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**Volume 1
2014-2015**

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 30 APRIL 2014 at 9.30 A.M.

COUNCILLORS:

Baillie William Buchanan (Convener)
 Steven Carleschi
 Colin Chalmers
 Adrian Mahoney
 Craig Martin
 Cecil Meiklejohn
 John McLuckie
 John McNally
 Malcolm Nicol
 Alan Nimmo
 Baillie Joan Paterson
 Sandy Turner

OFFICERS:

John Angell, Head of Planning and Transportation
 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
 Brian Raeburn, Roads Development Officer
 Antonia Sobieraj, Committee Officer
 Russell Steedman, Network Co-ordinator

P3. APOLOGIES

No apologies were intimated.

P4. DECLARATIONS OF INTEREST

No declarations were made.

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

- Baillie Buchanan and Councillors Chalmers, Mahoney and Nicol informed the Committee that as they had not attended the site visit they would not take part in consideration of planning application P/13/0784/FUL (minute P6).

P5. MINUTES**Decision**

- (a) The minute of the meeting of the Planning Committee held on 26 March 2014 was approved; and
- (b) The minute of the meeting of the Planning Committee held On Site on 7 April 2014 was approved.

Prior to consideration of the following item of business, Members requested an update on the recent decision of the Reporter in connection with the application from MacTaggart and Mickel to modify the section 75 agreement requiring them to make a financial contribution to the construction of a new roundabout at the junction of Glasgow Road and Nethermain Road, Denny. Members noted that an update report would be provided at the meeting of the Committee on 28 May 2014.

P6. ERECTION OF DWELLINGHOUSE ON LAND TO THE WEST OF AVONDALE, MOSSCASTLE ROAD, SLAMANNAN FOR MR DUNCAN BENNIE - P/13/0784/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 26 March 2014 (Paragraph P153 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 full planning permission for the erection of a dwellinghouse on land to the west of Avondale, Mosscastle Road, Slamannan.

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 the 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) (i) No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.

- (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
 - (iii) Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
 - (iv) If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
- (3) A new vehicular access to the site shall be formed in accordance with Falkirk Council's Design Guidelines and Construction Standards.
 - (4) The new driveway shall be constructed in a manner which will ensure that no surface water will be discharged or loose material carried out from it onto the public road.
 - (5) There shall be no obstruction to visibility over 0.6 metres in height above carriageway level within 2.5 metres of the carriageway edge along the frontage of the application site.
 - (6) Before works commence on-site, it shall be confirmed in writing that all drainage, both foul and rainwater, will enter the Scottish Water Network.
 - (7) Before works commence on-site, details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
 - (8) Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):-
 - (i) existing and finished ground levels in relation to a fixed datum, preferably ordnance;

- (ii) existing landscaping features and vegetation to be retained and, in the case of damage, restored;
- (iii) location and design, including materials, of walls, fences and gates; and
- (iv) soft and hard landscaping works.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) To ensure the ground is suitable for the proposed development.
- (3-5) To safeguard the interests of the users of the highway.
- (6) To ensure that adequate drainage is provided.
- (7-8) To safeguard the environmental amenity of the area.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01A and 02A.
- (2) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), the permission lapses on the expiration of a period of three years beginning with the date on which the permission is granted unless the development to which the permission relates is begun before that expiration.

P7. DEMOLITION OF GARAGE PREMISES AND ERECTION OF CLASS 1 SHOP UNIT WITH ANCILLARY DELICATESSEN (CLASS 1) AND FORMATION OF CAR PARK AT 50 DALDERSE AVENUE, FALKIRK FK2 7EG FOR DAVID'S KITCHEN LTD - P/13/0760/FUL (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 26 February and 26 March 2014 (Paragraphs P136 and P147 refer), 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 full planning permission for the demolition of garage premises, the erection of a class 1 shop unit with ancillary delicatessen (class 1) and the formation of a car park at 50 Dalderse Avenue, Falkirk.

Councillor Meiklejohn, seconded by Councillor Chalmers, moved that the application be refused on the grounds that (a) the development would be contrary to Falkirk Council Local Plan Policies SC7 'Established Residential Areas' and HSGO6 'Non - Residential Uses in Residential Areas' in that the development would not be compatible with the residential character and amenity of the surrounding area, and (b) the development would have an adverse impact on traffic in the area.

By way of an amendment, Councillor Mahoney, seconded by Baillie Paterson, moved that planning permission be granted in accordance with the recommendations in the Report.

On a division, 5 Members voted for the motion and 7 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 the 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 the commencement of development a landscape plan including detailed specification for all hard and soft landscaped areas and species type shall be submitted for the written approval of Falkirk Council as Planning Authority including amendment as required.
- (3) Prior to the commencement of development samples of all construction materials relating to masonry, fenestration and roof construction shall be submitted for the written approval of Falkirk Council as Planning Authority including amendment as required.
- (4) Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.

Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.

Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.

In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.

- (5) Pedestrian railings, of a type to be agreed in writing with Falkirk Council, shall be installed on the south end of the footpath on the east side of the new premises, on Dalderse Avenue prior to the opening of the approved building to the public.
- (6) A barrier of a type to be agreed in writing with Falkirk Council, shall be provided along the frontage of Dalderse Avenue to prevent vehicles entering or egressing the pedestrian/cycle area to the west side of the proposed premises prior to the opening of the approved building to the public.
- (7) The existing drop kerb accesses shall be removed and full footpath construction with 100mm high kerbs will be installed along the site frontage on Dalderse Avenue prior to the opening of the approved building to the public.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2-3) In the interests of amenity
- (4) To ensure that the site is made suitable for the development approved.
- (5-7) In the interests of road safety

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01, 02, 03B, 04C, 05C, 06C, 07B, 08, 09, 10, 11, 12A and 13A.
- (2) The applicant should have regard to controlling any noise produced by the construction and future use of the development to ensure that no noise nuisance is caused. If noise complaints were received about the development, the Environmental Health Unit would be obliged to investigate and take any necessary action if the complaints were found to be justified under Statutory Nuisance Legislation.

- (3) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), the permission lapses on the expiration of a period of three years beginning with the date on which the permission is granted unless the development to which the permission relates is begun before that expiration.

P8. LANDSCAPE WORKS, ERECTION OF 3 NO. STORAGE HUTS, REFUSE STORAGE AREA, PATHWAYS AND LEISURE AREAS AT SITE TO THE NORTH OF 1 CAUSEWAYEND, LINLITHGOW FOR SCOTTISH CANALS - P/14/0076/FUL

The Committee considered a report by the Director of Development Services on an application for full planning permission for environmental improvements and service facilities including landscape works, the erection of 3 storage huts, a refuse storage area, pathways and leisure areas at a site surrounded to the north and west by countryside, to the east by the Union Canal at 1 Causewayend, Linlithgow.

Councillor Mahoney, seconded by Councillor Nimmo, moved that planning permission be granted in accordance with the recommendations in the Report.

By way of an amendment, Councillor Turner, seconded by Councillor Carleschi, moved that consideration of this item of business be continued to allow an inspection of the site by Committee.

One Member intimated his abstention from taking a decision on the application.

On a division, 6 Members voted for the motion and 4 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 the 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) No development shall take place within the application site until a programme of archaeological work and written scheme of investigation has been submitted to and approved by Falkirk Council as Planning Authority including any amendment as required.

- (3) Prior to the permanent residential mooring of any vessels on the site, an environmental protection plan shall be submitted for the written approval of Falkirk Council as Planning Authority. The plan shall include definition of areas to be cordoned off to protect orchids in the vicinity of the site, communication measures to identify ecological constraints to site staff and future residents, timing of any implementation works and proposed signage identifying ecological features.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) To ensure that no adverse impact on archaeological features occurs.
- (3) To ensure no impact results on identified ecological features.

Informative(s):-

- (1) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), the permission lapses on the expiration of a period of three years beginning with the date on which the permission is granted unless the development to which the permission relates is begun before that expiration.
- (2) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01-04.

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of the APPEALS COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 7 MAY 2014 at 9.00 a.m.

COUNCILLORS:

Jim Blackwood
Colin Chalmers
Linda Gow
Steven Jackson
John McLuckie (Convener)

OFFICERS:

Shona Barton, Committee Services Officer
Tracey Gillespie, Human Resources Adviser
Colin Moodie, Depute Chief Governance Officer

A1. APOLOGIES

Depute Provost Patrick; Councillors D Goldie and Turner.

A2. DECLARATIONS OF INTEREST

There were no declarations made.

A3. MINUTE**Decision**

The minute of meeting of the Appeals Committee held on 28 March 2014 was approved.

A4. 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 item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A to the said Act.

A5. APPEAL AGAINST DISMISSAL

The Committee considered papers relating to an Appeal against dismissal which included (a) Note of Procedure; (b) Submission from Head of Resources and Procurement dated 28 April 2014; (c) copies of core documents relating to the Appeal, and (d) submission from the Appellant.

The Depute Chief Governance Officer and the Human Resources Manager were in attendance as legal adviser and personnel adviser to the Committee respectively.

The Appellant, Mr B, was present and was accompanied by G Turnbull, UCATT.

The Head of Resources and Procurement, D McGhee and Human Resources Adviser, J McGill were present as representatives of the Council.

Mr Turnbull presented the case on behalf of the Appellant, and led evidence from a witness Mr J.

The Head of Resources and Procurement asked questions of the Appellant, his representative and Mr J.

Members of the Committee then asked questions of the Appellant, his representative and Mr J.

The Head of Resources and Procurement presented the case on behalf of the Council and led evidence from a witness Mr F.

The Appellant and his representative asked questions of the Head of Resources and Procurement and Mr F.

Members of the Committee then asked questions of the Head of Resources and Procurement and Mr F.

The Head of Resources and Procurement summarised the case on behalf of the Council.

The Appellant's representative summarised his case.

The parties to the appeal withdrew.

The Committee, having given careful consideration to all of the submissions made, **AGREED** that the decision taken by management to dismiss Mr B from Council service was reasonable in all the circumstances. Accordingly the appeal was **REFUSED**.

The parties to the appeal were recalled and the decision intimated to them.

FALKIRK COUNCIL

MINUTE of MEETING of the SCRUTINY COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 13 MAY 2014 at 2.00 PM.

COUNCILLORS:

Baillie William Buchanan
Allyson Black
Provost Pat Reid
John McLuckie
Charles MacDonald

OFFICERS:

Margaret Anderson, Director of Social Work Services
Shona Barton, Committee Services Officer
Fiona Campbell, Head of Policy, Technology and Improvement
Lesley McArthur, Corporate Policy Officer
Colin Moodie, Depute Chief Governance Officer
Linda Scott, Corporate Policy Officer

S8. APOLOGIES

None.

S9. DECLARATIONS OF INTEREST

Councillor Black declared a non-financial interest in items S11 and S12 as a Board Member of Grangemouth & Bo'ness CAB and considered that this required her to recuse herself from consideration of the item having regard to the objective text in the Code of Conduct.

Provost Reid declared a non-financial interest in item S13 as a former Director of Open Secret and as a supporter of Relationship Scotland - Couples Counselling Central Scotland and considered that this required him to recuse himself from consideration of the item having regard to the objective text in the Code of Conduct.

S10. MINUTE

Decision

The minute of the meeting of the Scrutiny Committee held on 10 April 2014 was approved.

S11. FOLLOWING THE PUBLIC POUND (FPP): ADVICE SERVICES

The committee considered a report by the Director of Corporate and Neighbourhood Services which provided an update on the work of the external organisations which receive funding who provide debt and money advice services, and who fall within the 'Following the Public Pound' (FPP) reporting and monitoring arrangements.

The report provided (a) an overview of the impacts resulting in demand as a result of welfare reform, (b) information on the strategic context behind the provision of advice services, (c) an overview of the funded organisations providing advice services, and (d) an assessment of each individual organisations performance.

An individual report was attached for the 5 organisations which received funding. Each report set out the service provided, the agreed outcomes/objectives and performance information.

Fiona Campbell provided an overview of the report and highlighted the new reporting format, noting that it would be helpful if feedback could be provided on this new format.

In response to a question raised regarding the bedroom tax and the decision made by the UK Government to devolve responsibility for setting the limit on discretionary housing payment to the Scottish Government, Fiona Campbell advised that it was still not clear on the anticipated timescales for any change, but noted that there would be a report to the next Executive on the broader aspects of welfare reform which would provide further clarification.

The committee discussed the increase in the numbers of people who are facing sanctions from the DWP, noting that this included vulnerable people with mental health issues and women who have been the victim of domestic abuse. Fiona Campbell outlined some of the work that has been undertaken by Falkirk Council as part of the Fairer Scotland Fund to support those with low level mental health issues through the welfare changes. It was also highlighted that it was difficult to obtain accurate figures from DWP on the numbers of vulnerable persons who are affected by the welfare changes.

The committee then heard from officers in relation to the individual reports.

Forth Valley Macmillan Money Matters Project

Linda Scott provided an overview of the report, advising that the project had supported 926 people from the Falkirk area generating £963,340 in additional benefit income.

Decision

The committee approved the report and acknowledged the progress made by the Forth Valley Macmillan Money Matters Project in meeting Council priorities.

Falkirk and District Credit Union

Linda Scott provided an overview of the report including a summary of the organisations key achievements.

Discussion took place on the areas which were covered by the Credit Union and the options which were being considered for further collection points across the Council area. Information was also provided on the funding which was received from the Council to fund the new IT system.

Decision

The committee approved the report and acknowledged the progress made by the Falkirk and District Credit Union in meeting Council priorities.

Falkirk Armed Services Advice Project – Denny CAB

Lesley MacArthur provided an overview of the report.

Members acknowledged the good work being undertaken by the support officer.

Decision

The committee approved the report and acknowledged the progress made by the Falkirk Armed Services Advice Project in meeting Council priorities.

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

Falkirk Citizens Advice Bureaux

Lesley MacArthur provided an overview of the work of the 3 independent Citizens Advice Bureaux (Denny and Dunipace, Falkirk and Grangemouth and Bo'ness).

Discussion took place on the recording mechanisms used for the various figures contained in the report. Lesley advised that each Bureau dealt with specialised areas and this could account for the variation in figures. It was also noted that some of the figures shown for Denny and Dunipace and Falkirk represented the performance for a quarter and not for a full year as was shown with the Grangemouth and Bo'ness figures.

Decision

The committee approved the report and acknowledged the progress made by the Falkirk Citizens Advice Bureaux in meeting Council priorities.

S12. CITIZENS ADVICE BUREAUX: SCRUTINY PANEL FOLLOW-UP

The Committee had considered a report at its meeting on 10 October 2013 which provided information on process, evidence and recommendations arising from the Scrutiny Panel on Falkirk Citizens Advice Bureaux (CABx). The recommendations from the Scrutiny Panel were then referred to the Executive in November 2013, where it was agreed that the recommendations be developed into actions. This report provided an update on the progress made against those recommendations.

Lesley MacArthur provided a detailed overview of the report.

Information was provided on the proposal that Falkirk CAB source new premises. Lesley advised that a property had been identified which was in Council ownership, however there were significant renovation costs associated with the property and officers were continuing to work with the CAB with regard to this project.

Discussion took place on how other service providers are or can be encouraged to work with the Citizens Advice Bureaux. Lesley MacArthur outlined the work that has been undertaken by the CABx which included roadshows in the One Stop Shops. Lesley Scott also provided information on the work of Falkirk Area Welfare Benefits Advice Support Unit (FAWBASU).

Decision

The committee:-

- (1) acknowledged the good progress made by the Citizens Advice Bureaux in working towards the recommendations arising from the scrutiny process, and**
- (2) agreed that subsequent progress reports be brought in line with the annual reporting schedule relating to Following the Public Pound.**

Councillor Black re-entered the meeting at conclusion of the previous item of business.

In accordance with his declaration of interest, Provost Reid left the meeting at this point. Baillie Paterson took the Chair for the remainder of the meeting.

S13. REVIEW OF EXTERNAL FUNDING TO SERVICES FOR PEOPLE WHO HAVE BEEN AFFECTED BY ABUSE

The committee considered a report by the Directors of Corporate and Neighbourhood Services and of Social Work Services which outlined the review of the services provided by four organisations for people who have been affected by abuse.

The report provided detail on the organisational overview, the objective and process of the review and the review findings for the service provided by each organisation. It also summarised the key review findings, the underpinning principles of service framework and the financial overview and the impact of the findings. As a result of the review there were a number of conclusions and recommendations made which related to the way the Council works with the organisations and also some which related directly to the organisations.

Fiona Campbell provided a comprehensive summary of the report.

In response to a question in relation to the proposal for a triage service to be set up, it was noted that the project would be led by Women's Aid working in conjunction with Social Work Services.

Discussion took place on the challenges being faced by the organisations, particularly in relation to financial constraints. The committee also discussed the valuable and necessary work undertaken by the organisations, the expectation that organisations which receive funding from the Council deliver services in the Council area and the importance of ensuring best value.

Decision

The committee agreed:-

- (1) to note the outcome of the review;**
- (2) that the Council should commission services as described within the specification and enter into Joint Working Agreements with the four organisations based on this specification;**
- (3) in order to achieve the savings agreed by Council, that during 2014/2015, Open Secret be provided notice of a reduction in funding of £34,000 during 2014/2015, with a further reduction in 2015/2016 of £26,000, equating to a total reoccurring saving of £60,000;**
- (4) that Council Officers enter discussion with Women's Aid to develop a triage service thereby establishing a framework for service provision under the new service specification and reducing the organisations reserves to an acceptable level, and**
- (5) that these recommendations be remitted to the Executive for approval.**

DRAFT**FALKIRK COUNCIL****MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 14 MAY 2014 at 9.30 AM.**

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

<u>OFFICERS:</u>	Margaret Anderson, Director of Social Work Services
	John Angell, Head of Planning and Transportation
	Fiona Campbell, Head of Policy, Technology and Improvement
	Nigel Fletcher, Joint Acting Director of Education Services
	Rhona Geisler, Director of Development Services
	Rose Mary Glackin, Chief Governance Officer
	Gary Greenhorn, Joint Acting Director of Education Services
	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

<u>ATTENDING:</u>	Joe Andrews, Group Manager, Scottish Fire and Rescue Service
	Gary Laing, Local Senior Officer, Scottish Fire and Rescue Service

FC1. SEDERUNT

The sederunt was taken by way of a roll call. An apology was intimated on behalf of Councillor Spears.

FC2. DECLARATIONS OF INTEREST

No declarations were made at this point in the meeting.

Councillor McCabe left the meeting during this item.

FC3. PROVOST'S REMARKS

The Provost stated that the meeting was being recorded. This was in accordance with Council's decision of 11 December 2013 (item FC67) to consider options for the audio recording of its meetings and the subsequent decision of Group Leaders to engage an external provider to make a recording for evaluation purposes.

Provost Reid commented on the recent launch of the Kelpies and thanked the officers, partners, communities and elected members who had contributed to the project from inception to final launch. He said that the Kelpies were a globally recognised landmark and were an achievement of which the area should be proud.

FC4. MINUTES AND INFORMATION BULLETIN**(a) Meeting of Falkirk Council held on 12 March 2014.****Decision**

The minute of the meeting held on 12 March 2014 was agreed as a correct record.

(b) Volume of Minutes – Volume 5 2013/2014.**Decision**

The Volume of Minutes – Volume 5 2013/14 was noted.

(c) Information Bulletin – Volume 5 2013/2014.**Decision**

The Information Bulletin – Volume 5 2013/2014 was noted.

FC5. QUESTIONS

In terms of Standing Order 32.1, written questions may be submitted to the Leader of the Council and/or the portfolio holders on any matters relating to business transacted at any meeting of the Executive or Education Executive since the last volume of minutes was published.

No questions had been submitted.

FC6. TREASURY MANAGEMENT STRATEGY 2014/15

Council considered a report by the Chief Finance Officer presenting, as part of the Treasury Management Code of Practice requirements, an annual report on the Treasury Management function of the Council. The report had been previously considered by the Executive on 18 March 2014 (ref EX139) and had been referred to Council for consideration.

Decision

Council agreed:-

- (1) the Borrowing Strategy for 2014/15 as set out in section 5 of the report;**
- (2) the Investment Strategy for 2014/15 and the list of “Permitted Investments” as set out in section 6 of the report; and**
- (3) the Treasury Indicators as set out in section 7 of the report.**

FC7. HEALTH AND SOCIAL CARE INTEGRATION

Council considered a report by the Chief Executive on the integration of health and social care services recommending that the Executive adopt a Body Corporate governance model for the integrated service.

The Public Bodies (Joint Working) (Scotland) Act 2014 came into effect on 1 April 2014. The Act set out a requirement for Local Authorities and Health Boards to establish local partnerships to deliver local outcomes more effectively. The Act removed Community Health Partnerships from statute and set out the basis to create an integration authority for each Council area which will be the joint and equal responsibility of Health Boards and Local Authorities.

Four key principles underpin the reform:-

- To allow nationally agreed outcomes to apply across adult health and social care provision;
- Health Boards and local authorities will be jointly and equally accountable for the delivery of those outcomes;
- Integrated resources (budgets and employees) will apply across the spectrum of adult health and social care provision; and
- To encourage strong clinical and professional leadership, and the engagement of the third and independent sectors, in the commissioning of adult health and social care services.

The report summarised the key drivers for reform, and the work undertaken to prepare for the transition to an integrated delivery model. Guidance from the Scottish Government set out the two integration models available:-

- Lead Agency: either the Health Board or the Local Authority takes full strategic and operational accountability for all functions within the scope of integration; or
- Body Corporate: delegation by Health Board or Local Authority of all functions within the scope of integration, to a new entity governed by a Joint Board accountable for overseeing the provision of functions.

The report provided an appraisal of both options and recommended the Body Corporate model for the Falkirk Council area. NHS Forth Valley had recently indicated a preference, in principle, for this delivery model.

The integration process and timetable leading to full integration by 1 April 2015 were set out. The governance would be undertaken by an Integration Joint Board which would appoint a Chief Officer and, potentially, a Senior Finance Officer.

In this model, staff and services will not necessarily transfer to the body, but would be accountable to, and be managed by, the Body Corporate. The Scottish Government had allocated funding to each Health Board to support the transition. The funding available to the Falkirk Council area was estimated to be £170,000, and was yet to be allocated. It was proposed that, in anticipation of the funding being allocated, a project manager is appointed to support the transition.

The integration of health and social care services will impact not only on the delivery of adult health and social care services, but on the Council as a whole, in particular the remaining social work services and the role of the Chief Social Work Officer.

Councillor Gow, seconded by Councillor Murray, moved that Council agrees:-

- (1) to note the provisions and requirements of the Public Bodies (Joint Working) (Scotland) Bill;
- (2) that any model and partnership arrangements requires to be based on the Falkirk Council area;
- (3) to note the scope of services to be included in the integrated arrangements;
- (4) in principle that Officers work with the Health Board to develop a Scheme of Integration based on the Body Corporate model;
- (5) to note the work plan, timescales and work streams which will require to be established and the proposals for the transitional integration funding and oversight of the transition;
- (6) that posts required to take forward integration are filled as a matter of urgency;
- (7) to note the need to develop a Strategic Delivery Plan and engagement arrangements;

- (8) that a draft Scheme of Integration is presented to Council for approval in October 2014, and
- (9) that a report on the impact of these changes on the remaining Council services is presented in early course.

Councillor Meiklejohn, seconded by Councillor Jackson, moved the terms of the motion with the following in substitution for paragraphs (5) and (6):-

- (i) in principle that officers work with the Health Board to develop a Scheme of Integration based on the Body Corporate model and provide a progress report to elected members at every full Council;
- (ii) that officers carry out the necessary work to establish a shadow Integration Board as a matter of urgency in order that membership can be appointed at the June meeting of full Council at the latest and a draft work plan prepared for the Board;
- (iii) that a letter of apology along with a request for an urgent meeting to be sent to the Minister in order to discuss Falkirk Transition Plan and the funding; and
- (iv) to note the work plan timescales and work streams which will require to be established and the proposals for the transitional integrated funding which will be further clarified to members following the outcome of discussions with the Minister. Oversight of the transition will be passed to the Shadow Board once it has been constituted.

Council then adjourned at 11.00 am to allow officers to investigate a statement, made by Councillor Meiklejohn in moving her amendment, that the Minister for Public Health, Michael Matheson MSP, had advised that no bid had been received from the Council.

Council reconvened at 11.55 am with all members present as per the sederunt, with the exception of Councillor McCabe, who had earlier left the meeting, and Councillor Chalmers who joined the meeting at a later point in the debate.

The Director of Social Work Services advised that she had received an assurance from a senior civil servant at the Scottish Government that the Falkirk partnership bid had been received and that funding would be allocated to it.

Councillor Meiklejohn, with the consent of the Provost, and Councillor Jackson, as her seconder, adjusted the terms of her amendment by deleting paragraph (iii).

In terms of Standing Order 22.4(i), a vote was taken by roll call, there being 30 members present with voting as undernoted:-

For the motion (17) – 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, Murray, Nicol and Nimmo.

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

Decision

Council agreed the motion.

FC8. REGULATION OF DISPLAY OF MATERIAL IN RELATION TO SCOTLAND'S REFERENDUM 2014

Council considered a report by the Director of Development Services advising that the current guidelines in relation to the display of election posters and other election material on Council property do not make specific reference to referenda, and requesting that Council adopt a position in regard to the display of referenda material on its property.

Decision

Council agreed:-

- (1) that materials associated with the referendum on Scottish Independence, and for future referenda, are to be treated in the same way as election material; and**
- (2) to instruct officers to revise the guidelines accordingly.**

Councillor Alexander declared a non-financial interest in item FC9 as the Fire Brigades Union had contributed to his election fund in 2008 and 2012, but did not consider that this required him to recuse himself from consideration of the item, having had regard to the objective test in the Code of Conduct.

FC9. SCOTTISH FIRE AND RESCUE SERVICE LOCAL PLAN 2014-2017

Council considered a report by the Chief Executive presenting the draft Local Fire and Rescue Plan for the Falkirk Council area for 2014-2017 for approval.

The Police and Fire Reform (Scotland) Act 2012 requires that the Scottish Fire and Rescue Service prepares, for approval, a Local Fire and Rescue Plan for each Local Authority area.

The plan sets out the national framework within which local plans sit, together with the key objectives for the Falkirk Council area. Details were given of the consultation exercise which informed the development of the draft plan together with an evaluation of the responses.

Decision

Council agreed:-

- (1) to note the feedback on key issues outlined at appendix 2 of the report, following the consultation exercise on the draft plan; and**

- (2) the Local Fire and Rescue Plan for the Falkirk Council area, as set out in appendix 1 of the report.

FC10. ETHICAL STANDARDS IN PUBLIC LIFE ETC. (SCOTLAND) ACT 2000

Council considered a report by the Chief Governance Officer presenting the Standards Commission's findings following a hearing to consider a complaint against Councillor Spears.

Council was required, in terms of Section 18 of the Ethical Standards in Public Life etc. (Scotland) Act 2000, to consider the findings of the Standards Commission following a hearing. The Act requires that findings are considered within 3 months of receipt.

In recognition of Councillor Spears' absence from the meeting, Councillor C Martin, seconded by Councillor D Goldie, moved that Council:-

- (1) continues consideration of the findings to another meeting, to allow Councillor Spears to be present, for the following reasons:-
 - (i) in the interest of natural justice;
 - (ii) to permit Councillor Spears to answer any questions from members; and
 - (iii) to provide an opportunity for Councillor Spears to give a response to the chamber; and
- (2) that an extension be sought from the Standards Commission to the requirement to consider the findings within 3 months of receipt, which failing a special meeting is called.

Decision

Council agreed the motion.

FC11. APPOINTMENT TO COMMITTEE

Council considered a report by the Chief Governance Officer advising that Councillor Black had resigned from the Audit Committee and inviting Council to appoint a successor.

Decision

Council appointed Councillor Murray to the Audit Committee.

FC12. 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.

FC13. MOTIONS

(a) Denny Eastern Access Road (DEAR) INF14

(b) Audit Scotland

(c) Employee Conditions

With no proposers for motions (a) – (c) as set out on the agenda, they were in terms of Standing Order 29.9, considered as dropped.

(d) Community Charter

Notice of the following motion had been intimated by Councillor Carleschi:-

“Council commends the Community Charter drawn up by local residents to establish the Cultural Heritage of Larbert, Stenhousemuir and Torwood and to declare their rights and responsibilities for its improvement and protection.

Council acknowledges this Charter is the first of its kind in the UK and offers a great opportunity for our citizens to shape the community in which they live. The aims of the charter clearly reflect the key themes of the Council’s corporate plan.

16 out of 32 Falkirk Councillors have already signed the Charter representing the majority of the political groups on the Council. As signatories to the Community Charter, those councillors support its broad aims, most particularly, the right of local communities to express their views on matters affecting their environment.

All councillors recognise that we will need to take decisions on individual planning applications. All councillors are aware that each application needs to be judged on its own merits and determined in accordance with planning legislation. No councillor need consider themselves bound by any statement in the Charter which may suggest otherwise and, in particular, by the positions expressed in the Charter on coal bed methane extraction or the precautionary principle.

Council therefore agrees to endorse the community charter.”

With the consent of the Provost, Councillor Carleschi, seconded by Councillor Bird, moved the terms of the motion with paragraphs (1), (4) and (5) substituted with the following:-

Paragraph (1);

“Council notes the Community Charter drawn up by local residents to establish the Cultural Heritage of Larbert, Stenhousemuir and Torwood and to declare their rights and responsibilities for its improvement and protection.”

Paragraph (4);

“All Councillors recognise that we will need to take decisions on individual planning applications and other regulatory matters. All councillors are aware that each application needs to be judged on its own merits and determined in accordance with planning or the relevant legislation. No councillor need consider themselves bound by any statement in the Charter which may suggest otherwise and, in particular, by the positions expressed in the Charter on coal bed methane extraction or the precautionary principle.”

Paragraph (5);

“Council congratulates the local community for their work in producing the Charter, endorses the principle that communities should have the right to express their view on matters which affect their environment and invites the remaining members of the Council to sign the Charter.”

Council then adjourned at 3.45 pm to allow members of the Administration to consider the terms of the adjusted motion and reconvened at 3.55 pm with members present as per the sederunt, with the exception of Councillor McCabe, who had earlier left the meeting.

By way of an amendment, Councillor C Martin, seconded by Councillor Nimmo, moved the following in substitution for the motion:-

“Council notes the Community Charter drawn up by local residents to establish the cultural heritage of the Larbert, Stenhousemuir and Torwood area and to declare their rights and responsibilities for its improvement and protection.

Council acknowledges the importance of communities taking an interest and involvement in their environment and recognises the benefits that active citizenship brings.

Council is aware that individual members have signed up to the Community Charter and expects that, in doing so, they will have reflected on how that may impact on their particular decision making roles as councillors, having regard to the Code of Conduct, particularly when dealing with planning or other regulatory matters.

While acknowledging the entitlement of individual councillors to be advocates for and within their communities, Council recognises the statutory role it holds as a planning and regulatory authority and the requirement to perform that role in accordance with law and properly adopted policy. The motion acknowledges that some statements in the charter may impact on that role. As this could impact on the integrity of the decision making process or the involvement of individual members in it, Council agrees:-

- (1) that it would not be appropriate to invite or encourage members to sign the Charter, and
- (2) that the continued involvement of communities in development of the Council's formal planning policy is valued and should be encouraged."

In terms of Standing Order 22.4(i), a vote was taken by roll call, there being 30 members present with voting as undernoted:-

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

For the amendment (17) – 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, Murray, Nicol and Nimmo.

Decision

Council agreed the amendment.

(e) Provision of 3G Pitches

Notice of the following motion had been intimated by Councillor McNally:

"It has been noted that there has been an allocation contained within Falkirk Council's budget for the provision of a 3G pitch since 2007. This has been carried forward year on year as the project has not been progressed. The project was initially to be taken forward by Falkirk Council Leisure and Community Services. This was prior to the creation of Falkirk Community Trust to which the responsibility then passed to, for development and delivery.

Council notes that to date there has been very little progress made on this project and no timetable for delivery has been brought forward. This is despite assurances from the Chief Executive that an update report would be forthcoming either towards the end of 2013 or to a meeting of full Council early in 2014.

Council therefore acknowledges that as a result of this significantly protracted process there are communities who have been disadvantaged and now instructs officers to bring forward a detailed report to the June 2014 meeting of full Council which demonstrates a method of progressing the project with a timeline for delivery."

The Provost stated that the motion referred to matters within the remit of the Executive and, having consulted with the Leader of the Council 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 would stand referred to the Executive.

Councillor C Martin gave an assurance that he would endeavour to ensure that a report on the provision of 3G pitches was submitted to a special meeting of the Executive, to be held before the recess.

Decision

The motion was referred to the Executive.

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of the EXECUTIVE held within the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 27 MAY 2014 at 9.30 a.m.

COUNCILLORS:

Jim Blackwood
Gerry Goldie
Linda Gow
Adrian Mahoney
Craig Martin (Convener)
Dr Craig R Martin
Malcolm Nicol
Robert Spears

OFFICERS:

Margaret Anderson, Director of Social Work Services
Fiona Campbell, Head of Policy, Technology and Improvement
Rhona Geisler, Director of Development Services
Rose Mary Glackin, Chief Governance Officer
Brian Pirie, Democratic Services Manager
Mary Pitcaithly, Chief Executive
Alan Rodger, Planning and Environment Manager
Bryan Smail, Chief Finance Officer

EX14. APOLOGIES

An apology was intimated on behalf of Councillor Dennis Goldie.

EX15. DECLARATIONS OF INTEREST

No declarations were made.

EX16. MINUTE**Decision**

The minute of the meeting of the Executive held on 29 April 2014 was approved.

EX17. REFERRAL FROM THE JOINT CONSULTATIVE COMMITTEE – 22 APRIL 2014 – MANAGING SICKNESS ABSENCE POLICY

The Joint Consultative Committee had, on 22 April 2014 (ref JCC5), referred the revised Managing Sickness Absence Policy to the Executive for approval.

The policy, which applies to all employees, had been revised and updated in respect of the return to work process and occupational health referrals.

Decision

The Executive agreed to adopt the revised Managing Sickness Absence Policy with immediate effect.

Councillor Gow joined the meeting during consideration of the foregoing item.

EX18. REFERRAL FROM THE SCRUTINY COMMITTEE – 13 MAY 2014 - REVIEW OF EXTERNAL FUNDING TO SERVICES FOR PEOPLE WHO HAVE BEEN AFFECTED BY ABUSE

The Scrutiny Committee had, on 13 May 2014 (ref S13), referred recommendations arising from a review of external funding to services for people who have been affected by abuse to the Executive for consideration.

The Executive considered a report by the Directors of Corporate and Neighbourhood Services and of Social Work Services presenting the recommendations of the Scrutiny Committee.

The report set out the background to the review of the services provided by Women's Aid, Relationship Scotland, Central Scotland Rape Crisis and Open Secret. The range of services provided, purpose of each organisation, together with Falkirk Council's contribution to each organisation's funding were set out.

The aim of the review had been to ensure that the most appropriate range and quality of support is provided by the right providers to those most in need within the area.

Overall it was concluded that the Council should, through agreed joint working arrangements, commission specific services to ensure clarity in service provision and expected outcomes. The report set out conclusions in relation to future service delivery and budgeting provision for each organisation.

Councillor Gow, seconded by Councillor Martin, moved that, in light of information about which Council had only recently been made aware, consideration of the report should be deferred to the next meeting of the Executive.

Decision

The Executive agreed the motion.

Councillor G Goldie joined the meeting during consideration of the foregoing item.

EX19. FALKIRK LOCAL DEVELOPMENT PLAN – SUPPLEMENTARY GUIDANCE FINALISED DRAFTS

The Executive considered a report by the Director of Development Services presenting four Local Development Plan Supplementary Guidance notes for approval.

The Executive had, on 25 February 2014 (ref EX117), authorised preparation of and consultation on 16 Supplementary Guidance notes to assist in the interpretation of the Council's proposed Local Development Plan. The following four Supplementary Guidance notes have been consulted upon thus far:- SG01 'Development in the Countryside', SG05 'Biodiversity and Development', SG06 'Trees and Development' and SG13 'Open Space and Development'. The report summarised each of the notes and provided detail on the consultation process together with a summary of the responses received. Following consultation the notes had been amended and were attached for approval.

In terms of the Local Development Plan Scheme, it was intended that each of the remaining 12 notes would be consulted upon later in the year.

It was now proposed that four finalised Supplementary Guidance notes be submitted to the Scottish Ministers together with the Local Development Plan and adopted with the plan.

Decision

The Executive agreed:-

- (1) the following Supplementary Guidance notes;- SG01 'Development in the Countryside', SG05 'Biodiversity and Development', SG06 'Trees and Development' and SG13 'Open Space and New Development' including modifications in response to consultations as detailed in appendix 1 to the report;
- (2) to submit the Supplementary Guidance notes to Scottish Ministers for approval, along with the Falkirk Local Development Plan, and
- (3) to authorise the Director of Development Services to make minor adjustments to text arising from change of circumstances.

EX20. TOWARDS A FAIRER FALKIRK – UPDATE REPORT

The Executive considered a report by the Director of Corporate and Neighbourhood Services providing an update on work being undertaken to tackle poverty and to mitigate the impact of Welfare Reform.

The report set out the background to Welfare Reform and highlighted key changes to the welfare system as a consequence of the programme. This included the introduction of Universal Credit, the introduction of housing benefit size criteria restrictions and the creation of a single fraud investigation service within the Department for Work and Pensions. The impact of the changes was set out together with actions taken by Falkirk Council to provide support to its citizens. Two sources of funding were available to citizens to mitigate against the impacts of Welfare Reform - the Scottish Welfare Fund and Discretionary Housing Payments (DHP). The Scottish Welfare Fund is delivered through local authorities to support those citizens affected by Welfare Reform. DHP is a discretionary scheme administered by the Council on behalf of the Department for Work and Pensions, augmented by funding from the Scottish Government, to provide extra money to those who need financial help to meet a shortfall in their rent.

The funding arrangements for both funds were summarised together with details on the allocation of each fund in 2013/14. Clarity was currently being sought from the Department of Work and Pensions and the Scottish Ministers in regard to DHP, to allow the Council to mitigate the impact of size criteria restrictions.

A third fund, the Fairer Falkirk Fund, had been established by Council to support projects aimed at tackling poverty. The report provided an update on the various projects and set out a proposed allocation of funds from the Fairer Falkirk budget for 2014/15.

Decision

The Executive agreed:-

- (1) to note the update provided in the report of what the Council is doing to mitigate the impact of Welfare Reform on people and services;**
- (2) to confirm its continued support with regard to the statement on non-eviction for tenants affected by under occupancy restrictions as described in section 3.3 of the report;**
- (3) the approach suggested at paragraph 6.8 of the report with regard to those affected by the establishment of the Single Fraud Investigation Service;**
- (4) to note the imminent decisions expected from the Scottish Government/ Department of Work and Pensions that are needed to enable the Council to utilise the Discretionary Housing Payment budget and to implement a scheme, as appropriate, for the mitigation of size criteria for 2014/15;**
- (5) the use of the Fairer Falkirk Fund as described in section 7 of the report, and**
- (6) that officers will report back to the Executive later this year following a review of the Council's poverty strategy and its current focus.**

EX21. POLICY DEVELOPMENT PANEL – REVIEW OF THE SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS AND SUPPORT – UPDATE

The Executive considered a report by the Chief Governance Officer presenting the conclusions and recommendations of the policy development panel established to review the Council's Scheme for the Establishment of Community Councils and the support provided by Falkirk Council to its Community Councils.

The policy development panel, which comprised Councillor C Martin (Chair) and Baillie Paterson, met on 8 occasions between October 2013 and April 2014. As part of its review, the panel engaged with a focus group of former and current community councillors, consulted with the 17 active community councils and met with representatives of community councils in an open forum.

The report set out the issues highlighted at panel meetings in regard to the review of the Scheme and support, and set out its conclusions.

The panel presented 10 recommendations for the Executive's consideration.

Decision

The Executive agreed to:-

- (1) note the review of the Scheme for the establishment of Community Councils and support provided to community councils by Falkirk Council undertaken by the policy development panel;
- (2) formally review the current Scheme for the Establishment of Community Councils and to propose the revised model Scheme as the basis for the consultation;
- (3) ask the panel to review practices adopted elsewhere within Scotland to enforce the model code of conduct and to report its findings to the Executive on 19 August 2014;
- (4) request the panel to undertake a review of the Scottish Government's model constitution and standing orders with a view to these being incorporated within the revised Scheme along with the code of conduct and that the panel reports to the Executive on 19 August 2014 together with a timetable for the review of the Scheme and associated documents;
- (5) note the support that is currently provided by Falkirk Council to its community councils and community councillors;
- (6) instruct the Community Council Liaison Officer to develop an information pack to be issued to all community councillors which will include detailed information on the funding available to community councils and the application process together with contact information and will incorporate the Scottish Government good practice guidance;

- (7) instruct the Community Council Liaison Officer to implement a training programme for community councillors to compliment the information pack. This will include training on the role of community councils and community councillors and will also include training on the use of social media to promote community engagement;
- (8) instruct the Community Council Liaison Officer to work with community councils to claim their administrative grant for 2014/15 and to undertake a review in 2015 to determine whether the funding provided is sufficient;
- (9) allocate funding of up to £500 to all community councils following each quadrennial election to purchase a laptop/PC and printer and for the cost of provision in the current year to be met from existing budgets;
- (10) note that Council premises should be available at no cost to community councils; and
- (11) instruct the Community Council Liaison Officer to establish a Community Council forum comprising representatives of all community councils with a view to maximising the sharing of best practice across the community councils.

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 28 MAY 2014 at 9.30 A.M.

COUNCILLORS:

Baillie William Buchanan (Convener)
 Steven Carleschi
 Colin Chalmers
 Adrian Mahoney
 Craig Martin
 Cecil Meiklejohn
 John McLuckie
 John McNally
 Malcolm Nicol
 Alan Nimmo
 Baillie Joan Paterson
 Sandy Turner

OFFICERS:

John Angell, Head of Planning and Transportation
 Katherine Chorley, Assistant Planning Officer
 Kevin Collins, Transport Planning Co-ordinator
 Ian Dryden, Development Manager
 Rose Mary Glackin, Chief Governance Officer
 Iain Henderson, Legal Services Manager
 Stuart Henderson, Environmental Health Officer
 Kirsty Hope, Assistant Planning Officer
 Antonia Sobieraj, Committee Officer
 Russell Steedman, Network Co-ordinator
 Richard Teed, Senior Forward Planning Officer
 Brent Vivian, Senior Planning Officer

P9. APOLOGIES

No apologies were intimated.

P10. DECLARATIONS OF INTEREST

No declarations were made.

P11. MINUTE**Decision**

The minute of meeting of the Planning Committee held on 30 April 2014 was approved.

P12. ORDER OF BUSINESS

In terms of Standing Order 14.2(i), Baillie Buchanan 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.

P13. DISCHARGE OF PLANNING OBLIGATION IN RESPECT OF PLANNING PERMISSION F/95/0456 WHICH RESTRICTED FOR ALL TIME COMING, THE OCCUPATION OF ANY DWELLINGHOUSE ERECTED ON THE SITE IN TERMS OF THAT PERMISSION TO A PERSON OR PERSONS CURRENTLY OR LAST EMPLOYED IN AGRICULTURE AS DEFINED IN SECTION 277(1) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, TOGETHER WITH THE DEPENDANTS OF SUCH PERSON OR PERSONS AT AGRICOLAE HOUSE, CEMETERY ROAD, AIRTH, FALKIRK, FK2 8JG FOR - MRS JEANETTE VIRGINIA SUTHERLAND – P/14/0041/75D

The Committee considered a report by the Director of Development Services on an application for full planning permission for the discharge of a planning obligation in respect of planning permission F/95/0456 which restricted for all time coming the occupation of the dwellinghouse authorised by said permission to a person or persons currently or last employed in agriculture as defined in section 277(1) of the Town and Country Planning (Scotland) Act 1997 together with the dependants of such person or persons.

Decision

The Committee agreed to discharge the Section 75 Agreement on the ground that it no longer serves a planning purpose.

P14. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES ON LAND TO THE NORTH OF ELMVIEW, LARBERT FOR GLENBERVIE GOLF CLUB – P/14/0063/PPP

The Committee considered a report by the Director of Development Services on an application for planning permission in principle for the development of land for residential purposes on land to the north of Elmview, Larbert.

Decision

The Committee agreed to continue consideration of this item of business to allow an inspection of the site by Committee.

P15. 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 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 12 of Part 1 of Schedule 7A to the said Act.

Councillor McNally entered the meeting during consideration of the following item of business.

P16. MODIFICATION OF PLANNING AGREEMENT ATTACHED TO PLANNING PERMISSION P/08/0296/FUL REMOVING THE REQUIREMENT TO MAKE A TRANSPORT CONTRIBUTION OF £550,000 ON LAND TO THE WEST OF 21 OLD MILL WAY, KIRKLAND DRIVE, STONEYWOOD FOR MACTAGGART & MICKEL – P/13/0074/75M

The Committee considered a report by the Director of Development Services outlining the appeal decision issued by the Reporter from the Directorate of Planning and Environmental appeals, the legal assessment of that decision and the options available to the planning authority.

Decision

The Committee noted the DPEA decision to allow the appeal and agreed that no appeal to the Court of Session be pursued in relation to this matter.

P17. PROPOSAL FOR 307 NEW HOMES (INCLUDING 46 AFFORDABLE HOMES) AND DENNY EASTERN ACCESS ROAD (DEAR), INCLUDING PROVISION OF GREENSPACE, SUSTAINABLE URBAN DRAINAGE AND ASSOCIATED INFRASTRUCTURE ON LAND TO THE SOUTH OF MYDUB FARM, GLASGOW ROAD, DENNY FOR BETT HOMES & CALLENDAR ESTATES – P/12/0546/FUL (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 26 February and 26 March 2014 (Paragraphs P137 and P149 refer), 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 full planning permission for the proposal of 307 new homes (including 46 affordable homes) and Denny Eastern Access Road (DEAR) including provision of greenspace, sustainable urban drainage and associated infrastructure on land to the south of Mydub Farm, Glasgow Road, Denny.

The Convener agreed an adjournment at 11.00 a.m. prior to full consideration of this item of business to allow officers to check with colleagues within the Economic Development section of Development Services in relation to the development of other sites within the area which would contribute to the DEAR and the marketing of these sites. The meeting reconvened at 11.25 a.m. with all Members present as per the sederunt. The Head of Planning and Transportation thereafter provided the Committee with clarification on the matters raised.

Decision

The Committee agreed that it is **MINDED** to **GRANT** planning permission subject to the satisfactory conclusion of an **Obligation** under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997. The **Obligation** is to secure the following, with sums indexed linked from the date of any minded to grant decision by the Committee:-

- (a) A developer contribution towards education provision at Denny Primary School, Denny High School and nursery school provision. The developer contribution should consist of:-

Denny Primary School	£2600 per house	£798,200 for 307 dwellings
Denny High School	£2100 per house	£644,700 for 307 dwellings
Nursery Provision	£350 per house	£107,450 for 307 dwellings
Total		£1,550,350

The nursery provision contribution should be paid in full no later than completion of the 50th unit. The contribution towards education provision at Denny Primary School should be paid in full no later than the completion of the 150th unit, payment to be phased in four payments with the first payment on commencement of the development and the remaining 3 payments aligned to the completion of each 50 units. The contribution towards education provision at Denny High School to be paid in full no later than the 200th unit with an agreement to pay a pro-rata proportion before this, if the development stalls for an agreed period of time.

- (b) A pro-rata developer contribution towards the construction of DEAR, in accordance with the terms of SPG “Delivery of Denny Eastern Access Road (DEAR)”. The developer contribution is calculated at £3,383,900. Payment of the developer contribution is to be phased, with the first contribution comprising any sum directly met by the applicant (and, for the avoidance of doubt, not reimbursed by the Council) in relation to the proper and reasonable cost of works carried out by the applicant to construct the roundabout on Glasgow Road and the first part of DEAR, including the new roundabout to provide access to the residential development, as detailed on the drawing bearing the applicant's reference

RMDC/319/SL (1:500)/001 Revision N and the Planning Authority's reference 03B, ("the works"), said proper and reasonable costs to be fully vouched and demonstrated by the applicant to the satisfaction of the Director of Development Services. The nature and extent of the developer's contribution towards the works shall be the subject of written agreement and shall be quantified taking account of any potential funding available to the Council for delivery of the works. The residual monetary contribution (which shall be quantified by deduction of the developer's contribution in respect of the works from the total developer's contribution of £3,383,900) shall be paid in full by the applicant no later than:-

- The completion of the 251st dwellinghouse, including the 46 affordable housing units; or
- The completion of the 210th mainstream dwellinghouse, excluding the 46 affordable housing units,

whichever occurs first.

- (c) Development of 46 affordable housing units, the type, tenure, mix and means of delivery to be agreed in writing with the Planning Authority. Development of the housing development shall not progress beyond phase 1, as detailed on the drawing bearing the Planning Authority's reference 120A, until written agreement is secured.
- (d) A developer contribution towards the development of an adoptable standard footway at the north side of Nethermain Road, Denny to provide adequate pedestrian access to public transport links. The contribution required is £20,000 and is to be paid prior to the commencement of development.

In the event that an agreement has not been concluded with the applicant in respect of any or all of the above within a period of six months from the date of the Committee's agreement to be minded to grant planning permission, the application shall be referred back to the Planning Committee for further consideration.

Thereafter, on conclusion of the foregoing matters, revert to the Director of Development Services to grant planning permission subject to the following conditions and informatives:-

- (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) Development shall not commence on site until such time as details have been submitted to, and approved in writing by, the Planning Authority demonstrating how the development will minimise its energy use and, consequently, its carbon footprint through design, materials and any other integral features.
- (3) Development shall not commence on site until such time as details have been submitted to, and approved in writing by, the Planning Authority demonstrating how the Falkirk Council Outdoor Access Network would be maintained free of obstruction during the development or, alternatively, what temporary arrangements would be put in place to mitigate any temporary closure. If temporary closure of any outdoor access footpath is proposed, the details to be submitted shall demonstrate how this would be achieved. For the avoidance of doubt, the outdoor access footpaths and access ways to be considered are numbered 012/327, 012/296, 012/340 and 012/343 as identified in the Falkirk Council Core Paths Plan May 2010.
- (4) There shall be no development which would have any physical impact on the Little Denny Burn until such time as details have been submitted to, and approved in writing by, the Planning Authority demonstrating that the proposed box culvert to be formed at the Little Denny Burn shall be constructed to a satisfactory standard and designed to a 1 in 200 year flooding event standard.
- (5) Development shall not commence on site until such time as the scheme of archaeological work detailed in the Archaeological Written Scheme of Investigation has been carried out with the written approval of the Planning Authority.
- (6) Notwithstanding any details previously submitted, development shall not commence on site until such time as details of drainage maintenance have been submitted to, and approved in writing by, the Planning Authority.
- (7)
 - (i) No development shall commence on site unless otherwise agreed with the Planning Authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.
 - (ii) Where contamination (as defined by Part 11A of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.

- (iii) Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
 - (iv) If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
- (8) Notwithstanding any details previously submitted, there shall be no development on site, other than ground reprofiling works or works falling within phase 1 of the development as detailed on the drawing bearing the Planning Authority's reference 120A until such time as further phasing details have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt, the further phasing details to be submitted shall demonstrate the means by which pedestrian access to the transport network for the households already occupied shall be maintained and the Council's core footpath network, as detailed in the Falkirk Council Core Paths Plan May 2010, shall be safeguarded.
- (9) Notwithstanding any details previously submitted, development shall not commence on site until such time as details have been submitted to, and approved in writing by, the Planning Authority demonstrating that the development of, and diversion of, culverts on site shall not constitute a flood risk either on or off site.
- (10) Notwithstanding any details previously submitted, there shall be no development on site, other than ground reprofiling or works falling within phase 1 of the development as detailed on the drawing bearing the Planning Authority's reference 120A, until such time as details of play equipment to be installed at the open space and a maintenance scheme have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt, the details shall include timing of installation of the play equipment with reference to phasing details to be submitted in compliance with condition 8.
- (11) Notwithstanding any details previously submitted, development shall not commence on site until such time as details of the implementation and future maintenance of the landscaping scheme have been submitted to, and approved in writing by, the Planning Authority.

- (12) Notwithstanding any details previously submitted, development shall not commence on site until such time as details of external finishes in respect of the proposed residential development have been submitted to, and approved in writing by, the Planning Authority.
- (13) Notwithstanding any details previously submitted, development shall not commence on site until such time as details of boundary treatments along the length of the proposed Denny Eastern Access Road have been submitted to, and approved in writing by, the Planning Authority.
- (14) There shall be no development of dwellinghouses, other than within phase 1 of the residential development as shown on the drawing bearing the Planning Authority's reference 120A, until such time as the temporary vehicular access to phase 1 of the residential development has been closed off with the written approval of the Planning Authority, in accordance with the drawing bearing the Planning Authority's reference 03B.
- (15) Notwithstanding any details previously submitted, development shall not commence on site until such time as details of the formation of the first junction within the proposed residential development have been submitted to, and approved in writing by, the Planning Authority, demonstrating that service vehicles shall be able to negotiate the junction.
- (16) Notwithstanding any details previously submitted, development shall not commence on site until such time as details of final surfacing of roads and hard landscaped areas within the proposed residential development have been submitted to, and approved in writing by, the Planning Authority.
- (17) Notwithstanding any details previously submitted, development shall not commence on site until such time as details of the formation and surfacing of the footpath at the east side of Glasgow Road, as shown on the drawing bearing the Planning Authority's reference 121, have been submitted to, and approved in writing by, the Planning Authority.
- (18) No dwellinghouse shall be occupied until such time as the footpath at the east side of Glasgow Road, as shown on the drawing bearing the planning authority's reference 121 and referred to in condition 17, has been finished with the written approval of the Planning Authority.
- (19) Notwithstanding any details previously submitted, development shall not commence on site until such time as details of the formation of the footpath to be constructed from the proposed new roundabout at Glasgow Road running between plots 25 and 26 to the internal roadway at the proposed residential development have been submitted to, and approved in writing by, the Planning Authority.

- (20) For the avoidance of doubt, the extent of road infrastructure to which this condition refers comprises of the new roundabout at Glasgow Road in its entirety to the north, south and west, as shown on the drawing bearing the applicants reference RMDL/319/SL (1:500)/001 Revision N and the Planning Authority's reference 03B, and also part of the Denny Eastern Access Road from the proposed new roundabout at Glasgow Road to a point measuring 50 metres eastward of the centre of the said roundabout (together referred to as "the initial road works"). There shall be no work on site in respect of the proposed residential development, other than ground reprofiling work, until such time as the initial road works have been completed to wearing course level, together with all necessary traffic management features, in accordance with the written approval of the Planning Authority.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) To ensure that the proposed development is energy efficient.
- (3) In order that satisfactory pedestrian access to the transport network and the Core Path Network is maintained.
- (4) To ensure that the proposed development does not constitute a flood risk either on or off the site.
- (5) To safeguard archaeological remains.
- (6) To ensure adequate drainage is safeguarded.
- (7) To ensure the ground is suitable for the proposed development.
- (8) In order that the Planning Authority can control phasing of the development beyond Phase 1.
- (9) To ensure that the proposed development does not constitute a flood risk either on or off the site.
- (10) To ensure a satisfactory standard of play equipment is installed.
- (11) To ensure that a satisfactory standard of landscape quality is maintained.
- (12-13) In the interests of visual amenity.
- (14-16) In the interests of safety of highway users.
- (17-19) To ensure the formation of pedestrian links to, form the proposed residential development.

- (20) To safeguard the safety of users of the wider road network at Glasgow Road and to ensure that there is a satisfactory standard of roadway in respect of site traffic taking access to and from the east side of the proposed new roundabout at Glasgow Road.

Informative:-

- (1) For the avoidance of doubt, the plans to which the decision refers bear the approved drawing numbers indicated on the Council's web site.

DRAFT

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 29 MAY 2014 at 9.30 A.M.

COUNCILLORS:

Jim Blackwood
Baillie William Buchanan
Baillie Joan Paterson
Depute Provost John Patrick
Provost Pat Reid
Sandy Turner

OFFICERS:

Shona Barton, Committee Services Officer
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 CL14))

CL10. APOLOGIES

An apology was intimated on behalf of Councillor Ritchie.

CL11. DECLARATIONS OF INTEREST

No declarations were made.

CL12. MINUTE**Decision**

The minute of the meeting of the Civic Licensing Committee on 23 April 2014 was approved.

CL13. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS AND NOTIFICATIONS OF PUBLIC PROCESSIONS RECEIVED IN MARCH 2014

The Committee considered a report by the Chief Governance Officer detailing (a) applications granted under delegated powers between 1 and 31 March 2014 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.

CL14. CIVIC LICENSING ENFORCEMENT – MARCH 2014

The Committee considered a report by the Chief Governance Officer giving an overview of enforcement action taken with regard to Civic Licensing activities during March 2014.

Decision

The Committee noted the Report.

CL15. 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.

CL16. APPLICATION FOR THE GRANT OF A NEW SKIN PIERCING AND TATTOOING LICENCE

The applicant Ms R entered the meeting along with John Sleith, Food and Safety Regulation Manager.

The Committee considered a report by the Chief Governance Officer on an application for the grant of a new skin piercing and tattooing licence (a) advising of the background to the application; (b) outlining the licence conditions; (c) detailing the consultations undertaken and responses received, and (d) summarising the experience and training of the proposed tattooist.

Mr Sleith confirmed the premises had been inspected and were suitable.

Ms R spoke in support of the application.

Questions were then asked by Members of the Committee.

Decision

The Committee agreed to grant the skin piercing and tattooing licence for a period of one year subject to the standard conditions.

CL17. APPLICATION FOR THE GRANT OF A TEMPORARY STREET TRADER LICENCE

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

Mr Douglas advised the Committee that the applicant was unlikely to be in attendance at the meeting. Following contact with her prospective employer, he had been advised that the applicant was no longer a prospective employee.

Decision

The Committee noted that the application for a temporary street trader licence was dropped due to want of insistence.

CL18. APPLICATION FOR THE GRANT OF A NEW WINDOW CLEANER LICENCE

The applicant Mr M 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 responses received, and (c) detailing the applicant's record.

Mr M spoke in support of the application.

Questions were then asked by Members of the Committee.

Decision

The Committee agreed to grant the application for a new window cleaner licence for a shorter period of 12 months, having regard to the applicant's record, subject to the standard conditions.

CL19. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR OPERATOR LICENCE

The applicant Mr C entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the renewal of a private hire car operator licence (a) advising of the background to the application; (b) detailing the consultations undertaken, and (c) narrating a request from the applicant for dispensation from the condition requesting certain information to be affixed to the licensed vehicle by means of stickers.

Mr C spoke in support of the application.

Questions were then asked by Members of the Committee.

Decision

The Committee agreed to renew the private hire car operator licence for a period of one year subject to the standard conditions as approved but with a variation to condition 8 to allow the applicant a dispensation from displaying the signs referred to when engaged on executive and corporate work.

CL20. VARIATION IN ORDER OF BUSINESS

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.

CL21. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant Mr D entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the renewal of a taxi 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 D spoke in support of the application.

Questions were then asked by Members of the Committee.

Decision

The Committee agreed to renew the taxi driver licence for a period of one year subject to the standard conditions and with a warning letter detailing the standards expected of taxi drivers.

CL22. APPLICATION FOR THE RENEWAL OF PRIVATE HIRE CAR DRIVER LICENCE

The applicant Mr M entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the renewal of a private hire 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 M spoke in support of the application.

Questions were then asked by Members of the Committee.

Decision

The Committee agreed to renew the private hire car driver licence for a period of one year subject to the standard conditions and with a warning letter detailing the standards expected of private hire car drivers.

CL23. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR LICENCE

The applicant Mr W entered the meeting along with his friend Mr K.

The Committee considered a report by the Chief Governance Officer on an application for the renewal of a taxi operator 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 W and Mr K spoke in support of the application.

Questions were then asked by Members of the Committee.

Decision

The Committee agreed to renew the taxi operator licence for a period of one year subject to the standard conditions.

Having been advised that the applicant also held a taxi driver licence, the Committee determined that, should a renewal application for that licence be received, authority to grant it without appearance before the Committee should be delegated to the Chief Governance Officer provided that there was no change in the applicant's circumstances in the intervening period.

CL24. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

The applicant Mr J 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 responses received, and (c) detailing the applicant's record.

Mr J spoke in support of the application.

Questions were then asked by Members of the Committee.

Decision

The Committee agreed to grant the application for a new private hire car driver licence for a period of one year subject to the standard conditions and with a warning letter detailing the standards expected of private hire car drivers.

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of the PERFORMANCE PANEL held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 29 MAY 2014 at 2.00 PM.

CORE MEMBERS: Depute Provost Patrick
Baillie Paterson
Rosie Murray

MEMBERS

ATTENDING: David Alexander
Stephen Bird
Jim Blackwood
Steven Carleschi
Colin Chalmers
Linda Gow
Craig Martin
Cecil Meiklejohn
Provost Pat Reid

OFFICERS: Shona Barton, Committee Services Officer
Margaret Anderson, Director of Social Work Services
Fiona Campbell, Head of Policy, Technology and Improvement
Colin Moodie, Depute Chief Governance Officer
Philip Morgan-Klein, Service Manager, Social Work Services
Mary Pitcaithly, Chief Executive
Marion Reddie, Head of Community Care

PP1. MINUTE**Decision**

The minute of the meeting of the Performance Panel held on 20 March 2014 was approved.

PP2. SOCIAL WORK SERVICE SCRUTINY REPORT

The panel considered a report by the Director of Social Work Services setting out the performance for the service from April to December 2013.

Margaret Anderson gave an overview of the report.

Members praised staff in Social Work Services who had been shortlisted in the final of the Care Accolades. They also commended the staff at the Tremana unit who have been awarded the Reaching High Award.

Baillie Paterson entered the meeting at this point.

Members sought information on the improvement actions in relation to sickness absence with particular reference to absence related to skin conditions and musculo-skeletal problems. Ms Anderson advised that there was a dedicated training input in relation to moving and handling training and that there were tight procedures and regulations in place in terms of infection control. Good use was also made of the Council physiotherapy service. She noted, however, that there were a number of long serving employees who have persistent musculo-skeletal problems which have been caused by doing this type of work over a long term period.

Councillors Martin and Meiklejohn entered the meeting at this point.

Clarification was sought on those absences which are being attributed to mental well-being and whether these were work related. Ms Anderson advised that the figures for Occupational Health referrals showed a 50/50 split between work related and non work related. She noted that some posts were emotionally demanding and that staff were involved in psychologically demanding situations.

Members asked what measures are being taken to mitigate the stress to staff. Ms Anderson advised that there are well developed HR policies in place with regard to stress and mental well being. Any absence in this area would trigger a referral to Occupational Health and a stress risk assessment would be undertaken which would result in a management plan being put in place. She also noted that there were good pointers as to what people can do individually to manage stress.

Members asked if a breakdown could be provided relating to musculo-skeletal absence and how many of the absences are due to a long term condition and how many are due to new problems. Ms Anderson advised that she would look at providing this information.

Clarification was sought on the shortage of equipment being experienced in the Occupational Therapy sector. Ms Anderson advised that although there were some issues in this area it was not seen as being critical.

Members sought information on the triage system for Occupational Therapy referrals, and if personal care services were used pending the installation of an adaptation could this compromise the client's independence. Ms Anderson advised if a client's independence is compromised that they would be a priority 1 referral and would therefore receive appropriate adaptations.

Members asked for information on the procedures for notifying clients who are assessed as priority 2 or 3 of their expected waiting times, and also how changes in circumstances are notified which may affect the level of priority. Ms Anderson advised that case workers are asked to keep clients updated and that they should be alerted to any changes in a client's circumstances. She also advised that managers take any changes to circumstance into account and deploy resources according to the level of risk.

A question was asked relating to the joint loan equipment store and the difficulties with people waiting for extended periods to receive equipment or for it to be picked up; with in some cases clients being asked to leave equipment outside if they no longer require it and have no room for storage. Ms Anderson advised that delivery of equipment was always prioritised over picking up, but she was unaware of clients being asked to leave equipment outside. She also noted that issues with cross contamination can result in delays with delivery and pickup of equipment.

Councillor Carleschi entered the meeting at this point.

Members sought information on the ongoing work at the walled garden in Dollar Park and the reasons for the work being on hold at the moment. Ms Anderson advised that she would look into this and report back to members.

A question was asked relating to the development of an Autism Strategy. Ms Anderson advised that following on from the publication of the National Autism Strategy, work was carried out locally to develop a strategy in partnership with NHS Forth Valley. The Strategy focussed on early intervention and early diagnosis as evidence had shown that some problems can be prevented in later years with early intervention with families.

Members sought clarification on whether patients are being placed in hospital in Sauchie, and the difficulties faced by families in terms of visiting their relatives. Ms Pitcaithly advised that NHS Forth Valley is responsible for making these decisions and that if beds become available in for example Sauchie or Stirling then they can move patients to these hospitals without consultation with the Council or with the family.

Members asked for information on the reasons for there still being a significant problem with delayed discharge. Ms Pitcaithly advised that people in care homes are now living for longer, meaning that the number of places which become available at any one time has decreased. She also noted that care homes can prioritise those patients who are self-funding as this can provide greater income than those who are being Council funded.

A question was asked in relation to the timescales for community care assessments taking place and whether these could be initiated before patients are discharged. Ms Pitcaithly advised that this was something which the service was aware was a problem and there was a need for hospital staff to alert Social Work earlier when patients were ready for discharge.

Members asked if further information could be provided on the length of time it takes for community care assessments to be undertaken for all category of clients, with a summary of those who were category 3 and became category 2 after they were assessed.

Members asked for information on the efforts being made to keep applicants informed in relation to community care assessments, with particular reference to the information that goes out to the client or their family. Ms Anderson advised that team managers do their best to work in challenging circumstances. She also advised that she accepted the points being raised and the ideal of a preventative and early intervention approach to service delivery.

Further concern was expressed over the triage process, noting that elderly people tend to wait till the last minute to seek help. It was noted that often initial screening was done via a telephone interview without meeting the client in person.

Provost Reid left the meeting at this point.

A question was asked in relation to the ability for prisoners to retain their band 1 homeseeker status while they are in prison, meaning that they have priority over other applicants when they are released from prison. Ms Anderson advised that she would look into this and report back to members.

Members asked about the success of the Tygetshaugh Unit in Denny and how this has helped in making sure people can get back to their homes. Ms Pitcaithly advised that this unit has proved successful and that more of this type of provision would help with bed blocking.

A question was asked about the balance of Social Work Teams and the ability for staff to carry out Occupational Therapy Assessments. Ms Anderson advised that each team does have a qualified Occupational Therapist and if all were unavailable this would be flagged up and managers would deal with this.

Clarification was sought on whether leaflets were handed out to patients who were subject to delayed discharge. Ms Reddie advised that it was her understanding that this was in place.

Councillor Martin left the meeting at this point.

Concern was raised in relation to bathroom assessments and how there could be times where no interim arrangements were put in place. It was suggested that this could be an area for more joined-up working with NHS Forth Valley. Ms Anderson advised that the forthcoming Health and Social Care Integration could be an opportunity to do more joined-up working.

A question was asked regarding the recruitment process for Occupational Therapists, and the number of staff who are on temporary contracts. Ms Anderson advised that there are a fixed number of permanent posts on the establishment and it wouldn't be as a matter of course to fill posts on a temporary basis.

Decision

The panel noted the performance statement.

Councillor Gow left the meeting at this point.

PP3. PERFORMANCE PANEL – MEETING ARRANGEMENTS UPDATE

The panel considered a report by the Chief Governance Officer which advised of a revised reporting schedule.

At the meeting of the panel held on 23 January 2014, members requested that a review of both the number of meetings and the reporting schedule be undertaken. The core members met on 17 March 2014 to discuss the meeting arrangements and agreed a revised reporting schedule, as follows:-

Thursday 15 May at 9.30 a.m	Social Work Services
Thursday 19 June at 9.30 a.m	Service Plans
Friday 26 September at 9.30 a.m	Chief Executive Office; Education Services;
Thursday 20 November at 9.30 a.m	Corporate and Neighbourhood Services; Development Services
January 2015 at 9.30 a.m (tbc)	Social Work Services
March 2015 at 9.30 a.m (tbc)	Chief Executive Office; Education Services;

Decision

The panel noted the revised reporting schedule to March 2015.

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of the PENSIONS COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 5 JUNE 2014 at 9.30 A.M.

PRESENT:

Councillors
 Jim Blackwood
 Colin Campbell
 Steven Carleschi
 Tom Coleman
 Depute Provost Patrick (Convener)

Mary Keggan
 Alistair Redpath

ATTENDING:

Alastair McGirr, Pensions Manager
 Bryan Smail, Chief Finance Officer
 Brian Pirie, Democratic Services Manager, Committee Services Officer

ALSO IN ATTENDANCE:

Bruce Miller, Investment Manager, Lothian Pension Fund
 Stephen Docherty, Victoria MacLean and Natalie Winterfrost, Aberdeen Asset Management
 Roger Pim SL Capital Partners

PE1. APOLOGIES

An apology was intimated on behalf of Councillor C Martin, Falkirk Council.

PE2. DECLARATIONS OF INTEREST

No declarations were made.

PE3. MINUTES**Decision**

- (a) The minute of the meeting of the Pensions Committee held on 6 March 2014 was approved;
- (b) The minute of the meeting of the Pensions Committee held on 17 March 2014 was approved; and

- (c) **The minute of the meeting of the Pensions Panel held on 29 May 2014 was noted.**

PE4. LOCAL GOVERNMENT PENSION SCHEME - 2015 UPDATE

The Committee considered a report by the Chief Finance Officer providing an update on the ongoing work as part of the reform of the Local Government Pension Scheme (LGPS).

The report summarised the current position in regard to the development of enabling legislation and advised that, following, the development of a Heads of Agreement on scheme design, a Heads of Agreement on Governance was being developed. In terms of Governance arrangements, no agreement had been reached in regard to the relationship between the proposed Pensions Committees and Boards and discussions were ongoing between employers and Unions.

The report then summarised developments in England and Wales; in particular the findings of a report by Hymans Robertson on behalf of the Department of Communities and Local Government on the future structure of the LGPS. The report had concluded that significant savings could be achieved if Funds invested collectively, made greater use of passive management and moved away from all “Fund of Fund” structures.

Decision

The Committee noted report.

PE5. PENSION FUND - GENERAL GOVERNANCE MATTERS

The Committee considered a report by the Chief Finance Officer presenting an update on various matters associated with the governance of the Falkirk Council Pension Fund. The areas covered within the report included:-

- The impact of the UK Government’s budget on defined contribution Pension Schemes;
- New powers from HM Revenue to investigate pension liberation fraud;
- The implications of the Pensions Act 2014
- The risk arising from falling asset values and of the decision by Clackmannanshire Council to cut the pay of its employees;
- The role of the Local Authority Pension Fund forum and its research and engagement partner PIRC.

Decision

The Committee noted the report and agreed to update the risk register to reflect the adverse impact of rising interest rates on asset values but the potentially beneficial effect of rising rates on fund liabilities.

PE6. INVESTMENT IN SOCIAL/AFFORDABLE HOUSING

The Committee considered a report by the Chief Finance Officer providing an update on its decision to invest in social housing and in affordable housing.

The Committee agreed on 17th March 2014 (ref PE99) to appoint Hearthstone plc to manage a £30m investment in social housing and affordable housing, with equal investments in each sector. The report provided further information on the investment process, with £30m being invested in Hearthstone plc's Housing Fund for Scotland and made available to Castle Rock Edinvar (CRE), Hearthstone's strategic partner in the venture. It was proposed that investment in social housing would be delivered by means of a loan to CRE while the investment in affordable housing will be through the purchase of newly built properties.

Decision

The Committee noted the report.

PE7. FUND MANAGER PERFORMANCE REVIEW

The Committee considered a report by the Chief Finance Officer reviewing the overall performance of the Fund and of the undernoted Fund Managers:-

- Aberdeen Asset Management;
- Baillie Gifford Bonds;
- Baillie Gifford Diversified Growth;
- Legal and General;
- Newton Investment Management;
- Schroder Investment Management UK Equities; and
- Schroder Investment Management Property.

Decision

The Committee noted the Fund Managers' performance and the action taken by them during the quarter to 31 March 2014, in accordance with their investment policies.

PE8. PRIVATE EQUITY AND ALTERNATIVES UPDATE

The Committee considered a report by the Chief Finance Officer on the progress of the Pension Fund's private equity and alternatives programme arising from the Investments Programme of SL Capital (Standard Life), Wilshire Associates, Grosvenor Capital and M&G for the quarter ending 31 March 2014.

In considering the various reports the Committee was invited to consider committing to a new infrastructure fund being launched by Grosvenor CM (and, if so, the amount to be committed).

Decision

The Committee agreed to delay its decision in regard to the Grosvenor CM option until it had considered the report on Investment in UK/Scottish Infrastructure later in the agenda.

PE9. ORDER OF BUSINESS

In terms of Standing Order 14.2(i), Depute Provost Patrick 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.

PE10. 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 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 to the said Act.

PE11. INVESTMENT IN UK/SCOTTISH INFRASTRUCTURE

The Committee considered a report by the Chief Finance Officer setting out the details of a potential investment in UK and Scottish infrastructure.

The Committee and panel had previously considered investing in UK/Scottish infrastructure and had, in December 2013 (ref PE), requested further information on a proposal from the Lothian Pension Fund that it and the Fund collaborate.

The report set out the proposal by Lothian Pension Fund together with an appraisal by Hymans Robertson.

The report highlighted issues, and in particular:-

- the pace of deployment of capital;
- the strong likelihood of investments being made from the PFI/PPP universe;
- the timing of deals which means that in practical terms the investment decision; and requires to be delegated to the Chief Finance Officer.

Bruce Miller left the meeting during consideration of this item.

Decision

The Committee agreed to:-

- (1) collaborate with Lothian Pension Fund in making infrastructure investments in the UK to the value of £30m;

- (2) delegate the investment decision to the Chief Finance Officer; and
- (3) request that the Chief Finance Officer reports on investments made in relation to this mandate.

Bruce Miller rejoined the meeting at this point.

PE12. PRIVATE EQUITY AND ALTERNATIVES UPDATE (continued)

Decision

The Committee agreed not to commit to the new infrastructure fund being launched by Grosvenor CM.

PE13. FUND MANAGER REVIEW

The Committee heard a presentation by Stephen Docherty, Victoria MacLean and Natalie Winterfrost of Aberdeen Assets Management.

The presentation covered:-

- The management team's equity approach;
- Investment process;
- Fund valuation and diversity;
- Fund performance.

The Convenor thanked Mr Docherty, Miss MacLean and Miss Winterfrost for their comprehensive presentation.

Decision

The Committee noted the presentation.

PE14. FUND MANAGER REVIEW

The Committee heard a presentation by Rodger Pim of SL Capital Partners.

The presentation covered:-

- The background to SL Capital Partners and its structure;
- SL Capital's platform and one team approach;
- Overview of Falkirk Council's commitments with SL Capital Partners.

The Convenor thanked Mr Pim for his detailed presentation.

Decision

The Committee noted the presentation.

DRAFT**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on
MONDAY 9 JUNE 2014 commencing at 9.30 a.m.**

COUNCILLORS:

Baillie William Buchanan (Convener)
Steven Carleschi
Colin Chalmers
Adrian Mahoney
John McLuckie
John McNally
Malcolm Nicol
Sandy Turner

OFFICERS:

Shona Barton, Committee Services Officer
Ian Dryden, Development Manager
Stuart Henderson, Environmental Health Officer
John Milne, Senior Planning Officer
Russell Steedman, Network Co-ordinator
Karen Quin, Solicitor

P18. APOLOGIES

Apologies were intimated on behalf of Baillie Paterson; Councillors Martin, Meiklejohn and Nimmo.

**P19. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES ON
LAND TO THE NORTH OF ELMVIEW, LARBERT FOR
GLENBERVIE GOLF CLUB – P/14/0063/PPP**

With reference to Minute of Meeting of the Planning Committee held on 28 May 2014 (Paragraph P14 refers), Committee gave further consideration to a report by the Director of Development Services on an application for planning permission in principle for the development of land for residential purposes on land to the north of Elmview, Larbert.

The Convener introduced the parties present.

The Senior Planning Officer (J Milne) outlined the nature of the application.

Mr Bell, the applicant's agent, was heard in relation to the application.

John McCabe, Chairman of Glenbervie Golf Club was heard in relation to application.

Claire Anderson, Director of Glenbervie Golf Club was heard in relation to the application.

Neil Macdonald, Director of Glenbervie Golf Club was heard in relation to the application.

Iain Webster, Secretary of Glenbervie Golf club was heard in relation to the application.

Alastair Cruickshank, an objector was heard in relation to the application.

The objections included the following issues:-

- The proposal is outwith the village limit and does not conform with the policy criteria for new development in the countryside
- The existing trees provide significant shelter and containment for golf balls which find their way onto residential property
- The preference for the houses to mirror existing development in having them fronted along the road
- The need for appropriate screening or fencing to deal with the golf balls going into the objector's garden

Questions were then asked by Members of the Committee.

Councillor Coleman, a local Member for the area, was heard in relation to the application.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 26 June 2014.

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of the SCRUTINY COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 12 JUNE 2014 at 9.30 A.M.

COUNCILLORS:

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

OFFICERS:

Fiona Campbell, Head of Policy, Technology and Improvement
Colin Moodie, Depute Chief Governance Officer
Brian Pirie, Democratic Services Manager

ALSO ATTENDING:

Jim Cattanach, Divisional Business Assurance Officer, Police Scotland
Gary Laing, Local Senior Officer, Scottish Fire and Rescue Service
Amy McGregor, Inspector, Police Scotland
Ken McLeod, Superintendent, Police Scotland
Mandy Patterson, Acting Chief Inspector, Police Scotland

S13. APOLOGY

An apology was intimated on behalf of Baillie Buchanan.

S14. DECLARATIONS OF INTEREST

No declarations were made.

S15. MINUTES**Decision**

- (a) The minute of the meeting of the Scrutiny Committee held on 13 May 2014 was approved, and
- (b) The committee noted the minute of the meeting of the Performance Panel held on 29 May 2014 and requested that a summary report on key issues identified by the Performance Panel to date be submitted to the next meeting.

S16. 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. The report also included information on road collisions and the mapping of these incidents along with a paper on the proposed changes to the policing model operated across the Forth Valley division.

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

Superintendent McLeod gave a presentation on the detail of the report which covered the period from 1 April 2013 to 31 March 2014 and highlighted the performance of local policing across the Falkirk Council area in accordance with the local policing plan.

The committee discussed the factors contributing to a reduction in instances of anti-social behaviour. Acting Chief Inspector Patterson attributed the reduction to a number of factors including:- a change in the nature of antisocial behaviour, the strong partnership arrangements at the local divisional level (including youth workers and parents) and the proactive early engagement by Police Scotland noting that this had contributed to a decrease in the number of antisocial behaviour orders issued.

Members questioned the increase in shoplifting of lower value products (in general shoplifting had decreased over the period) and questioned whether this could be attributed to the impact of the Welfare Reform programme. Acting Chief Inspector Patterson was unable to make a direct correlation but explained the referral process which is in place in the event that a person arrested for shoplifting was considered to be vulnerable.

In response to a question, Superintendent McLeod stated that the number of hate crimes recorded may be attributable to a cultural change, over many years, where victims felt more willing to report instances of such crimes to the police.

Superintendent McLeod then gave a presentation on the newly introduced deployment model within Forth Valley and in Falkirk in particular.

Following consultation with staff, a new deployment model which better aligned response and community shifts had been introduced on 12 May 2014. The presentation highlighted the arrangements for community policing at ward level in particular. Overall, the community teams made up 46% of the operational establishment in Forth Valley division, with 72 officers covering the Falkirk command.

The presentation also highlighted the resources available at the regional and national level and summarised the impact of the forthcoming Commonwealth Games on local policing.

The committee sought clarification on the likely impact of the changes at the local level, emphasising the benefits in having continuity in the allocation of community officers - both for local members and for communities. Superintendent McLeod stated that the model would take time to bed in but did not expect there to be a negative impact as a consequence of the changes. He confirmed that he would be undertaking a review after 6 months and he would seek the views of elected members.

In terms of the previous model, there had been regular engagement between local police officers, elected members and the community – including the regular attendance of officers at each community council meeting. Members felt ‘disengaged’ with Police Scotland and sought assurances that the previous levels (prior to the creation of Police Scotland) of engagement would be maintained. In response, Acting Chief Inspector Patterson stated that the rationale for the change was to ensure that resources are better deployed to the benefit of the community and to meet demand. Community officers would continue to attend community council meetings, subject to operational requirements - however having heard members, Acting Chief Inspector Patterson undertook to meet with local members to raise the profile of the arrangements within each the ward and to provide ward level reports to community councils and elected members.

Decision

The committee noted the performance on the local policing plan and the newly introduced policing model.

S17. 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 the local performance report by the Local Senior Officer, Scottish Fire and Rescue Service.

Local Senior Officers were now required, in terms of the Police and Fire Reform (Scotland) Act 2012, to report on performance as measured against the Local Fire and Rescue Plan 2013.

The Local Fire and Rescue Plan for 2014 -2017 had been approved by Council on 14 May 2014.

Gary Laing, Local Senior Officer, provided a detailed summary of the report.

The report set out quarter 4 (1 January to 31 March 2014) outcomes in relation to accidental dwelling fires, non domestic property fires, deliberate secondary fires, road traffic collisions and unwanted fire signals. For comparison purposes, the report included Scotland and West Lothian area performance information.

Additional information was also provided on special service incidents (which included road traffic collisions), violence to crews, incidents involving alcohol or drugs and smoking related activities. Mr Laing also outlined the work being carried out in terms of preventative activities such as premises audits, community engagement talks and visits and the work of the home safety visit programme.

The committee sought clarification on the rationale for undertaking leaflet drops to nearby schools as part of the proactive diversionary programmes aimed at reducing deliberate secondary fires. Mr Laing stated that empirical evidence, as shown by hot spots, indicated that such action could reduce the instances of fire raising.

Members then discussed the arrangements for home safety visits and sought information on the number of visits undertaken and the number of detectors fitted as a consequence. Mr Laing explained that of 223 visits to premises which were deemed high risk, 64 detectors had been fitted. He explained the process for requesting a home visit and highlighted that of the 223 properties visited, the vast majority already had detectors fitted when the visits were made. He further explained that the Service fitted battery operated detectors. It was the practice, on cost grounds, not to fit hardwired devices.

The committee discussed the information provided on occurrences of unwanted fire alarm signals. Mr Laing confirmed that the Scottish Fire and Rescue Service did not charge for attending unwanted fire alarm signals but would soon introduce charging for providing certain services. Generally, a charge would be made if there was no threat to personal safety.

Decision

The Committee noted the quarter 4 performance, as attached at appendix 1 to the report.