief officers had accepted the offer but that the craft unions were unlikely to agree.

Decision

Consistent with the recommendation from COSLA, the Executive:-

- (1) agreed to implement a 1% increase in pay for all employees in each of the years 2013/14 and 2014/15;
- (2) agreed to implement the Scottish Local Government Living Wage which is set at £7.50 per hour for 2013/14 and to implement the higher Living Wage Foundation hourly rate of £7.65 from April 2014, and
- (3) noted the acceptance of the Chief Officer pay award of 1% for both 2013/14 and 2014/15.

Councillor Gow re-entered the meeting following consideration of this item of business.

EX91. GSX/PSN COMPLIANCE

The Executive considered a report by the Director of Corporate and Neighbourhood Services presenting the background to GSX/PSN, the requirements regarding compliance, the Council's immediate response to this and the future actions which require to be taken to ensure continued compliance.

The Council is currently accredited to use the Cabinet Office's secure network called GSX/PSN to access various systems such as DWP benefit information, registration of births, deaths etc. and to communicate with organisations via the secure email system.

The Cabinet Office had undertaken a review of its security arrangements which had resulted in all users of its network having to adhere to stringent revised security arrangements or otherwise to run the risk of being disconnected.

Officers had carried out substantial work to address issues and to ensure that the Council's accreditation application reflects a genuine desire to ensure compliance with the Code of Connection and give the Cabinet Office the assurance required to re-accredit the Council.

In order that compliance is maintained, the Council requires to install permanent solutions in a number of areas, which may result in significant costs. Due to the timescales involved for the implementation of these solutions, it is proposed that the purchase of the necessary software, hardware and equipment are met from existing budgets.

Decision

The Executive:-

- (1) noted the details of the report;
- (2) authorised officers to work with existing budgets to procure robust solutions for Mobile Device Management, GSX mail, separation of teachers and classrooms from the Council's network and undertake any other remedial work required to ensure compliance with the Code of Connection, and
- (3) asked officers to continue to provide updates to services and Members and, in addition, to submit an update report to the Executive in January 2014.

EX92. POLICE SCOTLAND PROPOSALS TO WITHDRAW THE TRAFFIC WARDENS SERVICE AND DECRIMINALISATION OF PARKING ENFORCEMENT

The Executive considered a report by the Director of Development Services advising of a review by Police Scotland of its traffic warden service provision together with the level of public service at police offices.

Police Scotland propose to withdraw the duties carried out by the traffic wardens across its divisions including Falkirk. Details were given of the consultation exercise and the likely timescale for the withdrawal of the service, together with the implications for Falkirk Council in terms of parking enforcement.

Currently 11 Scottish Councils operate a Decriminalised Parking Enforcement Scheme (DPE), with the effect that responsibility for enforcement of parking offences lies with the authority and not the police. The process for establishing a DPE scheme was described together with the legal, personnel and financial impact.

Correspondence between the Chief Executive and the Local Commander on the proposal were circulated with the report.

Concern was expressed at the manner in which the consultation had been carried out and how meaningful it was in addition to the short timescale in which to identify any alternative provision.

Decision

The Executive:-

- (1) endorsed the terms of the letter dated 7 November 2013 to Chief Superintendent Flynn as the Council's position on the proposals including forwarding a copy to COSLA, and

- (2) instructed the Director of Development Services to begin early preparation of a business case to support any application to the Scottish Government for decriminalisation of parking enforcement pending a decision by Police Scotland, and report back in due course.

EX93. EXCLUSION OF PUBLIC

The Executive 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 8 of Part 1 of Schedule 7A to the said Act.

EX94. CONTRACT FOR THE PROVISION OF DRY RECYCLATE SEGREGATION AND RESALE SERVICE

The Executive considered a report by the Director of Development Services setting out the current position in relation to the Council's contract for the processing of dry recyclate material.

The Director of Development Services updated members on developments since the report was issued.

Decision

The Executive agreed to continue the matter to a future meeting.